

1

Tuesday, 17 May 2022

2 (09.58 am)

3 LADY SMITH: Good morning and welcome to more of our
4 evidence in the foster care case study as we turn to
5 another series of Local Authorities. Starting, as some
6 of you may remember -- this was indicated on Friday
7 afternoon -- with Aberdeen, Aberdeen City Council, which
8 of course will cover the predecessor councils as well.

9 I think the witness is ready for us, is that right,
10 Ms Innes?

11 MS INNES: He is, my Lady, Graeme Simpson.

12 LADY SMITH: Thank you.

13 I wonder if I can put in a plea for -- and I know
14 having been the person who complained about it being too
15 cold in here last week -- mentioning it's a bit warm.
16 If you can send them a message. Thanks.

17 Mr Graeme Simpson (sworn)

18 LADY SMITH: The first question I have for you is, I hope,
19 an easy one. How would you like me to address you? I'm
20 happy to use Mr Simpson, or if you're more comfortable
21 with Graeme, that would work for me as well.

22 A. I would be more comfortable with Graeme.

23 LADY SMITH: Graeme, you'll see you have a hard copy in
24 front of you of the very detailed responses that your
25 Local Authority has sent to us, but you'll also see

1 documents coming up on screen, including the extracts
2 from the responses that we may be referring to.

3 If you have any queries or concerns, please do not
4 keep them to yourself. Let me know. I will take
5 a break normally around 11.30, which I hope would work
6 for you, but if you need a break at any other time,
7 again just say.

8 A. Thank you.

9 LADY SMITH: It's very important to me that I do what I can
10 to make you as comfortable as you can giving your
11 evidence. I know it's not easy being put on the spot in
12 the witness box, but let us do what we can to make it
13 an easier journey than maybe you were expecting.

14 A. Thank you very much indeed.

15 LADY SMITH: Ms Innes.

16 Questions from Ms Innes

17 MS INNES: Thank you, my Lady.

18 Graeme, we understand that you are currently Chief
19 Officer of Children and Family Services and Chief Social
20 Work Officer at Aberdeen City Council; is that right?

21 A. That's correct.

22 Q. You provided the Inquiry with a copy of your CV and
23 I think from that we can see that you began your career
24 as a social worker in 1995, and then with Angus Council
25 in children's services?

1 A. That's correct.

2 Q. You moved to Aberdeen City in 1999?

3 A. That's correct.

4 Q. At that point you were a team manager in children's
5 services?

6 A. (Witness nodded)

7 Q. Was that a generic children and families case load or
8 was it a specialised --

9 A. No, it was a generic. We held case responsibility for
10 children from the age of birth up to the age of 16 plus,
11 and that covered both children who were looked after,
12 children on the child protection register and families
13 for whom we were providing what I would call section 22
14 support, support under the welfare and guidance under
15 section 22 of the 1995 Act.

16 Q. Then in 2007 you became service manager for adoption and
17 fostering at Aberdeen City?

18 A. That's correct.

19 Q. Then you were promoted again, I think, in 2015 to Lead
20 Service Manager, and that included deputising for the
21 Chief Social Work Officer and also you were acting up as
22 Chief Officer and CSWO at that time?

23 A. That is correct.

24 Q. Then in 2018 you were appointed to your current role?

25 A. That is correct.

1 Q. Thank you.

2 You have provided the Inquiry with a response to
3 a section 21 notice that was served. If we can look
4 first of all, please, at ABN-000000087, which you'll see
5 come up on the screen in front of you, and we see there,
6 I think, the predecessors of Aberdeen City Council.

7 So between 1930 and 1975 it was Aberdeen Town
8 Council, then it became part of Grampian Regional
9 Council, and then obviously Aberdeen City Council was
10 established in 1996. Is that right?

11 A. That would be my understanding and, yes, that accords
12 with my own recollection.

13 Q. I would like to take you to some parts of this response
14 in relation to the earlier period. Perhaps before I do
15 that, if you can just explain how the Local Authority
16 went about ingathering information for the early period,
17 so the 1930s, 1940s and 1950s.

18 A. So we established an Inquiry team that was made up of
19 researchers and indeed staff from my own social work
20 service as well, but also we drew upon the Council's
21 archivists as well to research the catalogue of records
22 that the Council will hold, and through that we began to
23 do our systematic research.

24 So we've employed a team of professionals and
25 researchers throughout the course of the Inquiry in its

1 various stages to provide the information that has been
2 sought through the various section 21 notices that we
3 have received.

4 Q. Thank you. If we can go, first of all, to page 3 of
5 this document. At the top of the page there's
6 a reference to Oldmill Annual Reports from 1933 and 1934
7 and it refers to:

8 "The Children's Department being a unit of but
9 administered apart from the main buildings. An official
10 is always in charge and the children are kept apart from
11 the adult inmates. The policy of the committee has been
12 to regard Oldmill Hospital as a clearing house so far as
13 children are concerned and boarding-out arrangements are
14 carried out regularly each month by the Chief Public
15 Assistance Officer. During the year, the number of
16 cases boarded out was as follows."

17 And a total of 42 is mentioned.

18 That seems to suggest that this was perhaps
19 a poorhouse or some form of home before children went to
20 be boarded out?

21 A. That would be my reading of what this section refers to,
22 yes. I wasn't fully aware of it prior to reading the
23 submission or the section 21 report, but, yes, that
24 would be my interpretation of this section.

25 Q. Can we go on, please, to page 4 and to the bottom of the

1 page. In the final paragraph there it says:

2 "In minutes of Aberdeen Town Council meeting on
3 1 October 1945, it says in an effort to raise the
4 standard of provision of foster parents it was
5 suggested: by adopting an adequate system of payment so
6 that the response to the committee's advertisements
7 might be from a different class of person altogether.
8 The millennium is not just round the corner and there is
9 no shortcut if the boarding out system in small homes is
10 to be retained."

11 It continues over the page at page 5, at the top of
12 the page. In the first paragraph there, the same report
13 seems to suggest that there was a special subcommittee
14 who carried out a visitation of boarded-out children
15 under the care of the education committee:

16 "The report suggests either the establishment of
17 cottage home units or raising the standard of the foster
18 parents by a system of adequate payments."

19 So "cottage home units" seem to be something
20 different to a fostering placement with a family.

21 A. (Witness nodded)

22 Q. And there seems to be a suggestion that the standard of
23 foster parents will rise if there are adequate payments
24 in place.

25 A. That would be my again understanding. I would see the

1 cottage home units as what we would refer to -- as
2 I would have known as sort of houseparents, parents who
3 would have had their own house but actually taken
4 perhaps a number of children into that, to provide, you
5 know, care within that context, and that's what I'm
6 interpreting as a cottage home unit.

7 And certainly, yes, I think the issue of
8 remuneration to foster carers was seen as a means -- has
9 always been seen as a means to how we attract foster
10 carers to provide the care to children.

11 Q. If we just scroll down a little to the paragraph
12 beginning 21, I think we see reference to minutes dated
13 15 October 1945, and then there's reference there again
14 to -- under "Principles":

15 "The guardian whose attraction is to the amount of
16 aliment paid is to be avoided for it is not board and
17 lodging only that are necessary. The problem is to find
18 people willing to care for children and provide home
19 life out of affection for and interest in children and
20 that is the real limitation. The child must, however,
21 pay his way. It is for consideration whether more
22 generous terms or other means might attract those in
23 more affluent circumstances to provide material
24 advantages of higher order than are obtainable with our
25 present guardians, but affection cannot be purchased."

1 Then there's reference to specific figures and in
2 the final sentence it's suggested:

3 "Also the grant of pocket money has been adopted by
4 a number of local authorities in England. This might be
5 discussed by the committee."

6 There again do we see the issue of payment of foster
7 carers but there seems to be a tension between that and
8 what they're being asked to do?

9 A. I would agree with that. I think the first part of that
10 section you read out there refers and recognises that
11 actually those who are interested in fostering, it can't
12 be for money. There has to be reasons that actually see
13 the benefit to the child. They have to have an interest
14 in actually promoting and supporting the children to
15 grow and develop in ways. So it can't be a means of
16 a -- solely a means of money.

17 The child must, however, pay his way. I think we
18 have long moved away from that, thank goodness, and we
19 would have no expectation around that just now, but
20 absolutely how we actually remunerate again carers and
21 actually ensure that actually there's recognition given
22 to children having some sort of pocket money was
23 important, and I would recognise that.

24 So, again, there's that balance between attracting
25 people with the right motivation to foster but also

1 ensuring that they are properly and adequately
2 remunerated for the task and the role that they're
3 undertaking.

4 Q. From what you've said, although this is back in 1945,
5 those two things still apply, the need to be adequate
6 remuneration but you need to attract the right carers?

7 A. Absolutely, that is the case. I think that with the
8 expansion of independent fostering agencies, I think the
9 market, if I can call it that, for attracting foster
10 carers has become more competitive and I think that is
11 something which all Local Authorities have struggled
12 with at times. Certainly my own authority has. How do
13 we attract sufficient foster carers in an urban
14 authority to meet the demand for children who require
15 foster care at points in their life.

16 Q. If we can just scroll up a little, please, to
17 paragraph 20:

18 "Minutes of Aberdeen Town Council meeting dated
19 6 December 1948 describes a proposed joint approach with
20 other counties of cities to the ministry of National
21 Insurance in an endeavour to ensure that the amount of
22 the guardian's allowance payable by the ministry under
23 section 19 of the National Insurance Act should be
24 increased to such amount as would cover the full cost of
25 maintenance of a boarded-out child."

1 A couple of things within that.

2 One, a proposed joint approach with other counties
3 or cities, so presumably other authorities at that time?

4 A. (Witness nodded)

5 Q. Then, secondly, the need to ensure that the allowance is
6 sufficient to cover the full cost of maintenance of the
7 child?

8 A. That would be my understanding of what is said in that
9 paragraph, yes.

10 Q. And achieving a common approach in terms of allowances,
11 is that something that you've seen in the course of your
12 career?

13 A. I think that the answer to that is no.

14 I think that the Scottish Government have
15 intimated -- and I'm expecting it this month -- that
16 they're anticipating announcing an allowance for
17 children in fostering and in kinship care as well across
18 Scotland. What that means, what it looks like, I think
19 we're still waiting the details of that, but that would
20 be the first move to almost having a nationally agreed
21 allowance for children in foster care. Such
22 an allowance exists in England and Wales and Northern
23 Ireland, but doesn't currently exist in Scotland and
24 this would be to move to there.

25 So as at current all 32 Local Authorities would pay

1 varying rates and remuneration both for the care of the
2 child but also remuneration to the foster carer for
3 providing the fostering task.

4 Q. We know that, for example, there was a time when COSLA
5 provided recommended rates, and then I think there was
6 then a period when the Fostering Network suggested
7 rates.

8 A. (Witness nodded)

9 Q. Are we right in understanding that these were just
10 guidelines that Local Authorities could take on board or
11 not as they considered appropriate and possible within
12 their budget?

13 A. They were simply that, guidelines, yes. It was always
14 referred to as the Fostering Network recommended
15 allowances, how it was always referred to.

16 Q. What would be the benefit of a national allowance, in
17 your opinion?

18 A. Well, firstly it provides consistency and transparency,
19 and I think also it sets out what does that allowance
20 actually cover. I think at times different
21 organisations/different Local Authorities have different
22 interpretations of that. So I think it will provide
23 that consistency around it.

24 The difficulty will be is where that allowance is
25 set and at what level that allowance is set. You know,

1 it may well be that actually there are some carers
2 receiving a higher amount and if the amount is set
3 lower, then there could be potential challenges in that.
4 But from a council perspective where the allowance is
5 lower and they're being asked to pay a greater amount,
6 then, yes, there's benefit to the foster carers and for
7 the children in that context, but there's a challenge in
8 terms of how that is financed.

9 LADY SMITH: Will there inevitably have to be areas where
10 the Local Authority in question has a discretion as to,
11 for example, what enhanced payments may be made for
12 particular needs or particular equipment, that kind of
13 thing?

14 A. My Lady, I think that is true. I think there will
15 always be a need for -- no one child is the same as
16 every other child. So for a child perhaps with really
17 complex disabilities and care needs, then I would expect
18 the Local Authority will still have to provide
19 additionality to an allowance that is agreed nationally.

20 LADY SMITH: Thank you.

21 MS INNES: Thank you. If we can move on, please, to page 15
22 of this document and again to the bottom of the page.
23 At the bottom of the page we see again reference at
24 paragraph 21 to the minute of the council meeting of
25 15 October 1945, there we see it noted:

1 "Reference was made to the publication of the
2 Monkton report following the death of a child who had
3 been boarded out in England and to the notification to
4 Local Authorities by the Secretary of State who
5 considered the lessons learned from the report worthy of
6 study and asked that Local Authorities review their
7 arrangements to secure the well-being of children in
8 their care. It further states that children's homes
9 could not compensate for the lack of family life and the
10 spiritual and moral atmosphere of a good home. It is
11 stated that the principle is: the aim in boarding out is
12 to substitute the best obtainable guardians and homes
13 for (a) unworthy ones, and (b) those who through force
14 of circumstances are unable properly to provide for
15 their children, to train the child to develop into
16 an intelligent, self-respecting useful citizen, to
17 achieve a good upbringing in a working class home, to
18 obtain for the child a strong bond of affection, if love
19 is too strong a word, in his new surroundings and to
20 give him a solid and secure anchorage, to allow him to
21 grow happily as one of a family ..."

22 Then it goes back into the part that we've already
23 seen about the issue of aliment.

24 Am I right in understanding that this seems to be
25 a quote from information provided by the Secretary of

1 State?

2 A. That's as I would read it, yes. I think the language
3 used is not one we would recognise today, but of the
4 time, I would recognise it.

5 LADY SMITH: I was struck when I read this to see that to
6 some extent it chimes with the principles that are
7 relevant today. An obvious one, for instance,
8 recognising that realistically you can't require
9 a foster parent to love a child. You can't require
10 anybody to love any child.

11 A. (Witness nodded)

12 LADY SMITH: But you can hope that they'll be able to
13 develop skills to build the strong and secure anchorage
14 from that a bond of affection --

15 A. Yes.

16 LADY SMITH: -- perhaps a more realistic aspiration, may
17 grow, and recognising that you can't buy that. Giving
18 the foster carer more money is not going to achieve it
19 of itself.

20 A. You're absolutely right, my Lady. I think we want to
21 set the conditions where love could arise, but actually
22 we can't compel that to actually be experienced and
23 actually it takes time for that level of trust, that
24 level of affection and that level of security to be
25 established and where a child can feel loved and there.

1 But absolutely, it is still about providing the
2 ingredients of safe, secure, nurturing, reparative care
3 which is absolutely the fundamentals of fostering.

4 LADY SMITH: Somewhere that the child knows they're safe and
5 they feel secure.

6 A. Yes.

7 LADY SMITH: Thank you.

8 MS INNES: If we can move on again, please, to page 36 and
9 to below (a) and paragraph 93, which again a reference
10 to this minute of 15 October 1945. It says there:

11 "... that guardians are introduced mainly by private
12 reference through department channels and by written
13 application. Press advertisement is not favoured.
14 An application is completed containing essential
15 information on position and accommodation offered, rooms
16 and beds, occupants, distance from school and church,
17 and also references. A thorough enquiry and inspection
18 was then completed. If successful, a waiting list
19 system was used. Further visitation was completed prior
20 to boarding. The boarding officer then accompanies the
21 child and conducts initial visits and enquiry and makes
22 arrangements for school, church and medical needs."

23 Looking back to the issue about advertisement and
24 recruitment, it suggests there that guardians are
25 introduced mainly by private reference. Is it still the

1 experience that foster carers would be mainly recruited
2 by word of mouth?

3 A. That is a very strong route by which carers come
4 forward, but I also think as well that if you haven't
5 experienced fostering within your network, then it's
6 actually sometimes not on your radar to consider putting
7 yourself forward. So I think there is a duty and
8 responsibility on ourselves to find ways of engaging
9 with all parts of our community.

10 I think particularly we have seen a rise in relation
11 to same-sex couples coming forward to fostering, where
12 perhaps long ago that was not allowed under the law, but
13 actually -- so we've had to go out of our way to connect
14 with that community, I think, and actually build the
15 trust with them and other parts of that, particularly of
16 black and ethnic minority groupings and others as well
17 where we would want to ensure that we have a broad
18 representation from our communities to come forward to
19 foster children.

20 Q. Thank you.

21 Can we look, please, at another document, so it's
22 ABN-000000090. This is in the Part C of your response,
23 and at page 21. I think here we see some further detail
24 of what was noted in the council meeting of
25 1 October 1945 in relation to the visit that was carried

1 out by I think a subcommittee which we saw followed the
2 Monkton report. It says in the first paragraph towards
3 the end:

4 "The adequacy of supervising all children in the
5 geographical area was queried, as the subcommittee
6 travelled over 300 miles in three days to visit all the
7 children boarded out. The visits were unannounced and
8 they presumed to have seen homes in their usual
9 condition."

10 Firstly, just in terms of the distance travelled, is
11 it your understanding that at this time, from the
12 archives and the history, obviously, Aberdeen City
13 boarded children out to country areas?

14 A. I certainly think it would have been practice at that
15 time to place children outwith the geographical
16 boundaries of Aberdeen City. I'm not sure the 300 miles
17 equates to a distance of 300 miles or a cumulative
18 distance of 300 miles as absolutely travelled, but
19 absolutely I think the point is still relevant, that
20 actually we would have placed children outwith the
21 boundaries of what is Aberdeen City or it would have
22 been whatever the equivalent authority was in 1945.

23 Q. It notes that the visits were unannounced.

24 A. Yes.

25 Q. Is that something that continues today?

1 A. Yes. We would still expect the supervising social
2 worker for the foster carers to undertake an unannounced
3 visit annually. That is reported within their annual
4 Foster Care Review. So that is still an expectation.
5 Certainly over the last two years perhaps that's been
6 harder to achieve, but, nonetheless, it is still
7 a practice that we would employ just now.

8 Q. Would it only ever be annually or are there
9 circumstances in which an unannounced visit might be
10 undertaken more than once a year?

11 A. Certainly if there were concerns around the state of the
12 family home, perhaps the practice of the foster carer
13 then, yes, the level of unannounced visits would be
14 determined on a need basis and the needs of the child
15 rather than the needs of the foster carer, but actually
16 the needs of the child in the situation.

17 Q. Would that unannounced visit be undertaken by the
18 child's social worker or the foster carer's social
19 worker or both?

20 A. Both.

21 Q. Okay. If we can just look down this page, there's
22 reference in the next paragraph to:

23 "Both foster parents were interviewed where possible
24 and the headmasters of the schools where the children
25 attended. The children were generally found happy and

1 physically well cared for. It was stated that there was
2 a narrow limit of choice of foster carers, but they had
3 been selected with care and discrimination. In some
4 cases the foster carer was thought to lack a degree of
5 sympathy and understanding and these cases were to be
6 reviewed."

7 So that seems to have been noted as a result of the
8 visit at that time.

9 A. That would be my understanding, yes.

10 Q. In the next paragraph it says:

11 "In some homes the sleeping accommodation was seen
12 to be cramped and the cleanliness of the bedding not up
13 to standard. There was no indication that the children
14 were being required to work on the crofts visited, or
15 that they were being exploited."

16 Again, it appears that the people who were doing the
17 visiting were specifically looking for any signs of the
18 children working, for example?

19 A. That's correct, yes.

20 Q. Then in the next paragraph:

21 "The outcome was that there were no scandals to
22 report and the children were living in far better
23 circumstances than they had been taken from."

24 Then it goes on to the next paragraph:

25 "The committee reported that the children they

1 visited were protected from physical and moral danger,
2 but the committee felt that the implications of the word
3 'care' have not been exhausted until the wider sympathy,
4 love and opportunities which can be enjoyed in a good
5 home are given to them. What is needed is a new
6 conception of the importance and value of the work of
7 a foster parent to raise it from the level of financial
8 necessity to that of a devoted social service."

9 That seems to pick up on some of the themes that we
10 were discussing earlier in terms of the relationship
11 between the carer and child.

12 A. I think that would be a fair interpretation.

13 Q. Then in the final paragraph just before it goes on to 78
14 we see:

15 "The same minute also states that visits should be
16 undertaken more frequently than at present and by
17 a qualified member of staff. Visits every three to six
18 months are recommended to be carried out by the special
19 subcommittee. This is in accordance with local
20 government practice. It was considered that the visits
21 should be more frequent than every three months. It was
22 recommended that a special trained qualified person was
23 appointed for the supervision."

24 That seems to have been something that was suggested
25 by the committee at that time.

1 A. Yes.

2 Q. So going beyond what was expected in terms of the number
3 of visits.

4 A. I think that's exactly right, and recognises that we
5 needed to support these placements at that point in
6 time, providing guidance and an appropriately qualified
7 person to support the care of the child and the needs of
8 the foster carer.

9 Q. Thank you.

10 If we can look, please, at another document,
11 ABN-000000235, this will come up on the screen. It's
12 not in the hard copy.

13 If we scroll down to the bottom of this page,
14 please, I think we see at 19 that this is a minute of
15 the Children's Committee of 28 December 1948. If we go
16 over the next page, please, at paragraph 2, which we can
17 see there:

18 "With reference to the same minute, the subcommittee
19 in terms of remit had under consideration the question
20 whether prior notice should be given of any proposed
21 visit by members of the committee to the home in which
22 a child in the care of the corporation is boarded out.
23 After deliberation, the subcommittee resolved to
24 recommend that prior notification be given to the foster
25 parent in the circumstances referred to."

1 So this seems to be referring to the need for
2 announced visits of the Children's Committee.

3 A. That would be my understanding of that paragraph, yes.

4 Q. Am I right in thinking that's different from the visits
5 of the children's officer, for example?

6 A. At that time?

7 Q. Yes.

8 A. Yes, it would be, yes. I mean I think the committee, as
9 I understood it, would have had that oversight
10 responsibility. The children's officer would be more to
11 have that day-to-day responsibility of the needs of the
12 child at that point in time.

13 LADY SMITH: Would the committee visits be rather more
14 formal?

15 A. That's my interpretation of it, my Lady.

16 LADY SMITH: But the children's officer had responsibility
17 for getting to know the people?

18 A. Yes.

19 LADY SMITH: Being able to talk to them on a more relaxed
20 basis, perhaps.

21 A. Yes. And I think for me that reflects that if we're
22 going to really invest in foster care, we need to build
23 a relationship with the foster carers and not just that
24 of an overseer.

25 LADY SMITH: That's a very good way of putting it. Thank

1 you.

2 MS INNES: Can I ask you, please, to look back again to
3 ABN-000000087, so this is the Part A response, at
4 page 33, paragraph 41 at the top of the page. This is
5 moving forward slightly in time, so to 1959. It says
6 here:

7 "Staff such as childcare officers were sent for
8 training. In a council meeting minute from
9 16 February 1959 there is mention of funding to send
10 a childcare officer to Dundee for a residential course.
11 It is not specified what training this would have been
12 or what qualifications would have been gained, but it
13 would show that continuous development of staff was
14 important."

15 This seems to be something else that's been picked
16 out from a council minute, that the childcare officer
17 was to go to a course in Dundee?

18 A. Yes, that would be my sense of what that paragraph
19 refers to.

20 Q. If we can look, please, at page 17 and at the bottom of
21 the page, you're being asked there whether there were
22 any changes over time in terms of what the Local
23 Authority saw as its function, ethos and/or objective in
24 terms of the foster care service it provided for
25 children. At (d) you refer, paragraph 16, to the Child

1 Care Strategy, July 1994, and then an SWIA follow-up
2 report. I would like to deal with each of these in
3 turn.

4 First of all, the Child Care Strategy. Can you
5 explain what that's about?

6 A. I will do my best, but my memory and awareness of that
7 is fairly limited.

8 So July 1994 would have reflected that the UN
9 Declaration of Rights was coming into effect and
10 becoming a greater awareness of that, but this was also
11 at a time of local government reorganisation, thinking
12 about how what would have been Grampian Regional Council
13 would have begun to plan and think about its services in
14 distributing across the three areas that are now Moray,
15 Aberdeenshire and Aberdeen City. Thinking around that
16 time, that would be my understanding of what the
17 strategy was thinking about at that point in time.

18 Q. Okay. If we could look, please, at ASC-000000145, again
19 it will come up on the screen, starting at page 10,
20 there I think we see this strategy, the Grampian
21 Regional Council social work department childcare
22 strategy July 1994, if we scroll to the bottom of the
23 page.

24 If we could look on, please, to page 14, this seems
25 to be a part focused on:

1 "Policy and services in relation to children and
2 young people in foster care."

3 If we look at the introduction, we see:

4 "This is a statement of policy in relation to
5 children and young people in foster care and forms
6 an integral part of Grampian Regional Council's Child
7 Care Strategy. It establishes objectives and standards
8 for services against which progress can be reviewed.
9 The social work committee adheres to the United Nations'
10 Declaration on the Rights of the Child and its statement
11 of principles in childcare is consistent with the under
12 noted."

13 That's the matter that you just mentioned a moment
14 ago.

15 A. (Witness nodded)

16 Q. The introduction seems to be suggesting that this is
17 a standard against which progress can be reviewed.

18 A. That would be my sense of that, being very clear on what
19 we're expecting and what we're looking for from a foster
20 care provision for children and young people.

21 Q. If we scroll down, we see a heading, "Purpose and role
22 of foster care" and we see at A:

23 "The purpose and role of foster care is to provide
24 a family experience to children and young people who,
25 for various reasons, are not able to remain with their

1 own families."

2 Then at B:

3 "Fostering will provide alternative care for a range
4 of children's needs, some of which will be temporary and
5 others for the duration of their childhood."

6 So that seems to be summarising at that stage what
7 the role of foster care was. Is that still how you
8 would summarise it? Or not?

9 A. I think, yes, I probably would. I think that fostering
10 provides that range. It is there to provide
11 an alternative family experience for children in which
12 they can feel safety and security. It may be for the
13 duration of a foster -- a child is placed in foster
14 care, it maybe is very temporary, a few nights, even
15 less, or indeed short term or indeed even longer as
16 well, on a permanent basis that some children will need
17 and experience foster care.

18 So I think broadly it hasn't changed. The words may
19 have changed, but I think the meaning will probably
20 still be the same today.

21 Q. Below that there's a section, "Fundamental principles in
22 foster care", which is described as a partnership
23 between four parties: the child, the child's family, the
24 foster carers and the social work department. Would it
25 still be seen in that way?

1 A. Yes, I think so.

2 Q. Over the page, please. The first paragraph, at the end
3 of the first paragraph it says:

4 "First consideration, however, will be accorded to
5 the best interests of the child, whose wishes and
6 feelings will always be taken into account."

7 Again, does that still hold good?

8 A. I think it does. If anything, I think the voice of the
9 child is becoming even stronger within our thinking and
10 our planning for the individual plans for children and
11 young people.

12 Q. Then at B there's reference to the principles of the
13 Foster Care Charter, and we'll come back to that in
14 a moment.

15 At C it says:

16 "The social work committee believes that foster
17 placements should be available as the preferred option
18 for both short- and long-term care for all children and
19 young people who need it."

20 So that's stating a preference for foster care. Is
21 that still the case or not?

22 A. I think the vast majority of children who are unable to
23 live within their immediate or extended family,
24 fostering would be the next alternative provision
25 considered, but it also -- I would perhaps take slight

1 issue with that and recognise that actually there are
2 some children for whom foster care is not the right
3 provision. So there is a real need to think about the
4 individual needs of the child and young person and plan
5 for that on a more individualised basis. But, broadly
6 speaking, the majority of children who cannot remain
7 within their immediate family, we would look to foster
8 carers being an alternative provision of care for them.

9 Q. If we can scroll to the bottom of the page, please,
10 under the heading, "General considerations", we see
11 there at A:

12 "In recognition of the geography of the Grampian
13 region, vigorous measures will be taken to recruit and
14 support foster parents from a wide range of rural and
15 urban communities to ensure that children who need to
16 remain within their community are able to do so wherever
17 possible."

18 Again, is that still a consideration that holds
19 good?

20 A. That would still be a consideration that holds good,
21 yes.

22 Q. Then there's reference at B to the social work committee
23 seeking to establish a wide range of temporary and
24 permanent foster placements with flexible use of the
25 placements in accordance with the needs of the children

1 and young people in or coming into care. I think that
2 reflects some of the evidence that you've already given.

3 A. (Witness nodded)

4 Q. If we go to the top of the next page, please, page 16,
5 at C we see there:

6 "The social work committee will maximise the
7 opportunities for children and young people in foster
8 care to retain meaningful links with their family where
9 appropriate."

10 Again, is ongoing contact and maintaining
11 a relationship with the birth family something that is
12 important?

13 A. Absolutely. We would want to promote children's contact
14 with their birth family where that is in their best
15 interests, and I think we have to just put that
16 qualification in there. Sometimes that's not the case,
17 but in the vast majority of cases it would be.

18 Q. Then there's reference at D to:

19 "Where the social work department makes arrangements
20 for a child to be cared for by relatives it will firstly
21 consider assisting them to seek legal custody and
22 secondly consider regarding them as foster parents. If
23 approved as foster parents they will be offered the
24 backup and supportive services of the social work
25 department, including financial support."

1 That seems to be what might be known as kinship
2 care, although suggesting, I think, maybe a couple of
3 different routes?

4 A. That would be correct. That would be how I would see
5 the original concepts of kinship care. I think we've
6 moved quite a bit away from that just now, but
7 nonetheless, that's as I would understand that paragraph
8 to refer to.

9 Q. It seems to be suggesting that the social work
10 department would take a role in assisting them to seek
11 legal custody is one of the suggestions, so to formalise
12 their position.

13 A. (Witness nodded)

14 Q. Or consider regarding them as foster parents. There
15 seems to be a suggestion that the social work department
16 would have an active role in that. Again, you say it's
17 obviously changed a lot, but from your experience, is
18 that what was happening at the beginning of your career
19 essentially?

20 A. Now you're dredging back the past, but the answer is
21 yes, it would be. That would be exactly how I would
22 refer back to the very beginnings of 1995/1996, that we
23 would have supported children first of all to look at
24 Grampian's extended family members if they could not
25 remain with their birth parents and at times the social

1 work service would look to seek the -- support the
2 carers to seek what would be considered now a section 11
3 order, parents' rights and responsibilities order, but
4 failing that, we would look to assess them as foster
5 carers and we have some foster carers who found their
6 route into fostering caring for an extended family
7 member and going on to care for other children as well,
8 so that would be reflective of the time and my earlier
9 experience.

10 LADY SMITH: Graeme, I'm pretty sure I know what your answer
11 to this is, but can you tell me why you would move to
12 considering the family members as foster parents and no
13 doubt encouraging them to think of applying to be foster
14 parents if you thought they would be suitable? Why do
15 that?

16 A. Well I think first of all it would be to secure the
17 child within that setting in many respects. So if they
18 weren't able or indeed willing to think about securing
19 the child, just for conflictual family reasons, there
20 are some good reasons why they might not be willing to
21 take that step, then by securing them as foster parents
22 we would then look to secure the child within that
23 context as well through -- it would have been different
24 orders back in 1996 but the equivalent of a permanence
25 order today.

1 I think sometimes the experience of caring for
2 somebody else's child also opened their eyes to possibly
3 caring for other children as well. So again it's about
4 building upon that, but there is often a very different
5 motivation caring for a family member than it would be
6 caring for a stranger child in many respects, if I can
7 describe it as that, my Lady.

8 LADY SMITH: When you talk about securing the child, do you
9 have in mind the statutory protections that are inherent
10 in the fostering system from which the child will
11 benefit?

12 A. Yes.

13 LADY SMITH: That are not a feature of kinship care?

14 A. That is correct. Particularly at that point in time,
15 I think that we would not have had the same level of
16 support and structure around kinship care as we do
17 today, but certainly around foster care we would have
18 had that structure and support as well.

19 LADY SMITH: That's very helpful, thank you.

20 Ms Innes.

21 MS INNES: Thank you, my Lady.

22 If we can move on, please, to page 17 and to the top
23 of the page. We see in that first paragraph:

24 "In recognition of the particular vulnerability of
25 children in care to exploitation and abuse, the social

1 work department, in conjunction with foster parents and
2 agencies which act on their behalf, will take additional
3 steps to ensure that children have special procedures
4 through which to make representations and complaints
5 effectively. Access will be provided to systems both
6 within and outwith the social work department and
7 agencies such as Who Cares? Scotland, which represents
8 the interests of young people in care. Consideration
9 will also be given to the appointment of a children's
10 rights officer."

11 This seems to be expressly recognising that there's
12 a particular vulnerability of children in care to abuse
13 and exploitation, and then putting additional steps in
14 place for children to make representations and
15 complaints. Do you have any comment on what's said here
16 in this paragraph?

17 A. I think any child who is removed from their family is
18 vulnerable to a greater or lesser extent. They're
19 living with people who are not naturally their parents,
20 but also to the broader society as well. There are
21 risks. There is that less connection for them.

22 I think it's also really important that their voice
23 is heard and sometimes when you're relying on others to
24 be your spokesperson or to make sure your views are
25 known, then that can be not as easy within a care

1 setting than it would be within a traditional family
2 setting.

3 So I think it was important that Aberdeen City
4 Council has now two children's rights officers and we
5 also have -- we utilise Who Cares? Scotland in addition
6 to that to really ensure that we are maximising every
7 opportunity that children want to express their views if
8 they're not able to do that through their own social
9 worker, through their foster carer, through their family
10 members, wherever, we want to ensure that children's
11 voices are heard as loudly as they need to be.

12 Q. Can I ask you a little about children's rights officers
13 and if you can just maybe give us some insight into how
14 they undertake their work. You say that there are two
15 now in Aberdeen City. How do they engage with children
16 and young people in foster care?

17 A. So they would -- through a range of activities. We
18 would arrange engagement opportunities, through bringing
19 that together predominantly through play, through social
20 events that we would want to invite children,
21 predominantly children over the age of eight, it has to
22 be said, where we would do that. But that doesn't mean
23 to say we haven't got a role and they have had a role in
24 relation to children under eight, particularly where
25 perhaps there is seen to be a conflict, where perhaps

1 the needs of the child are in dispute or perhaps not
2 being given the consideration that perhaps a member of
3 the team around the child would want to flag.

4 So they would often be referred to by the social
5 worker, the child's social worker or indeed by others as
6 well, where there is that sense, and they are there
7 simply to act as the voice of the child, to actually
8 act -- they have got no case responsibility, they have
9 got no decision-making responsibility in terms of the
10 planning.

11 Their role is simply to be there to amplify the
12 voice of the child, the needs of the child, where
13 they're able to express it or indeed around that as
14 well. Thinking of some of our care-experienced young
15 parents have also got children in the care system. How
16 do we actually ensure there is that amplification of
17 voice throughout those parts of the system as well just
18 now is how we would see them being used.

19 Q. In terms of how much time they have, how much time are
20 they able to spend building up a trusting relationship
21 with the child, as we've already talked about?

22 A. I think that that would vary, you know. I think that we
23 would use them -- they would be used -- and some young
24 people actually have a quite strong relationship with
25 them. They really do build a very strong trusting

1 relationship and quite high levels of contact.

2 In Aberdeen City we use an app now called Mind Of My
3 Own, which allows young people to communicate directly
4 with the social work service, or indeed the people
5 within the social work service, so they can just use
6 this app on their tablet or their phone to message the
7 children's rights officer around feelings, around
8 that -- for some young people that is quite high.

9 For the majority it's not. For the majority it is
10 more short term around a particular issue or
11 a particular decision-making process that is actually
12 happening at that particular point in time to ensure the
13 voice of the child is heard, whether that be in relation
14 to family contact, contact with siblings, in relation to
15 issues with their placement, whatever it happens to be.
16 Those are more short-term involvement, but nonetheless
17 is always taken on a relational basis.

18 Q. You also mentioned the work of Who Cares? who I think
19 you said continue to be available to speak to children.
20 Again, how does that work? How are they able to make
21 contact with children in foster care?

22 A. So we employ currently -- we commission, rather than
23 employ, we commission Who Cares? Scotland to provide
24 a full-time engagement officer and their role is to
25 really facilitate engagement events for young people to

1 come together to express their views, again
2 predominantly eight plus, so we have mini champs and
3 older champs around that as well, just thinking about
4 the Champions' Board, how their voices of the 8-12 year
5 olds and 12 plus can be fed into decision-makers like
6 myself and other senior officers to think about how we
7 can improve the system to benefit their needs.

8 In addition to that, we use Who Cares? for children
9 who are in some residential establishments across the
10 country and they have a presence within those. Rather
11 than -- if they're on site, it makes sense for the Who
12 Cares? officer to do that active engagement with the
13 young person rather than one of the children's rights
14 officers travelling to do that.

15 That said, with technology it's increasingly that we
16 can use technology, if there's a pre-existing
17 relationship with the children's rights officer we would
18 want to capitalise upon that and sustain that. So with
19 modern technology we can do that easier, but sometimes
20 nothing beats that face-to-face engagement and
21 discussion.

22 Q. You mentioned the Champions' Board there. Again, is
23 that something that you could explain a little bit
24 about?

25 A. Champions' Board is bringing together the senior

1 officers from a range of public agencies which have
2 responsibilities to promote and improve the outcomes for
3 children who have got care experience. It enables those
4 young people to have direct access to senior officers to
5 make their views known on a range of issues, whether
6 that be housing, whether that be policing, whether that
7 be social work practice or education services. It is
8 a range of opportunities. It's often -- given just
9 natural confidence innate ... it's often older teenagers
10 or teenagers rather who are doing that engagement, but
11 we would still want to find through play opportunities
12 for the engagement officer to elicit the voice and the
13 views of younger people and ensure those are heard
14 around that. So it is very much around championing the
15 outcomes and best interests of our care-experienced
16 young folk.

17 Q. Thank you.

18 If we can go back to this document please and scroll
19 down to the bottom of the page, there's reference there
20 to training and development of foster carers. At A:

21 "The social work committee recognises the need and
22 the right of foster carers to receive quality
23 preparation and support in their task."

24 Then at B:

25 " ... recognises the need and the right of foster

1 carers to receive training which develops further their
2 knowledge, ability and skills in caring for children."

3 I assume that training of foster carers remains
4 a priority for the Local Authority?

5 A. Absolutely.

6 Q. At C we see there's reference there to:

7 "A comprehensive handbook will be compiled for
8 foster carers detailing their tasks and giving guidance
9 on policies and procedures including items such as
10 pocket money and the use of sanctions."

11 This seems to suggest that this is going to be a new
12 thing that's going to be prepared in 1994?

13 A. That would be correct, yes.

14 Q. Is a handbook for foster carers something that has
15 continued since then?

16 A. Yes, it does, it is, with regular updates.

17 Q. Is it now a physical book or is it something that's
18 available online?

19 A. It's available online.

20 Q. Can we look, please, on to page 18. Under the heading,
21 "Monitoring", we see there:

22 "In addition to existing statutory arrangements for
23 regular reviews of both children and foster carers, the
24 social work department will develop methods of
25 monitoring and evaluating the outcomes of foster

1 placements on a regular basis. The procedures devised
2 will include the direct interviewing of children, their
3 families and the foster carers."

4 As it says, this seems to be something which is in
5 addition to the regular reviews required by statute.

6 A. (Witness nodded)

7 Q. Do you know how that was taken forward by the Local
8 Authority?

9 A. So it was built into the reviewing process for foster
10 carers, so we developed a suite of forms -- in those
11 days, these are more electronic now, but it would have
12 been paper forms -- whereby the voice of children living
13 in the foster placement would be independently sought
14 prior to the review of the foster carer, including the
15 views of the social worker of that child. And allowing
16 foster carers themselves to reflect upon their own
17 practice, their own needs and their own support that
18 they have received, both positively and negatively, and
19 how that is ... these papers formed the basis of the
20 reviewing task of that, of the foster carer's support
21 plan.

22 So thinking about foster carers, it's not just about
23 reviewing whether they continue to meet the statutory
24 requirements for being a foster carer, but actually how
25 can we as a service continue to enhance their

1 development and their skill set to meet the needs of the
2 children we're asking them to care for.

3 Q. Apart from more monitoring of the actual fostering
4 placement, is there any sort of higher level overview
5 that's taken of fostering placements?

6 A. So we track where children move on to, we track the
7 outcomes for children in terms of what they achieve in
8 terms of academic outcomes, in terms of those who go on
9 to positive and sustained destinations, where they move
10 to in terms of housing needs, in terms of placement
11 breakdowns.

12 Those are all outcomes that we would actually track
13 and monitor in terms of thinking about that and
14 understanding that in terms of the chronology and
15 support we provide foster carers and the fostering
16 service around that as well. So we would track the
17 outcomes of our children and young people. We seek exit
18 interviews for foster carers who wish to leave the
19 fostering service or retire. Then we would ask for
20 an exit to allow their views to be shared to enable us
21 to continue to reflect upon how we can improve our
22 fostering service and support.

23 Q. Would, for example, a team leader or senior social
24 worker have an overview of, for example, foster carer
25 reviews that are going on and look at what's going on

1 the panel, perhaps supervise the day-to-day work that's
2 being done by the social worker that's assigned to the
3 carers?

4 A. Absolutely. So currently we have every -- a foster
5 carer following their approval, their first annual
6 review is held and conducted by our fostering panel, so
7 again it's an independent.

8 Years 2 and 3, their annual review is chaired by the
9 team manager for the carer. Again, it builds that
10 relationship, it provides a more informality, allows
11 some of that feedback to be elicited and gained around
12 that.

13 And then year 3, the third year, would be back at
14 the panel around that and that's a pattern we would
15 continue.

16 It's also important for the team manager to have
17 a relationship with the foster carers themselves so they
18 have a voice to go to and not just simply through their
19 supervising worker if there's issues they want to raise
20 and flag.

21 LADY SMITH: How daunting is it for a foster carer to have
22 their annual review conducted by the fostering panel?

23 A. So it's not every year we do the panel. It's years 1,
24 4, 7 and so on and so forth. I think foster carers do
25 find coming to panel daunting, my Lady, there's no doubt

1 at all. I think it would be naive for me to say
2 otherwise. I think for them some of it is their career,
3 it's about their status as a foster carer, their income
4 as well, so that aspect for them can be daunting. You
5 know, that uncertainty that it actually provides for
6 them. We try to mitigate that as much as we can, but
7 I'm pretty certain that carers will feedback that it is
8 daunting.

9 LADY SMITH: I'm sure it is.

10 Ms Innes.

11 MS INNES: If we can move on, please, to page 26 of this
12 document. You'll see there I think the Foster Care
13 Charter from the National Foster Care Association that
14 was referred to earlier in this document. It begins:

15 "The National Foster Care Association believes that
16 all children and young people needing substitute care,
17 whatever their physical or mental abilities, should
18 have opportunity to live in a family. Children and
19 young people who are fostered deserve the highest
20 standards of care, and it is the responsibility of all
21 those involved to provide a high quality service."

22 Then below that there's various points mentioned.

23 At paragraph 4 we see there:

24 "The true cost of caring for a foster child must be
25 met and the foster carers given the opportunity to

1 receive payment for their time, experience and skills."

2 Then again there are certain other provisions in
3 this charter. Is this charter something that again
4 you're familiar with? Has it changed over time?

5 A. It's changed over time, but the principles of it would
6 still stand. You know, the Fostering Network, which has
7 moved on to take on that role, would still champion
8 those aspects of it.

9 Yes, I would recognise it, but more probably more
10 current versions.

11 Q. Thank you. If we can leave that document and go to
12 ABN-000000251.

13 I think we see that this is the Social Work
14 Inspection Agency follow-up report which we saw
15 mentioned a moment ago as being one of the documents
16 referred to as having given rise to changes. I wonder
17 if we could look, please, at page 3.

18 LADY SMITH: Can you remind me of the date of this,
19 Ms Innes?

20 MS INNES: Sorry, the date of this follow-up report is in
21 2011 --

22 LADY SMITH: Thank you.

23 MS INNES: -- I think it said in the document.

24 LADY SMITH: The original inspection was 2008?

25 MS INNES: It was, it was.

1 Here, Graeme, I think we see the introduction and it
2 says:

3 "SWIA published a performance inspection on Aberdeen
4 City Council in June 2008. We did not rate the
5 Council's performance above adequate in any of our ten
6 areas for evaluation. Following this, the council
7 decided to appoint an interim programme director for
8 social work and to restructure the service into a single
9 directorate."

10 Can you perhaps just give us a little bit of the
11 background to this?

12 A. Yes, I can. One of the disadvantages of being in the
13 same Local Authority for as long as I have.

14 So prior to this, prior to June 2008, Aberdeen City
15 Council was essentially -- the governance of that was
16 around three geographical areas, so there was Aberdeen
17 north, south and central. Within that, the delivery of
18 social work services and other services, education, were
19 all considered on a -- within that geographical basis.

20 In effect, what that meant was at times we had each
21 of the three areas operating slightly differently, and
22 slightly inconsistently with each other as well. It
23 wasn't just in relation to children's social work that
24 that was experienced around that, and it was within that
25 context that this SWIA inspection of 2008 was

1 undertaken. Incidentally staff at that point in time
2 felt that they weren't -- that this was not serving well
3 and it meant ... it also meant that some aspects of the
4 service, for example I would have been the service
5 manager for fostering/adoption at that point in time,
6 I was a city-wide service but I sat within one
7 geographical area, so therefore I had to negotiate with
8 other parts of the city around the delivery of aspects
9 of that service.

10 So it was within that context as well, the Chief
11 Social Work Officer at that point in time had very much
12 a strategic role. Their role was not connected to
13 operational delivery as well as it should have been, and
14 certainly the SWIA inspection spoke of that as well. So
15 there was a disconnect from that strategic oversight of
16 the Chief Social Work Officer from services being
17 delivered on a day-to-day basis and that led to the
18 criticisms that were identified in the 2008 inspection.

19 Q. Then if we look at this follow-up report, in the second
20 paragraph it says:

21 "The council identified a number of core changes
22 that needed to be made to address the concerns
23 identified within the service. These, they believed,
24 would then address the recommendations. We followed up
25 their progress against this action plan and published

1 a report on this in July 2009. This was sooner than
2 usual due to the extent of our concerns from the
3 performance inspection."

4 Are you able to give us any insight in relation to
5 that swift follow up and any impact on the fostering
6 service in particular?

7 A. So the interim director for social work was brought in,
8 a gentleman by the name of Philip Cotterill, and brought
9 together the services at that point in time and looked
10 to do that.

11 At that point in time in 2008, concern was raised
12 just around the number of children who were placed
13 outwith the authority at that point in time and asked
14 for a plan to think about how we brought -- we reduced
15 that experience for children and how we brought some
16 children back to the city at that point in time. So
17 that was one of the actions that was specific to the
18 fostering service, and to do that clearly we would need
19 to recruit additional foster carers to enable that
20 action to be achieved.

21 Q. I think if we just scroll down this page, towards the
22 bottom, in the first bullet point there, we see that one
23 of the key areas referenced was children's services and
24 what you've just mentioned:

25 "Numbers of young people placed outside of the Local

1 Authority and the ability of the service to support
2 their successful reintegration, resource allocation
3 systems and use of risk assessment tools."

4 Seems to have been issues that were flagged for
5 attention.

6 A. (Witness nodded)

7 Q. If we can go on, please, to page 5, in the second
8 paragraph, it says here:

9 "Children and families services had made progress in
10 tackling key challenges facing the service, and had
11 effectively used financial and performance data to
12 support and evidence these changes. The level of change
13 had been considerable and much of it recent. The
14 service was committed to a process of continuous review
15 and improvement on these changes. The service was
16 making good progress towards returning the significant
17 number of young people placed outside of the authority
18 and to prevent other young people leaving the city. It
19 reminded too early to fully evaluate the impact of some
20 of the services planned to make an impact on these
21 figures. However, we heard many comments from staff and
22 managers about the positive direction of these changes,
23 the improved staff morale and some early indications of
24 the impact of the service redesign."

25 Does that accord with your recollection of how

1 things developed from 2009 through to this report in
2 2011?

3 A. It does.

4 Q. If we can just look at a little bit more detail in
5 relation to the fostering service on page 10, please.

6 LADY SMITH: How far beyond the city limits had children
7 been placed?

8 A. Really to all parts of Scotland, my Lady, if I'm honest
9 with you. And that problem still persists, I'm not
10 going to pretend otherwise, that the reality is that the
11 bulk of the population of Scotland sits within the
12 Central Belt and that's the bulk of the fostering
13 capacity sits in there as well. So I think at times we
14 still have to place children outwith the city, not
15 something -- we have moved to try and say we will seek
16 to place children within a relative distance of
17 45 minutes from the city, an hour, in terms of trying to
18 keep them local, but that isn't always achievable as
19 well, and some of the specialist resources that we need
20 are only accessible in that Central Belt area.

21 LADY SMITH: Thank you.

22 MS INNES: Is that resources available through Local
23 Authorities in the Central Belt or through voluntary
24 agencies?

25 A. Through independent fostering agencies.

1 Q. If we can scroll down this page, please, to "Out of
2 authority placements". It says there:

3 "A significant challenge facing social care and
4 well-being historically have been the high numbers of
5 children and young people who had been placed outwith
6 the city. The number of children and young people in
7 foster care placements outside of the city had reduced
8 from 112 to 88. This was projected to benefit the
9 service in financial terms."

10 Then there's some figures in relation to that.

11 Then I think the next paragraph goes on to talk
12 about residential placements. Am I right in thinking
13 that's not foster care?

14 A. That's correct, yes.

15 Q. At the bottom of page 10, the final paragraph:

16 "Some staff thought that some young people had
17 returned to Aberdeen City from placements elsewhere with
18 not enough planning or support available."

19 If we go over the next page at the top of the page
20 it says:

21 "Staff recognised and supported the drive to return
22 young people, as it was better for their care and sense
23 of identity. They were concerned that in the earlier
24 stages of the general move to return young people,
25 resources had not always been put in place in time to

1 support that young person."

2 Again, does that accord with your recollection of
3 what happened at that time?

4 A. It does.

5 Q. Then it says:

6 "There were a number of approaches being developed
7 to tackle the issue. The service was proactively
8 developing their own foster care services. The aim was
9 to increase the number of foster carers and to develop
10 some foster carer's skills and abilities to be able to
11 take young people with more challenging behaviours."

12 Again, does that accord with your recollection of
13 what was happening at that time?

14 A. It does, yes.

15 Q. Then it says:

16 "Joint work was taking place with Aberdeenshire to
17 consider the possibility of developing some shared
18 foster care services. The service was also at the early
19 stages of developing a joint approach to commissioning."

20 Just asking you there about the issue of the joint
21 work with Aberdeenshire. Is that something that was
22 taken forward or not?

23 A. This was predominantly in relation to adoption. So what
24 we would find is that being an urban authority there was
25 greater numbers of children requiring adoption from the

1 city, but Aberdeenshire had a greater number of adopters
2 looking for particularly young and infant children,
3 adopters who were keen to take young and infant babies.

4 So we worked together to collaborate to ensure that
5 actually adopters who were looking for that outcome, and
6 the children for whom we were wanting that outcome could
7 be matched together at that point in time.

8 So myself and my counterpart in the shire would work
9 together on that.

10 In terms of some fostering services, we recognised
11 that there was a particular challenge around children
12 with very complex needs and how could we work with
13 particularly the likes of one of our partner agencies
14 around how we could develop fostering services to meet
15 some of our more -- children with greater complex and
16 enduring needs.

17 Q. Obviously you've mentioned that you still use resources
18 out of the city, and presumably some of those would
19 still be in Aberdeenshire, would they?

20 A. Yes, a significant number would be in Aberdeenshire, in
21 sort of the hinterland from the city in many respects,
22 yes.

23 Q. To what extent is there joint working with Aberdeenshire
24 in the area of fostering?

25 A. Not a huge amount, if I'm honest. We collaborate around

1 certain aspects so that we have a joint panel for
2 curators and reporting officers and that's a joint panel
3 that sits across the shire, City and Moray Councils, and
4 we work together on that.

5 You know, we would work together in relation to
6 foster panels so that if there's an appeal to a decision
7 in a near authority, we would use the other authority as
8 an appeal fostering panel. There are aspects around
9 that.

10 There are aspects we've worked together around
11 training together around foster carers around that as
12 well, so that would be the extent of it. But the
13 reality is that the demand for fostering is -- the
14 demand for fostering outstrips the supply of foster
15 carers nationally by quite some bit as well, so we're
16 having to manage within that context.

17 Q. If we scroll down to the bottom of this page, please,
18 "Conclusion and areas for development and improvement",
19 we see:

20 "There was evidence of strong and effective
21 leadership within children's services and staff had
22 a sense of direction and ownership of the changes that
23 were taking place, although this was more tangible in
24 fieldwork than in some of the other areas of children
25 and families."

1 That seemed to be the conclusion of the follow-up
2 report at the time in relation to those matters.

3 If you can please go over the page to page 12, it
4 says:

5 "Greater clarity was needed about the role and
6 function of the different screening groups."

7 Was that anything to do with children in foster care
8 or is it something different?

9 A. No, it would have been at that point in time. So we had
10 at that point in time what we called a screening group
11 which looked at children whom there was an anticipation
12 that unless we intervened effectively, then there was
13 a risk of them being placed in foster care and it was
14 about looking at how did we try and mobilise support to
15 the family to prevent that from being an outcome there.
16 But it also meant that if we were looking to -- if
17 a child was requiring to be accommodated within
18 a fostering setting, how we plan for that, effectively.

19 Q. Is that something that continues perhaps under
20 a different name or is it a process that was changed?

21 A. It was a process that was changed in terms of doing
22 that. We still have some screening groups around that,
23 but less so around this particular aspect.

24 LADY SMITH: What exactly were they screening?

25 A. They were screening to see whether the right children

1 were coming into care, eligibility criteria, they were
2 thinking about professional support to the worker cases,
3 perhaps where staff became stuck thinking about what do
4 we do next? How can we try this? How do we absolutely
5 ensure the right children are coming into our care,
6 where we could maximise support to ensure that children
7 could be kept at home, we try to keep that focus.

8 LADY SMITH: I'm just wondering whether "screening" was the
9 best word to capture all that, perhaps not.

10 A. Perhaps not.

11 LADY SMITH: Thank you.

12 MS INNES: The next bullet point says:

13 "The service needed to review its approach to the
14 initial assessment of risk and ensure that any approach
15 used was appropriate, evidence-based and that staff used
16 it consistently."

17 Is that focused on a time when children come into
18 care initially or --

19 A. No, that would be pre their accommodation.

20 Q. Okay, so pre-accommodation.

21 Were there any further reports after this 2011
22 report specifically in relation to foster care or not?

23 A. So in relation to foster care, the fostering service was
24 inspected by the Care Inspectorate, being a registered
25 service it is subject to regular inspections from the

1 Care Inspectorate and has been and continues to be so.
2 So that specifically looks at the delivery of fostering
3 service, whereas this reflects the delivery of social
4 work services within the Local Authority area or the
5 partnership area of Aberdeen City, and clearly we've had
6 others that look at those as well, the most recent being
7 in 2019.

8 Q. I'd like to move on to something different now, Graeme,
9 and talk to you about guidance and procedures that were
10 put in place in relation to allegations of abuse in
11 foster care. If we could look first of all at the
12 document ABN-000000222.

13 We see here, Graeme, a memorandum from
14 a Mike Stephenson to Susan Sloan, two senior social
15 workers, dated 5 October 2001. It seems to be in
16 relation, if we scroll down, to a specific case.

17 In the final paragraph there it says:

18 "I also note your last paragraph about lessons being
19 learned and how this will be addressed. Obviously,
20 adoption and fostering panel members are aware of the
21 working party re managing allegations of abuse, but
22 I wondered if you were thinking of using other
23 initiatives."

24 I think you provided this document in relation to
25 questions that the Inquiry had raised in relation to the

1 conviction of a William Alexander, and I think this was
2 at an earlier period before he was convicted. We'll
3 come back to that later on. But I just wanted to ask
4 you about the working party managing allegations of
5 abuse. Was that something within the Local Authority or
6 was it something that was Scotland wide?

7 A. No, this was within the Local Authority.

8 Q. Okay. Do you have any recollection of what the reason
9 was that it had been put in place?

10 A. So this memo, as you rightly said, refers to **William Alexander (WA)**

11 **William Alexander (WA)**. Their registration would have come to
12 an end -- their registration as foster carers, rather,
13 came to an end, if my memory serves me, April/May 2001.

14 Looking at that, there was a review of the
15 circumstances that led to their de-registration as
16 foster carers, which included allegations of abuse
17 against Mr Alexander, for which he was subsequently
18 convicted of.

19 Looking at it, I think that there were -- how did we
20 ensure perhaps there were opportunities missed within
21 that process prior to their de-registration which could
22 have been acted upon more effectively at that point in
23 time. So the working party would have been an internal
24 to Aberdeen City working party, not an internal
25 fostering service working party, because what we

1 recognised and what continues to be recognised is that
2 when looking at allegations of abuse you have to take
3 the child's perspective, so therefore you need the
4 children's social work element of that, along with the
5 foster carer's element of that and bringing the two
6 together to ensure that they're (a) are working
7 simultaneously, not working disjointedly with one
8 another, there is a clear focus and adherence to child
9 protection guidance and that actually the best interests
10 of the child are at the forefront of our thinking, not
11 necessarily the carers.

12 We have to think about the carers, they are ... we
13 have a responsibility to their well-being, but actually
14 in this instance, when an allegation is made, our focus
15 has to be on the circumstances of the child.

16 So as a result of that, that working party, the
17 guidance in relation to how we have managed allegations
18 against foster carers was produced. We also made
19 changes to the fostering panel and adoption panel at
20 that point in time as well in terms of moving to
21 an independent chair of the panel in 2002, from my
22 memory, and that's a position that we have sustained
23 since then. So we have an independent chair of our
24 fostering and adoption panels and that again just
25 provides further safeguard and checks and balances

1 within the system around that as well.

2 LADY SMITH: Who had previously chaired the fostering panel?

3 A. The team manager for the fostering service.

4 LADY SMITH: I see, thank you.

5 MS INNES: If we can look on, please, to ABN-000000217,

6 I think we see there:

7 "Guidelines for managing allegations of abuse in
8 foster care."

9 I think these are the 2002 guidelines. Here, under
10 "General background", there's some reference to foster
11 care being the preferred option for children who are
12 looked after. Then the next paragraph refers to:

13 "... children who are fostered have a right to
14 expect that they will receive the care, encouragement,
15 safety and security that good parents provide as
16 outlined in the NFCA code of practice."

17 Is that something different to the Foster Care
18 Charter that we looked at earlier?

19 A. It's probably pretty much the same reference context
20 around that, but I wasn't sure whether one was a code of
21 practice and when one became guidelines or around that
22 as well. And I'm also thinking around 2002 would have
23 been the introduction of the foster standards wouldn't
24 have been far behind the initial indications of those.

25 LADY SMITH: On the last line on that page there's reference

1 to something called the LAC system, what was that?

2 A. The looked-after children system, a terrible acronym,
3 but, yes, it's the looked-after children system.

4 MS INNES: If we look just in the paragraph now at the very
5 bottom of the page, it says there:

6 "It is accepted however that regardless of how
7 robust the assessment process may be, abuse can occur."

8 Then in the next paragraph it says:

9 "Foster carers are entrusted with the day-to-day
10 care of vulnerable and often disturbed children, many of
11 whom have complex abusive backgrounds. When abuse or
12 allegations of abuse occur in foster care, the impact
13 can have a profound effect on all concerned."

14 Then going on:

15 "The overriding principle, that the welfare of the
16 child is paramount, is embodied in the North East of
17 Scotland Child Protection Guidelines, which must be
18 strictly adhered to throughout any subsequent
19 investigation. This guidance must therefore run
20 parallel with a clear understanding that the NESPC
21 guidance takes precedence."

22 Can you just explain a little bit about that,
23 please, Graeme? First of all, what's the North East of
24 Scotland Child Protection Guidelines?

25 A. The North East of Scotland Child Protection Guidelines

1 was in many respects the predecessor to the national
2 guidelines that came out from the Scottish Government.
3 It was the collaboration that we had a child protection
4 committee was a Grampian-wide child protection committee
5 sitting across the three northeast Local Authorities of
6 Moray, Aberdeenshire and Aberdeen City, and they would
7 provide guidance in relation to how child protection
8 investigations and practice was to be undertaken at that
9 point in time.

10 So that was very much the foundation by which
11 practice was -- child protection practice was overseen
12 and governed by -- within this -- what was the
13 guidance -- the practice guidance here in relation to
14 managing allegations against foster carers was very much
15 an Aberdeen City practice guidance at that point in
16 time.

17 Q. Okay. It obviously says in bold that these guidelines
18 "must be strictly adhered to throughout any subsequent
19 investigation". Why is it in bold?

20 A. I couldn't tell you.

21 Q. It then goes on at the bottom of the page:

22 "Foster carers' vulnerability is also acknowledged
23 as is the potential impact on them of allegations made.
24 We have a duty therefore to ensure that all
25 investigations are done thoroughly and speedily within

1 a clearly defined framework as outlined in this
2 document."

3 Can you explain the focus of this paragraph?

4 A. So it's recognising that for foster carers, having an
5 allegation made against them is a very significant event
6 in their life, it has potentially life-changing impact
7 for them, and we have a duty to think about their
8 well-being through all of this as well, not lose sight
9 of that, certainly, in terms of recognising that.

10 It's also recognising that forensic and other
11 processes which form part of a child protection
12 investigation, the weighing up of evidence, can all take
13 time, and that can mean that foster carers are left
14 sometimes in an abeyance whilst a decision is made,
15 whether or not there is sufficient evidence to bring
16 a charge or move around in relation to that as well.

17 So it's recognising that sometimes investigations
18 take longer than we would want and that can be
19 challenging for foster carers, just living with that
20 uncertainty of what is going to happen.

21 Q. If we look onto the next page, please, at the top of
22 page 2, at paragraph 1.1 it is noted:

23 "Foster care preparation includes training, both
24 pre- and post-approval, in caring for a child who has
25 been abused, safe caring skills, managing behaviour and

1 recognising signs of abuse."

2 Why are these specific areas of training relevant in
3 the context of this guidance?

4 A. In terms of the relevance, I think they're relevant in
5 terms of preparation of foster carers I think that it's
6 recognising that children who require a foster placement
7 will often have experienced trauma in their lives, in
8 different shapes and different guises, but nonetheless
9 that is common to most children who require a foster
10 care setting, if not all -- probably all children.

11 So some of that is around actually recognising that
12 some of that behaviour may come out in different ways.
13 We know that children who have been sexually abused,
14 that may come out in different manifestations and
15 actually enabling them to be equipped to keep themselves
16 safe, to keep the child safe if that comes out, if this
17 is behaviours which can be quite unnerving for people
18 who have not perhaps had that experience before around
19 that.

20 It's also recognising that prior to children being
21 accommodated, we may not know all the background that
22 they have experienced. Some of the events within their
23 family lives may not be fully known to ourselves at the
24 point where a child moves into a fostering setting and
25 only through living in a safe settled environment can

1 sometimes some of these behaviours -- the child feels
2 safe to actually allow these behaviours and the past to
3 come to the surface and actually tell others or show
4 others through their behaviour what has happened in the
5 past.

6 So it's recognising that, that we can't always
7 provide foster carers with the full picture of what has
8 happened to a child, but nonetheless enabling them to be
9 equipping them as far as we possibly can to be prepared
10 for all eventualities.

11 Q. Then at paragraph 1.2 it says:

12 "All references must be taken up, including police
13 and Local Authority checks on all adults living in, or
14 with unsupervised access to, a prospective foster home,
15 before approval of the foster carer is made or a first
16 placement considered. Any convictions must be pursued
17 for their detail with the police as far as is possible.
18 Explanations from prospective carers should not simply
19 be taken at face value."

20 Can you explain why there is emphasis on this
21 aspect?

22 A. Again recognising that this guidance stemmed from the
23 review of the William Alexander case, it's recognised
24 that in that case Mr Alexander had a prior conviction
25 for lewd and libidinous behaviour, and whilst that --

1 and that came to light during their assessment as foster
2 carers. That was discussed with them as a couple, and
3 an explanation given as to the circumstances of that to
4 the social worker.

5 My reading of it was that that perhaps wasn't
6 verified, whether Mr Alexander's account of the
7 circumstances relating to the conviction accorded with
8 the police account, and so it's recognising that we
9 can't just simply take the applicant's account, we need
10 to double check that fully, ensuring that is exhausted
11 and understood.

12 MS INNES: Okay, thank you, Graeme.

13 I wonder whether that would be an appropriate moment
14 to break, my Lady.

15 LADY SMITH: Yes. I can take a break now if that would work
16 for you, Graeme.

17 A. Thank you very much.

18 LADY SMITH: Is that all right? Very well.

19 (11.30 am)

20 (A short break)

21 (11.50 am)

22 LADY SMITH: Graeme, are you ready if we carry on?

23 A. Yes, I am, my Lady, thank you.

24 LADY SMITH: Thank you very much.

25 Ms Innes.

1 MS INNES: Thank you, my Lady.

2 We were looking at ABN-000000217, which was the 2002
3 allegations guidelines. I wonder if we can on page 2
4 look down to the bottom of the page, please. There we
5 see a heading, "Investigatory procedure". At
6 paragraph 2.1 it says:

7 "Referrals of actual, suspected or alleged child
8 abuse of a child who is looked after in foster care must
9 be the subject of immediate investigation by the social
10 work service. It is normally the responsibility of the
11 team, which has statutory responsibility for the child,
12 to carry out such investigations irrespective of the
13 geographical address of the foster carers."

14 Is that still the process? Is that still where
15 responsibility lies?

16 A. Yes, it does. I mean the child's social worker has the
17 responsibility for the care and protection of that
18 child, and so they would always be the lead in relation
19 to that. I think, that said, clearly we're moving to
20 a different model of interviewing children, so I think
21 that through the Scottish Child Investigative Model we
22 will -- there'll be a team of specialist interviewer to
23 try and elicit the best evidence from children and young
24 people who are subject to a joint investigative
25 interview with police and social work.

1 Q. If we go on to the next page, please, at paragraph 2.3,
2 we see it says:

3 "It is essential to ensure that foster carers
4 currently caring for the child or children subject to
5 the child protection investigation are given the same
6 information, explanation and feedback as would be given
7 to parents caring for the child."

8 Am I understanding this correctly to mean if there's
9 a child protection investigation, whether the allegation
10 is made against a birth parent or a foster carer, the
11 approach should be the same?

12 A. Correct.

13 Q. If we go further down the page to a heading, "Strategy
14 meeting", there's reference I think in that first
15 paragraph to it being the responsibility, I think, of
16 a manager to convene a strategy meeting which they will
17 chair, attended by the senior social worker for the
18 child, the social worker to the child, the link worker
19 to the foster carers, the senior social worker in
20 adoption/fostering services, the children's rights
21 officer if appropriate and any other relevant persons to
22 review the allegation and information held.

23 Is it still the case that a strategy meeting is
24 held? I don't know whether the personnel involved in
25 such a meeting might be different these days or have

1 different job titles.

2 A. So I think if an allegation was made against a foster
3 carer just now, that would be dealt with within what we
4 call an IRD, Inter-agency Referral Discussion, and that
5 is really where we begin to weigh up -- as this meeting
6 would do -- the evidence and actually whether there's
7 sufficient to proceed to a joint investigative interview
8 at that point in time.

9 LADY SMITH: When you refer to an inter-agency discussion,
10 which agencies do you have in mind?

11 A. It's led by police and social work, but we would always
12 seek to involve health and education colleagues in that
13 context as well.

14 LADY SMITH: Thank you.

15 MS INNES: In about the middle of this paragraph there's
16 reference to the way information is dealt with and then
17 it says:

18 "Details of any past allegations made by the child
19 and by other children against the carers should be
20 brought to the meeting for consideration."

21 It might be obvious as to why this information is
22 brought, but can you perhaps explain how that's done and
23 what source you go to for that information?

24 A. So both the child and the foster carer would have
25 a social work record and we would look to maintain

1 a chronology for both the child and the foster carer,
2 and from those chronologies we would seek to elicit key
3 events and an allegation made by a child or against
4 a foster carer would certainly be a key event, and we
5 would seek to draw that out and the circumstances of
6 that shared.

7 Q. Then at paragraph 3.2 it says:

8 "The strategy meeting moves beyond considerations of
9 risk to a particular child to consider such as previous
10 placements, notification to parents of accommodated
11 children, further enquiries, safe caring, continued
12 registration and support to the carers."

13 Can you explain what that was about and how that
14 would be reflected in current procedures?

15 A. Sure. So clearly at times foster carers will be caring
16 for more than one child, who may not be related, and so
17 therefore you would have to consider if it's one child
18 making an allegation, what is the risk to the other
19 child or any other children in the placement as well and
20 weigh that up in the course of an investigation as well.
21 Clearly for children in foster care, parents by and
22 large still hold parental rights or some parental rights
23 and we would have a duty to ensure they are kept
24 appraised of any allegation and any investigation
25 outcome that their child is subjected to, you know,

1 their legal status as a parent hasn't changed simply
2 because their child is in foster care necessarily.

3 We need to recognise that actually what would be the
4 potential implications be for previous placements, of
5 recognising that actually we may need to, dependent upon
6 the nature of the severity and indeed the extent and
7 clarity of the allegation, we would want to look back at
8 previous placements to see if there were indicators that
9 perhaps were not picked up and perhaps that children
10 through behaviours or other means might have been trying
11 to communicate something to us that would merit further
12 analysis, given new information that has come to light
13 as a result of the allegation as well, but also
14 recognising as well that how we support that carer going
15 forward has to be a focus as well if they are to
16 continue in their fostering role, and that would have to
17 be all risk assessed and considered by the fostering
18 panel.

19 LADY SMITH: Graeme, if I was the birth parent of any child
20 accommodated as a foster child, I would be pretty
21 alarmed to hear there were allegations that there was
22 ongoing abuse in the foster home.

23 A. (Witness nodded)

24 LADY SMITH: I suppose I might not be the easiest person to
25 deal with in responding to that. Is that something that

1 has to be specifically addressed and social workers have
2 to be specifically trained in?

3 A. My Lady, I think that we are often faced -- you know,
4 removing a child from a parent often makes a difficult
5 relationship, but we have to work really hard at
6 sustaining that relationship and that could mean telling
7 that parent that our plans are for that child not to be
8 returned to their care.

9 So clearly in this instance if a child is -- we
10 would hope a foster placement would be a safe placement
11 and if we have placed a child in a situation where
12 an allegation of harm or abuse has taken place, then
13 that's another difficult message and clearly we know
14 that parents, you know, have reacted in a way which
15 would suggest, "Well, you've blamed me for X, Y and Z,
16 now you're setting a different standard to foster
17 carers", so it's a difficult path to walk and requires
18 great sensitivity and compassion for all concerned.

19 LADY SMITH: Thank you.

20 MS INNES: At the bottom of this page we see:

21 "Where the police are unable to be involved, the
22 investigation should be undertaken by an experienced
23 social worker along with the child's own social worker
24 if he or she is available to be involved."

25 Then:

1 "The nominated worker must not, however, be the
2 senior social worker who is directly responsible for the
3 ongoing supervision of the child's social worker nor the
4 foster carer's link worker."

5 At this time, was this trying to get some kind of
6 level of independence or objectivity into the
7 investigation?

8 A. Absolutely, is the answer to that. Yes.

9 Q. From what you've said, has that now changed further with
10 the involvement of other agencies?

11 A. The answer is yes to that. We would certainly consider
12 all allegations, whatever their severity, within an IRD
13 context.

14 The allegations -- that discussion may suggest that
15 we're not meeting the threshold for a criminal
16 investigation here, but nonetheless there may be
17 practice concerns which need to be addressed in terms of
18 how the foster carer has managed a particular set of
19 circumstances and in those instance it may be for the
20 service to investigate and consider further.

21 Sometimes that can result in a reconvening of the
22 IRD meeting then to an inter-agency referral discussion
23 meeting if those discussions solicit -- if it suggests
24 different concerns that that may want us to revisit
25 that, but in other circumstances it would be for the

1 service and the foster carer to work to address -- think
2 about their skill enhancement, think about how they
3 actually manage stressful, difficult situations,
4 thinking about all of those aspects as well and how we
5 support carers.

6 Q. You mentioned thresholds in your answer there and how do
7 you distinguish between an allegation that requires to
8 go to an IRD and an allegation which, as you said,
9 raises practice concerns?

10 A. All allegations are initially considered within an IRD
11 context, and it's having considered that initial
12 information that is at that point in time, then the
13 strategy for taking forward the concern or the
14 investigation would be determined.

15 Q. How then is a distinction drawn between a practice
16 concern and an allegation that requires a different --
17 a full child protection investigation?

18 A. It's perhaps difficult to give a complete answer to
19 that. It would be a weighing up of the evidence, it
20 would be a weighing up of the type of concern that is
21 being suggested. Assaults, physical chastisement,
22 sexual abuse, deprivation of food and other aspects, all
23 of that would be considered through the lens of a child
24 protection aspect, but, you know, there are other views
25 within that around where a carer perhaps responds

1 differently to a child than perhaps their own child, it
2 may not be abusive in the context of a criminal
3 investigation, but there's still a sense of we would
4 want children within the same household to experience
5 the same response from their carer, and that would be
6 there. But every individual circumstance is different
7 and has to be looked at in an individual circumstance.

8 Q. If we look at paragraph 3.4, in the second behalf
9 there's reference to:

10 "A post-investigation strategy meeting ... convened
11 to discuss the findings of the investigation, including
12 a conclusion of any child protection case conference and
13 plan for future action."

14 Then there's reference to:

15 "Whether or not the allegation is unsubstantiated or
16 substantiated, the manager chairing the strategy meeting
17 should give further consideration as to whether a child
18 protection case conference is necessary or not, if this
19 has not already occurred."

20 I think you mentioned that process in your evidence
21 earlier, where you said that if in fact there were other
22 concerns, you might review the decision and go back to
23 a child protection case conference.

24 A. (Witness nodded)

25 Q. Other than that possible outcome, is there still

1 a post-investigation strategy meeting or something
2 similar?

3 A. Yes. I mean, I think that we recognise that sometimes
4 through an investigation the facts become clearer and
5 better understood and how we respond firstly to the
6 child in terms of their planning and how we best meet
7 their needs going forward, it has to be considered how
8 we then support the carer also has to be considered, and
9 the two may be divergent. The two -- they may have
10 overlap around that as well.

11 Q. If we go on, please, to page 5, this section is dealing
12 with the post-investigation period. At 4.2 it says:

13 "A foster carer review should be convened in all
14 cases ..."

15 Is that still the case?

16 A. Yes.

17 Q. That irrespective of what route is taken, a foster carer
18 review would have to happen?

19 A. We would want a foster carer review via the fostering
20 panel to be held. It allows a line to be drawn, it
21 allows us to move forward and with clarity, but it also
22 allows clarity around support being put in place to
23 enable the carer to understand the impact of the
24 allegation on them, if they're going to continue in the
25 fostering role, but if the allegation is clearly of such

1 a serious nature, then we would clearly as a service be
2 reviewing their suitability to continue to foster.

3 Q. I think that at paragraph 4.3 it goes on to talk about
4 registration being suspended when an allegation appears
5 to have been substantiated.

6 A. (Witness nodded)

7 Q. Then any resultant prosecution is a police matter, when
8 a criminal prosecution results in conviction, the foster
9 carer will always be de-registered. Presumably that
10 remains the case?

11 A. Yes.

12 Q. If we go down to paragraph 4.8, please, at the bottom of
13 this page, there's reference there to:

14 "The criteria to be employed in determining
15 'substantiated' or 'proven' is the balance of
16 probabilities rather than beyond reasonable doubt.
17 A criminal conviction would obviously prove or
18 substantiate the allegation. A lack of prosecution or
19 conviction would not, however, automatically lead to
20 a determination of unsubstantiated. In considering
21 appropriate action, a risk position will have to be
22 reached in terms of risk to current or future care
23 arrangements. This should consider the likelihood or
24 possibility of future abuse, effectiveness of safe
25 caring practices which may be employed and the

1 responsibility of the Local Authority to ensure the
2 welfare of its accommodated children is a paramount
3 consideration."

4 Just in terms of whether something's substantiated
5 or unsubstantiated, can you just explain what this
6 paragraph is looking at? Is that looking at the Local
7 Authority's assessment of whether an allegation is
8 substantiated or not?

9 A. So I think it -- the evidence would not be simply
10 considered by the Local Authority, so we would look to
11 involve partners within that, we would certainly seek to
12 involve police in particular, who would have a key role
13 in any investigation as well and any other key relevant
14 professionals around that. But it also recognises that
15 child's evidence is sometimes -- it can be difficult to
16 ensure -- it may not be sufficient in itself to proceed
17 with a charge or not and how we -- but there are still
18 sufficient concerns for us to consider the continuing
19 suitability of the carer in those circumstances.

20 Q. Can we go on, please, to page 7. At 5.2 we see
21 a section here, "Supporting children and young people",
22 and there's reference at 5.2 to:

23 "The agenda of the strategy meeting should include
24 the identification and clarification of support for the
25 child. Whilst it may be appropriate for the child's

1 social worker to provide this, there should have been
2 some discussion with the child about who they feel happy
3 to accept support from and considerable weight should be
4 given to those views in identifying the source of
5 support. The child should always be given the option of
6 independent support from the children's rights officer
7 or other independent person."

8 Is the support for the child still something which
9 is considered whenever an allegation against a carer is
10 made?

11 A. Yes. It would be led predominantly by the child's
12 social worker, but again, as I say, it may be that
13 sometimes there is somebody else whom the child
14 identifies and having a stronger or closer relationship
15 which may be relevant to be considered at that time.

16 Q. Then if we go on to page 8, please, the heading there,
17 "Supporting foster carers", and then at paragraph 6.1 it
18 says:

19 "Foster carers, like other families, find
20 investigations stressful. Agencies have a duty of care
21 towards approved carers, therefore we must ensure that
22 they receive appropriate information and support
23 throughout the process."

24 Paragraph 6.2 goes on:

25 "Although the link worker should provide advice and

1 support to the foster carers, the link worker's prime
2 responsibility is to the agency and must seek to develop
3 an objective view so the agency can be best advised."

4 Then there's reference to referring the carers for
5 outside support, perhaps from the NFCA, which I think is
6 now the Fostering Network?

7 A. Correct.

8 Q. Is that still the approach that is taken?

9 A. I think we would always encourage foster carers to seek
10 support from the Fostering Network at the initial point
11 of an allegation being made, just to give them that
12 independent perspective, because as a Local Authority
13 our objective, as it says here, would be firstly to
14 consider the interests of the child within that of all
15 parties concerned. It's also recognising that for
16 foster carers, their Fostering Network membership also
17 provides them with some legal insurance, should they
18 want to engage a solicitor to represent themselves
19 through any investigation process.

20 Q. Thank you.

21 That was the 2002 guidance, and I think it was
22 updated in 2004 and you've given the Inquiry a copy of
23 that. Can I take you back, please, to Part C of your
24 response to the section 21 notice, ABN-000000090 at the
25 bottom of page 27.

1 This is in a section about complaints handling. At
2 the very last paragraph on this page it says:

3 "Child protection committee minute dated
4 8 November 2013 discusses the Managing Allegations
5 Against Foster Carers guidance and it is agreed that
6 a local policy will be developed using the guidance and
7 incorporating GIRFEC principles and established
8 processes."

9 The Managing Allegations Against Foster Carers
10 guidance, is that something local or is it something
11 produced by the Scottish Government?

12 A. It's something produced local.

13 Q. I think it says here that the local policy is going to
14 be developed based on the Managing Allegations Against
15 Foster Carers guidance.

16 A. So the Managing Allegations Against Foster Carers
17 guidance was the guidance which was already in existence
18 then.

19 Q. Okay.

20 A. Clearly we've got since then the child protection
21 guidance that has come out nationally from the Scottish
22 Government, which does have reference with foster
23 carers, but, again, it's seen in the same context as
24 other allegations. How we support foster carers would
25 not be considered within the child protection guidance

1 but actually how we respond to that locally.

2 Q. I'm going to ask you to look at another document,
3 FIC-000000045. We see this is entitled:

4 "Managing Allegations Against Foster Carers and
5 Approved Kinship Carers, how agencies should respond,
6 July 2013."

7 If we scroll down, I think this was a document
8 produced by the Scottish Government and the Fostering
9 Network.

10 A. You're quite correct. I have got my understanding
11 slightly wrong there, so I apologise to the Inquiry for
12 that.

13 Q. That's okay. This is a document I assume that you're
14 familiar with though?

15 A. Now that you have it in front of me, yes, I do.

16 Q. This seems to be government guidance that was produced
17 back in 2013. Do you know if it's been updated since?

18 A. I'm not aware it has been.

19 Q. If we can look on please to page 3 and under the
20 introduction if we go down to the fourth paragraph:

21 "It is recommended that the areas covered in this
22 good practice guidance are incorporated into local child
23 protection and fostering services procedures."

24 Then it goes on from there. I think that's perhaps
25 what the minute was referring to --

1 A. (Witness nodded)

2 Q. -- that this government guidance was then going to be
3 incorporated in your own local procedures. Is that --

4 A. That's correct. We just have adopted this guidance as
5 our guidance. We haven't sought to replicate it.

6 Q. If we look on, please, to the context on page 4. In the
7 second paragraph we see there:

8 "This guidance does not propose a different response
9 to allegations and concerns because the child is
10 a looked-after child living with foster or kinship
11 carers. Rather, it outlines the importance of
12 considering fully the context of care for the child and
13 carer and how the allegation and behaviour may be linked
14 to a child's emotional state."

15 First of all, the guidance seems to be saying there
16 should be no difference in terms of response, whether
17 the child is looked after or not.

18 A. (Witness nodded)

19 Q. I think that's consistent with the approach that you
20 said the Local Authority had adopted --

21 A. That's correct.

22 Q. -- previously?

23 It says here:

24 "It outlines the importance of considering fully the
25 context of care for the child and carer and how the

1 allegation and behaviour may be linked to a child's
2 emotional state."

3 What's your understanding of that?

4 A. So my understanding of that would be recognising that
5 children who have experienced trauma in their lives,
6 abuse in their lives prior to accommodation, there may
7 be experiences within the fostering setting which may
8 reawaken and re ... provoke some of those earlier
9 memories and actually ensure the child is not recalling
10 events from the past but actually is actually seeing
11 them in light of the current circumstances.

12 So it's recognising that children's emotional trauma
13 and recovery from the trauma they've experienced
14 throughout the duration of their lives and what are we
15 actually seeing, is it actually in the here and now or
16 is this relating to a past event in their lives that
17 they're not ... perhaps distorting in terms of there.
18 So it's trying to understand the context of that.

19 We know that trauma re-presents itself often when
20 children are in that sense of safety and how we actually
21 can ensure that they are supported to understand that
22 behaviour and not see it as a response to the action of
23 a carer, but perhaps where it was -- where its context
24 was in a recent -- in a previous setting than what it's
25 currently described. If that makes sense to you.

1 Q. Is there not a danger or a challenge in that
2 an allegation made by a child might be linked to their
3 pre-care experience rather than seeing it for what it
4 is, an allegation against a carer?

5 A. There is a risk of that.

6 Q. How do you guard against that?

7 A. I think being thorough in our investigation. It's about
8 really listening to the child. It's about trying to
9 sort of really be clear that the voice of the child is
10 absolutely heard and central to our investigation, and
11 so it is recognising that we take our time to really try
12 and understand what it is the child is actually telling
13 us.

14 Children's understanding of time matures as they get
15 older, so I think that concept of when did it happen,
16 was it last month, last year, I think for them, for
17 younger children that can be quite difficult sometimes
18 for them to distinguish the sort of the passage of time,
19 but -- you know, but it really is important that we take
20 our time to listen and gather as much evidence as we
21 possibly can to hear what they're saying.

22 Q. If we move away from this document and just for
23 completeness back to your own guidance, I think it's at
24 ABN-000000260. I think that was a procedure, it says,
25 published on 15 December 2016 in respect of allegations

1 against foster or kinship carers. This is setting out
2 a procedure and under "Policy statement" do we see
3 reference to the managing allegations guidance that we
4 have just looked at?

5 A. We do.

6 Q. I think this procedure then follows, if we scroll down
7 a little bit, please, the summary says:

8 "This procedure provides a process to be followed if
9 allegations are made against a foster or kinship carer."

10 Was this the Local Authority then taking the
11 guidance into its local procedures --

12 A. Correct.

13 Q. -- and implementing it essentially?

14 A. Yes.

15 Q. Has this guidance been updated since 2016?

16 A. I'm not aware that it has, I think it still stands.

17 Q. Thank you.

18 All right, thank you, Graeme, for taking us through
19 that. I'm going to move on to a different topic now.
20 If I can take you, please, back to your Part A at
21 ABN-000000087, at pages 20 to 21, the very bottom of
22 page 20, we see there that you're being asked questions
23 about numbers.

24 If we can go over the page, please, if we first of
25 all see in the very first line there:

1 "Figures sourced from the town council memoranda of
2 information from 1930 to 1974 provide figures for
3 children in the care of the Local Authority."

4 It says that there were approximately 15,000
5 instances of children being accommodated within
6 a variety of residential settings, so that included
7 residential care as well as boarding out, foster care?

8 A. Correct.

9 Q. If we go down to paragraph 51, please, I think we see
10 reference to a memo of 1936 which refers to the number
11 of children boarded out in other areas exceeding 300.
12 So that wouldn't include children boarded out in the
13 city itself.

14 A. No, it wouldn't. That's my reading of it.

15 Q. Then at 52, I think we see reference again to the minute
16 of 1 October 1945, which we looked at earlier, which had
17 the visits that were being undertaken. It refers to 43
18 children being visited who had been committed to the
19 care and protection of the education authority. I'm not
20 sure whether that's all of the children boarded out or
21 only some of them.

22 A. I'll not able to give that clarity, but I would have
23 assumed it's some of them.

24 Q. Because I think if we look into the next paragraph, at
25 21 there's reference to the minute of 15 October 1945

1 and the public assistance department had 250 children
2 boarded out at that time.

3 A. Yes.

4 Q. Then at 53, there's reference to 300 children boarded
5 out.

6 A. Correct.

7 Q. You then note that figures are not available from 1975
8 to 1999. That would be largely during the Grampian
9 Region period. Do you know why no figures are available
10 for that time?

11 A. I don't, no.

12 Q. Presumably you or the people that you've referred to in
13 the team tried to look for figures for that period?

14 A. So prior to 1999, the index -- the computer system that
15 we used -- sorry, the computer system that we used was
16 changed in 1999. So it's the current -- and that
17 system, the careFirst system, which we've used since
18 1999, continues to exist.

19 Prior to that, I think the availability of
20 computerised systems was only beginning to become much
21 more commonplace, so again in the early part of that,
22 a lot of that would have been manual records that would
23 have been kept at that point in time on an individual
24 child basis.

25 Q. Okay. At 55, so slightly -- yes, at the top of the page

1 there, there's reference to a memo in 1993 which refers
2 to 100 children each week in foster care and the
3 Homefinding Team currently supporting 74 foster
4 families.

5 A. That's as I read it, yes.

6 Q. Then by 1995, in 56 there:

7 "We are currently providing placements for around
8 184 children. This compares with 118 in 1994 and in
9 1993. The team is currently servicing around 90 foster
10 carers and around 20 prospective adoptive families."

11 There seems to have been a bit of an increase in the
12 number of foster carers, as well as a slight increase in
13 the number of children?

14 A. That's correct, yes.

15 Q. Sorry, I said "slight", it's not. It's 118, and it's
16 gone up to 184.

17 A. No, as I read that, I think the 184 children refers to
18 children in the Residential Review.

19 Q. Yes, I was going to ask you about that. Does that mean
20 children in institutional care?

21 A. That's as I would read that.

22 Q. Are you able to give us some sense of the number of
23 children currently in foster care in Aberdeen City?

24 A. Yes, I am. Currently the Local Authority has 515,
25 approximately, children who are looked-after children.

1 Of those, 240 approximately are living in a fostering
2 setting, with about 120 each looked after at home or
3 looked after in a kinship arrangement, with about 30 to
4 40 children looked after within a residential context.

5 Q. Thank you for that. In terms of foster carers currently
6 approved by the city?

7 A. We would have approximately 90 foster carers approved by
8 the city at this point in time.

9 Q. Then you mentioned that you're using out-of-authority
10 resources as well?

11 A. Yes.

12 Q. Do you know how many roughly carers you would have in
13 that situation?

14 A. So they're not our carers, so these are carers that are
15 registered to the independent fostering agencies, but in
16 terms of the split of children where we have children
17 who are with our own in-house fostering services and
18 those who are with independent fostering agencies, it's
19 approximately a one-third/two-third split, one-third
20 with the Local Authority, two-thirds with independent
21 fostering agencies.

22 Q. If I were to ask what is the reason for that, would you
23 refer back to your earlier evidence about the resource
24 and the issue of getting --

25 A. Yes. I think we have seen, certainly in the northeast,

1 a changing face of fostering over the years, and I think
2 that it's meant that, you know, clearly as a Local
3 Authority we aim to recruit within our Local Authority
4 area. We have had, as I mentioned earlier, some
5 relationship with our neighbouring authorities, but in
6 the main the independent fostering agencies have
7 recruited within the demograph that sits outwith the
8 city, so there is very few independent carers --
9 registered independent providers operating in Aberdeen
10 City itself. Most of them are in sort of the shire and
11 slightly further afield than that as well.

12 Q. Moving on to Part D of your response, so this is at
13 ABN-000000096, I'm on page 1, under (b), you were asked
14 to make an assessment of the scale and extent of abuse
15 of children in foster care and in order to do that,
16 I understand that you took a review of certain
17 information held by the Local Authority. Under (b), if
18 we go to the second paragraph there, also maybe to put
19 it in context, you say:

20 "The basis of this assessment is that the Council
21 knows that there have been complaints, allegations,
22 investigations and convictions. But the Council also
23 acknowledges that there may be other instances of abuse
24 that the Council is not aware of."

25 Then you say:

1 "The Council's selection of records has therefore
2 been determined on the basis of risk. The sampling has
3 been carried out on the basis that there have been
4 convictions, allegations of criminality, complaints and
5 investigations. The methodology is on the basis that
6 these cases are likely to hold evidence of abuse or
7 allegations of abuse of children in foster care. The
8 sample offers only a snapshot due to the large number of
9 foster carers and children in foster care."

10 Can you just explain a little bit about the
11 Council's approach and the risk-based approach that was
12 taken?

13 A. I'll do my best. Recognising that the scale of the
14 Inquiry is quite expansive, from the 1930s right the way
15 through to 2014, therefore we are talking about a large
16 number of children who will have experienced foster care
17 at some point in their lives during that period of time,
18 and also a significant number of foster carers will have
19 undertaken that role.

20 So what we have done is we've tried to identify
21 those areas where we know there has been shortcomings,
22 where we know that there has been convictions and
23 complaints and actually tried to use those to determine
24 whether these complaints related to allegations of abuse
25 or neglect or indeed whether the allegations related

1 just to a complaint about an aspect of the service and
2 so really tried to drill down into what were the nature
3 of the complaints we would receive.

4 I think, as this statement says, I would acknowledge
5 and reiterate that I think that there are probably
6 instances of harm and abuse that have happened that the
7 Council is not aware of and I would acknowledge that as
8 well. So I think it's going to be very difficult for us
9 to say with any certainty the true extent of that -- of
10 this picture within our own services.

11 Q. Okay. Just to get more of a sense as to the material
12 that was looked at, I think if we scroll down a little,
13 there's a paragraph beginning:

14 "From careFirst, it has been determined that 405
15 complaints were made in relation to care of looked-after
16 children who had spent time in foster care."

17 Then from that you identified complaints up to
18 December 2014, so within the terms of reference for the
19 Inquiry, and 318 children were identified.

20 Then in the next paragraph you say:

21 "However, not all complaints were specifically about
22 alleged abuse or actual abuse."

23 Therefore it seems that you then accessed 170
24 children's records, so you had the group of 318, but
25 some of them hadn't complained about abuse in foster

1 care and they were left out of account, and you then
2 accessed 170 children's records?

3 A. That's correct.

4 Q. And careFirst, I think, you said went live in 1999, so
5 we're looking at records of children from 1999 to 2014.

6 A. Yes, although I think the development of careFirst has
7 been iterative and has continued to be there. So
8 I think there was a point -- I'm trying to be accurate
9 here -- where we actually were recording -- there was
10 a specific development to allow us to record complaints
11 on the careFirst system around that, and I think that
12 was fairly early on, around 2001, thinking of that
13 context around it as well.

14 But in the main, it is that period from 1999 through
15 to 2014, so that would be the predominant period we've
16 examined our records for. In addition to those known
17 incidents from a more historical context.

18 LADY SMITH: Just for the notes to be clear, careFirst is
19 the electronic system you started using, as you say, in
20 1999?

21 A. That is correct, my Lady.

22 LADY SMITH: For recording what? It can't just have been
23 complaints.

24 A. No, it wasn't. It is our client database system. So it
25 records all aspects of our interactions from day-to-day

1 contact to recording of reports, et cetera, et cetera.

2 LADY SMITH: Thank you.

3 MS INNES: In the next paragraph we see:

4 "De-registrations of foster carers have also been
5 interrogated and records of foster carers have been
6 accessed to understand more fully the reason that the
7 foster carer was de-registered. The Council recognises
8 due to historic recording and retention periods that it
9 seems reasonable to assume that there were other
10 de-registrations which the Council is not currently
11 aware of."

12 I think you've provided some follow-up information,
13 which we'll come to in a moment, in relation to the
14 number of foster carer records read, so we'll look at
15 that separately.

16 A. (Witness nodded)

17 Q. You then say:

18 "Social work records have been specifically
19 selected, relating to children formerly fostered who
20 have come forward to progress civil claims against the
21 Council and its predecessor organisations."

22 A. (Witness nodded)

23 Q. I think you tell us elsewhere that you have records of
24 21 civil claims made against the authority in respect of
25 abuse in foster care; is that right?

1 A. That was right at the point of writing.

2 Q. Okay. Then you say:

3 "Files have also been sampled where a foster child
4 has requested access to their records as an adult,
5 through right to access -- subject access requests. Any
6 information discovered that could be used to respond to
7 this section 21 has been extracted to be used as
8 evidence."

9 Why did you look at these records in particular,
10 where a child had sought access to their own records?

11 A. I think it's recognising that in terms of doing that,
12 what was the reason -- trying to understand the
13 reasoning behind their accessing. Was it to trace
14 family? Was it to actually just understand the
15 circumstances by which they came to be placed in foster
16 care better? And indeed some of their experiences. For
17 others it clearly was to try and explore whether -- you
18 know, to seek redress for experiences they endured
19 whilst in foster care.

20 LADY SMITH: But how did you find that out?

21 A. So from -- over the last number of years we have
22 continued to actually meet with all those who access
23 their records, to actually meet with them to understand
24 and allow that -- so it's actually -- it's ensuring we
25 are supporting the individual beyond their period of our

1 responsibility, ensuring they're prepared for what can
2 be become sometimes quite distressing reading of the
3 history for whatever reason there. So we would have
4 always met with children and young people who are
5 wanting to access to try and get that understanding
6 within that, and so we have maintained the database more
7 recently to try and understand the reasons for them
8 seeking access to their records.

9 LADY SMITH: Do any of them choose not to tell you why
10 they're accessing?

11 A. Yes, they do.

12 LADY SMITH: Because you have to respect that --

13 A. Yes.

14 LADY SMITH: -- if they don't want to talk about it.

15 A. Absolutely.

16 LADY SMITH: Thank you.

17 MS INNES: If we can look, please, now at ABN-000000793,
18 this might be a separate section with a tab, and it will
19 come up on the screen. If we can go to question (ii),
20 this is where the Inquiry was asking about the numbers
21 of foster carer files reviewed and you advised that 116
22 foster carer files were reviewed relating to the period
23 1999 to 2018.

24 A. That's correct.

25 Q. Then if we look at the bottom of this page, question

1 number (iv), where we were asking about this issue that
2 we just spoke about, a foster child requesting access to
3 their records, in the final line there it says:

4 "Between 3 August 2017 and 17 August 2020, 38
5 records were identified for children having been in
6 foster care."

7 Am I right in thinking that 38 records of children
8 were considered --

9 A. Correct.

10 Q. -- under that heading? I think you considered other
11 children's records in respect of the 21 civil claims; is
12 that right?

13 A. Correct.

14 LADY SMITH: This category was people requesting access to
15 their records?

16 A. That's right, my Lady.

17 LADY SMITH: Thank you.

18 MS INNES: Can you please now look at ABN-000000441. If we
19 scroll down to the body of the answer to 5.9, so there
20 you refer ... in the paragraph beginning:

21 "Responses to 5.9 ..."

22 This is complaints in respect of abuse in foster
23 care:

24 " ... have been provided in a separate appendix and
25 detailed information about complaints can be accessed

1 there."

2 You identified 56 complaints made relating to the
3 period from 1936 to 2014. So that's the number of
4 complaints that you identified through the process that
5 you have --

6 A. That's correct.

7 Q. -- set out. It appeared when we were talking about your
8 case file review methodology that a lot of the records
9 that you accessed were perhaps more recent, but you say
10 that some of the complaints go back to 1936.

11 A. Whether they go back to 1936, but it was within that
12 period from 1936 to 2014. I couldn't tell you exactly
13 when the first complaint was actually made, whether it
14 was 1936 or not.

15 Q. Right, I understand.

16 We've mentioned that there were 21 civil actions,
17 and I think you are aware of three convictions of foster
18 carers in respect of the relevant period?

19 A. We are.

20 Q. Can I take you, please, to your Part B response. It's
21 at ABN-000000087, page 52. I think this was submitted
22 in February 2020, so prior to the Part D response that
23 we've just looked at, which was I think submitted by you
24 about September 2020.

25 If we look at paragraph 3.1, we see there that the

1 Local Authority accepts that in the relevant period some
2 children in foster care were abused.

3 A. We do.

4 Q. Then in terms of the extent and scale of abuse, you say:

5 "It is not possible to determine the extent and
6 scale of abuse with any certainty."

7 At that stage you say that you were aware of one
8 criminal conviction, and I think you must have become
9 aware of the others as you went through the process of
10 responding to the other parts of the section 21?

11 A. That is correct. We are aware of three.

12 Q. If we go on, please, to paragraph 3.2 and you're asked
13 there:

14 "Does the Local Authority accept that its systems
15 failed to protect children in foster care in the
16 relevant period from abuse?"

17 You say:

18 "Yes, on the basis that abuse took place."

19 That's the Local Authority's position?

20 A. That is our position, yes.

21 Q. Again in (b):

22 "What is the Local Authority's assessment of the
23 extent of any such systemic failures?"

24 You say:

25 "The extent cannot be assessed with any great

1 certainty, but the information that the council have
2 found to date gives rise to concerns about the adequacy
3 of whatever systems were in place."

4 Again, is that the Council's position?

5 A. It is.

6 Q. As I said, this was before you had completed your
7 Part D. Once you had completed the Part D, did it give
8 you any further insights into what sort of systems had
9 failed?

10 A. So I think -- you know, I think if you look back at the
11 oversight and supervision of children in foster care in
12 the distant past, then really there was not a lot, when
13 we look back at some of the earlier evidence we've
14 spoken about in the roles of the committees and the
15 children's officer, I think those were very limited. So
16 I think it would be very difficult for us to say with
17 certainty what the extent of that was.

18 I think looking at some of the convictions that we
19 are aware of, clearly we would recognise that
20 actually -- that there were specific aspects to those
21 which would indicate that we got it wrong and we didn't
22 respond appropriately to information and allegations
23 that were made, and as a result unfortunately children
24 and young people experienced abuse and harm.

25 Q. You note there at (d), the explanation of failures,

1 I think you talk about failures being caused or
2 contributed to by failures in governance, record-keeping
3 and retention, management oversight and recruitment
4 processes and the previous lack of opportunity for
5 children and young people to talk about their care
6 experiences.

7 A. (Witness nodded)

8 Q. Then if we go on to 3.3:

9 "Does the Local Authority accept that there were any
10 failures and/or deficiencies in its response to abuse
11 and allegations of abuse over the relevant period?"

12 The answer to that is yes and the basis given is:

13 "... the large volume of complaints and allegations
14 spanning many years. However, there is a lack of
15 documentary evidence clearly demonstrating such failures
16 or deficiencies."

17 Can you explain a little bit about that, please?

18 A. I think our record-keeping in relation to children has
19 certainly matured and become more comprehensive over the
20 years. And I think that looking back at the records of
21 some children, they are very thin in comparison to what
22 you would see today. And that in itself demonstrates
23 a lack of oversight, a lack of attention perhaps given
24 to their voice, their experiences and just our general
25 recording around that.

1 So all of those, I think, contribute to a sense that
2 we can't be certain, but clearly we would want to
3 recognise that within that there are probably likely to
4 be experiences which individuals will come forward with
5 which would suggest that they experienced harm and
6 abuse.

7 Q. Then if we look over the page, please, to 3.4, there's
8 reference to changes there, and the example given is of
9 a procedure found in a memo of November 2007 where the
10 Council produced a safe care assessment form following
11 recent investigations concerning allegations against
12 foster carers.

13 If I can take you to that, please, it's at
14 ABN-000000204. Again it will come up on the screen. Do
15 we see that this is a memo from yourself?

16 A. You do.

17 Q. As you were children's services manager at the time.
18 It's stamped 23 November 2007. If we go down, "Safe
19 care", you say:

20 "As a result of recent investigations concerning
21 allegations against foster carers we as a service have
22 decided to introduce a safe care assessment form
23 (attached).

24 "The aim of this is to provide clear and concise
25 information as well as direction to foster carers. In

1 many respects this form is an extension of what I am
2 sure is already happening in most instances. However,
3 this will provide the carer and those involved in
4 supporting the child and foster carer with a clear
5 framework to try and promote and ensure the well-being
6 of children. It also I believe offers a level of
7 protection to foster carers giving them strategies for
8 managing and caring for [children] in their care."

9 Then there's reference to what's included in the
10 form.

11 I think if we go over the page, page 2, we can see
12 the form itself asking for the reason for placement, the
13 estimated length of the placement. Then a question:

14 "Given the needs of the child, what strategies
15 should be adopted by the carer to ensure safe care?
16 Please consider the age, sex of the child as well as all
17 other children in the household."

18 Then below that:

19 "Is the child known to exhibit any behaviour which
20 requires specific consideration, for example wandering
21 off, absconding, aggressive outbursts, sexualised
22 behaviours?"

23 Then below that the question:

24 "If yes, what strategies should be used to manage
25 them?"

1 Can you just explain in relation to the material
2 that's sought in this form what you were seeking to do?

3 A. I was seeking to do a few things, actually. At this
4 point in time, the information provided to foster carers
5 at the point a child was being placed was quite
6 voluminous and actually it was sometimes difficult for
7 them to navigate, so there was a number of forms, there
8 was four separate forms that was completed by social
9 work staff which set out the circumstances and needs of
10 the child and all of that.

11 So I think what we were looking for is to provide
12 something very clear, simple and concise that set out
13 how the immediate needs of the child should be best met.

14 I think having come to the fostering service in that
15 year, and having come from a background of managing
16 child protection work and cases, I got -- the sense
17 I got was that I think the fostering service had perhaps
18 become detached from thinking ... were not as sharp in
19 thinking about what the child protection implications
20 within their role as perhaps they needed to be, and so
21 therefore this was a means to try and really be clear
22 that we were actually safeguarding the child as best at
23 all times as we could.

24 It also came a result of a post-investigation
25 strategy meeting, which we referred to in some of the

1 earlier documentation we had, and from memory, which I'm
2 fairly sure is right, it was that we had placed a child
3 who had made a previous allegation against a previous
4 foster carer with a foster carer and had not shared that
5 information with the foster carer. So it was about
6 ensuring we were being transparent and open and as
7 detailed as we could be in looking at that.

8 So it was for those reasons, but it was essentially
9 to provide clear, concise information to the foster
10 carer that would enable them to best meet the needs of
11 the child being placed with them.

12 Q. I think if we look over the top of the next page, on
13 page 3, one of the questions that you've just alluded to
14 was:

15 "Has the child ever made a previous allegation?

16 "What was the nature of this and the outcome?"

17 Then, below that:

18 "Have there been previous concerns raised in
19 relation to the carers which would suggest that they may
20 need additional support and guidance in meeting this
21 child or young person's need?"

22 Then below that:

23 "Having considered the above, is there any specific
24 action necessary to support the carer's care for the
25 child? If yes, who will take this action and by when?"

1 Can you just explain the focus of these questions?

2 A. Again it was recognising the continuing need to focus on
3 the development of our foster carers to respond to the
4 specific needs of the child. Recognising that some of
5 that may be quite bespoke to the specific needs of the
6 child. For example, if a child is requiring specific
7 care due to disability, complex needs, health reasons,
8 that may be quite invasive, may be quite personal, then
9 ensuring that the carer was equipped to undertake that
10 task in ensuring that as well.

11 So it's really just to ensure that we were actually
12 trying to sort of really hone in on the individual needs
13 of the child and how we supported the carer to meet
14 those needs.

15 LADY SMITH: Who would have completed this form?

16 A. So it was very much done in collaboration between the
17 child's social worker and the supervising social worker
18 for the foster carer. The responsibility, as the form
19 says, sat with the supervising social worker, but it
20 needed to be done in collaboration with the child's
21 social worker and sometimes the birth parents as well.

22 LADY SMITH: How is it that devising and completing this
23 form was helping the foster carer achieve more clarity?

24 A. I think sometimes that the pack of information that
25 social workers were required to provide at that time

1 took some time to pull together, so this was meant to
2 be, as I said, a concise, quick way of eliciting key
3 information to share to foster carers at the point of
4 placing a child with them at that point in time.

5 LADY SMITH: You're telling me this was a way of capturing
6 key information that they could then rely on in their
7 initial communications with the foster carer?

8 A. Correct, my Lady.

9 LADY SMITH: Rather than sinking them in a sea of paperwork
10 that was overwhelming?

11 A. Correct.

12 LADY SMITH: Right, I have you. Thank you.

13 MS INNES: If I can just briefly turn to the conviction of
14 William Alexander, which you spoke about in your
15 evidence earlier.

16 I think you carried out a review of the material
17 relevant to Mr Alexander and provided further
18 information to the Inquiry in relation to this.

19 I think just in terms of the timing, I think we know
20 from what you've told us and from press reports at the
21 time that he was arrested in 2005 and he was convicted
22 in 2007, but prior to that, I think the Local Authority
23 had become aware of allegations being made against him.

24 Is that correct?

25 A. That is correct.

1 Q. You mentioned in your evidence earlier that when
2 Mr Alexander first was assessed as a carer, it was known
3 to the Local Authority that he had a conviction. If we
4 can just look at a couple of documents to see this in
5 context, we can look, please, at ABN-000000239. I think
6 this is a report in respect of a private fostering
7 arrangement, which was I think carried out in about
8 1992. If we go on to page 2, and the second paragraph
9 beginning **William Alexander (WA)**

10 I think this is a document you provided to us in
11 respect of Mr Alexander, and it says there:

12 "They stated they were prepared to care for
13 [a child] on an indefinite basis and both agreed to the
14 necessary medical and police checks. Mr Alexander's
15 police check revealed a lewd and libidinous charge from
16 1979."

17 Now it's redacted, but I think it's a social worker:

18 "... interviewed him at the time in relation to
19 this conviction. It was established that he had picked
20 up a young woman while driving his lorry and she had
21 agreed to sexual intercourse, but later withdrew her
22 consent and contacted the police."

23 Then I think it's -- again the social worker:

24 "... was satisfied with this explanation and did not
25 consider the child was in any way at risk because of the

1 previous incident 12 years prior."

2 From your investigation of the circumstances
3 surrounding the case of Mr Alexander, is this the first
4 reference that you found of the knowledge of the Local
5 Authority that he had a conviction?

6 A. I believe it is.

7 Q. You referenced in your evidence earlier that the way in
8 which the nature of the conviction and how it was dealt
9 with became relevant when you produced some further
10 guidance, the managing allegations guidance that we saw
11 later on?

12 A. That's correct.

13 Q. If we can look at another document, ABN-000000259, and
14 if we can scroll down a little, so this seems to be
15 an assessment in respect of a fostering assessment. So
16 previously there was a private fostering arrangement.
17 Now it looks as though Mr Alexander is seeking approval
18 as a foster carer.

19 A. (Witness nodded)

20 Q. If we look down the page, please, to the bottom of the
21 page, we just see the date, 24 April 1993:

22 "Discussed Billy's background and convictions. It
23 was a difficult time in Billy's life when he committed
24 his offences and there was no further police endorsement
25 since 1981."

1 Again I think you identified that in your review of
2 the file as the Local Authority being aware of the
3 conviction and the foster carer's explanation being
4 accepted?

5 A. That is correct, yes.

6 Q. Then he was approved as a carer and in your review and
7 the documents that you provided to the Inquiry, you
8 later provided a review from 1998, and this is at
9 ABN-000000206.

10 If we can just scroll down, so we see this is
11 a foster carer review in November 2018 -- sorry, if we
12 can just go back a little bit please. Under "Reports"
13 it says:

14 "Ms Massie submitted a report summarising events of
15 the child protection investigation into an allegation of
16 abuse by Mr Alexander in August 1998."

17 Then the summary of discussion says:

18 "Undergoing a child protection investigation has
19 been a very traumatic and isolating experience for
20 Mr Alexander."

21 Then in the final section of that paragraph it says:

22 "Mr Alexander is remarkably forgiving of the
23 distancing of the department during this investigation
24 and were understanding of the procedures. Both of them
25 are quite clear that something happened to the bairn

1 before she was dropped off at their house and talked
2 about her situation with some sadness."

3 Then going on from there we see:

4 "The review thereafter focused on their wish to
5 continue fostering and how to minimise the risk of being
6 subjected to future allegations and subsequent child
7 protection investigations."

8 Then it was agreed that I think there be training
9 and accurate records had to be kept. If we go on to the
10 next page. If we scroll down, there's various other
11 points mentioned, if we scroll down, please.

12 "It was felt by all present at the review that the
13 above steps would significantly contribute to providing
14 a safe environment for young people and their carers."

15 Then it's noted that he was currently looking after
16 a child aged 17 and another aged 4. Both young people
17 made it clear that they wanted to remain in their
18 current foster home and they felt that they had the
19 emotional and physical space to offer a further
20 placement for another teenage girl now that a child has
21 moved on a long-term resource.

22 "I would recommend that this request be approved,
23 provided the above safeguards are implemented."

24 Again, I think this is a review that you considered
25 when reflecting and reviewing the circumstances of

1 Mr Alexander's conviction and what are your reflections
2 in relation to the approach that was taken at that
3 review?

4 A. It's not an approach that I would endorse today at all.
5 I think that it's -- there is clearly, I think,
6 a distorted assessment of the risk and vulnerability to
7 the children in this circumstance and I am surprised
8 that Mr Alexander was endorsed to continue in the
9 fostering role.

10 LADY SMITH: Could I have again the date of this review
11 meeting in Albyn Place?

12 A. 1998.

13 MS INNES: November 1998.

14 LADY SMITH: 1998, thank you.

15 MS INNES: Then I think, as you said, Mr Alexander was
16 ultimately convicted, but I think prior to then he had
17 been de-registered by the Local Authority?

18 A. He was, yes.

19 Q. I think he was de-registered perhaps in 2001?

20 A. That's my recollection and understanding from the papers
21 I've read.

22 Q. Okay. Then you've highlighted a couple of issues that
23 came from that, for example the managing allegations
24 guidance?

25 A. That's correct, yes.

1 Q. And changes with the fostering panel as well?

2 A. Changing with the fostering panel and really just
3 clarity around that as well. I think even going back to
4 the point where there was a -- I think the allegation or
5 the testimony Mr Alexander gave around his original
6 conviction back in 1979, there wasn't -- there wasn't
7 enough rigour around that. We weren't curious enough
8 around his account of what happened and we should have
9 verified further with the police the information they
10 held in relation to the circumstances and the nature of
11 that conviction.

12 MS INNES: As I've indicated, the Local Authority have
13 reviewed these files and provided further reflections to
14 the Inquiry. I'm not going to take you to it just now
15 because of time, but for the record it's at
16 ABN-000000309.

17 Mr Simpson, those are all the questions I have for
18 you just now, but I think obviously we've not spoken
19 about two of the convictions that you've referred to and
20 the Inquiry's also indicated to you, I think, that we
21 may wish to hear from you in the future in relation to
22 a response to applicant evidence, for example. I assume
23 that you're content to return and assist the Inquiry
24 further?

25 A. No, absolutely, I would want to do everything I can to

1 assist the Inquiry.

2 MS INNES: Thank you, Mr Simpson.

3 LADY SMITH: Graeme, thank you so much for what you've

4 helped us with today. It's been extremely valuable to

5 have you here to answer the questions about the written

6 response and the additional questions, many of which

7 I've been responsible for. You've increased my learning

8 and understanding and I'm grateful to you for that.

9 I'm able to let you go. I'm also delighted that

10 you've already agreed that you'll come back as and when

11 we need you, so thank you for that.

12 A. Thank you, my Lady.

13 (The witness withdrew)

14 LADY SMITH: I'll rise now and 2 o'clock for Aberdeenshire,

15 Ms Innes?

16 MS INNES: Yes, my Lady.

17 (1.03 pm)

18 (The luncheon adjournment)

19 (1.57 pm)

20 LADY SMITH: Ms Innes.

21 MS INNES: My Lady, we have Leigh Jolly from Aberdeenshire

22 here this afternoon.

23 LADY SMITH: Thank you.

24 Ms Leigh Jolly (sworn)

25 LADY SMITH: Help me with this. How would you like me to

1 address you? Ms Jolly or Leigh?

2 A. Leigh would be fine.

3 LADY SMITH: Would Leigh be all right? Thank you.

4 You'll see in due course, Leigh, that documents will
5 come up on screen, you might find that helpful. You
6 also have the hard copy folder there if you want to look
7 at it, and page numbers will be mentioned as and when we
8 go there.

9 A. (Witness nodded)

10 LADY SMITH: If you have any questions or concerns, please
11 let me know. It's important that you're as comfortable
12 as I can make you, bearing in mind that I know giving
13 evidence isn't the jolliest way to spend an afternoon.
14 But if you need a break at any time, I can assure you
15 I normally take a break around 3 o'clock in the
16 afternoon. But any other breaks you need, just say.

17 A. Thank you.

18 LADY SMITH: If you're ready, I'll hand over to Ms Innes,
19 and she'll take it from there.

20 A. Yes.

21 LADY SMITH: Thanks, Leigh.

22 Questions from Ms Innes

23 MS INNES: Leigh, you are a Chief Social Work Officer and
24 head of children's services with Aberdeenshire Council,
25 I think?

1 A. That's correct.

2 Q. You provided a CV to the Inquiry, and we can see from
3 that, I think, that you started your career in social
4 work in 1996 with Aberdeen City Council based in
5 children and families?

6 A. Yes, that's correct.

7 Q. You then moved to Aberdeenshire Council in 2002,
8 initially as a child protection manager and then in
9 various management roles?

10 A. That's correct, yes.

11 Q. You've been at Aberdeenshire since 2002 and in 2019 you
12 were appointed head of children's services?

13 A. Yes.

14 Q. You've been Chief Social Work Officer since 2021,
15 although I think you may have been acting CSWO before
16 then?

17 A. Yes, that's correct.

18 Q. Aberdeenshire Council have prepared a response to
19 a section 21 notice in respect of this case study and
20 you'll find it in the folder in front of you and the
21 parts I'm going to refer to will also come up on the
22 screen.

23 If we can look at ASC-000000143 and at page 2 in
24 terms of the history of the Local Authority, if we just
25 scroll down a little, please, we can see that the

1 relevant Local Authorities from 1930 to 1975 were
2 Aberdeen County Council, Banffshire County Council and
3 Kincardineshire County Council, so those three county
4 councils?

5 A. That's correct, yes.

6 Q. Then these then formed part of Grampian Regional
7 Council --

8 A. Yes.

9 Q. -- in 1975 to 1996. Then, after reorganisation in 1996,
10 Aberdeenshire Council was established?

11 A. That's my understanding, yes.

12 Q. Can I ask you some questions arising from this part of
13 your response to the Inquiry's notice. If we can go
14 first of all to page 5 and if we scroll down the page to
15 question (b), which is asking about funding to other
16 organisations for the purpose of foster care. If we go
17 below that, the third paragraph:

18 "It is noted that in 1948-1949 approximately 550
19 children were boarded out by the public assistance and
20 education authorities from other areas, but less than 20
21 Aberdeenshire children were boarded out outwith the
22 county."

23 I'm assuming that this is information that you've
24 recovered from the archives of one of these county
25 councils?

1 A. Yes, that's correct.

2 Q. That seems to suggest that in 1948/1949 there were
3 a large number of children boarded out by other
4 authorities in Aberdeenshire?

5 A. (Witness nodded)

6 Q. Is that a concept that you're familiar with from having
7 looked at the archives or having prepared this
8 section 21 notice?

9 A. Yes, that's absolutely my understanding. I guess the
10 rurality of those locations that were -- that are now
11 Aberdeenshire that were previously shire counties
12 provided opportunity for farm workers in particular,
13 farm owners, to provide opportunity to board out
14 children, and so my understanding is that that rural
15 location, the number of particularly farm owners enabled
16 a greater availability of people who were willing to
17 take children on that boarded-out basis, and therefore
18 some of the more urban areas would be looking to place
19 children in the countryside where there was that
20 availability.

21 Q. Okay. Just staying with that period, the period of the
22 county councils, can I ask you about something else on
23 page 9 of your response of this document, towards the
24 bottom of the page, the paragraph beginning:
25 "The 1968 and subsequent Acts continued to make the

1 Council responsible for the welfare of children and
2 young people in its care through setting up social work
3 departments. The minute of Aberdeen County Council of
4 21 March 1969 notes that Kincardine County Council had
5 agreed in principle to combine with Aberdeen County
6 Council for the purpose of discharging their functions
7 under this Act. Banffshire County Council did not
8 amalgamate with Moray and Nairn."

9 You seem to find a record that prior to the regional
10 council coming into effect, that two of the county
11 councils, Kincardine and Aberdeen, worked together to
12 discharge their functions under the 1968 Act?

13 A. That's correct, yes.

14 Q. And Banffshire, who you noted as one of the predecessors
15 of Aberdeenshire, it didn't, it says it didn't
16 amalgamate with Moray and Nairn. Is that perhaps
17 mentioned because geographically it would be closer to
18 those counties?

19 A. Yes, that would be my understanding. There were no
20 records to indicate why particular county councils made
21 those decisions. We were only able to find the bones of
22 that information.

23 Q. Okay. Moving on to something else, if we can move
24 forward in time slightly to a document -- just bear with
25 me a moment. Yes, so Grampian Regional Council came in

1 in 1975, and if we can look, please, at ASC-000000830,
2 I think we see if we scroll down, this is a position
3 statement for the social work department of Grampian
4 Region from September 1975.

5 Before we look at the document, do you know what
6 this is about? Are you familiar with this document?

7 A. Yes. My understanding of this document is that it set
8 out the position statement of how social work services,
9 particularly for children, would be undertaken as part
10 of Grampian Region, so the reorganisation obviously led
11 to those previous county councils forming Grampian
12 Region Council.

13 I think what's significant about this is it follows
14 on from the 1968 Social Work (Scotland) Act, that
15 created social work departments, and so therefore with
16 the formation of Grampian Regional Council it was
17 important to set out quite how social work would be
18 delivered, given the creation of those specific
19 departments and what those -- the focus would be.

20 Q. If we look on, please, to page 2, which just sets out
21 the contents of this document, and we see there certain
22 background information and then 5 onwards, 5 to 13, seem
23 to cover services in different areas --

24 A. (Witness nodded)

25 Q. -- so presumably social work services in different

1 areas?

2 A. Yes, that's correct, sorry, not just children. I was
3 focusing on children for this Inquiry.

4 Q. Then if we go on to page 4, please, there's a heading,
5 "Services for children". I think that then sets out
6 various ways in which the department looks after
7 children. If we look at the bottom of page 4, please,
8 we see a paragraph there:

9 "The department uses three main strategies in order
10 to meet the needs of children. The care of children is
11 not isolated, and although three service areas are
12 described separately, in many cases the welfare of the
13 child will mean the use of all forms of treatment
14 depending on the needs of the child and the prevailing
15 family situation."

16 Then it goes on to the next page, there's a heading,
17 "Community care", which begins by referring to help
18 being given to parents to prevent problems and
19 difficulties, so support of the family. So that seems
20 to be one thread of community care.

21 A. (Witness nodded)

22 Q. Then it says in the middle of that paragraph:

23 "Where children are received into care, the
24 department makes extensive use of foster parents in
25 order to afford the children substitute care in as

1 normal a situation as possible."

2 From this document, is it your understanding that
3 this was -- foster care was something that the social
4 work department in Grampian Regional Council was going
5 to prefer as an option?

6 A. Yes, my understanding is that foster care or providing
7 fostering for children was seen to be an integral part
8 of social work services delivered to children and
9 families, but the default position would be that where
10 a child can't remain at home and requires to be looked
11 after, that fostering would be the initial consideration
12 for that child at that time. But it does go on to talk
13 about the use of residential care and day care, and my
14 understanding of that would be that whilst essentially
15 the default position, for want of a better phrase, would
16 be fostering, that children's needs needed to be looked
17 at on an individual basis and perhaps some children
18 would require a residential approach for various
19 different reasons and it would not be the right thing to
20 do to place them with a family.

21 So a needs-led approach, but having that
22 understanding that fostering was the starting point for
23 considering an alternative place for a child to be
24 looked after.

25 Q. You mentioned day care there, and I think we see that

1 mentioned as an option at the bottom of the page. This
2 seems to be day centres mainly for pre-school age
3 children of mothers who are at work, and it's talking
4 about day care giving support to families and helping
5 a child essentially remain in the family?

6 A. That's correct, yes.

7 Q. Then residential care, if we go on to the next page,
8 again you mentioned that as being an option set out in
9 this document, and it refers to that here and says:

10 "Before a child is admitted to residential care,
11 a great deal of investigation is carried out and all
12 alternatives are exhaustively pursued."

13 One of those alternatives would be foster care, as
14 you --

15 A. That's correct.

16 Q. Then if we go on to the next page in this document,
17 page 7, this I think is headed, "Services for
18 children -- community care -- boarding out (fostering)",
19 and I think is specific to fostering.

20 6.1, the objective is said to be:

21 "To provide appropriate family life which will meet
22 the needs of the child to develop emotionally,
23 intellectually, physically and socially and to restore
24 the child to his parents or guardian or a suitable
25 relative or friend as soon as this is consistent with

1 the welfare of the child."

2 Would you say that that remains the objective of
3 foster care or has that changed over time?

4 A. I think foster care has developed significantly over
5 time, and I guess the documents predating the 1975 give
6 a real sense that children were placed in boarding-out
7 arrangements on a permanent basis. That did change over
8 time in terms of legislation, and a real focus around
9 trying to prevent children becoming looked after by the
10 Local Authority, and at the same time, as we were trying
11 to prevent children being placed permanently away from
12 their birth families, we were also looking to
13 rehabilitate children.

14 So there was a very different lens that was being
15 used, I guess, to understand the needs of children and
16 families, to understand that real link and importance of
17 the birth family and try and support families to be able
18 to do what was required to enable them to safely care
19 for their children.

20 So I think that's clearly set out here. We may use
21 slightly different language nowadays, but I think the
22 ethos is absolutely the same. Foster care is about
23 providing an alternative family for a child who
24 currently can't remain at home with birth family, but
25 with a view to supporting that child to be able to be

1 reunited with that family and to live in a safer, more
2 nurturing family setting, but we recognise that there
3 are some children for whom it's not safe to return home
4 and we need to look at alternative more permanent
5 arrangements for those children.

6 Q. It also mentions at the end of the paragraph there that
7 one of the options if the child can't be restored to his
8 parents or guardian, a suitable relative or friend as
9 soon as this is consistent with the welfare of the
10 child. That seems to be referring to what we would
11 probably now call kinship care?

12 A. Yes, that's correct. I think that also has changed
13 significantly over the years in terms of rigour and
14 safeguarding, but the ethos is the same. We would
15 prefer to have a child remain within a kinship
16 placement, with people that they know, as opposed to
17 placing them directly with families that they would be
18 strangers to, essentially.

19 Q. Then at paragraph 6.2 I think we see at this time that
20 there's reference to the number of children in foster
21 care, so 605 at that time. That's for obviously the
22 whole of Grampian Region, I assume?

23 A. (Witness nodded)

24 Q. That's 55 per cent of the total number of children in
25 care, so 45 per cent must be in other arrangements.

1 A. (Witness nodded)

2 Q. "There is a continuing shortage of both suitable foster
3 parents and appropriate social work support to which
4 reference has previously been made."

5 Again this is in 1975 and seems to be suggesting
6 that there are issues with obtaining suitable foster
7 parents, having a resource of foster parents available.

8 A. (Witness nodded)

9 Q. Has that remained a challenge?

10 A. Yes, absolutely. I think nationally, not just in
11 Aberdeenshire, that's remained a significant challenge
12 for us, being able to recruit enough foster carers to be
13 able to support children who do need to spend some time
14 away from birth families and to be looked after in that
15 arrangement.

16 Q. At the bottom, in 6.4, there's reference again to
17 shortfall:

18 "There is a steady demand for good foster homes.
19 The present situation of children placed in residential
20 homes who might be in foster homes would indicate that
21 at least a further 100 places are required, giving
22 a figure of approximately 64 per cent of children in
23 care."

24 It looks as though the strategy of the regional
25 council in 1975 was to move at least 100 children from

1 residential institutional care into foster care?

2 A. That's correct. That's my understanding of it, yes.

3 Q. We can leave that document now. If I can take you back
4 to the Part A response at ASC-000000143 and to -- just
5 bear with me a moment -- yes, to page 6. At the bottom
6 of the page. The third paragraph from the bottom that
7 you see there says:

8 "The payment to foster carers was seen as
9 an allowance for maintenance of the child as opposed to
10 payment of a wage for their services. There is a note
11 in Grampian Regional Council social work committee of
12 7 September 1987 of a pilot scheme for salaried foster
13 parents for children with special needs."

14 That seems to have been something that you found in
15 the Grampian archives?

16 A. That's correct, yes.

17 Q. What I'm interested in is the idea of salaried foster
18 parents. It sounds like they're going to be employed.
19 Did you find anything else from that record about that
20 scheme, whether it went ahead, or was that the only
21 reference that you were able to find?

22 A. That was the only reference that I was able to find
23 dating to 1978. I do know that we did attempt to do
24 some salaried of foster carers later on, probably just
25 around about the 2007, and again it was to support

1 children and young people with very specific needs.
2 It's often difficult to recruit foster carers for
3 children with additional health complex needs, and
4 therefore this was a route to try and find different
5 people with different skills and enable and empower them
6 to come forward and to support children so that we could
7 keep children in family settings.

8 Quite often in the past children with very complex
9 additional health needs were probably more likely to be
10 looked after in a residential institutional type
11 setting, and we wanted to move away from that because
12 every child deserves that family experience, and that
13 would have been the context to trying the salaried
14 scheme.

15 Q. We'll come to another document from 2007 in a bit more
16 detail in a moment, but just staying with the
17 chronology, so that's the regional council, and at the
18 end of the regional council period, in 1994, we know
19 from your response that there was something called the
20 Grampian Child Care Strategy, which we've seen in
21 evidence this morning.

22 A. (Witness nodded)

23 Q. Is that something that you're familiar with?

24 A. Yes, it is.

25 Q. If we can perhaps look at that, it's at ASC-000000145.

1 If we start at page 1, this is an Aberdeenshire Council
2 report to social work of 21 February 1996. This seems
3 to be round about the start of Aberdeenshire Council; is
4 that correct?

5 A. That's correct, yes.

6 Q. At paragraph 1 it says the reason for the report is:

7 "To bring forward recommendations on childcare
8 policy and operational arrangements to allow
9 Aberdeenshire Council to carry out its statutory
10 childcare responsibilities from 1 April 1996."

11 It is looking to the start date of Aberdeenshire
12 Council?

13 A. That's correct, yes.

14 Q. There are various paragraphs below that. If we can go
15 on, please, to page 2, paragraph 3.1. It talks there
16 about adoption of existing childcare policies and
17 strategies.

18 A. (Witness nodded)

19 Q. If we look at the final paragraph that you can see if we
20 scroll down a little, it says there:

21 "The major components of Grampian Regional Council's
22 existing policies are listed below and attached as
23 an appendix to this report for information."

24 Then we see reference at 3.1.1 to the Child Care
25 Strategy. Am I right in thinking that when

1 Aberdeenshire Council was formed, that strategy was one
2 of a number of documents listed which were taken forward
3 into Aberdeenshire Council?

4 A. Yes. That's my understanding. I think the original
5 document I think is dated 1994, from recollection, and
6 so with the creation -- and that was a Grampian Region
7 document. So with the creation of Aberdeenshire Council
8 some two years later it was agreed by the particular
9 committee that this report was presented to that the
10 current strategy, that was only two years old at that
11 point, would be adopted by Aberdeenshire Council and
12 taken forward.

13 Q. I think we see that if we move on to page 7 of the
14 document. Under "Recommendations" at 4.1 it says:

15 "It is recommended that the existing identified
16 Grampian Regional Council childcare policies and
17 strategies be adopted in total by Aberdeenshire Council
18 and it be remitted to the director of social work to
19 bring forward at a later date a review of these policies
20 and strategies once the regulations and details of the
21 Children (Scotland) Act 1995 are known."

22 Do you know if that happened? Because obviously
23 these policies are from 1994. Do you know if those
24 policies changed over time?

25 A. My understanding is that rather than present one policy

1 that covered all of children's services social work,
2 that it was separated into -- I guess -- sorry, I'm
3 trying to say that more clearly. I think previously
4 social work had been generic, so a social worker would
5 do a combination of different tasks which could include
6 working with vulnerable families in communities,
7 assessing foster carers, assessing adopters, supporting
8 foster carers, supporting adopters and so we moved away
9 from that to more specialist social work provision.

10 So, therefore, over the years, rather than create
11 a policy that covered all aspects of children's services
12 social work, we would have updated it in terms of here's
13 an update to fostering or here's an update to adoption,
14 et cetera.

15 Q. Okay. We can put that document away now and if we can,
16 please, go back to ASC-000000143, page 6. The bottom of
17 the page again. We're now in the Aberdeenshire period
18 and it says that there was:

19 "A report to Aberdeenshire housing and social work
20 committee on 6 February 2006 which notes Aberdeenshire's
21 basic fostering allowances currently fall some
22 30 per cent below those recommended by the Fostering
23 Network. An enhanced allowance scheme exists however,
24 that takes account of the individual needs of children
25 in placement, accordingly reflecting the skills to care

1 for them. At present, 100 per cent enhancement is paid
2 for most children in placement, therefore placing the
3 allowance that foster carers receive above the
4 recommended Fostering Network levels."

5 Then there's reference to other payments that were
6 being made at that time. At the very end of that
7 paragraph it says:

8 "At this time there were four Aberdeenshire
9 alternative placement scheme foster carers who were paid
10 £17,000 ..."

11 Presumably per annum?

12 A. Yes, that's correct.

13 Q. " ... plus basic fostering allowance. These placements
14 were for hard-to-place young people as an alternative to
15 residential and secure care."

16 Is that the type of enhanced fostering or salaried
17 fostering that you referred to --

18 A. Yes.

19 Q. -- in your evidence earlier?

20 A. Yes, that's absolutely the scheme I was referring to.

21 Q. Correct me if I'm wrong. Were these foster carers
22 actually employees of the council or did they remain as
23 self-employed foster carers?

24 A. They remained as self-employed foster carers.

25 Q. Okay. The next paragraph says:

1 "A report to the housing and social work committee
2 of 20 December 2007 outlines the Aberdeenshire fostering
3 service plan, which has carers placed at different skill
4 levels according to training achievements."

5 I wonder if we could look at that document, please.
6 That's at ASC-000000161. I think we see here a report
7 and it's about, "New Aberdeenshire fostering and
8 allowances schemes". The purpose of the report at 1.1
9 is:

10 "To advise and seek committee agreement to the
11 implementation of new fostering allowances and schemes
12 as part of their corporate parenting and monitoring
13 role."

14 If we can go further down, at paragraph 2.2 --

15 LADY SMITH: Here we're at December 2007, yes?

16 MS INNES: Yes.

17 LADY SMITH: Thank you.

18 MS INNES: At paragraph 2.2, so this is all setting out the
19 background, it says:

20 "Aberdeenshire undertook a best value review of its
21 fostering service in 2003."

22 Can you explain what a best value review is?

23 A. Yes, so my understanding of this at the time was that
24 I think it was 2002 that the foster care standards, the
25 national standards, were published, and therefore Local

1 Authorities were encouraged to look at the service
2 provision that they were providing and to do some
3 self-evaluation in relation to whether we were meeting
4 those standards.

5 I think best value review was probably one of those
6 popular terminologies that were used to describe
7 a number of scrutiny-type events, and so on this
8 occasion essentially what it's describing is
9 self-evaluation by measuring the type of service that we
10 were delivering against those national standards that we
11 would be inspected on in future years, and I think 2005
12 we were a pilot Local Authority for inspection against
13 those standards.

14 Q. I think if we look on to paragraph 2.3, it says:

15 "One of the recommendations of the best value review
16 was to undertake a full review of Aberdeenshire's
17 fostering schemes and allowances and to implement
18 a scheme that took account of the skills required for
19 the fostering task."

20 Then it says:

21 "At its meeting on 16 February 2006, Aberdeenshire
22 social work and housing committee considered a report on
23 the Care Commission inspection of adoption and fostering
24 services, of which this was also one of the
25 recommendations."

1 That would be one of the first inspections or the
2 first inspection that you just referred to?

3 A. Yes, it was 2005.

4 Q. Then at paragraph 2.4 there's an indication that there
5 was a review of the financial payments and governance of
6 Aberdeenshire fostering and adoption service being
7 undertaken by internal audit in 2006, so that seems to
8 have been following on from the best value review
9 recommendation, the Care Commission inspection and now
10 there's an internal audit?

11 A. That's correct, yes.

12 Q. Then it says in the final sentence there:

13 "Internal audit agreed that these recommendations
14 would be subsumed within a planned Kaizen which was
15 planned to undertake a review of the Aberdeenshire
16 fostering assistance."

17 A. That's correct.

18 Q. Can you explain what that is?

19 A. Yes, a "Kaizen" again was probably a popular term during
20 that particular period and it described improvement
21 activity.

22 So essentially a scoping paper would be produced in
23 terms of what is it we needed to examine, what is it we
24 needed to understand and what position did we need to
25 get to, and then we brought together key professionals

1 who had a very good understanding of fostering, who
2 would have had a good understanding of finance and
3 professionals that would have had a good understanding
4 of the legislation and the requirements.

5 A Kaizen usually took place over five days, where
6 essentially people were brought together in one room for
7 those five days -- they were allowed to go home in the
8 evenings -- and they worked through a very clear process
9 that would be based on understanding the current
10 situation, understanding where the challenges were, and
11 coming out of that Kaizen with some very clear
12 recommendations.

13 Partway through the Kaizen our senior managers would
14 come and listen to the story so far in terms of the
15 findings and the recommendations, so that there was that
16 additional layer of scrutiny and audit from those that
17 were going to make the final decisions. So that they
18 were clear about the journey that staff had been on to
19 get to the point of -- for in this situation making very
20 clear recommendations that we required a fostering
21 scheme and we needed to be much more consistent in terms
22 of our payments and allowances.

23 My understanding is that the audit uncovered
24 16 different types of payments that were made to foster
25 carers, which clearly wasn't fit for purpose, wasn't

1 transparent and certainly wasn't valuing the fostering
2 task. Hence this very different approach to supporting
3 foster carers to be able to do that role. But at the
4 same time there was a real understanding of the
5 complexity of the fostering task and looking after
6 children who are potentially your own can be
7 challenging, looking after other people's children who
8 you don't have that same initial connection with can be
9 challenging, and we need to ensure that foster carers
10 are duly trained, supported, supervised to be able to
11 undertake that task and along with that comes
12 appropriate training, hence this scheme that I suppose
13 very crudely rewarded greater skills and knowledge with
14 an increase in payment.

15 LADY SMITH: Do you know what the background to the use of
16 this term "Kaizen" was?

17 A. No, I'm sorry, I don't. I think -- I say I don't and
18 then I'm going to try and answer. I think it came from
19 Scandinavia and it was an improved methodology that was
20 used that was adapted here in Aberdeenshire and I'm sure
21 in other parts of the UK too.

22 LADY SMITH: Thank you.

23 MS INNES: If we can go on, please, to paragraph 4.1, which
24 is on page 2, under "Discussion":

25 "The new Aberdeenshire fostering scheme."

1 At 4.1 we see:

2 "Aberdeenshire Council currently has 111 approved
3 foster families looking after approximately 160
4 children. We are very fortunate to have amongst the
5 most experienced and dedicated foster carers in
6 Scotland."

7 There's reference there to a number of the carers
8 having been carers for some time.

9 Is it still the case that Aberdeenshire have a good
10 number of experienced carers?

11 A. Yes, absolutely. We're currently sitting with 112
12 foster carers, which is quite interesting, given we're
13 some time after 2007 and the number doesn't seem to have
14 moved very much. Foster carers do retire and we have
15 seen a high proportion of foster carers who have been
16 very dedicated and committed, as it indicates in this
17 report, for 10, some 20 years, supporting many, many
18 children to live -- while they were living with them and
19 were required to recruit new families, hence it's sort
20 of stayed around the same number, but there's still
21 a very high proportion of very experienced carers who
22 remain with us in Aberdeenshire.

23 LADY SMITH: Do you have a normal retiring age for your
24 foster carers or not?

25 A. So as part of -- I suppose the simple answer is no, we

1 wouldn't say come 60, come 65 or maybe 67 now or any of
2 the statutory retirement dates are, we wouldn't say no,
3 you must retire at that stage. But as part of the
4 supervision and support of foster carers, you'll be
5 familiar with the fact that we undertake reviews of
6 foster carers, which would include medical assessments.

7 So we would support a foster carer to be able to
8 continue to foster for as long as (a) they would like
9 to, but (b) that they are fit to do so, and some of that
10 medical information and the relationship that we've
11 built with foster carers over time would help us make
12 that decision.

13 But we have had foster carers in their 70s who have
14 been incredibly fit and able and continue to look after
15 smaller numbers of children.

16 MS INNES: If we could go on to the next page, please, and
17 paragraph 4.13, we see there:

18 "It is necessary to ensure that Aberdeenshire's
19 fostering service is able to compete effectively with
20 the private sector. Failure to do so will risk
21 increased numbers of children being placed with foster
22 carers from external agencies at much greater cost. The
23 number of private and voluntary organisations providing
24 foster placements for children in Scotland is
25 increasing. These organisations have a capacity to

1 protect their service in a way the Local Authorities
2 cannot. Interested families are increasingly seeing
3 fostering as an alternative career. The
4 professionalising of foster care and the developing
5 competitive market for fostering gives interested
6 families more choices."

7 I would just like to ask you about a couple of
8 things within that.

9 There's reference to Aberdeenshire being able to
10 compete effectively with the private sector. Is that
11 an ongoing challenge for Aberdeenshire?

12 A. Yes, absolutely. So Aberdeenshire seeks to recruit
13 their own foster carers that we can build relationships
14 with, support, upskill and essentially walk alongside
15 them in that journey of fostering, because they live
16 locally.

17 Because there is a large number of independent
18 agencies across Scotland who recruit foster carers, they
19 recruit from all Local Authorities, and I guess some of
20 the competition over the years has been that perhaps
21 they look much glossier in terms of those materials that
22 they can share and draw people in, and perhaps there was
23 a period where payment from some of those voluntary
24 agencies was higher, and so you see as part of that
25 scheme in 2007 we looked very seriously at the

1 allowances and the fees that we were paying our foster
2 carers. It was recognised that we were -- I think it
3 said 30 per cent below what was recommended, and we
4 needed to essentially increase our ability to pay
5 an appropriate amount towards foster carers so that (a)
6 we would be an attractive authority to be able to
7 recruit to, but also that we were absolutely valuing the
8 task and the role of foster carers by paying them
9 an appropriate amount for the service that they provided
10 by looking after children.

11 I think whilst ultimately any child who requires to
12 be looked after away from home requires a family who has
13 been approved as foster carers, who are safe, nurturing
14 and can meet those needs, and fundamentally it shouldn't
15 matter whether those are our families or whether they're
16 a family from a voluntary organisation.

17 I think some of the issues around voluntary
18 organisations is that they have foster carers all over
19 Scotland and we would prefer to keep children local so
20 that they can have those ongoing relationships with
21 their school, with their communities, with their
22 families and their friends.

23 So there's an ongoing challenge for us in terms of
24 being attractive as a Local Authority to being able to
25 support carers and we've worked really hard at trying to

1 raise our profile so that stories of support from the
2 supervising social workers who are supporting the foster
3 carer to be able to do that fostering task are -- we
4 raise the profile of those stories to try and draw
5 attention to ourselves, I guess, essentially, as
6 an organisation who does their best to get it right for
7 foster carers and for children. But it's an ongoing
8 challenge for us.

9 LADY SMITH: I see earlier in the document -- on that page
10 but further up -- there's a comment that placing
11 children through an independent agency is at much
12 greater cost. Do you know what elements were looked at
13 to work out what the comparative costs were?

14 A. My understanding of it would be that -- and forgive me,
15 I've forgotten the date, but the Fostering Network
16 pulled together some recommendations around what
17 should -- what a payment should look like for foster
18 carers and what the different components of that money
19 should be used to pay for.

20 So therefore in a Local Authority that's absorbed
21 within the Local Authority budget, so we know how much
22 it costs to pay a foster carer for that particular child
23 that's living with them.

24 I guess what we don't always take into consideration
25 is how much does it also cost to pay a supervising

1 social worker, how much does it also cost to pay the
2 child's social worker. We fundamentally focus on:
3 here's the fee and the allowance.

4 So when you look at -- sorry.

5 LADY SMITH: I was going to say that must be a little
6 superficial --

7 A. Yes.

8 LADY SMITH: -- if you're not making any allowance for the
9 savings at the Local Authority end in administration you
10 don't have to do, you don't have to recruit as many
11 foster carers, and you've pointed already to the social
12 work supervision level and so on, one maybe has to be
13 cautious about a bold statement that it's at much
14 greater cost if you use an independent agency.

15 A. Absolutely, my Lady, and I'm not sure that we would
16 write that now in the way that it was written back in
17 2007.

18 LADY SMITH: Thank you.

19 MS INNES: Just moving on in this document, Leigh, I think
20 you said that it was recommended that a different
21 payment arrangement be put in place. We've heard about
22 something called payment for skills. Was that the
23 arrangement that Aberdeenshire put in place?

24 A. Yes, that's correct.

25 Q. If we can look on, please, to page 7, I think we see

1 here in the appendix to this document:

2 "Competencies and criteria for level one."

3 It says:

4 "Level one carers include newly approved carers and
5 carers who through choice do not wish to progress up the
6 structure. They will have completed pre-approval
7 training and have been assessed and approved via the
8 fostering panel. Post approval they will have been
9 undertaking an induction and working towards completing
10 their practice learning and development log."

11 Then below that we see a list of competencies for
12 level one.

13 A. (Witness nodded)

14 Q. So various competencies in terms of caring for children.

15 Then if we scroll down to various competencies in
16 terms of providing a safe and caring environment. If we
17 go on over the page, I think we see further
18 competencies, working as part of a team and then their
19 own development --

20 A. (Witness nodded)

21 Q. -- and below that, criteria for level one.

22 A. (Witness nodded)

23 Q. We see the criteria that need to be met, some of which
24 were mentioned at the start, I think, that they need to
25 have had certain training, a satisfactory outcome in

1 their annual review, they're expected to attend relevant
2 meetings, they're supposed to participate in relevant
3 supervision and undertake the five core training
4 modules. Is that the -- "level one" suggests,
5 perhaps -- first level?

6 A. Yes, so those were the fundamental skills that we would
7 require a foster carer to be able to demonstrate when
8 they were initially approved.

9 Q. Sorry, I should have asked, these competencies, were
10 these things that were developed by Aberdeenshire
11 Council itself or were they taken from another source?

12 A. I'm sorry, I don't actually know the answer to that.

13 Q. Okay. If we go on to the next page, to page 9, we see
14 there level two, and under "Criteria level two" it says:

15 "Foster carers who have met all the
16 criteria/competencies for level one, have completed the
17 required training and have more than 18 months
18 continuous experience."

19 Here it appears that they are supposed to have had
20 more experience and that they're supposed to have done
21 additional training?

22 A. That's correct, yes.

23 Q. Then again if we move on, please, to page 11,
24 level three carers, it says:

25 "... will have progressed through levels one and two

1 in the structure. However, there may be a place for
2 people with a relevant qualification to enter this grade
3 immediately if they can prove they have the appropriate
4 qualifications and working childcare experience."

5 Then "Criteria level three" we see they need to have
6 had 36 months of experience, achieved the competencies
7 and criteria of levels one and two, they need to
8 contribute directly to the plans and attend meetings for
9 the child in placement in an autonomous manner, they
10 need to undertake an active and positive contribution to
11 the formal mentoring of foster carers or participate in
12 the recruitment and training of foster carers and
13 undertake specialist training.

14 Again, there's experience and training, but here it
15 looks as though there's an expectation that this foster
16 carer will be involved in training others or mentoring
17 others?

18 A. Yes, that's correct.

19 Q. What does it mean, contributing directly to the plans
20 and attending meetings for the child in an autonomous
21 manner?

22 A. I think essentially the idea would be that as fostering
23 evolved over the years, I think in one of the previous
24 documents you'll have seen that there was an indication
25 that foster carers should be working in partnership with

1 the child, the Local Authority and the family, and to be
2 able to do that we needed to be able to ensure that they
3 had the right skills, the right knowledge and the right
4 understanding and that they could come to planning
5 meetings for children, be able to contribute directly
6 themselves as opposed to somebody speaking for them, be
7 able to talk about what they're observing with the
8 child, what their relationship with the child is like,
9 how a child is perhaps after they've spent time with the
10 birth family and come back into the fostering household.

11 So we would be expecting by the time a foster carer
12 reached level three that they would have that insight
13 and be able to contribute effectively to those meetings
14 that would give us a greater understanding of the child
15 and that child's particular journey and experiences,
16 which then informs planning, and the more people that
17 know and understand the child, the better the plan is
18 going to be.

19 So that would have been the ethos and the ambition
20 of enabling foster carers to really have a voice in
21 those types of arrangements, notwithstanding the voice
22 of the child also being significantly important.

23 LADY SMITH: What does the foster carer stand to gain from
24 achieving this level?

25 A. So an increase in payment I guess is the most obvious

1 thing. But I guess in terms of our foster carers, our
2 experience tends to be that whilst the finance is
3 required to do the job well, it's not always what's
4 driving our carers and what drives our carers is the
5 ability to be able to nurture and support a child
6 through some very tricky times.

7 Most of the children who come into foster care will
8 have experienced trauma and adverse childhood
9 experiences and sometimes that's reflected in their
10 behaviour, and our experience of fostering is that
11 foster carers do want to make that connection and do
12 want to make that bond and do want to enable that child
13 to be able to be the best they possibly can, getting the
14 same opportunities that their own children would have.

15 And so by empowering and enabling, foster carers
16 tell us that they feel valued, they feel understood,
17 they feel that the task is recognised, and that in
18 itself provides a sense of pride in terms of what
19 they're doing and a willingness to learn more and to do
20 better.

21 LADY SMITH: Do they have to pay any fees for this training
22 or is it funded by the authority?

23 A. Completely funded by the authority.

24 LADY SMITH: Thank you.

25 MS INNES: Then if we go on to level four on page 12, this

1 says:

2 "Level four carers are salaried carers who provide
3 placements for young people with complex needs where it
4 has been identified that these needs would be best met
5 through placements on their own with an identified
6 package of support and care."

7 Under "Criteria", I think we see this refers to:

8 "All current AAPS carers."

9 Is that the Aberdeenshire Alternative Placement --

10 A. Scheme.

11 Q. -- Scheme carers that we referred to earlier?

12 A. That's right.

13 Q. So the four carers that were providing the additional
14 support.

15 Here it says that they need to have 24 months of
16 continuous fostering experience, so this isn't something
17 that you could come to having worked in another
18 childcare setting. You would need to have fostering
19 experience?

20 A. Absolutely, and I think it's indicated earlier that
21 those carers were being particularly sought to try and
22 avoid children going into residential establishments or
23 requiring secure accommodation, so by the time a child
24 is potentially at risk of requiring secure accommodation
25 the risk is pretty high, as are the types of challenging

1 behaviour.

2 And that's not about a judgement of the child. That
3 child will have experienced trauma which perhaps has led
4 to the types of behaviours and a lack of trust in
5 adults, but it requires a really resilient, skilled,
6 committed carer to be able to meet those particular
7 challenges and continue with the placement, and what we
8 didn't want was children bouncing in and out of care,
9 bouncing from one placement to another, which we know
10 historically happened and still happens today,
11 unfortunately. But we were trying very hard to create
12 something different, where people would really stick by
13 young people who had had a particularly difficult
14 journey of their own with the anticipation that it would
15 improve outcomes for those children because they would
16 have that connection, they would begin to trust adults
17 and they would begin to be able to receive that nurture
18 and care that carers wanted to provide.

19 Q. We see here that one of the second-last bullet points
20 says:

21 "Foster carers have to be available to offer
22 full-time care."

23 Does that mean that one or both of the carers have
24 to not have another job elsewhere?

25 A. Yes, one of them has to be fully available 24/7. Quite

1 often a partner may work, but one carer had to be fully
2 available.

3 Q. Was this scheme then put into operation?

4 A. Yes, it was.

5 Q. Has it continued in place or has it changed?

6 A. It's changed over the years. I think we still have two
7 carers that are salaried and we haven't continued to
8 recruit to the scheme.

9 And I think some of the reasons for that was I'm not
10 sure that it was 100 per cent successful in terms of its
11 ambition. So many foster carers who were recruited to
12 this scheme absolutely did all they could to support
13 children and young people, but we were still
14 experiencing placement breakdowns, and I think that the
15 learning from some of that would be around matching and
16 that previous indication that I made in relation to
17 while fostering absolutely we want children to be with
18 families and not in residential or other types of care,
19 for some children, because of those real traumatic
20 experience they've had at the hands of adults, we could
21 essentially be setting them up by placing them into
22 another family determined that it will work, where
23 perhaps a residential setting for a period of time
24 allows a changeover of staff, it allows a breathing
25 space for both the child and the staff. Whereas if

1 you're a foster carer 24/7 there is no breathing space
2 for you or that child when things get really difficult.

3 So I think we recognised that whilst we maybe
4 thought this was going to be a bit of a panacea in terms
5 of improving outcomes and sustaining those
6 relationships, it wasn't as successful as we thought it
7 was and therefore going forward we weren't convinced
8 that continuing to recruit those, as we called them,
9 AAPS carers was the right way to go, but what the right
10 way was was about careful matching and really
11 understanding and considering the needs of a particular
12 child or young person and the skills of foster carers.

13 Q. Okay, thank you.

14 We can leave that document and I'm going back to
15 Part A, ASC-000000143, page 20. This is looking at
16 numbers of children in foster care. At the top of the
17 page, we see that you say:

18 "There is no consistent data available for the
19 period 1930 to 2007 though various documents note
20 snapshot figures."

21 You've made a note of some of these.

22 Before we look at them, why is there no consistent
23 data available for the period 1930 to 2007?

24 A. We were unable to find consistent data and the only
25 assumption we can make from that is through the

1 reorganisation of Local Authorities in a number of those
2 periods, so -- yes, so 1975 and then 1996, that through
3 that reorganisation Local Authorities weren't very good
4 at retaining documents and documents were either deleted
5 or lost, and therefore when we went to look, it was just
6 very difficult to find anything that showed a coherent,
7 consistent story, and all we could allocate were
8 snapshots.

9 Q. We see there that you provided some figures from the
10 late 1990s, with total numbers in care 213 in 1996 and
11 129 of those in foster care.

12 If we look down the page, please, to the bottom of
13 the page, we have numbers of carers there in the table
14 in the middle, but if we look at the bottom of the page,
15 please, we can see that you say that you can provide
16 records since 2008 when your records moved to careFirst,
17 which we understand is a electronic database that you
18 use.

19 A. (Witness nodded).

20 Q. We see there I think from 2008 there were 187 children
21 in foster care, and that rose in 2012 to 244 and then
22 fell a bit and then 231 in 2016.

23 Are you aware of any reasons for the rise up to
24 2012?

25 A. The information that I would have in terms of a general

1 understanding over the last kind of 10, 20 years would
2 be a greater increase or maybe perhaps a greater
3 awareness of some challenges that families experience.
4 So we would have seen an increase in that same period in
5 terms of referrals relating to domestic abuse, relating
6 to substance misuse, including drugs and alcohol, and
7 relating to mental health -- parental mental health
8 issues.

9 That's not to say that those issues weren't
10 happening in communities prior to this date, but there
11 was a real change in terms of that understanding of the
12 impact of some of these factors and indicators, and by
13 having a greater awareness, I think therefore you're
14 able to assess the impact that perhaps domestic abuse
15 has on children and young people, and if that
16 environment doesn't remain safe, then there are
17 occasions where children perhaps need to be looked after
18 in an alternative arrangement.

19 So my understanding of that increase is about our
20 understanding as professionals around the impact of some
21 of those factors that can influence a child's
22 experiences and -- yeah, the experiences of being
23 parented.

24 Q. If we can just scroll up again, please, and look at the
25 numbers of carers in the middle of the page. If we can

1 just go slightly higher, please, there. I think we see
2 there that there's a paragraph that says:

3 "Figures as at 1 April 2005 gave the number of
4 registered carers as 99. The estimate was that
5 a further 55 foster carers were needed in order to meet
6 the demand for placements."

7 I think that probably links with the 2006/2007
8 period that we looked at, that there were these
9 99 carers, but a lot more were needed at that point.

10 A. That's correct.

11 Q. Then you've provided a table just below C of numbers
12 from 2008 to 2017 in different categories.

13 A. (Witness nodded)

14 Q. I think the numbers for temporary fostering have risen
15 slightly.

16 A. Yes. It seems to indicate in 2008 it was 64 and in 2017
17 there was 86.

18 Q. What do you mean by "temporary fostering"?

19 A. So foster carers who were providing -- when I say
20 a temporary arrangement, it wasn't permanent, it wasn't
21 for the duration of the child's childhood. It was for
22 a specific period of time, usually while we were working
23 concurrently with birth families to assess their ability
24 and capacity to make those changes and sustain changes
25 with a view to children therefore being returned to

1 birth family care.

2 Q. Just another question. You've referred to challenges
3 earlier with voluntary fostering agencies and how you
4 recruit carers. Obviously we know that geographically
5 you're close to Aberdeen City and we know that Aberdeen
6 City has a demand -- she said nationally, everybody
7 does -- for carers and some of those, I guess, they
8 might look to people who live in Aberdeenshire in order
9 to provide a resource for them. Is that a particular
10 challenge that Aberdeenshire face or not?

11 A. I think similarly to my comments before, because of the
12 nature of the geography of Aberdeenshire, we wrap around
13 Aberdeen City and therefore the distance of travel isn't
14 too ridiculous in terms of placing a child from the city
15 into Aberdeenshire.

16 I also think some of the history around that would
17 be related to perhaps people coming forward to foster
18 but not wanting to foster children in their own
19 communities, because sometimes there is a conflict and
20 a tension between the birth family and the foster family
21 and it feels safer if it's not children that are so
22 local to you. And my understanding from having looked
23 at some of the reasons why, for example, Aberdeenshire
24 residents volunteer to -- maybe "volunteer" is not the
25 right word, but express an interest in being foster

1 carers with Aberdeen City is because of those local
2 connections and they're looking not to do something that
3 would impact their relationships in their communities.

4 I'm not sure that Aberdeen City and Aberdeenshire
5 pay significantly differently in terms of rates, there's
6 probably some difference, but I don't think it's huge.
7 So I do think there is something around close-knit rural
8 communities and not being seen to be looking after
9 somebody's children that you might know or that your
10 aunty knows or that your brother knows because they're
11 in a -- you know, the connections across the towns.

12 LADY SMITH: Can foster carers be registered both with
13 Aberdeen City and with your authority?

14 A. It's highly unlikely, but it's not impossible.

15 LADY SMITH: Is there anything to stop them doing that?

16 A. As far as I understand the legislation, no, there
17 wouldn't be. I think it would be clunky and confusing
18 in terms of two different supervising social workers
19 coming into a family to support a foster carer looking
20 after children from two different Local Authorities and
21 I think there are risks around how robust that would be
22 and assumptions potentially being made. But it's not
23 impossible to do.

24 LADY SMITH: Thank you.

25 MS INNES: Would that be a good time for a break, my Lady?

1 LADY SMITH: Leigh, if it's all right with you, we'll take
2 a short mid-afternoon break now and then return to your
3 evidence after that.

4 A. Thank you.

5 (3.02 pm)

6 (A short break)

7 (3.15 pm)

8 LADY SMITH: Leigh, are you ready for us to carry on?

9 A. Yes, thank you.

10 LADY SMITH: Thank you.

11 Ms Innes.

12 MS INNES: Thank you, my Lady.

13 Leigh, I'd like to move on to a couple of things in
14 Part C of your response. This is ASC-000000825. As
15 you'll know, this section of the section 21 response
16 asks for policy information and then it asks for the
17 Local Authority's assessment of how that has been
18 adhered to over time.

19 In terms of policies I think I can understand how
20 you went about assessing that. If we can look at the
21 practice answers, so if we look, for example, at
22 page 23, and if we scroll down a little, we'll see
23 a heading:

24 "Practice.

25 "Past.

1 "a) Did the Local Authority adhere in practice to
2 its policy/procedures in relation to the provision of
3 foster care?"

4 At the bottom of the page we see some of the areas
5 that we've asked for policy information in relation to.

6 The answer is:

7 "Information for any preceding authorities is
8 unavailable. Aberdeenshire Council's practice is in
9 line with policies and procedures."

10 So if we can just take that one step at a time,
11 information for any preceding authorities is
12 unavailable, does that mean that you weren't able to
13 find any information for the county councils and for
14 Grampian Regional Council in relation to specific
15 policies and procedures? Or are you saying that you
16 couldn't assess practice for that period?

17 A. Yes, it would be the latter, because clearly as part of
18 our submission we did include some of the policies in
19 relation to the previous figurations of Local
20 Authorities, but what we wouldn't be able to comment on
21 is the adherence to those policies because we didn't
22 have access to any of those self-evaluation type
23 documents.

24 Q. Okay. You say:

25 "Aberdeenshire Council's practice is in line with

1 policies and procedures."

2 How did you carry out that assessment?

3 A. So my understanding relates to the scope of the exercise
4 whereby we were trying to gather as much knowledge and
5 information as we possibly could over the period
6 relating to the Inquiry, and by having an understanding
7 of policies, by looking at some of the complaints made
8 against or allegations made against carers or where
9 there were convictions, I guess what we were trying to
10 look at was did we put in place those policies and
11 procedures?

12 I think the overall view at the time was that there
13 wasn't anything to suggest that we didn't, but I think
14 it's the level of adherence and the quality perhaps of
15 some of those scrutinies. So I suppose it's rather
16 crude to say, "Yes, we applied a policy", but the next
17 question would be: how well did you apply it? And to
18 what level did you undertake that real scrutiny and what
19 lens did you as an authority look through to understand
20 some of the different complexities around?

21 So I think in hindsight we probably could have
22 written that answer in a better way for the Inquiry, and
23 I apologise for that. I think what we were trying to
24 say there was we didn't see major deviation, but we saw
25 the application at times perhaps not being as robust as

1 it could.

2 Q. I want to ask you about a specific policy area in this
3 document, so at 34. This is asking about references
4 this is page 34. There's reference there to
5 Aberdeenshire guidance and it says:

6 "Applicants are asked to provide a list of six
7 referees from which the family placement worker will
8 seek a reference. At least two references should be
9 obtained from someone who is not a relative and who can
10 talk from knowledge of the applicant's family life and
11 relationship with children over a period of time,
12 including during significant times in their lives. The
13 referees should be part of their support network and
14 should have a relevant understanding of the task of
15 fostering."

16 Then there's a form and it says:

17 "Write ups of the references should be submitted to
18 the panel."

19 If we go below the quote it says:

20 "In relation to referees who live outside the area,
21 if the referees live within reasonable distance of
22 Aberdeenshire they should be interviewed. If they live
23 at a greater distance, in addition to the request for
24 a written reference, telephone discussion should take
25 place with the referee. If this raises issues that need

1 to be addressed further, consideration should be given
2 to a visit if practicable."

3 I'm not entirely clear when this guidance is from.
4 It's in the past section, but is that your current
5 guidance, for example?

6 A. Yes. As far as I'm aware, that would be our current
7 stance and I'm not sure I can pinpoint the exact date
8 that it came into play today.

9 Q. Okay. Just in terms of looking at the references, we're
10 going to look at a particular example of a case that
11 you've brought to the Inquiry's attention in a moment.
12 So this is part of the assessment process, I think, that
13 you now undertake?

14 A. (Witness nodded)

15 Q. It suggests that you would have a number of references,
16 six referees, all references would be taken up,
17 I assume?

18 A. My understanding would be that, yes, they would.

19 And, sorry, just to go back, I think that this would
20 have come into play in Aberdeenshire following the 1985
21 looked-after children fostering regulations, so I'm
22 thinking it's around about that time.

23 Q. Okay. Do you mean the 1985 regulations, those were call
24 boarding-out regulations, or do you mean the 2009
25 looked-after child --

1 A. I'm pretty sure I mean the 1985 boarding-out
2 regulations.

3 Q. Okay. In any event, you take up references and people
4 have to be spoken to?

5 A. That's right.

6 LADY SMITH: You take up quite a number of references?

7 A. Yes, that's correct.

8 MS INNES: Right, I'd like to move on from this section and
9 ask you a little bit more about your case file review.
10 This is at ASC-000000828. On page 2 of this, please, at
11 question 4. You're being asked here about the Part D
12 response, where we understand that you had undertaken
13 a review of some case files in order to answer the
14 questions in the Part D. Just pausing there, am I right
15 in my understanding that the case file review fed into
16 your Part D, did it feed in at all to your answers to
17 Part C that we just looked at? So, for example, was
18 policy being adhered to in practice.

19 A. It should have.

20 Q. Okay. When you say "it should have", perhaps it might
21 help to understand a little bit more about who carries
22 out the case file review, did you have a template, what
23 was on the template, for example, those sorts of things.

24 A. So we essentially pulled together some staff with
25 experience of children's services, social work, quite

1 significant experience, who were the lead individuals in
2 terms of reporting on the templates that you provided us
3 in terms of providing this information to the Inquiry,
4 and then they were supported by a number of
5 administrative workers, who also assisted in trying to
6 locate and pull files and pull out some of the
7 information for the Inquiry.

8 Q. Okay. Then when that information -- how was it collated
9 and then how did it get from that source into this
10 document that we see now?

11 A. Yes, so my understanding is that templates were created
12 to pull the information into, and then there was
13 a cross-reference in terms of have we looked at the
14 right issues here? Have we got the right information?
15 Is there anything missing?

16 But I'm also aware that this was taking place at the
17 same time as we were being particularly impacted by
18 a pandemic that was having an impact in terms of staff
19 availability and access to files, so the level of -- the
20 number of files, I guess, that we would have potentially
21 looked at would have been greater than the electronic
22 foster carers -- sorry, the electronic files that were
23 made available to that specific group of people who were
24 leading on the answers for the Inquiry.

25 Many of our files were archived in the Central Belt

1 and those archive offices were closed and we really
2 struggled to be able to get as much of the information
3 as we would have liked to, to have shared, so I think
4 that's made it slightly clunky and perhaps not as in
5 depth as we would have liked it to have been.

6 Q. When you say some of your files are stored in the
7 Central Belt, is that because of an arrangement that
8 Aberdeenshire Council have with a storage provider to
9 store off site in secure storage?

10 A. Yes, that's correct.

11 Q. If we look at your answer here, you say:

12 "108 electronic foster carer files were initially
13 reviewed. Following consideration of these files,
14 further consideration was given where allegations of
15 abuse or concerns were recorded."

16 You say:

17 "Foster carer files have been electronically stored
18 since 2006. Information about allegations are contained
19 within complaint logs within the individual foster carer
20 files."

21 Below that we see again in your answer:

22 "The electronic foster carer files were not
23 established until 2016 and foster carer paper files were
24 moved into long-term storage at this point. Some
25 information pre-2016 was scanned into the foster carer

1 electronic files. This included initial assessment
2 reports, signed foster carer agreements and information
3 about allegations, complaints and concerns. So
4 ultimately we do not have any full files held
5 electronically before 2014, but we may have some
6 information within the files which related to this
7 period."

8 Just breaking this down so that we understand it, am
9 I right in thinking that in 2016 you made all of your
10 foster carer files electronic?

11 A. That's right.

12 Q. At that stage, presumably the foster carer files that
13 you put onto this electronic system were of foster
14 carers that were active in 2016?

15 A. That's correct, yes.

16 Q. So people that have been de-registered before then,
17 their files were never put onto the electronic system?

18 A. Not that I'm aware of, no.

19 Q. Then if a carer was put onto the system in 2016, some
20 material, some key material that you've mentioned, was
21 scanned in?

22 A. That's correct, yes.

23 Q. Then their file goes forward from then on?

24 A. That's right, yes.

25 Q. Okay. So not included in your case file review would be

1 any foster carers that were de-registered pre-2016?

2 A. Yes, that's correct. Although we did have a log from
3 2004 of de-registrations. I'm sorry, I can't quite see
4 it in the --

5 Q. I think if we go on to the next page, you mention it at
6 page 3:

7 "We have de-registration log from 2004 onwards for
8 our Care Inspectorate notifications. Reasons for
9 de-registration are not noted on the log. Each foster
10 carer file has a complaints, concerns and allegations
11 log which was introduced in 2004. The fostering service
12 hold records of all foster carers who have de-registered
13 since 2004; this information is recorded per year.
14 There is no separate complaints log held by
15 Aberdeenshire Council."

16 So if reasons for de-registration aren't included in
17 the log, that wouldn't allow you to identify any other
18 foster carers or why they were de-registered, would it?

19 A. No, not from the paperwork exercise, but we did have
20 members of staff who had been available -- who had been
21 available, who had worked around that period from 2004
22 onwards and because there weren't significantly large
23 numbers, we were able to talk to those staff about their
24 recollection of those particular carers and the reasons
25 for de-registration, which then helped us to understand

1 what files we may then wish to try and pull from
2 archives.

3 And in the same way, we -- when we gathered
4 information in relation to litigation, we would
5 obviously be given names from periods of time, and again
6 we were able to request specific files from archive as
7 opposed to being able to go down and do a thorough trawl
8 of every file that was in the archives because we were
9 not permitted to do so.

10 LADY SMITH: But that was dependent on there happening to be
11 somebody around at the time of doing this work who was
12 around pre-de-registration and remembered?

13 A. Yes, it absolutely did depend on that. But we did have
14 a member of staff who was around from 2004 onwards.

15 LADY SMITH: Thank you.

16 MS INNES: Other than the de-registrations log, you say
17 there's no separate complaints log held by Aberdeenshire
18 Council? Is that no separate log of complaints at all
19 or do you mean no separate log of complaints in relation
20 to foster care?

21 A. No separate log of complaints in relation to foster
22 care. Their logs would have been for the individual and
23 therefore would have been in the individual file. We
24 didn't then collate a list of every complaint that had
25 been made against foster carers over this period.

1 Q. Were you able to look at, for example, fostering panel
2 minutes?

3 A. Yes, and I think we submitted some fostering panel
4 minutes to this Inquiry. Again, they were archived
5 beyond a particular date, but we were able to look at
6 them within the period of this -- of electronic
7 recording.

8 Q. Did you look at any children's files at all?

9 A. Where we found allegations that had been made against
10 a foster carer, we then traced the child's file so that
11 we were able to have a greater understanding of the
12 whole picture and that child's experience and the
13 concerns that they had raised. So yes, we did.

14 Q. If we could look at a further document, ASC-000000832,
15 which asks some further questions about the case file
16 review. In terms of the 108 foster carer files, I think
17 as we've established those would have been of foster
18 carers active in 2016, but you say that some of those
19 would have been approved as far back as the 1980s?

20 A. Yes, that's correct.

21 Q. Then we asked what proportion of the electronic files
22 those represented and I think they represented all of
23 the electronic files that you held in respect of foster
24 carers at that time?

25 A. Yes. The 108 were all the files that we held and all of

1 those 108 were scrutinised.

2 Q. You were asked what proportion of the total number of
3 foster carer files held did the 108 represent, but you
4 weren't able to confirm that because of your recording
5 systems and the files being --

6 A. That's correct.

7 Q. -- held in storage.

8 Then you were asked:

9 "How was the initial review carried out?"

10 Because I think you said that 108 files were
11 initially reviewed. Are you able to give a little bit
12 more detail about what that initial review involved?

13 A. So my understanding would be the initial review involved
14 a detailed search of those electronic files, but there
15 would have been a starting point in looking at the
16 complaints and allegation log that were -- that are
17 an integral part of that electronic file. And so by
18 looking at that first, we were then able to have
19 a better understanding of how much deeper we needed to
20 dig and which children's files we then needed to
21 consider as a result of that.

22 Where there were no allegations or complaints noted
23 in the log, there would have still been a look through
24 the file, but not in the same amount of detail in terms
25 of reading it line by line as we would have for the ones

1 where there was clearly a record of a complaint or
2 an allegation.

3 Q. If we can look, please, now at the Part D again, so
4 ASC-000000170. I think if we scroll down the page to
5 5.2(c):

6 "How many complaints have been made in relation to
7 alleged abuse of children in foster care?"

8 You say:

9 "Within the limited available sample, allegations
10 which were investigated either jointly with the police
11 or as a single agency numbered five. With regard to
12 historical claims against the Council which are not
13 specific about the incidences of alleged abuse, four
14 claims have been made relating to foster care."

15 In terms of complaints against foster carers, you
16 say that there were five complaints and nine if
17 historical claims are included -- I think you're
18 referring there to the civil claims, if the civil claims
19 are included?

20 A. Yes, that's right.

21 Q. I'm not sure what you mean by "the historical claims are
22 not specific about the incidences of alleged abuse".

23 A. So my understanding would be that where the Local
24 Authority received, for example, a section 21 notice
25 with named individuals on it, for us to go and

1 investigate, we were in those situations able to confirm
2 that that individual had been boarded out or fostered or
3 looked after in some form by the Council, but in
4 searching through the records that were available, there
5 was no records that pertained to specific incidents, is
6 my understanding of that.

7 Q. When it says "historical claims against the Council",
8 does it means people named in section 21 requests made
9 by the Inquiry? Or does it mean people who have raised
10 civil claims against the Council?

11 A. My understanding of it was that the claims were
12 historical -- no, can I rephrase that? The claims were
13 more recent, but the abuse related to historical abuse.

14 Q. Yes.

15 A. And we became aware of those through both section 21
16 requests from the Inquiry and individuals coming forward
17 in relation to civil litigation claims.

18 Q. Okay. Thank you.

19 A. I think quite often the names were the same.

20 Q. Okay. So I think you also found that one of the people
21 that you have noted as being, I think, a known abuser is
22 somebody who was convicted during I think maybe the
23 Grampian Regional Council period?

24 A. Yes.

25 Q. And that's a Robert Nicoll?

1 A. That's correct.

2 Q. I think you provided some detail from his file to the
3 Inquiry. If we can look at those now, please, so it's
4 ASC-000000171. If we can perhaps go first of all to
5 page 22. If we scroll down a little, I think we can see
6 here an indictment, it seems to be around 1986 from
7 handwritten annotations at the top of the page. We can
8 see that he was charged with sexual offences in respect
9 of a child.

10 If we can go back, please, to page 21, we see here
11 a memo from Grampian Regional Council social work
12 department. It notes there, by reference to Mr Nicoll,
13 that he appeared on indictment on 14 August 1986 at
14 Peterhead Sheriff Court and he pled guilty to offences
15 under the 1976 Act, section 4.1.

16 A social inquiry report was called for, and there's
17 some reference there from the Procurator Fiscal as to
18 the circumstances. The girl was 15 years old at the
19 time of the offences. She was said to be of low
20 academic achievement, being just above the borderline of
21 mental abnormality. She was placed as a foster child
22 with the accused [REDACTED] in 1986. The offences
23 arose after she had only been a few days with the
24 family. At 5:

25 "The girl had been frightened to refuse the advances

1 made because of her position within the family."

2 You provided the Inquiry with, amongst other things,
3 the Form F that was completed at the time of the
4 assessment of Mr Nicoll. If we can go to page 2,
5 please, I think we can see that the date of completion
6 of the form was 21 April 1986, just on the left-hand
7 side there?

8 A. Yes, that's correct.

9 Q. Then we see reference to Mr Nicoll, whose occupation was
10 a prison officer, if we scroll down.

11 A. That's correct.

12 Q. I think we see that there were two young children in the
13 household.

14 A. That's correct, yes.

15 Q. Then if we go on to page 4, please, if we look at
16 paragraph 10, personal references, so here we have
17 personal references, number taken up, two, number
18 interviewed, two, and then it says:

19 "State any particular significant comment by
20 a referee."

21 In quotations it says:

22 "Should provide warm, comfortable and loving care to
23 children placed within their home, good partnership.

24 Full of ideas and enthusiasm. Shows concern about
25 children's well-being."

1 Just contrasting that with the information that we
2 looked at in relation to the references that
3 Aberdeenshire Council would now take up, when it comes
4 to the Form F, or the current version of it, would that
5 be more extensive than what's noted here?

6 A. So in relation to references, Aberdeenshire would take
7 up a minimum of six now, and clearly there was two here.

8 And I think as I said earlier, I couldn't quite
9 recall the date that the requirement for six references
10 came into place, and I wouldn't wish to guess because
11 that's not helpful to the Inquiry. So I'm left not
12 knowing whether we didn't adhere to policy or whether
13 the policy wasn't in place, and I apologise for that.
14 I just don't have that date.

15 Q. Here it looks like there's about three lines on the form
16 for the social worker to put in any significant comment
17 from the referees. Would the social worker now be
18 expected to provide more information about the
19 references?

20 A. Yes. Again, sorry, I misunderstood the question. Yes,
21 absolutely.

22 So all six plus references would be attached to the
23 Form F and presented to panel so that there was
24 additional scrutiny to the quality of information that
25 would be provided about a foster carer, and I think the

1 whole strength in the panel approval system is that it's
2 people independent. So whilst you're assessing a foster
3 carer, back in those days the assessment would not be as
4 robust as it is now. We would take about six months to
5 assess a foster carer and that's not because we drag it
6 out, that's because of the level of detail that we would
7 go into. Even the length and form would be
8 significantly different from what was in this form.

9 But as you get to know a foster carer, there is
10 always a risk that the relationship -- the relationship
11 allows someone to come to an opinion that perhaps if you
12 were one step removed you may have questions about.

13 So I think in a clumsy way what I'm trying to say is
14 that by using the fostering panel and providing them
15 with all the information, it's not just one person's
16 take on what they've been provided, it's the whole
17 picture for those independent people to pore over, ask
18 questions about and provide a level of scrutiny to,
19 which clearly wasn't happening back in 1986.

20 LADY SMITH: Leigh, I could be forgiven from reading that
21 form for thinking that written references weren't
22 insisted on and it was enough if the social worker
23 interviewed the two referees and decided what was going
24 to go into the form by way of comments picked up from
25 the applicants. Would I be right about that?

1 A. I think that's absolutely right in terms of what's
2 happened here, which would be very different from what
3 would happen now.

4 LADY SMITH: I suppose there ought to also be some notes
5 that the social worker makes in their own records, but
6 that would mean getting to those records and asking the
7 social worker whether there was anything else. No doubt
8 people didn't do that, they just relied on the form.

9 A. I imagine that's exactly what happened.

10 LADY SMITH: Thank you.

11 MS INNES: If we go on, please, to page 6, I think we see
12 there the social worker's assessment and there was
13 discussion it appears with the couple about short-term
14 and long-term fostering.

15 In the third paragraph there's reference to the
16 social worker saying:

17 "The most important factor to be borne in mind would
18 be the age of any possible foster children. It is
19 important that [I think they mean the foster carers' own
20 children] do not feel threatened by children too close
21 in age. Boys or girls would be welcome."

22 Then there's some comments about them being
23 enthusiastic participants in foster parents' groups.

24 Then in the final paragraph she says:

25 "This couple have a happy family life of their own

1 and would seem to have the resources and energy
2 necessary to provide a stable, understanding fostering
3 placement for this department."

4 So that seems to be her assessment.

5 Again, nowadays would the assessment be more
6 detailed?

7 A. Yes, absolutely. It would be significantly different
8 from what was provided here. This is a very
9 surface-type assessment, in my opinion. There is no
10 in-depth history, there's no in-depth analysis of
11 parenting capacity, there's no in-depth analysis around
12 ability to manage competing demands, challenges,
13 conflicts, et cetera. There is nothing in there that
14 relates to working as part of a team. There's nothing
15 in there about the importance of the child's voice. All
16 of those aspects would now be in an assessment of foster
17 carers or adopters.

18 The 2007 document that you referred to earlier,
19 which I guess set out those skills that were required of
20 foster carers, provided us with a framework of which we
21 were able to undertake assessments that would ensure
22 a greater level of consistency, as well as something
23 that was much more in depth and robust than a couple of
24 pages that tell a story but without actually any real
25 analysis.

1 And the whole important part of that fostering
2 assessment today would be that relationship that the
3 supervising social worker develops with the foster
4 carers to be able to take them right back through their
5 own experiences of childhood, their experiences of
6 parenting.

7 We would also, as part of those references, have
8 conversations with wider family members to understand
9 what the parenting looks like from an outside
10 perspective as well as job references, for example,
11 which would all be included in that assessment. And we
12 would also spend time with the children of -- given
13 they're of a sufficient age -- to understand their
14 understanding of fostering and what it would be like to
15 live with other children as well as their own
16 experiences of their own family and what growing up with
17 their mum and dad is like.

18 So a very, very different picture between then and
19 what we would expect now.

20 Q. If we go on, please, to page 7, I think we see
21 an individual profile of Mr Nicoll. I think it tells us
22 at the beginning that he was placed for adoption and
23 further down page 7 it talks about him knowing the
24 whereabouts of his natural mother and then he says he's
25 quite content to leave matters there. So he knew where

1 she was, but he hadn't tried to contact her.

2 "He knows he could obtain counselling and help
3 should he ever change his mind ..."

4 Then if we go on to page 9, there's reference at the
5 top of the page to his work. Then further down the
6 page at (e) he's noted to be an elder of the local
7 church.

8 Then at page 13, below "3. Present relationship",
9 and the third paragraph there beginning:

10 "Outwardly ..."

11 Towards the end of that paragraph it says:

12 "He has a lot of stress to cope with in his work and
13 is glad to be able to share things with [REDACTED] but
14 does not want the prison to dominate his home."

15 There's a reference to a riot having taken place at
16 the prison at the time.

17 A. (Witness nodded)

18 Q. "Although not directly involved he had to remain on duty
19 until the matter was contained."

20 It's suggested:

21 "Both applicants appear to cope well with the
22 anxieties and demands of such a situation ..."

23 Would any of these matters highlighted, for example,
24 the stresses at work and his family background and
25 potentially an unresolved issue in terms of finding his

1 birth mother, would those be things that might be
2 flagged in an assessment of a foster carer and
3 considered in more depth?

4 A. Absolutely. As I indicated earlier, this strikes me as
5 a fairly surface-type narrative of the answers that the
6 family have given as part of that assessment that led to
7 the writing of a Form F. Nowadays we would be really
8 clear about what indicators are and we would explore in
9 detail.

10 So, for example, if someone was a prison officer and
11 they were reflecting on the level of stress that brings,
12 we would want to really understand the dynamic of that
13 relationship at home, what happens when you're stressed,
14 how do you behave when you're stressed, how do other
15 people experience that in your family when you come home
16 from something, which was clearly fairly traumatic, if
17 we're talking about a riot in a prison. But day-to-day
18 life as a prison officer I imagine at times would be
19 fairly stressful --

20 LADY SMITH: That riot was a notorious one, Leigh -- it's
21 me.

22 That was a particularly serious riot in Peterhead
23 Prison all those years ago.

24 A. Thank you, sorry. The sound --

25 LADY SMITH: I know, the sound bounces sometimes around the

1 room.

2 A. Yes. So in that case, I wasn't aware of the background
3 of that riot, but that in itself probably should have
4 been an indicator to that supervising social worker that
5 she needed to do a little bit more than what she did,
6 which was write a couple of sentences around that he was
7 involved in it and they were able to talk to each other
8 and therefore it was okay.

9 That's not an analysis, that's a story.

10 LADY SMITH: There were some very dangerous men, if
11 I remember rightly, involved in that riot, and in that
12 part of Scotland, it certainly would have been, as they
13 say, the talk of the steamies, very well known about
14 down here at the time.

15 A. (Witness nodded)

16 MS INNES: If we can go on perhaps to page 25, and here
17 we're in the social background report that was prepared
18 after Mr Nicoll pled guilty. At the top of page 25, we
19 see in the second line there:

20 "Unable to let go of her adoptive son, the
21 offender's mother appears to have been a particularly
22 possessive woman, almost stifling her son's natural
23 development in respect of interpersonal relationships.
24 Trying up until his wedding day to prevent him
25 marrying."

1 Then there's reference to:

2 "Would appear to be deeply upset if he pursued moves
3 to make contact with his natural mother."

4 These are issues which one might suggest should have
5 featured in the assessment.

6 A. Absolutely would agree with that.

7 Q. Then if we go further down from there towards the bottom
8 of the page, there's:

9 "From 1979 until 1982."

10 There is reference to his career, and he says:

11 "During the interview, the offender stated he had
12 been working in a highly stressful environment, citing
13 the fairly recent prison riot as a means of edification
14 and as a result claims that he had considered leaving
15 the service altogether."

16 This seems to be coming out in the social background
17 report, again it might have been relevant to the
18 assessment.

19 A. (Witness nodded)

20 Q. I think it then says that there were further events in
21 the next paragraph, if we scroll down, the suicide of
22 a close colleague and the demise of his father-in-law
23 had further stresses and his own father was to undergo
24 heart surgery. So there seemed to be a number of family
25 issues and stressors which might have been relevant in

1 the assessment.

2 A. I would agree wholeheartedly.

3 Q. Just for completeness, if we look on to page 6,

4 "Attitude towards the current offences", so towards the
5 bottom of the page, it says:

6 "The offender is fully aware that he crossed the
7 sexual boundaries within the relationship he had with
8 this foster child, and that he breached the special
9 trust afford to him by the social work department in
10 caring for any child. He deeply regrets this, although
11 is still unable to fully explain why he compromised the
12 child, himself and his family apart from stating that at
13 the time it was nice to have been fancied and seemed
14 surprised that somebody that young would be interested
15 in me."

16 That seems to be his attitude to the offences at the
17 time it was recorded in the report.

18 If we can move on from there, please, and just
19 finally if we can look at your response to Part B of the
20 section 21 notice, so that's at ASC-000000144,
21 paragraph 3.1.

22 Your Part B was submitted on 18 March 2020 and your
23 Part D was submitted on 31 July 2020. The Part B was
24 submitted I assume before you carried out the additional
25 file reading that you have referred to?

1 A. Yes, that's absolutely correct.

2 And, on reflection, our view on 3.1(a), (b) and (c)
3 would be different on the basis of the timescale between
4 submitting Part B and Part C and D, where we undertook
5 further research. I think as a Council we would be
6 clear that it is likely that children cared for in
7 foster care were abused and we know of the one
8 conviction. We also know that there are -- there is
9 currently a pending court case in relation to two
10 further allegations.

11 But I think what we also know is that many children
12 didn't feel able to come forward and talk about their
13 experiences of abuse, and therefore it is likely that
14 children who were cared for were abused.

15 I think when we answered this, we were at the early
16 stages of the Inquiry and I think that we viewed it
17 through the lens of convictions, of which we hadn't
18 found any at that point.

19 But, as I say, in reflection, our take on 3.1 would
20 be different and we would accept that children had
21 experienced abuse in foster care during that period that
22 pertains to the Inquiry.

23 Q. Okay.

24 In terms of 3.2, acknowledgement of systemic
25 failures:

1 "Does the Local Authority accept that its systems
2 failed to protect children in foster care over the
3 relevant period from abuse?"

4 A. Yes, again, apologies. On reflection, for the same
5 reasons as before, which I won't repeat, but having
6 completed the full scope of the Inquiry that we would
7 accept that there were systems that failed to protect
8 children in foster care.

9 Q. Finally, at 3.3, acknowledgement of failures:

10 "Does the Local Authority accept that there were any
11 failures and/or deficiencies in its response to abuse
12 and allegations of abuse over the relevant period?"

13 A. Again, similarly to above, I think it's entirely likely
14 that there were. So yes.

15 MS INNES: Thank you, Leigh. I don't have any more
16 questions for you.

17 LADY SMITH: Leigh, nor do I. Thank you very much for
18 coming today and thank you for updating the responses.
19 I'm very glad to hear that. You'll appreciate that some
20 of them in writing in black and white look, can I say,
21 unhelpful? If not like a stone wall. But I understand
22 that further work has been done and it will help us.

23 Thank you for improving our understanding about the
24 nature of Aberdeenshire Council in particular and the
25 particular challenges affecting it. That's been very

1 useful for me.

2 I'm now able to let you go with my thanks.

3 A. Thank you very much.

4 (The witness withdrew)

5 LADY SMITH: Ms Innes.

6 MS INNES: That concludes the evidence for today.

7 Tomorrow we have evidence from East Dunbartonshire,

8 Western Isles and Argyll and Bute.

9 LADY SMITH: Thank you very much. I look forward to that
10 geographical shift tomorrow.

11 Until 10 o'clock tomorrow.

12 (4.00 pm)

13 (The Inquiry adjourned until 10.00 am on

14 Wednesday, 18 May 2022)

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