

APPENDIX

Part D - Abuse and Response

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

5. Abuse

5.1 Nature

- a) **What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?**

We have outlined all known cases in Appendix 1; there are examples of all forms of abuse.

5.2 Extent

- a) **What is the organisation's assessment of the scale and extent of abuse of children in foster care?**

We have been able to establish that in the time frame in question we know of 17 complaint episodes relating to 23 children. While any instance of abuse is not acceptable, this level of allegations would suggest that abuse was not widespread in Barnardo's Foster Care when taking into account that over that period, Barnardo's was involved in the foster placement of 2656 children. Clearly, there is always the possibility of abuse that is either at the time of writing unreported or may never be reported as the person who suffered it is no longer alive. However to the best of our knowledge abuse was not widespread.

- b) **What is the basis of that assessment?**

This is based on the number of allegations to date as the only basis we really have for the judgement we have made.

- c) **How many complaints have been made in relation to alleged abuse of children in foster care?**

We are aware of 17 complaint episodes complaints involving 23 children.

- d) **Against how many foster carers have the complaints referred to at (c) above been made?**

We are aware of 14 complaints involving 18 foster carers. The other complaints related to other children in placements or other family members.

e) How many foster carers have been convicted of, or admitted to, abuse of children?

We are aware of 1 conviction. ■■■ was in the care of his step-father. Barnardo's agreed to supervise the family and offer ongoing support. Barnardo's understands that ■■■'s step-father's new partner, Helen Ford, was convicted of abuse in relation to ■■■ and his half-sister in 2003. Helen Ford was not, however, a foster carer approved by or provided by Barnardo's and ■■■ was not a foster child.

We are aware of 3 further admissions of all or part of the allegations of abuse. As can be seen from a number of the cases in Appendix 1, we are not always informed of the outcome of the Police investigation.

f) How many foster carers have been found by the organisation to have abused children?

It is difficult to be definitive in providing a figure, but we are confident based on the findings of an external investigation that at least 2 of the allegations involving 5 children outlined were malicious or untrue which leaves 12 complaints involving 15 foster carers.

g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?

There have been 3 complaints of child abuse involving 3 family members of foster carers and relating to 3 children.

h) How many family members of foster carers have been convicted of, or admitted to abuse of children?

We are not aware of any convictions of family members and are aware of 1 admission of some of the allegations of abuse.

i) How many family members of foster carers have been found by the organisation to have abused children?

We refer to the detail provided in appendix 1. It is extremely difficult to provide a definitive answer.

j) Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?

From our analysis, we are aware of 4 complaints implicating 4 other children in placement having allegedly abused 5 other children.

k) How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?

We are not aware of any such convictions and only aware of a further three full or partial admissions of such abuse.

- l) How many other children placed in foster care in the same placement have been found by the organisation to have abused children?**

We refer to the detail provided in appendix 1. It is extremely difficult to provide a definitive answer.

5.3 Timing of Disclosure/Complaint

- a) When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the organisation?**

As can be seen from the detail in Appendix 1, there is a mixed picture of allegations made both at the time and historically. Of the cases we know of, it is more likely to be the case that allegations of physical abuse were made at the time, whereas sexual abuse was more likely to be made as an historic abuse allegation. The time lag varied from days to the longest being over thirty years.

- b) To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?**

As outlined above, physical abuse was more likely to be on-going or recent, whereas sexual abuse was more likely to be historic or non-recent.

- c) To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?**

The majority of the cases we are aware of were made at the time, but the incidents of alleged sexual abuse tend to be non-recent.

- d) Are there any patterns of note in terms of the timing/ disclosure of abuse and/or alleged abuse?**

See above answers in relation to physical and sexual abuse.

5.4. External Inspections

- a) What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?**

We have not experienced any such inspections.

For each such external inspection please answer the following:

b) Who conducted the inspection?

Not applicable.

c) Why was the inspection conducted?

Not applicable.

d) When was the inspection conducted?

Not applicable.

e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?

Not applicable.

f) What was the organisation's response to the inspection and its outcome?

Not applicable.

g) Were recommendations made following the inspection?

Not applicable.

h) If so, what were the recommendations and were they implemented?

Not applicable.

i) If recommendations were not implemented, why not?

Not applicable.

5.5. External Investigations

a) What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?

Our fostering services in Scotland have been subject to inspection by the Care Inspectorate and their predecessors; such inspections include a consideration of safeguarding. These are not directly following issues of abuse, but are routine inspections that include consideration of Safeguarding.

Also as outlined in Appendix 1, a number of the incidents of alleged abuse were investigated by the Police.

For each such external investigation please answer the following:

b) Who conducted the investigation?

The detail of the investigations is in Appendix 1.

c) Why was the investigation conducted?

The detail of the investigations is in Appendix 1.

d) When was the investigation conducted?

The detail of the investigations is in Appendix 1.

e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?

The detail of the investigations is in Appendix 1.

f) What was the organisation's response to the investigation and its outcome?

The detail of the investigations is in Appendix 1.

g) Were recommendations made following the investigation?

The investigations that took place were either undertaken by the Local Authority and/or the Police – we have no evidence or record of recommendations. We have received recommendations from the Care Inspectorate relating to safeguarding, but these are not related to individual investigations. For example, a recommendation from an inspection report from the Edinburgh fostering service dated 17 July 2006 states “The service should develop a procedure that ensures that a review is held as soon as possible, in all circumstances where there is an allegation or complaint made against a foster carer. National Care Standards: foster care and family placement: Standard 11.10 Reviews.” Such recommendations are routinely implemented by Barnardo’s.

h) If so, what were the recommendations and were they implemented?

The investigations that took place were either undertaken by the Local Authority and/or the Police – we have no evidence or record of recommendations. Care Inspectorate recommendations are routinely implemented.

i) If recommendations were not implemented, why not?

The investigations that took place were either undertaken by the Local Authority and/or the Police – we have no evidence or record of recommendations.

5.6 Response to External Inspections/Investigations

a) What was the organisation's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?

While we did not have a formal procedure or process for dealing with external inspections, it has been and is custom and practice to take a very positive response to the findings and recommendations.

Our first set of policies and procedures were produced in August 1999. They were put together in response to the Principles and Standards agreed by the five largest children's charities the same year. There followed an implementation plan.

Our current Historic Abuse policy and procedure that was developed in 2013 and has been updated regularly. It details how we would respond positively to any allegation of historic abuse whether we become aware via:

1. A former foster child seeking their records and disclosing historic abuse
2. A civil claim regarding historic abuse
3. A police investigation regarding historic abuse

This positive response would include access to records to the former looked after child, their legal representatives and/or the Police if requested; last known details of people named as either alleged abuser or possible witnesses and any other records we hold that may aid an investigation and/or civil claim. Prior to 2000, as detailed in case [REDACTED] in Appendix 1, it was our approach to inform the complainant of their right to take legal action. From 2000 onwards we routinely report such matters to the Police and cooperate fully with any ensuing investigation.

b) What was the organisation's procedure/process for responding to the outcomes of such external inspections and/or investigations?

As can be seen from this would depend on the outcome of such inspections and investigation – our response to the matters we know of are detailed in Appendix 1.

c) What was the organisation's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

While we don't have a set procedure/process, our practice in terms of any such inspection or investigation by a regulator or similar, is to work positively with the inspection/investigation and take the outcome extremely seriously in terms of implementing any recommendations.

For example, recommendation from an inspection report from the Edinburgh fostering service dated 17 July 2006 states "The service should develop a procedure that ensures that a review is held as soon as possible, in all circumstances where there is an allegation or complaint made against a foster carer. National Care Standards: foster care and family placement: Standard 11.10 Reviews." As a consequence we have gone on to develop such a review.

There are quarterly UK Family Placement Management Meetings where messages from complaints, inspections or investigations are shared and decisions taken about how practice will then be changed. For example, following a case in Scotland where there was persistent low level concerns about foster carers, Barnardo's rolled out 'Managing Disguised Compliance' training to all front line staff in family placement. The organisation utilises safe recruitment practices both for staff and foster carers. For example we require references from foster carers' ex-partners, this change to procedure was made following the Brighton and Hove review into the death of an adopted child in 2001.

In Scotland the management team meet on a monthly basis and this meeting also considers learning from both internal and external inspection and investigations. In 2018 changes were made to the Barnardo's UK complaints policy following an inspection of the Glasgow service. The inspector was of the view that the policy was potentially confusing for staff working in Scotland. The 2018 Glasgow Inspection report stated: "The provider must review the internal complaints policy and ensure that it is written to reflect a clear, competent and impartial process. Furthermore, the service must review the terminology used throughout the document. This is to ensure that Barnardo's Scotland Fostering - Glasgow is working within the Scottish legislation and policy context. An example of this is the use of the term CP1 within the complaints process. In Scotland this term is widely recognised as being an initial child protection investigation and the service used this term to represent an aspect of their complaints procedure. This may lead to confusion and is not in keeping with the Scottish government's vision for GIRFEC (getting it right for every child). This is to comply with 2011 No. 210 The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 section 4 and takes into account National Care Standards (foster care and family placement services) Standard 12."

5.7 Impact

a) **What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?**

While we have few cases to draw upon from our own cases of abuse and even less where we are fully aware of the impact of the abuse on the individual, we know that there is a myriad of impacts for such children, with differing impacts even within children experiencing the same type of abuse or even siblings who experience very similar things. However, we know some of the impacts to be:

1. Trauma and other mental health issues
2. Difficulties around making and sustaining relationships
3. Substance misuse and other anti-social behaviour
4. Self-harm and suicidal ideation and attempt
5. Challenges around securing and maintaining gainful employment

b) **Where does the organisation's knowledge/assessment of that impact come from?**

[APG]

We have extensive experience of contact and working with children and adults who have experienced significant trauma in their lives. Some of these children were in our care, both in foster homes and residential homes, but some of them we have come into contact with via the range of other services that we have offered over many years.

- c) **What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?**

We have very limited information pertaining to this question.

- d) **Where does the organisation's knowledge/assessment of that impact come from?**

See above.

5.8 Known Abusers and Alleged Abusers

- a) **Does the organisation know of specific abusers, or alleged abusers, of children in foster care?**

We only have detailed knowledge of abusers whose abuse came to light within foster homes provided by Barnardo's – these are detailed in Appendix 1. While we may, through our other services, have come into contact with other abusers we would not have details and other agencies would be better placed than Barnardo's to provide such information.

- a) **If so, what are the names of the abusers, and/or alleged abusers?**

See Appendix 1.

- b) **For each of these persons, please provide as much as possible of the following information:**
- **the period (dates) during which they are known or alleged to have abused children in foster care**

See Appendix 1.

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

See Appendix 1.

- **the knowledge sought or received about them by the organisation at the point of approval/registration of foster carers and thereafter**

This is detailed in the relevant sections in Parts A and C.

- any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made,

This is detailed in the relevant sections in Parts A and C.

- c) **Were known abusers, or alleged abusers, of children permitted to continue as foster carers?**

In looking at the cases that we are aware of detailed in Appendix 1, in such cases where abuse was established the children were moved from the foster homes and no further children were placed with these carers. There were five instances involving eight children where the current alleged abuse was not established or proven, and the children remained in placement and the alleged abusers continued to be foster carers.

- d) **If so, why was this considered to be appropriate?**

From an analysis of the known cases, it appears that it was not considered appropriate for abusers to continue as foster carers.

- e) **If so, what process of monitoring/supervision followed?**

We have found some examples in preparation for Parts A and C where physical chastisement and non-approved disciplinary methods were used which stopped short of a definition of abuse at the time. In such instances this would be challenged and assurances sought that there would be no repeat of such methods.

In the case of one of the examples in Appendix 1 the young person moved to live with another foster family. The service completed an Internal Safeguarding Review of the foster carers against whom the allegations were made. This process involves the collation and analysis of a chronology of a foster carer's fostering journey. On this occasion the recommendation of the Review was that the foster carers should continue to foster with changes made to the ages of children they were approved to look after and to the types of placements they were able to provide. The carers were also mandated to attend additional training and learning opportunities and additional supervision sessions were agreed to allow time for reflection and consolidation of new learning. Additional unannounced visits were carried out. There were no further concerns.

5.9 Specific Complaints

- a. **How many specific complaints of abuse of children in foster care have been made to the organisation?**

We are aware of 17 complaint episodes of abuse involving 23 children in our foster care.

For each specific complaint, please answer the following:

[APG]

b. Who made the complaint?

See detail in Appendix 1.

c. When was the complaint made?

See detail in Appendix 1.

d. Against whom was the complaint made?

See detail in Appendix 1.

e. What was the nature of the complaint?

See detail in Appendix 1.

f. When/over what period was the abuse alleged to have taken place?

See detail in Appendix 1.

g. What was the organisation's process and approach in dealing with the complaint?

See detail in Appendix 1.

h. What was the organisation's process and approach for investigating the complaint?

See detail in Appendix 1. From the analysis in Appendix 1 of the known cases, all except one (where the process is not detailed) were investigated by either ourselves and/or the Local Authority. In those instances where the process is documented, Barnardo's brought the alleged abuse to the attention of the statutory bodies such as the Police and the local authority. While it was not our role to carry out the investigation, the records demonstrate that we cooperated fully with any investigation.

i. What was the outcome of the complaint following that investigation?

See detail in Appendix 1.

j. Did the organisation provide a specific response to the complaint?

See detail in Appendix 1. It is acknowledged for a number of the matters we have no record.

k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?

See detail in Appendix 1. It is acknowledged that for a number of the matters we have no record of such a response. We can say with certainty those which were subject to a legal claim, but some of the others we do not know the outcome.

l. If there was no response, why not?

See detail in Appendix 1. It is acknowledged in a number of cases the response is not known.

m. Was the information/content of the complaint passed to police?

See detail in Appendix 1.

n. If not, why not?

See detail in Appendix 1.

5.10 Civil Actions

a) How many civil actions have been brought against organisation relating to abuse, or alleged abuse, of children in foster care?

As can be seen from Appendix 1, to date 1 such case has been brought, that of [REDACTED] but this lapsed prior to coming to conclusion. The same individual brought a case for breach of Data Protection Act. While initially this was found in his favour, it was over-turned on appeal.

For each such civil action, please answer the following:

b) Who brought the action?

See detail in Appendix 1.

c) When was the action brought?

See detail in Appendix 1.

d) Against whom was the action brought?

See detail in Appendix 1.

e) What was the nature of the abuse, or alleged abuse, to which the action related?

See detail in Appendix 1.

- f) **What were the names of the persons said to have, or alleged to have, committed abuse?**

See detail in Appendix 1.

- g) **When/over what period was the abuse said, or alleged, to have taken place?**

See detail in Appendix 1.

- h) **How did the action progress?**

See detail in Appendix 1.

- i) **What was the outcome?**

See detail in Appendix 1.

- j) **Was the action settled on a conditional basis of confidentiality?**

See detail in Appendix 1.

- k) **Who was/were the organisation's legal representative(s) in relation to the civil action?**

See detail in Appendix 1.

- l) **Did the organisation carry insurance for meeting civil claims at the time the action was live?**

Yes Barnardo's did and does carry insurance for meeting such civil claims.

- m) **How/where can copies of the court papers relating to the civil action be made available to the Inquiry?**

The only such civil claim lapsed prior to going to court.

5.11 Criminal Injuries Compensation Awards

- a) **Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?**

See detail in Appendix 1 – the one such award we are aware of appears to be more for the abuse suffered prior to her reception into Barnardo's foster care.

- b) **If so, please provide details if known.**

See detail in Appendix 1.

5.12 Police

a) How many complaints of abuse of children in foster care have been made to the police?

See detail in Appendix 1 – of the 17 complaint episodes that we are aware of, we know that 10 were brought to the attention of the Police and investigated. Some of the others detailed in Appendix 1 we have no record of whether they were brought to the attention of the Police.

In relation to each known complaint to the police, please answer the following questions:

b) Who was the alleged abuser or abuser?

See detail in Appendix 1.

c) Did the police conduct an investigation in relation to the complaint?

See detail in Appendix 1 – in all cases where we know that the matter was brought to the attention of the Police, they conducted an investigation. Some of these investigations also involved the Local Authority.

d) If so, who conducted the investigation and when?

See detail in Appendix 1.

e) What was the outcome of the police investigation?

See detail in Appendix 1 – where we know the outcome it is detailed. There are a number of cases where we were not informed of the outcome and/or we have no record of the outcome.

f) What was the organisation/establishment's response?

See detail in Appendix 1. All the cases where we know there was a Police investigation we cooperated with the Police in terms of their investigation. As with the outcome of the Police investigation, in a number of cases our response is also not recorded or known.

5.13 Crown

a) To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?

Reference is made to answer 5.2(e).

In addition to the conviction of Helen Ford, the Inquiry have brought to Barnardo's attention the conviction of Alexander Mochar. Barnardo's was not previously aware of his conviction. Barnardo's does not know if his conviction relates to foster children placed in his care by Barnardo's.

In relation to each time the Crown has raised proceedings, please answer the following questions:

b) What is the name of the person(s) against whom the proceedings were raised?

Helen Ford. Reference is made to 5.2(e).

c) What was the nature of the charges?

Barnardo's is not aware of the charges made against her.

d) What was the outcome of the proceedings, including disposal/ sentence if there was a conviction?

According to news reports, she was convicted of procuring children for sexual abuse and assaulting and neglecting a boy and a girl between 1964 and 1971.

e) What was the organisation's response to the proceedings and outcome?

Helen Ford was not a foster carer approved by or provided by Barnardo's. They did however supervise the care of [REDACTED] and offered support. Barnardo's fully co-operated with the Police in relation to their investigation.