

Part D – Abuse and Response

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

Due to the Corona virus pandemic, archives have all been closed and access to files has been limited to those held electronically. We have had access to some limited data that was available for insurance claims. Our assessment is therefore based on the available data and we have no indication at the time of submission when the archives will reopen.

5. Abuse

5.1 Nature

- a) **What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?**

Research has shown that incidences of all types of abuse can occur.

5.2 Extent

- a) **What is the local authority's assessment of the scale and extent of abuse of children in foster care?**

The limited research available indicates abuse was perpetrated on an individual rather than organised basis. Abuse was not systemic across Aberdeenshire.

- b) **What is the basis of that assessment?**

This is based on file reading, s.21 access to files requests and claims made against Aberdeenshire Council which has responsibility for its predecessor administrations.

- c) **How many complaints have been made in relation to alleged abuse of children in foster care?**

Within the limited available sample, allegations which were investigated either jointly with Police or as a single agency numbered 5. With regard to historical claims against the Council which are not specific about the incidences of alleged abuse, 4 claims have been made relating to foster care.

- d) **Against how many foster carers have the complaints referred to at (c) above been made?**

5. 9 if historical claims are included.

- e) **How many foster carers have been convicted of, or admitted to, abuse of children?**

1.

- f) **How many foster carers have been found by the local authority to have abused children?**

2.

- g) **Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?**

0

- h) **How many family members of foster carers have been convicted of, or admitted to abuse of children?**

0

- i) **How many family members of foster carers have been found by the local authority to have abused children?**

0

- j) **Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?**

Historically 1

- k) **How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?**

0

- l) **How many other children placed in foster care in the same placement have been found by the local authority to have abused children?**

0

5.3 Timing of Disclosure/Complaint

- a) **When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the local authority?**

Complaints were made at the time or historically many years later.

- b) **To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?**

In the reading of recent files allegations were made at the time. These are all single incidences of alleged abuse.

- c) To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?**

There have been 3 historical claims against Aberdeenshire for alleged abuse during the time of its predecessor council.

- d) Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?**

No

5.4. External Inspections

- a) What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?**

To our knowledge, there have been no external inspections which specifically related to abuse or the alleged abuse of children. Aberdeenshire Foster Care Service has been formally inspected by the Care Commission and subsequently the Care Inspectorate since 2005.

For each such external inspection please answer the following:

- b) Who conducted the inspection?**

Care Commission / Care Inspectorate

- c) Why was the inspection conducted?**

As a pilot in 2005 and subsequently as part of registration inspection procedure.

- d) When was the inspection conducted?**

As a pilot in 2005 and annually thereafter

- e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?**

The pilot inspection conducted 28 April to 17 May 2005 canvassed views of service users and concluded:

“All children and young people felt they were helped to keep safe, and felt safe enough in placement, and had people they would speak to if they did not feel safe.”

With regard to ‘Regulation 25 – Complaints’, the inspectors concluded:

“An appropriate policy and procedure was in place that was consistent with the regulations SSI 2002/14. The reviewed procedure made reference to the Care Commission.”

“No areas of development were identified during the inspection.”

No inspections have highlighted any issues relating to abuse or alleged abuse of children in foster care.

f) What was the local authority’s response to the inspection and its outcome?

The local authority makes appropriate response to developments required by any inspection and must report back to the Care Inspectorate with evidence of improvement.

g) Were recommendations made following the inspection?

Not with regard to abuse or alleged abuse of children in foster care.

h) If so, what were the recommendations and were they implemented?

N/a

i) If recommendations were not implemented, why not?

N/a

5.5 External Investigations

a) What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?

Response can only be made for the current local authority. Aberdeenshire Council Social Work and subsequently Children’s Services Department follows the North East Scotland Child Protection Committee guidelines regarding multi-agency discussion and investigation of allegations where a crime may have been committed. Part C 4.2 i) d) xvi) discusses past and current policies.

There have been no external investigations into the foster care service relating to abuse or alleged abuse. External investigations are limited to Police being involved in individual cases where abuse is alleged.

For each such external investigation please answer the following:

b) Who conducted the investigation?

All external investigations would involve the Police jointly investigating complaints to ascertain whether a crime has been committed. This would take the form of an Initial Referral Discussion between Social Work, Police, Health and Education with a follow-up Joint Investigative Interview conducted between Police and Social Work JII trained workers. Management then make a decision based on the evidence gathered.

c) Why was the investigation conducted?

Investigations are a response to allegations of abuse

d) When was the investigation conducted?

See 5.5 a) above and 5.8 and 5.9 below.

e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?

Refer to 5.8 and 5.9

f) What was the local authority's response to the investigation and its outcome?

See 5.5 a) above and 5.8 and 5.9 below.

g) Were recommendations made following the investigation?

N/a

h) If so, what were the recommendations and were they implemented?

N/a

i) If recommendations were not implemented, why not?

N/a

5.6 Response to External Inspections/Investigations

a) What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?

See 5.5 a) to i) above. The local authority works collaboratively with all agencies and would review its practice should issues be highlighted during the investigation.

- b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?**

See 5.6 a)

- c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?**

See 5.6 a)

5.7 Impact

- a) What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?**

The local authority is aware of the research conducted into the psychological and physical impact of abuse on children. It is aware that any abuse on vulnerable children is compounded by the abuse within a foster care 'safe' setting.

- b) Where does the local authority's knowledge/assessment of that impact come from?**

Research findings and experience of working with children who have been abused.

- c) What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?**

The local authority is aware of the effects of abuse on families whose children have been or have alleged abuse in foster care. They are aware of how this affects a collaborative working approach and trusting relationships.

- d) Where does the local authority's knowledge/assessment of that impact come from?**

Research findings and experience of working with the families of abused foster children.

5.8 Known Abusers and Alleged Abusers

- a) Does the local authority know of specific abusers, or alleged abusers, of children in foster care?**

Yes

b) If so, what are the names of the abusers, and/or alleged abusers?

- i) FJX/FJY [REDACTED]
- ii) Robert Nicoll

c) For each of these persons, please provide as much as possible of the following information:

(i)

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Alleged physical abuse between around 1985 to 1996
Alleged sexual abuse by Mr FJX [REDACTED] 2008

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carers

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Approved as foster carers for Grampian Region in April 1987. Supporting documentation is not available due to limited access to paper files.

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Aberdeenshire Council is not aware of any information of this nature being sought. Police have asked for information in relation to investigation into charges of historical physical abuse.

(ii)

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Convicted of counts of sexual abuse June 1986

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Approved as foster carers for Grampian Region in April 1986. BAAF Form F completed with individual assessments of Mr [REDACTED] Nicoll.

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Aberdeenshire Council is not aware of any information of this nature being sought from the current council or its predecessor administration.

- d) Were known abusers, or alleged abusers, of children permitted to continue as foster carers?**

No, they were suspended and subsequently de-registered at the time of the disclosure of sexual abuse.

- e) If so, why was this considered to be appropriate?**

N/a

- f) If so, what process of monitoring/supervision followed?**

N/a

5.9 Specific Complaints

- a. How many specific complaints of abuse of children in foster care have been made to the local authority?**

As noted, access to files has been limited. Within the files examined there have been 5 instances where a complaint regarding abuse has been reported resulting in joint Police / Social Work investigation or Social Work only intervention.

In selecting the undernoted complaints, reference has been made to Aberdeenshire guidance 'Managing Allegations Against Foster Carers' which states:

'Some concerns may be expressed as complaints about some aspect of the carer's behaviour which does not imply any risk of significant harm. Some concerns will be specific, others may be a cluster of issues that need to be addressed.

A complaint may be framed in terms of poor practice issues while a child protection allegation could be characterised as involving the abuse, or potential abuse, of a child.'

For each specific complaint, please answer the following:

- b. Who made the complaint?**
- c. When was the complaint made?**
- d. Against whom was the complaint made?**
- e. What was the nature of the complaint?**
- f. When/over what period was the abuse alleged to have taken place?**
- g. What was the local authority's process and approach in dealing with the complaint?**
- h. What was the local authority's process and approach for investigating the complaint?**
- i. What was the outcome of the complaint following that investigation?**
- j. Did the local authority provide a specific response to the complaint?**
- k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
- l. If there was no response, why not?**
- m. Was the information/content of the complaint passed to police?**
- n. If not, why not?**

Complaint 1

- b) [REDACTED] foster child dob [REDACTED] 2000
- c) January 2014
- d) FKR [REDACTED], foster carer, [REDACTED]
[REDACTED]
- e) Alleged sexualised behaviour
- f) 2014
- g) In line with procedure an IRD was held and a joint investigative interview was scheduled.
- h) In line with procedure an IRD was held and a joint investigative interview was scheduled.
- i) Child refused to take part in JII. SW conducted internal investigation and no evidence found to support the allegation.
- j) Yes, see g) and h) above
- k) N/a
- l) Yes. Police were involved in IRD.
- m) N/a

Complaint 2

- b) Foster carer's brother in law – [REDACTED] Aberdeen (nfd)
- c) August 2014

- d) FKS, foster carer, [REDACTED]
- e) Alleged concerns about care of foster child [REDACTED] dob [REDACTED]/2007
- f) Alleged incident was in 2014
- g) The concerns were dealt with as a complaint.
- h) The allegations were initially investigated during a visit by team manager and family placement worker. Concerns to be highlighted at foster carer review.
- i) Intention was for findings to be taken to foster carer review but carer resigned and was de-registered in February 2015.
- j) See h) and i) above
- k) See h) and i) above. Response was sent to complainant.
- l) No.
- m) There were no specific allegations which would imply a crime had taken place.

Complaint 3

- b) [REDACTED] dob [REDACTED] 1997 foster child
- c) October 2014
- d) FKT, foster carer, [REDACTED]
- e) Alleged physical assault by foster carer
- f) Spoke to complainant who did not wish to make complaint to Police. IRD held and agreed single agency (SW) response.
- g) See f) above
- h) Strategy meeting held (as per Managing Allegations Against Foster carers). Allegations not substantiated. Ongoing support and learning development opportunities to be provided around handling teenage challenges
- i) See f) and h) above
- j) See f) and h) above
- k) N/a
- l) Yes. Police were involved in IRD.
- m) N/a

Complaint 4

- b) [REDACTED] dob [REDACTED] 1997, foster child
- c) November 2012
- d) FKY, foster carer, [REDACTED]
- e) Alleged physical assault by foster carer
- f) In line with procedure an IRD was held and a Joint Investigative Interview (JII) was held.
- g) See f) above
- h) JII was held where complainant repeated allegation. Witnesses (other children in household) were spoken to as was foster parent. All denied witnessing or committing an assault. Police felt there was insufficient evidence and closed the crime file.
- i) See f) and h) above. Issues of safe caring addressed. Child moved placement as refused to return.
- j) SW supported child to make complaint and to move placement.
- k) N/a
- l) Yes
- m) N/a

Complaint 5

- b) [REDACTED] dob [REDACTED]/2002, foster child
- c) September 2013
- d) FKY [REDACTED], foster carer, [REDACTED]
- e) Alleged physical assault by foster carer
- f) In line with procedure an IRD was held and a Joint Investigative Interview (JII) was held.
- g) See f) above
- h) Complainant was joint interviewed. Other children in household agree that he had been told to tidy his room by foster carer but did not witness any assault. Police felt there was insufficient evidence and closed the crime file.
- i) Foster carer refused for child to return to placement. SW supported child to make complaint and to move placement.
- k) N/a
- l) Yes
- m) N/a

5.10 Civil Actions

- a) **How many civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care?**

Aberdeenshire Council has had 3 insurance claims related to abuse, or alleged abuse, in foster care

For each such civil action, please answer the following:

- b) **Who brought the action?**
- c) **When was the action brought?**
- d) **Against whom was the action brought?**
- e) **What was the nature of the abuse, or alleged abuse, to which the action related?**
- f) **What were the names of the persons said to have, or alleged to have, committed abuse?**
- g) **When/over what period was the abuse said, or alleged, to have taken place?**
- h) **How did the action progress?**
- i) **What was the outcome?**
- j) **Was the action settled on a conditional basis of confidentiality?**
- k) **Who was/were the local authority's legal representative(s) in relation to the civil action?**
- l) **Did the local authority carry insurance for meeting civil claims at the time the action was live?**
- m) **How/where can copies of the court papers relating to the civil action be made available to the Inquiry?**

Insurance Claim 1

- b) Peter Stewart-Kelbie

- c) 18 December 2017
- d) Aberdeenshire Council as successor organisation for Grampian Regional Council
- e) Alleged sexual abuse
- f) FFK lodger and FFL foster carer
- g) Several years between 1963 and 1977
- h) Closed
- i) Closed
- j) Closed – legal fees only
- k) Slater and Gordon LLP, Solicitors
- l) Yes
- m) No Court papers

Insurance Claim 2

- b) FDJ
- c) February 2018
- d) Aberdeenshire Council as successor organisation for Grampian Regional Council
- e) Alleged physical and psychological abuse
- f) FJX/FJY
- g) Around 1985 to 1996
- h) Ongoing
- i) Ongoing
- j) Ongoing
- k) Ledingham Chalmers LLP, Solicitors
- l) Yes
- m) No Court papers

Insurance Claim 3

- b) FDE
- c) November 2019
- d) Aberdeenshire Council as successor organisation for Grampian Regional Council
- e) Alleged sexual and psychological abuse
- f) JBR/JBS
- g) 1977 to 1980
- h) Ongoing
- i) Ongoing
- j) Ongoing
- k) Ledingham Chalmers LLP, Solicitors
- l) Yes
- k) No Court papers

Insurance Claim 4

- b) FDY
- c) December 2019
- d) Aberdeenshire Council as successor organisation for Grampian Regional Council
- e) Alleged sexual and psychological abuse
- f) JBR/JBS

- g) 1977 to 1980
- h) Ongoing
- i) Ongoing
- j) Ongoing
- k) Ledingham Chalmers LLP, Solicitors
- l) Yes
- k) No Court papers

5.11 Criminal Injuries Compensation Awards

- a) **Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?**

Aberdeenshire Council does not hold any records of criminal injuries compensation awards

- b) **If so, please provide details if known.**

5.12 Police

- a) **How many complaints of abuse of children in foster care have been made to the police?**

Specific records are not held by Aberdeenshire Council but information on the limited file reading is detailed in 5.9

With regard to cases noted in 5.8 -

5.8 i) The male foster carer, Mr FJX [REDACTED] was interviewed by Police and charged with two counts of lewd and libidinous behaviour in [REDACTED] 2010. These allegations related to 2004 and 2009. In August 2010 Grampian Police advised the charges were not being progressed.

A Police investigation into allegations of physical abuse is ongoing. There is no further information available.

5.8 ii) Given that offence led to a conviction, Police were involved in bringing charges.

In relation to each known complaint to the police, please answer the following questions:

- b) **Who was the alleged abuser or abuser?**
- c) **Did the police conduct an investigation in relation to the complaint?**
- d) **If so, who conducted the investigation and when?**
- e) **What was the outcome of the police investigation?**
- f) **What was the organisation/establishment's response?**

See response to 5.8) and 5.12 a)

5.13 Crown

- a) **To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?**

A historical record is available relating to case noted in 5.8 b) ii)

In relation to each time the Crown has raised proceedings, please answer the following questions:

- b) **What is the name of the person(s) against whom the proceedings were raised?**

Robert Nicoll

- c) **What was the nature of the charges?**

Offences under the Sexual Offences (Scotland) Act 1976, section 4(1)

- d) **What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**

Found guilty. Fined

- e) **What was the local authority's response to the proceedings and outcome?**

Mr Nicoll [REDACTED] de-registered as foster carer [REDACTED]