

1 Tuesday, 1 November 2022

2 (10.00 am)

3 (Proceedings delayed due to technical issue)

4 (10.19 am)

5 LADY SMITH: Good morning. That sounds all right.

6 So sorry about the difficulties we've had in getting  
7 the sound system working appropriately this morning, but  
8 hopefully we're now okay.

9 Welcome back to our evidential hearings in the  
10 foster care and boarding-out case study. We move to  
11 hearing from some of those responsible for the provision  
12 of foster homes at this week and next week.

13 I understand we have a witness who is ready to give  
14 evidence. Ms Innes?

15 MS INNES: Yes, my Lady.

16 The first witness is John Keane, who is with the  
17 National Fostering Group.

18 LADY SMITH: Thank you.

19 John Keane (sworn)

20 LADY SMITH: Before I hand over to Ms Innes, help me with  
21 this. How would you like me to address you? I'm happy  
22 to use either your first name or Mr Keane if that's more  
23 comfortable.

24 A. John's fine, my Lady.

25 LADY SMITH: Thank you for that, John, and thank you for

1 coming here today to talk to us about the provision that  
2 your employer, the National Fostering Group, I think the  
3 name is --  
4 A. Yes.  
5 LADY SMITH: -- make in relation to foster care in Scotland  
6 and have been doing for some time.  
7 A. (Overspeaking)  
8 LADY SMITH: You have your statement and some other  
9 documents I think in the red folder that's on the desk  
10 there, but we'll also be bringing documents up on the  
11 screen --  
12 A. Great.  
13 LADY SMITH: -- as we go to them to discuss various aspects  
14 of your evidence with you.  
15 A. Okay.  
16 LADY SMITH: If at any time you need a break, please just  
17 say. I usually take a break in any event at about 11.30  
18 for quarter of an hour or so and I think your evidence  
19 probably will still be going then. But at any time if  
20 you just need a breather let me know.  
21 A. Thank you.  
22 LADY SMITH: If you have any queries or difficulties we do  
23 want to know about that.  
24 A. Okay.  
25 LADY SMITH: And help us to enable you to give your evidence



1 as comfortably and clearly as you can. Will you do  
2 that?  
3 A. I will. Thank you, my Lady.  
4 LADY SMITH: Thank you.  
5 Ms Innes, when you're ready.  
6 Questions from Ms Innes  
7 MS INNES: Thank you, my Lady.  
8 Good morning, John.  
9 A. Good morning.  
10 Q. I think you have a copy of your CV in front of you?  
11 A. Yes.  
12 Q. Thank you for providing that for our information. We  
13 see there that you were born in 1956 and I think you  
14 tell us that you started working as a social worker in  
15 Manchester in 1988; is that right?  
16 A. That's correct.  
17 Q. You then moved, in 1995, to work with Oldham Social  
18 Services, again working as a social worker. At that  
19 point you tell us in your CV that you were involved in,  
20 for example, carrying out investigations following  
21 allegations of child abuse in accordance with child  
22 protection procedures?  
23 A. That's correct.  
24 Q. Okay. Then you were promoted to team manager, I think,  
25 with Oldham Social Services, and after that you tell us

1           that you moved I think, am I right in saying, in 2003 to  
2           what was first called the Fostering Solutions?  
3   A.   Yes, Fostering Solutions was the first independent  
4           fostering agency I joined.  
5   Q.   Okay.  
6   A.   And I joined as their first director of operations and  
7           responsible individual on 1 July 2003.  
8   Q.   Okay. At that point, was that organisation just  
9           operating in England and Wales?  
10  A.   Yes, but it did open up a Scottish Office about two  
11           years after I joined and I was instrumental in opening  
12           that office in Edinburgh and it was Fostering Solutions  
13           Scotland, which again was a not-for-profit organisation.  
14  Q.   Okay. You then tell us in your CV, I think you said you  
15           became director of operations at Fostering Solutions.  
16           That then became the National Fostering Group, was that  
17           just a change of name or was it --  
18  A.   It was an acquisition.  
19  Q.   Right.  
20  A.   The National Fostering Agency acquired Fostering  
21           Solutions, which was part of the Acorn Group, and I was  
22           the director of operations for the fostering side of  
23           that and we joined the National Fostering Agency in --  
24           sorry, my dates ... in 2017.  
25  Q.   2017, okay. I think you tell us that you became

1        Operations Director North for the National Fostering  
2        Group?

3    A.    Yes.    Yeah.    Once I joined the National Fostering Agency  
4        I was made the operations director north.    There was two  
5        operation directors, one in the north and one in the  
6        south, and my area covered Scotland, the whole of the  
7        north of England and Northern Ireland.

8    Q.    Okay.    Then you say that you became a regional director  
9        with the National Fostering Group.

10   A.    Yes.

11   Q.    We can see that it changed from the agency to the group,  
12        was that a sort of corporate restructure?

13   A.    Yes, in terms of when the Outcomes First Group acquired  
14        National Fostering Group it then changed from the  
15        National Fostering Agency to the National Fostering  
16        Group, and that's when I became the regional director  
17        for the group, which is part of the Outcomes First  
18        Group.

19   Q.    Okay.    You mention the Outcomes First Group in your  
20        response to the Section 21 notice that was sent by the  
21        Inquiry, so am I right in thinking that that is now --  
22        it's the Outcomes First Group and the National Fostering  
23        Group is a subsidiary of that organisation?

24   A.    Yes, yes, yes.

25   Q.    Okay.    What sort of thing does the Outcomes First Group

1 do? Does it do other things as well as fostering?

2 A. Yeah, we're the fostering arm of the Outcomes First

3 Group. There's an education division, which has

4 a number of residential schools across the UK --

5 Q. Okay.

6 A. -- and it also has a residential provision for children

7 and adults across the UK as well, so it covers the three

8 divisions: fostering, education and care.

9 Q. I see, okay. You tell us that you were regional

10 director for the National Fostering Group's -- so was

11 that the same as the Operations Director North or was

12 that a different role?

13 A. It was -- I was -- both roles were reporting directly to

14 the Managing Director, but because of the

15 reorganisation, we had a number of regional directors

16 appointed, and I was -- which I was one of, and

17 I covered, similarly, Scotland and the north of England

18 in my responsibilities as the Regional Director and

19 responsible individual for all those agencies within

20 that region.

21 Q. Okay. Then you say that from I think 2018 to 2021 you

22 were a part-time director of the National Fostering

23 Group and you say that from 1 October 2021 you were in

24 your present role and what is your present role?

25 A. Yeah, still a part-time director for the National

1       Fostering Group. I kind of work two days a week.  
2       I stepped down from my full-time role in October 2021.  
3   Q.   Okay. If we can move, please, now to the response that  
4       the organisation gave to the Section 21 notice, and it's  
5       NFA-000000008 and it should come up on the screen in  
6       front of you.  
7       If you have a hard copy of it and you prefer to  
8       refer to that, that's absolutely fine as well.  
9   A.   Okay.  
10   Q.   It's in the folder and I think you have also brought --  
11   A.   I have brought some --  
12   Q.   -- a copy with you, so whatever is easiest for you.  
13   A.   Yeah.  
14   Q.   I'm going to start by looking at page 3.  
15   A.   Yes.  
16   Q.   We see here at 1.1 that the National Fostering Agency  
17       Scotland Ltd was incorporated on 14 June 2005 and was  
18       that the beginning of the agency's involvement in  
19       fostering in Scotland?  
20   A.   Yes.  
21   Q.   Okay. If we move to down to the next answer at (b), it  
22       says there that NFAS has evolved over time and you've  
23       already referred to the National Fostering Association  
24       Group and it says there that it's "the largest  
25       independent fostering agency in the UK"?

1 A. Yes.

2 Q. Okay. In terms of -- do you have any sense of in  
3 Scotland sort of what size of operation is it?

4 A. Presently we have around 200 children placements, so  
5 I would say we're probably second or third largest  
6 across Scotland.

7 Q. You refer there to it being part of the Outcomes First  
8 Group.

9 A. Yes.

10 Q. Again, am I right in thinking that the National  
11 Fostering Agency Scotland Ltd is a subsidiary of the  
12 National Fostering Group?

13 A. Yes.

14 Q. Okay. But you -- although you've had responsibility for  
15 Scotland, I think you sit within the group?

16 A. Yes.

17 Q. Okay.

18 In terms of the organisation in Scotland, does it  
19 have its own director?

20 A. It has its regional director.

21 Q. Okay. Does that director then report to somebody in the  
22 parent company?

23 A. Yes, the regional director now reports to the managing  
24 director of the National Fostering Group.

25 Q. Okay. When you had responsibility for Scotland, would

1 the Scottish director have reported to you?

2 A. Yes.

3 Q. Over the period between the incorporation of the agency  
4 and 2014, which is the period that we're particularly  
5 focused on, did the organisation provide specialist  
6 fostering services or was it what might be described as  
7 mainstream services?

8 A. It was predominantly mainstream from the outset and  
9 obviously over time there was -- you know, there was  
10 plans to create more specialist services and as we speak  
11 now there's more specialist services foster care not  
12 just only in Scotland but across the UK across our carer  
13 base.

14 Q. Okay.

15 If we continue to look on page 3 and look down the  
16 page at under "Past" and (a), it says there, "The  
17 Scottish operations and activities in the provision of  
18 fostering care were funded through fostering fees paid  
19 by Local Authorities to the organisation".

20 We would understand that the organisation would  
21 perhaps enter into agreements with Local Authorities?

22 A. That's correct, yeah.

23 Q. We've heard evidence about something called Scotland  
24 Excel. Is that something that the NFA is part of?

25 A. Yes, Scotland Excel was established some years ago.

1 From the outset when the National Fostering Agency in  
2 Scotland was set up most of the placements were done one  
3 would call on spot purchase, because there wasn't any  
4 kind of commission agreements in those days, but as time  
5 has gone on Scotland Excel has taken responsibility to  
6 become a consortium for the majority of Local  
7 Authorities in Scotland and they commission on behalf of  
8 those Local Authorities placements to independent  
9 fostering agencies.

10 Q. Okay. And NFA is part of that?

11 A. NFA is part of that. Some Local Authorities, for  
12 example Glasgow, have their own contract arrangements,  
13 and I think Edinburgh similarly, but the majority of the  
14 others go through Scotland Excel.

15 Q. Okay.

16 In terms of the Scottish company, is it  
17 self-sufficient or are there central functions that are  
18 managed and provided by the parent company?

19 A. Yeah. We do have central services that feed into all  
20 our individual fostering agencies. Central services  
21 include obviously the HR function, the IT function,  
22 finance and marketing and recruitment -- recruitment is  
23 done nationally as well.

24 Q. We'll come back to that in a moment.

25 If we can move on a little, please, in this to



1 page 8, and if we look at the bottom of the page I think  
2 we see there a statement about what the organisation saw  
3 as its function, ethos and objective, and it says there:

4 "NFAS was and remains committed to providing  
5 fostering placements for children where they are happy,  
6 safe and able to develop to their full potential. NFAS  
7 is committed to the highest possible standards of  
8 professionalism, service delivery, honesty, integrity  
9 and accountability for all its employees and foster  
10 carers."

11 Is that a statement that forms part of the basis  
12 upon which the organisation provides fostering services?

13 A. Yeah. It would be a statement that we would obviously  
14 aspire to and is part of our statement of purpose, which  
15 we produce on an annual basis and it also fits into the  
16 wider group aspirations and values of the company as  
17 well.

18 Q. Okay. If we can move on again, please, to page 10 and  
19 you deal there with numbers and in the first table  
20 you're being asked:

21 "How many children did the organisation accommodate  
22 at a time in foster care and in how many placements?"

23 A. Yes.

24 Q. Obviously we can see in the first year of operation,  
25 2006, there were only six and that grew over the

1 relevant period up to 113 in 2014.

2 We can see to the right of that that there's  
3 a column, "Number of children in care", which is greater  
4 than the number of carers with children in care. So  
5 I assume that means that there were sibling groups --

6 A. Yes.

7 Q. -- for example, placed with carers.

8 A. Yes.

9 Q. So we can see that the number of carers grew and the  
10 number of children in care also grew over the period?

11 A. Yes.

12 Q. Okay.

13 If we look down to the next paragraph at (b), we can  
14 see a table in which it's answering the question:

15 "How many foster carers were approved by or  
16 registered with the organisation at any given time?"

17 We have a column headed, "Approved carers". If we  
18 compare that to the table above where we see number of  
19 carers with children in care, we can see again that the  
20 number of approved carers is greater than the number of  
21 carers with children in care.

22 A. (Witness nods)

23 Q. Does that mean that there are -- well, for example, in  
24 2014 we have 140 carers with only 113 who have children  
25 with them.

1 A. Mm.

2 Q. Does that mean that you tend to have capacity for carers  
3 to take children?

4 A. Yeah. At any given time we do have carers who are  
5 considered available. That may be for a number of  
6 reasons. For example, if a placement has ended, they've  
7 asked for a break, or carers actually go on holiday or  
8 take some time out, so they go on hold. So our capacity  
9 is always above the number of children that we actually  
10 can accommodate.

11 LADY SMITH: John, if we take that number, 140, which is in  
12 a column that's headed, "Approved carers" --

13 A. Yes.

14 LADY SMITH: -- is that individual people or is it  
15 individual foster homes?

16 A. Individual. Individual foster homes.

17 LADY SMITH: Individual foster homes. So it's 140 homes --

18 A. Yes.

19 LADY SMITH: -- within which, in some cases, there will be  
20 a couple who are foster carers?

21 A. Yes.

22 LADY SMITH: Others may be single foster carers?

23 A. Single carers, yeah.

24 LADY SMITH: Thank you. So it's actually approved  
25 placements as opposed to individuals?

1 A. Yes.

2 LADY SMITH: Thank you.

3 MS INNES: If we look down to the next question at (c), it

4 asks there about foster carers being approved to provide

5 only specific types of care.

6 A. Yes.

7 Q. So respite, short-term break, long term. The answer

8 there is that foster carers were approved within

9 specific categories?

10 A. Yes.

11 Q. Is that something that's always happened or during the

12 relevant period there, 2006 to 2014 --

13 A. Yes -- sorry.

14 Q. No, on you go.

15 A. Obviously when we assessed carers, either individual or

16 collectively as a couple, we identify what strengths

17 they've got. Obviously if carers have the ability to

18 look after the whole range, ie short term, long term,

19 and children in terms of respite, then we will recommend

20 approval for all those categories. Some carers have --

21 you know, during the assessment period have said, "We'd

22 rather take older children", or, "We would rather take

23 younger children", for example, or, "We would rather not

24 take children long term", so we have to determine

25 through our assessment process what category best suits

1 the skills of those carers and then obviously we  
2 recommend that to the appropriate fostering panel.

3 But most -- I would say most of our carers actually  
4 cover all of those categories. It's only a few that  
5 don't because of their particular request or particular  
6 skill or -- you know, in terms of what they wish to --  
7 what type of children they wish to look after.

8 But that can change, because obviously every carer's  
9 approval is reviewed at an annual review every year, and  
10 some carers ask for those different categories to be  
11 changed or increased. So it's an ongoing process,  
12 dependent on their skills and their knowledge and  
13 experience as they become, you know, foster carers over  
14 a period of time.

15 Q. Okay. Are you able to adhere to those limits? If, for  
16 example, a carer is approved, say, to only have two  
17 children under the age of five, for example --

18 A. Yeah.

19 Q. -- are you able to adhere to that or is that sometimes  
20 breached?

21 A. We're not allowed to breach it. We can ask for  
22 a variation, for example, if -- because obviously  
23 children's ages in terms of their needs -- I mean  
24 a child can be five but have needs of a one-year-old or  
25 a teenager could have the needs of a five-year-old, so

1 dependent on the needs of that child, if those carers  
2 have that particular skill and if that child is older  
3 than their specific category, we can ask for an actual  
4 variation as long as we can prove that that carer can  
5 look after that child despite the age limitation, and  
6 then they would have to go back to a panel, we would  
7 have to put a case forward, and then the panel would  
8 agree that the category -- the age category can be  
9 increased.

10 But nowadays it's very -- the practice is that we  
11 approve most carers from nought to 18 to -- so to take  
12 away that kind of difficulty that we've had in the past.

13 Q. When you say you're not allowed to breach it, who  
14 doesn't allow you to breach it?

15 A. It's regulatory in terms of the fostering regulations.

16 Q. Does it form any part of the agreement you have with the  
17 Local Authority, if you were going to breach it, is that  
18 something that you would have to discuss --

19 A. Yes, you would have to -- there is a process. For  
20 example, if a referral comes in and the request is to  
21 place two children and we've obviously looked at the  
22 skills of the carer and the needs of the children and  
23 we've decided that is a good match, and if the variation  
24 is required, we would then speak to the Local Authority,  
25 the placing Local Authority, and also the authority

1       where -- if there's another child in placement, to  
2       ensure that they're in agreement as well, and then the  
3       variation would go to the agency decision maker to make  
4       that decision to allow that placement to go ahead.  
5   Q.   Okay.  
6   A.   It's a mechanism to make sure that we're very thorough  
7       in terms of meeting our matching criteria and making  
8       sure that we place -- you know, the needs of the  
9       children with the right carers.  
10  Q.   Okay. You talked there about the agency decision maker  
11       and the fostering panel. Do you mean the NFA's agency  
12       decision maker and the NFA's fostering panel or do you  
13       mean the Local Authority's?  
14  A.   The NFA's, but they are independent from the agency.  
15  Q.   I'm going back to the issue of having carers who don't  
16       have children with them. Do you have or does your  
17       organisation have any kind of arrangement whereby those  
18       carers are sort of paid a retainer, for example, to --  
19       when they don't have a child with them?  
20  A.   There is occasions when that's agreed. That could be  
21       because of financial difficulties the carer might be  
22       under, because most carers now come in the category of  
23       professional carers and that is probably their only form  
24       of income. So each case is kind of looked at and  
25       a decision will be made and it could be for good reasons

1       why the carers are unable to take a placement, it could  
2       be illness, et cetera, so, yes, I would -- a decision  
3       would be made at my level to agree a retainer be paid to  
4       enable the carers to obviously keep the carers as well  
5       because we don't want to lose carers as well because  
6       they're a valuable resource.

7   Q.   So a decision would be taken on an individual basis --

8   A.   Yeah.

9   Q.   -- as opposed to there being a general approach?

10  A.   Yeah, yeah, yeah.

11  Q.   Okay.

12  A.   I mean obviously it's the priority of the agency to  
13       ensure that we place children with all our carers, but  
14       on occasions because, as I said previously, you know,  
15       they take a gap or there's an illness or there may be  
16       other reasons, so sadly there is times when there is  
17       carers who are available we're not able to place with at  
18       that particular time.

19  Q.   Okay. I wonder if we could look over the page, please,  
20       to page 11 and at (e) there's a question there which  
21       says:

22       "How many children in total were accommodated by the  
23       organisation (whether in foster care or otherwise)?"

24       The answer is 2,135. Looking back at the numbers  
25       that we saw on page 10 in terms of the number of



1 children in care over the relevant period at (a), it  
2 doesn't seem to amount to anything like 2,135, so  
3 I wondered where this figure came from?

4 A. I mean the figure -- obviously over that period of time,  
5 children move in and out of care as well, you know, so,  
6 for example, you may have 140 children on that day, but  
7 we have an influx of children in and out all the time,  
8 so obviously on one particular day you could have 140  
9 children, the day after it could go down to 135, but  
10 then the day after it could go back up to 140, so it's  
11 the episodes of how many children we've had over that  
12 period of time.

13 Q. Okay. That's definitely just covering Scotland?

14 A. Yes.

15 Q. Over the period 2006 to 2014?

16 A. (Witness nods)

17 Q. Okay. If we can move on, please, to page 14, and if we  
18 look at (k), you're addressing the question there of  
19 whether children typically stay in one or more than one  
20 foster care placement and the answer is:

21 "Generally, children once placed with our foster  
22 carers stayed for the duration of the commissioned  
23 foster care placement."

24 A. (Witness nods)

25 Q. Just pausing there, does that mean that there may be

1       different durations of --

2   A.   Yes --

3   Q.   -- commissioned placements, for example if it's

4       a short-term placement --

5   A.   Yes.

6   Q.   -- then --

7   A.   Yeah.  Once the Local Authority agree to utilise our

8       foster career, there would be a decision made whether

9       short term, long term.  On the whole it's generally

10      short-term placements and a timescale is very difficult

11      to give, because they may say it could be two months,

12      three months, four months, but they -- obviously when

13      a child is placed and if the child is doing really well

14      in placement and the outcomes et cetera and the needs of

15      that child is being met, one would hope that the Local

16      Authority would agree for the child to stay a bit longer

17      until, you know, they find out obviously determine what

18      the plan -- the future plan for that child is.

19         So initially when placements are being decided, they

20      usually come in what we call a short term -- on

21      a short-term basis.  But it's very difficult to put

22      a timescale on that, because it can change.  Sometimes

23      short-term placements actually change into a long-term

24      placement, because that child has done so well and it's

25      with the agreement of both the Local Authority and the

1 agency that the future of that child is best placed --  
2 that placement is best maintained with that foster  
3 placement and then the terms of reference change and the  
4 commissioner, ie the Local Authority, will agree to that  
5 placement being made long-term, which obviously is the  
6 best outcome for that child.

7 So it does vary.

8 Q. Going on in this answer it says:

9 "NFAS's policy and practice is to avoid placement  
10 disruption and the movement of children between care  
11 placements."

12 You talk about operating respite which is planned  
13 and in line with the needs of the child.

14 I wonder how you go about avoiding placement  
15 disruption? How do you guard against that?

16 A. Well, obviously each foster carer has an allocated  
17 supervising social worker, which is employed by the  
18 agency as well -- alongside the Local Authority provides  
19 a social worker for that child. It's the responsibility  
20 of our supervising social worker to make sure and  
21 maintain and support that placement. That's their  
22 absolute first priority, and obviously to make sure that  
23 child is safeguarded.

24 So if there's any kind of event that would determine  
25 that that placement is at risk, the social worker has

1 the responsibility to make everybody aware and what we  
2 call -- we would obviously -- what we would call  
3 a stability meeting and we would bring along you know  
4 obviously the foster carer, the Local Authority social  
5 worker and then we will determine what services, support  
6 services are needed for that particular child to  
7 maintain that placement.

8 So obviously what we do is straight away, if there  
9 is any hint that a placement is at risk, stabilisation  
10 meeting is called straight away and all the connected  
11 you know what we call services around the child are  
12 brought in, you know in terms of maybe extra therapies  
13 required, support workers required to assist the carer  
14 to maintain that placement, or it is additional training  
15 for the carer, for example, sometimes we utilise respite  
16 carers to give the carers a break and then bring the  
17 child back into that placement and hopefully prolong  
18 that placement.

19 So we do all we can to maintain that placement.  
20 Sadly sometimes, you know, despite all the effort that's  
21 been put in, placements have to -- do break down and we  
22 would hope we would make sure any placement breakdown is  
23 done in a planned way so we would identify another  
24 foster placement so re-introduction is brought in to  
25 bring the child into another family setting.

1           But sometimes placements break down when a placement  
2           is at risk, where either the carer is at risk or a child  
3           is at risk and sometimes decisions need to be made that  
4           child is moved on that basis and hopefully they're far  
5           and few between, but I'm just being honest, they do  
6           happen at times.

7   Q.   You mentioned support services and obviously you talked  
8           about other agencies being involved, education and  
9           health and suchlike.

10  A.   Yeah.

11  Q.   Does your agency offer additional support beyond the  
12          supervising social worker? For example, do you have  
13          therapists or educational support, that sort of thing?

14  A.   Yes, each agency has its own group of support workers,  
15          depending on the size, so they're part of the team, the  
16          social work team.

17               Fortunately, because we're part of the Outcomes  
18               First Group now, we have a therapeutic service, we have  
19               psychologists that we can call upon. They provide  
20               clinics for foster carers and for our social workers to  
21               enable them to give them extra tools, be able to look  
22               after some of our more complex placements. They're  
23               brought in as well.

24               We also utilise Local Authorities, what services  
25               they can offer as well, if it's a child from

1 a particular Local Authority and there's a service they  
2 can provide as well.

3 So we try -- as I said, it's a service ... the needs  
4 of each of the child, we make sure we can utilise all  
5 those services to maintain those placements.

6 Q. Moving on to page 16 where you talk about the Scottish  
7 operation, so at (a) we're looking at the period 2006 to  
8 2014. At the beginning you note that you had three  
9 social work staff and then obviously additional staff  
10 were recruited and in 2014 there was a registered  
11 manager. Would that be the manager that was registered  
12 with the Care Inspectorate?

13 A. Yes, yes. That's a regulatory role, yeah.

14 Q. Then two team managers, ten full time social workers and  
15 a carer recruitment officer and administrator. So back  
16 in 2014, you had somebody, it looks from the job title,  
17 that was specifically tasked to recruit carers?

18 A. Yes, yes.

19 Q. Okay. Has that changed?

20 A. No. Only in numbers. There is two carer recruitment  
21 officers in the Scotland offices at the present time.

22 Q. Okay. If we look on to page 17, please, and (a), where  
23 you're looking there about how foster carers were  
24 identified and approved or registered. You say there:

25 "The recruitment of carers was managed locally,

1 supported by a marketing team."

2 A. Yeah.

3 Q. You mentioned the marketing team earlier in your

4 evidence.

5 A. Yes.

6 Q. So that's something within the main company?

7 A. Yes.

8 Q. I assume that the carer recruitment officers that you've

9 mentioned would be the local people who would work with

10 that marketing team?

11 A. Yes. They specifically recruit for carers in the

12 Scotland -- in Scotland, but obviously use the expertise

13 of the central marketing team. So, for example, if the

14 carer recruitment team identified they wanted to put on

15 a recruitment event, they would seek advice from the

16 marketing team in terms of being able to advertise that

17 event, provide materials, et cetera. So if there is

18 a linkage for each of our specific care recruitment

19 offices and each of our agencies they're linked with the

20 central marketing team.

21 Q. You talked there about a recruitment event in Scotland,

22 what is the main way in which you market to prospective

23 carers?

24 A. There's a number of ways. Obviously the social media at

25 the moment is probably our biggest source. The old days

1       when I look back we used to market in supermarkets  
2       et cetera, but times have changed. You know, it's  
3       all -- there's press advertising, obviously, a lot of  
4       social media, a lot of local events. There's a range of  
5       ways we try to recruit our carers.

6       The main success we have in recruiting our carers is  
7       actually using our own carer base. We have a referral  
8       system where if our own carers refer friends or family,  
9       you know, there is a monetary incentive for them to do  
10      that. So we have seen an increase of that type of  
11      recruitment being very successful and what we've seen as  
12      well, those carers that come via a carer referral  
13      process tend to go through the assessment process and  
14      become our foster careers, because obviously we get so  
15      many enquiries through the internet, but most of them we  
16      cannot follow through because they're not deemed  
17      appropriate to --

18   LADY SMITH: John, tell me about that monetary incentive.

19       How much is it and how does it work?

20   A. Basically they get an initial payment for the actual  
21      putting their friend forward, and then once they're  
22      approved as foster carers, they'll get another amount of  
23      money, and then when a child is placed. And in total it  
24      becomes about £1,500.

25   LADY SMITH: How much for each of those stages?



1 A. I think it's ... it's 200 for the referral, the panel is  
2 about 800 and then 500 when the child's placed.

3 LADY SMITH: Okay, thank you.

4 MS INNES: You mentioned earlier in your evidence you  
5 obviously know that in Scotland fostering agencies are  
6 not-for-profit agencies. Does that apply to the group  
7 as well or its operations in England or not?

8 A. It's not for profit in Scotland only.

9 Q. Okay. So I'm right in understanding that in England  
10 it's able to make a profit --

11 A. Yes.

12 Q. -- to operate as a business essentially?

13 A. Yes. I would say a lot of profit is brought back into  
14 the centre as well, you know, in terms of greater  
15 resource, but, yes, you're correct.

16 Q. Okay.

17 If we can move on to page 19 and at the bottom of  
18 this page you talk about culture. I'm going to move on  
19 to something else in this section, but we're looking at  
20 culture and you say here:

21 "It has always been the belief of NFAS that every  
22 child and young person has the right to benefit from  
23 a positive experience of family life, encouraging each  
24 to fulfil their potential in a family setting where they  
25 feel secure and a sense of belonging."

1           Again, are the statements here things that are made  
2           in your statement of purpose that you mentioned?  
3   A.   Yes.  
4   Q.   That's what you aspire to essentially?  
5   A.   Yes.  
6   Q.   Okay.  If we can move on, please, to page 20, and at the  
7           top of the page you talk about the group having a QA,  
8           I assume that's quality assurance?  
9   A.   Yes.  
10   Q.   And compliance department.  So that's within the central  
11           group as well?  
12   A.   Yes.  
13   Q.   Their role is to check adherence to policy, procedure  
14           and legislation, and you say that the QA team provide  
15           a QA manager for NFAS --  
16   A.   Yes.  
17   Q.   -- who assists and supports with panel matters and  
18           compliance.  
19   A.   Yes.  
20   Q.   Is that QA manager wholly focused on NFAS or do they  
21           have a number of responsibilities of which NFAS is one?  
22   A.   No, they solely involve with NFAS and no other agency.  
23   Q.   Okay.  You mention the QA and compliance.  Is there  
24           a different role, a sort of compliance manager as  
25           compared to a QA manager or is it one and the same

1           thing?

2    A.   The QA department is managed by the QA director and  
3           their role is to make sure that the panel processes are  
4           independent and are compliant with all the policies and  
5           procedures. So the QA manager, who's based in NFAS,  
6           would report to the QA director.

7    Q.   Okay, and would look at compliance?

8    A.   Look at compliance, yeah.

9    Q.   In the next question you're being asked:

10           "Did the provision of care by foster carers reflect  
11           the organisation's culture, policies and procedures?"

12           You say:

13           "Yes, it is underpinned and adhered to throughout  
14           NFAS' policies and procedures, safeguarding is  
15           everybody's business."

16           Obviously we'll come onto it in a moment. We know  
17           that an NFA foster carer was convicted, so he obviously  
18           didn't reflect --

19   A.   No.

20   Q.   -- the organisation's culture, but are you saying here  
21           that again this is what you aspire to as  
22           an organisation?

23   A.   Yeah. And every carer goes through the assessment  
24           process and prior to approval will do an internal  
25           safeguarding course, which again outlines what the

1 philosophy and the, you know, the organisation's ethos  
2 is around. So it's just to highlight that as well. But  
3 obviously, as you said, the carer also did that at the  
4 time.

5 Q. Okay. If we just scroll down to the bottom of this page  
6 at (f), in answer to the question there you say:  
7 "It is NFAS' view that there has been no substantive  
8 change in the culture of the organisation as stated in  
9 (a) above [that we just looked at]. While policies and  
10 procedures are, of course, subject to ongoing change the  
11 fundamental culture of [the organisation] has remained  
12 the same."

13 A. Yes.

14 Q. Is that your view?

15 A. Absolutely.

16 Q. Then at (h), just below that, the question is:  
17 "Were there any changes in culture that were driven  
18 by abuse or alleged abuse of children in foster care?"  
19 The answer there is:  
20 "Please see previous answers."  
21 Is the answer to that question "yes" or "no"?  
22 A. I mean obviously any allegation affects the feelings of  
23 the team and the organisation, but what I was trying to  
24 say there in the answers to that was that the culture is  
25 always -- is about safeguarding and that hasn't changed,

1       you know, despite -- you know, if a mistake has been  
2       made. But -- so what I was trying to get across, there  
3       was -- the culture's still there. Safeguarding is still  
4       absolutely paramount and will continue to be paramount.

5   LADY SMITH: Is the answer to the question no, you didn't  
6       change anything?

7   A. Not in terms of the culture, my Lady. But obviously we  
8       did change practices if --

9   LADY SMITH: Well, the culture to which you aspire.

10   A. Yes.

11   LADY SMITH: I mean, really, you can't put it any higher  
12       than that, John, can you?

13   A. No.

14   LADY SMITH: No. Thank you.

15   MS INNES: If we can move on to page 27, please, and to  
16       a section where you're talking about training and under  
17       the bullet points in about the middle of the page  
18       there's a section beginning:

19       "NFAG employed a full-time training manager with  
20       named and dedicated training co-ordinators across each  
21       of its regions."

22       Again, am I right in anything that training is  
23       something that's managed centrally?

24   A. (Witness nods)

25   Q. But are there people who co-ordinate training in

1 Scotland?

2 A. Yes. I mean, at this moment in time the training is  
3 managed centrally, but during the period we're talking  
4 about where the -- in terms of the period in question,  
5 there was a dedicated training manager just for  
6 Scotland. But since then there's trainers but they're  
7 based regionally so they will cover Scotland and  
8 probably some parts of the north of England as well.

9 Q. I mean that's about the -- where the manager is, in  
10 a sense --

11 A. Yeah.

12 Q. -- but how do you provide that training? Is that  
13 provided face-to-face locally or is it done remotely or  
14 do people have to travel to a place to receive the  
15 training?

16 A. Yeah, it's done in different ways. Obviously there's  
17 classroom training, there's the internet, the ability  
18 for carers to use the -- what we call the Shine Portal,  
19 which has all our courses, which they're able to utilise  
20 on the internet.

21 We also have group training, we also have support  
22 group training as well, that's face to face. So there's  
23 totally different means of training, but what we do is  
24 try and make sure that we cover all the aspects of  
25 a carer's life as well. So we do training on Saturday

1 mornings. We're now doing training in the evenings and  
2 obviously in daytime as well. Some carers prefer the  
3 classroom training, the face to face, and some don't, so  
4 they're able to access whichever form suits them best,  
5 but the standard of training throughout is similar,  
6 because that's assimilated and agreed by -- has to be  
7 signed off by the training managers.

8 LADY SMITH: John, thinking back over the years that the  
9 organisation has been providing foster carers in  
10 Scotland, what's the geographical spread of their  
11 locations been and what is it now?

12 A. We do have carers in the Highlands and obviously in  
13 Aberdeen, but the majority of carers in the Central  
14 Belt, in Glasgow right across Fife and Edinburgh. We do  
15 have some carers in the Borders, but they're few. So  
16 obviously the carers that are obviously more remote, we  
17 try to utilise our support groups because in any of  
18 those areas there'll be what you call a cluster of  
19 carers, so we make sure that we're able to get access to  
20 those carers, either via support groups where the  
21 trainer will attend that -- and sometimes the actual  
22 social workers who are able to offer training will do  
23 either one-to-one training with the carers as well, so  
24 we make sure that we're able to facilitate training,  
25 despite some of the geographical difficulties we have,

1       particularly in Scotland because of, you know, certainly  
2       some parts of the remote areas in Scotland. But each  
3       carer has access and ability to do online training as  
4       well.

5   LADY SMITH: Do you ever have national training events --

6   A. Yes.

7   LADY SMITH: -- where all your Scottish foster carers come  
8       together?

9   A. We do that on an annual basis. We have a conference, we  
10       usually hold it in Edinburgh, and all the carers across  
11       Scotland are invited to it. And we have known speakers  
12       who will facilitate seminars on the day and we also  
13       invite some of the management team or the directors to  
14       give carers an insight into, you know, the other parts  
15       of how the group are doing. So that is an annual event  
16       as well.

17   LADY SMITH: Is it compulsory?

18   A. No, no.

19   LADY SMITH: What take-up do you get?

20   A. I would say about two-thirds have attended over the --  
21       I mean obviously with the -- in terms of Covid it was  
22       done remotely, it was done online, but I've been to at  
23       least three prior to the lockdown and they were always  
24       well attended.

25   LADY SMITH: So it's once a year you may get a large group



1           of --

2    A.   Yes.

3    LADY SMITH:  -- your carers together.

4    A.   Together.

5    LADY SMITH:  But only once a year?

6    A.   (Witness nods)

7    LADY SMITH:  I was just reflecting, John, on everything

8           you've said about the culture of the organisation, the

9           organisation, the organisation, and I can see at senior

10          management level there may be a commitment to certain

11          standards, but when it comes to the operation so far as

12          children are concerned, you're not actually talking

13          about an organisation that is functioning in one place.

14          There'll be people who never meet other people who are

15          foster carers selected by your group or your

16          association.

17                It's difficult to think in terms of a particular

18          workplace, for example, where you can instill and

19          maintain day in daily a particular culture, a particular

20          sign-up to particular standards.  Isn't that right?

21    A.   I mean obviously each group of carers in each of those

22          areas have a support group as well, so we have a number

23          of support groups where we invite carers at least once

24          a month where they will meet their fellow carers in that

25          area, plus their supervising social workers and plus one

1 of the managers and they're held monthly on a regular  
2 basis.

3 I do understand what you're saying in terms of as  
4 a whole they may not meet as a whole.

5 LADY SMITH: Mm, mm.

6 A. You know, once a year. I do take that point. But, you  
7 know, carers do meet on a regular basis with their  
8 colleagues and with their profession -- you know, with  
9 the social workers and team managers. And they do mix  
10 obviously at training events, you know, albeit the  
11 annual event is held centrally, some of the training  
12 events are held either in Glasgow or Edinburgh and  
13 carers sometimes travel between as well. They decide  
14 that they want to do that course and they're prepared to  
15 travel a bit further. So there is a lot of  
16 cross-referencing, a lot of mix, and, you know, there's  
17 a lot of what one could say communication not generally  
18 from the centre, ie from -- from -- from, you know, the  
19 UK, but certainly in Scotland the management team are  
20 very proactive in ensuring that their culture is spread  
21 across the carers (overspeaking) --

22 LADY SMITH: Well, John, you say that, but I just wonder.  
23 It's very easy to say. How can you be so sure it really  
24 happens? Because when it comes to doing the work, the  
25 work of caring for the children and providing a home

1       life for the children, every single foster carer is  
2       doing that all on their own. They're not doing it with  
3       other workmates like other organisations for which  
4       people work. They're not even doing it on an employment  
5       basis, because they're self-employed.

6   A. Self-employed, yes.

7   LADY SMITH: Is that really recognised by the organisation?

8   A. I would say yes. I mean obviously -- I have worked in  
9       Scotland myself as the regional director and I used to  
10      visit foster homes with the managers at their request  
11      and I did have that connection.

12         I do know that the team -- you know, the managers  
13      within the Scotland team and their social work, they're  
14      very proactive in spending time with the carers, making  
15      them feel part of the agency. I mean we do carer  
16      surveys, where the satisfaction levels are really high  
17      in terms of the service they receive.

18         When we're regulated by the Care Commission on  
19      an annual basis, I know the inspectors meet with the  
20      carer base and the general feedback is they feel part of  
21      the agency. And I suppose that's the evidence I can  
22      only give. I mean I can't --

23   LADY SMITH: Thank you.

24   MS INNES: A moment ago, John, you mentioned the Shine  
25      training system, I think.

1 A. Yeah.

2 Q. You mention it in your response as well and I think you  
3 said that's an online portal with presumably training  
4 resources available in it?

5 A. Yes, yes.

6 Q. Is that material to read or does it have videos?

7 A. It's both, there is material to read and there is actual  
8 courses that are done that you can access.

9 Q. How do you monitor somebody's engagement with online  
10 training?

11 A. It's recorded by when you basically touch the button, it  
12 will record that you've done the training and you'll  
13 also receive a certificate saying that you've actually  
14 attended and you've taken part.

15 And also at the end of it the carer will have to  
16 give how they felt about the training as well and that  
17 is then supported and checked by their supervising  
18 social worker on their monthly visit to the foster carer  
19 via their supervision meeting.

20 Q. Because I suppose one of the challenges of online  
21 training is that you don't know if somebody is paying  
22 attention to what's being --

23 A. Yes.

24 Q. -- said or delivered.

25 A. Yes.

1 Q. So you're saying that would then be picked up in  
2 supervision?

3 A. In supervision with the social worker, yes.

4 Q. Okay.

5 If we can move -- oh, sorry, just in relation to the  
6 training profile, you talk in the part that we're  
7 looking at on the screen that each foster carer has  
8 an individual training profile and it's continually  
9 updated and included in the foster carer's annual review  
10 report.

11 Do your carers have to undertake certain types of  
12 training, are certain types of training mandatory?

13 A. Yes.

14 Q. What happens if they don't do the mandatory training?

15 A. Their review, the annual review, they'll be questioned  
16 by the panel why not. Obviously if -- if the outcome is  
17 not accepted by the panel, it could affect their future  
18 approval as foster carers.

19 Q. Okay. I suppose it might be difficult to enforce their  
20 attendance at training if, for example, they have  
21 children with them and --

22 A. Yeah, we take -- when I say that, we take all that into  
23 account and that's when on occasions that our social  
24 workers will step in and do face-to-face training with  
25 them within the foster home to enable them to make sure

1       that they meet the requirements of the mandatory  
2       training they're required to do as foster carers.

3   Q.   Okay.  If we can move on, please, to page 31 and at the  
4       top of the page here you're talking about children's  
5       views and how they are taken.  Obviously your concern is  
6       the provision of the foster carer, but you say here:

7       "The child was seen regularly during the supervising  
8       social worker's visits which the child attended and was  
9       encouraged to contribute to their statutory review."

10       So the child would be asked, if they're of an age,  
11       to contribute to the carer's review, is that what you  
12       mean?

13   A.   Yes.

14   Q.   Then you say:

15       "Senior social workers, SSWs, and placement  
16       consultants ensure that they met independently with all  
17       children and young people placed at least four times  
18       a year, together with at least two unannounced visits,  
19       to ensure that their views were heard and recorded  
20       within NFAS database recordings."

21       Are you saying there that your own social workers  
22       would meet with children in placement?

23   A.   Yeah, we ask our social workers to meet with the  
24       children independently away from the foster carer to  
25       obviously give them an opportunity to -- if they were

1        unhappy, for example, with any issues regarding that  
2        carer or placement, they would have the -- feel the  
3        safeness of being able to do that with our social  
4        worker.

5    Q.    Okay. When you say it's independent, would your social  
6        worker see the child with the child's own social worker  
7        or completely separately?

8    A.    Completely separately, yeah.

9    Q.    Okay. Then you mention two unannounced visits and is  
10       that in addition to seeing the children four times  
11       a year?

12   A.    Yes.

13   Q.    The two unannounced visits, is that with the purpose of  
14       seeing the child and taking their views or is that with  
15       the purpose of seeing the carers?

16   A.    It's both. I mean obviously an unannounced visit is  
17       done at different times of the day, it's done at  
18       weekends as well. It's a mechanism of being able for  
19       the social worker to go into the foster home unannounced  
20       almost to see what's actually happening, what the  
21       dynamics are in that household and at the given time.  
22       For example, bedrooms would be checked and obviously if  
23       the child's there, there'll be an opportunity to speak  
24       to the child as well.

25       So it is a safeguard which we undertake and we

1 obviously do that at least twice a year. And sometimes  
2 we do more, depending on particular circumstances.

3 Q. Okay. If we move on, please, to page 47, there's  
4 a section there headed, "Review supervision", we see it  
5 there on the screen. It refers there to a document --  
6 quoting from a document from the agency and it says:  
7 "NFA provides each fostering family with a fully  
8 qualified and experienced supervising social worker.  
9 The supervising social worker ensures support is  
10 available 24 hours a day, seven days a week ..."

11 How does the organisation provide that?

12 A. Yeah, we have an on-call service, so each of our social  
13 workers are aligned a time period to enable the 24-hour  
14 service to be covered. So they either -- each rota is  
15 slightly different. Sometimes it does change, but the  
16 social workers -- each rota would obviously ensure that  
17 a social worker is available. They could do seven days  
18 or seven evenings and then that is changed around,  
19 dependent on the needs, but there's always a social  
20 worker and there's always a team manager available 24/7.

21 LADY SMITH: Where will the social worker to whom a fosterer  
22 could speak in a call be based?

23 A. They would be based at home.

24 LADY SMITH: Based?

25 A. Based at home.



1 LADY SMITH: Would that be in the Scotland, would it be in  
2 the north of England?  
3 A. No, it would be Scotland, sorry, Scotland, yeah.  
4 LADY SMITH: In Scotland?  
5 A. Definitely in Scotland, yes.  
6 MS INNES: So your social workers in Scotland would each  
7 work on a rota whereby they would essentially perhaps do  
8 a night shift or a weekend shift?  
9 A. Yes, yes.  
10 Q. Okay. Then I think below that we see some bullet points  
11 where it sets out different service standards, so  
12 supervision visit once a month and one telephone call  
13 per week to each carer. It says:  
14 "Exceptions can be settled long-term placements  
15 where less frequent patterns have been arranged with the  
16 foster carer and placing authority and this has been  
17 written into the care plan."  
18 A. Yes.  
19 Q. So in certain circumstances where there are long-term  
20 placements it could be less than that level of  
21 supervision?  
22 A. As long as that's been agreed by both the placing Local  
23 Authority, the foster carer and the agency, yes.  
24 Q. Then I see there it says:  
25 "Make at least one unannounced visit per year to

1           each foster carer and regular bedroom checks."

2           But I think we saw a moment ago that you said there

3           were at least two --

4   A.   It is two now.

5   Q.   It is two now, okay. Then it talks there about certain

6           matters that have to be done.

7           The final bullet point is:

8           "Complete recordings and ensure that foster carers

9           complete recordings to an acceptable standard."

10          It says:

11          "Your supervising social worker will ensure that you

12          received an NFA diary and recording system which will

13          have been developed in consultation with foster carers."

14          So does the foster carer have to complete their own

15          diary?

16   A.   Yes, a daily log. That now has been kind of moved onto

17          a kind of a -- onto an IT platform so they're able to --

18          rather than keep a paper diary -- some still do and we

19          allow that because obviously some are not as skilled as

20          others, but they do have a -- able to use the CHARMS

21          system IT protocol to do that electronically.

22   Q.   Okay.

23   A.   And that is checked by the supervising social worker.

24   LADY SMITH: I was about to ask you something about that: is

25          it a log that will be checked frequently by you?

1 A. Yes. It's checked by the supervising social worker on  
2 a monthly basis.

3 LADY SMITH: What's it being checked for?

4 A. Well, obviously its content and the quality of its  
5 content as well.

6 LADY SMITH: What types of things in the content --

7 A. Oh, sorry --

8 LADY SMITH: -- are you particularly interested in --

9 A. Oh sorry (overspeaking).

10 LADY SMITH: Hang on, John, if you speak at the same time as  
11 me, it's a nightmare for the stenographers.

12 A. Sorry.

13 LADY SMITH: What types of thing in the content are you  
14 particularly interested in?

15 A. Yeah, if there's a change of behaviour, if there's areas  
16 of risk that have been recorded by the foster carer or  
17 issues that the carer may not be coping, for example, or  
18 there's a change in behaviour by the child or young  
19 person. It's those kind of things we would pick up.

20 LADY SMITH: Okay. Can you tell me what proportion of your  
21 Scottish foster carers are using the system for keeping  
22 their log via IT rather than hard copy?

23 A. It's now about 90 per cent.

24 LADY SMITH: Good. Thank you.

25 MS INNES: Does the online system then mean that the

1 supervising social worker can essentially access it at  
2 any time to check it --  
3 A. Yes.  
4 Q. -- rather than at the supervision --  
5 A. Yes. Sorry, when I mentioned about the supervision,  
6 that was for the actual diary, because it was --  
7 Q. Yes. So if you're having a supervision session, you  
8 would see the person, you would look at the physical  
9 diary if that's the way that they're keeping it --  
10 A. Yes.  
11 Q. -- but if they have an online way of recording --  
12 A. Yes.  
13 Q. -- the supervising social worker could go in at any  
14 time --  
15 A. At any time --  
16 Q. -- to look at it?  
17 A. -- yeah.  
18 Q. Okay.  
19 If we can move on again please to page 62 and in  
20 this section you're looking at the agency's approach to  
21 internal investigations. At point 2 on this page you're  
22 addressing a question as to what do the policies and  
23 procedures set out on identifying lessons and changes  
24 following internal investigations. It says in answer:  
25 "Identify challenges within procedures in regard to

1       allegations, investigations and outcomes, to consider  
2       how the organisation should monitor, evaluate and review  
3       this information for learning and implementing policy  
4       going forward."

5             Are you able to explain what you mean there? Is  
6       that written down in the policy or --

7   A. Yeah, I mean what -- sorry, what I probably should have  
8       said is each investigation, whether that's a regulatory  
9       inspection, whether it's a compliance visit by a Local  
10      Authority or it's an internal service review, if there's  
11      any findings or needs to change practice or improve  
12      practice, that is followed into a central -- each of our  
13      registered managers have a quarterly registered  
14      managers' meeting and any inspection, as I said, or any  
15      investigation or any internal inspection, all that  
16      information is gathered together and if there is any  
17      lessons to be learned across the group or -- you know,  
18      that is then transmitted and put into practice almost  
19      straight away.

20            So if anything happens in Scotland, for example,  
21       that we need to learn from, that then transpires across  
22       the whole of the group and vice versa. So, you know, we  
23       don't keep things just local, we keep it across the  
24       whole of the group. You know, because obviously the  
25       organisation has a number of agencies and our

1 inspections could happen almost at every week for each  
2 individual agency, and if there's any kind of feedback  
3 or recommendations from each of those inspections, we  
4 make sure that is funnelled centrally and any learnings  
5 or any changes in practice that could help us across all  
6 of the group are inputted straight away.

7 So I suppose that's what I was trying to say.

8 Q. Is that the process that you're referring to when at the  
9 end of this paragraph you say, "It also facilitated  
10 agency notes on findings and improvements"?

11 A. Yes.

12 Q. Okay. If we can move on, please, to page 71, and at (h)  
13 you're addressing the question there of whether the  
14 organisation undertook any review or analysis of its  
15 records to establish what abuse or alleged abuse of  
16 children cared for in foster care may have taken place.

17 A. (Witness nods)

18 Q. You refer to another answer and you say:

19 "The registered manager as part of their role  
20 undertook audits of complaints and allegations. As part  
21 of the annual review by the Care Commission all  
22 complaints and allegations were reviewed."

23 We'll come on to your list of notifications that you  
24 provided, notifications to the Care Commission or Care  
25 Inspectorate. When you're saying the registered manager

1       undertook audits of complaints and allegations, is that  
2       looking at that list of notifications or is it something  
3       broader than that?

4    A.  Yeah, the registered manager on a quarterly basis has to  
5       do their report, which goes to the safeguarding board,  
6       internal safeguarding board, and each registered manager  
7       for that quarter has to report on every notification or  
8       any complaint that's been made to the board.  And what  
9       they do is then the board will decide and look at if  
10      there's any kind of themes or trends or any needs for  
11      practice change or additional input.  So it's the  
12      responsibility of each individual registered manager of  
13      each agency every quarter to go through all the  
14      notifications that they've had to send.  If there has  
15      been an inspection within that quarter as well.  If  
16      there's any recommendations made, whether it's practice,  
17      et cetera, that has to again be reported to the internal  
18      safeguarding board.  And if there is any similar -- if  
19      there's any service -- internal service review.

20         So what we try to do is make sure that the  
21         registered manager takes responsibility for its own  
22         agency in terms of all that goes on, in terms of any  
23         notification or any complaint made by anybody, and that  
24         is reported to the central board and that meets on  
25         a quarterly basis.  The registered manager attends.

1       They present their report to the internal safeguarding  
2       board. And they are -- you know, it's an investigation  
3       and they're quizzed about, you know, is there anything  
4       that they could do better to make sure that  
5       notifications don't happen, for example if it's a -- if  
6       it's a physical assault, you know, what could have been  
7       done to prevent that, et cetera, and if there's any  
8       lessons to be learned from that agency, as I said  
9       previously that will be then, you know, transported  
10      across all the other agencies across the organisation.

11     Q. So the registered manager is looking at notifications  
12      that have been made and other inspections as you've  
13      referred to. You also mentioned complaints. Would they  
14      be looking at a complaints log or --

15     A. Yes, each agency has a complaints log, yeah.

16     Q. Is there any other sort of source of information about  
17      allegations that they would look at or are those the  
18      sources?

19     A. Well, all allegations made would be notifiable, so they  
20      would have to be recorded. We have a log to record any  
21      different types of notifications, whether it's  
22      emotional, physical or sexual, so they'll be put in  
23      those categories and explanations would be then  
24      discussed at the internal safeguarding board.

25             I can give an example. If one of the categories if



1 a child goes missing and if the numbers go quite high in  
2 comparison to other agencies or the size of agency,  
3 they'll be queried on the reason why that's happening  
4 and sometimes it could be the one child that goes  
5 missing 20 times, for example, which, you know,  
6 obviously puts the numbers up.

7 So we look at that very forensically if there is  
8 anything that we can do to ensure that the numbers of  
9 notifications and the reasons for them are, you know,  
10 very much looked into.

11 Q. Going back to the notifications, you would say that you  
12 mentioned I think in your evidence a moment ago that  
13 allegations would be notified to the Care Inspectorate.  
14 Of course that should happen, but is there not a risk  
15 that that might not always happen? That that process  
16 might not be adopted?

17 A. One would hope that all our carers and all our social  
18 workers are trained in ensuring that once  
19 a notification -- if there's a need for a notification,  
20 that was reported immediately in a timely way. One  
21 can't obviously if a notification -- sorry, if  
22 an incident happens and the carer doesn't report it and  
23 we're unable to find that out, then, you know, obviously  
24 that is a problem in the kind of system. But -- and  
25 hand on heart, I think the systems we have in place

1       should deter that happening. I've only known one  
2       occasion when a carer should have notified but they were  
3       late in notifying it, rather than not notifying, within  
4       the 24-hour period, but they were -- there was reasons  
5       for that and our social workers obviously are trained to  
6       pick up on when carers, for example, looking through the  
7       daily logs, you know, if there's -- you know, a child  
8       has gone missing, why wasn't that reported? So we do  
9       have systems to make sure that we're onto it all the  
10      time to make sure when an incident does happen, that the  
11      carers report that in a timely -- timely manner and then  
12      the notification goes off to the Care Commission.

13    Q. So there's the carer, you're talking about the carer  
14      notifying themselves. I suppose there's the risk, as  
15      you say, that they might not do that. Is there not also  
16      a risk that the social worker might not take action in  
17      relation to the allegation? How do you guard against  
18      that?

19    A. Well, obviously tight supervision with their team  
20      manager. Each agency has a call on a Monday with  
21      their -- with their individual social workers and that  
22      question is asked. Obviously the on-call social workers  
23      are also -- complete a log for the next day, you know,  
24      if there's any notifications happening in the evening,  
25      if a child's gone missing, and that is reported on

1 a daily basis.

2 So there is a tight regime to ensure that  
3 communication between the carer -- or it could be the  
4 child making the allegation as well. You know,  
5 obviously that could come through via the Local  
6 Authority social worker, obviously they have a duty to  
7 report to us as well. So we try and keep everything  
8 tight on a daily basis, keep that communication between  
9 the carer, the child and the supervising social  
10 worker -- you know, ultimately -- sorry, it is either  
11 the child or the foster carer who makes that  
12 notification known to the supervising social worker.  
13 It's the responsibility of the social worker to make  
14 sure that all the information is gathered and reported  
15 to the Care Commission, and the Local Authority, if it  
16 requires an investigation, and then the Local Authority  
17 have a responsibility, if the allegation is about the  
18 child, to do the investigation.

19 LADY SMITH: John, how many social workers do you have in  
20 Scotland now?

21 A. It's about 15.

22 LADY SMITH: 15?

23 A. Yeah.

24 LADY SMITH: Is it one person from the National Fostering  
25 Agency that calls every single social worker or are

1           there several people that do that? We're talking about  
2           the Monday calls here.

3   A. Yeah, the Monday call is an online meeting with the team  
4           manager and their specific team. As I said, we've got  
5           two team managers who look after the -- the two managers  
6           look after a team of about eight social workers, so  
7           they'll have separate meetings with their individual  
8           social workers on a Monday morning as a group and they  
9           will talk about the weekend, about anything that's  
10          happening during the week, but specifically if there has  
11          been any notifications made, to ensure that it is  
12          followed through.

13   LADY SMITH: Yes, I have that point, I was just trying to  
14          find out how this call system works. It's actually  
15          a Monday management meeting of sorts where --

16   A. Yes.

17   LADY SMITH: -- the person tasked with managing a group of  
18          social workers of about eight people --

19   A. Yeah.

20   LADY SMITH: -- will touch base with them?

21   A. Yes.

22   LADY SMITH: Yes. Thank you.

23   A. But also, you know, during that week the team manager  
24          would have supervision with their individual social  
25          workers as well, you know, so --

1 LADY SMITH: You explained that. Thank you.

2 A. Yeah.

3 MS INNES: My Lady, I'm conscious of the time.

4 LADY SMITH: Yes, I think we should --

5 MS INNES: I think that perhaps might be an opportune

6 moment.

7 LADY SMITH: If it will work for you, John, we'll take the

8 morning break now and sit again in quarter of an hour or

9 so.

10 A. Yes.

11 LADY SMITH: Thank you.

12 (11.34 am)

13 (A short break)

14 (11.52 am)

15 LADY SMITH: Are you ready for us to carry on, John?

16 A. Yes.

17 LADY SMITH: Thank you very much.

18 Ms Innes.

19 MS INNES: Thank you, my Lady.

20 I'd like to go to another document, John, it's

21 NFA-000000018 and page 2 of that document. This is

22 responses that were given to follow-up questions that

23 were asked by the Inquiry following your initial

24 Section 21 response. If we scroll down on page 2 to

25 question 2, the question there is about Part C, so the

1 questions were about adhering in practice to policies  
2 and procedures. In answer to those questions, you  
3 refer, I think, throughout to your review of the  
4 evidence and you say, for example, we've seen no  
5 evidence in our review of material non-compliance. You  
6 say that, I think, throughout your response.

7 A. Yes.

8 Q. I just wondered if you could explain what your review  
9 was, what was the methodology for answering those  
10 questions.

11 A. Yes, yes. I was asked by the managing director to lead  
12 the team to respond to the Section 21 and the team  
13 consisted of the QA director, it also -- the team also  
14 consisted of the policy manager and also the IT  
15 specialist, who was brought in to -- because at the time  
16 of the period in question, the system that they used was  
17 a Lotus system, that has now been taken over by a CHARMS  
18 system. So he was able to help us navigate the Lotus  
19 system, which had all the electronic records that we  
20 were able to access and review, but alongside that we  
21 also had -- all the paperwork was stored so we had also  
22 the electronic paperwork -- sorry, to do it  
23 electronically and also to do it via a full audit of the  
24 paperwork that was required in terms of all the  
25 notifications, all the policies and procedures at the

1           time and also all that we were required to view to  
2           enable us to respond to the -- to this statement.

3   Q.   Okay.  You referred there to policies and procedures, so  
4           that's one set of documents that you looked at.

5   A.   Yes.

6   Q.   Then you referred to notifications.  We can see if we go  
7           on to the next page to page 3 where you were addressing  
8           Part D of the response?

9   A.   Yes.

10  Q.   So where it asks you about complaints of abuse and  
11           allegations of abuse.  You refer there to 26  
12           notifications made to the Care Inspectorate over the  
13           relevant period, so 2006 to 2014.

14  A.   Yes.

15  Q.   Then you go on to refer to other material, you say:

16           "We had access to the database of recording for each  
17           of the carers identified in the notifications."

18           Is that like a carer's file, did you have a file for  
19           each of the carers?

20  A.   Yeah, each carer and each child have their own  
21           respective files and obviously they -- each of the  
22           notifications adhering to each child and each foster  
23           carer would have been there, so we were able to check  
24           each carer and also all the notifications were kept  
25           separately on a notification log, so they were all there

1 as well. So we were able to cross-reference both to  
2 make sure nothing was missing.

3 All the carer records and the child's records were  
4 also in paper fashion as well, so we were able to check  
5 them both electronically as well as the paperwork as  
6 well, and that was done between myself and the team over  
7 a period of time.

8 Q. Am I right in thinking that you only looked at cases  
9 where notifications had been made?

10 A. Well, we sampled others as well.

11 Q. How did you go about that sampling?

12 A. Well, at the time there was -- in the early days there  
13 were not many carers, so we were able to do all the  
14 carers at that time, but coming towards the latter of  
15 the years we did some sampling. But I think if I'm  
16 being correct, I would say we checked about 80 to  
17 90 per cent of the paperwork during that period of time  
18 that alluded to each carer and each child. It was  
19 a mammoth task, but because of the team I had and the  
20 time period we were able to do it, we were able to  
21 validate it and we were able to cross-reference it, both  
22 electronically and also in terms of the paperwork as  
23 well, to make sure we didn't miss anything and that it  
24 all corresponded, because obviously the notifications  
25 were recorded and sent to the Care Commission, so they



1        had that paperwork as well.

2        Q.    Okay.    If we can go back, please, to NFA-000000008, so

3        your main response, and to page 73, in terms of

4        question 5.1, you were asked:

5                "What was the nature of abuse and/or alleged abuse

6        of children in foster care?"

7                Within that period you noted examples of sexual,

8        physical and emotional abuse and you also mentioned

9        standards of care.

10      A.    Yes.

11      Q.    Can you explain what that is?

12      A.    Standards of care, the definition of that really is if

13      a foster placement or a foster home isn't up to material

14      standards.    For example, if it's uncleanly or the

15      hygiene, et cetera, that we would determine is not fit

16      or is not at the appropriate level for that foster carer

17      to continue as a foster carer.

18      Q.    Do you have to notify the Care Inspectorate if there are

19      issues in relation to those matters?

20      A.    If there is another issue regarding that affects -- if

21      the standards of care affected that child either

22      emotionally or physically, we would then notify, yeah.

23      Q.    Okay.    Then if we go on to extent, you say in answer to

24      your assessment of the scale and extent of abuse, you

25      say:

1           "The evidence available supports the view that the  
2           abuse of children was not widespread in this period."

3           You refer to the different categories and the number  
4           of instances that you found, 11 of physical abuse, 5 of  
5           sexual abuse, 3 being child on child, 6 emotional abuse  
6           and 4 standards of care issues.

7   A.   (Witness nods)

8   Q.   If we can go on, please, to the next page, at the top of  
9           the page you note:

10           "Nine young people were removed following  
11           investigations. The other 17 children remained in  
12           placement and were deemed safe."

13   A.   (Witness nods).

14   Q.   How did it come about that following a notification  
15           being made that 17 children remained with the carers?

16   A.   Yeah. All allegations are reported via the notification  
17           system to the Care Commission and have to be  
18           investigated by the Local Authority. And sometimes  
19           jointly by the police. So each allegation would be  
20           thoroughly and follow that process, the outcome of which  
21           might be no further action or there was no evidence to  
22           support the allegation.

23           Then it would be our responsibility to take that  
24           foster carer back to panel and do a thorough assessment  
25           and review of the allegations and the outcome of the

1 investigation.

2 And then a recommendation would be made to the panel  
3 whether for continuation of approval of that foster  
4 carer, dependent on the investigation outcome and what  
5 the findings were. If the findings were there was no  
6 further action but there were some issues regarding  
7 possibly the training needs of the carer needed to  
8 improve or some of the practice, that would be reported  
9 to the panel and the panel would determine whether  
10 that -- if those actions were put in place, then that  
11 carer was appropriate to continue their approval. And  
12 an action plan would be drawn up over a period of time,  
13 for example it could be that they needed further  
14 training on behaviour management, for example, or they  
15 needed continual monitoring or et cetera, et cetera.  
16 There would be a number of different kind of outcomes or  
17 actions requested. They would have to be undertaken and  
18 then the carer would be put on hold until those actions  
19 and everyone was satisfied that they had been completed  
20 and they would go back to the fostering panel probably  
21 within a three-month or six-month review period and then  
22 the panel would determine whether with approval they  
23 could continue as foster carers.

24 So each situation was slightly different, dependent  
25 on the allegation that was made and the circumstances

1 around that, but the investigation wasn't carried out by  
2 our agency, it would have been carried out by the Local  
3 Authority and the police and we acted upon the outcome  
4 of that investigation.

5 Q. What would happen if an allegation was made, obviously  
6 your organisation know about it and a carer is placed on  
7 hold as you say, and then they comply with whatever is  
8 required and they're then available to care again, and a  
9 new commissioning authority -- a Local Authority --  
10 comes along who hasn't had involvement in the previous  
11 case, are they notified that complaints or allegations  
12 have been made before and the outcome of them?

13 A. Yeah. Most of the Local Authority ask now for the  
14 previous reviews of the foster carer before they would  
15 decide whether children is appropriate to match. So  
16 they would look at the annual reviews or the -- you  
17 know, the review -- the post-allegation review, for  
18 example, so they would have knowledge that the carer --  
19 there's been an allegation made against that carer, but  
20 they would also see the process in terms of the  
21 investigation, what the outcome was, what the actions of  
22 ourselves and what the decision of the agency panel were  
23 to determine they should continue as foster carers.

24 So they would have all that information before they  
25 decided whether it was appropriate to put forward

1 a match for their child with our foster carer.

2 Q. Okay. You said that most Local Authorities would ask.

3 Do you not volunteer that information? Is that not

4 written into the commissioning arrangements?

5 A. It is, yeah, sorry, yeah. It is part of the matching

6 process, the referral process between the Local

7 Authority and ourselves, information is sent between

8 both. Obviously when a Local Authority makes a referral

9 to our agency we need to know all the information about

10 the child they're referring, so that would then

11 determine what carer we would put forward to meet the

12 needs of that child.

13 Q. Would you then volunteer all of their previous reviews?

14 A. Absolutely, yeah.

15 Q. Okay.

16 If we can go on, please, to page 75, letter (d),

17 where you're asked if there were any patterns of note:

18 "Are there any patterns of note ..."

19 You say:

20 "The highest number of allegations made during the

21 period in question were made under the category of

22 physical abuse, and in particular the improper use of

23 restraint. The organisation provides training for

24 carers to offset the need of restraint and to use other

25 de-escalation techniques in all circumstances."

1           Having seen that pattern in the notifications, is  
2           that something that the organisation has looked at again  
3           to say, you know, there's an issue here with use of  
4           restraint?

5    A.   Yeah, we continually review the issue regarding  
6           restraint. I mean it's our statement that restraint  
7           shouldn't be used on any occasion and de-escalation  
8           techniques should be used. So we have a very  
9           comprehensive now de-escalation training for all our  
10          carers.

11          During that particular timing period, and that was  
12          the earlier period, sadly, you know, carers did use  
13          restraint and I think some of the cases I looked at, it  
14          was to prevent risk to themselves rather than the child.  
15          That's not appropriate, but that's how they felt they  
16          had to protect themselves. But we made sure that they  
17          all underwent that de-escalation training to give them  
18          the skills and the tools to be able to de-escalate  
19          a behaviour rather than use a restraint.

20          I mean, it's a continual issue because obviously we  
21          deal with very complex children and when they're  
22          heightened, you know, they can hit out, et cetera, but  
23          we're more confident now with the training we're  
24          offering, the support we're offering, training they're  
25          dealing with that appropriately.

1           But during that period of time I did notice, as  
2           I said in my submission, there was nine -- that was  
3           a particular theme across those 26 notifications, which  
4           I'm hoping we've learnt from and we're dealing with at  
5           the moment in time.

6   Q.   Okay.  If we move on to page 78, you are talking there  
7           about recommendations that were made following  
8           an internal review which followed upon the conviction  
9           that we've mentioned.

10  A.   Mm.

11  Q.   We'll come back to the recommendations in a moment, but  
12           I wonder if we could look, please, at the conviction.  
13           It's at JUS-000000098, and I'm conscious this is not  
14           a document -- it will come up on the screen, but I'm  
15           conscious it's a document that you won't have seen  
16           before.

17           If you just bear with me while we look at this,  
18           because we've not looked at this conviction before.

19           Your Ladyship will see that this is a conviction on  
20           22 November 2012 at Edinburgh High Court in Edinburgh of  
21           a David Leggatt, who was born in 1957.

22           If we scroll down to the offences for which he was  
23           sentenced, we'll see five charges which I'll come to in  
24           more detail in a moment.  Your Ladyship will also see  
25           that the sentence was for a period of 11 years,

1       custodial term of eight years with an extension period  
2       of three years.

3       If we move on, please, to page 2 --

4   LADY SMITH: Just to explain that to John, the extension  
5       period would imply that the man was assessed as being  
6       a particularly high risk, because an extended sentence  
7       can only be imposed where there's a risk assessment  
8       pointing to the need for it.

9   A. (Witness nods)

10   LADY SMITH: Thank you.

11   MS INNES: We can see the charges here and these are charges  
12       to which Mr Leggatt pled guilty.

13       The first charge is between 1 August 2010 and  
14       3 August 2012 and we can see that that's a charge in  
15       respect of possession of indecent photographs of  
16       children.

17       Charge 2 is over the same period and that again is  
18       in respect of photographs that he took or permitted to  
19       be taken or made indecent photographs of children.

20       Then at charge 3, it says -- again it's on various  
21       occasions between 1 February 2011 and 9 March 2012, and  
22       that is in relation to a foster child. Your Ladyship  
23       will see that there's obviously sexual offences,  
24       including rape. And that period covers a period when  
25       the foster child was under the age of 13.



1           The next charge at charge 4, from 10 March 2012 to  
2           30 July 2012, again similar charges of sexual offences  
3           including rape. Again that's a foster child, but it's  
4           when she was over 13.

5           Then the final charge, charge 5, although the charge  
6           says there it's 1 July 2010 to 31 August 2012, this was  
7           in fact amended to May 2006 to 15 November 2007, and  
8           I think this child is not a foster child. This child  
9           was [REDACTED].

10          If we can move on to the next page, please, we see  
11          here something called an agreed narrative. John, for  
12          your information, this is something that the defence and  
13          the prosecution agree about setting out the background  
14          history of the offending before the court passes  
15          sentence.

16          It refers in the first paragraph to him having two  
17          foster children, and I think that was at the time that  
18          he was arrested, two children were in his care.

19          Then in the next paragraph it says:

20          "Prior to his detention [he] was employed as  
21          a full-time foster carer and had been since March 2010."

22          I think that accords with your own information?

23       A. Yes.

24       Q. It then notes that he had two daughters from a previous  
25       marriage which had broken down some time ago when the

1 children were of pre-school age and he hadn't seen his  
2 daughters since that time. Again, I think that's  
3 something that you're aware of?

4 A. Yes.

5 Q. It then refers to [REDACTED] children from her previous  
6 relationship.

7 If we go on over the page to page 4, at the top of  
8 the page it notes essentially that he pled guilty at the  
9 earliest opportunity.

10 If we go to the bottom of the page, the final bullet  
11 point, it says there:

12 "Prior to 3 August 2012, confidential and reliable  
13 information was received at Fife Constabulary to the  
14 effect that someone using the internet connection at the  
15 accused's address was heavily involved in the  
16 downloading of indecent images of children. This  
17 resulted in a search warrant being granted in respect of  
18 the property."

19 Again, I think you're aware that that's how the  
20 offending came to light?

21 A. Yes.

22 Q. Prior to that, there were no allegations that had been  
23 made as far as you're aware?

24 A. No, no, no.

25 Q. If we scroll down to the bottom of this page, we can see

1 in capitals notes that were made by the police officer  
2 at the time in respect of what the accused was then  
3 saying:

4 "I interfered with her -- the bairn is innocent --  
5 she doesn't know -- I knew this day would come -- I also  
6 touched [REDACTED] a long time ago -- she doesn't  
7 know any better -- she's an innocent party -- there's  
8 pictures of her -- there's nothing on any camera, they  
9 are all deleted -- they are all on that thing he's  
10 got -- my poor family -- my poor bairn -- [REDACTED]  
11 was years ago -- I stopped that -- there's no one  
12 else -- I didn't become a foster carer to prey on  
13 kids -- that's not why I went into fostering -- fostered  
14 two kids."

15 That seems to be noted as things that he was saying  
16 at the time.

17 If we move on to the next page at the second bullet  
18 point we can see there's reference to a preview  
19 examination of the PC and hard drive and both were found  
20 to contain vast quantities of indecent images and movies  
21 of children and I think the folders were named after the  
22 girls involved, one of whom was a foster child.

23 If we move down a little to a bullet point  
24 beginning:

25 "In the course of the enquiry ..."

1           This says:

2           "In the course of the enquiry, a person was  
3           contacted and advised her that images of her daughter  
4           had been found on the accused's computer, she was  
5           completely shocked and distraught at this. She stated  
6           that she had moved with her children to Comrie in  
7           November 2007. She soon became friends with her  
8           neighbours, the accused [REDACTED]. [REDACTED] would  
9           attend her home on an almost daily basis and would  
10          remain there from 6 o'clock until 3 o'clock in the  
11          morning, something that the neighbour found suffocating.  
12          [REDACTED] would tell the neighbour that the accused spent  
13          much of his time within his loft on his computer and she  
14          stated that her and the accused had not had a sexual  
15          relationship for approximately 10 years."

16          Just pausing there, I think we know and the NFA  
17          knows as well that this person gave a reference for  
18          Mr Leggatt when he became a foster carer.

19   A. Yes.

20   Q. I don't know whether the material that she says there is  
21          completely new to you or whether you have enough  
22          information about the reference that she gave to help us  
23          with that?

24   A. We knew -- yeah, some of it was recorded.

25   Q. Some of it was recorded?

1 A. Yeah.

2 LADY SMITH: John, do you know if that's one of those  
3 occasions when the person making the reference received  
4 a payment for referring a friend --

5 A. No, no, no, no.

6 LADY SMITH: Thank you.

7 MS INNES: Okay, if we can move on, please, I think if we  
8 look on to page 7, it confirms, I think, that this lady  
9 was a referee, so in the second bullet point it talks  
10 about this lady and her children moving out of Comrie  
11 and she longer required their help. She would still  
12 visit them and was asked to be a referee for the  
13 application to become foster carers.

14 Then if we can move on a little to the next page,  
15 page 8, and the bullet point we see there beginning with  
16 blank, so this is a foster child talking about when the  
17 abuse started, and she talks about photographs and  
18 various sexual acts. At the end of this bullet point it  
19 says:

20 "The accused would say that she could get whatever  
21 she wanted in return, cinema, sweets, et cetera."

22 So that's the sort of thing that she says she was  
23 being told.

24 Then the next bullet point, she talks about  
25 an incident "where the accused inserted a finger into

1 her vagina ... and took pictures. She says that she  
2 told him it was wrong and he said he knew it was but she  
3 was the only thing he had left. She explained this  
4 saying that the foster carers have fallen out and she  
5 felt sorry for him".

6 Again from your knowledge of this case, did the  
7 organisation have an awareness that there were issues in  
8 the relationship between the foster carers?

9 A. I didn't glean any evidence when I did the file audit.

10 Q. Okay. If we can move on to page 10, please, and if we  
11 look at interview, so the accused was interviewed and  
12 there are points noted from the interview. One can see  
13 in the first bullet point that he volunteered that he  
14 had sexually abused -- there were indecent images but he  
15 also said that she'd sexually abused the foster child  
16 and [REDACTED]. And he talked in the next bullet  
17 point beginning blank, he talks about the sexual abuse  
18 that he perpetrated on the foster child.

19 Again if we can go over the page to page 11, just  
20 below the bullet points, it starts blank:

21 "Accused admitted physically penetrating the foster  
22 child both anally and vaginally. He stated he performed  
23 oral sex on her and she performed oral sex on him. He  
24 said that he rewarded her with sweets and told her that  
25 he would go to prison if anyone ever found out. He said

1       that she didn't want it to stop and he stated love is  
2       love, even bad love."

3       So at the time of his interview, that seemed to be  
4       something that he said to the police about his  
5       offending.

6       At the bottom of this page, the final paragraph, it  
7       says:

8       "The accused went on to say that he had an interest  
9       in little girls, prepubescent age and that it was around  
10      the time of him abusing [REDACTED] he decided to  
11      apply to be a foster carer as he wanted to help  
12      children."

13      So in the assessment process, do you know if there  
14      was any discussion with him about sexual attitudes  
15      towards children?

16    A. There would have been. In terms of the assessment  
17      process they would talk about that and that was -- that  
18      was recorded, but he didn't say anything towards it like  
19      that.

20    Q. Okay.

21      Then if we go on to page 12 towards the bottom of  
22      the page, there's a paragraph beginning:

23      "He stated that he abused (blank) 'cause she wanted'  
24      [so that's the foster child he's talking about there]  
25      and 'to stop her telling anyone'. He said he had

1 a curiosity of young girls and he self-admitted that he  
2 was a continued risk but only to the foster child and  
3 that he knows what he's done is wrong."

4 Again that seemed to be something he was saying in  
5 the interview at the time.

6 Again for Your Ladyship's information, if we go to  
7 page 14, please, at the top of the page we can see the  
8 numbers of images that were found and the levels of  
9 those, with 5 being the most serious. So we can see  
10 a substantial number of images and videos at a high  
11 level.

12 LADY SMITH: Thank you.

13 MS INNES: I'm going to move away from that now, John, and  
14 ask you to look, please, at NFA-000000015, which is the  
15 independent report which was carried out for your agency  
16 by a Mary McKenna.

17 A. Yes.

18 Q. Obviously what we've seen in the conviction is extremely  
19 serious behaviour, I'm sure you'd agree.

20 A. Yes, absolutely.

21 Q. When we look at the report, we can see that it was  
22 commissioned by the NFA following Mr Leggatt pleading  
23 guilty?

24 A. Yeah.

25 Q. If we look first of all towards the bottom of this page,



1 the assessment of foster carers, and it says there that  
2 they:

3 " ... applied to be foster carers in May 2009 and  
4 participated in a Skills to Foster training in  
5 October 2009. The assessment was started by [someone]  
6 a newly appointed senior social worker to the agency,  
7 and while he undertook much of the initial assessment,  
8 he left the agency before completion and the work was  
9 completed by the team manager ..."

10 In terms of that transition, did you think there  
11 were any issues arising from the fact that the  
12 assessment had to be passed from one person to another  
13 or was that not an issue?

14 A. I mean ideally one would hope when an assessment is  
15 commenced it would be completed by the same social  
16 worker, because obviously they build up a relationship  
17 straight away with the applicants. But on occasions  
18 like this, the person who would have supervised, MB, the  
19 social worker, would have had that information as well,  
20 so there would be a transition of information passed  
21 from MB, who left, to the new -- to the new assessor.

22 As I say, it's not ideal but sadly sometimes this  
23 does happen, but all that information that MB had would  
24 have been passed on to the new assessor.

25 Q. Then it goes on to talk about the assessment report and

1       it says all statutory checks were completed, there were  
2       lists of previous employment and addresses, their  
3       feedback on the training, the Skills to Foster training  
4       where they were receptive to learning.

5             It then goes on in the next paragraph to say:

6             "As they were inexperienced foster carers there were  
7       a number of gaps in their competencies which were  
8       identified as needing to be addressed through training  
9       and supervision. Health and safety checks were  
10      undertaken on the premises, though the attic where it  
11      was stated by the couple that Mr Leggatt stored his  
12      sci-fi memorabilia was not included in this check."

13            I think we've seen that seemed to be where he had  
14      the computer with the images --

15   A.   (Witness nods)

16   Q.   -- and I think there was some suggestion that that's  
17      where the children were taken to be photographed?

18   A.   Yeah.

19   Q.   And that wasn't checked during the assessment process  
20      and should that have been done?

21   A.   It should have been and that now has been obviously  
22      remedied -- put right. All rooms that are in any foster  
23      home are doubly checked and made sure that they're seen  
24      and the reasons for what the purpose of that room is  
25      looked into as well.

1 Q. Would that be during the assessment process or is that  
2 a check that's renewed during the time that a carer is  
3 in place?

4 A. It's done initially and it's also done at the end of the  
5 assessment and then post approval as well.

6 Q. It then says:

7 "The report is of variable quality and from reading  
8 it with the benefit of hindsight there are some areas  
9 that could have been more fully explored during the  
10 assessment."

11 The next part of the report is in green and I think,  
12 correct me if I'm wrong, that these are comments that  
13 were added to the report by --

14 A. Yeah, the quality assurance manager.

15 Q. -- your quality assurance manager, okay.

16 If we can go down to the bullet points, these are  
17 the things that the independent reviewer thought were  
18 issues that could have been more fully explored.

19 The first was their complex background issues --

20 A. Mm.

21 Q. -- in their childhoods. And insufficient consideration  
22 being given to the impact of this on them individually,  
23 and mental health issues evident in the male carer's  
24 family. Is that something that you've had to look at in  
25 the light of this?

1 A. Yeah. Obviously there was -- as it said there, it goes  
2 back a number of years. That should have been and is  
3 now, is picked up into -- just, for example, in terms of  
4 partner checks, even though it was 20/25 years ago since  
5 they had previous partners, now we would have gone right  
6 back to that source and that timescale. Similarly with  
7 children.

8 And also, any information that's gleaned in terms of  
9 medical, even though an episode, whether it's self-harm,  
10 happened 20/25 years ago, we would make sure that is  
11 flagged up to the medical adviser and then that would be  
12 discussed with the applicant and the medical adviser  
13 would make a -- what they call a recommendation based on  
14 the information given about their suitability to foster  
15 or whether it had any effect.

16 So all those time-lapses in terms of why those  
17 references didn't go back 20/25 years ago, the  
18 episode -- the medical episode that happened in that  
19 period of time, that would not happen now because we go  
20 back to all the information that we know and given in  
21 terms of partner checks, medical checks, medical  
22 incidences, however long ago that is, and similarly with  
23 children as well. The children they had, albeit they  
24 were estranged for that period of time, we would have  
25 made sure that we had interviews with those children to

1        glean as much information as we can, for the purpose of  
2        the assessment.

3    LADY SMITH: I think in this case there were children, at  
4        least one, that the foster father or potential foster  
5        father had no address for. So you couldn't have  
6        interviewed.

7    A. Yeah. When I'm saying, my Lady, we would make every  
8        effort, obviously, based on -- we would -- I mean we  
9        have gone through the police to try and find information  
10       like that, if we can. We would go back as far as we can  
11       and use all the external resources we can to --

12   LADY SMITH: What would be your approach if you discovered  
13       that people who were applying to become foster carers  
14       were estranged from their own children and you couldn't  
15       find those children to discuss with them what from their  
16       perspective had happened? What would you do?

17   A. Well, every situation is different and a decision would  
18       be made on that particular situation. It may be because  
19       they'd moved from another country, for example, and the  
20       children are elsewhere. But we would make overseas  
21       checks as well. We would try everything we can.

22   LADY SMITH: Are you telling me that that would not rule  
23       them out of becoming foster carers?

24   A. It could possibly, yes.

25   LADY SMITH: It could?

1 A. Yes.

2 LADY SMITH: But not necessarily?

3 A. You have to see the situation as a whole.

4 LADY SMITH: Sorry, what I'm seeing is something that you're

5 telling me you identify as important, namely speaking to

6 the children of the foster carers in a case where those

7 children are estranged from their parents.

8 A. Mm.

9 LADY SMITH: What I'm not following is why that would just

10 be put to one side if you couldn't trace those children,

11 because it could be that they had something of great

12 significance to say that cast doubt on the suitability

13 of their parents to become fosterers. Isn't that right?

14 A. It is on certain occasions but very rare, Your Ladyship,

15 and we would also look at corroborative evidence as well

16 in terms of going back -- if the child wouldn't give us

17 the information, if there's any other information we can

18 glean at that same period of time.

19 LADY SMITH: Okay. Thank you.

20 MS INNES: I suppose the same might apply to the ex-partner

21 checks that you referred to and we know that there was

22 the Brighton and Hove Inquiry, I think, one of the

23 outcomes of that was that you should go back and check,

24 but am I right in understanding your evidence as being

25 that at that time there was an awareness of the need to

1 do that, but if you couldn't find them then so be it,  
2 but now you try to go back further?

3 A. Yes.

4 Q. Then if we carry on looking at the bullet points, so  
5 there's a bullet point, the second-last one, which is:  
6 "There was insufficient information on the early  
7 years of the couple's relationship, their childlessness  
8 and their motivation to undertake fostering [I think it  
9 means]."

10 Is that something that would be interrogated more?

11 A. Yes.

12 Q. It says:  
13 "There was insufficient emphasis within the  
14 assessment to the reasons for the male applicant wishing  
15 to become the main carer or of the implications of this  
16 for childcare."

17 I suppose we have a situation here where a man has  
18 been estranged from his own children and he is saying  
19 that he's going to be the main carer?

20 A. Yeah.

21 Q. Is that not something that should be looked into and  
22 interrogated?

23 A. It should -- it absolutely should have been, and that  
24 now is -- is very much part of the assessment process.

25 Q. Then if we look at the bottom of this page, just above

1 "References", she says:

2 "More significantly, however, I wish to highlight  
3 the inadequacy of references obtained in support of  
4 applications, as they may highlight future learning  
5 points."

6 It obviously -- if we go on over the page where it's  
7 talking about references, again it talks about previous  
8 partner checks. If we go to the middle of the page  
9 there's a bullet point referring to the Brighton and  
10 Hove Inquiry, for example, and then -- yes, the bullet  
11 point beginning:

12 "Despite the male applicant being the main carer,  
13 two of the referees were from the female applicant's  
14 friends and the only referee who knew them as a couple  
15 had only known them for a couple of years."

16 I think that is the person who we've already spoken  
17 about who was a neighbour and provided a reference.

18 A. Yes.

19 Q. So it looks like there were inadequacies in relation to  
20 references, so how has that been remedied?

21 A. And again, as I said just previously, we would make sure  
22 that all references, all partner references, all  
23 children references, we do everything we can to make  
24 sure we see those even if we have to go -- in terms of  
25 going back those number of years and even if we have to



1 go back to four or five different referees to make sure  
2 that we get a full picture in terms of those applicants.  
3 And we'll try and get corroborative evidence if we can't  
4 find the particular child or previous partner.

5 Q. I suppose there's a danger with references that you  
6 might pick a person who you know is going to say  
7 something good about you. How do you guard against  
8 that?

9 A. Well, we look at employment references as well.  
10 Obviously we do Local Authority checks. And we go and  
11 see those referees and we hopefully -- a good  
12 supervising social worker would probe in terms of what  
13 statements they're making and try and get evidence to  
14 back up what they've actually said, so it's not just  
15 taken as read. There's more of an investigatory  
16 approach, as I've said, in terms of finding information  
17 from referees and more referees' references are taken  
18 than they were previously.

19 Q. Okay. Then at the bottom of the page we see reference  
20 to the medical information, there were full medicals,  
21 and the assessor felt that the medical adviser's  
22 comments didn't include information which should have  
23 been included in the assessment and wasn't made known to  
24 the panel, and she refers to various points.

25 Over the top of the next page she refers to both

1 applicants having attempted suicide, but she says this  
2 didn't appear in the medical adviser's summary and  
3 wasn't known to the assessing workers or the panel.

4 A. Mm.

5 Q. If we look in the comments in green, I think the QA  
6 manager has made notes of when those various issues  
7 happened and I think as you mentioned there were -- the  
8 suicide attempts were I think in 1982, but from what  
9 you've already said in your evidence, is that something  
10 that would now have to be highlighted?

11 A. Yeah, absolutely. There's constant meetings between the  
12 assessment managers and the medical advisers about  
13 situations like this to make sure that the information  
14 is -- the assessor is informed so the assessor can make  
15 judgements on the information she's given or he's been  
16 given after the advice had been given by the medical  
17 adviser and then that can be discussed at the panel, so  
18 the panel get a full picture of that occurrence and will  
19 it affect them to continue as foster carers or be  
20 approved as foster carers, and the panel can also ask  
21 the medical adviser's help or support at that time as  
22 well as part of the panel process.

23 So all the information would be discussed both by  
24 the assessor, the medical adviser and the panel, so that  
25 situation should never happen again.

1 Q. In terms of the instruction to the medical adviser, are  
2 they given a form to complete which would highlight that  
3 they have to cover --  
4 A. Yes.  
5 Q. -- certain points?  
6 A. Yeah. The GP, they follow a template which we send  
7 them, which will have -- ask them for all that  
8 information. That is then sent to the medical adviser  
9 and they make a decision based on the information given  
10 by the GP to either say there is no concerns or there  
11 may be a concern because of a previous situation, for  
12 example self-harm, 10, 20 years ago. The assessor would  
13 get a copy of that and be able to discuss that as part  
14 of the assessment process, and again that would put  
15 forward to the panel.  
16 Q. So the medical adviser is relying on information that's  
17 given by the GP?  
18 A. Yes.  
19 Q. They're not looking at records themselves, for example?  
20 A. Well, they'll have all the medical records given by  
21 the --  
22 Q. So the GP would give them a copy of the person's medical  
23 records?  
24 A. Oh yes, yes, yes. Sorry, yes, yes.  
25 Q. I see. Then if we go down below the green section, the

1 next part is about interviewing one of the female  
2 applicant's sons and it talks about the format not being  
3 as focused or as detailed as for other references:  
4 "A more thorough interview of this son may have  
5 revealed more about the reasons why the female applicant  
6 didn't have custody of her children."  
7 A. Yes.  
8 Q. Which was an issue.  
9 A. Yeah, that template has been changed now to mirror the  
10 similar template that referees would get to talk about  
11 the applicant, so it's very similar.  
12 Q. Okay. Then if we go over the page, please, to page 5  
13 and second opinion visits.  
14 A. Yes.  
15 Q. One of the recommendations is that there be a second  
16 worker involved in all foster care assessments,  
17 preferably at the later stages of the process.  
18 Essentially going through the Form F and reviewing  
19 what's been done.  
20 A. Mm.  
21 Q. If we look down in the green, it says there:  
22 "Second opinion visits are undertaken usually where  
23 there have been issues raised during the assessment ..."  
24 At the end of that paragraph it says:  
25 "Second opinion visits will now be built into the

1       assessment process as a requirement of the process."

2    A.   Yeah, that has been introduced following this across the  
3       whole of the group.

4    Q.   Okay.

5       If we can move on a bit in the document, if we can  
6       look, please, at the bottom of page 7, there's  
7       discussion there about supervising social workers and  
8       their interaction with the carers, and in the paragraph  
9       beginning:

10       "Furthermore ..."

11       There is notes that records that visits took place  
12       monthly and there was weekly telephone contact with the  
13       foster carer. There was an unannounced visit in  
14       October 2011. There's reference to the supervising  
15       workers planning their visits to meet the girls and  
16       arranging to meet both foster carers together. Neither  
17       of the workers expressed -- going on to the next page,  
18       sorry, top of the next page:

19       "Neither of these workers expressed any concerns  
20       about being intimidated or manipulated by these foster  
21       carers. They expressed no concerns about the couple's  
22       [REDACTED] relationship, inappropriate behaviours or any  
23       distortion in the power relationships in the home."

24       So none of that had been observed by the supervising  
25       workers.

1 A. And obviously records we were able to glean and see in  
2 terms of supervision as evidence that there was no  
3 concerns raised.

4 Q. If we go down to about the middle of the page, there's  
5 reference there to a significant safe care issue  
6 emerging on Friday, 25 February 2011, where the foster  
7 child raised a concern with the female foster carer that  
8 she wanted the male foster carer to stop coming into the  
9 shower with her and then it says:

10 "The supervising social worker visited and discussed  
11 this with the foster carers. They explained that the  
12 foster child was concerned that Mr Leggatt was in the  
13 habit of washing her hair over the bath before she got  
14 a shower and she didn't like this. It was agreed that  
15 this would no longer happen and the female carer would  
16 assist in hair washing when necessary and the couple  
17 would review and revise their safe care policy. The  
18 carers were advised that the Local Authority would be  
19 informed of the child's concern and they may wish to  
20 discuss this further with her."

21 The next paragraph goes on to say that that was  
22 notified to the Local Authority and the Local Authority,  
23 after a further week, confirmed that they weren't  
24 treating it as a child protection issue?

25 A. (Witness nods)

1 Q. And there were no further concerns raised with your  
2 agency by the girls.

3 A. Yes.

4 Q. Okay. And would that be the normal process if a concern  
5 like that was raised, you would pass it to the Local  
6 Authority?

7 A. Yes, because they have the regulatory responsibility to  
8 investigate.

9 Q. I probably want to move on to the next page, but my  
10 screen is doing what the screen there is doing. Just  
11 give me a moment, please.

12 Oh, mine's come back.

13 LADY SMITH: That is page 9.

14 MS INNES: I just need to identify the correct page, because  
15 I've lost where I was at.

16 There's a paragraph beginning:

17 "There was a change of social worker ..."

18 And there's reference to another person starting  
19 employment:

20 "... she took over responsibility for supervising  
21 the placement at the time. She was advised that both  
22 girls were doing well in placement, that they were  
23 settled. She was briefed on the safe care issue that  
24 had occurred and of the difficulties that there were in  
25 working with the placing Local Authority."

1           So the new worker was told about the issue that  
2           we've just looked at --

3   A.   Yes.

4   Q.   -- so she was aware of it.

5           There's mention there of difficulties in working  
6           with the placing Local Authority. What difficulties  
7           were there?

8   A.   I think there was a lack of involvement from the Local  
9           Authority at that time, which obviously, you know,  
10          wasn't what should have happened. And so communication  
11          became difficult and needed to improve.

12   Q.   Okay. Then at the bottom of the page, the second-last  
13          paragraph:

14                "JB confirmed she had no unease about the couple's  
15                relationship nor concerns about power imbalances within  
16                the relationships in the foster home. No cause for  
17                concern about safe care and appropriate boundaries or  
18                disrespectful attitudes to the girls. A minor issue  
19                which she regretted not confronting with the male carer  
20                was his tendency to refer to her and all women as  
21                "darling". She did not raise this with him as he called  
22                everyone darling and she accepted this as his norm."

23                Is that something that you think the social worker  
24                would challenge now?

25   A.   Yes. They should do that, yes.



1 Q. Then there's reference in the next paragraph to her  
2 establishing good relationships with both girls and  
3 speaking to the girls separately and together. And she  
4 observed no signs of distress or that they were  
5 experiencing difficulties.

6 But if we go to the top of the next page, it then  
7 says:

8 "Whilst the foster girl's behaviour was the subject  
9 of considerable discussion, her poor personal hygiene  
10 and challenging behaviours were attributed to previous  
11 abuse, rather than anything occurring in her current  
12 care."

13 Is that a danger, that if there's behaviour which  
14 might indicate abuse, so poor personal hygiene,  
15 challenging behaviour, that rather than looking at the  
16 placement, it's immediately attributed to pre-care  
17 experience?

18 A. I think that was based on the fact that the child at the  
19 time was saying that she was -- she was -- she had no  
20 concerns, she was okay, but in hindsight, I think it  
21 should have been picked up, yes.

22 Q. How would you go about alerting workers? Is that  
23 training that you give to social workers to --

24 A. And carers as well.

25 Q. -- make sure that they recognise these issues?

1 A. Yes, absolutely, there's a recognition of sexual abuse  
2 course that they would attend which would have pointed  
3 that out, yeah.

4 Q. If we look to the bottom of this page there's an issue  
5 about recording, where essentially the reviewer notes  
6 that there were differences in recording between the two  
7 social workers, so I think one gave a lot of  
8 information --

9 A. Yeah.

10 Q. -- and the other one briefly confirmed that a visit had  
11 taken place and who was present.

12 A. Yeah.

13 Q. It goes on to say that the expectation was really in the  
14 middle ground.

15 A. Mm.

16 Q. At the bottom of this page the QA manager says:  
17 "Recording is a constant area of tension for senior  
18 social workers, the QA team developed a recording  
19 seminar for staff which sets out the standard that's  
20 expected ..."

21 A. Yeah. There's an expectation of qualitative recording  
22 which we adhere to now. Some social workers are better  
23 than others, but we demand, you know, a standard and the  
24 QA team, as mentioned there, have provided recording  
25 seminars to help social workers meet the standard that's

1 required.

2 Q. Okay.

3 If we move towards the end of this report, please,  
4 if you just bear with me a moment, if we go to page 15  
5 under, "Reflections and recommendations", and the  
6 reviewer says here that she considers:

7 "... NFA has fulfilled its responsibilities in  
8 assessing, approving, supervising and supporting these  
9 foster carers diligently."

10 One might say that doesn't really fit with what she  
11 said earlier about there being gaps in assessment?

12 A. Yes. And I think she's pointed out what the gaps were  
13 and we as an agency had to put those right and obviously  
14 learn from them, which I'm confident we have done now.

15 Q. Then she says:

16 "There are areas for practice improvement in  
17 assessing foster carers, but these of themselves may not  
18 have prevented the circumstances which emerged in this  
19 placement."

20 She says:

21 "We should be clear and unequivocal that the  
22 responsibility for this abuse lies with the perpetrator.  
23 Nevertheless, the children in this placement require us  
24 to learn more about such potentially abusive  
25 relationships to prevent such events recurring in other

1       fostering situations."

2           In terms of what she says there about obviously  
3       responsibility for abuse lies on the perpetrator --

4   A.   Yeah.

5   Q.   -- however, does the agency not also have  
6       a responsibility to children to prevent that abuse  
7       occurring?

8   A.   Oh, absolutely. 100 per cent. I mean one would hope  
9       that this never happens again, and everything we've  
10      learnt from this situation we can make sure that we --  
11      we've addressed, but obviously we need to make sure that  
12      our carers are robustly assessed and when we do  
13      a recruitment process that all checks are absolutely  
14      thoroughly followed through to -- and also our social  
15      work staff and everybody who works for the agency have  
16      a responsibility for safeguarding.

17           So, you know, our remit is to make sure that we --  
18      this never happens again and albeit there are very --  
19      both this couple were very manipulative and hid things  
20      from everybody, you know, and we did as best we could to  
21      assess and make sure that they were appropriate to  
22      foster, but obviously something's failed, but, you know,  
23      what I can say is that as we go on of course everyone  
24      has their responsibility for the safeguarding of  
25      children and more so us as a fostering agency and we'll

1       endeavour to do everything that we can to make sure this  
2       never happens again.

3             But professionally, albeit I've got to say I don't  
4       think we could have done any more to have prevented this  
5       scenario in terms of the assessment process. We could  
6       have done things better, but I don't think it would have  
7       stopped them becoming foster carers.

8   Q.   If we look, please, at page 16, we see the  
9       recommendations there and we've touched on some of those  
10      already, so I'm not going to go through them again, but  
11      I think we can see previous partner checks, we've talked  
12      about that, references, second opinion, recording,  
13      improving consistency, a protocol with Local  
14      Authorities -- so it's suggested that a protocol be  
15      developed for resolving difficulties with senior  
16      managers within the Local Authority?

17   A.   Yeah. We have an escalation process now where --  
18      situations like this where there are difficulties with  
19      a Local Authority, depending on whatever it is, that  
20      that is flagged up to the team manager. The team  
21      manager has a responsibility to speak to their  
22      respective team manager in the Local Authority. If  
23      there is no outcome or satisfactory outcome, it goes up  
24      to the director level and that is all recorded to make  
25      sure that situations like this do not happen again.

1 Q. Then learning the lessons, it notes:

2 "The agency should create an opportunity for all  
3 staff involved in this case to reflect and learn from  
4 the circumstances and to rebuild their confidence in  
5 their skills and in the value of fostering."

6 But I suppose it's not just about the staff in terms  
7 of lessons learned, it's not just about the staff  
8 involved in the case, it's about sharing that learning  
9 across the organisation?

10 A. Yeah. Yeah, I've got a copy of the presentation and the  
11 workshop that was put together from this, and that  
12 was -- was carried out across every agency across the UK  
13 from lessons to be learned, so it wasn't just what  
14 happened in Scotland. It was -- you know, it was  
15 discussed across the whole of the group.

16 Q. Okay.

17 If we can just go back to your Section 21 response,  
18 so NFA-000000008, and page 23 at the bottom of the page,  
19 this is where you're addressing questions in relation to  
20 acknowledgement of abuse, so at the bottom of that page  
21 we see a question:

22 "Does the organisation accept that any children  
23 cared for in foster care were abused?"

24 If we go to the top of the next page, your answer to  
25 that is:

1 "Yes."

2 Then in terms of your assessment of the extent and  
3 scale of the abuse, you refer to the 26 notifications  
4 that you've already talked about.

5 A. (Witness nods)

6 Q. If we then go to paragraph 3.2, you're asked there about  
7 acknowledgement of systemic failures and the question  
8 is:

9 "Does the organisation accept its systems failed to  
10 protect children in foster care [over the relevant  
11 period] ..."

12 So in your case, 2006 to 2014.

13 "... from abuse?"

14 The answer that's given there is that the  
15 organisation doesn't accept that its systems failed to  
16 protect children. I just wonder how that sits with  
17 I think what you said a moment ago in your evidence  
18 which was that there were failures in systems.

19 A. I don't think there was widespread or on the whole  
20 a system failure. I don't honestly believe that.

21 In this case, even the internal review report says  
22 that there was nothing that the agency did wrong, you  
23 know, so I do -- my experience and my professional  
24 opinion on this is there wasn't a systemic failure.  
25 There was things to learn, which I have talked about

1 and, you know, we said that that was being carried out  
2 throughout the organisation, but systemically, I don't  
3 think, you know, we did fail in terms of our policy and  
4 procedures, and I would -- I would -- I can't say any  
5 more than that.

6 Q. If we go on over the page to page 25, acknowledgement of  
7 failures and deficiencies in response:

8 "Does the organisation accept that there were any  
9 failures or deficiencies in its response to abuse and  
10 allegations of abuse?"

11 The answer to that is:

12 "No."

13 I suppose that's asking about something different  
14 and you would probably say in the context of this, the  
15 case that we've been looking at, when the allegations  
16 came to light you acted?

17 A. Yes.

18 Q. Is what you would say there, okay.

19 If we look down at the bottom of this page at 3.4,  
20 you're asked there about:

21 "To what extent has the organisation implemented  
22 changes to its policies, procedures and practices as  
23 a result of any acknowledgement."

24 You talk about procedures being reviewed and  
25 suchlike, but I think you've also told us in your



1 evidence that there were learning points from the case  
2 that we've been talking about and that changes were made  
3 as a result?

4 A. Yes.

5 Q. Is that right? Okay.

6 More generally, I don't know whether beyond  
7 providing your response to the Inquiry in relation to  
8 its Section 21 notice, whether you've followed the  
9 evidence in this case study on foster care to any  
10 extent?

11 A. Sorry?

12 Q. I don't know whether you've followed the evidence that's  
13 been given in this case study to any extent, you know if  
14 you've looked at transcripts online --

15 A. I have, yes, I have, up till now, yes.

16 Q. Okay. From looking at that evidence and also from the  
17 work that you've done in preparing the Section 21  
18 response, are there any lessons that you think that we  
19 should learn from that evidence or lessons that you  
20 would be taking away?

21 A. Yeah. I mean obviously apart from the actions we  
22 carried out following the investigation of the case  
23 we've just talked about, which were all carried through.  
24 I think it's really important that as an agency, and as  
25 a group, we provided a very independent kind of

1 compliance QA department to ensure that they  
2 independently review each of our agencies, which they do  
3 on an annual basis, and what they do, they make sure  
4 that they come in and almost do a mini inspection prior  
5 to a regulatory inspection, and that has proved to be  
6 really helpful to look at any gaps or any issues of  
7 provision of service and that's been put into place.

8 And there's a particular service review team that do  
9 that, and again that's been very, very successful.

10 And, as I said, it's very much the responsibility of  
11 the registered manager, who has regulatory  
12 responsibility for the particular agency, you know,  
13 actually go through every notification, as they do, as  
14 I said, on a quarterly basis and that we learn any  
15 themes or trends or anything we can help to support that  
16 region in particular if there is a need for that and  
17 that is very much -- that has worked really, really  
18 well.

19 And, as I say, the RMs meet on a quarterly basis as  
20 well to meet with the policy team and the QA team to  
21 look at reviewing any policy and procedure and practice  
22 to make sure that we continue to be compliant and safe.

23 All the recording systems now are improved  
24 dramatically, they're all done electronically. All our  
25 carers and staff are being trained on that. You know

1 I said that the take up of carers in Scotland is now  
2 85 per cent and we want our carers to be able to utilise  
3 those systems electronically because they're quick and  
4 decisive. We want to get them up to 100 per cent  
5 compliance there.

6 But each manager is now able, you know, through  
7 these systems, to audit things on a minute-by-minute  
8 basis. They don't have to go through files, because  
9 everything is recorded electronically. So any visits  
10 that are done, they can see the case recordings, see the  
11 qualitative side of that. If there's any incidences you  
12 know they can read the carers' logs, as I mentioned. So  
13 everything is accessible on a day-to-day,  
14 minute-to-minute basis.

15 So, you know, good managers would pick up that. If  
16 there are any gaps, you know carers haven't been seen,  
17 unannounced visits haven't taken place, that can be  
18 picked up straight away and made sure they all happen.

19 We're very much now part of a continual learning  
20 organisation, we have practice workshops for our staff.  
21 We -- it's all about continual improvement.

22 But above all, I think it's -- the message is, and  
23 you know safeguarding is for everybody and across the  
24 agency it's not just the responsibility of social  
25 workers, it's the responsibility for all who work in the

1       agency and all our staff, you know, whether it's the  
2       caretaker to the -- to the managing director, have  
3       an annual safeguarding training to make sure and drive  
4       home that everybody has responsibility to notify if  
5       there are any -- anything in terms of -- and any issue  
6       about any child, you know, not afraid to come forward.  
7       We're an open organisation and we'll investigate it and  
8       if it comes nowhere it doesn't, you know, but it's very  
9       important that what we learn, you know, in terms of  
10      child abuse is that, you know, we've all got to  
11      communicate and we've all got to -- everybody's  
12      responsible for it.

13   MS INNES: Thank you very much. I don't have any more  
14      questions for you.

15   LADY SMITH: Thank you.

16            Are there any outstanding applications for  
17      questions?

18            John, that completes all the questions we have for  
19      you.

20   A. (Witness nods)

21   LADY SMITH: Thank you very much for coming along this  
22      morning to expand on the written responses that you've  
23      already provided to us. It's been really helpful to  
24      hear from you in person. I'm sure you've found it  
25      exhausting, but equally I'm sure you appreciate why

1           we're doing this --

2   A.   Oh, absolutely.

3   LADY SMITH:  -- and why we feel it's so important to probe

4           and really seek to understand.

5           Thank you and I'm able to let you go.

6   A.   Thank you.

7                               (The witness withdrew)

8   LADY SMITH:  We'll take the lunch break now, Ms Innes, and

9           I'll sit again at 2 o'clock.

10          Thank you.

11   (1.00 pm)

12                               (The luncheon adjournment)

13   (2.00 pm)

14   LADY SMITH:  Good afternoon.

15          We have a new witness ready, I think, Ms Innes.  Is

16          that right?

17   MS INNES:  Yes, we do, my Lady.

18          The next witness is Susanne Fraser-Kerr from

19          Clackmannanshire Council.

20   LADY SMITH:  Thank you.

21                               Susanne Fraser-Kerr (affirmed)

22   LADY SMITH:  How would you like me to address you?  Would

23          you like me to use your first name or would you prefer

24          your second name?

25   A.   My first name is fine, thank you.

1 LADY SMITH: Susanne, thank you. I'll hand you over to  
2 Ms Innes in a moment, but just to explain a couple of  
3 things. The red folder has documents in it that relate  
4 to Clackmannanshire and the statement that we have from  
5 you and the assistance in your response that we have  
6 from you and you'll be shown that from time to time, but  
7 we'll also bring the document parts that we need to  
8 discuss up on screen, so you might find that helpful  
9 too.

10 If you have any questions or queries at any time,  
11 Susanne, do let me know. If you need a break, we can do  
12 breaks. I'll probably take a break around 3 o'clock  
13 anyway for five, ten minutes, so you can get a cup of  
14 tea and draw breath, but if at any time if you want  
15 a breather or otherwise, just say.

16 If you're ready I'll hand over to Ms Innes and  
17 she'll take it from there; is that all right?

18 A. That's all right, thank you.

19 LADY SMITH: Ms Innes.

20 MS INNES: Thank you, my Lady.

21 Questions from Ms Innes

22 MS INNES: Good afternoon, Susanne.

23 Can I ask you first of all your date of birth?

24 A. Yes, it's [REDACTED] 1968.

25 Q. You have provided the Inquiry with a copy of your CV and

1 I think you obtained a diploma in social work from  
2 Stirling University in 2001?

3 A. I did, yes.

4 Q. Thereafter, I think, from 2005 onwards, you've worked in  
5 social work?

6 A. Yes.

7 Q. Prior to doing your diploma in social work, did you work  
8 in another area completely?

9 A. I'm trying to remember. Yeah, I probably worked in  
10 administrative-type work.

11 Q. I see.

12 A. Before that.

13 Q. Okay. So you started working as a social worker with  
14 Falkirk Council?

15 A. No, I didn't. So I don't know if that's a bit of  
16 an error on my CV. I started work with Stirling Council  
17 immediately after graduating.

18 Q. Okay. In what area of social work were you working?

19 A. It was children and families.

20 Q. Okay. Did you go from Stirling to Falkirk?

21 A. Yes.

22 Q. Okay. And did you carry on working in children and  
23 families there?

24 A. I was in children and families in Falkirk Council as  
25 well.

1 Q. Then I think for a period of seven years, from 2007 to  
2 2014, you worked as a children's services manager with  
3 Barnardo's?  
4 A. That's correct.  
5 Q. And that was based in a school?  
6 A. Yes. That was for children who couldn't attend  
7 mainstream school that had specific needs, and that was  
8 based in Grangemouth in Falkirk.  
9 Q. I think I see from your qualifications that you also  
10 have a PGCE in primary education?  
11 A. I do, yes.  
12 Q. So at that point you were working in a sort of combined  
13 role of social work and education?  
14 A. I wasn't actually practising as a teacher in that work,  
15 but I certainly used the skills that I had gained there,  
16 yes.  
17 Q. Then in 2014 you went to work with Clackmannanshire  
18 Council, where you still are. Are you a team manager?  
19 A. Yes, a team leader, yes.  
20 Q. Did you go to Clackmannanshire as a team leader in 2014?  
21 A. No, I did not. I started as a social worker --  
22 Q. Okay.  
23 A. -- within the fostering adoption team in  
24 Clackmannanshire Council.  
25 Q. Okay. So you then were promoted in due course to being



1 a team leader?

2 A. Yes.

3 Q. Can you remember when that was?

4 A. So I took up the post of assistant team -- it was  
5 assistant team manager rather than leader at that point  
6 and that would have been in 2016. And then on to be  
7 promoted to the team leader in 2017.

8 Q. Okay.

9 In your CV as part of your description of what you  
10 do in your current role, one of the things that you  
11 mention is assisting in improving relationships between  
12 the council and a group of foster carers who had become  
13 disenchanted and disengaged with the service causing  
14 risk in practice. I wonder if you could just tell us  
15 a little bit about that?

16 A. Yes. I mean when I took up the post, I was aware that  
17 there was quite a bit of discontent amongst the foster  
18 carer group. A lot of that was to do with changes in  
19 management, changes in structure, the structure of the  
20 children's services department, and they felt that that  
21 was impacting on the consistency of the relationships  
22 that they felt they had with members of staff and that  
23 was both children's workers and workers within the  
24 Family Placement Team as well, so they felt that that  
25 was having an impact on their support when they were

1 looking after the children in their care.

2 Q. Okay. Were you aware broadly of what changes in  
3 structure there had been?

4 A. I was aware that there had been several, you know,  
5 changes in senior management and that that may have  
6 impacted on direction and, you know, perhaps going in  
7 one direction with one senior manager and then that  
8 would change and for a lot of the foster carers that  
9 sometimes meant changes in practice, changes in the way  
10 things were done, and it probably led to a bit of  
11 confusion at that time I would say.

12 Q. Okay. Right, if we can move on, please, to  
13 CLC-000000004, which is part of your response to the  
14 Section 21 notice served by the Inquiry. We see on  
15 page 1 that there were various people involved in the  
16 preparation of this notice and I think at that time the  
17 Chief Social Work Officer was Fiona Duncan?

18 A. (Witness nods)

19 Q. I think we understand that she's subsequently left.  
20 I think she moved to Highland Region; is that right?

21 A. Yes.

22 Q. Then there's a list of witnesses where it's suggested by  
23 the council that these witnesses are best placed to  
24 speak to all parts of the report and you're second from  
25 the bottom on that list.

1 A. (Witness nods)

2 Q. Can I ask -- that's looking back at 14 August 2020 when  
3 this I think was submitted -- what was your involvement  
4 in the preparation of the Section 21 response?

5 A. So I wasn't part of the steering group that met to  
6 decide how we would approach our submission. I was  
7 aware that the work was going on, I was very aware of  
8 that at the time, and I did put myself forward to be one  
9 of the file readers, because there were a large number  
10 of files that were required to be read. It was also  
11 suggested by my senior manager at that point that it  
12 would be very good for me to be part of that.

13 Q. I think if we scroll down page we see a section headed  
14 "Methodology", and this sets out the various data  
15 sources that were looked at. So it goes back to  
16 previous times, so I think we know that in terms of  
17 predecessors of Clackmannanshire Council in the period  
18 up to 1975 it was Clackmannan County Council?

19 A. Yes.

20 Q. Then, during the period of regionalisation, it formed  
21 part of Central Regional Council?

22 A. Yes.

23 Q. Then obviously Clackmannanshire came into being in 1996.  
24 There's reference there to issues about records that  
25 were held by Central Regional Council. If we just go

1 back, sorry, to the bottom of page 1, so it says there  
2 that closed records over the period of Central Regional  
3 Council were retained by Stirling Council?  
4 A. That's correct, yes.  
5 Q. And they weren't looked at for the purposes of the  
6 report?  
7 A. They did not, no, they did not look at those.  
8 Q. But you looked at paper records for open cases which had  
9 been retained at the time of disaggregation?  
10 A. Yes.  
11 Q. Those were ongoing cases where the files were not going  
12 into storage but were being passed over to  
13 Clackmannanshire?  
14 A. Yes, they would be active cases, yes.  
15 Q. Then, over the top of page 2, there was obviously the  
16 records from the period of Clackmannanshire Council?  
17 A. Yes.  
18 Q. There's some reference to the searches that were carried  
19 out. As far as you're aware, were all files looked at  
20 for children who were in foster care and for foster  
21 carers or were samples taken?  
22 A. No, to my knowledge it was all of them, yes, so there  
23 was 479 children's files looked at and 72 foster carer  
24 files looked at.  
25 Q. Okay. You talked about being a file reader, so perhaps

1       you can tell us a little bit about that process. Were  
2       you given a template to complete? Were there specific  
3       areas that you had to cover?

4   A.  So we created a team of file readers who were given  
5       a template to complete and we followed obviously the  
6       instructions on that template, and then once we had  
7       finished with a file, we would move on to the next one,  
8       and then all that information was collated by the person  
9       who was in charge.

10  Q.  Okay. Did that template just cover allegations of abuse  
11       or did it cover broader issues?

12  A.  No, it was specific to allegations.

13  Q.  Okay. So there would be certain questions about that  
14       that you would then have to complete?

15  A.  Yes. So you would look through the file and you would  
16       see if you could ascertain if there had been any  
17       complaints or allegations. It also -- the template also  
18       asked about checks, if checks had been carried out on  
19       the foster carers and the correct times that they should  
20       have been checked.

21  Q.  Okay.

22       If we can just look on, please, to page 3, there's  
23       various limitations noted in respect of certain matters  
24       that were asked about in the Section 21 notice. The  
25       bottom bullet point that you can see on the screen

1       there, it says:

2               "Although Stirling Council and Clackmannanshire  
3       Council had a shared service arrangement for social  
4       work, including foster care, between 2013 and 2015, each  
5       Council maintained their own records during this  
6       period."

7               At the time that you went to work with  
8       Clackmannanshire was that shared service in operation?

9   A.   When I started in 2014, there was a discussion about --  
10       or the shared service had already been agreed and there  
11       was discussion about when that actual physical move  
12       would take place, because the staff that were in the  
13       Family Placement Team in Clackmannanshire were to move  
14       into the building in Stirling with the Stirling team to  
15       form a joint team, which happened -- in my memory it  
16       happened early 2015 that we moved over and became -- and  
17       it was a strange situation, because although we were  
18       joint, we still retained our own identity if you like,  
19       so we still had a Clackmannanshire part of the team and  
20       a Stirling part of the team and each retained their  
21       foster group, so there wasn't any crossover of that if  
22       that makes sense.

23   Q.   So what was the purpose of -- what were you then  
24       sharing, other than an office?

25   A.   Other than the physical space, we were sharing

1           a management team.

2   Q.   I see.

3   A.   Was my understanding.

4   Q.   How long did that last?

5   A.   It didn't last very long, because we were -- by 2016 the

6           separation had taken place and we were back within the

7           building in Alloa.

8   Q.   Do you know why it came to an end?

9   A.   It was my understanding at that time that it was

10          political. That the councillors for each side decided

11          that they no longer wanted to be shared.

12   Q.   Okay. Did you feel that there were benefits in working

13          together or disadvantages or were you not doing it for

14          long enough to be able to form a judgement?

15   A.   I think it was difficult, yeah, to form a judgement

16          because of length of time, but there were certain

17          advantages in that it was a bigger team in Stirling.

18          They had staff who had been around a long time and had

19          a lot of knowledge that could be shared with our smaller

20          team and for us, you know, with staff that perhaps

21          hadn't been so kind of well-versed in that side of

22          things it was very helpful.

23   Q.   That came to an end, you think, in about 2016 --

24   A.   (Witness nods)

25   Q.   -- and I assume it's not been resurrected since?

1 A. It's not been, no.

2 Q. Okay.

3 I just want to look at some tables that the council  
4 provided in relation to numbers of children, just to  
5 help us get a sense of this. If we can look, please, at  
6 CLC-000000034, first of all, and perhaps if we can  
7 scroll to the bottom of the page. We see in 2005/2006  
8 there were 75 children in foster care in 34 placements  
9 and it says 27 were provided and 7 purchased, so that  
10 would be 27 internal placements with Clackmannanshire  
11 carers, would that be right?

12 A. Yes, that's correct.

13 Q. Then seven purchased from outside agencies?

14 A. Yes.

15 Q. Would that include children placed with other Local  
16 Authorities or would it be other organisations like  
17 Barnardo's or ...?

18 A. At that point in time, purchased would have meant  
19 external organisations.

20 Q. Okay, so not other --

21 A. Not other councils.

22 Q. Okay.

23 At that point there were 117 children accommodated,  
24 75 in foster care and 42 in other placements. So most  
25 of the children in care were in foster care?



1 A. Yes.

2 Q. Okay. If we scroll up to the top of the page, we can  
3 see that the numbers fluctuate a bit. If we look at  
4 2014 and 2015, we can see there there were 127 children  
5 in foster care and there it says 101 -- so that was the  
6 number of placements -- sorry, I've lost my line: 29  
7 provided and 72 purchased.

8 A. Yes.

9 Q. So obviously the number of children in foster care has  
10 increased. The number of carers doesn't -- or  
11 placements doesn't seem to have increased to the same  
12 extent --

13 A. Yes, that's correct.

14 Q. -- and therefore a lot of children are in purchased  
15 placements.

16 A. Yes, that's correct.

17 Q. Do you know if these purchased placements would have  
18 been outwith the Local Authority area as well?

19 A. I think at that time some of them would have been, just  
20 because of the accessibility of, you know, where the  
21 placements were that were being provided. So in some  
22 cases children may have been further away from Clacks  
23 than we would like today.

24 Q. Then if we look up to 2020, at the top of the page, 97  
25 in foster care in 56 placements, 20 provided and 42

1 purchased.

2 A. Yes.

3 Q. Again it looks like the number of placements available  
4 has fallen, and there's still quite a lot of reliance on  
5 purchased placements.

6 A. Yes. I mean that is probably the picture due to us  
7 being such a small Local Authority and not having a lot  
8 of our own in-house carers that we have to rely on  
9 external provision.

10 Q. Okay. Does that continue up to date? I mean a couple  
11 of years down the line from 2020.

12 A. Yes. I mean currently we have 86 children in foster  
13 care, that's the most recent numbers that I was able to  
14 ascertain, and 27 of those placements are internal and  
15 59 are external at the current time.

16 Q. Okay. The external placements, are they dealt with  
17 through something that we've heard about called Scotland  
18 Excel?

19 A. Yes, they are.

20 Q. So they would be commissioned through that arrangement?

21 A. Yes. Yes. So we only place children with external  
22 providers through Scotland Excel.

23 Q. Okay. Right, I'm not going to come back to that  
24 document but I'd like to move on now, please, to  
25 CLC-000000076. This is Part B of your statement in

1 relation to the Section 21 notice that was sent to you.

2 At 3.1(a) we see that you're asked:

3 "Does the Local Authority accept that between 1930

4 and 17 December 2014 any children cared for in foster

5 care were abused?"

6 And the Local Authority accepts that there were?

7 A. Yes.

8 Q. Then looking at 3.1(b), you're asked about the Local

9 Authority's assessment of the extent and scale of such

10 abuse. You say there that there were 18 allegations of

11 a physical nature and four allegations of a sexual

12 nature.

13 A. Yes.

14 Q. Are these the allegations that you noted from the file

15 review that you've talked about?

16 A. Yes.

17 Q. You say that you're already aware of the serious case

18 review regarding -- and it's a pseudonym -- 'Lucy' noted

19 below.

20 A. Yes.

21 Q. Is that in addition to these allegations, do you know?

22 A. No, that's included in the 18.

23 Q. Okay. Or perhaps included in the four, because I think

24 it was sexual abuse?

25 A. The four, yes.

1 Q. Then the Local Authority goes on to acknowledge that  
2 criminal charges resulted from some of the allegations,  
3 but you also acknowledge that the absence of  
4 a conviction following a charge doesn't mean that the  
5 abuse hasn't taken place.

6 A. Yes.

7 Q. Equally, you note that the retraction of an allegation  
8 doesn't mean that the abuse didn't take place?

9 A. Yes.

10 Q. In the file review did you come across cases where  
11 an allegation had been made and then retracted?

12 A. We did find that, where children had made allegations  
13 and subsequently retracted them.

14 Q. Did you make a note of those as you were going through  
15 your file review or did you ignore them because they'd  
16 been retracted?

17 A. I think we've gone on to say in our response that where  
18 we considered they were serious, we did include them.

19 Q. How did you define what was "serious"? Were you given  
20 some guidance about that?

21 A. I probably couldn't answer that.

22 Q. If we look down to the next question you're asked about  
23 the basis of this assessment and as you say that's from  
24 the file reading that you carried out.

25 A. (Witness nods)

1 Q. If we go on to the next page and towards the bottom of  
2 the page at question 3.2(a) you're asked the question if  
3 the Local Authority accepts that its systems failed to  
4 protect children from abuse?

5 A. Yes.

6 Q. Your answer to that is that you do accept that the  
7 systems to protect children in foster care were not  
8 always as robust as they could have been. This may have  
9 meant that a small number of children were exposed to  
10 risk in care.

11 A. (Witness nods)

12 Q. Again you're asked about your basis for that answer and  
13 is that from the file review again?

14 A. Yes, that would have been.

15 Q. Okay. Can I just go on to page 3, please, the top of  
16 the page. This is where it's asking for your assessment  
17 of systemic failures or failures in systems. It says in  
18 the second paragraph that we see on the screen that the  
19 council:

20 "... assesses that key policies to support the  
21 functions of the fostering system, for example  
22 recruitment, supervision of foster carers and staff,  
23 reviewing and training of foster carers were not fully  
24 fit for purpose during the period ..."

25 A. Yes.

1 Q. Are you able -- we'll come on to look at a significant  
2 case review and a learning review, but are you able to  
3 shed any light on what the failings were in even  
4 a general sense at this point?

5 A. I think -- I mean that's prior to my time in Clacks by  
6 about a month, I think I started in November 2014, but  
7 I was aware on joining the department that there was  
8 a lack of policy and a lack of procedure for workers to  
9 follow, so I was aware of that, I think, at that time,  
10 that particularly in the fostering system there seemed  
11 to be a gap in terms of accessible policy for the key  
12 workers in the service.

13 Q. And is that something that you had experienced before?  
14 You'd worked at other Local Authorities, were you used  
15 to seeing written policies in respect of things like  
16 recruitment, assessment, supervision?

17 A. It would be difficult for me to comment on that, because  
18 it was children and families that I worked in previously  
19 rather than specifically fostering. Yeah, it would be  
20 difficult to answer that.

21 Q. Okay, but you were noting that there was a lack of  
22 policy, so there weren't documents there for you to  
23 readily refer to?

24 A. No. It's quite a -- it's not a complex computer system,  
25 it's just quite a difficult system to find policy

1 documents in. If you're looking for them, it's not  
2 patently obvious where things would be stored.

3 Q. Has that changed since 2014?

4 A. We don't have a new computer system, yet. That's being  
5 looked at and there's a possibility in the years to  
6 come. However, there has been more policy, process and  
7 procedure added in the time that I've been there.

8 Q. Okay. Then you say in the next paragraph:

9 "The key area of systemic failure during this time  
10 was the policy whereby complaints were dealt with at the  
11 lowest level. This resulted in a number of allegations  
12 not progressing appropriately to child protection  
13 process. It is not possible to determine the extent of  
14 this from the quality of recording."

15 There are a few things within that.

16 First of all, can you explain to us what's meant by,  
17 "... the policy of complaints being dealt with at the  
18 lowest level"?

19 A. Yes.

20 So in terms of the way that complaints seemed to be  
21 dealt with, they were often not recognised at a child  
22 protection threshold and they were treated as complaints  
23 maybe against a foster carer's practice per se and  
24 addressed directly with the foster carer, when they  
25 should have been progressed through child protection

1 procedures.

2 Q. Then it notes that -- there in the answer and then in  
3 relation to the issue about it's not possible to  
4 determine the extent of this from the quality of  
5 recording, do you know what's being referred to there?

6 A. We noted from the completed templates that a lot of time  
7 the recording was so poor that it was actually -- it was  
8 difficult to determine what had gone on, what had been  
9 said, who had spoken to who, and quite often there were  
10 names missing from the recordings and key information  
11 that would allow you to really determine what had  
12 happened.

13 Q. That could obviously be a significant concern if you  
14 needed to look back to see what had happened in the  
15 past?

16 A. Yes.

17 Q. Okay. At paragraph 3.2, the Local Authority's  
18 addressing what's the basis of that assessment and it  
19 notes:

20 "The views of current managers for this response are  
21 based on their insights into previous practice from  
22 today's perspective and the current programme of ongoing  
23 development of the fostering service."

24 So when the -- you were looking at the files and  
25 seeing these issues, is that saying you're looking at it



1       from today's perspective and it would have been  
2       different? Or am I misunderstanding that?

3   A. I think from the conversations about what we gathered  
4       from a lot of the templates, when we spoke about that as  
5       a management group we talked about how that -- how we  
6       would have viewed that today and certainly in terms of  
7       the child protection thresholds specifically we noted  
8       that certainly we would have escalated them through that  
9       process today on reading, you know, the information that  
10      was provided from that period.

11   Q. Then it also notes that previous care inspection reports  
12      have also informed the assessment, so is that something  
13      that the Local Authority also looked at when they were  
14      preparing the response?

15   A. I'm not -- I'm not sure, no.

16   Q. If we look at the bottom of the page at 3.2 (d), it says  
17      there:

18            "What is the Local Authority's explanation for such  
19      failures?"

20            The explanation given is:

21            "There has been a long history in [the council] of  
22      a turnover of staffing and leadership."

23            I think you alluded to that in relation to senior  
24      management, certainly.

25   A. (Witness nods)

1           Yes.

2   Q.   Do you know if that was also impacting on more junior  
3       staff, that there was turnover of those staff?

4   A.   Yes, there was a turnover identified of sort of team  
5       leader level, at my level, that had been changing as  
6       well as the senior management changing.

7   Q.   Then it notes:

8           "This can have a direct impact on the stability and  
9       quality of service delivered. There have been gaps in  
10      policy, planning and strategic roles as a result of both  
11      the structure and unfilled vacancies to support the  
12      consistent, coherent development of policies and  
13      procedures to set practice standards."

14          You mentioned a moment ago in your evidence about  
15      the lack of policies and procedures or certainly ones  
16      that were accessible.

17   A.   Yes.

18   Q.   Were you aware if there was any system for reviewing  
19      policies or updating them?

20   A.   No, and I think, you know, what we've said there is  
21      where -- we were sort of keenly aware that quality  
22      assurance would be an issue if policies were not being  
23      reviewed and not being embedded into practice.

24   Q.   Then it says:

25          "This is interconnected with a lack of

1 self-evaluation, audit [which is what you've just  
2 mentioned] and limited internal scrutiny."  
3 So again some kind of QA or compliance checking.  
4 A. (Witness nods)  
5 Q. Then it says:  
6 "... means poor practice has not always been  
7 challenged."  
8 Would it be the role of a team leader to check  
9 compliance or does each manager in turn have a role to  
10 ensure that regulations are being complied with?  
11 A. So that would be part of a team leader's practice would  
12 be to make sure that people are following process and  
13 procedure, but also quality assurance of their work.  
14 And what's being referred to there is if the team leader  
15 was to continually change and the next team leader might  
16 not be aware there's an issue with that member of  
17 staff's practice, then that may not have been picked up  
18 on the way it should.  
19 Q. Then it goes on to talk about lack of accountability for  
20 the services delivered and it says:  
21 "For example, there has been no annual business  
22 reporting of the fostering service to committees ..."  
23 Is that the Local Authority committees?  
24 A. Yes.  
25 Q. Has that changed?

1 A. That's something that we're working on at the present  
2 time, so we are working on an annual business report  
3 that will go to the children and young people committee  
4 within the council.

5 Q. It's noted that that would be a form of transparency,  
6 accountability, scrutiny and governance to ensure a high  
7 quality fostering service. Then it says:  
8 "However, there is now an expectation that this is  
9 reported via the people's committee ..."

10 A. Yes.

11 Q. "... where inspection reports and business plans are to  
12 be tabled for discussion and scrutiny."

13 That's a different name to the children and young  
14 person's committee that you just mentioned?

15 A. Yes.

16 Q. Are you able to explain the difference?

17 A. The difference in the language I think is probably even  
18 since this submission the language has changed, because  
19 of the way that Clackmannanshire Council has structured  
20 its services. We are in a period of redesign as well,  
21 which is hopefully going to be concluded in the short  
22 future, but that has changed some of the language around  
23 what we're calling things.

24 Q. Okay.

25 The next question is whether the Local Authority

1 accepts that there were any failures or deficiencies in  
2 its response to abuse and allegations of abuse in the  
3 relevant period and the answer to that is:  
4 "Yes."  
5 Then there's a question about the Local Authority's  
6 assessment of the extent of any such failures and the  
7 first paragraph talks about:  
8 "... examples through the file reading of failures  
9 in response thresholds where child protection procedures  
10 have not been invoked ..."  
11 I think that's what you were talking about in your  
12 evidence earlier?  
13 A. Yes.  
14 Q. The response to the allegation was not appropriate?  
15 A. Yes. It would seem that when allegations were raised at  
16 times they would be -- that allegation would be put  
17 directly to a foster care and they would be asked  
18 directly about the matter and that would not be  
19 following child protection guidelines.  
20 Q. Yes, that's mentioned in the next paragraph and it says  
21 that the allegation would be put to the carer directly  
22 and then the worker would be satisfied with their denial  
23 of wrongdoing.  
24 A. Yes.  
25 Q. And it would stop there. It then goes on to say:

1            "These situations appear to have been in the  
2            minority, albeit they are noteworthy. Once allegations  
3            have been properly identified as child protection, they  
4            have been appropriately responded to under child  
5            protection procedures."

6            If they did get to the stage of identifying that  
7            there was a child protection concern, the Local  
8            Authority would have followed that through --

9            A. Yes.

10          Q. -- but the problem was they weren't identifying things  
11          as child protection --

12          A. They were not always identified correctly.

13          Q. How have you gone about remedying that issue?

14          A. We are in the process of providing training around  
15          safeguarding and in particular safeguarding within  
16          foster care is a theme that we want to develop and we  
17          want to make sure that all our staff are aware of and  
18          can respond to in the appropriate way.

19          Q. If we go on over the page, it looks again at any  
20          explanation for these failures. It talks about social  
21          workers and team leaders having a duty to ensure  
22          safeguarding and fostering but it says some foster  
23          carers were difficult to challenge?

24          A. (Witness nods)

25          Q. Can you explain that?

1 A. Yes. I think where foster carers appear to be held up  
2 in quite high regard it would appear that perhaps  
3 workers found it quite difficult to challenge in those  
4 circumstances. So where the department may have  
5 developed a good working relationship, then it looked as  
6 if workers really needed kind of support perhaps of  
7 a team leader or, you know, another person to be able to  
8 challenge where things were not as they should be.

9 Q. Okay. So is that your suggestion about how that would  
10 be addressed, that really bringing somebody else in to  
11 that situation to speak to the carer or are you meaning  
12 that the social worker would speak to their team leader  
13 about how should I raise this with the carer?

14 A. Yes, I mean I think it comes from good supervision and  
15 having good supervision with your team leader where you  
16 can explore -- you can explore what's gone out. It's  
17 a very complex relationship, because it's a three-way  
18 relationship between a foster carer, a worker and then  
19 the team leader, and it adds a layer of complexity into  
20 it, because in a lot of instances workers within family  
21 placement are really effectively supervising foster  
22 carers and it's having that, I would say, respectful  
23 uncertainty towards foster carers where you -- you know,  
24 you always have in your mind that there could be  
25 something that's not okay and that you need to be able

1 to respectfully challenge that.

2 But the whole structure depends on that good  
3 supervision and support for the worker as well.

4 Q. Okay. Then in the next paragraph it says:

5 "Staff were expected to comply with the policy of  
6 dealing with complaints at the lowest level."

7 That goes back to this policy where things were  
8 dealt with just by the social worker themselves.

9 A. Yes. And there does seem to have been a bit of  
10 confusion, I think, around the word "complaints", and  
11 I think we might look at that a bit differently today in  
12 the context of allegations. It's a bit different to  
13 a complaint per se that comes in to the council, which  
14 could be about the bins, it could be about -- you know,  
15 it could be about anything. And I think that there was  
16 some confusion about the response that people were  
17 giving in terms of complaints.

18 Q. Because you say there that it may have been further  
19 compounded because two complaints systems ran  
20 concurrently. There was a service-specific policy and  
21 then there was corporate complaints policy, which would  
22 be about anything?

23 A. Yes, about anything, yeah.

24 Q. I suppose there might also be -- you might have  
25 a complaint about your social worker, for example, or



1       you might be making a complaint or an allegation,  
2       rather, that a carer has abused a child.

3   A.   Yes.

4   Q.   And the question: do you deal with these things in the  
5       same way? Do you adopt the same process or are there  
6       different processes?

7   A.   I mean they're different processes, but I think that's  
8       why we have to be very clear around safeguarding and  
9       policies and what to follow in the case where there has  
10      been a complaint of that nature.

11   Q.   Okay. Then at paragraph 3.4, in the next part of the  
12      page, it asks: has the Local Authority implemented  
13      changes to its policies, practices and procedures as  
14      a result of any acknowledgement?

15         If we look in the first paragraph we see that the  
16      council has adapted policy in line with legislative  
17      requirements and the emerging research base, and you  
18      said in your evidence earlier that that was an ongoing  
19      task.

20   A.   Yes.

21   Q.   Then in the next paragraph it says that the council also  
22      acknowledged the impact that the lack of workforce  
23      stability has had, so there was a focus on recruiting  
24      skilled managers and workers into the fostering service  
25      team.

1 A. Yes.

2 Q. I suppose you're one of the people that's been referred  
3 to here?

4 A. (Witness nods)

5 Q. You were recruited into the team in November 2014, as  
6 you say --

7 A. Yes.

8 Q. -- and you've been there since.

9 A. (Witness nods)

10 Q. So is there greater stability?

11 A. I think it's a work in progress. So I think we have yet  
12 to kind of get the stability I think we would like to  
13 have. We're certainly -- we're certainly working  
14 towards it. And Covid certainly didn't help in terms of  
15 getting that stability, but we're certainly working our  
16 way towards that.

17 Q. Then it talks about reviewing, designing and embedding  
18 clear policies and procedures. And then those being  
19 aligned to training programmes?

20 A. Yes.

21 Q. I think you've alluded to that in your evidence as well,  
22 so that would be perhaps training for social workers and  
23 also training for carers?

24 A. Yes.

25 Q. Okay.

1           If we can move back, please, to CLC-000000004,  
2           page 72, this is where you give more detail of what you  
3           found in your review. At 5.1(a) you note that abuse and  
4           alleged abuse that you noted was physical, sexual,  
5           psychological and emotional, so all those types of abuse  
6           were noted in your review.

7   A.   (Witness nods)

8   Q.   Then in the next paragraph you refer again to the 18  
9           allegations of physical abuse and four allegations of  
10          sexual abuse.

11   A.   Yes.

12   Q.   And you refer to the significant case review. I wonder  
13          if we can -- I'm going to look at that, but just to put  
14          that in context I wonder if we can look, please, at  
15          CLC-000000071. This is obviously before you came to the  
16          Local Authority.

17   A.   Yes.

18   Q.   But we see here that this is a report I think of the  
19          Child Protection Committee and it's talking about  
20          possibility of a significant case review and it's dated  
21          12 June 2013. The case overview tells us a little bit  
22          about the case involved and we know that this concerned  
23          the conviction of a David Leggatt, who was, as we  
24          understand it, a foster carer through another  
25          organisation, the National Fostering Agency?

1 A. Yes.

2 Q. We've heard evidence about that this morning.

3 If we scroll down to the bottom of this page,  
4 there's this reference to WithScotland, and then it says  
5 that the writer of this report was asked to be the link  
6 person with WithScotland in order to progress the  
7 significant case review. What is WithScotland? Is it  
8 an organisation or what is it? Do you know?

9 A. I don't know that, I'm afraid.

10 Q. They seem to have provided a proposal regarding the  
11 significant case review and there's a couple of options.

12 One is:

13 "SCR undertaken with lead reviewer supported by  
14 a critical friend."

15 Then over the page it says the costs are difficult  
16 to estimate until the lead reviewer is identified.

17 Then the next option:

18 "SCR undertaken through a Learning Together model."

19 There's reference to two lead reviewers working in  
20 partnership. It mentions, if we scroll down a little,  
21 that the cost of this would be estimated at £15,000, so  
22 when a -- I don't know if you can help us with this.  
23 When a significant case review is carried out and you  
24 need to bring in independent people to do it, I assume  
25 that there is a cost associated with that that the Local

1 Authority then have to agree to meet?

2 A. Yes.

3 Q. Do you know are there now specific criteria in place  
4 that give Local Authorities guidance as to when  
5 a significant case review or learning review should be  
6 carried out?

7 A. It's my understanding that a significant case review  
8 would be where there has been established harm and  
9 an independent learning review the organisation may ask  
10 for that, you know, that's for their own learning  
11 purposes.

12 Q. Okay. If we can go to the significant case review at  
13 CLC-000000066, we can see -- this I think is  
14 an executive summary. If we scroll down we can see that  
15 it was by an Evelyn Grant, independent lead reviewer,  
16 April 2014.

17 Before we go and look at the document itself, when  
18 you joined the Local Authority in November 2014, were  
19 you aware that a significant case review had been  
20 carried out?

21 A. No, I wasn't.

22 Q. Can you remember when you became aware?

23 A. I think I became aware when I was the assistant team  
24 leader, so that would possibly have been 2016.

25 Q. Okay. Were you surprised that you hadn't been aware of

1       it up until then?

2   A.   In some ways, yes, I was surprised that I hadn't learnt  
3       that something that significant had happened.

4   Q.   If we move on, please, to page 2, we can see that the  
5       significant case review was commissioned in respect of  
6       the case of the child referred to as 'Lucy'.

7       In the second bullet point it says at the end of  
8       that paragraph:

9       "It is clear that the abuse escalated in severity  
10      over a period of months. There were several missed  
11      opportunities where services failed to meet the needs of  
12      this child."

13      And I think that's a summary of the findings.

14      Then the next bullet point talks about  
15      a multi-agency review group involving different  
16      agencies, so NHS, social work, education, police.

17   A.   Yes.

18   Q.   Is that what you would normally expect in a review of  
19       this nature?

20   A.   Yes.

21   Q.   Agencies to work together? Okay.

22      Then the methodology, we see under the heading. It  
23      says that information was drawn from a range of sources:  
24      desktop review of relevant documentation, an interview  
25      with the child, telephone interview with her mother,

1 a limited number of interviews with staff, and  
2 chronologies from relevant agencies. That seems to be  
3 the work that was carried out in preparing the review.

4 If we can go on, please, to page 4 and the first  
5 bullet point. It says there:

6 "From the interviews with the professionals  
7 involved, it was clear that the foster carer was skilful  
8 in his engagement with them; in a way which could almost  
9 be seen as active grooming of professionals. He was  
10 concerned and engaged, apparently seeking the best for  
11 'Lucy', whom he portrayed as a young person with  
12 difficulties, including lying, stealing and poor  
13 personal hygiene. He exerted a powerful control over  
14 her."

15 We'll come back in a moment to the issues about her  
16 behaviour and hygiene, but thinking about his engagement  
17 with professionals, it talks there about them being  
18 actively groomed. How do you guard against that? How  
19 do you stop that happening?

20 A. I think if I could go back to when I talked about that  
21 respectful uncertainty, it's being curious enough to try  
22 and get underneath what the carer might be telling you,  
23 and that again in tandem with good supervision is about  
24 the worker receiving a version of events from a foster  
25 carer but being curious enough to try and get underneath

1       those in a sense and always making sure that the voice  
2       of the child is heard.

3           I think it was very clear from this serious case  
4       review that 'Lucy's' voice was not heard, and in fact  
5       there were very limited opportunities that anyone spoke  
6       to her on her own, which would have given -- which you  
7       would hope would have given her an opportunity to speak  
8       out if things had been happening to her.

9   Q.   Then if we scroll down a little it talks about the  
10       assessment and support of the carers and they were  
11       obviously, as I've said, recruited by an independent  
12       fostering agency and it's noted that they commissioned  
13       an external review and that was passed to the  
14       significant case review.

15       Then I think there's a summary of some bullet points  
16       in relation to the assessment that came out from that  
17       organisation's review.

18       Then the final bullet point on the page says:

19       "From information revealed after he was arrested, it  
20       was clear that he was the prime mover in terms of the  
21       couple becoming foster carers. A more robust assessment  
22       regarding their motivation to become foster carers may  
23       have resulted in a different outcome to their  
24       application."

25   A.   Yes.



1 Q. I guess that goes back to what you've just been talking  
2 about, a respectful curiosity to interrogate information  
3 more?

4 A. Yes. I think as well we know that if there are two  
5 people involved in an application, you want to be sure  
6 that you have taken the opportunity to speak to them  
7 separately as well as together, and that being part of  
8 a robust assessment process is each corroborating what  
9 the other one is saying in terms of chronologies, but  
10 also being sure as a worker that one is not driving it  
11 more than the other and the danger of always  
12 interviewing them together is that person could just  
13 take the lead in those interviews with the other one  
14 being a quieter person, for instance. So it's really  
15 important in an assessment that you do those independent  
16 and separate interviews.

17 Q. Then if we move on to the top of the next page and the  
18 first bullet point there in the middle of that  
19 paragraph, it says:

20 "There is no evidence that either 'Lucy' or her  
21 sister were seen on their own. Despite a robust level  
22 of visiting -- [I think that's for the foster carers]  
23 the extent to which they were leading effectively  
24 separate lives wasn't discovered."

25 A. Yes.

1 Q. Then it goes on to talk about some health issues and  
2 I think there was an issue about a potential ADHD  
3 diagnosis, which I think was driven by the male carer.  
4 A. (Witness nods)  
5 Q. If we move on to page 6, please, and the bullet point  
6 that's second from the bottom of the page, which begins:  
7 "Crucially, given that 'Lucy' was a looked-after and  
8 accommodated child, no background information was sought  
9 from her social worker."  
10 So this was at the time of a reference for  
11 a potential diagnosis, and it says:  
12 "Nor were alternative causes of her reported  
13 behaviour considered -- for example, trauma or  
14 attachment issues."  
15 A. Yes.  
16 Q. So here there were reports, as we've seen, of poor  
17 personal hygiene, of her behaviour raising issues, and  
18 there might be a temptation, I suppose, to relate that  
19 to her pre-care experience?  
20 A. (Witness nods)  
21 Q. Whereas it could be indicative of abuse suffering in the  
22 foster home?  
23 A. (Witness nods)  
24 Q. Again, how do you make sure that you identify the root  
25 cause of the behaviour?

1 A. I think it is very complex to try and identify the root  
2 cause, but you would be looking for some kind of  
3 triangulation of evidence, so you would be looking for  
4 information from health professionals, you might be  
5 looking for previous assessments that were done in  
6 respect of a child, and you'd certainly be looking for  
7 the most up-to-date picture from her social worker who  
8 was involved with her at the time, because that  
9 crucially was missing in this case was that no one  
10 seemed to have that picture of this young girl other  
11 than what the foster carer was reporting.

12 Q. If we go over the page to page 7 and under 4.6, this  
13 talks about seeing and hearing her, and it says there:  
14 "She did not receive the minimum level of contact  
15 with social work for a significant proportion of her  
16 time as a looked-after child."

17 The second bullet point indicates that the child was  
18 saying she didn't see enough of her social worker.

19 A. (Witness nods)

20 Q. If a child said that on a form, should an action be  
21 taken to address that?

22 A. Yes, and that's something certainly that we have  
23 strengthened in terms of our LAAC system and our  
24 reviewing system, making sure that reviews happen when  
25 they should, making sure that the child's voice is heard

1       and making sure that if a child indicates something on  
2       a form that action is taken and that the reviewing  
3       officer is robustly looking at that.

4   Q.   The next bullet point says:

5       "Such a level of contact clearly provided no basis  
6       for the child to develop a relationship of any substance  
7       with her social worker. It represents an unacceptable  
8       failure in basic service provision."

9   A.   Yes.

10  Q.   Would you agree with that?

11  A.   Yes, I would agree with that.

12  Q.   Then it talks in the final bullet point on this page  
13       about another missed opportunity, in that information  
14       wasn't acted on or discussed and there were issues  
15       raised by the independent fostering agency showing  
16       telephone contact with the carer about difficulties with  
17       'Lucy', including concerns about her hygiene and  
18       self-care, and then it also notes that she'd allegedly  
19       reported incidents of him entering the bathroom when she  
20       was showering to ensure that she maintained appropriate  
21       levels of hygiene.

22       If we go on to the top of the next page, we see it  
23       says:

24       "The fostering agency dealt with this incident as  
25       one of 'safe caring'. It wasn't followed up with 'Lucy'

1       and no contact was made with secondary school or health  
2       colleagues ..."

3           I think we've heard evidence from the National  
4       Fostering Agency that conflicts with that to some  
5       extent. They say that they passed the allegations to  
6       Clackmannanshire Council and Clackmannanshire Council  
7       said, "We're not taking any further action, you've dealt  
8       with it appropriately".

9       A. (Witness nods)

10      Q. Assuming -- given that you weren't there at the time --  
11       that you don't have the detailed knowledge to be able to  
12       respond to that?

13      A. No. I think one of the things that I would say that we  
14       would do differently now would be that the visits --  
15       there would be scheduled visits that included the agency  
16       supervising social worker and the child's worker. So  
17       again that they are going out to visit together, that  
18       there's that corroboration, but there's also that bit  
19       about dealing with issues that arise together so there's  
20       not separate versions emerging, particularly when we're  
21       talking about an external agency because of that third  
22       party relationship, we would ensure that there were  
23       joint visits and you try and join some of this up.

24           And certainly in terms of the issues of hygiene, you  
25       know, were they being raised by other agencies such as

1       the school? Because you would imagine that had a child  
2       had poor hygiene, the first place it would show up would  
3       be school and that you would have some notification of  
4       that.

5   Q.   Okay. She notes in bold:

6               "The opportunity to triangulate the concerns was  
7       missed, allowing [essentially his] statements to go  
8       unchallenged. She was not seen, her account of these  
9       incidents wasn't heard and opportunities were missed."

10              Then I think again it goes on to talk about her  
11       ability to speak at reviews and she says that she wasn't  
12       given an opportunity because she knew her carers would  
13       be there or they would see her forms, and again in bold  
14       it says:

15              "She wasn't seen or heard. Collectively and  
16       individually professionals involved with her listened to  
17       the foster carer and gave credence to his account of her  
18       behaviour without stopping to check out the reality --  
19       either with the child or others who saw and knew her.  
20       Alongside this there is little evidence that her needs  
21       have ever been fully assessed to enable the provision of  
22       appropriate services."

23              I think from what you've been saying, there should  
24       have been more -- a multi-agency discussion --

25   A.   (Witness nods)

1 Q. -- involving health services, social work, education  
2 services?

3 A. Yes.

4 Q. And obviously the child should have been spoken to?

5 A. Yes, I think those things together with time spent with  
6 the young person on her own where she was able to build  
7 the relationship with her social worker and build that  
8 trusting relationship that perhaps would have enabled  
9 her to be able to talk about what was going on alongside  
10 everything else.

11 MS INNES: Okay.

12 It's 3 o'clock now.

13 LADY SMITH: Would that be a good place to break, Ms Innes?

14 MS INNES: Yes, my Lady.

15 LADY SMITH: We'll stop there for a short break now, if that  
16 would work for you Susanne?

17 A. Yes.

18 LADY SMITH: And then carry on with your evidence after  
19 that.

20 Thank you.

21 (3.01 pm)

22 (A short break)

23 (3.15 pm)

24 LADY SMITH: Susanne, are you ready for us to carry on?

25 A. I am, yes.

1 LADY SMITH: Thank you.

2 When you're ready, Ms Innes.

3 MS INNES: Thank you, my Lady.

4 If we can look back at CLC-000000066, which is the

5 significant case review report that we were looking at.

6 On page 8 at the bottom of the page there's a section

7 there headed:

8 "Organisational context."

9 At 5.1 it talks about, "Resources, culture and

10 capacity", and essentially in that first bullet point it

11 talks about a period of six months where there was no

12 team manager in post for day-to-day responsibility.

13 A. (Witness nods)

14 Q. I think that would then have a knock-on effect on things

15 like supervision that you've mentioned in your evidence.

16 A. Yes. It definitely would, yes.

17 Q. If we move on to the next page at the top of page 9, it

18 says there:

19 "The management culture appears not to have been

20 supportive."

21 And concerns were being raised by team managers

22 about the size of the job and wasn't being given

23 support. Do you know if that's something that's been

24 addressed in the Local Authority, the culture?

25 A. Yes, I would say that that has changed since that time



1 with a supportive management culture being in place now.

2 I think in terms of the concerns about size of job  
3 and things, that's something that has been considered  
4 within the redesign that I referred to earlier, ensuring  
5 that we've got the right resources in the right places.

6 Q. Okay.

7 LADY SMITH: Susanne, I'm just thinking -- going back for  
8 a moment to that first bullet point under 5.1 -- a lack  
9 of a team manager in post for six months and that meant  
10 nobody with day-to-day responsibility to manage the team  
11 at all. This is the team that would have had this child  
12 as one of their responsibilities; is that right?

13 A. Yes, I would imagine that would have been the children's  
14 team.

15 LADY SMITH: Could you identify from anything you've looked  
16 at whether the NFA were aware of that?

17 A. I would imagine that they would have been, because there  
18 would have been no liaison between the team manager, if  
19 there was one, and potentially the manager in the  
20 agency.

21 LADY SMITH: In a situation where you have an organisation  
22 like the NFA that is providing a Local Authority with  
23 placements and then the Local Authority with its own  
24 social work responsibilities, is that the sort of thing  
25 that needs to be openly and frankly discussed between

1           them because of the potential impact on the child?

2   A.   Yes, I would say so.

3   LADY SMITH:   Thank you.

4   MS INNES:   How is that now managed?   Are there regular

5           meetings with organisations from which you purchase

6           placements?

7   A.   So in terms of the liaison between the supervising

8           social worker and the child's worker, if we have

9           an internal in-house carer, then obviously that's two

10          workers from Clackmannanshire that are involved.   When

11          we purchase a placement, there should still be that

12          joint visit that is undertaken between the supervising

13          social worker from the agency, which would have been

14          NFA, and the child's worker.   So there should be that

15          regular liaison.

16   Q.   What about perhaps at a higher level of management, if

17          there are issues like staffing, for example, which

18          wouldn't perhaps be appropriate for the person on the

19          ground to be --

20   A.   Yes.

21   Q.   -- raising, is there liaison at a managerial level with

22          these organisations?

23   A.   So we have meetings that are involved -- we call them

24          contract meetings, but they're actually meetings

25          between -- that would be myself as a team leader and it

1       would be a manager within the agency, so we have a cycle  
2       of meetings where we would discuss perhaps what's going  
3       on in both agencies or either agency and whether that's  
4       having an impact.

5   Q.   If we can move on to page 10 and there's a heading in  
6       the middle of the page, "Looked after and accommodated  
7       child reviews -- checks and balances". If we look to  
8       the second-last bullet point on the page:

9       "The reviewing officer ..."

10       It begins. Scroll down a little:

11       "The reviewing officer who chaired all 'Lucy's'  
12       reviews during her placement had concerns about a number  
13       of issues, particularly the 'drift' in terms of  
14       permanency planning and also medical consent. The  
15       organisational context did not lend itself to  
16       progressing issues identified in reviews."

17       It says:

18       "... reviews were consequently ineffective in terms  
19       of providing checks and balances in respect of a child's  
20       situation."

21       Again, is it important that there is that check and  
22       balance in place from the review?

23   A.   Yes. I think I referred earlier to strengthening our  
24       LAAC review process and that's not only in terms of  
25       making sure that LAAC reviews happen in the timescales

1       that they are meant to, it was also to address the  
2       strengthening of the reviewing officer in terms of their  
3       powers as such, you know, to make sure that drift wasn't  
4       occurring and just to strengthen their position as the  
5       reviewing officer. So that has been dealt with in  
6       strengthening the whole system. We've given more  
7       pertinence to that role so that the reviewing officer  
8       can have a stronger sort of impact if you like on making  
9       sure that children's plans are progressed.

10    Q. Then if we move on to page 11, there are conclusions  
11       there and it notes:

12                "Whilst nothing can be allowed to detract from the  
13       carer's absolute culpability in respect of his abuse, it  
14       is clear that the protective infrastructure around the  
15       child was fragile. In some circumstances it may well  
16       have operated in such a way as to allow him to continue  
17       and escalate his behaviour towards her."

18                Then it refers to three points:

19                The nature of the abuser being a skilled abuser who  
20       effectively groomed a number of professionals.

21                A vulnerable child.

22                And then gaps and failures within the services,  
23       which should have kept her safe or minimised the  
24       likelihood of risk.

25                Then it goes on to talk about some of the themes

1       that we've talked about already: not visiting, listening  
2       to the foster carer over the child, and I think if we  
3       scroll down a little, gaps in the assessment of them as  
4       foster carers is one of the things that's highlighted  
5       there as well.

6             In the final bullet point it says:

7             "Whether better services to 'Lucy' would have  
8       prevented the abuse from taking place or escalating to  
9       the extent it did is unknown. It is clear, however,  
10      that opportunities to know or question what was  
11      happening in the placement were missed or ignored and  
12      'Lucy' was given no opportunity to seek or receive the  
13      protection which was her right and which it is the  
14      corporate parenting duty to provide."

15            In terms of the corporate parent, is it your  
16      understanding that that's just Clackmannanshire or does  
17      the National Fostering Agency also have a role in that?

18    A. It would be my opinion that the agency are contracted to  
19      be part of a service that's around the child and they  
20      would also share the corporate parenting responsibility.

21    Q. I want to ask you to look at another document, please.  
22      This is CLC-000000072, which is a report to the public  
23      protection forum dated 9 March 2015.

24            The purpose of this meeting, if we look down the  
25      page a little, is to discuss -- it says:

1           "The senior officers group has discussed at some  
2           length whether or not it is appropriate to publish or  
3           make public the outcomes of this SCR."

4           It notes the recommendations of the report and the  
5           importance of learning lessons, for example.

6           If we look down to the bottom of the page, under  
7           "Considerations", under 3.1 it says there was  
8           a discussion about how to take forward learning:

9           "The issue of publication was also discussed and it  
10          was noted that the subject was very young and in  
11          discussion was understandably emotional about events,  
12          and that it was likely, even with a redacted version,  
13          given the size of the council area that the subject  
14          would be identifiable."

15          And there seemed to be concerns about publication.

16   A.   (Witness nods)

17   Q.   Then at the bottom of the page it was agreed there would  
18          be advice taken about that.

19          If we go over the page to 3.4, it says advice was  
20          sought from the Children's Commissioner, the Care  
21          Inspectorate and WithScotland again.

22          At 3.5 it says:

23          "Some research for precedent was undertaken by  
24          WithScotland and the Care Inspectorate. The outcome of  
25          the advice was that there was no known case of an SCR

1       undertaken for a child this young (only on some cases  
2       where the subject had not survived the incident), so  
3       there was no precedent for publishing in these  
4       circumstances."

5             Then at paragraph 3.6 it says:

6             "The senior officers group rationale and view was  
7       proposed and all three agreed that in these  
8       circumstances it would be appropriate to defer the  
9       decision about publication until the subject became  
10      an adult and had reached a level of maturity that would  
11      allow her to make and manage this decision with a good  
12      grasp of consequences for her and her family."

13            You mentioned earlier in your evidence that you  
14      didn't know about the significant case review when you  
15      joined the Local Authority, and was it your  
16      understanding that the lack of knowledge was connected  
17      to the decision to defer publication?

18   A.   No, I wasn't. I wasn't aware why the knowledge wasn't  
19      shared.

20   Q.   Okay. Do you have any reflections on how you can learn  
21      from something if you defer publication or don't tell  
22      people about it?

23   A.   I think the issue of, you know, publication is probably  
24      separate to the learning for the organisation. So  
25      I understand the rationale perhaps for not publishing.

1           However, I would think that unless you're going to  
2           learn from something, you would need to share the  
3           learning from such a significant event, so I would like  
4           to think that we would take the decision to share the  
5           learning. You know, we could -- we could take steps to  
6           protect the individual's identity while still learning  
7           the lessons so that it has a positive impact on practice  
8           going forward.

9   Q. Yes. You wouldn't need to, I suppose, publish all of  
10       the background to the case --

11   A. No.

12   Q. -- you would just provide the learning.

13   A. Yes. I think it might be particularly difficult when  
14       it's a very small Local Authority, like ours, that you  
15       would, you know, potentially have to take out a lot of  
16       identifying information. But I would like to think  
17       there was a way to do that which would improve practice.

18   Q. I want to move on to another document that you've  
19       provided us with and this is a learning review so it's  
20       at CLC-000000178. This is a review report in respect of  
21       foster carers who were foster carers for  
22       Clackmannanshire Council. I think if we scroll down  
23       a little we see that this is dated July 2019 and it was  
24       completed by a Kate Mearns, an associate trainer with  
25       AFA Scotland. Is that right?



1 A. Yes.

2 Q. If we look on to page 3, please, at the top of the page  
3 I think we see a little of the context, that these  
4 people were approved foster carers from 1996 until their  
5 de-registration in 2018 and that in 2018 three children  
6 made allegations of sexual abuse against the male foster  
7 carer.

8 A. Yes.

9 Q. Do you know if these allegations were about sexual abuse  
10 that had taken place in 2018 or did it date back; do you  
11 know?

12 A. I believe it was a combination of allegations from the  
13 past as well as current ones.

14 Q. Okay. Do you know if this foster carer was charged in  
15 relation to these matters?

16 A. He was, yes.

17 Q. Do you know if there have been court proceedings in  
18 relation to these matters?

19 A. No, to my knowledge there have not been any court  
20 proceedings due to the delays in Covid.

21 Q. Okay. So it's not reached to the stage of a trial. Do  
22 you know if the matter has been in court at all?

23 A. I believe it's been deferred several times, is my  
24 understanding.

25 Q. Okay. So there could be ongoing proceedings in relation

1           to this?

2    A.   Yes.

3    Q.   Okay.

4           Then it says, after the note of the allegations, it

5           says:

6           "Examination of the files at the time of these

7           allegations indicated historic concerns."

8           Then following the initial case review a decision

9           was taken to commission an independent review.

10   A.   Yes.

11   Q.   In this case, you talked before about the difference

12        between a significant case review and the independent

13        review, and in this case it was an independent review?

14   A.   Yes.  So I think by the time we asked for the

15        independent review to be commissioned, we had already

16        de-registered the carers, so we'd taken the action to

17        de-register them, but for our own learning as

18        an organisation we felt it was important that there was

19        an ICR.

20   Q.   Well, it was the ICR and -- so the initial case review

21        and then the decision from that was then to do this

22        further review.  Is that right?

23   A.   Yes.

24   Q.   If we look at the terms of reference, we see that the

25        organisation, AFA Scotland, was tasked to:

1 "Carry out a review of the foster carer files and  
2 consider whether practice was in line with the relevant  
3 child protection allegations procedures throughout their  
4 fostering career, provide written feedback of the  
5 findings and any learning from this, and provide support  
6 in the development and redrafting of the  
7 Clackmannanshire allegations policy."

8 I think one of the things appended to this document  
9 is a redraft of an allegations policy; is that right?

10 A. Yes.

11 Q. Then there's discussion about what was carried out and  
12 if we look at the bottom of this page at 5.1.1, it talks  
13 about them being approved as permanent foster carers in  
14 1996 despite the male carer having a history of  
15 offending behaviour, which is convictions for criminal  
16 damage, assault and theft. And it says the assessment  
17 was primarily focused on the female carer, which  
18 continued throughout the couple's fostering career.

19 A. Yes.

20 Q. I think that probably picks up on something you said  
21 earlier about the need to see both prospective carers?

22 A. Yes, and that's not just during assessment. There is  
23 a need to see both throughout their fostering career to  
24 make sure that supervision's being provided to both  
25 parties, rather than just the female foster carer.

1 Q. Then if we look at the bottom of that page and the top  
2 of the next page it says that the male carer was often  
3 unavailable for visits by the supervising social worker  
4 and did not attend training or reviews.

5 A. (Witness nods)

6 Q. So that was an ongoing issue here?

7 A. Yes, and that's something we have looked at again in  
8 terms of ensuring that, you know, it's not optional,  
9 that both parties need to attend the reviews and both  
10 parties need to attend training. So these are areas  
11 that we strengthened practice in.

12 Q. Okay.

13 There's then a list of bullet points which list  
14 a number of concerns at different times, so starting  
15 from [REDACTED] 1997, issues of shouting and swearing in the  
16 street, heavy drinking, incidents that appear to take  
17 place that he didn't want to report to the police.

18 Then [REDACTED] 2004 we see that there was an allegation  
19 of sexual abuse.

20 Then in 2004 he was charged with three counts of  
21 assault following allegations of attacking his  
22 daughter's girlfriend's father with a baseball bat, for  
23 which he was found not guilty.

24 Then at [REDACTED] 2006, I think the next bullet point  
25 says that there was an allegation of I think a child

1 displaying inappropriate sexual behaviour to the foster  
2 carer.

3 A. (Witness nods)

4 Q. So issues in relation to that.

5 An allegation of smacking in August 2006.

6 Then at [REDACTED] 2007, an allegation that a child is  
7 uncomfortable with the carer. He gives her cigarettes  
8 and money, tells her not to tell anyone.

9 Would that be something that would ring alarm bells  
10 potentially?

11 A. Yes, absolutely.

12 Q. Then moving on from that, [REDACTED] 2012, an allegation that  
13 another young child in placement performed sexual acts  
14 on the male carer, alleging -- an allegation of  
15 an inappropriate text message received from him. An  
16 allegation of the appropriateness of him washing the  
17 girls' hair, him denying that.

18 Then it goes on to various other allegations made  
19 later on I think right up to -- if we go on to the top  
20 of page 5 -- [REDACTED] 2018, when he was originally  
21 arrested.

22 There are then a number of reflections on the  
23 issues, the first being the appropriateness of approving  
24 them given his criminal record.

25 A. Yes.

1 Q. Obviously I would assume that criminal record checks are  
2 carried out at the stage of assessment.

3 A. (Witness nods)

4 Q. And if somebody does have a criminal record, how would  
5 that factor into the assessment process?

6 A. I mean we do -- we obviously do the checks for any  
7 previous criminal behaviour that people have been  
8 involved in and although, you know, we have to obviously  
9 take the seriousness of that behaviour into account, but  
10 it gives us an idea of someone's character when they're  
11 applying to be a foster carer.

12 So it's not so much about what they were charged or  
13 convicted with, it's about what it says about that  
14 person's honesty, trustworthiness, the way that they  
15 treat people. So those are the kind of things that  
16 would factor in to whether that person should or should  
17 not be a foster carer.

18 Q. Then the next bullet point notes a failure to fully  
19 investigate the circumstances of each concern or  
20 allegation raised and responding to them on  
21 a situation-by-situation basis.

22 A. Yes. I think what became very clear to us during this  
23 was the chronology and that -- you know, the lack of  
24 chronology, and that had we had a more robust way of  
25 gathering information on chronologies, we may have

1 spotted a pattern of behaviour, and what it looks like  
2 is that we just dealt with every situation as it arose  
3 and were not putting the pieces of the jigsaw together,  
4 so to speak, to say that, you know, there was a pattern  
5 here, it was a very disturbing and concerning pattern  
6 and that we should have been responding to that.

7 LADY SMITH: And it's spread over 21 years.

8 A. Yes. And I think this -- if I can refer to talking  
9 earlier about the way that things were responded to at  
10 the lowest level, I think there's a combination here of  
11 failing to respond at the right level, but also failing  
12 to put things together in a chronology.

13 MS INNES: I think one of the bullet points that we see on  
14 the screen there is an overwillingness to accept his  
15 explanation and not taking the next step to investigate  
16 it.

17 A. Yes. And again I think if I can refer to holding  
18 a foster carer household in high regard has maybe  
19 prevented some of that curiosity that should have been  
20 around and a lot of the questioning of exactly what was  
21 going on in the household because they were held in high  
22 regard, so perhaps that meant things weren't explored as  
23 thoroughly as they should have been.

24 Q. I think that they had fostered a number of children over  
25 the years that --

1 A. A very high number, yes.

2 Q. Yes, so various bullet points we can see there which  
3 talk about similar themes.

4 At the final bullet point, just above 5.1.3, it  
5 talks about poor recording in respect of incidents and  
6 I think you mentioned that as well in your evidence,  
7 that it was sometimes difficult to know what exactly had  
8 happened.

9 A. Yes. What we came across in the file reading was that  
10 although an allegation might be mentioned within the  
11 recording, and there might be some detail about what the  
12 allegation was, what was very poor was the recording of  
13 outcomes, so it was very difficult to determine what  
14 action had been taken as a result of that.

15 Q. Then it notes certain recommendations in respect of  
16 these matters, so the policy that we've already  
17 mentioned, developing and implementing a template for  
18 recording each concern, a chronology, and then over the  
19 page reviewing and updating supervision and Foster Care  
20 Review templates to ensure that they're recorded there.

21 Then it talks about risk assessments as  
22 circumstances change.

23 A. (Witness nods)

24 Q. Have these -- and also a variation or review of the  
25 foster carer agreement to include an expectation that



1 things would be notified to the Local Authority.

2 A. Yes.

3 Q. Have these things been implemented?

4 A. They have all been implemented, yes.

5 Q. If I can look at the bottom of this page at 5.4.1, it

6 talks about them having different supervising social

7 workers and it says it is difficult to track in the file

8 who the responsible worker was during the period. The

9 carers' records focus primarily on financial issues,

10 particularly in relation to arrangements, from

11 approximately 2010 to 2013, for the building of the

12 extension to the family home.

13 Is that something that was funded by the Local

14 Authority, do you know?

15 A. It was, yes.

16 Q. It says there was a lack of focus on how the carers meet

17 the needs of the children in placement, expectations on

18 them, adherence to agency policy and procedure such as

19 conditions re smoking and having a safe caring policy

20 and it goes on from there.

21 So it looks like -- well, from that, it's saying

22 that finances were the main issue that was being

23 recorded and not the substance of the actual care for

24 the children?

25 A. Yes, it seems -- that seems to have been the focus.

1 Q. Then if we go on to the bottom of page 7, it talks there  
2 about:

3 "For a considerable period their family home was  
4 overcrowded and non-related children were sharing  
5 bedrooms. This hadn't been fully explored in terms of  
6 the implications for the children in placement."

7 I think that might not necessarily just be about  
8 foster children being placed in the household but wider  
9 family members or other people were staying in the  
10 house; is that right?

11 A. That was a possibility, yes.

12 Q. That's something I assume that the social workers should  
13 be exploring with the carers and checking, should be  
14 raised by the carers with the social work department?

15 A. Yes, the supervising social worker should know who lives  
16 in the house, who visits the house, who frequents the  
17 house, yes.

18 Q. If we go on to page 8, at the bottom of that page it  
19 tells us there that they cared for a total of 52  
20 children during their fostering career, but it says:

21 "It should be noted that records are not  
22 comprehensive and there may therefore have been other  
23 children cared for by them."

24 I think there were issues with the records even in  
25 terms of identifying which children had been with them?

1 A. Yes. I think there were -- there was better recording  
2 in terms of children who had been there for lengthy  
3 periods of time. What was missing was children that may  
4 have been cared for by them on a short-break basis.

5 Q. Obviously it would be important to make sure that you  
6 have an accurate record of where children were at any  
7 given time?

8 A. Yes.

9 Q. Again, has that recording improved?

10 A. One of the things we noticed and picked up on from this  
11 as well was the -- we hold children's files and foster  
12 carer files separately, so it's about that crossover of  
13 information being shared between the files because there  
14 is a risk that perhaps the short break, for instance,  
15 might be recorded in the child's file but not in the  
16 foster carer's file, so it was important that we are  
17 cross-referencing because of the distinctions within the  
18 system.

19 Q. If we move on to page 12, it deals with issues in  
20 respect of the above, which is a chronology of various  
21 concerns, and it talks about allegations of a physical  
22 and sexual nature and, as it's already said, a failure  
23 to consider if there's significant risk. Each incident  
24 being responded to in an isolated way.

25 Then in the next bullet point it says:

1            "In 2012 following allegations ... information  
2            begins to be pulled together at a professionals' meeting  
3            regarding the foster carers and other children in  
4            placement. At this meeting, actions are appropriately  
5            tasked, however it wasn't reconvened as planned and  
6            therefore the investigation wasn't concluded."

7    A. Yes.

8    Q. If you're going to start looking at something in  
9            a broader sense and set out recommendations, you need to  
10           make sure that you're following that through and  
11           tracking it?

12   A. Yes, absolutely, and it would appear from that time that  
13           perhaps management changes, you know, precluded that  
14           concluding the way it should have, but certainly the  
15           actions were there and then there doesn't seem to be any  
16           follow-up from that.

17   Q. If we move on to page 14, there's a reference there to  
18           placements ending suddenly and at the very top of the  
19           page, the first paragraph, it says that a number of  
20           their longer-term placements ended suddenly. Records  
21           indicate that a disruption meeting was held only in  
22           respect of one child. A report of the meeting was  
23           compiled, however it was never considered at the  
24           fostering panel. And a disruption meeting would be  
25           a meeting following the breakdown after placement, would

1           it?

2    A.   It would be, yes.

3    Q.   Would that be to look at what's gone wrong?

4    A.   Yes.   A disruption meeting would be held to try and find

5           out, you know, what had gone wrong, what we could learn

6           from that as an organisation, should be a big focus in

7           a disruption meeting, but also the scrutiny of it being

8           then passed to the fostering panel so that they'll have

9           an overview of that disruption and any lessons learned

10          as well.

11   Q.   Okay.

12           Right, I'm not going to go through all of it, but in

13          this report there are a whole number of recommendations

14          in different areas, some of which we've looked at, and

15          you've told us about some of them being implemented.

16          Did the Local Authority put in place an action plan to

17          make sure all of the recommendations were followed

18          through?

19   A.   It did, yes.

20   Q.   Have they all been implemented or are some still a work

21          in progress?

22   A.   We have a small number that are still a work in progress

23          and I think again, if I can just refer to Covid, Covid

24          kind of halted the progress of some of those, but the

25          majority of those have been carried out now.

1 Q. I also understand that there was a second phase of this  
2 learning review.

3 If we can look, please, at CLC-000000432, and this  
4 is a phase two learning review dated January 2020. If  
5 we can look please onto I think page 3. The purpose of  
6 this in terms of the terms of reference was to read  
7 additional case files for children, provide a report in  
8 relation to each child, and then it says:

9 "As time allows, provide a brief summary report  
10 pulling out key issues from a social work and  
11 multi-agency perspective."

12 It was agreed to review files from 2012 onwards and  
13 there seems to have been a discussion about  
14 an integrated report rather than separate reports on  
15 each child.

16 A. (Witness nods)

17 Q. Again, I think if we look into this report, if we move  
18 perhaps to -- just bear with me a moment -- yes, if we  
19 look at page 4 and it talks about the methodology and it  
20 says various files were looked at and then there's  
21 reference to six children --

22 A. Yes.

23 Q. -- who were looked at.

24 Then there's a discussion below that about I think  
25 there were maybe -- information was sought from Police

1 Scotland as well to inform the report.

2 Then there's reference to another two children.

3 Then at 3.1 at the bottom of the page it says:

4 "The way in which children's files are held within

5 Clackmannanshire Council is complex, which makes

6 important information difficult to access quickly ..."

7 A. (Witness nods)

8 Q. You mentioned earlier in your evidence that it's

9 difficult to access policies and procedures, but it

10 looks here as though the reviewer was having difficulty

11 accessing information in the children's files?

12 A. Yes. I think it's difficult to access information

13 because different information is held in different

14 places and the way our system is set up, it's -- that is

15 how it is at the moment. We are aware that we need

16 a more interactive type of system, that information can

17 be more readily available and accessible.

18 LADY SMITH: I see there are five different potential

19 sources there and am I to take it that certainly at that

20 stage you couldn't be confident that each one of them

21 was up to date?

22 A. Yes.

23 LADY SMITH: But what you are talking about is designing

24 a system that would automatically update -- assuming you

25 need to keep the file detail in five different places,

1 but that it would be automatically updating all five if  
2 information was put into one?

3 A. (Witness nods)

4 So that that information was shared across the  
5 system, yes. I mean it still depends on somebody  
6 inputting the information.

7 LADY SMITH: Of course.

8 A. But there should be a way of joining it up more  
9 efficiently and effectively.

10 LADY SMITH: Thank you.

11 MS INNES: Again in this report there are a number of  
12 recommendations and I'm not going to look at all of  
13 them, but I wonder if we could look, please, at the  
14 bottom of page 12 and there there's discussion about --  
15 well, there's some analysis and recommendations which  
16 follows on from looking at things like children's  
17 involvement in reviews and Having Your Say forms and  
18 suchlike.

19 A. (Witness nods)

20 Q. It talks about the need for integrated reports to be  
21 completed by the lead professional and considered at  
22 reviews.

23 A. Yes.

24 Q. Can you explain what that means?

25 A. So I think that is referring to the lead professional,



1       being the social worker for a looked-after child, and  
2       that that person is responsible for coordinating reports  
3       that come in from other professionals such as health,  
4       education, and being the responsible person to make sure  
5       that there is an integrated child's plan.

6   Q.   Okay.  So that the review has all of the relevant  
7       information?

8   A.   Yes, so that there's not separate information on  
9       different reports.

10  Q.   Then the next bullet point is:

11       "Children and young people should be clear and  
12       confident about how information they share for reviews  
13       will be used and agreements reached with them about with  
14       whom it will be shared."

15  A.   Yes.

16  Q.   Can you tell us a little bit about that?

17  A.   So the reviewing officer can and offers to speak to the  
18       young person and the child separately prior to review  
19       and that can -- you know, that can be an interview with  
20       that child on their own.  If there's something that they  
21       don't want to say in front of the foster carer, for  
22       instance, they're given that opportunity.

23  Q.   Then I think in terms of visits to the child, there were  
24       also recommendations in relation to that.  I think one  
25       of the things that was happening with one of the

1 children was they were being seen together with their  
2 siblings.

3 A. (Witness nods)

4 Q. I can get that reference for you, just bear with me. If  
5 we look on page 13 towards the bottom of the page, so it  
6 says:

7 "Sibling group 1 are visited in placement and are  
8 mainly met as a group, which included another child,  
9 an unrelated young person who was also placed on  
10 a permanent basis with the carers. Consequently, there  
11 is limited opportunity for children to express their  
12 views directly with their worker or for direct work in  
13 respect of their specific needs."

14 So that would be something that would need to be  
15 addressed?

16 A. Yes. Every child should be visited separately and every  
17 child given the opportunity to share their views because  
18 they're not a homogeneous group and in any group of  
19 individuals there may be one that speaks louder than  
20 another, so it's really important that every child has  
21 the opportunity to share their individual experience.

22 Q. If we look at the paragraph above that, it says:

23 "There were significant gaps in statutory visits to  
24 [one of the other children] in placement, the social  
25 worker relied more on telephone calls from the carer for

1 information."

2 That's a similar issue to the one that we saw with

3 Mr Leggatt or the case in relation to 'Lucy'?

4 A. Yes. I think again that maybe points to an over -- I'm

5 trying to think of the word. You know, placing that

6 carer in high regard, meaning that, you know, the

7 failure to go and visit them because they take what they

8 say as read and that they just ask for the information

9 by phone instead of going out and actually seeing what

10 it's like for that child and what the circumstances are

11 that they're living in. So it's that overdependence,

12 I think, on the reputation of a foster carer.

13 Q. Again, following this review were there action points --

14 were they collated with the action points from the

15 earlier phase of this review into essentially one plan?

16 A. Yes, we did. We ended up with a very large improvement

17 plan of about 114 points from both of those.

18 Q. Okay, and I think you've shared a copy of that with the

19 Inquiry --

20 A. (Witness nods)

21 Q. -- I'm not going to go to it just now, but you've given

22 us a copy of that action plan and what's been

23 implemented.

24 A. Yes. There's some work currently being undertaken

25 around making that more smart as well, that action plan,

1       and actually putting those 114 points into an actionable  
2       smart plan.

3   Q.   Okay.

4               Just finally I wanted to ask you just overall in  
5       terms of your involvement in the Section 21 response and  
6       preparing to give evidence, and I know that you've had  
7       the opportunity to read some of the transcripts of  
8       evidence, I wondered if you had any reflections arising  
9       from that, in particular any lessons that we should  
10      learn?

11  A.   I think there have been a number of things that have  
12      jumped out at me during this process and, you know, it's  
13      the voice of the child that -- it's regular visiting.  
14      It's giving children opportunities for them to speak to  
15      people on their own, away from foster carers. It's  
16      asking for children's views without the presence of the  
17      foster carer. It's all those checks and balances that  
18      need to be in place.

19             But I think really significantly as well, if people  
20      have been foster carers for a very long time, it's  
21      retaining that respectful uncertainty when you're  
22      a visiting social worker and always keeping the  
23      possibility in mind about the child, because the child  
24      is really vulnerable in foster care, any type of  
25      looked-after child is extremely vulnerable when they're

1       separated from their family, and sometimes their  
2       siblings as well. So it's making sure that there are as  
3       many safeguards in place as possible.

4   MS INNES: Thank you very much, Susanne. I don't have any  
5       more questions for you.

6       There are no applications, my Lady.

7   LADY SMITH: Are there any outstanding applications for  
8       questions?

9       Susanne, that completes all we have to ask you this  
10      afternoon. Thank you so much for all your  
11      contributions, both in writing and by coming along here  
12      today to give evidence and share your very thoughtful  
13      reflections and analysis without hesitation, which  
14      I really appreciate and I'm grateful to you for doing  
15      that.

16      I'm now able to let you go and I hope you can have  
17      a restful time for the rest of today.

18   A. Thank you.

19                      (The witness withdrew)

20   LADY SMITH: Ms Innes.

21   MS INNES: My Lady, that concludes the evidence for today.

22      Tomorrow we have witnesses I think from North  
23      Lanarkshire and East Renfrewshire.

24   LADY SMITH: I think that's right. Thank you very much.

25      I'll rise now until 10 o'clock tomorrow morning.

1 (4.00 pm)  
2 (The Inquiry adjourned until 10.00 am on  
3 Wednesday, 2 November 2022)  
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