

SCOTTISH CHILD ABUSE INQUIRY FOSTER CARE CASE STUDY - INQ.Section 21 Notices.00581

Provide a report in relation to the provision of foster care services in relation to the following evidence:

Day 299/ 28.06.22 Patricia EIG

APPENDIX to s21 Notice 00581

Response to evidence led in the course of the Foster Care and Boarding out Case Study

1. In the light of the evidence, what reflections do you have on your Part B response to the Inquiry's Section 21 notice dated 27th August 2019? Do you wish to submit a revised version of Part B of your response? If so, please do so in a separate addendum.
2. What lessons do you suggest should be learned from the evidence?
3. In the light of the evidence, what changes do you suggest should be made to protect children from abuse in foster care?

Foster Care and boarding out case study

Revised version of Part B

3. Retrospective Acknowledgement/Admission

a) Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?

Updated Version:

The Council has considered the testimony of the witness " Patricia " very carefully and is deeply saddened to learn of her account of her experience in foster care and the difficulties she has faced throughout her life. The Council acknowledges the traumatic events this witness has recounted as experiencing whilst in our care. In the absence of any files or records in relation to this witness it is difficult for the Council to comment on the particular circumstances of this witness or comment on whether there have been failures in relation to maintaining a settled and stable placement, ensuring sibling contact was maintained and providing assessment and support at the breakdown of the placement.

It is most unfortunate the Council has been unable to locate any files or records in relation to "Patricia" as these may have assisted the Council in understanding what has occurred and the Council has already written to the witness in this regard.

In the initial response to the Inquiry the Council had not identified any cases where policies and procedures had not been followed in practice. In light of this witness' evidence, it is evident that policies and procedures which were in place at the time may not always have been followed in practice. Unfortunately, the Council does not know the full position without an opportunity to review the relevant records. The Council will continue to search for the relevant records, and will contact the witness if they are located.

At the time of the initial response, the Council indicated that from the records consulted within the relevant period there was no evidence found to suggest that children were abused whilst cared for by the Council in foster care.

The Council was aware of the existence of this witness, at the time of the initial response, however this was in the context of her contacting the Council searching for her records and being supported by Social Workers through our Origins Counselling service tracing her family tree, not in relation to a complaint about potential allegations of abuse.

b) If so, what is the local authority's assessment of the extent and scale of such abuse?

Please see the answer at 3.1 a).
As set out above the Council has not located any files or records to indicate that children were abused in foster care. However, in light of the testimony of "Patricia" and given the Council has been unable to locate her records, the Council acknowledges that it does not know the full extent to which abuse may have been suffered by children in foster care and that there may be other children who have suffered similar abuse as that recounted by this witness.
In the initial response, the Council accepted that whilst no evidence of abuse had been located from a search of records that did not mean that abuse did not occur. Whilst we have found no other evidence of abuse, we acknowledge the evidence of this witness, and we will continue to learn from any other witnesses who may come forward.

c) What is the basis of that assessment?

Please see answer 3.1 b)

3.2 Acknowledgement of Systemic Failures

a) Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?

The Council has not located any other evidence of abuse from records consulted, however, in light of the testimony before the Inquiry, the Council must acknowledge that this may not be an isolated case and there may be children who have suffered trauma due to our care system at the time. Whilst policies and procedures were in place, it is evident from the testimony of the witness "Patricia" that they may not always have been followed in practice. The Council accepts that, on the basis of the evidence presented, its systems may have failed to protect children, although from our research of those records consulted, no such evidence was identified.

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

Please see the answer set out at 3.2 (a)

c) What is the basis of that assessment?

Please see the answer set out at 3.2 (a)

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

It is difficult for the Council to understand or comment upon the failures in this particular case without having access to the relevant files or records. The Witness has engaged with Social Work Services since 2017 in an effort to access her records, and is still engaging with her. The Council has searched repeatedly for the files and records without success. The Council will continue to search for the relevant records, and will contact the witness if they are located.

3.3 Acknowledgement of Failures/Deficiencies in Response

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

The Council acknowledges the testimony of the witness "Patricia" and accepts responsibility for any failures in social work practice. The Council deeply regrets any damage suffered by this witness due to failures in her foster care, under the responsibility of the Council. The Council apologises for any such failures, particularly with regard to duties to maintain a safe and stable placement, ensure sibling contact was maintained, offering life story work, demonstrating sufficient managerial oversight and providing assessment and support at the point of placement breakdown.

The Council has not found any other evidence of similar abuse, but accepts that does not imply such abuse has not occurred.

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

Please see the answer set out at 3.3 (a)

c) What is the basis of that assessment?

Please see the answer set out at 3.3(a)

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

It is difficult to understand or comment upon these failures/deficiencies without access to records and documentation. Unfortunately despite exhaustive searches the records have not been found. As noted above, the Council will continue to search for the relevant records, and will contact the witness if they are located. The Council understands the importance of the records and apologies that we have been unable to locate them.

3.4 Changes

a) To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgment in relation to 3.1 – 3.3 above?

The local authority has over time implemented relevant changes to its policies, procedures and practices in relation to the undernoted areas:

Secure Maintenance of Case records

Inverclyde Council has operated an electronic social care record since 2014 (CIVICA)and ensures that all in need children, including looked after children and their foster carers records are kept up to date and secure. SWIFT has been in operation since 2004 in relation to ongoing case notes. Clear record retention schedules are in place to ensure that records cannot be destroyed before the due date.

Managerial oversight is evidenced through the recording of regular supervision notes in electronic case file records.

Sibling Placements

- Inverclyde’s placement strategy seeks to identify a placement that allows siblings to live together unless there is clear evidence that this would not be in their best interests, or the child or young person is unhappy with the arrangement.
- There are new rules protecting sibling relationships in Part 13 of the Children (Scotland) Act 2020 and the Looked after Children (Scotland) Amendment Regulations 2021, which means local authorities now have a statutory duty to ensure siblings are supported to stay together, where appropriate. Where it is not appropriate for brothers and sisters to live together, the new guidance says steps should be taken to help them stay in regular touch with each other and to nurture their relationships. The new legal duty means local authorities must take steps to promote contact between ‘looked after’ children and young people and their brothers and sisters, as well as establish the views of the child’s brothers and sisters before making any decisions about their care. Authorities must ensure that, where it is safe for them to do so, brothers and/or sisters are able to live together or as near to each other as possible.
- Where decisions are made to separate sibling family groups practitioners are required to:
 - Record clearly and explain sensitively to the child or young person the reasons for separation.
 - Make robust plans for ongoing sibling contact according to the wishes of the child or young person.
 - Coordinate any ongoing contact desired by the child or young person, arranging appropriate supervision where necessary and supporting foster or residential carers
 - Review a separation decision if the circumstances of a sibling change.
- Provide additional support and resources that help the co-placement of siblings to prevent disruption and possible end of a placement for any child or young person in a sibling family group.
- Where siblings live or are placed in different local authority areas ensure that arrangements are in place for their independent reviewing officers or social workers to liaise on their needs, ensuring ongoing contact and any possibility of future co-placement are regularly considered from the perspective and wishes of each sibling.

Personal identity and life story activity

- Inverclyde has policies and activities in place to allow each child or young person to explore their personal identity, including their life story.
- Practitioners are asked to ensure life-story activities are planned and supported using a sensitive approach that focuses on the needs of a child or young person and that information is delivered by a trusted individual known to them in a respectful, sensitive and supportive manner.

Aftercare or Throughcare support

Inverclyde ensures:

- Preparation for adulthood and leaving care is part of care planning for children and young people of all ages who are looked after, in a way that is appropriate to age and their abilities. It supports them to move at their own pace and feel integrated and secure within their local community.
- Since 2015, Local Authorities have had a legal duty to support young people to stay on in placements that benefit them after they leave care. They can remain until they are 21 or until they are ready for a planned move on. This accommodation and support after leaving care is known as Continuing Care. The only reason for an eligible young person not to receive Continuing Care is if a Welfare assessment shows that staying in a placement would “significantly adversely affect the welfare of the young person”.
- Young people have the option to remain in a stable foster home or residential home beyond the age of 18 and allow those who experience difficulty moving to independent living to return to the care of the local authority for support, including to the previous placement if available.
- The same level of support to young people moving to independent living from the care of family or friends as given to those moving on from any other kind of looked after placement. This should include:
 - health and development
 - education, training and employment
 - supporting wider family relationships
 - financial and practical skills
 - access to a range of housing options
 - Advice, assistance and pathway planning from the young person’s social worker or Throughcare support worker.

Managerial Oversight

The Council will continue to ensure:

- Operational structures and systems (practice and managerial) which enables all social workers including Family Placement Social workers to spend their time on practise which focuses on children and their families’ needs by providing support, advice and guidance throughout the child’s life.
- Arrangements for frequent case supervision for practitioners to reflect on service effectiveness and case decision-making, separate from arrangements for individual pastoral care and professional development.
- Arrangements for managers to observe practitioners’ direct work with children in need and their families.