

Follow up queries Section 21 notice Part A-D submitted by Highland Council on 31/07/20

Case file audit	Response
<p>1. (i). It would be helpful if you could provide us with more information as to your case file audit methodology. We note that you sampled files which were available from 1960 onwards. We note that you read all of the foster carer files you had for the 1960s and thereafter took a 10% sample for each decade. Can you please explain why you took a 10% sample?</p>	<p>No Foster Carer files from before 1960. There were 9 files from the 1960s. All 9 files were read.</p> <p>Having had regard to the number of files that were available for the remaining period, the time assessed as being required to undertake a review, the resource available and the timescale for the response and reflecting the approach being adopted by other authorities it was considered that an appropriate approach would be to undertake detailed reviews of a random 10% sample of the files available from each decade.</p>
<p>Was the sample chosen completely at random or did you select files where you knew from any central complaints log, for example, that there had been an investigation or deregistration?</p>	<p>A hybrid model of sampling was employed to achieve the 10% figure for Foster Carer files.</p> <p>A central register of fosters carers who had been the subject of an allegation or investigation has been maintained since 2004. All such files were identified and reviewed.</p>
<p>Does such a log exist?</p>	<p>A record of allegations and investigations from 2004 is held. We are not aware of any central record or log being held by the Council prior to this date. Records of allegations/investigations started being recorded from 2004 as this was made a requirement by the Care Inspectorate and formed part of the regular inspection process.</p>
<p>We are not clear on whether you read any children's files. You do refer in your cover letter of 29th July 2020 to cross-referencing with children's files. Did you read the files of all children who had been placed in the care of the foster carers whose files you read, or only those who had made allegations?</p>	<p>We apologise that the Council's response was unclear.</p> <p>In situations where an allegation had been made against the Foster Carer the children's files were identified, retrieved and read.</p> <p>We did not read the files of all of the children who had been placed with the carer if no allegation had been made. This decision was influenced by the potential volume of such files, resource available and time constraints.</p>
<p>Did you read the files of any other children in foster care?</p>	<p>No</p>
<p>(ii) In response to Question 5.2(b) on page 129, you first of all note that 16 files were read for 2000-2010 and 5 files were read for 2010 – 2014. However, on the next page, you note that "the random sample of approximately 16 files (10% for the period of 2000 to 17th December 2014) were not read and included in the above data". We note that some of the</p>	<p>In the Council Archive in Inverness there were 177 foster carer files for the period between 2000 and 2010. A sample of 16 files were retrieved and reviewed. For the period between 2010 and 2014 47 files were held. A sample of 5 files were retrieved and reviewed.</p> <p>A further 89 files for the period between 2000-2010 and a further 65 for the period between 2010 - 2014 were identified. These files had not been archived to the central location and were located in offices across Highland. A sample of 16 files was identified for retrieval. These 16 files were not read. This was due to being unable to access offices which were closed due to the pandemic and the geographical spread of these offices across Highland. These additional 16 files would not have been included in the original case audit. Following the</p>

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<p>cases mentioned in the appendices appear to be from the period 2000 – 2014. Could you please clarify if the files which are originally noted as having been read, were in fact read as part of the case file audit?</p>	<p>recent relaxation of Covid restrictions it would now be possible for the Council to arrange retrieval and review of the files.</p>
<p>(iii) In response to the same question (5.2(b)) on page 129-130, we note that you list numbers of known allegations/investigations for the years 2007 to 2014 inclusive. We note that there were 39 such allegations and investigations over that period. Did you review the relevant files in relation to these?</p>	<p>We can confirm that all files where an allegation had been made or an investigation undertaken were reviewed.</p>
<p>2. (i) In response to Question 4.1(d) to (f) inclusive on page 75, it appears that you answer these questions with reference to Question 4.1(c)(x) only, i.e., in relation to requiring employers to divulge details of complaints. Questions 4.1(d) to (f) refers to national guidance on all topics referred to in 4.1(c). Perhaps you could review your answers to these questions accordingly?</p>	<p>The local authority was always aware of national guidance and has, where appropriate, adapted this to local need. This was agreed and generally implemented consistently across the local authority area. There were also nationally adopted guidance, procedures and forms which were used when they became available for example BAAF Form E and F. Any gaps were filled with local forms being created to fit with legislation, procedures and guidance.</p> <p><u>i. Child welfare (physical and emotional)</u> A variety of national publications informed local practice. These were in printed form and were circulated around practitioners. Research information was also issued to support staff to undertake robust assessment of children's needs. The 1985 Regulations introduced agreements between the local authority and foster parents regarding the care to be provided for any children who might be placed with them. Such agreements followed a common style and included policies and practice regarding the welfare of children, the way foster parents would be expected to follow these policies and practices and for the authority to review "at appropriate intervals" its approval of foster parents for the purposes of the Regulations.</p> <p><u>ii. The child's views</u> A variety of forms have been used to collect the views of children over time and have become more sophisticated. This wasn't always done consistently but there is evidence of children's views being sought and recorded in case notes, files and in review paperwork. Over time forms very specific to this purpose were developed and used and other initiatives such as a Children's Rights Officer were employed to support children and young people express their views.</p> <p><u>iii. Reviewing a child's continued residence in a foster care placement</u> Forms have existed for many years to support this process. Various styes of form are evident from the review of historical files and the forms have developed over the years.</p> <p><u>iv. Child protection</u> Child Protection Guidance was nationally available and adapted to local circumstances under the auspices latterly of the Highland Child Protection Committee and Safer Highland. Specific investigation forms existed to support this process.</p> <p><u>v. Discipline</u></p>

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	<p>Procedures were in place to ensure there were clear policies in relation to the use of corporal punishment, and any form of discipline which humiliates the child, or was in any way discriminatory, was not acceptable. Foster carers were required to give a written undertaking not to use such forms of discipline and this issue would typically be explored fully both in the assessment and approval processes.</p> <p>Any information suggesting that a carer had used physical punishment must be immediately investigated and the circumstances discussed where appropriate at a Carer's Review, Fostering Panel and a report with a recommendation sent to the Agency Decision Maker.</p> <p><u>vi. Complaints handling</u></p> <p>Complaints were usually dealt with within local social work teams working, where appropriate, in partnership with colleagues in the Police and Health as required.</p> <p>These investigations appear to be less evident in examination of the older files and may, following review, be considered fairly inconsistent. As the years advance, practice clearly develops supported by improved national guidance leading to the development of better quality in the processes and procedures within the Local Authority. In relation to Foster Carers careful differentiation is always necessary to distinguish if the matter is a "Complaint" resulting in the complaints procedures being followed or an "Allegation" which leads to the Allegations made against Foster Carers Procedures being followed.</p> <p><u>vii. Whistleblowing</u></p> <p>There are a small number of examples of situations where third parties have contacted the department to raise concerns about the treatment of children by their foster carers identified from the review of files. These concerns were investigated under the child protection procedures and fostering procedures relating to allegations of abuse in foster care.</p> <p><u>viii. Record retention</u></p> <p>Legislation would have determined the period of time records were to be kept and local authorities could increase these timescales if they felt it was justified. The Council uses the Social Work Retention Schedule - Sept 2012, (Scottish Council on Archives Records Retention Schedule) SCARRS adopted 2014. This is reviewed periodically in relation to all records held by the Local Authority and amendments are made accordingly to retention periods. The retention periods have been reviewed and updated in 2021.</p> <p><u>ix. Recruitment and training of foster carers</u></p> <p>Regulations and Guidance have led to changes in practice over time with a view to ensuring both the suitability of foster carers and that the needs of the individual child would be met. Reference also begins to be made to the religious persuasion and health of the potential foster carers and details of their employment and accommodation is provided. There was also a list of those who could not be considered as suitable foster carers.</p> <p>These changes were incorporated in the procedures for recruitment and assessing of potential foster carers and included the standard checks and</p>
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	<p>references required. Over the years procedures would have been re-written in line with changing legislation, regulation and guidance and clearly spelt out what was required from applicants, assessments, approval and review of Foster Carers.</p> <p>Support to foster carers, Regulations, inspections & introduction of the National Care Standards have improved the quality of placements and the care provided. There has been an increase in the number of and sources of checks and references during assessment of applicants. There is also an expectation that Foster Carers will undertake training and development of their skills and a recognition that Foster Carers are professionals and have a valuable contribution to make in the planning for vulnerable children. The introduction and adoption of the Form F BAAF and Fostering Network assessment forms ensured standardised practice across Scotland/UK.</p> <p><u>x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority</u></p> <p>References sought from an applicant's current and previous employers were introduced around 2009 particularly if that employment involved any contact with children.</p>
4.3 <u>Children</u>	
(i) Policy	
Past	
a) What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?	<p>We have experienced significant difficulties in identifying and retrieving previous policies and procedures. We have involved staff from the Highland Archive Centre and made contact with now retired social work staff. We have also conducted physical searches of offices and stores.</p> <p>Ultimately we have been unable to locate many historical procedures and few appear to have been archived, some of which are incomplete.</p> <p>Such procedures would have been influenced by documents such as the Guidance and Circulars issued to all local authorities by the Social Work Services Group. All such policies and procedures were paper based and would have been sent out from a central location such as Council Headquarters to each team, along with guidance in a memo format to advise managers to cascade to staff.</p> <p>Copies of such documents are likely to have been destroyed upon being superseded or replaced.</p> <p>1996 - 2014 With the enactment of the Children(Scotland) Act 1995, the</p>

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	<p>accompanying Regulations and the comprehensive suite of accompanying Guidance procedures were written which clearly identified what was required from social workers and the authority in their care of looked after children and separately of applicants, their assessment, approval, and subsequent review as Foster Carers.</p> <p>Procedures were established to follow if there were child protection concerns or allegations were made against Foster Carers. The function of the Fostering Panel and membership were included</p> <p>There are a wide variety of duties held by the Local Authority to looked after children. These duties are contained in the 1995 Act and the various Regulations made thereunder, particularly the LAC Regulations and the Leaving Care Regs 2003. The Guidance to the 2007 Act is also important. (BAAF Child Care Law: Scotland p72) The local authority's duties listed in the 1995 Act were amended by the 2014 Act.</p> <p>The Children (Scotland) Act 1995 key principles are:</p> <ul style="list-style-type: none"> • To give paramount consideration to the welfare of the child • To consider the views of the child • To avoid delay and to make the minimum necessary intervention to a child's life. <p>The Council's procedures and policies have reflected other legislation such as the Regulation of Care Act with its the themes of transparency in all intervention with children and their families; respect for diversity; ensuring equality of service; and being responsible about and accountable for the collection and storage of information. These central principles and themes have been developed to promote the health and welfare of looked after children and to address concerns about assessment planning and decision-making pathways for children. These developments are echoed in the principles, values, methods and intended outcomes for children outlined by GIRFEC,</p>
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<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>Inevitably there is considerable overlap with the legislative, regulatory and guidance history which is narrated at 4.3(i)(a) above - the authority's practice has sought to ensure it meets its responsibilities towards looked after children whether accommodated in foster care or not.</p> <p>There are a wide variety of duties held by the Local Authority to looked after children and the legislation set out the duties and powers available to public authorities to support children and their families and to intervene when the child's welfare required it. The legislation also allowed Local Authorities to consider children's rights.</p> <p>The developments in a national approach towards improving the outcomes for children and young people on all parts of the local authority to co-operate in promoting the welfare of the children and young people who are looked after by</p>
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	<p>them, and the duty on other agencies to co-operate with local authorities in fulfilling that duty.</p> <p>Local authorities also have duties to 'children in need', to promote the welfare of children in need, including that they shall "so far as is consistent with that duty, promote the upbringing of such children by their families".</p> <p>One of those duties is about the paramountcy of children's welfare, which may be simply stated as putting children's welfare first.</p> <p>The policies and procedures were updated and amended to reflect the changing views across Scotland of looked after children and the responsibilities held by Local Authorities to promote their welfare and improve positive outcomes for looked after children and to ensure that best practice was delivered consistently across all Local authority areas.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>We were able to locate some historical procedures that had been archived but have been unable to locate all of the old procedures. Historically all policies and procedures were paper based and sent out from Headquarters to each team, along with guidance in a memo format to advise managers to cascade to staff.</p> <p>There would have been some changes and amendments to procedures due to changes of legislation recorded in minutes of committee meetings</p>
<p>d) What did the policies and/or procedures set out in terms of the following?</p>	<p>The policies and procedures will have sought to ensure the local authority discharged the wide variety of duties held by the Local Authority to looked after children.</p>
<p>i. Safeguarding</p>	<p>In 1982 the Council adopted a policy, the core of which was the change of focus from long term institutional care of children to short term institutional care with an associated development of foster care provision. It was hoped that the bulk of children in care should either be with their natural parents or in foster/community care.</p> <p>As the public care of children became more regulated procedures were reviewed and amended and new ones introduced accordingly. In 1988 the focus moved to a more specialised recruitment, training, and support of carers. Procedures would have been amended in relation to assessment focusing on prospective carers skills and experience. Basic checks like police checks and character references were sought. Over the years the variety of checks and references have evolved and procedures were clear about expectations and what was required.</p> <p>In 1990/92 there was a focus on resources for early and preventive intervention through provision of family support staff, day care and expansion of IT resources. There was continued development of fostering and community carer resources, to avoid children being sent to institutional care.</p> <p>In 2001 the Care Standards introduced by Scottish Government. Protecting & safeguarding vulnerable children who require care and protection, promoting best outcomes for looked after children.</p> <p>In order to safeguard children in foster care standard checks and references were undertaken and the introduction of employers and education references,</p>

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	<p>ex partners references, health visitors references and Disclosures were all incorporated in the policies and procedures.</p>
<p>ii. Child Protection</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: Not known from records held 1996 - 2014: Some suggestion Area staff had different practices and there was no central point of operation. Also mentioned that "Currently, the provision of services in relation to child protection appear to be functioning quite well, although the many changes introduced by the Children (Scotland) Act 1995 has placed greater demands on staff at all levels." It is also mentioned in this report that "There is a need to update procedures to take account of the Children (Scotland) Act 1995 and standards which are achievable with the resources available." A report by 'Who Cares?' tracking seven young people being 'looked after' over a three-month period identified major shortfalls in practice. The 'Who Cares?' report indicated that perspectives of the young people were that insufficient resources and staffing were available in the Council. Reference is made to the lack of resources in the areas that made up Highland , as is a need for a more co-ordinated, Highland-wide approach with regard to the provision of more specialist resources and the need for clear policies, procedures and guidelines provided from Senior Management. 2012: Procedures were updated.</p> <p>Reference is also made to the Council's response to 1.2 1.5</p>
<p>iii. Medical care</p>	<p>From some earlier records it was evident that many Foster Carers took their responsibilities very seriously and ensured that medical treatment, advice and care was sought for children. Babies who were relinquished and in Foster Care underwent a full medical examination by a paediatrician who would deem the child suitable for adoption or not.</p> <p>Consent for medical treatment to be sought from parents who held parental rights and responsibilities was introduced and Foster Carers were expected to ensure the child's medical needs were met.</p> <p>In the 1970s there was a Freedom from Infection (FFI) examination undertaken by a GP when a child was first accommodated and this was noted on a medical card and kept in the child file.</p> <p>As assessments of prospective foster carers became more thorough and eclectic applicants had to demonstrate their skills and competencies and this included their views and evidence in relation to them seeking appropriate medical care for children. As these processes evolved procedures and policies were updated accordingly. The file samples support this view.</p>
<p>iv. Children's physical wellbeing</p>	<p>A variety of national publications informed local practice. These were in printed form and were circulated around practitioners. Research information was also issued to allow staff to be robust around the assessment of children's needs.</p>

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<p>v. Children’s emotional and mental wellbeing</p>	<p>The 1985 Regulations introduced agreements between the local authority and foster parents regarding the care to be provided for any children who might be placed with them which included policies and practice regarding the welfare of children, the way foster parents would be expected to follow these policies and practices and for the care authority to review “at appropriate intervals” its approval of foster parents for the purposes of the Regulations.</p> <p>Procedures were in place to ensure there were clear policies in relation to the use of corporal punishment, and any form of discipline which humiliates the child, or is in any way discriminatory, was not accepted and foster carers must give written undertaking not to use such forms of discipline. Any type of abuse can seriously impact a child’s emotional and mental well being and these procedures were very clear about the expectations the Local Authority had in relation to the care and treatment of children placed with foster carers. From the file samples examined this view is supported.</p>
<p>vi. Schooling/education</p>	<p>Prior to 1980s a number of children would be accommodated in foster care due to non-attendance at school and Foster Carers were expected to encourage children to attend and support them in their schooling. Procedures became clearer and more focussed as it was recognised that education was of paramount importance for every child if they were to succeed in the adult world. From the file samples examined this view is supported.</p>
<p>vii. Discipline</p>	<p>The 1985 Regulations introduced agreements between the local authority and foster parents regarding the care to be provided for any children who might be placed with them which included policies and practice regarding the welfare of children, the way foster parents would be expected to follow these policies and practices and for the care authority to review “at appropriate intervals” its approval of foster parents for the purposes of the Regulations.</p> <p>Procedures were in place to ensure there were clear policies in relation to the use of corporal punishment, and any form of discipline which humiliates the child, or is in any way discriminatory, was not accepted and foster carers must give written undertaking not to use such forms of discipline. The Local Authority had a clear “No smacking” policy which was made available to carers from the early stages of preparation and assessment.</p> <p>The term “corporal punishment” covers any intentional application of force as punishment and includes slapping, pinching, squeezing, shaking and rough handling. It would also include punching or pushing in the heat of the moment in response to violence from young people. It does not prevent a person using necessary physical action to avert danger of physical injury to the young person, or another person where any other response is likely to fail.</p> <p>Procedures were clear that any information suggesting that a carer had used physical punishment must be immediately investigated and the circumstances discussed at a Carer’s Review. From the file samples examined this view is supported.</p>

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<p>viii. Activities and holidays for children</p>	<p>Consent from parents was sought for children to undertake normal and adventure activities and also when children were accompanying foster carers on holiday, with local forms being introduced that parents who held parental rights and responsibilities could sign and give their consent.</p> <p>An additional holiday allowance was introduced in the early 2000s and paid to the foster carer and this was expected to be used towards holidays or outings particularly over the lengthy summer holiday period. Procedures were clear and updated accordingly. From the file samples examined this view is supported.</p>
<p>ix. Sharing a bedroom</p>	<p>1930 - 1969: Consideration is mentioned of this in correspondence from the Children's Officer, noting a placement is unsuitable for a 13-year-old girl because the couple mentioned have a 14-year-old son.</p> <p>1970- 1999 – Generally it appears the view was taken that teenagers would not be placed in a foster household where there were young people of a similar age and opposite gender.</p> <p>In the 2012 procedures it states “The Carers must have suitable accommodation for the child. In normal circumstances, there should be no more than 2 children to a bedroom. In exceptional situations, however, where the room is large enough to accommodate 3 beds comfortably, consideration can be given to 3 children sharing. The children should not, under any normal circumstances, share a room with an adult, except where the adult is an approved carer and the child is an infant. Foster Children will not normally be required to share a room with another unrelated child unless this has been assessed to be appropriate.”</p> <p>2014 – criteria that all applicants had a spare room for fostering.</p> <p>Procedures were clear and updated accordingly. From the file samples examined this view is supported.</p>
<p>x. Contact with family members</p>	<p>The Children (Scotland) Act 1995 - The Local Authority had a duty to take such steps to promote, on a regular basis, personal relations between a child and his/her parents.</p> <p>Procedures were clear and updated accordingly. From the file samples examined this view is supported.</p>
<p>xi. Contact with siblings</p>	<p>The 1995 legislation set out that the Local Authority had a duty to take such steps to promote, on a regular basis, personal relations which would include between brothers and sisters.</p> <p>While it is acknowledged that a number of children were separated from their brothers and sisters some form of contact was encouraged and often brothers and sisters were placed together with the same foster carer or nearby with a different carer. The file sampling would support this view.</p>
<p>xii. Celebration of birthdays and other special occasions</p>	<p>1975 - 1996: In 1992, while discussing the purchase of gifts for children in residential care, "...it was now thought more appropriate for the value of gifts to relate to the fostering rate for 13 to 15-year-old, rounded to the nearest point.</p>

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	<p>The current figure was £56 per week and it was intended to meet any additional cost to a foster parent of buying gifts and funding activities up to this level."</p> <p>Allowances were increased to support foster carers to cover the cost of the purchase of birthday gifts and to ensure children were given the experience of celebrating a birthday with friends. The additional allowance was also introduced in the early 2000s for carers to purchase Christmas gifts for children in their care. The file sampling would support this view</p>
<p>xiii. Information sharing by the foster carer with family members</p>	<p>Foster carers were encouraged to share information about the child with the child's parents. This was often done via the child's social worker or a communications book if the child was very young and shared when the parent had contact with the child. Parents often asked to be kept updated with any medical issues or accidents that the child experienced and often requested information, such as school reports.</p> <p>Workers' experience was that some carers found this to be quite challenging if the child had suffered abuse at the hands of their parents and often foster carers' willingness to share this information depended on the parents' view of their child being in foster care and whether there was any animosity towards the carers. The file sampling would support this view.</p>
<p>e) Who compiled the policies and/or procedures?</p>	<p>Council officers compiled the policies and procedures and these were signed off by Senior Managers/Director. Policies and procedures would generally be considered to be operational documents for use by staff but on occasions if would be brought to the attention of elected members and approved by local committees.</p> <p>In the more recent past senior managers within the Council and elected members in Council committees have been invited to sign off and agree changes.</p>
<p>f) When were the policies and/or procedures put in place?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: From discussions with experienced practitioners who have worked or continue to work for the Council over many years it has been confirmed there were procedures and guidance that were followed but we have been unable to locate them.</p> <p>1996 - 2014 Procedures were written in line with legislation and clearly spelt out what was required from applicants, assessments, approval, and review of Foster Carers. Procedures to follow if there were child protection concerns or allegations were made against Foster Carers. The function of the Fostering Panel and membership were included.</p> <p><u>Legislation (2006 procedures)</u> Foster Children (Scotland) Act, 1984 Foster Children (Private Fostering) (Scotland) Regulations, 1985 The Children Act 1989 The Disqualification for Caring for Children Regulations, 1991 (No 2094)</p>

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	<p>The Children (Scotland) Act, 1995 The Fostering of Children (Scotland) Regulations, 1996 The National Standards – Family Placement. The National Care Standards are a set of standards for care services in Scotland. They were set up by the Scottish Government, as required by the Regulation of Care (Scotland) Act 2001. The standards were devised after considerable consultation with service providers, service users, various expert bodies and individuals, and the public. The National Care Standards are used by service providers to maintain and improve the quality of services provided. The Care Inspectorate is also required by law to apply them when regulating care services. Health and Social Care Standards were revised and published by the Scottish Government in 2017 and were implemented in April 2018.</p> <p>In 2001 the first integrated children’s service plan For Highland’s Children 1 (FHC1) was established and was reviewed in 2004. FHC2 was in place between 2005 – 2008 and FHC 3 between r 2009 to 2012.</p> <p>For Highland’s Children 4 (FHC4) is the 4th iteration of the plan and remains the current integrated Children’s Service Plan</p>
<p>(iii) In response to Question 5.2(j) on page 131 which is “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?”, you have responded “There have been 3 cases identified where other children within the placement have also made allegations of abuse.”</p> <p>We would be grateful if you could clarify whether you mean that allegations have been made against three other children in placement or whether you mean that there have been three cases where a number of children in the placement have made allegations against the same carers?</p>	<p>We apologise for the confusion created by our response. We confirm there have been 3 sets of carers where different children placed with those carers, at different times, have made allegations against the carers.</p>
<p>In response to Question 5.10(a) on page 143 which is “How many civil actions have been brought against the local authority</p>	<p><i>“We have no records of civil actions against foster carers noted.”</i> This should read “We have no records of civil actions against the Local Authority noted”. We apologise for this error.</p>

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<p>relating to abuse, or alleged abuse, of children in foster care?”, we note that you advise “We have no records of civil actions against foster carers noted.” Can you please clarify if this is a typographical error or whether you are aware of any actions against the local authority?</p>	
<p>In your response to Question 5.7(a) in relation to the impact on children of abuse suffered in foster care on page 139, please provide further information as follows;</p>	
<p>In the first substantive paragraph on page 139 you make reference to a child being moved as a result of the older child “smothering” him which she has since attributed to abuse suffered by her. You advise that this case is going through the courts. Please confirm if this is in relation to the allegation against Frank Ward and if not, please advise which case it is?</p>	<p>We apologise for any confusion .The use of the word “smothering” is a description of the emotional behaviour of the sibling rather than any physical act. The description was offered in the context of the older sibling’s behaviour towards and overprotection of her younger sibling. This was a young person who was placed in the care of Frank Ward and his wife. The young person later disclosed that she had been sexually abused in his care. The Council understands the carer has been prosecuted and convicted. Mr Ward has not been sentenced.</p>
<p>In the penultimate paragraph you say that “sadly, a young person has taken their own life as they did not feel that they can cope any longer”. Can you please clarify if this is a child who suffered abuse in foster care? If so, can you please confirm which of the cases listed in the appendices this relates to?</p>	<p>This case is not listed in the appendices. The allegations of abuse were made in 2020 which is out with the period for which the inquiry has requested information. The care experienced young person made an allegation In June 2020 of abuse by a previous male foster carer. The allegation was that he behaved and touched her inappropriately and that he had made the young person touch him on his private parts. The young person was jointly interviewed by police and social work on ■/06/20 and committed suicide on ■/06/20. The joint investigation has been concluded. The foster carer is understood to have been charged. There have been no criminal proceedings to date. The young person is recorded as having experienced mental health issues from about the age of 10 years. This is believed to have been as a result of her earlier life experiences and trauma that she and her brothers experienced while living at home with their mother. The young person’s fragile mental health deteriorated rapidly when she had made these disclosures about her former foster carer and subsequent interview by the police. A serious case review has been undertaken but has not yet been concluded.</p>
<p>We note that you did not provide us with a list of the documents you</p>	

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<p>relied upon when preparing your response. Such an inventory assists in identifying documents which we may wish to see. However, we would be grateful if you could provide us with copies of the following:</p>	
<p>The Report to the Social Work Committee in March 1998 mentioned in your response to Question 1.1(c) on page 4. (This may be the same as The Review of Service Provision for Children (SW/33/98) referred to in your response to Question 1.7(o) on page 41 and again on page 42, however, if this is not the same document, we will require a copy of The Review as well.)</p>	<p>It is confirmed this is the same report as SW/33/98 - <i>"Implementation of the Children (Scotland) Act 1995 - Review of service provision for children"</i></p>
<p>The 1999 report by the Assistant Director for Children's Services at Barnardo's mentioned in your response to Question 1.5(a) on page 17 as well as in other places.</p>	<p>The 1999 report by the Assistant Director for Children's Services at Barnardo's is attached.</p>
<p>The report quoted in your response to Question 1.6(i)(d) on page 31 in the section 1996-2014. It is not clear whether this is one of the reports already mentioned or not.</p>	<p>The report quoted/referred to in the 1999 report by the Assistant Director for Children's Services at Barnardo's was a report written by John Triseliotis in 1997. Enquiries with now retired officers suggests this report considered the recruitment and retention of foster carers in Highland and the service and staff who supported carers and to identify any trends, changes or significant issues. It is understood the report was commissioned by the Local Authority. A copy of this report has not been located.</p>
<p>The independent Who Cares? Report mentioned in your response to Question 1.7(i) on page 39 in the section 1996-2014.</p>	<p>Further searches have been undertaken and will continue to be made. To date we have been unable to locate this report that is referenced in the SW/25/99 report. The searches involved the Council's archives and WhoCares? Scotland were also contacted but with no success. This was referenced in a report to the Social Work Committee SW 11 March 1999 (SW/25/99)</p>
<p>We note that you provide details of two cases in which foster carers were convicted of abuse of children in their care. We also note that there have been no significant case reviews and see no reference to internally commissioned independent reviews in relation to abuse of children in foster care. a) In any of these cases, particularly those giving rise to a conviction, was any significant case review, internal or external independent review commissioned?</p>	<p>a) From the records held we are not aware of any significant case reviews being undertaken in relation to situations where either children have alleging abuse in foster care or where criminal convictions followed. Enquiries have been made of the Highland Child Protection Committee and no such reviews have been identified. In general reviews of the carers would be undertaken following the investigation as part of the fostering procedure and the section relating to Allegations made against Foster Carers. A Foster Carer review would be held and recommendations made which could either be to continue with the carer's registration or to de-register the carers. The review report and minutes of the review would then be considered by the Fostering Panel and the Panel would make a recommendation to the Agency Decision Maker, who ultimately had the authority to agree with the</p>

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<p>If so, could you please provide a copy of the findings and advise whether any changes in policy, procedure or practice resulted? If not, again particularly in relation to cases in which there were criminal proceedings or convictions, are you able to advise why no review took place?</p>	<p>recommendation from the Panel whether that be to continue with the carer's approval or to de-register the carer.</p>
<p>We are aware of a conviction from 2007 against an individual who was a foster carer within the Highland Council area, namely Thomas Alfred Lane. We note there is no reference to this case or the individual within your response. Could you please explain why this is and advise if there is any reason why this has not been mentioned?</p>	<p>Thomas Lane is noted on the Council's central register of allegations/investigations. The Council has undertaken extensive searches for the files on a number of occasions but has been unable to locate any of the foster carer's files. Enquiries with former Social Work staff has established that the files were requested by and submitted to Northern Constabulary in around 2005/06 when the investigation was undertaken. There are no records of the files being returned. It is understood that requests had been made previously to Northern Constabulary for return of the files but it is believed they may have been destroyed. An extensive search has been undertaken several times.</p>
<p>Finally, please can you advise whom at Highland Council can speak to the A-D response at hearings?</p>	<p>Fiona Duncan, Executive Chief Officer – Health and Social Care & Chief Social Work Officer. Ms Duncan joined the Highland Council following preparation and submission of the Council's response. The officer principally responsible has left the Council's employment. Stewart Fraser, Head of Corporate Governance - has assisted officers with the preparation and response to the Inquiry.</p>

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