

Part D – Abuse and Response - Craigerne

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.

Barnardo's Management of Historic Abuse Allegations

Overview of procedure

Prior to 1999, Barnardo's did not maintain a separate database of allegations of abuse. Where a former resident asked for information about their time in care, they were given a summary of their time in care. If, during that contact with our aftercare department, they made an allegation of abuse then it was recorded in their record.

In 1998, Barnardo's appointed a senior manager as the safeguarding lead. In 1999, the organisation produced a Historic Abuse Implementation Plan which included policy and procedural documents based on agreed principles and standards. As part of the plan a review was undertaken of all cases where there had been a disclosure of abuse. A database was created to capture this information.

The database provides basic information about the victim, the nature of the abuse, the timeframe, the location, and the alleged perpetrator if known. The information is compiled from self-disclosures during requests or access to records interviews, police inquiries, and information from third parties. The database is maintained by the senior research and records officer in Barnardo's Making Connections service, managed by the service manager and under the strategic oversight of Sara Clarke, Senior Assistant Director of Children's Services.

Background

Barnardo's current policies, procedures and practices in response to allegations of historical abuse are founded in the Principles and Standards developed by the „Big 5“ children's charities in 1998, with subsequent additions and amendments based on learning from implementation:

Principle 1: Barnardo's listens to, takes seriously and acts in relation to allegations of historical abuse.

Principle 2: Barnardo's promotes the welfare of former service users who allege historical abuse.

Principle 3: Barnardo's safeguards children who may currently be at risk from alleged perpetrators

Principle 4: Barnardo's shares information carefully and makes decisions based on legal and best practice requirements.

Principle 5: Barnardo's provides information to ex staff members and carers about the process of investigation

Definition: "Historical abuse is the actual or likely abuse reported by an adult that she/he, or another person, was abused as a child or young person." This includes allegations about

residential, foster care or adoption and any child care service provided by Barnardo's or another organisation. It includes physical, emotional and sexual abuse and also neglect. It does not include a standard of care that was accepted at the time but would not be accepted now.

The external stakeholders in the processes of managing historical abuse are:

- a) service users;
- b) police forces;
- c) courts, the crown prosecution service and solicitors representing defendants;
- d) solicitors acting for us in criminal hearings;
- e) our insurers;
- f) solicitors acting for us, commissioned by our insurers;
- g) solicitors commissioned directly by us where we are not on insurance.

Development and maintenance of trust is crucial to our work with external stakeholders. It enables us to influence processes, facilitate communication and access relevant information at an early stage.

Organisational Structure

The management of historic abuse is located centrally. On occasion there might be specific reasons for the Region or Nation to play a significant role, currently for example, the Historic Institutional Abuse Inquiry in Northern Ireland.

The management of historic abuse within Barnardo's is collaborative, involving:

- Senior Assistant Director of Children's Services (SADCS) – Programme Director with overview, management of external relationships and personal injury claims.
- Making Connections - responsibility for ex-service users' welfare.
- People Team - access to records of ex staff.
- Insurance – management of relationship with insurers.
- Media – protection of Barnardo's reputation.
- Company Secretary – general legal advice and interface with trustees

The management of criminal investigations and damages claims following allegations of historical abuse, is built on separation of responsibilities:

- Making Connections staff deliver „duty of care“ to service users, while
- SADCS manages the external processes with Police, CPS, Courts, Solicitors and Insurers.

This separation is based on an understanding of external stakeholder interests, and the potential conflicts of interest between, for example, ex-service users and the police, or insurers and claimants' solicitors; these potential conflicts need to be carefully managed.

Making Connections

The majority of allegations of Historical Abuse are made to Making Connections. Former service users who have experienced abuse and neglect as children in Barnardo's reconnect with ambivalence and anger, deep discomfort and guilt.

Making Connections" staff work to achieve positive and helpful relationships, by listening, identifying appropriate assistance, and advocating on behalf of service users when their allegations move into the arena of police investigation or litigation.

All allegations of criminal acts that took place within the last 50 years are reported to the police; any exceptions to this are reviewed against clear criteria e.g. the alleged abuser is known to be dead. If ex-service users are unwilling to engage in the process of police investigation, by providing a statement, the information, including all known detail about the alleged perpetrator, is passed on to police without the informant's identifying details.

The role of the SADCS

The SADCS with lead responsibility for historical abuse is Sara Clarke. Her role is to provide a link and buffer between staff whose main role is to support ex-service users, and the legal / criminal investigation world in which allegations and claims are considered.

The SADCS has a strong grasp of police investigations and significant personal injury claims, enabling clear internal management and communication, as well as credibility in working with external stakeholders

The SADCS's Responsibilities include:

- Reviewing all allegations, assessing cases and agreeing action;
- Ensuring client issues and needs are addressed and considering other stakeholder interest – primarily insurance;
- Monitoring referrals from Making Connections to the police or Social Services;
- Managing information-gathering for disclosure to external agencies in major police investigations or litigation processes;
- Reviewing internal practice and external environment e.g. House of Lords decision on Limitation;
- Managing interactions with police, CPS, solicitors and others, and all disclosure requests;
- Appraising media and senior management (head office and regional or national as appropriate) of serious concerns;
- Developing positive working relationships with external stakeholders to ensure we are informed and able to be proactive in protecting the reputation of Barnardo's.

Media

In relation to all criminal hearings and major damages claims, considerable work takes place to prepare for media interest. This requires close liaison with media colleagues from head office and regional or national, to review risks to the organisation and develop strategies and briefings to cover various outcomes.

Insurance

Since the development of Barnardo's current processes in 1999/2000, insurers have moved to a co-operative process, citing the following key contributory factors:

- Swift access to substantial documentation;
- Flexibility of approach enabling a high level of co-operation and communication;
- Willingness to participate in conferences, discussion and settlement strategies; and
- Appreciation of areas of potential conflict in abuse matters and recognition of insurer's interests and concerns.

Current relationships with insurers enable us to discharge our responsibilities for the welfare of ex-service users. By discussing openly our approaches to clients and appreciating potential negative implications for our insurers in the event of future claims, we have succeeded in building understanding and trust.

Disclosure of information

The management of damages claims and police criminal investigations requires significant research in case files, staff files, management reports and other contextual material. Research rarely reveals recording of abusive events, but can serve to place events referred to in the claim / criminal allegation within the context of the period, providing a „time-line“.

Feedback from Operation Orchid was complimentary about our work on disclosure, but also addressed the issue of trust: “a position of mutual trust and respect has enabled our respective responsibilities to be easily met both to the advantage of the investigation and the former service users of Barnardo's”.

In undertaking disclosure, we work to meet legal requirements, reviewing every request separately. We consider all requests, with or without consent from the ex-service user, against criteria of purpose, relevance, confidentiality, public interest and legality (ref: Article 8 of the Human Rights Act 1998 and Section 35 of The Data Protection Act 1998).

Ex-service users are encouraged to decide for themselves about disclosure of their records to the police, taking independent legal advice on the implications. If they decide against controlling this process themselves, we require their consent for a police disclosure request.

We have experience of ex-service users' files being used in criminal court by the defence to undermine the credibility of ex-service users making allegations. This process is psychologically damaging to ex-residents. In criminal proceedings, therefore, we usually request the court to consider whether it is in the public interest for case files to be made available. The court will examine each requested file against legal criteria. Where appropriate, for PII hearings, we commission legal assistance in court.

We disclose to police on request, basic information about former staff members, where known: place and period of employment, date of birth and current whereabouts.

Section 29 of the Data Protection Act 1988 allows disclosure without permission from the former staff member.

We offer, via investigating police officers, a leaflet of advice for ex-staff members and carers who have been contacted by the police in relation to investigations of historical abuse.

Damages Claims against Barnardo's

Most damages claims against Barnardo's are managed by solicitors appointed by our insurers. Where claims arise from a historical period not covered by insurance, they are managed by solicitors appointed by us. Our insurers are kept broadly informed of developments in these cases also.

The records of ex-service users and ex-staff are made available to our insurance managers and solicitors managing damages claims.

Reconciliation

Some ex-service users request to meet and confront senior managers at Barnardo's to discuss their experiences of abuse and poor care, and to seek some resolution. As a result, a practice of „reconciliation“ has been developed which our main insurers have described as „cutting edge“.

In managing these requests, the primary intention is to achieve a positive outcome for ex-service users. However, there are potential legal complications: police investigations may be ongoing and civil proceedings could still be brought. To address these potential complications:

- a) Making Connections engage in detailed discussions with ex residents;
- b) Lead SADCS reviews case histories and engages in discussions with insurers and solicitors to consider risk.

A small number of “reconciliation” meetings have taken place, experienced by ex-service users as helpful as a response to the long term effects of their childhood abuse. All these processes have culminated in qualified apologies. In one case, the individual progressed to litigation against Barnardo's.

The police investigation and the criminal process

In making a decision about whether and how to investigate, police authorities are required to consider their action in relation to The Human Rights Act 1998. This includes considering Justification, Proportionality and Intrusiveness.

After referring allegations to the police, we assist them to access information in relation to staff, other residents and the management of the home

When police open a major investigation, Regional and National managers of Children's Services will meet to discuss:

- Working practice with the Investigating Police force;
- Information sharing;

- The welfare needs of ex-service users involved in the investigation;
- Media issues;
- Links with other agencies i.e. local authorities;
- Other relevant “risk” issues or concerns.

Witness Support

The SADCS or Barnardo’s representative will attend court each day of a criminal trial to provide support to witnesses, both former service users and staff. This can often be a traumatic experience and the importance of Barnardo’s presence cannot be underestimated; both as an acknowledgement and validation of a victim’s experience and a demonstration of the importance that Barnardo’s places on historical allegations today.

Outcomes attributable to the management of allegations of historical abuse

- Former service users alleging abuse receive a sensitive response from Making Connections: separation of roles ensures ex-service users’ needs and requirements are promoted during civil litigation and criminal processes without complication from requirements of external stakeholders;
- Relationships with external stakeholders are positive, with potential conflicts addressed;
- A working process regarded as appropriate by internal colleagues is well-established;
- When reconciliation was introduced with individuals in England, Wales and Scotland it was considered “cutting edge” by Barnardo’s principal insurers.
- Positive and constructive relationships with the police have been developed during major investigations;
- Enabled a range of responses to be offered in a timely fashion, according to the wishes and presenting needs of the individual survivor.
- All legal requirements for the disclosure of documents in criminal and civil cases are met;
- Organisational anxiety about risk is informed and well managed.

5. Abuse

5.1 Nature

- i. What was the nature of abuse and/or alleged abuse of children cared for at the establishment, for example, sexual abuse, physical abuse, emotional abuse?

There have been allegations of sexual abuse. Please see Appendix 1 for further details.

5.2 Extent

- i. What is the organisation/establishment's assessment of the scale and extent of abuse of children cared for at the establishment?

Barnardo's is aware of disclosures of sexual abuse made by two former residents at Craigerne between 1958 and 1965.

Gender	Date range of alleged abuse	Nature of abuse
Male	1958 – 1962	sexual abuse
Male	1962 - 1965	sexual abuse repeated

We would refer you to Appendix 1.

- ii. What is the basis of that assessment?

Disclosures made as adults by former residents of the home.

- iii. Against how many staff have complaints been made in relation to alleged abuse of children cared for at the establishment?

Complaints have been made against a teacher. A complaint was also made against a social worker. Please see Appendix 1 and Appendix 4.

- iv. How many staff have been convicted of, or admitted to, abuse of children cared for at the establishment?

No former member of staff has either admitted to or has been convicted of abuse at Craigerne.

- v. How many staff have been found by the organisation/establishment to have abused children cared for at the establishment?

Disclosures have been made relating to one named teacher at Craigerne.

A report dated [REDACTED] 1963 investigated an incident with the named teacher where he admitted to "smacking both boys on the head." This incident is not recorded in either boy's case files. They are not the same persons who

reported sexual abuse as an adult.

- vi. In relation to questions iii – v above, what role did/do those members of staff had/have within the organisation/establishment?

- Male teacher

- vii. To what extent did abuse and/or alleged abuse of children cared for at the establishment take place during off-site activities, trips and holidays?

The disclosures that have been made indicate that the abuse occurred in the house or gardens of Craigerne.

- viii. To what extent was abuse and/or alleged abuse of children cared for at the establishment carried out by visitors and/or volunteers to the establishment?

There has been one disclosure of abuse carried out by a named social worker from the children’s department.

- ix. Have there been allegations of peer abuse?

Barnardo’s is not aware of any reported allegations of peer abuse at Craigerne.

5.3 Timing of Disclosure/Complaint

- i. When were disclosures and complaints of abuse and/or alleged abuse of children cared for at the establishment made to the organisation or establishment?

When was disclosure made	How was disclosure made
29.03.05.	Through Lothian and Borders Police
21.08.07.	Through a letter of claim from George Mathers & Co.

Appendix 1 contains further information about the timing of complaints.

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

Barnardo’s is not aware of disclosures made at the time. This is no reference

to disclosures of abuse or complaints in the child care files held by Barnardo's.

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

Both disclosures have been made as adults.

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

Both disclosures name the same teacher as the alleged perpetrator.

5.4. External Inspections

- i. What external inspections have been conducted relating to children cared for at establishment which considered issues relating to abuse and/or alleged abuse of children?

Barnardo's is not aware of any external inspections conducted relating to children at Craigerne which considered issues relating to abuse.

For each such external inspection please answer the following:

- ii. Who conducted the inspection?

N/A.

- iii. Why was the inspection conducted?

N/A.

- iv. When was the inspection conducted?

N/A.

- v. What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children?

N/A.

- vi. What was the organisation/establishment's response to the inspection and its outcome?

N/A.

- vii. Were recommendations made following the inspection?

N/A.

- viii. If so, what were the recommendations and were they implemented?

N/A.

- ix. If recommendations were not implemented, why not?

N/A.

5.5 External Investigations

- i. What external investigations have been conducted relating to children cared for at the establishment which have considered issues relating to abuse and/or alleged abuse of children?

Barnardo's is not aware of any external investigations conducted relating to children at Craigerne which considered issues relating to abuse, other than those conducted by the police. See answer 5.12 below.

For each such external investigation please answer the following:

- ii. Who conducted the investigation?

N/A.

- iii. Why was the investigation conducted?

N/A.

- iv. When was the investigation conducted?

N/A.

- v. What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children?

N/A.

- vi. What was the organisation/establishment's response to the investigation and its outcome?

N/A.

- vii. Were recommendations made following the investigation?

N/A.

- viii. If so, what were the recommendations and were they implemented?

N/A.

- ix. If recommendations were not implemented, why not?

N/A.

5.6 Response to External Inspections/Investigations

- i. What was the organisation's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse, of children cared for at the establishment?

If there had been any inspections or investigations relating to abuse at Craigerne Barnardo's would have followed the Child Protection or equivalent Policy in place at the time.

Today, Barnardo's has a robust Safeguarding & Protecting Children Policy

and Procedure (Children's Services) which is reviewed on an annual basis.

Section 12 of the Policy relates to Multi-Agency Case and Serious Case Reviews and Equivalent Processes, and provides details of the processes to be followed when Barnardo's is to be involved in a case under review (significant case reviews in Scotland).

- ii. What was the organisation's procedure/process for responding to the outcomes of such external inspections and/or investigations?

If there had been any inspections or investigations relating to abuse at Craigerne Barnardo's would have followed the Child Protection or equivalent Policy in place at the time.

Section 12.8 of the current policy states that:

1. The Assistant Director and Region/Nation Director must decide how feedback is given to those staff members/teams implicated in the IMR/ICR.
2. Consideration should be given to the author/s of the report conducting the briefing.
3. The Head of Corporate Safeguarding will undertake annual analysis and make an annual report to Children's Services Management Team (CSMT) outlining key messages and learning.

- iii. What was the organisation's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

If there had been any inspections or investigations relating to abuse at Craigerne Barnardo's would have followed the Child Protection or equivalent Policy in place at the time.

Section 12.7 of the current policy address the implementation of recommendations and states that:

1. The Barnardo's Individual Management Report (IMR) Action Plan Template must be used unless local LSCB/CPCs have an alternative.
2. Copies of Barnardo's Individual Management Reports/Initial Case Reviews including the action plans must be forwarded to the Head of Corporate Safeguarding. The Head of Corporate Safeguarding is responsible for ensuring that any organisational learning is appropriately shared and informs policy and training.
3. Copies of executive summaries and any Ofsted evaluation (or Nation equivalent) of Barnardo's authored overview reports must be forwarded to the Head of Corporate Safeguarding.

The Region/Nation Director must ensure the implementation of all the actions within the action plan, within agreed timescales and feedback on progress to the Head of Corporate Safeguarding on a quarterly basis until the actions have been completed.

5.7 Impact

- i. What is known about the impact of abuse on those children cared for at the establishment who were abused, or alleged to have been abused?

It is very difficult to answer this question in general terms as each individual's experience is unique to them. All children who were placed in Barnardo's care had experienced early life trauma prior to admittance whether through family death, separation, abandonment, abuse or neglect.

All those who disclosed abuse as adults did so during an access to records interview when their primary focus was to find out information about their early life and family. The access to records process in itself invokes a wide range of emotions including, pain, sadness, disappointment and anger not necessarily associated with a disclosure of abuse.

How the recipients evaluated and assimilated the new information had a significant bearing on whether they chose to disclose abuse at that time and the impact it has had on their life. For many people the process of reflection and review takes place over many years and is influenced by a whole range of events, relationships, achievements, losses and so on which have different meanings at different points in their lives. This explains why so many people have waited many years to come forward, wanting to share their experiences of residential care, good and bad, and now feel able to disclose abuse.

For some people who have disclosed abuse the impact was short term, for others it has lasted a lifetime. Some of the long term effects of abuse that have been disclosed to social workers are:

- Difficulties in forming or sustaining relationships
- Inability to parent effectively
- Emotional difficulties such as low self-esteem, anxiety, sadness and anger
- Mental health problems such as depression, post-traumatic stress disorder (PTSD), eating disorders, self-harm and suicidal thoughts
- Difficulties with alcohol and drugs
- Anti-social or criminal behaviour, often leading to criminal convictions
- Poor concentration and educational attainment

- ii. Where does the organisation/establishment's knowledge/assessment of that impact come from?

Barnardo's assessment of the impact on adults who were abused as children comes from many years of providing an access to records service through the Making Connections service.

- iii. What is known about the impact of abuse on the families of those children cared for at the establishment who were abused, or alleged to have been abused?

Barnardo's is aware of one named teacher against whom allegations of abuse have been made. The other named alleged abuser was a children's department social worker.

- iv. Where does the organisation/establishment's knowledge/assessment of that impact come from?

Barnardo's assessment of the impact on adults who were abused as children comes from many years of providing an access to records service through the Making Connections service.

5.8 Known Abusers at Establishment

- i. Does the organisation/establishment know of specific abusers, or alleged abusers, of children cared for at the establishment?

Barnardo's is aware of 1 named teacher against whom allegations of abuse have been made. The other named alleged abuser was a children's department social worker.

A list of named alleged abusers is contained within Appendix 4.

- ii. If so, what are the names of the abusers, and/or alleged abusers?

The names have been incorporated into the table below under iii.

- iii. 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 cared for at the establishment
 - the role they had in the organisation/establishment during the period of abuse and/or alleged abuse
 - where they worked prior to, and following, their time at the organisation/establishment

- the knowledge sought or received about them by the organisation/establishment at the point of recruitment, and while they were at the establishment
- any information sought by, or provided to, future employers or third parties after they left the establishment, including regarding abuse or alleged abuse

Name	Dates of abuse	Role	Employment before/after Recruitment Information sought
BDS	1958-1965	Teacher	Please see Appendix 4.
QFA	1958 – 1962		Please see Appendix 4.

- iv. Were known abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation?

Barnardo's is not aware of either of the above moving between establishments run by the organisation.

- v. If so, why was this considered to be appropriate?

N/A.

- vi. If so, what process of monitoring/supervision followed at the new establishment?

N/A.

5.9 Specific Complaints

- i. How many specific complaints of abuse of children cared for at the establishment have been made to the establishment/organisation?

Details of specific complaints can be found in Appendix 1.

For each specific complaint, please answer the following:

- ii. Who made the complaint?

Please see Appendix 1.

- iii. When was the complaint made?

Please see Appendix 1.

- iv. Against whom was the complaint made?

Please see Appendix 1.

- v. What was the nature of the complaint?

Please see Appendix 1.

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

Please see Appendix 1.

- vii. What was the organisation/establishment's process and approach in dealing with the complaint?

Please see Appendix 1.

- viii. What was the organisation/establishment's process and approach for investigating the complaint?

Please see Appendix 1.

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

Please see Appendix 1.

- x. Did the organisation/establishment provide a specific response to the complaint?

Please see Appendix 1.

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

Please see Appendix 1.

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

Please see Appendix 1.

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

Please see Appendix 1.

- xiv. If not, why not?

Please see Appendix 1.

5.10 Civil Actions

- i. How many civil actions have been brought against the organisation and/or establishment relating to abuse, or alleged abuse, of children cared for at the establishment?

No civil actions have been brought against Barnardo's relating to alleged abuse of children cared for at Craigerne.

Two letters of claim were received on behalf of former residents. These cases were never litigated. Please see Appendix 2.

For each such civil action, please answer the following:

- ii. Who brought the action?

N/A.

iii. When was the action brought?

N/A.

iv. Against whom was the action brought?

N/A.

v. What was the nature of the abuse, or alleged abuse, to which the action related?

N/A.

vi. What were the names of the persons said to have, or alleged to have, committed abuse?

N/A.

vii. When/over what period was the abuse said, or alleged, to have taken place?

N/A.

viii. How did the action progress?

N/A.

ix. What was the outcome?

N/A.

x. Was the action settled on a conditional basis of confidentiality?

N/A.

xi. Who was/were the organisation/establishment's legal representative(s) in relation to the civil action?

N/A.

- xii. Did the organisation/establishment carry insurance for meeting civil claims at the time the action was live?

N/A.

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

N/A.

5.11 Criminal Injuries Compensation Awards

- i. Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for at the establishment?

Barnardo's is not aware of any criminal injuries compensation having been awarded in respect of abuse or alleged abuse at any of the named establishments.

- ii. If so, please provide details if known.

N/A.

5.12 Police

- i. How many complaints of abuse of children cared for at the establishment have been made to the police?

Barnardo's did not refer the two allegations of abuse to police. Barnardo's is not aware of any other complaints having been made to police in relation to child abuse at Craigerne.

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

- ii. Who was the alleged abuser?

N/A.

- iii. Did the police conduct an investigation in relation to the complaint?

N/A.

- iv. If so, who conducted the investigation and when?

N/A.

- v. What was the outcome of the police investigation?

N/A.

- vi. What was the organisation/establishment's response?

N/A.

5.13 Crown

- i. To what extent has the Crown raised proceedings in respect of allegations of abuse of children cared for at the establishment?

Barnardo's is not aware of the Crown having raised proceedings in respect of allegations of abuse of children cared for at Craigerne.

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

- ii. What is the name of the person(s) against whom the proceedings were raised?

N/A.

- iii. What was the nature of the charges?

N/A.

- iv. What was the outcome of the proceedings, including disposal/sentence if there was a conviction?

N/A.

- v. What was the organisation/establishment's response to the proceedings and outcome?

N/A.