

## Sycamore Report

### Part A - Background

The majority of the questions relating to the “past” have been approached in terms of three distinct time periods within the organisation’s history. Each time period is identified and explained within the table in Appendix 1 to this report. The child care legislation relevant to each time period is included within this table.

Throughout this report references to each time period shall be to the “Orphanage Years”, the “Group Home Years” and the “Service Years” as identified and explained within Appendix 1.

The information contained within this report is based on an investigation of the organisation’s records between 1930 and present day. The records reviewed include the minutes of meetings of the organisation’s governing body and relevant management committees; HR records so far as these are available during this period (please note that HR records are not generally retained for longer than seven years); and individual case records of residential service users have also been examined where specific allegations or complaints of abuse involving those service users have been made.

The organisation has access to extensive records within its archives, including individual child records. It is likely to be possible to locate and review individual child records if specific allegations are raised.

Please note the establishment is currently comprised of 5 houses operating as the “Sycamore Cluster”. The dates on which each house opened are contained in Appendix 3.

The establishment operated as the “Sycamore Cluster” between 1983 and present day. The information below relates to the period 1983 to present day unless stated otherwise.

### 1. Characteristics

#### 1.1 History of the organisation and establishment

##### Past

##### i. **When, how and why was the organisation founded?**

**When:** the organisation was founded in 1875 by Canon Charles Jupp as an orphanage.

The initial undertaking in 1875 was to house four children at a location known as “Burnside Cottage”. This initiative was funded by Miss Macpherson Grant of Aberlour.

A further bequest of £8000 in 1882 enabled the construction of a larger orphanage and accompanying facilities.

**How:** the original Burnside Cottage residence and the original orphanage building were set up and managed by Canon Jupp and his wife, funded by Miss Macpherson Grant and the further bequest referenced above.

The organisation was set up with a governing body and constitution setting out its purposes.

The government and management of the endowments administered by the Orphanage were administered under a Trust Scheme under the Educational Endowments Acts. The first Trust Scheme recorded within the organisation’s historic records is the Aberlour Orphanage Trust Scheme 1934 which amended the founding constitution of the organisation.

During the 1800s the care of destitute children and families was undertaken on the most part by religious organisations and individuals. The Episcopalian Church (the "Church"), of which Canon Jupp was part, supported the establishment of an orphanage and the Orphanage was initially established under the banner of the Church to be conducted upon the principles of the Church.

The organisation benefitted from the support of the Church, the members of which have fundraised for, and donated to, the organisation to differing degrees throughout its existence.

The organisation's first Board of Governors was made up primarily of members of the Episcopalian Church but the Church as an entity did not have control over those Governors or the organisation.

**Why:** the organisation was set up to meet the needs, identified by Canon Jupp (or Reverend Jupp as he was at the time), of children in Scotland, including the need for residential care where children could no longer live with their families.

Canon Jupp came across many "destitute" children living in Scotland's cities during the 1860s and 1870s. These children often had no family to care for them, either because family members had died or abandoned the children or because family members were in such severe poverty or ill health they could not support the children. These children lived on the streets in poor health, poverty and with limited prospects for their future.

Canon Jupp was of the opinion that **"every child has the ability and indeed the right to grow up and flourish"** and he saw the importance of providing children with a safe home in which to live and develop. For this reason Canon Jupp committed the remainder of his life to providing a home and education for children who could not be cared for by their families.

Part of the reason for choosing Aberlour as the location for the Orphanage was to allow the children to leave the cities and the dangers therein, not least of which was perceived to be the city smog. Canon Jupp believed the children would thrive in the clean countryside air.

Canon Jupp did not have his own funds to establish an orphanage but he was an innovative and persistent fundraiser, starting with his arrangement with Miss Macpherson Grant for whom Reverend Jupp (as he was at the time) agreed to be a private chaplain on the basis that Miss Macpherson Grant would fund the development of an orphanage with accompanying school, rectory and church. The development of the orphanage from the initial cottage housing four children to a building housing 30 and then 100 and finally 500 children was driven by Canon Jupp's fundraising efforts which involved travelling around Scotland building support for the Orphanage and holding second hand sales (which became known as "Jupp Sales" and which were enjoyed by the communities in which they were held).

- ii. **What part did the provision in Scotland of residential care (including foster care) for children play in the organisation's purpose, operation and activities?**

**The Orphanage Years:**

The organisation was founded for the purpose of providing residential care to children in Scotland and the operations and activities of the Orphanage were focused on the provision of residential care to children in Scotland.

The organisation operated an orphanage (with accompanying facilities including a school, church, laundry and swimming pool).

#### **The Group Home Years:**

In the 1960s the organisation examined the opportunities for transitioning to a smaller group home structure in accordance with Government recommendations at that time. The first group home (Constitution Street, Aberdeen) was opened in 1962, closely followed by the second (The Dowans, Aberlour) in 1963 and further homes were opened between this date and 1967 at which time the Orphanage closed.

Throughout this period the organisation's purposes continued to be the provision of residential care to children in Scotland and its operations and activities (i.e. the operation of group homes) were for this purpose.

#### **The Service Years:**

Throughout the 1980s the organisation experienced a further change in focus as public policy (i.e. local authority policy) moved from accommodating children in group homes towards fostering and similar services. During this time the organisation's services diversified and the group homes were either wound down in response to the service-requirement or their purposes were changed to meet new needs. By 1987 only one group home remained in operation.

During this time, the provision of residential care still formed a part of the organisation's purposes, operations and activities but the residential care services operated were developed by the organisation for more focused purposes. For example, these included respite care or care for children with disabilities or severe behavioural problems.

In 2002 the organisation opened its first fostering service through a family-based scheme where approved foster carers provide regular respite breaks for children and young people up to the age of 18. The organisation's second fostering service commenced in 2004. This second service was linked to and enhanced the work carried out within the Sycamore project. Children resident within the Sycamore residential services often received respite care through this fostering service.

Those services with a residential care or fostering element which operated during this period are set out within Appendix 3.

#### **iii. When and how did the organisation become involved in the provision of residential care (including foster care) for children in Scotland?**

**When:** The organisation has been involved in the provision of residential care for children in Scotland from the date on which its operations commenced in 1875.

The organisation has been involved in the provision of foster care since 2002.

#### **How:**

Details of the residential care services provided by the organisation from 1930 to date are set out in detail within Appendix 3.

**The Orphanage Years:** Canon Jupp, the organisation's founder identified a need for residential care for those children who could no longer live with their families and established the Orphanage, with the support of funders, to provide for this need. Further details about how the organisation became involved in the provision of

residential care in terms of the Orphanage Years are set out within question 1.1.i. above.

**The Group Home Years:** As for the Orphanage Years. During this period the organisation recognised the benefits of providing residential care for children within smaller family group homes rather than within one large establishment such as the Orphanage and adjusted its care structure accordingly.

**The Service Years:** As the organisation's services diversified the organisation, generally in partnership with local authorities, identified the needs for specific types of residential care (such as respite care or care specifically designed for children with disabilities or severe behavioural problems) in different locations. With local authority support the organisation was able to meet these needs.

iv. **Why did the organisation consider that it had the competence to be responsible for, and manage the care of, children in establishments?**

**The Orphanage Years:**

The organisation has, since it was established, sought to provide suitable accommodation for the children resident with it. Having in place appropriate accommodation was part of the organisation's assessment as to why it was competent to provide residential child care. In the initial period of the Orphanage's operations the Poor Laws supported the boarding out of children who could not live with their parents. Canon Jupp responded to a need that he identified across Scotland at that time.

During this period the residential premises operated by the organisation were registered with the Secretary of State in accordance with The Children Act 1948. In accordance with this legislation the Secretary of State had the right to enter and inspect residential care facilities. The Secretary of State did exercise this right and made regular inspections of the Orphanage, as recorded within the organisation's historic records.

Historic records also show that during this period local authorities placing children at the Orphanage inspected the Orphanage from time to time

The organisation either received favourable inspections or carried out works to meet the recommendations made by these bodies.

The organisation complied with the regulatory requirements of operating a residential establishment (contained under, for example, the Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959).

During this period there were limited regulations and guidance regarding the level of education and certification which staff employed by residential care organisations were required to have. However, historic records show that where possible, the organisation sought staff responsible for, and managing, the residential care of the children in the Orphanage who had relevant experience (past work experience and references within child care) and/or who had undertaken relevant training and certifications (for example qualifications in child care, residential care or social work). The competence of such staff for providing and managing residential child care was part of the organisation's competence for such as a whole.

**The Group Home Years:**

After careful consideration of the policies and recommendations in relation to residential care for children at this time, the organisation transitioned from one care establishment (the Orphanage) to a group home structure. The reason for doing so was that this had been identified (from a public policy point of view and internally within the organisation) as the best environment in which to provide residential child care.

By way of explanation, the group home structure advocated by the Government and which was adopted by the organisation involved the provision of residential child care within a "family home" environment. This involved providing a home for between 7 and 15 children within a house (usually stately homes were used due to their size) with one or two "live-in" houseparents who were supported by a number of assistant and relief houseparents and domestic staff who worked shifts.

During this period the ability to provide residential care in the group home structure was one of the reasons the organisation considered it was competent to provide care to children.

During this period local authorities took over the registration and inspection of residential establishments (under the Social Work (Scotland) Act 1968) and historic records show that the organisation's group homes were registered with the relevant local authorities and that inspections of the group homes by those local authorities took place.

As explained above, the organisation continued to recruit competent staff, although as yet there were few if any regulations and guidance regarding the training of residential care staff.

Again, the organisation sought to provide accommodation for children resident within its services which was tailored to their needs. In most cases the organisation either custom-built or custom-renovated premises for use as group homes.

For each of these reasons the organisation considered it was competent to provide residential care to children.

#### **The Service Years:**

By this stage the organisation was operating with a background of over one hundred years of residential child care provision.

During this period the organisation's establishments were registered with the local authorities (under the Social Work (Scotland) Act 1968) as set out above and later, with the Care Inspectorate (formerly the Care Commission but referred to within this report as the "Care Inspectorate") (under the Regulation of Care Act 2001).

Local authorities continued to inspect and report on the organisation's establishments and, as of 2001, the Care Inspectorate carried out regular inspections in accordance with its obligations under the relevant legislation, policies and procedures. The organisation would not have been competent to provide residential child care without obtaining registration and ongoing favourable inspections from the Care Inspectorate.

Records reflect the organisation's practice of implementing recommendations made by the Care Inspectorate.

As of 2009 any individual working with children in residential care was required to hold a relevant HNC (preference was HNC in Social Care) and SVQ Level 3 (which could be in Care, Health and Social Care, Caring for Children and Young People or

Promoting Independence). Managers were expected to have reached SVQ level 4 and have a relevant management qualification.

In addition, a criminal record check was carried out on any individual working with children in any capacity. The organisation applied such practices to all staff.

As in previous years, the organisation continued to utilise tailored premises to provide residential care for children.

Each of these factors indicates why the organisation considered it was competent to provide residential child care.

**v. How many establishments did the organisation run, where were they located, over what period were they in operation, and what were their names?**

The organisation does not retain a record of every establishment operated by the organisation in the past. A history of the establishments run by the organisation between 1930 and present day has been drawn from historic records and a list of the establishments of which the organisation is aware is included at Appendix 3. This list sets out the name of each establishment (as referenced within historic records), their location (in as much detail as possible), the dates on which each opened and the dates on which each closed.

It is not possible to confirm that this is an exhaustive list of all establishments operated by the organisation and the dates included within this table are estimates.

**vi. When, how and why was each of these establishments founded?**

**When and why:**

Please see Appendix 3 which includes a table setting out each establishment which was operated by the organisation and of which the organisation is aware at present. This table includes detail of when each establishment was founded and the purposes for which it was founded (e.g. "residential care").

**How:**

**The Orphanage Years:** Canon Jupp, the organisation's founder identified a need for residential care for those children who could no longer live with their families and established the Orphanage, with the support of funders, to provide for this need.

Further detail regarding the way in which and the reasons why the Orphanage was founded are set out within question 1.1.i. above.

**The Group Home Years:** The organisation identified the benefits of providing residential care for children within smaller family group homes rather than within an institution such as the Orphanage and established a number of residential group homes for this purpose. The children previously resident at the Orphanage were transferred into these group homes and children referred to the organisation by local authorities thereafter were offered places within these group homes.

Suitable locations for each group home were identified in partnership with the relevant local authority and in response to a need identified within that area.

For example, prior to the establishment of the first group home in Constitution Street, Aberdeen, the organisation had identified the need for a home for girls over school age but who still fell under public care (until they were 17 years old). These girls usually had jobs or were involved in ongoing education. The organisation became

aware of this need through assisting girls leaving the Orphanage to find a new residence and the local authority agreed such provision would be useful.

**The Service Years:** As the organisation's services diversified the organisation, generally in partnership with local authorities, identified the needs for specific types of residential care (such as respite care or care specifically designed for children with disabilities or who required additional support) in different locations.

With local authority support the organisation would identify a suitable location for each establishment and suitable children requiring care and was able to meet these needs.

**vii. In the case of any establishment which is no longer in operation, when and why did it cease operating?**

Please see Appendix 3 which includes details of each establishment operated by the organisation (of which the organisation is aware). This table includes the dates on which each establishment ceased to operate and the reasons for closure.

Please note that it is not possible to confirm whether this is an exhaustive list of all establishments operated by the organisation and the dates included within this table are estimates only.

**viii. If the organisation itself is no longer involved in the provision of residential care for children in Scotland, when and why did it cease to be so involved?**

The organisation continues to be involved in the provision of residential care for children in Scotland.

**ix. If the organisation was founded as a religious order by members of a particular faith or church, what was the precise relationship between the order and the religious hierarchy within that faith or church?**

The organisation was not founded as a religious order. As noted in the responses above, the organisation did have historical links with, and has benefitted from the support of the Episcopalian Church.

**x. Within the faith or church to which the religious order belonged, what degree of autonomy was enjoyed by the order in relation to the provision of residential care for children in Scotland?**

The organisation was not founded as a religious order.

**xi. In the case of establishments that were run by members of a religious order, what degree of autonomy within the order itself was enjoyed by such members?**

The organisation was not run by members of a religious order.

**Present**

**xii. With reference to the present position, are the answers to any of the above questions different?**

Yes.

**xiii. If so, please give details.**

**Question 1.1(ii) - What part did the provision in Scotland of residential care (including foster care) for children play in the organisation's purpose, operation and activities?**

The current purposes of the organisation (as set out within Appendix 2) include the provision of "care" and "accommodation" to:

- a) children and young persons who are in need of care, protection, assistance and/or training;
- b) in exceptional circumstances, those who were previously children or young persons assisted by the organisation who remain vulnerable and/or disadvantaged and therefore remain in need of care, protection, assistance and/or training; and
- c) vulnerable and/or disadvantaged adults whose assistance by the organisation will provide care, protection and/or assistance to children and young persons.

The organisation carries out these purposes by providing the current services listed in Appendix 3 (in particular, the Fostering Services, Sycamore Services and Options Services detailed therein) along with other services.

The Highland Sycamore services commenced on 1 April 2017. Further details of these services are set out within Appendix 3.

**1.2 Funding of Establishment**

**Past**

- i. **How were the establishment's operations and activities, so far as relating to the provision of residential care for children, funded?**

The establishment's operations and activities relating to the residential care of children were funded by:

- a) charitable donations and legacies (such funding was usually used to provide additional activities or facilities to children);
- b) investment income of the organisation which was allocated to the establishment;
- c) payments by the local authorities placing children at the establishment (the main source of funding which facilitates the core functions of the establishment).

- ii. **Was the funding adequate to properly care for the children?**

Yes.

- iii. **If not, why not?**

The funding was adequate to properly care for the children.

- iv. **What state support did it receive?**

Payments were made by the local authorities placing children at the establishment. There is no evidence of any additional state support which has been received.

**Present**

- i. **If the establishment continues to provide residential care for children, how is that funded?**



The establishment's operations and activities relating to the residential care of children are funded by:

- d) charitable donations and legacies (such funding was usually used to provide additional activities or facilities to children);
- e) investment income of the organisation which was allocated to the establishment;
- f) payments by the local authorities placing children at the establishment (the main source of funding which facilitates the core functions of the establishment).

ii. **What state support does it receive?**

Payments are made by the local authorities placing children at the establishment. There is no evidence of any additional state support which has been received.

### 1.3 Legal Status

#### (a) Organisation

##### Past

i. **What was the legal status of the organisation since it was founded?**

The organisation was founded as an orphanage, an "institution" designated "The Scottish Episcopalian Church Orphanage and Convalescent Home", with a governing body and management committee.

As of 1934 the organisation operated as a trust. The government and management of the endowments administered by the Orphanage were so administered under a trust scheme under the Educational Endowments Acts. The first trust scheme recorded within the Organisation's historic records is the Aberlour Orphanage Trust Scheme 1934.

In 2006 the organisation was incorporated as a company limited by guarantee known as "Aberlour Child Care Trust" with registered number SC312912.

An outline of the legal status of the organisation between 1930 to present day is included within Appendix 2.

ii. **Were there any changes in the legal status of the organisation since it was founded?**

Yes.

iii. **What, if any, material changes were there to the legal status of the organisation?**

The organisation operated as a trust governed by a number of different trust schemes until 2006 when the organisation was incorporated as a company limited by guarantee.

The organisation has been a registered charity from 19 March 1936 and is currently registered with OSCR. The organisation's charity number is SC007991.

The detail of each change to the legal status and constitution of the organisation is set out in Appendix 2.

- iv. **What was the legal basis which authorised or enabled the organisation to become responsible for the provision of residential care (including foster care) for children in Scotland?**

**Internal authorisation:**

The organisation's constitution as amended from time to time authorised the organisation to become responsible for the provision of residential care for children in Scotland. The purposes of the organisation as set out within its constitution from time to time are set out within Appendix 2.

**External authorisation:**

**The Orphanage Years:** the organisation was originally authorised under the "Poor Laws" to provide residential care for children in Scotland.

Following the introduction of legislation such as The Children and Young Persons (Scotland) Act 1937 and The Children Act 1948, the responsibility of local authorities for providing residential care to children was formalised. Under this legislation local authorities could meet their duty by engaging voluntary organisations (such as the organisation) to provide residential care to children.

Under this legislation, by referring children to the care of the organisation, the local authorities authorised the organisation to become responsible for the provision of residential care for those children.

**The Group Home Years and the Service Years:** under the Social Work (Scotland) Act 1968 and the Children (Scotland) Act 1995 and subsequent legislation, local authorities could meet their obligations to provide residential care to children in need by placing those children with voluntary organisations.

The legal basis on which the organisation provided residential care to children in Scotland has generally been upon the authorisation to do so granted by the relevant local authority placing children with the organisation.

- v. **Did that legal basis require the organisation to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.**

Yes. From 1948 the organisation was required to be registered with a relevant body (the Secretary of State or a relevant local authority); to meet certain standards in relation to that registration; and to be subject to inspections by relevant bodies.

**The Orphanage Years:** the Children Act 1948 required the organisation to be registered with the Secretary of State and to allow the Secretary of State to inspect the organisation from time to time.

The organisation was also obliged to comply with any regulations made by the secretary of state regarding the conduct of voluntary homes. This meant the organisation was required to comply with The Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959 both of which outlined operational rules for voluntary homes.

**The Group Home Years:** the Social Work (Scotland) Act 1968 required the Organisation to maintain registration with the relevant local authority; to comply with conditions related to the registration of the organisation's premises (e.g. capacity numbers etc.); and to allow that local authority to inspect the organisation as required.

The operational rules set out within The Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959 applied during this period and the organisation was required to comply with these.

**The Service Years:** under the Regulation of Care Act 2001 and subsequent legislation the organisation was required to register with the Care Inspectorate (previously the Care Commission) and to comply with the National Care Standards.

The organisation was also required to: a) enable the Care Inspectorate to inspect the organisation's establishments; and b) comply with any requirements set out by the Care Inspectorate's inspectors following such inspections.

**vi. Did the organisation have a legal duty of care to each child in its care?**

The organisation did have a legal duty of care to each child in its care.

Such a duty arose from the position of the organisation acting in loco parentis. The obligation to act towards each child with the same care as would be expected of a reasonably careful parent was understood at or around the time of the founding of the organisation in 1875. The organisation accepts that this duty has to be looked at in the context of any particular circumstances, such as the number of children and the nature of the establishment. A duty on this basis continues to this day.

The organisation further accepts that, given developments of the law of negligence over the years in which it has been operating, and in the field of health and safety, the duty that arises in loco parentis must be considered today in the modern context, and from the perspective of an organisation of appropriate size, history and experience.

The organisation notes that there are also duties owed by individuals such as employees. For example, an employee carrying a child as a passenger in a vehicle owes a duty care to that child as a passenger. The organisation recognises that it may be vicariously liable for negligent or wrongful acts committed by employees (although a vicarious obligation does not arise from a duty of care owed directly).

**Present**

**vii. With reference to the present position, are the answers to any of the above questions different?**

No.

**viii. If so, please give details.**

**ix. If the organisation is a Scottish local authority, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.**

The organisation is not a Scottish local authority.

**(b) Establishment**

**Past**

**i. Did the establishment have a special legal, statutory or other status?**

The establishment did not have separate legal personality but was an operation of the organisation.

The establishment was registered as an establishment for residential child care (a "children's home") with the local authority and later with the Care Inspectorate (previously the Care Commission but referred to within this report as the "Care Inspectorate") (as a care home for children and young people) in accordance with statutory requirements during this period (i.e. under the Regulation of Care Act 2001).

**ii. If not, how was the establishment described?**

Not applicable.

**iii. What was the legal basis which authorised, or enabled, the establishment to become responsible for managing the care of children in a residential setting?**

**Internal authorisation:**

The organisation's constitution as amended from time to time authorised the organisation to become responsible for the provision of residential care for children in Scotland and to operate the establishment. The purposes of the organisation as set out within its constitution from time to time are set out within Appendix 2.

**External authorisation:**

From 1968 (under the Social Work (Scotland) Act 1968 and later under the Children (Scotland) Act 1995) local authorities could meet their obligations to provide residential care to children in need by placing those children with voluntary organisations.

As explained above, the establishment was registered as an establishment for residential child care with the local authority and later with the Care Inspectorate (as a care home for children and young people) in accordance with statutory requirements during this period. These were the legal bases on which the establishment was authorised to become responsible for managing the residential care of children.

The organisation also recognises the following bases on which the establishment was authorised to become responsible for managing the residential care of children:

- a) all residential workers within the establishment were registered with SSSC from the date on which this became mandatory;
- b) the organisation is party to the National Framework for Provision of Children's Residential Care and Education Services in relation to the establishment;
- c) the organisation is party to the Fife Framework for Provision of Children's Residential Care and Education Services in relation to the establishment; and
- d) the Sycamore School was registered as an Independent School with Education Scotland.

**iv. Did that legal basis require the establishment, or its management, to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.**

Yes.

In order to obtain registration with the Care Inspectorate the establishment had to comply with the National Care Standards.

In order to remain within the National Framework and the Fife Framework for Provision of Children's Residential Care and Education Services the organisation had to ensure that the establishment complied with its obligations under those frameworks and with the standards set by the relevant bodies.

In order to maintain the Sycamore School's registration with Education Scotland the organisation had to ensure the relevant standards set by Education Scotland were met by the School.

**v. Did the establishment have a legal duty of care to each child in its care?**

The establishment itself did not have separate legal personality and therefore did not have a legal duty of care to any party.

The Organisation had a legal duty of care to the children in its care within the establishment as explained in question 1.3(a)vi above.

**Present**

**vi. With reference to the present position, are the answers to any of the above questions different?**

No.

**vii. If so, please give details.**

**1.4 Legal Responsibility**

**(a) Organisation**

**Past**

**i. Did the organisation have any legal responsibility for the children in its care?**

The organisation did not undertake legal responsibility for the children in its care in terms of what are now recognised as "parental rights and responsibilities". The organisation provided a residential child care service which those with legal responsibility for children (e.g. local authorities or parents/guardians) utilised.

The legal duty of care undertaken in relation to children within the organisation's care has been considered (under question 1.3.(a).vi. above) as a separate matter from its legal responsibility for those children.

The responsibility of local authorities for children in need was not formalised until 1948 (under the Children Act 1948). Prior to this date the responsibility which local authorities had for children was more focused on child protection matters – i.e. undertaking a role in identifying abuse and neglect of children, assisting in the acquisition of protection orders, etc.

Local authorities provided the organisation with most of its inhabitants and in doing so would have retained legal responsibility for those children.

The establishment also received children into its care who did not have parents/guardians to support them or in whose circumstances the local authorities had not yet become involved. Prior to 1948, in these cases, the Organisation may have had some level of legal responsibility for those children until the relevant local authority was notified of the child's residence at the establishment.

**ii. If so, what was the nature and extent of that legal responsibility?**

Pre 1948 – if the organisation did undertake any legal responsibility for children in its care as set out above; such responsibility was to provide the children with a home and support and to encourage their onward development.

Post 1948 – the organisation did not undertake legal responsibility for children in its care.

**iii. Did any other person or organisation have any legal responsibility for the children while they were in the organisation's care?**

Yes. Historic records show that the organisation has over the course of its existence received children into its care upon the request of parents/guardians and local authorities, who/which would have had legal responsibility for the children they were admitting to the organisation.

**iv. If so, what was the nature and extent of that responsibility?**

Following the introduction of the Children Act 1948, the position of local authorities in relation to children in need of care was formalised and although the structure of "parental rights and responsibilities" was not introduced until 1995, the local authorities admitting children to the care of the organisation would have had legal responsibility (i.e. parental rights and responsibilities) for those children.

Those responsibilities may have taken the form of full parental rights (where these vested in the local authority on the basis the child's parent/guardian was not able/willing to care for the child) or a basic responsibility to remove the child from their parent's/guardian's care and find a more suitable residence for the child (in cases of abuse or neglect of the child). In some cases the child's parents may also have retained a level of legal responsibility for their child, e.g. certain parental rights or the requirement to make payments towards the cost of providing for the child.

Local authorities would not have transferred those responsibilities but were entitled to arrange for accommodation of children for whom they were responsible with a third party (e.g. the organisation) and to arrange for that third party to fulfil or exercise their rights in relation to those children.

The organisation also received children into its care (in the Orphanage, into group homes and into its later services) upon the direct request of a child's parent/guardian. In such cases the parent/guardian in question would retain legal responsibility for their child, that legal responsibility being parental rights and responsibilities.

In some cases, particularly during the Orphanage Years, a child was placed with the Orphanage by a parent/guardian who then failed to make further contact with the organisation. In these situations, historic records suggest that the relevant local authority would have taken up the legal responsibilities for such children on the basis that they then required state care, having no responsible parent/guardian to provide such care.

While a child was resident with the organisation, the relevant local authority or the child's parent/guardian would have been responsible for contributing towards the child's maintenance.

**v. If the organisation had no legal responsibility for children in its care, where or with whom did legal responsibility lie?**

As outlined at 1.4(iii) above, the relevant local authority and/or parent/guardian of the child had legal responsibility for children in the care of the organisation.

**Present**

- vi. **With reference to the present position, are the answers to any of the above questions different?**

No.

- vii. **If so, please give details.**

**(b) Establishment**

**Past**

- i. **Did the establishment, or those in charge of the establishment, have any separate legal responsibility (separate from the organisation) for children in its care?**

The establishment did not have any separate legal responsibility for children in its care. The establishment did not have separate legal personality and any legal rights and responsibilities would have rested with the organisation as a whole. Please see our comments on legal responsibility at question 1.4(a) above.

- ii. **If so, what was the nature of that responsibility?**

The establishment did not have separate legal responsibility.

**Present**

- vi. **With reference to the present position, are the answers to any of the above questions different?**

No.

- vii. **If so, please give details.**

**1.5 Ethos**

**(a) Organisation**

**Past**

- i. **What did the organisation see as its function, ethos and/or mission in terms of the residential care service it provided for children?**

The organisation's perception of its function and mission in relation to the residential care service it provided to children can be identified from its purposes outlined within its constitution. A summary of the purposes outlined in the organisation's constitution as updated from time to time is set out within Appendix 2.

As explained previously, a copy of each version of the organisation's Trust Scheme and the purposes outlined therein is not available. However, historic records suggest that the main principles of each Trust Scheme were similar to those of the 1934 Trust Scheme outlined within Appendix 2. Amendments to the Trust Scheme primarily extended the organisation's remit to enable it to undertake different services (e.g.

group homes rather than care within one establishment and additional family support services, etc.).

Throughout the organisation's existence its ethos has been to provide for children in need of care and support, to put the best interests of those children at the forefront of its activities and wherever possible to provide a family environment for those children within its residential care services.

- ii. **If the establishment was run by a Catholic religious order, what vows were taken by members of the order and at which point in their training?**

The organisation was not run by a Catholic religious order.

- iii. **What did the organisation see as the establishment's function, ethos and/or mission in terms of the service that the establishment provided to children accommodated there?**

**Function:** the organisation saw the establishment's function as the provision of a residential service to children who could no longer live with their families and who were in need of additional, tailored support and care.

**Ethos and mission:** the organisation's ethos has always been to operate in the best interests of the children resident with it. It is our understanding that the organisation saw the establishment's ethos and mission as providing "alternative, positive care arrangements" for children who could not live with their families and particularly for those children for whom long-term residence had been difficult to find.

- iv. **Were there changes over time in terms of what the organisation saw as its function, ethos and/or mission in terms of the residential care service it provided for children?**

Yes.

- v. **If so, what were the changes and when and why did they come into effect?**

**Ethos and mission:** the organisation's ethos has always been to provide for the needs of children in Scotland and to act in the best interests of the children to whom it is providing services. This ethos has not changed.

Throughout the Group Home Years and the Service Years the organisation's ethos and mission developed to include providing for the needs of children, young people and families. The reasons for these changes were the changing needs in Scotland and the recognition of the benefits which could be gained for children from providing ongoing support to young people and families.

**Function:** the organisation has always seen its function as providing care and support for children in need.

In the Orphanage Years and the Group Home Years the organisation saw this function as the provision of short and long term residential care for children in need of such care.

During the Service Years the organisation saw its function widening to include family support services, i.e. to support families (generally and in terms of specific issues such as alcohol and drug abuse) and potentially prevent the need for their children to be taken into residential care.



During the Service Years the organisation also saw its functions in relation to residential care move from the provision of standard residential care to tailored residential care (short term, long term and respite) for children with disabilities and children who required additional support.

- vi. **Were there changes over time in terms of what the organisation saw as the establishment's function, ethos and/or mission in terms of the service that the establishment provided to children accommodated there?**

The overall function, ethos and mission of the establishment has not changed although the services available to children and the way in which these are offered may have changed over time with learning and development of the service staff.

- vii. **If so, what were the changes and when and why did they come into effect?**

The overall function, ethos and mission of the establishment has not changed.

#### **Present**

- i. **With reference to the present position, are the answers to any of the above questions different?**

Yes.

- ii. **If so, please give details.**

The current ethos, function and mission of the organisation are as follows:

#### **Our vision**

To transform the lives of the children and families we work with and, through this, contribute to building a fairer and more equal society.

#### **Our values**

**Respect** means acting in a way that shows we care about the feelings of one another, and that we listen to one another's opinions. As a person-centered organisation that stands up for the rights of all children and families, a culture of respect is inherent in all of our work.

**Integrity** means doing the right thing, even when no-one else is watching. We recognise that to fully represent the concerns of Scotland's children and families, we may have to go against the grain or take difficult decisions. We will strive to act with integrity at all times.

**Innovative** means finding new, efficient ways to do things. We are committed to learning and developing improved ways of helping Scotland's children and families. We will be innovative in our approaches, to ensure we are doing the best for our children and families.

**Challenging** means testing ourselves and those around us. It means not accepting the status quo. Within Aberlour, we will challenge ourselves to be the best we can be, as a provider of choice. Externally, we will use our campaigning voice to challenge decisions in the policy sphere, to ensure that our families' voices are heard.

#### **(b) Establishment**

##### **Past**

**i. What services were provided at the establishment, in terms of care for children?**

The services provided at the establishment are as follows:

- a) residential care for a maximum of 28 children and young people aged 8-19 in 5 houses – the first house opened in 1983;
- b) Art Therapy delivered by two state registered Art Therapists – which commenced prior to 2000;
- c) Sycamore Education Centre, providing full-time education experience for primary school aged children who require support before making the transition into mainstream primary school, as well as additional support for children in school;
- d) Transitions Service to involve and support a young person's move through life – which commenced prior to 2000;
- e) Befriending Service for children in our residential and fostering services, as well as children of people who have moved on from Sycamore Services into adulthood – which commenced prior to 2000;
- f) Volunteer Mentors to support young people are part of LifeWorks - Fife, supporting and advising young people who have not been looked after by Sycamore into adult life with advice on the practicalities of being able to manage their own living arrangements – which commenced in 2014; and
- g) Named Person Service for young people enrolled at our Sycamore Education Centre, provided by the Principal Teacher – not yet in operation.

**ii. Did the establishment care for children of both sexes?**

Yes – across five houses.

**iii. If the establishment cared for children of one sex only, what was the thinking behind that policy?**

The establishment cared for children of both sexes.

**iv. Were any special child care, or child protection measures, taken in the light of that policy? If so, please provide details.**

The establishment cared for children of both sexes.

**v. What was the daily routine for boys/girls cared for at the establishment?**

There is limited information about the daily routine of children resident in the establishment in the early years of its existence but there has always been a strong emphasis on developing the service specifically for each individual child so the daily care routine of the children may have differed between the houses and even between the children living in the same house.

The intention was to operate the establishment as closely to a standard family life as possible. This involved ordinary dressing and washing routines and getting ready for bed in the way a family would ordinarily do so, attending school, eating meals together in a family environment and interacting with the other children and the staff in a family manner.

**vi. What were the on-site activities for children cared for at the establishment?**

There is limited information about the practical operations of on-site activities in the earliest years of the establishment's existence but these activities were tailored for the individual needs of the children in residence at the establishment.

The additional services provided to the children are listed above in question 1.5.(b).i.

**vii. What were the off-site activities for them?**

There is limited information about the practical operations of off-site activities in the earliest years of the establishment's existence but these activities were tailored for the individual needs of the children in residence at the establishment.

Children were taken on trips and outings and regularly had interactions and joint events with some of the other houses in the Cluster.

**viii. Did children work manually, either at the establishment, or externally (e.g. farming work or other labour), or both?**

No. The children were at least required to provide some assistance in keeping their own bedrooms clean and tidy.

**ix. If the establishment was run by a Catholic religious order, were any prospective members of the order who were in training permitted to care for children?**

The establishment is not run by a Catholic religious order.

**Present**

**x. With reference to the present position, are the answers to any of the above questions different?**

Yes.

**xi. If so, please give details.**

At present the children residing in each house are the same gender. The fact that each house is made up of children of one gender was not a policy decision but rather arose organically as a result of referral and placement activity.

The make-up of these houses may change again in the future.

In August 2016 a personalised 'My Plan' was introduced which describes care and support needs for each young person. The child's daily routine, on-site and off-site activities are all influenced by this plan.

As of 8 April 2017, the Sycamore Education Centre operates, not as a school, but rather as a life-long learning facility providing support to children resident at the establishment in terms of their schooling and learning within mainstream schools and education facilities.

**1.6 Numbers**

**(a) Organisation**

**Past**

**i. How many children did the organisation accommodate at a time and in how many establishments?**

**The Orphanage Years:** during this period the organisation accommodated between 100 and 430 children per year within the Orphanage and, between 1962 and 1967, the Orphanage and five group homes.

**The Group Home Years:** during this period the organisation accommodated between 70 and 140 children per year within its group homes. During this period the organisation operated around twenty-two separate group homes, however, these homes were not all operational at the same time. A summary of the date of opening and closure of each group home is included in Appendix 3.

**The Services Years:** during this period the organisation accommodated between 20 and 70 children per year within its residential services (short term long term and respite care facilities). During this period the organisation operated nineteen establishments. Again, not all of these establishments were operational at the same time. A summary of the date of opening and closure of each establishment is included in Appendix 3.

ii. **Please provide details of any material changes in numbers of children, or numbers of establishments, and the reasons for those changes?**

During the Orphanage Years it was a generally accepted practice within Scotland to provide residential care for children within one large establishment. Throughout the 1950s and 1960s public policy changed and the preferred practice was to provide residential care for children in small family units (mixed ages and mixed genders).

This process of investigating the organisation's ability to provide group homes rather than one large establishment commenced during the 1950s.

The reason for the change in the number of establishments between the Orphanage Years and the Group Home Years was to enable the organisation to provide group home accommodation for the children in its care rather than residence in one large establishment, as recommended during this time.

The reason for the fall in numbers between the Orphanage Years and the Group Home Years was due to the move from one large establishment to a number of small group homes meaning the organisation had lower capacity than when it operated the Orphanage. In addition, changes in local authority policy led to more children remaining with their parents and more children being fostered and adopted rather than placed within children's homes. This led to a reduction in the need for residential child care of the type offered by the organisation.

During the latter part of the Group Home Years and moving into the Service Years the organisation expanded its services to provide family support and youth engagement services in addition to the residential services it continued to provide. Those residential services it continued to provide were also tailored to meet specific needs during this time (such as respite care and care for children with specific emotional and physical needs).

The reduction in numbers during this time was due in part to the reduced need for children's homes (due to changes in local authority policy) and the changing nature of the organisation's services. Tailored services have to be carried out on a smaller scale.

iii. **How many children in total were accommodated by the organisation?**

The exact number of children accommodated by the organisation since 1930 to present day cannot be confirmed but it is estimated that this figure is in excess of 3000 children.

iv. **What numbers (if any) were placed in foster care by the organisation?**

66 children were placed in foster care by the organisation. 9 such placements were on a respite basis.

v. **In general terms, was the main service provided by the organisation the provision of residential care for children in establishments, or was it the provision of foster care?**

**The Orphanage Years:** the main service provided by the organisation was the provision of residential care for children in establishments.

**The Group Home Years:** the main service provided by the organisation was the provision of residential care for children in establishments.

**The Service Years:** the provision of residential care for children in establishments (on long term, short term and respite bases) forms part of the services provided by the organisation. At times during this period this would have been the main service provided by the organisation but in general terms, there were and are a number of other non-residential services provided by the organisation.

The organisation operated two fostering services during this period (please see Appendix 3 for more details). Again, these are only two of a number of different services offered by the organisation.

**Present**

vi. **With reference to the present position, are the answers to any of the above questions different?**

Yes.

vii. **If so, please give details**

The number of children in residential care (respite and full time care placements) within the organisation is currently 194. The number of residential establishments operated by the organisation is currently 15.

The number of children placed in foster care by the organisation between 18 December 2014 and the date of this report is 14.

**(b) Establishment**

**Past**

i. **How many children did the establishment accommodate at a time?**

Each house within the cluster accommodates the following:

Whytemans Brae: 7  
Veronica Crescent: 6  
Cedar Avenue: 3  
Bellyeoman Road: 6  
Frankfield House: 6

Each house has been fully occupied or near to full occupation since the dates on which they were opened.

ii. **Did this change, and if so, what were the reasons?**

No.

iii. **How many children in total were cared for at the establishment?**

The exact numbers of children cared for at the establishment over its operative period cannot be confirmed. Although the organisation holds the records of children who have been resident with the organisation, these records are not linked to the establishments in which those children were resident.

Details of the number of children cared for by the organisation as a whole are included within question 1.6(a) above.

iv. **What accommodation was provided for the children?**

The establishment was custom built and each child or young person has their own single bedroom and shared bathroom.

v. **How many children occupied a bedroom/dormitory/house?**

One child per bedroom. The numbers in each house are set out above.

**Present**

vi. **With reference to the present position, are the answers to any of the above questions different?**

No.

vii. **If so, please give details.**

**1.7 Children's Background/Experience**

**Past**

i. **Did the children admitted to the establishment generally have a shared background and/or shared experiences?**

Typically, the children admitted to the establishment have been affected by abuse, domestic violence, parental substance misuse and/or neglect, which usually means they experience great difficulty in being able to form positive relationships. Children coming to the establishment tend to have histories of:

- a) local services not being able to meet their needs;
- b) multi placement breakdowns impacting on their lives;
- c) low self-esteem;
- d) confused boundaries; and
- e) risky behaviours they use to demonstrate their levels of distress.

ii. **Were children admitted into the care of the organisation as a whole, or were they admitted into the care of a particular establishment?**

Children were admitted into the care of the organisation as a whole as the separate establishments did not have separate legal personality, although the child's admission to the establishment and the relevant house therein would generally already have been agreed prior to admission.

iii. **If children were admitted into the care of the organisation, did the organisation decide which establishment they would be admitted into?**

A child would ordinarily be referred to or placed into the establishment by a local authority. The decision to admit the child to the establishment will generally be discussed between the organisation and the local authority.

Within the organisation the following assessment procedure is followed:

- a) a Referral Impact Assessment is undertaken;
- b) initial contact is made with the Head of Care and Education;
- c) the main assessment is carried out by the Service Manager;
- d) input is provided by the Principal Teacher if required; and
- e) final sign off is given by the Assistant Director.

iv. **Who placed children with the organisation?**

**The Orphanage Years:** local authorities and/or parents/guardians. As explained above, to a limited extent prior to 1948 children may have been placed with the organisation on a less structured basis.

**The Group Home Years:** local authorities and/or parents/guardians.

**The Service Years:** local authorities and/or parents/guardians.

v. **From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the organisation/establishment receive children mainly from the Children's Hearing system?**

The organisation may have received children from the Children's Hearing System but this was not the only or main source of receiving children.

vi. **If not, how generally did children come to be admitted into the care of the organisation?**

Children were generally admitted into the care of the organisation upon the request of a local authority with responsibility for providing residential or welfare care for that child or upon the request of a parent/guardian.

vii. **Was there a gender or other admission policy or practice operated by the organisation or any establishment run by it?**

The organisation did not operate a gender admission policy. The ethos of the organisation was that "all would be welcome".

**The Orphanage Years:** prior to this period the organisation's constitution provided that the organisation would provide care to children of members of the Episcopalian Church "and others". During this period the organisation's constitution was amended in order to clarify that this was not a restriction on admission.

Prior to this period, as was social custom at the time, the organisation did not allow the admission of children into the Orphanage who had been born out of wedlock. However, early during this period (the exact date is unknown) this restriction on admission was also removed.

During this time there was some concern within the organisation that local authorities were placing children within the Orphanage who could not be placed by the local authority elsewhere due to behavioural difficulties, difficult past experiences,

disabilities or learning difficulties. At this time the Orphanage was not equipped to provide for these children. The organisation did not operate a strict policy on admission which took account of these issues but operated a practice of allowing the child to be placed within the Orphanage for a trial period to assess whether it was a suitable environment for the child. If the placement was not suitable the Orphanage would advise the local authority that the child would have to be placed elsewhere (in a more appropriate environment).

The organisation went on in later years, particularly the Service Years, to provide facilities for children who could not be placed elsewhere. During the later Orphanage Years the organisation developed classes within the Orphanage School specifically designed for children with learning difficulties and sought to provide a home for these children within the Orphanage.

There is no evidence of any other admission policies and practices (formal or otherwise) operated by the organisation during this time.

**The Group Home Years:** there is no evidence of any admission policies or practices (formal or otherwise) operated by the organisation during this time.

**The Service Years:** as explained above, the residential services provided by the organisation during this period were tailored to particular needs of the children to whom they were provided

For this reason each service operated its own admissions policies and practices to ensure places within these services were allocated to appropriate individuals – i.e. individuals of an appropriate age and individuals with needs relevant to the establishment in question.

viii. **What was the policy/procedure and practice regarding admission of siblings?**

The organisation has always sought to retain sibling groups.

**The Orphanage Years:** historic records show that the organisation sought to offer placements within the Orphanage to sibling groups in order to retain the family unit.

For the majority of the period for which the Orphanage operated, children were divided into groups based on age and gender within the Orphanage. This meant that sibling groups would have been unlikely to have lived within the same "House" within the Orphanage.

**The Group Home Years:** one of the key aims of transitioning the organisation from one establishment to a small group home structure was to replicate family environments. For this reason, families who were placed with the organisation would generally have been placed within the same group home unless there were reasons not to do so.

**The Service Years:** the residential services provided by the organisation during this period were generally more tailored and for this reason it was more likely that a child would be placed individually rather than as part of a family unit. It may not have been relevant or appropriate to consider admission of siblings into the same establishment. For example, a child with a physical disability may have been admitted to a residential respite service for a period of time during which their sibling, who did not have a disability, did not need to be admitted to the same establishment.

However, if the organisation did receive a request to place siblings it would seek to place those siblings together unless there was a reason not to do so.

ix. **How long did children typically remain in the care of the organisation?**



There is no typical length of time a child would spend in the care of the organisation. The length of time spent with the organisation would depend on the particular circumstances of the child in question.

Throughout its history children have been admitted to the organisation's care on both short term and long term bases.

**The Orphanage Years and the Group Home Years:** children could be admitted to the care of the organisation at any age (usually over 2 years old) and would not ordinarily reside with the organisation after reaching the relevant leaving age; school leaving age during the Orphanage Years and 17 or 18 during the Group Home Years (which age changed in accordance with local policy over the years).

Children generally left the care of the Orphanage upon reaching school leaving age (14 and later 15 and then 16 years of age) at which time they would go into work or training. These children would remain the responsibility of the relevant local authority until they reached 17 years of age.

Children often remained within the group homes after leaving school and after obtaining a job or further education. The young person would then usually move on at age 17 or 18 to adult services or accommodation.

The organisation did provide a range of after care options for children who had been resident in the Orphanage and group homes, including allowing individuals who had left the care of the organisation to return to an organisation establishment for holidays or if that individual was unable to source a new place to stay.

**The Service Years:** children could be admitted to the care of the organisation at any age (the youngest service provision commenced at around 5 years of age) and would reside with the organisation until circumstances enabled that individual to move on to work or training or on to adult or alternative services.

The upper age for which the organisation is entitled to provide residential care services to individuals (under its constitution) was raised to 25. Practice has generally been to arrange the transition of individuals from the organisation's services to adult services with time to spare prior to the individual reaching this age limit.

**x. Were children moved between different establishments run by the organisation?**

The organisation's general practice has been to avoid moving children between establishments so far as possible. On rare occasions children may have been moved between establishments.

**xi. If so, in what circumstances?**

**The Orphanage Years:** prior to the closure of the Orphanage all children resident within the Orphanage were transitioned into group homes.

During the early operation of the group home structure children were often received into the Orphanage for a very short period (e.g. one day) when first placed with the organisation and then placed within the group home in which they would reside for the duration of their time with the organisation.

**The Group Home Years:** children were rarely moved between establishments.

In the early years of the operation of the group home structure children were initially received into the organisation's reception centre prior to their placement within the group home in which they would stay for the duration of their time with the organisation, unless the child was placed within the reception centre for the purposes of respite or short term care, in which case that child would not be placed within a group home.

The time spent in the reception centre would have been limited.

A move may have been required if a premises issue or staff vacancy arose within one establishment which meant it was not possible to provide for the children within that establishment – in this case the children may have been temporarily relocated to a different establishment.

A move may also have been required where there was a drop in numbers within one group home which meant it had to close. In this situation the children may have been relocated to a different group home or, in some cases, to a council house, usually along with the staff from the closing group home.

**The Service Years:** during this period children were rarely moved between establishments. The few reasons a child may have been moved between establishments are as follows:

- a) at a parent's/guardian's or the relevant local authority's request;
- b) if the child was not settling well within one establishment and it was considered that child may benefit from placement within a different establishment; and
- c) in the case of the Sycamore Services, during the period of time in which the Sycamore Houses were split into age groups (5-10 years, 10-13 years, adolescents and semi-independent). Please note the Sycamore Houses are no longer split into age groups but rather operate as family units.

**xii. Generally did children typically stay in one, or more than one, establishment?**

Generally children stayed in one establishment for the duration of their residence with the organisation.

**xiii. What provision was made for contact between siblings while siblings were at the establishment?**

If siblings are placed within the establishment together there would have been ongoing and regular contact between siblings. There would have been no need to provide for contact to occur as this would happen naturally within the small environment.

At present there are two brothers living in one of the houses.

**xiv. What provision was made for contact between children and their parents and wider family while children were at the establishment?**

Where appropriate, contact between children resident at the establishment and their parents and wider family was encouraged unless such contact was damaging to the child. For example, children invited their family members to a recent Christmas party at the establishment.

Such contact differed on a case by case basis.

Records show that those family and parents who were in contact with the children would communicate with the children in writing or by telephone, bring or send presents to the children, visit the children and from time to time take them on trips or days out.

The extent of contact between a child and their parents and wider family may have been limited in agreement with the relevant local authority with responsibility for the child on the basis that it was detrimental to the child or that the parent or family member in question was not a suitable individual to have contact with the child. It might not always be appropriate for a child to have contact with their parents or wider family, particularly when the child had been removed from the family by order.

**xv. What provision was made for information sharing/updates about the children to their parents?**

This was generally a matter for the local authority to handle as the party responsible for the child.

Communication with parents and families was generally conducted in accordance with the relevant Individual Placement Agreement (or similar agreement as operated from time to time).

Initial information sharing between the establishment and the local authority generally occurred during the referral process. Subsequent weekly and monthly summaries were provided to the local authority by the establishment as well as other reports of relevance (e.g. Hearing Reports, Child Development Welfare Concern Forms, Child Protection Referrals etc.) and it was for the local authority to decide how this information would be shared with the child's parents.

**xvi. What provision was made for information sharing/updates about parents to their children?**

Again this was a matter generally for the local authority social workers to manage.

Information is not generally shared between parents and children by the establishment.

**xvii. What provision was made for the celebration of children's birthdays, Christmas and other special occasions?**

The organisation has always endeavoured to operate a family environment and provide children in its care with a family atmosphere. For this reason the aim was to celebrate birthdays, Christmas and special occasions as would be the case in an average family home.

Birthdays within the establishment are personalised and arranged with the child's requests in mind. Birthday parties are often organised.

The establishment staff also sought to make Christmas a memorable family celebration for the children and special arrangements were made in terms of celebrations, parties, food and gifts for the children.

**xviii. What was the process for review of children's continued residence at the establishment, in terms of whether they continued to require to be there?**

At present each child is subject to a Looked After Child Review on a 6 monthly basis. A child's circumstances may also come under review through the Children's Hearings process.

Although the current process is relatively new, a similar process was in operation for the majority of the existence of the establishment.

Prior to these procedures the local authority was in regular contact with the organisation to assess the progress of the children it had placed in or referred to the establishment.

**xix. When children left the care of the establishment, what was the process for discharge?**

A child would generally leave the establishment to move on to adult services. In some cases a child may have left the establishment to move to another service or location or on rare occasions in order to return to their family.

The process for discharge involved notification by or discussion with the local authority that the child would be moving on and then the child would be discharged to the new service or back into the local authority's care so the local authority could manage the move on to the next stage.

Transition support was offered by the organisation to assist with any transition but this was not always utilised by the local authority or the new service.

**xx. What support was offered to children when they left the care of the establishment?**

Due to the specialised nature of the services offered at the establishment there was limited scope to offer after care services to the children.

Information and transition support was always offered to the local authority or the new service to which a child was transferring to assist with the transition but this was not always accepted.

Since before 2000 the establishment has employed an "Aftercare/Throughcare" worker to provide support and assistance to children during their transition out of the establishment and thereafter.

**xxi. What information was sought by the organisation and/or establishment about what children leaving its care planned to go on to do?**

Due to the close communication arrangement between the local authorities and the establishment, the establishment was generally advised in full of the plans for the child following their transition out of the establishment.

As a service provider, the establishment had limited control over these plans but was willing to provide insight and information about the child where this would assist in the next stages.

**xxii. Was such information retained and updated?**

Information regarding the reasons for which a child was leaving the establishment would be noted within the child's case record which is retained.

Following the child's discharge from the establishment there are limited reasons for any further information regarding the child's progression to be recorded by the establishment although the organisation may receive updates on a more informal basis as to the child's progress going forward.

**xxiii. What was provided in terms of after-care for children/young people once they left the establishment?**

Please see our answer to question 1.7.xx above which sets out the support and after care provided to children/young people after they left the establishment.

#### **Present**

**xxiv. With reference to the present position, are the answers to any of the above questions different?**

Yes.

**xxv. If so, please give details.**

**xi. Children are not generally moved between establishments. The few reasons a child may be moved between establishments are as follows:**

- a) at a parent's/guardian's or the relevant local authority's request; or
- b) if the child is not settling well within one establishment and it is considered that child may benefit from placement within a different establishment.

Children are no longer regularly moved between the Sycamore Houses.

### **1.8 Staff Background**

#### **(a) Organisation**

##### **Past**

**i. How many people were employed by the organisation who had some responsibility for residential care services for children?**

**The Orphanage Years (1930 – 1967):** records do not exist for this period.

**The Group Home Years (1967 – 1987):** records do not exist for the entirety of this period. Of those records still held by the organisation, it is not possible to identify which staff members were engaged in residential care services.

**The Service Years (1987 – December 2014):** the organisation has operated two electronic HR systems since 2002 (Source from Ceridian from 2002 to 2011; and iTrent from Midland HR from 2011). The first system is no longer supported and therefore access and information analysis is limited.

Using information from the organisation's current system and extrapolating numbers based on expected turnover figures it has been estimated that during this period the organisation employed around 1600 staff across residential services.

**ii. How many people were employed by the organisation at any one time who had some responsibility for residential care services for children?**

**The Orphanage Years (1930 – 1967):** the exact numbers of people employed by the organisation cannot be provided as the organisation's employment records do not extend to this period.

Historic records indicate that between 1930 and 1967 those responsible for residential care services within the Orphanage consisted of: a Warden; a Sub-Warden; a Lady Superintendent, a Depute Lady Superintendent/Assistant; a number of Housemasters and Housemistresses; and a number of Assistant Housemasters and Assistant Housemistresses.

**The Group Home Years (1967 – 1987):** the exact numbers of people employed by the organisation cannot be provided as the organisation's employment records do not extend to this period.

Historic records indicate that Group Houses were overseen by the Warden who was later known as the Director or Principal and that each Group Home was operated by Houseparents and, where larger homes were concerned, Assistant Houseparents, with the support of relief Houseparents.

**The Service Years (1987 – December 2014):** 235 people – taking a point in time during 2014. This number would have fluctuated depending on service openings or closures

iii. **What experience/qualifications did such staff have?**

**The Orphanage Years (1930 – 1967) and Group Home Years (1967 – 1987):** there is limited information about the experience/qualifications of staff working within the establishment but the following key points can be extrapolated from the organisation's historic records.

Statutory and regulatory requirements and guidance on experience and qualifications during this period were limited, if not non-existent. It was not until 2009 that statutory and regulatory requirements on qualification levels came into place.

The organisation did not have set requirements as to experience and qualifications but the standard expected of the individuals undertaking these roles is evident in governance and management discussions about this issue.

In terms of experience, the organisation generally sought staff with some form of experience in the work they would be undertaking for the organisation, for example, the Lady Superintendent was expected to have past experience overseeing a large residential child care establishment and houseparents were expected to have past experience working in residential child care.

In terms of qualifications, historic records suggest that, although it was not a requirement, many of the houseparents employed by the organisation had some form of qualification in social work or child care. The organisation often employed social work students to carry out vacation work with the organisation with the aim of retaining these students as staff if they were suitable.

Staff were encouraged to undertake further training and qualifications and the organisation often sent staff to undertake courses.

**The Service Years (1987 – December 2014):** SSSC requirements from 2009 were for staff to hold a relevant HNC (the preference was HNC in Social Care) and SVQ level 3. The SVQ could be in Care, Health and Social Care, Caring for Children and Young People, or Promoting Independence. Managers were expected to have reached SVQ level 4 and have a relevant management qualification.

iv. **If the organisation is a religious order, how many members of the order had a responsibility for residential care services for children provided by the organisation in Scotland?**

The organisation is not a religious order.

v. **What experience/qualifications did such members have, to equip them to discharge their responsibilities?**

The organisation is not a religious order.

**Present**

- vi. **With reference to the present position, are the answers to any of the above questions different?**

Yes – staff numbers.

- vii. **If so, please give details.**

There have been an additional 172 staff recruited to residential posts since January 2015.

**(b) Establishment**

**Past**

- i. **How many persons were employed in some capacity at the establishment?**

Comprehensive employment records for the full period in which the establishment was in operation are no longer held by the organisation and therefore it is not possible to confirm how many people have been employed at the establishment in the period noted at the start of this response.

Please see the answers above at 1.8(a) which include an estimate of the overall staff numbers for the organisation.

The following staff were employed at the establishment:

- a) service managers and assistant service managers;
- b) child care workers and key workers;
- c) corporate and administrative support staff;
- d) domestic staff;
- e) a principal teacher and teaching staff (e.g. educational support workers);
- f) staff within additional services such as, staff within the Fostering, Befriending, Transitions, Lifeworks and Creative Therapies services which serve the establishment; and
- g) contractors carrying out property maintenance etc.

- ii. **How many of those persons had the opportunity of unaccompanied access to a child, or children, cared for at the establishment?**

The following staff members had the opportunity for unaccompanied access to children at the establishment:

- h) service managers and assistant service managers;
- i) child care workers and key workers;
- j) a principal teacher and teaching staff (e.g. educational support workers); and
- k) staff within additional services such as, staff within the Fostering, Befriending, Transitions, Lifeworks and Creative Therapies services which serve the establishment.

Corporate and administrative support staff and domestic staff did not have responsibility for working with the children at the establishment but on occasion there may have been opportunity for those individuals to come into contact with the children in the course of their support duties.

**iii. How many were involved in the provision of care to children accommodated at the establishment (child care workers)?**

Primarily child care workers and key workers were involved in the provision of care to children accommodated at the establishment but service managers and assistant service managers (whose roles relate to the management of the establishment) may also from time to time have been involved directly in the provision of care if staffing levels required this.

The principal teacher and teaching staff were involved in the provision of education and associated support to children.

Staff providing additional services and therapies are also to some extent involved in the care of the children.

**iv. What experience and/or qualifications, if any, did the child care workers require to have?**

Prior to 2009 there were limited statutory and regulatory requirements or guidance on experience and qualifications. As of 2009 registration of child care workers with the SSSC was required and all such workers were required to hold a relevant HNC (preference was HNC in Social Care) and SVQ level 3. The SVQ could be in Care, Health and Social Care, Caring for Children and Young People or Promoting Independence.

Managers were expected to have reached SVQ level 4 and have a relevant management qualification.

As explained previously, prior to 2009, the organisation sought to employ staff with relevant experience and with some form of relevant qualification in child care or social work.

Staff were also encouraged to undertake further training and qualifications and the organisation often sent staff to undertake courses.

**v. What was the child care worker/child numbers ratio?**

The child care worker/child numbers ratio was personalised by service and the nature of the children or young people the establishment was working with. The organisation's ratios also met Care Inspectorate and Framework staffing requirements.

Records of past ratios are no longer available but the current ratio (in April 2017) is around 3 or 4 staff to 6 young people and our expectation is that this has been the case for the majority of the establishment's operative period.

**vi. What was the gender balance of the child care workers?**

The organisation employed both female and male staff to work within the establishment. Generally there were more female child care workers than male child care workers.

**vii. Was any attempt made to employ child care workers in looking after children of the same sex as those workers?**

There is no evidence of any such general policy or practice. Our understanding is that there has been a reasonable mix of male and female staff working within the



establishment. This balance is understood to be beneficial to the children resident at the establishment and assists with the staffing pressures associated with facilitating a 24/7 service such as the establishment.

If a specific requirement for a same sex worker was included within a particular child's care plan or risk assessment then all efforts would have been made to ensure this was accommodated but to date there is no evidence of any such requirements.

#### **Present**

- vi. **With reference to the present position, are the answers to any of the above questions different?**

No.

- vii. **If so, please give details.**

## **2. Organisational Structure and Oversight**

### **2.1 Governance**

#### **Past**

- i. **What were the governance arrangements within the organisation?**

The organisation is, and has been since prior to 1930, governed by a Board of Governors (now known as "Directors" or "Trustees").

Details of the changing constitution and make-up of the Board of Governors is contained in Appendix 2.

- ii. **How were the members of the governing body selected?**

Details of the way in which members of the governing body were selected are set out in Appendix 2 under the "Governance" heading.

The practice of the organisation's governing body has been to choose members of the governing body who are able to bring relevant skills to the Board.

- iii. **What qualifications and/or training, if any, did the members require to have in relation to the provision of residential care services for children?**

There was no formal requirement for members of the governing body to have qualifications and/or training in relation to the provision of residential care services for children although a number of the organisation's governing body did have a background and experience in child care, social care or residential care.

The organisation sought members for its governing body who could provide the organisation with a range of *governance* skills – oversight, strategy etc.

- iv. **Did the members receive remuneration?**

No.

- v. **What was the nature of the accountability and oversight regime between the organisation's governing body and the establishment?**

In the earliest years of the establishment's operations the service manager for the service as a whole was accountable to the principal (otherwise known as the warden or director or CEO) who, on behalf of the organisation, was accountable to the governing body.

As management structures changed and with the introduction of directors for particular service areas, the line of accountability would have run from service managers to the overall manager of the establishment (now known as the Assistant Director for Sycamore), to the Director of Families and Children, to the CEO, up to the governing body.

A further role of "Head of Care and Education" was established within the establishment which oversaw the service managers and reported to the Assistant Director.

Service managers were responsible for the day-to-day running of the establishment, overseen by the Head of Care and Education and the Assistant Director. Reports were prepared by the Director of Families and Children who provided an update to the governing body on the establishment's status, progress and any issues or concerns.

The governing body were required to approve any material changes to the premises or the children's care and to the staffing arrangements (although individual appointments were not usually approved unless these were high level management positions) within the establishment.

The lines of accountability within the establishment up to the governing body can be seen from the structure chart contained in Appendix 6.

**vi. What visits were made by the governing body to the establishment?**

The way in which visits have been conducted by the governing body has changed over time. There have been periods of fairly regular visits to the organisation's premises and periods where visits were relatively rare.

Due to the number of services in operation within the organisation the governing body have to rely to a greater extent on the visits and oversight provided by the relevant Directors, Assistant Directors and the CEO.

However, members of the governing body have visited the establishment at different times throughout the establishment's operative period.

**vii. What was the purpose of such visits?**

The purpose of these visits was to allow the governing body insight into the day-to-day operations of the organisation's establishments, to allow them to see how the children were looked after (in terms of child care and accommodation) and to meet staff and assess their suitability.

Visits may also have occurred where a particular inspection or review of the establishment's services was underway.

**viii. How frequently did these happen?**

As explained above, the frequency of these visits has changed over the years. There have been periods when visits by the governing body were fairly regular (on a rota basis) and periods when visits were non-existent.

Visits to the premises by the relevant Directors and Assistant Directors and by the CEO on behalf of the governing body were fairly regular.

**ix. Were children interviewed, or spoken to, by members of the governing body during such visits?**

During general visits the children were spoken to by the members of the governing body. The governors reported on the demeanour and attitudes of the children which suggests that the governors did spend time with the children and spoke to the children in order to be in a position to make this assessment.

Where visits were made to the establishment by the governing body for more particular purposes, for example, in connection with an investigation or inspection into the establishment, governors often had to speak to the children for the purposes of that investigation or inspection.

**x. If so, were establishment staff present while children were interviewed or spoken to?**

The child care workers and relevant management would have been present when the children met the governors as generally it would not have been appropriate for the governors to meet the children alone.

If a governor was part of an investigation into a staff member's conduct which involved a child and an interview of that child was required, the staff member in question would not have been present at that interview.

**xi. Were reports of such visits made and discussed by the governing body?**

Yes, reports were made to the governing body, including any recommendations which had arisen from the visit (either a governor's visit or a visit by a Director, Assistant Director or the CEO on the governing body's behalf) and these were discussed at board meetings.

Recommendations as to the organisations' establishments arising from these visits were generally put into action unless there was a reason not to do so.

**xii. Did visits result in changes to the organisation's policy, procedure and/or practice? If so, please give examples.**

There is no evidence of specific changes which were implemented following visits.

**Present**

**xiii. With reference to the present position, are the answers to any of the above questions different?**

Yes.

**xiv. If so, please give details.**

**How were the members of the governing body selected?**

As explained above, the practice of the organisation's governing body has been to choose members of the governing body who are able to bring relevant skills to the Board.

The latest appointments to the governing body were made following a process of “skills gap analysis” within the governing body. Vacancies were then advertised on the basis of the skills gaps identified. Advertisement of these vacancies was on an open basis and candidates who had applied were interviewed in order to assess whether they were suitable for appointment.

## 2.2 Culture

### Past

#### i. **What was the nature of the culture within the organisation?**

There are no current employees who can describe the culture in the Orphanage Years, and very few from the Group Home Years. The following comments on the culture within the organisation during the Orphanage Years and the Group Home Years is based on a review of historic records.

These records reflect the commitment of the governors, management and staff of the organisation to act in the best interests of the children to whom the organisation was providing care.

Comments within the organisation’s historic records (e.g. records of Annual General Meetings and Board/Committee/Management Minutes) from governors and management within the organisation demonstrate the care they had for the children, their determination to create environments in which the children would flourish and their work to enable those children to progress in life. The early aim of the organisation was to provide a home and family for children who did not have one and to provide them with support as well as basic nutrition, health care and education.

The organisation’s culture continued to develop along these lines and is reflected in the organisation’s most recent publication of its vision and values. These reflect the culture within the organisation during the Service Years.

#### ***“Our vision***

*To transform the lives of the children and families we work with and, through this, contribute to building a fairer and more equal society.*

#### ***Our values***

***Respect*** means acting in a way that shows we care about the feelings of one another, and that we listen to one another’s opinions. As a person-centered organisation that stands up for the rights of all children and families, a culture of respect is inherent in all of our work.

***Integrity*** means doing the right thing, even when no-one else is watching. We recognise that to fully represent the concerns of Scotland’s children and families, we may have to go against the grain or take difficult decisions. We will strive to act with integrity at all times.

***Innovative*** means finding new, efficient ways to do things. We are committed to learning and developing improved ways of helping Scotland’s children and families. We will be innovative in our approaches, to ensure we are doing the best for our children and families.

***Challenging*** means testing ourselves and those around us. It means not accepting the status quo. Within Aberlour, we will challenge ourselves to be the best we can be,

*as a provider of choice. Externally, we will use our campaigning voice to challenge decisions in the policy sphere, to ensure that our families' voices are heard."*

**ii. Was that culture reflected in the organisation's policies, procedures and/or practice in relation the provision of residential care services for children?**

Yes.

**iii. How can that be demonstrated?**

An understanding of the way in which the organisation's culture was reflected in its policies, procedures and practices during the Orphanage Years and the Group Home Years can be gained from the organisation's historic records (e.g. records from Annual General Meetings and Board/Committee/Management Meetings).

Review of the organisation's policies for the development of its services demonstrates the organisation's commitment to the children to whom it was providing the services and its commitment to innovation. For example, the transition from one establishment to a number of group homes was not taken because it was an easy option but rather because it was perceived as the best method of providing care to children. Similarly, the transition towards providing tailored services was undertaken by the organisation upon the view that this was required in order for the organisation to provide for the interests of the children in its care and to meet the needs apparent in the communities in which it operated.

Review of the organisation's policies and procedures demonstrates the organisation's focus on the interests of the children within its care. For example, policies and procedures on discipline and punishment, holidays and activities, education, after care, staff recruitment and training and renovation of premises all centre on the needs and best interests of the children in the organisation's care. These policies were also developed with the guidance and recommendations of the government and social departments responsible for child care in Scotland.

Review of the organisation's practices again reflects the organisation's commitment to the children in its care and the innovative and open way in which the Organisation has conducted its operations. A willingness to change the way in which the organisation operated is evident from the changes to the organisation's services and its willingness to review new guidance and recommendations on child care matters. A commitment to openness and integrity is evident from the organisation's willingness to invite third parties to review its practices (by way of inspections, reviews or simple recommendations).

**iv. Did the running of establishments reflect the organisation's culture, policies and procedures?**

In general the running of establishments did reflect the organisation's culture, policies and procedures. As with any organisation of equivalent size and history, there have been some instances in which the running of the establishments fell below the expected standard, and examples are given in response to the question below.

**v. If not, please provide a representative range of examples and explain, by reference to those examples, why particular establishments were not, in material ways, run in accordance with the organisation's then culture, policies and procedures and what, if anything, was done to change that state of affairs?**

**The Orphanage Years:** for most of this period the organisation only operated one establishment – the Orphanage. For the purposes of culture, policies and procedures, the organisation and the Orphanage operated as one and the same therefore there is

no evidence of the general running of the Orphanage failing to reflect the organisation's culture, policies and procedures.

**The Group Home Years:** there is limited availability of the formal policies and procedures which were used within the organisation, however, historic records suggest the organisation's standard practices, policies and procedures were intended to apply across the Group Homes.

In general historic records suggest that the group homes were operated in accordance with the organisation's standard practices, policies and procedures. It may not always have been the case that such practices, policies and procedures were applied consistently across a number of wide spread and self-sufficient premises, particularly where those premises are intended to operate as "family homes" and the staff managing those premises required some freedom to operate them as they see fit.

Consistency throughout the group homes was encouraged by providing all staff with the same operating guidelines and through regular visits by the organisation's management and governors to the different establishments.

There were a limited number of occasions on which concerns arose as to the way in which a group home was operated. Those concerns most relevant to this report are outlined below but there are limited additional incidents.

On one occasion in 1970 a junior staff member raised concerns about the disciplinary methods used within a group home in connection with children with enuresis. These concerns potentially involved practices undertaken by houseparents at the relevant establishment which were not in accordance with the organisation's policies and procedures on enuresis (i.e. children with enuresis should not be treated differently from any other child and should not be punished in any way).

On this occasion the warden undertook an investigation of these concerns assisted by members of the governing body. This investigation involved interviewing the junior staff member who had made the complaints, children resident within the relevant group home and the managers of the home. The managers (houseparents) of the relevant group home were not willing to cooperate with the organisation's investigation into the concerns. For this reason and on the basis that this suggested that these individuals were not committed to carrying on their work in accordance with the organisation's policies and procedures, they were dismissed.

On another occasion there were concerns arising about the way in which a manager of a group home conducted the home, including in relation to the way she disciplined the children. This matter was investigated and the findings suggested that the housemother in question wanted to operate the group home as she would her own home, even if this meant disregarding the organisation's policies and procedures.

It was made clear to the housemother that it was not acceptable for her to apply any policies and procedures to the operation of the group home other than those approved by the organisation. As the housemother was willing to change her methods in order to comply with the organisation's operating policies and procedures, she was taken through a course of training on the organisation's policies and procedures, senior management worked with her to develop her practice and she was advised that if such concerns arose again she would be dismissed.

**The Service Years:** in general the establishments operated by the organisation during this period were operated in accordance with the organisation's culture, policies, procedures and practices.

Due to the wide-spread nature of some of these establishments and their operation as a "family home", there may have been times when the establishment strayed from the organisation's policies, procedures and practices.

Within one service operated by the organisation a situation arose during 1997 where the senior manager of the establishment did not manage the staff or service in accordance with the organisation's culture or procedures. In particular this senior manager did not work well with service users nor did she provide staff with appropriate supervision or guidance and generally created a hostile working environment. Following investigation this individual's management style was found not to fit with that of the organisation and she was dismissed.

In other cases, the way in which a member of staff within an establishment has spoken to a child has required investigation. For example, where a staff member has "mocked" a child's taste in music or their accent or way of speaking or where a staff member has made a comment "in jest" which was not appropriate to say in front of a child within that staff member's care, In these situations the relevant staff members have been disciplined and reminded of the appropriate practices for speaking to the children within their care. These situations have often given rise to increased supervision or additional training for staff within the relevant establishments. In some cases this has resulted in dismissal where the organisation is of the opinion that the staff member is not showing a commitment to the organisation's culture.

One further example is where, in 1987, a Project Leader failed to provide the staff within his project with appropriate guidance and support resulting in the failure of staff to recognise a child's concern regarding sexual abuse (not within the service but within the child's life external to the service) and failure to follow the appropriate policies and procedures in this regard.

Following an investigation into this matter the Project Leader was dismissed on the basis of his failure to provide the guidance and support expected by the organisation.

**vi. Were there any changes in culture that were driven by abuse, or alleged abuse, of children cared for at the establishment?**

The organisation regularly undertook external and internal reviews of its operations. Such reviews were usually triggered when a concern had been raised by or about a particular service.

**vii. If so, when did they occur and how did they manifest themselves?**

**Staff culture**

A full independent review of the establishment was undertaken in 1998 following two negative reports received about the establishment. The first related to restraint practices within the organisation and the second related to allegations of a "macho" culture within the establishment. The investigations and resultant conclusions related to each report did not give rise to any findings of abuse as defined by the inquiry.

The recommendations following the independent review were implemented, including adjusting pay scales and staff structures. During this time staff were made aware of concerns about their attitude and working methods.

This appears to have resulted in an alteration of staff culture centred around staff attitudes and behaviours.

**Child Protection policies and procedures**

In 1999 a representative of from the Child Protection Unit and the Registration and Inspection Unit in Fife inspected the establishment. The representative acknowledged the establishment staff's sound practice but raised concerns around child protection and boundary procedures. This resulted in a review of these procedures and in a change of culture in relation to the application of these procedures.

#### **Care standards**

In 2014 the organisation undertook an internal investigation into the care practices and procedures within the establishment after a Care Inspectorate inspection resulted in a drop in grades from 5 to 2.

The investigation highlighted issues with care plans at one of the houses. The issues which were identified were remedied and, following an unannounced inspection, the Care Inspectorate found the grading had risen to a 4.

#### **Ongoing changes**

The organisation used each concern or complaint regarding the care of children resident at the establishment (not necessarily directly related to abuse or alleged abuse) to re-assess its practices, policies and procedures. Such reviews often resulted in changes to the care plan of the individual child in question rather than the practices of the establishment as a whole.

The organisation is flexible and versatile and has a culture of learning from past experiences. Every opportunity has been taken to review the culture or practices within the establishment and adjust these as required.

**viii. Were there any changes in culture that were driven by abuse, or alleged abuse, of children cared for at the establishment?**

There is no evidence of any incidents of abuse or alleged abuse relating to the establishment which required a change in culture.

The organisation's culture changed organically over the years in which the establishment was in operation in response to changing social norms and changing recommendations from relevant government departments.

**ix. If so, when did they occur and how did they manifest themselves?**

There is no evidence of any incidents of abuse or alleged abuse relating to the establishment which required a change in culture.

**x. Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?**

As explained above changes in public policy relating to the residential care of children influenced the culture of the organisation.

For example:

- a) Changes in public perceptions of corporal punishment and changes in public guidance and rules on corporal punishment were part of the influence which led the organisation to revisit its policies and procedures on corporal punishment, restricting its application until it was no longer used within the organisation.



- b) Changes in the structure of child care within the organisation were driven by the government's guidance and recommendations on residential child care which focused on the benefits of caring for children within small family homes rather than in large institutions.
- c) Public policy and government guidance and regulations on the qualifications of child care workers was part of the influence which led to the organisation updating its policies and requirements in terms of staff qualifications. The organisation has always had a policy of encouraging staff to pursue training and further qualifications but government regulations on this matter led to the formalisation of the organisation's position.

#### **Present**

- xi. With reference to the present position, are the answers to any of the above questions different?**

No.

- xii. If so, please give details.**

- xiii. To what extent, if any, has abuse or alleged abuse of children cared for at any establishments caused, or contributed to, the adoption of the current policies, procedures and/or practices of the organisation, in relation to the provision of residential care services for children including the safeguarding and child protection arrangements applying to its current establishments?**

The organisation's current policies, procedures and practices in relation to the safeguarding and child protection arrangements applying to current establishments have been influenced in the most part by statutory and regulatory requirements and by past experience of child care both within the organisation's operations and within the wider industry.

These policies, practices and procedures have also been influenced by the tailored nature of the residential services which the organisation now provides.

If a complaint or allegation regarding the treatment of a child is raised the matter is investigated in full and if cause for concern is found, the policies, procedures and practices of the establishment in question are assessed and amended if required or, more likely, the individual care plan of the relevant child or young person is updated to ensure a similar incident does not occur in the future.

There is no evidence to suggest that specific incidents of abuse or alleged abuse resulted in the adoption of the organisation's current policies, procedures or practices.

### **2.3 Leadership**

#### **Past**

- i. How was the establishment managed and led?**

The establishment was managed on a day-to-day basis by the Service Managers and the Assistant Service Managers (or individuals of equivalent titles).

- ii. What were the names and qualifications of the persons in charge of the establishment? Please include the dates for when each of the persons was in charge.**

The organisation's records do not enable the identification of which individuals worked at which establishment during the whole period of its operation. Employment records are not ordinarily retained for longer than 7 years.

A summary of the information available in relation to the persons in charge of the establishment is contained within Appendix 7.

**iii. What was the oversight and supervision arrangements by senior management within the establishment?**

Please see the structure chart within Appendix 6 which sets out the lines of accountability within the establishment.

Service Managers were responsible for the day-to-day operation of their services and oversaw the staff working within those services. The Head of Care and Education oversaw and supervised the Service Managers.

The organisation adopted a culture of regular supervision of staff with formal supervision taking place on a 6 weekly basis.

Full details of the way in which supervision was undertaken within the establishment in the past are not available but it can be expected that for the majority of the time a similar approach will have been taken to that adopted at present, although there may have been periods during which formal supervision of staff was not given the appropriate priority. This was particularly true during the earliest years of the establishment as staff were dealing with developing a new service and all the challenges which arise in that regard.

At present, the Head of Care and Education attends occasional team meetings and implements External Manager Audits as well as attending children's meetings (LAAC reviews etc.) as and when required. The Assistant Director line manages the Head of Care and Education and makes unannounced visits to the establishment. Both the Head of Care and Education and the Assistant Director are copied into weekly updates to the relevant local authorities.

Both members of senior management are heavily involved in overseeing the work of the establishment at a practical level.

**iv. What were the oversight arrangements by the organisation, including visits by or on behalf of the organisation?**

The Assistant Director was responsible for overseeing the establishment on behalf of the organisation and as explained above was heavily involved in overseeing the work of the establishment at a practical level.

The Assistant Director made regular unannounced visits to the establishment to assess the establishment's operations.

**Present**

**vi. With reference to the present position, are the answers to any of the above questions different?**

No.

**vii. If so, please give details.**

## **2.4 Structure**

### **Past**

**i. What was the structure of the organisation?**

Please refer to the structure charts within Appendix 4.

Please note, the structure of the organisation changed on a regular basis within each period of time depicted in Appendix 4 and every change in that structure is not reflected within the attached charts. Rather, examples of the structure of the organisation within each key time period of its existence have been provided.

**ii. What was the structure of the establishment?**

Please see the structure chart contained in Appendix 6.

### **Present**

**i. With reference to the present position, is the answer to the above question different?**

Please refer to the current structure of the organisation as set out in Appendix 4.

**ii. If so, please give details.**

## **2.5 Hierarchy and Control**

### **Past**

**i. What was the hierarchy within the organisation?**

Please refer to the structure charts within Appendix 4.

**ii. What was the structure of responsibility within the organisation?**

Please refer to the structure charts within Appendix 4.

**iii. What were the lines of accountability?**

Please refer to the structure charts within Appendix 4

**iv. Within the organisation, who had senior management/corporate/organisational responsibility for the managers/management teams/leadership teams who managed the establishment on a day-to-day basis?**

As explained above, the Director of Children and Families and the Assistant Director for the establishment had responsibility for the managers of the establishment.

**v. What were the reporting arrangements between the establishment and the organisation?**

Specific details about the way in which the reporting arrangements worked between the establishment and the organisation are not available for the whole period of its operation. A report on the establishment was included in the Director of Children and Families' regular report to the governing body and on this basis it is expected that the Director was provided with a regular report by the establishment to enable this report to be prepared.

- vi. **Within the establishment itself, who had managerial responsibility for, or was in overall charge of, those employed there, including in particular those who were involved in the day-to-day care of children, and any other persons who had contact with the children?**

Service Managers had managerial responsibility for those employed at the establishment.

- vii. **To whom were child care workers within the establishment directly responsible?**

Child care workers were directly responsible to Service Managers.

- viii. **Who, within the organisation, took decisions on matters of policy, procedure and/or practice in relation to the establishment?**

Service Managers had some remit to make decisions on practical and procedural matters to the extent that this was required in order to enable them to operate the establishment.

The Director of Children and Families, in collaboration with the Assistant Director and the Head of Education and Care may also have made decisions on policy, procedure and practice in relation to the establishment in the context of their respective roles.

All establishments were operated in accordance with the organisation's policies, procedures and practice and therefore any material change to these policies, procedures and practice required approval from the governing body.

- ix. **Who, within the organisation, was responsible for the implementation of, and compliance with, the organisation's policies, procedures and/or practices at the establishment?**

Service managers had overall responsibility for the implementation of, and compliance with, the organisation's policies, procedures and practices. The Assistant Director and the Head of Education and Care would also have had an oversight responsibility for such implementation and compliance.

#### **Present**

- x. **With reference to the present position, are the answers to any of the above questions different?**

Yes.

- xi. **If so, please give details.**

In terms of reporting practices between the establishment and the organisation, update reports are currently prepared by the establishment on a weekly basis.

#### **2.6 External Oversight**

##### **Past**

- i. **What were the arrangements for external oversight of the organisation and the establishment?**

**Organisation:**

**The Orphanage Years:** the organisation operated a policy of regular (e.g. monthly) visits to the Orphanage by the governing body.

The organisation was registered with the Secretary of State during this period and there were regular visits to the Orphanage by the Secretary of State and the local authorities which had placed children within the Orphanage.

The Orphanage was also visited and inspected by the Endowments Commission.

The organisation also encouraged visits and inspections from a number of other bodies, such as the NSPCC.

**The Group Home Years:** the organisation continued to promote a practice of regular visits to the establishment by the governing body.

The organisation and each establishment was registered with the Secretary of State and the relevant local authorities during this time. The organisation was required to comply with the standards and requirements of local authorities in relation to such registrations and visits and inspections by the Secretary of State and the relevant local authorities were common.

**The Service Years:** the organisation and each establishment were registered with the relevant local authorities and then the Care Inspectorate during this period.

The Care Inspectorate undertook regular inspections of the organisation's establishments.

The organisation also requested external reports to be undertaken on particular establishments and services on a regular basis.

For the past few years the organisation has also commissioned "Who Cares? Scotland" to provide support to the children resident in the Sycamore services in Fife. Who Cares? Scotland operates independently of the organisation and offers an independent perspective of the services operated by the organisation.

**Establishment:**

As outlined above for the Service Years.

- ii. **Who visited the organisation and/or the establishment in an official or statutory capacity and for what purpose?**

**Organisation:**

**The Orphanage Years:** as explained above, the Secretary of State, relevant local authorities and the Endowment Commission visited the Orphanage for the purposes of inspecting the premises and operations of the organisation.

**The Group Home Years:** as explained above, the Secretary of State and relevant local authorities visited the group home establishments for the purposes of inspecting the premises and operations of the organisation.

**The Service Years:** as explained above, relevant local authorities and the Care Inspectorate visited the Organisation's establishments for the purposes of inspecting the premises and operations of the organisation.

**Establishment:**

As outlined above for the Service Years.

iii. **How often did this occur?**

**Organisation:**

**The Orphanage Years:** these visits generally occurred once a year and from time to time on a more frequent basis.

Visits from relevant local authorities occurred on an ad hoc basis.

**The Group Home Years:** these visits generally occurred once a year and from time to time on a more frequent basis.

**The Service Years:** these visits occurred on an annual basis and may have occurred more frequently if thought necessary by the inspecting authority.

**Establishment:**

As outlined above for the Service Years.

iv. **What did these visits involve in practice?**

**Organisation:**

**The Orphanage Years and the Group Home Years:** there is limited information on what these visits involved in practice. Historic reports of these visits indicate that they involved an inspection of the relevant premises, a review of the relevant services provided to the children in residence (e.g. schooling, dietary provision, religious education, clothing and healthcare), a review of the attitudes and wellbeing of the children and potentially a review of the organisation's paperwork.

**The Service Years:** Care Inspectorate inspectors carried out announced and unannounced inspections.

Inspections usually involved the inspector:

- a) talking to people who use the service, their carers and families;
- b) talking to the people who work in the service - the staff and managers;
- c) talking to people privately and in groups;
- d) having a good look around to check what quality of care is being provided;
- e) looking at the activities happening on the day;
- f) examining things like records and files, if required; and
- g) finding out if people get choices, such as food, choosing a key worker and controlling their own spending money.

Inspections usually took account of:

- a) the self assessment form that services are asked to complete;
- b) aspects of care that the Inspectorate may be particularly interested in (these are called Inspection Focus Areas);
- c) the National Care Standards that the service should be providing;
- d) recommendations and requirements made in earlier inspections;
- e) any complaints against the service; and
- f) other regulatory activity, such as enforcement actions taken to improve the service.

**Establishment:**

As outlined above for the Service Years.

- v. **What involvement did local authorities have with the organisation and/or the establishment in respect of residential care services for children?**

Local authorities were the bodies placing children with the organisation and on this basis were involved in making such placements and in communication with the organisation about those placements and the children in question.

Local authorities were also responsible for ensuring the organisation's establishments were registered during the Group Home Years and for part of the Service Years and for visiting the organisation's premises to inspect their suitability for provision of residential care services to children.

- vi. **What involvement did local authorities have with the organisation and the establishment in respect of the children at the establishment?**

As explained in question 2.6.v above, local authorities were the bodies placing children within the establishment and on this basis were involved in making such placements and in communication with the organisation about those placements and the children in question.

There was regular communication between local authorities and the organisation in relation to children placed by the local authority within the establishment. For example, recent practices involve a weekly update report to the relevant social workers on the children resident in the establishment.

Decisions about the children resident in the establishment generally involved discussions between the establishment staff and local authority staff.

- vii. **If the establishment was run by a Catholic religious order, what actual involvement and/or responsibility, whether formal or informal, did the Catholic Hierarchy/Bishops' Conference have, either directly or at diocesan level, in the creation, governance, management and/or oversight of the establishment?**

The organisation was not run by a Catholic religious order.

- viii. **What was the nature and extent of any pastoral care provided to the establishment, if it was run by a religious order?**

The establishment was not run by a religious order.

**Present**

- ix. **With reference to the present position, are the answers to any of the above questions different?**

No.

- x. **If so, please give details.**

N/A.

**Part B – Current Statement****3. Retrospective Acknowledgement/Admission****3.1 Acknowledgement of Abuse**

- i. **Does the organisation/establishment accept that between 1930 and 17 December 2014 some children cared for at the establishment were abused?**

Yes.

- ii. **What is the organisation/establishment's assessment of the extent and scale of such abuse?**

The information held by the organisation about the extent and scale of abuse carried out within the establishment is outlined within Appendix 5 in which the allegations and complaints of which the organisation is aware are set out.

The majority of this information is drawn from the organisation's governance records and in some instances only limited information can be provided due to the nature of those records.

The organisation's conclusions from the information outlined in Appendix 5 are that:

- a) there is a marked increase in the number of complaints and allegations made in relation to the establishment as compared to the number of allegations and complaints of which the organisation is aware which were made during the earlier years of the organisation's existence (for example, during the Orphanage Years or the Group Home Years).

This increase reflects the change in social norms between these time periods. During the Orphanage Years it was not standard practice to raise service complaints, nor were there established practices of taking the views of children within child care services. The expectation was for adults (for example, local authority representatives, parents and staff providing services to the children within an establishment) to deal with quality or service level matters on behalf of children.

Throughout the Service Years public attitudes changed and children were encouraged to "have their say" about their care. Children were encouraged to give their views (on their own care, as introduced under the Children Act 1975, and on a general basis) and those providing services to children were encouraged to involve children in planning and developing services which would affect them.

The increase in the number of complaints and allegations recorded in Appendix 5 in comparison to the number of complaints and allegations recorded for earlier periods of the organisation's operations demonstrates that children resident within the establishment were encouraged to raise concerns about their safety, their care or the services they were receiving and that the organisation applied a consistent level of consideration to each suggestion, complaint or allegation raised.

- b) allegations and complaints of abuse received by the organisation were investigated;
- c) in some circumstances there was no evidence of the alleged abuse having taken place and we are unable to comment further on these instances;



- d) in other circumstances where incidents or issues were identified, these were investigated and actions taken to secure the safety of the children within the organisation's care;
- e) not all of the complaints and allegations outlined within Appendix 5 fall within the Inquiry's definition of "abuse". Some of the harm or injury complained of was not directed at the child by the staff member in question but rather arose within the circumstances of the child's encounter with the staff member (e.g. accidental harm or injury or actions taken in self-defence where a child was behaving violently).

iii. **What is the basis of that assessment?**

That assessment is based on a review of the information outlined within Appendix 5.

### **3.2 Acknowledgement of Systemic Failures**

- i. **Does the organisation/establishment accept that its systems failed to protect children cared for at the establishment between 1930 and 17 December 2014 from abuse?**

No. Although the organisation accepts that there were instances in which children cared for by the establishment suffered abuse as set out in the response above, the organisation does not believe that this arose from systemic failures.

- ii. **What is the organisation/establishment's assessment of the extent of such systemic failures?**

The organisation does not believe there were systemic failures.

- iii. **What is the basis of that assessment?**

The organisation does not believe there were systemic failures.

- iv. **What is the organisation/establishment's explanation for such failures?**

The organisation does not believe there were systemic failures.

### **3.3 Acknowledgement of Failures/Deficiencies in Response**

- i. **Does the organisation/establishment accept that there were failures and/or deficiencies in its response to abuse, and allegations of abuse, of children cared for at the establishment between 1930 and 17 December 2014?**

No. The organisation is not aware of evidence of failures and/or deficiencies in its response to abuse or allegations of such related to children cared for at the establishment during this period.

Each allegation or complaint set out within Appendix 5 (those occurrences of abuse or allegations of such of which the organisation is aware) was dealt with, investigated and managed when raised. It appears to the organisation that its responses were appropriate, having regard to the circumstances and context of the abuse or allegations.

- ii. **What is the organisation/establishment's assessment of the extent of such failures in its response?**

The organisation does not believe there were such failures.

iii. **What is the basis of that assessment?**

The organisation does not believe there were such failures.

iv. **What is the organisation's explanation for such failures/deficiencies?**

The organisation does not believe there were such failures.

**3.4 Changes**

i. **To what extent has the organisation/establishment implemented changes to its policies/procedures and practices as a result of its acknowledgment in relation to 3.1 – 3.3 above?**

The organisation's policies and procedures were reviewed and updated on a regular basis but this was generally carried out on the basis of the natural development of those policies and procedures, not as a result of the acknowledgement at 3.1 above.

Details of changes in culture within the organisation are set out in question 2.2 above.