



The Scottish Child Abuse Inquiry  
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Please ask for: Stewart Fraser  
Direct Dial: [REDACTED]  
Our Ref: L/SDF/JG  
Your Ref:  
Date: 13 January 2023  
DX Mail: DX IN 5

**Please reply to Legal Services, The Highland Council  
Glenurquhart Road, Inverness IV3 5NX**

Dear madam,

### **SECTION 21 NOTICE**

I refer to your email attaching letter of 25 November enclosing Section 21 Notice to the Highland Council in respect of the Foster Care Case Study.

The Council thanks the Inquiry for the opportunity to offer further comments following the hearing of evidence from the Council's Chief Social Work Officer.

In the Notice a number of specific questions are asked of the Council and I believe it would be easiest if I worked through the various matters in turn.

**i) Ms Duncan was to provide more information in relation to questions posed about a report by Mike Laxton referred to at page 35 and following**

The Council has been unable to establish any further significant information about the circumstances leading to the instruction of the report from Mr Laxton. The report from Mr Laxton was dated February 1999 and was available to the Inquiry. The Report's introduction records that the external review was commissioned because of a widespread recognition both within the then Social Work Service and the Council as a whole that childcare services were, and had been, at a point of crisis for some time.

**ii) Ms Duncan was to provide more information in relation to the case file review carried out (the discussion of the review starts on p.62 of the transcript)**

There were no foster carer files available for the period before 1960. There were only a small number of files available for the period up until 1970 and all of these files were reviewed. Due to the number of files that were available for the remaining period of the Notice and in consultation and in common with colleagues from other local authorities and Social Work Services it was decided that an initial 10% sample would be the most appropriate approach to scrutiny of the files. Subsequently a sample of 10% of the foster carer files was identified. In addition where the service was aware of an allegation or investigation in respect of a foster carer recorded in the central register maintained by the Council those files were selected and reviewed.

The central record referred to above was first established in 2004. This was a requirement of

the Care Inspectorate and an outcome of the inspection process. The Council has been unable to find any evidence to suggest there might have been a prior central record or system of recording. In addition, where there was a record of such an allegation the respective children's files were also retrieved and reviewed. The Council did not review the files held in respect of all looked after children. This decision was taken given the number of files that were held and the constraints of time available. The position was made more difficult by the onset of the pandemic. The Council did not review the files of all other children who had been in foster carer and had been placed with a foster carer in respect of whom an allegation had been recorded.

**iii) To clarify whether an allegation against another child in placement would be included in the log of allegations which has been kept since 2004**

Yes. Details such as these would be kept for the Service and the Care Inspectorate.

**iv) and if not, where any such allegation would be noted? Would it be on the carer's file, the child's file or both?**

The details of the allegation and both outcome of any investigation and any follow up action will be recorded in the carer's record and the child's file.

**v) confirm whether the reference to a particular case in response to a question on impact addressed in the first paragraph starting on p.139 of the A-D response was in relation to the conviction of a foster carer (Francis Ward) in December 2021?**

This is confirmed. This was in relation to the conviction of the previous foster carer, Francis Ward, in December 2021.

The use of the word "smothering" in the context of the description given of the older sibling's behaviour of over protecting her younger brother. This was a young person who was placed in the care of Frank Ward and his wife and who later disclosed when she was in another placement that she had been sexually abused in his care.

**vi) It would also be helpful if you could provide us with a copy of any learning or other review or case file audit following the conviction of Mr Ward and confirm the follow up actions.**

To date the Council has been unable to establish that a learning or other review was undertaken in relation to this case. This remains a 'live' issue and further enquiries will be pursued with colleagues.

The Notice also required the Council to consider the evidence heard in the Case Study and cited in particular the evidence of Richard from Day 325 and Kyle from Day 326. The Council are still in the process of assessing and assimilating the evidence that was offered. At this stage we would wish to record that both individuals have displayed significant courage and determination in speaking so openly and honestly about their respective experiences. It was clear that their respective experiences in foster care were not wholly negative and that both had had placements which they viewed as warm, caring and supportive. However, there were significant concerns about placements where they had either experienced or been exposed to inappropriate behaviour including in one instance sexual abuse over a period culminating in the conviction of the foster carer some time later. With the agreement of the Inquiry, we would welcome the opportunity to reflect further on the evidence and have the opportunity to submit any further response by the end of January.

I hope this is of assistance.

Yours sincerely



**STEWART FRASER**  
**HEAD OF CORPORATE GOVERNANCE**

Donna Manson, Chief Executive, Glenurquhart Road, Inverness, IV3 5NX

