

1 Wednesday, 2 November 2022

2 (10.00 am)

3 LADY SMITH: Good morning and welcome back to our evidential
4 hearings in the foster care and boarding-out case study.

5 This morning I think we start by turning to North

6 Lanarkshire Council. Is that right, Ms Innes?

7 MS INNES: We do, my Lady, and the witness from North

8 Lanarkshire is Alison Gordon.

9 LADY SMITH: Thank you.

10 Alison Gordon (affirmed)

11 LADY SMITH: How would you like me to address you? I'm

12 happy to use your first name or Ms Gordon if you prefer

13 that. Which would work?

14 A. My first name's absolutely fine, thank you.

15 LADY SMITH: Thank you for that, Alison.

16 You'll understand that the statement you gave us and

17 documents that we found very helpful that have come from

18 North Lanarkshire are in the red folder. You may be

19 referred to some of those as we go through, but we'll

20 also bring documents up on the screen. You might find

21 that helpful too.

22 A. Okay.

23 LADY SMITH: If you have any questions or queries as we go

24 through your evidence, please don't hesitate to say. Or

25 if you think there's something really important that we

1 should be asking you about that we haven't done, do
2 volunteer it.

3 If you need a break, we can do that. I break anyway
4 at about 11.30 for about 15 minutes if you want to bear
5 that in mind, but if at any other time you want to, just
6 say. Anything I can do to help you give your evidence
7 as clearly and carefully as you can, I'm happy to try
8 and help with. All right?

9 A. Thank you, that's appreciated.

10 LADY SMITH: If you're ready, Alison, I'll hand over to
11 Ms Innes and she'll take it from there. Is that all
12 right?

13 A. Yes. Thank you.

14 Questions from Ms Innes

15 MS INNES: Alison, can I ask you first of all what your date
16 of birth is?

17 A. [REDACTED] 62.

18 Q. You've provided a CV to the Inquiry and we can see from
19 that that your current job title is Head of Children,
20 Families and Justice Social Work and you're also Chief
21 Social Work Officer at North Lanarkshire Council?

22 A. That's correct.

23 Q. You tell us that you qualified as a social worker in
24 1989?

25 A. Yes.

1 Q. I think after that you initially started working at
2 Central Regional Council as a generic and then maybe
3 a Children and Families social worker?
4 A. Yes, that's also correct.
5 Q. Okay. Then in 1992 you moved to be a senior
6 practitioner and a professional officer in respect of
7 child protection?
8 A. Yes.
9 Q. Okay, again with Central Regional Council I think, but
10 then it became Stirling Council perhaps at the very end
11 of your time there?
12 A. That's right.
13 Q. Then you spent a period working in Camden?
14 A. Yes.
15 Q. You progressed through various roles there between
16 I think 1996 and 2002 --
17 A. Yes.
18 Q. -- is that right?
19 Then in 2002 you came to North Lanarkshire to work
20 with the Local Authority there?
21 A. That's correct, 20 years ago.
22 Q. Okay. When you came to work with North Lanarkshire, did
23 you start working as an area social work manager? Was
24 that your first role?
25 A. Yes, in Motherwell.

1 Q. You tell us that you were responsible for all social
2 work services within that area?

3 A. Mm. (Witness nods)

4 Q. You did that until 2014, when you moved to become Head
5 of Social Work Services. Is that your current role?

6 A. Yes, that's -- that's -- well, I'm now responsible for
7 children, families and justice social work services and
8 some other services within education and families, as
9 well as remaining Chief Social Work Officer. I've not
10 had operational responsibility for adult social work
11 services because of the change in arrangements that took
12 place in 2016.

13 Q. Okay. Yes, and you talk about your current
14 responsibilities in your CV and you mention some of them
15 there. In your final bullet point under "Current
16 responsibilities" you say that you're the lead for
17 corporate work on historic abuse?

18 A. Yes.

19 Q. Is that in respect of providing responses to the Inquiry
20 in relation to abuse or is it broader than that?

21 A. It's broader than that. Clearly a lot of the focus
22 centres around the work of the Inquiry and coordinating
23 our responses to the Section 21 request. But it is also
24 considering more broadly any other issues arising from
25 analysis of civil claims or any other relevant issues or

1 learning from elsewhere as well, including inquiries
2 elsewhere.

3 Q. Okay. If we can look, please, at the Section 21
4 response that North Lanarkshire provided in respect of
5 this case study, it's at NLC-000000033. If we can look
6 at page 1, first of all, we see under question 1.1(a)
7 that obviously North Lanarkshire Council was formed in
8 1996, and prior to that it fell within Strathclyde
9 Regional Council?

10 A. (Witness nods)

11 Q. Then prior to 1975, you note that there were
12 Lanarkshire, Dunbartonshire and Stirlingshire county
13 councils, all of which are now in the area of North
14 Lanarkshire, although I assume that some of the
15 boundaries will have changed?

16 A. Yes.

17 Q. For example, Stirlingshire, as it was then, isn't all in
18 the boundary of North Lanarkshire?

19 A. No, that's absolutely correct. It's only the sort of
20 Cumbernauld area that is within North Lanarkshire. And
21 as well as the county councils, there was obviously in
22 a period pre-1975 the burgh councils such as Motherwell
23 and Wishaw and Airdrie, which were significant in terms
24 of governance of activity.

25 Q. Yes, okay. If we can move on to page 28, where you

1 begin to look at numbers, and you're asked there to look
2 at the number of children accommodated in foster care
3 and in how many placements, and you start by saying that
4 the numbers of children accommodated at a time in foster
5 care and in how many placements cannot consistently be
6 ascertained for the full period from 1930 for the
7 historical records reviewed.

8 I assume that there were some challenges, if we
9 think about the first period, so 1930 to 1975, were
10 there challenges in obtaining information over that
11 period?

12 A. Yes. We were reliant in terms of establishing numbers
13 over that period for a number of burgh and parish
14 records that weren't consistently kept over -- we
15 couldn't consistently locate for each year and the
16 information that was in those records in terms of lists
17 of children who were in the care of the Local Authority
18 were not necessarily clear in relation to whether that
19 was foster care or another type of care over that period
20 of time.

21 Q. Then there was obviously the Strathclyde period, and
22 were there -- if we move on to the next page at the top
23 of the page I think that you were able to find some
24 information by liaising with the Mitchell Library in
25 respect of your response, is that the way that you

1 approached it?

2 A. Absolutely.

3 Q. We'll come on to your file review in a moment, but were
4 there also challenges in getting other information over
5 the Strathclyde period from the Mitchell Library, for
6 example during Covid?

7 A. Yes. There were problems in relation to information
8 about historical procedures that were in place during
9 the era of Strathclyde. We had been able to locate some
10 of those but weren't able to physically go to the
11 library in the way that we had done during a previous
12 study to review records. And there were also challenges
13 because although a number of children's records had been
14 returned in the last five years from the Mitchell
15 Library to successor Local Authorities, there were some
16 records where, for example of carers that may have cared
17 for children from our area but were located elsewhere,
18 which were clearly held still in the Mitchell Library,
19 so there were some challenges in relation to
20 accessibility over that time.

21 Q. Okay. At the bottom of page 29, I think you give us
22 some information that you were able to find from your
23 researches in relation to numbers of children, but if we
24 look at the very bottom of the page, for example,
25 Strathclyde region, you might have been able to get

1 numbers for the whole of the region but you wouldn't
2 know which children were actually within the boundaries
3 of what is now North Lanarkshire Council?

4 A. Absolutely. And I think we were obviously looking at
5 two questions: which children were from the area? The
6 geographical area that is now North Lanarkshire.

7 And: which children may have originated from another
8 area, most likely of another part of Strathclyde, but
9 had been placed with carers in North Lanarkshire?

10 And it wasn't always possible to determine that
11 clearly from the information that was available.

12 Q. Okay. Then if we go over the page to page 30, we see
13 that when we came into the period of North Lanarkshire
14 Council, it became more straightforward to ascertain
15 numbers.

16 A. (Witness nods)

17 Q. If we scroll down a little -- yes, there -- we can see
18 the numbers from 1996 up to 2013, I think going on to
19 2014, and then bringing us up to date.

20 Before that table it says:

21 "The numbers of children in foster care under the
22 Inquiry definition have been extracted and detailed
23 below."

24 Then we can also see under 31 July 2010 that there's
25 reference to:

1 "Figures for children in placements with
2 friends/relatives (kinship care) thought counted in
3 looked after at home statistics and unable to be
4 extracted."

5 Are you able to explain what these figures are? Do
6 they relate to children in foster care or do they
7 include an element of kinship care?

8 A. So most of the figures, although -- include an element
9 of kinship care if the child had a formal status as
10 a looked-after child, a child experiencing care. The
11 reason there's an asterisk in the report at 2010 is
12 that -- because you will see that it looks an anomaly in
13 terms of the numbers, when you compare it with the year
14 either side and it appears that that year those children
15 who were in what we would now call formal kinship
16 placements and who were looked after were not included
17 in the foster care numbers. They were included
18 alongside children who were on supervision requirements
19 at home with birth parents.

20 Q. Okay.

21 A. Therefore that, I think, explains why it seems to be
22 there's such a difference between the number provided in
23 2009 and 2011 and that figure there.

24 Q. Because it seems to drop significantly in 2010 and then
25 it rises significantly in 2011, and that's the

1 explanation for that issue?

2 A. (Witness nods)

3 Q. Overall over that period we see a rising trend in terms
4 of the numbers. So in 1996, 117 children in foster care
5 and then in 2013, 356, 2014, 390, and then up to 482 in
6 2019. Are you aware of the reasons for that rise?

7 A. Some of those changes in numbers will be around
8 fluctuations in the number of children requiring care
9 and also the growth of community placements as opposed
10 to the number of children cared for in residential care.
11 But primarily the increase in numbers which you see jump
12 quite significantly from 2009 onwards were about the
13 formalisation of kinship care arrangements. There was
14 previously, I think, ambiguity about the status of some
15 children who were cared for in extended family and
16 friend arrangements. They were previously -- there were
17 some who were formerly considered to be within link
18 carer arrangements. There were some family carers who
19 were assessed and given the designation of foster
20 carers. But a lot of the family and friend arrangements
21 were less formal and not recorded as formal care
22 arrangements up until legislation and policy changed
23 around that time.

24 Q. Okay.

25 A. And then from 2009 onwards, you will see the higher

1 figures more consistently reflecting the number of
2 children who were cared for in formal kinship care
3 arrangements.

4 Q. Okay, thank you, that's helpful.

5 If we can move on to the next page, please, I think
6 we can see the number of carers, and if we look at the
7 bottom of the page, again there were issues with
8 collating information. If we go to the bottom of the
9 page again we can see a table which takes us from 2007
10 to 2019. What were the challenges in terms of
11 identifying numbers of carers prior to that, during the
12 period of North Lanarkshire?

13 A. There were issues in relation to a consistency of
14 retention. We, in our logs of carers, didn't go back
15 beyond that in terms of one place from which to draw
16 that information and our electronic database from --
17 which was in place from 1998 didn't allow us to draw
18 that information confidently pre-2008. In relation to
19 the lack of historical numbers prior to that around
20 numbers of carers, then the issue was about the
21 archiving and retention of carers' files, which
22 previously would have been retained for 25 years
23 I think.

24 Q. Okay. So for this period, 2007 up to 2019, we can see
25 that -- well, in 2012/2013 was the highest number, 97,

1 but generally it seemed to vary around 80 to 90 carers.

2 A. (Witness nods)

3 Q. Is that individual carers or is that foster carer

4 households?

5 A. Foster carer households.

6 Q. Okay.

7 If we can move over to the next page, page 32,

8 please, and if we scroll down to the paragraph

9 beginning, "At the time of writing", so it says there:

10 "At the time of writing there were 70 foster carers

11 [so this was in 2020, I think, the time of writing] in

12 North Lanarkshire who provide a potential availability

13 for 126 placements ... of those placements, there were

14 only two unused placements available for children.

15 There are 38 supported carers, with one unused

16 placement."

17 What's a "supported carer"?

18 A. So a supported carer would be a carer who may or may not

19 previously have been registered as a foster carer, who

20 is caring for a child who has -- is no longer formally

21 experiencing care, ie they may have -- they may be over

22 18 and have left care at that point, or they may have

23 come into care as an older young person and required

24 supported care.

25 Q. Is there any difference in the way in which supported

1 carers are assessed or reviewed to foster carers? Or
2 are they, in terms of the regulations, foster carers but
3 they're just given the name supported carers, if you see
4 what I mean?

5 A. There are similarities in the way that they are assessed
6 and reviewed, but the supported carers are -- if they
7 have not previously been foster carers are -- the focus
8 of assessment clearly is on their ability to provide
9 a resource to older young people transitioning into
10 adulthood, and we have a number of carers who specialise
11 specifically in that area.

12 They are reviewed. They're registered as a separate
13 service with our -- our supported care service is
14 registered as a separate service with the Care
15 Inspectorate from our fostering service.

16 Q. Is that because the children who would be receiving that
17 care are over 18?

18 A. Primarily, yes. And so the level of legislation and the
19 responsibilities for -- the status of the children is
20 different and therefore the carers' responsibilities
21 also are -- there are differences reflecting the age and
22 stage of the young person as well as the legislation
23 that frames the placement.

24 Q. Okay. Are supported carers paid an allowance in the
25 same way as foster carers are?

1 A. Yes.

2 Q. Okay.

3 Then in the next paragraph you go on to talk about
4 formal kinship care, which you've already mentioned, and
5 you say that in April 2020 there were 216 kinship carers
6 providing placements to 295 children and young people.
7 Then it says:

8 "In addition, there are 70 kinship carers providing
9 placements to 92 children for whom the full assessment
10 process and/or rehabilitation plans have yet to be
11 progressed and concluded."

12 Can you explain what that's referring to?

13 A. So that would refer to carers who are supporting
14 children mostly who would be more recently have come
15 into care and be experiencing care, where we are
16 carrying out a full assessment of them as kinship carers
17 potentially as permanent kinship carers for a child or
18 where we may still be considering that a temporary
19 arrangement and assess -- and the child may return to
20 birth family. So not all of these carers will become
21 longer-term kinship carers and that's why that's
22 referenced there. They haven't gone through the full
23 kinship care assessment process at that point.

24 Q. And what would the basis of the child's residence with
25 them be? Would it be on a compulsory supervision order

1 or would it vary?

2 A. It could either be a compulsory supervision order --
3 I mean we obviously have to undertake basic checks to
4 confirm a placement at that point, but -- and make sure
5 the core boarding-out regulations are met, police,
6 health checks, et cetera, but we would then conclude
7 a more detailed assessment.

8 It could be also that some of these children had
9 been accommodated under section 25 as a voluntary
10 arrangement.

11 Q. Okay. Since 2020, has there been any significant change
12 in the number of foster carers and kinship carers you
13 have?

14 A. We -- in -- the numbers that are reflected in the report
15 are carers who are part of North Lanarkshire's fostering
16 service. The numbers have remained relatively static.
17 At times I think over the last two years they have
18 dropped slightly, partly reflecting challenges in terms
19 of recruitment over the pandemic period and therefore we
20 have also needed to place children with independent
21 fostering agencies.

22 So, overall, we have just now I would say between
23 150 and 160 children who are cared for in foster care.
24 50 of these would be with an independent foster
25 placements, so a third approximately, and two-thirds

1 within carers who are registered as Local Authority
2 foster carers. Kinship numbers have remained relatively
3 stable at 300.

4 Where there perhaps has been the biggest change is
5 in relation to continuing care, so young people who have
6 formally left care but who have continued in either
7 a kinship or fostering arrangement or in a residential
8 setting. I don't have that figure separated out, but
9 it's around 65 in all for children and young people
10 mainly over 18 who are in continuing care.

11 Q. Okay. In terms of the children who are placed with
12 foster carers through independent agencies, are you able
13 to find these placements within the geographical area of
14 North Lanarkshire or is it outwith?

15 A. For those children who are placed with independent
16 agencies, around 50 per cent of these placements are
17 with carers who live in North Lanarkshire but have
18 chosen to foster through an independent agency. About
19 50 per cent are carers who live outwith North
20 Lanarkshire.

21 Q. I assume that the council's preference might be to
22 maintain your own foster carers and use them rather than
23 using independent agencies; is that right?

24 A. For the majority of children that's correct. Clearly if
25 we don't have a resource that can meet the needs of

1 a particular child or a brother and sister group, then
2 we need to balance that, particularly in relation to
3 keeping brothers and sisters together, if we have
4 an opportunity of a placement that could offer that
5 through an independent agency but not through our own
6 carers then that's something that we obviously would
7 consider and look to the children's needs first.

8 But as a general principle, yes, we would want to
9 try and maintain as many children within our own
10 resources as possible, and certainly within the
11 geographical boundaries of North Lanarkshire, because it
12 is -- I suppose it is easier to maintain their social
13 connections, their family connections, and it is also
14 easier for us to build the right support packages around
15 individual children and young people if they're local.

16 LADY SMITH: I can understand the attractiveness of keeping
17 children in the geographical area of North Lanarkshire.
18 Tell me a little bit more about why your preference
19 would normally be for, as you put it, placing a child
20 with a foster home that's within your own resources,
21 a foster family who are on your register rather than
22 coming to you through an agency.

23 A. I think we obviously have more influence around the
24 training and the way that carers work as a team with the
25 wider -- with the team around the child and the wider

1 organisation. Clearly we do attempt to ensure that
2 happens also when a child is with independent carers,
3 but we have more authority and influence over that,
4 clearly, when they're our own carers.

5 I think also -- and I don't have the figures -- that
6 we are able to manage any moves that need to happen
7 better if a placement is struggling and if a child needs
8 to move. We have -- there are some situations where we
9 have -- are given fairly short notice from independent
10 agencies about a placement needing to come to an end and
11 that obviously has been a concern as well.

12 LADY SMITH: Thank you, that's helpful.

13 MS INNES: How do you try to deal with these challenges?

14 I mean I assume that there would have to be quite a lot
15 of communication between the social workers for the
16 child and for the foster carers.

17 A. Absolutely. We would expect there to be close working
18 between the social worker for the child and the carers
19 themselves, but also the link worker for the carers.
20 And that would be whether the link worker for the carers
21 was within our own fostering team, our children's
22 carers' team, or whether the link worker was from
23 an independent agency. So absolutely.

24 We would also expect there to be close links with
25 other partner agencies in relation to arrangements. We

1 have a virtual school arrangement in North Lanarkshire
2 as well where there's oversight of educational
3 arrangements for children who are experiencing care and
4 the communication and support between -- particularly
5 for young people who are struggling or need individual
6 educational packages between the virtual school and the
7 child's social worker and the carers and their link
8 workers are also really critical to getting it right for
9 children.

10 Q. I wonder if I can move on to another document, please,
11 it's NLC-000000184, this is an addendum to your
12 Section 21 response in which you provide the Inquiry
13 with some details of the audit that you carried out to
14 respond to the notice. If we can just scroll down
15 a little we can see there that it was decided that to
16 gain insight into the experience of children who were in
17 foster care it was decided there would be an audit of
18 files. You've already indicated that there were some
19 issues in terms of identifying relevant case records.

20 A. (Witness nods)

21 Q. Then it says:

22 "A multidisciplinary approach was planned by the
23 council archivist, social work services and legal
24 services to identify as many relevant files as possible
25 which could be reviewed to give insight and inform the

1 response to the Inquiry."

2 That sounds as though you set up a team to manage
3 the response, is that what you did?

4 A. Yes, that's correct. So some of the team were
5 individuals who had been involved and who were part of
6 the council's sort of corporate leads around historic
7 abuse, so who would have been supported on the previous
8 residential Inquiry, et cetera. But the core people
9 within that team who scoped this were our council
10 archivist, a seconded senior manager from within the
11 organisation, our legal lead, and also -- and
12 an admin -- a business support manager for social work
13 services as well. They were the team who did the
14 scoping and then there were other staff, primarily
15 social workers and senior social workers as well as some
16 additional administrative staff, who actually supported
17 the process of retrieval of records and the record
18 reading itself.

19 Q. Okay. You list there various types of documents and
20 records that you searched. If we go over to the top of
21 the next page, it says there:

22 "Templates were devised for the purpose of auditing
23 the foster carer files and files for children who had
24 experienced care placements."

25 So I assume templates were devised for file readers

1 to complete?

2 A. That's correct. And it was to ensure there was
3 a consistency of the information that we gathered or
4 attempted to gather for each individual young person or
5 foster carer's record that we examined.

6 Q. Okay. Was the template focused on trying to find if
7 there had been allegations of abuse, what the response
8 was and suchlike? Or was it broader than that, for
9 example looking at whether the child had been visited
10 and suchlike?

11 A. It was broader than that. So it was drawn up partly
12 based on the questions within the Section 21 request or
13 notification, but also with reference to other audit
14 templates that we would have used in relation to -- for
15 other audit and quality assurance purposes.

16 So it gathered basic information about the child and
17 their care history or the foster carer. For the
18 children there were questions asked in the template
19 around evidence of visiting, evidence of reviews,
20 evidence of individual discussions with the child or the
21 child's voice within the records. And there was
22 a separate section which asked the question about
23 whether or not there had been any concerns around either
24 quality of care or allegations of abuse made.

25 But clearly, as you identified from the list of

1 records, you will see that some of the records that we
2 reviewed were informed by a list that we had more
3 recently maintained about concerns and allegations
4 around care. So in those instances we were clear that
5 there was going to be some degree of information in the
6 files. The rest of the records were not chosen on the
7 basis that there had been historical allegations or
8 concerns, but so that we could have a broader overview
9 about the quality of care and how frequently concerns
10 were arising.

11 Q. Okay. You talk about the file readers and still in the
12 first paragraph you talk about file readers gathering
13 core information, which you've mentioned, and
14 determining whether information in a file could be
15 construed as relating to abuse based on the definition
16 provided by the Inquiry.

17 A. (Witness nods)

18 Q. So you used that as the reference point.

19 A. (Witness nods)

20 Q. You then talk about the types of files that you looked
21 at and obviously you say there were certain restrictions
22 including during Covid.

23 If we go to the paragraph:

24 "The more recent case files from the time of North
25 Lanarkshire Council for foster carers and relevant

1 children were more easily identified and available for
2 the purpose of the audit."

3 Then I think you go on to say what you've just
4 mentioned --

5 A. (Witness nods).

6 Q. -- that you had notes or a log of complaints or
7 allegations against certain foster carers that you were
8 able to use.

9 A. (Witness nods)

10 Q. You then say:

11 "The audit sample resulted in 96 files for foster
12 carers being reviewed. This included 12 files from the
13 1980s, 13 files from the 1990s, 33 from the 2000s and 38
14 files from 2010 onward."

15 In terms of the size of the sample, was a decision
16 taken to review a certain percentage of the files
17 available?

18 A. There was not at the beginning of the scoping a decision
19 made to review a certain percentage of the files. To
20 some extent we were limited with -- by the time taken to
21 properly review individual files and clearly meeting the
22 timescale of the Inquiry. The other thing that
23 influenced how files were selected was that clearly the
24 most accessible files were the more recent files and we
25 started off reading those but we were keen to try, where

1 it was possible, to provide some degree of insight into
2 more historical records as well.

3 So when they -- they did not become available from
4 the archive in one fell swoop, in one group. So as they
5 came in to us and to the file reading team we
6 prioritised some of the historical records so that we
7 could make sure that we gave as good a picture -- and
8 I appreciate it is only in terms of foster carers from
9 the 1980s -- as we could.

10 So there was an element of proportionality to that
11 in terms of records available, but it was also to try
12 and ensure that we did provide a picture over time where
13 that was possible.

14 Q. Okay. Then in the next paragraph you talk about
15 children's files that you looked at and that included
16 198 files for children who experienced foster care, and
17 again you give a breakdown of the numbers of files over
18 the relevant decades.

19 Were these children's files identified completely at
20 random or when you noticed a concern in the foster
21 carer's file did you then look at the children's files
22 who were relative to that foster carer?

23 A. The latter, but not exclusively the latter.

24 Q. Okay.

25 A. So we did track back from our concern log held by our

1 carers team to the children that were involved and
2 looked to review their files or their records. But we
3 also used, in relation to historical records from the
4 1960s and 1970s, effectively the sort of burgh logs of
5 children and young people who were accommodated in
6 foster care and, where possible, and able to locate
7 those records, tried to provide a selection of those as
8 well, again so that we had -- because we had no record
9 of complaints or concerns that went back beyond the
10 2000s, and therefore to give some sense of children and
11 young people's experience prior to that, we obviously
12 selected either from a proportion of the young people
13 whose legislation told us they were in foster care from
14 our electronic system or from the burgh records and
15 minutes where we had lists and could locate individual
16 records.

17 You'll see from the proportion of records from the
18 different decades that there were very few individual
19 records accessible pre the 1960s.

20 Q. If we can move back to your main response, to
21 NLC-000000033, and if we can look, please, at page 216,
22 at the bottom of page 216 you start addressing questions
23 there in relation to what you found in respect of abuse
24 from the file audits. First of all you're asked what
25 was the nature of abuse and/or alleged abuse that you

1 found.

2 And you found that there had been allegations of
3 physical, sexual, emotional and psychological abuse,
4 neglect and unacceptable practices.

5 A. Yes, that's correct.

6 Q. What do you mean by "unacceptable practices"?

7 A. That would relate to the provision of care or the -- and
8 the nature of the care that was provided to children
9 that we would say was not, I suppose from our current
10 perspective, good enough care in some way or other. It
11 could be -- but did not meet the definition of abuse.

12 So some of that would be clearly observably
13 unacceptable in anyone's eyes. Some of it would be
14 instances where children or young people felt that they
15 had not been fairly treated by a foster carer or the way
16 that a foster carer had dealt with an issue had not been
17 reasonable.

18 Q. Okay. Then if we go over to the next page we see that
19 you answer the question in relation to your assessment
20 of the scale and extent of abuse and you acknowledge
21 that there have been children abused in foster care and
22 you say a small number of children are identified as
23 having been abused by their foster carer or a foster
24 carer's family member.

25 Then you go on to say:

1 "It is recognised that the Local Authority is not
2 able to give a definitive position on the true scale and
3 extent of abuse of children in foster care."

4 The answer to this might be obvious, but how is it
5 that you can't give a definitive position?

6 A. I would probably make two main points in relation to
7 that.

8 One is the quality of records or the fullness or
9 otherwise of our records, and I've already explained
10 that we did not have individual records for every child,
11 nor were we able to review all of the individual records
12 we had. So clearly it is possible that there have been
13 instances of abuse that we are not aware of because we
14 can't access records of that.

15 The other area is clearly that not all children or
16 young people who had experienced care may have felt able
17 to tell us about that at the time, and therefore what we
18 know, I think, and I know that you'll go on to ask me
19 about that from witnesses, but also from our wider
20 knowledge I think of historical child abuse, is that
21 either because they were silenced or because they just
22 did not feel able to share at the time. A lot of young
23 people who are abused -- whether in foster care or
24 elsewhere -- as children do not disclose that until
25 they're adults.

1 Q. Okay. Then in the paragraph at the bottom of the screen
2 at the moment it notes that you're aware of one foster
3 carer and one family member of a foster carer who have
4 been convicted of abuse of children in foster care and
5 you also note that there are three foster carers who are
6 considered by the Local Authority to have abused
7 children in their care.

8 So are these examples of cases where the Local
9 Authority essentially made a finding that those foster
10 carers had abused children?

11 A. Yes. Our investigations and records in these cases
12 would suggest that the balance of evidence was that the
13 children had suffered abuse, but for whatever reason,
14 potentially standard of proof, but -- or, you know, and
15 quality of evidence, they didn't lead to convictions.

16 Q. I think we know that the time of writing of this report
17 was the middle of 2020 and I think since that time
18 you've become aware of the conviction of John Deeney?

19 A. That's correct.

20 Q. Who was convicted later in 2020, and he was also
21 a family member of a foster carer?

22 A. That's correct.

23 Q. You also note here that there are two civil actions that
24 have been raised against the Local Authority in relation
25 to historical abuse.

1 One is of sexual abuse and is in relation to the
2 family member of a foster carer who has been convicted.
3 That's not John Deeney, that's another person that we'll
4 come on to in a moment, but it's the one that you
5 mention in your response.

6 Then you say that there's a second claim of
7 physical, psychological and sexual abuse against two
8 kinship carers and another family member of a kinship
9 carer, so that was another civil claim that you were
10 aware of at the time?

11 A. That's correct.

12 Q. Has there been any change in that since 2020? Are you
13 aware of any other claims being raised against the Local
14 Authority?

15 A. Yes. In relation to foster care, I think there are
16 a total of -- or there have been, not all are live, but
17 there are a total of five additional claims that have
18 been raised against the Local Authority. One -- two of
19 which relate to the convictions that you've already
20 spoken about.

21 Q. Okay.

22 If we can look at the conviction of the foster carer
23 that you refer to in your submission, and we've not seen
24 this conviction before. It's at JUS-000000084 and it's
25 a conviction of a Jean Kirkland.

1 I think we can see the extract conviction here. She
2 was convicted at Hamilton Sheriff Court and if we scroll
3 down a little we see that the date of the conviction was
4 13 June 2019. She was sentenced on 10 July of that
5 year, and the two charges of which she was convicted
6 were assault of a child and then assault to injury of
7 a child.

8 We can see the sentence there as well, that she was
9 sentenced to a restriction of liberty order for a period
10 of 12 months.

11 If we go on to the next page, we can see the
12 charges. So I think they're in respect of the same
13 child who was in foster care with her.

14 The first charge is of assault between -- in 2015
15 essentially.

16 Then the second charge is in respect of an assault
17 to injury I think between [REDACTED] 2016 and
18 [REDACTED] 2016. We can see that the child was aged 11
19 at the time and the charge refers to throwing a bottle
20 or similar instrument at her, standing on her hand,
21 repeatedly punching and kicking her on the head and
22 body, emptying the contents of a rubbish bag over her,
23 seizing her by the hair, pulling her to the ground,
24 pouring a quantity of water over her, pulling her by the
25 body to a sink there, pushing her head into a sink

1 containing a quantity of water, whereby her head was
2 submerged in said water, pour hot water over her and
3 instruct her to lie on the floor, all to her injury.
4 A. (Witness nods)
5 Q. That's the conviction that you have referred to in your
6 submission of Jean Kirkland.
7 A. (Witness nods)
8 Q. After the Local Authority became aware of these events,
9 what action did the Local Authority take?
10 A. So to the best of my understanding, the child who made
11 the allegation was removed from her care. She was
12 caring for other children at the time. She refuted the
13 allegation. The other children were interviewed as part
14 of the investigation and clearly they made no
15 disclosures. They wanted to remain, as did, I think,
16 other -- in fact, I'll not say that because I'm not
17 absolutely certain of the circumstances, but they wanted
18 to remain with her. Pending the progression of the
19 investigation and the enquiry, she was not immediately
20 de-registered and the other children stayed with her for
21 a period, but were removed from her care on conviction.
22 But in the intervening period there was clearly closer
23 monitoring and support of those children in placement.
24 LADY SMITH: Can you remember whether the other foster
25 children were the same age or not?

1 A. I couldn't be certain. I don't want to give you
2 misleading information about that, my Lady. I think
3 they were older.

4 LADY SMITH: I see that the woman was born in 1957, so she'd
5 be late 50s at the time of these offences.

6 A. (Witness nods)

7 LADY SMITH: Older end of the range that you'd be placing
8 foster children who, certainly at the time of placement
9 of the 11-year-old one would assume was still primary
10 age, primary school age?

11 A. Not necessarily. Yes, overall, I think our foster
12 carers are slightly younger, but we do have carers who
13 care into their 60s as well. There are arrangements
14 where we review carers more regularly, depending on
15 their circumstances and their age being a factor in
16 relation to just some elements of capacity for care,
17 because clearly some carers in that age continue to be
18 an excellent resource for young people. That would tend
19 to be -- not -- we wouldn't normally place a child
20 permanently with an older carer if they were a very
21 young child. In this instance I think it would depend
22 on established relationships as well and obviously
23 weighing up the impact of moving children.

24 LADY SMITH: Thank you.

25 MS INNES: If we can go back, please, to NLC-000000033 and

1 to page 218. This is where you summarise the number of
2 complaints and allegations that you found in your file
3 audit.

4 Obviously we've talked about the convictions and the
5 civil claims, but this is the overall numbers and we can
6 see there that you say:

7 "From the audit undertaken ... there have been 156
8 complaints and allegations made in relation to children
9 in foster care. These are all the complaints and
10 allegations documented in the records viewed, some of
11 which are complaints and allegations of abuse."

12 Am I right in taking from that that there were 156
13 complaints and allegations but not all of them were in
14 fact in relation to abuse?

15 A. That's correct.

16 Q. Are we going back to the unacceptable practices or
17 standards of care issues?

18 A. Yes. In some instances a complaint may be made relating
19 to not necessarily unacceptable care but a disagreement
20 between a carer and the child or a family member and
21 a carer around some element of an arrangement for
22 a child.

23 Q. Okay. If we scroll down a little at (d), we see that
24 you tell us that the 156 complaints and allegations are
25 in relation to 64 foster carers.

1 A. Mm-hmm.

2 Q. Is that 64 individuals --

3 A. Yes.

4 Q. -- as opposed to 64 households?

5 A. 64 individuals.

6 Q. Okay. If we can go over to the next page, please, at

7 (g):

8 "Against how many family members of foster carers

9 have complaints been made?"

10 You note there:

11 "There have been seven complaints and allegations of

12 any kind identified in the audit that are against other

13 family members of foster carers."

14 You mention the conviction that you've referred to.

15 A. That's correct.

16 Q. So the vast majority of the complaints and allegations

17 were made against foster carers?

18 A. (Witness nods)

19 Q. If we scroll down to (j):

20 "Against how many other children placed in foster

21 care in the same placement have complaints been made?"

22 You found five complaints and allegations made in

23 relation to other children in the placements, and of

24 these, you say, none have been considered to be

25 complaints of abuse.

1 A. That's correct.

2 Q. Okay.

3 If we can go on over the page to page 220, at 5.3(a)
4 you're addressing the question there of the timing of
5 disclosures and complaints and you tell us that 119 of
6 the 156 were made at the time or shortly thereafter,
7 with 37 being historical complaints or allegations.

8 A. (Witness nods)

9 Q. So how did you define historical allegations?

10 A. Historical allegations would -- so firstly to say I am
11 not absolutely sure of how the file readers were
12 directed to classify those complaints and allegations as
13 historic or not, but my assumption would be, based on
14 the information I do have, that they would be regarded
15 as historical if they were made after the placement
16 ended. You know, more than immediately after the
17 placement ended. Some time after the placement had
18 ended.

19 Q. Okay.

20 If we can move on, please, to page 226, where you
21 address the impact or the long-term impact of abuse, and
22 you say -- there's a paragraph that begins there:

23 "Whilst the long-term impact of abuse is not clear,
24 it is acknowledged that there can be an impact on
25 children and siblings at the time of investigations,

1 either directly related to the allegation or
2 investigation or the implications on foster placements."

3 Then you give an example of that and you refer
4 I think to the conviction of Jean Kirkland --

5 A. (Witness nods)

6 Q. -- and the circumstances that you referred to earlier in
7 your evidence that one of the siblings initially
8 remained in the placement and was very upset and
9 distressed at subsequently having to leave the placement
10 when the foster carer was convicted. It says:

11 "The young person was supported to maintain contact
12 with the foster carer after moving placement. It is
13 recognised that this had an impact on the sibling who
14 was the victim of the abuse, and the sibling who was
15 subject to the investigation and had to move placement,
16 and that may adversely impact the sibling relationship."

17 How -- I don't know whether you know in this
18 particular case or generally -- would you address that
19 issue with the children?

20 A. I think it depends -- it has to be addressed in a way
21 that's appropriate for that individual child as well as
22 the child's age and stage. But I think -- you know, our
23 rule of thumb would be it's important to be honest with
24 the children in what you do say to them, to be clear
25 about to what extent any choice or views that they have

1 can be enacted or otherwise.

2 So in this instance, the child who was not abused
3 and who wanted to maintain the relationship with the
4 foster carer may have wanted to stay with that foster
5 carer, I think you need to be clear about the fact that
6 that can't happen to the child and what is -- you know,
7 what we can or cannot do to give them some choice or
8 control over the situation in as far as you can in
9 a circumstance like that.

10 The other is to make sure that each individual child
11 has the right support from whoever's most appropriate to
12 deal with the impact for them in relation to it.

13 And I suppose a third element of that might be
14 around considering with the team around both children
15 about how to, within a situation where children have
16 very different perspectives on the care that they
17 received and on the carer who provided that care, about
18 how you can do as much as possible not to let that
19 destroy the relationship between the children who will
20 be -- continue to be important to each other as family
21 members going forward.

22 Q. Okay. I now want to move on to ask you for your
23 comments or response to some evidence that was led from
24 applicants during the course of the Inquiry, and I think
25 in your folder you'll find a list of the evidence that

1 was given and the names of the ...

2 A. (Witness nods)

3 Q. Yes, the names of the applicants and their pseudonyms.

4 So obviously I'll be using the pseudonyms of the
5 relevant applicants.

6 First of all, I'd like to turn to evidence that was
7 given in read-in form from an applicant with the
8 pseudonym 'Carrie', and she speaks to the conviction of
9 the family member that you highlighted in your response.

10 A. Yes.

11 Q. We know that the family member was convicted of lewd and
12 libidinous practices I think in relation to 'Carrie' and
13 her brother.

14 A. Yes.

15 Q. At the time that 'Carrie's' statement was read in, which
16 was on Day 324, 21 September 2022, reference was also
17 made to a police statement which has been recovered by
18 the Inquiry from a social worker who dealt with 'Carrie'
19 at the time. I wonder if we can look at that now.

20 So it's PSS-000008652. If we scroll to the bottom
21 of this page we can see that it's a statement of
22 a Margaret Kerr, who was a social worker.

23 And if we scroll down to the bottom of the page we
24 can see, I think, that she was employed as a social
25 worker and had worked with the social work department in

1 this area since 1979 and she says that she'd been
2 involved with 'Carrie' and her brother since 1988 when
3 they were in foster care and she'd been involved with
4 them permanently since.

5 She then refers to the children living with adoptive
6 parents and the adoptive mother becoming suspicious, if
7 we go on over the page, that her husband was abusing
8 'Carrie'. It says that was referred to police at London
9 Road. No charges were preferred against him and the
10 children were moved into care in 1992 at the request of
11 the adoptive mother.

12 It then goes on to say that in 1992 they were placed
13 in a temporary foster home, and that's with the carers
14 who were the adoptive parents of the person who was
15 eventually convicted. Then it says:

16 "On 4 November 1992, the foster carers came to the
17 social work department also in Airdrie and told me that
18 'Carrie' had been telling her friend at school that
19 their son had been touching her. The foster carers said
20 that the friend's mother had told the health visitor,
21 who in turn had told them."

22 Then it says:

23 "At this time no child protection investigations
24 carried out because it was suspected that 'Carrie' was
25 being confused between her previous adoptive father and

1 the son."

2 Then it says:

3 "The carers reassured myself that on no occasion was
4 their son ever left alone with the children. I spoke to
5 the carers about it at a later visit. I don't remember
6 exactly what was said, but the carers did all the
7 talking and reassured me that their son was never alone
8 with the children and the details were unclear.
9 I attempted to speak to 'Carrie' about it but she
10 refused and the matter was never raised again."

11 Then it goes on to say that in 1995 another
12 placement was found and the children were moved, and
13 then there's reference to Tuesday, 14 May 1996, when the
14 carer with whom 'Carrie' was then living said that
15 'Carrie' had told her that she'd been abused in the
16 earlier foster placement.

17 If we can just go back a little to the disclosure of
18 abuse by 'Carrie' in 1992, and I think you're aware of
19 the circumstances of this.

20 A. (Witness nods)

21 Q. It looks as though the foster carers had become aware
22 that there was an allegation which they then reported to
23 the social worker.

24 A. (Witness nods)

25 Q. The social worker then says there was no child

1 protection investigation. From your knowledge of the
2 case; is that correct?

3 A. From my knowledge of the case, it is correct, although
4 the details within our case record are not as clear
5 around the chronology of events and the rationale for
6 that decision as is articulated in this statement, which
7 I clearly hadn't seen previously.

8 Q. Okay. So you were aware from the records that there had
9 been this allegation made and that it appeared that no
10 child protection investigation had been undertaken?

11 A. (Witness nods)

12 Q. I think that 'Carrie' in her statement expresses concern
13 that she said this and she wasn't moved, that it
14 appeared that no action was taken. What's your response
15 to that?

16 A. I think 'Carrie' is right to be-- well, angry, upset,
17 concerned that that situation, from her perspective, she
18 had clearly shared information about what was happening
19 to her and people -- carers who were responsible for
20 her -- were aware of that and nothing changed.

21 From a professional perspective, I think when you
22 read the account here, it clearly is wrong that there
23 was no child protection investigation carried out at the
24 time. Even though an explanation was proffered to the
25 social worker by the carers and even though the

1 information came to the social worker through a quite
2 circuitous route, between 'Carrie' speaking to a friend
3 or a prefect at school and that being conveyed back to
4 the carer and then the carers to some extent having
5 developed a narrative or a position on that, reporting
6 it to the social worker. I think professional
7 competence/curiosity should have meant that whilst we
8 wouldn't necessarily dismiss the carers' explanation or
9 the position that was taken on that, that should have
10 been looked into further before coming to the view and
11 a child protection investigation should have been
12 carried out.

13 Q. The explanation given by the social worker is that the
14 investigation wasn't carried out because it was
15 suspected that the child was confused, and I'm assuming
16 that you shouldn't ignore the allegation because you
17 suspect something, you should interrogate it?

18 A. Absolutely.

19 Q. There's also reference to reassurances given by the
20 carers that their son was never left alone with the
21 children, but I think 'Carrie' says in her statement
22 that her brother was sharing a room with this son.

23 A. That's correct.

24 Q. So that would be perhaps another issue that seemed
25 inconsistent with the explanation that was being given

1 by the carers, which should have been interrogated and
2 gone to the stage of a child protection investigation?

3 A. Yes. Absolutely. I mean, it wouldn't be unusual for
4 a carer to offer assurance, but it -- again, it's
5 difficult to know what depth of conversation took place
6 with the carer at the time in response to that. But
7 that again should have been something that was explored
8 further rather than simply accepted without looking into
9 that more carefully.

10 Q. Okay.

11 LADY SMITH: Alison, I hear you use the expression
12 "professional curiosity". I heard a senior social
13 worker yesterday talk about the need for social workers
14 to engage in "respectful curiosity". I take it that's
15 what you're talking about?

16 A. Yes. I mean arguably here, my Lady, it's more than that
17 in that we've got a responsibility to a child about --
18 who has made a disclosure and therefore there's
19 an obligation on us in relation to -- even accepting the
20 fact that child protection procedures and knowledge in
21 relation to sexual abuse has continued to -- the
22 dynamics of that has continued to develop since then,
23 that we should have, for that reason alone, have
24 investigated further at the time.

25 But I think the other thing is that if we are

1 unsure, and that was the presentation there about
2 whether the child was confused and was influenced by
3 a previous experience, that's something that we need to
4 look at, how we can best explore that further, rather
5 than accept -- you know, not remain open-minded to the
6 fact that something may be happening in the here and
7 now.

8 LADY SMITH: I can see that and it's not a question of
9 disrespectfully rejecting out of hand what the foster
10 carers may say. You leave that lying as a possibility,
11 but you don't just stop there.

12 A. Absolutely.

13 LADY SMITH: You have to be curious, you have to look
14 further.

15 A. Absolutely.

16 LADY SMITH: Thank you.

17 MS INNES: Another matter that was raised at the time that
18 'Carrie's' statement was read in to evidence was in
19 relation to convictions of the son during the time that
20 'Carrie' was in placement.

21 I wonder if we can look, please, at PSS-000024829.
22 This is a list of convictions of the son.

23 If we look down to the date of 2 December 1992, we
24 see there that he was convicted of charges in respect of
25 theft by opening lockfast places.

1 If we scroll down again, 4 May 1994, he had
2 convictions for attempt house breaking with intent,
3 a couple of charges in relation to that.

4 Obviously those are not sexual offences, so they're
5 not analogous. However, would the fact that somebody
6 who's living in the household with foster children is
7 being convicted of serious offences during the time that
8 they're living there, is that something that should be
9 highlighted? Would that cause a concern about the
10 children continuing to live there?

11 A. I would say in relation to the offences outlined, it
12 wouldn't in itself mean automatically that a placement
13 should end. But I think -- and I would need to check,
14 I'm not clear in terms of dates of birth in front of me
15 just now, whether the son was over 16 or under 16 when
16 those offences happened. I'm assuming over 16.

17 LADY SMITH: If we go back to the top we should see his date
18 of birth.

19 MS INNES: Yes, he was born in 1975.

20 A. Yes. So we would regularly undertake checks and update
21 checks on any adult within the house, but we shouldn't
22 have to rely on that in a fostering household. You
23 know, part of the agreement with carers is, as part of
24 the fostering agreement, that they tell us of any
25 significant changes in relation to their household and

1 I would expect that convictions of that type would be
2 one of these changes that a carer should share with us
3 or that we should then become -- or else that we would
4 find out through checks.

5 I think then it would be a broader discussion about
6 the circumstances and that should be something that
7 would trigger further assessment and review of whether
8 or not it was appropriate for children still to be
9 placed in that household.

10 And, as I say, as another adult member of that
11 household, that sort of conviction would raise concern.
12 It wouldn't lead to automatically to a placement ending,
13 depending on the individual circumstances. And clearly
14 one of the things that would be -- would have been
15 a positive would be if the information was shared by the
16 carers immediately and they spoke to the worker about
17 this issue, the impact on them. It depends on the level
18 of contact the person had with the child at the time,
19 et cetera.

20 Q. You're looking to the carer to share that information
21 with you or you do checks. I'm just wondering whether
22 you think there's anything else that could be done to
23 alert you to the fact that there's a conviction of
24 somebody who is a member of a household with foster
25 children?

1 A. I ... I think there are some particular types of
2 offences where during an investigation the police may
3 share information with us. I don't think it would
4 necessarily be automatic in relation to the offences
5 listed there. But there are -- if the police clearly
6 assessed that there was a potential child protection
7 concern arising from an investigation that they were
8 undertaking, I would expect that they would share that
9 with us.

10 Q. So, for example, if it was a sexual offence, then --

11 A. Yes.

12 Q. -- you would expect the police would look at the
13 household --

14 A. Yes.

15 Q. -- of the alleged offender and then alert you to
16 information, but other offences --

17 A. There would be a judgement made about the relevance and
18 the threshold.

19 Q. Okay.

20 LADY SMITH: I mean, looking at the 1992 convictions, you
21 have eight charges of offences of dishonesty. You'd
22 have wanted to know what's going on with this
23 17-year-old who's looking for money. Now, if you jump
24 up, you see by 2020 he's been picked up for drugs
25 offences and it may have been then that he was involved

1 in some way with drugs.

2 A. (Witness nods)

3 LADY SMITH: You may or may not have found out, but you
4 might, and that would have been a highly relevant
5 consideration, wouldn't it?

6 A. Absolutely. And you would want an understanding of not
7 only what was happening, to what extent that was
8 impacting on the household or the children in the
9 household, and then to make a judgement about the
10 appropriateness.

11 Now, it may be in a situation like that that for the
12 offences where the young person was 17 we would need to
13 acknowledge that young people can go through phases in
14 their life where they become involved in behaviours in
15 company that may take them in a direction that their
16 parents wouldn't want and that they -- you know, and
17 parents may be trying to support a young person through
18 that within a household. So that's why I'm not being
19 absolute about we would say that that in -- you know,
20 the convictions in itself would mean that we would cease
21 a fostering arrangement.

22 But I would expect that within the context of those
23 offences there would be discussion on the impact of
24 fostering household, what level of contact the young
25 person still had with the children in foster care, what

1 their plans were, whether they were going to continue to
2 remain in the household, et cetera. And that would be
3 something that would then be monitored beyond any -- if
4 there was not a decision that the significance was
5 critical enough to end a placement, then the situation
6 should form part of ongoing assessment and monitoring of
7 that household.

8 LADY SMITH: I see that the custodial sentence was then
9 varied to probation. That tells me that there would
10 have been detailed social enquiry reports available to
11 the courts that ought to have explained what his family
12 circumstances were and his home circumstances were, as
13 well as exactly the details of the offence and why he
14 committed -- offences and why he committed them.

15 A. (Witness nods)

16 LADY SMITH: Would you get access to that easily? Of those,
17 as I say, social work reports easily?

18 A. I would expect, given that this was carers who -- and
19 a young person who lived within our area, who wasn't
20 outwith, that the criminal justice social worker should
21 be making the connection and having -- and sharing
22 information with the Children and Families social worker
23 in that instance.

24 LADY SMITH: Good. Because it might be really helpful,
25 mightn't it --

1 A. Absolutely.

2 LADY SMITH: -- to see what's in them?

3 Yes, thank you.

4 MS INNES: So I suppose that works obviously, as you just

5 mentioned, if you're in the same Local Authority area,

6 but if the person is for any reason outwith the Local

7 Authority area, then you might be responsible for

8 a child who's perhaps placed outwith your boundaries.

9 Somebody in that household is offending, there's

10 a social enquiry report and then it's a neighbouring

11 Local Authority that are doing that report.

12 A. Yes. So assuming that the worker undertaking the report

13 for the neighbouring authority is aware that it's

14 a fostering household, then I would still expect

15 contact. I guess there is a slight chance within that

16 circumstance that the -- that Mr ... in this instance

17 did not share that information with the criminal justice

18 social worker who was undertaking the report, and

19 depending on whether that report was done -- you know,

20 if it was a different area they may not have had access

21 to the records that showed -- you know, that made the

22 connection with a fostering household. But assuming

23 a worker picked up he was in a fostering household,

24 I would expect the information to be shared.

25 Q. Okay.

1 I'm going to just ask you briefly about the other
2 conviction, the conviction of John Deeney, which I think
3 you're aware of, and Mr Deeney gave evidence during the
4 hearings and some reference was made to records in
5 respect of that fostering placement during his evidence.

6 I wonder if we could look, please, at NLC-000000210,
7 at page 11. This is from the records of the foster
8 child, 'Paul'.

9 We see in the first section at July/September 1983
10 there are conversations in relation to the foster
11 carers' personal difficulties and then it says:

12 "Discussed with the senior social worker who agreed
13 that as the twins [that's 'Paul' and his sister] settled
14 in the only home they know, we should consider this in
15 terms of a normal family and that even if the marital
16 relationship breaks down, then only if the situation
17 proves damaging to them."

18 Then there's reference to a home visit, the
19 situation seems to have improved. It says that the
20 foster parents were making efforts to sustain their
21 marital relationship.

22 "The twins seem unaffected by the situation and show
23 no signs of insecurity."

24 Then there was to be another review, and I think it
25 notes that the foster carers were quite open about the

1 difficulties that they were experiencing.

2 Just pausing there, if there are marital
3 difficulties that foster carers are experiencing,
4 I assume that you would hope that they would tell you
5 about that and would you look to follow a similar
6 process of assessment as you've been describing in
7 relation to if somebody's had a conviction, there's been
8 some change in the fostering household --

9 A. Yes.

10 Q. -- and you presumably want to carry out some
11 re-assessment of the circumstances?

12 A. Yes.

13 Q. Okay.

14 Then in the next section, October to December 1983,
15 it talks about a statutory visit and continued intense
16 involvement from the Wishaw office in relation to their
17 personal problems. Then it refers to a phone call from
18 the foster mother indicating that her husband was in
19 Hartwood receiving treatment for his drinking problem.
20 We understand from the evidence of John Deeney that that
21 was in-patient treatment for alcohol abuse.

22 A. (Witness nods)

23 Q. Again, what would the usual approach be to that sort of
24 information coming to light?

25 A. I think that clearly with that information and other

1 information that it appears was known at the time in
2 relation to the extent of the difficulties there were
3 within the household and relationships, I would -- that
4 some of the statements that are in the extract that you
5 have here about the twins not being affected I would
6 question, and I think most social workers here now would
7 question if that could be true.

8 I think that it would be -- it does not feel
9 realistic that children living within a situation where
10 the difficulties of the parents were so significant
11 would not be impacted in some way by that.

12 Q. Mm-hmm.

13 A. So I think, knowing that, this was not -- I suppose the
14 level of difficulty and the level of difficulty in terms
15 of alcohol abuse that was around within that household,
16 then I think that concerns and the questions about the
17 continuing appropriateness of the placement should have
18 escalated.

19 So it's -- so I guess from a situation of monitoring
20 to more actively exploring, you know, whether or not
21 this was going on balance to be an environment that was
22 appropriate for the children.

23 Q. We see in the next section, January to June 1984, that
24 there were statutory visits. It says:

25 "The twins appear to have accepted the marital

1 situation."

2 Then there was contact with the foster parents'
3 social worker saying that the foster father was on
4 probation and living outwith the family home. The
5 mother "... claimed situation at home more relaxed since
6 the husband had left. She has a part-time job and seems
7 to be coping with the situation".

8 So there's another change in the fostering
9 household.

10 We also see from the records and know from the
11 evidence of John Deeney that [REDACTED] formed
12 a relationship with another person who seemed to be
13 spending a lot of time in the house, and presumably all
14 of those things are factors that would lead to some kind
15 of re-assessment?

16 A. Absolutely. And in fact if the carers had been
17 initially approved as a couple and they are no longer
18 a couple, even without the other concerns that are
19 described here, that should be a sufficient change that
20 a Foster Care Review should take place.

21 LADY SMITH: In circumstances like that, could an outcome be
22 that one of the couple is de-registered?

23 A. Yes.

24 LADY SMITH: Then does the other one remain registered or do
25 they have to reapply?

1 A. That would -- in my view and within current
2 procedures -- be the situation where they would be
3 reviewed and effectively their -- if it was appropriate
4 for them to continue, that they would continue -- they
5 would be re-registered as a single carer.

6 LADY SMITH: In effect there would be something of a fresh
7 assessment of them?

8 A. Yes.

9 LADY SMITH: Because you'd have to know how they were coping
10 with their new circumstances --

11 A. Absolutely.

12 LADY SMITH: -- and that would have to be properly examined
13 and recorded and put through the fostering panel?

14 A. Yes.

15 LADY SMITH: Yes. Thank you.

16 MS INNES: My Lady, it's after 11.30.

17 LADY SMITH: Yes, I think we probably ought to take a break.
18 We'll take the morning break just now, Alison, if
19 that would work for you.
20 We'll start again in about 15 minutes.

21 (11.32 am)

22 (A short break)

23 (11.49 am)

24 LADY SMITH: Are you ready to carry on, Alison?

25 A. Absolutely.

1 LADY SMITH: Thank you.

2 Ms Innes.

3 MS INNES: Thank you, my Lady.

4 Alison, I'm going to take you back to North

5 Lanarkshire's Section 21 response at NLC-000000033, and

6 this time starting at page 106. This is the part of the

7 response which looks at acknowledgement of abuse, first

8 of all, and it is accepted by the Local Authority that,

9 as we've already seen, children who were in foster care

10 in the relevant period were abused.

11 A. Yes.

12 Q. At part (b) you are asked for your assessment of the

13 extent and scale of such abuse. I think the answer here

14 picks up on various things that you've already covered

15 in your evidence, that you've identified some

16 allegations and, well, the convictions that you've

17 referred to, and the Local Authority's own findings that

18 certain people abused children in foster care, but of

19 course you accept that there may be others outwith

20 that --

21 A. (Witness nods)

22 Q. -- and you note issues in relation to recording.

23 A. (Witness nods)

24 Q. And, as you already said, not all children might have

25 disclosed to the authority at the time that they had

1 suffered abuse.

2 A. (Witness nods)

3 Q. If we can move on to page 107, please, where you're
4 asked at question 3.2(a):

5 "Does the Local Authority accept that its systems
6 failed to protect children in foster care from abuse?"

7 The answer begins:

8 "Whilst there is an acknowledgement of the abuse of
9 some children in foster care and that therefore for
10 these children safeguards within organisational systems
11 did not prevent abuse, there is no evidence identified
12 to date which suggests systemic failings."

13 I just wonder if you can explain to us what you mean
14 by that, because a distinction seems to be drawn by
15 systems not preventing abuse and systemic failings.

16 A. Yes. I would probably articulate that response
17 differently now, in part also with the benefit of the
18 additional evidence that has been presented to this
19 Inquiry and our own further records review in respect of
20 that.

21 But I think probably in our wording at the time the
22 reference is acknowledging that in the context, I guess,
23 that no system can entirely safeguard children and
24 guarantee children won't be abused. The view based on
25 the record reading and the work we'd done previously

1 that there wasn't systematic failings within Local
2 Authority systems.

3 I think my view would be slightly different now, in
4 that I would acknowledge that there were elements of our
5 systems that were not strong enough and didn't safeguard
6 children and young people as fully as they might. Some
7 of that was around systems and the quality assurance of
8 those systems, and some of that was potentially around
9 practice. But it's clear that there is evidence that
10 not only were children abused but that there were
11 totally opportunities if not to prevent abuse, to
12 identify and respond more quickly to some situations.

13 LADY SMITH: I suppose we mustn't get hung up on semantics
14 here. You might be able to point to a system that
15 looked like a safe system being in place, but if it
16 wasn't always being adhered to, that's a problem. Now,
17 one might say, well, that's a system failure because
18 there wasn't another system to check whether it was
19 always being adhered to and set out what was to be done
20 if it wasn't and maybe that's the right way to look at
21 it, but failure to operate a system that you think you
22 can see must have been there has to be a matter of
23 concern and could broadly be called a systems failure,
24 couldn't it?

25 A. I don't disagree with that articulation, my Lady.

1 I think that if we're acknowledging that there is
2 learning and the areas where both practice and systems
3 could be strengthened, then we need to -- and I need to
4 accept on behalf of the Local Authority that there have
5 been failings in the system as a whole in the past.

6 LADY SMITH: Yes. Thank you very much. That's very frank.

7 MS INNES: If we go on to page 108, the question there is
8 about acknowledgement of failures and deficiencies in
9 response. I think you mentioned that in your previous
10 answer. The question here is:

11 "Does the Local Authority accept that there were any
12 failures and/or deficiencies in its response to abuse?"

13 The answer talks about:

14 "When a complaint was made, the Local Authority has
15 responded in accordance with the policy and procedures
16 of the time. Action was taken either to investigate
17 internally or jointly with the police."

18 Just thinking back to the case of 'Carrie' that we
19 looked at before the break, I think we looked at the
20 fact that she'd made an allegation and child protection
21 procedures didn't appear to have been followed.

22 A. No, I agree. I think both from our own review and the
23 witness statements we can see clear examples of when
24 a complaint or a disclosure was made that there was at
25 that time an appropriate response, and on balance

1 I would say that those instances are more frequent than
2 those in which we didn't respond, but there certainly,
3 I think, are in relation to the evidence you took me
4 through this morning, and at least one other incident
5 articulated in witness statements, circumstances where
6 there was enough of a disclosure that should have
7 triggered an investigation or further action at the time
8 and didn't, in relation to allegations of abuse.

9 And looking at the response in its wider terms,
10 I think there are circumstances that again we have
11 talked through in terms of examples this morning where
12 our monitoring/re-assessment of circumstances should
13 have been more rigorous in relation to perhaps not
14 a clear-cut disclosure or allegation, but a set of
15 circumstances that should have been investigated more
16 rigorously.

17 Q. You mentioned the example of 'Carrie' but you said there
18 was another example where an incident hadn't been
19 followed up. I wonder if you're able to identify for me
20 what evidence that was?

21 A. Apologies, I can't at this point in time recall whose
22 statement that was from.

23 Q. Okay.

24 A. But there certainly was a statement -- perhaps ...
25 from ... let me just look. No, I'm not certain so I'd

1 rather not mislead, but having reviewed all of the other
2 statements, there was certainly at least one instance
3 where I felt that not only did a young person think they
4 told us something, it was clear that there was evidence
5 that they had, you know, made a clear statement that
6 wasn't followed up in the way that it should have been.

7 Q. Okay. You mentioned about learning that you took from
8 the exercise and I think from the civil claims and your
9 wider experience. You've provided the Inquiry with
10 a PowerPoint presentation which I understand was
11 delivered to social workers following on your case audit
12 in this case study; is that right?

13 A. Yes, that's correct, although it was -- the pulling
14 together of the learning and the sharing of that
15 learning more broadly has evolved and built on clearly
16 the witness statements to the Inquiry and our subsequent
17 additional record review, not solely on our initial
18 record review. But, yes, you're correct.

19 Q. Okay. I wonder if we could look, please, at
20 NLC-000000240, page 8. This is just to put it in
21 context, this part, I think. In the earlier part of the
22 presentation you talk about the background of the
23 Inquiry and we don't need to go over that, but we're
24 looking here at page 8 at the foster care case study and
25 you look at what we're looking at in the context of this

1 case study. You talk about children boarded out,
2 children in foster care and children in formal kinship
3 care, as you've explained. You talk about the various
4 areas that are being considered, looking at legislation,
5 policy and procedure, identifying any record of abuse
6 and the response, an analysis of adherence to
7 legislation, policy and procedure to safeguard children
8 and support and manage foster carers.

9 Then you go on in the next page to talk about the
10 research that the council have done and is that a part
11 of the presentation where you look at your case file
12 audit and the investigations that you've carried out?

13 A. Yes. The initial part of the presentation does focus
14 primarily on the case file audit and the learning
15 arising from that.

16 Q. Okay. I think if we look on to page 10, we see
17 a summary of what we've already seen from your response,
18 the extent of the audit and the period of time, and just
19 if we scroll down slightly, we see that you've set out
20 the purpose of the audit: to provide an analysis of
21 various points.

22 We discussed that earlier in your evidence and
23 I think we can see from that that it wasn't just about
24 identifying allegations of abuse, it was looking at
25 these various areas.

1 A. Yes.

2 Q. Then if we go on to page 11, we can see the findings.

3 First of all, there were incidents of abuse of

4 children in foster care.

5 Secondly, it says:

6 "Based on the review undertaken this did not appear

7 to be systemic abuse or failings."

8 But perhaps from the evidence you've just given,

9 you'd revise that to some extent?

10 A. Yes. I think in relation to fairly reflecting our

11 position as it is now in terms of further delivery which

12 we would plan of this presentation we would change that

13 bullet point.

14 Q. Then you talk about evidence from the Inquiry and also

15 from civil claims that more abuse occurred than was

16 documented?

17 A. (Witness nods)

18 Q. Then the next bullet point is:

19 "Practice and safeguards were not as strongly or

20 consistently applied."

21 Can you talk us through that?

22 A. So the detail of that is articulated further on in the

23 presentation, but that would reference areas like the

24 frequency of contact with children, the circumstances in

25 which we spoke to children, as in seeing them on their

1 own, and the -- which we gathered their views.

2 In some instances, perhaps review schedules were not
3 maintained, although that wasn't the major concern, but
4 a lot -- that -- the sort of primary area within that
5 reference point is around our engagement with children
6 and young people, as well as areas like within our
7 reviews of foster carers did we keep strong
8 chronologies, did we look at a holistic picture of the
9 circumstances and events, et cetera.

10 So that's, I suppose, a general comment in relation
11 to those sort of areas.

12 Q. Okay. We'll come to those in a bit more detail, as you
13 say.

14 The final bullet point mentions about children being
15 abused. Then it says:

16 "There are a number of children who experienced poor
17 care, being unfairly treated compared to other foster
18 children and birth children."

19 Then you say:

20 "Some children had awareness of the foster care
21 arrangement, such as finance."

22 Is that something that you've noted from statements
23 that you've read or from files?

24 A. Yes. I think in relation to the witness statements to
25 the Inquiry, you know, there is clearly reflected within

1 those very powerfully the extent of trauma that children
2 and young people have experienced in care and some of
3 that is about experience of abuse of various types.

4 But, more fundamentally, a number of the witnesses
5 that gave evidence to the Inquiry spoke about broader
6 aspects of care, which we would now see as fundamental,
7 like love and nurture and being treated fairly. And
8 some of that, our feeling from the witness statements
9 has had as major a lasting impact on young people as the
10 direct incidents of abuse that have been reported. Not
11 being claimed, not being supported, not feeling that
12 they had worth.

13 In relation to the finances, it's clear that some
14 young people, rightly or wrongly, felt that finance was
15 a motivation for their carers.

16 Q. Okay. Do you have any reflections on that or what do
17 you learn from that?

18 A. I think it suggests that we need to create opportunities
19 if young people feel that way for discussions with them
20 about that so that they have realistic information, but
21 I would hope that if we are providing care that is of
22 the quality that we want, then that really shouldn't be
23 something that children and young people need to
24 speculate about or experience.

25 LADY SMITH: I suppose the problem is that young people

1 might be very astute to pick up if the principal reason
2 somebody wants to foster children is the money they get
3 paid for doing it.

4 A. (Witness nods)

5 LADY SMITH: Whereas the children need to feel that the
6 principal reasons are other reasons.

7 A. (Witness nods)

8 LADY SMITH: Can I just go back a few answers ago. You
9 mentioned love, a throwaway line, and this has troubled
10 me for a long time because I don't see how you can
11 require somebody to love a child that's not theirs.

12 But in a study published quite recently about the
13 impact on children of foster care and on the potential
14 for it to repair damaged attachment or absent
15 attachment, one of the things that's suggested
16 repeatedly is that what you need is for a foster parent
17 to, from day 1, commit to building an enduring
18 relationship. And it doesn't whether in fact it's going
19 to be a short-term placement. But they think that
20 they've tracked that if you can get that commitment and
21 the child feeling this adult is committing to me to
22 build an enduring relationship, obviously a positive
23 enduring relationship with me, it really helps.

24 Is something like that more realistic than thinking
25 you can say to foster parents: of course you have to

1 love the children we place with you?

2 A. Absolutely. And we may express it in different ways,
3 but I think children need to feel -- I agree, however
4 long they are going to be with a particular carer,
5 that -- and this isn't child-centred language, but the
6 carer is invested in them --

7 LADY SMITH: Mm.

8 A. -- that the carer cares about their experience and their
9 life and what's important to them.

10 LADY SMITH: Yes.

11 A. So absolutely.

12 LADY SMITH: One other thing, and you may not know this and
13 forgive me if I'm throwing it at you out of the blue,
14 but I heard yesterday about a system whereby if a foster
15 carer, existing registered foster carer -- this isn't
16 with a Local Authority, this is elsewhere --
17 successfully introduces, for example, a friend or
18 a neighbour to the service and they pass the interviews
19 and checks and the fostering panel, they get payments
20 and the total could amount to £1,500. Your reaction to
21 that? Honestly?

22 A. I'm not entirely comfortable with that.

23 LADY SMITH: Yes.

24 A. I -- I -- we do have word of mouth and carers who know
25 carers is undoubtedly a vehicle at times for

1 recruitment, but -- but there's a difference between, in
2 my opinion, that being a vehicle because those people
3 have more insight into what caring for a young child in
4 foster care means as opposed to there being some reward
5 for the carer who introduces them. I think we can value
6 and reward carers in different ways.

7 LADY SMITH: Thank you.

8 Ms Innes.

9 MS INNES: Thank you, my Lady.

10 If we can move to page 12 of the presentation, you
11 have a heading there, "Reflective learning". I think at
12 this point in the presentation you go on to various
13 aspects of matters that you've reflected on.

14 The first area is in relation to legislation, policy
15 and procedural changes and you talk about -- I think
16 here it's really policy and procedures and really making
17 sure that you have a track record of those over time.

18 Is that --

19 A. Yes.

20 Q. -- the main point?

21 I think from your earlier evidence that would have
22 come out from your researches that you found it
23 difficult to find policy documents.

24 A. Yes. So there is -- absolutely that was an issue for us
25 in any of the three larger studies or reports that we

1 have completed for the Inquiry from North Lanarkshire.
2 And I think it's something that we can't necessarily
3 resolve historically, but in terms of the council's
4 corporate information management system, we are feeding
5 the learning into the review of that, and from a social
6 work service perspective we're also ensuring that simple
7 things like version control of policies and procedures
8 is more accurately logged.

9 Q. Then if we go to the next page, you talk there about
10 identification of care-experienced children and foster
11 carers. What are you referring to there?

12 A. So to a large extent we have and we have resolved that
13 in relation to information about children who are
14 currently experiencing care, but I think the work that
15 we undertook and the evidence led for this Inquiry has
16 just reinforced the need to be accurate in our recording
17 of changes of legislation, changes of placement,
18 change -- you know, all of the information that is
19 critical to a young person's care journey, both so that
20 we can more adequately have that view of who is -- who
21 has experienced care at a point of time and who our
22 carers have been, but also for that individual young
23 person's history.

24 Q. Then following on from that in the bottom part of this
25 page you talk about noting access to records issues.

1 A. Yes.

2 Q. If we scroll down a little, you highlight certain issues
3 that you've identified from the evidence and your
4 review?

5 A. Yes. I think it's fair to say that both from our
6 ongoing work with practitioners and administrative staff
7 around how we deal with subject access requests, we know
8 that people can find that a challenge. We do have
9 corporate processes and service processes for that, but
10 I think people understanding those processes, the
11 importance of -- the effectiveness of those, creating
12 space for practitioners to review records, for example,
13 within legislative timescales is important.

14 But primarily here I think our learning is about
15 this being seen particularly for young people who've
16 experienced care or adults who have experienced care as
17 young people not simply as an administrative task.
18 I think reading from witness statements how people have
19 found it difficult to access records, who if they're
20 initially told they need to write to us formally, that
21 they historically have had to pay £10 for that, then it
22 can make the difference between someone pursuing that
23 and not pursuing that. So it's important that we get
24 that right. We should be welcoming and facilitating in
25 a trauma-informed way any request as opposed to seeing

1 it as another task to be undertaken.

2 And then I'd guess what we would say our learning is
3 that follows through into the whole process of that,
4 about much more encouraging practitioners who are
5 undertaking a record review to support a request for
6 personal information to engage directly with the person
7 that's making the request. Sometimes it comes from
8 solicitors and that may make it more difficult, but
9 I think it's about being clearer about what the person
10 wants to achieve from that request. It's about being
11 sensitive to the fact that that's their history, that's
12 their journey, it's their information and not ours. And
13 it's also ensuring that if they want, that they have
14 support there to understand and ask questions about the
15 information we may hold.

16 Q. On the next slide on page 14 you outline various points
17 for service improvement in relation to subject access
18 requests, which essentially cover the types of things
19 that you've been talking about.

20 A. (Witness nods)

21 Q. So I assume that's something that you're taking forward
22 to make changes?

23 A. Yes. There are some changes which are about the
24 efficiency and effectiveness of administration requests
25 from -- but I think we have been keen with ... so we do

1 ask staff to ensure that they've completed mandatory
2 corporate courses.

3 But for staff who are dealing with this type of
4 request in particular, we want, in amongst the training
5 that we're doing, really to get those softer messages
6 across about reflecting on what that means for the
7 people who are making the request and trying to ensure
8 we do it in a way, as I say, that's trauma-informed,
9 et cetera. So we've delivered training within -- of the
10 refreshed processes and with some of that messaging to
11 around 100 of our staff to date and we plan further
12 sessions.

13 LADY SMITH: Have you experienced an increase in subject
14 access requests?

15 A. Yes.

16 LADY SMITH: An ongoing increase?

17 A. Yes.

18 LADY SMITH: Thank you.

19 MS INNES: Then if we go to the next page, page 15, you have
20 a number of questions that are posed.

21 The first question is:

22 "If there was a disclosure of concerns or abuse at
23 the time, why is there no record/where was it recorded?
24 If it wasn't disclosed at the time, why not?"

25 I wonder if you can tell us why you pose that as

1 a question.

2 A. In delivering the presentation we're really asking
3 managers and practitioners to reflect on: are we
4 confident that today things look different?

5 So not all of them obviously participated in the
6 file review activity et cetera, so we're not
7 necessarily -- to some extent some of this is rhetorical
8 based on the information that we'll present, but it's
9 really asking people, our practitioners and managers, to
10 reflect and be sure that -- can we answer the questions
11 in relation to our practice and systems here and now?

12 Q. You say that at the end of this slide:

13 "Some changes in how we practice, but how confident
14 are we about the safety and well-being of the children
15 in our care now?"

16 So that's the reflective process that you're looking
17 at as an organisation.

18 A. (Witness nods)

19 Q. If we look on to page 16, you note that many of the
20 reflective learning themes that you identified are
21 consistent with those identified in the Care Review and
22 the ambitions set out in The Promise, and then there are
23 various issues that you look at in a bit more detail.

24 If we look at page 17, you talk there about coherent
25 story. I think that follows on what you were saying

1 about accurate recording, making sure that somebody's
2 care journey is clear?

3 A. Yes. It's -- it's also about how we engage with
4 children and about their life story and their
5 understanding and how we involve them in decision
6 making.

7 As an example, if it's helpful, I was struck in
8 reading some of the witness statements that there was no
9 recollection from some of the witnesses about any prior
10 discussion about placement moves, for example, or the
11 reason for placement moves. When we check our own
12 records against those, there are instances where we can
13 clearly see that there was some discussion, maybe not at
14 the level we would expect now, and also introductory
15 visits took place, which not -- people -- adults looking
16 back don't necessarily remember. But there is --
17 I think what we're trying to get across is this is
18 something that's not a one off you do with a young
19 person. We need to consistently create opportunities to
20 make sure that young people do understand and are
21 involved as far as possible in decisions, but that
22 they -- they understand their history.

23 And we know from some of the work that we're doing
24 as part of The Promise on lifelong links with older
25 young people who may have lost family connections, that

1 some of them have -- don't retain knowledge of things
2 like family members' names, even, or -- you know, we
3 might record that we've involved them or we've given
4 them information or we've done life story work in the
5 past, but some young people moving on have not retained
6 any of that and so we need to continually create that
7 opportunity to have that dialogue, answer questions, and
8 so they've got information that's important to them.

9 Q. If we move on to the next page, at page 18, you talk
10 about various issues under the head of, "Relationships",
11 and you talk about:

12 "Inconsistent evidence of regular occasions when
13 a social worker would meet with children who were in
14 foster care in order to build up a relationship and
15 trust."

16 You talk about various points connected to that, the
17 children not being seen on their own, multiple social
18 workers, children thinking that the social worker was
19 there for the adults and not for them. What are your
20 reflections on that?

21 A. So I think we've seen evidence both from our review of
22 records and from witnesses that at times there was
23 insufficient quality contact to build a relationship
24 with a child. Even when there were frequent contact,
25 the child did not necessarily see the worker as being

1 there for them. And in some instances, particularly in
2 placements that were longer term or considered to be
3 stable, that the level of contact was not of a frequency
4 that would allow that child to build any real
5 relationship with their worker.

6 Q. And I assume that you would think that it would be
7 important for a child to build a relationship with their
8 worker so that if there are any concerns that they have,
9 that they can feel comfortable to raise them?

10 A. Yes. There will always be situations where, perhaps
11 because of transitions or transitions of worker, the
12 worker may not be and shouldn't be necessarily the most
13 important adult in a child's life. But the worker, if
14 they are not that person, should know who is, and there
15 should also be an opportunity for a child in any care
16 situation to have someone outwith that immediate
17 situation in whom they can confide, ask questions, have
18 a relationship.

19 Clearly for some young people, independent advocacy
20 is part of that as well, but the relationship with the
21 worker and those who are supporting them is key.

22 Q. Then at the bottom part of this slide you talk about
23 relationships with family, so separations from siblings
24 and family members and the impact of that on a long-term
25 basis is again something that has come out of the

1 review.

2 A. Absolutely. And very much a theme through The Promise
3 as well, and clearly some of our improvement actions in
4 that area are being driven by -- not only by
5 legislation, but there's a legislative basis for some of
6 that now in terms of maintenance of relationships.

7 But it's much broader than that in terms of
8 maintaining those connections and there is a clear,
9 I suppose, connection between the voices of young people
10 who gave evidence to the Care Review as well as the
11 voices of witnesses to this Inquiry on how important
12 that can be.

13 Q. Okay.

14 If we move on to the next page, page 19, you talk
15 there about communication and some of the issues there
16 you've talked about already, so communicating to
17 children about experiences and decisions that were made,
18 and you've said that's an ongoing issue.

19 And you also talk about individual records now being
20 available with significant recording, in contrast to
21 shorter records in the past. But you ask the question:
22 is it child centred? And I think you then go on to
23 reflect on use of language.

24 A. Yes. I would say child centred is: does it reflect the
25 child's voice? Does it reflect what matters to the

1 child? But also are records and the way that we
2 describe children and their parents and families
3 appropriate?

4 So we know again from the Care Review about language
5 that young people can find stigmatising. We know that
6 workers sometimes in the past, and potentially now,
7 revert to sort of shorthand descriptors of some
8 situations. I think it's important that we ask people
9 to reflect on their language, to reflect on whose record
10 this really is, and make sure that we're hearing that,
11 and locally we are doing work on that with our
12 children's houses and with our social work staff, but
13 also with wider partner agencies.

14 Q. At page 20 there's further comment on the child's voice,
15 with records having little explicit detail of the
16 child's views, thoughts and feelings gathered directly,
17 and sometimes that being through the lens of the carer.

18 A. Yes.

19 Q. You talk about there being some evidence of the use of
20 tools and apps in more recent case records, so is that
21 something that you now have in place as a means for
22 children to contact their social worker?

23 A. Yes. We have tools that young people can record their
24 views on, but we also have apps which are, for some
25 young people, much more in tune with how they live their

1 day-to-day lives in terms of messages or expressing
2 views where they can communicate with us in relation to
3 that. So Mind Of My Own is one, for example, that we
4 would use now. It wouldn't be all that we would rely
5 on, but it certainly would facilitate a children and
6 young person's communication.

7 Q. Okay. Then you talk in the final part on this page
8 about:

9 "When there is a concern, a complaint or
10 an allegation, some recordings in child's file and
11 others in carers' file with no consistency."

12 Was that an issue that you identified?

13 A. Yes. It maybe sits beyond the category of voice in
14 terms of an issue, although the child's -- what
15 a concern, a complaint or an allegation means for
16 a child is clearly an important part of that.

17 But whilst we have maintained since 2007 a log of
18 concerns, allegations and complaints made in relation to
19 children in foster care settings or in relation to
20 foster carers, one of the challenges is that during the
21 process of dealing with those complaints some of the
22 process can -- if you're following through a child
23 protection process or another process -- be something
24 that is recorded primarily in the child's file or some
25 might be primarily in -- if it gets into actions or asks

1 of the carers or improvements that the carers need to
2 make, in the carer's file.

3 What we found is although we had a clear record of
4 concerns that were raised, following through and
5 tracking fully what had happened and having a coherent
6 view of the response to those concerns and any -- a sort
7 of unified view of both the outcome and the actions
8 arising was not as easy to establish as we would want.
9 So we have updated our protocol and procedure around
10 that and our logging arrangements so that ultimately the
11 outcome of any allegation/complaint/concern needs to be
12 followed through. We have an overview form, which is
13 signed off by the manager responsible for both the
14 carer's service and the manager responsible for that
15 particular child.

16 Q. In the next slide, at page 21, you talk there about
17 chronology and is the chronology something different to
18 what you've just been talking about, which was specific
19 to allegations and a clear record of what objection as
20 have been taken?

21 A. (Witness nods)

22 Q. And here you're talking about a chronology?

23 A. Yes. In this instance on the slide that you're showing
24 me here it specifically relates to chronologies on
25 children's records --

1 Q. Okay.

2 A. -- which should help us get a picture of important
3 events or stages in their life which matter to them. So
4 that should include areas like concerns and protection
5 matters or incidents that have required a response. But
6 what we also clearly have seen is a consistent challenge
7 on children and young people's records is making sure
8 that the positives are also -- in children's lives are
9 also marked, particular achievements that are marked in
10 chronologies, as well as significant transitions for
11 children and young people. So that there's a more
12 balanced perspective on a young person's life and
13 journey and it's not just seen as a series of incidents
14 from an organisation's point of view, but makes sense,
15 for them.

16 Q. You mentioned that this is a chronology in a child's
17 file. Do you have chronologies in carers' files?

18 A. Yes.

19 Q. What sort of things do those contain?

20 A. Well, they will -- there will be basic information about
21 the children -- you know, the placements with them, but
22 it should also include information around things like,
23 you know, I'd guess key achievements in terms of changes
24 in carer's registration, changes in relation to if they
25 have moved from a level 1 to a level 2 carer. But it

1 should -- in relation to concerns, complaints and
2 allegations, that should also be reflected there.

3 So I think the importance of that is that if it's --
4 if it's not -- I think it helps our thinking about
5 what's the right response, if it's not simply
6 a clear-cut allegation of abuse which would follow
7 an investigatory procedure, but it helps us see patterns
8 in relation to potential issues that are raised about
9 care provided.

10 Q. Then if we move on to page 22, you also noted evidence
11 in relation to various issues in respect of leaving
12 care, lack of preparation, lack of support and those
13 sorts of issues.

14 A. Yes. And I think this is an area where practice in
15 Scotland and practice in North Lanarkshire has developed
16 significantly over a period of time. It's not perfect,
17 but I think it really stands out in both our file or our
18 record review but in particular the witness statements,
19 how unsupported or abandoned some young people felt at
20 the point where they moved out of foster care and had --
21 some obviously reflect on having positive support from
22 an individual worker or for aspects of their life, but
23 clearly others feel that they were not provided with any
24 support.

25 I think we obviously can't -- in the ideal situation

1 some of that support in current times should come
2 through things like continuing care placements and young
3 people being able to stay on for longer if
4 a placement -- if a care placement has worked for them
5 with that person, beyond them being formally looked
6 after, but it's also about the lifelong support we
7 provide as an organisation, both through the sort of
8 statutory period of aftercare, but also for young people
9 or adults who were previously care experienced who may
10 need to come back to us for support at some time in
11 their future.

12 We have -- whilst there are some young people that
13 have continuing social work involvement beyond their
14 care-leaving age, we also now have an aftercare hub
15 which provides a point of contact to anyone who has
16 previously experienced care in North Lanarkshire if they
17 don't know where to come for information or support or
18 advice, to come to that point and then they can either
19 be directly supported or provided advice, and we're
20 really now looking at how we can make that something
21 that is a lifelong point of contact and not purely until
22 a young person reaches the statutory aftercare age of
23 26.

24 Q. I suppose thinking particularly of the evidence that
25 we've heard from applicants, and I'm sure you've seen

1 talk about the lifelong impact of abusive experiences in
2 care --

3 A. Yes.

4 Q. -- and their need for support throughout their lives.

5 A. Absolutely. And it's one of the other reasons why we
6 would want to -- one of the things we will do next
7 month, having provided this presentation to over I think
8 about 140 childcare social work staff to date and to our
9 wider management team is we will also do a version of
10 this for our adult social work and for our health and
11 social care staff as well, because I think it's about
12 trying -- some of those messages about experienced
13 trauma-informed responses, wherever an adult who has
14 an experience of care reconnects with the system is
15 important. Yes, we're saying we have a hub, but that
16 might not be where people pitch up in their lives, so we
17 want to make sure that other people are tuned into this
18 as well.

19 Q. Okay. Moving on to page 23, you talk there a bit more
20 about foster carers and what you've learned in respect
21 of the file review and you talk about procedural checks
22 and registration appeared to be maintained, visits
23 appeared to be maintained, but you then say:

24 "Placement reports from child's social worker
25 inconsistently returned to provide feedback at carer

1 reviews or end of placement."

2 Then you also say:

3 "Placement feedback from child via social worker or
4 use of tools or apps inconsistent."

5 Can you tell us the issue that you identified there?

6 A. Yes, so we review foster carers' registration a minimum
7 of every three years. In some circumstances where
8 they're new carers or for particular circumstances we
9 will review them more frequently than that.

10 One of the areas that feeds into that process is
11 making sure that we have feedback from children's social
12 workers on placements as a whole. But we also seek to
13 enable children to feed back -- and that could be
14 children who remain in a placement or who have moved on
15 from that placement. And that -- whilst we would -- the
16 link worker and the children's current social worker
17 would tend to feed into the review, the link worker in
18 particular, the formal process whereby we actually
19 gather that information for every child who's been in
20 that placement through their social worker and also give
21 children the opportunity to contribute is not as
22 consistently applied, it's not something -- in advance
23 of a review there will be an ask go out to social
24 workers for those reports. They're not returned
25 100 per cent of the time.

1 Q. Okay.

2 A. And I think we're just emphasising that this is --

3 there's a purpose for this that goes beyond just being

4 a task, and therefore we're asking through this

5 presentation managers and social work staff to give more

6 priority to that.

7 Q. Because if the reports are returned, it gives you

8 a holistic view --

9 A. Yes.

10 Q. -- of the placement. Okay.

11 Then if we go on over the page to page 25, you're

12 talking there about responding to

13 complaints/allegations, and you say that historically

14 there was no consistent place where they were recorded,

15 but since 2006 there's been the log which you mentioned.

16 A. (Witness nods)

17 Q. You talk there about chronologies and the final point is

18 again about carers and -- information about carers and

19 children being recorded in their respective files with

20 little cross-reference and holistic review.

21 A. Yes.

22 Q. That's again an issue that you noted.

23 I think I sped forward beyond page 24 and there was

24 something that I wanted to ask about there which is

25 linked to this. If we could go back, please, to

1 page 24. The second bullet point -- you talk about

2 chronologies, the second point is:

3 "Where there has been a concern or practice issue
4 for which a support plan is put in place, there could be
5 better recording of a successful conclusion and
6 feedback ..."

7 A. Yes.

8 Q. That's making sure that the investigation or concern is
9 accurately recorded together with actions and outcomes?

10 A. Yes. And if actions are identified that we can track
11 that they've been followed through, either as part of
12 the fostering process and the fostering review process
13 or if they're about better planning or support for the
14 child in placement from the child's social worker, for
15 example, that we can see that that has been followed
16 through.

17 Q. Then the final paragraph here talks about the quality of
18 contact and communication between the child, their
19 social worker, the foster carer and their link worker
20 could improve, and it says:

21 "... communications tend to be recorded in silos."

22 Can you explain what you mean by this point?

23 A. I think that point perhaps gives a less positive view of
24 practice than I think, you know, it -- there is, but
25 I suppose there are times and key points where we would

1 expect there to be communication between the link worker
2 and the child's social worker and at minimum we would
3 expect that to be at key review points or when there has
4 been some sort of incident or problem or early on in
5 a placement.

6 But what we're really trying to convey in this is
7 that that needs to be ongoing engagement so we get the
8 sense of how, on an ongoing basis when we're supporting
9 a child in a foster care placement, how that's working
10 for both. There's no point a social worker or a link
11 worker recording something within -- and it's right that
12 the foster carers and child have separate records,
13 clearly -- that has something that is a judgement on how
14 the placement is or a particular issue around the
15 placement if that's not shared/triangulated, so you've
16 got a sort of parallel sort of view of the placement
17 journey. We're really encouraging workers to check in
18 with each other more often about that and to make sure
19 that if there are discrepancies between a carer's view
20 and a child's social worker or a child's view of how the
21 placement is, that we are picking those up earlier.

22 Q. Okay. If we can move on, please, to page 26, and this
23 is where you talk about service improvement in relation
24 to complaints, concerns and allegations, and you refer
25 to new guidance which you've mentioned in your evidence.

1 Have you produced new guidance now or is it in the
2 process of --

3 A. No, that's produced and has been distributed.

4 Q. Okay. What were the sort of key changes that you made?

5 A. I think much as I've already said, it was to try to have
6 a clearer record of -- well, the initial information and
7 the decision making about whether that would be managed
8 as an allegation, a concern or a complaint, through
9 which process, so that we're clearer about that in terms
10 of our historical record, but we're clear about who
11 needs to talk to each other to make that decision in the
12 first instance.

13 And then, as I've already referenced, to make sure
14 that we can track that whichever investigation or
15 exploration of the issue is agreed that that's followed
16 through appropriately along with -- and that the
17 understanding of everybody involved is the same in
18 relation to the outcome and any actions that require to
19 be taken as a result of that. So that two different
20 parts of the system don't walk away thinking that
21 there's different conclusions or different actions.

22 Q. The presentation goes on to talk about the new guidance
23 and you mentioned an issue about whether you defined
24 something as a complaint, concern or allegation.
25 I wonder if we could have a look at that, please.

1 If we can look at page 29. You have a definition
2 there of allegation, so this is where:

3 "A foster carer or member of the fostering household
4 has or may have behaved in a way that has harmed
5 a child, committed an offence against a child or behaved
6 in a way that is deemed unsuitable to work with
7 children."

8 That's how you would define an allegation.

9 A. Mm-hmm.

10 Q. Is that North Lanarkshire Council's own definition or
11 does that relate to any national guidance?

12 A. We would -- we would link this with child protection
13 guidance, but it clearly is -- for the purposes of
14 this -- trying to -- so this doesn't replace the child
15 protection guidance or the part of our child protection
16 guidance that would reference what should be done in
17 relation to an allegation against a carer, but it tries
18 to further articulate.

19 So I suppose if you're asking me, I don't think this
20 is a national definition. It's a way that we have
21 articulated it within this procedure.

22 Q. Okay. Then you note:

23 "Potential outcomes are that the allegation is
24 unfounded, unsubstantiated, substantiated, or deliberate
25 or malicious."

1 I wonder -- well, why you have the category of
2 deliberate and malicious?

3 A. So I think that -- so, firstly, I think I would say in
4 relation to this is that I would not expect that the
5 outcome of any investigation was purely summed up in one
6 of those words.

7 Q. Okay.

8 A. I think that gives, I suppose, categories that help
9 people's thinking about outcomes, but it's -- that would
10 be backed up with much more detail and I wouldn't expect
11 that the recording would simply say "unfounded" or
12 "substantiated", but I would guess if you're asking me
13 what the difference between "substantiated" or
14 "deliberate" or "malicious" is, it would be ...
15 deliberate or malicious is, I would say, a subcategory
16 of substantiated, if you know what I mean.

17 It's something where not only has harm or abuse
18 happened, but we're clearly evidenced that it was with
19 intent, a pattern of behaviour that was intended to harm
20 a child.

21 LADY SMITH: What standard of proof do you apply?

22 A. In relation to this, it would be balance of probability
23 here.

24 And that would -- that's -- my Lady, if you don't
25 mind me saying so, that's why I'm reflecting that

1 although that terminology is in the guidance, I wouldn't
2 expect the outcome to be recorded purely by categorising
3 it in one of these words, that there's information that
4 provides some analysis and rationale for why we've come
5 to a particular conclusion.

6 LADY SMITH: I can understand that. Is there also room for
7 an outcome that is that the allegation may be
8 well-founded?

9 A. Yes.

10 LADY SMITH: For circumstances where you don't feel you can
11 go as far as saying this probably happened, this child
12 was probably abused in that way, but you nonetheless
13 have the feeling that it might have taken place?

14 A. Yes.

15 LADY SMITH: Because that must be relevant for child
16 protection, mustn't it?

17 A. Absolutely. And if I'm honest when I'm looking at this
18 in our procedure that -- I think without that wider
19 context, that second line in the quote here isn't
20 particularly helpful. I certainly would challenge
21 workers if they categorised something as
22 "unsubstantiated" to further articulate what they mean
23 by that. Do they mean that we don't have full evidence
24 to say conclusively that something has happened but do
25 we still feel that a child -- the complaint, the

1 allegation was credible, that there are other
2 circumstances -- so I think we need to -- and it's
3 certainly something I will go back and do, is re-read
4 the detail to make sure that that is clear in all of the
5 contexts.

6 LADY SMITH: Thank you very much.

7 MS INNES: Then we go on over the page, we see -- so we
8 looked at allegation there. There you have a definition
9 of concern, which is:

10 "Inadequate practice by a foster carer which is
11 unacceptable but not causing significant harm to
12 a child."

13 You say that this would normally be dealt with by
14 the carers team and/or locality team as an internal
15 matter.

16 I suppose the issue here is the distinction between
17 concern and allegation. When does something get to the
18 level of being an allegation that should be dealt with
19 under child protection procedures?

20 A. That -- we would rely on our child protection procedures
21 in relation to that, but it would be about the potential
22 harm to a child in relation to -- to the action, and we
23 may need -- you know, if in doubt about whether it's
24 a concern or an allegation, we need to investigate and
25 then we -- you know, the actions may determine it's

1 a concern and not, you know, something that has
2 significantly harmed the child.

3 But there can be areas in which -- oh, failure to
4 follow, for example, an appropriate routine for the
5 child we might say is something that's about educating,
6 evolving, making sure that care is appropriate to
7 a particular child's need. That may cause a concern,
8 but we might not say that that was causing significant
9 harm to a child and that's the sort of thing that we
10 would pick up through -- in that way.

11 Q. Then you also have complaint, which you say:

12 "Could be made by the child, parent of a child or
13 someone with an interest in the child and would normally
14 be dealt with through the council's complaints
15 procedure."

16 But I think from the definition of allegation that
17 we've seen earlier, it wouldn't be a complaint of
18 abuse --

19 A. No.

20 Q. -- a complaint of abuse is an allegation, essentially?

21 A. Yes.

22 Q. Then if we go over the page to page 31, we see that
23 you've set out what the initial response should be in
24 all cases, so allegation, concern or complaint.

25 In essence, I think you talk here about the social

1 worker working with a senior social worker, the young
2 person being seen separately, and information being
3 shared with a manager, whatever the outcome is.

4 A. Yes.

5 Q. So whichever definition it falls within, it's more than
6 one person that's looking at it?

7 A. Yes. And clearly if something was being followed
8 through as a child protection investigation, the young
9 person may be -- wouldn't necessarily be seen
10 preliminary to that. If it was, for example, something
11 that required a joint investigative interview, that
12 would be that contact with the young person. They
13 wouldn't be seen prior to that to be asked about their
14 views. They would be -- you know, we would follow the
15 appropriate process.

16 Q. Yes. Okay.

17 That's all that I want to look at in terms of the
18 presentation. Is there anything else in terms of your
19 reflections on the evidence or lessons to be learned
20 that you feel it important to say in your evidence that
21 we've not talked about?

22 A. The only other area which on reflecting and going back
23 over evidence for the purposes of coming here today that
24 I think we would add to the lessons learned is around
25 support for recovery for young people. And that may be

1 something that, you know, is taken as read, but I think
2 it's something that is clear from the evidence that we
3 need to make sure that there's appropriate attention
4 given to -- we know that children and young people who
5 have experienced abuse once can be more vulnerable to
6 further abuse, and we've heard -- you've provided me
7 with -- you've asked me about an example today of
8 a situation where that occurred.

9 I think it's important that if we are going to
10 protect and support children effectively, that we do
11 look at what we can do in terms of recovery as well in
12 all situations and don't lose our attention to that.

13 And that relates sometimes to specific specialist
14 support, but also how we engage with children and young
15 people reflecting on their own individual experience.

16 MS INNES: Thank you very much, Alison, I don't have any
17 more questions for you.

18 There are no applications, my Lady.

19 LADY SMITH: Thank you.

20 Are there any outstanding applications for questions
21 of Alison?

22 Alison, that completes all the questions we have for
23 you. Thank you so much, both for all the work that you
24 have put in and others in your council have put in to
25 providing us with the written details that we've been

1 looking at today, but also for coming along to give your
2 evidence and doing so so thoughtfully, professionally
3 and reflectively. It's not lost on me that you still
4 have an appetite to learn and I wish you well with that.
5 A. Thank you.
6 LADY SMITH: Thank you very much and I'm now delighted to be
7 able to let you go. I'm sure you're ready for a rest.
8 A. Thank you.
9 (The witness withdrew)
10 LADY SMITH: I'll take the lunch break now, Ms Innes, and
11 we'll sit again at 2 o'clock, when we move on to --
12 MS INNES: East Renfrewshire.
13 LADY SMITH: Thank you.
14 (12.59 pm)
15 (The luncheon adjournment)
16 (2.00 pm)
17 LADY SMITH: Good afternoon.
18 Ms Innes.
19 MS INNES: My Lady, the witness this afternoon is
20 Raymond Prior from East Renfrewshire Council.
21 LADY SMITH: Thank you.
22 Raymond Prior (sworn)
23 LADY SMITH: Help me with this. How would you like me to
24 address you? I'm happy to use your first name or
25 Mr Prior if you prefer that. Which would work?

1 A. First name is fine. Thank you, my Lady.

2 LADY SMITH: Very well.

3 Raymond, you'll see there's a red folder there.

4 That has documents that have been provided by your

5 council and material from you, for which thank you very

6 much. We'll go to them, not all of them but the parts

7 we want to discuss with you, as we go through your

8 evidence but we'll also bring material up on screen so

9 I hope that will be helpful to you. Use either or

10 neither, as you choose.

11 If at any point you have any queries, please speak

12 up. Don't keep them to yourself. If at any point you

13 want a break, I can tell you that I usually take a break

14 about 3.00, in the middle of the afternoon, anyway, but

15 if at any time you want a breather, just say. Or if

16 there's anything else I can do to help you give your

17 evidence as clearly and carefully as you can, do let me

18 know. All right?

19 A. Okay, thank you, my Lady.

20 LADY SMITH: I'll hand over to Ms Innes and she'll take it

21 from there. Is that all right for you?

22 A. (Witness nods)

23 Thank you.

24 LADY SMITH: Ms Innes.

25 MS INNES: Thank you, my Lady.

1 Questions from Ms Innes

2 MS INNES: Raymond, can you tell us your date of birth,
3 please?

4 A. [REDACTED] 70.

5 Q. You have provided a copy of your CV to the Inquiry and
6 it's in the red folder. You tell us that you qualified
7 I think as a social worker in 1999?

8 A. (Witness nods)

9 Q. You did a diploma in Social Work and a BA at that point?

10 A. Yes, that's correct.

11 Q. You started working as a social worker with Renfrewshire
12 Council in 1999 and you worked there for a couple of
13 years, I think.

14 A. (Witness nods)

15 Q. Then you went to Action For Children and worked as
16 a social worker and you say as part of the Renfrewshire
17 youth justice team?

18 A. Yeah, that's correct.

19 Q. The area of work you were involved in.

20 Then in 2003 you moved on from there to North
21 Lanarkshire Council, where I think you were based in
22 Motherwell working in justice services?

23 A. Yeah.

24 Q. Then on 31 August 2007 you moved to East Renfrewshire,
25 where you still work?

1 A. (Witness nods)

2 Q. You initially started as a team manager and you've moved
3 up through various roles, you were a service manager for
4 a time and you say that you were service manager for
5 Children and Family Intensive Services?

6 A. (Witness nods)

7 Q. We often hear about social work having a Children and
8 Families team, is intensive services something
9 different?

10 A. It's -- in East Renfrewshire, because we're quite
11 a small authority, so in relation to the children and
12 families service it was almost split into two services.
13 The intake team, that we call our request for
14 assistance team and our community team, that deals with
15 most of the initial business and the child protection
16 business is one side of the organisation.

17 And we deliberately formulated a service of
18 intensive services that involved a young people's --
19 a youth intensive support service dealing with young
20 people age 12 and incorporating young people entitled to
21 continued care and aftercare, so potentially up until
22 the age of 26. And also our Intensive Family Support
23 Team and also probably -- and more relevant is our
24 Fostering and Adoption team, so we deliberately moved
25 our Fostering and Adoption team within an intensive

1 services structure.

2 Q. Okay. So you became a service manager for that service

3 I think in 2018 and initially you were a service manager

4 and then you became a senior manager and that was

5 Children's Strategy Intensive Services and Justice?

6 A. (Witness nods)

7 Q. You have told us about the intensive services area, but

8 it looks like you added other responsibilities to your

9 role at the time that you were promoted. Is that right?

10 A. Yes, that's correct.

11 Q. Then you became interim Head of Children's Service and

12 Justice and Chief Social Work Officer in August of this

13 year?

14 A. (Witness nods)

15 Q. That was an interim post to begin with and then you were

16 confirmed in that position, as it were, last month, in

17 October?

18 A. Yeah.

19 Q. Okay.

20 If we can move on, please, to East Renfrewshire's

21 response to the Section 21 notice that was served by the

22 Inquiry, if we can look first of all at ERC-000000008.

23 If we look first of all at the bottom of page 1, we can

24 see that from 1930 to 1974, present day East

25 Renfrewshire was part of the county of Renfrew?

1 A. (Witness nods)

2 Q. Then after that, if we go on over the page -- or sorry,

3 just at the top of page 2, you note that there was the

4 burgh of Barrhead was the only other significant Local

5 Authority in that early period.

6 A. (Witness nods)

7 Q. Then between 1975 and 1995 it formed part of Strathclyde

8 Region?

9 A. (Witness nods)

10 Q. Then in 1996 it obviously became East Renfrewshire

11 Council.

12 A. (Witness nods)

13 Q. A little later on in your response you tell us a little

14 bit about the demographic of the Local Authority, and

15 I think essentially you say that it is a Local Authority

16 of two halves. Would that be a fair description?

17 A. Yes. East Renfrewshire is -- has a reputation,

18 I suppose, of being a Local Authority of two halves,

19 with quite a particular affluent area, one of the most

20 affluent areas probably in Scotland, but we've also got

21 areas of quite significant deprivation nationally. So

22 it is quite a substantial mix in relation to the

23 demographic and profile of the Local Authority.

24 Q. Does the demographic present any challenges in terms of

25 the provision of fostering in East Renfrewshire?

1 A. I suppose the demographic in East Renfrewshire means
2 that we have -- we've got quite an elderly population,
3 probably the most growing elderly population in
4 Scotland, but we also do have a growing children's
5 population also. People traditionally move into the
6 area for the schools and the resources and the services.
7 So it can be a challenge because of the mix, as
8 I described.

9 And I suppose for the fostering service, then the
10 challenge can be making sure that we have got the
11 respective spread across the authority in relation to
12 foster carers who are assessed and able to look after
13 children. We have an established Champions' Board of
14 young people and that's certainly one of the things that
15 they have raised through the years that we've tried to
16 address, is to make sure that we've got significant
17 carers from each side that would reflect their
18 experience of the Local Authority and their community.

19 Q. Are they concerned about being placed outwith the
20 authority?

21 A. Yes, I would suggest most children would be concerned
22 about that, so that's certainly something that we would
23 always try and ensure as a first measure, to make sure
24 that if we can, we can support children within their
25 local community.

1 Q. Do you also use independent fostering providers to
2 provide foster carers?

3 A. Yes. Yes, we do.

4 Q. Can you give us a sense of to what extent you rely on
5 independent providers?

6 A. We would always try -- our first port of call would
7 always be to try and use our internal fostering
8 resource. Again, we're a small authority so the numbers
9 we have is probably reflected in the submission. It's
10 not huge numbers. But that would always be our first
11 port of call.

12 After that we would try and source external
13 resource, but also taking into account proximity and
14 trying to keep as close as we possibly can.

15 Q. Okay. If we could look on, please, to page 18 of your
16 response and we see there -- if we could focus
17 particularly on the 1996 up to date period, because
18 I appreciate there'll be difficulties with numbers
19 during the time that you were part of Strathclyde.

20 You have provided us with information as to 1997 to
21 2007 we can see in this table, and I think we see there
22 that -- I think this is maybe total numbers of children
23 in care, so in 1997, for example, we have 91 children
24 being cared for in community settings, 71 of whom are at
25 home with their parents, seven are with friends or

1 relatives, and pausing there, in terms of friends or
2 relatives, is that formal kinship care or is it
3 an informal arrangement, do you know?

4 A. It could be both, I would suggest.

5 Q. Okay.

6 Then with foster carers provided by the Local
7 Authority or purchased by the Local Authority -- there's
8 a single number there, it's not broken down -- but in
9 1997 there were 13 children placed with foster carers.

10 A. (Witness nods)

11 Q. If we look down towards the bottom of the page, I think
12 we see the numbers don't vary very much.

13 2006 to 2007 it drops a little to eight children in
14 foster care.

15 A. (Witness nods)

16 Q. Then if we move over to the next page -- I've lost my
17 sense of the columns now I've turned over the page.

18 LADY SMITH: I think it's the third column that gives us
19 foster carers provided by the Local Authority and the
20 fourth one is purchased.

21 MS INNES: The purchased ones. Thank you, my Lady.

22 We see that the numbers increase a little. So going
23 up from 14 in 2007 to 2008 in foster care up to sort of
24 the mid 20s in 2015/2016. And then at the same time in
25 the earlier years in this period we have a number of

1 children in purchased placements as well.

2 A. (Witness nods)

3 Q. Have there been any particular trends in terms of

4 increases or decreases of children in foster care in

5 East Renfrewshire?

6 A. I think from the table we can see that there was

7 certainly an increase from the first page that you

8 referenced to then. In particular, I think when you can

9 see about 2011/2012 to 2012/2013, there certainly is

10 more of an increase.

11 Around the time of 2014 we had undertaken a whole

12 redesign of children's services and partly that was

13 about reviewing if we were getting it right in relation

14 to I suppose the thresholds of children being

15 accommodated and overall involvement with the social

16 work department, so that was certainly a trend that we

17 recognised.

18 I can give up-to-date figures if that is helpful?

19 Q. Yes, that would be helpful, thank you.

20 A. Currently we have 16 children in our internal foster

21 carers and we have six external, in independent external

22 placements.

23 Q. Is that foster care and not kinship care?

24 A. That's specifically foster care, not kinship care.

25 Q. Do you know what the numbers are in terms of children

1 with kinship carers?

2 A. Kinship carers, we would have 36.

3 Q. Okay. And has provision of care for children in terms
4 of formal kinship care, has that increased over time?

5 A. Yes, yeah, and I think that would reflect nationally
6 again just the direction of travel. And also if it's
7 safe to do so and it's assessed as -- as the best
8 interest of the child, then that would be the first
9 exploration would be for kinship before a foster
10 placement also.

11 Q. Okay.

12 If we look at the bottom of this page, we see
13 a table in relation to foster carers and we see a period
14 from 2007 up to 2018 and the number of carers varies
15 I think from 13 in 2015 up to 21 in 2010 and 2011. So
16 it's round about that sort of level.

17 You then have them categorised in terms of different
18 types of care provision, so short-term or permanent or
19 respite is the division. Are carers registered to
20 provide certain types of care?

21 A. Yes, they can be, yes.

22 Q. Could somebody be registered to provide respite care as
23 well as long-term care, for example?

24 A. They can be, but again it would be particular of the --
25 yes is the answer. I suppose we would always be

1 considering the needs of the children within any
2 particular placement.

3 Q. Okay. And in terms of the number of carers that you
4 have now, do you know what the number of carers --

5 A. Currently we have 15 foster carers.

6 Q. Okay. When you're saying 15 foster carers, is that 15
7 individuals or 15 households?

8 A. It would be -- the breakdown I could get back, if that's
9 okay, because we would have 15 -- some would be couples
10 within a family home and other would be single foster
11 carers. Apologies, I don't have the breakdown in my
12 head.

13 Q. That's okay.

14 LADY SMITH: Can I just take you back up that page, I have
15 one quick question.

16 More recent records from your Care Inspectorate
17 returns indicate a reduction in the number of children
18 placed with East Renfrewshire carers and you give us
19 figures for 2017 and 2018. Is that telling me those are
20 your own foster carers or all foster carers? Do you see
21 what I mean?

22 A. (Witness nods)

23 That would be all foster carers, my Lady.

24 LADY SMITH: That would include the placements purchased?

25 A. Yes.

1 LADY SMITH: Thank you.

2 MS INNES: I'd like to move on to ask you about the approach
3 which was taken to the response to the section 21 notice
4 and if we could look, please, at ERC-000000006, page 1.
5 Before we have a look at this, when this response was
6 prepared, you were obviously in a different role to the
7 role that you're in now. Did you have any involvement
8 or oversight of the preparation of the submission at
9 that time?

10 A. No. I didn't. It was one of the senior managers who
11 was employed by East Renfrewshire at that point in time
12 in conjunction with the previous Chief Social Work
13 Officer.

14 Q. Okay. It tells us here:
15 "This submission is based on a review of 191
16 children's files held by East Renfrewshire and Glasgow
17 City archives and an additional review of 24 records in
18 relation to a concern regarding a specific foster
19 carer."
20 It then says:
21 "This includes all existing records currently
22 attributed to East Renfrewshire regarding children who
23 had been in foster care prior to 2000 and over half of
24 the children's records from 2000 to date."
25 Just in terms of understanding the prior to 2000, is

1 that talking about 1996 to 2000?

2 A. No. That was the records that we were able to access
3 through the Mitchell Library --

4 Q. I see.

5 A. -- in Glasgow. So any records that we were able to find
6 that related back to Strathclyde Regional Council or
7 Renfrew County, that was taken into account.

8 So 107 cases that would appear -- or certainly would
9 have had a locus for East Renfrewshire. So 107 prior to
10 2000 approximately.

11 And then from 2000 onwards, the 84 cases are just
12 over half of the overall cases of children that we have
13 records on that had experience of foster care.

14 Q. Okay. In terms of the more recent period, why was it
15 that you looked at half of them?

16 A. Again to try and get the reflective flavour of the more
17 historical cases and a flavour of the more up to date to
18 2014, so again half -- it was a -- an approach to try
19 and get us a flavour of as many cases, so just over half
20 we thought would be indicative of potentially what we
21 had. And it was a random sample that was taken in
22 relation to those files.

23 Q. Were the files assigned to file readers?

24 A. Yes. So the methodology of approach that we had
25 undertaken was we had some retired senior managers and

1 team managers who returned to help us look at the foster
2 carer records, and we also had a larger team -- again
3 because we're a small Local Authority to -- and also try
4 and give the flavour across for different file readers,
5 so we had some advance practitioners, social workers,
6 team managers, lead officers as part of a team overall
7 looking at all these files.

8 Q. Okay. Were they given a template or something --

9 A. Yeah.

10 Q. -- to complete to note certain issues that managers
11 wanted to focus on?

12 A. Yes. So quite a detailed template, obviously based on
13 the questions that we'd obviously received from the
14 Inquiry.

15 Q. Okay. Do you know if that related only to trying to
16 identify if there were allegations of abuse or if it
17 also included broader questions about adherence to
18 regulations, for example?

19 A. Yeah, concerns, allegations, confirmation of abuse,
20 yeah.

21 Q. Okay, so that sort of thing.

22 What about, you know, questions about whether
23 children were visited, whether reviews took place? Was
24 that looked at in the file review?

25 A. Reviews were looked at in the file review.

1 Visits -- I don't think visits were taken into
2 account in that.

3 Q. Okay. So you mentioned children's files and foster
4 carer files, I think.

5 A. (Witness nods)

6 Q. In terms of the numbers that you gave earlier, so 107
7 pre-2000, is that 107 children or a mixture of children
8 and foster carer files?

9 A. No, the records specifically -- 191 are children's
10 records.

11 Q. Right, okay.

12 Then in addition to that, were foster carer files
13 reviewed?

14 A. If we could. I think in the submission we reflect that
15 there was difficulty in sourcing and actually getting
16 all the information, so there certainly wasn't a lot,
17 possibly any in relation to the historical foster care
18 records. So the balance of that would be more recent
19 history, rather than going back to Strathclyde in
20 previous days.

21 Q. Yes, I mean ... well we know there are a couple of
22 issues, so one might be the absence of foster carer
23 files completely, that they never existed, and the other
24 issue might be the retention periods --

25 A. Yeah.

1 Q. -- the retention period for a foster carer file is
2 shorter than for a child's file.

3 A. Yeah.

4 Q. So that would have given you some issues in looking back
5 historically. But in relation to the current time, do
6 you know if foster carer records were looked at at
7 random or were they reviewed something having come to
8 light in a child's file?

9 A. They were reviewed in relation to -- the ones that we
10 could correlate to the children's files.

11 Q. I see, I see.

12 Do you know how many foster carer files were
13 reviewed?

14 A. I don't have that number. Apologies.

15 Q. Okay. So that was the methodology, I think, of your
16 file review, and presumably that then was fed into the
17 senior managers that you talked about who were leading
18 the response and the response was formulated?

19 A. (Witness nods)

20 Q. Would that be right?

21 A. Yes.

22 Q. Can I ask you please to look on in this document to
23 page 40. There you're being asked about specific
24 examples of cases, if we scroll down to 5.8, you say
25 there that you give specific details of what you found.

1 At 5.8 you note that you know of no convictions or
2 admissions of guilt.

3 A. Yeah, that's correct.

4 Q. And you say there that there were two situations
5 recorded where the concern was such that criminal
6 charges were brought?

7 A. (Witness nods)

8 Q. But I think you tell us that there were no convictions
9 in those cases?

10 A. That's correct, yeah.

11 Q. Do you know what happened to those carers, were they
12 de-registered?

13 A. Specifically where charges were brought?

14 Q. Mm-hmm.

15 A. I believe one relates to one of the individuals who's
16 named later, where there was allegations made in 2006
17 and subsequently again in 2016.

18 Q. Okay.

19 A. So the -- he -- the individual was charged and appeared
20 at court but was found not guilty.

21 And the other was a case from 1970, I believe.

22 Q. Yes, I think we see that if we go on to page 41.

23 A. Yeah.

24 Q. We see that there's reference to a carer who -- if we go
25 down the page there's reference to the carer with the

1 cypher "EDD", so below that it tells us that she was
2 a carer round about 1970, so again that was something
3 that had happened in the past that you identified.
4 I think you discovered that there was no conviction
5 there either?

6 A. Yeah.

7 Q. Okay. You mentioned an example of a carer that we'll
8 come on to and speak about in more detail. I wonder if
9 we can go to page 52 of your response. You talk about
10 this person on a few occasions, but I think this might
11 provide the most information before we look at the
12 relevant report.

13 It's concern 5, and it notes there that a child made
14 a disclosure initially in 2006 after a young person had
15 moved placement. Then there was a subsequent disclosure
16 made in 2016, the police investigation, and as you say,
17 the outcome of that was a not guilty, is that right?

18 A. Yes, that's correct.

19 Q. You tell us at (d) that the children alleged sexual
20 abuse and inappropriate sexual contact from the male
21 foster carer.

22 A. (Witness nods)

23 Q. So that was the nature of the abuse alleged.

24 A. Yes.

25 Q. You tell us at (f) again about the allegation, the

1 police investigation, and you say that there was
2 an independent learning review undertaken in 2018.

3 So in 2018, that was when the case went to court and
4 the person was found not guilty, but nonetheless, the
5 Local Authority decided to undertake an independent
6 learning review. Why was that?

7 A. I think partly because we reflectively recognised that
8 allegations had been made in 2006, and obviously, as
9 outlined there, some investigation had taken place. But
10 given the allegations had been made again and the young
11 person had clearly given a statement to the police also,
12 we undertook that reflective exercise and commissioned
13 that separate report, I suppose as some form of
14 assurance for us also to make sure that as an authority
15 if there was to be any learning from it, given the
16 detail of what we know was alleged in relation to that
17 case.

18 Q. Okay. I think you also tell us at the top of page 60
19 that by the time the allegation was repeated in 2016,
20 the foster carer had resigned, I think, so he -- as
21 we'll see in the report in a moment, an allegation was
22 made in 2006, he remained a foster carer, he resigned in
23 2016 and a person made an allegation, possibly after he
24 had resigned.

25 A. (Witness nods)

1 Q. Is that your understanding of the chronology?

2 A. I'm not sure if it was -- if he resigned after the
3 allegation. I'm not sure about the sequence of that
4 part.

5 Q. Okay.

6 Right, so we will go on, please, to ERC-000000013,
7 which is a review of practice and decisions in East
8 Renfrewshire in response to allegations of abuse in
9 foster care. This review was carried out by a person
10 called Sally Wassell and it's dated 14 March 2019.

11 It tells us about the background to the instruction
12 at paragraphs 1 and 2 that you've already indicated
13 happened. Then at paragraph 3 she says:

14 "I am also asked to consider progress made since the
15 review undertaken by Robert Swift in 2017, which
16 examined the functioning of the adoption and fostering
17 panel and made wider recommendations."

18 Can you tell us what the purpose of the review by
19 Robert Swift was?

20 A. Certainly. As I mentioned round about 2014/2015 we had
21 gone through a redesign of children's services overall,
22 partly as the previous Chief Social Work Officer had
23 joined the authority at that point, and we were just
24 wanting to make sure at that point that the overall
25 fostering and adoption panel business was as competent

1 and as coherent as it should be.

2 In particular, one of the things that -- one of the
3 things we wanted to make sure that we were taking
4 forward was about an independent chair for the fostering
5 and adoption panel. Previously that had always sat with
6 a senior manager within the Local Authority and we
7 reflected that that wasn't giving it probably due
8 independence, so therefore that had prompted from the
9 previous Chief Social Work Officer a view to be had from
10 an external review, which led to the Robert Swift
11 commissioned review.

12 So commissioned to look overall at all the fostering
13 and adoption panel business and obviously the Fostering
14 and Adoption team would have fed into that. So he had
15 made some recommendations in relation to the --
16 observations in relation to the business of the
17 Fostering and Adoption team and how it tied into the
18 fostering and adoption panel.

19 So that's in essence what the Robert Swift report
20 was about.

21 Q. Okay.

22 Then she goes on to say that what she did in order
23 to complete the review. She interviewed workers
24 involved at the time of the original allegations, some
25 members of the Fostering and Adoption team, recent and

1 current managers, senior manager. She discussed recent
2 developments with the independent chair of the panel.
3 She read the case files and the foster carer records.

4 Then at paragraph 7 she says she's been asked to
5 focus on key areas of procedure and practice and will
6 address those in turn.

7 She says at paragraph 8:

8 "These instructions are in two parts, the first
9 focusing on practice within the Fostering and Adoption
10 team in relation to risk, and the second exploring
11 broader issues of culture and practice, including the
12 membership and current functioning of the fostering and
13 adoption panel."

14 That seems to link to the review that you've
15 mentioned that Robert Swift carried out.

16 A. Yes, that's correct, yeah.

17 Q. She then looks at different headings and she has
18 a heading, "The interface of supervising social workers
19 with child protection". She says:

20 "Under this heading I am asked to consider specific
21 areas of procedure and practice itemised below."

22 The first of which is:

23 "Do we recognise child protection risks within
24 allegations relating to foster carers?"

25 It looks from the way that she's expressed this that

1 these were questions that the Local Authority asked her
2 to look at?

3 A. (Witness nods)

4 Q. Is that your understanding?

5 A. Yes, that's correct, yes.

6 Q. Then the second question was:

7 "Are we following and do we have confidence in using
8 appropriate guidance -- both child protection and foster
9 care?"

10 Then she says at point number 1:

11 "Major concerns arose from the particular case which
12 illustrated a worrying lack of recognition of risk
13 within the Fostering and Adoption team ..."

14 A. (Witness nods)

15 Q. Did that arise from the fact that allegations had been
16 made and how they were dealt with? Or was it something
17 else?

18 A. My understanding is it would relate to the interviews
19 that Sally Wassell had undertaken and a review of
20 records and practice, so going back overall to the
21 original allegations that were made in 2006 and her view
22 and observations of the practice of the teams following
23 on from that.

24 Q. Okay. Her conclusion at point 2 is:

25 "Decisions in response to the joint investigations

1 were largely made by the management team in the
2 authority, which was contrary to child protection
3 procedure and practice at the time."

4 Do you know how it was contrary to child protection
5 procedure and practice at the time?

6 A. My reflection on that would be, I think as she goes on
7 to suggest in the report, is where decisions were taken
8 that wouldn't chime with the practice that we would have
9 currently in relation to allegations being made and
10 robust approaches with foster carers and due account of
11 exploring all the issues.

12 Q. At point 3 she talks about:

13 "At the time of the original allegations, the team
14 manager of the Fostering and Adoption team strongly
15 influenced the council's response to the investigations
16 and work with the foster carers thereafter."

17 Is that a potential risk, that one person has too
18 much of an influence in decision making?

19 A. Historically I would think so.

20 Q. How do you guard against that?

21 A. I think overall I think there's been significant
22 learning for us in relation to this report and overall
23 in relation to our ongoing reflective and development in
24 relation to our practice.

25 I think the Sally Wassell report in essence for me

1 suggests that there clearly were issues that we had to
2 address in relation to previous practice.

3 I think the tone that she's suggesting in relation
4 to child protection and risk was something that was
5 missed, and about making sure that there was just those
6 robust arrangements in place about challenging
7 concerns/allegations, whatever they may be.

8 Going back to then, I certainly don't think that
9 that was the case that it was robust enough. I think
10 the practice has changed in relation to that. And
11 I think what -- forgive me if I'm moving on or taking
12 things in a different direction, but I think for us then
13 the learning was very much about the isolation of
14 potentially teams in particular the Fostering and
15 Adoption team, but other teams, where teams can have
16 a degree of specialism. And I suppose my reflection and
17 concern would be that sometimes teams can specialise
18 into a bit of a bubble or become a bit of an echo
19 chamber and therefore our reflection from that exercise
20 was again where are -- where do teams and where do
21 remits sit within a certain structure?

22 I'd mentioned earlier about -- or when asked about
23 the Fostering and Adoption team and we very deliberately
24 moved that into an intensive services structure to make
25 sure that (a) the practitioners and the team were really

1 linked in to clearly the rationale and need to be
2 mindful of really updated guidance, policy about child
3 protection, but also things that we've implemented in
4 our area also, signs of safety approaches, safe and
5 together approaches, that's particular to domestic
6 abuse, but really making sure that they weren't sitting
7 outside and very much in the body of the practice and
8 what that would look like.

9 So there was something there about just making
10 sure -- I think that that reflective -- that the -- it
11 was a team and as a remit it kind of sat aside, and
12 that's certainly one of the highlights from the
13 Sally Wassell report that I took on board.

14 Q. Yes, she talks about that and I suppose historically
15 there wasn't a separation between the children's social
16 worker, for example, and the foster carer's social
17 worker, and then teams were split to create a sort of
18 independence -- you know, it was maybe for good reasons,
19 but maybe it can go too far as well, if there's no
20 joined-up working.

21 A. (Witness nods)

22 Q. Is that the sort of thing that you think she was talking
23 about?

24 A. Yeah, absolutely. I think she makes reference to even
25 use of language. So people referring to themselves as

1 support workers or link workers and again that would not
2 be the correct terminology. You know, supervising
3 social worker to be supervising foster carers within
4 their role of supporting children.

5 And actually again one of the things that we've
6 absolutely implemented and learned from is to make sure
7 that then there is that link between a children's social
8 worker, who would be supporting clearly that child
9 within a placement, but there's not a complete
10 separation of that with a supervising social worker for
11 foster carers.

12 Traditionally, and probably not just in our area but
13 talking about our area, it could be quite separate about
14 people from a Fostering and Adoption team maybe not
15 being involved in child protection investigations or
16 even not seeing traditionally a role of linking in with
17 the child. It would be very much a focus towards the
18 carers. Whereas again that absolute shift for us would
19 be it's absolutely about the child. Your role and remit
20 can be -- is about supporting the foster carers, but not
21 to the deficit of not having an involvement or overview
22 or role in relation to supporting that child also.

23 Q. Okay. If we go on to the top of page 2, at point 4 she
24 notes:

25 "When the results of the investigations were

1 inconclusive they were treated as though they were
2 without foundation."

3 We've heard evidence about unsubstantiated
4 allegations in the context of foster care and
5 inconclusive outcomes.

6 But here she seems to be saying that where there was
7 uncertainty they were then treated as though they were
8 without foundation and untrue. Is that what was
9 happening?

10 A. I think the conclusion from Sally Wassell's report would
11 suggest that. Again, our reflection and learning on
12 that would be for a fostering team, supporting foster
13 carers, is that you need to have that degree of
14 professional curiosity and continue to have that
15 professional curiosity and responsibility to consider,
16 and not only for the supervising social workers but
17 I suppose for managers and for the organisation to make
18 sure that we've got the mechanisms in place to support
19 and make sure that that's what is actually happening.

20 Q. She then goes on to talk a little bit about the context,
21 where I think it looks as though the allegation had been
22 made by a child. The supervising social worker wasn't
23 informed about the allegations at that time or
24 thereafter. Child protection procedures weren't
25 followed. I think even -- there was potentially

1 corroboration from the child's sister; is that right?

2 A. Yes, that's correct.

3 Q. And that wasn't followed up.

4 The police weren't informed.

5 Then it says at paragraph 8:

6 "There was a presumption that the allegations were
7 triggered by the child's early history of abuse and
8 neglect rather than any experiences she may have had in
9 the foster placement. This revealed a very concerning
10 lack of awareness of issues of risk in foster placements
11 in the council at the time."

12 That would seem to be a real danger, that rather
13 than trying to ascertain the truth, that an assumption
14 is made that it's to do with the child's pre-care
15 experience.

16 A. Yes, I would accept that that's again what would be
17 suggestive in coming from the report. And again very
18 much the reason that the report was commissioned and
19 prompted. We would absolutely expect people to be much
20 more aware of a child's trauma journey or their
21 experiences, and not respond in that manner.

22 Q. Then at paragraph 11 it says:

23 "The foster carers' denial of any abuse was taken
24 more seriously than the girls' allegations and reasons
25 sought to cast doubt on their accounts."

1 Again, is that part of the danger of not dealing
2 with it through a proper child protection process?

3 A. Yes. And also, I suppose, that check and balance of
4 what the relationship is with the foster carers, if it's
5 got the separation that we've identified.

6 Q. Okay. She then says at paragraph 12:

7 "This is of particular concern since child one was
8 repeatedly consistent and coherent in her allegations
9 during joint investigations, they were confirmed by her
10 sister, and both young people displayed distressed
11 behaviours essentially congruent with their statements."

12 Then she says:

13 "The allegations didn't stimulate a careful process
14 of assessment of risk within the foster placement or
15 a formal review of the carers in 2006."

16 In a sense you have the child protection process,
17 making a report to the police and following that
18 through, but would you also expect there to be a risk
19 assessment and a re-assessment of the fostering
20 household?

21 A. Yes.

22 Q. And that --

23 A. And current practice would be -- you know, they would be
24 brought back to -- there would be an assessment
25 undertaken. They would have been brought back to the

1 fostering and adoption panel to have overview of that.

2 Q. Okay. If we look down to point 19, it says:

3 "In 2006 there were no regular reviews of the foster

4 carers within the authority and these were not reliably

5 in place until 2009."

6 Is that a bit late for regular reviews to have been

7 put in place? I think we know that fostering panels

8 came in much earlier than that and we've seen some

9 evidence of reviews taking place much earlier than 2006.

10 A. And I don't -- forgive me, I don't have the detail of

11 even when it's suggesting that there were no regular

12 reviews, what the frequency of those reviews were at

13 that time. But they clearly should have been more

14 frequent and they should have been implemented.

15 Q. Okay. How frequently do reviews take place of foster

16 carers now?

17 A. Again, it would depend. If there was an incident or if

18 there was a need to hold a review because of a concern

19 or because of an issue that the child was raising, then

20 we would have that review. Naturally we would review

21 every year in relation to our internal foster carers.

22 LADY SMITH: That's the minimum, is it? Yearly reviews?

23 A. Or if there's an issue --

24 LADY SMITH: Yeah, I get that. Is that the minimum?

25 A. Yes. Sorry, yes.

1 MS INNES: Sally Wassell goes on to raise various issues in
2 relation to another person living in the household,
3 an 18-year-old grandson at paragraph 21. There's
4 discussions about convictions of the carers' adult son,
5 and I think that these arose several years after the
6 original allegations. But at paragraph 24 it says:
7 "Reassurances of protection of the young people in
8 their care were accepted from the carers at the time, as
9 was the grandson's explanation of the offences."
10 Again, it appeared to be that what the foster carer
11 was saying was being taken at face value. Is that
12 right?
13 A. Yes, that would appear to be the case.
14 Q. If there was evidence of a new person coming into the
15 household or of offending behaviour, what would you
16 expect should happen?
17 A. We would expect checks to be undertaken. We would
18 expect assessments to be undertaken and any -- anyone
19 within that fostering household, if there were concerns,
20 it would go back to the fostering panel.
21 Q. Then it says in paragraph 25:
22 "It later emerged in 2014 that one of the young
23 fostered adolescents had a sexual relationship with this
24 young man when she was underage and he was 18. The
25 information was disclosed to a worker several years

1 after the events and the carers' supervising worker was
2 informed. When this emerged, the advice to the
3 supervising worker was to establish whether the grandson
4 was still staying in the house and, when reassured that
5 this was no longer the case, the matter was not pursued
6 with the carers."

7 Again, is that something that should have been dealt
8 with differently?

9 A. Absolutely, absolutely. There should have been support
10 to that young person to see if she was wanting to make
11 a formal report to the police and require further
12 support from us.

13 Q. It also says at paragraph 28 that the carers weren't
14 even informed of the allegations. So they checked
15 whether the grandson was living there or not, but they
16 didn't actually confront the carers with the allegations
17 that had been made.

18 A. (Witness nods)

19 Q. Sally Wassell says this:

20 "... raises significant concerns as they were still
21 caring for a vulnerable young woman at the time this
22 information emerged."

23 She seems to be suggesting that the information
24 would still have been relevant to their ongoing
25 registration as foster carers.

1 A. Yes.

2 Q. Would you agree with that?

3 A. Yes.

4 Q. Then over the page to page 3, at paragraph 30 she says:

5 "These failures to follow effective child protection

6 procedure and practice are suggestive of a culture of

7 uncritical support of the carers without effective

8 challenge, compromising the safety of children and young

9 people in their care."

10 You talked about professional curiosity earlier on.

11 Is there a danger of the supervising social worker

12 forming too close a relationship or too uncritical

13 a relationship with the foster carers?

14 A. I think there can be, and I do think it can be

15 a difficult role as it's a particular role in social

16 work because the supervising social worker is supporting

17 a foster carer who is not a service user or recipient of

18 services, not an employee, so it's quite a unique

19 relationship. For East Renfrewshire also, again because

20 of our demographic that we've spoken about, we also are

21 fortunate in some respects because we tend to have

22 foster carers who remain with us for quite considerable

23 periods of time, which is good, it offers some

24 stability, but you can see where supervising social

25 workers could then have quite a longstanding

1 relationship with these carers. So again the mechanisms
2 that we have now put in place and would absolutely be
3 ensuring are areas about the professional curiosity and
4 not having that uncritical challenge.

5 Q. How do you ensure that a social worker sort of on the
6 ground who is in that role is actually doing that?

7 A. From their direct line management, supervision, what the
8 manager would be tasked to check in and challenge in
9 relation to that to make sure that the lens is
10 absolutely in relation to the child and not the lens of
11 the needs of the foster carers. You know, so even at
12 that -- the role as a supervising social worker, it's
13 not to lose sight and prioritise the needs of the child
14 within that placement. And there may be several
15 children, as we know, within a placement, so not to lose
16 that.

17 Within our paperwork, we would be absolutely making
18 sure that if there were, that that's absolutely in it
19 now, if there's any concerns, allegations that have to
20 be addressed or revisited. And, again, that would be
21 something that would be within the information going
22 back to review foster carers fostering and adoption
23 panel, so very explicitly stated now within our
24 paperwork and within our direction.

25 And forgive me, but I can't not emphasise the need

1 of shifting the focus from traditionally what was maybe
2 viewed as a role of supporting foster carers to you're
3 a supervising social worker, but it's the needs of the
4 child and the lens of the child is paramount.

5 Q. Okay. I think that if we look to the bottom of the
6 page we see that being mentioned in the report at
7 point 6. She says:

8 "Even although the workers are now entitled
9 supervising workers rather than support workers in order
10 to underline the necessary elements of scrutiny in their
11 role, a culture of emphasis on support persists."

12 The organisation obviously changed the name, as
13 you've said, of the social workers so that they were no
14 longer described as support workers or link workers, but
15 it's not just about the name. There has to be
16 a substantive change, she is suggesting.

17 A. Yes. And I think the report further goes on to mention
18 even the make-up of the Fostering and Adoption team at
19 that time, again because a small authority, it's quite
20 a small team. We had practitioners within that team who
21 had been in that role for quite a considerable period of
22 time, as had the previous manager that is referenced
23 there.

24 So again I'm absolutely taking onboard the comment
25 within the report that that perhaps was the culture

1 within our team at that point in time. But it's
2 certainly one that we addressed.

3 Q. In this section she talks about this separation of the
4 teams that you've already alluded to in your evidence.
5 At paragraph 13 it says:

6 "The Fostering and Adoption team is seen as
7 operating separately from other teams and somewhat
8 divorced from the reality of risk. It is crucial that
9 members of the team are cognisant of safe care issues
10 and effective, curious and professional practice with
11 carers of children of all ages."

12 I think that's something that you drew out as being
13 particularly important and something the Local Authority
14 has sought to address?

15 A. Yes.

16 Q. Over the page at page 4, she talks about some changes
17 she suggests and she talks about members of -- first of
18 all, members of the Fostering and Adoption team working
19 with people in duty teams.

20 A. (Witness nods)

21 Q. Is that something that you implemented?

22 A. We didn't necessarily implement that aspect of it,
23 because other things transpired and happened. Members
24 of the team retired and there was just natural shift
25 within the team that obviously lent itself in relation

1 to the comments and recommendations within that report,
2 but it afforded us an opportunity to make sure that we
3 had within the fostering adoption service, that we had
4 people who were very cognisant of child protection risk
5 management and confident and competent in recognising
6 those risks and managing them.

7 And also, very importantly, we had people who within
8 that team would be working alongside either colleagues
9 in the intensive services or in our community team
10 dealing with child protection, that they would be joined
11 up in relation to support or investigations.

12 And, again, very much that if they were supervising
13 foster carers within a placement, then the shift again
14 and emphasis of really getting to know that young person
15 that hadn't traditionally been the case then lent itself
16 to them being appropriate people to be taking forward
17 any concerns in conjunction with one of their other
18 colleagues. So that was quite a significant shift.

19 Q. Okay. Then at point 9 on this page she refers to:

20 "Genuinely unannounced visits need to be continued
21 and children in placement should be seen alone by the
22 supervising worker when their own social worker is not
23 available."

24 I'm interested in the fact that she talks about
25 "genuinely unannounced visits". Do you know why it is

1 that she says that rather than just saying "unannounced
2 visits" should be taking place?

3 A. I'm not sure why.

4 Q. Okay.

5 A. I could make an assumption, but I'm not sure why she's
6 got it within there. I don't know what evidence she's
7 got within there.

8 Q. I mean it seems to suggest that whilst there was maybe
9 an intention to have unannounced visits, that in fact
10 people knew the social worker was coming. I don't know
11 whether that's what she's meaning?

12 A. I presume that's what she's alluding to, and again very
13 much that would not be the practice and not what we
14 would be suggestive of -- of good practice.

15 Q. Do unannounced visits have to take place a certain
16 number of times per year?

17 A. There's an encouragement that at least once every six
18 months, I believe. I may have that wrong, but I could
19 clarify that.

20 Q. And obviously it talks about the children in placement
21 being seen alone and that's by the supervising worker
22 when their own social worker isn't available? Is that
23 something that's done?

24 A. Yes. So again a child clearly is required to be seen,
25 needs to be seen by their own social worker, and if that

1 social worker for some reason is unable to do so, then
2 clearly there's an expectation that the child would
3 still be seen by someone. And I think traditional
4 practice may have been that it would not have been
5 a supervising social worker for a foster placement, but
6 certainly that would be absolutely the expectation now.
7 But, more importantly, it would be who the child would
8 have a relationship with, that would trust, to be
9 undertaking that visit with them.

10 Q. At paragraph 12 -- well, she goes on then to talk about
11 reviews and at paragraphs 12 and 13 she talks about the
12 importance of the agenda for the review always
13 containing an item on allegations to ensure there is
14 an awareness of any issues arising in placements and she
15 says it would be helpful for the purposes of audit if
16 there was a standard process for recording allegations
17 at reviews. Is that something that you've implemented?

18 A. So yes, again through the supervision record and also
19 through the internal foster reviews and the reviews
20 going to the fostering and adoption panel, that would
21 absolutely be captured there.

22 Q. Okay. Then towards the bottom of the page she talks
23 about updated training in child protection at
24 paragraph 16, but she says it's not enough just to give
25 training on child protection, it is likely not enough to

1 achieve a change in culture towards a shared perspective
2 on risk. She says:

3 "Key to a meaningful change of culture is the
4 effective management and supervision of workers,
5 ensuring that procedure and guidance is followed in
6 relation to risk, combined with best practice in family
7 placement work."

8 Then she goes on to talk about clear accountability
9 being important and are these things that you would
10 agree with --

11 A. Yes.

12 Q. -- as being necessary to change and change culture and
13 make sure that the workers are following the culture
14 that the organisation wants to --

15 A. Yes.

16 Forgive me, I can't recall if it's within the
17 Sally Wassell report or within the action plan, but
18 certainly again even the change of the -- the deliberate
19 change and appointment of managers within the service of
20 people who were more aware, experienced and well versed
21 in managing those levels of risk and achieving basically
22 what's suggested there.

23 MS INNES: Okay.

24 My Lady, it's just shortly after 3 o'clock.

25 LADY SMITH: Yes. We'll take the afternoon break just now,

1 if that would work for you, Raymond.

2 A. Yes, thank you, my Lady.

3 LADY SMITH: We'll return to your evidence after that.

4 Thank you.

5 (3.03 pm)

6 (A short break)

7 (3.20 pm)

8 LADY SMITH: Raymond, before we return to your evidence, can

9 I apologise for this noise. I've asked for it to be

10 investigated and it is currently being investigated, but

11 as we can hear, it's not been sorted yet. I hope you're

12 coping all right because it is a bit of a nasty

13 distraction.

14 A. Yeah, no, that's fine, my Lady.

15 LADY SMITH: If you're ready, I'll hand you back to Ms Innes

16 and she'll take it from there.

17 A. Thank you.

18 LADY SMITH: Thank you.

19 Ms Innes.

20 MS INNES: Thank you, my Lady.

21 If we can go back to ERC-000000013 and if we can

22 move on to page 6, please, where at this point in her

23 report Sally Wassell is talking about training of foster

24 carers. At point 4 she says:

25 "Foster carer attendance at training is variable and

1 there would not appear to be a clear expectation that
2 attendance is part of their contract agreement with the
3 Local Authority."

4 She appears to have identified that as being
5 a particular issue amongst the foster carers. Is that
6 something that's been addressed by the Local Authority?

7 A. Yes. So I believe that's in the action plan, so I think
8 it's still in progress in relation to what those minimum
9 requirements would be, but absolutely, that's something
10 that we will be addressing and it will be in the foster
11 carer agreement from the offset, once they're assessed
12 and approved as carers.

13 Q. Okay. Then if we move on to page 7, she also touches on
14 certain aspects of the panel, so for example at point 5
15 we see there that she notes that there's an independent
16 chair of the panel who had been in post since June 2018,
17 and you've told us that that was the outcome of the
18 Robert Swift review.

19 A. (Witness nods)

20 Q. Then if we scroll down to point 19 -- 18, probably, to
21 put it in context, she says:

22 "Panel members need to be offered training
23 opportunities in order to inform them of developments in
24 fostering and adoption practice."

25 Then at paragraph 19 she notes various issues that

1 she thought would be helpful for panel members to know
2 about, so, for example, impact of abuse and neglect,
3 emerging medical issues and various other issues that
4 would impact on fostering and adoption.

5 Is that something that's been taken forward by the
6 Local Authority?

7 A. Yes. So the training has been taken forward either
8 through internal training or from external providers,
9 and the independent panel chair has been excellent in
10 that regard about leading and recognising what training
11 needs are for the panel.

12 Q. If we go to page 9 of her report in the points at the
13 top of the page she talks about the membership of the
14 panel and essentially extending the membership of the
15 panel, so people with different types of experience,
16 somebody with knowledge of risk. She talks at
17 paragraph 5 about plans to recruit a care-experienced
18 person, just to broaden the range of membership of the
19 panel. Is that something that the Local Authority have
20 taken forward?

21 A. Yes. Again it's in the action plan, so that's
22 completed. The depute chair of the panel is
23 a care-experienced person and again is -- we're grateful
24 that it brings that ... again that lens and that
25 expertise and that experience to the panel.

1 Q. Okay. I assume that sort of broadening membership
2 would -- of people with different life experiences and
3 experiences from areas of work would increase the
4 effectiveness of the panel in providing a check and
5 balance to the work that's going on in the fostering
6 team?

7 A. Yes. Yeah.

8 Q. Okay.

9 You mentioned the action plan, and if we just look
10 at this briefly so we can see what you're referring to,
11 at ERC-000000016 --

12 LADY SMITH: Just while that's coming up, a small point.
13 How many members of your fostering panel do you have in
14 your Local Authority?

15 A. Oh, let me think, my Lady. We have ... six, not
16 counting The Chair.

17 LADY SMITH: All right. So you just have one more than the
18 statutory minimum then?

19 A. Yeah.

20 LADY SMITH: Thank you.

21 MS INNES: I think on that point we see -- well, we see that
22 this is the fostering adoption improvement plan reviewed
23 in January 2022, so this is the version that we have.
24 It might have been updated since then. But I think this
25 part is completed actions?

1 A. (Witness nods)

2 Q. Then there's a separate plan with things that are in
3 progress.

4 A. (Witness nods).

5 Q. For example, at point 2, just the point that we've been
6 looking at:

7 "Expand and review panel membership."

8 And there are action points and people who are
9 responsible for putting that in progress are identified
10 and it's said that that's complete.

11 A. (Witness nods)

12 Q. I assume that this is a plan that you put in place and
13 that you review it at senior management level; is that
14 right?

15 A. Yes, that's correct.

16 Q. If we look at ERC-000000014, this is a part of the plan
17 which is or was in progress at January 2022 when you
18 gave it to the Inquiry and there were certain aspects
19 again in the first page in relation to panel membership
20 and arrangements for the panel.

21 For example, if we move on to page 3 of this
22 document, the recommendation there is to revise child
23 protection procedures and the goal is to:

24 "Ensure robust guidance in place regarding the role
25 of the supervising social workers in relation to child

1 protection processes."

2 As at January 2022 it was in progress, with the goal
3 that it be completed by the end of this year. Is that
4 something that's now been completed or is it still
5 ongoing?

6 A. It's still ongoing. There's the West of Scotland
7 Consortium in relation to the updated child protection
8 procedures and guidance, so again we're aligned to that
9 and that will be part of it, so it's not yet complete
10 but still in progress.

11 Q. You mentioned the West of Scotland Consortium. Am
12 I right in thinking that that comprises Local
13 Authorities who were formerly part of Strathclyde?

14 A. Yes.

15 Q. They work together in relation to child protection
16 issues; is that right?

17 A. Yes.

18 LADY SMITH: Remind me, how many authorities is that?

19 A. So the West of Scotland would be ... again reflecting
20 the Greater Glasgow and Clyde board areas, so that would
21 be six in total, I think.

22 LADY SMITH: Thank you.

23 MS INNES: Then if we go on to page 4, we can see that there
24 were aspects in progress in relation to the adoption and
25 fostering team, so redefining the supervisory

1 relationship, which was to be completed earlier this
2 year. Is that something that's been implemented?

3 A. Yes.

4 Q. There was to be a review of safe care guidance, again
5 has that been done?

6 A. Yes.

7 Q. Then there was a reference to regular training and child
8 protection being undertaken by the Fostering and
9 Adoption team alongside community team colleagues and
10 I think you've told us that teams have reorganised since
11 then so they might not be called that, but has child
12 protection training taken place for people working in
13 the area of fostering and adoption?

14 A. Yes. The Fostering and Adoption team would also be
15 absolutely expected to take part in, I suppose, one of
16 the main areas of training and approach that we've got
17 in East Renfrewshire, which is signs of safety, which
18 incorporates managing risk but also just about ensuring
19 that we place the child at the centre. So again moving
20 away from traditionally perhaps what was there
21 previously, but making sure that all practitioners and
22 everyone is subject to the same training, the same
23 standards and the same approach.

24 Q. Then over the page on page 5, at 26:
25 "Clearer recording of allegations and complaints."

1 The work that was suggested was the exploration of
2 the use of chronologies to strengthen carer recordings?
3 A. That's not complete, partly there's -- again, there's
4 not issues but just in relation to chronologies, the use
5 of, and some of that relates to IT systems and what's
6 the best use of chronologies. So that's not completed
7 yet. That's in progress and it's not just particular to
8 the Fostering and Adoption team, that would be across
9 the board.
10 Q. Okay, so would that be chronologies in children's files
11 as well?
12 A. Yeah. So chronologies of significant events for
13 children.
14 Q. Okay. Then 27 is:
15 "Clear guidance on foster carer essential attendance
16 at training and development."
17 And minimum and essential training requirements were
18 to be developed?
19 A. So, yeah, that's -- as I mentioned earlier, that's still
20 in progress but that would be the expectation, that from
21 the fostering agreement that there would be that minimum
22 expectation of training that would be identified or
23 required from foster carers.
24 Q. Then the next point is about the development of the
25 foster carer handbook to reflect best practice, and

1 there was a redraft of that ongoing, I think, involving
2 some input from some looked-after and care-experienced
3 young people as well?

4 A. Yes. So that's also not completed, partly because we
5 want to make sure that we get it right and not rushed.
6 We have been fortunate that we've got or had four
7 care-experienced trainees within the health and social
8 care partnership, who have been fantastic in relation to
9 sharing their experience but also just being the voice
10 of what they feel is required. So again in relation to
11 that handbook to make sure that we get it right we're
12 still working our way through with our Champions' Board
13 young people just to make sure it meets what they feel
14 is required.

15 Q. Over the page on page 6 at point 30 there's:

16 "Exploration of digital options to support carer
17 recordings."

18 This seems to be an IT issue, at that point it was
19 marked red and there was no date for implementation. Is
20 that linked to what you just mentioned a moment ago in
21 relation to chronologies or is that completely separate?

22 A. Separate.

23 The chronologies would be more of an internal issue
24 for us just to try and resolve and complete.

25 The issue about the foster carers is about IT, is

1 about GDPR, it's about how foster carers can link in and
2 what that use would be. So potentially there's an issue
3 if they were to use their own laptops, their own
4 devices, if there were to be some imprint or legacy in
5 relation to recording. So my understanding is it's not
6 fully straightforward, so we are still in progress to
7 try and address that, but the intention would absolutely
8 be that there's -- to make it easier for foster carers
9 and also to make sure that there's robust and timely
10 recording, that we have the technology to support them
11 to do that.

12 LADY SMITH: Is this something that would enable them to
13 post their own daily log electronically?

14 A. Yes, absolutely. That's it, my Lady, yes.

15 LADY SMITH: Then hopefully your system would be programmed
16 so it would pick up matters that are significant,
17 whether significant positive relating to the child or
18 ought to be followed up as matters of concern?

19 A. Yeah.

20 LADY SMITH: Thank you.

21 A. Yes, my Lady, and I suppose that even relates to
22 chronologies that we'd be encouraging foster carers to
23 do, because a significant event isn't always going to be
24 a negative or a concern. It's about how you strike that
25 balance of what's a significant event in that child's

1 life to clearly record what would be a concern in
2 a placement but also capturing the right approach about
3 significance of something that's really of worth that
4 you would want to record and particularly for a foster
5 carer in relation to success for a child or something
6 that they were really wanting to share and see the worth
7 in.

8 MS INNES: I think we've heard evidence from some providers
9 that they perhaps use something called the CHARMS
10 database or IT system. I don't know if that's something
11 you've heard of?

12 A. I'm not aware of that, no.

13 Q. Foster carers seems to use that system to make
14 recordings and suchlike, but that's not something you
15 have heard of?

16 A. It's not something I'm aware of, no.

17 Q. Right, if we can go back, please, to your main -- part
18 of your main response, if we can look at ERC-000000006,
19 page 36. This at paragraph (d) and below, 5.1 sets out
20 your answer to some of the questions in relation to your
21 overall findings from the file review. At 5.1 you note:

22 "A review of available records [so the records that
23 you told us about earlier in your evidence] indicates
24 that the nature of concerns relate to physical assault,
25 emotional and sexual abuse and neglect."

1 You found all of those types of abuse in your file
2 review; is that right?

3 A. Yes.

4 Q. In terms of extent, at 5.2(a) you say:

5 "The evidence available indicates that there are few
6 recorded allegations of historical abuse ..."

7 You're referring there to recorded allegations, so
8 I suppose there might be instances where somebody has
9 suffered abuse but they've not disclosed it?

10 A. (Witness nods)

11 Q. Or perhaps even where they may have made a disclosure
12 but that's not been recorded?

13 A. Yes, that is the case.

14 Q. If we can look over to page 37, we can see the numbers
15 that you found in terms of recorded allegations at (c).
16 You say that you found four complaints relating to five
17 children.

18 Then in the second bullet point, a further complaint
19 relating to historic abuse of two siblings which was
20 investigated by the police in 2017, and that's the case
21 that we know --

22 A. Yes.

23 Q. -- gave rise to the internal review?

24 A. Yes.

25 Q. Then there was a further indication of an allegation

1 made by a young person about the possible abuse of
2 another young person, which was subsequently denied by
3 the alleged victim.

4 A. (Witness nods)

5 Q. Then you identify another two instances recorded where
6 there was no specific abuse allegation or disclosure,
7 but professional opinion on review suggests that it was
8 possible that a foster child may have been at risk of
9 abuse. Are you able to explain that?

10 A. Could I refer to the file?

11 Q. Yes, please do.

12 I think you might be looking later on in this
13 document, so it's ERC-000000006 and it was at page 37,
14 so it's presumably what you're looking for is after
15 that.

16 A. Sorry, I'm not finding it. (Pause)

17 My apologies, I'm struggling just to locate the ...

18 LADY SMITH: Has Raymond's folder been divided into the same
19 tab numbers as others?

20 Do you have dividers in that folder?

21 MS INNES: It will be, but --

22 LADY SMITH: Tab 3? Try that.

23 MS INNES: It might be at tab 3, so if it's ERC-000000006,
24 it should say that reference at the bottom of --

25 LADY SMITH: If it is tab 3, we're at page 37.

1 A. 37.

2 LADY SMITH: That's what's up on the screen at the moment,
3 but I can see you're looking for that as a reference
4 point maybe to take you somewhere else? I don't know.

5 A. Yes. Thank you, my Lady. I'm more just -- my
6 apologies, because I'm just trying to then get to where
7 we've got the list of the actual concerns and it would
8 prompt me then in relation to the specifics of what
9 kinds of risk --

10 LADY SMITH: Ah.

11 MS INNES: They start, I think, Raymond, at page 47.

12 A. Yes, okay, thank you. I have it.

13 (Pause)

14 I believe that refers to concern 6, which is
15 page 53.

16 Q. Yes. Okay. We see there I think that this was
17 a complaint made in 2003.

18 A. Yes.

19 Q. It was made against the fiancé of the foster carer's
20 birth daughter in relation to inappropriate sexual
21 contact.

22 I think it says that the young person was moved from
23 the placement at (h).

24 A. Yes, that's correct.

25 Q. Over the page on page 54 we see in italics at the

1 bottom, before it goes on to concern 7, it says:

2 "There were two further instances recorded where no
3 specific allegation or disclosure was made but it was
4 possible that a fostered child may have been at risk of
5 abuse."

6 Is that referring to that concern?

7 A. Yes, and I think that's -- the inference from the review
8 of the records was a concern that abuse had or
9 potentially had taken place.

10 Q. Okay, so maybe just looking at the way it's set out,
11 maybe those are concerns 6 and 7, would that be right?
12 So at page 53 we see in italics above concern 6:

13 "There was a further indication of an allegation
14 made by a young person ..."

15 No? What I'm not sure about is whether the bit in
16 italics refers to concern 6 or refers to concern 7.

17 LADY SMITH: Just go back to the beginning of this style ...

18 MS INNES: I think it -- well.

19 Perhaps it refers to concern 6, as you say. Is that
20 your understanding?

21 A. That's my understanding. Forgive me if I'm unclear,
22 again, because I wasn't involved in the population of
23 this part. So my understanding is that's what's
24 connected -- the italics would relate to concern 6.

25 Q. That's the one that was referred to in the bullet point

1 as being, as it says in italics?

2 A. That it was possible.

3 Q. It was possible that a child may have been at risk of

4 abuse and that's the file reader's --

5 A. Yes.

6 Q. -- conclusion having read the file, as opposed to what

7 was decided at the time?

8 A. Yes.

9 Q. I see.

10 A. And again, I think within our questions within the --

11 for the file readers about that to encourage if there

12 were those concerns, to highlight that for us.

13 Q. I see. Okay. Thank you for clarifying that.

14 A. Apologies for that.

15 Q. No, that's fine.

16 LADY SMITH: That's very helpful.

17 MS INNES: If we can now move to ERC-0000000008, page 39, so

18 this is looking at Part B of your response, and it talks

19 there about your statement as to whether the Local

20 Authority acknowledges that abuse occurred. I think it

21 is acknowledged by the Local Authority that abuse

22 occurred in foster care; is that right?

23 A. Yes. Yes.

24 Q. In terms of the assessment of the extent and scale of

25 abuse at (b), the answer is that there are very few

1 recorded allegations of historical abuse from the file
2 review. So that was your assessment of the extent and
3 scale based on the review that you've told us about?

4 A. Yeah. I think, as you referenced earlier, I think the
5 key is about "recorded" there, but we absolutely would
6 consider that potential abuse has occurred.

7 Q. Then if we look at 3.2 at the bottom of this page, the
8 question is:

9 "Does the Local Authority accept that its systems
10 failed to protect children in foster care from abuse?"

11 The answer is:

12 "In relation to the earlier period it's difficult to
13 give a definitive answer, because our current level of
14 knowledge is limited. The evidence available indicates
15 that recorded instances are few."

16 Then it says:

17 "Overall, from the evidence available, it is our
18 opinion that the systems in place throughout the period
19 were likely to be sufficient to ensure that the vast
20 majority of children were cared for in a non-abusive
21 environment. It is also considered that these systems
22 appropriately evolved over time with reference to
23 societal expectations as to the care and the standing of
24 children. Our research suggests that there is clear
25 evidence of Strathclyde Regional Council implementing

1 significant policy changes."

2 I think. Then it goes on to talk about the recent
3 past and it says:

4 "East Renfrewshire has placed great emphasis on the
5 protection of children and young people, whether in
6 foster care or otherwise, as a matter of priority."

7 It goes on from there.

8 I think if we were to go back to the question and
9 thinking about what we've seen in the internal review
10 that was carried out by Sally Wassell, if I were to
11 suggest that there were failures in systems that were
12 highlighted by Sally Wassell that meant that children
13 were perhaps not protected, would you agree with that?

14 A. I would agree with that. I would think in particular
15 about the learning that we had from that report, there
16 was clearly issues and failures within that.

17 My understanding would be the submission it was
18 maybe alluding to more did we, from our records, feel
19 that there was further systemic -- overall systemic
20 failures, and I think the -- from the records we're
21 suggesting that that may not have been the case,
22 notwithstanding those failures within individual care
23 experiences, if that makes sense.

24 Q. I suppose one might say, well, you have a system in
25 place and as you say in relation I think when you're

1 talking about the earlier period, the vast majority of
2 children appeared to be protected by those systems, but
3 there were some children that suffered abuse and in
4 those instances it appears that whatever the systems
5 were, they failed, and you would look at what those
6 failures were.

7 For example, if we go back to Sally Wassell's
8 report, we know that a child made an allegation of
9 sexual abuse and child protection policies weren't
10 followed up?

11 A. (Witness nods)

12 Q. And that meant that that carer remained a carer for ten
13 years after that allegation.

14 A. (Witness nods)

15 Q. That's an example of a failure, isn't it?

16 A. Yes. Yes.

17 Q. If we go on to question 3.3 at page 41, where it talks
18 about acknowledgement of failures and deficiencies in
19 response, I think the Local Authority accepts that there
20 were failures in responding to abuse?

21 A. (Witness nods)

22 Q. And talks at (b) about -- the question is:

23 "What is the assessment of the extent of such
24 failures?"

25 And there's reference to it being difficult to

1 assess the quality of response to abuse and abuse
2 allegations given the apparent deficit in
3 record-keeping, but I think the answer here refers again
4 to the allegation that gave rise to the Sally Wassell
5 report?

6 A. (Witness nods)

7 Q. That that wasn't responded to appropriately; is that
8 right?

9 A. Yes.

10 Q. Okay. In terms of changes, at page 42, again I think
11 essentially the answer here refers back to the report
12 that we've looked at, and then there were a number of
13 changes recommended and you've told us about your action
14 plan, what was implemented and what still has to be
15 implemented in response to that.

16 A. (Witness nods)

17 Q. Is that really the primary area where you say that
18 you've responded to an allegation of abuse and made
19 changes as a result?

20 A. It's one of the areas. I think within this submission,
21 perhaps not answered there, but an important area for me
22 would be about the experience of young people that we
23 have listened to and learned from. So I think that's
24 partly from that reflective exercise through those --
25 from that, changes in policy in our procedures and how

1 we've changed our internal systems, but also other --
2 really listening to the experience of children. Again
3 it mentions Champions' Board and things, but that is
4 maybe not really giving the detail of what that has
5 meant. So for us we've really invested in our approach
6 to supporting children about their rights, about
7 traineeships, about Champions' Board, about
8 participation, about advocacy and really trying to
9 ensure that children are absolutely at the centre and
10 really working in partnership.

11 We recently had a -- we were inspected earlier this
12 year by the Care Inspectorate and one of the areas that
13 was highlighted as a significant excellent area of
14 practice was about relational-based practice and I think
15 that has lent itself -- we would continue to really
16 support that approach, because what it does is lends
17 itself to children feeling much more supported, not just
18 by individual social workers but by potentially more
19 people that they can trust, be it other people within
20 a team, and I think our -- certainly our feedback and
21 assessment and external scrutiny would -- thankfully has
22 highlighted that that is an approach that seems to have
23 worked for young people.

24 And again it's referenced in our Care Inspectorate
25 report, but an example we give was one of our young

1 people who had been involved in our Champions' Board,
2 but unfortunately there were issues within a placement
3 and an abuse was suffered by that young person, who
4 reported it and immediately that day with support was
5 moved from the placement along with another child. The
6 carer's subsequently been charged, and is currently --
7 it's deferred for reports.

8 But I think for me what that evidences is our
9 learning in relation to that but also the confidence
10 I would hope that young people can have in relation to
11 having that trust about their social workers and a staff
12 group to be able to act promptly in relation to it.

13 Forgive me, I know it's referenced elsewhere, but
14 I think that's for me an important part to put alongside
15 that about our learning from our young people.

16 Q. Yes, as you know I wanted to ask you about whether there
17 were any other lessons that we should learn from your
18 experience, so obviously we have the learning review and
19 obviously there's that issue of the making sure that the
20 child is at the heart and the child's voice is heard and
21 that children feel supported and they can build up
22 trusting relationships, so I think those are lessons
23 that you think we should learn from your experience.

24 Is there anything else that you thought that we
25 should learn or that changes should be made to make

1 foster care safer for young people?

2 A. Again, I think we use words in statements like children
3 at the centre, but actually what does it really mean?
4 So again we've really tried to invest and really shift
5 that about the level of contact with a child, that their
6 expectation and our requirement would be that they would
7 be seen frequently. That is a statutory social work
8 service. That there's an investment from our
9 organisation to make sure that children are not only
10 seen and heard, but actually really that there's
11 an encouragement to get to know children, really get to
12 know them. Therefore that instills that trust and that
13 dialogue and for children to feel confident to be able
14 to shape services.

15 Our Champions' Board has also worked successfully,
16 because we have pitched it at a level where young people
17 meet with the chief exec and senior managers and have
18 already through quite a number of years now made quite
19 significant change in relation to local policy and
20 direction, be it about housing, health, mental health,
21 foster care handbooks, you know, training. So it's
22 clearly very important about children being at the heart
23 and listening and all of that.

24 But I think the important thing is we've created
25 a structure where they're our leaders, they're the ones

1 who are really sharing their experiences and approach
2 and what they see as significant change that's required
3 and we'll hopefully continue to do that.

4 LADY SMITH: Raymond, you referred a few minutes ago to
5 a case where a foster child who was involved on your
6 Champions' Board reported abuse and was moved that day.

7 A. (Witness nods)

8 LADY SMITH: Action obviously was prompt.

9 Then you said the carer has been charged and it's
10 deferred for reports.

11 A. Sorry.

12 LADY SMITH: What reports? What's happening?

13 A. The carer has pled guilty at court, my Lady, and there's
14 a deferment for justice services to undertake background
15 reports.

16 LADY SMITH: So that's for court reports for sentencing
17 purposes?

18 A. Yes.

19 LADY SMITH: Next question, tell me this. So you have
20 a child complaining of abuse, abuse established by the
21 abuser pleading guilty in court. You have reacted
22 appropriately by moving that child as quickly as you
23 can. What about looking at the foster carer not simply
24 from the point of view of de-registration but going back
25 to how it was that they were approved as a foster carer

1 in the first place? Is that also reviewed?

2 A. Yes. So we, with our independent chair of the fostering
3 and adoption panel -- so there was a specific reflective
4 exercise that took place with the panel and with the
5 independent chair to look overall at the circumstances
6 in relation to those foster carers, from the point of
7 assessment and approval, and if there were any prior
8 issues that we should have been aware of.

9 So not a formal report was undertaken by
10 Sally Wassell in relation to the previous concern, but
11 still that reflective exercise undertaken by our
12 independent chair to see again if there was further
13 learning for us.

14 LADY SMITH: Because of course what you really want is no
15 abuse in the first place, whether that means that person
16 should never have been a foster carer or signs of
17 problems should have been spotted earlier that meant the
18 child was at risk from that person.

19 A. (Witness nods)

20 LADY SMITH: And action was taken before abuse took place.

21 A. (Witness nods)

22 LADY SMITH: Thank you. That's very helpful, Raymond.

23 MS INNES: My Lady, I don't have any more questions for
24 Raymond and there are no applications.

25 LADY SMITH: Thank you.

1 Are there any outstanding applications for questions
2 of Raymond?

3 No.

4 Raymond, that completes everything we have for you
5 this afternoon. Thank you for engaging with us as you
6 have done and thanks to those who have contributed to
7 the detailed paperwork that you've provided. That's
8 very helpful too.

9 I'm very grateful to you for being as frank and open
10 as you have been, and it's clear to me that you are
11 continuing to try and reflect and learn, and that's
12 gratifying, if I may say that.

13 You're probably exhausted now and I'm glad to be
14 able to say I can let you go. Safe journey home. Thank
15 you.

16 A. Thank you, my Lady.

17 (The witness withdrew)

18 LADY SMITH: That brings us to the end of today and if
19 I have this right, we move on to Perth and Kinross and
20 the Borders tomorrow; is that correct?

21 MS INNES: Yes, we do, my Lady.

22 LADY SMITH: Very well.

23 Perth and Kinross in the morning at 10 o'clock?

24 MS INNES: Yes, correct.

25 LADY SMITH: I will rise now and sit at 10 o'clock tomorrow

1 morning.

2 (3.59 pm)

3 (The Inquiry adjourned until 10.00 am on

4 Thursday, 3 November 2022)

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