

1 Friday, 20 May 2022

2 (10.00 am)

3 LADY SMITH: Good morning. As I said yesterday, we are back
4 to councils again today before we break next week in
5 advance of the next section. Today we are starting with
6 Dundee City Council, I think?

7 MS INNES: Yes, we are, my Lady. Glyn Lloyd is here.

8 LADY SMITH: Good.

9 Mr Glyn Lloyd (sworn)

10 LADY SMITH: An easy question, I hope, for you to start.
11 How would you like me to address you? I'm happy with
12 Mr Lloyd or Glyn, whatever would work best for you.
13 A. Glyn would be good, thank you.

14 LADY SMITH: Thank you, Glyn.

15 You have a hard copy of Dundee's written responses
16 to us. Thank you very much for your council having sent
17 these in. You'll be referred to some parts of them as
18 we go through your evidence, but you'll also see the
19 parts we're talking about coming up on screen. Use
20 either or neither, whatever you find to be most helpful.

21 If you have any questions at any time or any
22 concerns, please do let me know. I know it's not
23 a straightforward task to give evidence at all, let
24 alone to give evidence in the way and with the
25 representation responsibilities that you have. So do

1 what you can to make it as easy for you as possible.

2 I normally take a break around 11.30, if you're

3 still giving evidence then. If that works for you,

4 we'll do that. But if you needed a break at any other

5 time, just let me know.

6 A. Thank you.

7 LADY SMITH: If you have no questions at the moment, I'll

8 hand over to Ms Innes and she'll take it from there.

9 A. (Witness nodded)

10 LADY SMITH: Thank you.

11 Questions from Ms Innes

12 MS INNES: Thank you.

13 Glyn, I understand that you are currently Head of

14 Children's and Community Justice Social Work with Dundee

15 City Council?

16 A. That's correct, yes.

17 Q. And you're the Chief Social Work Officer?

18 A. I'm not the Chief Social Work Officer. Diane McCulloch

19 is the Chief Social Work Officer in Dundee.

20 Q. Thank you. You've been in that role since 2018?

21 A. Since August 2019.

22 Q. Right. You have provided us with a curriculum vitae

23 setting out some of your background. I think before you

24 went into social work you were in the police briefly?

25 A. Very briefly. For two years, that's right.

1 Q. Then you began work as a social worker in 1996?

2 A. That's right. I qualified in 1996 and started then.

3 Q. Then you worked in various roles with Local Authorities

4 in England, I think, mainly working in youth offending?

5 A. That's right.

6 Q. And you progressed through those roles to management

7 positions?

8 A. That's correct.

9 Q. And then you moved to Dundee City Council in 2005?

10 A. Yes, October 2005.

11 Q. At that point you took up a role as Service Manager of

12 the Community Justice Service?

13 A. That's right.

14 Q. Then you progressed from there up to your current role,

15 as you say?

16 A. That's right. I left the Community Justice Service

17 Manager post in 2016 and I was then the Service Manager

18 for Strategy and Performance, until I started this

19 current post in 2019.

20 Q. Okay. I'm just noticing where you're sitting relative

21 to the microphones --

22 LADY SMITH: I think we need --

23 MS INNES: I wonder if we might swap over the one -- no.

24 LADY SMITH: It's the one with the red light. I think we

25 need to create a closer relationship between you and the

1 microphone. (Pause)

2 Okay? Okay for everybody. That microphone needs to
3 pick you up, particularly to help the stenographers who
4 are listening to everything through the sound system.

5 A. Thank you.

6 MS INNES: Thank you very much. I know that there are many
7 microphones in front of you, so it's a little bit
8 confusing and not your issue at all.

9 I want to turn to Dundee City Council's response to
10 the section 21 notice that was provided to the Inquiry
11 in respect of the foster care case study. You were at
12 Dundee City Council I think in your current role at the
13 time that this preparation was going on for this notice?

14 A. Yes.

15 Q. Can you provide us with some information about the
16 approach that the Local Authority took to answering the
17 questions in the section 21 notice?

18 A. Yes. So over the relevant time period, 1930 to 2014, we
19 archived all the files where possible, where available,
20 and we had a dedicated team consisting of a resource
21 manager, a number of social workers, admin staff,
22 archive staff and out-of-hours staff, who read those
23 files, and where there were concerns identified in any
24 of the files, they dug deeper and carried out a more
25 careful analysis or reading, if you like, of the content

1 of those files. And in relation to those cases, they
2 also cross-referenced with the relevant child's file as
3 well, because obviously we have files on foster carers
4 but we also have files on children and young people at
5 the same time.

6 Q. Okay, we'll come back a bit later on to look at the
7 numbers of files that you looked at and to look at that
8 process in a little bit more detail. So as well as
9 looking at the files, how did you go about searching
10 archives for policy documents going back to 1930, for
11 example?

12 A. To my understanding, we archived the files from our
13 records office. So we have a dedicated records officer
14 who obtained the files for us.

15 Q. Okay. I understand from other Local Authorities who
16 are -- and from, I think, Dundee as well that
17 a consultant was employed to look at the period up to
18 1995 in terms of the history of policy and procedure,
19 and that that consultant, I think, was employed by Perth
20 and Kinross, Angus and Dundee City Council to give them
21 all information that would feed into their section 21
22 responses. Is that right?

23 A. To support us all with that process, that's right.

24 Q. Can I ask you to look at DUN-000000694, which is the A-D
25 response, and we can see page 1 of that on the screen

1 now. The first question's about the predecessors of
2 Dundee City Council. If we can scroll down to the
3 second paragraph under this question, we see there:
4 "Dundee Corporation was the responsible authority
5 for the local area for the period 1930 up to 1975 ..."
6 A. (Witness nodded)
7 Q. Then Dundee became part of Tayside over the period 1975
8 to 1996.
9 A. (Witness nodded)
10 Q. Then there was disaggregation in 1996 and Dundee City
11 Council was formed?
12 A. Mm-hmm.
13 Q. Does that set out the predecessors, the people for whom
14 Dundee City Council takes responsibility?
15 A. That's correct.
16 Q. It says in the final sentence in the paragraph that we
17 can see here before we go into the bold writing, the
18 final sentence says:
19 "For the Dundee area, it is the successor authority
20 to Tayside Regional Council in respect of all matters
21 relevant to this Inquiry."
22 A. Yes.
23 Q. Am I right in understanding that to mean that if
24 somebody was within the geographical area of what is now
25 Dundee City Council, Dundee City Council takes

1 responsibility for them --

2 A. (Witness nodded)

3 Q. -- whether they were in Dundee City Council post-1996 or
4 in Tayside before that?

5 A. That's correct.

6 Q. Thank you.

7 I'd just like to highlight some aspects in your
8 response where you refer to some information that was
9 able to be found from the files in respect of the period
10 of Dundee Corporation. If we can look, please, at
11 page 39 and below the table, we see there:

12 "Minutes of Dundee Corporation and its
13 committees ..."

14 There's reference there to 1947 to 1948 and it says:

15 "[These] reveal that the committee agreed that the
16 person appointed by Banffshire Council to undertake the
17 duties of children's officer in respect of children
18 accommodated at Banffshire, and authorised accordingly.
19 This was in relation to a letter submitted by the
20 Director of Social Welfare of the date 18 May 1948,
21 which he had received from the Director of Social
22 Welfare Services of Banffshire County Council, stating
23 that the council was presently considering the revision
24 of its services consequent upon legislative changes
25 about to take place, and enquiring whether this

1 committee would be prepared to appoint the person
2 appointed by the council as the children's officer, or
3 the various district officers of the council, as the
4 local representative in terms of the regulations in
5 respect of children from this authority boarded out in
6 the Banffshire area. It was noted that 120 children
7 from this area were at present accommodated in
8 Banffshire, 65 in private homes and 55 in the Abelour
9 Orphanage."

10 We've heard evidence from other witnesses about
11 a practice of children being boarded out from cities to
12 rural areas.

13 A. (Witness nodded)

14 Q. I think we can see here that certainly in 1948 there was
15 120 children from Dundee boarded out to a country area.

16 A. (Witness nodded)

17 Q. Beyond this information that you were able to find here
18 or that the Local Authority were able to find here, do
19 you know if you were able to find anything else in
20 relation to that practice of boarding children out to
21 rural areas?

22 A. I don't know, no, but other than it being my
23 understanding that at the time there was a culture where
24 it was more likely that children would be placed outwith
25 the Local Authority area. There was less of an emphasis

1 on keeping them and supporting them with either their
2 own families or, where that wasn't possible because of
3 risks to the children with their own families, with
4 local foster carers.

5 LADY SMITH: Do you think that this 120 children in 1948
6 being boarded out in Banffshire were something of
7 a legacy of boarding out during the war to get children
8 out of the city of Dundee?

9 A. I suspect that's a possibility, but I'd be speculating.
10 So I don't know. I can't confirm.

11 LADY SMITH: Thank you.

12 Of course there was a division between them going to
13 what's properly described as boarding out in a private
14 home and the Abelour Orphanage, which I've heard about
15 before in another case study. Thank you.

16 MS INNES: If we can move on to something else that you
17 reference in your response, onto page 46, please, and
18 this is moving forward to correspondence that you found
19 from 1954. This sets out the following criteria in
20 a plan for the boarding out of children. Then there's
21 reference to, "You should", and then various bullet
22 points:

23 "1. Have a home where a child will have security,
24 affection and hope for the future.

25 "2. Have the time and patience to care for a child

1 physically and spiritually."

2 "3. Be a normal family group as children are
3 happiest where there is a father and mother, sister and
4 brother in the family circle."

5 "4. Have room for another child."

6 "5. Be in good health."

7 "6. Have an income sufficient to support your
8 family. The rate of board covers the child's expenses."

9 Just in terms of the various criteria set out there
10 from 1954, do you have any observations as to those and
11 how matters have developed and changed over time?

12 A. Yes, I would say that some of them are entirely
13 understandable and still valid, still legitimate.
14 Certainly the first one, you will have a home where
15 a child will have security, affection and hope for the
16 future, and you'll have time and patience to care for
17 a child. Obviously having room for a child is key as
18 well, but some of them, such as for instance having
19 children in the household wouldn't be judged as
20 an absolute necessity now.

21 The sixth one, have an income sufficient to support
22 your family again wouldn't be a necessity, in the sense
23 that actually we pay foster carers a fee and
24 an allowance to support them in their role to carry out
25 their care of the child.

1 So some of them are entirely legitimate and still
2 valid, but others, I think, have been superseded, shall
3 we say, by time and developments since then.

4 LADY SMITH: I wonder if the sixth one was a perhaps
5 hamfisted way of trying to protect against people being
6 attracted to foster care as a means of supplementing
7 what was otherwise an inadequate income for their own
8 family and thereby being likely to spend their foster
9 allowance on their own children before caring properly
10 for the foster child.

11 A. I think that's possible. And I think it's perhaps
12 an allusion as well to the need for foster carers to be
13 economically stable and secure prior to a child being
14 placed with them, as opposed to struggling, for
15 instance, in poverty.

16 LADY SMITH: Thank you.

17 MS INNES: If we scroll down this page, we then see things
18 that were considered to be essentials for a good foster
19 home, or it says these, above, were essentials. Then it
20 says:

21 "In turn, the authority would:

22 "1. Become acquainted with you and your family
23 before placing a child in your home.

24 "2. Tell you about the child before he comes to
25 live with you so that you may decide if he is a child

1 who would feel at home in your family.

2 "3. Place a child of your own faith with you in so
3 far as practicable.

4 "4. Come regularly to share with you the planning
5 for the child's future.

6 "5. Pay board directly to you each week or month as
7 agreed."

8 Do you have any observations on those elements that
9 would be provided by the Local Authority and how they
10 have changed or developed over time?

11 A. Well, again to some extent some of them are entirely
12 legitimate and valid still, but equally some or even all
13 of them are somewhat broader and a bit more nebulous
14 than they are now.

15 So become acquainted with you and your family before
16 placing a child in your home. Actually, we carry out
17 a full and proper assessment as opposed to just becoming
18 acquainted.

19 Tell you about the child -- well, we most certainly
20 do that. We try and ensure there's a proper match
21 between the capacity of the foster carers and the needs
22 of the child.

23 Place a child of your own faith with you? Well, we
24 wouldn't necessarily apply that.

25 Come regularly to share with you the planning for

1 the child's future? Most definitely. We would
2 support -- we have a team that supports the foster
3 carers, we have teams who support the children, and
4 jointly they support the placement, if you like.

5 And pay board? Well we don't pay board, we pay
6 a fee and allowance to foster carers.

7 Q. Thank you.

8 I just want to go back please to page 10 and to
9 a reference that you have there. If we go to the bottom
10 of the page, please, this might perhaps link to some
11 evidence that we saw yesterday. I think we see at the
12 bottom of the page that you found reference to
13 a childcare circular from the Scottish Education
14 Department in 1966, "Publicity for foster parents",
15 which advises that they have prepared posters and
16 leaflets designed to interest prospective foster
17 parents. The circular states that a supply would be
18 sent under separate cover and it suggests that in order
19 to enable a wide section of the community to be aware of
20 the need for foster parents that posters and leaflets be
21 displayed in various places.

22 Again, how has the advertising or recruitment in
23 that sense for foster parents developed over time?

24 A. We struggle, actually, to recruit foster carers. So
25 typically we have just over 90 at any given time, but

1 each year we have foster carers retiring and each year
2 we have about the same number becoming new foster
3 carers, so it rolls on. It's around about 90/95 at any
4 given time.

5 So we're continually trying to address that and
6 design new ways of attracting more suitable foster
7 carers.

8 At the moment, for instance, we've just recently had
9 Foster Carers Fortnight, where we've had a huge campaign
10 to attract foster carers through social media, through
11 face-to-face events, stalls.

12 We target certain employers. We've tried to respond
13 to the impact of the pandemic on the local community by
14 generating an understanding of opportunity for people to
15 foster care, but we still struggle, and we struggle in
16 particular to recruit foster carers for teenagers and
17 children and young people with a disability.

18 Q. Okay.

19 A. But we're constantly, constantly trying to raise
20 awareness of the opportunity, if you like, for people to
21 foster care through a range of different means. And to
22 build on that, we've just recently commissioned AFA to
23 carry out an external review of our approach towards the
24 recruitment, support and retention of foster carers.

25 Q. So that's the Adoption and Fostering Alliance?

1 A. Yes.

2 Q. You mentioned you make contact with certain employers,
3 what sort of employers do you make contact with?

4 A. So for instance very recently we've contacted --
5 targeted, if you like -- NHS Tayside, as one of the
6 largest employers in the local area, to try and raise
7 awareness and to try and attract interest.

8 LADY SMITH: Who were the organisation that you've
9 commissioned to carry out an external review, Glyn? I'm
10 not sure I caught that.

11 A. AFA, so the Association of Fostering and Adoption in
12 Scotland.

13 LADY SMITH: Thank you.

14 MS INNES: Again if we can move on, so we've seen something
15 there from 1966 and if we can move to page 34, at the
16 top of the page there's reference here to correspondence
17 from 1968 and it talks about continuity of care. It
18 says:

19 "It states that 'in applying the principle of
20 continuity of care we aim to ensure the child's
21 upbringing is as stable and secure as possible. This
22 requires the childcare procedures in a service to be
23 geared to the needs of the child'. It goes on to state
24 that the procedure in Dundee had been to place a child
25 originally in a short-term foster home and then transfer

1 them after six months to a long-term foster home and to
2 another childcare officer. This break was considered
3 'liable to have an adverse effect' and it is understood
4 from a previous meeting on 22 January that this
5 procedure is now 'dropped'."

6 It looks there as though prior to 1968 there had
7 been a procedure whereby a child coming into foster care
8 would be with one carer for six months, then they would
9 move to a long-term placement, and there seemed to be
10 two things within that. So not only would their carers
11 change, but their childcare officer would change.

12 A. (Witness nodded)

13 Q. Can you see any issues with that?

14 A. Yes, I think first of all there's a presumption there
15 that the child will remain in foster care, both short
16 term and long term, when actually now we would place
17 a child in foster care ideally as a temporary
18 arrangement whilst rehabilitative work is carried out
19 with their parents or carers and return them as soon as
20 it's appropriate and safe to do so, as soon as they can
21 return to a nurturing environment again.

22 There's also a concern there that they would
23 transfer from one case worker to another one.
24 Notwithstanding people moving and changing posts and
25 being sick and suchlike, we try now to place an emphasis

1 on ensuring that the same worker remains with the child
2 throughout.

3 Q. I suppose the answer to this might be obvious, but why
4 do you try to ensure that?

5 A. Because the relationship is fundamental and because we
6 don't want children to repeat their story to different
7 people over time, because they need to develop trust,
8 because the worker needs to get to know them, and
9 because that forms a key part of their ongoing
10 assessment and planning and care.

11 Q. I'm going to move forward in time a bit to the 1980s.
12 In your response to the section 21 notice you've
13 referred to a number of documents from the 1980s in
14 respect of essentially changes in strategy in terms of
15 foster care and residential care.

16 If I can take you, please, first of all to
17 ANC-000000761, if we go onto the right-hand side of the
18 page, I think we can see that this refers to a special
19 meeting of the social work committee of Tayside Regional
20 Council, dated 22 March 1984. If we scroll down, we see
21 an entry "Childcare services" and there's reference to
22 a report from the Director of Social Work following
23 a complete review of services to children in care in
24 Tayside.

25 It says:

1 "The report highlighted the need for a change in the
2 philosophy of childcare and recommended a change of
3 emphasis from residential care to care and support
4 within the community."

5 This change in emphasis, is this something that
6 you're familiar with from looking at the background of
7 the development of foster care in Tayside?

8 A. Yes, absolutely. I think to varying degrees that change
9 in emphasis has developed over the last 10, 20, 30, 40
10 years, away from external residential care or
11 placements, care arrangements outwith the Local
12 Authority and more towards children and young people
13 being placed in family-based arrangements within the
14 boundaries of the Local Authority, so they remain within
15 a family environment, within their own local community.

16 Q. If we can look on, please, to the report referred to, so
17 ANC-000001077, at the top of the page we can see that
18 this is the report from the Director of Social Work
19 referred to. If we go on to page 3, at the top of
20 page 3 there's a heading there, "Fostering and adoption"
21 and it says:

22 "Fostering and adoption have long existed as
23 alternatives to care in a residential establishment, and
24 in each of these spheres there has been significant
25 development in recent years. It has been found that by

1 careful matching and adequate support, each of these
2 approaches can prove to be the best answer in many
3 instances once deemed to be quite beyond the scope of
4 such solutions."

5 Then it goes on to talk about the department paying
6 enhanced rates and it says in the next section:

7 "There are at present 311 Tayside children being
8 cared for in residential establishments and 381 children
9 who are fostered."

10 So slightly more in fostering, but still quite
11 a large number in residential care.

12 A. Absolutely. When you compare that with now, for
13 instance, we have about 436 care-experienced children
14 and young people in Dundee and about 55 of them are in
15 external or local residential establishments.

16 LADY SMITH: Glyn, could you just get a bit closer to the
17 microphone? I'm losing some of what you're saying
18 towards the end of your sentences. Thank you.

19 A. Sorry.

20 MS INNES: I think you said that you -- I can't remember the
21 first number now. I know you said that 55 are in
22 residential --

23 A. So out of about 435, obviously that number changes on
24 any given week, any given day, but out of about 435, we
25 have about 55 in a residential establishment. Either

1 one of our six children's houses or in an external
2 residential establishment elsewhere across Scotland.

3 Q. Thank you.

4 Then we see after the reference to the numbers here
5 in this paragraph, it says:

6 "To further develop the use of fostering, a family
7 placement officer is about to be appointed who will work
8 closely with the officer dealing with adoption in
9 recruiting, training and supporting couples or
10 individuals who can offer suitable homes, not only for
11 children coming into care but also to enable children
12 already in residential settings to move out to family
13 situations."

14 It looks there as though the Local Authority were
15 introducing a specialist role in terms of somebody who
16 would work with people who were looking to foster?

17 A. (Witness nodded)

18 Q. Has that specialism continued and developed?

19 A. Yes, absolutely. And most definitely grown in the sense
20 that as opposed to one individual family placement
21 officer we now have two discrete teams, who provide
22 support to both foster carers and prospective adopters.
23 The teams are each managed by a team manager and they
24 each consist of I think six social workers each. So
25 we've grown that again over the last 10/20 years.

1 Q. Do those teams cover different areas of the city or are
2 they just managed in that way?

3 A. They both cover the whole city.

4 Q. If we look down, please, to paragraph 9 here, it's on
5 this page, it notes:

6 "Experiment has taken place in some areas with
7 adolescent schemes which provide for an element of
8 payment for couples who have the personal qualities to
9 work intensively with some of the more troubled teenage
10 children and these have been shown to provide
11 an economic and more effective way of treating some of
12 these children. The children who can benefit from this
13 kind of scheme are usually older, with established
14 behaviour problems and family attachments that require
15 to be maintained. The time-limited contract element of
16 these schemes enable older children to take advantage of
17 a stable family environment without feeling the conflict
18 of loyalties inherent in conventional foster care
19 situations."

20 Do you have any observations in relation to what's
21 said here about this particular type of scheme?

22 A. I think this is reflecting the fact that some children
23 and young people present with more vulnerabilities and
24 more challenging behaviours than others, and that the
25 knowledge, the skills of foster carers, the support to

1 foster carers needs to reflect that.

2 So I can see that at the time they were trying to
3 develop a bespoke service to provide enhanced support
4 and the way that's developed since then is that at the
5 moment in Dundee we have a similar scheme which is
6 called the ACE scheme, where again we pay a smaller
7 number of foster carers an enhanced fee and provide them
8 with more intense support to care for more vulnerable
9 children.

10 Q. Okay.

11 If I can move on from that to a document from 1986
12 which is referenced throughout your response and this is
13 at DUN-000000287. I think in your response it's
14 referred to as a Children in Crisis report -- a Strategy
15 for Children and their Families.

16 I think this is the relevant report. If we see in
17 the subject, it's "Social work services for abused
18 children", and then in the remit there's reference to
19 a special meeting of the social work committee from
20 October 1985 requesting further information on aspects
21 of child abuse which arose from their consideration of
22 the report submitted to them on that date.

23 Then there were different aspects that they were
24 looking at. I think some of those, when it talks about
25 child abuse, it's not specifically about what we're

1 looking at in the context of abuse in care, it would be
2 looking at abuse more generally and perhaps why children
3 come into care in the first place.

4 A. (Witness nodded)

5 Q. Is that your understanding of this report?

6 A. That's right, that's right. Broadly as a result of
7 physical, sexual, emotional abuse or neglect.

8 LADY SMITH: That seems to be confirmed by the first item on
9 the list being cases referred to the Reporter, and that
10 would be the Reporter to the Children's Hearing.

11 MS INNES: Yes.

12 LADY SMITH: The possibility is the child falls within one
13 of the categories for the Hearing to be involved, such
14 as the child's been the victim of abuse of some sort.

15 MS INNES: If we can move on to the bottom of page 3, we see
16 here a heading, "Institutional abuse and procedures
17 within social work establishments". If we look at 5.1,
18 it says:

19 "In the early years of childcare services, reliance
20 was placed upon the care of children in large and often
21 impersonal institutions. While their material welfare
22 was usually adequately cared for, children in such
23 establishments could be subjected to a wide range of
24 demeaning treatment and deprived of opportunity to form
25 close relationships with caring adults. With increasing

1 insight into the emotional needs of children, large
2 institutions have been closed down and there is
3 a greater reliance on family group homes and foster
4 care. Child abuse is not unknown in either of these
5 situations however, and even well-motivated and caring
6 adults can be provoked into violence by the behaviour of
7 children, especially if the children are disturbed or
8 violent themselves. No serious cases of this nature
9 have been reported in Tayside but there is an ongoing
10 programme of training and support for staff and foster
11 parents designed to help them develop gentle methods of
12 control and to avoid confrontation with older children
13 escalating into violence. As an additional safeguard,
14 social workers are now required, when making routine
15 visits to foster children, to arrange to see the child
16 alone so there will be an opportunity for the child to
17 say if there are any problems about the way he or she is
18 being cared for or treated."

19 There's a number of things within that.

20 First of all, despite the general background to this
21 document as we've discussed, the document does seem to
22 explicitly recognise the possibility of children being
23 abused in care, and particularly foster care.

24 A. (Witness nodded)

25 Q. That seems to have been recognised at the time?

1 A. Yes.

2 Q. Do you have any observations on what's said about "even
3 well-motivated and caring adults can be provoked into
4 violence by the behaviour of children, especially if the
5 children are disturbed or violent themselves"?

6 A. I find that a little concerning in that it almost --
7 certainly implicitly suggests that it's understandable
8 that at times, because of the difficult behaviour of
9 some children and young people, adults will react in
10 certain ways, when that's not the case. It goes on to
11 say obviously that training and support for staff to
12 develop gentle methods of control, but even that is
13 concerning. "Methods of control" is not either language
14 or values we would adopt now.

15 Q. There's also reference there to -- it looks as though at
16 the time, so back in 1984, by this time social workers
17 were required, when making routine visits, to arrange to
18 see the child alone. So that seems to have been
19 something that was in place then.

20 A. (Witness nodded)

21 Q. Is that something that's an ongoing requirement of
22 social workers?

23 A. Yes, and I think that's a good thing and a necessary
24 thing, absolutely.

25 Q. If we go down the page, in the next paragraph I think we

1 see obviously reference to the responsibility of the
2 Local Authority to promote and protect the welfare of
3 the child throughout their childhood.

4 "The care provided by the residential staff in
5 children's homes is of a high order but for all young
6 children, and those older children who cannot be quickly
7 rehabilitated with their parents, substitute family
8 placement is considered to be the best alternative."

9 Just pausing there, do you have any observations on
10 that comment?

11 A. It seems like a similar theme to the one we discussed
12 earlier in relation to available capacity, if you like,
13 in relation to the number of foster carers and
14 challenges with the recruitment of foster carers.

15 Q. It notes in the next line:

16 "Finding foster and adoptive homes for older
17 children is becoming increasingly difficult and the
18 department would fail to carry out its statutory duty to
19 children if it did not provide adequately for their
20 needs."

21 Then it talks in the next paragraph about children's
22 homes closing, so it looks as though that's what the
23 Local Authority were doing at the time, they were
24 closing the homes that they had.

25 A. (Witness nodded)

1 Q. Does that accord with your understanding?

2 A. Yes, although we still have six young people's houses in
3 Dundee, all for young people aged now between 11 and 21,
4 because we've implemented continuing care, and all in
5 recognition of the fact that some young people have
6 struggled with foster carers for various reasons and the
7 care arrangement has broken down, and some teenagers
8 enter the care system for the first time as teenagers
9 and because we've struggled to recruit foster carers for
10 teenagers, then typically they go into a young person's
11 house.

12 LADY SMITH: Can you remind me of the capacity of each of
13 these houses, as you're calling them, in the city?

14 A. So until very recently it was five in each house, but
15 we've just recently, very recently, this month, in fact,
16 extended them to six in each house.

17 LADY SMITH: So it's six children or young people together
18 with a responsible adult or adults?

19 A. Six young people in each house together with a minimum
20 of two adults at any given time, and more if
21 an assessment suggests that their needs require more
22 adults at any given time.

23 LADY SMITH: Thank you.

24 MS INNES: It says there:
25 "As children's homes close, additional resources

1 need to be allocated to the recruitment, assessment and
2 support of foster parents. In particular, those caring
3 for abused children need a high level of support as they
4 care for children who frequently show disturbed
5 behaviour and with parental contact, which can present
6 particular difficulties."

7 I think you've already talked about additional
8 support being required. Do you have any observations on
9 the comment there about parental contact presenting
10 particular difficulties?

11 A. Yes, because, as we said earlier, children typically
12 come into the care system because of abuse within their
13 own birth families and although at the same time the
14 children often have attachments to their birth families,
15 and want and sometimes need to see their birth families,
16 equally there's a history and there's vulnerability and
17 there's trauma.

18 So sometimes when they're reintroduced to those
19 birth families, the parents, the mother or father, then
20 that can ignite that memory, and in fact the parenting
21 capacity of the mother or father might impact on the
22 nature of that contact as well. So we need to be
23 careful about whether and to what extent and how that
24 contact is managed and supported.

25 Q. Then if we go on to the next paragraph, we see it says

1 there:

2 "Currently 50 children in temporary homes have been
3 identified as requiring permanent family placements,
4 where no homes have currently been found."

5 It appears that there was an issue there with
6 finding suitable homes.

7 A. (Witness nodded)

8 Q. Then it says:

9 "Experience shows that one in ten applications to
10 foster or adopt result, after assessment, in an approved
11 family; therefore the work in this area is very time
12 consuming."

13 That's looking there at the conversion, as it were,
14 from applications to people actually being approved, and
15 it's only one in ten.

16 A. (Witness nodded)

17 Q. Do you have any observations on that and do you have any
18 sense of how that has developed?

19 A. It seems very low, one in ten, but I don't have the data
20 available on equivalent recently. I can get that, but
21 I don't have it immediately available.

22 Q. I suppose it might depend on what they're counting as
23 an application. You know, whether it's an expression of
24 interest and how far through the process somebody goes.

25 A. Yes.

1 Q. Okay. I think in the final paragraph there you can see
2 there in this section there's reference to additional
3 home-finding staff being required and this would rank as
4 a high priority when any additional financial resources
5 become available.

6 A. (Witness nodded)

7 Q. So in order to -- you need to recruit foster carers but
8 you also need somebody to assess them and then support
9 them?

10 A. Which seems to pre-empt the development of those two
11 teams, which I spoke about earlier.

12 Q. Yes. Okay, going back to your A-D response at
13 DUN-000000694, please. If we can look at page 21, and
14 if you scroll down a little, please, this is discussing
15 this Children in Crisis report and the strategy. In the
16 paragraph that we see beginning:

17 "The report recognises that too many children are
18 cared for away from home ..."

19 If we look towards the bottom section of that
20 paragraph it notes there -- it talks about increasing
21 available resources and suchlike that we've talked
22 about. It says:

23 "It also recognised the importance of avoiding
24 children 'drifting' in the care system and, as such, the
25 need to ensure planning and reviews for children were

1 focused."

2 Is drift in the care system something that is
3 an ongoing issue or something that is a risk that the
4 council is alive to?

5 A. Both, it's an ongoing issue and concern and it's a risk
6 for that reason in Dundee we're currently working with
7 CELCIS, Centre of Excellence for Looked-after Children
8 in Scotland, in relation to a PACE initiative,
9 Permanence and Care Excellence initiative, which is
10 designed to ensure that whether the children go back to
11 their birth parents or whether they remain in the care
12 system is done as quickly and appropriately as possible
13 so that there is no drift and they're not left simply
14 waiting, if you like, for the care arrangements to
15 become permanent and stable in their own minds.

16 Q. It talks about the need to ensure that there's planning
17 and reviews, and I assume that's an ongoing issue?

18 A. That's an integral part of that initiative. What's the
19 assessment? What's the plan? What's the review?
20 What's the timescale? What are we trying to achieve?
21 How long are they staying here for? When can they go
22 back? What are the expectations of the birth parents?
23 What are we asking them to do? What support are we
24 providing them to do it with?

25 And then trying to move within that kind of

1 framework.

2 Q. Then it says in the response:

3 "Whilst Tayside's strategy in relation to Children
4 in Crisis should be recognised as being in the best
5 interests of children and young people, it should also
6 be noted that, at the time, there was a major shift in
7 both Scotland and the rest of the UK away from the use
8 of residential care for young people. While this was
9 positive, it was also motivated by economic factors
10 given the high costs involved in providing residential
11 care for example, in 1980 most regions decided to stop
12 most out-of-region placements in residential care."

13 Do you have any observations or anything to add to
14 what the Local Authority says in relation to that?

15 A. Certainly the economic factors are still
16 a consideration. Typically for us to place a child or
17 young person in an external residential establishment
18 costs around £4,000 a week and that is a lot of money
19 that we would like to use for other means to support
20 families, essentially, back in Dundee, in their local
21 communities.

22 Similarly, if we don't have capacity within our
23 internal foster care team, ie foster carers supported
24 and paid for by the council, then sometimes we might
25 have to use external foster carer organisations, but

1 they're also more expensive than ours, at an average
2 annual cost of around £50,000 a year. So again our
3 emphasis is continually on building capacity to support
4 families and building capacity to develop the number of
5 internal foster carers.

6 The line there, "For example, in 1980 most regions
7 decided to stop most out-of-region placements in
8 residential care" I find surprising, because I think
9 it's very difficult just to stop it, because actually
10 you need the capacity to replace it with.

11 Q. Moving on slightly in time to a document that you
12 provided us with from 1992, it's at DUN-000000318.
13 I think we see this is a report from the Director of
14 Social Work and the subject is:

15 "Guidelines for assessment and preparation and
16 selection of foster and Mainstay carers and adoptive
17 parents."

18 Are you able to explain what a "Mainstay carer" is?

19 A. No. I'm sorry, I can't.

20 Q. I think we can come back to that in the context of your
21 A-D so we can see it there. But at this time, if we
22 look at the introduction, it says:

23 "The aim of this report is to brief the members of
24 the social work committee on the new departmental
25 guidelines which have been produced to assist social

1 workers who undertake assessment, preparation and
2 selection of foster and adoptive parents and those
3 involved in the process of approving carers and managers
4 in districts responsible for the placement of children
5 and young people in families."

6 Then in the second paragraph under "Background",
7 I think we see reference to the strategy document for
8 children and family services, which outlines the
9 priorities for developing services. Do you know if that
10 goes back to the 1986 strategy or -- because I think in
11 the previous paragraph there's reference to the Children
12 in Crisis report, so that seems to be the same document
13 that we looked at before.

14 A. (Witness nodded)

15 Q. Is that your understanding?

16 A. Yes.

17 Q. Okay. If we look on, please, to below the background,
18 there's a heading, "Assessment preparation guidelines",
19 and they say:

20 "The guidelines are the result of critical
21 examination of the department's current assessment
22 processes, the knowledge gained through examination of
23 assessment and preparation processes used by a number of
24 agencies in the UK, research findings, particularly in
25 relation to placement disruptions, examination of

1 enquiry reports into foster placements and the current
2 professional thinking on foster and adoptive
3 assessments."

4 That seems to set out the background and the sources
5 looked at for the new guidelines.

6 A. Yes.

7 Q. In the next paragraph it says:

8 "The guidelines specify the aims and objectives of
9 the assessment preparation and selection processes and
10 outline the statutory criteria and departmental policy
11 and practice in relation to applicants who wish to adopt
12 or foster."

13 If we can go on, please, to page 3, here there's
14 "Departmental policy and practice", and it says:

15 "In addition to the criteria laid down by the
16 statutory requirement, the following departmental
17 criteria has been adopted in relation to applicants."

18 There's reference to, at 1.1, where people are
19 making a -- that's a joint adoption application, so I'm
20 not going to look at that.

21 At 1.2, again there's reference to adoption.

22 At 1.3 it says:

23 "Couples wishing to foster would be expected to have
24 been in a stable relationship for the past three years.
25 The three-year period may include a period of

1 cohabitation."

2 That seems to be setting a rule, as it were, that
3 the couple need to have been in a stable relationship
4 for the past three years. Is that something that's
5 an ongoing criterion or not?

6 A. No, that's very restrictive and we would look more
7 broadly at the quality of the home environment and the
8 capacity of the prospective foster carers to provide
9 a nurturing home.

10 Q. Does part of the assessment process involve
11 interrogating to some extent the stability of the
12 couple's relationship --

13 A. Yes.

14 Q. -- if it is a joint application?

15 A. Yes, absolutely. Amongst a number of other enquiries
16 that we make, and then we combine that and we analyse
17 all of that and we come to a conclusion about whether or
18 not it will provide stability.

19 Q. Then at 1.5 it says:

20 "Foster carer applicants, whether they're wishing to
21 offer temporary, permanent or respite care, must be 21
22 years old or over. Persons younger than 21 may be
23 considered as relative foster carers in exceptional
24 circumstances."

25 So leaving the issue of relative foster carers aside

1 for a moment, is there a rule about the age that foster
2 carer needs to be, do you know?

3 A. Again, there's no rule that I'm aware of, certainly no
4 written rule and procedure at the moment. But for us to
5 approve somebody aged just 21 to act as a foster carer
6 would be highly, highly unlikely.

7 Q. Then there's reference to "relative foster carers", do
8 you know what's being referred to there?

9 A. No.

10 Q. We'll perhaps come back to that in another context when
11 it might make more sense.

12 Then there's reference to Mainstay applicants must
13 be over 25 and then there's reference to the department
14 believing in recruiting in a wide range of carers from
15 a variety of backgrounds and situations.

16 A. (Witness nodded)

17 Q. Does that remain the case?

18 A. Yes.

19 Q. I think these were the additional criteria to the ones
20 set down in statute that were identified, if we go on
21 over the page to page 4, I think that just sets out the
22 statutory criteria there that needed to be applied.

23 A. (Witness nodded)

24 Q. If we can move back to your A-D response and to page 4,
25 please, if we scroll down a little to the paragraph, we

1 can see:

2 "Dundee City Council social work committee report
3 2000 ..."

4 So we found the document in 1986, the document in
5 1992 that we've looked at, and then this is coming into
6 the era of Dundee City Council.

7 It says at that time approval was being sought to
8 deploy new resources from the children's services
9 department fund, taking account of three additional
10 objectives set by the Scottish Executive and it's noted
11 that additional funding of 3.3 million was going to be
12 made available to Local Authorities to reflect its
13 priority service areas for the use of the money.

14 A. (Witness nodded)

15 Q. And it had requested work be taken forward in respect of
16 additional objectives, and the three highlighted there
17 are the "Introduction of appropriate IT support for care
18 planning (this included computer equipment provided to
19 all foster carers with educational packages)". Is that
20 something that's an ongoing thing that the council
21 provides to foster carers or not?

22 A. No, other than during the pandemic where children have
23 had to learn from home via remote learning, but that's
24 not something we routinely do.

25 Q. At the time it must have been provision of some kind of

1 computer equipment, but perhaps during the pandemic was
2 there computer equipment and iPads and suchlike --
3 A. That's right, yes.
4 Q. -- being provided?
5 A. Yes.
6 Q. I see. Then one of the other objectives was:
7 "To encourage further work on specialist fostering."
8 A. (Witness nodded)
9 Q. You've mentioned that specialist fostering is an ongoing
10 service that's available?
11 A. Yes, I suspect that's a pre-empt of the ACE scheme that
12 I mentioned earlier.
13 Q. And:
14 "To encourage the development of through care and
15 aftercare services."
16 A. And likewise, we still have a dedicated through care and
17 aftercare team.
18 Q. Then it says, just below the bullet points:
19 "Therefore, in making recommendations for service
20 developments, the Children's Services Plan (which was
21 introduced in 1986), was reviewed to ensure that the
22 planned initiatives in Dundee complement and extend
23 services to meet with national priorities and local
24 need."
25 It looks as though that document that we looked back

1 in 1986, a plan had remained in place right up until
2 2000, and this was a further development at that time.
3 Is that your understanding?

4 A. Yes.

5 Q. Then it says below that:

6 "A locally based family placement was deemed the
7 preferred choice for the majority of children who can no
8 longer live at home. The need for a more professional
9 foster care service, which links a realistic financial
10 reward with carer's skills and willingness to take on
11 more complex placements was recognised."

12 That seems to be drawing out the same theme that
13 you've discussed already in your evidence.

14 A. (Witness nodded)

15 Q. If we look at the final paragraph there, there's
16 reference to the fund being used to fund a small
17 skill-based fostering scheme in Dundee called
18 Alternative Community Experience (ACE), which is the
19 scheme that's still in place today that you've referred
20 to?

21 A. That's right.

22 Q. It also says there that it was proposed that a new
23 Foster Care Strategy be developed.

24 If we go on to the next page, please, if we scroll
25 down the page a little to:

1 "The Fostering Strategy 2001 ..."

2 There's reference there to this stating that Dundee
3 City Council had a clear duty to care for children that
4 are looked after in a safe, nurturing environment and
5 one where children and young people develop their
6 potential.

7 Then there were some main aims of that strategy in
8 the bullet points: ensuring that messages from research
9 are heard and acted upon, recognising the diverse needs
10 of children and young people, providing services better
11 designed to meet those needs, to enable Dundee City
12 Council to continue to recruit and retain carers, to
13 ensure that Dundee City Council has a fostering service
14 which reflects national priorities and developments and
15 to provide a more unified fostering service where carers
16 are paid on a more equal basis.

17 Just a few things from that. This strategy's from
18 2001. Is that something that's remained in place or has
19 it been replaced by something else?

20 A. It's not explicitly in place, but the principles apply
21 in terms of us needing to continually recruit, support,
22 retain foster carers, and recognise that within that
23 different children and young people have different needs
24 at different times and it would be suitable to match
25 them with certain foster carers at different times.

1 Q. In the first bullet point there where it says, "To
2 ensure that the messages from research are heard and
3 acted upon", is that something that's still a live
4 issue? How would you understand that? Who is going to
5 hear the messages from research and who is going to act
6 on them?

7 A. I think it's quite vague, isn't it? It doesn't say what
8 research, it doesn't say how, it doesn't say who, or
9 when. So that's a concern. I think it's easy to say
10 that, but to actually put that into practice requires
11 something different. That requires continual workforce
12 development, quality assurance of the work, staff
13 supervision, team building, reference to whether or not
14 the team has the capacity to carry out the work or
15 whether or not expectations are too high for the team.
16 You know, you would expect to see that in terms of how
17 and to what extent research could be implemented in
18 practice.

19 LADY SMITH: It doesn't even indicate what research or what
20 type of research --

21 A. Yes.

22 LADY SMITH: -- needs to be understood and acted on.

23 A. It's very vague, yes.

24 MS INNES: Perhaps if I deal with this issue just now,
25 I think you know that Professor Kendrick was instructed

1 by Tayside Council to undertake a literature review and
2 then some research into abuse specifically in foster
3 care in the early 1990s.

4 A. (Witness nodded)

5 Q. I think you were asked by the Inquiry whether you had
6 been able to identify within the archives any material
7 that would show you how his recommendations were
8 implemented or taken forward. Were you able to identify
9 anything that did that?

10 A. No. It's difficult because the report was published at
11 the same time that Tayside Regional Council was
12 disaggregated and new legislation was introduced. But
13 we couldn't find anything that explicitly demonstrated
14 that the recommendations were adopted.

15 Q. Thank you.

16 Just picking up on a couple of other issues.

17 You mentioned earlier about external placements and
18 the cost of those. If we look on to page 7, at the
19 bottom of the page, I think you've been able to find
20 some information in your records in relation to the
21 global cost of meeting external foster agencies.

22 Just wait for it to ... (Pause)

23 LADY SMITH: Should we take an early break and you can try
24 and sort this? You think it will take maybe a few
25 minutes?

1 family placements?

2 A. It's continued to go down since 19/20, and it is lower

3 now --

4 LADY SMITH: Since 2020?

5 A. So 2019 to 2020.

6 LADY SMITH: Oh, "19/20" not "1920". I see what you mean.

7 Thank you.

8 A. I can't quote an exact figure, but it's continued to go

9 down.

10 MS INNES: So that's less expenditure then on external

11 family placements?

12 A. That's correct, yes.

13 Q. You talked earlier in your evidence about expenditure on

14 external residential care, and that's obviously

15 a separate matter?

16 A. Yes.

17 Q. Can I just ask you, please, to look over the page to

18 page 8. If we look again towards the bottom of the

19 page, the second paragraph there, it says:

20 "In 1985, Tayside Regional Council established its

21 first 'professional' foster carer scheme (Mainstay) with

22 the introduction of a financial reward (fee) element in

23 addition to the allowance for the child."

24 We looked earlier at a document that referred to

25 Mainstay and I asked you at that stage what that was.

1 I think this perhaps explains this scheme, that it was
2 for an element of professional foster care.

3 A. Yes.

4 Q. Has that now been replaced by the ACE scheme that you've
5 referred to?

6 A. If the Mainstay scheme was an enhanced scheme with more
7 intensive support for more vulnerable children, then
8 yes. If that's what that was, then that's what the ACE
9 scheme is now.

10 Q. Okay. Just below that in the last paragraph that we can
11 see on the screen, it says:

12 "The Mainstay scheme provided initially for children
13 aged 9 to 17 years, with the age range being lowered
14 around 1995/1996 to 7 years."

15 A. (Witness nodded).

16 Q. Is the ACE scheme that you've referred to, is that age
17 dependent or not?

18 A. Well, it typically cares for teenagers and I don't
19 believe there is a criteria actually in relation to age,
20 but typically they care for teenagers.

21 Q. Then just for completeness, on page 9, if we scroll to
22 the bottom, slightly down the page, there's a paragraph
23 beginning:

24 "Dundee City Council phased out ..."

25 I think that probably helps us with when that scheme

1 came to an end, so it looks to have been in the mid to
2 late 1990s:

3 " ... and introduced a fee for all foster carers."

4 There's then reference to the ACE scheme coming into
5 being in 1999.

6 A. (Witness nodded)

7 Q. That perhaps gives us some further detail on how those
8 schemes changed over time.

9 A. (Witness nodded)

10 Q. Can I ask you, please, to look at page 31 of this
11 document. We see a question there, "Children's
12 background and experience" and there's reference there
13 to:

14 "Did the children placed in foster care generally
15 have a shared background and/or shared experiences?"

16 In the first paragraph there, I think we see that
17 the council have relied on information gleaned from file
18 reading to help answer this question.

19 A. (Witness nodded)

20 Q. It says:

21 " ... the further back in time we go, the more the
22 reasons tended to be linked to alcohol use and general
23 neglect, in comparison with more recent years, where the
24 reasons tended to be related to drugs and mental
25 health."

1 A. (Witness nodded)

2 Q. In terms of the reasons why children come into foster
3 care, is it still drugs and mental health that are
4 an ongoing issue or would you add anything or take away
5 anything?

6 A. Certainly drugs and mental health feature, often
7 alongside each other, but also including domestic abuse
8 as well. So in Dundee, as you will know, we have very
9 high levels of domestic abuse, the highest in Scotland,
10 and over half of the children on the child protection
11 register are there as a result of domestic abuse. But
12 it often co-exists with substance use and mental health
13 problems.

14 Q. Then if we scroll down there's reference here to
15 a report from 2007, in which it talks about:

16 "A majority of children who are unable to be looked
17 after by their parents including an increased number of
18 babies and very young children are from backgrounds of
19 severe neglect, parental drug or alcohol abuse and
20 long-term parental mental health issues."

21 Is that still an ongoing issue? The focus here
22 seems to be on younger children coming into care.

23 A. Yes, it is. And in response to that, we and partner
24 services set up a range of initiatives to provide extra
25 support. For instance, we have: a family nurse

1 partnership; we have a new beginnings team, which
2 provides support to vulnerable pregnant women; and we
3 have a Pause initiative, which provides support to women
4 whose children have already been taken away from them
5 and they're at risk of having further pregnancies where
6 the children might be taken away from them.

7 So we think it's partly due to the demographics but
8 partly due to the fact that we've set up various
9 initiatives which help us to identify the concerns more
10 effectively.

11 Q. Can we just speak a little bit more then about some of
12 the challenges that you've referred to in terms of
13 Dundee City Council fostering service at present?
14 You've referred to a number of demographic issues, so,
15 for example, you mentioned the domestic abuse statistic.
16 Are there any other issues in relation to demographics
17 that impact on the fostering service?

18 A. There are, and there are a number of factors which
19 I think interrelate and overlap. So there are high
20 levels of poverty in the city. A quarter of children in
21 the city live in poverty in six out of eight of the
22 wards. We have the highest rate of imprisonment in
23 Scotland, just behind Glasgow. We have, as I've said,
24 very high levels of domestic abuse. We have the highest
25 drug death rate in the city, so there's significant --

1 substantial, in fact, substance abuse problem. And
2 there are also mental health problems.

3 So often they overlap, they intertwine and they
4 evolve over time, but certainly there are considerable
5 challenges in the city.

6 Q. You mentioned about issues in relation to recruiting
7 foster carers and you have about 90 to 95. Is that
8 sufficient for the children that you have coming into
9 care or not?

10 A. It's not, because we also place children with external
11 foster carers and we'd rather place them with our own
12 internal foster carers. And, as I said, we have
13 a number in external residential care still, 28 at the
14 moment, where for at least some of those, again, we'd
15 rather place them with internal foster carers.

16 That said, though, some of those children have such
17 complex needs that only an external residential
18 placement would suffice to meet those needs.

19 Q. Okay. And in terms of neighbouring Local Authorities,
20 to what extent is there liaison or co-operation with
21 neighbouring Local Authorities in terms of the provision
22 of foster care?

23 A. We have a Tayside Regional Improvement Collaborative and
24 a Tayside Children and Young People's Plan, which
25 outlines a number of different priorities and actions,

1 but one of them isn't relating to the recruitment of
2 foster carers. So we don't jointly approach the issue
3 together. Not at the moment.

4 Q. Do you think that there would be any benefits in doing
5 that or not?

6 A. I think potentially it could help us to maximise
7 advertising campaigns, it could help us to share
8 resources, make more flexible use, resilient use of
9 foster carer capacity. I think that might be something
10 we want to explore going forward. But we don't at the
11 moment. There would need to be an appetite for that as
12 well across all three Local Authorities.

13 Q. When you say "all three", that's Angus, Perth and
14 Kinross and Dundee?

15 A. That's right, and the demographics are quite different
16 in all three.

17 LADY SMITH: Glyn, could I check one thing with you?
18 Earlier you made reference to placement of children with
19 external foster care and you would prefer to have them
20 with internal foster care. You know you did, you talked
21 about external foster carers --

22 A. Yes.

23 LADY SMITH: -- but you'd rather place them with your
24 internal foster carers. When you use this expression
25 "external foster carers", it suggests two possibilities

1 to me.

2 One is it's geographically external.

3 The other is it's foster care being provided by

4 an independent agency.

5 Am I right, wrong, partly right?

6 A. It's both, but more of one than the other. So, for

7 instance, we might commission Swiis to provide external

8 foster care and the foster carer might well live in

9 Dundee, but typically they live outside of the city.

10 LADY SMITH: Thank you.

11 You wouldn't, of course, yourself be placing --

12 well, maybe I'm not right about that. Do you ever get

13 people from outside the city applying to Dundee to be on

14 the Dundee foster care register?

15 A. No.

16 LADY SMITH: Is there any reason why that couldn't happen?

17 A. Not necessarily, no.

18 LADY SMITH: Thank you.

19 MS INNES: Can we move on to look at some information that

20 you've provided to the Inquiry in relation to numbers of

21 children in care and foster care placements.

22 If we can look, please, at page 26, under "Numbers".

23 Here I think you start drawing together a number of

24 sources of information. So initially going back to the

25 1950s, there is a report there in the first paragraph

1 that says that the number of children in care totalled
2 249, 83 boarded out and 159 in homes.

3 It then went on to say that 61 per cent of children
4 are boarded out. I think the statistics must be the
5 other way around. It must be 61 per cent were in homes.

6 A. Mm-hmm.

7 Q. Then the next note that you have at the beginning of
8 1954, it says there were 470 children in care, of which
9 274 were boarded out and 147 in residential homes. That
10 seems to be quite a significant change between
11 March 1953 and then 1954. I don't know whether you were
12 able to find anything in the archives that might have
13 explained that?

14 A. I'm sorry, no.

15 Q. In any event, if we go on to the bottom of the page, we
16 see, I think, that there's a list of the number of
17 children in care at specified times, and going on to the
18 next page, which all seem to be around the 400 to 450
19 mark, some a little higher than that, some a little by
20 the lower. That takes us up to about 1960.

21 If we move on from there at the bottom of this page,
22 you were able to find some further numbers from 1966
23 onwards, and by this time the number seems to be 525, up
24 to maybe about 550 in 1966/1967.

25 If we go on to the next page, page 28, we see

1 numbers for 1967/1968, again similar levels.

2 Then if we scroll down again, please, I think we see
3 the numbers in the -- just below the reference to the
4 Tayside Regional Council Historic Abuse Inquiry and
5 Children in Crisis report -- I think that's referring to
6 Professor Kendrick's report and to the Children in
7 Crisis --

8 A. Yes.

9 Q. Am I right in thinking that that's what's being referred
10 to or not?

11 A. I think so.

12 Q. There are certain numbers there. It seems to have
13 dropped by this time down to 340 to 370 broadly, in the
14 1980s.

15 A. Mm-hmm.

16 Q. Then I think you have a summary where it says:

17 "Electronic recording began in 1996, and the Local
18 Authority accommodated 1,614 children in 4,932
19 placements from 1996 to 2014."

20 That seems to be quite a lot of placements for the
21 number of children.

22 A. (Witness nodded)

23 Q. Is that related to children being in more than one
24 placement?

25 A. It's likely to be that, yes. Children can obviously

1 experience a number of placements in any given year.

2 At the moment, for instance, we measure the children
3 that have experienced three or more placements in
4 a given year and I think the figure -- the most recent
5 figure is 3 per cent. But it's likely to be, it's
6 likely to be that.

7 Q. Why do you look at that statistic specifically?

8 A. Because it involves disruption and we want secure
9 stability, permanence and continuity as fast as
10 possible.

11 Q. If we go on from that, I think that was the total number
12 of children accommodated. If we go on, please, to the
13 next page, there's some numbers in respect of foster
14 carers and they're broken down, I think -- this is from
15 the 1990s into 2000. There's reference to private
16 foster carers and then something called "relative foster
17 carers" and "link carers". Do you know what the
18 difference between a relative foster carer and a link
19 carer would have been?

20 A. No, I don't. I'm sorry.

21 Q. If we go on to the bottom of the page, I think we see
22 a table here of the different categories of placement
23 that foster carers were approved for. So respite, short
24 term, long term or permanence and both short term and
25 long term. Over the period, if we go onto the next

1 page, it's from 2006 up until 2020 you were able to
2 provide figures for.

3 A. (Witness nodded)

4 Q. I think in your evidence earlier, you said that broadly
5 you have about 90 foster carers?

6 A. Yes.

7 Q. Just to be absolutely clear, does your definition of
8 foster carers include or exclude kinship carers?

9 A. Exclude.

10 Q. Do you have any sense of how or can you give us any
11 sense of how many kinship carers you would have?

12 A. So numbers have gone down during the pandemic, we think
13 because of the pressures experienced by families, both
14 by families and extended families. I don't have the
15 figures immediately in front of me, but we have at the
16 moment 28 in external residential care, three in secure
17 care, I think about 130 with internal foster carers, 150
18 with external foster carers, and the rest would be a mix
19 of kinship care and their birth family.

20 Q. Okay.

21 A. But they're at the lower end of the proportions in each
22 category.

23 Q. Okay. So the balance in terms of if you were to compare
24 numbers of children in foster care to kinship, is the
25 number in foster care higher?

1 A. It's higher.

2 Q. Right.

3 A. As I say, kinship has gone down. And we're trying to
4 address that.

5 Q. If I can move on from that to look at page 50, please.

6 LADY SMITH: What do you mean when you say you're trying to
7 address the fact that there are more children in foster
8 care than in kinship care?

9 A. So ideally we would like children to remain either with
10 their own birth family or their extended family, because
11 of attachments and the importance of those
12 relationships. Obviously sometimes we need to remove
13 them, need to put them into internal foster care,
14 because we have got other placements, but we're trying
15 to enhance support to those arrangements, so we've set
16 up a new kinship care team, for instance, to identify
17 kinship carers, to assess them, to provide higher levels
18 of support, and we're working with third sector
19 organisations as well to deliver flexible family support
20 to people in kinship care.

21 LADY SMITH: I see. Is kinship care cheaper for the
22 council?

23 A. It's the same as internal foster care.

24 LADY SMITH: Thank you.

25 MS INNES: If we can look, please, at page 50, here you're

1 being asked some questions about the culture of the
2 Local Authority. At (e), if we can scroll down
3 a little, we see at the final paragraph that we can see
4 here, it talks about the Dundee City Council period post
5 1996, there are records of carers who did not provide
6 placements reflecting the Local Authority's culture.
7 You note that it wasn't possible to determine if this
8 was true for policies or procedures without copies of
9 such.

10 A. (Witness nodded)

11 Q. I think you're saying there, when you did your file
12 reading, you identified things that didn't align with
13 what the culture of the Local Authority would have been
14 in terms of the provision of foster care, but you
15 couldn't precisely compare what was going on with the
16 policies and procedures at the time because you don't
17 have records of those. Is that correct?

18 A. That's correct, yes.

19 Q. Then at (e) you were asked to provide a representative
20 range of examples and explain why foster carers didn't
21 work in material ways in accordance with culture or
22 policies and procedures.

23 If we look at the first example there, you've given
24 an example of a foster carer who had allegations made
25 with an example of a physical assault allegation being

1 partially upheld, and then there are other issues raised
2 in relation to the placement.

3 If we go on to the next page at the top of the page,
4 I think you identified that the carer was de-registered
5 because of failure to meet the standards of care
6 expected of a foster carer. Is that one of the examples
7 that you found during the course of the file reading?

8 A. Yes.

9 Q. Then I think the next example, again I assume found from
10 the file reading?

11 A. Yes.

12 Q. Is an allegation that a:

13 "... foster carer asked [a] girl in placement to
14 identify one of her friends that he could meet and have
15 sex with. Whilst the police stated that while the
16 information available would tend to indicate that
17 something untoward or wrong did happen, there was no
18 criminal case to answer."

19 But you note that this wasn't in accordance with the
20 Local Authority's culture of providing safe alternative
21 care. The matter was reviewed and the carer was
22 de-registered.

23 A. (Witness nodded)

24 Q. From that, I assume you would say that even if there
25 hasn't been a criminal conviction or even any criminal

1 process, any police investigation beyond the initial
2 contact, that the Local Authorities still need to look
3 at that carer and consider whether they should remain
4 a foster carer?

5 A. That's right. We apply a lower threshold than the
6 beyond reasonable doubt for criminal convictions. And
7 if they're singular or a pattern of concerns that tend
8 to suggest strongly enough that it's not a safe and
9 stable arrangement, then we make those kinds of
10 decisions.

11 Q. Yes.

12 If we can move on, please, to Part D of your
13 response at page 125, at the bottom of this page looking
14 at the basis of the assessment, you gave some evidence
15 earlier about the case file review that the Local
16 Authority carried out in order to address the questions
17 posed in the section 21 and I think can see that the
18 material that you have gleaned from that review informed
19 your answer to Part D, but also informed your answers to
20 other questions within the section 21 response?

21 A. (Witness nodded)

22 Q. It says there:

23 "All foster carer files were screened (231) ..."

24 So was that all foster carer files held by the Local
25 Authority, all foster carers who had provided care

1 during the relevant period?

2 A. Yes.

3 Q. So up to 2014?

4 A. Yes.

5 Q. That would include archived files and files of carers

6 who were still caring for children?

7 A. Yes.

8 Q. Then it says that they were rated red, amber or green in

9 terms of deeper reading of the file.

10 A. (Witness nodded)

11 Q. Can you explain a little bit more about that?

12 A. So the red would be an immediately obvious concern that

13 was straightforward, black and white.

14 The amber would be where there was an element of

15 a concern, but perhaps some ambiguity but it still needs

16 further exploration.

17 The green would be straightforward, safe, stable,

18 very positive, no issues identified.

19 Q. You say:

20 "Not all the red and amber files had complaints

21 included."

22 Can you explain what you mean by that?

23 A. So it was where concerns were identified from the

24 reading of the file, any concerns on the chronology or

25 the case note that something untoward had happened, then

1 we would have looked at it and dived into the file in
2 more depth.

3 Q. It's also noted:

4 "The assessment is also informed by accounts
5 volunteered by existing and former staff employed in
6 foster care services and includes a case file audit of
7 records of foster carers and individual children
8 including and prior to 17 December 2014."

9 Earlier I think you mentioned looking at children's
10 files. Can you explain how you identified relevant
11 children's files to read?

12 A. We cross-referenced the concerns for the foster carers
13 with children who had been placed with those foster
14 carers and then we did the same, the equivalent in terms
15 of a deep dive into those files.

16 Q. Then if we look at (c) that we can see on the page
17 there, you've noted:

18 " ... there appear to be a total of 82 complaints
19 made in relation to alleged abuse of children in foster
20 care, 33 of which were deemed serious enough to have
21 police involvement."

22 You say:

23 "This is a sample of all our files and not
24 a definitive figure from all the records we hold."

25 Can you explain that a little bit more?

1 A. I'm sorry, I can't explain that a little bit more. I'm
2 not quite sure what it means. Apologies.

3 Q. Maybe it's referring to the fact that you might have
4 more files of children who were foster care that you
5 didn't read because they weren't identified through the
6 reading of the foster carer file? Might that be
7 an explanation?

8 A. I think that might be an explanation, but it doesn't
9 quite say that, so I'm not sure that the wording of it
10 accurately captures that.

11 Q. Okay.

12 Perhaps if you're able to check with your team what
13 was --

14 A. Yes.

15 Q. -- meant by that and provide some further clarification,
16 that would be helpful.

17 A. (Witness nodded)

18 Q. At (d) you note:

19 "From reading the available information in the
20 foster carer files, the complaints referred to above
21 were made against 33 foster carers, some of whom were
22 living together in the same household."

23 So we had 82 complaints against 32 foster carers?

24 LADY SMITH: 33.

25 MS INNES: 33. 82 against 33.

1 I assume that there were multiple complaints about
2 some foster carers; is that right?

3 A. Yes.

4 Q. Then you were asked whether any foster carers had been
5 convicted of or admitted to abuse of children, and your
6 information then was there were cases where the foster
7 carer was charged, and you'd identified six. No
8 convictions in five cases, with one still outstanding.

9 Do you know if that has changed at all since you
10 completed the section 21 response?

11 A. I don't believe that's changed since then.

12 Q. There's then a question:

13 "How many foster carers have been found by the Local
14 Authority to have abused children?"

15 You say:

16 "In the files read, there is only one case where the
17 Local Authority specifically records as part of the
18 de-registration process, that the reason was that whilst
19 the foster carer was charged but then did not proceed
20 due to lack of evidence, Dundee City Council believed
21 witness statements to be credible."

22 There appears certainly to have been one instance
23 where even although the criminal proceedings didn't go
24 ahead, Dundee City Council took its own view of the
25 allegations?

1 A. That's correct.

2 Q. Then:

3 "In the other cases where there was alleged abuse,
4 in the majority of cases, de-registered the carer or the
5 carer self-de-registered."

6 A. (Witness nodded)

7 Q. Is there an issue about carers essentially
8 de-registering before any finding can be made in
9 relation to abuse of children? Or if they were to say
10 that they want to resign, would the fostering panel
11 still look at the reasons for that and the abuse that
12 had been alleged?

13 A. If there was alleged abuse, then that would still have
14 to be investigated by the police and initially involving
15 our social work teams. If the foster carer
16 de-registered during that process or after that process,
17 then our involvement with them would cease at that
18 stage.

19 Q. Does that give rise to any issues in, for example,
20 finding out from the police what's happened with
21 an investigation?

22 A. We -- well, we're told by the police what happens in
23 relation to an investigation. But if the police charge,
24 then that becomes the subject of separate processes.

25 LADY SMITH: Doesn't the council need to reach a conclusion,

1 even if the foster carer voluntarily de-registers?

2 A. Yes, and we probably do reach a conclusion, at least

3 informally, if not formally, but because they've

4 de-registered, they're no longer part of the formal

5 process. If that makes sense.

6 LADY SMITH: But would that prevent, in some cases, an entry

7 being made in the council's records that the council had

8 concluded that that person had abused a child and that

9 would then be there to be read if the person, the carer,

10 reapplies at a later date to become a foster carer?

11 A. So we would still have the allegations and the incidents

12 on record. So if they did reapply, then we would still

13 have that to refer back to in order to make an informed

14 decision as to whether or not they were suitable again.

15 LADY SMITH: Wouldn't it be better if the council carried

16 through its deliberations and reached a conclusion?

17 A. Yes, I suspect it probably would.

18 LADY SMITH: Or had a practice of refusing to allow the

19 de-registration until the conclusion had been reached?

20 A. It probably could, yes.

21 LADY SMITH: With the foster carer being suspended from

22 actively taking foster children in the meantime.

23 A. Yes.

24 LADY SMITH: Thank you.

25 MS INNES: If we look on down this page, there's a question

1 about against how many family members of foster carers
2 have complaints been made. You've indicated that there
3 are six family members who had complaints made against
4 them, but none, as we can see at the bottom, had been
5 convicted of or admitted to abuse of children.

6 If I can move on to another question within this
7 section, it's at page 130, you're asked there about:

8 "What is known about the impact of abuse on those
9 children in foster care who were abused, or alleged to
10 have been abused?"

11 Your answer there is:

12 "It was known that the abuse made children less
13 trustful of adults, less willing to buy into future
14 placements and more likely to want to return to the care
15 of the birth family and to actively seek this. The
16 outcomes for children in care were very poor at the time
17 and would be exacerbated by any inadequate care that
18 they may have received in foster care."

19 Then we can see in the answer below that this answer
20 comes from the case files read.

21 A. (Witness nodded).

22 Q. I assume that the team who did the file reading were
23 asked to consider any material within the files about
24 the impact on the children who had been abused or there
25 were allegations of abuse?

1 A. (Witness nodded)

2 Q. Do you have any reflections on what's said here or
3 anything to add to what's said?

4 A. No, I don't think so. I think that covers it, in the
5 sense that abuse has an adverse impact on children and
6 affects their trust and confidence of adults, including
7 future carers and social workers who support them.

8 Q. Then at (c) you're asked about the impact of abuse on
9 the families of those children in foster care who were
10 abused or alleged to have been abused, and again I think
11 we can see that this comes from the case files read and
12 it says:

13 "Allegations of abuse impacted relationships with
14 social work. This was case noted on occasions and could
15 be seen in interactions and decision making of parents
16 thereafter, ie seeking for children to be returned home,
17 when previously they had been satisfied with their child
18 being accommodated."

19 A. (Witness nodded)

20 Q. Here the observation is not that the parents had been
21 dissatisfied with the care, but obviously after the
22 abuse had come to light, their position had changed,
23 I suppose understandably?

24 A. Yes, in the sense that it would undermine the legitimacy
25 of the Local Authority acting as ... if not the primary

1 carer, then at least the co-ordinator of the primary
2 care.

3 Q. Okay, thank you.

4 I'm going to take you to Part B, but just before
5 I do that, you were asked in a follow-up query about
6 a case, so if we can maybe just look at DUN-000000316,
7 page 3, question 8. The Inquiry raised with you a case
8 where it had been widely reported in the press
9 relatively recently that a child died in foster care in
10 Dundee in 1960.

11 A. (Witness nodded)

12 Q. And I think an apology had been offered by Police
13 Scotland in relation to that. You were asked whether
14 you had any further information on that and the answer
15 is that you're aware of the publicity, but the
16 information in the press had come from Police Scotland
17 and you rechecked the product of your file reading and
18 confirm that the child was not or maybe the carers
19 wasn't in your records. This may be because the case is
20 over 60 years old.

21 That seems to just refer back to the file reading
22 that you'd undertaken, so focused on foster carers and
23 perhaps not on looking for a file relative to the child.
24 Am I misunderstanding that or do you know what
25 investigations took place?

1 A. I don't believe we have either the file of the foster
2 carer or of the child in that particular case.

3 Q. Would that be because the child died and therefore her
4 file wasn't retained?

5 A. Yes, I believe that the file destruction period for
6 a child who dies in care is 25 years.

7 Q. Thank you for addressing that.

8 If we can look, please, at Part B of your response,
9 so back to DUN-000000694, page 58. At the bottom of the
10 page we see there that the council is asked whether it
11 accepts that over the relevant period any children cared
12 for in foster care were abused and I think the answer to
13 that is yes?

14 A. Yes.

15 Q. And your assessment is that the numbers are relatively
16 small?

17 A. I think it was 3 per cent of the files that we looked
18 at. But obviously we weren't able to -- there weren't
19 files on all foster carers and all children in care, but
20 it was 3 per cent of the ones that we looked at.

21 Q. Of the files that you looked at, yes.

22 Then if we look on over the page to 3.2,
23 acknowledgement of systemic failures:

24 "Does the Local Authority accept that its systems
25 failed to protect children in foster care [over the

1 relevant period] from abuse?"

2 You say:

3 "It is accepted that no system is 100 per cent

4 foolproof and can invariably be improved upon. In

5 respect of the relatively small numbers of children who

6 were abused, it is recognised that the system in place

7 at that time failed them."

8 Does that remain the council's position or is there

9 anything that you want to add to that?

10 A. No, that remains the position.

11 Q. I think you mentioned that you've undertaken the file

12 review and got material from that and you accept that

13 there may be material in other files. I assume that you

14 would also accept that the abuse or any abuse might not

15 be reported at the time --

16 A. (Witness nodded)

17 Q. -- or might not have been recorded at the time, so there

18 are perhaps instances of abuse or concerns that you

19 couldn't have identified from the file reading because

20 they weren't on the file?

21 A. Yes.

22 Q. Then if we move on, please, to 3.3 on page 60, the

23 bottom of the page, and this is about whether the Local

24 Authority accepts that there were any failures or

25 deficiencies in its response to abuse and allegations of

1 abuse over the relevant period. It's said:

2 "It is accepted [again, the same phraseology] that

3 no system is 100 per cent foolproof and can invariably

4 be improved upon."

5 The case file review says that:

6 "... when allegations were made they were followed

7 through appropriately using the guidelines and

8 procedures of the day. Whilst recording of information

9 is not comprehensive, there is evidence that appropriate

10 meetings have taken place ..."

11 Is that the outcome of the case file review?

12 A. Yes.

13 Q. Then it says:

14 "Evidence from the files highlights a number of

15 cases whereby carers would de-register themselves when

16 the department tried to challenge them. This might be

17 because those carers did not want the department to

18 challenge them or they did not wish to take up

19 training."

20 A. (Witness nodded)

21 Q. I think, as we've highlighted, that issue is perhaps

22 something that needs to be addressed?

23 A. I agree, absolutely.

24 LADY SMITH: If a foster carer today fails to take up

25 training, what happens?

1 A. Fails as in refuses? If we conclude that that therefore
2 is going to impact their parenting or caring capacity to
3 such an extent that it will impact adversely on the
4 child, then we would have to review whether or not they
5 were suitable to be a foster carer. But if they refused
6 training which was, for instance, developmental and
7 enhanced the core requirements, the basis requirements,
8 then I think we'd need to deal with that on
9 a case-by-case basis.

10 LADY SMITH: What does the foster care contract say about
11 training?

12 A. Well, we assess and we carry out -- there are certain
13 core competencies required of the foster carers and then
14 above and beyond that there are individual training
15 requirements, depending on who the foster carers are.

16 LADY SMITH: Do these terms tell the foster carer that they
17 must attend or engage with training? I suppose some of
18 it will be online in the modern world.

19 A. I don't know whether they do explicitly state that, I'll
20 have to check.

21 LADY SMITH: Thank you.

22 MS INNES: If we can go to the top of page 61, please, it
23 says there:

24 "There were a number of cases in the files read,
25 where despite a number of allegations being made against

1 them, the carers continued to be approved. The carers
2 remained critical of the department and ended up
3 de-registering."

4 Is it not an issue in terms of a response to abuse
5 that a number of allegations are made but carers carry
6 on being approved?

7 A. It's possible, and in some cases that might be wrong.
8 We might have delayed a decision that could have been
9 taken earlier to de-register. But in other cases it
10 might be entirely appropriate and proportionate, in the
11 sense that the allegations might not have any evidence
12 behind them, either on the grounds of reasonable doubt
13 or the balance of probabilities. They might simply be
14 allegations that are unfounded.

15 I can think, for instance, of a recent case where
16 a child made an allegation, an initial allegation
17 against a carer for hitting them, and we carried out
18 an investigation. It transpired that the child had
19 fallen down the stairs and the carer had caught them.
20 The child had interpreted that at the time as being hit.
21 On a further investigation, we confirmed, both through
22 an interview with the child and through the carer, that
23 actually that's what happened. Or that at least there
24 was no evidence to suggest otherwise. And in that case
25 we allowed them to continue to act as foster carers.

1 Q. I suppose in some cases there might be a difficulty
2 where the result is inconclusive or, for example, where
3 a child withdraws an allegation. Just because they've
4 withdrawn it doesn't mean to say it didn't happen. Are
5 those issues recognised?

6 A. Yes, yes. And if, for instance, we say and conclude
7 that the foster carer will continue in their role, we
8 might have some reservations about that and need to put
9 some mitigations in place. So, for instance, we might
10 need to enhance the support, we might need to increase
11 the frequency of unannounced home visit, we might need
12 to provide more training, guidance, advice, et cetera.

13 Q. Glyn, I think you're aware that in terms of responding
14 to any evidence that might come out during the course of
15 hearings from applicants, the Local Authority might be
16 called upon to respond to that in due course.

17 A. (Witness nodded)

18 Q. And that may require you to come back and give evidence
19 again.

20 A. (Witness nodded)

21 Q. I think you have no difficulty in doing that?

22 A. No, that's right.

23 MS INNES: Thank you.

24 I have no further questions for you just now. Thank
25 you.

1 LADY SMITH: Glyn, can I add my thanks to you and your team,
2 both for the written responses, which have been provided
3 to us, which are very helpful, and to you for coming
4 here today to answer our questions. It's been really
5 good to have you here to assist our understanding and
6 learning in the way that you have done.
7 I'm now able to let you go and I hope that you have
8 a more restful remainder of a Friday than we've maybe
9 given you this morning.
10 Thank you.
11 A. Thank you.
12 (The witness withdrew)
13 LADY SMITH: Ms Innes.
14 MS INNES: My Lady, this afternoon we have Kathryn Lindsay
15 from Angus scheduled for 2 o'clock.
16 LADY SMITH: Very well.
17 I'll rise now and sit again at 2 o'clock. Thank
18 you.
19 (12.30 pm)
20 (The luncheon adjournment)
21 (2.00 pm)
22 LADY SMITH: Good afternoon.
23 MS INNES: Good afternoon, my Lady. We have Kathryn Lindsay
24 from Angus Council.
25 LADY SMITH: Thank you.

1 Ms Kathryn Lindsay (affirmed)

2 LADY SMITH: The first question I have for you I hope's

3 an easy one: how would you like me to address you? I'm

4 happy to use Ms Lindsay or Kathryn, whichever works?

5 A. Kathryn is fine for me, thank you.

6 LADY SMITH: Kathryn, you'll see you have a hard copy, it

7 looks like your own notes, plus the copy of the material

8 that your council sent in to us in response to our

9 section 21 orders. You'll also see documents coming up

10 on the screens in front of you that you might find

11 helpful too. Use either or neither, as you find

12 easiest.

13 If you have any questions or concerns, please don't

14 hesitate to let me know. I want to do all I can to make

15 this as easy a process for you as possible. I do

16 appreciate it's difficult being asked to step into the

17 witness box and answer not just for yourself but for the

18 council, including for a period that you weren't there,

19 which we are going to do, but you let me know if you

20 have any problems at all.

21 A. (Witness nodded)

22 LADY SMITH: If you're still giving your evidence at 3.00,

23 which I think you might well be doing, we'll take

24 a short break then, if that works for you, and then

25 finish your evidence, completing it probably easily

1 before 4 o'clock this afternoon.

2 A. (Witness nodded)

3 LADY SMITH: If you're ready, I'll hand over to Ms Innes and

4 she'll take it from there. Is that all right?

5 A. Thank you, my Lady.

6 LADY SMITH: Ms Innes.

7 Questions from Ms Innes

8 MS INNES: Thank you, my Lady.

9 Kathryn, we understand that you are currently Chief

10 Social Work Officer at Angus Council. Is that correct?

11 A. Yes, it is.

12 Q. I understand your current job title is Director of

13 Children, Families and Justice --

14 A. That's correct.

15 Q. -- as well as your statutory role as Chief Social Work

16 Officer?

17 A. Yes.

18 Q. You have provided the Inquiry with some of your career

19 history and I think that you started your career as

20 a social worker with Angus Council, in fact, in 2000?

21 A. That's correct.

22 Q. That was in the area of criminal justice?

23 A. Yes.

24 Q. Then you had a period working in secure accommodation

25 services?

1 A. That's right.

2 Q. And then back to Angus Council, this time as a senior
3 practitioner?

4 A. Yes.

5 Q. Then in June 2005, you moved to work with Dundee City
6 Council?

7 A. That's right.

8 Q. I think initially you worked as a project worker and
9 then you moved into senior and then management roles
10 within Dundee City Council?

11 A. That's right, yes.

12 Q. In 2012 you became Service Manager for Children's
13 Services in Dundee City Council?

14 A. Yes.

15 Q. And you've advised us that that covered duty in child
16 protection services?

17 A. That's right, yes.

18 Q. Then you moved back to Angus Council in February 2015
19 and your job then was a service manager, Children,
20 Families and Justice, but you've explained to us that
21 that covered the same portfolio as you now have,
22 although I think since maybe November 2016 you've also
23 been the CSWO?

24 A. That's correct, yes.

25 Q. Thank you.

1 If we can look, please, at the Local Authority's
2 response to the section 21 notice, it's at
3 ANC-000000781. If we could look initially, please, at
4 page 4. Under a "History of the Local Authority",
5 you're asked there to set out predecessor authorities,
6 and it says there that in the initial period up to 1975
7 there was Angus County Council and then obviously in
8 1975 it became part of Tayside.

9 A. (Witness nodded)

10 Q. I notice that it says here that there were some -- it
11 says "... still large and small burghs, including three
12 royal burghs, and landward areas."

13 Was it just Angus County Council that was in
14 existence at that time or were there some other town
15 councils; do you know?

16 A. So my understanding from the response was that when
17 Angus County Council was in existence, there were also
18 large and small burghs that had some sort of governance
19 of their own, but I couldn't be more specific than that,
20 I'm afraid.

21 LADY SMITH: Can you tell me which the three royal burghs
22 were?

23 A. No, I'm afraid I can't answer that question.

24 LADY SMITH: Montrose, Arbroath?

25 A. So the burghs of Angus are Kirriemuir, Forfar, Montrose,

1 Arbroath, Carnoustie, Monifieth and Brechin.

2 So it would have been a selection of those, my Lady.

3 LADY SMITH: Would have been the royal burghs?

4 A. Absolutely.

5 LADY SMITH: Thank you.

6 MS INNES: Then we obviously have the Tayside Regional
7 Council period and at disaggregation, Angus Council came
8 into existence in April 1996.

9 A. That's correct.

10 Q. Can I just take you back to page 1 of this, please, and
11 if we look towards the bottom of this page, there's
12 a heading "Methodology". Perhaps you could just outline
13 how Angus Council went about responding to the
14 section 21 notice?

15 A. Yes, I'm happy to do that.

16 So we had a multidisciplinary project team set up
17 and we also seconded in a dedicated project manager, who
18 was a social worker by trade. The project board had
19 a range of senior officers from across the council who
20 oversaw the work that was undertaken by, I think, around
21 84 individual members of staff, which is a very
22 significant proportion of our workforce. Among those
23 staff were paralegals, qualified social workers,
24 paraprofessional social work staff and a range of
25 administrative and other staff.

1 The team carved up the activities into a number of
2 work streams, so that involved focusing on looking at
3 archive material, particularly in relation to council
4 decisions and minutes of meetings, et cetera.

5 There was a team that looked at policy and what we
6 could find of historic policy and procedures.

7 There was a team set up to read carers' files.

8 A team set up to read children's files.

9 And a team set up to triage files as well, which
10 happened because we were advised, after making
11 enquiries, that looking at -- taking a sample of case
12 files would not be helpful and that all case files
13 needed to be considered.

14 And of course then staffing files.

15 So those were the broad areas.

16 We had a range of staff, as I say, involved in doing
17 the reading of files. The triage group read through
18 every single carer file and they were asked to identify
19 keywords and key themes that then passed on to qualified
20 staff to read the full file, which was then used to
21 produce the document you have in front of you today.

22 Q. Thank you.

23 I see it also says here in this first paragraph that
24 a consultant was employed to consider records held in
25 Dundee in relation to the Inquiry in respect of Tayside

1 Regional Council?

2 A. Yes.

3 Q. Was that a combined approach for Perth and Kinross,
4 Dundee and Angus?

5 A. Yes, it was, yes.

6 Q. You note here:

7 "Information was gathered from all of the 196
8 available files held by Angus Council of temporary
9 foster carers who had de-registered in the 25-year
10 period predating this report. This information provided
11 lines of enquiry relating to children who had made
12 allegations of abuse or where workers had recorded
13 concerns about practice."

14 From what you've just said about teams looking at
15 children's files, were the children's files identified
16 as a result of the initial work that was done in looking
17 at carers' files?

18 A. Yes, absolutely. So staff looked through the carers'
19 files, identified those where there were any concerns.
20 They then identified specific children's files from that
21 information. They read the children's files, and if
22 there was reference to any other children in those
23 files, those files were also read.

24 Q. Then there's reference, in the next paragraph it says:
25 "Subsequent data was gathered from the relevant 50

1 files relating to children."

2 I assume those are the files that we've just been
3 talking about?

4 A. Yes, that's right.

5 Q. Then you say:

6 "Police Scotland shared information retrospectively
7 on carers where the outcomes of a case were not recorded
8 on social work files due to the carers having
9 de-registered before proceedings were concluded."

10 Can you just explain that, please?

11 A. Absolutely. So sometimes due to the length of criminal
12 investigations and criminal procedures, sometimes we
13 have no further locus with carers at the point that the
14 justice system concludes the case. So in those cases,
15 where carers had been de-registered, the outcome of the
16 court case had not been communicated to us and therefore
17 was not in the case files.

18 So in those examples where we understood criminal
19 proceedings were undertaken, we contacted Police
20 Scotland, who were happy to share with us the outcome.

21 Q. Thank you.

22 Then you also checked civil actions raised, and, as
23 you said, staffing files were looked at and committee
24 minutes and available management team meeting minutes
25 were examined to establish decision making and changes

1 to policy.

2 If we go over the page, I think we can see a little
3 bit more about how you undertook the work. You've
4 referred there to the teams that you've described in
5 your evidence. In the second paragraph there we see:

6 "The research was directed by the front-line
7 practitioners following lines of inquiry ensuring
8 an independent and transparent process. Care was taken
9 to ensure that none of the workers had any conflict of
10 interest in the auditing process."

11 A. Yes.

12 Q. Can you just explain that a little bit, please?

13 A. Yes, absolutely. So the team who were undertaking the
14 file reading had full authority to examine any case
15 files that they felt might be appropriate and we were
16 also very careful with those individuals who were asked
17 to undertake that work, that they disclosed if they had
18 worked with any of the carers or any of the children
19 they were looking at the information for. And that
20 would be quite usual practice in social work, to
21 disclose where you might have a conflict of interest.

22 Q. Thank you.

23 You've also noted some limitations in terms of the
24 work that was done and I think some of those are to do
25 with material that couldn't be found in your searches,

1 like policy information that was perhaps destroyed when
2 new policies came into place and suchlike?

3 A. (Witness nodded).

4 Q. Are there any of the limitations there that you'd wish
5 to highlight?

6 A. I think we've quite comprehensively listed the
7 limitations as we found them. We have taken great care
8 to provide as much information as we possibly could, and
9 staff went to great lengths to try and source any
10 materials, including physical searches of buildings and
11 rifling through cupboards, et cetera, to see if there
12 were any copies of old policies and procedures that
13 could be of benefit to the Inquiry.

14 What I would say is that it's clear that there have
15 been different practices over the decades in terms of
16 record keeping and also record retention. Some of that
17 has been as a result of practice differences and
18 expectations. And some, I would say, have also been due
19 to changes in the nature of regulation and the
20 timeframes for the retention of key documents have
21 definitely changed over the course of the Inquiry's
22 lifespan.

23 So I think it's unfortunate that there are documents
24 that we would have liked to have examined as part of
25 this process that are no longer in existence.

1 Q. Thank you.

2 I'm not going to take you through -- you may be
3 relieved to hear -- the A-D response in detail in
4 respect of policies and procedures or indeed in relation
5 to the history, because it is comprehensively set out in
6 your A-D response.

7 A. (Witness nodded)

8 Q. There was something that I did want to ask you about,
9 and that was in relation to whether you'd been able to
10 find anything following up on a report that we know that
11 was prepared for Tayside by Professor Kendrick, called
12 "Predictors of abuse report", and you provided
13 a document, ANC-000001173, which we can hopefully look
14 at now. I think we see that this refers to the social
15 work committee of 16 April 1996, reference to the
16 "Predictors of abuse in foster care" report, and the
17 abstract notes:

18 "This report advises the committee on the outcome of
19 the research study regarding protection of children in
20 foster care. Recommendations are made in respect of the
21 issues raised by the study for the social work
22 department."

23 Then we see at "Recommendation" below, we see:

24 "It is recommended that the committee notes the
25 contents of the report and the accompanying research

1 report, instructs the Director of Social Work to
2 consider the issues raised by the study and devise
3 an action plan to address any policy and practice issues
4 arising from the study recommendations, and also
5 instructed the Director of Social Work to consult the
6 National Foster Care Association on the contents of the
7 study and the proposed action plan."

8 So Angus Council provided us with this document,
9 which is clearly following up on Professor Kendrick's
10 report. Do you know if the council were able to find
11 anything further in relation to, for example, this
12 action plan that's suggested?

13 A. So, firstly, I would say that this would have been one
14 of the first reports that went to the new council
15 committee at the establishment of Angus Council, and so
16 it obviously had some degree of significance.

17 Unfortunately, we were not able to find any other
18 references in committee reports to this specific paper.
19 And I suspect, looking at the recommendation, that
20 that's because authority was delegated to the Director
21 of Social Work at that time to take forward the action
22 plan and any practice improvements, and it's unlikely
23 that that would then have resulted in a further report
24 to elected members as a committee, and it's more likely
25 in my experience that that would have been dealt with at

1 the directorate meetings and pursued operationally.

2 So unfortunately we were not able to see that.

3 I suppose I would just say as well for clarity that
4 perhaps some of the recommendations in the Kendrick
5 report were also dealt with through the implementation
6 of new legislation, which obviously then came into force
7 in relation to the Children (Scotland) Act and the
8 subsequent regulations, et cetera. So the timing of
9 that -- it's not a surprise to me that there's not
10 a specific reference to it in future minutes.

11 Q. Thank you.

12 Can I take you back to the A-D response and to the
13 issue of numbers. It's at page 21. At the bottom of
14 page 20 I think we see a question about how many
15 children did the Local Authority accommodate at a time
16 in foster care and how many placements. If we go on to
17 page 21, at the top of the page there we see some
18 figures for the period, it says, of Angus District
19 Council, so this is from 1931 until 1951, and we can see
20 that there are hardly any children in care, in foster
21 care, it appears, at that time.

22 If we just scroll down a little, please, in the
23 second paragraph that we can see there, it says:

24 "It is worth noting that anecdotal information
25 indicates that informal fostering arrangements were in

1 place in the community during this time. These would
2 not have been arranged, monitored or recorded by the
3 council."

4 Do you know anything further about that or have any
5 reflections on the numbers that were able to be found
6 for that time frame?

7 A. All I think I would be able to talk to in relation to
8 that is that the recording obviously was quite different
9 back in the 1930s and for the decades before that.

10 I'm also aware that we didn't keep records in the
11 same way at all at that time, and my understanding is
12 that the requirements around that were very different
13 than they are now. So it's quite possible that those
14 numbers are an underestimate of the children who were
15 fostered by Angus, its predecessor authorities, but also
16 that there would have been other children who were
17 fostered within Angus but not necessarily by Angus
18 Council. And I think again the detail and the
19 information about those placements will have been
20 destroyed, in large part, a number of years ago.

21 So it's quite likely then, and we understand that,
22 you know, just from passing references to fostering
23 arrangements, that there were definitely fostering
24 arrangements took place, but that these weren't
25 necessarily fostering as we would understand it today,

1 as in arranged by the Local Authority. A number of
2 other providers also appeared to have direct
3 responsibility for the placement of children previously,
4 and I'm not an expert on the history of fostering by any
5 stretch of the imagination. However, I suspect that
6 there were a number of those arrangements that the Local
7 Authority were not aware of.

8 Q. Okay. You have referenced that perhaps Angus having --
9 it being a rural area, really, people might have been
10 boarded out from some of the urban areas in that early
11 period?

12 A. Yes. I had -- certainly people in the community in
13 Angus, and I am one of those people, certainly have
14 an understanding from conversations in the community
15 that that was the case.

16 Q. Then if we just go down a little bit, I think we're
17 seeing there numbers from Tayside, and that's obviously
18 for the whole of Tayside. I don't think you have
19 numbers relevant to Angus itself.

20 A. (Witness nodded)

21 Q. Then just in the second-last paragraph on this page, the
22 one that you can see there, the last paragraph that you
23 can see there, you say:

24 "There are no figures available for numbers of
25 children in foster care from 1996 to 2010 as these

1 records have been destroyed. It is possible that such
2 records may have been retained by central government
3 through annual returns."

4 Why would material in relation to numbers for that
5 period have been destroyed?

6 A. My understanding would be that once they had been used
7 for the purposes that they were originally intended, it
8 wasn't seen as necessarily relevant to keep them. But
9 I'm only giving you the benefit of my guess there.
10 Unfortunately, those records were destroyed, but we do
11 currently hold records for the period from that time,
12 and obviously the responses that we do provide to
13 central government may have been retained in relation to
14 different records' retention schedules.

15 LADY SMITH: Am I to take it from the way that answer has
16 been put that nobody has checked whether the annual
17 returns have been retained and do contain the numbers?

18 A. My Lady, I'm not aware what Scottish Government's
19 retention schedule on data that they receive from
20 local --

21 LADY SMITH: No. Has anybody from Angus asked?

22 A. I haven't asked.

23 LADY SMITH: Okay, thank you.

24 MS INNES: If we look at the bottom of the page:

25 "The following figures are taken from Angus

1 Council's monthly statistics returns to central
2 government for the years 2011 to 2014."

3 If we look onto the next page, I think we can see
4 that those numbers are there. So these are from 2011
5 onwards, and I think you've set out, we can see on
6 page 22 and page 23 that you've set out the numbers.

7 If we go to page -- if we just look at the page in
8 front of us at the moment it's probably easiest. We can
9 see that figures were provided monthly. Is that
10 something that the Local Authority has continued to do?
11 Provide those figures to central government?

12 A. So we don't provide the data monthly to central
13 government, but we track it monthly ourselves and then
14 we use that as part of our annual return to Scottish
15 Government in terms of looked-after children statistics.

16 Q. Is that separate from any return that you make to the
17 Care Inspectorate?

18 A. The Care Inspectorate will ask for routine information
19 every year as part of their inspection process.

20 LADY SMITH: Do you have to put the monthly figures in your
21 annual return or will a global figure be accepted?

22 A. I am not aware of the requirements for the annual
23 return.

24 LADY SMITH: Thank you.

25 A. Sorry, my Lady.

1 MS INNES: I think we see that it's divided between.
2 Children in Local Authority-provided foster care.
3 Children in Local Authority-purchased foster care,
4 so I assume that means the Local Authority purchases
5 foster care from other providers, whether those carers
6 live within the Angus area or otherwise.
7 A. That's correct, yes.
8 Q. And then children with prospective adopters?
9 A. Yes.
10 Q. We can see in 2011 there was broadly about 100 to 120
11 children in Local Authority-provided foster care, round
12 about 12 to 15 in purchased foster care.
13 A. (Witness nodded)
14 Q. Do you know broadly whether that balance has changed
15 over time, taking us up to date?
16 A. So it fluctuates significantly over time. We also have
17 children in residential accommodation and externally
18 commissioned residential accommodation too.
19 I would say that our reliance on externally
20 purchased foster care placements has increased slightly,
21 but the numbers wouldn't look significantly different in
22 proportion to those that you see before you.
23 Q. What about children who are in kinship care? I assume
24 that some children are also in kinship care; is that
25 right?

1 A. That's right, yes. So I would say since around
2 2015/2016 when there were changes to the amount of
3 allowance payable in relation to kinship care, we have
4 seen an increase in the number of formally approved
5 kinship carers who are providing accommodation for
6 children.

7 Q. Do you have to provide any numbers in relation to
8 children that are in that form of arrangement to central
9 government as well?

10 A. Yes, that's part of the annual return for looked-after
11 children statistics.

12 Q. Okay.

13 In terms of the balance of care in Angus Council,
14 are there more children looked after in foster care or
15 kinship care?

16 A. There are more children in foster care.

17 Q. Could we look on, please, to page 24, if we look below
18 the first table to the second table, and there we have
19 for various years from 2005 up to 2014, I think,
20 different numbers of carers in different categories.

21 "Permanent carers", what's that?

22 A. So this is before my time, quite significantly, but
23 permanent carers would be carers who are not temporary.
24 So we usually distinguish between carers who we expect
25 not to be looking after children for the rest of their

1 childhood and those who are likely to do so,
2 particularly if they are on a permanence order.

3 Q. Yes, so now one might think about children who are on
4 a permanence order and they're with long-term carers or
5 permanent carers?

6 A. Yes.

7 Q. Then there's reference to "specialist carers". In more
8 recent years there's not been that -- or certainly in
9 this time frame, there were no carers noted as being
10 specialist carers.

11 Then "foster carers", we see around 10 and
12 relatively low numbers up until 2013/2014 when there was
13 22, so there seems to have been quite a significant
14 increase at that time. Has that remained the number of
15 carers in Angus or has it changed to any significant
16 degree?

17 A. So we have more foster carers than we did in 2013/2014.
18 We have had successful recruitment campaigns, I would
19 say, since probably around 2016 where we have seen quite
20 a significant turnover in the number of carers, but
21 we've managed to maintain our level of carers since that
22 time.

23 Q. I think you provided some detailed information if we
24 look on to page 25, and there's a question:

25 "How many placements did this represent?"

1 There's a list of a number of bullet points
2 explaining how the figures were arrived at and it says:

3 "... the figures are approximate due to the
4 limitations of recording in the historic files and the
5 practice at the time as follows."

6 It talks about, for example, at the second bullet
7 point:

8 "In this time frame, children were placed outside of
9 the carers' approval range both in terms of age and
10 numbers. The data for retrospective approvals on file
11 is inconsistent and some of the wording does not contain
12 the detail needed for mapping. Therefore it is
13 acknowledged that there were more children placed than
14 available placements recorded."

15 I take it that this type of information was put
16 together by I think maybe one of the teams that you
17 suggested or mentioned earlier in your evidence and
18 I think maybe they found some difficulties in providing
19 a firm figure. So there are some caveats around the
20 figures that were provided. Is that fair?

21 A. That's what this suggests, yes.

22 Q. If we can look, please, at ANC-000000760, which I think
23 is a detailed table of the number of temporary carers,
24 so from the definition that you gave earlier, those
25 wouldn't be carers who have a child with them on

1 a permanence order or its equivalent prior to 2007, and
2 it wouldn't be a kinship carer, for example?

3 A. No, these would be registered foster carers, yes.

4 Q. I think then we see the number of carers on a monthly
5 basis over the relevant time frame and I think from 2014
6 we see that there were around 50 carers available?

7 A. Yes, that's what the table says, yes.

8 Q. Since then, have numbers increased again from 50?

9 A. Yes, we have a slight increase, but I see that we are
10 probably more around the 70 mark at the moment and we've
11 had that level of carers in the past.

12 Q. Okay, thank you.

13 I wonder if you could give us a sense of any
14 particular demographic issues that affect foster care in
15 Angus. Obviously we've talked a little bit about the
16 geography and its history. Are there any particular
17 issues either in terms of geography or demographics
18 which impact on the fostering service?

19 A. So I think firstly I would say that the general
20 demographics within the population mean that it is
21 becoming more difficult to recruit foster carers.

22 Q. Right.

23 A. People have a wider range of alternative caring
24 responsibilities and it is a constant process of
25 recruitment that we have to undertake to try and

1 maintain the number of available placements for children
2 and young people in our area.

3 LADY SMITH: You're talking about the wider range of
4 alternative caring responsibilities, are you talking
5 about nowadays people who might have had capacity to be
6 foster carers having to care for the older generation,
7 older parents or relatives?

8 A. Absolutely, but also providing care for grandchildren.

9 LADY SMITH: Of course.

10 A. So there's, I think, a question around the overall
11 capacity within the population to take on additional
12 caring responsibilities beyond those which would be
13 relevant to their own family circumstances. And
14 of course a number of people are working longer.
15 Historically, decades ago, often women would not be
16 working and women would traditionally have been more
17 available for caring responsibilities, including
18 potentially foster care, and obviously the demographic
19 in relation to employment has changed significantly
20 since those times.

21 So I think there are probably a combination of
22 different factors that are making it continually
23 challenging to recruit people into foster care. That's
24 one of the reasons why we continue to work really hard
25 on our recruitment campaigns, including obviously at

1 this point in time, which is Fostering Week.

2 So I think the other demographics that we have in
3 Angus include areas of relative affluence with close
4 proximity to a city, Dundee, and we have a number of
5 other foster care providers recruit foster carers from
6 within the Angus boundary. So a number of the
7 nationals, you know, voluntary and otherwise,
8 organisations do actively recruit foster carers from
9 within our local community. And so sometimes we have
10 children and young people who may be placed with carers
11 who are in Angus, but who are not Angus Council carers.
12 And obviously we have sometimes children and young
13 people who are placed by other Local Authorities into
14 our boundary, either with carers that they have
15 recruited themselves outwith our boundary or through
16 these other agencies.

17 That causes some challenge in terms of us being able
18 to understand our looked-after population and where that
19 looked-after population may be at any given point in
20 time. So from a social work perspective in Angus, our
21 demographic wouldn't usually include a significant
22 footprint in the Monifieth area, for example, but there
23 are a disproportionate number of foster carers in that
24 area, which means that the local high school does
25 actually have quite a significant looked-after

1 population.

2 So there are these sorts of challenges in terms of
3 the placement patterns from other Local Authority areas
4 that our wider service is impacted by. But in terms of
5 impact on the fostering service in and of itself, Angus
6 is a fairly rural area. We recruit foster carers from
7 across our own boundary and occasionally from outwith
8 Angus as well. That's fairly uncommon for us, but it
9 has happened. And so obviously our availability to go
10 on site to do visits, et cetera, is different than if
11 they all lived within a couple of miles' radius. So it
12 does require extra time for our staff to facilitate
13 those mandatory visits.

14 LADY SMITH: Thank you.

15 MS INNES: You mentioned there about challenges where other
16 Local Authorities place with carers in your area or
17 indeed voluntary organisations. Is there any
18 requirement on those authorities or organisations to
19 notify you that there is a looked-after child in your
20 area -- obviously you don't perhaps have responsibility
21 for that carer, but you're told about it in advance?

22 A. So, yes, we are usually notified by other Local
23 Authorities, both from a social work and an education
24 perspective, that a looked-after child has moved into
25 our area, be that with foster carers, into a residential

1 establishment or with kinship carers within our
2 boundary. That doesn't tend to happen in advance, it
3 tends to happen once the placement has been made. And
4 obviously there are occasions where such placements are
5 made from outwith Scotland and the practice in terms of
6 notification is less exact, I would say, in relation to
7 those placements, but the Care Inspectorate has recently
8 provided some further guidance to authorities on
9 cross-border placements that should hopefully improve
10 that over time.

11 LADY SMITH: Do you notify other Local Authorities if
12 an Angus child is placed outside Angus?

13 A. Yes, we do.

14 LADY SMITH: Thank you.

15 MS INNES: What if it was a voluntary organisation?

16 I suppose they would be dealing with the carers so the
17 child's Local Authority might or should notify you?

18 A. Yes, so it would be the responsibility of the social
19 work department of the placing authority to notify the
20 receiving area.

21 Q. Okay. Thank you.

22 I'd like to take you back to the section 21 response
23 at ANC-000000781. If I can take you, please, to
24 page 59, we see a paragraph there:

25 "In the Angus Council period post 1996, there are

1 records of carers who did not provide placements
2 reflecting the Local Authority's culture. However, it
3 is not possible to determine if policies and procedures
4 were adhered to without copies of such."

5 I'm taking it from this that from the file review,
6 some examples -- I think we can see some examples coming
7 up below -- of concerns were identified that the file
8 reader would identify as being something that wouldn't
9 have reflected the Local Authority's culture and perhaps
10 they couldn't have compared it with the policies,
11 because the policies and procedures no longer exist, but
12 nonetheless they've highlighted it because of the issue
13 with the clash with the Local Authority's culture?

14 A. Yes, that's right.

15 Q. If we look at example 1, it notes there were concerns
16 around the carer's temperament and lack of affection
17 towards children.

18 Then there's various points made by one child: not
19 being allowed in the kitchen, felt invisible, not
20 valued, sent upstairs if visitors arrived and suchlike.

21 Then another child alleged again I think exclusion,
22 difference in treatment, lack of consultation.

23 It's noted below:

24 "This was not in accordance with the Local
25 Authority's culture of providing safe alternative care

1 and promoting child development."

2 Then below that the action taken by the council is
3 noted to have been:

4 "Professionals held a meeting to see if the first
5 placement was sustainable and the child was moved in
6 a planned way to carers better able to meet their
7 needs."

8 Then the second allegation was considered by the
9 social work department and several actions were taken in
10 respect of that.

11 The final sentence says:

12 "It was concluded, 'Although a number of issues were
13 identified which could perhaps have been dealt with in
14 a more sensitive manner, no complaints of a serious
15 nature were identified requiring more formal action'."

16 Just looking at that example, do you have any
17 reflections on the different route that the Local
18 Authority might take depending on the allegation made
19 and then responding to it, whether it's a child
20 protection concern which would follow a particular
21 procedure, or whether it's dealt with perhaps less
22 formally? Do you have any reflections on that and how
23 that should be noted, perhaps, in the carer's file?

24 A. So the expectation that all complaints and allegations
25 would be noted in the carers' files and in terms of

1 follow up, that those would be instances that were
2 discussed with the relevant supervisor and team manager,
3 so social workers would not take these actions
4 independently as a check and a balance against undue
5 variation in practice, but of course there is still --
6 you know, in any kind of area of practice where there's
7 professional judgement to be applied, there will be
8 variation.

9 I am interested that the first example resulted in
10 the child moving on, but I can see that they moved on in
11 a planned manner, which is consistent, obviously, with
12 good transitions and a positive ending of placement for
13 a child. In some circumstances it wouldn't be
14 appropriate to end the placement on the basis of
15 an allegation, but it's extremely difficult to write
16 a policy or a process even now that would account for
17 all the individual factors that you would need to take
18 into account to reach that judgement.

19 And of course no individual social worker would be
20 making that judgement. These would be matters,
21 certainly now, that would be subject to often
22 a multi-agency discussion, particularly in relation to
23 child protection, which is always multi-agency in
24 nature, but in terms of the safety plan and the
25 suitability of a placement. These are often reviewed

1 externally by people who are not involved in the
2 day-to-day supervision of the carers themselves, nor the
3 placing social worker for the child. So there are
4 external people to those decisions that are party to
5 a discussion about whether or not a placement should
6 continue.

7 Q. When you say "external people", who are they?

8 A. So I mean external people as in reviewing officers who
9 are appointed to regularly review the circumstances of
10 looked-after children and who chair child protection
11 case conferences too in our area.

12 The Children's Hearing would also obviously have
13 a view in relation to those cases which are under their
14 jurisdiction.

15 Q. Can I ask you, please, to look on to example 3, which is
16 on page 60. This notes in respect of an approval period
17 of 1993 to July 2000:

18 "Carer humiliated child and attempted to manage
19 behaviours by shouting, intimidation and shaming."

20 Then there's various behaviours that were raised by
21 the child.

22 It says:

23 "Both carers were reported to be forceful and
24 hostile towards workers, undermined plans for the
25 children and only cooperate on their terms."

1 It was noted that that wasn't in accordance with the
2 Local Authority's culture.

3 Actions taken by the council, it says:

4 "There are records on file indicating that
5 individual situations were discussed with the carer."

6 At the top of the next page it says:

7 "The child made these allegations six years later
8 when in another placement, the child was not clear about
9 timescales. A child protection investigation was not
10 initiated. By this time the carers' approval had
11 changed to a younger age range, which workers believed
12 they found easier to manage. However, the social worker
13 responsible for the care of the children placed with the
14 carers at the time of the allegation was informed."

15 Then it says:

16 "The carers resigned shortly after this allegation
17 and their resignation was unanimously accepted."

18 Here it appears that the allegations were made at
19 a later period, as it says, but the carers were still
20 caring for a child at the time of the allegation.

21 Do you have any reflections on what's said here
22 about the Local Authority's response?

23 A. Without the detail behind it, it's difficult to form
24 a full and considered judgement, but certainly I would
25 suggest that there might have been a more proactive

1 response by the Local Authority at the point these
2 allegations were made. I am, however, satisfied that
3 those carers resigned and that was unanimously accepted.

4 Q. Just dealing with the issue of carers resigning before
5 they're de-registered. If an allegation is made and
6 there's no police investigation or the police
7 investigation hasn't concluded, for example, and the
8 Local Authority takes steps to seek to de-register that
9 carer and the carer resigns before the de-registration
10 panel, is their resignation simply accepted or does the
11 Local Authority carry out some further investigation in
12 recording its concerns in relation to the allegation of
13 abuse?

14 A. So my understanding of the practice as it currently
15 stands is that we would accept the resignation, but that
16 we would also proceed to a panel to de-register and
17 record the de-registration.

18 In terms of further investigation, we wouldn't
19 investigate carers that are not currently our carers,
20 but we would continue to pass any information required
21 to police or other colleagues to assist them with their
22 investigation, certainly. But obviously the
23 investigations that we would undertake would be in
24 relation to any child protection matters and those would
25 continue if those were ongoing.

1 So we wouldn't allow people to de-register and for
2 that to not then form part of the record.

3 We also now retain carers' case files where there
4 have been allegations made for an indefinite period, and
5 that's explained to carers as part of their induction
6 process.

7 Q. Okay. If a carer then went to another organisation or
8 a Local Authority would you be contacted and asked for
9 information on that carer?

10 A. We would expect to be contacted if the carer provided
11 information that they'd previously been a carer with
12 Angus Council, and we would provide that information to
13 assist with any consideration of their fostering
14 capabilities.

15 Q. If you were assessing a carer that's coming to you
16 wanting to be approved, how would you go about finding
17 out if they've previously been registered as a foster
18 carer and then interrogating that? I mean obviously
19 you'd ask them and then take it from there, but what if
20 they didn't disclose that they had been either a foster
21 carer before or perhaps had applied and been refused
22 because of concerns?

23 A. So my understanding is that unless somebody tells us,
24 there is no way to independently verify that.

25 Q. Do you have any views on what could be put in place to

1 help you verify that?

2 A. Certainly if there were a central register or a place
3 where one could check whether or not people had (a) made
4 an application and/or (b) been de-registered, that that
5 may be a helpful check and balance.

6 Social workers, as with so many other professionals
7 involved in making assessments of individuals, can only
8 deal with the information that they have available to
9 them through legitimate means. If people choose not to
10 advise us of pertinent information, there are limits as
11 to our ability to follow up on that.

12 Q. Thank you.

13 Right, can I move on from these examples that you've
14 given us to Part D of your response, which is at
15 page 154. I think it starts at the bottom of the page.
16 So in your file review at 5.1 you note that the nature
17 of abuse and/or alleged abuse in foster care in Angus
18 was physical, sexual, psychological and emotional.

19 If we go on to the next page, please, question
20 5.2(a), page 155, you're asked there for the Local
21 Authority's assessment for the scale and extent of abuse
22 of children in foster care. It's noted:

23 " ... it is assessed that there were 48 allegations
24 which could be considered abuse and these allegations
25 were made by 36 children."

1 That was the outcome of the file review?

2 A. That's correct.

3 Q. It says there of these, considering the threshold
4 applied around definitions of abuse at the time of
5 writing, you note 35 cases of physical abuse with
6 psychological and emotional abuse, 15 allegations of
7 sexual abuse with associated psychological and emotional
8 abuse and one child alleged assault but refused to
9 identify any further details.

10 When the response refers to "the threshold applied
11 around definitions of abuse", what is that referring to?

12 A. I am not entirely sure. My understanding would be that
13 the staff would have looked at what might have been
14 considered abuse at the time versus what might have been
15 consistent with physical chastisement, et cetera, which
16 was not something that was not allowed in foster care
17 situations until I think 1996, so it's quite likely that
18 that's what's being referred to there.

19 Q. Because it refers to "at the time of writing", as
20 opposed to "in the past".

21 A. (Witness nodded)

22 Q. Then it is noted below:

23 "Of these, six foster carers were charged but not
24 convicted. The son of one foster carer was charged but
25 not convicted."

1 The council notes:

2 "... the absence of conviction or indeed sufficient
3 evidence to investigate or charge does not mean that
4 abuse didn't take place."

5 There's reference there to one child making some
6 significant allegations of physical and psychological
7 abuse to police at seven months after, and then six
8 years after the end of placement, but these were not
9 investigated as there was deemed to be insufficient
10 evidence.

11 I don't know whether you're able to help us: not
12 investigated by the police or not investigated by the
13 Local Authority?

14 A. Yes, so that would be not investigated by the police.
15 The social work department wouldn't have had a role to
16 investigate allegations that were more historic in
17 nature.

18 Q. If we can just move on a little to 5.2(f) on page 156,
19 this is where the Local Authority is being asked:

20 "How many foster carers have been found by the Local
21 Authority to have abused children?"

22 It's noted:

23 "... from the available information, there is
24 sufficient information to suggest that 15 foster carers
25 may potentially have abused children. Similar

1 conclusions were drawn at the time of these respective
2 allegations."

3 Then a couple of exceptions are noted.

4 Am I right in understanding that the team responding
5 to the section 21 notice looked at the allegations and
6 essentially considered again whether the Local Authority
7 could say whether it found that abuse had happened or
8 not?

9 In the majority of those cases, at the time the
10 Local Authority had essentially found that abuse had
11 happened and the reviewers agreed with that assessment,
12 but then there were a couple of exceptions to that,
13 which are noted?

14 A. Yes, that's my understanding.

15 Q. Okay. There's some cases referred to in appendices
16 which aren't part of the evidence bundle, and then
17 there's a reference to an allegation against a foster
18 carer, and it says:

19 "Whereby Angus Council were not afforded the
20 opportunity to consider information shared with the
21 police by the alleged victims after the placement had
22 ended. This particular case is not considered part of
23 the 15 noted above. However, the same carer was
24 implicated in a further case which is counted."

25 So in the file review this carer had been

1 identified, but separately there were other allegations
2 made and it's noted, as we've seen, that Angus Council
3 weren't able to consider the information shared with the
4 police and is that again because the allegations were
5 made later so --

6 A. Yes, that's right.

7 Q. Okay. Right.

8 If we just look down to 5.2(g):

9 "Against how many family members of foster carers
10 have complaints been made in relation to alleged abuse
11 of children?"

12 It's noted that there were six definite complaints
13 and it says that that doesn't include allegations which
14 were made and then retracted.

15 A. Yes.

16 Q. Are you able to explain why those allegations were
17 excluded?

18 A. From our response?

19 Q. Mm-hmm.

20 A. Only that they were retracted at the time and there
21 wouldn't have been further information in relation to
22 them. If the Inquiry is interested in those, we could
23 always have a look and pull that particular information
24 out and share that.

25 Q. Thank you. Then at 5.2 (h):

1 "How many family members of foster carers have been
2 convicted of or admitted to abuse of children?"

3 It refers to there one family member admitting to
4 an offence and was convicted under the 1995 Act,
5 section 5(3). I think that was a person called
6 Colin Christie?

7 A. (Witness nodded)

8 Q. Can we have a look, please, at JUS-000000091.

9 I think we see here an extract conviction. If we
10 scroll down a little, please, Colin Christie, and the
11 date of the conviction is 17 November 2004. If we
12 scroll down a little, charge 1, we see there that
13 there's reference to various occasions in 2004. I think
14 that's the conviction that was highlighted to us by
15 Angus Council; is that your understanding?

16 A. I haven't seen that document before, but it certainly
17 looks like it relates to the incident, yes.

18 Q. Okay, thank you.

19 If we can move back, please ... bear with me
20 a moment. (Pause)

21 If we can move, please, to page 158. ANC-000000781,
22 yes. At the top of the page there the question was:

23 "Are there any patterns to note in terms of the
24 timing and disclosure of abuse and/or alleged abuse?"

25 It's noted:

1 "The only significant pattern is that the four
2 arguably most serious allegations in foster care ...
3 were made by children some time after they were alleged
4 to have occurred, when these children had moved on to
5 different placements. These allegations involved
6 a series of acts of commission over a length of time.
7 When this alleged abuse took place, the children were at
8 an age where they may have lacked the sophistication of
9 language to express what was happening to them."

10 Do you have any further observations in relation to
11 what's said here about the pattern of disclosure that
12 you were able to pull from the material?

13 A. I think what this in particular highlights is the
14 significant vulnerability of younger children who are
15 placed in foster care or indeed anywhere in terms of
16 children who are at an age and stage where they may
17 struggle to articulate what is happening to them or
18 perhaps not understand the significance of some of the
19 behaviour, even if it makes them very uncomfortable at
20 the time. Sometimes children just don't have the words
21 to explain that to other adults, and so there's
22 a particular area of practice focus that we would need
23 to learn from that in terms of how we put sufficient
24 checks and balances in place around such placements.

25 The other aspect to consider is the importance of

1 creating spaces where children can share concerns.

2 A number of these allegations, as it says, were quite
3 some time before other professionals were made aware of
4 the behaviours, and obviously the earlier children can
5 disclose what is happening to them the better in terms
6 of our ability to respond, but also to take preventive
7 measures in relation to other children as well.

8 So I think those require some careful thought going
9 forward.

10 MS INNES: Thank you.

11 I don't have too much longer to go, but I think --

12 LADY SMITH: I think we'll just take a short break at the
13 moment if that's all right. I'll sit again after we've
14 had a breather. Thank you.

15 (3.02 pm)

16 (A short break)

17 (3.12 pm)

18 LADY SMITH: Ms Innes.

19 MS INNES: Thank you, my Lady.

20 If we could please go to ANC-000000781, page 72. We
21 see here at question 3.1(a) the question is:

22 "Does the Local Authority accept that between 1930
23 and 17 December 2014 any children cared for in foster
24 care were abused?"

25 And the answer to that is yes, based on the file

1 review?

2 A. Sadly that's the case.

3 Q. Then the Local Authority at 3.1(b) is asked for
4 an assessment of the extent and scale. There's
5 reference there to the definitions in the section 21
6 notice. I think that's referring to definitions from
7 the Inquiry's terms of reference and it refers there to
8 primarily physical and sexual abuse, with associated
9 psychological and emotional abuse. It is noted:

10 "... there are cases in the file audits evidencing
11 emotional abuse, but these are outside the scope of the
12 notice and so not included in the figures in this
13 section."

14 Is that the council's approach to the information
15 and definition of abuse that it was provided with?

16 A. Yes, our understanding from our legal colleagues was
17 that the notice was specific to physical and sexual
18 abuse and therefore those are the statistics that we've
19 provided. But it would have been unreasonable not to
20 refer to concerns that emerged in the case file reading
21 about other forms of abuse.

22 Q. Thank you.

23 Then if we look at 3.2(a) at the bottom of the page:

24 "Does the Local Authority accept that its systems
25 failed to protect children in foster care over the

1 relevant period from abuse?"

2 The Local Authority advises:

3 "Based on the information available, it appears that
4 there were occasions where internal systems were not
5 followed or where decisions reached through those
6 systems appear to have been weighted toward the foster
7 carer and the need for foster care placements. It seems
8 from the records that systems may have been influenced
9 at times by a motivation to maintain the availability of
10 foster carer capacity and may have applied a different
11 level of tolerance for what constituted acceptable
12 foster caring behaviours than is currently expected.
13 This failed to protect children in foster care. There
14 are other examples where systems served to protect
15 children and reduce further harm."

16 Just in terms of the answer there do you have any
17 further reflections on the dangers that can arise where
18 there isn't sufficient capacity in the system?

19 A. Absolutely, and those reflections took some significant
20 account of living memory experience of kind of times
21 where foster carer capacity was significantly impacted
22 and people who worked at that time could remember
23 perhaps being less stringent in their approach because
24 what that would mean was there wasn't a placement
25 available.

1 I think that that reflects the nature of compromise
2 which is unhelpful and unhealthy when you're talking
3 about the ideal situation where you would be able to
4 identify good quality family-based living situations for
5 children to experience alternative family-based care,
6 and how easily that your standards could be compromised
7 in a world where there's not sufficient choice in
8 relation to the placements that are available, and that
9 would be the case both in terms of foster care and other
10 forms of care.

11 LADY SMITH: What do you do to address this risk? Namely
12 the risk that social workers and other relevant staff
13 will be unduly influenced by a desire not to be driven
14 to concluding that the child can't stay in that
15 placement?

16 A. So our current arrangements involve a significant
17 separation of function between those individuals who are
18 responsible for supporting and supervising, and then
19 holding to account where necessary foster carers. The
20 child protection decision-making arrangements also sit
21 separately, and then the case-holding arrangements and
22 the scrutiny by the reviewing officer and the Children's
23 Hearing system offer different kind of scrutiny in terms
24 of the child's placement.

25 So there are, I would suggest, more checks and

1 balances now in place than there might have been
2 historically that should drive us away from that
3 practice. I say "should" because I don't think you can
4 ever say that there's not a risk of those sorts of
5 compromises being made.

6 But the reality is that as a decision maker in the
7 Local Authority, I set a culture which is about making
8 sure that we put children's needs first and foremost,
9 and if that means an expensive, externally commissioned
10 resource, then that is what has to happen, and we have
11 full support from our finance colleagues and elected
12 members to take that approach and that is managed as
13 a corporate level risk, where if we overspend as
14 a directorate, the consequences of that are shared
15 across the wider council as part of our corporate
16 parenting responsibilities.

17 So it's that whole-system accountability that helps
18 protect individual staff against feeling that they have
19 to use only the resources they see in front of them.

20 LADY SMITH: Thank you very much for that reflection.

21 A. Thank you.

22 MS INNES: Can we move on, please, to page 75. In the
23 response you've been discussing the recommendations that
24 were in Andy Kendrick's review and at the top of this
25 page there is reference to:

1 "The conclusions and recommendations flowing from
2 an examination of a small proportion of case files
3 across the Tayside Regional Council area. It is
4 apparent from the report that there were instances
5 identified where systems had not been routinely followed
6 and there were inconsistent approaches to responding to
7 alleged incidents of abuse in foster care settings."

8 Then I think in this response you had some further
9 reflections on those recommendations and perhaps the
10 relevance of them as you look at the period and perhaps
11 up to date. Would you like to address that?

12 A. Yes, absolutely. And although the Kendrick report
13 I think only one case which was an Angus District case
14 was actually part of the cohort of files that were
15 examined, certainly the lessons in the report that the
16 then Director of Social Work took to Angus Council
17 didn't distinguish between the individual Angus case and
18 the wider lessons to be learned.

19 I think that also reflected a range of other wider
20 kind of inquiry findings from across Scotland and beyond
21 around the matter of abuse in foster care, and so there
22 definitely seems to have been at that time a sense of
23 lessons being recognised, certainly, and requiring
24 changes to be made to practice.

25 So one of the things that we see, I think, happening

1 and was reported to committee in the aftermath of this
2 report was a separation between the then fostering,
3 adoption and day care panel, because social work used to
4 have responsibility for day care many moons ago, and
5 that actually the Angus Council took the decision to
6 separate those two things out, giving more prominence to
7 the issues around fostering and adoption and the
8 approvals and the expertise that were needed in order to
9 make those decisions well.

10 And then obviously there were changes to the
11 regulations, et cetera, that came in after that and
12 formalised some of those approaches in any case.

13 There are obviously now, when we look at the foster
14 care handbook, for example, I think you can see that
15 there's a range of some of the practice improvements
16 that the Kendrick report -- both the Kendrick reports
17 indicated have been followed through. Whether that was
18 specifically as a result of the Kendrick report or
19 whether that simply reflects the changes in wider
20 regulation is a different question and I couldn't
21 confirm which of those were the case. But certainly
22 practice is significantly different now than it was at
23 that time.

24 And the other system that we have in place is our
25 reviewing officers. We have a dedicated reviewing

1 officer who conducts all foster care reviews on behalf
2 of the team. So those are undertaken at arm's length as
3 well, which I think is another safeguard that we have in
4 terms of making sure that those processes are followed
5 and that there's not a tendency towards leniency in
6 terms of any behaviour that is concerning or indeed any
7 allegations that have been made because there's somebody
8 who's not part of the overall approval process that then
9 scrutinises those decisions and lays them before the
10 panel.

11 Q. If we move on, please, to page 76. At question 3.3(a)
12 the question here is:

13 "Does the Local Authority accept that there were any
14 failures and/or deficiencies in its response to abuse
15 and allegations of abuse in foster care over the
16 relevant time period?"

17 Your answer to that is yes.

18 Then at 3.3(b) you're asked for your assessment of
19 the extent of such failures in its response and you've
20 given some examples from the case file reading of
21 issues.

22 Perhaps if we can scroll down a little bit, please,
23 we see case 1, allegation date 2 February 2004 and it's
24 noted there that a:

25 "... child went to his solicitor alleging that he

1 had been physically abused by the carer for the past
2 18 months. It was not noted on the file what the act of
3 abuse was. The carer did not want the other children in
4 placement interviewed without a family member present.
5 The subject child was deemed credible in joint
6 interview, however the response was to speak with the
7 carer, advise that no action would be taken, but the
8 child would be referred to the Reporter. There may have
9 been other information informing this decision, but this
10 cannot be determined due to limited historic recording.
11 Therefore the response is considered deficient."

12 Do you have any reflections on what comes from that
13 case?

14 A. Yes, so although we can't be 100 per cent sure about the
15 policies and procedures that were in place at that time
16 based on the fact that that is not that long ago, so
17 2004 is not hugely historic in nature, our expectation
18 is that practice would have been much more like the
19 practice expected today and therefore we were judging
20 that based on today's expected response and that
21 wouldn't be acceptable.

22 Q. Then at case 2, this is from 2006 and 2008:

23 "The child alleged that the carer had dragged him to
24 bed by his neck. A different child alleged that the
25 same carer had grabbed him by the throat, tried to trip

1 him up and threatened to slap him. No notes on file
2 that any of these allegations were investigated. The
3 senior social worker spoke with the carer about dragging
4 the child to bed."

5 Do you have any reflections on that case?

6 A. Again, that would not be consistent with our current
7 approaches and expectations of carers' behaviour and how
8 they are expected to manage the well-being and behaviour
9 of children.

10 LADY SMITH: Again that's relatively recent, isn't it?

11 A. It absolutely is, yes, my Lady.

12 MS INNES: Then case 3, it's an allegation from 2006, there
13 was an initial:

14 "... allegation that a carer had put nail-biting
15 deterrent liquid on her lips and made the child sick.
16 The carer realised this was wrong and apologised. There
17 was no child protection investigation. The carer went
18 on and put soap in two other children's mouths whilst
19 holding them down on separate occasions. Child
20 protection investigations were undertaken for each of
21 these two incidents. This was reported to the
22 Procurator Fiscal upon the second time that the carer
23 put soap in a child's mouth. The Procurator Fiscal did
24 not pursue the case and the carer continued as a foster
25 carer."

1 Do you have any reflections on that case?

2 A. Firstly, it's a completely unacceptable course of events
3 and it's unacceptable that children had those
4 experiences in our care. It is disappointing that there
5 was no formal action and it is furthermore disappointing
6 that the individual continued as a foster carer and that
7 is not the expectation that I would have of our practice
8 now.

9 I think this time frame is possibly a time frame
10 where there was pressure in relation to placements, but
11 certainly I understand the individual who made those
12 comments to the team would have been in practice around
13 that time.

14 Q. Then at case 4, at the top of the next page, these are
15 allegations going back to the time of Tayside and:

16 "Two children were placed with prospective adopters
17 in another Local Authority area."

18 Presumably perhaps as foster carers prior to the
19 adoption, is that your understanding?

20 A. Yes, I can only assume that that would be the case.

21 Q. Then there's incidents referred to, I think, of physical
22 chastisement.

23 It's noted in about the middle of the paragraph:

24 "Probable abuse of the placed Angus children is
25 noted on file as difficult to challenge because they

1 were boisterous and there were plausible explanations
2 for injuries. However, the children remained in
3 placement even when the carers admitted abuse, for
4 example the female carer advised she may have bruised
5 a child while tending to a cut. The male carer also
6 admitted rough handling and kicking of the children.
7 There were several child protection case conferences
8 with no indication that any of the children's names were
9 placed on the register. [They] remained on placement
10 until the younger child ran away and advised the police
11 that he did not want to go back but instead wanted to go
12 somewhere safe. Several workers are recorded within the
13 file as having raised concerns, including the person who
14 wrote the matching report. The practice is considered
15 deficient not only because the children remained in
16 placement when there was evidence that they were being
17 neglected and abused, but that adoption was being
18 actively pursued."

19 I think we can see from those circumstances that
20 there are obviously a number of concerns that clearly
21 were highlighted. Do you have any further reflections
22 on that case?

23 A. No, only that it's completely unacceptable that people
24 behaved in that way and -- when I say "people", I mean
25 the carers concerned but also the staff that were

1 involved at the time ought not to have been pursuing
2 adoption by that couple in relation to those children.

3 But also just for clarity, I think it's at the very
4 top of the page, but I'm fairly confident in my reading
5 of that example that these would have been internal
6 carers, perhaps with another Local Authority in Tayside
7 area, because this would have been Tayside Region times,
8 at which time the foster carers would have been
9 potentially seen as whole-of-authority carers for
10 Tayside, but perhaps not specifically Angus Council
11 based. So it's quite likely that they were internal
12 foster carers rather than external.

13 Q. Okay, thank you.

14 Then at case 5, an allegation date of 2003:

15 "... an incident of simulated sexual intercourse
16 instigated by a 12-year-old against a 9-year-old. The
17 experienced carers asked for the girl to be moved as
18 they did not believe they could keep the children safe.
19 She was not moved for another eight months despite their
20 further formal requests. During this time, another two
21 incidents of a sexual nature happened, one of these
22 involving the same child."

23 Do you have any reflections in relation to that
24 case?

25 A. Another unacceptable circumstance and I think it's

1 testament to the staff that were reviewing these cases
2 that they picked up these cases as having been dealt
3 with unacceptably even in the context of the time,
4 albeit that 2003 is not hugely historical, obviously.
5 The previous example was more so.

6 Q. Just overall, Kathryn, from the section 21 response and
7 the extensive work that you've described that went into
8 it, have any learning points been identified or anything
9 that the council has or will take forward?

10 A. So a number of changes had already occurred to our
11 practice since the 2014 date, obviously, that the
12 Inquiry is particularly interested in.

13 Our foster carers' handbook in particular is always
14 kind of reviewed and updated and has, I think, fairly
15 robustly covered, even the version that you have in
16 front of you, a number of these issues where we've been
17 extremely clear with carers about how we will respond to
18 allegations, how we will record those allegations, who
19 will be involved in making decisions about whether or
20 not placements continue, et cetera, and I think there's
21 much greater clarity in terms of process and expectation
22 than perhaps was the case in the past.

23 Although finding a comparable document for these
24 timeframes has not been possible.

25 In terms of the learning, one of the benefits of the

1 approach that we took was that we had a range of
2 qualified social work and paraprofessional support staff
3 involved in the case file reading, and so the learning
4 went straight into operational teams from those
5 individuals who were learning about practice that
6 occurred in the past and sharing their frustration
7 around poor recording practices, you know,
8 notwithstanding obviously the retention issues that have
9 changed over time, but even for the records that are
10 there, sometimes the information is not as clear as it
11 could be.

12 Sometimes the language that was used in case files
13 when discussing children and young people and carers are
14 not what we would expect now, and, you know, all of that
15 information was fed back often peer to peer as well as
16 obviously within the management team.

17 MS INNES: Thank you very much, Kathryn.

18 I don't have any more questions for you just now.

19 LADY SMITH: Kathryn, could I just add my thanks to you and
20 your team. I note the tribute you've paid to them and
21 I agree that that's well directed. There's a great deal
22 of frankness in your response that I do appreciate.

23 Thank you for coming today to answer the questions
24 and deal with being in the hot seat as professionally as
25 you have done. I appreciate that.

1 I'm now able to let you go. It's nearly the
2 weekend. I hope you have a good one ahead.

3 A. Thank you, my Lady.

4 (The witness withdrew)

5 LADY SMITH: Well, Ms Innes.

6 MS INNES: Yes, my Lady.

7 That concludes this block of evidence and we'll
8 recommence on 30 May, at which point we will begin
9 hearing evidence from applicants, and, as I indicated at
10 the outset of the case study, our intention is to lead
11 that evidence broadly chronologically in terms of the
12 periods of time that applicants were in care. We'll be
13 starting with people who were in care during the earlier
14 period of boarding out that we've been discussing.

15 LADY SMITH: Good. Thank you very much.

16 Just to remind people, that's the 30th, which is
17 a week on Monday. Unusually, we will be sitting on
18 Monday that week, but that's because of the public
19 holidays on Thursday and Friday, so we'll only be
20 sitting three days that week.

21 Thank you very much. I hope you all have a good
22 weekend.

23 (3.36 pm)

24 (The Inquiry adjourned until 10.00 am on
25 Monday, 30 May 2022)

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