

South Ayrshire Council
Response to:
Scottish Child Abuse Inquiry
Section 21 Notice
Foster Care Case Study



Methodology: Scottish Child Abuse Inquiry

1. A group of experienced Social Work personnel was identified as file readers and writers for this submission.
2. Ayrshire Archives have provided statistical information on the numbers of children in foster care or boarded out for some years between 1930 and 1975, as available from a detailed check of every Minute Book of Ayr County Council during those years. The statistical information is provided in response to section 1.6, in Numbers 2 to 4 in the Inventory and covers the whole of the Ayr County Council area, now the areas of the unitary authorities of North, South and East Ayrshire.
3. In addition Ayrshire Archives have provided ledgers with names and dates of birth for Foster Carers and children in their care, for some years spanning between 1950 and 1986. Also included in these inherited records are lists of children who were registered for adoption.
4. Electronic records for foster care and children's services in South Ayrshire Council began in 2003, and it has not been possible to identify all foster carer households and foster children prior to that date.
5. All available foster carer files for the period from 2003 to date have been reviewed where there are records of a de-registration, disruption or other relevant occurrence, including in these, records dating back to approximately 1979.
6. A sample of foster carer and children's files dating between 1979 and 1996 have also been accessed to provide and illustrate an understanding of the systems, policy and practice that took place at that time.
7. All other accessible information in relation to policies and procedures including local fostering panel minutes, committee reports and complaints, were also accessed and scrutinised.
8. References within this submission and within the time period from 1930-December 2014, relate to 3 relevant local authority periods, namely Ayr County Council (1930-1975), Strathclyde Regional Council (1975-1996) and South Ayrshire Council (1996-present day). Within South Ayrshire Council, the document will refer to the Health and Social Care Partnership (HSCP). The HSCP was created in 2015 and whilst it is not a legal entity, a number of the statutory functions relevant to this response are now integrated (in accordance with the Integration Scheme between South Ayrshire Council and NHS Ayrshire & Arran as amended). As such, the, strategic direction for the delivery of Health and Social Care now sits with South Ayrshire Council's Integration Joint Board.

9. The work for this Section 21 response has been impacted by the current Covid-19 pandemic, in particular the necessity to prioritise Social Work resources for the protection of public health, and the impact of closure of Council offices, including Ayrshire Archives. As a result, the attached response is necessarily based upon the records and information which were obtained prior to the government lockdown.

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.

1930-1975 Ayr County Council

1975-1996 Strathclyde Regional Council

1996-Present South Ayrshire Council

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?

The Children and Young Persons (Scotland) Act 1932 transformed committal to the care of a fit person from a form of kinship care (under the Children Act 1908) into a form of state care, amalgamating the treatment of young offenders with that of deprived and neglected children. Outcomes available to juvenile courts included “committal to the care of a fit person (boarding out)” and every Education Authority was deemed under the Act to be a “fit person”. The authority could not, however, use approved schools or voluntary homes; it had to be boarding out with families under section 20(3) of the Act. This was the first statutory provision by which the local authority became involved in the provision of foster care for children in Scotland.

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

The Clyde Committee report in 1946 looked further into methods of providing normal home life to children who lacked parental care. This led to the Children Act 1948, the aim of which was to simplify statutory

mechanisms for accommodating children away from their parents. Section 1(1) of the Act imposed a duty on local authorities to act “in the interests of the welfare of the child”, and boarding out was the first preference, the aim being to recreate a substitute family for the child with the foster parents. It was recognised that children should no longer be boarded out to families where they required to work (e.g. in crofts) and local authorities were identified as being the primary state body for dealing with disadvantaged and neglected children. The 1948 Act obliged local authorities to establish a Children’s Committee and a Children’s Officer.

The Social Work (Scotland) Act 1968 twenty years later, changed the emphasis towards greater working with birth families. Section 12 introduced a duty to promote social welfare, and there was greater emphasis, too, on prevention, and an enhanced focus on the child’s welfare and giving due consideration to the wishes of the child. Under the Boarding-Out and Fostering of Children (Scotland) Regulations 1985, established under the 1968 Act, the local authority also had to consider placing children with foster parents of the same religion, and keeping siblings together in placements, where possible. The boarding out preference was removed from the statutory framework, and the Children’s Hearing was given powers to make supervision requirements in a child’s birth home. The local authority also had a duty to give effect to supervision requirements.

The 1968 Act represented a shift in responsibility from central to local government. Under the above-mentioned Boarding-Out and Fostering of Children (Scotland) Regulations 1985, local authorities were required to establish Fostering Panels, and were responsible for the approval of foster carers and placing of children with them. Regulation 7 set out approval criteria, and under Regulation 8 there was a requirement for a written agreement with foster carers. In terms of Regulation 12, a local authority could only place a child with an approved foster carer when satisfied that this was in the child’s best interests.

Following local government reorganisation in 1975, Strathclyde Regional Council had to amalgamate children’s services across a large geographic area, and provision of an effective fostering service was at the heart of the Council’s prime objective to tackle the problems of multiple deprivations.

The Fostering of Children (Scotland) Regulations 1996 no longer used the term “boarding out”, and the Regulations applied where a local authority looked after a child under section 17 of the Children (Scotland) Act 1995, thereby removing private fostering.

The Looked After (Scotland) Regulations 2009 are the most recent statutory framework for the provision of foster care.

The Children and Young People (Scotland) Act 2014 further developed the involvement of the local authority and has, as a result, led to changes and developments in the types of care afforded to young persons. The Act encourages preventative measures by local authorities, rather than crisis response, by facilitating a shift in public services towards the early years of a child's life and early intervention. This includes the establishment of a structure for integrated planning and delivery of all children's services within the Council; introduces "continuing care" for care leavers and extends eligibility to aftercare assistance to a person's 26th birthday; places corporate parenting duties on a range of publicly funded organisations; and sets out duties and arrangements for kinship care orders.

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?

The Local Authority operation and activities to the provision of foster care was funded through Central Government.

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

Provision of foster care from other organisations would be sought on a placement by placement basis and dependent on the needs of the children and the ability of the provider to "fit" that need.

In April 1976 the Social Work Committee of Strathclyde Regional Council approved recommendations of the Convention of Scottish Local Authorities (COSLA) regarding supervision of children placed in other regions. Due to the lack of staff resources, it is noted that many authorities were unable at that time to accept responsibility for supervision of Strathclyde Regional Council children. The Western Isles Council offered to do it for a fee of £100 a year. Similar arrangements were made with other receiving authorities when they were in a position to accept responsibility.

In 1985 a report on the Emergency Foster Care Scheme records that the Social Work Department spent £360,000 of the Fostering Budget on Special Fostering Placements with voluntary bodies.

South Ayrshire Council financial information available from 2011 on the use of external fostering providers records that 16.85% of the overall children's services budget was spent on placing children in "out of authority" foster placements. This appears to reduce in 2014 to 13.52%. There is an overall decline in the use of external fostering providers over the following years and it is recorded as 9.64% at 31 March 2019 (2019/20 figures not yet available).

This is considered to be attributable to the strategic vision and the significant recruitment and increase in foster carers being approved by the local authority fostering service.

- 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?

Records available from 1 April 2011 to 17 December 2014 confirm funding to the undernoted organisations was provided for the provision of foster care including when the local authority purchased a service and for those that ended:

- Action for Children
- 24 Seven Fostering – from 1st April 2011-31st March 2012
- Foster Care Associates
- Core Assets
- Care Visions
- Foster
- SWIS Foster Care Scotland Ltd
- St Andrew's Children's Society Ltd
- TACT –Fostering Relations
- The National Fostering Agency
- Quarries
- Foster Care Connect
- TACT
- Jane MooreTrust

The criteria applied in the provision of foster care includes the following:

- Experience and skill of the Foster Carer
- Needs of children requiring foster care
- Reputation as a provider
- Evidenced Training
- Capacity to provide an approach that is compatible with the needs of children and that of what is required of a foster carer, for example, nurturing, empathic and an ability to manage/understand the needs of children beyond their behaviour.
- Location of the foster carer and ability to support children with family time (contact)
- Matching considerations with the child and the foster carer
- Care Inspectorate Registration and Grading
- Preference for Care Providers to be registered within the National Framework (Scotland Excel), in line the local authority Contracts and Commissioning Team

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)?

Foster Carers who were eligible for financial state support would access this directly from the Department for Work and Pensions (DWP). The support identified was based on the individual needs of the child in in their care, for example a child or young person with a health or disability entitlement.

The Foster Carers Handbook published by Strathclyde Regional Council provided further information to foster carers regarding other forms of financial assistance both through the local authority and the state. This included information about fostering allowances as well as child benefit. Allowances and discretionary/enhanced care payments was accessed directly through the local authority.

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

Extracts from Ayr County Council minutes in various years between 1942 and 1974 (where information is available) indicate a process of reviewing local authority financial support for foster carers, in the payment of maintenance allowances.

A fostering allowance was made available to local authority carers and expenses for various related expenditure with respect to the child or young person. Information regarding financial support to Foster Carers is provided from the onset of their application. It is also clearly referenced in the Foster Carers Handbook, Financial information Leaflet and it is discussed both at preparation group training and during the assessment process. Foster Carers are self-employed and are therefore, reminded of their responsibility to register as such with HMRC.

In this present day, allowances continue to be paid and are split into a fee for the foster carer and an allowance for the child. The Financial information leaflet currently available through the Health and Social Care Partnership illustrates how the allowance has been broken down to ensure the day-to-day needs of children and young people are met.

Additionally, holidays, birthdays, Christmas allowances are made payable to all foster carers. In recognition to the contribution that a foster carers own child makes to fostering a set birthday payment is also given.

(See No1 of Inventory)

- 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?

Local authority provided financial support to foster carers. Funding appears to have been made to foster carers on same basis as detailed in 1.2 (e) above, with the exception of a foster carer's "birth child" payment.

No 1 of Inventory (Financial Information Leaflet) provides detail on the allocation and criteria of the foster carer's allowances.

- 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?

From the onset of an assessment, the assessing Social Worker would inform fostering applicants of the proposed financial support at that time and what the criteria for its spend was to be used in caring for children and young people.

Following approval at a Fostering Panel and a child or young person being placed with the Foster Carer, the equivalent to a weekly payment is paid directly into the Foster Carer's bank account, and in accordance with the financial procedure, this is routinely paid in arrears every 2 weeks.

External providers would provide their own individual financial arrangements and criteria applicable.

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

A discretionary allowance is paid directly to foster carers when a child is initially placed with them. This allowance is to enable the foster carer to purchase essential items of clothing or equipment to meet the immediate needs of children. Additionally, in extreme circumstances and when a child with extra care needs requires additional attention (e.g. enuresis or a specific disability), and this requires the foster carer to provide additional care to the child and complete more physical care tasks, an enhancement payment can be made.

Foster Carers receive mileage allowances, which include transporting children to school, organised activities and family time (contact with parents).

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

From file reading, access to procedural information and in the knowledge of current systems and processes in the present day, funding was adequate to properly care for children.

- j) If not, why not?

Not applicable.

Present

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

Yes.

- l) If so, please give details.

The integration of the Health and Social Care Partnerships commenced on 1 April 2015 and prior to this date, foster care funding was provided through the local authority. Since 1 April 2015, funding has been provided and approved by the Integration Joint Board.

External Foster Care services purchased by the local authority now require the purchasing and provider services to enter into an Individual contract, known as an Individual Placement Agreement. This agreement sets out clear expectations of both the agencies in relation to how the needs of a child or young person are to be met; reviewing arrangements as well as financial costs associated with the providers requirements.

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?

The statutory framework has changed significantly over the period since 1930 to 2014. The principal pieces of legislation in the past, which are referenced in the records available over the period of the Inquiry, which imposed obligations on South Ayrshire Council and its predecessors, and which relate to the social work functions are listed below. In relation to the provision of foster care, the past legal basis, in so far as this can be ascertained from Council records can be summarised as follows:

- Children and Young Persons (S) Act 1932 section 20(1) – every Education Authority was deemed to be a “fit person” for the provision of boarding out of children.
- Poor Law (Scotland) Act 1934 and Poor Relief Regulations 1934 – poor law authorities had the power to board out children who were orphans, abandoned, deserted etc., without a court order, but birth parents could retrieve them at any time.
- Children and Young Persons (Scotland) Act 1937 – consolidation Act which included power under section 5 for the local authority to obtain a court order removing a child kept in unsuitable premises or by unsuitable persons to a place of safety, and Part II provisions for the prevention of cruelty and exposure to moral and physical danger.
- Children Act 1948 – aim to simplify the statutory mechanisms for accommodating children away from their families. Section 1 – duty on local authorities to intervene to receive children into their care whenever necessary in the interests of the welfare of the child. The 1948 Act created a statutory requirement that boarding out with foster carers should be considered for a child before residential care. It also contained a power for the Secretary of State to make Regulations relating to the boarding out of children. This was done with the Children (Boarding Out) Etc. (Scotland) Regulations 1947 and then the Boarding Out of Children (Scotland) Regulations 1959.
- Social Work (Scotland) Act 1968 – introduced under section 15 a duty on the local authority to receive a child into care in relevant circumstances; further, Section 20 (introduced by the Children Act 1975) introduced the concept that welfare of the child was the first consideration, and due consideration to be given to the wishes of the child. The boarding out preference disappeared, and Section 21 listed the options as boarding out, or maintaining the child in a residential

establishment, or in any other suitable manner. The Boarding Out of Children (Scotland) Regulations 1959 were replaced by the Boarding Out and Fostering of Children (Scotland) Regulations 1985 (introduced under the 1968 Act). These were repealed on 31 March 1997.

- Children (Scotland) Act 1995 - Section 26 of the 1995 Act sets out the manner in which a local authority can provide accommodation for a looked after child. This was supplemented by a range of secondary legislation which set out the legal requirements which a local authority had to comply with in relation to ensuring the welfare of looked after children, the boarding out of children and the approval of foster carers, including:
 - The Arrangements to Look After Children (Scotland) Regulations 1996 – Regulation 3 imposed a duty on the local authority to make a care plan in respect of a looked after child.
 - The Fostering of Children (Scotland) Regulations 1996 – laid out the statutory framework for the approval of foster carers, including Fostering Panels.
 - Adoption and Children (Scotland) Act 2007 - came into force in September 2009. This Act updated the legal framework relating to the placing of looked after children with foster carers and kinship carers, through the Looked After Children (Scotland) Regulations 2009. Part VI of the Regulations updated the requirements for Fostering Panels, and Part VII the requirements in relation to foster carers.
 - Children’s Hearings (Scotland) Act 2011 - updated the legislative framework relating to Children’s Hearings, use of secure accommodation and emergency child protection.
 - Children and Young People (Scotland) Act 2014 – Part 5 introduced the requirement to prepare a Child’s Plan in relation to children who have a wellbeing need; Part 9 identified local authorities as corporate parents for children who are looked after by that authority, and those between ages 16 and 26 who used to be looked after, with section 58 detailing a range of responsibilities on the local authority.
- 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.

Yes. These changed significantly over the period of the Inquiry 1930 to 2014. In addition to the statutory requirements referred to in (a) above, local authorities were required to meet regulatory requirements set out in Regulations over the relevant period. Examples of these included the following:

- **Children (Boarding-Out etc.) (Scotland) Rules and Regulations 1947** – Regulation 7 imposed a duty on the local authority to satisfy itself as to the fitness of a prospective foster carer, and Regulation 8 imposed a further duty, before placing a child with a foster carer, that the foster carer would be suitable for that particular child. The Regulations also set out conditions on the type of house and persons who could not foster; imposed a substantial increase in record-keeping requirements and allocation of each child to a named individual whose duty was to supervise the child; arranged for supervision visits to ensure that the foster parents and home remained suitable; indicated that so far as was reasonable, children in the same family should be boarded out together; imposed responsibility on the local authority for arranging medical care for the child; and set out a duty to inform birth parents of serious injury to the child, or death.
- **Boarding-Out of Children (Scotland) Regulations 1959** – these applied to boarding out by local authorities and also by voluntary organisations. The Regulations focussed on the duty of the local authority to ensure the suitability of foster carers and supervision of children in foster care. Before boarding out a child, the local authority required to obtain and consider reports on the child and the birth home and circumstances; there was a duty to arrange for a medical examination of the child and rules regarding suitability of foster parents and foster home; as in the 1947 Regulations there was a duty, where practicable, to board out children of the same family together, a duty to register the child with a medical practitioner and arrange for medical and dental treatment, and to carry out visits by the Children’s Officer.
- **Boarding-out and Fostering of Children (Scotland) Regulations 1985** – a major innovation under these Regulations was the setting up of Fostering Panels. However the Regulations also included duties directed towards the welfare of the children in the care of the local authority, and had to be satisfied under Regulation 11 that placement of the child with a particular foster parent was in that child’s best interests. Other regulatory requirements in respect of the child included ensuring that the child was visited within 1 week of the placement and intervals of not more than 3 months thereafter; ensuring the provision of medical and dental treatment; and ensuring where practicable that children in the same family are fostered together.
- **Fostering of Children (Scotland) Regulations 1996** – removed the term “boarding out”, and abolished private fostering. Like the 1985 Regulations, these set out the duties on local authorities regarding approval of foster carers, placements of children and Fostering Panels.
- **Looked After Children (Scotland) Regulations 2009** – these Regulations came into force on 28th September 2009, and provided a further update to the regulatory requirements around fostering, including placements with kinship carers.

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

Yes there is a clear implied duty of care (if not always an explicit one) in the various pieces of legislation referred to in answers 1.3(i)(a) and (b) above.

Present

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

No.

- e) If so, please give details.

Not applicable.

(ii) Foster carers

Past

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

The status of carers from time to time has derived from their evolving approval process, initially as a 'fit person', with education or local authorities being granted an authorising role by statute, and later as approved foster carers.

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

Not applicable.

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

The legal basis has changed throughout the period of Inquiry and was as laid out in the answers to question 1.3(i)(a) and (b) above, for the relevant time period.

- 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.

The Children (Boarding-out etc.) (Scotland) Rules and Regulations 1947 defined for the first time a foster parent as "a husband and wife, or a

woman, with whom a child is boarded-out by a local authority". The foster parents were to treat the child as one of their own. The principles to be followed by foster parents were provided by schedule to the 1947 Regulations and provided for such matters as sleeping arrangements, providing wholesome food, fireguards in rooms to protect children from injury, training and discipline of children, and co-operation with the local authority.

Under the Boarding-out of Children (Scotland) Regulations 1959, foster parents were additionally required to arrange for such medical treatment of children in their care as may be required from time to time.

Later Regulations continued the legal and regulatory requirements on foster carers, up to and including the current regime in the Looked After Children (Scotland) Regulations 2009.

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

There is a clear implied duty of care (if not always an explicit one) in the various pieces of legislation referred to in answers 1.3(i)(a) and (b) above.

Present

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

Since the implementation of the Looked After Children (Scotland) Regulations, 2009 the legal duties and responsibilities relevant to fostering services have not changed.

- f) If so, please give details.

Not applicable

1.4 Legal Responsibility

(i) Local authority

Past

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

The legal responsibility of local authorities over the period of the Inquiry has derived from the relevant pieces of legislation, starting with the provisions of The Children and Young Persons (Scotland) Act 1932, through the various legislative changes to date (as detailed at Section 1.3 above). In addition, the Children Act 1948 allowed local authorities to assume parental rights over children in their care by making a 'Parental Rights Resolution' declaration.

More recently under the Children (Scotland) Act 1995, the local authority was able to apply to court to obtain parental responsibilities through the making of a Parental Responsibilities Order. The Adoption and Children (Scotland) Act 2007 most recently introduced the Permanence Order which allowed the local authority to obtain parental rights and responsibilities in respect of any child in its care where the appropriate criteria were met.

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

As in paragraph (a) above.

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

Parents held parental rights and responsibilities, as defined in the Children (Scotland) Act 1995.

With the implementation of the Adoption and Children (Scotland) Act 2007, the introduction of a Permanence Order for children made it possible for foster carers to be granted some parental rights and responsibilities that the local authority has vested in them. These rights and responsibilities are associated with ancillary provisions of care. This extends to foster carers assessed, approved and matched with a child or young person.

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

Ancillary rights and responsibilities allow foster carers to make day-to-day decisions in relation to the child's care, such as the child's health, education and social development.

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

If it did not lie with the local authority in any particular case, it would lie either with the birth parents, or the foster carers in terms of ancillary rights and responsibilities, or a combination of both.

Present

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

No.

g) If so, please give details.

Not applicable.

(ii) Foster carers

Past

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

The foster carer had legal responsibilities which arose from their status as detailed in the various pieces of legislation referred to in answer 1.3(i)(a) and (b) above.

However, foster carers are also able to apply for Relevant Person status through the Children's Hearings (Scotland) Act 2011. This status allows foster carers to participate in recommendations made by the local authority to Children's Hearings in respect of care planning.

Additionally, there are situations when a foster carer has applied for legal responsibility of a child through Section 11 of the Children (Scotland) Act 1995. Over time, developments in legislation have enabled foster carers to apply for a Residence Order, which allows foster carers to hold some rights and responsibilities in relation to the day-to-day care of a child and make decisions that have a positive impact on their education, health and social development.

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

As detailed in (a) above.

Present

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

No

- d) If so, please give details.

Not applicable

1.5 Ethos

Past

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

Its functions were as laid out in the relevant statutes and regulations that pertained at the time: per answers to questions 1.3(i) (a) and (b).

Prior to 1985, case records do not provide any details on ethos of the local authority. However, the various Regulations referred to in answer 1.3(i)(b) above point to a general ethos across the time period of the Inquiry for a fostering service to provide nurturing, safe, family-based care for children and young people affected by trauma, abuse and neglect. In addition, case records indicate that Foster Carers were assessed and approved to provide care and protection of children who had been neglected and abused prior to being cared for by a substitute family.

- 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?

Although this has developed significantly over the time period of the Inquiry, historically, the Foster Carer was seen as a “foster parent”, approved under the relevant Regulations pertaining to the time, to care for children who could not live with their families.

This was set within the context of a child accessing a home and family setting whilst promoting the wellbeing of the child.

Following the implementation of the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995 and the Children and Young Persons (Scotland) Act 2014, the Local Authority's duty to promote, safeguard and protect children from harm identifies the function and objectives of a Foster Carer as part of this overall system of care.

Additionally, Scotland's Children: The Children's (Scotland) Act 1995 Regulations and Guidance, Volume 2 Chapter 3, Children Looked After by Local Authorities explicitly document the Recruitment, Assessment, Approval and Review requirements of Foster Carers.

- 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?

Yes. The local authority increasingly has understood the importance of registering foster carers who could provide a nurturing and caring environment, coupled with a holistic approach to meeting a child's needs. This was evidenced through learning, research and experience of trauma, neglect and abuse.

The foster carer's role in working with a range of professionals including the child's social worker, and their links to supervising social work and health and education colleagues progresses through time. There is some evidence locally that the Practice and Policy Guidance in areas of supervision and training is developed in procedure. The role of the foster carer is no longer seen as the "fit person" but rather as a professional carer with support from a multi-disciplinary team. Since 2013, re-design of the fostering service and practice expectations underpinned by the Looked After Children (Scotland) Regulations 2009, have seen a shift in improvement covering recruitment of foster carers, identifying people with the necessary skills and background, training, staff supervision and scrutiny through foster care reviews.

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

South Ayrshire Council (SAC) Looked After Review Procedure 2005- introduced specific guidance for staff in relation to the role and function of looked after reviews, including role of the Foster carer.

Looked After Children (Scotland) Regulations 2009 – provides specific guidance and regulation around rights, responsibilities, duties and powers in respect of looked after children, including clear guidance around recruitment, assessment, approval and review of Foster Carers.

SAC Fostering Procedures 2014 – to provide specific guidance and support to staff involved in Fostering function.

SAC Looked After Children's Procedures – updated in 2014 and presently being updated. Expected completion by April 2020

SAC Foster Panel Procedures 2017 – guidance for all staff involved in Panels as well as those attending Panels.

- 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?

As the Fostering Service became more specialised over time, this logically impacted upon both service and legal expectations placed upon foster carers in terms of their role. The local authority invested in a specific Fostering and Adoption team in around 1997, and introduced more specialised training opportunities for foster carers, such as Child Protection awareness, Understanding Children's Behaviour and latterly SVQ 3.

SAC Children and Family Service Policy and Practice on Service Provision document, 2001/2002 - the document represents a clear vision, value base and understanding of Children and Family Services including the role of the Fostering Service.

Foster carers offer children and young people a safe and caring home when they are unable to live with their birth family. Many foster carers care for children on a long-term basis, often for the duration of their childhood. Foster carers usually specialise in caring for children of a particular age.

There was increased understanding of the need for multi-agency working and acknowledgement of the impact of early life trauma. Foster Carers were also encouraged to develop closer working relationships with birth family members of children placed in their care. The implementation of GIRFEC in 2007, also developed this definition to demonstrate that children require to be safe, healthy, achieving, nurtured, active, responsible, respected and included (SHANARRI).

The application of a Nurture approach was developed in 2013 and has significantly progressed to the present day. There was a shift from the foster carers reacting and dealing with “surface” behavioural issues for children. The approach has increased the foster carers’ understanding on the impact of trauma for children; encouraging a more natural response to understanding a child’s communication and what is the meaning behind behaviour. Additionally, foster carers provide a monthly report on the children in their care and this follows the principles of the Nurture approach and correlates with the child’s care plan.

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

As detailed in 1.5(e) above.

Present

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

Yes

- h) If so, please give details.

Since 2013, the implementation of a clear programme and training around Nurture has been undertaken by the Service in relation to the role of the Foster Carer.

In 2019, the creation of a Learning and Development Portfolio has been introduced, providing clear expectations of the Foster Carer. Mandatory and Elective training Requirements are in place. Foster carers are required to undertake 30 hours per year in their first year of approval as part of their Learning and Development Portfolio. Thereafter, and subject to annual review, a minimum of 15/20 hours a year of learning and development is required to be undertaken.

1.6 Numbers

(i) Local authority

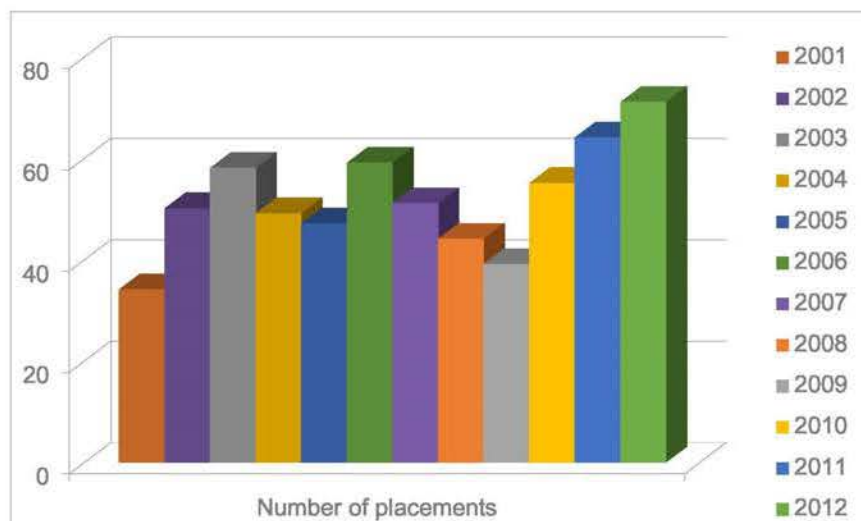
Past

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

It has not been possible to identify an exact number of children accommodated within foster care by South Ayrshire Council and its predecessor authorities within the time period.

Information extracted from Ayr County Council minutes during the period 1930 to 1975 has provided data for certain years on numbers of children boarded out, under guardianship or in Homes. This is provided in Appendix 8.

The Graph below is a representative of numbers of children accommodated by South Ayrshire Council between 2001 and 2014. This information has been extracted from annual Children Looked After Survey (CLAS) returns:



In addition to this, information has been obtained and is attached as an appendix providing details of children accommodated at specific intervals during the sovereignty of Strathclyde Regional Council.

Areas forming Strathclyde, 1974. *(See No 2 of inventory)*
Strathclyde Divisions, 1975-1977. *(See No 3 of inventory)*
Strathclyde Region, 1978 – 1995. *(See No 4 of inventory)*

The following statistics should also be noted:
Strathclyde 1986-1990, Analysis of Children in care.
(See No 5 of inventory)

- 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?

This information is limited and has come from Glasgow City Council archive. During the period 1949/50-1968/69, the records show the following averages:

- 1509 fostered over the year
- 436 accommodated in homes at year end
- 704 admitted during the year

(See No 6 of inventory). This provides a breakdown of numbers of foster parents for 1977 in the Strathclyde Region area.

- 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.

This information is limited and has come from Glasgow City Council archive. The figures for 1975-1977 for Strathclyde Regional Council Permanent/Temporary foster placements are available at *(See No 7 of inventory)*

The ranges of permanent and temporary placements would differ across the time of the inquiry.

In Strathclyde fostering placements were divided into two main groups – temporary and permanent - but within each of these, there is a range of placements with families having different qualities and resources to offer to meet the needs of children in care.

A temporary placement was one where the decision to foster was taken with the objective that the child will be cared for temporarily in a family setting, and when the placement is part of a finite plan either to return

the child to his family or to an alternative placement. The range of temporary placements included:

- Emergency placement
- Respite Holiday placement
- Pre-adoption placement
- Task-centred placement

A permanent placement was one where the decision to place includes a definite plan that the child will remain in that placement until reaching independence , leaving care, or moving on to adoption by the foster parents, particularly if when placed, the child is under 12 . The range of permanent placements included:

- Fostering with family contact
- Fostering without family contact
- Fostering with view to adoption
- Fostering by relatives

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

The number of children accommodated by Ayr County Council, Strathclyde Regional Council, and South Ayrshire Council would vary dependent on decisions over the various periods of time by the Courts and Children's Hearing System.

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

For years 1930 to 1971, Ayrshire Archives have provided data extracted from Ayr County Council minutes, illustrating the total number of children accommodated by the local authority over some years (where the information is available) in a variety of care arrangements. (See No 8 of inventory).

For years 1975 to 1996, we are advised by Glasgow City Council that no comprehensive list of numbers of individuals has been identified. Nos 5-7 of the inventory provides numbers of children in foster care each year.

Figures from 1996 to date for South Ayrshire Council are as illustrated in the graph above in Section 1.6 (i) (a).

- 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?

Over the various periods of the Inquiry, Ayr County Council, Strathclyde Regional Council and South Ayrshire Council provided both Residential Care and Foster Care. Over time, the balance of provision has moved from Residential Care to Foster Care.

Present

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

Yes.

- h) If so, please give details.

The priority for South Ayrshire Council and the H&SCP has been ongoing recruitment of internal foster carers and to grow our own! From 2013, there has been a significant rise and increase in internal foster care provision and the preference for children to have the experience of an alternative family, when they are unable to remain at home. This approach, alongside national and local strategic planning has seen a rise in children being placed with relatives or “connected persons” through Kinship care arrangements. The numbers of children living in residential Children’s Houses has remained fairly static in comparison to the increase of children being placed with internal foster carers.

The graph referred to in Section 1.6 (i) (a) above, also illustrates a significant shift in the use of external foster care provision. In 2012 there were approximately 48 children placed with foster carers with the independent foster care providers. This reduced to approximately 27 children by 2019. In the same time period, there were 67 children residing with internal foster carers and at July 2019 there were 112 children living with internal foster carers.

The commitment to recruiting internal foster carers continues to be a priority alongside improvements in supporting, training and supervising foster carers and staff within the field of fostering services.

The benefits of increased numbers of foster carers for children in the South Ayrshire area continues to allow children to remain part of their own community, to maintaining existing networks of support and

accessing the same universal services, such as, education, health and social activities.

1.7 Children's Background/Experience

Past

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

No. There are many reasons children may become looked after, including: they face abuse or neglect at home; they have disabilities that require special care; they are unaccompanied minors seeking asylum, or who have been illegally trafficked into the UK; or they have been involved in the youth justice system.

From Foster Carer Case Records/files (1984-present), children's experiences varied from positive to negative. There is also information relating to the neglect of children at the time they were accommodated, which appears to have been a common experience.

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

Children were admitted into the care of the local authority.

- c) Who placed children with the local authority?

This varied over the time period of the Inquiry, but placements were made by bodies including the Juvenile Court, Poor Law Authorities, Sheriff Court and Children's Hearings.

- 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?

Yes.

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

Not applicable.

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

From historical records this information is not generally available but the Strathclyde Regional Council Social Work Committee Officer/Member Group on Child Care (1978) estimates at that time that one half of the children accommodated had been in care for more than 3 years.

From the file reading, a number of children have lived significantly longer than this with their foster carers, particularly those children and young people who were matched with foster carers on a permanent basis. The introduction of the Continuing Care legislation in the Children and Young People (Scotland) Act 2014, has encouraged and supported young people to remain longer than their 16th birthday and up until their 21st birthday. The same Act also extended eligibility to After Care services to a young person's 26th birthday.

- 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?

This would vary depending on the time period involved – see answer (c) above.

As well as the statutory Court and Children's Hearing systems making decisions, the child's Social Worker, Senior Social Worker (or Team Leader) with a Senior Manager took decisions to accommodate children when this was deemed to be required.

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

Again, this would vary depending on the relevant time period. For instance, under the Children Act 1948, boarding out was the first preference for children, and the Act imposed a duty on local authorities to be proactive in intervening to receive children into their care, whenever it was necessary in the interests of their welfare.

More recently, the boarding out preference disappeared with the Social Work (Scotland) Act 1968, and section 21 listed a number of options, being boarding out, residential or other means. Section 20 stated that the first consideration was the welfare of the child, and this was continued as a principle in the Children (Scotland) Act 1995, in which the welfare of the child was the paramount consideration.

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

Yes.

j) If so, in what circumstances?

Circumstances would vary, but could include a breakdown in relationship between carer and child; illness of carer; illness of child; change of personal circumstances of carer; or information as to the address of the child becoming known to birth family where this could be detrimental to child's welfare.

From the available file reading, there is evidence that children moved between various foster carers as a result of the child's aggression and violence towards a foster carer or their birth child, the foster carer's inability to meet the needs of the child or allegations made towards the foster carer.

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

This would very much vary between placements. From the file reading generally children did experience more than one foster carer.

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?

Information from Glasgow City Council archive indicates that both the 1976 and 1986 Foster guidelines laid down processes for review.

The guidelines outline areas of interest in the review, including:

- Physical, intellectual and emotional development of the child
- Any changes relating to the family, the foster family or other important persons in their life
- Child's legal situation and whether any changes need to be made in it
- Relationship between the foster parent and Social Work Department

It was Strathclyde Regional Council policy to invite everyone interested in the care of the child to a review. Foster children and natural parents were encouraged to attend, also the Social Worker and Senior Social Worker. Sometimes a school teacher, doctor or child psychologist would also attend.

The timetable for reviews was:

- **First full review no later than 4 weeks after date of admission into care**
- **Subsequent reviews to be held as appropriate but not less than at six-monthly intervals**

Foster parents may also be invited to attend case conferences on a foster child in their care.

The 1986 guidelines detail the main function is to review the child, their circumstances and needs, and will include the following:

- **Review of the original plan, monitoring how effectively the recommendations of any former reviews have been implemented and reassessing the appropriateness of any decisions.**
- **Exchanging and coordinating information on the child's physical, emotional, intellectual and social development for all with all invitees**
- **Child's legal situation and whether this continues to be appropriate to present needs**
- **Agreeing a plan for the future, for example rehabilitation, permanent care, and detailing tasks to promote its implementation**
- **Formal recording of decisions regarding child's future care, which would become an integral part of the child's case file.**

The composition of review team would vary depending on needs of the child, but in terms of the guidance the following must always be invited;

- **District Manager's representative, who will act as Chair**
- **Supervising Social Worker**
- **Senior Social Worker**
- **Foster parents**
- **Natural parents (unless their parental rights have been removed)**
- **Child if age and understanding allows**
- **Divisional Adoption and Fostering Adviser who may attend, or send a representative**

Other participants might include the link worker (in temporary placements), health visitor, teacher, or educational psychologist

Timings of Review; decision meeting prior to reception; initial review held within 4 weeks in care; child's progress must be reviewed 3 months later and then at 6 monthly intervals.

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

The discharge process was determined by the individual Care Plan, Children's Hearing System or the Court System.

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

Support would vary and be determined by individual circumstances and the relevant time period across the Inquiry period. From 1990 onwards, Strathclyde Regional Council and its successor authority, South Ayrshire Council, funded dedicated Throughcare and Aftercare Services. This provided a range of supports for young people leaving care, including Housing (supported accommodation), Education, Health and Employment services.

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

There is little historical information about this. Prior to 2001, South Ayrshire Council tracked the progress of young people leaving care through the Youth Housing Support Group. From 2001 the local authority provided information formally to the Scottish Government, through CLAS (Children Looked After Survey) returns which includes those children/young people leaving care and their ongoing progress towards achieving a positive destination.

p) Was such information retained and updated?

Yes. The CLAS (Children Looked After Survey) returns are retained by both the Scottish Government and the Local Authority. These are updated annually.

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

Strathclyde Regional Council/South Ayrshire Council retained statutory responsibility for children leaving foster care. These changed over time in line with regulations, policy and practice.

In 1990, a dedicated Throughcare Team was established through Strathclyde Urban Aid funding. The Service was mainlined in 1995 and transferred to South Ayrshire Council in 1996. The Service was well established and sector leading in those days in terms of research, mediation and joint working with Housing and other key services. By 2004, the Team had expanded and was multi-disciplinary in nature, employing 1 Team Leader, 4 Social Workers, a Mediation Officer, a Mental Health Nurse, a Literacy Worker and 6 Support Workers.

The nature of Throughcare and Aftercare services would be specific to the individual child's personal requirement and would include the following:

- Developing and maintaining relationships
- Individual and group support with skills to living independently
- Benefit advice and support
- Housing support
- Employment and training
- Social development
- Emotional and practical support
- Family support
- Family Mediation
- Advocacy support
- Literacy and numeracy
- Supported lodgings/care services

Present

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

Yes.

- s) If so, please give details.

Whilst the menu of support to young people accessing Throughcare and Aftercare services remains as detailed in 1.7 (q) above, the establishment of the Young People Support and Transitions Team in 2013 has continued to take forward this critical service.

The introduction of the Children and Young People (Scotland) Act 2014 confirmed specific duties on the local authority to provide Throughcare and Aftercare Services to young people leaving care. Parts 9,10 and 11 detail those specific duties and responsibilities. Young people became eligible for Throughcare Services where they were looked after away from home on or beyond their 16th birthday and up until their 26th birthday. This Act also introduced legislation in respect of Continuing Care services for children from age 16 and up until their 21st birthday.

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?

Information extracted from the Ayr County Council minutes by Ayrshire Archives suggests that in the period between 1949 and 1967, Committees established under the 1948 and 1959 Boarding Out of Children (Scotland) Regulations took decisions for the appointment of Children's Officers for Ayr County Council. The Children's Officer was responsible for foster care services within the local authority during that period.

The implementation of the Social Work (Scotland) Act 1968, brought forward the concept of Social Work Committees and it was this process that had oversight of Children's Services and the appointment of Child Care Workers/Social Workers.

There were changes over this time period in staffing arrangements and where responsibility lay for foster care services for children. From file reading and access to Panel minutes, whilst not explicit, it would appear that the fieldwork social workers had a caseload that included responsibility for managing foster carers and children in their care. This also includes responsibility for carrying out foster carer assessments.

Prior to 1996, it would appear that the Assistant and District Managers, as per Strathclyde Regional Council at that time, had oversight of the Fostering Services.

Around 1997 and with the inception of South Ayrshire Council, the establishment of a specific fostering and adoption team developed. Initially this started with the appointment of a Team Leader and 1 social worker, however an increase in staffing for the fostering and adoption team appears to have developed over time to include a further 5 social workers.

The current team consists of two Team Leaders, 1 Support Worker and 6 Social Workers. A dedicated administrative team also has responsibility for Fostering Services. Oversight and line management responsibility for the Fostering Service sits with a Service and Senior Manager. The designated Chief Social Work Officer (aka Agency Decision Maker) provides direction and oversight in respect of Policy and Procedure for the Fostering Panel.

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

As detailed in paragraph 1.8 (i)(a) above.

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

Please refer to Section 1.8(i)(a) above for background information. The information is limited. The Foster Carers Handbook, Part 3, developed by Strathclyde Regional Council, describes the Supervising Social Worker role as one of supporting the child and foster carer. The main function of support is reflective of the needs of the child, guidance and advice to the foster carer.

In more recent times (1990's-present day), the role of the Supervising Social Worker has developed and is now specific to the needs of the foster carer. It would appear from file reading that foster carers also began to access specific and targeted training and in most recent times supervision.

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

Prior to the establishment of a specific Fostering Team in 1997, qualified Social Workers required to possess a professional qualification through the Central Council for Education and Training in Social Work (CCETSW), generally known as the Certificate of Qualification in Social Work (CQSW). Coupled with the CQSW, a skill and experience set relevant to practice was required. The qualification and training for Social Workers has changed over time and now is standardised as a Degree In Social Work.

Nowadays, qualified Social Workers in fostering and fieldwork services are required to be registered within the professional body of the Scottish Social Services Council (SSSC). In South Ayrshire Council it is a requirement that a Social Worker within a fostering service has 2 years' post qualifying experience within a statutory children and family setting.

The Support Worker in the Fostering Service is a relatively new role to the fostering service in South Ayrshire. The post holder requires to have relevant childcare experience and hold the SVQ 3 and HNC in Social Care qualifications.

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

In 1986/87 Strathclyde Regional Council established Foster Panels in response to the Boarding-out and Fostering of Children (Scotland) Regulations 1985. The functions were set out in Regulation 6, to consider every person referred to the Panel and make recommendations on their suitability.

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

Regulation 5 of the 1985 Regulations did not prescribe relevant skills or experience, but stated that the care authority must satisfy itself that the numbers, qualifications and experience of Panel members would enable it to effectively discharge its functions.

At its inception in Strathclyde Regional Council, each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom must be Chairman, a Medical Adviser, an Educational Psychologist, and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.

Present

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

Yes

- h) If so, please give details.

With regard to the current make-up of the South Ayrshire Council Fostering Panel, it is as follows:

- **Independent Chair (non-employee of South Ayrshire Council)**
- **Legal Advisor**
- **Medical Advisor**
- **Panel Advisor**
- **Service/Senior Manager (Authority Wide Services)**
- **Care experienced young person (Champions Board)**
- **Social Work Practitioner**

The Panel meets once a month and must have a quorum of 3 Panel members to be able to make recommendations to the Agency Decision Maker. This excludes the Advisors, as detailed above, and is in accordance with the Looked After Children (Scotland) Regulations 2009 and South Ayrshire's Fostering and Permanence Panel Procedures 2018. (See No 9 of inventory)

(ii) Foster carers

Past

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

1975-1996

Strathclyde Regional Council ran concerted publicity campaigns and outreach activities in the 1970s.

The process of assessment and preparation of applicants included:

- **Group meetings**
- **Individual interviews**
- **Undertake contact with existing foster carers**
- **Formal enquiries of applicants: departmental records; police enquiry; Area Health Board enquiry ; personal references ; medical reports and x-rays**
- **Outwith the Region enquiry**
- **Enquiries regarding other residents**
- **Presentation of assessment report**
- **Approval by Divisional Adoption and Fostering Panel, passed to Divisional Director who makes final decision**

From 1996 to date, the process for identifying and approval of foster carers has developed. Practice includes a focus on adult style attachment interviews as part of the assessment. The applicant's ability to provide a nurture-based approach to caring for children and the make-up of the Fostering Panel has altered the way of thinking about the care a child requires.

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

There were no specific academic qualifications required of a foster carer. However, a desire to care for children seemed central to the approval of a foster carer at the time, and this specific requirement has continued along with a growing awareness of child development, trauma, abuse and recovery. In addition an experience of caring for children in a personal or professional capacity is also important.

The assessment tool currently used to assess foster carers (Form F) has been built upon over the last 30 years and now takes into account an applicant's understanding and capacity to manage a child's trauma and abuse experience.

Over the time period, applicant(s) bring an abundance of experiences and skills including professional backgrounds in working with children. Examples of this include, teaching, residential childcare, children and adults with disabilities.

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

1975-1996

Policies, handbooks and guidelines etc. for this period show the following:

- **Checked: departmental records; police; Area Health Board enquiry**
- **Initial interview, plus at least 2 others, with both partners present. All members of household to be seen at some time.**
- **Medical reports and x-rays**
- **Personal references**

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

1975-1996

Policies, handbooks and guidelines etc., required the following to be checked - departmental records; police; health; health visitor.

- 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?

From the files that have been read and information available, there is little evidence of other family members and friends of prospective foster carers having checks completed. Certainly, prior to 1996 there is no evidence of such checks being carried out.

From 1996, there is some evidence that Scottish Criminal Records Office checks (SCRO) were being carried out in relation to other family members and people living in the same household as prospective foster carers. It is an improving picture from early 2000 and throughout the last two decades, a more consistent approach is taken to completing statutory checks.

- 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?

From the case files read, statutory checks, including medical and Police checks were carried out for the purposes of a foster carer review of the registration and attending a Fostering Panel. From the file reading, there is some evidence around 2002 that similar checks on family members and adults living in the same household were carried out. However, there is little evidence that this was completed routinely.

- 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?

From the file reading, there is evidence that the applicant's available accommodation was checked out as part of assessment of foster carers.

There would seem to have been improvements in the use of the Form F and as this has developed into the 1990's and recent times, quality of accommodation, its suitability for children and health and safety checks have all become a significant feature of assessment and approval of people as foster carers. Health and Safety checks continue to be reviewed as part of the foster carer's review at the Fostering Panel.

- 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?

Whilst not explicit, there would appear, from the file reading, to be only couples or individual single female applicants approved as foster carers. Until 2009 same sex couples were not considered as foster carers.

The shift in legislation and regulation in terms of the Looked After Children (Scotland) Regulations 2009 has included provision for individual male applicants and same sex couples to be given equal rights to foster. Through the Adoption of Children (Scotland) Act 2007 and amended in 2009, the right to same sex couples through adoption also exists.

- 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?

There is evidence through file reading that gender did play a part in matching considerations. Matching between foster carers and other children (and their specific needs including gender) was considered as part of the make-up of the household.

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

The 1976 foster carer handbook laid down the following services to be provided by the foster carer :

- Dealing with the day-to-day caring – food, clothing, warmth; encouraging interests or hobbies. Foster parents will do many other things, including reading bedtime stories (with a goodnight cuddle), changing the sheets after an accident, attending open days at schools, seeing teacher at school etc.
- Consulting doctor/dentist when necessary. Arranging periodic check-ups and allowing the child to be medically examined.
- Watch over health and well-being
- Let Social Work Department know immediately of any serious incident effecting the child
- Bring up foster child in his own religion
- Permit any person authorised by Strathclyde Regional Council to see the child
- Notify Social Work Department of any change of address, before actual move
(See No 10 of inventory)

- 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?

The Children Act 1948 introduced the concept of the child being provided with family life by the state, and as part of this, there was a focus on high quality foster carers, and not boarding out children in placements like crofts where they would be obliged to work.

From the reading of available files, there is no information to indicate that children placed in foster care carried out manual work.

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

The concept of Fostering Agreements was introduced by the Boarding Out and Fostering of Children (Scotland) Regulations 1985. We are advised by Glasgow City Council archive that no evidence has been found in historic records for Strathclyde Regional Council of Fostering Agreements.

From the file reading of local foster carers between 1970 and the late 1980s, there is also no evidence of fostering agreements within the files.

There appears to be a shift in thinking and the adopting of a Foster Carer Agreement in the 1990's as evidenced from file reading however, this is not consistent. From 2005, there is more evidence of the use of agreements between the local authority and foster carers.

(For example Foster Care Agreement 2016, See No 11 of inventory)

Present

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

Yes.

- n) If so, please give details.

Foster Carer Agreements are now standard practice requirement within the Fostering Service. There is a quality assurance process in place through Team Leaders to ensure that post approval the Agreement is signed by relevant parties (Foster Carers, Linked Supervising Social worker and Team Leader) prior to children being cared for by the foster carer.

The Service has continued to review Foster Carer Agreements and update this in line with changes in financial, legal and practice requirements. A “Partnership” agreement is expected to replace the existing “Agreement” document in 2020.

Additionally, the changes in legislation and national attitudes towards same sex couples and male applicants has increased carer capacity and experiences for children requiring alternative care when they have been unable to live at home.

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?

From the information available in the historical period prior to the inception of Strathclyde Regional Council, the local authority culture is assessed as having reflected in the main the evolving development of foster care over the decades, through changes in both legislation and national guidance.

The nature of the culture within South Ayrshire Council in relation to the provision of foster care in the past mirrored the approach taken by the dissolved Strathclyde Regional Council. This approach emphasised the importance of the wellbeing and safety of the children under local authority care. There was a notable trend in social work for generalised practices evolving into more distinct and specialised fields, including criminal justice, children and family and adult care. This development in social work practice resulted in greater focus on protection, risk assessment and more specific provision of services. Such developments in social work practice had a direct and positive impact on the provision of services and the overriding culture, by allowing for a more targeted service delivery.

In 1997, the implementation of the Fostering of Children (Scotland) Regulations 1996 led to amendments in policies, procedures and terminology adopted. Such alterations were aimed at shifting the outlook of those participating in service delivery related to fostering provision in local authorities. Policy, procedure and terminology changes arguably reflect the aim of overcoming stigma for children and resulted in the cultural trend towards one which was increasingly focussed on child welfare.

Over time, the nature of the culture in relation to the provision of foster care evolved and the need to seek and consider the views of children became ever more pressing. Engaging and involving children in the process of fostering provision stemmed from guidance and legislation as it evolved, and was therefore increasingly prevalent in the culture of the organisation. This time period reflects a growing cultural recognition that foster care provision resulted in improved outcomes for children being cared for by the local authority.

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

Yes, the culture (described in the previous answer) was reflected in the local authority's policies, procedures and the practice in relation to the provision of foster care. The regulated nature of the service places a legal obligation on the service to adhere to relevant legislation. The answers submitted within this response detail and refer to the applicable (primary and secondary) legislation, and this provides the context within which the service operates.

- c) How can that be demonstrated?

The cultural awareness within the local authority that children benefited from 'child-centric' foster care placements is demonstrated by the fact that the service developed and increased over time. The local authority's awareness of the need to ensure that foster carers could offer high quality care to children is reflected in the drive to recruit, train, retain and continually develop the skills of foster carers.

This investment in 'growing our own' was initiated in 2012 and was an internal strategy by the local authority to meet the demand for the increased need of foster placements and a commitment to supporting children to remain living in their local communities. This demand resulted from the recognition by the local authority specialised social work team that children have more successful outcomes within a foster placement, compared to residential care setting placements. This awareness accordingly led to significant investments within service provision from 2011-2019/20 with £732,059 additional investment being used to support foster carers internally.

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

From the information available, the overall practice of foster carers in the care they provided to foster children reflected the local authority's culture, policies and procedures at any given time period. An analysis of the information contained within the files suggests that there were, however, isolated instances where particular foster carers did not work in accordance with the local authority's culture, policies and procedures. In cases where culture, policies and procedures were not correctly followed by specific foster carers, supports, monitoring, supervision and training took place. Additionally, where investigations resulted in identification of unsafe practices by foster carers or a refusal to co-operate with acceptable practices and engage with the local authority, this resulted in de-registration.

Inappropriate and unsafe behaviours or actions by foster carers have resulted in de-registration and in some situations adhering to Child Protection Procedures in alerting of the police, as required. Such examples have triggered changes to improve the service, with the social work team taking steps to learn from these cases (e.g. developing staff

training and awareness, introducing more rigorous registration checks and greater scrutiny and training of foster carers).

- 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?

From the file reading and material available, the numbers of foster carers who did not work in line with the local authority culture or practice were low. The reading of files does provide information to illustrate that in some specific cases, foster carers did not work in accordance with safe practices which the local authority would consider appropriate in respect of culture, policy and practice.

The examples offered below provides the Inquiry with some of the processes in practice that were utilised to address these matters, including direct contact from Supervising Social Workers in the fostering service or through more formal mechanisms, such as the Fostering Panel.

Example 1: 2004

Concerns that Foster Carers unable to follow child's plan and not being flexible in their approach to the child's needs; also that they had shamed him and forced him to attend foster family household meetings which he did not want to attend. These concerns resulted in the Foster Carers returning to a Fostering Panel. Decided that provision of care was not in keeping with the local authority culture, policy or practice, and resulted in their de-registration as Foster Carers.

Example 2: 2012

The Foster Carers' registration had been reviewed at the Fostering Panel following recommendation from a Disruption Meeting involving 2 sibling children who had been removed from their care.

This followed an incident when one of the children had been accidentally "overlooked" and left at a service station when the fostering family had been returning from a holiday. The Foster Carers, upon realising that the child was missing, immediately took action and responsibility, contacting the service station, and fortunately the child was found and returned to local authority care and unharmed. It is understood this was a large family group activity involving more than one mode of transport and both drivers had believed the child to be in the other car.

This behaviour was considered neglectful and wholly inconsistent with the local authority culture and practice of caring for vulnerable children. The matter was investigated and the Disruption meeting notes indicate that "this incident had acted as a trigger and has highlighted issues regarding communication, general planning for journeys, general caring capacity within placement".

Following the Disruption meeting, a review and re-assessment of the Foster Carers was agreed to take place and no other children were placed with the Foster Carers to allow the re-assessment to be completed.

A further review of the Foster Carers was carried out and re-examined at the Fostering Panel in 2013. The Foster Carers had demonstrated remorse and regret, and had adhered to the local authority's decisions. In all the circumstances it was decided that it was appropriate to reapprove them to continue as Foster Carers. Additionally, a programme of training was identified and followed through via supervision of the Foster Carers.

Example 3: 2014

The Supervising Social Worker and the child's Social Worker were made aware that one of the Foster Carers had shared photographs of the children in her care on social media. This behaviour was not in keeping with the culture of the fostering service and demonstrated a lack of adherence to matters of confidentiality protocols and guidance on social media. These concerns were addressed immediately by the Supervising Social Workers who had discussions with the Foster Carers regarding appropriate use of social media. This was further addressed in Supervision.

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

Over recent years, South Ayrshire Council supports the conclusion that its statutory predecessors, Ayr County Council and Strathclyde Regional Council, reviewed their practices in the provision of foster care from time to time as the culture of local authorities changed and developed. Whilst it has not been possible from the information available, to identify specific documents referencing cultural changes, much of this will have been driven by changes in primary and secondary legislation, along with training and research developments. In more recent times, changes in the culture of the local authority have continued to take place as a necessity of change in the legislation and guidance. However, practice has also influenced change as a consequence of internal events, policy, research and strategic planning.

Below are examples of South Ayrshire Council changes in recent times:

Example 1

Through national research and local data, South Ayrshire Council introduced Quarterly Permanence Monitoring meetings in 2013. This was developed at a local strategic level and was aimed at improving drift and delay in care planning for children. Working collaboratively and in partnership with colleagues in Area Teams, the Fostering and Adoption Service, and Legal Services, significant improvement has taken place to address delays in the process of assessment, planning and executing timescales for permanence plans for children in local authority care.

This has seen a number of children's plans progressing timeously and legal routes being determined robustly.

Additionally, the local authority entered into an Improvement Programme with Centre of Excellence for Looked After Children in Scotland (CELCIS) in 2017. The programme involved a range of Social Work Practitioners and Managers across Children and Family Services and colleagues in Legal Services, to review systems and processes for Looked After Children, and to address gaps and barriers within systems and processes, impacting on drift and delay for children and young people.

Following the successful conclusion of the initial phase, South Ayrshire Council was invited to join the Permanence and Care Excellence Programme in May 2019 and this work is ongoing. Social workers have committed heavily to the success of the programme and have exceeded all targets in the aims set.

Alongside this, in order to emphasise the need for social workers and managers to understand the importance of this area of timely planning for vulnerable children, a 5 day Permanence Training Programme has been introduced. This is a mandatory programme for all Children and Family Social Workers and Managers to undertake.

Example 2

In 2012 and in line with the South Ayrshire Council Children and Family Case Recording Policy, specific training and guidance was developed for Fostering and Adoption Services.

The Guidance was approved and implemented for the Family Placement Team in 2013 and continues to be updated from time to time with changes that may be required. The Guidance and change that occurred also reflects learning from complaints from the public in relation to a lack of timeous response to enquiries. The Service agreed that a response to any enquiry should be made within 24 hours of contact being made.

Example 3

Responding to allegations of abuse against foster carers is an area that has been developed in conjunction with the Scottish Government and the Fostering Network. It is clear that over the time period of the Inquiry, significant work has been addressed to ensure that a joint approach, through Police (where applicable) and Social Work Services is taken to allegations of abuse involving a foster carer.

The process of investigations and the emotional impact of abuse on children and foster carers has been developed through supervision and specific training. The training is a collaboration between foster carers and social workers in both Family Placement and Area Teams. This has improved communication and a better understanding for foster carers and social workers, in both Family Placement and Area Team, of respective roles and responsibility in the event of an allegation of abuse being made.

- 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?

As well as the examples offered in 2.1 (f) above, South Ayrshire Council has embraced learning from national policy and research to influence practice. Learning has also taken place as a result of serious and significant case reviews, for example, Brighton and Hove, 2001 and the importance of ex-partner and family member checks.

(See No 12 of inventory)

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

South Ayrshire Council has continued to implement meaningful and relevant changes to the fostering service through learning from improvements in legislation and policy. Many of the internal changes have been influenced by internal experiences and external reviews. Examples of this have been included in the response to the Inquiry. In summary, these include structured responses to recruitment, assessment, scrutiny, quality assurance, supervision and training for foster carers and all staff with responsibility for children placed in foster care.

Data from the file reading would suggest significant improvement around responses and action to alleged and actual abuse of children in foster care has taken place over recent years, following learning from previous cases.

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

As detailed in 2.1 (g) and (h) above.

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

As detailed in 2.1(f) above. In addition, Strathclyde Regional Council established groups to look at all the Inquiry Reports regarding abuse across the UK (for example those in Fife, Orkney and Cleveland). Where the recommendations were relevant to legislative practice in Scotland or not already in place in Strathclyde Regional Council, policies and procedures were altered to reflect this.

Present

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

Yes.

- l) If so, please give details.

More recently than the examples given in 2.1(f) above, care based language in respect of looked after children is being adopted by South Ayrshire Council's Health and Social Care Partnership. This process of change is in line with the views of care experienced young people and the Scottish Government, and the change relates to the Partnership adopting a Care Based language policy.

Care based language aims to remove the stigma young people tell us they experience when referring to their looked after child status and some of the terminology referred to in policy, practice and legislation.

See No 13 of inventory, which provides further detail to the issues raised by young people and the approach South Ayrshire's Health and Social Care Partnership has adopted to Care Based language.

No 14 of inventory, provides a copy of a letter from South Ayrshire Champions for Change Board, dated 1st July 2019, sent to corporate parents providing further information regarding the use of care based language.

- 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?

South Ayrshire Council has over the time period developed practice from legislative and policy developments, some of which have emerged from the findings of external serious case reviews, research and publications from BAAF/Corumbaaf. From available file reading there is evidence that this learning and improvement has been applied to subsequent allegations and complaints within the service and has contributed to current practice approaches.

2.2 Structure, leadership and accountability

Past

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

1930-1975 (Ayr County Council)

From the information available from Ayr County Council minutes, it can be seen that over this time period, the local authority had various Committees which were responsible for taking decisions in relation to foster care. For instance:

- In the Minutes of the Public Assistance Sub-Committee of June 1930, it was noted that partial supervision of children boarded out within the County sat with local officers, who might also pay allowances and attend to provision of clothing etc. However in relation to children boarded out outwith the County – visitation and supervision would be the direct responsibility of the Public Assistance Officer.
- In the Minutes of the Children’s Committee for November 1952 it was agreed that as far as practicable the Children’s Officer should consult the Local Member prior to boarding out a child within the Member’s area.
- In the Minutes of the Children’s Committee for November 1968, it was agreed that the current process for placing children with foster parents was satisfactory but agreed information regarding any suggested removal of children from foster parents be submitted to the Committee for consideration.

1975-1996 (Strathclyde Regional Council)

The Regional Council was a Local Authority for Social Work purposes within the Strathclyde Region area, in terms of the Local Government (Scotland) Act 1973.

Strathclyde Regional Council established various committees for the discharge of their social work functions, including the Social Work Committee. The Regional Council retained the right to take many decisions at full Council level, but there were arrangements for the allocation of duties to Committees and Sub-Committees. For the most part, the decisions were taken by the Social Work Committee.

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

1930-1975

During this time period, the local authority has been unable to access information that would provide information to the Inquiry regarding the oversight and supervision arrangements by senior management.

1975-1996

See No 15 of inventory for Strathclyde Regional Council staffing structures in 1977-1982.

- c) What were the lines of accountability?

1930-1975

From the information available, it would appear the Ayr County Council Committees agreed proposals for the fostering service. This included identified need, recruitment and support to Child Care Officer post holders. See examples in 2.2(a) above.

1975-1996

The Social Work Committee and various sub-committees would agree major proposals regarding foster care.

1996 to date

See No 16 of inventory for current management staffing structure for the South Ayrshire Health and Social Care Partnership 2020. (See No 16 of inventory)

- 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?

1930-1975

During this time period, the local authority has been unable to access information that would provide information to the Inquiry regarding (d) above.

1975-1996

Chief Executive of Strathclyde Regional Council was the Chief Officer during this period. Within the Social Work Department, the senior manager was the Director of Social Work.

1996 to date

The Chief Social Work Officer has varied over this period, but the role has been held either by a Head of Social Work (or equivalent), or Director of Social Work (or equivalent). As of 2019, within South Ayrshire Council and the Health and Social Care Partnership the creation of a stand-alone Chief Social Work Officer post exists.

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

As far as is known, within Ayr County Council/Strathclyde Regional Council/South Ayrshire Council it would be the Council itself and its committees. Some functions may have been delegated to officials, per the relevant Scheme of Delegation pertaining at that time.

- f) To whom were foster carers accountable?

Foster Carers were accountable to South Ayrshire Council and its predecessor authorities in respect of practice and behaviour.

In addition, as self-employed persons, foster carers are accountable to HMRC in respect of declaring income generated from fostering and are required to complete a self-assessment as required by HMRC, generally this is required on an annual basis.

With regard to the South Ayrshire Council era, as approved foster carers, the Foster Carer Agreement sets out clear expectations of practice both for the foster carer and the agency, including behaviour and requirements associated with the care of children, supervision, training and financial arrangements. As stated earlier, a new "Partnership" Agreement is to be launched in 2020 and this provides detail in relation to the expectations of the foster carer, the care expected to be given to children and agency expectations.

The quality assurance process of the Fostering Panel holds both the Agency and the Foster Carer to account. The process ensures that the assessment of the Foster Carer is robust, comprehensive and meets the requirements of applicants wishing to be foster carers, as required by the Looked After Children (Scotland) Regulations 2009.

Furthermore, annual reviews at post approval stage take place and thereafter, at 2 yearly intervals as per South Ayrshire Council's policy for reviewing foster carers. Additional reviews can be held when the need arises or a concern exists.

As part of the approval of foster carers and subsequent reviews the following checks are carried out:

- Local authority record checks at 2 yearly intervals
- Up-dated Health assessment
- PVG updates, including adult family/household members
- Foster carers household insurance checks
- Updated Health and Safety check
- Pet Assessment (as required)
- One unannounced visit completed throughout the year
- Record of learning and development completed by foster carers and overseen by Supervising Social Worker

- 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?

At a senior level, during the period of the Inquiry, chief officers such as the Chief Executive, Director of Social Work and Chief Social Work Officer were and continue to be ultimately responsible for implementation of and compliance with, the local authority's policies, procedures and/or practices, from time to time.

In addition, all staff working with Foster Carers were/are responsible for this implementation and compliance, and line managers were responsible for supervising staff. As previously stated in 2.2(f) above, the quality assurance process of the Fostering Panel holds both the Agency and the Foster Carer to account, and this includes in relation to implementation of and compliance with the local authority's policies, procedures and/or practices.

- h) To whom were fostering panels accountable?

Fostering Panels in both the era of Strathclyde Regional Council and current South Ayrshire Council were accountable to the local authority concerned. Current rules on the appointment, composition, meetings and functions of Fostering Panels is set out in Part VI of the Looked After Children (Scotland) Regulations 2009. Fostering Panels make recommendations on individual cases to the Agency Decision Maker (usually an employee with delegated Chief Social Work Officer status, at Director or Head of Social Work level).

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

From the information available, it appears that during Strathclyde Regional Council era from the inception of Fostering Panels in 1986/7, the District Manager for Fostering and Adoption had oversight and endorsed Fostering Panel decisions. There is no information to suggest what supervision arrangements were in place.

Present

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

Yes.

- k) If so, please give details.

During the South Ayrshire Council era the oversight of Fostering Panel support has been the responsibility of the Agency Decision Maker. A specific Chief Social Work Officer role was developed in South Ayrshire Council in 2019 and the post holder now has responsibility for the oversight of the Fostering Panel.

The Chief Social Work Officer meets with the Panel Chair and Panel Advisor twice per year. Appraisals have started to be developed for Panel members and this is conducted by the Panel Chair and Panel Advisor.

Additionally, the Care Experienced young person appointed as a Panel Member is provided with a Mentor through the Family Placement Team and is supported by the current line manager and Panel Advisor in this role.

2.3 External Oversight

Past

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

From the available file reading, there is reference to the establishment of an Inspection Unit by Strathclyde Regional Council in 1990. Although arms-length, it did report to the Social Work Committee of Strathclyde Regional Council.

In 2002 the Scottish Commission for the Regulation of Care (also known as the Care Commission) became the responsible body.

From September 2011, the previous work of the Care Commission, Social Work Inspection Agency (SWIA) and Her Majesty's Inspectorate of Education (HMIE) (Children's Services remit) were absorbed into the new Social Care and Social Work Improvement Scotland (SCSWIS). It became known as the Care Inspectorate.

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

See answer 2.3 (a) above.

- c) How often did this occur?

Inspections carried out through the Care Commission/ Care

Inspectorate since 2009 were as follows:-

6 April 2009

3 March 2010

12 November 2010

6 March 2012

17 April 2012

14 March 2013

6 March 2014

5 November 2014

5 May 2016

2 August 2018

d) What did these visits involve in practice?

From the onset of Independent Inspections in 2009, carried out by the Care Inspectorate, these visits involved a practice-based audit of the service including foster carers'/children's files, individual and group interviews with Social Work Service staff, foster carers, young people and stakeholders, such as Educational Psychology.

Additionally, the Inspector observed and met with Fostering Panel members and held an individual interview with the Panel Chairperson.

The Scottish Government introduced the National Care Standards for Foster Care and Family Placement Services in 2011, and since then Care Inspectors have measured the quality of care and support to foster carers, children and staff against specific standards.

Between 2009 and 2015, the Care Inspectorate fostering inspections took place annually. Since then these have taken place bi-annually.

Present

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

No

f) If so, please give details.

Not applicable.

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Part B

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?

Yes

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

South Ayrshire Council's response to this question can only be based on the information which has been derived from the file searches carried out. On the basis of these file searches it is acknowledged that in a very small number of cases across a period of 84 years, there is information to suggest that abuse in foster care took place.

On the basis of the file reading, complaints deregistration and the abuse was within one foster family and included five victims.

- c) What is the basis of that assessment?

Our methodology outlines the processes undertaken to identify the extent of the abuse. From this 1 case emerged.

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?

Yes

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

On the basis of the file reading complaints, deregistration and inspection reports highlight that practice was a key issue. Case file reading shows a framework of assessment, support, reviews, and supervision. Therefore the extent of systemic failures was low.

In the analysis of systems in place and evidenced in case files of South Ayrshire Council 1995 – 17th December 2014 the assessment of the local authority is that review and monitoring systems are now in place which are robust and offer the framework and appropriate checks and balances to protect children.

However in the case referred to in section D (the **GID case), a number of important practice issues are highlighted around the placement of the children, the ability to maintain a holistic view, supervision of workers, non-engagement of foster carers in training, professional optimism and the ability of the couple to care for numbers of children at a particular age and stage of development and the engagement and intent of the foster carers themselves.**

In the particular case of the **GID foster carers, a number of review reports were commissioned, and further detail of these is provided in Section D. For example, the report by Duncan MacAulay dated 28th May 2012 highlights that systems and procedures are only as good as those who implement them. (See *No 17 of inventory*)**

Louise Long Acting Head of Children's Services, provides a report to the Executive Director on the 23rd of February 2012 where she identifies that in this case there was a systemic failure in that incidences of physical assault were not reported to the police. She then identified that "Audit activity throughout 2010/11 would indicate this is no longer an issue". (See *No 18 of inventory*).

- c) What is the basis of that assessment?

Our methodology outlines the processes undertaken to identify the extent of the abuse. From this 1 case emerged.

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

From the file reading it has been difficult to formulate a response to this question, given that 16 members of staff who were directly involved in the GID case, including 6 senior managers, left the Council's employment within a relatively short period of time following the 2007 allegations, and all prior to receipt of the Section 21 Notice. However the local authority did commission 2 independent reviews into the GID case in 2008 and 2012 and these reports help to highlight areas for improvement. Conclusions and recommendations are further detailed in Part D of this response.

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?

South Ayrshire Council's response to this question can only be based on the information which has been derived from the file searches carried out. On the basis of these file searches it is acknowledged that in a very small number of cases across a period of 84 years, there is information to suggest that there were deficiencies in our response to abuse in foster care.

In relation to the GID case the local authority does acknowledge that there were potential deficiencies in the response to concerns raised prior to the initial disclosure by the eldest child in placement, in 2007. However following the disclosures in 2007, all children were immediately removed from the placement.

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

The local authority's assessment is that the extent of such failures across the period of the Inquiry, was limited to the case of GID.

- c) What is the basis of that assessment?

This assessment is based on the file reading, which identified only one case of concern.

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

From the file reading it has been difficult to formulate a response to this question, given that 16 members of staff who were directly involved in the GID case, including 6 senior managers, left the Council's employment within a relatively short period of time following the 2007 allegations, and all prior to receipt of the Section 21 Notice. However the local authority did commission 2 independent reviews into the GID case in 2008 and 2012 and these reports help to highlight areas for improvement. Conclusions

and recommendations are further detailed in Part D of this response. (See *No's 17 and 19 of inventory*)

3.4 Changes

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

There is evidence of incremental improvement and changes to protect children in foster care from abuse. For example, the introduction of the **Fostering and Permanence Procedures and Practice Guide 2010 and 2011**, and increased reference checks on prospective carers adopted by South Ayrshire Council. *(See No 20 and 21 of inventory)*.

The independent reports referred to in Section D make a number of recommendations.

Had the **GID** case occurred more recently, current practice is to ensure that all the recommendations of external inquiries are fully implemented with a clear line of management responsibility to deliver each specific recommendation.

It should be noted that Duncan MacAulay states in his May 2012 report that significant processes and procedures have been introduced since 2007. *(See No 17 of inventory)*

The majority of his recommendations from the report presented in May 2012 have been implemented over subsequent years, with improvements in the following procedures and practices:

- Independent Chair appointed to the Child Protection Committee
- Implementation of the procedures recommended in the guidance document – “Managing allegations against foster carers and approved kinship carers - How agencies should respond” (Scottish Government 2013).
- Adoption of **Fostering and Permanence Procedures 2014**, including increased reference checks on prospective carers.
- Specific file recording guidance relating to fostering services.

(See No 22 of inventory – Case Recording Guidance for Family Placement and Adoption Staff, May 2019)

- A supervision recording tool and guidance on frequency of contact with a foster carer has been introduced to monitor the progress of a foster carer, their identified needs, training and support required. *(See No 23 of inventory – Foster Carer Support and Supervision Policy for Good Practice, April 2014)*
- Building on the United Nations Conventions of the Rights of the and the underpinning principle of the Children (Scotland) Act 1995 we have promoted the core tenant of listening to the voice of

the child. Working on an individual level social workers and supporting social workers aim to ensure that the views of the child are represented. For our looked after and accommodated children and young people we engage independent advocacy to ensure that their views can be central to any decisions made about them. More recently the formation from our Champions for Change group made up of previously care experienced young people offer to us a level of challenge and support to shape policy and practice that promotes the voice of the child. They have also taken on a central role in working with our Quality Assurance Reviewing Officers to in preparing children and young people for their reviews and gathering their voices. We also have available the Viewpoint system that children can access online to inform us of their views.

- A specific model of care to children in foster care has been adopted in relation to Nurture Principles. Information and training has been delivered to ensure that staff and carers within the fostering service utilise this within their practice.
- Guidance for foster carers has been implemented and monthly recording reports are completed by foster carers in respect of individual children in their care. These reports have been based on GIRFEC (Getting It Right for Every Child) and SHANARRI (Safe, Healthy, Achieving, Nurtured, Accepted, Respected, Responsible, and Included) principles and assist in the care planning for children in foster care. *(See No 24 of inventory)*
- Responses to complaints are dealt with through Council's LAGGAN complaints system. *(See No 25 of inventory – South Ayrshire Council Complaints Handling Procedure, April 2017)*
- Regular external inspections have taken place through the Care Inspectorate. The fostering service has been consistently graded 4's (Good) from 2013-to the present day. On occasion, in some areas of these inspections, a grading of 5 (Very Good) has been awarded.

As detailed in Section A, formal Inspections carried out through the Care Commission/ Care Inspectorate since 2009 were as follows:-

- 6 April 2009
- 3 March 2010
- 12 November 2010
- 6 March 2012
- 17 April 2012
- 14 March 2013
- 6 March 2014

- 5 November 2014
 - 5 May 2016
 - 2 August 2018
- Staffing structure within the fostering service has been reviewed and in recognition of the demands to the fostering service, support to foster carers and children in their care was increased. This resulted in a Family Support Worker role being required. Further review in 2015/2016 saw the creation of an additional Team Leader to the service.
 - In recent years, an internal audit and accountability process has been introduced following Inspection. Any recommendations or requirements from Inspections are discussed at a strategic level within the Health and Social Care Partnerships Integration Joint Board (IJB).
 - Service Improvement plans from 2013 to the present day have consistently noted the improvements required, operational actions taken and timescales for completion applied. *(For example see No 26 of inventory)*
 - Fostering Panel member training, recruitment and support has increased significantly with the development and adoption of specific Fostering and Permanence Panel guidance, 30th May 2018. *(See No 27 of inventory)*

However, despite the list of improvement activity, it has been difficult, from the papers available, to ascertain the full extent to which all the recommendations have been implemented.

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Part C

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

Past

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

Yes.

Part A of this document outlines the national legislative basis for providing foster care both in the past and present.

This would have varied over the time period of the Inquiry and relates to legislation and information available from South Ayrshire Council and its predecessor authorities' policy, procedure and process of when a child is accommodated.

Information available from Ayrshire Archives evidences organisational structure, funding and staffing stretching from 1930 – 1967 to support various duties, such as, oversight of children who were 'boarded out', appointment of Children's Officers to meet the duties of the Children Act 1948 and support to enable compliance with the Boarding Out of Children Regulations.

Part A also details the various structures that existed within the Strathclyde Region from 1975 – 1992.

Information from case file reading evidences that emerging Strathclyde Regional Council policies and procedures were in place and were being followed.

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

This awareness can be evidenced in those cases where national policy/guidance is cited in the local authority's own policy, guidance and procedures.

- c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?
- i. Child welfare (physical and emotional)
 - 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

South Ayrshire Council and predecessor authorities were aware of national policy and guidance across a large range of the above named.

As changes in legislation, policy and guidance were introduced, practice was developed to ensure adherence across services. For example, more robust Child Protection Procedures were introduced. The Child Care Strategy introduced by South Ayrshire Council in 2001 (updated in 2003) provided clear direction and expectation regarding the participation of children and gathering their views in relation to service provision. (See No 28 of inventory)

This also includes more clarity and structure for looked after children reviews (2005). (See No 29 of inventory – South Ayrshire Council Looked After and Accommodated Reviews)

Up-dated procedures were developed in respect of concerns at work. These included the Procedure for Reporting Concerns at Work, March 2006 (See No 30 of inventory) and Whistleblowing – Policy and Procedure for Reporting Concerns at Work, January 2019 (See No 31 of inventory).

With regard to records retention, the Council's procedures are contained in the Management Guidelines for Records Retention – Social Work Services 2015 (and updated 2016). (See No 32 of inventory).

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

Yes

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

The policies and guidance from predecessor authorities supported the progress in improvements around those policies and guidance implemented by South Ayrshire Council and would often be cited in the documentation.

Records indicate that effect was also given through improvements in briefings to staff, training, support and supervision processes.

f) If not, why not?

Not applicable

Present

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

There is more detailed recording and evidence through the case file reading that clear direction was developed in relation to:

- **The assessment of child welfare. For example, the use of BAAF standardised assessment tools and the emergence of GIRFEC practice.**
- **The gathering of children's views extending to others in the familial placement,**
- **Details of LAAC reviews, Carer reviews and Fostering and Adoption Panels to review and recruit foster carers.**
- **Action taken in relation to child protection concerns/ welfare / and carers parenting styles.**
- **The inception of guidance around record retention and whistleblowing**
- **Details relating to the recruitment of carers support and training provided.**
- **Record keeping in Family Placement Services, both for staff employed within the fostering service and foster carers.**
- **Training, support and supervision for foster carers.**

h) If so, please give details.

See 4.1 (g) above.

4.2 Local Authority

(l) Policy

Past

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

From 1930 to 1975, evidence comes from decisions by the various governing committees. These have been obtained through request of analysis of Council minutes by Ayrshire Archives. We have been unable to source original copies of local policies relating to this timeframe.

Subsequently Strathclyde Regional Council produced a number of policies regarding foster care from 1975 – 1996. Access to information received from archives by Glasgow City Council identifies the policy and procedure for the regional authority.

Reference is made to:

- **Foster Policy and Handbook. (See No 10 of inventory)**
- **Home or Away: Residential Child Care Strategy for the Eighties published circa 1983. (See No 33 of inventory)**
- **Foster Guidelines 1985.**

South Ayrshire Council in 2001 (updated 2003) produced a Children and Families Service Policy and Strategy. (See No 28 of inventory)

South Ayrshire Council produced Fostering Procedures and Practice Guidance in 2014. This has continued to be reviewed under the new Health and Social Care Partnership established in 2015.

The Foster Carers Handbook (by Ann Wheal, 1995) is also used by social workers to provide further guidance in relation to practice. (See No 34 of inventory)

The existing Fostering Service produced its own Carers Handbook (currently being up-dated). (See No 35 of inventory)

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

From overall analysis of information available from Ayrshire Archive Records, Strathclyde Regional Council and South Ayrshire Council the procedural aim / intention was to safeguard and promote the welfare of children.

Analysis of the evidence shows an evolving picture that responds to an understanding of the developmental needs of children, lessons learned in relation to the protection and safeguarding of children and the emergence of children's and parental rights as central tenet.

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

There is evidence from case file reading that foster carers attended training and had regular visits. Additionally, and more recently formal inspections, self-evaluation reports, completed by the fostering service for inspection purposes and feedback from Inspections provide evidence of recorded policy and procedure as well as improvement activity around this subject matter.

From 2013, a Service Improvement plan has been in place. This continues to be up-dated and reviewed in line with formal Inspection.

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

Child Welfare

1975-1996

Fostering guidelines have a section on health and medical issues. This was not confined to the statutory requirements for medicals both prior and during foster care. The 1985 guidelines include the observation that foster children are more likely to suffer from ill health and medical problems than other children and requiring the Supervising Social Worker to pay particular attention to the identification and amelioration of those health-related disadvantages.

1996-2014

2000 - Pilot project relating to mental health services for children and young people looked after and accommodated.

The Child's Views

1975-1996

In 1994 Strathclyde Regional Council introduced the 'Children's Rights Service' which updated the 'Charter of Right Responsibilities for Young People in Care' (1991) and identified the further steps necessary to incorporate the Charter into the Council's approach to its Children's Right Service. (See No 36 Of inventory)

In 1996 South Ayrshire Council introduced a Charter of Rights for Children. The Social Work Department developed these proposals, with particular attention being paid to the need to complement such rights with clear procedural and practice guidelines and training for staff on their implication. Each child was given a copy of the guidelines on their admission to care. The 1996 policy included the commissioning of Child Line to act as an external auditor of the Council's Children's Rights section.

Placement of siblings

The policy and procedures regarding siblings varied over the period of the Inquiry. There was a commitment to support sibling groups to remain together, where assessed as appropriate. Recruitment and approval of foster carers in a number of situations reflected this in their registration. For example, approval for a sibling group of 2 children.

The placement of child in foster care

Strathclyde Regional Council's child care strategy placed an emphasis on the need to place children in a family setting. The assessment was, as far as possible, a collaborative effort, involving the social worker, the family, the child, carers if appropriate, and any other relevant staff.

The particular placement of child with foster carers

The 1976 and 1986 Strathclyde Regional Council fostering guidelines laid down the following:

- Preparatory discussion to establish information about the child's background, which should be shared timeously with foster family
- Where possible, child to meet foster parents
- Details of previous schooling and discussions about which school child should attend (foster carer to meet Social Worker)
- Discussion about contact with natural parents
- Medical examination, preferably with own doctor and prior to going to foster home
- Arrives with sufficient clothing
- Check with foster parent what equipment is required
- Foster parents as well as the parents are aware of arrangements for next contact with the child, as prescribed in formal access agreement.
- Ensure have all the necessary information about child and share with foster parents

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

1975-1996

During the 1970s to 1990s Strathclyde Regional Council drew up a comprehensive suite of policies and strategies supported by implementation strategies. The Home or Away policy on residential child care forcibly argued for a much more specific and enforceable system of rights for children in care and their parents. The Department developed these proposals, with particular attention being paid to the need to complement such rights with clear procedural and practice guidelines and training for staff on their implication.

Policies, handbooks and manuals in the 1970s and 1980s all emphasise the importance of the continued involvement with natural parents and other members of their families. This included the Foster Policy and Guidelines introduced between 1975 and 1996.

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

Policies, handbooks and manuals in the 1970s and 1980s all emphasise the importance of the continued involvement with natural parents and other members of their families for all children in care.

Information sharing with the child's family

As above, policies, handbooks and manuals in the 1970s-1980s emphasised the rights of natural parents to information about their child. The 1986 Fostering Guidelines made the point that the shared-caring

nature of fostering demanded clarity of roles, good communication and information-sharing and explicit goals for placement of children.

Fostering Panels (including constitution, remit, frequency and record keeping)

The 1985/86 Fostering guidelines includes details of the decision-making process, its membership, role in assessment and review processes. The guidelines also included details of records to be created.

In the 1980s each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom to be the Chair, a Medical Adviser, an Educational Psychologist and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.

Recruitment and training of foster carers

Child care was a priority for the new Strathclyde Region and improving foster care was at the forefront of their programme. Together with new policies and guidelines, Strathclyde Regional Council had a number of campaigns to encourage the uptake in foster care. This increased public awareness of vulnerable children through the constructive use and co-operation of the media.

The recruitment process included group meetings, individual interviews and contacts with other foster-carers.

The 1986 guidelines for fostering outlines the following support to:

- Support temporary foster parents
- Support to permanent foster parents
- Support through contact with other foster parents
- Support through Foster Care Groups
- Strathclyde Foster Care Consultative Group

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

There is little evidence from the sources of information obtained from Ayrshire Archivists that provides evidence that a policy exists in relation to checks with employers for foster carers.

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

See answer to question 1.7(l) above.

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

The policy and procedures would reflect the legislation and regulations listed previously.

Its functions and responses were as laid out in the relevant statutes and regulations that pertained at the time: per answers to questions 1.3(i) a-b.

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

The Fostering Guidelines, 1986, includes details on processes on transfer of a child. The guidelines highlight the Social Worker's responsibility to ensure that the child's transition from the foster home to his own home, or to another placement, is carried out as easily as possible.

The Social Worker is required to prepare all parties for the change and ensure that they understand the sequence of events and the reasons for the move. The following steps are required:

- Medical examination by the family or foster parent's GP, not earlier than the day prior to the child leaving the foster home.
- The medical card, copies of any Place of Safety Orders, Warrants, Panel Supervision Orders and any other relevant documents to be collected from foster home when child leaves. Documents which came from home, i.e. the medical card, will be retained on child's file for reference in the event of future placement. If the child is moving to another placement, all these items will be transferred with the child.
- All clothing brought from the home should be returned. Social Workers to advise about other items to be taken when the child leaves. Any special new toy, along with any photographs, should also go with the child.

Child Protection

A number of manuals and procedures were produced to support the appropriate management of activities, including child protection. In 1971 Glasgow Corporation had produced the first guidance notes for Social Workers which were revised in 1979. There were new manuals regarding procedures regarding child abuse in 1979, 1983, 1989, 1993 (amended supplementary procedures). There were Child Protection Procedures produced by authorities in the West of Scotland in 2001 and South Ayrshires Procedures and manuals were up-dated from time to-time to reflect internal Child Protection processes and practice (2004, 2010). (See No 37 of inventory – South Ayrshire Child Protection Inter Agency Procedures 2004; and No 38 of inventory – South Ayrshire Council Child Protection Procedures 2018).

Complaints handling

The 1986 Fostering Guidelines outlines processes for dealing with foster parent complaints including:

- Again, foster parents and their care of a particular foster child
- By foster parents because of a dispute with the social work staff involved in their home and very often concerning a decision about a child in their care, or their continuing involvement as foster parents

Any complaint is to be immediately brought to the attention of the Area Officer responsible for the child and is to be acted on immediately.

If the complaint against foster parents is received from other professionals involved with a child who has been in the foster home, e.g. a teacher, doctor, another Social Worker, or from a neighbour or another member of the public, or from the child themselves, it must be immediately and thoroughly investigated.

The complainant to be interviewed by the foster parents' Social Worker and the Senior Social Worker and details of the complaint, together with an assessment of the quality of that complaint to be carefully recorded. The Area Officer for the foster home to discuss this with Area Officer for the child, if the complaint is as serious as an accusation of non-accidental injury, the relevant Child Abuse Procedures must be followed.

If at all possible, the decision to remove the child should be taken at a Child Abuse Case Conference, if appropriate, or at a Disruption meeting, which would be called in accordance with procedures already detailed.

Any decision as to whether or not to return the child, should be taken place at a formal Disruption meeting

Whistleblowing

There is no record of a whistleblowing policy from predecessor authorities. However, South Ayrshire Council developed its own procedure in 2006 and up-dated this in 2019.

Record retention

See 4.9 for details of record-keeping policies within Strathclyde Regional Council and South Ayrshire Council.

Many records were created before the policies and retention schedules described in 4.9 were introduced and were retained in line with statutory requirements.

The current Record Retention Policy for South Ayrshire Council was last updated in 2016.

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

Officers of the Council at the relevant time period.

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

The Policy and Procedure reflects the practice during the period of Strathclyde Regional Council (1975-1996). Policy and Procedure introduced by South Ayrshire Council has been developed, reviewed and up-dated in accordance with changes in law. A number of these policies as detailed in this submission occurred during 1996-2014.

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

Within the periods of Strathclyde Regional Council and South Ayrshire Council, policy and practices were reviewed frequently and in accordance with changes in law and national guidance as specified within this submission.

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

Policy was reviewed to bring policies into line with legislation, national and regulatory changes.

The 1976 policy and related guidelines were the first foster-specific policies for more than 40 years.

The 1986 Foster care guidelines, which replaced those in place in the 1970s, brought together the policies, practices and procedures relating to fostering in Strathclyde. Their production and distribution to all Social Workers emphasised the importance placed on the foster care service and the need for continuing development. The guidelines brought together existing policies and procedures and introduced new ones. These include all fostering assessments being presented to Adoption/Permanence and Fostering Panels; the role of the link worker; a written report on every placement; Foster Homes Reviews and the further right of Appeal.

This was further improved upon when the Looked After Children (Scotland) Regulations, 2009 were introduced. These significant changes have re-shaped fostering services. The recognition of functions, duties and responsibilities of fostering agencies, through the Regulations, has enabled and improved recruitment, approval, review, safeguarding and professional accountability in fostering services.

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

The 1986 guidelines brought together existing policies and procedures and introduced new ones. These include all fostering assessments being presented to Adoption/Permanence and Fostering Panels; the role of the link worker; a written report on every placement; Foster Homes Reviews and the further right of Appeal.

As stated in 4.2 (h) above, the 2009 Regulations provided much needed clarity and requirement around recruitment, assessment and review of foster carers. For example, additional statutory checks being completed in respect of applications including family members, ex-partners.

j) Why were changes made?

To meet any changes in legislation and regulation which underpin the development of the foster care service that had created greater expertise in recruitment, assessment, preparation and continued support for families and the children placed with them.

k) Were changes documented?

Yes.

l) Was there an audit trail?

Throughout the time period of the Inquiry, changes have taken place in line with local and national policy, procedure and legislation as detailed above. These changes have seen significant improvement in the fostering service as is evidenced in written procedures, reports and minutes.

Regular Care Inspectorate Inspections take place to review the fostering service and that practice, legislation and regulation is being followed. Additionally, adherence and audit activity takes place through Fostering Panel, internal case file reviews and supervision. The Health and Social Care Partnership, Integrated Joint Board audits Inspection activity and any follow up to requirements and recommendations made.

Present

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

Yes.

- n) If so, please give details.

The emphasis on good child practice adopted by predecessor authorities has continued to develop in South Ayrshire Council with additional practices, procedures and resources being advanced from 1996 to the present. These advancements reflect changes and learning from legislation, research and training. This includes processes being developed in line with looked after and accommodated children, independent advocacy for children to have their views heard and represented effectively and the appointment of Quality Assurance and Reviewing Officers who have an overview in respect of care planning meetings for children. Quality Assurance and Reviewing Officers have a specific role in chairing looked after review meetings for children. They are independent of case managers, social workers, line managers and families relevant to this reviewing activity.

Additionally, resources, training, practice and policy has been established in relation to foster care over this time period. This represents improvement to Panel processes, assessments of foster carers and reviews. An Independent Panel Chairperson was appointed in 2007 and the commitment to continue this crucial role remains in place to date.

(ii) Practice

Past

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

The documentary evidence shows a level of adherence across many of its policies and procedures.

- b) Did the local authority adhere in practice to its policy/procedures on the following:
- i. Child welfare (physical and emotional)
 - ii. The child's views
 - iii. Placement of siblings
 - iv. The placement of a child in foster care
 - v. The particular placement of a child with foster carers
 - vi. Contact between a child in foster care with his or her family
 - vii. Contact between a child in foster care and other siblings in foster care
 - viii. Information sharing with the child's family
 - ix. Fostering panels (including constitution, remit, frequency and record keeping)

- x. Recruitment and training of foster carers
- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the 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

Evidence from case file reading undertaken by Social Work Officers and checking of Ayr County Council minutes by Ayrshire Archives highlights an adherence across many of the policies and procedures named above.

In respect of policies regarding visits, these policies were adhered to over much of the time of the Inquiry. In the present day, clarity and scrutiny over visits takes place through a procedure developed, supervision, report writing and foster carer reviews.

Additionally, the Fostering and Permanence Panel Procedures (2018) provide evidence of significant improvement in reviews of foster carers including statutory checks, training, and monitoring of foster carers' ability to continue in their role as a foster carer. Minutes of these meetings clearly state its purpose under Fostering Regulations and the focus that the Panel members should draw upon.

- c) How was adherence demonstrated?

Case Recordings, chronologies, minutes from a variety of meetings including Foster Carer reviews demonstrates adherence to many of the policies.

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

Policy and Procedure has been up-dated to reflect expectations and requirements. Foster Carer review minutes have improved significantly to ensure that the requirements of foster carers are accurately reflected and actions of the agency accounted for.

The minute has a clear structure for recording, outlining the key quality assurance requirements of the Fostering Panel and the actions for the Agency Decision Maker to consider. (See No 39 of inventory – South Ayrshire Council Fostering Panel Foster Carer Approval Minute template)

- e) Were relevant records kept demonstrating adherence?

Together with written policy and procedure and from the file reading and records held, adherence can be demonstrated through the provision of written Fostering Panel minutes, case recordings and supervision records.

- f) Have such records been retained?

Yes. As detailed in 4.2 (e) above.

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

Information from Glasgow City Council archive indicates that for a short part of the period of the Inquiry the predecessor authorities of South Ayrshire Council did not fulfil the numbers of visits. The large number of children coming into the system put tremendous pressure on resources. Remedying this was a priority for Strathclyde Regional Council, who immediately put into place the required policies/procedures needed.

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

As detailed in 4.2 (g) above.

Present

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

Yes.

- j) If so, please give details.

The local authority has developed its own systems and processes, coupled with specific policy/guidance reflecting legislative duties and responsibilities. This includes practice relating to visits with children in foster care, contact with family members, complaints, allegations and care planning, as detailed in the Foster Carers Handbook and Fostering Procedures and Practice Guide.

Evidence from case file reading highlights an overall adherence to demonstrate that all children looked after by foster carers had contact arrangements with parents and siblings.

Analysis of carers' files highlights that for the majority of cases there were regular visits, background checks of carers, review and supervision. Also highlighted is where there is a concern that the carer is not adhering to policy and guidance, support and actions are taken to

address this. Within the foster carers' files the majority of cases highlighted an adherence to policy and practice.

Additionally, specific practice procedures, reflect the requirements of the Looked After Children (Scotland) Regulations, 2009, in relation to duties and expectations in the recruitment, assessment, approval, review, support and supervision of foster carers.

4.3 Children

(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?

From 1930 to 1975, evidence comes from decisions by the various governing committees. These have been obtained through request of analysis of Ayr County Council minutes by Ayrshire Archives. We have been unable to source original copies of local policies relating to this timeframe.

Subsequently Strathclyde Regional Council produced a number of policies regarding foster care from 1975 – 1996. Access to information received from archives by Glasgow City Council identify the policy and procedure for the regional authority.

Reference is made to:

- **Foster Policy and Handbook.**
- **Home Or Away: Residential Child Care for the Eighties published circa 1983.**
- **Foster Guidelines 1985**

South Ayrshire Council in 2001 (updated 2003) produced Children and Families Services Policy and Strategy.

South Ayrshire Council produced Fostering Procedures and Practice Guidance in 2010 and 2011. These continue to be reviewed under the Health and Social Care Partnership, established in April 2015.

The Foster Carers Handbook (Wheal,1995, 2000) is also used by social workers to provide further guidance in relation to practice.

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

Relating to the period of Ayr County Council although not explicitly recorded in Committee minutes etc., the policy and procedural aim/intention would appear to be to ensure consistent and appropriate care to children who were in need of protection and support, and that their needs were being responded to appropriately by approved foster carers.

In the period relating to Strathclyde Regional Council, records available from Glasgow archives highlight service priorities in 1975 that would:

- **Stem wastage rate of foster parents by providing adequate support services; Supervision by social workers; group support; provision of factual information for foster parents; back-up services; financial support.**
- **Encourage recruitment of all types of foster parent**
- **Identify the needs for foster care**
- **Dealing with limitations, including inadequacy of social work staff resources; recruiting sufficient numbers of suitable foster parents**

Home Or Away: Residential Child Care for the Eighties published by Strathclyde Regional Council in 1983 identified that children and young people have “the right to the best possible quality of life while in residential care”.

South Ayrshire Council, Social Work Housing and Health (Children’s Services) have published a number of policies that related directly or encompass policy relating to this area, for example:

- **Child Care Strategy, 2001 (up-dated in 2003)**
- **South Ayrshire Council (SAC) Looked After Review Procedure 2005- *introduced specific guidance for staff in relation to the role and function of looked after reviews, including role of the Foster carer.***
- **Looked After Children (Scotland) Regulations 2009 – *provides specific guidance and regulation around rights, responsibilities, duties and powers in respect of looked after children, including clear guidance around recruitment, assessment, approval and review of Foster Carers.***
- **SAC Fostering Procedures 2010 and 2011 – *to provide specific guidance and support to staff involved in Fostering function.***
- **SAC Looked After Children’s Procedures – *updated in 2014 and presently being updated. Expected completion by April 2020***
- **SAC Foster and Permanence Panel Procedures 2018 – *guidance for all staff involved in Panels as well as those attending Panels.***

Children and Families Services Policy and Strategy (2001, 2003) references the strategic aims of the Children’s Service Plan 2001 – 2004.

- **To promote and support family life.**
- **To promote all aspects of child safety.**
- **To develop an inclusive Educational Service for all South Ayrshire children and young people.**

- To develop effective joint assessment structures for looked after children and young people, including key partnership services and agencies.
- To continue to develop services and resources which support vulnerable children, young people, families and families who are homeless.

The policy and strategy document also affirms its commitment to deliver the principles of the United Nations Convention on the Rights of the Child, the Human Rights Act 1998 and the Children (Scotland) Act 1995.

This document also identifies several performance targets that specifically relate to the care of children in foster care:

- The rolling programme of Foster Care Training will be reviewed annually
- Decrease the number of placement disruptions and Comply with National Standards to Support Carers and children in placement.
- Increase the number of 12 plus age group who are accommodated in family placements (measured by the analysis of statistical data).
- Increase number of children rehabilitated back to their family.
- Increase the number of placements available by focussing on the completion of prospective carers' assessments.
- Monitor timescales in relation to permanency to meet the National Target of 6 months.
- Increase number of familial placement available by liaison with private agencies and networks.

South Ayrshire Council's Health and Social Care Partnership Fostering Procedures and Guidelines set out the Council's philosophy, values and consideration of the particular needs of this group of children and young people.

"Councils, in taking on the role of parent, and whatever the legislative basis for placements, must provide a safe environment and one which helps children and young people have their educational, emotional and developmental needs met and which takes account of their traumatic/damaging life experiences and missed opportunities. There must be opportunities for children and young people to maintain appropriate

contact with their birth families, provided it is in their interests, in terms of s.17(1)(c) of the 1995 Act. In placing a child or young person, the Council must take account of religious, cultural and ethnic factors in children and young people's backgrounds, in terms of s. 17(4)(c) of the 1995 Act. And the views of children and young people, and of their families, must be taken account of in terms of s.17(3) and (4) of the 1995 Act.

In recruiting, assessing, supporting, monitoring and training foster carers to undertake this role, Councils must be mindful of the need for safety and to keep children and young people safe from harm and abuse.

Children and young people placed in foster care have a lot of specific and individual needs. All will experience loss, trauma, disruption and dislocation of, and from, everything that is familiar. This will be so, even if there are aspects of their home circumstances which have been very detrimental and traumatic.

Some will have had experience of abuse and neglect: physical, emotional and sexual. They will have experienced a combination of trauma and inconsistency in the provision of positive experiences. These experiences will often be seen in their behaviours.

It is important that foster carers understand the very special tasks that are involved in caring for a child with these experiences. "

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

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Evidence comes from decisions by the various governing committees of Ayr County Council.

Information received from Glasgow City Council in relation to the period of Strathclyde Regional Council indicates a number of policy documents that were published. We have been unable to access hard copies of these documents.

The following documents were published by SAC in the identified years. Initially these were available in hard copy but electronic versions also exist:

- **Child Care Strategy document, 2001 (up-dated 2003)**
- **South Ayrshire Council (SAC) Looked After Review Procedure 2005-** *introduced specific guidance for staff in relation to the role and function of looked after reviews, including role of the Foster carer.*
- **Looked After Children (Scotland) Regulations 2009 –** *provides specific guidance and regulation around rights, responsibilities, duties and powers in respect of looked after children, including clear guidance around recruitment, assessment, approval and review of Foster Carers.*
- **SAC Fostering Procedures 2014 –** *to provide specific guidance and support to staff involved in Fostering function.*

- **SAC Looked After Children's Procedures** – updated in 2014 and presently being updated. Expected completion by April 2020
- **SAC Foster Panel Procedures 2017** – guidance for all staff involved in Panels as well as those attending Panels.

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

Safeguarding

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded and we cannot offer comment.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period indicates a number of policy documents that were published. We have been unable to access hard copies of all documents.

Information from the South Ayrshire Council Children and Families Services Policy and Strategy identify a clear assessment and review process in relation to identifying need and providing support and intervention to promote safeguarding. Policy also refers to Screening Resource Group who hold oversight and access to external provision where this is assessed as required.

This assessment process is superseded by the National Practice Model and the inception of GIRFEC.

South Ayrshire Council s Health and Social Care Partnership Fostering Procedure and Practice Guidance identify specific areas of consideration that need to be considered by the assessing social worker and SAHSCP foster panel procedure outlines consideration for the Panel to safeguard and promote the welfare of children.

As cited earlier in this document, the Foster Carers Handbook (Wheal,1995, 2000) references this area.

Child Protection

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded and we cannot offer comment.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period indicates that a number of manuals and procedures were in place including on child protection. It is reported that the first guidance procedures were issued to social workers in 1971 with subsequent review and update in 1979, 1983, 1989 and 1993. A number of policy documents were also published.

In 2001 the West of Scotland Child protection procedures were introduced. Subsequently the National Guidance for Child Protection was published in 2010 and updated in 2014, which has been the basis for the provision of child protection policy and practice.

The Foster Carers Handbook (Wheal,1995, 2000) also references this area.

Medical care

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period does not specifically reference to medical care in its policy and practice. We do not however suggest that this was not a common consideration in assessment and intervention.

In terms of the South Ayrshire Council period, the provision of medical care would be addressed through the assessment processes identified in previous assessment frameworks. The introduction of GIRFEC established the Team around the Child model with further integration of agencies who would deliver specific expertise to meet the needs of children. There is specific reference to this in South Ayrshire Council's Health and Social Care Partnership Fostering Procedures and Practice Guidance (SAC 2014, p12-13), that when considering and making placements, medical care is considered.

Over the time period of the Inquiry, the appointment of a specific nurse for looked after children was introduced. The Looked after Children's Nurse has responsibility for initial health assessment in relation to children being accommodated and triaging to other health or medical services as required from the initial health check.

The Fostering Agreement (2010) also makes specific reference to medical matters.

The Foster Carers Handbook (Wheal,1995, 2000) references this area.

Children's Physical Wellbeing

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period, identifies that children's physical well-being was a key consideration through a number of review processes.

In terms of the South Ayrshire Council period, the consideration of a child's physical wellbeing would be addressed through the assessment processes identified in previous assessment frameworks. The introduction of GIRFEC established the Team around the Child model with further integration of agencies who would deliver specific expertise to meet the needs of children. There is specific reference to this in SAHSCP Fostering Procedures and Practice Guidance (SAC 2014, p12-13) that when considering and making placements, the physical wellbeing of children is considered. Furthermore policy and regulation relating to looked after children also ensures that the consideration of a child's physical wellbeing remains a core tenet.

The updated implementation of the South Ayrshire Council Foster Care Agreement 2016 also identifies the promotion of physical wellbeing within the core requirements of carers.

The Foster Carers Handbook (Wheal,1995, 2000) references this area.

Children's Emotional and Mental Wellbeing

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to the period of Strathclyde Regional Council identifies that children's emotional and mental wellbeing was a key consideration through a number of review processes.

In terms of the South Ayrshire Council the consideration of a child's emotional and mental wellbeing would be addressed through the assessment processes identified in previous assessment frameworks. The introduction of GIRFEC established the Team around the Child model with further integration of agencies who would deliver specific expertise / interventions to meet the needs of children.

There is specific reference to this in SAHSCP Fostering Procedures and Practice Guidance (SAC 2014, p12-13) that when considering and making placements, the physical wellbeing of the child is to be considered. The introduction of the SAC Foster Care Agreement 2016 identifies the promotion of physical wellbeing within the core requirements of carers.

Furthermore policy and regulation relating to looked after children also ensure that the consideration of children's emotional and mental wellbeing remain a core principle.

The Foster Carers Handbook (Wheal,1995, 2000) references this area.

Schooling/education

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period, identifies that the document Home Or Away: Residential Child Care for the Eighties (1983) includes the following principles in relation to schooling/education:

- The need for greater links to be developed between SRC Social Work and schools.
- The provision of a key worker with the identified role to liaise and offer advice and support/ interventions.
- Identification of the most appropriate setting for schooling discussed and established within two days of admission.

In terms of South Ayrshire Council the consideration of a child's schooling and educational wellbeing would be addressed through the assessment processes identified in previously mentioned frameworks. In addition to this further tracking of development and attainment would be the regular routine of educational setting and needs addressed through the provision of additional support. The introduction of GIRFEC established the team around the child model with further integration of agencies who would deliver specific expertise / interventions to meet the needs of children.

There is specific reference to this in SAHSCP Fostering Procedures and Practice Guidance (SAC 2014, p12-13) in when considering and making placements that schooling and education is considered. Furthermore policy and regulations relating to looked after children also ensure that the consideration of the most appropriate education placement prior to transition remain a core principle.

The Foster Carers Handbook (Wheal,1995, 2000) references this area.

Discipline

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Physical punishment and assault on children in foster care is not acceptable by the local authority. It is recognised that Foster Carers will be expected to deal with behaviours in children that are reflective of their age and stage of development. Alternative methods employed are based on Nurture Principles and should be a “natural consequence”. Foster Carers are trained to help them understand the meaning behind the child's behaviours and to respond calmly, sensitively and in a nurturing manner.

Where inappropriate discipline is being found, consideration would be given to the foster carers behaviour and appropriate action taken. This may include a review at Fostering Panel, or in more serious situations, Police involvement.

Activities and holidays for children

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to Strathclyde Regional Council period references a 1979 Social Work manual that listed centres that offered holidays to children in local authority care.

In terms of the South Ayrshire Council period, the consideration of a child's holiday and breaks would largely be covered in terms of the our Looked After and Accommodated Procedures. These reference the permissions and consent required by managers where a young person is on holiday within the UK and beyond. SAHSCP council produced guidance to inform works of the requirements and

Sharing a bedroom

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to Strathclyde Regional Council period does not identify any specific policy with regards to the sharing of bedrooms.

SAHSCP Fostering Procedures and Practice Guide (2011,2014) outline the consideration of the assessment and review carers. Detailed within the assessment of space within the family home and consideration of the age and stage of the child.

The Foster Carer Handbook (Wheal, 1995,2000) indicates that ideally children should have their own room. This is considered through the Fostering and Adoption and Panels when approving carers and matching.

Contact with Family Members

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to Strathclyde Regional Council period is reflected in 4.2(i) of this submission.

The Foster Care Agreement (SAHSCP, 2011,2016) identifies arrangements for contacts indicating that these are largely part of the child's plan. Additionally, contact may be determined by the Court or Children's Hearing. It identified the role of the child's social worker in coordinating and recording arrangements for contact.

The Foster Carer Handbook (Wheal, 1995,2000) also reflects this.

Contact with Siblings

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to Strathclyde Regional Council period is reflected in 4.2(i) of this submission.

The Foster Care Agreement (SAHSCP, 2011,2016) identifies arrangements for contacts indicating that these are largely part of the child's plan. Additionally contact may be determined by the Court or Children's Hearing. It identified the role of the social worker in coordinating and recording arrangements for contact.

The Foster Carer Handbook (Wheal, 1995,2000) also reflects this.

Celebration of birthdays and other special occasions

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period is reflected in 4.2(i) of this submission.

SAHSCP Fostering Procedures and Practice Guide (2010 and 2011) outline arrangements for celebration of birthdays and other special occasions. These are also identified in Policy and Guidance relating to fostering allowances. SAHSCP Foster Placement Agreement 2011, 2016 also references this are under additional payments.

Information sharing by the foster carer with family members

As previously intimated for the period relating to 1930 – 1975 we have been unable to ascertain where these were recorded. Therefore we cannot offer comment.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period is reflected in 4.2(i) of this submission.

Arrangement for sharing of information with birth parents by the relevant service would be determined by assessment and detailed in the child's plan. The policy pertaining to this is the Looked After and Accommodated Procedures. SAHSCP Fostering Procedures and Practice Guide (2011, 2014) highlights the role of the supervising social worker to provide support as a general matter.

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

Senior and Chief Officers within the local authority and its predecessor authorities compiled policy and procedure.

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

Years are provided for relevant documents where we have been able to ascertain this information. Notwithstanding this, as many of these appear to be reviewed and updated their implementation may pre-date that indicated. There are no specific dates provided to advise when the policies and procedures were put in place. They would appear to have been compiled throughout the time period of the Inquiry. In line with changes in legislation and national guidance, policy and procedure would be up-dated from time to time.

g) Were such policies and/or practices reviewed?

Yes. For example, with the implementation of the Children (Scotland) Act 1995, changes to “in-care” reviews became “looked after children’s reviews”.

Several SAC/SAHSCP policies show updating i.e.:

- Foster Placement Agreement
- Fostering Procedures and Guidelines
- Holiday Authorisations for Looked After Children. *(See No 40 of inventory)*

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

Reviews took place for the purposes of up-dating practice and process in accordance with legislative, regulatory and best practice changes.

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

Throughout the time period of the Inquiry to the present day, substantive changes have taken place and include the following documentation outlining practice and procedure:

- Foster Carers Handbook
- Looked After Children’s Review Procedures
- Fostering Criteria and Procedures. *(See No 41 of inventory – South Ayrshire Health and Social Care Partnership Fostering and Adoption Services: Assessment/Approval Criteria)*

j) Why were changes made?

Changes were made to reflect a variety of circumstances including variation in legislation, national policy and research. Additionally, where policy and procedure required clarity, it provided direction, guidance and support to front line staff and foster carers.

k) Were changes documented?

Yes.

l) Was there an audit trail?

Throughout the time period of the Inquiry, changes have taken place in line with local and national policy, procedure and legislation as detailed above. These changes have seen significant improvement in the fostering service as is evidenced in written procedures, reports, minutes and external Inspections since 2009. However with South Ayrshire Council/ SAHSCP there is no database available to chart the policies / procedure. The local authority does not appear to routinely use document control to reflect alterations and implementation.

Present

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

No.

n) If so, please give details.

Not applicable.

(ii) Practice

Past

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

Evidence from case file reading undertaken by Social Work Officers and checking of Ayr County Council minutes by Ayrshire Archives highlights an overall adherence in practice by local authorities over the period of the Inquiry.

We have no information from Glasgow City Council in respect of Strathclyde Regional Council period that would allow analysis of practice. Accessing files through Glasgow and Ayrshire Archives was difficult to achieve and was hampered by the pandemic lockdown.

However, files held locally evidence a strong adherence in practice

- 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

Analysis of case files and case notes within the sample files evidence that all matters above were considered.

- c) How was adherence demonstrated?

Adherence can be demonstrated through recordings of children's plans, review minutes and in most cases, case recordings.

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

In relation to South Ayrshire Council we can provide copies of our analysis and spreadsheets in relation to case file.

- e) Were relevant records kept demonstrating adherence?

Yes.

- f) Have such records been retained?

Yes. Records are held in paper files. Where appropriate and from 2003, electronic copies of minutes are held. Over time and in line with local policy, children's details are stored in electronic pathways. This includes all looked after details of the child and information regarding the individual plans for the child.

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

Evidence from case file reading undertaken by Social Work officers and checking of Ayr County Council minutes by Ayrshire Archives highlights an overall adherence in practice by local authorities over the period of the Inquiry.

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

Not applicable.

Present

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

No.

- j) If so, please give details.

Not applicable.

4.4 Foster carers

(i) Policy

Past

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

From 1930 to 1975, evidence comes from decisions by the various governing committees. These have been obtained through request of analysis of council minutes by Ayrshire Archives. We have been unable to source original copies of local policies relating to this timeframe.

Subsequently Strathclyde Regional Council produced a number of policies regarding foster care from 1975 – 1996. Access to information received from archives by Glasgow City Council identifies the policy and procedure for the regional authority.

Reference is made to:

- **Foster Policy and Handbook.**
- **Home Or Away: Residential Child Care for the Eighties published circa 1983.**
- **Foster Guidelines 1985**

South Ayrshire Council in 2001 (updated 2003) produced Children and Families Services Policy and Strategy.

- **SAHSCP produced Fostering Procedures and Practice Guidance in 2014.**
- **The Foster Carers Handbook (Wheal,1995, 2000) is also used by social workers to provide further guidance in relation to practice.**
- **The Foster Care Agreement (SAHSCP, 2011,2016) identifies key areas and guidance for foster carers.**

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

Although not explicitly recorded in Committee Meeting minutes etc, the policy and procedural aim would appear to be in relation to the recruitment and need for foster carers within the local authorities to provide safe, alternative care to children when they were unable to be cared for by their families. Ultimately, the welfare and protection of children has been central to the procedures in place at those times.

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

From 1930-1975, Ayr County Council Committee minutes appear to provide some evidence demonstrating priorities and expansion to fostering services, including staffing and resources. From 1975-1996, Strathclyde Regional Council developed and implemented written procedures to reflect foster care, as detailed in the Foster Carer Handbook referred to in response 4.4(i)(a) above. With regard to the South Ayrshire Council period, reference is made to 4.4(i)(a) above.

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

Recruitment

From 1930 – 1975 there is evidence within the Ayr County Council Minutes relating to the identification of suitable persons to foster children. It is difficult however to establish the procedure for this, as there is little information in the Minutes regarding this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period indicates that a policy in relation to recruitment was covered in the following.

- Foster Policy and Handbook.
- Foster Guidelines 1986

Within South Ayrshire Council the following documents refer to recruitment of carers.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)

Standard and size of accommodation.

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

Within South Ayrshire the undernoted documents refer to the assessment of living space and provide guidance in relation to sleeping arrangements.

Additionally, the Form F (assessment tool) addresses this within the assessment and an expectation of living space being available for a child being cared for by a foster carer.

Initial enquiries and visits undertaken to prospective foster carers requires room space specifically for a child and that it is well ventilated.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)

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

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by GCC relating to SRC does not mention anything specific in relation to this.

Within South Ayrshire the following documents refer to this area.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)

Pre-approval/registration checks

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)

References

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)

Foster care agreements

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this. However reference to the Foster Parents Handbook (SRC) identified guidance and processes.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

Induction

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this. However reference to the Foster Parents Handbook (SRC) identified guidance and processes.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

In addition to these the Family Placement and Adoption Team have developed a local induction pack for new carers which includes the Learning and Development Portfolio Foster Carer, introduced in April 2019. (See No 42 of inventory).

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

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

In relation to South Ayrshire Council the following documents are referenced.

- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- Transfer of foster carers protocol Scotland (2015)

Review/supervision

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this. However reference to the Foster Parents Handbook (SRC) identified guidance and processes.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

Training

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this. However reference to the Foster Parents Handbook (SRC) identified guidance and processes.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

Personal development

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this. However reference to the Foster Parents Handbook (SRC) identified guidance and processes.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

Disciplinary Actions

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this. However reference to the Foster Parents Handbook (SRC) identified guidance and processes.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

Removal of approval/registration

From 1930 – 1975 there is no evidence of the consideration of this.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period references that the Foster Guidelines 1986 the process and situation which may lead to deregistration for foster carers.

In relation to South Ayrshire Council the following documents reference this.

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)

e) Who compiled the policies and/or procedures?

Senior and Chief Officers within the local authority and its predecessor authorities compiled policy and procedure.

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

Years are provided for relevant documents where we have been able to ascertain these. Notwithstanding, many of these appear to be reviewed and updated, and their implementation may pre-date that indicated. There are no specific dates provided to advise when the policy and procedure was put in place. They would appear to have been compiled throughout the time period of the Inquiry. In line with changes in legislation and national guidance, policy and procedure would be up-dated from time to time.

g) Were such policies and/or practices reviewed?

Yes.

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

Review of policies and practice took place as a result of legislation and regulatory changes. Additionally, learning from significant incidents and allegations of abuse necessitated reviews to internal processes.

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

Significant changes have taken place in relation to assessment of Foster Carers. This includes the completion of statutory checks including ex-partners and adult family members living in the same household as the applicant. From case file reading this appears to have taken place from 2000/2001.

Additionally, the expectation and requirement of foster carers completing training and supervision has been developed.

There was a recognition that changes were required to be made in line with local and national guidance, significant case reviews and research.

- j) Why were changes made?

Changes were made as a result of legislation and regulatory changes. Additionally, learning from significant incidents and allegations of abuse necessitated reviews to improve local authority internal processes.

- k) Were changes documented?

Yes.

- l) Was there an audit trail?

Through the foster carers' supervision and at their reviews at the Fostering Panel there is evidence of audit activity.

Present

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

Yes.

- n) If so, please give details.

The local authority has implemented a Learning and Development Portfolio in 2019 with a requirement for foster carers to complete 30 hours of training within their first year of approval. This is reviewed within their first review at the Fostering Panel.

(ii) Practice

Past

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

Yes.

Evidence from file reading presented shows that for the majority of the files reviewed, the policy and procedure were adhered to. These are provided in Case File Analysis and Child's Case File Analysis. (See No 43 of inventory)

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

Recruitment

Information obtained by Ayrshire Archives from Ayr County Council Minutes across the period 1930 to 1975 is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period provides no specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that for the majority of the files reviewed the policy and procedure relating to recruitment was adhered to. This is present in Fostering Panel minutes and also records and correspondence during the phases of recruitment.

Standard and size of accommodation

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that for the majority of the files reviewed this area was considered. This is present in the assessment of the suitability of the carers and also matching and placement considerations covered in Fostering Panel minutes.

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

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that for the majority of the files reviewed this area was considered. This is present in the assessment of the suitability of the carers and also matching and placement considerations covered in Fostering Panel minutes.

Pre-approval/registration checks

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that for the majority of the files reviewed this area was considered. This is present in the assessments of the suitability of the carers and also matching and placement considerations covered in Fostering Panel minutes.

References

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Case File Analysis shows that for the majority of the files, references were taken up prior to approval. Some are, however, limited in scope, being from family and friends of applicants, and there was no requirement for references from other, eg the school where the children of applicants attended. Additionally, employers' references do not appear to have been routinely required. However current practice in this area has improved, with such independent references now being a requirement.

Foster care agreements

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Case File Analysis shows that for the majority of the files read, Foster Care Agreements were in place.

Induction

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Case File Analysis shows that for the majority of the files, carers attended induction. However, there are cases where induction was not attended by both carers.

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

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council, evidence from Fostering Panel minutes demonstrates that the Fostering Network's Transfer of Foster Carers Protocol Scotland (2015) has been implemented. (*See No 44 of inventory*).

Review/supervision

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that for the majority of the files, regular review and supervision by supervising social workers was present.

Training

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that for the majority of the files read, identification of learning opportunities, guidance and training and was present.

Personal development

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that for the majority of the files, during the supervision support sessions, the personal development needs of carer were addressed and guidance and support given to nurture this.

Disciplinary actions

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that where there was cause for concern that did not reach the threshold of potential deregistration, matters were addressed with the foster carer. Records also show that supervision and increased support around these periods was provided to address concern.

Where a concern or allegation of abuse has taken place, a fostering review has taken place.

Removal of approval/registration

Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council evidence from file reading presented in Carers Case File Analysis shows that removal of approval and deregistration did occur as a result of allegations of welfare concerns and alleged physical and sexual abuse.

c) How was adherence demonstrated?

Adherence was demonstrated through access to information held within Ayrshire Archives, file records and electronic systems in place from 2003. Additionally, and from 2009, specific feedback from the Care Inspectorate on the performance of the Fostering Service has been utilised in response to this section. It is clear from these Inspections that the Fostering Service has continued to make improvements around practice, procedure and processes.

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

Adherence can be demonstrated to the Inquiry through various sources of information the local authority has obtained as identified in 4.4 (c) above including:

- Child-In-Care and Looked after review reports/minutes
- Health assessments
- RIC/ BAAF Health Record
- Foster Carer training records demonstrating awareness of trauma and attachment on children's overall development
- Records and reports of direct therapeutic interventions with looked after children
- Information in files citing referrals and reports from Child & Adolescent Mental Health Service (CAMHS)
- Educational reports and support plans for looked after children
- Risk assessments, consent forms and authorisation documentation for looked after children to go on holidays
- Contact plans
- Verbal and written communication between Foster Carers and parents/family members
- Case records, indicating observations of children's sleeping arrangements
- Foster Carer feedback sheets
- Foster Carer Supervision Records
- Foster Carer Review paperwork
- Fostering Panel Minutes
- Foster Carer and Child Case Records
- Care Inspectorate Reports
- Life story work with looked after children
- Child protection reports
- Care Commission/Inspectorate reports from 2009

e) Were relevant records kept demonstrating adherence?

The documents above are unique to the circumstances of each cases. Some are common in and there is evidence of these in individual case files . Examples of common files would be

- Child-In-Care and Looked after review reports/minutes
- Health assessments
- RIC/ BAAF Health Record
- Foster Carer training records demonstrating awareness of trauma and attachment on children's overall development
- Educational reports and support plans for looked after children
- Risk assessments, consent forms and authorisation documentation for looked after children to go on holidays
- Contact plans
- Case records, indicating observations of children's sleeping arrangements
- Foster Carer feedback sheets
- Foster Carer Supervision Records

- Foster Carer Review paperwork
- Fostering Panel Minutes
- Foster Carer and Child Case Records
- Life story work with looked after children

f) Have such records been retained?

Yes these exist in case files. .

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

Not applicable.

Present

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

Yes.

i) If so, please give details.

The local authority has implemented a Learning and Development Portfolio with a requirement for foster carers to complete 30 hours of training within their first year of approval. This is reviewed within their first review at the Fostering Panel.

4.5 Other members of the foster carer's household

(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?

From the file reading, there is some evidence that from the year 2000, statutory checks were carried out in relation to other family members of a foster carer's household. This was relevant to family members living in the same household or nominated family members that may have a supportive caring role to children cared for by a foster carer. For example, babysitting responsibilities.

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

The procedural aim was to safeguard the wellbeing of children and to ensure that any appropriate person caring for children, other than the approved foster carer, had no criminal convictions against children.

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

This procedure is recorded within foster carer files, records, and the local authority electronic systems.

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

Senior and Chief Officers compiled the policies and procedures.

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

Years are provided for relevant documents where we have been able to ascertain these. Notwithstanding, many of these appear to be reviewed and updated, and their implementation may pre-date that indicated. There are no specific dates provided to advise when the policy and procedure was put in place. They would appear to have been compiled throughout the time period of the Inquiry. In line with changes in legislation and

national guidance, policy and procedure would be up-dated from time to time.

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

Yes.

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

Reviews took place as a consequence of regulatory guidance and as a result of national case reviews.

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

Over time, statutory Police checks as part of a fostering application and review have become mandatory for adult members (those over 16 years of age) living in the same household as the foster carers. Additionally, a “culture” of a fostering family has developed which has led to significant improvement in the quality of assessment and is fully inclusive of other family members of the household and the contribution they will have in the lives of a child living with them through foster care.

- i) Why were changes made?

From the files read and prior to the year 2000, where evidence from file reading exists, it is unclear if a policy or procedure for other members of the foster carers household existed in the predecessor years.

However, the change that took place would appear to have come from national guidance informing practice.

- j) Were changes documented?

Yes.

- k) Was there an audit trail?

There is evidence of audit activity contained within fostering applications/assessments.

Present

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

Yes.

- m) If so, please give details.

It is now common practice that members of the same household of a foster carer, who are over the age of 16 years, have statutory Disclosure Scotland checks completed on them.

Where a Disclosure Scotland check is returned with noted convictions or cautions on a member of the same household as the applicant, and is not considered to be a contraindication to fostering, a report is completed by the Assessing Social Worker and submitted to the Chief Social Work Officer/Head of Service for their consideration regarding the suitability of the assessment continuing.

(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?

From the records obtained and the inception of national guidance, adherence in practice can be demonstrated in some situations. From the records read, checks on other members of the foster carer's household do not appear to have been a common practice. There is more evidence in recent foster carer records, electronic systems and fostering minutes reporting this as a practice adopted by the local authority.

- b) How was adherence demonstrated?

From more recent times, adherence can be demonstrated through information contained within the foster carer file, departmental electronic records, Disclosure Scotland (PVG) and Scottish Criminal Records Office checks.

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

Adherence can be demonstrated to the Inquiry as detailed in Section (b) above.

- d) Were relevant records kept demonstrating adherence?

Yes.

- e) Have such records been retained?

Yes.

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

Not applicable.

Present

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

No.

- h) If so, please give details.

Not applicable.

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

(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?

From the information and documents available, both from Ayrshire Archives and file reading, the predecessor authorities and South Ayrshire Council did not appear to routinely retain written policies or procedures within the time period of the Inquiry. However, Area Screening Resource Group meetings were introduced in the early 1990's.

Area Screening & Resource Groups were the product of the Strathclyde Regional Council Care Strategy. Their original functions were to access and gate-keep the use of specialist provision; to bring consistency to the use of statutory intervention in the lives of young people; to act as a support forum for staff; and to uphold and promote the ethos of the Care Strategy.

The Area Screening and Resource Group had a remit of deploying community resources to prevent children and young people from being accommodated. The Area Screening and Resource Group, where appropriate, could make recommendations to Senior Managers when a child or young person was assessed as needing to be accommodated by the local authority.

In 1996, South Ayrshire Council adopted the same approach as Strathclyde Regional Council in managing the deployment of resources to meet the needs of the most vulnerable children. The identified need for a foster carer continued to be a recommendation to more Senior Managers.

As a consequence of a rise in children being accommodated and an increase in the use of external care provision, including foster care, this procedure was reviewed in 2006.

The introduction of the Placement Resource and Authorisation Group and the Central Monitoring Team (CMT) was established and included a remit to have an overview of and authorisation to a more Senior Manager for children to be placed with care providers externally, including foster care. (See No 45 of inventory, Children and Families' Services Placement and Resources Authorisation Group).

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

The purpose of the procedure was set out in the early 1990's to promote early intervention of children and young people who were seen to be vulnerable in the community and potentially at risk of being accommodated; to act as a filter of support and advice to Social Workers and other staff in the management of risk; and to ensure that resources and supports to children and their families was equitable and proportionate to their needs.

The reviews of this procedure which took place over the time period of the Inquiry, would continue to foster this approach but also took account of this "advisory" group role to be able to make operational decisions based on the needs of children and best value to the organisation.

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

Decisions around this procedure are more notably contained within minutes of looked after children's reviews.

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

The procedures of the Area Screening Resource Group were established during the period of Strathclyde Regional Council. At the demise of Strathclyde Regional Council in 1996, South Ayrshire Council continued to use the model, then re-branded to the Screening and Resource Group. In 2006 the Placement and Resource Authorisation Group (PRAG) was established.

The procedures were compiled by Team Leaders, Representatives of Partner Agencies and Senior Managers within the local authorities during the relevant periods.

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

No definitive date is available for the implementation of the Area Screening and Resource Group. It is understood this was established following a report in 1986 considering "Young People in Trouble" and an

approach that required to be dedicated to supporting vulnerable children and young people.

The Screening and Resource Group was established in 1996 by South Ayrshire Council and in 2006 was replaced with the Placement Resource and Authorisation Group. Latterly the business of this group is now managed by the GIRFEC Authorisation Resource Forum.

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

From the file reading and investigations carried out for this response, we cannot ascertain a chronology of review in relation to the groups and inception dates. The evolution of the groups does however show that review of their processes and procedure did occur.

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

As discussed above it is difficult to locate minutes of review or service development meetings. The forums identified would be reflective of policy at the time relating to meeting the needs of children and young people.

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

The focus of policy and procedure appears to have, at all times, been committed to the protection and wellbeing of children. Substantive changes would appear to have been made in relation to the dynamics, resourcing and priorities for the local authority at that time.

- i) Why were changes made?

See 4.6 (h) above.

- j) Were changes documented?

As is current practice, document control and retention is applied to new policy and guidance. From the records accessed and files read, this does not appear to have been practice in the past.

k) Was there an audit trail?

As far as can be determined, there is no evidence of a formal audit trail, register of inception, implementation or review of the policy.

Present

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

Yes.

m) If so, please give details.

The GIRFEC Authority Resource Forum (GARF) was introduced in 2012.

This is a multi-agency resource forum and reports to:

- **Community Planning Partnership**
- **Community planning Executive**
- **Children's Services Planning Group**

The requirement for The GIRFEC Authority Resource Forum (GARF) is to ensure that authority wide resources are delivered to those children and young people who require them and that this is commensurate with their assessed needs. There is clear recognition that those children accessing authority resources require to have integrated assessments of risk and need and associated action plans. Within the Health and Social Care Partnership directorate the authority wide resources are defined as:

- **All out-with Authority Resources (which include):**
 - **External Foster Care Placements**
 - **Residential Care Placements (including SA children's houses)**
 - **Educational Day Placements**
 - **Residential Care and Educational Placements**

In line with the priorities outlined in the Children's Services Plan the GARF will ensure:

- **Authority wide resources are delivered to those children and young people who require them and that this is commensurate with their assessed needs.**

- Undertake a detailed, joint, strategic assessment to inform planning priorities and resource allocation.
- Oversight of all out-with authority placements through tracking and monitoring.
- Review and support the production of robust IPAs with input from Contracts and Commissioning Team.
- Regular reviews of education and care placements ensuring that supports and interventions are meeting the needs of all children and young people and delivering outcomes agreed.
- Holding persons and partners to account for delivery of activities.
- Monitor and track out-with authority budget to ensure best value.
- Support the work of the Corporate Parenting group in deciding and agreeing on the resourcing of services required to contribute to outcomes and be responsible for the shift of resources.
- Monitoring progress through a structured process of review and refinement, making sure the plan (with its outcomes and deliverables) continues to fit the context (needs, resources, etc.) which it seeks to affect.

(See No 46 of inventory for Terms and Reference: GIRFEC Authority Resource Forum (GARF))

(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?

- b) **Information obtained by Ayrshire Archives from the Ayr County Council Minutes is limited and therefore it is difficult to comment on practice in this area.**

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not provide any specific information in relation to this.

In relation to South Ayrshire Council, whilst there may have been a particular policy or procedure in this respect, from access to records and files read, it is not clear if a written policy was produced, however a process/procedure does appear to come about from the early 1990's.

The various forums cited in 4.6(i)(a) above were utilised for the purposes of allocation of resources and included identifying a need to place a child with foster carers approved/registered by other local authorities or agencies, where no internal provision existed. A Senior Manager had oversight and agreement to these arrangements.

- c) How was adherence demonstrated?

The details surrounding the demonstration of adherence are recorded in Section 4.4 (ii)(d) above (Past).

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

Please refer to 4.6 (ii)(b) above.

- e) Were relevant records kept demonstrating adherence?

From the file reading, there is evidence that some adherence to processes and procedures has been recorded.

- f) Have such records been retained?

Yes.

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

Not applicable.

Present

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

See 4.6 (i)(m) above. For quality control and commissioning purposes all external foster care provision is approved through GARF processes.

- i) If so, please give details.

As per 4.6 (i)(m) above.

4.7 Complaints and Reporting

(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?

The Foster Carers Handbook compiled by Strathclyde Regional Council outlines many of the procedures to be followed in relation to complaints and reporting around foster care. The detail around complaints reflects complaints made by children in foster care, complaints by foster carers, third parties and the roles involved in supporting those who made the complaint and who were subject to the complaint.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period identifies that the following policies or procedure were in place in relation to complaints and procedures.

- **The Home and Away Strategy**
- **The Children's Charter**
- **Social Work Department 1994 Complaints Procedure.**

Additionally, Child Abuse Procedures would be implemented when an allegation is made by a child, family member or third party when this involved the abuse of children in foster care.

The establishment of the Fostering Network (originally known as the National Foster Care Association) in 1974 was seen as the main "independent" organisation founded to support foster carers. The Fostering Network opened its Scotland Office, in Glasgow, in 1985 and continues to be a significant source of practical, emotional and legal support to foster carers.

In November 2001, (updated 2003) South Ayrshire Council Department of Social Work, Housing and Health published the Children and Families Services Policy and Strategy. This document outlined values, principles, performance measures but no in-depth reference can be found in guidance to deal with specific complaints and reporting about foster care. The document does however identify that it is principally the role of the senior social worker to review care arrangements made for children who require to be looked after and accommodated in a number of settings.

South Ayrshire Council Fostering Procedures and Practice Guidance in 2010 as previously cited. This document specifically outlines in Section P the purposes, practice guidance and procedure in relation to complaints and reporting about foster care.

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

Yes.

Children and Families Services Policy and Strategy (SAC,2001, 2003) identifies the values and principles, and priorities to be set.

From 2010 this was referenced in Fostering Procedures and Practice Guidance. Specific reference is made to the legal basis, the Council's philosophy and values, and the need to place the child at the centre of decision-making when attempting to meet their needs. The aim and intention of the policy and procedure was to ensure the child's safety and protection at all times and to ensure a thorough investigatory process was in place in relation to complaints.

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

For the Strathclyde Regional Council period, see the policies and procedures named in section 4.7(i)(a) above.

South Ayrshire Council published Fostering Procedures and Practice Guidance in 2010.

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

Complaints by children

From 1930 – 1975 there is no specific reference to this in any of the information provided by Ayrshire Archives.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period states that the 1994 complaints procedure applied across the totality of functions of the Social Work Department. This complaints procedure was carried forward into South Ayrshire Council and is the subject of annual reporting to Council leadership.

In relation to South Ayrshire Council the following documents reference this.

- **The Foster Carers Handbook,**

- **Fostering Procedures and Guidance (2010 and 2011)**
- **Fostering and Permanence Panel Procedures (2018)**
- **The Foster Care Agreement (2011,2016)**
- **South Ayrshire Council Social Work Complaints Procedure, April 2017**

The Council also has an overarching complaints procedure through its “Listening to you” Service. In relation to the fostering service complaints are managed under the Social Work Procedures identified above.

In addition, Children’s Health and Justice Services have developed strong links with national helplines, elected members and others through which, from time to time, complaints and concerns will be identified.

Complaints by foster carers

See answer to section 4.7(i)(d)(ii) above.

Complaints by family members of children

See answer to section 4.7(i)(d)(ii) above.

Complaints by third persons

See answer to section 4.7(i)(d)(ii) above.

Whistleblowing:

From 1930 – 1975 there is no specific reference to this in any of the information provided by Ayrshire Archives. Information provided by Glasgow City Council relating to the Strathclyde Regional Council period also does not reference whistleblowing.

Within South Ayrshire Council the implementation of the Public Interest Disclosure Act 1998 saw the emergence of “Whistleblowing’ policies. A search of Council systems highlights the following policy / processes that have been developed over the years since 1998:

- **Procedure For Reporting Concerns At Work (SAC, 2006)**
- **Grievance Handbook For Local Government Employees and Chief Officials (SAC,2015)**
- **Whistleblowing – Policy and Procedure for Reporting Concerns at Work for Local Government Employees, Teaching Staff and Chief Officials (SAC,2019)**

Additionally all SSSC registered practitioners have an obligation to raise concerns as outlined in the Code of Conduct. Specific guidance has been

published by the SSSC: Raising concerns in the workplace Guidance for employers, social service workers and social work students.

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

From 1930 – 1975 there is no specific reference to this in any of the information provided by Ayrshire Archives. Information provided by Glasgow City Council relating to the Strathclyde Regional Council period also does not reference the issue of support.

Details regarding the support that those who made the complaint or are subject to the complaint can be found in the policies noted in section 4.7(i)(d)(v) above. Other documents that outline the support and process of investigation are:

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

Response to complaints (including response by the local authority)

From 1930 – 1975 there is no specific reference to this in any of the information provided by Ayrshire Archives. Information provided by Glasgow City Council relating to the Strathclyde Regional Council period also does not reference the issue of support.

Details regarding the support that those who made the complaint or are subject to the complaint can be found in the policies noted in section 4.7(i)(d)(v) above. Other documents that outline the support and process of investigation are:

- The Foster Carers Handbook,
- Fostering Procedures and Guidance (2010 and 2011)
- Fostering and Permanence Panel Procedures (2018)
- The Foster Care Agreement (2011,2016)

This information is also detailed in relation to the “Listening to You” information publicly available on the South Ayrshire Council Website.

External reporting of complaints

From the information obtained in relation to this matter, it is unclear who external reporting of complaints was made to, prior to the establishment of the Care Commission (now known as the Care Inspectorate).

As a Regulated and Registered Service under the relevant legislation and regulations, the fostering service has a responsibility to provide the Care

Inspectorate with the detail of the complaint and the agencies response and management of this.

The legislation and regulations applicable to the Registered Service are as detailed below:

- Public Services Reform (Scotland) Act 2010
- Social Care and Social Work Scotland (Registration) Regulations 2011
- Social Care and Social Work Scotland(Application) Order 2011
- Social Care and Social Work Scotland (Requirements for Care Services) regulations 2011
- Health and Social Care Standards

e) Who compiled the policies and/or procedures?

The policies are compiled at local and national level.

In relation to South Ayrshire Council Senior Managers and Chief Officers compiled the policies and procedures.

From the information available it has not been possible to ascertain who compiled the relevant policies at a national level, over the period of the Inquiry.

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

Where we have been able to ascertain a date this is included with the policy. Some exact dates have been difficult to identify therefore years are indicative only.

g) Were such policies and/or practices reviewed?

Yes

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

Reviews took place for the purposes of up-dating practice and process in accordance with legislative and regulatory changes.

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

The local authority has implemented its own complaints handling process as detailed in 4.7 (i) (d) (ii) above. This is managed through the LAGAN (a case management application) system and ensures that any complaint is responded to immediately (complainant is notified that their concern has been received and recorded), passed and allocated to the appropriate Service/ Manager and managed within a prescribed timeframe. Responses to complaints have options for the investigating officer to comment upon, for example, whether or not the complaint has been upheld/not upheld or partially upheld.

Information is also provided to the complainant in relation to appeals and escalation processes if they remain dissatisfied with response provided.

- j) Why were changes made?

Changes were made to reflect a variety of circumstances including variation in legislation, national policy and research. Additionally, where policy and procedure required clarity, it provided direction, guidance and support to front line staff, foster carers and children and families.

- k) Were changes documented?

As is current practice, document control and retention is applied to new policy and guidance. From the records accessed and files read, this does not appear to have been practice in the past.

- l) Was there an audit trail?

From 1930-1996 and as far as can be determined, there is no evidence of a formal audit trail, register of inception, implementation or review of the policy.

Present

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

As detailed in section 4.7 (i)(i) above.

There have also been improvements to supporting foster carers where alleged abuse or complaints against the agency are relevant.

- n) If so, please give details.

The Scottish Government Guidance: Managing Allegations Against Foster Carers was implemented in May 2013. This provides clarity and support for foster carers in relation to allegations or complaints made against them. It differentiates the support provided to the processes of Child Protection and supporting foster carers.

Additionally, the local authority subscribe to a membership for foster carers with the Fostering Network. This membership provides a number of benefits and supports to foster carers including legal advice, support and representation through the Fostering Network.

(ii) Practice

Past

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

Evidence from case file reading identifies a number of cases where complaints and reporting about foster care are noted in the file. These complaints and allegations largely originate from the child, family members and occasionally 3rd parties. Where these procedures were enacted, case file reading shows that there is investigation in relations to all of the reported incidents. Analysis of all reported incidents shows an appropriate, timeous and proportionate level of response. This ranges

from support / supervision to the foster carers, review of the placement, children being moved through child protection procedures and the involvement of police based on the severity of the situation.

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

Complaints by children

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area during the period 1930 to 1975.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

Case file reading evidences that the Council investigated and took action appropriately, timeously and proportionate to the circumstances.

Complaints by staff

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area during the period 1930 to 1975.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

Case file reading carried out is not conclusive on complaints from staff. These are however evidenced in some supervision and case review discussions between the allocated social worker and senior social worker.

Complaints by family members of children

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

Case file reading carried out evidences that the Council investigated and took timely, proportionate and appropriate action in relation to complaints made by family members of children.

Complaints by third persons

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

Case file reading carried out evidences that the Council investigated and took proportionate and appropriate action in relation to complaints made by third persons.

Whistleblowing

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to whistleblowing.

From the information accessed and files read, there is no evidence/record of any complaints and reporting about foster carers through the Council's Whistleblowing procedure.

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

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to support.

From the file reading carried out for the South Ayrshire Council period, evidence exists in some of the support plans of plans to address and support child and carers as the complaint was investigated.

Response to complaints (including response by the local authority

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to response to complaints.

From the file reading carried out for the South Ayrshire Council period, evidence exists in some of the files of response to complaints, for example in Fostering Panel reviews.

External reporting of complaints

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to response to complaints.

From files read and evidence from the electronic notifications to the Care Inspectorate from its inception in 2009, external reporting of concerns is evidenced.

- c) How was adherence demonstrated?

Adherence is demonstrated by case notes / minutes of review / support and supervision notes. The files identified show that there were 16 instances of complaint.

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

Information from case file reading evidences practice that is in adherence and available in the database of file reading analysis in S21.

- e) Were relevant records kept demonstrating adherence?

Information obtained by Ayrshire Archives is limited and therefore it is difficult to comment on practice in this area.

Information provided by Glasgow City Council relating to the Strathclyde Regional Council period does not mention anything specific in relation to this.

Records of complaints are kept by South Ayrshire Council, demonstrating adherence.

- f) Have such records been retained?

Yes

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

Not applicable

Present

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

No.

- i) If so, please give details.

Not applicable.

4.8 Internal Investigations

(i) Policy

Past

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

The policy and procedure in place relating to the abuse or alleged abuse of children in foster care was contained within Child Abuse and latterly Child Protection Procedures.

There does not appear to be written information available from the Ayrshire Archivists or file reading that evidences a policy being in place with regards to internal investigations.

The process for commissioning internal investigations appears to have been decisions taken by Senior Managers/Officers and in current situations through the Child Protection Committee.

From 2013, the practice and procedure relating to alleged abuse of children in foster care and the internal investigation process included the Scottish Government Guidance "Managing Allegations Against Foster Carers".

The Scottish Government Guidance provided a platform of legal and emotional support to foster carers when an allegation of abuse was made.

Information to foster carers regarding allegations of abuse is discussed within preparation training, assessment, ongoing support and supervision. The current procedure for managing allegations against foster carers is also contained within the Foster Carers Handbook

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

The aim and intention was to ensure the child's safety and protection at all times; to provide a scrutiny that policy and procedure was being adhered to by employees; and to provide legal and emotional support to foster carers impacted upon.

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

As detailed in Section 4.8 (i) (a) above, the procedures were recorded in the Child Abuse/Child Protection Procedures and the Scottish

Government Guidance. The local authority has produced this information within its own procedures for foster carers.

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

There is limited information available that indicates a written policy or procedure that was in place in the Ayr County Council period. Please see section 4.7 (i) (a) above). The information available from Strathclyde Regional Council notes that any concern of abuse relating to children in foster care or a complaint from a foster carer is available in the Foster Carer Handbook.

Since the inception of the Scottish Government Guidance as detailed in 4.8 (i) (c) above, Managing Allegations Against Foster Carers, the process of internal investigation is provided within the current Foster Carer Handbook. The approach to sections (i)-(vii) above, is detailed within the Handbook and addresses the most part of this section.

e) Who compiled the policies and/or procedures?

Senior Managers and Chief Officers would have developed the policies and procedures prior to 2013. At this point and with changes in structure to the fostering service and senior management, the Manager for Children's Services, Team Leader, fostering service and the fostering team compiled the current process. Consultation also involved foster carers in the writing (and where appropriate reviewing) of the Foster Carer Handbook.

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

There are no specific dates available from the records read. However, it would appear that the Child Abuse Procedures were developed by Strathclyde Regional Council and up-dated by South Ayrshire Council in line with the West of Scotland Procedures introduced.

The procedures for Managing Allegations Against Foster Carers were introduced by the Scottish Government in 2013.

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

Prior to 2013, this information is not available from the records obtained. However, the West of Scotland developed its own Child Protection Procedures and these have been adopted by the local authority. Specific procedures for South Ayrshire Council were published and operating in 2010.

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

There were significant changes made in relation to the West of Scotland Child Protection Procedures as a consequence of national and local priorities including the inception of Getting it Right for Every Child (GIRFEC).

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

The changes made to the policy, procedure and practice, enabled the local authority to develop its own assessment tool that captured the specific needs of a child. Significantly, the structure of assessment promoted the use of a child chronology.

The changes in child protection/welfare practice within the local authority acted as a prompt for the fostering service to radically alter its method of recording, assessing and reviewing foster carers. This had been an ongoing development from 2013 and has seen significant improvements in the recording of information in relation to foster carers, evolving assessment processes and reviewing the foster carer role effectively.

- j) Why were changes made?

To meet any changes in legislation and regulation which underpin the development of the foster care service that had created greater expertise in recruitment, assessment, preparation and continued support for families and the children placed with them.

- k) Were changes documented?

Yes. Changes were documented in procedures, assessment tools, recordings, minutes of child protection, looked after reviews and fostering review minutes.

- l) Was there an audit trail?

Yes. In relation to foster carers this was primarily audited through foster carer reviews, service improvement plans and inspection processes.

Present

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

No. Improvement activity for foster carers continues to take place through the maintenance of the processes for reviewing procedures and practice utilising current internal and external systems in place.

- n) If so, please give details.

Child Protection Procedures continue to take precedence when an allegation or concern of abuse of a child concerning a foster carer is made.

The Scottish Government guidance "Managing Allegations Against Foster Carers" has been implemented by the local authority to provide a platform of support and scrutiny of foster carers and the fostering service.

When an allegation of abuse by a foster carer against a child is made, a discussion with the Team Leader and Service Manager takes place and a course of action is taken involving Child Protection Procedures. A Significant Event report is completed by the Supervising Social Worker and a notification to the Care Inspectorate is made. An immediate discussion takes place with regards to the safety and protection of the child and the Senior Manager will be consulted in relation to children remaining in the care of the foster carer.

For reference to the Significant Event Report, see No 47 of inventory, - Health and Social Care Partnership, Significant Event Form template.

(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?

As far as can be established from the file reading, the local authority did adhere to many of the practice and procedures in relation to internal investigations.

- 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

From those records accessed and information relating to internal investigations, it would appear that adherence to practice, policy and procedure took place. The process would involve an external manager to the fostering service gathering information relevant to the investigation and producing a response. Lessons learnt have included responses, reporting and recordings that require to be considered in line with legislative and local policy procedures.

Outcomes of internal investigations and the response provided to the complainant are demonstrated through the Manager of the service providing a written response and where appropriate an apology being provided.

Under the Duty of Candour Procedure (Scotland) Regulations, 2018, the framework provided through the legislative requirements provides a clear and concise structure in responding to more serious failings. It is a Scottish statutory instrument relating to the National Health Service, Social Care and Social Work. It reports with some of the principles reported above being acknowledged in an open and transparent way and where appropriate providing an apology.

Governing bodies, such as the Care Inspectorate require the Duty of Candour to be considered in notifications to them, provided by the fostering service. The regulations also place a duty on the local authority to provide an annual report on its Duty of Candour.

c) How was adherence demonstrated?

As stated above, evidence from information accessed demonstrates adherence.

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

Adherence can be demonstrated through written records available including notifications to the Care Inspectorate.

e) Were relevant records kept demonstrating adherence?

Yes.

f) Have such records been retained?

Yes.

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

Not applicable.

Present

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

No.

i) If so, please give details.

Not applicable.

4.9 Record keeping

(i) Policy

Past

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

As far as can be established, policy and procedure in relation to record keeping was based on legislation and the changes that have occurred over time.

In relation to record keeping for foster carers, this appears to vary over the time period. From file reading, access to records held by Ayrshire Archivists and electronic records, this relates to foster carer case recordings, supervision of foster carers, review reports to the Fostering Panel and associated minutes from the Fostering Panel.

Since 2013, a specific Supervision tool and guidance has been introduced to the fostering service. Additionally, a specific recording guidance was introduced to supervising staff and this has been reviewed from time to time.

The information below is a summary of the legislative changes that took place in relation to Data Protection and ensuring the individual rights of people were governed from the 1950's until the present day:

Pre 1950

There is no information available to make comment here.

1950s

Although the basic concepts of respecting privacy were set out initially in the 1950s, it would appear that accessing information about oneself was probably dependent on individual Councils policies of this era.

1981

The Council of Europe adopts the Data Protection Convention (Treaty 108), rendering the right to privacy a legal imperative.

1984

Technological advances meant computers were becoming common in the workplace. The European Council held a convention which set out

guidelines for EU members on lawful processing. The UK created the Data Protection Act 1984.

1987

The Data Protection Act came fully into force on 11 November and was complemented by Access to Personal Files Act 1987 to provide access for individuals to information relating to themselves maintained by certain authorities and to allow individuals to obtain copies of, and require amendment of, such information.

1990

Access to Health Records Act 1990 passed by the UK Parliament.

1995

The European Data Protection Directive is created, reflecting technological advances and introducing new terms including processing, sensitive personal data and consent, among others.

1998

The Data Protection Act 1998 is passed on 1 March 2000. It repealed the Data Protection Act 1984, the Access to Personal Files Act 1987 and most of the Access to Health Records Act 1990. The effect was to create a single regime of access for personal information held by public authorities.

2013

European Commission adopts the Regulation 611/2013 on the measures applicable to the notification of personal data breaches under Directive 2002/58/EC.

2016

The General Data Protection Regulation (GDPR) is approved by the EU parliament after 4 years of discussions.

2018

GDPR comes into force in the UK and the Data Protection Act 1998 is repealed by the Data Protection Act 2018 which set out the derogations allowed by the GDPR.

2018 to date

Responsible management of personal data through mature IT governance, transparent processes and modern practice applied.

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

A specific procedure exists that requires foster carers to complete a monthly written record for each child in their care. The record is based on the GIRFEC principles previously noted in the response.

As well as monthly recordings, foster carers are provided with a diary that they may use on a daily/weekly basis to help inform their monthly recording on the progress of the child and their care plan.

Additionally, and with reference to confidentiality, the foster carer is required to ensure that any written reports or other material for the child is secured in a safe place within their home.

The Foster Carer Handbook was developed in 2016. The Handbook provides foster carers with clear expectations on what is required for recordings, as well as, a number of other crucial areas associated with the fostering task.

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

The intention of the current record keeping procedure is to ensure that the needs of the child are being holistically considered; to understand the child's abilities in social, educational development; to begin to support adversity as a result of childhood neglect, abuse and trauma.

Recordings created for children are seen as a vital component to help them understand the circumstances that led them to being accommodated and the supports and interventions provided to aid their recovery.

Many children, as adults, will in later life request access to their personal records. Foster carers are encouraged to write these in language that a child can understand and an acknowledgement this is their information and as such, should be recorded in a way that reflects respect and sensitivity.

- 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

Prior to the Foster Carers Handbook being compiled by Strathclyde Regional Council between 1975-1996, there is no prior information available to illustrate a policy or procedure in relation to the question 4.9 (d) (i)-(viii) above.

The Foster Carers Handbook produced by Strathclyde Regional Council does not fully consider the information requested in this question.

Current practice and requirements around record keeping outline the expectations associated with this question, with the exception of (vii) above.

e) Who compiled the policies and/or procedures?

Prior to 2013, the procedures would have been compiled by Officers of the predecessor authorities. In 2013, the Team Leader, responsible for the fostering service, alongside the Manager for Children's Services, compiled the procedures.

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

The current recording procedures were put in place in 2013. Supervision recordings and monthly recordings for foster carers were in operation from 2013 to the present day and have continued to be reviewed from time to time.

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

Yes.

h) Were such policies and/or practices reviewed?

Yes.

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

Reviews took place as a consequence of changes in practice, recording requirements and improvement activity.

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

As detailed above in 4.9 (b) and (c) substantive changes have taken place in relation to record keeping by foster carers and staff. These include;

- **Monthly recordings based on SHINARRI (Safe, Healthy, Included, Nurtured, Achieving, Respected, Responsible and Included).**
- **Maintaining important information, with the use of a diary eg observations of the child before, and after family contact.**

- **Supervising Social Workers maintaining up-to-date electronic case recordings.**
- **Record of Carers' Supervision template (See No 48 of inventory).**

k) Why were changes made?

Changes occurred due to the inconsistency of practice, poor information being available, complaints and bringing the service up to a standard that met national care standards.

l) Were changes documented?

Yes.

m) Was there an audit trail?

As far as can be determined, there is no evidence of a formal audit trail, register of inception, implementation or review of the policy.

Present

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

No.

o) If so, please give details.

Not applicable.

(ii) Practice

Past

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

As stated within 4.9(i) above, information on policy and procedure in relation to record keeping prior to South Ayrshire Council has been limited. From records and case files accessed for the purposes of the Inquiry, record keeping has in the main been adhered to. This is evidenced through some case recordings, reports and minutes.

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

It is unclear what procedures predecessor local authorities held in relation to expectation and requirement of this area. South Ayrshire Councils fostering service developed its own procedures in relation to record keeping by foster carers. This would appear to have been a practice matter rather than in a written policy/procedure.

A procedure, as detailed in the Foster Carer Handbook (2018), details this expectation and requirement. Specific Guidance and a tool based on GIRFEC principles were developed to support foster carers in completing the monthly report.

- 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

As far as can be determined, the predecessor local authorities' adherence and checking its policy and procedure in relation to record keeping is limited. With reference to South Ayrshire Council adherence and checks in relation to the policy and procedures in relation to sections (i) –(viii) have largely been met. As detailed in other sections within this submission clear policy, procedure and practice is demonstrated through the Complaints Handling process, Governance and information systems and internal policy and procedure specific to the fostering service.

d) How was adherence demonstrated?

Adherence can be demonstrated through local authority policy and procedure as identified in this section. Additionally, written records provided by foster carers, supervising social workers and minutes from foster care reviews provide further evidence of adherence being met.

e) Were relevant records kept demonstrating adherence?

Yes.

f) Have such records been retained?

Yes. Records are available for some of the time period of the Inquiry.

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

It has not been possible from the information available during the time period of the Inquiry, to provide a response to this question.

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?

Yes.

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

Reviews took place both in 2008 and 2012 in relation to a specific allegation of abuse against children in foster care. The response and detail to this is further provided in Part D of this submission.

(See No 17 and No 19 Of inventory).

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

National and local outcomes of investigations have been used to improve systems. Nationally, and as understanding has developed, radical changes in legislation and guidance have been developed in Scotland to

improve outcomes for looked after children and foster carers. Whilst not exhaustive this includes the following in relation to fostering services:

- **Looked After Children (Scotland) Regulations 2009**
- **Scottish Government Guidance on Managing Allegations Against Foster carers**
- **BAAF and Coram/BAAF (British Association for Adoption and Fostering) over the last 2 decades have improved and developed the assessment tool (Form F) developed for fostering and adoption. The improvements have taken cognisance of many inquiries over the years, including Brighton and Hove, 2001. Consequently, ex-partner and family member checks are mandatory in the assessment of prospective foster carers.**
- **Locally, learning from internal investigations has seen improved outcomes in relation to the recording of information, policy, practice and procedure.**

k) What changes have been made?

Since 2013 within South Ayrshire Council Health and Social Care Partnership and specific to the fostering service, the following changes have been made:

- **Written policy and procedures have been developed to provide clearer understanding for foster carers and staff**
- **The creation of a specific Handbook relevant to fostering has been developed and maintained**
- **Responses to allegations of abuse against foster carers have been improved in line with national and local requirements/guidance**
- **Assessments of prospective foster carers are more robust including motivation to foster, checks on ex-partners and family members (where applicable), references include employers/education and where appropriate health**
- **Training requirements have been established through a Learning and Development Portfolio. The Portfolio outlines mandatory and elective training options with clear guidance and reference to requirements**
- **Support (including visits to foster carers) and Supervision approaches have been developed**
- **A Service Improvement Plan exists and this has been reviewed regularly to take account of any additional improvement activity required to take place.**

l) How are these monitored?

Audit activity has taken place regularly with the Team Leaders and Service/Senior manager for the fostering service.

Fostering Panel also contributes to the improvements within the service. Regular meetings with the Agency Decision Maker/ Chief Social Work Officer take place where practice, procedure and policy are often discussed.

The Health and Social Care Partnership is responsible to the Integration Joint Board and any change or improvement activity that requires to be considered must be considered within the Board.

External scrutiny has been a significant improvement since 2009 with the inception of the Care Inspectorate. The Care Inspectorate is responsible for ensuring that the fostering service fulfils its legal duty and responsibilities in meeting the needs of children in foster care.

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

Yes.

n) If so, how was that facilitated?

Individuals have the right under data protection legislation to ask whether or not the Council holds personal information about them, why we hold it, and who we disclose it to. They also have the right to make a request for copies of their personal information, verbally or in writing. This is called the right of access and is commonly known as making a subject access request or SAR.

SARs are processed centrally via the Council's Information Governance Team. The Council actively informs individuals of their right to make SAR on the Council's public website - <https://www.south-ayrshire.gov.uk/foi/personal-data.aspx>

o) If not, why not?

Not applicable.

Present

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

No.

- q) If so, please give details.

Not applicable.

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

Children in foster care

Children's files are held both in paper format and electronically. SWIS (Social work Information System) is the main electronic facility in place that records all observations and information pertinent to individual children and their families. These are secure paths.

The Health and Social Care Partnership moved to an up-graded electronic system in April 2019 (Carefirst).

Additionally, records are held in respect of a child's admission to foster care (Looked After Children Admission Paperwork Pack). This information contains information relating to the referral to the fostering service in relation to the needs of the child requiring a foster carer or alternative form of care. It sets out information relating to health, education and contact (family time) as required, including a risk and wellbeing assessment of need. (See No 49 of inventory).

Children's records also include Initial and Core assessments which provides more detailed information and analysis regarding the specific needs of the child. Ayrshare is a Pan-Ayrshire model that allows a collaborative approach to sharing and recording of information in meeting the needs of children. In particular, allows the Team Around the Child to contribute to the overall assessment of need. This includes the child and parents views, Health Visitors, School nurses, Education and third sector professionals.

With regards to Permanence Planning for children in foster care, the looked after children's records and minutes from decision making forums, is available in both electronic and paper files. The child's Form E and minutes from Permanence Panel are also included in filing systems.

Staff with responsibilities for foster care

Staff employed within the fostering service and who hold responsibilities for foster carers are vetted through the PVG (Protection of Vulnerable Group) scheme and must be members. The PVG is up-dated on a 3 yearly interval basis.

Those staff with a social work qualification are also required to be registered through the Scottish Social Services Council. Registration occurs every 3 years.

All records pertaining to staff within the fostering service are maintained by the Human Resources Section of South Ayrshire Council.

Foster carers

Foster Carers approval and linked (assessed/approved) family members having direct care of children in foster care within the fostering service necessitates rigorous statutory checks. Vetting through the PVG (Protection of Vulnerable Group) scheme is necessary. For family members living at home, but who do not have direct caring responsibilities a Disclosure Scotland check must be carried out.

As a member of the PVG scheme any up-dated Police information is generated to the fostering service timeously. Up-dated PVG's are routinely requested at periods of review of registration but no less than every 3 years.

As with children's records, foster carer files are held both in paper format and secure electronical paths. SWIS (Social Work Information System) is the main electronic facility in place that records all observations and information pertinent to individual children and their families. The Health and Social Care Partnership moved to an up-graded electronic system in April 2019 (Carefirst).

Paper and electronic files held on foster carers contain the applicant's initial enquiry information, assessment and decisions from Fostering Panel to ADM for approval. Review paperwork and associated up-dated health and Police records are held in observations.

Through the on-going support, supervision and training, records are held to evidence whether or not a foster carer continues to meet their registration.

Complaints

Complaints are managed through the local authority LAGGAN system. This holds information regarding the original complaint, response and any remedial action to be taken. Operationally, complaints, responses and management of complaints made against a foster carer are recorded within SWIS/Carefirst electronic systems.

Where appropriate these complaints are also held within electronic and secure notification systems to the Care Inspectorate.

Investigations (both internal and external)

Investigations of abuse and alleged abuse are securely and accurately recorded in the local authority SWIS and Carefirst systems. Information regarding abuse and allegations of abuse will also be shared with Police Scotland and therefore, a separate recording system will be in place.

All investigations of abuse and allegations and alleged abuse, where appropriate, will be referred to under the local authority child protection procedures. This generates information sharing across health, social work services and Police Scotland. A Child Protection Report (known as a CP1) is generated to help assess and decide on the need for any further formal child protection procedures to be enacted upon.

In relation to children in foster care and where abuse or an allegation of abuse has been made, the process as detailed above is followed. Additionally, a notification is made to the Care Inspectorate. This notification is required to be made within a 24 hour period of the allegation being made, the local authority response and management of this situation.

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

As detailed in section 4.9 (n) above, the Information Governance Team within South Ayrshire Council have a process in place to ensure compliance with data protection legislation when an individual requests information or the right of access to their records. The procedure adheres to the legislation in respect of the individual's data subject rights and the statutory timeframe for providing information to the individual. The Information Governance Team centrally manages all requests and maintains a database for accountability and audit purposes.

To ensure support and information specific to the individual is provided which does not breach data protection legislation in respect of third party data held within the individual's records, a collaborative approach between the Information Governance Team and the Fostering Service exists.

Response to:
Scottish Child Abuse Inquiry
Section 21 Notice
Foster Care Case Study
Part D

Part D – Abuse and Response

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

5. Abuse

5.1 Nature

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

The nature of abuse actual or alleged abused was of a sexual, physical and emotional in nature.

5.2 Extent

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

We are unable to assess this from information received in relation to Ayr County Council. There is no specific reference to cases of abuse in Foster Care, in the information obtained by Ayrshire Archives from Ayr County Council Minutes.

Information received from Glasgow City Council in relation to the Strathclyde Regional Council period again makes no specific comment on this, and therefore we are unable to provide an assessment.

The local authority's assessment of the scale and extent is that this was isolated predominately to one set of foster carers. These carers (Mr and Mrs GID- were carers with the Council from 2001 to 2007. The children in their care were

A sibling group of four plus one other child.

■	■/1993
■	■/1997
■	■/1999
■	■/2000
■	■/2002

- b) What is the basis of that assessment?

When compared overall to the number of children and young people who have been placed with local authority approved carers, the figure is extremely low. The prime methodology employed in the case file reading identified foster carers and children placed in their care, where we knew that there had been a complaint made against a foster carer, a disciplinary investigation, de-registration, criminal investigation, or police investigation, and also any foster care case which was subject to an Initial Case Review or Significant Case Review.

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

Within the definition of abuse provided by the Inquiry and from information available in file reading, a total of 8 complaints have been made in relation to the alleged abuse of children in foster care during the time period of 1930-17 December 2014. They comprise of 5 children within the aforementioned GID- case and 3 other individual cases.

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

A total of 6 foster carers have had complaints made against them. The six comprised of 2 foster carer couples and 2 other individuals.

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

None. In the GID- case, GID- was indicted in relation to certain abuse allegations but the Crown ultimately decided not to proceed to trial. No other foster carers have been convicted or admitted to the abuse of children within the time period of the Inquiry.

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

2 carers, Mr and Mrs GID- have been found by the local authority to have abused children.

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

From the file reading there is one identified complaint made against a family member, [REDACTED], the son of Mr and Mrs [REDACTED].

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

There have been no family members of foster carers convicted of abusing children and no family members have admitted to abusing children in foster care.

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

There have been no family members of foster carers found by the local authority to have abused children.

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

From the files that have been read, there has been 1 child placed in a foster carer's care who made a complaint of abuse against another child. This situation is based on historical abuse and is currently being investigated by Police Scotland.

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

No other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?

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

No other children placed in foster care in the same placement have been found by the local authority to have abused children?

5.3 Timing of Disclosure/Complaint

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

In the **GID** case, the substantial disclosures of abuse were made by the eldest foster child () after she had left the placement. Her significant disclosures then resulted in other children disclosing that they too had experienced significant abuse while with the **GID** foster carers.

Analysis from case file reading shows however that concerns were raised in relation to Mr and Mrs **GID**'s care of the children during preceding years. The file shows that there were discussions with the social worker, team leader and senior manager and that certain concerns were addressed directly with Mr and Mrs **GID**.

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

In the **GID** case, analysis of disclosures and complaints from file reading highlight that certain disclosures / complaints were reported while the eldest child was in placement and therefore were recent in their nature. The overwhelming majority of disclosures / complaints were made after she left the placement. As indicated at 5.3(a), these significant disclosures then resulted in other children disclosing that they too had experienced significant abuse whilst with the **GID**'s.

In another case, one complaint was received after the child had moved from foster care to adoptive parents.

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

As stated, the majority of complaints and disclosures were made after the children in the **GID** case left their placement.

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

There are no patterns that can be determined other than that the majority of complaints and disclosures were made after the children had left the placement. The allegations made by the eldest child resulted in the immediate removal of the other four children from the **GID**'s care.

5.4. External Inspections

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

There have been no external inspections, i.e. by the Care Inspectorate with the specific remit to consider issues relating to abuse and or alleged abuse of children in South Ayrshire Council care.

In November and December 2011 the Care Inspectorate carried out a joint inspection of services to protect Children and Young People in the South Ayrshire Council Area. The Care Inspectorate's overall conclusions were positive; however the Care Inspectorate's attention does not appear to have been drawn to the **GID case.**

The final report concluding this Inspection was completed in March 2012.

Current practice would dictate that allegations and complaints of this nature were referred immediately to the Care Inspectorate.

For each such external inspection please answer the following:

- b) Who conducted the inspection?

Not applicable

- c) Why was the inspection conducted?

Not applicable

- d) When was the inspection conducted?

Not applicable

- e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?

Not applicable

- f) What was the local authority's response to the inspection and its outcome?

Not applicable

g) Were recommendations made following the inspection?

Not applicable

h) If so, what were the recommendations and were they implemented?

Not applicable

i) If recommendations were not implemented, why not?

Not applicable

5.5 External Investigations

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

From the records and file reading undertaken as part of this Inquiry, there has been one significant complaint (the GID case) made around abuse and/or alleged abuse of children where external investigation has thereafter been carried out.

Two such investigations were carried out:

- **Ian Millar, of BAAF commissioned in March 2008 and concluded in October 2008. (See No 19 of inventory)**
- **Duncan MacAulay, Independent Social Work Consultant, May 2012. (See No 17 of inventory)**

For each such external investigation please answer the following:

- b) Who conducted the investigation?

Ian Miller, BAAF Scotland (formerly the British Association for Fostering and Adoption)

Duncan MacAulay, Independent Reviewer, commissioned by South Ayrshire Council

- c) Why was the investigation conducted?

From the records available, the external investigations were commissioned by Senior Managers of South Ayrshire Council at different intervals following the abuse allegations made by children in the GID's care.

The British Association of Adoption and Fostering (Scotland Office) was approached by Hugh Carswell, Manager for Children Services, in March 2008, to carry out an "independent evaluation" of the assessment and supervision processes surrounding specific foster carers, Mr and Mrs GID.

The BAAF report was commissioned to provide:

1. An independent evaluation of the assessment and supervision processes surrounding the registered carers.
2. An independent evaluation of the support provided to the foster home and foster children
3. An independent evaluation and review of the actions taken by the Council following the allegations that abuse occurred.
4. An independent examination of decisions taken regarding the recommendation of that one the children placed should be adopted.

In January 2012 it came to the South Ayrshire Council's attention that [REDACTED] (the eldest child in the [REDACTED]'s care) had been to see a solicitor regarding a Criminal Injuries Compensation claim and there was concern that she may raise an action for reparation against South Ayrshire Council.

These concerns led to Louise Long, Acting Head of Children's Services, Children and Community, reporting to the Executive Director, Children and Community, Harry Garland. (See No 18 of inventory)

Harry Garland then ordered an immediate review of the case and assurances that the children involved that support was given including advocacy.

Duncan MacAulay, Independent Social Work Consultant, was commissioned to review the case.

The remit of Duncan MacAulay's investigation was:

- To provide an overall professional review of the handling of the case
- To review all written materials, reports, case files (as relevant), minutes and any other documentation, both relating to the Service Users and Fostering and Adoption
- To interview staff or individuals within both Social Work and Legal Services, and any others relevant to the case and associated cases
- To review the procedures in place then and compare them with current procedures in place
- Provide an assessment of the actions taken both at the time and retrospectively
- To provide recommendations for current or future practice to the Chief Executive, Executive Director Children and Community and the Executive Director, Corporate Services

d) When was the investigation conducted?

- BAAF report commissioned in March 2008 and concluded in October 2008
- Duncan MacAulay report commissioned in February 2012 and concluded in May 2012

- e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?

BAAF Report.

Ian Millar provides a summary of his main comments. No recommendations are made leading to an action plan.

The report states that the scope of the review was limited at times as the matters were sub-judice, and therefore workers were not to be interviewed until the police concluded their investigation. The report also notes that the police have retained the original files in relation to the foster carers.

BAAF Report: October 2008

Summary of main comments

1. Commenting on the management of this case has been exceptionally difficult given the great disorder of the paperwork in the foster carer's copy file. This must mean that the accuracy of the facts on which I have based some of my comments is in doubt. I am also conscious that many of the assessment and review processes in South Ayrshire Council have been substantially altered, particularly in recent years.
2. All of the assessments and re-assessments of this family were superficial. The reports are little more than summaries of information gathered and the Social Workers' impressions. They are poorly evidenced, contain gaps and make poor use of relevant information which might have been obtained from a number of sources e.g. Relatives who fostered, Mr GID's adult children, and the Health Visitor.
3. Whilst most of the statutory requirements surrounding foster carers were met, there is no foster carer agreement and I could see no copy foster placement agreements in the files either.
4. While placements appear largely to have been in line with the terms of the family's original registration, it is clear they were also used beyond the terms of their registration and this was never fully reviewed by panel.
5. The deliberations surrounding the possibility of Mr & Mrs GID being assessed as adopters for the child () appear to have been thorough and exhaustive. It is therefore of major concern to find that this thoughtful decision was apparently overturned in a non-statutory forum, the child having remained in placement for an extensive period in the interim.
6. It was disappointing to discover that none of the issues arising from this apparent 'reversal' was explored when the assessment was presented to the adoption and fostering panel.

7. While reviews appear to have been held within the prescribed timescales and significant amounts of training were offered to this family, details of these reviews and the training are difficult to locate in the file. There is no coherent, ongoing evaluation of the GID's performance or development as foster carers and this becomes particularly relevant when concerns begin to escalate in the last year or so of the couples' career.
8. The concerns which began to emerge towards the end of this couples' fostering activities do not appear to have been objectively considered as a whole until late in the couple's career and this would point to a need to ensure that there are clear, robust supervisory processes for link workers.

The Duncan MacAulay 2012 report concludes the following:

11. Conclusions

- 11.1 This has been a very difficult case study. Many reports in the files are unsigned/incomplete and are not easily cross-referenced.
- 11.2 Many key staff have left the authority making it very difficult to verify my conclusions.
- 11.3 At the time of the allegations and criminal enquiries, someone should have taken responsibility for verifying practice.
- 11.4 Both the Social Worker (Rita Marshall) and the Solicitor for the local authority (Deirdre MacKintosh) have invested a great deal of time and emotion into this case. It is of personal credit to Rita Marshall that she continued to be ■■■'s social worker in spite of extremely difficult and demanding behaviour, and exclusion in decision making by her manager. I believe both members of staff would benefit from a de-briefing on the conclusion of this report.
- 11.5 The initial report prepared by Louise Long resulted in a prompt and appropriate response from the Executive Director. Her proposals that;
 - Legal Services should be involved in a review of the Fostering & Adoption Team;
 - The wider GID family should be instructed to ensure that Mr & Mrs

- **GID** have no contact with any children placed with them;
- Sections should be added to the audit timetable to ensure that incidents of physical assault on children are reported to the police; and
- The management of significant case reviews should be discussed at the Child Protection Committee. Where single agency reviews are undertaken, there should be a clear remit and action plan; should all be added and considered alongside my own recommendations.

11.6 A significant case review, or at the very least a single agency review, should have been undertaken in 2007/2008.

f) What was the local authority's response to the investigation and its outcome?

BAAF report (No 19 of Inventory)

Current practice would use any recommendation from investigation to inform and action an improvement plan. The Millar report does not make any recommendations but does highlight concerns in relation to practice and process. Unfortunately, all Senior Managers involved with the **GID** case are no longer employed by South Ayrshire Council. However, from case file reviews it is clear that Senior Managers discussed the report, and several changes to process were introduced. For example, South Ayrshire Foster Care Guidelines.

Duncan MacAulay report 28th May 2012 (No 17 of Inventory)

Duncan MacAulay made the following recommendations.

- The Action Plan of March 2012 (Appendix B) should be reviewed in light of this report.
- The Action Plan should be SMART and guided by Legal advice.
- Action should be taken to formally disengage Councillors from the Fostering & Adoption Panel.
- All reports prepared on Fostering & Adoption Assessments should be signed and dated.
- Case notes should be signed and dated.
- Managers should ensure that case notes are prepared and filed by link social workers in Fostering & Adoption.
- The files on Mr & Mrs **GID** should be reordered and completed if possible.
- The Head of Children's Services should make enquiries as to the current position of the Police investigation.

- A Senior Manager should be given lead responsibility for this case, with a remit to ensure all future work is coordinated.
- The audit process should be thoroughly monitored to check its efficiency.
- A policy for staff raising professional concerns should be introduced.
- Staff should be reminded that any matter involving possible crimes against children must be reported to the Police.
- The Fostering & Adoption Team should be reviewed and audited along with colleagues from Legal Services.
- Fostering & Adoption Panel members should receive training if this has not already been undertaken.
- Regular, formal meetings should take place between the Head of Children's Services and the Head of Legal Services and their staff.
- The process for tracking and recording electronic communication should be checked and verified that electronic communications are retained.
- Children who are looked after and accommodated should have their photograph included in their file.
- The Child Protection Committee should consider it's visibility to staff. In this regard, I believe it would be worthwhile for the Chief Officers Group to debate and give serious consideration to introducing an independent chair of that committee.
- Further enquiries should be made to determine the outcome of the 2007 meeting, to follow up all other children who stayed with Mr & Mrs GID.
- Very careful consideration needs to be given to the view that the other young people in placements with Mr & Mrs GID should be approached in regards to possible compensation claims. There may well be conflicting views regarding South Ayrshire Council's responsibility as a Corporate Parent and the position likely to be taken by South Ayrshire Council's Insurers.
- Consideration should be given to discussing this report at the Chief Officer Group.

g) Were recommendations made following the investigation?

Yes, specific recommendations were made by Duncan MacAulay and an action plan was formed.

h) If so, what were the recommendations and were they implemented?

The recommendations are outlined above at 5.5 (e) and 5.5(f).

In response to the recommendations we can identify that the majority of these were implemented.

5.6 Response to External Inspections/Investigations

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

In relation to the BAAF (2008) report we cannot ascertain the direct action that took place to address the issues identified in Ian Millar's summary of comments. Oversight of the BAAF report was the responsibility of Hugh Carswell, Head of Service for Children and Community. Current practice would have established an improvement plan and governance to take this forward.

In relation to Duncan MacAulay's of 28th May 2012, there is clear evidence of appropriate actions being taken. A multi-agency review was convened, following submission of the report, in June 2012 at a Chief Officers Group. The Chief Officers agreed that Duncan MacAulay would lead a multi-agency review to look openly at multi-agency working, to identify whether changes to practice, policy and procedures were necessary and if so how they would be brought about. (See No. 50 of Inventory – Multi Agency Review – South Ayrshire Council Chief Officers Group, by Duncan MacAulay December 2012)

As indicated throughout many sections of 4.9, current practice in South Ayrshire Council has seen considerable improvement. Current practice is consistent and is regulated through inspection.

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

The procedure was to have the external reports considered by the Chief Officers Group as indicated above.

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

As already indicated, an action plan was formed in February 2012 specific to Social Work Services. This followed on from Louise Long's report to the Executive Director Harry Garland. Duncan MacAulay's report acknowledges said action plan and identifies other areas to progress i.e. Improved Multi-Agency working. This was then taken up by the Chief Officer Group resulting in the Multi Agency review led by Duncan MacAulay.

5.7 Impact

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

Based on knowledge into the impact of abuse we know that this can have substantial consequences and repercussions for victims throughout their lives.

In the GID case, information from individual case files identify the potential for the children to have suffered trauma given the information disclosed by them in Joint Investigative Interviews. Thereafter, the files show that supports to the children were intensive and their new carers were also provided with appropriate support.

However, it is likely that the experiences of the children would have had a profound effect on them.

Research indicates that children may not be able to assimilate their experiences of abuse until much later in life.

Research has also shown children abused may go on to have difficulties in developing trusting adult relationships; this can also be intergenerational. Additionally, the impact can vary and may include difficulties in education, mental/physical health, employment and poverty.

The children removed from the GID's were supported by Children and Family Social workers.

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

In the GID case it is not clear from the review of the children's files how the abuse they suffered has impacted upon them.

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

This cannot be determined from case file reading.

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

This cannot be determined from case file reading.

5.11 Criminal Injuries Compensation Awards

- a) Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?

We are not aware of any Criminal Injuries compensation being awarded in respect of abuse, or alleged abuse, of children in foster care.

- b) If so, please provide details if known.

Please see 5.11 (a) above.

