

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.

Question 4.7	Complaints and Reporting
(i) Policy	
Past	
a)	<p><u>What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>The surviving evidence for this period does not reference a specific policy regarding complaints. However, the extract below from the local authority Boarding Out of Boys and Girls Regulations 1959 tentatively suggests that the Boarding Out Officer would address any complaints or issues regarding the placement if necessary, though not expected:</p> <p><i>Any idea of a fault-finding inspection should be quite absent from the boarding out officers mind when visiting the child and foster parents. If the foster home has been</i></p>

carefully chosen in the first place, there should be rarely occasion for criticism. (Ref. Boarding Out of Boys and Girls Regulations 1959, Page 19).

Lothian Regional Council (1975 – 1996)

There are several policy and procedural documents for this period concerning complaints and reporting. In 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 consider the major developments under the Data Protection Act 1984 and to assist in the computerisation of the Register (LRC2/1/1/20/15, p65).

In the context of the Local Authority's Equal Opportunities Policy, the Director of Social Work noted in a report to the Social Work Committee, that a Departmental Complaints Procedure had been in operation since December 1991. In that report, the Director stressed the importance of proactively promoting and publicising the procedure to ensure that children and young people in care were aware of the procedure and its contents. The Director also noted the need for a further Complaints Officer post to focus specifically on the needs of children and young people, including the need to develop a system which addressed children's rights and advocacy within the context of the aforementioned Equal Opportunities Policy. (Ref. LRC2/1/1/20/18 1991 – 1992)

The Minutes from the Social Work Committee in 1992 again noted that the complaints procedure had been 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).

In a further report, the Director of Social Work report noted that the Local Authority had to include review panels as part of its complaint procedure under the Social Work (Representations Procedure) (Scotland) Order 1990. The Director of Social Work proposed a Review Committee be set up to take this forward and recommended that Committee approved publication of the proposals to further highlight publicity around the Departmental Complaints Procedures. The report included a copy of the procedures for considering client complaints which is set out below. (LRC3/8/3/18 1992 – 1993):

It was proposed that the Review Committee would consist of three persons, two of whom would be members of the Social Work Committee and the third an independent person. The Chairperson would be one of the two 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).

Within a further report by the Director of Social Work in 1995, it was noted that while the Departmental Complaints Procedure provided comprehensive information, it was agreed that there was a need for additional guidelines for those investigating complaints made by children and young people in care. A working group was convened for this purpose, and those guidelines were noted as nearing completion. (LRC3/8/3/21 1995-1996). These included the Local Authority's 'Quality in Standards for fostering and Adoption services' (Section 4.9: Complaints and Appeals; Children, carers, the birth family have clear information about the departmental complaints and appeals procedure) and 'Complaints Procedure and Guidelines for Officers Investigating complaints made or on behalf of children'.

City of Edinburgh Council (1996-2014)

There are several policy and procedural documents for this period. The Local Authority's 'Foster Carer Agreement' from 2002 states the following under Section 2.2.4 'Representations, Complaints and Appeals':

To ensure that the child or young person's welfare is safeguarded and to treat seriously and to respond to any complaint or allegations that relate to the care, safety and welfare of the child or young person placed there, and, where necessary, to investigate them and to follow the Departmental Procedure extracts of which are attached as Appendix 2 (Complaints) and Appendix 3 (Allegations). Where abuse is alleged, the Edinburgh and Lothians Child Protection Guidelines will be followed. (Page 2.)

Another key document is the Departmental Complaints Procedure which forms part of the Departmental Manual on Policies, Procedures and Practice. This procedure was also included as an appendix within the Foster Carer's agreement document from 2002.

'Abuse of a Child – Allegations Against Departmental Employees or Approved Carers' is another procedural document that forms part of the 'Edinburgh and The Lothians Inter Agency Child Protection Procedures' from 2008 and was previously part of the Social Work Department's 'Policies, Procedures and Practice Guidance' from 1999. The procedure sets out the action that was to be taken in response to any allegation of abuse that was made against any departmental employee or approved carer (including foster carers).

b)	<p><u>Was there a particular policy and/or procedural aim/intention?</u></p> <p>Edinburgh Corporation (1930 -1975)</p> <p>As described above, there is very limited evidence around foster care complaints for this period. However, there is some evidence detailing more general aims and intentions around foster care provision. Examples are set out below.</p> <p>The evidence suggests that there were definite policy and procedural aims for this period. Under the Children Act 1948, local authorities were legally duty bound to receive children into care in certain circumstances, and to keep the child in care for as long as the welfare of the child required it. Local authorities could also assume parental rights for children in care. The 1948 Act created a statutory requirement that boarding out with foster carers should be considered for a child before residential care. The 1948 Act contained a power for the Secretary of State to make Regulations relating to the boarding out of children. Following the implementation of the 1948 Act a function of the local authority was to receive children into its care who were “deprived of a normal family life”. It had responsibility to return children to the care of their parents, relatives or friends as soon as possible consistent with the child’s welfare.</p> <p>By 1961, the Children’s Committee reported to the Town Council of the “persistent efforts” of the Children’s Department to keep a child’s separation from its parents as short as possible. Over half the children being received into care at that point were returned home within three months. For children received into residential care the ethos of the local authority was to provide a feeling of security and to restore this is the first task of the matron and staff.’ (Ref. SL116/1/14).</p> <p>Within The ‘Regulations and Rules in regard to Boarded out Boys and Girls made by The Lord Provost, Magistrates and Council of The City and Royal Burgh of Edinburgh As Local Education Authority’ the following is noted:</p> <p style="padding-left: 40px;"><i>A foster parent shall not administer indiscriminate or harsh punishment on any pretext whatever. Any serious act of misconduct on the part of a boy or girl, or any generally unsatisfactory behaviour, shall be reported to the City Education Officer.</i> (Ref. SL164/1/7).</p> <p>This would indicate that any issues or complaints regarding the placement for the child would be reported to and investigated by the relevant Education Officer in order to achieve and maintain the procedural intention of providing a sense of security and keeping the child safe.</p>

Lothian Regional Council (1975 – 1996)

Yes – there was a definite policy and procedural intention that complaints were dealt with appropriately. The most significant document in this regard was the Local Authority's 'Quality in Standards for fostering and Adoption Services' which states the following under section 4.9 Complaints and Appeals:

The complaints policy and procedure is made known and is freely available to the children, young people, birth families, carers and applicants; Children and young people can access complaint forms without recourse to carers and staff; There is specific material addressed to children on how to make a complaint; Staff are familiar with and use the practice guidance for dealing with complaints by children in care, including the involvement of the Charter Adjudicator where necessary. The Children's Rights and Information Officer is involved with the child or young person's agreement. Information is available on advice and un dependent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and communication help is available when necessary. There is a system of recording complaints. Timescales are adhered to.
(Page 55)

City of Edinburgh Council (1996 – 2014)

In relation to foster care complaints, policy aims and intentions for this period (post-2002) were aligned with the Local Authority's overall approach to complaint handling and management. This was based on the Scottish Public Services Ombudsman's model complaint handling procedure which aimed to establish a standard approach to handling complaints across local government and other sectors. The foreword to the Local Authority's complaints handling procedure states the following:

The City of Edinburgh Council's complaints handling procedure reflects our commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints, so that where appropriate we can make evidence-based decisions on the facts of the case. (Ref. City of Edinburgh Council Complaint Handling Procedure)

This approach informed the Departmental Complaints Procedure which developed at this time.

c)	<p><u>Where were such policies and/or procedures recorded?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>Foster care procedures were recorded within the Local Authority's Public Assistance Committee minutes, and Education Committee minutes. However, there is very limited evidence concerning complaints. Please see 4.7 (i) (a).</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>The policies and procedures were referenced and recorded in Social Work Committee minutes and set out in departmental procedural manuals. Please see our response to 4.1 and 4.7 (i) (a).</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>The policies and procedures were referenced in various committee minutes and set out in departmental procedural manuals. Please see our response to 4.1 and 4.7 (i) (a).</p>
d)	<p><u>What did the policies and/or procedures set out on the following:</u></p> <p>i. <u>Complaints by children</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>There is no specific reference to this subject within the surviving records.</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>The Local Authority's 'Quality in Standards for fostering and Adoption Services' states the following under section 4.9 Complaints and Appeals:</p> <p><i>The complaints policy and procedure is made known and is freely available to the children, young people, birth families, carers and applicants; Children and young people can access complaint forms without recourse to carers and staff; There is specific material addressed to children on how to make a complaint; Staff are familiar with and use the practice guidance for dealing with complaints by children in care, including the involvement of the Charter Adjudicator where necessary. The Children's Rights and Information Officer is involved with the child or young person's agreement. Information is available on advice and un dependent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and communication help is available when</i></p>

necessary. There is a system of recording complaints. Timescales are adhered to.
(Page 55)

City of Edinburgh Council (1996 – 2014)

Within the Local Authority's Departmental Complaints Procedure, the following information is set out:

Information to Service Users and Potential Service Users – The department has undertaken to publicise the Complaints Procedure in order to make the public aware of how to comment effectively on the services the department provides. Notices and leaflets will be made available advising service users and those seeking our services how to follow the procedure. Leaflets will be freely available at all client access points and service units and should be given to service users/potential service users (or their representatives). Further leaflets explaining the steps of the procedure will be sent to all complainants who communicate directly with the Complaints Officer/Director and leaflets explaining how to take a complaint to the Review Committee will be sent to all complainants with the formal letter of response to their complaint. (Page 9)

In addition, the Local Authority's 'Foster Carer Agreement' from 2002 states the following under Section 2.2.4 'Representations, Complaints and Appeals':

To ensure that the child or young person's welfare is safeguarded and to treat seriously and to respond to any complaint or allegations that relate to the care, safety and welfare of the child or young person placed there, and, where necessary, to investigate them and to follow the Departmental Procedure extracts of which are attached as Appendix 2 (Complaints) and Appendix 3 (Allegations). Where abuse is alleged, the Edinburgh and Lothians Child Protection Guidelines will be followed. (Page 2.)

Within the Local Authority's 'Foster Carer Agreement' (2002) the following is noted:

Time Limitations – There will be no time bar on complaints, but in deciding the approach to be adopted the Director will have regard to the practicality of the investigation of long past incidents and the possible redress available. (Page 10)

ii. Complaints by foster carers

Edinburgh Corporation (1930 – 1975)

There is no specific reference to this subject within the surviving records.

Lothian Regional Council (1975 – 1996)

The Local Authority's 'Quality in Standards for fostering and Adoption Services' states the following under section 4.9 Complaints and Appeals:

The complaints policy and procedure is made known and is freely available to the children, young people, birth families, carers and applicants; Children and young people can access complaint forms without recourse to carers and staff; There is specific material addressed to children on how to make a complaint; Staff are familiar with and use the practice guidance for dealing with complaints by children in care, including the involvement of the Charter Adjudicator where necessary. The Children's Rights and Information Officer is involved with the child or young person's agreement. Information is available on advice and un dependent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and communication help is available when necessary. There is a system of recording complaints. Timescales are adhered to.
(Page 55)

City of Edinburgh Council (1996 – 2014)

The Local Authority's 'Foster Carer Agreement' from 2002 states the following under sections 2.2.1 to 2.2.3:

"2.2.1 To receive representations form carers either individually or collectively about general matters of practices, procedure or policy and to take them into account. (Page 2)

2.2.2 To involve foster carers wherever practicable when significant issue relating to foster care services are being considered. (Page 2)

2.2.3 To provide foster carers with information about the Departments Child Protection Procedures and about the matter in which concerns about the abuse of children and young people will be dealt with." (Page 2)

iii. Complaints by family members of children

Edinburgh Corporation (1930 – 1975)

There is no specific reference to this subject within the surviving records.

Lothian Regional Council (1975 – 1996)

The Local Authority's 'Quality in Standards for fostering and Adoption Services' states the following under section 4.9 Complaints and Appeals:

The complaints policy and procedure is made known and is freely available to the children, young people, birth families, carers and applicants; Children and young people can access complaint forms without recourse to carers and staff; There is specific material addressed to children on how to make a complaint; Staff are familiar with and use the practice guidance for dealing with complaints by children in care, including the involvement of the Charter Adjudicator where necessary. The Children's Rights and Information Officer is involved with the child or young person's agreement. Information is available on advice and un dependent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and communication help is available when necessary. There is a system of recording complaints. Timescales are adhered to. Complaints about fostering and adoption services are dealt with openly and fairly. Where necessary services are improved or altered in response to complaints.
(Page 55)

City of Edinburgh Council (1996 – 2014)

The Local Authority's 'Foster Carer Agreement' from 2002 states the following on this subject:

"Who can complain? – A complaint can be made under this procedure by anyone who; is seeking or receiving a service from the department either directly or indirectly including residents in establishments managed or registered by the authority; has been referred for an assessment of service; has been refused a service; is legitimately representing any of the above on an individual basis".
(Appendix 2, Page 10)

iv. Complaints by third persons

Edinburgh Corporation (1930 – 1975)

There is no specific reference to this subject within the surviving records.

Lothian Regional Council (1975 – 1996)

The Local Authority's 'Quality in Standards for fostering and Adoption Services' states the following under section 4.9 Complaints and Appeals:

Children, carers and birth families have clear information about the Departmental complaints and appeals procedure. All specified timescales are met. The complaints policy and procedure is made known and is freely available to the children, young people, birth families, carers and applicants; Children and young people can access complaint forms without recourse to carers and staff; There is specific material addressed to children on how to make a complaint; Staff are familiar with and use the practice guidance for dealing with complaints by children in care, including the involvement of the Charter Adjudicator where necessary. The Children's Rights and Information Officer is involved with the child or young person's agreement. Information is available on advice and un dependent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and communication help is available when necessary. There is a system of recording complaints. Timescales are adhered to. Complaints about fostering and adoption services are dealt with openly and fairly. Where necessary services are improved or altered in response to complaints.
(Page 55)

City of Edinburgh Council (1996 – 2014)

The Local Authority's 'Foster Carer Agreement' from 2002 states the following on this subject under Sections 2 and 4:

"Who can complain? – A complaint can be made under this procedure by anyone who; is seeking or receiving a service from the department either directly or indirectly including residents in establishments managed or registered by the authority; has been referred for an assessment of service; has been refused a service; is legitimately representing any of the above on an individual basis".
(Section 2, Page 10)

Anonymous complaints – The department will consider any complaints and, dependent on the decision of the Director, progress them within the procedure".
(Section 4, Page 10)

v. Whistleblowing

It is the local authority's understanding that there was no legislation 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 had in place in 1998 the Safety and Well-Being Of Service Users (Free Expressions of Staff Concerns) (Children and Families Practice note Guideline 7 1998). The main principles contained are:

The safety and well-being of the service user must be the paramount concern of those involved when concerns are expressed; Staff must not withhold information where there is a legitimate concern about the treatment of someone who is using our services and which is causing the user distress/harm; Staff will be free to be able to take their concerns to their line manager, who will have the responsibility for listening and responding to their concerns. Within this context staff supervision opportunities are essential in ensuring that concerns can be raised; Managers must help staff to express their concerns and subsequently also help the staff about whom concern is expressed to improve their practice; Raising concerns about a colleague is never easy, but induction, staff supervision, openness within a team, clear departmental expectations on duties, and standards for conduct can all be helpful in creating a culture to allow concerns to be raised. In order to ensure the highest possible standards of service and care, it is of vital importance that arrangements are in place to allow concerns to be expressed and practices to be examined to correct omissions or prevent malpractice; These guidelines outline the responsibilities of both individual members of staff and line managers in ensuring that steps are taken to ensure high standards and allow concerns to be expressed and acted upon. (Children and Families Practice note Guideline 7 Pg. 1 1998).

The local authority introduced its first whistleblowing policy in May 2000 called the "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 refer 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 national legislation 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.

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

Edinburgh Corporation (1930 – 1975)

There is no specific reference to this subject within the surviving records.

Lothian Regional Council (1975 – 1996)

The Local Authority's 'Quality in Standards for fostering and Adoption Services' states the following under Section 4.1 – 'Ensuring a High Standard of Care':

There are working procedures in relation to the recruitment, approval, review and support of all substitute family carers; Carers receive support in their caring task and are informed of procedures relating to complaints, approval, review and of the standards of care expected of them; The rights of children and young people are respected by carers. (Page 47).

Moreover, the same standards document sets further relevant detail under Section 4.9 – 'Complaints and Appeals':

Children, carers and birth families have clear information about the Departmental complaints and appeals procedure. All specified timescales are met. Children, carers and birth families have clear information about the Departmental complaints and appeals procedure. All specified timescales are met. The complaints policy and procedure is made known and is freely available to the children, young people, birth families, carers and applicants; Information is available on advice and independent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and communication help is

available when necessary. There is a system of recording complaints. Timescales are adhered to. Complaints about fostering and adoption services are dealt with openly and fairly. (Page 55)

City of Edinburgh Council (1996 - 2014)

The Local Authority's 'Foster Carer Agreement' from 2002 also states the following on this subject area:

To ensure that the child or young person's welfare is safeguarded and to treat seriously and to respond to any complaint or allegations that relate to the care, safety and welfare of the child or young person placed there, and, where necessary, to investigate them and to follow the Departmental Procedure extracts of which are attached as Appendix 2 (Complaints) and Appendix 3 (Allegations). Where abuse is alleged, the Edinburgh and Lothians Child Protection Guidelines will be followed. (Section 2.2.4, Page 2)

Time Limitations – There will be no time bar on complaints, but in deciding the approach to be adopted the Director will have regard to the practicality of the investigation of long past incidents and the possible redress available. (Section 10, Page 10)

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

Edinburgh Corporation (1930 – 1975)

There is no specific reference to this subject within the surviving records.

Lothian Regional Council (1975 – 1996)

The Local Authority's 'Quality in Standards for fostering and Adoption Services' states the following under section 4.9 Complaints and Appeals:

Children, carers and birth families have clear information about the Departmental complaints and appeals procedure. All specified timescales are met. The complaints policy and procedure is made known and is freely available to the children, young people, birth families, carers and applicants; Information is available on advice and un dependent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and

communication help is available when necessary. There is a system of recording complaints. Timescales are adhered to. Complaints about fostering and adoption services are dealt with openly and fairly (Page 55)

City of Edinburgh Council (1996 - 2014)

The Local Authority's 'Foster Carer Agreement' from 2002 also states the following on this subject area in Section 2.2: Representations, Complaints and Allegations (Subsection 2.2.4):

To ensure that child or young person welfare is guarded and to treat seriously to any complaints or allegations that relate to the care, safety and welfare of the child or young person placed there, and, where necessary, to investigate them and to follow the Departmental Procedures

The Communities and Families 'Departmental Complaints Procedures (July 1999, Page 11) also outlines the following process:

- 1. As part of normal practice, staff members should attempt to resolve problems as they arise. However, if a service user contemplates making an official complaint, the worker should provide them with advice regarding the Complaints Procedure and give them advice if required. In addition, the staff member should inform their line manager and the Clients Services and Complaints Officer that a complaint may be made.*
- 2. If an official complaint is received, the Complaints Section will log the complaint and gather sufficient information to enable the Director to make a decision about how it should be handled.*
- 3. There are a number of options available when handling the complaint. In most cases an internal investigation will be undertaken to resolve the complaint.*
- 4. The Investigating Officer will examine all the facts of the complaint and attempt to resolve the problems that have arisen. If appropriate, a meeting of all interested parties may be held to resolve the issues "around the table". The department will undertake to provide the complainant with a letter of resolution.*

5. *The complainant is asked to indicate to the department whether they accept the resolution proposed; the reply will be considered, and any appropriate action will be taken.*

6. *If the complainant still wishes to pursue the matter, they should refer it to the Complaints Review Committee (CRC) for consideration. The CRC is a special sub-committee of the Social Work Committee and shall comprise three members; 2 members of the Social Work Committee and 1 independent person.*

7. *Throughout the process there are options available to both the Department and the complainant to enable the best method of handling a complaint to be implemented.*

8. *The Complaints Procedure is designed to bring every complaint to a conclusion.*

viii. External reporting of complaints

Edinburgh Corporation (1930 – 1975)

There is no specific reference to this subject within the surviving records.

Lothian Regional Council (1975 – 1996)

The Local Authority's 'Quality in Standards for fostering and Adoption Services' states the following under Section 4.9 (Complaints and Appeals):

Information is available on advice and independent support from other organisations e.g. BAAF, NFCA, Who Cares? Childline etc. Information is available in translation, interpreting and communication help is available when necessary. There is a system of recording complaints. Timescales are adhered to. Complaints about fostering and adoption services are dealt with openly and fairly. (Page 55)

City of Edinburgh Council (1996 - 2014)

The Local Authority's 'Foster Carer Agreement' from 2002 also states the following on this subject area in Section 2.2: Representations, Complaints and Allegations:

(2) Who can complain? – A complaint can be made under this procedure by anyone who; is seeking or receiving a service from the department either directly or indirectly including residents in establishments managed or registered by the

	<p><i>authority; has been referred for an assessment of service; has been refused a service; is legitimately representing any of the above on an individual basis.</i></p> <p><i>(4) Anonymous complaints – The department will consider any complaints and, dependent on the decision of the Director, progress them within the procedure.</i></p> <p>The Foster Carers Agreement (2002) is an appendix of the Departmental Complaints Procedure (Appendix 3).</p>
<p>e)</p>	<p><u>Who compiled the policies and/or procedures?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>The evidence suggests that the Children’s Officer had input into foster care procedures which were discussed at Education and Public Assistance Committees.</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>The reports (and associated policies and procedures) presented to committee were in the name of the Director of Social Work. However, it is highly likely that senior officers compiled those reports, and subsequent policies and procedures, in the director’s name.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>The reports (and associated policies and procedures) presented to committee were on behalf of the departmental director. However, senior officers who composed and compiled the reports provided their names on the policies and procedures, as well as for any further updates/reviewed versions.</p>
<p>f)</p>	<p><u>When were the policies and/or procedures put in place?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>The surviving evidence for this period does not reference a specific policy regarding complaints. However, as stated in our response to 4.7 (i) (a), the Local Authority’s Boarding Out of Boys and Girls Regulations 1959 tentatively suggest that the Boarding Out Officer would address any complaints or issues regarding the placement if necessary. These were approved in 1959. (Ref. Boarding Out of Boys and Girls Regulations 1959, Page 19).</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>Policies and procedures were put in place at various times in the life-cycle of the Local Authority. Examples are set out below.</p>

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).

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).

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).

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)

Policies and procedures were put in place at various times in the life-cycle of the Local Authority. Examples are provided below.

The local authority utilised a Children and Families Procedures Manual which contained practice notes and guidelines in 1992. One of the guidelines in the manual was titled

'Allegations of Child Abuse Against Departmental Employees or Approved Carers Principles and Guidance'. 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. The document was updated in 1997.

The local authority held 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 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.

'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.

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.

	<p>In 2007, the Edinburgh, Lothian and Borders Executive Group (ELBEG) published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. ELBEG was 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.</p> <p>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.</p> <p>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.</p> <p>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 updated 'Inter-agency Child Protection Procedures' for Edinburgh and the Lothians which was introduced in 2015.</p>
g)	<p><u>Were such policies and/or practices reviewed?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p>

In general, extant committee reports for this period evidence that procedures in relation to placements and foster care were reviewed to reflect changes in legislation, national policy and associated guidance. However, as stated there is very limited evidence specifically around complaints for this period.

Lothian Regional Council (1975 – 1996)

The surviving evidence for this period highlights that policies and procedures were considered and reviewed. Examples are set out below.

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 consider the major developments under the Data Protection Act 1984 and to assist in the computerisation of the Register (LRC2/1/1/20/15, p65).

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).

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).

As set out above, committee reports and the documents themselves would suggest that policies and procedures were reviewed in accordance with changes to new legislation, national policy and associated guidance. Please see our response to 4.1 and 4.7 (i) (a) for further details.

City of Edinburgh Council (1996 – 2014)

The surviving evidence for this period highlights that policies and procedures were considered and reviewed. Examples are set out below.

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.

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 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.

As set out above, committee reports and the documents themselves would suggest that policies and procedures were reviewed in accordance with changes to new legislation, national policy and associated guidance. Please see our response to 4.1 and 4.7 (i) (a) for further details.

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

Edinburgh Corporation (1930 – 1975)

From the very limited evidence available for this period, the need to review documentation appears to be a response to new legislation new national guidance and practices. Please see our response to 4.1 and 4.7 (i) (a) for further details.

Lothian Regional Council (1975 – 1996)

The need to review documentation was a response to changes to existing legislation; the introduction of new legislation; the development of new national guidance and practices; and

	<p>recommendations following external investigations. Please see our response to 4.1 and 4.7 (i) (a) for further details.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>In general, the need to review documentation was a response to changes to existing legislation; the introduction of new legislation; the development of new national guidance and practices; and recommendations following external investigations. Please see our response to 4.1 and 4.7 (i) (a) for further details.</p>
i)	<p><u>What substantive changes, if any were made to the policies and/or procedures over time?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>Please refer to 4.1 and 4.5 (i) (a) for detail on the substantive changes to policies and procedures at this time. However, as noted elsewhere in this response the evidence is limited for this period.</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>The substantive changes over this period were made in accordance with legislative change(s), and new or revised national guidance. Examples are set out below.</p> <p>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 consider the major developments under the Data Protection Act 1984 and to assist in the computerisation of the Register (Ref. LRC2/1/1/20/15, p65).</p> <p>The Minutes from the Social Work Committee in 1991 - 1992 noted that the complaints procedure was in operation from December 1991 (Ref. 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 (Ref. Circular No. SW5/1991, 20 February 1991).</p> <p>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 (Ref. LRC3/8/3/18, Report 169).</p>

Committee reports and the documents themselves would suggest that policies and procedures were reviewed in accordance with changes to new legislation, national policy and guidance.

Please also refer to 4.1 and 4.7 (i) f for further details of substantive changes to policies or procedures.

City of Edinburgh Council (1996 – 2014)

The substantive changes over this period were made in accordance with legislative change(s), and new or revised national guidance. Examples are set out below.

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.

In 2007, the Edinburgh, Lothian and Borders Executive Group (ELBEG) published its 'Edinburgh and Lothians Inter-agency Child Protection Procedures'. ELBEG was 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 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.

	<p>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.</p> <p>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 updated 'Inter-agency Child Protection Procedures' for Edinburgh and the Lothians which was introduced in 2015.</p> <p>Please also refer to 4.1 and 4.7 (i) a for further details of substantive changes to policies or procedures.</p>
j)	<p><u>Why were changes made?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>Changes were made in response to new or revised legislation, and new or revised national guidance. However, as noted elsewhere in this response the evidence is limited for this period. Please refer to 4.7 (i) a for further details.</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>Changes were made in response to new or revised legislation, and new or revised national guidance. Please refer to 4.1 and 4.7 (i) a for further details.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>Changes were made in response to new or revised legislation, and new or revised national guidance. Please refer to 4.1 and 4.7 (i) a for further details.</p>
k)	<p><u>Were changes documented?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>Any changes are generally set out in committee minutes. Please see our response to 4.1 and 4.5 (i) (a) for further details. As described above, evidence is limited for this period.</p>

	<p>Lothian Regional Council (1975 – 1996)</p> <p>Required and proposed changes were generally set out and summarised in accompanying committee reports, related minutes and then recorded in respective policies and procedures. The surviving documentation itself is clearly evidence of any changes that took place. Please also refer to 4.1 and 4.7 (i) (a) for further details on documented changes.</p> <p>City of Edinburgh Council (1996 -2014)</p> <p>Required and proposed changes were generally set out and summarised in accompanying committee reports, related minutes and then recorded in respective policies and procedures. The surviving documentation itself is clearly evidence of any changes that took place. Please also refer to 4.1 and 4.7 (i) (a) for further details on documented changes.</p>
l)	<p><u>Was there an audit trail?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>In general, the Local Authority's committee minutes (Education and Public Assistance Committees) provide evidence of the developments and changes that took place over this period, if not an exact audit trail. However, the evidence is limited for this period.</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>The Local Authority's Social Work Committee minutes provide an audit trail and narrative concerning developments and changes that took place over this period. Audit trails are also generally reflected in new/ revised policies and procedures through document control.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>The Local Authority's Children and Young People Scrutiny Panel minutes provide an audit trail and narrative concerning developments and changes that took place over this period. Audit trails are also generally reflected in new/ revised policies and procedures through document control.</p>
Present	
m)	<p><u>With reference to the present position, are the answers to any of the above questions different?</u></p> <p>Yes.</p>
n)	<p><u>If so, please give details.</u></p>

	<p>As described above, documented complaints procedures have been in place throughout the local authority period (e.g. the 'Departmental Complaints Procedure' which formed part of the 'Departmental Manual on Policies, Procedures and Practice', which was also included as an appendix within the 'Foster Carer's agreement' – see above). However, in 2016 the Scottish Public Service Ombudsman's (SPSO) introduced a Social Work Model Complaint Handling Procedure (SWMCHP) to help local authorities and health and social care partnerships provide coordinated responses to complaints that covered more than one service. In response, the Council produced a revised complaint handling procedure based on the SPSO's SWMCHP. This was entitled 'The City of Edinburgh Council Complaints Procedure (Valuing Complaints) for Social Work and Social Care Complaints'. The procedure was introduced in 2016 and has been subsequently revised.</p> <p>In line with the SPSO's SWMCHP, the focus of the Council's revised complaints procedure for social work and social care complaints is to ensure that customers have easy access to an efficient, customer focused complaints service which responds to their concerns quickly and as close to the point of service as possible. An important aspect of SPSO's SWMCHP and the Council's procedure is to also learn from complaints to improve service delivery.</p> <p>Following a review of its model complaint handling procedures in 2020, the SPSO has combined its SWMCHP with its model local authority complaint handling procedure into one document. However, the same principles apply around efficient complaints management and learning from complaints. The Council is currently implementing the revised Local Authority Complaint Handling Procedure which will be in force from 1 April 2021.</p>
(ii) Practice	
Past	
a)	<p>Did the local authority adhere in practice to its policy/procedures in relation to the complaints and reporting about foster care?</p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>While there are references to the boarding out of children for this period (please see our response to 4.7(i)(a)), no specific references have been found (to date) that can be considered to demonstrate adherence to policy and procedure in relation to foster care complaints and reporting. Covid-19 restrictions have limited research opportunities for this period.</p> <p>Lothian Regional Council (1975 – 1996)</p>

	<p>Yes. There are specific examples for this period of the local authority adhering in practice to its policies and procedures in relation to complaints and reporting about foster care. Those policies and procedures are described in greater detail in section 4.7(i)(a). Specific examples of adherence can be viewed in section 5.9 of our response.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>Yes. There are specific examples for this period of the local authority adhering in practice to its policies and procedures in relation to complaints and reporting about foster care. Those policies and procedures are described in greater detail in section 4.7(i)(a). Specific examples of adherence can be viewed in section 5.9 of our response.</p>
<p>b)</p>	<p>Did the local authority adhere in practice to its policy/procedure on the following?</p> <p>i. <u>Complaints by children</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>There have been no records researched to date that evidence the local authority's adherence to policy/procedures in relation to complaints by children. Covid-19 restrictions have limited research opportunities for this period.</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by children. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by children. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal</p>

deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

ii. Complaints by staff

Edinburgh Corporation (1930 – 1975)

There have been no records researched to date that evidence the local authority's adherence to policy/procedures in relation to complaints by staff. Covid-19 restrictions have limited research opportunities for this period.

Lothian Regional Council (1975 – 1996)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by staff. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

City of Edinburgh Council (1996 – 2014)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by staff. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

iii. Complaints by family members of children

Edinburgh Corporation (1930 – 1975)

There have been no records researched to date that evidence the local authority's adherence to policy/procedures in relation to complaints by family members of children. Covid-19 restrictions have limited research opportunities for this period.

Lothian Regional Council (1975 – 1996)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by family members of children. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

City of Edinburgh Council (1996 – 2014)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by family members of children. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

iv. Complaints by third persons

Edinburgh Corporation (1930 – 1975)

There have been no records researched to date that evidence the local authority's adherence to policy/procedures in relation to complaints by third persons. Covid-19 restrictions have limited research opportunities for this period.

Lothian Regional Council (1975 – 1996)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by third persons. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific

circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

City of Edinburgh Council (1996 – 2014)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to complaints by third persons. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

v. Whistleblowing

There was no 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.

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.

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

Edinburgh Corporation (1930-1975)

There have been no records researched to date that evidence the local authority's adherence to policy/procedures in relation to support for individuals that made the complaint or those that were the subject of a complaint. Covid-19 restrictions have limited research opportunities for this period.

Lothian Regional Council (1975-1996)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to support for individuals that made the complaint or those that were the subject of a complaint. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

City of Edinburgh Council (1996 – 2014)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to support for individuals that made the complaint or those that were the subject of a complaint. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

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

Edinburgh Corporation (1930 – 1975)

There have been no records researched to date that evidence the local authority's adherence to policy/procedures in relation to responding to complaints. Covid-19 restrictions have limited research opportunities for this period.

Lothian Regional Council (1975 – 1996)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to responses to complaints. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.

City of Edinburgh Council (1996 – 2014)

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viii. External reporting of complaints

Edinburgh Corporation (1930 – 1975)

There have been no records researched to date that evidence the local authority's adherence to policy/procedures in relation to the external reporting of complaints. Covid-19 restrictions have limited research opportunities for this period.

Lothian Regional Council (1975 – 1996)

Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to the external reporting of complaints. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific

	<p>circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>Yes. There are specific examples for this period of the local authority adhering in practice to policies and procedures in relation to the external reporting of complaints. These examples can be viewed in section 5.9 of our response. Those examples and responses are varied in nature depending on the individual needs of the persons involved, as well as the specific circumstances of the complaint. These have led to various actions including internal, child protection and inter-agency investigations. Subsequent investigation outcomes have included the formal deregistration of foster carers, practice development and training of staff, pastoral, therapeutic interventions, and a change of placement for the children involved. Covid-19 restrictions have limited research opportunities for this period.</p>
<p>c)</p>	<p><u>How was adherence demonstrated?</u></p> <p>Edinburgh Corporation (1930 – 1975)</p> <p>There is limited evidence for this period in terms of demonstrating adherence. However, as set out in 4.7(i) reference to the 'Boarding Out of Boys and Girls Regulations 1959' tentatively suggests that the Boarding Out Officer would address any complaints or issues regarding the placement if necessary. (Ref. Boarding Out of Boys and Girls Regulations 1959, Page 19)</p> <p>Lothian Regional Council (1975 – 1996)</p> <p>Adherence to policy and procedure can be demonstrated through the recording of actions and decisions by social work professionals (and other agencies) within child client files and foster carer files. Those actions and decisions are recorded in various document types including LAAC review meeting minutes, child protection case conference meeting minutes, social work reports and case notes. Our response to 5.9 provides further details in this area.</p> <p>City of Edinburgh Council (1996 – 2014)</p> <p>Adherence to policy and procedure can be demonstrated through the recording of actions and decisions by social work professionals (and other agencies) within child client files and foster carer files. Those actions and decisions are recorded in various document types including LAAC review meeting minutes, child protection case conference meeting minutes, social work reports and case notes. Our response to 5.9 provides further details in this area.</p>

d)	<p><u>How can such adherence be demonstrated to the Inquiry?</u></p> <p>Adherence in practice to policy and procedure can be demonstrated to the Inquiry through access to the records and case files referenced throughout this response. However, as set out above, the available evidence is much more limited for the period 1930-1975.</p>
e)	<p><u>Were relevant records kept demonstrating adherence?</u></p> <p>In general - yes. Child client files and foster carer files, including the minutes, reports and case notes included in the files have been kept in line with agreed Local Authority record retention periods. Please see our response to Section 4.9 on 'Record Keeping' for further details.</p>
f)	<p><u>Have such records been retained?</u></p> <p>Many records have been retained, such as such as local authority committee minutes, departmental procedures and agreements. Children's client records and foster carer files have also been retained which include meeting minutes, reports and case notes. Retention, however, will vary dependent on the retention rule and record format. Please see our response to Section 4.9 on 'Record Keeping' for further details.</p>
g)	<p><u>If policy/procedure was not adhered to in practice, why not?</u></p> <p>Due to the paucity and availability of evidence for the period 1930-1975, it is not possible to state conclusively if policies and procedures were followed. However, from 1975 onwards the surviving evidence which is available and researched to date suggests a general adherence to local authority policies and procedures. Where it was found that policy and procedure was not followed or adhered to in practice, it is not entirely unclear from the records currently available as to why this was the case.</p>
Present	
h)	<p><u>With reference to the present position, are the answers to any of the above questions different?</u></p> <p>Yes.</p>
i)	<p><u>If so, please give details.</u></p> <p>The Scottish Public Service Ombudsman's (SPSO) Social Work Model Complaint Handling Procedure described in 4.7(i)(n) also requires organisations to assess and report their complaints handling performance against SPSO performance indicators. This is designed to facilitate continuous improvement through the benchmarking of performance within and across sectors and is enshrined with the Council's 'Complaints Procedure (Valuing Complaints) for Social Work and Social Care Complaints'. Performance information is provided to the Local Authority Complaint Handling Network on a quarterly basis and published annually in the</p>

	Council's Complaints Annual Report. Complaints feedback (and learning) is also provided to senior management and elected members.
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