

**Covering statement**

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<b>PART A – BACKGROUND</b>	
<b><u>1. Characteristics</u></b>	
<b>Question 1.1</b>	<b>History of the Local Authority</b>
<b>Past</b>	
<b>a)</b>	<p><b>Over the period from 1930 to date, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.</b></p> <p>1930 – 1975: Edinburgh Corporation (EC) 1975 – 1996: Lothian Regional Council (LRC) 1996 – Present: City of Edinburgh Council (CEC)</p>
<b>b)</b>	<p><b>When and how did the local authority become involved in the provision of foster care for children in Scotland?</b></p> <p>The Children and Young Persons (Scotland) Act 1932, section 19 provided for a court order committing a child or young person (up to the age of 18 years old) to the care of a fit person. Previous references to a "relative" under The Children's Act 1908 were removed and fostering could now be out with the family. The EC accepted the Education Authority's "Regulation and Rules in Regard to Boarded Out Boys and Girls" in 1933, which laid out the responsibilities of the Local Authority in providing boarded out services with foster parents.</p>



	<p>CEC and its predecessors have had responsibility for providing foster care to children within its responsible geographic area. In a report discussed by the Public Assistance Committee in 1941, the City Social Services Officer notes that the system of boarding out children has been in operation in Scotland for a number of years. It was recognised that children should not be brought up in the environment of the poor house or similar institutions. The 'system' evolved from a common-sense application of the Poor Law, but it was not regulated by statute. (Ref.SL61/1/13). From 1929, EC became responsible for the provision of foster care following the Local Government (Scotland) Act 1929, when such responsibilities were assumed from the parish councils.</p> <p>Prior to the introduction of the Social Work (Scotland) Act 1968, there were various statute (outlined below) which provided the enabling legal basis for the local authority to become responsible for the provision of foster care.</p> <p>Under the Children Act 1948, local authorities had a duty to receive children into care in certain circumstances, and to keep the child in care for as long as the welfare of the child required it. Local authorities could also assume parental rights for children in care. The 1948 Act 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 the Administration of Children's Homes (Scotland) Regulations 1959, which contained rules for the administration of the homes and for the wellbeing of the accommodated children.</p>
c)	<p><b>How has the involvement of the local authority in the provision of foster care changed/developed over time?</b></p> <p>The involvement of the local authority in the provision of foster care has developed over time in accordance with the introduction of new statutory legislation and related secondary legislation.</p> <p>The introduction of the Social Work (Scotland) Act 1968 replaced the 1948 Act and set out duties for the local authority to receive children into care, and the obligations in relation to children in care. It remained the case that local authorities could also assume parental rights for children in care. The 1968 Act also established the Children's Hearing system and the introduction of compulsory supervision of children.</p>

Section 21 of the 1968 Act empowered the local authority to board out children in care. The Regulations and Rules in regards to Boarded out Boys and Girls 1933, were superseded by The Boarding Out of Children (Scotland) Regulations 1959, which were then replaced by the Boarding Out and Fostering of Children (Scotland) Regulations 1985.

The Children (Scotland) Act 1995 replaced the 1968 Act in relation to the social work functions for children and came into force on 1 April 1997. The 1995 Act set out the powers and duties of the local authority in relation to the provision of accommodation for children, and the duties of local authorities towards looked after children.

Section 26 of the 1995 Act sets out the manner in which a local authority can provide accommodation for a looked after child. Secondary legislation sets 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 and The Looked after and Accommodated Child Regulations 1999.

Under Regulation 8 of the 1996 Regulations, each local authority was required to establish foster panels to decide on applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child.

#### Looked After Children (Scotland) Regulations 2009

The Looked After Children (Scotland) Regulations 2009 removed the prohibition on placing children for fostering with anyone other than a man and a woman acting together or a man or a woman acting alone.

Regulation 46 within the Looked After Children (Scotland) Regulations 2009 states:

*The local authority must ensure that the child and their carer are visited on their behalf–*

*(a) within one week of the placement being made; and*

*(b) thereafter at intervals of not more than 3 months from the date of the previous visit.*



	<p><i>(4) The local authority must ensure that written reports are produced recording the visits made in accordance with paragraph (2) or (3).</i></p> <p>In 2006 the CEC introduced the Children and Young Persons Reviewing Team, which consists of case independent Chairpersons, who are suitably qualified to perform the role of chairperson for Looked After and Accommodated Child Care Reviews, where the young person's plan is reviewed and amended in accordance with the assessment of need regarding individual circumstances. The young person's plans are amended and recorded under SMART (Specific, Measurable, Achievable, Realistic, Timescale) principles, to be progressed and then reviewed at the following scheduled review</p> <p>The Looked After Children (Scotland) Regulations 2009 provides detailed criteria as to the accountability, oversight and supervision of the fostering panel by the Local Authority (please refer to answer 2.2 (h) for specific detail).</p>
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<b>Question 1.2</b>	<b><u>Funding of Foster Care</u></b>
<b>Past</b>	
<b>a)</b>	<p><b>How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?</b></p> <p>In relation to the provision of foster care, the local authority's operations and activities were financed through local tax raising powers and, more latterly, central government grants and funding. While there are many references to payments, direct references to funding are more limited. Relevant funding references are set out and described below.</p> <p>In the period 1941-42, there was a meeting of the joint Public Assistance and Education Committee relating to the maintenance of boarded out children as well as availability of placements (Ref. SL61/1/13). Within the Public Assistance Committee minutes, there were examples of birth parents being asked to contribute towards the cost of their child being boarded out. (Ref. SL61/1)</p> <p>In the 1960s there was a move to developing services and interventions to prevent children coming into care in the first place. On 9th April 1963, the Children's Committee Homes subcommittee noted new legal duties placed on local authorities to 'provide a comprehensive service for the prevention of neglect of children'. The subcommittee</p>

	<p>instructed officers to submit a coordinated report regarding the arrangements which might be made for the provision of a comprehensive service. (Ref. SL116/1/16)</p> <p>The Director of Social Work presented a report to the Social Work Committee in 1994/95 (seeking approval for the further development of fostering services. The report states: "the organisation and management of the foster care services, previously centralised in the Family Finding Unit, has since October 1992 been devolved to Districts. The Department's policy is that all children under 12 should be accommodated in foster care, unless they have exceptional needs that can only be met in specialist residential settings. The Director of Social Work recommends that Committee commit to a further 20 foster placements and recruit staff for fostering purposes" (Ref. LRC3/8/3/20). This demonstrates the local authority's continued commitment to the development of foster care, including the required budgetary and funding provisions.</p>
b)	<p><b>To what extent, if any, did the local authority provide funding to other organisations for the purposes of provision of foster care?</b></p> <p>The Children's Committee minutes reference boarded out children being placed throughout Scotland and beyond, including one girl who was placed in Cornwall (Ref. SL116/1/10). The minutes also reference councillor visits to boarded out children. However, there is little information about the financial arrangements in place for children boarded out outwith Edinburgh. The only reference found relates to a request from the Kirkmichael and Tomintoul Nursing Association for a financial contribution in relation to 45 boarded out children from Edinburgh who were resident in their area. In this instance, the Public Assistance Committee agreed to contribute £5 in relation to their request (Public Assistance Committee Minute Book, 1932-33 (Ref. SL61/1/4).</p> <p>During the regional council period, there are frequent references to payments in relation to funding for other organisations. These are mostly contained within the Director of Social Work Reports which are largely extant for the period 1975-1996. For example, in 1986-87 the Director of Social Work recommended an increase in payments to the Barnardo's Special Families Unit (Ref. LRC3/8/3/12).</p> <p>More recently, independent fostering agencies have been providing several placements for Edinburgh children from c.2010 onwards. These arrangements are facilitated through a dedicated Commissioning Team within the Council which has responsibility for financial and contractual arrangements with respective agencies.</p>



<b>c)</b>	<p><b>If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?</b></p> <p>Throughout the period under consideration, there are numerous examples of local authority funding to other organisations for the provision of foster care. These are mostly charities, including the Kirkmichael and Tomintoul Nursing Association and Barnardo's.</p> <p>There is no evidence of any set criteria being applied in relation to predecessor bodies, but criteria provision and expectation is well documented for the current authority (CEC). These are set out in Schedule 5 of the Council's Foster Care Services 26-10 Framework Agreement. This is a lengthy document and is provided as an appendix to this document (please see Appendix 1).</p>
<b>d)</b>	<p><b>To what extent was financial state support available to foster carers? How were foster carers made aware of the state support? How was state support accessed by foster carers (e.g. directly or via the local authority?).</b></p> <p>Please also refer to answer 1.2 (d).</p> <p><u>Awareness</u></p> <p>In relation to how foster carers were made aware of state support, within the Town Clerk Files and Social Work Committee minutes 1969 - 1975, there was a motion on 20 December 1973 that a pamphlet was prepared for foster carers detailing financial help. (Ref. EC Town Clerk Papers, File 8).</p> <p>Within Lothian Region Council Social Work Director reports (1977 – 1978) there are references to letters being sent to foster parents explaining the position around allowances. (Ref. LRC3/8/3/3)</p>

	<p><u>Accessing support</u></p> <p>There is evidence of guardians/foster carers making direct requests to the local authority for additional assistance/exceptional expenditure around caring for boarding out from 1931 onwards which suggests that foster carers were aware of how to access financial support. For example, for the period 1931-1948, guardians were making direct applications to Public Assistance Committee for support and funding in relation to children's travel to school, payment of education fees, and replacement mattresses/bicycle/watches. (Ref. SL 61)</p> <p>From 1948 - 1968, foster carers made direct applications to the Childrens Committee (Ref. SL1/1/6) for a range of items and situations, including: replacing mattresses; purchase of a bicycle for a child to travel to work in the absence of public transport; the costs of a young person training to become a primary school teacher; the cost of violin lessons; costs of a holiday to London; and costs to cover the damage to items and property by a child.</p> <p>From 1978 - 95, any direct requests were considered by LRC Social Work Committee and included compensation to replace damaged carpets and property; compensation for money and personal items that were stolen; cost of adapting property due to child's additional needs; cost of twins regularly attending hospital; additional allowance to cover cost of estate car as child had additional needs. (Ref. LRC2/1/1/20)</p> <p>Anecdotal evidence suggests there are payment rates for foster carers from at least 1999 onwards that are issued to prospective as well as approved carers.</p>
e)	<p><b>To what extent was financial support from the local authority available to foster carers?</b></p> <p>Please also refer to answers 2.1 (a) and (d).</p> <p>The Boarding Out of Boys and Girls Regulations 1933 note the following aspects regarding funding:</p> <p><i>(2) In consideration of such payment as may be agreed upon by the foster parent and the Education Authority, the foster parent shall bring up the boy or girl as</i></p>



*one of his or her own children and shall co-operate with the Education Authority and their Official for the boy's or girl's welfare.*

- a) *The foster parent shall not incur expense on behalf of the boy or girl without prior permission of the City Education Officer, except for boot repairs. Expenditure in this latter connection should be incurred with discretion.*

Within the Fostering of Children's Regulations 1996 and subsequent Regulations 2009, it states that a fostering agency shall pay allowances to carers with whom a child is placed.

Within an CEC Interim Practice Note dated 1 April 1997 (based on the Fostering of Children Regulations 1996), the section on payments to foster carers states "The Local Authority may make payments to the foster carer either by fixed allowance application in the cases of all children, a rate applicable to certain categories of children, amounts relevant to the individual needs of a particular child."

Within the Guidance on Looked After Children (Scotland) Regulations 2009, Regulation 33 states that "while there is no statutory amount stated for allowances, the Fostering Network provides a recommended rate for children at different ages and stages, and this is updated annually." This guidance recommends that local authorities pay attention to this in setting their own allowances.

The issue of the interplay between fostering allowances and benefits is complex and open to continuing change in the wider benefits system. Added to this is the question of fees (where these are offered) and tax implications. Social workers who assess and support foster carers should have basic information about the range of financial implications for carers and be able to access more extensive advice on such matters. Regulation 33 does not make any references to fees to foster carers; however, in order to sustain some very challenging children in foster care, extra financial support was offered originally through enhanced allowances.

Below is a table which provides the foster care fees and foster care allowances paid by the CEC for specified age ranges as well as for registration remits for foster carers:

**THE CITY OF EDINBURGH COUNCIL**

**CHILDREN AND FAMILIES**

**Payments to Carers**

**From 19 April 2010**

<b>1.</b>	<b>Foster Allowances</b>			
<b>Age Range</b>	<b>Standard</b>	<b>Clothing</b>	<b>Pocket Money</b>	<b>Maintenance</b>
0-4	£ 93.16	£ 13.05	£ 2.41	£ 77.70
5-10	£ 113.46	£ 18.81	£ 5.84	£ 88.81
11-13	£ 141.23	£ 27.35	£ 9.82	£ 104.06
14-15	£ 145.19	£ 27.35	£ 13.78	£ 104.06
16-18	£ 174.23	£ 32.79	£ 13.78	£ 127.66

In addition to the above allowances, Christmas (or other religious festival) and birthday allowances (each equivalent to one week's standard allowance and holiday allowance, equivalent to two week's standard allowances) are paid. Christmas allowances are paid 4 weeks prior to Christmas (29/11/10).

<b>2.</b>	<b>Foster Fees</b>	
<b>Age Range</b>	<b>Weekly Fees</b>	
0-11	£ 151.36	
12-18	£ 189.21	
Specialist Disability & New Opportunities	£ 378.41	
Enhanced New Opportunities Pro-rata	£ 473.00	

**EDINBURGH COUNCIL COMMUNITIES AND FAMILIES**

**Payments to Carers from 8<sup>th</sup> April 2019**

<b>1.</b>	<b>Foster Allowances</b>			
<b>Age Range</b>	<b>Standard</b>	<b>Clothing</b>	<b>Pocket Money</b>	<b>Maintenance</b>
0-4	£106.77	£14.96	£2.76	£89.05
5-10	£130.00	£21.54	£6.68	£101.78
11-13	£161.84	£31.33	£11.26	£119.25



	14-15	£166.36	£31.33	£15.78	£119.25																																				
	16-17	£199.65	£37.58	£15.78	£146.29																																				
<p>In addition to the above allowances, four extra weeks are also paid: winter holiday allowances (equivalent to one week's standard allowance) are paid on 27<sup>th</sup> November; summer holiday allowances (equivalent to two weeks' standard allowances) are paid on 1<sup>st</sup> May; and birthday allowances (equivalent to one week's standard allowance) are paid on the day before the child's birthday.</p>																																									
<table><tr><td>2.</td><td colspan="5">Foster Fees</td></tr><tr><td></td><td colspan="5"></td></tr><tr><td colspan="3">Age Range</td><td colspan="3">Weekly Fees</td></tr><tr><td colspan="3">0-11</td><td colspan="3">£164.17</td></tr><tr><td colspan="3">12+</td><td colspan="3">£224.53</td></tr><tr><td colspan="3">Disability &amp; Specialist</td><td colspan="3">£410.45</td></tr></table>						2.	Foster Fees											Age Range			Weekly Fees			0-11			£164.17			12+			£224.53			Disability & Specialist			£410.45		
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f)	<p><b>If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?</b></p> <p>Concerning funding, please see response to 1.2 (a).</p> <p>Historically, distribution of funds was based on deliberation and decision at Council committee. There is no evidence of any set criteria being applied, with distribution based on a case by case basis. Within the Public Assistance and Children's and Social Work Committees (for example) are instances of financial support being made available to foster carers for items such as additional clothing and furniture for children in their charge, as well as financial provision for these children to attend music lessons and various after school clubs.</p> <p>In terms of current arrangements, the Council, as the Lead Commissioning Authority, has established a Framework Agreement for Foster Care Services. Under the terms of the Framework Agreement, Purchasers may enter into Placements for Children as and when required with Providers participating in the Framework Agreement. Placements</p>																																								

	are subject to the Placement Terms (i.e. criteria) contained in Schedule 5 and agreement of an Individual Placement Agreement. Schedule 5 is lengthy and is provided as an appendix to this document.
<b>g)</b>	<p><b>How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers?</b></p> <p>Please refer to answer 2.1 (d)</p>
<b>h)</b>	<p><b>What other sources of funding were available to foster carers in relation to the provision of care for children?</b></p> <p>Please refer to answer 2.1 (d).</p> <p>Please refer to answer 1.2 (d) in relation to local authority funding. We have not found any references to other sources of funding out with the local authority.</p>
<b>i)</b>	<p><b>Was the funding adequate to properly care for the children?</b></p> <p>We have found isolated references to funding issues which would suggest that funding was adequate (see below). However, given the overall paucity of references on this subject, we consider that any response would be purely speculative.</p> <p>Within the Childrens Committee Minutes of 1951 – 1952, the Childrens Officer noted that foster parents had complained that the allowance provided was too small, and that complaints had been made by foster parents in respect of the fostering allowance not being enough to live on account of rising costs. In addition, there was reference to the rising cost of food which was causing difficulties for foster parents. (Ref.SL116/1/4)</p>
<b>j)</b>	<p><b>If not, why not?</b></p> <p>As stated above, the paucity of references means that any response to this question would be speculative.</p>



<b>Present</b>	
<b>k)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>No.</p>
<b>l)</b>	<p><b>If so, please give details.</b></p> <p>Not applicable.</p>

<b>Question 1.3</b>	<b><u>Legal Status</u></b>
<b>(i) Local authority</b>	
<b>Past</b>	
<b>a)</b>	<p><b>What was the legal basis which authorised or enables the local authority to become responsible for the provision of foster care for children in Scotland?</b></p> <p>The Children Committee Annual Reports to full Council (Ref. EC Council Minutes, SL1/1) contain a list of provisions under which children were cared for in each year. It also sets out the numbers of those cared for on each legal basis. The Annual Reports also set out what duties the local authority is under in relation to children, referencing various statutory provisions. Before 1968, there were various statutes relevant to the legal basis which enabled the local authority to become responsible for the provision of foster care, which are set out below.</p> <p>The Children and Young Persons (Scotland) Act 1932, Section 19 provides for a court order committing a child or young person (up to the age of 18 years old) to the care of a fit person. Previous references to a "relative" under The Children Act 1908 were removed and fostering could now be out with the family.</p> <p>Under the Children Act 1948, local authorities had a duty to receive children into care in certain circumstances, and to keep the child in care for as long as the welfare of the child required it. Local authorities could also assume parental rights for children in care. The 1948 Act 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</p>

	<p>the Secretary of State to make Regulations relating to the boarding out of children. This was done with the Administration of Children's Homes (Scotland) Regulations 1959, which contained rules for the administration of the homes and for the wellbeing of the accommodated children</p> <p>Social Work (Scotland) Act 1968 replaced the 1948 Act, and set out duties to receive children into care, and a local authority's obligations in relation to children in care. The 1968 Act also established the Children's Hearing system and compulsory supervision of children.</p> <p>Section 21 of the 1968 Act empowered the local authority to board out children in care. The Administration of Children's Homes (Scotland) Regulations Boarding Out of Children (Scotland) Regulations 1959 were replaced by the Boarding Out and Fostering of Children (Scotland) Regulations 1985 and the Social Work (Residential Establishments – Child Care) (Scotland) Regulations 1987.</p> <p>The Mental Health (Scotland) Act 1969 provided that a local authority could accommodate in a home or other accommodation a child who would not otherwise be in their care, but who needs care/after care due to suffering from a mental disorder.</p> <p>The Children (Scotland) Act 1995 replaced the 1968 Act in relation to the child care social work functions and came into force on 1 April 1997. The 1995 Act sets out the powers and duties of the local authority in relation to the provision of accommodation for children, and the duties of local authorities towards looked after children.</p> <p>The 1995 Act re-enacted the provisions relating to the Children's Hearing system and introduced new legal orders for the emergency protection of children. Assumption of parental rights was replaced with a court process, allowing the local authority to apply for a Parental Responsibilities Order.</p> <p>Section 26 of the 1995 Act sets out the manner in which a local authority can provide accommodation for a looked after child. Secondary legislation sets 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 and The Looked after and Accommodated Child Regulations 1999.</p>
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	<p>The Adoption and Children (Scotland) Act 2007 introduced permanence orders, which is an order made by either the sheriff or the Court of Session vesting in local authorities the responsibility to provide the child with guidance and the right to regulate the child's residence, and may additionally vest other parental responsibilities and parental rights in the local authority while at the same time extinguishing those of the parents.</p> <p>The Children and Young People (Scotland) Act 2014 extended provisions for those leaving care and allowed young people the right to remain in their placement through 'Continuing Care' post 16.</p>
b)	<p><b>Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? Is so, please give details.</b></p> <p>The local authority required, and requires, to meet numerous legal and regulatory requirements in respect of children in its care. The main ones are set out below.</p> <p><u>Children Act 1948</u></p> <p>Section 12 of the Act provides that for any child in the care of a local authority, "it shall be the duty of that authority to exercise their powers with respect to him so as to further his best interests, and to afford him opportunity for the proper development of his character and abilities."</p> <p><u>The Social Work (Scotland) Act 1968</u></p> <p>Section 12 provides that there is a duty on every local authority to promote social welfare by providing advice and assistance and providing facilities they consider suitable to any person under the age of 18 in need of assistance. Section 13 provides that where it appears to a local authority that any person for whom they have a duty or power to provide services, they must make an assessment of the needs of that person for those services.</p> <p>Schedule 9 repealed the provisions of the 1908 and 1932 Acts that provided for the foster carers to have "like control over the child or young person as if he were his parent", with no equivalent rule enacted. This meant that much of the decision-making powers were now with the local authority.</p>



#### Children Act 1975

The Children Act 1975 amended the 1968 Act, including increasing the duty on the local authority to further the best interests of the child and an obligation to give first consideration to safeguarding and promoting the welfare of the child throughout childhood. The 1975 Act also amended Section 1 of the Children Act 1958, so that local authorities had a duty to visit foster children, in accordance with regulations.

#### Children (Scotland) Act 1995

When looking after a child the local authority is required to safeguard and promote his or her welfare (s17(1)(a)), and to make use of such services as would be available for children were they cared for by their parents (s17(1)(b)).

The local authority must take steps to promote appropriate personal relations and direct contact between the child and any person with parental responsibilities (s17(1)(c)).

In discharging its responsibilities the local authority must consult with, and have regard to the views of the child, his or her parents, any person with parental rights and any other person whose views may be relevant when making decisions, (s17(3) and (4)(a) and (b)) and it must take account of the child's religious persuasion, racial origin and cultural and linguistic background (s17(4)(c)).

Although the child's welfare must generally be the paramount consideration, the local authority may exercise their powers with respect to a looked after child in a manner inconsistent with that general duty, in order to protect members of the public from serious harm (s17(5)).

#### Looked After Children (Scotland) Regulations 2009

The local authority is to obtain and record information relating to "looked after children" (the definition of which is in C(S)A 1995 s17(6)); and once this information is obtained, the local authority is required to make an assessment of *inter alia* the child's needs and to prepare a "child's plan" which takes account of the best interests of the child and how these needs can be met.

The local authority may take emergency measures to place a child in care if they are satisfied an emergency placement is a more suitable way of meeting the child's needs and the person with whom the child is to be placed has a signed written agreement with

	<p>the local authority to care for a child in an appropriate manner. The local authority must review the child's placement in emergency care within three working days and assess if the placement is in the best interests of the child. The local authority is not permitted to extend the child's stay in an emergency placement unless the authority is satisfied that the placement is in the best interests of the child. If the local authority allows an emergency placement to continue, they must notify certain parties (including the Health Board and anyone with parental responsibilities in respect of the child).</p> <p>The local authority is to establish and maintain a written case record in respect of children looked after by that authority. This case record is to be retained by the local authority until the 100th anniversary of the child's birth or, if the child dies before attaining the age of 18 years, for a period of 25 years beginning with the date of the child's death.</p> <p>The local authority has a duty to carry out regular reviews of the child's case and to record in writing the information obtained in respect of the review.</p> <p>The local authority must ensure that children in placements are visited on the local authority's behalf within one week of the placement being made; and, thereafter, at (at least) three monthly intervals. The local authority must also ensure that the child and carer are visited on any occasion the local authority considers it necessary or appropriate to safeguard the welfare of the child.</p>
c)	<p><b>Did the local authority have a legal duty of care to each child in its care?</b></p> <p>Yes, the local authority had and continues to have a common law duty of care to the children in its care, in addition to a duty to comply with the duties set out in the relevant legislation. However, local authorities were not vicariously liable for the actions of foster carers at common law. Please refer to 1.4 (i) (b) for further detail.</p>
<b>Present</b>	
d)	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>Yes. Please see below (e) for details.</p>



e)	<p><b>If so, please give details.</b></p> <p>In the case of <i>Armes v Nottingham County Council</i> [2017] UKSC 60, it was held that local authorities were vicariously liable for the actions of foster carers as provision of care by the foster carers was an integral part of the local authority's child care services and the activity being performed by the foster carers was sufficiently close to the local authority's duties that it was appropriate to recognise that vicarious liability would apply. Although this is an English case it is considered to apply in Scotland as the statutory regulation of foster care is sufficiently similar.</p>
<b>(ii) Foster Carers</b>	
<b>Past</b>	
a)	<p><b>Did foster carers have a special legal, statutory or other status?</b></p> <p>Foster carers had special status insofar as they enjoyed the same rights and powers as that of parents under the Children and Young Persons (Scotland) Acts 1932 and 1937.</p> <p><u>Children and Young Persons (Scotland) Act 1932</u></p> <p>Section 19(4) of the 1932 Act provided "The person to whose care the boy or girl is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent".</p> <p><u>The Children and Young Persons (Scotland) 1937 Act</u></p> <p>Section 79(4) of the 1937 Act provided "The person to whose care the child or young person is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent".</p> <p>This provision was subsequently repealed by the Social Work (Scotland) Act 1968 and no equivalent rule was enacted in that statute or any later statutes.</p> <p>Foster carers are not considered employees of the local authority. They are self-employed.</p>

b)	<p><b>If not, how did the local authority classify a foster carer?</b></p> <p>Not applicable – see above.</p>
c)	<p><b>What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?</b></p> <p><u>Children and Young Persons (Scotland) Act 1932</u></p> <p>The 1932 Act reformed the concept of committing a child or young person to a “fit person”, i.e. an Education Authority as a form of kinship care with a relative as it was under the 1908 Act to a more formal arrangement of boarding children out with private families (fostering). Under the 1908 Act, committal to a fit person was only available at the disposal of the juvenile court to victims of an offence. Under the 1932 Act, boarding out was considered or any child or young person in need of care or protection. In accordance with the 1932 Act, EC accepted the Regulations and Rules in regard to Boarded Out Boys and Girls 1933, under the Education Authority (Education Committee 1933-34), which stipulated the process for applying to become a foster parent, as well as prescribing the expectations and related responsibilities of the role. (Ref. LRC164/1/7)</p> <p><u>Poor Law (Scotland) Act 1921 (not in force until July 1934)</u></p> <p>Under section 14 of the 1921 Act, the Secretary of State was given the power to make Regulations “<i>for the welfare of children boarded out by local authorities</i>”. These Regulations were permitted to include provisions for ensuring that the household into which the child was boarded was approved.</p> <p><u>Children (Boarding-out etc) (Scotland) Rules and Regulations, 1947</u></p> <p>Where a local authority become responsible for the care of a child apart from his parents, they shall make arrangements for boarding him out as soon as possible with a suitable foster-parent, unless for some special reason they are satisfied that it is not desirable to do so.</p>

Social Work (Scotland) Act 1968 (part still in force)

Section 20 of the 1968 Act provides the duty of the local authority to further the best interests of a child in their care and to afford opportunity for his or her proper development

- (1) Where a child is in the care of a local authority under any enactment, it shall be the duty of that authority to exercise their powers with respect to him so as to further his best interests, and to afford him opportunity for the proper development of his character and abilities.
- (2) In providing for a child in their care as aforesaid, a local authority shall make such use of facilities and services available for children in the care of their own parents as appears to the local authority reasonable in his case.
- (3) Where a local authority allows the care of a child to be taken over under section 17(3) or 18(3) of this Act, their duties in respect of the child under this section shall not be affected by that take-over.

Foster Children (Private Fostering) (Scotland) Regulations 1985

The statutory responsibility for securing and monitoring the welfare of any child in a private fostering arrangement lies with the local authority.

Social Work (Scotland) Act 1972 (repealed by the Children (Scotland) Act 1995)

This added in two additional sections to the 1968 Act.

The Fostering of Children (Scotland) Regulations 1996

Regulation 12 of the 1996 Regulations empowered a local authority to place a child into foster care where:

- (a) the person with whom it is proposed to place the child has been approved by the local authority as a foster carer in accordance with regulation 7 (see below); and
- (b) they have satisfied themselves that placement of the child with the particular foster carer is in the child's best interests.

The 1996 Regulations were repealed by the Looked After Children (Scotland) Regulations 2009. The 2009 Regulations remain in force.



	<p><u>Children (Scotland) Act 1995</u></p> <p>The Children (Scotland) Act 1995 provides that the local authority has a duty to a child looked after by them (section 17 of the 1995 Act)</p> <p><u>Looked After Children (Scotland) Regulations 2009</u></p> <p>The Looked After Children (Scotland) Regulations 2009 removed the prohibition on placing children for fostering with anyone other than a man and a woman acting together or a man or a woman acting alone.</p>
d)	<p><b>Did the legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.</b></p> <p>Secondary legislation sets out the legal requirements which a local authority had to comply with in relation to the approval of foster carers:</p> <p>Initially the Regulations and Rules in regard to Boarded Out Boys and Girls 1933, under the Education Authority (Education Committee 1933-34), which stipulated the process for applying to become a foster parent, as well as prescribing the expectations and related responsibilities of the role, preceded by the <u>Children (Boarding-out etc) (Scotland) Rules and Regulations, 1947.</u></p> <p><u>Boarding-Out and Fostering of Children (Scotland) Regulations 1985</u></p> <p>The 1985 Regulations provide that the authority had responsibility for appointing foster carers in accordance with Schedule 1 of the Act. Regulation 7, Part II (Approval of Foster Parents) of the 1985 Regulations, provides that a care authority shall not approve any person as a foster parent, unless:</p> <ul style="list-style-type: none"> <li>(a) The care authority has, as far as is reasonable, obtained the information set out in Schedule 1;</li> <li>(b) The prospective foster parent has been interviewed by or behalf of the care authority;</li> <li>(c) The care authority has conveyed to the fostering panel a report including the information gathered under sub-paragraph (a) together with such other information and such comment it thinks appropriate;</li> </ul>

- (d) The care authority has considered a report from the fostering panel containing recommendations on the suitability of the prospective foster parent; and
- (e) The care authority is satisfied, having regard to the duty imposed on it by section 20 of the Act, that the prospective foster parent is a suitable person with whom to place children.

The 1985 Regulations were repealed by the Fostering of Children (Scotland) Regulations 1996.

#### The Fostering of Children (Scotland) Regulations 1996

Regulation 7 of the 1996 Regulations provided that, subject to paragraph (3) a local authority may approve any person as a foster carer where—

- (a) the local authority have, so far as reasonably practicable, obtained the information or data set out in Schedule 1(a);
- (b) the prospective foster carer has been interviewed by or on behalf of the local authority;
- (c) the local authority have conveyed to the fostering panel a report including the information or data gathered under sub-paragraph (a) together with such other information and such comment as they think appropriate;
- (d) the local authority have considered a report from the fostering panel containing recommendations on the suitability of the prospective foster carer; and
- (e) the local authority are satisfied, having regard to the duty imposed on them by section 17(1) of the Act, that the prospective foster carer is a suitable person with whom to place a child or children.

Under Regulation 8 of the 1996 Regulations, each local authority was required to establish foster panels to decide applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child. The written agreement governed the support and training to be given to a foster carer, the procedure for handling complaints against the foster carer, the financial arrangements, the obligation not to administer corporal punishment, the duty of confidentiality, and the foster carer's obligation to care for the child placed with the foster carer as if he or she was a member of that person's family and in a safe and appropriate manner and to promote his or her welfare having regard to the local authority's immediate and longer-term arrangements for the child.



	<p>Schedule 1(a) (Information as to Prospective Foster Carer and Other Members of his Household and Family) of the 1996 Regulations provides:</p> <ol style="list-style-type: none"> <li>1. His date of birth, health (supported by a medical report), personality and marital status (including any previous marriage).</li> <li>2. Particulars of the other adult members of the household and their relationship to the prospective foster carer.</li> <li>3. Particulars of the children in his family, whether or not members of his household, and any other children in his household.</li> <li>4. Address and particulars of his accommodation.</li> <li>5. His religious persuasion, the degree of his religious observance and his capacity to care for a child from any particular religious persuasion.</li> <li>6. His racial origin, cultural and linguistic background and his capacity to care for a child of any particular origin or cultural and linguistic background.</li> <li>7. His past and present employment or occupation, and his standard of living.</li> <li>8. Leisure activities and interests.</li> <li>9. His present capacity to care for his own and other children and previous experience of caring for his own and other children and his ability in this respect.</li> <li>10. Any previous criminal convictions and those of other members of his household (subject to the Rehabilitation of Offenders Act 1974(1)).</li> <li>11. The outcome of any request or application made by him or any other member of his household to foster or adopt children or for registration under section 71 of the Children Act 1989(2) or any previous amendment of that section.</li> <li>12. Particulars of any previous approval under regulation 7, or refusal of approval or termination of such approval, relating to him or any other member of his household.</li> <li>13. An analysis of the applicant's motivation in wanting to be a foster carer.</li> <li>14. References from third parties as to the applicant's character and suitability to be a foster carer.</li> </ol>
e)	<p><b>Did the foster carer have a legal duty of care to each child in his or her care?</b></p> <p><u>Section 22(1); Children and Young Persons (Scotland) Act, 1932, S. 20(4); Children and Young Persons (Scotland) Act, 1937, S. 79(4).</u></p> <p>Foster carers had the same rights and responsibilities as parents. That is, foster carers had a legal duty to demonstrate a certain standard of care to children within their care. Such standard of care was that of a "reasonably careful parent".</p>



	<p><u>Section 5(1) Children (Scotland) Act 1995</u></p> <p>A person over 16 years of age who has care or control of a child under that age but has no parental responsibilities or parental rights has nevertheless the responsibility to do what is reasonable in all the circumstances to safeguard and promote the child's health, development and welfare (and may in particular give consent to any surgical, medical or dental treatment to which the child does not have capacity to consent to).</p>
<b>Present</b>	
<b>f)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>No.</p>
<b>g)</b>	<p><b>If not, how did the local authority classify a foster carer?</b></p> <p>Not applicable.</p>

<b>Question 1.4</b>	<b><u>Legal Responsibility</u></b>
<b>(i) Local authority</b>	
<b>Past</b>	
<b>a)</b>	<p><b>Did the local authority have any legal responsibility for the children in its care?</b></p> <p>Yes, the local authority had and continues to have a duty to comply with the duties set out in the relevant legislation. It also has a common law duty of care to the children in its care.</p>
<b>b)</b>	<p><b>If so, what was the nature and extent of that legal responsibility?</b></p> <p>The local authority was and is under an obligation to comply with the statutory duties in respect of child protection and certain duties towards children who it was and is looking after. The local authority is also required to comply with the relevant regulations.</p>

The local authority was also under a common law duty of care to the children in its care. In general terms, a common law duty of care will be owed if:

- (i) Loss to the injured person is a foreseeable consequence of your actions (this may include inaction or giving advice);
- (ii) The relationship between these duties is fulfilled by taking reasonable care in the circumstances.

The nature and extent of the statutory responsibilities incumbent on the local authority over time are set out below:

#### The Mental Deficiency and Lunacy (Scotland) Act 1913

Section 11 provided that if a child was placed under guardianship then the person named as guardian acquired the powers of a father over a child, including parental responsibilities.

Section 13 provided that when a child reached the age of 16 the local authority ceased to have responsibility for them. This was amended by the Mental Deficiency (Scotland) Act 1940 which provided that after a year from the time when the child was placed into an institution or guardianship, the local authority could appeal to the Sheriff to have the child discharged from its care.

Section 15 provided that if the local authority found a child with mental health problems to be neglected, abandoned, without visible means of support or cruelly treated, it could take the child to a place of safety and detain them there until a petition under this Act was presented.

#### The Children and Young Persons (Scotland) Act 1932

Section 6 states that the local authority, as the Education authority had powers to take children into its care where a child required care or protection. It could send them to an approved school, send them to the care of any fit person, order the parent or guardian to exercise proper care and guardianship or make an order placing the child under the care of the court.

Section 20 provided that the local authority was a "fit person" for the purposes of the Act and accordingly an order could be made committing children and young persons to their care and they may undertake the care of children and young persons.

Poor Law (Scotland) Act 1921 (not in force until July 1934)

Section 10 provided that “the local authority could make arrangements for the accommodation other than in a poorhouse of children under the age of sixteen years who were orphans, or who had been deserted by or separated from, their parents.”

The local authority was obliged to receive into care any child who appeared to have no parents or guardians or who had been lost or abandoned or whose parents or guardians were “prevented” for any reason from providing for the child’s accommodation, maintenance and upbringing. In any of these cases the local authority was required to intervene whenever it was necessary in the interests or the welfare of the child (as assessed by the local authority).

Once a child was in the care of the local authority, the local authority was obliged to keep the child in its care so long as his or her welfare – in the opinion of the local authority – appeared to require it or until the child attained the age of 18 years old.

The local authority had a responsibility to endeavour to secure the return of the child to the care of a parent where that appeared consistent with the welfare of the child.

The local authority was under a duty to exercise its powers with respect to any child in its care so as to further the child’s best interests, and to afford them opportunity for the proper development of their character and abilities.

Section 13 - When discharging its statutory duty to provide accommodation and maintenance for a child in its care, the local authority was under a duty to “board out” the child (i.e. make arrangements for him or her to stay with foster carers) where possible. Where it was not practicable or desirable to make arrangements for boarding out, the local authority was required to maintain the child in a home provided under this part of the Act or place the child in a voluntary home of which the managers were willing to receive them. At this time, boarding out was the first aim and placing a child in a home, whether local authority or voluntary was to be an option only when boarding out was not deemed practicable or desirable. This preference lasted in statutory form for 20 years until s.21(1) of the Social Work (Scotland) Act 1968 came into force and listed boarding out and maintaining the child in a residential establishment as alternatives.

Section 14 - The Secretary of State was given the power to make Regulations “for the welfare of children boarded out by local authorities”. These regulations were permitted to include provisions for ensuring that the household into which the child was boarded was approved. The Children (Boarding-out, etc.) (Scotland) Regulations 1947 meant



that all foster households had to be vetted. Children were not to be boarded out or allowed to remain in conditions that were considered to be injurious or dangerous to health, and outwith reasonable distance of a school.

Regulations 14-16 require for the local authority to supervise the foster carers, with the person appointed to supervise to produce a report within three months of the child being boarded out, or immediately if required.

Regulation 34 provided that the local authority had a duty to look after a child formerly in care who was over school leaving age but under the age of 18.

#### Children and Young Persons (Scotland) Care and Training Regulations 1933

This Act contained the rules that pertained to children boarded out by Education Authorities. This included maintaining lists of foster carers who were willing and fit to take care of children, medical examinations for the children, and the standards expected of foster parents.

#### The Children and Young Persons (Scotland) Act 1937

Under Section 2, there is a duty on the local authority to appoint child protection visitors to visit children receiving nursing and maintenance to satisfy themselves that the health and wellbeing of children was being cared for Under Section 4, the local authority has power to prevent overcrowding by fixing the maximum number of children under the age of 9 who may be kept in any dwelling.

#### The Children Act 1948

Under Section 1, there is a duty on the local authority to receive a child into their care if the child had neither parents, nor guardian; his parents or guardian were incapable of properly looking after him; or their intervention was necessary for the welfare of the child.

Under Section 2, a local authority can assume all parental rights and responsibilities for a child.

Under Section 5, a court could commit a child to the care of a fit person, deemed to be fit to take care of them. A local authority could act as a fit person.

When children are in the care of a local authority, there is a duty to ensure that the powers are exercised to further the child's best interests (Section 12). There is a duty to provide accommodation (Section 13); make contributions towards cost of maintenance, education or training for those over 18 (Section 20).

Social Work (Scotland) Act 1968

Section 15 - Where it appeared to the local authority that a child under the age of seventeen had neither parent nor guardian or had been abandoned or lost or that the child's parent or guardian is prevented from providing them with proper accommodation, maintenance and upbringing and where intervention by the local authority was in the best interests of the child, it was the duty of the local authority to receive the child into care until they reached the age of eighteen.

Section 16 - Where appropriate the local authority could assume the parental rights and responsibilities for the child.

Section 17 - The effect of the assumption by the local authority of parental rights did not prevent the local authority from determining that the care of the child was to be taken over by, and the child to be under the control of, a parent, guardian, relative or friend in any case where it appeared to the local authority to be to the benefit of the child.

The local authority had a responsibility to ensure that when the parental rights and responsibilities are assumed, the child was not brought up by any other religious persuasion than they would have been otherwise.

Section 18 - Where the local authority assumed parental rights and responsibilities of a child, this continued until they attained the age of eighteen unless it appears to the local authority that rescinding them would be for the benefit of the child.

Section 20 -The local authority had a duty towards any child in its care to exercise its powers with respect to the child so as to further their best interests, and to give the child proper opportunity for the development of the child's character and abilities. This included making use of services and facilities available for children in the care of their own parents as appeared to the Local authority to be reasonable in the circumstances. These sections were repealed by the Children (Scotland) Act 1995.



The Mental Health (Scotland) Act 1984

Under Section 7 the local authority was under a duty to provide, equip, and maintain residential accommodation and provide care for children under the age of sixteen years, with mental health problems.

Children (Scotland) Act 1995

Under the 1995 Act the local authority has a number of duties towards the children in its care:

- (a) To safeguard and promote the welfare of the child. This is to be the paramount concern of the local authority and includes the duty to provide advice and assistance to prepare the child for when he/she is no longer looked after by the local authority.
- (b) To make use of such services for children being looked after by their parents as appear to be reasonable;
- (c) To take steps to promote regular contact and personal relations between the child and anyone having parental responsibilities in respect of the child. The steps were only to be taken so far as the local authority considered them to be practicable and appropriate in light of its paramount duty;
- (d) To seek the views of the child, his/her parents, and non-parent holding parental rights and anyone else considered to be relevant before taking any decision with respect to a child that the local authority proposed to look after. The local authority was required to obtain these views only as far as is reasonably practicable;
- (e) To take the views of the child into account before making a decision;
- (f) To take the views of those others identified in (d) above into account as far as it has been possible to obtain them; and
- (g) To take the child's religious persuasion, racial origin, culture and language into account before taking a decision.

The local authority has a discretion to provide accommodation for any child in its area if it considers that to do so would safeguard or promote the child's welfare. In certain circumstances, the local authority was under a duty to provide accommodation.

Section 25 provides that the local authority has a duty to provide accommodation for any child in its area who appears to it to require them to do so because

- (a) No-one has parental responsibility for them;
- (b) They were lost or abandoned; or
- (c) The person who has been caring for them is prevented, whether or not permanently, and for whatever reason, from providing him with suitable accommodation or care.



	Section 26 provides that the local authority may place a child with one of their relatives, with an alternative foster family, or with any other suitable person on such terms (as to payment, by the local authority or otherwise), as the local authority may determine.
<b>c)</b>	<p><b>Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care</b></p> <p>Yes. Please see below (d) for further details.</p>
<b>d)</b>	<p><b>If so, what was the nature and extent of that responsibility?</b></p> <p>The Children Act 1948 Act introduced a process whereby the local authority could assume parental rights of a child in its care by the passing of a resolution without a court process. This was re-enacted with modifications under s 16 of the Social Work (Scotland) Act 1968 but was abolished under the Children (Scotland) Act 1995. Under the 1995 Act the local authority can only assume parental rights and responsibilities on the application of an order to court. Those holding parental rights continued to have legal responsibility for their children until this is transferred to the local authority.</p>
<b>e)</b>	<p><b>If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?</b></p> <p>Not applicable.</p>
<b>Present</b>	
<b>f)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>No.</p>
<b>g)</b>	<p><b>If so, please give details.</b></p> <p>Not applicable.</p>

<b>(ii) Foster Carers</b>	
<b>Past</b>	
<b>a)</b>	<p><b>Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?</b></p> <p>Foster carers had and continue to have a common law duty of care to the children that they are caring for.</p>
<b>b)</b>	<p><b>If so, what was the nature of that responsibility?</b></p> <p>Foster carers had and continue to have a duty of care to take reasonable steps to avoid injury to the children as far as the injury could be reasonably foreseen. Prior to 1968 foster carers had the same rights and powers as a parent had over the child, which would affect the standard of care that would be expected to be shown.</p>
<b>Present</b>	
<b>c)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>No.</p>
<b>d)</b>	<p><b>If so, please give details.</b></p> <p>Not applicable.</p>

<b>Question 1.5</b>	<b>Ethos</b>
<b>Past</b>	
<b>a)</b>	<p><b>What did the local authority see as its function, ethos and/or objective in terms of the foster care service it provided for children?</b></p> <p>In 1930 the function of the local authority was to continue the policy carried out by the Parish Council in 'not keeping children in the Poorhouse'. The local authority aimed to</p>

place children in a children's home or Craigleith hospital and from there board them out with 'suitable guardians, as noted in the Public Assistance Committee minutes. (Ref SL61/1/1)

The Children and Young Persons (Scotland) Act 1932 (Section 19) provided for a court order committing a child or young person (up to the age of 18 years old) to the care of a fit person. Previous references to a "relative" under The Children Act 1908 were removed and fostering could now be out with the family.

EC accepted and introduced via the Education Authority, the "Regulations and Rules in regard to Boarded out Boys and Girls" in 1933, which laid out a prescriptive criterion in relation to the functions, roles and responsibilities for the Corporation in providing this service, and therefore demonstrated the ethos under which the Corporation delivered this service:

Regulations and Rules in regard to Boarded out Boys and Girls made by The Lord Provost, Magistrates and Council of The City and Royal Burgh Of Edinburgh as Local Education Authority 1933 (Ref. SL164/1/7)

I. Regulations in Regard To Selection Of Foster Parents.

*(1) A register shall be kept of persons who are willing and fitted to act as foster parents and to undertake the care of boys and girls.*

*(2) Applications to be placed on the register of approved foster parents shall be made in the form prescribed in Appendix 1 to these regulations.*

*(3) Applicants must be between the ages of 25 and 55 years and must be resident in Scotland.*

*(4) The register shall contain, in respect of foster parents, all particulars set out on the applications referred to above, together with a record of the boys or girls boarded out with them.*

*(5) In selecting foster parents, the Education Authority may have regard to the number of approved foster parents in the area concerned.*

*(6) Before a boy or girl is boarded out, it shall be established that the selected foster parents can provide the necessary and appropriate discipline and training.*



*A foster parent shall also be selected who is of the same religious persuasion as the boy or girl or who gives an undertaking that the boy or girl will be brought up in accordance with his or her religious persuasion.*

*(7) As far as possible, boys and girls shall be boarded out in country towns, villages and districts, unless they have previously been under guardianship of some person in a large town or city who has been approved by or on behalf of the Education Authority. Before a boy or girl is boarded out, the Education Authority may cause the proposed foster home to be visited and approved by an official on behalf of the Education Authority.*

*(8) The Education Authority may supply a visit book to the foster parent for the purpose of recording all official visits made to the foster home.*

*(9) The Education Authority shall have the right to remove any boy or girl from a foster parent at any time without assigning reason therefor.*

*(10) Each boy or girl, on being boarded out, shall be supplied by the Education Authority with two complete outfits of clothing, and this shall be renewed as required.*

*(11) A boy or girl, on being committed to the Education Authority, may be conveyed to the Children's home, Crewe Road, Edinburgh, or other suitable place, in order that arrangements may be made to provide the clothing mentioned above, and that the boy or girl may be medically examined by a Medical Officer of the Education Authority. If the medical report is satisfactory, arrangements will thereafter be made to have the boy or girl conveyed to the selected foster home.*

*(12) When arrangements cannot be made for boarding out a boy or girl immediately after committal, the Education Authority may arrange for the boy or girl to be admitted to the Children's Home or other hospital or institution as the Education Authority may consider most suitable, provided that if such temporary arrangements are to continue beyond one week from the date of the Court Order, intimation thereof shall be made to the Scottish Education Department by the City Education Officer.*

*(13) Intimation shall be made to the Scottish Education Department by the City Education Officer as undernoted: -*

- (a) On Form C.A.1 on the committal of a boy or girl to the care of the Education Authority.*
- (b) On Form C.A.2 on the boarding out of a boy or girl and in respect of the removal of a boy or girl from one foster parent to another.*
- (c) On Form C.A.3 in regard to any material facts regarding a boarded-out boy or girl, e.g. serious illness, infectious and allied disease, accident or death.*
- (d) Half yearly reports on visits to boarded out boys and girls.*

*(14) Intimation shall be made by the City Education Officer to the parents or guardians of boarded out boys and girls in respect of serious illness, infectious disease, accident or death.*

II. Rules to Be Observed by Foster Parents.

1. *General*

- (a) Foster parents shall be required continually to observe and comply with the following Rules, and any failure shall render foster parents liable to have their names removed from the Register of Foster Parents.*
- (b) In consideration of such payment as may be agreed upon by the foster parent and the Education Authority, the foster parent shall bring up the boy or girl as one of his or her own children and shall co-operate with the Education Authority and their Official for the boy's or girl's welfare.*
- (c) The foster parent shall on demand give up possession of the boy or girl to the City Education Officer or to any person duly authorised by the Education Authority.*
- (d) Communications to the Education Authority shall be addressed to the City Education Officer, Education Offices, Castle Terrace, Edinburgh.*
- (e) In the case of illness, the doctor to be called if required.*
- (f) The foster parent shall not incur expense on behalf of the boy or girl without prior permission of the City Education Officer, except for boot repairs. Expenditure in this latter connection should be incurred with discretion.*

2. Food.

*Each boy or girl shall be provided with regular meals and the food shall be wholesome, varied and sufficient for good health. The daily dietary shall include a sufficient supply of fresh sweet milk. Where extra nourishment is ordered by a medical attendant the Education Authority shall be informed with a view to its provision.*

3. Clothing.

*The clothing (including sleeping apparel) and boots of each boy or girl shall be kept clean and in good repair. Each boy or girl shall be provided with a complete change of underclothing each week.*

4. Sleeping accommodation.

*(a) No more persons shall be allowed to occupy a bedroom in which a boy or girl sleeps than may be approved by the Education Authority. The bedroom shall have a window opening to the outside air and not into another apartment.*

*(b) The bedding for each boy or girl shall be adequate and comfortable and shall be kept clean and well aired.*

*(c) No boy or girl shall occupy the same bed or bedroom as an invalid or an old infirm person.*

*(d) Boys and girls over eight years of age shall not occupy the same bedroom; and not more than two shall sleep in one bed.*

5. Training and discipline.

*(a) The foster parent shall train each boy or girl in habits of punctuality and thrift, of good manners and language, of cleanliness and neatness, of self-respect, of consideration and respect for others, and of honour and truthfulness in word and act; and shall devote to this duty the care which good parents give to their own children.*

*(b) Each boy or girl shall be brought up in accordance with his or her religious persuasion, and where possible the foster parents shall arrange that the boy or girl shall attend Sunday School or be brought under some religious influence.*



*(c) Where circumstances are suitable, each boy or girl shall be encouraged to join some approved juvenile organisation.*

*(d) A foster parent shall not administer indiscriminate or harsh punishment on any pretext whatever. Any serious act of misconduct on the part of a boy or girl, or any generally unsatisfactory behaviour, shall be reported to the City Education Officer.*

**6. School attendance.**

*Each boy or girl of school age shall, if his or her health permits, be sent regularly to school and shall not be removed from one school to another without the consent of the City Education Officer.*

**7. Prohibition of intoxicants.**

*No boy or girl shall be allowed to partake of any intoxicant except upon the order of the medical officer or other doctor, or in case of sickness or other urgent cause.*

**8. Health.**

*(a) Each boy or girl shall be given adequate opportunity for play and recreation.*

*(b) In the event of any serious accident to, or illness of, a boy or girl the foster parent shall send immediately for a doctor and shall notify the facts to the Education Authority. Where the doctor is of the opinion that the life of the boy or girl is in danger, the foster parent shall notify the parents (or guardians) direct and shall inform the Authority that this has been done.*

In 1943, the City Social Services Officer reported to the Public Assistance Committee the need and requirement for additional residential establishments for children to meet its obligations (Ref. SL61/1/15). The practice of boarding out was being continued but EC was finding it difficult to find sufficient suitable homes. This demonstrates that the ethos being followed (about the boarding out of children) was that the child's welfare was paramount: no children would be placed with a foster parent unless the criteria, as set out in the *Regulations and Rules in regard to Boarded out Boys and Girls*, was met.

The Social Services Officer reported in 1944 to the Public Assistance Committee that several children were boarding in institutions out with the control of EC; a practice of which the Officer did not approve. In addition, some children were being cared for in hospital when they would be more appropriately placed in a children's home (Ref. SL61/1/16).

At that time, the Public Assistance Committee agreed to plans for a new children's home in addition to one existing home in order that children could be cared for in homes under the governance of that Committee. The City Social Services Officer reported to committee that residential care was being used for a significant number of children assessed as unfit for boarding out because of mental defects, maladjustment, incontinence and other reasons. (Ref. SL61/1/16).

Following the implementation of the 1948 Act, a function of the local authority was to receive children into its care who were "deprived of a normal family life". It had responsibility to return children to the care of their parents, relatives or friends as soon as possible consistent with the child's welfare.

By 1961, the Children's Committee reported to EC of the 'persistent efforts' of the Children's Department to keep a child's separation from its parents as short as possible. Over half the children being received into care at that point were returned home within 3 months. Often children were accommodated due to parental illness. For children received into residential care, the ethos of the local authority was to provide 'a feeling of security and to restore this is the first task of the matron and staff.' (Ref. SL116/1/14).

In the 1960s there was a move to developing targeted services and interventions in order to remove the need for children to be received into care. On 9<sup>th</sup> April 1963, the Children's Committee Homes subcommittee noted new legal duties placed on local authorities to 'provide a comprehensive service for the prevention of neglect of children,' (Ref. SL116/1/16). The subcommittee also instructed officers to submit a co-ordinated report regarding the arrangements which might be made for the provision of a comprehensive service. At the same time the local authority began to build smaller children's homes called family group homes in which siblings could be accommodated together.

In 1968, the Annual Progress Report of the Children Committee reported that caring for children had become demanding work and that a kind of 'custodial care' was insufficient to meet the needs of children. The Committee stated that it was necessary to provide a 'positive healing environment' in the right kind of home. Therefore, it decided to build a



proportion of larger homes as well as smaller family group homes. It was decided that no specific size is 'ideal' and that what was important (for an urban authority) was to provide a variety of homes and children going into each home should be 'selected with care' according to need (Ref. SL116/1/21).

In 1982, LRC adopted a policy called a 'Time of Change' to reduce residential care for children (especially younger children), and to develop services to prevent children coming into care and to increase the use of foster care and adoption. In 1982, LRC also adopted a 'Youth Strategy Policy' which placed an emphasis on developing 'community-based alternatives to residential placements' (Ref. LRC3/8/3/18). The principles laid out in the Youth Strategy policy were that no child or young person should be recommended for residential care unless:

- He/she has no home (including substitute home) in the community which can, with appropriate support, provide an adequate degree of control or care, or
- He/she is a risk to him/herself or others
- He/she has medical, psychiatric or special education needs which can only be dealt with in a residential context, and
- It is in the child's best interest which cannot be met in any other way

In 1992, the Director of Social Work reviewed residential child care in Edinburgh and concluded that operating Group A and B homes had resulted in a system which 'had done little to contribute to the needs of children and young people' as there was an ethos of moving children on (Ref. LRC3/8/3/9). The Social Work Committee decided to replace Group A and B homes with Young People's Centres whose function was to provide:

- Work with young people, their families and other professionals in assessment, and placement planning returning home where possible
- Reception into residential care for young people whose needs cannot be appropriately met by direct placement with community carers
- Care, control, nurture, development; space and opportunity to deal with behavioural or family crisis
- After-care support and encouragement

Group A homes were set up for the purposes of emergency reception assessment or for caring for special categories of children. Group B homes were for older children. These homes implemented training flats to support and encourage more independent living.

In 1992, LRC adopted a document, 'Our Work and the Way We Do It' which set out the ethos and values which should underpin all social work practice and services.



(*Edinburgh's Children*, Kathleen Marshall, 1999). The Edinburgh Inquiry reviewed this document, and subsequent policies and reviews up to 1999, and noted that the stated ethos underpinning the council's approach to looked after children was a commitment in principle to:

- The protection of vulnerable children
- Listening to children
- Keeping children within their own families wherever that is safe and appropriate
- Keeping residential units small and manageable
- Encouraging staff in units to become involved in more outreach work, respite care and aftercare
- Keeping under 12s out of residential care except in exceptional circumstances
- Ensuring that children placed in residential care are there as a result of a positive choice in pursuit of their welfare
- Effective management of resources, including fair decisions about priorities
- A corporate responsibility for children.

Local government reorganisation in 1994 removed these statutory requirements, enabling the new unitary authorities to align functions such as housing and social work in multi-purpose service departments managed by officers with a range of professional or administrative qualifications. This included the statutory requirement for local authorities to have a Chief Social Work Officer (CSWO) with a qualification in social work to ensure that the local authority carries out professional responsibilities appropriately. In addition, the Local Government (Scotland) Act 1994 Section 45 amended Section 3 of the Social Work (Scotland) Act 1968. Regional local authorities were required to establish a Council committee to oversee social work services, and to appoint a professionally qualified Director of Social Work.

The Children (Scotland) Act 1995 is one of the primary pieces of legislation providing the range and scope of local authority intervention in the lives of children and their families. The duties of the local authority within this legislation are, in the main, discharged by statutory social work services. This moved away from children being "in care" to children being "looked after and accommodated". Section 17 sets out the duties that the local Authority has in relation to looked after children, and the obligation on the local authority to perform these duties. When looking after a child the local authority:

- *Is required to safeguard and promote that child's welfare, and to make use of such services as would be available for children were they cared for by their parents.*

- *Must also take steps to promote appropriate personal relations and direct contact between the child and any person with parental responsibilities.*
- *In discharging its responsibilities, the local authority must consult with, and have regard to the views of the child, his or her parents, any person with parental rights and any other person whose views may be relevant when making decisions,*
- *Must take account of the child's religious persuasion, racial origin and cultural and linguistic background.*
- *May exercise their powers with respect to a looked after child in a manner inconsistent with their general duty to the welfare of the child, in order to protect members of the public from serious harm.*

There is no legal limit on how long a child may be looked after by a local authority, whether on a voluntary or compulsory basis. However, where a child is looked after away from home and there is no realistic prospect of the child's return to his or her birth family, the local authority should put in place stable and legally secure arrangements for the child's long-term care.

The Looked After Children (Scotland) Regulations 1996 provides further clarity as to the local authority's main aims and responsibilities with regards to the provision of foster care services. These are contained in the Fostering Processes – The Fostering Of Children (Scotland) Regulations 1996, which include the local authority's main aims and objectives regarding foster care provision, the responsibilities (as expected by the local authority) of foster carers, the assessment and approval of foster carers, the preparation, training, support and reviews of foster carers, the administration and functioning of fostering panels, the placing of children in foster care placements, foster carers prescribed agreements with the local authority, as well as processes in place to formally progress complaints and allegations against foster carers.

Regarding the local authority's ethos and objectives, these are set out in the Looked after Children Document 12 1996 Regulations:

- The Council is committed to best value quality care and a professional service for all people receiving services from it whether provided directly or indirectly. The foster care service has an important contribution to make to this.
- The Council, mostly through its Social Work Department, has duties and powers to provide advice, guidance and assistance for vulnerable children and young people and their families when they are in need, including, where appropriate, accommodation, care and support.



- The Council wishes to develop and maintain services which have the following fundamental values:
  - To safeguard the rights of children and young people and their families and help them exercise these rights where necessary.
  - To promote the welfare of children and for that to be paramount in all decisions.
  - To seek and have regard to the views of children and young people and their families.
  - To treat each child, young person and their family with dignity and respect and in a manner, which effects a non-discriminatory practice.
  - To protect the privacy of each service user and create an “arena of safety” through the promotion and development of appropriate physical arrangements, routines, attitudes and general atmosphere.
  - To assess and respond to the changing needs of the children, young people and their families.
  - To provide for the social and emotional needs of individuals.
  - To maximise the range of services and care arrangements which can be offered to each child or young person so as to maintain and provide continuity of care arrangements wherever possible.

The Looked after Children Document 12 1996 Regulations also describes the local authority’s responsibilities with regards foster carers:

- To provide the carers with general preparation and training for their foster care task and an ongoing programme of training, including training for special tasks or circumstances where needed.
- To provide professional support, consultation and guidance by:
  - regular visits by a liaison worker specifically allocated to the carer/s.
  - carer mutual support and training groups.
  - an out of hours service by the Emergency Social Work Services Team.
  - access to specialist and psychological services if required.
- To provide carers with information about Departmental policies and procedures with which the carers are required to comply.
- To review the care provided by the carers at intervals of no more than one year in accordance with the procedure.

Following government initiatives to promote a corporate parenting approach across public bodies, a ‘Corporate Parenting Action Plan’ was approved by the Education, Children and Families Committee in March 2012. The plan had 38 actions points under



	<p>six key themes: Leadership; Health and Wellbeing; Education; Employment and Training; Support and Protection; and Accommodation.</p> <p>From 2012/13 the strategic objective of the local authority was to shift the balance of resources from high cost, out of authority provision to high quality local services and consistent early and intensive intervention approaches, so that through time, fewer children and young people would require to be accommodated and looked after.</p>
b)	<p><b>What did the local authority see as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?</b></p> <p>The local authority was very clear in relation to the objectives it required from approved foster carers. In addition to the aims, ethos and objectives described above (1.5 (a)), the 'Looked after Children Regulations, Document 12, 1996' (quoted in full below) also describes the professional responsibilities and expectations of foster carers:</p> <p><b><u>Responsibilities of Foster carers:</u></b></p> <p><b><u>Notifications about changes in the carer's circumstances</u></b></p> <ul style="list-style-type: none"> <li>• <i>To notify the Social Work Department promptly and in writing of any of the following;</i> <ul style="list-style-type: none"> <li>• <i>any intended change of address by the carer's,</i></li> <li>• <i>any change in the composition of the carer household,</i></li> <li>• <i>any other change in the carer's personal circumstances,</i></li> <li>• <i>any event affecting either</i> <ol style="list-style-type: none"> <li>1. <i>her/his/their capacity to care for any child or young person</i></li> <li>2. <i>the suitability of the carer household (including health issues)</i></li> </ol> </li> </ul> </li> <li>• <i>any criminal proceedings or convictions or proceedings by the Reporter to the Children's Hearing in respect of any members of the household</i></li> <li>• <i>any further request or application s/he/they or any member of the carer household intend/s to make to provide foster care, to adopt children or for registration (under Section 71 of the Children Act 1989)</i></li> <li>• <i>To notify and consult with the Social Work Department before acquiring any type of pet that may present a danger or requires special arrangements for care and/or containment. This requirement includes;</i> <ol style="list-style-type: none"> <li>1. <i>Looking after such pets for short periods on behalf of others</i></li> <li>2. <i>Any type of dog.</i></li> </ol> </li> </ul>

#### Confidentiality and Records

- *To ensure that any information which is given to the carers in confidence relating to the placed child or young person, to her/his family or to any other person will be kept confidential and not disclosed to any person without the consent of the Department*
- *To maintain records of events involving or affecting the child or young person.*

#### Good Parenting

- *To protect any placed child or young person from avoidable harm or abuse and report any concerns to the Department immediately.*
- *To abide by guidance or instructions from the Department about managing behaviour.*
- *To agree and ensure that corporal punishment or other demeaning punishments are not used in respect of any child or young person placed.*
- *In the manner of a good parent and having regard to the individual care plan and placement agreement, to care for the child or young person as if s/he were a member of their own family and in a safe and appropriate manner and to promote the child or young person's welfare by;*
  1. *Giving attention and affection, and building self esteem*
  2. *Developing any interests and talents the child or young person may have, and encouraging participation in community activities*
  3. *Supporting and encouraging the child or young person to develop and maintain a positive approach to their own health and wellbeing and, by example and instruction, encouraging in the child or young person hygienic habits and healthy diet and life style*
  4. *Setting consistent limits to manage behaviour and helping the child or young person to develop controls over their own behaviour*
  5. *Respecting the child or young person's need for privacy when appropriate*
  6. *Encouraging the child or young person's pride in her/his identity*
  7. *Providing clean, comfortable and appropriately heated accommodation*
  8. *Maintain an adequate supply of clothing in good and clean condition*
  9. *Making arrangements for the child or young person's safety in the home or when travelling (through the provisions and use of correct safety seats, harnesses or belt).*



#### Personal Identify, Contact, Health and Education

- *To be sensitive and have regard to the child or young person's cultural, ethnic and linguistic background, sexual identity and orientation; to encourage the child or young person's pride in her/his identity; and to recognise and actively support the child or young person's religious persuasion.*
- *To promote contact and good relationships between the child or young person and his/her own family, except where contact has been restricted by a court, a children's hearing or the Council.*
- *To permit any person authorised by the Department to see the child or young person.*
- *To discuss with social workers beforehand, in so far as they affect the child or young person*
  1. *Any outings, trips or periods away that are extended in either time or distance*
  2. *Any regular or extended babysitting and other care arrangements and any changes in these.*
- *To ensure that the child or young person's medical and dental care needs are met, having regard to the medical information supplied and in consultation, whenever practicable, with the child or young person's parents or guardians and the child or young person's social worker;*
  1. *By consulting medical and dental practitioners when necessary, follow their advice and following up on prescribed treatment or referral for specialist opinion.*
  2. *By keeping to any arrangements for reviewing the child or young person's health if advised by the medical practitioner or required by the Department.*
  3. *Keeping a record of significant illnesses, consultation or treatments, and advising the child or young person's parents or guardians and the child or young person's social worker of any events.*
- *To support the child or young person's education and educational opportunities, ensuring attendance at school, assisting with schoolwork and maintaining regular contact with the school staff regarding progress.*
- *To support and encourage the child or young person to develop a positive approach to their health and wellbeing in an age appropriate way.*

#### Care Planning and Reviews

- *To participate with others in planning the programme of care by;*
  1. *Discussing with the social workers at the time of any changes or developments that may affect the placement or the planning for the child or young person.*



2. *Attending Placement agreement and other meetings that may be arranged related to an individual child or young person's care as required by the Department.*
3. *Attending at and providing written reports to Child Care Reviews.*
4. *Attending at Children's Hearings where appropriate.*

*Notification of major events and changes in the child or young person's circumstances*

- *To notify the Department immediately, in respect of a child or young person placed, of;*
  1. *Death or any serious illness*
  2. *Any other serious occurrence affecting the child or young person*
  3. *Any instance of running away or unauthorised or unexplained absence*
  4. *Any instance of being taken away from the home without authorisation or agreement.*

*Ending of Placements*

- *Where the placement is terminated, to allow the Department to remove the child or young person in a manner consistent with the child or young person's needs and welfare.*

*Training, Support and Reviews*

- *To participate in foster care training opportunities and events, carer support groups*
- *To participate in arrangements made to review the care provided.*

*Insurance*

- *To hold household insurance, including third party liability and, where a vehicle is used to carry children and young people looked after by the Council, motor insurance including legal liability to passengers and, in effecting either such insurance, to declare to the insurers that they are acting as foster carers for the Council.*

*Other specific responsibilities*

- *To abide by the Department's procedures, guidance and instructions and its requirements and guidance on;*
  1. *Smoking*

2. *The keeping of dangerous, or potentially dangerous, animals as pets*
3. *Outdoor activities, details of all of which will be provided separately.*

The Looked After Children (Scotland) Regulations 2009 provide the following detail with regards to the foster carers' accountability to the local authority;

**SCHEDULE 6: MATTERS AND OBLIGATIONS IN FOSTER CARER AGREEMENTS**

1. *The support and training to be given to the foster carer.*
2. *The procedure for the review of approval of a foster carer.*
3. *The procedure for handling of complaints against foster carers.*
4. *The procedure in connection with the placement of children, and in particular—*
  - a. *the matters to be covered in foster placement agreements and the respective obligations, under any such agreements, of the local authority and the foster carer;*
  - b. *the financial arrangements which are to exist between the local authority and the foster carer, including any special financial arrangements in relation to particular categories of children who may be placed with the foster carer;*
  - c. *the local authority's arrangements for meeting any legal liabilities of the foster carer arising by reason of a placement; and*
  - d. *the procedure available to foster carers who wish to make representations to the local authority which placed the child.*
5. *The foster carer's obligation to give written notice to the local authority forthwith, with full particulars of—*
  - a. *any intended change of address;*
  - b. *any change in the composition of the household, any other change in personal circumstances, any other event affecting either the foster carer's capacity to care for any child placed or the suitability of the household and any criminal convictions arising between approval and subsequent reviews; and*
  - c. *any further request or application of a kind mentioned in paragraph 11 of Schedule 3.*
6. *The foster carer's obligation—*
  - a. *not to administer corporal punishment to any child placed with them;*

	<p><i>b. to ensure that any information relating to a child placed with them, to the child's family or to any other person, which has been given in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the local authority;</i></p> <p><i>c. to comply with the terms of any foster placement agreement, to care for the child placed with the foster carer as if the child was a member of that person's family and in a safe and appropriate manner and to promote the child's welfare having regard to the local authority's immediate and longer-term arrangements for the child;</i></p> <p><i>d. to notify the local authority immediately of any serious illness of the child or of any other serious occurrence affecting the child; and</i></p> <p><i>e. where the placement is terminated, to allow the child to be removed from their home by the local authority.</i></p>
<b>c)</b>	<p><b>Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?</b></p> <p>Yes.</p>
<b>d)</b>	<p><b>If so, what were the changes and when and why did they come into effect?</b></p> <p>In 1930 the function of the local authority was to continue the policy carried out by the Parish Council in 'not keeping children in the Poorhouse'. The local authority aimed to place children in a children's home or Craigleith hospital and from there board them out with 'suitable guardians,' via the Public Assistance Committee (Ref. SL61/1/1)</p> <p>Following the implementation of the 1948 Act a function of the local authority was to receive children into its care who were "deprived of a normal family life". It had responsibility to return children to the care of their parents, relatives or friends as soon as possible consistent with the child's welfare.</p> <p>In 1951 the Children's Committee notes functions under the following Acts – The Children Act 1948, Parts 1, 4 and 5 of the Children and Young Persons (Scot) Act 1937 and The Adoption Act 1950. Admissions to the Children's Homes fall into two main groupings – short-term and long-term cases. Settled policy of the committee was to board out with foster parents every normal healthy child. For those not fit for such</p>



placement (mainly enuretic and problem children), they were to be accommodated permanently in one of the Corporation Homes. (Ref. SL116/1/4).

In 1959 the Children Committee notes its current functions are under the following Acts - Children Act 1948, Children Act 1958, Children and Young Persons (Scot) Act 1937, Adoption Act 1958, Matrimonial Proceedings (Children) Act 1958. On 1<sup>st</sup> August 1959 there came into operation the Boarding-out of Children (Scotland) Regulations 1959 and the Administration of the Children's Homes (Scotland) Regulations 1959 which apply to both statutory and voluntary bodies. The 1959 Boarding out regulations include annual instead of half-yearly medical examination of children, and quarterly visits by child care officers in place of the two previous visits, and one by a member of the Committee. Regarding visits the Committee decided to continue the established practice whereby a member accompanied the visiting official on one of the visits.

By 1961, the Children's Committee reported to the Town Council of the 'persistent efforts' of the Children's Department to keep a child's separation from its parents as short as possible. Over half the children being received into care at that point were returned home within 3 months. Often children were accommodated due to parental illness. (Ref. SL116/1/14)

In the 1960's there was a move to developing services and interventions to prevent children coming into care in the first place. On 9<sup>th</sup> April 1963, the Children's Committee Homes subcommittee noted new legal duties placed on local authorities to *'provide a comprehensive service for the prevention of neglect of children'*. The subcommittee instructed officers to submit a *'coordinated report regarding the arrangements which might be made for the provision of a comprehensive service'*. (Ref. SL116/1/16)

In 1982, LRC adopted a policy called a 'Time of Change' to reduce residential care for children, especially younger children, develop services to prevent children coming into care and increase the use of foster care and adoption. In 1982 LRC also adopted a Youth Strategy Policy which placed an emphasis on developing *'community-based alternatives to residential placements'*, (Ref. LRC3/8/3/11). The principles laid out in the Youth Strategy policy were that no child or young person should be recommended for residential care unless: He/she has no home (including substitute home) in the community which can, with appropriate support, provide an adequate degree of control or care; He/she is a risk to him/herself or others;

He/she has medical, psychiatric or special education needs which can only be dealt with in a residential context; It is in the child's best interest which cannot be met in any other way.

In 1992 LRC adopted a document, 'Our Work and the Way We Do It' which set out the ethos and values which should underpin all social work practice and services. The Edinburgh Inquiry reviewed this document, and subsequent policies and reviews up to 1999, and noted that the stated ethos underpinning the council's approach to looked after children was a commitment in principle to; The protection of vulnerable children; Listening to children; Keeping children within their own families wherever that is safe and appropriate; Keeping residential units small and manageable; Encouraging staff in units to become involved in more outreach work, respite care and aftercare; Keeping under 12s out of residential care except in exceptional circumstances; Ensuring that children placed in residential care are there as a result of a positive choice in pursuit of their welfare; Effective management of resources, including fair decisions about priorities; A corporate responsibility for children. (Ref. *Edinburgh's Children*, Kathleen Marshall, 1999).

The Director of Social Work presented to the Social Work Committee, Report No 16, 1994 - 1995, seeking approval for further development of fostering services. The report informed *"The organisation and management of the foster care services, previously centralised in the Family Finding Unit, has since October 1992 been devolved to Districts. The Department's policy is that all children under 12 should be accommodated in foster care, unless they have exceptional needs that can only be met in specialist residential settings. For the majority of teenagers, the preferred option of care is with foster carers in community placements. Foster care in Lothian is seen as, in the first instance, a preventative service which seeks to care for children and work with parents towards speedy rehabilitation. Access and an open approach to parents is vital and foster carers are encouraged, prepared and trained to see foster care as short term. This range of need is accommodated within an overall foster care service which acknowledges that whilst children and young people require to be cared for, their families also need help. It encourages the concept of fostering as a caring job at home and seeks to reinforce this with good support, both financially and in other ways"*. The report also notes that as of March 1994, 526 children were in foster care, but that the need is constantly increasing and the majority of these are teenagers who require between one and three years of fostering. The Director of Social Work recommends that Committee commit to a further 20 foster placements and recruit staff for fostering purposes. This demonstrates the local authority's continued ethos that foster care is the



preferred service to be offered to the majority of children and young people who require alternative care arrangements out with their immediate families. However, these placements should be as short as possible, in order to allow the children and young people to successfully return to their families' care, with targeted supports and resources being identified and in place in order to allow this to be realised. (Ref. LRC3/8/3/20)

The Looked After Children (Scotland) Regulations 1996 provides further clarity as to the local authority's main aims and responsibilities with regards to the provision of foster care services. These are contained in the Fostering Processes – The Fostering Of Children (Scotland) Regulations 1996, which include the local authority's main aims and objectives regarding foster care provision, the responsibilities (as expected by the local authority) of foster carers the assessment and approval of foster carers, the preparation, training, support and reviews of foster carers, the administration and functioning of fostering panels, the placing of children in foster care placements, foster carers prescribed agreements with the local authority, as well as processes in place to formally progress complaints and allegations against foster carers.

The 1999 report "Edinburgh's Children", produced by the Edinburgh Inquiry, made a number of recommendations in direct relation to the fostering services provided by Edinburgh Local Authority. These recommendations were;

- *Recommendation 112: We recommend that investigations into allegations against foster carers be carried out by an independent person with no responsibilities for foster care provision in the area;*
- *Recommendation 113: We recommend that the Director of Social Work evaluate current practice with regard to response to concerns expressed by foster carers about children and young people they have looked after, with a view to ensuring that this takes appropriate account of the valuable insights they may be able to contribute with regard to the welfare of those children;*
- *Recommendation 114: We endorse Kent's proposal that foster care be brought within the inspection process. All foster care placements should be inspected. We recognise this may need to be phased in;*
- *Recommendation 115: We recommend that field and support social workers should make occasional unannounced visits to foster placements;*



- *Recommendation 116: We recommend that, with a view to diluting concerns they may experience by implied suggestions that they are under suspicion, support workers should take the opportunity to inform foster carers of the substance of this report so far as it relates to fostering, including the observations that the Inquiry has made about the value of and need for fostering, and its recognition of the importance of their receiving high standards of relevant training and support.*

All of the recommendations contained in the Edinburgh's Children report were accepted and implemented into practice and policy by Edinburgh local authority, and so further influenced changes to the function and ethos of the fostering services provided.

Under Regulation 8 of the 1996 Regulations, each local authority was required to establish foster panels to decide on applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child. The written agreement governed the support and training to be given to a foster carer, the procedure for handling complaints against the foster carer, the financial arrangements, the obligation not to administer corporal punishment, the duty of confidentiality, and the foster carer's obligation to care for the child placed with the foster carer as if he or she was a member of that person's family and in a safe and appropriate manner, and to promote his or her welfare having regard to the local authority's immediate and longer term arrangements for the child

The Looked After Children (Scotland) Regulations 2009 provide the following detail;

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  - a. *the matters to be covered in foster placement agreements and the respective obligations, under any such agreements, of the local authority and the foster carer;*
  - b. *the financial arrangements which are to exist between the local authority and the foster carer, including any special financial*

	<p><i>arrangements in relation to particular categories of children who may be placed with the foster carer;</i></p> <p><i>c. the local authority's arrangements for meeting any legal liabilities of the foster carer arising by reason of a placement; and</i></p> <p><i>d. the procedure available to foster carers who wish to make representations to the local authority which placed the child.</i></p> <p><i>5. The foster carer's obligation to give written notice to the local authority forthwith, with full particulars of–</i></p> <p><i>a. any intended change of address;</i></p> <p><i>b. any change in the composition of the household, any other change in personal circumstances, any other event affecting either the foster carer's capacity to care for any child placed or the suitability of the household and any criminal convictions arising between approval and subsequent reviews; and</i></p> <p><i>c. any further request or application of a kind mentioned in paragraph 11 of Schedule 3.</i></p> <p><i>6. The foster carer's obligation–</i></p> <p><i>a. not to administer corporal punishment to any child placed with them;</i></p> <p><i>b. to ensure that any information relating to a child placed with them, to the child's family or to any other person, which has been given in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the local authority;</i></p> <p><i>c. to comply with the terms of any foster placement agreement, to care for the child placed with the foster carer as if the child was a member of that person's family and in a safe and appropriate manner and to promote the child's welfare having regard to the local authority's immediate and longer-term arrangements for the child;</i></p> <p><i>d. to notify the local authority immediately of any serious illness of the child or of any other serious occurrence affecting the child; and</i></p> <p><i>e. where the placement is terminated, to allow the child to be removed from their home by the local authority.</i></p>
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e)	<p><b>Were there changes over time in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?</b></p> <p>Yes.</p>
f)	<p><b>If so, what were the changes and when and why did they come into effect?</b></p> <p>In 1930, the function of the local authority was to continue the policy decision of the Parish Council in 'not keeping children in the Poorhouse'. The local authority aimed to place children in a children's home and from there board them out with 'suitable guardians' (Ref. SL61/1/1). In 1943, the City Social Services Officer reported to the Public Assistance Committee of the requirement for additional residential establishments for children to meet its obligations. The practice of boarding out was being continued but the Corporation was finding it difficult to find sufficient suitable homes. (Ref. SL61/1/15)</p> <p>In 1933, EC accepted and introduced, via the Education Authority, the "Regulations and Rules in regard to Boarded out Boys and Girls 1933 (Ref. SL164/1/7). These laid out prescriptive criteria in relation to the functions, roles and responsibilities for the Corporation in providing this service, as well as the expected role and function of the foster parent:</p> <p><i>III. <u>Regulations in Regard To Selection Of Foster Parents.</u></i></p> <p><i>(1) A register shall be kept of persons who are willing and fitted to act as foster parents and to undertake the care of boys and girls.</i></p> <p><i>(2) Applications to be placed on the register of approved foster parents shall be made in the form prescribed in Appendix 1 to these regulations.</i></p> <p><i>(3) Applicants must be between the ages of 25 and 55 years and must be resident in Scotland.</i></p> <p><i>(4) The register shall contain, in respect of foster parents, all particulars set out on the applications referred to above, together with a record of the boys or girls boarded out with them.</i></p>



*(5) In selecting foster parents, the Education Authority may have regard to the number of approved foster parents in the area concerned.*

*(6) Before a boy or girl is boarded out, it shall be established that the selected foster parents can provide the necessary and appropriate discipline and training. A foster parent shall also be selected who is of the same religious persuasion as the boy or girl or who gives an undertaking that the boy or girl will be brought up in accordance with his or her religious persuasion.*

*(7) As far as possible, boys and girl shall be boarded out in country towns, villages and districts, unless they have previously been under guardianship of some person in a large town or city who has been approved by or on behalf of the Education Authority. Before a boy or girl is boarded out, the Education Authority may cause the proposed foster home to be visited and approved by an official on behalf of the Education Authority.*

*(8) The Education Authority may supply a visit book to the foster parent for the purpose of recording all official visits made to the foster home.*

*(9) The Education Authority shall have the right to remove any boy or girl from a foster parent at any time without assigning reason therefor.*

*(10) Each boy or girl, on being boarded out, shall be supplied by the Education Authority with two complete outfits of clothing, and this shall be renewed as required.*

*(11) A boy or girl, on being committed to the Education Authority, may be conveyed to the Children's home, Crewe Road, Edinburgh, or other suitable place, in order that arrangements may be made to provide the clothing mentioned above, and that the boy or girl may be medically examined by a Medical Officer of the Education Authority. If the medical report is satisfactory, arrangements will thereafter be made to have the boy or girl conveyed to the selected foster home.*

*(12) When arrangements cannot be made for boarding out a boy or girl immediately after committal, the Education Authority may arrange for the boy or girl to be admitted to the Children's Home or other hospital or institution as the Education Authority may consider most suitable, provided that if such*

*temporary arrangements are to continue beyond one week from the date of the Court Order, intimation thereof shall be made to the Scottish Education Department by the City Education Officer.*

*(13) Intimation shall be made to the Scottish Education Department by the City Education Officer as undernoted: -*

- (a) On Form C.A.1 on the committal of a boy or girl to the care of the Education Authority.*
- (b) On Form C.A.2 on the boarding out of a boy or girl and in respect of the removal of a boy or girl from one foster parent to another.*
- (c) On Form C.A.3 in regard to any material facts regarding a boarded-out boy or girl, e.g. serious illness, infectious and allied disease, accident or death.*
- (d) Half yearly reports on visits to boarded out boys and girls.*

*(14) Intimation shall be made by the City Education Officer to the parents or guardians of boarded out boys and girls in respect of serious illness, infectious disease, accident or death.*

#### *IV. Rules to Be Observed By Foster Parents.*

##### *1. General*

- a. Foster parents shall be required continually to observe and comply with the following Rules, and any failure shall render foster parents liable to have their names removed from the Register of Foster Parents.*
- b. In consideration of such payment as may be agreed upon by the foster parent and the Education Authority, the foster parent shall bring up the boy or girl as one of his or her own children and shall co-operate with the Education Authority and their Official for the boy's or girl's welfare.*
- c. The foster parent shall on demand give up possession of the boy or girl to the City Education Officer or to any person duly authorised by the Education Authority.*
- d. Communications to the Education Authority shall be addressed to the City Education Officer, Education Offices, Castle Terrace, Edinburgh.*
- e. In the case of illness, the doctor to be called if required.*
- f. The foster parent shall not incur expense on behalf of the boy or girl without prior permission of the City Education Officer, except for boot*

*repairs. Expenditure in this latter connection should be incurred with discretion.*

**2. Food.**

*Each boy or girl shall be provided with regular meals and the food shall be wholesome, varied and sufficient for good health. The daily dietary shall include a sufficient supply of fresh sweet milk. Where extra nourishment is ordered by a medical attendant the Education Authority shall be informed with a view to its provision.*

**3. Clothing.**

*The clothing (including sleeping apparel) and boots of each boy or girl shall be kept clean and in good repair. Each boy or girl shall be provided with a complete change of underclothing each week.*

**4. Sleeping accommodation.**

- (a) No more persons shall be allowed to occupy a bedroom in which a boy or girl sleeps than may be approved by the Education Authority. The bedroom shall have a window opening to the outside air and not into another apartment.*
- (b) The bedding for each boy or girl shall be adequate and comfortable and shall be kept clean and well aired.*
- (c) No boy or girl shall occupy the same bed or bedroom as an invalid or an old infirm person.*
- (d) Boys and girls over eight years of age shall not occupy the same bedroom; and not more than two shall sleep in one bed.*

**5. Training and discipline.**

- (a) The foster parent shall train each boy or girl in habits of punctuality and thrift, of good manners and language, of cleanliness and neatness, of self-respect, of consideration and respect for others, and of honour and truthfulness in word and act; and shall devote to this duty the care which good parents give to their own children.*



- (b) Each boy or girl shall be brought up in accordance with his or her religious persuasion, and where possible the foster parents shall arrange that the boy or girl shall attend Sunday School or be brought under some religious influence.*
- (c) Where circumstances are suitable, each boy or girl shall be encouraged to join some approved juvenile organisation.*
- (d) A foster parent shall not administer indiscriminate or harsh punishment on any pretext whatever. Any serious act of misconduct on the part of a boy or girl, or any generally unsatisfactory behaviour, shall be reported to the City Education Officer.*

**6. School attendance.**

*Each boy or girl of school age shall, if his or her health permits, be sent regularly to school and shall not be removed from one school to another without the consent of the City Education Officer.*

**7. Prohibition of intoxicants.**

*No boy or girl shall be allowed to partake of any intoxicant except upon the order of the medical officer or other doctor, or in case of sickness or other urgent cause.*

**8. Health.**

- (a) Each boy or girl shall be given adequate opportunity for play and recreation.*
- (b) In the event of any serious accident to, or illness of, a boy or girl the foster parent shall send immediately for a doctor and shall notify the facts to the Education Authority. Where the doctor is of the opinion that the life of the boy or girl is in danger, the foster parent shall notify the parents (or guardians) direct and shall inform the Authority that this has been done.*

In 1943, the City Social Services Officer reported to the Public Assistance Committee (Ref. SL61/1/15) of the requirement for additional residential establishments for children to meet its obligations. The practice of boarding out was being continued but EC was finding it difficult to find sufficient suitable homes.

The City Social Services Officer further reported in 1944 that a number of children were boarding in institutions out-with the control of the Corporation; a practice of which the Officer did not approve. In addition, some children were being cared for in hospital when they would be more appropriately placed in a children's home. (Ref. SL61/1/16)

In 1959 the Children's Committee notes its current functions are under the following Acts: Children Act 1948, Children Act 1958, Children and Young Persons (Scot) Act 1937, Adoption Act 1958, Matrimonial Proceedings (Children) Act 1958.

On 1<sup>st</sup> August 1959 the Boarding-out of Children (Scotland) Regulations 1959 and the Administration of the Children's Homes (Scotland) Regulations 1959 were introduced; both of which apply to both statutory and voluntary bodies. The 1959 Boarding Out Regulations included an annual (instead of half-yearly) medical examination of children, as well as quarterly visits by Child Care Officers in place of the two previous visits - one of which was by a member of the Children's Committee (Ref. SL116/1/12). Regarding visits, the Committee decided to continue the established practice whereby a committee member accompanied the visiting official on one of the visits. It is therefore presumed that the expected ethos for those providing boarding out placements was in keeping with the local authority ethos, and the visits carried out by committee members and child care officers were to ensure that standards and ethos were being adhered to.

The 1982 LRC policy 'Time of Change' aimed to reduce the number of placements of residential care for children, especially younger children, and to develop services to prevent children coming into care and increase the use of foster care and adoption. (Ref. LRC3/8/3/9). In 1982 the Regional Council also adopted a Youth Strategy Policy which placed an emphasis on developing 'community-based alternatives to residential placements' (Ref. LRC3/8/3/11).

In 1992 LRC adopted a document, 'Our Work and the Way We Do It' which set out the ethos and values which should underpin all social work practice and services. The Edinburgh Inquiry reviewed this document and subsequent policies and reviews up to 1999 and noted that the stated ethos underpinning the council's approach to looked after children was a commitment in principle to; The protection of vulnerable children; Listening to children; Keeping children within their own families wherever that is safe and appropriate; Keeping residential units small and manageable; Encouraging staff in units to become involved in more outreach work, respite care and aftercare; Keeping under 12s out of residential care except in exceptional circumstances; Ensuring that



	<p>children placed in residential care are there as a result of a positive choice in pursuit of their welfare; Effective management of resources, including fair decisions about priorities; A corporate responsibility for children. (Ref. <i>Edinburgh Inquiry</i>, Kathleen Marshall, 1999).</p> <p>The Looked After Children (Scotland) Regulations 1996 provide further clarity as to changes to the local authority's main aims and responsibilities with regards to the provision of foster care services. These are contained in the Fostering Processes – The Fostering Of Children (Scotland) Regulations 1996, which include the local authority's main aims and objectives regarding foster care provision, the responsibilities (as expected by the local authority) of foster carers the assessment and approval of foster carers, the preparation, training, support and reviews of foster carers, the administration and functioning of fostering panels, the placing of children in foster care placements, foster carers prescribed agreements with the local authority, as well as processes in place to formally progress complaints and allegations against foster carers. It is therefore presumed that the formal expectations, roles and responsibilities which were placed on foster carers, were becoming more prescribed and subject to higher levels of formal mechanisms of review and scrutiny.</p> <p>The Looked After Children (Scotland) Regulations 1996 note the following as the main points regarding what is expected within the role of foster carer, and therefore evidences changes, as well as constants, as those noted in the Boarding Out Regulations 1933:</p> <p>Please also refer to answer provided in 1.5 (b).</p>
<b>Present</b>	
<b>g)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>Yes</p>
<b>h)</b>	<p><b>If so, please give details.</b></p> <p>Since 2016, three procedures Family Based Care (FBC) Recruitment to Approval, FBC Approval to De-Registration, and FBC Continuing Care have been developed and</p>



	continually updated and revised to ensure FBC staff are able to deliver the service from a consistent practice base.
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Question 1.6	Numbers																		
(i) <u>Local authority</u>																			
Past																			
a)	<p><b>How many children did the local authority accommodate at a time in foster care and in how many placements?</b></p> <p>From a case file audit of Childrens files the following information was gathered:</p> <ul style="list-style-type: none"><li>• Number of children in foster placements from 1930 – 1972 = 20,229</li><li>• Number of children in foster placements from 1973 – 1999 = Figures are not available as this information was not recorded.</li><li>• Number of children in foster placements from 2000 – 2015 = 8,161</li></ul> <p>We are unable to provide figures for how many foster placements were available between 1930 – 2014 as this information was not recorded.</p>																		
b)	<p><b>How many foster carers were approved/registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?</b></p> <p>Number of Foster Carers:</p> <table><tr><th>Date/Year</th><th>No. foster carers</th><th>No. specialist foster carers</th><th>No. specialist disability foster carers</th><th>No. respite carers</th><th>Notes (where info found etc)</th></tr><tr><td>As at 31 Dec 2018</td><td>276 households (+ 63 short breaks)</td><td></td><td></td><td></td><td>Care Inspectorate Annual Return</td></tr><tr><td>As at 31 Dec 2017</td><td>232 F/C households (not including short breaks)</td><td></td><td></td><td></td><td>Care Inspectorate Inspection Report</td></tr></table>	Date/Year	No. foster carers	No. specialist foster carers	No. specialist disability foster carers	No. respite carers	Notes (where info found etc)	As at 31 Dec 2018	276 households (+ 63 short breaks)				Care Inspectorate Annual Return	As at 31 Dec 2017	232 F/C households (not including short breaks)				Care Inspectorate Inspection Report
Date/Year	No. foster carers	No. specialist foster carers	No. specialist disability foster carers	No. respite carers	Notes (where info found etc)														
As at 31 Dec 2018	276 households (+ 63 short breaks)				Care Inspectorate Annual Return														
As at 31 Dec 2017	232 F/C households (not including short breaks)				Care Inspectorate Inspection Report														

	As at 31 Dec 2016	266 households (not including short breaks)				Care Inspectorate Annual Return
	As at 31st Dec 2015	254 F/C households (not including short breaks)				Care Inspectorate Inspection Report
	Nov 2014	approx. 333				Care Inspectorate Inspection Report
	As at 31 Dec 2013	221				Care Inspectorate Annual Return
	Nov 2013	approx. 350				Care Inspectorate Inspection Report
	As at 31 Dec 2012	249				Care Inspectorate Annual Return
	July 2012	187	36	49	45	SCSWIS report
	As at 31 Dec 2011	229				Care Inspectorate Annual Return
	Sep 2010	259			62	Scottish Commission for Regulation of Care reports
	As at 31 Dec 2009	259				Care Inspectorate Annual Return
	As at 31 Dec 2008	270				Care Inspectorate Annual Return
	As at 31 March 2007	246				Care Inspectorate Annual Return
	As at 31 March 2006	245				Care Inspectorate Annual Return
	1994	298				Report by Director of Social Work-LRC3 Committee Reports
<p>*Blank boxes indicate where no information is available.</p> <p>Number of children placed:</p>						
	<b>Date/Year</b>	<b>No. children placed - f/t</b>	<b>No. children placed - respite</b>	<b>No. voluntary/other authorities</b>	<b>Notes (where info found etc)</b>	
	As at 31 Dec 2018	344			Care Inspectorate Annual Return	
	As at 31st Dec 2017	375 (not including short breaks)			Care Inspectorate Inspection Report	
	As at 31 Dec 2016	364			Care Inspectorate Annual Return	
	As at 31st Dec 2015	364 (not including short breaks)			Care Inspectorate Inspection Report	

	Nov 2014	Approx. 634			Care Inspectorate Inspection Report
	As at 31 Dec 2013	586			Care Inspectorate Annual Return
	Jul 2012	601			SCSWIS
	As at 31 Dec 2011	567			Care Inspectorate Annual Return
	Sep 2010	476			Scottish Commission for Regulation of Care reports
	Nov 2009	312	170	161	Scottish Commission for Regulation of Care reports
	As at 31 Dec 2008	467			Care Inspectorate Annual Return
	As at 31 March 2007	356			Care Inspectorate Annual Return
	As at 31 March 2006	356			Care Inspectorate Annual Return
	Jan 1999	317		72	Marshall Report
	1994	460			Report by Director of SW 1994-LRC3 Committee reports
	Jul 1984	502 children placed in family placements of all sorts			Director of SW reports
	1979	623 fostered by LRC			Social Work Committee Minutes 1978-1979
	1971-1972	430 (boarded out so not clear how many residential and how many F/C)			SL118 Social Work Committee Minutes
	1972	533 children boarded out 271 children in Edinburgh Corporation homes			SL118 Social Work Committee Minutes
	1941-1942	523 (boarded out so not clear how many residential and how many F/C)			SL1 Full Council Committee minutes
*Blank boxes indicate where no information is available.					



c)	<p><b>If foster carers were approved/registered by the local authority as providing only specific types of care – e.g. respite care, short-term foster care, long-term foster care – please provide details of the categories and the numbers of placements in each.</b></p> <p>Based on current knowledge and practice, foster carers were approved by the local authority for specific types of foster care. These categories included long term care, short term care, respite care, specialist care, or approved as foster carers pending adoption process etc. The reasons for these various categories are variable and include the needs of the children requiring a foster care placement, as well as the needs of the foster carers seeking approval. As part of the assessment, approval and registration process for foster carers, the age of child and gender issues were also considered.</p> <p>More specific details regarding numbers and categories of registration and approval will be available on the completion of the current foster carers case file audit that is being currently undertaken by CEC.</p>
d)	<p><b>Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?</b></p> <p>The material changes in relation to numbers of children, placements or foster carers were influenced by changing primary and secondary legislation, as well as political priorities. Together these shaped the local authority's aims, objectives and policies. The main changes are noted as below.</p> <p>In 1951, the Children's Committee notes functions under the following Acts: The Children Act 1948; Parts 1, 4 and 5 of the Children and Young Persons (Scotland) Act 1937; and The Adoption Act 1950 (Ref. SL116/1/4).</p> <p>In 1959 the Children Committee notes its current functions are under the following Acts Children Act 1948, Children Act 1958, Children and Young Persons (Scotland) Act 1937, Adoption Act 1958, Matrimonial Proceedings (Children) Act 1958 (Ref. SL116/1/12).</p> <p>On 1st August 1959 the Boarding-out of Children (Scotland) Regulations 1959 and the Administration of the Children's Homes (Scotland) Regulations 1959 were introduced; both of which apply to both statutory and voluntary bodies. The 1959 Boarding Out Regulations included an annual (instead of half-yearly) medical examination of children, as well as quarterly visits by Child Care Officers in place of the two previous visits - one</p>

	<p>of which was by a member of the Children's Committee (Ref. SL116/1/12). Regarding visits, the Committee decided to continue the established practice whereby a committee member accompanied the visiting official on one of the visits. It is therefore supposed that the expected ethos for those providing boarding out placements was in keeping with the local authority ethos. Moreover, the visits carried out by Committee members and Child Care Officers were to ensure that standards and ethos were being followed and applied consistently.</p> <p>In 1982, LRC introduced a policy entitled a 'Time of Change' which aimed to reduce the number of children placed in residential care (especially younger children), and to develop services to prevent children coming into care and to increase the use of foster care and adoption. In 1982 LRC also adopted a 'Youth Strategy Policy' which placed an emphasis on developing "community-based alternatives to residential placements" (Ref. LRC3/8/3/11).</p> <p>In 1992, LRC introduced and adopted a document, 'Our Work and the Way We Do It' which underpinned the approach to looked after children which was a commitment in principle to: "The protection of vulnerable children; Listening to children; Keeping children within their own families wherever that is safe and appropriate; Keeping residential units small and manageable; Encouraging staff in units to become involved in more outreach work, respite care and aftercare; Keeping under 12s out of residential care except in exceptional circumstances; Ensuring that children placed in residential care are there as a result of a positive choice in pursuit of their welfare; Effective management of resources, including fair decisions about priorities; and A corporate responsibility for children." (<i>Edinburgh's Children</i>, Kathleen Marshall, 1999)</p>
e)	<p><b>How many children in total were accommodated by the local authority (whether in foster care or otherwise)?</b></p> <p>Please refer to our answer given in 1.6(a). Please also note that due to gaps in record keeping over the period under consideration, these figures are not a complete total of the number of children accommodated.</p>
f)	<p><b>In general terms, was the main service provided by the local authority the provision of residential care for children in establishments, or was it the provision of foster care?</b></p>



	In general terms, the main service provided has been the provision of foster care. However, at times during the 1970's the total number of children in residential care was greater than in foster care as the local authority also placed children in homes run by the voluntary sector. For example, on 31 December 1972, there were 271 children in local authority children's homes and 533 children in foster care placements. However, the total number of children in a residential setting (corporation, voluntary, hostel etc.) was 618 (Ref. SL1/1/422).
<b>Present</b>	
<b>g)</b>	<b>With reference to the present position, are the answers to any of the above questions different?</b>  No
<b>h)</b>	<b>If so, please give details.</b>  Not applicable.

<b>Question 1.7</b>	<b>Children's Background/Experience</b>
<b>Past</b>	
<p><b>Sampling Exercise</b></p> <p>To respond to this question and section, we have conducted a file review of children who were boarded out/placed in foster care between 1930 and 2014. We are confident that this sampling approach is representative of what was happening (in general terms) at that time.</p> <p><b>Methodology</b></p> <p>The admission date was used as the main starting point in establishing an appropriate sample. This was derived from several sources. For admission dates in the 1930s and 1940s, the date of birth from the looked after and accommodated children's microfiche list was researched, and the file then reviewed to obtain the admission date. For the 1950s to 1980s, the admission date was obtained from a handwritten admission register.</p> <p>In keeping with best practice sampling techniques and methodologies, a sample size of 80 files was used. This equates to ten files from each decade. The same children's files were also used for each test. Using</p>	



this technique, the estimated number of records for children in care was 13,946. While the figure above totals the number of children in both foster and residential care, we deliberately isolated files for children who were in foster care for purposes of the sample.

a)	<p><b>Did the children placed in foster care generally have a shared background and/or shared experiences?</b></p> <p>There are many reasons as to why children have required to be provided with foster care placements by EC, LRC and CEC. These reasons have included: parental drug misuse, parental mental health, physical abuse, emotional neglect/abuse, sexual abuse, non-accidental injury, domestic violence, out with parental control, parental death, risk taking, and harmful behaviour displayed by the young person. While many of the same issues may have been experienced by the children who have required to be provided with foster care, their experiences will have been individual to their own circumstances, perceptions and family structures at those times (see examples below). Please note that data on ethnicity was not consistently recorded during the period under review.</p> <p><u>1930's</u> - From the ten files reviewed for this decade, there was no relevant information recorded. However, references from the Public Assistance Committee do have relevant (if limited) references, several birth family members, for example, asked Committee for boarded children to be returned to their care. In most cases, the Committee refused these requests for a variety of reasons including that it was not in the child's best interests, overcrowding at home, or parents living separately. In one case from 1940, a mother asked to resume the custody of her son (Ref. SL61/1/12). In response, the Inspector noted that as there was no court order in place and that Committee could not refuse this request.</p> <p>1940's - From the ten files reviewed, there was no relevant information.</p> <p>1950's – From the ten files reviewed, two files referenced siblings.</p> <p>1960's – From the ten files reviewed, seven files revealed that children were placed with siblings.</p> <p>1970's - From the ten files reviewed, five files referenced siblings.</p> <p>1980's - From the ten files reviewed, three files revealed that children were placed with siblings.</p>
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	<p>1990's - From the ten files reviewed, in eight of the files the children were accommodated due to concerns around level of care provided. There were a range of reasons for this including: parental drug use, mental health, physical abuse by parent's partner and non-accidental injury. In one of the files a birth parent requested accommodation as they were not managing, and in one other file it was stated that the young person was out with parental control.</p> <p>2000's - From the ten files reviewed, in seven of the files the children were accommodated due to concerns around the level of care provided. There were a range of reasons for this including parental ill-health, kinship placement breaking down, parental drug use and lifestyle. In two of the files, the child was out with parental control.</p> <p>2010's - From the ten files reviewed, eight of the children were accommodated due to concerns around the level of care provided. There were a range of reasons for this including neglect, emotional and physical abuse, parental lifestyle impacting on child's safety. In one of the files a birth parent requested accommodation as they were not managing care and in one other file it was stated that the young person was out with parental control.</p>
b)	<p><b>Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?</b></p> <p>Yes, children were admitted into the care of the local authority rather than into the care of particular foster carers.</p> <p>In 1930, the function of the local authority was to continue the policy agreed by the Parish Council in 'not keeping children in the Poorhouse'. The local authority aimed to place children in a children's home and from there board them out with 'suitable guardians' (Ref. SL61/1/1). In 1943, the City Social Services Officer reported the practice of boarding out was being continued, but the Corporation was finding it difficult to find sufficient suitable homes. The Local Authority's responsibilities for boarding out children was written into the Poor Law (Scotland) Act 1934 "A local authority may make arrangements for the lodging, boarding or maintenance otherwise than in a poor house, of children under the age of 16 years who are orphans, or who have been deserted by or separated from their parents, so however that any arrangements so made shall be subject to such regulations as the Department may make with respect thereto." (Ref. SL61/1/15).</p>



The full Council minutes of 1959-60 note that foster homes were carefully selected for each individual child. However, legal responsibility for the care of the children remained with the local authority, as defined in statute. It was therefore the legal responsibility of the local authority to provide children, who were assessed as being in need of alternative care, with arrangements that would protect their welfare, with the preferred option being to board out the children with suitable foster parents (Ref. SL1/1/409).

Under the Children Act 1948, local authorities had a duty to receive children into care in certain circumstances, and to keep the child in care for as long as the welfare of the child required it. Local authorities could also assume parental rights for children in care. The 1948 Act created a statutory requirement that boarding out with foster parents 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) (Scotland) Regulations 1947 and then the Boarding Out of Children (Scotland) Regulations 1959.

Social Work (Scotland) Act 1968 replaced the 1948 Act, and set out duties to receive children into care, and a local authority's obligations in relation to children in care.

Section 21 of the 1968 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.

The Children (Scotland) Act 1995 replaced the 1968 Act in relation to the child care social work functions and came into force on 1 April 1997. The 1995 Act sets out the powers and duties of the local authority in relation to the provision of accommodation for children, and the duties of local authorities towards looked after children.

The Arrangements for Looked After Children (Scotland) Regulations 1996 state:

*(3) Where this regulation applies and a local authority are considering fostering the child or placing him in a residential establishment, they shall, so far as is consistent with their duty under section 17 of the Act and having ascertained so far as practicable the views of the child having regard to his age and maturity, ensure that—*

*(a) in the case of fostering, the person with whom the child is to be fostered is of the same religious persuasion as the child or, if that is not practicable, that the person undertakes that the child will be brought up in accordance with the child's religious persuasion; and*



	<p><i>(b) in the case of a placement in a residential establishment, the child will be brought up in accordance with his religious persuasion (with the local authority having consulted the person in charge of the residential establishment).</i></p> <p><i>(4) Where paragraph (3) applies, and the local authority are making arrangements in relation to two or more children in the same family, the local authority shall, so far as is consistent with their duty under section 17 of the Act and having ascertained so far as practicable the views of each child having regard to his age and maturity, ensure that–</i></p> <p><i>(a) in the case of fostering, the children are fostered in the same home or, if that is not appropriate or practicable, in homes as near together as is appropriate or practicable; and</i></p> <p><i>(b) in the case of a placement in a residential establishment, the children are placed in the same residential establishment or, where that is not appropriate or practicable, that the placements facilitate as far as possible continued mutual contact and access.</i></p> <p>The information above provides note of the statutory responsibilities the local authority had/has with regards to children assessed as needing alternative care arrangements. Extant documentation strongly suggests that statutory responsibilities were followed and implemented.</p>
c)	<p><b>Who placed children with the local authority?</b></p> <p>Please also refer to answer 1.7 (a).</p> <p>As set out in the examples below, there are numerous routes by which children have been placed with the local authority.</p> <p>Prior to 1938, the District Officer was the person in charge of the boarding out of children (Ref. SL61/1/10).</p> <p>From 15 April 1971 (the date on which the Children's Hearing system was introduced), the local authority received children mainly through the Children's Hearing system, who were made subject of compulsory orders via the children's panel members decisions.</p> <p>In some cases, this has been a voluntary arrangement between the parents/primary carers with the local authority and is noted as Section 25 under the Children's (Scotland) Act 1995.</p>

	Children and young people have also been placed in the local authority care under certain court orders e.g. under emergency child protection measures (Child Protection Orders, Place of Safety Orders).
<b>d)</b>	<p><b>From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the local authority receive children mainly through the Children's Hearing system?</b></p> <p>Yes – However, from the sample of client files referenced above, it was not until the 1980s that children were mainly received through the Children's Hearing System.</p>
<b>e)</b>	<p><b>If not, generally how did children come to be admitted into the care of the local authority?</b></p> <p>Please refer to our response for 1.7(d)</p>
<b>f)</b>	<p><b>How long did children typically remain in the care of the local authority?</b></p> <p>Under the Children Act 1948, local authorities had a duty to receive children into care in certain circumstances, and to keep the child in care for as long as the welfare of the child required it. Following the implementation of the 1948 Act a function of the local authority was to receive children into its care who were "<i>deprived of a normal family life</i>". It had responsibility to return children to the care of their parents, relatives or friends as soon as possible consistent with the child's welfare.</p> <p>From the extant documentation available, it is clear the local authority was aware of its statutory obligations. For example, in 1961 the Children's Committee (Ref. SL116/1/14) reported to the Town Council of the '<i>persistent efforts</i>' of the Children's Department to keep a child's separation from its parents as short as possible.</p> <p>In the Full EC Minutes from 1964 – 1965 (Ref. SL1/1/414), numbers are provided for how long children spent in foster care (on average):</p> <ul style="list-style-type: none"> <li>• Up to 1 month – 607 children</li> <li>• Up to 2 months – 157</li> <li>• Up to 3 months – 82</li> <li>• Up to 4 months – 49</li> <li>• Up to 5 months – 36</li> </ul>

	<ul style="list-style-type: none"> <li>• Up to 6 months – 12</li> <li>• Up to 7 months – 10</li> <li>• Up to 8 months – 6</li> <li>• Up to 9 months – 11</li> <li>• Up to 10 months – 8</li> <li>• Up to 11 months – 6</li> <li>• Up to 12 months – 8</li> <li>• Over 12 months – 143</li> </ul> <p>From the client sample, and practitioner experience, there is evidence to support that the length of time the child/ren remained in the care of local authority was varied and was very much dependent on individual children's needs and birth families' circumstances. The timescales for any child/ren remaining in the care of the local authority can vary from very short-term/respice arrangements, to long term arrangements, where the child is placed for long term fostering or indeed adoption.</p>
<b>g)</b>	<p><b>In respect of children who were admitted into the care of the local authority, who made the decision as to whether they should be placed in foster care?</b></p> <p>Please refer to answers (c) and (d).</p> <p>The Social Work (Scotland) 1968 Act established the Children's Hearing System and the introduction of compulsory supervision of children. Decisions thereafter were taken by panel members as to where children who required to be received into the care of the local authority should be placed, including foster care arrangements.</p> <p>The Children (Scotland) Act 1995 came into force on 1 April 1997 and introduced the requirement that the local authority must seek the views of the child, his/her parents, and non-parent holding parental rights and anyone else considered to be relevant before taking any decision with respect to a child that the local authority proposed to look after. The local authority was required to obtain these views only as far as is reasonably practicable.</p> <p>Since 2000, under/over 12s Intake Panels have been introduced. These consist of representatives from Children and Families Residential Services, Family Based Care and, more recently, Throughcare and Aftercare Services and other resource providers such as Dean &amp; Cauvin Trust.</p>



	<p>A senior manager chaired these Panels, which met on a weekly or fortnightly basis and made decisions in conjunction with the allocated social worker and his/her manager. These decisions related threshold requirements concerning receiving children into care. Assessment papers were submitted to these Panels in respect of every requesting placement for a child. These Panels considered children and young people on a city-wide basis within their respective localities.</p> <p>An equivalent under 12's Panel also met on a weekly basis and followed the same referral process and criteria. A senior manager chaired this Panel, which was also constituted in a similar manner as the panels described above.</p> <p>Where an emergency placement is required, the Duty Manager make the decision on whether the threshold has met for receiving a child into care.</p> <p>Both these panels and associated processes are still in operation.</p> <p>In some cases, this has been a voluntary arrangement between the parents/primary carers with the local authority and is noted as Section 25 under the Children's (Scotland) Act 1995.</p> <p>Children and young people have also been placed in the local authority under certain court orders e.g. under emergency child protection measures (Child Protection Orders, Place of Safety Orders).</p> <p>In summary, decisions regarding child placements into foster care have been guided and influenced by primary legislation and secondary guidance. The decisions have ultimately been taken in multi-disciplinary forums, giving full regard to the individual needs of the child. This process is in accordance with one of the main overarching principles of the Children (Scotland) Act 1995, that the child's welfare is paramount.</p>
<b>h)</b>	<p><b>If the decision was made by the local authority, what criteria were applied?</b></p> <p>Under the Children and Young Persons (Scotland) Act 1932, boarding out was considered for any child or young person in need of care or protection. In accordance with the Act, EC produced the "Regulations and Rules in regard to Boarded out Boys and Girls" which provides some detail around the criteria used (Ref. Education Committee Minutes, 1933-34).</p>

*(7) As far as possible, boys and girls shall be boarded out in country towns, villages and districts, unless they have previously been under guardianship of some person in a large town or city who has been approved by or on behalf of the Education Authority. Before a boy or girl is boarded out, the Education Authority may cause the proposed foster home to be visited and approved by an official on behalf of the Education Authority.*

*(11) A boy or girl, on being committed to the Education Authority, may be conveyed to the Children's home, Crewe Road, Edinburgh, or other suitable place, in order that arrangements may be made to provide the clothing mentioned above, and that the boy or girl may be medically examined by a Medical Officer of the Education Authority. If the medical report is satisfactory, arrangements will thereafter be made to have the boy or girl conveyed to the selected foster home.*

*(12) When arrangements cannot be made for boarding out a boy or girl immediately after committal, the Education Authority may arrange for the boy or girl to be admitted to the Children's Home or other hospital or institution as the Education Authority may consider most suitable, provided that if such temporary arrangements are to continue beyond one week from the date of the Court Order, intimation thereof shall be made to the Scottish Education Department by the City Education Officer.*

The Children (Scotland) Act 1995 replaced the 1968 Act in relation to the child care social work functions and came into force on 1 April 1997. The 1995 Act set out the powers and duties of the local authority in relation to the provision of accommodation for children, and the duties of local authorities towards looked after children. In terms of criteria, the Children (Scotland) Act 1995 notes the local authority must seek the views of the child, his/her parents, and non-parent holding parental rights and anyone else considered to be relevant before taking any decision with respect to a child that the local authority proposed to look after. The local authority was required to obtain these views only as far as is reasonably practicable.

More recently in terms of criteria, Regulation 12 of the Fostering of Children (Scotland) Regulations 1996 empowers a local authority to place a child into foster care where:

- (a) the person with whom it is proposed to place the child has been approved by the local authority as a foster carer in accordance with regulation 7 and



	(b) they have satisfied themselves that placement of the child with the particular foster carer is in the child's best interests.
i)	<p><b>Were children moved between different foster care placements?</b></p> <p>While the emphasis was on providing stability of placement for the children and young people who were provided foster care placements by the local authority, there were indeed occasions when some children were moved between different foster care placements.</p> <p>For more specific details, please see our response to 1.7(k).</p>
j)	<p><b>If so, in what circumstances?</b></p> <p>There is evidence of children being moved between different foster placements for several reasons. These are varied and include: health issues for foster carers; changes in circumstances for foster carers; placement/behavioural issues; placement breakdown; moving between emergency short term carers to long term carers; moving to foster care placement nearer to school; and moving from foster care to prospective adoptive placements. (Ref. SL61/1)).</p>
k)	<p><b>Generally did children typically stay in one, or more than one, foster care placement?</b></p> <p>It varied - the review of client files provided the following information:</p> <p>1930s - From the ten files reviewed, three children moved between foster placements. Within Public Assistance Committee minutes (Ref. SL61), there are also two examples of children moving between boarding out placements.</p> <p>1940s – No relevant information from the files reviewed.</p> <p>1950's - From the ten files reviewed, two children moved placements.</p> <p>1960s - From the ten files reviewed, one child moved placement.</p> <p>1970s - From the ten files reviewed, five children moved foster placement and one moved to adopters.</p>



	<p>1980s - From the ten files reviewed, nine children moved foster placements.</p> <p>1990's - From the ten files reviewed, seven children moved foster placements.</p> <p>2000's - From the ten files reviewed, four children moved foster placements.</p> <p>2010's - From the ten files reviewed, six children moved foster placements.</p>
I)	<p><b>What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?</b></p> <p>EC accepted and introduced (via the Education Authority) the "Regulations and Rules in regard to Boarded out Boys and Girls" in 1933, which laid out below the expectation for visits/review to the foster home by the Education Authority representatives:</p> <p><i>(8) The Education Authority may supply a visit book to the foster parent for the purpose of recording all official visits made to the foster home.</i></p> <p><i>(9) The Education Authority shall have the right to remove any boy or girl from a foster parent at any time without assigning reason therefor.</i></p> <p>Within the client file audit there is one example of a child in the 1930s being removed due to unsuitable conditions with carers. In 8 out of 10 cases in the 1950's there were regular social work visits and communication with foster carers, and a review of the family situation. In the 1960's, cases were reviewed by a social worker in 9 of 10 files audited, and 2 of 10 of cases reviewed in the 1970's.</p> <p>Section 20a of the Social Work (Scotland) Act 1968 laid a duty on local authorities to review children who had been in their care during the preceding six months. These reviews were to be held at intervals of not more than 6 months during the child's period of care.</p> <p>Section 80 of the Children Act 1975 placed a duty on local authorities to review plans for children in care every 6 months. This was brought in to force on 1<sup>st</sup> September 1984. The Director of Social Work reported to committee that this was already practice at the time and that children were also reviewed within 3 days and then after 6 weeks of being taken into care.</p>

In August 1984, the Social Work Committee agreed to formal arrangements for the reviewing and recording of such reviews of all children in care every 6 months.

The Looked After Children (Scotland) Regulations 1996 and 2009 provide the following: *Regulation 7 (45); This regulation places a duty on the local authority to make sure that the care plan is kept up to date as the child's situation develops. This includes developing a plan to meet the long-term needs of the child in terms of stability and security within six months of the child becoming looked after.*

*Regulation 8 (45); This regulation determines when and how often a local authority is to review the case of a child placed and looked after by them, except where the child is placed by means of a permanence order. If a child is looked after and placed with foster parents, a relative carer or in a residential establishment, the first review should be six weeks after the placement, with a second review three months later and thereafter, reviews every six months.*

Regulation 46 within the Looked After Children (Scotland) Regulations 2009 states:

*The local authority must ensure that the child and their carer are visited on their behalf–*  
*(a) within one week of the placement being made; and*

*(b) thereafter at intervals of not more than 3 months from the date of the previous visit.*

*(4) The local authority must ensure that written reports are produced recording the visits made in accordance with paragraph (2) or (3).*

As part of the neighbourhood model, adopted by CEC Children & Families in 2001, the Looked After & Accommodated Children Reviewing Team was introduced as a centralised service. The team consisted of case independent Chairpersons, who were suitably qualified and experienced to perform the role of chairperson for Looked After and Accommodated Child Care Reviews. The main function and responsibility of the team was to review, and amend in accordance with the assessment of need, the child's care plan. The young person's plans were formulated, amended and recorded under SMART principles, which were then to be progressed and further reviewed at any following procedurally timetabled review. In 2010 The Looked After & Accommodated Children Reviewing Team was amalgamated with the Child Protection Investigation and Review team to form The Children And Young Persons Reviewing Team. The function



	<p>of the team now was not only chairing Looked After &amp; Accommodated Child Care reviews, but also the chairing of all Child Protection Case Conferences. The team continues to perform these functions for CEC.</p>
m)	<p><b>When children left foster care, what was the process for discharge?</b></p> <p>In terms of process during the 1930s, the Boarding Out of Boys and Girls Regulations 1933 note: "The foster parent shall on demand give up possession of the boy or girl to the City Education Officer or to any person duly authorised by the Education Authority".</p> <p>From the file audit, there does not appear to be a formal process followed when children have been discharged from foster care, as this is very much dependent on professional judgement. This includes the assessed needs of the child and the family at the time of discharge from foster care. Processes which have been followed are very much dependent on numerous variables which can include: the age of the child; the views of the child; the views of those who hold parental rights and responsibilities; under which legal order the child has been accommodated; the assessed needs of the family; and whether the child/young person is to be offered any formal support from Throughcare and After Care Services. This process describes the current practice.</p> <p>Section 20a of the Social Work (Scotland) Act 1968 laid a duty on local authorities to review children who had been in their care. Social Work Committee 1986-87 and Director of Social Work noted that these reviews were opportunities for the planning of the child's care to be discussed by relevant staff and the child and his parents where appropriate and possible. Recommendations from these reviews formed the basis of future work with the child and care planning (Ref. LRC2/1/1/20/13).</p> <p>In terms of the Children (Scotland) Act 1995, the local authority had a number of duties towards the children in its care. With specific regard to being discharged from foster care:</p> <ul style="list-style-type: none"> <li><i>(a) To safeguard and promote the welfare of the child. This is to be the paramount concern of the local authority and includes the duty to provide advice and assistance to prepare the child for when he/she is no longer looked after by the local authority.</i></li> <li><i>(b) To make use of such services for children being looked after by their parents as appear to be reasonable;</i></li> <li><i>(e) To take the views of the child into account before making a decision;</i></li> <li><i>(f) To take the views of those others identified in (d) above into account as far as it has been possible to obtain them.</i></li> </ul>



If the young person was being discharged from foster care at 16 years of age (or beyond), the discharge process would involve joint planning between the Practice Team and the Through Care and After Care Service under section 29 of the Children (Scotland) Act 1995.

The Children and Young People (Scotland) Act 2014 extended provisions for those leaving care and allowed young people the right to remain in their placement through 'Continuing Care' up to 21 years of age.

The review of client files provided the following information:

1930s and 1940's - There was no information available.

1950s - From the ten files reviewed, in six of the cases discharges mentioned including adoption and return to birth family.

1960s - From the ten files reviewed, in five of the cases there was information about discharge to birth family.

1970's - From the ten files reviewed, in eight of the cases there was information about discharges, including three children who were adopted and another four to birth family members.

1980's - From the ten files reviewed, in four of the cases there was Information about discharge to birth family members.

1990's - From the ten files reviewed, in nine of the cases there was information about discharges with eight returning to birth family members and one child adopted.

2000's - From the ten files reviewed, in three of the cases there was information recorded including continued Continuing Care, and Kinship options. There was also mention of referrals to Through Care and After Care (TCAC).

2010's - From the ten files reviewed, in eight of the cases there was information recorded, including remaining with foster carer until 21/TCAC referrals and Continuing Care.

n)	<p><b>What support was offered to children when they left foster care?</b></p> <p>The support offered to any child or young person when they left foster care would be based in their assessed need and detailed in their care plan. The level of support could vary between a child who was successfully returned to the care of their own family, and so provided with a proportional level of support in accordance with their assessed needs, to that of a young person who had been cared for in a foster care placement for a significant period of time and who would now be receiving a higher intensity level of aftercare support as a statutory responsibility of the local authority.</p> <p>The review of client files provided the following information:</p> <p>1930's and 1940s - From the ten files reviewed each decade, there was no information recorded.</p> <p>1950's - From the ten files reviewed, in three cases there was information about support provided, including training ship and support for purchasing university books.</p> <p>1960's, 1970's and 1980's - From the ten files reviewed for each decade, there was no information about the support provided.</p> <p>From 1990's onwards there was information noted about involvement of TCAC and support/ plans for young people including Practice Team Social Work contact and linking in with respite/other agencies. This would correspond to statutory requirements around regular reviews with planning as part of the agenda.</p>
o)	<p><b>What information was sought by the local authority about what children leaving foster care planned to go on to do?</b></p> <p>From the sample file audit, information sought by the local authority about what children leaving foster care planned to go on to do was very sporadic and limited.</p> <p>From 1990s onwards more information was noted in case notes/files about what children leaving foster care planned to do. This would correspond to statutory requirements around regular reviews with planning as part of the agenda.</p>

p)	<p><b>Was such information retained and updated?</b></p> <p>The level of social work support that the young person needed on leaving foster care placement dictated what information was retained. If there was no further social work involvement, then case files would have been retained (and destroyed) in accordance with statutory retention periods. If there was ongoing social work support offered to the young person, then these plans would have been updated in accordance with the level of service that was being offered and the assessed level of need of the young person.</p> <p>From the 1990s it is more regularly recorded that information was retained and updated as part of Pathway Plan updates if the young person was in receipt of Throughcare and Aftercare services after leaving foster care placement.</p>
q)	<p><b>What was provided in terms of after-care for children/young people once they left foster care?</b></p> <p>Anecdotal information from staff who worked in the Council's Throughcare and Aftercare Team has revealed the following details, as set out below.</p> <p>Currently, if a young person has been looked after at or beyond their sixteenth birthday, the local authority has a duty to provide support and assistance to care leavers until the age of 19 and a power to provide support (on assessed need) until the age of 21. The statutory basis for Aftercare support was the Children (Scotland) Act 1995. This was amended by The Children (Scotland) Act 2014 which increased the age limit to 26.</p> <p>The structure and delivery of aftercare services has changed over the years. In 1984/85, the Young Peoples Team (YPT) were part of The Supported Accommodation Team (based centrally) and were part of combined services which included Hospital Social Work teams and various other projects. A centrally based service for LRC which was then split into 4 districts: East Lothian, West Lothian, Midlothian and Edinburgh City.</p> <p>The YPT were a team with 8 workers. Spread across East and Midlothian each had one worker allocated to their district and West Lothian had 2 workers. Edinburgh had 4 workers and one worker was allocated to each of the 4 social work districts in Edinburgh (North East, North West, South East and South West)</p> <p>Each YPT workers liaised with the Social Work teams, Residential Children's Homes and Fostering Teams in their District.</p>



There was a central referral process which the Young Person's allocated social worker would complete. The YPT worker from the same district would then arrange to meet the young person's social worker and/or residential staff, and/or foster carers for an initial information session to explain what the team could provide and who it worked. There were various leaflets explaining the different types of accommodation, benefits, and referral processes.

After the initial Information session, the young person and their social worker / foster carer / residential worker would be invited to attend a Preparation Group, along with other young people, where they would be initially shown a video explaining the support the Team could provide and the issues about living independently. There were 2 more sessions which covered on the subject of moving on from being in Care to living independently or in supported accommodation. They included budgeting, cooking, maintaining a property, different forms of support / accommodation, employment and further education and emotional issues like loneliness, for example. The young person would then be allocated to the YPT worker from their district, who would meet with them and their social worker/carer/residential worker to complete the assessment and provide support – including the provision of the best possible accommodation. The work will have focused on supporting the young person to transition from their care placement to supported independent living. YPT workers stayed with young people up to the age of 19, with oversight from the allocated social worker who retained management responsibilities.

Following on from the Local Government (Scotland) 1994, LRC became four separate local authorities (East, West and Midlothian Council and the City of Edinburgh Council.)

The Throughcare and Aftercare Team was dispersed to 4 districts within Edinburgh (North East, North West, South East and South West). They were attached to the local Family Based Care Team.

Referrals for young people who were eligible for aftercare were made by the social worker for that young person who would then be allocated to the appropriate district. Allocation would be based on assessed need and all young people referred to the service would have access to financial, practical and emotional support.

In 2003 a further reorganisation took place based on current policy and research such as 'Still a Bairn' Jo Dixon & Mike Stein (2002) and the introduction of 'The Support and

	<p>Assistance of Young People Leaving Care (Scotland) Regulations 2003 which came in to force in 2004. This provided further responsibility to local authorities to provide amongst other things regular financial assistance to certain care leavers and the duty to provide an assessment of need (Pathway Assessment) for certain eligible care leavers. This period saw the development of a multi-disciplinary team including mental health workers, housing workers and specialist employment workers.</p> <p>Young people were referred by their Social Workers in to the centralised team and young people were allocated on a need led basis. All young people who were referred to the Throughcare and Aftercare Team knew about the services they were entitled to.</p> <p>A duty service was introduced in circa 2007 and allowed any eligible young person to access a service when required. Various drop in groups were and are still available to care leavers through a central office base.</p> <p>The service continues to run on broadly the same basis although the referral process has been reviewed to ensure that all eligible care leavers are referred to Throughcare and Aftercare</p>
<b>Present</b>	
<b>r)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>No</p>
<b>s)</b>	<p><b>If so, please give details.</b></p> <p>No</p>

<b>Question 1.8</b>	<b>Local authority staff and foster carers</b>
<b>(i) Local authority</b>	
<b>Past</b>	

a)

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

1930- 1968

We are unable to give exact staffing numbers for the staff grouping during this period. The information below shows a snap shot of the information gathered from our records. We have assumed staff identified had access to children, but it cannot be identified that they were involved in the fostering of children.

15 June 1950 the establishment for Children's Department

Children's Officer

Assistant Children's Officer

Boarding out Officer

Lady visitors x 2

Removal Officers x 2

Care and Protection Officer (male)

Child Life Protection and Adoption Officer (female)

Clerical Assistants (6 x female, 1 x male)

On the 26 March 1959, the Children Committee appointed the Children's Officer as their authorised officer under Section 4 of Children's Act 1958 in connection with visiting foster children and inspection of premises (Ref. SL116/1/12).

11 July 1960, the subcommittee of the Establishment Committee recommended the following; the establishment of the Child Care Officers be increased from four to six. (Ref. SL113/1/4).

A report submitted by the Children's Officer on 7 January 1963 asked for a revision of the establishment given the assumption of care for under-fives, previously covered by the Public Health Department. (SL116/1/15). The current and proposed establishment are set out below:

Present Numbers	Establishment	Proposed Numbers	Establishment
1	Children's Officer	1	Children's Officer
1	Depute Children's Officer	1	Depute Children's Officer
1	Senior Childcare Officer	1	Senior Childcare Officer
	Childcare Officer – Tutor	1	Childcare Officer – Tutor



7	Childcare Officers (Qualified)	10	Childcare Officers (Qualified)
1	Court Officer	-	Court Officer
		2	Assistant Childcare Officers
1	Admission Officer	1	Admission Officer
1	Clerical Assistant	4	Clerical Assistant
1	Clerical Assistant	-	Clerical Assistant
7	Clerical Assistants	5	Clerical Assistants
21		26	

7 April 1964 saw a further revision to the above structure as set out below:

Present Numbers	Establishment	Proposed Numbers	Establishment
1	Children's Officer	1	Children's Officer
1	Depute Children's Officer	1	Depute Children's Officer
1	Senior Childcare Officer	1	Senior Childcare Officer
1	Childcare Officer – Tutor	-	Childcare Officer – Tutor
-	Senior Childcare Officers (Prevention)	1	Senior Childcare Officers (Prevention)
10	Court Officer	12	Court Officer
2	Assistant Childcare Officers	4	Assistant Childcare Officers
1	Admission Officer	2	Admission Officer
-	Chief Administrative Officer	1	Chief Administrative Officer
10	Clerical Assistant	1	Clerical Assistant
-	Telephone Operator / Clerkess	13	Telephone Operator / Clerkess
-	Office Attendant	1	Office Attendant
31		39	

5th April 1966 the below changes were proposed to the structure:

Establishment	Present Numbers	Proposed Numbers
Assistant Children's Officer	-	2
Senior Childcare Officers	2	4
Childcare Officer	20	25
Assistant Childcare Officers	2	2
Homes Supervisors	-	1
Chief Administrative Officer	1	1
Admissions Officers	1	1
Clerical Assistants	14	15
Typists	-	1
Financial Reviewing Officer	1	1
Nursery Nurse	-	1
	41	54

Committee approved that there should be a phased approach to this change in establishment.

Period 1968 - 1975

We are unable to give exact staffing numbers for the staff grouping for the period 1968 / 1975. The information below shows a snap shot of the information gathered from the records held.

A meeting of the Establishment Committee on 3 June 1968 approved the following structure of the Children's department:

Establishment	Present Numbers	Proposed Numbers
Assistant Children's Officer	2	2
Senior Childcare Officers	4	5
Childcare Officer	25	30
Assistant Childcare Officers	2	4
Homes Supervisors	1	1
Chief Administrative Officer	1	1
Clerical Assistants	15	17
Typists	3	4
Financial Reviewing Officer	1	1
	54	65

On 18 September 1969, a report was submitted by the Director of Social Work stating that in order to carry out effectively the duties envisaged in the regulations (introduction of the Social Work Scotland Act 1968) there would have to be a considerable increase in the number of staff employed by EC. (Ref. EC Town Council Papers File 8).

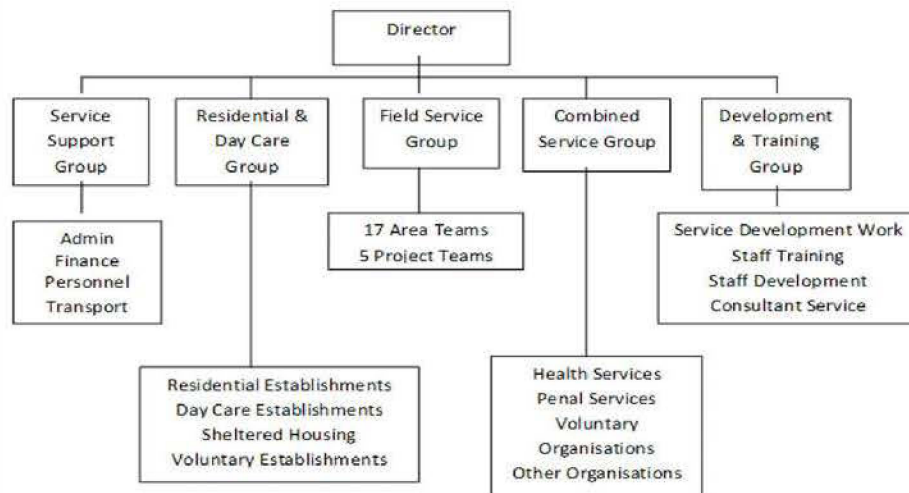
Report dated 9 November 1970 to committee on the 12 November 1970 sets out the proposal by the Director of Social Work setting out the requirement to have eight area teams supported by an Area Officer and two Assistant Area Officers. (Ref. EC Town Council Papers File 8).

On the 8 November 1973, it is reported to committee that there are 90 vacancies for social workers across the department. To increase supply of social workers it is planned to increase the number of training places on course leading to a professional qualification in Social Work. (Ref. EC Town Council Papers File 8).

A report to the Probation and After-Care Sub Committee on 3 October 1974 set out the structure of the ten area teams, as detailed below:

Designation	Est 73/74	Est 74/75	Area 1	2	3	4	5	6	7	8	9	10	Total
Area Officer	10	10	1	1	1	1	1	1	-	1	1	1	9
Assistant Area Officer	-	10	-	-	-	-	-	-	-	-	-	-	0
Senior Social Worker	31	30	2	2	2	2	2	2	2	2	3	2	21
Social Worker	150	150	2	10	3	6	12	8	10	12	8	7	78
Trainee Social Worker	30	30	3	2	5	4	5	2	5	4	3	1	34
Social Work Assistant	20	10	-	1	2	1	5	3	5	1	2	2	22
Administrative Assistant	-	10	-	-	-	-	-	-	-	-	-	-	0
Area Clerks	10	10	1	1	1	1	1	1	1	1	1	1	10
Clerical Assistants	30	30	1	4	4	4	2	3	1	3	4	1	27
Typists	20	20	2	2	2	2	2	2	2	2	2	2	18
Area Cashier	10	10	-	1	1	1	1	1	-	1	1	-	7
Total	311	335	12	24	21	22	30	22	26	27	25	17	226

#### Social Work Department Structure at 29 November 1974





Staffing Numbers as follows:

Service Area	Staffing Numbers
Directorate	7
Service Support	122
Residential & Day Care	45
Field Services	95
Combined Services	8
Development & Training	37
Residential & Day Care Services	799
Area / Project Teams	656
Total	1769

Period 1975 -1996

We are unable to give exact staffing numbers for the staff grouping for the period 1975 - 1996. The information below shows a snap shot of the information gathered from the records held.

A report by the Director of Social Work (1975 - 1976) entitled Manpower Statement provides the following information: (Ref. LRC2/1/1/15/2).

At 31 October 1975

Area	Staff Number	Vacancies
Field Services	96	15
Area Teams	614	96.5
Total Staff across all areas	1870	238.5

In 1976/1977 a report by the Director of Social Work entitled Social Work Staffing and Service sets out the desired establishment as 1896 but confirms the actual staffing number to be 1657 (Ref. LRC3/8/3/1).

It goes on to report that in field services there are 209 basic grade Social Workers in area teams, this being 30% lower than the staffing level considered reasonable. It sets out the structure as 17 teams consisting of the following (per team):

- 3 Seniors
- 12 Social Workers
- 2 Social Work Assistants

It also sets out the requirement for a Development and Training Group which would have three main functions:

- Management and provision of service
- Monitoring and review and improvement of service
- Planning and development

Period 1996 - 2014

No data is available from the period 1996 – 2007, but better data is available for 2007 – 2014.

The information below shows a snap shot of the information gathered from the records held. The following data comes from the Council's Human Resources (HR) records where data is recorded from 2008.

	Family Based Care (FTE)	Foster Care Team (FTE)
Dec 08	79	
April 09	75	
Dec 09	75	2
April 10	74	11
Dec 10	38	9
April 11	44	13
Dec 11	46	14
April 12	50	14
Dec 12	55	15
April 13	57	15
Dec 13	61	14
April 14	60	13
Dec 14	65	13

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

1930 – 1968: Information not available.

1968 – 1975: Information not available.

1975 – 1996: Information not available.

1996 – 2014: As table in (a).

c)	<p><b>What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.</b></p> <p><u>Period 1930 – 1968</u></p> <p>No information available.</p> <p><u>Period 1968-1975</u></p> <p>In the review undertaken as part of this submission a sample of children's files was undertaken. Of the ten records reviewed for the period of 1960, in all ten cases there was evidence that there was an interaction between the child and the Social Worker (representative of the local authority).</p> <p>Child files available detail interactions between foster children and the local authority.</p> <p><u>Period 1975 – 1996</u></p> <p>As above, there is evidence in the sample that there was an interaction between the child and the Social Worker (representative of the local authority). There is also reference to interaction with the Childrens Rights Officer.</p> <p>Records available from 1982 record an interaction between foster children and their foster families and they are supported by the following staff within LRC:</p> <ul style="list-style-type: none"> <li>• Area Officer</li> <li>• Senior Social Worker</li> <li>• Social Worker</li> </ul> <p>Contact in relation to the above appears to have been with both the foster children and foster parents. It also appears that the Area Officer is identified as the person through which contact was maintained with the child's birth family.</p> <p><u>Period 1996 – 2014</u></p> <p>In the hand book for carers (circa 2008) the following roles were identified:</p> <ul style="list-style-type: none"> <li>• the liaison social worker</li> <li>• child's social worker.</li> </ul>
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The role of the liaison social worker is to supervise and assist the carers in the task of looking after children placed with them and to ensure safe caring practices are followed. They must also complete reviews and identify training needs with carers. Within their role they will ensure adherence to the national care standards.

The role of the child's social worker is to visit the child on a regular basis, including meeting alone with the child. They have responsibility for ensuring statutory requirements for the child's care and protection are met. They are responsible for promoting the child's welfare and development and monitoring and recording their progress in relation to the child's plan in consultation with the carer, the liaison social worker and other relevant professionals. They will also manage contact with the child's birth family and any other significant contacts as set out in the child's plan.

The posts listed below were directly responsible for Foster Care services and such would have had contact with both children and foster carers. The purpose and main duties are listed below:

In 2009 the Team Leader role in FBC (responsible to the Team Manager) was established. The main purpose of the role to provide professional support, management, supervision and leadership to a team of social workers and senior practitioners delivering services within FBC. The Team Leaders within FBC will be interchangeable as required, but at any time will lead and take responsibility for managing one of the following teams (other teams are represented in the JD):

- The Recruitment Team recruits, assesses and trains carers and adopters. They have lead responsibility for the recruitment and initial training of all members of the public who wish to be considered as departmental carers. They present detailed home studies to the Council's fostering panels. Child protection is integral to the training and preparation provided. If applicants do not meet risk assessment criteria they are counselled out of the process. This team also has primary responsibility for supporting and monitoring the progress of newly approved carers over a period of six months or more to ensure continuity and that standards of care are maintained.
- The Initial Family Placement Team is a large team with three team leaders. It is responsible for organising and supporting placements of children referred to the service or requiring a move of placement. The children have usually been neglected or abused and are distressed and disturbed by the trauma in their lives. The staff team deliver an intake and temporary foster care service.
- The Permanence Team organises adoption and permanent foster care for children. The Permanence Team has responsibility for finding permanent /adoptive placements

for all children registered for permanence by the City's adoption and permanence panels. The team ensures that children waiting are tracked efficiently and speedily and that effective working relationships with colleagues and other agencies are established for this purpose. In addition, the team recruits, assesses and supports about 15/20 new adopters/permanent carers per year and assesses carers to convert from temporary to permanent care. The team ensures that these assessments and subsequent placements are safe, of high quality, and meet Adoption Agency Regulations and required timescales;

The Team Leader was responsible for:

- Monitoring staff workloads, allocating cases, co-ordinating support to staff in taking these cases forward, and ensuring quality and consistency of work within own team.
- Ensuring team members' practice adheres to relevant legislation (Children (Scotland) Act 1995, Adoption and Children (Scotland) Act 2007), national care standards and departmental policies and procedures. Providing consultancy and advice to departmental staff concerning fostering and adoption legislation, national care standards, departmental policies and procedures and family placement best practice when they are relevant to their work.
- To enable the postholder to manage the team's workload; allow senior management to maintain an overview of work progress; and enable performance figures to be produced.

In 2010 the Social Worker job description, for workers based in Family Based Care, set out the purpose of the role as follows:

- To develop and sustain a flexible range of family-based care placements to meet the needs of children and young people, from birth to eighteen years. This will involve the recruitment, assessment and supervision / support of carers.

The major task / job activities are set out as follows:

- To undertake the recruitment, preparation and assessment of carers.
- To develop and sustain effective working relationships with Practice Team colleagues and other professionals to ensure the services provided by Family Based Care are responsive to need.



	<p>In 2011 the job description setting out the role of the Senior Practitioner in the Support to Children and Young People Service states the purpose of their role is to undertake direct/indirect work with service users, carers and adopters, particularly where the demands of complex problems require advanced social work practice skills. The major tasks are outlined as follows:</p> <ul style="list-style-type: none"> <li>- Assess strengths, risk and needs of referred clients, carers and adopters as part of a specialist team/service operating within a multi-agency context.</li> <li>- Take full responsibility, within normal arrangements for accountability, for managing a caseload through the delivery of direct professional social work service to children and young people/vulnerable adults and/or their families/carers/adopters. Designing creative placement and service solution to support children and carers.</li> <li>- Supporting carers, their families and the children placed with them in particularly complex and challenging situations</li> <li>- Chairing linking and co-ordinating meetings</li> <li>- Advising staff on particularly complex child care cases</li> </ul> <p>In 2012 the Social Work Assistant job profile sets out that they would have been responsible for the following, which would include children and their foster carer:</p> <ul style="list-style-type: none"> <li>- To provide a range of services including direct work with families, transport, advice, guidance and assistance in respect of the care and development of children and young people. Included, would be practical support to carers such as in the ordering and delivery of equipment.</li> <li>- To supervise and maintain contact arrangements between accommodated children and their families.</li> <li>- To assist Family Based Care colleagues in the recruitment, preparation and assessment of foster carers.</li> </ul>
<b>d)</b>	<p><b>In relation to each role, what experience/qualifications did such staff have?</b></p> <p>For all time periods, staff will have been appointed in line with the Recruitment and Selection procedure in place at the time.</p> <p><u>Period 1930 – 1968</u></p> <p>During the period 1950 - 1969 and onwards there is reference to staff members at all levels of the organisation and Councillors from the appropriate committee attending training,</p>



refresher training, Annual General Meetings and conferences. These are predominantly led by external organisations including the National Bureau for Cooperation in Child Care, Scottish Society for the Prevention of Cruelty to Children Conference, National Institute of Social Work Training and Edinburgh University.

#### Period 1968-1975

With the introduction of the Social Work Scotland Act 1968 legislation was introduced to bring together social work professionals from different fields of practice into new local authority departments to promote individual and social welfare.

A report to committee on the 31 May 1973 detailed the qualifications recognised for admission to the grade of social worker; the result of rationalising previously diverse qualifications in the former child care welfare and probation services were no longer recognised.

It was agreed at this time that in the interest of the promotion of an effective service that all social workers employed should be professionally qualified.

#### Period 1975 - 1996

A committee report in 1977/1978 entitled Implementation of the Children's Act 1975 (Progress Report) by the Director of Social Work reported considerable activity in relation to the Children's Act in all areas of the Department including field work. (Ref. LRC3/8/3/2).

The Director reported that all staff now had a basic understanding of the legislation and have participated in exercises designed to incorporate the legislation into their everyday work.

A further report dated 1978/79 by the Director of Social Work, entitled Certificate in Social Service, outlined the training and education required for individuals working with clients in a social work setting. It set out the requirement for training to be developed in parallel with increasing knowledge of staffing patterns, clarifying the settings and the way in which individuals work and the skills required. The recommendation of the report was the development of a certificate in Social Services Scheme in Lothian Region. (Ref. LRC3/8/3/4).

In November 1977 the department had been attempting to expand and improve its services related to planning for children in care. Approval was given to recruit a full-time organiser for Homefinding. It was hoped that they would have a social work or related qualification and have experience of the fostering and adoption field. A report by the Director of Social Work in 1978/79, entitled Homefinding for Children, Post of Homefinding Co-ordinator reports at this time there had been some developments in the department's services to children as follows: the 13 social workers and 3 senior social workers approved by committee earlier that year, to take into account the provisions of the Children Act 1975 are involved in setting up family placement systems in each area team and five permanent Homefinding panels in the region. The report indicates it was difficult to recruit to this post and that the desired candidate should have senior social worker experience. (Ref. LRC2/1/1/20/6).

#### Period 1996 – 2014

A report by the Director of Social Work dated 1995/1996 set out to seek approval of the Social Work Committee for Quality Standards for Social Work Services to Children, Young People and Families, in relation to Fostering and Adoption Services provided by or on behalf of LRC. This report was put forward as a consequence of the Children Act 1989.

Within the report it sets out criteria in relation to the following:

#### Recruitment and Selection

A clear comprehensive recruitment and selection process forms the basis for recruiting and appointing staff, based on the Council's equal opportunities policy. It set out that all recruiting managers should be appropriately trained and that procedures reflect the needs of the service and the basic values and principals underpinning the work. Use was to be made of specific advertisements, clear job specifications and manageable job descriptions. It also set out that police checks are taken on all staff who work with children and families.

#### Qualifications

Social workers in Children & Families Practice Teams have a recognised Professional Qualification in Social Work and post qualifying opportunities. It sets out the qualifications appropriate to and required for the level of work undertaken in the role. Staff should be able to demonstrate competence in their work and that they have undertaken and or

participated in post qualifying training and development, for example the Certificate in Child Protection.

#### Staff Training and Development

There is a comprehensive staff training and development programme which identifies plans and reviews the learning and development needs of all staff. This includes a clear and comprehensive induction programme for all staff in the department and initial induction programme for staff working in particular specialisms or service units. It says that all staff should have individual training plans and portfolios and that staff should evidence competencies in their understanding and application of legislation, guidance and procedures. It also states that staff should have the opportunity to develop their knowledge, skills and competencies.

#### Professional Practice

The Department adheres to the principles of social work practice as outlined by the British Association of Social Workers. It outlines that there should be an awareness of the professional nature of social work and that the confidence in the practice would be evidenced from professional training and recognition of the values and purpose of the social work task. Other areas set out as measures for professional practice include (although are not limited too) staff respecting children and families as individuals and safeguarding their dignity and rights. Staff maintaining no prejudice in self, nor tolerance of prejudice in others. Children and families are empowered and their participation in decisions and defining services is encouraged. Professional responsibility takes precedent over personal interest and that actions are always in the interest of the children and their family.

#### Violence to Staff

That the safety of staff is a priority, that there are clear and agreed procedures for minimising danger to staff and that arrangements are reviewed on a regular basis to minimise danger to staff. It also suggests technology is used to identify risk, e.g. "flagging" on the client index.



#### Staff Counselling Scheme

Arrangements are available for staff to have access to an independent and professional staff counselling scheme.

The above practices have evolved over the time frame, but all areas continue to be a focus.

The posts listed below were directly responsible for Foster Care services and the experience and qualifications required for the postholder are listed below.

In 2009 the educational / vocational qualifications required for the Team Leader role in Family Based Care (responsible to the Team Manager) are listed below:

- Diploma in Social Work or equivalent essential and continuing professional development must be demonstrated.
- Registration with the Scottish Social Services Council is also essential.
- A Child Protection Certificate and/or Family Based Care post-qualifying social work award is desirable, as is a management qualification.

In regard to experience the required level of experience is set as:

- Sufficient operational experience of family-based care social work services to enable an in-depth understanding of operational issues and problem resolution, to effectively plan and monitor services, prioritise and co-ordinate cases as they are referred, and ensure consistency and quality of work within the team.

This staff member also had responsibility for managing a team delivering direct support to children and foster carers. They were required to have experience of staff management including managing disciplinary matters, managing attendance, managing performance and recruitment and selection.

In 2010 the Social Worker job description for workers based in Family Based Care set the qualifications and training required for the post as follows:

- Diploma in Social Work or equivalent
- SSSC Registration
- Child Protection Certificate, P.Q 1
- In 2011 the job description setting the role of the Senior Practitioner in the Support to Children sets out the necessary knowledge, skills, abilities and recognised / required qualifications are necessary for the competent performance of all the duties and

	<p>responsibilities of the job as follows: A Degree in Social Work or equivalent is essential together with registration with the Scottish Social Services Council as a condition of continued employment.</p> <ul style="list-style-type: none"> <li>- Possession of a post social work registration qualification relevant to the specialist service area, e.g. Child Protection Certificate; Practice Learning qualification; Mental Health Officer Award; Certificate in Adult Protection, or other equivalent qualification, is essential.</li> <li>- Experience of taking full responsibility for the most complex cases and working within a multi-agency environment.</li> <li>- Significant previous experience within the senior practitioner specialism.</li> <li>- The ability to apply social work theory and research to the achievement of solutions to complex problems and client difficulties.</li> <li>- Extensive up to date working knowledge and understanding of social work legislation, principles and values is essential.</li> <li>- Experience of managing and prioritising own work.</li> <li>- Experience of coaching, mentoring or counselling others and the ability to develop others' practice.</li> <li>- Computer literacy and the ability to use in house data recording and reporting systems.</li> <li>- The ability to communicate coherently and concisely with a wide range of clients and professional staff and to produce detailed written reports which address issues and clearly set out/justify recommendations.</li> </ul> <p>In 2012 the Social Work Assistant job profile sets out what would have been expected in regard to experience / qualifications as set out below:</p> <ul style="list-style-type: none"> <li>- Experience of work with children and their families experiencing crisis, of working with looked after children</li> <li>- Experience of working in a social work setting, preparing assessment reports and contributing to meetings</li> <li>- SVQ's or professional training in child care or child development</li> </ul>
e)	<p><b>When were fostering panels set up? What was their purpose and remit?</b></p> <p>Under Regulation 8 of the 1996 Regulations, each local authority was required to establish foster panels to decide on applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child. Functions of the fostering panel were:</p>

20.

- (1) The fostering panel must consider the case of every foster carer and prospective foster carer referred to it by the local authority.*
- (2) The fostering panel must make recommendations on the following matters:*
  - (a) whether a prospective foster carer is suitable or continues to be suitable to be a foster carer;*
  - (b) whether a prospective foster carer would be a suitable foster carer for—*
    - (i) a particular child or children;*
    - (ii) any child; or*
    - (iii) certain categories of child;*
  - (c) the maximum number of children a particular foster carer may have in their care at any one time.*
- (3) Before making a recommendation under paragraph (2) the fostering panel must give the prospective foster carer the opportunity to meet with the foster panel to discuss the matter.*
- (4) In carrying out its functions the fostering panel must have regard to—*
  - (a) the duties imposed on the local authority by section 17(1) of the 1995 Act;*
  - (b) all the information and reports passed to it.*

The written agreement governed the support and training to be given to a foster carer, the procedure for handling complaints against the foster carer, the financial arrangements, the obligation not to administer corporal punishment, the duty of confidentiality, and the foster carer's obligation to care for the child placed with the foster carer as if he or she was a member of that person's family and in a safe and appropriate manner, and to promote his or her welfare having regard to the local authority's immediate and longer term arrangements for the child. This regulation therefore demonstrates that the fostering panels were/are accountable to the local authority, and to any representative of the local authority, with regards to the role and responsibilities of the foster carer, as specified in the foster carer's agreement with the local authority.

Within Guidance on Looked after Children (Scotland) Regulations 2009, Regulation 17 requires each local authority to appoint a Panel, to be known as the "fostering panel" to carry out the functions listed in Regulation 20.



f)	<p><b>How were fostering panels constituted? What skills and experience were the members required to have?</b></p> <p>Under the Looked After Children (Scotland) Regulations 2009 the following is noted which provides detail to the accountability of the fostering panel to the local Authority.</p> <p><i>“Appointment and composition of fostering panels</i></p> <p><i>17.</i></p> <p><i>(1) Each local authority must appoint a panel to be known as the “fostering panel” for the purpose of carrying out the functions conferred on it by regulation 20.</i></p> <p><i>(2) The fostering panel shall consist of at least 6 members.</i></p> <p><i>(3) A fostering panel may be established jointly by any 2 or more local authorities which panel shall be known as a “joint fostering panel” and any reference to a fostering panel in these Regulations shall include a reference to a joint fostering panel.</i></p> <p><i>(4) The persons appointed to a fostering panel shall include a medical adviser appointed by the local authority under regulation 19.</i></p> <p><i>(5) Each local authority must satisfy themselves that the numbers, qualifications and experience of individual members of a fostering panel will enable it effectively to discharge its functions.</i></p> <p><i>(6) Where the local authority are of the opinion that any member of the fostering panel is unsuitable or unable to remain as a member they may terminate membership at any time by giving notice in writing with reasons.”</i></p> <p>Within Guidance on Looked after Children (Scotland) Regulations 2009, Regulation 17 requires each fostering panel to consist of at least six members, while regulation 18 sets the quorum for individual meetings of the panel at three people at least. It is a duty on local authorities in regulation 17(5) to satisfy itself about the numbers, qualifications, and experience of individual panel members.</p> <p><i>“The panel should have a gender balance and individual panel members should be aware of equality and diversity issues. The panel may be drawn from; staff within the social work service especially those with relevant experience of foster care and children who are fostered; other parts of the local authority such as education and housing; existing experienced carers; adults who have experienced the care system, especially through foster care; other outside organisations relevant to the task; councillors or other community representatives; and independent individuals with relevant professional or specialist</i></p>
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	<i>experience or knowledge. Within the regulations, the roles of Chairperson, Medical advisors, Legal advisors, Administrative support are outlined”.</i>
<b>Present</b>	
<b>g)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>No.</p>
<b>h)</b>	<p><b>If so, please give details.</b></p> <p>Not applicable.</p>
<b>(ii) Foster carers</b>	
<b>Past</b>	
<b>a)</b>	<p><b>How were foster carers identified and approved/registered?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children’s files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
<b>b)</b>	<p><b>What experience and/or qualifications, if any, did a foster carer require to have?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children’s files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
<b>c)</b>	<p><b>What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children’s files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>

<b>d)</b>	<p><b>What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
<b>e)</b>	<p><b>What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
<b>f)</b>	<p><b>To what extent, if any, were the checks referred to at paras (c) to (e) above reviewed? If so, how frequently and what checks were done? If not, why not?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
<b>g)</b>	<p><b>What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>



h)	<p><b>Was the gender of the foster carer of any relevance to approval as a foster carer or in relation to the placement of a child with a particular carer? If so, why?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
i)	<p><b>Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
j)	<p><b>Were foster carers required to provide any services for children in their care beyond accommodating them? If so, what were they?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
k)	<p><b>Did children work manually in the placement or externally (e.g. farming work or other labour), or both? If so, did that change at any point? If so, why?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
l)	<p><b>Were fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including</p>

	children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.
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## **Present**

<b>m)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>
<b>n)</b>	<p><b>If so, please give details.</b></p> <p>A comprehensive file audit is currently in progress which is looking at de-registered and registered foster carers and cross referencing with other appropriate records, including children's files and SWIFT records. It is envisaged that upon completion of the audit and subsequent analysis of findings, that a response can be provided to this question.</p>

## **2. Organisational Structure and Oversight**

<b>Question 2.1</b>	<b><u>Culture</u></b>
<b>Past</b>	
<b>a)</b>	<p><b>What was the nature of the culture within the local authority in relation to the provision of foster care?</b></p> <p>The culture in relation to Foster Care provision in Edinburgh has evolved in response to relevant statutes and national policy and guidance, from which local policies were formulated. As early as the 1930's, the local authority preference was to board out children with families rather than place them in institutions. (Ref. SL61/1)</p> <p>This general culture has continued until the present day, led by Public Assistance Committees, Children's Departments and Social Work Committees all expressing a</p>



	<p>preference to placing children with families or where not possible at least in smaller family type residential homes. (Ref. SL61/1, SL116/1, SL118/1)</p> <p>After the Second World War Edinburgh Corporation developed a policy of increasing residential care provision to ensure that healthy children did not need to be looked after in hospital. Other than this for the time period in question the ethos/culture of family placements appears fairly consistent. (Ref. SL164/1/7).</p> <p>It is apparent that generally the culture within this local authority was a preference towards fostering. It is also clear however that this has not always been achieved. At times more children were placed in residential settings than would have been the ideal; often the reason cited was an inability to recruit carers of a high enough quality. Answer c) provides an in-depth timeline to the changing culture.</p>
b)	<p><b>Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provision of foster care?</b></p> <p>Extant documentation is limited in this regard, but past and current practices strongly suggest that the ethos described above was promoted and implemented and would likely have been subject to policy and documented procedures. Certainly, after the Second World War Edinburgh Corporation pursued a policy, in line with its responsibilities under the 1948 Act, of increasing residential care provision to ensure that healthy children did not need to be looked after in other settings. (Ref. SL164/1/7). From the 1990s onwards, the evidence strongly suggests that the culture described above was reflected in policies and associated procedures throughout the period under consideration.</p>
c)	<p><b>How can that be demonstrated?</b></p> <p>The nature of the culture in relation to Foster Care in Edinburgh has changed and evolved in response to relevant statutes in terms of national policy and guidance and local policies which were formulated based on national policies.</p> <p><u>Edinburgh Corporation</u></p> <p>In 1930 the function of the local authority (the Edinburgh Corporation) was to continue the policy carried out by the Parish Council of 'not keeping children in the poorhouse'. The local authority aimed to place children in a children's home or at Craighleith hospital, and from there board them out to 'suitable guardians' (Ref. SL61/1).</p>



In 1943, the City Social Services Officer reported to the Public Assistance Committee of the requirement for additional residential establishments for children in order to meet its obligations. The practice of boarding out to families continued but the Corporation was finding it difficult to meet its obligation. So, although there appeared to have been a culture of attempting to board out children with families, the organisation recognised difficulties in achieving this (Ref. SL61/1/15)

The Edinburgh Corporation accepted and introduced, via the Education Authority, the 'Regulations and Rules regarding Boarded Out Boys and Girls' (Ref. SL164/1/7). For the full list of rules see Question 1.5 Ethos.

This provided for rules regarding the selection of Foster Parents and expectations of carers, including a register of parents and age range of Foster Carers. There was also rules for the assessment of carers e.g. that they can provide the necessary training and discipline to the young person. Where arrangements cannot be made for boarding out a boy or girl immediately after committal, the Education Authority may arrange for the boy or girl to be admitted to the Children's Home. It also included half yearly reports on visits to boarded out boys and girls. This shows the local authority creating a culture that included oversight of placements, assessment of carers and a preference for placing children with families. The rules also included sections on rules to be observed by Foster carers, Food, Clothing, Sleeping Accommodation, Training and Discipline, and School Attendance. The local authority was attempting to provide a continuity of service for children staying with foster parents.

An Annual Progress Report was prepared by the Public Assistance Committee. This detailed the number of children boarded out with guardians for that year, as well as evidence of after-care support. This report notes a letter from the Department of Health on the matter recommending members of the Committee continue to visit boarded out children; this provides some evidence of a culture of the recognition of the need for oversight. (Ref. SL1/1/382)

A full Council Minute from 1936/37 documents a further discussion of expenses paid to members of the Public Assistance Committee when visiting boarded out children; this evidences that the culture within fostering clearly saw the importance of at least semi-independent monitoring. (Ref. SL1/1/387)

The Social Services Officer reported in 1944 that a number of children were boarding in institutions out with the management control of the Corporation, a practice of which the Officer did not approve. The City's Social Services Officer reported to the Public Assistance Committee that residential care was being used for a significant number of children assessed as "unfit for boarding out because of mental defects, maladjustment, incontinence and other reasons". There is some evidence that there was a prevailing culture that fostering was not suitable for all children, particularly those with physical and mental health issues. (Ref. SL61/1/16)

The Children Act 1948 prescribed local authorities with a duty to receive children into care in certain circumstances. Local authorities could assume parental rights for children in care. The 1948 Act also created a statutory requirement that boarding out with Foster Carers should be considered before residential care. An ethos/culture of providing Foster Carers as first choice had already developed in Edinburgh as evidenced previously.

The boarding out system has long been established as policy in Edinburgh, and the advent of the Children Act 1948 with its emphasis on boarding-out made little change apart from the administration arrangements.

The Act was designed to "ensure that all deprived children shall have an upbringing likely to make them sound and happy citizens, and to make available to them all the chances, educational and vocational, of making a good start in life, which are open to children of normal homes"

Children were obliged to spend time in a children's home before boarding-out to:

- be medically examined/receive medical attention;
- be provided with suitable clothing; and,
- assess where they would be best placed

Children's homes were also used to accommodate children unsuitable for boarding-out and those returned for a variety of reasons from foster homes or voluntary homes.

There were 4 Corporation Children's Homes in 1949/50:

Name of home	Age range of children	Available
St Katharine's	Aged up to 2 ½ years	40
Canaan Lodge	Over 2 ½ years	90 (approx)
Redhall	Over 5 years	40
Clerwood	Up to 2 ½ years	38



The Scottish Home Department provided a Memorandum on the boarding-out of Children in 1959. This 28-page document covered most areas involved in boarding-out including the definition that:

*Boarding Out is, first the finding of a home, for a child who has lost or has had to leave and secondly the exercise of constant care to ensure that he gets, in his new home all normal opportunities for a balanced development, physical, emotional and intellectual.*

It offered the local authority guidance on a range of issues:

- The finding and selection of foster homes
- Relationship between foster parents, boarding out officer and child
- Child's relationship to his natural parents and relatives
- Placing of a child in a foster home
- Visiting of boarded out children
- Removal of child from foster home
- Holidays
- Visiting of children by one local authority on behalf of another

This provided further framework for the local authority to provide foster homes promoting a culture in line with these principles:

- Success "depends primarily on the selection of suitable foster parents who must be vouched for locally as persons of good character and in all respects fit to look after the health, education and general well-being of children". The writer notes that "Within recent years there has been a scarcity of suitable foster parents, which unfortunately persists".
- Regulations provide for visitation of the children – members of the Children's Committee must visit at least once a year; officials with 6 months of boarding out and thereafter at 6 monthly intervals
- There is regular supervision by a "local person"
- A medical practitioner should visit the child every 6 months
- The foster parent and headmaster will be consulted on the best type of employment for the child after schooling ends
- Boarded-out children are expected to have the same educational opportunities as everyone else including University; "boarded-out children have qualified as doctors, ministers and teachers"



- After care is sometimes required even when the child is self-supporting where officials have determined that continued advice and help will be needed
- Foster parents are paid 17/6d per week per child and all clothing is provided

By 1961, the Children's Committee reported to the Town Council of the "persistent efforts of the Children's Department to keep a child's separation from its family as short as possible." (Re. SL116/1/14)

In the 1960's there was a move to developing services and interventions to prevent children coming in to care in the first place. On 9<sup>th</sup> April 1963, the sub-committee of the Children's Committee Homes noted new legal duties placed on local authorities to provide 'a comprehensive service for the prevention of neglect of children'. The sub-committee instructed officers to submit a 'coordinated report regarding the arrangements which might be made for the provision of a comprehensive service. (Ref. SL116/1/15)

In full Council Minutes of 1962/63, a report by the Children's Committee into foster homes noted "Traditionally the deprived child in Scotland has been boarded out with foster parents. This continues to be the policy of the Committee." Also noted were the number of applications from prospective foster parents and the number of children who have been placed with foster parents. (Ref. SL1/1/412)

Full Council Minutes in 1963/4 notes "Public interest in the care of deprived children was aroused during the latter half of the last century and this interest coincided with a period of change affecting the health and education as well as the living and working conditions of a large section of the community." (SL1/1/413)

The Second World War highlighted the problem again when the evacuation prompted a re-appraisal to the whole approach to children not being cared for by their parents. At the same time medical research produced further evidence of the effects in terms of mental health of maternal deprivation.

The belief persists that boarding out with foster parents is best as "the evidence suggests that the individual attention in a foster home is more likely to create a physically and mentally healthy person". The author states that this has led to a rethink in the scale and design of Children's Homes – larger homes being used for other purposes or converted to small family units".

The report stated that Children's Departments must learn from experience so that

A full Council Meeting from 1953/54 saw a report into boarded out children including medical care, education and religious activities. This also provides evidence of through care after care contact, showing that these placements were reviewed at this level and this was established practice. It also noted:

*While the 1950's were notable for an emphasis on boarding out the 1960's are probably going to be equally notable for the re-emphasis on keeping families together. Now it is felt more appropriate to spend time and money on keeping together families in need of help rather than breaking them up and admitting the children to public care (Ref. SL1/1/403).*

A Full Council Meeting from 1955/56 references an Annual Progress Report by the Children's Committee. This report records the number of children taken into foster care and importantly, notes attempts by the Children's Committee at trying to keep families together, as required under the Children's Act 1948. (Ref. SL1/1/405)

An annual progress report by the Social Work Committee from 1973/74 concluded that fostering children is more effective than placing them in a children's home. Publicity events for recruiting foster carers also increased the number of carers registered and notes there were over 600 children fostered during that year. (Ref. SL1/1/423)

There was a recognition by the Full Council Meeting that residential care suited some children better than a family placement and a programme of building small bespoke Children's Homes had begun to meet this need. (Ref. SL1/1)

In 1962 a system of short stay boarding out was introduced, though it was recognised at the outset that the volume and quantity of carers would determine how successful the scheme would be. (SL116/1/15)

In 1962/63 a Full Council Meeting by the Children's Committee into foster homes stated "Traditionally the deprived child in Scotland has been boarded out with foster parents. This continues to be the policy of the Committee." It notes the number of applications from prospective foster parents and the number of children who have been placed with foster parents. (Ref. SL1/1/411)

In 1964 there were 179 temporary placements as opposed to 75 at the start of the scheme. Two residential nurseries were closed because of the effectiveness of the scheme. (Ref. SL1/1/414)



A Full Council Meeting of 1965/66 notes the difficulty in finding good foster parents. The minutes also highlight attempts to attract appropriate foster carers by placing adverts in the local press. Moreover, it also noted that it is difficult to place a child with additional needs and older children with ongoing family relationships. This demonstrated the importance of assessing foster carers, as well as recognising the need for specialist foster carers. (Ref. SL1/1/415)

In 1968/69 a report provided to a Full Council Meeting into children in foster care notes that the number of children placed in foster care increased that year. A report the following year notes a publicity drive to attract more foster parents. (Ref. SL1/1/418)

In 1968, the annual progress report of the Children Committee reported caring for children had become demanding work and that a kind of 'custodial care' was insufficient to meet the needs of children. The Committee stated that it was necessary to provide a 'positive healing environment' in the right kind of home. In response, it decided to build a proportion of larger residential homes as well as smaller group homes. It was decided that it was important for an urban authority to provide a variety of homes in which siblings could be accommodated together. Although boarding out was recognised as the better option for children, the Council accepted that some residential units were required. (Ref. SL1/1/418)

#### Lothian Regional Council

A Lothian Regional Committee (LRC) meeting in November 1976 notes 'Similarly, attention needs to be given to fostering and adoption (particularly for older children) as preferred alternatives to residential care. This would not simply be because they are less costly in financial terms but because no institution, however well provided, is an inadequate substitute for normal family life and the latter should be made available to as many children as possible. At the moment, the department's capacity to recruit foster parents is variable in different parts of the region. Attention should be given to the problem of foster parent recruitment, both where there are disparities and more generally. A number of things could be done. First, more concentrated campaigns may be needed and the use of media needs consideration. Second, allowances to foster parents and their method of payment need to be examined, and all possible improvements. Third, attention must be given to the level of support given to foster parents. Breakdowns in placements might be avoided and fewer foster parents drop out if more social work support were available. Fourth, the possibility of developing a 'professional' foster parent scheme, where experienced foster parents are paid a salary



in return for caring for difficult children is worth further examination. This, however, would involve increased costs in the short term, and may be possible to implement only experimentally at present (e.g. the 'community carers' scheme for adolescents leaving residential care)". (Ref. LRC3/8/1/1)

A Director of Social Work report at the same time states "This was a matter raised by our own authority and the resultant circular attempts to provide guidelines for establishing a basic uniform policy for good fostering practice of children placed outside their home authority, but it acknowledges that the guidelines cannot always be implemented so long as some authorities receive more foster children than they have social work resources with which to cope". The report suggests that placing children out with their home authority should be discouraged and that if that has to happen, then proper agreements are drawn up between the two authorities. The Social Work Committee agreed that the report be approved, and that attention should be paid to the enforcement of all relevant regulations and policies. (Ref. LRC3/8/3/2)

In December 1976, a Social Work Review was presented to the Social Work Committee of Lothian Regional Council. The report commented on a lack of coordination and integration of service delivery, weaknesses in communication and the need for clearer definitions of responsibility and accountability in relation to looking after children. (Ref. LRC2/1/1/20/3). Following a series of consultations and reports, the Committee agreed in 1979 that a formal system of reporting and of monitoring senior management performance should be developed, and that priority should be given to developing a comprehensive planning process and that the co-ordinating role within the directorate should be strengthened. (Ref. LRC2/1/120/6).

Over a period of 3 years between 1976 and 1979 the Director of Social Work reported to Committee on a programme of closing older and larger homes and investing in fostering services and of services to prevent children coming into care. The aim was to create a culture in which residential care was more specialised and better placed to deal with children with more complex needs. (Ref LRC3/8/3/2 – 5).

A further Director of Social Work report in 1977 noted a request from the South Edinburgh Foster Parents' Association asking to meet with members of the Social Work Committee in relation to oversight visits to foster parents by Committee members. The South Edinburgh Foster Parents Association was formed to promote co-operation amongst foster parents in relation to the welfare of their foster children, to discuss all matters relating to the health, education and welfare of children in foster care, to work

with other organisations and develop the concept of fostering in the community. As well as holding monthly meetings, they also organised summer trips and Christmas parties for local foster children. The Director of Social Work noted "fostering...is perhaps the most satisfactory form of child care for those children who do not have a natural family in which to grow up...This Association is very highly considered by the Gilmerton Area Team (Social Work). During its short life, it has proved that it has a very real role to play in improving fostering standards and recruiting new foster parents. I feel its work should be encouraged." The Director recommended that Committee grant money to help towards their administration costs. (Ref. LRC3/8/3/2).

A Director of Social Work report of 1978/79 reported on working with local foster parents' groups, with the aim of developing skills and supporting each other. The National Foster Care Association were seeking views of foster parents on the proposed Children (Foster Care) Act 1979. The report recommended that the Social Work Department should continue to encourage local foster parent groups, hold formal meetings with such groups twice a year and that the Regional Council become a member of the National Foster Care Association. This demonstrated senior leadership commitment to supporting foster carers within the context of national legislation. (Ref. LRC3/8/3/4).

A Director of Social Care report of 1981/82 entitled Finding Homes for Children in Care notes the progress made in finding homes for children in recent years, the number of children still waiting for placements, new initiatives to tackle the problem of this and plans to meet the commitments for older children in care. The Director recommended that "the Committee adopts a policy that the Department should work to an explicit target of no child under 12 years remaining in our Local Authority's care for more than two years without there being a firm commitment either to his return to his natural family home, or to his resettlement in a permanent substitute family within that timescale." He also recommended that the department use the next three years to find families for children up to age 12 and that staffing and resources are reviewed. The report includes notes from a seminar in child care and the need for finding permanent families for children in care. (Ref. LRC3/8/3/7).

In 1983, Lothian Regional Council adopted a policy called a 'Time of Change' to reduce residential care for children, especially younger children, develop services to prevent children coming in to care and increase the use of foster care and adoption. (Ref. LRC3/8/3/9)



In 1982 the Regional Council also adopted a Youth Strategy Policy which placed an emphasis on developing 'community-based alternatives to residential placements'. The principles laid out in the Youth Strategy Policy were that no child or young person should be recommended for residential care unless:

- He/she has no home (including substitute home) in the community which can, with appropriate support, provide an adequate degree of care and control, or
- He/she is a risk to others (Ref. LRC3/8/3/11)

A further Lothian Region Committee meeting from 1994 notes that Children and Families' Resource Teams had been set up in Districts and were responsible for the recruitment, development and maintenance of substitute families, including foster carers. Fifty additional foster families had been recruited since 1990, and positive action in relation to the recruitment of carers from minority ethnic groups had continued since 1990, resulting in a small number of permanent carers. (Ref. LRC3/8/1/14).

At 1994, 298 foster families were providing provide care for 460 children and young people. (Ref. LRC3/8/1/14).

The same Lothian Regional Council Meeting noted that work was taking place to develop Quality Standards for Adoption and Fostering Practice. An Education of Children in Care strategy had been developed, which was designed to support children and young people to have appropriate education for their circumstances. Similarly, a Health and Medical Supervision of Children in Care programme was initiated, which was designed not only to ensure that medical checks were carried out properly and sensitively, but also actively to promote the good health of children who come into care. (Ref. LRC3/1/1/14).

It appears the culture around this time was to value foster care as the preferred way of providing substitute care for those young people who could not remain at home.

In 1992, Lothian Regional Council adopted a document entitled 'Our Work and the We Aim to Do It' which set out the values that should underpin all social work practice (Ref. LRC Policy Reviews of Residential Child Care and a Business Plan for 1997/98).

A report by the Director of Social Work in 1994 stated 'To encourage children and young people to be aware of their rights and responsibilities and prepare for citizenship, we have participated in the production and implementation of the Lothian Children's Family Charter and have just appointed a Young People's Information, Rights and Complaints



Officer'. This demonstrated a culture that was promoting the rights and responsibilities of looked after young people. (Ref. LRC3/8/1/14).

A Director of Social Work report dated 1995/96 commented on the impact of the Barnardo's Skylight Project (a project focusing on children who had experienced sexual abuse), stating that the project had fulfilled its commitment to training and working with Social Workers in Practice Teams, residential staff and foster carers. The details of training referrals and courses available to carers were highlighted. (Ref. LRC3/8/3/21).

A Director of Social Work report in 1995/96 noted the development of guidelines to handle complaints. It noted that there was a need for additional guidelines for those investigating complaints made by Children and Young People in Care. A working group was convened to deal with this matter. (Ref. LRC3/8/3/21).

#### City of Edinburgh Council

The City of Edinburgh Council was formed after local Government reorganisation in 1996.

The Looked After Children (Scotland) Regulations 1996 provided further clarity about local authority responsibilities in the provision of foster care services. Guidance was provided on the assessment and approval of foster carers, preparation, training, support and reviews of foster carers, the administration and functioning of fostering panels, the placing of children in foster care placements, foster carers prescribed agreements with the local authority, and processes to formally progress complaints and allegations against foster carers.

The City of Edinburgh Council 'Looked After Children Manual' was produced after local government reorganisation in 1996 and covers a period from 1996 to at least 2001. This provided guidance on a whole range of policy and processes relating to looked after children, including foster care. It provided key principles common to all care and supervision orders:

- Views of the child
- No order or minimum intervention
- Steps to be taken before applying for any order
- Openness with child and parents and parental involvement (aiming for partnership)

These principles encouraged interventions reflecting national policy and encouraged a culture of openness and co-operation whilst recognising it should be within the context of the welfare of the child being paramount.

A section on Good Parenting was also included in the regulations. This included regulations:

- To protect any placed child or young person from avoidable harm or abuse and report any concerns to the Department immediately
- To abide by guidance or instructions from the Department about managing behaviour
- To agree and ensure that Corporal punishment or other demeaning punishments are not used in respect of any child or young person placed
- In the manner of a good parent and having regard to the individual care plan and placement agreement, to care for the child or young person as if s/he was a member of their own family and in a safe appropriate manner and to promote the child or young person's welfare by:
  1. Giving attention and affection and building self-esteem.
  2. Developing any interests and talents the child or young person may have and encouraging participation in community activities
  3. Supporting and encouraging the child or young person to develop and maintain a positive approach to their own health and wellbeing and by example and instruction, encouraging in the child or young person hygienic habits and healthy diet and life style
  4. Setting consistent limits to manage behaviour and helping the child or young person to develop controls over their own behaviour
  5. Respecting the child or young person's need for privacy when appropriate.
  6. Encouraging a young person's pride in her/his identity
  7. Provide clean, comfortable, and appropriately heated accommodation.
  8. Maintain an adequate supply of clothing in good and clean condition
  9. Making arrangements for the child or young person's safety in the home or when travelling (through the provision and use of correct safety seats, harnesses or belt.

This evidences a culture of putting the child at the centre of the foster placement and the promotion of as close to family life for the foster child as possible



In 1999 The City of Edinburgh Council had a 'Carer Agreement' which outlined the basis by which Foster Carers would provide care for children and on what basis they would be remunerated. The carer agreement detailed how these aims would be met. The Carer Agreement covered the following:

- The Council's main aims and value base which included safeguarding the rights of children and promoting their welfare:
  - To seek and have regard for their views;
  - To protect privacy of each service user and create an 'arena of safety' through promotion of appropriate physical arrangements;
  - To provide for the social and emotional needs of individuals; and
  - To enhance the possibility of normal development toward adulthood and independence.
- The main responsibilities of the Social Work Department were noted as providing:
  - General preparation and training for Foster Carers and an ongoing programme of training and support;
  - Regular visits by a liaison worker allocated to the carers, access to an 'out of hours service', specialist and psychological services;
  - Provide carers with information about Departmental policies and procedures with which the carers must comply.
  - It then detailed a number of areas of specific importance including complaints and allegations, placement of children and young people, financial provision, insurance, notification of changes, confidentiality, good parenting, care planning and reviews and ending placements
- A section on Review of Approval of Foster cares providing full guidance on this and the process to be followed
- A summary/outline of the Departmental Complaints Procedure; this included complaints made by the Service User (young person)
- A section on Allegations of Child Abuse or Complaints against Departmental Approved Carers

City of Edinburgh Council Child Protection Guidelines (produced by the Edinburgh and Lothians Child Protection Committees) are available from approximately the late 1990's to the early 2000's. These provided comprehensive inter-agency child protection guidelines for staff working with children and young adults, which included the legislative framework and a description of agency roles within the Child Protection sphere (for Police, Health, Social Work and Voluntary Organisations). A culture of multiagency partnership within child protection was promoted.



	<p>The Scottish Commission for the Regulation of Care (The Care Commission) was responsible for the registration and inspection of a range of services, including fostering from 2002 onwards.</p> <p>In 2005 the Care Commission provided a revised set of National Care Standards. These were followed by the local authority and promoted, specifically in relation to foster care:</p> <ul style="list-style-type: none"> <li>• Dignity: be treated with dignity and respect at all times and enjoy a full range of relationships;</li> <li>• Privacy: have your privacy and property respected and be free from unnecessary intrusion;</li> <li>• Choice: make informed choices, whilst recognising the rights of other people to do the same, know about the range of choices;</li> <li>• Safety: feel safe and secure in all aspects of life, including health and well-being, be free from exploitation and abuse;</li> <li>• Realising potential: achieve all you can, make the most of your life; and</li> <li>• Equality and diversity: you have the right to live an independent life, rich in purpose.</li> </ul> <p>The National Care Standards also included policy on Support Services, Adoption Agencies, Early Education and Childcare up to the Age of 16. The City of Edinburgh Council was inspected on the basis of these standards and strived to adhere to them.</p>
d)	<p><b>Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?</b></p> <p>Generally, the provision of care by foster carers reflected the local authority's culture, which was supported by policies and procedures (see previous answer). Some evidence has been found of complaints against carers that were upheld, and where culture, policies and legislation were not followed. A full audit of Foster Carer files is being undertaken by the City of Edinburgh Council. On its completion further details will be provided. A representative number of childcare files from 1930 to 2014 have also been scrutinised.</p>
e)	<p><b>If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?</b></p>

	<p>A full file audit of all Foster Carer files held by City of Edinburgh Council is being undertaken by The Edinburgh Inquiry Team. On completion a fuller response can be provided to this question.</p>
f)	<p><b>When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?</b></p> <p>In 1930 the function of the local authority was to continue the policy carried out by the Parish Council in 'not keeping children in the Poorhouse'. The local authority aimed to place children in a children's home and from there board them out with suitable guardians (Ref. SL61/1/1).</p> <p>In 1943, the City Social Services Officer reported to the Public Assistance Committee of the requirement for additional establishments for children to meet its obligations. The practice of boarding out was being continued but the Corporation was finding it difficult to find sufficient suitable homes. (Ref. SL61/1/15)</p> <p>In 1933 Edinburgh Corporation accepted and introduced via the Education Authority, the 'Regulations and Rules in regard to Boarded out Boys and Girls 1933 which laid out prescriptive criteria in relation to the functions, roles and responsibilities for the Corporation in providing this service, as well as the expected role and function of the foster parent. (Ref. SL164/1/7).</p> <p>The Regulations and Rules in regard to Boarded out Boys and Girls made by The Lord Provost, Magistrates and Council of The City And Royal Burgh Of Edinburgh As Local Education Authority states as follows:</p> <p><b>V. Regulations in Regard To Selection Of Foster Parents, ETC.</b></p> <p>(1) A register shall be kept of persons who are willing and fitted to act as foster parents and to undertake the care of boys and girls.</p> <p>(2) Applications to be placed on the register of approved foster parents shall be made in the form prescribed in Appendix 1 to these regulations.</p> <p>(3) Applicants must be between the ages of 25 and 55 years and must be resident in Scotland.</p> <p>(4) The register shall contain, in respect of foster parents, all particulars set out on the applications referred to above, together with a record of the boys or girls boarded out with them.</p>



	<p>(5) In selecting foster parents, the Education Authority may have regard to the number of approved foster parents in the area concerned.</p> <p>(6) Before a boy or girl is boarded out, it shall be established that the selected foster parents can provide the necessary and appropriate discipline and training. A foster parent shall also be selected who is of the same religious persuasion as the boy or girl or who gives an undertaking that the boy or girl will be brought up in accordance with his or her religious persuasion.</p> <p>(7) As far as possible, boys and girl shall be boarded out in country towns, villages and districts, unless they have previously been under guardianship of some person in a large town or city who has been approved by or on behalf of the Education Authority. Before a boy or girl is boarded out, the Education Authority may cause the proposed foster home to be visited and approved by an official on behalf of the Education Authority.</p> <p>(8) The Education Authority may supply a visit book to the foster parent for the purpose of recording all official visits made to the foster home.</p> <p>(9) The Education Authority shall have the right to remove any boy or girl from a foster parent at any time without assigning reason therefor.</p> <p>(10) Each boy or girl, on being boarded out, shall be supplied by the Education Authority with two complete outfits of clothing, and this shall be renewed as required.</p> <p>(11) A boy or girl, on being committed to the Education Authority, may be conveyed to the Children's home, Crewe Road, Edinburgh, or other suitable place, in order that arrangements may be made to provide the clothing mentioned above, and that the boy or girl may be medically examined by a Medical Officer of the Education Authority. If the medical report is satisfactory, arrangements will thereafter be made to have the boy or girl conveyed to the selected foster home.</p> <p>(12) When arrangements cannot be made for boarding out a boy or girl immediately after committal, the Education Authority may arrange for the boy or girl to be admitted to the Children's Home or other hospital or institution as the Education Authority may consider most suitable, provided that if such temporary arrangements are to continue beyond one week from the date of the Court Order, intimation thereof shall be made to the Scottish Education Department by the City Education Officer.</p> <p>(13) Intimation shall be made to the Scottish Education Department by the City Education Officer.</p>
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In 1951 the Children's Committee notes functions under the following Acts:

- The Children Act 1948,
- Parts 1, 4 and 5 of the Children and Young Persons (Scot) Act 1937 and
- The Adoption Act 1950.

Admissions to the Children's Homes fall into two main groupings, short-term and long-term cases. Settled policy of the committee was to board out with foster parents every normal healthy child. For those not fit for such placement (mainly enuretic and problem children), they were to be accommodated permanently in one of the Corporation Homes. (Ref. SL116/1/4).

In 1959 the Children Committee notes its current functions are under the following Acts:

- Children Act 1948,
- Children Act 1958,
- Children and Young Persons (Scot) Act 1937,
- Adoption Act 1958,
- Matrimonial Proceedings (Children) Act 1958.

On 1<sup>st</sup> August 1959 there came into operation the Boarding-out of Children (Scotland) Regulations 1959 and the Administration of the Children's Homes (Scotland) Regulations 1959 which apply to both statutory and voluntary bodies. The 1959 Boarding Out Regulations include annual instead of half-yearly medical examination of children, and quarterly visits by child care officers in place of the two previous visits, and one by a member of the Committee. Regarding visits, the Committee decided to continue the established practice whereby a member accompanied the visiting official on one of the visits. (Ref. SL116/1/12).

By 1961, the Children's Committee reported to the Town Council of the 'persistent efforts' of the Children's Department to keep a child's separation from its parents as short as possible. Over half the children being received into care at that point were returned home within 3 months. Often children were accommodated due to parental illness. (Ref. SL116/1/14)

In the 1960's there was a move to developing services and interventions to prevent children coming into care in the first place.

On 9th April 1963, the Children's Committee Homes subcommittee noted new legal duties placed on local authorities to *'provide a comprehensive service for the prevention*

	<p><i>of neglect of children</i>'. The subcommittee instructed officers to submit a '<i>coordinated report regarding the arrangements which might be made for the provision of a comprehensive service</i>'. (Ref. SL116/1/16)</p> <p>In 1982 the Lothian Social Work Committee developed a policy that children under 10 should only be placed in residential care in exceptional circumstances. A major review in Edinburgh published a report called Time of Change (1983), which agreed a planned reduction in children's residential homes, by putting more emphasis on family based care.</p> <p>A Residential Care Review concluded in 1996, and highlighted a large number of issues for action, summarised by the Director of Social Work:</p> <ul style="list-style-type: none"> <li>• The need for residential care to be of high quality and a positive choice for a young person;</li> <li>• The need to value the skills of residential workers;</li> <li>• To address staff levels in units, staff skills, training and available resources for working with young people who have considerable emotional difficulties;</li> <li>• To improve educational attainment;</li> <li>• To extend residential staff roles to outreach, respite care and after-care support; and</li> <li>• To review further the size of units.</li> </ul> <p>Three priorities for change were agreed:</p> <ol style="list-style-type: none"> <li>1. To seek to have one unit specialising in the care of younger children;</li> <li>2. To undertake a recruitment drive for foster carers; and</li> <li>3. To reduce the number of young people in units and to seek to allocate more staff time to outreach work.</li> </ol>
<b>g)</b>	<p><b>Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?</b></p> <p>In 1992 a male residential child care worker in Edinburgh was convicted of sexual offences against 6 girls between 1984 and 1991. Four of the women giving evidence indicated that they had reported the abuse to staff at the time.</p> <p>In 1993 the Director of Social Work commissioned a report by Sheriff Alan Finlayson and Alison Newman – <i>Listen, Take Seriously What They Say</i> – to review procedural changes that were introduced to the social work department. (Ref. LRC3/8/1/1)</p>



The Inquiry team prioritised actions as follows:

Engendering corporate responsibility

An underlying principle of the Children (Scotland) Act 1995 was that the local authority as a whole (including education, leisure and housing, for example) should take responsibility for looked after children. This principle came to be understood as a 'corporate approach' to parenting or 'corporate parenting'. The Inquiry called for all local authority departments to work together to meet the needs of children. As noted in section 1.5 the local authority established an officer member corporate parenting group in 2007 and a corporate parenting action plan.

Supervision, appraisal, and training

The Inquiry made a number of recommendations to improve the quality of supervision which was found to be very poor. These included recommendations about the duration, format, regularity and content of supervision, including child safety as a standing item. In response, in 2000 the Director of Social Work issued a circular stating the role and value of supervision. It updated an existing policy by specifying minimum standards for the frequency, duration and recording of supervision.

Policy and provision with regard to under-12s

The Edinburgh Inquiry found that, despite the stated local authority policy, 80 children under 12 had been placed in residential care from April 1998 to March 1999 and there was very little monitoring of the situation.

In January 2000, the Social Work Committee reiterated a preference for family-based care but also determined that for some children under 12, residential care was the best option. It therefore decided to work with Barnardo's to re-provision two units for children under 12 and recruit specialist carers. The Committee also approved plans to increase fostering and the development of a Family Group Conferencing Service with the aim of increasing the number of children looked after by their extended families. No children under 12 were to be placed in a Young People's Centre, unless part of a sibling group and with service manager's agreement. This aspiration was largely realised with, from 2000-2015, only fifteen children under the age of 12 being placed in young people's centres (homes for over 12's).



The Edinburgh Inquiry thought that access to an external confidante was an important safeguard and recommended that looked after children should have a named independent person of their choosing with whom they would feel confident about expressing concerns. The Council implemented the policy called the 'Trusted Person'. It produced guidance for the role of the Trusted Person setting out expectations of the role and the importance of visiting and listening to the young person.

Around the late 1990's Child Protection Guidelines were updated which provided specific guidance on all areas of child protection work, which included the actions to be taken regarding any allegations of abuse made against carers or employees of the CEC. These guidelines provided clarity and promoted a culture of keeping young people, carers, and staff safe, through clear and transparent processes. In 2007 the Edinburgh and Lothians Inter-Agency Child Protection Procedures were introduced, which replaced the previous guidelines. These procedures now detail specific responsibilities for each of the core agencies within all aspects of the child protection process.

Around 1999 the City of Edinburgh Council introduced The Skill to Foster handbook and continues to present day. This handbook was introduced to increase the skills and understanding of Foster Carers to provide safer and more supportive environments for looked after young people. This handbook was available to all carers after registration and is also available electronically. It consolidated all the training they received during preparation. The handbook included sections on 'working with others', understanding and caring for children, safer caring. This handbook promoted a partnership (with children, parents & Social Work) approach to caring for children in care. There is a specific section titled 'working with others' which specifically looks at working in partnership.

Addressing the isolation and vulnerability of foster children and those with special needs

The Edinburgh Inquiry drew attention to the vulnerability of foster children and children with disabilities as they were excluded from many of the safeguards afforded to children within residential care. For example, children in foster care did not have access to the Children's Rights Officer and the report identified a need for a person who was skilled in communicating with children with disabilities. The Council recruited a Children's Rights Officer for children with disabilities and in 2008 it established a specialist team.

h)	<p><b>Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?</b></p> <p>The adoption of current policies has been made in response to both proactive and reactive circumstances (see previous answers). A fuller response on the impact of abuse on changes to practice may be available on completion of the full case file audit on Foster Carers</p> <p>The Wakefield Inquiry (2007) carried out in relation to two Foster Carers (in England) who were convicted of child sexual abuse of 4 children made a number of recommendations and observations. Amongst these were:</p> <ul style="list-style-type: none"> <li>• Consistent format for referees written response about applicants.</li> <li>• Different roles of Foster Carers should not be changed without explicit assessment</li> <li>• Access to training re diversity</li> <li>• Employer references would have helped</li> </ul> <p>The City of Edinburgh Council commissioned a short report on the findings of the Inquiry and took these into account in their own practice.</p> <p>One of the findings of The Brighton and Hove (2007) Inquiry was that evidence provided by applicants needs to be cross referenced from other sources including ex-partners of a prospective carer. A policy of disclosure checks on ex partners was introduced after this Inquiry and this policy was adopted by City of Edinburgh Council.</p>
i)	<p><b>If so, when did they occur and how did they manifest themselves?</b></p> <p>See previous answer.</p>
j)	<p><b>Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?</b></p> <p>The 1999 report 'Edinburgh's Children' produced by the Edinburgh Inquiry made a number of recommendations in direct relation to Foster Care. These recommendations were fully accepted and implemented by City of Edinburgh Council. This impacted on the culture of staff and carers in the Fostering area. The recommendations were.</p>



- 112: We recommend that investigations into allegations against Foster Carers be carried out by an independent person with no responsibilities for foster care provision in the area
- 113: We recommend that the director of Social Work evaluate current practice regarding responses to concerns expressed by foster carers about children and young people they have looked after, with a view to ensuring that this takes appropriate account of the valuable insights they may be able to contribute with regard to the welfare of those children;
- 114: We endorse Kent's proposal that Foster Care be brought within the inspection process. All foster care placements should be inspected. We recognise this may need to be phased in.
- 115: We recommend that field and support social workers should make occasional unannounced visits to foster placements
- 116: we recommend that, with a view to diluting concerns they may experience by implied suggestions that they are under suspicion, support workers should take the opportunity to inform foster carers of the substance of this report so far as it relates to fostering, including the observations that the Inquiry has made about the value of and the need for fostering, and it's recognition of the importance of their receiving high standards of relevant training and support.

All of these recommendations have been implemented as referenced earlier in this response.

In 2007 the Scottish Executive published 'Looked After Children and Young People – We Can and Must Do Better (Scottish Executive, January 2007). The Executive of the Council noted the report and a joint officer/ member group was established.

In March 2011, a presentation to the Corporate Management Team by the Director of Children and Families highlighted the Council's corporate parenting responsibility towards looked after children. In addition to the presentation, the Directors and senior officers in attendance were asked to identify actions that their service could implement to contribute to the Council's responsibility as an effective corporate parent.

A Corporate Parenting Action Plan was approved by the Committee in March 2012. The plan had 38 action points under six key themes:

- Leadership; Health and Wellbeing
- Education
- Employment and Training



	<ul style="list-style-type: none"> <li>- Support and Protection</li> <li>- Accommodation.</li> </ul>
<b>Present</b>	
<b>k)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>Yes.</p>
<b>l)</b>	<p><b>If so, please give details.</b></p> <p>The Corporate Parenting Action Plan has been regularly updated and is now updated on an annual basis.</p> <p>Since 2016, three procedures (FBC Recruitment to Approval, FBC Approval to De-Registration and FBC Continuing Care) have been developed and continually updated to ensure FBC staff are able to deliver the service from a consistent practice base.</p>
<b>m)</b>	<p><b>To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?</b></p> <p>The adoption of current policies has been in response to both proactive and reactive circumstances (see previous answers). A fuller response on the impact of abuse on changes to practice may be available on completion of the full case file audit on Foster Carers.</p> <p>Around the late 1990's Child Protection Guidelines were updated which provided specific guidance on all areas of child protection work, which included the actions to be taken regarding any allegations of abuse made against carers or employees of the CEC. These guidelines provided clarity and promoted a culture of keeping young people, carers, and staff safe, through clear and transparent processes. In 2007 the Edinburgh and Lothians Inter-Agency Child Protection Procedures were introduced, which replaced the previous</p>

	<p>guidelines. These procedures now detailed specific responsibilities for each of the core agencies within all aspects of the child protection process.</p> <p>These Child Protection guidelines were regularly updated in line with best practice.</p>
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<b>Question 2.2</b>	<b><u>Structure, leadership and accountability</u></b>
<b>Past</b>	
<b>a)</b>	<p><b>What was the structure of responsibility within the local authority in relation to foster care?</b></p> <p>The organisation is a local authority, with a full Council of elected members and various committees and sub-committees made up from these individuals. All committees (including sub-committees) had terms of reference and were subject to the overarching authority of the full Council. Decisions made within each committee were subject to the oversight of the full Council with certain decisions being remitted from time to time to full Council for approval before they became final. Main or standing committees also produced an annual progress report for consideration at full Council. (Ref. SL1/1)</p> <p>During the period 1930 to 1948 the Public Assistance Committee was responsible for the administration of certain functions relating to the Poor Law. The 1933-34 EC Minutes of Education Committee note that the arrangements, and therefore the responsibility, for the boarding out of children lay with the Education Authority. In order to progress these responsibilities, the Education Authority appointed an Education Officer, who reported directly to the Corporation's Education Authority. The Education Authority also implemented the "Regulations and Rules in regard to Boarded out Boys and Girls" (as noted in answer 1.5 (a)) which provided prescribed roles and responsibilities. The Regulations were in accordance with the Children and Young Persons (Scotland) Act 1932. (Ref. SL164/1/7).</p> <p>The Minutes of the EC Education Committee dated 09 July 1945 state:</p> <p><i>"The Town Clerk reported, for information, that a joint circular had been received from the Department of Health for Scotland and the Scottish Education Department relative to the arrangements for the boarding out of children. The circular made reference to recent enquiries into similar arrangements in England. The Secretary of State was arranging for a review of the Scottish regulations dealing with boarding out, and in the</i></p>



*meantime, he desired local authorities to review their arrangements and satisfy themselves that the existing regulations were being properly observed, and that all possible steps open to the authorities were being taken to secure the wellbeing of the children in their care. The matter would be reported to the Public Assistance Committee, who now undertook on behalf of the Education Committee their arrangements for the boarding out of children,"* (Ref. SL164/1/19).

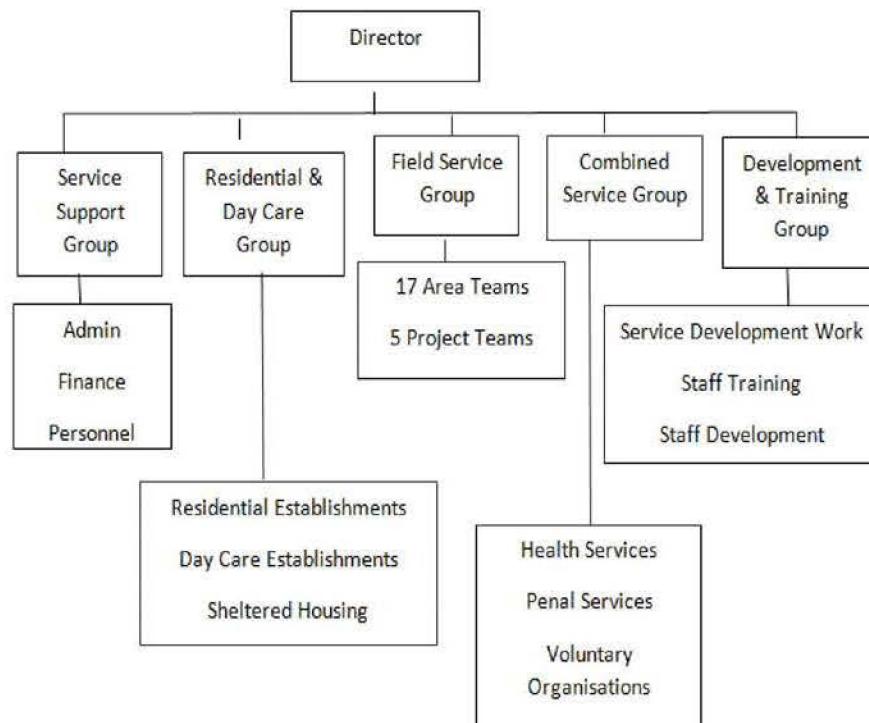
In 1948, the child welfare functions of the Public Assistance Committee then became the remit of the Children Committee to reflect the expanded duty of care under the Children Act 1948. Various other sub-committees were also constituted to deal with a number of issues relating to child welfare, who reported back to the main committee. On the 26 March 1959, the Children Committee appointed the Children's Officer as their authorised officer under Section 4 of Children Act 1958 in connection with visiting foster children and inspection of premises (SL116/1/12). A report submitted by the Children's Officer on 7 January 1963 asked for a revision of the establishment given the assumption of care for under-fives, previously covered by the Public Health Department. (SL116/1/16) The changing nature and remits of the various committees involved with child care and welfare were reflective of the legislative changes of the time.

The Social Work Committee was then established in December 1968. It absorbed some of the work of some previous committees, including the Children Committee. Its establishment coincided with the coming into force of the Social Work (Scotland) Act 1968. As before, sub-committees were created during this period and reported to the main committee. They included sub-committees on homes and probation and after care, as well as special sub-committees on the Care of Children, Visits to Homes and Prevention of Neglect of Children.

In 1974/1975, LRC took over control from the EC and established a Social Work Committee as part of its founding governance arrangements. By October 1975, a further sub-committee had been set up, the Special Sub-Committee, to deal with cases of a confidential/unusual nature, including assumption of parental rights. This special sub-committee had certain decision-making authority to ensure that urgent decisions could be made. Approval of the full committee was, therefore, not required, only of the sub-committee. From time to time joint committees with other main committees of the LRC were also established. (Ref. LRC2/1)



**Social Work Department Structure at 29 November 1974**



The 1983/84 Report by the Director of Social Work proposed a restructuring of Senior Management within the Social Work Service, which was accepted by the Social Work Committee. The report notes that there had been two previous major re-organisations, in 1969 and again in 1975, under the auspices of the EC. The need for this further re-organisation is described in the report as *"Since the primary purpose of the Social Work Department is to meet client needs as presented in communities, it follows that the delivery of appropriate services, the measurement of their effectiveness and their future development demand a corporate co-ordinated and integrated Departmental approach. This must be reflected in the way in which the Department is organised and its method of working. It follows that individual and sectional activities must always be geared to this end."* (Ref. LRC3/8/3/9).

The following management structure was implemented from this report:

- Director of Social Work.
- Assistant Director.
- Five Divisional Directors.
- Three Divisional Assistants for each Divisional Director.

- One of the Divisional Assistants held responsibility for Children and Families, therefore this leadership structure held responsibility for foster care services.

In 1992-93 the Director of Social Work presented Report No. 118 to the Social Work Committee, "Regrouping - Children and Families Resource Team Social Work - Proposals to establish a District based Children & Families Resource Team." This report noted that the District Resource Teams would have responsibility for fostering and permanent placement of young children. "These teams will be responsible for the lead role in supervising, supporting, training and developing 255 foster care families, 150 Share the Care families, 170 day care families and a turnover of 50 new adoptive placements per annum. They will be required to maintain existing care placements in the context of a 15% turnover annually of foster carers and a 50% turnover of day carers...The Regional target for the next two years will be to increase our foster care placements by 70; to develop respite fostering services for families in difficulty; and to review and develop the day care service." The report noted that an increase in staff would be required with a ratio of 10 liaison functions per worker within foster care and 255 foster families split between 25.5 social workers. (Ref. LRC3/8/3/18).

In 1996 the CEC took over from the LRC and established a Social Work Committee as part of its founding governance arrangements. This continued until 2000 when a cabinet and scrutiny panel governance arrangement for the City Council was established, with the Executive directing and formulating policy and scrutiny panels making policy recommendations and monitoring and challenging implementation. Under these arrangements a Children and Young Peoples Scrutiny Panel was set up, which included responsibility for the residential care of children (for example they conducted a review of looked after children). A special sub-committee of the Executive on Social Work Standards was also established.

In 1996, under the newly established CEC, the leadership structure, which had responsibilities for foster care services, was as follows:

- Director of Social Work.
- Head of Operations.
- Operations Managers.
- Team Managers.
- Senior Social Workers.

In 2001 the CEC's Education Department, along with the Children and Families element of the Social Work Department, were amalgamated to form the new Children and Families Department. This restructuring of the departments also ended the existing

	<p>model of divisional or regional based Resource Teams and saw the creation of the centralised Family Based Care Team, whose main function was overall responsibility, oversight and provision of the foster care service. The other social work functions and related services, such as Criminal Justice and Adult Care, were strategically embedded within the Health and Social Care Department.</p> <p>A further internal reorganisation within the Children and Families Department in 2005 created the change from twelve social work practice teams to six Children and Families Social Work Neighbourhoods. The Family Based Care service remained as a centralised service.</p> <p>A further re-organisation in 2016 produced the current management structure which holds responsibility for foster care services:</p> <ul style="list-style-type: none"> <li>• Chief Executive.</li> <li>• Executive Director for Communities and Families.</li> <li>• Head of Children's Services.</li> <li>• Senior Manager, Looked After Children Services</li> <li>• Family Based Care Manager.</li> <li>• Family Based Care Team leaders.</li> </ul>
<b>b)</b>	<p><b>What were the oversight and supervision arrangements by senior management?</b></p> <p>For the period 1934 – 1977, it is hard to provide a full response due to the lack of surviving documented procedures from that time period. The following examples cover the time periods for which the relevant records survive.</p> <p>The 1933-34 EC Minutes of Education Committee (SL164/1/7) note the following with regards to oversight and supervision in regard to the selection of foster carers:</p> <p>VI. Regulations in Regard To Selection Of Foster Parents, ETC.</p> <p>(1) <i>A register shall be kept of persons who are willing and fitted to act as foster parents and to undertake the care of boys and girls.</i></p> <p>(2) <i>Applications to be placed on the register of approved foster parents shall be made in the form prescribed in Appendix 1 to these regulations.</i></p> <p>(3) <i>Applicants must be between the ages of 25 and 55 years and must be resident in Scotland.</i></p> <p>(4) <i>The register shall contain, in respect of foster parents, all particulars set out on the applications referred to above, together with a record of the boys or girls boarded out with them.</i></p>



	<p><i>(5) In selecting foster parents, the Education Authority may have regard to the number of approved foster parents in the area concerned.</i></p> <p><i>(6) Before a boy or girl is boarded out, it shall be established that the selected foster parents can provide the necessary and appropriate discipline and training. A foster parent shall also be selected who is of the same religious persuasion as the boy or girl or who gives an undertaking that the boy or girl will be brought up in accordance with his or her religious persuasion.</i></p> <p><i>(7) As far as possible, boys and girl shall be boarded out in country towns, villages and districts, unless they have previously been under guardianship of some person in a large town or city who has been approved by or on behalf of the Education Authority. Before a boy or girl is boarded out, the Education Authority may cause the proposed foster home to be visited and approved by an official on behalf of the Education Authority.</i></p> <p><i>(8) The Education Authority may supply a visit book to the foster parent for the purpose of recording all official visits made to the foster home.</i></p> <p><i>(9) The Education Authority shall have the right to remove any boy or girl from a foster parent at any time without assigning reason therefor.</i></p> <p><i>(10) Each boy or girl, on being boarded out, shall be supplied by the Education Authority with two complete outfits of clothing, and this shall be renewed as required.</i></p> <p><i>(11) A boy or girl, on being committed to the Education Authority, may be conveyed to the Children's home, Crewe Road, Edinburgh, or other suitable place, in order that arrangements may be made to provide the clothing mentioned above, and that the boy or girl may be medically examined by a Medical Officer of the Education Authority. If the medical report is satisfactory, arrangements will thereafter be made to have the boy or girl conveyed to the selected foster home.</i></p> <p><i>(12) When arrangements cannot be made for boarding out a boy or girl immediately after committal, the Education Authority may arrange for the boy or girl to be admitted to the Children's Home or other hospital or institution as the Education Authority may consider most suitable, provided that if such temporary arrangements are to continue beyond one week from the date of the Court Order, intimation thereof shall be made to the Scottish Education Department by the City Education Officer.</i></p> <p><i>(13) Intimation shall be made to the Scottish Education Department by the City Education Officer as undernoted: -</i></p> <p style="padding-left: 40px;"><i>(a) On Form C.A.1 on the committal of a boy or girl to the care of the Education Authority.</i></p>
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- (b) On Form C.A.2 on the boarding out of a boy or girl and in respect of the removal of a boy or girl from one foster parent to another.*
- (c) On Form C.A.3 in regard to any material facts regarding a boarded-out boy or girl, e.g. serious illness, infectious and allied disease, accident or death.*
- (d) Half yearly reports on visits to boarded out boys and girls.*

*(14) Intimation shall be made by the City Education Officer to the parents or guardians of boarded out boys and girls in respect of serious illness, infectious disease, accident or death.*

With regards to further oversight and supervision, the 1933 Regulations note the that the foster parent shall allow any person acting on behalf of the Scottish Education Department or authorised by the Education Authority to visit a boarded out boy or girl without notice and to inspect the arrangements made for him or her. The visiting book supplied to the foster parent shall be carefully preserved and a record of all official visits to the foster home shall be made therein. The visiting book shall be produced to any authorised person when called for.

In 1978 The Director of Social Work presented to the Social Work Committee Report 81 "Home-finding for Children - Post of Home-finding Co-Ordinator". The Director highlighted that the Social Work Department was improving its services to children in care, had successful foster parent recruitment campaigns and worked with voluntary agencies in relation to finding foster homes. He noted that the role of Home-finding Organiser should be regarded as a senior management post and included a list of duties attached to the job. The report also noted that 13 social workers and 3 senior social workers were approved by the Committee to take account of some of the new responsibilities from the Children's Act 1975. They were involved in setting up family placement systems in each area team and 5 permanent home-finding panels in the region. (Ref. LRC3/8/3/4).

In 1994 the Director of Social Work presented a report to the Social Work Committee which noted that decisions on matters of policy, procedure and/or practice were being taken at this senior management level and ratified by the Social Work Committee. The Director of Social Work proposed the development of foster care services in LRC. (Ref. LRC3/8/3/20).

In 1994 The Director of Social Work presented to the Social Work Committee a further report 'Growing up in a Nurturing Environment - Children and Families'. The report noted



	<p>that Resource Teams had been set up in Districts and were responsible for recruitment, development and maintenance of substitute families, including foster carers. (Ref. LRC3/8/1/14).</p> <p>Under Regulation 8 of the 1996 Regulations, each local authority was required to establish foster panels to decide on applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child.</p> <p>The Looked After Children (Scotland) Regulations 2009 provides detailed criteria as to the accountability, oversight and supervision of the fostering panel by the local Authority (please refer to answer 2.2 (h) for specific detail).</p>
<b>c)</b>	<p><b>What were the lines of accountability?</b></p> <p>Please refer to answer 2.2 (a) for specific detail.</p>
<b>d)</b>	<p><b>Within the local authority, who had senior management/corporate/organisational responsibility for the managers/management teams/leadership teams who had responsibilities in relation to children in foster care?</b></p> <p>Please refer to answer 2.2 (a) for fuller details.</p>
<b>e)</b>	<p><b>Who, within the local authority, took decisions on matters of policy, procedure and/or practice in relation to foster care?</b></p> <p>Between 1930 and 1948, the Public Assistance Committee, along with the Education Committee, Education Officer and the Public City Assistance Officer, took decisions on matters of policy, procedure and/or practice in relation to foster care at a local authority level. (Ref. SL61 &amp; SL164).</p> <p>Between 1948 and 1969, the Children's Committee, along with the Children's Officer took decisions on matters of policy, procedure and/or practice in relation to foster care at a local authority level. (Ref. SL116).</p> <p>Between 1969 and 1975, the Social Work Committee, along with the Director of Social Work took decisions on matters of policy, procedure and/or practice in relation to foster care at a local authority level. (Ref. SL118).</p>



From 1975 to 1994, the Social Work Committee of the Lothian Regional Council, along with the Director of Social Work took decisions on matters of policy, procedure and/or practice in relation to foster care at a local authority level. (Ref. LRC2)

There is evidence from the minutes from all of the above-mentioned committees that any new policies, procedures or practices would be discussed at committee level, as would any changes required in line with emerging legislation. The Secretary of State was in contact with the committees with matters relating to any national changes in policy and procedures.

In 1994 the Director of Social Work presented a report to the Social Work Committee which noted that decisions on matters of policy, procedure and/or practice were being taken at this senior management level and ratified by the Social Work Committee. The Director of Social Work proposed the development of foster care services in Lothian. "Since March 1989, the overall number of children in care had increased by 248 from 1381 to 1629. The great majority of the increase was in foster care. At present there were 46 young people in residential care waiting for placements in foster care. Almost all of these were teenagers requiring between 1 and 3 years care. In order to meet this identified need, it was proposed to increase the number of foster placements by 20, at a full year cost of £204,421. Two additional social workers would also be necessary for the Edinburgh and Districts' Children and Families Resource Teams, costing £41,570 per year." (Ref. LRC2/1/1/20/21).

Also in that year, the Director of Social Work presented to the Social Work Committee a further report 'Growing up in a Nurturing Environment - Children and Families'. The report noted that Resource Teams had been set up in Districts and were responsible for recruitment, development and maintenance of substitute families, including foster carers. (Ref. LRC3/8/3/14).

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Executive directing and formulating policy and scrutiny panels making policy recommendations and monitoring and challenging implementation. Under these arrangements a Children and Young Peoples Scrutiny Panel was set up, which included responsibility for the residential care of children (for example they conducted a review of looked after children). A special sub-committee of the Executive on Social Work Standards was also established.

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A further internal reorganisation within the Children and Families Department in 2005 created the change from twelve social work practice teams to six children and families social work neighbourhoods. The Family Based Care service remained as a centralised service.

A further re-organisation in 2016 produced the current management structure which holds responsibility for foster care services:

- Chief Executive.
- Executive Director for Communities and Families.
- Head of Children's Services.
- Senior Manager, Looked After Children. .
- Family Based Care Manager.
- Family Based Care Team leaders.



f)	<p><b>To whom were foster carers accountable?</b></p> <p>From the minutes from the Education and Public Assistance Committees, it would appear that both committees had boarding out responsibilities under the Regulations and Rules in Regard to Boarded Out Boys and Girls 1932. Both committees had oversight of placements made, and so foster carers would have been accountable to both the Education (Ref. SL164) and Public Assistance Committees (Ref. SL61) between 1930 and 1948.</p> <p>When the Children's Committee took over the remit of boarding out in 1948, they were responsible for, amongst other things, visiting boarded out children in their placements, and so foster carers would have been accountable to the Children's Committee until 1969, when the Social Work Committee assumed the role. (Ref. SL116).</p> <p>In 1978 the Director of Social Work presented to the Social Work Committee a report which included the job description for the role of Home-finding Organiser (Report 81 <i>Home-finding for Children - Post of Home-finding Co-ordinator</i>) which included the job description for the role of Home-finding Organiser. The Director highlighted that the Social Work Department was improving its services to children in care, had successful foster parent recruitment campaigns and worked with voluntary agencies to find foster homes. He noted that the role of Home-finding Organiser should be regarded as a senior management post and included a list of duties attached to the job. The report also noted that 13 social workers and 3 senior social workers were approved by the Committee to take account of some of the new responsibilities from the Children's Act 1975. They were involved in setting up family placement systems in each area team and 5 permanent home-finding panels in the region. (Ref. LRC3/8/3/4).</p> <p>The 1985 Boarding Out and Fostering of Children (Scotland) Regulations provide that the Local Authority had responsibility for approving foster carers in accordance with Schedule 1 of the Act, therefore foster carers were accountable to the local authority or whoever was representative of the authority.</p> <p>The 1991-92 Social Work Committee Minutes note that it was proposed that foster care and day care services would become part of the district-based resource team. The Committee approved of the district-based resource teams for children and young people's services, therefore foster carers were now reporting directly to the newly formed district-based resource teams' representatives (Ref. LRC2/1/1/20/18).</p>
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In 1994 the Director of Social Work presented to the Social Work Committee the following report 'Growing up in a Nurturing Environment - Children and Families'. The report noted that the resource teams had been set up in districts and were responsible for recruitment, development and maintenance of substitute families, including foster carers. Fifty additional foster families had been recruited since 1990, and positive action in relation to the recruitment of carers from minority ethnic groups had continued since 1990, resulting in a small number of permanent carers. In total, 298 foster families were providing care for 460 children and young people. Innovative work was noted as taking place in developing "Quality Standards for Adoption and Fostering Practice." An Education of Children in Care strategy had been developed which was designed to enable children and young people to have continuity of education or to make the transition to different education provision or even to be reintroduced to education of any kind after a long absence. Similarly, a Health and Medical Supervision of Children in Care programme had been initiated, which was designed not only to ensure that medical checks were carried out properly and sensitively, but also actively promoted the good health of children who came into care. (Ref. LRC3/8/1/14).

Under Regulation 8 of the 1996 Regulations, each Local Authority was required to establish foster panels to decide on applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child. The written agreement governed the support and training to be given to a foster carer, the procedure for handling complaints against the foster carer, the financial arrangements, the obligation not to administer corporal punishment, the duty of confidentiality, and the foster carer's obligation to care for the child placed with the foster carer as if he or she was a member of that person's family and in a safe and appropriate manner, and to promote his or her welfare having regard to the Local Authority's immediate and longer term arrangements for the child. This regulation therefore demonstrates that the foster carers were accountable to the local authority, and to any representative of the local authority, with regards to the role and responsibilities of the foster carer as specified in the foster carer's agreement with the local authority.

The Looked After Children (Scotland) Regulations 2009 provide the following detail with regards to the foster carers' accountability to the Local Authority;

**SCHEDULE 6: MATTERS AND OBLIGATIONS IN FOSTER CARER AGREEMENTS**

1. The support and training to be given to the foster carer.
2. The procedure for the review of approval of a foster carer.

	<p>3. The procedure for handling of complaints against foster carers.</p> <p>4. The procedure in connection with the placement of children, and in particular–</p> <ul style="list-style-type: none"> <li>(a) the matters to be covered in foster placement agreements and the respective obligations, under any such agreements, of the local authority and the foster carer;</li> <li>(b) the financial arrangements which are to exist between the local authority and the foster carer, including any special financial arrangements in relation to particular categories of children who may be placed with the foster carer;</li> <li>(c) the local authority's arrangements for meeting any legal liabilities of the foster carer arising by reason of a placement; and</li> <li>(d) the procedure available to foster carers who wish to make representations to the local authority which placed the child.</li> </ul> <p>5. The foster carer's obligation to give written notice to the local authority forthwith, with full particulars of–</p> <ul style="list-style-type: none"> <li>(a) any intended change of address;</li> <li>(b) any change in the composition of the household, any other change in personal circumstances, any other event affecting either the foster carer's capacity to care for any child placed or the suitability of the household and any criminal convictions arising between approval and subsequent reviews; and</li> <li>(c) any further request or application of a kind mentioned in paragraph 11 of Schedule 3.</li> </ul> <p>6. The foster carer's obligation–</p> <ul style="list-style-type: none"> <li>(a) not to administer corporal punishment to any child placed with them;</li> <li>(b) to ensure that any information relating to a child placed with them, to the child's family or to any other person, which has been given in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the local authority;</li> <li>(c) to comply with the terms of any foster placement agreement, to care for the child placed with the foster carer as if the child was a member of that person's family and in a safe and appropriate manner and to promote the child's welfare having regard to the local authority's immediate and longer-term arrangements for the child;</li> <li>(d) to notify the local authority immediately of any serious illness of the child or of any other serious occurrence affecting the child; and</li> </ul>
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	(e) where the placement is terminated, to allow the child to be removed from their home by the local authority.
<b>g)</b>	<p><b>Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?</b></p> <p>In accordance with the Children and Young Persons (Scotland) Act 1932, EC implemented the Regulations and the Rules in regard to Boarded Out Boys and Girls 1933. These preferred the responsibility for the implementation and compliance, relating to boarding out, to the Education Authority and then delegated to the City Education Officer. (Ref. LRC164/1/7).</p> <p>The Children Act 1948 contained a power for the Secretary of State to make Regulations relating to the boarding out of children. The Children (Boarding Out) Etc. (Scotland) Regulations 1947 and then the Boarding Out of Children (Scotland) Regulations 1959 were created which again deferred responsibilities to the Children's Committee and the Children's Officer.</p> <p>Section 21 of the Social Work (Scotland) Act 1968 empowered the local authority to board out children in care. The Boarding Out of Children (Scotland) Regulations 1959 were replaced with the Boarding Out and Fostering of Children (Scotland) Regulations 1985.</p> <p>In 1996, under the newly established CEC, the leadership structure, which had responsibilities for foster care services and therefore the implementation and compliance of related policies, procedures and practices was: Director of Social Work, Head of Operations, Operations Manager and Team Manager.</p> <p>A further re-organisation in 2016 produced the current management structure which holds responsibility for the implementation and compliance of policies, procedures and practices relating to foster care service: Chief Executive, Executive Director for Communities and Families, Head of Service, Service Managers, FBC Manager, FBC Team Leaders.</p>



h)	<p><b>To whom were fostering panels accountable?</b></p> <p>Under Regulation 8 of the 1996 Regulations, each local authority was required to establish foster panels to decide on applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child. This regulation therefore demonstrates that the fostering panels were/are accountable to the local authority, and to any representative of the local authority, with regards to the role and responsibilities of the foster carer, as specified in the foster carer's agreement with the local authority. Fostering Panels are accountable to a nominated Team Manager within FBC.</p> <p>Under the Looked After Children (Scotland) Regulations 2009 the following is noted which provides detail to the accountability of the fostering panel to the local authority:</p> <p>Appointment and composition of fostering panels:</p> <p>17.</p> <p><i>(1) Each local authority must appoint a panel to be known as the "fostering panel" for the purpose of carrying out the functions conferred on it by regulation 20.</i></p> <p><i>(2) The fostering panel shall consist of at least 6 members.</i></p> <p><i>(3) A fostering panel may be established jointly by any 2 or more local authorities which panel shall be known as a "joint fostering panel" and any reference to a fostering panel in these Regulations shall include a reference to a joint fostering panel.</i></p> <p><i>(4) The persons appointed to a fostering panel shall include a medical adviser appointed by the local authority under regulation 19.</i></p> <p><i>(5) Each local authority must satisfy themselves that the numbers, qualifications and experience of individual members of a fostering panel will enable it effectively to discharge its functions.</i></p> <p><i>(6) Where the local authority are of the opinion that any member of the fostering panel is unsuitable or unable to remain as a member they may terminate membership at any time by giving notice in writing with reasons.</i></p> <p>Functions of the fostering panel:</p> <p>20.</p> <p><i>(1) The fostering panel must consider the case of every foster carer and prospective foster carer referred to it by the local authority.</i></p> <p><i>(2) The fostering panel must make recommendations on the following matters:</i></p>
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	<p><i>(a) whether a prospective foster carer is suitable or continues to be suitable to be a foster carer;</i></p> <p><i>(b) whether a prospective foster carer would be a suitable foster carer for–</i></p> <p><i>(i) a particular child or children;</i></p> <p><i>(ii) any child; or</i></p> <p><i>(iii) certain categories of child;</i></p> <p><i>(c) the maximum number of children a particular foster carer may have in their care at any one time.</i></p> <p><i>(3) Before making a recommendation under paragraph (2) the fostering panel must give the prospective foster carer the opportunity to meet with the foster panel to discuss the matter.</i></p> <p><i>(4) In carrying out its functions the fostering panel must have regard to–</i></p> <p><i>(a) the duties imposed on the local authority by section 17(1) of the 1995 Act;</i></p> <p><i>(b) all the information and reports passed to it.</i></p>
i)	<p><b>What were the oversight and supervision arrangements in respect of fostering panels?</b></p> <p>Under Regulation 8 of the 1996 Regulations each local authority was required to establish foster panels to decide on applications from new foster carers and for a local authority to enter into a written agreement with a foster parent in relation to the care of a foster child. This regulation therefore demonstrates that the local authority, and any nominated representative of the local authority, had oversight and supervision arrangements of the Fostering Panels.</p> <p>Under the Looked After Children (Scotland) Regulations 2009 the following is noted which provides detail to the accountability of the fostering panel to the local authority:</p> <p>Appointment and composition of fostering panels:</p> <p>17.</p> <p><i>(1) Each local authority must appoint a panel to be known as the “fostering panel” for the purpose of carrying out the functions conferred on it by regulation 20.</i></p> <p><i>(2) The fostering panel shall consist of at least 6 members.</i></p>

	<p><i>(3) A fostering panel may be established jointly by any 2 or more local authorities which panel shall be known as a "joint fostering panel" and any reference to a fostering panel in these Regulations shall include a reference to a joint fostering panel.</i></p> <p><i>(4) The persons appointed to a fostering panel shall include a medical adviser appointed by the local authority under regulation 19.</i></p> <p><i>(5) Each local authority must satisfy themselves that the numbers, qualifications and experience of individual members of a fostering panel will enable it effectively to discharge its functions.</i></p> <p><i>(6) Where the local authority are of the opinion that any member of the fostering panel is unsuitable or unable to remain as a member they may terminate membership at any time by giving notice in writing with reasons.</i></p> <p>In 1996, under the newly established CEC the leadership, oversight and supervisory structure, which had responsibilities for foster care services, and therefore the implementation and compliance of related policies, procedures and practices was: Director of Social Work, Head of Operations, Operations Manager, Team Manager, and Senior Social worker.</p> <p>A further re-organisation in 2016 produced the current management structure which holds responsibility for the oversight and supervision of Fostering Panels: Chief Executive, Executive Director for Communities and Families, Head of Children's Services, Senior Manager Looked After Children, Family Based Care Manager, and Family Based Care Team Leaders.</p>
<b>Present</b>	
<b>j)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>Yes (but only in relation to structural changes within the service. Please see below.)</p>
<b>k)</b>	<p><b>If so, please give details.</b></p> <p>Since 2016, three procedures have been developed and continually updated to ensure FBC staff are able to deliver the service from a consistent practice base:</p> <ul style="list-style-type: none"> <li>- Family Based Care Recruitment to Approval</li> <li>- Family Based Care Approval to De-Registration</li> </ul>



	- Family Based Care Continuing Care
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<b>Question 2.3</b>	<b><u>External Oversight</u></b>
<b>Past</b>	
<b>a)</b>	<p><b>What were the arrangements for external oversight of the local authority's foster care services?</b></p> <p>The sample review of client files provided the following information regarding adherence:</p> <ul style="list-style-type: none"> <li>- 1930s and 1940s - From the ten files reviewed there was no recording of external oversight.</li> <li>- 1950's - From the ten files reviewed, in nine of the cases there were frequent visits to foster parents noted, including visits from other local authorities. In addition to, there was also telephone contact, reviews and reports.</li> <li>- 1960's - From the ten files reviewed, in six of the cases there were visits and contact from social work and in four of the cases there was limited contact from social work.</li> <li>- 1970's - From the ten files reviewed, in seven cases there was recording of external oversight. In three of the cases there was contact from social work which varied in accordance with individual needs for the children.</li> <li>- 1980's - From the ten files reviewed, in four cases there was no recording of external oversight. In four of the cases there was very limited oversight by social work and in one more social work oversight was recorded.</li> <li>- 1990's - From the ten files reviewed, in all ten client files, visits were noted by the Practice Team Social Worker and in seven files the Practice Team Social Worker saw the young person on their own.</li> <li>- 2000s - From the ten files reviewed, in all client files there are Practice Team Social Worker PTSW visits noted.</li> </ul>

- 2010's - From the ten files reviewed, in all client files there are Practice Team Social Worker visits noted.

From 1930 onwards, there is evidence of reports within the Public Assistance Committee from Councillors about their visits to boarded out children and they are noted to have visited children at the same time as 'lunatics and mental defectives' (Ref. SL61).

It is noted in Public Assistance Committee minutes from 1934 to 1935 that the Poor Relief Regulations (Scotland) Act 1934 states "each house in which a child is boarded out shall be visited by the City Public Assistance Officer at least twice a year, and a report of the visits recorded in a visiting book which shall remain in the possession of the guardian, on one of which visits he may be accompanied by a member of the Public Assistance Committee" (SL61/1/6). The Committee approved the rules and regulations and reports on visits by councillors to boarded out children continued to be made to the Public Assistance Committee. In minutes it was noted that these visits were usually made in the summer and allocated through ballots. With the outbreak of war in 1939-1940 the Public Assistance Committee decided that these visits should continue (Ref. SL61/1/11). Councillors raised that there were difficulties in making visits due to the difficulties created by the war and it was agreed that members should accompany the Inspector of the Poor on these visits where possible. In 1942 to 1943, the Public Assistance Committee noted a letter from the Department of Health for Scotland instructed Committee that visits to boarded out children should be reduced to a minimum. The Committee resolved that they should continue as they were but to keep in mind fuel and manpower taken to carry out these visits (Ref. SL61/1/14).

In Public Assistance Committee minutes from 1943 to 1944 the Committee recommended that the supervision of boarded out children should be done by the City Social Services Officer for those children committed to care of the authority by the Education Committee (Ref. SL61/1/15).

In Public Assistance Committee minutes from 1945 to 1946, the Committee agreed that once Councillors visited boarded out children and prepared their reports, the City Social Work Officer was to provide a snapshot of these and present to the Committee.

Within Childrens Committee Minutes from 1951 to 1952, it is noted that the Counties of Cities Association stated that local supervision of boarded out children was unnecessary (Ref. SL116/1/4). Within the corporation, Councillors continued to visit boarded out



children during this period. (Ref. LRCSW Committee minutes). However, within Social Work Committee minutes from 1971 to 1972, it is noted that councillors were to restart visits to boarded out children. This committee also agreed that Councillors should be accompanied by social workers when they visited boarded out children (Ref. SL118/1/3).

Within the Town Clerk Files Social Work Committee minutes 1969 to 1975, the Director of Social Work in a letter requests, in a letter, that routine formal visits should not be reinstated as they single out boarded children as being different from their peers (Ref. TC File 8).

Under the Boarding Out of Children (Scotland) Regulations 1959, Councillors were not obliged to make visits to boarded out children, but the Childrens Officer had to make visits four times per year. However the Childrens Committee agreed that Councillors should still make visits once a year (presumably with the Children's Officer). In 1965 to 1968 Childrens Committee minutes it was noted that if councillors were unable to make a visit, they should advise the Childrens Officer.

Within the Childrens Committee minutes from 1951 to 1952 there is a note that Councillor Nealon raised a concern about one case when visiting boarded out child and asked Childrens Officer to investigate (Ref. SL116/1/4)

In March 1994, a Children and Young People Information Rights and Complaints Officer was appointed. (Ref. LRC3/8/3/21).

Within Looked after Children procedures dated June 1998 underpinned by the Children (Scotland) Act 1995, the minimum statutory requirement for allocated Practice Team Social Worker visiting an accommodated young person was within the first week of placement and then at no more than three monthly intervals thereafter.

In 1995 to 1996 in Social Work Directors reports it is noted that the Section on Registration and Inspection Service gives the preferred option for each of the Lothians and a proposal 'That the City of Edinburgh Council provide the Registration and Inspection Service as the lead authority with a Joint Advisory Committee for West Lothian Council and Midlothian Council. East Lothian Council not decided on form of arrangement.' (Ref. LRC3/8/3/21).

In the same year the Social Work Director reports:

*"6.7 Monitoring Services - monitoring of the quality of child care services. Talks about The Registration and Inspection Service having particular responsibility for a range of*



	<p><i>childcare services and the services they register and inspect. Of interest is, 'Lothian Social Work is piloting the inspection of Children and Family services which are provided by the Child and Family Practice and Resource Teams. These inspections are based on the Quality Standards for Services to Children, Young People and their Families and for Fostering and Adoption Services which were agreed by Committee in 1995 following a period of internal and external discussion. (Ref. LRC3/8/3/21).</i></p> <p>This correlates with information provided by previous managers and workers within the resource team that pilot inspections were undertaken within the fostering service in 1994 and 2000.</p>
b)	<p><b>Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?</b></p> <p>Information from the client file audit noted above shows there were visits from child's Social Worker. From the 1990s onwards, there was also reference to the resource team Social Worker visiting placements with the child's Social Worker. There is also evidence of Trusted Adults and Children's Rights Officers linking in with children. This ties in with the recommendations from the Marshall Inquiry with a Trusted Person being identified in the Looked After and Accommodated Children Guidance Note. Starting from the 1990s onwards, there is also reference to regular Child in Care Reviews and Looked After and Accommodated Children reviews which provided oversight of placements.</p> <p>From 1930 onwards there is evidence of reports within the Public Assistance Committee from Councillors about their visits to boarded out children and they are noted to have visited children at the same time as 'lunatics and mental defectives' (SL61).</p> <p>It is noted in Public Assistance Committee minutes from 1934 to 1935 that the Poor Relief Regulations (Scotland) Act 1934 states "each house in which a child is boarded out shall be visited by the City Public Assistance Officer at least twice a year, and a report of the visits recorded in a visiting book which shall remain in the possession of the guardian, on one of which visits he may be accompanied by a member of the Public Assistance Committee" (SL61/1/6). The Committee approved the rules and regulations and reports on visits by councillors to boarded out children continued to be made to the Public Assistance Committee. In minutes it was noted that these visits were usually made in the summer and allocated through ballots. With the outbreak of war in 1939 to 1940 the Public Assistance Committee decided that these visits should continue (SL61/1/11). Councillors raised that there were difficulties in making visits due to the difficulties created by the war and it was agreed that members should accompany the</p>

Inspector of the Poor on these visits where possible. In 1942 to 1943, the Public Assistance Committee noted a letter from the Department of Health for Scotland that instructed the Committee that visits to boarded out children should be reduced to a minimum. The Committee resolved that they should continue as they are but to keep in mind fuel and manpower taken to carry out these visits (SL61/1/14).

In Public Assistance Committee minutes from 1943 - 1944 the Committee recommended that the supervision of boarded out children should be done by the City Social Services Officer for those children committed to care of the authority by the Education Committee (SL61/1/15).

In the Public Assistance Committee minutes from 1945-46, the Committee agreed that once Councillors visited boarded out children and prepared their reports, the City Social Work Officer was to provide a snapshot of these and present the information to the Committee.

Within Childrens Committee Minutes from 1951-52, it is noted that the Counties of Cities Association stated that local supervision of boarded out children was unnecessary (SL116/1/4). Within the Corporation, Councillors continued to visit boarded out LRCSW Committee minutes) However within Social Work Committee minutes from 1971-72, it is noted that councillors to restart visits to boarded out children. This committee also agreed that Councillors should be accompanied by social workers when they visited boarded out children (SL118/1/3).

Within the TC Files SW Committee 1969-1975, The Director of Social Work in a letter requests that routine formal visits should not be reinstated as they single out boarded children as being different from their peers (TC File 8).

Under the Boarding Out of Children (Scotland) Regulations 1959, Councillors were not obliged to make visits to boarded out children, but the Childrens Officer had to make visits 4 times per year. Childrens Committee agreed that Councillors should still make visits once a year. In 1965-68 Childrens Committee minute it was noted that if councillors were unable to make a visit, they should advise the Childrens Officer. (Ref. SL116/1/18).

Within the Childrens Committee minutes from 1951-52 there is a note that Councillor Nealon raised a concern about one case when visiting boarded out child and asked Childrens Officer to investigate (SL116/1/4).



In March 1994, A Children and Young People Information Rights and Complaints Officer was appointed. (Ref. LRC3/8/3/21).

Information from Client file audit:

As noted in (a) there are references to social worker visitations. From the 1990 there is reference to the resource team social worker visiting the placement with the child's social worker. Moreover, during the 1990s there was reference to Trusted Adults and Childrens Rights Officers. This accords with recommendations set out in the Marshall Inquiry and we presume included direct contact with children. From the 1990s there is also reference to regular Child in Care Reviews and Looked After and Accommodated Children's Service, (CS) which provided oversight of placements.

Inspections

Under the powers of inspection under Section 6 of the Social Work (Scotland) Act 1968 the Secretary of State may enter 'any place where children are privately fostered, place for (or maintained pending) adoption or boarded out by a local authority or voluntary organisation, or where any person is boarded out by a local authority or voluntary organisation; in order to examine the state and management of the place, it's facilities and services, and the condition and treatment of the persons in it; and to inspect any records and registers (but excluding medical records), in whatever form they are kept, relating to the place or to any person for whom services have been or are provided here.(Ref. LRC2/1/2/18a/2).

It is noted that local authorities have discretion to inspect fostering service:

*Local authorities' duties to inspect social work services are linked to their statutory duties to register residential homes, day care facilities and child-minders; and, since 1991, their duty to inspect their own residential homes. All authorities have discretion to inspect other services, such as field social work and community service schemes, which they themselves may provide. A number of authorities use this discretion. (LRC2/1/2/18a/2)*

During the LRC period the Social Work Committee agreed in principle to extend current arrangements for the inspection of Children's Residential and Day services to all children and families (LRC2/1/1/20/21). A further report was requested and within the Director of Social Work reports is noted that the department wished to "develop and establish a framework to extend the inspection process to all child care services purchased or provided by the department. To undertake within this framework pilot inspections of



services against the published standards. To evaluate and report on the framework for and process of undertaking the pilot inspections," in 1995 (LRC3/8/3/20).

A Director of Social Work report from 1995 – 1996 notes the preferred option for each of the Lothian authorities on a Registration and Inspection Service. The preference was:

*That the CEC provide the Registration and Inspection Service as the lead authority with a Joint Advisory Committee for West Lothian Council and Midlothian Council. East Lothian Council not decided on form of arrangement (LRC3/8/3/21).*

In same year a report by the Director of Social Work also notes:

*Monitoring Services - monitoring of the quality of child care services. Talks about The Registration and Inspection Service having particular responsibility for a range of childcare services and the services they register and inspect. Of interest is, 'Lothian Social Work is piloting the inspection of Children and Family services which are provided by the Child and Family Practice and Resource Teams. These inspections are based on the Quality Standards for Services to Children, Young People and their Families and for Fostering and Adoption Services which were agreed by Committee in 1995 following a period of internal and external discussion. (LRC3/8/3/21).*

This correlates with information provided by previous managers and workers within the Resource Team that pilot inspections were undertaken within the fostering service in 1994 and 2000.

The Edinburgh Inquiry Report, published in 1999, states:

*Foster carers are subject to vetting on appointment, and certain material standards are required of foster homes before approval. However, they are not subject to the regular and formal inspection of Edinburgh and Lothians Registration and Inspection Service in the way residential units are.*

*Recommendation 114: We endorse Kent's proposal that foster care be brought within the inspection process. All foster care placements should be inspected. We recognise this may need to be phased in.*

The Regulation of Care (Scotland) Act 2000 includes Fostering and Adoption services for first time. Care Commission was set up in April 2002 to regulate and improve care

	<p>services in Scotland and the CEC Fostering Service was registered with this body. The National Care Standards were issued by the Scottish Executive in the spring of 2002 and these included Fostering Services. The Care Commission enforced these standards. From the 1<sup>st</sup> April 2011 the new scrutiny body, the Care Inspectorate (also known as Social Care and Social Work Improvement Scotland) took over the work of Care Commission including the registration of care services.</p>
<b>c)</b>	<p><b>How often did this occur?</b></p> <p>Please refer to (a) and (b) for more detail.</p> <p>The Care Inspectorate will review and visit all Children and Families services on a regular basis. To date, the Care Commission/Care Inspectorate inspectors have made seven announced visits since 2009.</p>
<b>d)</b>	<p><b>What did these visits involve in practice?</b></p> <p>Please refer to (a) and (b).</p> <p><u>Inspection</u></p> <p>The Care Commission/Care Inspectorate inspections involved one or two inspectors up to a two-week period. They spoke with foster carers, staff, managers, observed Fostering Panels and training/support groups.</p>
<b>Present</b>	
<b>e)</b>	<p><b>With reference to the present position, are the answers to any of the above questions different?</b></p> <p>Yes</p>
<b>f)</b>	<p><b>If so, please give details.</b></p> <p>All Children's Rights activity is now undertaken by Who Cares Scotland? And is completely independent of the Council. Their function remains the same.</p>

<b>Appendix 1</b>	<b>Framework Agreement for Foster Care Services</b>
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