

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.

PART D – ABUSE AND RESPONSE

5. Abuse

Question 5.13	<u>Crown</u>
a)	<p data-bbox="418 1150 1425 1226"><u>To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?</u></p> <p data-bbox="418 1285 1430 1451">The local authority undertook a file audit on foster carer's files as part of its response to this section 21 order. Of the files reviewed, reference was made to Crown proceedings being raised in respect of allegations of abuse of children in foster care against 5 known/alleged abusers.</p> <p data-bbox="418 1512 1395 1541">Further details are set out in the undernoted table in relation to each alleged abuser.</p>
<p data-bbox="201 1633 1336 1663"><u>In relation to each time the Crown has raised proceedings, please answer the following questions:</u></p> <p data-bbox="201 1705 1417 1734">Please refer to the undernoted table which sets out information relating to each known or alleged abuser.</p>	

b)	<u>What is the name of the person(s) against whom the proceedings were raised?</u>
c)	<u>What was the nature of charges?</u>
d)	<u>What was the outcome of the proceedings, including disposal/sentence if there was a conviction?</u>
e)	<u>What was the local authority's response to the proceedings and outcome?</u>

	Question	Response
b)	What is the name of the person(s) against whom the proceedings were raised?	James Farquhar
c)	What was the nature of charges?	Lewd and libidinous behaviour against four children.
d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?	James Farquhar was sentenced to six years' imprisonment in March 1999.
e)	What was the local authority's response to the proceedings and outcome?	Following Mr Farquhar's conviction, the local authority de-registered him as a foster carer.

	Question	Response
b)	What is the name of the person(s) against whom the proceedings were raised?	ETZ
c)	What was the nature of charges?	Child pornography

d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?	ETZ ██████ pled guilty to the child pornography charge and was sentenced to five months imprisonment in December 2006.
e)	What was the local authority's response to the proceedings and outcome?	The local authority learned of ETZ ██████'s conviction in May 2007 and de-registered him and his wife as foster carers in March 2010. The delay in de-registering the foster carers was a result of an administrative oversight, however, the local authority can confirm that no children were in placement following a disclosure made in 2005.

	Question	Response
b)	What is the name of the person(s) against whom the proceedings were raised?	FTM ██████
c)	What was the nature of charges?	FTM ██████ was charged on two separate occasions with sexually abusing young girls in his care. The first occurrence was in 1992 and the second occurrence was in 1996. The Crown raised proceedings against FTM ██████ for abusing three young girls in his care.
d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?	A newspaper clipping from ██████ 1996 was found in FTM ██████ paper file. It stated that on both occasions, 1992 and 1996, FTM ██████ was not convicted of any sexual abuse offences.
e)	What was the local authority's response to the proceedings and outcome?	The local authority ensured that there were no children in placement at the time of the second allegation in March 1991. The foster carer was arrested and charged by the Police in February 1992. There is no record of the local authority's response following the Court proceedings, but the foster carer was on time out from 1991 when the last placement ended

	Question	Response
b)	What is the name of the person(s) against whom the proceedings were raised?	Kevin Gillan

c)	What was the nature of charges?	Kevin Gillan was charged with committing sexual offences against two girls between 12 May 2010 and 25 June 2013 while they were in foster care. He had access to the youngsters because he was staying in the house where they were placed for emergency respite care The younger girl claimed Gillan groped her when she was alone in the living room with him. The older girl who was 14 at the time of the offence, gave evidence that he touched and handled her breasts over her clothing and smacked her on the bottom after entering her bedroom.
d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?	The Sheriff placed Kevin Gillan on the sex offenders' register and called for background reports before sentencing. He was due to be sentenced for these convictions on 30 July 2013, but the local authority does not hold information indicating the outcome of the sentencing.
e)	What was the local authority's response to the proceedings and outcome?	Kevin Gillan was the son of a foster carer called [REDACTED]. The foster carer supported her son throughout the allegations and was de-registered by the local authority prior to his conviction.

	Question	Response
b)	What is the name of the person(s) against whom the proceedings were raised?	[REDACTED]
c)	What was the nature of charges?	[REDACTED] was charged with indecent assault against two children in foster placement.
d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?	[REDACTED] was found not guilty on one charge of indecent assault and not proven on the other.
e)	What was the local authority's response to the proceedings and outcome?	Prior to the Court proceedings, the foster carer has been suspended and the remaining child in placement had been moved to an alternative placement in West Lothian. The foster carer was then de-registered.

	Question	Response

b)	What is the name of the person(s) against whom the proceedings were raised?	John McCafferty
c)	What was the nature of charges?	John McCafferty was charged with four charges of shameless indecency for a number of sex offences dating back to 1976.
d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?	John McCafferty pled guilty to four charges of shameless indecency and was sentenced to ten years' imprisonment.
e)	What was the local authority's response to the proceedings and outcome?	The allegations were disclosed in 1992 and the local authority de-registered the foster carer. The foster carer was also employed as a residential care officer at the time and following his conviction, he was dismissed from this role.