

Section 21 notice - Foster Care – Aberdeenshire Council

Additional Addendum to Part A and B on 27 February and 18 March 2020 respectively, and to Parts C and D on 31 July 2020

- 1. Appendix 1, referred to at pages 25, 27 and 31 of your Part A response and submitted with it, appears to be tables related to residential homes and not to foster care. We assume that they were submitted in error. Can you please provide the appendix relevant to foster care**

The number of people employed by the local authority with responsibility for foster care services for children between 2004-2015 is available in the attached document. Details have also been provided on the roles and responsibilities of staff as well as qualifications and experience is also included in the attached document.

- 2. In Part A, Question 2.1(e) on page 30, we note that your answer is subject to further research for Parts C and D. Are you able to provide an updated answer?**

In relation to the cases identified within Part D, where allegations of sexual abuse were raised, the Foster Carers concerned were suspended and then de-registered by the service. This raised concerns about the Foster Carer's ability to work in accordance with the culture of children's services, of policies and procedure – of keeping children and young people safe and of protecting them from harm.

Foster Carers approved by Aberdeenshire Council are required to sign Foster Carer Agreements which will set out mutual expectations and the terms of approval. The Fostering Service have updated the agreements over the years in line with changes in culture, policies and procedures.

The most recent Foster Carer agreements outline the requirements of Foster Carers including: *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*
Formulate a Safe Caring Plan in conjunction with your fostering Social Worker that takes into account the individual needs of everyone in the home and protect the child or young person from abuse and promote their welfare.

The Scottish Government published the 'Managing allegations against foster carers and approved kinship carers: How agencies should respond' in July 2013. This followed on from the publications of 'The National Guidance for Child protection in Scotland' 2010. Aberdeenshire Council developed their 'Managing Allegations against Foster Carers and Approved Kinship Carers; How we should respond' document in October 2013 for Social Workers within the Children and Families Teams and Family Placement Teams.

- 3. We note that you provide no comment in your response to Part B in relation to predecessor authorities. In your Part D, Question 5.2(b) response you refer to “claims made against Aberdeenshire Council which has responsibility for its predecessor authorities”. Can you please confirm as between you, Aberdeen City Council and Moray Council who takes responsibility for Grampian Regional Council foster carers? We note from your response to Question 1.1(a), the county councils which are your predecessors**

Aberdeen City Council, Aberdeenshire Council and the Moray Council have reached agreement that liability for personal injury claims (including those relating to historic abuse) arising from the former GRC (which would include responsibility for carers approved by GRC) should be apportioned between authorities according to a formula in The Local Government (Transitional Financial Provisions) (Scotland) Order 1996 (1996 Order). From a practical perspective the effect of the 1996 Order is that Aberdeen City Council assumes responsibility of claims against the former GRC and recoups costs and expenditure from Aberdeenshire and Moray Council according to the statutory formula in the 1996 Order.

- 4. We note that in your response to Part D, you indicate that you had limited access to files due to Coronavirus. It would be helpful to have some further detail as to the scope of your case file review as follows:**

- We note that in response to Question 5.2(b), you undertook file reading and identified files based on section 21 access requests and claims made against Aberdeenshire Council. Can you please advise how many files were reviewed in preparation of your response? Please advise if they were foster carer files or children’s files, and if both, how many of each were reviewed? Please also advise the periods to which these broadly relate. If you sampled files held, please advise us of the methodology you employed.**

108 electronic Foster Carer files were initially reviewed. Following consideration of these files, further consideration was given to the files where allegations of abuse or concerns were recorded (8 Foster Carer files). Foster Carer files have been electronically since 2016 (paper files from pre 2016 are held in long-term storage). Information about allegations are contained within complaints logs within the individual Foster Carers electronic files.

- We note that you had access to electronic files only. Please advise how many files in respect of children in foster care (both children’s files and foster carer files) you hold electronically relative to the period prior to 17th December 2014.**

The electronic Foster Carer Files were not established until 2016, and Foster Carer paper files were moved in long-term storage at this point. Some information pre 2016 was scanned into the Foster Carer electronic files (this included initial assessment reports, signed Foster Carer Agreements and

information about allegations, complaints, and concerns). So ultimately we do not have any full files held electronically before 2014 but we may have some information within the files which related to this period.

- **Do you have a complaints log and/or a de-registrations log? If so, were either of these interrogated to assist you in your file review? If not, why not?**

We have deregistration log from 2004 onwards for our Care Inspectorate notifications. Reasons for deregistration are not recorded on the log. Each Foster Carer file has a complaints, concerns, and allegations log which were introduced in 2004. The Fostering service hold records of all Foster Carers who have deregistered since 2004; this information is recorded per year. There is no separate complaints log held by Aberdeenshire Council.

- **Since submitting your response, have you carried out any further file review in order to enable you to expand on your responses to the section 21 notice?**

No further file reviews have been conducted since the responses provided in the section 21 notice.

5. Finally, please can you advise whom at Aberdeenshire Council can speak to the A-D response at hearings?

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