

Friday, 11 November 2022

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(10.00 am)

LADY SMITH: Good morning and welcome to -- I hesitate to say it, but I think it's true, it's the last day of evidence in our foster care and boarding-out case study.

MS INNES: It is, my Lady, yes.

LADY SMITH: We have a witness from Glasgow ready to give evidence; is that right?

MS INNES: Yes, Susanne Millar, who previously gave evidence in this case study.

LADY SMITH: Thank you.

Susanne Millar (sworn)

LADY SMITH: When you were last here you were happy for me to address you as Susanne; is that still all right?

A. Yes, it is, my Lady, thank you.

LADY SMITH: Thank you for coming back, Susanne. Hopefully it feels familiar and hopefully the memories of being here before are not too bad. We are intending to make them as easy as we can for you this morning.

You know the red folder has Glasgow documents in it and we'll also bring documents up on screen. That might help you as you're giving your evidence. Anything else I can do to enable you to give your evidence as clearly and comfortably as you can, do let me know.

As far as breaks are concerned, today being

1 11 November, I'm going to rise at 10.55 and we can all
2 take the opportunity to do as we feel appropriate at
3 11 o'clock during the break. But other than that, if
4 you want a break at any other time, please just let me
5 know because I do appreciate it can be quite tiring and
6 a bit of a long haul talking about what we need you to
7 talk about this morning.

8 If you're ready, I'll hand over to Ms Innes and
9 she'll take it from there, is that okay?

10 A. Yes, thank you, my Lady.

11 LADY SMITH: Ms Innes, when you're ready.

12 MS INNES: Thank you, my Lady.

13 Questions from Ms Innes

14 MS INNES: Susanne, are you still in the same role as you
15 were in when you last gave evidence?

16 A. I am, yes.

17 Q. I think that's a Chief Officer role with the Health and
18 Social Care Partnership in Glasgow?

19 A. That's right, yeah.

20 Q. Since you last gave evidence, you provided some further
21 information to the Inquiry. If we can look, please, at
22 GLA-0000002193, which is an addendum to your Section 21
23 response, and in the first little -- it should come up
24 on the screen.

25 We see in the second paragraph there that Glasgow

1 Health and Social Care Partnership has had a social work
2 officer sitting through the evidence that was heard
3 during phase two, and we'll come back to that towards
4 the end of your evidence and what has come out of that,
5 but I think we know that you've had officers -- you took
6 the decision to have officers here in person or at least
7 listening to the evidence of all of the applicants,
8 whether they're related to Glasgow or not?

9 A. Yes, we did.

10 Q. As I say, we'll come back to what comes out of that.

11 If we can look down on this page, you have provided
12 us I think with some further detail of numbers of
13 children in care and you refer to certain information
14 that you were able to obtain in relation to the
15 different periods of the predecessors of Glasgow City
16 Council.

17 If we move on to page 2, at the bottom of the page
18 you refer to the period from 1996 onwards, so during the
19 period of Glasgow City Council, and you refer to
20 a spreadsheet which is at appendix FC4 and I think there
21 was some issue with the spreadsheet that was provided
22 and I think last night you provided the spreadsheet
23 that's referred to here; is that right?

24 A. Yeah, I do apologise for that. It was only in prepping
25 for this morning that I realised the wrong one had been

1 sent and it had a table missing, but we've rectified
2 that.

3 Q. Thank you. But from the information that you've
4 obtained or gathered, you have identified some trends
5 which you highlight here?

6 A. (Witness nods)

7 Q. You say that over the period from 2008 to 2022, the
8 numbers of children in foster care almost halved.

9 A. (Witness nods)

10 Q. Do you know why that was?

11 A. So during that period -- in our addendum response we
12 refer to it later on -- there was a significant piece of
13 work done with CELCIS around about the transformation of
14 children's services.

15 So two things contributed to those numbers halving.

16 Our significantly increased use of kinship care and
17 an increase of support to extended families in order
18 that they could look after our children.

19 But also our family support strategy which allowed
20 us much earlier on to support families, to prevent
21 family breakdown and/or work with families to manage
22 some challenges that they were having.

23 So those are the two main things that have
24 contributed to those numbers in foster care halving.

25 Q. Then you refer to use of residential schools, which is

1 something else that you noted in the analysis that you
2 did.

3 A. Mm-hmm.

4 Q. Over the top of the next page you say that as of 2022
5 you're twice as likely to support children into kinship
6 placements rather than foster placements, which I think
7 is something that you discussed in your evidence on the
8 last occasion, that there has been a shift --

9 A. Yeah.

10 Q. -- in that respect.

11 A. Yes. Again it was based on the work that we undertook
12 with CELCIS because it was an analysis that we undertook
13 of outcomes for children and young people. So children
14 and young people who were taken into our care often
15 returned to their family after the period of care was
16 over, at the kind of leaving care, and outcomes during
17 their period of care were not necessarily improved by
18 that. So there was a planned move to shift resources to
19 support families in recognition that even if their
20 experience of family had some real challenges for young
21 people, their end outcomes, if you like, in terms of
22 education and health were still better than they were
23 had they come into care.

24 There is still a group of children who require to be
25 accommodated by the state and families where we can't

1 intervene and/or the risk is too great, but we have
2 undertaken a planned shift, particularly supporting
3 kinship carers in terms of that extended family.

4 And I think I mentioned the last time, for example,
5 that the family group decision maker and we have made
6 reference in the new addendum. So that's where we've
7 then located family members who aren't otherwise known
8 to social work services and then worked with those
9 family members -- they're not known to us because they
10 tend to be in more stable situations, but they're able
11 to offer care to those young people and the families
12 themselves are involved in developing the care plan. So
13 it's much more successful again in terms of outcomes for
14 the children.

15 LADY SMITH: Are there any patterns as to which generation
16 of the family get involved in kinship care?

17 A. The pattern's changing, my Lady. So the pattern of
18 kinship care was it was traditionally and
19 stereotypically grandparents, but the family group
20 decision making work that we've undertaken quite often
21 has found aunts and uncles on the paternal side --
22 social work services the evidence shows us that that's
23 the family that we tend to lose contact with and/or are
24 not visible to us.

25 So we've seen a change in terms of the trend. It's

1 still mainly grandparents, but you're seeing aunts and
2 uncles and particularly from the paternal side being
3 more involved.

4 LADY SMITH: Why the paternal side?

5 A. Because -- well, our analysis tells us that the families
6 that we work with tend to be single-parent families and
7 then the challenges come from the family dysfunction and
8 they've lost contact with the father and/or the father's
9 extended family. But often there's some stability,
10 particularly in the extended family on the paternal
11 side.

12 LADY SMITH: What about siblings?

13 A. Siblings feature in our kinship but they're a very small
14 minority of our kinship carers, but they do feature and
15 we do support siblings to look after.

16 LADY SMITH: Because I suppose in some families the age
17 range is such --

18 A. Yes.

19 LADY SMITH: -- that you can realistically look at an older
20 sibling as an appropriate carer.

21 A. Yes.

22 LADY SMITH: Thank you.

23 Ms Innes.

24 MS INNES: Thank you, my Lady.

25 If we can move on to page 4 of the addendum and

1 you're looking here at numbers of foster carers or
2 foster care households. If we go to the bottom of
3 page 4 we can see some more recent numbers in terms of
4 foster carers.

5 In 2007 and 2013 there's reference to the number of
6 foster carers. I see in 2018 and 2001 it refers to
7 foster carer households. I just want to be clear
8 whether the numbers in 2007 and 2013 are individuals or
9 whether they're also households.

10 A. So they're individuals, and later on we talk about
11 foster carer households, so that was a change in the
12 terminology.

13 Q. Okay. So it looks as though between 2013 and 2018 there
14 was an increase --

15 A. Yeah.

16 Q. I mean there's obviously a slight increase there, but if
17 we're talking about individuals in 2013 and households,
18 which might include couples, in 2018, that could be
19 quite a significant increase.

20 A. Yes.

21 Q. Do you know why that was?

22 A. It was a specific -- it related to the campaigns that we
23 undertook to increase the number of foster carers that
24 we were able to use twofold, to reduce our use of
25 purchased foster care placements, which tended to be

1 quite far away from Glasgow, but also to make sure that
2 we reached -- that we were able to comply with the
3 maximum of three children, three unrelated children
4 being placed with foster carers.

5 So it was part of our plan and I think I talked the
6 last time about it bringing order to the foster care
7 provision and making sure that we were then able, gives
8 you much more capacity to match children to foster
9 carers.

10 Q. Yes.

11 A. Makes sure that you don't go over the three and make
12 sure that we are able to look after our own young people
13 and again I think later on or it might be earlier in the
14 addendum now we've got nearly 70 per cent of our foster
15 carers within Glasgow City boundary, which is
16 a significant change for us.

17 Q. Right.

18 A. And relates to how we can best safeguard young people.
19 It's one of the things that we know.

20 Q. Yes, you do reference that statistic later on in the
21 addendum, I think at page 15, where you say that
22 67 per cent of children in foster care currently live in
23 Glasgow or in neighbouring authorities.

24 A. Mm-hmm.

25 Q. You're saying that that's a significant improvement --

1 A. Yes.

2 Q. -- in terms of geographical area to what was the case
3 previously?

4 A. Yes. And it dates back -- it has a genesis in when
5 Strathclyde was disaggregated into Glasgow City Council
6 and we inherited, as a council, the old Strathclyde
7 family finding fostering and adoption service and the
8 carers there were across Strathclyde and beyond, as this
9 Inquiry has heard, and what we know about the impact
10 that has in relation to best practice and safeguarding
11 practice was -- so there was a plan then to actually
12 start to recruit closer to Glasgow.

13 Q. Okay. If we move on to page 7 and the bottom of that
14 page, you talk there about some of the matters that
15 you've already mentioned in your evidence.

16 A. Mm.

17 Q. So under the heading, "Supporting families in Glasgow"
18 you talk about your work with CELCIS that you've already
19 mentioned.

20 A. Mm-hmm.

21 Q. Then you also talk about family group decision making
22 introduced since 2019 and you've just told us about
23 that.

24 Then you say at the bottom of the page:
25 "As a result, the number of children in Glasgow's

1 provided foster care placements has reduced from 835
2 children and young people in June 2016 to 504, so
3 a reduction of 331 ..."

4 If we go over the page, you say:

5 "At the same time children and young people in
6 third-party foster placements has reduced from 322 to
7 203, a reduction of 119."

8 So that I think is the reduction on reliance on
9 independently provided foster placements that you're
10 referring to?

11 A. Yes, it is.

12 Q. If we go to the bottom of this page, you have a section
13 about supporting foster carers and you talk about part
14 of the work of CELCIS being an analysis of foster care
15 placement breakdown to help you understand the support
16 needs of carers and the children and young people in
17 placement.

18 A. Yeah.

19 Q. You mentioned the work of CELCIS in other respects but
20 I wonder if you can tell us a bit about what has come
21 out of this analysis?

22 A. So the work that we did with CELCIS was about the
23 transformation of the entire children and family social
24 work services and more recently social work and health
25 services we took on responsibility for community health

1 services.

2 So this is an element of the work that we were doing
3 in relation to children who require to be looked after,
4 to bring down that number and support families earlier,
5 then to also at the same time look at the quality of
6 care that was provided for those children who require to
7 be in our care and one of the things that we know that
8 impacts adversely on outcomes is the number of placement
9 breakdowns that children experience.

10 So the work that we did in foster care, in
11 understanding foster care breakdowns, was within a wider
12 piece of work on care placement breakdowns so it
13 included residential as well, and what it told us was --
14 as it says in the addendum, there wasn't a single reason
15 but there was a whole range of -- a combination of
16 systems and processes being optimum but also the
17 competence of the social work practice which supports
18 children and families and foster carers to remain within
19 placement and also for the foster carers to work through
20 and get access to support because the inevitable
21 challenges that will come with looking after some, but
22 not all, of our children.

23 It led us to do quite a bit of work and it
24 influenced directly -- we talk about it later on -- the
25 improvements in terms of the training, the work that we

1 do at recruitment stage for foster carers so that they
2 understand better what the ask is in relation to looking
3 after our children, and in particular for us in terms of
4 the competence of social work practice being about
5 seeing children on a regular basis, the care plans being
6 regularly updated and listen to children and families.

7 So there was a range. There wasn't a single thing
8 that came out of that work that we did in terms of the
9 analysis of children and young people, and it was more
10 about systems, processes and competence of social work
11 practice.

12 Q. You talk in the final paragraph on this page about
13 investment in a:

14 "Team of six independent reviewing officers to help
15 ensure the plans for our children and young people
16 promote consistency and stability."

17 Is that independent reviewing officers in respect of
18 the reviews of looked-after children? And why did you
19 feel that the involvement of independent reviewing
20 officers would assist?

21 A. So yes, it is essentially a team who undertake -- who
22 are responsible for the reviews, and the reason for
23 doing that is best practice tells us that if you -- you
24 have somebody independent of the case chairing the care
25 reviews and your social worker and at the instance of

1 foster placements you would have reports from the link
2 worker -- the supervising social worker for the foster
3 carers, from the social worker from the child/young
4 person and from the foster carer, but the person who is
5 responsible for oversight of that discussion and
6 reviewing the outcome of that is somebody independent of
7 the case. So it's a quality assurance approach in terms
8 of our reviews.

9 There's guidance which sets out the role and
10 function of those independent reviewing officers to make
11 sure that the reviews are carried out in a consistent
12 way across the piece but also that there's a number of
13 key features of a review that have to be evidenced that
14 they've covered in the Care Review.

15 LADY SMITH: Susanne, how does that work in practice? The
16 time is coming to do a review in relation to
17 a particular child, a foster child. That foster child
18 will have their own social worker, as indeed will the
19 foster parents -- I take it Glasgow has --

20 A. Yes.

21 LADY SMITH: -- separate social workers?

22 Are you telling me you then identify another social
23 worker who's had nothing to do with that family, nothing
24 to do with that child. Same level of seniority to chair
25 or more senior? You tell me. How do you arrange this?

1 A. It's a team leader. So you might have team leaders
2 there but the person writing the report for the foster
3 carer and for the child would be a qualified social
4 worker. So as a team leader, which is a grade above,
5 that chairs, and essentially it is about making sure
6 that there is an independence in terms of the quality of
7 the reports, the quality of the discussion and the
8 outcome and follow up and it's not something -- the
9 vernacular would be to make sure that they're not
10 marking their own homework, if that makes sense.

11 LADY SMITH: So once you've identified team leaders to carry
12 out these independent chairing roles at case reviews,
13 will they do that quite regularly --

14 A. (Witness nods)

15 LADY SMITH: -- so as to then import the sort of standards
16 you're talking about across the board?

17 A. Yes, that's their sole function within our organisation.
18 So they've built up an expertise and that consistency
19 then to reassure us from a quality assurance perspective
20 that we've got more consistency and quality in the care
21 plan reviews.

22 LADY SMITH: Thank you. That's very helpful.

23 MS INNES: So they're a separate team, that's their sole
24 role, but they're employees of the partnership or Local
25 Authority?

1 A. Yes, they are.

2 Q. Okay. You say that they've gained a certain level of
3 seniority before they would be appointed to that role --

4 A. Yes.

5 Q. -- or at the time that they become appointed.

6 Another issue that I wanted to ask you about was
7 about the fostering panel, so the review of foster
8 carers themselves. Are those panels chaired by
9 independent chairs?

10 A. No, they're not chaired by independent chairs, they're
11 chaired by a head of service, which is a level of
12 seniority again so that's quite a significant level of
13 seniority. A head of service is somebody who's part of
14 our senior management team, so you've got a qualified
15 social worker, team leader, service manager and then
16 a head of service. So the foster care reviews are
17 chaired by heads of service, and not the head of service
18 who has the responsibility for the fostering and
19 adoption service.

20 Q. So what would they have responsibility for?

21 A. So they would have responsibility for the children and
22 family services within the field in terms of assessment
23 care management.

24 Q. Right. How many people would you have in this role? Is
25 there sort of one person or are there multiple heads of

1 service?

2 A. We have four.

3 Q. We've heard from other Local Authorities that as
4 a result of developments or reviews of practice that
5 they have taken the decision to appoint independent
6 chairs. Is that something that's been considered by
7 Glasgow or is that something that you think would be
8 a good thing to do?

9 A. We've considered independent chairs at different points,
10 certainly that I've been part of those discussions over
11 the years and I apologise, I can't remember exactly when
12 we -- we did pursue it as far as trying to identify how
13 we might recruit and we talked to BAAF, the British
14 Association of Adoption and Fostering, and we didn't
15 pursue it because the volume and scale of what we would
16 require for independent review, it was difficult to see
17 how we could recruit to that.

18 So that was when we made the decision that the
19 foster care reviews -- the annual reviews couldn't be
20 chaired by the person who had responsibility for the
21 operation of the fostering and adoption service. So
22 it's that issue again about trying to ensure that you
23 don't have people marking their own homework as it was.

24 Q. Okay. And when you say it's to do with volume, does
25 that mean that you would essentially have to -- if

1 you're bringing in somebody independent, you would have
2 to pay them as a consultant as opposed to having
3 an employee who would undertake that role?

4 A. Yes.

5 Q. Okay. If we can move on again in your addendum, please,
6 and if we can move on to page 9, you talk under the
7 graph about some work that the service has been doing
8 with Dr Helen Minnis from the University of Glasgow in
9 relation to assessing the best approach for abused and
10 neglected pre-school children entering foster care and
11 can you tell us a little bit about that work that you're
12 doing?

13 A. It's the largest study of its kind, certainly in the UK,
14 of outcomes for children who are received into care and
15 essentially what the study is looking at is whether or
16 not in bringing a young person into care if we work with
17 the family, if the child can be returned to the family
18 if there's an improvement in terms of outcomes that are
19 sustained in the longer term -- so that's why it's
20 such -- it doesn't report until 2023.

21 The theory that we're trying to test is if we do
22 that substantial piece of work with the families, with
23 birth families, can we at least sustain the same
24 outcomes, if not improve them, than children that would
25 be received into foster care?

1 So Helen and the team at Glasgow University are
2 leading that work. It's supported by NINH -- apologies,
3 I never get that -- it's the national institute who are
4 supporting that work.

5 Also there's a number of side studies that have come
6 from it. For example, there's a study looking at the
7 long-term impact of early parental abuse and neglect on
8 children.

9 As I say, it is the largest study of its kind.
10 There are now a couple of London boroughs involved in it
11 and Dundee, and they won't report until significantly
12 after 2023.

13 Q. At the bottom of this page you talk about training and
14 development which is something that you mentioned
15 earlier in your evidence that you were looking at
16 training and you talk about training all care staff in
17 residential houses in nurture and you're intending to
18 roll this out to foster carers over the next year. Can
19 you tell us a bit about that, please?

20 A. Yes, certainly. So the nurture approach is something
21 that our education services within the city has had in
22 place for a number of years and essentially it is
23 a trauma-informed approach to understanding some of the
24 challenges that children and young people would have and
25 then how they would express them. That's the first

1 element of it.

2 The second element of the trauma-informed training
3 is how, as an adult in their lives, you could and should
4 respond to how they'll present, and it's to allow our
5 staff and our foster carers some tools to be able to
6 think about the presenting behaviour that you see, it's
7 not necessarily what you respond to, so
8 a trauma-informed approach supports you in thinking much
9 more about what that presenting behaviour might be about
10 and gives you some tools in terms of how you might
11 respond to that, so it's a different way of speaking to
12 children, along the lines of:

13 "That sounds to me that you're very angry about
14 something, I'm not sure it's about what you've said,
15 would you like some time out? Would you want to talk to
16 me about what's making you angry?"

17 And not too focusing on the specific thing that the
18 child would appear to be angry about, and it's asking
19 them to sort of step back and think about what that
20 behaviour might be about and not to treat it as it
21 presents itself.

22 Q. Okay. That's something that you're going to be rolling
23 out to foster carers --

24 A. Yes.

25 Q. -- over the next year?

1 A. Yes.

2 Q. Then if we move on to page 10, you have a section
3 headed, "Safeguarding children in foster care", and you
4 talk about an addendum being added to looked-after
5 procedures for the city and this required monthly visits
6 to be made to children and young people in care
7 placements, so that would be visits by the child's
8 social worker?

9 A. Yes.

10 Q. Rather than the three monthly visits required by the
11 regulations.

12 In terms of children in foster care, in addition to
13 the visits by the child's social worker, there would
14 also be visits to the placement by the foster carer's
15 social worker?

16 A. Yes, there would.

17 Q. Do you know what frequency they have to --

18 A. The frequency that's expected is monthly there as well.
19 It's also tailored individually. So at the start of the
20 placement you would expect it to be more often, but it's
21 monthly and there's also expected to be unannounced
22 visits by the link -- sorry, link social worker is
23 an old term, the supervising social worker.

24 Q. You mention unannounced visits at the bottom of the
25 second half of this paragraph. You say it's a minimum

1 of one unannounced visit a year?

2 A. Yes.

3 Q. Does that remain the position, a minimum of one?

4 A. Yes. A minimum of one, yeah.

5 Q. You also talk in the middle of the paragraph about --

6 you say:

7 "Intermittently team leaders are asked to audit
8 safeguarding visits to reassure themselves that children
9 and young people are seen and seen away from their
10 carers to discuss any concerns they may have in their
11 placements."

12 I just wondered if you could give us a bit more
13 information about that. We know that social workers are
14 generally -- they'll have a senior social worker or
15 a team leader who we understand would supervise them and
16 social workers would have supervision sessions with that
17 team leader or senior social worker.

18 A. (Witness nods)

19 Q. And that those would be on a regular basis.

20 A. (Witness nods)

21 Q. I'm interested here in the use of the word

22 "intermittently". Is that something different from
23 ongoing supervision?

24 A. Yes, so that's in addition to the ongoing supervision.

25 So we've got a supervision policy that we expect our

1 social workers and their team leaders -- their
2 equivalent to senior social workers -- that they adhere
3 to and there's -- it's a combination of discussion on
4 caseload and personal development and reflection and
5 there's quite a tight framework round about that.

6 So this is in addition to that and the safeguarding
7 visits are also very specifically about a focus on
8 safeguarding. So it should be a focus of every visit
9 but on the safeguarding visit we're asking social
10 workers to document particularly -- and that's about
11 listening to children, it's about what did you see, what
12 did you hear, have you spoken to them outwith the
13 placement?

14 So in addition to supervision, on safeguarding we
15 ask the team leaders to random sample the records. They
16 also have to note in the record that they've done that.

17 Q. Yes.

18 A. So they have to note in the record and sign that they've
19 done that and that that's -- that the practice is
20 competent in relation specifically to safeguarding, so
21 that's in addition to supervision of the social worker.

22 Q. How often would that take place?

23 A. The expectation in terms of the audit would be that the
24 team leader would at least do that three to four times
25 a year and record that within the case records. As

1 I say that's specifically in relation to safeguarding.

2 If the child's also, for example, on a compulsory
3 supervision order you would expect the team leader to be
4 routinely accessing the records and signing records
5 about the routine work that that social worker was doing
6 with the child, so this is specifically about
7 safeguarding.

8 LADY SMITH: When you say they have to random sample the
9 records and sign that they've done that and check them,
10 which records are you talking about?

11 A. The child's records.

12 LADY SMITH: Are these the child's records that the
13 fosterers are completing or the social worker's records?

14 A. The social worker's records.

15 LADY SMITH: Kept back in the office or can they access them
16 immediately online?

17 A. Immediately online. All of our records are online.

18 LADY SMITH: Thank you.

19 MS INNES: Above the team leader do you have somebody who is
20 checking that the team leader is doing those audits?

21 A. Yes. So the team leader is supervised by a service
22 manager, and particularly in relation to safeguarding
23 we've also the audit team who undertook the audit of the
24 cases for this particular addendum also has a function
25 to audit a range of work in terms of our professional

1 practice and safeguarding -- oh, safeguarding we've done
2 at least three of those practice audits across the city
3 where as senior managers we reassure ourselves in terms
4 of that policy being adhered to in relation to
5 safeguarding.

6 LADY SMITH: Just going back to your online systems, do your
7 foster carers have the ability to make entries in
8 relation to children they're fostering directly online?

9 A. No, not online, my Lady, no.

10 LADY SMITH: Would that be helpful?

11 A. I'm not sure, my Lady, because when we've looked at it
12 before it's really difficult to manage the system to
13 make sure that GDPR is adhered to, because it could only
14 be for specific foster carers for specific children and
15 it might not even be the entirety of that child's
16 record. So you would be constantly having to change
17 permissions in terms of access.

18 LADY SMITH: Of course. What do you expect fosterers to do
19 in terms of record keeping in relation to the children?

20 A. So our expectation of foster carers is that the foster
21 carer diary, which is held by them, is kept up to date,
22 and then at either hearings or the reviews there are --
23 there's specific reports that we expect from foster
24 carers.

25 We do encourage them also to do that verbally,

1 because some of our foster carers need some support to
2 be able to do that. So we do encourage them along with
3 our supervising social worker if writing a formal report
4 is something that they're challenged by, that there's
5 other means of them being able to do that.

6 LADY SMITH: Are visiting social workers expected to check
7 the foster carers' diaries?

8 A. The supervising social worker for the foster carer is
9 expected to check that, yeah.

10 LADY SMITH: Thank you.

11 MS INNES: If we can move on, please, in this document to
12 page 17, so in the pages that I've not looked at, you've
13 provided us with additional information, for example,
14 about numbers of staff over time and you've given us
15 various appendices in relation to that. I'm not going
16 to go into that today.

17 But at page 17 you're addressing changes in culture
18 over the period and you refer on the first page to
19 various developments that happened over the period of
20 Strathclyde, for example. If we can move on, please, to
21 page 18, if we can look at the paragraph beginning:

22 "The current senior management within social work
23 services in Glasgow have views and experiences of the
24 culture within fostering services from around 1996."

25 You then go on to talk about local government

1 reorganisation, the transition from Strathclyde to the
2 new City Council. I wonder if you can just tell us
3 about the experience of that change and the impact of
4 that?

5 A. Yes. So this paragraph actually was written by myself.
6 So at this point I was a reasonably newly qualified
7 social worker within Glasgow City -- we moved from
8 Strathclyde to Glasgow and there is a number of us now
9 in senior management in a similar position. So the
10 discussion here is how that felt from a qualified social
11 worker perspective, so what I've -- what we've described
12 there is when Strathclyde became -- or was
13 disaggregated, it was a really difficult time because it
14 felt -- it had been planned for a long time but it felt
15 like it happened really quickly. It didn't feel -- as
16 a qualified social worker at the front line, it didn't
17 feel like it was easy to understand what the new
18 structure was in terms of the City Council. It wasn't
19 easy to understand all of the systems and processes that
20 were in place.

21 There was a particular budgetary issue about the
22 disaggregation of budgets which meant that Glasgow
23 City -- and other Local Authorities, this wasn't
24 unique -- had to make significant budget cuts within
25 a really short period of time to then ... for our first

1 budget to be a legal budget within the City Council.

2 So my recollection of it as a qualified social
3 worker was it was a period where there was quite
4 significant uncertainty round about, as I say, that
5 systems and processes and the framework that you had to
6 operate within and there were particular issues about
7 budgets.

8 In terms of working in children and families, which
9 is where I was working, also a real pressure in terms of
10 the caseload. So I don't recall my own caseload,
11 I think it was about 25, maybe 30, but -- but -- but
12 a period of real uncertainty and I can recall, for
13 example, maybe having three or four changes of senior
14 within a short period of time. People were moving --
15 because as well as resources being disaggregated, that
16 involved people.

17 Q. Yes.

18 A. So the old Strathclyde became the six Local Authorities
19 and people that I used to work beside were then moving
20 maybe to East Dunbartonshire or East Renfrewshire, so
21 there was a lot of movement of people and a difficult
22 time to work in the service.

23 At the same time we saw our numbers coming into
24 care, the numbers of children and young people coming
25 into care rising.

1 Q. Then you also mention that your view of culture within
2 the fostering service was that it was detached from the
3 wider children and family social work service. Can you
4 explain that, please?

5 A. Again this statement comes from a number of us, but
6 myself included, so our experience, so from a particular
7 perspective in the organisation at the time.

8 So Families for Children -- it had been the family
9 finding service -- had sat centrally within Strathclyde,
10 so there were many layers between you as a front line
11 social worker and the family finding service, and it
12 came to Glasgow City, it was disaggregated mainly to
13 Glasgow City with inheriting a number of foster carers.

14 Our experience, including myself, was it wasn't
15 a service that was integrated with the front line. It
16 wasn't a service that understood, for example, that kind
17 of pressure that we were experiencing on a daily basis
18 in terms of budget and resources and numbers of children
19 that were requiring to come into care.

20 That continued to be my -- and other senior
21 managers' view as we became more senior, so I took
22 responsibility in 2008 for the service and that --
23 I felt there was quite a lot of work to do to bring the
24 fostering and adoption service into the wider structures
25 within social work services within the council, and also

1 a sense that that -- the next bit in terms of that focus
2 being on children rather than the primary focus being on
3 the adults.

4 Q. We'll speak about that a wee bit more in a moment. Just
5 to go back to this issue of the fostering service being
6 separated from those working with children and families,
7 we've heard some evidence from other Local Authorities
8 that this separation -- I think we've looked at a report
9 where that issue actually had an impact on view of risk?

10 A. Mm.

11 Q. So the fostering service, because it was detached,
12 didn't have the same view of risk that people working in
13 children and families would have.

14 A. (Witness nods)

15 Q. Then suggestions were made that there should be more
16 integration to ensure that learning was shared and that
17 the fostering service were fully aware of child
18 protection issues, for example.

19 A. (Witness nods)

20 Q. Is that one of the things that you came across or not?

21 A. Yes. I would say it was. And also that our social work
22 practice was changing the kind of social work practice
23 and theoretical frameworks aren't set.

24 They do change and they -- in my own view, they need
25 to be quite dynamic, they need to take cognisance of, as

1 we get new evidence, as we get, like the work that
2 Helen Minnis is doing, you know, we have to be
3 constantly as a profession looking at evidence and
4 practice and reflecting and changing practice and
5 certainly it was my view and others that the fostering
6 service, in being detached, wasn't in the same place in
7 terms of that kind of dynamic approach to social work
8 competence and social work practice and some of it felt
9 quite outdated.

10 And the training, it was quite simple things, but
11 the training that we would have for our front line staff
12 in social work, it was never done jointly. So it wasn't
13 that fostering and adoption service didn't get child
14 protection training as new legislation came in or new
15 guidance. They did. But they continued to get it in
16 their own space and talk to one another about that and
17 about its impact and about how they might implement it.
18 Whereas actually being part of that training should be
19 done together, so that you can kind of share experience.
20 And, also, the social workers within the team, having
21 been there for a very, very long time and not coming
22 from the field and not having that kind of recent
23 experience in the field.

24 Q. Then you mentioned the focus on foster carers or on
25 working with foster carers rather than a primary focus

1 on children. Can you tell us about that, please?

2 A. Yeah, and again this is a view and an opinion that was
3 expressed by us from our front line social work
4 perspective and my view was reinforced at the point
5 where I became a more senior manager was that the
6 fostering service was developed for the adults -- my own
7 view is you could see the genesis or you could see the
8 modern genesis of that and Abrams talks quite a bit
9 about that being a feature across fostering
10 systemically.

11 I think my own analysis would be that real -- the
12 difficulties that we experienced in the 1980s in terms
13 of the recruitment of foster carers and the numbers of
14 children and that kind of pressure perhaps led us to
15 focus more or our primary focus to shift to the adults
16 because we were so focused on maintaining foster carers
17 and maintaining the availability of foster carers that
18 we moved our focus to the adult.

19 The Best Value Review that we -- yeah, it's
20 mentioned there, in 2007.

21 Q. Yeah.

22 A. Part of the reason for asking for that to be undertaken
23 was that was a view of those of us who'd been in the
24 organisation at the front line and then into senior
25 social worker posts and then into more senior management

1 posts, but we needed to test it out. It was how we were
2 experiencing it, but we needed to test it out. And
3 I think we did evidence that there was a focus on adults
4 and it needed to shift to being more of a primary focus
5 on children.

6 Q. How did you shift that focus?

7 A. So there was a number of practical things about the
8 training that was available to the Fostering and
9 Adoption team and that kind of really practical thing
10 about making sure that you had to -- you had to do the
11 same training as the field work social workers, you had
12 to do it together. We ... after the Best Value Review.

13 We also knew that to be fair to the fostering team
14 we needed to recruit more staff, we needed to invest in
15 the fostering service because to be fair I think there
16 was an element of where they had gone into that crisis
17 mode and it was difficult for them to take a step back
18 and properly reflect in terms of their practice and the
19 impact their practice was having.

20 So resources was absolutely part of it.

21 So it was an investment in resources in terms of
22 staffing, it was an investment in training. In the
23 recruitment that we did subsequently following that
24 investment, a very specific focus on recruiting staff
25 from the front line, so recruiting staff from the field

1 to bring that experience in to work particularly with
2 the team leader cohort and to bring in a new service
3 manager.

4 So there was new management and service managers
5 brought in but we did a specific piece of work with the
6 team leaders about shifting that focus.

7 So it was a number of different things that we did
8 and it wasn't something that happened overnight.

9 Q. You mentioned there about the service in the crisis mode
10 and you mentioned that just there in your evidence and
11 you talk in your addendum about a lack of structures,
12 processes and planning in relation to placements?

13 A. Yeah.

14 Q. Was that because of the pressure, the lack of time, lack
15 of resources?

16 A. So again my own analysis and view of it as I took
17 responsibility for it was that lack of resources, the
18 pressure on the front line and the numbers of children
19 we had coming in, the job had become: find a placement.
20 Find a placement whenever you can in order to meet
21 today's problem, which was where was that child or young
22 person going to go, and we didn't have within the
23 service a sense of reflection. We didn't have a sense
24 of how do we get out of that -- so it was constantly
25 reactive. It wasn't proactive. It wasn't planned.

1 And we moved -- once we got a placement, we moved on
2 to the next -- we weren't doing enough of reflecting
3 about where the child and young person was, what impact
4 that had on them. We didn't use data:

5 So you'll see from the data that we've been able to
6 give, a big part of this was starting to use data and
7 evidence rather -- and it's not to undermine experience
8 but there was a lot that was based on experience and
9 anecdote and we needed to use data. So that was when we
10 started to get much more focused on the use of data and
11 evidence.

12 Q. At this point I think you're aware of the evidence of
13 a social worker Frances Shah, who gave evidence on
14 Day 329.

15 I wonder if we can look, please, at WIT-3-000001283.

16 We know from her evidence that Frances was a social
17 worker initially with Strathclyde Regional Council and
18 then Glasgow City Council from I think 1987 up to 2010,
19 so over broadly the same period that you're talking
20 about.

21 A. (Witness nods)

22 Q. I wanted to ask you for your comment on certain matters
23 that she highlighted that she felt impinged on practice
24 and I think ultimately she felt impacted on children.

25 A. (Witness nods)

1 Q. And recognition of ultimately, I suppose, abuse of
2 children in foster care.

3 The first point that she makes there is to do with
4 continuous restructuring, and I suppose there is
5 a general issue about changing management, changing
6 approaches to how things are to be carried out. Is that
7 something that resonates with you over that period or
8 not?

9 A. I think to some extent it -- so it resonates in terms of
10 that -- the move in 1996 to Glasgow City and it did take
11 some time for the new structure to emerge. So I think
12 that's what I was referring to in terms of my experience
13 as a front line worker at that point and not being sure
14 of what the structures and processes and reporting
15 mechanisms were.

16 So I would recognise that at the point certainly
17 round about 1996, and my experience was that it did take
18 a while, 1997/1998 perhaps, for the new structure in
19 terms of Glasgow City to emerge.

20 And that there was a period -- I stayed in the same
21 place -- also the line managers, that would have been
22 a feature, and I think I said that myself, so
23 I experienced that in terms of immediate line managers.
24 There's a practical bit to that managing that level of
25 reorganisation and also the budget pressures, there were

1 a number of people who left the organisation and they
2 tended to be your kind of senior experienced people
3 because there were a number of schemes in terms of
4 voluntary redundancy at the time and that was both to
5 manage moving from Strathclyde to Glasgow and then
6 manage budget pressures.

7 Q. Then at point 2 she mentions attempts to cover workload
8 with insufficient staffing, so I think pressure of
9 workload, which is something that you mentioned,
10 particularly around the time of that transition that
11 you've mentioned.

12 If we move to point 5, one of the issues she
13 mentions is that she saw the -- she talks about the move
14 from generic practice to specialisms. I think she notes
15 there that there was an issue about the specialisms --
16 what she describes as new specialisms being given more
17 funding, but children and families received less. That
18 was a source of conflict. Do you have any comment on
19 that?

20 A. I'm not sure that that would be borne out by the
21 evidence in terms of the expenditure at the time.
22 I think what she may be referring to is the
23 implementation of the Community Care Act, which was
24 roughly 1995, where there was new duties placed on Local
25 Authorities in relation to community care which was

1 adults and older people and regulations and guidance
2 that came in at the same time about -- so it was
3 an increase in statutory responsibilities and
4 an increase in responsibilities that could only be
5 carried out by a qualified social worker. And it was in
6 recognition that in community care of adults and older
7 people there had been potentially a neglect from the
8 profession generally about our work in that area.

9 So I think that's what she would be referring to,
10 but the -- my -- I'm not sure that it would be borne out
11 by evidence that children and families received less and
12 less because it's demand led. So the increase in terms
13 of the numbers of children coming into care increased
14 the budget in children and families.

15 Q. Okay.

16 LADY SMITH: I think we'll break now and after the break
17 we'll return to your evidence if that's all right,
18 Susanne?

19 A. Thank you.

20 LADY SMITH: Thank you.

21 (10.56 am)

22 (A short break)

23 (11.17 am)

24 LADY SMITH: Are you ready for us to carry on, Susanne?

25 A. Yes, I am, my Lady.

1 LADY SMITH: Thank you.

2 Ms Innes.

3 MS INNES: Thank you, my Lady.

4 Just before the break, Susanne, we were looking at
5 a document, WIT-3-000001283, and speaking about the
6 evidence of Frances Shah. There were just a couple of
7 other matters in this document that I want to ask you
8 for your comment.

9 If we can look, please, at page 3 and paragraph 9,
10 where Frances refers to "change in expectations of staff
11 role, responsibility and status" being an issue. She
12 goes on to say:

13 "In the 2000s, everything changed. Front line staff
14 were meant to obey their seniors ... and so on up the
15 hierarchy."

16 Is that your experience of the organisation?

17 A. No, it isn't. What my observation or opinion would be
18 is that what that refers to in the 2000s we actually
19 started to implement a range of processes and procedures
20 formally that weren't there before, including for
21 supervision. Supervision wasn't regular, the evidence
22 wasn't strong that supervision was regular, it wasn't
23 recorded, formally recorded, it wasn't signed by social
24 workers' team leaders, so there was a range of work that
25 we undertook in the early 2000s which was to bring some

1 more rigour to continuous professional development
2 within social work services in the city.

3 I would acknowledge that for people who hadn't been
4 working with that kind of structure in terms of their
5 professional practice that would have been a challenge,
6 but it was something that I was involved in as a manager
7 and something in terms of those changes to professional
8 practice, particularly round about an expectation of
9 evidence in relation to written records, written case
10 records, but also written supervision records that were
11 then followed up.

12 And a particular focus on professional competence
13 for us within social work.

14 Q. I suppose one of the other issues that might be
15 highlighted at this point of Frances's evidence is how
16 do you deal with conflict or differing views?

17 A. (Witness nods)

18 Q. You also know that a social worker, Ian Henderson, gave
19 evidence and spoke about a specific case involving
20 an applicant with the pseudonym 'Claire', and he talked
21 about raising an issue and not being invited to
22 a meeting and suchlike.

23 How were differences of opinion dealt with? Would
24 there be discussion? Or would it be: well, you've
25 expressed that opinion, we don't like it, we're just

1 going to go ahead and ignore that?

2 A. Yeah, the expectation -- in terms of competent social
3 work practice you're encouraged as a front line
4 qualified social worker to express your opinion and
5 undertake professional assessment. So the expectation
6 in supervision is that you would be supported in that,
7 but if there was a view from the team leader and/or the
8 service manager or the range of external checks and
9 balances like the Children's Hearing system that
10 challenged that assessment or recommendation, then the
11 expectation is that there would be some discussion in
12 relation to what the difference or conflict is.

13 Also specifically in a number of our statutory
14 procedures, so, for example, in child protection, if
15 there's conflict or disagreement in terms of
16 a recommendation at a case conference, the expectation
17 is that that's formally recorded and people's differing
18 views are formally recorded, but the decision to be
19 taken still might remain with a team leader or a service
20 manager.

21 Q. Okay.

22 If we go over the page to page 4 and at point 10 one
23 of the things that Frances mentioned in her evidence was
24 the move to computerised records and she notes there
25 that it should have been a positive thing but she felt

1 that it:

2 "... had the effect of regimenting practice, so that
3 ticking all the boxes became far more important than
4 social work practice itself."

5 I think she feels that that had a severe impact on
6 Children and Families social work.

7 What's your experience of that transition?

8 A. Again I wouldn't necessarily agree with that evidence.
9 Whilst I recognise that that was the time where we were
10 implementing the digitalisation of case records, I think
11 we -- the purpose of that was to become much more
12 consistent and purposeful in our case recordings and
13 I would disagree, I actually think case recording is
14 a core function of professional social work practice,
15 and good case recording is a core function of
16 professional practice.

17 I do remember that time because it was something
18 that as a senior manager there were some challenges from
19 the front line but that was my view on it, that we
20 weren't good enough at case recording and our written
21 case records were not of a good quality, and part of the
22 digitalisation of the case records were about improving
23 the quality of our case recording and it's a core
24 function. It's actually part of our registered
25 standards as social workers.

1 Q. I am going to move away from that and back to your
2 addendum at GLA-000002193. Just bear with me. It's
3 page 18 and the bottom of the page.

4 In your addendum you've provided a revised response
5 to the questions at Part B of the Section 21 notice.

6 A. Yes.

7 Q. You note at 3.1(a):

8 "The Local Authority accepts that children within
9 foster care placements facilitated and overseen by
10 Glasgow City Council and its predecessors were abused."

11 If we go on to (b) over the page, your assessment of
12 the extent and scale, and you say there:

13 "Precise assessment is not possible, given the lack
14 of information and the size of the task to ascertain
15 what might be available."

16 We'll come back to that.

17 You say:

18 "However, even if the abuse were confined to that
19 discussed in the Abrams and Fleming report, [your]
20 assessment is that abuse was more than rare and
21 isolated."

22 A. Yes.

23 Q. That's the conclusion that you've come to following some
24 further work?

25 A. Yes.

1 Q. You also refer to the further audit that you carried
2 out, which we are going to come onto in a moment, but
3 you say that the outcome of that audit would tend to
4 suggest that complaints were made in around 3 per cent
5 of cases?

6 A. (Witness nods)

7 Q. And although you accept that audit was limited, again
8 that points to complaints of abuse being more than rare
9 and isolated incidents.

10 A. Yes.

11 Q. Then we look at the basis of assessment and if we look
12 down towards the bottom of the page, there's a paragraph
13 beginning:

14 "Prior to 1998 ..."

15 You talk about:

16 "... complaints and allegations were dealt with on
17 an individual basis meaning there is little way to
18 assess and compare the extent and scale of reported
19 abuse."

20 Does that mean that things would be recorded in
21 individual children's files and carers' files rather
22 than there being a central log?

23 A. Yes, it does, yes.

24 Q. Then I think there's a typographical error in the number
25 of boxes --

1 A. Yes.

2 Q. -- that you have, I think it's 35,000?

3 A. It's 35,000, which is still a lot, but not 35 million.

4 LADY SMITH: It maybe just felt like 35 million.

5 MS INNES: Then you note that you have a consolidated log of
6 all complaints and allegations since 1998 and that's
7 reviewed on an annual basis by the fostering team.

8 A. Yes.

9 Q. Is that to ascertain any themes, patterns, that sort of
10 thing?

11 A. Yes, it's exactly for that purpose, to see whether there
12 are any trends, but also it allows us and individual
13 foster carers or foster families to also look whether
14 there's an accumulation, because the complaints and
15 allegations include issues about standard of childcare,
16 ranging through to significant allegations. So you're
17 able then also to see whether or not there's
18 an accumulation, because that was one -- that was
19 a piece of learning that we had about foster carers,
20 where they were trying to find out if there were
21 previous complaints and allegations was quite difficult
22 where you were relying on individual case records, but
23 this central log makes that obviously much more
24 straightforward to do.

25 Q. If we go to the top of the next page, page 20, you talk

1 about the work that you do in terms of lessons to be
2 learned and then that informing policy and practice
3 change, and you've mentioned an example there in your
4 evidence, but you also talk about changing the way in
5 which you approach recruitment to foster carers as
6 a result?

7 A. Yes.

8 Q. So ensuring that it's competence based, more references
9 and probably more detailed references as well?

10 A. Yes.

11 Q. Then you say:

12 "The consolidated log relating to the conduct of
13 foster carers over that period, March 1998 until
14 January 2014, shows 374 complaints."

15 But these are not all in relation to alleged abuse.

16 A. Mm-hmm.

17 Q. There are various other concerns, as you've mentioned in
18 your evidence, that would be included in that log as
19 well?

20 A. Yes.

21 Q. Again we'll come back to the audit in a bit more detail
22 in a moment, but if we carry on in this revised response
23 to Part B at the bottom of the page, at 3.2:

24 "Does the Local Authority accept that its systems
25 failed to protect children in foster care?"

1 The answer to that is yes?

2 A. Yes.

3 Q. In terms of the assessment of the extent of any such
4 systemic failures, you note:

5 "The evidence before the Inquiry shows that,
6 historically, there have been failures in systems
7 relating to recruitment, vetting, visiting, supervision
8 of carers, placement of children and competent social
9 work practice ..."

10 And that those failures, you say, have resulted in
11 the abuse of children and young people in foster care
12 and you refer again to the audit and what came out of
13 that.

14 A. (Witness nods)

15 Q. Over the top of the next page you talk about various
16 things that you have done to counter these failures over
17 time?

18 A. Yes.

19 Q. I think some of those you've already mentioned in your
20 evidence, like, for example, improving staff ratios?

21 A. Yes.

22 Q. You mentioned earlier that perhaps you had 25 to 30
23 cases, you thought, and you told us in your evidence
24 last time, I think, that social workers would have 15
25 cases in the fostering --

1 A. Yes.

2 Q. -- team?

3 A. Yes.

4 Q. So that sort of caseload issue has been dealt with,
5 improved?

6 A. Yeah.

7 Q. Then if we look at (c):

8 "What is the basis of the assessment?"

9 You refer to the Abrams and Fleming study and the
10 audit, and then you say:

11 "The council notes that the extent of complaints of
12 abuse will not necessarily correlate with instances of
13 systemic failures. Some instances will likely have been
14 impossible to predict."

15 You then go on to say that essentially even if there
16 are effective systems, they won't entirely mitigate the
17 potential risk.

18 A. Yes.

19 Q. You then go on to say:

20 "Effective systems, processes and procedures which
21 are child centred, including rigorous recruitment and
22 vetting, clear expectations and roles and
23 responsibilities, regular announced and unannounced
24 visiting, regular planned reviews and competent social
25 work practice will clearly assist significantly in

1 promoting protection of children and young people."

2 So to mitigate the risk as far as you can?

3 A. Yes.

4 Q. If we go on to page 22 and paragraph 3.2, this is asking
5 about failures and/or deficiencies in response to abuse,
6 and you say there that for the majority of the period
7 you accept that you did not have adequate and consistent
8 procedures in place to respond and you highlight some of
9 the issues around response?

10 A. Yes.

11 Q. Can you just tell us about those, the issues that you
12 identified?

13 A. I think the primary one for ourselves in terms of the
14 work that we undertook in the audit was the failure to
15 listen to children. Not just at the level of what they
16 were telling us, but actually doing a piece of work
17 round about understanding what it was they were --
18 sometimes how children and young people choose or able
19 to tell you about abuse. You have to spend quite a bit
20 of time on that and we were really struck by how little
21 time and then how little weight was given to the voice
22 of children and young people.

23 Q. You say that's either because it didn't occur or because
24 of record-keeping issues. You don't know whether that's
25 because it didn't actually happen --

1 A. Yeah.

2 Q. -- or because it did happen but it wasn't noted down --

3 A. Yes.

4 Q. -- which in itself is a problem?

5 A. Yes.

6 Q. Okay.

7 If we move on to page 23 and at (d), where again
8 you're talking about an explanation for any failures or
9 deficiencies in terms of response and you note:

10 "Evidence from applicants in the Inquiry has
11 highlighted to the Local Authority that the response to
12 complaints and allegations has historically not been
13 child centred and has instead focused on caregivers."

14 A. Mm-hmm.

15 Q. Is that one of the things that has come out of your
16 listening to the evidence of applicants?

17 A. Yes. And I think it was also one of the things that was
18 evident to us about that when we talked earlier about
19 that focus being on adults rather than children in
20 general terms, and it did manifest itself in this area
21 as well as in other areas, but it did manifest itself in
22 this area in the consideration, for example, of the
23 impact on the foster carers were we to terminate
24 a placement. I saw some evidence that that was
25 a consideration now from a child or young person's

1 perspective and from a child protection perspective
2 that's not and shouldn't be consideration.

3 Q. Then you also note:

4 "There had been instances of complaints and
5 allegations being reported but appropriate child
6 protection procedures not being implemented
7 immediately."

8 A. Yeah.

9 Q. So that's one of the things that you've noted?

10 A. Yes.

11 Q. I think you go on to say that steps have been taken to
12 address that type of issue, so child protection policy
13 and procedures have been subject to significant
14 overhaul?

15 A. Mm-hmm. Yes, and again the complaints and allegations
16 specifically, the rewrite of the policy 2014 which
17 I think we have submitted as part of our evidence, was
18 specifically about that issue in foster care because
19 that was the other -- it relates to my earlier point
20 about that -- the -- where our fostering and adoption
21 service was operating in isolation and we needed to make
22 sure that we were much clearer than we had been about
23 where and how child protection specifically was
24 implemented within a foster care situation, so we did
25 that in the rewrite of our child protection policies in

1 order that we could be clear about that.

2 Again, it was part of that shifting the primary
3 focus being from the adults back to being children and
4 young people. So we have done a significant amount of
5 work on the child protection policy in making sure that
6 it's very clear about how it's applied within foster
7 care appropriately.

8 Q. If we move on to GLA-000002192, page 2, this is the
9 summary of the audit that you carried out after your
10 evidence on the first occasion, so this has been carried
11 out in the intervening period.

12 A. Mm.

13 Q. You tell us a bit about the background and at the very
14 bottom of the page you refer at paragraph 2.4 to the
15 Section 21 notice including questions about placement of
16 children with foster carers, including issues about
17 complaints and reporting.

18 If we go on over the page and if we go down to
19 paragraph 3.5, I think that is perhaps the matter that
20 you were just referring to in your evidence about
21 revising complaints policies?

22 A. (Witness nods)

23 Q. And although -- well, you talk about the most recent
24 complaints procedure being in the handbook --

25 A. Yeah.

1 Q. -- and you refer it to -- it being based on the
2 government guidance in relation to allegations against
3 foster carers, the most recent iteration of which was in
4 2017 but prior to that it had been 2013?

5 A. Yeah.

6 Q. So I think you said the complaints policy was updated in
7 2014?

8 A. Yes.

9 Q. Was that following on that government guidance?

10 A. It was, yeah. It was the best practice -- the managing
11 allegations.

12 Q. Yeah.

13 A. So we took that report and that was what led to the 2014
14 procedure -- policy procedure that we put in place.

15 Q. Then you go on to say:

16 "The key structure to the complaints process is ..."
17 At the first bullet point you say:
18 "Complaints by foster children or their family
19 members are investigated by officers of the
20 partnership."
21 If we look down to the fourth bullet point, you say:
22 "Complaints against foster carers are investigated
23 by officers of the council and are logged and reported
24 to the Care Inspectorate."
25 So if a foster child is making a complaint against

1 a foster carer, does that mean that it's investigated by
2 officers of the council?

3 A. Yeah, I'll explain this because it's specifically
4 about -- it relates to the evidence I gave about how the
5 partnership came into being and the legislation.

6 So the complaints by foster children -- we can
7 investigate those complaints as a member of staff of the
8 HSCP. I don't know if you will recall the technical
9 legal -- their staff are either employed by Greater
10 Glasgow and Clyde Health Board or Glasgow City Council.

11 Complaints against foster carers investigated by
12 officers of the council relates to the policy which says
13 you have to be a qualified social worker and that
14 qualified social workers are employed by the council.

15 So that relates to the law in terms of public
16 protection and who can investigate them, the
17 qualifications you need to investigate.

18 Q. Okay. So if a child is making an allegation of abuse,
19 that would go through that process?

20 A. Yes.

21 Q. If it's a complaint about something else?

22 A. Yeah, so it's the difference between -- it's that
23 complaints and allegations, and again the policy sets
24 out a definition for complaints and allegations because
25 it's important to make sure that complaints about

1 childcare -- so they relate to issues that the Inquiry
2 would have heard about, how children and young people
3 are maybe treated or made to feel as part of that wider
4 family or if there are birth children, those kind of
5 issues rather than them being allegations specifically
6 in relation to abuse and what we're trying -- what we
7 tried to do in this document, which is based on the
8 national document, is make sure that we investigate all
9 of that, because again the evidence would tell you that
10 it's important to be alert to foster carers and foster
11 families where there is perhaps an accumulation of
12 childcare concerns, because that tells you that you
13 should have a focus on there and it may -- it may just
14 be an issue about training and about further support,
15 but it may also be the evidence that there is something
16 else going on that the children and young people are not
17 telling you yet.

18 Q. You then go on at the bottom of this page to talk about
19 the methodology that you adopted in carrying out
20 an audit and you tell us that you sampled 277 files
21 pertaining to 281 children who were looked after and
22 accommodated.

23 If we go to the top of the page, you make clear that
24 that's not just in foster care?

25 A. Mm.

1 Q. I think that's possibly a function of the way in which
2 files are held?

3 A. Yes.

4 Q. You don't have a separate section of foster care,
5 children who were in foster care --

6 A. No.

7 Q. -- it's just all children who were looked after?

8 A. Yes, it's exactly that. Part of that 35,000 boxes, one
9 of the things that they don't do is have them in that
10 order.

11 Q. You talk at paragraph 4.2 about the way in which the
12 search was conducted?

13 A. Yes.

14 Q. And I think that was to select these boxes on a random
15 basis --

16 A. Yes.

17 Q. -- and give them to the team?

18 A. Yes.

19 Q. At paragraph 4.3 you make clear that the objective was
20 to look for formal or informal complaints?

21 A. Yes.

22 Q. You created a template, I think, for this work?

23 A. Mm-hmm.

24 Q. If we go down to the bottom of this page we can see the
25 findings of the audit. The first bullet point you say:

1 "30 files related to approved foster carers,
2 containing no details of any children or complaints."

3 I wondered if you could explain why it was that
4 files of approved foster carers wouldn't include any
5 details of children?

6 A. It's the quality of the case records, so it goes back to
7 my earlier point about -- the evidence clearly tells
8 us -- and again I think some of the work that's been
9 done, commissioned by the Inquiry, has clearly evidenced
10 that the quality of case recording has been poor over
11 the years.

12 Q. What sort of things would be in a foster carer's file
13 then if there's nothing about children? Would it be
14 their assessment or approval or financial arrangements?

15 A. Yes. It would be a range of things relating to the
16 foster carers but not the details of who was with them.
17 It should have been there, but wasn't there. So it was
18 something that should have been there that wasn't there.

19 Q. Then 104 of the files related to children who didn't
20 appear to have been in foster care at any time?

21 A. Mm-hmm.

22 Q. So those were obviously excluded?

23 A. Yes.

24 Q. Then you found I think it's 143 files in total, so 143
25 files relating to children who were in foster care for

1 any length of time, and in 134 of them there was no
2 complaint, and in nine of them there were complaints?

3 A. Yes.

4 Q. Okay. Then if we go on over the page, at paragraph 5.2
5 you tell us there that that's essentially where you get
6 the 3 per cent --

7 A. Yes.

8 Q. -- that we've seen in your earlier addendum.
9 If we look down at a paragraph:
10 "Of the children identified to have been in foster
11 care for any length of time, complaints were made in
12 6 per cent of cases."
13 So that's focusing on those files particularly.

14 A. Yeah.

15 Q. You weren't able from that review to identify any
16 complaints in relation to children who were boarded out?

17 A. Mm-hmm.

18 Q. I assume that some of the files were in relation to
19 children who were boarded out?

20 A. Yes.

21 Q. But you say you're not suggesting that that means that
22 there were no complaints --

23 A. Yes.

24 Q. -- it just means there was nothing recorded in the file?

25 A. (Witness nods)

1 Q. You then say:

2 "The practice of related fostering (now known as
3 kinship care) was a common theme within the files
4 sampled."

5 A. Yes.

6 Q. What did these arrangements look like? Were they
7 children that were boarded out to family members? Was
8 it a variety of different legal arrangements?

9 A. Yeah, it was a mixture, and again I think there's been
10 some evidence given to the Inquiry in relation to -- so
11 you would have situations where -- for example the one
12 that's referenced there, where it's quite a large family
13 being brought into care and extended family would be
14 asked and could perhaps take one or two children and the
15 other children were brought into the care of the state.
16 So you would then have a kind of mixture of foster care,
17 including some of those children then being boarded out
18 and some children remaining with extended family. So
19 that was common in terms of the files sampled.

20 But certainly from my understanding of the evidence,
21 that was something that was common across Scotland.

22 Q. You then look at certain different aspects of the
23 complaints that were identified and you do highlight
24 that it is a limited sample.

25 A. Yes.

1 Q. However, you noted, for example at 5.3, that in terms of
2 the gender of the children where complaints were made,
3 that was in the same proportions as the overall sample?
4 A. Yes.

5 Q. Then at paragraph 5.5 you tell us about the date of
6 complaints and the date of the files accessed, and you
7 accessed files between 1940 and 2003?
8 A. Yes.

9 Q. And the complaints that you found were from 1952 to
10 2002?
11 A. Mm-hmm.

12 Q. One of the things that you noted is that complaints in
13 the earlier period, prior to 1982, had a significantly
14 higher chance of the placement being continued?
15 A. Yes.

16 Q. Was there any reason behind that or were complaints made
17 and not investigated?
18 A. It was -- well, the case recording wasn't always of
19 a good enough standard to make, I suppose, definitive
20 analysis in relation to that. But the sense from the
21 case files and from the audit was that the children and
22 young people were taken less seriously and/or even if
23 they were believed, the placement still continued.

24 So it was a bit of a mixture, but the case recording
25 in general was poor.

1 Q. Then the later period, the children were all removed
2 from placement?

3 A. Mm-hmm.

4 Q. Then if we move on to page 6 you tell us about the
5 nature of the complaints that you found, with emotional
6 abuse being the most prevalent, but also physical,
7 sexual abuse and neglect.

8 A. Mm-hmm.

9 Q. If we scroll down a little it's at 5.6. So we see the
10 breakdown there.

11 Below the table you say:

12 "For the cases involving sexual abuse, both children
13 were female and both were teenage. The alleged abuser
14 in all allegations of sexual abuse was the foster
15 father. One involved the child disclosing allegations
16 of sexual impropriety by her foster father, while the
17 other complaint related to a family member disclosing
18 historical childhood sexual abuse by the foster father
19 (her own stepfather)."

20 So the person who was complaining --

21 A. Why he.

22 Q. -- was saying, "My stepfather, who is a foster carer
23 now, sexually abused me"?

24 A. Yes.

25 Q. I see. You note that as a result the child, who had

1 severe learning difficulties, was subjected to a medical
2 examination. Although there was no evidence of sexual
3 abuse having occurred, the placement was ended.

4 A. Yes.

5 Q. Then you talk about the method of complaint, so at 5.7,
6 most of them were verbal, but you do also note that
7 there were a proportion that were both verbal and
8 written?

9 A. Yes.

10 Q. In terms of a written complaint, how does that come
11 about? Is it somebody sending in a letter or an email?

12 A. So the instance before -- that you referenced before was
13 a letter from that particular individual to ourselves.

14 Q. I see.

15 A. And given the small -- although these percentages are
16 high, given the small numbers.

17 Beyond that I wouldn't -- I know that one for sure,
18 but beyond that I'm not entirely certain what the
19 written nature would be. That one I do know.

20 Q. Okay. If we go on to page 8 at the top of the page you
21 tell us who made the complaints.

22 A. Mm-hmm.

23 Q. There's some anonymous complaints and then other
24 sources. Including, in a third of the cases -- that
25 would be three -- the child having made the complaint,

1 but other complaints coming from the nursery
2 headteacher, for example, and social worker.

3 A. Yes.

4 Q. You say:

5 "It was only complaints received from children and
6 anonymous sources that did not result in the termination
7 or ending of the placement."

8 A. Yes.

9 Q. Again, you note, you know, it's a small sample and it's
10 difficult to draw wider conclusions, but that's
11 certainly something that you noted from that sample?

12 A. Yes.

13 Q. If we move on to page 9, at the top of the page you talk
14 here about the issue that you identified that the foster
15 carer wouldn't be spoken to about the complaint.

16 A. Mm-hmm.

17 Q. What were your observations about that?

18 A. As we've said in the report, it's difficult to say now
19 if that's an issue about recording because there was
20 some of the cases where there wasn't the recording of
21 the foster carer either being spoken to or the content
22 of any discussion. But it's an observation. It's
23 difficult to -- it's difficult to imagine a situation
24 where you wouldn't have had that conversation with
25 a foster carer, nonetheless the evidence in the case

1 recording tells us that that's a possibility in some of
2 the cases.

3 Q. Then you say in the next paragraph that there were only
4 three cases -- so a third of cases -- where the child
5 was spoken to. Did you have any reflections on that?

6 A. Yes. So again the issue about case recording
7 potentially, but also, as we've said in the report,
8 it's -- whilst there might be challenges, for example
9 the young person just referenced in terms who was then
10 subjected to a medical examination, there's actually
11 a number of ways in which you can communicate with
12 children with learning disability with support to
13 ascertain or to give you a reasonable idea of their
14 experience.

15 So whilst it's challenging in some situations, it's
16 not impossible.

17 And likewise, the issue about the trauma-informed
18 work that we're doing, again it goes back to -- it might
19 not be your first ... it's not just having one
20 conversation necessarily, it might be a number of
21 conversations, you need to start somewhere safe for the
22 young person. So actually to ascertain a young person's
23 view, particularly in relation to an allegation, it's
24 not always a one off and shouldn't be seen like that.

25 So I think for us looking at it from a contemporary

1 basis, it's not good enough to say there were challenges
2 either in terms of presentation or for example learning
3 difficulty in engaging with a young person, because
4 I don't believe that to be the case.

5 Q. Then if we scroll down below the table, it talks about
6 the majority of placements being terminated following
7 the receipt of a complaint, irrespective of whether or
8 not the complaint was substantiated.

9 "However, only 42 per cent of foster carers were
10 ultimately de-registered."

11 You say:

12 "Following complaints, foster carers were either
13 assessed as unsuitable for further foster caring roles
14 (and de-registered), or they were deemed a poor match to
15 the child and permitted to continue fostering with other
16 children (perhaps younger, or with less complex
17 difficulties) ..."

18 We've seen this sort of issue before in terms of age
19 of children, that sometimes a view appears to be taken
20 that if there are more difficulties with teenage
21 children and if there's problems there then the carer
22 would better looking after younger children.

23 A. Mm-hmm.

24 Q. Is that actually true?

25 A. In terms of previous practice it was fairly routine to

1 have that assessment. So it would -- well, when I say
2 routine, it would be not unusual to see that kind of
3 assessment, that children present with different
4 challenges and therefore in terms of a foster carer and
5 a foster care household, they might have something to
6 offer some children but don't have the skills and
7 competence and expertise to offer a placement to other
8 young people that we're bringing into care.

9 It's become less prevalent now, but it might still
10 be a discussion, not in relation to an allegation of
11 abuse, but there might be a set of circumstances --
12 we've had some really difficult circumstances where
13 there have been complaints in relation to childcare by
14 for example family members of the child and young
15 person, but the young person or the child's evidence to
16 us is that they want to remain with the foster carer.
17 We've taken decisions to remove children against their
18 own stated wish because of the level of our concern.

19 We've also with some children and young people,
20 particularly if they're older, worked with a foster
21 family and worked through with the young people what
22 those -- again, not in relation to allegations of abuse
23 but more in relation to complaints about childcare, for
24 example.

25 So it's difficult to be definitive in relation to

1 that. If it's allegations of abuse, you wouldn't see --
2 you wouldn't see that now. If it's in relation to
3 complaints in terms of childcare, there are individual
4 discussions and it's really complex, and when there are
5 older children -- we have had that instance where there
6 are older children who are making really clear their
7 views, including through children's rights officers,
8 about wishing to stay in a placement that's not meeting
9 the standard for us in terms of the standard of
10 childcare.

11 So that's a complex area. Not in relation to
12 allegations of abuse, but in relation to issues round
13 about childcare.

14 Q. Then you say that one of the other possibilities was
15 that foster carers would choose to withdraw from foster
16 caring as a result of the complaint.

17 A. Yes.

18 Q. So they wouldn't be de-registered. But now -- well,
19 certainly now would you ... if there was an allegation
20 against a foster carer and you were going to de-register
21 that foster carer and they resigned prior to the panel,
22 would you still go ahead with the panel?

23 A. Yes.

24 Q. Would you still note the concerns?

25 A. Yes.

1 Q. I suppose then those concerns would be noted on the file
2 if they were to go to another provider?

3 A. Yes. It's exactly for that reason. So if foster carers
4 choose to resign in any set of circumstances, actually,
5 they have to go to a foster care panel to be formally
6 de-registered. So in any set of circumstances, that has
7 to happen.

8 In instances of issues round about the quality of
9 the foster care placement, that's then noted in terms of
10 that de-registration.

11 Q. In this context we've heard some evidence about the idea
12 of a national register of foster carers.

13 A. Mm.

14 Q. Do you have any views in relation to the usefulness of
15 that?

16 A. Part of the reason that that's been discussed nationally
17 for a long time, for almost as long as I can remember,
18 along with a national adoption register, is to ensure
19 that there's access to a wider range potentially of
20 foster carers in order that you can match. That's not
21 something that I'm particularly -- that I would be
22 particularly supportive of, for the very reasons that
23 this Inquiry's heard about the safeguarding -- the
24 additional safeguarding for children and young people to
25 be accommodated within their own kind of council

1 boundary and/or including extended family and schools
2 and connection to local communities.

3 So I'm not particularly a supporter of that.

4 I think the work that's being done in terms of the
5 standards in relation to foster care, which are really
6 clear in terms of the function of the foster care panel,
7 the function of registration and the function of
8 de-registering are actually much more helpful, and
9 particularly in relation to children and young people
10 than a national register. I'm not necessarily convinced
11 that a national register would offer any additional --
12 anything additional to children and young people.

13 LADY SMITH: Surely what it would tell you would be let's
14 say people move from the northeast to your area. You'll
15 be able, by consulting a national register, to check
16 whether they have been foster carers before, whether
17 they were de-registered, whether they resigned, simply
18 by looking at a register.

19 A. So it's --

20 LADY SMITH: And otherwise they might not tell you and you
21 might not appreciate that.

22 A. It's a requirement in terms of recruitment to do
23 disclosure checks that includes Local Authority checks
24 and health checks, so you cannot recruit a foster carer
25 unless you have checked with all of the authorities

1 where they've previously resided in relation to any
2 records that exist in terms of them, but any records
3 that exist in terms of their previously being foster
4 carers. You can't recruit unless you can evidence that
5 you've done those checks, my Lady.

6 LADY SMITH: I get that. I just wondered whether it would
7 be useful to have a central point, a central register,
8 where you can see everything about the person's history
9 in foster care. If there's anything there.

10 A. I'm not sure that that would offer anything to the
11 pre-existing standards in relation to recruitment.

12 LADY SMITH: Okay. Thank you.

13 A. Thank you.

14 MS INNES: I'm going to move away from your addendum now and
15 the details of the audit that you've given to us and
16 move on to talk about the evidence led during the course
17 of the case study.

18 As you said earlier in your evidence and as we've
19 seen in your addendum, you've had officers listening to
20 evidence led during the course of the case study and
21 obviously you've also looked I think yourself --

22 A. Yes.

23 Q. -- at evidence in relation to applicants and others who
24 gave evidence in respect of periods for which Glasgow
25 City Council and its predecessors were responsible.

1 I'm going to ask you about some aspects of that, but
2 before I do that, did you have any general reaction or
3 response to the evidence that you've reviewed?

4 A. Some, if not most of it, was really difficult to listen
5 to and to read. Some, if not all of it, made me ashamed
6 at points to be a social worker in terms of my
7 profession. Some of it at points made me ashamed to be
8 part of an organisation where that kind of abuse and
9 treatment of children and young people took place, if
10 I'm being entirely honest.

11 Q. The first period that I'm going to ask you about and the
12 first aspect of what we've been looking at in this case
13 study is the practice of boarding out.

14 A. Mm.

15 Q. You spoke about this in your evidence at the beginning
16 of this case study based on I think your review of the
17 material that you've mentioned from the Abrams and
18 Fleming report.

19 A. Mm-hmm.

20 Q. But obviously during the course of the case study we
21 heard evidence from a number of applicants who had
22 experienced that and I wanted to ask you about some
23 aspects of that.

24 A. (Witness nods)

25 Q. One issue about this practice or system was of course

1 that children were moved away from Glasgow, to the
2 Highlands, to Tiree, to remote locations away from their
3 life experience to date and also their family.

4 A. Mm.

5 Q. What are your reflections on that as a practice?

6 A. It's difficult -- although I've worked on public sector
7 and social work for over 30 years, it's difficult to see
8 a set of circumstances where, as a social worker or as
9 an organisation, that that -- that that was seen as --
10 that that was seen as appropriate in any shape or form.

11 Even if there had been a decent quality of care
12 provided, taking someone from that environment to
13 a completely different environment with no chance really
14 of properly supervising that placement or no chance
15 really of understanding and monitoring the impact and
16 making sure they were all right, I -- I genuinely --
17 I can't -- I find it really difficult, even -- even when
18 you consider -- and I know the Inquiry has and does --
19 even when you consider the wider context in which
20 children and young people were viewed and there is
21 an impact and Abrams in her report says that even when
22 you consider that, I really struggle to see a set of
23 circumstances in a profession where that was seen in any
24 shape or form as an appropriate thing to do.

25 I'm not sure -- the other thing I really struggle

1 with was the length of time it went on for. Perhaps not
2 understanding -- not being that old -- not understanding
3 precisely beyond reading what that kind of wider society
4 was and the view -- but even not understanding that, for
5 it to have continued for that length of time I find
6 entirely unsupportable, actually.

7 LADY SMITH: That last point you make is I think
8 an important one for learning. One might go right back
9 to the beginning of boarding out, the state of Glasgow
10 at that time, the apparent undesirability of keeping
11 children in circumstances which were desperately
12 overcrowded, unclean, where there were too many children
13 living in circumstances that even the pets shouldn't be
14 living in in some cases, and even if you allow for some
15 indulgence regarding well-meaning people just
16 desperately trying to do something that they thought
17 surely would be better, because the children would be in
18 a clean environment and have space --

19 A. Yeah.

20 LADY SMITH: -- it took a long time to revisit that decision
21 and ask whether it continued to be the right thing to
22 do, didn't it?

23 A. Yes.

24 LADY SMITH: So what's the lesson? We have to appreciate
25 why certain decisions that were made under extreme

1 pressure may have been made at the time, but not let
2 them rest without revisiting them?

3 A. Absolutely. And to a lesser extent, it was the point
4 I was making earlier on about the state of crisis as it
5 was experienced in the late 1980s, and some of the
6 decisions that were taken even then about foster
7 placements in the heat of the day, because your focus
8 was on making sure that child was safe, but our
9 inability to reflect and to return to those decisions
10 and --

11 LADY SMITH: Yes.

12 A. Yeah. I think it had a -- you can see that the impacts
13 on those people who were boarded out was immeasurable
14 and I'm actually really pleased that people have been
15 able to articulate that to the Inquiry, because I think
16 it's important to hear that voice.

17 But, yeah, the length of time I find something that
18 is insupportable.

19 LADY SMITH: Thank you.

20 MS INNES: You mentioned in your evidence there, Susanne,
21 that given the location in which children were boarded
22 out, it was very difficult if not impossible to actually
23 supervise these placements.

24 A. (Witness nods)

25 Q. We've heard evidence from people who went through that

1 experience of either -- well, visits were few and far
2 between, and they didn't have the opportunity to build
3 up any kind of relationship, trusting relationship with
4 a childcare officer who would listen to their concerns.

5 A. (Witness nods)

6 Q. I'm sure you've also observed that from the evidence.

7 A. Yes. And it goes back to that earlier point about
8 whilst you could perhaps understand the decision in
9 terms of the immediate set of circumstances and being in
10 a crisis. Placing children there in those sets of
11 circumstances, you would have known that that
12 supervision or that contact with the children would have
13 been really difficult.

14 I mean, it remains difficult to visit the Islands in
15 2022, so -- and communications in 2022 are at points
16 difficult with the Islands from here. So in that period
17 of time, that would have been something that would have
18 been known, that that contact or ongoing contact would
19 have been extremely challenging if not impossible at
20 points.

21 Q. That's certainly something that Josephine Duthie said in
22 her evidence. She talked about inspection of the crofts
23 being infrequent and she felt that recognition of
24 this -- or this process was a naive expectation that the
25 community's self-policing would prevent cases of child

1 abuse. Do you think that observation is a good one?

2 A. Yes. I think it's entirely accurate. Because actually
3 there would be a counter view in terms of the
4 experiences of very small remote communities, who
5 potentially could be less likely --

6 Q. Yes.

7 A. Yeah, to report any issues.

8 Q. We also heard from all of these applicants who
9 experienced boarding out that they were invariably
10 expected to work extremely hard on crofts, farms and the
11 like. Do you have any reflections on that practice?

12 A. Again, even in terms of context, historical context,
13 it -- my opinion, it feels like there was a further
14 stigmatisation of children who were in the care of the
15 state and almost as if we could -- we could -- or
16 they -- we could allow them to be directed into that
17 kind of hard labour.

18 So there is a bit of a historical context in terms
19 of how children and young people were seen and the view
20 of work, but there's a further -- in my opinion, there's
21 a further stigmatisation as if they were -- so, for
22 example, not to be offered the opportunity of education
23 that other children and young people would have had,
24 even in that historical -- even in Glasgow in that
25 historical context.

1 Q. I wanted to ask you about the experience of three
2 applicants in particular. At tab 2 in the red folder
3 there should be a list of the applicants relevant to
4 Glasgow with pseudonyms. I'm looking at evidence that
5 was heard on Day 294 from 'Bill', 'Joe' and 'James', who
6 were three members of the same family. They gave
7 evidence that they were boarded out to Tiree. They were
8 separated, put to different homes, and in fact they
9 weren't able to have contact with each other during the
10 time that they lived on Tiree, to the extent that
11 I think when two of the brothers passed each other at
12 school, they didn't recognise each other.

13 Do you have any reflections on that, the separation
14 of the family and the lack of contact between the
15 siblings?

16 A. Certainly reading that evidence -- again I might express
17 an opinion -- it does feel to me -- and also actually
18 being familiar with Tiree, it feels to me that that was
19 an additional cruelty, because you would have to make
20 a conscious effort on Tiree not to come into contact
21 with people.

22 So for me, there are other sets of circumstances,
23 and the Inquiry heard some evidence where children were
24 separated and the geographical distance was significant
25 and there wasn't enough thought given to facilitating

1 contact and/or even talking to children about their
2 siblings.

3 But in this particular instance, listening to the
4 evidence, it -- and I appreciate that wasn't in the
5 evidence and so this is an opinion, in my opinion it
6 felt like that potentially was an additional cruelty
7 that was a conscious separation rather than something
8 that happened as it did in a range of other
9 circumstances without thought.

10 Q. Then we heard from a number of witnesses who were on
11 Tiree, particularly in the 1960s and early 1970s, so
12 'Bill', 'Joe' and 'James', an applicant with the
13 pseudonym 'Illya', who gave evidence on Day 294 as well,
14 and then another applicant, 'Rose', who gave evidence on
15 Day 302, and also Stewart Wilson, who waived anonymity
16 and gave evidence at a later point. He was on Tiree on
17 two occasions in the 1970s, but in respect of the
18 earlier period that he was on Tiree, in common with the
19 other applicants that I've mentioned, they were able --
20 well, there was a complete lack of records to the extent
21 I think that some children who were on Tiree are even
22 unable to prove that they were there.

23 A. Mm-hmm.

24 Q. 'Illya' talked about the steps that he has taken to
25 support people to establish that they were there, so,

1 for example, looking at school records and suchlike.
2 But there didn't seem to be children's records held
3 by -- by now Glasgow City Council from the time that
4 they were there.

5 Do you have any comment in relation to that issue?

6 A. It relates back to my earlier point. It's not just my
7 view and opinion, it is actually part of our SSSC
8 registered standards now that case records are not just
9 a byproduct of our work as social workers, they are
10 a core function. It's a core function and should be
11 a core function of social work.

12 It shouldn't be seen or viewed as an irritation that
13 you have to record in terms of -- because it's
14 children's and young people's lives.

15 I suppose my reflection on the evidence from those
16 individuals, but there was also evidence that I read
17 from other applicants, about a really strong theme about
18 loss of identity and critical to identity is the
19 opportunity to read your own case records.

20 So for me it reinforces that point about it's a core
21 function of competent social work practice that case
22 records are not just available but they're of a quality
23 that allows young people -- people at a later -- well,
24 contemporary as well. So young people should be able
25 and are able to review their records at any point. But

1 also as adults with hindsight to understand where
2 they're from and who they are.

3 Q. And why decisions were made?

4 A. And why decisions were made.

5 Q. Okay.

6 I'd like to look at records which weren't referred
7 to during the course of the case study but just to give
8 us an insight into another applicant who experienced
9 being boarded out, in this instance to Arisaig, so this
10 is an applicant whose evidence was read in on Day 290
11 and he has the pseudonym 'Wayne'.

12 If we could look at GLA-000000187 and if we could
13 look, please, at page 6. These are handwritten notes
14 and give us an indication of the type of records that
15 children might see from that time. This record is from
16 10 March 1957 and we see a paragraph beginning:

17 "One would suspect an unhappy atmosphere in this
18 home. The female carer is extremely [I think it might
19 be 'discontent'] and sorry that she ever came to Arisaig
20 and work-weary. She is troubled with rheumatism in her
21 fingers and attributes this to rain coming through the
22 roof. A thinly veiled hostility to husband, who sleeps
23 in the loft, while [I think one of the children] shares
24 a bedroom with the foster mother. 'Wayne' and the other
25 boy have a bed each. This is the one home which is

1 doubtful in the eyes of Mr Simon MacDonald, the
2 headmaster."

3 I think we can see from that entry that there's
4 a number of issues in relation to that that are observed
5 by the childcare officer.

6 So the unhappy family circumstances of the foster
7 parents, which I'm assuming in itself would be something
8 that social workers would want to be alert to and think
9 about the impact of that on the children in placement.

10 A. Yes.

11 My observation there would be so you've got
12 historical context, but you've also got that kind of
13 further stigmatisation of what's adequate for children
14 who have to come into the care of the state and I think
15 you can see from some of the records from that time --
16 again, I'm expressing an opinion -- that there was
17 a tolerance of a circumstance -- and because it might be
18 slightly better than circumstances which precipitated
19 them coming into care, there was a tolerance of that
20 kind of inappropriate -- not even physically, not even
21 a good physical environment, much less a kind of
22 nurturing environment, there's a tolerance of that,
23 almost as an assumption: well, it was better than where
24 they came from.

25 Again, that's an opinion, but we've spent -- I've

1 spent quite a bit of time at the Mitchell looking at
2 some of the records, not just in relation to foster
3 care, also residential. That would be my opinion.

4 Q. If we go on over the page to page 7, this is again
5 9 August 1957 and there's a school report:

6 "This boy is not making much progress. I suspect
7 that he is used for general work after school and is not
8 given sufficient time to prepare his homework. He has
9 had 30 absences made up by one or two days off at a time
10 to run a message, to do work about the croft,
11 et cetera."

12 That's the very point that you made in your evidence
13 a moment ago, that education could be impacted --

14 A. Yes.

15 Q. -- by the work that boarded-out children were expected
16 to do.

17 Then in the next entry:

18 "Visited: foster mother seen and the child was
19 kicking a ball about the yard at dusk. All the foster
20 children small and pale and difficult to fathom.
21 'Wayne' likes to hear from his father and needs no
22 encouragement to [something] his letters."

23 A. "Answer".

24 Q. Then it goes on:

25 "Still wants to be a miner [which was mentioned

1 earlier in the records]. Informed the foster carer that
2 children must on no account be kept off school to help
3 on the croft."

4 So there is communication about that issue.

5 A. Yes.

6 Q. "Spoke to local PC Gordon on another matter. He states
7 that the children should not be in the home as the
8 foster father comes home drunk regularly and assaults
9 his wife. Also, there is a layabout son who quarrels
10 with his father using bad language. This has gone on
11 for years and PC Gordon has been called in to make the
12 peace."

13 There seems to be some knowledge there in the local
14 community of the issue.

15 If we go on to the next page, page 8, it says:

16 "Confirmed this from other sources. Nevertheless,
17 the foster mother is kindly and does her best in what
18 must be a most unhappy situation for her. Certainly the
19 children could not be reboarded, but they might perhaps
20 be better in a children's home. I would strongly
21 disapprove of any further boarding in this home."

22 There seems to be a recognition at that point that
23 there should not be any further boarding and the
24 question is, well, where are the children going to go
25 next?

1 A. Mm.

2 Q. I think that entry was from September 1957. Then we see
3 the next entry on this page isn't until February 1958,
4 so although there seems to have been a concern, there's
5 no immediate move.

6 A. Mm-hmm.

7 Q. At the very bottom of this page there's reference to:
8 "'Wayne' was seen at school and was deeply affected
9 by the interview [if we go to the top of the next page
10 it talks about tears welling up in his eyes]. I asked
11 him if he liked living in Arisaig and he said it was
12 better than Smyllum. He liked auntie, but shrugged his
13 shoulders when asked about how he felt towards the first
14 father".

15 You talk there about where children had come from --

16 A. Yeah.

17 Q. -- and here it looks to be an unhappy household and
18 difficult and we know from 'Wayne's' statement the abuse
19 that he experienced, but for him it was better than --

20 A. Yeah.

21 Q. -- Smyllum.

22 We know that he was then moved after that, but there
23 just seems to be a lack of urgency in moving children.

24 A. Yes.

25 Q. Okay.

1 I want to move on from the boarding out period to
2 ask you about some other examples from the records just
3 for your comment. One of the things that you mentioned
4 in your evidence was children having a lack of identity
5 and not knowing where they came from. In this context,
6 I'd like to refer to the evidence of an applicant with
7 the pseudonym 'Davie', who gave evidence on Day 304. He
8 was in foster care from 1971 until 1983.

9 If we could look, please, at GLA-000001875, and
10 these are 'Davie's' records.

11 If we can look, please, at page 3. If we scroll
12 down to 11 January 1978:

13 "Review of contact with family."

14 The worker notes that they were in contact:

15 "I was previously involved with these children and
16 foster parents about four years ago. Reintroduction to
17 the foster parents was therefore easy and friendly. The
18 family moved house at the end of December, I have not
19 yet visited there but hope to do so in the immediate
20 future. This involved them in some expense ..."

21 And there's reference to that.

22 "The situation as I found it was pretty much as
23 John Dalrymple left it, with the children all making
24 reasonable progress. The foster mother however is
25 an eccentric woman. Although she has given much warmth

1 and affection and a good standard of care to the
2 children, I feel that she has never fully understood the
3 role of foster mother, and has not been given adequate
4 support by this department in trying to reach
5 an understanding. Very briefly the facts which concern
6 me are as follows:

7 "1. The foster mother explained to me that when she
8 was given the children the social worker concerned
9 started to explain their family background, but she was
10 quite horrified at what she heard ... and said she did
11 not wish to hear any more, all she wanted was the
12 children."

13 Pausing there, I suppose that's an issue that would
14 raise a concern?

15 A. Yes.

16 Q. That you would expect the foster carers to have some
17 interest in the background of the children and think
18 about --

19 A. Yeah.

20 Q. -- how they might deal with that?

21 A. I think now -- I'm pretty certain it was part of my
22 evidence previously, but certainly now having submitted
23 the up-to-date Fostering Procedures and it was something
24 that we've reflected on, given the evidence that we've
25 heard from witnesses round about identity, is the life

1 story work. So it's explicit. It's explicit now that
2 that is our expectation is that foster carers
3 proactively engage in the life story work with children
4 and young people in their care and also contribute so
5 that the time they spend in foster care then is part of
6 that life story.

7 And we ask and encourage, for example, photographs
8 and memory boxes from their time in foster care, but
9 it's an explicit expectation. It's included in the
10 competencies now that contribution to life story work
11 and it's particularly about our understanding now of how
12 important that is to young people or -- particularly to
13 adults who have a care experience of understanding all
14 of that and being able to have tangible things in
15 addition to case records to go back and look,
16 photographs are hugely important, hugely important.

17 Q. Then this record considers with similar issues about
18 blocking the children's past and then:

19 "She has never fully explained the situation to the
20 children. What actually happened was that having heard
21 a neighbour discuss the word 'adoption' as an insult,
22 she decided that she must tell the children. Without
23 discussing it with her husband she got her
24 daughter-in-law to take the children in one at a time
25 and she told them they were adopted!"

1 So basically she's not told the children the truth.

2 A. Mm-hmm.

3 Q. Then at 4:

4 "She has refused all subsequent discussion with the
5 children on this subject, telling them they are too
6 young. When they are old enough she will tell them the
7 truth."

8 It looks like the children must have been raising
9 questions then --

10 A. Yes.

11 Q. -- about their history.

12 Then at 5:

13 "The children have been introduced to all social
14 workers as family friends."

15 Is that a particular issue?

16 A. In terms of identity --

17 Q. Well, that the children don't know that the social
18 worker is a social worker --

19 A. Yes.

20 Q. -- that they think that person's a family friend?

21 A. Yes, absolutely. Because then in terms of again that
22 additional safeguard about who children and young people
23 might speak to, you wouldn't understand that Susanne
24 coming into the house is somebody that you can trust
25 that's not connected to this family if something was

1 going on.

2 Q. Yes, because you're then -- you've then become one with
3 the foster parents?

4 A. Yes.

5 Q. If we go down a little there's a paragraph beginning:

6 "I feel that the children in all probability have
7 a much closer grasp of the truth than the foster mother
8 suspects and that bringing the facts out into the open
9 would be to everyone's advantage. I also feel I cannot
10 continue visiting them while pretending to be
11 an undefined sort of family friend. The children must
12 know that I am a social worker. However it is obvious
13 that the foster mother must have confidence and trust in
14 me before I can tackle this and this must be my next
15 task with the family."

16 Do you have any observation in relation to that? So
17 he realises that he needs to do something, but the first
18 port of call is to win the trust of the foster mother?

19 A. It's difficult in a contemporary situation as a social
20 worker to see a set of circumstances where even if those
21 were to be difficult or challenging conversations, that
22 you wouldn't have them immediately. I wouldn't
23 recognise that you would need to build confidence and
24 trust. You need to challenge. You need to challenge
25 the foster carer. You need to challenge that set of

1 circumstances. You may upset the children, but you
2 can't and shouldn't avoid that because if you can
3 explain the situation -- an avoidance of conflict or
4 difficult or challenging conversations, difficult and
5 challenging conversations again is a core of competent
6 social work practice.

7 So I wouldn't -- in a contemporary situation
8 I wouldn't recognise that as competent social work
9 practice.

10 Q. Then in fact we see that entry was from January and the
11 next entry we see is from December, so looks like
12 there's been a gap --

13 A. Yeah.

14 Q. -- there. I think we see on 19 December, what we can
15 see on the screen is the social worker had gone to take
16 a social work post in London and "I was going to be
17 taking over the case", so there's a new social worker?

18 A. Mm.

19 Q. If we scroll down it looks like, at the bottom of the
20 page:

21 "I also told them that John Duffy had been anxious
22 about some of the explanations that the foster mother
23 had given the children regarding their background and he
24 felt that the couple were heading for trouble because it
25 was only a matter of time before the kids started asking

1 questions about the inconsistencies in the information."

2 So that still seemed to be an issue by the end of
3 that year?

4 A. Mm-hmm.

5 LADY SMITH: I think by that time, certainly in 'Davie's'
6 case, he would be almost 13 years old. I think his date
7 of birth was 1966.

8 MS INNES: His date of birth was 1966, my Lady, yes.

9 We can see the impact of this if we look at
10 GLA-000001876, page 1. This is an excerpt from records
11 from 'Davie's' sister.

12 If we look down at 13 August 1981, it says there:

13 "Phone call from a social worker in the psychiatric
14 unit at Stobhill Hospital. 'Davie's' sister was
15 recently admitted as a patient there suffering from
16 an adolescent identity crisis thought to be the result
17 of her experiences as a foster child with these carers.
18 Apparently she is no longer there having left their home
19 two months ago to live in a hostel. According to the
20 social worker the child was under the impression that
21 she'd been adopted by them and asked for help in tracing
22 her own mother, but when Mrs McKenzie made enquiries it
23 was discovered that she was in fact fostered and in the
24 care of Strathclyde Region and traced the case to
25 [a particular area]. The girl is now anxious to find

1 her true identity."

2 Then it goes on:

3 "Seemingly relationships at the foster carers had
4 not been good for some time and according to the sister
5 the foster mother has been drinking excessively for some
6 years now. The girl alleges that the foster mother --
7 when she's been drinking, she antagonises the girl by
8 telling her that her mother was a patient in a mental
9 hospital and the girl herself was born there. The
10 situation has been too much for the girl to cope with
11 and she left the household."

12 Well, we can see the impact that not telling the
13 child the truth had on her.

14 A. Yes.

15 Q. But also, as well as the fact that they're not telling
16 her the truth, issues are then raised about the
17 behaviour in the household and obviously 'Davie' in his
18 evidence told us about the abuse that he experienced
19 while living in this household.

20 A. Mm-hmm.

21 Q. I think it goes back to what you said earlier in your
22 evidence about there might not be a complaint of abuse,
23 but there might be a concern and that forms part of the
24 context or background, that people should be alert to
25 that issue?

1 A. Yes.

2 The other thing I would add in terms of identity is
3 we now know and we're really clear about it that
4 actually children and -- including young children, can
5 actually manage quite complex information about their
6 own identity. They can manage a situation in foster
7 care and in adoptive situations where they understand
8 their birth parents to be different from the people who
9 are looking after them, and sometimes they choose to
10 call the people looking after them mum and dad and
11 choose to -- they might still have contact, they might
12 still just have letterbox contact which is that kind of
13 regular contact, but there's really, really clear
14 evidence, particularly in terms of when young people get
15 to a teenage -- that it's really important to have those
16 difficult conversations even with really young children,
17 because actually that's much better for them than
18 disguising or hiding that and children can manage
19 complex information about their own identity.

20 And that's complex information but truthful complex
21 information about their own identity is much better than
22 fabricated or obscured information about their own
23 identity.

24 Q. Then I want to move on to some other records which
25 I hope illustrate something else that you said in your

1 evidence earlier about what children might tell us.

2 If we can look -- I'm going to refer to the evidence
3 of an applicant with the pseudonym 'Gavin', who gave
4 evidence on Day 314, and we also heard evidence from the
5 male foster carer, 'James', on Day 321.

6 If we can look, please, at GLA-000001898, page 20.
7 This is an entry from August 1981, so 'Gavin' was in
8 foster care with 'James' and his wife from 1980 to 1984.
9 Looking at page 20, if we scroll down to the bottom part
10 of the page, it says there:

11 "'Gavin' was flighty and difficult to pin down but
12 he said that he didn't like the foster carers and gave
13 several 'silly' reasons. For example, they didn't let
14 him wear his wellingtons. He said he wanted to go and
15 stay with the couple downstairs and when asked, replied
16 'because they've got chickens'. 'Gavin' also asked
17 about why he couldn't stay with his dad and got the same
18 answer as always (i.e. no house, no job, dad not able to
19 look after him), which seemed to satisfy him. Gavin
20 looked happier than the last time and was told that we
21 would be back in three weeks time for a visit."

22 There 'Gavin' seems to be expressing some feelings
23 towards the foster carers, and when asked about that,
24 the reasons seem "silly". Is that a -- I'm hoping that
25 it is an example of what you said earlier, that you need

1 to probe more deeply to see what a child is actually
2 telling you?

3 A. Yeah. In my experience it's actually highly unusual in
4 disclosing abuse that the first thing a child or young
5 person tells you is that they have been abused by
6 somebody. That's actually quite unusual. They've told
7 you either -- in terms of a conversation or verbally or
8 by their behaviour, they've told you before they've used
9 those words that you would recognise as an adult, and
10 that's our job, that's our job as social workers to
11 understand what they're trying to say or -- either
12 through behaviour or -- particularly if there's
13 incongruence, so particularly like in this instance if
14 something's not -- if it doesn't make sense about the
15 reasoning for something, those are -- those are red
16 flags in terms of probing further. And behaviours. And
17 some behaviours.

18 Q. Another issue from 'Gavin's' evidence was that he'd been
19 in residential care for a period of time, quite
20 a lengthy period of time, before he went into foster
21 care, and we know of course from the evidence that we
22 have that there came a time where there was a shift from
23 residential care into foster care in Strathclyde and in
24 other areas as well.

25 A. (Witness nods)

1 Q. And 'Gavin' was then placed into this foster household.

2 Is there a danger in perhaps thinking, well, foster
3 care's much better, therefore we'll just move the child
4 into a foster home and everything will be fine?

5 A. Mm.

6 Q. As opposed to perhaps recognising that sometimes
7 residential care is best for a child?

8 A. Yes, and I think I said a version of that previously
9 when I was here in May, that in my opinion we will
10 always need good high-quality residential care, because
11 there are some young people for whom that is a better
12 option and better meets their needs for a range of
13 different reasons.

14 Specifically, though, in terms of safeguarding
15 children and young people, while in general the evidence
16 is that substitute family situations do have a better
17 impact in relation to outcomes, it's quite difficult to
18 have a kind of binary causal link between that in terms
19 of -- because there's a slightly different profile of
20 young people now accommodated in residential care.

21 However, what's absolutely clear is checks and
22 balances and the external structures and scrutiny for
23 residential care in a lot of ways are more
24 straightforward than they are for a substitute family,
25 so our safeguarding in terms of foster care has to be --

1 has to have that kind of level of sophistication and
2 reflection that allows the foster family -- supports the
3 foster family to replicate family life as far as they
4 possibly can, but we -- when you don't have the same
5 external scrutiny, it is more straightforward in
6 a residential setting. You have more staff around, you
7 have more people who could whistle-blow, the staff group
8 are not related.

9 So there's all kinds of reasons why safeguarding is
10 not as complex -- it's as important in residential, but
11 not as complex to carry out, and we need to be alert to
12 that.

13 LADY SMITH: Ms Innes, am I right in remembering that
14 'Gavin' spoke of there being what sounded like a small
15 children's home up the road from his foster family's
16 house?

17 MS INNES: Yes.

18 LADY SMITH: And he gravitated there and made a friend who
19 was in that home and he wanted to go and live there.

20 MS INNES: Yes. I think he talked about going back,
21 gravitating towards that home, and then he made some
22 friends at school, I think, and their parents then took
23 him into foster care, it was a minister and his wife.

24 LADY SMITH: Yes.

25 MS INNES: That was a positive experience, but by that stage

1 I think 'Gavin' -- the placement ultimately broke down.

2 LADY SMITH: Yes.

3 MS INNES: Right, I want to make sure that we have
4 sufficient time to cover any learning and things that
5 you've identified coming out of your overall
6 reflections, and having spoken with senior officers
7 who've been coming along to the Inquiry and hearing some
8 of the evidence that we've been referring to but also
9 a lot more than that.

10 A. (Witness nods)

11 Q. I wonder if you can tell us what lessons you've
12 identified that we should learn from the evidence that
13 applicants have given?

14 A. I think the reflections that we've had thus far is
15 that -- sorry, that the notion that because this is
16 historical and the context has changed so
17 significantly -- so the first reflection is that doesn't
18 mean that there's nothing for us to learn, so that's --
19 I'm really clear about that. There's lots for us to
20 learn.

21 Some reassurance in terms of the changes in terms of
22 the systems and processes.

23 I think the biggest reflection for us thus far has
24 been about recognising the impact of trauma on
25 a lifelong basis and what we might need to do whilst

1 we -- whilst we've got responsibility for children and
2 young people in our care to mitigate that more than we
3 have.

4 So listening to some of the older applicants about
5 the impact of that trauma continuing, you know, into --
6 throughout their lives. There's a real reflection from
7 us about I think we need to look again about are we
8 doing enough in terms of that trauma-informed practice
9 about working with them while they're in our care.

10 I think for us that loss of identity and the
11 importance of identity has kind of strengthened -- it's
12 certainly strengthened my resolve round about the life
13 story work.

14 And there is some work we've done in the family
15 group decision making and I don't know that we've done
16 enough about it. So some of that extended family that
17 I referenced earlier on that we've found, they can't
18 necessarily care for young people -- we need to -- they
19 need to remain in our care. It's things like
20 photographs.

21 So we've had an experience where children and young
22 people -- what that's allowed them to do is photographs
23 that they've carried about with them from different
24 placements, that person tells them who it is and when it
25 was and where they were. You know, that was --

1 literally spoken to a young man who was in residential
2 school and then a residential unit and when we
3 identified the extended family, they couldn't take him
4 but they could visit him, they could send him birthday
5 cards, and he'd carried about -- both mum and dad were
6 dead. He'd carried about a photograph album and this
7 aunt was able to tell him who was in the photograph and
8 I can't tell you the difference that made to that young
9 man.

10 So a real reflection from us about listening to the
11 applicants about the centrality of that issue of
12 identity and our responsibility about when they're --
13 when that early life has been disrupted, our
14 responsibility while they're in our care to work as hard
15 as we can to accumulate for them as much of that story,
16 because what I was really struck by was it's important
17 while they're with us, but that importance -- it almost
18 gains more importance into their adulthood and the
19 different kind of life experiences, married and having
20 their own children and not having that.

21 So that trauma of loss of identity is actually
22 revisited a number of times, listening to the
23 applicants -- and apologies if that sounds quite
24 nebulous, but for us that's brought us back to that work
25 on life story. It's brought us back to having to think

1 more clearly and do more while young people are in our
2 care about that identity, that issue of identity.

3 A whole load of reflections in terms of systems and
4 processes and having to continue to be alert and having
5 to make sure that we're doing that kind of constant
6 reflection, but that identity issue was the really
7 strong one that I'm certainly left with.

8 Q. You also mentioned systems and processes and issues
9 around that.

10 A. Yes.

11 Q. How are you taking forward those lessons to be learned?
12 Are you doing training, what sort of things are you
13 doing?

14 A. What we've decided to do is -- we've done it with the
15 senior -- we've done it with the team leader team
16 already, we haven't done it with the front line social
17 workers and the fostering team and the area team yet --
18 is a bit of a reflection in terms of the key lessons and
19 we have split that into systems and processes and that
20 kind of reflection more about competent social work
21 practice and, as I say, particularly on life story work.

22 So yes, it's our intention -- we're particularly
23 keen to hear the recommendations from the Inquiry and
24 it's our intention then to take the recommendations from
25 the Inquiry and spend some time with the front line

1 staff about what that means for us as a service, as
2 an organisation and as a profession.

3 We've done that with the senior team thus far,
4 because it felt like we couldn't wait, and we heard
5 enough, but in terms of that kind of concrete piece of
6 work with that wider group of staff -- and that's the
7 area team staff, so it's not just the fostering service
8 because I think what -- listening to the applicants,
9 it's the entirety of the system, so it's our intention
10 to do some work specifically round about the
11 recommendations from the Inquiry, but we've already got
12 that -- the ideas particularly about life story work.

13 Q. You said you'd identified certain things under life
14 story work and systems and processes that you need to
15 look at. I wonder if you have that in a form that you
16 would be able to share with us?

17 A. We've got a report -- a note -- it was two senior
18 members -- it was two service managers who have got
19 responsibility for the adoption and fostering services
20 who listened to it, so we've got an exchange from them
21 to myself as ultimately the responsible officer about
22 their reflections about what we heard, which I've added
23 to in terms of our reflections and given evidence and
24 then revising their submission.

25 So it's in report form and I'm happy to share

1 (12.50 pm)

2 (The luncheon adjournment)

3 (1.50 pm)

4 LADY SMITH: Good afternoon. I think our South Ayrshire
5 witness is ready, Ms Innes?

6 MS INNES: He is, my Lady. It's Gary Hoey.

7 LADY SMITH: Thank you.

8 Gary Hoey (sworn)

9 LADY SMITH: Is it all right if I use your first name?

10 A. Yes, please.

11 LADY SMITH: Are you comfortable with that?

12 Thank you for coming along this afternoon and for
13 taking on the responsibility of giving evidence that you
14 have. I think you've not been in your current post all
15 that long; is that right?

16 A. I have been in my current post from around about
17 January, so the turn of the year, but I did do it on
18 an interim basis prior to that.

19 LADY SMITH: I'm grateful to you for taking on this
20 responsibility.

21 The red folder there has your council's documents in
22 it that are relevant to this part of our work and we'll
23 also bring documents up on screen as and when we go
24 through various parts of your evidence, you might find
25 that helpful too.

1 Before I hand over to Ms Innes, could I just say
2 that I really want you to let me know if you have any
3 questions or queries at any time. If you need a break,
4 I will take a break around 3 o'clock in any event, but
5 if at any other time you want a break just tell me or if
6 there's anything else I can do to help you give your
7 evidence as clearly and comfortably as you can, do say.

8 If you're ready I'll hand over to Ms Innes and
9 she'll take it from there; is that all right?

10 A. Yes, Lady Smith.

11 LADY SMITH: Thank you.

12 Ms Innes.

13 MS INNES: Thank you, my Lady.

14 Questions from Ms Innes

15 MS INNES: Gary, can I start by asking you your date of
16 birth?

17 A. It is [REDACTED] 1970.

18 Q. You've provided a copy of your CV to the Inquiry and we
19 understand that your current role is Chief Social Work
20 Officer for South Ayrshire Health and Social Care
21 Partnership?

22 A. That's correct, ma'am.

23 Q. You've told us a bit about your background and your
24 qualifications and I think you worked for a number of
25 years as a youth support worker?

1 A. That's right.

2 Q. And in 2006 you became a team leader with South Ayrshire
3 Council, working in the area of young people's support
4 and transitions?

5 A. That's correct, yes.

6 Q. After that you spent about three and a half years
7 working as a Learning and Development Co-ordinator with
8 the North Ayrshire Child Protection Committee?

9 A. That's correct, yes.

10 Q. Then from there you returned to South Ayrshire Council
11 in 2016 as Inclusion Co-ordinator in Educational
12 Services?

13 A. Yes, working in additional support needs and special
14 educational needs.

15 Q. Then in 2018 you moved to become a Strategic
16 Co-ordinator in relation to children's service planning?

17 A. Yes, that was the production of the annual children's
18 service plan.

19 Q. Okay. Then you became a senior manager, I think, in
20 Children's Health and Justice Services?

21 A. Yes. I became senior manager. My remit was
22 authority-wide services, which under my remit was the
23 family placement and adoption team, our residential
24 houses, young person's support services and family
25 support services.

1 Q. Okay. Then, as you've said, you became Chief Social
2 Work Officer earlier this year but you'd perhaps been
3 doing it on an interim basis prior to your formal
4 appointment?

5 A. Yes. I was doing it on an interim basis from about
6 October, and then as a -- I took up post in January.

7 Q. Okay. We know obviously that South Ayrshire Council
8 have provided a response to a Section 21 notice in
9 respect of foster care. Did you have any involvement in
10 the response to the Section 21 notice?

11 A. Yes. I was -- referring to the methodology that we have
12 provided, I was involved in the social work staff and
13 team that came together in order to do the case file
14 reading, analyse the results of the case file reading,
15 and I was involved in the production of the response to
16 the Inquiry.

17 Q. Okay. Thank you.

18 If we can look, please, first of all at Part A of
19 your response and the very first question that's at
20 SAC-000000026, question 1.1(a) you tell us there about
21 the predecessor authorities for the Local Authority.

22 A. Yes.

23 Q. It looks to be quite straightforward. Yes, it's at
24 SAC-000000026, page 4.

25 We have Ayr County Council being the relevant

1 authority from 1930 to 1975, then it formed part of
2 Strathclyde Regional Council and obviously South
3 Ayrshire Council has been in place since 1996.

4 A. Yes. That's correct.

5 The addendum would be that in 2015 South Ayrshire
6 Health and Social Care Partnership came into being, so
7 the social work functions and social care functions are
8 now carried out by South Ayrshire Health and Social Care
9 Partnership on behalf of South Ayrshire Council and NHS
10 Ayrshire & Arran.

11 LADY SMITH: Gary, can I just ask you to pull the microphone
12 a little bit nearer to you if possible

13 A. Of course you can.

14 LADY SMITH: Thank you, that's better

15 A. Sorry, Lady Smith.

16 LADY SMITH: Thanks.

17 MS INNES: I wonder if we can move on, please, to page 24.

18 There you tell us a bit about what you were able to find
19 out in respect of numbers of children that were
20 accommodated, first of all, at question (a) there.

21 You note first of all that you weren't able to
22 identify an exact number of children accommodated within
23 foster care by South Ayrshire Council and its
24 predecessor authorities, because I think there was
25 obviously the period of Strathclyde --

1 A. Yes.

2 Q. -- so you've not been able to extract numbers relevant
3 to South Ayrshire from that period.

4 And as far as Ayr County Council is concerned,
5 I presume that would have covered a broader area than
6 South Ayrshire?

7 A. Yes, that covers what is now North Ayrshire, East
8 Ayrshire Council and South Ayrshire Council.

9 Q. What you were able to pull together was information
10 taken from the annual Children Looked After Survey from
11 2001 to 2014.

12 A. Mm-hmm.

13 Q. And you've provided a graph there at the bottom of the
14 page --

15 A. Yes.

16 Q. -- showing I think that in 2001 there were I think maybe
17 just over 30 placements?

18 A. Correct, yes.

19 Q. We can see that it increased over time. I think in 2009
20 it fell back a bit, but then increased in the following
21 years.

22 A. That's correct, yes.

23 Q. Are these for placements of children only with South
24 Ayrshire carers or are they figures covering children
25 who were also placed by South Ayrshire with independent

1 fostering agencies?

2 A. That would cover children who were placed internally
3 with ourselves but also with external placements as well
4 and independent providers.

5 Q. Do these figures cover kinship care to any extent or are
6 they only children who are in foster care?

7 A. This only refers to children who are in foster care and
8 I apologise for that, that I am aware that part of the
9 remit of the Inquiry as well was regarding kinship care.

10 LADY SMITH: Have you any feel for the proportion of
11 children in kinship and the proportion in foster, who
12 weren't in residential homes, obviously?

13 A. I can give you figures just now of where we sit in terms
14 of foster care and kinship care places, Lady Smith.

15 So the number of young people that we currently have
16 in foster care is 90 and the number of young people that
17 we currently have in kinship care is 106.

18 LADY SMITH: That fits with a trend that I've seen elsewhere
19 of more kinship care than foster care. Is that a recent
20 trend in your authority or did there use to be as much
21 kinship or more as foster?

22 A. I think probably in terms of social work and social work
23 processes, the children being placed with family members
24 always was a preferable option in terms of that, but
25 perhaps they weren't formalised as much until we reached

1 the fostering and adoption regulations and that really
2 sort of set the standards for what we should be looking
3 at when approving kinship carers.

4 I would say that within my own authority we have
5 developed screening groups and resources that are akin
6 to foster care groups and foster panel groups that, you
7 know, mimic exactly the same checks and balances that we
8 need to make.

9 LADY SMITH: Thank you.

10 MS INNES: I think you've given there the number of children
11 in foster care and kinship care, currently again in
12 relation to foster care, the 90 children, are those
13 children placed with South Ayrshire carers, or with
14 independent fostering agencies or both?

15 A. So the numbers that we have is that the 90 are placed
16 internally --

17 Q. Okay.

18 A. -- and 13 are placed with independent placements at the
19 moment. That sort of mirrors our strategic objective in
20 order to maintain children who are born in South
21 Ayrshire to stay in South Ayrshire so that we can
22 maintain connections with education, community groups,
23 family members, et cetera. So we are committed to try
24 and maintain young people, where possible, at home and
25 with us.

1 Q. Has the reliance on independent fostering agency
2 provision changed markedly over recent years or not?

3 A. Yes, it has. It has changed markedly, not only in
4 relation to foster carers but also residential
5 placements for children as well. I think probably that
6 mirrors nationally what is going on but something that
7 we are very focused upon, which is early intervention
8 and prevention. So it's about working with families at
9 the very first opportunity that we can, Getting It Right
10 For Every Child supports our process in that as well,
11 and indeed working intensively to keep families
12 together.

13 So, as I referred to earlier, we have the family
14 support service and we do have -- you know, then our
15 next preferred option, if that's the right word, is to
16 look for those who have an attachment and nurture a sort
17 of unconditional bond with the child, be that an aunt,
18 an uncle, someone within the family, so then to sort of
19 invest in our kinship carers and try and maintain that
20 connection there.

21 And, as you'll know from our figures, sometimes
22 we're not able to do that and then that's where we'll
23 look to, you know, our foster carers in order to fulfil
24 that nurturing and caring role for the children who we
25 have care for and for the children that we serve.

1 Q. Am I taking from what you're saying that numbers of
2 children in foster care have reduced over time as
3 a result of one early intervention and making sure that
4 children can stay with their birth family if at all
5 possible. If not, the next option would be kinship
6 care, and if that's not possible, then it would be
7 foster care?

8 A. Yeah.

9 Q. But if you reduce the numbers of children in foster care
10 overall, then you're less likely to have to look outwith
11 your own cohort of foster carers for placements. Is
12 that what you're saying?

13 A. Yes, absolutely. There is an approach which we've --
14 sorry -- recently developed, which is the signs of
15 safety approach, which really sort of enables us to do
16 this work and that is looking for strengths within
17 actually the family or the close family so and then in
18 terms of keeping family units together we can identify
19 where there is risk but then we can manage that risk.

20 I would say probably if you go back, you know, ten
21 years ago, the risks weren't being proactively managed.
22 It was sometimes, you know, that the child would be
23 taken from that family before there was any sort of
24 management of that risk or consideration about what
25 other family members could do and indeed how us as

1 a department could provide the scaffolding and support
2 for that family.

3 Q. Okay.

4 I want to take you on to the methodology that you
5 employed in carrying out a case file audit to assist you
6 in preparing the response, and I think that's the audit
7 that you mentioned that you were involved in.

8 If we could look, please, at SAC-000000106, page 2.
9 This is a response given by the Local Authority to
10 follow-up questions that were asked by the Inquiry about
11 the methodology. You tell us that you -- you'd
12 referred, I think, in your original response to
13 a sampling and you then say that the use of that word
14 suggests that a sample was identified from a broader
15 pool of files and only a subset of files was accessed,
16 but in fact, you say, almost all the files that were
17 able to be identified through the methodology were
18 accessed and read.

19 If we look down into the next section, you talk
20 about analysing available electronic records for four
21 things.

22 Complaints against foster carers.

23 De-registration of carers.

24 Cases of litigation.

25 Fact-finding and discipline.

1 In relation to complaints against foster carers, do
2 you have a complaints log that was accessed?

3 A. No, we didn't at that time have a complaints log that
4 was accessed.

5 Going back to the methodology, we were aware -- the
6 group of file readers who came together, one of the
7 things that we did have was I think probably
8 organisational knowledge. Our family placement and
9 adoption team manager had been in that post for a long
10 time. We actually had administration staff who were
11 doing administration for the family placement and
12 adoption team.

13 So it was an analysis in terms of the files that we
14 had were gone through in order to pick up complaints.
15 So using our electronic systems, the complaints were in
16 one file, a folder, and so we were able to extract them
17 and see them.

18 So actually having a register of them? No. But
19 they were all in the one place that we could access in
20 order to look at that.

21 Q. Okay, so you had complaints in relation to individual
22 foster carers, but you had an electronic folder that had
23 extracted these relevant complaints --

24 A. Yeah --

25 Q. -- and they were in a folder for accessing?

1 A. Yes, sorry, because that was within the administration
2 side of the family placement and adoption team.

3 Q. Okay. Then you note that you looked at electronic
4 records in respect of de-registration of carers?

5 A. Yes.

6 Q. Again, were they in a file or folder?

7 A. Again, they were in again a file or folder relating to
8 the family placement and adoption team under
9 de-registrations. However, there was not any overlying
10 sort of table or -- so they were all individual.

11 Q. Okay. Then cases of litigation, so would that be civil
12 claims against the council?

13 A. Yeah. That would be civil claims against the council.

14 So part of our file reading team or part of the team
15 that came together were also our colleagues from South
16 Ayrshire Council legal team and therefore they did
17 a search of their records in order to identify where
18 there had been approaches to the council for litigation.

19 Q. Then the last one is fact-finding and discipline?

20 A. Yes.

21 Q. What was that?

22 A. So again working with colleagues from human resources we
23 were able to look at where there had been any
24 disciplinary action taken against any of our staff
25 within the partnership in respect of their conduct or

1 indeed practice in relation to fostering and adoption or
2 any other area.

3 Q. Okay. I think there was reference within your
4 methodology to material from 2003. Were the electronic
5 systems set up in 2003?

6 A. Yeah. Electronic records were set up in 2003.

7 So previous to that, predominantly a lot of the
8 information lay in what we refer to as orange files
9 within social work. And as I say in terms of the vault
10 or the storage that we had at the area team office, so
11 we had access to files that weren't electronically
12 stored, but however were sort of there in paper form.

13 Q. So once you'd -- but these electronic records that you
14 refer to, complaints against foster carers,
15 de-registrations, did those date from 2003?

16 A. Yes.

17 Q. I know that you then identified through that files that
18 had been open prior to 2003 --

19 A. Yes.

20 Q. -- but this initial identification related to kind of
21 post-2003 information; is that right?

22 A. Correct, yes.

23 Q. Okay. So you then, as you say, identified files through
24 that and looked at the foster carers' files irrespective
25 of when they had been opened, whether they were from

1 2003 or before, and you say that you did also I think

2 have files from 1979 to 1996?

3 A. That's correct, yes.

4 Q. Am I right in thinking that some of the files that you

5 identified through the electronic process were from that

6 period?

7 A. Yes. As I say, they existed in orange file form.

8 Q. Right.

9 A. And some of them in fact spanned the region between or

10 the time period between Strathclyde Regional Council and

11 indeed South Ayrshire Council. So carers had been

12 approved while being with South -- while being in the

13 time period of Strathclyde Regional Council but then had

14 carried on as carers into the iteration of South

15 Ayrshire Council.

16 Q. Then you say at the bottom of this page:

17 "The tables below show the analysis provided by

18 social worker on number of foster carers identified,

19 foster children identified and number of corresponding

20 files read and from what period they were from."

21 Then you say:

22 "From the tables you'll note that there were 61

23 foster carer files covering 28 foster carers ..."

24 So some foster carers would have multiple files,

25 I assume?

1 Then the same with children's files, so files

2 covering 54 children, so --

3 A. Yeah.

4 Q. -- that's the number of files that you read?

5 A. That's correct, yes.

6 Q. That you'd identified from this initial --

7 A. Methodology, yes.

8 Q. -- process that you described?

9 A. Yes.

10 Q. Just to be clear, you didn't go at random and look at

11 your foster carer files and say, "We have 100 of them,

12 we're going to take 10" or anything like that?

13 A. No, no.

14 Q. It was a targeted search?

15 A. It was targeted because of the methodology that we laid

16 out. So by analysis of the complaints, et cetera, we

17 knew that there were carers and children involved in

18 that and then it was to pick those files.

19 One of the things then -- so in the case that we

20 referred to in Part D, that was within organisational

21 knowledge. We knew that that was a case that, you know,

22 we would have to concentrate on and bring to the

23 attention of the Inquiry.

24 From there then, and call it professional curiosity,

25 but there's a branching out aspect that goes, so when

1 you take that one case, and realise that there is,
2 I think at one point, five, six, seven children in
3 placement, you then can follow those, so that's then
4 when we would switch in to reading the case files of the
5 children.

6 Then, as I say, the branching-out process continues
7 because you look at where the other carers where they'd
8 been placed with other carers, et cetera, et cetera, so
9 there is that sort of branching process that takes out
10 that leads you into, you know, reviewing the care that
11 the children received from other carers, reviewing
12 things like whether or not the patterns of behaviour
13 were the same, et cetera. So that led to us almost
14 branching-out process.

15 So, as I say, the case that we refer to in Part D
16 was primary, but in terms of our reading as well we
17 picked up other cases in terms of complaints et cetera
18 and where social workers had had to provide direction to
19 foster carers over a number of reported incidents that
20 had been picked up.

21 Q. Okay. Just for completeness, if we go on to page 3
22 you'll see the tables that were just mentioned and we
23 can see the foster carer files: there was one foster
24 carer who was wholly in the Strathclyde Region Council
25 period; 22, I think, were wholly in the South Ayrshire

1 period; and five were carers during both periods, so
2 they became carers during the Strathclyde time and then
3 transferred, as you said, to South Ayrshire Council.

4 That's a total of 28 carers that you looked at.

5 A. (Witness nods)

6 Q. Sorry, I should have asked. Is that 28 individuals or
7 is that 28 foster caring households?

8 A. That would be 28 foster caring households.

9 Q. Then the next table is the number of children and we see
10 that the children that were identified through this
11 process, 44 of them were during South Ayrshire and 10
12 were from Strathclyde and then into South Ayrshire
13 Council?

14 A. That's correct, yes.

15 Q. If we can move back, please, to the Section 21 response
16 at SAC-000000026. If we can look, please, at page 155,
17 this takes us to Part D of the response that you've
18 mentioned.

19 At "Nature of abuse identified", you note:

20 "The nature of abuse actual or alleged was of
21 a sexual, physical and emotional nature."

22 A. Correct.

23 Q. You discovered that in your file reading.

24 Then in terms of your assessment of the extent of
25 abuse, your assessment in terms of the South Ayrshire

1 period, if we go down to the bottom of the page, is that
2 it was isolated predominantly to one set of foster
3 carers. Why did you come to the conclusion that it was
4 isolated to this one set of carers?

5 A. That refers back to the files that we read and were
6 available to us and it is clear in this case that the
7 children were abused and so therefore that's how we draw
8 that conclusion.

9 Q. Okay. In respect of the other 27 files that you looked
10 at which were identified through complaints and
11 de-registrations --

12 A. Yes.

13 Q. -- for example, did they not have complaints of abuse in
14 them?

15 A. They are -- I think it's in Part D or Part E there are
16 details of three complaints that we picked up during our
17 file reading. Once we picked those up, we then analysed
18 the minutes, et cetera, and case notes in order to see
19 the ancillary actions and follow-up actions that social
20 workers had taken. And therefore you see I think
21 probably in two of the cases or in two of the cases the
22 foster carers were given support and guidance in terms
23 of their care and nurture for the children and in one
24 instance I think -- or I know that the foster carer was
25 de-registered.

1 Q. Okay.

2 If we go on to page 156, at the top of the page
3 you're asked again about the basis of assessment and you
4 say:

5 "When compared overall to the number of children and
6 young people who have been placed with the Local
7 Authority approved carers, the figure is extremely low."

8 Then you refer to the primary methodology that you'd
9 adopted, so I suppose again the focus of your file
10 reading was obviously in relation to reported abuse?

11 A. Correct.

12 Q. I assume you would accept that not every file will
13 contain a report of abuse, even where abuse has
14 happened. Sometimes people disclose abuse later on, for
15 example.

16 A. Yes. I would concur with the -- the Inquiry itself has
17 stated that the full extent of child abuse will probably
18 never be known and I concur with that by virtue of the
19 fact that we were not able to read every single case
20 file and also referencing, as you say, in terms of the
21 nature of disclosure itself, there are children and
22 adults who will disclose. There are children and adults
23 that are adults who will never disclose in terms of the
24 abuse that may have occurred or did occur to them.

25 LADY SMITH: Of course if in any case it has been recorded,

1 like the isolated one -- as you have called it -- you
2 referred to, there are identified problems with your
3 systems --

4 A. Yes.

5 LADY SMITH: -- you have to allow for the possibility, if
6 not likelihood, that those problems will have caused
7 detrimental impact to other children in other foster
8 homes?

9 A. Yes, I accept that. That's a --

10 LADY SMITH: Particularly if it was a weakness in assessment
11 of people for a suitability for fostering in the first
12 place.

13 A. Yes, I would agree with that. I think there is a number
14 of influencing factors in relation to this case.

15 I would also say in terms of then around about
16 decision making and who is the franchising decision
17 making is, you know, a figure of this case as well. So
18 in terms of --

19 LADY SMITH: Don't worry about the details of that one, we
20 will no doubt be coming back to it --

21 A. Oh sorry.

22 LADY SMITH: -- but it's the general point I think we have
23 to remember.

24 A. Yes.

25 LADY SMITH: Of course I understand why you adopted

1 a sampling approach, we wouldn't have expected you to do
2 otherwise, but it doesn't mean that in the files that
3 didn't come up in the sample there wouldn't have been
4 worrying examples as well.

5 A. Yes, Lady Smith, we can't conclusively say that.

6 LADY SMITH: Thank you.

7 A. Thank you.

8 LADY SMITH: Ms Innes.

9 MS INNES: Thank you, my Lady.

10 If we just scroll down to the next answer at (c) we
11 see there the point that you referred to a moment ago,
12 which was that you identified eight complaints, five
13 children relevant to the case that we're going to come
14 onto, and three other individual cases?

15 A. Yes.

16 Q. Then you note at (d) that six foster carers have had
17 complaints made against them. That's two couples and
18 two other individuals, so four fostering households?

19 A. Yes.

20 Q. At (e) you were asked if any foster carers have been
21 convicted of or admitted to abuse of children and none
22 is the outcome of your research. That you're not aware
23 of any?

24 A. That's correct, yes.

25 Q. You note that in the case that we're going to come onto,

1 certain allegations were passed, I think, to Crown
2 Office but it was decided not to proceed?

3 A. That's correct, yes.

4 Q. Then at (f) at the bottom you note that the two carers
5 that you're referring to in this case have been found by
6 the Local Authority to have abused children.

7 A. (Witness nods)

8 Q. What was the context of that finding, is that
9 a de-registration panel?

10 A. Yeah, the carers were de-registered and I think in terms
11 of -- it probably lies between that thing about -- you
12 know, the proof of burden for criminal law and for civil
13 law. In terms of probability it would be our view that
14 this did occur.

15 Q. Okay.

16 Over the page at the top of page 157 you were asked
17 about any family members that complaints had been made
18 against and you'd identified only one complaint in the
19 file reading and it was in fact in respect of a family
20 member of the carers that we're going to come on and
21 talk about a bit more?

22 A. That's correct, yes.

23 Q. Then at (j) if we scroll down this page, against how
24 many other children placed in foster care in the same
25 placement have complaints been made. You note that

1 there was a complaint in respect of one child placed in
2 foster care --

3 A. (Overspeaking).

4 Q. -- who made a complaint against another child, who was
5 also in foster care?

6 A. That's correct, yes.

7 Q. You understand that that's a historical abuse case that
8 at the time of writing of this report was being
9 investigated by the police?

10 A. That's correct, yes.

11 Q. If we can move on, please, to page 159. You speak at
12 paragraph 5.4 about external inspections and you say
13 that in November and December 2011 the Care Inspectorate
14 carried out a joint inspection of services to protect
15 children and young people in the South Ayrshire Council
16 area. The conclusions were positive. However, you note
17 that the Care Inspectorate's attention didn't appear to
18 have been drawn to this particular case that we're going
19 on come on to.

20 I think -- we'll see the chronology shortly -- we
21 know that there was a report in 2008 --

22 A. Mm-hmm.

23 Q. -- and there were police investigations and then there
24 was a later report in 2012, so this inspection falls
25 between the two reports that had been commissioned by

1 the Local Authority?

2 A. (Witness nods)

3 Q. Do you know why it was that the Care Inspectorate
4 weren't told about this case?

5 A. I don't. I don't have any point of reference for that.

6 What I would say that in terms of where we are now
7 in practice, so events such as these would be reported
8 directly to a Child Protection Committee for discussion
9 and potentially moving on to an initial learning review
10 and also in terms of that we would be notifying the Care
11 Inspectorate as a matter of course that we had this
12 issue in terms of where we are.

13 We need to understand that foster care is
14 a regulated service and regulated by the Care
15 Inspectorate, so I would expect and demand that if there
16 was any issues in relation to that regulated service we
17 would be discussing that directly with the Care
18 Inspectorate and seeking their advice and counsel on how
19 to move forward.

20 Q. If we move on, please, to page 161, you talk about this
21 case in a bit more detail. At 5.5(a) you note there was
22 a significant complaint made in relation to abuse of
23 children in foster care and you refer first of all to
24 a report by Ian Millar from 2008 and then a report by
25 Duncan MacAuley in 2012.

1 If we go down to the bottom of the page at (c)
2 you're asked why was this investigation conducted.
3 I wonder if you're able to outline the background to
4 this case and how it was that the first report was
5 commissioned, what was the background to it?

6 A. The background to the first report being commissioned
7 was the fact that the children had all been removed in
8 April 2007, I believe, to -- from that -- from the
9 family.

10 In relation to that then this came before
11 Hugh Carswell, manager for children services, and he
12 took advice on how we should progress with a review of
13 that and it was the decision that we should carry out
14 an independent evaluation of the circumstances
15 surrounding the specific foster carers and the children
16 who were placed with them.

17 Q. If we go over the page to the top of page 162, we can
18 see the points that Mr Millar was asked to look at and
19 it included an independent evaluation of the assessment
20 and supervision processes surrounding the registered
21 carers, an independent evaluation of the support
22 provided to the foster home and foster children.

23 3:

24 "An independent evaluation and review of actions
25 taken by the council following the allegations that

1 abuse had occurred."

2 4:

3 "An independent examination of decisions taken
4 regarding the recommendation that one of the children
5 placed should be adopted."

6 If we could just have a look at SAC-000000109, if we
7 scroll down a little I think we see that this is the
8 report of file analysis prepared by Mr Millar in
9 October 2008?

10 A. Yes.

11 Q. If we go on to page 3, he notes the remit that you've
12 just set out, his instruction by Mr Carswell.

13 At the bottom of this page, "Timescale", he notes
14 that he had hoped to complete the report by the end of
15 May but:

16 "Two particular factors intervened to render it
17 impossible. Firstly, the police investigation into the
18 allegations against the male carer were reactivated and
19 there was concern that BAAF should not interview
20 relevant staff members while the process remained
21 unresolved. To date that remains the position."

22 Then, secondly, at the top of page 4 he notes that
23 the police had taken the foster carer files and retained
24 them for several months, and although there were copies,
25 he discovered that they were in considerable disarray?

1 A. Yes, that's correct.

2 Q. I think he expresses frustration in that paragraph about
3 his ability to I think even understand the files?

4 A. Yes, that's correct. I think the files were in disarray
5 and I think he points to a number of minutes, et cetera,
6 and documents in that were unsigned, so again there was
7 no clarity of whether these were in draft form or were
8 actually documents that had been verified by the chair
9 of those meetings.

10 In reference to the first point in relation to sub
11 judice, current practice would be that we do deal with
12 matters which are obviously before court and going
13 through investigation. However, from a social work
14 perspective there is practice points that we can
15 actually look at and indeed, you know, issue guidance so
16 there is things that you can say we need to stop doing
17 this now or we need to strengthen our practice in there.
18 So while there is matters that lie in terms of
19 criminality, there's practice points that you can
20 actually review and indeed, you know, look at how we
21 improve those irrespective of actually the case being
22 before court or being before the Procurator Fiscal or
23 Crown Office.

24 Q. I know that later on in the next report that we'll come
25 to there were concerns about some inaccuracies in this

1 report, and as I'm not entirely clear what the
2 inaccuracies were, what I'm proposing to do is look at
3 the conclusions of this report and then we'll go on to
4 look at what was done in 2012, where I think there's
5 greater clarity about perhaps the background and
6 circumstances.

7 A. (Witness nods)

8 Q. If we can look, please, on to the conclusions or main
9 comments in this report at page 20, at the bottom of the
10 page, "Summary of main comments". He again comments on
11 the management of the case, he says it's very difficult
12 because of the disorder of the paperwork, and he does
13 say that the accuracy of the facts on which he has based
14 some of his comments is in doubt and he also notes that
15 the assessment and review processes in South Ayrshire
16 Council have substantially altered, particularly in
17 recent years.

18 At point 2 he comments:

19 "All the assessments and re-assessments of the
20 family were superficial. The reports are little more
21 than summaries of information gathered and the social
22 workers' impressions. They are poorly evidenced,
23 contain gaps and make poor use of relevant information
24 that might have been obtained from a number of sources,
25 for example relatives who fostered, the male carer's

1 adult children and the health visitor."

2 Do you have any comment in relation to that point
3 that Mr Millar made?

4 A. I would agree with Mr Millar in terms of his judgement
5 and interpretation of that.

6 I think probably, you know, going over the file and
7 reading the file and other things, we can see where
8 there were key bits of information that were presented
9 to the approval panel that were perhaps not given the
10 weight of evidence that they would be given or the
11 scrutiny that they were given, just, you know, under our
12 current arrangements for fostering panels.

13 For example, such as, you know, the male carer's
14 health, physical health. Again, the female carer's
15 emotional health is mentioned.

16 It then latterly emerges that in terms of the
17 initial assessment that the male carer has had
18 a previous marriage and has two sons from that marriage.
19 That was not disclosed to the social worker. That would
20 give us question in terms of the transparency of the
21 assessment and indeed then, you know, particularly what
22 is the intention that that is here?

23 There's other stuff that then emerged in terms of
24 a qualification as a masseuse at one point. As
25 Mr Millar says, they were originally approved for three

1 children and at one point, I believe, including their
2 own children, there were 11 children living in that.
3 That's a busy household, it's a busy household as well
4 when we consider the trauma and the adversity that the
5 children who were placed in that household had actually
6 experienced in their early childhood development.

7 I think as well I would agree as well that when you
8 actually go forward and move forward and look at the
9 re-assessment of these carers there is a question raised
10 is whether or not what we were getting was
11 a reproduction or a regurgitation of the information
12 that had been produced for the initial approval. So
13 again we see the same references being applied and we
14 see the same information being presented.

15 I think he says that there is a lack of analysis
16 within the report and I would tend to agree with that.
17 Given that one of my roles as senior manager was to sit
18 in the fostering and adoption panel, and there is much
19 more scrutiny in terms of the information that's
20 provided for me, both from legal, from medical and by
21 the social worker but also we -- the forms and
22 assessments that have been developed by BAAF, so the
23 Form F, et cetera, they are very, very searching
24 documents, do you know what I mean? It is quite
25 an intensive sort of assessment for our foster carers.

1 And, as I say, there is that thing about we
2 almost -- we do need to apply critical thinking and
3 professional curiosity. Sometimes things can be too
4 good and I think probably what we all need to do is just
5 to take that step backwards and say let's take
6 a different lens, let's take a different view of this,
7 because ultimately what we are trying to do is act in
8 the best interests of the child so we must ensure that
9 those that we're entrusting their care and nurture to
10 are actually we have checked everything and reviewed
11 that.

12 Q. Okay. The next point that he makes is that there was --
13 the foster carer agreement wasn't on the -- well, it
14 wasn't on the file -- well, he says:

15 "There is no foster carer agreement and I couldn't
16 find foster placement agreements in the file either."

17 So either they had been signed and they hadn't made
18 it to the file or they'd never been signed, and it would
19 be, I assume you would agree, important to make sure
20 that that formal documentation is on the file because
21 it's not merely a formality as we understand it, the
22 foster care agreement sets out the expectations that
23 there are of the carer and also of the Local Authority's
24 support of the placement.

25 A. Yeah, that's correct. It sets out the expectations and

1 standards. Also, we have the foster carer's handbook
2 that does set out our standards and expectations of
3 foster carers relating to a number of areas.

4 Q. Then at point 4 there's the issue about the number of
5 children in placement, we'll come back to that in one of
6 the 2012 reports.

7 There's reference about the possibility of the
8 assessment of them as prospective adopters. I think
9 this may be one of the areas where there potentially
10 were inaccuracies, so I don't necessarily want to get
11 into that, but the point is that they were assessed as
12 foster carers and I think you were talking there about
13 there was a re-assessment at some stage where more
14 information came to light, but there were also concerns
15 even at the re-assessment stage that things were just
16 being repeated from the first time around?

17 A. Correct.

18 Q. Okay.

19 6 is in relation to the process of the decisions
20 about adoption, which I'm not going to go into.

21 Then at 7 it says:

22 "While reviews appear to have been held within the
23 prescribed timescales and significant amounts of
24 training were offered to this family, details of these
25 reviews and the training are difficult to locate in the

1 file. There is no coherent, ongoing evaluation of the
2 carer's performance or development as foster carers and
3 this becomes particularly relevant when concerns begin
4 to escalate in the last year or so of the couples'
5 career."

6 Do you have any reflections on that?

7 A. My reflection on that is in terms of current practice we
8 do maintain records for training that our foster carers
9 have completed. Within their first year carers are
10 expected to complete 30 hours of training and then in
11 subsequent years 20 hours of training.

12 I think probably as well in terms of the situation
13 around the adoption, I think probably there is evidence
14 or there is evidence in the file to suggest that there
15 was disaffection between the foster carers and the
16 social work department at that time because of the
17 decision that was taken by an agency decision maker in
18 referral to the first application for them to become
19 adoptive parents.

20 LADY SMITH: You tell us about current practice, but we're
21 still talking about 21st century practice --

22 A. Yes.

23 LADY SMITH: -- in this assessment. Would you not have
24 expected practice to be better than than it seems to be
25 recorded as being here?

1 A. Yes, I would, Lady Smith, I would have expected it to be
2 better then. And I think this is part of the learning
3 that we take from reading the Millar report and the
4 MacAuley report, that when you're talking about
5 systematic failures then you can see this is a basic
6 system that we need to have in place.

7 As referred to earlier on we need to equip and
8 ensure that our carers have the knowledge to care and
9 nurture effectively, therefore we would expect that.

10 The learning that then emerged from that is that we
11 do need to keep records of -- and those are -- those are
12 audited regularly to make sure that our foster carers --
13 so when a foster carer comes for their review at the
14 fostering and adoption panel, one of the areas that the
15 panel will be looking for is about reassurance that they
16 have completed the 30 hours' or the 20 hours' training
17 within that -- those years.

18 LADY SMITH: Thank you.

19 MS INNES: If we look at point 8, he says:

20 "The concerns which began to emerge towards the end
21 of this couples' fostering activities do not appear to
22 have been objectively considered as a whole until late
23 in the couples' career and this would point to a need to
24 ensure that there are clear, robust, supervisory
25 processes for link workers."

1 So that would be the foster carers' social worker
2 that he's referring to there I think. Do you have any
3 comment in relation to that aspect?

4 A. I think I would refer back to my earlier point, which is
5 about that sort of professional curiosity. That part of
6 the supervisory role, apart from ensuring that, you
7 know, policy and practice is formed is about challenging
8 support as well, so it's to challenge workers or social
9 workers in terms of the view that they may have.

10 I think what is significant in this case from my
11 reading is that the worker involved in the family was
12 highlighting that there was issues in this placement.
13 However, it seemed to be that there was the direction
14 that the children should continue to live there and
15 I think -- probably not in this report but perhaps the
16 next report it refers to the idea about us being
17 reactive. So we are reacting to each of the situations,
18 we are reacting -- and indeed some of the children --
19 the blame was put on the children for behaviours which
20 you could only expect, given, as I've said, the
21 traumatic background and their early development. But
22 yet these children are portrayed sometimes as
23 disruptive, as bad, running away, et cetera.

24 Really, I think that's probably where we need to
25 ensure that those types of behaviours are seen as not

1 the child but perhaps it is the placement, so it's about
2 that idea about professional curiosity and critical
3 thinking that should be part of the process of our job
4 as social workers.

5 Q. If we can move back to SAC-000000026, page 168, you
6 refer there to what -- well, you tried to find out if
7 any direct action took place to address the issues that
8 we've just gone through and you weren't able to
9 ascertain any direct action as a result of that report.

10 You note:

11 "Current practice would have established
12 an improvement plan and governance to take this
13 forward."

14 That's something that would happen now if there was
15 a case audit like this?

16 A. As I referred to earlier in terms of this case, this
17 would be -- you know -- discussed with or brought to the
18 attention of our Child Protection Committee. I would
19 imagine that there would be an initial learning review
20 and an initial review of this case.

21 Moving on from that, where there was any national
22 learning or further learning to be taken, we may be
23 talking about a significant learning review.

24 In terms of that as well as the improvement actions
25 and reactions of this would also be reported to a chief

1 officers' group and there would be oversight and
2 monitoring of the improvement action plan and any
3 actions that we needed to take in relation to
4 an incident or an episode such as this.

5 Q. If we can move now to the next report in relation to
6 this case and it's from 2012 and it's SAC-000000105.
7 This is a report by the Acting Head of Children's
8 Services to the Executive Director of Children and
9 Community in South Ayrshire on 23 February 2012. It
10 notes:

11 "The purpose of the report is to explore South
12 Ayrshire's response to allegations of emotional,
13 physical and sexual abuse towards children cared for by
14 this particular family who were foster carers with South
15 Ayrshire."

16 It notes:

17 "The Acting Head of Children's Services reviewed the
18 circumstances of the particular case and the actions
19 taken by management and staff to ensure that lessons
20 have been learned and that children continue to be kept
21 safe."

22 Then she says that it's recommended that proposals
23 that she makes later on in her report are taken forward
24 essentially.

25 It looks as though this case has come back to the

1 fore, as it were, in 2012?

2 A. That's correct; yes.

3 LADY SMITH: And we're now almost five years on from the
4 placement having ended?

5 A. Correct, yes.

6 LADY SMITH: Thank you.

7 MS INNES: If we look on to page 3 and paragraph 3.12, it
8 makes reference back to the Millar report and it notes
9 that there appears to have been some inaccuracies in the
10 report. It then says:

11 "The report was based on an audit of a file, no
12 staff were spoken to and the report was not shared with
13 colleagues in legal services."

14 Is that an omission? It appears that legal services
15 staff didn't know about this report at the time?

16 A. Absolutely it's an omission, yes.

17 Q. Then it says:

18 "There is a suggestion from Hugh Carswell and
19 Gerry Sweeney that an action plan was devised from this
20 report. Despite extensive searches no action plan can
21 be located and the team leader and social workers
22 involved couldn't remember any action plan or follow
23 ups."

24 The author of this report says:

25 "South Ayrshire Council need to consider whether the

1 scope of this independent report was too narrow. Any
2 actions that have arisen from it have not been
3 adequately monitored or implemented."

4 Then she goes on at 3.13 to note that there was
5 a discussion I think during the time that Mr Millar was
6 completing his report, so over the course of 2008,
7 between the police and Hugh Carswell. The police had
8 suggested a single-agency case review, but there was no
9 further case review because it was felt that the BAAF
10 report was sufficient and a decision had previously been
11 made by senior managers that it wasn't necessary.

12 As you've already said in your evidence, that
13 wouldn't be the approach that would be taken now?

14 A. No, it wouldn't be the approach that would be taken now.

15 Q. At paragraph 4.2, just towards the bottom of the page
16 there, so this is in her proposals, obviously she's
17 referred to the lack of evidence of action being taken.

18 At 4.2 she says:

19 "It would be prudent to have an audit of the
20 Fostering and Adoption team carried out by the manager
21 of children and families. Legal services should be
22 involved in any review of an adoption and fostering case
23 and the lessons learned should be shared with them as
24 members of the fostering and adoption panel."

25 That was her suggestion as to how things should be

1 taken forward at that time?

2 A. That's correct, yes.

3 Q. Then she talks about the specific circumstances of the
4 case.

5 If we go to 4.4 at the top of page 4, she says:

6 "There are systematic failures to report incidents
7 of physical abuse on the children to the police. Audit
8 activity throughout 2010 and 2011 would indicate that
9 this is no longer an issue, however this requires to be
10 robustly monitored and sections should be added to the
11 audit timetable."

12 It looks as though she has identified that there was
13 a failure to report incidents of physical assault to the
14 police and was that in this case?

15 A. Yes. In -- the report refers to appendix 4, which is
16 a report by Sergeant Scott McClelland and the chronology
17 that's been provided there, so throughout that and
18 relating to even before these children came into the
19 care of the GID-GIE there was -- there is evidenced
20 assaults against the children that are largely dealt
21 with with the social work department going out and
22 speaking to the carers.

23 There is some suggestion that under current practice
24 a chronology would have helped people spot a pattern,
25 but I think given the number that is included in

1 Sergeant McClelland's report, then it is clear that, you
2 know, in terms of the children's early experience was
3 that things were dealt internally or by the social work
4 department.

5 Any physical assault or assault against a child we
6 would be, you know, calling on our colleagues within
7 Police Scotland in terms of child protection in order to
8 report that incident so that they could advise us
9 whether or not there is any criminality involved and
10 indeed how we can actually act to protect the welfare of
11 the children.

12 I think that's something that we see in this case,
13 that there are opportunities where, you know, under
14 current child protection procedures we have something
15 called an initial referral discussion, at that time it
16 had been referred to as perhaps a tripartite discussion
17 and that would be where perhaps myself as team leader,
18 the child protection officer from Police Scotland and
19 indeed health would come together. So we would review
20 the files and we would decide whether or not we were
21 carrying on under child protection procedure in relation
22 to that.

23 And where we don't proceed in terms of child
24 protection procedure, then there is obviously
25 an intensive support package around.

1 So, yes, there was opportunities missed.

2 Q. Then she indicates -- well, the implication is that
3 there must have been an audit to make sure that that
4 wasn't an issue any more, but she's saying that it
5 requires to be robustly monitored and sections should be
6 added to the audit timetable. So is she saying that
7 something should be added to make sure that this issue
8 is being checked when there's an audit going on?

9 A. Yeah. I am unclear as to the reference to the audit
10 timetable, because I've not been able to find the audit
11 timetable.

12 However, what I would add is that in terms of our
13 current practice then there is an ongoing audit, I think
14 probably on a quarterly basis in terms of our initial
15 referral discussions and child protection 1 forms, to
16 ensure that those discussions -- which never occurred
17 related to this case -- do actually happen.

18 Q. At 4.5 she mentions something that you've already
19 referred to:

20 "Social work staff repeatedly reported concerns to
21 their line managers and senior managers and were
22 ignored. A policy should be given to all staff advising
23 them of how to report concerns they feel are not being
24 dealt with appropriately."

25 Would you agree that that's something that emerges

1 from the consideration of this case?

2 A. Yes, absolutely. I mean I think probably and going back
3 to the response there is the whistle-blowing policy,
4 which is in evidence across the council. However, there
5 is also an escalation policy where if you are unhappy
6 with my decision or advice as a team leader or as
7 a manager to you then you are perfectly entitled to go
8 and seek the guidance of, say, our head of service or
9 another manager in terms of those decisions or the
10 direction that you've been provided with.

11 Q. Okay. Then at 4.6 it's noted:

12 "The management of significant case reviews should
13 be discussed at the CPC ..."

14 The Child Protection Committee?

15 A. Yes.

16 Q. "... and where single-agency reviews are undertaken
17 there should be a clear remit and action plans."

18 And these action plans should obviously be monitored
19 as you've been saying. That seems to be something that
20 you've already highlighted in your evidence, that it
21 should have been dealt with on a more formal basis?

22 A. Yes, absolutely.

23 Q. After this we know that following this report there was
24 then a report from a Duncan MacAuley so this is at
25 SAC-000000107. He's an independent reviewer

1 commissioned by the Local Authority to look into this
2 case.

3 It notes at paragraph 1.2 that the report was
4 requested as a result of information coming to the
5 executive director's attention and that was in the form
6 of the report that I think we've just looked at. It
7 notes that one of the children looked after had
8 indicated that she might submit a claim for
9 compensation.

10 At paragraph 1.4 we see the remit of this report, so
11 an overall professional view, reviewing material,
12 interviewing staff, reviewing procedures, providing
13 an assessment of actions taken and then giving
14 recommendations.

15 He follows on that the remit really set out the
16 methodology --

17 A. Yeah.

18 Q. -- so he had to go and read the case files and interview
19 relevant staff.

20 If we go on to page 2, we can see the type of work
21 that he carried out. He reviewed 20 files in total, we
22 see.

23 At 2.3 he looks at the relevant reports.

24 At 2.4 he talks about some guidance and procedure
25 that he reviewed.

1 A. Mm-hmm.

2 Q. Then he carried out, at 2.5, an interview of key members
3 of staff.

4 A. (Witness nods)

5 Q. He notes that he identified 16 other employees who
6 played a significant part in the history of the case
7 that have now left the employment of the Local Authority
8 and therefore obviously they weren't available for
9 interview, so he notes that as a potential gap, but we
10 see what he's done?

11 A. Correct.

12 Q. If we go on to page 3, he talks about the approval of
13 them as foster parents in 2001.

14 If we go down to 3.5, we see that between 2001 and
15 2007 a total of ten children were placed, nine being
16 accommodated and one receiving day care. At one point
17 there were eight children accommodated and one receiving
18 day care at the same time. So I think that's what you
19 were referring to in terms of the number of children in
20 the placement?

21 A. Correct, yes.

22 Q. At 3.6 he says:

23 "I had wondered if this high number of children was
24 due to a lack of placements being available. However,
25 the figures for 2001 show that South Ayrshire Council

1 had 25 registered carers offering 58 places, but, on
2 average, only 48 were filled. Why they had so many
3 children beyond their original agreement of three
4 placements is extremely difficult to comprehend."

5 He says. Does that reflect your own assessment of
6 the file?

7 A. Yes. I concur with that.

8 Referring back to the registration for this couple
9 was for three children. We have a situation here
10 I think probably going on those figures where you've got
11 10 children in that household.

12 In terms of sometimes within practice we do need to
13 find emergency placements. Sometimes we don't have
14 placements available or indeed we need to consider the
15 matching considerations of the foster carers. So where
16 you do need to go over registration, then that is
17 referred to the agency decision maker and myself in
18 order to agree with that.

19 Traditionally or what I do is I then undertake
20 a review of the approval of the carers, the relevant
21 information that is there, and we'd approve that in the
22 short term while we actually look for resource or
23 sometimes, you know, children can return home after the
24 weekend.

25 So it would -- those -- I worry about times when the

1 numbers are over registration and I would be asking the
2 fostering panel in order to review the situation after
3 I had made my decision. But, as I said, that
4 wouldn't -- we wouldn't have -- you're talking four,
5 five children beyond registration. And given that there
6 was other placements there as well, that begs some
7 questions.

8 One of the things may have been about keeping
9 sibling groups together. There is guidance currently
10 from CoramBAAF in together apart assessments, so that
11 isn't always available, given the composition of some
12 families, to keep sibling groups together. However,
13 they do have a model in terms of contact, et cetera, and
14 you can do things like proximity foster carers
15 et cetera.

16 As I referred to earlier on, maintaining the
17 children in the same school, maintaining them in the
18 same groups they go to, be it Scouts, be it BBs, be it
19 whatever, do you know what I mean, so you can maintain
20 that going on and maintain those family connections
21 together, but there is -- my knowledge is we would not
22 have foster carers at the moment who would be registered
23 to have a group of that size.

24 Q. At the bottom of this page and on to the top of the next
25 page we see some issues from the assessment and you've

1 already mentioned some of these issues. Things like not
2 being told about him being previously married. We go on
3 to the top of the next page, not being told about
4 grown-up children. Therefore no attempt being made to
5 contact those children during the time of assessment.
6 Health issues. Issues about the qualifications that the
7 male carer claimed to have.

8 So you've already identified that these were all
9 problems with the assessment itself and those are borne
10 out by Mr MacAuley's assessment?

11 A. Correct, yes.

12 Q. Then if we go down to paragraph 4.13, at the bottom of
13 the page he again refers to issues to do with the
14 records, unsigned reports, little evidence of case
15 notes, records being missing and incomplete. Then no
16 records of some allegations that were made being passed
17 to the police, as you've already mentioned?

18 A. Correct, yes.

19 Q. At the top of page 5 there's reference about
20 inappropriate punishment being used, but it appears that
21 nothing then seems to be done about that.

22 Then there's records about the foster carer raising
23 concerns about the child's sexualised behaviour, and
24 that was one of the issues that you mentioned that you
25 felt that the way in which that was raised was almost

1 blaming the child?

2 A. Yes, absolutely. And, you know, referring to having
3 read that child's case file and indeed the ... the
4 adverse childhood experience that she had from an early
5 age, it wouldn't be unusual that she was exhibiting
6 sexualised behaviour later on in placement.

7 Q. If we look at paragraph 4.14, it says:

8 "These matters demonstrate that things were not
9 right in this placement prior to the allegations being
10 made. There is nothing in the files to suggest that
11 workers and managers took time to pause and reflect on
12 what was happening. My sense, on reading the two files,
13 is that no one has asked why things are happening."

14 Is that what you referred to earlier in your
15 evidence as being reactive rather than reflective?

16 A. To a certain degree. I probably would less agree with
17 that no one asked why these were happening. I think
18 probably reading the case files you can see the child's
19 worker and indeed others who were involved in the case,
20 in reviewing the case, you know, were bringing this to
21 the attention of team leaders, you know chairs of review
22 meetings, et cetera, but what appears is this --
23 an overriding sort of direction to keep the placement
24 going and keep the kids there.

25 We, currently under managing allegations of abuse

1 against foster carers and kinship carers, this would not
2 be allowed to progress the way that it did in this case.

3 I think probably something that I think is really
4 important as well is at this time they're looking at the
5 behaviour of the eldest child in the group, but while
6 this behaviour is going on and under current practices
7 we would also be looking at the other children that were
8 actually in placement as well because while it might
9 seem that the eldest child is struggling and we need to
10 find an alternative placement for them or alternative
11 care and nurture, you almost must consider as well what
12 are the experience and need of -- or how are the other
13 children within this placement reacting to this as well?

14 So sometimes it's actually more worrying is the
15 silent child or the accommodating child, who's
16 accommodating what is going on. I think probably you
17 need to really, as I say, take the balcony view to step
18 back and reflect as to what is the impact of this
19 behaviour on the other children?

20 As we know in terms of emerging theory about --
21 especially about domestic violence is that for kids who
22 are in -- okay, they don't witness the event, however,
23 being in the room or being in the house or living under
24 that can be extremely traumatic for them and everybody
25 accommodates that in different ways. So for each

1 individual child you need to look at what the impact is
2 on that child and make a decision as to whether or not
3 that child should be in that placement.

4 And I think in this case we see at one point where
5 the eldest child is removed but there is a desire in her
6 to go back and try and almost get back into the
7 placement. And I think probably latterly when she was
8 asked about why that was, it was almost as if. I need
9 to go and make sure that my brothers and sisters are
10 fine.

11 Q. Yes.

12 A. That is --

13 LADY SMITH: That's not unusual.

14 A. That's not unusual.

15 LADY SMITH: Can we just go back up the screen a little to
16 the bullet point just above 4.14, where we're told that
17 councillors were involved in fostering and adoption
18 panel decisions and the names of two councillors were
19 confirmed as panel members as recently as 2010.

20 I think I may know what your answer was here, but
21 what was the problem with that practice?

22 A. I can only -- sorry, Lady Smith --

23 LADY SMITH: Just it filters its way through to the third of
24 his recommendations.

25 A. So the guidance I think probably from 1986, which would

1 be Strathclyde Regional Council guidance in terms of the
2 formation of fostering and adoption panels, allowed for
3 councillors to be as members of that panel. However,
4 the 2009 regulations sort of moved away from that
5 notion.

6 So I am unsure as to the connection between
7 councillors and why that should be -- why that should be
8 discontinued.

9 LADY SMITH: I suppose circumstances could give rise to
10 a conflict of interest if individual councillors have
11 knowledge of applicants for registration or those who
12 are subject to de-registration procedures and they've
13 had representations made to them by the people --
14 particularly in a small area like South Ayrshire.

15 A. Yeah, I think you're absolutely correct with that.
16 I think, you know, in terms of these people may have
17 been constituents or sit within the constituency area of
18 that councillor. So therefore, as you say, there may
19 have been a conflict of interests.

20 LADY SMITH: Easier to say you just never have a councillor
21 on the panel.

22 A. Yes.

23 LADY SMITH: Thank you.

24 Ms Innes.

25 MS INNES: Thank you, my Lady.

1 If we move to page 9 of this report, please, at
2 paragraph 8.5. At this section Mr MacAuley is looking
3 at some issues that arose from interviews with staff and
4 he notes that earlier, pre-2007, lines of accountability
5 were blurred with a lack of clarity on roles, the case
6 worker was often overruled by managers or omitted from
7 key decisions. I think that probably reflects back on
8 evidence that you've given?

9 A. Yes.

10 Q. There was a lack of regular meetings between social work
11 and legal services, so I suppose that might be a reason
12 why legal services didn't know this report had even been
13 drawn up:

14 "... would be helpful for one person to hold the key
15 role currently for the case."

16 I'm not sure what he means by that, what the key
17 role might be. Because you'd obviously have a placing
18 social worker --

19 A. Yeah.

20 Q. -- and a foster carer's social worker?

21 A. I am unsure about that as well because, as you
22 highlight, Ms Innes, the model is that we have a social
23 worker who supports the child, there is a child social
24 worker, but we also have a supervising social worker who
25 is there to support the foster carers.

1 One of the pitfalls of that, as I say, is that sort
2 of thing about professional optimism. Workers can
3 sometimes get drawn into: everything's working here. Do
4 you know what I mean? And corroborate each other's sort
5 of thoughts and issues with that.

6 But I think probably what needs to happen as well is
7 that sort of idea of critical thinking and professional
8 curiosity, so workers need to identify where there might
9 be some dissonance in their views and bring them to the
10 fore. That may lead to the conclusion that, for example
11 as we see there's a litany of them in terms of this
12 case, about we need to make a recommendation to our
13 managers about where these children should be or action
14 needs to be taken against carers, et cetera, but sadly
15 as we see in this case that I do believe that there were
16 people trying to do that, but as this document refers
17 to, they were either not allowed into the forum where
18 they would do that or their advice was not given the
19 weight that it should have been given.

20 Q. Then if we move down to the recommendations and he says
21 these are in no order of priority, he talks about
22 an action plan that had been prepared earlier that
23 needed to be removed. The action plan should be SMART
24 and guided by legal advice. The action should be taken
25 to formally disengage councillors from the fostering and

1 adoption panel.

2 A. (Witness nods)

3 Q. That's a matter that Your Ladyship referred to a moment
4 ago as feeding through to the recommendations, as we've
5 just seen.

6 All reports should be signed and dated. Case notes
7 should be signed and dated.

8 Then at the top of the page, should ensure that case
9 notes are prepared and filed. The files of these carers
10 should be reordered and completed if possible.

11 So a lot of recommendations that are quite practical
12 in terms of making sure that the records are up to date
13 and accurate.

14 Then at paragraph 10.1.9 it talks about a senior
15 manager being given lead responsibility to ensure that
16 future work is coordinated, so that would be to follow
17 up on the action plan. Is that right?

18 A. That's correct, yes.

19 Q. Then there's other issues, the audit process should be
20 thoroughly monitored, a policy for staff raising
21 professional concerns should be introduced, staff should
22 be reminded about the need to report possible criminal
23 activity to the police. I would assume that would
24 include taking appropriate child protection actions when
25 necessary.

1 Teams should be reviewed and audited in fostering
2 and adoption. There should be training for panel
3 members. There should be regular formal meetings
4 including legal services, so again something that we've
5 seen in the report following through to recommendations.

6 Talking about again what should be in the file.

7 Then at 10.1.18, a reference to the Child Protection
8 Committee considering its visibility to staff and he
9 thought that an independent chair of the Child
10 Protection Committee should be appointed.

11 Is that something that is now in place?

12 A. Yes, that's in place.

13 Q. What about your fostering panel, do you have
14 an independent chair of that?

15 A. We do have an independent chair for our fostering panel
16 and another independent chair for our adoption panel
17 respectively.

18 Q. Then there's reference about following up with the young
19 people.

20 Then at 10.1.21:

21 "Consideration should be given to discussing the
22 report at the chief officers' group."

23 Again, that's something you mentioned in your
24 evidence earlier, that if there was this type of review,
25 it would go to the Chief Officers for consideration.

1 A. Correct, yes.

2 Q. Okay.

3 Are you aware if all of the actions and
4 recommendations that were suggested in this report were
5 followed through?

6 A. A piece of work that we have done, Ms Innes, was we
7 trailed through Child Protection Committee minutes and
8 Chief Officers' group minutes and it became less and
9 less -- it was not apparent that all of the actions had
10 been completed and that basically was about the lack of
11 a paperwork trail or the lack of regular reporting into,
12 say, the CPC and the Chief Officers' group.

13 There is evidence in the files as you say in terms
14 of the appointment of independent chairs, et cetera,
15 independent chair for the Child Protection Committee,
16 that actions were taken, but in terms of -- we would
17 generate from this an action plan and that would be
18 reviewed regularly to make sure that that was going
19 forward.

20 Because of that and part of our learning from the
21 Inquiry is that we discussed this with our current chair
22 of the CPC, that we could not be assured that all the
23 actions from both MacAuley's report and from Millar's
24 report had been followed through and
25 Professor Paul Martin commissioned us to take forward

1 an analysis of where we are in current practice and
2 I have that here, which outlines each of the
3 recommendations from the report through both reports and
4 indeed from Louise Long's report as well to see if those
5 have been and are -- have been enacted on and are
6 evidenced within our practice today.

7 LADY SMITH: When did you get that report?

8 A. The report has recently been -- it's been updated
9 recently. However, we are talking probably last year we
10 had the analysis report to provide assurance that the
11 recommendations had been put in place. So that was
12 an action of the CPC and then was discussed at Chief
13 Officer's.

14 LADY SMITH: Some would say better late than never, but
15 that's still nine years after the receipt of the
16 McClelland report, isn't it?

17 A. Yes.

18 LADY SMITH: Ms Innes.

19 MS INNES: Thank you.

20 I think you're saying that this came to light during
21 the course of your response to the Section 21 notice and
22 as a result of that you have reviewed it and this action
23 plan has been put in place?

24 A. Yes, absolutely. There was about reassurance and
25 therefore, you know, so in terms of -- so the foster

1 carers' files must be kept in legible and comprehensive
2 order. So taking that as our sort of standard and
3 recommendation, we compared where our practice was on
4 that so we can see the emergence of a piece of policy
5 which is about the family placement and adoption
6 recording and then, you know, taking that beyond that is
7 an audit of the case files to ensure that as referred to
8 in this document the case notes are signed, the reviews
9 are signed, et cetera, et cetera. But I do accept
10 Lady Smith's point that it's ... late.

11 Q. I don't think that the action plan that you're referring
12 to is a document that we've seen as yet. I don't think
13 we have.

14 A. No.

15 Q. But it would be really helpful if you could send that to
16 us if you're willing to share that with us.

17 A. Yes, absolutely. I'd be happy to produce it for the
18 Inquiry.

19 Q. Thank you.

20 If we can go to SAC-000000026, page 59, we see --

21 LADY SMITH: Can I just check how much more we have to do or
22 should we take a five-minute break now? I'm thinking
23 the stenographers have been going since 1.50.

24 MS INNES: Yes, potentially a brief break, my Lady. I don't
25 have too much further to go.

1 LADY SMITH: I think we'll just take a very short break just
2 now.

3 Thank you.

4 (3.18 pm)

5 (A short break)

6 (3.24 pm)

7 LADY SMITH: Are you ready for us to carry on?

8 A. Yes, I am.

9 LADY SMITH: Thank you very much.

10 Ms Innes.

11 MS INNES: Thank you, my Lady.

12 If we can look, please, at SAC-000000026 and
13 page 59, this is where you deal with Part B of the
14 Section 21 notice, which refers to acknowledgement of
15 abuse and failures. We'll look at 3.1:

16 "Does the Local Authority accept that over the
17 relevant period any children cared for in foster care
18 were abused?"

19 The answer to that is yes, and that's obviously
20 based on the information that you've already given us?

21 A. Correct.

22 Q. Then if we move on to page 60, at 3.2 you were asked:

23 "Does the Local Authority accept that its systems
24 failed to protect children in foster care over the
25 relevant period from abuse?"

1 Again the answer to that is yes, and that I assume
2 would again be based on the material that we've been
3 looking at, which indicated various failures in systems?

4 A. That's correct, yes.

5 Q. Then on page 61 at 3.3(a) you're asked:

6 "Does the Local Authority accept that there were any
7 failures and/or deficiencies in its response to abuse
8 and allegations of abuse of children in foster care over
9 the relevant period?"

10 I assume -- well, you mention there again by
11 reference to the case that we've been looking at that
12 the answer to that is yes, because allegations of abuse
13 weren't followed up appropriately?

14 A. That's correct, yes.

15 Q. Thank you.

16 I know that we've covered various aspects of
17 practice and learning during the course of looking at
18 the review of the particular case that we focused on,
19 but I know that you have a number of reflections in
20 relation to evidence that has been given during the
21 course of the Inquiry and your response to that.

22 I think one of the things that I would like to ask
23 you about is your view about a national register for
24 foster carers. What are your views in relation to that?

25 A. I think a national register of foster carers would be

1 helpful.

2 I would respectfully suggest as well that something
3 that should be considered is actually a register of
4 de -- of foster carers who had been de-registered.

5 Just now the system depends upon -- so I could
6 de-register a foster carer but they could move to
7 another area and given that we've got 32 Local
8 Authorities, if they were to land on another Local
9 Authority and then apply as foster carers, it is
10 incumbent upon that Local Authority to get in touch with
11 ourselves in order to say, you know, can you confirm
12 that they've previously been foster carers, were they
13 de-registered, et cetera, et cetera.

14 So while that as a system as it stands with all
15 things that require communication and communication
16 across 32 Local Authorities, sometimes if I -- I have
17 a fear that things can actually slip between the cracks,
18 and indeed in this case we can see how people have been
19 less than honest and less than transparent in terms of
20 their background and, you know, their history, so
21 therefore it may be that a register of those
22 de-registered would be beneficial but also perhaps
23 linking in to the PVG or the PPU, so that as soon as
24 these people make themselves apparent, then we have the
25 necessary information to hand.

1 LADY SMITH: Thank you.

2 MS INNES: Another matter I think on which you have
3 reflections arising from the evidence in the case study
4 is to do with the voice of the child.

5 A. Yeah, absolutely. I think probably, you know, if you
6 look at our submission and you look at the policies, we
7 see the emergence of this -- you know, this phrase which
8 is the voice of the child, but as perhaps I've
9 highlighted that we need to be really aware that that's
10 verbally and non-verbally, and indeed how children
11 communicate and express their disaffection with the
12 situation that they find themselves in.

13 So I think it's really important that we are aware
14 of that and we are aware that -- you know, of what that
15 child is trying to communicate to us and that, you know,
16 requires our skill in order to -- with reference to this
17 case, I think probably where this child was labelled as
18 problematic, et cetera, et cetera. I think and I know
19 in terms of practice that we have moved away from that
20 but we almost must keep at our heart that children are
21 children.

22 Q. I think you had some reflections on what you might term
23 "the team around the child"?

24 A. Yeah, I think that's probably come into modern practice
25 and modern parlance. Another stock phrase that's used

1 is that it's everybody's job to make sure that I am
2 okay.

3 It comes to that sort of idea about the definition
4 of a team.

5 What we know from research and the disclosure is
6 that children very rarely disclose to social workers,
7 et cetera, et cetera, but they disclose to people who
8 they trust, they have a relationship and have a sense
9 that this person will deal with this sensitively and
10 they will actually do something in order to support and
11 assist me.

12 So the art of disclosure isn't an exact science, so
13 what that means is you may have workers, school support
14 assistants who will be subject to disclosure, but
15 nevertheless in terms of the team around the child
16 process, the power of decision making and the value of
17 decision making has to be equal. It cannot be that just
18 by your job title or your seniority in a -- in
19 an organisation that you have the franchise over the
20 decisions. It's a collective decision and therefore we
21 must put a lot of value on those who spend the most time
22 with children and do have positive relationships with
23 children.

24 Q. I think you also had some reflections on trauma-informed
25 practice?

1 A. Yes. I think, as I've referred to throughout my
2 evidence reviewing the case files of the children
3 involved in this case you can see a significant amount
4 of early childhood trauma. Therefore, as professionals,
5 we need to be aware of the impact of that. We need to
6 be aware of what we can do in order to address that in
7 the future in order to get an understanding about where
8 this child's behaviour derives from.

9 But equally so, we are asking and trusting foster
10 carers to care and nurture for children who have had
11 very traumatic early-life experiences, so it's almost
12 incumbent upon us as well to ensure that they have the
13 necessary skills and support to assist them in their
14 role of providing that care and nurture for these
15 children.

16 Q. I think you mentioned issues earlier in your evidence
17 about the danger of professional optimism?

18 A. (Witness nods)

19 Q. And that there should be professional curiosity.

20 A. Correct, yes.

21 Q. Another issue I think is in relation to the way in which
22 you share records with people who have been in care,
23 issues around redaction and that sort of thing?

24 A. Yeah. I mean, I think probably the evidence in witness
25 statements that I have, you know, reviewed during the

1 Inquiry that provide testimony to the impact of abuse,
2 especially in terms of some of the witness statements
3 and further sort of production that is have been put
4 before us. I think we see the profound impact and then
5 latterly in life the adversity and vulnerability that
6 this can create.

7 I think probably their bravery and courage is
8 enormous in coming forward. I think this Inquiry also
9 has promoted and sort of created that culture where we
10 can come forward and can disclose, this isn't something
11 that's hidden or, you know, not spoken about and if we
12 go back in time we can see that. So I thank the Inquiry
13 for that, that hopefully this will encourage more people
14 to come forward in order to talk about their
15 experiences.

16 But I feel as well in terms of one of the things
17 that we need to do as a Local Authority, and we have
18 been working with the Historic Abuse Practice Network,
19 et cetera, is to ensure that when these people do come
20 forward, either through the redress scheme for by taking
21 legal counsel to come just basically chap on the front
22 door and say, "Can you explain why you took that
23 decision and why that happened?" They are not met with
24 the cold hard face of information governance in terms of
25 a redacted file or here's a file, you can sit in

1 an office and review it, et cetera, et cetera.

2 I believe and it would be my intention that within
3 South Ayrshire that we would want to create a front door
4 which assists people in order to navigate through that
5 process, so that they can understand the decisions that
6 we have made on their behalf and give them a cohesive
7 story about their life and life of their family members.

8 Q. I hope that I've covered the various points that you
9 wanted to raise, Gary, but please say if there was
10 anything else that I've not given you the opportunity to
11 say that you wanted to share with us.

12 A. No, Ms Innes, that's -- thank you very much.

13 MS INNES: Okay.

14 Thank you, my Lady, I don't have any more questions
15 for you, Gary, and there are no applications.

16 LADY SMITH: Are there any outstanding applications for
17 questions of Gary?

18 Gary, that does complete everything we have for you.
19 It remains for me simply to thank you again for coming
20 here. Thank your authority for coping with the demands
21 that we've made on them and you've been very frank about
22 some of the reactions uncovered by our demands, having
23 come late in the day, but I also hear from you
24 a determination to learn and move things forward with
25 children at the heart of everything you do and I welcome

1 Authorities who do not have leave to appear, and
2 therefore will not be giving closing submissions, again
3 to ensure that they are asked to give their response to
4 the evidence that's been given from applicants and
5 others.

6 LADY SMITH: And it's not just Local Authorities, because we
7 have two voluntary providers --

8 MS INNES: Yes, sorry.

9 LADY SMITH: -- as core participants who will also be
10 included in the group.

11 MS INNES: Yes, we have two voluntary agencies who have
12 leave to appear --

13 LADY SMITH: Yes.

14 MS INNES: -- and they will be able to make closing
15 submissions. We've heard during this phase from another
16 voluntary provider, but they were able to provide their
17 response in evidence.

18 LADY SMITH: Indeed. Thank you very much.

19 Thank you to you and to Ms Rattray for all that
20 you've done during the evidential hearings. It's been
21 so helpful.

22 I'll now rise and return for the final stage of our
23 hearings in relation to this case study on 29 November.

24 Thank you.

25 (3.38 pm)

1 (The Inquiry adjourned until 10.00 am on
2 Tuesday, 29 November 2022)

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