

**Covering statement**

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**Covid-19 Restrictions**

Due to Covid-19 restrictions, Council staff have been unable to access Council buildings and records. This led to the premature ending of a comprehensive file audit and has limited the research opportunities and materials available to staff in compiling the responses listed below.

<b>PART B – CURRENT STATEMENT</b>	
<b><u>3. Retrospective Acknowledgement/Admission</u></b>	
<b>Question 3.1</b>	<b><u>Acknowledgement of Abuse</u></b>
a)	<p><u>Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?</u></p> <p>The City of Edinburgh Council accepts that abuse took place in respect of children cared for in foster care between July 1987 and June 2013.</p> <p>James Farquhar was sentenced to six years' imprisonment in 1999 for lewd and libidinous behaviour in relation to four children in foster placement. The offences for which James Farquhar was convicted took place between July 1987 and January 1998 throughout which period he was registered by the local authority as a foster carer.</p>

	<p>ETZ [REDACTED] was sentenced to five months' imprisonment for the possession of child pornography in December 2006. This offence was committed between February 2004 and June 2005 while ETZ [REDACTED] was a registered foster carer for the local authority.</p> <p>Kevin Gillan was convicted in 2013 of lewd, indecent and libidinous practice and sexual assault against two children who were a foster care placement within his household. The offences were said to have occurred between 12 May 2010 and 25 June 2013. [REDACTED] was a foster carer registered with the local authority at the time of the offences. The two children who Kevin Gillan was convicted of abusing were in foster placement with [REDACTED] at the time of the offences.</p> <p>Abuse within the care system was examined by an Inquiry commissioned by City of Edinburgh known as the Edinburgh Inquiry (or as the Marshall inquiry). The Inquiry reported in January 1999 and considered allegations of abuse within foster care by James Farquhar and John McCafferty. The Inquiry made a number of recommendations which were all accepted and implemented by the local authority.</p> <p>The remaining questions in this section should be read in the context of this evidence.</p>
<p><b>b)</b></p>	<p><u>If so, what is the local authority's assessment of the extent and scale of such abuse?</u></p> <p>The local authority accepts that abuse took place in respect of children cared for in foster care between July 1987 and 2013. The local authority has not found evidence of systemic or widespread abuse. Individual cases of abuse when discovered have been investigated by the authority and/or by external agencies.</p>
<p><b>c)</b></p>	<p><u>What is the basis of that assessment?</u></p> <p>In preparation for the response to this section 21 order, the local authority arranged a file audit on all foster carer files that were available. The local authority audited over 230 files relating to foster care of which 161 files were for approved foster carers who provided placements for children. The local authority also compiled complaints from other sources, including litigation files, de-registration reports and a complaints list created by the Social Work Department.</p>

<b>Question 3.2</b>	<b><u>Acknowledgement of Systemic Failures</u></b>
a)	<p><u>Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?</u></p> <p>It is not accepted that systemic organisational failure resulted in the abuse which occurred.</p> <p>The circumstances of the complaints and the outcomes of the investigations do not suggest that children were abused or that the complaints arose as a result of systems failing to protect children cared for in foster care placements.</p>
b)	<p><u>What is the local authority's assessment of the extent of any such systemic failures?</u></p> <p>The local authority does not accept that there were systemic failures.</p>
c)	<p><u>What is the basis of that assessment?</u></p> <p>This assessment is based on analysis of complaints made to the local authority, the complaints processes in place, and the foster carer file audit carried out by this local authority. This local authority does not consider that the analysis of our complaints procedure and analysis of complaints provides evidence of systemic failure</p>
d)	<p><u>What is the local authority's explanation for any such failures?</u></p> <p>n/a</p>

<b>Question 3.3</b>	<b><u>Acknowledgement of Failures/Deficiencies in Response</u></b>
a)	<p><u>Does the local authority accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?</u></p> <p><b>Edinburgh Corporation (1930 - 1975)</b></p>

	<p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the Edinburgh Corporation.</p> <p><b>Lothian Regional Council (1975 - 1996)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the Lothian Regional Council.</p> <p><b>City of Edinburgh Council (1996 - 2014)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the City of Edinburgh Council.</p>
<p><b>b)</b></p>	<p><u>What is the local authority's assessment of the extent of any such failures in its response?</u></p> <p><b>Edinburgh Corporation (1930 - 1975)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the Edinburgh Corporation.</p> <p><b>Lothian Regional Council (1975 - 1996)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the Lothian Regional Council.</p> <p><b>City of Edinburgh Council (1996 - 2014)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the City of Edinburgh Council.</p>
<p><b>c)</b></p>	<p><u>What is the basis of that assessment?</u></p>

	<p><b>Edinburgh Corporation (1930 - 1975)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the Edinburgh Corporation.</p> <p><b>Lothian Regional Council (1975 - 1996)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of Lothian Regional Council.</p> <p><b>City of Edinburgh Council (1996 - 2014)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the City of Edinburgh Council.</p>
<p><b>d)</b></p>	<p><u>What is the local authority's explanation for any such failures/deficiencies?</u></p> <p><b>Edinburgh Corporation (1930 - 1975)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the Edinburgh Corporation.</p> <p><b>Lothian Regional Council (1975 - 1996)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of Lothian Regional Council.</p> <p><b>City of Edinburgh Council (1996 - 2014)</b></p> <p>The local authority has been unable to source any evidence suggesting that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of child in foster care during the period of the City of Edinburgh Council.</p>

<p><b>Question 3.4</b></p>	<p><b><u>Changes</u></b></p>
<p><b>a)</b></p>	<p><u>To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgment in relation to 3.1 – 3.3 above?</u></p>

The local authority has generally accepted recommendations from all reviews and inquiries conducted into its operations.

Abuse within the care system was examined by an Inquiry commissioned by City of Edinburgh, which reported in January 1999, known as the Edinburgh Inquiry (or as the Marshall inquiry). The 1999 report "Edinburgh's Children", produced by the Edinburgh Inquiry, made a number of recommendations in direct relation to the fostering services provided by Edinburgh Local Authority. All of the recommendations contained in the Edinburgh's Children report were accepted and implemented into practice and policy by the Local Authority.