

## **Scottish Child Abuse Inquiry**

### **Addendum to the Part A-D response**

- From your answer to Question 5.2(b) on page 132 of your response, we note that you reviewed a total of 7,739 records. Could you please advise if these records related solely to children who had been in foster care? If not, are you able to advise how many of the files related to children in foster care? Are you able to confirm whether these were children's files or foster carer files or both? It would also be helpful to understand how many of these files related to the period before 1984. If you are able to advise us of the number of files in relation to foster care which were examined which broadly relate to the periods listed at your response to Question 5.2(c), that would also be helpful.

The methodology to identify records that were reviewed involved the following:

- All available Foster carer files (from storage and electronic systems)
- Searching current, previous and archived electronic record databases using the following terms: abuse, adopt, adoption, audit, aftercare, carer, carers, child protection, complaints, foster, fostering, guardianship, looked after, placement, residence, welfare

As a result of undertaking searches using these terms, a range of records were identified for review and these included:

- Additional archived foster care files
- Children's files who had been in foster care
- Children's files who had not been in foster care
- Throughcare and aftercare files
- Fostering panel minutes
- Ceased carer payment records
- Legal adoption files
- Child protection files
- Family Centre Files
- Young Person's Centre Files
- Education child protection files
- Lothian Regional Council Finance Committee Minutes
- Lothian Regional Council Social Work Committee Minutes
- Lothian Regional Council Committee and Sub Committee Minutes
- West Lothian County Council Children's Committee Minutes
- West Lothian County Council Welfare Committee Minutes

Therefore, the 7739 records reviewed did not relate solely to children who had been in foster care.

The records reviewed did not only contain children's files and foster carer files but as outlined, included other documents so are referred to as records rather than files.

The number of records relating to children that were reviewed is 5422. These included children's files. These were identified from the key terms database searches and from being referenced in foster carer records.

Of these 5422 records, there were 816 children's records relating to children in foster care and these contained information of relevance for the West Lothian response to the Inquiry. The remaining

4606 children's records may or may not have related to children in foster care but these did not contain information that was considered relevant for the West Lothian Inquiry response.

The number of records relating to foster carers that were reviewed is 1932.

The remaining 385 records that were reviewed were other documents and included for example, the committee minutes referenced above.

The number of records reviewed relating to children from the 816 that were considered relevant for the West Lothian Inquiry response, for the periods listed in the response to Question 5.2 (c) are below:

Pre-1984:	38
1984-1989:	175
1990-1999:	333
2000-2009:	186
2009-2014:	48

There are 8 children's records spanning each of the decades 1984-89; 1990-99; 2000-09; 2010-14. These start in 1989 and finish in 2010. 60 records do not have a date so are not counted against a decade.

It is not possible to report on the number of records relating to foster carers reviewed that relate to the periods listed in the response to Question 5.2 (c). It was not known that this information may have been required by the Inquiry and unfortunately this was not documented at the time.

- In answer to Question 4.1(c)(vi) on page 72, you refer to a guide to making compliments and complaints being available for children who are placed with foster carers, please could you send us a copy of this.

The following are included with this response:

- Children and Families Resource Team Complaints and Comments Guide (includes making a compliment)
- Your Guide to Being Looked After Away From Home (includes making complaints)
  
- At Question 2.1(g), (h) and (l) you refer to the Dennis O'Neil case and other national cases which have contributed to changes in policies. We note from your response to Part D that the local authority found 35 foster carers to have abused children, 1 of whom was convicted (a Lothian Regional Council carer, details of whom are held by Edinburgh City Council) and 5 family members of foster carers were found to have abused children, 1 of whom was convicted. In any of these cases, particularly those giving rise to a conviction, was any significant case review, internal or external independent review commissioned? If so, could you please provide a copy of the findings and advise whether any changes in policy, procedure or practice resulted? If not, again particularly in relation to cases in which there were criminal proceedings or convictions, are you able to advise why no review took place?

There is no record of Significant Case Reviews taking place for the cases detailed in Appendix 2.

In respect of the foster carer convicted, the foster carer, John McCafferty began caring for Lothian Regional Council, [REDACTED] in 1986.

From examination of files held in relation to John ██████ McCafferty, the following is a chronology of key events in relation to concerns or complaints made in relation to John McCafferty.

12<sup>th</sup> February 1988 - a concern is referred to social work services by a GP in relation to child ██████ who is in placement. Dr Buchan advised ██████ reported she found John McCafferty to be intrusive and did not like him cuddling her. ██████ said John McCafferty made crude remarks.

In response, the family placement social worker addressed these concerns with the foster carers the same date. Discussions are documented including responses from John McCafferty for example, that he stated ██████ did not want to be cuddled as much anymore so he does not cuddle her.

26<sup>th</sup> March 1990 - ██████ A child in placement informed their social worker that a friend had been visiting her less frequently due to feeling uncomfortable with the male carer and disliking his way of showing affection, i.e. kissing and cuddling. This was responded to by the child's social worker and foster carer's social worker jointly speaking to the carers about the issues raised.

29<sup>th</sup> March 1990 - ██████ now aged 17 years makes a complaint of a sexual nature relating to John McCafferty from the time when she was in placement with him (between 1986-1988). ██████ raised a number of issues for example feeling uncomfortable with him cuddling her and believing there was a sexual element, waking to find him cuddling and kissing her, that he lingered if she was getting changed. ██████ at this time was ██████. The son was estranged from his parents. This was investigated at the time by the senior social worker and social worker in the Adolescent Placement Team who interviewed the foster carers and reviewed case records from the period of placement.

█████ also reported another child in placement at that time had had similar uncomfortable feelings. It is recorded that ██████ was asked to take the allegation to the Police but was not happy to do so.

June 1990 - A Foster Carer review took place with recommendations that safe caring be addressed, and for continued registration. The foster carer's social worker report for the review refers to concerns regarding John McCafferty. It was noted how demonstrative the family were and that John McCafferty was a "cuddler". There was question about the context in which the allegation had been made as ██████ was estranged and angry with ██████ also stated is that ██████ had made past allegations against other people. The panel felt that the foster carers needed to be helped with self-protective strategies and that there was no evidence to discontinue their approval. It is recorded that The Divisional Director had been kept informed and it is noted the Divisional Director was satisfied with the handling of the matter.

10 May 1992 - the foster carer admitted historical ██████ who were then adults and this resulted in the decision to suspend them as foster carers.

Following the disclosure of ██████ a series of professional case discussion meetings took place with the purpose of sharing information and co-ordinating police and social work action. The police enquiries continued, including interviews of family members and previous foster care children.

The prosecution did not progress in 1992 as the foster carer's ██████ were unwilling to give evidence and there was deemed insufficient evidence to proceed.

John [REDACTED] McCafferty were de-registered as foster carers on 7<sup>th</sup> July 1992. This decision was made by the District Fostering Panel and confirmed by the District Manager in writing on 8<sup>th</sup> July 1992.

In [REDACTED] 1998, a prosecution went ahead when the carer's [REDACTED] gave evidence and with the scope of the investigation broadened by police at that time, the prosecution included previous foster care children giving evidence. John McCafferty was convicted of "shameless indecency".

There is no reference in records to consideration of a Significant Case Review at that time.

Social work historical information was shared at the professional meetings in 1992. A significant case review may have been considered but there is no reference to this in the documentation.

If such circumstances arose currently, the practice would be to consider a Learning Review and for reasoning to be documented for proceeding with a review or not.

In respect of the family member (daughter) of a foster carer who was charged, on [REDACTED] 2002, [REDACTED] was charged with supply of a class A drug on being found in possession in a nightclub. The foster carer's social worker met with the foster carer and daughter who had been charged to discuss the seriousness of the circumstances and implications for fostering. There was discussion relating to the foster carers ceasing caring or for the daughter to move out of the foster carer's home where she had been residing.

While the court case was pending, [REDACTED] moved out from the foster carer's home to stay with another relative. Senior management were informed of the circumstances and the decision this was satisfactory action and the foster carer continued to foster.

[REDACTED] was convicted in 2003 and did not return to reside in the foster carer's home.

There is no information in the records to suggest there was any drug related concern prior to this or that there was any information to suggest that the foster carer had knowledge of a drugs related concern or that any child in placement was aware or affected by the matter. There are other complaints documented in relation to the foster carer as outlined in appendix 2, however none of these were of a similar nature.

The foster carer records show that following the daughter being charged, previous complaints were collated at that time. The matter was addressed by the Family Placement Team staff and consideration given by Senior management relating to the foster carer being permitted to continue caring. There is no reference in the file to a Significant Case Review being undertaken. Such a review may have been considered, however this is not documented in the records.