

Tuesday, 8 November 2022

1

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the first day of
4 our last week of hearing Local Authority evidence in
5 relation to foster care and boarding out.

6 We start with City of Edinburgh today, Ms Innes,
7 I think. Is that right?

8 MS INNES: We do, my Lady, and the first witness is
9 Amanda Hatton.

10 LADY SMITH: Thank you.

11 Amanda Hatton (affirmed)

12 LADY SMITH: How would you like me to address you? I'm
13 happy to use your second name, Ms Hatton, or Amanda if
14 you (overspeaking).

15 A. Amanda's fine.

16 LADY SMITH: Thank you, Amanda.

17 There's a red folder there that has some Edinburgh
18 documents in it, including your details, and we'll take
19 you to that in a moment but we'll also bring documents
20 up on the screen in front of you. You might find that
21 helpful too.

22 A. Yeah.

23 LADY SMITH: Otherwise, please don't hesitate to let me know
24 if you have any queries as we go along. I do appreciate
25 you're new to this role and you're new to the Inquiry so

1 you don't have the comfort of a familiar previous
2 experience here, but let me know if there's anything
3 I can do to help and make your job of giving evidence
4 easier, won't you?

5 A. Will do.

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

8 A. Yeah.

9 LADY SMITH: Thank you.

10 Ms Innes.

11 MS INNES: Thank you, my Lady.

12 Questions from Ms Innes

13 MS INNES: Can I start by asking your date of birth, please?

14 A. ██████████ 1970.

15 Q. You've provided a copy of your CV to the Inquiry and we
16 understand that your current role with the City of
17 Edinburgh Council is Executive Director for Children,
18 Education and Justice Services and Chief Education
19 Officer?

20 A. That's right.

21 Q. In that role you manage the Chief Social Work Officer?

22 A. That's correct.

23 Q. In your CV you tell us that you qualified as a social
24 worker I think in 1996?

25 A. I did, correct.

1 Q. Then after that did you work as a social worker?

2 A. I did, I worked in a number of Local Authorities as

3 a child protection social worker.

4 Q. Was that based in England?

5 A. It was.

6 Q. You tell us from 2008 onwards you worked for a period

7 I think with a number of different organisations who

8 took on contracts for different projects?

9 A. Yes.

10 Q. Then in 2015 you became Deputy Director for People

11 Services at Blackpool Council?

12 A. That's correct.

13 Q. And that your remit included oversight of social work?

14 A. It did, children's social work.

15 Q. Then you moved in February 2017 to become director of

16 children's services in Lancashire?

17 A. That's correct.

18 Q. Then from there in August 2019 you moved to the city of

19 York to become Corporate Director of Children, Education

20 and Community Services, and then latterly director of

21 adult services?

22 A. That's correct.

23 Q. Then you moved to the City of Edinburgh in October 2020?

24 A. Yeah.

25 Q. To what extent have you been involved in oversight of

1 the Local Authority's response to the Inquiry?

2 A. Sorry, it was 2021 that I came to Edinburgh, not 2020.

3 Q. Okay, 2021.

4 A. Yeah. So I've been in Edinburgh just over a year now so
5 I wasn't involved in the submissions that were obviously
6 submitted prior to that, but I have read the material
7 and obviously had conversations with Jackie prior to her
8 leaving and moving on.

9 Q. That's Jackie Irvine, the previous Chief Social Work
10 Officer?

11 A. Yeah.

12 Q. I just want to ask you a couple of things that arise
13 from Jackie Irvine's evidence and matters that maybe
14 required some clarification and I wonder if we can look
15 first of all at EDI-000000655, and at the top of page 8.

16 This is where the Local Authority is explaining the
17 approach to review of de-registered foster carer files.
18 It notes there that some files were discounted due to
19 being for day carers or that carers had never cared for
20 children or kinship carers. I think what Jackie said in
21 her evidence was that she would want to clarify whether
22 files were immediately discounted or whether they were
23 reviewed to see, for example, if a kinship carer had in
24 fact been approved as a foster carer --

25 A. Yeah.

1 Q. -- because of that issue in the past.

2 Are you able to provide any clarification in
3 relation to that?

4 A. It's my understanding that those that are listed on
5 there as kinship carers were considered to -- if they
6 were family members that become foster carers and if
7 they were formally foster carers would have been
8 considered, but I can double-check that.

9 Q. Okay, thank you.

10 Again when Jackie Irvine gave evidence, if we could
11 look, please, at EDI-000000095, page 4.

12 If we scroll down a little, this talks about the
13 number of complaints that were found and this again
14 talks about the audit of over 230 files. I think if we
15 look down to the bottom there, we see that there were
16 126 complaints identified and put into the different
17 periods of the Local Authority and its predecessors.

18 Since providing that, the City of Edinburgh provided
19 a further addendum with some more information.

20 A. (Witness nods)

21 Q. Am I right in thinking that you've identified some more
22 complaints?

23 A. It's my understanding we have done, yeah, but again I'm
24 not sure of the numbers.

25 Q. Okay. So if we could look, please, at -- just bear with

1 me a moment -- EDI-000003559.

2 If we scroll down a little, please, we start seeing
3 information in relation to known or alleged abusers. My
4 understanding is that this addendum was prepared with
5 further information in response to our question about
6 whether the Local Authority was aware of any allegations
7 of abuse or findings of abuse.

8 The very first person that we see mentioned here is
9 somebody that was referred to in Jackie Irvine's
10 evidence, and that's a person called Kevin Gillan.
11 I think that since Ms Irvine gave evidence the Local
12 Authority's been able to review files in relation to
13 this matter and others.

14 A. Yes.

15 Q. Which has resulted in the additional information being
16 provided; is that right?

17 A. Yes.

18 Q. If we look first of all at Kevin Gillan, we know that he
19 is somebody who was convicted of two sexual offences
20 against two girls in foster care.

21 A. (Witness nods)

22 Q. In this section you tell us what information you were
23 able to find from the files.

24 First of all, you note that the allegations came to
25 light in June 2013 and it says "at the time of the

1 offence". So perhaps if we can look to -- we'll come
2 back to this document, but if we look, please, to
3 JUS-000000092, this is a copy of Mr Gillan's conviction.
4 If we scroll down a little we see the charges of which
5 he was convicted and the disposal, being 12 months'
6 period of imprisonment on each charge, a total of 24
7 months.

8 If we go to page 3, we can see that in charge 1, the
9 period of the offence there is [REDACTED] 2010.

10 A. Mm.

11 Q. And the second offence is between [REDACTED] and [REDACTED] 2013.

12 A. Mm.

13 Q. That's in relation to the second complainer, so there
14 are two different girls mentioned.

15 A. Yeah.

16 Q. So am I right in thinking that it's when the allegations
17 were made in 2013, as you say, at the time of the
18 offence, that those came to the awareness of the Local
19 Authority?

20 A. That's my understanding from the records.

21 Q. Okay. If we can go back, please, to EDI-000003559. At
22 the bottom of this page at (c) there's reference to him
23 being the son of the foster carer and I think you looked
24 at whether he was involved in the assessment process to
25 any extent. I think if we go over the page we can see

1 a bit more about that.

2 From the information that you obtained on the files,
3 was his involvement in the household something that was
4 considered by the Local Authority?

5 A. In lots of the information that we've got that it was,
6 what isn't clear from that is the extent of the
7 assessment of him as part of it. If we were assessing
8 a foster carer now, we would get references, we'd look
9 at PVGs for anybody over the age of 16, we'd look at
10 frequent visitors into the house, we'd get references in
11 and PVG checks for them. It's not clear whether or not
12 that extent of check was undertaken in relation to
13 Kevin.

14 Q. If we look in the paragraph beginning -- we see on the
15 screen:

16 "Within carer review minutes from June 2005 ..."

17 There's reference to the liaison worker and then it
18 goes on to say:

19 "Within a carer's review report from 2006 it stated
20 that the foster carer shows awareness of safe caring
21 practices and Kevin Gillan's vulnerabilities to
22 an accusation being made given his age."

23 Then there's reference to what the foster carer says
24 she does to mitigate that.

25 A. Yeah.

1 Q. Is that something that you'd normally expect to see
2 discussed?

3 A. Yeah, you would. You'd normally expect to discuss with
4 prospective foster carers how they were going to work
5 with their children and any children that are placed
6 within the home, how they were going to manage the
7 relationships between those children. As part of your
8 initial assessment of foster carers you'd want to talk
9 to foster carers' children as well as about how they
10 felt about other children becoming part of the house.
11 You would also be having a conversation with all of the
12 family members about the fact that children who are in
13 foster care are vulnerable children and therefore how
14 can we protect them, how can we protect their privacy in
15 a family environment. You know, some of those children
16 may have abuse histories previously so you need to
17 behave differently potentially with those children than
18 you do with other children.

19 So it would be typical to discuss all of that as
20 part of the assessment process, particularly as part of
21 the home assessment phase of the process, because
22 there's a number of different elements to the fostering
23 assessment.

24 LADY SMITH: Can you remind me how old Kevin was in 2006?

25 A teenager?

1 A. He was a teenager. Was he about 14?

2 MS INNES: I think he might have been 16 in 2007. If we
3 just scroll down to the bottom of this page we can see
4 that there was a memo from 2007 showing that he
5 underwent a disclosure check at that point when he
6 turned 16.

7 A. Yeah.

8 Q. If we just go back up -- sorry, stop:

9 "Fostering panel review minutes from October 2006
10 show that the Local Authority was aware of
11 Kevin Gillan's potential vulnerability in relation to
12 the placement of adolescent girls in the home and that
13 careful matching should be considered before any female
14 over the age of 12 was placed with the foster carer."

15 So that seems to have been something that was
16 highlighted as an issue for matching.

17 A. Mm.

18 Q. Again, is that something that you would expect to be
19 looked at at the fostering panel review?

20 A. Yeah. I mean you would look at the -- any birth
21 children within the home, you'd look at their views,
22 their feelings, and you'd look at what that match is
23 like. You know, you'd obviously look at the needs of
24 the child that are potentially being placed there and
25 you'd look at that match.

1 We would want to do that for most placements.
2 Sometimes children are placed in emergencies so that
3 matching process isn't able to happen in that way, but
4 you would always consider the birth children within the
5 family when you're registering a foster carer and the
6 age range you're registering for.

7 Q. If we can go on over the page, please, to page 3 and the
8 question at (d). There's reference to the period after
9 the allegation was made and it notes that after the
10 allegation was made, no children were placed with the
11 carer until her de-registration in 2014. It says:

12 "The review notes that even after the allegation was
13 found to have some truth in the initial stages of the
14 investigations, two boys in the placement at the time
15 were initially allowed to stay with the foster carer.
16 The child who made the allegation was removed from the
17 placement. The social work professional writing the
18 review states 'both boys advised that they felt safe and
19 that they wanted to stay with the carer, which then
20 their respective social workers agreed. Despite the
21 initial decision it was later decided to move the boys
22 in order to lessen the impact on them of the events and
23 also to allow the carer and her family time to process
24 the same events'."

25 Do you have any reflections on what was happening

1 there that a serious allegation had obviously been made,
2 one child was removed, but the others who were in
3 placement remained there initially?

4 A. I mean obviously without the details of what was taken
5 into consideration it's difficult to make a judgement,
6 but those kinds of decisions about "do you move a child
7 or not?" are really, really difficult, particularly if
8 you've got children that have had really disturbed
9 attachment prior to coming into care and have got
10 an attachment with their carers.

11 So you're balancing, "do you break -- so for the two
12 boys in placement, you're balancing, do you break the
13 attachment that those children have got to the carer
14 versus the safety issues of how safe are those children
15 in that placement?" And it is a really difficult one.
16 You wouldn't necessarily automatically remove those
17 children at that point. You would consider that and
18 consider that really carefully, and you would look at
19 the circumstances within the household, you know, who
20 was there, what the allegation was, what the safety
21 structures around that looked like.

22 It is one of those very, very difficult decisions
23 because there's no -- from a child's perspective, both
24 of those decisions are really difficult. To leave
25 a child in a circumstance that you know there is a risk

1 to is a really difficult decision to make, but to remove
2 children if they've got attachment is also really
3 significant, because breaking a child's attachment is
4 also really hard. So it is a difficult balance in those
5 circumstances and you'd want to make sure that the
6 social workers involved had taken, you know, the views
7 of the children, the views of the carers, the views of
8 other social workers involved, the views of other
9 professionals, and it's not a decision that one person
10 should make on their own.

11 I would expect that to be something that the team
12 manager, the fostering panel chair, the agency decision
13 maker would actually look at and consider.

14 LADY SMITH: What about the risk also of the child that is
15 removed --

16 A. Absolutely.

17 LADY SMITH: -- feeling that they are being punished --

18 A. Absolutely.

19 LADY SMITH: -- for being a victim of abuse and yet the
20 others aren't?

21 A. Absolutely. And it is really difficult when you're in
22 those circumstances to do that work and to work with all
23 of the children involved, including the child that's
24 been removed, because you always want children to feel
25 safe enough to tell you what's happening in their lives

1 and what you don't want to do is put that child in
2 a position where they're then silenced going forward.

3 LADY SMITH: I've heard people say actually children are
4 quite good at doing their own cost benefit exercise when
5 something has happened and they end up deciding not to
6 say anything.

7 A. (Witness nods)

8 LADY SMITH: Because one of the things they take into
9 account is that there's a possibility that my life is
10 going to be turned upside down --

11 A. Yeah.

12 LADY SMITH: -- despite the abuse problems, I can cope with
13 that. What feels worse is what lies beyond that I don't
14 know that could be even worse.

15 A. Yeah, absolutely. And I think that's where the
16 importance of life story work with all children that are
17 in the care system is so important, to help them
18 understand what happened to them to bring them into care
19 in the first place, to help them understand why they're
20 in the situation they're in and to help them understand
21 that it's not their fault that they're in that
22 situation.

23 And you would hope, and now we would, start that
24 life story work at the point at which a child comes into
25 care so you're already having those conversations so

1 you're lessening that feeling of it's my fault that I'm
2 in this situation.

3 Children will always feel like that though and it's
4 heartbreaking that they do, but all you can do is kind
5 of work to lessen that.

6 LADY SMITH: Thank you.

7 Ms Innes.

8 MS INNES: In the final line of the paragraph that we've
9 been looking at it says:

10 "A retainer fee was paid to the carer during the
11 investigation and trial, but no children were placed
12 with her."

13 We've heard other evidence about a fee continuing to
14 be paid to foster carers whilst an investigation is
15 ongoing. Is that something that usually happens?

16 A. Yes.

17 Q. And why is that?

18 A. It's because whilst an investigation's ongoing, if you
19 haven't got to the point where you've got to
20 de-registration of a foster carer you'd continue to pay
21 them as a foster carer. It's at the point at which you
22 have gone for de-registration that they cease to be
23 a foster carer, but it's typical that you wouldn't place
24 children with them in those circumstances.

25 Q. When I was asking Jackie Irvine questions about this

1 particular case, I had asked whether there was
2 a significant case review or learning review after the
3 conviction of Kevin Gillan and I don't see any reference
4 to that so I don't know if you're able to tell us if
5 there was any review?

6 A. I don't think -- I can't find any reference to
7 a significant case review that came after this.

8 Q. Would you -- or any learning review or file audit?

9 A. (Witness shakes head)

10 I think there's a file audit but I can't find any
11 detail of anything more in depth than that.

12 What I have asked for is for us to go back to all of
13 these cases to look at the lessons learnt from all of
14 them. Obviously because I'm still relatively new, it's
15 what you would do as a new person into this kind of
16 post, to go back to any previous action plans, make sure
17 that anything that happened at that time and was deemed
18 to be completed is now still happening and is still
19 embedded so that we're doing a kind of due diligence
20 further check on lessons learnt from all of these.

21 Q. Okay. Yes, I think Ms Irvine in her evidence said that
22 one of the things that she'd been thinking about was
23 preparing a synopsis of previous enquiries --

24 A. Yeah.

25 Q. -- and features and themes so that people coming into

1 children and families got that in an absorbable manner,
2 she said.

3 A. Yeah.

4 Q. Is that something that's been done or being worked on?

5 A. Yeah, we've got -- so obviously Jackie's moved post now,
6 so we've got an interim Chief Social Work Officer who is
7 doing that at the moment, she's pulling together all of
8 the serious case reviews, all of the lessons learnt
9 reviews, all of the enquiries that we've got and as
10 I say, double-checking that what we've said is done is
11 still being done and is embedded, but also pulling out
12 those kind of key messages and key themes.

13 We're also looking at what our new induction for new
14 social workers looks like and what kind of information
15 we need to give them at the very beginning and what we
16 do in the first year in practice to make sure they're
17 aware of all of the good practice stuff they should be
18 aware of, but all the kind of stuff that come from
19 an Edinburgh context as well.

20 Q. Just going back to the issue of a review after
21 a conviction, for example, we know that there's guidance
22 about learning reviews, for example. Do you think it
23 would be beneficial to have a formal review or
24 a learning review where somebody has been convicted --

25 A. Absolutely.

1 Q. -- of abusing a child in foster care?

2 A. Yeah.

3 Q. Do you think that the lessons from that should be shared
4 widely across Scotland, for example?

5 A. Yeah, I think when you do any kind of review, you've got
6 to be very careful about what you put in the public
7 domain because obviously you have to protect the
8 children and the families that are potentially named,
9 but I think the learning from reviews should always be
10 published and should always be shared, because it is
11 about how do we lessen the chances that this might
12 happen again and that's obviously got to be something we
13 put out there in the public domain.

14 Q. Another conviction that you weren't able to find any
15 more information about was in relation to
16 John McCafferty. I think if we look at EDI-000003557
17 you tell us that you weren't able to update the response
18 in relation to the foster carer John McCafferty, who you
19 think was convicted of sexual offences in 1998. It
20 says:

21 "We believe the Procurator Fiscal's office still
22 holds the carer's case file. The City of Edinburgh
23 Council provided this file to them in 1998 ..."

24 I think you've made enquiries about getting those
25 back and the Procurator Fiscal was unable to locate the

1 files or determine if they'd ever been passed back to
2 you.

3 I suppose that might tell us something about making
4 sure that records are kept and retained and aren't lost
5 in transit?

6 A. Yeah, absolutely. I mean what comes through as a really
7 strong message in all of these is the absence of records
8 for some people. And I know from when I was a social
9 worker when you sit with a child who's in care and you
10 go back through their records and that's all they've got
11 sometimes in terms of filling in the gaps of their
12 family history how important it is that those records
13 are good quality in the first place and kept. And you
14 can see from these that in some places we haven't got
15 the records.

16 We are increasing our retention of foster carer
17 files from 25 years to 50 years, so that we should be in
18 a position if anybody's looking for them in the future
19 that we wouldn't be in this situation, but sadly in this
20 one we are.

21 Q. Why have you decided to increase the retention period
22 for foster carer files?

23 A. For lessons learnt from the work that we've been going
24 through in relation to this Inquiry.

25 Q. Okay. If we can go back again to EDI-000003559 and

1 I just want to ask you about a couple of the examples
2 that you give us in this response. If we look, please,
3 at page 4, you talk there about allegations which were
4 made against foster carers, the first one of physical
5 abuse in February 2008 and also of emotional abuse and
6 there's reference to that.

7 Then there's a second allegation made shortly
8 thereafter in April 2008, again of physical and
9 emotional abuse.

10 If we go on to page 5, and (c), we can see that in
11 relation to the first investigation there was an IRD, so
12 an initial referral discussion?

13 A. Yeah.

14 Q. With, it says, "Professionals police." from the Amethyst
15 service and the police. Do you know what the Amethyst
16 service is?

17 A. No, I don't.

18 Q. It then says:

19 "The responsible social work professional for the
20 children who had made the allegation as well as the
21 police felt that there was not enough evidence to
22 determine if there was any substance to the allegation."

23 So the allegation was unsubstantiated.

24 Then it says:

25 "Further, the police felt they could not proceed

1 with an investigation as the person alleging the abuse
2 refused to be interviewed."

3 But then in relation to the second allegation in
4 April there was an IRD and then there was an interview.

5 Then at (d), this is asking the question of whether
6 they were allowed to continue, and after the first
7 allegation it notes:

8 "They were allowed to continue in their fostering
9 role. The investigation report from 2008 shows that the
10 responsible social work professional felt that as there
11 was no evidence to substantiate the allegations, the
12 children should remain in placement. Following the
13 conclusion of the IRD, the other child in placement, who
14 was removed at the time the allegation was made, was
15 returned to the carers as there were no concerns
16 raised."

17 Then in relation to the second allegation you tell
18 us:

19 "After the investigation into these allegations,
20 steps were taken to de-register them."

21 And the children were removed.

22 Again, just for completeness, if we go down to the
23 bottom of the page, (f), allegation 1, it says:

24 "There is no evidence within the carer's case file
25 to suggest that there was any additional monitoring or

1 supervision arrangements in place."

2 Just picking up on a couple of issues that are
3 raised within that, obviously there's the issue of
4 repeated allegations and that's something I think that
5 Jackie Irvine mentioned in her evidence as having been
6 one of her observations from --

7 A. Yeah.

8 Q. -- looking at the responses, that there appeared to be
9 a number of cases where there was more than one
10 allegation.

11 A. Mm.

12 Q. Do you have any reflections on that issue?

13 A. Yeah. I think you'd -- you'd also want more context to
14 this, and when we're doing IRD discussions now we would
15 look at more information than just social work and
16 police information.

17 So what you'd want to understand in this
18 circumstances is what the behaviour of those children is
19 like generally and has it changed and has it changed
20 recently? So you'd want education colleagues to be
21 there, you'd want a picture of what the child's like in
22 school, because children's behaviour is communication
23 and if children's behaviour suddenly changes around the
24 time that they make the allegation, around the nature of
25 the allegation, then that gives you some more

1 information than what they're actually saying.

2 So you'd have a more detailed picture of a child's
3 presenting behaviour in these circumstances now and you
4 would be weighing that up in terms of what evidence
5 you've got from a police perspective.

6 You'd also want to be again looking at evidence from
7 other children that have been in placement, you'd want
8 to talk to social workers of other children that had
9 been in placement. You'd contextualise more than just
10 the specific allegation to get as much information as
11 you could do to make decisions about whether or not you
12 move a child or you don't move a child.

13 If you have got allegations against a foster carer
14 and, as they were in this case, they're not
15 substantiated, you'd want to balance that with: well,
16 okay, what else do you need to put in place and is there
17 anything else you'd need to put in place? I'd certainly
18 be expecting family placement social workers to be going
19 out and doing more unannounced visits, I'd expect
20 children to be seen alone, I'd expect children to have
21 advocates. You would wrap around that to give children
22 an opportunity to tell you more if you didn't have
23 enough at that point to say this placement can't
24 continue.

25 Q. I suppose that's about carrying out a risk assessment --

1 A. Yeah.

2 Q. -- and then mitigating that risk inasmuch as you can?

3 A. Yeah.

4 Q. If we go on to page 19 of this, towards the bottom of
5 the page we can -- if we -- we see reference to
6 a particular case there and move on to the next page.

7 Here we see an allegation in June 2003 of physical
8 abuse.

9 Then a second allegation in 2005.

10 And another allegation in 2008.

11 If we move on in the information that you've given
12 us in relation to this, I think in this case there were
13 retractions of allegations. So if we move on to
14 page 22, allegation 1:

15 "The child retracted the allegation and the police
16 felt no further involvement was required."

17 Then at allegation 2, the child was unwilling to
18 discuss the allegation with police or social work
19 professionals.

20 Allegation 3, the child retracted the allegation
21 giving a reason for that, so the child who had made the
22 allegation was a child of the household and the reason
23 given for fabricating it, as it's noted, is that he felt
24 he wasn't getting attention because of their fostering
25 role.

1 Then if we go down to (f), in allegation 1 it says:

2 "As the child retracted the allegation, no evidence
3 has been located within the carers' file to suggest that
4 there was any additional monitoring or supervision ..."

5 So there seems to be a link to the retraction of the
6 allegation here.

7 A. Yeah.

8 Q. How do you feel with that sort of issue?

9 A. You ... you wouldn't necessarily not take any action
10 because a child retracts. If a child has told you
11 something, you would take that seriously. Children do
12 sometimes retract for the reasons that you pointed out
13 before. You know, they make that balance of whether or
14 not they want to go forward, but that doesn't mean you
15 shouldn't continue with professional curiosity.

16 I would still expect in any circumstance where
17 a child's made an allegation that you would step up the
18 monitoring in that placement. And I'd expect a foster
19 carer to want that as well. You know, if a foster carer
20 is a good foster carer, they would want that additional
21 monitoring to prove that they are a good foster carer,
22 so they should be open to unannounced visits, they
23 should be open to additional scrutiny of that placement.

24 And I would want to make sure that the social worker
25 to the children that were in that placement, they didn't

1 have a change of social worker, wherever possible they'd
2 got advocates, they'd got independent people into that
3 context that they could talk to. Because it is finely
4 balanced. You do sometimes have allegations that for
5 whatever reason a child's confused or a child has
6 remembered an experience in a way that's different or
7 it's -- something's happened and it's meant something
8 different to them.

9 But multiple allegations would -- you would want to
10 be investigating in more depth, because you've got
11 a number of concerns in a household.

12 Q. Just for completeness, if we go to page 23, in relation
13 to the third allegation, which was made by the child in
14 the household, again it says:

15 "There's no evidence of additional monitoring or
16 supervision because of the incident. Case summary notes
17 show that it was recommended to the carers that more
18 space was made for the child to allow him to have more
19 one-to-one time with his parents. The usual carer
20 reviews and fostering panel continued to take place as
21 and when required."

22 Again, there seems to have been a suggestion about
23 how this issue would be dealt with, but would that be
24 an instance where, for example, you might be speaking to
25 the child if the child is involved in the household and

1 has made that complaint?

2 A. Yeah. I think that there is -- there's certainly more
3 focus on birth children of foster carers now than there
4 used to be and a recognition that it is hard for the
5 birth children of foster carers to have new children in
6 your household and sometimes multiple children in your
7 household.

8 So part of the support that goes to -- we used to
9 support foster carers, I think we're better now at
10 supporting fostering families and offering support to
11 the children in those families. And, you know, offer
12 them an outlet to talk to somebody as well. So I'd
13 expect a family placement social worker to be spending
14 time with the birth children of any foster carer as well
15 to get a sense of what's going on for them, how do they
16 feel.

17 We have support networks when we have family time
18 sessions, we often get children of carers together so
19 that they can share their experiences, you know, because
20 their childhood's important too, so it's really
21 important that we give them that kind of outlet as well.

22 Q. If we move on to page 25, we see if we scroll down to
23 the bottom half of the page an allegation noted where
24 there's reference to a child in placement making
25 an allegation in 2006 about the male carer

1 inappropriately flirting with her, tried to kiss her,
2 she disclosed that to her grandmother, who passed it on
3 to the female carer, who subsequently contacted the
4 social work department.

5 If we go on to the next page, you're asked a bit
6 about the way in which these people became carers and it
7 looks as though the female carer was initially caring on
8 her own, and then if we look down to the paragraph:

9 "Fostering panel minutes from May 2003 show that the
10 Local Authority had sought interviews with personal
11 references from both the carers when they became joint
12 carers. Personal histories were noted, including
13 information ..."

14 Then it goes on:

15 "As part of the process, the minutes detail that his
16 previous marriage was explored by the authority, as was
17 the female carer's. However, these minutes allude to
18 that information being sought by the authority in 1994."

19 I'm not sure whether that's referring to the
20 information in relation to the female carer only or
21 perhaps in relation to both of them?

22 A. I read that as the female carer only.

23 Q. Okay. Would you expect that information to have been
24 updated at the stage of her re-assessment?

25 A. Yeah, absolutely. So the way that it would work is you

1 would have an initial contact with somebody who wants to
2 be a foster carer, if they're completely new, if it's
3 a new person coming into a home like it was in these
4 circumstances, you'd do the initial assessment. You'd
5 do the preparation-to-foster sessions, which is
6 typically six group sessions. And then you'd do the
7 home assessment, which is the BAAF, British Association
8 of Adoption and Fostering tool. That goes into previous
9 history, it goes into referees, it goes into medical
10 checks, it goes into police checks, so it's a really
11 detailed background history and you would expect that to
12 be current.

13 Q. We can see that a full re-assessment would be carried
14 out if there's a change such as this --

15 A. Yeah.

16 Q. -- somebody moving from being a sole carer to a joint
17 carer. Do you carry out a full re-assessment every few
18 years, for example?

19 A. You do a review every year, so your review would look at
20 children in placement, views of their social workers,
21 views of any other professionals that were involved in
22 them, views of the children.

23 You'd do supervision, so you'd do typically six
24 supervisions a year, which kind of reviews with the
25 foster carers and their social worker how it's going,

1 what their development needs are. And then every
2 18 months you do a kind of midpoint conversation, which
3 is a three-way conversation which reviews what's going
4 on, looks at any changes in the household, and then
5 every three years you'd review all your statutory
6 references and medicals.

7 Q. But that wouldn't be a full re-assessment doing the BAAF
8 form again, for example?

9 A. No.

10 Q. Do you ever redo it again?

11 A. No. I mean your reviews are detailed. When you do
12 an annual review, they go back to panel, the agency
13 decision maker reviews it again. So there are checks
14 and balances in that.

15 Our panels -- we've got six panels, because of the
16 size of us as an authority. Three are chaired by
17 independents, three are chaired by council staff and
18 then four agency decision makers, two are independent,
19 two are council staff. So typically an independent
20 person would have oversight of that review as well as it
21 goes through that process.

22 So they are rigorous and they would look at any
23 changes in circumstances. If a new person was coming to
24 the house, for example, you know, a new partner coming
25 to the house, then you would reassess in those

1 circumstances.

2 Q. You mention there that three of your panels are chaired
3 by independent chairs but three are chaired by council
4 staff.

5 A. (Witness nods)

6 Q. Why is it? Why are they not all chaired by independent
7 chairs?

8 A. It's a good question. You can tell from my accent and
9 my CV that I've practised south of the border more than
10 I have here and south of the border they're always
11 independent chairs. So it isn't unusual here that you
12 get a mix, but it is something that we are looking at.
13 We're also looking at independent chairs for our Child
14 Protection Committee here as well because at the moment
15 that's chaired by an officer of one of the statutory
16 partners.

17 Q. Okay. You also mentioned supervision with the foster
18 carers six times a year, I think?

19 A. Yeah.

20 Q. So would the -- when you're referring to supervision, is
21 that a sort of formal meeting?

22 A. Yeah.

23 Q. As opposed to other checks and visits to the foster
24 carers?

25 A. Yeah. So a supervision is a formal sit-down review,

1 review of the children's progress in placement, review
2 of foster carers' skills, their professional development
3 needs, you know, what's going on in the household, how
4 siblings are getting on with children in placement,
5 et cetera.

6 In between that, you would then expect the social
7 worker to make visits both announced and unannounced and
8 that would be the social worker for the foster carers,
9 but you'd also expect the social worker for the children
10 to be doing similar visits as well. But obviously they
11 have a slightly different focus.

12 Q. Okay. What's your expectation in terms of unannounced
13 visits? Is there a certain number that have to be done?

14 A. Yes. From a fostering social worker it's at least one
15 a year, but what we're also working on now is some new
16 practice standards around the child's social worker.
17 So -- and we're now looking to have a very tight
18 expectation that we'd expect a child to be seen every
19 20 days who's in placement and when they're seen, we
20 would expect them to be seen alone and we'd expect their
21 bedroom to be seen every second visit.

22 Q. Okay.

23 Right, I'm going to move on to look at some of the
24 evidence that applicants gave during the course of the
25 case study, but before I do that, just in terms of your

1 review of complaints, so the information that you've
2 given us as opposed to the information that has come out
3 during the course of evidence, are there any reflections
4 that you have on the work that you've done yourselves
5 and themes that have emerged from that?

6 A. Yeah, I mean I think what you can see from all of the
7 information that's before us is a really strong theme
8 around children not knowing who their social worker is
9 and not having consistency in their social worker, and
10 those social workers not seeing the children alone and
11 not seeing the circumstances in which they live.

12 I think that's really stark and that's something as
13 I just said we would expect that to be different now.
14 I would expect social workers to see their children
15 alone. I'd expect them to have a relationship with that
16 child. Children should know who their social workers
17 are and should know some details of their social worker
18 as well.

19 And I think we do have a focus on relationship-based
20 practice now which is different.

21 The other thing that really struck me, looking at
22 all of the information that's been provided, is this
23 thing about how children tell you things. So children
24 don't always tell you things by sitting down and talking
25 to you. It's quite hard for a child to talk about this

1 stuff. And what you can see running through this
2 evidence is that children have been telling us things by
3 their behaviour right the way through this, and by the
4 way that they present themselves, and that's not been
5 picked up.

6 What we do now is we focus a lot on trauma-informed
7 practice, so understanding that every behaviour from
8 a child is communication, and that's not just within
9 social work services, that's across the piece. So it's
10 really important that teachers, people that work in
11 schools, people that work in admin in school offices,
12 understand that child behaviour is actually a child
13 telling you something. So you don't get the references
14 to children who are acting out or being delinquent, you
15 actually have an understanding that there is something
16 going on for that child and you need to have a level of
17 professional curiosity that asks: why is a child
18 behaving like that?

19 So I think those are some of the kind of really big
20 themes that have come out for me and the change in
21 practice that you have now.

22 The other one, as we said before, was around
23 record-keeping and around the importance of really good
24 quality record-keeping and particularly life story work.

25 Q. I'm going to move on to ask you about some evidence that

1 was given during the course of the case study. I'm
2 going to be using the pseudonyms for the witnesses that
3 I'm going to refer to, and in your folder at tab 2
4 there's a list of the various witnesses that we
5 identified as being relevant to the City of Edinburgh
6 and their pseudonyms.

7 A. Yes.

8 Q. I'm going to start by referring to the evidence of
9 a witness with the pseudonym 'Ann', who gave evidence on
10 Day 290, 1 June 2022. I think you may recall 'Ann's'
11 evidence. She was placed in a number of foster
12 placements, although she was from Edinburgh she went to
13 Fife, then to Brechin and then to two different
14 placements in Inverness.

15 A. Mm-hmm.

16 Q. I'd like to ask you about a few of the things that 'Ann'
17 spoke about. One was that she talked about her father
18 and brother coming to visit her, but she was told
19 I think in foster care that it was her uncle and cousin?

20 A. Mm.

21 Q. And she later went on to reflect on the fact that she
22 could perhaps have spoken to her father and brother
23 about what was happening --

24 A. Yeah.

25 Q. -- but there was this confusion around the relationship

1 and what she'd been told. Do you have any reflections
2 on that?

3 A. Yeah. I mean it's as I said a moment ago about the
4 importance of life story work that -- you know, we're
5 working with an authority down south that's done some
6 really radical work around how you talk to children
7 about their life history right from the very beginning
8 of involvement and how you make sure that they're not in
9 a position where they think their dad's their uncle.
10 You know, that they understand who are the significant
11 people in their life.

12 So one of the things you'd expect a social worker to
13 do right at the beginning of a meeting with the child is
14 do an ecomap, so sit down with the child and talk about
15 who are the important people in their life and who are
16 they, and if they're not part of their life, then where
17 are they and why aren't they part of their life. So
18 that children really understand where they come from.

19 You would also expect a social worker to promote
20 family time and if you look at any of the advocacy that
21 children -- advocacy groups that children tell us what
22 they want is they want effective family time, they want
23 time with their siblings, time with their parents,
24 regardless of what that history has been. You know,
25 family ties are still important.

1 So it would be very unusual for a child not to know
2 who their family is now and it would not be good
3 practice for a child to have somebody visiting a home
4 that they didn't know was their family.

5 And it is really important that children have
6 contact with their family because they -- the more
7 people that talk to a child, the more opportunities that
8 child has to tell somebody something. So of course you
9 want them to have positive relationships with people in
10 their lives so that they have safe people to talk to.

11 Q. Then, as I've said, 'Ann' was in various foster care
12 placements and they became ever more distant from
13 Edinburgh.

14 A. (Witness nods)

15 Q. Do you have any reflections in relation to that
16 practice?

17 A. Yeah, I mean we do, unfortunately, sometimes have to
18 place children outwith our local areas. And that
19 sometimes is because we physically don't have
20 a placement available or we don't have the right kind of
21 placement available.

22 It's something that you would only do in exceptional
23 circumstances and it's not something that you would want
24 to do and if a child is placed at distance, you would
25 want to bring them back into local area as soon as you

1 can. And that's because if you've been an effective
2 corporate parent you want your children close, you want
3 them in your schools, you want them surrounded by your
4 services.

5 If a child is placed at distance then it is even
6 more important that they've got access to advocacy,
7 they've got access to a trusted person that visits them
8 as well as their social worker, because they are away
9 from their local networks.

10 LADY SMITH: It sounds as though you say you need to look
11 for matched services if at all possible, because not
12 every Local Authority will provide exactly the same
13 services?

14 A. Yeah. And sometimes you might have -- typically with
15 older children, but sometimes you might have a child
16 that has really particular needs and you might often
17 place them in a residential provision that's further
18 away. But if that is the case, then you would be
19 looking at what does the step down and the step back to
20 your locality look like and how can you plan for that?
21 And you would want to wrap, as I say, additional
22 safeguards around so that that child can still feel part
23 of Edinburgh family, if you like.

24 LADY SMITH: Thank you.

25 MS INNES: Another issue that 'Ann' raised was that when she

1 was in Brechin I think she was separated from her
2 brother.

3 A. Mm-hmm.

4 Q. And then later on she had some contact with him but that
5 was an issue that arose for her. Again, do you have any
6 comment in relation to that?

7 A. Yeah, I mean it is -- sometimes we do have to be in
8 a situation where siblings have to be separated because
9 there isn't placement available for siblings together.
10 Again, it's not something that we do lightly. In those
11 circumstances we would look at the best possible contact
12 between those siblings and how you can support that.

13 But it is a very strong and consistent message from
14 children that sometimes they are separated from their
15 siblings and they don't want to be.

16 Q. And then I think she also referred to issues about
17 reading her records, some of them were illegible, and
18 also examples of negative and derogatory references to
19 her, which then obviously had an impact on her.

20 A. (Witness nods)

21 Q. Again I think you say -- you've already said in your
22 evidence that that's something that is a lesson to be
23 learned from what we've been looking at.

24 A. Yeah. One of the things we're looking at at the
25 moment -- and we're trialling in one of our areas -- is

1 writing from a child's perspective. So sometimes if you
2 get a plan written, it will say, you know, "Mrs X: mom
3 needs to do Y", but it doesn't say, "... and the impact
4 on the child will be ..."

5 And files often don't have a portrait of the child
6 and a photograph of the child or any kind of significant
7 information for the child.

8 So looking at -- if that's all you've got that tells
9 your life story when you look back, how would it feel to
10 read that file? And how then do you write it? I'm
11 working with social workers to do a lot of their write
12 ups actually with the young person, so that you're
13 sharing it as you go along. It's not a kind of closed
14 file that they have to come back and look at later on.
15 It's a joint file. It's their file.

16 Q. Okay.

17 I'd like to go on and talk to you about evidence
18 that was given by a witness who waived anonymity,
19 Shirley Caffell. We also heard evidence from 'Cameron',
20 who was in the same placement as Shirley, and we heard
21 evidence from 'Brian', who was the son of the foster
22 carer in that case.

23 I'd like to refer to some of the records and ask you
24 for your comment in relation to them. If we look,
25 please, at EDI-000000775. We know, just before we look

1 at this, that [REDACTED] 'Cameron' started living with
2 the foster carer on [REDACTED] 1965. If we look on in these
3 records, please, to page 6, on [REDACTED] 1965 -- scroll
4 down a little -- I'm having a little problem with my
5 screen, just bear with me a moment. (Pause)

6 It's the very bottom of the page, [REDACTED] 1965,
7 and it's blanked out but it's 'Cameron' being referred
8 to as "still being very skinny and pale".

9 A. Mm.

10 Q. Is that something that you would expect to be followed
11 up on? So she'd been in placement by this time for
12 a few months and she's still presenting like this?

13 A. Absolutely. I mean, you would expect a social worker to
14 be talking to their health colleagues about why that is,
15 you'd expect them to be looking into any kind of organic
16 reasons around that. If there aren't organic reasons
17 you'd be looking at what's going on in the placement,
18 are they not eating, are they not sleeping, is there
19 something else going on? You would expect a level of
20 professional curiosity as to why a child is looking like
21 they are failing to thrive, which, you know, in these
22 circumstances is what that looks like.

23 Q. Then if we go on to page 8 and to a reference on
24 23 June 1966, which is the first entry that we see with
25 a date on it on the page. It says there:

1 "While enquiring about Shirley, the doctor remarked
2 that 'Cameron' was very aggressive and strikes out for
3 no apparent reason."

4 Then it says "delinquent?" in quote marks.

5 'Cameron' referred to this in her evidence and she
6 said that she hopes that today people would be onto that
7 saying that there was something wrong and she was saying
8 that that was her crying out for help.

9 A. Mm.

10 Q. Would you agree with that analysis?

11 A. Yeah, absolutely. That is the point of having
12 trauma-informed practice. If you see a child who is
13 lashing out for no apparent reason, then there is
14 a reason for them doing that and you'd want to
15 understand what that reason is.

16 Any behaviour by a child is a child communicating
17 something and you would want to understand what it is
18 that they're telling you.

19 Q. Then if we go on to page 9, please, and to the entry
20 which is at 10 August 1967, this was a visit by
21 a councillor and somebody else, a local councillor, and
22 it says:

23 "The foster carer did not impress us, neither
24 herself or her attitude towards Shirley in particular.
25 She seems to know all the answers childcare wise but is

1 not I feel being absolutely honest. In the back garden
2 I saw a bed in an outhouse but according to the foster
3 carer no one uses it, although it was obvious it had
4 been slept in the night previously. 'Cameron' seemed
5 well but had nothing to say to us. She did not in fact
6 have much opportunity as the foster carer never stopped
7 talking. I feel I would agree with Ms Griffiths [who
8 I understand is a social worker] that [REDACTED] would
9 benefit from being transferred to Greendykes."

10 So that would be away from the foster home.

11 A. Mm.

12 Q. So one of the issues raised in Shirley's evidence was
13 where she was sleeping, that they were sleeping in a bed
14 in an outhouse?

15 A. Mm.

16 Q. This seems to have been raised at this point, but we
17 know that Shirley wasn't removed from the placement
18 until [REDACTED] 1968.

19 A. Mm.

20 Q. Again, do you have any reflections in relation to that
21 issue?

22 A. Yeah, I mean I think this reinforces why children need
23 to be seen alone regularly, have that relationship with
24 their social worker where they feel safe, being seen
25 alone, their bedroom needs to be seen.

1 You'd also want to understand the kind of lived
2 daily life of a child. So if you've got a good
3 relationship with a child you're working for, you would
4 know about where they play, what they play with, what
5 they do. When you look at their bedroom, if you don't
6 see the things that they say they've played with around,
7 then that raises alarm bells.

8 I mean I keep saying it, but it is this issue of
9 professional curiosity. You know, you want social
10 workers to want to know everything about the children
11 that they work for and understand what it's like to be
12 that child in that placement at that point on that day,
13 and the only way to do that is to spend time with
14 children, but also see the different bits of their world
15 and spend time with them alone.

16 So you shouldn't be in a circumstance where a foster
17 carer speaks for a child.

18 Q. Then at the bottom of that page we see the final entry,
19 27 October 1967 and it's a visit and there's a reference
20 to 'Cameron' having been in trouble.

21 If we go over the page, it's about four lines from
22 the top of the page and it says:

23 "The foster Mother evidently used her usual dramatic
24 methods for extracting the truth from the children, for
25 example woke them at 3 am to catch them off guard."

1 So it appears that the social worker seems to have
2 been told that this is a method that the foster mother
3 uses to confront the children with what she perceives to
4 be going wrong.

5 Again, would that be something that would be raising
6 alarm bells?

7 A. Yeah, absolutely. Again, you'd expect a foster carer to
8 undertake what a reasonable parent would do, what a good
9 parent would do, and that's not reasonable.

10 Q. We know that eventually it came to light that there was
11 physical abuse ongoing and we know that if we move on,
12 please, to page 11, if we scroll down again -- sorry,
13 I'm not sure what's happening today but every time
14 I touch the screen there's a problem. (Pause)

15 There was a report involving the RSSPCC which we
16 looked at during Shirley's evidence. If we go down to
17 19 February 1968, it says:

18 "Visited in connection with above. Discussed the
19 whole matter. Both the childcare officer and the foster
20 mother feels that the children should be removed because
21 she is most annoyed that they should damage her
22 reputation as a foster mother and the childcare officer
23 because the circumstances surrounding the whole matter
24 are fairly alarming ..."

25 I think it goes on to say:

1 "... and also because this home has felt to be
2 fairly unsatisfactory for long-term children for some
3 time now."

4 So there appears to be an acknowledgement there that
5 things have not been satisfactory --

6 A. Mm.

7 Q. -- but no action has been taken to move them?

8 A. (Witness nods)

9 Q. Again, do you see that as an issue?

10 A. Yeah, absolutely. It depends what the term "long-term"
11 means, but you would expect -- you know, as soon as
12 there are any issues in a placement, you would expect us
13 to start having additional meetings with the placement
14 around: is there any more support that's needed? Is
15 there anything else going on that we need to do for the
16 children, for the foster carers? If it looks like
17 a placement's about to disrupt you'd have disruption
18 meetings, and that's in a circumstance where there
19 aren't allegations, it's just in a circumstance where
20 a placement isn't working.

21 So it would be unusual practice where you'd have
22 something like that, that children were there for a long
23 time. That just shouldn't and wouldn't happen now.

24 Q. We know that it came to light on [REDACTED] 1968 and
25 then they eventually moved on [REDACTED] 1968, so there's

1 about a three-week period before they were moved.

2 Again, is that a matter of concern?

3 A. Yeah. I mean, you -- if there's been that level of

4 allegation and concern, you would have moved -- now you

5 would have moved those children before that. You know,

6 sometimes you have to move children in an emergency

7 circumstance and, you know, you would want to plan

8 a movement for children because obviously it's better if

9 you can plan a move, but if the concerns are such that

10 you have to move immediately, then you would do.

11 Q. We've heard evidence during the course of the case study

12 that has made it clear that what applicants want most is

13 a personal apology from those responsible for their

14 care, or at least those today responsible for the

15 organisation who had that role in the past.

16 A. (Witness nods)

17 Q. In her evidence, Shirley asked for an apology from the

18 City of Edinburgh Council and in response there was

19 a general apology to those abused in the care of the

20 authority and its predecessors.

21 A. Mm.

22 Q. What I think Shirley and other applicants who have given

23 evidence have said is that a generic apology isn't

24 satisfactory, it doesn't acknowledge their experience.

25 A. Mm.

1 Q. Are you able to offer a personal apology to Shirley or
2 other applicants or perhaps offer to meet with them in
3 order to offer that apology?

4 A. I'm not in a position to be able to make a personal
5 apology on behalf of the organisation, sadly. I can say
6 that reading their evidence has made me personally feel
7 very sad and feel very regretful. I would urge them to
8 go via the Redress Scheme to get support there.

9 I would be happy to meet with any of the witnesses
10 if they wanted to, to discuss kind of how things
11 wouldn't happen now. And I know that from working with
12 survivors throughout my career, one of the things that
13 people want most is that their experience has not gone
14 to waste, if you like, that their experience has changed
15 practice.

16 I'd be very happy if any of the witnesses do want to
17 meet with me to discuss what practice now looks like and
18 how their experiences have shaped the way that we
19 practice now.

20 Q. And why is it that you're not able to offer a personal
21 apology?

22 A. I'm not able to offer an apology on behalf of the
23 organisation for insurance purposes.

24 Q. If I can move on, please, to talk about the evidence of
25 another witness, with the pseudonym 'Carol'. 'Carol'

1 gave evidence on Day 300, 29 June 2022, and she was
2 boarded out with people who lived in what is now North
3 Lanarkshire.

4 Again, you may recall her evidence, that she says,
5 for example, that the foster parents were alcoholics and
6 she gave evidence that she was absent from school a lot
7 and we see that in her records?

8 A. Mm. (Witness nods)

9 Q. Her explanation for that was because of the -- what was
10 going on in the house, that there were so many parties
11 going on and she wasn't getting sleep, and it's clear
12 that the Local Authority was aware that she was absent
13 from school a lot.

14 Did you have any reflections on 'Carol's' evidence?

15 A. Yeah, I mean we would -- now we focus very strongly on
16 children who aren't in school, so we would track -- if
17 a child doesn't turn up in the morning to school, we
18 would track where that child is. We'd contact carers.
19 If we couldn't find out where they were, members of
20 school staff would go round. We monitor children's
21 attendance. Any child whose attendance dips below
22 a certain level we have additional support to them.

23 We also have in schools designated officers who are
24 responsible for vulnerable children and children in the
25 care system would be included there, so that they do get

1 some additional oversight and additional monitoring.

2 Children not being in school would raise again
3 a reason to ask questions and be curious.

4 Now, sometimes it's because, you know, children have
5 anxiety issues that they need some additional support
6 with and they're telling you something by not being able
7 to go to school and we need to unpick that with them and
8 work with them, but you would definitely pick it up.

9 LADY SMITH: Have you any inkling of how, in relation to
10 a child who was boarded outwith the City of Edinburgh --
11 in this case North Lanarkshire -- the city would know
12 that the child wasn't attending school?

13 A. It's something that the social worker would be expected
14 to know, whether a child was attending school, and to be
15 notified by the school in which that child is attending
16 if they were below a certain threshold. We typically
17 work on children below 85 per cent attendance kicks in
18 kind of additional support.

19 But you would be expecting as part of the tracking
20 in a school that that school contacted the social worker
21 and said, "This child hasn't been in for three days ...
22 a week", and then the social worker would be
23 investigating why that was.

24 LADY SMITH: In modern practice, would that be the school
25 contacting a social worker in their authority, in the

1 school's authority --

2 A. No.

3 LADY SMITH: -- or would they know that the child had been
4 placed by another authority and they needed to make sure
5 that authority knew?

6 A. They'd know that -- it would be the placing authority.
7 So if it's an Edinburgh child who is in a Lanarkshire
8 school, it would be the Edinburgh social worker they
9 would contact. They would know the social worker.

10 LADY SMITH: I can see that makes perfect sense. Do you
11 know when that became the practice?

12 A. No. I mean it's usual practice and it's been practice
13 for years, so it's something that would be very typical
14 of practice now.

15 You'd also notify another Local Authority if you
16 place a child within their area. So you'd typically
17 notify the Chief Social Work Officer or if you are down
18 south you would notify the Director of Children's
19 Services.

20 LADY SMITH: Thank you.

21 Ms Innes.

22 MS INNES: If we can look, please, at EDI-000000785, which
23 is part of 'Carol's' records, at page 18, so on
24 6 June 1975, which is the first entry on that page,
25 I think we see that the carers and 'Carol' and a friend

1 were in. It says:

2 "'Carol's' been off school quite a bit this year, so
3 much so that they received a letter from the school
4 board. However matters were cleared when they know that
5 she had been off sick each time."

6 So it appears that some explanation has been
7 offered, but I suppose from the social work department's
8 perspective, there should still be a concern if the
9 child is off sick so much, for example.

10 A. Yeah, absolutely. And you'd want to know what they were
11 sick with and why they were repeatedly sick. So again
12 you would just be asking questions about why that is and
13 triangulating your information. You would want to go
14 direct to the GP to find out what their impression was,
15 you'd want to know if they'd had any hospital
16 assessments, any specialist assessments.

17 LADY SMITH: That sounds as though the explanation of her
18 being off sick each time was given by the foster
19 parents --

20 A. Mm.

21 LADY SMITH: -- and taken to be correct without any further
22 investigation; is that right?

23 A. Yeah, which you wouldn't do now. You'd typically have
24 health staff as part of your core group, so your
25 multi-agency team that works around the child. So each

1 time you meet to review the child's care plan you would
2 be asking for health information from your health
3 colleagues around that table. So you would want their
4 understanding of what the sickness was. You know, if
5 it's the same illness repeatedly, you'd want to know why
6 that isn't being cured. If it's a series of different
7 illnesses that would raise different questions, but
8 you'd still ask the questions.

9 MS INNES: If we go down to the bottom of this page, the
10 entry of 25 July 1975, and there's reference to 'Carol'.
11 The final line of that paragraph is:

12 "The male carer is still not moving -- do not know
13 whether it is nerves or what."

14 I think we know from the records that there was some
15 reference to him having lost his job and that's in
16 'Carol's' evidence as well, and also that he seems to
17 have health issues.

18 A. Mm.

19 Q. Then it says in the next paragraph:

20 "My visit today was unannounced and I found things
21 exactly the same as when I made an appointment."

22 So that's an example of an unannounced visit,
23 I suppose, but an issue they raise there is about the
24 health of the male carer?

25 A. Mm.

1 Q. But again that doesn't seem to translate into any
2 action.

3 A. Mm.

4 Q. And would you expect if an issue was picked up at
5 a visit, whether it was announced or unannounced, for
6 there to be follow-up?

7 A. Absolutely and you'd want to understand what effect that
8 was having on everybody else in the family. You know,
9 what the illness is. Does that mean that the other
10 carer's picking up all the caring responsibilities?
11 What does that mean for the children? Does it mean they
12 get less time with carers? You would be asking all of
13 those questions.

14 You'd also be asking the family if there is any more
15 support that they need at this point in time.

16 Q. I now want to move on to another applicant with the
17 pseudonym 'Sadie', who gave evidence on Day 305,
18 7 July 2022. This is an applicant who was in care in
19 a number of foster care placements, I think six that we
20 were able to establish from the records.

21 If we can look, first of all, please, at
22 EDI-000000772. If we look first of all at 23 April 1975
23 there's reference to a visit to the first foster carer
24 that 'Sadie' stayed with:

25 "... but didn't see 'Sadie' as the female foster

1 carer had to collect another foster child from
2 Edinburgh."

3 There's reference to her fostering for ten years.
4 She has: 'Sadie' and her sister; she has two girls of
5 her own, who are 19 and 16; and three foster boys, 15, 9
6 and 8.

7 'Sadie' in her evidence told us that there were
8 a number of children coming and going from the house.

9 A. (Witness nods)

10 Q. In terms of the numbers of children in a foster
11 placement, has that changed?

12 A. Yes. You would register a fostering placement for
13 a specific number of children. Quite often placements
14 are registered for up to two children.

15 You can go outwith that, but you'd only do that in
16 exceptional circumstances and you would only do that for
17 short periods of time typically. Any additional numbers
18 that go on over 12 weeks have to go back to panel, have
19 to go through the agency decision-making process, so
20 you'd monitor that really carefully, so you wouldn't
21 have that number of children in a placement now.

22 Q. If we go down to the bottom of the page there's an entry
23 from November 1975, which refers to a visit on
24 10 October 1975 with a Ms Steele, and it says the carer
25 speaks about 'Sadie' and then it refers to 'Sadie's'

1 sister and says:

2 "However, she had been slightly more trouble
3 recently. For some reason she had gone to a neighbour
4 and told her that the foster carers had been mistreating
5 her. The sister was not able to give any reason for
6 doing this. However, the carers had discussed it with
7 her and the matter appeared to be sorted out. The
8 sister appears to be doing better at school now and the
9 female carer feels that she was merely going through
10 a very confused patch."

11 Again, do you have any reflections on how it appears
12 that that reference to mistreatment was dealt with?

13 A. It's not clear whether there was an investigation there.
14 It does read as if that was kind of an informal
15 conversation, and you would expect there to have been
16 an investigation now.

17 It's also why kind of understanding safeguarding is
18 really important for members of the public because you
19 would expect the neighbour to raise that concern
20 officially, so you'd go, you know, via -- you'd contact
21 social care, and that would prompt an investigation.

22 So that does read as if it was an informal
23 consideration rather than a proper investigation into
24 an allegation. I'd certainly expect the child to be
25 seen alone by the social worker to understand what was

1 going on.

2 Q. If we go on to page 3, where we see an entry from
3 July 1976. It refers to 'Sadie' having a very
4 unsettling period recently. Her sister has had to be
5 removed from the carer because of her difficult
6 behaviour.

7 "'Sadie', however, decided she wanted to remain
8 there and after discussion with the foster parents it
9 was decided that this would be advisable for 'Sadie'.
10 She obviously missed her sister to begin with, but she
11 seems to have got over that period now and is still
12 quite happy with the carers."

13 'Sadie' talked in her evidence about her sister
14 having gone away after suffering abuse and she recalled
15 being spoken to by the social worker, but it was at the
16 foster carer's home.

17 A. Mm.

18 Q. And she said that she was too frightened to say that she
19 wanted to move because of what the repercussions might
20 be. Again, do you have any reflections on 'Sadie's'
21 evidence in relation to that, how that appears to have
22 been dealt with?

23 A. Yeah, I mean you can absolutely understand why 'Sadie'
24 felt she was in the position that she was in, and it
25 goes back to that point of children who are in care

1 should have a consistent person that they are safe to
2 talk to. One of those people should be their social
3 worker, but they should also have access to an advocate,
4 access to a trusted individual, so the first time
5 somebody speaks to them about something on their own
6 isn't the first time they've met that person on their
7 own, because if you interviewed any one of us, somebody
8 that you didn't know on your own all of a sudden you
9 wouldn't necessarily give them the full story, you'd be
10 frightened.

11 So somebody who's having that conversation with
12 a child needs to be somebody the child knows and feels
13 safe with. Typically that would be their social worker,
14 but you might have a circumstance where a social
15 worker's left, for example, in which case you'd think
16 about who's the best person to have that conversation
17 with the child, who they are most likely to feel
18 comfortable and safe with and you'd also think about the
19 location of the conversation.

20 Q. As I've mentioned, 'Sadie' was in a number of
21 placements, was moved a number of times, and in her
22 evidence she said that every time it was new rules, new
23 ways of relating, working out who was in the family.

24 A. Yes.

25 Q. Also because of her experience, she said you had to be

1 thinking about who's going to be a threat, who's going
2 to be kind, those sorts of questions.

3 A. Mm. (Witness nods)

4 Q. Do you have any reflections on that evidence from
5 'Sadie'?

6 A. Yeah, again, I mean you can understand why 'Sadie's'
7 saying what she's saying. Unfortunately, sometimes we
8 do have to move children for a whole host of reasons,
9 but you would always try to maintain a child in
10 a settled placement if you can do, because for children
11 who are care experienced, they've experienced loss by
12 coming into care and then sometimes we perpetuate that
13 loss because they move schools or they move placement.
14 Every time you move a child, you're giving them another
15 loss and that's a really serious thing to do to a child
16 who's already lost lots of things.

17 So I understand why 'Sadie's' saying that you have
18 to work out where the land lies very quickly and you
19 have to kind of learn that and that is something that
20 care-experienced children will tell you, that they're
21 very quick at learning dynamics in families and in
22 circumstances because they have to be.

23 But you would also want now that practice around
24 transition to be much better. You know, the explanation
25 about why you're moving, that it's not your fault, this

1 is how it's going to be. Introductions to where you're
2 going to move to. And even things like transitional
3 objects and taking things that are personally
4 significant to you with you to the new place so that you
5 feel a sense of continuity. You know, it lessens it.
6 You still would have children feeling like 'Sadie' felt
7 around trying to work out who's important in a new
8 situation, but you would help people with that
9 transition.

10 Q. 'Sadie' also told us that she raised issues about her
11 experiences in foster care in I think it's 1987. If we
12 can look, please, at EDI-000000769, we see a letter
13 there which refers to allegations made, it says, by
14 a social work client. There's reference to residential
15 care and then if we scroll down a little we see
16 reference to her experiences in foster care with
17 different foster carers and these reflect what 'Sadie'
18 told us in evidence and what's in her statement.

19 In 'Sadie's' evidence she said that she had
20 a meeting, she thought it was with a previous head of
21 social work in City of Edinburgh, and she said that he
22 told her he couldn't say he was sorry because she could
23 sue him and she didn't feel that he really listened to
24 what she had to say about the abuse. Do you have any
25 reaction or response to that?

1 A. Yeah, I mean ... I think it's -- it's really important
2 that we hear the experiences of children that have been
3 through the care system. We hear, you know, the
4 positive experiences of some children, because some
5 children do have great experiences in care, but also we
6 hear the really difficult experiences of children, and
7 we understand where it went wrong and we learn from
8 that.

9 So, you know, whilst there may be technicalities
10 around apologising, I think there is always -- there
11 would always be a desire to listen and there would
12 always be a desire to do what you can to prevent it
13 happening again.

14 MS INNES: I'm going to move on to another person. I wonder
15 if just now would be a good time for a break, my Lady.

16 LADY SMITH: Yes. I usually take a break at this point in
17 the morning. Would that work for you all right if we
18 did that now?

19 A. Yeah.

20 LADY SMITH: We'll sit again in about 15 minutes.

21 Thank you.

22 (11.28 am)

23 (A short break)

24 (11.47 am)

25 LADY SMITH: Are you ready for to us carry on, Amanda?

1 A. I am.

2 LADY SMITH: Thank you.

3 Ms Innes.

4 MS INNES: Thank you, my Lady.

5 I'm going to move on to the evidence of an applicant
6 with the pseudonym 'Yvonne' who gave evidence on
7 Day 307, 12 July 2022.

8 'Yvonne' was in foster care with her aunt and uncle,
9 and during the course of her time with them, her mother
10 died and she gave some evidence about the response to
11 that, including her having gone, I think, to the social
12 work department that she was with a friend and spoken to
13 about the death of her mother in front of her friend.

14 I think she said that obviously within that context
15 it was difficult for her to speak about.

16 And related to that, she said that she found that
17 they had so many social workers, it was always
18 a different person.

19 A. (Witness nods)

20 Q. Do you have reflections on 'Yvonne's' evidence in
21 relation to that?

22 A. The issue of multiple social workers is something that
23 care-experienced children talk to us about all the time,
24 and, you know, there are always going to be
25 circumstances in which somebody leaves and a child loses

1 their social worker.

2 There's a couple of things that we can do and we do
3 do around that. One is making sure that the social
4 worker isn't the only consistent trusted person that
5 a child has, which is why I'd expect all of our
6 care-experienced children to have access to an advocate,
7 but also we're working on a scheme where we have
8 volunteers that are matched to children, so they have
9 a kind of longer enduring relationship, that the
10 volunteer's supported but they become that kind of --
11 referred to by some of the young people that I'm working
12 with -- sticky person, who is that person who is always
13 with them regardless of what changes happen, so you give
14 them a consistent relationship.

15 I think it's also really important to and social
16 workers do now work with children, as I said before to
17 understand that kind of ecomap and who are the
18 significant people in their lives and how can you best
19 maintain those relationships. Teachers quite often are
20 really significant. So even if a child is moving
21 placement, and we've seen some examples of children
22 moving placement, you try and maintain them in school so
23 at least they have some continuity.

24 The other thing that we do is try to be the best
25 employer that you can be for social workers. So make

1 sure they get good supervision, make sure they have
2 reasonable caseloads, so you are more likely to maintain
3 that relationship, because it is fundamental and it is
4 the thing that children consistently say is that change
5 of social worker is really painful.

6 LADY SMITH: As far as children's advocacy is concerned,
7 which resources does your Local Authority go --

8 A. We use Who Cares?

9 LADY SMITH: -- to get those --

10 A. Who Cares? Scotland.

11 LADY SMITH: Thank you.

12 MS INNES: Another issue that 'Yvonne' identified in her
13 evidence was that issues were apparent, she says, at
14 school -- I think this is apparent in school reports
15 that we have in the records -- that nobody was attending
16 parents' evening, personal hygiene was a problem and she
17 was described in the reports as being very loyal, almost
18 defensive, about her home life.

19 A. Yeah.

20 Q. I think she felt that those issues that were apparent at
21 school weren't being addressed by the social work
22 department.

23 A. Mm.

24 Q. Do you have any response to that?

25 A. Yeah, I mean it's that point I made before about being

1 trauma informed and the whole system being trauma
2 informed. So -- teachers are now trained to understand
3 that any behaviours is communication, to notice that if
4 children are coming into school and they look unkempt or
5 if they're hungry when they come into school, if they're
6 tired when they come into school, that those are reasons
7 to be asking questions and either, if they've got
8 a relationship with the child, asking the question or
9 talking to social care colleagues around what is going
10 on, what is going on for that child and understanding
11 what is going on for that child.

12 Q. Another issue for 'Yvonne' was that although they were
13 foster carers, she was living with her aunt and uncle
14 and she, again in response to being asked about that
15 issue, again felt that things weren't really being
16 picked up on.

17 A. Mm.

18 Q. Is there a danger -- we know that there's a huge
19 increase in kinship care -- that because somebody is
20 related to the child, that there's a lot of pressure to
21 keep them there even when things might be going wrong?

22 A. No, I don't think so. I think we've recognised over the
23 years that extended family members need support as well,
24 if they're acting as carers. I think historically the
25 care -- the support given to foster carers has been

1 different to the support given to kinship carers and
2 I think we're better at that now and at recognising that
3 you are still looking after somebody else's child, even
4 if it's a family member, so that's different for the
5 child and it's different for you as carers, so that
6 whole family unit does need support.

7 You would try and maintain family ties, if that's
8 the right thing for a child, but you wouldn't do that at
9 all costs. You know the welfare of that child is
10 paramount. So you would always be considering if it's
11 the right placement for a child to remain and you
12 wouldn't look at concerns differently in a kinship
13 placement than you would in a foster placement.

14 LADY SMITH: Given the history of what happened with kinship
15 care, and I have heard evidence about it appearing to be
16 the case that an assumption was being made that that of
17 itself was beneficial, so, if you like, it started off
18 with the weighting being in favour of keeping the child
19 with them.

20 A. Yeah.

21 LADY SMITH: Do you have to, in your training of social
22 workers, for example, keep reminding them that that's
23 a risk?

24 A. Yeah. Yeah, I think what you're always doing as
25 a social worker is -- it is that understanding the

1 totality of that child's experience and you're balancing
2 risks and concerns as you go through that process.

3 I think the most important thing that you do when
4 you're training to be a social worker is you realise
5 that that's not something you should ever do on your
6 own. You'd have a professional opinion but you'd be
7 discussing that with your supervisor, you'd be
8 discussing that with your team, you'd be discussing that
9 with the multi-agency group. So it wouldn't just be
10 your view and your opinion. You're taking that kind of
11 totality of experience and that's really, really
12 important.

13 MS INNES: Yes, so you've spoken about support for the
14 kinship placement but it would also be about scrutiny.

15 A. Yes.

16 Q. So the same scrutiny of a kinship placement as of
17 a foster carer; would that be right?

18 A. Absolutely. So you'd still expect -- you know, we were
19 talking before about visiting every 20 days, seeing the
20 child alone. All of those same things around social
21 care you would expect.

22 Q. I wonder if we can move on to another applicant who gave
23 evidence with the pseudonym 'Eva'. She gave evidence on
24 Day 313, 11 August 2022. 'Eva' was placed with carers
25 in Penicuik and she was placed there initially with her

1 siblings.

2 I wonder if we could look at EDI-000000780. This is
3 a record that was referred to during 'Eva's' evidence.
4 There's a summary there, September 1982 to
5 December 1982, and there's reference to the social
6 worker taking over:

7 "... this well-established long-term foster
8 placement in September after the case had been
9 unallocated for nine months. At the time I became
10 involved with the foster parents they were experiencing
11 some difficulties with one of the children and asked for
12 advice and reassurance that they were tackling her in
13 the right way."

14 Just pausing there, there's obviously an issue about
15 the case being unallocated for a period of nine months.
16 How would you prevent that happening now?

17 A. It's just not acceptable to have a case that's open to
18 a social worker and unallocated. Sometimes
19 organisations will manage on cases on duty, but it's not
20 a model that I like. So basically what that means is
21 a duty team would continually review a case.

22 I would expect there to be no unallocated cases and
23 I'm working with my teams around if they're in
24 a position that they can't allocate then I need to know
25 about it, because we need to get additional resource in

1 place. If you've made an assessment that a child and
2 a family need a social worker, then they need a social
3 worker.

4 Q. We've heard some evidence from other Local Authorities
5 that on occasion, if there's an absence, for example,
6 a senior social worker might then become involved --

7 A. Yeah.

8 Q. -- in doing the visiting. However, that then can give
9 rise to an issue because there's then a lack of
10 independence.

11 A. (Witness nods)

12 Q. Is that an issue that you're aware of and if so, how do
13 you tackle that?

14 A. You do sometimes have a manager or a senior practitioner
15 that isn't allocated to the case that would have to
16 cover if something happens and a member of staff goes
17 off sick, but if a member of staff's off for a period of
18 time, then I'd expect them to reallocate the case so
19 that you always have a named social worker as well as
20 a team manager involved in a case, so that wouldn't be
21 happening for nine months, for example.

22 Q. If we scroll down, we see there that she's got in touch
23 with the family because an issue has arisen. If we look
24 towards the bottom of the page, she talks about the
25 family being a delight to work with and there doesn't

1 seem to be:

2 "It doesn't demand a great deal in terms of input,
3 although the children are all so nice it is tempting to
4 extend visits talking with them. Contact necessary is
5 minimal because the foster carer will contact the office
6 if any problems arise."

7 Do you have any reflections on that sort of
8 approach?

9 A. Yes. One of the things that you are taught when you're
10 training to be a social worker is the concept of
11 disguised compliance and also how very quickly when
12 you're working in a system with any family, be it
13 a birth family or a foster family, you become part of
14 that system. You start to like people in that system,
15 you start to not like people in that system. So your
16 judgement becomes blurred in that context.

17 Which is why supervision is so important in social
18 work, because if you'd got a social worker saying that
19 to you in supervision as a manager, you would be saying
20 to them:

21 "So what's that about? Why is it that you think
22 this family is nice or whatever, a delight to work with.
23 Unpick that for me. Is that because it's disguised
24 compliance and if that is, what are its kinds of
25 questions you would be asking?"

1 LADY SMITH: Are you saying "disguised compliance" or
2 "disguised complaints"?

3 A. "Compliance".

4 LADY SMITH: Explain that to me, could you?

5 A. The concept of disguised compliance is a family where --
6 any kind of family, where things are happening but they
7 don't present as if things are happening. So when the
8 social worker comes around, everything is manicured and
9 neat and perfect and the children say all the right
10 things and the bedrooms look perfect and there's lots of
11 food in the cupboards and some families will
12 intentionally do that to cover up for whatever else is
13 going on, so that when the social worker visits they get
14 an image of a family that isn't the reality of the
15 family.

16 LADY SMITH: We're actually talking about disguised
17 non-compliance?

18 A. Yes, absolutely.

19 LADY SMITH: Thank you.

20 MS INNES: Then if we go over the page to page 2, again we
21 see a summary for the early part of 1983. The previous
22 social worker has departed from the team and it says:
23 "It was mutually agreed that I would visit every
24 three months as minimal contact is all that is required
25 owing to the stability of this placement."

1 I suppose, as you're saying, even if it's
2 a long-term placement and it might appear to be stable,
3 there's still a responsibility on the social worker to
4 be visiting regularly?

5 A. Absolutely. There is an issue with very long-term
6 stable placements if that child is deemed to be in
7 a permanent placement and a child is saying that they
8 want to be there forever and they're likely to be there
9 forever, there's a balance -- because children will
10 often say that they feel different because they're
11 looked-after children and they feel different because
12 they've got a social worker, so you do have to balance
13 that. And there are -- you can reduce your visiting
14 arrangements if you've got a very stable placement, but
15 you wouldn't do that lightly. You'd want to be very,
16 very sure that that placement was okay before you moved
17 into that. You'd have to go to panel to agree that
18 you'd reduce your visiting frequency. You'd have to get
19 it signed off at a senior level.

20 So you would look at that in a lot of detail. You
21 wouldn't just routinely not visit because you think
22 everything's okay.

23 Q. In terms of a reduction of visiting, in that sort of
24 context what sort of reduction would you be looking at?

25 A. It would depend on the needs of the child and it would

1 depend on the kind of context in which that placement is
2 occurring. If you have a placement that's moving into
3 adoption, for example, you might look at reduced
4 visiting and then an increase in visits as the adoption
5 is going through, because that's quite a stressful
6 period, and then tailing the visiting down again
7 afterwards.

8 It would very much depend on kind of what works for
9 the child and what works for the family.

10 Q. If we can go on, please, to page 3, we see a case
11 recording on 20 May 1984 where there's reference to the
12 carer having called. Money had been going missing from
13 the house for some time, they've identified 'Eva's'
14 brother as the culprit and then it says that the foster
15 carer had taken him over his knee and smacked him.

16 Then there's a visit:

17 "Spoke to the boy on his own for some time. He was
18 tense and distressed. Said he did not want to stay
19 there because he was getting moaned at and picked on."

20 There's some discussion in the next paragraph about
21 trying to get him to focus on the positives.

22 If we go over the page to page 4, if we look down,
23 it's a bit faint, but it looks like 30 January 1985,
24 towards the bottom of the page:

25 "Phone call from the carer. Problem again with the

1 boy. Staying out late a couple of times, lying about
2 where he is going, generally upsetting everyone in
3 house. She had to drag him into the house by the hair
4 the other night following an incident."

5 And the male foster carer, "... not well, which is
6 worrying. Couple not coping terribly well."

7 We know, I think, that after that the boy moved, but
8 the sisters remained in placement. Again from -- we see
9 in those records that from the social work saying no
10 need to visit, it's all very stable, there then seem to
11 be problems arising and allegations of the way in which
12 the male carer is behaving towards the boy. Would these
13 be raising concerns?

14 A. Well, you've got two instances of physical violence
15 towards a child, which is just not okay, and you
16 wouldn't have allowed two incidents with that gap
17 between them. You'd have investigated the first one.
18 Yes.

19 Q. If we can look on to another document which was referred
20 to in 'Eva's' evidence, it's at EDI-000000781. This is
21 a handwritten note from 13 November 1987, so a couple of
22 years after she'd moved away from these carers. It
23 refers to 'Eva' having visited Southhouse:

24 "She spoke again about the incident regarding [her
25 foster carer] and is going to speak to me again on

1 Tuesday."

2 It says:

3 "Trying to find out if [I think the person to whom
4 the allegation had been made] had exaggerated."

5 Then if we can move on, please, to page 4, in about
6 the middle of the page there's a paragraph:

7 "[Blank] saying something horrible had happened to
8 'Eva' when she was eight. Person was down [somewhere]
9 saying she was very worried about 'Eva' as 'Eva' had
10 been abused sexually by the [male carer] ..."

11 And when it had happened.

12 Again, we couldn't find in the records what happened
13 about these statements. They appear to be recorded in
14 handwriting. It doesn't seem that anything was done
15 about that at the time.

16 Again, if these statements were being made, even
17 although she'd moved out of placement, is that something
18 that would be investigated?

19 A. Absolutely. I mean, they're clear child protection
20 investigations.

21 Children quite often disclose after they've left
22 a situation because they didn't feel safe enough to
23 disclose when they were in that situation. You know, we
24 see from some of the evidence here that children
25 disclose as adults because they didn't feel safe enough

1 to do it as children.

2 Whenever anybody discloses, it's got to be taken
3 seriously and it's got to be investigated.

4 Q. I think 'Eva' indicated in her evidence that she felt
5 that the social work department were at fault because
6 they weren't asking her essentially the questions that
7 needed to be asked, so in the period that she was living
8 with these carers, she wasn't being spoken to and asked
9 the necessary questions.

10 A. Mm. (Witness nods)

11 Q. Again, is that something that should be done?

12 A. Absolutely. And it shouldn't just be about asking
13 questions. It should be about understanding what it's
14 like to be that child. So you would want to be
15 alongside a child as well to understand what their life
16 is like, because sometimes they don't tell you in
17 a way -- if you're asking them questions it's quite
18 threatening, they might not tell you, but they might
19 describe what their typical day is like and that gives
20 you more information. They are describing, as I said
21 before, how you play, who your friends are, where you go
22 out. It's all of that that you want a child to tell you
23 about. You often do that when you're playing with
24 a child or when you've taken them out somewhere, you
25 don't sit and formally interview children, because they

1 don't tell you anything if you do that.

2 Q. I'd like to move on to the evidence of an applicant with
3 the pseudonym 'Anna', who gave evidence on Day 316,
4 17 August 2022. Her foster carers, 'Peggy' and 'John',
5 also gave evidence and they gave evidence on Day 321,
6 25 August 2022.

7 So 'Anna' lived with 'Peggy' and 'John' I think in
8 Penicuik really for the whole of her childhood.

9 A. Mm.

10 Q. Again, I'd like to refer to some aspects of the records
11 so if we could look first, please, at EDI-000000805, and
12 if we can start by looking at page 17.

13 Just to put this in context, 'Anna' started living
14 with 'Peggy' and 'John' on [REDACTED] 1975 and this is, at
15 page 17, a case conference on 12 May 1978. We see that
16 there were complaint from a neighbour concerning their
17 treatment of two other foster children in the placement
18 being asked to do excessive housework, being left
19 unattended with younger children and hit with a belt.

20 So that complaint was made.

21 It then goes on in the next paragraph to talk about
22 the investigations. There was an interview of the
23 foster carers and the foster children on approximately
24 five occasions.

25 "Initially the children, especially [one of them]

1 was tearful and said they wanted to leave the foster
2 home. They substantiated by and large the complaints
3 made but added that they wanted to move from the foster
4 home to the [people to whom the allegation had been
5 made]. It was felt by both social workers that there
6 was therefore an element of manipulation in the affair.
7 When the foster carers were interviewed they admitted to
8 possibly overburdening the children with housework and
9 the male carer admitted to using the belt on two
10 occasions. The female carer had given birth to a rather
11 unhealthy baby about five weeks prior to the complaints
12 and, as they also have a natural child of 18 months and
13 another foster child of three years [that's 'Anna'], it
14 seems that the treatment of the oldest foster children
15 is related to these changes in the family's size,
16 functioning and needs."

17 If we scroll down to the decisions, we see that the
18 decision was taken that the children would remain with
19 the carers.

20 Do you have any reflections on what happened here in
21 terms of the complaint and the follow-up?

22 A. You just wouldn't be in a situation now where any kind
23 of physical violence towards a child was okay. So it
24 wouldn't be that you'd even appraise the use of a belt.
25 You've got a foster carer saying that they've used

1 a belt on a child. They would just get de-registered.

2 LADY SMITH: And it wasn't just that. There was also the
3 housework and there was also --

4 A. Absolutely.

5 LADY SMITH: -- the circumstances being such as being likely
6 to cause considerable strain and stress because of the
7 other things that were going on in the foster carers'
8 lives.

9 A. Absolutely. But, you know, the belt incident is there's
10 kind of no debate around that. You would automatically
11 investigate that and go to de-registration.

12 MS INNES: Then we also know from 'Anna's' evidence that
13 there were various financial issues, and if we could
14 look, please, back to page 10 of this document, we see
15 a case conference on 24 April 1979. There's reference
16 to the possibility of a child being removed and it says:

17 "The discussion became wide ranging and many of the
18 issues previously noted were aired, it being clear that
19 there was much ambivalence within the group, this being
20 reflected in the extreme difficulty we had in coming to
21 a decision."

22 "It was suggested that the crux of the matter was
23 whether the carers should continue as foster parents,
24 this qualified to be that they should not continue to be
25 foster parents for these kids in the first place or that

1 they shouldn't be foster parents at all."

2 There then seems to be a discussion about
3 responsibility for the decision not being clear.

4 "K Skinner felt it was unwise to reverse the
5 original decision based on old doubts, rather we should
6 make such a decision in the light of new information.
7 A need for consistency in attitude to the foster carers
8 was stated. Pauline restated that she had doubts about
9 the original placement of 'Anna' with the carers, but
10 now she was part of their family with all its
11 difficulties."

12 We know from the records and from 'Anna's' evidence
13 that initially she was placed with these carers as
14 a baby on a short-term or emergency basis.

15 A. (Witness nods)

16 Q. And we're now in 1979 without a decision appearing to
17 have been taken about her long-term care.

18 A. Mm.

19 Q. But the difficulty that's been highlighted is that she's
20 now part of the family. I think 'Anna' is concerned
21 about the fact that a decision was taken to place her
22 there right at the start and it wasn't properly reviewed
23 or followed up quickly enough.

24 A. Mm. (Witness nods)

25 Q. Again, is that something that would be dealt with

1 differently now?

2 A. Yes. So you'd expect a child to have a review at the
3 point at which they're placed, and that's a multi-agency
4 review that's chaired by an independent reviewing
5 officer, so somebody who isn't line managing the case.

6 You'd then expect a follow-on review at a month,
7 three months and then at least every six months.

8 You'd expect by the second review, ie four months
9 into any placement, that a child's got at least
10 an outline plan for permanence. So, you know, is this
11 going to be their long-term placement or are we looking
12 for something else or are we seeking a return home and
13 what the stages in that journey looks like.

14 So you shouldn't have children now that would drift
15 for that duration of time in a placement like that. It
16 would be monitored in a very different way.

17 Q. If we scroll down a little to the next paragraph, it
18 says:

19 "It was observed that the foster parents work by
20 being on the brink of disasters a lot of the time and
21 this group seems to have come to the brink of making the
22 ultimate decision many times before and found itself
23 still unable to take that final step. It was agreed
24 that the safest way would be to keep things as they are
25 because of the rather unknown and nebulous quality of

1 the fears surrounding the care of the children and the
2 attitudes of the foster carers. Removing only had
3 negative effect in the near future and unknown
4 advantages in the long-term future. It was suspected
5 that the carers may really want 'Anna' to stay with them
6 as part of their own family and for the other children
7 to be removed. However, due to the lack of
8 communication of how they really feel towards all of the
9 children in their care, it was merely speculating to say
10 this."

11 So here it's said that they're rather nebulous
12 fears. Should that not be fully interrogated and
13 explored?

14 A. So you would expect any decision that's recorded to have
15 really clear evidence as to why that decision's been
16 made, so the factors you've taken into account in making
17 that decision, the factors that you think are for the
18 decision and the factors that are potentially against
19 the decision and the reason why you've made the decision
20 that you've made. So that you're spelling out exactly
21 why you've made the decision.

22 And you can't see that from this. You can see kind
23 of opinion and speculation but you can't see there's
24 very clear reasons for a decision from that recording.

25 Q. Then if we go on to page 1 of this document, this is

1 moving into 1982, so it's an incident report,
2 a neighbour called the social work department alleging
3 'Anna':

4 "... was in her house yesterday evening playing with
5 her daughter. She noticed adult hand marks on the
6 child's face and neck. She also alleged that a boy in
7 the household, who she also thought was fostered, had
8 been kicked by the male carer."

9 Then there's action. A senior social worker is
10 informed. It happened that the male carer was actually
11 visiting the social work department at the time. The
12 allegation was explained and it was agreed that he would
13 be taken home so that the matter could be investigated.

14 It then says:

15 "When we arrived at the carers' household at about
16 5 pm, Graham and I saw the foster parents alone.
17 I outlined the allegation made against them and
18 explained the necessity to investigate this fully."

19 They were angry, they immediately denied having
20 struck 'Anna'. Then it says:

21 "They could not recall having struck 'Anna' within
22 the last few days, although they admitted that on
23 occasions 'Anna' is given a smacked bottom when she is
24 naughty. They were quite open about this and felt this
25 to be a controlled and reasonable use of punishment."

1 So that's the first part of the investigation.

2 Again just in terms of the mechanics of what were
3 going on there, a neighbour's made an allegation and the
4 first person that the social workers speak to are the
5 carers --

6 A. Mm.

7 Q. -- and they go and speak to them in their house to do
8 that.

9 A. (Witness nods)

10 Q. Have you any reflections on that process?

11 A. You would speak to the carers and typically the family
12 placement social worker would speak to the carers, but
13 you'd also speak to the child and the social worker
14 would speak to the child alone. You'd normally seek
15 a medical opinion if there was an injury or a mark and
16 you'd seek an opinion as to why that had happened, you
17 know, what the opinion was of any injury.

18 So the way that we would investigate now would be
19 different to what's recorded there.

20 Q. If we go over the page, in the second paragraph there's
21 reference to 'Anna' joining them, so social workers and
22 the carers in the house.

23 First of all, do you have any reflections on that
24 context of speaking to a child when an allegation has
25 been made?

1 A. It's not clear from that whether or not they've already
2 spoken to 'Anna' on her own, but I'm assuming that they
3 haven't.

4 Q. Okay.

5 A. And you would have expected certainly 'Anna' to be
6 spoken to on her own by someone that she trusts.

7 The issue of a smack and being told that she'd been
8 given a smacked bottom, again now you just wouldn't
9 accept any kind of physical violence towards a child.
10 So you wouldn't have that conversation because it
11 wouldn't be okay.

12 Q. Then underlined we see:

13 "There were no signs of bruising or hand marks on
14 her cheek or neck, though there were traces of a minor
15 scratch on her right cheek, probably some days old."

16 I think just from your evidence a moment ago you
17 would say it would be for a -- maybe potentially medical
18 input as opposed to the social workers --

19 A. Yes.

20 Q. -- taking their own view of what they see?

21 A. Yeah. Typically you'd take a child to a trained doctor
22 to have a child protection medical and they'd look at --
23 so in this case the face, but they might also look at
24 the rest of a child's injuries, depending on the nature
25 of the allegation. They'll do like a body map, so

1 they'll record on a map any injuries. Sometimes they'll
2 recommend further investigation, so sometimes children
3 will be X-rayed to see if they have any kind of historic
4 injuries.

5 Obviously you have to balance that with the kind of
6 invasiveness for a child, because it's quite an invasive
7 thing to go and have a medical, but you would get
8 a medical opinion on any potential injury.

9 Q. Then there's reference to having a general chat about
10 what she'd been doing during school holidays and this
11 led on to talking about whether she had been good or
12 naughty:

13 "She recalled the incident on Tuesday and said she
14 had been given a smacked bottom and put to bed for
15 a short time. She thought the punishment was fair. She
16 said she had not been hit across the face or neck.
17 I mentioned the scratch on her face and she said she did
18 not know how it had happened. Throughout the discussion
19 she was at ease in the company of the carers and showed
20 no fear of them. She then left us and I had a further
21 talk with the carers alone."

22 Again, it appears from that that the conversation
23 with the child was being had in the presence of the
24 carers and you would say the child should be spoken to
25 alone?

1 A. Absolutely.

2 Q. There's then a conclusion drawn at the bottom of the
3 page noting, for example, at 2:

4 "Physical punishment is used but the degree doesn't
5 seem unreasonable."

6 If we go on over the page to page 3, just above the
7 signature under, "Recommendation", it says:

8 "Subject to any comments from Margaret Gibson,
9 I would propose writing to the carers to formally
10 exonerate them with regard to this allegation."

11 Is that something that you would do now?

12 A. No. If there was an allegation you'd go through a full
13 child protection process, so you'd have police,
14 education colleagues, health colleagues involved. You
15 would -- if it's an allegation against a foster carer
16 you'd take that back to panel, you'd take it to the
17 agency decision maker.

18 You might be in a situation where you found no
19 evidence, you wouldn't write to exonerate somebody from
20 an allegation.

21 LADY SMITH: I suppose quite apart from anything else you
22 may want to revisit this on a future occasion?

23 A. Absolutely.

24 LADY SMITH: It needs to be part of a history?

25 A. Absolutely. And you'd also expect a really detailed

1 chronology on every file, because if you've got multiple
2 exonerated allegations then that raises concerns as
3 well.

4 MS INNES: Again, 'Anna' in her evidence talked about the
5 end of her time with the carers and she essentially left
6 there around the time that she was going to university.

7 A. Mm.

8 Q. She gave evidence that she had tried to speak to the
9 social work department to get some understanding about
10 her history, to see her records and to understand why it
11 was that she'd got to where she was. She said that she
12 felt ushered out and not given the opportunity to
13 discuss that fully.

14 A. (Witness nods)

15 Q. If that were to happen, if a child were to come forward
16 and say, "I want to understand more about the reasons
17 certain decisions were made", how would that be dealt
18 with?

19 A. So if it's a child who's now an older adult, it's likely
20 that they've got a lot of paper records somewhere. So,
21 you know, sometimes children will have thousands of
22 pages of information. And to go through that with
23 an adult is a really daunting experience. So typically
24 you'd spend time with them trying to understand what --
25 if there are any questions that they particularly wanted

1 an answer to and then help them access that bit of their
2 records.

3 You'd also do a lot of work with a young person
4 around what's -- they might not be able to get the
5 answers from what's in their records because the way
6 that we wrote records then is not the way that we would
7 write records now.

8 If it's a historic record, you have to do a lot of
9 preparation with somebody. You don't just send them
10 4,000 pages of records that have been redacted in a box
11 and expect them to deal with it. There is a process.

12 If you're talking about current practice, you would
13 be in a position where you were sharing records and
14 co-authoring records with a child as you go through
15 their life. They would have a life story box, as you
16 went through it they would have the significant things
17 in their life in that.

18 They do still ask for access to their records, but
19 it shouldn't be as kind of daunting an experience,
20 because they should have been involved in that. You
21 would typically see children writing part of their
22 records or they'll put pictures that they've drawn
23 included in their file. Some recording systems allow
24 you to put MP3 recordings on so you can literally have
25 a child's voice as part of their records. So it's much

1 easier to tell a story now in a way that is more
2 meaningful to a child than it would have been for
3 historical evidence.

4 Q. 'Anna' again said in her evidence that
5 an acknowledgement or apology would make a difference to
6 her and she says it would make a difference to her, it
7 would vindicate what she is saying, and also, she said,
8 she was looking for that confirmation that things have
9 changed, that they have appropriate checks and balances
10 in place and that everything they're doing is
11 child-centred moving forwards.

12 A. Mm.

13 Q. So these are the sort of things that she mentioned that
14 she's looking for as well as explanations as to why
15 certain decisions were taken.

16 A. Mm.

17 Q. Do you have any response to that?

18 A. I think the issue about being child centred is probably
19 the most significant change of practice, and the kind
20 of -- the voice of children and the importance given to
21 the voice of children. Either individual children or
22 collective children.

23 So in Edinburgh we have a Champions' Board, which is
24 our care-experienced children and I meet with them
25 regularly, as do other members of the organisation, but

1 they also do things like -- they meet with young people
2 that are in care. They will do sort of mock inspections
3 of some of our placements, so that you get a young
4 person's view of what it's like to be in those
5 placements as well as an older person and
6 a professional's view.

7 We've got participation workers who were
8 care-experienced and have now moved over to being
9 employed by us to continue doing that work.

10 So I think that's probably the thing that is
11 noticeably very different is the voice of children is
12 much stronger now. And we would always expect to hear
13 from children in a whole range of different contexts and
14 would expect to have a Champions' Board, would expect to
15 have a corporate parenting board that children have
16 a very strong voice in, expect children to be able to
17 directly speak to me as the director or the executive
18 member convener for children's services.

19 That kind of access and voice is much more powerful
20 now than it probably was historically.

21 LADY SMITH: You referred to something you called mock
22 inspections; how do they work?

23 A. So what we've done with our secure unit, for example, is
24 ask some of our young people to go into that unit and
25 see what it feels like to them. Have a look at if they

1 were a child going into that, what would it be like if
2 they were going into that as a person that lived there.

3 It's really interesting, they notice really
4 different things than we would potentially notice. So
5 we had a group young people that went to our secure unit
6 and they noticed that the physical environment was
7 different from when they had been there previously, it
8 felt much more homely, it felt much more nurturing,
9 which were all things that I'd noticed when I was in
10 there, but what they really noticed was that there
11 wasn't a snack cupboard they could go and get snacks
12 from. Now I would never have noticed that.

13 So what's important from their perspective is --
14 it's another lens that you see, that you see where they
15 are.

16 So when I meet with them regularly they go around
17 different placements, we have not done it with foster
18 placements yet, we have just done it with our
19 residential provision, but it gives me a kind of
20 different sense of what it's like from their perspective
21 and it's just really important.

22 LADY SMITH: Thank you.

23 Ms Innes.

24 MS INNES: Thank you, my Lady.

25 I'm going to move on to the evidence of an applicant

1 with the pseudonym 'Esther', who gave evidence on
2 Day 328, 28 September 2022. She was in foster care with
3 a James Farquhar, who also gave evidence on Day 331,
4 4 October 2022.

5 We know that Mr Farquhar was convicted of certain
6 sexual offences, not in relation to 'Esther' but in
7 relation to other children in foster -- I think at least
8 one of whom was in foster care.

9 We haven't recovered records for 'Esther' or for the
10 foster carers, but we do have some statements by social
11 workers that were given in the course of the police
12 investigation and I'm just going to go through some
13 aspects of those with you.

14 First of all, if we could look, please, at
15 CFS-000011043.

16 This is a statement, as you'll see, by
17 an Eileen Buglass, who was a social worker in Edinburgh.

18 If we scroll down we can see it was taken in
19 March 1998, which is at the time of the investigation.
20 She talks about her career history. At the bottom of
21 the page she says:

22 "In March 1985 [she] assumed responsibility as
23 a liaison worker for a foster family [that's
24 Mr Farquhar] who were approved as contract carers for
25 two children between the ages of 5-11."

1 Then if we go on over the page, please, to page 2.

2 She goes on to refer to a bit of the background.

3 If we scroll down there's a paragraph beginning,
4 "Blank".

5 She said that they were staying at a property, the
6 house had two bedrooms, it wasn't big enough for them
7 and they asked for support in an application for moving
8 to a bigger house.

9 She had had an initial good impression of the family
10 and then she says in the next paragraph:

11 "Other than their house was too small for the number
12 of people I didn't think it was too bad, not brilliant
13 but acceptable."

14 I'm assuming she's referring there to the first
15 house and they were moving somewhere else.

16 A. Mm.

17 Q. If we move on to page 3, please, if we scroll to the
18 bottom of the page, please, there's reference there to
19 a complaint being made in 1986. She says:

20 "I was made aware of a complaint by a mother of
21 another child who had been discharged home to the effect
22 that the child was not getting fed enough and was
23 supervised inadequately. It was felt that the carers
24 were inflexible over house rules and had been short
25 tempered with the child. I spoke to both the carers

1 about this and they both denied it."

2 Then if we go to the top of the page, page 4, she
3 says:

4 "That was the end of the matter as far as I was
5 concerned."

6 Again, thinking of matters now, would that have been
7 the end of the matter or not?

8 A. No. And there's no voice of child in there, nobody's
9 spoken to the children concerned.

10 Q. Then she goes on in her statement and if we look down
11 the page that we're on to a paragraph beginning:

12 "I arranged a visit for 16 January 1987 ..."

13 So concerns had been raised in relation to a child
14 who was wetting the bed and this was raised with the
15 carers.

16 "Their explanation was that they had told the child
17 that if he wet the bed for a week continually after
18 a visit home they would assume it was the visit that had
19 upset him and therefore should cancel their visits. It
20 was their view that he was doing it deliberately. The
21 child's mother also said he had been very nervous over
22 his visit home at Christmas. Nothing had been said to
23 the carers regarding this but they claimed that the
24 mother had contacted them during the holiday threatening
25 to bring him back due to his behaviour."

1 It goes on to say:

2 "The carers were not pleased at all by this but
3 agreed to the meeting, which was held ..."

4 There was a meeting between the social workers and
5 the carers and there appeared to be some resolution of
6 the problem. Again, it's not clear what that resolution
7 was, but again these are issues in relation to care of
8 a child and it's being suggested that the child who's
9 wetting the bed, that that's -- he's doing it
10 deliberately is their reaction.

11 Again, is that something that would give rise to
12 concerns?

13 A. Yeah. It's clearly not trauma-informed practice. If
14 you've got a child that's wetting a bed after they've
15 had a visit, you would need to be understanding why that
16 was for that child. What is it about the visit that's
17 causing the concern? Is it coming back to the placement
18 that's worrying? Is it going home on the visit that's
19 worrying? Is it change that's worrying?

20 But, you know, wetting the bed is not something that
21 a child does deliberately. It's something that a child
22 does because they're feeling traumatised for whatever
23 reason and you'd understand it on that basis.

24 LADY SMITH: And you don't just go along with the foster
25 carers' ideas --

1 A. Absolutely not.

2 LADY SMITH: -- about what's causing it, which totally
3 exonerates them?

4 A. Yeah, absolutely. And the child might not know what's
5 causing it, but, you know, you would keep that under
6 review.

7 MS INNES: Then at the bottom of page 5 there's a paragraph:

8 "On 4 August 1987, Jimmy phoned requesting a visit.
9 Later that day I called to see him and he informed me
10 that the police had visited him the previous Saturday
11 regarding an alleged allegation made by [someone, not
12 a foster child]. The basis of this allegation was that
13 he had made improper suggestions to this person when
14 babysitting. The incident had taken place some weeks
15 previously. Because of the complicated family set up
16 and the fact that the girl had made an allegation
17 against her stepfather previously, coupled with Jimmy's
18 adamant denial (with the girl's support), it seemed
19 feasible that there was doubt over the allegation.
20 I did however inform Jimmy that I would have to discuss
21 matters with my senior."

22 So before we go on to see what the outcome of that
23 discussion was, here Mr Farquhar's obviously raised this
24 issue with the social work department.

25 A. Mm.

1 Q. However, the police had visited him the previous
2 Saturday would you expect now that if the police were
3 visiting somebody who was a foster carer about
4 allegations like this that they would alert the social
5 work department?

6 A. Absolutely. You'd also expect them to plan the
7 investigation jointly. So you wouldn't expect the
8 police to necessarily go out alone. They might have
9 a conversation with us first around how do we best do
10 this investigation, how do you best talk to the children
11 that are in that house if you are going to talk to the
12 children that are in the house, which you would expect
13 them to do.

14 So it should be a joint investigation rather than
15 something that the police do on their own and it
16 certainly shouldn't be something that a foster carer
17 notifies you of.

18 Q. Then if we go over to the top of the next page, page 6,
19 she says:

20 "On speaking with my senior it was decided that
21 until any charge was brought, then they should continue
22 fostering. The decision was based on the basis that
23 more information would be required before any action
24 could be taken on the carers."

25 Here a decision is taken, there's a police

1 investigation it appears, in the meantime they're going
2 to carry on fostering. I suppose there doesn't seem to
3 be any reference to a multi-agency meeting?

4 A. (Witness nods)

5 Q. There's just this discussion.

6 A. Yes.

7 Q. Again, would that be dealt with differently?

8 A. Yeah. So it would be a full child protection
9 investigation. It would be a multi-agency, as you say,
10 investigation. You'd look at all the different options
11 that you've got to keep everybody in those circumstances
12 safe. And again you'd record why you'd made the
13 decisions that you'd made and taken the action that
14 you'd taken. And, you know, what you considered and, on
15 balance, why you'd come down with the view that you'd
16 come down on.

17 Q. If we move on to page 7, in about the middle of the
18 page, this is about 1988, the social worker says:

19 "Around this time I began to have a feeling that
20 there were certain issues that needed to be addressed
21 with them [the carers]. They had adopted a cocksure
22 attitude and the fostering section had mentioned that
23 they had been abrupt with them on several occasions and
24 refused to take a child for no real reason. I decided
25 to take matters up with them."

1 Then not the next paragraph but the next one:

2 "I broached the subject of any difficulties or
3 emergency placements with the carers and they seemed
4 happy to continue ..."

5 The issue there seems to be about perhaps the
6 relationship of the carers with the social work
7 department.

8 A. And I think what's really interesting there is that the
9 social worker says, "I've got a feeling that I need to
10 do something", and it's one of the things that you
11 unpick a lot as you are training and in supervision
12 around the concept of a gut feeling and how much do you
13 act on that. If you've got a feeling that something's
14 wrong then that's for a reason and you need to unpick
15 that and you need to kind of -- it comes from your
16 professional knowledge that you're feeling unsure about
17 something, so you need to check that out. That's what
18 the professional curiosity stuff's all about.

19 LADY SMITH: I was about to ask you about that. I've heard
20 the expression "respectful curiosity being key to
21 effective social work".

22 A. Yeah, it really is. And that's why that kind of
23 checking out with other people, triangulating the
24 information, constantly asking questions, and if you
25 feel like something's not wrong, keep asking why it is

1 that you feel like something's wrong and what is it
2 that's telling you that.

3 Yeah.

4 MS INNES: If we can go to page 8, please, and to the bottom
5 of the page, there's a paragraph beginning:

6 "On 22 January 1992 there was an incident when
7 a child's social worker contacted [the giver of the
8 statement] after he had been in contact with Hailesland
9 Children's Centre. It appeared that the staff had
10 spoken to Jimmy about bruising to the child but it was
11 not suspected non-accidental injury. The social worker
12 didn't think that it was a huge problem and had been
13 very pleased with the placement at the carers'. It was
14 agreed to raise the matter at the forthcoming review in
15 February and the main review in March."

16 She then goes on:

17 "Prior to the review I contacted the Children's
18 Centre staff and they expressed concern that sometimes
19 Jimmy handled the child roughly and although they were
20 not suspicious of the bruises, when confronted about
21 them Jimmy had seemed offhand and didn't regard it
22 seriously."

23 Then, sorry, just staying with that page, I think
24 there was then a discussion with the carers about that,
25 a home visit at the beginning of February, and the

1 child's social worker had already spoken to the carers
2 about it.

3 "The female carer said that the centre didn't see
4 the difficult side of the child and the bruises were as
5 a result of his overactivity. Both she and Jimmy felt
6 that Jimmy's tendency to play rough and tumble had
7 developed their relationship with the child."

8 So that seems to be the outcome of these issues
9 being raised.

10 A. Mm.

11 Q. Again, are these things that would be relevant to note
12 and follow up?

13 A. Yes, they are, but again you've got no sense of the
14 child's perspective in that description. Nobody's
15 talked to the child about what's going on. And there's
16 no sense of what's play like. You know, if you know the
17 lived experience of that child, you know what it's like
18 when they're playing and you know if they're doing
19 things that might cause bruising.

20 If you've got another professional observing rough
21 handling, that isn't okay. At the very least you'd want
22 to understand what's going on with that and if a carer
23 doesn't recognise what they're doing.

24 But if a child's been injured, you would absolutely
25 investigate it and if somebody's seen inappropriate

1 handling you'd absolutely investigate that too.

2 Q. Then on page 9, the third paragraph from the end:

3 "I was only there to recount my past
4 involvement ..."

5 She's talking about a later case conference after
6 she'd moved on. She said:

7 "Throughout my involvement with the carers
8 I remained of the opinion that they undertook the
9 fostering task well, which was frequently backed by
10 placing social workers, but as time progressed I did
11 feel certain aspects were not as satisfactory as they
12 had been. I felt that their motivation may have
13 changed. They frequently looked for changes within
14 their fostering structure. They adopted a rather
15 overconfident attitude and did not take criticism
16 kindly."

17 Again she seems there to be referring to a feeling
18 about things that I think you've already said should
19 have been interrogated more.

20 A. Mm. (Witness nods)

21 Q. If I can move on to another statement, please, this is
22 CFS-000011040. This is a statement of a social worker
23 who, if we scroll down a little, the statement was given
24 on 24 February 1998.

25 She says that she's retired at the time of giving

1 the statement. She was the family care worker for
2 a particular family and she'd been based in Broxburn, so
3 there were no local places and she says the child was
4 given an emergency placement with a family in

5 Wester Hailes:

6 "This was unusual, as most of the time they would
7 have been placed in West Lothian."

8 Then she talks about going to visit the house and if
9 we go on to the next page, that paragraph there:

10 "My initial impressions of the household was that it
11 was well below the standards I was used to for foster
12 carers. Materially it was shabby, the floor and wall
13 coverings didn't appear maintained. I was quite
14 surprised by the number of children in placement at the
15 house, on top of their own two children, there were two
16 in placement, as well as the boy [that she was
17 placing]."

18 She didn't recall how many bedrooms the house had.

19 She then said:

20 "The foster parents were not of the standard that
21 I was used to in West Lothian and she got the distinct
22 impression that they were in fostering for the money.
23 The man was unemployed, on benefit, and his manner was
24 very tough and not of the professional standard I was
25 used to."

1 She didn't recall anything about the female carer.

2 "Mr Farquhar did most of the talking. I don't think
3 they ever took the kids out anywhere and I know that the
4 child [for whom she was responsible] was not allowed to
5 go far from the house. I didn't do anything about this
6 as I thought it was a temporary placement and that he
7 would be moved back as soon as a placement was
8 available. I know that the child wasn't happy in the
9 placement ..."

10 Although no specific reason was given for this.

11 So there are a few things within that.

12 Here we have a social worker coming from somewhere
13 else who's not familiar with the family --

14 A. Mm.

15 Q. -- and she appears to have various concerns about the
16 impression that she's given by them, the house, how busy
17 it is, the standard of accommodation. But it doesn't
18 appear that she tells anybody about that.

19 A. Mm.

20 Q. Would you expect a placing social worker to raise those
21 issues?

22 A. Absolutely. You know, social work's a registered
23 profession. It's part of your registration requirements
24 that you would raise concerns as well as, you know, your
25 professional pride.

1 You're also a corporate parent, and the kind of
2 watchword for being a corporate parent is: if it's not
3 good enough for my birth child, is it good enough for
4 the child that I'm with?

5 So if you found yourself in a situation where you
6 were leaving a child somewhere that you didn't think was
7 okay, you wouldn't do that. You'd be on the phone to
8 your supervisor to say, "I'm not comfortable leaving
9 this child here, we need to do something else".

10 LADY SMITH: I fully understand why you say that these
11 concerns should have been raised elsewhere. With whom
12 and how?

13 A. Immediate -- if you're that social worker in those
14 circumstances, immediately when you're placing that
15 child, you would ring up your supervisor and say:

16 "I am at [whichever house], it doesn't feel right to
17 me, it's not okay and I'm not going to leave this child
18 there, I'm coming back to the office with the child."

19 Then you would then have a conversation about, okay,
20 what action can I be taking around that placement? But
21 your first priority in those circumstances would be
22 where's that child going to sleep that night and what
23 are you going to do?

24 So your action would be about getting that child
25 somewhere safe as well as at the same time raising with

1 the Family Placement Team that you'd got concerns about
2 that placement.

3 LADY SMITH: Then would you expect the placement team to
4 think not only about the best next steps for the child
5 but whether the matters should be reported to, for
6 example, the police?

7 A. Yeah. You'd want to understand, you know, what you know
8 about that placement, if it's a longstanding placement,
9 if people had concerns before, when was the last social
10 work visit to the placement, when was the last
11 unannounced visit, what did the review say? You'd
12 expect a social worker from the family placement team to
13 go out and have a look at the placement and find out who
14 the children were, because you wouldn't expect there to
15 be children in the placement that you didn't know who
16 they were.

17 You know, so there's a lot more digging that you
18 would expect to be done on the back of the information
19 that you've got there.

20 LADY SMITH: Thank you.

21 MS INNES: One of the things that we saw there was that she
22 thought that the child wasn't allowed out very much when
23 he was there.

24 A. (Witness nods)

25 Q. We also heard that in 'Esther's' evidence. I wonder if

1 we can look on, please, to another statement at
2 CFS-000011039. This is a statement of a Freda Bleakley.
3 Again if we scroll down I think this was taken in 1998
4 as well, March 1998. I think if we scroll down
5 a little, she was also a social worker within the City
6 of Edinburgh and she was 'Esther's' social worker.

7 If we can move on to page 3 and towards the bottom
8 of the page, there's a paragraph:

9 "I had received phone calls from the health visitor
10 based at Wester Hailes Health Centre with regard to
11 missed health visitors appointments in respect of
12 'Esther's' brother."

13 Several visits had been missed and then it goes on
14 in the next paragraph to say:

15 "I went to their house with Chris ..."

16 I think at that time Chris was the foster carer's
17 social worker?

18 A. Yes.

19 Q. "... and spoke to the carer. Jimmy was doing things
20 around the house and wasn't involved in the meeting.
21 The outcome was that the female carer acknowledged
22 having failed to attend appointments. The matter was
23 discussed and she agreed to cooperate fully with health
24 visitors. I went there with the intention of raising
25 another issue with them. The issue was about the

1 limitations of ordinary childhood experiences (trips to
2 the beach, park, et cetera). My concern was that the
3 children weren't getting that, the other children were
4 older and got out by themselves.

5 "My concern was based on how pale the children were,
6 in that they didn't appear to have been out, exposed to
7 the sun. This was backed up by 'Esther's' account of
8 events in that she never seemed to be outside. This was
9 put down to their lifestyle, where they lived and the
10 impact of the placement made the female carer very
11 tired. I did note that she looked tired, but at the end
12 of the day the placement was still meeting the
13 children's needs. I did not approach the subject of the
14 children needing outside as the issue of the health
15 visitors missed appointments became a major issue in
16 itself."

17 "There was no area of specific concern regarding
18 'Esther' in her placement with the carers up until
19 October 1996."

20 Again it seems that the social worker had concerns
21 about the presentation of the children --

22 A. (Witness nods)

23 Q. -- but she didn't raise them.

24 A. (Witness nods)

25 Q. I assume you would say that that would be an issue?

1 A. Yeah, you would -- you would be expecting a child to
2 have, you know, all the experiences that children should
3 have and to be healthy and a child that's looking pale
4 and isn't going outside is not a child that's living
5 their best life. So you'd want to understand why that
6 is. You know, it might be -- in some circumstances you
7 might have a fostering family who need some more
8 support, who might need some more help to take a child
9 out. Or, you know, that child could go to a school club
10 where they're able to be outside more. You know, there
11 are different solutions to that problem. But it would
12 be seen as a problem. You can't have a child who isn't
13 getting vitamin D and being outside. You know, you'd
14 have to address that from the health perspective of
15 a child.

16 Q. If we can look, please, at CFS-000011041.

17 This is another statement. It's a statement of
18 a David Birnie, who is a residential care worker.
19 Again, if we scroll down we see it was taken in
20 March 1998. He was a residential care worker who, as
21 I understand it, worked with the person who was removed
22 from placement in 1996 at the time that an allegation of
23 sexual abuse was made against him by 'Esther'.

24 We understand that he was initially spoken to by the
25 police, but he was diverted from prosecution, it was

1 dealt with through the Children's Hearing system at that
2 time.

3 If we go on to page 2 of this statement, if we look
4 down to the first time that the boy -- so it's:

5 "The first time that he was allowed home was planned
6 for Christmas Day 1996. Prior to this, the carer had
7 not really wanted him home due to her own feelings, but
8 she agreed for a supervised visit."

9 "Around 1900 hours on Christmas Day I took him to
10 the house and the visit was for about one hour and it
11 went okay and the female carer agreed to him staying
12 until 2200. During the time we were there, 'Esther' and
13 her brother were in the house but were in bed and did
14 not see him."

15 Then it talks about the female carer being tense and
16 then if we go down to the paragraph beginning:

17 "After the success of the visit, the female carer
18 was happy enough to allow a few more supervised visits
19 and I was always present. It went fine but were
20 unnatural in that the atmosphere was strained."

21 And then there's -- if we look down further again,
22 it says -- you can see that there was an issue -- he
23 says:

24 "On referring to the detail record 21 March 1997
25 I can see that there is an entry in large writing

1 highlighted by me to the effect that the boy was not to
2 visit the relevant area until ..."

3 A particular date. He says:

4 "I can't remember exactly why this was written but
5 I think it was because he had been visiting the area
6 without permission and was getting close to blowing his
7 chances of returning home."

8 Then the person says he was off that weekend and
9 then he says:

10 "Following discussions between the female carer,
11 Chris Hamill, Ann Mitchell and ourselves at the unit, it
12 was agreed that the boy should be allowed home for
13 'Esther' and her brother's going away party. I think
14 this was instigated by the female carer but I'm not
15 sure. He was given the choice as it was a supervised
16 visit. He wasn't happy, but did sort of want to do it."

17 Then there's reference to the visit and saying it
18 went okay.

19 'Esther' had made an allegation of sexual abuse
20 against this boy and it appears that even though it was
21 supervised, he was coming back into the home for visits.

22 A. (Witness nods)

23 Q. Do you have any reflections on that?

24 A. Yeah, I mean it's really complicated because you're
25 trying to -- you've got two children who both need to

1 have contact with their families. So you would have
2 supervised visits of a child going back home, but you
3 would -- you wouldn't place 'Esther' in the position
4 that she felt further victimised and further traumatised
5 by that.

6 So you'd have thought about how that supervised
7 visit occurs. You'd have done it maybe outside of the
8 family home or you'd have done it at a neutral setting
9 so that it wasn't the alleged perpetrator coming back
10 into her home, because there's clearly issues around
11 that and around how safe she's going to feel in that
12 environment.

13 Q. Okay.

14 Then finally in terms of applicant evidence I wanted
15 to refer to evidence that was given by a witness with
16 the pseudonym 'Amber' on behalf of a child 'Rosie'. She
17 gave evidence on Day 328, 28 September 2022.

18 'Rosie's' carers, 'Dorothy' and 'Neil', also gave
19 evidence, both on Day 332, 5 October 2022.

20 Again I think you'll be aware of this particular
21 case where allegations were made of sexual and physical
22 abuse after a child had moved to an adoptive placement.
23 And we understand that following the allegations of
24 sexual abuse the carers were de-registered.

25 A. Mm.

1 Q. I think they appealed against that and that was
2 unsuccessful:

3 In terms of that process, we can obviously see that
4 the child wasn't in placement at the time and I think
5 another child who was in placement was removed at that
6 point.

7 A. (Witness nods)

8 Q. And I think that ultimately did the Local Authority
9 essentially carry out a risk assessment --

10 A. (Witness nods)

11 Q. -- of whether the carers could continue to be foster
12 carers?

13 A. It depends on the nature of the allegation. So you'd
14 always investigate any kind of allegation, but you'd
15 want the kind of context around that. If it's
16 an allegation against one carer and it's a two-carer
17 household it may be that you'd ask that carer to leave
18 while the investigation was ongoing and maintain
19 a placement. If the carer that the children were
20 maintaining with was amenable to that and also accepting
21 that what the children had said was viable and needed
22 investigating.

23 You might remove children if you would look at
24 an assessment and say actually nobody was safe in that
25 environment, but you'd balance it against the

1 attachment, the duration of the placement and the kind
2 of -- what you could wrap around it and the nature of
3 the allegation.

4 So it wouldn't be as simple as somebody makes
5 an allegation, you'd remove the child that moment.
6 You'd have to look at all the different elements around
7 it.

8 Q. I think from the carers' perspective, they felt that the
9 investigation had taken a very long time and obviously
10 they were aggrieved about the ultimate decision to
11 de-register them.

12 A. Yeah.

13 Q. But in terms of the length of time of the investigation
14 and I think, for example, they felt that during that
15 time where they were told that they couldn't see
16 grandchildren and suchlike.

17 A. Yeah.

18 Q. How do you deal with those sorts of issues? Are they
19 referred elsewhere for support or do you provide that
20 internally?

21 A. Yeah, it is really difficult and sometimes if you've got
22 a police investigation that's ongoing and there are
23 multiple witnesses that could take a long time. You
24 would obviously work at the witnesses' pace as well, so
25 you might have repeated interviews so it can take time

1 to get evidence. As we've talked about, children might
2 retract and then say something else. So that can be
3 quite a protracted process and you would put support in
4 to a carer's family while they were going through that
5 process and they would continue to have support from
6 their link worker while they were going through that
7 process.

8 Q. I think we've probably covered a lot of the themes that
9 you've identified from the applicant evidence and we've
10 just referred to some examples of applicant evidence in
11 the time available this morning. I do know that you had
12 some other reflections. I think one was in relation to
13 the national register of foster carers --

14 A. Yeah.

15 Q. -- and about patterns of disclosure.

16 A. (Witness nods)

17 Q. And there may be other things that you wanted to
18 highlight.

19 A. Yeah, thank you.

20 Yes, it's been very sobering going through all of
21 the information and kind of reflecting on how things are
22 different now and how you would hope that things
23 wouldn't happen again.

24 I think one of the big gaps is that there isn't
25 a national register of foster carers. So if somebody

1 was a foster carer who was -- there was an allegation
2 against them and they were de-registered and then they
3 moved somewhere else and chose not to disclose that, if
4 there wasn't a conviction it wouldn't necessarily come
5 through in any of the references and that is a risk in
6 the system.

7 So if you were able to check a register of foster
8 carers, that would be another kind of element of safety
9 in the system.

10 I think the other thing that really struck me,
11 looking at all the evidence, is the issues that we've
12 talked about around children behaving in certain ways
13 and that not being picked up, so the importance of
14 people seeing children telling you things when they
15 behave.

16 The importance of spotting a child that looks
17 different. So there are lots of references in the
18 witness evidence of not having appropriate clothing,
19 being hungry, being tired.

20 I remember when I was training there was a serious
21 case review, which was the story of [REDACTED] and it's
22 always stuck with me. He was a child that died in his
23 cot and he was described as "dirty and smelly but
24 happy". Well, children aren't dirty and smelly but
25 happy, because they're different, and they're smelly and

1 they're dirty and that doesn't make them happy.

2 So we need to pick up on that and not be worried
3 about asking questions in those circumstances.

4 Sometimes social workers historically have been worried
5 about asking questions, upsetting families, but you're
6 there for the child. So that professional curiosity
7 comes through as a really strong message from the
8 evidence.

9 And I think, lastly, that a number of the people
10 that have given evidence didn't disclose until they were
11 adults and you know services -- health services
12 particularly -- being aware that people might do that.
13 And the concept of routine enquiry, so health visitors
14 will often work with expectant mums to talk about what
15 their childhood experience was like and if they have had
16 a care experience, will ask them what that care
17 experience was like to give them an opportunity to kind
18 of reflect back on it.

19 We're doing some work at the moment with our adult
20 services colleagues and my justice services colleagues
21 around talking to adults who have been in care around
22 what did that experience bring to them as adults and how
23 do they reflect back on that experience, to give people
24 an opportunity to talk about what their care experience
25 was like at different points in their life.

1 Because some children, if they've had an abusive
2 family, might not know if they go into an abusive foster
3 family that that's not normal. It's only when they
4 leave and move into a different world that they
5 recognise what's happened to them. So that it's really
6 important that all of our systems are really live to
7 that as well.

8 LADY SMITH: Amanda, taking your first point about the need
9 for a national register for foster carers I absolutely
10 get that and of course any such register needs to be up
11 to date.

12 A. Yeah.

13 LADY SMITH: Ideally are you telling me that every
14 jurisdiction in the United Kingdom would have
15 an national register that could be consulted --

16 A. Yeah.

17 LADY SMITH: -- by the other areas in the country?

18 A. Yeah. I think if there was such a thing, when somebody
19 applies to be a foster carer, you'd check if they'd ever
20 been on the register. And if they had been on the
21 register and they weren't any more, then you would know
22 that they'd been de-registered -- so you wouldn't be
23 reliant on them telling you.

24 LADY SMITH: Yes. Thank you very much.

25 Ms Innes.

1 MS INNES: I don't have any more questions for you, Amanda.

2 I don't think that there are any outstanding
3 applications for questions, but we'll perhaps just
4 check.

5 LADY SMITH: Are there any outstanding applications for
6 questions of Amanda?

7 Amanda, that completes everything we have for you
8 this morning. Thank you so much for picking up this
9 challenging set of evidence and history of the Edinburgh
10 Council. I'm really grateful to you for having done
11 that and becoming as immersed in it as you have done.
12 It's been very helpful to hear from you.

13 Thank you for everything you've talked to us about
14 this morning, which of course goes beyond the specific
15 circumstances of the cases we've heard about to more
16 general points about good practice and what's bad
17 practice and what has to be protected against. I'm very
18 grateful to you for that.

19 I'm now able to let you go with my thanks.

20 A. Thank you.

21 (The witness withdrew)

22 LADY SMITH: We'll stop now for the lunch break and sit
23 again at about 2 o'clock.

24 Thank you.

25 (1.08 pm)

1 (The luncheon adjournment)

2 (2.00 pm)

3 LADY SMITH: Good afternoon. Now I gather that the next
4 witness is ready and has been for a while?

5 MS INNES: Yes, yes.

6 The next witness is John Trainer from Renfrewshire
7 Council.

8 LADY SMITH: Thank you.

9 John Trainer (sworn)

10 LADY SMITH: How would you like to me to address you?

11 Mr Trainer or John?

12 A. I prefer John, my Lady.

13 LADY SMITH: That's absolutely fine by me, John.

14 Thank you for coming along this afternoon. I know
15 that you've come from Renfrewshire Council, and thank
16 you for being here in such good time as I understand you
17 were. The red folder has Renfrewshire documents in it
18 that you'll be familiar with, but we'll also bring
19 documents up on the screen as we go to different parts
20 of what we have there and what we want to discuss with
21 you. There may be one or two other documents that are
22 coming out of our other repositories that we've
23 recovered, but I'm sure you'll recognise them all.

24 John, if you have any questions as we go along
25 please don't hesitate to ask or if you think that

1 there's something that we should be asking you that
2 we're not asking you, do volunteer that, please.

3 A. (Witness nods)

4 LADY SMITH: As far as a break is concerned, obviously if
5 you need a break at any time just let me know, but
6 I will normally take a break about halfway through the
7 afternoon, somewhere around 3 o'clock, if you want to
8 bear that in mind.

9 A. I will.

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

12 A. That's fine, my Lady, thank you.

13 LADY SMITH: Thank you.

14 Ms Innes.

15 MS INNES: Thank you, my Lady.

16 Questions from Ms Innes

17 MS INNES: John, can I start by asking you your date of
18 birth, please?

19 A. Yeah, [REDACTED] 1962.

20 Q. You have provided a copy of a CV to the Inquiry and
21 I understand from that that you qualified as a social
22 worker I think in 1988?

23 A. 1988, that's correct.

24 Q. Initially you worked with Strathclyde Region?

25 A. That's correct.

1 Q. First of all, in children and families but then you went
2 to work in criminal justice social work?
3 A. Yeah, that's correct.
4 Q. Then you became a project leader and then a senior
5 social worker?
6 A. (Witness nods)
7 Q. In different areas of social work, carrying on with
8 Strathclyde until it became Glasgow City Council?
9 A. That's correct.
10 Q. Then you were a team leader in community care and
11 development with Glasgow City Council until I think
12 2003, when you moved to Renfrewshire?
13 A. That's correct, yes.
14 Q. You've been with Renfrewshire since then?
15 A. Been with Renfrewshire since 2003.
16 Q. You became Principal Officer I think in Integrated
17 Children's Services?
18 A. That's correct.
19 Q. That was a joint management post with social work,
20 education and leisure?
21 A. It was, that's correct.
22 Q. Then in 2004, May 2004, you became a social work area
23 manager?
24 A. That's correct.
25 Q. So would that have been a promotion?

1 A. No, it was a sideways move, but I'd -- the post that
2 I had in social education I had delivered what we'd
3 hoped to achieve in the initial period of that project.
4 The opportunity arose to apply for an area manager's
5 position. I made that choice on a professional basis
6 that I wanted to move back fully to the social work side
7 of the business and was successful in that application.

8 Q. Then from then until May 2010 you had operational
9 management of all locality social work services in the
10 Johnston and Renfrew area?

11 A. That's correct.

12 Q. And authority-wide children with disabilities and youth
13 justice services --

14 A. Yeah.

15 Q. -- so those particular services you had authority-wide
16 responsibility for, but you were also working all
17 locality services?

18 A. Yeah.

19 Q. So that would include children and families?

20 A. It was. So the locality model was that children,
21 justice and adult care services were geographical, but
22 there were some services that covered the whole of
23 Renfrewshire, so the geographical areas of Johnston town
24 and the villages, Renfrew town, Paisley, those were the
25 localities. The authority wide covered all of

1 Renfrewshire and that was the children with disability
2 and the youth justice services.

3 Q. In 2010 up till 2014 you worked as a project manager and
4 that was leading a major strategic programme for
5 Renfrewshire Children's Services Partnership, where you
6 were looking at redesigning services?

7 A. Yeah. We worked with an organisation called Dartington
8 Social Research Unit and what we were trying to do was
9 looking at: could we use information from children and
10 young people to better shape our services, could we
11 introduce evidence-based programmes where we hadn't been
12 as evidence-based as we could be and could we shift to
13 offer better support to families, better protection to
14 children and more effective engagement with the
15 community.

16 Q. Did that project result in a redesign of services?

17 A. It introduced a number of programmes. It didn't
18 redesign services massively, but it agreed some real
19 priorities for us as a Local Authority. So we attempted
20 to shift from being very reactive, particularly in the
21 social work services, to a much more early intervention
22 model. So we identified early intervention as getting
23 in to support a family at the first sign of a problem
24 rather than waiting until a problem had really
25 developed, when it became much more ingrained and

1 difficult. So that was a big issue.

2 But we also introduced a couple of evidence-based
3 programmes, which we felt made a big difference to
4 families. One was called Functional Family Therapy. We
5 introduced PPP, which was an early years programme, and
6 we introduced Incredible Years, which again was an early
7 year programme to support parents around how they would
8 look after their children.

9 Q. Then you spent the next four years, October 2014 to
10 September 2018, as transitions manager and you say that
11 that was to lead the merging of the authority's
12 education, children's social work and criminal justice
13 social work services to create the new Children's
14 Services Directorate?

15 A. Yes. So in Renfrewshire we had agreed when the joint
16 public body legislation came into play, you had to
17 decide whether children's social work and justice social
18 work was going into the new integrated joint board. In
19 Renfrewshire a decision was made that children's
20 services and justice would not transfer to the
21 integrated joint board, so we had to look at a new model
22 and it was agreed that that would be part of the
23 education and children's services and that was on the
24 basis that we felt that education made a big difference
25 to the most vulnerable children's lives and we wanted to

1 do that so there was a redesign of some services
2 creating the new directorate leading that work.

3 Q. So in the integrated joint board would social work
4 services go in with healthcare?

5 A. The adult social work services went to the health board,
6 to the integrated joint board, the health and social
7 care partnership, and they were mandated to go by virtue
8 of the legislation. Local Authorities and health boards
9 had to negotiate what happened to children's social work
10 and justice social work. In Renfrewshire it was felt
11 that the agenda that we wanted to promote it was more
12 important to be with the education service than it was
13 at that particular point with health, so we agreed to
14 create the new Children's Services Directorate.

15 Q. So some Local Authorities decided to put children's
16 social work into the health and social care partnership
17 and others like Renfrewshire decided to keep it
18 in-house?

19 A. That's correct. I think about 50 per cent of
20 authorities placed their children's social work in the
21 health and social care partnerships and about
22 50 per cent, just slightly less than 50 per cent, left
23 them with the Local Authority.

24 Q. Okay.

25 Then you tell us that from September 2015 to

1 September 2018 you were head of early learning and
2 inclusion, and from the dates you seemed to be doing
3 that alongside your transitions manager role?
4 A. There was a bit of -- sorry, I think I've actually made
5 an error there. So I'd need to check the exact dates.
6 There was a bit of a -- a short period of overlap and
7 then I took on the post of Head Of Early Learning And
8 Childcare.
9 Q. Then you became Head of Childcare and Criminal Justice
10 and the Chief Social Work Officer on 3 September 2018?
11 A. That's correct, yeah.
12 Q. That includes responsibility for children social work
13 services?
14 A. It does.
15 Q. It also includes responsibility for fostering and
16 adoption?
17 A. That's correct.
18 Q. You're aware of course that Renfrewshire Council
19 provided a response to a section 21 notice served by the
20 Inquiry.
21 A. Yeah.
22 Q. Did you have oversight of that response?
23 A. Yes, I did.
24 Q. If we can look, please, to REC-000000015, page 2. It
25 will come up on the screen as well as being in the

1 folder, so just use whatever's most comfortable for you.

2 A. Okay.

3 Q. Here we see at page 1 that -- this is to do with the
4 predecessors. So at (a) we see the predecessors were --
5 sorry, did I say page 1? Page 2.

6 Sorry.

7 A. That's okay.

8 Q. At question 1.1 there's the history of the authority and
9 it tells us there that obviously Renfrewshire Council
10 came into being in 1996. Prior to that it was part of
11 Strathclyde.

12 Then if we go down a little, just prior to that, in
13 1930 to 1975 it tells us that social work was the
14 responsibility of the County of Renfrew and the burgh of
15 Paisley, but I think you tell us that what was the
16 county of Renfrew, some of it is now part of
17 Renfrewshire Council, but some of it has gone to East
18 Renfrewshire and some of it has gone to Inverclyde?

19 A. That's correct. Our council archivist and historians
20 from the Paisley museums helped us with the
21 understanding of all of the changes that had occurred
22 through local government and there wasn't a complete
23 mapping of the local areas. I think the Renfrew was
24 interesting, because the burghs of Johnstone and Renfrew
25 itself both came across to the Renfrewshire Council area

1 and the second, third and fourth districts of Paisley
2 came to us, but some of it went to Inverclyde and
3 obviously to our neighbours, East Renfrewshire.

4 Q. Did that history give you any issues in terms of finding
5 documentation in respect of that period?

6 A. It did, unfortunately. I think that we were able to
7 secure our own documentation from the period of
8 Renfrewshire Council established in 1996 and we didn't
9 have any significant problems with that.

10 We did find that the early history from both the
11 Renfrew burgh and the Paisley districts, we struggled to
12 get records.

13 The searches we undertook for those included our own
14 searches within Renfrewshire archives, where some
15 documentation is held within the museum and library
16 service, but there's also we stored previously some of
17 our documentation in the Mitchell Library. The
18 documentation that went to the Mitchell tended to be
19 individual files, so we didn't have -- and they were not
20 coded as fostering or adoption or social work. They
21 were individual names. So that made a real challenge
22 for us getting some of the early documentation.

23 Q. If we can move on to page 12, please, and to the
24 section headed "Numbers", you are asked to address the
25 information in relation to numbers and you tell us that

1 you were able to provide some numbers of children in
2 boarded-out arrangements during the period of Renfrew
3 County Council, bearing in mind that that's not just
4 Renfrewshire now, it's the other two authorities as
5 you've mentioned.

6 A. Yeah.

7 Q. You sourced figures for a certain period,
8 September 1952, I think maybe going on to the beginning
9 of January 1963.

10 A. Yeah. We managed to find in the archives some records,
11 minutes of council meetings, and within that we found
12 this information that provided the information about the
13 actual number of children who were boarded out at that
14 particular time and that was for the Renfrew burgh.

15 What we didn't have was any detail of who those
16 children were, because, as I say, when the documentation
17 was secured in the archives, they went in an individual
18 child's name or family. In fact, often in a family
19 file, so you wouldn't even have John Trainer's
20 individual file at that particular time, you would have
21 the Trainer family file.

22 Q. Okay. Then there was no information in relation to
23 numbers available for Strathclyde, but then you give us
24 information about numbers of children, if we go on to
25 page 13.

1 A. Yeah.

2 Q. Numbers of children --

3 A. So the Strathclyde figures again, because we had
4 deposited out records back at the Mitchell and the
5 Mitchell were obviously dealing with a number of Inquiry
6 requests, they were not able to break them down to our
7 areas and again it was due to the fact that files were
8 recorded on individual children or family groups at that
9 time, so they couldn't give us the detail, but we were
10 able to give the details, as I say, for Renfrewshire.

11 Q. We see there that in 1996 at the beginning you only had
12 four children placed with Local Authority foster carers.
13 Is that anything to do with the transition from
14 Strathclyde to Renfrewshire?

15 A. It is. So the numbers, they would be new children and
16 new carers under the Renfrewshire Fostering And Adoption
17 Committee, so these were new carers for that particular
18 period. So there would have been some children who were
19 still within foster care but under Strathclyde
20 placements and they're not counted here unfortunately.
21 We couldn't get that information.

22 Q. Then we can see that -- say if we look at 2003, you have
23 55 children placed with Local Authority foster carers.
24 At that stage we see a marked increase in the number of
25 independent foster carers, so would those be provided by

1 voluntary organisations?

2 A. They're provided either by voluntary organisations or by
3 independent providers, private providers, who had
4 started to develop a service across Scotland.

5 Renfrewshire at that point, when we were receiving
6 information that suggested children couldn't be cared
7 for at home safely and we needed to provide alternative
8 families, we didn't have sufficient of our own local
9 foster carers. We wanted to make sure that children had
10 the best family experience so we went to the independent
11 and private sectors. I think we did provide a list of
12 those that we've used.

13 Q. If we move -- we see that there's an ongoing increase,
14 so the numbers of children in care increased from, say,
15 2003 onwards. If we look at 2008, 186 children in total
16 in care --

17 A. Yeah.

18 Q. -- with more children with independent providers than
19 there are with Local Authority providers.

20 A. (Witness nods)

21 Q. If we look at the numbers in the right-hand column, we
22 see that during 2010 to 2016 the numbers sort of peak
23 over that period and then start coming down again.

24 A. Yeah.

25 Q. Just in terms of that before we look at which type of

1 carers they were placed with, did you identify any
2 reasons for that increase?

3 A. Yeah. We identified that most of the children who were
4 accommodated during that particular period were
5 accommodated from families where parental substance use
6 was problematic, mainly drug problems, and it was
7 illicit drugs, and we had what appeared to be
8 an increase, a significant increase in people presenting
9 locally and the risks to their children were so
10 significant that we actually had to intervene.

11 So alcohol was one factor but it was not the major.

12 Drug misuse was the major.

13 And parental mental health we identified as a third
14 area of concern, and that did result in significant
15 numbers of children being accommodated.

16 Q. And that, towards the end of this period in 2019, the
17 total numbers have fallen a little bit again.

18 A. (Witness nods)

19 Q. Has that continued to fall or has it stabilised?

20 A. No, it has continued to fall, although I think it does
21 give a bit of a false position. I think what you would
22 find is that our children who we've placed in kinship
23 care, so with immediate family members, has increased.

24 At the moment --

25 LADY SMITH: So they're not included in these numbers?

1 A. They're not included, my Lady, sorry. So these figures
2 are only children in foster placements, whether they be
3 internal or external foster placements.

4 Just at the end of each month I review the total
5 numbers, so at the end of October we had 110 children in
6 internal foster placements and we had just over -- we
7 had 41 children in independent foster placements. So
8 you'll see that the foster placements have come down.

9 LADY SMITH: Can you give me a figure for kinship?

10 A. The kinship care figures, my Lady, are 225 I think was
11 the figure at the end of October.

12 LADY SMITH: Thank you.

13 A. It might have been 227. There was a 225 in either
14 September/October or 227, so it's in that gap.

15 LADY SMITH: So that's over 330 children in that type of
16 placement?

17 A. It is, yes, now, yeah.

18 MS INNES: If we look at the breakdown of the carers, again
19 we saw in 2008 the balance had shifted so that there
20 were -- and in 2006 and some earlier years, I think --
21 there were more children with independent foster carers
22 than with Renfrewshire carers. However, as time goes
23 on, we see that the number of children with Renfrewshire
24 carers increases and the number with independent
25 providers decreases.

1 A. Yeah.

2 Q. Is that because you've recruited more foster carers?

3 A. Yes. We always wanted to make sure that children were
4 as close to Renfrewshire as possible, so when we got to
5 the point where our balance was so out of kilter from
6 what we wanted, we introduced some significant changes
7 to our fostering service. We looked at how the
8 independent sector worked. The independent sector often
9 paid what they would call the reward element to carers,
10 we didn't, we paid a flat fee, which was a maintenance
11 allowance. So as we rebalanced we introduced a system
12 whereby we also paid what we called a reward element,
13 which was almost a payment to the carer for being
14 a carer in addition to the maintenance fee, which was
15 the money to look after the child and we found that then
16 allowed us to begin to compete with the independent
17 sector in terms of being successful around the number of
18 people who came forward to be carers locally. They
19 found that a more attractive opportunity for them. So
20 that accounted for that.

21 But at that time we also made a very conscious
22 decision that it was a priority to make sure that
23 Renfrewshire's children were cared for locally, so we
24 became quite aggressive, I think, in our marketing of
25 that fostering is an opportunity for families and we

1 built our team, we increased the number of staff in our
2 team to make sure that foster carers were supported and
3 challenged, and again that resulted in more people
4 coming forward to volunteer to be assessed and
5 considered as foster carers.

6 Q. Because I suppose people who live within your Local
7 Authority boundaries could apply to an independent
8 agency?

9 A. And there were significant numbers who were already
10 within our area who were part of that independent
11 sector. So some of them came across to the Local
12 Authority. They actually transferred in.

13 When I say recruitment locally as well, we tried to
14 recruit within a 25-mile boundary of Renfrewshire, so we
15 wouldn't recruit a carer for Renfrewshire if they lived
16 further than that. But because of the nature of local
17 government boundaries, we do have some carers who live
18 in Inverclyde or North Ayrshire or on the border.

19 Q. Okay. You said that some carers came over to you from
20 independent providers?

21 A. Yes.

22 Q. Was that just to do with the fact that -- well, if the
23 money was the same, what was the reason for them moving
24 to the Local Authority?

25 A. So some of that happened when we were making permanent

1 plans for children. So some of the children who were
2 placed in the independent sector were -- we had made
3 a decision and all attempts at rehabilitation to their
4 own family had failed, we needed to give them
5 a long-term secure future, we were pursuing that through
6 either adoption or long-term fostering and some of the
7 carers wanted to retain the children and they came
8 across at that point to give those children that
9 stability within the Local Authority.

10 Q. Is that because you would have said, "Well, if you're
11 not going to be a long-term carer for us, we have to
12 place them with a Renfrewshire carer"?

13 A. No, we wouldn't. We would never make a decision to move
14 a child unless it was in that child's best interests to
15 do so, but what we tried to say to the carers was, "Here
16 is the support that Renfrewshire will provide to you in
17 relation to Renfrewshire children", so a number of
18 carers made the choice. Not every carer we approached
19 made that choice, some stayed in the independent sector.

20 LADY SMITH: Do you ever get a foster carer being registered
21 both with an independent agency and with the council?

22 A. We haven't promoted that actively, my Lady, but we have
23 on occasion undertaken that. So, for example,
24 an independent carer might have come forward and said
25 they wanted to be providing long-term care for one of

1 Renfrewshire's children but at the same time had
2 children from another authority placed in an independent
3 placement with them, so we have jointly registered them
4 at that point.

5 LADY SMITH: Thank you.

6 MS INNES: In relation to the carers that came over and were
7 attracted by the support that was being offered, was
8 that because of the type of support or was it because it
9 was local?

10 A. I think mainly because it was local. I think that the
11 support was similar to a number of the independent
12 agencies, but the locality made a big, big difference.

13 Q. Okay.

14 If we can go on to the next page, please, page 13,
15 we can see the total number of placements that you had
16 over the relevant period, 1996 up to 2019. And you give
17 us the total numbers of carers and placements that they
18 offered.

19 If we can go on, please, to page 15, at the top of
20 the page you have a graph there showing us -- well, you
21 tell us, what does this show us?

22 A. So the blue line is the number of children who are
23 placed in internal Local Authority foster care and
24 you'll see that has gradually increased from the just
25 under 60 in 2003 up to 142/143 in mid 2012.

1 Going back down in 2019, and as I say has continued
2 to drop slightly to 110 recently and the -- and
3 orange -- and I'm assuming it's orange because I'm a bit
4 colour blind, so I'm never sure if that's orange or
5 red -- that's the number of children placed in the
6 independent sector and you'll see the point I think
7 where we made a choice to proactively recruit our own
8 carers, you see the reduction in the external use.

9 Q. At the bottom of the page you talk about undertaking
10 a best value review and that then -- a focus on
11 recruitment and retention of foster carers to further
12 professionalise the service. Is that the review that
13 you've been referring to?

14 A. That's the review, yeah.

15 Q. Then if we go over the page, at the top of page 16 you
16 set out there reasons for the increases in numbers that
17 you've already mentioned, so in the second paragraph:

18 "In 2009 there was an increase in numbers of
19 children accommodated across Scotland, and in
20 Renfrewshire this increase was higher than the national
21 average."

22 A. Yeah, I mean it's something that I've tried to look at
23 and we've never quite understood but Renfrewshire does
24 have I think slightly higher numbers of accommodated
25 children than comparable authorities and that was one

1 much the areas that we wanted to look at over the past
2 10 years in fact we've been looking at that to try and
3 understand, but we've never really been able to get
4 an explanation other than the prevalence of particular
5 substance misuse, mental health and gender-based
6 violence is the new one that we've identified there.
7 They are higher rates than other areas.

8 Q. It was also identified that there was an increased
9 number of children accommodated due to complex needs
10 arising from emotional and behavioural issues?

11 A. And I think those are related back to the impact of
12 parenting, so it's not blaming the parents but what
13 we've seen was that in particular where parents had
14 those complexities, whether it be the substance use and
15 the gender-based violence, that children were exposed to
16 risks and that their emotional development was impaired;
17 That they themselves then started to develop some
18 significant behaviour problems, challenging,
19 demonstrating aggression.

20 I think as we now know that those are responses to
21 trauma, I think the way I've written that actually
22 probably makes it look as though we are blaming children
23 and that's not the intention. This was about children
24 demonstrating trauma as a consequence of their life
25 experience to that date.

1 Q. Then if we move on to page 17, you have a graph at the
2 top of the page there which is looking at I think
3 a comparison between the numbers of children in
4 residential care over the time of Renfrewshire Council
5 as opposed to those in foster care and we see that as
6 a generality -- well, there's more children in foster
7 care than there are in residential care all of the time.

8 A. All of the time, yes. I'm looking at that graph and
9 it's slightly flatter for the period 1995 to 2001.
10 Actually, what I know is that those figures are probably
11 not reflecting some of the Strathclyde figures when
12 Renfrewshire Council was established in 1996, within our
13 local area we had 98 children -- 98 beds within the
14 children's houses. You'll see by 2019 we were down at
15 just under 50.

16 We've actually reduced further our own internal
17 residential houses to 22 beds for children and that was
18 again part of a modernisation programme. We had some
19 children's houses which were, in our view, not the
20 quality that we would want in terms of the fabric of the
21 buildings. They were too large. They were often
22 donations made, gifts to the Local Authority over many
23 years, so they were big Victorian villas that were
24 unsuitable for small family living and we built three
25 new children's houses and made a significant shift in

1 the provision.

2 Q. When you say children's houses, are these smaller units
3 than might have been around in the past in terms of
4 residential homes?

5 A. Yes. Our children's houses -- our largest children's
6 houses have six children in each of them. We have three
7 children houses with six children who live there and one
8 with four.

9 Q. Can I move on from that and the numbers, please, just to
10 ask you something that arises from material that you
11 refer to on page 24, where you're talking about the
12 fostering panel at the top of the page.

13 A. Yeah.

14 Q. You talk about the make-up of the panel and you say the
15 panel consisted of a chair, medical, legal, social work
16 adviser and an independent member. Is it just one panel
17 that you have or more than one?

18 A. We have one panel which sits alternatively as
19 a fostering panel and as an adoption panel, so the
20 membership is the same but we have sufficient --
21 fostering itself, the chair was a senior officer who had
22 responsibility for children accommodated services. The
23 medical adviser is the lead doctor who conducts the
24 medical examination of prospective carers. The legal
25 adviser, a council solicitor who gives us the advice.

1 The social work adviser and an independent member,
2 but there can often be two or three independent members
3 on the panel depending on the actual amount of business
4 at that point and we have sufficient to make sure that
5 you're not having to use the same people all the time.

6 Q. In terms of the chair, we've heard from some other Local
7 Authorities that sometimes an independent chair has been
8 used or they've made a decision to move to using
9 an independent chair. What's the position in
10 Renfrewshire?

11 A. So in Renfrewshire we had I think what we called
12 a semi-independent chair. So the chair was a senior
13 officer within children's social work who had
14 responsibility for accommodated services. We had
15 an independent vice chair, who came from the British
16 Association of Adoption and Fostering and I can't
17 remember their new title, I'm afraid, of the Scottish
18 group, but we are currently reviewing that because the
19 previous chair retired, so we are exploring whether or
20 not we would have an independent chair.

21 We have, for example, an independent chair of our
22 child protection committee, we have an independent chair
23 of our adult protection committee, so we're on the move,
24 I think, to replacing the current chairing process by
25 an independent chair.

1 LADY SMITH: Why wouldn't you have an independent chair?

2 A. I think there's an easy answer to that. We're just in
3 that process, Lady Smith, and I think that ultimately
4 what we're doing is we're just making the change right
5 now. And given we've had the independent vice chair for
6 a long time, I think it makes sense to just move to
7 that.

8 LADY SMITH: Thank you.

9 MS INNES: You mentioned there having the independent vice
10 chair for a long time. Do people serve on the fostering
11 panel for a period of time and then move on or once
12 they're on, is it --

13 A. No, they're appointed -- so people are appointed for
14 a three-year term. They can serve a second three-year
15 term. We have had some people who have remained a bit
16 longer than that through negotiation and that's usually
17 as a consequence of a particular interest they have and
18 they might be following a particular child's journey
19 towards permanence, so we have agreed that.

20 When someone's appointed, as I say they are
21 appointed by myself as the agency decision maker for the
22 fostering panel. It's a three-year period and we do
23 have reviews with the panel members about their
24 contribution, their effectiveness, their training, their
25 development and any concerns they have.

1 Q. Okay. If we can move on, please, to page 91 of your
2 response. At 5.2 you're asked about the Local
3 Authority's assessment of scale and extent of abuse and
4 you refer to a conviction of a foster carer who was
5 approved by Strathclyde and subsequently registered by
6 Renfrewshire and we're going to come back to look at the
7 circumstances of her conviction in more detail.

8 A. (Witness nods)

9 Q. At that point you're referring to that conviction.
10 You've also provided us with details of a number of
11 complaints that were made.

12 A. (Witness nods)

13 Q. So I'll come back to that.

14 A. Okay.

15 Q. If we can scroll down, please, to (b): "What is the
16 basis of the assessment?" You tell us that you
17 undertook an audit of the files of foster carers and
18 I wonder if you can talk us through your process and
19 methodology?

20 A. Yeah. We decided that in terms of being able to
21 identify where our foster carers were and where we would
22 get most information was from the foster care files that
23 we retained for each individual foster carer or foster
24 care family. So we identified all of the foster carers
25 that we had used internally from Renfrewshire from 1996.

1 We also then looked at the complaints log, which we set
2 up in 2001.

3 For each foster carer file we brought in a team of
4 experienced senior social workers to read the files in
5 depth. When the senior social workers read the file, if
6 they identified any area of concern, they flagged it.
7 That flag then drew that file to the attention of the
8 child protection adviser, the quality assurance manager
9 and a senior officer who had previously worked with us
10 in the child protection world who I asked to do specific
11 work on this Inquiry.

12 The three of them then did a deeper dive. We had
13 a questionnaire, I don't know if we shared that, maybe
14 we should have, but we had a questionnaire which then
15 looked at each of the individual allegations and how
16 they'd been dealt with, so it was every single foster
17 carer file read. There was then a deeper dive for those
18 ones where we had identified either a complaint or
19 an investigation had undertaken.

20 And then we also cross-referenced them with some
21 children's files. We couldn't read every child's file,
22 but where the child had been identified as being perhaps
23 a complaint or an investigation, then we read the
24 child's file.

25 Q. Okay. You also say that you cross referenced the

1 findings with a review of a complaints and allegations
2 log, which you say was held by the fostering service
3 from January 2001 when it started?

4 A. Yeah.

5 Q. So is that a central log?

6 A. Yes. The team hold their own complaints log and they
7 set that up themselves. The council didn't ask them to
8 but I think it's good practice. It allows them to look
9 back, it allows them to consider patterns, and we didn't
10 have that within the council for the first period from
11 1996 through to 2001.

12 But that log, every time there is a complaint about
13 a foster carer, it's now logged centrally so that the
14 team's aware of it and it's not just within the foster
15 carer's file.

16 Q. Then you refer to there being institutional knowledge of
17 the conviction that we'll come back to.

18 A. Yeah.

19 Q. Then you say that you reviewed all initial and
20 significant case reviews undertaken by the Child
21 Protection Committee, but none of those related to
22 concerns in relation to a child in foster care?

23 A. That's correct.

24 Q. You also looked at claims for compensation and
25 cross-referenced those?

1 A. Yeah.

2 Q. And you held meetings with managers and staff of the
3 foster care team throughout the audit process to
4 ascertain their knowledge and understanding of concerns
5 or allegations regarding foster carers. Is that where
6 the team discovered a concern and they were looking into
7 the file, they would then ask --

8 A. Yes, so what we were doing was we were trying to
9 triangulate. So sometimes the carer file would give
10 some information. The child's file would have
11 information. But the social worker who was actively
12 involved was still with us as a social worker so we
13 would actually say to them, "Do you recall this? Are
14 you able to remember any of this? Do you think we dealt
15 with that well? Do you think we had learning? What do
16 you remember?" That was the bit about the institutional
17 memory as well.

18 Q. Just to be clear, this covers the period of Renfrewshire
19 Council?

20 A. It does.

21 Q. Because you weren't able to access files in relation to
22 the Strathclyde period, as you've explained?

23 A. Yeah. Nor were we able to access files for the Renfrew
24 burgh or the Paisley burgh, so it is entirely in
25 relation to Renfrewshire Council.

1 Q. Okay. In terms of this file review, you obviously used
2 it to answer Part D of the section 21 notice --
3 A. Yeah.
4 Q. -- which is about complaints and allegations and you
5 provided us with an appendix with the details of all of
6 those complaints that you found.
7 A. Yeah.
8 Q. Did you use the file review to inform any of your other
9 responses to the section 21 notice?
10 A. Yes, so what we were looking at there was: did the
11 fostering team follow our processes in relation to
12 reviews of foster carers? So when a foster carer's
13 approved, we want to make sure that they have a formal
14 review by the fostering committee after 12 months. We
15 didn't always get it there 12 months, but 15 months
16 occasionally. And then we made sure that our reviews on
17 a more regular basis thereafter before they went back to
18 the fostering panel for a three-year review. So the
19 annual review, we were checking that. We were checking
20 whether or not there was feedback from children's social
21 workers in the files so that for a looked-after review
22 the foster carer would give information but the
23 children's social worker would also be providing
24 information, and equally for the foster carer review, we
25 would ask the children's social worker, "Do you have

1 a view about the quality of care and how your child has
2 been looked after by the foster carer?" So we were
3 looking for that information as well.

4 Q. Okay. So if we look back to page 48 of the response
5 where -- this is in Part C -- you're asked about
6 procedures and policies in relation to various areas and
7 you're asked:

8 "Did the Local Authority adhere in practice to its
9 policies and procedures in relation to the provision of
10 foster care?"

11 Your response there, which I think is referenced in
12 the rest of this part is:

13 "There is no evidence of any significant divergence
14 from policy or procedures."

15 A. Yeah.

16 So I think some of that was about slight changes in
17 timescales. I just mentioned the 12-month review not
18 happening until 15 months, so it was things like that,
19 but we did not come across any evidence that the
20 fostering team was not supervising the foster carers in
21 the way that we'd want and that the processes and
22 procedures in terms of reviews, assessment, follow up,
23 challenge was not being followed.

24 Q. Okay. Yes. We go on, please, to page 49 and (d), where
25 you're asked about:

1 "How can such adherence be demonstrated to the
2 Inquiry?"

3 As far as Renfrewshire Council is concerned, you
4 refer to the audit that you undertook.

5 A. That's correct.

6 Q. You then say:

7 "While some historic recordings were not as detailed
8 as they would be at current standards, there was no
9 evidence of a lack of compliance with procedures where
10 allegations of abuse were indicated."

11 A. That's correct. And over the past 10 years we've on
12 a number of occasions reviewed our guidance to social
13 work staff about how they record. So, for example, we'd
14 ask staff to record whether a visit was planned or
15 unplanned, who was actually present in the visit, you
16 know, so were all children seen or was the child not
17 present, what was the nature of the discussions.

18 So some of our earlier recording was not as detailed
19 on that, but we've seen still that visits were taking
20 place but we didn't always have an indication of what
21 was being discussed.

22 Around those complaints and investigations we
23 generally found those were recorded but perhaps not at
24 the level we would now record in terms of our approach
25 to child protection.

1 Q. You say:

2 "All allegations of abuse or mistreatment by carers
3 were looked into as per procedures at the time."

4 A. That's correct.

5 Q. I suppose it's a different question as to whether the
6 procedures at the time were good enough to protect
7 children?

8 A. (Witness nods)

9 I think that when you reflect back, because we're
10 always learning, I think procedures could always be
11 improved. I looked at some of the files myself and
12 think that did we always take a position of going in
13 with an open mind, an open enquiry? Initially some of
14 our investigations of complaints and child protection
15 involved the foster carer -- the foster carer's support
16 social worker. We decided that was wrong, so they're no
17 longer involved in an investigation into a complaint or
18 a child abuse allegation in relation to a child that
19 they're caring for, because we think there is
20 a potential conflict. So I think that would be one of
21 the areas that I would consider we've made significant
22 changes.

23 Q. Okay. If we can move on to page 64, please, and to the
24 end of the page there, there was reference to changes in
25 procedures, changes in procedures and policies over

1 time. And you refer to:

2 "One of the major changes in the assessment of
3 foster carers being the introduction of
4 a competence-based approach, focusing on the formulation
5 of a set of skills for which evidence could be sought
6 and recorded."

7 A. Yeah.

8 Q. We obviously know about the Form F or the assessment
9 forms that are filled in.

10 A. (Witness nods)

11 Q. Has that come through that sort of process?

12 A. It has, yes. So again I think that we constantly
13 refresh how we undertake those assessments, so the
14 competence base was looking at: do you have skills and
15 knowledge that would support you being a carer for
16 a child who's not your own family? We were looking at:
17 do you have experience of previously looking after
18 a child? Have you got experience of dealing with
19 a child who's in conflict or distressed?

20 So we started to explore that in a much greater
21 depth.

22 But one of the big issues here was about how we
23 trained our social workers to undertake those
24 assessments, so the social workers themselves underwent
25 an improvement programme to look at their own

1 understanding of competence, their own understanding of
2 the skills that they wanted to look at and how they
3 would investigate that with a carer who had come
4 forward.

5 Some of it, there's a dual process, so carers, when
6 they identify that they would like to be considered as
7 a foster carer, they have an initial meeting with
8 a member of the team. They then get involved in a group
9 programme where a number of areas are explored and then
10 there's individual interviews and couple interviews, so
11 if a couple come forward, joint interviews, but you
12 would also have single interviews with both parties and
13 the seeking of references, so you're beginning to do
14 again that whole triangulation.

15 Q. Do you use a second social worker to review the
16 assessment?

17 A. Yes. Yeah, so there's -- we actually use one of the
18 seniors in the team, but we try not to use the senior
19 who directly line manages the social worker undertaking
20 the assessment and that's not always possible, but we
21 try to make sure there's a degree of independence again
22 there, but there is always a second assessment.

23 Q. Then the next bullet point refers to the need for
24 background checks on ex partners, that came out of,
25 I think, a review in England?

1 A. Yeah.

2 Q. Then you refer to a case review by Glasgow child
3 protection committee following the death of a foster
4 carer. Registration for carers was changed to ensure
5 that there were specific registration categories, for
6 example age ranges.

7 A. Yeah.

8 Q. Placement descriptors are agreed by the agency decision
9 maker if there is any possible "placement outwith these
10 categories, thus creating greater scrutiny."

11 So in Renfrewshire the bringing in of specific
12 registration criteria was linked to the outcome of that
13 review?

14 A. It was, yeah. Yes. So that again you would say,
15 "John Trainer has been approved to be a foster carer for
16 two children aged 3 to 7 or 5 to 11", because you are
17 again looking at the particular skills and experience,
18 but you might have a child who then gets to 11 years old
19 who's remaining with that foster carer, so we would have
20 that review that would allow me to say, "Actually the
21 foster carer has developed skills that would allow them
22 to continue to look after that child" and we would vary
23 their registration.

24 Q. Okay, so any change in the registration criteria --
25 would it have to go to the panel before going to the

1 agency decision maker?

2 A. It does. Very, very occasionally I would be asked to
3 agree an emergency change to registration, generally
4 about the number of children in placement, and it would
5 be for a particular circumstance. So, for example,
6 a parent -- a foster carer might be registered to care
7 for two children but a third member of that family has
8 been accommodated, a new baby, and we want to place the
9 baby with their two siblings, so we would agree
10 an emergency approval for increasing the numbers, and
11 then that would be taken back to the fostering panel for
12 the panel to consider all the issues and then they would
13 make the recommendation to myself again as the agency
14 decision maker.

15 Q. Okay. Then in the next bullet point it refers to:

16 "Learning from a local review of a case,
17 chronologies of significant events are included in
18 carers' files to ensure an accessible recording of any
19 issues arising in a placement to assist assessments in
20 identifying any patterns of concern."

21 Is that learning from the conviction of
22 Ruth Johnstone?

23 A. That's correct.

24 Q. Right.

25 A. And I think it's interesting because we previously had

1 undertaken some work where we were trying to improve our
2 use of chronologies in children's files in general, but
3 we actually hadn't taken that into the fostering team.
4 So our review of the particular case, Ruth Johnstone
5 case, meant that we were able to identify that that --
6 for our perspective was a piece of learning and we
7 immediately instigated the chronologies which included
8 a retrospective creation for some of our carers where
9 that was possible.

10 Q. Okay.

11 If we move on, please, to page 95, where you tell us
12 one of the outcomes of a Care Inspectorate report in
13 2009 and it noted:

14 "Allegations and complaints against carers were
15 carried out robustly, the fostering panel was used as
16 appropriate ..."

17 You had your complaints monitoring log and then it
18 says:

19 "An improvement action was noted in relation to
20 timescales to undertake investigations and improved
21 communication on outcomes to carers."

22 A. Yeah. One of the things that we recognised with that in
23 terms of the Care Inspectorate having that independent
24 overview of our service was that we were not always
25 communicating quickly back to the carers the process and

1 the outcome, either that we had identified that abuse
2 had not taken place or that abuse had taken place, and
3 there was a degree of drift. So we were very clear, as
4 we amended and updated our child protection procedures
5 we were clear about the timescales and about how
6 feedback should go.

7 That also accounted for our decision to remove the
8 supervising foster carer's social worker from that
9 process in terms of doing the investigation, to be more
10 of the person who would support and improve the quality
11 of feedback to the individual foster carers if they were
12 subject to investigation or complaint.

13 LADY SMITH: I suppose, John, when it comes to feeding back,
14 it may not always be a matter of, "Yes, there was
15 definitely abuse" or, "No, there definitely wasn't
16 abuse".

17 A. (Witness nods)

18 LADY SMITH: There may be learning points that are
19 (overspeaking).

20 A. That's correct.

21 LADY SMITH: Notwithstanding.

22 A. That's correct. And often it would be about how
23 a family had perhaps experienced a foster carer's
24 relationship. It might have been how a foster carer had
25 undertaken a particular piece of support to the child,

1 so there is learning, so it's not necessarily always
2 about abuse but we do use that as an opportunity to
3 reflect and learn.

4 LADY SMITH: Or it could be uncovering circumstances that
5 might just be rendering a child vulnerable to abuse but
6 not to the extent you have to consider removal.

7 A. That's correct. So I think often around safe care we --
8 on the safe care agenda you're always looking back to
9 make sure, particularly as children grow up, that
10 children are not being exposed to additional
11 vulnerabilities, so you're constantly reminding the
12 carers about the privacy of children, the right to
13 a bedroom door being closed, the requirement to wear
14 coverings, pyjamas or bed robes, dressing gowns, that
15 type of thing, so that children are not exposed.

16 So you're right, it's absolutely the bit about
17 making sure that you're not creating the potential
18 environment for abuse to occur.

19 LADY SMITH: Thank you.

20 MS INNES: If we can move, please, to page 98 and
21 question 5.7, where you talk about impact and what you
22 know of the impact of abuse on children who have
23 suffered abuse. You talk about general knowledge, but
24 you say:

25 "In particular, the testimony of abuse survivors has

1 enhanced our understanding of the impact of abuse in
2 care. This has led to an awareness of the impact on
3 health and wellbeing of survivors."

4 If we go over the page you tell us:

5 "Locally, following the conviction of ..."

6 I think that's of Ruth Johnstone?

7 A. Yeah.

8 Q. "... for abuse, some of those subject to that abuse
9 spoke to senior managers ..."

10 I think you met with some of the people that had
11 suffered abuse?

12 A. Yes. The day that Ruth Johnstone was convicted, one of
13 the young women and her mother and another victim and
14 his partner actually went to our local Paisley office
15 and they asked to meet with a senior manager.

16 On that day, unfortunately, the Director of Social
17 Work at that particular time and the Head of Justice,
18 Childcare and Justice, were both out of the office.
19 I was the most senior officer in the council
20 headquarters, so I identified one of our operational
21 managers who actually knew some of the children and we
22 both went to meet immediately with the group of young
23 people and we heard very, very passionate descriptors of
24 the impact that that particular foster carer had on
25 their lives, about the negative impact in terms of their

1 own development, and one of the requests was that whilst
2 they were pleased to get some recognition that I'd
3 turned up, they still wanted to meet with the Director
4 of Social Work and the Head of Childcare and Justice and
5 we put that in place so we actually had that.

6 And then not all of them, but we offered all of the
7 young people the opportunity to maintain contact with
8 the children's services social work manager, who is
9 the -- my depute now, and not all the young people took
10 that up, but that was offered and certainly one young
11 person has made good use of that support.

12 Q. If we can look, please, at the conviction of
13 Ruth Johnstone, it's at JUS-000000083. We can see in
14 this first page this is various amendments to charges
15 but if we can move on to page 2, please, we can see
16 where it says:

17 "The court found the accused guilty ..."

18 So Ruth Johnstone was convicted, I think, of seven
19 charges. There are some deletions that were made by the
20 jury, and as we saw previously on that previous page
21 there were deletions made either by agreement or
22 certainly prior to the charges going to the jury.

23 A. (Witness nods)

24 Q. If we go on to page 3, we can see a probation order was
25 made and then again if we move on to the -- just bear

1 with me a moment, sorry. (Pause)

2 If we move on to page 9, we see the charges
3 themselves, and Ruth Johnstone was convicted. Another
4 carer was also on the complaint there, but I think the
5 charges in respect of him were not proven?

6 A. I think that's correct.

7 MS INNES: We can see the charges there, my Lady, charges of
8 physical abuse on various dates.

9 So one starting in 1990.

10 Charge 2, between 1993 and 1997.

11 Charge 3, between 1993 and I think that's cut off,
12 but I think that's similar?

13 A. I think it's 1997.

14 Q. Yeah, it's the same complainer as in charge 2.

15 Charge 4 is another complainer, again physical
16 abuse.

17 A. Yeah.

18 Q. Over the page, charge 5 for the same period, it's the
19 same complainer that we just saw in the last charge.

20 A. Yeah.

21 Q. Charge 6, between 1996 and 2002. That's another
22 assault.

23 A. Yeah. And that's a different complainer.

24 Q. That's a different complainer, yes.

25 Charge 7 is in respect of the same complainer as

1 charge 6 --

2 A. Yeah.

3 Q. -- and again for the same period.

4 A. Yeah.

5 Q. I think at the bottom of the page we see the charges
6 against the other carer, which were not proven, as I've
7 said.

8 A. That's correct.

9 MS INNES: I think within this for completeness, my Lady, we
10 also find the criminal justice social work report. It
11 starts at page 5 of this document and --

12 LADY SMITH: It's also striking that these children were
13 very young.

14 MS INNES: Yes, they were very young.

15 A. Yes. I think, my Lady, the children, certainly three of
16 the victims were under the age of four. The final
17 victim was a little bit older, but was still under the
18 age of eight, but the abuse over such a lengthy period
19 of time, I think, indicated that the abuse occurred when
20 all of these children were toddlers, babies or toddlers.

21 LADY SMITH: Did I pick up that Ruth Johnstone was a date of
22 birth of 1949/1950 or something like that?

23 A. I think that's correct, my Lady.

24 LADY SMITH: So she was in her 40s or 50-odd when these
25 offences were committed?

1 A. That's correct, yeah.

2 MS INNES: In the criminal justice social work report, if we
3 look on to page 6, we can see a little bit about the
4 background, under "Significant relationships and
5 background" -- so it's on page 6 of this document.

6 A. That's correct. I think the criminal justice social
7 work reports are very structured, my Lady. There's
8 a process that our staff have to follow. So they're not
9 always the easiest to read, but we do try and provide
10 information in each of the sections in relation to the
11 person who's been convicted.

12 MS INNES: That tells us that in the last paragraph, just
13 above "Training and education", it says that she [REDACTED]
14 [REDACTED] employed by Renfrewshire Council as foster
15 carers and:

16 "Between 1991 and 2002 the couple had nine children
17 in their care, including the victims of the offences.

18 Ruth Johnstone [REDACTED] advised that in 2002 she [REDACTED]
19 decided that fostering had become too much for them and
20 they ceased acting in this role."

21 A. There's a couple of things there. When I first seen
22 this report, when I was reviewing the case I was
23 thinking actually Ruth Johnstone [REDACTED] weren't
24 employed, because we don't employ the foster carers in
25 that way, so we would probably have changed that

1 terminology. They were approved as foster carers by
2 Renfrewshire Council, and they did care up until 2002.
3 Ruth Johnstone tendered her resignation as a foster carer
4 in 2002 and it was following actually a decision that
5 was made that one of the victims, the final victim who
6 was on the charge sheet, there had been a discussion at
7 one point if that young woman and her siblings would
8 remain with Ruth Johnstone long term.

9 There was some drift, when I say "drift" I mean
10 there was a significant delay in making that decision
11 and Ruth Johnstone felt that was inappropriate and the
12 decision ultimately was the children wouldn't remain
13 there. So she decided to tender her resignation and her
14 resignation was probably quite a traumatic experience
15 for her. She was very, very angry. And when she
16 received the formal notification -- because even if you
17 resign as a foster carer, you get a letter that says,
18 "You have been de-registered", and she responded to that
19 in a very angry way.

20 Q. I think we know from the criminal justice social work
21 report that Ruth Johnstone continued to deny
22 responsibility for the offences of which she was
23 convicted?

24 A. That's correct. And despite any of the work that the
25 justice social worker attempted to undertake with

1 Ruth Johnstone through the life of the order, she
2 continued to maintain that she wasn't guilty of the
3 offences that she'd been convicted.

4 MS INNES: Okay. We normally have a break in the afternoon
5 so just now might be a good time.

6 LADY SMITH: A sensible point? Very well. We'll take
7 a break if that would work for you, John --

8 A. Yes.

9 LADY SMITH: -- and then carry on with your evidence
10 afterwards.

11 A. No problem.

12 (3.05 pm)

13 (A short break)

14 (3.18 pm)

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

16 A. Yes, thanks, my Lady.

17 LADY SMITH: Thank you very much.

18 Ms Innes, when you're ready.

19 MS INNES: Thank you, my Lady.

20 In your section 21 response you provided us as you
21 said with a list of complaints and allegations that had
22 been made and that you'd found in the context of your
23 file review. In that review, some of those complaints
24 and allegations were in respect of Ruth Johnstone?

25 A. That's correct.

1 Q. And excerpts of those are at REC-000000028.

2 On the first page there, if we can scroll down to
3 the bottom of that page, I think we see reference to
4 Ruth Johnstone and it's noted that she was approved and
5 registered by Strathclyde Regional Council in 1990 and
6 checks and suchlike were carried out at the time, so
7 there's a note of the checks --

8 A. That's correct, yes.

9 Q. -- that were carried out.

10 At the top of page 2 there's reference to updated
11 checks sought at various times.

12 A. That's correct, yes.

13 Q. So medical checks and police checks at the times noted.

14 Then if we can move on, please, to page 3 and to the
15 bottom of that page, there we see reference to
16 a complaint against Ruth Johnstone. If we go on to the
17 next page we can see that the allegation was that she
18 had thumped a child in placement who was four and it
19 says:

20 "The supervising social worker discussed the
21 allegations with the carer. A discussion took place
22 between the child's social worker and the carer's
23 supervising social worker."

24 Then the outcome I think was recorded:

25 "The carer knew that she cannot smack a child in her

1 care, and she observed that the child was 'comfortable
2 with the carer'."

3 That was the very first allegation of physical abuse
4 that had been made against Ruth Johnstone. Looking
5 back, do you have any reflections on that --

6 A. Yes. I think that when I look back on that I can
7 understand the approach that was taken. What
8 I certainly know now is that's not how it would be dealt
9 with. I think this was a lack of formality around the
10 actual engagement with Ruth Johnstone. There was
11 a clear allegation that she had hit a child. That to me
12 required to be discussed in more detail.

13 I think the fact that it was her own supervising
14 social worker who was involved in the initial follow up
15 probably meant that it was difficult then to hear the
16 voice of the child through this.

17 Now what would happen is **Ruth Johnstone** would be
18 told, "There's been a concern expressed". There would
19 be a discussion between the child's senior social worker
20 and the police about whether or not there was sufficient
21 concern to initiate a joint investigation or whether or
22 not the investigation would be undertaken by social work
23 as a single agency. And we would then have two social
24 workers who are not related to **Ruth Johnstone** undertake
25 that investigation, supervised by an independent senior.

1 And of course today equal protection means that that
2 would be entirely unacceptable behaviour.

3 LADY SMITH: John, am I to take it from what you say that
4 although there are various ways in which child
5 protection would be better applied now and better
6 accorded with now, even then what was done wasn't good
7 enough?

8 A. I think on that particular incident, my Lady, it is
9 probably not what I would have expected, and certainly
10 the evidence doesn't suggest it was as rigorous as we
11 would want it to be.

12 LADY SMITH: Thank you.

13 MS INNES: Then if we go down this page, I think there's
14 an entry, 9 May 1994. It's the next entry, I think.
15 Yes, sorry, it's blanked out on the screen.

16 A. That's correct.

17 Q. This is again referring to Ruth Johnstone and it refers
18 to the mother of two of the children who ultimately were
19 complainers in the charges we've looked at, so their
20 mother:

21 "... alleged that the twins were punished in
22 an inappropriate manner ie made to stand in the hallway.
23 One child became tired and fell asleep on the carpet and
24 was subsequently given a row."

25 Then there was an allegation that [REDACTED]

1 slapped the twins for misbehaving and that
2 Ruth Johnstone slapped the twins for wetting the bed and
3 the twins were frequently hungry but afraid to ask for
4 food.

5 The response to this is:

6 "The allegations were discussed with senior social
7 work managers. The carers were interviewed, all
8 allegations denied. Denied physical punishment and use
9 of timeout in the hall."

10 The response is that they:

11 "... denied the allegations."

12 And feedback was given to the children's mother.

13 Again, do you have reflections on that?

14 A. Yeah, this actually was investigated I think in a more
15 thorough way. So the allegations were discussed with
16 the senior social work managers. They decided there
17 would be a formal investigation, so they looked at what
18 was going on. They did present the allegations to
19 Ruth Johnstone. She denied the allegations.

20 I think the real challenge is that there was no
21 physical evidence for the children being slapped or
22 being held in the hallway.

23 I think, however, on reflection, one of the things
24 that worries me about our response, particular to young
25 children, is when they're three years old and they tell

1 you something like that, we need to understand why
2 they're telling us that, and I don't know if at that
3 particular time we were as good as we are now about
4 hearing a child's voice.

5 The big question to me is: why would a child tell
6 you that? So the child told their parents in a visit
7 that these things had occurred. The mum then contacts
8 us, tells us that, and I think we probably have -- we've
9 got a denial, but you've still got an undercurrent that
10 says something happened here for these twins.

11 Q. At this point you've got the fact that two allegations
12 of physical abuse have been made against the carer and
13 we'll come on -- there's more to come.

14 A. Yeah.

15 Q. But even at that point, the fact that there were two
16 allegations of physical abuse, that would be raising
17 a concern?

18 A. I think it certainly would now. I think at that
19 particular point unfortunately I mentioned that we
20 introduced the use of chronologies at a much later stage
21 following **Ruth Johnstone** conviction. At that point we
22 didn't, and I don't think there's evidence that we
23 probably reviewed the file sufficiently rigorously to
24 see if there were previous incidents that required to be
25 explored.

1 Because once you get into an accumulation of
2 incidents, you begin to raise concerns at a further
3 level.

4 Q. Then if we go on to page 5. On 17 October 1995, it's
5 blanked out again, it says:

6 "During contact with his mother [I think these are
7 the twins again] ..."

8 A. Yeah.

9 Q. So one:

10 "... stated that his brother (both children aged 5)
11 was snoring during the holiday with the carers and was
12 put in the bath to sleep all night."

13 "A meeting was arranged with the children's mother
14 to discuss the concerns, she arrived late, the social
15 worker was unable to meet with her. Another appointment
16 was given, she failed to attend."

17 And that is as far as that went, it seems.

18 A. It is, and I don't think that would be acceptable and we
19 need to understand the context for the mum. The mum's
20 already in a position where she doesn't hold significant
21 power because her children are in the Local Authority's
22 care. She asked or was invited to come and discuss
23 those concerns in a bit more detail. She arrived late
24 and I can understand the social worker might have gone
25 off to do something else. An alternative appointment

1 was given, she didn't attend and it was left.

2 That's unacceptable. We should have been much more
3 aggressive in our outreach to mum to try and engage with
4 mum to understand what was going on. Today we wouldn't
5 let that lie in that particular way.

6 LADY SMITH: John, the other thing that strikes me is the
7 information in that box that begins "during contact with
8 his mother" is important information, but I can't tell
9 from what's recorded who got the information and how
10 they got it.

11 A. Yeah.

12 LADY SMITH: Was it in person from the mother? Was it on
13 the phone?

14 A. No, it was actually -- sorry, my Lady for interrupting.

15 LADY SMITH: No, go on.

16 A. This one actually the contact was being supervised by
17 social work and one of the twins actually said to his
18 mum during this visit, so it was heard by one of the
19 social work staff and mum then also told the social
20 worker. So the allocated social worker was not
21 immediately to follow up, but it was the wee boy himself
22 who told that this had occurred.

23 LADY SMITH: It's significant that the social worker heard
24 it from the child themselves --

25 A. I think that absolutely is significant. And what

1 I couldn't see from this was whether or not there was
2 any follow-up with Ruth Johnstone . That I think is
3 a deficiency, my Lady.

4 LADY SMITH: Thank you.

5 MS INNES: Then if we go to the bottom of this page,
6 19 May 1996, the children's mother, again of the twins,
7 then aged 6:

8 "... reported that they were dressed shabbily and
9 that one of the boys had been slapped on the hand when
10 he broke a video."

11 It then says:

12 "Social workers attempt to speak to foster carers,
13 no additional information is recorded in the file."

14 Again is that something that should have been
15 followed up?

16 A. It absolutely should have been followed up. I think the
17 first bit about the child being dressed shabbily
18 required to be actioned anyway. You need to understand
19 what had occurred. Had the child come from somewhere
20 else? Was he dirty? What did that mean?

21 But again you had an allegation that he'd been
22 slapped. It should have been followed up. I'm
23 disappointed that we can't uncover any follow up to
24 that, to what happened, because again you had another
25 indication that this was a wee boy who experienced

1 something he shouldn't have experienced in placement
2 with a carer that we'd placed him with and therefore we
3 had a duty to follow up.

4 Q. If we go to the next entry, 10 September 1996, another
5 child in placement, so this is a younger child, aged 3:

6 "... alleged to his mother that Ruth Johnstone hits
7 him."

8 It then says:

9 "An investigation took place following child
10 protection procedures. The child was interviewed by
11 social workers. They believed that the child was
12 uncomfortable and had made the allegations up."

13 The social worker's opinion was that the allegations
14 were unsubstantiated.

15 Again, what are your reflections on this point?

16 A. So again I think that -- I mean on this occasion
17 actually the procedures were followed, so there was
18 a formal investigation, so I think that's an improvement
19 from the previous incident. But again you had a small
20 child telling you he'd been hit and I can understand why
21 that child would be uncomfortable when he's been
22 interviewed again by two social workers about what
23 happened with the carer. There's a real power imbalance
24 in these circumstances.

25 I think the difficulty in terms of the workers who

1 undertook the investigation was they couldn't
2 corroborate and I think we know here that **Ruth Johnstone**
3 was interviewed and denied that she'd hit the wee boy.
4 So again what you had was a slight difference of
5 opinion.

6 I think we are now in a position where you're
7 beginning to say to yourself: when children tell you
8 this, we need to hear better, we need to listen better,
9 we need to listen clearly and we need to examine in more
10 detail to try and find what's going on. But on this
11 occasion it was unfortunately found that the allegation
12 was unsubstantiated and I think that just means that
13 they didn't have evidence. I don't think
14 unsubstantiated is actually correct. There's not
15 evidence to say it didn't happen or it did happen.

16 LADY SMITH: Well, they had what the child was telling them.
17 That's evidence.

18 A. That I agree, my Lady. I think it is evidence. That's
19 what I'm saying. I think now we are better at
20 understanding and even for very young children we are
21 now much better at understanding why they would tell us
22 things.

23 LADY SMITH: You have mentioned corroboration, but surely
24 that's beside the point if you're talking about child
25 protection and the Local Authority social workers taking

1 appropriate action?

2 A. I think again, my Lady, you're probably correct in some
3 sense that you're not always looking for corroboration,
4 but you're looking to see whether or not there's any
5 additional evidence that supports what the wee boy's
6 saying. I mentioned there's potentially here that bit
7 I mentioned about that imbalance of power again. You've
8 got an adult who says no and a child who says yes,
9 something happened. I think we listened too often to
10 the adults and not to the children.

11 LADY SMITH: That's very frank of you. Thank you, John.

12 MS INNES: It's also noted that the child had made the
13 allegation up, which we've heard from evidence from
14 applicants who say they've looked in their records, it
15 says that they weren't believed. I mean it's one thing
16 to say there's not enough evidence or we don't know.
17 It's another to say that the child had actually made it
18 up.

19 A. Yeah. I mean again I -- you're not party to that when
20 you're there. I would not, I think, have made that as
21 an assertion. I would say that perhaps the child was
22 uncomfortable, he might have been distressed that we
23 didn't find anything else to support his statement, but
24 actually to make that conclusion that he made the
25 allegation up I think is unsafe, and it goes back to the

1 point I just made to my Lady there in terms of the
2 imbalance of power and about whether we preferred
3 adults' information than children's information.

4 Q. Then we move on to the next entry, which is
5 10 July 1997:

6 "Referral received from nursery teacher in respect
7 of bruising to the little boy ..."

8 It's the same little boy that we've just been
9 talking about --

10 A. Yeah.

11 Q. -- and I think his sister, aged 3. So she was I think
12 one of the complainers that you were aware of?

13 A. That's correct.

14 Q. "The nursery teacher reported that the girl had a large
15 hand bruise, which she stated Ruth Johnstone had done.
16 The boy had a red mark on his arm and fingernail marks
17 which he stated [REDACTED] had done."

18 Then it says:

19 "An investigation took place following child
20 protection procedures, the children were interviewed
21 separately at nursery by social workers, the carer and
22 [REDACTED] were interviewed at home. The
23 investigation found no clear hand print bruising on [REDACTED]
24 [REDACTED]. Scratches and bruises on the children were
25 found not to be indicative of any specific incident

1 involving an adult hand."

2 Then it says:

3 "In the absence of further evidence it was
4 recommended that the children return to the foster
5 placement."

6 Again this seems to be a more formal investigation.

7 A. (Witness nods)

8 Q. Do you know if there was any police investigation in
9 this or any medical --

10 A. There was no police investigation. This was a social
11 work -- so there had been a discussion with the police
12 about whether or not they wished to undertake a joint
13 investigation, but they didn't, so it was a social work
14 led.

15 I am not aware that there was a formal medical and
16 that worries me, because you had a clear indication,
17 someone saying there was no clear hand print bruising on
18 the child's hand, so we --

19 LADY SMITH: But John, they're not experts.

20 A. I would agree, my Lady. And I think for me I'm
21 uncomfortable with this investigation.

22 I'm also uncomfortable, my Lady, that what we're
23 seeing is that there's more than one and there appears
24 to me not to have been a process whereby as a service we
25 were saying: this is now a recurring pattern of concerns

1 about this particular carer.

2 LADY SMITH: There's this expression, "No clear hand print
3 bruising".

4 A. Yeah.

5 LADY SMITH: So what was the bruising they saw?

6 A. Again, my Lady --

7 LADY SMITH: They don't tell us.

8 A. Those workers who undertook this investigation, I wasn't
9 able to interview them and get their view and the fact
10 it was 1997 it's unlikely they'd remember. From the
11 recording they've said that and again I think, like you,
12 there is a bit that says there will be values and
13 judgements made about whether or not something requires
14 a medical. We are now much better. As we plan
15 investigations now, my Lady, we actually have more
16 formal discussions with the police, with the health
17 service and we are just recently in Renfrewshire
18 introducing education establishments to that to plan
19 an investigation in a much clearer way.

20 We would now be saying to the health service, "There
21 are scratches and an allegation of bruising, what do you
22 think is required in relation to a medical?" Because
23 that's not my decision, it should be their decision.

24 LADY SMITH: Thank you.

25 MS INNES: If we look at the next entry, it's 2 March 1998:

1 "The social worker recorded an allegation that the
2 two children [that we've been speaking about most
3 recently] were being hit.

4 "An investigation took place following child
5 protection procedures. Social workers discussed the
6 allegations with the foster carer. The children
7 subsequently interviewed and denied being hit. Records
8 stated that the children's mother put pressure on the
9 little girl to say that Ruth Johnstone had hit them.

10 "No further action was taken."

11 Again, are you able to tell us anything more about
12 this investigation?

13 A. So again there was a formal investigation undertaken and
14 the allegations were discussed with the children. They
15 both said they hadn't been hit. What we did know was
16 that the mum was in conflict with the service about the
17 plans for her children and I think what we've got there,
18 again it goes back to that imbalance of power. This mum
19 was seen as being someone who perhaps was trying to feed
20 a malicious allegation in here. I don't think we have
21 any evidence to say it was malicious and when you look
22 back -- and this again is where our chronologies would
23 now help -- you'd be seeing the pattern and actually
24 that accumulation would be a red flag to us now. It
25 wasn't at that time, I'm afraid.

1 Q. Yes, you would see it wasn't just mum that was saying
2 it, it was the social worker that had overheard it --

3 A. It was the child. Yeah.

4 Q. If we go over the page to 2 April 1998 we have reference
5 to I think something said by a senior psychologist and
6 it says:

7 "The children had spoken with a senior psychologist
8 who reported the following concerns. The little girl
9 had stated that [REDACTED] had hit them with her hand
10 when babysitting. She stated that her brother sometimes
11 got sent to bed without tea if he was naughty and that
12 a younger sibling, aged 2, gets slapped and sent to
13 a naughty chair and that Ruth Johnstone steps on the
14 little girl's toes."

15 That seems to have all been said in the context of
16 work with a psychologist.

17 A. (Witness nods)

18 Q. Then it says:

19 "An investigation took place following child
20 protection procedures undertaken by senior social
21 workers. The conclusion of the investigation was that
22 it was not believed that an incident of child protection
23 had taken place.

24 The recommendation was that the situation should be
25 monitored by both the social workers and a follow-up

1 meeting should take place with the senior psychologist
2 to progress work in respect of the needs of the
3 children."

4 Again, can you give us any more information in
5 relation to this?

6 A. Yes. I think this situation was one where the
7 discussion between the managers and social work, they
8 felt that the threshold for protection had not been
9 reached and I think it's always a difficult one to set,
10 but again, as you consider this in terms of the previous
11 incidents, and I'm not able to explain where or why
12 people -- or had they actually considered all of those
13 incidents, because again when you get to the position
14 where a child's told a senior psychologist, so someone
15 who's been brought in to support the children, the
16 children have felt confident to disclose, they have
17 disclosed things that are similar to previous issues
18 that have been investigated and perhaps found not to be
19 proven or not to be established, but you're now seeing
20 a clear pattern. Unfortunately I don't have evidence
21 that we did that sufficiently robustly.

22 Q. Then the next entry I think is 24 May 2000. The mother
23 of the children that we've been speaking about alleged
24 that the youngest child, who at that time was four, had
25 stated that they were all smacked by Ruth Johnstone.

1 "An investigation took place following child
2 protection procedures. The children were interviewed.

3 "The allegations were not substantiated."

4 Again, do you have any more information in relation
5 to that investigation?

6 A. No, again I think that I already mentioned that this was
7 a mum who was in conflict with the service about the
8 plans for her children and I think you can perhaps see
9 that we didn't listen to her as well as we possibly
10 could have. This investigation unfortunately didn't
11 tell me how mum found out or had the children told mum
12 direct, but actually we've seen this repeat pattern.
13 The investigation did take place, the children were all
14 interviewed. They said they hadn't been hit. That was
15 accepted at that point and I suppose that throws up
16 a dilemma for us. We seem to have been accepting when
17 the children said they hadn't been hit, we accept it,
18 but when they said they have been hit we have not
19 accepted it and that raises that power imbalance and our
20 ability to hear children. I do think that we have
21 changed dramatically our approach and would now be much
22 more robust in listening to the voice of the child and
23 questioning: why is the child telling us this? The
24 child's not making this up. There must be evidence in
25 addition to this that we need to uncover.

1 Q. Now the next entry at 27th of the year 2000 is in
2 respect of the male carer and the carer's son and it
3 says that the girl -- so the older -- we know there are
4 three siblings.

5 A. Yes.

6 Q. It's the older girl, who was then aged six?

7 A. Yes.

8 Q. "... alleged that the carer's son had 'sexed her up' and
9 alleged that the male carer gets up during the night to
10 smack her."

11 Again child protection procedures, jointly with the
12 police this time. The children were interviewed, the
13 male carer was questioned about allegations, he gave
14 an explanation about an incident in the garden, made
15 a grab for the child. He felt this could have been
16 misconstrued as a smack. A child protection case
17 conference was held. Then in terms of the outcome:

18 "Social workers assessed that abuse did not take
19 place. Concern was noted that the children had been
20 questioned by the carers prior to the interviews by the
21 social workers."

22 A. Yeah, that would certainly not be a normal process. So
23 for me there was a bit that says before we even look at
24 the investigation, why did the carers discuss with the
25 children what had been said? So they were told by

1 social work staff these allegations have been made. We
2 would be very clear that carers should not discuss with
3 the children, because this is about protecting the
4 children. So that was the first thing that worried me
5 about this.

6 We then had the situation where the male foster
7 carer did say there had been an incident. He explained
8 that the wee girl potentially was going to put her hand
9 into what was hot oil, so he'd pulled at her and it goes
10 back to that bit, was that seen as abuse? And
11 unfortunately people made that decision no.

12 There was a child protection case conference, so
13 that conference was a multi-agency meeting that brought
14 together schools, police, health, social work to
15 consider what were risks and unfortunately that meeting
16 decided these children were still not being abused at
17 that point.

18 Q. If we go on to page 8 and 16 November 2001, it tells us
19 there that a safeguarder appointed by a Children's
20 Hearing -- so it's 16 November 2001.

21 "A safeguarder, appointed by a Children's Hearing,
22 raised concerns about the care of these children and
23 recommended that the children should be moved. The
24 report highlighted emotional abuse within the
25 placement."

1 Then it says:

2 "A meeting took place with senior social work
3 managers to discuss the concerns raised. A meeting took
4 place with the carers in relation to the concerns, the
5 carers were adamant they weren't abusing the children.
6 A further meeting took place with senior managers of the
7 Local Authority to discuss the legal situation. The
8 strong attachment between the carers and the children
9 was noted."

10 By that time these children had been with them for
11 a number of years, I think.

12 A. (Witness nods)

13 Q. It says:

14 "Social work managers decided to seek an independent
15 view from BAAF."

16 Then, in terms of the outcome:

17 "A subsequent Children's Hearing made the children
18 subject to a place of safety warrant after consideration
19 of the safeguarder's report. The Director of Social
20 Work advised that the children were already in a place
21 of safety within their current placement."

22 So there was no movement of the children, I assume,
23 at that time. Then it says:

24 "At an appeal hearing, a sheriff ordered the
25 children to be moved to another placement."

1 I'm assuming it's at that point that the children
2 were moved?

3 A. It was, yes.

4 Q. Okay. If we move on, please, to page 9 this is
5 3 December 2003. This is after the children had left
6 the placement; is that right?

7 A. That's correct, yes.

8 Q. Here the mother of the children that we've been talking
9 about said that the boy said that [REDACTED] nipped
10 and butted him. He also alleged that Ruth Johnstone hit
11 us, pinned him to a wall, stabbed him with a knife in
12 the back because he had been sick on the floor and
13 I think it goes on to the next page with a variety of
14 different matters that he raised.

15 There was an investigation following child
16 protection procedures, it's on page 9. The boy said
17 that he had been too scared to say anything while he was
18 living with RJ-GFD [REDACTED] and the allegations were
19 disputed by his sisters and couldn't be substantiated
20 and again a meeting concluded that there was no evidence
21 of abuse or neglect.

22 A. Yeah. I mean I find that one very, very difficult to
23 understand in terms of no evidence. When we look back
24 at the whole chronology of incidents, you're hearing
25 a consistent explanation from children about allegations

1 being made against them.

2 I think here what occurred was the children were no
3 longer with the carers. There was a decision made that
4 as the children were not with those carers they were no
5 longer at risk or -- of being harmed. However, I don't
6 think that we could safely conclude there was no
7 evidence of historical issues in relation to these
8 children.

9 I think now if a child had moved on in that
10 particular way and we were hearing this information we
11 would still be discussing with the police about how we
12 would undertake the investigation. We would
13 particularly have the chronology, but we would also be
14 saying to the police:

15 "Here are all the statements we've got. Do you wish
16 to undertake an investigation in terms of a criminal
17 matter?"

18 But for us I don't think we would now conclude there
19 was no evidence of abuse or neglect taking place. It
20 was so consistent through this thread.

21 Q. Then if we move on to page 11, the final complaint that
22 you have noted was on 9 July 2007, which is actually in
23 respect of [REDACTED], where one of the girls
24 alleged that she had been sexually abused by him. There
25 was an investigation. The police didn't take it any

1 further and there was no further action at that time.

2 A. That's correct.

3 Q. We obviously know that there was then a prosecution and
4 Ruth Johnstone was convicted, as we've seen.

5 I think you also tell us that civil actions have
6 been raised against the Local Authority by some of the
7 children who were in the care of Ruth Johnstone?

8 A. That's correct, yes.

9 Q. You've told us in your response that at the time that
10 you prepared the response there were two claims against
11 the Local Authority, but I think there have been
12 a number --

13 A. There's now been a subsequent three claims against the
14 Local Authority in this case.

15 Q. If we could go back, please, to REC-000000015 and to
16 page 31.

17 You're asked there about changes that have been made
18 as a result of cases of abuse. If we go down we see:

19 "Following the conviction in 2013 ..."

20 A. That's correct, yeah.

21 Q. This refers to the conviction of Ruth Johnstone and you
22 tell us that there were certain practice changes
23 implemented. So the first being unannounced visits by
24 fostering team social workers to carers' homes. You say
25 that they were increased.

1 A. Yes. So even before the conviction we'd actually
2 introduced some changes. So we'd already introduced
3 unannounced visits. But what we did was we increased
4 the frequency of visits, so we said rather than one
5 visit being unannounced, we were now looking for two in
6 a six-month period to be unannounced so you were
7 actually getting a different view of what the child's
8 experience was like within that care placement.

9 Q. And then you've already referred to the need for
10 a chronology and also to the next bullet point which is
11 about a supervisory responsibilities for carers being
12 reallocated to another worker for the duration of any
13 child protection investigation.

14 A. Yes.

15 Q. Then the next bullet point is:

16 "Fostering team social workers to routinely check
17 the child's bedroom and view clothing, toys, et cetera."

18 A. That's correct. So I think that when you're visiting
19 often you visit a family, what you're seeing is the
20 sitting room or the dining area, the kitchen, but that's
21 not the whole house and the whole experience. And given
22 some of the things that we heard from the children who
23 made allegations against Ruth Johnstone, actually their
24 own environment was incredibly harsh, their bedrooms,
25 their lack of toys.

1 What we're now doing is doing visits, our foster
2 carers will know we want to see the child's bedroom and
3 if you do that on an unannounced basis then they have
4 not got time to do anything different to it, so that
5 becomes an additional safeguard.

6 Q. Then the final bullet point is:

7 "Joint visits to carers within four weeks of
8 placement with the child's social worker and regular
9 joint visits thereafter."

10 Can you tell why us that is?

11 A. Again, that's to ensure that there's clear communication
12 between all of the parties involved. So the social
13 worker who supports the foster carer needs to have good
14 communication with the child's -- but you're getting
15 a corroboration, you're getting a dual view about
16 whether things are good or not good, and you can
17 challenge things quickly.

18 Q. John, I know that you were referred to certain evidence
19 that had been led in the course of the case study which
20 related to Renfrewshire or at least its predecessor in
21 the form of Strathclyde Regional Council.

22 A. That's correct.

23 Q. You'll find a list of the relevant witnesses I think at
24 tab 2 in your folder.

25 A. That's correct, I've got that here.

1 Q. I just want to ask you about your reflections, because
2 I know that you've read their evidence and looked at it.

3 A. That's correct.

4 Q. The first evidence I wanted to refer to was that of
5 'Robert', who gave evidence on Day 297, 16 June 2022 and
6 his brother 'Tony's' statement, who was read in.

7 These boys were from Renfrew, but they were actually
8 board out to Brechin.

9 A. Yeah.

10 Q. What were your reflections on reading about their
11 experiences?

12 A. So there's a few things that came to the surface for me.

13 The way the boys were placed in foster care appeared
14 to be unusual. So they had been in a residential
15 establishment where they were being cared for. There
16 was a very quick transfer. They then moved to carers
17 who were a significant distance away from Renfrewshire,
18 Brechin's not a locality that we would normally use.

19 There was then the bit that there appeared to have
20 been a newspaper advert for particular children, come
21 forward for these children. There was no clarity to me
22 about any assessment of the suitability of the carers.

23 And then what was clear was the harshness of the
24 environment in which the boys lived was one that
25 required much more explanation. And again these were

1 two boys who did say things to agencies and the agencies
2 didn't listen. There was a lack of social work visiting
3 to the boys in placement. That would be a concern. We
4 now have more regular this and more regular visits, but
5 that worries me about why were there no visits to these
6 particular boys?

7 There were occasions where agencies knew because the
8 boys told the police and yet there was still no follow
9 up.

10 So I found them both professionally and personally
11 distressing stories and the fact that these boys were
12 abused is unacceptable. I do think that our procedures
13 have significantly changed. These placements were in
14 the late 1950s/early 1960s, but that doesn't excuse it.
15 But there are just so many unknowns for me. In terms of
16 how these carers were assessed, were they even assessed?
17 How the boys were moved, there was no planning. There
18 were so many things in my view that were wrong with this
19 placement.

20 Q. Then you were referred to the evidence of 'Kevin', who
21 was an applicant who gave evidence on Day 313,
22 11 August 2022, and you'll know that he was in care with
23 a person Graham Jackson, who was later convicted of
24 sexual offences, not in respect of 'Kevin' but in
25 respect of other children in placement?

1 A. (Witness nods)

2 Q. You'll know that 'Alice', 'Kevin's' carer, also gave
3 evidence on Day 319, 23 August 2022.

4 First of all, in relation to 'Kevin's' statement,
5 did you have any reflections on his statement?

6 A. Yeah, again I think that what I couldn't get was the
7 sense of how 'Kevin' ended up in the care of the man and
8 'Alice'. I couldn't get a sense of any preparation,
9 I couldn't get a sense of any scrutiny. But then what
10 I did get was that actually when he was there the
11 quality of care again was absolutely inappropriate. The
12 nature of the abuse that 'Kevin' experienced, whether
13 there was a conviction or not, either because accepted,
14 was unacceptable. There were no safeguards around. So
15 I don't understand any of that.

16 And there was a slight similarity with the next case
17 you're going to perhaps ask me about in terms of the
18 Paisley office was mentioned and I couldn't find any
19 record around that. So there was something for me about
20 how our services were operating at that time in terms of
21 recruitment of carers that didn't prepare them for the
22 challenges.

23 This family seemed to have a lot of children and
24 they very quickly moved from fostering to adopt these
25 children. That just seemed very quick and we'd not

1 normally expect that type of placement unless you had
2 a child who was moving to a foster carer where the plan
3 is already for that carer to adopt because they had
4 previously been approved, but I couldn't find any of
5 that out.

6 But the quality of care and the abuse that he
7 experienced was horrific and not acceptable.

8 LADY SMITH: You'll probably have seen this from her
9 evidence, but something that was quite striking about
10 'Alice's' evidence is how frank she was about her
11 feelings, including that she just didn't like this boy.
12 A. Yes, I think I was not answering that in advance because
13 I thought I might get a question it. When I read
14 'Alice's' statement that was the thing that jumped out,
15 that she clearly and, as you say, very frankly expressed
16 her dislike, that she didn't want this boy. She was
17 disinterested. I think that shows that she did not
18 provide the kind of care that we would expect from
19 a foster carer to a child.

20 I think the thing that again is very disappointing
21 is that there was no record of visits that would allow
22 that to have been picked up, so this was a bit of a boy
23 who suffered from that.

24 I think the other challenge, my Lady, is once the
25 child's adopted they become part of the family and

1 therefore services would step back anyway unless the
2 parents asked, so there is something about that. But
3 I thought that the -- 'Alice's' evidence when I read it
4 was probably the most frank that I've read in many ways
5 from a carer, but showed a lack of empathy, a lack of
6 warmth, a lack of compassion. It showed a hostility.
7 It showed a lack of understanding of the impact of
8 behaviour. And she's still -- she has seen herself
9 I think, my Lady, as a victim and her husband as
10 a victim and therefore no recognition of the damage to
11 the children in this family.

12 LADY SMITH: Thank you.

13 MS INNES: You mentioned there the final case that I might
14 ask you about and that was in relation to the conviction
15 of William Quigg. We do know that -- or there may be
16 responsibility taken in respect of Mr Quigg by Glasgow
17 City Council, we're not quite sure how the successor
18 authorities are working there.

19 A. Yes.

20 Q. I think you mentioned that you were aware there was some
21 crossover in terms of personnel and I think the same
22 social worker is mentioned in both the evidence of
23 'Alice' and Mr Quigg as being a person who spoke to them
24 about being recruited or assessed as a foster carer?

25 A. Yeah, and I've mentioned that because you were kind

1 enough to give me advance notice that these were cases
2 you would want me to look at.

3 On Mr Quigg, there's a couple of things.

4 I was able to trace the criminal justice social work
5 report, because my teams in Renfrewshire did provide
6 that to court for his sentencing. So he gave a very
7 detailed description within that.

8 But also in his own evidence he gave information
9 about how he was recruited and I think there were
10 a couple of things that were really strange.

11 He talked about being a single adult male and that
12 he -- because his sister was an experienced foster
13 carer -- thought he might ask about it, but he was told
14 he couldn't foster but arrangements were then made for
15 him to adopt.

16 In the early 1980s, certainly -- I don't have memory
17 of that, but even in 1998 when I first qualified as
18 a social worker, single adult men were not adopting
19 children. So there's something about that process,
20 about how he came in and his memory of that that doesn't
21 sit comfortably.

22 But what we also had was the same social worker
23 mentioned for Mr Jackson and for Mr Quigg. I tried to
24 do a wee bit of digging around our institutional memory.
25 Unfortunately I don't have anybody who goes back as far

1 as the 1970s that was able to identify: did we even know
2 that particular social worker? Our HR records don't
3 have her on our employment, but they were both very
4 similar, so that worries me that there was practice at
5 that time that did not appear to be as robust as it
6 should be in terms of recruiting and assessing whether
7 there were risks and dangers for children.

8 Q. If we can go back to your response to the section 21
9 notice at REC-000000015, and this is Part B of your
10 response, page 36:

11 "Does the Local Authority accept that children were
12 abused in foster care?"

13 Yes is the answer to that?

14 A. That's correct, yes.

15 Q. If we move town to paragraph 3.2, "Acknowledgement of
16 systemic failures":

17 "Does the Local Authority accept that its systems
18 failed to protect children in foster care?"

19 It says:

20 "While the acknowledgement in 3.1(a) has been made,
21 Renfrewshire Council does not accept that any abuse can
22 be attributed to systemic failure."

23 That doesn't seem to me to be quite answering the
24 question that's asked, so perhaps if we look at the
25 question again:

1 "Does the Local Authority accept that its systems
2 failed to protect children in foster care?"

3 A. Yes, I think when I reflected on this as I was
4 re-reading in preparation for coming over today,
5 I looked at the heading of section 3.2 which asked about
6 systemic failures and I think we were then interpreting
7 that as: was there a system-wide failure in the level of
8 abuse of children? And we felt not.

9 I think you're clear and I think I've said today
10 there is evidence that our systems didn't protect
11 individual children, in particular in the Ruth Johnstone
12 case, it is very clear that there were opportunities for
13 our systems to step in and they failed to do so in that
14 particular case.

15 Q. Then if we look down to the bottom of this page, this is
16 about acknowledgement of failures and deficiencies in
17 response. The question there is:

18 "Does the Local Authority accept that there were any
19 failures and/or deficiencies in its response to abuse,
20 and allegations of abuse?"

21 The answer given is "no", but I think --

22 A. I think on reflection I would change that and I've
23 expressed today particularly around the children who
24 were with Ruth Johnstone, that we failed those children
25 in terms of the way we implemented our procedures, that

1 we didn't give due consideration to what those children
2 were telling us. So I think in that way our response to
3 some of those abuse allegations was not appropriate and
4 therefore failed.

5 Q. Then, finally, I don't know whether -- we may have
6 covered this already in your evidence, but whether you
7 have any other reflections on lessons to be learned from
8 your reading of the evidence and from reflecting and
9 preparing for today?

10 A. I think when I was preparing I considered the challenge
11 that we ask foster carers to undertake when you're
12 asking foster carers to care for someone else's
13 children.

14 There's also they are so dispersed, so you're in
15 someone else's house and you're not there 24 hours
16 a day. That means that we need to be much more robust
17 about how we assess and gather evidence to support
18 someone's application and approval as a foster carer and
19 then once they are a foster carer, it means that they
20 need to be much more robust about how we work to support
21 that carer to provide safe care.

22 We've over the past ten years had a number of
23 reviews, we mentioned one of the reviews. We reviewed
24 our agreement with foster carers in 2020 and we did that
25 in partnership with carers, where we challenged carers

1 about what we expected from them and what they could
2 expect from us. And that was about supporting
3 challenge. It was about saying that we start from
4 a position where we believe that you want to provide
5 safe care, but we sometimes recognise that that might
6 not occur for a variety of reasons and we will therefore
7 have to take action.

8 I think that the systems that we have in place now
9 are more robust than they were previously. I think the
10 shift even from the Ruth Johnstone time where we talked
11 at that particular time about child abuse to child
12 protection, shifts of focus, abuse was almost about we
13 allowed things to occur before we followed it up. The
14 child protection agenda's been much more proactive.
15 It's trying to put in place strategies and approaches
16 that protect children from harm immediately so that
17 they're not exposed and I think that's a subtle
18 difference that I don't know if I got across in evidence
19 earlier.

20 MS INNES: Thank you very much, John.

21 I don't have any more questions for you.

22 There are no applications, my Lady.

23 LADY SMITH: Are there any outstanding applications for
24 questions of John?

25 John, thank you so much for engaging with us the way

1 you have. The information provided by your authority
2 has been really helpful to us. There's valuable
3 material there. And that you enhanced that by coming to
4 talk to us this afternoon. I'm really grateful to you,
5 thank you.

6 A. Thank you, my Lady, for the opportunity. I think that,
7 you know, in Scotland we do need to learn from what
8 happened in the past and I hope that your Inquiry gives
9 us positive messages for the future, but I do think that
10 we have been much better over recent years. And
11 I mentioned the whole trauma-informed approach. I think
12 that's been a significant shift and maybe worth a wee
13 bit of examination in terms of how that has impacted
14 positively for children.

15 So thank you for the opportunity, my Lady.

16 LADY SMITH: Thank you. You're now able to go.

17 (The witness withdrew)

18 LADY SMITH: That's all until 10 o'clock tomorrow morning
19 and I've forgotten which authority is first tomorrow,
20 Ms Innes.

21 MS INNES: I think it's Aberdeen and Fife tomorrow.

22 LADY SMITH: Thank you.

23 Until 10 o'clock tomorrow morning. Thank you, all.

24 (4.07 pm)

25 (The Inquiry adjourned until 10.00 am on

Wednesday, 9 November 2022)

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