

East Lothian Council

Section 21 Request – Foster Care Case Study – Part D – 5.8 - 5.10 and 5.12 and 5.13

| | Question | Response | Supporting Documentation |
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| Part D | Abuse and Response | | |
| 5.8 | Known Abusers and Alleged Abusers | | |
| a) | Does the local authority know of specific abusers, or alleged abusers, of children in foster care? | <p>Please note we understand the terms 'abusers' and 'alleged abusers' to refer to people who after having investigated the matter, the local authority considered to have abused children (irrespective of whether they were convicted or not), and not people who had an allegation made against them that the local authority investigated and deemed to have been unfounded. Therefore the answers relate to three specific fostering families – Case A, Case B and Case C.</p> <p>In one further case, Case D, the carer who acted inappropriately in two separate instances that could be considered to be abusive (inappropriately restraining a boy for his own safety, and pushing a boy into a car causing him to bump his head in doing this). However, having investigated these instances we did not consider him to have been acting in a deliberately abusive manner and we therefore do not believe the terms 'abuser' or 'alleged abuser' rightly apply to him. In Case D the foster carer did continue as a foster carer, albeit with appropriate monitoring and further training provided. Please refer to the individual detailed accounts in Appendix 1.</p> | |
| b) | If so, what are the names of the abusers, and and/or alleged abusers? | <p>Please refer to the individual detailed accounts in Appendix 1.</p> <p>Please note that the 'alleged abusers' were reported to us but there was no evidence to demonstrate that abuse had taken place.</p> | |
| c) | For each of these persons, please provide as much as possible of the following information: | | |
| | The period (dates) during which they are known or alleged to have abused children in foster care. | Please refer to the individual detailed accounts in Appendix 1. | |

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| | | Please note that the 'alleged abusers' were reported to us but there was no evidence to demonstrate that abuse had taken place. | |
| | If they were foster carers, or if not, their relationship with the foster carers and what other role they had during the period of abuse and/or alleged abuse. | Please refer to the individual detailed accounts in Appendix 1. Please note that the 'alleged abusers' were reported to us but there was no evidence to demonstrate that abuse had taken place. | |
| | The knowledge sought or received about them by the local authority at the point of approval/ registration of foster carers and thereafter | <p>Case A</p> <p>The family were approved as foster carers in 1992. Information was gathered for the purpose of their assessment in accordance with Schedule 1 of the Boarding-out and Fostering of Children (Scotland) Regulations 1985. Criminal record and medical checks were carried out for both the male and female foster carer. Two personal references from neighbours were obtained.</p> <p>Post-approval, the carers' registration was reviewed at regular intervals by the fostering panel in accordance with agency protocol.</p> <p>Further criminal record checks for the carers were carried out in 1996.</p> <p>Medical checks were carried out for the carers in 1998, when they returned to the fostering panel to be approved as permanent carers. No new personal references were carried out for this assessment, with the Form F referring to those obtained in 1992.</p> <p>Medical checks for the carers were carried out again in 2002, when they were approved as Level 2 carers. Criminal record checks were also carried out for the carers and for their two adult children. We could not find any evidence that a criminal record check had been carried out on the abuser (aged 21 in 2002) prior to that date. We could not find any evidence that a medical check had been carried out on the abuser.</p> <p>Case B</p> <p>The foster carers were assessed in 2004. Information was gathered for the purpose of their assessment in accordance with Schedule 1 of the Boarding-out and Fostering of Children (Scotland) Regulations 1985. A Local Authority background check was completed at this time. Criminal record and medical checks were carried out for the female carer in April 2004.</p> <p>Further disclosure checks were completed in June 2006 and December 2008. A further medical checks were also completed in September 2007.</p> <p>Post-approval, the carers' registration was reviewed at regular intervals by the fostering panel in accordance with agency protocol.</p> | |

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| | | <p>Case C</p> <p>The abuser was the nephew of a foster carer and non-resident in the fostering household and therefore in line with our procedures at the time we would not expect to have sought any information about him.</p> | |
| | Any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made, | <p>The Fostering Team has not provided any information to third parties or future employers regarding members of Case A or Case B households.</p> <p>In Case C, the abuser was not a foster carer, we would not expect to have provided any information to third parties or future employers. However, in terms of sharing information, we provided information to Skylight/Lighthouse who worked with him on addressing his issues/ counselling.</p> | |
| d) | Were known abusers, or alleged abusers, of children permitted to continue as foster carers? | <p>No. Please refer to the individual detailed accounts in Appendix 1 for further information.</p> <p>Please note that the 'alleged abusers' were reported to us but there was no evidence to demonstrate that abuse had taken place.</p> | |
| e) | If so, why was this considered to be appropriate? | <p>No. Please refer to the individual detailed accounts in Appendix 1 for further information.</p> <p>Please note that the 'alleged abusers' were reported to us but there was no evidence to demonstrate that abuse had taken place.</p> | |
| f) | If so, what process of monitoring/ supervision followed? | Not applicable because none continued as foster carers. | |
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| | 5.9 Specific Complaints | | |
| a) | <p>How many specific complaints of abuse of children in foster care have been made to the local authority?</p> <p>For each specific complaint, please see Appendix 1.</p> | We recorded 35 complaints of abuse on our Complaints log from 2004 onwards. The replies in this section are based on those complaints. | |

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| b-n) | See Appendix 1. | | |
| 5.10 Civil Actions | | | |
| a) | How many civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care? For each such civil action, please answer the following: | None. | |
| b- m) | | Not applicable. | |
| 5.12 Police | | | |
| a) | How many complaints of abuse of children in foster care have been made to the police? In relation to each known complaint to the police, please answer the following questions: | We cannot comment on how many allegations of abuse in children in foster care were made directly to the Police by anyone, as this information would be held by the Police. However, we can comment on the complaints of such abuse which we notified to the Police ourselves from 2004 onwards or where we know Police to have been involved. We are aware of 25. | |
| b) | Who was the alleged abuser or abuser? | We refer you to Appendix 1 and the names provided at point d) of Tables 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, and 35. | |
| c) | Did the police conduct an investigation in relation to the complaint? | The Police carried out joint interviews in all but one of those occasions. | |
| d) | If so, who conducted the investigation and when? | We refer you to Appendix 1 and the details provided in the following tables, particularly at g) and h) : Tables 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, and 35. | |
| e) | What was the outcome of the police investigation? | We refer you to Appendix 1 and the details provided in the following tables, particularly at i): | |

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| | | Tables 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, and 35. | |
| f) | What was the organisation/ establishment's response? | We refer you to Appendix 1 and the details provided in the following tables, particularly at j) and k): Tables 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 26, 27, 29, 32, and 35. | |
| 5.13 Crown | | | |
| a) | To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care? In relation to each time the Crown has raised proceedings, please answer the following questions: | We are aware that legal proceedings were raised against Kenny Wilson, and he received a custodial sentence of 6 years. | |
| b) | What is the name of the person(s) against whom the proceedings were raised? | We are aware that legal proceedings were raised against Kenny Wilson. | |
| c) | What was the nature of the charges? | Not known as this information is not held by East Lothian Council. | |
| d) | What was the outcome of the proceedings, including disposal/sentence if there was a conviction? | Not known as this information is not held by East Lothian Council. | |
| e) | What was the local authority's response to the proceedings and outcome? | Not known, as the information from the Crown is not held by the Local Authority. | |