

Scottish Child Abuse Inquiry
Addendum Report February 2022
Fife Council Fostering Service

History of Fife Council Record Keeping and Retention

The Council acknowledges that in our submission to the Inquiry in 2020 we did not provide a summary of the record keeping and retention practice in Fife Council, or the methodology applied to our information review and report. We therefore feel it would be helpful to start this report with a summary of this to outline the context of our work for the Inquiry. Please note that the bulk of this account was first submitted to the Inquiry in the Council's opening submission to the Inquiry in 2017.

Record Keeping and Retention

The period under consideration spans a period of tremendous change in Health and Social care thinking and provision. The same is true for record keeping- both in terms of theory and practice and also in terms of the related considerations of technology and societal expectation. Over the course of this period, legislation and regulation around record keeping has developed in response to all of these stimuli and influences with the manner in which the Council manages its records, and indeed what records the Council creates, developing in response to, and tracking, these changes.

In 1930, record keeping was very much just that- it was about keeping records. It was about deciding what information being recorded and then recording this- principally either in formal stand-alone documents or, often, in formal registers. These documents were designed to be kept- and indeed bought registers from this era often include written instruction for them to be retained permanently.

In the 1940's – 1960s' there was development of modern retention and disposition - that is, the idea that records should be kept for a particular period and then, often having been reviewed to see if they are required as live business records for a further period, whether they are selected for permanent preservation (archive) or they are destroyed.

Retention practices start to spread in the 20 years from the mid-1960s – with the idea of retention schedules – that is, lists of record types that dictate retention period (as well as often what happens to the records at the end of that period)- becoming accepted practice in UK local government in the mid to late 1990s.

As stated above, the Council's record keeping has developed, and should be understood, in the context of these contemporary standards and expectations. This is true for both what records were created in any given era and also the degree to which these were

intended to be retained both at that time and also subsequently as the landscape changed over the life of those records previously created.

Working alongside these dynamics are other factors that that have affected both what records have been created and how (if at all) they have been retained. These include:

- Staff: time pressures, staff understanding of records retention practices, staff who understand the significance of particular records leaving, the possibility that is ever-present that records may be deliberately destroyed to remove evidence of bad/illegal practice;
- Space and accommodation: office moves, the desire to sweep away the 'old' and that which is perceived as 'irrelevant' when moving;
- Technology: the growth of electronic working, the false understanding of paper and electronic records being different in nature.

All these dynamics and factors have combined to create an evolving landscape where records have been created that are designed to fulfil the business and legislative needs of the time in which they were created. These records have then been retained in line with various factors- not all of which were either controlled or thought-through at the time.

Moreover, consultation with information and records management personnel in other Scottish local authorities (and also in the wider U.K) has shown that these practices have been in accordance with those seen elsewhere at the same time. This is not to justify poor practice, but it does put such practice within its correct context

This is why, for example, policy is enacted and subsequent delivery evidenced almost exclusively by committee minutes for the first 50 years of this period. These minutes evidence that legal requirements were understood and that policy in accordance with these requirements was set in place via committee minute to turn that requirement into actions. Those actions (either individually or as part of broader activity) were then subsequently reported back to committee. This is how it was done in that era with the practice of specific policy documents only developing from around 1980 onwards.

In the same way, there has, until very recently, been no systematic Council-wide permanent selection and transfer to archive of Council records- with items coming into the Archive for various reasons at different times- either from department or establishment (often at time of move or closure or when something 'old' is found). An exception to this are committee minutes which have been systematically transferred over almost the full term of the period (there having been a Public Records Act in 1937).

There is some evidence of policy and procedure being developed and established by responsible social work teams and fed back to committee in the 1980 – 2000's. Unfortunately limited detail is contained about these, and reports which were submitted to committee for review in this period have not, as far as we are aware at this point, survived.

From the 2000's onwards, policy and procedures would have been updated and established by the family placement teams and were not fed back to committee.

Unfortunately, however, family placement policies were deleted once updated as there was, at the time, no retention policy around these. The Council recognises that there have been gaps in provision in its retention policies in this regard, and with respect to policy documents in general. However, it would again argue that provision within the Council has been in line with accepted procedure across local authorities in general.

Moving forward, and taking on board learning from the various current Child Abuse Inquiries in progress across the U.K. and also Jersey, the Council is now looking to permanently retain a copy of all Health and Social Care Strategy, Policy and Procedure documents moving forward.

1. Methodology and Complaints Log

Methodology

To collate information and evidence for the Fife Council response to the Scottish Child Abuse Inquiry, a team of 6 people (2 Team Managers and 4 Senior Practitioners) attended Fife Council's archive department to review (111) paper documents. These documents had all been pre-selected by the archive team as being relevant to child protection and fostering practice over the time period 1930 – 2000's and included:

- Fife Education Committee Minutes: 1930 – 1940's
- Kirkcaldy Burgh Council and Dunfermline Burgh Council Committee books: 1940's – 1950's
- Fife County Council Register of Children: 1930's – 1950's
- Fife County Council Minutes: 1960's
- Children's Committee Minutes: 1950's – 1960's
- Applications for Children to be taken into care: 1950's
- Social Work Committee Minute Book: 1968 -1975
- Correspondence relating to fostering and adoption panels: 1980's – 1990's
- Foster Carers archived files: 1990's – 2000's
- Reports relating to St Margaret's: 1990's - 2000's

These records above were reviewed in their entirety and were found to contain information regarding foster carers and looked after children. However, these documents were often registers which held information on different children and foster carers and not individual files. As most of these records date from the 1930's – 60's, the culture of recording was very different and notes were brief. For some children, their journey through care is summarised within 2 pages of notes and logged changes in their care (e.g. the dates they were accommodated or returned to their parents' care) but the notes include little discussion around care planning or the quality of foster care received. Limited information is held for this period regarding foster carer checks and assessment

and records relating to foster carers tended to focus on the dates of children were placed in their care, and visits conducted by the local authority. There is little analysis of the quality of care provided.

Fife Council does not hold a centralised record of historic foster carers, or children who were placed in foster care. This means that it has not been possible to apply search criteria to identify individual files that could be reviewed in relation to historical practice, policy or possible abuse experienced in foster care.

Team members completed a review of the information above over a 7-week period, each attending the archives department for at least one day per week to read files. Team members reviewed materials and scanned copies of any reference to child protection or fostering practice, noting what the subject matter was. Once this work was concluded, the team then spent 3 weeks preparing the report submission and cross referencing the evidence for each section. The team split the report into two sections: A and C with a team of three working on each section. Section B and D was completed by one team member.

When collating the information, the team did note significant gaps in available information for some sections of the report. Our approach at the time was to direct the inquiry to the evidence we had obtained rather than discussing this within the body of the report. It is now understood that a narrative would have been preferred, and explanation where there were gaps in information. For this updated report we have referred to evidence previously submitted to discuss emerging themes from our perspective.

We also identified and reviewed an additional 117 records to provide the Inquiry with an overview of Fife Council's historical practice, and changes in procedure and policy mainly over the past 40 years. These files include:

- Fife Regional Council Social Work Committee Minutes: 1975 – 1995
- Fife Council Social & Community Development Committee Minutes: 1995 - 2000
- Fife Council Policy and Resources Committee Minutes: 1996 – 1999
- Children's Services Committee Minutes: 2000 - 2007
- Record of Fife Council Complaints: 2017 - current
- Archived foster carer files for abuse investigated: 2014 - current

41 new scans were taken and included in the updated copy documents supplies schedule (A292 – A336). Where the source documents above were paper files, they were reviewed in their entirety. Where the documents were digital copies, a keyword search was conducted to identify relevant sections to review. Keywords included "foster", "foster care" and "children". From 1975 onwards, individual children's cases were no longer discussed at committee, and instead discussion focused on policy and procedural changes or service updates from the Head of Social Work. Due to the

significant increase in committee minutes retained from 2000 onwards it was not possible to review all documents in the timescale available. A total of 10% of the committee minutes were sampled to provide an overview of information for the 2000's.

Complaints log

We can confirm that prior to 2017 Fife Council did not have a formal or central record of complaints or allegations made about foster carers. The only formal record of complaints against foster carers identified during our initial file review was the information around financial claims made to the Council which were submitted as evidence (A287i and A287).

In 1989 Fife Council's social work department did establish a complaints procedure for clients, employing a complaints officer to manage and respond to complaints. Following the first annual review of this procedure in 1990 it was noted that this system had worked well. A record of the complaints had been kept, although these files have since been destroyed in line with retention policy at the time. It was noted that information from these complaints helped to informally influence change and development in the service (A305). It was recommended that this process was formalised to inform policy and practice changes.

In 1994 the role of the client relations service was expanded to promote and protect the rights of children in care (A329). It was noted that all children in foster care had the right to complain and the complaints officer intended to visit them all to proactively share this information and discuss their rights (A316).

In 2000 a report outlined that social workers for all children being admitted to foster care should explain the complaints procedure to them (C176). It was noted that while children might feel unable to complain to the foster carer looking after them, they might feel able to complain to their social worker. Following review of information held no complaint could be found regarding the standard of care provided by a foster carer.

Fife Council's current complaints process was established in 2013 and records of these complaints are retained for 5 years. Following review of the complaints related to the fostering team, these are complaints regarding customer service from the Council – for example the process of being approved, supported or de-registered as a foster carer. They do not relate to allegations of abuse against foster carers.

Allegations

The Council accepts that it is highly likely there were other allegations of abuse against Fife Council foster carers over the timeframe of this inquiry. Unfortunately Fife Council does not hold a centralised record of historic foster carers, or children who were placed in foster care. This meant that it was not possible to apply search criteria to identify individual files that could be reviewed in relation to possible abuse experienced in foster care.

The fostering service does now keep a record of allegations made against foster carers. Significant allegations made against foster carers are classed as notifiable events to the Care Inspectorate and we hold a log of all notifications made to the Care Inspectorate (A282). We also have a formal process established in 2016 for responding to significant and low-level concerns made against foster carers (A283). Minutes from Strategy Meetings (C256) and Concern Reports (C236, C232, C240) are completed and held in foster carers individual files. A record of these concerns and allegations is held and attached for your reference (A292).

2. Further Information

1.7a - Children's Shared Background / Experiences

Generally throughout the timescale of this Inquiry, records indicate that children who were in foster care had similar backgrounds and experiences.

Records from the 1990's (A305 p 215 – 225) indicate that the reasons for children being accommodated away from home included concerns around a lack of parental care, parents being unfit to care for the child, and parental substance misuse. In 1992 it was noted that foster carers caring for children who had been sexually abused had received training on this subject (A321 p 646). The provision of this training suggests that there were several children in foster carer who had a shared experience of being accommodated due to sexual abuse.

While the reasons for young people being accommodated in the 2000's could not be identified, a report in 2002 indicates that drug and alcohol abuse continues to be one of the main issues in Fife, both in terms of parental dependence and young people misusing substances (A327). Given that this was a significant issue at the time it could be assumed that this was likely one of the shared backgrounds for children in foster care.

1.8 c – f - Checks in relation to Prospective Foster Carers

During this file review it has not been possible to identify clear guidance or policy documents outlining the checks that were conducted for prospective foster carers, their household members, or how these were reviewed from the 1930's-1970's.

From the 1960's onwards a few examples identified that Fife Council sought medical checks and personal references for prospective foster carers (A68, A239, C157). Committee minutes in 1967 noted a report from the Children's Officer around procedures adopted by the department in relation to the approval of foster carers (A68). The committee agreed with measures already in place but requested as an extra precaution that the department approach the County's medical advisor regarding the suitability of foster parents. This discussion suggests that the Council did have a process

in place to ensure prospective foster carers were vetted - a task that became a legal requirement in the 1968 Act.

In the 1970's there is reference to national guidance on foster care practice being available to committee members for review (A308). While there was no discussion noted around changes to practice because of this new guidance, it could be assumed that by raising this discussion at committee level, the Council did have an awareness of practice requirements at the time.

In the 1980's a new system was introduced for checking criminal convictions, with a requirement to check the criminal convictions of prospective foster carers and any adults within their home (A322 p 350-366). It was recommended that a clear policy on this system was created for use in Fife Council. Although a copy of this policy in relation to the approval of foster carers could not be found, this does mirror current practice in the fostering service around PVG and disclosure checks.

In 1989 records indicate that the BAAF Form F assessment tool should be used to present information around a prospective foster carer to the fostering panel (C270). It indicates that this assessment tool has identified areas to explore as part of an assessment. These areas of assessment are not outlined but would likely have been informed by the Boarding Out and Fostering of Children (Scotland) Regulations 1985, which were referenced at committee meetings.

Evidence of an application form was seen in the 1990's (A239). This requested information from prospective foster carers around their address history, and details of members of the household. Unfortunately this did not detail the checks that the social work department would undertake upon receipt of this information.

In the 2000's one of the recommendations from the St Margaret's Audit (C176) actioned by Fife Council was the need to check birth certificates and former names for anyone applying to work with children. This was in response to learning that some people with convictions against children might change their name or date of birth to pass police checks. At this point in time records also indicated that a full range of checks took place for prospective foster carers (C176) including police, health, local authority, family members and referees. These appear to be the same areas that later went onto be outlined in schedule 3 of the Looked After Children (Scotland) Regulations 2009 and continue to be assessed in current times.

2.1 d - Did the Provision of care by foster carers reflect the local authority's culture, policy and procedures from 1930 – 2000?

Throughout the timescale of this Inquiry some evidence was found to suggest that the culture around the provision of foster care in Fife was focused on safeguarding the health and wellbeing of children in its care (A6, C160, C97). With no information around the review or evaluation of foster care practice in this area it is difficult to infer if historical practice reflected the culture, policy or procedures.

One evaluation that was found was a review of the Adolescent Placement Scheme in 1989 (A317). This report suggested a policy around placements being time limited, children being placed locally, and children maintaining contact with family members (see page 9 of this report). This evaluation of the service in 1989 does appear to suggest that the provision of care reflected the local authority's policy in these areas.

2.2 h – i - What were the oversight and supervision arrangements in respect of fostering panels

Following this file review no information can be found from the 1930 – 1970's around the organisation and supervision arrangements of the fostering panel. Records indicate that fostering panels were in place in Fife in the 1980's (C127), likely in compliance with the requirements to have these as outlined in the Boarding out and Fostering of Children (Scotland) Regulations 1985 at the time.

In 1989 reports indicate that the fostering panel was made up of social workers and experienced lay people, who made recommendations on the approval of foster carers to the Director of Social Work (A317 p 414). It could be assumed that the panel was accountable to the Director of Social Work who would have had oversight of panel business at this time, however there is no reference to supervision arrangements for panel members.

From 1991 records indicate that the Assistant Regional Manager became responsible for chairing and overseeing the fostering panel (A321, p211). A draft policy regarding panel procedures was drawn up, and in 1993 it appears these were updated to cover medical issues following a development day with a medical advisor and fostering panel members (A324, p304). A copy of these procedures could not be found but this feedback to committee does suggest there was oversight of the fostering panel within the social work department at the time.

Unfortunately no information could be found from the 2000's regarding changes to the process of oversight and supervision of panel members. It is known that in 1999 an independent panel chair was appointed from BAAF until approximately 2016. Since then Fife's fostering panel has been chaired by a Team Manager or Senior Practitioner, employed by Fife Council but independent to the fostering teams. Fife Council does now undertake supervision with panel members although it is unclear when this process was implemented.

4.2 b - v – Was policy adhered to in practice in relation to the placement of children with foster carers.

During this file review some general policy themes regarding the placement of children in foster care were identified as follows:

Increased use of Foster Care as opposed to residential care

From the 1940's onwards there is evidence of policy discussion in committee minutes around children being accommodated away from home only where necessary (C94) and where possible being placed in foster care instead of residential care (A61). These appear to be the underlying principles that informed practice in Fife Council when placing children away from home throughout the timescale of this Inquiry.

In 1986 the Director of Social Work reported that there had been a reduction in the number of children being accommodated away from home because of the childcare policy at the time (A330). He advised that due to several empty residential beds, a strategy should be identified to defer recruitment schemes for alternative care to residential (foster care).

In the 1990's Fife Council's interim report for Children's Services noted that placements with foster carers continued to be the preferred option for children who are unable to live with their own families (A334). A report from the Director of Social Work in 1995 (A325, p62) outlines that of the 473 children to whom the local authority had a statutory responsibility, only 46 of those children were placed in residential care and 155 in foster care. This suggests that the policy was being adhered to at the time.

In 2002 it appears that a change in Fife Council placement trends were identified. In a report to committee (A326) it was noted that local authorities on both a national and local level were facing significant additional demands for services to protect and look after vulnerable children. This was due to parental substance misuse, or behavioural issues arising from young people's substance misuse. The demand for foster placements at that time had not been matched with the recruitment of additional foster carers, and therefore there was not a sufficient fostering resource for the children who needed this. This resulted in children remaining at home in unsuitable family situations or being placed in high-cost residential placements outwith Fife.

It was identified that alongside ongoing recruitment of foster carers, systematic changes were required to resolve these issues. This included reducing delays in permanence planning for children to ensure continued foster carer availability, reducing the number of high-cost placements out with Fife, and strengthening practical support for families to prevent breakdown. These are the areas that continue to have been focused on into current times to redress the balance of care for young people in Fife.

Time limited and Local Placements

This file review provided a limited understanding of Fife Council's policy and approach to foster care from the 1930's – 70's. Records indicate that most foster

placements were made in the Fife area, but not always in the same town that the child was from (A92). It is unclear if location was considered in placement planning from the 1930' – 70's. Some placements in the 1950's appeared to be time limited, with children being placed in foster carer while their mother gave birth to their sibling for example (A92). However these types of placement appear to have been the minority, and placement timescales and planning for children accommodated due to welfare concerns was unclear.

In 1989 a review of the Adolescent Placement Scheme outlined that planned placements were to be time limited (no longer than 2 years) and task focused (A317, p60). The report suggested that the policy was being implemented in practice and the only exception to this rule was made where placements were extended because the needs of two children could not be met in long term foster care. This report also noted an underlying principle of the service being to place children in or near their own locality. 16 out of 24 children had been placed in their own district, suggesting a general compliance with this policy.

This policy theme continued in the 1990 social work department's Policy for Children Report (A305 p 13). This document clearly outlined that a child's foster care placement should be time limited with the aim of supporting children to either return to their family's care, or move onto a more permanent type of care placement.

There is limited information to conclude if practice remained compliant with policy in the 1990's. However in 2002 it appears there was a non-compliance in these areas, with drift in foster placement length and children being placed in resources out with Fife (A326). This prompted an increased focus on timely permanence planning for children, and investment in local services to support families.

4.2 xiv – Was policy adhered to in practice in relation to child protection from 1930 – 2000's

During this file review there was limited information around Fife Council's adherence to child protection policy until the 1980's. A general policy theme from committee minutes throughout the timescale of this Inquiry indicated that the social work department did have a focus on safeguarding the health and wellbeing of children. There are examples of the local authority undertaking medical assessments for children when they were accommodated away from home (C147, C160) indicating that the local authority adhered to policy by ensuring children's health needs were met.

Another policy theme throughout the timescale of this Inquiry was Fife Council's commitment to supporting children to remain at home, unless it was unsafe or not in their best interests to do so. It is likely that the local authority had a child protection policy and procedure in place to inform its practice thresholds and

decision making around risk and the removal of children from their family, although no policy documents could be found. By taking action to remove children from home when they were not safe, it could be suggested that the local authority complied with its policy to keep children safe.

In 1988 the Director of Social Work submitted a report to committee entitled "Child Abuse: an Action Plan" (A332). While a copy of this report was not retained, it appeared to outline the steps being taken by the Council to build upon earlier guidance about structures and procedures for dealing with child abuse. In the same year it was noted that the process of referring all cases of child abuse to the police had been successful (A333). This suggests that Fife Council did comply with its policy and procedure at the time.

In the 2000's a clear child protection policy and procedure was developed in relation to children making allegations against their care providers. It was identified that the fostering service should respond to any allegations made about foster carers and there should be liaison with the child protection team regarding the appropriate investigative response. It was noted that if no evidence was found to substantiate an allegation then a meeting including all relevant parties should take place to agree further use of the foster carer. There is evidence of this approach being used by the fostering service in the 2002 in response to an allegation made against a foster carer (A243). However in 2004 (A242) there is evidence that this procedure had not been followed, as the foster carer had been interviewed before full professional discussion. It was also suggested that the allegation had not been responded to promptly. Without wider examples of practice at this time, it is difficult to conclude which example represented general practice and if this policy was adhered to or not.

4.4 b - Did the local authority adhere to its policy and procedures in respect of recruitment of foster carers from the 1960s to the 2000s and in relation to standard and size of accommodation

Throughout the timescale of this inquiry, there was evidence of discussion in committee minutes around foster carer recruitment. Generally these discussions focused on the need to recruit more foster carers to ensure enough resources were available to the children who needed these (A44, A119). There was also a discussion around a foster carers accommodation in 1949 (C146). In this situation a foster carer was reprimanded for subletting the spare bedroom and sharing a bedroom with her birth and foster child. While this does suggest an expectation or standard around foster carers accommodation, these expectations were not clearly outlined in the committee minutes. As no policy or procedure documents have been retained detailing the approach to foster carer recruitment between 1960 – 2000's, we cannot assert if the Council adhered to its policy and procedures at the time or not.

3. Local Authority Policies

Policy on Discipline in foster care 1930's – 2000's

During this file review it has not been possible to identify any policy on discipline in foster care. It is likely that this information would have been outlined in the Conditions of Service Charter or Foster Carers Handbook that were developed in the 1990's, as this is where we currently outline our expectations of foster carers in regard to discipline.

Policy on Contact with family members or Siblings

During this file review it was not possible to identify any policy regarding contact with family members or siblings from the 1930 – 1970's.

In 1983 the Health and Social Services and Social Security Adjudications Act 1983 reinforced that authorities should place a high priority on arranging and maintaining close links between the child and their parents (and other close members of the family) while the child was in care. In 1989 a review of the Adolescent Placement Scheme (A317, p61) noted the importance of children in care maintaining links with their parents and birth families. At that time all children in adolescent placements had contact with their families suggesting that this area was part of a policy underpinning practice in this service.

In 1990 there was evidence of children being placed in foster care with their siblings, and also children in long term foster care who maintained contact with their family (A305, p219-221). In 1993 a report noted that all efforts were made to place children with their siblings in foster care and contact plans for children on place of safety orders were kept under review (A319). These statements suggest that there was a policy in relation to these areas at the time, however a copy has not been retained.

Safeguarding and Child Protection Policies 1970's – 1990's

During our file review there was limited policy and procedure information available regarding safeguarding, child protection or management of allegations against foster carers. However we were able to establish that in 1981 a policy for working with children in the care of the local authority was agreed (A311). While the report outlining the full content of this policy was not retained, it was noted that children would only be returned home if it was certain they would not be in danger, suggesting an underlying safeguarding approach to social work practice at the time.

In 1988 the Director of Social Work submitted a report to committee entitled "Child Abuse: an Action Plan" (A332). While a copy of this report was not retained, it appeared to outline the steps being taken by the Council to build upon earlier guidance about structures and procedures for dealing with child abuse. In the same year it was noted that the process of referring all cases of child abuse to the police had been successful (A333). This suggests that a child protection policy was in place at the time.

In 1988 the Council produced a Handbook for Young People in Care (A331). This was published alongside the Who Care's Charter of Rights, and suggests the local authority

had an awareness of, and underlying policy to ensure that children's rights were safeguarded.

In 1989 the Secretary of State for Scotland constituted an Inquiry into childcare policy and practice in Fife, particularly in meeting the needs of children at risk (A317). There is evidence of Fife collating information as required however there is no record of the outcome of this Inquiry or policy at the time.

In 1990 a new child protection team (social work and police) was set up in Fife to manage all child protection referrals (A318). It was intended that this new team would develop a more child centred approach to alleged abuse and included the use of strategy meetings to share information with relevant professionals. The creation of this team saw a change in the approach to child protection with joint investigative procedure in Fife. A letter was sent to an approved foster carer at the time (A261), inviting them to meet with the child protection team to explain the team's role and the implications this could have on foster carers.

In 1993 the recommendations of the Orkney Inquiry were considered in terms of child protection practice in Fife (A319). It was noted that many of the recommendations were already embedded in child protection practice in Fife, but some learning would be taken forward in terms of recording and interviewing techniques to be used with children.

In 1995 the Who Cares Charter of Rights was updated to reflect the UN Convention of the Rights of the Child (A328). Fife Council sent a copy of this charter to all looked after young people and employees working with these young people to ensure that this information was known.

In 1998 the Head of Social Work submitted a report to committee outlining some of the recommendations from the Safeguard Review conducted by the Secretary of State following recent cases of child abuse (A334). In this report it is noted that a working group had been set up to review these recommendations for multi-agency working in Fife. One of the recommendations considered at this time was the need to bring foster carers into the inspection process.

In 2000 there were further changes to child protection procedures, particularly in relation to managing allegations against care providers (C176). The document on pages 114 – 117 outlined very clear guidance on how to respond to allegations against foster carers. This guidance outlined the underpinning policy of responding to all allegations quickly, regardless of the nature of abuse, and the inclusion of the child protection team to confirm how an investigation will be conducted. The changes in procedure at this time appear to have been influenced by the Children's Safeguard Review in 1997, the findings of the St Margaret's Audit and a change in Fife Council's Child Protection Guidelines at the time. While most of the content of C176 relates to abuse experienced by young people in residential care, it appears that Fife Council took forward learning from these situations to inform its current approach to working with and managing allegations against foster carers.

Policy on Physical, Emotional and Mental Wellbeing 1970's – 2000's

Please see response to question 4.2 xiv on page 10 of this report.

Handbook

In 1990 the fostering service in Fife was restructured, merging the area managed fostering service and centrally managed adolescent placement scheme (A318 p 63 – 67). As this brought together two groups of carers who had been recruited for different purposes and paid differently, the Director of Social Work identified that a "Conditions of Service Charter" would be drafted up. This would outline the standards expected of foster carers in caring for LAC children.

In 1995 it was noted that following a performance review of the fostering service, a Foster Carer Handbook was being drafted (A320). This along with new fostering procedures was intended to outline the standards of care expected from foster carers, alongside a high quality of support from the service. Unfortunately copies of these documents have not been retained.

Question 4.4 – Policies in relation to Foster Carers

- **Review and Support of Foster Carers 1930's – 2000's**

No information on policy for the review and support of foster carers was identified until 1990. At this time the Head of Social Work produced a report outlining plans to unify the fostering service in Fife (A318). Within these plans he noted that one objective was to provide a support structure to foster carers. He identified that two specialist Family Placement teams would be created to recruit, train, and support all foster carers. It was noted that these changes would also lead to a more co-ordinated approach to annual foster carer appraisals to ensure consistent standards were met. This report suggests that there was already a policy in place around the annual review of foster carers, and in the 1990's policy on supporting foster carers was developed.

Unfortunately no further information around the review and support of foster carers was identified during the timescale of this inquiry.

- **Foster Carer Training 1930 – 2000's**

During this file review no information was found regarding a training policy for foster carers until the 1980's. From the 1980's onwards committee minutes often referenced the number of prospective foster carers attending preapproval preparation group training, suggesting that this was standard policy at the time (C129, A317, A336).

In the 1990's specific training around sexual abuse was provided to foster carers (A321). At this time, Fife council was undergoing a period of change in its overall child protection policy and procedures. It appears that one aim of these changes was

to increase the awareness of child abuse throughout multi agency services. Therefore, it could be suggested that this training to foster carers might have been part of the general child protection policy at the time.

In 2005 a report was presented to committee outlining the ways in which the fostering service could be improved (A335). One of the actions suggested was the appointment of a Training Officer for fostering services. It was identified that no training strategy existed for foster carers at the time, and this post could help to progress mandatory and developmental training for foster carers. This suggests a policy change and recognition of the need to provide ongoing post approval training to foster carers.

Unfortunately, during this file review no further information could be found throughout the timescale of this Inquiry regarding policy or procedure on the following subjects:

- Removal of Approval / Registration
- Number, age and gender of children placed in one household
- Transfer of foster carer to or from another local authority
- Disciplinary actions
- Personal Development

4. Document References

We can confirm that the reference to document A261 is incorrect and the correct reference to our current procedure for managing complaints and concerns, established in 2016, should be A283.

5. Response to Section D

As noted in response to question 1 Fife Council did not historically hold a centralised record of allegations or complaints against foster carers, therefore we were unable to apply search criteria to identify individual files that could be reviewed in relation to possible abuse experienced in foster care. However, records were held about a list of civil or legal actions taken as a result of allegations of abuse or complaints against foster carers (A287, A287i, A288, A289, A290 and A291). These were known investigations into allegations regarding abuse in foster care and therefore this information was used as the basis of the response to section D.

On reflection we do acknowledge that while the information in documents A242, A243 and A274 related to informal investigations, they were relevant to some of the questions around the nature and timing of allegations in section D. For example documents A242 and A242 relate to allegations being made against foster carers while children were still placed in their care. These were allegations regarding children being smacked by their foster carers. These allegations were investigated at the time and no evidence was found to substantiate these claims, which were denied by the foster carers.

Document A274 detailed historic allegations of sexual abuse from a foster carer's wider family members. The foster carer was still caring for children at the time of the allegation, but not the children detailed within the allegation. These allegations were fully investigated and no evidence was found to substantiate the claims.

Since our initial submission to the Inquiry, two Fife Council foster carers have been charged following allegations of sexual assault against looked after children. A third historical allegation was also received against a previous foster carer and was being investigated by the Police at the time of the individual's death. The information about these allegations and organisational response can be found on page 17 of this report.

6. Civil Claims

Having reviewed the documentation we hold on the 4 complaints discussed in section D, it is noted that our response to question 5.2e should have been amended to reflect that Fife Council made two settlement payments in relation to the abuse perpetrated by foster carers. These payments were made to ██████████ (A287i) and ██████████ (A287). Our previous response did not recognise that part of the payment to ██████████ ██████████ was in relation to his experience in foster care (p18, A288).

7. Criminal Proceedings

Having reviewed the response previously submitted for section D it is now understood that question 5.12 related to the cases only where the police had been involved. In consideration of this, the response to question 15.2d should have been only in relation to the prosecution of Mr ██████████. In this case Fife Council's response was to pay a settlement but no public apology was provided as that action was in relation to Mr ██████████ complaint.

Scan A94 references a foster carer being charged with lewd behaviour against children in his care. After a further record search, it appears that the children's and foster carers files in this case have not been retained. Committee minutes around the time of the children being removed from this placement have been reviewed again but there appears to be no reference to this incident. This means that no further information can be provided regarding the investigation into these allegations or organisational response at the time.

We can confirm that Rachel Lessels was a Fife Council carer from 2004 – 2017 who was convicted in Court in October 2021 of historical physical abuse towards looked after children in her care. This information was not included in our original submission to the Inquiry as it was outwith the timescales requested. Information around the nature and impact of this allegation, and the organisational response is now summarised below. Supporting documents will also be available to the Inquiry and are detailed in the updated scan reference list.

In 2017 a young person alleged that he had experienced physical abuse while in the care of Rachel Lessels between 26 April 2006 and 16 October 2008. A full summary of these allegations is provided in the Initial Strategy Meeting (A293) where it was noted that at

the time of these historical allegations the child was witnessed by professionals to have bruising. However when the foster carer sought medical advice at the time this appeared to be consistent with the explanation she provided. The description of this abuse spanned the duration of the young person's placement. It is now known that this abuse had a significant emotional impact on the young person, who presented as being very upset, anxious and physically revolted when recalling the abuse he experienced (A293).

Following receipt of this disclosure the fostering team followed the significant concerns process and met with relevant professionals, including the child protection team. It was agreed that this matter would be referred to the police for a full investigation and no children would be placed with Rachel while this investigation was ongoing. As part of the investigation the fostering teams provided Police Scotland with a record of all children placed in the care of Rachel Lessels. Through approaching these young people for information about their care, another young person disclosed historical abuse of a similar nature from Rachel. Full information about the Police investigation is contained in the Review Strategy Meeting Minute (A294) where it was noted that Rachel would likely be charged.

In 2018 the fostering teams arranged for a fostering panel to take place and recommended that Rachel Lessels was de-registered. The full panel minute has been attached for the Inquiry's information (A295). There has been no formal internal or external review of this case commissioned to date. However, we do have an established process around significant and low-level concerns that is followed when child protection concerns emerge, that allows us to have early identification of risk and patterns of concerning behaviour.

8. Further Information

Since our initial submission to the Inquiry one Fife Council foster carers has been charged following historical allegations of sexual assault against looked after children. A second historical allegation was also received against a previous foster carer and was being investigated by the Police at the time of the individual's death. The information about these allegations and organisational response is contained below.

EEB

EEB and his wife were Fife Council foster carers from 2001 – 2020. On the 28th of April 2020 the fostering team was informed that a historical allegation of sexual abuse had been made against foster carer EEB. The young person making the allegation had been placed with EEB and his wife from the 2012 to the 2014.

At the time of the allegation the couple were still fostering and after receiving full information around the allegation, the decision was made to remove the child from placement while a full investigation took place. The fostering team followed the significant concerns process and met with relevant professionals, including the child

protection team. It was agreed that this matter would be referred to the police for a full investigation and no children would be placed with EEB and while this investigation was ongoing. Full information about the allegation and Police investigation is contained in the Review Strategy Meeting Minute (A297).

During the course of the investigation the police contacted all children who were placed with the couple when they were aged 3 and older. As part of this process another female (now adult) made a consistent allegation of sexual assault against EEB (A298).

On the 5th of November 2020 the police concluded their investigation and identified that EEB would be charged with sexual assault. They arrested and charged him on the 26th of November with 4 sexual offences against children. The fostering team arranged a fostering panel in December 2020 and recommended that EEB and were de-registered. The full panel minute is available for the Inquiry's information (A299). A referral was also made to Disclosure Scotland in consideration of listing.

EJX

EJX was a Fife Council foster carer from February 1997 – November 2004. During this time, he predominantly cared for teenage males. In 2019 an adult came forward and made a disclosure to the Police alleging abuse by EJX. The fostering team was then involved in gathering historical information about EJX's experience as a foster carer to assist the Police to make approaches to young people who had been in his care.

This file review highlighted that in April 2001 a young person alleged that EJX had physically assaulted him. The young person was removed from placement while a child protection investigation took place, however this concluded there was no evidence to substantiate the allegation. Another young person alleged that he had been strip searched by EJX in June 2002, however when interviewed the young person provided a justification for this action. In September 2004 a young person, no longer in EJX's care alleged that he had been sexually assaulted by EJX when visiting the household. The young people in placement were removed from EJX's care and a child protection investigation took place. The outcome of this investigation was inconclusive but it was assessed that the young person's statement was credible. In response to these allegations and review of historical allegations, the fostering service decided that it would no longer be suitable for EJX to foster. A fostering panel was held in November 2004 which agreed EJX's de-registration as a foster carer. The detailed chronology of EJX's time as a foster carer is available for the Inquiry's information (A303).

In 2005 The Fostering Network was asked by Fife Council to conduct a review into the process which led to EJX's de-registration. In their report the Fostering Network provided recommendations around the fostering teams use of Strategy Meetings, and the need for clear communication around the de-registration process with foster carers (A304). In 2012 EJX appeared in court charged with Indecent Assault and Sexual Offences. Records do not indicate if this was in response to the allegations made in 2004 or a separate incident.

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