S21 return - Section 5. Abuse

5.1 Nature

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

a) Nature of alleged abuse Physical, emotional and sexual

5.2 Extent

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

a) There were 7 out of the 78 fostering families on record in which there had been allegations of abuse. These were single instances of reported abuse except in three cases.

1. In one fostering family there were separate allegations against the foster carer and the foster carers son

2. In one fostering family there were 2 separate allegations against the foster carers.

3. In one fostering family there were 3 separate allegations against the foster carers.

There were therefore 11 reports of abuse among all of the children who had been fostered over that time in all of the families. In 6 of those cases there was a joint investigation with Police and social work. No foster carers were charged with any criminal offence. However, it is notable that there is very little information available on which to base assessment of the extent of abuse prior to the implementation of Fostering Panels.

b) What is the basis of that assessment?

b) A review of all of the foster care documentation held by OIC including Foster Carer's files/records and all Fostering Panel minutes.

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

c) There were 11 complaints made about abuse of children in foster care.

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

d) Against 7 foster carers.

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

e) No foster carers have been convicted of abuse of children. 1 admitted abuse of children.

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

f) 4 foster carers have been found by the local authority to have abused children.

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

g) There has been one complaint of alleged abuse by family members of foster carers of foster children.

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

h) No family members of foster carers have been convicted of or admitted abuse of foster children.

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

i) No family members of foster carers have been found by the local authority to have abused fostered children.

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

j) None

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

k) No other children placed in the same foster care placement have admitted to or been convicted of abusing other children

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

I) No other children placed in the same foster placement have been found by the local authority to have abused other children.

5.3 Timing of Disclosure/Complaint

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

a) Two allegations were made after the placement had ended. All other disclosures or complaints were made at the time of the alleged abuse.

b) To what extent were complaints and disclosures made while the abuse or alleged abuse was ongoing or recent?

b) One allegation that was made after the placement had ended was made on 10/09/05, around 2 years after they had initially disclosed and then retracted the allegations **EMH**. The other allegation was made around one month after the placement had ended.

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

c) There was one complaint about non-recent abuse as detailed in 5.3 b), disclosed 2 years after the initial disclosure.

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

d) The pattern has been that most disclosures of alleged abuse have occurred whilst the child was in placement.

5.4 External Inspections

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

No external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children. Any incidents that had occurred were reported to the Inspector during the annual inspection of the fostering service.

5.5 External Investigations

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

For each such external investigation please answer the following:

b) Who conducted the investigation?

c) Why was the investigation conducted?

d) When was the investigation conducted?

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

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

g) Were recommendations made following the investigation?

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

i) If recommendations were not implemented, why not?

a) There have been 7 external investigations in regard to children in foster care relating to abuse

i b) Joint Police and Social Work investigation

c) Investigation of a disclosure of inappropriate sexual activity towards foster child

d) 2005

e) The complainant provided an account of the alleged abuse. The Foster carer was interviewed by the Police who took no further action. The allegations of abuse were not evidenced.

f) A safety plan was implemented whilst an investigation was undertaken. The foster carer continued to foster after the investigation was concluded.

g) No recommendations were made following the investigation.

h) N/A

i) N/A.

ii b) Joint Police and social work investigation

c) Disclosure of sexually inappropriate behavior by child in the family towards the fostered children.

d) 2010

e) The allegations were not substantiated

f) The child's siblings remained in placement. The child who had made the disclosure stated that did not wish to return to the placement and they moved to a new placement.

g) Yes

h) The recommendation was that the child and their siblings return/remain in placement. The child who had made the disclosure stated that they did not feel safe to return to the placement and they moved to a new placement.

i) See 55.5 ii h) above

iii b) Joint Police and Social Work

c) Allegation made by the foster child that they had experienced physical abuse from the foster carer, were made to feel not part of the family and had more chores than the other children.

d) May 2001

e) The outcome was that the allegations were substantiated by the interview of the other child in foster placement.

f) There was a concern that ending the placement would be more harmful for the child than addressing the concerns and supporting the placement to continue. The concerns would be addressed with the foster carer, there would be increased level of visiting by the social worker to the child and the placement would be reviewed again in the months ahead and on an ongoing basis.

g) See above answer

h) Increased level of visiting or regular reviews of placement not evidenced in the child's file however it is recorded that the child spoke of the placement having greatly improved and the placement continued for the child into adulthood.

i) See above

iv b) Joint Police and social work investigation

c) An allegation of physical abuse by the foster carrer whilst under the influence of alcohol

d) July 2004

e) The allegation was not substantiated

f) No further action by Police. It was decided that the foster placements would continue with actions from Community Social Services.

g)Yes

h) No further actions under child protection. Issues around the carers use of alcohol to be addressed by the Children and Families Team. Not recorded whether this was undertaken.

i) Information not recorded

v b) Joint Police and Social Work

c) There was an allegation that the foster carer had been drinking and driving with a foster child in the car and had subsequently passed out at the wheel when they had returned home.

d) August 2004

e) The allegation was not substantiated, although there were concerns that other circumstantial evidence indicated that the incident may have occurred.

f) No further action by Police. It was decided that the foster placements would continue with actions from Community Social Services.

g) Yes.

h) Recommendations:

- No further action under CP procedures
- Discussions to be undertaken with the Foster carer regarding their alcohol use and how this may impact on fostered children.
- Ensure control measures are in place to limit the potential risk of from the foster carer's use of alcohol.
- Discussion with the foster child regarding the consequences of telling tales to his grandmother
- Foster child's father to be informed of the CP investigation

i) It is unclear from the record whether these actions were completed.

vi b) Joint Police and social work investigation

c) 2 sisters were in the respite foster placement. The younger sister stated that she had observed her older sister having challenging behaviour and running away and that the foster carer had smacked her sister on the bottom and sat on her back for about half an hour.

d) 2007

e) The outcome was that the assessment was that the foster carer had displayed inappropriate behaviour

f) This was dealt with through addressing the concerns with the foster carer through the fostering service. The older sister did not return to the placement. The younger sister continued in placement however this was ended following a further allegation around one month later (see 5.5 v).

g) See answer 5.5 iv f)

h) As above

i) N/A

vii b) Joint Police and social work investigation

c) Allegations of inappropriate behavior by foster carer towards fostered children (2 sisters)

d) 2007

e) Allegation of abuse not evidenced.

f) No further action by Police. Recommendation to de-register foster carers. The Foster carers moved local authority and decision on record to share information regarding the investigation with other local authorities should they contact Orkney in relation to an application to foster by this family.

g) Yes

h) See answer 5.5 iii f) above. These recommendations were implemented.

i) N/A

5.6 Response to External Inspections/Investigations

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

a) No external inspections relating to abuse or alleged abuse of children in foster care have been undertaken. With regard to investigations, any allegation of abuse relating to a child in foster care was treated as a referral to the Children and Families Team who would follow the same child protection procedures that were in place with regard to allegations of abuse for any child within the local authority area. Should the information indicate a child protection response there would be an Inter-Agency Referral Discussion (IRD) at which decisions would be made regarding the actions required in response to the allegation.

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

b) The Fostering and Adoption Team were involved in the planning around investigations and outcomes were shared with the Fostering and Adoption Team for further assessment and required actions.

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

c) Responsibility for decisions regarding immediate actions required with respect to the Fostering service lay with the management of the Fostering Service. Recommendations and updates were provided to the Fostering and Adoption Panel. Decisions on the recommendations from the Fostering and Adoption Panel went to the Agency Decision Maker.

5.7 Impact

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

a) The local authority does not systematically gather information related to the impact of abuse on those children in foster care who were abused, or alleged to have been abused. In one case involving two sisters the Chair of the CP Formal planning meeting stated that it was paramount that the children be monitored to make sure they had not suffered through an adult of trust betraying them and asked that the school monitor the situation. The Educational Psychologist stated it was not known if the girls were traumatized so consideration should be given to additional support if required.

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

b) See answer above.

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

c) The local authority does not systematically gather information related to the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused. No information in relation to this question was identified.

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

d) See answer above.

5.8 Known Abusers and Alleged Abusers

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

a) Yes

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

b) Names of abusers or alleged abusers of children in foster care



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

- if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse
- the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter
- 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,

c)

EMH

- Allegation of abuse made in 2005 that the period of abuse had been 'over a period of years'. Dates not known but prior to 2003
- The husband in a husband and wife fostering couple. The alleged abuser.
- Full form F assessment completed and checks included: Accommodation, current local authority, previous local authority, Disclosure Scotland, Medical, unnannounced visits, health and safety, personal reference, employer reference, School.
- None recorded

- Allegations relate to a period that appears not to exceed 2 months
- He is the foster carer's son and was the alleged abuser. He was around the age of 13 at the time of the alleged abuse.
- was placed and adopted by the **second** family whilst in Orkney. Orkney undertook the assessment and Permanency work in relation to this adoption.
- None recorded

EMJ

- The period appears to relate to November and December 2006
- The husband in a husband and wife fostering couple. The alleged abuser.
- A full Form F assessment was completed and checks included: Police, Accommodation, Medicals, current local authority, Personal reference, Employer Reference
- None recorded

EMK

- A single incident disclosed in 2009
- The wife in a husband and wife fostering couple. The alleged abuser.
- A full Form F was completed and checks included: Disclosure Scotland, Accommodation, Medical, H&S, , Police, Education, current local authority, previous local authority, personal references
- None recorded

EML-EMM

• Three incidents investigated. Allegation of physical abuse (hitting) made in 2001 and stated to have been occurring over around a 2 year period. An allegation in 2004 of drink driving event, although there had been concerns over a period of years about both foster carers use of alcohol. In 2014 there was an allegation of an incident of physical abuse by the male foster carer

- Both partners in a married fostering couple. The alleged abusers
- A full Form F was completed and checks included: Medical, Police, current local authority, Accommodation
- None recorded

EMN

- Approximately January to April 2003
- Foster carer. The alleged abuser
- A full Form F was completed and checks included: personal references, employer references, accommodation, local authority (have only lived in Orkney), Police, medical, Health board,
- None recorded

EMP

- Not specified. During 2017
- The foster carer. The alleged abuser
- A Full Form F was completed and checks included: medical, current local authority, previous local authority, professional reference, health and safety, accommodation, personal reference.
- None recorded

EMQ

- Single incident in June 2016
- The foster carer. The alleged abuser.
- A full Form F was completed and checks included: medical, current local authority, previous local authority, professional reference, health and safety, accommodation, personal reference.

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

d) There were three foster carers (EML-EMM and EMJ and EMJ and EMJ who continued to foster following allegations. In the other cases the foster carers were either not permitted to continue fostering or chose to cease fostering.

e) If so, why was this considered appropriate?

e) In those circumstances where the foster carers would have, or were permitted to, continue fostering this was following a decision that the concern was either not substantiated, or could be addressed through input from the Fostering and Adoption Team with the foster carer.

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

f) Monitoring and supervision was undertaken by the foster carer's supervising social worker. On one occasion a contract of expectations was employed with the foster carer for the remaining week until the planned end date of the placement. They were subsequently de-registered.

5.9 Specific complaints

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

For each specific complaint, please answer the following:

b) Who made the complaint?

c) When was the complaint made?

d) Against whom was the complaint made?

e) What was the nature of the complaint?

f) When/over what period was the abuse alleged to have taken place?

g) What was the local authority's process and approach in dealing with the complaint?

h) What was the local authority's process and approach for investigating the complaint?

i) What was the outcome of the complaint following that investigation?

j) Did the local authority provide a specific response to the complaint?

k) If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?

I) If there was no response, why not?

m) Was the information/content of the complaint passed to police?

n) If not, why not?

| a) 11 (<i>i</i> - | EMK | ii- EMH | . <i>iii</i> — | , iv- EMQ | , v- EMP | vi, vi &viii- | EML-EMM | , ix & x - |
|--------------------|-------------------|---------|----------------|-----------|----------|---------------|---------|------------|
| EMJ | , <i>xi -</i> EMN | | | | | | | |

i b) The foster child,

c) 2009

d) The foster carer, EMK

e) He alleged that the foster carer had grabbed him and thrown him onto a couch

f) A single incident

g) The local authority dealt with the complaint at the time that it was made through the Out of Hours service.

h) The child and foster carers were interviewed by the on duty social worker and manager. The child remained in alternative accommodation approved by the CSWO and the information passed to the Fostering and Adoption Team for follow up.

i) The placement was ended. Subsequently due to this and other concerns regarding the standard of care being provided by the foster carers they were de-registered.

j) Not recorded

k) Not recorded

I) Not known

m) Yes

n) N/A

ii b) The foster child -

c) Initial disclosure made in 2003 however allegation retracted by the child. Further disclosure made in September 2005

d) The foster carer, EMH

e) Allegations of sexual abuse including sexually inappropriate behavior and digital penetration.

f) Over a period of years

g) Child protection procedures were initiated and an initial planning meeting involving social work and Police was convened.

h) A joint Police and social work investigation was conducted and a JII was conducted with the young person who had disclosed.

i) No further action by Police at the conclusion of their investigation. Foster carers continued fostering

j) There is no record of a specific response to the complaint.

k) Not known

I) Not known

m) Yes

n) N/A

iii b) The foster child –

c) 2010

d) The foster carer's 13 year old son living in the placement,

e) Allegation that he exposed his penis to the fostered children, inappropriate sexual contact with her sister, showing the children adult television channels and threatened to punch or kick her if she told.

f) Diclosure is not clear but appears to be a period not exceeding around 2 months

g) Child protection processes were initiated

h) There was a joint Police and social work investigation involving JIIs of all of the children involved.

i) The complaint was found not to have been substantiated

j) Response to the complaint was verbal

k) The child was informed of the outcome of the investigation and decisions taken and the child's views sought.

I) N/A

m) Yes

n) N/A

iv b) The foster child -

c) June 2016

d) The foster carer, EMQ

e) Physically rough handling, that the foster carer had grabbed the child by the shoulders

f) Single incident

g) The complaint was treated as a referral and there was an internal investigation by the Fostering and Adoption Team. The placement had already ended.

h) The foster carer's supervising social worker and manager discussed the incident with the foster carer. The foster carer's account was consistent with the child's account.

i) The foster carer decided to cease fostering and they were de-registered.

j) No specific response is recorded in the foster carer's file

k) Not known

I) Not known

m) No

n) The information was not considered to have indicated that an offence had been committed or have reached a threshold required to initiate an inter-agency child protection response.

v b) — The foster child

c) November 2017

d) The foster carer, EMP

e) The foster child alleged that the foster carer would drink alcohol and then drive them

home

f) Not specified in the complaint

g) The complaint was dealt with by the Fostering and Adoption Team as being a concern regarding the Foster carer's practice

h) The foster carer's supervising social worker and manager spoke to the carers regarding the allegations.

i) There was a discussion and a contract of expectations completed with the Foster Carer and the concern was reported to the Care Inspectorate

j) No specific response is recorded in the foster carer's file

k) Not known

I) Not known

m) No

n) Reason not to report to Police is not recorded.

vi b)

c) May 2001

d) The foster carer, EML

e) Allegation of a physical assault by EML on the foster child

f) A single incident

g) The complaint was assessed as requiring a response through the child protection processes and procedures initiated through an Inter-Agency Referral Discussion (IRD)

h) A full inter-agency child protection investigation was conducted with Police.

i) No further action by Police. Actions were recommended and the placement continued

j) The conclusion of the investigation recommended actions in relation to the allegations. See answer 5.5 *ii* f).

k) Recommended response was increased monitoring and supervision in relation to the placement

l) N/A m) Yes n) N/A

vii b)

c) August 2004

d) The foster carer, EML

e) An allegation that the foster carer had driven whilst drunk with two children in the car, one of them a foster child, and that she had passed out at the wheel once at home.

f) A single incident

g) Child protection procedures were initiated

h) There was a joint Police and social work investigation

i) The allegation was not substantiated.

j) Yes.

k) Recommendations from the CP process identified actions to be taken by Community social services following the conclusion of the investigation including addressing issues with both the foster carer and the foster child.

I) N/A m)Yes n) N/A *viii* b) Foster child's grandmother, **1** c) July 2004

d) The Foster carer, EMM

e) stated that her grandson was been all to the ground and that MM was under the influence of alcohol at the time of the assault.

f) A single incident, although concerns regarding alcohol misuse were raised at different times over a period of years.

g) Child protection procedures were instigated and an IRD convened.

h) Joint Police and social work investigation

i) The complaint was not substantiated

j) Yes at the conclusion of the CP investigation

k) Recommendation that concerns regarding the foster carers use of alcohol is addressed with the carer by the Children and Families Team.

I) N/A

m) Yes

n) N/A

ix b) A foster child,

c) November 2006

d) The foster carer, EMJ

e) That sister was a for about half an hour.

f) A single incident.

g) Child protection procedures were initiated and an initial planning meeting involving social work and Police was convened.

h) A joint Police and social work investigation was undertaken and JIIs were undertaken with both children.

i) that made the disclosure went to an alternative placement during the investigation and then it was assessed as appropriate for her to return to the foster placement. Foster carers were given advice and additional training was to be provided to them following this incident. Outcome of the Police investigation not recorded.

j) No specific response is recorded in the foster carer's file. (For the child it is Pre-PARIS)

k) Not known

I) Not known

m) Yes

n) N/A

x b) Foster child,

c) December 2006

d) The foster carer, EMJ

e) Allegation of inappropriate behavior towards her and her sister. Allegations that the foster carer had been engaged in rough play with the girls and at times had licked/ put his tongue in their ears and attempted to lick her sister's lips, kiss her sister and friends goodnight on the lips.

f) Unclear from the record. Multiple incidents appeared to have happened over the period of time that the children went to the foster carers for respite.

g) Child protection procedures were initiated and an initial planning meeting convened.

h) Joint Police and social work investigation. JII's were undertaken with both children. It is recorded that **EMJ** will be interviewed by the Police however the outcome of this is not recorded.

i) There were no further children placed with the foster carers. The foster carers were deregistered and it is noted on file that this information is to be disclosed to other local authorities should Mr and Mrs EMJ-SPO apply to become foster carers in another local authority area.

j) The impact of the incidents on the children to be monitored and additional support to be provided should this be required (Educational Psychologist involvement)

k) Not known

I) Not known

m) Yes

n) N/A

xi b) Local authority

c) April 2003

d) The foster carer, EMN

e) Physical neglect. Lack of heating in the home and ill-fitting clothing that wasn't warm enough for the weather.

f) Concerns for around 3 months

g) Concerns dealt with through supervision processes with the foster carer

h) The local authority met with the foster carer and raised the concerns with the foster carer and the expectations and requirements.

i) The child's placement was ended and the foster carer was de-registered.

j) No specific response is recorded

k) Not known

I) Not known

m) No

n) Concerns were related to standards of care rather than that an offence had been committed.

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?

a) No civil actions have been brought against the local authority relating to abuse, or alleged abuse, of children in foster care.

5.11 Criminal Injuries Compensation Awards

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

a) No

b) If so, please provide details if known.

b) N/A

5.12 Police

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

a) 7

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

b) Who was the alleged abuser or abuser?

c) Did the police conduct an investigation in relation to the complaint?

d) If so, who conducted the investigation and when?

e) What was the outcome of the police investigation?

f) What was the organization/establishment's response?

i b) EMH the foster carer

c) Yes

d) Inspector David Miller

e) No evidence to support the allegation

f) Foster carer continued to foster

ii b) EML , the foster carer

c) Yes

d) Inspector Paul Eddington

e) No further action, lack of evidence

f) Concerns addressed with the foster carer and increased monitoring and supervision of the placement

iii b) EML , the foster carer

c) Yes

d) Acting Inspector Angus MacLeod

e) Allegation not substantiated. No further action

f) Concerns about the carer's use of alcohol to be addressed by Children and Families Team

iv b) EMM the foster carer

c) Yes

d) Inspector David Miller

e) The outcome of the investigation was inconclusive . No further Police action

f) Discussion with the foster carer regarding their use of alcohol, additional control measures to reduce risks, discussion with foster child about consequences of telling tales to grandmother.

v b) EMJ the foster carer

c) Yes

d) Acting Inspector Bob MacKenzie

e) Lack of evidence. No further action.

f) The younger child returned to the placement. No challenging children to be placed with the foster carers. Explanation provided to parents regarding outcome of the investigation. Support, training and advice to be provided to the foster carers.

vi b) EMU

c) Yes

d) Acting Inspector Angus MacLeod

e) No further action. Lack of evidence.

f) Recommendation to de-register foster carers. The Foster carers moved local authority and decision on record to share information regarding the investigation with other local authorities should they contact Orkney in relation to an application to foster by this family.

vii) the foster carer's son

c) Yes

d) Acting Inspector, Gregor Hay

e) the allegations were unsubstantiated. No further Police actions.

f) Allegations were not substantiated and the foster parents continued to provide foster placements for the child who disclosed' siblings. The foster placement was assessed as safe for the child to return however she stated that she did not feel safe to return therefore child accommodated in residential care. It is noted that 'Protective measures are in place via the children's Supervision Requirements'.

5.13 Crown

a) To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care? a) There have been no proceedings raised in respect of allegations of abuse of children in foster care.