

(Emailed)
Scottish Child Abuse Inquiry
PO Box 24085
Edinburgh
EH7 9EA

Albany House
58 Albany Street
EDINBURGH
EH1 3QR
Telephone: 0131 557 1545
Facsimile: 0131 525 8653
DX 14448 MANCHESTER 2
www.clydeco.com



Our Ref:
GDW/S0281.00153

Date:
11 January 2023

Dear Sirs

**South Lanarkshire Council
Foster Care Case Study**

We should be obliged if you would note that we have received instructions to act on behalf of South Lanarkshire Council in respect of this case study and in particular your request for further information. We should be obliged if the Inquiry would take this response into account alongside the council's original response to the section 21 notice.

We refer to the specific further questions and would set out the responses as below.

1. In light of the evidence, what reflections do you have on your Part B Response to the Inquiry's Section 21 Notice dated 27 August 2019?

Several aspects arise from this. First, at 3.1(b), the council set out their assessment of the extent and scale of abuse. That response took into account the council's review of 200 foster carer files and 84 children's files. Of necessity, those were files held by South Lanarkshire Council. A number of applicants who gave evidence to the Inquiry spoke of their experiences within the South Lanarkshire area, but had been placed with those foster carers by another council. In particular, children were placed by North Lanarkshire Council with foster carers situated within South Lanarkshire.

As a result, those records were not held by the council and could not form part of their response. As South Lanarkshire Council does not have leave to appear they have not been provided with a copy of the cipher code. They cannot identify whether there are records for the anonymised applicants. It may be, therefore, that the figures which appear at answer 3.1(b) ought to be increased to allow for those applicants.

Secondly, the council wishes to update their response to question 3.2, acknowledgement of systemic failures. The council responded on the basis that while child abuse took place, they

were satisfied that their procedures and guidance had been followed. On that basis they did not consider that there was systemic failure.

The council has now taken into consideration the discussion regarding the scope of systemic failure during the closing submissions to this phase of the Inquiry. The council accepts that approach to the definition of systemic failure. On the basis of that approach, the council acknowledges that their systems and procedures did not operate so as to prevent any child from suffering abuse. That would amount to systemic failure. The reasons that occurred remain as set out in the part B response.

2. What lessons do you suggest should be learned from the evidence?

South Lanarkshire Council has carefully considered both the applicants' statements and the transcript of evidence for those applicants who were placed in foster care within South Lanarkshire. Two specific themes emerged from that evidence.

The first was that it is clear there were occasions when foster carers were overstretched. Children were placed with foster carers who either already had several other looked-after children, or who were facing their own situational challenges. It is not clear from the evidence whether there had been proper consideration of the appropriateness of individual placements. It should be said that at least some of these placements with carers within South Lanarkshire seem to have been arranged from other local authorities. Nonetheless the theme is a significant one and mirrors the evidence the Inquiry has heard from other local authorities.

The evidence highlights the importance of separate consideration of the circumstances of both the looked-after child and the foster parents. South Lanarkshire Council now has separate social workers for each, so that the appropriateness of a placement can be considered from both dimensions.

The second major theme was the inability of children in care to report the abuse they were suffering. A number of reasons emerged in evidence: concern that they would not be believed; threats from the abuser of the consequences if they did report the abuse; the visiting social worker not asking about their welfare; concern about lack of confidentiality; and not being allowed to speak to the social worker with privacy.

The evidence underlines the centrality of looked-after children having both the means of sharing their experiences and the confidence that they will be listened to. South Lanarkshire Council has developed the support they provide to children and also considers that there are ways in which this can be further improved.

Children in foster care are seen once a month by their allocated social worker. This social worker is independent of the social worker with responsibility for the foster carer. It is however important that children in foster care understand the difference, particularly if there is not the ideal continuity of the social worker allocated to them. It is important that each child understands that their allocated social worker is focussed on their welfare and development, entirely independent of social work involvement with the foster carer. That is an area the council is continuing to work on.

The views of the child should be taken into account at every review with a social worker. In addition, feedback is sought through other support services including the school, relevant health supports such as health visitors and CAMHS and South Lanarkshire Council also have an inhouse counselling service that they have developed over the years for looked after

children to support them primarily as a result of the trauma they have faced as a result of becoming accommodated. This offers additional independent support to hear the child's views.

South Lanarkshire Council also invested in and introduced Mind of My Own (MOMO) app. At any time, a looked-after child can send a message using MOMO, directed to a named person. In practice that will be their social worker. The intention is that they can message both with regular updates of what is going well and with specific concerns or problems. The social worker does not provide an immediate response, but does track the messages and can respond or engage directly with the child as appropriate. This is in addition to and not a substitute for other means of engagement and communication.

That said, the council's experience has been that whilst there was initially good uptake of the app its use has dropped off. The reasons for that are not entirely clear but the council is concerned that it may reflect a tailing-off of interest in a new means of communication and the fact that the system is not designed for social workers to respond immediately. They are therefore exploring other means of providing better support and communication for young people.

The council has introduced a Champions Board in association with Who Cares? Scotland. Who Cares? Scotland is a national organisation who provide advocacy to care experienced children and young people. They are confidential, professional and fully independent. The Champions Board consists of young people who are care-experienced and the board actively seek the views of all looked after children and have approximately now 200 members called *Champs* who are currently in the care system. The Champions Board meets on a formal and informal basis for the children to enjoy activities together, play games and share what they would like to say about their experiences in care. The Champions Board also includes children in continuing care and who have left care to ensure that their voices are also heard.

One important development has been the recruitment of two former foster care children from South Lanarkshire as lived experience mentors. They are employed by the Social Work service and supported by Who Cares? Scotland to ensure independence in their role. They can speak to children currently in care regarding their experiences and how they might respond. They have a much greater degree of credibility given their own experiences in care. They also attend meetings to provide feedback on behalf of children in care. Again, they bring a greater degree of credibility because of their own experiences.

South Lanarkshire Council has also sought to ensure that any themes across children currently in foster care are identified and addressed in a way which would not be the case if each concern or complaint was dealt with individually. As a result, from January 2023 the Child Protection Committee following the initial feedback and findings from the Inquiry into foster children's experience have requested an annual report from the Registered Fostering and Adoption Service of the council in relation to complaints received about carers and how they were dealt with.

That will address:

- What was recorded;
- The nature of the investigation;
- The outcome of the investigation;
- The response to the complaint: and
- Any themes or patterns in relation to individuals or professional standards.

The council considers that to be a very strong safeguard for identifying patterns of concern relating to any specific carer and themes emerging across all children in care.

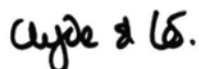
3. In the light of the evidence what changes do you suggest should be made to protect children from abuse in foster care?

South Lanarkshire Council considers that there are a number of areas that the Inquiry may wish to consider in making recommendations to provide further protection for children in foster care. Those include:

- The availability of independent advocacy for children, provided from outside the local authority. That may be appropriate when they raise concerns or complaints, but it may also be appropriate within the child welfare system. At present the child may have no legal representation while both the foster carers and the local authority do.
- The Inquiry should consider how complaints and concerns may be reported in a way that allows independent analysis and escalation rather than decision making devolving solely to the social work services already involved with the child or with the foster carers. Should independent advocacy be legislated and a statutory requirement? Current practice is commissioned by local authorities. Is this truly independent?
- Stronger external scrutiny and reporting pathways in relation to complaints and investigations. It is questionable whether an annual inspection of registered foster services is adequate to recognise abuse. Would a regular common reporting framework increase visibility and scrutiny for organisations to report complaints and outcomes as part of a recognised format that is transparent, alongside annual inspections?

We are obliged to the Inquiry for allowing South Lanarkshire Council the opportunity to provide this further information to the Inquiry. They would be pleased to assist the Inquiry with any further questions arising from this or from the evidence and look forward to receiving the recommendations of the Inquiry in due course.

Yours faithfully



Clyde & Co (Scotland) LLP