

Addendum to

Section 21 Response by Orkney Islands Council to Scottish Child Abuse Inquiry
Submitted 19 August 2022

On behalf of the Chief Social Work Officer (Interim), Orkney Islands Council ("the Council") having carried out further investigations tenders the following to the Inquiry:-

1. In respect of its responses to Part 1 1.5, 2.1, 2.2, 2.3 and 4.6-4.8 - the Policies and Procedures between 1976 and 2014 the Council tenders the List of Documents identified and contained in Appendix 1 hereto;
2. In respect of the Council's responses in Part V the Council tenders details of its further investigations anent the Foster Carers ("EMH") contained in Appendix 2 (Chronology) hereto;
3. With reference to PART B – Current Statement, the Council seeks to supplement its Response by substituting the following paragraphs at questions 3.2 and 3.3 :-

"3.2 Acknowledgement of Systematic 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?**

Response

Yes, the Local Authority acknowledges system failure.

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

Response

Serious inconsistencies in processes that should have been applied.

- c) **What is the basis of that assessment?**

Response

The Local Authority has taken the following factors into account: -

- a) Lack of evidence of regular review of foster carers;
- b) Child's voice – independently provided should have been taken seriously;
- c) Reports from child's social worker should have been taken more seriously;
- d) Lack of effective management of signs of abuse and how same was recorded;
- e) No chronology of foster carers' performance as carers;
- f) Failure to take child centred approach;

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- g) Value-based judgements were applied to what the child was telling staff;
- h) Not all safeguards were in place; lack of managerial overview, no evidence of support and challenge, no full analysis of presenting information and no exploration of alternative views as to what might have happened to the child, tendency to believe and trust the adults without testing the presenting information;
- i) No evidence of statutory visits within required timescales;
- j) Lack of recording on social work management information systems to inform assessment, risk and decision making.

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

Response

- a) The Local Authority has wholly relied upon the police to investigate and has not carried out its own investigation. Lack of proper understanding of the different standards of proof has been demonstrated: -
 - Civil or care proceedings standard of "balance of probabilities", versus the criminal law standard of "beyond all reasonable doubt".
- b) No evidence of test of "suitability" of registered foster carers including clear record of complaints made against them and analysis of patterns of complaints and responses.
- c) Culturally there has been a tendency for social work to defer to the police to establish criminal charges or criminal responsibility. Social work should have undertaken a full and proper investigation on the balance of probability.

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

Response

The Local Authority has implemented changes to the following Policies and Procedures as more particularly detailed in Appendix 1 regarding:-

- a) Child Protection Procedures;
- b) Initial Referral Discussion Procedure;
- c) Team Around the Child Procedure;
- d) Internal Scrutiny Protocol;
- e) New Complaints Procedure;
- f) Carrying out improvements with Fostering & Adoption Panels – training and development;
- g) Appointment of professional, highly experienced Independent Panel Chair;

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- h) Training for foster carers;
- i) Recognition of practice that all Foster Reviews and Assessments need to have an attached Chronology;
- j) Foster carer tracker, to ensure reviews are held on time;
- k) Statutory requirements to report allegations to Care Inspectorate.

Procedures and Guidance are currently being updated under an improvement plan, governed by formal multi-agency committees – Improvement Delivery Group, Public Protection Committee, Getting It Right Strategic Group, Quarterly Assurance Initial Referral Discussion Group.”

The Council's Addendum, together with Appendices 1 and 2 lodged herewith, are respectfully submitted for the consideration of the Inquiry.

In Respect whereof

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Solicitor

Orkney Islands Council