

Scottish Child Abuse Inquiry

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Part C - Prevention and Identification

In this part, where materials are referred to, Stirling Council has produced them to the Inquiry in numerous appendix documents attached, and where indicated.

Where, in this part, Stirling Council refers to "the Authority", it refers to the Stirling Burgh Council, Stirling County Council and Central Regional Council for which Stirling Council maintains archiving responsibility, except where context otherwise requires. Where reference is made to "the Council" it refers to Stirling Council.

4. Policy and Practice

4.1 National

Past

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

Policy/guidance is referenced by Professor Kenneth Norrie in his report to the Scottish Child Abuse Inquiry, 'Legislative Background to the Treatment of Children and Young People Living Apart from their Parents'. Publications such as Shaw (2007), Kendrick and Hawthorne (2012) and the research reports commissioned by the Inquiry provide a comprehensive overview of the range of national policy/guidance governing the provision of Foster Care.

Legislation has had the most significant impact on local and agency policy. In addition, this area has been affected by Guidance, Regulations, Codes of Practice and National policy initiatives. Legislation will drive changes in policy and procedure. As a result, there may be repetition from earlier and subsequent sections in the report.

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

Stirling Council's inspection reports outline implementation and compliance with National Care Standards.

The minutes from the Authority refer to circulars and letters being received from the following bodies:

- The Department of Health for Scotland
- The Scottish Education Department
- The Scottish Office
- The Scottish Home Department
- The Social Work Services Group

There are also notes in the minutes, as produced in Appendix_Sec_C_23 relating to the various reports and memoranda produced by the Authority giving guidance on national policy and statute when these were introduced. Please see the spreadsheet that we have compiled of all references identified to foster care in the records held by the Authority including Stirling Council at Appendix_Sec_C_25 and for details.

From 1930, records indicate that Stirling Burgh responded to a circular requiring infant protection visits. This is noted in the Children of Guardians Register and Children's Separate Register Record of Boarding Out. Stirling Burgh maintained a register of welfare visits to children and noted their progress. On 6/3/1933, The Child Welfare Committee minute noted a Scottish Education circular referencing advertising in newspapers offering childcare. On 28/02/1939, Public Assistance Committee noted procedure for taking on foster carers.

On 21/09/1943 Stirling County Council noted that visits to Boarded-out children were restricted due to financial and staffing issues. This indicates the challenge faced by the Council in complying with legislation. On 11/9/1956 Stirling County Council noted the improved outcomes for children residing in private dwellings as opposed to institutions, this reflects a move towards family based care. On 13/10/1967, Stirling County Council noted a child care circular and referred to checks on family members and vetting.

From 1976, and the establishment of Central Regional Council, records indicate more detailed attention to supervision of foster carers. On 28/01/1976, at the Fieldwork and General Services Subcommittee, there is discussion of procedures regarding supervision of foster carers. On 12/12/1976, the Social Work Committee considered a COSLA paper regarding supervision of foster care, entitled "Foster Care: A Guide to Practice". Increased attention to foster care allowances, recruitment, and foster care insurance can be seen through regular papers presented at committee.

Stirling Council was established in 1996. It is recorded in a minute on 4/9/1996 of Children's Committee that consideration was given to implementing a fostering panel locally, ensuring the membership and skills reflected the national requirements. The same Committee noted Stirling Council were members of the British Association for Fostering and Adoption (BAAF) and would pay fostering allowances recommended by the Convention of Scottish Local Authority (COSLA). Being members of BAAF would ensure that Stirling Council would develop practice cognisant of national developments regarding foster care.

Minutes from the Children's Committee of Stirling Council on 21/05/1998 include detail of the preparation of a Children's Service's plan as required by Children (Scotland) Act 1995 ("the 1995 Act"). The plan was developed and implemented by education, housing and social work.

Stirling Council Children's committee minute of 29/10/1998 referred to the introduction of the National Foster Care Standards and Stirling Council's response to these. There was to be further consideration given to the implementation of these Standards.

Stirling Council Policy for Looked after children (August 2000) was introduced reflecting changing legislation including the 1995 Act. The policy refers to corporate parenting and the responsibility to promote and safeguard a child's welfare. The minute of 14/09/2000 highlighted corporate parenting responsibilities and that of elected members. A minute of Stirling Council Children's Committee 13/09/2001 records that it discussed the Regulation of Care (Scotland) Act 2001 requiring that The Fostering Service would require to be registered and inspected. The Committee noted associated increased costs and recommended further briefings in respect of registration and implementation.

Stirling Council Children's Committee Report 18/04/2002 noted the statutory requirement to undertake a comprehensive assessment of the health needs of children accommodated away from home. Stirling Council was, at that time, jointly implementing a plan with Forth Valley Health Board.

Stirling Council Children's Committee report dated 13/02/2003 considered a range of requirements in relation to fostering with specific regard to the National Foster Care Standards. The report referred to the readiness of Stirling Council to be inspected.

Stirling Council Committee report dated 22/09/2005 noted additional funding from the Deputy Minister for Education and Young People to improve fostering services. Stirling Council committed a budget to improve recruitment and retention of foster carers. It was noted that there had been increased numbers of young people requiring foster care and the trend was continuing.

Stirling Council Economy Committee minute of 08/06/2006 updated the members in respect of progress of the funding allocated to Stirling Council by the Scottish Executive for the improvement of fostering services. Officers reported on recruitment progress and financial packages for foster carers.

Stirling Council records identify safe care policies and increased focus on safe care in respect of foster carer training. Evidence can be found in individual foster care records and foster carer training schedule in client files held.

A Foster Carers handbook (the "Handbook") was introduced in 2005 and following this, a "Fostering Procedures" document was introduced in 2007. From 2007 there were a range of reports presented to relevant committees in respect of improvement and development of the fostering services.

Detailed attention was paid to fostering services and communicated through fostering annual reports, as produced in Appendix_Sec_C_23.

The Fostering Handbook and procedures were updated in 2019/20.

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)

A Stirling Burgh record dated 01/03/1930 outlines the responsibility of each committee under the Local Government Scotland Act 1929 and provides details of the maternity and child welfare committee.

On 03/01/1933, the Child Welfare Committee referred to The Children Act 1932 and its role in infant life protection.

On 20/02/1934 the Child Welfare Committee noted that infant protection visitors must include a female.

Stirling County Council maintained a register of Boarded-out children. The Department of Health circular on 15/12/1935 noted the appointment of an inspector of Boarded-out children. On 15/09/1936 Stirling County Council subcommittee devised a visitation scheme for Boarded-out children. As part of this, in the Children Act Register, visits recorded the health and welfare of children.

Records dated 11/09/1956 detail visitations which confirmed that children who were Boarded-out privately lived a more satisfactory lives.

On 11/04/1969 a Social Work Circular noted the widening of scope of social work duties under the Social Work (Scotland) Act 1968. The 1968 Act made further provision for promoting social welfare in Scotland and included special provisions as to the care of children in need.

On 28/01/1976 Central Regional Council Social Work Committee circulated papers from COSLA re supervision of children in foster care.

On 22/12/1976 Central Regional Council Social Work Committee circulated papers relating to guidelines on foster care 'A Guide to Practice'.

With the introduction of the 1995 Act there was an emphasis on the welfare of the child. The 1995 Act was the primary legislation to govern the delivery of a foster care service to children in public care. The legislative developments informed the approach taken by Stirling Council.

Stirling Council Policy for Looked after children (August 2000) detailed that the aim of this policy was to ensure the social, emotional behaviour and health and educational needs of looked after children were supported through joint working and

training opportunities. The Policy promoted a corporate parenting approach throughout the service to looked after and accommodated children, consistent with national policy developments.

The Handbook was introduced in 2005. In respect of welfare it is noted in the handbook that children's needs are central to their care in placement including health and well-being, education, healthy environment, contact with birth family.

The Fostering of Children (Scotland) Regulations 1996 set out the legal requirements for approving foster carers. Included in this is the requirement for written foster care agreements. The foster carer agrees that within the terms of child care legislation they will exercise partnership of care of the child so as at all times to promote the well-being of the child (as detailed in Stirling Council Children's Services Foster Care Agreement; The Handbook). The Handbook provides that "foster carers will provide care that is conducive to the wellbeing of the child". The Handbook also records a minimum requirement of 3-monthly visits to children in placement. This demonstrates Stirling Council's discharge of supervision obligations.

The Looked After Children (Scotland) Regulations 2009 ("LAC Regulations") demonstrated that the key principles were to consider the welfare of the child to consider the child's views and to make minimum intervention. Stirling Council was aware of and discharged their duties under the LAC Regulations.

Stirling Council's Fostering and Adoption Panel is bound by duties set out in the Adoption and Children (Scotland) Act 2007. The child's welfare is paramount throughout his or her life and the Child's Plan requires to incorporate these considerations.

The Children and Young People (Scotland) Act 2014 ("2014 Act") amended the 1995 Act by inserting a new section, 23A. This imposed new duties to safeguard, support and promote their wellbeing. The 2014 Act lists 8 indicators of wellbeing (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included) used in Getting it right for every child (GIRFEC) policies. These are referred to by the acronym SHANARRI.

The Stirling Council fostering supervision template was updated to reflect the GIRFEC principles and an outcome focused approach for young people in foster care.

ii. The child's views

The Social Work (Scotland) Act 1968 referred to 'each **child** who can form a **view** on matters affecting him or her.' Child's views were attended to in Social Background Reports that were submitted to Children's Hearings as well as individual case notes referring to children's views.

The 1995 Act, section 6 requires regard to be had to the views of a child. The Act states that the Council must have regard to the views of the child taking account of age and maturity. Evidence of children's views can be found in 'having your say forms' submitted to child care reviews; child view forms submitted to foster carer reviews. There is evidence that where appropriate Children's Rights Officers will present children's views, for example at Child Care Reviews or Children's Hearings.

Stirling Council and the Authority were aware that the inspection process, first carried out by the Care Commission and latterly by the Care Inspectorate, gathered children's views directly and have involved inspectors meeting with children and reading childrens' records.

In line with legislative and policy requirements, the child's views are an agenda item for all cases presented to Stirling Council's Fostering and Adoption Panel. There are occasions when children have attended permanence panel registrations to offer directly their views. Paperwork reflects the efforts made to seek children's views. All Looked After and Accommodated Child (LAAC) meetings, Team Around the Child (TAC) meetings, as well as hearings will take account of children's views. The completion of 'having your say' forms ensures that all the children have the option to fully participate in their meeting.

Stirling Council Children's Committee minute dated 27/11/2002 noted Advocacy Services for children from "Who Cares" were being delivered within Stirling Council. The aim of this service was to promote children's rights and safe care.

Stirling Council Children Services Committee 22/1/2008 noted the aim of the GIRFEC strategy was that a child's views were core to the development of policy.

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

Stirling Burgh Public Assistance Committee noted a register of foster carers from 1930, this included inspection records and ongoing review.

The minute of 02/06/1931 referred to inspections of homes of foster children.

At the same time Stirling County Council were noting visitations to Boarded-out children.

As noted earlier Central Regional Council discussed procedures in relation to the supervision of children in foster care at a meeting on 12/12/1976.

The minute of the 28/01/1976 Fieldwork and General Services sub-committee records a discussion of procedures re the supervision of children in foster carer.

Paper D of the circulated papers for the Social Work Committee dated 28/01/1976 reported on supervision of children in foster care by the Assistant Director of Social Work.

The minute of 25/03/1986 meeting of the Social Work Committee demonstrated awareness of the Boarding out and Fostering of Children (Scotland) Regulations 1985, which were the subject of a report by the Director of Social Work.

Since the commencement of the 1995 Act, the children's hearing has required a yearly review of a child's supervision order, including a review of any measure of residence attached to supervision orders as well as review related to child protection orders.

The LAC regulations 2009 outlined a fixed structure of timescales for reviews. Reviews were within 6 weeks of placement within a further 3 months and every 6 months thereafter.

Evidence of looked after children reviews, hearing reviews can be found in a child's records. Stirling Council hold a record of all children requiring review. This ensures a timetable of reviews according to requirements.

iv. Child protection

The Children Act 1948 established a children's committee and a children's officer in each Local Authority. On 11/9/48 Stirling County Council noted a Circular from the Scottish Home department concerning administration of the 1948 Act. On 19/10/1948, Stirling County Council set up a Children's Committee.

Under the Social Work (Scotland) Act 1968, local authority social work departments replaced children, welfare, and health and probation committees. The Authority also took over responsibility for investigating child abuse. Stirling County Council was aware of its widened responsibilities and noted these at a meeting of 11/4/1969.

The 1995 Act incorporated the three key principles of the United Nations Convention on the Rights of the Child into Scottish law: protection from discrimination, ensuring that child welfare is a primary concern and listening to children's views.

In 1994 Fostering network introduced a book called Safe Caring. The Fostering Procedures 2007 refer to training provided to foster carers in respect of safe caring. Foster carers were introduced to the idea of protecting themselves from allegations or those in their family. Stirling Council foster carer records indicate that safe care plans were introduced. A follow up book was introduced 2012 with the aim of making foster care a positive experience for children and allowing foster carers to make day to day decisions. Stirling Council have provided extensive and regular training in respect of safe care, as demonstrated in training schedules produced in Appendix_Sec_C_23. Foster carer allocated social workers have supervision with their foster carers, where matters of safe care and child planning are considered, in line with national policy and practice

The Handbook notes that the Council had child protection procedures outlining its response to foster care allegations. This was further strengthened by 2007 Fostering Procedures. That document stated that allegations against foster carers of abuse or neglect must be investigated in accordance with Child Protection procedures. Foster

Care Agreements, first introduced pursuant to the Fostering of Children (Scotland) Regulations 1996 confirmed this expectation regarding child protection allegations.

As well as this, child protection investigations are formally advised to the Care Inspectorate website by way of the e-form system of notifications, in line with legislative requirements.

Stirling Council follow the Scottish Government guidelines produced jointly with The Fostering Network, "Managing Allegations Against Foster Carers and Approved Kinship Carers", July 2013.

Training has been delivered to foster carers in respect of this.

v. Discipline

The Children and Young Persons Act 1937 afforded foster parents the same rights as parents. This included rights of reasonable chastisement. This sentiment was confirmed within the Boarding out Children Scotland Regulations 1959.

Both the Boarding-out and Fostering of Children (Scotland) Regulations 1985 and the Fostering of Children (Scotland) Regulations 1996 required the Local Authority to enter into an agreement with foster parents in respect of not administering corporal punishment. The Local Authority through subsequent legislation is bound by duties to promote a child's welfare. This is reflected in Stirling Council's The Handbook and Fostering Procedures, which detail requirements relating to obtaining children's views and promoting a stable family home.

Since 1996, foster care agreements have been signed by foster carers and there is stated agreement that no corporal punishment will be used. All care provided will be to promote a child's wellbeing in a trusted caring environment. As outlined in procedures and handbook, all Child Protection concerns will be investigated in line with Child Protection Procedures this would include issues of inappropriate discipline.

Foster carers are provided with support and training to ensure behaviour is managed in a positive manner using strategies to promote a child's wellbeing in the context of a child's early trauma experience.

vi. Complaints handling

The Fostering of Children (Scotland) Regulations 1996 required the Local Authority to outline the procedures for complaints. The 2005 foster carer agreement and handbook outlined procedures for complaints. Stirling Council had a policy regarding management of complaints including foster care. Since 2005, the National Care Standards have required the Council to provide information on how to complain. This information is provided to newly registered foster carers as part of an induction pack. Stirling Council complaints processes are laid out in the handbook and procedures. As well as this, complaints are formally advised to the Care Inspectorate website by way of the eform system of notifications.

The Council has a complaints procedure. Details of this can be found by those seeking to complain on the Stirling Council website. Complaints can be made online, by phone, by email or in person. The complaints procedure details that this is a 2 stage complaints process and where complainants are dissatisfied with the outcome, complaints can be made to Care Inspectorate directly, as well as Scottish Public Services Ombudsman.

vii. Whistleblowing

In 2003, the Scottish Social Services Council (SSSC) established codes of practice for social services workers and employers. These were updated in 2016. Training has been provided to staff in respect of this.

The Council has a current Whistleblowing policy, details of which can be accessed on Stirling Council's website. The Council encourages employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns.

Since their introduction, foster care agreements have required foster carers to keep the Council informed of any concerns affecting them or the child in placement.

viii. Record retention

A care authority was required to compile and maintain a record in respect of children who were Boarded-out. The record was to be open to inspection. There is evidence

from 1930s onwards that Stirling Burgh, Stirling County Council, Central Regional Council and Stirling Council maintained records of the young people placed. We can see individual visiting and inspection records. In 2002 National Care Standards set out record keeping requirements, this was subsequently replaced by the LAC Regulations 2009.

The Council is required by the LAC Regulations 2009 to establish and maintain records for all foster carers and prospective foster carers. A case record for a foster carer or prospective foster carer record compiled under regulation 31 must be retained by the Council for at least 25 years from the date the foster carer's approval is terminated or until their death, if earlier.

The Council has retention guidelines which are implemented by business support staff, both in respect of paper and electronic records. All foster carers have individual files separate from child's records.

Pre Local Government Re-organisation in 1996, and immediately following, all Social Work paper files were held on site in each Area Office. This included active and closed files for both Children and Adult cases.

The practice at that time was, once the closed file storage rooms filled, these records were moved to another storage area within a secure cage in the Council Archives building.

One of the outcomes of the Local Government Re-organisation, was that the Council retained the records from Central Regional Council. This included records for neighbouring local authorities including Falkirk Council and Clackmannanshire Council. As a result, the Council are the sole host Authority for this region. For the avoidance of doubt, the Council only retain closed files from Central Regional Council era, any open files (at that time) were retained by the relevant local authority after re-organisation.

The closed paper files would be boxed in alphabetical order by surname. There was no retention rule or destruction date applied. Record cards with the details of each of the archived files were held in each Area Office. There was no agreed process to

manage these files but exercises were undertaken periodically to work through the files and agree which could be destroyed.

Circa 2005 all files held in Archives were systematically checked to identify the file type. Each file was catalogued before all were moved to the Records Centre. This catalogue still exists as part of the Records Centre File Inventory.

The arrangements for dealing with closed paper files changed in 2007 due to a major fire in Drummond House which was a three level building used by all areas of Social Work. There were files for Children and Families, Adults and Justice held there.

All files were removed to Burghmuir which was where the Council Archives were located at the time, as some had fire or water damage. Over a period of time each file was checked, a retention rule applied and the file prepared to move to Records. The paper files held in our other offices over the Stirling Council area soon followed suit.

In 2007, all closed files were removed from Local Offices and placed in storage in the Council Archives building. A significant task was undertaken to check each file and apply a retention rule to both Children's and Adult's case files. We still apply these retention rules currently, as demonstrated in Appendix_Sec_C_03.

An external provider called Dataspace was brought in to take over the management of all closed files and current paper files which were not required on site, which were moved to their storage facility and a process was put in place to deposit and retrieve files.

The Council's own Records Centre quickly followed with files being transferred from Dataspace to a new secure location within the basement of Viewforth (the Records Centre has since moved to a new location where it has a purposely fitted out warehouse to host all Council records).

Within Children and Families, since 2007/2008 a process has been in place from when a Team Leader closes a case file. The Council has worked with a mixture of paper files and electronic case files from 2011, working fully electronically from 2014. The process is noted below:

- Team Leader managing the case closes case file on SWIFT.
- Team Leader completes file retention sheet indicating the rule to be applied depending on case type and passes to Business Support.
- Business Support add retention rule to appropriate tab on SWIFT.
- Business Support move electronic case file in our shared drive from Active Case Files to Closed Case Files and into the appropriate file retention folder i.e. 3 years, 5 years, 35 years or 100 years depending on the case type as provided by the Team Leader.
- Business Support record file movement on tracker spreadsheet to note date of file closure, retention rule applied and review date for file destruction. This can be interrogated to identify files which have reached their destruction date.
- If a case is closed and re-opened Business Support will check the Closed File records and move it back to Active Case Files. Once the file is closed again, the new appropriate file retention rule will apply, being the longest time we should hold on to that file, and the process repeats itself from Team Leader closing the file on SWIFT.
- Any files reaching their destruction date are highlighted to Service Manager level asking for the file to be reviewed, and for them to advise if new retention schedule should be applied, or if the record should be destroyed/disposed of in line with relevant national retention guidance and data protection legislation.

The Council does continue to retrieve and return paper case files regularly from the Records Centre by following the process and completion of the correct pro-forma to do so produced in Appendix_Sec_C_05. The Records Centre Inventory can be accessed and checked at any time to find out if a file is held for an individual.

A similar process is carried out for Foster Carer files being sent to the Records Centre. Adoption files follow a strict process and are not visible on the main Records Centre Inventory, but in an area with restricted access and all paper files are stored separately from the mainstream Social Work files in a secure access only area.

The Council has seen a significant upturn in Subject Access Requests being made in relation to historic client records from former looked after children. Such requests require notification being sent to the relevant service, which in turn will formally request the relevant record from the Records Centre for reviewing. The Records &

Information Governance Team will scan the record and apply any relevant and appropriate redactions in line with current data protection legislation e.g. third party personal data etc., prior to issuing a copy of the record to the individual. The original paper record is then returned to the Records Centre and the inventory updated accordingly.

From c.2011 onwards, the Council has adopted the retention periods set out by the [Scottish Council on Archives](#).

However, since 1 October 2015, the Council has implemented a moratorium on the destruction/disposal of all records relating to children who were in care or foster care as well as all other records that may be required as part of the Scottish Child Abuse Inquiry. These include both historical and present day records, and are not limited to client records.

ix. Recruitment and training of foster carers

As per The Children and Young Persons (Scotland) Act 1937 and the 1968 social Work (Scotland) Act, children were visited by Authority representatives. There is evidence of this in Stirling Burgh and Council records. The Act outlined the type of person that could care for a child. The 1947 Children Boarding out rules required the local authority to ensure any applicant was of good character. Stirling County Council recruited an officer, one of their duties was to select foster parents and undertake visitations.

Reference is made within archives dated 02/08/1943 to Stirling Burgh noting the process to recruit foster parents and on 03/02/1954, a leaflet was produced to attract foster parents.

On 10/3/76 Central Regional Council Fieldwork and general services sub-committee circulated a paper on recruitment of foster carers. On 25/03/1976, the Social Work Committee reported on problems recruiting foster carers.

The Boarding-out and Fostering of Children (Scotland) Regulations 1985 introduced the requirement to establish fostering panels.

This panel considered the suitability of all prospective foster parents and required the Authority to enter into agreements regarding the care of the child. On 30/06/1986, the relevant Stirling Council committee reported on a recruitment campaign for foster carers.

In 2001, the relevant Stirling Council committee considered a paper on funding to improve fostering services and outlined a 3 year plan with twice yearly recruitment. On 16/10/2002 Stirling Council Children's committee noted the plan for recruitment of foster carers and enquiries received. The 2005 standards outline the responsibility of the agency, in this instance, the Council, to ensure all applicants who foster are aware of the range of children's needs and the need to recruit applicants who have the capacity to meet these needs. Foster panel members need to be aware of the agency's recruitment plan. The 2005 Standards provide that a local authority's recruitment strategy needs to reflect the needs of looked after children and the complexity of the task.

The Council provides an annual report in respect of the fostering service including recruitment needs and planning. The panel members are provided with this report at the annual business meeting.

The Council has used the "Fostering Network Skills to Foster" preparation material, which addresses all aspects of the fostering task including safer caring as referred to in Fostering procedures 2007. "Form F assessments", a standard document for the assessment of foster carers, have been used in Stirling Council and previously in Central Region.

Training has been an integral part of Stirling Council's foster care service since its inception, foster carers are offered an extensive training programme which includes child protection, parental substance misuse and parental mental health. Therapists within the fostering and adoption team deliver training, provide consultation and facilitate reflective practice groups with foster carers. Evidence can be found in individual foster carer training records and the foster carer training schedule. Training materials are produced in Appendix_Sec_C_23. Foster carers are also offered an online training programme, Applied Care and Development. Foster carers are also

offered the opportunity to attend staff training through Stirling Council Organisational Development Team.

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

The Boarding out and Fostering of Children (Scotland) Regulations 1985 outline information required by a panel to ensure the applicant is suitable to foster including home visits and relevant checks. The provision was further strengthened by the 1995 Act which specifically states the need for employment checks. The LAC Regulations 2009 require information about prospective carers' employment.

As part of Form F assessments, employee references checks are carried out.

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?

Refer to response at 4.1(b)(c) above.

f) If not, why not?

N/A

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 national approach to improving outcomes for children and young people in Scotland is getting it right for every child (GIRFEC) (Scottish Government, 2015). This provides a framework for those working with children and their families to provide the right support at the right time. GIRFEC incorporates the SHANARRI indicators to ensure the wellbeing of children.

GIRFEC provides a common approach to working together to deliver better outcomes for children to ensure they reach their full potential. It promotes a shared approach and accountability that:

- builds solutions with and around children, young people and families
- enables children and young people to get the help they need when they need it
- supports a positive shift in culture, systems and practice
- involves working better together to improve life chances for children, young people and families (n23: Handbook for Foster Carers, 08.09.2017, p19). Appendix_Sec_C_01

Stirling Council's recent foster carer supervision template uses the SHANARRI indicators to ensure that all aspects of a child's wellbeing are considered and is an outcome focused approach with an emphasis on team working. TAC meetings are held in line with child's plans and are recorded in children's files.

The Health and Social Care Standards 2017 replaced the National Care Standards. Stirling Council were inspected against these in 2019, inspection reports are published on the Care Inspectorate website.

In line with the Scottish Government permanence agenda, the Council has worked with the Permanence and Care Excellence team to improve processes. The aim of this work has been to avoid drift and delay for children and for them to reach their permanent destination more timeously. Evidence can be found in fostering annual reports, improved committee reporting and training delivered to the staff team. Evidence can also be sourced from fostering inspection reports.

4.2 Local Authority

(i) Policy

Past

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

The minutes from the Authority refer to internal reports, memoranda and guidance relating to the provision of foster care. Please see the attached evidence spreadsheet

that has been compiled and all references found for foster care in records held by Stirling Council. In addition, refer to section C 4.1.

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

Policies and procedures reflect the changing legal and societal context. There has been a continuous process of change to consider improving welfare for young people separated from birth families. There has been an increased focus, through legislation, which translates to policy and practice, where outcomes both short and long term drives local authority policy. This can be evidenced through use of GIRFEC paperwork, foster carer supervision records, foster care agreements and local authority child's planning. Legislation now requires the planning for young people to be multidisciplinary. Evidence of a multidisciplinary approach can be found in child care reviews and corporate parenting forums. The Council has focused significant attention on permanence planning, this has been driven by The Scottish Government which has supported The Permanence and Care Excellence programme.

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

The attached evidence material from Stirling Burgh Council, Stirling County, Central Regional Council and Stirling Council's records in relation to foster care as referred to in minutes, circulars, reports and agendas. There is extensive evidence in Fostering Procedures 2007 and the Handbook (updated 2019) outlining where child's welfare, planning and outcomes drove local authority change. Current Foster Care service records and inspection reports provide evidence in respect of Fostering Procedures. Children's Service Plans report on delivery across the service including fostering. Stirling Council Committee reports and minutes outline planning in respect of the Fostering Service.

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

i. Child welfare (physical and emotional)

The Council has not identified specific policies and/or procedures maintained by the Authority but has identified instances of child welfare being considered in relation to decision-making.

Stirling Burgh

The 03/01/1933 minute of the Welfare Committee refers to Children Act 1932 and the role of the Burgh in relation to infant life protection and makes specific mention of fostering.

In a minute of a meeting dated 11/04/1948, Stirling Burgh, in line with increasing responsibilities for welfare, noted proposals for the establishment of a Social Welfare Committee.

The minute of the 20/05/1965 meeting of the relevant committee notes that a boy was removed from a foster home due to unsatisfactory rate of health and development progress.

Stirling County Council

On 08/10/1963, a minute records allegations of treatment of 2 children by foster carers, which resulted in the children being removed and subsequent enquiry.

Central Region

There is evidence during the period of Central Regional Council of increasing focus on development, support and supervision of foster carers. This is demonstrated, for example, in a minute dated 22/12/1976 which records the relevant committee referring to good practice guidelines for foster carers.

Stirling Council

Minutes of Children's Committee 21/05/1998 recorded that the Committee's vision was a child centred, holistic integrated approach to the needs of young people.

The 17/02/2000 minutes of the Stirling Council Children's Committee record that it discussed National Foster Care Standards and how it would ensure implementation.

Stirling Council Policy for Looked after children (August 2000), notes that the social, emotional, behavioural, health and educational needs of looked after children require to be addressed.

A report submitted to the relevant committee on developing a quality service for looked after children, dated 31/03/2002, noted the need for comprehensive child assessment including in relation to health.

On 18/04/2002, a minute of the relevant committee noted developments to ensure a quality service for Looked After and Accommodated Children.

The minute of Stirling Council's children's committee dated 16/10/2002 noted the support needs of children in foster care who have experienced emotional and physical difficulties.

Foster care agreements and day to day placement arrangements focused on working together, safeguarding the welfare of young people.

A 22/01/2008 committee report discussed introduction of GIRFEC in foster care. The report committed to delivering a child centred approach.

Fostering procedures and foster care handbook consider the welfare of young people and how best to promote this.

ii. The child's views

Prior to the 1968 Act there was no evidence in Authority records of children's views being sought, with the exception of visitations made to children and living circumstances confirmed suitable. Pursuant to the 1968 Act, Stirling County Council established a Social Work Department and attention was paid to good practice in foster care.

Stirling Council Children's committee 21/05/1998 notes Children's Services Plan and makes particular reference to seeking views of young people.

Stirling Council Policy for Looked after children (August 2000) states that the Council will have regard to the views of the child.

The introduction of National Care Standards further enshrined children's views. On 02/10/2002 the scrutiny panel considered implementation of the Standards. A

progress report on implementation was thereafter presented to Stirling Council Children's committee.

On 31/01/2003, the relevant Committee minute referenced the need to engage a Children's rights officer to meet its obligations as a result of recent inquiries.

The Handbook section 5.7.1 outlined welcoming children to foster care, listening to them and allowing them to talk. 2.4.4 outlined a young person's report and stated that they should be encouraged to express their views.

Fostering procedures 2007 noted a child in placement should be asked to contribute their views to the foster carer review.

A 22/01/2008 report regarding GIRFEC and foster care presented to Stirling Council Children's committee states that a child care plan focuses on the views of the child (3.3).

Templates, seeking Children's views, are found in records including, have your say form, permanence reports and Child Adoption and Permanence Report (CAPR) paperwork, child's forms submitted to foster care reviews.

iii. Placement of siblings

The Handbook (updated 2019) states every effort should be made to place children together (4.1.1).

Guidance on children being placed together can be found in Fostering Procedures 2007, which states that when siblings are being accommodated every effort will be made to place them together.

Foster carer registrations evidence the capacity of the service to have availability for placements of sibling groups.

iv. The placement of a child in foster care

Early records from the Authority note visitations made to children in placement and that registers were maintained of children Boarded-out. Stirling Council has not

identified specific policies and/or procedures maintained by these Authority on placement.

Committee reports and minutes, looked after children policy, fostering procedures, the Handbook all reference arrangements for placement of child in a foster placement. Foster care agreements outline responsibilities of service and foster carer in respect of placements.

v. The particular placement of a child with foster carers

Foster carer service records hold referral forms regarding placement of children in foster care, both internal and external. Fostering procedures 2007 refer to planning for a child to be accommodated and support to the placement. The procedures and handbook outline roles and responsibilities in respect of the support to child and to the foster carers. Matching requirements in respect of placement are noted in fostering procedures, handbook and referral forms. Individual child and foster care records contain day to day placement arrangements.

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

Stirling Council has not identified specific policies and/or procedures maintained by the Authority on contact.

On 17/12/1946 Stirling County Council noted a request from mother to see her child, this was refused based on the progress of child and mother's history.

The 1995 Act states that a parent has the right to maintain contact if the child is not living with them.

The Looked After Children (Scotland) Regulations 2009 outline the arrangements for contact. The requirement to establish a child's plan includes consideration of contact.

The Handbook, outlines procedures and expectations regarding contact. Foster care agreements, day to day placement arrangements and LAAC review minutes records consideration of contact arrangements.

Evidence can be found in:

- Stirling Council Policy for Looked after children (August 2000)
- The Handbook
- Fostering procedures
- Foster care agreements
- Day to day placement arrangements
- GIRFEC paperwork

Refer to: - Appendix_Sec_C_0; Appendix_Sec_C_09; Appendix_Sec_C_11;
Appendix_Sec_C_20

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

The requirement to provide a comprehensive assessment included consideration of contact with siblings.

This can be seen in records including:

- Committee reports
- Stirling Council Policy for Looked after children (August 2000)
- The Handbook
- Fostering procedures
- Foster care agreements
- Day to day placement arrangements
- LAAC review paperwork
- Fostering and adoption panel paperwork
- GIRFEC paperwork

viii. Information sharing with the child's family

Over time, policies have developed to reflect the increasing legislative focus on working with parents, and a partnership approach.

This can be evidenced in templates to gather birth parent's views. Meeting invites, including to permanence panels, are issued to parents.

Parental involvement can be evidenced in:

- Foster care agreements
- Day to day placement arrangements

- Fostering panel paperwork
- LAAC paperwork including records of meetings
- GIRFEC paperwork

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

As required by the 1995 Act the Council established a fostering panel following disaggregation. In 1996, Stirling Council Children's committee minute notes that the Adoption and Fostering panel became operational on 14/05/1996. This outlines function, structure and membership.

Subsequent fostering procedures, handbook and panel procedures, as produced in Appendix_Sec_C_12; Appendix_Sec_C_10; outline the above.

Evidence can also be found in foster care service records:

- Foster panel paperwork
- Foster carer individual records

x. Recruitment and training of foster carers

Extensive attention is paid by the Authority to this matter. Although Stirling Council has not been able to identify a copy of any written policy or procedure in this regard, early records indicate efforts made to recruit families as the Authority moved away from placing children in residential care.

A minute of Stirling Burgh Public Assistance Committee dated 28/02/1939 refers to a procedure for taking on foster carers.

A minute of the relevant committee dated 23/02/1954 refers to a leaflet produced to attract foster carers.

On 13/06/1969, the relevant committee noted accommodation provided to ensure recruitment of foster carers.

In minutes of the relevant Central Regional Council committee, allowances to be paid to foster carers was a continuous theme.

In a report for the relevant committee in 2001, a plan was set out by the Council in relation to modernising the fostering service. As part of this plan, the process began for the establishment of a skills to foster scheme. A range of mediums were used to attract foster carers including newspapers, word of mouth and increasingly digital means. A thankyou payment was introduced in 2005. Foster carers were increasingly involved in marketing.

Training of foster carers was integral to the development of the skills to foster scheme and attached to this was the opportunity for increased financial reward.

Annual fostering business reports and committee reporting outline recruitment numbers, strategies and efforts to attract foster carers for specific groups of young people including older children and children with disabilities.

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

As part of the longstanding Form F assessment, employee checks are undertaken prior to registration. There is a standard template for employers to submit their views of the prospective foster carer. The local authority checks are updated. Foster carers were subject to enhanced disclosure and are now checked by the PVG scheme.

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

Early records from the Authority indicate visitation to children on a yearly basis and outcomes reported.

The Social Work (Scotland) Act 1968 governed the Children's Hearing timescales for review. The 1995 Act and subsequently LAC Regulations 2009 outlined frequency of reviews for looked after children. Children are reviewed by Children's hearings, child protection meetings, Looked After Children reviews, foster care review and also at the permanence panel.

Evidence of review processes can be found in the following records:

- Committee reports
- LAAC policy
- LAAC reviews

- Fostering panel paperwork
- Team around Child meetings
- Child protection reports and minutes

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

Stirling Council has not identified specific policies and/or procedures maintained by the Authority on visiting. However, it is clear that visiting did take place.

Early Authority records show regular visiting. A minute dated 15/09/1936 noted that a visitation scheme to Boarded-out children was to be devised and reported on.

On 02/03/1964, an inspection report noted that the selection of foster carer was carefully carried out and that standards were high good.

A minute of the relevant committee dated 02/03/1965 noted that visiting requirements were regularly not being complied with due to understaffing and staff workload.

A Central Regional Council committee report dated 21/10/1976 circulated papers regarding supervision of children in foster care and considered the terms of COSLA letter regarding supervision of children in foster care.

The following records evidence the above:

- Foster care agreement
- Day to day placement arrangements
- Fostering procedures 2007
- LAAC review paperwork
- Foster panel paperwork

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

Although early Authority records show children moving into foster placements there is no specific record of children moving between foster placements.

Stirling Council Fostering Procedures (2007) and the Handbook outline preparation for children moving between foster placements. A template checklist system is in

place to ensure adequate information sharing in circumstances where a child is to move from one foster placement to another. As well as this, "Day to Day Placement Arrangement" forms provide detailed information for any new placements. Foster care agreements require information to be shared with any new foster placement in respect of any child being placed. There is longstanding provision for foster carer profiles being made available for children to access prior to placement to support transitions. Foster carers have information they can share with children on arrival including information relating to "Who Cares" provision.

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

There is no specific guidance on this point. Notwithstanding this, the GIRFEC approach requires the multi-disciplinary team to support any child including individual support and information sharing. When seeking a residential resource information will be shared with the provider. Transition planning out with an emergency placement will include all relevant people including the young person.

xvi. Child protection

Whilst no written policies or procedures have been identified in relation to child protection, records indicate that the Authority's had regard to child protection procedures applied in foster care settings. At present, the Council utilises the Scottish Government guidance, "Allegations in foster care guidance governs child protection responses". Stirling Council also implements Forth Valley Child Protection Guidance. Safe care has been a significant element of foster care preparation, supervision and training since 1994. Foster care agreements outline the expectation of the authority response to an allegation. Safe caring policies are in place for foster families and risk assessments are undertaken to manage specific child protection issues.

For further information, reference is made to response at 4.1 above

Evidence found;

- Committee reports
- Child protection procedures
- Foster care agreements
- Safe care policies

- Foster carer training
- Risk assessments

Refer also to: Appendix_Sec_C_02; Appendix_Sec_C_10; Appendix_Sec_C_06; Appendix_Sec_C_07; Appendix_Sec_C_08.

xvii. Complaints handling

Refer to response at 4.1vi.

xviii. Whistleblowing

Refer to response at 4.1vii.

xix. Record retention

Refer to response at 4.1viii.

e) Who compiled the policies and/or procedures?

The Authority developed policies over the years through a range of reporting mechanisms including Town and County Council Planning, committee reporting (Public Assistance, Child welfare, Social Work, Health, Economy, Environment and Housing) Service and Team Development, foster panel contribution, multi-agency partnership planning, chief executive planning.

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

Refer to response at 4.2 (a-d).

g) Were such policies and/or practices reviewed?

Yes.

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

Review was required in line with changing legislation, government circulars, changes of Local Authority boundaries, needs of young people and increased demands for foster placements. Inspection recommendations and requirements have also driven change in the service. The need for children to have a sense of belonging and permanence whilst separated from birth families also required a review of the service.

As a result, the Council has adapted processes to improve longer term outcomes by reducing drift and delay. The Council has worked with the PACE programme to improve permanence processes.

The move to a digital recruitment strategy, working with Stirling Council Communications service was required given the competitive nature of foster care recruitment – refer to Appendix_Sec_C_30; Appendix_Sec_C_31; Appendix_Sec_C_32; Appendix_Sec_C_33. There have been significant changes in policies and practice influenced by research and better informed policy makers and practitioners.

The majority of the Council's fostering and adoption team have completed a postgraduate qualification in Securing Children's Futures and some workers have attended the Introduction to Theraplay Course. This has led to a better trained workforce more able to support foster care placements. There is evidence of the changing nature of foster care provision at the political, authority and practice level. There have been national reviews in respect of foster care that have prompted change in policy and practice and required more scrutiny of foster carers.

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

The move from residential care to foster care has been a significant development in the provision for children separated from birth families. Recruitment, registration, review, support, supervision and training of foster carers have changed significantly over time. Partnership working with agencies and families and seeking young people's views has been a change. The corporate parenting duties have been extended over time and presently young people remaining longer in Stirling Council's family placements. Child protection and safe care have been strengthened. Safe care policies and risk assessment aim to protect young people in foster care.

Evidence can be found in:

- Safe care policies child protection visiting
- Child protection committee reporting
- Risk assessments

j) Why were changes made?

Changes were made as a result of the increased statutory requirements in respect of the registration and review of foster carers as well legislation governing the duties of the local authority to looked after children required policy development. The complexity of caring for young people required a modernising of the foster care service including a focus on support, training and foster carers fees and allowances. National Care Standards provided guidance on the fostering service which local Authority were inspected against. The focus on child protection and safeguarding young people required increased risk assessment and safe care policies. Foster carers' registration and terms of approval have been modified to take account of placement descriptors and limits. GIRFEC required a team approach to Looked After Children and required an outcome focused approach to the supervision and support of foster carers.

k) Were changes documented?

Yes.

l) Was there an audit trail?

Yes, the following records evidence the changes:

- Council and committee reporting
- Fostering procedures
- The Handbook
- Permanence procedures
- Inspection reports
- Annual fostering business reports
- Foster care agreements
- Foster carer review reports and supervision records
- Comprehensive child's assessments
- GIRFEC paperwork
- Foster panel procedures and paperwork

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 supervision records reflect GIRFEC principles and are outcome focused.
- An enhanced foster carers service is now in operation and requires a comprehensive recruitment strategy as well as additional supports.
- The foster care service has extended its staff complement to now include a fostering and adoption development worker, a family support worker and a full time therapist.
- An overnight family and friend policy is now in place.
- The Handbook has been updated.
- Placement limits have been introduced through an amendment to the LAC Regulations 2009: the local authority must not place a child with a foster carer where the placement would result in more than 3 children being placed with that foster carer at any one time. In addition, placement descriptors have been introduced. Annual fostering reports outline Stirling Council's awareness of this policy and its plans to ensure adherence. Foster carers' registrations now reflect the updated descriptors.
- Continuing care policy was introduced following the extension of obligations on the local authority to extend service provision.

(ii) Practice

Past

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

As outlined earlier the Authority was aware of changing legislation evidenced by reporting and service records. Policies and practices were modified to take account of this.

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

i. Child welfare (physical and emotional)

From 1930 onwards, records indicate visits to children that increase in regularity and quality over time as well as increased supervision and review of foster carers.

For example, the file of a boarded-out child on 24/09/1954 noted visits by the Authority and financial support given for clothing and a new bike. Records of visitors' reports also show discussions with children regarding their birth origins.

The file of a child placed in foster care noted on 09/02/2010 that their mother was not able to care for them and noted a range of factors negatively impacting on the child, including failure to thrive and neglect.

Individual child and foster care records demonstrate review and supervision in line with policy changes. The skills to foster scheme focuses on the skills needed to provide quality care and support to children placed. The panel paperwork evidences the increased scrutiny of foster carers. An emphasis on training is evident. Increased financial support is evident both to the child and foster carers, which was implemented at practice level. The Handbook outlines financial support to young people.

Child welfare is at the centre of the foster carer agreement (Refer to Appendix_Sec_C_34), signed by all foster carers and explicitly requires foster carer to update the Authority regarding any child protection concerns in placement. Partnership working to improve outcomes can be seen in LAAC minutes, child's assessment reports, foster carer supervision records and foster carer review paperwork.

ii. The child's views

Although there is evidence of visitors talking to children, explicit provisions to ascertain children's views was introduced with the 1968 Act and further consolidated through subsequent legislation. Social Worker assessments include children views and with the introduction of the having my say form brings this formally to making of child's plans.

The following is evidence of child's views:

- Foster panel paperwork, Childs in placement specific contribution to foster care reviews.
- Individual child's records including case notes, reports and verbal contribution to meetings.
- Permanence reports explicitly requiring the social worker to seek child's views, Form F and replacement Child Adoption and Permanence Report.
- Corporate parenting groups where young people make representations.
- Foster care supervision records discussing child's views.
- Individual child's records.

iii. Placement of siblings

Stirling Council's Fostering Procedures outline the expectation that, if possible, siblings are placed together. From earlier records we can see that some children resided with their siblings in Boarded-out arrangements, however there is also evidence of children being separated. There has been an increasing emphasis on placing siblings together. This is demonstrated by records of sibling assessments being undertaken to consider the complexity of ensuring children's needs will be best served, whether that be together or apart. Foster placement team records also show consideration of sibling placement as part of the matching process. There is evidence that the team have been faced with lack of placement availability, which, at times, prevented siblings being placed together.

Evidence found in:

- Foster team records
- Foster annual reports
- Foster panel paperwork
- Individual child's records
- Individual foster carer records

iv. The placement of a child in foster care

Review of records dating from 1930 demonstrates that, while a specific policy cannot be identified, arrangements were in place to visit boarded out children and comment on the quality of care provided.

Evidence of adherence to relevant policies can be found, for example, in the following records:

- Child placed 26/06/1979 - notes of visiting and legal order used to place child.
- Child placed 30/12/2008 - notes of foster care agreement in file and regular visiting
- Foster carer approved 28/06/1989 – notes of foster care agreement and regular visiting.
- Foster care agreements, day to day placement arrangements, and child's reports record child in placement information.
- The following evidence can be found in respect of the child in placement;
 - Foster care agreement
 - Foster care assessment
 - Foster care review reports

v. The particular placement of a child with foster carers

Since implementation of the Boarding out and Fostering of Children (Scotland) Regulations 1985, foster carers are approved at foster panels in relation to age, gender, numbers as well as length of placement. Records show that when foster carers go out with approval the Agency Decision Maker is asked to agree to temporary approval before the foster carer return to panel to have registration reviewed.

Evidence of adherence is found in individual client records, with an example where a Child placed on 30/12/2008. The record shows that the matching process was undertaken at the fostering resourcing meeting.

The following records can also be found:

- Hearing reports outlining the legal basis in which children are placed with a foster carer.
- Day to day placements arrangements.
- Individual foster carer records including review reports.
- Individual children records.
- Foster panel paperwork.
- Fostering annual reports.

- Inspection reports.
- GIRFEC paperwork.
- Team resourcing minutes.

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

Contact information can be found in the following records, which have been in use at various points in time, demonstrating adherence to relevant policies and procedures:

- Individual child's records including LAAC review minutes, child's plans and hearing reports.
- GIRFEC paperwork.
- Foster carer supervision records and foster carer review reports.
- Day to day placement arrangements and section 25 paperwork.

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

Stirling Council's Fostering Procedures (2007) emphasise the need for contact with siblings when separated both in foster care and in adoptive placements.

Consideration and arrangements, which demonstrate adherence, can be found in the following:

- Individual child's records including LAAC review minutes, child's plans and hearing reports.
- GIRFEC paperwork.
- Foster carer supervision records and foster carer review reports.
- Day to day placement arrangements and section 25 paperwork.
- Sibling assessment reports.

viii. Information sharing with the child's family

The legal rights for a significant number of children in foster care, continue to sit with birth parents unless permanence measures are in places. Since implementation of the 1968 Act, parents have been part of the planning for children. The Authority have ensured that parents are properly involved. Evidence can be found in records to show parental involvement and information sharing.

- Hearing and review reports shared with families.
- Parental involvement in completion of permanence reports.
- Families' attendance at LAAC reviews.
- Phone contact, face to face contact and shared written information directly between foster carer and birth families.

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

As aforementioned, the Authority were required to establish a foster panel.

Evidence of panel function, demonstrating appropriate adherence, can be found in the following:

- Foster carer individual records, in particular, foster carer registration and reviews.
- Team records with detailed information on panel schedules, agenda, attendance and minutes, membership.
- Childrens' records with regards to presentation at panel, information relevant panel report and minute.

x. Recruitment and training of foster carers

The following materials demonstrate adherence to relevant policies and procedures regarding recruitment and training of foster carers:

- Records from Authority outline efforts to recruit foster carers.
- Information presented at committee provides detailed information regarding recruitment and training of foster carers.
- A minute dated 28/02/1939 from the public assistance committee makes reference to practice of taking on foster carers.
- Council reports and minutes.
- Foster team records including recruitment material and training schedules.
- Annual business reports.
- Individual foster care training records and review reports.

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

Form F assessments include employee references; these can be found in individual foster carer files. Employee reference template stored in team records.

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

Records show visitations to children in boarded /foster placements. Detailed records in respect of this, which demonstrate adherence to any relevant policies and procedures, can be found in Authority' records including;

- Committee reporting.
- Individual child records.
- Individual foster carer files.
- Foster panel paperwork including permanence registrations.
- Hearing reports.

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

As detailed within answer xii. Note also that increasing details of visiting and contents of visits can be found in case notes and reports. The changing nature of report templates have prompted more detailed assessments and a team approach to child planning. The requirement in respect of announced visits required local Authority to implement this.

Stirling Council has an unannounced visit template, this is also reported to foster carer annual review.

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

Records of a child's movements can be found in individual child's records and foster carer files. Evidence of training in respect of transitions offered to foster carers can be found in team shared drive. Respite checklist template are to be found in files noting the passing of detailed information when the child moves. Profiles of foster carers are on record and can be offered to children in preparation for placement.

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

Stirling Council adhere to GIRFEC principles and values.

Records of a child's movements can be found in individual child's records and foster carer files. Evidence of training in respect of transitions offered to foster carers can be found in team shared drive. Respite checklist template are to be found in files noting the passing of detailed information when the child moves. Information is shared with residential placements prior to move. Evidence of this can be found in foster team records in respect of placement finding.

xvi. Child protection

Early records indicate that children were moved due to concerns in foster placement. For example, on 29/04/1968 a boy was removed from foster parents due to lack of progress.

Child protection responses can be seen in individual children's records and foster carer records. Foster carer yearly review reports specifically address any complaints/allegations raised regarding the foster carer. Allegations are also notified to Care Inspectorate.

The two fostering households referred to in section B require further exploration to provide assurances to adherence to policy.

Stirling Council will undertake a paper review of the two fostering households as the foster carers involved continue to be Stirling Council Registered foster carers. The review will be undertaken by a social worker who has knowledge of fostering but not directly involved with these fostering households to ensure an independent, robust quality assurance.

Notwithstanding the above, we have outlined below initial comments on the 2 fostering households. Further details can be found in the LAAC records in respect of the allegations. Refer to Appendix_Sec_C_27.

Foster carer ■ and ■ were registered as Stirling Council foster carers in 1999. They have cared for a sibling group from 1999 who continue to live with them on a supported carer basis. They have also looked after other young people over their period of fostering registration with Stirling Council.

■ made an allegation of physical abuse in 2010. A child protection investigation was undertaken, ■ was charged, and was subsequently acquitted at court. Following the allegation and the move of ■ to an alternative foster placement, risk assessments were undertaken in respect of the existing placements.

Foster carer ■ and ■ were registered as Stirling Council foster carers in 2003, they have looked after 37 young people and currently have 2 young people in placement. 1 child is permanently placed and a comprehensive permanence report and match was presented at the fostering panel in respect of this child. The other child placed, future permanence destination yet to be concluded.

Allegations noted (see Appendix_Sec_C_27), further interrogation of paper file is required to understand the nature of the allegations and Stirling Councils response.

xvii. Complaints handling

There is a longstanding system for noting complaints at annual foster care review. Examples of appropriate complaint handling was found in file reading.

- A record dated 12/01/1994 notes complaints by parents regarding contact, this was investigated by quality assurance unit, service manager and area manager.
- Child placed in foster care 30/12/1998 - grandparent raises concern re foster placement and this is investigated by a service manager.

xviii. Whistleblowing

Refer to response at 4.1c (vii) above

xix. Record retention

Refer to response at 4.1c (vii) above and Authority's records outlined reference material in attached in Appendix_Sec_C_13; Appendix_Sec_C_14; Appendix_Sec_C_15; Appendix_Sec_C_16; Appendix_Sec_C_17

The following records are also available:

- Council records.
- Service records.
- Team records.
- Foster care records.
- Individual child's records.

c) How was adherence demonstrated?

As above.

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

As above.

e) Were relevant records kept demonstrating adherence?

As above.

f) Have such records been retained?

As above.

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

As above.

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

As 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.

Refer to response at 4.2 (j) above.

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?

Stirling Burgh Council

Stirling Council has not been able to identify written policies and/or procedures in this area, but instances of care being demonstrated are found in relevant records.

Stirling Burgh Council had arrangements for foster carer registration and inspections, though noted in records from 1930 there is no detail.

A minute of the relevant committee dated 03/01/1933 noted foster care and infant life protection, and made reference to Children and Young Person Act 1932.

A record of 28/09/1965 details allowances to be paid to boarded out arrangements including pocket money.

A record of 28/10/1969 noted a Christmas allowance to be paid to each foster child.

Stirling County Council

Records from 1937 indicate regular visiting, financial support and the County Council accepting responsibility to care for children where parents were unable to do this. Records describe financial support provided for clothing, holidays and celebrations. There are instances where children are removed from foster carers and returned home due to unsatisfactory foster placement. Increased scrutiny is put in place in response to legislation but also instances of children in unsatisfactory fostering arrangements. There is also evidence of family members being vetted. On 08/10/1963 an allegation concerning treatment of children in foster care was made. The children were removed, and an investigation undertaken by Children's Officer. On

18/10/1967 a procedure was introduced for police vetting in response to press concerns re foster carers.

Central Regional Council

There is limited access to governance policies during this period but there is evidence of Central Regional Council introducing policies originating from changes in childcare legislation. In addition, file reading shows supervision of children in foster care.

Financial allowance is a theme across this time as well as increased supervision of foster carers being required. The Social Work committee discusses COSLA papers regarding these issues. It is also noted that insurance for foster carers is introduced. Recruitment is a challenge and we begin to see publicity to attract foster carers.

In line with legislation, on 04/06/1991 Central Regional Council implemented a change of designation from foster parent to foster carer.

On 02/06/1992 a foster care consultative committee is introduced.

Stirling Council

During this governance period the "Skills to Foster Scheme" was introduced, the modernisation of the fostering service was proposed and implemented, all driven by the introduction of the National Foster Care Standards, research and changing legislation. Fostering procedures were put in place and Fostering Panels firmly established. The Handbook was prepared, outlining the detail of caring for a child. Foster care agreements were in place outlining the Council's responsibility to foster carers and the responsibility of the foster carer to the child in placement. Children's views became central to the plan culminating in the multi-agency GIRFEC approach to child care planning. Inspection bodies offered more scrutiny and fostering services were now registered and inspected.

Permanence planning became integral to the fostering services as research focused on longer term outcomes for young people and indicated a sense of belonging was crucial to a child wellbeing. Corporate parenting and continuing care required the

local authority to support young people longer and with a partnership approach. The fostering team increased in composition and numbers to support the registration, supervision and training of foster carers. Recruitment continued to be a focus. Training of foster carers was further consolidated by the Standards and required a skilled foster carer team to facilitate this.

Evidence includes:

Minute of the relevant Committee meeting dated 02/10/2002 records a recommendation regarding fostering service to safeguard accommodated children and improve the quality of their care through increased use of foster rather than residential placements.

On 13/02/2003, the scrutiny panel made a number of recommendations to modernise the service and commented on the National Foster Care standards. Stirling Council made preparations for readiness for inspection and committed more funding.

On 16/12/2005, the Scotland Office awarded funding to improve fostering services. That funding allowed thankyou payments, retention payments and improvements to the website.

Annual reports by the Stirling Council Fostering Service to the relevant committee fed into the development of policy and procedures.

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

Yes. The aim reflected in the policies from the Authority developed from providing family accommodation to a comprehensive approach to registration, support, supervision and training of foster carers. The Boarding out and Fostering of Children (Scotland) Regulations 1985 required both foster care agreements and the establishment of fostering panels. All developments were informed by legislation, research and practice. There was a range of national reports produced where there had been concerns with regards to foster care placements. The aim was to improve living circumstances for children separated from their birth families and promote their wellbeing with a view to positive long term outcomes. Protection was an early identified aim and continued to develop as seen in policies outlining measures to

protect children. As the importance of a child's views was consolidated in legislation, we can see the Authority introducing this into policy. Corporate parenting responsibilities are consolidated into practice.

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

Policies and procedures were recorded as detailed within the answer to 4.3(i)a.

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

i. Safeguarding

Stirling Burgh

While no written safeguarding policies or procedures have been identified in relation to Stirling Burgh, there are examples of safeguarding actions being undertaken in records. These include:

- 03/01/1931 reference to circular from Department of Health mentioning infant life protection and fostering.
- 02/04/1934 additional infant protection visitor appointment

Stirling County Council

While no written safeguarding policies or procedures have been identified in relation to Stirling County Council, there are examples of safeguarding actions being undertaken in records. These include:

- 30/01/1947 – relevant committee agreed that a foster home was preferable for children as opposed to children's homes, difficulty in finding families was highlighted.
- 16/09/1947 – circular concerning child care and the duties for welfare transferred to Scottish home department.

- 1954 – notes from a child's file refer to the relevant regulations and that the Council would be responsible for visiting.
- 24/07/1959 agreement to implement Boarding out of Children (Scotland) Regulations 1959, officers consulted.
- 02/03/1964 – record of visits to foster homes.
- 13/10/1967 – record regarding vetting of foster parents.

Central Regional Council

While no written safeguarding policies or procedures have been identified in relation to Central Regional Council, there are examples of safeguarding actions being undertaken in records. These include:

- 28/01/1976 Fieldwork and service subcommittee – there is a discussion on the supervision of children in foster care
- 28/1/76 - record of discussion re supervision of foster carers.

Stirling Council

Stirling Council policies and procedures can be found within:

- Committee reports,
- Foster care agreements,
- Fostering procedures,
- The Handbook,
- Inspection reports,
- Child's files,
- Foster carer files,
- Fostering team records.

ii. Child Protection

Policies in respect of safeguarding children including child protection were directed at keeping children safe within their families. We do see comments on treatment of children and the removal of children from foster care in early authority records but no explicit policy. It is with subsequent legislation that children are protected from wider society including foster carers. This includes the introduction of the PVG scheme and the concept of the unsuitable adult.

Stirling Burgh

While no written child protection policies or procedures have been identified in relation to Stirling Burgh, there are examples of child protection action being undertaken in records. These include:

- Minutes of town council meeting of 29/04/1968 refer to the removal of a child from foster parents due to unsatisfactory progress.

Stirling County Council

While no written child protection policies or procedures have been identified in relation to Stirling County Council, there are examples of child protection action being undertaken in records. These include:

- 11/04/1947, discussion on infant life protection and the removal from parents.

Stirling Council

Stirling Council incorporate Forth Valley Child Protection Guidance together with Scottish Government guidance, which can be found on Stirling Council website, as well as Stirling Council child protection information for staff.

This has been produced within Appendix_Sec_C_07 and Appendix_Sec_C_07.

iii. Medical care

Early records do not indicate any specific policy on medical care but there are a number of entries commenting on a child's medical progress and seeking advice from

medical professionals. Visiting to Boarded-out children by medical officers was required, evidence in records of regular visit to boarded out children can be found.

Medical consent to treatment must come from the young person under 16yrs where the medical practitioner deems the child to have capacity to make the decision. Other than that parental consent is required. Forms to be completed when children are accommodated address consent to medical treatment included essential core background information, section 25 paperwork and GIRFEC paperwork. The process for seeking medicals in respect of children being registered for permanence can be found on shared drive.

Stirling Council

Stirling Council Policy for Looked after children (August 2000): The policy states a commitment to provide high quality services which meet the education, care and health needs of looked after children.

Health continues to be integral to all child's assessments and appointments of medical staff for looked after children promotes the health of children. Children are provided with health assessment when accommodated and health professionals are fully part of the team approach to child's planning. There is increasing awareness of the health impact from early trauma and the team will access specific assessments as necessary.

GIRFEC has consolidated the team approach and health professionals, often health visitors, support the child's plan.

iv. Children's physical wellbeing

While no written policies or procedures have been identified in relation to the Authority, there are examples of regard being had by them to children's physical wellbeing in records.

For example, the Authority commented on children's welfare in a number of records. Early records indicate an acknowledgement of children requiring satisfactory foster home conditions and when this is not the case children were removed from foster care.

Early authority records indicate financial support for foster children including the provision of personal pocket money.

The introduction of the foster care agreement in the Boarding out and Fostering of Children (Scotland) Regulations 1985 outlined obligations on the foster carer regarding the care of the child and the obligation promote the child's welfare.

The content of the longstanding Form F assessment of foster carers considered the skills required to promote the wellbeing of the child. The details of assessment were presented to the fostering panels.

Stirling Council Policy for Looked after children (August 2000), committee reports, Fostering Procedures and the Handbook reflect the expectation that foster carers along with the local authority would promote a child's wellbeing.

Section 5 of the Handbook outline issues regarding health and wellbeing, including mental health and education of young people.

v. Children's emotional and mental wellbeing

While no written policies or procedures have been identified in relation to the Authority, there are examples of regard being had by them to children's emotional and mental wellbeing in records.

For example, a Stirling County Council record of 13/09/1946 noted that children had been visited, were making progress and were happy.

Increased understanding of the impact of early trauma has brought increased focus on support to young people in foster care. Training provided to foster carers and social workers and individual supports to young people are evident in foster care training schedules and individual child's files.

Policies, procedures, the Handbook, LAAC paperwork and child assessment tools reflect the increased focus on children's emotional wellbeing. The Handbook states

the mental health of accommodated children is significantly worse than non-accommodated children, and that this may require psychological involvement and direct work with children. The GIRFEC paperwork and SHANNARI indicators focus on outcomes in respect of all aspect of a child's wellbeing.

For further context, please read in line with refer to response at (iv) above.

vi. Schooling/education

Early authority records do not specifically make comment on education policy however we assume that children in foster care had access to the same education as the wider school age population.

The Children Act 1948 contained provision to award educational grants, we can see from records that additional monies were given to young people who were in foster care.

Stirling Council Policy for Looked after children (August 2000) refers to raising achievement for looked after children. The foster care agreement outlines the obligations of the foster carer to work with the local authority in implementing the care plan for the child including meeting educational needs.

Section 5 of the Handbook outline issues regarding health and wellbeing, including mental health and education of young people. The foster carer is required to provide an educationally rich environment for young people.

GIRFEC approach and paperwork includes attention to education and how young people can be supported to improve educational outcomes.

vii. Discipline

As aforementioned, early legislation permitted the foster carer to have the same rights as parents to inflict reasonable corporal punishment on children in their care as parents. Therefore, we do not see specific policies in relation to corporal punishment prior to this.

The implementation of the foster care agreement included the statement that a foster carer could not administer corporal punishment to children in foster care. Stirling Council records evidence the implementation of foster care agreements. Since their first publication, Stirling Council's Fostering Procedures and Handbook have stated that foster carers should not administer corporal punishment. The SHANNARI indicators go further and require foster carer discipline to be in line with the child's emotional wellbeing.

viii. Activities and holidays for children

Early records from the Authority note additional funding given to children for holidays. For example, a child's file from Stirling County Council records that, in 1967, payment was made for a new bike for the child, a holiday, Christmas and a school camp. A file from Stirling Burgh in 1966 records additional allowance paid for a child to go on holiday with foster carers.

Stirling Council's Fostering Procedures and the Handbook state that foster carers will be given additional summer allowances to contribute to a child's holiday. Comment is also made in the handbook respect of additional discretionary funding for expensive holidays.

ix. Sharing a bedroom

The first reference in this respect can be found in Fostering Procedures in 2007 where it states that Stirling Council is working towards no more than 2 children in a foster placement and no more than 2 children should share a room.

Subsequent recruitment material outlines the need for a spare room and fostering business reports state that children would not share a bedroom unless they are siblings.

Evidence can be found in foster carer review reports that it is only in very exceptional circumstances that unrelated children share a bedroom.

x. Contact with family members

Early authority records show that some children were having contact with birth parents and considerations were given to how appropriate this was.

For example, a record from Stirling County Council dated 17/12/1946 indicates that a mother made efforts to contact her child, but that an assessment concluded that it is not in child's interest.

The 1995 Act set out key principles regarding birth family contact. For children in foster care local Authority were expected to work with birth families in partnership in caring for the child. The law required local Authority to allow reasonable contact.

Stirling Council Policy for Looked after children (August 2000), children's services plans, fostering procedures, and handbook refer to promoting and supporting contact with birth families.

xi. Contact with siblings

Refer to response at 4.2(d)(iii) above.

xii. Celebration of birthdays and other special occasions

While no written policies or procedures have been identified in relation to the Authority, there are examples of provision being made for the celebration of birthdays and other special occasions.

For example, a Stirling Burgh record of 28/10/1965 indicates that financial support was given for Christmas allowance for child in foster care.

In relation to Stirling Council, reference to financial funds for birthdays and Christmas is outlined in the Fostering Handbook, first published in 2005.

xiii. Information sharing by the foster carer with family members

The Authority were under longstanding obligations to work in partnership with birth families in respect of the care of the child. Parents have rights to maintain contact with their children and contact is a significant part of child's planning. The development of the foster carer role over time moved towards working with parents.

The child care review process includes parents unless permanence plans do not include parents. Sharing of information is integral to the wellbeing of the child and foster carers are encouraged to make relationships with parents where appropriate. This can be seen in the Handbook and fostering procedures. The foster carer agreement specifically requires the foster carer to support contact as appropriate. This has been produced within Appendix_Sec_C_34.

e) Who compiled the policies and/or procedures?

The Authority developed policies over the years through a range of reporting mechanisms including town and county council planning, committee reporting (Public Assistance, Child Welfare, Children's, Social Work, health, economy, environment and housing) service and team development, foster panel contribution, multi-agency partnership planning, chief executive planning. Foster team action plans outline changes in policy and aims of service.

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

Refer to response at (e) above.

g) Were such policies and/or practices reviewed?

Refer to response at (e) above.

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

Refer to response at 4.2(h) above.

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

Refer to response at 4.2(h) above.

j) Why were changes made?

Refer to response at 4.2(h) above.

k) Were changes documented?

Yes.

l) Was there an audit trail?

Yes.

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.

N/A.

(ii) Practice

Past

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

Yes.

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

i. Safeguarding

While no written safeguarding policies or procedures have been identified in relation to the Authority, there are examples of safeguarding actions being undertaken in records, as referred to above.

Evidence of increased focus on safeguarding children by Stirling Council can be found in individual child's files including comprehensive assessments recorded in social background reports, accommodated child review reports and good parenting, good outcomes suite of paperwork. The introduction of GIRFEC and Stirling Council's range of reports detail the team approach to improving outcomes and can be found in child's files.

ii. Child Protection

While no written policies or procedures have been identified in relation to the Authority, there are examples of regard being had by them to child protection in records, as referred to above.

Increased vetting and assessment of suitable persons to foster can be found in foster carer files in line with the development in legislation and societal attitudes. The introduction of the Form F assessment in respect of foster carers evidences the enhanced level of scrutiny given to foster carers. Individual safe caring policies and risk assessments support the child protection planning for children in foster care. Evidence of adherence to these child protection policies can be found in training schedules for foster carer, which focus on child protection. Foster carer review reports underline any child protection concern and required interrogation and outcome.

iii. Medical care

While no written policies or procedures have been identified in relation to the Authority, there are examples of medical care being provided to children care in records.

Stirling Council undertakes comprehensive Assessments in respect of children include medical assessments as required by multi agency planning. Stirling Council has adhered to its medical obligations to children in foster care.

iv. Children's physical wellbeing

While no written policies or procedures have been identified in relation to the Authority, there are examples of regard being had by them to children's physical wellbeing, as referred to above.

Stirling Council has adhered to its policies relating to physical wellbeing of children in foster care.

v. Children's emotional and mental wellbeing

While no written policies or procedures have been identified in relation to the Authority, there are examples of regard being had by them to children's emotional and mental wellbeing, as referred to above.

Stirling Council has adhered to policies and procedures relating to the emotional and mental wellbeing of children in foster care.

vi. Schooling/education

Stirling Council has adhered to its policies and procedures as they relate to the schooling and education of children in foster care.

vii. Discipline

Early records do not comment on discipline arrangements, presumably for the reason outlined above.

In relation to Stirling Council, foster care agreements can be found in foster carer files requiring that foster carers do not administer corporal punishment. Day to day placement arrangements outline individual plans for children including expectation of treatment in foster home. Detailed child's planning individually held in child's files outline the foster carer's role and responsibility to ensure the child is safe. Foster carer supervision records and review reports outline progress of placement and safe care policy address specific issues that arise for the placement of a child. Any concerns re discipline are recorded in case notes and reviewed at foster care panel. All of these demonstrate adherence with relevant policy.

viii. Activities and holidays for children

While no written policies or procedures have been identified in relation to the Authority, there are examples of provision being made for activities and holidays for children, as referred to above.

Stirling Council has adhered to policy and procedure. Evidence of additional funding for equipment such as boy's brigade uniforms, holidays, school trips and other

activities is available in individual files. Social inclusion is reflected in child's records and foster carer records. The SHANNARI indicators prompt the team to consider inclusion and evidence can be found in the child plan of the progress of such.

ix. Sharing a bedroom

Early records do not comment on specific room arrangements.

Foster carer and child records consider accommodation provided and includes household composition. We can see from child and foster care records that there was a move in the last decade to accommodate children not sharing bedrooms with the exception of siblings, in line with the Council's policy. Foster care review reports outline the detail of living accommodation and confirms that foster children do not ordinarily share bedrooms. Records indicate that on very rare occasions, there are specific situations where children do share bedrooms but this is noted as an exception, foster carer registrations reflect the accommodation to ensure children so not share.

x. Contact with family members

Stirling Council's records demonstrate the carrying out of an assessment of suitability of contact with family members for the child. In line with policy, individual child's files show contact plans, and minutes of meetings evidence birth family participation in the child's plan including details regarding contact plans. Permanence reports outline in detail contact plans with birth families. In line with policy, training for foster carers focuses on working with birth families and facilitating contact for the child.

xi. Contact with siblings

The Authority do not appear to have had policies or practises in place in relation to contact of foster children with their siblings.

In line with the Fostering Procedures and the Handbook, foster carers support and facilitate contact between siblings where appropriate. As part of child's planning

sibling contact is considered where siblings are separated. Children's files sometimes show sibling assessments where careful consideration is given to whether children should be living together when permanence plans are being progressed.

xii. Celebration of birthdays and other special occasions

While no written policies or procedures have been identified in relation to the Authority, there are examples of additional financial support being provided to children in foster carer for Christmas and other events such as school, trips.

Stirling Council has adhered to the policy on these matters set out in the Fostering Handbook.

xiii. Information sharing by the foster carer with family members

During the tenure of Central Regional and Stirling Council, records indicate that as the role of foster parents changed to foster carer the expectation was that they work in partnership with parents in providing care to the children in placement. This was laid down in the Handbook and demonstrated by foster carer files and child's files. Foster carer training delivers sessions on working with birth families and managing contact. Parents' involvement in the planning for the child and attending meetings allows for a partnership approach to a child's planning along with foster carers, the child care review system and supervision of foster carers supports and promotes foster carers working with birth parents. There are examples of foster carers keeping log books to be passed to parents to ensure that parents are updated in respect of their child's progress. This is especially important for young children to reassure birth parents of their care and development.

c) How was adherence demonstrated?

As above.

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

As above and reference material submitted in Appendix_Sec_C_01.

e) Were relevant records kept demonstrating adherence?

Yes.

f) Have such records been retained?

As above and refer to response at 4.1 (c) (viii).

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

As above.

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

As 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 supervision template for foster carers has been updated to reflect the SHANNARI outcomes.

The placement descriptors have been incorporated into foster carer approvals.

Foster care training has delivered social media input to ensure the safety and wellbeing of children in foster care.

Therapists are now part of the team delivering direct support to young people, promoting children's emotional and mental wellbeing.

A policy has been developed in respect of overnight stays with respect to children in foster care.

Foster carers

(i) Policy

Past

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

The Authority records outline processes for visiting and the supervision of boarded-out children, including foster placements. Records of visits undertaken together with registers of children being visited were being maintained. Records indicate that children overall appeared to be happier when placed with a family rather than in residential homes. Stirling County Council's children's department was established in 1948, to improve the quality of care for children together with more frequent monitoring and regular reviews. Records indicate that there is evidence of increased visiting, review, vetting and checks on foster carers and family members. From a review of the Authority's records, it is clear that there has been consistent consideration and review of allowances paid to foster carers. From 1930 onwards the challenge of recruiting enough families to care for children has been a regular theme across all authority records. Records indicate that the Authority was aware of changing National policy in respect of foster care and gave regular consideration to practice implications. Scottish Government guidance is reflected within Stirling Council policy and procedures, in respect of ensuring placement availability for siblings.

The Authority's records indicate policies and procedures in respect of foster carers detailed within the following and produced in

- The Authority notes of registers, visiting and inspection of foster homes.
- Committee reports and minutes
- Fostering procedures
- The Handbook
- Looked after policy
- Individual child and foster care records
- Inspection reports
- Individual fostering service records
- Recruitment material

Refer also to: Appendix_Sec_C_01; Appendix_Sec_C_10;

Appendix_Sec_C_11; Appendix_Sec_C_12; Appendix_Sec_C_23;

Appendix_Sec_C_25.

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

The aim was to provide good quality family-based care for children separated from birth families. The financial support, monitoring and visiting was implemented to ensure the wellbeing of children for whom the Authority had responsibility. As the legislation and regulations developed, the Authority internal policy was amended to reflect the legislative framework and increasingly focused on improving outcomes for children. For example, in 2006 Scottish Government introduced the GIRFEC initiative improving outcomes for children in need. Stirling Council policy and procedure fully incorporates the GIRFEC initiative.

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

Yes. The policies and procedures were recorded within governance records information which is produced within Appendix_Sec_C_01; Appendix_Sec_C_10; Appendix_Sec_C_11; Appendix_Sec_C_12; Appendix_Sec_C_23; Appendix_Sec_C_25.

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

i. Recruitment

Longstanding governance records for the Authority indicate that across the Authority, recruitment has been a priority. There was an initiative to increase the capacity of foster carers to meet the needs of children requiring placement. For example, there has been increased focus on recruitment for children with disabilities. As legislation developed the Authority amended the type of families that could be recruited as foster carers. For example, early records indicate a man could not foster children. In recent times, lesbian and gay carers can offer foster placements to children. There has been increasing professionalism of foster care for example the introduction of the "Payment for Skill Information" scheme. The preparation, support and training demonstrate the complexity of foster care. Stirling Council records indicate an increased spend on recruitment of foster carers as detailed within the modernising social work committee report. An increase of independent fostering providers has required Stirling Council to use additional resources to recruit. This is evident from committee reports and

foster service recruitment strategies. Further information has been produced within Appendix_Sec_C_23.

ii. Standard and size of accommodation

Early records do not specifically reference the standard and size of accommodation, however there are references to children being removed from a foster carer due to inadequate living conditions. Form F Assessments records demonstrate that social workers considered the physical environment of the accommodation where a child was placed, together with health and safety assessments. The Form F assessment requires detailed consideration of the home environment including suitability for children and space for the sole use of the child. The National Care Standards required the local authority to carry out a general risk assessment and the LAC Regulations 2009 requires Stirling Council to provide information about the family accommodation for children in foster care. Stirling Council Form F assessment and recruitment material outline the need for a spare room for a foster child. Over time Stirling Council's fostering service has developed a policy that children who are placed with a foster carer require to have their own bedroom.

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

The Form F report makes recommends to Stirling Council Registration Panel regarding approval in respect of number, age and gender of children accommodated or within the household. Stirling Council foster care agreement outlines the terms of approval as agreed by the registration panel in relation to age, gender and number of children placed.

iv. Pre-approval/registration checks

Longstanding governance records for the Authority records show consideration of vetting information though no specific policies found. Stirling Council's fostering procedures, handbook and recruitment criteria, which outline checks have developed in line with the legislative framework and national standards. Stirling Council complete Form F assessments which record the detailed checks undertaken as required.

v. References

Longstanding governance records indicate that the Authority undertook checks, personal references, employee references, health assessments, home safety checks, pet assessments, financial assessments, overseas checks, former partner checks, and school and nursery checks. Foster carer service records have an extensive range of check templates to be completed prior foster carer registration.

vi. Foster care agreements

The requirements for foster care agreements are outlined in the fostering procedures and the Handbook. Stirling Council ensure that foster care agreements are completed following registration in the presence of the foster carer and the Authority's fostering team leader. The foster care agreements are updated on an annual basis.

vii. Induction

Stirling Council's foster carers continue with their Form F assessor appointed at the commencement of the registration process. Preparation groups outline the processes for foster carers and the Handbook outlines the expectations of the foster carer. Detailed guidance for the foster carer is also provided. Foster carers are given a comprehensive range of material on registration including information on children's rights, eating well in foster carer etc.

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

There is a national transfer protocol in place. Evidence of compliance is identified in the recent transfers Form F from other providers and more recently when a foster carer moved home and transferred to another local authority.

ix. Review/supervision

Early Authority records indicate that visits were undertaken to supervise foster carers. Legislation places a duty on the Authority to regularly review foster carer registration. The 1985 Regulations prescribed that regular reviews are undertaken, and this is outlined in foster carer agreements produced in Appendix_Sec_C_34 and Appendix_Sec_C_37. Fostering procedures and the Handbook outline the detail and regularity of the review. Visiting requirements are detailed within the foster care agreement. Day to day placement arrangements specify the support to the placement from the supervising social worker and the placing social worker.

There is a panel grid held by fostering business support centrally recording all foster carer reviews ensuring foster carer are reviewed within timescales.

x. Training

National Care Standards stipulate the requirements for support and training of foster carers. Stirling Council's foster care services were inspected against these. There is significant consideration given to the training of foster carers in committee reports, procedures and handbook. Foster care regulated reviews must consider foster carer development and whether the carer continues to be suitable for the task. Stirling Council foster care service records show the training schedule and encourages foster carer input to influence training offered. Foster carers evaluate their training, and the service retains records of the evaluations. All foster carers have individual training records which are presented at their foster carer annual review. Refer also to Appendix_Sec_C_23 and Appendix_Sec_C_35.

xi. Personal development

The foster carer agreement requires foster carers to attend training to improve their development. Any development issues are addressed through supervision and discussed at the foster carer annual review. Personal development plans are thereafter implemented designed for individual foster carers produced in Appendix_Sec_C_35.

xii. Disciplinary actions

National Care Standards outline the process for making a complaint about a foster carer, as well as this the Authority have implemented their own complaints procedures.

National child protection procedures outline responses to child protection matters and Scottish Government guideline outlines how to manage allegations against foster carers. The review of foster carers requires the panel to consider any concerns raised from the previous year. A foster care review is required to be held as soon as possible following child protection allegations.

Evidence can be found in fostering procedures, handbook, and Government guidelines stored on foster service records. This has been produced with Appendix_Sec_C_01; Appendix_Sec_C_13; Appendix_Sec_C_14; Appendix_Sec_C_15; Appendix_Sec_C_16; Appendix_Sec_C_17. Complaints notifications are alerted to the Care Inspectorate.

xiii. Removal of approval/registration

Many foster carers' approval end due to their resignation. However, some foster carers approval is not continued as a result of the Council's concerns. Regulation 26 of the LAC Regulations 2009 outlines the appeals arrangements in relation to a decision not to approve or termination of approval of a foster carer. The handbook contains information in respect of termination of approval and appeals.

Termination of approvals can be found in individual foster carer deregistration report and panel minutes included within Appendix_Sec_C_23 and Appendix_Sec_C_25.

e) Who compiled the policies and/or procedures?

Authority policies/procedures were presented to committees, after being developed by social work services. Processes were developed and implemented at team level. Evidence can be found in service records, and inspection reports, included within Appendix_Sec_C_23.

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

From 1930, the Authority had a range of reporting mechanisms and governance bodies which had oversight of policy.

g) Were such policies and/or practices reviewed?

Yes.

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

Policies and practices were reviewed as necessary. There is evidence that the Authority were responding to changing foster care and childcare legislation by considering and implementing changes in policies.

There is also evidence of policy changes in response to increased and changing placements needs.

This is detailed within Appendix_Sec_C_23 and Appendix_Sec_C_25.

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

There was increased visiting, monitoring and supervision of foster placements. A more comprehensive assessment was submitted in respect of registration of foster carers and increased checks were undertaken. Training of foster carers was developed and a focus on health and safety in the foster home was introduced. Recruitment strategies developed over time and adaptations to recruitment criteria were made.

j) Why were changes made?

Changes were made in response to the complexity of children being placed, the requirements in respect of legislation and standards and research that arose from published case reviews. There were some changes made in respect of the foster care service in response to an internal report produced following child protection concerns in a foster placement.

k) Were changes documented?

Yes.

l) Was there an audit trail?

Yes.

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.

Placement descriptors were introduced in 2015, the approvals in respect of foster carers took account of this. Evidence to support the changes can be found in individual foster carer records. Annual reports outline the descriptors to panel.

The introduction of the National Health and Social Care Standards in 2018 introduced a framework to inspect care services implemented in Scotland. Stirling Council's foster carer supervision record template was adapted and introduced an outcome focused supervision for foster carers.

Personal development plans have been introduced for foster carers.

The Enhanced Foster Care Service has been introduced to recruit more professional carers to look after the most complex children and avoid residential care.

(ii) Practice

Past

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

Yes.

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

i. Recruitment

The approach to recruitment has required the Authority to be flexible and has been informed by need and the changing nature of foster care provision as well as legislative requirements.

The Authority have extended their approval criteria in line with legislation. This is highlighted in individual registrations together with committee reporting and recruitment information.

Evidence of recruitment strategies can be found in committee reports, inspection reports, fostering service records and individual foster carer records. Fostering

business reports outline the recruitment approaches. Details can also be found in Appendix_Sec_C_23 and Appendix_Sec_C_25.

ii. Standard and size of accommodation

To adhere to the policy and procedures, the Authority undertook increased measures, including additional visits, comprehensive assessments of foster carers and additional therapeutic support to foster carers and children. These were introduced to ensure understanding, care and protection put in place to support foster carers in caring for children who have experienced were abuse and neglect.

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

The approval is stated in the foster care agreement. This is based on the comprehensive Form F assessment considering the accommodation, household composition, skills and capacity of the fostering household. This is considered annually at the foster carer review. File reading and records show that the terms of approval are recorded in foster carer files and are recorded in foster care review panel minutes.

iv. Pre-approval/registration checks

Early records identify individual notes on vetting information. File reading demonstrated the Authority undertook checks, health and police check information.

The establishment of the foster carer panel and the submission of comprehensive Form F assessment indicates the detailed checks being undertaken by Stirling Council social work service. Records show the Authority undertook checks, personal references, employee references, health assessments, home safety checks, pet assessments, financial assessments, overseas checks, former partner checks, and school and nursery checks. Foster carer service records have an extensive range of templates to be completed prior foster carer registration.

v. References

Individual foster carer files show references were obtained during the registration process. Foster care service records identify the range of letters and templates used to request references.

vi. Foster care agreements

Foster care agreements outline the roles and responsibilities of the foster carer and the service in respect of the placement of young people.

Evidence can be found in individual foster carer files and comments in relation to this can be found in inspection reports. The foster care service records hold all foster care agreements and records when these require updating.

vii. Induction

Stirling Council team leader completes the foster carer agreement (refer to Appendix_Sec_C_34), following the foster carer registration. The foster carers are well prepared for fostering from attending foster preparation groups, through assessment to registration. The allocated social worker will discuss in detail the service support and placement planning together with the appropriate training. Mentoring support is available to newly registered foster carers from existing experienced foster carers. Opportunities for new foster carers to take part in online Applied Care and Development training are promoted by Stirling Council.

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

Transfer protocol was implemented and adhered to, evidence is included with foster carer individual records which includes notes, meeting and contacts with independent fostering providers. Very small numbers of foster carers have transferred to other providers, more recently there have been some examples of foster carers moving to Stirling Council where protocol has been followed. Further evidence is contained within: Appendix_Sec_C_06; Appendix_Sec_C_09; Appendix_Sec_C_10; Appendix_Sec_C_11; Appendix_Sec_C_23 and Appendix_Sec_C_25

ix. Review/supervision

Review reports and supervision records held in foster carer files evidence that there were regular reviews and supervision. Foster service records maintain panel information which records all foster carer reviews presented at the foster panel. Foster panel review minutes outline details of decision making regarding review. Safe

Care policies outline any specific requirement in relation to the care of a child and the household needs. Evidence to support this contained within Appendix_Sec_C_23 Appendix_Sec_C_25 and Appendix_Sec_C_37.

x. Training

Regular training was undertaken, and evidence of training can be found in committee reports, foster carer annual review reports, individual foster carer training records and foster care service training schedule. The fostering annual report outlines the foster carer training programme, this helps inform panel members about the training available to foster carers. Evidence to support the training undertaken is contained within Appendix_Sec_C_01; Appendix_Sec_C_23 and Appendix_Sec_C_35.

xi. Personal development

The foster care agreement, procedures and handbook outline the expectations of development as a foster carer. The payment for skills scheme evidenced foster carer progress in line with competencies and skill. Foster care review reports evidence development of foster carers. Foster carers complete evaluations following training and identify their own learning needs. Panel Review meetings consider any outstanding development issues and support that may be needed. Refer to Appendix_Sec_C_35.

The foster care agreement requires foster carers to attend training to improve their personal development – refer to Appendix_Sec_C_34.

xii. Disciplinary actions

Records can be found in individual foster carer files, specifically case notes and individual review reports.

xiii. Removal of approval/registration

There is evidence in individual carer records of removal of approval/registration. Pursuant to legislative requirements, the fostering service outlines whether they would recommend approval should the foster carer apply to foster at a future point.

c) How was adherence demonstrated?

Foster carers' individual records note the reason for termination of approval in the report submitted to Central Region and Stirling Council foster panel, this is also recorded in individual case notes.

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

Evidence of this can be found in deregistration report template stored in foster care service records and individual foster carer records.

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?

N/A.

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.

- Placement descriptors, see individual foster carer approval which has been produced within Appendix_Sec_C_36.
- In 2018, the National Health and Social Care Standards framework was introduced to inspect care services, see foster carer supervision templates which has been produced within Appendix_Sec_C_37.
- Personal development plans, see the newly introduced template which has been produced within Appendix_Sec_C_35.

- Enhanced foster care, see foster carer agreements and recruitment material produced within Appendix_Sec_C_31; Appendix_Sec_C_32; Appendix_Sec_C_33 and Appendix_Sec_C_34.

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?

While no written policies or procedures have been identified in relation to the Authority, there are examples of regard being had by them to other members of the foster carer's household.

The Authority implemented the legislative requirements applicable to the particular time period. The Children and Young Persons (Scotland) Care and Training Regulations 1933 stated that Boarding-out was not permitted with a person who had at any time been convicted of an offence that rendered them unfit to be a foster parent. This requirement extended to anyone residing in the household. The 1947 regulations required initial vetting together with continuous monitoring of the foster carer. The 1959 Regulations stated that a child must not reside within a foster household which includes a person who has a physical or mental illness. The 1985 Regulations required the establishment of fostering panels and required the panel to consider all foster care applications and decide suitability. The 1996 Regulations stated that information to the panel must include the name and address of the foster carers and particulars of other members of the household.

Legislative requirements placed a duty on the Authority to gather all information about any criminal offences committed by the applicant and or other members of the household. This is taken as any member over 16yrs.

Stirling Council fostering procedures introduced in 2007 outline checks to be made on the household including criminal checks, education/nursery checks and health checks of children. Adult children were to be interviewed in respect of the applicant's suitability to be a foster parent and any adult over 16 years residing in the household

will undergo criminal checks. Members of foster carers' households who are aged 16 or over have checks provided under Police Act 1977 and applications are made for enhanced disclosures, children suitability checks. They are not eligible for the PVG scheme.

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

Yes.

The aim was to safeguard children and ensure children were placed in a family where they would not be abused and would not be harmed by another member of the household. The aim of foster care assessments, including checks, was to triangulate information and not to rely on self-reporting. The requirement for ex-partner checks was introduced following a Part 8 review into the death of a child conducted by Alyson Leslie for Brighton and Cove ACPC 2001. The additional requirement is noted within the Stirling Council's fostering procedures 2007. Stirling County Council records in 1967 demonstrate consideration of vetting of members of the foster care household. Checks on members of the household have continued throughout the period and were consolidated through fostering procedures and the ongoing updating of the Form F assessment.

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

Form F assessments include assessments of members of the foster carers household, which were recorded within the foster child's file.

d) Who compiled the policies and/or procedures?

Foster care service records identify the requirements of checks on members of the household. Templates requesting checks are in evidence and central recording of the updating of checks is held in foster care service records. Form F assessment records checks as well as the foster care review report. Evidence can be found in fostering procedures and the Handbook. Supporting evidence can be found in Appendix_Sec_C_01.

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

As referred to in 4.5(i)(a).

f) Were such policies and/or practices reviewed?

Yes, as the legislative framework developed, the policies and practices were amended to incorporate any changes made by legislation, for example the requirement to review all checks on members of the household. This can be demonstrated in the addition of ex-partner checks and the additional information provided to panel in respect of members of the foster carer household.

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

Development of legislation together with reports, for example the Clyde report in 1946 concluding that the welfare of children was a distinct function of the Local Authority, and the Alyson Leslie report in 2001 in response to the death of a child, prompted internal reviews of policies and practices. In addition, the updating of checks in the Form F required increasing checks on the members of the household.

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

Over time foster carer household members were under more scrutiny to ensure the safety and wellbeing of children in foster placement.

i) Why were changes made?

As referred to in 4.5(i)(f) and 4.5(i)(g).

j) Were changes documented?

Yes.

k) Was there an audit trail?

Yes.

- Fostering procedures
- Handbook
- Foster care service records

Supporting evidence can be found in Appendix_Sec_C_01.

Present

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

No.

m) If so, please give details.

N/A.

(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?

Yes.

b) How was adherence demonstrated?

On 3 October 1967, Stirling County Council produced a child care circular concerning the vetting of foster parents and performing checks on other family members.

In relation to Central Regional Council and Stirling Council, evidence of checks being undertaken in respect of members of the foster carer household includes Form F assessments, foster care review reports, individual caser records for foster carers, inspection reports and foster care service records. These have been recovered.

Foster care agreements highlight that the foster carer must notify Stirling Council of any change in the suitability of the household including any subsequent criminal convictions following approval.

Stirling Council undertake enhanced disclosure in respect of other members of the household.

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

Adherence can be evidenced within foster carer registration reports, annual review reports and foster care service records. Evidence referred to can be found in Appendix_Sec_C_23.

d) Were relevant records kept demonstrating adherence?

Yes.

e) Have such records been retained?

Due to the passage of time, there are limited records held in relation to Stirling Burgh and Stirling County Council. More extensive records have been retained by Central Regional Council and Stirling Council. Limited governance records were produced when Stirling Council took over responsibility the retention of Central Regional Council records following re-organisation in 1996. This is particularly the case where records held at local offices when part of CRC, were retained by what are now neighbouring authorities. Stirling Council works closely with neighbouring authorities in relation to identifying where such records may be located – for example, this may arise and become apparent when a Subject Access Request is received by Stirling Council for an individual who is likely to have had a client record during the period of CRC but there is no record of it at Stirling Council. We work closely with local authorities that now occupy other parts of the former CRC area, to assist the individual in locating their record. Records that were received have been maintained in accordance with relevant protocols, guidance and statutory requirements.

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

N/A.

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.

No.

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

Stirling Council implemented the 1996 Regulations which allowed local Authority to enter into arrangements with voluntary organisations to discharge their duties in relation to fostering. These Regulations were revoked and replaced by the LAC Regulations 2009. Stirling Council implemented the amendments which make provisions for local authorities to enter into arrangements with registered fostering services and the requirement of a written agreement. These services required to be registered under the Regulation of Care (Scotland) Act 2001 and subsequently Public Service Reform (Scotland) Act 2010.

External placements required senior management approval. There continues to be a group of senior education/social work professionals who meet to agree and review external foster placements.

The Council's Commissioning and Procurement Services continue to be responsible for putting in place compliant contracting arrangements with external fostering services. Contracts were put in place on an individual basis until the introduction of the Scotland Excel National Fostering Framework. This framework enables local authorities to purchase fostering placements and continuing care placements from independent and voluntary providers as a supplement to their internal provision on agreed framework terms & conditions and pricing. Stirling Council purchases foster placements through the national contract and, on an exceptional basis, will purchase off-framework placements.

In recent years, there was a shared service arrangement between Clackmannanshire and Stirling Councils. This group jointly met to approve external placements.

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

Yes.

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

The policies and procedures are recorded by the Council's Commissioning and Procurement Services.

d) Who compiled the policies and/or procedures?

Policies in respect of resourcing external foster care placements were developed and implemented by the Authority's foster care service in relation to operational matters.

The Council's commissioning and Procurement Service compiled policies and/or procedures related to contracts in compliance with the Council's Contract Standing Orders and relevant procurement legislation in Scotland, as amended from time to time.

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

Policies were developed as required by the placement of children in external foster placements. In addition, the National Framework Introduction required new policy and procedures. Prior to the introduction of the National Framework any external placement would have had individual contracts in place. This included during the Central Region era.

In relation to commissioning and procurement policies & procedures, procurement legislation in Scotland came into force on 18th April 2016. The Scotland Excel Framework for Fostering Services was implemented on 28th March 2013 – 24th March 2017. A new Scotland Excel framework for Fostering & Continuing Care is now in place from 25th March 2017 – 24th March 2021.

In order to maintain contractual compliance Stirling Council's policy obliged the family finders to source placements from the framework before approaching off framework providers.

f) Were such policies and/or practices reviewed?

Yes.

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

In 2006 Stirling Council instructed a KPMG audit, which was undertaken and a report produced entitled "Integrating Children's Service". The full report has been produced within Appendix_Sec_C_10. This prompted a review of all external foster placements to ensure good value for money. The policies were also reviewed with the implementation of the National Foster Care Framework.

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

All external foster care placements are reviewed both by the LAAC process as well as the internal body required to agree external foster care placements. The internal body is currently known as the Resource Allocation Group (RAG). RAG had various titles during Central region through to Stirling Council's currently group. RAG visits to providers along with procurement/commissioning services review the provision delivered to the Authority.

i) Why were changes made?

As referred to in (g) and (h) above.

j) Were changes documented?

Yes.

k) Was there an audit trail?

Records are held in individual child's records, Resource Allocation Group minutes, foster care annual reports and inspection returns confirming external foster care placements. Details on contractual arrangements are held by Commissioning and Procurement Services. Supporting evidence is produced in Appendix_Sec_C_28 and Appendix_Sec_C_29.

Present

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

No.

m) If so, please give details.

N/A.

(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 Authority or organisations?

Yes.

b) How was adherence demonstrated?

Adherence was demonstrated through contract arrangements, Individual Placement Agreements, Resource Allocation Group policies and records with regards to seeking external foster placements, and individual child's records.

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

Evidence of adherence can be found in the reference material provided attached in Appendix_Sec_C_23.

d) Were relevant records kept demonstrating adherence?

Yes, records were retained in line with Council's retention policy.

e) Have such records been retained?

Yes.

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

N/A.

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.

N/A.

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?

Stirling Council's complaints procedure for dealing with complaints are referred to in the Handbook, the Fostering Procedures 2007 and in inspection reports. The National Foster Care Standards outlined the requirement to inform service users, including foster carers, as to how they should complain which has been implemented by the Council.

Stirling Council fostering procedures state that each foster carer will be given written information as to how to complain. Foster carers are also advised they can complain to Care Commission/ Care Inspectorate regarding the fostering service. The fostering service is required to notify the care inspectorate of complaints regarding foster carers. Children and families workers can use the Stirling Council complaints procedure in respect of foster carers if they are not satisfied with the fostering service response. Children can complain to their social worker, the Children's rights officers can make representation on the children's behalf. Stirling Council has a complaints officer to manage the complaints.

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

The aim was to adhere to legislation, standards and local authority guidance as they were introduced. It aimed to reduce foster carer anxiety by giving clear information about the complaints process. The Handbook states the principle aim was to protect children and to encourage safe practices in the foster home.

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

The policy and procedure in respect of foster carers are outlined in Stirling Council's complaints procedures. The handbook outlines how children could make complaints.

There has been a range of leaflets produced over the Authority's timespan. These leaflets have been given to foster carers following registration.

Policies and procedures in relation to complaints are recorded by Stirling Council's complaints team.

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

i. Complaints by children

Children could complain to their social worker, use the Council complaints procedures and contact a children's rights worker to make representation.

ii. Complaints by foster carers

Foster carers could complain to the service, use the Council's complaints procedures or the care inspectorate.

iii. Complaints by family members of children

Family members could complain to the service, use the Council's complaints procedures or contact the Care Inspectorate.

iv. Complaints by third persons

Third persons could complain to the service, use the Council's complaints procedures or contact the Care Inspectorate. There are councillor, MSPs complaints that are managed through a central complaints system.

v. Whistleblowing

Refer to response at 4.1 c (vii).

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

Children could be supported by children and families' worker, complaints officer or a children's rights officer.

Foster carers could be supported by Stirling Council's foster care service, the Council's complaints officers or as members of the fostering network.

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

The first step of Council's complaints process was, and still is, to manage complaints at team level. If a complaint cannot be resolved this is escalated to service level then complaints officer level.

viii. External reporting of complaints

The fostering service report complaints to the Care Inspectorate.

The Council's complaints processes manage, record and report on complaints information.

e) Who compiled the policies and/or procedures?

The Social Work Service compiled complaints policy and procedures specifically in relation to foster care and the additional complaints processes were compiled by the complaints service, including complaints officer.

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

See answer to 4.7 (i)a.

g) Were such policies and/or practices reviewed?

Yes.

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

Practices were reviewed as the legislative framework developed in respect of complaints.

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

The complaints process has become more rigorous in terms of the local authority's responsibility to meet timescales for responding to complaints and ensuring central recording for reporting purposes. The Council's policies and procedures have been amended to reflect such changes. The complaints process has been produced within Appendix_Sec_C_01; Appendix_Sec_C_13; Appendix_Sec_C_14; Appendix_Sec_C_15; Appendix_Sec_C_16; Appendix_Sec_C_17.

j) Why were changes made?

Changes were made to complaint policies to ensure compliance with the legislative framework.

k) Were changes documented?

Yes. There has been a series of updated complaints leaflets issued by the Authority at the time.

l) Was there an audit trail?

Yes.

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.

Changes implemented to social work complaints handling were introduced by the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016. The Council implemented such changes in their complaints policies and procedures.

(ii) Practice

Past

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

Yes.

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

i. Complaints by children

The Council provided children with information about the Children's Rights Officer when placed in foster care accommodation. Children are visited by the Council's social workers and their views were recorded whilst they are in foster care. Children were invited to submit have your say forms to child care reviews and submit their views of the foster placement to the foster carer review. Children can also raise any issues to the Children's Hearing if they are subject to a statutory supervision requirement. Children contribute to their placement plan and can raise issues verbally.

Children can influence Stirling Council's foster care service by contribution to the Foster Care Reviews. The reviews consider any complaints made by the child and implement changes where necessary.

Evidence can be found in:

- Foster care service records
- Individual foster carer records
- Individual child's records
- The Handbook
- Fostering procedures complaints leaflets

Supporting evidence is produced in Appendix_Sec_C_01.

ii. Complaints by staff

Staff are invited to raise complaints with Stirling Council's foster care service and escalate any concerns to senior management if the matter is not resolved. The Council's children's social workers complete a placement report for children to be submitted to annual foster carer reviews. Any complaints can be addressed not only at the point of complaint but at foster carer panel review. The supervising social worker for the foster care will address any complaint by staff directly with the foster carer and will further address in the foster carer review report.

Evidence:

- Social worker placement reports
- Foster carer review reports
- Individual foster carer records
- Individual child's records

iii. Complaints by family members of children

There is a 3 stage complaints process for complaints by family members of children.

Family members can complain to the Council's children and families social worker, and Stirling Council foster care service. If the matter is not resolved the complaint can be escalated to senior management, and ultimately to the Council's complaints office.

The process and procedure are confirmed in a Central Regional Council note regarding a mother's complaint in relation to a child placed in 1993. The complaint was responded to by area manager, team manager and quality assurance unit Central Regional Council.

Within the client records there is a note of a discussion between the Authority and a foster carer regarding standards of the foster home conditions.

In addition, a complaint was received by a grandparent of a child placed by Stirling Council. The complaint was investigated by the Council's service manager.

Evidence:

- Social worker placement reports
- Foster carer review reports
- Individual foster carer records
- Individual child's records

iv. Complaints by third persons

Complaints can be made by third persons for example from elected members. Such complaints are managed through the Council's complaints service. Records of such complaints are centrally held by Stirling Council complaints service.

v. Whistleblowing

Refer to response at 4.1 c (vii) above.

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

Refer to response at 4.7d vi above.

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

Stirling Council complaints service will review and aim to resolve a complaint within 5 working days. If the complaint is not resolved, or is particularly complex, the Council will undertake an investigation and respond within 20 working days.

Stirling Council hold some complaints records to provide assurances of adherence and the foster care service have complaints leaflets. Individual complaints are recorded in foster carer and child's files.

viii. External reporting of complaints

see 4.1(c)vi.

c) How was adherence demonstrated?

Evidence of adherence can be found within the following:

- Foster care review reports
- Individual foster carer files
- Social worker placement reports
- Individual child and foster carer records
- Foster service records

How can such adherence be demonstrated to the Inquiry?

Adherence can be demonstrated to the Inquiry within the referenced documents.

d) Were relevant records kept demonstrating adherence?

Yes.

e) Have such records been retained?

Limited records regarding complaints have been retained prior to 2000. Since then, Foster carer, child records and limited foster care service records (limited before 2000) have been retained. Stirling Council retain complaints records and the Council's foster care service retain complaints leaflets. Individual complaints are recorded in foster carer and child's files and retained within the Councils records.

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

N/A.

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 Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 introduced amendments to social work's complaints handling procedures. The amendments were implemented in Stirling Council's complaints policy and procedures.

Stirling Council staff were trained in the new complaints procedure. The complaints procedure is managed by the Council's complaints officer and there is a central recording system in place. Information on the Council's complaints procedure can be found on the Stirling Council website.

The Champion Board for Young People with Care experience (Champs board) influence the Council's children's service by inviting young people's participation and raising complaints and concerns. Before Champs Board there has been a range of forums where care leavers can raise issues in terms of service delivery for example TikTak Group.

Evidence can be found in;

- Champs Board records

- Individual child and foster carers records.

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?

Whilst there are no recorded policies in respect of internal investigations, Stirling Council follow the National Guidance for Child Protection Scotland 2014. In addition, the Council follow the Scottish Government/Fostering Network Managing Allegations against foster carers and Kinship carer 2013 Guidance. All foster carers and fostering staff have been made aware of this document and training was delivered to foster carers based on this guidance.

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

While no written policies or procedures have been identified in relation to Stirling Burgh, County Council and Central Region. An internal investigation was commissioned in 2008. The aim of internal investigation was to improve safeguarding practice for vulnerable children and take further action where necessary. Evidence in respect of the internal investigation is contained within the following references.

- Committee report and minute (see Appendix- 08)
- Foster Carer Handbook 2005
- Fostering procedures 2007

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

The procedure was recorded within the committee report. The committee report and minute have been included in the reference material.

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

i. Approach to/process of internal investigations

The approach and process of the internal investigation was contained within the committee report and minute which has been included in the reference material.

ii. Identifying lessons/changes following internal investigations

The lessons learned and proposed changes following the internal investigation were detailed within the committee report and minute which have been included in the reference material.

iii. Implementation of lessons/changes following internal investigations

The implementation of the lessons and changes following the internal investigation were detailed within the committee report and minute which have been included in the reference material.

iv. Compliance

Compliance of the recommendations pursuant to the internal investigation were detailed within the committee report and minute which have been included in the reference material.

v. Response (to child and abuser)

Whilst there are no recorded policies in respect of internal investigations, Stirling Council follow the National Guidance for Child Protection Scotland 2014. In addition, the Council follow the Scottish Government/Fostering Network Managing Allegations against for carers and Kinship carer 2013 Guidance.

From corporate memory the children were to be moved to alternative foster placements following the internal investigation. The alleged abuser (foster carer's child) remained at home and was given support from social work.

See LAAC records Appendix_Sec_C_27 with reference to [REDACTED] and [REDACTED]

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

Further to complaints being made, Stirling Council undertook a review of the fostering service including child protection responses. Details of this review are produced within the committee report contained within Appendix_Sec_C_06.

vii. External reporting following internal investigations

Whilst there are no records of external reporting. Stirling Council have a Scrutiny Panel where members include elected members, the Council's Chief Executive and Civic Services staff

e) Who compiled the policies and/or procedures?

Whilst there were no written policies and procedures specific to the Authority, the committee report and minute which have been included in the reference material provide detail in relation to who compiled the internal investigation.

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

The committee report and minute have been included in Appendix_Sec_C_06.

g) Were such policies and/or practices reviewed?

Yes, the committee report and minute have been included in the reference material.

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

Subsequent to the internal investigation a Foster Carer handbook (2005) and Fostering Procedures (2007) were introduced.

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

Yes.

j) Why were changes made?

Changes were made in response to alleged abuse in foster care and subsequent changes in Child Care legislation, guidance and practice developments required modification of Foster care policy and practice.

k) Were changes documented?

Yes, see Committee report and minute, Foster Carer Handbook (2005) and Fostering Procedures

l) Was there an audit trail?

Yes. This was detailed in answer 4.8(k).

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.

N/A.

(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?

While no written policies or procedures have been identified in relation to the Authority, there are examples of adherence procedures relating to internal investigations, as referred to above.

Evidence of adherence is contained within the following references. The committee report and minute have been included in the reference material.

- A Children's committee report dated 19/6/03 demonstrated progress made on child protection and related childcare services in Stirling. This report outlined the background to the paper and recommendations.

- Stirling Council Children's Committee minute dated 19/6/2003 refers to two reports commissioned by the director of Housing / Social Services in respect of child protection, with regards to a specific foster carer. The minute notes proposals to address resourcing issues.

There is extensive reference to The Ad-Hoc Scrutiny Panel established on 14/9/02 at committee. These reports and minutes have been included in the reference material.

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

i. Approach to/process of internal investigations

The reports and minutes produced in Appendix_Sec_C_06 outline the approach to the investigation.

ii. Identifying lessons/changes following internal investigations

Proposals and improvement of service detailed in minutes and reports are produced in Appendix_Sec_C_06.

iii. Implementation of lessons/changes following internal investigations

Progress reports in respect of proposals are presented to committee and are produced in Appendix_Sec_C_06.

iv. Compliance

Committee minutes and reports outline compliance with national fostering standards and recommendations following the reports which are produced in Appendix_Sec_C_06.

v. Response (to child and abuser)

The children were moved to alternative foster placements. The alleged abuser (foster carer's child) remained at home and was given support from social work

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

Stirling Council undertook a review of the fostering service including child protection responses. Details are contained within the committee report which is produced within Appendix_Sec_C_06.

vii. External reporting following internal investigations

Whilst there are no records of external reporting. Stirling Council have a Scrutiny Panel where members include elected members, the Council's Chief Executive and Civic Services staff where information was provided following the internal investigation.

c) How was adherence demonstrated?

Adherence was demonstrated within Stirling Council's foster care handbook (2005) Appendix_Sec_C_01 and fostering procedures (2007) Appendix_Sec_C_23.

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

Adherence was demonstrated within Stirling Council's foster care handbook (2005) and fostering procedures (2007).

e) Were relevant records kept demonstrating adherence?

Refer to response at 4.8(a) above.

f. Have such records been retained?

Committee reports and minutes that refer to this investigation have been produced within Appendix_Sec_C_06.

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

Refer to response at 4.8(a) above.

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.

N/A.

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?

While no written policies or procedures have been identified in relation to Stirling Burgh, County Council and Central Region, there are examples of regard being had to record keeping.

There are records in relation to children in foster care across the Authority. There is limited information from Stirling Burgh and County Council but there are some helpful references to individual children and to committee reporting.

Limited governance records have been identified from Central Regional Council, however there are individual child and foster carer records.

There is evidence from 1930's onwards that Stirling Burgh, Stirling County Council and Central Regional Council maintained records of the young people placed, including details of the child, visits and inspections.

There are governance records from Stirling Council that have been submitted with the evidence. There are foster service records for Stirling Council. There are individual foster carer and child's records that have been retained in line with retention rules.

Fostering procedures 2007 are on record, the Handbook was updated in 2019, this takes account of changing legislation and guidance. Stirling Council regularly updating the fostering procedures. The Handbook was updated in 2019 and is

currently in draft form to be approved by committee. Fostering inspection reports and annual business reports include references to procedures.

The Authority were required to compile and maintain a record in respect of children who were Boarded-out and was to be open to inspection. A register was to be kept in respect of Boarded-out children. National Care Standards also detail record keeping requirements.

Stirling Council is required by the LAC Regulations 2009 to establish and maintain records for all foster carers and prospective foster carers. A case record for a foster carer or prospective foster carer compiled under regulation 31 must be retained by the local authority for at least 25 years from the date the foster carer's approval is terminated or until their death if earlier. Stirling Council has implemented these requirements.

Stirling Council has retention guidelines which are implemented by business support staff both in respect of paper and electronic records. All foster carers have individual files separate from child's records.

National Care Standards 5.9 details the files to be kept together with the retention period.

Data protection legislation, first implemented in 2001 gave foster carers the right to access information held by the Council.

Since 2007, Stirling Council's Children and Families service have developed a procedure in place from when a Team Leader closes a case file. We have worked with a mixture of paper files and electronic case files from 2011, working fully electronically from 2014. The process is noted below:

- Team Leader managing the case closes case file on SWIFT.
- Team Leader completes file retention sheet indicating the rule to be applied depending on case type and passes to Business Support.
- Business Support add retention rule to appropriate tab on SWIFT.
- Business Support move electronic case file in our shared drive from

Active Case Files to Closed Case Files and into the appropriate file retention folder ie 3 years, 5 years, 35 years or 100 years depending on the case type as provided by the Team Leader.

- Business Support record file movement on tracker spreadsheet to note date of file closure, retention rule applied and review date for file destruction. This can be interrogated to identify files which have reached their destruction date.
- If a case is closed and re-opened Business Support will check the Closed File records and move it back to Active Case Files. Once the file is closed again, the new appropriate file retention rule will apply, being the longest time, we should hold on to that file, and the process repeats itself from Team Leader closing the file on SWIFT.
- Any files reaching their destruction date are highlighted to Service Manager level asking for the file to be reviewed, and for the to advise if new retention schedule should be applied, or if the record should be destroyed/disposed of in line with relevant national retention guidance and data protection legislation.

The Council does continue to retrieve and return paper case files regularly from the Records Centre for a number of reasons by following the process and completion of the correct pro-forma to do so. The Records Centre Inventory can be accessed and checked at any time to find out if a file is held for an individual.

A similar process is carried out for Foster Carer files being sent to the Records Centre. Adoption files follow a strict process and are not visible on the main Records Centre Inventory, but in an area with restricted access and all paper files are stored separately from the mainstream Social Work files in a secure access only area.

The Council has seen a significant upturn in Subject Access Requests being made in relation to historic client records from former looked after children. Such requests require notification being sent to the relevant service, which in turn will formally request the relevant record from the Records Centre for reviewing. The Records & Information Governance Team will scan the record and apply any relevant and appropriate redactions in line with current data protection legislation e.g. third party personal data etc, prior to issuing a copy of the record to the individual. The original paper record is then returned to the Records Centre and the inventory updated accordingly.

From c.2011 onwards, Stirling Council has adopted the retention periods set out by the Scottish Council on Archives.

However, since 1 October 2015, the Council has implemented a moratorium on the destruction/disposal of all records relating to children who were in care, foster care as well as all other records that may be required as part of the Scottish Child Abuse Inquiry. These include both historical and present-day records and are not limited to client records.

A list of other types of records held within the Stirling Council Records Centre and Archives can be found in Appendix_Sec_C_02.

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

No written policies or procedures have been identified in relation to the Stirling Burgh, County Council and Central Region on record keeping by foster carers.

The Handbook outlines requirements for record keeping and confidentiality, it provides detail of what should be recorded by foster carers. Safe caring policies and diaries in respect of children are recorded by the foster carer. Foster carers complete reports for LAAC reviews and foster carer reviews.

The Council's retention rules outline requirements in respect of foster carer record retention and storage.

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?

Yes. The aim was to comply with legislation and standards. Increased focus on good practice in record keeping contributes to young people's welfare and planning. The records also provide an accurate story for the young person to reflect on. Recording is also essential for safer caring. There is an increased focus on record keeping and

evidence can be found in individual foster care supervision records, safe caring policies and foster carer training schedule, where record keeping is the training topic.

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

i. Children in foster care

Legislation required the Authority to keep records of children, Boarded-out/in and foster care.

There is evidence of the Authority maintaining registers of children. There are also individual child's files recording details of accommodation in foster care.

From 2011 onwards, Stirling Council has adopted the retention periods set out by the Scottish Council on Archives.

However, since 1 October 2015, the Council has implemented a moratorium on the destruction/disposal of all records relating to children who were in care, foster care as well as all other records that may be required as part of the Scottish Child Abuse Inquiry. These include both historical and present-day records and are not limited to client records.

ii. Foster carers

National Foster Care Standards section 5.9 detail how records to be kept and for how long. The requirements in the National Foster Care Standards are reflected in the Handbook. Subsequent retention guidelines implemented by Stirling Council outline changes to retention rules in line with legislation.

Foster care agreements detail the Council's responsibilities regarding keeping records.

Data protection legislation, first implemented in 2001 gave foster carers the right to access information held by the Council. Fostering procedure outlines requirements in respect of data collection. This is also outlined in the handbook and foster care

agreement. Foster carers are provided with the fostering network safe caring book which outlines in detail record keeping.

Individual foster carer records have been stored in line with statutory requirements. There are also individual child's files recording details of foster care accommodation.

From c.2011 onwards, Stirling Council has adopted the retention periods set out by the Scottish Council on Archives.

However, since 1 October 2015, the Council has implemented a moratorium on the destruction/disposal of all records relating to children who may have been in care, foster care as well as all other records that may be required as part of the Scottish Child Abuse Inquiry. These include both historical and present-day records and are not limited to client records.

iii. Visits to children and foster carers

Archived material from the Authority records of visits to children throughout the time period.

Visits to foster carers and children are outlined in the foster carer agreement. Legislation requires minimum visiting to children. The Council records visits to children and foster carers, these records can be found in individual foster carer and children files, including electronic case recording. Annual unannounced visits to the foster carer required by the national standards are recorded in the foster carer file, and specifically noted in the foster carer review report. There is a template that supervising social workers complete in respect of these visits. Health and safety visits to foster carer can be found in the foster carer files.

iv. Complaints

Complaints are recorded in the individual foster carer record and recorded in the annual foster carer review report. Individual child's records also include complaints including LAAC reports and minutes.

v. Investigations (both internal and external)

Investigations, where applicable, are recorded on the foster care files as well as the child's file.

vi. Discipline

Foster carer sign agreements not to administer corporal punishment. Safe caring outline management of behaviour in the foster home. Any discipline concerns will be addressed at the foster carer annual review

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

Requests for access to children in foster care files are managed through the Council's records service in line with data protection requests.

viii. Other issues relevant to foster care

The foster care service holds information with regards to the delivery of the service including training and assessment material. Governance hold committee papers in respect of issues relating to foster care.

e) Who compiled the policies and/or procedures?

Policies were compiled through committee agreement and at foster service level. Records policies are based around statutory requirements and national guidelines.

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

The policies and procedures changed in response to changing legislation, practice and guidance.

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

Policies and procedures are in place but have been reviewed and modified as required.

h) Were such policies and/or practices reviewed?

Yes

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

Policies and procedures are in place but have been reviewed and modified as required as a result of legislative changes.

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

The detail and extent of information recorded has been enhanced. There is increased visiting, supervision and monitoring of foster care placements. Records of training and development of foster carers are more comprehensive. Safe care policies have been developed and recorded. The recording of children's views has ensured the development of templates and prompts to guarantee due consideration. The recording of outcomes for children in respect of foster care placements has been integral to the Childs Plan, this can be seen in the development of supervision record templates.

k) Why were changes made?

Changes were made in response to developing legislation, government guidance, and inspection reports. Reference has also been made to a child protection investigation which made a range of recommendations. The foster care service has been responsive to research and has used material to inform more comprehensive record keeping. Evidence of record keeping training has been produced in Appendix_Sec_C_01 and Appendix_Sec_C_23.

l) Were changes documented?

Yes.

m) Was there an audit trail?

Yes, see answer to 4.9.(a) in respect of Stirling Burgh, County Council, Central Region Council and Stirling Council. Records include fostering procedures, handbook, and service held templates and committee paperwork for Stirling Council.

Present

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

Yes.

- o) If so, please give details.**

The Data Protection Act 2018 came into force on 23 May 2018 (it replaced the Data Protection Act 1998) and is the UK's implementation of the General Data Protection Regulation (GDPR) which came into force on 25 May 2018. Stirling Council trained all staff in relation to the new legislation and implemented a council wide policy.

(ii) Practice

Past

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

Yes.

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

Records of children and foster carers are held separately. The Council has guidelines on retention rules and has implemented this as legislation develops. This system reviewed and destructed files as required by legislation.

The Council ensures that it operated within the boundaries of statutory requirements and national guidance.

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

- i. Children in foster care**

Stirling Burgh

Records indicate that Stirling Burgh Council adhere in practice to the policy relating to record keeping. This is evidenced in the following;

- A minute dated 11/06/1945 reference to report showing the number of children boarded out
- A minute dated 24/04/1951 Children's committee reference to register detailing children cases kept by the welfare officer.

Stirling County Council

Records indicate that Stirling County Council adhered in practice to the policy relating to record keeping. This is evidenced in the following;

- Notes of register of children boarded out
- A minute dated 18/02/1936 details the first instances of visitations to children boarded out with stranger by the visitation committee
- A minute dated 15/09/1936 details a note of development of a visitation scheme for the next year
- A minute dated 28/01/1976 describes the relevant committee note regarding supervision of children in foster care.

Central Regional Council and Stirling Council

Central Regional and Stirling Council adhered and continues to adhere to record keeping policies and procedures. This is evidenced in the following;

- Individual child's files evidence visiting and record keeping;
- Committee reports and minutes show information in regards to children in foster care;
- Foster care service records hold information in respect of all children in foster placements.

ii. Foster carers

Stirling Burgh

Records indicate that Stirling Burgh Council adhere in practice to the policy relating to record keeping. This is evidenced in the following;

- A minute from 1930 noted registration of inspections of foster carers and Boarding-out.
- A minute dated 11/06/1945 reference to report showing the number of children Boarded-out.

Stirling County Council

Records indicate that Stirling County Council adhere in practice to the policy relating to record keeping. This is evidenced in the following;

- On 20/05/1947 Clyde report agreement, foster parent system, and visitation
- A minute dated 18/01/1948 detailed the draft of principles to be followed by foster parents, procedures outlined at meeting.
- A minute dated 18/09/1967 detailed vetting and supervision raised regarding foster parents.
- On 11/04/1969 social work circular was produced widening the scope of visits under the Children (Scotland) Act 1958 to supervise foster parents.

Central Regional Council

Records indicate that Central Region Council adhered in practice to the policy relating to record keeping. This is evidenced in the following;

- A minute dated 17/06/1983 provides a note on insurance for foster carers.

- A minute dated 22/12/1976 details a committee reference to guideline for foster care practice.

Stirling Council

Records indicate that Stirling Council adhere in practice to the policy relating to record keeping. This is evidenced in the following;

- Procedures;
- Foster Care Handbook; and
- Individual foster carer files.

There is evidence of training to foster carers in respect of record keeping.

iii. Visits to children and foster carers

Stirling Burgh

Records indicate that Stirling Burgh Council adhere in practice to the policy relating to record keeping. This is evidenced in the following;

- A minute dated 29/07/1958 included the Children committee note of report relating to visitation of children boarded out.

Stirling County Council

Records indicate that Stirling Burgh Council adhere in practice to the policy relating to record keeping. This is evidenced in the following;

- A minute dated 29/04/1968 is a town council note of the removal of a boy from foster care due to unsatisfactory progress.
- A minute dated 21/06/1949 describes the principles to be followed for children boarded out with foster parents.

- A minute dated 27/11/1959 identifies visitations to boarded out children transferred to children's officer.
- A minute dated 02/03/1964 noted annual visits to foster placements though there was not statutory obligation.
- A minute dated 18/12/1969 details that children in care quarterly reporting was replaced with monthly reporting.

Central Regional Council

Records indicate that Central Regional Council adhered in practice to the policy relating to record keeping. This is evidenced in the following;

- A minute dated 28/01/1976 details committee discussion regarding supervision of children in foster care.

Stirling Council

Records indicate that Stirling Council adhere in practice to the policy relating to record keeping. This is evidenced in the individual child's files which demonstrate visiting and record keeping.

Refer to: Appendix_Sec_C_23 and Appendix_Sec_C_25.

iv. Complaints

Early records do not make specific comment on complaints.

Longstanding complaints procedure ensure a complaints officer in post. Stirling Council's complaints officer has trained and supported the management of complaints. Complaints are recorded in foster care and child's individual records.

v. Investigations (both internal and external)

Refer to response at 4.8 above.

vi. Discipline

Foster care agreements outline the expectation of foster carers in respect of not administering corporal punishment. Foster care safe care policies outline strategies to manage children's behaviour. Discipline is addressed in the fostering procedures and handbook. Foster carer supervision records outline any issues in respect of managing individual young people.

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

Prior to Local Government Re-organisation in 1996, and immediately following, all Social Work paper files were held on site in each Area Office. This included active and closed files for both Children and Adult cases.

The practice at that time was, once the closed file storage rooms filled, these records were moved to another storage area within a secure cage in the Council Archives building.

At Local Government Re-organisation, some files for neighbouring Local Authority were also stored there with Stirling Council being the host Authority only.

The closed paper files would be boxed in alphabetical order by surname. There was no retention rule or destruction date applied. Record cards with the details of each of the archived files were held in each Area Office. There was no agreed process to manage these files but exercises were undertaken periodically to work through the files and agree which could be destroyed.

Circa 2005 all files held in Archives were systematically checked to identify the file type and were catalogued before all were moved to the Records Centre. This catalogue still exists as part of the Records Centre File Inventory.

The arrangements for dealing with closed paper files changed in 2007 due to a major fire in Drummond House which was a three level building used by all areas of Social Work. There were files for Children and Families, Adults and Justice held there.

All files were removed to Burghmuir which was where the Council Archives were located at the time, as some had fire or water damage. Over a period of time each file was checked, a retention rule applied and the file prepared to move to Records. The paper files held in our other offices over the Stirling Council area soon followed suit.

In 2007, all closed files were removed from Local Offices and placed in storage in the Council Archives building. A significant task was undertaken to check each file and apply a retention rule to both Children's and Adult's case files. We still apply these retention rules currently, as attached.

An external provider called Dataspace was brought in to take over the management of all closed files and current paper files which were not required on site, which were moved to their storage facility and a process was put in place, similar to what we use today to deposit and retrieve files.

The Council's own Records Centre quickly followed with files being transferred from Dataspace to a new secure location within the basement of Viewforth (the Records Centre has since moved to a new location where it has a purposely fitted out warehouse to host all Council records). Agreement was reached by the Service and the Records Centre staff on the process, roles and responsibilities around the depositing and retrieval of all files.

Other issues relevant to foster care

Yes.

d) How was adherence demonstrated?

Refer to response at (c) above.

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.

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, there was an internal child protection investigation. See answer to 4.8 above.

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

See answer to 4.8 above.

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

See answer to 4.8 above.

k) What changes have been made?

See answers to 4.8 above.

l) How are these monitored?

See answer to 4.8 above.

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?

Any requests made by former children were and continue to be fully accommodated. Dependant on when the request was made, the request was facilitated in accordance

with statutory requirements at that time and in accordance with relevant data protection legislation.

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?

Yes.

q) If so, please give details.

All information is processed in full compliance of:

- The Data Protection Act 2018 which came into force on 23 May 2018 (it replaced the Data Protection Act 1998) and is the UK's implementation of the General Data Protection Regulation (GDPR) which came into force on 25 May 2018.
- The Public Records (Scotland) Act 2011.
- The Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 introduced new complains procedure, information can be found on Stirling Council website

Retention of Records

Stirling Council retention rules are based on statutory requirements and guidance for Scottish local Authority published by the Scottish Council on Archives which can be found here: <http://www.scottisharchives.org.uk/scarrs> Appendix_Sec_C_06

Records & Information Governance team manage requests for access to personal information, in line with the Data Protection Act 2018/GDPR, processing requests as *Subject Access Requests*. As part of this process, the Records & Information Governance team works closely with the relevant services to ensure that records that

former children in foster care, are offered the opportunity to be supported when accessing records. The Council has seen a significant upturn in *Subject Access Requests* being made in relation to historic client records from former looked after children. Subject Access Requests require notification being sent to the relevant service, which in turn will formally request the relevant record from the Records Centre for reviewing. The Records & Information Governance Team apply any relevant and appropriate redactions in line with current data protection legislation e.g. third party personal data etc. prior to issuing a copy of the record to the individual. Only where there is a lawful basis to do so, will information be withheld from the individual. The original paper record is then returned to the Records Centre and the inventory updated accordingly. Records of requests are retained in accordance with statutory requirements and retention periods set out by the Scottish Council on Archives.

Evidence to support this answer is produced in Appendix_Sec_C_03.

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

i. Children in foster care

- The Resource Allocation Group has records in respect of children in foster care.
- The Council's foster care service holds records in respect of placement referrals and an updated list of all children in foster care is retained.
- Individual child client files.
- Committee reports.

ii. Staff with responsibilities for foster care

- The Council's HR records;
- Care Inspectorate staffing submissions; and
- The Council's foster care social workers supervision records

iii. Foster carers

- Individual foster carer files;
- foster care service holds foster carer records on checks;
- training; and
- profiles.

iv. Complaints

Complaints are held centrally by the complaints team. Individual Child and foster carer files hold complaint information.

v. Investigations (both internal and external)

No current external/internal investigations records held.

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

Records & Information Governance team manage these request and response in line with Data Protection Act 2018/GDPR – and process them as Subject Access Requests. As part of this process, the Records & Information Governance team works closely with the relevant services to ensure that records that former children in foster care, are offered the opportunity to be supported when accessing records. The Council has seen a significant upturn in Subject Access Requests being made in relation to historic client records from former looked after children. Such requests require notification being sent to the relevant service, which in turn will formally request the relevant record from the Records Centre for reviewing. The Records & Information Governance Team will scan the record and apply any relevant and appropriate redactions in line with current data protection legislation e.g. third party personal data etc, prior to issuing a copy of the record to the individual. Only where there is a lawful basis to do so, will information be withheld from the individual. The original paper record is then returned to the Records Centre and the inventory updated accordingly. The individual is provided with a scanned copy of their record. Records of requests are retained in accordance with statutory requirements and retention periods set out by the Scottish Council on Archives. Evidence to support this

answer is produced in Appendix_Sec_C_03; Appendix_Sec_C_18 and Appendix_Sec_C_19.

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