

### 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.

<b>Question 4.9</b>	<b><u>Record keeping</u></b>
<b>(i) Policy</b>	
<b>Past</b>	
a)	<p><u>What policies and/or procedures did the local authority have on record keeping in relation to foster care?</u></p> <p>While no definitive record keeping policies or procedures for the Council survive from before 1997, the following information provides an overview of the management of records.</p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>Surviving documentation pre-2005 provides evidence that the Council Committees, namely the Public Assistance (SL61), Children's (SL116) and Social Work (SL118) Committees, noted national legislation and regulations around social work record keeping and when they came into being. The Children and Young Persons (Scotland) Act 1934 and 1937, Poor Relief Regulations (Scotland) Act 1934, Children (Boarding Out) (Scotland) Rules and Regulations 1957,</p>

Children's Act 1948, Social Work (Scotland) Act 1968 and the Access to Personal Files Act 1987 were all noted by the relevant Committees at the time.

Procedures and practice for record keeping can be divided by predecessor authorities. During the Edinburgh Town Council period (1930 – 1974), individual departments appear to have managed both their operational and support records per their own departmental practices. The Public Assistance/Children's/Social Work Departments each brought operational and support matters directly to various Committees, without going through other corporate departments, such as the Town Clerk's and City Chamberlain's Administration (SL61, SL116, SL118). Clerical support also grew to the point that the Social Work Department had its own administrative department division between 1969 – 1974 and there are references to the Children's and Welfare Departments sharing their own clerical staff until 1964. Finally, the consistent, if evolving, structure and survival of our children in care files from 1938 onwards suggests that there were procedures in place to manage them, even if no actual documentation has survived. The Children's Act 1948 created the statutory requirement for Local Authorities to create records relating to boarded out/fostered children. The earliest surviving records in the possession of the City of Edinburgh Council archives service are the Children's Separate Registers (1913 – 1935) (acc 611). Individual cases were also heard by the Committees, but these do not include as much detail as the Children's Separate Registers, and in some cases, the names of the children to which the cases relate are omitted. From the 1950's to present, a case file style record was adopted for all children's social work records, including those for boarded out/fostered children.

The archive preservation function in the Edinburgh Town Council existed prior to 1930 but was limited to the Town Clerk's Department for most of the time. It was also focused primarily on listing and publishing the historical records of the burgh, although it was involved in the appraisal of poor relief applications and closed social work client files in 1948. Only in the mid 1960's did the Lord Provost Committee recommend the expansion of the archivist's preservation remit to cover other departments.

#### **Lothian Regional Council (1975 – 1996)**

During this period, it appears devolved responsibility for record keeping continued. Rather than being documented in separate, discrete procedures, record keeping requirements were instead included in operational and administrative procedures issued by the department.

Unlike other regional councils (e.g. Strathclyde, Grampian and Central), Lothian Regional Council did not have a centralised records management function, and it remained the responsibility of individual departments. In the case of social work client files this was mainly

devolved further to individual district offices to manage their client files locally against department wide procedures.

During this period the Archive function was vested within Edinburgh District Council rather than Lothian Regional Council. Following the reorganisation in 1995/96, the City of Edinburgh Council inherited the city's archives function.

**City of Edinburgh Council (1996 – 2014)**

Post 1996, and the creation of the City of Edinburgh Council, the practice of devolved record keeping procedures continues. The first surviving record keeping procedure for children's social care is a 1997 Social Work Department 'Retention and Archiving of Records for Children and Young People Procedure.' It formed part of a suite of routinely revised departmental administrative procedures that governed various processes, including client file handling, complaints, disciplinary, incident management, record storage and disposal and subject access requests. These continued in various forms as a discrete set of procedures up to and beyond 2004, first in the Social Work Department and then the Children and Families Directorate.

The first council wide records management policy was agreed in 2005. This was subsequently revised and approved in 2012, 2014 and 2016. The Council's Records Management Policy is a key component of the Council's Records Management Plan as is required by the Public Records (Scotland) Act 2011. Local record keeping procedures remain the responsibility of the individual Council services, but require to be documented and maintained, in line with agreed Council policy and the Council's Information Governance Framework.

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

There are no surviving policies or procedures relating to record keeping by foster parents for the period 1930 - 1997. There appears to be no legislative requirement for foster carers to create or keep records on behalf of their charge, however there is evidence of draft proposals for this by the Public Assistance Committee; "Each house in which a child is boarded out shall be visited by the City Public Assistance Officer at least twice each year, and a report of the visits recorded in a visiting book which shall remain in the possession of the Guardian." (SL61/1/6)

**City of Edinburgh Council (1996 – 2014)**

For the post 1997 period, there is evidence of foster carers being asked to create and keep records of children who were placed with them. A Foster Carer agreement from 1999 sets out the responsibilities of carers, with one of those being "to maintain records of events involving or affecting the child or young person." (P4)

c)	<p><u>In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>In relation to (a) above, the only definitive statements of policy intention regarding the keeping of records was discussed by the Welfare Committee in the 1940's. Within the Welfare Committee minutes, the role of the City Archivist in evaluating poor relief records for long term preservation is discussed. It was decided at Committee level that the City Archivist would have a role in retaining poor relief records. No other examples of policy intention regarding to keeping records was located, however from the surviving records from this period, it appears that both compliance with legislation and efficiency in terms of storage and business use were the main considerations of the Committees and senior officers. (SL117/1/1).</p> <p>In relation to (b) above, no statements of policy intention survive and so the procedural aim/intention cannot be commented on.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>In relation to (a) above, an Open Access Policy to records for all social work clients was discussed in a report by the Director of Social Work in 1986, but access to records did not form part of legislation until the implementation of the Access to Personal Files (Social Work) (Scotland) Regulations 1987 (LRC3/8/3/14).</p> <p>In relation to (b) above, no statements of policy intention survive and so the procedural aim/intention cannot be commented on.</p> <p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>In relation to (a) above, a case file management procedure from 1997 opens with; "records are not purely a Social Work tool, but contain information given in trust and for some clients would be their only means of finding out their history, antecedents etc." This intention continued in various forms up to and beyond 2014, though with the added intention of protecting and supporting the information rights of service users.</p> <p>In relation to (b) above, no statements of policy intention survive, and so the procedural aim/intention cannot be comment on.</p>
d)	<p><u>Where were such policies and/or procedures set out in relation to record keeping on the following?</u></p>

i. Children in foster care

**Edinburgh Corporation (1930 – 1975)**

In relation to the management of records for children in foster care, the city's Public Assistance Department bound its client records into volumes and managed them on that basis up to 1938 (SL61). As previously mentioned, these volumes are known as the Children's Separate Registers. From 1938 onwards, the department instituted a client case file based system. The Social Services and Children's Departments then inherited both the bound volumes and the case file system in 1948/9 when the Public Assistance Department was split between adults (Social Services and Health Departments) and children (Children's Department) (SL116).

Considering these administrative changes and the recent legislative changes, the City Social Services Officer asked the Welfare Committee to consider the retention of the bound volumes and the management of closed case files in September 1948. They agreed a 5 year retention period from the date that the assistance had ceased. They also agreed that the disposal of the bound volumes would be subject to historical review by the City Archivist. This review would be based on the evidential and information value of the records and their suitability for long term preservation as part of the Council's corporate memory (SL117/1/1).

We have a microfiche set of client records from 1938 – 1989 and have some paper client files dating from the 1960's onwards. As well as this, reference is made in the Establishment Committee to a file system for children's client files (SL113).

**Lothian Regional Council (1975 – 1996)**

In 1990, reference is made in a report by the Director of Social Work to the creation and management of a manual client file system (LRC3). We have not located any policies or procedures relating to the management of this record series before 1997, but a centralised client index system (CIS) has been in place since 1993. Files were to be indexed and be readily accessible either in the general filing system or preferably in a separate long term storage arrangement. Retention was based on the longest retention period of any of the categories (e.g. Looked After, Adoption, Criminal Justice etc.) that had been applied to the child. Subsequent file access was to be documented on the case management IT system (CIS 1993-2006 and SWIFT 2006-present).

**City of Edinburgh Council (1996 – 2014)**

These procedures continued up to and beyond 2014, being routinely updated and maintained. This included the application of record retention rules to determine how long records should be held for; please see the table below:

<b>Retention</b>
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Category	Activity	Retention Period	Disposal Action	Year Issue
Looked After Child File	Child looked after away from home for any period	Until client reaches 75, if client dies before 18 <sup>th</sup> birthday then 25 years after death. If period of being looked after is less than 6 months, then file should only be retained for 5 years after contact.	Destroy	1997
		Until the 75 <sup>th</sup> anniversary of the client's birth. The file will be retained whether or not the client has died except that where the client dies before their 18 <sup>th</sup> birthday the file need only be kept until 25 years after the date of death. This applies to the records of all services provided to, and contact with a child/young person as a result of being looked after by the Council including after care services provided under ss 29, 30 Children (Scotland) Act 1995.	Destroy	2005
	Looked after and accommodated children, including children freed for adoption but not adopted, children on a Residential Supervision Requirement and children receiving respite care.	1. Date of child's birth – 100 years 2. Date of death where child dies before 18 <sup>th</sup> birthday- 25 years	Destroy	2011, 2016
<p>In a carers hand book from 2008, which is given to approved foster carers, reference is made to the requirement of foster carers to keep records relating to the children in their care. It notes that carers are provided with record sheets to be used for detailed recording of events relating to children in their care, as well as a diary to note appointments and meetings and other important events, but this should not contain any personal information on the child. The importance of record keeping by foster carers is highlighted within the handbook:</p> <ul style="list-style-type: none"> <li>• To record significant events in a child's life and therefore contribute to the child's life history</li> <li>• To show patterns of behaviour over time, recording progress or regression,</li> <li>• To assess the child's needs contributing to the future planning for the child</li> <li>• To record contact with the birth family and the child's reaction to this</li> <li>• To provide reports or other important information for LAAC reviews, children's hearings or court proceedings</li> </ul>				

- As a safeguard for carers in the face of complaints or allegations

Foster carers are provided with training on creating records about the children they are responsible for and there are examples given within the carers handbook to ensure that the records they create are accurate and consistent for each child, including a list of events that should be recorded by the foster carers:

- Accidents, illness and other medical/dental appointments
- Requests for help from any other agency
- Contact arrangements with the child's family or missed appointments
- Reactions to contact with the family – the child's behaviours and if applicable the child's own words
- Specific care arrangements for the child if they are staying elsewhere
- Things said by the child that cause concern
- Details of problem behaviour, including a description of the incident and events leading up to and proceeding
- Important events of change of circumstances
- Times when the child has gone missing and where they were found
- Notes of any police involvement
- Damage to property
- Information from school, including attainments and achievements
- Notes of meetings, visits and arrangements with social workers, including hearings and reviews

As well as being relevant to their immediate care, recording the above information is also likely to be relevant to the child in the future, as well as for any information requests likely to be submitted by the child in the future.

ii. Foster carers

**Edinburgh Corporation (1930 – 1975)**

The Children's Act 1948 s.14 and the Fostering of Children (Scotland) Regulations 1996 s.18 & 19 set out a legislative requirement for records to be kept in terms of foster carers, however such policies and/or procedures showing adherence to this within the Council have not survived.

**Lothian Regional Council (1975 – 1996)**

For the pre-1997 period, no policy or procedure survives as to the record keeping for foster carers.

**City of Edinburgh Council (1996 – 2014)**

Post 1997, the earliest adherence to an agreed retention period for foster carer records comes from a Looked After Children procedure manual from 1997. An interim practice note relating to the fostering processes outlined in the Fostering of Children (Scotland) Regulations 1996 that formed a suite of policy and guidance documents for the Children and Families department states:

*Records for foster carers must be retained for at least 10 years from the date on which approval is terminated or until the death of the foster carer, if earlier. The same timescale is also required for retention of any record compiled about a prospective foster carer.*

A 2005 Children & Families Retention of Client Records procedure (no.14) slightly alters the retention rule to be based off the date of the last child placement had finished rather than termination or death but otherwise keeps the 10 year retention period.

A new legislative requirement for keeping records relating to foster carers was then set out in s.31 & 32 of the Looked After Children (Scotland) Regulations 2009. The record retention of approved foster carer records was subsequently extended to 25 years from termination of approval or date of death.

Retention				
Category	Activity	Retention Period	Disposal Action	Year Issue
Foster Carers	Approved foster carer files	10 years from the date on which approval is terminated or until the death of the foster carer, if earlier	Destroy	1997
		10 years after the ending of the placement of the last child placed with them. This includes placement of children for adoption that do not proceed to adoption.	Destroy	2005
		25 years from termination of approval or date of death if earlier	Destroy	2009

iii. Visits to children and foster carers

**Edinburgh Corporation (1930 – 1975)**

While no policies and procedures have survived from the pre-1997 period surrounding record keeping in relation to visits to children and foster carers, there is ample evidence that this took



place from various Committees. Evidence of visits made to children and foster carers is clearly detailed within the Public Assistance Committee Minutes, with the Board of Supervision issuing guidance on visiting boarded out children and what type of information should be recorded during that visit. (SL61/1/1). During the Edinburgh Corporation period visits were carried out by members of the Public Assistance Committee, followed by the Childrens Committee then the Social Work Committee. Ballots were held to decide the location of visits for each Councillor. Reports on these visits to children and foster carers would then be submitted and discussed at full Council. Visits to boarded out children were required under the Boarding Out of Children (Scotland) Regulations 1959, but by the introduction of the Social Work (Scotland) Act 1968, such visits were no longer required until the implementation of the Childrens Act 1975 which reinstated visits to boarded out children.

An audit of case files for children who had been in foster placements also demonstrated adherence to visits being made to children and their foster carers, both by their allocated social worker and Councillors. While no definitive policy in relation to visits to children and their foster carers has survived, there is ample evidence that the practice took place during the Edinburgh Corporation period.

#### **Lothian Regional Council (1975 – 1996)**

With regards to the Lothian Region period, no policies relating to record keeping in terms of visits to children and foster carers survives. There is also very little evidence of visits having taken place within the Social Work Committee Minutes and Directors Reports.

#### **City of Edinburgh Council (1996 – 2014)**

An audit of case files for children who had been in foster placements during this period has highlighted that practice team social workers would often visit children and young people who were placed with foster carers, and there is evidence that social work professionals often visited with the child or young person on their own. There is also evidence of placement reviews taking place at the foster carers' residence. From the evidence gathered from the case file audit, it can be concluded that records relating to visits by social workers were held, and continue to be so, in the child's case file, meaning that the retention rules noted above would apply.

#### iv. Complaints

#### **Edinburgh Corporation (1930 – 1975)**

No documented procedure for complaints within children's social care have survived for this period.

#### **Lothian Regional Council (1975 – 1996)**

Prior to 1991, we have no documented complaints procedure for children's social care, though complaints and issues were brought to and heard at Committee level. In 1992, the Lothian Regional Council Social Work Committee agreed to a 'Complaints for Service Users' procedure. It established in detail how complaints were to be handled and recorded, with roles for administrative support staff, the complaints officer, the investigating officer, and the director/senior depute. There were standard forms and templates for capturing initial complaints, acknowledging complaints received, recording decisions made on how to progress a complaint, summaries given to investigating officers and the documenting of the eventual resolution (LRC3/8/3/18).

Potential complaints and even initial informal discussions were to be recorded on a client's case file as a normal case note, if the complainant was a client already. All formal complaints were to be forwarded to the complaints officer for processing and case management, with each stage of the process being logged. Each complaint would also have the complainant's client file reference number recorded against it. The Complaints Officer was to be responsible for retaining and managing the records of close complaints files.

#### **City of Edinburgh Council (1996 – 2014)**

The report *Edinburgh's Children* (1999) made several recommendations regarding the recording of complaints and allegations of abuse. These were subject to review by the department and implemented as appropriate.

The 1991 complaints procedure received updates routinely, significantly in 2008, when the complaints management functions of both Children and Families and Health and Social Care were merged together, and again in 2010. In 2013 the social work complaints procedure was brought into line with a Council-wide process. In these revisions, the staged approach to complaints handling and the record keeping responsibilities have broadly remained the same.

In the surviving foster carers handbook from 2008, foster carers are made aware of the complaints procedure if a complaint is made against them. The handbook notes that there were two options available to resolve the complaint, depending on its nature. Complaints against foster carers could either be resolved through a joint meeting with the carer's liaison worker and the child's social worker, or a formal complaint could be made to the complaints officer. The handbook states that, whatever the outcome of the complaint, that foster carers should be given feedback, although sometimes this can be restricted due to confidentiality of third-party information.

- v. Investigations (both internal and external)

#### **Edinburgh Corporation (1930 – 1975)**

No records relating to internal and external investigations from this time period have survived.

**Lothian Regional Council (1975 – 1996)**

The 1992 'Complaints for Service Users Procedure covered the roles and responsibilities for both initial complaints and any ensuing investigations (LRC3/8/3/18).

**City of Edinburgh Council (1996 – 2014)**

In a 1997 Practice Note entitled 'Abuse of Child Allegations Against Departmental Employees or Approved Carers,' it is recommended that 'an appropriate record will be kept of all stages of the investigation and of all interviews.' The storage of these records at the close of an investigation was the responsibility of the senior manager overseeing the investigation. Any records directly relevant to the child would be kept in the child's client file.

Information relating to the carer might be held on the child's file too, but only under a 'Restricted Access' section. All records relating directly to a carer would be passed to a senior manager for separate storage and management. All working copies of records and notes should be handed to the senior manager responsible for the investigation for review and then either inclusion in the relevant file or for confidential destruction. This was also the case from 1999 onwards as outlined in the 1999 Foster Carer Agreement, which stated that no other records or files relating to complaints, including working copies or notes, were to be held anywhere else other than the above, and the responsible manager would cross check where necessary and arrange for their appropriate storage or destruction. (p20)

Reviewing records is also a key and current record keeping process in determining if allegations of abuse require investigation or a significant case review. Procedures and arrangements around investigations are well documented (e.g. see below table for retention), including information sharing arrangements with third parties, such as the police and health. Please see the table below for the Council agreed records retention and destruction dates for related records.

**Retention**

Category	Activity	Retention Period	Disposal Action	Year Issue
<b>Child Abuse</b>	Child Abuse (Cases investigated and registered)	Till youngest child in family reaches 16, as per Child Protection guidelines	Destroy	1997
		35 years from case closure.	Destroy	2005
	Child Abuse (Cases investigated but not registered)	5 years after case closure as in general family cases	Destroy	1997 2005
	If the person has been convicted of a Schedule 1 offence [Protection of	Retain for 100 years from date of birth or one year from date of death. (Note, the Child Protection Office's records to	Destroy	2005

	Children (Scotland Act]	be retained in related categories are subject to slightly different criteria.)		
<b>Child Protection</b>	Child investigated and placed on Child Protection Register	35 years from case closure.	Destroy	2011 2016
	Child investigated but not placed on Child Protection Register	5 years from case closure	Destroy	2011 2016

vi. Discipline

**Edinburgh Corporation (1930 – 1975)**

Evidence of discipline of both carers and children in foster care is lacking, and no records survive from either the Edinburgh Corporation period or the Lothian Regional Council period.

**Lothian Regional Council (1975 – 1996)**

Evidence of discipline of both carers and children in foster care is lacking, and no records survive from either the Edinburgh Corporation period or the Lothian Regional Council period.

**City of Edinburgh Council (1996 – 2014)**

As foster carers are deemed self-employed and therefore not employees of the City of Edinburgh council and its predecessors, and so records of discipline of foster carers are unlikely to have been created. There is some evidence of discipline of children by foster carers within child client files, however no such policy relating to this has survived. The mention of discipline that was noted in individual children's files was minimal and only noted on an unofficial basis.

For the post 1997 period, there is evidence within a Foster Carer agreement from 1999 that foster carers should seek guidance from the Family Based Care department in relation to managing behaviour, and that foster carers must ensure that corporal and other demeaning punishments are not used. From the evidence gathered in the surviving policies, records relating to corporal and other such punishments would not have been created as the practice should not have taken place. Records relating to other discipline would have been recorded within the child's client file as foster parents had a responsibility to maintain records of events involving or affecting the child or young person placed with them.

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

**Edinburgh Corporation (1930 – 1975)**

Prior to 1984, there is no surviving evidence of records relating to the Local Authority responding to requests from former children in foster care for access to their information and records.

#### **Lothian Regional Council (1975 – 1996)**

The first Data Protection Act was introduced in 1984; client access to their own records or information does not appear to have been discussed at Committee level prior to this. Committee also noted in 1987 the Access to Personal Files Act and discussed arrangements to implement this. The importance of providing client access to their records and information was also noted at Committee level; "Adoption of an Open Access Policy could lead to fundamental changes in relationships with clients," and the importance of training and support to allow staff (LRC2/1/1/20/14). A formal procedure was developed and authorised in February 1989 by the Social Work Committee, but this document does not seem to have survived as we have not been able to locate a copy to date. It is likely that the procedure was influenced by or was an adoption of the Scottish Office Social Work Circular (SWSG1/89).

#### **City of Edinburgh Council (1996 – 2014)**

With the introduction of the updated Data Protection Act in 1998, the Council implemented an organisation-wide Data Protection Policy that set out departmental responsibilities, including those around subject access arrangements. Accordingly, a Social Work Department procedure around subject access requests was developed. It established a distinction between 'live access,' which was governed by a separate departmental 'Open Access Policy,' and subject access requests made under the Data Protection Act 1998. Requests from service users that required any redaction would have been dealt with under the Data Protection Act; while information that was already known to the client would have been made to the individual through the Open Access Policy, recognising the relationship between a service user and their social worker. Both the Council policy and departmental procedure appear to have been revised in 2001, with the procedure being routinely updated until 2013. In the surviving foster carers handbook dated 2008, it notes that foster carers are aware that both children and parents have the right to access information about them, and that this must be taken into consideration when the foster carer is creating the required records about children in their care.

In 2013, responsibility for managing subject access requests were centralised into a single Council team, with a new Corporate procedure. A new Data Protection Policy was subsequently approved in 2014, which also recognised when requests from individuals should be treated as 'business as usual.' Please see the table below for the related retention rules:

Category	Activity	Retention Period	Disposal Action	Year Issue
Access to information	Data Protection – recording subject access request processing	Completion of request + 3 years	Destroy	2011, 2016
	Data Protection – recording subject access request processing where appeal made to UK Information Commissioner	Completion of request + 6 years	Destroy	2011, 2016
<p>viii. <u>Other issues relevant to foster care</u></p> <p>We have no other record keeping or procedural issues relating to foster care that we wish to address in this response.</p>				
e)	<p><u>Who compiled the policies and/or procedures?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>It is not possible to fully answer this question for the Edinburgh Corporation period due to the lack of surviving evidence, however from records that do survive, it can be ascertained that an Organisation and Methods team operated from 1957 onwards. This team reviewed management and operational practices and presented guidance and recommendations to relevant Committees, and specifically included record keeping on at least two occasions in 1959 and 1972, the latter of which covered social work directly (SL113).</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>It is not possible to fully answer this question for the period up to 1997 due to the lack of surviving evidence. However, from what survives, senior Council officers would draft operational procedures that would include elements of record keeping for their department and then usually issue them under their own authority. Formal approval was occasionally obtained via the relevant Council Committees. For example, the draft of the Open Access Policy was submitted to the Social Work Committee to consider in 1987, on which they agreed on the principals of the policy but requested some further work be carried out and presented to them (LRC2/1/1/20/14).</p> <p>During the Lothian Regional Council period, it appears that Management and Information Services operated as a source of corporate guidance for administration and information management, but no specific reference has been found for their involvement in record keeping in children’s social care.</p>			

	<p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>From 1996 onwards, the Social Work Department of the City of Edinburgh Council employed record keeping specialists who compiled, maintained and revised record keeping procedures. This continued when the department split into Children and Families and Health and Social Care in 2004, with specialists employed in both.</p> <p>In 2006, a Corporate Records Manager was first employed as the manager of both the Council archive service and its newly established records centre. This officer became responsible for the Council wide record keeping policy and guidance, but not procedure, which remained the responsibility of individual directorates. In 2013, a Records and Information Compliance team was formed, being specialists in data protection and freedom of information. These functions now form part of the Council's Information Governance Unit.</p>
f)	<p><u>When were the policies and/or procedures put in place?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>Surviving documentation pre-2005 provides evidence that the Council Committees, namely the Public Assistance (SL61), Children's (SL116) and Social Work (SL118) Committees, noted national legislation and regulations around social work record keeping and when they came into being. The Children and Young Persons (Scotland) Act 1934 and 1937, Poor Relief Regulations (Scotland) Act 1934, Children (Boarding Out) (Scotland) Rules and Regulations 1957, Children's Act 1948, Social Work (Scotland) Act 1968 and the Access to Personal Files Act 1987 were all noted by the relevant Committees at the time.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>Very few policies and procedures from this period have survived, and so we are not able to provide a full answer here. However, from what survives, senior Council officers would draft operational procedures that would include elements of record keeping for their department and then usually issue them under their own authority. Formal approval was occasionally obtained via the relevant Council Committees. For example, the draft of the Open Access Policy was submitted to the Social Work Committee to consider in 1987, on which they agreed on the principals of the policy but requested some further work be carried out and presented to them (LRC2/1/1/20/14).</p> <p>In 1990, reference is made in a report by the Director of Social Work to the creation and management of a manual client file system (LRC3). We have not located any policies or procedures relating to the management of children in foster care client records before 1997.</p>

	<p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>The first council wide records management policy was agreed in 2005. This was subsequently revised and approved in 2012, 2014 and 2016. The Council's Records Management Policy is a key component of the Council's Records Management Plan as is required by the Public Records (Scotland) Act 2011. Local record keeping procedures remain the responsibility of the individual Council services, but require to be documented and maintained, in line with agreed Council policy and the Council's Information Governance Framework.</p> <p>In 2006, a Corporate Records Manager was first employed as the manager of both the Council archive service and its newly established records centre. This officer became responsible for the Council wide record keeping policy and guidance, but not procedure, which remained the responsibility of individual directorates. In 2013, a Records and Information Compliance team was formed, being specialists in data protection and freedom of information. These functions now form part of the Council's Information Governance Unit.</p>
<p><b>g)</b></p>	<p><u>Do such policies and/or procedures remain in place?</u></p> <p>Record keeping evolved significantly between 1930 and 2014, and no single policy or procedure has remained the same throughout. Policies and procedures for record keeping in general terms do still exist in the City of Edinburgh Council, with policy and guidance the responsibility of the Information Governance Unit and procedures the responsibility of individual Council directorates and services.</p> <p>In particular, the Children and Families Directorate still maintain a suite of administrative procedures that govern record keeping within that area.</p> <p>In 2016 the City of Edinburgh Council had its statutory Records Management Plan approved by the Keeper of the Records of Scotland.</p>
<p><b>h)</b></p>	<p><u>Were such policies and/or practices reviewed?</u></p> <p>Prior to 1996, we have identified only two instances where record keeping processes were reviewed.</p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>In 1958, the Establishment Committee commissioned a review of management practices and procedures, with the aim of 'centralisation and mechanisation' of common processes. The review included the management of records in the Town Clerk's Department. Based on the review's findings and recommendations, guidance on the 'clearing and disposal of files' was drafted and issued across the Corporation in 1959 by the Organisation and Methods Advisor.</p>



	<p>Heads of Departments were instructed to check periodically that this guidance was being followed.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>In January 1972, the Director requested a review of 'forms, records and administrative problems' by the Council's Organisation and Methods Officer. The purpose was to support the creation of an 'information system' that brought together children, probation and welfare records into an integrated function. The Social Work Committee approved the review but its outcome appears not to have been reported back to Committee, with no surviving reports located to date.</p> <p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>From 1996 onwards, the Social Work Department routinely reviewed and updated its record keeping procedures in line with legislative and business changes. This practice continued in the Children and Families Directorate from 2005 onwards.</p> <p>In 2004, the Council commissioned a review of its records management arrangements across the organisation. This noted the lack of policy and an organisation-wide approach to record keeping, which resulted in the recruitment of the Corporate Records Manager and the genesis of the corporate Information Governance Unit. The Council's Records Management Policy was subsequently significantly revised in 2005, 2012, 2014 and 2016. It is now reviewed by specialist staff on an annual basis. The Council's retention schedules were established in 2011 and were based on national policy and legislation. These were substantially revised in 2015-2016 and are maintained and updated by specialist staff.</p>
i)	<p><u>If so, what was the reason for review?</u></p> <p>Reviews for both record keeping policies and procedures were in response to business need and legislative changes.</p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>No records outlining the reasons for reviews have survived from the Edinburgh Corporation period, and so we are not able to provide a full answer for the 1930 – 1975 period.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>In 1972 there was a need to centralise three different filing systems within the Social Work Department in order to streamline business processes within the department (LRC2/1/1). The introduction of the Childrens (Scotland) Act 1995 also let to the Social Work Department's suite of revised administrative procedures and their subsequent annual review.</p>

	<p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>The introduction of the Freedom of Information (Scotland) Act 2002 led to the creation of the Council's organisation wide review of record keeping arrangements and the Public Records (Scotland) Act 2011 led to the 2014 review of the record keeping policies already in place. Major office relocations during this time also created a need for a more efficient use of office space and a centralised record store.</p>
j)	<p><u>What substantive changes, if any, were made to the policies and/or procedures over time?</u></p> <p>Between 1930 – 2014, the Council has moved from managing records by undocumented practice with only national level guidance and regulation providing direction, to a more standards, role and documentation driven approach. Some of the more major changes in policy and procedure are given below.</p> <p>As mentioned above in our response to question (iii), the child file audit and the foster care file audit shows that, where possible, sibling groups were placed together with the same foster carers by the Local Authority at this time.</p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>Record keeping was seen at the start of the Edinburgh Corporation period as a generalised administrative or clerical responsibility. Aside from the 1959 Boarded Out Regulations, regulations at the start of the period did not state with any clarity how long records should have been retained; simply that they must be created and held for an undetermined period of time.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>Client access to records was not covered in any policy or procedure that we have identified prior to 1987. Since that time the Council has moved from having local practices for access to records to there being a corporate Data Protection Policy and subject access procedure in order to manage access.</p> <p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>By the end of the 2014 period, the Council's Records Management Policy lists the various record keeping roles and responsibilities at all levels across the organisation, including a specialist service specifically for record keeping. Training, communication and best practice record keeping guidance is now seen as a vital records management tool to clarify these responsibilities and support record keeping.</p> <p>There are now standardised retention rules based on best practice and analysis of legislation for use across the Council. These rules reflect the risk and value of the activity. Specifically, in terms of records for children in care, the shift from a five-year retention at the start of the 1930</p>

	<p>period to first a seventy-five-year period and then hundred-year period was a major change. Likewise, the shift from a 10-year retention for foster carer files to a 25 year one has been a major change.</p>
k)	<p><u>Why were changes made?</u></p> <p>The main drivers for change in record keeping policy and procedural change have been down to changing business need and the evolution of social work and record keeping legislation, regulation and best practice.</p>
l)	<p><u>Were changes documented?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b> No records documenting changes to records management policies and procedures have survived from this period.</p> <p><b>Lothian Regional Council (1975 – 1996)</b> No records documenting changes to records management policies and procedures have survived from this period.</p> <p><b>City of Edinburgh Council (1996 – 2014)</b> In terms of policy, the Local Authority has retained all versions of its Records Management Policy, Similarly, since 2011, the Council retains an audit trail of all changes made to its retention rules and corporate record keeping guidance. However, it appears from surviving record keeping procedures elsewhere in the Council, including Children and Families and Social Work, that these have been updated without any consistency or visible version control.</p>
m)	<p><u>Was there an audit trail?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b> No records documenting an audit trail for changes to records management policies and procedures have survived from this period.</p> <p><b>Lothian Regional Council (1975 – 1996)</b> No records documenting an audit trail for changes to records management policies and procedures have survived from this period.</p> <p><b>City of Edinburgh Council (1996 – 2014)</b></p>

	<p>In terms of policy, the Council has retained all versions of its Records Management Policy. Similarly, since 2011, the Council retains an audit trail of all changes made to its retention rules and corporate record keeping guidance. However, it appears from surviving record keeping procedures from elsewhere in the Council, including Children and Families and Social Work, these have been updated without any consistency or visible version control.</p>
<b>Present</b>	
n)	<p><u>With reference to the present position, are the answers to any of the above questions different?</u></p> <p>New legislation that has been introduced since 2018 has led to an update in the policies and procedures to ensure compliance with this.</p>
o)	<p><u>If so, please give details.</u></p> <p>In 2018, the General Data Protection Regulations (GDPR) and the Data Protection Act were introduced. This meant that the Council had to review their policies and procedures to incorporate the new regulations and legislation. In line with GDPR, Council wide policies and procedures were updated, and information and guidance notes were issued to allow all Council departments to update their departmental policies and procedures. Training sessions were also provided to directorates by the Information Governance Team. From April 2018 the GDPR policy has governed access to records in line with the updated legislation.</p> <p>The policies and procedures used by Family Based Care were updated to make provisions for the GDPR. These updates were made within the current working Foster Carers Agreements, and to the online webform by which prospective foster carers can make initial enquiries to the department.</p> <p>In terms of record keeping by foster carers, the most recent Foster Carer Agreement from 2018 notes that foster carers have a responsibility to maintain confidential records concerning their care for the child or young person, as well as events involving or affecting the child or young person in their care (p4). Foster carers are bound by the Council's GDPR policy and updated Data Protection policy.</p> <p>In relation to complaints, a new Social Work Complaints Handling Procedure was introduced in April 2017. This procedure meets Scottish Public Services Ombudsman (SPSO) requirements and records the following information:</p> <ul style="list-style-type: none"> <li>• Customers personal details</li> <li>• Date complaint was received</li> </ul>

- Nature of complaint
- Service to which the complaint refers
- The outcome of the complaint at each stage
- Underlying cause of the complaint and any remedial action taken

Complaints records are now kept and disposed of in line with the Council's retention rules – see table below:

Retention				
Category	Activity	Retention Period	Disposal Action	Year of Issue
Client Complaints	Client Complaint Files	5 Years	Destroy	1999
		At some point between 1999 and 2014, the practice became to re-complaint files against the longest retention rule of the client's case. This ended in 2014.		
	Case files documenting the handling of a customer complaint	Last action on complaint + 5 years	Destroy	2011
	Handling of customer complaints (Children - Stage 1)	Date of last action + 3 years	Destroy	2016
	Handling of customer complaints (Children - Stage 2)	Date of last action + 20 years	Destroy	2016
	Complaints Register	Current + 10 years	Destroy	2011, 2016

In relation to questions around discipline, the abovementioned policies have been continued in the present practice as the current Foster Carer Agreement from 2018 notes that corporal and other demeaning discipline of foster children and young people by carers should not take place. Any advice required on managing behaviour should come from the Family Based Care department.

**(ii) Practice**

**Past**

<p>a)</p>	<p><u>Did the local authority adhere in practice to its policy/procedures in relation to record keeping?</u></p> <p>Prior to 1996 it is impossible to comment definitively on record keeping compliance within the Edinburgh Town Corporation and Lothian Regional Council. Given the paucity of surviving information around record keeping policy and procedure, we cannot determine what these predecessor organisation should have adhered to. Where we can comment is when previous reviews gave us insight into record keeping – though these are often expressed in negative terms. In general, record keeping often only surfaces for consideration when things go wrong and this needs to be noted about the comments below.</p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>We assume from a 1972 request for a review of the Social Work Department that there were difficulties with its children in care files; one of the four main client files series the department was responsible for (LRC2/1/1/20). The Organisation and Methods team was commissioned to consider whether these four sets of client files could be integrated into a combined 'information system' with the aim to improve administration, eliminate duplication, improve access and save both professional and clerical time. With no follow up report, we cannot ascertain nor confirm if this was ever undertaken.</p> <p><b>Lothian Regional Council (1975 - 1996)</b></p> <p>From a 1990 Director of Social Work's report on a proposed computerised client index system, we find reference to issues in manually locating client files across the department, now covering records from the four pre-1974 Local Authorities (LRC1/1/1/20/17).</p> <p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>In the post 1996 period, it is easier to assess whether the Local Authority adhered to it's own record keeping policies and practices. From the audit trail of the storage, management and disposal of Council records it appears broadly that the Council has followed its own record keeping policies and practices within children's social work services with increasing confidence up to 2014.</p>
<p>b)</p>	<p><u>Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?</u></p> <p>While there is evidence from both the 1975 - 1995 period as well as the 1995 – 2014 period that foster carers were expected to create and keep records and relevant information for the children in their care, an audit of foster carer records has shown no evidence that the Council</p>

	<p>or professional social work staff checked adherence in practice to policies or procedures in relation to record keeping by foster carers.</p>
<p>c)</p>	<p><u>Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:</u></p> <p>i. <u>Children in foster care</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b>  No evidence from this period has survived relating to the Local Authority adhering in practice or checking adherence in practice to policies and procedures in relation to record keeping.</p> <p><b>Lothian Regional Council (1975 – 1996)</b>  No evidence from this period has survived relating to the Local Authority adhering in practice or checking adherence in practice to policies and procedures in relation to record keeping.</p> <p><b>City of Edinburgh Council (1996 – 2014)</b>  From 1996 to 2008, we can confirm that team managers routinely undertook case file audits. As part of this process, the Service Manager and a Senior Practitioner also undertook independent management reviews.</p> <p>In 2008, the audit function for Health and Social Care and Children and Families departments was merged and became the responsibility of the Quality Assurance Service. Going forward, while the audit process changed and the subject matter may have not focused directly on record keeping, the need for relevant and reliable records would have been central to this process. Most records for this period were managed through case management systems or securely stored on the Council's network drive, with appropriate access controls in place, although some hard copies were still maintained.</p> <p>All audit reports were approved by the Chief Social Work Officer and reported to Council Committees. In addition to internal scrutiny, the Care Inspectorate also had regulatory and audit responsibilities in this area.</p> <p>ii. <u>Foster carers</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b>  No evidence from this period has survived relating to the Local Authority adhering in practice or checking adherence in practice to policies and procedures in relation to record keeping.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p>

No evidence from this period has survived relating to the Local Authority adhering in practice or checking adherence in practice to policies and procedures in relation to record keeping.

**City of Edinburgh Council (1996 – 2014)**

Anecdotal evidence and current working practice shows that Team Leaders within Family Based Care have undertaken file audits of foster carers' file. This way, quality assurance is maintained as Team Leaders do not have management responsibility for foster carers.

iii. Visits to children and foster carers

**Edinburgh Corporation (1930 – 1975)**

Evidence from the children in foster care file audit would suggest that visits were paid to foster carers and the children and young people in their charge, with notes of the visit included in the child's client file by their social worker. There is also evidence from the child in foster care file audit that children in foster care were in contact with their social worker when it was required, and this was also recorded in the child's file.

**Lothian Regional Council (1975 – 1996)**

Evidence from the children in foster care file audit would suggest that visits were paid to foster carers and the children and young people in their charge. Anecdotal evidence notes that the Family Based Care department would also carry out unannounced visits to foster cares at times when children placed in their care should be present. Despite this, no evidence survives to show adherence to record keeping policy and practice.

**City of Edinburgh Council (1996 – 2014)**

Evidence from the children in foster care file audit would suggest that visits were paid to foster carers and the children and young people in their charge. Anecdotal evidence notes that the Family Based Care department would also carry out unannounced visits to foster cares at times when children placed in their care should be present. Despite this, no evidence survives to show adherence to record keeping policy and practice.

iv. Complaints

Various Council Officers have produced several reports relating to complaints, including issues and complaints around looked after and accommodated children, including children in foster care.

**Edinburgh Corporation (1930 – 1975)**



During this time, complaints were dealt with at Committee level by the various Committees responsible for children's social work services. During this time, the evidence shows that the majority of complaints received were from foster carers themselves mainly surrounding the behaviour of the children placed in their care, and for personal items that were destroyed by children in their care (SL61, SL116, SL118).

#### **Lothian Regional Council (1975 – 1996)**

From 1991 onwards, there is evidence within the Social Work Committee Minutes that Committee and Senior Social Work professionals were aware of the Social Work (Representations Procedure) (Scotland) Order 1990, as it was discussed at length by the Social Work Committee and the Director of Social Work (LRC2/1/1/20/19). The Director addressed the need for complaints panels to be set up under this legislative order and recommended to Committee that a new post of Complaints Officer be created within the Social Work department to deal specifically with complaints relating to children and young people receiving social work services (LRC2/1/1/20/18). There is evidence of adherence in practice to this complaints procedure as the number of cases dealt with and resolved by the Complaints Officer relating to children and young people's services is noted in the Social Work Committee Minutes of 1992 (LRC2/1/1/20/19).

#### **City of Edinburgh Council (1996 – 2014)**

The above adherence in practice can be further evidenced for the City of Edinburgh Council period through the reports submitted by the Social Work Complaints Review Committee and the Children and Families Social Work Complaints Annual Reports, both of which were considered by the Children and Young People's Scrutiny Panel and the Education, Children and Families Committee. The availability of complaints data indicates that complaints information was created in accordance with policy and procedure, though the application of retention and disposal rules is less certain.

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

A comprehensive survey of available records, including case files and foster care files strongly suggests that from 2000 onwards, procedures relating to the maintenance and destruction of investigation records were followed. The Edinburgh Inquiry, the findings of which are publicly available, highlighted shortcomings in this area previously.

##### vi. Discipline

#### **Edinburgh Corporation (1930 – 1975)**

From the audit of children social work files for those in foster care placements, there is very little evidence of discipline being administered and so specific records relating to such cannot be commented on.

**Lothian Regional Council (1975 – 1996)**

From the audit of children social work files for those in foster care placements, there is very little evidence of discipline being administered and so specific records relating to such cannot be commented on.

**City of Edinburgh Council (1996 – 2014)**

As per guidance issued to foster carers by the Family Based Care Team and noted in the Foster Carer Agreement, any disciplinary action should be recorded in the records kept by the foster carer for each child and young person placed in their care. Any records relating to discipline then form part of the overall child client file.

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

**Edinburgh Corporation (1930 – 1975)**

There are no surviving records from this time showing adherence to policy and practice in relation to responding to information requests from former children in foster care.

**Lothian Regional Council (1975 – 1996)**

Surviving evidence shows that Lothian Regional Council Social Work Committee adopted an open access procedure. While there is no direct information to evidence if the procedure was followed, the survival of open access leaflets and a staff training pack on open access is strongly suggestive of a process that was implemented (LRC2/1/1/20/13).

**City of Edinburgh Council (1996 – 2014)**

From 1998 onwards, there is very direct evidence, including request forms and a subject access request log, which highlight that staff did follow the Open Access and Data Protection policies referred to in the relevant section above. Information that was routinely recorded as part of these processes included:

- Record requester details
- Request date
- Who the request was assigned to
- When the information was returned

This practice was also followed in relation to requests for client information from Lothian and Borders Police under Section 29 of the Data Protection Act 1998. Requests were initially processed through manual recording systems, but recorded more recently through client case management systems, including SWIFT.

	<p>viii. <u>Other issues relevant to foster care</u></p> <p>We have no other record keeping policy or procedural issues around compliance that we wish to address at this point.</p>
<p>d)</p>	<p><u>How was adherence demonstrated?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>Prior to the introduction of electronic software systems in 1993, it is very difficult, from the surviving records, to demonstrate compliance with record keeping procedures and processes.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>Extant evidence from Committee minutes and reports highlighted throughout our response does demonstrate some compliance in terms of record creation, storage and retention, particularly with regards to hardcopy records.</p> <p>From 1993 onwards, the CIS electronic system was introduced to the Social Work Department. This software allowed for the electronic recording of information for individual cases, as well as offering a file tracking system to allow people to see where key information was held at any given time. CIS information was then migrated into a new electronic system, SWIFT, in 2006. Again, this system allowed client information to be stored centrally and securely, as well as offering a file tracking system, which is a key record keeping management tool.</p> <p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>From 2006 onwards, hardcopy records no longer required for everyday use have been stored and managed at the Council's Records Management Centre, with robust audit and tracking facilities in place through the Centre's management system.</p>
<p>e)</p>	<p><u>Were relevant records kept demonstrating adherence?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>There are no surviving records from this time demonstrating adherence to record keeping.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>With the increasing use of electronic record keeping systems, several record series were created from 1993 onwards to demonstrate compliance. These include Committee reports, case file audit reports (though these were generally kept for three years), case management reports and, in relation to hard copy records, destruction notices from the 1980's to the present day.</p>

	<p><b>City of Edinburgh Council (1996 – 2014)</b></p> <p>With the increasing use of electronic record keeping systems, several record series were created from 1993 onwards to demonstrate compliance. These include Committee reports, case file audit reports (though these were generally kept for three years), case management reports and, in relation to hard copy records, destruction notices from the 1980's to the present day.</p>
f)	<p><u>Have such records been retained?</u></p> <p>Some records have been retained, such as Council minutes and supporting papers, but retention will vary dependent on the retention rule and record format.</p>
g)	<p><u>If policy/procedure was not adhered to in practice, why not?</u></p> <p>It is difficult with the passage of time to provide a detailed response to this question, but the lack of records management maturity and effective and consistent record keeping across the public sector is well documented through the Shaw Report (2007). As with other Local Authorities, it is likely that issues around capacity, general awareness, lack of training and limited resources both in terms of finance and staffing are possible causes of non-compliance.</p>
h)	<p><u>Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?</u></p> <p>Yes.</p>
i)	<p><u>If so, when did the reviews take place, what documentation is available, and what were the findings?</u></p> <p>The Edinburgh Inquiry was set up in 1998 following the conviction of two former care workers employed by the City of Edinburgh Council. The Policy and Resources Committee agreed to hold an Inquiry into this, and appointed Kathleen Marshall, Cathy Jamieson and Alan Finlayson as independent members of the Inquiry team. Their remit was:</p> <ul style="list-style-type: none"> <li>• To investigate if there were any allegations of abuse within a care setting raised prior to the commencement of the initial police investigation</li> <li>• Scrutinise procedures, practices and guidelines put in place by the City of Edinburgh Council at the time</li> <li>• To provide recommendations relating to the outcomes of their investigations</li> </ul> <p>The Inquiry included residential and foster care placements for children and young people placed by the Local Authority. The findings of the Inquiry were that abuse did take place within</p>

	<p>these settings and they provided 135 recommendations to be considered at Committee level and implemented across the Directorate. These recommendations were accepted and implemented by management and much of the current policy and practice in place in relation to children and young people in foster care originates from these recommendations.</p> <p>In terms of record keeping, the Inquiry noted that there was a lack of consistency, with staff having insufficient time to carry this out and ensure records were completed accurately and recommended that a greater emphasis and attention be put on record creation to ensure accuracy. The Inquiry also found that many client records were kept in poor physical condition, which led to the Inquiry encountering difficulties in accessing records due to their condition and them not being kept properly.</p> <p>The full report, <i>Edinburgh's Children: The Report of the Edinburgh Inquiry into Abuse and Protection of Children in Care, 1999</i> can be found online.</p>
j)	<p><u>How have the outcomes of investigations been used to improve systems/learn lessons?</u></p> <p>The recommendations made within the report in relation to records management and record keeping are the foundational basis upon which the majority of the policies and procedures mentioned throughout our response have been founded.</p>
k)	<p><u>What changes have been made?</u></p> <p>The changes made since the publication of the Edinburgh Inquiry's report in 1999 have been discussed in depth throughout this response.</p>
l)	<p><u>How are these monitored?</u></p> <p>Our answers throughout the response highlight the ways in which policies and procedures are monitored.</p>
m)	<p><u>Did the local authority afford former children in care access to records relating to their time in foster care?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b></p> <p>There are no surviving records from this time showing adherence to policy and practice in relation to responding to information requests from former children in foster care.</p> <p><b>Lothian Regional Council (1975 – 1996)</b></p> <p>Surviving evidence shows that Lothian Regional Council Social Work Committee adopted an open access procedure. While there is no direct information to evidence if the procedure was followed, the survival of open access leaflets and a staff training pack on open access is strongly suggestive of a process that was implemented (LRC2/1/1/20/13).</p>

	<p><b>City of Edinburgh Council (1996 –2014)</b>  From 1998 onwards, there is very direct evidence, including request forms and a subject access request log, which highlight that staff did follow the Open Access and Data Protection policies referred to in the relevant section above. Information that was routinely recorded as part of these processes included:</p> <ul style="list-style-type: none"> <li>• Record requester details</li> <li>• Request date</li> <li>• Who the request was assigned to</li> <li>• When the information was returned</li> </ul> <p>This practice was also followed in relation to requests for client information from Lothian and Borders Police under Section 29 of the Data Protection Act 1998. Requests were initially processed through manual recording systems, but recorded more recently through client case management systems, including SWIFT.</p>
n)	<p><u>If so, how was that facilitated?</u></p> <p><b>Edinburgh Corporation (1930 – 1975)</b>  There are no surviving records to show how access to records for children in care was facilitated during this time.</p> <p><b>Lothian Regional Council (1975 – 1996)</b>  The first Data Protection Act was introduced in 1984; client access to their own records or information does not appear to have been discussed at Committee level prior to this. Committee also noted in 1987 the Access to Personal Files Act and discussed arrangements to implement this. The importance of providing client access to their records and information was also noted at Committee level as, “the adoption of an Open Access Policy could lead to fundamental changes in relationships with clients,” and the importance of training and supporting staff who were facilitating access was also noted (LRC2/1/1/20/14).</p> <p>A formal procedure was developed and authorised in February 1989 by the Social Work Committee, but this document does not seem to have survived as we have not been able to locate a copy to date. It is likely that the procedure was influenced by or was an adaptation of the Scottish Office Social Work Circular (SWSG1/89).</p> <p><b>City of Edinburgh Council (1996– 2014)</b>  With the introduction of the Data Protection Act in 1998, the Council implemented an organisation-wide Data Protection Policy that set out departmental responsibilities, including those around subject access arrangements. Accordingly, a Social Work Department procedure around subject access requests was developed. It established a distinction between ‘live</p>

	<p>access.,' which was governed by a separate departmental 'Open Access Policy,' and subject access requests made under the Data Protection Act 1998. Requests from service users that required any redaction would have been dealt with under the Data Protection Act; while requests for information that was already known to the client would have been made through the Open Access Policy, recognising the relationship between a service user and their social worker. Both the Council policy and departmental procedure appear to have been revised in 2001, with the procedure being routinely updated until 2013.</p> <p>In a carers handbook from 2008, it notes that foster cares are aware that both children and parents have the right to access information about them, and that this must be taken into consideration when the foster carer is creating the required records about the children in their care.</p> <p>In 2013, responsibility for managing subject access requests were centralised into a single Council team, with a new Corporate procedure. A new Data Protection Policy was subsequently approved in 2014, which also recognised when requests from individuals should be treated as 'business as usual.'</p>
o)	<p><u>If not, why not?</u></p> <p>We have demonstrated that access to records for children in care has been facilitated, with evidence showing this practice to date back as early as 1984, therefore this question is not applicable.</p>
<b>Present</b>	
p)	<p><u>With reference to the present position, are the answers to any of the above questions different?</u></p> <p>Yes. The differences have been laid out in terms of the questions asked.</p>
q)	<p><u>If so, please give details.</u></p> <p>In general terms of record keeping, the Corporate Records Management Retention and Disposal policy and process described above remain in place with reviews undertaken as required.</p> <p><u>(ii) Foster Carers</u></p> <p>Anecdotal evidence and current working practice shows that Team Leaders within Family Based Care have undertaken file audits for foster carers files. This way. Quality assurance is</p>

maintained, because Team Leaders do not have direct line management responsibilities for foster carers. These file audits have taken place since 2016, and an internal audit was undertaken in 2019 to ensure the completion of statutory checks for foster carers.

(viii) Responding to requests from former children in foster care for information/records

With the introduction of the General Data Protection Regulations and the new Data Protection Act 2018, the adherence in practice to responding to requests from former children in foster care was amended to conform to the updated policies and procedures to be compliant with the updated legislation and introduction of the new regulations.

m) Did the local authority afford children in care access to their records

With the introduction of the General Data Protection Regulations and the new Data Protection Act 2018, facilitating access to records for children in care was amended to conform to the updated policies and procedures in order that the Council be compliant with the updated legislation and the introduction of the new regulations.

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

i. Children in foster care

- Children and Families client records in paper form, microfiched copies and information held on SWIFT and CIS
- Daily logs and general notes completed by foster carers

ii. Staff with responsibilities for foster care

- HR files, including qualification and professional registration information
- Supervision records
- Training records
- Records relating to disciplinary action

iii. Foster carers

- Carer records including initial application; Local Authority, family and police checks both in paper form and on SWIFT
- Requests for and notes of the outcomes of reference requests for carers
- Copy of carer agreements



- Copies of case conference minutes and foster carer reviews
- Notes of any complaints relating to the carer as well as notes of discussions between the carer and the Family Based Care department
- Notes of any training or courses undertaken by the carer
- De-registration information

iv. Complaints

- Initial complaint details
- Investigation files
- Records detailing discussions between all parties and the department
- Notes of the outcomes of the complaint

v. Investigations (both internal and external)

- Care Inspectorate notifications
- Complaints recording through Local Authority procedures
- Child Protection processes if required
- Carer reviews
- SWIFT case notes
- Investigation outcomes and recommendations

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

Where a person has been looked after in the last five years, access to records follows the Council's Social Work Open Access process. Thereafter requests for information are handled by the Information Governance Unit as an access request in line with the Data Protection Act 2018 and the General Data Protection Regulations.