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Thursday, 12 May 2022

(10.00 am)

LADY SMITH: Good morning.

Now, as I said yesterday afternoon, we move away from regulators and suchlike today to voluntary organisation providers, if I can put it that way. We're starting with Barnardo's.

Ms Rattray, you're leading on this, I think?

MS RATTRAY: Yes, my Lady. We will have two witnesses giving evidence together from Barnardo's, who are Brenda Farrell and Richard Simpson.

LADY SMITH: Thank you.

Ms Brenda Farrell (sworn)

Mr Richard Simpson (affirmed)

LADY SMITH: First of all, how would you like me to address you? I'm happy with Ms Farrell and Mr Simpson or Brenda and Richard, whatever works for you.

MR SIMPSON: I would certainly prefer Richard.

MS FARRELL: And I would prefer Brenda.

LADY SMITH: Richard and Brenda, thank you for that.

You have hard copy of documents in front of you, the responses that you've prepared for us. Documents will come up on screen as well, so use either or neither, whatever you find helpful.

Let me know if you have any questions or queries.

1 I'll take a break around 11.30, halfway through the  
2 morning, but if you need a break at any other time, do  
3 tell me. It's important that we do what we can to make  
4 the challenge of giving evidence as easy for you as  
5 possible.

6 If you're ready, I'll hand over to Ms Rattray and  
7 she'll take it from there. Is that all right?

8 MS FARRELL: Thank you.

9 MR SIMPSON: (Witness nodded)

10 LADY SMITH: Very well.

11 Ms Rattray.

12 Questions from Ms Rattray

13 MS RATTRAY: Good morning. What we'll start with is looking  
14 at your CVs, which you provided to the Inquiry. I'll  
15 start with you, Brenda, if I may. You are currently the  
16 UK head of fostering and adoption in Barnardo's; is that  
17 right?

18 MS FARRELL: Correct.

19 Q. I see from the CV you provided to the Inquiry that you  
20 were born in 1965 and you're a qualified social worker,  
21 with experience of working in residential care in roles  
22 with both adults and children. Is that correct?

23 MS FARRELL: Yes.

24 Q. You joined Barnardo's in 1993, initially based in  
25 Liverpool, as a short-term break co-ordinator, where you

1           were responsible for recruitment, assessment, training  
2           and support of foster carers?

3   MS FARRELL:   Correct.

4   Q.   And you moved on to various different managerial roles  
5       in Barnardo's, and those included UK head of business  
6       and fostering and adoption, interim UK director  
7       commercial services and leading to your present role of  
8       UK head of fostering and adoption?

9   MS FARRELL:   Yes.

10  Q.   Richard, moving to you, I'm not going to go through your  
11       CV in detail, because we heard that on the last occasion  
12       that you gave evidence on 1 October 2020, but since you  
13       last gave evidence, you are now in a new role and you  
14       are the head of safeguarding and quality?

15  MR SIMPSON:   That's right.

16  Q.   What are your general responsibilities in that role?

17  MR SIMPSON:   I have responsibility for the safeguarding  
18       across the charity, so that's giving advice.  I also  
19       receive, for example, the escalations of serious  
20       safeguarding incidents, allegations against adults and  
21       deaths of service users, for example.  But actually it's  
22       a corporate role, it doesn't just include our children's  
23       services, it also includes the retail operations and our  
24       fundraising, for example.

25  Q.   My Lady will be aware that Barnardo's have assisted the

1 Inquiry on a number of occasions now, including  
2 providing oral evidence on behalf of Barnardo's, various  
3 witnesses, and I think it might be helpful to do a brief  
4 recap of those events.

5 We heard from Sara Clarke, senior assistant  
6 director, in Phase 1, and that was back on Days 14 and  
7 15, on 28 and 29 June 2017. She came back and gave  
8 evidence again in the case study into Quarriers, Abelour  
9 and Barnardo's on Day 113, on 18 January 2019.

10 We also heard from Martin Crewe, the director of  
11 Barnardo's Scotland, on Day 15 on 29 June 2017.

12 We heard from Kate Roach, service manager of the  
13 Making Connections service, on Day 112 on  
14 17 January 2019.

15 We also heard from the late David Beard, then head  
16 of corporate safeguarding, on Day 112 on  
17 17 January 2019, and he also participated in a panel  
18 session on Day 120 on 31 January 2019.

19 Indeed, as a reference, we've also heard from you,  
20 Richard, in the case study into child migration on  
21 Day 194 on 1 October 2020, so we're particularly  
22 grateful at you providing the time to come back and help  
23 us again.

24 MR SIMPSON: No problem.

25 LADY SMITH: Yes. Can I just echo that, I am aware of how

1           much we have called on Barnardo's for help, and your  
2           willingness to do so has been noted.

3   MR SIMPSON: I'm sure I speak for Brenda as well. We're  
4           happy to help. We welcome the Inquiry and want to help.

5   LADY SMITH: You'll no doubt have read what I found in the  
6           published findings in the Quarriers, Abelour and  
7           Barnardo's case study and remember that I did learn  
8           about the history of Barnardo's then, so I'm glad not to  
9           have to come to this as a total newbie today, that does  
10          help, as you gave so much assistance on those occasions.

11           Ms Rattray.

12   MS RATTRAY: Yes, my Lady.

13           Indeed, because we covered so much ground with  
14          Barnardo's, for that reason I don't propose going over  
15          that again today where at all possible.

16           It is important to note that some of the evidence  
17          previously given to the Inquiry is relevant to foster  
18          care and does form part of the background to the present  
19          case study, and that the transcripts in respect of the  
20          evidence I've referred to are available on the Inquiry  
21          website.

22           My Lady, today generally as an outline Brenda will  
23          speak to some aspects of the historical parts of  
24          sections of Parts A and C of Barnardo's' A-D foster care  
25          response, and the focus will be on the boarding-out

1 period from the 1940s to the 1970s. We will then hear  
2 from Richard in relation to Parts B and D of the  
3 response. We will not be focusing on Barnardo's'  
4 current policies. Your Ladyship will recall that  
5 evidence was indeed heard from the late David Beard,  
6 then head of corporate safeguarding, in the previous  
7 case study, and that included an overview of Barnardo's  
8 policies, including those relating to complaints and  
9 whistle-blowing and so forth.

10 At this stage, I understand there is something that  
11 you would like to say, and I will pass over to you to  
12 say what you will.

13 MS FARRELL: Thank you very much.

14 I would like to read a statement out on behalf of  
15 Barnardo's.

16 LADY SMITH: Thank you. Please do.

17 MS FARRELL: Abuse suffered as a child can have a harmful  
18 and long-lasting impact on someone's life.

19 We acknowledge that some children were abused while  
20 in our care and it is a matter of deep regret to  
21 Barnardo's that we failed to protect these children. We  
22 are deeply sorry to those who suffered abuse for the  
23 harmful impact this may have had on their lives.

24 Thank you.

25 LADY SMITH: Thank you very much.

1 Ms Rattray.

2 MS RATTRAY: The first part we will focus on your evidence,  
3 Brenda, but Richard, if there's something that you would  
4 like to add or expand upon or comment, then please do.  
5 I think the only thing is to be important that no one  
6 should speak over anyone else, because otherwise it  
7 makes life very difficult for my colleagues who are  
8 taking the transcript.

9 To start, I'm going to turn to Part A of your A-D  
10 response, which is at BAR-000000015. We'll simply start  
11 at page 1.

12 We did hear in the opening statement given on your  
13 behalf in this case study about the provision of foster  
14 care over the decades and the full detail is set out on  
15 pages 1 to 7 of Part A. But as a high level summary and  
16 in order to set the background, I understand that  
17 Barnardo's have been boarding out children in England  
18 since the 1880s, and at that stage I think there's some  
19 mention of it being perhaps inspired by the Scottish  
20 experience. Can you tell us a little about that?

21 MS FARRELL: Yes. Our understanding from the archives is  
22 that at the time there was an understanding that  
23 boarding out would offer a better life experience to  
24 children and young people, and that primarily had  
25 happened in the southeast of England from where Barnardo

1 himself had established his support and engagement and  
2 care of vulnerable children.

3         Within the Scottish context, again the model of  
4 boarding out through communities of the church in which  
5 Dr Barnardo had directed his work, both within  
6 Protestant churches and the free churches, which was his  
7 focus, he identified communities who wished to provide  
8 homes to vulnerable children. These primarily took  
9 place in small villages and communities outside of the  
10 larger cities, again believing that this would offer  
11 children a more healthier and supported environment away  
12 from the -- primarily what were street children at that  
13 time, who had very little support and the opportunity to  
14 be part of a family.

15         So with the head office at Barkingside, they used  
16 the approach to boarding out as you will have read  
17 within the context of Barnardo Book in 1943, and that  
18 clearly sets out how children should be cared for within  
19 Barnardo's and specifically a section on boarding out.  
20 And it was the principles within that which were applied  
21 and the model taken within Scotland about how families  
22 were identified and the model of assessment, support,  
23 et cetera.

24 Q. We'll be turning to the Barnardo Book and looking at  
25 that in more detail later on.

1           But Barnardo's didn't actually start boarding out in  
2           Scotland until 1943 and you tell us that the first  
3           record of boarding out in Scotland was in Aberdeen in  
4           that year.

5   MS FARRELL:   (Witness nodded)

6   Q.   Why did Barnardo's move to board out in Scotland at that  
7           time?

8   MS FARRELL:   Our understanding from the records were that  
9           the deprivation was present and it was the opportunity  
10          to support vulnerable children, and under boarding out  
11          there were programmes such as the auxiliary boarding-out  
12          programme, which was working with unmarried mothers in  
13          a means to support them with their babies.

14          Within Aberdeen, as I say, our understanding is that  
15          that was related to connections within the community and  
16          the opportunity to -- children to reside within crofter  
17          communities, and those networks were developed with  
18          local correspondence and inspectors.

19   Q.   I think that also, if I understand the position  
20          correctly, coincides generally with the time where  
21          Barnardo's moved in providing sort of wider childcare  
22          provision in Scotland in terms of opening branch homes  
23          there?

24   MS FARRELL:   Correct.  And many of these children, with the  
25          understanding of what had happened in the south of

1 England, was that these children would have been  
2 assessed as to their needs and their age. Boarding out  
3 was seen as appropriate for children from about 5 to 11  
4 years, and therefore an assessment would take place.  
5 And the consideration of the suitability of the foster  
6 boarding-out family, foster mothers, which were referred  
7 to, to be able to meet the needs of those children. And  
8 the details provided in our archives looks at what those  
9 children's needs might be and how they would be best met  
10 within a family environment rather than the residential  
11 environment.

12 Q. Once again, when we turn to the Barnardo Book we will  
13 see more details on that.

14 I understand from your A-D that, while we'll look at  
15 numbers more closely later on, you tell us that only 38  
16 children were in fact boarded out in Scotland from 1943  
17 to 1961 and that numbers reduced further in the 1970s,  
18 which, as I understand it, was as Local Authorities  
19 increasingly supplied their own care provision and the  
20 use of the third sector declined, and Barnardo's changed  
21 tack at that stage and from the mid-1970s started to  
22 adapt and work in partnership with specific Local  
23 Authorities to fill their gap in specialist fostering  
24 provision. That was primarily Lothian region and  
25 Strathclyde region; is that correct?

1 MS FARRELL: That is correct. Our belief and understanding  
2 is the numbers of children declining at that time was --  
3 we were in a post war environment, there was greater  
4 support by local councils to families, and the support  
5 and preventative work within families had begun to  
6 increase, therefore there were fewer children coming  
7 forward to be boarded out at that time. And working  
8 alongside those Local Authorities, Barnardo's started to  
9 identify a greater degree of specialism of care for  
10 vulnerable children and liaising with the authorities  
11 were looking at what was the shortfall in the provision  
12 for those children. So, as you say, we moved into  
13 specialist fostering placements.

14 Q. I see that in November 1976 your project "New Families"  
15 opened in Glasgow. Can you tell us what that was?

16 MS FARRELL: Yes. Again working alongside the authorities,  
17 there was an identification that there was a specialist  
18 need for support for children who had been sexually  
19 abused and the opportunity to bring a selection of  
20 professionals together to look at an alternative family  
21 support environment for these children helped develop  
22 the approach in style and methodology of being able to  
23 recruit, train and support these foster carers, with the  
24 belief that they would be able to provide a secure and  
25 nurturing environment for these children with

1 a professional team around them. So it was very  
2 specialist at that time and quite leading.

3 The organisation was able to build on its experience  
4 not just within boarding out and fostering, but drawing  
5 out on other childcare services that were developing  
6 across the UK and developing specialisms with local  
7 councils, being able to identify what the need was.

8 Q. You later opened up in Edinburgh in 1980 and other  
9 services in 1982, and we see that you detail various  
10 projects Barnardo's were involved in in the 1980s and  
11 1990s.

12 Then, if I'm correct, in 2008 Barnardo's moved away  
13 from the partnership model as such and established  
14 a Scotland-wide service under the one assistant  
15 director?

16 MS FARRELL: Correct. That was also in relation to a change  
17 in the commissioning engagement with Local Authorities  
18 and many had chosen to commission specific pieces of  
19 work, but also more general aspects of services. And  
20 with Barnardo's knowledge and expertise from our  
21 specialist services, New Families, et cetera, we were  
22 able to provide a breadth of services to a cluster of  
23 Local Authorities, because at that time need of specific  
24 placements across a number of Local Authorities, some of  
25 the smaller Local Authorities, they wouldn't be able to

1       sustain an individual project in its own right, so our  
2       attempt was to offer the services broader across  
3       a number of Local Authorities, such as that for -- for  
4       example, in the 1980s and early 1990s, Barnardo's were  
5       involved in the closure of a number of small residential  
6       units for severely disabled children, as they were  
7       de-institutionalised and moved out from hospitals, and  
8       again a large number of those wouldn't be prevalent in  
9       a number of authorities, so therefore that's -- our  
10      approach allowed us to offer that specialism across  
11      a number of authorities, and the same with our previous  
12      experience in working with children who had sexually  
13      been abused.

14             With the commissioning framework, we were able to  
15      move into partnership with those authorities, and as  
16      a collective work together, and that almost pre-empted  
17      moving into what we know today as the Excel Fostering  
18      Framework, which allows a number of Local Authorities  
19      under that auspices to work together to commission what  
20      they require for the children in their care.

21    Q.   At present the current provision is you have three  
22       fostering services in Scotland, in Edinburgh, Glasgow  
23       and the north, which offers a mix of short breaks,  
24       emergency, interim, long-term and permanent care, and  
25       all services have qualified social workers, children's

1 workers, psychotherapists and you also have an art  
2 therapist. There's also a specialist short-break  
3 service in Dundee, which provides short breaks to  
4 disabled children to enable them to remain at home or  
5 within their kinship placements. Is that correct?

6 MS FARRELL: That is correct, and this is a fair reflection  
7 of how Barnardo's has been able to adapt its service  
8 again over the years to meeting local need. The  
9 topography of the fostering environment at the present  
10 time has changed significantly. We obviously are  
11 working with our Local Authority colleagues, who  
12 continue to recruit foster carers for children in their  
13 authority, and we are part of -- which I understand to  
14 be over 200 independent fostering agencies working  
15 across the nation. So that provides a breadth of  
16 placement opportunity for the authorities, and within  
17 Barnardo's we have maintained connections and  
18 relationships with authorities and -- both through the  
19 commissioning meetings which happen quarterly, we're  
20 able to assess with them their sufficiency requirements  
21 in predicting their needs. That's allowing us to plan  
22 ahead to ensure that we have got the carers with the  
23 skill sets to respond to those children's needs.

24 So within the classifications you've mentioned, we  
25 would still continue to deliver specialisms, so we would

1 within those services have carers who may specialise in  
2 child sexual exploitation, children who have been  
3 sexually abused, severely disabled children, et cetera.

4 Q. Thank you.

5 Turning back again to Part A, before we look at the  
6 detail of that could you explain how you gathered the  
7 information to prepare your response, Part A to D?

8 MS FARRELL: They were worked on by a number of colleagues.

9 You obviously mentioned a colleague Sara Clarke, who  
10 has worked within our archives and gathering history of  
11 Barnardo's overall.

12 A member of my team, Sue Brunton, who was the  
13 assistant director for Barnardo's fostering and adoption  
14 in Scotland, also took part in the research and worked  
15 in close association with our Making Connections team.

16 And obviously accessing the records that were  
17 archived from our fostering and boarding-out services to  
18 Making Connections.

19 And also our present records, many of which are  
20 still retained at the services.

21 Q. I think if we look at a letter which you helpfully  
22 provided to the Inquiry at BAR-000000069, a letter from  
23 your legal representative, Clyde & Co, of  
24 28 February 2022, I think there you provide an overview  
25 of your approach to the method.

1 I think that involved reviewing 35 children's files  
2 from the 1940s to the 2000s. Why the number 35?

3 MS FARRELL: It allowed us an opportunity to sample within  
4 that period and do a deep dive into those files to  
5 understand what was the nature of boarding out and  
6 fostering at that time for those children in that  
7 experience. And track and see developments and changes  
8 in provision, both legislative and policy and procedure  
9 within the organisation, and the delivery of service.

10 It allowed us then to -- as we see in our  
11 documents -- map against changes within legislation and  
12 see how our model delivered in accordance with that, and  
13 in some instances some of our practice was implementing  
14 systems and processes which were ahead of legislation.

15 The 35 allowed us to do 15, up until I believe it  
16 was 1960, and then the rest were searched and reviewed,  
17 a sample again for each period leading up to present  
18 time.

19 Q. I just wonder, because from the 35 files, 15 cover the  
20 1940s to 1960s, when there were only 38 children boarded  
21 out, so it's quite a significant proportion of that  
22 period, yet a quite small proportion of the more  
23 contemporary period when you had far more children in  
24 care. Do you think your approach sufficiently covers  
25 the possibility of, for example, identifying abuse by

1 looking at such a small sample for the contemporary  
2 period?

3 MS FARRELL: I think that within context for ourselves was  
4 based on we have very -- though Barnardo's have  
5 extensive records of children and their files, our  
6 policy of retention from that period of foster carer  
7 details is less than it is for the second period, so  
8 therefore we needed to understand what was care and the  
9 experience of children in our boarding-out experience  
10 like at that time, and the records that we did have, we  
11 wanted to do a deep dive to ensure that we fully  
12 understood those experiences of those children and, as  
13 I say, the context.

14 Moving forward, we have more substantial  
15 understanding of the policies, procedures and  
16 legislative frameworks, which would have contextualised  
17 our processes and systems within our foster care  
18 arrangements, and I think we were able to speak with  
19 staff who had worked within those services, and from the  
20 1960s onwards, looking at -- we had a greater  
21 understanding of the development of our response to  
22 abuse across the organisation.

23 MR SIMPSON: Can I make a comment?

24 Q. Yes, of course.

25 MR SIMPSON: In the early days, obviously what we needed to

1 use is the -- the files were actually children's files,  
2 to try and give us an insight into what the foster care  
3 looked like.

4 Latterly what we were able to do is actually look at  
5 foster care files, so if you look at the latter period,  
6 we actually are able to access those foster carer files.

7 So I can see your point about maybe disproportionate  
8 numbers, but actually we're using in the early days  
9 children's files, which were almost family files, which  
10 I think made reference to foster carers as well as  
11 children.

12 LADY SMITH: Richard, are you saying that in the earlier  
13 days you weren't keeping separate foster carers' files?

14 MR SIMPSON: That's right. Or we haven't retained them in  
15 the same way that we've retained children's files. So  
16 it may seem disproportionate, but I don't think it is  
17 actually when you look at the numbers, to be honest.  
18 Does that make sense?

19 MS RATTRAY: Yes, it does. In terms of the type of records  
20 you looked at in addition to children's files and foster  
21 carer files, what other kind of records were you looking  
22 at?

23 MS FARRELL: You mentioned earlier we looked at materials  
24 that were in our archive from that time, which was the  
25 Barnardo Books.

1           These were, to all intents and purposes, clear  
2           policy and procedure approaches to the care of children  
3           in Barnardo's care across all areas, so residential  
4           included special schools, et cetera, but within that  
5           there were sections specific to boarding out.

6           Within the overall book itself, the edition we had  
7           access to was 1943 and subsequent editions to the  
8           mid-1950s, 1955, and they both had specific chapters to  
9           boarding out and, for example, corporal punishment.

10          They detailed and informed us about the clear  
11          instruction of quality of service to be delivered and  
12          standards to be expected and maintained within the  
13          infrastructure of the delivery of boarding out by  
14          Barnardo's at that time. So we have everything from  
15          the -- I suppose what we would refer to now as the  
16          delivery model and the operational model and the  
17          expectations of standards.

18         Q. Thank you for that. I'm going to move on now and look  
19          at numbers in your Part A response, which is from pages  
20          31 to 36.

21          You tell us that between 1930 and 2014, a total of  
22          4,815 children were either placed in residential  
23          children's homes, residential school or foster care in  
24          Scotland, and between 1930 and 2014 the number of  
25          children who were only boarded out or fostered was

1 2,656.

2 You do explain within your Part D that this is  
3 a significantly lower figure than a previous figure of  
4 4,408 children being boarded out and fostered in the  
5 evidence previously given by Sara Clarke in Phase 1, and  
6 I think you've gone back over those figures and  
7 discovered there's been a significant double accounting.  
8 Can you explain your methods and how you realised that  
9 the numbers were overstated previously?

10 MR SIMPSON: We think it's possible that actually the  
11 original figure -- Sara doesn't work for us any more,  
12 but we anticipate that actually what we've done is we  
13 included some of the children who were actually in  
14 residential care in that original figure. So what we've  
15 tried to do in terms of the latter estimate of 2,656 is  
16 to have those children who were just boarded out or  
17 fostered. So I think that's why we appear to have  
18 overstated in the original submission.

19 LADY SMITH: You're using the word "residential" to cover  
20 children who are not in foster care but in one of the  
21 Barnardo's --

22 MR SIMPSON: In one of the homes, I'm sorry, yes, you're  
23 right to clarify. We may have included some of the  
24 children who were in the homes who weren't fostered or  
25 boarded out. So we think that the 2,656 is a more

1 accurate figure, but it is possible that it is  
2 an overstatement. But I think we point out that the  
3 only way that we could actually completely clarify that  
4 is to go through a significant number of card indexes to  
5 check. We are in the process of actually digitising  
6 that card index, I think you've heard about the card  
7 index before. If I tell you there's 500,000 names on  
8 the card index, it is going to be a work of some months,  
9 if not years.

10 MS RATTRAY: Yes, I think you in fact tell us that the only  
11 way to check this is to compare what you had at the  
12 time, 476 current files, to the 700,000 cards I think  
13 you refer to in your card index. If I understand the  
14 position correctly, essentially what you've done is  
15 you've added 2,180 files from historical fostering  
16 records in the Making Connections service with records  
17 held on your current recording system of 476 --

18 MR SIMPSON: (Witness nodded)

19 Q. -- and there's the possibility of double accounting if  
20 a child's records are included both in the archive  
21 Making Connections records as well as the current  
22 records?

23 MR SIMPSON: That's correct.

24 Q. You go on and you've looked at other archival records in  
25 relation to numbers as well, including the management of

1 committee minutes, to try and identify the numbers at  
2 any one time or over shorter periods. That's, I think,  
3 where you tell us that 30 children were boarded out in  
4 Scotland from 1943 to 1961. As part of your history,  
5 you also tell us that in 1947, Barnardo's became  
6 a registered adoption society and the records show that  
7 9 of those 38 children ultimately were adopted by the  
8 foster parents?

9 MS FARRELL: Yes. That was a move on obviously to  
10 permanency for those children at that time.

11 Q. I think the other figures we have, that in 1950 16  
12 children were boarded out in Scotland, 1952 the figure  
13 is 34, 1953, I think it's 29 children, and it remained  
14 around that figure through the 1950s and 1960s, you tell  
15 us, but that declined as you moved into the 1970s for  
16 the reasons we've already heard about.

17 In fact in 1975 there was just one child in foster  
18 care, I think three in 1976, six in 1981, but your  
19 CHARMS database, which is your client information system  
20 for your placement services, that 476 children had been  
21 accommodated in foster care since January 2012 to  
22 December 2014.

23 MS FARRELL: Correct.

24 LADY SMITH: Ms Rattray, can we just note where in the  
25 response those figures came from? They're not on the

1 page that's on the screen at the moment.

2 MS RATTRAY: I think some of the figures came from page 3 --

3 LADY SMITH: Part B?

4 MS RATTRAY: Part A. They are all in Part A, they've been

5 gathered together from --

6 LADY SMITH: Part A refers to other parts, but whereabouts

7 in Part A do they come from?

8 MS RATTRAY: Also in page 3, page 5.

9 LADY SMITH: Thank you.

10 MS RATTRAY: And in general figures, numbers are found

11 between pages 31 and 36.

12 LADY SMITH: Thank you.

13 MS RATTRAY: You also go on -- obviously you have also

14 provided figures which have been in respect of foster

15 carers and placements, insofar as you've been able to

16 do, and I think you suggested that in the 1950s, on

17 average 26 foster placements were in Scotland?

18 MS FARRELL: Yes.

19 Q. You've also referred to figures in your Care

20 Inspectorate returns provided for the number of children

21 accommodated and placements available rather than use at

22 the time; is that correct?

23 MS FARRELL: Yes.

24 Q. I think the figures you give in 2006, there were 149

25 children and 119 placements?

1 MS FARRELL: Correct.

2 Q. 2010, 131 children and 132 placements.

3 In 2014, 240 children and 190 placements.

4 Would that be right?

5 MS FARRELL: Yes.

6 Q. I think you've already explained to us the reasons  
7 historically for changes in numbers, that it was the  
8 post-war period, there was more prevention in social  
9 work services to try and keep children at home and that  
10 contributed to the decline in boarding-out numbers.

11 You've also explained, we've also covered in the  
12 1970s as well is that Local Authorities were providing  
13 more of their own provision when Barnardo's then moved  
14 into specialist care.

15 You also tell us about numbers changing in Glasgow  
16 and the north and services peaking in 2008 and 2009 and  
17 then there was a downward trend. Can you tell us what  
18 the reason for that was?

19 MS FARRELL: I understand that there was two contributing  
20 factors to that in that our Local Authorities had begun  
21 to have greater intervention in prevention and taking  
22 children into care and that reduced the numbers of  
23 children available to make referrals to Barnardo's as  
24 an independent fostering agency.

25 We'd also seen an increase in competition. I just

1 want to clarify a point before. I misrepresented the  
2 figure of the number of independent fostering agencies  
3 registered in Scotland. It is actually 21 independent  
4 fostering agencies presently registered.

5 So from the early 2000s, we were starting to see  
6 an increase in independent fostering agencies registered  
7 in Scotland as well, and therefore it gave greater  
8 choice to our Local Authority colleagues. So that's why  
9 we suspect that the numbers of our placements reduced,  
10 which is to the benefit of children in that prevention,  
11 children with support were not coming into care, being  
12 supported and sustained within their only birth or  
13 extended families, and therefore the resources that --  
14 and the placements that we may have provided were no  
15 longer needed.

16 It also allowed us again with the introduction of  
17 the Excel framework to work with our Local Authority  
18 colleagues to adapt as to the provision and the type of  
19 fostering we were offering. So, for example, our  
20 Glasgow service had a focus on permanency, historically,  
21 where that changed where our Glasgow colleagues were  
22 looking for more emergency support for when birth  
23 families were in crisis and the authority had to find  
24 an immediate alternative family environment for that  
25 child for a short term.

1           So we as an organisation again had to adapt the  
2           resource that we were providing, in training our staff,  
3           in looking at our policies and procedures and ensuring  
4           that we were recruiting and training our foster carers  
5           to meet the different needs for those children.

6   Q. I'm now going to go back in time again and look at the  
7           historical provision in more detail. You've already  
8           explained the significance of the Barnardo Books and  
9           I think there were editions in at least 1943 and 1955,  
10          and that included a chapter on boarding out.

11          I think also there were also some circulars. Can  
12          you tell us about the purpose of the circulars?

13   MS FARRELL: Yes. At that time, obviously, these books were  
14          dependent on typed materials, which were obviously  
15          issued and circulated to all Barnardo's establishments  
16          and staff groups.

17          And, with time, once the document had been written,  
18          there would be a requirement for that guidance,  
19          information or procedure to change. So, for example, if  
20          we look at the developments within child social care and  
21          the understanding of children's needs, circulars would  
22          need to be issued to update.

23          I'm aware, for example, of the situation in relation  
24          to a change in process of the assessment and support to  
25          foster carers, so circulars would have been issued to

1 update on the procedure to take appropriately with that.

2 And it was a means of updating the records to ensure  
3 that practice and approach was consistent across all  
4 Barnardo's boarding-out services and other homes.

5 Q. I understand from your response that the circulars  
6 remained relevant up until the 1970s --

7 MS FARRELL: (Witness nodded)

8 Q. -- and moving into the 1980s, the Barnardo Book and the  
9 circulars were replaced by your social work policy  
10 manual. Can you tell us a little about the manual?

11 MS FARRELL: I'm fortunate because I was using that when  
12 I was actually appointed in my role within Barnardo's in  
13 1993. That was the guide which I and my colleagues made  
14 reference to. It was, to all intents and purposes, our  
15 policy and procedure guide, so if we needed to clarify  
16 any steps of our processes, we would go to that large  
17 folder and read it. It was chaptered and broken down,  
18 so easily accessible, with very clear headings and clear  
19 appendices.

20 Again, because it was a typed and written document,  
21 we would receive updates should there be a change in  
22 policy or procedure, and as a team that would be brought  
23 to our attention in a team meeting and we would be made  
24 aware of those changes and we would discuss how we were  
25 to implement them based on the information shared coming

1 from Barnardo's head office, and that was consistent  
2 across our services, across Scotland also.

3 Q. I understand that in terms of being able to look back  
4 and be certain about previous policies, the social work  
5 manual, the updated practice involved destroying  
6 out-of-date policies and putting in fresh pages. So  
7 what we see and what you provided to the Inquiry  
8 essentially provides a snapshot rather than a whole  
9 history of every policy at every stage over the years.  
10 Is that correct?

11 MS FARRELL: That's correct.

12 Q. Perhaps if we could turn now and look at the first  
13 Barnardo Book, which I think is a 1943 edition, which is  
14 at BAR.001.001.0719.

15 If we could turn to page 62, which is the start of  
16 chapter 9 at that stage on boarding out. I think we see  
17 right at the start reference to the policy, which to  
18 some extent you have already touched upon.

19 What was the general policy towards boarding out as  
20 explained in the first paragraph here?

21 MS FARRELL: It was very clear that the objective was to  
22 ensure that the children who were boarded out were in --  
23 provided with a safe and nurturing family environment.  
24 That was the objective.

25 And they use the term there "normal home

1 conditions". And that, as far as possible, a child  
2 should be able to rest secure in the affections of his  
3 foster family and that sense of belonging, and we  
4 believe that set the tone for how Barnardo's viewed this  
5 environment, to be one of nurturing and support and  
6 loving. It focused on that family environment and  
7 understanding.

8 Many of these children at this time may have had no  
9 experience of family environment and part of the book  
10 itself goes on to talk about how some of the children  
11 before they were placed with foster families were  
12 brought into part of the assessment or home environment  
13 to be acclimatised, to understand what a family  
14 environment was, before they were actually placed in  
15 boarding out. And that makes reference to what  
16 I referred to earlier as helping to understand if  
17 boarding out and being in a family would be suitable for  
18 that child, because for many, maybe the trauma they'd  
19 experienced, their anxiety or their behaviour, what we  
20 would now refer to as difficulty in forming close  
21 attachments, at that time obviously that terminology  
22 isn't used in the book, but there was some understanding  
23 that family environment may not be the best place for  
24 children straight away, but it's clear that the  
25 objective within this opening paragraph is that sense of

1 home and security was paramount.

2 Q. I think we can see that it seems to be a direction:

3 "... all children of a suitable age and physical and  
4 mental conditions shall be boarded out ... rather than  
5 retained in branch homes."

6 Obviously a number of branch homes opened up in  
7 Scotland at that time, and yet we see relatively few  
8 children in fact being boarded out, 38 over those  
9 decades. Do you know the reasons for that, as to why in  
10 fact so many were retained in branch homes as opposed to  
11 being boarded out?

12 MS FARRELL: Based within what we know from our archive  
13 material and an understanding of the definition for the  
14 children that were given as you say within boarding out,  
15 and an understanding of what villages and communities  
16 and the family environment could offer, it's also about  
17 the approach that this book takes about matching.

18 The use of the inspector, looking at the family  
19 environment and making sure that that foster family  
20 would be able to meet that need, and my assessment of  
21 that would be about looking at the suitability and the  
22 matching for those children within that environment.  
23 Because it also goes on to talk about children maybe who  
24 have physical impairment or mental impairment wouldn't  
25 be considered for some foster homes. Now because

1 obviously we don't have a profile of all of those  
2 children at that time, it's hard to denote whether that  
3 was the whole reason.

4 MR SIMPSON: Could I add something? I think we are in the  
5 realms of speculation about this, if I'm honest, in that  
6 actually we don't completely know. Because we do know  
7 that Barnardo himself, going back as far as that, was  
8 a massive advocate of boarding out, yet we have  
9 children's homes -- we are known as a charity that  
10 provided children's homes, even though he was a massive  
11 advocate for boarding out. He felt that was a more  
12 natural place for children to be.

13 I guess the answer to your question, I can  
14 understand why you're asking it, but I'm not sure we're  
15 completely sure.

16 LADY SMITH: I can see as an aspiration it all sounded good.  
17 It does involve assumptions which may or may not be  
18 based in fact, such as the child will feel, once they're  
19 put in this small home, happy and secure and the child  
20 will cope with being then uprooted from that one and  
21 sent to another one later on. A bit of a throwaway line  
22 of, "moves are sometimes unavoidable, but as far as  
23 possible a child should be able to rest secure in the  
24 affections of whoever his foster family is".

25 MR SIMPSON: I think that's right. We know now, don't we,

1           that actually children need different types of care  
2           depending on their needs. We know that now. You're  
3           right, the policy's a little bit assumptive, isn't it?

4   LADY SMITH: Don't get we wrong, I'm not criticising it, but  
5           it was maybe early days in the thinking that needed to  
6           be applied.

7           Nowadays we know so much more about attachment,  
8           which, Brenda, you've already referred to, and what it  
9           may mean for a child, who does have prior attachment to  
10          their birth family or some of their birth family, to be  
11          placed with another family and expected to integrate  
12          with them successfully without their prior attachment  
13          being accounted for.

14   MS FARRELL: And our understanding now of trauma and the  
15          impact of moves for children and the impact on forming  
16          secure attachments, which are vital for their own  
17          emotional growth and development.

18   LADY SMITH: And their resilience.

19   MS FARRELL: Of course.

20   LADY SMITH: Ms Rattray.

21   MS RATTRAY: In terms of the provision of boarding out back  
22          in the 1940s, you do tell us in your Part A -- I don't  
23          think we need go to the Part A, if we just keep the  
24          Barnardo Book on the screen at the moment -- and I think  
25          the information's perhaps scattered over various

1 questions in the Part A, and just for the record can be  
2 found at BAR-000000015, pages 1 to 8, 38 to 39, 43 to 44  
3 and 58 to 66, but what this provides is some information  
4 on the structure of governance at the time in relation  
5 to the provision of boarding out and the staff.

6 I think you tell us that in 1942 a Ms Muriel Dyson  
7 was appointed as the chief executive officer for  
8 boarding out and that she was a professional social  
9 worker and she was based in London and she was  
10 responsible for early policy and practice on foster  
11 care. She provided six-monthly written reports to the  
12 management committee and would usually present those  
13 reports in person. Would Ms Dyson have then contributed  
14 to this chapter on boarding out, do you think?

15 MR SIMPSON: I would have thought it was likely, yes. But  
16 we don't completely know how circulars were produced,  
17 who produced them. But I think it was likely. But  
18 we're in the realms of speculation, if I'm honest.

19 Q. You also tell us that the boarding-out department was  
20 established in the late 1940s, with boarding-out  
21 officers appointed across the country. This included  
22 a Ms Wenyon, who was the Scottish representative. Can  
23 you tell us generally what her responsibilities were in  
24 respect of boarding out in Scotland?

25 MS FARRELL: She would have worked with the team of

1 inspectors locally and correspondence, and ensured that  
2 they were adhering to the policies and procedures within  
3 the book, so the numbers of visits, if we come up to the  
4 1955 book, at that stage it outlined the frequency in  
5 which the inspector would visit the foster home: within  
6 six weeks of the child arriving and then four times  
7 throughout the year. There are details within the  
8 boarding-out chapters about what that inspector was  
9 required to report and observe. So, for example:  
10 monitor the weight, height of the child; inspect  
11 clothing; inspect the bedroom; speak to the foster carer  
12 separate from the child and keep a full record of that;  
13 ensure that the child had medical records; and to  
14 clarify any medical interventions required prior to that  
15 visit, within the four visits of the year.

16 So we understand that the reports completed had very  
17 specific headings of which that inspector would have to  
18 record. They would also be encouraged to speak to the  
19 teacher, the headteacher of the education facility, and  
20 to speak to the correspondent. We understand then that  
21 that information would be shared in ensuring that the  
22 children were all visited, because at that stage it was  
23 working with -- starting to work with Local Authorities  
24 as well for those children.

25 Q. Perhaps we can actually look at how that's set out in

1 the 1943 book chapter, at page 65. It's paragraph 314.  
2 I think this is a paragraph which covers visits, because  
3 I think there are matters of interest there, not just  
4 with the frequency of visits and the importance of  
5 seeing the child alone, saying:

6 "At each visit, the child should be seen, if  
7 possible, alone."

8 I think at these paragraphs on this page, we  
9 actually see perhaps some strategies by way of guidance  
10 being given to the inspectors to try and achieve that.

11 "If this can be managed in no other way, it is often  
12 ... possible by inviting him to show the way to the next  
13 foster home."

14 It goes on to say:

15 "The inspector should make time to chat with him  
16 about his own affairs and interests in addition to  
17 satisfying himself that all is well with him."

18 I think we see towards the bottom -- we also see  
19 that the visits should be unexpected. That these were  
20 what we now call unannounced visits rather than  
21 announced visits.

22 I think we see towards the last few lines at the  
23 bottom of that page it says:

24 "Foster homes should not always be visited in the  
25 same order, as, if they are, there is a possibility that

1 the last in the round may always have notice of the  
2 inspector's arrival.

3 "If there is any doubt about a home being  
4 satisfactory, the inspector may find it worthwhile to  
5 make some excuse for going back a second time in a day.

6 "In cases of doubt it is often useful to visit at  
7 meal times and in the evenings or even at weekends.

8 "If the child is seen in the presence of the foster  
9 mother for any reason, and there is any doubt about all  
10 being well, the child should stand with his back to the  
11 foster mother."

12 It does seem to be quite prescribed guidance and  
13 assistance on how to ensure that you're hearing from the  
14 child and the child's perhaps not being influenced or  
15 coached; is that fair?

16 MS FARRELL: Yes.

17 Q. Also there are other matters of interest in relation to  
18 the approach to report writing, which we see at the  
19 following paragraph, 315. Perhaps in a contrast to  
20 something we've heard earlier this week about report  
21 writing, it says:

22 "The best report form never fits every case.  
23 Inspectors are asked to fill up the form, but it is  
24 sincerely hoped that when necessary they will attach  
25 further notes about the child or foster home. They are

1 asked as far as possible to give a real picture of the  
2 child as a personality, and to mention any special  
3 interests or gifts."

4 Is it fair to say that the approach that was aspired  
5 to here was really quite an in-depth and thorough  
6 approach rather than simply filling out a form and  
7 perhaps ticking boxes, as we might refer to today?

8 MS FARRELL: Yes. In fact, it probably sets out an essence  
9 of an approach which we apply today. Make reference to  
10 the unannounced visits, when they should take place, and  
11 we would still apply those today. That is a method used  
12 when there is concern. They're applied to all  
13 placements, at least two unannounced visits would be  
14 completed today to a foster carer, but more if there  
15 were concern.

16 As we can see here, back in the 1943 edition of the  
17 Barnardo Book, they were setting out the template for  
18 using that methodology.

19 And also the requirement to get the most fullest  
20 picture and oversight of that child's experience within  
21 the family home. Obviously, speaking to, as we said,  
22 headteacher and there's reference also to speaking to  
23 the correspondent, getting a sense of -- because many of  
24 these communities were quite isolated and within  
25 villages, so getting a sense of what was happening

1           within that village was important as well.

2           I also -- the focus on the child and getting the  
3           child's view at that time was setting a precedent. It  
4           was recognising that the child's voice and how they were  
5           feeling as part of this placement within that home was  
6           being recognised as significant and important.

7   MR SIMPSON: I think we were struck as well, actually, when  
8           we were reading some of the aspects of the bits that  
9           you've actually read out is that we have to remember  
10          there wasn't actually widespread regulation at the time.  
11          This is Barnardo's actually coming up with their own  
12          framework, which I was struck by when I was reading it.

13   Q. I think another aspect that the inspector was alerted or  
14          later on the welfare officers, as they were called, were  
15          alerted to consider in a visit was the extent to which  
16          a child might be working while in placement. Perhaps  
17          here we can turn to another document, which is at  
18          BAR-000000071, page 25 of that document. That document  
19          is the notes from 1955, which were to accompany or to be  
20          used by those involved in boarding out at the time of  
21          the 1955 Barnardo Book.

22          Before we look at this matter, can you tell us what  
23          you know generally about the notes?

24   MS FARRELL: At the time there was recognition that -- well,  
25          there was legislation about child employment now that

1 had been brought out, because historically there hadn't  
2 been a legal context for the employment of children.  
3 These notes make reference that any of the children who  
4 would be considered either by age or ability for  
5 employment within a boarding out, it should be  
6 applicable to the local laws and by-laws about the  
7 employment of children.

8 It was also very clear that it should be something  
9 that the child was in agreement to, looking at the money  
10 that they would receive for that, what that was used  
11 for, because it was for the child, so it was as regards  
12 giving them the opportunity to earn pocket money, not to  
13 be given to the carer. And this was all managed, if we  
14 go back to the book, within the welfare worker  
15 discussing that with the child and clarifying what their  
16 salary or their income was used for, and that was  
17 balanced with an approach which was that the foster  
18 parent had to provide receipts for the clothing, for  
19 example, that they bought for the child. So it wasn't  
20 to be used -- the child was not expected to use that for  
21 buying of their own clothes. It could be used for  
22 special items, such as they make reference to a bicycle,  
23 if that would be helpful for the child as part of their  
24 interests and hobbies, or developing interests or  
25 hobbies at that time, or maybe outings. But there was

1 a fine balance assessed in relation to what the  
2 expenditure within the fostering household was on and  
3 the receipts received, as well as balanced for what the  
4 child would use the money for.

5 We believe that at that time it was to allow that  
6 young person or child to have an opportunity not just to  
7 have an income but to have that experience.

8 Q. I think we see in the final paragraph of page 25 of the  
9 notes:

10 "... a careful watch should be kept to safeguard  
11 each child from possible exploitation, to see that the  
12 work is not unduly arduous, does not impair a child's  
13 chances at school and that payment is received."

14 MS FARRELL: Yes. And obviously that, of its time, was so  
15 critically important. It was moving to understand that  
16 this was for the benefit of the child when it was in the  
17 best interests of the child, but it was also working to  
18 that understanding still that children -- if we balance  
19 that with children 13 and 14, the welfare officer was  
20 encouraged by Barnardo's to discuss with that child  
21 their -- or that young person their aspirations for the  
22 future, for their own careers or educational development  
23 with the view and vision that when children left  
24 Barnardo's care, that they would have developed the  
25 skills or the abilities to access professional training

1 or opportunities for a trade, to be able to be  
2 self-sufficient when they left Barnardo's care.

3 Q. I'm now turning back to parts which you have already  
4 touched on, but whilst we're on this document if we  
5 could turn to page 3. We see set out in these notes  
6 headed, "Foster home applications", the process  
7 essentially for people applying to be foster carers and  
8 what kind of checks and processes were undertaken in  
9 that regard. Can you explain what this section tells  
10 us?

11 MS FARRELL: This is the early days or the precursor to what  
12 we now know as a foster care assessment.

13 LADY SMITH: Sorry, what year would this relate to? About  
14 when?

15 MS FARRELL: I believe this -- is this the 1943 or the  
16 1955 --

17 MS RATTRAY: No, these are the notes from 1955, which  
18 I think --

19 LADY SMITH: Thank you.

20 MS RATTRAY: -- generally accompanied the 1955 second  
21 edition of the Barnardo Book.

22 MS FARRELL: They have built on the 1943 and extended the  
23 application process or the assessment process of  
24 potential foster carers. As I mentioned earlier, it was  
25 about having the visit to the potential carer's home,

1 the receipt of references, and engagement and  
2 questioning of certain members of the local community,  
3 whether they be vicars or ministers, teachers,  
4 postmistress, et cetera, to gather a fuller picture of  
5 the foster carer family and their environment.

6 And then within what we would now refer to  
7 an assessment, is gathering specific information from  
8 the foster family, so an understanding of their  
9 financial circumstances, an understanding of who lived  
10 within the home, and a profile such as their age. There  
11 is also mention within the book that it wouldn't be  
12 suitable if there was a lodger within the home. Also  
13 an understanding of the children who were presently  
14 within the home.

15 They make some reference as well that obviously they  
16 would want this to be a couple who were churchgoers and  
17 would be able to ensure that the child's religion would  
18 be supported in line with the birth parents' requests.

19 Then there's obviously a review of the health of the  
20 applicants and some discussion about their present  
21 health and their engagement within their medical  
22 history. For example, it makes reference to  
23 tuberculosis.

24 And all of that material was brought together to  
25 form the assessment of the suitability of this family as

1 foster carers.

2 LADY SMITH: Why was a third reference needed if one of the  
3 referees was a doctor, or the doctor, I think it said  
4 further up, didn't it?

5 MR SIMPSON: You're right, it does say that.

6 MS FARRELL: Yes.

7 LADY SMITH: If the doctor is one of the references, there  
8 must be three, not just two. Do you know?

9 MR SIMPSON: Again in the realms of speculation, I wonder  
10 whether actually they felt that the doctor would be  
11 bound by confidentiality and would only give a partial  
12 picture but I really have no idea. It's a strange  
13 thing, isn't it? Yes.

14 LADY SMITH: It would seem odd that the view might be  
15 a doctor won't carry as much weight as somebody who has  
16 no medical qualification.

17 MR SIMPSON: It's hard to imagine that's the case when  
18 Dr Barnardo was a doctor himself, but I take your point.

19 LADY SMITH: Thank you.

20 MS RATTRAY: To what extent was there something -- a process  
21 or considerations which today might be referred to as  
22 matching, matching a child to a family? Is there any  
23 information in the Barnardo Books or elsewhere that that  
24 was something taken into account?

25 MS FARRELL: It wasn't referred to, I don't believe, as

1 matching at the time, but there is exploration and  
2 a requirement of the visitor, or welfare inspector at  
3 that time, to have that discussion with the foster  
4 parent about the nature of the children that they would  
5 wish to care for.

6 So, for example, I believe there's reference to if  
7 a family had experienced the death of a child, that it  
8 is clear that it would not -- this child placed by  
9 Barnardo's would not be a replacement and that may not  
10 be considered to be suitable.

11 There is also then consideration in relation to the  
12 children and their suitability to boarding out, as  
13 I mentioned before. They set out the criteria of their  
14 understanding of that family environment and some  
15 reflection on what a foster family may be able to care  
16 for and support within their family home. So there's  
17 consideration of the age of the child and the needs of  
18 the child, whether that be their demonstration of  
19 behaviour or their physical or emotional state, ie  
20 whether they were deemed to be mental or health issues  
21 or disabled.

22 Also, religion was taken into account, which I've  
23 already mentioned.

24 There was also a wish within the Barnardo Book that  
25 this family environment should be one that would

1 encourage the child, so looking at opportunities for  
2 activities, whether that be sports or music or arts,  
3 outside of the school environment. That is obviously  
4 an expectation, so we would be looking for at that time  
5 a family environment that would be open to that. If the  
6 child had expressed an interest in wanting to develop  
7 an interest or a hobby, my understanding from reading  
8 it, that would be taken into account.

9 Q. What training or guidance was offered to foster carers,  
10 if any?

11 MS FARRELL: That primarily appears to have come from the  
12 inspector or welfare worker and/or the correspondent and  
13 that was their translation and understanding coming from  
14 the book to provide guidance and support to the carers.

15 So, for example, if the foster parent was  
16 experiencing a difficulty in responding to either  
17 a specific behaviour or, for example, bed-wetting, which  
18 is mentioned that many children would have displayed,  
19 and at that time the guidance provided is one of  
20 understanding and recognising that this was not  
21 necessarily -- should not be considered as a behavioural  
22 issue, but one that could be an indication of the  
23 child's emotional state and/or a health issue.

24 So it was very much about helping the visitor, the  
25 inspector or welfare officer over this period, to be

1 available to the foster carer to guide and support them  
2 through this. But as regards official training, from  
3 the records that I have read, there was no specific  
4 reference to training for foster carers at that time.

5 Q. Whilst there was no training, I understand that  
6 Barnardo's made early use of an agreement between  
7 Barnardo's and the foster carer, and if we could return  
8 to Part A, BAR-000000015 at page 53, I think you set out  
9 the terms of a fostering agreement, which you found in  
10 the archives from 1949.

11 MS FARRELL: Yes.

12 And again that's setting out the precursor of the  
13 template we would still use today. It clearly states  
14 that the expectation of Barnardo's of the foster carer  
15 and the agreement as to how they will support and the  
16 term "bring up carefully and lovingly in all aspects as  
17 one in our family life", and there was a clear  
18 expectation by Barnardo's that if a foster child was  
19 placed, they were to be treated as a family member and  
20 as equitable as the children who were birth children  
21 within that home.

22 Again, it's quite specific. It talks about  
23 expectations in relation to diet, clothing, the  
24 attendance of church or chapel and that obviously there  
25 will be an inspection of the quality of care and visits

1 that will take place by Barnardo's to ensure that the  
2 quality of care being delivered is in line with this  
3 agreement.

4 It mentions, for example, the agreement to allow  
5 visits at any time by members of Barnardo's services to  
6 visit, whether that would have been the inspector or the  
7 welfare worker or a medical representative.

8 Q. Perhaps now if we could consider Barnardo's approach to  
9 the placement of siblings and return to the 1943  
10 Barnardo Book at BAR.001.001.0719 at page 72,  
11 paragraph 328.

12 While that appears on the screen, perhaps you are  
13 able to tell us what the Barnardo approach to the  
14 placement of siblings was?

15 MS FARRELL: Yes. There was a clear understanding that  
16 where possible, if there was a foster family that could  
17 care for siblings, that would be encouraged. There was  
18 an understanding that that was for the benefit, to keep  
19 those siblings together, and if that wasn't the case,  
20 the request was for those inspectors to identify  
21 families within one village that could ensure that those  
22 siblings lived close by to each other. That tells us  
23 there was a recognition about the importance of sibling  
24 relationships, the importance of keeping children  
25 together within families, if at all possible, and

1 a recognition of its importance for the children at that  
2 time.

3 Q. You touched on the question of discipline or managing  
4 children's behaviour. If I understand your evidence,  
5 that guidance or advice was given by the inspector or  
6 the visitor to the foster family. But if I'm correct,  
7 there really isn't anything in the Barnardo Book which  
8 focuses on guidance or rules or boundaries in terms of  
9 discipline which is addressed to foster parents. Is  
10 that fair?

11 MR SIMPSON: There's obviously more in regards to school and  
12 residential units, that's correct.

13 Q. Because I appreciate you referred to the two chapters in  
14 each of the one in the 1943 edition and one in the 1955  
15 edition, which is a whole chapter on discipline and  
16 management, but when one reads that, it really is very  
17 much focused on branch homes and large groups of  
18 children and so forth.

19 MS FARRELL: (Witness nodded)

20 Q. Just perhaps on that subject, if we could perhaps have  
21 a brief look at the policy manual, when you move forward  
22 in time, simply to compare and contrast. The policy  
23 manual is at BAR.001.004.1089 and page 21. It's rather,  
24 as we understand with the policy manual, a snapshot, and  
25 the snapshot appears to be on 24 August -- or is it

1 June -- 1994. We see a section here on, "Care and  
2 control in foster homes".

3 It appears to be:

4 "There is a need for foster carers to have maximum  
5 flexibility in their care of foster children in order to  
6 enable them as nearly as possible to handle children in  
7 the way the caring parent of any child does. This has  
8 to leave room for care and control within a secure,  
9 consistent and loving context."

10 Later on, at the foot of that page:

11 "... the legal position and Barnardo's policy of no  
12 corporal punishment must be explained and adhered to by  
13 foster carers."

14 There is reference to assessing perhaps prospective  
15 foster carers' approach to discipline and punishment and  
16 having discussions about it, there still is, even by  
17 1994, very little that we can see about specific  
18 guidance as to what's appropriate and what's not. Is  
19 that your understanding or are you aware of any other  
20 guidance that might have been available?

21 MS FARRELL: Further information would have been shared in  
22 the foster carer handbook that all foster carers at that  
23 time would have received. As you say, this is the  
24 assessment process and this is some guidance for the  
25 social workers in getting an understanding of the

1 applicants' approach and understanding and use of -- or  
2 their experience of punishment, physical punishment, and  
3 being clear stating that as a foster carer, corporal  
4 punishment will not be acceptable within Barnardo's.

5 So, therefore, once approved, we would have been  
6 using preparation training for foster carers. It's now  
7 referred to as Skills to Foster, so that forms part of  
8 the assessment process. And that would have outlined  
9 sections such as management of behaviour and guidance on  
10 what would be acceptable and not acceptable.

11 Then, following approval, foster carers would have  
12 attended training on behaviour management and  
13 an understanding of what was acceptable and not  
14 acceptable, so very clear guidance. And an outline of  
15 that, as I say, would have been in the foster carer  
16 handbook, which is issued to all foster carers once they  
17 were approved. And there is ongoing, for example,  
18 specific to children's needs, if a foster carer was  
19 caring for a child who displayed autistic behaviour and  
20 required physical restraint, at this stage there was the  
21 opportunity to have specific training in relation to  
22 understand how to manage behaviour specifically related  
23 to a learning difficulty. So we're moving to assist  
24 foster carers to understand when a physical intervention  
25 would have been acceptable to protect or safeguard

1 a child from risk in either physical injury to  
2 themselves or to others and what would have been  
3 acceptable.

4 LADY SMITH: When did Barnardo's start using a foster carer  
5 handbook?

6 MS FARRELL: It would have been at this time.

7 LADY SMITH: At this time, the 1990s?

8 MS FARRELL: Yes.

9 LADY SMITH: Did it reflect guidance that was given to those  
10 working in Barnardo's homes at that time?

11 MS FARRELL: Sorry?

12 LADY SMITH: Did it reflect guidance being given to staff  
13 working in Barnardo's homes at that time? When it came  
14 to matters such as restraint or discipline?

15 MS FARRELL: No, this was very specific to the family  
16 environment --

17 LADY SMITH: I see.

18 MS FARRELL: -- rather than from a residential perspective.  
19 Go ahead.

20 MR SIMPSON: I think it's worth pointing out in the 1990s,  
21 by that time you have had a significant decline in the  
22 number of children's homes anyway, so there isn't  
23 actually that many Barnardo's children's homes by the  
24 time you get to the 1990s.

25 LADY SMITH: If I recall correctly, that's not to say that

1           there were not homes where restraint techniques needed  
2           to be understood and used appropriately from time to  
3           time.

4   MR SIMPSON:    Sure.

5   LADY SMITH:    Including in Scotland.

6   MR SIMPSON:    Mm-hmm.

7   LADY SMITH:    Thank you.

8   MS RATTRAY:    Historically, in relation to the question of  
9           children moving placement, now it's something that's  
10          always a concern of a child in the care system moving  
11          from placement to placement, generally speaking, was  
12          that a feature of children being boarded out with  
13          Barnardo's --

14   LADY SMITH:    I'm sorry to interrupt, Ms Rattray, and it is  
15          nearly time for the break. We have a slight problem  
16          with WebEx, apparently.

17                 To explain, Richard and Brenda, some people are  
18          following the hearing via a WebEx link, and if WebEx  
19          goes down, they can't do that. But hopefully we'll be  
20          able to sort that out during the break if we take it  
21          now. Is that all right?

22   MR SIMPSON:    Sure.

23   MS FARRELL:    (Witness nodded)

24   LADY SMITH:    Thank you.

25   (11.27 am)

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(A short break)

(11.45 am)

LADY SMITH: Are you both ready if we carry on?

MS FARRELL: Yes.

LADY SMITH: Thank you.

Ms Rattray, when you're ready.

MS RATTRAY: Thank you, my Lady.

Brenda, before the break I was about to ask you about children moving placement, and I think Barnardo's have provided us with information at Part A, BAR-000000015, at page 39. How much was children moving placement a problem during the boarding-out period, 1940s to 1970s?

MS FARRELL: My understanding from the records are that children who were boarded out to foster placements, if there were particular issues they would return to one of the Barnardo's homes. I don't understand from our records that there were frequent moves to boarding-out foster families for those children to have repeat placements. The majority, if boarding out within a foster home was not suitable for that child or young person, they may have returned to one of the Barnardo's homes.

Q. I think in order to try and achieve a secure placement, there was in effect an early trial period, would that be

1 right? I think we see that in one of the circulars. If  
2 I can take you to the circular at BAR.001.004.2260,  
3 which is a circular dated 1 May 1957. I think this  
4 circular is aimed at perhaps changes in the way that  
5 matters were recorded.

6 It makes reference to:

7 "... for some years it has been our practice when  
8 placing a child in a foster home to regard the first  
9 four weeks in practically all cases as being a holiday  
10 known as the pre-boarding out holiday."

11 Are you, when you talk about children coming back to  
12 the home, are you talking about situations where perhaps  
13 that four weeks wasn't successful or are you talking  
14 about maybe longer-term foster placements which broke  
15 down in some way?

16 MS FARRELL: Both of those instances. I think the approach  
17 was to make sure that the most suitable placements were  
18 found for both the foster family and for the child, and  
19 that these assessment periods, this four weeks for  
20 example, would have been assessed -- if I use that  
21 modern-day term -- to see the suitability and  
22 compatibility for that child and foster family. And if  
23 it wasn't, then it may be that the child was returned to  
24 the home, the Barnardo's home.

25 We do understand from the records that for some

1 children the ability to settle within a family  
2 environment, as we would understand it today, and form  
3 relationships within a family environment was very  
4 difficult, and it was therefore important that they were  
5 in an environment which they could settle and become  
6 part of that family group, which we have reflected on  
7 previously, being seen as part of one of the children of  
8 that family and that was important, that they felt  
9 settled and comfortable.

10 Q. Moving on to the topic of complaints and reporting  
11 abuse, it does appear that there was no formal policy or  
12 procedure within either of the Barnardo Books at the  
13 time whereby children or anyone else could raise  
14 a complaint about care in a boarding-out family. Is  
15 that correct?

16 MS FARRELL: That's my understanding, and I think within the  
17 situation and circumstances at that time, it was -- the  
18 correspondent was used to a degree of independence to be  
19 able to almost have a critical eye on the child placed  
20 within that family in their local area.

21 Safeguarding as we would know it today, obviously  
22 there was no formal training or understanding of that  
23 and we would have moved on to recognise the importance  
24 of seeing the child on their own, which we referred to  
25 earlier, which obviously the inspector or the welfare

1 officer would be encouraged to do.

2 So the ability to recognise the -- I suppose what we  
3 see as vulnerability for that child within this period,  
4 from what we can see, was limited.

5 Q. But you do tell us that in 1984 you have in your archive  
6 a booklet, which we can look at now, which is at  
7 BAR.001.004.2010. This appears to be a draft of the  
8 booklet which I understand would have been given to  
9 a child in care and telling the child that they could  
10 complain.

11 MS FARRELL: Yes. This was in 1984. But historically,  
12 obviously, in looking back into the 1950s, 1940s and  
13 1950s, I suppose our understanding of giving a voice to  
14 the child was different at that time. This obviously is  
15 specifically directed to allow a child that opportunity  
16 and space to express how they're feeling within their  
17 family environment.

18 Q. This document of 1984, is this the first reference you  
19 have in your archives to a means to explain to the child  
20 that it is open to them to raise concerns or complain?

21 MS FARRELL: That would be my understanding.

22 Q. You mentioned safeguarding, so perhaps we can move on to  
23 the question of safeguarding or child protection.

24 Whilst I think you'll agree that there was no --  
25 obviously the words "child protection" were not the

1 terms which were used back in the 1940s and 1950s and so  
2 forth, but there was no formal child protection policy  
3 in place at that time?

4 MR SIMPSON: That's right.

5 MS FARRELL: (Witness nodded)

6 Q. I think you also tell us that perhaps there were some  
7 elements that one can see in the circulars, for example,  
8 which demonstrate that there was an awareness of risk of  
9 children being boarded out. Perhaps we can have a look  
10 at them. I think you refer to two circulars, one  
11 involving penfriends and one involving that boys should  
12 not stay overnight with single males.

13 The first of these is at BAR.001.004.2133. When  
14 I say "first", I mean the earlier of those, which is  
15 dated 3 January 1953. Could you explain the background,  
16 as you know it, to this circular?

17 MR SIMPSON: I don't think we would -- we would be  
18 speculating, I think, to be honest with you. But  
19 I would imagine that that circular responds to -- would  
20 respond to some concerns that head office had about  
21 practices and was seeking to clarify the position  
22 vis-a-vis the books, backing that with a circular.  
23 Because I think you have a second example whereby it's  
24 reinforced?

25 Q. Yes, indeed. The second example in relation to the

1 penfriends we see at BAR.001.004.2269.

2 MR SIMPSON: Because that then makes reference, doesn't it,  
3 to the fact that actually they feel there has been  
4 instances where the previous circular had not been  
5 followed, so they are actually reiterating. So I would  
6 imagine that -- again I'm speculating -- that would be  
7 responding to incidents of concern.

8 Again, I suppose I want to stress, what we would not  
9 have evidence of is whether that was a Scottish example.  
10 You will appreciate these are circulars that are going  
11 out to the whole organisation.

12 Q. Certainly, certainly.

13 Moving on, if we could return to Part A at  
14 BAR-000000015, page 8, I think at this section you  
15 provide information in relation to what funding was made  
16 available to foster carers to help support the child.  
17 Can you explain Barnardo's approach historically towards  
18 that?

19 MS FARRELL: Yes.

20 When Dr Barnardo set up the organisation, he  
21 identified the fact that there was an opportunity to  
22 raise funds within society to create services to support  
23 the most vulnerable children in our society. In the  
24 early days, I suppose it would have been known as  
25 fund-raising, and through a number of either church

1 events, public speaking events, both in raising  
2 awareness of the plight -- as the term would have been  
3 used at the time -- of vulnerable children, he was able  
4 to generate community and societal interest in giving  
5 funds, being benevolent, to -- as the term was used at  
6 the time -- waifs and strays.

7 This money was initially used and supported for  
8 children's homes, which were started in the East End of  
9 London. He then obviously used that money to fund and  
10 support the boarding out of children within the  
11 different schemes.

12 So, for example, foster families who provided foster  
13 placements to these vulnerable children would have been  
14 able to claim support for expenditure relating to the  
15 children. So I mentioned previously about keeping  
16 receipts, an example of understanding that there would  
17 be expenditure of clothing and food, which are all  
18 itemised as part of the documents submitted.

19 To do this, obviously, as an organisation and as  
20 a charity, Barnardo's used various degrees of  
21 fundraising, both individual benefactors as well, as it  
22 says here, collection boxes, which we've all become  
23 familiar with over the years as the charity raising  
24 funds for vulnerable children.

25 Q. In relation to the boarding-out payments, if we could

1 scroll down further the page on there, we see that there  
2 were particular payments which were made direct to  
3 foster carers, as you've mentioned --

4 MS FARRELL: Yes.

5 Q. -- to cover maintenance, clothing, pocket money. There  
6 would be special payments for music lessons or something  
7 of that nature. If I understand the position correctly,  
8 the payment rates were reviewed on an annual basis?

9 MS FARRELL: Correct, and I believe the documents we've  
10 submitted actually outline some of the detail.

11 Q. Perhaps we can --

12 LADY SMITH: Can I just check, so at this stage we're  
13 talking about reimbursement of expenditure at particular  
14 levels rather than also paying fees? Or do I have that  
15 wrong?

16 MS FARRELL: My understanding is that there would have been  
17 an allowance to the family, but that would have been  
18 related to, again, the age and needs of the children as  
19 they would have been assessed at the time, plus the  
20 coverage of expenditure as is outlined, such as items of  
21 clothing. So there would be allowances of -- the  
22 organisation would have made an assessment of what would  
23 have been a reasonable cost for expenditure on specific  
24 items to care for that child.

25 LADY SMITH: But as a foster carer, in addition to these

1 allowances for clothing, for example, would I be getting  
2 an amount of money by way of in effect a fee, or not?

3 MS FARRELL: The detail of that as to when that was started  
4 to be paid I'm not clear about. But there was -- my  
5 understanding, there was a ... maybe not necessarily  
6 a separate fee, but there would be a recognition in the  
7 amount of expenditure a foster carer would have had to  
8 have that would cover the reflection of that. So rather  
9 than an item of clothing maybe costing X, there may be  
10 an allowance for clothing on top of specific items as  
11 well. But the date in which that changed from this  
12 period to the 1980s, I wouldn't be clear about.

13 LADY SMITH: Did that mean that the foster carer would have  
14 an incentive, if I can put it that way, to buy the  
15 cheapest clothing item because they could legitimately,  
16 under the Barnardo's system claim the full allowance,  
17 making money for themselves on what they'd saved on the  
18 cost of the clothing? Or not?

19 MS FARRELL: We do read in the documents about boarding out  
20 that the inspector or the welfare officer has to see the  
21 receipts and has to view the clothing. And they also  
22 state that they expect that the children will be dressed  
23 to the same standard within the home.

24 LADY SMITH: Yes, you mentioned that earlier, but the  
25 inspector would not be comparing what was on the

1           receipts with the amount that was able to be claimed by  
2           way of allowances. Have I got you right about that?

3 MS FARRELL: To be specific about that, I could not be  
4           clear.

5 LADY SMITH: I'm not suggesting there was any deceit going  
6           on. I'm just wondering if that was a feature of the  
7           system at that time.

8 MR SIMPSON: I don't think we would know.

9 LADY SMITH: If I was a foster parent, I could, for example,  
10          spend £5 on clothing that the child needed for the  
11          season, but under the Barnardo's system I'm allowed to  
12          claim £10. Do you see what I mean?

13 MS FARRELL: Yes, I do, and I don't have any specific  
14          evidence to clarify that.

15 LADY SMITH: Thank you very much.

16 MS RATTRAY: Perhaps just out of interest, we could look at  
17          one of the circulars which was issued in 1958,  
18          BAR.001.004.2295.

19                I think this is an example of the type of payments  
20          that were made and I think this is an example of those  
21          rates being reviewed.

22 MS FARRELL: Yes. As you can see, there's an element of  
23          maintenance, which I suppose is what I was referring to  
24          before. What does it cost to care for, to either feed  
25          and support a child, and, as you can see, it was age

1 bracketed and broken down across the board for  
2 maintenance, clothing and pocket money.

3 Q. On the question of clothes as well, I think we have  
4 an early circular at BAR.001.004.2080 of  
5 16 November 1944, which sets out the standard outfits  
6 with which a child would be provided when being boarded  
7 out from a branch home.

8 MS FARRELL: Yes. Yes. And that would have been a similar  
9 approach by Barnardo's in setting the standards both  
10 within the homes and this was transferred to boarding  
11 out.

12 Q. Do you have any evidence to address whether or not the  
13 payments made were enough to meet the cost of bringing  
14 up a child?

15 MS FARRELL: Specifically from the records, I'm afraid  
16 I don't.

17 Q. That brings me to an end of the section that we were  
18 looking at at the Barnardo Book and other documents, so  
19 at this stage if I could turn to you now, Richard, and  
20 look at Barnardo's Part B response, which is at  
21 BAR-000000016.

22 In relation to this response, you do provide us with  
23 further information on the methods that were used to  
24 gather in, and you refer to the various databases and  
25 recording systems, safeguarding incident forms and

1 serious incident forms which were considered to gather  
2 together any information you had about the number of  
3 children who may have complained of abuse.

4 In the first paragraph you say that you know of 21  
5 children, but I am aware, and you have told us quite  
6 recently, that the Part D, which sets that out, is a bit  
7 of a work in progress at the moment, but you are  
8 continuing to review --

9 MR SIMPSON: Mm-hmm.

10 Q. -- I think you have now reached the figure of possibly  
11 25 who --

12 MR SIMPSON: It's actually possibly 26, yes.

13 Q. Or 26. I think the additional one was in respect of  
14 someone who made an allegation, didn't identify  
15 a specific abuser, and then kind of withdrew? Is  
16 that --

17 MR SIMPSON: To be honest, we have a number that we've added  
18 in recent weeks where we've had a couple of cases where  
19 they made a statement in respect of the residential case  
20 study, and then referenced possible abuse within the  
21 foster home before they went -- sorry, they made  
22 reference to abuse in the residential and foster home,  
23 and whether we actually have included these in the  
24 figures here.

25 We're also aware from yourselves that actually there

1 are people who have -- you know, applicants, who we  
2 suspect therefore will be making representation to  
3 yourself about abuse in foster care who have not spoken  
4 to us. So that figure is our latest figure.

5 Q. That's a figure that you are saying that you will  
6 revisit once the further evidence has come forward in  
7 the course of this case study and you intend to submit  
8 a revised Part D?

9 MR SIMPSON: We would continue to do so. We wish to be very  
10 open about this. So if there are instances that come  
11 up, either through your study here or any other places,  
12 we will continue to update with those cases.

13 So at any one time, this is our known abuse -- so,  
14 yes. In that sense, it is a work in progress, yes.

15 Q. I think essentially it covers a range of types of abuse,  
16 including physical, sexual and emotional abuse, as we  
17 refer to in the Inquiry terms of reference. And it has  
18 a combination of non-recent reports, reports of  
19 non-recent abuse --

20 MR SIMPSON: (Witness nodded)

21 Q. -- but also a number of reports of contemporary abuse,  
22 where a child has been able to make a report whilst  
23 still in placement. Is that correct?

24 MR SIMPSON: That's right.

25 Q. Is one proportion greater than the other or ...

1 MR SIMPSON: I think I've made the comment that I think if  
2 you look at contemporary allegations, they tend to be of  
3 a physical nature, and the historic matters tend to be  
4 sexual.

5 Q. You say in your Part B that you acknowledge that  
6 children have been abused whilst in foster care provided  
7 by Barnardo's.

8 MR SIMPSON: (Witness nodded)

9 Q. In relation to the acknowledgement of systemic failures,  
10 what's Barnardo's position on that?

11 MR SIMPSON: I have put in the statements that I don't  
12 believe there was systemic failing. I guess what it's  
13 going to come down to is a debate about what is meant by  
14 "systemic failing". My view was that, given the numbers  
15 and given the patterns of abuse, I'm not sure there is  
16 a systemic failing. But we do absolutely accept there  
17 are cases of abuse in our homes, in our foster homes.

18 Q. Although I appreciate there is a discussion to be had  
19 about whether one looks through the lens of the  
20 standards and practices of the time or whether one looks  
21 from today's standards and looks back in time and  
22 compares what happened in the past to what would  
23 otherwise happen today in terms of the existence of  
24 systems, and against a background where we've heard that  
25 there wasn't a formal complaints procedure, there wasn't

1 a formal child protection procedure in the past. Looked  
2 through that lens, when there's just a strict  
3 comparison, would you accept that from that perspective  
4 if appears that there were systemic failures in respect  
5 that there were certain systems which are in place today  
6 but were not in place in the past?

7 MR SIMPSON: I can see that point, yes. We certainly have  
8 systems in place now. You referred before about there  
9 wasn't a policy and a procedure. Where I think  
10 Barnardo's is a Child Protection Agency is probably our  
11 first statement of that, in 1991. So, yes, your point  
12 is well made prior to that.

13 Q. I think actually for the record that document, which we  
14 have in fact heard in previous evidence, is part of the  
15 bundle.

16 MR SIMPSON: Mm-hmm.

17 Q. It shows in October 1991 an early child protection  
18 policy, and in my understanding that's probably the  
19 first example of a complete child protection policy.

20 MR SIMPSON: Yes, it's the first time we bring it all  
21 together, I would agree, yes.

22 Q. Moving on, and whilst I'm not going to look at the  
23 detail at Part D, for the reasons it's a work in  
24 progress and it's continuing to be reviewed and we'll  
25 hear more about that or we'll receive a further response

1 from you later on in the course of this case study. As  
2 you're aware, there was one incidence of abuse that we  
3 had asked further questions on. That was in relation to  
4 a child who was abused in a Barnardo's foster placement  
5 and we know with certainty because an abuser was  
6 convicted in that respect of various forms of abuse,  
7 including sexual abuse.

8 You had suggested at the time of completing this  
9 response that technically you didn't consider the child  
10 to be a foster child, albeit you had taken on the  
11 responsibilities of treating it as a foster placement.

12 I think this week you have written to the Inquiry in  
13 that regard, your letter of 11 May 2022, which we can  
14 look at just now at BAR-000000089.

15 The copy of the letter, which comes up on screen,  
16 has been redacted. It hasn't been cyphered, but it is  
17 in relation to a child who we will hear more about that  
18 experience as we move through the case study.

19 I think what you explain here is a situation where  
20 this child, who was one of three siblings, each sibling  
21 had a different father, the mother had set up home with  
22 the father of one of the siblings and then the mother  
23 left and this man was left in the care of three  
24 children. One child was his birth child and the two  
25 others technically he had no relationship with, either

1 blood relationship or indeed by marriage.

2 He then placed these children in Barnardo's, calling  
3 himself a guardian, although my understanding from the  
4 records is that it was accepted he wasn't the legal  
5 guardian.

6 MR SIMPSON: That's right.

7 Q. You tell us then later on he asked for the children to  
8 be returned to him, all three.

9 MR SIMPSON: (Witness nodded)

10 Q. I think you explained to us, and I think it's borne out  
11 by the records, that Barnardo's made every effort to try  
12 and trace the mother and to try and trace the birth  
13 father of this child concerned, without success in  
14 relation to the mother and with limited success in  
15 relation to the father, who they did trace, but then he  
16 moved again and didn't leave forwarding addresses and  
17 didn't get back in touch.

18 MR SIMPSON: That's right.

19 Q. And that ultimately the decision was made that this  
20 child should be boarded out with this father and his new  
21 wife.

22 MR SIMPSON: That's right, yes.

23 Q. Is it my understanding that you now accept that  
24 technically this child was in fact a foster child? He  
25 was boarded out, he met all the requirements to be

1       boarded out, the whole processes, both legal and  
2       administrative, were followed through such that he was  
3       certainly a foster child?

4   MR SIMPSON: I'm sorry if it's appeared from my statement  
5       that I appear to be difficult about this. What I'm  
6       absolutely clear about is that he should have been  
7       afforded every protection afforded to children who were  
8       fostered and we didn't do that.

9   Q. Right. Perhaps we can just look at the process, because  
10       I think it would help if we did that.

11            If we could look at a document at BAR-000000076.  
12       These documents are extracts from records provided by  
13       Barnardo's --

14   MR SIMPSON: Mm-hmm.

15   Q. -- which appear to demonstrate the process here.  
16       I think number 1 of that page appears to be a visit to  
17       this man's home and his new wife's home, and it's  
18       a visit on 12 March 1964 and appears to be a report on  
19       the state of the home, of the income of the family and  
20       so forth.

21            Then if we move on to the next page, page 2, I think  
22       we then see a letter of 15 February 1965, which it's  
23       a file copy letter, but I think it's a letter from  
24       Barnardo's to the children's officer in Edinburgh, which  
25       sets out the background here and explains how this child

1           came to be in the care of Barnardo's, that the man  
2           concerned signed the agreement form to admit the child  
3           to care as, "'Guardian' (not legal)".

4           And explaining the background here but generally  
5           suggesting that whilst the home might be a little  
6           overcrowd, it was considered to be in this child's  
7           interest to be placed there where he would otherwise be  
8           living with his siblings.

9           This appears to be an intimation to the Local  
10          Authority of an intention to board out the child.

11       MR SIMPSON: Mm-hmm.

12       Q. I think if we turn over to page 5, we see a letter of  
13          19 February 1965, which is internal Barnardo's  
14          correspondence from the Edinburgh office to I think the  
15          head office in London, also setting out the same  
16          background and enclosing the boarding-out form on behalf  
17          of the child and confirming that the appropriate  
18          children's officer has been notified. So the internal  
19          administration and administrative process has been  
20          followed too?

21       LADY SMITH: Do we see that at the time this letter was  
22          written, early 1965, February I think, the children were  
23          still in Haldane House?

24       MR SIMPSON: That's right.

25       LADY SMITH: What was being proposed was they would be

1           boarded out with this man and his wife?

2   MR SIMPSON:  Yes, that's right.

3   MS RATTRAY:  I think the next letter is at page 7, where it  
4           is a reply from the Local Authority, Edinburgh  
5           Corporation, acknowledging the letter and saying that  
6           certain investigations have been made on the home and  
7           the character of the above named:

8           " ... and as far as I have learned it would appear  
9           that there is nothing detrimental to the placing of the  
10          children referred to except that the house will be  
11          rather overcrowded.  At the same time the children are  
12          being placed with friends that they know and already  
13          love."

14          We can see there's been no objection to the proposed  
15          boarding out from the Local Authority.

16          Turning to page 8, another letter from head office  
17          to the Edinburgh office within Barnardo's of  
18          4 March 1965, acknowledging information about the plans  
19          for the children concerned and that the child has been  
20          passed for boarding out and the form has been placed in  
21          their file and noting arrangements to leave Haldane  
22          House.

23          So that follows the internal procedure that head  
24          office at the time was a final protocol in terms of  
25          decision making as to whether a child should be boarded

1 out.

2 Then at page 9, another letter of 5 March 1965, from  
3 the Scottish Office of Barnardo's enclosing the dossier  
4 card and transfer form and confirming the child was  
5 boarded out with this man and his wife on 5 March 1965.

6 Finally, the next page, page 10, I think that is the  
7 record card that a child has --

8 MR SIMPSON: That's right.

9 Q. -- which sets out the child's journey in the care of  
10 Barnardo's, being in Haldane House previously, a period  
11 in hospital, then back to Haldane House and then boarded  
12 out to Edinburgh.

13 MR SIMPSON: Mm-hmm.

14 Q. I think in your letter, you know, whatever your position  
15 might be on the status, whether legal or administrative  
16 in respect of this child, I think you make the point  
17 that this arrangement was not a traditional arrangement  
18 for Barnardo's at the time, is that --

19 MR SIMPSON: That's my point. I'm absolutely making no  
20 excuses, not minimising the harm that ensues, but this  
21 was not a usual arrangement for us.

22 Q. In fact, I think you say in your letter, once again back  
23 at BAR-000000089, and page 2 of that document, the  
24 second page of the letter, paragraph 5, you make the  
25 point that the man and his wife were not an independent

1 couple that had applied to Barnardo's to be parents and  
2 they had not been selected and vetted by Barnardo's in  
3 the usual way.

4 MR SIMPSON: (Witness nodded)

5 Q. Would that perhaps --

6 LADY SMITH: Just for the notes it might be helpful to read  
7 out paragraph 5, Ms Rattray --

8 MS RATTRAY: I will do so.

9 LADY SMITH: -- because that's where the view that this was  
10 not, as you put it, Richard, this wasn't a usually  
11 arrangement, I think, is summarised.

12 MS RATTRAY: What paragraph 5 says is:

13 "This was not a traditional fostering arrangement  
14 for Barnardo's. [The man] was already viewed as  
15 a father figure to [the child] and all three children  
16 had already lived together as a family. The children  
17 were voluntarily admitted to Haldane because [the man]  
18 could not cope as a single parent, and he applied to  
19 have the children returned to him after he was married.  
20 [The couple] were not an independent couple that had  
21 applied to Barnardo's to be foster parents, and they had  
22 not been selected and vetted by Barnardo's in the usual  
23 way."

24 Two questions from that.

25 The first point is they hadn't been selected in the

1 normal way and they hadn't been vetted in the usual way.  
2 Would that indicate a system that had failed in some  
3 respects because it wasn't perhaps up to meeting the  
4 particular conditions of this placement?

5 MR SIMPSON: I think it's impossible to -- we have to say  
6 that it did fail for [REDACTED]. My apologies, I used  
7 the name. He should have been protected and he wasn't.

8 Q. Just another point. Although this was not a traditional  
9 fostering arrangement for Barnardo's at the time,  
10 I wonder, can we perhaps draw a comparison to that kind  
11 of arrangement then to the kind of arrangements we have  
12 now which we call kinship care, where we are seeing  
13 perhaps a system whereby adults who are either related  
14 to the child or perhaps not related at all but are known  
15 to the child, children are then placed with the adults  
16 in a formal way in the manner of foster carers, and we  
17 call it kinship carers. Perhaps this is a sort of  
18 variation of that that we see?

19 MR SIMPSON: Absolutely true.

20 Q. I think it's also important to read out paragraph 7 of  
21 your letter, where you say:

22 "We acknowledge that some children were abused while  
23 in our care and it is a matter of deep regret to  
24 Barnardo's that we failed to protect these children. We  
25 are deeply sorry to those who suffered abuse and for the

1 harmful impact this may have had on their lives. In  
2 reviewing [this particular child's] file and having had  
3 access to other material relating to his and family  
4 members' contact with Barnardo's, there is no doubt that  
5 [this child] suffered significant harm and abuse and  
6 that Barnardo's failed to protect him from that abuse  
7 and would wish to offer a genuine and heartfelt  
8 apology."

9 MR SIMPSON: Absolutely.

10 Q. Thank you for your assistance with that, Richard.

11 What I would like to ask you about now is that going  
12 back to in fact Part A of your A-D response, if we look  
13 at BAR-000000015, page 56. As that comes up on the  
14 screen, what I'm going to ask you about is some  
15 safeguarding experiences you've had and explain to us in  
16 response to a query about whether the experiences of  
17 abuse of children in care have had any impact upon  
18 practice in Barnardo's.

19 One of the things you tell us about is an internal  
20 safeguarding review process that was introduced in  
21 response to a case where there was evidence of disguised  
22 compliance by foster carers and a number of low-level  
23 concerns in relation to the care of a sibling group of  
24 three over a number of years.

25 Perhaps starting here, what --

1 LADY SMITH: That's right down to the bottom of the page?

2 MS RATTRAY: Yes.

3 LADY SMITH: Do we need to go to that last paragraph?

4 There we are, thank you.

5 MS RATTRAY: First of all, could you explain what you mean

6 by "disguised compliance by foster carers"?

7 MS FARRELL: That is a term which reflects to all intents

8 and purposes individuals within the home who are

9 demonstrating and communicating in one way but are

10 acting in another.

11 As practitioners today within fostering, social

12 workers would be trained to understand and assess when

13 disguised compliance is taking place. And within that

14 understanding for us as an organisation, in my role in

15 overseeing all of our fostering and adoption services,

16 working alongside Richard, I have a member of my senior

17 management team who leads on safeguarding, and in any

18 instance where we identify through our reporting system

19 any situation in which we suspect there is any abuse or

20 neglect or incident of concern within the foster home,

21 that is reported, but as a department I then request

22 that -- in conjunction with Richard and his team -- that

23 is reviewed and the learning is shared and practice then

24 changes.

25 The learning -- we gather this material quarterly to

1 be reviewed but also to report to our trustees, and as  
2 part of that we, in conjunction with Richard and his  
3 team, as we say here, we scrutinise the information  
4 available to us so we can apply the learning and  
5 changes, whether that may be training to our staff to  
6 help them understand how disguised compliance can  
7 present, and therefore that's part of their professional  
8 ability and competence when working with either  
9 applicants to foster or within the foster home.

10 Q. Thank you.

11 Another matter you raise here, an experience you  
12 raise here, which might be easier to look at it in  
13 a recent letter you provided to the Inquiry, which is at  
14 BAR-000000088. That letter was sent in response to some  
15 questions we had about certain matters you had set out  
16 in your response.

17 Essentially it was a situation where you provided  
18 examples, more recent examples, of where Barnardo's had  
19 raised safeguarding issues in connection with certain  
20 Local Authorities you were working in partnership with.

21 You set out some of that at paragraph 2 of your  
22 letter of 11 May 2022. Can you tell us about the  
23 background to that event?

24 MR SIMPSON: I think the details are actually in Part A or  
25 C.

1 Q. Just as an overview, but from what you say in this  
2 letter, you refer to an example from August 2017?

3 MS FARRELL: Yes. That was a situation where we became  
4 aware of a young person who we suspected that there were  
5 attempt to radicalise, and in our assessment of that  
6 situation we alerted the duty social worker at the  
7 placing authority and the decision at that time that  
8 there was no imminent threat to that young person.

9 We obviously as an organisation assessed that this  
10 young person was at a degree of vulnerability and we  
11 contacted the NSPCC in which to have that discussion to  
12 explore and share our concerns.

13 We contacted the authority again to confirm that we  
14 had received the support of our concerns from the NSPCC  
15 and we were pleased to say that the matter was escalated  
16 into a multi-agency meeting, including the police team,  
17 and we were able to look to redress the situation that  
18 was presenting itself, and that reflects a situation  
19 where ourselves as an organisation, working in  
20 conjunction and partnership with our Local Authority  
21 colleagues, sometimes our knowledge or understanding or  
22 awareness of a situation may not be reflected from our  
23 Local Authority colleagues, maybe their understanding or  
24 their insight into the situation.

25 But we take a very clear position that when we

1 assess that degree of vulnerability, it must be  
2 escalated with our Local Authority colleagues to ensure  
3 that that child is safeguarded and protected.

4 Q. The example you give, and the Local Authority concerned  
5 was Fife Council, was there any particular learning  
6 gained from that experience?

7 MS FARRELL: Yes. I know that we will have had discussions  
8 locally with Fife and an understanding as to why we as  
9 an organisation took the decisions we did, because our  
10 objective would always be to improve learning and  
11 understanding, and that helps in a professional approach  
12 in learning together, but also ensuring that we create  
13 awareness, so together we can understand the risks for  
14 some of the most vulnerable children in our society.

15 I think the approach we would always take is we  
16 never stop learning and as a collective we must work  
17 together to build up our knowledge and understanding of  
18 the vulnerabilities and challenges and risks presented  
19 to children in our care.

20 MR SIMPSON: I think what I would add, if you don't mind, is  
21 as head of safeguarding, I can say this, maybe Brenda  
22 can't, is that actually family placement are very good  
23 at sharing case examples across the organisation. So  
24 Brenda and her team come together --

25 LADY SMITH: Sorry, who are very good? Family?

1 MR SIMPSON: I'm sorry, we would refer to fostering as  
2 "family placement".

3 LADY SMITH: Family placement.

4 MR SIMPSON: So the fostering services in Barnardo's are  
5 very good at coming together to share case examples like  
6 this, to share the learning not just in Scotland but  
7 elsewhere, and equally from elsewhere back into  
8 Scotland. So getting senior managers together to  
9 actually discuss cases, the learning that comes out of  
10 those cases, to share the learning across the family  
11 placement/fostering services.

12 LADY SMITH: Richard, I see in this example there's  
13 reference to a duty social worker at Fife Council and  
14 later on where the social workers were doing what they  
15 should be doing. In this case, I take it Barnardo's  
16 were providing a service to Fife Council in placing the  
17 child with foster carers?

18 MR SIMPSON: (Witness nodded)

19 LADY SMITH: Once that's happened, is it then a matter of  
20 just it being over to the council to visit and supervise  
21 the placement or does Barnardo's also do its own  
22 supervision of the placement?

23 MS FARRELL: Yes.

24 LADY SMITH: The latter?

25 MS FARRELL: Both.

1 LADY SMITH: So both the council and Barnardo's will  
2 supervise --

3 MS FARRELL: Yes.

4 LADY SMITH: -- and try to keep in touch; is that right?

5 MS FARRELL: Of course, yes. There is a very clear protocol  
6 outlined within the commissioning framework in which we  
7 would agree to with -- as part of that commissioning  
8 framework as ourselves as providers with the Local  
9 Authority we adhere to an agreement as regards rules and  
10 responsibilities within the caring for that child in  
11 a Barnardo's placement by a Local Authority.

12 LADY SMITH: We can no doubt check the up-to-date terms, but  
13 can you assure me that it does have the child at its  
14 heart rather than, well, Barnardo's look after the  
15 foster carers because they're on their books and the  
16 Local Authority looks after the child?

17 MS FARRELL: Yes, it's --

18 LADY SMITH: Child first?

19 MS FARRELL: Of course. Yes.

20 MR SIMPSON: Can I add "absolutely", as an organisation.

21 LADY SMITH: Thank you.

22 Ms Rattray.

23 MS RATTRAY: Thank you, my Lady.

24 Perhaps at paragraph 4 of that letter from  
25 Clyde & Co and over the page you set out another example

1 of safeguarding concerns. Could you explain the  
2 circumstances set out there?

3 MS FARRELL: Yes.

4 This was a sibling group who were placed with a set  
5 of foster carers by -- Barnardo's foster carers by this  
6 Local Authority. As a sibling group they presented with  
7 a degree of complex interpersonal relationships and  
8 behaviours, and that was reflected by the history and  
9 the information we'd received from the placing authority  
10 when the sisters were placed.

11 However, there was a situation which was a cause of  
12 concern where both girls began to have inappropriate  
13 sexual contact and intimacy and this was raised with the  
14 Local Authority and the concerns fed to the Local  
15 Authority. At that time, the social worker and the --  
16 the social worker did not recognise the significance of  
17 this situation and it had to be escalated.

18 In doing that escalation to the line management  
19 team, it became apparent that the social worker from the  
20 Local Authority responsible for these children did not  
21 understand the significance and seriousness of what we  
22 were raising.

23 Then through further discussions and meetings with  
24 the authority, Barnardo's became aware that there had  
25 been some information that hadn't been made available to

1 us at matching, therefore that would have allowed us to  
2 put extra resources into that placement, extra training  
3 to the foster carers to understand that this dimension  
4 of sexual activity between both siblings was likely to  
5 present.

6 I'm pleased to say, however, that both agencies  
7 worked together, full information was shared and the  
8 Local Authority social worker involved was removed from  
9 the case and both agencies worked together to ensure  
10 that the best outcome was achieved for both siblings.

11 Q. I see that you say at the top of the second page:

12 "Barnardo's raised concerns first with the team  
13 leader and then the locality manager ..."

14 So your concerns about the social worker, you went  
15 to the team leader. Am I correct in my understanding  
16 that engaging with the team leader didn't resolve  
17 matters and you had to go further up the hierarchy?

18 MS FARRELL: Yes, the locality manager removed the allocated  
19 social worker because of the lack of degree of  
20 responsibility required within those circumstances.

21 Q. What was the learning from that event and experience?

22 MS FARRELL: Barnardo's are very clear about our  
23 responsibility in working in partnership with Local  
24 Authorities. As the sector, as an independent provider  
25 and as a charity we are very clear that to work in

1 partnership there must be effective and clear  
2 communication and there must always be an opportunity to  
3 learn from any situation or incidence.

4 Therefore, in this situation, that was recognised by  
5 all involved and to ensure that the meetings and  
6 opportunities to discuss, reflect and agree to have  
7 a plan, both with the foster carers and all associated  
8 professionals, meant that the outcome for the siblings  
9 was in their best interests.

10 I think for ourselves as an organisation, it is  
11 always ensuring that we keep good lines of communication  
12 open with all colleagues in Local Authorities at all  
13 times.

14 Q. What was the outcome for the siblings?

15 MS FARRELL: If my memory serves me correct, I believe  
16 that -- were they separated, I think? And that  
17 an alternative placement was found for one of them.  
18 I would have to read up on that again, I'm afraid.

19 Q. Moving on to paragraph 5, you tell us about another  
20 experience in May 2019.

21 MS FARRELL: Yes, this was an incident where a Barnardo's  
22 foster carer had a complaint made by a neighbour and the  
23 Local Authority -- their view was from the information  
24 received from that neighbour and their understanding of  
25 the placement that the child should be removed and the

1 placement cease.

2           However, Barnardo's undertook a home visit to assess  
3 the situation. Obviously we are in regular contact with  
4 all of our foster carers and children, but following  
5 this piece of information alerted to us by the  
6 neighbour, we wished to complete a home visit and assess  
7 rather than make an immediate move.

8           With that assessment, our proposal to the Local  
9 Authority was not to go for immediate removal of that  
10 child from the placement. We wanted to be able to put  
11 a planned approach in, because there was full  
12 recognition of the needs of that child. There was  
13 a degree of vulnerability and the placement provided  
14 specific stability, support and an understanding of that  
15 child's learning difficulty and their understanding of  
16 the situation.

17           So our objective was to minimise trauma for that  
18 child before any actions were taken. Therefore, we  
19 liaised with the Local Authority and drew up a plan in  
20 which the child was moved in a planned way to another  
21 foster placement and we moved then as an organisation to  
22 review the foster carer's situation and we believe that  
23 in that incidence our view, and working in conjunction  
24 with the authority, the proposal of a planned move for  
25 that child was less traumatic than an immediate move.

1 Q. Was there any particular learning from that experience?

2 MR SIMPSON: Sorry, I was going to add a general comment  
3 about all three cases. I think it's interesting the  
4 examples you've raised, actually, because I think you  
5 could view that we are in a contractual arrangement with  
6 Local Authorities, but I think what these three cases  
7 demonstrate, that actually we've kept the child at the  
8 centre in all three instances and actually what we've  
9 tried to do is advocate for the best interests of the  
10 child. I think that's the learning for all three case,  
11 to be honest, that that's really important.

12 So that despite the fact that actually we have been  
13 paid for this provision, that actually what's the most  
14 important thing is that we keep the child at the centre.

15 LADY SMITH: You tell me that that principle is captured in  
16 working protocols between you and the Local Authority  
17 you're providing the service for; is that right?

18 MS FARRELL: Yes.

19 LADY SMITH: Are these live documents that are reviewed  
20 regularly according to experience?

21 MS FARRELL: There is -- under the commissioning framework,  
22 either through Excel or the individual Local  
23 Authority --

24 LADY SMITH: Because they're not all on the Excel system,  
25 are they?

1 MS FARRELL: No, we have two which aren't.

2           And therefore those agreements will set out the  
3           roles and responsibility of both parties and  
4           expectations. Then there is a subsequent agreement  
5           specific to each individual child --

6 LADY SMITH: Ah.

7 MS FARRELL: -- where Barnardo's will state their role and  
8           responsibility and also the Local Authority, and within  
9           that, that will detail expectations and understanding  
10          from both parties to ensure that there is a consistent  
11          oversight, monitoring and provision of information to  
12          both parties to ensure that we are all clear that we are  
13          providing a safeguarded and protected environment for  
14          that child.

15 LADY SMITH: I'm hoping there's wording there that captures  
16          a sense of collaborative working between the Local  
17          Authority and Barnardo's, is there?

18 MS FARRELL: It is critical that we work in partnership.  
19          That is our ethos and learning. It will not work any  
20          other way.

21 LADY SMITH: Thank you.

22           Ms Rattray.

23 MS RATTRAY: I just have one or two issues to raise with  
24          you, some of those issues having been raised in previous  
25          evidence at which Barnardo's was present, including the

1 panel session at the end of the case study involving  
2 Quarriers, Abelour and Barnardo's.

3 One theme that we keep hearing is the importance in  
4 an organisation of leadership in setting the culture of  
5 that organisation and the importance of that filtering  
6 down to staff in children's homes and so forth.

7 How does that work for children in foster care? How  
8 is that culture able to filter down into foster care,  
9 when a child is living in someone else's private home?

10 MS FARRELL: We work very hard at Barnardo's to ensure that  
11 we take a team approach in which our foster carers are  
12 part of that team. In my present position in the  
13 organisation I oversee all Barnardo's fostering and  
14 adoption services and you will have read our history in  
15 moving to this position, and what that allows us to do  
16 and myself to do is keep oversight of good practice and  
17 poor practice where there is learning and we need to  
18 change.

19 Within that role, I also work in conjunction with  
20 departments within the organisation, so we can draw on  
21 that expertise and knowledge to share in what we do.

22 So I work with the assistant heads of business on my  
23 team, which represent the regions and nations across  
24 Barnardo's, who in turn are responsible for the  
25 individual fostering and adoption services across the

1 UK. We meet on a monthly basis and we will review  
2 practice. We will consider changes, both internally and  
3 externally within legislation or good practice, which is  
4 coming out from any of the learning through either  
5 safeguarding, maybe serious case reviews, in any of the  
6 nations, and we will look at them in the whole with the  
7 view that we can look to improve and develop practice  
8 from that learning.

9 That then is shared with what we refer to as the  
10 next tier of management, which are our operational  
11 managers who run and deliver those services directly  
12 with our foster carers.

13 All of our foster carers, we have approaches and  
14 situations that allow us to engage with our foster  
15 carers, both on a one-to-one basis on a monthly visit or  
16 more within their own home or in collective  
17 opportunities where we bring them together in support  
18 groups or other collective opportunities. They will  
19 also receive individual training, both online and face  
20 to face.

21 So any of the learning within any nation across the  
22 UK in fostering or adoption, we will translate that to  
23 ensure that there is a clear system of communication  
24 down to the service and to the foster carers that also  
25 informs the individual training and development plans

1 for all of our individual foster carers.

2 So my objective is to share on an ongoing basis any  
3 of the learning and how that can be implemented to --  
4 sorry, to ensure that it's implemented and informs the  
5 understanding, awareness, training and ability of our  
6 foster carers within their protection and support and  
7 care of the children in their families.

8 Q. Thank you.

9 Turning now to the voice of the child, the view can  
10 be taken that children in a foster placement are more  
11 isolated compared to a child in a children's home or  
12 unit. There was discussion at this panel session on the  
13 importance of children having access to independent  
14 advocates. I think the view was unanimous amongst all  
15 those participating in the session that by  
16 "independent", it was important that such advocates were  
17 neither employed by the provider or by the Local  
18 Authority.

19 Are you able to help us about any projects or  
20 strategies that might be ongoing to help children have  
21 access to that kind of support?

22 MS FARRELL: In recognition of that, our services in  
23 Scotland at the present time are working with the sector  
24 to develop a programme which allows for the provision of  
25 independent advocates. And we are moving later this

1 year in Barnardo's to set up a pilot to run that system,  
2 to work through any issues but to ensure then that we  
3 can draw up a model and a plan that would allow us then  
4 to ensure that each child in foster care in Barnardo's  
5 in Scotland has access to an independent advocate.

6 MS RATTRAY: Thank you.

7 My Lady, that concludes my questions. I'm not aware  
8 of any other questions having been put forward.

9 LADY SMITH: Thank you.

10 Brenda, Richard, thank you so much for all the work  
11 I can see that's gone into the preparation of the  
12 written responses to our section 21 orders. It's really  
13 helpful to have that, and the promises of the updates  
14 that you've made, if we could have those, that would be  
15 very helpful too.

16 Thank you for coming here today, and Richard for  
17 coming again. It's very good to see you here. And  
18 thank you for everything Barnardo's have done thus far  
19 in supporting us. It's so important to our work.

20 I'm now able to let you go and hope you can relax  
21 for the rest of today, feeling a job's been well done  
22 this morning.

23 MR SIMPSON: I will reciprocate the thanks for the  
24 opportunity to talk. Thank you.

25 (The witnesses withdrew)

1 LADY SMITH: Ms Rattray?

2 MS RATTRAY: Yes, my Lady, I think the next witness is due  
3 at 2.00 and will be a representative of another  
4 independent foster care provider, Swiis.

5 LADY SMITH: Thank you very much.  
6 I'll rise now and sit again at 2 o'clock.  
7 Thank you, all.

8 (12.56 pm)  
9 (The luncheon adjournment)

10 (2.00 pm)

11 LADY SMITH: Good afternoon, and as we said earlier, we now  
12 turn to evidence on behalf of Swiis, an independent  
13 foster agency. I take it they're ready to come -- I say  
14 they. It's one person, is it?

15 MS INNES: Yes, it's Samantha Arnott.  
16 Ms Samantha Arnott (affirmed)

17 LADY SMITH: How would you like me to address you?  
18 Ms Arnott?

19 A. Sam.

20 LADY SMITH: Very well. You have a hard copy of the  
21 material in front of you and our copies of your  
22 responses to our section 21 notice. You'll also see  
23 documents coming up on screen. You might find that's  
24 helpful as well.  
25 Please will you let me know if you have any

1 questions or concerns as we go through your evidence and  
2 we'll try to deal with them. I can tell you that if  
3 you're still giving evidence around 3 o'clock, which  
4 I think you might be, we'll have a short break then, but  
5 if you want a break at any other time, just tell me.

6 A. Thank you very much.

7 LADY SMITH: I'll hand over to Ms Innes, if that's okay with  
8 you.

9 Ms Innes.

10 MS INNES: Thank you, my Lady.

11 Questions from Ms Innes

12 MS INNES: Sam, you've provided a copy of your CV to the  
13 Inquiry, and thank you for doing so. We understand your  
14 job title is Director for Scotland of Swiss Foster Care  
15 Scotland; is that correct?

16 A. That's correct.

17 Q. In terms of your professional background, I think you  
18 became a social worker in 1994?

19 A. That's correct.

20 Q. And you originally worked in a generic team with  
21 Strathclyde, I think maybe based in Helensburgh?

22 A. I was, yes.

23 Q. And then that became Argyll and Bute shortly thereafter.  
24 After that, I think you were appointed a senior social  
25 worker in 2001?

1 A. (Witness nodded)

2 Q. Again in a generic team.

3 Then you had some other roles, as a senior social  
4 worker and then moved into management roles essentially.

5 A. Yes.

6 Q. Latterly working with a children's charity before you  
7 moved to Swiis?

8 A. That's correct.

9 Q. We understand that you moved to Swiis in 2010, I think,  
10 or --

11 A. 2009.

12 Q. 2009.

13 A. August 2009.

14 Q. Okay. Initially you worked as an operational manager?

15 A. That's correct, covering our Fife team.

16 Q. Then very shortly thereafter, in 2010, you became  
17 a senior manager, and I think that was a newly created  
18 post, which was part of a service restructure.

19 A. It was.

20 Q. Then in 2012 you became assistant director and you were  
21 in that post up until 2014, but I understand that from  
22 your CV that as part of succession planning, you were  
23 essentially working alongside the then director for  
24 Scotland?

25 A. That's correct.

1 Q. And when she retired, you became director for Scotland;  
2 is that right?

3 A. That's correct.

4 Q. Okay. Thank you very much for giving us that background  
5 information.

6 I'd like to ask you a little bit about Swiis Foster  
7 Care Scotland and the organisation, and to assist you,  
8 if we can look, please, at SWI-000000002. This is part  
9 of your response to the section 21 notice that was sent  
10 to you by the Inquiry. We're going to look at page 2,  
11 first of all. Here you set out a little about bit about  
12 the history of the organisation in the first paragraph,  
13 and we see that your founder I think founded a company  
14 in 1988, but it was in 1999 that Swiis Foster Care was  
15 established, and that was an English organisation; is  
16 that correct?

17 A. That's correct.

18 Q. Then Swiis Foster Care Scotland followed, and it's been  
19 providing placements since 2005?

20 A. That's correct.

21 Q. As you said, you've worked with the organisation since  
22 2009, so you've been with it for most of its life in  
23 Scotland.

24 A. I have.

25 Q. We see here that the founder's vision in setting up

1 Swiss Foster Care, it says there:

2 " ... was and remains to meet the growing need for  
3 quality-assured placements offering the highest  
4 standards of care for children and young people whilst  
5 providing real placement choice for Local Authorities.  
6 My expectation of Swiss Foster Care is that in addition  
7 to exceeding all of the national standards, our foster  
8 homes should be places where I would be happy for my own  
9 children to stay."

10 That's the founder's vision. To what extent is that  
11 still the aim of Swiss Foster Care Scotland?

12 A. I would say that it's still very much the aim.

13 Q. We're going to come back to some other matters in terms  
14 of the organisation, but I'd like to take you on to  
15 page 23 to look at the ethos of the organisation. If we  
16 scroll down to the second part of the page, I think  
17 there you've quoted from the introduction to the foster  
18 care handbook 2004, so we've just seen a moment ago that  
19 Swiss started providing placements in 2005, so  
20 presumably in advance of doing so some documents were  
21 prepared and some of them date back to 2004. Is that  
22 correct?

23 A. Yes, that's correct.

24 Q. Here we see that you've recorded the introduction:

25 "... specifies the ambition of Swiss Foster Care is

1 to provide the best service for young people, carers and  
2 placing authorities. We believe that children who are  
3 fostered deserve the highest standards of care as unique  
4 individuals, a wide variety of placement options are  
5 required in order to meet their diverse needs and  
6 circumstances. Swiis aim to plan and therefore  
7 an effective quality service that meets those needs and  
8 circumstances and helps children achieve the best  
9 possible outcomes. In doing so, Swiis supports the  
10 premise that all children have the fundamental right to  
11 love and care within a supportive and safe family which  
12 respects them as individuals."

13 That was from 2004. Does that still reflect the  
14 ethos and ambition of the organisation?

15 A. Yes.

16 Q. You're obviously involved in the provision of foster  
17 carers, as it were, and as we'll come on to look at  
18 responsibility for the care of children remains with the  
19 Local Authority. To what extent are you concerned about  
20 the ultimate care that the children receive?

21 A. It's of paramount importance to us that the care is  
22 appropriate. We very much take the view that children  
23 aren't responsible for the circumstances that have led  
24 them to require to be fostered and therefore we're duty  
25 bound to do our absolute utmost to try and not just take

1 care of their basic day-to-day needs but to try and  
2 provide reparative care to give them the best possible  
3 outcomes and opportunities in their life going forward.

4 Q. Thank you. If we can go back again to the beginning of  
5 the document, so back to page 2, I'd like to take you  
6 through some of the history of the development of Swiis'  
7 involvement in foster care in Scotland.

8 On the second part of the page that we're looking at  
9 there, under (b) you say:

10 "From the outset the aim was to provide foster  
11 placements for some of Scotland's most complex children  
12 and young people as a direct alternative to residential  
13 or secure accommodation."

14 So that seems quite specific.

15 A. My understanding is that when it was set up, certainly,  
16 what was recognised as a real need from Local  
17 Authorities was for services and supports for our  
18 children who were more complex and to give them family  
19 placement and experiences of residing within a family  
20 that might not always have been possible prior to then.  
21 And then over time it evolved into a spectrum of  
22 placement options.

23 Q. You say there:

24 "Most of the children placed were aged 10 or older  
25 and had endured significant adverse childhood

1 experiences. To support carers and meet the children's  
2 needs a multidisciplinary staff team consisting of  
3 qualified social workers, educationalists, health  
4 professionals, therapists and support workers were  
5 employed."

6 Can you just explain a little bit about how that  
7 worked?

8 A. It effectively evolved over time. So Kate Cameron, my  
9 predecessor, set up Swiss Foster Care in Scotland. She  
10 was the head of service and oversaw all day-to-day  
11 management responsibilities. So initially they had some  
12 supervising social workers. Very quickly they took on  
13 a qualified teacher, who then had responsibility for  
14 supporting young people with a range of their  
15 educational needs, primarily, I think, because a number  
16 of the children moved outwith their own Local Authority  
17 area. Therefore, trying to secure education for them  
18 sometimes could be quite problematic and time consuming.  
19 So having someone with knowledge of the processes and  
20 systems was shown to be really beneficial in terms of  
21 ensuring the right people were speaking together and  
22 agreeing the packages of support for the children.

23 It also meant that the carers were supported as well  
24 with how to enrol a young person in school, how to  
25 support them with homework, recognising that a number of

1 the children had additional support needs, whether  
2 dyslexia, dyspraxia, a number were on the autistic  
3 spectrum, so a number had attachment issues, and many  
4 had been outwith education for extended periods of time,  
5 so not all were in full-time education, therefore the  
6 foster carers really required support and guidance about  
7 how to provide an educationally enriching environment to  
8 try and fill in some of the gaps and help children  
9 attain.

10 So we had educational staff. We didn't employ  
11 therapists on staff but commissioned them as and when  
12 required, and they did a multitude of different things.  
13 They, for example, ran additional training for foster  
14 carers about attachment. So they used a well-revered  
15 individual called Kim Golding had set up or developed  
16 a package of training which was multilevel in relation  
17 to attachment training, so that was introduced with our  
18 foster carers so they could really understand their own  
19 attachment style, the attachment style of the children  
20 that they were directly looking after and any issues  
21 that that might raise about how should you approach that  
22 child, recognising the trauma history that they might  
23 individually have, your own trauma history, and how  
24 those might impact together.

25 They provided consultations with foster carers to

1       again look at what are the current or emerging issues  
2       for the young person? How should they be supported in  
3       placement? And what additional supports or guidance did  
4       the carers require? And they also facilitated  
5       one-to-one direct therapy with the young people as well,  
6       by agreement.

7             Our placement support workers, as they were then  
8       called -- currently called resource workers -- did  
9       a multitude of different types of tasks. So sometimes  
10      it would be practical supports to a placement, but a lot  
11      of times they were involved in setting up additional  
12      types of support, so things like children who foster  
13      groups, to support the children of foster carers,  
14      recognising that they're extremely valuable members of  
15      the household and the impact that fostering could have  
16      upon them and the impact that they equally could have on  
17      looked-after children, if they weren't coping with their  
18      parents looking after other children or some of the  
19      behaviours that they might be witnessing that they'd  
20      never experienced before. So they would provide some  
21      group work and some individual work that way.

22            They would also be involved in the assessments of  
23      our foster carers. Our educational staff were also  
24      involved in the assessments of our foster carers. They  
25      would provide an additional report about the educational

1 resources within the locale that could be accessed, as  
2 well as different activities and different resources  
3 that the carers might want to access.

4 But to go back to the resource workers, they also  
5 would do one-to-one work with some young people. That  
6 might be issue-based. Sometimes it was more sort of  
7 socialising. A number of our young people's social  
8 skills were -- well, they would struggle with in social  
9 environments, how to conduct themselves appropriately,  
10 so they would do sort of social modelling, taking them  
11 places, et cetera.

12 In more recent times they very much do a lot of  
13 group work with our young people, again issue based, and  
14 a lot of events and activities during holiday periods.  
15 And the events we would use to assess, to see things  
16 like how -- does the young person engage with their  
17 foster carer? How do they engage with staff? How do  
18 they engage with other young people? If we were looking  
19 to then make a short break arrangement, was there any  
20 natural connections that were emerging that would make  
21 it as pleasant an experience for the young person to be  
22 matched with rather than just, you know, people kind of  
23 randomly plucked out of the air for them.

24 LADY SMITH: Sam, you said a few minutes ago something  
25 about -- was it children in foster groups or children --

1 A. Children who foster. So that's the children of our  
2 foster carers.

3 LADY SMITH: Thank you.

4 MS INNES: Thank you for outlining that, Sam, I think that  
5 gives us a helpful picture of the team that's in place  
6 around the child and how you approach matters. If I can  
7 just ask you a little bit about how the fostering  
8 service has developed. So at the beginning we know that  
9 there was this -- essentially, what some Local  
10 Authorities I think call an enhanced service, and you  
11 were trying to address a particular need essentially, to  
12 keep children out of institutional care.

13 In 2012, I understand that your approach changed and  
14 there was a restructure. We can see that on page 3 and  
15 2012 towards the bottom of the page. You note there  
16 that in response to the economic downturn, resultant  
17 budgetary constraints and listening to what Local  
18 Authorities were telling you, that you decided to  
19 restructure to ensure that the fostering business was  
20 robust enough to continue to flourish.

21 You set out some of the things you did there in  
22 terms of the organisational structure.

23 In relation to the last point there, you say:

24 "A strategic decision [was taken] to diversify and  
25 provide a continuum of placement options. Significantly

1       it was decided to introduce a new standard service in  
2       order to allow us to bid to provide services via the  
3       national Scotland Excel framework agreement."

4             Can you just tell us what the new standard service  
5       was?

6   A.   Essentially, at the beginning it consisted of social  
7       worker support, some resource worker time, so for group  
8       work more than one-to-one work, and really the foster  
9       carer themselves, with the option of any other services  
10      being purchased as additionality.

11  Q.   You have set out there that introducing this had some  
12      connection with allowing you to bid to provide services  
13      via the Scotland Excel framework agreement. We've heard  
14      about the Excel agreement before. Prior to that being  
15      put in place, am I right in thinking that you had to  
16      enter into agreements with individual Local Authorities?

17  A.   There was a mix of spot purchase and some approved  
18      providers type list and some actual tendering processes,  
19      so there was a mix with different local authorities.

20  Q.   So some Local Authorities would just purchase your  
21      service as and when they needed?

22  A.   (Witness nodded)

23  Q.   Others would have you on a list of providers that they  
24      used?

25             And others would have a formal procurement process?

1 A. Yes.

2 Q. Okay. What did Scotland Excel change about that?

3 A. Prior to it coming into being, there was lots of  
4 consultations and, really, the message from the Local  
5 Authorities was that they did not want to purchase  
6 a Rolls-Royce service if a Mini would suffice, was very  
7 much the terms that were used at numerous meetings, and  
8 that really they wanted a basic service akin to more the  
9 model that a lot of the Local Authorities were providing  
10 at that time. So, really, the majority of the support  
11 being provided really by the foster carer, supported by  
12 a supervising social worker, with -- without the direct  
13 therapy, et cetera added in, and recognising that not  
14 all children necessarily needed one to one.

15 There was differences as well in terms of very much  
16 wanting the price to be reflective of such a service.

17 Q. When the framework was put into place, did that then  
18 allow you -- or you would have to sign up to the  
19 framework and then would that give you access to a whole  
20 number of Local Authorities?

21 A. All the Local Authorities had the option to use the  
22 Scotland Excel framework if they wished to.

23 Q. Right.

24 A. So all 32 can use it. Not all 32 have used it or do use  
25 it.

1 Q. Okay.

2 A. And that has changed over time.

3 Glasgow City and Falkirk have never used the  
4 contract.

5 Fife and Edinburgh have used it at points and not at  
6 other times.

7 So currently we have Glasgow, Falkirk, Edinburgh and  
8 the Scotland Excel framework.

9 The current Scotland Excel framework covers standard  
10 placements, specialist placements and continuing care,  
11 so again it's evolved. The supports that we provide as  
12 part of the package for our standard placements has  
13 equally evolved, so that in recognition of feedback from  
14 our foster carers that the level of complexity of the  
15 children that they were still being asked to look after  
16 on a standard basis was still really high, that they  
17 really needed more support than we had originally put in  
18 place.

19 So we increased the support to automatically include  
20 up to 14 nights' short break, and therapeutic and  
21 educational advice. So now our foster carers can  
22 automatically arrange care consultations, either  
23 educationally or with therapists, to -- and we have  
24 really, really increased the range of training available  
25 and other group works. So, for example, therapeutic

1 parenting --

2 Q. Sorry, we'll come back to training a little bit  
3 separately. Sorry to interrupt you there, but we will  
4 come back to that issue.

5 Just staying with Scotland Excel, do you have to  
6 meet certain criteria to be allowed, as it were, to use  
7 the Scotland Excel framework?

8 A. Essentially it's a tendering process. So we have to  
9 bid, our bid is then scored, along with other  
10 applicants, and you're then either awarded a place on  
11 the framework agreement or not, and you're ranked in  
12 terms of quality and in terms of price.

13 Different contracts have had different weightings in  
14 relation to quality and price, so some are 60/40, some  
15 are 70/30. But, yes, each time there's terms and  
16 conditions that you have to demonstrate that you would  
17 be in a position to meet.

18 Q. When you say "each time", is that each time a child is  
19 placed with you or is it each time you tender to be part  
20 of Scotland Excel?

21 A. Both. In terms of the tendering, then each time we have  
22 to demonstrate a range of supports, services, terms and  
23 conditions and how we would be able to meet those, but  
24 equally every single placement then, we need to be able  
25 to demonstrate that all the requirements that's

1 contained within the contract that we're meeting.

2 Q. How frequently do you have to re-tender?

3 A. Most contracts last for two years, with the option of  
4 being extended for up to a further two years, renewable  
5 one year at a time.

6 During Covid the contracts went out of sync a bit  
7 and some were then extended, with mutual agreement,  
8 pending them being re-tendered.

9 Q. When you take a child into a Swiss placement, am I right  
10 in understanding that you have a separate individual  
11 placement agreement in respect of each child?

12 A. We have -- each foster carer has an agreement with Swiss  
13 that reflects the terms and conditions in each of the  
14 contracts, which makes them quite lengthy to incorporate  
15 all the different nuances between the contracts. And  
16 then, yes, each time a child's placed, there's  
17 an individual placement agreement that's mutually  
18 signed.

19 Q. Can I ask you to look at a document which will come up  
20 on the screen, EDI-000000092. I think that we see that  
21 this seems to be a schedule to the framework agreement  
22 for foster care services.

23 A. (Witness nodded)

24 Q. This is said to be placement terms and terms governing  
25 individual placement agreements.

1 A. Yes.

2 Q. Is this something that you're familiar with?

3 A. Yes.

4 Q. If we can go on to the next page, please, I think we see  
5 there that there's a whole number of terms of this  
6 contract or framework.

7 A. Yes.

8 Q. If we go on, I'm just going to look at a couple of  
9 aspects with you, if I may. If we can go to page 4,  
10 please, and to clause 4, at the bottom of the page,  
11 paragraph 4 is dealing with the provider's obligations,  
12 so I think that would be you, for example --

13 A. Yes.

14 Q. -- Swiss?

15 Then at 4.2 do we see:

16 "The provider shall perform its obligations."

17 There's various matters set out in accordance with  
18 the framework agreement, with appropriately experienced,  
19 qualified and trained personnel, in accordance with good  
20 social care practice, in compliance with all applicable  
21 laws and guidance, and in accordance with the National  
22 Care Standards and any requirements made by the Care  
23 Inspectorate. So is that a summary of the various  
24 obligations, stated very broadly, that you have to  
25 adhere to?

1 A. Yes, it is.

2 Q. If we look on, please, to page 5, looking at the  
3 paragraph 4.7:  
4 "Care Inspectorate registration and grades."  
5 4.7.1 we see:  
6 "Throughout the duration of the IPA ..."  
7 I think that's the --

8 A. Individual Placement Agreement, yes.

9 Q. "... in relation to the service, the provider will hold  
10 and maintain registration with the Care Inspectorate and  
11 attain grade 4 or above for all quality themes following  
12 the first inspection of the provider by the Care  
13 Inspectorate, or ensure that the service is rated at  
14 grade 4 or above for all quality themes by the Care  
15 Inspectorate."

16 A. That's correct.

17 Q. Does that remain the grading that you have to attain  
18 across all areas?

19 A. Yes.

20 Q. We understand that the Care Inspectorate have changed  
21 the framework over time and it's maybe expressed  
22 slightly differently, but the grading still has to be 4  
23 or above in all areas?

24 A. Yes.

25 Q. If we look on to page 19, if we scroll down we see

1 a heading there:

2 "The individual placement agreement."

3 If we look to 15.2, do we see various headings of  
4 things that have to be included in the individual  
5 placement agreement?

6 A. (Witness nodded)

7 Q. So matters including financial issues, also the outcome  
8 to be achieved for the child and the contribution the  
9 individual service is expected to make to these?

10 A. (Witness nodded)

11 Q. So in each individual placement agreement, are there  
12 provisions that are specific -- they must be specific to  
13 the child, presumably?

14 A. Yes.

15 Q. Then I think it also talks about the duties of the  
16 purchaser delegated to the provider, so any -- I think  
17 the purchaser is the Local Authority?

18 A. (Witness nodded)

19 Q. Then at (v):

20 "The tasks and decisions delegated to the foster  
21 carer."

22 Then at (vi):

23 "What assessment and other information is being made  
24 available to the provider and the foster carer."

25 So again certain specific provisions for each child

1 would be found in the individual placement agreement?

2 LADY SMITH: What source of assessment or other information

3 might we be talking about there?

4 A. It could be a referral form, it could be the child's

5 plan, it could be LAC review minutes. Any specialist

6 reports that have maybe been undertaken.

7 LADY SMITH: Full information to assist in the full

8 assessment of the child's needs?

9 A. We don't always receive it straight away.

10 MS INNES: For example, we know that a child will have

11 a social work file.

12 A. (Witness nodded)

13 Q. Do you get the whole file?

14 A. No.

15 Q. So you only get certain things from it?

16 A. Yes.

17 Q. Who decides what to choose from the file to share with

18 you?

19 A. The Local Authority.

20 Q. Does that give rise to any issues?

21 A. It can.

22 Q. What sort of issues?

23 A. Sometimes full information's not shared. So, for

24 instance -- or sometimes we receive old reports that

25 maybe haven't been updated for a period of time.

1 I can think of an example whereby a young person was  
2 referred and there was reference to issues about knives  
3 at one point in their history. That young person was  
4 then re-referred to us, but that information was no  
5 longer contained within reports. Now, it might be that  
6 that was -- that work had been undertaken, that it  
7 wasn't deemed to be necessarily that applicable now, but  
8 there can be information sometimes missing.

9 Q. Okay.

10 A. We endeavour to get copies of the child's plan. That  
11 can take us a number of requests before we receive them.

12 LAC review minutes, some Local Authorities don't  
13 actually produce them at all, or they produce them at  
14 the point the next LAC review is taking place, so our  
15 staff have to make sure that they have taken notes.

16 Now, foster carers aren't automatically considered  
17 to be relevant people in Children's Hearing processes,  
18 so again we don't always -- information's filtered to  
19 us. Sometimes that can have a bearing. We've had some  
20 safety issues in terms of having to put markers on  
21 foster carers' houses because of threats, things like  
22 that.

23 It generally doesn't cause us great issues or  
24 there's mechanisms that we would contact a Local  
25 Authority to specifically request. There have been

1 times that -- obviously based on information that we  
2 receive from the outset, then we make a choice as to  
3 whether we make an offer of what we think is a suitable  
4 foster placement or not. And sometimes it's  
5 an emergency situation and sometimes the Local Authority  
6 doesn't know much about the child is the reality and  
7 information comes out in dribs and drabs over a period  
8 of time. So it's not always the Local Authorities not  
9 trying to share, but it can be patchy sometimes.

10 LADY SMITH: Regarding the position of foster carers  
11 vis-a-vis the Children's Hearings, you rightly say  
12 they're not relevant persons under the legislation. In  
13 your experience, would they want to be?

14 A. Most of them, yes, particularly if they've been looking  
15 after a young person or child for a period of time,  
16 because obviously they've got invaluable information  
17 about the day to day. And sometimes they disagree with  
18 the Local Authority planning.

19 LADY SMITH: Because otherwise the Hearing are left to hear  
20 the information that the foster carer can provide via  
21 second-hand supply through, I take it the Local  
22 Authority would be the people to --

23 A. Sometimes our staff are requested to produce a report as  
24 well. Not always, but sometimes. And we'll certainly  
25 always be willing to do so.

1 LADY SMITH: Thank you.

2 A. And sometimes foster carers too get asked to produce  
3 a report.

4 LADY SMITH: Thank you.

5 MS INNES: Just picking up on something that you said  
6 a moment ago when you were giving an example about  
7 somebody who had been in your care and then was  
8 re-referred. Again, just to do with the information  
9 that you have, if you've been provided with information  
10 about a child and that child returns or leaves the care  
11 of a Swiss foster carer, what happens to the child's  
12 file?

13 A. If they're transferred to another Swiss foster carer  
14 then it remains open, but if the young person's totally  
15 left our service, then key documents are returned to the  
16 Local Authority.

17 We don't return duplicate copies of things that they  
18 will have provided us with that they already have, but  
19 we return everything else to them and our files are  
20 closed.

21 Q. Do you keep those duplicate copies that the Local  
22 Authority provided you with or do you have to destroy  
23 them?

24 A. We now use what's called CHARMS, it's a purchase  
25 database. So our administrators archive the folders via

1 the database, so they're then no longer visible to us.  
2 They can be shared directly with the Local Authority  
3 through some mechanisms that way so that all the  
4 recordings can be shared. Some Local Authorities  
5 require them to be scanned and forwarded to them that  
6 way on a sort of microfiche or different kind of  
7 sources, because they don't have the storage facilities.

8 Historically when children first joined Swiis, then  
9 it was paper copies of everything, so then the paper  
10 file was returned, and really it was the entire file was  
11 returned and the carers' logbooks, et cetera, were all  
12 returned as well. The aim being that all information  
13 about the child would then be held in one centralised  
14 place if they wished to access their files.

15 Q. I'm going to move away from this framework document just  
16 now, but just to try to understand a little bit more  
17 about the engagement with Local Authorities, once you  
18 have a placement that's ongoing, there's obviously the  
19 individual placement, but do you have, for example,  
20 meetings every so often with a Local Authority who has  
21 placed children in your care to discuss more general  
22 issues?

23 A. It's multi-levelled --

24 Q. Okay.

25 A. so on a quarterly basis, as part of the Scotland Excel

1 framework, we have to produce a return that goes  
2 directly to Scotland Excel. And then they split that  
3 into each Local Authority area and that reports then the  
4 elements pertinent to whichever Local Authority has  
5 forwarded to them.

6 It provides a breakdown of all the children who have  
7 been provided a service, any additionality that's been  
8 agreed, dates that have been on short breaks, things  
9 like that.

10 In relation to the Local Authorities, we then have  
11 a range of different reporting mechanisms. Some Local  
12 Authorities meet with us annually, some six monthly,  
13 some quarterly and some never in relation to actually  
14 discussing the contract element.

15 Outwith that, however, in relation to the individual  
16 child, then there is numerous opportunities for people  
17 to meet. So the key people would be our supervising  
18 social worker and the Local Authority social worker.  
19 It's not uncommon for them to do some joint visits to  
20 the family to discuss issues.

21 For enhanced- or specialist-type placements, we'll  
22 facilitate what we call co-ordination meetings and we  
23 would invite the Local Authority worker to either attend  
24 that or to input to that, to make sure everyone's  
25 coordinating the support and clear about what's being

1 provided.

2 Obviously there's LAC reviews.

3 There can be permanency review meetings.

4 Some of our young people will have -- I'll call this

5 the wrong thing, because it was a record of needs when

6 I was a social worker and it's now ... (Pause)

7 Q. I know what you mean.

8 A. A coordinated support plan --

9 Q. Yes.

10 A. -- educationally. So again there'll be key meetings

11 with school or whichever education provider.

12 So there can be a multitude of meetings that take

13 place specific to the child.

14 CAMHS reviews as well.

15 Q. Yes.

16 A. If a placement's failing, then we aim to have a meeting

17 with the Local Authority to discuss that, so that a plan

18 can be put in place to hopefully turn things around or

19 to agree that actually foster care isn't the right place

20 for this child and to agree how things -- who should be

21 doing what in terms of support for the child pending the

22 placement ending and supporting the transition.

23 LADY SMITH: How do you judge that a placement is failing?

24 A. I suppose in a few different ways.

25 Our staff are in very regular contact with the

1 foster carers, so a lot of it will be reports from the  
2 foster carer about things that they're struggling with,  
3 or when we're visiting, then picking up. Obviously  
4 during Covid then that's been more difficult when things  
5 have been virtual, because use of language, use of tone,  
6 body language, all these things would be taken into  
7 account to see is a carer becoming stressed? Is there  
8 secondary trauma that we think might exist? Therefore  
9 what supports do we need to try and put in place? Is  
10 a short break required? People need just a bit of time  
11 out? Is there one-to-one work required with the young  
12 person or might group work be indicated? Or the Local  
13 Authority staff might be feeding back, or school. The  
14 young person themselves during their direct work with  
15 any of the staff that they have contact with raising  
16 concerns.

17 But a lot of times there'll be sort of --  
18 significant incidents will have occurred. A young  
19 person might become very dysregulated and the carer's  
20 really struggling to cope with that appropriately.  
21 Young people absconding, not being where they're meant  
22 to be on a regular basis. Concerns about their safety  
23 and well-being in terms of who are they spending time  
24 with in the community or online. There can be  
25 multitudes of different ...

1 LADY SMITH: It sounds as though you are describing what has  
2 been described to me as using the key skills of a social  
3 worker in terms of abiding curiosity; is that right?

4 A. That's always our aim. I think people struggle  
5 sometimes to maintain that, and so having staff  
6 supervision and carer supervision I think is really,  
7 really important to really think about the psychological  
8 dynamics that are going on between people, because  
9 sometimes people lose sight.

10 I think the relationship between staff and foster  
11 carers is a particularly unique one, where our staff are  
12 their employers -- or, as an agency, we're their  
13 employers, the staff are their supervisor, but they're  
14 also colleagues as well. We have contracts with them  
15 individually. We equally have contracts with the Local  
16 Authority. So there's lots of different nuances in the  
17 relationship.

18 LADY SMITH: You're handling a tripartite relationship.

19 A. Yes.

20 LADY SMITH: Thank you.

21 Ms Innes.

22 MS INNES: You mentioned supervision there, and just while  
23 it's fresh in our minds, perhaps if we talk about that  
24 a little.

25 There are two aspects of supervision that I'd like

1 to explore with you.

2 One is the Swiss worker supervising the foster  
3 carer.

4 The other is the supervision of that social worker.

5 First of all, the supervision of the foster carer.

6 How is that undertaken by the social worker?

7 A. It's evolved over time. The expectation has always been  
8 a minimum of monthly for supervision. Sometimes when  
9 there's been a crisis, then that's not always transpired  
10 in that way. But we have a pro forma which has evolved  
11 from the one that was contained in the documents. So  
12 it's meant to be a two-way opportunity to review what's  
13 happening in the placement but much more, really,  
14 looking at the carer's knowledge and skills and their  
15 personal development and setting out if there's any  
16 concerns about -- an action plan about how those should  
17 be addressed, making sure that any core requirements are  
18 up to date, so that we have a range of core training  
19 that is meant to be attended within timeframes, so  
20 overseeing is that happening.

21 Looking at all the members of the household, is  
22 there any changes? Is there any health issues, anything  
23 that might be impacting on them as an individual and  
24 therefore impacting on the young person?

25 What stage might permanency planning be at, for

1 example?

2 Is there any reports that people have been asked to  
3 prepare for other settings and to discuss those or  
4 feedback from other settings?

5 Q. You said it needs to be at least once a month, and are  
6 you talking about a meeting or are you talking about  
7 a -- more than that, you mentioned a pro forma. Is that  
8 something that's completed before or after the meeting?

9 A. It's completed after -- from the -- based on the  
10 discussion that takes place. So it's a record of the  
11 discussion.

12 Q. Who completes it?

13 A. The supervising social worker completes it, but it has  
14 to be signed by the foster carer and there's a section,  
15 if they disagree with anything, that they can put in any  
16 additional comments.

17 We now use the CHARMS database, and rather than it  
18 being sent out or given to the carer as a hard copy,  
19 a number of them are able to access it through the  
20 database and once they've read it and agree it, there's  
21 a box that they tick and then that shows that it's --  
22 that they've seen and agreed the content.

23 Q. That's the formal supervision, I think, as you say at  
24 least once a month. Are there any other interactions  
25 between the social worker and the foster carer?

1 A. During times of crisis there could be several members of  
2 staff all involved multiple times in a day. We've had  
3 staff involved in having to support situations  
4 overnight, even in carers' own homes when there's been  
5 a real crisis, and a lack of appropriate resources for  
6 the young person to move to.

7 So there's very regular phone calls and there'll be  
8 visits outwith that as well, just -- depending, really,  
9 on the circumstances, the level of frequency will  
10 fluctuate in each case. If there's been a piece of work  
11 that's been identified that the carer would benefit from  
12 undertaking, for example we've had some carers who  
13 haven't been confident presenting themselves in formal  
14 meetings, then staff will spend time addressing and  
15 giving opportunities, et cetera. So they might have  
16 a concentrated block to look at some key issues.

17 As well as the formal supervision there will also be  
18 support group meetings and other opportunities for staff  
19 to spend time with the carers too.

20 Q. I said I was also going to ask you about the supervision  
21 of the social workers' work. So how does that operate?

22 A. The team manager, depute or senior practitioner has  
23 responsibility for supervising designated members of  
24 staff, and again they'll do so on a monthly basis.

25 However, we operate an open-door policy, so there's

1 always a manager available 24/7 for support and  
2 guidance. If people can't get their own manager, then  
3 they may consult another or they're not adverse to  
4 phoning myself either.

5 Q. Is that again a meeting that takes place between the  
6 social worker and the team leader?

7 A. Yes.

8 Q. Is there any documentation around that as well as  
9 a similar process?

10 A. Yes. It's a different pro forma, but, yes, that's kept.

11 Q. Okay.

12 A. We also have weekly communication meetings attended by  
13 the team and very regular team meetings and team  
14 development sessions and peer supports in terms of  
15 social worker meetings, education staff meet, resource  
16 workers meet, therapists meet as well to look at issues  
17 pertinent to their discipline.

18 Q. Thank you.

19 If we can just go back a little to the arrangements  
20 that you make, we know that in Scotland a voluntary  
21 organisation is one where no profit is made, you have to  
22 meet a not-for-profit criteria. How does Swiis meet  
23 that? Is it registered as a charity, for example?

24 A. No.

25 Q. Or is it found in its company documentation?

1 A. It's in its company documentation. Swiss Foster Care  
2 Scotland is registered separately, but it's part of  
3 an umbrella group of companies. So we have centralised  
4 key functions such as HR, IT, finance. Therefore  
5 there's a financial contribution made to the central  
6 services.

7 But as part of tendering, you have to demonstrate  
8 not for profit and you have to submit your company  
9 accounts for several years as well.

10 Q. Okay. Another issue is interaction with other  
11 providers. You were asked in your response to address  
12 the question of what happens if a carer wants to  
13 transfer to another organisation. I think you provided  
14 the Inquiry with a document which is essentially  
15 an agreement with other voluntary providers. I wonder  
16 if we could look at that now, please. It's  
17 SWI-000000087. If we scroll down a little we see:

18 "Independent and voluntary providers' forum.

19 "Best practice statement.

20 "Assessment and appointment of carers approved by  
21 another agency."

22 It says:

23 "The following best practice statement has been  
24 established by the Scottish Independent and Voluntary  
25 Providers' Forum (IVPF) facilitated by the Fostering

1 Network."

2 Then there's a note:

3 "Member agencies agree the following: welfare of the  
4 children is paramount. Carers have a right to progress  
5 career opportunities with and between agencies. We  
6 comply with all statutory, regulatory and relevant codes  
7 of practice, these are reflected within each individual  
8 agency's operational standards. We will not accept  
9 applications from carers who have been approved for less  
10 than 12 months by another agency."

11 Is Swiss a member of this forum?

12 A. The document that you're referring to, that was an early  
13 version that only a slight number of agencies ascribed  
14 to. There is a more up-to-date version that all  
15 fostering agencies and Local Authorities --

16 Q. Also agree to?

17 A. Yes.

18 Q. Is it along the same lines?

19 A. It is. It's almost identical. In fact, I can't really  
20 think of any key differences.

21 Q. We see, for example, that there's a process where carers  
22 are approved, that if -- I think in essence, if a carer  
23 said they wanted to go to another agency or appeared at  
24 another agency, then there would be notification.

25 A. Yes.

1 Q. The information would have to be shared. You can't  
2 poach carers from somebody else?

3 A. No, we have never looked to poach.

4 Q. This sort of puts it on a more formal footing?

5 A. Yes.

6 Q. Thank you.

7 Now can I ask you to look back to the A-D response,  
8 so SWI-000000002 at page 6. You provide here some  
9 information about clause 10 of the original foster care  
10 agreement or foster carer agreement.

11 We see in the first bullet point:

12 "The main carer in a fostering household must be  
13 available full time in order to meet the demands of the  
14 professional fostering role ..."

15 Does that apply to the standard package as well as  
16 the enhanced service that you provided at the outset?

17 A. Totally in relation to the enhanced service.

18 In relation to standard, then we're a little bit  
19 more flexible. So if it's a couple, so long as one of  
20 them's available to attend, or someone's working part  
21 time with flexibility to attend all key meetings,  
22 et cetera, but with the understanding that if they  
23 weren't able to be attending all the appointments  
24 necessary, that we would be asking them to cease.

25 Q. We see there that the purpose of being available for

1 full time included attendance at meetings and training  
2 courses, as well as obviously the main purpose of caring  
3 for the child.

4 Then there's -- if we look down the bullet points,  
5 it says:

6 "Swiis offers two weeks' holiday retainer pay per  
7 year and pays carers a significant retainer fee for  
8 a time-limited period between placements."

9 A. The two weeks' holiday retainer, that has changed over  
10 time. That no longer exists, but the payment -- we  
11 looked at how much that financially was, and then put  
12 that into the carer fee. So it's not that they were  
13 financially disadvantaged, it just wasn't paid in that  
14 way.

15 LADY SMITH: Rolled-up holiday pay?

16 A. Yes.

17 LADY SMITH: Has its problems in employment law, but you'll  
18 be well aware of that.

19 A. So there are slight changes in that the enhanced  
20 packages involve additional payments, two additional  
21 payments during the summer holidays, to facilitate  
22 additional activities or sometimes more specialist  
23 resources that might be required to support the young  
24 person during a six-week break. The standard package  
25 doesn't include that.

1           The specialist package includes up to 35 nights'  
2           respite or short break. The standard package includes  
3           up to 14 nights automatically. Sometimes additional  
4           provision will be agreed on top of that.

5   LADY SMITH: Just going back to the additional payments  
6           during summer holidays, is that because we're talking  
7           about young people who would, during term time, be  
8           receiving these additional services from whatever  
9           educational establishment they were attending?

10   A. Yes. It's in recognition that some young people might  
11           require specialist place schemes to attend, things like  
12           that. The costs might be over and above what you would  
13           generally expect a family to be paying.

14   LADY SMITH: Thank you.

15   MS INNES: There's mention there of a retainer fee for  
16           a time-limited period between placements.

17   A. Again that's changed over time. We've always paid  
18           a retainer. It's currently a maximum of 12 weeks within  
19           a whole year. It's paid in two blocks of four weeks at  
20           full fee plus two weeks at half fee.

21           And then if another placement commences and then  
22           ceases within the same reporting year, then they can  
23           access a further six weeks or a total of 12 weeks. And  
24           it also relates to the carers' approval status now as  
25           well. It used to be paid all in relation to -- if they



1 A. (Witness nodded)

2 Q. If we scroll down a little, we can see that there's  
3 a four-stage training programme.

4 There's initial training.

5 Then there's a post-approval first stage training,  
6 with certain matters covered.

7 Then if we go over the page, there's post-approval  
8 second stage, with:

9 "... carers being strongly advised to update their  
10 child protection and safer caring training every year  
11 and first aid every three years. Refresher training in  
12 issues of physical intervention/restraint will also be  
13 offered and carers should ensure that they attend this  
14 at least every two years."

15 Is that still the sort of training policy that you  
16 have or has that changed?

17 A. It's evolved over time.

18 There is still multi-stages. So pre-approval  
19 training, we used to use the Fostering Network Skills to  
20 Foster package and various staff and foster carers were  
21 trained in the different topics that that covered.

22 In more recent times we've adopted what's called  
23 Toolkit for Fostering, which was developed in our  
24 English service in consultation with foster carers about  
25 information that they found really, really useful or

1 would have found really useful. So that's now  
2 operational.

3 Post-approval then we have core or mandatory  
4 training that has to be completed, so there's induction,  
5 then there's child protection, safer caring, behaviour  
6 management, GDPR and first aid. But those headings  
7 incorporate a range of topics.

8 So we were very mindful when the Foster Care Review  
9 took place in 2013 that a list of 17 different topics  
10 were recommended as being appropriate for foster carers  
11 to cover as part of their training, so we made sure that  
12 our training incorporated all of that.

13 As well as the expectation that the core training is  
14 undertaken within the first year of approval, there's  
15 lots of developmental training that's available. We  
16 have a training manager and a learning and development  
17 co-ordinator, and they put together a training calendar  
18 that's updated every six months, so that includes  
19 a range of in-house facilitated courses, plus we  
20 commission or have partnership arrangements with a range  
21 of different organisations who come in and facilitate  
22 training on our behalf. So Police Scotland, for  
23 example, have facilitated sessions about child  
24 exploitation, internet safety, the Prevent course in  
25 terms of anti-radicalisation. Penumbra comes in and

1 does about self-harm, and a range of other companies.

2 Equally, our staff will facilitate some additional  
3 topics, so our therapists do things about blocked care,  
4 about secondary trauma. They also facilitate multilevel  
5 attachment training still, including from one-day  
6 courses up to level 3, which will be a six-week course  
7 after completing levels 2 and 1.

8 We access a range of online trainings as well, and  
9 they're highlighted as part of the calendar, so through  
10 FutureLearn, OpenLearn as part of the OU.

11 The government has a range of online courses.

12 The NHS increasingly has online e-learning  
13 opportunities.

14 And we've increased the delivery methods as well  
15 to --

16 Q. Sorry. Do you experience any difficulty or challenges  
17 with your carers attending training?

18 A. Sometimes, yes.

19 Q. What sort of challenges do they have?

20 A. Not attending. Signing up and then not showing,  
21 sometimes.

22 Q. How do you address that?

23 A. In multiple ways. Carer supervision's a fine one where  
24 carer development and meeting all the core aspects of  
25 the task. So it's included there.

1           It's also part of the carer review. So the form  
2           clearly documents what training -- the core training,  
3           the date completed, the date that it's due to be  
4           renewed, so then comment is made. Because sometimes  
5           there might be genuine reasons why the time frame is  
6           slightly out. Then there's a separate box about  
7           developmental training that will be included as well.  
8           And sometimes that will include discussions about  
9           articles, TV programmes, DVDs that have been shared,  
10          could be a multiple kind of range of different  
11          developmental opportunities.

12          We've increased the range of options, so it's not  
13          just face to face for the core training now. Obviously  
14          with Covid we had to adapt very, very quickly and do  
15          things online. But we've also been utilising a software  
16          package called FlexiQuiz, so a lot of the training's  
17          been put on there and we've been able to embed key  
18          questions into the training that people have to answer  
19          as they go along and only if they achieve a certain  
20          percentage is it then -- does a certificate generate to  
21          then signify that they've met the criteria for that  
22          course.

23          We are an accredited SQA centre, so we're able to  
24          facilitate a range of options for our staff and foster  
25          carers. The main one for foster carers being the SVQ 3

1 Social Services Children & Young People Award -- it used  
2 to have a different name, it's changed over time.

3 Whilst for staff we have a range of other options,  
4 including management qualifications.

5 LADY SMITH: As you run through all these, it sounds like  
6 a multitude of training that's available and a multitude  
7 of subject matter in that training, do you ever get any  
8 push back from foster carers telling you they can't do  
9 all that training as well as look after the children?

10 A. Not often, no. Periodically some people might have  
11 difficulty because there might be placement issues that  
12 they're struggling with. Obviously the developmental  
13 opportunities available, some carers will choose to  
14 highly utilise, others will need a lot of encouragement,  
15 so might only attend things if it's really been  
16 highlighted that to meet the needs of the child that  
17 they're caring for, they really have to undertake these,  
18 or we have concerns about your practice, therefore we're  
19 expecting you to revisit these areas and that's --

20 LADY SMITH: That's a type of performance development in  
21 a way --

22 A. Yes.

23 LADY SMITH: Performance management, sorry.

24 Do you tell foster carers that there's a bare  
25 minimum that you expect them to attend?

1 A. Yes. The core training or mandatory training they have  
2 to attend, and failure to do so then we would call  
3 an early review and their approval would be considered.  
4 Quite often from the review we'd put in a further review  
5 of three months to give people an opportunity.

6 LADY SMITH: Yes, I can see that.

7 A. Equally we're mindful that if people are having  
8 difficulties, Ruth, our learning and development  
9 manager, is happy to meet individually with people to  
10 look at what might the barriers be for them attending  
11 and occasionally we've done things one to one.

12 LADY SMITH: Thank you.

13 Ms Innes.

14 MS INNES: Thank you, my Lady.

15 Can I move back to the A-D response just to ask you  
16 a couple of questions about matters that you've  
17 mentioned in it. If we go back, please, to  
18 SWI-000000002, page 48. At (n) this is quite a specific  
19 question, but it's because it's arisen in evidence  
20 already.

21 You're talking there about checks that are carried  
22 out on prospective foster carers, and obviously there's  
23 PVG enhanced disclosure, Local Authority checks. Then  
24 the next thing is:

25 "Satisfactory overseas checks if anyone has lived or

1 worked outside the UK."

2 I just wondered what those would be.

3 A. For different countries it differs slightly. So we  
4 quite often have to check online. We contact the  
5 consulate and ask if -- what the process would be from  
6 them. If there's -- do they have a mechanism to do  
7 effectively a police check or some such in the country.  
8 Sometimes we receive that, sometimes there's not such  
9 a facility.

10 Q. What do you do then if there's a big gap that you can't  
11 cover because somebody's been living and working  
12 overseas for a few years?

13 A. It would depend on, I suppose, things like the length of  
14 time that they had been there, what was their purpose of  
15 being there, were they in the armed forces, et cetera,  
16 then we'll get checks through that way. Trying to find  
17 other ways, how could we corroborate their time there.  
18 Who did they work with? What references could they  
19 give? All those kind of things to try and triangulate  
20 as much information as possible.

21 Ultimately, if there was significant gaps that we  
22 really didn't feel satisfied with then we wouldn't  
23 progress.

24 Q. Thank you for your assistance with that. I just  
25 wondered what you did specifically in that situation, as

1       you had mentioned it in your response.

2             I'd like to move on to a section at pages 50 to 51,  
3       where I think you talk about the provision of care in  
4       relation to the culture of the organisation. At the  
5       bottom of page 51, you're addressing a question there at  
6       (d):

7             "Did the provision of care by foster carers reflect  
8       the organisation's culture, policies and procedures?"

9             You say:

10            "On the whole foster carers did reflect the  
11       organisation's culture, policies and procedures.  
12       However, at times over the years there have been  
13       concerns around some foster carers' and staff members'  
14       practice falling short and not complying with the  
15       organisational expectations."

16            You say that these were managed under particular  
17       policies that you have.

18            If you go over the next page, please, you give us  
19       some examples. I don't want to go into the detail of  
20       example 1, but I think it was an example where there was  
21       a particular issue which was addressed through training  
22       and the supervising social worker essentially doing  
23       one-to-one work, I think.

24    A.   (Witness nodded)

25    Q.   If we go on to page 53, please, if we scroll down to

1 example 3, you say:

2 "This is an extreme example included to demonstrate  
3 our approach and range of responses."

4 You say:

5 "In 2013 a foster carer was de-registered and  
6 a member of staff, a social worker's employment was  
7 terminated."

8 I think you later say that you reported the worker's  
9 conduct to the SSSC and the social worker was removed  
10 from the register, I think?

11 A. That's correct.

12 Q. Can you just summarise what the circumstances were in  
13 this case, please?

14 A. It was a single female carer looking after two complex  
15 young people, a brother and sister. She had looked  
16 after a previous young person and had progressed on  
17 to -- these siblings had been matched. It was expected  
18 to be a longer-term arrangement. Both young people had  
19 developmental delay, significant additional support  
20 needs.

21 The supervising social worker was visiting  
22 regularly, but increasingly there was some concerns  
23 being expressed about the carer's responses. So we  
24 received a complaint from a member of the public whereby  
25 the young person was seen walking alongside the carer's

1 car, they were in a car park, and he was holding onto or  
2 touching the car while she was moving slowly, and  
3 a member of the public had stopped her and asked about  
4 that and she had said it was a way of calming him down.

5 He was the parent of a child with additional support  
6 needs and clearly thought that that wasn't appropriate  
7 and reported it to the police. And from there, lots of  
8 questions were asked, obviously, about what was going  
9 on, about -- clearly that wasn't an appropriate  
10 response. So we were looking to deal with that under  
11 our concerns -- our concerns, complaints and allegations  
12 policy in consultation and agreement with the Local  
13 Authority.

14 There had been an IRD and the police didn't think  
15 a crime had been committed so they weren't  
16 investigating, so we were looking at it as a serious  
17 concern.

18 From that then staff members reviewed the  
19 logbooks --

20 Q. Can I just pause there? I think you're talking about  
21 the foster carer logbook?

22 A. Yes.

23 Q. Am I right in thinking that you have a policy that your  
24 foster carers have to complete a daily log?

25 A. Predominantly daily. There's some negotiation for some

1 cases that might be weekly or monthly. For monthly  
2 possibly in relation to continuing care, so young adults  
3 who really don't require that level of scrutiny. But,  
4 no, the expectation, particularly at that point, was  
5 that the carer wrote daily.

6 And she did.

7 Q. Yes. We can see this at the top of page 54, where you  
8 say there that, as you've just said:

9 "Numerous concerns were raised about the foster  
10 carer's ability, not allowing them a mobile phone, not  
11 letting them out with friends, threatening to remove  
12 Christmas presents as a sanction, sitting in the  
13 bathroom when the male child showered."

14 You say:

15 "Most of this information was recorded in the foster  
16 carer logbook and the carer maintained that she had  
17 discussed all such issues with her supervising social  
18 worker. Other concerns ... included the mention of  
19 [restraint]."

20 What then followed on from that?

21 A. Reports were written and the carer was de-registered.  
22 It was explored with her -- English was her second  
23 language, so when what was referred to as "restraint"  
24 was teased out, it actually wasn't a restraint.

25 Q. Okay.

1 A. And likewise in terms of how she had recorded things,  
2 then making sure that we understood fully what she had  
3 actually recorded and what she really meant by giving  
4 examples, et cetera. But certainly the practice wasn't  
5 considered to be remotely appropriate. The carer had  
6 attended all core training, so she had attended safer  
7 caring, child protection training, et cetera. She was  
8 a very good attender at training sessions. There was no  
9 issues that way.

10 The concern for us was that the member of staff had  
11 signed on a number of occasions in the logbooks, so she  
12 had either signed and not read, or she hadn't understood  
13 what she was reading, which I found difficult to accept,  
14 given that we had supported her to undertake the  
15 postgraduate training in child protection and welfare  
16 provided by Stirling University. So, really, I didn't  
17 see any excuse.

18 Q. I think, as you said, there was a disciplinary process  
19 in terms of which I think she was dismissed. I think  
20 there may have been a tribunal, perhaps, after that?

21 A. Yes. She referred it to an employment tribunal.

22 LADY SMITH: Unsuccessfully, I see, from what you report.

23 A. Swiis was successful, yes.

24 MS INNES: You also reported it to the SSSC.

25 A. Yes.

1 Q. And, as you say, her registration was withdrawn.

2 Following that particular case, did that have any  
3 impact on your practice and procedure?

4 A. Yes.

5 Q. What changes did you make?

6 A. We undertook a big audit in relation to all of the  
7 logbooks held, to just see what the contents were in  
8 case there was any other issues lurking that we weren't  
9 aware of. And the member of staff who headed that up  
10 then had responsibility for creating a booklet,  
11 a recording booklet that's included in the bundle that  
12 gave greater guidance about the purpose of recording and  
13 focus for the logbooks.

14 LADY SMITH: When you refer to a big audit in relation to  
15 all of the logbooks held, are you talking about all the  
16 logbooks relating to this foster carer or all the  
17 logbooks for all --

18 A. No, all the logbooks pertaining to all of the foster  
19 carers.

20 LADY SMITH: Good. Thank you.

21 MS INNES: Other than doing that check and also issuing this  
22 booklet, were there any other implications or changes in  
23 terms of the way you trained the staff, for example?

24 A. There were staff briefings were held in each of the  
25 practice teams, so that was very much gone through with

1           them, reiterated about the expectations and that was  
2           signed as part of their supervision, that they  
3           understood what the requirements were.

4   Q.   Okay.  If I can just ask you, please, to look on to  
5           page 57, at the top of the page there you're being asked  
6           a question -- to put it in context, at the bottom of  
7           page 56 it says:

8                   "Were there any changes in culture that were driven  
9           by abuse or alleged abuse of children in foster care?"

10                   At the top of page 57 the question is:

11                   "If so, when did they occur and how did they  
12           manifest themselves?"

13                   You say:

14                   "Within our organisation any allegation of abuse has  
15           impacted on our culture and our practices.  Regular  
16           practice development sessions are held and we have  
17           explored issues such as challenging foster carers,  
18           challenging poor practice, how best to gather children's  
19           views and areas of assessment to ensure we are  
20           rigorous."

21                   Then you go on to say:

22                   "We have had young people who were previously looked  
23           after involved in training for staff and carers,  
24           heightening their awareness of what we should be  
25           provided for children.  We continue to work on our

1 recording and the carers' recording ensuring we have  
2 detailed and accurate accounts ..."

3 Are these some of the changes that have flowed from  
4 any allegations or complaints that have been made?

5 A. We take it extremely seriously if any placement's ended  
6 abruptly, any child has experienced inappropriate care,  
7 then that's abhorrent to us. We're duty bound to try  
8 our utmost to rectify that, to learn lessons and to move  
9 forward as positively as we can. So we'll always use  
10 these things as learning opportunities. We've looked at  
11 case reviews from elsewhere to see how do we compare,  
12 might there be issues that would be pertinent to us, how  
13 could we implement those?

14 So we facilitate lots of staff development sessions.

15 Q. If you go down to the next question, I think it asks  
16 there about any external influences or factors and what  
17 were they, and I think you refer there to general  
18 changes in policy and procedures and some serious case  
19 reviews, I think, from England in relation to perhaps  
20 abuse in foster care.

21 A. We've looked at situations that have happened down  
22 south. The findings, the summary reports would be  
23 distributed to all staff. We would then set up practice  
24 development sessions to discuss, as a management team we  
25 would look at the findings and think about the

1 recommendations to see where we -- what's our practice  
2 like in relation to these, what could we maybe put in  
3 place?

4 When we're then reviewing policies, then we check  
5 online to see current thinking. For child protection  
6 ones in particular, then we look at the local child  
7 protection committee, their policies and procedures,  
8 because certainly in the nature of the contracts for  
9 some, particularly, for example, Glasgow City, then we  
10 have to be compliant with their committee policies and  
11 procedures, so our starting point really is to look at  
12 theirs and any developments there and make sure that  
13 they're then reflected.

14 Over time we've become much better -- we've learnt  
15 how to do hyperlinks and things like that to different  
16 documents, which took us a while to maybe appreciate how  
17 to do.

18 So we're constantly looking to see how can we  
19 improve. We have service improvement plans for each  
20 area of practice that we regularly review and update to  
21 make sure that we are constantly progressing.

22 Q. Thank you.

23 I'd like to come to your case file review. I know  
24 that you undertook a review of the case files that you  
25 hold. To put that in context, if we can look, please,

1 at the numbers of children that you've had in placement  
2 with you, and if we can look in this document at  
3 page 30. If we scroll to the table, please, you say:

4 "From reviewing financial records for the period of  
5 1 October to 30 September [each year], the total number  
6 of children who were provided with placements during the  
7 calendar year ..."

8 Then you set out the various years with the number  
9 of placements that were provided. So obviously in the  
10 early years of the organisation, 22, 53, 85, and up to  
11 2014 there were 222 children in placement that year.

12 Then you give us a global figure as well at the  
13 bottom, because these are just a snapshot at each year.

14 A. Yes.

15 Q. So you say that you've provided placements for 441  
16 children within 196 fostering households over the  
17 relevant period.

18 A. (Witness nodded)

19 Q. Then can I ask you, please, to look at another document,  
20 SWI-000000088. If we just scroll down a little, please,  
21 in the first paragraph there you -- because I think you  
22 say in your response you reviewed all of your case  
23 files?

24 A. (Witness nodded)

25 Q. Here you were providing the number of files that you

1 looked at, I think?

2 A. Yes.

3 Q. You say here:

4 "In relation to carers, 865 files were reviewed.

5 This number covered 245 foster carer households as some

6 had multiple files."

7 Then you say:

8 "This figure also included those who applied to

9 foster but whose application did not proceed to

10 approval."

11 We can see there is a discrepancy between the 245

12 here and the figure in the earlier part that we looked

13 at. Would that explain why there's a discrepancy?

14 A. Yes.

15 Q. So the 245 foster carer households is people that

16 provided placements over the relevant period and there's

17 people who were never approved, but they had applied and

18 you looked at those files too?

19 A. That's correct.

20 LADY SMITH: When we're talking about a discrepancy, that's

21 between 196 and 245?

22 A. That's correct, my Lady.

23 LADY SMITH: So 49 households didn't actually go ahead to

24 become active foster carers?

25 A. That's correct.

1 LADY SMITH: Thank you.

2 MS INNES: Then you say:

3 "570 files pertaining to 748 children were also  
4 reviewed. This number is less than the number of  
5 children who were fostered as the remaining files had  
6 been returned to the Local Authority responsible for the  
7 child."

8 A. That was because we had looked up the children up to  
9 2019.

10 Q. Okay.

11 A. It was difficult in that there was multiple files for  
12 lots of children, and for the carers, actually. The  
13 carer ones had all been scanned, so they had been  
14 scanned by an external company and were archived. So  
15 they were easier to -- to review and know exactly the  
16 numbers.

17 A number of the children had been in placement prior  
18 to the date in December 2014 and were still with us up  
19 to 2019, so some had paper files as well as electronic  
20 files. Some had moved carer, so they had multiple files  
21 from when there were paper files because they might have  
22 been looked after by different teams.

23 Initially we had -- when we pulled a lot of the  
24 data, then staff had pulled them up to 2019 and then we  
25 had realised actually we only need to do it to 2014 and

1           that's why we actually stopped at the 748 children. For  
2           one it was -- well, it was taking us a lot of time.

3   Q.   Once you'd extracted the files or identified the  
4           relevant files, what did you do? Did you read all of  
5           them or did you search them electronically for certain  
6           keywords or phrases, for example?

7   A.   We did both.

8   Q.   Okay.

9   A.   With the foster carer files, we met as a management team  
10          to decide, oh gosh, how were we going to manage this.  
11          I think initially we were a bit bamboozled and a bit  
12          overwhelmed about how to organise ourselves.

13                So I spent time, I extrapolated all the questions  
14                and the subheadings that had been asked and we put those  
15                on a spreadsheet and then we divided up tasks about who  
16                was going to take the lead doing each part.

17                At that point we had a business manager and she took  
18                the lead identifying where all the files were located.  
19                So the carer files that had been archived, we then split  
20                those between -- we had four practice teams at that  
21                point, so they were split between the teams. And then  
22                staff within each team reviewed the files.

23                We had a spreadsheet -- so we asked them key  
24                questions initially to bear in mind when they were  
25                looking through the files, and then we were putting them

1 on a spreadsheet and we realised that actually we  
2 weren't capturing everything, so we had to shelve that  
3 and start again, actually. We had to come up with  
4 a better system.

5 So we redid the spreadsheet and people started  
6 afresh, revisiting all the files again, going through.

7 We then -- the way they were archived, you  
8 couldn't -- well, it didn't pull searches of keywords in  
9 the same way, particularly because a lot of documents  
10 had been handwritten.

11 MS INNES: Yes, so --

12 A. So we couldn't do that. But we did try just to see what  
13 that would pull up as well. But for the electronic  
14 files we did both. We read every entry, but we also  
15 typed in keywords to see what that pulled up.

16 We then cross-referenced as well with notifications  
17 that had been made to the Care Inspectorate. We checked  
18 around with staff who had been around to see did they  
19 know -- could they recall any events that ... and then  
20 we made sure ... we then double-checked on the  
21 spreadsheets to see were they captured.

22 So we tried to be as full as we possibly could.

23 Q. Thank you for explaining how you went about that. Am  
24 I right in thinking that primarily you were using that  
25 to inform the response to Part D --

1 A. (Witness nodded)

2 Q. -- to identify complaints and allegations?

3 A. Yes, that's correct.

4 Q. We can see the outcome of that again if we go back to

5 SWI-000000002, page 68. This is in Part B, but looking

6 at the second paragraph that we can see here, you say:

7 "What can be reported is that from an analysis of

8 the information collated for Part D of this report and

9 included in appendix 5.1 a total of 177

10 complaints/allegations relating to 127 children were

11 made from 2005 to 2014."

12 Then you tried to look at the relevant proportion of

13 that. You say:

14 "In 2014 355 children were looked after by Swiss

15 foster carers and 22 complaints/allegations of possible

16 abuse were raised against carers, equating to

17 6 per cent."

18 That's for that specific year; is that correct?

19 A. Yes.

20 Q. You say:

21 "This is clearly significantly higher than national

22 statistics."

23 When you refer to national statistics, who are you

24 referring to?

25 A. The Fostering Network does a state of the nation return

1 and we'd looked online at research which is quoted at  
2 some place in the document to see, well, how did we  
3 compare.

4 But it was quite difficult because some studies  
5 looked at the prevalence of complaints across a foster  
6 carer's entire career fostering, whilst others looked at  
7 snapshots of a year, but the definitions being looked at  
8 differed as well. So most of them only looked really at  
9 abuse situations that really went to the police and were  
10 investigated that way, whilst we did a broad range of  
11 things that might have been indicative of abuse.

12 Many didn't go as far as an IRD with social work and  
13 the police. They were deemed to be concerns dealt with  
14 under concerns/complaints/allegations, but direct  
15 allegations were obviously included too.

16 LADY SMITH: When you talk about different definitions, were  
17 these different definitions of types of abuse or of  
18 something else?

19 A. I think different in terms of definitions of what they  
20 were capturing differed, so it wasn't easy to know were  
21 we comparing like with like.

22 LADY SMITH: Capturing in terms of the nature of the  
23 complaint?

24 A. Yes, and the level.

25 LADY SMITH: I see.

1 A. Because certainly when we're working with different  
2 Local Authorities, different thresholds exist about  
3 whether something is deemed significant enough to go to  
4 an IRD meeting or whether the view is that it's not  
5 abuse and should be considered under other alternative  
6 routes. Other Local Authorities very much hold IRDs  
7 where any types of -- about a much broader range of  
8 concerns.

9 So we wanted to make sure that we had included as  
10 much as we possibly could.

11 LADY SMITH: Thank you.

12 MS INNES: You say that the difference from national  
13 statistics:

14 "This is believed to be due to the broad range of  
15 issues that were reported for consideration ..."

16 I think you mean by yourselves, so the broad  
17 definition that you used?

18 A. Yes.

19 Q. " ... rather than a narrow definition of abuse being  
20 utilised and also a recognition that in 2014 the  
21 majority of children fostered with Swiis were very  
22 complex and provided with enhanced supports."

23 Obviously we know that that was the nature of your  
24 fostering service at that time, primarily, but can you  
25 explain why that's relevant?

1 A. I believe it's relevant because the majority of the  
2 children had already had multiple placement moves before  
3 they joined us. A number of them had made allegations  
4 previously. The majority of them had experienced  
5 significant adverse childhood events. Lots of levels of  
6 trauma, behaviours, and ... lots of behaviours that  
7 certainly were more challenging for carers to live with  
8 and cope with, and I think sometimes a drip-drip effect  
9 kind of happened and people's responses sometimes got  
10 overwhelmed, that people didn't set out to be directly  
11 abusive, however the care that they provided most  
12 certainly wasn't appropriate and therefore actions in  
13 a proportionate way needed to be taken to address that.  
14 Very much so.

15 What we now find -- certainly when I first joined  
16 Swiss it was very much, from my point of view,  
17 a reactive service. There was lots of crisis happened  
18 all the time. So people were very much responding to  
19 situations occurring with the young people. And having  
20 so many young people with such complex needs all  
21 together then certainly was quite different from when  
22 I'd worked in a Local Authority, where you were working  
23 with much smaller numbers of very complex children at  
24 the one time. So the volume of incidents that were  
25 taking place was very high.

1           We've certainly noticed since providing standard  
2           placements then the service is really, really different  
3           in that it's much more planned out. It's much calmer.  
4           We do have situations occur and incidents, but far  
5           greater -- far less frequency.

6           But any time that occurs, then it's obviously not  
7           appropriate at all and needs to be addressed.

8    Q.    Just going through the other answers that you give in  
9           this part of your response, so Part B, if we can go back  
10          to page 67, so acknowledgement of abuse:

11                "Does the organisation accept that [over the  
12                relevant time frame] any children cared for in foster  
13                care were abused?"

14                That's directed specifically at your organisation:  
15                do you accept that any children cared for by Swiss  
16                foster carers have been abused in the relevant time  
17                frame?

18    A.    Yes, I accept that children are abused in all settings,  
19           including foster care.

20                In relation to ourselves, it's a balance between  
21                what's been proven, so I strongly believe that there's  
22                been allegations of abuse and evidence, from my point of  
23                view, that has certainly justified and appropriately  
24                been looked into. However, no one's been convicted of  
25                abuse, therefore it's difficult for me to say that abuse

1 has definitively taken place because others have deemed  
2 that that hasn't been the case, or it's fallen.

3 But I believe that children are abused in all  
4 settings and that it's highly probable that others may  
5 well have been abused and haven't come forth as yet.

6 Q. I think you refer to that at the top of page 68, where  
7 you acknowledge that it is a possibility that children  
8 may disclose in the future --

9 A. Absolutely.

10 Q. -- or may never disclose that, so you acknowledge that  
11 in your response.

12 A. Oh, absolutely.

13 Q. Then in terms of any failures of systems, if we look at  
14 the top of page 69, you say -- so this is in answer to  
15 the question:

16 "Does the organisation accept that its systems  
17 failed to protect children in foster care from abuse?"

18 Your answer is:

19 "We consider the abuse of any child represents  
20 a failure for the organisation responsible for caring  
21 for them. Whilst allegations of abuse have been made no  
22 convictions have resulted [that's what you just  
23 mentioned]. We accept that this does not mean that  
24 abuse has never occurred. We also fully accept that if  
25 abuse has occurred that this means that our policies and

1 procedures have not been adhered to."

2 Is your answer here reflective of what you've just  
3 said, that you as an organisation have not found,  
4 proved, if you like, that any of your carers have abused  
5 children?

6 A. It's not been proven.

7 However, I would believe that a number of the  
8 practices most certainly were not suitable, and from my  
9 point of view.

10 Q. And if it has occurred, you would say that means that --

11 A. That there's a failing.

12 Q. There is a failing, yes, okay.

13 Then in terms of 3.3 on page 69, you're asked  
14 whether you accept that there were any failures or  
15 deficiencies in its response to abuse and allegations of  
16 abuse. Your answer to that is, "No", and you say:

17 "Swiis believes that whenever an allegation of abuse  
18 has been made that these have been shared with the Local  
19 Authority responsible for the child in placement ..."

20 I think that's what you would have to do if  
21 an allegation was made, it must be referred to the Local  
22 Authority. Is that right?

23 A. That's correct.

24 Q. And then the police, if appropriate:

25 " ... and we have cooperated fully with their

1       inquiries."

2             You say:

3             "If different from the placing authority, the Local  
4       Authority in which the foster carer resides was also  
5       notified if an allegation was made against them."

6   A.   Yes, that's correct.

7   Q.   That's an additional piece of information sharing that  
8       you do if an allegation is made against a carer?

9   A.   Yes.  And if children from more than one Local Authority  
10      are looked after by the same carer, then both Local  
11      Authorities are informed.

12  Q.   Finally on page 70, at 3.4, in relation to changes you  
13      set out there some changes that you have made to your  
14      safeguarding policies, if we just scroll down a little,  
15      please.

16             These are looking at some specific issues that  
17      you've become aware of from the wider media, I suppose,  
18      and through learning that you've obtained.

19  A.   That's correct.  Obviously in relation to the situation  
20      in Rotherham.

21             Then child sexual exploitation, we made sure that  
22      training was provided, both in-house, bringing people  
23      in, but also staff going to conferences externally.

24             We updated our policies and procedures, there was a  
25      standalone section in relation to that.

1 Child trafficking.

2 A whole range of other issues, such as breast  
3 ironing, things that are maybe not very common within  
4 Scotland, but that probably makes it more important that  
5 staff are aware of such practices. So these are shared  
6 and spoken about, just to constantly be mindful about  
7 how things are evolving.

8 Obviously our use of language is changing  
9 constantly, what's acceptable, then we need to update.

10 MS INNES: Thank you very much, Sam, for your evidence.

11 I don't have any more questions for you.

12 LADY SMITH: Sam, I have no other questions either.

13 Thank you so much for engaging with us as you have  
14 done, for the written responses you've provided, which  
15 are rich in detail, it's really helpful and for coming  
16 here today to answer our questions.

17 I'm sorry if it's been tiring, I'm sure you won't be  
18 the freshest you've ever felt when you leave here, but  
19 it's really important for the sake of the children that  
20 we do this, and I'm sure you appreciate it.

21 A. Absolutely.

22 LADY SMITH: I appreciate you being here and I'm now able to  
23 let you go.

24 A. Thank you very much and thank you for the opportunity to  
25 share our views.

1 LADY SMITH: Not at all. Thank you.

2 (The witness withdrew)

3 LADY SMITH: Ms Innes.

4 MS INNES: That concludes the evidence for today, my Lady.

5 Tomorrow we have evidence from the chief social

6 workers of Highland and North Ayrshire.

7 LADY SMITH: Thank you very much.

8 Until 10 o'clock tomorrow morning thank you, all.

9 I'll rise now.

10 (4.05 pm)

11 (The Inquiry adjourned until 10.00 am on

12 Friday, 13 May 2022)

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