

Scottish Child Abuse Inquiry – Moray Council

Section 21 Notice – Part D

5. Abuse

5.1 Nature

- a) What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?**

From Moray Council's file reading exercise, and, from other known cases of abuses, we can establish that there has been sexual and physical abuse of children in care. As this inquiry dates back to the 1930's, there is a varied incidence of such occurrences.

We have read 150 files both on a targeted and random basis, giving us a loose picture of the extent of abuse of children in care in Moray.

Of the files read, we have uncovered 29 allegations of abuse towards 23 carers, with approximately 3 of those resulting in prosecutions. There are allegations which have been investigated and concluded the allegations unfounded or unproven. This does not mean the abuse did not happen, or that it did, rather we don't have evidence to confirm either way. In most of those cases, the department took action and followed procedure and tried to ensure that there were limited opportunities in the future for abuse to recur.

The majority of allegations centre around physical abuse, with three of the cases being or alleging sexual abuse.

The Moray Council came in to being in 1996 and prior to that point the social work department came under Grampian Regional Council, thus the retention and storage of files has impacted on our ability to gain a true and accurate picture of allegations prior to this point.

We have found some cases where allegations were made by a child but we cannot see a record of what action was taken. We believe that this is a result of poor record keeping/ retention rather than a lack of action, but do not have evidence to support this.

5.2 Extent

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

The Moray Council's assessment of the scale and extent of abuse of children in foster care is estimated that a low number of cases of children in foster care have experienced some type of abuse. We can ascertain that less than 5% of Moray's children in foster care have been abused or made allegations of abuse. Importantly, these figures are not based on a random file read, we have read targeted files as well as random files and so the estimation here is higher than what is likely to be the true figure. The targeted files were read where we had knowledge that allegations may have been made. Whilst we know we have not uncovered every allegation that has been made, given we have limited capacity to read through files, our assessment would be that there are low numbers, but we work towards there being no children abused in care.

b) What is the basis of that assessment?

(See methodology) The basis of this assessment is through independent and internal file reads of both recent and historical files, discussions with previous managers and staff of Moray Council, as well as extensive research into archives held at Moray Council. We have read files in both random and targeted selections. We have had a limited resource in being able to complete this exercise and thus have a limited response.

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

The exact number of complaints are not known, we have found 29 complaints of alleged abuse of children in foster.

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

The exact number of complaints are not known, we have found complaints against 23 foster carers.

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

Based on the information we have researched, there have been 3 cases where there is admission of, or convictions of abuse of children in care.

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

There have been 3 foster carers that have been found to have abused children in Moray Council.

g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?

There is 1 known complaint of abuse about family members of foster carers.

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

No family members have admitted to or been convicted of abuse of children.

i) How many family members of foster carers have been found by the local authority to have abused children?

There is no evidence found which suggests Moray Council have known there are family members who have abused children. There was one investigation into a family member that did not have evidence to substantiate the claim, however, Moray Council are aware this does not exclude the possibility that this happened.

j) Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?

There is one known case of an allegation of abuse by another child in foster care. Again, that is not to say this has not happened, but we have found no evidence to suggest that a child who has been in foster care has made this allegation to us.

k) How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?

None.

l) How many other children placed in foster care in the same placement have been found by the local authority to have abused children?

None.

5.3 Timing of Disclosure/Complaint

- a) **When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the local authority?**

Disclosures and complaints of abuse were mostly made while child or young person was still in placement, there are some cases that were made after the child had left the placement.

- b) **To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?**

The exact number is not known, we found 23 complaints and disclosures made while children remained in the placement or recently left placement.

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

The exact number is no known, we have found 6 complaints or disclosures made that were non-recent.

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

There are more disclosures made whilst children are in the alleged abuser's household than there are made historically. This might tell us that children and young people had a trusted adult in their lives that they felt they could share this information with. That is not to say we could not improve on this, but it may be indicative that enough processes were in place to allow children and young people to disclose harm.

5.4. External Inspections

a) What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?

There are 3 inspections which discuss issues in relation to allegations or abuse in foster care

For each such external inspection please answer the following:

b) Who conducted the inspection?

- Care Commission 2006
- Care Commission 2008
- Care Inspectorate 2011

c) Why was the inspection conducted?

Routine inspections by Care Commission/Care Inspectorate of the service which was registered 2005. Selected care standards examined during different inspections.

d) When was the inspection conducted?

- October 2006
- January 2008
- June 2011

e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?

OCTOBER 2006

No outcomes in respect of specific abuse or alleged abuse of a child in foster care

Inspection recommended improvement in policy, protocol and procedure for responding to potential allegations or complaints about foster carers: It is required that the service puts in place a system, policy and procedure with partner agencies with regards to an allegation or complaint being made against a Foster Carer This in accordance with The Fostering of Children (Scotland) Regulation and Rules 1996, 4/16 Regulation 8 Schedule Guidelines regarding the action to be taken when an allegation or complaint had been made against a Foster Carer had been developed

JANUARY 2008

No outcomes in respect of specific abuse or alleged abuse of a child in foster care

1. The Service puts in place a system, protocol, policy and procedure with partner agencies with regards to an allegation or complaint being made against a foster carer.

This is to comply with:

The Fostering of Children (Scotland) Regulations and Rules 1996, Regulation 8 Schedule 2.

In making this requirement the following National Care Standard has been taken into account:

- National Care Standards Foster Care and Family Placement Services, Standard 7

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JUNE 2011

Care Inspectorate

No outcomes in respect of specific abuse or alleged abuse of a child in foster care

Area for Improvement identified:

The service identified as an area for improvement the need to ratify and implement the guidance on the management of allegations against foster carers.

f) What was the local authority's response to the inspection and its outcome?

Moray Council welcomed and complied with any findings and recommendations made by Care Inspectorate and Care Commission as subsequent reports track and outline these actions. Furthermore action plans for inspection and self-assessment submissions any demonstrate action taken to progress areas.

g) Were recommendations made following the inspection?

Yes

h) If so, what were the recommendations and were they implemented?

(2006 INSPECTION)

As noted above the 2006 inspection required that improvement in policy, protocol and procedure for responding to potential allegations or complaints about foster carers:

IMPROVEMENT ACTIONS CARRIED FORWARD: (excerpt from Fostering Service Action Plan dated 19.11.07)

Foster carers' review meeting to be held as soon as possible following any significant incident, complaint or allegation – *immediate*:

- i) Consideration of need for review now practice following each event outlined.**
- j) Team Manger and senior social worker decide on how a review will be conducted in each case, and take into account the nature of the event or issue, the best interests of the children concerned, and the foster carers' profile. Reviews can, therefore, be formal meetings conducted by our Independent Foster Carer Reviewing Officer, through to an item considered through formal supervision.**

(2008 and 2011 INSPECTIONS)

IMPROVEMENT ACTIONS CARRIED FORWARD: (excerpt from Fostering Self-assessment 2012)

There were two meetings between Foster Carers and the Fostering & Adoption Team Manager/Senior Social Worker/Social Worker to consider progress of proposals from the previous consultation meeting and to identify how Foster Carers might be involved in identifying key issues and participate in service improvement. The areas specifically jointly identified included:

- 1) management of allegations against foster carers,
- 2) management of respite,
- 3) recording,
- 4) A potential buddy system for new foster carers.

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The group also considered proposals for some limited improvements to carers' terms and conditions. Small working groups are to be formed when possible to gradually address each topic area. The group considering Allegations against Foster Carers concluded and local procedures have now been established and implemented.

The service will further progress systems, protocol, policy and procedure with partner agencies with regard to an allegation or complaint being made against a foster carer. In doing so we shall take account of the national working group established in response to the Scottish Governments Getting It Right for Every Child initiative relating to Kinship and Foster Care and developing appropriate inter-agency responses to allegations or complaints made against carers.

Timescale: Local inter-agency consideration to commence by August 2008 and progress in line with the national guidance arising from the GIRFEC working group.

The Moray Council has established a joint Social Work / Police Co-located Unit to respond to child protection investigations. The Senior Social Worker from the Unit attended the Moray Fostering & Adoption Team Meeting in November 2008 in part to engage in discussion on the conduct and procedures relating to allegations or complaints being made against Foster Carers. The Getting It Right for Every Child working group focusing on the management of allegations and complaints made against Foster Carers had just been published in draft had just been published for consultation. It was agreed that a working group be formed in 2009 to ensure the final agreed protocol is implemented in Moray.

k) If recommendations were not implemented, why not?

2008 inspections note that recommendations were delayed by the difficulties the department faced in meeting with and agreeing a protocol with police colleagues, The Care Commission made the following recommendation and the action and progress from this is outlined above.

5.5 External Investigations

- a) **What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?**

Other than investigations undertaken by social work alongside the police in individual investigations (details within the document 2a listed on the document inventory), to our knowledge no external investigations have taken place.

For each such external investigation please answer the following:

- b) **Who conducted the investigation?**
- c) **Why was the investigation conducted?**
- d) **When was the investigation conducted?**
- e) **What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?**
- f) **What was the local authority's response to the investigation and its outcome?**
- g) **Were recommendations made following the investigation?**
- h) **If so, what were the recommendations and were they implemented?**
- i) **If recommendations were not implemented, why not?**

5.6 Response to External Inspections/Investigations

Not applicable – no external investigations have taken place to the best of our knowledge.

- a) **What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?**
- b) **What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?**
- c) **What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?**

5.7 Impact

a) What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?

We know from international research and studies that experiencing abuse can have an impact on a person's welfare. To that end, we assume that where a person has been abused we need to consider that this caused harm to that person and view every case through that lens. In the present day, practitioners should be trauma informed and work in a way that nurtures children and young people and their families, understanding that vulnerability is complex. However, social workers and other professionals have not always held that contemporary knowledge and we know through our file reads that even the language used around children and young people from the 1930's onwards is not what we might consider appropriate today.

We have not conducted a specific study or research to be able to assess the impact of abuse or alleged abuse for children living in Moray Council foster care to enable to answer this question from that perspective.

Any child who needs foster care is already impacted by experiences caused by complex vulnerability, as well as having potential for healthy resilience. Exposure to other harms in foster care is, by definition, completely counter to the intention to provide reparative care, while the experience and the impacts of abuse is unique to each individual person. It is understood and observed that individuals who have suffered harm may, for example, have negative impacts that relate to relationships, care of themselves, confidence, emotional health, physical health, behavioural regulation, substance use or offending. Impacts and recovery may take different forms at different life stages.

We provide through-care services to young people who have been looked after by our local authority and with that, we strive to work with a relational, trauma informed approach. The impact of abuse whether in foster care or out with that can have a lifelong impact on people, and, we hope that our services for individual care experienced children and adults are able to help them build resilience and recover from trauma to allow them to live a happy life where their needs are met.

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

The local authority's knowledge comes from published research and statistics around the impact of abuse. We have not undertaken research or studies to understand this picture locally.

c) What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?

As above, we understand that there could be a significant impact on the families of children who have been abused, either in foster care or in another context. Our approach to families is that we offer support and advice where this has been the case and understand that every child and their family may need an individualised package of support.

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

Given that we have not undertaken specific research into the impact of abuse in care in Moray, we can only take information from other pieces of research compiled nationally and internationally.

5.8 Known Abusers and Alleged Abusers

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

Yes.

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

The names of abusers and alleged abusers are as follows:

- **Person 1:** allegation of emotional and physical abuse
- **Person 2:** allegation made by child who claimed they saw another child being physically abused.
- **Person 3:** son of Person 21, allegation of inappropriate sexual behaviour towards child in care.
- **Person 4:** allegation of slapping and non-reporting of bruising on child
- **Person 5** – allegations of emotional abuse
- **Person 6** – allegation of emotional abuse
- **Person 7** – physical assault towards 2 children
- **Person 8** - allegation of physical assault – no further detail of this and file could not be retrieved.
- **Person 9** – physical assault
- **Person 10**– sexual abuse – convicted
- **Person 11** – allegation of physical assault – unfounded
- **Person 12**– allegation of physical abuse
- **Person 13:** allegation of sending inappropriate text message to child in his care –was childminding
- **Person 14:** unclear who she is allegation dates back to 1950's – no file available
- **Person 15:** Allegation of hitting a child, resulted in carer being charged
- **Person 16:** allegation she shook a child in her care
- **Person 17:** allegation he kissed child on lips
- **Person 18:** child made allegation about another child but was identified as false allegation and child withdrew allegation
- **Person 20:** allegation of slapping child, neglect
- **Person 21:** allegation of slapping a child in her care

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- **Person 19:** two separate allegations of slapping children in her care.
- **Person 22:** inappropriate behaviour management resulting in allegation that carer kicked child in retaliation for being kicked
- **Person 23:** allegation of sexual abuse towards a child in his care – file not found

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

- the period (dates) during which they are known or alleged to have abused children in foster care

Person 1: 24th August 2003

Person 2: August 2007

Person 3: September 2013

Person 4: June 2006

Person 5: 2012-2017

Person 6: there is one reported incident in October 2001, one in 2006.

Person 7: [REDACTED] 1998 and [REDACTED] 2001

Person 8: 2009

Person 9: allegation of physical assault 16/12/2005 and another allegation made on 02/05/2008

Person 10: between 1990 and 2004

Person 11: August 2008

Person 12: June 2003

Person 13: March 2005

Person 16: 05/10/2012

Person 17: 27/11/2005

Person 18: May 2004

Person 19: [REDACTED] 1998 and [REDACTED] 2009

Person 20: allegations between 2006 and 2007

Person 21: March 2006

Person 22: January 2013

Person 23: March 2004

- if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse

Person 1: foster carer

Person 2: foster carers

Person 3: son of foster carer

Person 4: foster carer

Person 5: foster carer

Person 6: foster carer

Person 7: foster carers

Person 8: foster carer

Person 9: foster carer

Person 10: foster carer

Person 11: foster carer

Person 12: foster carer

Person 13: childminder

Person 14: not known
Person 15: foster carer
Person 16: foster carer
Person 17: foster carer
Person 18: foster carer – allegation made against another child in placement
Person 20: foster carers
Person 21: foster carer
Person 19: foster carer
Person 23: foster carer
Person 22: foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Person 1: disclosure checks completed, health and safety and medical checks, form used for assessment unknown. Updates completed.

Person 2: Checks with other local authorities, SSAFA
Enhanced Disclosure, Adult Health Reports
References from employers, friends, health visitor, doctor, family
Referee visit/notes of telephone call to family friends
Observation and summative report on young son
Health & Safety Visit

Person 3: Records indicate that disclosure checks were completed

Person 4: There were a number of checks completed as part of assessment, including disclosure checks, references, health and safety and these were kept up to date as long as she provided foster care. There were unannounced visits completed. No record on file of what assessment took place.

Person 5: previous foster carer for XX City Council then approved through Form F assessment 12th January 2010.
Moved from different authority where they were carers, Form F or Skills to Foster assessment completed: evidence of disclosure, health, school, local authority personal reference (x6). Their son at 16 also got a disclosure.

Person 6: assessment, disclosure checks, references taken up and health and safety checks, regular reviews and supervisions.

Person 7: Form F, disclosure checks, references taken up, subsequent regular reviews.

Person 8: not known

Person 9: there is a record on file stating that carer had disclosure checks completed and they were up to date, regular reviews, approved in 1983 (Form F), health and safety checks.

Person 10: and spouse went through a Form F assessment (a standardised assessment format for the assessment of potential foster carers) and were approved as foster carers by the Fostering Panel, as set out in the Boarding-out and Fostering of Children (Scotland) Regulations 1985 which came into force on 1st April 1986. During the assessment, both references and police checks were returned,

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indicating no previous convictions and nothing within the references that would cause concern. Regular supervisions and reviews

Person 11: disclosure, Form F assessment, reference checks and health and safety checks completed, updated assessment April 2007 in line with change of approval

Person 12: Approved 1998 specifically for one child, Form F completed, including all necessary disclosure, health, health and safety checks and references.

Person 13: skills to foster assessment, reference checks and health and safety, regular reviews and updated checks, disclosure checks.

Person 16: approved May 2007, no record available of initial assessment but in review minutes health and safety checks, disclosures and medicals up to date.

Person 17: 5th May 1999 successfully went through Form F assessment, 2 references provided, one followed up with visit, medical check, local authority check and disclosure forms completed.

Person 18: disclosure checks, Form F assessment, reference checks and health and safety checks

Person 20: Disclosure checks, skills to foster assessment, health and safety checks, unannounced visits, supervision and reviews on file.

Person 21: Disclosure checks, Form F assessment, references and health and safety checks, ongoing disclosures

Person 19: carer was approved in 1992, references completed and checked, disclosures, health checks, during assessment and subsequent regular reviews. Form F assessment completed and evidence of a disclosure check completed in 2003.

Person 23: not known – file not available

Person 22: Disclosure checks, employment checks, health and safety checks, references and Form F assessment completed. Ongoing disclosure checks.

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

None known

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

Person 1: permitted to continue fostering

Person 2: permitted to continue fostering

Person 4: permitted to continue fostering.

Person 3: following allegation Person 3 was asked to remain out with carer's house and child was removed from placement, carers ceased caring shortly thereafter.

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Person 5: unable to access file, no further information.

Person 6: was permitted to continue fostering and there is no record on file of the reasons behind this decision. The child who made one allegation was moved.

Person 7: were permitted to continue fostering, there was a robust plan in place to ensure the safer caring of children going forward, including regular review meetings and supervisions as well as advocacy provided for the children to gain their views.

Person 8: limited information available, evidence that child was moved following allegation.

Person 9: was immediately withdrawn from caring and later reinstated but with a limited form of approval; training and development programme proposed by the fostering team and a supervisory process through the link worker. Second incident internal investigation and increase in support.

Person 10: was permitted to continue fostering following at three allegations, which were investigated through police/ social work investigations and found to be unproven or unfounded. Carer was later convicted on two counts of rape.

Person 11: continued to foster the same child. The child had a range of complex needs and was assessed to be safe and happy with foster carers. Investigation proved no evidence of assault alleged.

Person 12: No, they were only approved for one child.

Person 13: permitted to continue fostering.

Person 16: permitted to continue fostering

Person 17: continued to foster, allegation believed to be unfounded.

Person 18: was permitted to continue fostering following a social work and police investigation into the allegation.

Person 20: continued to foster, robust discussions held with couple and safe caring practices reviewed.

Person 21: the allegation was made and investigated by police and a decision to continue to permit the foster carer to provide care was made.

Person 19: was permitted to continue fostering incident recorded and investigated and appropriate action taken. Police investigation for both allegations of assault and carer admitted to doing so. Management of behaviour addressed by supervision/ reviews.

Person 22: The carer was permitted to continue fostering with support

Person 23: limited information but no further fostering was undertaken following this allegation.

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

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Person 1: allegation was two years previous, evidence of it being addressed with carers, but little to go on in terms of evidence, police investigation could not proceed as person who made allegation refused to give statement.

Person 2: The decision was made following a management meeting to discuss allegations and a belief that the couple's explanation of events was plausible.

Person 4: issue investigated and addressed and steps in place to prevent recurrence, including renewed safe caring training and increase in supervision and monitoring.

Person 6: it appears one incident was assessed as being unfounded, but social workers still addressed the issues with carers and as such had satisfied themselves that the issue would not reoccur.

Person 7: two brothers in place one child allegedly slapped and subsequently moved – brother asked to stay with carers– later allegation second child kicked. No further information available - advocacy – fostering stopped 2001

Person 8: not known

Person 9: following a process of checks and discussions it was felt that carer could still offer some support to children but only following development and monitoring and with a change in approval.

Person 10: this was considered appropriate because there was no substantiated claims. It was also considered more appropriate following a second allegation because the child in placement was settled and of a different gender. Agreement was made not to place any further teenage girls with couple, but that appears to have happened.

Person 11: as allegation was unfounded, it was felt to be in child's best interest to remain in that placement where he was deemed to be well supported and settled.

Person 13: outcome of police and social work investigations was no further action, evidence on file of the issue being robustly discussed and addressed.

Person 16: outcome of investigation was no further action, the child gave different version during police interview that was benign. Child was moved shortly thereafter.

Person 17: continued to foster on the basis that the allegation was believed to be without grounds. No increase in supervision or reviews.

Person 18: Allegations were believed to be without grounds and as such, no valid reason to de-register. Plans in place to further ensure physical separation of children in foster carer's care and there is evidence of the issue being discussed in supervision.

Person 20: allegations taken seriously and investigated and discussions held with couple, increase in supervision and support, no move for the child, allegations unproven but advice and supervision still put in to address it.

Person 21: The decision to permit the carer to continue fostering was made before the conclusion of police investigation and there is no clear record of discussions that support that decision, foster carer was thought to be providing high levels of quality care.

Person 19: initial allegation made about a child being drunk and actions taken by [REDACTED] were addressed. Second allegation was investigated and felt to be unsubstantiated but robustly addressed also.

Person 22: Incident treated as poor behaviour management and discussions and support centred on that, identification of negative thinking about child and child ultimately moved to another placement.

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

Person 1: file shows good levels of supervision following this allegation, a lot of support offered to carers and reviews completed.

Person 2: continued visits and reviews, support.

Person 4: Increase in supervision and monitoring and robust discussions around appropriate behaviour management and safe caring, also covered in reviews.

Person 7: Big increase in rates of supervision, case conference held and children on CP register to monitor and support.

Person 6: supervision continued as it was and although there were discussions with carers and carers felt supported, there was no plan for increased supervisions evident.

Person 8: Not known

Person 9: increase in support but no clear record of increase in supervision, evidence of allegation being addressed both in visits and by panel.

Person 10: regular reviews were held that appeared to sit with view that the claims were unsubstantiated, reviews did not discuss the allegations.

Person 11: regular supervision and reviews, evidence that allegations were openly addressed.

Person 13: early review held, increase in supervision, support and monitoring, issue discussed in depth, new safe caring plan written.

Person 16: reviews and visits continued, child was moved.

Person 17: no apparent increase in supervision/ support/ review following review given the allegation was dealt with as unfounded.

Person 18: no change in level of supervision but records show that the allegation was addressed within it.

Person 20: increase in supervision and regular reviews.

Person 21: Carer had increased levels of support around allegation and regular reviews and checks.

Person 19: had regular checks and supervision and support following the incident.

Person 22: No clear change to supervision or reviews but evidence on file of behaviour management strategies being discussed and reflective discussions around this.

5.9 Specific Complaints (Document 2a. listed on the document inventory)

- a. How many specific complaints of abuse of children in foster care have been made to the local authority?**

For each specific complaint, please answer the following:

- b. Who made the complaint?**
- c. When was the complaint made?**
- d. Against whom was the complaint made?**
- e. What was the nature of the complaint?**
- f. When/over what period was the abuse alleged to have taken place?**
- g. What was the local authority's process and approach in dealing with the complaint?**
- h. What was the local authority's process and approach for investigating the complaint?**
- i. What was the outcome of the complaint following that investigation?**
- j. Did the local authority provide a specific response to the complaint?**
- k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
- l. If there was no response, why not?**
- m. Was the information/content of the complaint passed to police?**
- n. If not, why not?**

5.10 Civil Actions

We have had limited access to this information due to internal restrictions and Covid-19. Information is limited at this juncture, but more may be available in the future.

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

Two to the best of our knowledge — please note both claimants are sisters.

Please note that claims relating to Grampian Regional Council before Moray, Aberdeenshire and Aberdeen City Local Authority's came into being in 1996 are dealt with through a shared agreement with Moray Council paying a share of any costs for claims. To date, no requests for shared costs have been received.

For each such civil action, please answer the following:

- b) Who brought the action?**

1. Balfour Manson LLP

- c) When was the action brought?**

■ — 18 September 2018

■ — 11 December 2018

- d) Against whom was the action brought?**

Moray Council

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

Physical and emotional abuse by foster carer

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

Heather Margaret Donald or McDonald

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

Between 1973 and 1986

- h) How did the action progress?**

Pending

- i) What was the outcome?**

Pending

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j) Was the action settled on a conditional basis of confidentiality?

N/a

k) Who was/were the local authority's legal representative(s) in relation to the civil action?

Ledingham Chalmers LLP (appointed by Councils Insurers)

l) Did the local authority carry insurance for meeting civil claims at the time the action was live?

Yes

m) How/where can copies of the court papers relating to the civil action be made available to the Inquiry?

The assault conviction of the Carer can be obtained from Elgin Sherriff Court – Local ref is ELG-2016-00409.

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5.11 Criminal Injuries Compensation Awards

- a) Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?**

The Moray Council are not aware of any previous Looked After young people seeking an award for criminal injury compensation through the Criminal Injuries Compensation Authority process. The Council understands that criminal injury awards are only usually paid out when someone liable cannot be found and, in relation to the Moray Council, it would be expected the young person would have been directed to approach the Council directly to seek resolution.

- b) If so, please provide details if known.**

5.12 Police

- a) How many complaints of abuse of children in foster care have been made to the police?**

The Moray Council does not have a data collection tool that can accurately gather this information in the timescale from 1930 until 17 December 2014. However from the 150 files which were read, information was gathered in relation to Section 5.9 which covers the questions below. Therefore, please refer to Section 5.9 for individual investigations in relation to allegations of abuse. We approached Police Scotland for this information who advised us that they would be submitting this information directly to this inquiry.

In relation to each known complaint to the police, please answer the following questions:

- b) Who was the alleged abuser or abuser?**
- c) Did the police conduct an investigation in relation to the complaint?**
- d) If so, who conducted the investigation and when?**
- e) What was the outcome of the police investigation?**
- f) What was the organisation/establishment's response?**

5.13 Crown

- a) **To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?**

There were 3 incidences noted where the Procurator Fiscal raised proceedings:

- Leslie Hanson
- Heather Donald or McDonald
- Bernard Walker

In relation to each time the Crown has raised proceedings, please answer the following questions:

1

- a) **What is the name of the person(s) against whom the proceedings were raised?**

Mr Leslie Hanson

- b) **What was the nature of the charges?**

2 x Rape – children between the ages of 11 and 15 years old
4 x Lewd & Indecent Behaviour between 1990 & 1998

The victims of these crimes were young people who had been placed with Mr Hanson in his role as a foster-carer.

- c) **What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**

Mr Hanson was jailed on 20 August 2008 for 12 years and his name placed on the Sex Offenders Register.

- d) **What was the local authority's response to the proceedings and outcome?**

There was a Case Review conducted but the outcomes of this are not clearly recorded.

2

- a) **What is the name of the person(s) against whom the proceedings were raised?**

Ms Heather Donald or MacDonald (both names are recorded)

- b) **What was the nature of the charges?**

2 Charges of assault and 1 for wilfully mistreating and neglecting a child. Incidents occurred between 1973 and 1988 but H Donald was not convicted until 05 April 2017. These charges related to a foster-child, [REDACTED] [REDACTED] was named on the Extract Conviction sheet but her sister's name had been redacted from this sheet ([REDACTED]).

- c) What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**

All 3 charges were Admonished and Dismissed.

- d) What was the local authority's response to the proceedings and outcome?**

Not known, file not available for gathering this information.

3

- a) What is the name of the person(s) against whom the proceedings were raised?**

Mr Bernard Walker

- b) What was the nature of the charges?**

Lewd, Indecent and Libidinous practices and behaviour – sexual assault of adopted daughter who was previously a foster-child within their household. Date of incident was during March 2004.

- c) What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**

Mr Walker was sentenced on 26 September 2005 and received an 18 month custodial sentence. He was released on licence on 27 March 2006 on licence and the licence ended on 29 September 2006. Mr Walker is subject to indefinite registration but this is reviewed by the police and can be changed.

- d) What was the local authority's response to the proceedings and outcome?**

Following the allegation his adopted daughter spent a short while in Local Authority care and subsequently went to live with her birthmother at age 16.