

PART D – ABUSE AND RESPONSE (5.1-5.7, 5.11)

“local authority” mean the local authority and its statutory predecessors. All references to “foster care” include boarding out with private families.

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.

Falkirk Council's response to this Part relates to the period from 1st April 1996 (when Falkirk Council came into existence) until 17th December 2014 (referred to in this response as “the relevant period”).

Stirling Council is the host record holder for records from the various Burgh and County Councils for Stirling, Falkirk and Clackmannanshire from 1930 to 1996 (which includes Falkirk Council's predecessor authorities). Stirling Council's response will therefore cover the period 1930 to 31st March 1996. We hold some committee/burgh information in Archives about our predecessor authorities. Relevant extracts in relation to foster care/boarding-out were provided in our response to Part A.

Responses to the questions in this Part are primarily based on the detailed reading of a sample of relevant foster files, the methodology for which is as set out in response to question 3.1(c) in Part B of our response. References in this response to “file reading” refer to that. We have also considered information about complaints, inspections and claims and also:

- Organisational knowledge of staff within the Council's Children and Families Service and specifically the fostering service – work carried out by Service Manager, Children's Services.
- A search of the local authority's corporate and service records (Finance, HR, policies and committee papers between 1996 and present day, practice documents and procedures) – work lead by Service Manager, Children's Services.

QUESTION		RESPONSE
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?	File reading indicates a range of allegations were made. The nature of these ranged from allegations of physical abuse, to sexual abuse, neglect and inappropriate treatment.
5.2 Extent		
a)	What is the local authority's assessment of the scale and extent of abuse of children in foster care?	Based on file reading, our assessment is that any abuse in the relevant period was very limited in scale and extent.
b)	What is the basis of that assessment?	Our assessment is based on our file reading which indicates that allegations were investigated and very few allegations of abuse by foster carers were subsequently found to have a basis. Of 33 total allegations recorded in the file reading between 1996 and 2014 two were substantiated.
c)	How many complaints have been made in relation to alleged abuse of children in foster care?	We have interpreted this to refer to formal complaints made in relation to allegations against carers. Information on formal complaints between 1996 and 2000 has not been found. Formal complaints information from the year 2000 records no stage 1 or stage 2 complaints relating to allegations of abuse by foster carers.
d)	Against how many foster carers have the complaints referred to at (c) above been made?	See above.
e)	How many foster carers have been convicted of, or admitted to, abuse of children?	To the best of our knowledge, no foster carers have been convicted of abuse carried out in the relevant period. Stirling Council records show that two carers were convicted of abuse in 1997 in relation to offences pre-1996. This is contained in the Stirling Council response to the Inquiry. Falkirk Council is also aware of one situation relating to alleged abuse in 1979/80. The files are currently with the Procurator Fiscal. Falkirk Council has had some involvement as there is a related claim, and the Council's Insurance department deals with all claims relating to the former Central Regional Council.

f) How many foster carers have been found by the local authority to have abused children?	Of the 33 known allegations noted in the file reading in the relevant period, two are recorded as substantiated.
g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?	No complaints of this nature are recorded in our complaints system from 2000 to date.
h) How many family members of foster carers have been convicted of, or admitted to abuse of children?	The information gathered shows no situation where a family member has been convicted of or admitted abuse of children in the relevant period.
i) How many family members of foster carers have been found by the local authority to have abused children?	No proven allegations by family members are recorded in the file reading. Three incidences of allegations made against family members are recorded in the file reading. Of these none were proven e.g. allegation made in 1998 against a family member of one carer and investigated by police and social work service. No evidence found. No incidences of family members of foster carers being charged with abuse of children are recorded in the file reading. One incident noted above is recorded in relation to a family member of a previous foster carer
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?	No formal complaints of this nature have been recorded on the complaints system since 2000. From the file reading, one allegation of abuse was made by a child placed with the same foster carer against 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?	No historical situations of this nature are noted in the file reading. As noted above, one recent allegation of abuse by a foster child against another foster child is noted in the file reading. No charges have been made as yet and records indicate that the investigation is ongoing.
l) How many other children placed in foster care in the same placement have been found by the local authority to have abused children?	No incidents of this nature have been recorded in the file reading.
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 local authority?	We have distinguished between complaints - a formal complaint made by a family or child - and disclosures - where a child or other individual has made an allegation of abuse or maltreatment against a foster carer. Complaints Only a small number of complaints relating to the foster care service are noted. All complaints recorded were investigated in line with the complaints procedure. No formal complaints recorded in the complaints records from the year 2000 relate to alleged abuse or mistreatment by a foster carer towards a child in their care. Disclosures File reading indicates that disclosures were made by children at different stages, which range from children making allegations while in placement about something happening at that time, to allegations made after a placement had finished about historical matters. Examples are: <ul style="list-style-type: none"> In 1996, an allegation of physical abuse was made by a child against their carer. The allegation was that the carer hit/tapped the child's hand. There are limited records available, but the child remained with the carer both during and following investigation. File reading indicates a clear assessment of risk. In 2001, a child made an allegation of physical abuse by their foster carer to their parents during contact. The substance of this was that following the child hitting a younger foster child in the placement, that the carer "grabbed him by the throat and

		<p>it hurt". The carer acknowledged grabbing the child by the front of his T-shirt only. A planning meeting was held, and discussion took place with the police who did not consider this to be an assault. The matter was investigated as a social work only investigation and considered within child protection procedures. The child remained in placement as he retained a positive relationship with the carer. The matter was followed up with the parent and the carer provided with further training on safe caring.</p> <ul style="list-style-type: none"> In June 2007, a child who was fostered with carers who subsequently adopted him, made an allegation against them. The adoptive placement had broken down and the child was living in a residential school. The allegation was made to residential school staff that he had been physically abused by the male carer and a birth child of the carers, both of whom had pushed and punched him. The child alleged that he had told both the female carer and social worker about this at the time. A police investigation took place and concluded that no further action would be taken due to lack of evidence and conflicting accounts. A report was sent to the Procurator Fiscal, as was practice at the time, in relation to all allegations considered by the police.
	b) To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?	File reading indicates that of the 33 allegations recorded, there were two cases where abuse was established. Both of the confirmed allegations were made while the child was in the placement.
	c) To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?	File reading and records show most allegations were made while the child was in placement or shortly afterwards. One situation is recorded where a claim relating to abuse has been made many years after the placement ended. This individual is now an adult. A further historical allegation referring to 2011-13 has recently been received (July 2020) and is currently under investigation.
	d) Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?	We have not identified any patterns of timing/disclosure of abuse and/or alleged abuse in relation to children.
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? For each such external inspection please answer the following:	<p>Fostering services have been inspected regularly by the Care Inspectorate since 2005. These inspections would routinely consider any allegations made.</p> <p>A wider Children's Services inspection was also undertaken by SCSWIS in 2011, which considered fostering as part of the inspections.</p> <p>Child Protection Committee records reference a Critical Case Review undertaken in 1999 but records of the nature of this have not been found to date. The nature of the Review is not currently known but may relate to the Stirling record referred to above to in our response to 5.2(e) where a foster carer was convicted of abuse.</p> <p>No other inspections have been carried out which specifically considered fostering.</p>
	b) Who conducted the inspection?	SCSWIS - 2011 Critical Case Review – this information has not currently been sourced.
	c) Why was the inspection conducted?	SCSWIS inspections were carried out as part of the routine inspection regime for registered services, and the larger inspection in 2011 as part of a national programme of inspection of children's services. The Critical Case Review records have not been sourced.
	d) When was the inspection conducted?	The wider SCSWIS inspection was carried out in 2011. Specific inspections of the fostering service as a registered service were carried out initially every year and then very two years from point of registration in 2005.
	e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?	The inspections of the full Children's Service did not raise any issues relating to abuse of children in foster care. The bi-annual inspections of the fostering service have similarly not raised any concerns in this area.

	f) What was the local authority's response to the inspection and its outcome?	Action plans were developed after each inspection in relation to improvements. These were not fostering specific, except where the inspection related only to the fostering service.
	g) Were recommendations made following the inspection?	See above.
	h) If so, what were the recommendations and were they implemented?	The inspection process requires recommendations made at one inspection to be progressed and progress is part of subsequent inspections. Some inspection reports of the fostering service record that recommendations from a previous inspection had not been followed up satisfactorily. None of these relate to allegations.
	i) If recommendations were not implemented, why not?	An example of a recommendation not followed up satisfactorily is below. The 2010 inspection of our supported carer scheme for older young people noted under 'Actions taken and recommendations outstanding' that 'all recommendation had been actioned including further training for carers and increasing participation. Some work remained to do on the latter.
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? For each such external investigation please answer the following:	Records show the following: <ul style="list-style-type: none"> Reference to a Critical Case Review in 1999 in the Child Protection records. Records of this review have not yet been located. Our Child Protection Committee monitoring processes detail significant and serious case reviews throughout the lifetime of Falkirk Council. None of these records relate to alleged abuse by a foster carer.
	b) Who conducted the investigation?	We have not been able to source information as yet about the 1999 Critical Case Review.
	c) Why was the investigation conducted?	Unknown at this stage.
	d) When was the investigation conducted?	1999
	e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?	As noted, details of the 1999 Critical Case Review are not available.
	f) What was the local authority's response to the investigation and its outcome?	As noted, details of the 1999 Critical Case Review are not available.
	g) Were recommendations made following the investigation?	As noted, details of the 1999 Critical Case Review are not available.
	h) If so, what were the recommendations and were they implemented?	As noted, details of the 1999 Critical Case Review are not available.
	h) If recommendations were not implemented, why not?	As noted, details of the 1999 Critical Case Review are not available.
5.6 – Response to External Inspections/Investigations		
	a) What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?	For fostering inspections, the fostering team manager (who is also the registered manager for the service) took responsibility for preparation and collation of the information requested by inspectors and the evidence for improvement. In relation to the wider Children's Services inspection, dedicated service manager time was created to undertake the extensive preparation for such inspections. As noted, none of the above related specifically to investigations in relation to allegations of abuse by children in foster care but are noted here to provide context in relation to the local authority approach and culture of continuous improvement in relation to the safety of children and young people.

	b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?	<p>For wider Children's Services inspections, the Children's Commission, the partnership group responsible for development and implementation of Children's Services Plans, held oversight of the improvement plans. The Children's Commission is part of the Community Planning Partnership. The Child Protection Committee links into the Community Planning structure to ensure close communications and learning.</p> <p>For fostering inspections, the action plan has been overseen and implemented since 2010 via a service Quality Assurance Group, chaired by the Service Manager. Prior to this responsibility lay with the Team manager (Fostering and Adoption).</p>
	c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?	<p>See above.</p> <p>While Falkirk Council has not had any significant abuse situations in relation to the fostering service in the relevant period, the Falkirk Child Protection Committee and Public Protection Chief Officers Group (PPCOG) has oversight of any significant events. These groups are multi-agency and are responsible for the child protection response and oversight in the Falkirk area. Where deemed appropriate by the PPCOG, the Child Protection Committee may commission a serious case review. These are usually undertaken by an external consultant who reports to the Child Protection Committee with the subsequent formation and monitoring of an improvement plan. Such a review would be carried out where there is a significant event such as a child death or injury or where such an incident could have occurred; there is specific criteria which needs to be met. Where the criteria is not met but a situation is considered as serious, and there is learning for the local authority or partnership, a learning review may be commissioned.</p> <p>This approach and reporting at very senior level, would also encompass any such scenarios in foster care.</p> <p>An example of this is seen in the process followed in a 2012 serious case review. The commissioning of this review, and subsequent action plan and monitoring processes, are outlined in a report to the Child Protection Committee.</p>
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?	<p>The understanding of the impact of abuse on children is now acknowledged and extending constantly as noted by the Fostering Network.</p> <p>Since 1996, children in foster care have been observed to have increasingly complex needs, due to their life experiences prior to coming into the care setting and changes in the thresholds for children being accommodated. Any subsequent abuse would exacerbate these existing issues of attachment, loss, grief and trauma and the corresponding impact on how a child functions in their world.</p> <p>Research and practice knowledge are now widely available detailing the impact of abuse on children, regardless of where this took place.</p> <p>From file reading, in the cases where abuse was established, the individual children exhibit these traits. It has proved challenging to distinguish between the impact of negative life experiences prior to a child being placed in foster care and the impact of negative experience of foster care. Traits and behaviour noted in established incidents and unsubstantiated allegations include:</p> <ul style="list-style-type: none"> • A desire to return to their parents' care, and a belief that allegations will make this happen • Poorer than average development and functioning at an age below their chronological age • Attainment issues • A high level of additional support needs within the school setting • Disrupted attachment behaviours
	b) Where does the local authority's knowledge/assessment of that impact come from?	<p>This is based on research evidence and practice knowledge, including the voice of young people e.g. feedback from our Children's Rights Officer and Champions Board, and Viewpoint; consultants such as Vera Fahberg, Dan Hughes and Suzanne Zeedyke; audit activity referred to above; research on the impact of violence or substance abuse on family functioning.</p>

	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?	<p>Children most commonly come into foster care due to issues in their birth families. This often includes trauma in a parent's own lives, including the impact of domestic abuse, or alcohol and drug misuse, and may also include physical, sexual or emotional abuse within the family home. This has been evident in the file reading. Further trauma resulting from abuse in what should be a safe setting, is an additional burden for a family which can exacerbate their own situation.</p> <p>We are not aware of specific research in relation to the impact of abuse in foster care on children's birth families.</p>
	d) Where does the local authority's knowledge/assessment of that impact come from?	See reference to research above.
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?	We have no records of criminal injuries compensation being awarded in respect of abuse or alleged abuse of children cared for in foster care.
	b) If so, please provide details if known.	N/A