

**SCOTTISH CHILD ABUSE INQUIRY  
FOSTER CARE CASE STUDY  
PART C and PART D RESPONSES**

**ABERDEENSHIRE COUNCIL**

**Part C - Prevention and Identification**

**4. Policy and Practice**

**4.1 National**

**Past**

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

The national policy / guidance relevant to the provision of foster care for children was, for the period from 1930 to the present, set out in statutory form through legislation and regulations. The principal pieces of legislation which are referenced in the records available over the period of the Inquiry and which imposed obligations on Aberdeenshire Council and its predecessor organisations in relation to the social work functions are:

- 1932 Children & Young Persons Act
- 1933 Children & Young Persons (Scotland) Care and Training Regs
- 1934 Poor Law
- 1937 Children & Young Persons Act
- 1947 Children (Boarding-out, etc.) (Scotland) Regs
- 1948 Children Act
- 1958 Children Act
- 1959 Boarding-out of Children (Scotland) Regs
- 1963 Children & Young Persons Act
- 1968 Social Work (Scotland) Act
- 1975 Children Act
- 1983 Health, Social Services and Social Security Adjudications Act
- 1984 Foster Children (Scotland) Act
- 1985 Boarding-out & Fostering of Children (Scotland) Regs

- 1994 Local Government (Scotland) Act
- 1995 Children Act
- 1996 Fostering of Children (Scotland) Regs
- 1996 Arrangements to Look After Children (Scotland) Regs
- 2001 Regulation of Care (Scotland) Act
- 2007 Adoption & Children Act
- 2009 Looked After Children (Scotland) Regs
- 2011 Social Care & SW Improvement (Scotland) (Requirements for Care Services) Regs
- 2011 Children's Hearings (Scotland) Act
- 2014 Children & Young Persons (Scotland) Act

National policy and guidance is further discussed in the following documents:

- 1950 Boarding-out Committee of the Scottish Advisory Council on Child Care report
- 1959 Scottish Advisory Council – Memorandum on the Boarding Out of Children
- 1968 Child Care in Scotland (mad 4069)
- 1983 The Code of Practice Access to Children in Care or Under Supervision in Scotland
- 1997 Children Looked After by Local Authorities (HMSO Stationery Office)
- 1997 Children's Safeguards Review (HMSO Stationery Office)
- 1999 UK National Standards for Foster Care (NFCA)
- 1999 Code of Practice on the Recruitment, Assessment, Training, Management & Support of Foster Carers (NFCA)
- 2002 It's Everyone's Job To Make Sure I'm Alright
- 2004 Getting It Right For Every Child
- 2008 These Are Our Bairns
- 2011 National Care Standards – Foster Care and Family Placement Services
- 2013 Managing Allegations Against Foster carers and Approved Kinship Carers – How agencies should respond
- 2015 Scottish Government Strategy for LAC

In relation to foster care, the *past* legal basis, *in so far as this can be ascertained from Council records* can be summarised as follows:

- The Children and Young Persons Act 1932 saw fostering as a major component of state care. Under this legislation a child could be committed to the care of any fit person whether or not they were a relative.
- The Children Act 1948 created a statutory requirement that boarding out with foster carers should be considered for a child before residential care. The 1948 Act contained a power for the Secretary of State to make Regulations relating to the boarding out of children. This was done with the Children (Boarding Out) Etc. (Scotland) Regulations 1947 and then the Boarding Out of Children (Scotland) Regulations 1959.
- The 1948 Act was replaced by the Social Work (Scotland) Act 1968. Section 21 of the Act empowered the local authority to board out children in care. The Boarding Out of Children (Scotland) Regulations 1959 were replaced by the Boarding Out and Fostering of Children (Scotland) Regulations 1985. These were repealed on 31 March 1997.
- In relation to **child care** social work functions, the Social Work (Scotland) Act 1968 was replaced by the Children (Scotland) Act 1995 which came into force on 1 April 1997. Section 26 of the 1995 Act sets out the manner in which a local authority can provide accommodation for a looked after child. This was supplemented by a range of secondary legislation which set out the legal requirements which a local authority had to comply with in relation to ensuring the welfare of looked after children, the boarding out of children and the approval of foster carers:
  - The Arrangements to Look After Children (Scotland) Regulations 1996
  - The Fostering of Children (Scotland) Regulations 1996
- The Adoption and Children (Scotland) Act 2007 came into force in September 2009. This Act updated the legal framework relating to the placing of looked after children with foster carers and kinship carers, through the Arrangements to Look After Children (Scotland) Regulations 2009.

The Children's Hearings (Scotland) Act 2011 updated the legislative framework relating to Children's Hearings, use of secure accommodation and emergency child protection.

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

Evidence that the Local Authority was aware of this legislation and guidance is available through council minutes and documents submitted to those meetings. The Local Authority refers to the legislation and guidance in policy documents.

**c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such**

- i. **Child welfare (physical and emotional)**
- ii. **The child's views**
- iii. **Reviewing a child's continued residence in a foster care placement**
- iv. **Child protection**
- v. **Discipline**
- vi. **Complaints handling**
- vii. **Whistleblowing**
- viii. **Record retention**
- ix. **Recruitment and training of foster carers**
- x. **Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority**

As a local authority Aberdeenshire and preceding organisations had statutory responsibility to comply with legislation and regulations. As such they would have looked to put this into practice. The local authority would be fully aware of any national policies and guidance noted in a) which related to the above.

Introduction of new legislation and the council response is noted in council minutes for Aberdeen County Council, Grampian Regional Council and Aberdeenshire Council.

Grampian Regional Council (Child Care Strategy Appendix II) endorses the Foster Care Charter of the National Foster Care Association.

Aberdeenshire and preceding administrations had links with BAAF and membership of the National Foster Care Association. Aberdeenshire continues to promote the Adoption and Fostering Alliance as a support to foster carers. This is evidenced on the Aberdeenshire Arcadia website (AFA Scotland Corporate Membership appended)

Aberdeenshire also actively promotes the work of the Centre for Excellence for Children's Care and Protection (CELCIS)

Aberdeenshire has also shown via inspections of its fostering service that it adheres to the National Care Standards (1999) and subsequent guidance.

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

Yes

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

Via implementation of the legislation and regulations into practice. This is shown through current fostering and child protection policies. These are noted in subsequent responses 4.2) to 4.9)

**f) If not, why not?**

N/a

**Present**

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

No

**h) If so, please give details.**

N/a

#### **4.2 Local Authority**

##### **(i) Policy**

###### **Past**

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

Yes.

Research has shown there was guidance drafted by the Chief Public Assistance Officer and approved by the County (of Aberdeen) Public Assistance Committee on 30 September 1932 and confirmed by the County Council on 28 October 1932. This outlined Rules for Guardians of Boarded Out Children. It highlighted the attitude and expectations of guardians (foster carers), what would be provided to boarded of children and rules around contact between children and birth parent(s). (1932 01 to 04)

Following the Children Act 1948 local policy was drafted by the Council of the County of Aberdeen regarding The Protection of Children. This highlighted that foster carers should inform the local authority if they were or intended to look after children who were not boarded out. This document notes that the Council has a 'duty to ensure the health and well-being of the [fostered] children.' (1948 01 & 02)

The 1959 Memorandum on the Boarding Out of Children from the Scottish Home Department sets out guidance. Direct evidence of the Council's compliance with this is limited due to inability to access records. (Memorandum on the Boarding-Out of Children HMSO 1959)

Norrie quotes *Scotland's Children (1993) para 3.21* "The role of foster carers has evolved and the demands and expectations have increased. The task is no longer simply to provide a caring and nurturing environment for a child. While this remains the primary contribution, foster parents are now often expected to observe and record a child's behaviour and note aspects of the child's development. They are regularly involved in child-care reviews and children's hearings. For many carers, their role is a much more explicit and contractual one of partnership, not only with the local authority but also with

parents. Increasingly, they have an important role in informing the planning for children.” ((p.91)

This was embodied in Grampian Regional Council policy which sets out the purpose and role of foster care ‘is to provide a family experience to children and young people who, for various reasons, are not able to remain within their own families’ (Grampian Regional Council Social Work Department Child Care Strategy July 1994 (appended) p.3) It states ‘The Social Work Committee believes that foster care is a key aspect of the child care system, integrated with services which help families look after their own children, have them rehabilitated, or find permanent substitute families for those who require them.’ (ibid p.3)

Aberdeenshire Council's statement of purpose for foster care (Fostering Service Aims and Objectives appended) sets out the aim to follow the Scottish Government vision that children should be valued by ensuring that they are safe, nurtured, healthy, achieving, active, respected, responsible and included.

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

Grampian Regional Council set out a policy in relation to children and young people in foster care which established objectives and standards for services against which progress can be reviewed. This stated:

“The purpose and role of foster care is to provide a family experience to children and young people who, for various reasons, are not able to remain within their own families;

Fostering will provide alternative care for a range of children’s needs, some of which will be temporary and others for the duration of their childhood;

The Social Work Committee believes that foster care is a key aspect of the child care system, integrated with services which help families look after their own children, have them rehabilitated, or find permanent substitute families for those who require them.” (Grampian Regional Council Social Work Department Child Care Strategy July 1994 pp.3 & 4 appended)

Aberdeenshire Council's Fostering Service has the following statement of purpose, aims and objectives:

**Statement of Purpose**

Aberdeenshire Council's Fostering Service recruits, assesses, trains, supports and supervises Foster Families for children who require an alternative family placement for respite, temporary or permanent care.

Aberdeenshire Fostering Service works to ensure that every child placed in an alternative family placement will be valued and helped to realise their potential.

The vision of the Scottish Government is that children should be valued by ensuring that they are safe; nurtured; healthy; achieving; active; respected and responsible; and included, provides a basis for the practice of Aberdeenshire's Family Placement Service as a whole.

The Fostering Service is committed to continuous improvement and best practice, in order to promote good outcomes for children and young people.

### **Aims**

- Provision of secure and stable foster families offering opportunities for children to grow, develop and realise their potential.
- Provision of an effective and integrated fostering service within Aberdeenshire's Child Care Service.
- Provision of a range of fostering resources to meet the needs of children requiring Foster Care.
- Promotion of the protection and safe care of children in Foster Care.
- To ensure that Foster Carers and their families are motivated, trained, skilled and supported to meet the needs of children in their care.
- Promotion of effective outcomes for children and young people in Foster Care placements.
- To respond promptly to recruitment enquiries by providing clear information about training, assessment, approval and support.
- To regard birth families fairly, openly and with respect when their children require the support of the Foster Care Service.

### **Objectives**

- To ensure that the service provided to children, Foster Carers, birth parents and families meets the legislative requirements and the National Care Standards for Foster Care and Family Placement Services.
- Preparation, training and assessment of Foster Carers, to develop their abilities leading to the best possible outcomes for children.

- Provision of quality support and supervision with clear direction to the fostering workforce, offering opportunities for skills development.
- Operation of the service within the legislative framework, including national care standards and Aberdeenshire's policies and procedures.
- To consult on the quality of the service and use feedback to inform development.
- To promote the participation of children, young people, their families and foster families in service development.

(Aberdeenshire Fostering Service Aims and Objectives)

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

Direct evidence prior to the current administration is limited to the availability of policies presented to council meetings and current inability to access records. Current policies are available on the Aberdeenshire staff website, Arcadia.

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

**i. Child welfare (physical and emotional)**

The Rules for Guardians (1932) set out expectations with regard to i) : the guardians must look after the health, comfort, education, and general well being of children" (1932 01 p.1)

Evidence from 1947 of a Medical Certificate as to Fitness of Child for Boarding Out. This gives some medical history following examination by a medical practitioner. (1947 01)

Children (Scotland) Act 1995 s.17 (1) sets out the duties that local authorities have towards children looked after by them: they must (a) safeguard and promote the child's welfare (which shall be their paramount concern)

Aberdeenshire Council has Guidance on Medicals for Children, Adopters and Foster Carers Specifically Section 2B of this document: Looked After Children which sets out the legislation and regulations requiring the local authority to have a Child's Plan which fully reflects the child's health care needs. (Medicals Guidance for Adoption and Fostering appended).

Aberdeenshire Council has Proformas for Foster Carers to record administration of non-prescribed and prescribed medication as well as a record of medical appointments. (Non-prescribed Medication appended)

Aberdeenshire Council has a Wellbeing Team which (in association with the Young People's Organising and Campaigning (YPOC) Group has produced leaflets for children, young people, parents, carers and professionals outlining



what the service can offer to support children's emotional welfare. (Wellbeing Team leaflets appended)

## **ii. The child's views**

The Children's Representation Service is referenced in Grampian Regional Council H&SW Committee minute (15 December 1994) (1994 12 15 02) regarding ongoing development of the service

Norrie says of the Children (Scotland) Act 1995 'it may well be that the most radical change in Part Two of the 1995 Act was its much-increased focus on listening to children. This had been required when the United Kingdom ratified the United Nations Convention on the Rights of the Child'. (p.96) This is noted by Grampian Regional Council in their Child Care Strategy.

The GRC Child Care Strategy states:

B. The Social Work department will seek the views of young people using its services to assess their effectiveness and appropriateness. This will include surveying the opinions of both those who are in care and those who have left care. Organisations such as 'Who Cares? Scotland' will be asked to help in this task." (Grampian Regional Council Social Work Department Child Care Strategy July 1994 p. 18 appended)

Children's Services Plan (1998 – 2001) notes as a task to 'extend Who Cares? Scotland services to young people in foster care' (1998 06 11 08) Presentation to Social Work and Housing Committee on 17 June 1999 states as an achieved task of "Increase in funding to Who Cares? Scotland to allow additional half day per week dedicated to Aberdeenshire." (1999 06 17 01)

The Social Work and Housing Committee on 23 April 1998 proposed that the post of Children's Rights Officer be established within the Planning and Quality Assurance section of Social Work. Prior to the current administration the Children's Representation Service covered the whole Grampian area. This service was continued after local government reorganisation until a separate service was set up in Aberdeenshire.

As well as using more conventional methods, Aberdeenshire Council utilises the My Voice technology as one means of supporting children and young people to express their views.

## **iii. Placement of siblings**

It is not noted as a policy in early papers but there is some evidence from registers that this could happen depending on the circumstances and ages of the children.

Aberdeenshire Policy on Sibling Assessments notes:

“The legal framework for sibling assessments is contained within the following:

- The Children (Scotland) Act 1995 (and supporting regulations)
- The Looked After Children (Scotland) Regulations 2009

Section 17 of the Children (Scotland) Act 1995 says that the views of children and families must be considered, so far as practicable, when any decision is being made about children who are or may be looked after. The 1995 Act does not specifically state that siblings must be placed together, but the 2009 Regulations say that local authorities must, having ascertained the views of the children (Reg. 4(2)), place children in the same accommodation or ‘as near together as is appropriate and practicable’ (Reg. 4(5)).

Scottish Government Guidance on the Looked After Children (Scotland) Regulations 2009 says at Page 43;

*The regulation uses the term “any other child in the same family” rather than sibling. This highlights the need for awareness of the child’s view of “siblings”. Many families have complex structures with full, half and step siblings and research has shown that children’s perception of brothers and sisters and who is in their family is rooted as much in their living experience as biological connectedness. In initial planning for children, especially when they face a separation from their parents, the emphasis should be on maintaining as much as possible of familiar and comforting relationships. Longer term planning needs to be based on a fuller assessment of the nature and quality of different sibling relationships.*

*Where it is not in children’s best interests for them to be placed together, or this has proved unachievable, then it may be appropriate for frequent contact to be maintained. This should be recognised in its own right and not purely as part of contact with parents. Where siblings are placed separately, reunification should be considered at the first and all subsequent reviews, particularly where separation was dictated by a shortfall of placements. In a small number of situations, the relationship between siblings may be inappropriate or dangerous. This may emerge through the overall assessment of an abusing family where the normal boundaries between family members, particularly in relation to sexual behaviour, are not established. Evidence of this may also emerge when the child is in a different placement and the appropriate steps taken to protect individual children.”*

(Sibling Assessment Guidance Oct. 2017 appended)

#### **iv. The placement of a child in foster care**

There is no information available prior to 1959 regarding guidance on the assessment of children and young people for foster care.

The 1959 Memorandum divides those children coming into care into three categories depending on the expected length of time in care. For non-infant children reception centres are tasked with a 'period of observation' and to make a recommendation to the boarding-out officer as to the suitability of the child for boarding-out. (Memorandum on the Boarding-Out of Children (HMSO 1959) pp16 - 18)

It further states:

"The risk of a bad placing should be avoided. A boarding-out officer who invites or persuades foster parents to accept a child is under an obligation to place in that home only a child for whom boarding-out is the proper method of care and for whom that is the right kind of home." (ibid p.18)

"The first meeting of a child and his foster parents is of great importance to both and should be carefully arranged so as to remove all awkwardness and constraint." (ibid p.19) Overnight stays prior to admission are suggested and the child should be accompanied by the boarding out officer with whom he / she is familiar.

The GRC Child Care Strategy states:

Children and young people are entitled to special consideration, care and respect, not just because of their vulnerability, but because they are the parents of tomorrow and the future of our community is in their hands. For their full and harmonious development they need to grow up in an atmosphere of love and security, happiness and understanding. Normally this is best achieved within their own family where they will receive the care and concern of at least one adult. Thus, for the great majority of children services should be directed towards helping their family as a unit to fully assume its caring responsibilities within the community.

Where it is appropriate for a child to come into care, unless after through assessment the child's needs dictate otherwise, the placement of choice will be with a substitute family and the plan will be for rehabilitation. If rehabilitation is not possible the best resource will be sought consistent with the child's needs, interests and most important relationships." (Grampian Regional Council Social Work Department Child Care Strategy July 1994 p.2 appended)

Aberdeenshire Council has a range of tools for assessment. These are:

Child and Young Person Assessment – Operational Requirement (appended)

Child Young Persons Assessment Guidance (appended)

Options Appraisal Guidance (appended)

Parenting Assessment Guidance (appended)

These tools aid practitioners to fully assess the child's situation prior to and on being accommodated. In line with Permanence and Care Excellence principles work on an options appraisal begins at the earliest stage possible.

**v. The particular placement of a child with foster carers**

Grampian Regional Council Future of Adoption and Fostering Panels Paper (Report for Operational Team Meeting Members – for Senior Management Group meeting on 20 June 1995 – Appendix 6 (6 December 1984) appended) notes in the constitution of Grampian Regional Council Adoption Panels that the panel could “Consider the placement of particular children with approved foster parents in appropriate cases.”

Aberdeenshire Council continues to follow this principle. Following assessment all efforts will be made to place a child in the placement which best meets their needs. Assessment is based on the procedures in 4.2 d) iv).

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

The 1932 Rules for Guardians state “it is the general rule that no parent, relative, or friend should be allowed to visit a child without the sanction of the Public Assistance officer, and, should any such visits be made, guardians are specially warned not to allow the child to go out with such visitors, or to accompany them to the point of their departure, and should at once report the visit to the Public Assistance officer. As a rule, the Council wish all correspondence between the child and relatives to cease.” (1932 03)

The Memorandum on the Boarding-Out of Children (HMSO 1959) notes 'In the light of the circumstances of the child, agreement will have to be reached between the boarding-out officer and the foster parents as to whether regular contact with the natural parents and relatives should be encouraged. (parag 26 –30)

Prior to the policy set out by Grampian Regional Council (Grampian Regional Council Social Work Department Child Care Strategy July 1994 appended) evidence is limited to the above. As the aim of foster care has developed, specifically the move to rehabilitation with family if possible, policies have embodied this view.

Norrie states the Children (Scotland) Act 1995 s.17 (1) sets out the duties that local authorities have towards children looked after by them: they must take steps to promote, on a regular basis, personal relations and direct contact between the child and any person with parental responsibilities and parental rights. Contact, which before 1968 was actively discouraged and since 1983 was encouraged in terms of a Code of Practice, (ref Access to Children in Care or Under Supervision in Scotland issued by the Secretary of State for Scotland and laid before Parliament on 16th December 1983) now became a statutory component of the care provided by local authorities to children they look after.” (p100)

Grampian Regional Council Social Work Department Child Care Strategy July 1994 (appended) says "At each stage of our work with children and families we will aim towards openness and partnership, giving each the opportunity to participate in, and contribute to, decision making processes." (p.2)

It further says "The Social Work Committee will maximise the opportunities for children and young people in foster care to retain meaningful links with their family where appropriate." (ibid p 16)

Access and Contact for Children who are in care away from Home:

1.2 The family links should be actively maintained by:

- Taking account of the wider family
- Promoting visits by both parents and other forms of contact
- Keeping siblings together in care where facilities permit unless separation is part of a carefully assessed plan based on each child's welfare

1.3 To promote contact with family and relevant others, the Local Authority will make available, staff and resources to facilitate or supervise contact between child / parent / previous carers and at times which are mutually agreed between parties. (ibid p 20)

Aberdeenshire Council follows the current legislation and guidance which to promote contact between an accommodated child and their family. It has a policy and procedure for contact 'The Good Practice Guide' which encourages practitioners to think about the purpose and aim of contact for individual children within the principle of contact between a child and their family being what is in the child's best interests. (Contact Good Practice Guide appended)

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

The Memorandum on the Boarding-Out of Children (1959) notes 'Where more than one member of a family comes into care, the children's officer is required by the Boarding Out Regulations to make every effort to keep the family together by boarding out brothers and sisters in the same home. If in a particular case that would lead to overcrowding in the foster home, it may be possible to board out the family in two foster homes near each other. In 1950 the Boarding-Out Committee recommended that "where members of a family of deprived children have to be boarded-out in different areas the local authority responsible for them should if at all possible make arrangements for the periodic visits of the children to each other." It is important that children's officers should do all they can to strengthen family ties by arranging frequent reunions between brothers and sisters.' (parag 27)

Grampian Regional Council Child Care Strategy (p20) outlines policy for family contact though does not specifically mention siblings. See vi) above.

Aberdeenshire Council follows the Scottish Government Guidance on the Looked After Child (Scotland) Regulations 2009 which say that 'the emphasis

should be on maintaining as much as possible of familiar and comforting relationships.’ (p.43)

#### **viii. Information sharing with the child’s family**

With regard to the 1932 Rules for Guardians – see vi) above

Grampian Regional Council Child Care Strategy outlines the policy that Social Work case records are intended to be shared with clients on an ongoing basis. Facilitating client access will be seen as a positive, productive and integral part of Social Work practice. Hence the access right is live and not dependent on clients exercising their right under the Access to Personal Files Act. Subsequent sections set out who may see the files and support which will be given to help access files. (Grampian Regional Council Social Work Department Child Care Strategy July 1994 (appended) (p.26 Section 3.3 et seq)

Aberdeenshire Council procedure for accommodating a child is outlined in the guidance ‘Accommodating and Supporting A Child in Residential or Foster Care’. This notes that family should be involved at all stages of the planning process through multi-agency action planning meetings. The guidance notes:

“Research tells us that a collaborative approach to planning and managing transitions that involves the child themselves where possible and people significant to the child (for example, their parents, siblings, carers, other professionals, extended family and friends) is much more likely to result in a successful outcome for the child....

Effective communication, involvement and participation is vital between the child’s Social Worker, the foster carer or residential key worker, Family Placement Social Worker and the family”

(Accommodating A Child in Residential or Foster Care March 2017 appended)

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

The Boarding Out and Fostering of Children (Scotland) Regulations 1985 made fostering panels mandatory by statute. This was acknowledged by Grampian Regional Council in policy that each authority established its own adoption panel and had a scheme for the approval of foster carers.

A copy of the Constitution of the Grampian Adoption Panel is attached. (Report for Operational Team Meeting Members – for Senior Management Group meeting on 20 June 1995 – Appendices 6 & 7 (appended)) Grampian Regional Council established two Adoption and Fostering panels based on the size of the area. These were a) Aberdeen City, Gordon, Kincardine/Deeside Division and Health care and b) Banff / Buchan and Moray Divisions also called the South and North Panels. This notes the remit, and record keeping requirement.

There is no note in the constitution of how often the Panels would meet but dates of meetings indicate this was fortnightly.

It is noted in Grampian Regional Council – Scheme for the Establishment of Adoption Panels – (Report for Operational Team Meeting Members – for Senior Management Group meeting on 20 June 1995 – Appendix 6 (6 December 1984)) In accordance with the Regulations introduced on 1st September, 1984 ... it is necessary to establish an Adoption Panel or Panels to advise the agency on the professional issues connected with the preparation of children for adoption, the selection of families as adopters and placement of children with adoptive parents.” One of the functions of the Panel in the constitution was: “6. Consider applications by persons for approval as prospective foster parents”.

Additionally:

“9. Submit minutes of each of its meetings to the Divisional Officer and to the Depute director of Social Work before any agency decision is taken on the basis of a recommendation by the Panel.”

Following local government reorganisation in 1996 an Aberdeenshire Panel was established to consider applications for adoption and fostering and permanent care for children. (Grampian North and South Adoption & Fostering Panels – Meeting 24 April 1995 in Report for Operational Team Meeting Members – for Senior Management Group meeting on 20 June 1995 – Appendix 8 (appended))

The constitution for Aberdeenshire Fostering, Kinship Care and Adult Placement (Supported Lodgings) Panel (9 March 2017) is appended. (Aberdeenshire Fostering, Kinship care and Adult Placement (Supported Lodgings) Panel Constitution 2017) This sets out the remit (to look at applications from and review prospective, respite and temporary carers, look at skills level and change of category), composition of the panel, and frequency of meeting.

Evidence exists from minutes of the Social Work and Housing Committee that an annual report is presented by the Director of Social Work and subsequently Head of Service to the appropriate council committee. (1999 06 17 04 to 16; 2007 12 20 17 to 32)

#### **x. Recruitment and training of foster carers**

Information from the archive indicates in 1932 prospective carers completed an ‘Application for Children to Board’ (1932 08). Vetting was done by the Public Assistance Officer and only two references were given ‘as to character’. The stipulation was that no person in receipt of poor relief could be considered.

There is evidence from 1942 (1942 05) that the Chief Public Assistance Officer had the power to say that a person was an ‘unsatisfactory’ guardian.

The Memorandum on the Boarding-Out of Children 1959 has guidance on “The finding and selection of foster homes” This section gives possible means of finding foster homes (by advertisement, articles in the local press, talks and personal recommendation); selection process (follow up application with a ‘friendly talk’ on implications of boarding out); the importance of discerning the motives of would-be foster parents; marital status and age of foster parents; and attention to religious persuasion of boarded-out child. (parags 8 – 22) Recruitment continues to be based around the recommendation of the boarding-out officer who should be ‘a person in whose own character and temperament can be discerned the qualities of kindness, sympathy and patience, and these must, of course, ne reinforced by training and experience.’ (ibid parag 14)

The Social Work (Scotland) Act 1968 states:

- (1) Local authorities shall perform their functions under this Act under the general guidance of the Secretary of State.
- (2) The Secretary of State may make regulations in relation to the performance of the functions assigned to local authorities by this Act and in relation to the activities of voluntary organisations in so far as those activities are concerned with the like purposes.
- (3) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision for the boarding-out of persons by local authorities and voluntary organisations, whether under any enactment or otherwise, and may provide- (a) for the recording by local authorities and voluntary organisations of information relating to persons with whom persons are boarded out as aforesaid, and to PART I persons who are willing to have persons boarded out with them ; (b) for securing that persons shall not be boarded out in any household unless that household is for the time being approved by such local authority or voluntary organisation as may be prescribed by the regulations ; (c) in the case of a child, for securing that, where possible, the person with whom any child is to be boarded out is either of the same religious persuasion as the child or gives an undertaking that the child shall be brought up in that religious persuasion ; (d) for securing that persons boarded out as aforesaid, and the places in which they are boarded out, shall be supervised and inspected by a local authority or voluntary organisation, as the case may be, and that those persons shall be removed from those places if their welfare appears to require it.

Grampian Regional Council Child Care Strategy in relation to foster care states:

“ A. In recognition of the geography of Grampian region vigorous measures will be taken to recruit and support foster parents from a wide range of rural and urban communities to ensure that children who need to remain within their community are able to wherever possible.



B. The Social Work Committee will seek to establish a wide range of temporary and permanent foster placements with flexible use of these placements in accordance with the needs of children and young people in, or coming into care. (Grampian Regional Council Social Work Department Child Care Strategy July 1994 p 4 appended)

It states under the heading Training and Development :

A. The Social Work Committee recognises the need and the right of foster carers to receive quality preparation and support in their task.

B. The Social Work Committee recognises the need and the right of foster carers to receive training which develops further their knowledge, ability and skills in caring for children.

C. A comprehensive handbook will be compiled for Foster carers detailing their tasks and giving guidance on policies and procedures including items such as pocket money and the use of sanctions.

D. In recognition of the importance of their task, foster parents will have regular access to senior officers in the Divisions in order that they can make representations and participate in the planning and monitoring of the foster care service.

E. Foster parents will be encouraged to participate in the decision making process relating to children in their care and opportunities will be afforded them to make appeals should they dissent from review decisions. (ibid p.6)

Minute of Social Work and Housing Committee 27 March 1996 states "The Director of Social Work has received an invitation to become a member of the National Foster Care Association (NFCA)". Aberdeenshire Council has remained a member of NFCA and subsequent organisations. These organisations are widely involved in training for foster carers.

The Children's Services Plan for Aberdeenshire (1998 – 2001) notes as a task 'Develop Foster carer recruitment strategy and materials to coincide with Foster Care Week.' (1998 06 11 08)

The annual report to Aberdeenshire Social Work & Housing Committee on 6 November 2014 for Family Placement Services in Aberdeenshire states:

6.1 The training needs of Foster Carers are considered and included within the annual training Needs Analysis for Aberdeenshire's Child Care Service. Training that is required is noted by both Foster carers and Family placement social workers within monthly supervision throughout the year. The training needs of individual foster carers are also considered within their Annual review.

6.2 A programme of training is drawn up for foster carers and they are provided with both written and electronic information about this. Foster carers make application to attend training and are provided with support to attend. “ (2014 11 06 04)

This report acknowledges “Recruitment of foster carers in particular continues to be a challenge as Aberdeenshire is required to recruit in a competitive market with voluntary organisations and other local authorities who actively recruit within Aberdeenshire.” (2014 11 06 04)

Aberdeenshire website outlines recruitment information for prospective foster carers. It covers Fostering in Aberdeenshire, becoming a Foster carer, Allowances, Support and training, and means to contact the service. A range of leaflets has been produced: Becoming a Foster Carer; Support and Guidance; Permanent Fostering; and Overview of Fostering. (Aberdeenshire GIRFEC website ‘Becoming a Foster Carer’ appended)

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

There is no specific information available prior to the current procedures. As part of the current assessment employers are asked for a reference. This asks ‘is there a warning or other disciplinary action on file pending? If so what is the nature of this?’ and ‘Do you know if the person has any convictions? If so, please give details.’

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

Prior to the Social Work (Scotland) Act 1968 there is no evidence or legal requirement for regular statutory reviews of a child’s placement. The 1932 Rules for Guardians state “Children may be removed at any time by the authority of the Public Assistance Committee without any reason being given” (parag. 12)

In the 1959 Memorandum on the Boarding-Out of Children there is no reference to any system of placement review. Should the boarding-out be “unsuccessful and the child is unhappy, he should be removed and placed for a period with short term foster parents while a new permanent foster home is found for him.” (parag.47) The decision would appear to be guided by the assessment of the boarding-out officer.

The Social Work (Scotland) Act 1968 unders.20A set a statutory requirement on local authorities to review a looked after child’s case every six months.

Grampian Regional Council Child Care Strategy notes “For all young people in foster care a written care plan will be established at the earliest stage based on a comprehensive assessment of their needs. This will normally be within 6

weeks of their admission to care and the plan will be reviewed at regular intervals within the established Child in Care Review System." (Grampian Regional Council Social Work Department Child Care Strategy July 1994 p.16 appended)

In the minute of Aberdeenshire Housing & Social Work Committee 24 April 1997 it is noted:

" 3.4.5 "Looked After" Reviews

Under s.31 of the Act [Children (Scotland) Act 1996], the Local Authority has a duty to carry out statutory reviews on all "looked after" children. Review meetings need to be convened within strict time limits at least 3 times per year (2 times if on home supervision) and often more frequently if a number of specific circumstances arise. How reviews are to be carried out is prescribed in new Regulations." This refers to The Arrangements To Look After Children (Scotland) Regulations 1996 which set a requirement to make a care plan for each Looked After Child. (1997 04 24 01)

Aberdeenshire Council adheres to all legislation, guidance and timescales regarding LAC Reviews.

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

Minimum frequency of visiting is laid out in statute. Records from the 1930s and 40s would indicate visits were three or four monthly on a routine basis.

The Children and Young Persons (Scotland) Care and Training Regulations 1933 say there should be a six-monthly visit by the medical officer; the Public Assistance officer or someone nominated by him should visit one month after boarding-out and then three monthly.

The Memorandum on the Boarding-Out of Children (1959) does not state a frequency but says it should be comprehensive involving contact with the school as well as the child and foster carer. It should also be documented in some detail for the record.

The Arrangements to Look After Children (Scotland) Regulations 1996 state that a looked after child is to be visited (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." (Norrie p102)

The current policy for Family Placement Social Workers in Aberdeenshire in Unannounced Visits to Foster Carer Homes (Unannounced Visits appended) follows Standard 5 (8) of the National Care Standards (Foster Care and Family Placement Services) which state the 'Supervising Social Worker will visit in line with the legal requirements. This includes at least one unannounced visit each year.'

Aberdeenshire Foster carer Agreement states Following their approval foster carers will receive regular visits from their Family Placement Worker. The frequency will be a minimum of once every four weeks." (Foster Carer Agreement March 2017 appended)

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

If a placement disrupts and transfer may be required it is Aberdeenshire policy to hold a disruption meeting.

Part of the current guidance states: "Children must **never** be moved with their belongings in bin bags. It is important that Foster Carers pack their belongings into suitcases or bags. In addition to this being good practice, it is a Requirement of the Care Commission that we do not move children in this way."

Procedure and good practice state that children who are moving placement must be supported by their social worker or a person well known to them.

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

No specific information. Procedure and guidance as 4.2 a) d) xiv)

**xvi. Child protection**

Legislation and public inquiries have informed Aberdeenshire and preceding authorities' response to child protection.

The Grampian Region Social Work Department Position Statement 1975 says "The Department has co-operated with other agencies, Education Department, Grampian Health Board, general Practitioners, police, procurator Fiscal, R.S.S.P.C.C. and other voluntary organisations, in order to devise procedures for protection of children who are at risk of non-accidental injury. A central register for child abuse cases as recommended by the Social Work Services Group has been set up by the Department in accordance with the remit of the Regional Council." (Grampian Regional Council Social Work Department Position Statement September 1975 p.31 (appended))

GRC policy adopted by Aberdeenshire states “The existing guidance issued by Grampian Standing Committee on Child Abuse be adopted by Aberdeenshire Council together with its maintenance of multi-disciplinary working and responsibility in this field.”

In the GRC Child Care Strategy it is noted: “In making decisions, however, the child’s welfare shall take paramount consideration over the needs of all others. We will protect children and uphold their rights when those with responsibility for them do not do so. Where they have been harmed or neglected we will develop and use our professional skills and knowledge to assist them.

In this way we accept, and shall commit ourselves to the principles embodied in the United Nations Convention on the Rights of the Child, as ratified by the UK Government on 16.12.91” (Grampian Regional Council Social Work Department Child Care Strategy July 1994 p.2)

Aberdeenshire Council responded to the Children’s Safeguards Review – Scottish Office Report and presented a report to the Social Work and Housing Committee on 14 January 1998 (1998 01 14 02) In a report to the Social Work and Housing Committee on 4 March 1998 (1998 03 04 04) there is acknowledgement of a need to review information systems on child protection and complaints against carers. It states ‘Aberdeenshire Council generally welcomes the publication of the review and would concur with most of the recommendations.’ (1998 03 04 05)

Child protection guidelines issued by the North East Scotland Child Protection Committee were launched in October 2007. These utilise the SHANARRI indicators. The photo evidence is a brief overview of the key changes in the guidelines. (2007 10 01 01 to 03)

Aberdeenshire Council currently has Child Protection policies and procedures in place which can be viewed on the Council’s website accessible to practitioners. These are informed by the following legislation:

- Social Work (Scotland) Act 1968
- Children (Scotland) Act 1995
- Local Government in Scotland Act 2003
- Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)
- The Protection of Vulnerable Groups (Scotland) Act 2007
- Children’s Hearings (Scotland) Act 2011
- Police and Fire Reform (Scotland) Act 2012
- Children and Young People (Scotland) Act 2014

‘Children’s Social Work Services Child Protection Procedures’ is appended. Child Protection is seen in the wider context of GIRFEC where parents, carers, families and communities have the primary role in safeguarding and promoting the welfare of children. Links are made to national guidance for child protection in Scotland. There is clear route map through the process.

(Child Protection Process October 2018 appended)

**xvii. Complaints handling**

The Grampian Regional Council Child Care Strategy notes

“In recognition of the particular vulnerability of young people in care to exploitation and abuse, the Social Work Department will take additional steps by way of a special procedure to ensure that they can make representations and complaints effectively. Access will be provided to systems both within and outwith the Social Work Department, such as the registration and Inspection Unit, self help groups and other organisations which represent their interests. Consideration will be given to the appointment of a Children’s Rights Officer.” (Grampian Regional Council Social Work Department Child Care Strategy July 1994 p18 appended)

For further information, see responses to question in 4.7 (i) Policy d) i) to vii)

**xviii. Whistleblowing**

No information available.

**xix. Record retention**

Norrie (p.101) notes under the Arrangements to Look After Children (Scotland) Regulations 1996, regs 11 & 12 and the Looked After Children (Scotland) Regulations 2009 regs.42 & 43 appropriate records have to 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.

Aberdeenshire Councils complies with this legislation and guidance.

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

As far as can be ascertained the policies and procedures are written by senior members of staff within Social Work / Children’s Services and ratified via the Senior management Team and relevant committees of Aberdeenshire Council

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

Once they have been approved by senior management

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

Yes

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

Change in legislation or guidance.  
Change required by review of policy.

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

See answers to 4.2 i) d) i) – xix) above

- j) Why were changes made?**

See 4.2 h) above

- k) Were changes documented?**

Some historical information is available as papers to committee. Information is now held electronically with most up to date policy available on the internal website.

- l) Was there an audit trail?**

Not known.

#### **Present**

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

Current policy and procedures have been referred to in previous questions

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

N/a

#### **(ii) Practice**

##### **Past**

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

Information for any preceding authorities is unavailable. Aberdeenshire Council's practice is in line with policies and procedures.

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

- i. Child welfare (physical and emotional)**
- ii. The child's views**
- iii. Placement of siblings**
- iv. The placement of a child in foster care**
- v. The particular placement of a child with foster carers**
- vi. Contact between a child in foster care with his or her family**

- vii. Contact between a child in foster care and other siblings in foster care
- viii. Information sharing with the child's family
- ix. Fostering panels (including constitution, remit, frequency and record keeping)
- x. Recruitment and training of foster carers
- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority
- xii. Reviewing a child's continued residence in foster care or in a particular foster care placement
- xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)
- xiv. Transfer of a child from one foster placement to another (including preparation and support)
- xv. Transfer of a child between foster care and residential care (including preparation and support)
- xvi. Child protection
  - xvii. Complaints handling
  - xviii. Whistleblowing
  - xix. Record retention

Response can only be made for the current authority. Practice adheres to current policies and procedures.

**c) How was adherence demonstrated?**

Via case records, child care review minutes, child protection case conference minutes, child protection investigations, supervision records

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

Should specific evidence be required information would be gathered from the above sources

**e) Were relevant records kept demonstrating adherence?**

See 4.2 ii) c) above

**f) Have such records been retained?**

Records are retained in accordance with data protection guidelines

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

N/a

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

N/a



## **Present**

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

No. See 4.2 ii) a) above

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

## **4.3 Children**

### **(i) Policy**

#### **Past**

- a) **What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?**

See 4.2 i) a)

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

See 4.2 i) b)

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

Sources as noted in 4.2 i) a) and b)

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

**i. Safeguarding**

Aberdeenshire Children's Services Plan (1998 – 2001) states as an aim "To both safeguard 'looked after' children and promote their welfare. (1998 06 11 01 & 05)

Aberdeenshire Council uses a Risk Management Recording Tool and Plan for Looked After Children in Foster Care. This respects the child's right to feel safe and secure in all aspects of life, including health and wellbeing; enjoy safety but not be overprotected, and be free from exploitation and abuse. (Risk Management Tool (Risk Assessment Recording Tool) appended)

**ii. Child Protection**

See the response to 4.2 i) d) xvi)

**iii. Medical care**

The Rules for Guardians (1932) set out expectations with regard to i) : the guardians must look after the health, comfort, education, and general well-being of children” Rule 6 says that the medical Officer should be alerted to any serious illness or accident and informed of any ‘defects’ e.g. weak eyesight, defective teeth, etc. (1932 01 – 04)

There is evidence from 1947 of a Medical Certificate as to Fitness of Child for Boarding Out. This gives some medical history following examination by a medical practitioner. (1947 01)

The Memorandum on the Boarding-Out of Children notes “Foster parents are responsible for safeguarding the health of children under their care to the best of their ability. Although help and advice can be obtained from the doctor or health visitor, good health depends essentially upon the home.” (p.24) It also says “The child will be registered under the National Health Service with a local general practitioner. The children’s officer will arrange for the doctor to examine the child within one month of arrival, and afterwards at yearly intervals.” (ibid p.26)

Aberdeenshire and preceding administrations were bound by statute to promote the welfare of children in their care. This would include attention to the child’s health needs.

Aberdeenshire Children’s Services Plan (1998 – 2001) under the aim of ‘To improve the outcomes for children and young people who are looked after away from home’ states as a task for Health to “Examine ways to better meet the health needs of looked after children in residential and foster care as well as those who are frequently in and out of care.” (1998 06 11 06)

Aberdeenshire Council has Guidance on Medicals for Children, Adopters and Foster Carers (Medicals Guidance for Adoption and Fostering appended). Specifically Section 2B: Looked After Children which sets out the legislation and regulations requiring the local authority to have a Child’s Plan which fully reflects the child’s health care needs.

Aberdeenshire Council has Proformas for Foster Carers to record administration of non-prescribed and prescribed medication as well as a record of medical appointments. (Medication Guidance appended)

#### **iv. Children’s physical wellbeing**

See 4.3 i) d) iii) above re health needs.

Aberdeenshire Council has a smoking policy for foster carers which states that no one who smokes will be recruited as a foster carer. Those carers who do smoke must not do so around children or permit others to do so. (Smoking Policy appended)

#### **v. Children’s emotional and mental wellbeing**

Aberdeenshire Council has a Wellbeing Team which (in association with the Young People's Organising and Campaigning (YPOC) Group has produced leaflets for children, young people, parents, carers and professionals outlining what the service can offer to support children's emotional welfare. (Wellbeing Team leaflets appended)

#### **vi. Schooling/education**

The 1932 Rules for Guardians state "Every child of school age, if health permits, must be sent with the utmost regularity to the nearest school ... No child should be taken from school for employment in herding, berry-gathering, or other such employment during school hours, and no child shall be removed from one school to another without the consent of the Public Assistance Officer. (Rule 7)

Aberdeenshire and preceding administrations are bound by legislation pertaining to the education of children and would discharge their duties accordingly. Grampian Regional Council Child Care Strategy (1994) notes that 'The Social Work department will – Regularly review its arrangements for overseeing the educational needs of children in foster care.'

Aberdeenshire Children's Services Plan (1998 – 2001) under the aim of 'To improve the outcomes for children and young people who are looked after away from home' states as a task for Education to 'Develop proposals to strengthen educational provision for looked after children with a view to ensuring that all have continuity in their Education and that they receive appropriate enhanced educational support when required.' "To develop proposals for the long-term monitoring and support within Education of children who have been looked after" and "Development of improved Guidance and Educational psychology provision to meet the needs of looked after children." (1998 06 11 06)

Aberdeenshire Council's Social Work and Housing Committee on 17 June 1999 noted that in the Implementation of key Proposals Arising from Government Response to Kent Report (£4m in 1999 – 2000) one of the objectives was "to assist costs of special support for better educational attainment by children looked after away from home." (1999 06 17 02)

Aberdeenshire Education Department fully supports the principle that all looked after children should have the extra support they need to get the most out of their education and achieve their full potential as embodied in the Education (Additional Support for Learning) (Scotland) Act 2004.

Education guidance and policy are on Aberdeenshire Council website (Looked After Children policies appended)

#### **vii. Discipline**

The 1932 Rules for Guardians state:

“Indiscriminate or harsh punishment of children will not be permitted on any pretext whatever. Any serious act of misconduct on the part of a child, or any child whose general behaviour is unsatisfactory, should be reported to the Public Assistance Officer.” (Rule 11)

The Memorandum on the Boarding-Out of Children 1959 says:

“The child should not be punished harshly or indiscriminately, and the threat of removal from his foster home should in no circumstances be used as a punishment for misconduct. Foster parents should report persistent misconduct to the children’s officer.” (p.27)

Aberdeenshire policy is in the Foster Carer Agreement in which the foster carer is bound “To agree not to hit or use rough handling on any children. You should only use restraint on a child where it is necessary to prevent injury to them or other people, or serious damage to property. You should record the incident and inform the fostering service as soon as possible.” (Foster Carer Agreement appended)

#### **viii. Activities and holidays for children**

The Memorandum on the Boarding-Out of Children 1959 states “Foster parents who are going on holiday will normally wish to take with them the child placed in their care, and local authorities are empowered to pay reasonable expenses, where necessary, to make this possible.” (parag 53)

The Social Work and Housing Committee meeting on 27 March 1996 approved the recommended Fostering Allowances for 1996/97. This included four weeks extra allowances to be paid for Holidays, Christmas and Birthdays. Additionally, the Committee approved ‘the continued payment of special allowances at the discretion of the Director of Social Work for particular activities of individual children.’ (1996 03 27 02 & 03)

Aberdeenshire Council policy on Fostering Finance notes that the fostering allowance covers attendance at clubs, school and leisure activities. In addition to the weekly allowance for a foster child, extra allowances are paid automatically for holidays, birthdays and Christmas.” “The holiday allowance is paid to allow carers to take a child on holiday or to be used on holiday activities.” (Guide to Foster Carer Payments appended)

#### **ix. Sharing a bedroom**

The Rules for Guardians 1932 state “The sleeping accommodation, bedclothes, &c., must be sufficient, clean, tidy, and well ventilated. In no case should more than two children sleep in one bed, and boys and girls over eight years of age should not occupy the same sleeping apartment. Children should not be allowed to sleep with aged persons or with persons infirm in health.” (parag 14)

The Aberdeenshire Foster Carer Agreement states “Ensure that the foster child has his/her own bed and personal storage space. Any room sharing

must be agreed in advance and be subject to a risk assessment. You will be expected to allow the bedroom to be inspected periodically, including as part of the unannounced visit.” (Foster Carer Agreement March 2017 appended)

**x. Contact with family members**

See answer to 4.2 i) d) vi)

**xi. Contact with siblings**

See answer to 4.2 i) d) vi)

**xii. Celebration of birthdays and other special occasions**

See 4.3 i) d) viii) above.

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

One of the principles of the Participation Strategy for Fostering is “User participation requires a culture of mutual trust, respect and partnership between children and their families, foster carers and family placement workers based on the shared goal of producing the best outcomes for children and young people.” (Participation Strategy for Fostering appended)

Information sharing should be used responsibly as foster carers are also bound by rules of confidentiality. The Foster Carer Agreement notes: “Ensure that any individual information relating to a child is kept confidential and is not disclosed to any person without prior consent.” (Foster Carer Agreement March 2017 parag.13 appended)

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

As far as can be ascertained the policies and procedures are written by senior members of staff within Social Work / Children’s Services and ratified via the Senior Management Team and relevant committees of Aberdeenshire Council

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

Once they have been approved by senior management

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

Yes

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

Change in legislation or guidance.  
Change required by review of policy.

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

See answers to 4.3 i) d) i) – xiii) above

- j) **Why were changes made?**

See 4.3) i) h) above

- k) **Were changes documented?**

Some historical information is available as papers to committee. Information is now held electronically with most up to date policy available.

- l) **Was there an audit trail?**

Not known

#### **Present**

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

No

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

#### **(ii) Practice**

##### **Past**

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

Response can only be made for the current authority. Practice adheres to current policies and procedures.

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

- i. **Safeguarding**
- ii. **Child Protection**
- iii. **Medical care**
- iv. **Children's physical wellbeing**
- v. **Children's emotional and mental wellbeing**
- vi. **Schooling/education**
- vii. **Discipline**
- viii. **Activities and holidays for children**
- ix. **Sharing a bedroom**

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

Yes. Response can only be made for the current authority.

**c) How was adherence demonstrated?**

Via case records, child-care review minutes, child protection case conference minutes, child protection investigations, supervision records

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

Should specific evidence be required information would be gathered from the above sources

**e) Were relevant records kept demonstrating adherence?**

See 4.3) ii) c) above

**f) Have such records been retained?**

Records are retained in accordance with data retention guidelines

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

N/a

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

N/a

**Present**

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

No. See 4.3) ii) a) and b) above

**j) If so, please give details.**

**4.4 Foster carers**

**(i) Policy**

**Past**

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

See 4.4) i) d) i) – xiii) below

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

See response to 4.2) (i) Policy / Past b)

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

Direct evidence prior to the current administration is limited to the availability of policies presented to council meetings. Current policies are available on the Aberdeenshire internal website, Arcadia.

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

**i. Recruitment**

See response to 4.2) (i) Policy / Past d) x)

National Standards for Foster Care (1999) set out “You will be fully assessed by the agency before being accepted as a foster carer”. (Standard 5)

**ii. Standard and size of accommodation**

The Rules for Guardians 1932 state “The sleeping accommodation, bedclothes, &c., must be sufficient, clean, tidy, and well ventilated. In no case should more than two children sleep in one bed, and boys and girls over eight years of age should not occupy the same sleeping apartment. Children should not be allowed to sleep with aged persons or with persons infirm in health.” (parag 14)

The Application for Children to Board (1932 09) asks for details of the exact situation of the house, number of rooms, acres of land, and the distance from the school and church.

An entry in the Register of Guardians notes from a visit record of 6 March 1944 “[Word indistinct] not clean and house dirty when visited – warned” A subsequent visit on 1 May 1944 notes “House could be cleaner” and this is repeated on 5 September 1944. Indicates cleanliness is a noted ongoing issue but no evidence of action on warning.” (1945 Ex 01)

Guidance from the Council of the County of Aberdeen on The Protection of Children following the Children Act 1948 notes under ‘How many foster children can a foster parent take? – The Council may decide that not more than a certain number of children may be kept in a house in which a foster-child is living, and they may also lay down conditions which you must observe if you keep more than a fixed number. You may, however, continue to look after a child who was in your care on 5 July 1948 provided that you fulfil the conditions which may be laid down by the Council and provided also that no other children are taken until



the total number of children in your household is below the limit fixed by the Council.” The document gives no indication of the number of children in total which can be in a household with foster children. (parag 6)

National Standards For Foster Care “You can be confident that before your placement, the agency carries out a general risk assessment of the living arrangements and makes sure any recommendations are followed.” (Standard 2:2)

Aberdeenshire Foster Carer Agreement states “Ensure that the foster child has his/her own bed and personal storage space. Any room sharing must be agreed in advance and be subject to a risk assessment. You will be expected to allow the bedroom to be inspected periodically, including as part of the unannounced visit.” (Foster Carer Agreement March 2017 appended)

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

Guidance from the Council of the County of Aberdeen on The Protection of Children following the Children Act 1948 notes under ‘How many foster children can a foster parent take? – The Council may decide that not more than a certain number of children may be kept in a house in which a foster-child is living, and they may also lay down conditions which you must observe if you keep more than a fixed number. You may, however, continue to look after a child who was in your care on 5 July 1948 provided that you fulfil the conditions which may be laid down by the Council and provided also that no other children are taken until the total number of children in your household is below the limit fixed by the Council.” The document gives no indication of the number of children in total which can be in a household with foster children. (parag 6)

Following the introduction of Adoption and Fostering Panels with the Boarding-Out and Fostering of Children (Scotland) Regulations 1985, approval is given for carers with regard to age and number of children by the Panel..

### **iv. Pre-approval/registration checks**

With reference to medical checks for foster carers Aberdeenshire Council guidance Section 2B outlines the checks taken. (Medical Guidance for Adoption and Fostering appended)

Proformas for the following checks requesting information are available on the Aberdeenshire Council Arcadia site indicating these are pre-approval checks:

- Consent form to obtain information from employer
- Letter to request reference from employer
- Reference form from employer
- Letter requesting medical information
- Letter request to school for family members
- Letter to health visitor
- Personal reference from another individual

PVG Disclosure of Convictions check (The Family Placement Worker should see 3 documents confirming identity, the original passport/birth certificate/driving license, and a bill or statement with home address)

The full process of assessment is given in Guidance on Assessment of Foster carers (Guidance for the Assessment of Foster Carers appended)

#### **v. References**

Aberdeenshire guidance states: Applicants are asked to provide a list of 6 referees from which the FPW [family placement worker] will seek a reference. At least 2 references should be obtained from someone who is not a relative, and who can talk from knowledge of the applicant's family life and relationship with children over a period of time, including during significant times in their lives. The referees should be part of their support network, and should have a relevant understanding of the task of fostering. The letter and Reference Form are on Arcadia, under Fostering, Assessment of Foster Carers. It is an agency requirement that this is used. Wherever possible, the FPW should interview the referees. The write ups of the references should be submitted to the Panel.

“Consideration should also be given to meeting members of the applicants’ extended family, because they may have an additional perspective on any difficult areas arising during the assessment and also because of their potential support role.” (Scottish Government Guidance: 166)

In relation to referees who live outside the area, if the referees live within reasonable distance of Aberdeenshire, they should be interviewed. If they live at a greater distance, in addition to the request for a written reference, telephone discussion should take place with the referee. If this then raises issues that need to be addressed further, consideration should be given to a visit if practicable. Alternatively, a request to interview the referees needs to go to the relevant local social work agency. As this is likely to incur costs, prior agreement should be sought with line management.

The FPW should state the weight / reliability he or she gives to the information given by the referees.

A reference should be sought from the applicants’ employers, including, if appropriate, former employers, with the applicant's agreement. The letter and reference form are to be found on Arcadia under Fostering. It should also be submitted with the report.

Where the applicant has pre-school children, the Health Visitor should always be asked to contribute to the assessment of the applicant's parenting capacity, with the applicant's knowledge and agreement. This will generally be done by telephone and should be recorded in the Report. (Guidance for the Assessment of Foster Carers pp 4 – 5 appended)

#### **vi. Foster care agreements**

Foster carer agreements are in place in Aberdeenshire. These are in accordance with the LAC Regulations (Scotland) 2009. They set out their expectations for foster carer and family placement social worker. (Foster Carer Agreement March 2017 appended)

#### **vii. Induction**

No information prior to current local authority administration. A foster carer handbook is available which contains information on all aspects of the fostering task including relevant policies and procedures, information on the complaints and representation procedure and details for support organisations.

Post approval the family placement social worker who has responsibility for the new carers will:

- Support Foster Carers to promote the welfare of children in their care and to support good fostering practice. This will be monitored and supported by the provision of regular supervision which will ensure compliance with statutory regulations and procedural guidance.
- Following their approval foster carers will receive regular visits from their Family Placement Worker. The frequency will be a minimum of once every four weeks
- The family placement worker will provide information about finances, provide learning and development opportunities, and establish a visiting pattern which meets the needs of the family.

#### **viii. Transfer of foster carers to or from other organisations or local authorities**

The following proforma is available on the Aberdeenshire Council Arcadia site: Local Authority check letter and form which asks for information from an authority where carers previously resided. Checks would be made following the guidelines for new and reviewed foster carers.

#### **ix. Review/supervision**

There is no information from previous authorities but note Public Assistance Committee of the County of Aberdeen on 21 November 1947 in response to Children (Boarding Out &c) (Scotland) Rules and Regulations 1947 record "The Chief Public Assistance Officer will be appointed as the officer for the purpose of assisting the education and the PA Committees in the performance of their functions under the Rules and Regs including the selection of foster parents and the visitation of children boarded out by these Committees"

Aberdeenshire currently conduct an annual review to assess whether the household continues to be suitable to foster. The review will take into account the views of foster carers, fostered children, your children, Family Placement

Workers and the placing Social Workers. Foster Carers will return to the Fostering Panel if it is their first review or if a significant change in circumstances has occurred. After the first year, every third review will also be considered by the Fostering Panel. (Foster Carer Agreement March 2017 appended)

For the first Review, the following will be presented:

The Form F or Fostering Network Assessment prepared in relation to the Foster Carer's approval

The Minute of the Panel that recommended approval

The Foster Carer Review Minute

The Report from the Family Placement Worker for the Foster Carer Review

Other reports may be requested if considered necessary

For subsequent Reviews, the following will be presented:

The Minute of the last Panel that recommended re-approval

The Foster Carer Review Minute

Report from the Family Placement Worker for the Foster Carer Review

Other reports may be requested if considered necessary

(Constitution of Fostering Panel 2017 03 09 appended)

#### **x. Training**

Aberdeenshire is fully committed to training for foster carers. In information for prospective carers the website says "Training is vital for foster carers to develop the knowledge and skills needed to give a good standard of care for our looked after children.

New applicants must attend a three day Skills to Foster training course. The course covers a range of fostering related subjects and gives you the opportunity to meet other foster carers.

Your foster carer training includes a workshop for your children. This workshop will help them understand the issues they may experience when children in need of care come to live with them."

(Aberdeenshire Council public website "Fostering – Support and Training")

Aberdeenshire agree with foster carers to “Provide you with learning and development opportunities to support you as a foster carer and ensure you meet the expectation of 30 hours learning and development per year, per household.” (Foster Carer Agreement March 2017 appended)

**xi. Personal development**

See 4.4 i) d) x) above.

In the information for prospective foster carers Aberdeenshire notes it will provide the following to support and promote foster carer development:

- support and supervision from a designated Family Placement social worker
- a 24 hour foster carer helpline, operated by experienced staff
- regular foster carer support groups, including events and groups for the birth children of foster carers
- ongoing relevant training and continuous professional development
- a fostering allowance, to cover the costs of caring for a child or young person
- a skills level payment for the carer, which reflects your experience and knowledge and the levels of support offered to the children in your care

(Aberdeenshire Council public website “Fostering – Support and Training”)

**xii. Disciplinary actions**

Disciplinary actions would be via the complaints procedure in consultation with the service manager.

**xiii. Removal of approval/registration**

Under the remit of the Adoption and Fostering Panel there is no specific remit to review and consider de-registration of foster carers. (Report for Operational Team Meeting Members – for Senior Management Group meeting on 20 June 1995 – Appendices 6 & 7 appended)

The Fostering, Kinship and Adult Placement (Supported Lodgings) Panel constitution states that:

“The panel shall consider and make recommendations on:

1.3 Review of all respite, temporary and permanent foster carers “

(2017 03 09 Constitution for Fostering Panel)

This would include removal of approval / registration if circumstances warranted.

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

The policies and procedures are written by senior members of staff within Social Work / Children’s Services and ratified via the Senior Management Team and relevant committees of Aberdeenshire Council

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

Once they have been approved by senior management

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

Aberdeenshire Children's Services Plan (1998 – 2001) states as tasks to "Undertake a review of foster care", "Review system of enhance allowance payments for foster carers" and "Prepare a manual for foster carers." (1998 06 11 08)

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

See 4.4 i) g) above.

The Participation Strategy for Fostering 2013 states "The service is responsive to the changing demographic and regularly changes the way that support is offered to meet the needs of the current group of foster carers and children."

(Participation Strategy for Fostering appended)

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

See responses to 4.4) d) i) – xiii) above

**j) Why were changes made?**

In response to changing legislation, regulations and guidance.  
In response to reviews of the service

**k) Were changes documented?**

In minutes of committee meeting and papers presented to these fora.

**l) Was there an audit trail?**

As 4.4 k) above.

**Present**

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

No

**n) If so, please give details.**

N/a

**(ii) Practice**

**Past**

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

Response can only be made for the current authority. Practice adheres to current policies and procedures.

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

- i. **Recruitment**
- ii. **Standard and size of accommodation**
- iii. **Number, age and gender of children accommodated/in the household**
- iv. **Pre-approval/registration checks**
- v. **References**
- vi. **Foster care agreements**
- vii. **Induction**
- viii. **Transfer of foster carers to or from other organisations or local authorities**
- ix. **Review/supervision**
- x. **Training**
- xi. **Personal development**
- xii. **Disciplinary actions**
- xiii. **Removal of approval/registration**

Yes. Response can only be made for the current authority.

- c) **How was adherence demonstrated?**

Via case records, child care review minutes, child protection case conference minutes, child protection investigations, supervision records for foster carers and staff, minutes of Fostering Panel.

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

Should specific evidence be required information would be gathered from the above sources

- e) **Were relevant records kept demonstrating adherence?**

Yes, as 4.4 c) above

- f) **Have such records been retained?**

Records are retained in accordance with data retention guidelines

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

N/a

**Present**

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

No. See 4.4 a) – g) above.

**i) If so, please give details.**

**4.5 Other members of the foster carer's household**

**(i) Policy**

**Past**

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

Aberdeenshire Council policy states "Disclosure Scotland checks at enhanced level (as well as a check of Local Authority records) must be undertaken on all adults in the household (ie anyone aged 16 or over), with their permission." (Guidance for the Assessment of Foster Carers appended)

"... any other adults in the household (ie anyone aged 16 and over) and anyone else with whom the child will be having very regular contact should be asked to complete the form "Local Authority Checks" available on Arcadia under Fostering. The Family Placement Worker should arrange for Local Authority checks to be requested of other Local Authorities, where the applicant has previously lived in that area. Admin in 93 High Street, Inverurie should be asked to do this. When presenting the application to Panel, the FPW should ensure that a check of Aberdeenshire's records has been very recently undertaken, and where necessary should arrange for them to be updated. The FPW has the responsibility for repeating these every year after approval. (Guidance for the Assessment of Foster Carers appended)

Checks should be made on any other adults in the household by sending a standard letter to the GP, with that person's knowledge and written consent (Appendix 2). When presenting the application to Panel, the FPW should ensure that these have been obtained within the last year, and where necessary should arrange for them to be updated. (Guidance for the Assessment of Foster Carers appended)



Any children in the family should be fully involved. Their views should be sought and recorded, where practicable. Family Talk (BAAF 1990) is useful for children of 6 - 11 years, as well as We are Fostering (BAAF 2003). The FPW is required to speak with any adult children, to ask for their observations of their experience of being parented, and to ask their views on their parents' application. (Guidance for the Assessment of Foster Carers appended)

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

See 4.5 a) above in context of safeguarding foster children.

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

Currently on Aberdeenshire internal website Arcadia

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

As far as can be ascertained the policies and procedures are written by senior members of staff within Social Work / Children's Services and ratified via the Senior management Team and relevant committees of Aberdeenshire Council

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

When approved by senior management

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

Aberdeenshire Children's Services Plan (1998 – 2001) states as tasks to "Undertake a review of foster care", "Review system of enhance allowance payments for foster carers" and "Prepare a manual for foster carers." (1998 06 11 08)

Policies are reviewed in line with changes in legislation, regulations and guidance. The service is inspected by the Care Inspectorate and any recommendations are acted on.

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

As above

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

With regard to other members of the foster carers' household, detailed information prior to the current administration is not available.

**i) Why were changes made?**

In response to changing legislation, regulations and guidance.  
In response to reviews of the service

**j) Were changes documented?**

Prior to the current administration in so far as papers were available to committee. Currently the most up to date information is available on the Aberdeenshire internal website 'Arcadia'

**k) Was there an audit trail?**

Not known

**Present**

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

No

**m) If so, please give details.**

N/a

**(ii) Practice**

**Past**

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

Response can only be made for the current authority. Practice adheres to current policies and procedures.

**b) How was adherence demonstrated?**

Via case records, child care review minutes, child protection case conference minutes, child protection investigations, supervision records for foster carers and staff, minutes of Fostering Panel.

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

Should specific evidence be required information would be gathered from the above sources

**d) Were relevant records kept demonstrating adherence?**

With regard to current local authority, yes

**e) Have such records been retained?**

Records are retained in accordance with data retention guidelines

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

N/a

**Present**

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

No

**h) If so, please give details.**

N/a

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

**(i) Policy**

**Past**

**a) What policies and/or procedures did the local authority have in place in relation to placement of children with foster carers approved/registered by other local authorities or organisations?**

Public Assistance Committee of the County of Aberdeen on 21 November 1947 in response to Children (Boarding Out &c) (Scotland) Rules and Regulations 1947 record "That in respect of children boarded out by the Council in the area of another LA, the CPAO be authorised to arrange, after appropriate consultation with other LA, for the supervision of such children by some reliable person resident in the locality in which the children are boarded out."

The Children's Committee of the County of Aberdeen on 19 November 1948 record "Visitation of children –

- 1) The Council's full time Area Officers under the direction and control of the Chief Officer will undertake supervision of children boarded out by the Council in their respective areas in the County.
- 2) The above applies for those children boarded out in other local authorities

The information above indicates there was boarding out to other local authorities. There is no available evidence to indicate that outside agencies other than local authorities were used.

The Regulation of Care (Scotland) Act 2001 set up the Care Commission. The Care Commission will register and inspect all the services to be regulated against the national care standards issued by Scottish Ministers (National Care Standards – Foster Care and Family Placement Services Annex B). The Care Commission became the Care Inspectorate in 2011. This body has the responsibility for registration and inspection of fostering services. Aberdeenshire has Individual Service Agreements (ISAs) with registered fostering agencies who provide services purchased by Aberdeenshire Council. This is overseen by Aberdeenshire Council Business Services Commissioning, Procurement and Contracts (Social Care). All placements must be with approved carer agencies who have contracts with Aberdeenshire Council.

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

Aberdeenshire Council adheres to legislation regarding regulation of care and National Care Standards for Foster Care (National Care Standards – Foster Care and Family Placement Services) with regard to the fostering services it procures from other agencies and authorities.

Fostering and Continuing Care Services 10 – 15 Schedule 4 – Individual Placement agreement (IPA) is appended

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

Available on Scottish Government website. Information on Aberdeenshire Council internal website Arcadia.

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

Scottish Government. Aberdeenshire Council.

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

Procedure and policy is in response to legislation and regulations

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

Yes

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

Change in legislation or guidance.  
Change required by review of policy.

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

See 4.6 i) a) and b) above

**i) Why were changes made?**

Changes in legislation, rules and regulations  
In response to reviews of the service

**j) Were changes documented?**

Prior to the current administration in so far as papers were available to committee. Currently the most up to date information is available on the Aberdeenshire internal website 'Arcadia'

**k) Was there an audit trail?**

Not known

**Present**

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

No. Current policy is described in 4.6 i) a) and b) above

**m) If so, please give details**

N/a

**(ii) Practice**

**Past**

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

Response can only be made for the current authority. Practice adheres to current policies and procedures.

**b) How was adherence demonstrated?**

Via case records, child care review minutes, child protection case conference minutes, child protection investigations, supervision records for foster carers and staff, minutes of Fostering Panel.

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

Should specific evidence be required information would be gathered from the above sources

**d) Were relevant records kept demonstrating adherence?**

With regard to current local authority, yes

**e) Have such records been retained?**

Records are retained in accordance with data retention guidelines

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

N/a

**Present**

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

No

**h) If so, please give details.**

**4.7 Complaints and Reporting**

**(i) Policy**

**Past**

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

Report to Aberdeenshire Council Social Work and Housing Committee on 3 September 1997 records "2.1 Local Authority Social Work Services are required to establish a complaints procedure under Section 5B of the Social Work (Scotland) Act 1968 (as inserted by section 52 of the NHS and Community Care Act 1990.) Detailed requirements of the procedure are specified by the Secretary of State for Scotland in Scottish office Circular SWSG 5/96.

2.2 At its meeting on 27 March 1996, the Social Work and Housing Committee agreed a complaints and representations procedure, consistent with the statutory requirements, to cover all formal comments, whether complimentary

or critical, on social work services provided in Aberdeenshire. The Committee agreed to receive an annual report on the operation of the complaints procedure.

2.3 Under the procedure, every effort is made to resolve informal complaints as locally and as quickly as possible. Formal complaints are passed to the relevant Head of Social Work to investigate and reply. If a person is dissatisfied with the response they may ask the Director of Social Work to review the matter or appeal to a Complaints Review Committee.” (96 97 01)

The Child Protection Guidelines – North East Scotland Child Protection Committee (2007) note:

“When an allegation of possible abuse is made against a carer or member of staff employed or contracted by a statutory or voluntary agency, these guidelines must be followed in the same way as for other circumstances.” (p.63 / 2007 10 01 04)

The guidance notes under the heading ‘Allegations of Abuse against a Foster Carer’:

“This applies to Local Authorities foster placements, those provided by independent foster care agencies and to placements arranged by voluntary organisations.

- This guidance will be applied to children in foster care, using the same threshold of concern as for other children
- Investigations should not be carried out by anyone who has been involved in approving the foster carers or who has operational responsibilities for the service
- A strategy meeting should be convened as soon as possible to plan a way forward. This meeting should include the manager responsible for the fostering service, the foster carer’s Social Worker and the child’s Social Worker. The Strategy Meeting will consider the needs of all the children in the household.” (p.64 / 2007 10 01 05)

Aberdeenshire Council has produced information for customers re the Complaints Procedure (Aberdeenshire public website ‘Complaints, Compliments and Comments – Make a complaint, compliment or comment’ ‘Complaints Process’); an Employee’s Guide to the Complaints Handling procedure (Employee Complaints Procedure appended) and Social Work Complaints Investigation procedure (Social Work Complaints procedure appended)

The information advises that “If your complaint relates to a care service we provide, you can choose whether to complain to us or the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint, by contacting them.” (aberdeenshire.sharepoint.com/ ... /Complaints-procedure-Customer search - complaints procedure)

The current procedures would be followed in relation to complaints about foster care

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

As 4.7 a) above

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

For Aberdeenshire Council policies and procedures are recorded on Aberdeenshire website Arcadia internal and public sites.

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

**i. Complaints by children**

GRC Report of Children's Representation Service 1 April 1995 – 31 December 1995 notes:

"Half of the six young people who were offered support in making formal complaints had their complaint partly or fully upheld and received some form of apology.

Most young people expressed satisfaction at having their complaint taken seriously and investigated promptly; even if it was not upheld they felt pleased if the person investigating it met with them to listen to their concerns. However two young people were not satisfied and considered appealing against the outcome." (p.12 Grampian Regional Council Report of Children's Representation Service 1 April 1995 – 31 December 1995)

Aberdeenshire Council adheres to the policy 'Managing allegations against foster carers and approved kinship carers: How agencies should respond' (appended) published by the Scottish Government in July 2013. This followed on from the publication of 'The National Guidance for Child Protection in Scotland' 2010 with its emphasis being that child protection investigations should only be linked to situations where there has been significant harm or risk of significant harm to a child or young person. (Managing Allegations Against Foster Carers and Approved Kinship Carers appended)

Complaints procedure as noted in 4.7 i) a) would be followed depending on the nature of the child's complaint e.g. whether it was against a member of staff or another reason.

**ii. Complaints by foster carers**

Complaints procedure as noted in 4.7 i) a) would be followed depending on the nature of the foster carer's complaint e.g. whether it was against a member of staff or another reason.

**iii. Complaints by family members of children**



As 4.7 d) i) above depending on the nature of the family member's complaint.

**iv. Complaints by third persons**

As 4.7 d) i) above depending on the nature of the third person's complaint.

**v. Whistleblowing**

No information

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

If an allegation is made against a foster carer the guidance on managing such an allegation outlines responsibilities to foster carers:

"Once the carer has been informed that a concern has been raised, the fostering/kinship care team should ensure that carers:

- Are given a copy of the local authority's child protection procedure;
- Have access to legal advice and representation;
- Understand the process of the investigation and why it is taking place;
- As far as possible, know when, where and by whom interviews will be conducted;
- Are informed about independent support as appropriate
- Are informed about financial arrangements the local authority will make if a child is to be removed from their care or if a foster carer is temporarily suspended;

Agencies must also ensure that foster carers/kinship carers:

- Know the reasons for the removal of children if applicable;
- Know what contact if any, each family member of the care family is permitted to have with each child affected by the concern/allegation;
- Understand their current status of approval as foster care or approved kinship carer
- Are assisted in communicating with investigating agencies
- Are kept up to date with the progress of the investigation
- Understand that if they resign while the investigation is underway, this will not affect the progress or outcome.
- Have ongoing support from their supervising worker

**Registration**

Consideration must be given to whether carers approval to care should be temporarily suspended pending investigation. The relevant Social Work Manager must be involved in these discussions."

(Managing Allegations Against Foster Carers and Approved Kinship Carers appended)

Children would be supported by their Social Worker if appropriate and have access to their Children's Rights or Who Cares? Scotland worker.

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

This would be as per procedure outlined in 4.7 i) a) and d) i)

**viii. External reporting of complaints**

Complaints reported externally would be dealt with as per procedure outlined in 4.7 i) a) and d) i)

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

The policies and procedures are written by senior members of staff within Social Work / Children's Services and ratified via the Senior Management Team and relevant committees of Aberdeenshire Council.

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

Procedure and policy is in response to legislation, regulations and enshrines good practice

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

Yes

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

In response to changing legislation and guidance

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

See 4.7 i) a)

**j) Why were changes made?**

Changes in legislation, rules and regulations  
In response to reviews of the service

**k) Were changes documented?**

Prior to the current administration in so far as papers were available to committee. Currently the most up to date information is available on the Aberdeenshire staff and public website 'Arcadia'

**l) Was there an audit trail?**

Not known

**Present**

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

No current policy ids described in previous answers within this section.

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

**(ii) Practice**

**Past**

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

Response can only be made for the current authority. Practice adheres to current policies and procedures.

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

- i. **Complaints by children**
- ii. **Complaints by staff**
- iii. **Complaints by family members of children**
- iv. **Complaints by third persons**
- v. **Whistleblowing**
- vi. **Support, including external support, for those who made the complaint or those who were the subject of complaint**
- vii. **Response to complaints (including response by the local authority)**
- viii. **External reporting of complaints**

Response can only be made for the current authority. Practice adheres to current policies and procedures.

- c) **How was adherence demonstrated?**

Through records of complaint management, information provided to committee, case records, case conference and review minutes, supervision records, minutes of fostering panel.

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

Should specific evidence be required information would be gathered from the above sources

- e) **Were relevant records kept demonstrating adherence?**

With regard to current local authority, yes

**f) Have such records been retained?**

Records are retained in accordance with data retention guidelines

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

N/a

**Present**

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

No

**i) If so, please give details.**

**4.8 Internal Investigations**

**(i) Policy**

**Past**

**a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?**

Aberdeenshire follows the guidance of the North East Scotland Child Protection Committee (NESCPC) (see 4.7 i) a) (Child Protection Guidelines – North East Scotland Child Protection Committee (2007)) sets out the procedures for allegations of abuse and organised abuse. (pp 64 – 65 / 2007 10 01 05 & 06)

Aberdeenshire Council adheres to the policy 'Managing allegations against foster carers and approved kinship carers: How agencies should respond' published by the Scottish Government in July 2013. This followed on from the publication of 'The National Guidance for Child Protection in Scotland' 2010 with its emphasis being that child protection investigations should only be linked to situations where there has been significant harm or risk of significant harm to a child or young person.

Within the Aberdeenshire guidance it is noted:

"This guidance does not propose a different response to allegations and concerns because the child is a looked after child living with foster carers or

kinship carers, rather it outlines the importance of considering fully the context of care for the child and carer and how the allegation and behaviour may be linked to the child's emotional state by clearly involving Family Placement or Kinship Team Social Workers in the full process.

The central consideration must always be the safety of the child and this will inform the activities of the enquiry and decision making.

In relation to the carer, it is important that they are respected and kept involved and their views valued throughout the whole process.

(Managing Allegations Against Foster Carers and Approved Kinship Carers) (p. 1) (appended)

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

See 4.8 i) a)

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

On Aberdeenshire Council internal website Arcadia

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

**i. Approach to/process of internal investigations**

See 4.8 i) a)

**ii. Identifying lessons/changes following internal investigations**

The Aberdeenshire policy and procedure 'Managing Allegations against Foster Carers and Approved Kinship Carers – How We Should Respond' records that "At the close of formal reviews [of the investigation] an evaluation of the whole process of exploring the concern / allegation may be helpful." (Managing Allegations Against Foster Carers and Approved Kinship Carers p7)

**iii. Implementation of lessons/changes following internal investigations**

No information available

**iv. Compliance**

Aberdeenshire responds to complaints within the timescale set in the guidelines

**v. Response (to child and abuser)**

Aberdeenshire responds to complaints within the timescale set in the guidelines

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

Aberdeenshire responds to complaints within the timescale set in the guidelines

**vii. External reporting following internal investigations**

No information available

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

The policies and procedures are written by senior members of staff within Social Work / Children's Services and ratified via the Senior Management Team and relevant committees of Aberdeenshire Council. They follow legislation and guidance named in the policy.

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

Procedure and policy is in response to legislation and regulations

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

Yes

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

In response to changing legislation and guidance

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

See 4.8 i) a)

**j) Why were changes made?**

Changes in legislation, rules and regulations  
In response to reviews of the service

**k) Were changes documented?**

See 4.8 i) a)

**l) Was there an audit trail?**

Information not available

**Present**

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

No

n) **If so, please give details.**

N/a

**(ii) Practice**

**Past**

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

Response can only be made for the current authority. Practice adheres to current policies and procedures.

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

- i. **Approach to/process of internal investigations**
- ii. **Identifying lessons/changes following internal investigations**
- iii. **Implementation of lessons/changes following internal investigations**
- iv. **Compliance**
- v. **Response (to child and abuser)**
- vi. **Response to complaints (including response by local authority)**
- vii. **External reporting following internal investigations**

Response can only be made for the current authority. Practice adheres to current policies and procedures.

c) **How was adherence demonstrated?**

Through records of complaint management, information provided to committee, case records, case conference and review minutes, supervision records, minutes of fostering panel.

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

Should specific evidence be required information would be gathered from the above sources

e) **Were relevant records kept demonstrating adherence?**

With regard to current local authority, yes.

f) **Have such records been retained?**

Records are retained in accordance with data retention guidelines

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

N/a

#### **Present**

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

No

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

N/a

#### **4.9 Record keeping**

##### **(i) Policy**

##### **Past**

- a) What policies and/or procedures did the local authority have on record keeping in relation to foster care?**

Aberdeenshire Council has guidance on Electronic Case Management (Electronic Case Management appended) as 'All Children's Social Work Service teams are moving to a 'paperless' filing system as part of Aberdeenshire Council's Recordsmart process.'

The current operational requirement 'Recording in Children's Services – Aberdeenshire' was revised in 2014.. The guidance notes "Recording is part of the code of practice<sup>1</sup> for social services workers published by the Scottish Social Services Council (SSSC). This code sets out the conduct expected of social services workers as well as informing people who use social work services and the public about the conduct they can expect from social service workers.

Recording is highlighted in Section 6 of the code of conduct - 'As a social service worker you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills"

(Recording Policy – Operational Requirement appended)

See also d) ii) below.

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

See 4.3 (i) (d) (iii) which relates to record keeping on medication.



Foster carers are asked to “Ensure that all items which contribute to a child’s understanding of their history are promoted and respected. You should contribute to their memories and life story by the provision of photographs and other mementoes. You should promote a child’s positive image of their family and actively work with the care plan with regard to sibling and other family contacts.”

In addition, foster carers should:

Contribute to care planning for the child through the provision of reports and attendance at meetings as required. (Foster Carer Agreement p.3 appended)

- c) **In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?**

See answer to a) and b) above. Policies are recorded on Aberdeenshire Arcadia staff website.

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

i. **Children in foster care**

Research indicated that brief records were kept on visits to foster families in the Register of Guardians. Entries from 1940s were available. Due to the current Co-vid 19 restrictions non-electronic files have been unavailable so no comment can be made on the period prior to inception of electronic files.

Aberdeenshire Council policy on recording notes the recording should involve:

- Writing down the work you do;
- Noting the progress people make towards desired outcomes for service users;
- Including the views of service users;
- Analysis and assessment; and
- The life history of the service user and its interpretation

Good record keeping is an essential tool for practitioners to reflect upon their work with people as well as planning for the future”

(Recording Policy – Operational Requirement appended)

Separate guidance is available on Chronologies as part of the case file. (Chronology (The): Good Practice Guide appended)

ii. **Foster carers**

Aberdeenshire policy outlines the information to be held in foster carer files. (Foster Carer Files appended)

In the case of de-registration the guidance notes:

“If Foster Carers reach the decision to de-register, the FPW should arrange a Foster Carer Review, to review the work that they have done since their last Review, and to thank them for the work that they have done for Aberdeenshire Council. The Team Manager then writes to the Head of Social Work (Child Care), who generally writes to them, formally de-registering them. The Team Manager will generally write to thank the Foster Carer. The Family Placement Worker should pass the file to his or her Team Manager, who will pass the file to Admin to close the record on CareFirst, ensuring that it gives the date of de-registration, and under File Details information about where the file is held. The file should be retained for 25 years after de-registration or until his death, if earlier.

The Code of Practice states: "The records should be kept for a longer period of time where there is a possibility that the foster carers might apply to foster again, and where there is information which should be made known at that time.

The Foster Carer's file will be retained with the Closed Files in the Office which covers that area.”

(Family Placement Induction Information appended)

### **iii. Visits to children and foster carers**

The supervising family placement worker records supervisory visits to foster carers The guidance notes:

“Supervisory Meetings with Foster Carers should be recorded on the Form Supervision Sheet for Foster Carers (on Arcadia) (Supervision Record for Adopters and Foster Carers > Supervision Sheet for Foster Carers (June 2019) appended) and filed at the front of the file under Contact Records. The Foster Carer should be given a copy. Supervisory meetings should include time going over the Practice, Training and Development Manual to ensure the competencies and training plan are kept up to date.”

In relation to children's information it notes:

“CareFirst should be kept up to date (see Procedures for Recording Foster Carers on Carefirst, and the Contact Records Policy on Arcadia), and Activities should be up to date. Records relating to the child in placement should be kept in a separate folder, rather than in the main file. Reports prepared by the Foster Carer or Family Placement Worker should remain in the file. Medical Reports and Permanence Panel or Fostering Panel Minutes should be retained within the Restricted Access section.”

(Family Placement Induction Information p.20 appended).

### **iv. Complaints**

Information is only available for the current local authority administration.

Aberdeenshire policy (Foster Carer Files appended) outlines the information to be held in foster carer files. Section 9 records any complaints or allegations and records are kept of any correspondence or reports relating to these. A recording tool to be used in conjunction with Aberdeenshire Guidance: Managing Allegations against Foster Carers and Kinship Carers (is available and used by family placement workers).

(Recording Tool for Family Placement and Kinship Care Teams appended)

**v. Investigations (both internal and external)**

See 4.8 i) a). Records of investigations are kept within children's or foster carer's files.

**vi. Discipline**

The 1932 Rules for Guardians states:

"Indiscriminate or harsh punishment of children will not be permitted on any pretext whatever. Any serious act of misconduct on the part of a child, or any child whose general behaviour is unsatisfactory, should be reported to the Public Assistance Officer." (Rule 11)

The Memorandum on the Boarding-Out of Children (1959) says:

"The child should not be punished harshly or indiscriminately, and the threat of removal from his foster home should in no circumstances be used as a punishment for misconduct. Foster parents should report persistent misconduct to the children's officer." (p.27)

Aberdeenshire policy is in the Foster Carer Agreement in which the foster carer is bound "To agree not to hit or use rough handling on any children. You should only use restraint on a child where it is necessary to prevent injury to them or other people, or serious damage to property. You should record the incident and inform the fostering service as soon as possible." (Foster Carer Agreement March 2017 appended)

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

Aberdeenshire Council website provides details of how to make a Freedom of Information Request under the Freedom of Information (Scotland) Act 2002. Aberdeenshire has a duty to respond within the statutory timescale.

**viii. Other issues relevant to foster care**

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

The policies and procedures are written by senior members of staff within Social Work / Children's Services and ratified via the Senior Management Team and relevant committees of Aberdeenshire Council. They follow legislation and guidance named in the policy.

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

Changes in legislation, rules and regulations  
In response to reviews of the service

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

Yes, with regard to current policies noted in answers above

**h) Were such policies and/or practices reviewed?**

Yes

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

In response to changing legislation and guidance

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

No information available on any previous policies

**k) Why were changes made?**

Changes in legislation, rules and regulations  
In response to reviews of the service and inspections

**l) Were changes documented?**

Documented in revised policies

**m) Was there an audit trail?**

Information not available

**Present**

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

No

o) If so, please give details.

**(ii) Practice**

**Past**

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

Response can only be made for the current authority. Practice adheres to current policies and procedures.

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

Yes. Aberdeenshire Recording Policy outlines the responsibilities and expectations of practitioners, first line managers and service managers with regard to quality control of records through regular file review. (Recording Policy – Operational Requirement pp.14 - 15 appended)

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

- i. Children in foster care**
- ii. Foster carers**
- iii. Visits to children and foster carers**
- iv. Complaints**
- v. Investigations (both internal and external)**
- vi. Discipline**
- vii. Responding to requests from former children in foster care for information/records**
- viii. Other issues relevant to foster care**

Response can only be made for the current authority. Practice adheres to current policies and procedures for the above.

**d) How was adherence demonstrated?**

Through records of complaint management, information provided to committee, case records, case conference and review minutes, supervision records, foster carer files, children's files, and minutes of fostering panel.

**e) Were relevant records kept demonstrating adherence?**

For the current local authority, yes.

**f) Have such records been retained?**

Records are retained in accordance with data retention guidelines

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

N/a

**h) Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?**

Yes, on an individual basis

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

In response to individual s.21 requests

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

The local authority is engaged in continuous improvement programmes as regards child protection and safeguarding.

**k) What changes have been made?**

**l) How are these monitored?**

Review by senior management

**m) Did the local authority afford former children in care access to records relating to their time in foster care?**

Yes

**n) If so, how was that facilitated?**

Through social work

**o) If not, why not?**

**Present**

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

No

**q) If so, please give details.**

N/a

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

**i. Children in foster care**

Case records held on CareFirst system; other information (reports for LAC and CPCC) held electronically

**ii. Staff with responsibilities for foster care**

Electronic files held by staffing. Supervision records held electronically.

**iii. Foster carers**

Files held electronically

**iv. Complaints**

Information held by Feedback Team, Customer Service, Woodhill House, Aberdeen

**v. Investigations (both internal and external)**

Not known.

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

Information on requests held by Information Systems Team, Aberdeenshire Health and Social care Partnership.

**Texts referenced:**

Norrie, Kenneth McK. : Legislative Background To The Treatment Of Children And Young People Living Apart From Their Parents – Report For The Scottish Child Abuse Inquiry (SCAI, Edinburgh 2017)

Memorandum on the Boarding Out of Children (HMSO 1959)

Guidance On The Looked After Child (Scotland) Regulations (Scottish Executive, 2010)

National Care Standards for Foster Care and Family Placement Services (Scottish Executive, 2005)

