

PART B – Current Statement

1. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

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

Response

Yes, there is recorded evidence that abuse or allegations of abuse.

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

Response

The local authority has carried out a review of its conclusions and has considered that there have been inadequate systems in place to assess the extent and scale of abuse. Whilst there were some systems in place, paper records were kept for each fostering family, the methodology of recording the children's information and storing their information in a coherent way has been identified as not being fit for current purposes.

- c) What is the basis of that assessment?

Response

There are 11 allegations of abuse contained within the records, made against 7 foster carers. These were noted to have been single incidents except for 2 fostering families where there were multiple allegations. The local authority has identified that, whilst it had systems in place for recording allegations these were not co-ordinated across multiple children. Each allegation was investigated and then closed. This may have led to a systemic failure in that previous analogous allegations were not reviewed in the light of further allegations by different children against the same foster carers. As a result, the local authority cannot provide a wholly accurate assessment of the extent and scale of abuse due to unknown factors.

There are four possible conclusions that could be reached in respect of this question. One is that abuse took place but was not notified to the appropriate authorities. The second is that abuse took place but was

not noticed by the officers of the public bodies tasked with the oversight of care placements. The third is that these officers either did notice abuse or were told by children in foster care that they were being abused, and failed both to document and to investigate it. The fourth is that they observed practices that would be categorised as unacceptable according to current law, policy, and practice, but would not have been classed as such under the governance prevailing at the time.

From its investigations the local authority has identified allegations of sexual abuse. It has not identified any allegations for abuse in the form of unreasonable chastisement; financial abuse or abuse by requiring children to carry out unpaid work. The latter may reflect the fact that historically the local authority has sought to accommodate its fostered children within its islands geographical extent unlike, for example, other authorities who may have had to place children far from their home area.

### 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 systems failures.

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

Response

From a current perspective, the local authority has identified there were serious inconsistencies in processes which should have been applied. For example, it has been identified that -

- separate files were not stored for each child.
- there were training issues in Social Work identifying similar factors in allegations over successive allegations of abuse in one household. The local authority cannot therefore assert that this may not have impacted on other cases.
- due to the lack of chronologies the local authority acknowledges that there was a difficulty maintaining continuity of consistency of knowledge of the children as individuals and a loss of corporate memory when social workers moved on. Therefore whilst the local authority can identify 11 instances of allegations of abuse from the files stored it cannot assert that these comprised the only allegations of abuse or that it is not possible that other instances may have been raised and not adequately recorded.
- there was a tendency to assign one Social Worker to the child or children and for this also to be the same Social Worker who would support the Foster cares. Whilst this may be necessary due to resources issues and geographical challenges sending Social Workers out to the Isles it is acknowledged that this creates a potential for making assumptions and not to openly challenge responses to allegations.

- c) What is the basis of that assessment?

Response

The Local Authority has taken the following factors into account -

- i. Lack of evidence of regular reviews of foster carers.
  - ii. Child's voice – independently provided, should have been taken seriously.
  - iii. Reports from child's social worker should have been taken more seriously.
  - iv. Lack of effective management of signs of abuse and how same was recorded.
  - v. No chronology of foster carers' performance as carers.
  - vi. Failure to take a child centred approach.
  - vii. Value-based judgements were applied to what the child was telling staff as opposed to objective assessment being made.
  - viii. Not all safeguards were in place, for example:
    - a. lack of managerial overview; and
    - b. no evidence of *support and challenge*, no full analysis of presenting information; and
    - c. no exploration of alternative views as to what might have happened to the child; and
    - d. tendency to believe and trust the adults without testing the presenting information;
  - ix. No evidence of statutory visits within required timescales;
  - x. Lack of recording on social work management information systems to inform assessment, risk and decision making.
  - xi. A culture of allowing the police to determine if abuse was taking place without sufficient application of a social work and child focussed based assessment.
  - xii. Not considering factors which pointed to abuse beyond what the child was saying (or not saying).
- d) What is the local authority's explanation for any such failures?

Response

- i. 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: -
- ii. Civil or care proceedings lower standard of proof of "balance of probabilities", versus the higher criminal law standard of "beyond all reasonable doubt".
- iii. Leading to social workers concluding that if the police concluded there was insufficient evidence of abuse for criminal law purposes, that the same obtained for the protection of the child in the fostering system.
- iv. 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.
- v. Overall, 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.

3.3 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?

Response

The local authority acknowledges there were insufficiently clear practices or procedures in place to address its response to any allegations. The local authority accepts there were deficiencies in its responses to allegations of child abuse of children in foster care during the relevant period.

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

The local authority considers that, where children are being accommodated by the authority as an alternative to being returned to their parents, the Authority (need consistency of upper/lower cases) should be able to demonstrate that arrangements for the children are better than those existing and are proportionate in terms of removal from their families given, in particular any balance to be struck under Article 8 of the ECHR. The local authority has identified these failures in 4 of the 11 alleged instances of sexual abuse. Due to the inconsistency of record keeping or possible unreported allegations it cannot be asserted that it is not possible that these failures took place in cases which are presently unknown.

- b) What is the basis of that assessment?

Response

Extensive work has been undertaken since the appointment of the current Interim Chief Social Work Officer in June 2020 to identify issues in Looked after Children's practices.

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

Response

Once police investigations had completed it could not be identified from the files what further steps were taken to revisit the children involved; to assess the impact of their allegation not having been upheld, or to address issues around siblings who had formerly been cared for by the same foster parents, or were coming in to be looked after, by the same foster parents.

There has also been a systematic reluctance to refer allegations back to the Fostering Panel for consideration. There had been no significant changes in the composition of the Panel in the previous 15 years. This has reduced the appetite for a sufficiently critical review of decisions being made. The Panel chair and Panel advisers were not carrying out sufficient scrutiny of the work of the social workers from an independent viewpoint. There appears to have been a reluctance to ask difficult questions.

The Agency Decision Maker had not shown a sufficient degree of independent scrutiny of Fostering Panel decisions and seemed to consider that role as one of ratification rather than scrutiny.

### 3.4 Changes

- 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: -

- i. Child Protection Procedures;
- ii. Initial Referral Discussion Procedure;
- iii. Team Around the Child Procedure;
- iv. Internal Scrutiny Protocol;
- v. New Complaints Procedures;
- vi. The carrying out of improvements with Fostering & Adoption Panels and in training and development;
- vii. Appointment of a professional, highly experienced Independent Panel Chair;
- viii. Training for foster carers;
- ix. Recognition of practice that all Foster Reviews and Assessments need to have an attached Chronology;
- x. Foster carer tracker, to ensure reviews are held on time;
- xi. Statutory requirements to report allegations to Care Inspectorate.

#### Ongoing Improvement Plan

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

Respectfully submitted on behalf of Orkney Islands Council

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