

Thursday, 10 November 2022

1

2 (10.00 am)

3 LADY SMITH: Good morning and welcome back to our case study  
4 hearings, looking at foster care and boarding out. We,  
5 as most of you will know, are at the stage of taking  
6 evidence from Local Authorities who have heard evidence  
7 of applicants and are now some of them coming back  
8 again, having given evidence previously in the spring.

9 This morning I think we move to Dundee City Council.  
10 Is that right, Ms Innes?

11 MS INNES: We do, my Lady. Glyn Lloyd is the witness for  
12 Dundee City Council. He previously gave evidence on  
13 Day 287, 20 May 2022.

14 LADY SMITH: Thank you.

15 Glyn Lloyd (sworn)

16 LADY SMITH: When you were here in May, you were comfortable  
17 with me using your first name. Is that still okay?

18 A. Yes, thanks.

19 LADY SMITH: Thank you, Glyn.

20 You'll remember the red folder has your council's  
21 documents in it and we'll look at some of those again,  
22 but we'll also bring documents up on the screen in front  
23 of you as we go to different parts of your evidence,  
24 which you might find helpful.

25 Otherwise, Glyn, do let me know if you have any

1 queries or if there's anything you'd ask that we do to  
2 help you give your evidence more comfortably. Don't  
3 hesitate.

4 A. Okay.

5 LADY SMITH: As far as housekeeping, if you like,  
6 arrangements are concerned, I usually take a break  
7 around 11.30, but if you want a break at any other time,  
8 just let me know, will you?

9 A. Okay, thank you.

10 LADY SMITH: Very well.

11 I'll hand over to Ms Innes, she'll take it from  
12 there, if that's okay with you, yes?

13 A. Thank you.

14 LADY SMITH: Thank you.

15 Ms Innes.

16 MS INNES: Thank you, my Lady.

17 Questions from Ms Innes

18 MS INNES: Glyn, when you gave evidence in May, you told us  
19 that you were Head of Children's and Community Justice  
20 Social Work with Dundee City Council. Is that still the  
21 role that you hold or has that changed in any respect.

22 A. No, that's still the role.

23 Q. Thank you. I just want to ask you about a couple of  
24 matters arising from your previous evidence. During the  
25 course of your evidence you were asked about the foster

1 care contract and what it says about training. You were  
2 asked if the terms of the contract tell the foster carer  
3 that they must attend or engage with training.

4 A. (Witness nods)

5 Q. I think you've been able to have a look into that?

6 A. Yes, and it does.

7 Q. It does?

8 A. Yes.

9 Q. Okay. Does it set a minimum expectation or is it just  
10 a general statement that they must engage with training?

11 A. It's individualised for each foster carer on an annual  
12 basis.

13 Q. Okay.

14 A. With a focus on their specific training needs as well as  
15 some generic training that we require them to carry out  
16 as well and if they refuse to attend any of that  
17 training, then obviously that would raise concerns  
18 during the course of that year and we would consider,  
19 depending on the circumstances, but likely take them  
20 back to panel for reconsideration of their approval.

21 Q. Is that contract updated on a rolling basis or every few  
22 years?

23 A. It's updated annually.

24 Q. It's updated annually, okay. And does it set -- you're  
25 saying it's individualised, so does it say you must

1 attend training on child protection, for example?

2 A. Yes.

3 Q. Are there certain aspects that it sets an expectation  
4 that a carer has to attend certain things and then  
5 others that are maybe optional or what does that look  
6 like?

7 A. Certainly that they have to attend certain things, but  
8 I don't think so in terms of optional. I think that's  
9 unlikely. I think that if there's a training need  
10 there's a training need, and there'll be a requirement  
11 in relation to that.

12 Q. Okay.

13 LADY SMITH: You said that if they refused to attend  
14 training, that would give rise to concerns.

15 A. (Witness nods)

16 LADY SMITH: That's obvious, I hope. What if they just  
17 don't attend. What happens?

18 A. The same. I think the same. It would rise to concerns.  
19 We would want to explore why they weren't able to attend  
20 or refused to attend. There may be a legitimate reason.  
21 They may be ill, for instance. There may be something  
22 else happened in the family household. But we would  
23 expect them to attend and if they subsequently either  
24 didn't attend or refused to attend, then again we would  
25 consider taking that back to panel.

1 LADY SMITH: Thank you.

2 Ms Innes.

3 MS INNES: Another matter that you were asked about in your  
4 evidence arises from an answer to a question given in  
5 the response to the section 21 notice, so we could look,  
6 please, at DUN-000000694, page 126. In the answer to  
7 the question (c) that we see there on the screen:

8 "How many complaints have been made in relation to  
9 alleged abuse of children in foster care?"

10 The answer is:

11 "From reading the available information in the  
12 foster carer files, there appear to be a total of 82  
13 complaints made in relation to alleged abuse of children  
14 in foster care, 33 of which were deemed serious enough  
15 to have police involvement."

16 Then it says:

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

19 During your evidence you weren't quite sure what the  
20 last sentence there meant and I think that you've talked  
21 to the team a bit more about the sampling exercise that  
22 was undertaken in order to identify files for file  
23 reading.

24 A. That's right.

25 Q. If you could tell us about that, please.

1 A. So over the period 1930 to 2014 there were 1,932 files  
2 in scope, just under 2,000 files in scope, and of those  
3 we screened 263 files as a sample, and of those we deep  
4 dived into 41 foster carer files, fully, and 50 files of  
5 related children and young people. And from those,  
6 there were 82 complaints, as I said in the last  
7 appearance, and 33 of those complaints led to police  
8 involvement.

9 Q. Okay. You told us on the last occasion I think a bit  
10 more about how you went to the deep dive stage and  
11 I think things went through a red/amber/green analysis  
12 essentially at the screening stage and moved on?

13 A. That's right.

14 Q. When it says here, "This is a sample of all of our files  
15 and not a definitive figure", I think what you're saying  
16 is you took a sample?

17 A. (Witness nods)

18 Q. You recognise there may have been other complaints in  
19 the records that you didn't read?

20 A. Yes.

21 Q. Okay. If I can move on from there to ask you questions  
22 arising from evidence that we have heard over the course  
23 of the case study, and I know that you were provided  
24 with a list of applicants and other witnesses who have  
25 given evidence during the course of the hearings. I'm

1 going to ask you about some of those specifically, but  
2 I wonder if you had any general impressions or thoughts  
3 or response arising from your review of the evidence?

4 A. I suppose my general impressions are that most of the  
5 statements relate to the period 1950s to 1960s, and  
6 there are some that relate to the 1970s and 1980s.

7 The themes in terms of the concerns that are  
8 emerging from those statements involve living  
9 conditions, physical chastisement, responses to  
10 bed-wetting, children and young people feeling that they  
11 were treated differently to the foster carers' birth  
12 children, children and young people not feeling they  
13 were listened to appropriately and that their concerns  
14 were escalated and responded to appropriately. Themes  
15 in relation to the absence of holidays, the poor quality  
16 of food and this type of thing I think was running  
17 through most of the statements.

18 And then in one or two, obviously concerns as well  
19 about sexual abuse.

20 Q. We'll come back at the end to any lessons to be learned  
21 from your perusal of the transcripts and your  
22 involvement in preparing to give evidence, but if we can  
23 move to talk about some of the evidence a bit more  
24 specifically, you will know -- and if we look, please,  
25 in your red folder in tab 2 of the red folder you'll

1 find a list of the relevant evidence and the pseudonyms,  
2 so it should be at tab 2. Do you have the list there?

3 A. (Witness nods)

4 Q. Yes.

5 First of all we heard evidence on Day 291,  
6 7 June 2022, from five members of the same family who  
7 were placed in foster care in [REDACTED]. And we  
8 know that they were there for varying lengths of time.

9 In their evidence they talked about a number of  
10 things. One was that when they arrived at the foster  
11 home they were shown bedrooms that they were going to be  
12 sleeping in, the impression was given that it would be  
13 a comfortable home, but then they were put into a maid's  
14 room at the back where they were sharing a double bed,  
15 so there were six children I think sharing a double bed.

16 A. (Witness nods)

17 Q. And that was one of the issues in terms of the living  
18 conditions. Is that one of the things that you picked  
19 up when you were reading the transcripts?

20 A. Yeah, and I think that was apparent both in relation to  
21 that family of children and other children as well.  
22 There was a sense that the house would be comfortable,  
23 that it had the facilities to be comfortable, but that  
24 they were treated differently once they were in the  
25 house. The bedroom, for instance, wasn't the bedroom



1           that they thought they might get and perhaps the social  
2           worker thought they might get, or they were treated  
3           differently from the birth children of the foster  
4           carers.

5   Q.   How would you guard against that, the social work being  
6           given a false impression of the accommodation that the  
7           children are going to be living in?

8   A.   Well, now we would carry out a full and very rigorous  
9           assessment of the foster carer to start with. We visit  
10          them at a minimum monthly. More often if there are any  
11          concerns about the stability of the placement, not  
12          necessarily the care provided by the foster carers but  
13          certainly the stability of the placement, more often  
14          than monthly.

15                We have looked-after child reviews which oversee the  
16                placements as well, and I think across the childcare  
17                system we have other professionals as well as social  
18                workers who have a greater awareness of child protection  
19                issues and are able to identify concerns more quickly  
20                and report those concerns more quickly.

21   Q.   Are some of the visits that you mentioned to the foster  
22          home, would the child's bedroom be seen during those  
23          visits?

24   A.   Yes.

25   Q.   Is that an expectation for every visit or a certain

1 number of visits per year?

2 A. No, that's normal that we would visit the house, we  
3 would speak with the foster carers -- that one social  
4 worker would speak with the foster carers and get a good  
5 overall impression of the living conditions in the house  
6 and that equally that another social worker, the social  
7 worker for the children, would speak with them  
8 separately on different occasions.

9 Q. Would there be unannounced visits?

10 A. Yes. Used to be a minimum of one a year. In Dundee  
11 we've now increased that to two a year.

12 Q. During an unannounced visit, is there an expectation  
13 that the social worker will review the accommodation?

14 A. Yes.

15 Q. Another matter that the children spoke about was that  
16 I think the Tay Bridge was being built at the time and  
17 the foster carer provided lodgings for people working on  
18 the Tay Bridge.

19 A. (Witness nods)

20 Q. So they were using the rooms that should have been used  
21 for the foster children and they were also having to  
22 help with chores, so essentially serving the lodgers,  
23 I think, having to get up in the morning, prepare  
24 breakfast and such like.

25 Do you have any reflections on the sort of work that

1 the children were engaged in during that placement?

2 A. I think again both in that placement and other  
3 placements children made reference to chores, some of  
4 which could perhaps be seen to be entirely legitimate  
5 and a normal part of a healthy upbringing, but on other  
6 occasions they were somewhat excessive and draconian,  
7 shall we say.

8 So if things like that happened now, we'd have  
9 concerns about the viability of the placement.

10 Q. Okay. I want to look at a record at ABE-000000016,  
11 which is a record in respect of one of the children in  
12 the family. If we look at page 2 and the paragraph:

13 "From [blank] 1959 to [blank] 1961 the child was  
14 boarded out in a foster home together with two brothers,  
15 two sisters and one half-sister. The general picture of  
16 the child over this period was of a restrained, rather  
17 nervous child, who found it difficult to make friends.  
18 There was some petty pilfering and occasional running  
19 away from his foster home. Then when psychiatric advice  
20 was sought, it was stated that his maladjustment was due  
21 to a lack of childhood security, resulting from  
22 an unsatisfactory early home life."

23 There are various issues that you see there in  
24 respect of this child's presentation and behaviour, so  
25 nervous, finding it difficult to make friends, running

1       away from the foster home, and the advice seems to be  
2       that this is related to his pre-care experience.

3   A.   (Witness nods)

4   Q.   Obviously we have evidence from him that he was  
5       suffering abuse during the time that he was in the  
6       foster care placement.

7       Is there a danger in attributing behaviour that you  
8       see from a child to a pre-care experience rather than  
9       thinking there might be something going wrong now?

10  A.   Yes.  I think in general there are issues with the  
11       values and the language and the models of what  
12       constitutes good childcare.  It's stigmatising, arguably  
13       it's blaming, whereas now what we would like to do is  
14       actually, look, the past is this and this has had  
15       an impact on the child, this is contributing towards the  
16       way they're behaving and this is how we need to adapt  
17       support in order to meet their needs.

18       But this is -- this is -- this does seem to be  
19       stigmatising the child and looking at the child as the  
20       problem, rather than the environment as the potential  
21       problem.

22  Q.   I suppose there is -- one of the issues there is running  
23       away, which might on the face of it indicate a problem  
24       with the placement?

25  A.   Absolutely, yeah.

1 Q. I wonder if we can talk about another witness whose  
2 statement was read in, so it's on Day 296, 15 June 2022,  
3 an applicant with the pseudonym 'Betty'. She was placed  
4 in Fife with two different sets of foster parents, but  
5 of course she was from Dundee and Dundee City Council  
6 was responsible for her care.

7 I wanted to ask you about a couple of things from  
8 the records here which relate to communications. If we  
9 go on to page 5 of DUN-000000131 we see a letter dated  
10 31 July 1962, and this is to the Children's Officer in  
11 Fife and in respect of some of the foster carers who  
12 'Betty' stayed with, she says:

13 "In reply to Miss Hunter's letter of 26 July 1962,  
14 I have no objection to you accepting the foster carer's  
15 offer to take short-term children for you."

16 So this foster carer lived in Fife but she'd been  
17 obviously undertaking some foster care for Dundee. So  
18 it now seems to be suggested that she's going to take  
19 foster children from Fife.

20 I suppose it's an example of the Local Authorities  
21 liaising in relation to foster care placements. Is that  
22 still something that would happen today?

23 A. (Witness shakes head)

24 Q. I mean would Dundee perhaps place children outwith  
25 Dundee city and place them in Fife or Angus, for

1 example?

2 A. We do. We like to keep children and young people in  
3 local placements close to their family, close to their  
4 school, close to their local community, but sometimes  
5 that's perhaps not possible and sometimes it's perhaps  
6 not appropriate. It might not be possible, for  
7 instance, where we're trying to place a large family of  
8 brothers and sisters and a single placement might not  
9 have capacity. It might not be appropriate because  
10 a placement might not have the expertise to meet the  
11 particular needs of a child, a child with a disability,  
12 for instance.

13 So sometimes we're reliant on and actually  
14 proactively seek an external placement, and that might  
15 be with an external foster care agency such as Swiis or  
16 Barnardo's and suchlike.

17 So, yes, we do rely on and actively use external  
18 foster carers as well as what we call internal or Dundee  
19 City Council employed foster carers.

20 Q. If, for example, you were to look to a similar situation  
21 to this, if you were placing a child in Fife, say, would  
22 that be with an independent fostering agency as opposed  
23 to somebody who becomes a Dundee City Council carer?

24 A. No, it would be with an independent foster care agency.

25 Q. Okay.

1 A. Dundee foster carers tend to be based in --

2 Q. In Dundee?

3 A. In Dundee.

4 Q. If you were taking a foster carer from an independent  
5 agency who was based in another Local Authority, would  
6 you contact the other Local Authority to check whether  
7 they were suitable, or would you rely on the independent  
8 agency having carried out those checks?

9 A. We rely on the independent agency.

10 Q. Okay.

11 The next thing in this letter that we see is that it  
12 says:

13 "However, as the foster carer's own daughter has  
14 a very jealous nature, unless the foster children are  
15 under school age the fostering is unlikely to be  
16 successful.

17 "For this reason also the home could not be  
18 recommended for any but short-term care."

19 I suppose one might ask, well, if it's not suitable  
20 for longer-term care, then why is it suitable for  
21 short-term care?

22 A. (Witness nods)

23 Q. This seems to be related to the reaction of the foster  
24 carer's own child to the fostering going ahead.

25 A. (Witness nods)

1 Q. Would you now involve children of foster carers in the  
2 assessment process?

3 A. Absolutely. We assess the whole environment, if you  
4 like, the household and the members of the household,  
5 and indeed beyond.

6 Q. After the assessment, would you continue to have contact  
7 with the children of the foster home to see how they are  
8 reacting to any placements?

9 A. Yes.

10 Q. Okay. How would that be done? Would that be through  
11 the foster carer's social worker?

12 A. It's the foster carer's social worker, whereas the  
13 children's social worker has the primary focus on the  
14 individual children and young people.

15 Q. In the placement, okay.

16 If we can look back to page 4 of this document, this  
17 is a letter to the foster carer where she intimated that  
18 she didn't want to continue caring for 'Betty' and her  
19 brother.

20 If we look at the final paragraph of this she says:  
21 "I am sure that the children will settle down  
22 satisfactorily now they are back in Dundee as it is very  
23 much easier to fit in with life in a children's home  
24 than in a foster home."

25 That seems to be from the Dundee Children's Officer.



1           I just wondered if you had any reflections on that  
2           statement, that it would be easier to fit into  
3           a children's home than a foster home?

4   A. I think it's a very odd statement.

5   Q. Yes.

6   A. I think there are times when a children's home is  
7           suitable and an appropriate match for some children, but  
8           in general terms we would like to place children in  
9           family-based settings and the preference, the emphasis  
10          as far as possible, is on placing them with foster  
11          carers.

12   Q. Okay.

13   LADY SMITH: Sorry, who was the author of this letter?

14   MS INNES: It was the Children's Officer in Dundee.

15   LADY SMITH: In Dundee, thank you.

16   MS INNES: If we can move on to another applicant, who gave  
17          evidence on Day 304, an applicant with the pseudonym  
18          'Anthea'. We also heard evidence on Day 310 from two of  
19          the foster carer's children, who had the pseudonyms  
20          'April' and 'John'.

21            Again, 'Anthea' was in the care of -- well,  
22          initially Dundee Corporation, then Tayside, and she was  
23          boarded out with foster carers in Fife, so again  
24          a placement outwith the city. And we know that they  
25          were placed on a farm and there were four of the foster

1 carer's own children and then there were 'Anthea' and  
2 her three siblings, so there were eight children in the  
3 foster home.

4 We've already seen from the first example that we  
5 looked at six children being placed into the same foster  
6 home, but here we have the foster carer already has four  
7 children and another four coming in who are in foster  
8 care.

9 Do you have any reflections on the numbers of  
10 children that we're seeing from these examples in  
11 placement?

12 A. Yes. A lot of children and I have concerns about the  
13 manageability of that. I mean, it's their own birth  
14 family as well as a higher number of children in foster  
15 care would be very, very difficult to manage without --  
16 and even with an intense package of support. So I'd  
17 have questions over the viability of that. It would be  
18 an extraordinary set of circumstances if that was  
19 considered to be suitable.

20 LADY SMITH: Could you envisage that happening today?

21 A. No. No.

22 LADY SMITH: Thank you.

23 MS INNES: I'm going to go on to look at some of 'Anthea's'  
24 records and there are a number of them, so if we can  
25 look, please, at DUN-000000699, and if we can start,

1 please, at page 22. We know that 'Anthea' went to live  
2 with the foster carers at the beginning of [REDACTED] 1975  
3 and on page 22 we see visiting records from 1976.

4 If we could look, please, at 30 January 1976,  
5 there's a telephone call from the school. There was  
6 a confusion about reports and who would be obtaining the  
7 reports. And then the social worker says:

8 "I took this opportunity to ask her about the  
9 children. She said that they were coming along slowly  
10 but quite well. When asked about 'stealing' she said  
11 that she felt ..."

12 Sorry, she's asking the headmistress about this:

13 "When asked about the 'stealing' she said that she  
14 felt that the foster carer was making too much of  
15 a thing about this as the school had found the girls  
16 with sweets on two occasions but that was all. School  
17 not worried and they asked me to tell the foster carer  
18 that if she was at all worried about the children to  
19 come and see the teachers."

20 So it goes on from there. I think she tells the  
21 foster carer about if there are any issues about the  
22 children, go and speak to the school.

23 If we look down to the next entry, 19 February 1976:

24 "Phone call to the foster carer. She said that  
25 there is still stealing from the house, mostly food.

1 A policeman was at school giving them a talk on road  
2 safety and the male carer asked him to have a word with  
3 the children."

4 It appears that the female foster carer is concerned  
5 about the children stealing food and I think we heard in  
6 'Anthea's' evidence that they weren't getting enough  
7 food at home and that might be an explanation, that the  
8 food that they were being given was -- I think she was  
9 putting some of it away, I think, as well.

10 A. Mm.

11 Q. Which might be an indication of a behavioural issue.

12 A. Yes.

13 Q. Which I assume would be treated with concern nowadays?

14 A. (Witness nods)

15 Q. Do you have any reflections on the way in which this  
16 issue is dealt with?

17 A. I think again there's an absence of the professionals  
18 trying to understand some of the underlying reasons for  
19 the children's stealing. And as you say, that may be  
20 due to a number of things, but they would need to  
21 understand whether that's because of the child's  
22 background or whether it's because, for instance, of the  
23 current circumstances or whether it's a combination of  
24 both of those things.

25 Instead, what they seem to be doing is focusing

1 responsibility and even blame on the children and  
2 adopting a very simplistic response in the sense that  
3 the police officer's been asked -- there's a police  
4 officer in a position of authority -- just to tell them  
5 not to do it, and I think implicit within that is that  
6 sense of scaring them to be good children, which is not  
7 good practice.

8 Q. What impact could that then have on the children's  
9 ability to communicate about any issues that are going  
10 on in the placement?

11 A. Well, it's likely to lead them to close down and to not  
12 trust others, and to not share information and not  
13 believe that people will act on information that meets  
14 their best interests.

15 Q. Okay.

16 If we move on to page 25 and to the final entry on  
17 this page, which is from May 1977, it says here:

18 "Telephone call from Mrs Smith [from the school].  
19 She said that she thought we should know that the carers  
20 had gone away on holiday to England, leaving all seven  
21 children ..."

22 So that was at that time I think another of the --  
23 I think the oldest of the carer's own children was  
24 living outwith the home, so the four foster children and  
25 the three remaining children who were at home.

1            "... in charge of the oldest child [as in the  
2            carer's oldest child] who was also filling her mother's  
3            job in one of the local public houses. I thanked her  
4            very much for this information and praised her for  
5            passing it on. I discussed the situation with the  
6            senior social worker, who advised me to phone the farm."

7            If we go on to the next page it continues:

8            "To find out the exact situation and to confirm if  
9            the oldest daughter is in fact 16 years of age.

10           "I phoned her in the presence of Mr Birrell, senior  
11           social worker. The daughter answered the phone and  
12           although she was very unwilling to tell me anything, she  
13           did in the end say that her parents were away to  
14           England. They went on Saturday and they were to return  
15           the following Saturday. She was looking after the  
16           children, helped by a farmhand who has lived in the  
17           caravan in the farm's garden ever since I knew this  
18           foster home, who was there at nights. I told the  
19           daughter that she should phone me if anything at all  
20           happened."

21           Then:

22           "The senior social worker, Mr Birrell, said that  
23           I would have to inform Mr Ingram, area controller."

24           Then the social worker goes on to note:

25           "Later -- telephone call to Mr Ingram. I explained

1 the whole situation to him. He asked about the  
2 relationship between the daughter and the farmhand and  
3 how responsible the daughter was. I said that I did not  
4 think there was anything between the two of them and  
5 I felt that the daughter was quite capable, although at  
6 16 I wondered how she would cope in an emergency."

7 We see there that they'd been asking about the  
8 daughter, how old she was, so she was 16 at the time in  
9 charge of seven younger children:

10 "Mr Ingram agreed with me and he was very angry that  
11 the foster parents had not informed me, especially as  
12 I had phoned the foster mother last Thursday. However  
13 he was prepared to leave the situation as it was for  
14 present and he agreed that I should make a joint visit  
15 with the senior social worker when the carers returned."

16 Again, do you have any comment on what seems to have  
17 happened here, lack of information given and the  
18 children being left in the care of the older sister?

19 A. I think it's clearly inappropriate and somewhat of  
20 a mess in terms of the planning and the caring for the  
21 children and the absence of contingency plans, proactive  
22 contingency plans should the parents go away.

23 For a 16-year-old to care for one child, let alone  
24 two, three or four children, would be hugely concerning.  
25 That's not something that would happen now.

1 LADY SMITH: But what about this comment:

2 "However, he was prepared to leave the situation as  
3 it was for present ..."

4 A. That wouldn't happen. The scenario as a whole wouldn't  
5 happen now, but hypothetically, if it did and it  
6 transpired that for whatever reason a child had been  
7 left with a 16-year-old whilst the carers were on  
8 holiday, then again that would be a situation where we'd  
9 be taking the case back to panel and we'd be taking the  
10 child into more suitable alternative care arrangements  
11 in the interim.

12 LADY SMITH: But that could have been done then?

13 A. Yes.

14 LADY SMITH: Maybe should have been done?

15 A. Yes, yes.

16 LADY SMITH: Thank you.

17 MS INNES: Then if we scroll down this page we see an entry  
18 beginning:

19 "Telephone call from Mrs [Blank] who sounded very  
20 angry and asked if we had been told that they had been  
21 away on holiday and that the daughter was also doing her  
22 job. I said that we had been informed. The carer  
23 pointed out that the only reason they could go on  
24 holiday was that the owners of the pub where she works  
25 had closed it down for a week so it could be decorated.



1 I told her that I did believe that but I was very  
2 disappointed by the fact that I had phoned her on the  
3 Thursday before they went on holiday and she never even  
4 mentioned the possibility of them going on holiday. She  
5 said that they did not know at that time. She kept  
6 saying that her husband was very angry and he had said  
7 that if they had to keep us informed of their every move  
8 then they would stop fostering. I pointed out that this  
9 was not the case and I tried to explain about parental  
10 rights, the fact that the only people this department  
11 approved should look after foster children and the fact  
12 that at barely 16 the daughter was left in charge of  
13 four of our foster children. However she did not want  
14 to discuss the matter on the phone as her husband wished  
15 to be present. I said that the senior social worker and  
16 I would visit them to discuss the situation. She didn't  
17 seem at all threatened by the fact that he would  
18 accompany me (he thought that might be the case)."

19 It looks as though the foster carers weren't happy  
20 about being challenged in relation to this, and again  
21 would that sort of reaction raise a concern?

22 A. Yeah, it's a very defensive response to what was clearly  
23 an inappropriate situation. We would expect foster  
24 carers to share information with us appropriately,  
25 particularly in relation to significant developments

1 such as a holiday.

2 She's saying that -- she seems to think that we're  
3 expecting her to tell us about every single move. No,  
4 we're not, but we are expecting foster carers to tell us  
5 about significant events so that we can adapt/adjust the  
6 care plan accordingly.

7 Q. Then in the next entry we see the home visit at the  
8 bottom of the page:

9 "... with Mr Birrell to the carers at 4 pm. When we  
10 first arrived, the male carer was not yet home and as  
11 the children were on holiday from school we talked to  
12 them for a while. They have received letters from their  
13 father. The farmhand was also present. The male carer  
14 then came in and after shaking hands with Mr Birrell he  
15 asked in an angry voice if we had come to take the  
16 children away. Everyone was then told to leave the room  
17 except for the carers."

18 It looks as though the male carer had asked the  
19 social workers in front of the children whether they'd  
20 come to take the children away.

21 A. (Witness nods)

22 Q. Would that be concerning?

23 A. Yes, it would. Of course it breeds in a child's mind  
24 that the placement is unstable and generates a sense of  
25 rejection and uncertainty. So I think we'd have huge

1 concerns about that.

2 Q. Then the conversation goes on:

3 "The male carer started off by saying if they had  
4 not thought that their daughter could not look after the  
5 home for a few days then they wouldn't have left her.  
6 Mr Birrell pointed out to him about the department's  
7 responsibility towards these children and how we felt  
8 that the daughter was not able to deal with any  
9 emergencies which might have arisen. They disagreed  
10 with this. He then told them that they should have  
11 informed us of any intention to leave the children with  
12 anyone else. They have been told this twice before.  
13 A simple telephone call would have sufficed. The female  
14 carer asked what would happen if they did not have  
15 a phone but Mr Birrell pointed out that that wasn't the  
16 case. We talked about other aspects of the situation  
17 for a while and in the end we were given a cup of tea  
18 and the foster parents agreed to keep us informed at all  
19 times and not to leave the children ..."

20 It goes on to the top of the page:

21 "... with anyone else at all."

22 Then other matters were discussed.

23 So it appears to be quite a difficult meeting  
24 between the carers and the social workers.

25 A. (Witness nods)

1 Q. But I think what you're saying is that the whole  
2 situation should have been reviewed at that point?

3 A. I think so. There's a clear pattern of concerns over  
4 time. This happened not just once but seemingly twice  
5 before, and I think that what that suggests is that it's  
6 possible, if not likely, that it will happen again. So  
7 we'd need to be reviewing that very, very seriously, and  
8 I can think of cases that are very recent or current  
9 where we've actually ended the placement on the basis of  
10 similar types of scenario.

11 Q. When you say similar types of scenario, what sort of  
12 similarities are you referring to?

13 A. So the language, for instance, used by foster carers in  
14 front of children. The behaviour of foster carers  
15 towards social workers when they're challenged in  
16 relation to information. The inconsistency of approach  
17 of foster carers in terms of them saying they want to do  
18 one thing when they do another. The foster carers  
19 having contradictory views over whether or not they want  
20 to care for one or both children in a house. Sometimes  
21 they want one, sometimes they want both, which obviously  
22 creates problems for the children as well. And in one  
23 or two cases, all of those issues combined.

24 Q. Okay.

25 I want to move on to 1978 and there was an incident

1 involving the son of the carers, who has the pseudonym  
2 'John', on a school bus. And there was a discussion  
3 about that.

4 If we can move on, please, to page 48. This seems  
5 to be a verbatim note of the discussion which was held  
6 on 9 March 1978. We can see that present at the meeting  
7 was Mr Ingram, who we understand to be the area  
8 controller, Ms Auchterlonie, who is the social worker  
9 working with the family at this point and then some  
10 other professionals.

11 The introduction of the meeting is talking about  
12 'John', who is aged 15 and a half. He's been creating  
13 problems at this school over the past few months. And  
14 then there's reference to him being "one of our  
15 children", but a child who is fostered there got in  
16 touch with Ms Auchterlonie, and I think that's the  
17 psychologist speaking, so the psychologist has been  
18 involved with one of the foster carer's own children, as  
19 I say, that's 'John'.

20 If we go down a little bit:

21 "JPI: what we are discussing is question of 'John's'  
22 behaviour to children in care."

23 It's at the top of the screen just now.

24 "Both the boy and the girls. 'John' is 15 and a  
25 half."

1           Said he's leaving school soon, below 70, I think the  
2           typist is asking whether is this IQ. He is one of the  
3           better ones in the class. About 60 is the answer.

4           Asked about sexual attack. And the answer is:

5           "Usual kind of story. 'John' and another boy  
6           holding down another girl in the bus and interfering  
7           with her clothing. How much was horseplay and how much  
8           was intended? Girl's parents were very upset but were  
9           persuaded not to involve police in it. 'John' is  
10          aggressive. Mrs McLeod, headteacher, has always felt  
11          that 'John' is a bit of a not too good lad. Gets away  
12          with a lot -- doesn't get found out terribly easy.  
13          Wonder when he is in the work situation if this will  
14          improve. Mother won't admit anything ..."

15          That would be the female carer:

16          "Even when 'John' admitted in front of Mrs McLeod,  
17          she said that is nothing -- could be right."

18          Then the next person says:

19          "He lied about it to begin with and mother was going  
20          to go to Director of Education because she is like that  
21          but then he admitted it.

22          "Did she accept this?"

23          Mr Ingram asks:

24          "Said that it was just 'laddie nonsense'. Did  
25          accept it but minimised the whole incident. She could

1           have been right. These things can build up out of all  
2           proportion. Thought it was only right that we put you  
3           in the picture regarding the fostering situation. He is  
4           an aggressive boy, a nasty bit of work. The sly punch,  
5           the dig."

6           That all indicates that there are some concerns  
7           about the foster carer's own son and his behaviour,  
8           an admitted incident and issues about aggression.

9    A.   (Witness nods)

10   Q.   If those issues were being flagged in relation to  
11       a foster carer's own child, how would that be dealt  
12       with?

13   A.   We would have concerns. We'd have concerns or at least  
14       questions about the influence of and response to the  
15       foster carer of all of that, and we'd have concerns and  
16       questions about the potential for that to be mirrored in  
17       relation to any child who's in care there, and we'd  
18       obviously have questions about potential impacts of that  
19       boy's behaviour on any other child in the household as  
20       well.

21   Q.   The note goes on, if we go over the page to page 49 and  
22       the second entry on the page:

23               "JM: whole point in mentioning it to Ms Auchterlonie  
24       was that we have become aware of this potentially  
25       difficult situation which could develop. Do feel that

1       it was necessary to advise the social worker so that if  
2       one of the girls complained at a later stage it would be  
3       immediately accepted. Adolescent girls are adolescent  
4       girls, same as adolescent boys. Don't immediately twig.  
5       Thought we should alert you and we thought it didn't  
6       feel right and could develop badly."

7             I think that's a psychologist speaking there saying  
8       that they have some concerns about how this situation  
9       might develop.

10            Mr Ingram says:

11            "She has got eight children in this family. Four of  
12       her own and four foster children and I wonder just how  
13       aware she was of all that was going on. Got a bit  
14       concerned from time to time. Didn't advise Morag at all  
15       of the incident and she could have done. Wonder if it  
16       would be the same if the girls made a complaint -- would  
17       we in fact know about it."

18            That seems to be an expression of some of the  
19       concerns that the Local Authority have about the  
20       children in placement and a concern about the number of  
21       children in the family, a concern about the foster carer  
22       not really being aware of what was going on?

23    A.   (Witness nods)

24    Q.   Do you have any comments in relation to that?

25    A.   Again the number of children is a concern. And in



1           general it looks like -- pardon the phrase, but a messy  
2           melting pot. There are issues with the foster carer,  
3           there are issues with the children, there are issues  
4           with the dynamics within and between that family group  
5           in the same house.

6           Again it would raise concerns and questions about  
7           the whole dynamic and whether or not that was a viable  
8           arrangement.

9    Q. There's also a note that the foster parents hadn't told  
10       the social worker about the incident and I assume that  
11       would also raise a concern --

12   A. Absolutely, yeah.

13   Q. -- that there wasn't disclosure of this.

14   A. Absolutely.

15   Q. If we move on to page 51, again the discussion continues  
16       and if we go down towards the bottom of the page there  
17       was a -- they're talking about the situation of the  
18       foster carers, their financial situation, and there's:

19           "SP: did hear that they fostered for the money."

20           So that's Ms Phillips.

21           The response is:

22           "Struck me as being the kind of woman who would not  
23       telephone the social worker for some small thing that  
24       happened in the house. Take it that she was looking  
25       after these children for Tayside Regional Council and

1 things that they did that other foster parents would  
2 contact you about she would say is just part of them  
3 growing."

4 The question is posed:

5 "Consider that the foster children are at risk from  
6 'John'?"

7 And the answer that the psychologist gives is:

8 "Maybe."

9 Then the other person says:

10 "Might take the view that 15 and a half-year-old boy  
11 interfering with girl is just him growing up and not  
12 take a very big view of it at all."

13 Have you any comment on that?

14 A. Concerns about both the absence of transparency and  
15 information sharing from the foster carer to the social  
16 worker, and obviously concerns about the view of the  
17 15-and-a-half-year old boy's inappropriate sexualised  
18 behaviour. And again, that would warrant questions and  
19 we would have a different response to that now than  
20 appears to be the case at the time.

21 Q. Moving on to page 52, there's an entry, the third entry,  
22 MA, so that's Ms Auchterlonie, she talks about the  
23 female carer. She says:

24 "She has very little self-confidence. Got the  
25 feeling that she is speaking through her husband. She

1 told me a long story and complained about things but  
2 I feel that he has told her what to say already."

3 There appears to be a concern on the part of the  
4 social worker about the dynamic between the couple.

5 A. (Witness nods).

6 Q. Again that would raise a concern, I assume?

7 A. It would trigger some alarm bells: what's happening here  
8 in terms of the nature of that relationship? Is there  
9 coercion? Is she being able to independently put  
10 forward her own views and perspectives on things? And  
11 it would warrant a more forensic deep dive, shall we  
12 say, in terms of what's happening.

13 Q. Then if we go towards the bottom of the page, maybe it's  
14 about the middle, there's an entry:

15 "JPI ..."

16 Yes, it's towards the top of the screen:

17 "Asking earlier about natural children and foster  
18 children. Concerned about how the carer sees this four  
19 against that four. Almost segregation."

20 The answer:

21 "Two families very much so."

22 And then talks about mothering and her not being  
23 a warm person.

24 You were talking earlier that one of the things that  
25 had struck you from the evidence of applicants was

1 difference in treatment and I think here we see that  
2 this seems to be the view of the foster carer.

3 A. Yeah. Which is inappropriate. We like to see children  
4 in care as being cared for and nurtured as an integrated  
5 part of the family as opposed to peripheral and on the  
6 edge and to be treated differently.

7 Q. Then towards the bottom of the page there's an entry  
8 beginning:

9 "JM felt it should be brought to your attention."

10 Again this is the psychologist saying again why  
11 she's raised the issue:

12 "Felt it should be brought to your attention just in  
13 case it could explode. Just a sort of sixth sense. Not  
14 a lot of things -- nothing ever transpires -- still go  
15 on having a feeling that there was something and nothing  
16 ever blows up."

17 Mr Ingram's response is:

18 "Probable, expect this one to do something and miss  
19 another, that is inevitable."

20 Which seems a bit defeatist.

21 A. I think it's like they're tolerating an unacceptable  
22 situation and waiting for it to become catastrophic  
23 before doing anything. That is an appropriate response.

24 Q. Then their response is:

25 "One does feel that if there is any chance of future

1 risk at least it should be mentioned. Maybe you  
2 wouldn't notice it at the first mention unless you were  
3 alerted."

4 A. (Witness nods)

5 Q. There seems to be a recognition that there is a risk,  
6 but there's not a full risk assessment?

7 A. Exactly, yeah. Yeah.

8 Q. Okay.

9 We know that the children weren't removed from the  
10 placement after that, but a number of concerns still  
11 were being expressed.

12 If we look at a couple of other entries in relation  
13 to this, on page 28, this is in 1978 but it's not very  
14 clear because it's cut off what the date of it is.

15 If we look down to the bottom of the page there's  
16 reference to a telephone call from Mrs Marshall; Child  
17 Guidance:

18 "She explained that it had only come to light  
19 recently that one of her colleagues is dealing with  
20 'John', the 15-year-old son, and over the past few  
21 months there has been a number of disturbing incidents  
22 which only came to her notice quite recently. She  
23 stated that she did not feel that immediate action was  
24 necessary but she felt this department should know about  
25 the incidents."

1           So it's clearly the same person who we have just  
2           seen in that --

3   LADY SMITH:   Sorry, which date was that entry?

4   MS INNES:    It's -- well, there's not a date, my Lady.  It's  
5           cut off.

6   LADY SMITH:   It's just 1978.

7   MS INNES:    It seems to be towards the beginning of 1978,  
8           because --

9   LADY SMITH:   And it starts, "Telephone call from  
10           Mrs Marshall, social worker Child Guidance ..."

11  MS INNES:    Yes, that's the one.

12           It talks about her becoming aware of these  
13           incidents, the incident on the school bus.  The social  
14           worker says:

15           "I told her that I would advise the Area Controller  
16           Mr Ingram of the situation.  Mrs Marshall said that the  
17           clinic was to be holding a case discussion and she would  
18           advise me of any conclusions reached.

19           "I advised Mr Ingram of the situation.  He agreed  
20           there was no need to rush in and remove the foster  
21           children at this stage as they were so happy there, so  
22           we decided to wait and see the results of the clinic's  
23           discussion and then hold a meeting ourselves."

24           That seems to have been the initial reaction.

25           But again, after the meeting I think no action seems

1 to have been taken.

2 Yes, so if we scroll down to the bottom of the page,  
3 again the date of this is not clear but it may be the  
4 note that we've just looked at:

5 "Case discussion at Paradise Road."

6 It says:

7 "Decision: everything said would be recorded or kept  
8 in mind but no action necessary at this stage."

9 So that was the conclusion of that discussion and  
10 I think you would be concerned about that outcome?

11 A. Absolutely. Again it reiterates that point about the  
12 difficult, inappropriate situation being tolerated and  
13 sustained, and I think at best we would want to see  
14 a good and proper re-assessment with a new plan  
15 involving some adjusted types of support and  
16 expectations in relation to the carers, and at worst, at  
17 the other end of the spectrum, we would be thinking  
18 about ending the placement.

19 LADY SMITH: What was it, do you think, from these records  
20 was weighing with the social work department that made  
21 them keep deciding just to leave the children where they  
22 were?

23 A. It's very difficult to say because I wasn't there at the  
24 time, but perhaps it had something to do with the  
25 general culture of what is acceptable and is not

1       acceptable. Perhaps it had something to do with the  
2       availability of resources, as it were, in terms of where  
3       they might go if this wasn't considered to be suitable.  
4       Perhaps it had something to do with the practice in  
5       terms of understanding of what constitutes a good risk  
6       assessment, good scenario planning, good contingency  
7       planning. I suspect it's likely to be a combination of  
8       all three of those things.

9   LADY SMITH: You have mentioned one thing there that I had  
10       wondered about. Four children have been able to be  
11       placed here in one household --

12   A. (Witness nods)

13   LADY SMITH: -- and maybe the social workers were allowing  
14       themselves to decide to keep them there because of the  
15       challenge of finding a substitute household that would  
16       take all four children.

17   A. I think that's a possibility.

18   LADY SMITH: I suppose that remains a risk.

19   A. Yes, because it -- it's difficult to place four brothers  
20       and sisters in the same household.

21   LADY SMITH: But you have to guard against persuading  
22       yourself it's okay not to do the right thing because of  
23       the challenge of finding another home.

24   A. Yes.

25   LADY SMITH: It doesn't mean the home the children are in is



1           where they are safe and where it's sufficiently  
2           risk-free.

3   A.   Yes.  And the balance between the least worst option and  
4           the most worst option and this one feels like it's a bit  
5           more towards the other side, the wrong side.

6   LADY SMITH:  Yes.  Thank you, Glyn.

7   MS INNES:  If we could look now, please, at page 14, which  
8           is a foster home review on 12 May 1978, and this is in  
9           respect of the foster home that we're looking at.  
10          Present we see Mr Ingram, Ms Auchterlonie, Mr Birrell --  
11          who we've already seen mentioned -- and Mrs Phillips.  
12          It talks about there being a visit to the foster carers  
13          and there are issues about the female carer's work.

14                 At that point she was saying she was willing to stop  
15                 working at weekends but wasn't prepared to do so during  
16                 the week.

17                 Then the next paragraph begins:

18                 "If what she says is true, that she leaves the house  
19                 with the children in the morning then the only period  
20                 when they would be left unattended is between 3.30 pm  
21                 and 5 pm.  The older children come in at the same time  
22                 as the mother, which means that 'Anthea', age 11, would  
23                 be in charge of the other primary school children.

24                 A suggestion was made in the group that the children  
25                 should go to their auntie's for this period, although

1           there would be the school holiday periods involved in as  
2           well. The female carer is to be told that a responsible  
3           adult must be left in charge of the children during her  
4           absence and whoever is nominated must be visited by  
5           Ms Auchterlonie and have explained to them exactly what  
6           is entailed. They may well resent having to care for  
7           the children for the long school holidays with no  
8           payment."

9           At this point there seems to be a concern about the  
10          carer working and the children being unattended. So  
11          it's a similar theme, I suppose, to the holiday issue  
12          that we saw earlier on.

13        A. Yes, and the appropriateness of the other adult who is  
14          being asked for them.

15          And the point there about Ms Auchterlonie would have  
16          had to explain to them exactly what it entailed is just  
17          insufficient. You know, we'd want -- if that happened  
18          at all, we'd want to carry out a full and proper check  
19          of the person that was asked to care for them during  
20          that period of 3.30 to 5 o'clock.

21        Q. Then in the next paragraph which begins -- or further  
22          down the page which begins:

23                "[Blank] was asked by Mr Birrell when in the car  
24                with him and Ms Auchterlonie whether she was happy, she  
25                said that she was and that she would like to stay with

1 the family."

2 So that's 'Anthea's' sister.

3 There seemed to be an issue about a decision being  
4 made and then there's a sentence:

5 "Ms Auchterlonie has known these children for three  
6 years and has no doubt that they are happy and well  
7 cared for by the carers. However, she would feel more  
8 confident that the children were safe if they were  
9 removed since she can no longer trust the female carer  
10 in view of her deceit in the past."

11 So the social worker working with the family seems  
12 to be concerned to the extent that she is suggesting  
13 that the children should be removed? And I think this  
14 is around the issues of working hours and making sure  
15 that the children are cared for.

16 The conclusion reached, if we go to the bottom of  
17 the page, is again to do with confirmation of the  
18 carer's working week:

19 "She herself must be told that we were asking for  
20 that information from the employer."

21 Then if we go over the page to page 15: "If there is  
22 no responsible adult and they're not satisfied about  
23 hours of work, then the foster children are to be  
24 removed."

25 So that's the decision taken at that review.

1           There's no mention at that review of the earlier  
2           concerns in 1978 around the boy, 'John'. If you were  
3           having a foster home review, would you expect that  
4           issue, even although there had been a meeting about it,  
5           would you expect it to be mentioned at a review?

6   A. Yes. We would want the history, the chronology and  
7           an analysis of incidents, the pattern of incidents, to  
8           become very clear during that review meeting so we can  
9           make a comprehensive assessment as to whether or not it  
10          was a viable placement.

11   Q. Okay.

12   A. As opposed to, as I said earlier, waiting for the  
13          worst-case scenario to happen before making an albeit  
14          difficult decision.

15   Q. If we move on to page 47, we see a memo from  
16          Ms Auchterlonie to Mr Ingram dated 7 July 1978 and she  
17          refers to a discussion that's taken place between them  
18          and she says:

19                "I have thought the matter over once again as you  
20                suggested but my feelings regarding the situation remain  
21                the same. I disagree with your decision that the  
22                children should remain with the carers because I feel  
23                that it is not a satisfactory caring situation. This is  
24                not a change of mind on my part and if I can refer you  
25                to the minutes of a discussion held on 12 May 1978

1 [that's the minutes that we just looked at], you will  
2 see that I felt the children should be removed then.  
3 Although I did make further enquiries regarding the  
4 arrangements made for the children's care in the absence  
5 of their foster parents, I did not feel that these  
6 altered my overall feelings regarding the fostering  
7 situation."

8 Then she says:

9 "However, although rather disappointed at first by  
10 your decision, I do accept it as I realise that as Area  
11 Controller it is you who makes final decisions in such  
12 matters; nevertheless I cannot say it is a decision with  
13 which I agree.

14 "In view of this and in the light of the fact that  
15 I feel the relationship between myself and the carers  
16 has deteriorated to such an extent that it would be  
17 useless for me to continue supervising the foster  
18 children, I would ask that these cases be transferred to  
19 another social worker. I believe I have my senior  
20 social worker's backing as far as the last matter is  
21 concerned. My reasons for requesting that the cases be  
22 transferred has nothing at all to do with whether or not  
23 I actually like the female carer. I would hope that my  
24 professional judgement would deter me from allowing  
25 personal feelings to cloud such an important issue.

1 I have already stated why I would like to be taken off  
2 the case and I can assure you these are my only  
3 reasons."

4 Then there's other issues raised in respect of  
5 communications I think within the team, as it were, and  
6 I think there's a suggestion perhaps that  
7 Ms Auchterlonie had been acting in an unprofessional  
8 manner. In the final paragraph she says:

9 "I would disagree strongly that I am acting in  
10 an unprofessional manner as, like you, I have always had  
11 the children's best interests at heart and although  
12 I disagree with your decision I accept it, but I would  
13 find it very difficult to continue working along with  
14 foster parents and encouraging them to care for children  
15 when I feel that the children should not remain in the  
16 foster home."

17 It appears that the social worker who's been working  
18 with the children has come to the view that they should  
19 not remain there, but others disagree with that.

20 A. (Witness nods)

21 Q. And she moves on.

22 I assume there can be disagreements within teams  
23 about the plans that should be made for children. How  
24 would those be dealt with?

25 A. Ideally we would obviously like to see a consensus at

1 those types of meetings, whether it's a looked-after  
2 child review meeting, whether it's an initial referral  
3 discussion, whether it's a child protection case  
4 conference, whether it's a panel meeting considering the  
5 foster carers, we would like to see a consensus.

6 But if there's a difference of opinion to the extent  
7 that there is here, or seems to be here, then we would  
8 want that to be escalated up to the next level of line  
9 management and for it to be resolved and for  
10 a defensible decision to be made that considers all the  
11 factors.

12 Ultimately in this particular case the social worker  
13 obviously feels very, very strongly and that process  
14 seems to have been gone through, at least to some  
15 extent, but what I would say is that if she remains  
16 unsatisfied, if this happened now, then I would hope  
17 that individual social workers were confident enough to  
18 report that to the Head of Service or the Chief Social  
19 Work Officer and even, actually, invoke either a formal  
20 complaint or a grievance.

21 LADY SMITH: There's an impression that Ms Auchterlonie  
22 feels she wasn't being listened to --

23 A. Yes.

24 LADY SMITH: -- although she actually was speaking up and  
25 making her views known. I wonder if one of the concerns

1 is that what's happened is, rather as when children try  
2 to say something and aren't listened to, her views have  
3 been put to one side because they're inconvenient or  
4 they don't fit with what the department thinks ought to  
5 happen. They haven't been thought about carefully  
6 enough, almost mirroring the way in which over the years  
7 children have been failed by social work departments?

8 A. Yes. It has a sense of it being an overly hierarchical  
9 bureaucratic response as opposed to a flexible,  
10 professional response --

11 LADY SMITH: Yes.

12 A. -- which puts the needs of the children first.

13 LADY SMITH: Yes.

14 Glyn, would you agree that if a social work  
15 department really seeks to do the best it can for  
16 children in care, and in this case study foster  
17 children, you have to start with taking care of your  
18 social work staff --

19 A. (Witness nods)

20 LADY SMITH: -- and promoting a healthy, respectful,  
21 collaborative structure and ways of working within the  
22 department. Is that right?

23 A. Absolutely. Up and down and right across from top to  
24 bottom within and between teams is that sense of not  
25 being defensive, being reflective, being open to



1 challenge as well as support, and where concerns remain  
2 unresolved, even after healthy discussions and even  
3 debates, that they're escalated appropriately. And that  
4 somebody ie Head of Service ultimately or Chief Social  
5 Work Officer, is able to make a reasoned decision based  
6 on the available information.

7 LADY SMITH: Yes. Thank you.

8 Ms Innes.

9 MS INNES: Thank you, my Lady.

10 I'd like to move on to page 44 of these records and  
11 at the bottom of the page, an entry, 5 March 1981. That  
12 says:

13 "Telephone call from Ms Hutton, Regional  
14 Headquarters -- would I phone PWC Tildsley at Cupar  
15 Police Headquarters re 'Anthea'. Phoned the police  
16 woman who advised me that a schoolmate of 'Anthea's'  
17 accompanied by her mother had called at St Andrews  
18 Police Headquarters and reported that 'Anthea' had told  
19 another school friend that she was being sexually  
20 assaulted by her foster father and his son [who has the  
21 pseudonym 'John']. This was alleged to have happened on  
22 occasions when the foster father and 'John' returned  
23 from an evening's drinking. The police woman was on  
24 leave until Wednesday, 11th, and it was arranged that we  
25 would meet on that date to further discuss the matter

1 with 'Anthea'. I would pick 'Anthea' up at school on  
2 that date at 4 pm and take her to Police Headquarters in  
3 St Andrews."

4 At this point we see that an allegation of sexual  
5 abuse has been made. It's come through a friend and her  
6 mother. It's been reported to the Social Work Committee  
7 Department and the social worker speaks to the police  
8 officer, who's on holiday until the 11th, so nothing's  
9 going to be done until she returns from holiday.

10 Do you have any comment in relation to that?

11 A. It's all wrong. It's a delayed response, it's not  
12 taking the concerns seriously enough and it's leaving  
13 a child in a vulnerable or potentially at least  
14 vulnerable situation.

15 Q. Then if we go on over the page, we see on 11 March 1981,  
16 the second part of that entry:

17 "We later escorted 'Anthea' back."

18 So 'Anthea' was taken to the police, she -- if we  
19 maybe perhaps for completeness just scroll back a bit,  
20 so 11 March 1981:

21 "Called at the school accompanied by a shorthand  
22 typist for 'Anthea', but Mr Hodge [who I assume is the  
23 headmaster] had forgotten to tell 'Anthea' and had to  
24 get her off the school bus. We then proceeded to Police  
25 Headquarters in St Andrews. 'Anthea' was interviewed in

1           our presence by the police officer and she indicated  
2           that 'John' had had intercourse with her on one occasion  
3           and that the male carer had on several occasions fondled  
4           her both over and under her clothing. She went into  
5           detail with the police woman regarding these occasions.  
6           An interesting point is that before we left the school  
7           I explained to 'Anthea' why we were there and that we  
8           were going to see the police concerning the allegations  
9           that her friend's mum had made to the police. She burst  
10          into tears and denied that she had been sexually  
11          assaulted but this was because she confused sexual  
12          assault with physical assault and yet all the time she  
13          was being questioned by the police woman she was quite  
14          cool, calm and collected. Before we left the Police  
15          Headquarters, a further meeting was arranged for the  
16          following day, 12 March, when the female carer [and the  
17          other two foster sisters] would be present."

18                 This was going to be at Police Headquarters.

19                 "We later escorted 'Anthea' back to the home of the  
20          carers. Normally when I arrive there I am met at the  
21          door of the house and escorted into the sitting room but  
22          tonight we required to make our own way through and from  
23          the demeanour of the carers and 'John', they were very  
24          much aware of the reason for my visit accompanied by  
25          'Anthea'. I asked that the children leave the room so

1 that we could talk to the three adults and I explained  
2 what 'Anthea' had said and how it had come to the notice  
3 of the police. The male carer said 'we have been having  
4 trouble with 'Anthea' at home'. The female carer said  
5 'after all my work and all I have done for them'.  
6 'John' made no comment. The female carer started to  
7 weep and left the room to return later and I advised  
8 them all that they should say nothing and do nothing to  
9 'Anthea'."

10 Do you have any comment about relation to what  
11 happened there?

12 A. Yeah, I think if we pause and take a step back and  
13 actually what should be happening here is that the child  
14 needs to be listened to, first and foremost. You know,  
15 they've stood up and they've voluntarily made  
16 an allegation, and how that runs from there depends on  
17 the response to that allegation. It depends whether or  
18 not they feel listened to, whether there's trust,  
19 whether there's warmth, and clearly if that -- if any of  
20 that isn't present, and there's always a risk that they  
21 will retract the allegation and they will deny that it  
22 ever happened or they will change it ever so slightly.

23 So that's the first point I would make.

24 The second is that in terms of the visit to the  
25 house and the interview or the questioning of the

1 parents, then their instant response is -- doesn't seem  
2 to be child-focused at all. It's -- actually it's:  
3 "They've been difficult, their behaviour's been bad,  
4 we've been struggling".

5 So there's no questions about what might motivate  
6 them to make these allegations, if they were untrue, let  
7 alone any acceptance of the possibility or  
8 responsibility if they were true.

9 So I think now what we'd like -- what we'd do, in  
10 fact, in a scenario such as this, is interview the child  
11 appropriately. Interview the family appropriately. If  
12 necessary, carry out a medical examination of the child,  
13 sensitively of course, and make a rounded and structured  
14 professional judgement on the basis of all of that  
15 information as to whether or not it remained suitable  
16 either now or going forward in the medium and long term.

17 And it may be that in a scenario like that we would  
18 want to take the child out whilst we carried out that  
19 full and proper assessment and/or investigation.

20 But I think ultimately, you know, the social work,  
21 we would -- you know, there's the balance of -- there's  
22 beyond reasonable doubt and there's the balance of  
23 probabilities, and our view -- you know, even if the  
24 police weren't able to pursue a formal criminal  
25 investigation which led to a charge and a conviction and

1 suchlike, our view would be actually what's the balance  
2 of probabilities here or possibilities even, and is  
3 it -- in the round, does it remain suitable for that  
4 child to remain in that placement?

5 LADY SMITH: Glyn, just going back to the very beginning of  
6 this set of events. You have a friend of the girl's  
7 making the allegation known. A decision that the social  
8 worker will collect the child from school and take her  
9 to the police. Nobody makes any specific arrangements.  
10 Social worker turns up and she has to be taken off the  
11 bus.

12 A. (Witness nods)

13 LADY SMITH: It looks as though that's the first that the  
14 girl knew about being taken to the police to tell her  
15 story.

16 A. Yeah.

17 LADY SMITH: That sounds dreadful. It's certainly not  
18 trauma informed.

19 A. Yes.

20 LADY SMITH: What would happen now in those circumstances to  
21 appropriately prepare the child for talking to the  
22 police?

23 A. So we have a model called JIT, joint investigative  
24 interviewing between the police and social work, and  
25 they would apply that and they would take a --

1 LADY SMITH: Sorry to interrupt, we're going right back to  
2 these circumstances. She's in the dark.

3 A. Yes.

4 LADY SMITH: She's got a day at school. She's finished her  
5 day at school --

6 A. Yes.

7 LADY SMITH: -- but arrangements have been made to take her  
8 to the police station. What do you do about explaining  
9 to the girl that there are plans to interview her?

10 A. "An allegation has been made. We need to respond to the  
11 allegation. We've got your welfare and safety at heart  
12 and we would like to speak to you about that."

13 And to take it from there in terms of that joint  
14 investigative interview being carried out sensitively  
15 and appropriately.

16 LADY SMITH: Right.

17 A. And informed by the age and stage of development of the  
18 child as well. As opposed to what seems to have been  
19 what somewhat brutally happened on this occasion.

20 LADY SMITH: Thank you.

21 Ms Innes.

22 MS INNES: Thank you, my Lady.

23 We see that 'Anthea' was put back into the foster  
24 home with the foster parents and 'John' knowing the  
25 nature of the allegations, and we've seen their reaction

1 to that.

2 And I think you were saying that you'd look at --  
3 it's not the balance of -- even the balance of  
4 probabilities, it's possibilities, so at this stage it's  
5 a risk assessment you're looking at?

6 A. Yeah.

7 Q. She was left there overnight and we see on [REDACTED] 1981  
8 that 'Anthea' was medically examined and there was  
9 evidence that would be supportive of the allegation that  
10 was made and at that point, at the bottom of the page,  
11 we see that a decision was taken:

12 "To bring the children back to Dundee with me  
13 although it was quite late. The parting was quite  
14 traumatic."

15 So the social worker seems to have decided following  
16 the outcome of the medical that action needed to be  
17 taken immediately?

18 A. Yeah.

19 Q. We do see elsewhere in the records, I'm not going to go  
20 to them, but that 'Anthea' -- after they were moved, she  
21 appeared to be carrying guilt for having spoken out  
22 because it resulted in all of her siblings being moved  
23 as well.

24 A. (Witness nods)

25 Q. And we've also heard that she's the one who's made the



1 allegation, she's the one that's then moved. One can  
2 understand that. But that somebody in 'Anthea's'  
3 position, it can feel guilt or that they are being  
4 punished.

5 A. Yeah.

6 Q. Do you have any comments in relation to that issue?

7 A. Well, they can. They can feel guilty and frightened  
8 and ...

9 Again, we would want to be supporting them, you  
10 know, to recognise that actually they've done nothing  
11 wrong, that it's their welfare and safety we have as the  
12 paramount consideration and that it's the adults that  
13 are responsible, not her. And then to continue with  
14 that kind of warm, trauma-informed, nurturing  
15 relationship-based approach throughout in the subsequent  
16 placement as well, where again they would need to adapt  
17 and adjust to a new set of circumstances and a new set  
18 of carers, and expecting the carers again to mirror that  
19 type of approach as well so that it's genuinely, as far  
20 as possible, a supportive and seamless pathway from one  
21 to the next, where they understand that, in a sense,  
22 they're being held and they're being kept safe.

23 Q. Okay. I'm going to move on from 'Anthea's' evidence and  
24 I want to ask you about the evidence of Peter Kelbie,  
25 I think you're aware of his evidence. He gave evidence

1 on Day 306, 8 July 2022. You know that Peter gave  
2 evidence in relation to the death of his sister Alexina,  
3 when she was in foster care in Dundee. I asked you  
4 about this matter when you gave evidence previously and  
5 I was asking whether you'd been able to find any file or  
6 anything at that time and I think the answer to that was  
7 no --

8 A. (Witness nods)

9 Q. -- that you've not been able to find any files relative  
10 to Alexina's care?

11 A. That's right.

12 Q. You thought that was to do with the fact that she'd died  
13 in care, her file hadn't been retained.

14 A. That's right. I think the file destruction period is 25  
15 years after the death of a child.

16 Q. Okay. We know and we looked at during Peter's evidence  
17 that in September 2021 he received information from the  
18 police which included information from a review which  
19 was carried out in 2006, in which it was concluded from  
20 photographic evidence that it was impossible to conceive  
21 of -- difficult if not impossible to conceive of  
22 an explanation for the injury pattern and death of  
23 Alexina, other than an assault, although of course the  
24 professor couldn't definitively establish a causal link,  
25 because he was looking at photos, he wasn't carrying out

1 a post-mortem.

2 Have Dundee City Council ever offered any  
3 acknowledgement or apology to Peter in respect of  
4 Alexina's death?

5 A. As I understand it, there has been correspondence over  
6 the years between what possibly was Tayside Regional  
7 Council at the time and Dundee City Council since then.  
8 I understand anecdotally, for instance, that either  
9 Tayside Regional Council or Dundee City Council funded  
10 a memorial for her after she died.

11 Then that more recently, following on from the  
12 culmination of police investigations, reinvestigations  
13 and reviews of those investigations and external expert  
14 views, Mr Kelbie again wrote to Dundee City Council,  
15 still clearly upset over the circumstances of his  
16 sister's death and still clearly of a strong view that  
17 the foster carers had caused that death, and that in  
18 response to that and on the basis of this really being  
19 a police investigative matter and the police having  
20 reached their own conclusions, the council wrote back to  
21 Mr Kelbie and offered utmost sympathy for the  
22 circumstances that he was in and the nature of his  
23 sister's death, and encouraged him to make contact with  
24 the Scottish Child Abuse Inquiry at the same time.

25 Q. Okay. So sympathy was expressed but there was no

1 apology or acknowledgement that this happened when  
2 Alexina was in foster care?

3 A. There was an acknowledgement that she'd died whilst in  
4 foster care, but there wasn't an apology that that was  
5 the responsibility of either the foster carers or Dundee  
6 City Council or its equivalent at the time, Tayside  
7 Regional Council, based on the police investigation and  
8 reinvestigations and suchlike, it was a police matter in  
9 that regard.

10 LADY SMITH: Ms Innes, it's after 11.30.

11 MS INNES: Yes.

12 LADY SMITH: I think we'll take the morning break now if  
13 that would work all right for you, Glyn, and I'll sit  
14 again in about quarter of an hour or so.

15 Thank you.

16 (11.33 am)

17 (A short break)

18 (11.51 am)

19 LADY SMITH: Are you ready for us to carry on, Glyn?

20 A. Yes, thanks.

21 LADY SMITH: Thank you very much.

22 Ms Innes, when you're ready.

23 MS INNES: Thank you, my Lady.

24 I want to ask you about an applicant with the  
25 pseudonym 'Brian' who gave evidence on Day 309 -- sorry,

1 his statement was read in on Day 309, 14 July 2022. On  
2 that date reference was made to a number of 'Brian's'  
3 records and I want to give you the opportunity to  
4 comment on some of the matters within them.

5 We know that 'Brian' was in a foster placement in  
6 [REDACTED], initially with his older siblings and his  
7 younger sister, and then his older siblings left and he  
8 was there from 1981 to 1987.

9 I wonder if I can begin, please, by looking at --  
10 it's at DUN-000000730 and I want to look at the  
11 assessment of the foster carers, which, just to  
12 orientate ourselves, begins at page 21. This is the  
13 form completed with details of the foster carers.

14 In the course of this assessment, there are some  
15 comments about the attitude of the foster parents and  
16 their outlook and if we can move on, please, to page 23,  
17 and if we go to the very bottom of the page where it's  
18 talking about the personality and philosophy of life,  
19 towards the bottom of the page you'll see a paragraph  
20 that's been highlighted at the side, just to make clear,  
21 that's not our highlighting, that's the way the records  
22 came to us.

23 In the last couple of lines it says:

24 "The prospective male carer impressed us as a man of  
25 sound common sense, a good sense of humour, including

1 the capacity for laughing at himself, warm hearted,  
2 perhaps a little rigid in outlook ..."

3 It's broken off at that point, I think.

4 If we move on to the next page, page 24, and at the  
5 bottom of this page, this is an assessment of the female  
6 carer. Again the paragraph at the end that's  
7 highlighted there:

8 "My assessment of her personality is that she is  
9 a very positive woman who is reluctant to face reality  
10 when this contains a painful element; intelligent and  
11 sensible, but without deep insight, interested in her  
12 children and involved in their development but with  
13 little time for explanations based on child psychology,  
14 determined, perhaps rather selfish, and occasionally  
15 intolerant of views which differ from her own."

16 In that assessment we see the assessment of the  
17 writer of the personality of each of these carers and  
18 there are some positives within them.

19 However, in relation to the male carer we saw that  
20 he potentially had a rigid outlook and in respect of the  
21 female carer we see things like reluctant to face  
22 reality when it contains a painful element, issues about  
23 little time for explanations based on child psychology,  
24 intolerant of different views.

25 A. (Witness nods)

1 Q. Are these matters that, if they were flagged at  
2 an assessment stage, would give rise to concerns about  
3 these people becoming foster carers?

4 A. Definitely. Absolutely. It's a recipe, I think, for  
5 a difficult if not unviable set of care arrangements.  
6 They're all factors which don't contribute towards  
7 nurturing, trauma-informed care and substitute  
8 parenting.

9 Yeah, we'd have concerns about that regardless of  
10 any other aspects of an assessment. If that was  
11 apparent, then that would probably override anything  
12 else.

13 LADY SMITH: Glyn, I see in that same paragraph above the  
14 section that's just been read out there's also reference  
15 to her having chosen to conceal certain aspects of her  
16 personal history. Two things are referred to, 1, her  
17 previous marriage, and, 2, to her misrepresenting  
18 certain facts, namely her account of her stepson's  
19 problems.

20 A. (Witness nods)

21 LADY SMITH: Are those also matters that would have given  
22 rise to concern?

23 A. Most definitely. Yeah.

24 LADY SMITH: Thank you.

25 MS INNES: If we go on to page 5 again towards the bottom of

1 section 22, so in the middle of the page, I think, this  
2 is page 25, sorry.

3 If we scroll down towards the bottom -- stop there.  
4 We can see underlined just above the section 23, we can  
5 see:

6 "Mrs [Blank] says that she was married at the age of  
7 20 to a man who was 16 years older than she was. This  
8 fact was not entered on the fostering application form  
9 and was only discovered when I saw the couple's marriage  
10 certificate -- a routine procedure carried out on my  
11 last visit. Asked to elaborate on this marriage, which  
12 ended in divorce after 10 years, the woman seemed  
13 reluctant to discuss this freely. In answer to direct  
14 questions she maintained that the marriage had failed  
15 because she outgrew her first husband."

16 Then further reflections in relation to that.

17 If we look below 23 there's a paragraph:

18 "I am concerned about the lack of honesty  
19 surrounding this marriage and the generally defensive  
20 manner which the woman seems to have adopted about it.  
21 It leaves me with all kinds of suspicions about why she  
22 has reacted this way and raises doubts about her  
23 capacity to be open and frank in other ways. Due to the  
24 need to complete the application I have been unable to  
25 pursue this aspect with her."



1           The writer of the report seems to express precisely  
2           what the concerns are about this lack of candour, so  
3           there's information that the writer's not getting to the  
4           bottom of.

5    A.   Mm-hmm.

6    Q.   And the carer isn't making a full disclosure.

7    A.   Mm-hmm.

8    Q.   I assume these would be matters of concern at the  
9           assessment stage?

10   A.   Yes.  Yes.  If you have the capacity to be dishonest  
11           about one thing, then equally you have the capacity not  
12           to share information about something else when a child's  
13           under your care.

14   Q.   I notice it says: "Due to the need to complete this  
15           application, I have been unable to pursue this aspect  
16           with her", and it looks like there's some pressure of  
17           time that meant that this issue couldn't be explored  
18           further, but yet it seems to be an issue of importance.  
19           Do you have any comment on that and how that might be  
20           dealt with?

21   A.   It does seem to be a time constraint issue but it's  
22           a key issue.  That said, she's already been dishonest.  
23           She's already lacked transparency.  I think, you know,  
24           we can be pretty conclusive about that even then.

25   LADY SMITH:  As we read on, Glyn, there are a couple of

1 lines that tell us they're assessed as being:  
2 "A 'physical' couple who admit to occasional bouts of  
3 fury, usually over minor matters which neither can  
4 recall afterwards and always resolved after a brief  
5 period of keeping out of each other's way".

6 I'm not conscious of having seen that recorded in  
7 anyone else's records, what do you make of it?

8 A. There are clearly issues with their relationship and the  
9 way they communicate and resolve problems, which I think  
10 is alluded to in the earlier comments about his approach  
11 towards parenting and her approach towards solving  
12 difficult issues and being open and dealing with  
13 difficult issues. I think you've got a situation like  
14 that.

15 LADY SMITH: Social workers needed to envisage what that was  
16 going to be like for a child witnessing these bouts of  
17 fury, didn't they?

18 A. It would mean potentially, even inevitably, perhaps,  
19 that there's a risk of the child re-experiencing trauma  
20 similar to that which justified them being taken into  
21 care.

22 LADY SMITH: Exactly. Thank you.

23 MS INNES: If we go over to the next page, please, page 26,  
24 we see discussion of parenting capacity and first of all  
25 in relation to the male carer it talks about his:

1           "Experiences of being parented by elderly  
2           grandparents, who do not appear to have been either  
3           emotionally close to him nor particularly involved in  
4           his progress. Appear to have influenced his attitude to  
5           the children of his first marriage. Even in retrospect  
6           there is little evidence that he really understands that  
7           the basic needs of his oldest son were not met by the  
8           frequent changes of carer -- that simply providing  
9           a home was not really sufficient to ensure this boy's  
10          emotional security when an attachment figure was absent  
11          or changing."

12           That's a reflection on his relationship with his own  
13          son, where there seems to be a lack of ability to  
14          understand that his basic needs were being met by him  
15          moving about?

16   A.   (Witness nods)

17   Q.   And failing to understand -- and it wasn't just about  
18          providing a home. I suppose there are some things there  
19          that would resonate with the experience of foster  
20          children if they've been moved from one carer to another  
21          and that fostering isn't just about putting a roof over  
22          somebody's head.

23   A.   (Witness nods)

24   Q.   I mean, are those issues that would be a concern in  
25          an assessment?

1 A. Yes, they are. On the face of it, this seems to be  
2 quite an insightful analysis and there's clearly a risk  
3 that his own experience of parenting will get reproduced  
4 as a parent whilst caring for children.

5 Q. Then it goes on to talk about other aspects.

6 At the very bottom of this section before it goes on  
7 to section 25, the last couple of sentences say:

8 "Like his wife he is non-materialistic and a firm  
9 believer that country life provides an ideal environment  
10 for growing children. Neither has much tolerance or any  
11 sympathy with the attitudes of city-dwellers."

12 Of course, ultimately we know that 'Brian' went from  
13 the city to live with these carers.

14 A. (Witness nods)

15 Q. So they appear to have some issues with that?

16 A. Yeah, and actually country life doesn't necessarily  
17 provide an ideal environment for growing children.

18 Q. Then parenting capacity of the prospective female carer,  
19 if we look down to towards the bottom, maybe about ten  
20 lines from the bottom there's a sentence:

21 "Mrs [Blank] has firm views on her role as a parent.  
22 She understands her children and their different ways of  
23 reacting to situations, although I do not think that she  
24 would tolerate moodiness or negative responses such as  
25 complaints or self-pity. She is ambitious for her

1 children to the extent that she wants them to reach  
2 their own particular potential. The value of praise and  
3 appreciation in developing children's confidence and  
4 self-image are recognised -- though she would not  
5 express the concept in those terms.

6 "Self-discipline is considered vital and encouraged  
7 by giving the children incentives, for example each has  
8 a dog ..."

9 There's reference to dealing with the dog.

10 Then the last couple of lines on this page:

11 "Punishments for younger children included the  
12 occasional smack, but as they have got older they have  
13 been deprived of privileges or confined to their rooms  
14 for a while."

15 Within that we see the attitude of the female carer,  
16 and one of the things mentioned is that she wouldn't  
17 tolerate moodiness or negative responses.

18 A. (Witness nods)

19 Q. Again, thinking about a child that might be coming into  
20 care from having suffered trauma, would that give rise  
21 to a concern?

22 A. Yes. Yes, it strikes me as a cold and clinical, a rigid  
23 environment, which wouldn't be suitable to a child where  
24 they're likely to have been traumatised by the very fact  
25 that they've been taken away from their own birth

1 parents, let alone the experiences they will have  
2 endured whilst with their own birth parents. It is  
3 a recipe again for a problematic care arrangement should  
4 it go ahead.

5 Q. Obviously there's the issue of punishment there, where  
6 smacking is mentioned, deprivation of privileges and  
7 being confined to their rooms. I assume that you  
8 would -- if you're carrying out an assessment, you would  
9 look at the prospective foster parents' attitudes to  
10 discipline or managing behaviour?

11 A. Absolutely, yeah, and that would be completely  
12 inappropriate.

13 Q. Okay. If we can move, please, to page 30, and  
14 "Motivation and present understanding of fostering task"  
15 is covered. If we look again at the highlighted  
16 paragraphs:

17 "The whole family express the hope that any foster  
18 child will become a permanent member of the family after  
19 successful introductions have taken place. Contact with  
20 natural relatives would be tolerated only if the carers  
21 were convinced that this was in the best interests of  
22 the foster child."

23 I suppose the way that's framed, obviously contact  
24 should be in the best interests of the child.

25 A. (Witness nods)

1 Q. We'll come back to that again in a moment. They then  
2 say:

3 "As they are sceptical of the value of some social  
4 work procedures and dismissive of [I think it should  
5 say] what they regard as the somewhat weak attitudes to  
6 children's problems based on developmental psychology,  
7 it is not surprising that the couple have been barely  
8 tolerant of the assessment process. At times their  
9 attitude, particularly the female carer, has indicated  
10 that she considered the whole exercise superfluous,  
11 expressing her opinion that the only way to judge  
12 whether or not a placement would work would be to  
13 introduce the children to the family with minimum  
14 delay."

15 A. (Witness shakes head)

16 Q. Again, you're shaking your head at that. What's your  
17 response to what's said there?

18 A. This is just a lack of insight, a lack of reflection or  
19 consciousness of what constitutes good parenting.  
20 There's a lack of a capacity to be open to challenge or  
21 criticism. There's a lack of capacity to be able to  
22 work collaboratively, either with social work or in fact  
23 with children and young people. All told, it again is  
24 a very rigid, arrogant even, attitude towards childcare.

25 Q. If we go down to the bottom of the page we see,

1 "Tolerance of contact with natural family/people from  
2 the child's past". The answer there is:

3 "Links with natural family would be maintained if  
4 appropriate for a long-term foster child. They would  
5 question the relevance of visits which were of no  
6 significance to a child. Difficult parental behaviour  
7 would not be tolerated for fear of upsetting their own  
8 children."

9 Do you have any reflections on their views in  
10 relation to contact?

11 A. It would be the social work assessment that determines  
12 the nature and frequency of contact as opposed to their  
13 own. They would obviously be encouraged to offer a view  
14 on that in terms of whether or not ongoing that contact  
15 was having an impact on the child and that would be  
16 considered as part of the assessment, but again it  
17 suggests that -- well, it suggests a degree of arrogance  
18 again. They think their view should supersede that of  
19 the professional assessment.

20 Q. Then we know that these carers, despite these issues  
21 that we've seen flagged in the assessment, they were  
22 approved as carers --

23 A. (Witness nods)

24 Q. -- and 'Brian' and his siblings were placed with them.

25 If we can move on, please, to page 10, we see



1 a child in Care Review, a social worker's report for  
2 a review. If we scroll down to the bottom of the page,  
3 we see that in the pen picture it's generally positive.  
4 Then it says:

5 "Summary of work done."

6 "My contact with the family has been mostly limited  
7 to visits at times of contact with natural family.  
8 I have not carried out any work on story books yet.  
9 Contact with natural family has been the only  
10 significant problem to date. Family see most issues in  
11 fairly black and white terms and remain unenthusiastic  
12 about social work perspectives and attitudes."

13 That seems to be the issue that was flagged in the  
14 assessment coming to fruition.

15 A. (Witness nods)

16 Q. If we move on to page 11 at paragraph 8, "Future  
17 action", there's reference to story books, which  
18 I assume would be life story work?

19 A. Mm-hmm.

20 Q. "Preserve contact with natural family if possible. If  
21 children had not been long-term fostered I would have  
22 been counselling mother towards adoption now. Visits to  
23 Dundee for children give me a natural opportunity to  
24 discuss various issues with children direct. I remain  
25 rather concerned about foster parents' rather rigid

1 outlooks about certain issues and how this bodes should  
2 children present problems at a later stage. Otherwise  
3 I am happy with placement."

4 Do you have a comment on what the social worker is  
5 saying there?

6 A. The -- the -- the assessment and identification of risks  
7 and concerns doesn't seem to be properly informing the  
8 conclusions in terms of whether or not it's a suitable  
9 care arrangement. And in some ways the assessor has  
10 predicted some of these issues emerging, and yet once  
11 they do perhaps inevitably emerge, they're still not  
12 taking the appropriate measures to address them.

13 Q. Then we know that 'Brian's' two older siblings left the  
14 placement and he and his sister remained.

15 If we go on to page 12, we see another review on  
16 23 September 1985, and if we scroll towards the bottom  
17 of the page, the second-last paragraph, so it's:

18 "[Blank] and [blank] were once placed  
19 themselves ..."

20 So:

21 "The two older children once placed themselves with  
22 'Brian' and his sister. However, after difficult  
23 behaviour and disagreements, both of the older children  
24 left the placement and felt and continue to feel  
25 acrimonious towards the foster carers. This feeling is

1 mutual and the foster carers refuse to allow the older  
2 children to come to the house.

3 "It is felt important for 'Brian' and his sister to  
4 continue to have links with other members of their  
5 family, ie their siblings. It is important for their  
6 sense of identity. These access visits have proved  
7 problematic in the past not only because they stir up  
8 old feelings concerning past unresolved conflicts  
9 between the foster carers and the older children, but  
10 also because of the feeling that the older children have  
11 suggested that the younger children should leave the  
12 carers. They feel it is an unsatisfactory placement.  
13 In the past the social worker has made considerable  
14 efforts to persuade the older children [over the page]  
15 not to disrupt or undermine the placement for [the  
16 younger children] by, for example, suggesting that they  
17 leave the placement and come to live with them in  
18 Dundee. In the past [another person] is still known to  
19 see the children ..."

20 Here there's an issue not about contact with the  
21 parents, but now sibling contact, and again would you  
22 see that as a problem?

23 A. Yes, because we would want to maintain and support  
24 sibling contact and ensure that it was -- that it was  
25 mutually comfortable and supportive. That doesn't seem

1 to be happening here.

2 Q. If we go into the next paragraph, it talks about  
3 a review and talks about consideration of parental  
4 rights now that they don't have parental figures, as  
5 we'll see in a moment the mother had died.

6 "It was also recognised at the review that the  
7 present fostering placement was currently meeting the  
8 needs of the younger children [so 'Brian' and his  
9 sister]. However, it was accepted that it wasn't  
10 an ideal placement given the strong feeling of hostility  
11 between the carers and the siblings. In order to help  
12 the younger children come to terms with both the death  
13 of their mother and to help them trace past events in  
14 relation to their own family, it was thought that  
15 photographs and a life story book with a chronological  
16 history from birth might help them achieve a greater  
17 sense of identity."

18 And they talk about how they might do that.

19 So here, where the children have lost their mother,  
20 one would think that maintaining the sibling  
21 relationship and that mutual support would have been  
22 important to maintain and encourage?

23 A. Yes, absolutely.

24 LADY SMITH: Surely all the more so when the four children  
25 had previously been living together in the same

1 household?

2 A. Absolutely, yes. I mean, there's already been  
3 a profound sense, clearly, of bereavement, of grief, of  
4 loss, and that's compounded by the separation now from  
5 the brothers and sisters, so you'd want to retain some  
6 sense of -- as far as possible, some sense of normality  
7 and mutual support and that's been fractured.

8 LADY SMITH: A life story book isn't going to substitute for  
9 that, is it?

10 A. I was going to say the life story work feels somewhat  
11 tokenistic in that context. And obviously given the  
12 rigid attitude towards parenting that actually is  
13 likely -- whatever positive impact the life story work  
14 might have, it's going to be undermined by their rigid  
15 attitude towards parenting.

16 LADY SMITH: Indeed, thank you.

17 MS INNES: We know from 'Brian's' evidence that I think he  
18 and his sister later made a complaint to the police  
19 after they had left the placement in 1993 in respect of  
20 abuse and excessive work in the placement and a few  
21 years after that it looks as though they approached the  
22 Local Authority to find answers to questions.

23 If we look, please, at page 40, this is a memo from  
24 a Karen Bowie to Harriet Dempster, who was then Head of  
25 Children's Services, on 1 May 1998. It refers to

1 'Brian' and his sister and it refers to them previously  
2 being in the care of Tayside Region and they've  
3 requested access to their files to try to find answers  
4 to questions:

5 "As you know Donal Giltinan has recently undertaken  
6 an investigation into their complaint regarding their  
7 care when placed with foster carers."

8 One of his conclusions was that they should be given  
9 supported access to their files.

10 We understand from 'Brian's' evidence that I think  
11 later, if we move on maybe to page 36, he made enquiries  
12 to try to find a copy of the report that had been  
13 carried out, so at page 36 of this document.

14 We see a letter from the Director of Social Work in  
15 Dundee to Ms Dempster, who I think by that time had  
16 moved to Highland Council. He talks there about having  
17 contact with 'Brian' in 1998/1999, as he and his sister  
18 made a complaint which was investigated by  
19 Donal Giltinan. A full report was shared and he thinks  
20 they received copies, but 'Brian' left his with his  
21 solicitor, who has since died, and the successor company  
22 would appear to have lost the document and they were  
23 trying to find this. In the final paragraph he's  
24 saying:

25 "I appreciate how important the report is to him as

1 an account of his and his siblings' period in the care  
2 of Tayside Region."

3 But I don't think the report was ever found. It's  
4 certainly not in the files that we've recovered.

5 A. (Witness nods)

6 Q. It looks as though there was some kind of investigation  
7 into the circumstances of 'Brian's' care --

8 A. Mm-hmm.

9 Q. -- but the report itself has been lost?

10 A. Yes.

11 LADY SMITH: That seems to have been back in 1998/1999 that  
12 that took place?

13 MS INNES: That's when the report was prepared. It may  
14 explain the highlighting on some of the document because  
15 it looks as though documents have been reviewed later  
16 and certain issues highlighted. But unfortunately the  
17 report isn't in the file and it looks as though the  
18 Local Authority were making every effort to find it,  
19 including contacting the previous Director of Social  
20 Work.

21 I'd like to move on from 'Brian's' evidence to some  
22 other evidence that was given during the course of the  
23 case study and this was evidence given by  
24 Christopher Scott, who was a child in foster care, and  
25 we also heard related evidence from Emma Hann and also

1 from Mr and Mrs Campbell.

2 Again, I wanted to ask you about some aspects of the  
3 involvement of the social work department in this foster  
4 care arrangement.

5 I wonder if we could look first of all, please, at  
6 CFS-000011321.

7 We see that this is a foster home assessment of the  
8 Campbells. If we scroll down a little, we see:

9 "Mr and Mrs Campbell were encouraged to apply to  
10 foster by Mrs Tipping, social worker in the Kirkton  
11 suboffice, who is a friend of theirs and thought they  
12 would be ideal to foster Christopher Scott, a child on  
13 her caseload."

14 We've heard evidence that Mrs Tipping was indeed  
15 a friend of the Campbells and that she was Christopher's  
16 social worker, and it looks as though she has suggested  
17 that these people apply to foster specifically to take  
18 Christopher.

19 A. (Witness nods)

20 Q. We also know that at the very start of Christopher's  
21 placement with the Campbells, Mrs Tipping remained  
22 Christopher's social worker. There was a change which  
23 we'll come onto in a moment.

24 Do you have any reflections on that, if there's  
25 a relationship of that nature, how would that or how



1 should that be dealt with?

2 A. There are issues in relation to professional boundaries  
3 and conflict of interest. It's one thing for a social  
4 worker to encourage a family to express an interest in  
5 becoming foster carers, it's quite another to do that  
6 and then say, "You'd be ideal to care for a particular  
7 child or young person I currently have on my caseload",  
8 and again another concern is that that same social  
9 worker should then continue to support that child whilst  
10 in the care of that family.

11 It invites potential issues in terms of --  
12 particularly if that same social worker's brought in not  
13 just the children but also the foster carers, it invites  
14 issues in terms of collusion and just lacking  
15 objectivity in terms of the ongoing assessment of the  
16 carers and the needs of the child.

17 LADY SMITH: Would you agree that it cannot be good practice  
18 to allow a social worker to be the social worker for  
19 a foster child in circumstances where the foster parents  
20 are personal friends of that social worker?

21 A. Completely agree, yeah.

22 MS INNES: In the next paragraph it goes on to note that the  
23 author of this document, who for the avoidance of doubt  
24 is not Mrs Tipping, it's somebody else in the department  
25 who is carrying out the assessment, and she says:

1           "Before meeting the Campbells, I was reluctant to  
2           pursue their application due to the fact that they had  
3           lost their baby of four months, five weeks earlier. The  
4           baby died suddenly in her pram in the garden, there was  
5           no question of neglect and the post-mortem gave  
6           inhalation of vomit as the cause of death. However,  
7           I have been so impressed by the Campbells that I can see  
8           no risks in approving them as foster parents at this  
9           stage. They have completely accepted the baby's death,  
10          largely due to their belief in God and an afterlife.  
11          Naturally, they were shocked and dazed initially, but  
12          their cheerful and realistic attitudes to life in  
13          general plus their faith have helped them readjust to  
14          a normal life remarkably quickly.

15                 "I am convinced that they do not see fostering as  
16                 a way of providing a substitute for the baby. They are  
17                 both friendly and welcoming people and have thought  
18                 about fostering for some time. They are keen to offer  
19                 help to any child in need and should alternative plans  
20                 be made for Christopher Scott they would be happy to  
21                 open their home to any other child, being very flexible  
22                 in their attitudes."

23                 The assessment there flags that the couple have  
24                 recently suffered a loss of a baby and the assessor  
25                 indicates initial reluctance to pursue their application

1           because of that relatively recent bereavement. Do you  
2           have any comment in relation to that and how that might  
3           be dealt with?

4    A. I think from what we know about the process of  
5           bereavement in terms of shock, denial, acceptance,  
6           adaptation, et cetera, five weeks? It's just not likely  
7           to have come to terms with that tragic loss. I'm sorry,  
8           I think it's premature for somebody to say that they've  
9           completely accepted the baby's death largely due to  
10          their belief in God and an afterlife. I think that's  
11          somewhat naive and overly optimistic at best.

12   Q. Then on the next page, on page 2 of this document  
13          towards the end of the page, the second-last paragraph:

14                 "The Campbells live in a bungalow. There are three  
15                 bedrooms: one is spare since one of the children still  
16                 sleeps in a cot in her parents' bedroom. In the other  
17                 children's bedroom there are bunk beds and ample floor  
18                 space for another bed. There is also an attic room  
19                 which could be used when the children are older, at  
20                 present the iron ladder would be a danger to them."

21                 It looks like the attic space was accessed with  
22                 an iron ladder, and we've heard evidence that that was  
23                 the case.

24   A. (Witness nods)

25   Q. Would there be any concerns about that sort of

1 accommodation?

2 A. Yes, if there's inadequate space or the space available  
3 is inappropriate, then there would be concerns.

4 Q. It goes on to say:

5 "Mr and Mrs Campbell are a warm, down-to-earth and  
6 cheerful couple who have created a happy and united  
7 family. I am confident enough in their maturity and  
8 abilities to take the unorthodox course of recommending  
9 them for approval as foster parents when they have lost  
10 a child of their own so recently."

11 The writer of the report seems to recognise that it  
12 was unorthodox to recommend them in circumstances where  
13 they'd recently suffered this bereavement.

14 A. (Witness nods)

15 Q. They then talk about being thoughtful and flexible and  
16 suchlike. And it's recommended that they:

17 "... could be considered either for  
18 Christopher Scott or for any other child, short or long  
19 term."

20 We know that the Campbells were obviously approved  
21 as foster carers and that Christopher was placed with  
22 them.

23 Just in terms of the social worker involved, if we  
24 can look, please, at CFS-000011320, page 9. At the top  
25 of the page it says:

1            "This is a section 16 childcare case which was  
2 transferred from Mrs Tipping, social worker, to  
3 Ms Auchterlonie social worker in July 1976."

4            Then it says:

5            "I had discussed this case with Mrs Tipping before  
6 she left the department and I already knew Christopher  
7 as I was the social worker who first took him into care.  
8 Also I have looked after Chris and the other children of  
9 the foster parents for three days whilst Mr and  
10 Mrs Campbell were in Glasgow."

11           If the person who is "I" is Ms Auchterlonie, and if  
12 she's saying that she had looked after Christopher and  
13 the other children of the foster parents when the  
14 Campbells were away in Glasgow, does that seem to be  
15 an appropriate thing for a social worker to be doing?

16 A. It's completely inappropriate.

17 Q. I suppose it's about professional boundaries.

18 A. It's professional boundaries and it's the fact that, you  
19 know, your working circumstances, however good you might  
20 be as a professional qualified social worker, could be  
21 very well different from your home circumstances.

22           But, fundamentally, it is professional boundaries  
23 and objectivity in relation to decision making and the  
24 nature of your relationship with the children and young  
25 people.

1 Q. If we can move over now to page 12 and if we can look,  
2 please, at the entry dated 30 June 1977 and there's  
3 reference to a home visit and there's something that  
4 happened at the hospital, we've heard about this before  
5 in evidence, I'm not going to go into that with you,  
6 Glyn.

7 If we look towards the end of this paragraph,  
8 there's a part in brackets, so it begins:

9 "The doctor then talked to Chris on his own and  
10 Chris told him he took the liquid because he wanted to  
11 come into hospital and see the doctors again."

12 Then in brackets it says:

13 "He is a wee lad who would say anything as long as  
14 it pleased people and this is why it is difficult to  
15 know whether he is in fact always telling the truth."

16 The social worker there seems to have a recognition  
17 that the child says things to please people and does  
18 that concept arise that sometimes children say things  
19 because they think it's what the person wants to hear?

20 A. Yes, of course. And it's important to recognise when  
21 that might happen. Do recognise it, try and get  
22 underneath it and understand the reasons why.

23 But equally it's also important to recognise that  
24 even though they might have done that once, they don't  
25 necessarily do it all the time. So you need to treat

1 each and every sharing of information or disclosure on  
2 its own terms.

3 Q. Okay. If we can move, please, to page 13, at the top of  
4 the page there's a discussion between the social worker  
5 and the carer which refers to Chris getting into trouble  
6 at school for not paying attention.

7 "I advised Mrs Campbell to be strict with Chris and  
8 not to let him off with his cheekiness et cetera."

9 Then it goes on to talk about the reintroduction of  
10 his parents and meeting his parents. Do you have any  
11 reflections on that sort of advice being offered to  
12 a carer?

13 A. The term "strict", what does that mean? It's ambiguous.  
14 It could be quite loosely and conveniently interpreted  
15 as physical and inappropriate -- there needs to be much  
16 more trauma-informed specific about what actually is  
17 going to help Christopher in that care setting.

18 Q. If we go on to page 19, and to an entry of  
19 11 October 1978, there's reference to a telephone call  
20 to Mrs Campbell, reference to Christopher and about him  
21 potentially being baptised in the Mormon faith. Then it  
22 goes on:

23 "I arranged to visit them on Thursday,  
24 19 October 1978. Mrs Campbell asked me if I knew she  
25 was pregnant. I said no. She said that she never

1       seemed to get the chance to tell me on my own, and as  
2       they had not told the children until it was obvious she  
3       was pregnant she had forgotten to mention it to me.  
4       Anyway, she is due today and she will be going to  
5       Ninewells for two days. Mr Campbell will stay off work  
6       and look after the children during his wife's  
7       confinement. She is keeping very well indeed."

8               We know that the Campbells had a number of children,  
9       but here Mrs Campbell's mentioning it to the social  
10       worker on the day that she's due. Is that something  
11       that you would expect to be discussed with the social  
12       worker at an earlier stage?

13    A. Of course, because a pregnancy is going to have  
14       an immediate effect on the care arrangements, quite  
15       apart from the fact that when a new child is introduced  
16       to the family it's also going to have another effect.  
17       So the social worker absolutely needs to know that. In  
18       order to, you know, again consider the viability of the  
19       care arrangement and whether or not support needs to be  
20       adjusted.

21               I can't understand why the social worker wouldn't  
22       have noticed either.

23    LADY SMITH: If she'd been visiting regularly enough?

24    A. If she'd been visiting, absolutely.

25    MS INNES: If we can move on now, please, to page 22 and



1 this is an entry of 8 February 1980 at a home visit:

2 "Avril was still a bit low. She says she didn't  
3 know why really but Chris was getting her down a bit  
4 especially his schoolwork. I counselled Avril for  
5 a while before Chris came in from school. She is tired  
6 and has a lot on her hands with a house and six  
7 children. She has a homeless woman lodging with her now  
8 who is helping out a bit."

9 That gives us a bit of a picture about the home  
10 situation that Mrs Campbell by this time has the six  
11 children and she has a person who's lodging with her.

12 A. (Witness nods)

13 Q. Again, would that raise concerns about the pressure that  
14 the foster carer is potentially under in those  
15 circumstances?

16 A. (Witness nods)

17 Well, I think we'd got a situation where from the  
18 outset the social worker is seemingly on the basis of  
19 a friendship with the Campbells, tried to almost fit  
20 a square peg into a round hole, and here we are with  
21 issues emerging. She's pregnant, there's a number of  
22 children in the house, there's a homeless woman in the  
23 house who, who it doesn't seem an assessment has been  
24 carried out on, so there are unknown and unassessed  
25 risks.

1           So it is, it's concerning.

2   Q.   Then if we scroll down towards the bottom of the page,  
3       there's an entry on 18 February 1980, and there's a:

4           "Phone call from Avril first thing. Over the  
5       weekend she has had a fraught time with Chris. He has  
6       asked to be put back into Duncan Place Children's Home.  
7       She had a real heart to heart with him but he still  
8       wanted to go despite loving the Campbells."

9           There was then going to be a discussion about that.

10          Here we have Mrs Campbell telling the social worker  
11       that Chris has said to her that he's wanting to go back  
12       to the children's home.

13   A.   (Witness nods)

14   Q.   What would you do in relation to that? Would you have  
15       a meeting? Would you speak to the child themselves?

16   A.   (Witness nods)

17   Q.   What would you do?

18   A.   I would want somebody to speak separately with the  
19       child. A social worker independent of the foster carers  
20       to speak separately with the child and try to get to the  
21       bottom of why they want to move.

22          I would also probably want -- not just the social  
23       worker speaking to the foster carers, social worker  
24       speaking to Christopher, but also potentially  
25       an advocate coming in to again speak to Christopher and

1 explore his views from a more neutral perspective and  
2 put forward his views, if he struggled to do that  
3 himself.

4 So I think I would want that to be looked at in  
5 a lot more depth.

6 Q. Then at page 23, an entry dated 8 January 1981, so it's  
7 about a year later from the last entry that we looked  
8 at, so obviously Christopher is still with the  
9 Campbells. The social worker is taking Christopher to  
10 the clinic:

11 "Avril's not too happy about Christopher, the  
12 bed-wetting has stopped but he is still slow about doing  
13 things and has been telling a lot of lies lately [she  
14 says]. [She] feels he is doing his utmost to be  
15 different from the other children. I suggested to her  
16 that she set high standards for her children and  
17 Christopher was having difficulty meeting them. She  
18 acknowledged she placed a lot of importance on  
19 frankness, honesty and time keeping which Christopher  
20 obviously does not.

21 "Dennis is less critical of Christopher and  
22 suggested to his wife that the fault may be theirs  
23 pushing him too hard when he is not capable of doing  
24 certain things."

25 Then she says:

1           "Avril was looking tired and fed up and I feel  
2           perhaps that looking after seven children [by this  
3           stage] and renovating the old house is taxing all her  
4           strength. The new house is huge, it seems they got it  
5           quite cheaply as it was in such a dilapidated state, and  
6           are using the profits from the cottage to rewire the  
7           house and decorate and put in the new bathroom and  
8           kitchen furniture."

9           Again there's a description there of the  
10          circumstances, that they seemed to be in a house that's  
11          in a dilapidated state, that's having work done to it.  
12          There are seven children.

13          Again, if there was a move of home, would there be  
14          a re-assessment of the placement?

15    A. Yes, there would. And there are concerns here not just  
16          about the home but also about the general capacity to  
17          look after such a large number of children and  
18          specifically in relation to Christopher, concerns about,  
19          again, and it resonates with other care arrangements,  
20          blaming him for bed-wetting, which they seem, implicitly  
21          at least, to be suggesting it's his fault and treating  
22          him differently as well to other children in the house.

23          And, and, not adapting the parenting style to meet  
24          his needs. So inevitably -- you know, if the  
25          expectation is here and Christopher's here, then there's

1 going to be a disconnect and there are going to be  
2 problems.

3 Q. I'm going to move on to another applicant, who has the  
4 pseudonym 'Peter' and whose statement was read in on  
5 Day 331.

6 'Peter' was in foster care with carers in Fife from  
7 1981 to 1992, although they were based in Fife they had  
8 again applied to Tayside Regional Council and it's  
9 believed that Dundee is the relevant successor because  
10 'Peter' was from Dundee.

11 A. (Witness nods)

12 Q. In 'Peter's' evidence we know that he indicates that he  
13 suffered sexual abuse and he also says that his sisters  
14 made allegations of sexual abuse against the male carer,  
15 and shortly after they had left the placement, he was  
16 still in placement and his sisters made allegations.

17 We know that he left the placement shortly  
18 thereafter, in [REDACTED] 1992, and it appears from the  
19 records that you have provided that an audit was carried  
20 out of the case file after 'Peter' had left.

21 A. (Witness nods)

22 Q. If we could look, please, at DUN-000001205, you'll see  
23 that this is an audit of a case file on -- and this is  
24 the foster carer's family from December 1992. The three  
25 children referred to at the top are 'Peter' and his

1 sisters.

2 I wonder if we could look, please, at page 15 of the  
3 document, which sets out areas of concern that the  
4 reviewer noted when carrying out this audit.

5 First of all, it's noted that there were gaps in  
6 case recording for a number of periods.

7 A. (Witness nods)

8 Q. It also at 2 says:

9 "There is no evidence of visits to the children in  
10 certain periods."

11 In fact the reviewer says:

12 "During these periods the boarding-out regulations  
13 were being breached."

14 Because visits weren't being made.

15 In terms of recording, I assume you would agree that  
16 it's not acceptable for there to be such lengthy gaps in  
17 case recording?

18 A. It's both not acceptable and, if that happened today,  
19 currently, it would be a disciplinary, it would be  
20 an investigation.

21 Q. How do you ensure that records are kept up to date?

22 A. We have an electronic record system. All the teams are  
23 trained to use it. They're expected to update records  
24 timeously, so for instance if they see a family on  
25 a Monday, they're expected to update the record on that

1 same day. If not, as soon as practicable afterwards.

2 We carry out case file audits quarterly across the  
3 whole service, and the case file audits are structured  
4 in such a way that we assess the quality of the  
5 assessment, the plan, the chronology, the support, the  
6 information sharing and the outcomes, the impact of all  
7 that support on the child or young person.

8 And if there are issues, either within a team or  
9 across the team or within a team in terms of certain  
10 individuals, we -- depending on the nature and severity,  
11 we adapt support. And obviously if it's serious, then  
12 we treat it seriously.

13 Q. Yes. If somebody's not able to manage keeping up with  
14 the file recording, then they might need some support or  
15 their caseload might need to be looked at?

16 A. Yes. Clearly the expectations need to be realistic.  
17 Social workers always need to have a balanced caseload  
18 that's not just about numbers but it's about levels and  
19 types of risk and suchlike.

20 But in that context, and assuming somebody does have  
21 a balanced caseload and it reflects their stage of  
22 development in terms of whether they're newly qualified  
23 or they've got considerable experience, then we would  
24 adapt support accordingly.

25 But, as I say, if the issues were so severe or so

1 repeat, even after support was provided, then we'd be  
2 escalating that upwards and treating it -- dealing with  
3 it on a formal basis, shall I say.

4 Q. Not only in relation to case recording, but I assume if  
5 visits weren't being completed in accordance with the  
6 legislation, that's another issue that would be picked  
7 up on --

8 A. Yes.

9 Q. -- through supervision?

10 A. Yeah.

11 Q. There's reference at point 3 to a lack of an allocated  
12 social worker to the case and therefore the case was  
13 left in limbo for a period of time. I think that was  
14 from March 1990 to September 1990, it's not necessarily  
15 clear from that part of the record, but that was the  
16 period that it was left in limbo, about six months.

17 A. (Witness nods)

18 Q. Are there issues with cases being unallocated or do you  
19 always manage to ensure that cases are allocated to  
20 a particular social worker?

21 A. So generally, 95 per cent of the time, there's no  
22 waiting list and when cases come through the system  
23 after referral to one of our multi-agency screening  
24 groups and our intake teams, then they're allocated  
25 either to a locality team or an adolescent team.



1 Post pandemic, in Dundee as elsewhere, there have  
2 been issues with vacancies and recruitment, so that's  
3 left some gaps in some of the teams, so what we do there  
4 is either transfer staff into the teams or transfer  
5 cases out of the teams into other teams.

6 If that's still creating issues in terms of  
7 capacity, you know, managing that resource flexibly,  
8 then we prioritise in terms of risk. So if there's  
9 a particularly high-risk or medium-risk case that  
10 warrants immediate attention then it will be allocated.

11 If it's a lower risk case it will still be allocated  
12 but the expectation will be that the family is seen less  
13 often, proportionately in accordance with the level of  
14 risk.

15 Q. That would be again to do with what you just mentioned  
16 a moment ago in your evidence about balancing the  
17 caseload --

18 A. Yes.

19 Q. -- in terms of the amount of time that's required --

20 A. Yes.

21 Q. -- in each of the cases?

22 A. Yes.

23 Q. Then there's reference at point 5 to a review being held  
24 in November 1984 where allegations had been made by  
25 'Peter' that he'd been hit and not fed and there was no

1 evidence on the file that that was investigated, and  
2 I assume you would expect such an allegation to be  
3 followed up and to be investigated?

4 A. (Witness nods)

5 We would expect an initial referral discussion,  
6 a multi-agency referral discussion.

7 Q. At point 6 it's noted that throughout the placement  
8 there was evidence of disturbed behaviour, particularly  
9 two of the children. There's reference to one of the  
10 children who was then 15 bed-wetting nightly, and other  
11 behaviours.

12 A. (Witness nods)

13 Q. I assume that the reviewer is mentioning that because  
14 that's something that should be picked up on and  
15 addressed.

16 A. It's symptomatic of trauma. And it needs to be  
17 responded to sensitively in terms of the underlying  
18 causes. As opposed to being described as "vicious" and  
19 "nasty". That's shocking.

20 Q. At point 7 it notes that the foster carers didn't have  
21 support from a Home Finder or a link worker on a regular  
22 basis and attempts by the department to involve them was  
23 rejected. We saw that during the course of the -- more  
24 of this was read out during the time when we read in  
25 'Peter's' statement, but it did look like the department

1           were trying to encourage them to have a social worker  
2           working with them, but they were rejecting of that and  
3           I assume that's not optional now?

4    A.   No.   No.   If -- if there's a need for support, and  
5           ideally we'll provide it on a voluntary basis and the  
6           engagement would run along those lines.   Again  
7           proportionately, based on the nature and level of risk.

8                    But if there was a lack of engagement with that,  
9           then we'd be thinking about escalating it and putting  
10          statutory measures in place through a referral to the  
11          reporter.

12   Q.   Finally, in terms of the evidence from applicants,  
13          I want to refer to the evidence of an applicant with the  
14          pseudonym 'Logie', whose statement was read in together  
15          with some relevant records on Day 331, 4 October 2022.

16                    In this case if we can look, please, at  
17          DUN-000000742, we see a review report on the carer's  
18          home, 8 February 1995, there's reference to approval, so  
19          temporary foster carers for one child and one respite  
20          placement.

21                    Then it looks on to the family circumstances and it  
22          says:

23                    "These remain unchanged since the time of the  
24          carer's approval."

25                    We can see there that the carers had six children of

1 their own, aged between 14 and 2, and we know that in  
2 the course of the records that you've provided us with,  
3 'Logie' was placed with them, then a young child was  
4 also placed with them and there was an allegation --  
5 there was a concern, rather, raised about bruising  
6 around the neck of the young child and the female carer  
7 referring to having to hold the child down and using  
8 restraint.

9 A. (Witness shakes head)

10 Q. Again, do you have any reflections on these  
11 circumstances?

12 A. We don't allow, as it were, carers to restrain children.  
13 And if there's an incident here where that's happened  
14 and there's bruising around the neck, then that actually  
15 is a child protection matter.

16 We used to also discourage hugging and physical  
17 contact in that regard. But we don't any more because  
18 actually it can be seen and is appropriate nurturing and  
19 trauma-informed parenting. But certainly not -- that  
20 is -- we don't tolerate that. That would warrant the  
21 child protection response.

22 And I can think of recent cases where that's  
23 happened, in fact, and during the course of the  
24 investigation the children have been removed from the  
25 placement pending the outcome of an investigation.

1 Q. Thank you.

2 Finally, Glyn, I said I would come back to asking  
3 you about your overall reflections on lessons to be  
4 learned from your perusal of all of the evidence that's  
5 been given relative to Dundee during the course of the  
6 Inquiry and also to preparing for evidence.

7 A. (Witness nods)

8 Q. Are there any lessons that you think we should learn  
9 from the material that you've looked at?

10 A. My reflections are that I think arrangements are very  
11 different in general terms now than they were certainly  
12 20, 30, 40 years ago, even perhaps 10 years ago. You  
13 know, the assessments of foster carers or prospective  
14 foster carers are much more comprehensive, more  
15 vigorous, subjected to scrutiny. They go through  
16 a panel, they go through an agency decision maker until  
17 the final decision is made on whether to approve or not  
18 approve, but there's mandatory requirements, certainly  
19 internally as a council in relation to the frequency of  
20 visits. As I said earlier, it was a minimum of monthly,  
21 often more than that, and two unannounced home visits  
22 a year as well.

23 We also obviously have looked-after child assessment  
24 and planning reviews chaired by an independent reviewing  
25 officer, which is an additional area of scrutiny and

1 quality assurance, if you like.

2 We have case file audits, which I again mentioned  
3 earlier, which help us to look at the quality of  
4 practice.

5 Carers are given standard training, they are given  
6 individualised training, if they fail to comply with  
7 that training then actually we reconsider whether or not  
8 they should continue to be approved.

9 But I do think there are lessons to be learned over  
10 and above that. I think first and foremost, regardless,  
11 we need to continue to be absolutely vigilant at all  
12 times and proactively listen to the views of children  
13 and young people and find the time and space to do that  
14 and have the capacity to do that and to respond  
15 appropriately with a recognition that sometimes they may  
16 well say things because they want you to hear them, but  
17 equally sometimes -- that in itself may be an issue  
18 which needs to be unpicked.

19 So children front and centre.

20 I think there are lessons to be learned within  
21 children's social work that even though we've made  
22 considerable advances I think in understanding of risk  
23 assessments, that there's more to be done there as well  
24 in terms of scenario planning and contingency planning  
25 and making it very clear what the current risks are,

1           what the potential risks are and how we might respond to  
2           them accordingly. So I think there's more work to be  
3           done there.

4           I also think there's perhaps work to be done in  
5           relation to the nature of training provided to foster  
6           carers. At the moment in Dundee there's a standard  
7           three-day package before they become a foster carer,  
8           which also forms part of the assessment process, and  
9           then afterwards it's bespoke and individualised.

10          But the children and young people we place with them  
11          spend far more time with the foster carers than they do  
12          with professionally qualified social workers, who see  
13          them maybe once a week, twice a week at the most, and  
14          I do wonder if there's an argument for further  
15          professionalising the role of a foster carer and doing  
16          that consistently on a national basis.

17          And I also think that -- and certainly we never ever  
18          want foster carers to be motivated by finance, but  
19          equally they do need to be remunerated appropriately for  
20          what they do and it's a really valuable -- arguably the  
21          most valuable role or one of the most valuable roles.  
22          So I'm conscious that nationally there are some quite  
23          marked discrepancies in terms of fees and allowances to  
24          foster carers, the high being quite high and the low  
25          being very low and a lot in between, so I think there's

1 a view to standardising that as well nationally. As  
2 part of that process of professionalisation and status  
3 raising, et cetera.

4 So I think we've come a long way. I think  
5 arrangements are much stronger, but we need to continue  
6 to be vigilant, we need to continue to reflect, and  
7 there are probably some things that we can do internally  
8 that we hadn't done before.

9 I've not mentioned, for instance, analysing  
10 complaints and concerns and doing that routinely.

11 And then also nationally and locally some broader  
12 developmental opportunities in relation to the  
13 professionalisation of the role.

14 LADY SMITH: Glyn, just a couple of small details. You may  
15 have mentioned this and I've missed it. Do you now  
16 ensure that the foster parents have their own social  
17 worker who is somebody different from the social worker  
18 for the child?

19 A. We do.

20 LADY SMITH: What about your fostering panel, does it have  
21 an independent chair?

22 A. Independent in the sense that they're not associated  
23 with either the foster carer or the child, but they're  
24 a social worker --

25 LADY SMITH: They are a social worker?



1 A. -- employed by the council, Dundee City Council, and  
2 within the Children and Families Service.

3 LADY SMITH: I see. I think there are differing views on  
4 what's best so far as securing the independence --

5 A. Yes.

6 LADY SMITH: -- the complete independence of the Chair of  
7 the Fostering Panel.

8 A. (Witness nods)

9 LADY SMITH: Is that something you're going to keep under  
10 review?

11 A. I think there's a strong argument in favour of changing  
12 that, should it be possible to change that, subject to  
13 the constraints in terms of getting somebody else to  
14 actually do it and be able to do it.

15 LADY SMITH: Of course. Thank you very much.

16 Ms Innes, did you have anything else?

17 MS INNES: I was just going to follow up on something that  
18 Glyn said about analysing complaints and concerns.

19 LADY SMITH: Yes.

20 MS INNES: You said that you hadn't mentioned that yet. Are  
21 you doing that?

22 A. So we carry out audits, we do carry out audits of  
23 support to foster carers and support to children, and we  
24 do that by taking a random sample of cases.

25 But what I think we could do to enhance that is

1 gather the data on the number and type of complaints and  
2 concerns on an aggregate basis right across the service  
3 and analyse that in terms of whether or not there are  
4 any consistent themes and issues, and then if there are,  
5 then adjust responses accordingly.

6 That might be about the capacity of the team, it  
7 might be about training and development of the team, it  
8 might be about other things, but I do think that would  
9 add at least some value to what we already do.

10 MS INNES: Okay, thank you. I have no more questions for  
11 you, Glyn.

12 There are no applications, my Lady.

13 LADY SMITH: Are there any outstanding applications for  
14 questions of Glyn?

15 Glyn, that completes everything we have for you this  
16 morning. Thank you so much for engaging with us as  
17 constructively as you have done and with such evident  
18 commitment as you have done. I'm really grateful to  
19 you. I'm well aware of the fact that we have made you  
20 trawl back through a number of individual cases and  
21 I know these didn't take place on your watch, but I can  
22 well imagine in your position that's been tough for you  
23 to do.

24 A. (Witness nods)

25 LADY SMITH: Thank you for doing that and thank you for all

1 the help you've given us in your thoughts about what now  
2 needs to be done differently if cases like that arise  
3 and where you are in your current structuring and the  
4 way today you seek to run your department.

5 I wish you well in your continued endeavours.

6 A. Thank you, my Lady.

7 LADY SMITH: Thank you, and I'm able to let you go.

8 A. Thank you.

9 (The witness withdrew)

10 LADY SMITH: I'll rise now for the lunch break, Ms Innes,  
11 and sit again at 2 o'clock.

12 (1.01 pm)

13 (The luncheon adjournment)

14 (2.00 pm)

15 LADY SMITH: Good afternoon. We move now to Dumfries and  
16 Galloway Council, I think. Is that right, Ms Innes.

17 MS INNES: We do, my Lady, and the witness is  
18 Lillian Cringles.

19 LADY SMITH: Thank you.

20 Lillian Cringles (affirmed)

21 LADY SMITH: Is it all right if I use your first name,  
22 Lillian?

23 A. It is, my Lady, yes.

24 LADY SMITH: Thank you.

25 Lillian, welcome and thank you for coming along to

1 help us this afternoon with evidence in relation to  
2 Dumfries and Galloway Council.

3 The red folder there has your council's documents in  
4 it and we'll also bring documents up on the screen as we  
5 go through your evidence. You might find it helpful to  
6 consult that or the red folder or neither, whatever  
7 works for you.

8 Otherwise, Lillian, please don't hesitate to ask if  
9 you have any questions or you're puzzled about anything  
10 or please don't hesitate to volunteer anything that you  
11 think we should be asking you that we haven't done.

12 If you need a break, that's absolutely fine. I will  
13 usually break at about 3 o'clock anyway, I usually break  
14 about halfway through the afternoon, you can bear that  
15 in mind, but really, anything that would help you to  
16 give your evidence as comfortably and clearly as you  
17 can, do let me know. All right?

18 A. Thank you, my Lady.

19 LADY SMITH: If you're ready, I'll hand over to Ms Innes and  
20 she'll take it from there.

21 A. (Witness nods)

22 LADY SMITH: Thank you.

23 Questions from Ms Innes

24 MS INNES: Lillian, can I start by asking you your date of  
25 birth?

1 A. It's [REDACTED].60.

2 Q. You've provided the Inquiry with a copy of your CV and  
3 you tell us that before you embarked on formal  
4 qualifications in relation to social work, you worked  
5 with the Women's Royal Naval Service for 14 years.  
6 During the course of that you moved into the Royal Navy  
7 social work branch.

8 Then after you completed your service, you moved to  
9 Glasgow City Council initially, but left to undertake  
10 a degree in social work?

11 A. (Witness nods)

12 Q. You tell us that you obtained qualifications in social  
13 work, I think, in 1996 and 1997. Is that right?

14 A. That's correct.

15 Q. Then initially you went to work with North Lanarkshire  
16 Council in July 1997 and you were initially based in the  
17 Children and Families Team and then you moved to work in  
18 Criminal Justice?

19 A. That's correct.

20 Q. Then within North Lanarkshire Council you were promoted  
21 to the role of Senior Social Worker in August 2001 and  
22 in that role you were a Senior Social Worker in the area  
23 of Community Care?

24 A. Yes.

25 Q. Then you transferred into Criminal Justice Service, so

1           undertaking a similar role but in a different area of  
2           social work. Is that right?

3   A.   That's correct, yes.

4   Q.   Then in August 2004 you were promoted to Service Manager  
5           Justice Services?

6   A.   That's correct.

7   Q.   And you tell us about your work in that.

8           Then in November 2007 you became the Manager of  
9           Justice Services, so a further promotion, is that right?

10  A.   Yes.

11  Q.   Right. In August 2014 you moved from North Lanarkshire  
12           Council to Dumfries and Galloway Council, where you  
13           still are?

14  A.   That's correct.

15  Q.   You moved to take the role of Head of Social Work and  
16           Chief Social Work Officer?

17  A.   (Witness nods)

18  Q.   I think that's still the role that you have?

19  A.   Yes, I'm still the Chief Social Work Officer.

20  Q.   Thank you.

21           Dumfries and Galloway Council have obviously  
22           provided a response to a Section 21 notice that was  
23           served by the Inquiry. Have you been involved in  
24           oversight of response to the Inquiry in relation to that  
25           notice in respect of foster care?

1 A. Yes, I have been leading that, along with colleagues  
2 from our legal services:

3 Q. Can I ask you, please, first of all to look at  
4 DGC-000000002. It will come up on the screen and it's  
5 in the folder as well, whatever is easiest for you to  
6 use, Lillian. I'm going to go to page 1 of this. So  
7 this is the start of your response. The question posed  
8 there is about predecessors. So currently Dumfries and  
9 Galloway Council, we know it came into operation in  
10 April 1996, and prior to that you tell us that it was  
11 Dumfries and Galloway Regional Council.

12 A. That's correct.

13 Q. And it's exactly the same boundaries?

14 A. Yeah. Dumfries and Galloway has always held the same  
15 boundaries. The difference around the first page here  
16 is that there was a county council that kind of had the  
17 overview, but a lot of the decision making was made at  
18 the three what would be classed as the burgh councils,  
19 area councils: which was Kirkcudbright, in the middle of  
20 the region; Wigtown, which obviously covered the west of  
21 the region, from Stranraer outwards; and then Dumfries  
22 town which covered up to Upper Nithsdale and down to the  
23 border at Gretna, but always as one governing body.

24 Q. Okay. So you tell us about the three periods there. So  
25 the county councils were in place between 1930 and 1975.

1           If we can move on, please, to page 17 to look at  
2           what you tell us about numbers of children who were in  
3           foster care.

4           If we scroll down to the bottom of page 17, you're  
5           asked the question:

6           "How many children did the Local Authority  
7           accommodate at a time in foster care in how many  
8           placements?"

9           You say that you've had some difficulties in  
10          answering that question in full, I assume because of  
11          difficulties in obtaining information for the earlier  
12          periods?

13        A. Yeah, that's correct. We have significant gaps in our  
14          records. When we were trying to do a review of the  
15          information in the records that were held, it was  
16          difficult to get absolute accurate figures, so we have  
17          gone with where we have been able to evidence, that is  
18          the figures that we've used. These are as accurate as  
19          we could find, but we accept that these may not be  
20          wholly -- you know, fully represent as it was at that  
21          time.

22        Q. You tell us about certain material that you obtained  
23          that gave you a snapshot in a given year.

24          At the bottom of the page you talk about the files  
25          of young people who were in care and you say it's



1 recorded by date of birth and not by the time frame in  
2 which they were placed in care and you don't hold  
3 figures for those children who were specifically in  
4 foster care. So what you've done is provided overall  
5 numbers by decade of birth.

6 A. That's correct. And part of the issue as well was that  
7 there was no end date put on a lot of the records, so we  
8 couldn't accurately say how many children were at any  
9 given time. But we've used the information that we had  
10 to try and give an overview.

11 Q. At the bottom of the page we see that you have decades  
12 and then 1930 to 1939, 82 children. Does that mean that  
13 you found evidence or files for 82 children who were  
14 born in the 1930s who were at some point looked after  
15 and accommodated?

16 A. That's correct, yes.

17 Q. Then it goes on from there with the numbers that you  
18 were able to find.

19 If we go on over the page we see the numbers again  
20 for the various decades.

21 You say:

22 "We are currently undertaking a file audit of all of  
23 our looked-after children in an attempt to further  
24 refine and identify how many were placed at home with  
25 relatives, in foster care or in residential care. This

1 work is progressing. Initial findings reflect that  
2 there is a lower number in foster care than we first  
3 thought, but this may change as our file reading  
4 findings progresses and nears completion."

5 I think you submitted this part of your response  
6 prior to your file audit being completed. Is that what  
7 you're referring to there or is it something else?

8 A. No, that is the element that we're referring to, yes.

9 Q. Were you able to refine the figures any more, having  
10 looked at the files?

11 A. We weren't, because there was no end date put in to when  
12 the youngster who had been looked after and accommodated  
13 in whatever setting, there was no end date, so it was  
14 very, very difficult for us to try and reflect the  
15 accurate numbers.

16 We have found more records as we've been  
17 undertaking, a whole range of records, making sure that  
18 we collate the information and trying to  
19 cross-reference. So we've got an ongoing piece of work,  
20 but we haven't been able to give any more accurate  
21 figures at this time.

22 LADY SMITH: Lillian, something else we've come across are  
23 in some authorities children in kinship care, as we call  
24 it now, were not identified separately as in kinship  
25 care and those numbers may have been wrapped up in

1 foster care. Might that have happened in your  
2 authority?

3 A. Undoubtedly, my Lady, it has, yes.

4 LADY SMITH: Thank you.

5 MS INNES: I think in terms of the more recent period,  
6 perhaps after 2005, we've heard from some Local  
7 Authorities that they've extracted figures from a return  
8 that they make, it's a CLAS return, so Children Looked  
9 After in Scotland return. Is that something that you  
10 would have access to? That seems to have a breakdown of  
11 children in foster care.

12 A. We do have access to that and we absolutely should have  
13 been doing that accurate return. However, it is clear  
14 within our process even outwith the Inquiry information  
15 that that's an area that we really needed to do a lot of  
16 work on. So we had commenced that work from 2014  
17 onwards and we're confident now we've got the accurate  
18 recording.

19 So those figures would have been taken from some of  
20 those returns, but I couldn't say fully that those were  
21 accurate.

22 Q. I see.

23 A. Thank you.

24 Q. Thank you.

25 If we move on to page 19 you tell us about the

1 number of new placements that you were able to identify,  
2 so you were able to use fostering panel minutes from  
3 1990 to 2008 showing the number of new placements  
4 approved each year. Just for clarity, that's not the  
5 total number of carers, that's the number of new carers  
6 coming into the system. Is that correct?

7 A. That's correct, that's over and above those that were  
8 already established.

9 Q. We see and you note here that we can see from the  
10 figures that the number of new foster placements rose  
11 drastically in 1995?

12 A. (Witness nods)

13 Q. And that's new placements approved. You say that's to  
14 do with the closure of Local Authority residential  
15 units?

16 A. So round about that time there was two very large  
17 residential units that were used to look after children  
18 and young people and both of those were closed during  
19 that period of time, so the organisation then looked to  
20 transfer those young people into foster parents and  
21 foster care rather than being cared for in those very  
22 large residential units.

23 LADY SMITH: Which residential homes were those?

24 A. At that point there was Ladyacre and Merkland.

25 LADY SMITH: Thank you.

1 MS INNES: What was the reason of the closure of the homes  
2 and the shift of children into foster care?

3 A. There was very little detail as to why those decisions  
4 were made, so I can only say to you that those decisions  
5 were made, but I can't give you any significant  
6 reason -- or there's no information held to indicate  
7 why.

8 Q. Okay. These are total number of new placements approved  
9 each year. Now are these all with Dumfries and Galloway  
10 carers or do they also include placements with other  
11 providers, so independent fostering agencies, for  
12 example?

13 A. Our evidence would suggest that up until 2020 Dumfries  
14 and Galloway always managed to have their children  
15 within their own foster -- what I would class as  
16 in-house foster carers. That has changed in the last  
17 few years, just with the demand, and we now use other  
18 providers. So nationally we might use very small  
19 numbers of foster carers that are outwith the region.

20 But certainly if we're referring to these numbers up  
21 to 2008, they would be within Dumfries and Galloway and  
22 would be classed as in-house provision.

23 Q. If we go to the bottom of the page, you tell us about  
24 the numbers that you had in care at the time of  
25 submitting this document, which would have been in 2020.

1 At that stage you had 106 children in foster care.

2 169 foster care placements were available; is that  
3 right?

4 A. That would be correct, yes.

5 Q. And there were 77 foster carers.

6 A. (Witness nods)

7 Q. So is that 77 foster carers offering 169 placements?

8 A. That would be -- so that would actually be foster  
9 placements, 77, and foster carers would be made up of  
10 different family make-ups within the foster placement.

11 Q. So the current foster carers, 77, do you know if that's  
12 individuals or is that fostering households?

13 A. That would be fostering households.

14 Q. I see, okay.

15 Then you talk about the different types of care that  
16 the 77 foster carers are registered for and you refer  
17 first of all to something called Catch. Can you explain  
18 what that is, please?

19 A. I certainly can. So this is a historic title for foster  
20 carers who we would have viewed that had specialist  
21 training to deal with some of our most difficult,  
22 particularly teenagers. That has been superseded by the  
23 intensive support foster carers, which currently at the  
24 point of the reporting was 11. We no longer refer to  
25 our foster carers as Catch. We refer to them as

1 intensive support foster carers. So that was  
2 a historical use of language that we have now  
3 subsequently we don't use any more.

4 Q. In terms of the current position, so a couple of years  
5 on from when you submitted this, have there been any  
6 significant changes in the figures?

7 A. We currently have 63 households that we would class as  
8 foster placements. They offer 97 places, so that will  
9 be -- some will be obviously clear for more than one  
10 child. And we currently have 72 children who are placed  
11 in a foster care placement. Three of those are outwith  
12 Dumfries and Galloway. The rest are in-house  
13 placements.

14 Q. When you say they're outwith Dumfries and Galloway, do  
15 you mean that they're geographically outwith Dumfries  
16 and Galloway or that they're with independent providers,  
17 although they might still be in Dumfries and Galloway?

18 A. There is one that's an independent provider within  
19 Dumfries and Galloway, and there are two that are in  
20 another Local Authority outwith the region.

21 Q. In terms of kinship care, so we obviously know that  
22 there might be more formal arrangements or a more formal  
23 title of kinship care now. Do the figures that you've  
24 just mentioned include kinship carers or not?

25 A. No, it doesn't. We currently have 303 children and

1 young people that are placed within kinship in Dumfries  
2 and Galloway.

3 Q. Do you know in how many households?

4 A. I don't know that detail.

5 Q. So that's a significantly greater number than those who  
6 are placed with foster carers?

7 A. Yes, indeed.

8 Q. Has that increased over time?

9 A. Absolutely. We've tried to -- I don't know if this is  
10 the relevant point to share this information, but we  
11 have worked incredibly hard to ensure that the first  
12 option is kinship and to make sure that we put  
13 a significant amount of support to our kinship carers to  
14 try and keep our children and our young people in the  
15 body of their family, extended family.

16 So we have worked really hard to try and flip that  
17 balance of foster care or indeed agency placements to  
18 keep youngsters within that family group, so that is  
19 a deliberate move towards how we're looking to try and  
20 support our youngsters within the region.

21 Q. If we can move, please, to DGC-000000013, which is  
22 Part C and D of your response, which you provided after  
23 you'd undertaken the file review, I wonder if we could  
24 move to Part D, which is at page 33. At question 5.1  
25 you're asked:



1           "What was the nature of abuse and/or alleged abuse  
2 of children in foster care that you discovered?"

3           You note that you found instances of alleged abuse  
4 of sexual, physical and emotional abuse, and that's what  
5 you found in your file review.

6 A. That's correct.

7 Q. Then in relation to extent, at 5.2(a) you say you have  
8 determined that the scale of alleged abuse was low,  
9 particularly from the 1930s to the 1970s.

10           You go on in the next section, when you're  
11 describing what's the basis of that assessment, you talk  
12 about the file reading, which we'll come back to, but  
13 then you say:

14           "The majority of allegations are post 1984 when the  
15 fostering panels commenced and there was an increased  
16 scrutiny on the fostering placements."

17           So can you explain that issue a bit more?

18 A. I think, you know, that what we found and perhaps should  
19 have been clearer in that response, was there was lack  
20 of recorded evidence. I think as we moved through the  
21 file reading and we moved to beyond 1984, there was much  
22 more recorded evidence around potential abuse within the  
23 fostering environment, and obviously as we moved on  
24 through our response, we acknowledged the amounts of  
25 complaints that were then made. So the evidence was

1           there to be reflected upon and, you know, certainly  
2           having looked again at our submission I would reflect  
3           that we probably should have been clearer that we didn't  
4           find -- we believed it to be low on the evidence that  
5           was before us.

6   Q.   So the scale of reported abuse was low in the earlier  
7        period?

8   A.   Indeed.  Should have been clearer about that, yes.

9   Q.   Okay.  In terms of the basis of assessment, you talk  
10        about your extensive childcare file and foster panel  
11        minute reading.  You tell us that all foster panel  
12        minutes have been reviewed from 1984 to 2014, and you've  
13        reviewed the files of approximately 2,671 looked-after  
14        children, 1,580 of whom were in foster care, and you  
15        identified 85 allegations of abuse.

16           I wonder if you could just tell us -- you tell us  
17        later on it was 85 allegations against 74 foster carers.

18           I wonder if you can tell us a little bit more about  
19        your case file audit, how you went about that, what the  
20        process was like.

21   A.   So we formed a team led by a very senior manager from  
22        Children and Families who had extensive knowledge and  
23        experience of working within fostering and adoption.  We  
24        had a range of social workers with varying skills.  We  
25        had one social worker who has actually worked in the

1 region since 1978 and had a lot of local knowledge and  
2 has actually worked in fostering and adoption since  
3 1990.

4 So we were very specific around the skill set that  
5 we needed. We had -- in the end we had six social  
6 workers who were permanently deployed to work on the  
7 file reading. Over and above that, we had support from  
8 our colleagues in our legal services. We had one of the  
9 archivists who was given -- you know, seconded to work  
10 with the team.

11 But we realised fairly early on that this was going  
12 to be a much bigger task than having a very specific  
13 team, so what we did was we kind of almost seconded  
14 people at various roles to come in and work through all  
15 of the records that we had. We had record managers, we  
16 had paraprofessionals working with us, we had the  
17 professional overview, so the social workers had that  
18 professional element of looking at everything that was  
19 said but we had other people that were screening  
20 different aspects of the information that was available.

21 What we found -- we'd started to tidy up our records  
22 and make sure that we could link prior to us gathering  
23 the evidence, but what we actually discovered -- and  
24 this was through having people like legal and the  
25 archivists on the team -- there was records all over the

1 region. So there was -- we discovered boxes of records  
2 in basements. We had to do a whole trawl of every  
3 building that belonged to the Local Authority as it is  
4 now, but also the buildings that were used in the past  
5 that some had been closed, but we actually found records  
6 within them. Not just social work records, other  
7 records as well.

8 So we had a lot of screening out to do so we had  
9 a lot of clearing and cleaning up of the records to know  
10 that these were records that needed to be looked at and  
11 we had a range of different staff from other departments  
12 that were helping us do that.

13 So we kind of almost had a screening of what was  
14 relevant. We sorted out the planning permission, for  
15 example, put them to the side, got the social work  
16 records, and then we had the professional team who were  
17 involved looking at those individual professional  
18 records and making sure that we didn't lose anything in  
19 that process.

20 Q. Then once you obtained the children's files that you  
21 were looking at, for example, you then tell us that you  
22 had a whole number of children who were in care but not  
23 all of them were in foster care. So I suppose the next  
24 stage would have been to identify was this child in  
25 foster care?

1 A. (Witness nods)

2 Q. That would then further limit the pool, although after  
3 that you tell us that you still had over 1,500 files.

4 A. (Witness nods)

5 Q. Once you'd identified that a child was in foster care,  
6 did somebody have to read the whole file to look for  
7 certain items within it? Did you give file readers  
8 a template to fill in, for example?

9 A. We gave very clear guidance as to what we were looking  
10 for, and, yes, social workers did read all of those  
11 files. If there was a comment at the initial screening  
12 that indicated that a child at some point, either for  
13 a long term or a short term, had been in a foster care  
14 placement, then that file was read by a qualified social  
15 worker. Some of that was from the team, some of that  
16 was from other social workers that we brought in.

17 We had a bank of social workers, so for example some  
18 of the workers have maybe a 25-hour contract but are  
19 willing to do some additional hours, so they would come  
20 in on a weekend or an evening and do those file reading  
21 to make sure that we had a professional qualified social  
22 worker going through those files.

23 Q. Did you also look at foster carer files that you held?

24 A. We looked at those that we had, but again there was  
25 unfortunately limited numbers that were separate from

1 the child's file.

2 One of the issues that we undoubtedly have  
3 recognised is that a lot of the information should have  
4 been separate and it wasn't, it was all together.

5 Q. I suppose the retention period we know for a foster  
6 carer file is shorter, so people tend not to have as  
7 many foster carer files because of that?

8 A. That would be correct. After 25 years a number of them  
9 have been destroyed.

10 Q. Did you also have some electronic files?

11 A. Yeah, we did. We currently use a system called Mosaic,  
12 but before that we had a system called Blue Sky, which  
13 had some files still held electronically, but again  
14 a lot of them had been lost when we transferred between  
15 the two systems and that transfer happened in 1992.

16 Q. From all of the file reading that you then did, you said  
17 that they were -- that the file readers were given clear  
18 guidance as to what to look for, and presumably they  
19 would then take a note of that, so if there was  
20 something that fell within the guidance that you'd given  
21 them, that would then be flagged to somebody?

22 A. Yeah, that's where the role of the senior manager came  
23 in. So there was a senior social worker who was  
24 permanently in the team that was present and available  
25 for most of the file reading, and then the senior

1 manager that held the overall responsibility, all of  
2 that would be escalated to that senior manager.  
3 Ultimately then to myself, along with the then Head of  
4 Legal Services, and we would then have -- not everything  
5 was escalated to us, but there were some aspects that  
6 were escalated for us to have a look and be made aware  
7 of.

8 Q. Okay. I assume you collated all of that material to put  
9 together this part of your response?

10 A. We did, and we continue to do so.

11 Q. You tell us if we go on over the page to page 34, you  
12 tell us at this point at (e) in answer to the question,  
13 "How many foster carers have been convicted of or  
14 admitted to abuse of children?"

15 You say:

16 "Only one foster carer has been convicted of breach  
17 of the peace against a foster carer child and three  
18 foster carers have admitted to overchastising a foster  
19 child in their care."

20 That's the numbers that came out of this exercise  
21 that you told us about?

22 A. Absolutely, yes.

23 Q. We'll have a look at the material that you gave us in  
24 relation to the conviction in a moment.

25 If we just look at (f) on this page, you're then

1 asked the question, "How many foster carers have been  
2 found by the Local Authority to have abused children?"

3 You note:

4 "There are eight foster carers where the Local  
5 Authority had concerns with regards to abuse and as  
6 a result they de-registered the carers."

7 It appears that the Local Authority believed that  
8 the abuse had occurred; is that your --

9 A. That's correct. And clearly for us, whilst the criminal  
10 bar may not have been met, from our point of view we  
11 believed that that had happened and consequently we  
12 removed the children and de-registered.

13 LADY SMITH: You say eight foster carers. Is that eight  
14 carers in foster households, so possibly 16 people, or  
15 is it eight people?

16 A. It's eight people, my Lady.

17 LADY SMITH: You don't know how many households?

18 A. Sorry, I don't.

19 LADY SMITH: Thank you.

20 MS INNES: You refer to one of those carers being convicted  
21 of abuse, the carer that you referred to above,  
22 I assume?

23 A. (Witness nods)

24 Q. You say the rest were either found not guilty or there  
25 were no charges?



1 A. That's correct. There were a number that went to the  
2 fiscal and no further action was taken and there was two  
3 went to court and were found not guilty.

4 Q. Then you say that there were nine complaints, in the  
5 next question in relation to complaints against family  
6 members of foster carers you note that you found nine  
7 complaints against family or other household members of  
8 the foster carer?

9 A. That's correct.

10 Q. There are no convictions in respect of -- well, at the  
11 time that you completed this, you thought that there  
12 were no convictions in respect of family members of  
13 foster carers, but I think you subsequently discovered  
14 that there is one conviction of a family member of  
15 a foster carer?

16 A. That's correct, and we updated the Inquiry with that  
17 information.

18 Q. [REDACTED].

19 There were no family members had admitted to abuse,  
20 but again we'll -- that person pled guilty, so we know  
21 that you've revised your answer in relation to that by  
22 providing the additional information.

23 You then say that -- if we go down to (j):

24 "Against how many other children placed in foster  
25 care in the same placement have complaints been made in

1 relation to abuse?"

2 You noted that there were two of those types of  
3 complaints.

4 A. That's correct.

5 Q. If we move on to page 35 now, please, and to (c), you  
6 were asked there:

7 "To what extent are complaints made many years after  
8 the alleged abuse, ie about non-recent abuse?"

9 You note that you don't have dates of when all of  
10 the allegations were made, however there is one  
11 allegation that was made two years after the child had  
12 left the foster placement. Then you say:

13 "Another allegation was made by a child at the time  
14 of abuse but was considered unfounded and then many  
15 years later she made the same allegations again, which  
16 resulted in charges being made against the carers."

17 Was that one of the instances where there were court  
18 proceedings?

19 A. Yes, it was.

20 Q. Were those carers found not guilty?

21 A. They were found not guilty.

22 Q. Then you say that there's been quite a few ex foster  
23 children who have alleged abuse and have sought to see  
24 their files, but the files don't reflect or substantiate  
25 the alleged abuse they claim. What do you mean by that?

1 A. So when we've had a subject access request (SAR) from  
2 those ex-foster children we will always clearly check  
3 the files before we make sure that when we share them  
4 that we support them, because there will be information  
5 within those files that may be very difficult. And when  
6 we've gone through them, there is no recorded incidents  
7 of those allegations within the case files and there is  
8 certainly no information that would indicate that we  
9 investigated any allegations against those foster carers  
10 in that child's file when they were a child.

11 Q. I suppose one possibility might be that they hadn't  
12 reported it at the time or that nobody had reported it  
13 at the time?

14 A. There's certainly no evidence of it being reported at  
15 any point.

16 Q. Or I suppose another possibility would be that it was  
17 reported but it wasn't recorded?

18 A. That's entirely possible.

19 Q. If we move on to page 36, at the bottom of page 36  
20 you're asked about external investigations.

21 At number 1, you say that you're aware of  
22 an investigation by Tayside police and Tayside Regional  
23 Council Social Work Department who investigated carers  
24 who lived in -- well, who were Dumfries and Galloway  
25 carers, but they'd been placed by Tayside, and

1       allegations were made that the carers had physically and  
2       sexually assaulted them.

3             If we go on over the page, you tell us that you  
4       didn't have the exact date but the allegation was made  
5       in 1979. The police didn't press charges and the  
6       children were returned to the same foster carers.

7             So if they were Tayside children, where did this  
8       information come from?

9    A. So at one point in Dumfries and Galloway there was  
10   a system where there was an excess of foster carers who  
11   had applied to be foster carers within the region and  
12   other Local Authorities would purchase those places from  
13   the body at the time, the organisation at the time.

14            So the foster carers were Dumfries and  
15   Galloway-assessed foster carers. The children were  
16   placed by other Local Authorities. So when a review  
17   would take place, then the foster team at that point  
18   from Dumfries and Galloway would be part of the review  
19   in terms of the carer, but the children would be  
20   reviewed by the placing authority.

21   Q. It's like Dumfries and Galloway are like an independent  
22   fostering provider almost?

23   A. At that point, yes.

24   Q. Would a similar circumstance arise now or do Local  
25   Authorities not tend to have an excess of foster carers?

1 A. We do not have an excess, and certainly in the time that  
2 I've been the Chief Social Work Officer we never have.

3 Thank you.

4 Q. Then you also note on page 37 you're aware of another  
5 investigation made by police in a Local Authority south  
6 of the border, again in relation to a child being placed  
7 with Dumfries and Galloway carers. This allegation was  
8 discussed in 2009, if we scroll down a little. So  
9 that's more recent.

10 A. Yeah. Where we're placed geographically, we have  
11 a number of children that are placed across the border.  
12 That case in particular was because the foster carers  
13 were also known to the child. They weren't part of  
14 an extended family, they weren't biologically related,  
15 but they were known to the child.

16 But that's not unusual, particularly in agency  
17 placements where we have a lot of independent providers  
18 within Dumfries and Galloway, but at that point the  
19 foster carers were known to the child but not related.

20 Q. Okay. You tell us that this investigation -- you know  
21 that the police didn't press charges but you don't have  
22 details of the Local Authority's response and outcome?

23 A. There was no provision of the report or it was not  
24 recorded.

25 Q. If we move on, please, to page 39, you tell us, if we

1 scroll down a little to the bottom of the page to 5.8,  
2 "Known and alleged abusers", and you note that you're  
3 aware of a foster carer who has received a criminal  
4 conviction in relation to abusive behaviour involving  
5 a child.

6 You note at (b) a carer who received a conviction,  
7 it was for breach of the peace.

8 If we go on over the page, if we scroll down to  
9 below the questions, it says:

10 "In relation to the case where a conviction was  
11 forthcoming, the young person made an allegation of  
12 verbal and sexual abuse against her male foster carer  
13 and the dates of her placement were between 1989 and  
14 1995, therefore the abuse must have taken place within  
15 that time frame. The carer was charged with conducting  
16 himself in a disorderly manner and making indecent  
17 remarks to the child, which resulted in him being  
18 convicted of breach of the peace."

19 I assume that would have been at a local Sheriff  
20 Court perhaps?

21 A. I can't say for definite, but one would presume so.

22 Q. You weren't able to find out what he was sentenced to or  
23 any further information about that, but you tell us in  
24 answer to (d) that the child was removed from the foster  
25 carers at the point of allegation and no other children

1           were placed and once the carer was convicted the carers  
2           were de-registered?

3   A.   That's correct.

4   Q.   Following the conviction, do you know if there was any  
5           kind of review, learning review or significant case  
6           review?

7   A.   There is no record of that being undertaken.

8   Q.   I'm going to come back to the other conviction as I go  
9           through the evidence that we've heard from applicants,  
10          which is something that I would like to turn to now.

11           I know that you have either listened to some of the  
12          evidence yourself, you've certainly read it, and you've  
13          also had representation listening to the evidence of  
14          applicants if you've not been available. Is that right?

15   A.   That's correct.

16   Q.   I'm going to ask you specifically about some of that  
17          evidence, but before I do that I wonder whether you had  
18          any reflections on the evidence that you heard. You  
19          know, what was your response to the evidence of  
20          applicants?

21   A.   I think -- I think it's quite difficult to understand  
22          how some of the things that happened to children and  
23          young people happened. It's wholly inappropriate, some  
24          of the behaviour towards children and young people,  
25          particularly from foster carers who were given the

1 privilege of looking after some of the most vulnerable  
2 youngsters, but also in terms of the organisation and  
3 not having appropriate monitoring and management in  
4 place to listen to children.

5 I found it quite sobering and harrowing and wholly  
6 unacceptable. That would be my overriding feeling.

7 Q. In the red folder at the second tab, you will find  
8 a list of the evidence which we identified as relevant  
9 to Dumfries and Galloway with the pseudonyms of the  
10 various witnesses.

11 If I can ask you first about the evidence of  
12 'Margaret', who gave evidence on Day 297, 16 June 2022.

13 She spoke about two placements that she was in,  
14 initially with a foster carer who she loved, and then  
15 she was moved to another foster carer at the age of  
16 eight, where she remained until she returned to her  
17 father, and she returned to his care at that point.

18 When she was with the second carer, she gave  
19 evidence that she was, for example, put in the coalhouse  
20 and locked in there. That she was very hungry. That  
21 she was battered by the foster carer. And one of the  
22 things that she said was that Ms Clydesdale, who I think  
23 was the childcare officer, came to visit but she was  
24 told what to say and if she didn't say the right thing  
25 she would be battered by the foster carer.



1 Do you have any reflections on issues arising from  
2 'Margaret's' evidence?

3 A. I think, as I said, extremely harrowing to hear.

4 I have no understanding as to why, if someone from  
5 the organisation went and visited and was aware of that,  
6 that they allowed that to continue. I couldn't find any  
7 record of a Ms Clydesdale. However, the fact that the  
8 victim in this case has that memory, then for me  
9 unacceptable that there was no action taken to stop that  
10 behaviour towards a child.

11 Q. I'd like to move on to the evidence of an applicant with  
12 the pseudonym 'Deborah', who gave evidence on Day 305,  
13 7 July 2022. Her evidence was read in, and at the same  
14 time reference was made to some of her records.

15 The foster carers with whom she was placed, I think  
16 we know were in their 60s at the time, and there are  
17 also some health concerns. I wonder if we could look,  
18 please, at some of the records that were referred to, so  
19 it's at DGC-000000086.

20 If we can look, please, at page 6 I think to begin  
21 with, and I think that's where, if we look at  
22 4 October 1974, there's reference to a visit and it  
23 refers to the carers now officially being OAPs.

24 Is there any issue about the age of a foster carer  
25 per se?

1 A. I think every individual case would be assessed on its  
2 own merits. However, you would have to have a real  
3 clarity around the risk that would be posed by placing  
4 a relatively young child with foster parents who were --  
5 clearly had some challenges in terms of their own health  
6 and their own ability to look after a child.

7 So if you reflect, looking back on some of the case  
8 notes there, you would have to question whether that was  
9 an appropriate placement.

10 Q. If you move on to page 7, at the bottom of the  
11 page there's an entry from 4 December 1975 and the  
12 second part of that entry talks about it being  
13 overwhelming, her friend from Lincluden is in the same  
14 class and they see a lot of each other out of school as  
15 well.

16 It then says:

17 "She is obviously quite helpful in the house, going  
18 messages et cetera, as the female care is virtually  
19 housebound with arthritis unless she goes out with  
20 friends in a car."

21 Then it refers to the child being well accepted by  
22 neighbours and friends.

23 "I do not know how much she knows about her natural  
24 parents and feel this will need looked at. Also am  
25 slightly concerned at the age of the foster parents

1 coping with a teenager -- not entirely suitable."

2 There's mention there about age, but here we have  
3 the added issue expressed about the female foster carer  
4 being virtually housebound. Is that something that  
5 would cause you concern in terms of a placement?

6 A. Absolutely. You would again have to really assess  
7 whether that was still an appropriate placement at that  
8 point.

9 Q. Then if we move on to the next page, page 8 and  
10 28 January 1976, it's a home visit. Both of the carers  
11 are at home.

12 "The female carer still not terribly well but  
13 receiving treatment from the district nurse for her  
14 varicose ulcers. The male carer seems to jog alone,  
15 either pottering in his greenhouse or just sitting  
16 snoozing by the fire. The house, while never really  
17 dirty, leaves quite a lot to be desired and I often feel  
18 that we, as a department, should be anxious about this  
19 foster home."

20 Again, do you have any comment in relation to that?

21 A. I would say that that starts to raise some real red  
22 flags and concerns.

23 Q. Then the next entry, it's blanked out in terms of the  
24 date, but the 9th of something, could be February. Home  
25 visit. There was a complaint about behaviour of the

1 children and the carer was asking for the removal of the  
2 boy that was staying there at the time, so not  
3 'Deborah'.

4 It then talks about 'Deborah' relishing the  
5 criticism that the boy was getting.

6 Then in the final sentence of that entry it  
7 describes 'Deborah' as still being "a thin sort of  
8 anxious-looking child". So again there seems to be  
9 an issue there about presentation of the child?

10 A. Again, that would be a real concern.

11 Q. What we're seeing here is concern being expressed:  
12 I feel this isn't great, I feel that we should be  
13 looking at this, but I don't think we see any action.

14 A. Certainly were it to be now, there would be immediate  
15 action. That wouldn't be accepted at any level.

16 Q. Over the page on page 9, 11 August 1976 and it refers to  
17 'Deborah' making the social worker a cup of coffee:

18 "I noticed how badly bitten her nails are -- she  
19 often seems excessively anxious and I feel she is rather  
20 lonely here and sometimes looks like the household  
21 drudge! Nevertheless she has spent 10 years in this  
22 foster home and it is the only home she knows. She is  
23 growing well physically but I suspect there will be  
24 problems ahead."

25 So the inference, I suppose, might be because she's

1           been there for so long, can't move her now.

2   A.   You could assume that there was a view that that may be  
3        disruptive for her.  However, there are so many aspects  
4        where you would be concerned that you would have to  
5        consider whether that was an appropriate placement or  
6        not.

7   LADY SMITH:  Aspects giving rise to concerns that should  
8        have led to serious consideration being given to moving  
9        her sooner; is that right?

10  A.   That's correct, my Lady, yes.

11  MS INNES:  Then I think again at the time that 'Deborah's'  
12        statement was read in, there was reference to the female  
13        foster carer going into hospital, a worry about the  
14        placement at that time, but I think if we then move on  
15        towards the end of the placement at page 12, this is  
16        a letter on 14 April 1977.  This was a letter, we think,  
17        to a general practitioner referring to the foster carers  
18        and asking that they would be:

19           "... most grateful to have your observations  
20        regarding their suitability to continue as foster  
21        parents for 'Deborah' in view of the foster mother's  
22        failing health."

23           At that stage the social worker seems to be making  
24        some investigations in relation to the suitability of  
25        the placement.

1 A. That's certainly how it would appear.

2 Q. We know that 'Deborah' moved from that placement in  
3 [REDACTED] 1977. We understand, I think, that the female  
4 carer indicated that she couldn't cope any more at that  
5 point.

6 I am going to move on next, my Lady, to discuss the  
7 conviction of Stuart Brown and the relevant evidence  
8 from an applicant --

9 LADY SMITH: Should we take the afternoon break just now, if  
10 that would work for Lillian?

11 MS INNES: Yes.

12 LADY SMITH: Is that okay, Lillian, if we take the afternoon  
13 break just now?

14 A. Yes, thank you, my Lady.

15 LADY SMITH: Very well.

16 (2.57 pm)

17 (A short break)

18 (3.11 pm)

19 LADY SMITH: Are you ready for us to continue, Lillian?

20 A. I am, thank you, my Lady.

21 LADY SMITH: Thank you.

22 Ms Innes, when you're ready.

23 MS INNES: Thank you, my Lady.

24 Lillian, I would like to move to the evidence of  
25 an applicant who has the pseudonym 'Julie' and gave

1 evidence on Day 313, 11 August 2022.

2 We know that [REDACTED], Stuart Brown,  
3 was convicted in respect of sexual offences including  
4 rape in respect of 'Julie'.

5 Whilst reference was made to this at the time that  
6 'Julie' gave evidence, we've not actually looked at the  
7 conviction, my Lady.

8 If we could look, please, at JUS-000000076, and  
9 we'll see on the first page that this was on 9 May 1988.  
10 Against "Plea":

11 "The accused pled guilty to charges 2, 5, 6, 7 and 8  
12 as libelled and guilty to charge 10 under deletion of  
13 the words 'and did attempt to rape her' and quoad ultra  
14 pled not guilty."

15 If we scroll down we see, "Sentence":

16 "The court sentenced the accused to be imprisoned  
17 for a period of two years on charges 2, 5, 8 and 10 and  
18 nine years on each of charges 6 and 7, periods to run  
19 concurrently."

20 If we move on over the page we'll see the charges  
21 themselves to which the accused pled guilty.

22 Charge 2, sexual offences, and that's the earliest  
23 date that he pled guilty from, so 1982, and we know that  
24 'Julie' had gone to live within that household in  
25 [REDACTED] 1977, and I think she was eight, just about to turn

1 nine, at the beginning of the period.

2 The latest offence that we will see is in 1987.

3 So we see charge 2.

4 Charge 5 is other dates in 1985, lewd and libidinous  
5 practices.

6 6 is assault and rape.

7 7 is unlawful sexual intercourse with a child under  
8 the age of 13.

9 Then over the page at 8, lewd and libidinous  
10 practices. Again it's referring back to previous dates.

11 Then at 10, between [REDACTED] 1986 and  
12 [REDACTED] 1987, assault and, as we saw earlier, the  
13 attempt to rape was deleted at the time of the plea.

14 Those were the charges to which Mr Brown pled  
15 guilty, and you would now include that as a conviction  
16 that you're aware of?

17 A. That's correct.

18 Q. You provided us with certain information from records,  
19 both in relation to the foster parents' records and also  
20 some items that I think you had selected to draw to the  
21 Inquiry's attention in relation to the circumstances of  
22 this case.

23 I wonder if we can first of all look, please, at  
24 DGC-00000000407.

25 If we just look at the first page, we see on



1 15 February 1977, a handwritten note saying:

2 "I am writing with reference to your letter of  
3 9 February regarding the foster carers with whom 'Julie'  
4 was placed. The foster carers are both quite suitable  
5 for fostering children and have in fact been doing so  
6 for some years, but even without this information  
7 I would have no hesitation in recommending whatsoever.  
8 Yours sincerely."

9 That seems to be a reference in support of  
10 an application to become a foster carer, and we've seen  
11 similar and other records.

12 Nowadays, how are references dealt with?

13 A. So there would be a range of checks. This certainly  
14 wouldn't be accepted. That's a personal reference.  
15 That would not be accepted as a reference on  
16 an individual level. There would need to be much more  
17 detail in terms of their connection with the family and  
18 how they know them, et cetera. So there would be a lot  
19 more required, that certainly wouldn't be enough.

20 We would always generally now look for references  
21 from employers, if there are any. We would look for --  
22 as well as employment references we would look for  
23 character references in much more detail, as in how long  
24 you've known, what is the evidence around how you've  
25 known and how potential foster carers may interact with

1 children.

2 We ask for medical reference, so we have  
3 a representative, an NHS doctor, GP, who sits on our  
4 panel and they will undertake some assessment of those  
5 potential foster carers.

6 So this individual paper as it stands just now would  
7 not be accepted as an appropriate reference.

8 Q. If it was a reference from a personal friend or  
9 relative, perhaps, would the assessing worker speak to  
10 the referee as well as getting them to fill in  
11 a questionnaire?

12 A. Absolutely. It would be a full assessment of their  
13 connection, the length of time they've known them, what  
14 they know about them, what they know about their  
15 history, et cetera, and that would be done as part of  
16 an assessment, a whole suite of assessments that are  
17 undertaken. As well as written referees there would  
18 also be an assessment of their suitability and their  
19 connection.

20 Q. If we go on to page 6 of this document, we see the  
21 application to foster and this is from the carers.  
22 There's reference to sex and age of child asked for and  
23 they say, "Female, 12-16 years."

24 Then they set out the household and at that point  
25 I think there were five boys in the household, [REDACTED]

1 their own sons, [REDACTED] Stuart Brown, and an adopted  
2 son.

3 They talk about the accommodation and sleeping  
4 accommodation, and if we go down to the bottom of the  
5 page:

6 "Have you previously applied to foster a child?"

7 It says:

8 "They were foster parents for Dumfries County  
9 Council for many years but ceased three years ago when  
10 they had a domestic crisis."

11 There's no more detail about that than what we see  
12 there. If somebody had been a foster carer previously  
13 and they'd stopped for some reason and they reapplied or  
14 applied to a different Local Authority, would you be  
15 interrogating the reasons for that?

16 A. Absolutely. You would want to be very clear of the  
17 reasons as to why, there are some reasons that are  
18 acceptable but equally you would certainly want more  
19 tail.

20 Q. We know, I think, that the foster carers in this case  
21 had a further assessment because they moved house, and  
22 if we look, please, at DGC-000000391, and we can see  
23 here that this is a Form F and it's been completed -- it  
24 says social worker Ann Robertson, and we'll come back to  
25 her. There's reference to a senior Mr Brotherston,

1 Fostering Officer.

2 This talks about the carers and if we scroll down  
3 towards the bottom of the page, pen picture:

4 "Well balanced, large family. Foster parents happy  
5 with [REDACTED] foster  
6 children who have resided with them for approximately  
7 five years."

8 We understand that reference to be to 'Julie' and  
9 her two brothers at the time, so they were already  
10 residing in the household by this point.

11 Again, if we can scroll right to the top of this  
12 page again, there's a handwritten note at the top of the  
13 page where it says:

14 "See original application of 1977, little change."

15 If we move on in the assessment to see if we move to  
16 page 4.

17 If we see the individual profile of the female  
18 carer, the reference is seen to refer to her physical  
19 appearance, which is asked for in the pen picture, and  
20 then family background:

21 "One of a large family ... most of the family reside  
22 within Dumfries and Lanarkshire area. Her mother died  
23 at the age of 56 years and the female carer took over  
24 care of the family at that stage. Since marriage she  
25 has also had ten children, three of whom are deceased

1 (two in infancy)."

2 So that sets out the background of the carer.

3 If we scroll down we see a bit about education,  
4 occupation and interests. The responses seem to be  
5 quite brief. Is that what you would expect in  
6 an assessment of a foster parent?

7 A. Certainly not now.

8 Q. You'd expect a lot more detail?

9 A. Absolutely. There would be a whole range of areas that  
10 you would be looking to be very clear about, to assess,  
11 to look much more into their background. For example,  
12 the fact that children had been deceased, her own  
13 children had been deceased, how had she dealt with that?  
14 Those would be just one brief example, but you'd  
15 certainly be looking for much more detail than is  
16 currently available on that form.

17 Q. If we move to the final page, page 12, and at 37,  
18 "Social worker's assessment", at the bottom of the page  
19 it says:

20 "Mr Brotherston and myself have both visited this  
21 foster home. I visit on a weekly basis.

22 "Further investigation began when this family moved  
23 to a smaller home and it was felt that they were  
24 residing in overcrowded conditions. Since joint visit  
25 was made, one of the foster children has been moved ..."

1           Just pausing there, 'Julie' told us in her evidence  
2           that her older brother was moved from the foster home  
3           and you may recall in her oral evidence that she  
4           described that as him being ripped away.

5   A.   (Witness nods)

6   Q.   And that she struggled to maintain a relationship with  
7           him after, and I think she described it as being the  
8           beginning of a very long end.

9           Do you have any reflections on that, the removal of  
10          her brother from the household?

11  A.   Certainly. I found that treatment quite appalling. We  
12          have a responsibility to children and young people that  
13          have been in our care to help them in that transition  
14          from whatever area they were looked after and  
15          accommodated in, to help them as they move into  
16          adulthood and onwards. So the reflection that a young  
17          man was removed from his siblings, from that  
18          environment, in terms of that was the care at the time,  
19          without any support, I find quite appalling.

20  Q.   Then it talks about they had visited -- they say:

21                 "At present we are satisfied that the boarding-out  
22                 regulations are being adhered to. Mr Brotherston and  
23                 myself checked all sleeping accommodation and he  
24                 emphasised to the female carer that she must not allow  
25                 any others to become occupants within this home

1 otherwise the foster children would have to be moved  
2 elsewhere. He made it clear to her all aspects of our  
3 boarding-out regulations and she agreed to adhere by  
4 them.

5 "Visits made on a weekly basis to ensure that these  
6 are being enforced."

7 So that seems to be the outcome of the assessment at  
8 that point.

9 We heard in evidence from 'Julie' that the social  
10 worker, Ann Robertson, who is visiting weekly, she says,  
11 is in fact a friend of the family.

12 A. (Witness nods)

13 Q. That is confirmed by another record that was referred to  
14 during 'Julie's' evidence, the next social worker that  
15 took on the case after Ms Robertson said that it was  
16 difficult because she'd been a friend of the family. Do  
17 you have any reflections on the appropriateness of the  
18 involvement of a social worker who's a family friend?

19 A. Well, that would be completely inappropriate, and  
20 I think you can reflect on the information that we hold  
21 that the priority appears to be for the foster carers  
22 rather than the children that were placed there. So  
23 I think that for me again was wholly inappropriate and  
24 that would not happen now, as we stand at this moment in  
25 time.

1 Q. If a social worker had a personal connection with  
2 somebody they would declare it and they wouldn't be  
3 able --

4 A. Absolutely, or if it became known they would be  
5 immediately removed.

6 Q. If we could look, please, at another document,  
7 DGC-00000000405, page 1.

8 These are some of the social worker's notes about  
9 visits. For example, if we look at the bottom of the  
10 page we see an entry in 1987, it's not clear when. So  
11 there's 14 November 1986, then the next entry in 1987  
12 says:

13 "Regular visits made to this foster home."

14 Then there's talk about 'Julie'.

15 Then next entry, 27 March 1987:

16 "Regular visits made to this foster home."

17 Then it talks about the carer, going on holiday and  
18 some reflections on the child.

19 We seem in that entry to have spanned, at least from  
20 what we can see, November 1986 up to March 1987.

21 There's reference to regular visits being made, but no  
22 detail of what those involved. Would you expect more  
23 detailed records?

24 A. Absolutely clear. If you visit -- if you have contact  
25 with a foster carer or a child, it should be recorded.



1 Q. You would also have to be clear as to whether you were  
2 speaking to the child as well, I assume?

3 A. It should be every detail. It's really important that  
4 that's recorded.

5 Q. Of course we know that there were blurred lines here  
6 with the relationship of the social worker and the  
7 foster carer, and I think that 'Julie's' evidence was  
8 that that was confusing?

9 A. I think it's very clear that there was an inappropriate  
10 relationship with the foster carers and the social  
11 worker at that time.

12 Q. Now we know that it came to light -- the sexual abuse  
13 came to light and if we can look, please, at  
14 DGC-00000077. On page 1 this tells us that 'Julie' and  
15 her brother have been admitted to Wendy House.

16 It talks about them being admitted in 1988 as  
17 a result of foster home breakdown after allegations of  
18 sexual abuse were made, it says, "against 'Julie' by [REDACTED]  
19 [REDACTED]", but it's the other way around, so it's  
20 allegations were made by 'Julie' against [REDACTED]  
21 [REDACTED].

22 It then talks about medical investigations and it  
23 then talks about, in the next paragraph:

24 "On admission both children were very tired, but  
25 reasonably composed considering the situation. The

1 following day they looked very strained, very, very  
2 subdued and reserved, offering little conversation."

3 It then says:

4 "Conversation was always instigated by staff, with  
5 which the younger brother was quite limited only  
6 answering our questions with yes, or no, however he did  
7 ask if he could phone his mum. 'Julie' said she wasn't  
8 bothered about phoning, understandably so, as we feel  
9 she is both confused and angry about the whole situation  
10 as she stated herself, she messed things up and wishes  
11 she had never said anything."

12 Then it says:

13 "After the phone call to their mum, both children  
14 were quite subdued and 'Julie' eventually burst into  
15 tears, blaming herself for everything, stating that her  
16 mother now resents her as it was all her fault. She  
17 eventually stopped crying and regained enough composure  
18 to be able to talk about general things."

19 For example, she wanted to stay at her school.

20 There are a few things within that. We can see that  
21 'Julie's' been removed from the foster home and I think  
22 initially Stuart Brown had been removed and she had  
23 remained, but there were issues within the family about  
24 whether she was believed or not?

25 A. (Witness nods)

1 Q. And the decision was taken to remove her and she felt  
2 like she was being punished for the abuse that she'd  
3 suffered. How do you deal with that type of issue and  
4 prevent that happening?

5 A. I think these case notes absolutely don't recognise the  
6 impact for 'Julie'. Were this to happen at this moment  
7 in time, the child would be moved on that day. They  
8 wouldn't be left in a situation where they were then  
9 attacked or accused by the foster family, the extended  
10 family.

11 I think there's a lack of the understanding of the  
12 trauma that both 'Julie' and her brother had faced, so  
13 there would be a whole range of supports that would be  
14 made available, including, you know, I think some of the  
15 comments around that they were unwilling to speak, you  
16 would have to respect that and actually that would be  
17 their way of dealing with the trauma that they had  
18 faced.

19 So there's little recognition or understanding in  
20 Wendy House, as they were placed at that point, as to  
21 what they had gone through, so you would be much more  
22 supportive and you certainly wouldn't put them in that  
23 position that they were in.

24 I think, on reflection, the foster carers were held  
25 up in extreme high esteem within the community, so the

1 impact for both those young people would have been  
2 significant. And for me I think one of the real  
3 reflections and what has appalled me is there was no  
4 understanding of the impact for 'Julie' and her brother.

5 Q. I think that we've also heard from 'Julie' that we know  
6 that Stuart Brown pled guilty, so he was convicted and  
7 he'd admitted to the sexual offences, but yet she felt  
8 that she was ignored at the court itself and there were  
9 issues within the community. She seemed to somehow be  
10 blamed for what had happened.

11 Is that the sort of issue that you're referring to  
12 about the way in which those carers were regarded in the  
13 community?

14 A. I think that was an element of it, yes.

15 Q. Is there anything that you can do about that?

16 A. I think it's difficult to reflect on how that situation  
17 was handled. I found it quite difficult to understand  
18 how people who were professionally involved would have  
19 thought that was the right way to handle it. So I would  
20 be very clear that we've moved on significantly in terms  
21 of how we help children deal with their adverse  
22 childhood experiences, how we would work with young  
23 people to deal with the trauma, and you certainly should  
24 never find young people in that position. That would be  
25 wholly inappropriate.

1 Q. Okay, thank you.

2 I'm going to move on to look at the evidence of  
3 another applicant, Alexander McLean, whose statement was  
4 read in on Day 334, 7 October 2022. Some reference was  
5 made to his records at the time and I just want to give  
6 you again the opportunity to comment on these.

7 First of all, if we can look, please, at  
8 DGC-00000000410, a single-page document so it's page 1.

9 If we scroll down to the bottom of that page, we  
10 see:

11 "Mr and Mrs [Blank] were approved as permanent  
12 carers in November 1988."

13 They were approved for [REDACTED] preferably  
14 three or four children. It says:

15 "They are aware of the level of demand and total  
16 upheaval of lifestyle this type of placement will  
17 involve. The female carer intends giving up her  
18 part-time employment before any placement is made. On  
19 the basis of the limited information that they have been  
20 given about [Alexander [REDACTED]] they are  
21 anxious to learn more and explore this possible  
22 placement.

23 "It was acknowledged that introductions will require  
24 to be carefully planned (possibly staged) and organised,  
25 and that a high level of support will be required after

1 placement."

2 That seems to be the initial thinking about  
3 a placement. Do you have any idea about what could be  
4 made by introductions being "staged"?

5 A. I -- I --

6 Q. You mean it's just in stages?

7 A. No, I mean I really don't understand that statement at  
8 all. It isn't something that you would -- you would be  
9 very honest with the foster carers about the challenges,  
10 you would be doing introductions. I don't understand  
11 that use of language.

12 Q. Okay. Then if we move on to DGC-00000000411, these are  
13 some notes during the time that Alexander was in the  
14 care of these carers. If we can scroll down to  
15 14 May 1990, there's reference there to a telephone call  
16 from the school, so it's the final 14 May entry, there's  
17 a number -- yes. So telephone call, information to  
18 social worker, and it talks about Alexander being  
19 "uncontrollable at school because of foster parent  
20 sanctions?"

21 There seems to be a concern about the way in which  
22 the foster carers are sanctioning [REDACTED].

23 If that issue was raised by the school, how would  
24 that be reacted to by the social work department?

25 A. Well, now you would clearly seek more information from

1 the school and most importantly you would have  
2 a conversation with a young person and then you would  
3 gather the evidence from the foster carers. You would  
4 have to try and get information that's relevant to what  
5 is the sanctions and why is it having such a negative  
6 effect. That would ring a huge alarm bell for me.

7 Q. Just going back in time a little, if we can move,  
8 please, to DGC-00000000412, page 2, we see this is  
9 15 February 1990 and it refers to allegation of abuse by  
10 foster parents. It's blanked out, but Alexander's  
11 parents had alleged that [REDACTED] had reported to  
12 them during contact that there was physical abuse by the  
13 foster father.

14 [REDACTED]  
15 saying he had been hit by a belt and a slipper,  
16 prevented from going to bed until an unreasonable time.

17 (2):

18 "It is alleged that [Alexander] also claimed he was  
19 hit with a belt and a slipper. The parents claimed that  
20 there were scratches on his bottom witnessed by the  
21 social worker that had been caused by this treatment."

22 [REDACTED]  
23 [REDACTED]

24 [REDACTED] had been hit with a slipper because he wasn't  
25 eating his breakfast quickly enough.

1           There's comments from the parents and then it says:

2           "In view of the nature of these complaints I would  
3           be grateful if you would invoke the department's  
4           procedures for dealing with allegations of abuse against  
5           foster parents."

6           That might imply that there were procedures about  
7           dealing with allegations against foster parents  
8           specifically at that time?

9    A.   There may potentially have been procedures, but we  
10       haven't -- certainly haven't seen those.

11   Q.   Yes.

12           If we look, please, to DGC-00000000414, we can see  
13       on 23 February 1990 that a report was prepared in  
14       respect of the allegations. If we look on to page 2 of  
15       this and towards the bottom of the page there's  
16       a heading, "Foster parents' comments". It says:

17           "The allegations were discussed with the foster  
18       carers. Both of them were very open and forthright  
19       about the allegations. Talked about ██████████ being  
20       difficult to manage. ██████████ needed very strict and  
21       consistent handling and he had in the past found it  
22       necessary to smack ██████████. He stated very openly that on  
23       one occasion in December 1989 ██████████  
24       ██████████ and that around that time  
25       Alexander had been smacked with a slipper. Both of the



1 foster carers explained how they had become concerned  
2 following this incident that it had left Alexander with  
3 a mark on his bottom. They decided from then on that  
4 they wouldn't smack [REDACTED] and especially since it  
5 did not appear to have the required effect. The male  
6 carer went on to explain that the occasion when [REDACTED]

7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

10 It appears that there was -- well, there was  
11 an admission that [REDACTED] I think, had been  
12 hit with a belt and one had been hit with a slipper. In  
13 1990 do you know if this would have been acceptable?

14 A. I don't think at any time it would have been acceptable.

15 Q. We understand that there was then a police  
16 investigation, so [REDACTED] remained in placement  
17 after this report, but then there was a police  
18 investigation and if we can look, please, at  
19 DGC-000000370, this is a file in relation to  
20 an allegation of child abuse. We can see the date,  
21 16 March 1990, and that's from an inspector in Lockerbie  
22 to a constable in Moffat.

23 The constable is referring to the above subject and  
24 reporting that, as instructed, he has made enquiries and  
25 attached the report. It says:

1           "Obviously the police lost the initiative when the  
2           social work department failed to inform of the  
3           allegation at the outset. They have held their own  
4           internal inquiry and decided that the matter should be  
5           taken no further. However, as there is a civil case  
6           pending over this family, the social work department  
7           decided to call for a police inquiry."

8           Any comment on that procedure?

9   A. I think, you know, if any child is physically assaulted  
10       to the extent that there's marks and there's evidence of  
11       that, then the police of course should have been  
12       immediately informed.

13   Q. Just so that we understand what the police officer is  
14       referring to, I think we see on page 4 a statement from  
15       John Small, who is the social worker, who we've seen  
16       mentioned before.

17           If we move first of all to page 6, in the middle of  
18       the page there's a paragraph beginning:

19           "I followed departmental guidelines and interviewed  
20       the foster parents at their home in the presence of  
21       another person from the social work department  
22       [I think]. Both were open in response to the  
23       allegations. They stated they had used physical  
24       punishment ..."

25           The admissions that we've already seen recorded in

1 the report.

2 In the next paragraph:

3 ' [REDACTED] do not appear to have been adversely  
4 affected by the physical punishment. Indeed there has  
5 been a marked improvement in [REDACTED] behaviour since [REDACTED]  
6 went to the foster home over a year ago."

7 In the final paragraph on this page:

8 "The carers have with no doubt whatsoever been in  
9 a very difficult situation and whilst I am in no way  
10 condoning what they are alleged to have done, there is  
11 little doubt that [REDACTED] in need of strong  
12 parental guidance. The carers have undoubtedly been let  
13 down to some extent by the lack of support from the  
14 social work department in what is a very difficult  
15 placing [going over the page], which has put an extra  
16 strain on them."

17 He seems to be acknowledging that the carers weren't  
18 perhaps supported as much as they might have been?

19 A. That would be the reading of that, yes.

20 Q. Then he goes on to say:

21 "The social work department held their own enquiry  
22 and it was decided the matter should not be taken any  
23 further. However, the natural parents are contesting  
24 the department's parental rights over [REDACTED] and  
25 the appeal will be held in court in the not too distant

1 future. It was therefore decided by my superiors that  
2 the matter should be reported to the police in order  
3 that the police should make enquiries into the  
4 allegations."

5 The civil case referred to seems to have been the  
6 Local Authority's application for parental rights.

7 A. That would be my reading of it.

8 Q. You're saying that the appropriate process would have  
9 been to invoke child protection procedures right at the  
10 start?

11 A. Absolutely, absolutely.

12 Q. I'd like to go back, please, to DGC-000000002, and  
13 this -- sorry. No, it's DGC-000000003.

14 This is Part B of your response to the Inquiry's  
15 Section 21 notice. You submitted this at an early stage  
16 before you had completed the file review that you've  
17 told us about.

18 A. (Witness nods)

19 Q. I wanted to give you the opportunity to provide your  
20 responses to the questions posed here in the light of  
21 the file review and the material that you're aware of  
22 that was dealt with during the case study.

23 At 3.1(a):

24 "Does the Local Authority accept that between 1930  
25 and 17 December 2014 any children in foster care were

1           abused?"

2           What's the answer to that?

3   A. Well, clearly there is evidence that they were, yes.

4           And, you know, at that time we acted on the information  
5           we had, but subsequent information and evidence has come  
6           to the fore, so we would answer that one differently.

7   Q. Then at page 3, if we look at question 3.2, there's  
8           a question there:

9           "Does the Local Authority accept that its systems  
10           failed to protect children in foster care between 1930  
11           and 17 December 2014 from abuse?"

12           Again, in the light of the work that you've done,  
13           what's the answer to that?

14   A. I think not necessarily the systems per se, but  
15           certainly the policies and procedures weren't followed,  
16           so you could say because they weren't properly followed  
17           then of course it was a system failure.

18           But I think the systems were there to be followed  
19           and they weren't.

20   Q. Then if we look on to page 4 and acknowledgement of  
21           failures and deficiencies in response at 3.3(a), the  
22           question there:

23           "Does the Local Authority accept that there were any  
24           failures and/or deficiencies in its response to abuse  
25           and allegations of abuse over the relevant period?"

1           Again, in the light of the information that you've  
2           looked at, what's the Local Authority's response to that  
3           now?

4   A.   You know, I think we said in our submission that we  
5           accept that for some children there may have been abuse,  
6           so consequently we accept that the standards of practice  
7           were not followed and consequently then, you know, we  
8           absolutely have to accept there were some failings in  
9           the implementation of our own policies and procedures.

10  Q.   I suppose the case that we've just looked at, of  
11       Alexander McLean, where the response was to do the  
12       internal investigation and then later decide to do  
13       a police investigation, that's a failure in response?

14  A.   It certainly wasn't -- their own policies and procedures  
15       were not followed.

16  Q.   Finally, Lillian, I wanted to ask you whether you have  
17       any further reflections on matters pertaining to foster  
18       care and whether you identified any issues or possible  
19       remedies or lessons to be learned over the course of  
20       your involvement in working on your response to this  
21       case study?

22  A.   I think one of the real reflections for me, and again  
23       I go back to taking up post in Dumfries and Galloway,  
24       there had been a very negative external scrutiny of our  
25       services for children. What this reflection for me has

1 given me is the work that we needed to do, to make sure  
2 that we were keeping children safe. It reinforced the  
3 need to revisit all of our policies and procedures, and  
4 I hope in our submission I reflected the amount of work  
5 that we did to make sure that all of our policies and  
6 procedures for foster children was updated and they were  
7 effective and they were in a place where it was very  
8 clear what our expectations were in terms of caring for  
9 our most vulnerable youngsters.

10 So I think you don't need to look back -- you have  
11 to acknowledge history and sometimes history allows you  
12 to absolutely be focused on what you need to do moving  
13 forward, and we have taken huge strides in making sure  
14 that our children are as safe as they possibly can be.  
15 You could never fully eliminate risk, but you can  
16 certainly mitigate it.

17 And I think, just as I said right at the beginning,  
18 I found the whole process quite harrowing to hear, to  
19 look at files and read some of the way in which we cared  
20 for our most vulnerable youngsters and we need to do  
21 everything in our power to never be in that position  
22 again.

23 So you don't need to have an endorsement, but it  
24 absolutely makes you fully continue to strive to make  
25 things a lot better.

1           So my reflection is that I found it quite difficult  
2           to read, I found it quite appalling, some of the actions  
3           that were taken, and everything that we need to do  
4           moving forward to make sure that doesn't happen where we  
5           can in the future.

6 MS INNES: Thank you, Lillian. I don't have any more  
7           questions for you.

8           No applications for questions have been made,  
9           my Lady.

10 LADY SMITH: Are there any outstanding applications for  
11           questions of Lillian?

12 A. Sorry, my Lady?

13 LADY SMITH: It's all right, I was checking whether anybody  
14           had a burning question they wanted to ask me if they  
15           were allowed to ask, but the silence tells me that  
16           you're okay, no more questions. We've asked you quite  
17           enough this afternoon.

18           Lillian, thank you very much again for coming here  
19           today to talk to us about Dumfries and Galloway's care  
20           of children in foster care and kinship care. It's been  
21           really helpful to hear from you and hear your thoughts  
22           about what seems to have gone wrong in the past and what  
23           ought to be happening in the future. I do note that and  
24           it's very clear that you're committed to making things  
25           better and better as you go forward.



1 I wish you well with that. Safe journey back and  
2 thank you very much for coming.

3 A. Thank you, my Lady.

4 (The witness withdrew)

5 LADY SMITH: I think that leaves us with just two other  
6 Local Authorities, but they will wait until tomorrow,  
7 Ms Innes --

8 MS INNES: They will.

9 LADY SMITH: -- is that right?

10 MS INNES: Yes.

11 LADY SMITH: At 10 o'clock we start with --

12 MS INNES: It's Glasgow and then South Ayrshire in the  
13 afternoon.

14 LADY SMITH: Thank you.

15 I'll rise now until 10 o'clock tomorrow morning.

16 (3.56 pm)

17 (The Inquiry adjourned until 10.00 am on  
18 Friday, 11 November 2022)

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