

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.

Question 4.8	<u>Internal Investigations</u>
(i) Policy	
Past	
a)	<p><u>What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?</u></p> <p>Edinburgh Corporation (1930-1975):</p> <p>The local authority had policy/procedures in place from 1933 to 1959 called the ‘Boarded-Out Children Regulations and Rules’ (SL164/1/7/1933/34). These stated that the intention was to ensure that the child/young person’s safety, protection and welfare were to be regarded as paramount. The Children’s Separate Registers were early case files which were used from the late 1800s until the early 1940s. These Registers provide evidence of children being removed from foster care placements due to unsuitable and dangerous conditions (Volume ACC 611/13).</p>

The Scottish Home Department published the 'Memorandum on the Boarding-Out of Children' in 1959. In relation to internal investigations relating to abuse or alleged abuse of children in foster care, it noted:

Relationship between foster parents, boarding out officers and child

24. The aim of the boarding out officer should be to establish a very friendly relationship between himself and the foster parent, one which will allow difficulties in the bringing up of the child to be discussed freely, candidly and without embarrassment. Through the attitude of the foster parent to the boarding out officer the child will best sense the interest of the latter in all that affects his welfare and come to see in the boarding out officer he has at all times a friend who can act as adviser and helper ('Memorandum on the Boarding-Out of Children', Scottish Home Department (1959), paragraph 24, page 13)

Lothian Regional Council (1975-1996)

The Lothian Regional Council adopted its 'Standards for Adoption and Fostering Services' in June 1995 which completed the local authority's set of Standards Documents agreed for specific areas of Child Care service offered by Social Work. The Standards were used as a basis for the inspection of fostering and adoption services offered by the local authority's staff. Each Standard in this document had a set of indicators listed to identify whether the local authority was meeting the Standards. In relation to internal investigations, Standard 1.22 looked at the safety of children adopted or in foster care and stated:

1.22 Safety of Children Adopted or in Foster Care

Standard

A child or young person feels safe and secure and is protected from harm, including self-harm.

Indicators

- *Children are protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.*
- *Child Protection Guidelines are followed.*

('Standards for Adoption and Fostering Services', Lothian Regional Council (1995), page 22)

Standard 1.22 referred to other local policies, including the Child Protection Guidelines (1994), Lothian Children's Family Charter (1992) and the Foster Care Handbook. The Standards were intended to underpin the work carried out by Social Work professionals, including internal investigations carried out following the local policies and procedures mentioned above.

The Lothian Regional Council published the fifth edition of its 'Inter-Agency Child Protection Guidelines' in October 1994. The Child Protection Guidelines were a framework for good professional practice and set out the standards of interdisciplinary cooperation, collaboration and practice. Section 2.1 of the Guidelines set out the Social Work department's roles and responsibilities in terms of child abuse or alleged child abuse. It states:

2.1 Department of Social Work

The Department has a legal responsibility to enquire into the circumstances of children who may have been abused or are at risk of being abused, and to take all reasonable measures to protect them from further harm. This responsibility extends to all children, whether they are in the community with their parents, in the care of others or are looked after by the Department. These measures include referring the concern about the child to the Children's Reporter where there is reason to believe that the child is in need of compulsory measures of supervision. In every case, the Department seeks actively to involve parents, carers, and where appropriate, the child, in discussions and decisions, which may affect their lives, and also to consult with other professional agencies who know the family or have an interest.

Within seven days of receiving a child protection referral the Department of Social Work will, where it has been agreed as appropriate, organise a Case Conference. All those involved, including the parents and in some cases the child, will normally be invited. The responsibility to review any agreed Child Protection Plan is held by the Department of Social Work.

In most cases, children can continue to be cared for safely by immediate or extended family. In serious situations it may be necessary for the Department to seek the authority of a Court to impose statutory orders for the protection of the child.

When a child is assessed by the Case Conference to be at risk of abuse, his/her name will be placed on the Child Protection Register. The Register system is funded jointly by Lothian Health, Lothian and Borders Police, and the Department of Social Work and is located in the City of Edinburgh Department of Social Work Headquarters.

The Department's responsibilities include the identification and assessment of risk, monitoring and support of children at risk of abuse and the provision of services to enable children and families to overcome the effects of abuse. These services include: referral to specialist facilities; information about self-help groups; direct care for children, such as respite care, foster care, day care, residential care; practical help such as domiciliary services; counselling to individuals and families; translation and interpretative services.

The Child Protection Guidelines later go into further detail on the policy and procedures relating to a Child Protection in Section 3 of the document, on page 30. Following a Child Protection Referral, the policy states that an initial referral discussion (IRD) would take place between the Police, Social Work and Health. An immediate investigation and action would take place following the outcome of the IRD, as outlined on the 'Child Protection Process Flowchart' on page 32 of the Guidelines. Section 5 of the Guidelines then set out the process for the 'Investigation and Initial Assessment' following the outcome of the IRD. In subsection 5.1 it states:

5.1 The prime tasks of any child protection investigation are:

5.1.1: To establish the facts about the circumstances giving rise to the suspicion of abuse.

5.1.2: To decide if there are grounds to believe that the child is at risk of significant harm.

5.1.3: To identify sources and level of risk.

5.1.4: To decide protective or other action in relation to any children.

5.1.5: To conduct a criminal investigation where appropriate.

Further guidance in relation to the inter-agency investigative process is contained in the remainder of the Child Protection Guidelines. Later, section 8 notes particular types of situations where specific circumstances should be taken into account, including allegations of abuse made against foster carers. However, the Guidelines

are clear that the principles and procedures set out in the previous sections should always be followed (Inter-Agency Child Protection Guidelines, page 63). Section 8.1 states:

8.1 Allegations of Abuse Made against Carers or Agency Employees

When an allegation of possible abuse is made against a carer or member of staff employed or contracted by a statutory or voluntary agency, these guidelines must be followed in the same way as for other circumstances. Particular attention must be paid by those receiving or investigating information in these circumstances, to ensure that a higher threshold is not applied to allegations being regarded as substantive. All employers need to give first consideration, both in time and weight, to the need to protect the child. All other considerations must be subsidiary to this.

To safeguard this principle it should be noted that:

- *those involved in the immediate line management of the employee, or liaison with the care concerned, should not conduct any part of the investigation.*
- *consideration should be given to the need to locate the investigation outwith the area in which the alleged perpetrator is employed or supported.*
- *consideration should be given to the need to suspend a member of staff or the possible need to remove children from the care of the person concerned.*
- *parents or guardians of the child involved should be informed.*
- *regardless of whether or not it is assessed, following an investigation, that an offence has been committed against a child, the investigative team should provide a report to the senior management of the agency/department involved, of circumstances which led to the allegations being made*
- *the Children's Reporter should normally be notified when it is possible that a child has been abused whether they are currently looked after by the local authority or not.*
- *the Child Protection Co-ordinator should be notified in all instances.*

City of Edinburgh Council (1995-2014)

The City of Edinburgh Council implemented its 'Inter-Agency Child Protection Procedures' in 2008. Section 4 of the Procedures dealt with 'Agency Roles & Responsibilities' and within section 4.1 states that the local authority's Social Work department's responsibilities were "the identification and assessment of risk, monitoring and support of children at risk of abuse and the provision of services to

enable children and families to overcome the effects of abuse” (Inter-Agency Child Protection Procedures, ELBEG, (2008), page 18).

Section 5 of the Procedures covered ‘Child Protection Referrals’ and set out the procedure for initial responses and initial questioning by the Core Agencies. Section 6.3 then deals with Social Work and other local authority services responses to Child Protection Referrals. The process to be followed for Inter-agency Referral Discussions (IRD) is then set out in section 7 and the procedures for joint investigative interviews is covered in section 9.

Section 15 of the Procedures dealt with allegations against current or previous employees, carers and volunteers. It stated:

15. Allegations against Current Employees/Carers/Volunteers.

15.1 - General

The term “agencies” in this section does not only refer to the core agencies of health, social work services and police, but to all other agencies, groups or individuals who provide services for children and/or families. This includes whether directly or indirectly employed by the core agencies or by way of contract, voluntary work, caring, or in any other capacity.

The terms “staff” and “employee” are used throughout the section and refers to any person who carries out any service, including voluntary work, for children and/or families on behalf of agencies, groups, or individuals.

All allegations of suspected abuse against staff must be taken seriously. Allegations may be made against members of staff currently involved with children but may also be made against staff who are no longer involved in the provision of services. In all circumstances, the matter must be treated seriously, and the response must be prompt.

All allegations against employees must be dealt with transparently, but with considerable sensitivity to the management of information. The following inter-agency requirements will be met where an allegation is made against any member of staff:

- A Designated Senior Manager must immediately be informed*
- The Senior Manager may make initial enquiries to establish the broad nature of the allegations. These enquiries should not go beyond trying to establish the basis details of the allegation made*

	<ul style="list-style-type: none"> • <i>The Senior Manager will contact one or more of the Core Agencies at the outset who, in the IRD, will consider whether the matter constitutes a child protection referral</i> • <i>Consideration will be given at an early stage whether the employee should be suspended from duty pending the investigation, or whether some other measures (e.g. temporary redeployment) is required. At all times, the paramount consideration will be the protection of children and young persons</i> • <i>It is important that the employee is treated fairly and that his/her rights are respected during the investigative process</i> • <i>Consideration will be given to the control and management of information to service users and other staff</i> • <i>Where appropriate a formal referral should be made by the Senior Manager, in accordance with the Inter-Agency Child Protection Procedures, to the Core Agencies who will initiate an IRD</i> <p><i>The staff member subject of the allegation will not be interviewed concerning the matter prior to a decision being made at IRD, as to whether the matter warrants a child protection investigation.</i></p>
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<p>b)</p>	<p><u>Was there a particular policy and/or procedural aim/ intention?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>Yes. The local authority had policy/procedures in place from 1933 to 1959 called the 'Boarded-Out Children Regulations and Rules' (SL164/1/7/1933/34). These stated that the intention was to ensure that the child/young person's safety, protection and welfare were to be regarded as paramount.</p> <p>Lothian Regional Council (1975-1995)</p> <p>Yes. The Lothian Regional Council published the fifth edition of its 'Inter-Agency Child Protection Guidelines' in October 1994. The Child Protection Guidelines were a framework for good professional practice and set out the standards of inter-disciplinary cooperation, collaboration and practice. The Guidelines stated their intention on pages 2 and 3:</p> <p><i>In Edinburgh and the Lothians we are fortunate that there exists a high level of inter-agency co-operation when working with children who may be in need of protection. We wish to continue to develop this good working relationship and give our professional staff all the guidance and support we can to ensure their skill and commitment is used effectively in identifying and protecting children who have been</i></p>
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abused or may be at risk of abuse. We recognise that although each of our agencies has specific duties and responsibilities towards children, the overriding principle in any of our work in this area is to give paramount consideration to the welfare of the child. These guidelines are consistent with the UN Convention on the Rights of the Child and with the child care principles and provisions of The Children (Scotland) Act 1995. At the same time, we respect the rights and responsibilities of parents, provided they do not conflict with the child's right to be protected from harm and to be consulted. These Inter-Agency Child Protection Guidelines will further encourage the partnership that exists between our agencies and will help toward building a partnership with parents in carrying out our duties and responsibilities to children. We commend these guidelines to you and trust that you will use them in your day to day work with children. An inter-agency approach is integral to the prevention, investigation and management of child abuse. This underlying principle is reflected throughout these guidelines. The Edinburgh and the Lothians Child Protection Committee is responsible for setting down, developing, co-ordinating, monitoring and reviewing policies and practices for protecting children from abuse. These guidelines outline the respective roles and responsibilities of individual agencies.

City of Edinburgh Council (1995-2014)

The City of Edinburgh Council implemented its 'Inter-Agency Child Protection Procedures' in 2008. Section 2 contained the 'Principles' of the Procedures and section 2.1 was titled 'Overarching Principle - the welfare of the child is paramount'. Section 2.1 stated:

2.1 – Overarching Principle: The welfare of the child is paramount

These Procedures set out what agencies will do when children or young people may be at risk of abuse or neglect or have been harmed. The protection and wellbeing of the child must remain at the heart of all considerations and decisions. Professionals must constantly demonstrate this throughout their planning and actions.

Professionals must consider the child who is the subject of the referral, but also consider the safety and wellbeing of any other child who may be at risk of harm.

Vulnerability is "contextual" and needs to be balanced against risk and protective factors on a case-by-case basis. Actions to protect children must be proportionate to the available information and circumstances and must not cause the child avoidable distress or difficulty. To assist practitioners, the Edinburgh Lothian and Borders Child Protection Office Risk Assessment Framework (now the Edinburgh, Lothians and

	<p><i>Borders Executive Group Public Protection Partnership Office) has been developed and can be accessed from agency websites.</i></p> <p><i>Children should be given the opportunity to express their views, if they wish, on matters affecting them, and professionals need to consider these views in arriving at decisions.</i></p>
<p>c)</p>	<p><u>Where were such policies and/or procedures recorded?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>The policies and procedures were recorded within the Public Assistance minutes, the Education Committee minutes which were held centrally by the Edinburgh Corporation.</p> <p>Lothian Regional Council (1975-1995)</p> <p>The policies and procedures were recorded and held within the Lothian Regional Council 's policies and procedures manuals and were accessible to respective staff.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>The policies and procedures were/are recorded and held within the City of Edinburgh Council's policies and procedures manuals and were accessible to respective staff. These policies and procedures were also available as online documents which can be accessed via the City of Edinburgh Council's intranet.</p>
<p>d)</p>	<p><u>What did the policies and/or procedures set out in terms of the following?</u></p> <p>i. <u>Approach to/process of internal investigations</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>There have been no records viewed regarding this aspect for the Edinburgh Corporation period.</p> <p>Lothian Regional Council (1975-1995)</p> <p>The Lothian Regional Council followed the 'Inter Agency Child Protection Guidelines' which provided guidance to multi agency staff involved in any aspect of child protection matters. Section 4 of the Guidelines dealt with 'Immediate Protection and Planning the Investigation' with subsection 4.1 setting out the principles of the Initial</p>

Referral Discussion (IRD). The specific process to be followed for IRDs was contained within section 4.1.5 on page 37 of the Guidelines:

4.1.5 Process

- *All matters concerning the protection of children should be considered high priority and urgent.*
- *Every Initial Referral Discussion starts with one agency contacting another. This contact is based on information held or received that a child (or children) is believed or suspected to be at risk of harm or injury or has been harmed or injured.*
- *On making contact, all available information is shared particularly regarding any allegation or alleged incident. Where wider information is available concerning the child, the alleged perpetrator or the general circumstances this should also be shared.*
- *Where possible, particularly in all cases which appear serious or contentious, this contact should be made in person rather than by telephone.*
- *All Initial Referral Discussions throughout the enquiry planning process should be recorded by each of the participating key agencies using Form CPIR. This form acts as a standing record of all decisions and as the evidential base for arriving at decisions. Form CPIR should also be used as a guide to covering all salient issues to be considered in planning the enquiry.*
- *At the outset an Initial Referral Discussion should in the first instance address the question "Is an enquiry necessary?" The answer to this is based on available information at that stage and the joint evaluation of that information.*
- *There are four possible decisions at this stage -*
 - (i) no further action*
 - (ii) further initial information is required from the referral source(s) before the question can be addressed*
 - (iii) a single agency enquiry is necessary. This includes the possibility that each key agency may conduct its own independent enquiry simultaneously*
 - (iv) a joint enquiry is necessary (including joint investigative interview and medical examinations as required). This means that the joint enquiry planning process will continue.*
- *If a joint decision is made for no further action this decision and the reasons for it should be clearly stated, recorded and attributed.*

- *Should a joint decision be made that further information is required before initial plans can be made then it should be clearly agreed and noted who is responsible for gathering this information, from which source(s) it is to be gathered, and the timescales for further Initial Referral Discussion to evaluate this. This decision should be clearly recorded.*
- *Should a joint decision be made for a single agency enquiry, similarly, it should be clearly agreed that the outcomes of this be reported back to partner key agencies, timescales established and adhered to. In this way the channels of communicating are kept fully open with the possibility of re-engaging in joint discussions constantly considered. The decision for an agency to conduct a single enquiry and the reasons for this should be clearly recorded and attributed*
- *Should a joint decision that a Child Protection enquiry be initiated/conducted. This should be recorded clearly by all agencies conducting the enquiry as a standing record of decisions and a tool in the planning/management of the enquiry.*

The Guidelines state on page 63 that the “principles and procedures outlined throughout these Guidelines should always be followed”. However, section 8.1 also contains a process to be followed in the specific circumstances where an allegation of abuse was made against a foster carer. Section 8.1 is set out in full within the local authority’s response to Question 4.8 (i)(a) above.

City of Edinburgh Council (1996-2014)

The local authority’s Foster Carers Agreement that was in circulation in 2002 refers to the approach taken to internal investigations. Section 2.2 of the Agreement related to representations, complaints and allegations and subsection 2.2.4 stated:

2.2.4 – To ensure that child or young person welfare is guarded and to treat seriously to any complaints or allegations that relate it the care, safety and welfare of the child or young person placed there, and where necessary, to investigate them and to follow the Departmental Procedures (Complaints and Allegations).

The ‘City of Edinburgh Council Departmental Complaints Procedures’ also outlines the following process for handling complaints internal investigations:

1. As part of normal practice, staff members should attempt to resolve problems as they arise. However, if a service user contemplates making an official complaint, the worker should provide them with advice regarding the Complaints Procedure and give

them advice if required. In addition, the staff member should inform their line manager and the Clients Services and Complaints Officer that a complaint may be made.

2. If an official complaint is received, the Complaints Section will log the complaint and gather sufficient information to enable the Director to make a decision about how it should be handled.

3. There are a number of options available when handling the complaint. In most cases an internal investigation will be undertaken to resolve the complaint.

4. The Investigating Officer will examine all the facts of the complaint and attempt to resolve the problems that have arisen. If appropriate, a meeting of all interested parties may be held to resolve the issues "around the table". The department will undertake to provide the complainant with a letter of resolution.

5. The complainant is asked to indicate to the department whether they accept the resolution proposed; the reply will be considered, and any appropriate action will be taken.

6. If the complainant still wishes to pursue the matter, they should refer it to the Complaints Review Committee (CRC) for consideration. The CRC is a special sub-committee of the Social Work Committee and shall comprise three members; 2 members of the Social Work Committee and 1 independent person.

7. Throughout the process there are options available to both the Department and the complainant to enable the best method of handling a complaint to be implemented.

8. The Complaints Procedure is designed to bring every complaint to a conclusion.

The City of Edinburgh Council implemented its 'Inter-Agency Child Protection Procedures' in 2008. These Procedures set out the action to be taken by Core Agencies (Social Work, Health and Police) with regards to any child protection referral and how any child protection investigation is to be progressed. The Procedures incorporate all concerns for any child who may be subject to/at risk of abuse, irrespective of whether the child/young person is looked after by the local authority or not. Section 5.6 of the Procedures is titled 'What to expect from the Core Agencies' and it stated:

Where a referral is received by any of the Core Agencies, they will carry out an initial assessment of the information. Where the information indicates a very low level of

concern the matter may be diverted for appropriate action. Where it is deemed to relate to a child protection matter they will initiate the Inter-Agency Child Protection Procedures.

The Core Agencies undertake to:

- *Jointly assess the situation and decide how best to progress the matter, with the welfare of the child being paramount*
- *Treat every referral seriously, gather together all of the information available to them, jointly assess and analyse this and make decisions based upon such information*
- *Identify a professional from one of the Core Agencies, who will be responsible for providing feedback to the referrer regarding what action has been taken as a result of their concerns and a timescales for doing so. This is particularly important where the referrer, or their organisation, continues to have on-going contact with the child and/or family. Where this is the case, the identified professional will also clarify what the on-going role of the referrer or organisation will be and make clear what information may or may not be passed to the child/family*
- *Except in cases of immediate urgency, the Core Agencies will not independently enter into any course of action without consultation with partner agencies*

A further section is contained within the Procedures where the allegation of abuse concerned a foster carer or other member of staff. Section 15 sets out the approach to be followed and steps to be taken where this circumstance arises. Section 15 is quoted within the local authority's response to Question 4.8 (i)(a) above.

ii. Identifying lessons/changes following internal investigations

Edinburgh Corporation (1930-1975)

There have been no records viewed regarding this aspect for the Edinburgh Corporation period.

Lothian Regional Council (1975-1995)

Lessons and changes to practice following internal investigations were demonstrated through agreed actions from the conclusion to the investigations and were specific to the case circumstances and recorded within case file records and foster carers review

panel minutes. Specific examples are contained within the local authority's response to Question 4.8 (ii) and further examples are contained in the response to Question 5.9.

City of Edinburgh Council (1995-2014)

Lessons and changes to practice following internal investigations were demonstrated through agreed actions from the conclusion to the investigations and were specific to the case circumstances and recorded within case file records and foster carers review panel minutes. Specific examples are contained within the local authority's response to Question 4.8 (ii) and further examples are contained in the response to Question 5.9.

iii. Implementation of lessons/changes following internal investigations

Edinburgh Corporation (1930-1975)

There have been no records viewed regarding this aspect for the Edinburgh Corporation period.

Lothian Regional Council (1975-1995)

Lessons and changes to practice following internal investigations were demonstrated through agreed actions from the conclusion to the investigations and were specific to the case circumstances and recorded within case file records and foster carers review panel minutes. Specific examples are contained within the local authority's response to Question 4.8 (ii) and further examples are contained in the response to Question 5.9.

City of Edinburgh Council (1995-2014)

Lessons and changes to practice following internal investigations were demonstrated through agreed actions from the conclusion to the investigations and were specific to the case circumstances and recorded within case file records and foster carers review panel minutes. Specific examples are contained within the local authority's response to Question 4.8 (ii) and further examples are contained in the response to Question 5.9.

iv. Compliance

Edinburgh Corporation (1930-1975)

There have been no records viewed regarding this aspect for the Edinburgh Corporation period.

Lothian Regional Council (1975-1995)

The local authority has located evidence in its foster care case file audit which shows that it complied with its policies and procedures. These can be found within the response to Question 4.8 (ii) (a).

City of Edinburgh Council (1995-2014)

The local authority has located evidence in its foster care case file audit which shows that it complied with its policies and procedures. These can be found within the response to Question 4.8 (ii) (a).

v. Response (to child and abuser)

Edinburgh Corporation (1930-1975)

There have been no records viewed regarding this aspect for the Edinburgh Corporation period.

Lothian Regional Council (1975-1995)

Section 4 of the 'Inter-Agency Child Protection Guidelines' sets out the procedures for 'Immediate Protection and Planning the Investigation'. It states that where no further action is taken following an IRV, this decision and the reasons for it should be clearly "stated, recorded and attributed" (page 38). However, the outcome may be that an independent enquiry or joint enquiry is required and the processes for these were set out in section 5 of the Guidelines.

Section 5 of the 'Inter-Agency Child Protection Guidelines' sets out the procedures for 'Investigation and Initial Assessment' following a decision being taken at an IRD to interview a child jointly as part of the internal investigation. Within this section, subsection 5.7 states that where an "investigation reveals no substance to the cause for concern, all relevant parties will be informed of this in writing by the Department of Social Work". It may, however, be the case that the local authority needs to arrange a Child Protection Case Conference. If there is a Child Protection Case Conference, under section 6.12.6 of the Guidelines, the Chairperson will "summarise the decisions

made by the Case Conference and confirm with participants the roles they will play in the Child Protection Plan” (page 59).

City of Edinburgh Council (1996-2014)

Section 5.7 of the ELBEG ‘Inter-Agency Child Protection Procedures’ sets out the procedure and policy in place at the time for the initial response to a suspicion of abuse. It states:

5.7 Initial Responses

The initial response of staff toward suspicion of abuse is critical:

- *No guarantee of confidentiality can be given to the child or person raising the concern. They will be informed that as a minimum the matter must be recorded and will be discussed with other staff with responsibility for child protection.*
- *Initial questioning must be limited to establishing facts.*
- *Staff will not introduce personal experiences of abuse or those of others.*
- *The matter must be immediately referred to the member of staff with responsibility for Child Protection, or in their absence, a senior member of staff.*
- *Where no such person or senior member of staff is available the staff must refer the matter directly to one or more of the Core Agencies without delay.*
- *If suspicions arise because of something a child has said the member of staff will record the facts as accurately as possible using the child’s own words, noting questions asked of the child and responses obtained. This will be signed and dated on the same date and a copy retained.*
- *Staff will record the time/date of any referral made to one of the Core Agencies, to whom the referral was made, any decisions/ advice and the time of any response from the Core Agency.*
- *The member of staff will ensure security of any records kept.*

Section 7.11 of the Procedures states that at the “conclusion of every investigation, whether single agency or joint, all three Core Agencies” will share the information gathered and “make final decisions regarding the matter”. It then states that the person who made the Child Protection Referral (i.e. the “initial referrer”) “must be

provided with feedback". The outcome of the IRD will determine what information is appropriate to be shared as part of this "feedback".

vi. Response to complaints (including response by local authority)

Edinburgh Corporation (1930-1975)

There have been no records viewed regarding this aspect for the Edinburgh Corporation period.

Lothian Regional Council (1975-1995)

Section 4 of the 'Inter-Agency Child Protection Guidelines' sets out the procedures for 'Immediate Protection and Planning the Investigation'. It states that where no further action is taken following an IRD, this decision and the reasons for it should be clearly "stated, recorded and attributed" (page 38). However, the outcome may be that an independent enquiry or joint enquiry is required and the processes for these were set out in section 5 of the Guidelines.

Section 5 of the 'Inter-Agency Child Protection Guidelines' sets out the procedures for 'Investigation and Initial Assessment' following a decision being taken at an IRD to interview a child jointly as part of the internal investigation. Within this section, subsection 5.7 states that where an "investigation reveals no substance to the cause for concern, all relevant parties will be informed of this in writing by the Department of Social Work". It may, however, be the case that the local authority needs to arrange a Child Protection Case Conference. If there is a Child Protection Case Conference, under section 6.12.6 of the Guidelines, the Chairperson will "summarise the decisions made by the Case Conference and confirm with participants the roles they will play in the Child Protection Plan" (page 59).

The Minutes from a Case Conference should be "completed on the standard minute form and circulated to those attending and to parents not present within seven days" in accordance with section 6.12.7 of the Guidelines.

The 'Inter-Agency Child Protection Guidelines' provide procedural responses to all/any allegations or concerns that a looked after child is at risk of/being abused. The Guidelines provide procedural responses at all stages of enquiry, dependent on the level of assessed abuse, and the resultant consequential actions to be taken.

City of Edinburgh Council (1995-2014)

The ELBEG 'Inter-Agency Child Protection Procedures' provide procedural response to all/any allegations or concerns that a looked after child is at risk of/being abused. These Procedures provide procedural responses at all stages of enquiry, dependent on the level of assessed abuse, and the resultant consequential actions to be taken.

vii. External reporting following internal investigations

Edinburgh Corporation (1930-1975)

There have been no records viewed regarding this aspect for the Edinburgh Corporation period.

Lothian Regional Council (1975-1996)

The 'Inter-Agency Child Protection Guidelines' refer to external reporting to the Children's Reporter and Child Protection Co-ordinator in Section 8.1:

Section 8.1

- *The Children's Reporter should normally be notified when it is possible that a child has been abused whether they are currently looked after by the local authority or not.*
- *The Child Protection Co-ordinator should be notified in all instances.*

City of Edinburgh Council (1996-2014)

Section 7.7 of the Inter-Agency Child Protection Procedures states:

7.7 Notification to other Agencies/Bodies

Where a child subject of referral is accommodated outwith the area, a copy of the referral, any IRD decisions and any other relevant information will be passed to the host local authority.

In certain circumstances it may be necessary for the Core Agencies to notify other agencies of a Child Protection Referral having been received or an allegation being made against an individual; These agencies may include the Scottish Commission for the Regulation of Care where the allegation is against a Registered Care Provider, Military Welfare Services, employers where the individual works with children or vulnerable people, and other agencies/individuals as necessary.

Section 7.10 concerned actions following IRDs and included referrals to the Children's Reporter. It stated that a referral should be "made in writing" to the

	Children's Reporter where "concerns about a child are such that compulsory measures of supervision may be necessary".
e)	<p><u>Who compiled the policies and/or procedures?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>The Children's Officer compiled the policies and/or procedures in accordance with Education and Public Assistance Committees.</p> <p>Lothian Regional Council (1975-1995)</p> <p>The Director of Social Work compiled the policies and/or procedures in accordance with the City of Edinburgh Council's Social Work Committee and related Sub-Committees.</p> <p>The 'Edinburgh and the Lothians Inter-Agency Child Protection Guidelines' were compiled by the Edinburgh and the Lothians Child Protection Committee. The Foreword of these Guidelines stated on page 3 that this Committee was responsible for setting down, developing, co-ordinating, monitoring and reviewing policies and practices for protecting children from abuse.</p> <p>City of Edinburgh Council (1996-2014)</p> <p>The Foreword of the 'Inter-Agency Child Protection Procedures' dated 16 November 2011 stated that the Edinburgh, Lothian and Borders Executive Group (ELBEG) was responsible for the procedures. The procedures were compiled by ELBEG together with other "statutory and voluntary bodies" as well as with the communities that ELBEG "served jointly to deliver services for the protection of children" (Inter-Agency Child Protection Procedures, ELBEG (2011), page 6).</p>
f)	<p><u>When were the policies and/or procedures put in place?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>Policies and procedures were put into place at various times throughout the period of the Edinburgh Corporation.</p> <p>Lothian Regional Council (1975-1995)</p>

	<p>Policies and procedures were put into place at various times throughout the period of the Lothian Regional Council. The local authority is aware that the fourth edition of the 'Inter-Agency Child Protection Guidelines' were put in place in 1988 and that the fifth edition was implemented in 1994.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>Policies and procedures were/are put into place at various times throughout the period of the City of Edinburgh Council. The 'Inter Agency Child Protection Procedures' were written in 2007 and implemented in 2008. These were revised in November 2011 and later in 2015.</p>
<p>g)</p>	<p><u>Were such policies and/or practices reviewed?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>Yes.</p> <p>Lothian Regional Council (1975-1995)</p> <p>Yes. The local authority is aware that the 'Inter-Agency Child Protection Guidelines' had five versions and were therefore reviewed.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>Yes. The 'Inter Agency Child Protection Procedures' were written in 2007 and implemented in 2008. These were revised in November 2011 and later in 2015.</p>
<p>h)</p>	<p><u>If so, what was the reason for review?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>The reason for review was in accordance with changes to relevant and related new/changes to legislation, national guidance and any changes to local government structures.</p> <p>Lothian Regional Council (1975-1995)</p> <p>The 'Inter-Agency Child Protection Guidelines' stated that the Edinburgh and the Lothians Child Protection Committee was responsible for "monitoring and reviewing policies and practice for protecting children from abuse" (page 3). The reason for review was in accordance with legislative changes, updated national guidance or policy as well as recommendations made from any public inquiries (page 3).</p>

	<p>City of Edinburgh Council (1995-2014)</p> <p>Section 1.3 of the 'Inter-Agency Child Protection Procedures' stated that the Procedures were to be reviewed "as determined by ELBEG to incorporate developing national guidance and best practice". The reason for the review of the procedures in both 2011 and 2015 was following the publication of national policy relating to child protection, namely the Scottish Government publications "National Guidance for Child Protection in Scotland" (2010) and "National Guidance for Child Protection in Scotland" (2014).</p>
<p>i)</p>	<p><u>What substantive changes, if any, were made to the policies and/or procedures over time?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>There were no substantive changes made, other than those made in accordance with other changes to relevant and related new/changes to legislation, national guidance and any changes to local government structures.</p> <p>Lothian Regional Council (1975-1996)</p> <p>The 'Inter-Agency Child Protection Guidelines' incorporated a Police/Social Work Protocol for Joint Investigative Interviewing of Children and a Health Protocol in the 5th edition of the guidelines in October 1994. The Guidelines also noted that changes had been made to incorporate developments and issues from the Children (Scotland) Act 1995, Scottish Executive guidance, public inquiries and the UNCRC. (Inter-Agency Child Protection Guidelines, Edinburgh and the Lothians Child Protection Committee (1994), page 3)</p> <p>City of Edinburgh Council (1996-2014)</p> <p>Yes, the 'Inter-Agency Child Protection Procedures' were reviewed in November 2011 following the publication of national guidance by the Scottish Government.</p>
<p>j)</p>	<p><u>Why were changes made?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>The reason for changes was in accordance with other changes to relevant and related new/changes to legislation, national guidance and any changes to local government structures.</p>

	<p>Lothian Regional Council (1975-1995)</p> <p>The 'Inter-Agency Child Protection Guidelines' incorporated a Police/Social Work Protocol for Joint Investigative Interviewing of Children and a Health Protocol in the 5th edition of the guidelines in October 1994. The Guidelines also noted that changes had been made to incorporate developments and issues from the Children (Scotland) Act 1995, Scottish Executive guidance, public inquiries and the UNCRC. (Inter-Agency Child Protection Guidelines, Edinburgh and the Lothians Child Protection Committee (1994), page 3)</p> <p>City of Edinburgh Council (1995-2014)</p> <p>The reason for changes was in accordance publications by the Scottish Government in 2010 and 2011 relating to child protection, namely 'National Guidance for Child Protection in Scotland' and 'National Guidance on Joint Investigative Interviewing of Child Witnesses in Scotland'.</p>
k)	<p><u>Were changes documented?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>Any changes were reflected in the Education and Public Assistance committee minutes.</p> <p>Lothian Regional Council (1975-1995)</p> <p>Yes. The changes were noted in the foreword of the updated Guidelines.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>Yes.</p>
l)	<p><u>Was there an audit trail?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>An audit trail was present in the Education and Public Assistance committee minutes.</p> <p>Lothian Regional Council (1975-1995)</p> <p>An audit trail was present in the Social Work Committee and related Sub-Committee minutes, as well as reflected in the new/updated policies and procedures.</p> <p>City of Edinburgh Council (1995-2014)</p>

	An audit trail was present in the Social Work Committee and related Sub-Committee minutes, as well as reflected in the new/updated policies and procedures.
Present	
m)	<p><u>With reference to the present position, are the answers to any of the above questions different?</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>No.</p> <p>Lothian Regional Council (1975-1995)</p> <p>No.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>Yes.</p>
n)	<p><u>If so, please give details.</u></p> <p>Edinburgh Corporation (1930-1975)</p> <p>N/A.</p> <p>Lothian Regional Council (1975-1995)</p> <p>N/A.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>The City of Edinburgh Council introduced the Edinburgh and the Lothians 'Inter-Agency Child Protection Procedures' in 2008 and these continue to be used by the local authority in relation to progressing internal investigations into allegations of abuse made against foster carers.</p> <p>The local authority introduced the 'Council Complaints Procedure (Valuing Complaints)' in March 2016 which was revised and updated on 1 April 2017. The following is a statement by the Chief Executive contained in the foreword of the procedure identifying the aim of the local authority in dealing, and progressing, internal investigations in relation to complaints received (page 1):</p> <p><i>The City of Edinburgh Council's complaints handling procedure reflects our commitment to valuing complaints. It seeks to resolve customer dissatisfaction as</i></p>

close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints, so that where appropriate we can make evidence-based decisions on the facts of the case. This procedure has been developed specifically for social work services, so that staff have all the information they need to handle complaints effectively. The procedural elements tie in very closely with those of the Council and National Health Service complaints handling procedures, so where complaints cut across services, they can still be handled in much the same way as other complaints. As far as is possible, we have established a standard approach to handling complaints across local government and NHS, which complies with the Scottish Public Services Ombudsman's (SPSO) guidance on a model complaints handling procedure. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling, with local, early resolution by capable, well-trained staff. Good complaints handling includes providing joint responses to complaints whenever these relate to more than one service. This procedure provides guidance for our staff on how and when to do this, to ensure that our customers get a comprehensive response to their complaints, whenever this is possible. Complaints give us valuable information we can use to improve our services and customer satisfaction. This procedure will enable us to address a customers' dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of customers' views and experience and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong and can also contribute to the continuous improvement of our services.

Resolving complaints early creates better customer relations. Handling complaints close to the point of service delivery means we can resolve them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can add to our workload and are more costly to administer. The complaints handling procedure will help us do our job more effectively, improve relationships with our customers and enhance public perception of the Council. It will help us keep the customer at the heart of the process, while enabling us to understand better how to improve our services.

Question 4.8	<u>Internal Investigations</u>
(ii) Policy	

(iii) Practice	
Past	
a)	<p><u>Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?</u></p> <p>Edinburgh Corporation (1930-1975):</p> <p>The local authority had policy/procedures in place from 1933 to 1959 called the 'Boarded-Out Children Regulations and Rules' (SL164/1/7/1933/34). These stated that the intention was to ensure that the child/young person's safety, protection and welfare were to be regarded as paramount. The Children's Separate Registers were early case files which were used from the late 1800s until the early 1940s. These Registers provide evidence of children being removed from foster care placements due to unsuitable and dangerous conditions (Volume ACC 611/13).</p> <p>The Scottish Home Department published the 'Memorandum on the Boarding-Out of Children' in 1959. In relation to internal investigations relating to abuse or alleged abuse of children in foster care, it noted:</p> <p><u><i>Relationship between foster parents, boarding out officers and child</i></u></p> <p><i>24. The aim of the boarding out officer should be to establish a very friendly relationship between himself and the foster parent, one which will allow difficulties in the bringing up of the child to be discussed freely, candidly and without embarrassment. Through the attitude of the foster parent to the boarding out officer the child will best sense the interest of the latter in all that affects his welfare and come to see in the boarding out officer he has at all times a friend who can act as adviser and helper</i> ('Memorandum on the Boarding-Out of Children', Scottish Home Department (1959), paragraph 24, page 13)</p> <p>The Children's Committee Minutes from 1965 discussed the setting up of an 'at risk' register for children who were deemed to be at risk, which consequently evolved into the Child Protection Register (SL116/1/18, p46).</p> <p>There have however been no actual case records available to evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care.</p>

Lothian Regional Council (1975-1995)

There are numerous examples in the local authority's response to Question 5.9 for the Lothian Regional Council period of adherence to the policies and procedures for internal investigations related to the abuse or alleged abuse of children in foster care. Below are a sample of these examples:

Complaint 1, Question 5.9

The case file recordings of Complaint 1 of the local authority's response to Question 5.9 noted that the 'Edinburgh and Lothians Inter-agency Child Protection Guidelines' were followed when responding to allegations of child abuse. In Complaint 1, the allegation was of sexual abuse by the registered foster carer. Sections 4 and 8 of the Edinburgh and Lothians Inter-Agency Child Protection Guidelines were adhered to and the Senior Social Worker initiated an Initial Referral Discussion (IRD) on 14 July 1987 and progressed a Child Protection Investigation. An Initial Referral Discussion (IRD) was held in order to plan an appropriate multi-agency investigation of the complaint. All care commitments offered by the foster carer were monitored pending Child Protection Investigation. The IRD agreed that the young person should have a Joint Investigative Interview (JII). Following the conclusion of the JII, the outcome for the Child Protection Investigation was that no further action be taken.

Complaint 2, Question 5.9

Complaint 2 of the response to Question 5.9 evidences the local authority's response to an allegation of sexual abuse. Sections 4 and 8 of the 'Edinburgh and Lothians Inter-Agency Child Protection Guidelines' were followed and a Senior Social Worker initiated an Initial Referral Discussion (IRD) and Child Protection Investigation. All care commitments offered by the foster carer were monitored pending the Child Protection Investigation. The IRD agreed that the young person should undertake a Joint Investigative Interview (JII). The outcome of this interview was to progress to an Initial Child Protection Case Conference, in accordance with Sections 4.1(c) and 6 of the 'Edinburgh and Lothians Inter-Agency Child Protection Guidelines'. The Initial Child Protection Case Conference was held on 9 June 1993 and concluded that no further Child Protection action was required. It was also decided that alternative accommodation plans for the children in placement with the foster carer were not needed. A minute of the Child Protection Case Conference was to be included in the foster carer's next annual review.

Complaint 3, Question 5.9

Complaint 3 evidences the local authority's response to an allegation of sexual abuse by a family member of a foster carer. In relation to this complaint, sections 4 and 8 of the 'Edinburgh and Lothians Inter-Agency Child Protection Guidelines' were followed. A Senior Social Worker initiated an Initial Referral Discussion (IRD) and progressed a Child Protection Investigation. A Joint Investigative Interview (JII) was held and the outcome was that the information gathered be utilised as part of an ongoing Police inquiry against the alleged abuser. The Inter-Agency Child Protection Investigation informed safety planning for the child in placement and her sibling. The alleged abuser was charged with lewd and libidinous behaviour, but the charges were later deserted. The alleged abuser was immediately removed from the home and accommodated within a local authority residential unit. The children in placement transitioned to adoptive placements in 1997, during which time the alleged abuser remained outside of the family home. The alleged abuser and his adoptive parents, the foster carers, received counselling regarding inappropriate sexualised behaviour which was offered by the Young Peoples Unit.

City of Edinburgh Council (1995-2014)

There are numerous examples of adherence which are presented as evidence in the local authority's response to Question 5.9 for the City of Edinburgh Council period. Below are a sample of these examples:

Complaint 111, Question 5.9

Complaint 111 concerned allegations of physical and emotional abuse made against the foster carers by a family member of the foster carers in 2008. The City of Edinburgh Council's process and approach for investigating the complaint followed the 'Inter-Agency Child Protection Procedures'. An Inter-Agency Referral Discussion (IRD) was initiated by the Duty Senior Social Worker with the Police and Amethyst. The Lothian and Borders Police and Amethyst decided that there should be no joint interview. This decision was based on the lack of indicators to support the allegations as there was no complaint from the child, no concerns raised from his school and no other concerns noted. The Police progressed a Child Protection Inquiry and attempted to get a formal statement from the complainant, however, she would not agree to be interviewed. The Police decided that they could not proceed with the case and there was no further investigation. The IRD concluded on 29 February 2008 as the complainant had declined to make a statement to police on four occasions and the child, the foster

carers' family and the professionals involved had not raised any other concerns. It was decided, based on the information gathered in the IRD, that the child should remain with the foster carers. The foster carers were informed of the conclusions of the Initial Referral Discussion and the Child Protection Inquiry and were supported in their ongoing care of the children placed with them.

Complaint 112, Question 5.9

Complaint 112 concerned allegations of physical and emotional abuse made by a child in foster care. At the time, the local authority had a defined process named the Social Work Complaints Handling Procedure. However, as the complaint was an allegation of abuse, Sections 7 and 15 of the 'Edinburgh and Lothians Inter-Agency Child Protection Procedures' were followed in this instance. The local authority's response also adhered to the 'Fostering Processes - The Fostering of Children (Scotland) Regulations 1996 Interim Practice Notes' from the local authority's Looked After and Accommodated Children Manual. Following the young person's disclosure, the allocated social worker contacted the foster carer to inform her that the child would not be returning to her care due to a complaint he had raised regarding the care that was being provided by herself and her husband. The Social Worker made an emergency safety and accommodation plan for the child to be cared for by his maternal grandparents. An Inter-Agency Referral Discussion (IRD) was held and the child was then jointly interviewed by the Police, the Amethyst team and Social Work the following day. As part of the ongoing Child Protection Inquiry, the female foster carer was interviewed by the Dalkeith Police under caution on 26 April 2008. There was no corroborative evidence to support the allegations so the Police concluded that no further action should be taken. The IRD was concluded with no charges against any party, however, the child was not returned to the foster carers. The Service Manager in Family Based Care requested an internal investigation into their care standards under sections 17 and 18 of 'Edinburgh's Children – A Guide to Foster Carers and Staff' and the Foster Carers' Agreement. A Senior Social Worker was appointed to lead the investigation in June 2008 alongside another social worker who was appointed as co-investigator. Both social workers had no direct working involvement with the relevant foster carers or children. The investigation report was completed and recommended that both foster carers be deregistered. The report was submitted to a Review of Registration Panel held on 23 January 2009 where the panel made a unanimous recommendation that the foster carers be de-registered. This recommendation was ratified by the Agency Decision maker on 27 July 2009.

	<p><u>Complaint 98, Question 5.9</u></p> <p>Complaint 98 of the local authority's response to Question 5.9 concerned historical allegations of physical and emotional abuse of the young person by the named foster carers. The local authority's process and approach for investigating the complaint was based on Sections 7 and 15 of the 'Edinburgh and Lothians Inter-Agency Child Protection Procedures'. An Inter-Agency Referral Discussion was held to plan an appropriate multi-agency investigation into the complaint. The young person was provided with support from the allocated practice team social worker who listened to the allegations, informed the young person of their options moving forward and explained the process of video recorded interview. The young person was jointly interviewed on 15 July 2015 and they disclosed allegations of physical and emotional abuse by the foster carers. The social worker ensured that the carers had no children placed with them and arranged a planning meeting with the foster carers to inform them of the allegations. The social worker notified the Care Inspectorate of the nature of the complaint made and known details at that time. On 22 July 2015, the social worker carried out a home visit to the foster carers to discuss the allegations and confirm that no further children could be placed with them while the investigation was ongoing. On 4 August 2015, the Police informed that they would take no further action against the foster carer due to a lack of corroborative evidence. A Review Panel was held on 12 August 2016 which acknowledged the allegations and investigation. The Panel agreed the changes to the registration status of the foster carers.</p>
<p>b)</p>	<p><u>Did the local authority adhere in practice to its policy/procedures on the following:</u></p> <p>i. <u>Approach to/process of internal investigations</u></p> <p>Edinburgh Corporation (1930-1975):</p> <p>No case records are available to evidence adherence to policy/procedures in respect of approach to/process of internal investigations relating to the abuse or alleged abuse of children in foster care.</p> <p>Lothian Regional Council (1975-1995)</p> <p>The Lothian Regional Council published its fifth edition of the 'Edinburgh and the Lothians Child Protection Committee Inter-Agency Child Protection Guidelines' in</p>

1994. The process of internal investigations relating to allegations of abuse made against foster carers was set out in section 8.1 of these Guidelines:

8.1 - Allegations of Abuse Made against Carers or Agency Employees

When an allegation of possible abuse is made against a carer or member of staff employed or contracted by a statutory or voluntary agency, these guidelines must be followed in the same way as for other circumstances. Particular attention must be paid by those receiving or investigating information in these circumstances, to ensure that a higher threshold is not applied to allegations being regarded as substantive. All employers need to give first consideration, both in time and weight, to the need to protect the child. All other considerations must be subsidiary to this.

To safeguard this principle, it should be noted that;

- those involved in the immediate line management of the employee, or liaison with the care concerned, should not conduct any part of the investigation*
- consideration should be given to the need to locate the investigation out with the area in which the alleged perpetrator is employed or supported*
- consideration should be given to the need to suspend a member of staff or the possible need to remove children from the care of the person concerned*
- parents or guardians of the child involved should be informed*
- regardless of whether or not it is assessed, following an investigation, that an offence has been committed against a child, the investigative team should provide a report to the senior management of the agency/department involved, of circumstances which led to the allegation being made*
- the Children's Reporter should normally be notified when it is possible that a child has been abused whether they are currently looked after by the local authority or not*
- the Child Protection Co-ordinator should be notified in all instances.*

The local authority has located evidence through its foster care file audit which shows adherence to the process of internal investigations as set out above.

For example, in relation to Complaint 112 of the local authority's response to Question 5.9, there is evidence of the local authority appointing social workers to the internal investigation who were not directly involved with the foster carers or child involved in the complaint.

Furthermore, there are several examples within the local authority's response to Question 5.9 which evidences the local authority removing children from the care of foster carers while an internal investigation into a complaint or allegation of abuse was ongoing. Within the Lothian Regional Council period, examples include Complaint 20, Complaint 21 and Complaint 30.

City of Edinburgh Council (1995-2014)

The City of Edinburgh Council implemented its 'Inter-Agency Child Protection Procedures' in 2008. Section 15 of the Procedures dealt with allegations against current or previous employees, carers and volunteers. It stated:

15. Allegations against Current Employees/Carers/Volunteers

15.1 - General

The term "agencies" in this section does not only refer to the core agencies of health, social work services and police, but to all other agencies, groups or individuals who provide services for children and/or families. This includes whether directly or indirectly employed by the core agencies or by way of contract, voluntary work, caring, or in any other capacity.

The terms "staff" and "employee" are used throughout section and refers to any person who carries out any service, including voluntary work, for children and/or families on behalf of agencies, groups, or individuals.

All allegations of suspected abuse against staff must be taken seriously. Allegations may be made against members of staff currently involved with children but may also be made against staff who are no longer involved in the provision of services. In all circumstances, the matter must be treated seriously, and the response must be prompt.

All allegations against employees must be dealt with transparently, but with considerable sensitivity to the management of information. The following inter agency requirements will be met where an allegation is made against any member of staff:

- A Designated Senior Manager must immediately be informed*
- The Senior Manager may make initial enquiries to establish the broad nature of the allegations. These enquiries should not go beyond trying to establish the basis details of the allegation being made*

- *The Senior Manager will contact one or more of the Core Agencies at the outset who, in the IRD, will consider whether the matter constitutes a child protection referral*
- *Consideration will be given at an early stage whether the employee should be suspended from duty pending the investigation, or whether some other measures (e.g. temporary redeployment) is required. At all times, the paramount consideration will be the protection of children and young persons*
- *It is important that the employee is treated fairly and that his/her rights are respected during the investigative process*
- *Consideration will be given to the control and management of information to service users and other staff*
- *Where appropriate a formal referral should be made by the Senior Manager, in accordance with the Inter-Agency Child Protection Procedures, to the Core Agencies who will initiate an IRD*
- *The staff member subject of the allegation will not be interviewed concerning the matter prior to a decision being made at IRD, as to whether the matter warrants a child protection investigation.*

The local authority has located evidence through its foster care file audit which shows adherence to the process of internal investigations as set out above. For example, Complaint 83 within the local authority's response to Question 5.9 shows that Section 15 of the 'Inter-Agency Child Protection Procedures' was followed in relation to the Child Protection Investigation. In this example, information was shared with Core Agencies, namely the Lothian and Borders Police.

Furthermore, there are several examples within the local authority's response to Question 5.9 which evidences the local authority following the 'Inter-Agency Child Protection Procedures' by initiating an Inter-Agency Referral Discussion. Within the City of Edinburgh Council period, examples of this within the local authority's response to Question 5.9 include Complaint 85, Complaint 120 and Complaint 122.

ii. Identifying lessons/changes following internal investigations

Edinburgh Corporation (1930-1975):

No specific case records were available to evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care.

Lothian Regional Council (1975-1995)

The local authority has located evidence through its foster care case file audit which shows that policies and procedures in relation to identifying lessons following internal investigations were adhered to.

For example, Complaint 9 within the local authority's response to Question 5.9 concerned allegations of emotional and physical abuse where it was alleged that the young person had been subjected to excessive discipline. Following an internal investigation, recommendations were made that the foster carers receive training on specific areas of weakness as identified in the investigation report.

The local authority's response to Question 5.9 contains further case examples which provide evidence of adherence in practice to lessons learned from internal investigations. The responses to the lessons learned are varied and cover areas such as formal redress at foster carer review panels, identifying relevant areas of practice development, therapeutic intervention, in the progression of further professional training/development needs.

City of Edinburgh Council (1995-2014)

The local authority has located evidence through its foster care case file audit which shows that policies and procedures in relation to identifying lessons following internal investigations were adhered to.

For example, Complaint 115 within the local authority's response to Question 5.9 concerned an allegation of physical abuse where it was alleged that the foster carer had mistreated the child in placement by shouting and assaulting the child while driving. The 'Inter-Agency Child Protection Guidelines' were followed in this case and following the internal investigation, it was recognised that the foster carer had been dealing with a very challenging situation and that he had acted in a manner which focused on keeping the child in foster care safe and free from harm. It was recommended that the foster carer be offered the opportunity to participate in specific training to further inform his caring abilities.

The local authority's response to Question 5.9 contains case examples which provide evidence of adherence in practice to lessons learned from internal investigations. The responses to the lessons learned are varied and cover areas such as formal redress at foster carer review panels, identifying relevant areas of practice development,

therapeutic intervention, in the progression of further professional training/development needs.

iii. Implementation of lessons/changes following internal investigations

Edinburgh Corporation (1930-1975):

No case records are available to evidence adherence to policy/procedures in relation to the implementation of lessons/changes following internal investigations.

Lothian Regional Council (1975-1996)

The local authority has located evidence through its foster care case file audit which shows that policies and procedures in relation to the implementation of lessons following internal investigations were adhered to.

For example, Complaint 9 within the local authority's response to Question 5.9 concerned allegations of emotional and physical abuse where it was alleged that the young person had been subjected to excessive discipline. Following an internal investigation, recommendations were made that the foster carers receive training on specific areas of weakness as identified in the investigation report. A letter was sent to the young person who had made the allegations explaining the decision and stating that the foster carers had been required to undertake training to address the lessons identified in the investigation report.

The local authority's response to Question 5.9 contains further case examples which provide evidence of adherence in practice to the implementation of lessons learned from internal investigations.

City of Edinburgh Council (1996-2014)

The local authority has located evidence through its foster care case file audit which shows that policies and procedures in relation to identifying lessons following internal investigations were adhered to.

For example, Complaint 115 within the local authority's response to Question 5.9 concerned an allegation of physical abuse where it was alleged that the foster carer had mistreated the child in placement by shouting and assaulting the child while driving. The 'Inter-Agency Child Protection Guidelines' were followed in this case and following the internal investigation, it was recommended that the foster carer be offered

the opportunity to participate in specific training to further inform his caring abilities. The foster carer attended a training seminar called 'Managing Children's Behaviour - the Holly Van Gulden Seminar' which introduced the theory behind children's developmental delays/attachment problems and how to help children fill the "missing gaps" in their development.

The local authority's response to Question 5.9 contains case examples which provide evidence of adherence in practice to lessons learned from internal investigations. The responses to the lessons learned are varied and cover areas such as formal redress at foster carer review panels, identifying relevant areas of practice development, therapeutic intervention, in the progression of further professional training/development needs.

iv. Compliance

Edinburgh Corporation (1930-1975):

No case records are available to evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care.

Lothian Regional Council (1975-1996)

The local authority has located evidence in its foster care case file audit which shows that it complied with its policies and procedures. These can be found within the response to Question 4.8 (ii) (a).

City of Edinburgh Council (1996-2014)

The local authority has located evidence in its foster care case file audit which shows that it complied with its policies and procedures. These can be found within the response to Question 4.8 (ii) (a).

v. Response (to child and abuser)

Edinburgh Corporation (1930-1975):

No case records are available to evidence adherence to policy/procedures in respect of responses, by the local authority, to the child and/or alleged abuser to internal investigations relating to the abuse or alleged abuse of children in foster care.

Lothian Regional Council (1975-1996)

The local authority's response to Question 5.9 (j), (k) and (l) contains case examples which sets out information relating to whether a response was provided by the local authority and what form this response took. Where the local authority did not provide a response, the reason for this is set out within Question 5.9 (l). These responses are numerous and varied, as they are specifically tailored to the set circumstances of the individual cases and take account of the nature of the issues being investigated, as well as dependent on the outcome of any formal investigation.

City of Edinburgh Council (1996-2014)

The local authority's response to Question 5.9 (j), (k) and (l) contains case examples which sets out information relating to whether a response was provided by the local authority and what form this response took. Where the local authority did not provide a response, the reason for this is set out within Question 5.9 (l). These responses are numerous and varied, as they are specifically tailored to the set circumstances of the individual cases and are cognisant of the nature of the issues being investigated, as well as dependent on the outcome of any formal investigation.

vi. Response to complaints (including response by local authority)

Edinburgh Corporation (1930-1975):

No case records are available to evidence adherence to policy/procedures in respect of responses, by the local authority, to complaints relating to the abuse or alleged abuse of children in foster care.

Lothian Regional Council (1975-1996)

The local authority's response to Question 5.9 (j), (k) and (l) contains case examples which sets out information relating to whether a response was provided by the local authority and what form this response took. Where the local authority did not provide a response, the reason for this is set out within Question 5.9 (l). These responses are numerous and varied, as they are specifically tailored to the set circumstances of the

individual cases and are cognisant of the nature of the issues being investigated, as well as dependent on the outcome of any formal investigation.

City of Edinburgh Council (1996-2014)

The local authority's response to Question 5.9 (j), (k) and (l) contains case examples which sets out information relating to whether a response was provided by the local authority and what form this response took. Where the local authority did not provide a response, the reason for this is set out within Question 5.9 (l). These responses are numerous and varied, as they are specifically tailored to the set circumstances of the individual cases and are cognisant of the nature of the issues being investigated, as well as dependent on the outcome of any formal investigation.

vii. External reporting following internal investigations

Edinburgh Corporation (1930-1975):

No case records are available to evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care.

Lothian Regional Council (1975-1996)

The Lothian Regional Council published its fifth edition of the 'Edinburgh and the Lothians Child Protection Committee Inter-Agency Child Protection Guidelines' in 1994. The process of internal investigations relating to allegations of abuse made against foster carers was set out in section 8.1 of these Guidelines and includes the notification processes to external organisations, for example:

- *The Children's Reporter should normally be notified when it is possible that a child has been abused whether they are currently looked after by the local authority or not;*
- *The Child Protection Co-ordinator should be notified in all instances.*

The local authority's response to Question 5.8 and 5.9 contains information within case examples which demonstrate circumstances where information was reported to external organisations, for example, Police Scotland and the Children's Reporter. Further information on external reports to the Police specifically are also contained within the local authority's response to Question 5.12. The reporting is numerous and varied, as is specifically tailored to the set circumstances of the individual cases and

	<p>are cognisant of the nature of the issues being investigated, as well as dependent on the outcome of any formal investigation.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>The City of Edinburgh Council implemented its 'Inter-Agency Child Protection Procedures' in 2008. Under the Procedures, all three Core Agencies (Health, Police and Social Work) must participate in the Inter-Agency Referral Discussion under section 7.2. There are numerous examples within the local authority's response to Question 5.9 where information from internal investigations was shared externally with the Police. This relationship is governed by the 'Inter-Agency Child Protection Procedures.</p> <p>There are also examples within the local authority's response to Question 5.9 where information was reported to other external agencies or bodies. Section 7.7 of the Procedures concerned notifications to these other agencies and bodies:</p> <p><i>7.7 - Notification to other Agencies/Bodies</i></p> <p><i>Where a child, subject of a child protection referral is accommodated outwith the area, a copy of the referral, any IRD decisions and any other relevant information will be passed to the host Local Authority.</i></p> <p><i>In certain circumstances it will be necessary for the Core Agencies to notify other agencies of a Child Protection Referral having been received or an allegation being made against an individual. These agencies may include the Military Welfare Services, employers where the individual works with children or vulnerable people, and other agencies/individuals as necessary and with reference to The Protection of Vulnerable Groups (Scotland) Act 2007.</i></p> <p>The local authority's response to Question 5.8 and 5.9 contains information within case examples which demonstrate circumstances where information was reported externally, e.g. Police Scotland. The reporting is numerous and varied, as is specifically tailored to the set circumstances of the individual cases and are cognisant of the nature of the issues being investigated, as well as dependent on the outcome of any formal investigation.</p>
c)	<p><u>How was adherence demonstrated?</u></p> <p>Edinburgh Corporation (1930-1975):</p>

	<p>No case records are available to evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care.</p> <p>Lothian Regional Council (1975-1995)</p> <p>There are examples within the local authority's responses to Questions 5.8, 5.9 and 5.12 which demonstrate that the local authority was adhering to policies and procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care. The specific location of information showing the local authority's adherence has been highlighted throughout the responses to Question 4.8 (ii) (a) and (b) above.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>There are examples within the local authority's responses to Questions 5.8, 5.9 and 5.12 which demonstrate that the local authority was adhering to policies and procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care. The specific location of information showing the local authority's adherence has been highlighted throughout the responses to Question 4.8 (ii) (a) and (b) above.</p>
<p>d)</p>	<p><u>How can such adherence be demonstrated to the inquiry?</u></p> <p>Edinburgh Corporation (1930-1975):</p> <p>No case records are available to evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster.</p> <p>Lothian Regional Council (1975-1995)</p> <p>There are examples within the local authority's responses to Questions 5.8, 5.9 and 5.12 which demonstrate to the Inquiry that the local authority was adhering to policies and procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care. The specific location of information showing the local authority's adherence has been highlighted throughout the responses to Question 4.8 (ii) (a) and (b) above.</p> <p>City of Edinburgh Council (1995-2014)</p>

	<p>There are examples within the local authority's responses to Questions 5.8, 5.9 and 5.12 which demonstrate to the Inquiry that the local authority was adhering to policies and procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care. The specific location of information showing the local authority's adherence has been highlighted throughout the responses to Question 4.8 (ii) (a) and (b) above.</p>
<p>e)</p>	<p><u>Were relevant records kept demonstrating adherence?</u></p> <p>Edinburgh Corporation (1930-1975):</p> <p>The local authority has not located relevant records that could evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care.</p> <p>Lothian Regional Council (1975-1995)</p> <p>Yes, the local authority has located relevant records demonstrating adherence within its foster care case file audit. There are examples within the local authority's responses to Questions 5.8, 5.9 and 5.12 which demonstrate to the Inquiry that the local authority was adhering to policies and procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care. The specific location of information showing the local authority's adherence has been highlighted throughout the responses to Question 4.8 (ii) (a) and (b) above.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>Yes, the local authority has located relevant records demonstrating adherence within its foster care case file audit. There are examples within the local authority's responses to Questions 5.8, 5.9 and 5.12 which demonstrate to the Inquiry that the local authority was adhering to policies and procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care. The specific location of information showing the local authority's adherence has been highlighted throughout the responses to Question 4.8 (ii) (a) and (b) above.</p>
<p>f)</p>	<p><u>Have such records been retained?</u></p> <p>Edinburgh Corporation (1930-1975):</p>

	<p>The local authority has not located relevant records that could evidence adherence to policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care.</p> <p>Lothian Regional Council (1975-1995)</p> <p>Yes, the local authority has retained relevant records and these were reviewed as part of the local authority's foster care case file audit.</p> <p>City of Edinburgh Council (1995-2014)</p> <p>Yes, the local authority has retained relevant records and these were reviewed as part of the local authority's foster care case file audit.</p>
g)	<p><u>If policy/procedure was not adhered to in practice, why not?</u></p> <p>Not applicable.</p>
Present	
h)	<p><u>With reference to the present position, are the answers to any of the above questions different?</u></p> <p>No.</p>
i)	<p><u>If so, please give details.</u></p> <p>Not applicable.</p>