

Part D – Abuse and Response

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

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?

SIC RESPONSE

Please refer to our responses at Part B and also to Appendix No. 6

5.2 Extent

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

SIC RESPONSE

From perusal of our files, it was established that 9 allegations of abuse were made. Two incidences, in relation to foster carers hitting or slapping children in their care, were admitted by the foster carers. Even taken in the context of current Child Protection Procedures, these cases would be deemed minor. There were also two allegations of abuse between siblings.

There were no police charges or prosecutions. There are also no known cases of former foster children advising the Authority of historical abuse in foster care in Shetland.

The Local Authority's assessment is therefore that:

- There has been no systemic abuse within Foster Care in Shetland
- Any abuse/allegations of abuse were minor and infrequent
- There were no systemic failures regarding the protection of children in foster care;
- That Shetland Islands Council acted appropriately and investigated abuse and allegations of abuse accordingly under the Guidance / Procedures in place at that time.

- There were no failures or deficiencies with Shetland Islands Council's response to abuse or allegations of abuse
- No changes needed to be implemented to Shetland Island Council's policies, procedures or practice in relation to the above

Please also refer to Appendix No. 6

b) What is the basis of that assessment?

SIC RESPONSE

The assessment of the incidents noted in Appendix No. 6 and at Q 5.2 a) above is based on reading of files and consideration of current and historic Child Protection Procedures.

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

SIC RESPONSE

Other than allegations made at the time the incidents referred to in our response to Q 5.2 a) above, no complaints have been received by the Authority via its complaints procedure.

Please refer also to Appendix No. 6

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

SIC RESPONSE

Please refer to Appendix No. 6.

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

SIC RESPONSE

No foster carers have been prosecuted or convicted of abuse. 2 foster carers admitted to allegations of hitting and slapping children in their care.

Please refer to Appendix No. 6.

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

SIC RESPONSE

Please refer to our response at Q 5.2 a) and Appendix No. 6.

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

SIC RESPONSE

None.

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

SIC RESPONSE

None.

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

SIC RESPONSE

None.

- 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?

SIC RESPONSE

Perusal of our records evidences an allegation of abuse between one child and her sibling while in foster care. An allegation was also made in relation to abuse between brother and sister siblings however this allegation was never substantiated.

Please also refer to Appendix No. 6.

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

SIC RESPONSE

Within the scope of the Inquiry, records reveal no instances of children admitting to or being convicted of abuse of other children in the same foster placement.

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

SIC RESPONSE

Perusal of our records evidences an allegation of abuse between one child and her sibling while in foster care.

Please also refer to Appendix No. 6.

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?

SIC RESPONSE

Our records show that all disclosures were made at the time of the alleged incident. There is no evidence of a former foster child alleging historic abuse stemming from their time in foster placement.

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

SIC RESPONSE

Our records show that all disclosures were made at the time of the alleged incident.

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

SIC RESPONSE

There is no evidence of a former foster child alleging historic abuse from their time in foster placement

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

SIC RESPONSE

There is no evidence in our records to support patterns in the timing or disclosure of abuse or alleged abuse. Records provide evidence to support that any incidences of abuse or alleged abuse were isolated incidents.

Please also refer to Appendix No. 6.

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?

SIC RESPONSE

There have been no external inspections conducted that specifically relate to abuse. The Care Commission would be undertaking their usual inspections as evidenced in Appendix No. 7.

For each such external inspection please answer the following:

- b) Who conducted the inspection?

SIC RESPONSE

N/A

- c) Why was the inspection conducted?

SIC RESPONSE

N/A

- d) When was the inspection conducted?

SIC RESPONSE

N/A

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

SIC RESPONSE

N/A

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

SIC RESPONSE

N/A

- g) Were recommendations made following the inspection?

SIC RESPONSE

N/A

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

SIC RESPONSE

N/A

- i) If recommendations were not implemented, why not?

SIC RESPONSE

N/A

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?

SIC RESPONSE

No external investigations have been conducted.

For each such external investigation please answer the following:

- b) Who conducted the investigation?

SIC RESPONSE

N/A

- c) Why was the investigation conducted?

SIC RESPONSE

N/A

d) When was the investigation conducted?

SIC RESPONSE

N/A

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

SIC RESPONSE

N/A

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

SIC RESPONSE

N/A

g) Were recommendations made following the investigation?

SIC RESPONSE

N/A

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

SIC RESPONSE

N/A

i) If recommendations were not implemented, why not?

SIC RESPONSE

N/A

5.6 Response to External Inspections/Investigations

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?

SIC RESPONSE

No external investigations were carried out in relation to abuse 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?

SIC RESPONSE

Not applicable in relation to abuse or alleged abuse of children in foster care however please refer to Appendix No. 7 for details on general external investigations and their outcomes.

- c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

SIC RESPONSE

Please refer to our response at Q 5.6 b).

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?

SIC RESPONSE

There are no records available to provide evidence of impact from the findings of abuse detailed in Appendix No. 6.

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

SIC RESPONSE

Through file reading, it appears that the impact of alleged abuse has not been recorded.

- 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?

SIC RESPONSE

Through file reading, it appears that the impact of abuse has not been recorded.

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

SIC Comment

The Authority's assessment/knowledge of impact, or lack thereof, has been established by reading of files and Social Work records.

5.8 Known Abusers and Alleged Abusers

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

SIC RESPONSE

Please refer to Appendix No. 6.

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

SIC RESPONSE

Please refer to Appendix No. 6.

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

SIC RESPONSE

Please refer to Appendix No.6

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

SIC RESPONSE

Foster carers who were known or alleged to have perpetrated serious abuse against children in their care would not have been permitted to remain as foster carers.

With reference to the cases detailed in Appendix No. 6, a child was the alleged abuser in one instance. It was assessed safe for that child to remain in placement. In the other instance involving alleged abuse of one child by another, the subject of the alleged abuse was initially removed from that placement however requested to return. It was deemed safe for that child to return to their placement.

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

SIC RESPONSE

Please refer to our response at Q5.8 d) above and Appendix No. 6

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

SIC RESPONSE

Records show that children and foster carers referred to in the cases detailed in Appendix No. 6 were supported by Social Work. No further allegations were made. In relation to the child who was the victim of abuse, ongoing work is being done and support provided.

5.9 Specific Complaints

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

SIC RESPONSE

Through perusal of files, allegations were disclosed at the time and appropriately investigated and dealt with as detailed in Appendix No. 6. No complaints via the Authority's complaints procedures were made.

For each specific complaint, please answer the following:

SIC RESPONSE

In respect of individual allegations of abuse disclosed at the time to the Authority, please refer to Appendix No 6. As per our response to Q 5.9 a) above, no complaints were made through the Authority's complaints procedures therefore the information provided in Appendix No. 6 relates only to Child Protection investigations conducted following allegations made to Social Workers or foster carers.

- b. Who made the complaint?

SIC RESPONSE

Please refer to Appendix No. 6

- c. When was the complaint made?

SIC RESPONSE

Please refer to Appendix No. 6

- d. Against whom was the complaint made?

SIC RESPONSE

Please refer to Appendix No. 6

- e. What was the nature of the complaint?

SIC RESPONSE

Please refer to Appendix No. 6

- f. When/over what period was the abuse alleged to have taken place?

SIC RESPONSE

Please refer to Appendix No. 6

- g. What was the local authority's process and approach in dealing with the complaint?

SIC RESPONSE

Please refer to Appendix No. 6

- h. What was the local authority's process and approach for investigating the complaint?

SIC RESPONSE

Please refer to Appendix No. 6

- i. What was the outcome of the complaint following that investigation?

SIC RESPONSE

Please refer to Appendix No. 6

- j. Did the local authority provide a specific response to the complaint?

SIC RESPONSE

Please refer to Appendix No. 6

- k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?

SIC RESPONSE

Please refer to Appendix No. 6

- l. If there was no response, why not?

SIC RESPONSE

N/A

- m. Was the information/content of the complaint passed to police?

SIC RESPONSE

Please refer to Appendix No. 6.

- n. If not, why not?

SIC RESPONSE

N/A

5.10 Civil Actions

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

SIC RESPONSE

None

For each such civil action, please answer the following:

SIC RESPONSE

N/A for Q 5.10 b) to l)

- b) Who brought the action?
- c) When was the action brought?
- d) Against whom was the action brought?
- e) What was the nature of the abuse, or alleged abuse, to which the action related?
- f) What were the names of the persons said to have, or alleged to have, committed abuse?
- g) When/over what period was the abuse said, or alleged, to have taken place?
- h) How did the action progress?
- i) What was the outcome?
- j) Was the action settled on a conditional basis of confidentiality?
- k) Who was/were the local authority's legal representative(s) in relation to the civil action?
- l) Did the local authority carry insurance for meeting civil claims at the time the action was live?

SIC RESPONSE

Records show that in respect of insurance to cover incidents involving foster care since 1930, the Authority held a Public Liability policy with Zurich Municipal from 1993, Zurich Municipal would have responded in cases where it was deemed that the Council had been negligent but not necessarily where the Foster Carer was negligent. For Zurich to respond in respect of foster carers would be dependent on whether or not the foster carer would have been considered an employee of the Authority at the time. Between 1975 and 1993, when general insurance cover was with MMI, it is virtually impossible to determine if Public Liability insurance was in place. SIC does not hold the policy documents and obtaining information from the MMI administrators would be problematic. It is anticipated however, that cover would be similar to that provided by Zurich Municipal. Prior to 1975, no records exist in relation to insurance cover.

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

SIC RESPONSE

N/A

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?

SIC RESPONSE

There have been no claims.

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

SIC RESPONSE

N/A

5.12 Police

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

SIC RESPONSE

Perusal of records reveals no complaints of abuse of children in foster care have been made to the police as far as the Authority is aware. Police may have been involved with Child Protection investigations as per the operative procedures at the time however no alleged abusers have been charged or prosecuted.

Please also refer to Appendix No. 6 for information on Child Protection investigations and supporting legislation/guidance.

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

SIC RESPONSE

Please refer to our response at Q 5.12 a) above. Qs 5.12 b) to f) below are not applicable.

- 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?

SIC RESPONSE

The Crown has not raised proceedings in respect of allegations of abuse of children in foster care in Shetland.

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

SIC RESPONSE

Please refer to our response at Q5.13 a) above. N/A in relation to Q 5.13 b) to e) below.

- b) What is the name of the person(s) against whom the proceedings were raised?
- c) What was the nature of the charges?
- d) What was the outcome of the proceedings, including disposal/sentence if there was a conviction?
- e) What was the local authority's response to the proceedings and outcome?