

Report submitted by Fife Council

in respect of

s21 notice received from the Scottish Child Abuse Inquiry for fostering services

Background

This report has been prepared to supplement the information submitted to the inquiry on 28.2.20 in relation to the above, and verbal evidence given by Kathy Henwood (Chief Social Work Officer) at the hearing on 19.5.22.

Methodology

The current report is based upon an audit of 49 carers files and 77 children's files.

The Council archives were checked for historic fostering panel minutes and no records found. A central electronic record of all fostering panel minutes began to be kept in Fife in 2006. From these records 67 carers were identified as being deregistered between 2006 and 2014. All these deregistration panel minutes were reviewed against the following search criteria:

- moderate to serious physical abuse or allegation of physical abuse was recorded as the reason for deregistration
- sexual abuse or allegations of sexual abuse recorded as the reason for deregistration
- records alluded to abusive behaviour by foster carer towards children in their care as a reason for deregistration, but no detail given
- risk to children noted as a reason for deregistration, but no detail given

It was discovered that concerns about abuse, or alleged abuse of fostered children were the primary reason for deregistration in 6 of these cases. These 6 files formed part of the sample audit group along with the respective 7 children. It was not possible to trace a further 2 noted children by this method as they were identified only by first name on the carers' file. (3 of these carers and 3 children were also named in the group below so the associated files were only read once.)

Files were also identified through the record of allegations and concerns held by Fife Council since 2015, and Fife Council's notifications to the Care Inspectorate. Of the 62 foster carers on this record, 41 had been approved prior to 2014 including 3 of the above group identified through the panel minute search.

Children who had made the allegations on the record of allegations and concerns list were identified, along with others who had been in these placements when the allegations were made. 63 children were identified with this method. For completeness, the 4 carers files noted through the redress scheme were read again, along with the 8 claimant's files. An additional carers' file was included in this audit on recommendation from a member of staff where two children were in placement at the time of the allegation. These children's files were also read.

Senior managers also took the decision to audit all files on the record of allegations and concerns pertaining to carers from 2014 up to the current day (August 2022) as well as those within the timeframe

of the s21 notice. This additional data has not been included in this report, albeit it can be supplied if it would be of interest to the inquiry.

The files were read by experienced practitioners and managers, selected for their knowledge and background in children's services. Files containing more sensitive data were read by a core group of senior staff.

File readers were also tasked with providing their professional recommendations for future practice in fostering for the local authority.

Supplementary evidence

Part B

Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse
a) Does the local authority accept that between 1930 and 17 December 2014 any children care for in foster care were abused?
Fife Council accepts that in the time period noted above complaints were received about the treatment of children while in foster care concerning allegations of physical and sexual abuse. Based on the available evidence, Fife Council accepts it is probable that some of this abuse did occur.
b) If so, what is the local authority's assessment of the extent and scale of such abuse?
This information regarding the current sample is contained in Appendix 1. However, it is acknowledged that this sample is limited to the available data and the scale and extent in actual terms cannot be determined.
c) What is the basis of that assessment
Data has been gathered from 49 pertaining to foster carers and 77 respective children in their care. This data formed the basis of the assessment contained herein.
3.2 Acknowledgement of Systemic Failures
a) Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?
As noted in the previous submission (3.2a) Fife Council does accept that, at times, its historic systems are likely in some cases during the above time frame, to have failed to ensure the protection of looked after children from abuse.

b) What is the local authority's assessment of the extent of any such systemic failures?

There is limited evidence about the extent of systemic failures as much of the policy documentation has not been kept. It is therefore unclear whether:

1. the policy itself was not robust enough
2. that systems and policy were not followed
3. policy was robust and systems were followed, and the abusers carried out the abuse despite best practice by the local authority

c) What is the basis of that assessment?

The majority of fostering policy in Fife is not available to support a full assessment in respect of this question, as noted above. However, it is reasonable to assess that previous systems for approval and supervision were not as thorough as they are today, given that fostering legislation, culture and practice is likely to have improved incrementally in Fife over the years.

d) What is the local authority's explanation for any such failures?

The limitations of the evidence available to answer this question are acknowledged.

3.3 Acknowledgement of Failures/Deficiencies in Response

a) Does the local authority accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?

In the current audit sample, there is no evidence of a failure to respond to allegations of abuse during this time period. No information was found of investigation in case 2/57 shown in Appendix 1, but it is noted in a Looked After Child review record that the allegation was not substantiated. This implies there was an investigation (of some type) for this conclusion to be made. Therefore, this would indicate that this is perhaps a deficit in recording practice rather than a deficit in response to the allegation.

k) What is the local authority's assessment of the extent of any such failures in its response?

As outlined above in 3.3 a).

l) What is the basis of that assessment?

The file audit of 49 foster carers and 77 respective children in their care has formed the basis of this assessment.

m) What is the local authority's explanation for any such failures/deficiencies?

N/A

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.

5.1 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?

There is evidence within the file sample of abuse, and allegations of abuse, of a physical, sexual, psychological, and emotional nature towards children in foster care.

5.2 Extent

a) What is the local authority’s assessment of the scale and extent of abuse of children in foster care?

This scale and extent of abuse of children in the current sample can be found in Appendix 1. However, it is acknowledged that this sample is limited to the available data and the scale and extent in actual terms cannot be determined.

b) What is the basis of that assessment

The file audit of 49 foster carers and 77 respective children in their care has formed the basis of this assessment.

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

Of the audited sample, 57 complaints have been made in relation to alleged abuse of children in foster care.

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

In the audited sample, there were complaints raised against 36 foster carers

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

Of the audited sample, there is evidence that 4 foster carers have been convicted of abuse of fostered children. No information was found relating to any foster carers directly admitting to abuse of fostered children. Police records may hold further evidence of any foster carers that were convicted after they deregistered.

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

Fife Council consider that from the information available in the audited sample, there is sufficient information to indicate that 29 foster carers may have potentially abused children in foster care.

g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children
Of the audited sample, 1 complaint has been raised in respect of a family member of a foster carer regarding an allegation of abuse.
h) How many family members of foster carers have been convicted of, or admitted to abuse of children?
No family members of foster carers have been convicted of, or admitted to, abuse of children in the audited sample.
i) How many family members of foster carers have been found by the local authority to have abused children?
No family members of foster carers in the audited sample have been found by the local authority to have abused children.
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 complaints in this sample have been made in relation to the alleged abuse of children by 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?
In the sample, no children placed in foster in the same placement, have been convicted of, or admitted to abuse of children.
l) How many other children placed in foster care in the same placement have been found by the local authority to have abused children?
In the sample no other children placed in foster care in the same placement have been found by the local authority to have abused children.
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?
Please see Appendix 1
b) To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?

Please see Appendix 1

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

Please see Appendix 1

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

There are no discernable patterns to glean from the data gathered. However, it is worth noting that some (not all) of the more serious allegations were made when children had moved on to other placements or were now adults.

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?

Information is available in Appendix 1.

It is also considered that it is not possible to state for certain that abuse, alleged abuse, or other events that occurred in foster care, were directly attributable to future outcomes for children, as there are multiple other influencing factors.

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

The assessment of impact arises from analysis of the data gathered in Appendix 1

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

Information not found on file

d) Where does the local authority's knowledge/assessment of that impact come from?

The file audit of 49 foster carers and 77 respective children in their care has formed the basis of this assessment.

5.8 a) Does the local authority know of specific abusers, or alleged abusers, of children in foster care?

Yes

5.8b) If so, what are the names of the abusers, and/or alleged abusers

This information is contained in Appendix 1

5.8c) For each of these persons, please provide as much as possible, the following information:

- The period (dates) during which they are known or alleged to have abused children in foster care
- 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
- The knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter
- 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 information is contained in Appendix 1

5.8 d) Were known abusers, or alleged abusers, of children permitted to continue as foster carers?

This information is contained in Appendix 1

5.8e) If so, why was this considered to be appropriate?

This information is contained in Appendix 1

5.8f) If so, what process of monitoring/ supervision followed?

This information is contained in Appendix 1

5.9a) How many specific complaints of abuse of children in foster care have been made to the local authority

This information is contained in Appendix 1

For each specific complaint please answer the following:

5.9 b) Who made the complaint

5.9c) When was the complaint made?

5.9d) Against whom was the complaint made?

5.9e) What was the nature of the complaint?

5.9f) When/over what period was the abuse alleged to have taken place?

5.9g) What was the local authority's process and approach in dealing with the complaint?

5.9i) What was the outcome of the complaint following that investigation?

5.9j) Did the local authority provide a specific response to the complaint?

5.9k) If so, what was the form of response e.g., an apology, redress, pastoral response or any other type of response?
5.9l) If there was no response, why not?
5.9m) Was the information/content of the complaint passed to police?
5.9n) If not, why not?

This information is contained in Appendix 1

5.10a) How many civil actions have been brought against the local authority relating to abuse, or alleged abuse, of children in foster care?

There is evidence of 4 civil actions brought against Fife Council in respect of abuse or allegations of abuse of children in foster care. These cases were noted in the previous submission to the Inquiry.

There are no further civil cases arising from the current file audit.

5.10b) Who brought the action?

Respectively:

Case 1 – [REDACTED]

Case 2 – [REDACTED]

Case 3 – [REDACTED]

Case 4 – [REDACTED]

5.10c) When was the action brought?

The details of these cases were noted in the Council's previous submission to the Inquiry.

5.10d) Against whom was the action brought?

Fife Council

5.10e) What was the nature of the abuse, or alleged abuse, to which the action related?

The details of these cases were noted in the previous submission to the Inquiry.

5.10f) What were the names of the persons said to have, or alleged to have committed abuse?

The details of these cases were noted in the previous submission to the Inquiry.

5.10g) When/over what period was the abuse said, or alleged to have taken place?

The details of these cases were noted in the previous submission to the Inquiry.

5.10h) How did the action progress?

The details of these cases were noted in the previous submission to the Inquiry.
5.10i) What was the outcome?
The details of these cases were noted in the previous submission to the Inquiry.
5.10j) Was the action settled on a conditional basis of confidentiality?
No
5.10k) Who was/were the local authority's legal representative(s) in relation to the civil action?
The details of these cases were noted in the previous submission to the Inquiry.
5.10l) Did the local authority carry insurance for meeting civil claims at the time the action was live?
The details of these cases were noted in the previous submission to the Inquiry.
5.10m) How/ where can copies of the court papers relating to the civil action be made available to the Inquiry?
Papers will be available from the Scottish Courts or from solicitor firms who represented Fife Council in the proceedings.
5.11a) Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?
Of the current sample, criminal injuries compensation was awarded in one case (Appendix 1, case 11/57).
5.12a) How many complaints of abuse of children in foster care have been made to the police?
37 complaints from this sample were passed to the police. It is also possible that complaints might have been made to police regarding allegations of abuse by foster carers between 1930 and 2014 some years after the children were in care, and the carers had deregistered. Current personnel employed by Fife Council are unaware of any early historical complaints made to the police, as they have not been approached in their role to provide evidence in any investigation of this nature.
In relation to each known complaint to the police, please answer the following questions:
5.12b) Who was the alleged abuser or abuser?
This information is contained in Appendix 1

5.12c) Did the police conduct an investigation in relation to the complaint?
This information is contained in Appendix 1
5.12d) If so, who conducted the investigation and when?
Details of investigating officers are not held on files in Fife pertaining to foster carers or children
5.12e) What was the outcome of the police investigation?
This information regarding the current sample is contained in Appendix 1.
5.12f) What was the organisation / establishment's response?
This information regarding the current sample is contained in Appendix 1.
5.13a) To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?
The evidence on file in this sample indicates that the Crown raised proceedings in respect of allegations of abuse made against 4 foster carers.
In relation to each time the Crown has raised proceedings, please answer the following questions:
5.13b) What is the name of the person(s) against whom the proceedings were raised?
This information is contained in Appendix 1
5.13c) What was the nature of the charges?
This information regarding the current sample is contained in Appendix 1.
What was the outcome of the proceedings, including disposal/sentence if there was a conviction?
This information regarding the current sample is contained in Appendix 1.
5.13e) What was the local authority's response to the proceedings and outcome?
This information regarding the current sample is contained in Appendix 1.