

- 1 Aberdeenshire Council has been requested, via a Section 21 notice, to provide a report in relation to the provision of foster care services. Specifically, this request requires the local authority to answer the following three questions following the hearing of evidence as part of the Scottish Child Abuse Inquiry relating to foster care and boarding out:
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 - In the light of the evidence, what reflections do you have on your Part B response to the Inquiry's Section 21 notice dated 27th August 2019. Do you wish to submit a revised version of Part B of your response? If so, please do so in a separate addendum.
 - What lessons do you suggest should be learned from the evidence?
 - In the light of the evidence, what changes do you suggest should be made to protect children from abuse in foster care?
- 3 The local authority will answer each of these questions in turn.

In the light of the evidence, what reflections do you have on your Part B response to the Inquiry's Section 21 notice dated 27th August 2019. Do you wish to submit a revised version of Part B of your response? If so, please do so in a separate addendum.

- 4 Aberdeenshire Council has reflected on its original Part B response following the evidence provided to the Inquiry. Aberdeenshire Council wishes to submit a revised version of Part B and this is attached to this report as an addendum. Aberdeenshire Council accepts following the evidence given to the Inquiry that children and young people in Aberdeenshire did suffer abuse between 1930 and 2014.
- 5 Access to files and records were limited during the course of the COVID 19 pandemic and restrictions which formed part of this. Following the easing of restrictions it has been possible to access further documentation and interrogate files which has subsequently, alongside witness accounts, enabled us to access records which indicated abuse had taken place.
- 6 Aberdeenshire Council acknowledges the harm which was caused to children and young people, and the trauma experienced, while in the care of foster families in Aberdeenshire. Further reflection on this is contained within the revised Part B attached.

What lessons do you suggest should be learned from the evidence?

- 7 A powerful message from the evidence heard is the significant and long-lasting impact of abusive care. For example, Megan (Day 290) stating "I've suffered from

mental health issues since I was 19 years old and I feel and I was told through a long term, a year in hospital, that my childhood was the reason for my mental health issues". Rachel (Day 307) also refers to her use of alcohol, lack of confidence, and panic attacks, as related to her time in care.

- 8 It will be important that this evidence informs continued robust recruitment, assessment, approval, training and support of foster carers who care for vulnerable children and young people. In more recent times there have been considerable developments in the regulation of foster care.
- 9 For example, the Looked After Children (Scotland) Regulations 2009 set out very detailed measures which are required in terms of the assessment of foster carers such as the information which requires to be gathered during the assessment process, statutory checks to be undertaken, the taking up of references, the scrutiny of the assessment by a fostering panel made up of suitably qualified panel members. This more robust assessment process would potentially serve to address some of the concerns identified through evidence given to the enquiry.
- 10 For example, May (Day 293) highlights significant overcrowding within the foster home she stayed in, and the competing demands of the female foster care in nursing her ill husband. The issues highlighted in the evidence given by May further strengthen the need for the assessment process to be robust and address issues such as the physical space within a potential fostering household as well as the other demands on applicants' time and energies.
- 11 Additionally, ongoing robust assessment of foster carers once approved seeks to further contribute to ensuring that children and young people received attuned care where they are not subject to abuse. For example the undertaking of unannounced visits, annual reviews of foster carers incorporating the views of children, young people, parents, and children's social workers.
- 12 The Looked After Children (Scotland) Regulations 2009 also require foster carers to be reviewed by the fostering panel within 12 months of approval and at least every three years thereafter. Aberdeenshire has also recruited independent Foster Carer Review Officers who undertake annual reviews in between the formal Panel Reviews.
- 13 Measures such as those described above seek to minimise the potential for children and young people to be subject to abuse and trauma when in the care of foster carers. However the evidence heard during the Inquiry reminds of the need for additional measures to be in place to ensure children and young people are protected. The evidence reinforces the need for ongoing professional curiosity, "thinking the unthinkable" during visits and monitoring.
- 14 The evidence heard is also a reminder of the need to ensure that everyone involved with a child or young person in foster care contributes to keeping them

safe. A theme which emerges from the evidence is of victims stating that they did not have the opportunity to speak to someone they trusted about the abuse they were experiencing. May describes her social worker speaking to her at the foster carers' home and so there not being the opportunity to share her concerns. She asks while giving evidence, "Why didn't he take us somewhere to talk to us on our own?" Rachel very powerfully shared, "Regardless of age, you really have got to listen to the children".

- 15 More recent legislation and regulation has placed additional emphasis on this area. The Looked After Children (Scotland) Regulations 2009 require the local authority to ensure that the child or young person is visited within one week of placement and at intervals of not more than three months thereafter. Visits at such a level do not however allow for the development of trusting relationships where children and young people may then feel able to disclose concerns about their circumstances.
- 16 Aberdeenshire Council Children's Services promotes a culture of relationship-based practice. To deliver on this fully, visits of a much greater frequency are stipulated. This also needs to involve the child being seen outwith their foster carers' home. Anne (Day 326) states in her evidence to the Inquiry that she wouldn't have felt able to say about the abuse she was experiencing as she would not have been believed. This is an important lesson that alongside visits, the strength of trusting relationships is vital to ensuring that children and young people feel able to share information that is important to them and which will ensure they are kept safe. This evidence can inform ongoing staff training as to the importance of regular visits and the development of relationships by social workers with children and young people.
- 17 Evidence shared also serves to reinforce the need to ensure that children and young people have a range of trusted adults to talk to. Megan and Anne both describe in their evidence that they may not have felt able to speak to their social worker, but that an alternative person to speak to such as a support worker may have given the opportunity to disclose what was happening. This is an important lesson as to the role of staff such as family support workers, children's rights officers, and independent advocacy workers. Additionally, every foster carer has their own supervising social worker who is separate to the child's social worker and both report to different managers to reduce bias and ensure that a safe and child centred approach is taken, and children are listened to, cared for and kept safe.
- 18 The multi-agency contribution to keeping children safe is a further theme which emerges from the evidence given. The evidence contains examples of health assessments being undertaken but not identifying concerns during this. Rachel notes the importance of those involved with children and young people not only asking directly about their experiences but picking up on cues: "You've got to be aware of signs that a child is unhappy or being abused". She describes how there

would have been opportunity for school staff to pick up on her unhappiness however this did not happen. May describes her reaction whenever she was approached by her teacher because her foster carer always slapped her when she went past her. She describes how this was not recognised by her teacher.

- 19 While more recent developments with regards to Getting it Right for Every Child (GIRFEC) has meant that there has been considerable progress with regards to a multi-agency understanding of everyone's role in keeping children and young people safe, the evidence provided gives further opportunity to develop training for staff. The powerful messages from the evidence shared can inform multi-agency staff training as to why everyone's role in relation to protecting children and young people is so vital. Aberdeenshire Council will ensure that these messages are taken forward into staff training.
- 20 The evidence provided to the Inquiry also provides a very important lesson in ensuring that prospective and current foster carers are equipped with the knowledge, skills and experience to respond to and manage the range of behaviours which are displayed by children placed in their care, in a trauma-informed manner, which recognises that these behaviours are a manifestation of the abuse, neglect or trauma which these children have experienced.
- 21 Evidence given to the Inquiry details extremely traumatic ways in which behaviours such as bedwetting were managed. For example, John (Day 292) describes being given cold baths, dragged in by his ankles for wetting the bed. Megan speaks of receiving no Christmas presents on Christmas Day due to being accused of taking money which did not belong to her.
- 22 More recent developments in the training and support of foster carers will go some way towards addressing this. For example the range of training that is available in relation to trauma-informed practice, managing behaviour, understanding attachment, loss and change. There is now a requirement that foster carers undertake a minimum of 25 hours training and development per year. Foster carers are required to keep logs of this and this is scrutinised on an ongoing basis as well as at annual reviews with independent review chairs, as well as at reviews by the fostering panel.
- 23 Additionally the support which is provided to carers through regular supervision, support groups and peer support will also contribute to this. The keeping of log books also allows for staff to be informed as to the manner in which carers are approaching particular situations. Aberdeenshire Council has a foster carer skills level scheme whereby foster carers are encouraged to gather appropriate experience, supported by ongoing training, to progress through this skills scheme.
- 24 There is still scope for further supporting and training to carers going forwards in relation to this area. Aberdeenshire Council is currently piloting an alternative approach to recruiting and assessing foster carers: the Therapeutic Fostering

Assessment, in conjunction with the Centre of Excellence for Child Trauma. This seeks to ensure that foster carers are assessed and trained in a manner which is rooted in trauma-informed practice. This is one example of the ways in which the Inquiry can inform the direction of future recruitment and assessing of carers.

- 25 The evidence provided to the Inquiry in relation to physical and sexual abuse of children and young people experienced while in foster care ensures that there is a continued focus on being clear in the course of assessing and supporting foster carers as to acceptable and not acceptable practices. Peter Kelbie (Day 306) in his evidence to the enquiry describes his experience of both physical and sexual abuse while in foster care.
- 26 Rachel's evidence describes her records reflecting her having been injured while in foster care but it being decided not to investigate this as she and her sisters were no longer residing there. She notes that she hopes that increased vetting procedures would ensure that this would not happen now, but it is a reminder to ensure that concerns relating to children are fully investigated and other children are protected while these investigations are carried out.
- 27 This evidence serves as an important reminder that discussions around areas such as physical chastisement and safe caring remain live, explicit, topics of discussion and that assumptions are not made that prospective or current applicants inherently know that such practices are not acceptable. This should be a continued focus of training, supervision, and review of foster carers.
- 28 All complaints made about foster carers are taken seriously, investigated and outcomes shared and recorded. Aberdeenshire has adopted national guidance pertaining to 'Managing Allegations Against Foster Carers' and fully implements the use of Interagency Referral Discussions as per Child Protection National guidance.
- 29 Transitions to and from foster care is a further theme which emerges from the evidence provided. Anne speaks of never being given any support with budgeting, cooking or preparing for the real world. John stated, "There was no preparation for kids going back to families or going out into the outside world".
- 30 While practice in relation to understanding of the importance of transitions has developed in more recent times, this evidence is an important lesson that a continued focus on this area is very important. Aberdeenshire Council has detailed transitions guidance for children moving from one caregiver to another, however it is important that this is understood and followed in relation to every transition which happens. Aberdeenshire Council will ensure that this informs current development work being undertaken in this area as well as training for staff and foster carers.

- 31 The prevalence of stigma and prejudice in relation to children and young people in foster care is a further theme which emerges from the evidence provided to the Inquiry. It is an important lesson from this evidence about the impact of stigma and prejudice on young people. It is very apparent from the evidence provided by Megan that her social worker's intense dislike of travelling people, and her resulting treatment of Megan, had a long-lasting impact. Further, May describes in her evidence of being referred to by others in the local community as "boarded out tinkies".
- 32 While there have been some advances in more recent times in relation to some of these areas, for example the development of professional practice standards through the Scottish Social Services Council, there is still further work which is required. Scotland's independent care review recognised this in the publication of the Promise: "The experience of being cared for must be normalised and free from stigma" (p73).
- 33 Aberdeenshire Council has been working to develop its practices in relation to use of language, terminology and report writing in recent years. However it is recognised that these efforts need to continue in order to ensure that children and young people living in foster care, and other forms of care, are free from stigma and prejudice.

In the light of the evidence, what changes do you suggest should be made to protect children from abuse in foster care?

- 34 Given the themes identified from the evidence provided, Aberdeenshire Council makes the following suggestions as to changes which should be made:
- 35 Children and young people living in foster care must always have frequent access to adults outwith the household with whom they have a trusting relationship. There must be an increased focus within regulations on relationship-based practice with revised minimum visiting standards. All children and young people living away from home must be offered, and be supported to access, independent advocacy.
- 36 Local authorities must ensure that children and young people's voice is at the heart of care planning for them. Development of services, policies and procedures must be undertaken in partnership with children and young people.
- 37 The powerful messages from the evidence to this Inquiry in relation to foster care must inform multi-agency training in relation to child protection, not just for children living at home in their parents' care, but also for children living in alternative forms of care, including foster care.
- 38 Assessment of foster carers must continue to be robust, with professional curiosity at all times informing the process. Assessment processes must continue to

ensure that there is explicit discussion about areas such as physical chastisement and safe caring.

- 39 Support to foster carers once approved, and review processes, must continue to subject carers to appropriate, independent, scrutiny, with the opportunity for all key partners, including children and young people, to contribute to the review process. There must be an increased emphasis on the seeking of views from multi-agency partners such as health visitors and school staff, for foster carer reviews.
- 40 There must be improvements in the keeping, and use, of foster carer chronologies, the recording of complaints, and auditing of foster carers' files.
- 41 Local authorities, and partner agencies, must continue to work to develop transitions processes so that children and young people move to and from foster care in a manner which minimises trauma. Work must also continue on removing the stigma of being looked after away from home including on transforming the use of language.

Other Matters

- 42 Aberdeenshire Council has also been requested within the Section 21 notice to comment on a specific case in relation to the Inquiry. John Sinclair, a former foster carer in Aberdeenshire, pled guilty in July 2022 to various charges involving the physical, sexual and emotional abuse of children in his care between 1977 and 1984. Mr Sinclair received a custodial sentence for the offences he committed.
- 43 Given the nature of the abuse perpetrated by Mr Sinclair, Aberdeenshire Council acknowledges the likelihood that his victims will have experienced considerable and long-lasting trauma as a result of this abuse. The evidence given to the Inquiry from other witnesses clearly outlines how such abuse can profoundly impact victims' lives.
- 44 The learning from this case, as well as the experiences of other victims who gave evidence during the Inquiry, will continue to inform practice developments. A significant amount of time has passed since the offences occurred and there are multiple practice and legislative developments which have taken place since this time together with significantly improved practice. Although a formal review or audit of Mr Sinclair's file has not been carried out since his conviction we believe in the circumstances a reasonable and proportionate approach has been taken.

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