

Scottish Child Abuse Inquiry – Foster Care Case Study.

Report relating to records held at Stirling Council

Part A – Background

1. Characteristics

1.1 History of the Local Authority

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

The predecessor authorities for the Stirling Council area from 1930 are as follows:-

- Stirling Burgh 1930 – 1975
- Stirling County Council 1930 – 1975
- Perth and Kinross County Western District Committee 1930 – 1975
- Bridge of Allan Burgh 1930 – 1975
- Callander Burgh 1930 – 1975
- Doune Burgh 1930 – 1975
- Dunblane Burgh 1930 - 1975
- Central Regional Council 1975 – 1996
- Stirling District Council 1975 – 1996
- Stirling Council 1996 – to Date

The following records survive:

Stirling Burgh	<p>The main minute's series, those created by the Parish Council between 1930 and 1948 and continuations of said series maintained by the Burgh after 1948. These are as follows: -</p> <p>Minutes 1930 – 1975 the Committees responsible for child protection were: -</p> <ul style="list-style-type: none">○ Public Assistance Committee 1930 – 1948○ Child Welfare Committee 1930 - 1949○ Social Welfare Committee 1948 – 1969○ Children's Committee 1949 – 1969○ Social Work Committee 1969 – 1975 <p>Parish Council Children's Separate Registers 1930 – 1952</p> <p>Mar Lodge Children's Home registers of admission and discharge 1946 - 1955 (these are a continuation of the Children's Separate Registers that were used to record details for the Children's Home)</p> <p>Parish Council Registers of Application for Relief 1930 – 1948</p> <p>Parish Council Registers of Guardians 1930 - 1943</p>
Stirling County Council	<p>The main minutes series, minutes of sub-committees and the minutes of the District Committees and associated</p>

	<p>applications for assistance. There are also a series of Children's Act registers that records details of all children taken into care by the County Council.</p> <p>These records are as follows: -</p> <p>Stirling County Council minutes 1930 – 1975</p> <p>Stirling County Council Public Assistance Committee minutes 1930 – 1948</p> <p>Stirling County Council Children's Committee minutes 1948 – 1969</p> <p>Stirling County Council Social Work Committee minutes 1969 – 1975</p> <p>Stirling Central No. 1 District Council minutes 1930 – 1975</p> <p>Stirling Central No. 1 District Council registers of application for assistance 1930 - 1948</p> <p>Stirling Western No. 1 District Council minutes 1935 – 1975</p> <p>Stirling Western No. 1 District Council registers of application for assistance 1930 – 1948</p> <p>Stirling Western No. 2 District Council minutes 1930 – 1975</p> <p>Stirling Western No. 2 District Council registers of application for assistance 1930 – 1948</p> <p>Stirling County Council Children's Act registers of application 1948 – 1975</p> <p>Stirling County Council Children's Act registers of re-application 1948 - 1975</p>
<p>Perth & Kinross County Council Western District Committee</p>	<p>Minutes 1930 – 1975</p> <p>No background papers and reports survive for the Western District Committee.</p>
<p>Central Regional Council</p>	<p>Both minutes and circulated papers survive for Central Regional Council. The Council was responsible for the provision of Social Work services for the whole of Central Region, which included the administrative areas currently covered by Falkirk and Clackmannanshire Councils. The records held are as follows: -</p> <p>Minutes 1975 – 1996. The Committees responsible for child protection were:</p> <ul style="list-style-type: none"> o Social Work Committee 1975 – 1996 o Fieldwork and General Services sub-committee 1975 – 1996

	<p>Circulated papers for the Social Work Committee 1975 – 1996</p> <p>The surviving minutes only record aspects of the care of children by the authority that it was thought appropriate to be dealt with at Committee level, therefore the surviving records do not reflect all the activities of the authority regarding the care of children. This has been considered when answering each of the questions in the rest of the Section 21 Notice.</p>
Stirling Council	<p>Stirling Council was formed following local government re-organisation in 1996 and continues to have responsibility for Looked After Children.</p>

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

Scotland has a strong tradition of fostering. State involvement in substitute family in Scotland originated in poor law arrangements to board out children with families. Under the Poor Law Act 1579 it was possible for a “beggar’s bairns” to be looked after by a person of “honest estate”. Local authorities for the Stirling area (in their various forms) have been given a range of statutory duties and powers relating to the care, welfare and protection of children under different legislative frameworks at specific periods across the timespan in scope. This includes the provision of boarding out and fostering children as part of a wider range of duties and functions which are consistent with other Scottish local authorities throughout this period.

Foster care developed from the practice of the ‘boarding-out’ of children in private homes by the Parochial Boards and then Parish Councils after the Poor Law (Scotland) Act of 1845 came into force. This arose from a similar practice adopted by the various Parish Kirk Session authorities, which provided assistance to the poor before this date. The Children’s and Young Person’s Act of 1908 introduced requirements for the formal registration of foster parents, which resulted in the creation of series of new records such as the Stirling Burgh Registers of Guardians. These provide evidence of children in what we would now call foster care. This would appear to have been formalising existing practice.

The Children and Young Persons (Scotland) Act 1932 (“1932 Act”) empowered the juvenile court to commit a far wider group of children and young persons than had previously been possible. Under the 1932 Act the juvenile court was empowered to commit to a fit person any child or young person who was in need of care or protection or who had committed an offence. This was in addition to the committal of children who had been victims of offences as provide for by the 1908 Act.

Every Education Authority was deemed a “fit person” for the purposes of the 1932 Act with the United Kingdom Treasury bearing the cost of committals. However, at that time Education Authorities could not exercise their powers of caring for children or young persons by accommodating them in either approved schools or voluntary homes. The only mechanism with which they were empowered to fulfil their obligations towards children committed to their care was to board them out with private families, in other words, fostering. The 1932 Act removed the references for committal to a relative which meant that fostering arrangements had to be with persons outside the family circle.

The first reference to the term ‘foster parents’ in council records is found in the Stirling Burgh Children’s Committee minute of 24th March 1953, although the term ‘boarded-out children’

continued to be used in the records until 1969 when the Social Work (Scotland) Act 1968 came into force. The first reference to a child being with a 'foster parent' or in 'foster care' in the records of Stirling County Council is in a Public Assistance Committee minute of 19th May 1936, although, again, the term 'boarded-out' with reference to children in foster care continued to be used.

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

Foster care developed from the practice of 'boarding-out' children as described at point 1.1 (b) above. With the passing of legislation such as the Children's Act of 1908, arrangements were better regulated. Regular inspections were made of foster homes and reports prepared on the condition, health and progress of the children to the local authority. This is reflected in the records that survive for individual cases.

There is no evidence in the records held at the Council Archives to suggest that the approach to foster care changed substantially in the period between 1908 and 1947. There is a reference in the records of Stirling Burgh in a minute of the Public Assistance Committee dated 13th October 1947 to the Children (Boarding-out etc.) (Scotland) Rules and Regulations 1947 to the effect that new rules were implemented in respect of governing foster care. There is no record in the surviving minutes as to what these changes were.

There is also a reference in the minute of the meeting of Children's Committee of Stirling County Council of 20th January 1948 to the Children (Boarding-Out etc) (Scotland) Regulation 1947 which indicates that the Council was aware of the new regulations. There would appear to have been changes in the administration of foster care after the provisions of the Children's Act 1969 (the "1969 Act") came into force. However, there is no record in the various Council minutes as to how the system was affected by the 1969 Act.

Subsequent to the enactment of the Children and Young Persons (Scotland) Act 1932, regulations were introduced to compel the local authority to identify and monitor a "fit person". The regulations included; The Children and Young Persons (Scotland) Care and Training Regulations 1933, The Children (Boarding-Out etc) (Scotland) Regulations 1947, and The Boarding – Out of Children (Scotland) Regulations, 1959 ("1959 Regulations").

The 1959 Regulations continued to apply until 1st April 1986, when they were revoked and replaced by the Boarding-out and Fostering of Children (Scotland) Regulations 1985 ("1985 Regulations"). The 1959 Regulations were indicative of the understanding that boarding-out was to intend to be a long-term solution. The 1985 Regulations reflected a shift in opinion and that more children were to be placed in non-institutional care such as foster families, but that foster care was not intended to be a long-term solution.

The 1985 Regulations required local authorities to establish Fostering Panels. The Panels were to consider every person referred to them by the local authority as a prospective foster parent. They also had to make recommendations to the local authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child. Additionally, the local authority was mandated to enter into an agreement with approved foster parents regarding the care to be provided for any children who might be placed with them. The Agreement includes; (1) details of the financial arrangements; (2) the local authority's policies and practice regarding the welfare of children for whom it had responsibility, the ways foster parents would be expected to follow these policies and practices and the assistance to be provided by the care authority to that effect; (3) the arrangements made by the local authority to review "at appropriate intervals" their approval of foster parents for the purposes of the regulations.

The 1985 Regulations were replaced by the Fostering of Children (Scotland) Regulations 1996 ("1996 Regulations"). The 1996 Regulations required local authorities to draw up a care plan for each child looked after in their accommodation.

More recently the Looked After Children (Scotland) Regulations 2009 ("2009 Regulations") were introduced. These have governed public fostering arrangements from their introduction. The 2009 Regulations provide that no particular type of family should be excluded from consideration as potential foster carers since the structure of a family does not indicate the adults' potential capacity as carers

The Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It refers to notifications of particulars of boarded-out children. It provides that "The notifications are required for the Central Register of Boarded-Out Children which the Department has maintained since 1913. Authorities are recommended to continue, so far as possible, their supervision of boarded-out children at least until they reach the age of sixteen, even though the children may have ceased to be chargeable. Authorities are reminded that they have no power to relieve any person residing out of Scotland, and that, accordingly, no child should be placed out-with Scotland".

Evidence to support this response can be found in the following:

- Committee reports and minutes
- Foster carer's records
- Children's records.

1.2 Funding of Foster Care

Past

The responses in this section relate to the bodies in existence between 1930 and 1975.

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

Historically, the Children and Young Persons (Scotland) Act 1937 and the Children Act 1948 refer to "grants paid to local authorities" and to "monies provided by parliament to local authorities" to support the carrying out of their duties under these Acts. There is evidence in records held of boarding out payments paid to foster carers from 1930 through to 1975.

More recently, the Looked After Children (Scotland) Regulations 2009 require the local authority to pay a foster carer an allowance. The amount paid is set by the local authority. The Local Authority set yearly budgets through Stirling Council Committee and allocate budgets for the fostering service which includes payment to foster carers.

Having regard to the legislation at the time and a review of our records, it appears that foster care was funded by the local authority from within their own budget. That being said, there is evidence to suggest that parental contributions towards the care of children were requested. For example, our finance records indicate that; "On the 24/9/54 child was boarded out to foster carers". In this instance, parental contributions were made to the Local Authority by the child's father. Holiday grants were paid by the children's committee.

In a paper entitled "Update on funding to improve fostering services" Stirling Council, Children's Services Committee report of 8/6/2006 notes the position in respect of funding for fostering services as at 2006.

Evidence to support this response can be found in the following:

- **Appendix_01** (*Fostering Sources of Funding*)
- **Appendix_05** (*Funding sources for Council revenue expenditure and the budget setting process*)
- Fostering Service Accountant Information;
- Looked After and Accommodated Child (LAAC) and Finance Spreadsheets
- Committee reports
- Children's' files

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

Before 2000 there were very small numbers in external fostering provision. Most children in foster care were resident with local authority foster carers. This remains the case to date. Records of external fostering agency costs from 2000 onwards indicate the same picture regarding the extent of payments made to external agencies.

Stirling Council purchases fostering placements from independent external fostering providers. There has been an increase in independent fostering providers offering foster placements to local authorities. Prior to the National Foster Care Framework being implemented in 2016, local authorities commissioned fostering services on an individual basis from independent fostering providers.

Evidence to support this response found in the following:

- **Appendix_02** (*External fostering agency costs for the period 2000 to 2005*)
- **Appendix_03** (*External fostering agency costs for the period 2005 to 2018*)

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

Stirling Council purchases placements from organisations including; Care Visions, Aberlour, SWISS, Step Down and Fostering Solutions, Barnardo's, National Children's Home (now Action for Children) and TACT Fostering. Stirling Council only purchase external fostering placements when the local authority are unable to match children within its internal fostering resources.

Following local government reorganisation in 1996 Stirling Council, Falkirk Council and Clackmannanshire Council shared foster placements dependent on resources and availability.

Evidence to support this response can be found in the following:

- **Appendix_02** (*External fostering agency costs for the period 2000 to 2005*)
- **Appendix_03** (*External fostering agency costs for the period 2005 to 2018*)
- Stirling procurement service
- Resource Allocation Group (RAG) budget information
- Children's' files.

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

From 1933, there were statutory restrictions on boarding with foster parents who were solely dependent on foster income. The Children and Young Persons (Scotland) Care and Training Regulations 1933 provide that "No boy or girl shall be boarded out with a foster-parent who depends for a living mainly on the payments received for boarding out boys or girls". These provisions were repeated in subsequent legislation. The Children and Young Persons

(Scotland) Act 1937 afforded discretion to the Education Authority to make payment as they saw fit. This provision was amended to facilitate a local authority offering financial support to foster carers by the Children Act 1948 (s. 13). This provision was replicated in the Social Work (Scotland) Act 1968.

Contained within the Boarding-Out and Fostering of Children (Scotland) Regulations 1985 there is an explicit obligation to have agreement with foster parents regarding financial arrangements. Fostering of Children (Scotland) Regulations 1996 includes a requirement to enter into agreement detailing among other things, financial support. There are similar provisions contained within the legislation that is currently in force.

In addition to foster fees and allowances paid by the local authority, foster carers can also make applications for DLA including carers allowance for children. This is administered by DWP and applications supported by social work.

Evidence to support this response can be found in the following:

- Foster carer supervision minutes
- Child care planning – reports and minutes.

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

The minutes and circulated papers indicate that financial support was made available by the local authority to the foster carers

A summary of what has been found is noted below, by authority.

Stirling Burgh	<p>The Children’s Separate registers (1930 – 1943) record the details of the carer and how much they were paid in aliment per week.</p> <p>The Registers of Guardians under the 1908 Children’s Act (1930 – 1943) record the payments made to foster carers under the heading ‘Terms agreed upon’. This can be a one-off payment or a regular sum paid each week or month.</p> <p>Occasionally clothes are noted as having been given under this heading.</p> <p>There are few references to the funding of foster care in the Burgh minutes. Those that were found are given below:</p> <p>A Children’s Committee minute of 24th May 1955 refers to an increase in maintenance payments for children placed in ‘voluntary homes’. It is not clear if this means foster care. A minute of the Children’s Committee of 28th September 1965 gives full details of the allowances to be paid for boarded-out children as follows: -</p> <p>Boarding-out allowances</p> <ul style="list-style-type: none"> ▪ Children up to 15 – 40 shillings up to 10 then 45 shillings ▪ Children over 15 attending school – 50 shillings ▪ Children in employment – 60 shillings
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	<ul style="list-style-type: none"> ▪ All plus 5 shillings if they are boarded-out in either Edinburgh or Glasgow. <p>Pocket money</p> <ul style="list-style-type: none"> ▪ Children until leaving school – 1 shilling up to 4, 1 shilling and 6 pence up to 9, 2 shillings 6 pence up to 12, 3 shillings 6 pence up to 15 then 5 shillings. <p>Clothing allowance</p> <ul style="list-style-type: none"> ▪ Children until leaving school - £20 up to 4, £26 up to 11 then £35 ▪ Children in employment – 15 shillings per week. ▪ There are also directions concerning family allowance, guardianship allowance, boarding-out allowance and how these allowances are dealt with regarding children in employment. <p>A minute of the Children's Committee of 26th October 1965 gives details of the support given to a former boarded-out child once they were in employment. The Children's Officer found lodgings for the child and the Council paid part of the cost of rent as the wages being earned were not sufficient to cover this and leave enough to live on.</p>
<p>Stirling County Council</p>	<p>There are quarterly returns of 'expenditure under the Children's Act' between 1930 and 1955. This return includes all costs associated with activities related to child protection, not just those made for foster care. In 1955, this changes to a statement of expenditure for the year and includes all expenditure not just that associated with child protection.</p> <p>The Public Assistance Committee minute of 4th April 1944 states that allowances are to be made to boarded-out children at the discretion of the Committee and that clothes will be granted on the same basis.</p> <p>The Children's Committee minute of 9th October 1945 includes a note of discussions relating to a proposed increase in the scale of allowances and clothing for boarded-out children.</p> <p>A Children's Committee minute of 20th November 1945 gives the scale of allowances for boarded-out children.</p> <p>A Children's Committee minute of 28th February 1951 gives the scale of allowances for boarded-out children, and a new scale is given in the minutes of 29th March 1951.</p> <p>A Children's Committee minute of 11th February 1958 records an increase in scales of allowances for boarded-out children of 5 shillings per week.</p> <p>A Children's Committee minute of 12th December 1961 records an increase in scales of allowances for boarded-out children of 5 shillings per week.</p>

	<p>A Children's Committee minute of 28th September 1962 gives the scale of allowances for boarded-out children.</p> <p>A Children's Committee minute of 9th October 1962 records that the allowance for children boarded with foster parents is to be 40 shillings per week irrespective of the age of the child.</p>
Central Regional Council	<p>There is a reference in the minutes every year to a report on the setting of boarding-out allowances. The report by the Director of Social Work is given in the circulated papers each year along with a letter from COSLA detailing the recommendations of that body with regard to boarding-out allowances. The Council adopted these recommendations each time they were issued. The report gives full details of the allowances granted in its appendix each year.</p> <p>There is a draft report for the year 1990 – 1991 that includes financial projections for what is referred to as 'fostering and boarding-out'.</p>
Stirling Council	<p>Stirling Council financially support foster carers by providing a fee element and age related allowance element for the child as well as this Stirling Council provide payment for travel, equipment, holidays, Christmas and birthdays.</p> <p>Discretionary funds are also paid from Children and Families Teams in relation to individual circumstances relating to a child eg exceptional holidays. Foster carer financial information is publicly available on the Stirling Council website.</p> <p>Minutes of children committee (4/6/96) - "COSLA recommends to Scottish Local Authorities on an annual basis the weekly fostering allowances to be paid to foster carers."</p> <p>The Chief Social Work Officer confirmed that fostering allowances would be paid at the recommended rate.</p> <p>"i) To agree to endorse COSLA's recommendations on rates to be paid to Foster Carers.</p> <p>(ii) To agree the increased payments to Foster Carers be backdated to 1 April 1996.</p> <p>(iii) To agree that Stirling Council continue membership of British Agencies for Adoption and Fostering."</p> <p>(Reference - Report by Chief Social Work Officer of May 1996 submitted.)</p>

Evidence to support this response found in the following:

- **Appendix_04** (*Foster Payments 1994/5 to 2019/20*)

- Foster carer file sampling
- Looked After Child (LAC) and finance records
- Foster carer handbook 2005 – Section 3 ‘Foster Carer Finance’
- Foster Carer Supervision records – payment for skill section
- Recordings on foster care files and children’s files.
- Committee reports
- Service accountants.

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

The Scottish Government allocates local authority budgets and in turn the Local Authority allocate budgets to individual services including fostering. Stirling Council have a foster care payment structure that is set and reviewed in line with the identified level and character of local needs and financial demands across the council. Criteria applied by the local authority to the distribution of funds reflects the numbers of children requiring foster care and the staffing needs of the resource to support this.

The minutes of Stirling Council's Children's Committee meeting of 21/5/98 indicate – the Director of Housing and Social Services outlined the current foster carer fee payment arrangements and proposed a revised scheme. It was noted in the report that allowances were also paid in covering the care of the child as recommended by National Foster Care Association (NFCA) and the Convention of Scottish Local Authorities (COSLA).

Evidence to support this response found in the following:

- **Appendix_01**(*Fostering Source of Funding*)
- **Appendix_05** (*Funding sources for Council revenue expenditure and the budget setting process*)
- Foster carer file sampling
- LAC and finance records
- Foster carer handbook 2005 – Section 3 ‘Foster Carer Finance’
- Foster Carer Supervision records – payment for skill section.

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

Local authorities are required by National Standards to outline a financial payment structure for foster carers from enquiry assessment and on an ongoing basis through supervision of foster carers. Stirling Council adhere to these standards.

Stirling Council publishes foster care payment structure on the Stirling Council website which was last updated in 2019.

Stirling Council outlines in the foster carer handbook the foster carer payment financial structure. The Stirling Council Looked After and Accommodated Child (LAAC) financial team provide individual foster carers with payment information in writing. Foster carer’s monies are paid through a BAC’s (Bankers Automated Clearing Services) system into their individual bank accounts.

National Care Standards and Inspection Services require Local Authorities to publish foster care financial information. Stirling Council adheres to these requirements.

A Foster carer file, dated 2000/2002, details a carer’s fee of £25 weekly and £19.29 per week for child allowance.

Evidence to support this response is found in the following:

- Foster carer individual files
- Stirling Council website
- Foster carer handbook – 2005 and up-dated 2019 version
- Foster carer departmental records.

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

Historically, foster carers could access charitable funds for matters such as holidays. This has become less prevalent over the years. As noted above, funding is available from state benefit entitlements, particularly where children had a disability such as Disability Living Allowance and Carers Allowance.

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

Due to the passage of time, we are unable to confirm whether historic funding was adequate to properly care for the children. However, we can confirm that foster care allowances were recommended by COSLA, and Stirling Council implemented COSLA's recommendations. It should be noted that COSLA no longer makes a recommendation in relation to foster carer finances.

All Local Authorities provide an allowance in order to finance all aspects of children's needs. This includes, but is not limited to, holidays Christmas and birthday allowances; enhanced and discretionary allowances; furniture and equipment; clothing; travel; telephone and child-minding expenses.

The minutes of the meeting of Stirling Council Children's Committee of 21/05/98 discuss the proposal to restructure the fee payment scheme for foster carers. The committee agreed "in order to achieve and improve an equitable fee payment scheme consistent with Stirling Council aims and service objectives. Foster carers to be paid an age related fee".

Evidence to support this response is found in the following:

- Foster Carer Handbook 2005 section 3 – 'Foster Carer Finance'
- Foster carers review reports
- Looked After and Accommodated Child (LAAC) reviews
- Children's views
- Children's files
- Minutes from Team Around Child Meetings; Child Care Review Meetings and Child Protection Case Conferences and Core Groups
- Record keeping of social work visits
- Record keeping of foster carer visits, including unannounced visits.

j) If not, why not?

Due to the passage of time there is a lack of corporate knowledge and lack of surviving records to fully respond.

Present

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

Yes

l) If so, please give details.

We currently have 2 external fostering placements. This has reduced from 5 placements in 2014.

Telephone allowance was reviewed via Committee and decision reached to cease this payment in 2019 due to availability of other means of communication – mobile phones, e mail, social media etc.

An extensive review is in progress in respect of all aspects of foster carer finance.

Evidence to support this response is found in the following:

- Resource Allocation Group (RAG) finance information
- Contract Information from procurement service
- Committee report (January 2020).

1.3 Legal Status

(i) Local authority

Past

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

For a full response, see response to 1.1 (a) and 1.1(b) above.

In brief, the Children and Young Persons (Scotland) Act 1932 ("1932 Act") allowed the juvenile court to commit a far wider group of children and young persons than had been possible previously to the care of an Education Authority. The 1932 Act introduced that instead of only the victims of an offence under the 1908 Act, committal to a fit person was possible for any child or young person who needed care or protection or who had committed an offence. Every Education Authority was deemed a "fit person" for the purpose as defined in the 1932 Act with the United Kingdom Treasury bearing the cost. However, Education Authorities could not exercise their powers of caring for children or young persons by accommodating them in either approved schools or voluntary homes: rather, the only mechanism they had to fulfil their obligations towards children committed to their care was to board them out with private families – in other words, fostering. And that fostering was to be out-with the wider family circle, as the 1932 Act removed the references to committal to a relative.

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

Foster carer's powers can be found in the applicable regulations over the years. The Children and Young Persons (Scotland) Care and Training Regulations 1933 (the "1933 Regulations") included a requirement to maintain a list of 'fit persons', having a child medically examined before they are boarded out, obligations to have a child visited by medical and other officers, securing the availability of medical assistance and prohibitions from boarding a child with certain types of persons.

Children (Boarding-out, etc.) (Scotland) Regulations, 1947 (the "1947 Regulations")

The 1947 Regulations introduced a requirement for positive vetting for foster parents. The local authority required to satisfy itself of the following:

- fit to carry out care;
- good character to look after health;
- education; and
- general wellbeing.

The 1947 Regulations also restricted the category of persons who could be foster parents (e.g. no single men) and groups considered unfit (persons with mental disorders etc.). In addition, there were restrictions on location (i.e. a child could not be placed in a house that could be injurious or dangerous to health, had to be within reasonable distance of educational facilities, had to be properly lit and ventilated sleeping conditions). There was a restriction on accommodating children in any environment likely to be detrimental to the child and the number of children that could be boarded together. The 1947 Regulations placed a requirement to provide suitable clothing and footwear together with increased record-keeping. For example, the designation of officer of the local authority or other reliable person to be responsible for supervision of child were reporting requirements.

Boarding-out of Children (Scotland) Regulations 1959 (the "1959 Regulations")

The 1959 Regulations ensured that prior to boarding-out requirement, the local authority required to obtain and consider reports, together with *inter alia* arranging a medical. They placed restrictions on categories of people with whom children might be boarded-out. The 1959 Regulations introduced a duty prohibiting boarding-out where certain living conditions not met (light, ventilation, water etc). A suitable person required to visit the prospective home before boarding-out. Children that were related should be boarded-out together and there was a restriction imposed that children should not be boarded-out out-with Scotland. Duties in terms of notification and record keeping continued to be in force.

Boarding-out and Fostering of Children (Scotland) Regulations 1985 (the "1985 Regulations")

The Social Work (Scotland) Act 1968 contained powers for the Secretary of State to introduce regulations to govern local authority functions in relation to boarding-out. They ensured that boarding-out would be supervised and inspected by a local authority and children could be removed if their welfare required it. The 1985 Regulations introduced a definition "to foster" and a requirement to establish a fostering panel. The panel was to consider persons referred to it as prospective foster parent and make recommendations as to suitability. It is clear from the 1985 Regulations that of paramount consideration were the interests of the child and to have regard to their views. The 1985 Regulations also introduced a requirement for written agreement with foster carers.

Fostering of Children (Scotland) Regulations 1996 (the "1996 Regulations")

The 1996 Regulations were a further extension of requirements under the 1985 Regulations. The 1996 Regulations imposed a requirement on local authorities to draw up a care plan for each child looked after by them. This included those in foster care.

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

The Children Act 1948 introduced a duty on the local authority to provide care and accommodation to children. The duty was discharged by "Boarding them out" or making arrangements for "boarding out". Section 1 of the Children Act 1948 ("1948 Act"), placed a duty on the local authority to receive a child into their care if the child was under the age of 17 years old and (1) has neither parent or guardian or (2) his parent or guardian was prevented from providing proper accommodation, maintenance and upbringing. The general duty for local authorities to receive children into their care was re-enacted by the Social Work (Scotland) Act 1968 ("1968 Act") which included the need to safeguard and promote the welfare of the child in the local authority care. The 1968 Act was repealed by the Children's (Scotland) Act 1995 ("1995 Act"). Section 17 of the 1995 Act imposes a legal duty on the local authority to, among other things as detailed in 1.4(i) (b), safeguard and promote the welfare of children in their care. This section of the 1995 Act remains in force.

Present

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

Yes

e) If so, please give details.

The Children and Young People (Scotland) Act 2014 ("2014 Act") requires local authorities to act as corporate parents. The Act places an emphasis on continuing, through care and after care. The 2014 Act is a significant piece of legislation, introducing major changes to planning, operation and delivery of children's services in Scotland. The Act is particularly important for looked after children and care leavers, putting Corporate Parenting (Part 9) onto a statutory footing, extending Aftercare support, in the form of easing transitions to semi or independent living to a wider population of care leavers (Part 10) and introducing a new provision of Continuing Care for some care leavers (Part 11). The 2014 Act amends the Children (Scotland) Act 1995 to ensure assessments consider a child or young person's wellbeing (section 95). Stirling Council in undertaking its corporate parenting duties extended accommodation provision and established an adult placement service young people in continuing case to allow them to remain in foster placements post 18 years. Stirling Council has signed the Care Leavers Covenant. The Covenant supports corporate parents to deliver changes in action and practice to bring improvement and consistency to the care of these young people. It offers clear guidance on how to meet the needs of young people who are often disadvantaged as a result of their care experiences. There is a Corporate Parenting Group chaired by the Chief Social Work Officer (CSWO) that meets to consider the delivery of services.

Evidence to support this response found in the following:

- Supported carer policy
- Continuing care policy
- Pathways reviews (located in files).

(ii) Foster carers

Past

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

In terms of the Children Act 1908, the "fit person" (which was to include a foster parent) had same powers, rights and liabilities as if they were the parent. Section 79(4) of the Children and Young Persons (Scotland) Act 1933 maintained this provision. These powers remained in force until abolished by the Social Work (Scotland) Act 1968 Act.

In terms of the Children (Boarding-out) (Scotland) Rules and Regulations 1947 "foster - parent" was defined as "a husband and wife, or a woman, with whom a child is boarded out by a local authority."

Thereafter, the Children Act 1975 introduced provisions where the foster parents had title to apply for custody of children on cause shown. If successful, this would transfer responsibility for the child from the local authority to the foster parent.

The Boarding Out and Fostering of Children (Scotland) Act regulations 1985 defined 'to foster' and 'foster parent' in regulation 2. A foster parent is a person approved by a care authority in accordance with regulation 7, in conjunction with the Fostering Panel.

Since the coming into force of the Looked After Children (Scotland) Regulations 2009 there has been no limitation on the type of family structure that potential foster carers must belong to and foster carers are assessed as suitable according to their own merits.

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

Not applicable

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

Until 1968, foster carers had all the rights and powers of a parent. The very aim of boarding-out was to integrate the child fully into his or her foster home. Part 2 of the Children Act 1908, section 22, provided that the fit person (as determined by the courts) "had the like control over the child or young person as if he were his parent and shall be responsible for his maintenance". This sentiment was replicated within the Children and Young Persons (Scotland) Act 1932 "The person to whose care the boy or girl is committed shall, whilst the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his or her maintenance as if he were his or her parent." The Children and Young Persons (Scotland) Act 1937 mirrored the 1932 Act other than the terms "boy or girl" were replaced with the terms "child or young person". This was repealed by the Social Work (Scotland) Act 1968 and no equivalent rule has been enacted. Instead the powers relating to children in care rest with the local authority and the foster carer's powers restricted.

The 1985 regulations required Local Authorities to establish fostering panels for the approval of foster carers and there were additional obligations to 'satisfy itself as to the suitability of the placement'.

The fostering of children (Scotland) Regulations 1996 continued a requirement for a written agreement and reviews of foster carers were also placed in statute. The 1996 Regulations placed an obligation on the foster carer to care for the child placed as if he or she was a member of the foster carer's family.

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

For a full response see 1.3(ii) (b). Foster carers have certain principles to adhere to. Foster carers were to bring up children as one of their own and devote to that duty the care that good parents give to their own children. This included the requirement for regular quality food, clothing, sleep and sleeping arrangements, bedrooms and bedding, fire-guards, training and discipline, medical attention. Obligations were placed upon foster carer's to cooperate with local authority.

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

See above answer to 1.3(i) (c).

Present

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

No

g) If so, please give details.

Not applicable

1.4 Legal Responsibility

(i) Local authority

Past

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

Yes

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

This response should be read in conjunction with responses to: *1.3(i)(b) and 1.3(i)(c)* above.

The 1996 and 2009 Regulations provide the extent of the legal responsibility Local Authorities have for the children in its care. The local authority must make a care plan to address the immediate and longer-term needs of the child with a view, under the 1996 Regulations, to safeguarding and promoting his or her welfare and including, under the 2009 Regulations, an assessment of how these needs can be met. In doing so, they are required to take account (amongst other things) of the nature of the services to be provided, alternative courses of action, and the arrangements to be made when the child will no longer be looked after by a local authority.

The care plan must include the matters specified in Schedule 2 to both the 1996 and 2009 Regulations. This includes details of any service to be provided to meet the care, education

and health needs of the child and the respective responsibilities of the child, person with parental responsibility and any other relevant person as well as (under the 2009 Regulations) the local authority, the foster carer and the manager of any residential establishment accommodating the child.

The local authority is required to review the case of each child being looked after by them, within six weeks of the placement, then three months thereafter and then at six-monthly intervals. Appropriate records must be kept, until the seventy-fifth (under the 1996 Regulations) or the hundredth (under the 2009 Regulations) anniversary of the child's birth (or twenty-fifth anniversary of his or her death before the age of 18), and confidentiality has to be maintained.

Once a child had been placed (either in a residential establishment or with a foster carer) the local authority has to ensure that the child is visited on its behalf (i) within one week of the placement, (ii) thereafter at three monthly intervals, (iii) on such other occasions as the local authority considers necessary or appropriate in order to safeguard or promote the child's welfare (and, under the 1996 Regulations, if the child is fostered, to give support and assistance to the person caring for him), and (iv) where reasonably requested to do so by the child or any foster carer; written reports of these visits have to be produced and considered at any review of the child's case. Where for any reason it appears to the local authority that it is no longer in the child's best interests to remain in the placement the local authority must make arrangements to terminate the placement as soon as is practicable in the interests of the child. Before making any decision in respect of a child they are looking after, the local authority must, so far as reasonably practicable, ascertain the views of the child, the child's parents, any other person who has parental rights, and any other person whose views the authority considers relevant; in coming to its decision, the local authority must have regard to these views, and to the child's religious persuasion, racial origin and cultural and linguistic background.

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

People holding parental responsibilities and rights continued to have some legal responsibility for their children while they were in the care of the organisation. For example, there are some instances where children are subject to section 11 Residence Orders through the Children (Scotland) Act 1995 and as a result, certain responsibilities may remain with the person who has the residence order.

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

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

The 2007 Act introduced the concept of ancillary provisions where some parental rights could be shared e.g. with a foster carer.

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

Not applicable

Present

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

Yes

g) If so, please give details.

The 2014 Act introduced several additional duties on local authorities and in particular corporate parenting duties in relation to all looked after and care experienced young people. The 2014 Act applied these duties to a wide range of agencies and bodies; extended after care duties; continuing care for eligible children in care; extended duties in relation to kinship care; outlined the duties of public authorities in relation to the United Nations Convention on the Rights of the Child (UNCRC); Getting it right for every child (GIRFEC) placed in statute.

(ii) Foster carers

Past

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

Yes, between 1908 and 1968

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

As if they were a parent. For a full response, please see response to 1.3(ii)(a)

Present

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

Yes

d) If so, please give details.

There are now general duties for everyone working with children, including carers, to promote the wellbeing and ensure the protection of children. The duties are set out in Getting it right for every child (GIRFEC) and the Children and Young People (Scotland) Act 2014.

GIRFEC is based on children's rights and its principles reflect the UNCRC. GIRFEC is a way for families to work in partnership with people who can support them including the local authority.

1.5 Ethos

Past

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

See responses to: 1.1 a) and 1.1 b)

The Monckton report (Home Office, 1945) was issued following the death of a child who had been boarded-out in England. The report outlined that the aim of boarding is to substitute the best obtainable guardians and homes for (a) unworthy ones and (b) those who through force of circumstances are unable properly to provide for their children; to train the child to develop into an intelligent, self-respecting, useful citizen, to achieve a good upbringing in a working class home; to obtain for the child a strong bond of affection, if love is too strong a word, in his new surroundings, and to give him a solid and secure anchorage; to allow him to grow happily

as one of a family. The main responsibility for children requiring substitute family care rests with local authorities which have duty to assess and assist children in need of care and protection. Mechanisms have been introduced to facilitate all parts of the local authority working corporately for the benefit of foster children. This is framed in Stirling Council's Corporate Parenting Plan and Children's Services Plan.

The Children's Services Plan cites the vision for children and young people as "Local Authority's vision for children is that they are able to live in families locally in their communities." The Local Authority in order to achieve this aim has prioritised recruitment of foster carers to meet the needs of local children. The Local Authority believes that children placed in families have improved long term positive outcomes and wants children to access local services and be included in all the services that they offer. The fostering service reflects the legal context in which children are placed. This includes considering the child's welfare and best interests. This is reflected in foster carer handbook; all policies and procedures relevant to the fostering service. Evidence can be found in the following:

- Foster carer handbook 2005 – Section 2.5
- GIRFEC paperwork – assessment, plan, chronologies - in child's files, foster care agreement, fostering panel, registration and review minutes and child's views forms
- Children's committee minutes 2/10/2002 – There was a recommendation "to safeguard accommodated children and to improve the quality of their care experience through increased use of local foster care placements."

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

It is agreed that the foster carers shall provide care of a child as part of their family and endeavour to create an atmosphere of welfare and trust conducive to the security of the child.

Stirling Council require foster carers to provide for children and to meet their needs in all aspects of their development with reference to SHANNARI (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included) outcomes, which is evidenced through Foster Carer records. Foster carers are required to work in partnership with the Team around the Child in line with GIRFEC principles.

Stirling Council ensures that foster carers are recruited, assessed, registered, supported and trained to meet the needs of children whom are in their care. Evidence to support this response is found in the following:

- Foster carer files
- Children's files
- Good parenting good outcome paperwork
- GIRFEC paperwork
- Fostering carer agreements
- Day to day/ placement agreement forms
- Assessing and reviewing foster carers – Form F reports and foster carer review reports
- Children's form E reports (known as CAPR from 2016)
- External regulation and Inspection Reports
- Annual Reports to Committee on performance.

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

Yes

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

Fostering has increasingly become the main placement for children who are unable to live in their own families. There has been a steady increase in the number of foster carers in line with this need and a reduction of children being placed in residential care.

With the implementation of the Children (Scotland) Act 1995 there is a duty for the Local Authority to take account of children's views. This is reflected in the increased opportunities for children to participate in Looked After Child (LAC) processes. Written children's views are submitted to Looked After Child (LAC) reviews as well as foster carer reviews.

Stirling Council in line with National Foster Care Standards and foster care limits, ensures that children do not share bedrooms with unrelated children. Stirling Council ensures that they do not exceed Scottish Government placement limits.

Where the child is looked after by foster carers, the carers have a responsibility to safeguard and promote their welfare and on a regular basis ensure children have personal relations and direct contact between anyone with parental responsibilities.

The Local Authority is required to make plans that address collaborative working. All Stirling Council's children in foster care have child's plans that are regularly reviewed by a multi-agency team.

Looked after children in Scotland 'Good Parenting Good Outcomes' material was launched in Scotland in 1997. These comprised a comprehensive system of information gathering, assessment, planning and review for children looked after away from home. This approach was a way of gathering information to ensure a multi-disciplinary approach to planning for children looked after away from home.

Stirling Council fostering service ensures that SHANNARI outcomes are included in foster carer supervision and all foster carers work within GIRFEC principles. All support and training provided for foster carers ensures they understand the duties of the Local Authority.

A joint report by Association of Directors of Social Work (ADSW) and Convention of Scottish Local Authorities (COSLA) was published in 2000 on Foster Care the recommendations and findings of which reflected the changing face of fostering in Scotland. The Children's Committee in February 2001 approved plans to modernise the fostering service considering this.

In line with the Looked After Children (Scotland) Regulations 2009, Fostering placement limits and placement descriptors were introduced. Stirling Council does not exceed the Scottish Government placement limits and all foster carers are registered in line with placement descriptors. Evidence to support this response is found in the following:

- Foster panel minutes
- Foster care Business Panel reports/minutes
- Out with numbers for placement request paperwork
- Form Fs and review reports
- Health and safety checks

- Unannounced visits
- Foster care agreements
- Safe care plans
- Foster carer handbook
- Foster care supervision records
- Foster carer annual review paperwork
- Children's hearing reports
- Looked After Child (LAC) review reports
- Children's views submitted to foster carer reviews.

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

Yes

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

Refer to 1.5 (b) response.

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 2014 Act provides more substance in legislation regarding the child's plan to improve its content, preparation and delivery to ensure better outcomes for the child. Part 5 of the 2014 Act requires a child's plan that considers wellbeing and need, and interventions required to support and address these.

The Children and Young People's Act (Scotland) 2014 required the local authorities to act as corporate parents. They are required to ensure that all children experience safety, security and nurture within their birth families or within an alternative family if that is not possible. In line with this Stirling Council has prioritised early intervention within birth families. Stirling Council is expanding its support to young pregnant women to better enable them to remain with their child in the community. For example, young pregnant women are supported in a small residential unit (Glencairn) up to the birth of their child and beyond. However, where this may not be possible, we are increasing foster care households to offer local family placement.

To support foster carers in meeting the needs of children and ensuring Stirling Council fulfils its role as corporate parent, the fostering team has extended their fostering service. This now includes an Enhanced Foster Carer Social Worker; a Fostering and Adoption Development Worker; a Family Support Worker and a therapist.

Stirling Council has put in place an Enhanced Foster Carer scheme to allow children with complex needs to have the opportunity to have family-based care.

Priority has been given to the recruitment of foster carers with the capacity to meet the needs of children with disability in order to achieve increased family placement choice.

Evidence to support this response is found in the following:

- Continuing care policy
- Recruitment material in respect of foster carers
- Pathways reviews
- Minutes from Team Around the Child (TAC) meetings.

1.6 Numbers

(i) Local authority

Past

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

We have used historical records, business information systems, and annual returns to provide the information requested. From 1987, Social Work business information systems have been used to record data. The number of children accommodated in foster care were recorded from 1991 onwards:

<i>Past - As at 31st December each year</i>															
	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	
No of children Accomodated in FC:	0	0	0	0	2	3	2	6	10	15	19	24	31	30	
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	
No of children Accomodated in FC:	35	53	61	53	53	63	66	58	78	74	77	66	74	69	
<i>Present - As at 31st December each year</i>															
	2015	2016	2017	2018	2019										
No of children Accomodated in FC:	73	61	63	60	50										

The methodology used is basing the figures on the number of children in care at a given date e.g. 31 December each year.

Between 2007 and 2017, information that relates to placements for young people was also captured in the main Social Work business information system. The system captures information on placements type and legal order whenever there is a change to either and is recorded as a series of snapshots. This is captured whenever there is a change of order or placement. Cumulative totals would therefore require a manual review of all records to ensure that there is no duplication of figures.

Although there are numbers given in some of the surviving records in various contexts, it is not possible to ascertain from these exactly how many children were in foster care at any given time. Regarding placements, there is no definitive statement in any of the records held at the Council Archives of how many placements were offered. There is no indication that the service administered by any of the local authorities concerned had a specific number of fostering placements or that they operated the service within clearly defined parameters in this

way. Consequently, it is not possible to make a definitive statement in response to either part of this question.

For the sake of completeness, the surviving statistics that relate to the number of children in foster care are given below by authority: -

Please note that the following figures may not represent a definitive total for the number of children in foster care for the respective authorities. In many cases, it is clear from the sources, particularly the minutes, that reporting may well not include all cases being dealt with by that authority at any one time. The numbers produced are the best that can be deduced from the extant information.

Stirling Burgh

N.B. Individual children may appear in more than one record.

Evidence to support this response is found in the following:

- Registers of Guardians 1930 – 1943 provide details of 84 children in foster care.
- Children's Separate Registers 1930 – 1952 provide details of 111 children in foster care.
- Mar Lodge registers of admission and discharge 1946 – 1955 provide details of 12 children in foster care.
- Stirling Central No. 1 District Council applications for assistance 1930 - 1948 provide details of 7 children in foster care. It should be noted that after around 1933, it becomes clear that this record deals exclusively with the provision of 'outdoor relief' to applicants, that is, payments made to individuals to give assistance in cases of need. It is likely that other records were kept relating to the provision of places at the Poorhouse and other forms of assistance granted by the authority, that may include those relating to boarded-out children, but it is impossible to know what form these would have taken as they have not survived.

Stirling County Council minutes

A spreadsheet containing all the statistics that relate to children from the following returns is submitted with this report at Appendix_07.

Please note that as the returns are made quarterly and annually, children who remain in care over a certain period will be accounted for more than once in the figures. Therefore, it is not possible to give final totals for the numbers of children in care over this period.

The minutes contain statistics as follows: -

- Public Assistance Committee – Quarterly return of classes of the poor chargeable to the County 1932 - 1948. These include the following statistics relating to children: -
 - Number of children boarded out 1932 – 1947
 - Number of children in private dwellings 1947 – 1948
- Public Assistance Committee – Annual return of children under the Children and Young Persons (Scotland) Acts 1933 – 1958. These include the following statistics:
 - Children on the register 1933 – 1958
 - Children removed from the register 1933 – 1958
 - Children admitted to the register 1943 – 1957
 - Number of Guardians 1937 – 1941
 - Visits to boarded-out children 1951 – 1958

- Public Assistance Committee – Yearly return of certain classes of sane poor chargeable to the County prepared for Department of Health 1934 – 1948. These include the following statistics relating to children: -
 - Number of children in care 1934 – 1948
 - Children boarded-out with relatives 1934 – 1948
 - Children boarded-out with strangers 1934 – 1948
 - Children with settlement in the County 1945 – 1948
 - Children with settlement in other areas under supervision of the County 1945 – 1948
 - Children under the supervision of other local authorities 1945 – 1948

- Children’s Committee – Yearly return of children in care under the Children’s Act, 1948, 1950 – 1958. These include the following statistics: -
 - Number of children in care 1950 – 1958
 - Number of boarded-out children 1951 – 1958
 - Number of children in private dwellings within the County 1950 – 1958
 - Number of children in private dwellings out with the County 1950 – 1958

- Public Assistance Committee - Monthly statement of children boarded out privately and in institutions 1958 - 1965. These include the following statistics: -
 - Number of children in care 1958 – 1965
 - Children in private dwellings 1958 – 1965

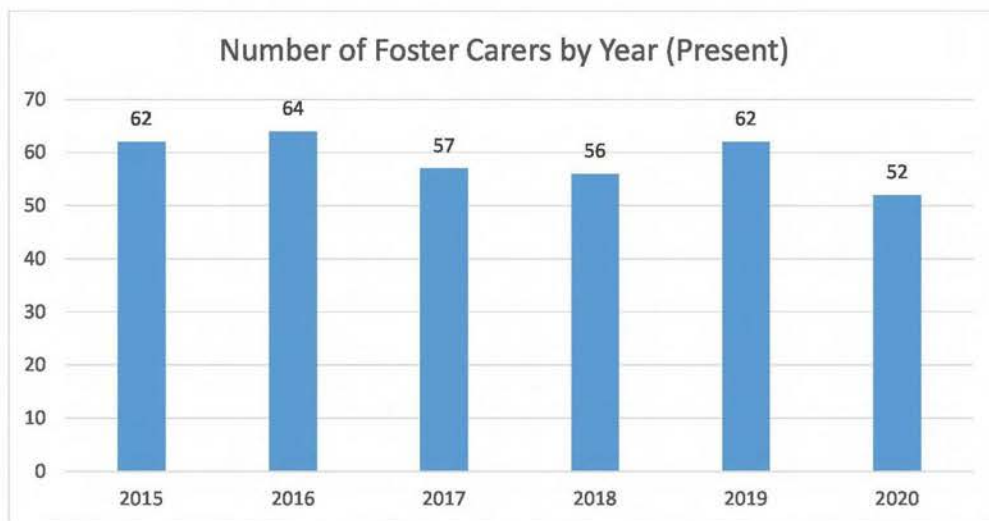
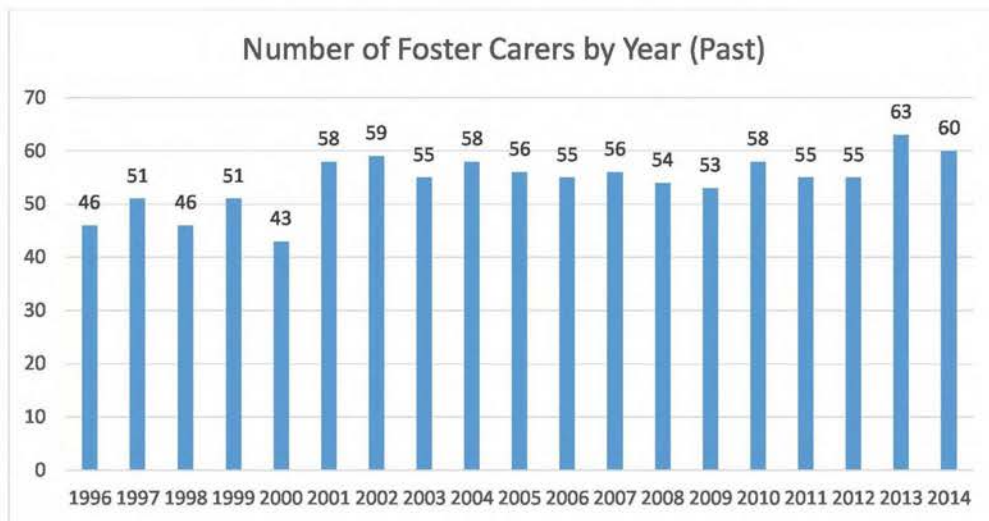
There are two sources of statistics for Stirling County Council. The first is the series of minutes 1930 - 1975, as described in the response to question 1.1 a) above. The second is the series of applications and re-applications under the Children’s Act 1948 – 1975. Archives staff have been through the registers and have noted every child in them given as being in foster care and put these into a spreadsheet, which is submitted with this report at Appendix_06. The total number of children identified in this record for the County Council is **949**.

Central Regional Council

There are no statistics given in the records held here for the number of children in care. These were not reported to the Committees responsible, nor are they included in the background papers. Consequently, it is not possible to give a total for all the children accommodated by this local authority.

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

See tables below



There is nothing in the records held here for any of the local authorities concerned that gives statistics for the number of foster carers being used at any one time. Similarly there are no records that give details of how many foster carer placements there were for any of the local authorities concerned. There is no indication that the service administered by any of the local authorities concerned had a specific number of foster carer placements or that they operated the service within clearly defined parameters in this way. Consequently, it is not possible to make a definitive statement in response to either part of this question.

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

See tables below

Past to 2014									
Categories	Year								
	2006	2007	2008	2009	2010	2011	2012	2013	2014
Short Term	31	37	16	*No data available	*No data available	10	5		
Long Term	4	6	10			32	10		
Both short term & long term			15			8	26		
Both temporary & permanent care								93	95
Respite	14	15	18			11	12	17	15
Pre-adoptive placement			6			13	19	6	6
Private Foster Carers							6	6	
Permanent Care Only								13	33
Blanket' approval - mix of permanent, long term, interim & emergency									
Interim									
Emergency									
Temporary Care Only								45	47
Other		1	1						

* *Please note:* The data in the above table is collected from fostering annual returns which only began in 2006. The gap in the data for the period of 2009/10 is due to no annual returns being submitted for that period at the time.

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

The numbers of children accommodated in foster care has reduced from 76 in 2008 to 47 in 2019. There has been a steady increase in the number of foster carers approved.

Stirling Council children's committee report 18.4.2002 - it was noted there were difficulties in finding foster placements for older children with complex needs. There was reference made to a longer stay residential unit opening at 84 Glasgow Road and Brucefields Care Home became a 3 bedded unit.

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

As the different authorities concerned administrated their child care services in varying ways, it is likely to be most helpful to answer this question with a response for each different authority.

See table below.

	1987	1988	1989							
Total number of looked after children in foster care	0	0	0							
Total number of looked after children in residential care	0	0	0							
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total number of looked after children in foster care	0	2	3	2	6	10	15	19	24	31
Total number of looked after children in residential care	0	0	0	0	0	1	1	1	3	5
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total number of looked after children in foster care	30	35	53	61	54	53	62	65	58	78
Total number of looked after children in residential care	8	12	18	22	28	26	35	35	31	29
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Total number of looked after children in foster care	74	77	66	74	69	73	62	64	61	49
Total number of looked after children in residential care	32	36	31	29	32	38	34	26	15	18

Stirling Burgh

It is not possible to answer this question for Stirling Burgh as there are no definitive statistics held; the only data is spread through the surviving records that relate to the administration of poor relief and these records are potentially not complete. Consequently, it is not possible to compile a total for all the children accommodated by this Burgh.

Stirling County Council

It is possible to give totals for children in the care of this authority. There are two sources for statistics; the minutes of the various Committees responsible for child protection over the period 1930 – 1975, as described in the response to question 1.1 a) above and the series of applications and re-applications under the Children’s Act 1948 – 1975.

Stirling County Council minutes

The criteria and data parameters for the reporting of statistics by Stirling County Council varied over the years. Consequently, the response to this question is best presented by Committee and type of report. It is not possible to create a meaningful total from these statistics as they frequently overlap. A full breakdown of all the statistics reported in the Stirling County Council minutes is given in a spreadsheet at Appendix_07 to this report

- **Public Assistance Committee – Classes of poor chargeable 1932 – 1948**

○ Number of children boarded-out	2830
○ Number of children in orphanages	1765
○ Number of children at Weedingshall Children's Home	114
○ Number of children in other Homes	207
○ Number of children in private dwellings	209
Total	5125

Please note that the minutes do not define what is meant by 'private dwellings'

- **Public Assistance Committee – Returns made to the Department of Health 1934 - 1948**
 - Number of children in care 953
- **Children's Committee – Returns made under the Children's Act 1948, 1950 – 1958**
 - Number of children in care 1830
- **Public Assistance Committee – Returns made under the Children and Young Persons (Scotland) Acts 1933 – 1958**
 - Children on register 425
- **Children's Committee – Monthly statement of children boarded-out 1958 – 1965**
 - Number of children in care 21692
- **Children's Committee – Monthly record of children coming in to care 1958 – 1969**
 - Number of children coming into care 2070
- **Social Work Committee – Statistics 1969 – 1975**
 - Number of children in care 515

Stirling County Council registers of applications and re-applications under the Children's Act 1948

These registers record details of all the children taken into care by the County Council. Staff here have gone through all the volumes and compiled a spreadsheet of all the entries for those children in care. There is possibly some duplication in this record, but the figures should be broadly accurate.

- Registers of applications and re-applications 1948 – 1975
 - Applications and re-applications received – noted in doc 1361988

Central Regional Council

There are no statistics given in the records held here for the number of children in care. These were not reported to the Committees responsible, nor are they present in the background papers. Consequently, it is not possible to give a total for all the children accommodated by this local authority.

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

Again, this question is best answered separately for each different authority responsible for child care services over the time period involved.

Stirling Burgh

It is not possible to answer this question for Stirling Burgh as there are no definitive statistics held. The only data is spread through the surviving records that relate to the administration of poor relief and these records are potentially not complete. Consequently, it is not possible to ascertain what the main service was which was provided by the local authority regarding child care. We do know that the records for the two Stirling Poorhouses that still existed in 1930 have not survived. There may well have been details in these that related to children in Foster care.

The records that do survive are minutes and registers of the poor. These do not contain any statistical returns for children in foster care. All we have are the entries in the registers and names in the minutes. In the minutes, it does not always state how children are being cared for or even if the names arising are children, so it is not possible to compile statistics from the surviving records.

Stirling County Council

Looking at the statistics available, which are given as Appendix_07 to this report, there are more children given as being boarded-out than are in residential care for the period 1930 – 1975.

Central Regional Council

There are no statistics held for Central Regional Council. Consequently, it is not possible to answer this question for the authority.

Fostering has increasingly become the main placement for children who are unable to live in their own families. There has been a steady increase in the number of foster carers in line with this need and a reduction of children being placed in residential care.

Stirling Council children's committee report 18.4.2002 –Stirling Council continues to place the majority of accommodated children in foster care. It is noted from this report that 50 children were placed in foster care and 16 in residential care.

Stirling Council from 1996 have reduced the numbers of residential placements available. There was a larger unit in the existing Brucefield site. The replacement unit houses 5 young people. Glasgow Road, residential unit was closed following the reduction of the need for residential placements.

In the Funding to Improve Fostering Service Report there was a recommendation to "safeguard accommodated children and to improve the quality of their experience through increased use of foster placements".

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.

Stirling Council sought to offer foster placement choice to more young people with more complex needs profiles. This was introduced to improve outcomes for older young people and strengthen efforts to avoid accommodation in residential care.

Introduction of placement descriptors as outlined in the 2014 Act means that foster carers are now approved in the following categories:

- Emergency
- Interim
- Long term
- Permanent
- Short break.

Evidence to support this response is found in the following:

- Enhanced foster care business report
- Foster care annual report.

See table below

<u>Present 2015 - 2020</u>					
<u>Categories</u>	<u>Year</u>				
	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Both temporary & permanent care	51	13			
Temporary care only	46	34			
Permanent care only	11	5	7	7	8
Blanket' approval - a mix of permanent, long term, interim & emergency			44	46	43
Interim only			4	4	3
Short break only			5		

1.7 Children's Background/Experience

Past

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

Children were accommodated as a result of non-school attendance, offending, relinquishment, alcohol misuse, out with parental control, disability, death of a parent, parental mental health and domestic abuse. It was around late the 1990s and early 2000s that the impact of drug misuse on the welfare of children became more apparent and children were being accommodated due to neglect. Evidence to support this response is found in the following:

- Children's Hearings reports
- Police reports
- Looked After Children's (LAC) reviews
- Good Parenting Good Outcomes paperwork
- Getting it right for every child (GIRFEC) paperwork.

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

In the past, children were admitted to the care of others deemed to meet the standard of being a 'fit person'. With local government reorganisation in 1996, children were admitted to the care of the local authority.

Until the introduction of legislation that set clear parameters around the role of the Local Authority in terms of accommodating children in foster care, children were placed in the direct care of foster carers via boarding out regulations. There are occasions where children are placed with foster carers through the Children's Hearing System naming the foster carer as the place of residence.

Having the appropriate legal order in place the local authority can then place the children in foster care.

Evidence to support this response is found in the following:

- Children's Hearings reports
- Child protection order paperwork
- Court papers
- Children's files.

c) Who placed children with the local authority?

For the historic position, please see 1.1b and 1.7b

Currently children can be placed in the following manner;

- Children's Hearing via statutory orders
- The Court via orders including Child Protection Orders (CPO's)
- Voluntarily by agreement of the birth parents;
- Anyone with parental rights.

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

There are several legal mechanisms that trigger the potential for services to receive a child into care. From 1971 Social Work Services often led decision making and assessments of need in this regard and utilised measures such as Sect 15 of the Social Work (Scotland) Act 1995, Place of Safety warrants via Police, Justice of the Peace or Sheriff and via Supervision Requirements made by the Children's Hearing. Data on this is not currently available to us.

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

See d) above

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

The table below illustrates children's length of stay in foster care from 2005 to 2019.

	Year											
	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
< 6 weeks	11	8	1	9	9	6	10	5	5	2	3	18
8 weeks - < 6 months	2	1	7	11	11	6	10	9	10	4	3	6
6 months - < 1 year	2	12	16	11	11	11	18	10	8	3	9	16
1 year - < 3 years	24	20	35	33	33	39	37	27	31	18	28	25
3 years - < 5 years	8	12	5	7	7	9	13	13	10	10	9	8
5 years - < 10 years	3	7	8	2	2	8	7	6	8	10	10	14
At least 10 years	3	3	3	3	3	0	0	6	1	5	3	6
Total	53	63	75	76	76	79	95	76	73	52	65	93

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

It is clear when comparing the minutes with statistics where this is possible, that not all decisions regarding admitting children into care were minuted. Consequently, it is difficult to answer this question from the records that we hold.

Recommendations with regards to accommodating a child in foster care would be made by senior social work staff, Looked After and Accommodated Child (LAAC) reviews and Resource Allocation Groups. Decisions were made via Children's Hearings, Sheriffs, Police and Justices of the Peace via Place of Safety warrants and Child Protection Orders. From file reading it is noted that social workers made recommendation to senior social work staff regarding the need for a child to be accommodated.

In Stirling Council Children's Committee fostering service report 27/11/02 it was noted that the "social worker would identify the need for the child to be accommodated away from home. Discussion would be taken with senior social work staff; the area manager would convene a pre admission planning meeting. It was also noted that children could be referred for foster care by several different routes – the child comes into foster care with consent of the parent/s, child could be abandoned, or the Children's Hearing made recommendation for foster care".

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

The criteria applied is enshrined in national legislation and policy guidance in place at the time.

Relevant legislation and related information prior to 1995 is as below:

Key legislation:

- The Children's Act, 1908
- The Children and Young Person's Act, 1933
- The Children Act, 1948
- Children (Boarding Out etc) (Scotland) Rules and Regulations, 1947
- The Boarding Out of Children (Scotland) Regulations, 1959
- Administration of Children's Homes (Scotland) Regulations, 1959
- Social Work (Scotland) Act, 1968
- Children (Scotland) Act 1995 & Regulations
- Children and Young People (Scotland) Act 2014.

Key Policy:

- Child Protection Guidance and Procedures 1994
- Regulations and Guidance for Children (Scotland) Act 1995
- National Child Protection Guidance 2010, 2014.

Primary criteria informing need to accommodate were the character of need and risk for the child and the ability or not of services to satisfactorily maintain the child with their family in the community. Where the thresholds for care and protection could not be adequately sustained with the family in the community then there would be a need to consider alternative substitute care. This could be extended family, foster care or in some circumstances residential care.

The above can be evidenced by reference to:

- Placement referral information
- Looked After and Accommodated Child (LAAC) minutes
- Child's files.

i) Were children moved between different foster care placements?

Our records indicate that, on occasion, children were moved between different foster care placements.

j) If so, in what circumstances

Children are moved from a foster placement for a variety of reasons. This includes foster carer availability, matching the composition of the children in the household, risks to themselves or others, complex presenting behaviours, capacity of foster carer to meet the needs of a young person, foster care illness, foster carer circumstances.

From review of our records, from 1991 to 1995 there is an example of one child that had 12 different foster placements due to returns to the birth mother's care.

Evidence to support this response is found in the following:

- Foster carer resource sheets
- Child's files
- Foster carer files
- Foster carer annual review reports.

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

Typically, younger children remain in the same foster placement, with more instances of moves of placement for older children. Evidence to support this response is found in the following:

- SWIFT – Social Work Information database
- Looked After Children (LAC) and Finance records
- Foster care resourcing sheets
- Child's records.

l) What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?

There is early evidence of reports of children being visited in foster placements as part of the review of the need for continued residence there.

The 1968 Act introduced Children's Panels and an annual review of a child's order, the need for the placement to continue and any placement conditions.

An amendment to section 20 of the Act on 1st February 1991 introduced a statutory requirement for 6 monthly reviews of children in care.

In addition, orders can be reviewed during court procedure (e.g. CPOs) and internal review processes, (e.g. Looked After and Accommodated Children (LAAC) reviews, Child Protection Case Conferences.)

In respect of decisions for children remaining with foster carers on a permanent basis, a match is presented to a Foster Panel. Evidence to support this response found in the following:

- Foster panel minutes
- Children's Hearing reports
- Court reports
- Minutes from Looked After and Accommodated Child (LAAC) reviews and Child Protection Case Conferences (CPCC)
- Child's records.

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

The process for discharge is dependent upon the legislative basis and parameters around the child's placement as set via Children's Hearing or with voluntary arrangements via Sect 25 of the Children (Scotland) Act 1995.

Discharge of a child from care would vary depending on the specific circumstances of the child and the legislation in force at the time.

The 1959 regulations allowed termination of a placement where the placement was no longer in the child's best interests.

The Children's Hearing (Scotland) Act 2011 and predecessor legislation related to the Children's Hearing system allow a placement to be terminated if the Children's Hearing considers this not to be in the interest of the child.

Where a child was placed in terms of section 15 of the 1968 Act the parent could remove the child at any point unless the local authority considered it not to be consistent with their welfare.

The 1995 Act continued this presumption giving greater emphasis to children and parental rights in relation to the intervention of the state.

A parent can seek to revoke a voluntary order (conditions are attached to this after the child has been accommodated via Section 25 of the 1995 Act for 6 months or more.)

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

Section 26 of 1968 Act placed a duty on the local authority to provide aftercare for those over school age who had left care, to provide aftercare between the age of 16 and 18. This was extended by section 29 of the Children (Scotland) Act 1995 and Section 6 of the Children (leaving Care) Act 2000.

Children leaving care may remain on statutory orders that obliges the local authority to provide support. Children are also offered leaving care support on a voluntary basis.

Stirling Council has had in place a Through Care Team which has the responsibility of offering older young people support. Support is relationship based and can incorporate financial assistance, accommodation, work placements, further education and access to other services as required.

Evidence to support this response is found in the following:

- Pathways plans
- Child's records.

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

The 1995 Children (Scotland) Act 1995 required pathways planning for children. A Through Care and After Care Team has been in place since then. Detailed and specific data on what children leaving foster care plan to do has not been captured. It has been standard practice for all young people leaving foster care to continue to have support via an allocated Social Worker.

p) Was such information retained and updated?

Information has not been retained on this nor updated.

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

Please see n) above.

Present

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

Yes

s) If so, please give details.

The Children and Young People (Scotland) 2014 Act requires the local authority to provide through care, after care and continuing care support. The extension of this support up to the age of 25 better assists young people, from late adolescence into early adulthood, through a range of transitions (e.g. acquiring accommodation, further education, employment) when leaving care. In line with this Stirling Council has a continuing care policy in place. Stirling Council also has a champion's board and mentoring service in place.

There is an increase in relinquished babies placed in foster care and subsequently placed in adoptive families. Evidence to support this response is found in the following:

- Adoption panel minutes
- LAC review minutes
- Permanence tracking
- Continuing Care Policy 2019.

1.8 Local authority staff and foster carers

(i) Local authority

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

Due to the passage of time, there are no personnel records that survive for any of the authorities that were responsible for child care services between 1930 and 1996 so we are unable to provide specific figures for this period. However, our records do indicate that there was evidence of children's officers with responsibility of provisions for children away from home and visits were made.

The establishment of fostering and adoption teams came with the reorganisation in 1996 which resulted in Stirling Council. Prior to the establishment of a fostering and adoption team social

workers held responsibility for foster carers as a part of a generic caseload. Between 2006 and 2019 the Fostering Team has comprised of between 8 and 11 staff.

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

Numbers of staff in the Fostering and Adoption Team:

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
8	10	10	10	11	11	11	9	9	9	9	10	10	11

Evidence to support this response found in the following:

- Committee reports.

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

There is evidence of visitations made from 1936. Prior to the establishment of the fostering and adoption team, foster carers were supported by social workers as part of a generic caseload. There was also mention of visitations to foster carers from social workers.

Fostering workers recruit, assess, support and train foster carers.

Fostering social workers have the responsibility to supervise foster carers by way of visits. Children and families workers have statutory requirements to visit children. Evidence to support this response is found in the following:

- Fostering procedures 2007
- Individual foster carer agreements
- Foster carer individual records
- Fostering Panel minutes
- Foster carer supervision records
- Placement agreements – GIRFEC Form 9b.

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

From 1996 fostering workers required to be social work qualified. Staff in fostering and adoption teams were nearly always experienced childcare staff.

From early 2000 Social workers required to be Scottish Social Services Council (SSSC) registered.

The Certificate of Qualification in Social Work (CQSW) qualification was replaced in early 1990s with Diploma in Social Work. Social workers can also be qualified via BA (Hons) Social Work and Masters of Social Work degrees.

In addition to this, fostering staff now have specific qualifications including Securing Children's Futures. Evidence to support this response is found in the following:

- Composition of foster team
- Inspection reports
- Business panel report
- Committee report.

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

There is nothing in the minutes of Central Regional Council about the setting up of Fostering Panels.

The 1985 Boarding Out and Fostering of Children Regulations required local authorities to establish Fostering Panels, whose functions were “to consider every person referred to it by the care authority as a prospective foster parent” and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child”.

Whilst we would anticipate that Fostering Panels were set up at this time by Central Regional Council, due to the passage of time, we cannot confirm.

The first record held which refers to Fostering Panels is a report by the Chief Social Work Officer (minutes of meeting of the children’s committee 4/6/96) which confirmed that a Fostering and Adoption Panel became operational on the 14th May 1996. In addition, there is a Committee report on fostering service 27/11/02. In relation to the Fostering Panel it is noted as follows; “following local government reorganisation in 1996 discussions had taken place on how best to manage the fostering service. It had been agreed that it was not possible to deliver the service across the 3 council areas.” Stirling Council therefore decided to establish a joint Fostering Panel.

Fostering Panels have their base in the Adoption Agency Regulations 2009 and the Looked After Children (Scotland) Regulations 2009. The National Foster Care Standards 2005 set out requirements for fostering panels.

The purpose of the fostering panel is to consider a specific assessment, resulting in a Social Worker’s decision and an agency decision about that recommendation. In addition, the Panel provides a quality assurance function and can contribute to the quality of a fostering agency. Panels provide an independent view of an agency’s assessment and can offer an objective perspective of an agency’s recommendation. Making a recommendation based on the assessment presented is the primary function of a Panel.

“The Panel sought to reflect a balance of knowledge and expertise of the care needs of children separated from their birth family.” A report by the Chief Social Work Officer (minutes of meeting of the children’s committee 4/6/96).

Foster carers and children were registered and reviewed at Panel.

Evidence to support this response is found in the following:

- Business panel reports
- Foster panel minutes
- Child and foster carer files
- Minute from Director of Social Work from Social Work Committee on the Boarding Out of Children (Scotland) Regulations 1995.

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

From the establishment of Stirling Council in 1996 the Fostering Panel was constituted to manage Fostering Panel members come from a range of backgrounds including professionals, adoptees, adoptive parents, and health and education staff.

The requirements for the appointment and composition of Fostering Panels are in regulation 17 of the Looked After Children (LAC) regulations.

The Panel should consist of at least 6 members including a medical adviser. Stirling Council are constituted as a joint Fostering and Adoption Panel.

The National Care Standards states that the Fostering Panel should include professionally qualified staff as well as medical and legal representatives, foster carers or people who have experience of family placement.

Notes of a meeting held regarding fostering service at committee on 13/12/02 noted that Panel members had attended various training courses. "Members of Panel had visited children in their homes within foster care. They found this to be extremely helpful".

In a Stirling Council Children Committee Fostering Service Minute of 27/11/02, it is noted "Stirling Council's Fostering Panel normally comprised of 10 Panel members from Brucefield, psychological services, social workers, and manager of early years' service."

Evidence to support this response is found in the following:

- Foster panel minutes
- Panel procedures
- Looked After Children (LAC) regulations.

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 Foster Care Standards 2005 were replaced by the National Health and Social Care Standards on 1st April 2018.

From 2014 Stirling Council has operated a joint Fostering and Adoption Panel which is currently chaired independently by an Adoption and Fostering Alliance (AFA) Scotland consultant. Evidence to support this response is found in the following:

- Panel membership list
- Inspection reports
- Business panel reports
- Panel membership.

(ii) Foster carers

Stirling Council has developed an enhanced foster care service. This has offered family placement choice to young people with complex needs returning from residential care. This service attracted the addition of a therapist to the fostering service.

Past

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

A minute of the Stirling Burgh Children's Committee of 24th December 1956 refers to a meeting with representatives of the Scottish Home Department indicating that the Department took the view that Stirling Burgh was not making enough effort to place children in foster homes. The Committee agreed to a 3-month period in which it would make more effort to find foster care for the children in its care and a further minute of 26th March 1957 records the numbers of children in care and the number 'boarded-out'. A minute of 28th May 1957 records the receipt of a letter from the Scottish Home Department noting progress and wishing the authority every success in its continued efforts. It is recommended that this remit be discharged by the Committee at this meeting.

There is clear evidence that the Stirling County Council Children's Committee was struggling to find suitable foster parents for children. This difficulty is reported in the minutes and a note is recorded of the efforts that were made to advertise fostering. The minutes note that the Committee had reached a critical position in January 1967 when it is reported that any further eviction of children from unsuitable homes could lead to the Children's Department not being able to accommodate children.

Discussions concerning the vetting of foster care parents and performing checks on family members occur in the Stirling County Council Children's Committee in 1967. Housing for short stay foster parents is noted as having been approved and circulars concerning widening the scope of the local authority's duty under Children's Act 1958 to supervise private foster parents appear in the record in 1969.

There is a report in the Central Regional Council Social Work Committee circulated papers for the meeting of 25th March 1986 by the Director of Social Work giving details of the difficulties of recruiting and retaining foster carers. This report gives a good summary of foster care in the area up to this date.

The Boarding Out and Fostering Regulations 1985 required the Local Authority to recruit and register foster carers. The foster carers were recruited, registered and reviewed by the Local Authority.

The Fostering of Children (Scotland) regulations and guidance gives detailed attention to the fostering service and covers recruitment, assessment, training, support, allegations and placement arrangements.

It is noted from a foster carer file that registration took place on 27/1/92 where the carer was specifically registered as a carer for part of the community respite care scheme. Approval category was respite and time limited short term carers for one child with disabilities age 0-9 years. It is noted in Form F Feb 2002 that all are checks completed: police; references and medicals.

See also response in section 1.8(1) (f)

Foster carers are recruited by advertising and word of mouth. Advertising is done through local media.

Evidence to support this response is found in the following:

- Foster carer files
- Child files
- Recruitment information held by fostering service
- Foster carer handbook 2005
- Fostering procedures 2007
- Stirling Council website.

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

There are no professional qualifications required by foster carers. However, they do require to provide stability and have space in their home.

With the introduction of the skill level scheme in 2005, foster carers were recognised for additional qualifications and were financially compensated. Evidence to support this response can be found in the following:

- Foster skill level information – foster carer handbook.

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

The relevant checks carried out in relation to foster carers incorporate criminal records checks, drawing on references, medical assessments, pet assessments, ex-partner checks and more. Registration, review and all relevant checks are framed in fostering regulations and previously National Care Standards 2005. Evidence to support this response is found in the following:

- Form F assessments
- Panel registration minutes.

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

Enhanced disclosure checks are carried out on all people aged 16 and over that reside in foster carer home.

Evidence to support this response is found in the following:

- Foster carer handbook 2019
- Form Fs
- Fostering procedures
- Foster carer individual files
- Coram BAAF checks.

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

Basic disclosures were carried out on family members who lived out with the fostering household and had child care responsibility for the foster child.

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

All checks are undertaken in line with statutory requirements including health, financial, dog and pet; local authority, health and safety, safe care, unannounced, disclosure checks every 2 years for family members residing in the foster carer home and the PVG (Protecting Vulnerable Groups) scheme, former partner checks, employment references.

In line with the Brighton and Hove report into the death of a child Local Authorities across the UK introduced more extensive checks including ex-partner checks.

Evidence to support this response is found in the following:

- Foster carer files in particular foster care review reports
- See Form F paper work guidance – Coram BAAF checks paperwork.

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

There is evidence that yearly visitations were carried out by Stirling Burgh and Stirling County Council, notes that these had taken place appearing in the minutes after 1908.

In the Stirling Burgh Registers of Guardians (1930 – 1943), notes are made in each case of the inspections made of the child and its circumstances giving the dates with a short report against each one.

After the provisions of the Children and Young Persons Act 1932 came in, there are details given in the Stirling Burgh minutes as to the appointment of two Infant Protection Visitors. There are references to the need for one of these to be a woman and the central government communications concerning this are noted. References are given in the index under the heading 'Child Welfare' although they are still referred to as 'boarded-out children'.

Stirling Burgh Public Assistance Committee minutes in 1937 - 1938 give details of Councillors and others responsible for visiting adults and children boarded out in various institutions and private homes across the area.

There is a record in the Stirling Burgh minutes from June 1945 that, on the receipt of a circular from the Department of Health for Scotland, the regime for inspections and reporting of these is tightened up. The first instance of reporting numbers and circumstances of the children boarded-out by the authority is found in a minute of the 13th August 1945. The first detailed account of the circumstances of children boarded-out is recorded in the minute of the Public Assistance Committee of 13th August 1945.

The Stirling County Council Public Assistance Committee minutes note that regular visits are made by the Committee to boarded-out children from 1932 – 1948 (whether this a child in Children's Home or with a relative/guardian). The Second World War does prevent some visits happening but it is noted consistently that visits to children were always made if they were deemed to be an exceptional case. Visits to boarded out children continued until 20th November 1969 when they were stopped by the Social Work Committee. Children are always named in the minutes if a visit to them occurred between 1932-1948.

Records show visits to children in the foster home.

Health and safety checks are undertaken as part of the initial form of assessment and subsequently on an annual basis. The health and safety checks include inspecting all areas of the home. As well as this annual unannounced visit are made to the foster carer's home. Minimum monthly visits occur to the foster carer home and supervising social workers ensure that the child is seen. Evidence to support this response is found in the following:

- Unannounced visit form
- Annual review paperwork
- Enquiry visit/paperwork
- Foster Carer Supervision records.

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

The 1947 Regulations restricted the category of persons who could be a foster carer for example placement could not be made with a single man. In addition, there was an exclusion of same sex couples which persisted until Adoption and Children (Scotland) Act 2007. Stirling Council, following the introduction of the legislation, has registered same sex couples.

Legislation in Scotland has addressed the specific legal issues by same sex couples in terms of service delivery. Stirling Council has an inclusive approach to family structure.

Evidence to support this response is found in the following:

- Foster panel minutes
- Individual foster carer files
- Recruitment material outlining criteria for foster carer applications.

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

With exception to the response above, we hold no information to suggest that gender factored in approval of a foster carer or placement of a child with a carer.

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

The traditional role of a foster carer was to act as a substitute parent and often contact was discouraged with birth family. Different skills were required as the role developed following the Children Act 1995 from foster parent to foster carers. Foster carers were required to work with birth parent and contribute to case planning. Foster carers currently agree to support birth parent contact, liaise with education and ensure that the child's health needs are met as well as promoting emotional wellbeing.

A Committee report of children's services (27/1/2008) introduces Getting it Right for Every Child (GIRFEC) in Kinship and Foster Care. The Committee was asked to note the costs for introducing GIRFEC in Stirling and the significant gap in funding from the Scottish Government. Evidence to support this response is found in the following:

- Good Parenting good outcome paperwork
- Foster care reviews
- Foster care agreements
- Placement agreements
- Committee report referring to change of title from foster parent to foster carer.
- GIRFEC paperwork.

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

In the past some children did undertake manual work in the placement or externally but specific data on this is not available. Two examples are as follows;

- Note from a file in 1967 - a child aged 14 was working on the foster carer farm
- Comments noted in committee reports regarding domestic service.

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

The Fostering Children Scotland Regulations 1996 require all local authorities to appoint a Panel to approve Foster Carers, keep records and have placement agreements. Children in foster care require an individual care plan.

Evidence to support this response is found in the following:

- Individual foster carer files
- Individual child's file
- GIRFEC paperwork
- Good Parenting Good Outcomes paperwork
- Foster care agreements.

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.

In 2014, an amendment to the Looked After Scotland Regulations 2009 introduced a maximum foster care limit of 3 children per placement with exemption of sibling groups and emergency placements. In addition, descriptors were outlined following the national foster care review. These were introduced in Stirling Council to implement this legislation.

Disclosure Scotland no longer carries out checks on family members or friends of foster carers unless resident within the foster carer's household. Foster carers now make their own arrangements.

Evidence to support this response is found in the following:

- Foster carer registration and annual review report - refer to approval minutes
- Getting it right for every child – guidance on overnight stays for looked after and accommodated children.

2. Organisational Structure and Oversight

2.1 Culture

Past

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

For some time, the numbers of children in foster care have been rising and the numbers in residential care reducing. This has required the local authority to recruit increased numbers of foster carers. At the same time there is an understanding of a child's need for a sense of belonging out with their birth family and therefore recruiting permanent foster carers has become significant. Foster carers are required to provide a family home that fits in with the framework of services for children in their care. There is a continued need to ensure recruitment of foster carers to meet the needs of children. There is a need for foster families to assume a parental role with the complexity of legal uncertainty including consent decisions. The local authority has prioritised recruitment of foster carers to ensure children remain local and can access services. There is also a recognition that research has concluded improved outcomes for children in family placement. Foster carers enter into an agreement where children are included in all aspect of family life and birth family contact is supported.

Minutes of the Children's Committee 2/10/2002 recommended "approved plans to modernise the fostering service in light of research promoting foster placements." This included the following: -

- To safeguard accommodated children and improve the quality of their care experience through increased use of local foster placements;
- To promote safe caring of accommodated children by achieving a maximum of 2 placements per foster family;
- To sustain vulnerable children in their families by providing support through regular respite with local foster carers; and
- Incremental funding increases over the next 3 financial years in recruitment and start-up costs, fostering allowances and foster care training in conjunction with the introduction of a service provider scheme.

Evidence to support this response is found in the following:

- Committee reports referring to recruitment of foster care
- GIRFEC paperwork
- Foster care supervision records
- Business panel reports
- Foster carer handbook
- Children services plans
- Recruitment material
- Permanence planning documents.

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

Residential homes were closed and replaced by increased foster care provision. A dedicated team for family placement was created to recruit, assess and support foster carers. Each Local Authority in Scotland is required to produce a plan for Children's Service in their area as laid out in the Children Scotland Act 1995. Chapter 1 refers to the provision of accommodation for children who are looked after which includes foster care.

Evidence to support this response is found in the following:

- Business Panel reports/minutes
- Foster carer files
- Foster carer handbook
- Fostering procedures 2007
- Committee reports
- Children services plans
- Individual children records.

c) How can that be demonstrated?

From the evidence noted at b) above

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

There are foster care agreements that require the local authorities and foster carers to work in partnership promoting the wellbeing of young people. Children's views are considered as part of childcare planning. The local authority will review, support and train foster carer to ensure they meet the needs of children in line with legislation and changing childcare landscape.

Minutes of children's committee 21/5/98 detail that a key element of the children's services plan 1998/2001 was an emphasis on seeking the views of children, young people, parents and carers. The committee agreed to note the significant partnership arrangements in the development of the first developmental plan for children's services in Stirling Council.

Evidence to support this response is found in the following:

- Children's plans
- Business Panel report/minutes
- Foster carer files
- Individual child's records
- Local authority organisational structure charts
- Foster carer handbook
- Foster care procedures
- Children's reports/views
- Foster carer review panels and paperwork.

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

No records found

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

Legislation influenced the provision of foster care as well as the changing needs of children. A significant change in fostering services was the introduction of the National Care Standards. (See document February 2003 outlining the Local Authority Action Plan to Implement the Standards.)

Applicable legislation to foster care is:

- Children (Scotland) Act 1995
- Looked After Children (Scotland) Regulations 2009
- Public Services Reform (Scotland) Act 2010 in respect for registering foster care services
- Adoption and Children Act (Scotland) 2007
- Health and Social Care Standards 2018
- GIRFEC Framework 2008
- Regulation of Care (Scotland) Act 2001.

The increased number of children requiring foster placements demanded the local authority focus on recruitment, assessment, support and training of foster carers.

Evidence to support this response is found in the following:

- Foster care registration and review reports and minutes
- Foster care annual reports
- Business Panel minutes
- Recruitment information.

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

Yes

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

Yes.

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

Following the Brighton and Hove Report Local Authorities across the UK introduced more extensive checks including ex-partner checks.

In the 1990's there were allegations of abuse regarding a fostering household which resulted in a formal review by an external consultant. Learning from this led to changes in culture and practice.

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

Changes in legislation see Section 2.1(f)

In line with the Brighton and Hove Report 2002 into the death of a child in foster care, Local Authorities across the UK introduced more extensive checks including ex-partner checks.

In 2014, an amendment to the Looked After Children (Scotland) Regulations 2009 was made, that set a maximum foster care limit of 3 children with exemption of sibling groups and emergency placements. As well as this, placement descriptors were outlined following the National Foster Care Review. Stirling Council has implemented this legislation.

A more comprehensive Form F was introduced in 2011, obliging local authorities to more rigorously assess foster carers, for example, in the form of ex-partner checks, life chronologies, and corroborated interviews.

Research has influenced how foster carers support children in their recovery of adverse childhood experiences. Foster care provides a key experience to help children recover and develop resilience and trust. Increasing research with regards to the impact of early childhood experiences on brain development has encouraged fostering services to improve support and training to foster carers.

Attachment theory is intrinsic to the assessment training and support to foster carers ensuring positive lifelong outcomes for children.

Evidence to support this response is found in the following:

- Foster carer supervision
- Form F assessment
- Foster carer training records
- Child's plans
- Annual review paperwork.

Present

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

Yes

l) If so, please give details.

The increasing numbers of young people presenting very complex needs has required the local authority to consider a more skilled fostering choice that allows children with complex

needs the opportunity to remain in family placements. This has driven the development of an Enhanced Foster Scheme which has recruited 4 foster carers who bring relevant qualifications and experience.

More recently foster carers have been assisted to better understand the impact of sexual abuse, substance use, domestic abuse and mental health difficulties on children.

Medical advisers have raised the issue of medications that have been noted in foster carer's medicals. This has required increased scrutiny and information being available to the foster care team in order that they address this with foster carers.

Evidence to support this response is found in the following:

- Business case for advanced foster care service
- Individual foster care records
- Panel registration and review minutes
- Business Panel minutes.

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

See responses to i) and j) above.

2.2 Structure, leadership and accountability

Past

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

This question is answered relative to each authority.

Stirling Burgh

There is no surviving detail of how the staffing of the Council was organised.

Staff working in the area of child welfare reported to the following Committees: -

- Public Assistance Committee 1930 – 1948
- Child Welfare Committee 1930 - 1949
- Social Welfare Committee 1948 – 1969
- Children's Committee 1949 – 1969
- Social Work Committee 1969 – 1975.

Stirling County Council

There is no surviving detail of how the staffing of the Council was organised.

Staff working in the area of child welfare reported to the following Committees: -

- Public Assistance Committee 1930 – 1948
- Children's Committee 1948 – 1969
- Social Work Committee 1969 – 1975.

Central Regional Council

Staff working in the area of child welfare reported to the following Committee and Sub-Committee:-

- Social Work Committee 1975 – 1996
- Fieldwork and General Services sub-committee 1975 – 1996.

The operations and developments of the fostering service have been presented to the committee for endorsements.

The establishment of an Adoption and Fostering Team in Stirling Council came with reorganisation in 1996. The team included social workers that were accountable to a manager and service manager to director. In addition to this there is an Agency Decision Maker in respect of all Foster Panel recommendations. Evidence to support this response is found in the following:

- Committee reports 1996.

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

When the fostering team was established in 1996 there was a separation of social work responsibility from previously generic teams. The fostering team were allocated all foster carers. The responsibility of supervision of children in foster care remained within children's locality teams.

A Stirling Council Children's Committee Report 13/2/03 notes a Scrutiny Panel on the fostering service. "The scrutiny panel of the fostering service was established on the 14/9/02".

The senior management role incorporated overall scrutiny and oversight of standards of care to children in foster care. This was exercised via direct supervision of middle managers and scrutiny of performance reports to Committee.

c) What were the lines of accountability?

Internally lines of accountability are reflected via the Agency Decision Maker, Chief Social Work Officer, Service Manager, Team Leader, Fostering Panel and Local Fieldwork Teams. Additional oversight occurs via Chief Officers and the Committee process.

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

Corporate organisational responsibility was framed by the following:

- Chief Executives
- Directors of Children's Services
- Head of Children's Services
- Service Manager fostering
- Team Manager Fostering.

Evidence to support this response is found in the following:

- Council structures

- Children's Services Plans
- Committee reports
- Business Panel reports.

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

Decision are made by children's committees; head of service, service managers of fostering, fostering panels and team manager of fostering. Evidence to support this response is found in the following:

- Business panel reports.

f) To whom were foster carers accountable?

Foster carers were accountable to the Committees as referred to in 2.2(d).

All foster carers are registered and reviewed by the Fostering Panel. The Panel makes recommendations in respect of registration and approval to the Agency Decision Maker ("ADM") who will ratify these decisions. The ADM is accountable to the children's committee.

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

It is not possible to answer this question owing to lack of information in the records held.

The fostering team registers, reviews, supervises, supports and trains foster carers in line with policies and procedures. The fostering team make all recommendations to the Panel which are then ratified by the ADM. Foster carers work with Child's Plans which are reviewed through the LAC review process.

The fostering service is externally inspected by the regulatory body, the Care Inspectorate to ensure compliance. Evidence to support this response is found in the following:

- Foster carer review reports
- Looked After Child (LAC) review reports
- Form F
- Placement agreements.

h) To whom were fostering panels accountable?

The Central Regional Council Social Work Committee.

The Agency Decision Maker who is accountable to committee.

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

Panel advisers and the ADM are responsible for the supervision and administration of panels. Panels are externally inspected through the inspection system. The Care Inspectorate is the organisation for inspecting the fostering service. Inspectors will observe panels and interview chairs.

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

No

k) If so, please give details.

Not Applicable

2.3 External Oversight

Past

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

The Scottish Commission for the Regulation of Care was responsible for the inspection of the fostering services from 2002 until 2012 when this was replaced by the Care Inspectorate. In Scotland fostering services are governed by legislation, regulation, standards and statutory guidance. To measure compliance with these, fostering services are subject to regulation and inspection by the Care Inspectorate. The Care Inspectorate is responsible for the registration of fostering services and sets standards which must be met before registration is granted. It is illegal to operate a fostering service prior to registration. The Care Inspectorate regulates and inspects care services in Scotland to make sure that they meet the standards. The 1996 Regulations required local authority to establish Fostering Panels for the registration and review of all fostering households. This is an independent body who has oversight in respect of foster carers and the child's plans.

Fostering Services are part of the wider Children's Services and have been inspected accordingly.

Noted from children's committee report 13/9/01 – the regulation of Care (Scotland) Act was established as a new independent body to regulate care services in Scotland, including fostering services. The new Act removes the responsibility of the regulation of care from the local authorities to the Scottish commission. The report notes issues in respect of transfer of staff; registration and inspection of care services and regulation of workforce. The report supports the council's strategic aims of developing quality services and social inclusion. Evidence to support this response is found in the following:

- 6th January 1930 registration of foster carers and inspections
- Inspection reports – fostering inspection reports and children's services inspection reports
- Business Panel reports and minutes
- Individual foster care records
- Individual child records.

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

See response to 2.3 (a)

c) How often did this occur?

Stirling Council has been visited by the Care Inspectorate both on an announced and unannounced basis - minimum 2 yearly.

d) What did these visits involve in practice?

Individual visits with foster carers; meetings with fostering service team; meeting with fostering service manager; reading of child's files; reading of foster carer files; reading of all policies and procedures, observation of training groups; meeting young people, foster groups; meeting with fostering panel members and observation of panel. Completion of inspection report. Available via public website: <https://www.stirling.gov.uk/social-care-health/adoption-fostering/fostering/>

- Inspection reports.

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

Yes

f) If so, please give details.

New Health and Social Care Standards were implemented in April 2018 and focus on the experience of people using services and supporting their outcomes. They are applicable to all services registered with the Care Inspectorate including fostering. Stirling Council was inspected against the new standards in December 2019 and graded 5 Very Good.

Section B

Part B – Current Statement

Stirling Council is the host record holder for records that were held by the various Burgh and County Councils for Stirling, Falkirk and Clackmannanshire from 1930 to 1996.

Responses to Section B are provided based on a sample of file reading undertaken to date against the full number of records that we have identified. We will continue to review files and findings as we progress with work to complete responses for submission regarding Sections C and D. Should further review identify any amendments to the responses below, we will advise the Inquiry immediately and provide amended responses.

It is acknowledged that this is a retrospective study and for earlier files we are applying a current level of knowledge about child abuse that was not prevalent at the time.

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgment of abuse

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

Yes.

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

Our assessment of the extent and scale of such abuse is that it was not extensive.

c) What is the basis of that assessment?

The basis of this assessment is from reading of a sample of files as follows.

We estimate that we have approximately 17,000 child care files in total to screen for admission to foster care between 1930 and 2014.

Staff have scrutinised a random sample of files of children in foster care to determine if abuse in foster care was alleged/occurred. 1879 cases of children in foster care have been reviewed (this equates to 2452 files). The reviewed cases are for a time period of 1930 to 2014. From this sample 35 cases included allegations of abuse of children in foster care which equates to less than 2% of the total number of cases reviewed to date.

3.2 Acknowledgment of systemic failures

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

No. We have not found indications of abuses that are cumulative, frequent or repetitive within files read to date.

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

As above at a)

c) What is the basis of that assessment?

Whilst it is admitted that there have been allegations of abuse of children in foster care, from a detailed review of the files where abuse has been reported, no systemic failures have been identified.

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

At this stage we have not found evidence of systemic failures.

3.3 Acknowledgement of failures/deficiencies in response

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

Yes.

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

Our assessment of the extent of any such failures to date is that it is not extensive.

c) What is the basis of that assessment?

The basis of this assessment is from a review of Stirling Council records to date. Of the 35 cases where there have been reports of abuse, 2 cases indicated potential failures or deficiencies in Stirling Council's response to abuse/allegations of abuse. In respect of the 2 cases, where potential deficiencies were identified, 7 children were involved. These cases will be further reviewed in order to acquire a better understanding of the sufficiency or otherwise of response. This will also inform our submission for Parts C and D of this study.

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

The two cases identified that occurred in 1997 and 2010 will be subject to further review as noted at c).

3.4 Changes

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

Following investigation into one of the cases identified an external consultant was commissioned to conduct a review of Stirling Council practice. Corporate memory informs that recommendations for improvement emerged from this review exercise. Changes were implemented to policy, procedure and practice that established better control/limits around the numbers of children in foster placements and improved communication between Social Workers, who had responsibility for separate children in fostering placements. A service provider scheme was also introduced focusing on developing skills and training of foster carers.

We are seeking to source the Report that reflects these recommendations and will lodge same with the Inquiry to provide assurances that deficiencies that were identified have been addressed and rectified.