

Covering statement

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Covid-19 Restrictions

Due to Covid-19 restrictions, Council staff have been unable to access Council buildings and records. This led to the premature ending of a comprehensive file audit and has limited the research opportunities and materials available to staff in compiling the responses listed below.

PART C – PREVENTION AND IDENTIFICATION	
4. Policy and Practice	
Question	National
4.1	
Past	
a)	<p><u>Was there national policy/guidance relevant to the provision of foster care for children?</u></p> <p>Yes, there was national policy/guidance relevant to the provision of foster care for children. In the earlier period, this primarily took the form of UK and Scottish legislation and statutory instruments. In the Lothian Regional Council and City of Edinburgh Council periods, it also included guidance published alongside legislation, White Papers, reports from public inquiries and Policy papers published by the Scottish Government.</p> <p>A summary of the national policy/guidance relating to the provision of foster care of which the local authority was aware is set out below:</p> <p>Edinburgh Corporation (1930 - 1975)</p> <ul style="list-style-type: none"> • Children’s Act 1908

- Children and Young Persons Act 1933
- Poor Law Emergency Powers (Scotland) Act 1921 (in force from 1934)
- Children and Young Persons (Scotland) Act 1937
- Department of Health for Scotland and the Scottish Education Department Circular (1946)
- Committee on Homeless Children etc. also known as the “Clyde Report” (1946)
- Children (Boarding Out etc.) (Scotland) Rules and Regulations 1947
- Children Act 1948
- Children Act 1958
- Boarding Out of Children (Scotland) Regulations 1959
- Children and Young Persons Act 1963
- White Paper, Children in care of local authority (1959 - 1960)
- Kilbrandon Report - Children and Young Persons Scotland (1964)
- White Paper, Social Work and Community (1966)
- Social Work (Scotland) Act 1968
- Children’s Hearings (Scotland) Rules 1971
- Scottish Home and Health Department Circulars

Lothian Regional Council (1975 - 1996)

- Community Relations Commission, Fostering-out Black Children (1975)
- Social Work Services Group, Non-accidental injury to children (1975)
- Children’s Act 1975
- Data Protection Act 1984
- Social Work (Panels of Persons to Safeguard the Interests of Children) (Scotland) Regulations 1984.
- Boarding Out and Fostering of Children (Scotland) Regulations 1985
- Foster Children (Private Fostering) (Scotland) Regulations 1985
- Access to Personal Files (Social Work) (Scotland) Regulations 1989
- Children’s Act 1989
- Social Work (Representations Procedure) (Scotland) Order 1990
- Angus Skinner, Another Kind of Home (1992)
- Scottish Office, Scotland’s Children - Proposals for Child Care Policy and Law (1993)
- British Agencies for Adoption and Fostering, Practice Notes
- National Foster Care Association, Making it Work (1994)

City of Edinburgh Council (1996 - 2014)

- Foster Children (Scotland) Act 1984

	<ul style="list-style-type: none"> • Children (Scotland) Act 1995 • The Arrangements to Look After Children (Scotland) Regulations 1996 • The Fostering of Children (Scotland) Regulations 1996 • Social Work (Representations Procedure) (Scotland) Directions 1996 • 'Protecting Children - A Shared Responsibility', The Scottish Office (1998) • Scottish Office Circular No. SWSG5/1996, Desk Officer 5389 • Regulation of Care (Scotland) Act 2001 • "For Scotland's Children" (2001), Scottish Executive • It's Everyone's Job to Make Sure I'm Alright: Report of the Child Protection Audit and Review, Scottish Executive (2002) • National Care Standards: Foster Care and Family Placement Services, Scottish Ministers (2002) • Protection of Children (Scotland) Act 2003 • Lord Laming's Inquiry Report (2003) • O'Brien Report (2003) • Protecting Children and Young People 2004: Framework for Standards • Integrated Children's Service Planning Guidance, Scottish Government (2004) • Safe and Well, Scottish Government (2005) • A Common Approach to Inspecting Services for Children and Young People, October 2005 • "Changing Lives" (February 2006), Scottish Executive • "Extraordinary Lives" Social Work Inspection Agency (2006) • Getting it Right for Every Child, Scottish Government (2006) • Getting it Right for Every Child in Foster Care and Kinship Care, Scottish Government (2007) • Looked After Children and Young People: We Can and Must Do Better, Scottish Government (2007) • The Looked After Children (Scotland) Regulations 2009 • National Guidance for Child Protection in Scotland, Scottish Government (2010) • National Guidance for Child Protection in Scotland, Scottish Government (2014)
<p>b)</p>	<p><u>If so, to what extent was the local authority aware of such?</u></p> <p>Any examples of the local authority awareness of national policy or guidance which is specific to the topics set out in subsection (c) below have not been included here.</p> <p>Edinburgh Corporation (1930 - 1975)</p>

- Children's Act 1908

A Public Assistance Committee meeting in 1933 - 1934 shows that there was discussion relating to the Children's Act 1908 (SL61/1/5, p159).

- Children and Young Persons Act 1933, and Children and Young Persons (Scotland) Act 1933

The Full Council Minutes from 1933 - 1934 show that a report was presented to Full Council by the Education Committee on the draft rules and regulations for boarding out children under the Children & Young Persons (Scotland) Act 1933 (SL1/1/384, p284). These draft rules and regulations were attached to the Council Minutes using an Appendix.

In 1933 - 1934, the Public Assistance Committee meeting discussed a contravention of the Children and Young Persons Act 1933 (SL61/1/5, p221). In 1936 - 1937, there were two instances of the Committee making decisions based on the best interests of the child in placement (SL61/1/8, p40 and p163). The Children and Young Person's Act 1933 makes several references to making decisions that are in a child's interests (sections 2, 40, 47, 64, 66, 70 and 88).

- Poor Law Emergency Powers (Scotland) Act 1921 (in force from 1934)

In 1941 - 1942, the Public Assistance Committee was presented with a report by the City Social Services Officer about the steps to be taken to introduce new legislation to allow public assistance authorities to have supervision over all boarded out children until they turned 18. The report provided background to the current legislative position, including the Poor Law (Scotland) Act 1934, and pointed out that there was no current legislation requiring compliance with boarding out once the child left school. After the Committee heard the report, they agreed to take no action as to recommending legislative provision for the aftercare of boarded out children over the age of 16. However, the Committee did agree that legislation should be considered to give Public Assistance authorities powers to ensure that boarded out children are only returned to parents if they are fit and proper to have custody. These Minutes show that the local authority was aware of the current legislation - which was the national policy at the time.

The Full Council Minutes from 1934 - 1935 show that a draft report was presented by the Public Assistance Committee on the rules and regulations for boarded out children under the Poor Law (Scotland) Act 1934 (SL1/1/385, p171).

- Children and Young Persons (Scotland) Act 1937

The Children and Young Persons (Scotland) Act 1937 placed 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". The local authority found no explicit reference to the Children and Young Persons (Scotland) Act 1937 in its archives, however, there were many references to the statutory duties imposed under the legislation. The Minutes from the Public Assistance Committee in 1937 - 1938 show that the Committee members undertook to visit boarded out children and provided reports to Committee following their visits (9/41 90L, Ref SL61/1/8, p34).

- Department of Health for Scotland and the Scottish Education Department Circular (1946)

In the Public Assistance Committee Minutes from 1946 - 1947, it states that the Committee considered a circular from the Department of Health for Scotland and the Scottish Education Department about draft proposed regulations for the boarding out of children (SL61/1/18, p31).

- Committee on Homeless Children, etc. (1946), also known as the "Clyde Report"

The Public Assistance Committee considered the recommendations made in the Clyde Report relating to the boarding out of children in Scotland on three separate occasions during 1946 - 1947 (SL61/1/18, p31, p31 & p37A).

- Children (Boarding Out etc.) (Scotland) Rules and Regulations 1947

In 1946 - 1947, the Public Assistance Committee reported that the Secretary of State submitted the Children (Boarding Out) (Scotland) Regulations 1947. The City Social Services Officer agreed to ensure that the current practice was modified in line with the new regulations (SL61/1/18, p148). Later in the Minutes from 1946 - 1947, it was noted that the Committee further considered the new Regulations. The City Social Services Officer was noted as being appointed to assist in overseeing that the Regulations were adhered to (SL61/1/18, p162).

In 1949 - 1950, the Full Council Minutes noted that the Children (Boarding Out) (Scotland) Regulations 1947 had come into force (SL1/1/398, Standing Order 59, p4).

In 1949 - 1950, the Children's Committee discussed the possibility of charging interest on inter-authority accounts for boarded out children (SL116/1/2, p46). The Committee confirmed that interest is not usually paid on these accounts. Later in the Minutes (SL116/1/2, p53), reference is made to paragraph 14 and 15 of the Children (Boarded Out) (Scotland)

Regulations 1947 where it states that “the question of fixing fees to reliable should be left to individual authorities” which demonstrates an awareness of the legislation.

- Children Act 1948

In 1955 - 1956, it was noted in the Full Council Minutes that the Children's Committee tried to keep families together under the Children's Act 1948 (SL1/1/405, Standing Order 59, p2) which shows an awareness of the legislation and its intentions.

The Annual Progress Report was presented to Full Council by the Children's Committee in 1950 - 1951 and noted the legislation that the local authority was bound by (SL1/1/400, Standing Order 59, p1). The Children's Committee continued to note the legislation in its Annual Progress Report every year from 1950 onwards. A report into children boarded out by the Children's Committee in 1951 - 1952 noted that foster parents had more regulations to adhere to than in previous years (SL1/1/401, Standing Order 59, p6).

In 1956 - 1957, a report was undertaken into children in care under the Children's Act 1948 (SL1/1/406, Standing Order 59, p2). Later in the Full Council Minutes, it was noted that a report was also being undertaken into children boarded out in foster homes and the attempt to recruit more foster parents (SL1/1/406, Standing Order 59, p6).

The Minutes from Full Council in 1962 - 1963 noted a report presented by the Children's Committee into the Children's Act 1948.

- Children Act 1958

In 1957 - 1958, the Minutes recorded a discussion by the Children's Committee in relation to a new Children's Bill (SL116/1/10, p68). There was further discussion in 1958 - 1959 relating to the Children's Act 1958 and its provisions on child (SL116/1/11, p95).

Between 1969 and 1975, it was noted in the Town Clerk Files that a draft circular was sent to all local authorities and health boards on the non-accidental injury of children in care. The circular referred to a disqualification in place which prevented anyone who had been convicted of offences against children under the Children's Act 1958 from taking on foster children. The circular also suggested that there may be new legislation brought into force to cover investigations into alleged child abuse (Town Clerk File 8).

- Boarding Out of Children (Scotland) Regulations 1959

In 1958 - 1959, the Children's Committee was informed that the Counties of Cities Association had received a letter from the Scottish Home Department with draft Boarding Out of Children (Scotland) Regulations. The Committee recommended an amendment to regulation 13 and

that foster parents be given a statement of principles (SL116/1/11, p53). The Committee agreed an amendment of the Boarding Out of Children (Scotland) Regulations 1959 (SL116/1/11, p59) and later asked officials to attend a meeting about the Regulations between the Counties of Cities Association and the Secretary of State (SL116/1/11, p63). Under the Boarding Out of Children (Scotland) Regulations 1959, Councillors were no longer obliged to make visits to boarded out children; however, the Children's Officer was now obliged to visit four times per year. The Minutes from the Children's Committee in 1959 - 1960 show that the Committee agreed that Councillors should still visit once per year (SL116/1/12, p13).

The Town Clerk Files of the local authority found a report that had been written on the health of children in care for the Social Work Committee dated between 1969 and 1975 (Town Clerk File 8) which stated that the suitability of a foster home is essential to the health of a child. The report confirmed that under the Boarding Out of Children (Scotland) Regulations 1959, a health assessment must be carried out before the placement starts and again one month into the placement. After the second health assessment, Regulation 12 is followed which requires foster children to be medically examined annually.

In 1978 - 1979, the Committee noted that under the Boarding Out of Children (Scotland) Regulations 1959, all children received into care had to be medically examined for their physical and mental health. The Committee noted that the current practice was that children received into care only received a 'Freedom from Infection' certificate. The Committee agreed that a full medical examination should be undertaken for each child and that financial provision would be made available to achieve this (LRC2/1/1/20/5, p147).

- White Paper, Children in care of local authority (1959 - 1960)

In 1959 - 1960, the Children's Committee discussed a white paper about children in care of the local authority (SL116/1/12, p34).

- Children and Young Persons Act 1963, and McBoyle Report (1963)

In 1963 - 1964, the Children's Committee were shown to have discussed the McBoyle report into the neglect of children and the implementation of the Children and Young Persons Act 1963 (SL116/1/16, p49).

In 1964 - 1965, the Children's Committee discussed the Children & Young Persons Act 1963. Comment was requested on the Act (SL116/1/17, p54).

- Kilbrandon Report - Children and Young Persons Scotland (1964), and White Paper - Social Work and Community (1966)

In 1964 - 1965, the Children's Committee discussed the Kilbrandon Report. There was further discussion of the Kilbrandon Report in relation to children and young people later in the Committee Minutes (SL116/1/17, p108).

The Welfare Committee Minutes from 1967 - 1968 also noted discussion on the Kilbrandon report in relation to children and young people (SL117/1/20, p98).

- Social Work (Scotland) Act 1968

In 1967 - 1968, the Children's Committee discussed the Social Work (Scotland) Bill (SL116/1/20, p110).

In 1968 - 1969, the Welfare Committee discussed the implementation of the Social Work (Scotland) Act 1968 (SL117/1/21, p27) and the establishment of sub committees relating to the Act (SL117/1/21, p47).

In 1969 - 1970, the Social Work Committee Minutes noted a letter received from the Secretary of State marking the start of the Social Work (Scotland) Act 1968. The Committee also noted that under the new legislation, each local authority would have to appoint a Reporter, a Depute Reporter and support staff for the Children's Panels. The Committee noted that they would ask the Finance Committee to investigate the salary scales for this (SL118/1/1, p126). It was also noted that the Secretary of State had submitted draft rules for the Children's Hearings System to the Committee (SL118/1/1, p152).

In 1977 - 1978, a report was presented to the Social Work Committee by the Director of Social Work. This report noted that all children in foster care are covered until section 15 of the Social Work (Scotland) Act 1968, including those in short-term care. The report also acknowledged that short-term foster parents are subject to the same legislation in terms of vetting (LRC3/8/3/3, Report 126).

- Children's Hearings (Scotland) Rules 1971

Between 1969 and 1975, the Town Clerk files note that a copy of the Children's Hearing (Scotland) Rules 1971 and an accompanying explanatory memorandum were provided to the Social Work Committee (Town Clerk File 9).

- Scottish Home and Health Department Circulars

Between 1969 and 1975, the Town Clerk files noted a circular sent to the local authority's Social Work Department on how to deal with non-accidental injury to a child (MYBN U104C,

TC File 9). The Town Clerk files also noted a circular that was provided to the Social Work Committee on the Children's Hearings System (Town Clerk File 9).

In 1974 - 1975, the Town Clerk files note that a circular was provided by the Scottish Home and Health Department to the Social Work Committee on how to spot non-accidental injury to children and how to take action when a suspected non-accidental injury has occurred (Town Clerk File 5).

Lothian Regional Council (1975 - 1996)

- Community Relations Commission, Fostering-out Black Children (1975)

In 1975 - 1976, the Social Work Committee considered a booklet prepared by the Community Relations Commission on fostering out black children. It was noted that careful and constant attention should be paid to the issues facing black foster children (LRC2/1/1/20/2, p15).

- Social Work Services Group circular, 'Non-accidental injury to children' (1975)

In 1975 - 1976, the Committee noted a circular from the Social Work Services Group around non-accidental injury to children. The Director of Social Work stated that a working party had been set up to consider the recommendations in the circular (LRC2/1/1/20/2, p15).

- Children's Act 1975

In 1975 - 1976, the Director of Social Work reported to the Social Work Committee that the Children's Act 1975 made significant changes in the responsibilities of a local authority in the fields of adoption and fostering. The Social Work Committee asked the Director of Social Work to submit a report on adoption and fostering (LRC2/1/1/20/2, p141).

In 1976 - 1977, the Director of Social Work presented a report to the Social Work Committee on the implementation of the Children's Act 1975 and the implications it will have on the department (LRC2/1/1/20/3, p174, LRC2/1/1/20/4, p79 & p97). The report noted that the effectiveness of the legislation depended on staff members studying the legislation and incorporating it into their everyday practice (LRC3/8/3/2, Report 228).

In 1977 - 1978, a report was presented to the Social Work Committee on the steps being taken by the Social Work Department to implement the Children's Act 1975, including the preparation of a leaflet called 'Your Child in Our Care' to be given to parents to explain the legislative changes (LRC3/8/3/3, Report 92).

In 1979 - 1980, the Social Work Committee noted the implications of the Children's Act 1975 on the local authority's role in fostering and adoption. The Director of Social Work noted that

the welfare and wellbeing of the child is of prime consideration when finding homes for them. The Director also recommended several steps that would rationalise and improve services for foster children, including that more resources were required (LRC3/8/3/5, Report 145). The Social Work Committee approved the Director's report and requested that he submit a further report into home-finding panels (LRC2/1/1/20/6, p135).

A report was prepared for the Social Work Committee in 1983 - 1984 by the Director of Social Work on the introduction of new legislation relating to children in care. The report noted that section 80 of the Children's Act 1975 would come into force on 1 September 1984. This section would change the local authorities' duty to review children in care resulting in reviews occurring every six months. The report acknowledged that this was already the practice in the Social Work Department but noted that the reviews would need to be undertaken consistently and may become increasingly difficult with lower staffing levels (LRC3/8/3/10, Report 97).

A report was prepared on the implementation of the Children's Act 1975 in 1985 - 1986 by the Director of Social Work. The Children's Act 1975 introduced new private fostering and boarding out regulations as covered in the Boarding Out and Fostering of Children (Scotland) Regulations 1985. The report also considered the Foster Children (Private Fostering) Regulations 1985 as these regulations tightened the controls that the local authority had over placements arranged by parents for their children (LRC3/8/3/11, Report 202).

- Data Protection Act 1984

In 1986 - 1987, the Social Work Committee noted the implications of the Data Protection Act 1984 and the effect it would have on the Social Work Department (LRC2/1/1/20/13, p45). The Committee considered whether the policy of the co-ordinated assessment of children in care was outdated and the Director of Social Work submitted a report on alternative provision (LRC2/1/1/20/13, p165).

In 1987 - 1988, a draft policy on open access to files was presented to the Social Work Committee by the Director of Social Work. This policy anticipated legislation that was yet to come into force, specifically the Data Protection Act 1984 and the Access to Personal Files Act 1987. The Committee agreed the policy in principle and noted that guidelines and publicity were being prepared (LRC2/1/1/20/14, p265).

In 1988 - 1989, the Social Work Committee noted that the 4th edition of the Lothian Region Child Abuse Guidelines had come into force on 12 August 1988. The Committee noted that the guidelines had been substantially rearranged to take into account the major developments under the Data Protection Act 1984 and to assist in the computerisation of the Register (LRC2/1/1/20/15, p65).

- Foster Children (Scotland) Act 1984

The Children and Families Department had a set of Guidelines which included a document from June 1998 called 'Guideline 5: Fostering Arrangements (Private)' which referred to the Foster Children (Scotland) Act 1984 and the Foster Children (Private Fostering) (Scotland) Regulations 1985. The legislation stated that the parents and carers must notify a local authority of the placement and the local authority then had a duty to investigate the circumstances, and where necessary, prohibit the carers from acting as foster carers. The legislation also placed a duty on the local authority to secure the welfare of children in their area.

- Boarding Out and Fostering of Children (Scotland) Regulations 1985

In 1984 - 1985, the Social Work Committee noted legislation that was due to come into force relating to childcare (LRC2/1/1/20/11, p71). The legislation relating to children in care that was due to come into force was discussed again in 1985 - 1986. The Boarding Out and Fostering of Children (Scotland) Regulations 1985 were noted by the Social Work Committee and a report into the work they would generate was requested (LRC2/1/1/20/12, p132).

In July 1994, there was debate surrounding the legal status of children who use carers approved by the local authority. The local authority produced a Memorandum setting out the position which referenced the statutory duties under the Boarding Out & Fostering of Children (Scotland) Regulations 1985. The Memorandum also relied on the Social Work Service Group guidance circular no SW15/1985 for the position of children placed with foster carers for respite care.

- Foster Children (Private Fostering) (Scotland) Regulations 1985

In 1984 - 1985, the Social Work Committee noted legislation that was due to come into force relating to childcare (LRC2/1/1/20/11, p71). The legislation relating to children in care that was due to come into force was discussed again in 1985 - 1986. The Foster Children (Private Fostering) (Scotland) Regulations 1985 were noted by the Committee and a report into the work they would generate was requested (LRC2/1/1/20/12, p132).

- Access to Personal Files Act 1987 and Access to Personal Files (Social Work) (Scotland) Regulations 1989

In 1987 - 1988, a draft policy on open access to files was presented to the Social Work Committee by the Director of Social Work. This policy anticipated legislation that was yet to come into force, specifically the Access to Personal Files Act 1987 and the Access to Personal

Files (Social Work) (Scotland) Regulations 1989. The Social Work Committee agreed the policy in principle and noted that guidelines and publicity were being prepared (LRC2/1/1/20/14, p265).

In 1988 - 1989, the Social Work Committee noted the implementation of the Access to Personal Files (Social Work) (Scotland) Regulations 1989. The Committee agreed to waive charges to access information and noted the formal access procedure to be used by the Social Work Department, although they acknowledged that this procedure may need to be updated once the Secretary of State issued recommendations (LRC2/1/1/20/15, p273).

In 1988 - 1989, the Director of Social Work prepared a report highlighting the implementation of the Access to Personal Files (Social Work) (Scotland) Regulations 1989 under Section 3 (5) of the Access to Personal Files Act 1987 which had required to be in place by 1 April 1989.

- Children's Act 1989

In 1990 - 1991, the Director of Social Work reported to the Social Work Committee on the implementation of the Children's Act 1989 and noted the extended duties of the department (LRC2/1/1/20/18, p64).

The 1995 local policy 'Standards for Fostering and Adoption Services' used the Children Act 1989 as the policy basis for its standard on a child's rights and responsibilities.

- Social Work (Representations Procedure) (Scotland) Order 1990

A report was prepared in 1992 - 1993 noting that the local authority must establish a robust complaints procedure under the Social Work (Representations Procedure) (Scotland) Order 1990. The Director of Social Work proposed a Review Committee be set up and recommended that the Committee authorises publication of the proposals as part of publicity given to the Departmental Complaints Procedure. The report includes a copy of the procedures for considering client complaints (LRC3/8/3/18, Report 169).

- Another Kind of Home, Angus Skinner (1992)

The Lothian Regional Council adopted its 'Standards for Fostering and Adoption Services' in June 1995. Each standard had a basis for the standard which tended to be national or local policy. Angus Skinner conducted a review of residential childcare in Scotland in 1992 and this report was noted as the basis of several of the standards within the document.

- Scottish Office, Scotland's Children - Proposals for Child Care Policy and Law (1993)

The Lothian Regional Council adopted its 'Standards for Fostering and Adoption Services' in June 1995. Each standard had a basis for the standard which tended to be national or local policy. The Scottish Office publication 'Scotland's Children - Proposals for Child Care Policy and Law' from 1993 was also referenced as the basis for some of the standards. This White Paper was the basis for several standards within the local policy.

In July 1994, there was debate surrounding the legal status of children who use carers approved by the local authority. The local authority produced a Memorandum setting out the position which referenced the statutory duties under the Boarding Out & Fostering of Children (Scotland) Regulations 1985 as well as the spirit and intent of the Scottish Office White Paper 'Scotland's Children' from 1993.

- British Agencies for Adoption and Fostering Practice Notes

The British Association for Adoption and Fostering practice notes 'Practice Note 13: The Placement Needs of Black Children' and 'Practice Note 26: Children and their Heritage' were used as a policy basis for the local authority's policy 'Standards for Fostering and Adoption Services' from 1995 in relation to the impact of racism on the development of black children.

- National Foster Care Association Policy Papers "Making it Work" (1994)

The Lothian Regional Council adopted its 'Standards for Fostering and Adoption Services' in June 1995. Each standard had a basis for the standard which tended to be national or local policy. The basis for the standard which related to the training, support and supervision of foster carers was noted as being the National Foster Care Association Policy Paper "Making it Work" (1994).

City of Edinburgh Council (1996 - 2014)

Due to the current circumstances under the COVID-19 pandemic, the local authority has been unable to access Committee records from 1995 to 2004. As a result, the evidence relating to some of the earlier national policy and guidance comes directly from the implementation of national policy and guidance within the local authority's policies and procedures.

- Children (Scotland) Act 1995

The local authority's Foster Care Agreement had an Appendix called 'Allegations of Child Abuse or Complaints Against Departmental Approved Carers'. The Appendix noted the local authority's powers under statute in section 72 of the Children (Scotland) Act 1995. Similarly, the local authority's 'Inter-Agency Child Protection Guidelines' from 1995 states that the guidelines are consistent with the UN Convention on the Rights of the Child and with the

childcare principles and provisions of the Children (Scotland) Act 1995. The Guidelines also state that they incorporate the developments from Scottish Executive guidance and public inquiries.

The local authority had a Children and Families Procedures Manual which contained practice notes and guidelines dated between 1992 and 2002. One of the guidelines in the Manual was titled 'Allegations of Child Abuse Against Departmental Employees or Approved Carers Principles and Guidance' and was updated in 1997. The guidelines state that the needs of the child are the paramount consideration and that the local authority has a duty to safeguard and promote welfare, incorporating the principles of the Children (Scotland) Act 1995.

On 25 August 2005, the Children and Young People Scrutiny Panel noted the Children and Families Service Plan for 2004 - 2008 (p6, Committee Minutes). It was also noted that there would be an Integrated Children's Services Plan as this was now a national requirement under section 19 of the Children (Scotland) Act 1995.

A report was presented to the Children and Families Sub-Committee on Standards on 7 December 2005 called 'Accommodated Children Review Team Annual Report'. Page 5 of the report noted the number of accommodated children that the local authority had responsibility for. It also noted the local authority's responsibilities under section 31 of the Children (Scotland) Act 1995 which concerned the reviewing of children who are looked after by the local authority.

The Education, Children and Families Committee Minutes from 19 November 2007 state that a report was presented to Committee called "Joint Officer/Member Group - Corporate Parenting of Looked After Children". This report sought approval of the creation of an officer/member group to consider matters relating to the corporate parenting of looked after children, including foster children. The report referred to the local authority's statutory duties under the Children (Scotland) Act 1995 and the Social Work (Scotland) Act 1968. It referenced section 17 of the Children (Scotland) Act 1995 which sets out the duties that the local authority holds in relation to looked after children, including the duty to safeguard and promote welfare.

On 30 October 2007, the report 'Vulnerable Children: Pressures and Performance in Children and Families Social Work Services' was presented to the Education, Children and Families Committee. The report looked at the demand for services, including those in place for Looked After Children. The report noted the legislative requirement that compels local authorities to provide throughcare and aftercare services in addition to the services in place for Looked After Children. Reference was also made the local authority's duties under the Children (Scotland) Act 1995.

- The Arrangements to Look After Children (Scotland) Regulations 1996

The local authority had an Appendix called 'Allegations of Child Abuse or Complaints Against Departmental Approved Carers' attached to its Foster Care Agreement from the 1990s. The Appendix noted the local authority's powers under statute in Regulation 19 of The Arrangements to Look After Children (Scotland) Regulations 1996 and section 72 of the Children (Scotland) Act 1995.

- The Fostering of Children (Scotland) Regulations 1996

The local authority had a Looked After Children Manual dated July 1998 which contained many practice notes, guidelines and documents for social workers relating to adoption and foster care. The Manual contained a 'Emergency/Immediate Placement Agreement' which referred to the Fostering of Children (Scotland) Regulations 1996. The Manual also contained a document called 'Fostering Processes - The Fostering of Children (Scotland) Regulations 1996 (Interim Practice Notes)'. The Appendix to this document included an extract from the 1996 Regulations on the information that should be provided by a prospective foster carer.

- Social Work (Representations Procedure) (Scotland) Directions 1996, and the Scottish Office Circular No. SWSG5/1996, Desk Officer 5389

The 'Children and Families Social Work Complaints Annual Report 2005 - 2006' was noted by the Children and Young People Scrutiny Panel on 3 August 2006. The report noted that the local authority must publish information about their complaints service and their complaints activity in accordance with the Social Work (Representations Procedure) (Scotland) Directions 1996 and the Scottish Office circular SWSG5/1996. The report then explained that a Client Services and Complaints Officer had been appointed on 12 September 2005 to the Children and Families Department to manage complaints. Prior to this, the former Social Work Department handled all complaints relating to social work services. The Annual Report continued to note the number of complaints in the following years.

The Special Sub Committee on Social Work Standards Minutes from 6 December 2005 show that a report called 'Report 8: Annual Report of the Social Work Client Services and Complaints Office 2004/05' was presented to the sub-committee. The report shows awareness of the Council's obligations under legislation in relation to the annual reporting of social work complaints.

The Education, Children and Families Committee Minutes from 28 October 2008 noted a report called 'Social Work Complaints Review Committee' containing recommendations following a complaint received by the Children and Families Department. The report set out

the background to the Social Work Complaints Review Committee and referenced its statutory basis in the Social Work (Representations) Procedures (Scotland) Directions 1996. There were many other reports for the Social Work Complaints Review Committee and they always referred to the Review Committee's statutory basis.

- Public Interest Disclosure Act 1998, and accompanying guidance

The local authority introduced its 'Public Interest Disclosure Policy' in May 2000 following the Public Interest Disclosure Act 1998 coming into force.

In 2007, the Edinburgh, Lothian and Borders Executive Group (ELBEG) published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. ELBEG is a group comprising the Chief Executives of East Lothian, Midlothian, West Lothian, Scottish Borders and the City of Edinburgh Councils, the Chief Executives of NHS Lothian and Borders and the Chief Constable of the Lothian and Borders Police. The Procedures state that they implemented various national policies and guidance, including 'Sharing Information About Children at Risk: A Guide to Good Practice' published by the Scottish Executive in 2004, and 'Sharing Information about Children at Risk of Abuse or Neglect: A Brief Guide to Good Practice' published by The Chief Medical Officer in Scotland in 2004.

The local authority's current "Whistleblowing Policy" replaced the Public Interest Disclosure Policy in order to strengthen existing whistleblowing procedures and to meet the requirements of the Public Interest Disclosure Act 1998, showing further implementation of the national policy.

- 'Protecting Children - A Shared Responsibility', The Scottish Office (1998)

'Protecting Children - A Shared Responsibility' set out the framework for collaboration between Social Work Departments and other agencies in child protection cases. As the local authority is unable to access its archives due to the COVID-19 restrictions, it has been unable to locate evidence demonstrating its awareness of this national guidance. However, the local authority's 'Child Protection Guidelines (Inter-agency)' state that they incorporate Scottish Executive guidance which would include this national guidance as it relates specifically to inter-agency working in the child protection context.

- Regulation of Care (Scotland) Act 2001

On 7 December 2004, the report 'Care Commission Inspections' was presented to the Children and Young People Scrutiny Panel where it was noted that the local authority had applied for registration for the Fostering and Adoption Services. The report noted that the

local authority wished to register under Part II of the Regulation of Care (Scotland) Act 2001 and that the sub-committee would be informed once registration was complete.

- "For Scotland's Children" (2001), Scottish Executive

A report was presented to the Children and Young People Scrutiny Panel on 2 February 2006 called "Proposals for Revised Children's Service Governance Arrangements". The report aimed to formalise central and local arrangements for the governance of children's services. It referred to the Scottish Executive's 2001 report "For Scotland's Children" and noted that the Children's Services Strategy Group had produced a document in 2002 called "Changing Children's Services in Edinburgh Action Plan" which implemented the guidance set out in "For Scotland's Children".

On 18 May 2006, the Children and Young People Scrutiny Panel considered the Children and Families Department Service Improvement Plan for 2006 - 2009. On page 9 of the report, reference is made to several Scottish Executive Reports, including "For Scotland's Children" (2001) and "Changing Lives" (February 2006).

- It's Everyone's Job to Make Sure I'm Alright: Report of the Child Protection Audit and Review, Scottish Executive (2002)

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'It's Everyone's Job to Make Sure I'm Alright' published by the Scottish Executive in 2002.

- National Care Standards: Foster Care and Family Placement Services, Scottish Ministers (2002)

The National Care Standards were developed and published by the Scottish Ministers for a range of care services, including foster care. In 2002, the Scottish Executive published a document setting out the national standards for foster care called "National care standards: foster care and family placement services". A Handbook for Carers was created by the City of Edinburgh Council. Section One of the Handbook was called 'Legal and organisational context' which referred to the National Care Standards, specifically their guidance on the recruitment, selection and approval of foster carers as well as the training and support provided for foster carers. The Handbook required all carers to have their own copy of the National Care Standards and noted that this can be provided by the carer's liaison worker.

- Protection of Children (Scotland) Act 2003, and Laming Inquiry (2003)

On 9 June 2005, the 'Annual Report on Child Protection in Edinburgh' was presented to the Children and Young People Scrutiny Panel which noted the Council's performance in addressing the recommendations of the Edinburgh Inquiry and the O'Brien Inquiry. The report also noted that there had been changes in process and procedure as a result of the national debate around child protection, e.g. the Laming Inquiry, the Bichard Inquiry and the introduction of the Protection of Children (Scotland) Act 2003.

The Education, Children and Families Committee was presented with a document called 'Review of Edinburgh's Child Protection Arrangements' on 13 January 2009 which provided updates on progress in improving services to protect children and young people in Edinburgh. Within this report, a section titled 'Progress against Inquiry Recommendations' noted that the local authority had followed recommendations as made in Lord Laming's Inquiry Report from 2003; the O'Brien Report from 2003; and those made in the joint report by the Healthcare Commission, Her Majesty's Inspectorate of Constabulary and Ofsted into the death of Baby P (2008).

The 'Children and Families Service Plan 2011 - 2014' was presented to the Education, Children and Families Committee on 21 June 2011. The Plan set out the legislative background, as well as national and local strategies, including its duties under the Protection of Children (Scotland) Act 2003. The 'Children and Families Services Plan 2013 - 2016' also set out the legislation which the local authority followed in relation to the Children and Families Department. This included the Protection of Children (Scotland) Act 2003 and the Adoption and Children (Scotland) Act 2007.

- O'Brien Report (2003)

The Children and Young People Scrutiny Panel Minutes from 18 November 2004 noted 'Report 4.1 (b) Annual Report of the Edinburgh and Lothians Child Protection Committee'. This report noted the importance of the O'Brien Inquiry in reforming child protection in Scotland on page 2. The Director of Children and Families noted that all the recommendations of the O'Brien report had been taken forward (page 3, Panel Minutes).

- Protecting Children and Young People 2004: Framework for Standards and The Charter

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'Protecting Children and Young People 2004: Framework for Standards' and 'Protecting Children and Young People: The Charter', both published by the Scottish Executive in 2004.

- Integrated Children's Service Planning Guidance, Scottish Government (2004)

A report called 'Report 5: Children and Families Department - Vision, Mission and Aims' was presented to the Panel on 18 November 2004. Page 1 of the report noted the guidance issued by the Scottish Executive on the requirement of local authorities to produce Children's Services Plans to show integrated service planning and delivery.

- Safe and Well, Scottish Government (2005)

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'Safe and Well' published by the Scottish Executive in 2005.

- A Common Approach to Inspecting Services for Children and Young People, Scottish Government (2005)

A report was presented to the Special Sub Committee on Social Work Standards on 24 May 2005 called 'Report 10: Social Work Inspection Agency'. The report shows that the Council, sub-committee and Social Work department were aware of the national developments within Social Work, including the creation of the Social Work Inspection Agency (SWIA) and the new inspection arrangements. It was noted in the report that the local authority's Social Work Department had been advocating with the Scottish Executive for a more rigorous inspection regime.

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'A Common Approach to Inspecting Services for Children and Young People' published by the Scottish Government in October 2005.

- "Changing Lives" (February 2006), Scottish Executive

On 18 May 2006, the Children and Young People Scrutiny Panel considered the Children and Families Department Service Improvement Plan for 2006 - 2009. Page 9 of the report referenced the Scottish Executive Report "Changing Lives" which was a 21st Century Social Work Review aiming to look at all aspects of social work in order to strengthen the delivery of integrated services. In Annex B of the document, there is evidence that employees from the local authority participated in the review groups and sub-groups as part of the review. This included a social worker in the social worker sub-group, the Head of Quality Services and Chief Executive of Children and Families in the Performance improvement sub-group.

- "Extraordinary Lives" Social Work Inspection Agency (2006)

On 19 November 2007, the Education, Children and Families Committee considered a report called "Joint Officer/Member Group - Corporate Parenting of Looked After Children". The report noted the guidance published by the Social Work Inspection Agency in their 2006 report "Extraordinary Lives" which looked at what good practice looked like and how it could be further improved.

- Getting it Right for Every Child, Scottish Government (2006)

The Children and Families Service Plan 2008 - 2011 was considered by the Education, Children and Families Committee in April 2008 and noted that the draft Looked After Children (Scotland) Regulations were drafted in a way to reflect the 'Getting it Right for Every Child' national approach and they sought to make the child's needs the starting point for the legislation.

A framework document called 'Supporting Edinburgh's parents and carers' was presented to the Committee on 13 January 2009. The framework noted that the national approach, GIRFEC, would underpin all work that took place between the local authority and its parents and carers as well as some of the principles of Solihull.

At the Education, Children and Families Committee Meeting on 7 September 2010, the 'Getting it right for every child in Edinburgh - Implementation Project' was presented for the purposes of discharging the remit of the Committee from their meeting on 10 November 2009. The report noted that the local authority is aligned to and supports all current and emerging national policies including the proposed "National Guidance for Child Protection" which was under consultation at the time.

The 'Children and Families Service Plan 2011 - 2014' was presented to the Education, Children and Families Committee on 21 June 2011. The Plan set out the legislative background and national and local strategies, including 'Getting it right for every child'. There is evidence that the local authority implemented national guidance within its local policies as page 10 of the Service Plan states that GIRFEC would be a key initiative within all services.

- Looked After Children and Young People: We Can and Must Do Better, Scottish Government (2007)

The Minutes from 19 November 2007 state that a report was presented to Committee called "Joint Officer/Member Group - Corporate Parenting of Looked After Children". This report sought approval of the creation of an officer/ member group to consider matters relating to the corporate parenting of looked after children, including foster children. The report noted the local authority's statutory duties under section 17 of the Children (Scotland) Act 1995 in

relation to looked after children, including the duty to safeguard and promote welfare. The Scottish Executive document "We can and must do better" was then noted, specifically its section on corporate parenting and the local authority's responsibility to work together to meet the needs of looked after children.

- Getting it Right for Every Child in Foster Care and Kinship Care, Scottish Government (2007)

On 18 March 2008, the Education, Children and Families Committee considered two reports on the legislative changes due to take place in 2009 in relation to kinship carers and adoption. The reports referred to the 2007 Scottish Government initiative 'Getting it right for every child in kinship and foster care'. Although this reference was to sections of the publication which relate to kinship care, it shows that the local authority was aware of one of the key national policies in place for foster care and the rights of looked after children.

The Children and Families Service Plan 2008 - 2011 was considered by the Education, Children and Families Committee in April 2008 and noted that the draft Looked After Children (Scotland) Regulations were drafted in a way to reflect GIRFEC and that the local authority worked within the parameters of the 'Getting it Right for every child in Kinship and Foster Care' initiative produced by the Scottish Government and COSLA. This initiative outlined the ways in which foster care can contribute towards the care and support of children and their families.

On 8 September 2009, the 'Children and Families Service Plan 2009 - 2012' was considered by the Education, Children and Families Committee which reported on the ambitions of the Children and Families Department. The key national strategies highlighted were GIRFEC and 'Getting it right for every child in kinship care and foster care'. The report later noted that the demand for foster care placements was increasing so the Children and Families Department would follow the key national strategies highlighted in the report.

The 'Service Strategy and Improvement Plan for Children and Young People Looked After and Accommodated by the City of Edinburgh Council' was considered by the Education, Children and Families Committee Minutes on 8 September 2009. The Plan drew attention to the fact that children do not often have a choice of placement and that they may be split from their siblings or placed a considerable distance outside of Edinburgh. It was noted that the Scottish Government policy (Getting it right for every child in kinship and foster care, page 18) and local policy was to reduce the number of children who experience three or more placements.

- Adoption and Children (Scotland) Act 2007, and associated Guidance

On 15 April 2008, the Education, Children and Families Committee noted the 'Children and Families Service Plan 2008 - 2011' which reported on the ambitions of the Children and Families Department for that time period. Section One of the Plan noted the Context of the document, including the new legislative requirements which applied to the local authority. Reference was made to the Adoption and Children (Scotland) Act 2007 and the associated regulations, guidance and strategy as it was recognised as significantly affecting the way that placements are provided for looked after children.

- The Looked After Children (Scotland) Regulations 2009

The Children and Families Service Plan 2008 - 2011 was considered by the Education, Children and Families Committee in April 2008 and noted that the draft Looked After Children (Scotland) Regulations were drafted in a way to reflect the 'Getting it Right for Every Child' national approach and they sought to make the child's needs the starting point for the legislation. This shows that there was an awareness of the legislation, as well as the national policy that informed the legislation, prior to it coming into force.

On 8 September 2009, the 'Children and Families Service Plan 2009 - 2012' was considered by the Education, Children and Families Committee. The document set out the legislation that the local authority was bound by as well as the key national strategies and priorities. The legislation noted that related to foster care included the Looked After Children (Scotland) Regulations 2009, the Protection of Children (Scotland) Act 2003 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

- National Guidance for Child Protection in Scotland, Scottish Government (2010)

At the Committee Meeting on 7 September 2010, a report called 'Getting it right for every child in Edinburgh - Implementation Project' was presented for the purposes of discharging the remit of the Committee from their meeting on 10 November 2009. This report set out the principles developed which included a more "child-centred system with heightened focus on the child's needs". The report noted that the local authority is aligned to and supports all current and emerging national policies including the proposed "National Guidance for Child Protection" which was under consultation at the time.

- Educational Outcomes of Scotland's Looked After Children and Young People: A New Reporting Framework, Scottish Government (2009)

The 'Children and Families Service Plan 2011 - 2014' was presented to the Education, Children and Families Committee on 21 June 2011. The Plan noted that the local authority

was informed by the 2009 Scottish Government Framework, 'Educational Outcomes of Scotland's Looked After Children and Young People: A New Reporting Framework'.

The 'Standards and Quality Report - Children and Families 2013' was presented to Committee on 8 October 2013. One of the priorities set out in the report was that "children and young people at risk, or with a disability, have improved life chances". Within the technical appendix, reference was made to the Scottish Government publication 'The Educational Outcomes for Looked After Children'.

- Children's Hearings (Scotland) Act 2011

The Education, Children and Families Committee considered a report called 'Children's Hearings (Scotland) Act 2011' which sought to inform the Committee of the main provisions of the Act. It stated that implementation of the legislation was expected to be in the summer of 2012, subject to secondary legislation being put in place. The report also noted that although the legislation was primarily concerned with the administration of the Children's Hearings system, it also brought the legislation in line with human rights legislation, including the provision for a child to be able to speak in confidence to a Children's Hearing.

- National Guidance for Child Protection in Scotland, Scottish Government (2014)

The National Guidance for Child Protection in Scotland was published by the Scottish Government on 14 May 2014. The local authority implemented this guidance within its 'Inter-agency Child Protection Procedures' for Edinburgh and the Lothians which was introduced in 2015.

- Children and Young People (Scotland) Act 2014

On 9 October 2012, the Education, Children and Families Committee considered the local authority's response to the Scottish Government on the Children and Young People Bill Consultation. The Committee noted that the Bill proposed specific changes on the rights of children, wellbeing, GIRFEC and care. The consultation response was appended to the report and was to be noted by the Committee. The response looked at the local authority's role as a corporate parent and the SHANARRI Wellbeing Indicators as possible performance indicators.

The 'Children and Families Services Plan 2013 - 2016' was presented to Committee on 21 May 2013 and also set out the legislation and national policy which the local authority followed in relation to the Children and Families Department. The Plan noted that the Children and Young People's Bill would proceed into law during the lifetime of the Plan and that this would have important provisions relating to the provision for Looked After Children and GIRFEC.

	<p>This shows that the local authority was aware of the changes to legislation and its impacts on national policy.</p> <p>The Education, Children and Families Committee Minutes from 20 May 2014 noted the implementation of the Children and Young Person's (Scotland) Act 2014. The report presented on the Act noted that Council officers will continue to work at a national and local level to support the development of the regulations and guidance that will follow. It was noted in the report that the local authority was involved at every stage of the legislation and its development, and that there had been significant engagement and consultation with children, young people and families on key aspects of the Bill.</p>
<p>c)</p>	<p><u>If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?</u></p> <p>The organisation was aware of the following national policy and guidance as set out below. The local authority has looked at its Committee minutes from 1930-2014 for its Public Assistance Committee, Children's Committee, Social Work Committee, Council of Social Services, Welfare Committee and Full Council. It also looked at local policies and guidance which incorporated the recommendations of the national policy/guidance.</p> <p>i. <u>Child welfare (physical and emotional)</u></p> <p>Edinburgh Corporation (1930 - 1975)</p> <p>Following the enactment of the Children Act 1908, responsibilities for child welfare and child protection were divided between the Poor Law and a voluntary sector which largely provided residential care. In 1929, the duties of the Poor Law Boards in relation to child protection and substitute care were transferred to local authorities. The Full Council Minutes from 1930 - 1931 noted that children boarded out in other local authorities in Scotland were regularly visited by the Assistant Inspector to ensure that the children are receiving proper care (SL1/1/381, Standing Order 59, p18), showing that the local authority was aware of its duties regarding child protection and child welfare.</p> <p>The Poor Law (Scotland) Act 1921 came into force in July 1934 and gave the Secretary of State 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 enactment of the Children (Boarding-out, etc.) (Scotland) Regulations 1947 meant that all foster households had to be vetted.</p>

Section 2 of the Children and Young Persons (Scotland) Act 1937 placed 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". The Minutes from the Public Assistance Committee in 1937 - 1938 show that the Committee members undertook to visit boarded out children and provided reports to Committee following their visits (9/41 90L, Ref SL61/1/8, p34). In 1941 - 1942, a report was presented to the Public Assistance Committee by the Inspector of the Poor on the different methods of visiting boarded out children during the summer and it was agreed by the Committee that visits should continue as normal (9/41 90L, Ref SL61/1/13, p79). In 1951 - 1952, the Counties of Cities Association advised that the local supervision of boarded out children was unnecessary (SL116/1/4, p13). However, in the following Committee meeting, it was agreed that visits to boarded out children should continue (SL116/1/4, p14). In 1968 - 1969, a report by the Children's Officer was presented to the Children's Committee on visits to boarded out children. The report indicated that prior to 1953, there was a statutory duty placed on Children's Committee members to visit boarded out children but since the introduction of new Regulations, this statutory duty now sat with the staff of the Children's Department. It was suggested that the arrangements be discontinued and that in future, Councillors intimate to the Children's Officer the dates where they would be able to visit boarded out children so that they could accompany a staff member on a routine visit (9/41 113L, SL116/1/21, p84). This suggests that the local authority was aware of the legislation in this area, however, the Councillors had chosen to continue visiting the boarded-out children after their statutory duty had been repealed in law.

The Children Act 1948 was enacted following the Second World War following recommendations set out in the Clyde Report (1946) which had highlighted scandals involving children in care, including foster care. This legislation imposed a duty on local authorities under section 1 to receive a child into their care if their intervention was "necessary for the welfare of the child". In 1955 - 1956, it was noted in the Full Council Minutes that the Children's Committee tried to keep families together under the Children's Act 1948 (SL1/1/405, Standing Order 59, p2), showing awareness of the legislation and its intentions. Later that year, the report provided to Full Council about boarding out children noted that there had been problems in recruiting foster parents (SL1/1/405, Standing Order 59, p6).

Section 1 of the Children and Young Person's Act 1963 stated that it shall be the duty of every local authority to "make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948 or the principal Scottish Act". Furthermore, in 1964 the Kilbrandon Report was published which introduced the foundations of the Children's Hearing System and

noted the importance of child welfare of juvenile offenders. The local authority's minutes from the Children's Committee in 1964-1965 show that there was discussion about the Kilbrandon Report (1964) and the Children & Young Persons Act 1963. Comment was requested on the Children & Young Persons Act (SL116/1/17, p54). The minutes state that there was further discussion of the Kilbrandon Report in relation to children and young people later in 1964 - 1965 (SL116/1/17, p108).

In 1966, the White Paper "Social Work and the Community" set out a series of proposals for legislation that reflected the recommendations of the Kilbrandon Committee. The new arrangements for dealing with children "in need of compulsory measures of care" were introduced under Part III of the Social Work (Scotland) Act 1968. The Children's Hearings System was implemented in 1971 and children were brought to the attention of the Children's Reporter where they had committed offences or where they were believed to be "in need of care and protection".

A Social Work Publication from November 1977 (LRC 3/8/1/1, p55, Chapter 5) noted that sections 1 - 9 of the Children Act 1958, as amended by the Social Work (Scotland) Act 1968, imposed a duty on local authorities to visit and ensure the welfare of all foster children. The publication stated that prior to this section being enacted there had been no regulations governing the extent and nature of supervision by the local authority. However, section 95 of the Children Act 1975 allowed the Secretary of State to make regulations. The publication anticipated that these regulations may resemble the Boarding Out of Children (Scotland) Regulations 1959 but noted that these regulations are in need of an update. This shows that the local authority was aware of the legal framework of foster care and that it stayed updated on amendments to the legislation as well as pending legislation.

Lothian Regional Council (1975 - 1996)

In November 1977, the Social Work Department released a publication which acknowledged the minimum standards for approval of foster parents and foster homes as set out in the Boarding out of Children (Scotland) Regulations 1959. The publication also noted the minimum supervision requirements and requirements relating to medical care under the Regulations (LRC 3/8/1/1, p56).

A report was prepared by the Director of Social Work in 1978 - 1979 noting that the Boarding Out of Children (Scotland) Regulations 1959 requires a medical examination on both mental and physical health for all children who are being taken into care. The report noted that a departmental review of procedures had been undertaken where it was clear that only a freedom from infection certificate had been obtained. The Director of Social Work recommended to the Social Work Committee that a full medical examination be carried out

and that Committee should approve the additional costs of this (LRC3/8/3/4, Report 103). The Committee noted the report and agreed that a full medical examination should be undertaken for each child and that financial provision would be made available to achieve this (LRC2/1/1/20/5, p147).

A publication from the Scottish Home and Health Department called 'Health of Children in Care' from 1975 was noted in the Social Work Committee papers in 1981. The publication was about matters relating to health provision for children in care and noted that medical assessments were required to be provided for prospective foster parents and medical examinations were required for all children before they are boarded out (LRC 3/8/1/1, p67). This shows that the local authority was aware of the legislation and undertook departmental reviews to ensure that it was compliant with its duties.

In 1979 - 1980, the Social Work Committee noted the implementation of the Children's Act 1975 which amended the Social Work (Scotland) Act 1968 and had implications on the local authority's role in fostering and adoption. The Director of Social Work noted that when finding a home for a child, the welfare and wellbeing of that child is of prime consideration. The Director also recommended a number of steps that would rationalise and improve services for foster children. The Committee approved the Director's report (LRC2/1/1/20/6, p135).

In 1984 - 1985, the Social Work Committee noted legislation that was due to come into force relating to childcare, specifically, local authority's involvement in the adoption process. It is likely that the Committee were discussing the Boarding-Out and Fostering of Children (Scotland) Regulations 1985. The Director of Social Work recommended that children in care be reviewed and recorded every six months. The Committee approved this recommendation (LRC2/1/1/20/11, p71).

The Boarding Out and Fostering of Children (Scotland) Regulations 1985 introduced further provisions in relation to the monitoring of a child's continued residence in a foster placement. Under regulation 18, the local authority was required to ensure that the child and their foster carer were visited within one week of the placement being made and then at intervals no more than three months from the previous visit thereafter. Regulation 18 also stated that the local authority should visit the child on all other occasions considered necessary in order to supervise the child's welfare and to give support and assistance to the foster carers. The Boarding Out and Fostering of Children (Scotland) Regulations 1985 were noted by the Social Work Committee and a report into the work they would generate was requested (LRC2/1/1/20/12, p132).

A report was prepared by the Lothian Regional Council in 1994 looking at the respite care/share the care arrangements and the legislation and policy underpinning this. The specific purpose of the paper was to clarify the legal basis of respite care placements and to give practice guidance. The background to the report set out the legislative framework in the Boarding Out & Fostering of Children (Scotland) Regulations 1985 which placed a duty on the local authority to make arrangements to approve and review foster carers in line with the task they were recruited for, including respite foster care. The report then referred to the White Paper 'Scotland's Children' (1993) which indicated the need to reflect the positive promotion of children's welfare. The report noted that there had been a change in the duty towards children outlined in section 12 of the Social Work (Scotland) Act 1968 which enabled local authorities to assist any child during their childhood where this is necessary for his or her welfare. The report concluded that under the legal framework and in the spirit of the White Paper, local authorities were under a duty to provide flexible supportive services to parents of children with particular needs where it is in the child's best interest. These services included the provision of respite foster care. The remainder of the report set out guidelines for the Lothian Regional Council's respite foster care provision which was based on the Boarding Out & Fostering of Children (Scotland) Regulations 1985 and 1993 White Paper.

City of Edinburgh Council (1996 - 2014)

The Children (Scotland) Act 1995 marked a significant stage in the development of legislation on the care of children in Scotland and implemented many of the recommendations of the White Paper 'Scotland's Children' from 1993. Part II of the Act concerned the 'Promotion of Children's Welfare by Local Authorities' and introduced new duties for local authorities to comply with. Section 22(1) of the Children (Scotland) Act 1995 states that a local authority shall safeguard and promote the welfare of the children in their area who are in need. Section 22(3) further states that a "service may be provided... under subsection 1 if provided with a view to safeguarding or promoting [a child's] welfare". Foster care would fall within the definition of such a "service". The local authority was aware of the enactment of this legislation and created a set of Child Protection Guidelines in 1995 which implemented the new statutory duties.

The local authority introduced its 'Inter-Agency Child Protection Guidelines' in 1995. The foreword of the Guidelines state that they are consistent with the UN Convention on the Rights of the Child and with the childcare principles and provisions of the Children (Scotland) Act 1995. The Guidelines stated that one of the five key principles of the Initial Referral Discussion (IRD) process, as set out in section 4 of the document, was that the "welfare of the child is paramount" in any "inquiry into allegations or suspicions of child abuse". The Guidelines also

state that the role of social work in the IRD process is to “safeguard and promote the welfare of the children in need”.

The local authority had a specific procedure in relation to abuse of a child called the “Abuse of Child - Allegations Against Departmental Employees or Approved Carers”. Our records show that this was last updated in 1997. This document also uses the language from the Children (Scotland) Act 1995 as it states that “the welfare and needs of the child are the paramount consideration”.

A report was prepared by the Social Work Department in 2001 for the Executive of the Council to advise on the Regulation of Care (Scotland) Act 2000 and its implications on practice and resource (IM Box 983661709).

The Edinburgh and Lothians Inter-agency Child Protection Procedures from 2007 state that the overarching principle is that the ‘welfare of the child is paramount’. This phrase is taken from the Children (Scotland) Act 1995, again suggesting that the local authority was aware of the national guidance contained in the Act.

The Minutes from 19 November 2007 state that a report was presented to Committee called “Joint Officer/Member Group - Corporate Parenting of Looked After Children”. This report sought approval of the creation of an officer/ member group to consider matters relating to the corporate parenting of looked after children, including foster children. The report noted the local authority’s statutory duties under the Children (Scotland) Act 1995 and the Social Work (Scotland) Act 1968. In particular, it referenced section 17 of the Children (Scotland) Act 1995 which sets out the duties that the local authority holds in relation to looked after children, including the duty to safeguard and promote welfare. The report also noted the guidance published by the Social Work Inspection Agency in their 2006 report “Extraordinary Lives” which looked at what good practice looked like and how it could be further improved. The Scottish Executive document “We can and must do better” was then noted, specifically its section on corporate parenting and the local authority’s responsibility to work together to meet the needs of looked after children.

ii. The child’s views

Edinburgh Corporation (1930 - 1975)

The foundations of the Children’s Hearing System came from the report produced by the Kilbrandon Committee in 1964. In its earlier stages, the Children’s Hearing System was largely concerned with juvenile offending. Latterly, there were increasing numbers of children who require care and protection referred to the hearings. Although the Kilbrandon Report from 1964 does not specifically refer to taking account of the child’s views, it is important as it

paved the way for this principle. The Children's Hearing System, in its current form, now places emphasis on listening to children and young people and taking account of their views. The local authority's Minutes from the Children's Committee in 1964-1965 show an awareness of the national policy as it noted that there was discussion about the Kilbrandon Report and the Children & Young Persons Act 1963 with comment being requested on the Act (SL116/1/17, p54). The Children's Committee Minutes show that there was further discussion of the Kilbrandon Report in relation to children and young people later in 1964 - 1965 (SL116/1/17, p108).

Lothian Regional Council (1975 - 1996)

In 1985, a new role was created under the Social Work (Panels of Persons to Safeguard the Interests of Children) (Scotland) Regulations 1984. Their role was within the Children's Hearing System or court although the responsibility of recruitment, monitoring and training sat with the local authorities. Safeguarders ensure the child's wishes are known to the hearing but are not appointed to represent the child's views. The creation of this role, however, indicates the shift of the Children's Hearing System to listening to the views of the child. The local authority would have had a role in the recruitment of safeguarders but this would have only had an indirect impact on the provision of foster care.

The Boarding Out and Fostering of Children (Scotland) Regulations 1985 were enacted in 1986 and set out the new guidance for the provision of foster care. Regulation 23 stated that where the local authority fostered a child under Part III of the 1985 Regulations, the local authority would provide the foster carer with written information about the child's background along with any other information which the local authority considered relevant to the placement, including information about the child's wishes and feelings about the placement, so long as this was appropriate in regard to the child's age and understanding. The Boarding Out and Fostering of Children (Scotland) Regulations 1985 were noted by the local authority's Social Work Committee and a report into the work they would generate was requested (LRC2/1/1/20/12, p132), suggesting that there was an awareness of Regulation 23.

The UK ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991 at which point the UNCRC became national policy. Article 12 of the UNCRC states that the State party shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child. It also states that the views of the child should be given due weight in accordance with the age and maturity of the child. Furthermore, under Article 12 the child should be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, for example, the Children's Hearings System. The local authority published its 'Inter-Agency Child Protection Guidelines'

in 1995 which stated that the guidelines were consistent with the UN Convention on the Rights of the Child, suggesting that there was an awareness of the child's rights under Article 12.

City of Edinburgh Council (1996 - 2014)

The Children (Scotland) Act 1995 ratified the UNCRC into national law and marked a significant stage in the development of legislation on the care of children in Scotland. One of the essential principles of the Act was that each child who can form a view on matters affecting them has the right to express those views. Section 16 of the Children (Scotland) Act 1995 incorporated the UNCRC into national law in relation to the consideration of the views of the child. Section 16(2) states that a Children's Hearing should take account of the age and maturity of the child concerned and then shall, as far as is practicable, give the child the opportunity to express their views. Under section 11(10) of the Act, a child 12 years of age or more shall be presumed to be of sufficient age and maturity to form a view. However, children younger than this age can be offered the opportunity to give their views if they show sufficient maturity.

The local authority and its collaborative agencies published the 'Inter-Agency Child Protection Guidelines' in 1995 which implemented the changes introduced by the new legislation. The Guidelines state that they are consistent with the UN Convention on the Rights of the Child and with the childcare principles and provisions of the Children (Scotland) Act 1995, including Article 12 of the UNCRC and section 16 of the 1995 Act which both relate to the child's views. This shows that the local authority was aware of the national policy relating to the child's views but also that the local authority implemented local policy that was consistent with the national approach.

Several sections of the Inter-Agency Child Protection Guidelines made reference to the importance of taking account of the child's views. The section relating to Children's Hearings states that the child's views would be sought, as in accordance with the legislation. Section 6.8 of the Guidelines related to Case Conferences and stated that the wishes and needs of the child were at the heart of the process. The Guidelines also noted that normal practice within the local authority was for many children to be involved in discussions about them and their family, for example Reviews of Looked After Children and Children's Hearings. Furthermore, the Guidelines stated that the Chairperson of the Case Conference should give consideration to whether the child can contribute to the Case Conference.

The 'Getting it Right for Every Child' national approach has been tested and developed across Scotland since 2006. It is based on the children's rights and its principles reflected in the UNCRC. The Education, Children and Families Committee Minutes from 15 April 2008 noted a document called 'Children and Families Service Plan 2008 - 2011' which reported on the

ambitions of the Children and Families Department for that time period. The report noted that the plan had taken account of recent major consultations with young people regarding their concerns and needs and the services that they would like to see, including the provision of foster care. This was implemented following the 'Getting it right for every child' national approach which set out guidelines to give children and families more say in the help that they get.

The Education, Children and Families Committee Minutes from 8 September 2008 show that a report called 'Service Strategy and Improvement Plan for Children and Young People Looked After and Accommodated by the City of Edinburgh Council' was presented for consideration. The report outlines the service strategy for looked after children within the local authority and sought to improve service provision over the next few years. Furthermore, on page 3 of the report, attention was drawn to the fact that children do not often have a choice of placement and that they may be split from their siblings or placed a considerable distance outside of Edinburgh. It was noted that the Scottish Government and local authority policy was to reduce the number of children who experience three or more placements. This shows that the local authority had incorporated the national policy into their local strategy.

In 2011, a report was presented to the Education, Children and Families Committee called 'Children's Hearings (Scotland) Act 2011' which sought to inform the Committee of the main provisions of the Act. It stated that implementation of the legislation was expected to be in the summer of 2012, subject to secondary legislation being put in place. The report also noted that although the legislation was primarily concerned with the administration of the Children's Hearings system, it also brought the legislation in line with human rights legislation, including a provision for a child to be able to speak in confidence to a Children's Hearing.

At the Education, Children and Families Committee meeting of 13 September 2011, an update was provided in a report called 'Getting it right for every child Implementation Update'. This document shows that the local authority implemented the national framework across its children's services through its multi-agency team. The report noted that further work was required to ensure that parents and foster carers were aware of GIRFEC and the systems associated with it. The 'Annual Review of Service Strategy and Improvement Plan for Children and Young People Looked After and Accommodated by the City Edinburgh' was also presented to the Committee at the meeting on 13 September 2011. This document also made reference to the implementation of GIRFEC but primarily focused on local policies and initiatives.

The Education, Children and Families Committee Meeting held on 15 November 2011 noted a document called 'Consultation on the Rights of Children and Young People Bill' which informed the Committee of the Scottish Government's consultation on the Bill and the steps

being taken to generate a response on behalf of the local authority. The Bill was intended to put the United Nations Convention on the Rights of the Child on a statutory footing and also to provide the foundation for a later Children's Services Bill. The report shows that the local authority was aware of international policy and the progress in implementing this by the Scottish Government. Another report was presented to Committee at this meeting in relation to legislative changes. The 'Children's Hearings (Scotland) Act 2011 - Update' informed the Committee of the consultation response on proposals related to the Children's Hearings (Scotland) Act 2011. The specific proposals were not directly related to the provision of foster care; however, this report demonstrates awareness of changes to the Children's Hearing System which would indirectly affect foster care.

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

Edinburgh Corporation (1930 - 1975)

In 1930 - 1931, the Minutes from Full Council state that the Public Assistance Committee was set up under the Local Government (Scotland) Act 1927 to deal with the functions of the Poor Law (SL1/1/381, Standing Order 59, p1). The Council noted its policy was "not to keep children in the poorhouse and instead send them to a children's home or board them out with a suitable guardian". The Council noted the number of children boarded out in other local authorities in Scotland and confirmed that they are regularly visited by the Assistant Inspector to ensure that the children are receiving proper care (SL1/1/381, Standing Order 59, p18).

In 1934 - 1935, the Public Assistance Committee Minutes noted that proposed 'Rules and Regulations for Boarded Out Children' had been drafted and were submitted for Committee approval. The proposed rules were drafted in terms of the Poor Relief Regulations (Scotland) Act 1934, specifically that each house in which a child is boarded out be visited by the City Public Assistance Officer at least twice each year. The rules provided that a report of the visits would be recorded in a visiting book which would remain in the possession of the Guardian. The Committee approved the rules and regulations (SL61/1/6, p51).

Under the Children Act 1948, the local authority had a duty to receive children into care and to keep the child in care for as long as the welfare of the child required it. The Boarding Out-of Children (Scotland) Regulations then introduced rules for the administration and wellbeing of the accommodated children. The Minutes of Full Council from 1958 - 1959 noted that a report was done into children placed in foster homes. This report also commented on how children are placed with specific foster parents (SL1/1/408, Standing Order 59, p7).

Lothian Regional Council (1975 - 1996)

The Children Act 1975 introduced amendments to the Social Work (Scotland) Act 1968, including Section 20A. Section 80 of the 1975 Act introduced duty on local authorities to review the case of a child in care within six months of the child entering their care, or as soon as is reasonably practicable. It also permitted the Secretary of State to make regulations which could amend the section. 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, as per the legislation. The Committee noted that there was draft legislation relating to childcare and the local authority's involvement in adoption, which would appear to be the Boarding Out and Fostering of Children (Scotland) Regulations 1985. The Director of Social Work recommended that all children in care are subject to 'review and recording' every 6 months which was then approved by the Committee (LRC2/1/1/20/11).

The Boarding Out and Fostering of Children (Scotland) Regulations 1985 introduced further provisions in relation to the monitoring of a child's continued residence in a foster placement. Under regulation 18, the local authority was required to ensure that the child and their foster carer were visited within one week of the placement being made and then at intervals no more than three months from the previous visit thereafter. Regulation 18 also stated that the local authority should visit the child on all other occasions considered necessary in order to supervise the child's welfare and to give support and assistance to the foster carers.

City of Edinburgh Council (1996 - 2014)

The Children (Scotland) Act 1995 replaced the Social Work (Scotland) Act 1968 in relation to the social work functions for children. Section 26 of the Act set out the legislative basis for the provision of foster care under the new legislation. Section 31 of the Children (Scotland) Act 1995 relates to the reviewing of children who are looked after by the local authority. The local authority was aware of these obligations as a report was presented to the Children and Families Sub-Committee on Standards on 7 December 2005 called 'Accommodated Children Review Team Annual Report'. The report noted the number of accommodated children that the local authority had responsibility as well as the local authority's responsibilities under section 31 of the 1995 Act.

Secondary legislation was brought into force to set out the legal requirements of a local authority in relation to the boarding out of children and approval of foster carers, primarily through the Arrangements to Look After Children (Scotland) Regulations 1996, the Fostering of Children (Scotland) Regulations 1996 and the Looked After and Accommodated Children Regulations 1999. Regulation 18 of the Arrangements to Look After Children (Scotland) Regulations 1996 placed a duty on to ensure that a child in a foster placement is visited within one week of the placement being set up and then every three months thereafter. Like the

1985 Regulations, the local authority also had the power to visit the foster placement where considered necessary in order to safeguard or promote the child's welfare. The 1996 Regulations also introduced new provisions which required the local authority to arrange a visit to a foster placement on the reasonable request of a child or a foster carer and required the local authority to ensure that written reports were produced following visits that could be considered when a child's case was being reviewed.

Regulation 45 of the Looked After Children (Scotland) Regulations 2009 stated that the local authority must review a child's case within the first six weeks of the placement then within six months of the date of the first review and thereafter every six months. Regulation 46 then replaced the 1996 Regulations in relation to local authority visits to a child in placement. Regulation 46 placed a duty on the local authority to visit the child and their foster carer within one week of the placement being made and thereafter at interval of not more than three months from the date of the previous visit. The local authority also had a duty to visit the child when reasonably requested by the child or their carer or when it was considered necessary to safeguard or promote the welfare of the child.

The local authority was aware of the national policy in relation to reviewing the continued residence of a child in foster placement. The local authority had a Looked After and Accommodated Manual contained guidance relating to the monitoring of foster placements which was published in October 2001. The Manual noted that the "minimum statutory visiting requirements are a visit within the first week of placement and then no more than three monthly thereafter", thus showing that the local authority was aware of the national policy. The Manual stated that the departmental standards called for foster placements to be visited on a fortnightly basis which shows that the local authority implemented the national policy.

iv. Child protection

Edinburgh Corporation (1930 - 1975)

The first Act of parliament for the prevention of cruelty to children, commonly known as the "Children's Charter" was passed in 1889. Later, the Children's Act 1908 established juvenile courts and introduced the registration of foster parents. The local authority was aware of the Children's Act 1908 as a Public Assistance Committee meeting in 1933 - 1934 shows that there was discussion relating to the Children's Act 1908 (SL61/1/5, p159).

The Children and Young Persons Act 1932 broadened the powers of the juvenile courts and introduced supervision orders for children at risk. In 1933, further legislation was enacted

called the Children and Young Persons Act 1933 which brought all of the existing child protection law together into one piece of legislation. In 1933, the local authority's Public Assistance Committee discussed the Children's Act 1908 and a contravention of the Children and Young Persons Act 1933 (SL61/1/5, p221) showing that there was an awareness of the legislation. The Children and Young Person's Act 1933 makes several references to making decisions that are in a child's interests (sections 2, 40, 47, 64, 66, 70 and 88). In 1936 - 1937, there were two instances of the Public Assistance Committee making decisions based on the best interests of the child in placement, following the provisions of the 1933 Act (SL61/1/8, p40 and p163).

The Children Act 1948 established a Children's Committee (section 39) and a Children's Officer (section 41) in each local authority. The local authority replaced its Public Assistance Committee with a Children's Committee in 1948 showing that there was an awareness of the new Children's Act 1948. Under the Children Act 1948, the local authority had a duty to receive children into care and to keep the child in care for as long as the welfare of the child required it.

The Boarding Out of Children (Scotland) Regulations 1959 applied to boarding-out by a local authority in respect of children in their care under section 1 of the Children Act 1948. Regulation 7 required the local authority to arrange for a children's officer, or other appropriate professional, to visit the prospective foster home to satisfy themselves that the foster home is suitable for the child. Regulation 13 required the local authority to ensure that a child was visited on a regular basis and that a written report was compiled following the visit. The local authority was aware of the 1959 Regulations prior to their enactment. In 1958 - 1959, the Children's Committee was informed that the Counties of Cities Association had received a letter from the Scottish Home Department with draft Boarding Out of Children (Scotland) Regulations. The Committee recommended an amendment to regulation 13 and that foster parents be given a statement of principles (SL116/1/11, p53). The Committee agreed an amendment of the Boarding Out of Children (Scotland) Regulations 1959 (SL116/1/11, p59) and later asked officials to attend a meeting about the Regulations between the Counties of Cities Association and the Secretary of State (SL116/1/11, p63).

The mistreatment of children became a prominent issue in the UK in the 1960s when the concept of 'battered babies' was introduced. In 1963, the McBoyle Committee was set up in Scotland to decide if local authorities should have additional powers to prevent children suffering from neglect in their homes. The local authority's Children's Committee in 1963 - 1964 was aware of this national policy document as the Minutes from the Committee show that there had been discussion on the McBoyle report and the implementation of the Children & Young Person's Act 1963 (SL116/1/16, p47). The McBoyle Report and its implementation

through the Children and Young Persons Act 1963 was also mentioned in Minutes found for the Scottish Council of Social Services from 1963 - 1964 (SL29/2/1, p20). The Minutes of the Children's Committee from 1965 - 1966 recorded discussion around setting up an 'at risk' register in relation to child protection (SL116/1/18, p47).

The Kilbrandon Committee was set up in 1961 to "consider the provisions of the law of Scotland relating to the treatment of juvenile delinquents and juveniles in need of care or protection or beyond parental control". The Kilbrandon Report was then published in 1964 which introduced the foundations of the Children's Hearing System. Lord Kilbrandon himself noted in 1966 that the primary concern was with "children in trouble" which included children in need of care or protection. The local authority's Minutes from the Children's Committee in 1964-1965 show that there was discussion of the Kilbrandon Report and the Children & Young Persons Act 1963. The Children's Committee had also been requested to provide comment on the Children & Young Persons Act 1963 (SL116/1/17, p54). The Minutes state that there was further discussion of the Kilbrandon Report in relation to children and young people later in 1964 - 1965 (SL116/1/17, p108).

In 1966, the White Paper "Social Work and the Community" set out a series of proposals for legislation that reflected the recommendations of the Kilbrandon Committee. The new arrangements for dealing with children "in need of compulsory measures of care" were introduced under Part III of the Social Work (Scotland) Act 1968. The Children's Hearings System was implemented in 1971 and children were brought to the attention of the Children's Reporter where they had committed offences or where they were believed to be "in need of care and protection".

The Minutes of the Welfare Committee from 1967 - 1968 make reference to a discussion around the Kilbrandon report in relation to children and young people (SL117/1/20, p98). In 1968 - 1969, there was also discussion relating to the implementation of the Social Work (Scotland) Act 1968 (SL117/1/21, p27) and the establishment of sub committees relating to the Act (SL117/1/21, p47).

Lothian Regional Council (1975 - 1996)

The Social Work Committee Minutes from 1982 - 1983 noted advice received from the Secretary of State on handling child abuse cases. The Director of Social Work recommended digitising a register that the Social Work department had relating to child abuse in accordance with recommendations from the Computer Division of the local authority (LRC2/1/1/20/10, p34).

Section 5 of the Social Work (Scotland) Act 1968 empowered the Secretary of State to make regulations governing how local authorities exercised their boarding out functions. The new regulations took the form of the Boarding-out and Fostering of Children (Scotland) Regulations 1985 which came into force in 1986 and revoked the Boarding-out of Children (Scotland) Regulations 1959. The 1985 Regulations introduced further provisions in relation to the monitoring of a child's continued residence in a foster placement. Under regulation 18, the local authority was required to ensure that the child and their foster carer were visited within one week of the placement being made and then at intervals no more than three months from the previous visit thereafter. Regulation 18 also stated that the local authority should visit the child on all other occasions considered necessary in order to supervise the child's welfare and to give support and assistance to the foster carers. Regulation 25 also required the foster carer to notify the local authority if the child died, suffered from illness or injury or ran away or was unlawfully taken away from home. In 1984 - 1985, the Social Work Committee noted the Boarding Out and Fostering of Children (Scotland) Regulations 1985 and the Foster Children (Private Fostering) (Scotland) Regulations 1985 and requested that a report be prepared into the work they would generate (LRC2/1/1/20/12, p132).

In 1993, the Scottish Office published a White Paper called 'Scotland's Children: Proposals for Child Care Policy and Law'. Chapter 5 of the White Paper was called 'The Protection of Children' and dealt with child abuse. The local authority was aware of this White Paper as it was used as the basis for the Lothian Regional Council document 'Standards for Fostering and Adoption Services' in 1995.

City of Edinburgh Council (1996 - 2014)

The Children (Scotland) Act 1995 was enacted in 1995 and implemented many of the recommendations from the 1993 White Paper 'Scotland's Children'. The Children (Scotland) Act 1995 placed duties on local authorities in relation to the wellbeing of children in their area. The Children (Scotland) Act 1995 was the primary piece of legislation for the protection of children in emergencies. It required that where a local authority receives information suggesting that compulsory measures of supervision may be necessary in respect of a child, then the local authority should make inquiries to be made unless they are satisfied that such inquiries are unnecessary. Any child protection issues discovered in the local authority's inquiries should be passed to the Children's Reporter. It also allowed for the local authority to apply to the Sheriff for statutory orders: a child assessment order, a child protection order, or an exclusion order.

The local authority had Inter-Agency Child Protection Guidelines published in 1995 which set out the procedure for making a child protection referral under the Children (Scotland) Act

1995. Section 4.2 sets out the procedure in cases of actual or imminent significant harm. The procedure incorporates section 57 of the Children (Scotland) Act 1995 which sets out how to apply for and obtain a Child Protection Order from a Sheriff. Where this procedure results in a child being removed from his/her home, the Guidelines state that all arrangements made by the local authority for the child's welfare "will be determined with the child's best interests as the paramount consideration".

The Boarding-out and Fostering of Children (Scotland) Regulations 1985 were replaced by the Fostering of Children (Scotland) Regulations 1996 which came into force in April 1997. The Foster Care Agreement in place in the mid-1990s had an Appendix called 'Allegations of Child Abuse or Complaints Against Departmental Approved Carers'. The document noted that the local authority's powers under statute came from Regulation 19 of The Arrangements to Look After Children (Scotland) Regulations 1996 and section 72 of the Children (Scotland) Act 1995 showing that the local authority had an awareness of the national policy in this area. National guidance, particularly 'Protecting Children - A Shared Responsibility' (1998), set out the framework for collaboration between Social Work Departments and other agencies in child protection cases. In 2001, the Education Minister for Scotland ordered a review of child protection in Scotland following the 2000 Child Protection Inquiry into the circumstances of the death of Kennedy McFarlane. In 2002, the Scottish Executive published the results of an audit called 'It's Everyone's Job to Make Sure I'm Alright: Report of the Child Protection Audit and Review'. The local authority was aware of this national policy and it was referred to in the 2007 document 'Edinburgh and Lothians Inter-agency Child Protection Procedures'.

In 2003, the Protection of Children (Scotland) Act 2003 was enacted which aimed to prevent paedophiles from working with children. In the Minutes from the Children and Young People Scrutiny Panel on 9 June 2005, the annual report on Child Protection in Edinburgh noted the Council's performance in addressing the recommendations of the Edinburgh Inquiry and the O'Brien Inquiry (Child Protection in Edinburgh, 9 June 2005, p6). The report also noted that there had been changes in process and procedure as a result of the national debate around child protection, e.g. the Laming Inquiry, the Bichard Inquiry and the introduction of the Protection of Children (Scotland) Act 2003.

Following the publication of the audit results in 2002, the Scottish Executive published 'Protecting Children and Young People: The Charter' in 2004. The Charter was also referred to as a key piece of national policy in the local authority's 'Edinburgh and Lothians Inter-agency Child Protection Procedures' from 2007. Further policy was published by the Scottish Executive in 2004 called 'Protecting Children and Young People: Framework for Standards'. The local authority, as part of the inter-agency group ELBEG, published a document in 2007 called 'Edinburgh and Lothians Inter-agency Child Protection Procedures' which referred to

the Framework for Standards within the Context section of the Procedures. This document was implemented from 2008.

A report called 'Child Protection Action Plan and Progress Report' was presented to the Education, Children and Families Committee on 3 June 2008. This report made references to the basis of the local authority's statutory duties when noting the progress that had been made in relation to child protection.

In 2010, the Scottish Government published 'National Guidance for Child Protection in Scotland'. The Scottish Government then updated their guidance in 2014 with the 'National Guidance for Child Protection in Scotland 2014'. The 2014 national policy was incorporated to the local authority's practice with its 'Inter-agency Child Protection Procedures Edinburgh and the Lothians' which was published in 2015. Previous policies were available on the local authority's intranet and were updated electronically in line with the legislation.

v. Discipline

Edinburgh Corporation (1930 - 1975)

The Children and Young Persons (Scotland) Care and Training Regulations 1933 came into force on 1st November 1933. Part C of the Regulations contained a set of rules relating to boarded out children in the care of local authorities. The rules stated that foster carers were required to "give boys and girls the care and attention necessary for their proper training in habits of punctuality and thrift, of good manners and language, of cleanliness and neatness, of cheerful obedience to duty, of consideration and respect for others, and of honour and truthfulness to word and act". Later in the Regulations, foster carers were expected to notify the local authority of "material facts", including injury or accident to the children, as well as to endeavour to find employment for the boarded-out children.

The Regulations also contained a Schedule called "Boarding-Out Children with Foster Parents: Principles to be Followed". Principle 5 was called 'Training and Discipline' and stated that the foster carer "shall not administer indiscriminate or harsh punishment" and that "persistent misconduct shall be reported to the local authority". There were no instances of misconduct reported within the Public Assistance Committee Minutes. However, the Committee often noted "material facts" relating to boarded out children, for example, operations (9/41 90L, SL61/1/4, p132), injuries (9/41 90L, SL61/1/12) and death (9/41 90L, SL61/1/14, p86). The Committee was also informed where employment opportunities had been sought, suggesting that the local authority was aware of the 1933 Regulations and would also have been aware of the provisions relating to discipline.

Lothian Regional Council (1975 - 1996)

The 'Standards for Fostering and Adoption Services' were adopted by Lothian Regional Council in June 1995 and were said to be based on the experience and knowledge of staff and carers as well as local agencies and nationally agreed values and expertise, e.g. national policy and guidance. Each standard in this document had a list of indicators which was intended to identify whether the standard was being met as well as a note of the basis for the standard (usually national or local policy).

Standard 2.6 within the local policy was called 'Behaviour Management' and the document stated that "children and young people are helped to understand and control their behaviour" and that "dangerous and unacceptable behaviour which is not controlled is managed by carers in the context of agreed strategies", which would include discipline. Standard 2.6 set out ten indicators of this standard being met which were:

- Children and young people are never shaken, smacked or slapped by carers.
- Physical force of any kind is only used to safeguard the child or others from a clearly dangerous outcome.
- Carers are able to help young people to understand and control their behaviour.
- The Department assists carers in defining and reviewing their range of strategies, including sanctions for dealing with behaviour which is wrong or dangerous.
- Children are afforded age and developmentally appropriate explanations for responses to their behaviour including the use of sanctions.
- Sanctions which reduce a child's sense of dignity or self-worth are not used.
- Discussions take place between the Department, the carers and the child's family of origin with the purpose of agreeing strategies for individual children.
- Appropriate professional advice is sought in relation to dangerous self-harm, or extreme and apparently inexplicable behaviour.
- There is a positive culture of praise and encouragement as a way of promoting positive behaviour and achievements.
- Each child's care plan will address individual care and control issues and will specify any agreed strategy.

The basis for Standard 2.6 was noted in the document as being 'Another Kind of Home' (1992) and 'Scotland's Children' (1993). Furthermore, the local authority had other policies and procedures in place, such as its 'Care and Control Guidance' and 'Self Caring Handbook' which also implemented national policy and guidance relating to discipline in the foster care setting.

City of Edinburgh Council (1996 - 2014)

The National Care Standards were developed and published by the Scottish Ministers for a range of care services, including foster care. In 2002, the Scottish Executive published a document setting out the national standards for foster care called "National care standards: foster care and family placement services". The standards included listening to the child's views, fully assessing foster carers, training foster carers and ensuring that review systems are in place. The Scottish Ministers set up the National Care Standards Committee (NCSC) to develop the standards. The NCSC carried out this work using working groups made up of professional associations, regulators and local authorities, suggesting that the local authority would have been aware of the implementation of the standards.

The National Care Standards were revised in March 2005 by the Scottish Executive. On page 42 of the document, it states that the 1999 White Paper "Aiming for Excellence: Modernising Social Work Services in Scotland" is one of the policies forming a basis for the National Care Standards relating to foster care. Within the national standards, it states that the main principles include dignity and safety, within which it states that a foster child has the "right to enjoy safety but not be over-protected" and to "be treated with dignity and respect at all times". Within Standard 5, the document states that the local authority should "have clear policies and procedures to assess and approve foster carers", which would include a policy relating to discipline such as the local authority's 'Standards for Fostering and Adoption Services' from 1995.

The Looked After Children (Scotland) Regulations 2009 came into force in September 2009. Regulation 24 provided that where the local authority has made a decision to approve a foster carer, they must then enter a written agreement with the foster carer regarding the matters and obligations set out in Schedule 6 of the 2009 Regulations. Schedule 6 includes an obligation of the foster carer not to administer any corporal punishment to any child.

The Education, Children and Families Committee Minutes from 15 April 2008 noted a document called 'Children and Families Service Plan 2008 - 2011'. Section One of the Service Plan noted the Context of the document, including the new legislative requirements which applied to the local authority. It was noted that the draft Looked After Children (Scotland) Regulations were drafted in a way to reflect the 'Getting it Right for Every Child' national approach and they sought to make the child's needs the starting point for the legislation. This shows that the local authority was aware of the Regulations in advance of them coming into force.

Furthermore, the Education, Children and Families Committee Minutes from 8 September 2009 noted the 'Children and Families Service Plan 2009 - 2012' which set out the legislation that the local authority was bound by as well as the key national strategies and priorities. The

legislation noted that related to foster care included the Looked After Children (Scotland) Regulations 2009 showing that the local authority was aware of this legislation soon after it came into force.

vi. Complaints handling

Edinburgh Corporation (1930 - 1975)

After reviewing the Minutes from all of the Edinburgh Corporation Committees between 1930 and 1975, the local authority could not find any mention of national policy on complaints handling within the foster care setting.

Lothian Regional Council (1975 - 1996)

Section 5B(1) of the Social Work (Scotland) Act 1968 came into force on 1 April 1991 and conferred powers on the Secretary of State to make directions as to the procedure to be adopted in considering representations made by a person for whom a local authority provides a service. The Social Work (Representations Procedure) (Scotland) Order 1990 came into force on 1 April 1991 under these powers.

The Minutes from the Social Work Committee in 1991 - 1992 noted that the complaints procedure was in operation from December 1991 (LRC2/1/1/20/18, p141) and that a circular had been released by the Scottish Office on 20 February 1991 providing Guidance and Directions on the operation of complaints procedures in respect of social work functions (Circular No. SW5/1991, 20 February 1991).

The Social Work Committee Minutes from 1992 - 1993 noted the requirements under the Social Work (Representations Procedure) (Scotland) Order 1990 to consider complaints from social work clients. It was proposed that a Review Committee would consist of three persons: two members of the Social Work Committee and one independent person. The Chairperson would be one of the Social Work Committee members. The independent person might be a senior officer nominated by the Director of Social Work of an adjacent authority; a JP, or an expert advisor, depending on the nature of the complaint. Appropriate fees would be paid to the independent member, to be met from the social work revenue budget. An advisor from the Social Work department would also be present. A procedure for consideration of client complaints, including the terms of reference for the Review Committee was proposed (LRC2/1/1/20/19, p102).

A report was prepared in 1992 - 1993 by the Director of Social Work and then presented to the Social Work Committee noting that the local authority must establish a robust complaints

procedure under the Social Work (Representations Procedure) (Scotland) Order 1990. The Director of Social Work proposed a Review Committee be set up and recommended that the Committee authorises publication of the proposals as part of publicity given to the Departmental Complaints Procedure. The report includes a copy of the procedures for considering client complaints (LRC3/8/3/18, Report 169).

The Standards for Fostering and Adoption Services were adopted by Lothian Regional Council in June 1995 were based on “nationally agreed values and expertise”. Standard 4.9 of this local policy related to complaints and appeals. The basis for the standard was noted as being the Social Work (Representations Procedure Scotland) Order 1990 and the NFCA document called “Making it Work - Policy Paper ‘Complaints’” (March 1995). The document also noted that information on advice and independent support was available from other organisations, such as BAAF, NFCA, ‘Who Cares?’ and ChildLine, showing that the local authority was aware of national policy and guidance relating to complaints procedures.

City of Edinburgh Council (1996 - 2014)

A report called ‘Report 8: Children and Families Social Work Complaints Annual Report 2005 - 2006’ was noted by the Children and Young People Scrutiny Panel on 3 August 2006. The report noted that the local authority must publish information about their complaints service and their complaints activity in accordance with the Social Work (Representations Procedure) (Scotland) Directions 1996 and the Scottish Office circular SWSG5 (1996). The Circular and Directions replaced the Circular from 1991 (Circular No. SW5/1991, 20 February 1991). The report then explained that a Client Services and Complaints Officer had been appointed on 12 September 2005 to the Children and Families Department to manage complaints. Prior to this, the former Social Work Department handled all complaints relating to social work services. The Annual Report continued to note the number of complaints in following years.

The Education, Children and Families Committee Minutes from 26 August 2008 noted a report called the ‘Social Work Complaints Review Committee’. The report presented recommendations to the Social Work Complaints Review Committee for complaints relating to the Children and Families Department. The report contained reference to the statutory background of the Committee which was the Social Work (Representations) Procedures (Scotland) Directions 1996. Although the specific complaint did not relate to the provision of foster care, the decision shows that the local authority were aware of the national policy and guidance relating to the Social Work Complaints Review Committee which also reviewed cases relating to foster care.

The Committee Minutes from 8 September 2009 noted a report called ‘Social Work Complaints Review Committee - Reports’. The report set out a complaint that had been

received from the parent of two children who were placed in kinship care by the Children and Families Department. The complaint noted that the complainant had requested that the children be placed in foster care outwith the family. The report contained reference to the statutory background of the Committee which was the Social Work (Representations) Procedures (Scotland) Directions 1996. It was agreed by the Committee that the matters of the placement and communication should have been handled better. However, the decision shows that the local authority were aware of the national policy and guidance relating to the Social Work Complaints Review Committee.

The Looked After Children (Scotland) Regulations 2009 came into force in September 2009. Regulation 24 provided that where the local authority has made a decision to approve a foster carer, they must then enter a written agreement with the foster carer regarding the matters and obligations set out in Schedule 6 of the 2009 Regulations.

vii. Whistleblowing

It is the local authority's understanding that there was no national policy relating to whistleblowing prior to the Public Interest Disclosure Act 1998 that came into force on 2 July 1999 as an amendment to the Employment Rights Act 1996. Therefore, the local authority will only respond to this section in relation to 1998 onwards.

City of Edinburgh Council (1996 - 2014)

The local authority introduced its first whistleblowing policy in May 2000 called "Public Interest Disclosure Policy". Section 2 of this Policy contained a list of matters that would be considered "malpractice" which included several matters relating to the provision of foster care such as, a criminal offence or breach of law, a failure to comply with a legal obligation and the sexual or physical abuse of clients. Although the local authority's policy does not explicitly make reference to the Public Interest Disclosure Act 1998, it uses the language from the legislation throughout and was named after the Act thus suggesting that the local authority was aware of the national policy and guidance.

The local authority's current "Whistleblowing Policy" replaced the Public Interest Disclosure Policy in order to strengthen existing whistleblowing procedures and to meet the requirements of the Public Interest Disclosure Act 1998. The revised policy came into effect on 12 May 2014 following approval by the Finance and Resources Committee on 19 September 2013. Upon its implementation, the revised policy introduced the use of a confidential external helpline. The three areas of malpractice recognised under the legislation and by the policy that are most likely to relate to the provision of foster care are criminal activity, failure to comply with any legal obligation or deliberate concealment of these matters.

viii. Record retention

Please see the response in Part C, 4.9.

ix. Recruitment and training of foster carers

Edinburgh Corporation (1930 - 1975)

The recruitment of foster carers was a topic that was discussed by the local authority's Committees on various occasions during the period of the Edinburgh Corporation. In 1944 - 1945, the Public Assistance Committee presented the Full Council with an Annual Progress Report which noted the difficulty in finding foster homes due to the war (SL1/1/395, Standing Order 59, p2). In 1945 - 1946, the Public Assistance Committee considered what steps should be taken to encourage more foster carers to come forward to offer placements for boarded-out children (SL61/1/17, p97). The Minutes state that the City Social Services Officer put an advert in the press for guardians and that the Sub-Committee instructed him to enquire as to how other local authorities recruited guardians (SL61/1/17, p105). The City Social Services Officer later submitted reports to the Committee on how other local authorities and government departments employ guardians (SL61/1/17, p117). Later in the Minutes from 1945 - 1946, the Public Assistance Committee noted that the advert for guardians had not generated much interest. The City Social Services Officer asked to approach churches and the EIS to help in gaining suitable foster homes (SL61/1/17, p117).

At a later meeting, the City Social Services Officer advised that he had asked the churches and the EIS for help in obtaining guardians. However, the Committee agreed to consider the matter after the release of the Curtis and Clyde Report which was national policy/ guidance relating to the care of children (SL61/1/17, p135). Later in the Committee Minutes from 1945 - 1946, the City Social Services Officer reported that the churches could help source guardians at a Presbytery level, and the EIS would send letters to all rural schools.

In 1949 - 1950, the Full Council Minutes noted the difficulty in recruiting suitable guardians as well as noting the new Children (Boarding Out) (Scotland) Regulations that came into force (SL1/1/398, Standing Order 59, p4). In the Minutes of the Children's Committee in 1951 - 1952, the Town Clerk noted that Edinburgh had no problem finding good foster parents and that no foster parent had stopped fostering because of the fostering allowance (SL116/1/4, p14). This information was provided in relation to the consultation between the Committee and the Counties of Cities Association around increasing foster payments (SL116/1/4, p6).

In 1953 - 1954, the Scottish Home Department intimated to the Edinburgh Corporation that they were going to release leaflets to recruit foster parents. The Children's Committee advised that they already had arrangements for this and would not need copies of the leaflet (SL116/1/4, p62).

A report presented to Full Council by the Children's Committee in 1954 - 1955 on boarding out children in foster homes noted the difficulty of recruiting foster parents. The report listed the number of Edinburgh children placed outside of the authority (SL1/1/404, Standing Order 59, p6). In 1956 - 1957, the Full Council Minutes noted that a report was undertaken into children boarded out in foster homes and the attempt to recruit more foster parents (SL1/1/406, Standing Order 59, p6). In the Children's Committee Minutes from 1958 - 1959, it states that there had been adverts posted for foster parents who would be interested in taking a small group of children, however, no one had come forward (SL116/1/11, p64).

In 1959, a Memorandum was published by the Scottish Home Department alongside the Boarding-out of Children (Scotland) Regulations 1959. The Memorandum included a section called 'The finding and selection of foster homes' which stated that "*advertisements in the press, in church magazines and in the magazines of societies and women's organisations interested in social work*" were often used and would usually produce a number of enquiries. This was an approach that was taken by the local authority before the Memorandum was published and then continued afterwards, as evidenced by the local authority's Committee Minutes.

In 1958 - 1959, the Children's Committee was informed that the Counties of Cities Association had received a letter from the Scottish Home Department with draft Boarding Out of Children (Scotland) Regulations. The Committee recommended an amendment to the Regulations (SL116/1/11, p53), showing an awareness of the legislation. Later in 1959 - 1960, the Committee discussed a white paper about children in care of the local authority (SL116/1/12, p34). This could have been a reference to the Scottish Home Department's Memorandum on the 1959 Regulations, however, the local authority is currently unable to confirm this due to the closure of the Archives during the coronavirus pandemic.

The Minutes from 1965 - 1966 noted the difficulty in finding good foster parents and the difficulty of finding a foster placement for children with additional needs or older children who have family ties. The Minutes stated that an advert would be placed in the local press to address this (SL1/1/415, Standing Order 54, p4).

The Minutes from the Social Work Committee in 1970 - 1971 reported that the Counties of Cities Association requested views on a national scheme for fostering. Under the proposed scheme, the Social Work Services Group would mount a national campaign to attract

prospective foster parents. The Minutes state that the Committee supported the proposed scheme (SL118/1/2, p152).

Lothian Regional Council (1975 - 1996)

The Minutes from the Social Work Committee in 1975 - 1976 noted that the National Foster Care Association intended to plan a National Foster Care Week in October 1975. The Association made suggestions on how the local authority could increase public awareness of foster care (LRC2/1/1/20/2, p44 & p58). The Director of Social Work presented a report to the Social Work Committee which said that the local authority had participated in a foster parent campaign as part of National Foster Care Week which involved publicity in the press, posters, leaflets and mobile information centres. This national approach resulted in 26 definite enquiries from people interested in fostering (LRC3/8/3/1, p2).

In 1978 - 1979, the Director of Social Work prepared a report on the pilot 'Family Care Scheme' where community carers would foster adolescent children. The report noted that prospective carers should be willing to receive training and that there had been interest with five couples being accepted (LRC3/8/3/4, Report 46). A later report into the Scheme (LRC3/8/3/4, Report 184) noted that there had been a successful recruitment drive.

A Partnership Agreement from 1991 shows an obligation placed on the foster carer to "participate in training and support opportunities provided by the Social Work Department".

The Standards for Fostering and Adoption Services from 1995 were said to be based on the experience and knowledge of staff and carers as well as local agencies and nationally agreed values and expertise. Standard 4.2 related to the recruitment of carers and stated that the Department had "a working strategy for the recruitment of a range of family carers who are able to meet the identified needs of children and young people". The basis for this recruitment strategy was noted as being 'Scotland's Children' (1993) and 'Another Kind of Home' (1992). Standard 4.5 was in relation to training, support and supervision. The document noted that individual and group support, supervision and training was provided to carers to "enable them in carrying out their tasks with confidence and skill". It was noted that training was well structured and available in specific areas, such as safe caring, child protection, child development and health. A minimum training programme was developed as part of a strategy in caring for children. Experienced carers also contributed to the design of the training programme and the delivery of training to new carers. The basis of this training strategy was noted as the National Foster Care Association Policy Paper 'Making it Work', published in 1994.

City of Edinburgh Council (1996 - 2014)

The National Care Standards were developed and published by the Scottish Ministers for a range of care services, including foster care. The standards were based on a set of principles: dignity, privacy, choice, safety, realising potential and equality and diversity. In 2002, the Scottish Executive published a document setting out the national standards for foster care called "National care standards: foster care and family placement services". The National Care Standards were revised in March 2005 by the Scottish Executive. Standard 7 relates to 'Information and advice' and provides that the local authority publishes information relating to the supervision and training arrangements of foster carers. The Standards also made reference to the UK Joint Working Party on Foster Care document 'Code of practice on the recruitment, assessment, approval, training, management and support of foster carers' which was published by the National Foster Care Association in 1999.

The local authority's Foster Carer Agreement was revised in July 1999 and again October 2002. The revised agreement required a foster carer to participate in foster care training opportunities and events, carer support groups, as suggested in the 2002 National Care Standards.

A Looked After Children Manual was created by the local authority in 1996 and existed until 2001. This Manual was updated in line with national policy, guidance and legislation. A 'Handbook for Carers' was then put together by the City of Edinburgh Council. The first section of this document was called 'Legal and organisational context' which made reference to the National Care Standards which cover the recruitment, selection, approval, training and support provided for foster carers. The Handbook stated that all carers should have their own copy of the National Care Standards and noted that they can be provided by the carer's liaison worker. Section 5.6 of the Handbook related to carer training and committed the local authority to providing a regular training programme, as set out in the National Care Standards.

In September 2008, a report was published by the Reference Group for Getting it right for every child in kinship and foster care called 'Moving Forward in Kinship and Foster Care'. Within the Reference Group, a Task Group had been formed to consider the challenges in recruiting foster carers, to review previous recruitment campaigns and to identify good practice in recruitment and retention of foster carers. As part of this task, the Fostering Network had undertaken a survey of local authorities to identify placement shortages. As part of this section of the document, a quote was contained from a Communications Officer at the City of Edinburgh Council in relation to the advertisement in place for recruiting foster carers, showing that the local authority had assisted in the creation of the document and would have been aware of the guidance. Furthermore, the Task Group on Recruitment included two representatives who worked for the local authority.

In March 2011, the Scottish Government published guidance on the Looked After Children (Scotland) Regulations 2009. Page 68 of this document relates to the recruitment of foster carers and notes that recruitment should be planned and regular. It notes that all people who inquire should receive a speedy, informative and welcoming response so that their interest is maintained. The document then references the 2009 publication mentioned previously 'Moving Forward in Kinship and Foster Care' as a source for further information relating to the recruitment of foster carers.

The Education, Children and Families Committee Meeting on 8 October 2013 noted a report called 'Annual Review of Services for Children and Young People who are Looked After and Accommodated by the City of Edinburgh Council'. The report noted on page 11 that the local authority was part of the Scottish Government National Fostering Contract which recruited independent providers when a foster placement could not be found.

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

Edinburgh Corporation (1930 - 1975)

There is no recording of this aspect for the Edinburgh Corporation period.

Lothian Regional Council (1976 - 1995)

There is no recording of this aspect for the Lothian Regional Council period.

City of Edinburgh Council (1996 - 2014)

The Fostering of Children (Scotland) Regulations 1996 came into force on 1 April 1997. Regulation 7 set out provisions relating to the approval of prospective foster carer including that the prospective foster carer is interviewed by the local authority, that the local authority is satisfied that the prospective foster carer is a suitable person with whom to place a child and that certain information is provided by the foster carer relating to their application. Schedule 1 sets out the information required to be obtained by the local authority which includes:

- o The foster carer's past and present employment or occupation and standard of living
- o Any previous criminal convictions
- o Particulars of any previous approval, refusal of approval or termination of approval

	<ul style="list-style-type: none"> o References from third parties as to the applicant's character and suitability to be a foster carer. <p>Although the legislation does not explicitly call for an employer to divulge details of complaints, the reference from a third party could be from a previous employer and there is an obligation on the local authority to obtain an employment history.</p> <p>The Protection of Children (Scotland) Act 2003 came into force in January 2005 and required the Scottish Ministers to keep a list of individuals whom they consider to be unsuitable to work with children. However, the Act did not apply to foster carers and instead only applied to persons in childcare positions where there was paid employment. The Edinburgh and Lothians Inter-agency Child Protection Procedures from 2007 makes reference to the Protection of Children (Scotland) Act 2003 showing that there was an awareness of this legislation.</p> <p>The Looked After Children (Scotland) Regulations 2009 also set out a requirement for the local authority to obtain information relating to a prospective foster carer. However, this did not extend far beyond what was required by the 1996 Regulations and there was no explicit reference to employers being required to divulge details of complaints relating to prospective foster carers.</p> <p>The Guidance that was published by the Scottish Government in March 2011 on the 2009 Regulations provides further information relating to the process for approving foster carers. Page 84 states that a Disclosure Scotland application form should be completed as part of the process.</p>
<p>d)</p>	<p><u>If the local authority was aware of such, did they give effect to that policy/guidance?</u></p> <p>See part e) below.</p>
<p>e)</p>	<p><u>If so, how was effect given to such policy/guidance?</u></p> <p>The local authority has found evidence that it gave effect to some, but not all, of the national policy and guidance relating to the provision of foster care. The list below shows how this was achieved.</p> <p>Edinburgh Corporation (1930 - 1975)</p> <ul style="list-style-type: none"> • <u>Children's Act 1908</u> <p>Although this legislation was in place within the time period of the Edinburgh Corporation, it is likely that any evidence relating to implementation would have been present in earlier archives which the local authority has not looked at for the purposes of this section 21 order.</p>

- Children and Young Persons Act 1933

In 1933 - 1934, the Education Committee presented a report on the draft rules and regulations for boarding out children under the Children & Young Persons (Scotland) Act 1932 to Full Council, suggesting that the local authority intended to implement and follow the rules set at the national level (SL1/1/384, p284).

- Poor Law Emergency Powers (Scotland) Act 1921 (in force from 1934)

The Full Council Minutes from 1934 - 1935 show that a report was presented by the Public Assistance Committee on the rules and regulations for boarded out children under the Poor Law (Scotland) Act 1934 (SL1/1/385, p171). This shows implementation as it suggests that the local authority intended to follow the rules and regulations that had been set at a national level.

- Children and Young Persons (Scotland) Act 1937

No evidence of implementation was located by the local authority.

- Department of Health for Scotland and the Scottish Education Department Circular (1946)

The circular related to upcoming legislation and was not something that could feasibly have been implemented by the local authority.

- Committee on Homeless Children, etc. (1946), also known as the "Clyde Report"

There is evidence that the local authority considered the recommendations made in the Clyde Report on three occasions (SL61/1/18, p31, 33 & p37A).

It is unclear whether the local authority implemented any of the recommendations of the Clyde Report, however, it is likely that the local authority instead implemented the Children (Boarding-out etc.) (Scotland) Rules and Regulations 1947 which had been based on the Clyde Report.

- Children (Boarding Out etc.) (Scotland) Rules and Regulations 1947

In 1946 - 1947, the Public Assistance Committee reported that the Secretary of State submitted the Children (Boarding Out) (Scotland) Regulations 1947. The City Social Services Officer agreed to ensure that the current practice was modified in line with the new regulations (SL61/1/18, p148). Later in the Minutes, it was noted that the Committee further considered

the new Regulations. The City Social Services Officer was noted as being appointed to assist in overseeing that the Regulations were adhered to (SL61/1/18, p162).

- Children Act 1948

In 1955 - 1956, it was noted in the Full Council Minutes that the Children's Committee tried to keep families together under the Children's Act 1948 (SL1/1/405, Standing Order 59, p2), showing that the legislation and its intentions had been implemented by the local authority.

- Children Act 1958

Between 1969 and 1975, the Town Clerk Files noted that a circular had been sent to all local authorities and health boards on the non-accidental injury of children in care. The circular referred to a disqualification in place which prevented anyone who had been convicted of offences against children under the Children's Act 1958 from taking on foster children (MYBN U104C, TC File 8).

- Boarding Out of Children (Scotland) Regulations 1959

Under the Boarding Out of Children (Scotland) Regulations 1959, Councillors were no longer obliged to make visits to boarded out children. Instead, a Children's Officer had to visit four times per year. The Minutes from the Children's Committee in 1959 - 1960 show that the Committee agreed that Councillors should still visit once per year (SL116/1/12, p13). This shows that the local authority had implemented the legislation but had chosen to continue to send Councillors to visit children as it was believed that this would be in the best interests of the children.

The Town Clerk Files contained a report that had been written on the health of children in care for the Social Work Committee dated between 1969 and 1975 (MYBN U104C, TC File 8) which stated that the suitability of a foster home is essential to the health of a child. The report confirmed that under the Boarding Out of Children (Scotland) Regulations 1959, a health assessment must be carried out before the placement starts and again one month into the placement. After the second health assessment, Regulation 12 is followed which requires foster children to be medically examined annually. This shows that the local authority had implemented the provisions of the legislation.

In 1978 - 1979, the Committee noted that under the Boarding Out of Children (Scotland) Regulations 1959, all children received into care had to be medically examined for their physical and mental health. The Committee noted that the current practice was that children received into care only received a 'Freedom from Infection' certificate. The Committee agreed

that a full medical examination should be undertaken for each child and that financial provision would be made available to achieve this (LRC2/1/1/20/5, p147).

- Children and Young Persons Act 1963

The Children and Young Persons Act 1963 extended the power to promote the welfare of children kept in care under the Children Act 1948 and any other relevant Scottish legislation.

In 1963 - 1964, the Children's Committee were shown to have discussed the McBoyle report into the neglect of children and the implementation of the Children and Young Persons Act 1963 (SL116/1/16, p49). The local authority was shown to have discussed the Children and Young Persons Act 1963 in 1964 - 1965 and the Children's Committee were requested to provide comments on the Act (SL116/1/17, p54).

- White Paper, Children in care of local authority (1959 - 1960)

There is no evidence suggesting that the local authority implemented the findings of this White Paper.

- Kilbrandon Report - Children and Young Persons Scotland (1964), and White Paper, Social Work and the Community (1966)

The Kilbrandon Report was discussed by the Children's Committee (SL116/1/17, p108) and by the Welfare Committee (SL117/1/20, p98). However, there is no evidence that it was implemented. This is likely because the recommendations of the Kilbrandon Report were implemented at a national level through the Social Work (Scotland) Act 1968 coming into force.

- Social Work (Scotland) Act 1968

In 1968 - 1969, the Welfare Committee discussed the implementation of the Social Work (Scotland) Act 1968 (SL117/1/21, p27) and the establishment of sub committees relating to the Act (SL117/1/21, p47).

In 1969 - 1970, the Social Work Committee noted that under the new legislation, each local authority would have to appoint a Reporter, a Depute Reporter and support staff for the Children's Panels. The Committee noted that they would ask the Finance Committee to investigate the salary scale for this (SL118/1/1, p126).

- Children's Hearings (Scotland) Rules 1971

There is evidence that the local authority had a copy of the rules and an explanatory memorandum, however, the local authority has no evidence that the rules were implemented.

- Scottish Home and Health Department Circulars

The local authority received two circulars from the Scottish Home and Health department on non-accidental injury to a child (Town Clerk File 5 and Town Clerk File 9). The local authority also received a circular on the Children's Hearing System (Town Clerk File 9). However, the local authority cannot confirm from the evidence researched to date whether this guidance was implemented.

Lothian Regional Council (1975 - 1996)

- Community Relations Commission, Fostering-out Black Children (1975)

In 1975 - 1976, the Social Work Committee considered a booklet prepared by the Community Relations Commission on fostering out black children. It was noted that careful and constant attention should be paid to the issues facing black foster children (LRC2/1/1/20/2, p15), suggesting that the booklet's recommendations were followed.

- Social Work Services Group, Non-accidental injury to children (1975)

In 1975 - 1976, the Committee noted a circular from the Social Work Services Group around non-accidental injury to children. The Director of Social Work stated that a working party had been set up to consider the recommendations in the circular (LRC2/1/1/20/2, p15).

- Children's Act 1975

In 1976 - 1977, the Director of Social Work presented a report to the Social Work Committee on the implementation of the Children's Act 1975 and the implications it will have on the department (LRC2/1/1/20/3, p174, LRC2/1/1/20/4, p79 & p97). The report noted that the effectiveness of the legislation depended on staff members studying the legislation and incorporating it into their everyday practice (LRC3/8/3/2, Report 228).

In 1977 - 1978, a report was presented to the Social Work Committee on the steps being taken by the Social Work Department to implement the Children's Act 1975, including the preparation of a leaflet called 'Your Child in Our Care' to be given to parents to explain the legislative changes (LRC3/8/3/3, Report 92).

Section 80 of the Children's Act 1975 came into force on 1 September 1984 and changed the local authority's duty to review children in care, specifically that reviews must occur every six

months. In 1983 - 1984, the Director of Social Work prepared a report for the Social Work Committee which acknowledged that this had already been implemented by the Social Work Department but noted that the reviews would need to be undertaken consistently and may become increasingly difficult with lower staffing levels (LRC3/8/3/10, Report 97).

- Data Protection Act 1984

In 1986 - 1987, the Social Work Committee noted the implications of the Data Protection Act 1984 and the effect it would have on the Social Work Department (LRC2/1/1/20/13, p45). The Committee considered whether the policy of the co-ordinated assessment of children in care was outdated and the Director of Social Work submitted a report on alternative provision (LRC2/1/1/20/13, p165).

In 1987 - 1988, a draft policy on open access to files was presented to the Social Work Committee by the Director of Social Work. This policy anticipated legislation that was yet to come into force, specifically the Data Protection Act 1984 and the Access to Personal Files Act 1987. The Committee agreed the policy in principle and noted that guidelines and publicity were being prepared (LRC2/1/1/20/14, p265).

In 1988 - 1989, the Social Work Committee noted that the 4th edition of the Lothian Region Child Abuse Guidelines had come into force on 12 August 1988. The Committee noted that the guidelines had been substantially rearranged to take into account the major developments under the Data Protection Act 1984 and to assist in the computerisation of the Register (LRC2/1/1/20/15, p65).

- Boarding Out and Fostering of Children (Scotland) Regulations 1985, and Foster Children (Private Fostering) (Scotland) Regulations 1985

In 1984 - 1985, the Social Work Committee noted the Boarding Out and Fostering of Children (Scotland) Regulations 1985 and the Foster Children (Private Fostering) (Scotland) Regulations 1985 and requested that a report be prepared into the work they would generate (LRC2/1/1/20/12, p132).

- Access to Personal Files (Social Work) (Scotland) Regulations 1989

In 1988 - 1989, the Social Work Committee noted the implementation of the Access to Personal Files (Social Work) (Scotland) Regulations 1989. The Committee agreed to waive charges to access information and noted the formal access procedure to be used by the Social Work Department, although they acknowledged that this procedure may need to be updated once the Secretary of State issued recommendations (LRC2/1/1/20/15, p273).

In 1988 - 1989, the Director of Social Work prepared a report highlighting the implementation of the Access to Personal Files (Social Work) (Scotland) Regulations 1989 under Section 3 (5) of the Access to Personal Files Act 1987 which had required to be in place by 1 April 1989.

- Children's Act 1989

In 1990 - 1991, the Director of Social Work reported to the Social Work Committee on the implementation of the Children's Act 1989 and noted the extended duties of the department (LRC2/1/1/20/18, p64).

The 1995 local policy 'Standards for Fostering and Adoption Services' implemented the Children Act 1989 by noting that it was the national policy basis for a child's rights and responsibilities.

- Social Work (Representations Procedure) (Scotland) Order 1990

A report was prepared in 1992 - 1993 noting that the local authority must establish a robust complaints procedure under the Social Work (Representations Procedure) (Scotland) Order 1990. The Director of Social Work proposed a Review Committee be set up and recommended that the Committee authorises publication of the proposals as part of publicity given to the Departmental Complaints Procedure. The report includes a copy of the procedures for considering client complaints (LRC3/8/3/18, Report 169).

- Angus Skinner, Another Kind of Home (1992)

The review of residential childcare in Scotland by Angus Skinner in 1992 called 'Another Kind of Home' was noted as the basis of several standards within the local authority's 1995 policy 'Standards for Fostering and Adoption Services'. This included standards for recognising a foster child's emotional, physical and developmental needs, informing children of their rights and responsibilities, ensuring a child or young person feels safe and secure and is protected from harm and ensuring carers have an awareness of the needs of each individual child and an ability to create a warm, safe and caring environment.

- Scottish Office, Scotland's Children - Proposals for Child Care Policy and Law (1993)

The Scottish Office publication 'Scotland's Children - Proposals for Child Care Policy and Law' from 1993 was noted as the basis of several standards within the local authority's 1995 policy 'Standards for Fostering and Adoption Services'. This included standards for acknowledging and respecting a child's ethnicity and heritage, informing children of their rights and responsibilities and encouraging children to make informed choices.

- British Agencies for Adoption and Fostering, Practice Notes

The British Association for Adoption and Fostering was a national organisation that published many practice notes relating to adoption and the provision of foster care. The local authority's policy 'Standards for Fostering and Adoption Services' was published in 1995 and implemented the recommendations of some of these practice notes, including 'Practice Note 13: The Placement Needs of Black Children' and 'Practice Note 26: Children and their Heritage'. These practice notes were used as the basis for the standard developed in relation to the impact of racism on the development of black children.

- National Foster Care Association, 'Making it Work' (1994)

The National Foster Care Association was a national organisation which published many policy papers relating to the provision of foster care. The local authority published a policy called 'Standards for Fostering and Adoption Services' in 1995. The basis for the standard which related to the training, support and supervision of foster carers was noted as being the National Foster Care Association publication from 1994 "Making it Work", showing that this was implemented by the authority in its local policies.

City of Edinburgh Council (1996 - 2015)

In 2007, the Education, Children and Families Committee noted a report called 'Sub-Committee on Standards for Children and Families - Appointments'. The report noted that the Sub-Committee would maintain an overview of the implementation of national and local policies (page 4).

- Children (Scotland) Act 1995

The local authority's Foster Care Agreement had an Appendix called 'Allegations of Child Abuse or Complaints Against Departmental Approved Carers'. The Appendix noted national policy and guidance, including references to the local authority's powers under statute in section 72 of the Children (Scotland) Act 1995. Similarly, the local authority's 'Inter-Agency Child Protection Guidelines' from 1995 states that the guidelines are consistent with the childcare principles and provisions of the Children (Scotland) Act 1995.

On 7 December 2005, the Children and Families Sub-Committee on Standards considered the 'Accommodated Children Review Team Annual Report'. The report noted the local authority's responsibilities under section 31 of the Children (Scotland) Act 1995 relating to the reviewing of children who are looked after by the local authority.

On 17 November 2007, the Education, Children and Families Committee considered a report called "Joint Officer/Member Group - Corporate Parenting of Looked After Children". The report referred to the local authority's statutory duties under section 17 of the Children (Scotland) Act 1995 which sets out the duties that the local authority holds in relation to looked after children, including the duty to safeguard and promote welfare. The report sought to implement this legislation through the approval for the creation of an officer/ member group to consider matters relating to the corporate parenting of looked after children.

- The Arrangements to Look After Children (Scotland) Regulations 1996

The local authority had a Looked After Children Manual which was dated July 1998 and contained many practice notes, guidelines and documents for social workers relating to adoption and foster care.

The local authority had a form which was used for the notification of the end of a placement which referenced Regulation 7 of the Arrangements to Look After Children (Scotland) Regulations 1996. Regulation 7 provides that the local authority must give written notice of the placement of a child as soon as is reasonably practicable so this form within the Manual shows that there was implementation.

Appendix 3 of the local authority's Foster Carer Agreement concerned allegations of child abuse or complaints against foster carers and set out the policy and guidance for this scenario. Within the guidance section of Appendix 3, it states that the department's powers are extensive in relation to moving a child from their placement as a precautionary measure where there has been an allegation and cites Regulation 19 of the Arrangements to Look After Children (Scotland) Regulations 1996 as the basis for these powers.

- The Fostering of Children (Scotland) Regulations 1996

The local authority had a Looked After Children Manual which was dated July 1998 and contained many practice notes, guidelines and documents for social workers relating to adoption and foster care.

The Manual contained a 'Emergency/Immediate Placement Agreement' which referred to the Fostering of Children (Scotland) Regulations 1996, suggesting that the Regulations were implemented by the local authority.

The Manual also contained a document called 'Fostering Processes - The Fostering of Children (Scotland) Regulations 1996 (Interim Practice Notes)'. The Appendix to this document included an extract from the 1996 Regulations on the information that show be

provided by a prospective foster carer. This practice note shows that the Regulations were implemented within the guidance used by the Social Work Department.

- Social Work (Representations Procedure) (Scotland) Directions 1996, and the Scottish Office Circular No. SWSG5/1996, Desk Officer 5389

The 'Children and Families Social Work Complaints Annual Report 2005 - 2006' was noted by the Children and Young People Scrutiny Panel on 3 August 2006. The report noted that the local authority must publish information about their complaints service and their complaints activity in accordance with the Social Work (Representations Procedure) (Scotland) Directions 1996 and the Scottish Office circular SWSG5 (1996). The report then explained that a Client Services and Complaints Officer had been appointed on 12 September 2005 to the Children and Families Department to manage complaints. Prior to this, the former Social Work Department handled all complaints relating to social work services. The Annual Report continued to note the number of complaints in following years.

- Scotland's Children: The Children (Scotland) Act 1995 Regulations and Guidance Volume I Support and Protection for Children and their Families, Scottish Office (1997)

The local authority had a Looked After Children Manual which was dated July 1998 and contained many practice notes, guidelines and documents for social workers relating to adoption and foster care. Within the Manual, there was a document called 'Child Protection - Urgent Compulsory Measures: Policy, Practice Guidance and Procedures' dated March 1997. This Guidance sets out the new Orders available under the Children (Scotland) Act 1995 and the Emergency Child Protection Measures (Scotland) Regulations 1996. The document also referred to the Scottish Office publication 'Scotland's Children: The Children (Scotland) Act 1995 Regulations and Guidance Volume I' from 1997 for guidance on what steps should be taken before considering applying for an Order and what other options are available prior to applying for an Order.

The Child Protection Measures also implemented the Department of Health's 1995 practice guide 'The Challenge of Partnership in Child Protection' and the 1995 publication 'Child Protection: Messages from Research'.

- 'Protecting Children - A Shared Responsibility', The Scottish Office (1998)

'Protecting Children - A Shared Responsibility' set out the framework for collaboration between Social Work Departments and other agencies in child protection cases. The document included guidance on using a Child Protection Register, joint investigations and the sharing of information between agencies.

The local authority is unable to access its archives due to the COVID-19 restrictions and therefore has gaps in the evidence it has been able to access in Council papers and Minutes from 1995 - 2004. The local authority has been unable to locate evidence demonstrating its awareness of this national guidance. However, the local authority's 'Child Protection Guidelines (Inter-agency)' state that they incorporate Scottish Executive guidance which would include this national guidance as it relates specifically to inter-agency working in the child protection context.

- Regulation of Care (Scotland) Act 2001

On 7 December 2004, 'Report 4: Care Commission Inspections' was presented to the Children and Young People Scrutiny Panel where it was noted that the Council had applied for registration for the Fostering and Adoption Services. The report noted that the local authority wished to register under Part II of the Regulation of Care (Scotland) Act 2001 and that the sub-committee would be informed once registration was complete.

- "For Scotland's Children" (2001), Scottish Executive

A report was presented to the Children and Young People Scrutiny Panel on 2 February 2006 called "Proposals for Revised Children's Service Governance Arrangements". The report aimed to formalise central and local arrangements for the governance of children's services. It referred to the Scottish Executive's 2001 report "For Scotland's Children" and noted that the Children's Services Strategy Group had produced a document in 2002 called "Changing Children's Services in Edinburgh Action Plan" which implemented the guidance set out in "For Scotland's Children".

- It's Everyone's Job to Make Sure I'm Alright: Report of the Child Protection Audit and Review, Scottish Executive (2002)

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'It's Everyone's Job to Make Sure I'm Alright' published by the Scottish Executive in 2002.

- National Care Standards: Foster Care and Family Placement Services, Scottish Ministers (2002)

A Handbook for Carers was created by the City of Edinburgh Council. The first section of this document was called 'Legal and organisational context' which made reference to the National Care Standards which cover the recruitment, selection, approval, training and support

provided for foster carers. The Handbook stated that all carers should have their own copy of the care standards and noted that they can be provided by the carer's liaison worker. This shows that the local authority implemented a use of the National Care Standards by requiring its foster carers to be aware of them and requiring its social workers to provide carers with this information.

- Protection of Children (Scotland) Act 2003, and Lord Laming's Inquiry Report (2003)

In 9 June 2005, page 6 of the 'Annual Report on Child Protection in Edinburgh' noted the Council's performance in addressing the recommendations of the Edinburgh Inquiry and the O'Brien Inquiry. The report noted that there had been changes in process and procedure as a result of the national debate around child protection, e.g. the Laming Inquiry, the Bichard Inquiry and the introduction of the Protection of Children (Scotland) Act 2003.

- O'Brien Report (2003)

In 2004, the 'Annual Report of the Edinburgh and Lothians Child Protection Committee' noted the importance of the O'Brien Inquiry in reforming child protection in Scotland. On 18 November 2004, the Director of Children and Families confirmed to the Children and Young People Scrutiny Panel that all recommendations of the O'Brien report had been taken forward.

- Protecting Children and Young People 2004: Framework for Standards

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'Protecting Children and Young People 2004: Framework for Standards' and 'Protecting Children and Young People: The Charter', both published by the Scottish Executive in 2004.

- Safe and Well, Scottish Government (2005)

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'Safe and Well' published by the Scottish Executive in 2005.

- A Common Approach to Inspecting Services for Children and Young People, October 2005

A report was presented to the Special Sub Committee on Social Work Standards on 24 May 2005 called 'Social Work Inspection Agency'. The report shows that the Council, the sub-committee and the Social Work department were aware of the national developments within

Social Work and noted in the report that the local authority's Social Work Department had been advocating with the Scottish Executive for a more rigorous inspection regime.

In 2007, ELBEG published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. The Procedures state that they implemented various national policies and guidance, including 'A Common Approach to Inspecting Services for Children and Young People' published by the Scottish Government in October 2005.

- "Changing Lives" (February 2006), Scottish Executive

"Changing Lives" was a 21st Century Social Work Review which aimed to look at all aspects of social work in order to strengthen the delivery of integrated services. Annex B of the review shows that employees the local authority participated in the review groups and sub-groups as part of the review, including a social worker, the Head of Quality Services and the Chief Executive of Children and Families. The Review was then cited within the 2006 Improvement Plan for the Children and Families Department.

There is evidence that the local authority was aware of this national policy as it was cited in the 'Children and Families Department Service Improvement Plan for 2006 - 2009' as a "driver for change". The Service Improvement Plan in 2006 did not seek to implement the recommendations of "Changing Lives". This decision was taken as the local authority noted that the Scottish Executive sought to produce an implementation plan later in the year which would impact their services.

The 'Chief Social Work Officer Annual Report 2007 - 2008' noted that "Changing Lives" had recommended to the Scottish Executive that the governance and leadership role of the Chief Social Work Officer should be strengthened. This was cited as the basis of the introduction of the Chief Social Work Officer's Annual Report as it was anticipated that the guidance would require presentation of this report to the Council. This shows that the local authority implemented recommendations from the national policy and that the local authority awaited guidance to further implement the national policy.

- "Extraordinary Lives" Social Work Inspection Agency (2006)

On 19 November 2007, the Education, Children and Families Committee considered a report called "Joint Officer/Member Group - Corporate Parenting of Looked After Children". The report noted the Social Work Inspection Agency publication "Extraordinary Lives" which looked at what good practice looked like and how it could be further improved. The review concluded that *"the single most important thing that will improve the futures of Scotland's looked after children is for local authorities to focus on and improve their corporate parenting*

skills". The review recommended that local authority Chief Executives make an annual report to their council on the outcomes achieved for looked after children.

- Getting it Right for Every Child, Scottish Government (2006), and Getting it Right for Every Child in Foster Care and Kinship Care, Scottish Government (2007)

The Children and Families Service Plan 2008 - 2011 noted that the local authority worked within the parameters of the 'Getting it Right for every child in Kinship and Foster Care' initiative produced by the Scottish Government and COSLA. The 'Getting it Right for every child in Kinship and Foster Care' initiative outlined the ways in which foster care can contribute towards the care and support of children and their families.

A framework document called 'Supporting Edinburgh's parents and carers' was presented to the Committee on 13 January 2009. The framework noted that the national approach, GIRFEC, would underpin all work that took place between the local authority and its parents and carers as well as some of the principles of Solihull.

The 'Children and Families Service Plan 2009 - 2012' reported on the ambitions of the Children and Families Department and set out the legislation that the local authority was bound by as well as the key national strategies and priorities. The key national strategies highlighted were GIRFEC and 'Getting it right for every child in kinship care and foster care'. The report later noted that the demand for foster care placements was increasing so the Children and Families Department would follow the key national strategies highlighted in the report.

The 'Service Strategy and Improvement Plan for Children and Young People Looked After and Accommodated by the City of Edinburgh Council 2009' drew attention to the fact that children do not often have a choice of placement and that they may be split from their siblings or placed a considerable distance outside of Edinburgh. It was noted that the Scottish Government policy (Getting it right for every child in kinship and foster care, page 18) and local policy was to reduce the number of children who experience three or more placements, however, the percentage in Edinburgh had increased in recent years. This shows that although the local authority was not meeting the guidelines as set out by the Scottish Government, the local authority had incorporated the national policy into their local policy and were seeking to address the identified areas of weakness.

- The Looked After Children (Scotland) Regulations 2009

The 'Children and Families Service Plan 2009 - 2012' reported on the ambitions of the Children and Families Department and set out the legislation that the local authority was bound by as well as the key national strategies and priorities. The legislation noted that related

to foster care included the Looked After Children (Scotland) Regulations 2009, the Protection of Children (Scotland) Act 2003 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005.

- Educational Outcomes of Scotland's Looked After Children and Young People: A New Reporting Framework, Scottish Government (2009)

The 'Children and Families Service Plan 2011 - 2014' was presented to the Education, Children and Families Committee on 21 June 2011. The Plan noted that the local authority was informed by the 2009 Scottish Government Framework, 'Educational Outcomes of Scotland's Looked After Children and Young People: A New Reporting Framework'.

- National Guidance for Child Protection in Scotland, Scottish Government (2010)

At the Committee Meeting on 7 September 2010, a report called 'Getting it right for every child in Edinburgh - Implementation Project' was presented which noted that the local authority is aligned to and supports all current and emerging national policies, including the proposed "National Guidance for Child Protection" which was under consultation at the time.

The local authority had Child Protection procedures in place from 2007 which were then replaced by procedures in 2015. The local authority therefore has no evidence to suggest that the 2010 national guidance was implemented.

- National Guidance for Child Protection in Scotland, Scottish Government (2014)

The National Guidance for Child Protection in Scotland was published by the Scottish Government on 14 May 2014. The local authority implemented this guidance within its 'Inter-agency Child Protection Procedures' for Edinburgh and the Lothians which was introduced in 2015.

- Children and Young People (Scotland) Act 2014

The Education, Children and Families Committee Minutes from 20 May 2014 noted the implementation of the Children and Young Person's (Scotland) Act 2014. The report presented on the Act noted that the Council officers will continue to work at a national and local level to support the development of the regulations and guidance that will follow. It was noted in the report that the local authority was involved at every stage of the journey of the legislation and there had been significant engagement and consultation with children, young people and families on key aspects of the Bill.

<p>f)</p>	<p><u>If not, why not?</u></p> <p>Where the reasons for not implementing national policy are known to the local authority, this information is included in subsection (e), above.</p>
<p>Present</p>	
<p>g)</p>	<p><u>With reference to the present position, are the answers to any of the above questions different?</u></p> <p>Yes, please see details below in (h).</p>
<p>h)</p>	<p><u>If so, please give details.</u></p> <p>The local authority is aware of the publication of national policies or the enacting of legislation since 17 December 2014 which has changed the provision of foster care in its present form. The national policies highlighted are noted below.</p> <ul style="list-style-type: none"> • The Children & Young People (Scotland) Act 2014 • The National Guidance for Child Protection in Scotland, Scottish Government (2014) • Standard for Foster Care, SSSC (April 2017) • The Looked After Children (Scotland) Amendment Regulations 2014 <p><u>The Children & Young People (Scotland) Act 2014</u></p> <p>The Children & Young People (Scotland) Act 2014 received royal assent on 27 March 2014 and largely came into force the following day. However, some provisions did not come into force until after 2014 (primarily in 2015) and some of these later enacted provisions are relevant to this question.</p> <p>Part 1 of the 2014 Act places new duties on Scottish Ministers and public bodies to report on the steps they have taken to give further effect to the United Nations Convention on the Rights of the Child (UNCRC) requirements.</p> <p>Part 2 of the 2014 Act strengthens the powers of the Commissioner for Children and Young People in Scotland to enable investigations to be conducted in relation to matters concerning individual children and young people.</p> <p>Part 5 of the 2014 Act ensures that there is a single planning framework (the Child's Plan) for children who need support to meet their wellbeing needs which require targeted intervention. This part of the Act has not yet been fully enacted.</p>

Part 16 of the 2014 Act makes changes to the children's hearing system. (Part 16)

National Guidance for Child Protection in Scotland, Scottish Government (2014)

The National Guidance for Child Protection in Scotland provides a national framework within which agencies and practitioners at local level – individually and jointly – can understand and agree processes for working together to support, promote, and safeguard the wellbeing of all children. It sets out expectations for strategic planning of services to protect children and young people and highlights key responsibilities for services and organisations, both individual and shared. It also serves as a resource for practitioners on specific areas of practice and key issues in child protection.

This guidance replaced the previous version of the National Guidance for Child Protection in Scotland which was published in 2010 as well as replacing Protecting Children – A Shared Responsibility: Guidance on Inter-agency Cooperation from 1998. The 2014 Guidance also incorporates the Scottish Government publication, Protecting Children and Young People: Child Protection Committees (2005). This policy document was incorporated into the local authority's Child Protection Procedures in 2015.

The updated Scottish Government guidance may change the local authority's answer to Question 4.1 (c)(iv).

Standard for Foster Care, SSSC (April 2017)

This guidance developed a standard to establish a framework for the learning that foster carers need to undertake for the foster carer role, and to support a realistic level of standardisation and consistency in the ways learning is provided and used. This guidance is followed by the local authority.

The Looked After Children (Scotland) Amendment Regulations 2014

The Looked After Children (Scotland) Amendment Regulations 2014 made an amendment to the Looked After Children (Scotland) Regulations 2009 by the insertion of Regulation 27A. Regulation 27A states that a local authority must not place a child with a foster carer where the placement would result in more than three children being placed with that foster carer at any one time. The exceptions to this regulation are for where a group of more than three siblings have been placed by a local authority; or, where an emergency placement of a child with a foster carer or a short-term placement of less than 4 weeks would result in more than three children being placed with that foster carer.

This change to the legislation may change the local authority's answer to Question 4.1 (c)(iii).

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