

<p>1 Friday, 19 October 2018 2 (10.00 am) 3 THE CHAIR: Good morning, everyone. Welcome to Day 10 of 4 this public inquiry. 5 Mr Sadd? 6 MR SADD: Good morning, chair and members of the panel. 7 Before we take this morning's first witness, there is 8 a correction that I need to make. It is a factual 9 correction. In one of my questions that I put to 10 Sue Gregory yesterday, chair, I asserted that the 11 councils had applied to strike out the civil claims. 12 That has not happened and has never happened since. It 13 is right to say that the councils have pleaded, in 14 paragraph 1 of their defence to the group action, that 15 limitation is in issue. 16 Chair, the first witness that we are hearing from 17 this morning is Sonia Cain. Her statement is INQ002431. 18 MS SONIA CAIN (affirmed) 19 Examination by MR SADD 20 MR SADD: Good morning, Ms Cain. 21 A. Good morning. 22 Q. In front of you is your statement. Can we go to the 23 last page of that statement. It is page 33, please. In 24 fact, it is page 34, I should say. There is a DPA 25 redaction over a signature there. Do you remember</p> <p style="text-align: center;">Page 1</p>	<p>1 signing your statement? 2 A. Yes. 3 Q. You do remember signing it? 4 A. Yes. 5 Q. At the time that you signed it, were you satisfied that 6 what you had set out was true, as far as you could 7 remember? 8 A. Yes. 9 Q. Are there any corrections that you need to make to your 10 statement? 11 A. No. 12 Q. The panel have a copy of your statement. We will be 13 uploading your statement in the course of the next few 14 days. I'm going to go very briefly through your 15 background, as you set it out in your statement. I am 16 not going to go through everything line by line. We are 17 going to look at some specific aspects of process, and 18 then we are going to look at one or two specific issues 19 that you have been involved in. All right? 20 A. Okay. 21 Q. In paragraph 7 of your statement over the page at 22 page 2, you explain how you began employment with the 23 county council in 1978. You remained with the 24 county council until 1998, when, as is well known now to 25 the inquiry, there was a local government reorganisation</p> <p style="text-align: center;">Page 2</p>
<p>1 at that point, and you transferred then to the city 2 council, where you remained until your retirement in 3 2017? 4 A. That's right. 5 Q. Over the years, you have held a variety of posts at both 6 the county and city councils. Very briefly, between '86 7 and '89, you were a senior social worker managing a team 8 of social workers and assistants of a long-term city 9 childcare team. Between 1989 and 1992, you were the 10 acting assistant area director for Ashfield. Between 11 1992 and 1996, you were the service manager for 12 fostering and adoption and looked-after children at 13 Nottinghamshire County Council in the east district of 14 the city -- or was that in the east district of 15 the county? 16 A. East district of the city. 17 Q. Of the city. Between 1996 and 1998, you were job 18 sharing the role of service manager of fostering and 19 adoption, and between 1996 and 2010, you were the 20 adoption lead? 21 A. That's right. 22 Q. Then between 2010 and 2014, you were the service manager 23 for Nottingham City Council, initially managing the 24 central area of the city? 25 A. That's right.</p> <p style="text-align: center;">Page 3</p>	<p>1 Q. In the final years before you retired, preceding your 2 retirement, from 2014 you worked as the service manager 3 for adoption and fostering? 4 A. That's right. 5 Q. Up to paragraph 67, you set out all the different 6 management roles that you have had falling within all 7 those various appointments; is that right? 8 A. Yes. 9 Q. The first thing we are going to look at together is the 10 approval process for foster carers. To date, the 11 inquiry has heard some evidence about that. You're in 12 a position, we hope, to provide us with more detail 13 about that process. At various points over the years of 14 your employment with the county and city councils, you 15 have been involved in decisions concerning the approval 16 of foster carers; that's right, I think? 17 A. That's right, yes. 18 Q. At paragraphs 17 and 18 on page 4, please, where you are 19 describing your role as acting assistant director for 20 Ashfield, you state that you managed a team that 21 undertook recruitment, assessment and support of foster 22 carers, and then, in paragraph 18, you chaired the 23 Fostering Panel where decisions were made regarding the 24 approval of foster carers? 25 A. Yes, that's right. Just for a short time, I managed the</p> <p style="text-align: center;">Page 4</p>

<p>1 fostering and adoption managers.</p> <p>2 Q. We see further down, the last line of that page 4, that</p> <p>3 you chaired the Fostering Panel between 1992 and 1996 in</p> <p>4 your subsequent role of service manager of fostering in</p> <p>5 the east district; is that right?</p> <p>6 A. I shared that.</p> <p>7 Q. You shared that role?</p> <p>8 A. Yes, I shared that role with my job share partner.</p> <p>9 Q. I want to ask you, if I may, about the approval process</p> <p>10 for those already employed by the council, so that is</p> <p>11 people in the employment of the councils who wanted to</p> <p>12 be foster carers. NO-A51, who gave evidence during the</p> <p>13 first week of the hearings, explained how he was</p> <p>14 fostered by a male social worker who sexually abused</p> <p>15 him. There is also the case that the inquiry is well</p> <p>16 aware of Norman Campbell, a residential social worker</p> <p>17 who, despite some concerns being raised in 1988, was</p> <p>18 allowed to foster a child whom he then seriously</p> <p>19 sexually abused.</p> <p>20 Could you help the chair and panel understand</p> <p>21 whether there were approval requirements to be met to be</p> <p>22 a foster carer for someone who already worked within the</p> <p>23 department, such as a social worker? Was there a lower</p> <p>24 standard to be met or was it the same standard to be</p> <p>25 met?</p> <p style="text-align: center;">Page 5</p>	<p>1 A. It was always the same standard to be met for anyone who</p> <p>2 came forward to be a foster carer, but, generally, it</p> <p>3 wasn't expected, it wasn't routine, for someone who's</p> <p>4 employed by the authority to be a foster carer.</p> <p>5 Q. Given that we do know of cases where people did apply,</p> <p>6 do you think -- or from your knowledge, would that</p> <p>7 application have simply been a tick-box application or</p> <p>8 one that was rigorously gone through?</p> <p>9 A. No, there'd be a rigorous assessment in relation to all</p> <p>10 foster carers who are approved. There would be checks</p> <p>11 in relation to their criminal history, health checks.</p> <p>12 There are statutory checks that have to be done for all</p> <p>13 foster carers, and there's no different for someone</p> <p>14 who's employed.</p> <p>15 Q. So your evidence is that, in principle, that should have</p> <p>16 happened with someone applying who was a social worker?</p> <p>17 A. Yes.</p> <p>18 Q. And your understanding is that, in practice, it would</p> <p>19 have applied?</p> <p>20 A. Yes.</p> <p>21 Q. Can we go on, then, please, to look at the issue of</p> <p>22 responding to allegations of sexual abuse in foster</p> <p>23 care. This you deal with at paragraph 86 and then</p> <p>24 paragraphs 102 to 111. I should say paragraph 68,</p> <p>25 forgive me.</p> <p style="text-align: center;">Page 6</p>
<p>1 This starts at page 10 of your statement. You set</p> <p>2 out from paragraph 68 the way in which you would respond</p> <p>3 to allegations of child sexual abuse of children in care</p> <p>4 in the various roles you've occupied over the years.</p> <p>5 From paragraph 78, please, just across the page to</p> <p>6 page 11, you set out the process when you were in the</p> <p>7 post of acting assistant director. You say that you</p> <p>8 would be informed of an allegation by a team manager;</p> <p>9 you would agree the immediate safety of the child or</p> <p>10 young person; and you would follow the practice and</p> <p>11 procedure current at the time.</p> <p>12 Obviously, the starting point of the process would</p> <p>13 often be a disclosure of abuse by a child or young</p> <p>14 person?</p> <p>15 A. Yes.</p> <p>16 Q. The inquiry, as you may or may not know, has heard from</p> <p>17 a number of witnesses who say that they were not allowed</p> <p>18 to see their social worker on their own, so in the</p> <p>19 context of being able to disclose. We have accounts of</p> <p>20 those who say, when their social workers came to visit</p> <p>21 them in foster care, the foster carer was always</p> <p>22 present.</p> <p>23 From your experience, is it your view that it's less</p> <p>24 likely that a child will disclose abuse in circumstances</p> <p>25 where they're not able to see their own social worker?</p> <p style="text-align: center;">Page 7</p>	<p>1 A. Yes, I would agree with that. But I think that there</p> <p>2 was always an expectation that a social worker can</p> <p>3 insist to see a child on their own. Even if the foster</p> <p>4 carers didn't want that, they could still insist that</p> <p>5 a child is seen on their own.</p> <p>6 Q. In the 1990s, was that the prevalent expectation, or was</p> <p>7 it more diluted at that point?</p> <p>8 A. No, it was the prevalent expectation. Social workers</p> <p>9 expected to take a child out for a meal somewhere when</p> <p>10 they're travelling on contact, so there was always an</p> <p>11 expectation that a social worker would see a child on</p> <p>12 their own, even if the foster carer didn't wish it.</p> <p>13 Q. Did you ever happen to learn of situations where that</p> <p>14 hadn't occurred?</p> <p>15 A. No.</p> <p>16 Q. Over --</p> <p>17 A. No, that a social worker had insisted --</p> <p>18 Q. And the foster carer had refused.</p> <p>19 A. -- and the foster carer had refused? No, I have not</p> <p>20 come across that.</p> <p>21 Q. Over the period, Ms Cain, of your employment with the</p> <p>22 county and city councils, were there any policies issued</p> <p>23 to support social workers? So those are the social</p> <p>24 workers aligned with the foster carers, as it were, or</p> <p>25 to foster carers themselves or to field social workers</p> <p style="text-align: center;">Page 8</p>

1 requiring that children were able to see their social
 2 workers alone?
 3 **A. There was an expectation that social workers should see**
 4 **the children on their own.**
 5 Q. In the context of my question -- sorry to cut across
 6 you -- what does "expectation" mean?
 7 **A. They report back to their manager, and there was**
 8 **a reporting mechanism which social workers reported back**
 9 **that they'd seen a child on their own monthly, and we**
 10 **could track it.**
 11 Q. You could track it?
 12 **A. Yes.**
 13 Q. Would it be regularly checked in practice?
 14 **A. It would be.**
 15 Q. Was it part of the routine?
 16 **A. It was part of the routine of the management to check**
 17 **that children were seen on their own, that the social**
 18 **workers visited and saw them on their own, and we would**
 19 **report on that on a monthly basis.**
 20 Q. Was this something that you personally were directly
 21 involved in as part of the discharge of your
 22 responsibilities, checking to see that that had
 23 happened?
 24 **A. Yes, yes.**
 25 Q. Paragraphs 85 to 87, please. This is page 12. You say

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1 microphone slightly closer to you, because you speak
 2 very softly, which is fine, but just to pick up your
 3 voice. That would be great. Thank you so much.
 4 So this issue of what I am going to describe as the
 5 default position of believing the allegation, how does
 6 that then work in practice for the investigation that
 7 then takes place following disclosure?
 8 **A. Well, there will be interviews with the child, but there**
 9 **will be an acceptance of what the child is saying until**
 10 **it's proved, or evidence comes forward that it hasn't**
 11 **happened.**
 12 Q. For how long has that been the approach taken to
 13 believing the child's disclosure?
 14 **A. I think that's always been the starting point, in my**
 15 **experience.**
 16 Q. We know that you have been in -- I hope I get the date
 17 right -- social work practice since 1978?
 18 **A. Yes.**
 19 Q. So from your memory of being involved in that practice,
 20 and when you first became involved in children in care,
 21 the evidence that you want the inquiry to accept is that
 22 that's always been the position adopted by
 23 Social Services?
 24 **A. Yes. Yes.**
 25 Q. Ms Cain, over the course of the first week of evidence

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1 this at paragraph 85:
 2 "I have not noticed any difference between the city
 3 and the county between how they respond to allegations
 4 of child sexual abuse."
 5 At paragraph 86, do you want it to be accepted that
 6 what you say there, "The response is always to start
 7 with believing the allegation and to work with the
 8 police and other agencies to investigate the
 9 allegation", is that something that you say applies to
 10 both city and county approaches?
 11 **A. It applies to both the city and the county, their**
 12 **approaches.**
 13 Q. Could you explain what you mean when you say, "The
 14 response is always to start with believing the
 15 allegation"? How does that work in practice? What do
 16 you want the panel to understand by that?
 17 **A. That social workers, managers, treat the allegations of**
 18 **sexual abuse seriously, and that the starting point is**
 19 **not to dismiss it. Because it takes, actually, quite**
 20 **a lot of effort for a child to come forward and say that**
 21 **they have actually sort of been sexually abused, and so**
 22 **the starting point is always to accept that that is what**
 23 **has happened and to investigate.**
 24 Q. Ms Cain, I am going to ask you a favour. No-one is used
 25 to giving evidence. I wonder if you might pull the

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1 in this investigation, the inquiry heard many accounts
 2 from complainants who said that they weren't believed
 3 when they made disclosures. For example, NO-A53, who
 4 gave evidence during the first week, said that when she
 5 disclosed rape and abuse by her foster carer in 1975,
 6 she was told that she had an overactive imagination.
 7 Do you accept or do you have any views that, whilst
 8 the aspiration was that in every case the response would
 9 start with believing the allegation --
 10 **A. Yes.**
 11 Q. -- that in practice sometimes it didn't happen?
 12 **A. I have to accept that, if that was the complainant's**
 13 **view. I have to accept that.**
 14 Q. Do you have any practical experience of that yourself,
 15 so being with colleagues whose attitude would be, "Don't
 16 believe her for a moment"? Did you ever come across
 17 that attitude?
 18 **A. I certainly didn't come across that attitude in the**
 19 **years that I practised, no.**
 20 Q. What steps would be taken to ensure that that was the
 21 default position? So as to the message getting out
 22 there that, where disclosure was made, it was going to
 23 be believed, what steps were taken to ensure that that
 24 scaffolding was provided to the child making disclosure?
 25 **A. The social workers would be trained to recognise the**

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1 signs of abuse. I mean, even if a child didn't come
 2 forward, then they would look for, and be alert to,
 3 signs of abuse. I started practising in '78, when,
 4 I have to say, we weren't as clued up in relation to
 5 sexual abuse. We didn't have the training in sexual
 6 abuse, as social workers do currently. But when it was
 7 brought to our attention, when it was drawn to our
 8 attention, then actually we would follow it up and deal
 9 with it.
 10 Around children, it's not just only the social
 11 workers, but we would ensure that there were other
 12 opportunities, other people around the life of
 13 the child, so another trusted person, so that, if they
 14 were being sexually abused, then they could come
 15 forward.
 16 So it is not just the social worker, but it's
 17 teachers, school, so the children have reviewing
 18 officers who also have to meet with children on their
 19 own.
 20 Q. Ms Cain, that's more recent, isn't it, the presence of
 21 the reviewing officer? Looking at the 1990s, for
 22 instance, and the 1980s, where else could the child go?
 23 A. They could go to teachers, youth workers, independent
 24 visitors. So there are people around who they could go
 25 to.

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1 the child?
 2 A. We have to be careful not to frighten the child and not
 3 to lead the child because we may be wanting the case to
 4 go to court, and you don't want to ruin the evidence
 5 because you've actually sort of led the child. So there
 6 was training given in how to conduct an interview, how
 7 to conduct an interview jointly with the police so that
 8 that wouldn't happen.
 9 Q. Were you ever involved in providing that training?
 10 A. The training -- we had a training section who would do
 11 that, and so social workers would be trained, and
 12 jointly trained -- and sometimes the training involved
 13 the police as well -- in about how to interview the
 14 child.
 15 Q. So should the inquiry conclude that, as a matter of
 16 course, consideration was given to any other child who
 17 might be at risk?
 18 A. Yes, that would have been the practice.
 19 Q. Although this isn't directly part of the scope of
 20 the inquiry, would that include the children of
 21 the foster carer, the birth children?
 22 A. All the children, yes.
 23 Q. Was consideration given to whether there were any adult
 24 individuals who may have known about the abuse, possibly
 25 turned a blind eye or were complicit, how would that be

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1 Q. But should the inquiry conclude that, in fact,
 2 essentially, the child in a foster placement was
 3 dependent on the visit of the social worker to enable
 4 disclosure to take place?
 5 A. Yes.
 6 Q. From paragraph 88, please, you describe the process of
 7 responding to allegations of child sexual abuse whilst
 8 you were the service manager for fostering and adoption
 9 and children looked after at Nottinghamshire County
 10 Council. This would be between 1992 and 1998. You
 11 describe the process. During investigations into
 12 allegations of sexual abuse of a child, to what extent
 13 did the investigations consider the wider picture, that
 14 is, other children, either presently in foster placement
 15 or previously in the foster placement? What was the
 16 practice approach to that?
 17 A. The practice then, and the practice now, is that if
 18 a child comes forward alleging sexual abuse within
 19 a foster home, then all the children within the foster
 20 home would be interviewed, and we would interview and
 21 track down other children who had been in the foster
 22 home to see whether or not anything untoward had
 23 happened to them too.
 24 Q. What guidance would be given as to how those interviews
 25 would be conducted so as to be careful not to frighten

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1 managed by Social Services, if at all?
 2 A. We would see who were the regular visitors in the home,
 3 and they would be -- could be interviewed as well.
 4 Q. I know we are talking in the sort of pluperfect, we're
 5 talking "would", did you have direct experience of
 6 having to investigate, from the point of
 7 Social Services, disclosure and the ripples of that
 8 disclosure on both children and adults concerned with
 9 that child?
 10 A. Yes.
 11 Q. You did. From that experience, did you have cause to
 12 consider adults who visited the home? How did you
 13 establish who would have been constant visitors to the
 14 home? How would that information be elicited?
 15 A. That would be elicited either through the foster carers
 16 themselves, through the children in the home, it would
 17 be part of the assessment process as well, who are the
 18 other visitors in the home.
 19 Q. Paragraph 91, please. You mention that where children
 20 needed to be moved to alternative placements, finding
 21 foster carers with the confidence and skills to
 22 undertake the role at short notice was a challenge. You
 23 describe it as that. What steps were taken to meet the
 24 challenge in practice? So you had a child who'd
 25 disclosed. They may have been with the foster carers

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1 for quite a while. They may have established
 2 relationships with foster mother as well as foster
 3 father, and the child -- at that point, the decision was
 4 taken to remove that child. That in itself would have
 5 been extraordinarily disruptive, I imagine, for the
 6 child?
 7 **A. It was, yes.**
 8 Q. How did Social Services handle where that child should
 9 be placed?
 10 **A. It's always a traumatic event, really, to have to move**
 11 **a child and look for another placement in a point of**
 12 **crisis. What we would try and do is to ensure that the**
 13 **child was safe and try to avoid, if we can, too many**
 14 **moves.**
 15 **We'd look for foster carers who had the necessary**
 16 **experience and skills to manage the situation. We'd**
 17 **also look for foster carers who were within the city, so**
 18 **that we could try and avoid a change of school and the**
 19 **breaking of the friendships. So it was quite complex in**
 20 **order to do that.**
 21 Q. Indeed, you say, at paragraph 91, it's during this
 22 period where, "I recall we made a placement using an
 23 independent fostering agency for the first time. We
 24 were purchasing a specialist resource for a young person
 25 with challenging difficulties". You say at

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1 authority there wouldn't provide that --
 2 **A. Yes.**
 3 Q. -- the city would ensure that provision was paid for?
 4 **A. Yes. Some of those independent fostering placements**
 5 **came with the therapeutic support. The agencies**
 6 **employed their own therapeutic support, which was**
 7 **attached to the agency, and so the child could have that**
 8 **support through that.**
 9 Q. Later on in my questions, but I might deal with it now,
 10 the issue of independent fostering agencies, we are
 11 going to look later on at inspections of fostering and
 12 the extent to which IFAs are inspected. But one issue:
 13 the follow-up. We have talked about the need of social
 14 workers or the obligation of social workers to visit
 15 a child in foster care. Your statement describes the
 16 need, on occasion, to place a child out of county or
 17 foster carers initially within county or city, then
 18 moving out with that child.
 19 **A. Yes.**
 20 Q. What steps, in your experience directly, would be taken
 21 to ensure that there was consistency of supervision and
 22 follow-up for that child?
 23 **A. If a child moved out of county, they still retain their**
 24 **own social worker. So the expectations in relation to**
 25 **the visiting frequency and in relation to the reviewing**

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1 paragraph 93:
 2 "Some of these IFA placements would be out of
 3 county, and would include therapeutic support for the
 4 young person. Our colleagues in the Child and
 5 Adolescent Mental Health Services could not support an
 6 out-of-county placement and the local CAMHS would not
 7 support a child who was the responsibility of another
 8 local authority."
 9 So what we have there is a child who falls between
 10 two stools. What would be done to meet that child's
 11 needs?
 12 **A. All right, okay. In purchasing an independent fostering**
 13 **placement, many of those placements came with their own**
 14 **therapeutic support, a psychologist at hand, and we**
 15 **would pay additionally for that.**
 16 **If the placement was within the city or within the**
 17 **county, then our CAMHS, our Child and Adolescent Mental**
 18 **Health Services, would support that placement. But if**
 19 **it was wider than that, then we would actually buy in**
 20 **that therapeutic support.**
 21 Q. Is that missing, then, from paragraph 93? So to plug,
 22 as it were, the gap between the child losing out because
 23 they were being moved out of county --
 24 **A. Yes.**
 25 Q. -- and, once being moved out of county, the local

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1 **frequency remained the same, whether or not the child**
 2 **was living within the city or moved outside of**
 3 **the county. There were still the same expectations.**
 4 Q. We will explore that a little further. During the first
 5 week of this investigation, the inquiry heard evidence
 6 from one complainant who gave evidence that his
 7 Nottinghamshire foster parents moved out of county and
 8 that another local authority agreed to supervise the
 9 placement. Was that a common arrangement?
 10 **A. Could you just repeat the question again, sorry?**
 11 Q. Yes. The child was moved out of county. The agreement
 12 reached with the other local authority into which the
 13 foster parents had moved agreed to supervise the
 14 placement. Would that have been a common arrangement?
 15 **A. I think it was more common initially, when I first**
 16 **started in social work, than it is now. There was an**
 17 **expectation then, which isn't kind of current now, that**
 18 **a local authority would supervise the placement of**
 19 **another authority if it was within their authority. So**
 20 **if there was a looked-after child from, I don't know,**
 21 **Somerset, who was living in the city, then the**
 22 **expectation would be that the city would visit and the**
 23 **city would review on behalf of Somerset.**
 24 Q. I'm looking at it the other way around. So I'm looking
 25 at a city child who is fostered by foster parents who

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1 move out of the city. So may move to the north of
 2 England, may move to the west of England, may move
 3 offshore, as it were, but still within the
 4 United Kingdom. What was the policy of the city in
 5 ensuring consistency of contact and supervision of that
 6 fostered child?
 7 **A. Are we talking about currently or are we talking**
 8 **about --**
 9 Q. In the past and then currently.
 10 **A. In the past, my recollection is that we would have got**
 11 **in contact with the other local authority and asked them**
 12 **to visit that child on our behalf and provide reports on**
 13 **our behalf. It's not something that happens so often**
 14 **now.**
 15 Q. But given that the child may have established contact
 16 and trust with the social worker whilst they were within
 17 the city, what assurance could be given to the child who
 18 had been moved that that consistency of contact would
 19 remain?
 20 **A. Currently, the expectation is that the social worker who**
 21 **they have established that relationship with will visit**
 22 **wherever the child is living.**
 23 Q. Are there any issues surrounding that, in the sense that
 24 social workers have a lot to do?
 25 **A. Yes.**

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1 out-of-county or out-of-city foster placement was
 2 very -- his experience was that he was very rarely
 3 visited by a social worker, either from the area where
 4 he'd been placed or from the city? Is that something
 5 that you would be aware of?
 6 **A. Would I be aware of it? I think that now we would be**
 7 **more aware of that than probably 20 years ago, if we are**
 8 **talking about that length of time.**
 9 Q. And within the last 10 years?
 10 **A. I don't think that would have happened in the last**
 11 **10 years.**
 12 Q. Is there any procedure that's applied to foster parents
 13 who are moving out of the city area and moving out of
 14 county, as it were? Do they have to satisfy any
 15 additional requirements in making that decision to move
 16 beyond the immediate local authority supervision?
 17 **A. We would make contact with the local authority that**
 18 **they're moving to. We would explore what other supports**
 19 **are around. We would notify our colleagues in fostering**
 20 **that there is a foster carer from the city. We would**
 21 **look at what support they can offer, what training they**
 22 **could offer. So there would be discussion and contact**
 23 **with the other local authority.**
 24 Q. In your experience, your direct experience, have you
 25 ever been concerned that a child has fallen between

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1 Q. They have very busy diaries.
 2 **A. Yes.**
 3 Q. An out-of-placement visit might take up a whole day.
 4 **A. It might, yes.**
 5 Q. In your experience, has there been a tendency for those
 6 visits effectively to drop off the diary of social
 7 workers?
 8 **A. I wouldn't say that it drops off the diary, but I think**
 9 **that sometimes what happens is that the social worker**
 10 **makes a commitment that they will visit on Friday, and**
 11 **then an emergency happens, and that doesn't happen as**
 12 **planned for some of those out-of-county placements.**
 13 Q. Today, are there any restrictions in the city on the
 14 radius of out-of-county placements to enable continuity
 15 of contact?
 16 **A. There's no restrictions, but there is an expectation,**
 17 **both in fostering and adoption, that we would want**
 18 **placements that are as near to the city as possible, so**
 19 **that they can receive the support that visits can happen**
 20 **in a timely way, and so that all the support that's**
 21 **around a placement, including the CAMHS support,**
 22 **befriending, independent visitors, reviewing officers,**
 23 **it's all easier if those placements are local.**
 24 Q. Would it come as a surprise for you to hear that
 25 certainly one individual who was placed in an

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1 stools and hasn't been properly visited?
 2 **A. No. I think there's always an expectation that those**
 3 **visits would take place, from not only the child's**
 4 **social worker --**
 5 Q. Ms Cain, I'm going to interrupt you. That's not my
 6 question to you, not what would happen. Has it been
 7 your experience at all where you have found out that
 8 children have dropped through the net, as it were: they
 9 have moved out of county; they are not getting visits
 10 from where they have moved to; and they are not
 11 receiving any visits from the county or the city. Have
 12 you direct experience of that?
 13 **A. I have experience of they're not visited as frequently**
 14 **as they should have, but not that they have fallen out**
 15 **and nobody knows that they are there in that other local**
 16 **authority.**
 17 Q. And when not visited as frequently, what were the gaps?
 18 **A. The gaps might be --**
 19 Q. No, what were the gaps of your experience? Sorry, you
 20 said that you have experience of children not being
 21 visited as frequently, so clearly it's something that
 22 you have direct knowledge of. Can you remember, in any
 23 of those cases, what those gaps have been? Was it
 24 a couple of months? Was it over a year?
 25 **A. It would be months, not years -- over a year.**

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1 Q. Was it months or years, sorry?
 2 **A. Months.**
 3 Q. It was months, all right. The inquiry has heard
 4 evidence from D6 which shows that as recently as 2009,
 5 though there were allegations of sexual abuse made
 6 against the foster carers he was placed with by others
 7 who had been in foster care, himself and his foster
 8 sibling were not interviewed to see if anything untoward
 9 had happened to them too. So this is going back to an
 10 earlier point that we were discussing. Do you have any
 11 direct knowledge of that happening?
 12 **A. No, I don't.**
 13 Q. That situation wasn't brought to your attention?
 14 **A. No, I don't know.**
 15 Q. Something again noted in passing -- we don't need to go
 16 to it in your statement. For the record, it's at
 17 paragraph 109. You describe there -- you talk about the
 18 relationship with the police, and you say:
 19 "... [it] developed beyond interagency working to
 20 the appointment of a dedicated police officer for
 21 children looked after based within the department."
 22 When did that happen?
 23 **A. I can't remember exactly.**
 24 Q. Are we talking within the last ten years?
 25 **A. In the last ten years, yes.**

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1 **in-house team.**
 2 Q. Do you view, therefore, that growth as a positive or
 3 negative development, so far as the child is concerned?
 4 **A. I think, as far as the child is concerned, I would view**
 5 **it really as a negative, really. It's much better,**
 6 **I think, that if you are coming into care, that you are**
 7 **placed with in-house foster carers local to where you**
 8 **live, rather than sometimes an IFA that might be some**
 9 **miles away from your home. Coming into care is quite**
 10 **a traumatic event, and if we can ensure that children**
 11 **still are able to go to the same school and maintain the**
 12 **same friendships, it's much better than to be somewhere**
 13 **else when they might lose those friendships.**
 14 Q. Is that a policy view shared by your colleagues or,
 15 until you retired in 2017, was that the view generally
 16 about IFAs shared by the fostering department?
 17 **A. Yes. I think it was generally shared by fostering**
 18 **regionally and by our fieldwork --**
 19 Q. So what explains the growth in IFAs? Is it financial
 20 necessity, or ...?
 21 **A. It's sometimes we are not able to recruit foster carers**
 22 **who will take large sibling groups, teenagers, and**
 23 **that's the reason why sometimes we have to go to the**
 24 **independent agencies for that.**
 25 Q. Are you satisfied with the supervision arrangements for

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1 Q. What does that mean in practice?
 2 **A. It meant in practice that if there was any concerns, if**
 3 **social workers wanted to speak directly with the police,**
 4 **if they had any suspicions, then there was somebody that**
 5 **they could speak directly to who was within the**
 6 **department.**
 7 Q. Have you had cause to evaluate that or, before you
 8 retired, did you evaluate how that system was working?
 9 **A. It was working well, in the sense that there was an**
 10 **discussions taking place between social workers and the**
 11 **dedicated police officers. I think that there was an**
 12 **expectation that if a child was on the risk of**
 13 **offending, they wouldn't actually wish to criminalise**
 14 **children, and perhaps it could be dealt with in**
 15 **a different way.**
 16 Q. Paragraphs 114 and 115, please. This is where you set
 17 out why in-house placements, in your view, are
 18 preferable to IFAs. You say at paragraph 118 that over
 19 the period you have been in fostering, you have seen
 20 a growth in the number of IFAs locally and across the
 21 region. What do you think has been the reason for that?
 22 **A. I'm not too sure, actually. Some foster carers have an**
 23 **expectation that they might be better supported by**
 24 **belonging to an IFA. When we actually look at it, then**
 25 **actually they are no better supported than with an**

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1 IFAs? So what's the link between the local authority
 2 and the IFA in keeping in touch with the looked-after
 3 child?
 4 **A. It's exactly the same expectations, whether a child is**
 5 **placed with an in-house foster carer or in an IFA**
 6 **placement. Keeping in touch with the child that's**
 7 **placed. It's the same expectation.**
 8 Q. Paragraph 120, please, of your statement. This is where
 9 you provide the inquiry your account of the perception
 10 of foster carers. You say at paragraph 119 there is an
 11 increasing professionalisation of foster carers. What
 12 does that mean?
 13 **A. I think that they are increasingly seen as professionals**
 14 **in their own right who've got the full-time care of**
 15 **children. They're to be involved in the decision making**
 16 **around a child, to be part of the reviewing process, and**
 17 **not just someone who is just an add-on caring for**
 18 **children.**
 19 Q. Paragraph 121, please. You mention that foster carers
 20 are allocated their own social worker. Again, the
 21 inquiry has heard much evidence about that. Now called
 22 the supervising social worker. Indeed, before you
 23 retired, that was the name given to that role.
 24 Previously, it was the support worker, as I understand
 25 it.

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<p>1 By the time you were working in the city, what was 2 the role of the supervising social worker when 3 allegations were made against their allocated foster 4 carer? 5 A. The supervising social worker would be involved in all 6 the meetings and all the discussions in relation to the 7 allegation. We had a contract with Fostering Network to 8 offer some support to foster carers who were the subject 9 of an allegation, understanding that it can be quite 10 a difficult time for foster carers, and sometimes 11 difficult to continue with the relationship with their 12 supervising social worker. So there was an advice and 13 mediation worker who they could go to to discuss what 14 was happening as regards the allegation. 15 Q. Did they play any part in the reappraisal process, the 16 supervising social worker? 17 A. The supervising social worker? They'd make 18 a contribution towards -- 19 Q. Do you think they should? 20 A. -- towards that. I think sometimes the relationship is 21 a difficult one at that time, and sometimes we would ask 22 for somebody else to assess their continuing role 23 with -- 24 Q. When you say "sometimes", did that request increase in 25 frequency? That's a rather pompous way of saying you</p> <p style="text-align: center;">Page 29</p>	<p>1 used the supervising social worker less for reappraisal 2 and you used a different person to assist with that 3 process? 4 A. We sometimes used other people to assist with that 5 process. 6 Q. Did "sometimes" become "more often"? 7 A. Perhaps more, yes, perhaps more often. 8 Q. Also at paragraph 121, please, you state that foster 9 carers have access to full training to undertake that 10 role. Is training mandatory? 11 A. There is some training that's mandatory. There is 12 training in safeguarding, training in child protection 13 and first aid training. That training was mandatory and 14 had to be repeated every three years. There was 15 additional training that foster carers were expected to 16 do. 17 Q. Ms Cain, given your experience in fostering over all 18 these years, do you have any individual views about 19 whether the training should be more extensive for foster 20 carers? Mandatory training should be more extensive? 21 A. Yes, I would -- my view would be that the mandatory 22 training should be more extensive for foster carers. 23 Q. Why have you come to that view? 24 A. Because I believe that the role of the foster carer and 25 what's expected of them has increased over the years.</p> <p style="text-align: center;">Page 30</p>
<p>1 Their involvement in meetings, the care of children who 2 have got some complex needs, and so my expectation, 3 would be that that training would increase. 4 Having said that, they have a training profile, and 5 part of the role of the supervising social worker is to 6 look at, over the course of the year, what training 7 should their foster carer be doing. 8 Q. In many ways, what you describe as the different 9 challenges posed by some children being placed with 10 foster carers have been challenges that have existed, we 11 have heard in the inquiry, for a long time. So a child 12 who may have been sexually abused in the family coming 13 to be placed with foster carers. 14 Do you have any views as to whether mandatory 15 training is something that should have been introduced 16 a while back? We know, for instance, in 2000, there 17 wasn't mandatory training. 18 A. Yes, but some foster carers specialise in particularly 19 children who are babies and moving them on to adoption. 20 They may well say that, actually, they wouldn't want to 21 be trained in sexual abuse. But for older children, 22 foster carers who are taking older children, then, yes, 23 I would say that mandatory training in sexual abuse and 24 recognising the signs should be there. 25 Q. My question was directed at the past. We know that you</p> <p style="text-align: center;">Page 31</p>	<p>1 have got this extensive experience, for instance, in the 2 1990s. Am I right in saying that there was no mandatory 3 training for foster carers at that point? 4 A. Yes. 5 Q. Should there have been? 6 A. Yes, there should have been. 7 Q. Paragraph 140, please. You refer to "Have your say". 8 Do you have that? This is page 20. 9 A. Yes. 10 Q. You describe it as the annual departmental questionnaire 11 sent out to all children in care for them to comment on 12 their care experience and give some direct feedback to 13 the service. You say that this is sent out. What steps 14 are taken to ensure that the questionnaire has been 15 completed by the looked-after child without any 16 influence or pressure brought to bear by the foster 17 carer? 18 A. The social worker would be expected to follow up the 19 questionnaire and to assist the child, if necessary, in 20 completing the questionnaire. 21 At reviews, at the supervising social worker's -- 22 foster carer's review, then there's an expectation that 23 the children in placement, both children and foster 24 children, would comment on the placement and what's 25 happening in the home, and the "Have your say" was just</p> <p style="text-align: center;">Page 32</p>

<p>1 another vehicle in which they could comment in relation 2 to their experience in a placement. 3 Q. In your experience, how reliable do you think the 4 questionnaire is as a tool -- well, perhaps I should ask 5 the question in two stages. Is the "Have your say" 6 document seen as a tool to identify or detect problems 7 that may be arising in the placement? 8 A. No. It wouldn't be like the first -- because it's only 9 an annual questionnaire. So it wouldn't be used as 10 a tool to alert to problems. You would expect that the 11 visit from the social worker would do that or the 12 supervising social worker's visit. So it's not used as 13 a tool to alert in that way, no. 14 Q. In the foster carer's annual review, are the views of 15 the child, the foster child, taken into account in that 16 review? 17 A. Yes. 18 Q. They are. And -- 19 A. Yes, it's expected that they can speak to their social 20 worker about the placement. I have seen some children 21 write to the reviewing officer about the placement. 22 Sometimes the foster carer's own children will write 23 about a placement. 24 Q. That sounds to me as if it's a voluntary thing that's 25 done.</p> <p style="text-align: center;">Page 33</p>	<p>1 A. Yes. 2 Q. What steps are taken to obtain the child's view of 3 the foster carers at the point of the annual review of 4 the foster carer? 5 A. Contact is made with the child's social worker -- 6 Q. Understood. 7 A. -- for them to make comment. 8 Q. From paragraphs 144 to 162, please, you discuss -- to 9 help you, that starts from page 21, and we go on. You 10 discuss the Ofsted requirement, or more recently the 11 Ofsted requirement, that the fostering service has 12 a statement of purpose and a registered manager 13 answerable to Ofsted. You set out the broad series of 14 responsibility the manager has to discharge. That's at 15 page 22, including reporting notifiable incidents, and 16 that's defined in the regulations. Notifiable 17 incidents, I think we heard yesterday, statutorily 18 include incidents of allegations of sexual abuse; is 19 that right? 20 A. Yes. 21 Q. At paragraph 148, page 21, we have talked about the 22 foster carers' annual review. The review, you say, is 23 chaired by the independent reviewing officer for 24 fostering. There is a question mark over the issue of 25 independence. What does that mean in this context? Is</p> <p style="text-align: center;">Page 34</p>
<p>1 that someone employed by the local authority? 2 A. It is somebody who's employed by the local authority, 3 but the person doesn't have any line management 4 responsibility for the supervising social worker or the 5 foster carers. 6 Q. Can we come on, then, please, to paragraph 165. This is 7 where you help the inquiry with your account of 8 the investigation into NO-F35. You say at paragraph 165 9 that you were the service manager fostering and adoption 10 during the investigation of allegations against NO-F35 11 person. What part did you play in that investigation? 12 I think it was in 2014 or around about then; is that 13 right? 14 A. Yes. At the point that I returned to the post of 15 service manager in 2014 -- I'd previously been in 16 a fieldwork post -- NO-F35, there had been a third 17 allegation in relation to allegations of sexual abuse, 18 and he had left the home. He was living elsewhere 19 whilst the investigation was taking place. 20 Q. You became involved in that investigation? 21 A. I became involved in that. 22 Q. You say at paragraph 168, please: 23 "All Nottingham City foster carers ..." 24 We learned that this was provided to NO-F35: 25 "... have access to our advice and mediation</p> <p style="text-align: center;">Page 35</p>	<p>1 worker ..." 2 At 169: 3 "The service understandably wishes to support all 4 foster carers ..." 5 And in this particular case, "The couple had the 6 support of two supervising social workers as the couple 7 were living apart." 8 You say at 170 they also had the services of an 9 advice and mediation worker. Is the advice and 10 mediation worker someone who is outside fostering? 11 A. We have a contract with their agency for them to provide 12 advice and mediation to foster carers, so we employ 13 them, but they are not managed by us. 14 Q. In this investigation, the young people had the support 15 of their field social worker; is that right? 16 A. That's right. 17 Q. From your perception, is there any imbalance in the 18 support provided to foster carers, on the one hand, and 19 the foster child, on the other? 20 A. No, I don't think so. They have got the support of the 21 social worker. The foster carer may well not be able to 22 open up to their supervising social worker, and so we 23 employ -- we have a contract with Fostering Network to 24 provide that support. 25 Q. Can I explore that a little more with you. At 172, you</p> <p style="text-align: center;">Page 36</p>

<p>1 talk about that contract, and you say in the second line 2 of that paragraph: 3 "As part of the contract, I would meet with the 4 worker every six weeks. We would discuss generally the 5 issues that she was dealing with, as the service was 6 confidential for carers so that they could freely 7 discuss any concerns that they have. By exception, 8 individual carers would be discussed in our meetings." 9 When you say "by exception", do you mean 10 exceptionally? 11 A. Exceptionally, yes. 12 Q. Were the particulars of NO-F35's case discussed as part 13 of your meetings? 14 A. Not the details. I knew that both NO-F35 and his wife 15 had contact with the worker, but I wouldn't know the 16 details of the conversation. 17 Q. It may seem to you a strange question, but what are the 18 obligations of confidentiality on the part of the advice 19 and mediation worker in relation to anything that is 20 said to them by foster carers? 21 A. The advice and mediation worker is a qualified social 22 worker, so if there was anything that was significant 23 and pertaining to the investigation, then she would 24 share that, but her role -- and she is very clear and 25 a very experienced worker -- was to offer support, but</p> <p style="text-align: center;">Page 37</p>	<p>1 it was not to enquire or delve into what was happening 2 in relation to the investigation itself. 3 Q. As part of the process of dealing with F35's case, the 4 decision was made, and you talk about this at 5 paragraph 174 and on from there, for a comprehensive 6 risk assessment to be commissioned. Can we bring up on 7 screen, please, NCC000316. This, Ms Cain, is tab 2 of 8 your bundle. Why was a decision made to commission an 9 external risk assessment? 10 A. The view of the couple, the foster carers' view, was 11 that the relationship between themselves and the 12 department had broken down. They had -- not a degree of 13 confidence that the risk assessment or any risk 14 assessment that was undertaken by workers in the 15 department would be independent and would be fair. So 16 the view was to commission out that risk assessment. 17 Q. But the purpose of the risk assessment, Ms Cain, was to 18 see whether or not children should be placed with them; 19 is that right? 20 A. It was to assess the risk, yes. 21 Q. So if we look, please, at page 3 of the document on 22 screen, part 1, we can see under 1.2: 23 "To assess the level of sexual risk NO-F35 poses to 24 children in his care. 25 "To assess whether it will be safe for NO-F35 to</p> <p style="text-align: center;">Page 38</p>
<p>1 return home and to resume caring for children." 2 Then we go, please, to page 7. We can see the 3 bottom two paragraphs there: 4 "These three sets of sexual abuse allegations have 5 all been investigated by the local authority and by the 6 police. It is my understanding that none of 7 the allegations were found either to be true (proven) or 8 false (malicious). Rather, they were classified as 9 being 'unsubstantiated', meaning that their veracity 10 could not be proved either way." 11 Then we read in the last paragraph: 12 "Nonetheless, the local authority's concerns about 13 NO-F35's continued suitability to act as a foster 14 carer ... have grown as further allegations have emerged 15 over the years." 16 It is right to say that NO-F35 stood trial in 2017 17 on a variety of allegations for sexual abuse of children 18 in his care, and he was acquitted. 19 We go to the conclusions of the report, and that's 20 at page 6. In that first paragraph of the conclusions, 21 the writer says, halfway down: 22 "I have concluded that, given the specific context 23 of fostering or adopting, NO-F35 likely poses a raised 24 or unacceptable level of sexual risk. This level of 25 risk means that children could be exposed to significant</p> <p style="text-align: center;">Page 39</p>	<p>1 harm in the future." 2 How often in the past had you used this type of risk 3 assessment for foster carers? 4 A. I'm just trying to recall some of the examples. 5 Sometimes we have commissioned a social work agency to 6 do the risk assessment. Because we were in 7 a relationship with the NSPCC and they were working with 8 us on a number of streams, it seemed right to approach 9 them to do this assessment. But to answer your question 10 specifically, we have sometimes commissioned other 11 agencies to undertake risk assessments. 12 Q. And the risk assessment is always in the context of, 13 does this individual pose a risk to children in his 14 care? 15 A. Yes. 16 Q. That would be the basis of the assessment? 17 A. Sometimes it is not sexual abuse. Sometimes it might be 18 physical abuse. Sometimes we can do that assessment 19 ourselves. 20 Q. Paragraph 178, please, of your statement. Here you 21 discuss fostering inspections, and one that you were 22 involved in in 2005. The inspection appears to be 23 a comprehensive one, and it sets out the formula that is 24 being looked at and under a whole variety of headings. 25 We see that part of that inspection involves the</p> <p style="text-align: center;">Page 40</p>

1 inspection of files, and it is an inspection given on
 2 notice.
 3 Is the choice of the files one that's made by the
 4 body being inspected or is it made by the inspecting
 5 body?
 6 **A. To my recollection, it would be the inspecting body who**
 7 **chooses the files to be inspected.**
 8 Q. So can the inquiry conclude that that's what did happen?
 9 **A. Yes, I believe so on this one.**
 10 Q. What inspection regime is applied to IFAs? Is it the
 11 same as is applied to the local authority?
 12 **A. The IFAs are subject to the same minimum standards, the**
 13 **same regulations, as the local authority, and so it**
 14 **would be the same inspection regime, I would expect.**
 15 Q. So it would run alongside the inspection of the local
 16 authority's fostering services, the IFA would also have
 17 an inspection by what is now Ofsted?
 18 **A. Yes. Ofsted inspect IFAs in the same way that they**
 19 **inspect local authorities. Are you asking would they do**
 20 **it at the same time?**
 21 Q. No, would they do a separate report?
 22 **A. They would do a separate report.**
 23 Q. And would you be provided with a copy of that report?
 24 **A. We would be provided with a copy of the report.**
 25 **Certainly when we are looking at placing within an**

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1 **more regulations about them now, as such. But there**
 2 **have been audits of files.**
 3 THE CHAIR: Who would take action on any deficiencies that
 4 were found?
 5 **A. It would be the service managers would address them,**
 6 **heads of service would address in audits.**
 7 THE CHAIR: Thank you. Another matter: are you aware of any
 8 evidence of cases, presumably understood
 9 retrospectively, of a foster carer, shall we say, with
 10 any ill intentions intentionally moving out of area to
 11 escape the attention of the authorities?
 12 **A. No, I'm not. I'm not aware of that. Foster carers**
 13 **sometimes move because employment takes them somewhere**
 14 **else. They might move for family reasons. But**
 15 **I haven't experienced foster carers moving because they**
 16 **want to escape the attentions of the department.**
 17 THE CHAIR: I did state that that would be a retrospective
 18 understanding or analysis of why they moved rather than
 19 their explicit reason.
 20 **A. No. I haven't come across that.**
 21 THE CHAIR: There's nothing in the research evidence about
 22 foster carers, albeit presumably a small minority, that
 23 suggests such a thing?
 24 **A. No, not that I'm aware of.**
 25 THE CHAIR: Because, clearly, there are parts of the UK that

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1 **independent fostering agency, then we do ask for a copy**
 2 **of their last inspection report.**
 3 MR SADD: Ms Cain, thank you very much for your time and
 4 patience. It may be that there are questions from the
 5 panel.
 6 Questions by THE PANEL
 7 THE CHAIR: Thank you. Just following up slightly on the
 8 last question from Mr Sadd. Separately from the formal
 9 inspection routine externally, were there regular audits
 10 or case sampling of files which checked whether the
 11 prescribed standards of foster care were being met that
 12 were conducted by either of the councils, and by that
 13 I mean the child's file and the foster carer's file, for
 14 example, to check the frequency of social worker visits,
 15 et cetera, and particularly in IFA placements?
 16 **A. Currently, it's -- we'd have a performance meeting,**
 17 **before I left, every month, and we would report on the**
 18 **frequency of visits by social workers every month.**
 19 **Then we would also have audits of files, random**
 20 **audits, of childcare files and random audits of foster**
 21 **carers' files that we would do internally ourselves.**
 22 THE CHAIR: I see. How recently has that been introduced
 23 and how often would it be done?
 24 **A. There were certainly audits in the last five/ten years.**
 25 **I think they're more frequent now. There are certainly**

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1 are remote and rural and, under any circumstances, would
 2 be quite hard to deliver regular supervision?
 3 **A. There may well be. But, generally, there's a reason,**
 4 **which is understandable, why a family would move from**
 5 **the city to further away, which we would understand.**
 6 THE CHAIR: Of course you would not expect what I would
 7 describe to apply at the time when a foster carer was
 8 moving.
 9 **A. No. But we do have expectations that we would inform**
 10 **the local authority that we have got a foster carer**
 11 **that's moving in their area.**
 12 THE CHAIR: Thank you very much. Ms Sharpling?
 13 MS SHARPLING: Thank you, Ms Cain, just one from me, if
 14 I may. When were the records, the foster carers' files
 15 and the children's files, computerised within the local
 16 authority?
 17 **A. When were they computerised?**
 18 MS SHARPLING: I appreciate it may have been phased in.
 19 **A. Yes, it was. The social worker records were**
 20 **computerised first, and I think that could be, I don't**
 21 **know, 15/20 years ago. The social workers' files were**
 22 **later than that, and that might be five years ago.**
 23 MS SHARPLING: Did the change in information management
 24 spark any change in practices of supervision and audit
 25 and performance management?

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1 **A. It was certainly much easier to audit and performance**
 2 **manage files and cases when they were on the computer.**
 3 MS SHARPLING: Would you say, as a result of
 4 the computerisation, more supervision and monitoring
 5 took place as a result of that initiative?
 6 **A. I would say undoubtedly yes. It's much easier to see**
 7 **a file, to go into a file, have access to files -- you**
 8 **can have access to files at evenings and weekends -- to**
 9 **have a look and to audit and to manage those cases now**
 10 **than previously.**
 11 MS SHARPLING: I see. Thank you.
 12 THE CHAIR: Thank you very much. We have no further
 13 questions. Thank you.
 14 (The witness withdrew)
 15 MR SADD: Chair, it is now 11.15 am, or just gone. Would
 16 that be an appropriate time?
 17 THE CHAIR: Yes.
 18 MR SADD: Shall we reconvene at 11.30 am?
 19 THE CHAIR: Yes.
 20 (11.17 am)
 21 (A short break)
 22 (11.33 am)
 23 MR LIVINGSTON: Good morning, chair. We are now calling
 24 Daniel Yates to give evidence.
 25

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1 **A. Homes to Inspire.**
 2 Q. Is that a private company or a charity?
 3 **A. Homes 2 Inspire, we are also part of the Shaw Trust,**
 4 **which is a charity.**
 5 Q. Although the home is run privately, it's primarily for
 6 the care of children in Nottingham City and
 7 Nottingham County Councils, is that right?
 8 **A. Yes, but we also provide with other -- local authorities**
 9 **as well.**
 10 Q. You say in your statement that your role includes
 11 managing all aspects of day-to-day running of the home
 12 and promoting safeguarding; is that right?
 13 **A. Yes.**
 14 Q. From paragraphs 13 to 15 of your statement, you talk
 15 about the process followed, in general terms, when
 16 responding to allegations of harmful sexual behaviour or
 17 sexual abuse in general. You say that as soon as
 18 concerns are raised about a child, there's
 19 a responsibility to refer this to the Social Services
 20 team responsible for the children.
 21 **A. Yes.**
 22 Q. And to other relevant agencies. What would count as
 23 a concern in the context of harmful sexual behaviour
 24 between children?
 25 **A. Anything that's brought to our attention from young**

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1 MR DANIEL YATES (affirmed)
 2 Examination by MR LIVINGSTON
 3 MR LIVINGSTON: You have provided a statement to the inquiry
 4 which should be at tab 1 of the bundle in front of you.
 5 **A. Yes.**
 6 Q. For the record, that's reference INQ002420. Just to
 7 reassure you, Mr Yates, the full statement is going to
 8 be on the inquiry website, and the panel have a copy of
 9 it in front of them, but I won't be going through every
 10 word line by line. Are there any corrections you need
 11 to make to the statement?
 12 **A. No.**
 13 Q. Mr Yates, I am going to start with summarising your
 14 professional background, the way that you set out in
 15 your statement. You have been employed by G4S as
 16 a residential support worker since July 2013. You
 17 initially worked at one children's home for about
 18 18 months, during which time you attended an initial
 19 training course, and then obtained further
 20 qualifications, and then, since September 2016, you have
 21 been deputy manager of a different children's home in
 22 Nottingham, and your employer is no longer G4S at the
 23 moment?
 24 **A. That's correct.**
 25 Q. Who is your employer at the moment?

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1 **people or even the staff. So the staff might see**
 2 **behaviour between two young people that can raise**
 3 **concerns, so inappropriate touching, inappropriate**
 4 **behaviour, even using inappropriate language towards**
 5 **each other.**
 6 Q. You say that it is not your responsibility to complete
 7 an investigation unless that's requested by the lead
 8 agency, and only when there's no further police
 9 involvement. How is the lead agency chosen in each
 10 matter?
 11 **A. Sorry, what do you mean by that?**
 12 Q. Who is the lead agency?
 13 **A. Oh, the local authority of that young person.**
 14 Q. If, for example, there are two children involved in an
 15 incident and each has a different local authority who
 16 placed them, how would they decide the lead agency?
 17 **A. It could be who is classed as the victim, or the**
 18 **perpetrator. Sometimes -- I think it is mainly the**
 19 **victim, I would think.**
 20 Q. Further on in your statement, at paragraph 26, you say
 21 that you would only be asked to complete an internal
 22 investigation if the allegation has not met the
 23 threshold required for police involvement or after the
 24 police had been involved and concluded their
 25 investigations. Does that mean you would only be

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1 investigating allegations which it had already been
 2 decided should not go forward for a prosecution?
 3 **A. Yes. So we -- for our record, we would ask to complete**
 4 **an internal investigation, just for our records and to**
 5 **make sure -- to finalise that something never happened**
 6 **or just to see what did happen.**
 7 Q. Would you be involved at all in the decision as to
 8 whether something met the threshold for police
 9 involvement?
 10 **A. No.**
 11 Q. So would I be right in thinking that you pass the
 12 information to the local authorities and the other
 13 agencies and it is up to them to decide whether to
 14 involve the police?
 15 **A. Yes. Well, yes, yes.**
 16 Q. Are there circumstances in which you would call the
 17 police directly?
 18 **A. If there was an immediate harm, we would contact the**
 19 **police directly.**
 20 Q. From other documents seen by the inquiry, and this is in
 21 relation to a variety of different homes, it seems that,
 22 where allegations of abuse are made against staff
 23 members in the home, internal investigations can be
 24 carried out at the same time as police investigations.
 25 But here it looks like you will only carry out an

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1 speak to people, you look at the documents, and then you
 2 actually have to decide, in the same way a judge or
 3 a jury may decide, whether you think it is true or not?
 4 **A. Yes.**
 5 Q. Was that something that you struggled with?
 6 **A. No. I think if the evidence is clear and I've done**
 7 **a full investigation to the best of my ability, I think**
 8 **a conclusion should be quite easy to be made.**
 9 Q. One of the things you mention is that, when you are
 10 carrying out an investigation, or whomever is doing so,
 11 whether it is you or your manager, that you would work
 12 quite closely with the relevant Social Services teams
 13 for the children involved. What's the power dynamic
 14 like in that relationship between yourselves and the
 15 Social Services staff?
 16 **A. I wouldn't really say there is a power between it. We**
 17 **do work closely with the local authorities. We support**
 18 **them just as much as they support us. If there's any**
 19 **information that we request, they will provide it, as**
 20 **would we with them.**
 21 Q. Do you have any feeling that you need to, on a broad
 22 scale, keep the Social Services teams happy, because
 23 otherwise they might not place children at the home?
 24 **A. No, we would challenge anything with the local**
 25 **authority. If we are not happy with -- if we are not**

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1 investigation either before the police are involved, if
 2 they are not going to be, or after. Do you know why
 3 there is that discrepancy?
 4 **A. We only conduct the investigation when given permission**
 5 **to do so by the local authority. Otherwise, we don't do**
 6 **one at all.**
 7 Q. You say that if an investigation was due to be carried
 8 out, a nominated lead would be appointed. Presumably,
 9 within the home you work, that would either be you or
 10 the manager?
 11 **A. Yes.**
 12 Q. One of the things you set out in your statement that an
 13 investigation would have to do is come to a conclusion
 14 on whether the allegation is substantiated,
 15 unsubstantiated, unfounded or malicious. Would that
 16 conclusion be a decision for the investigator alone, for
 17 either you or your manager?
 18 **A. We would do the investigation, and we would come up with**
 19 **a conclusion with all the evidence that we've been**
 20 **given, and that investigation is shared with the local**
 21 **authority. If they have any problems, then they can**
 22 **refer back to us.**
 23 Q. So putting it quite starkly, and we will come on to some
 24 of the specific cases, but presumably you may have
 25 a case where you're asked to do an investigation, you

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1 **happy with information that's been given to us, we can**
 2 **ask for more; if it affects the outcome of the young**
 3 **people, we will challenge that for better outcomes for**
 4 **that young person.**
 5 Q. During your evidence, as we have discussed, we are going
 6 to focus specifically on harmful sexual behaviour
 7 between children. You have provided us with a policy on
 8 safeguarding, a Homes 2 Inspire policy, specifically on
 9 safeguarding where there are allegations of abuse by
 10 other young people. That's at tab 2 of your bundle,
 11 page 27. The reference is INQ002421_027. It starts at
 12 paragraph 11, "Abuse carried out by a child/young person
 13 on another child/young person whilst living in the
 14 room."
 15 Homes 2 Inspire is obviously a private institution
 16 and this is the policy that would apply within the home.
 17 We also know from other evidence available to the
 18 inquiry that there are city and county council policies,
 19 there are safeguarding board policies. Would they also
 20 factor into your work, or would it be this alone?
 21 **A. We follow the policies as closely as we can.**
 22 Q. Is it just this policy?
 23 **A. This policy is written with the frameworks of all the**
 24 **local authorities as well.**
 25 Q. Who would be responsible, if anyone, for checking

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<p>1 whether these policies are being followed? 2 A. As management, it would be myself and the registered 3 home manager. 4 Q. Would there be anyone responsible for supervising 5 whether you and your manager were putting them in place? 6 A. Yes, there is senior management in place as well. 7 Q. Homes 2 Inspire senior management? 8 A. Yeah, yeah. 9 Q. I want to go to a couple of bits of the policy. 10 Paragraph 11.2 says: 11 "When abuse of a child/young person is suspected or 12 is known to have been carried out by another child/young 13 person, child protection investigations will be followed 14 in respect of both the victim and the alleged abuser." 15 Would that be separate investigations for the two 16 people involved? 17 A. Yes, but if it's the same case, then, in a way, they 18 will come together as well. But there will be two 19 separate investigations. 20 Q. That dual responsibility, was that a problem? Would 21 that cause tension in trying to cater for both children 22 at the same time? 23 A. No. 24 Q. Paragraph 11.5 says: 25 "If you have concerns, you must record what the</p> <p style="text-align: center;">Page 53</p>	<p>1 child/young person has said (who, what, where, when). 2 The child/young person should not be further questioned 3 or asked to elaborate." 4 Is there a risk that that might stop a disclosure in 5 its tracks, if a child is talking, and you might want to 6 probe a little bit further? 7 A. Yes, it can be probably a problem for the young person. 8 They might want questions asked or for staff to ask them 9 to elaborate, but as a professional, we are not allowed 10 to. So whatever they say is what we record, and that is 11 it. As a professional, as a deputy manager or a support 12 worker, it is not our job to ask questions. 13 Q. Do you explain to the child -- 14 A. Yes. 15 Q. -- why you can't? 16 A. Yeah, yeah. 17 Q. Do they understand that, do you think? 18 A. Yes, they do, yep. We say, "If you have any further 19 matters, you can speak to your social worker as well, or 20 any other external agencies". 21 Q. Turning over the page to page 30, paragraph 11.14 sets 22 out some of the information that the manager should 23 gather following a disclosure. Then 11.15 sets out 24 immediate safeguarding strategies that should be 25 followed. The first bullet point on page 31 is:</p> <p style="text-align: center;">Page 54</p>
<p>1 "To review all evidence available (without carrying 2 out an investigation)." 3 What does that mean? 4 A. When we are reporting these incidents to the local 5 authority, it's about having all the evidence, the 6 correct evidence, to tell the social workers or the 7 local authorities. So it's better to gather all your 8 evidence and let them know all the information you have 9 rather than giving it to them in stages. So we gather 10 all the evidence from logbooks, from incident reports, 11 from where the young people are at the time, what the 12 young people have said as well, and all that we pass on 13 to the local authority. 14 Q. Back to your statement, you say at paragraph 20 of your 15 statement in tab 1 that an alleged child perpetrator 16 would not be informed of the details of an allegation 17 unless or until this has been agreed with their social 18 worker or the lead agency. 19 If there was an immediate safeguarding concern and 20 you felt that you either had to give the alleged 21 perpetrator extra supervision or even move them, what 22 would they be told? 23 A. That would be down to the local authority on what we 24 could tell them. We would -- if there was an immediate 25 risk, then we would look to be keeping the perpetrator</p> <p style="text-align: center;">Page 55</p>	<p>1 and the victim safe. But, again, it's down to the local 2 authority and what we would tell them or what the local 3 authority would come in and tell them. 4 Q. Paragraph 18 of your statement. You say that 5 a complainant will be offered independent support by an 6 independent advocacy service. Would this be offered as 7 a matter of course, where someone made an allegation? 8 A. With any interaction with a young person, we offer an 9 advocacy service. So if they do make an allegation or 10 a disclosure, then we would offer extra support with 11 external agencies and an advocacy service is one of 12 the methods of support. 13 Q. Is there a specific advocacy service that you use? 14 A. In Nottingham, we would use the Children's Society. 15 Q. Sorry if it was me mishearing you there, but the 16 question I wanted to ask is, is that something which is 17 only offered in circumstances where allegations have 18 been made or is every child who is placed in a home with 19 you offered that independent advocacy service? 20 A. The independent advocacy service can be accessed at any 21 time, whether they make a disclosure, after an incident 22 or even if they just want to talk. It can be offered at 23 any time. 24 Q. Will the children be told about that? 25 A. Yes, in most children's homes, there will be a poster or</p> <p style="text-align: center;">Page 56</p>

<p>1 something accessible with a list of advocacies that they 2 can contact. 3 Q. In broad terms, the inquiry has documentary evidence 4 that from at least the early 2000s onwards, well before 5 you were involved, that where concerns about harmful 6 sexual behaviour between children were identified, they 7 were supposed to be referred on to a panel, which was 8 initially called the Assessment and Early Intervention 9 Panel, and subsequently has become called, I think, the 10 Assessment of Sexual Harm Panel, and I think now it is 11 called the Harmful Sexual Behaviour Panel. 12 Were you aware of the existence of any of these 13 types of panels? 14 A. No. 15 Q. I briefly wanted to ask you about the scrutiny that's 16 applied to investigations which you carry out and your 17 team. Paragraphs 21 to 25 of your statement, you talk 18 about the extent to which investigations are reviewed, 19 and you have told us that, once an investigation is 20 completed, you would submit it to the relevant agencies. 21 You say in your statement that you would expect feedback 22 from them. Has that actually happened in relation to 23 reports that you have submitted? 24 A. Yes. We have always received feedback and we have 25 always asked for feedback to make sure we have</p> <p style="text-align: center;">Page 57</p>	<p>1 definitely got the feedback from them. 2 Q. Has that feedback been critical? 3 A. Yes. Normally -- with the investigation that we do, it 4 normally takes a good -- a conversation with the social 5 workers, who will normally agree with the investigation 6 and what we have done and the support plans we have put 7 in place. 8 Q. Has anyone, such as -- for example, have Ofsted ever 9 come back to you and said, "You have done this wrong", 10 or, "You need to do this better"? 11 A. We do get inspected by Ofsted once or twice a year. 12 They haven't necessarily said we have done it wrong, but 13 they have said that different things could have been put 14 in place or different things should have happened. 15 Q. One thing we briefly mentioned is the governance within 16 Homes 2 Inspire. You say that Homes 2 Inspire hold 17 monthly internal meetings where any investigations that 18 have been carried out into alleged abuse might be 19 discussed and lessons identified. Would you ever attend 20 these meetings? 21 A. Yes, I have attended one myself. Any concerns within 22 the homes, then, there will be monthly meetings or 23 specific meetings around there where you can attend and 24 you will speak with senior management and directors, who 25 would also add support and give you advice and different</p> <p style="text-align: center;">Page 58</p>
<p>1 things to do. 2 Q. Are lessons then fed back to staff? 3 A. Yes. 4 Q. Although we are going to come on to the specifics, at 5 paragraph 30, you say that you have attended two 6 strategy meetings in relation to one of the events of 7 harmful sexual behaviour, and you say that you attended 8 to provide an overview of the sequence of events and 9 safeguarding measures taken. 10 Where a strategy meeting was going to be held about 11 an incident that's taken place in the home, would there 12 always be someone from the home who attends, either you 13 or your manager? 14 A. Yes. 15 Q. Coming on to some of the specific cases, I'm going to 16 jump around your statement a little bit because I'm 17 going to try to do it in chronological order. So 18 starting at paragraph 37, please. These are the 19 allegations that were made by A136 against the son of 20 her previous foster parents. This was in October 2016. 21 Just to summarise it, this was a disclosure from 22 a female resident, A136, that in her last foster 23 placement she had had sex with a 21-year-old male who 24 was the foster carer's son, although the identity of 25 the male was a bit unclear from the disclosures that</p> <p style="text-align: center;">Page 59</p>	<p>1 were made. From the documents, it appears that A136 was 2 about 11 or 12 years old at this time. 3 You say at paragraphs 37 to 38 that your role in 4 this was that you quality assured the report that was 5 written by staff members who received the disclosure, 6 and then you reported it to the child's social worker; 7 is that right? 8 A. Yes. 9 Q. If we can turn to, firstly, the report that was written 10 by staff members, that's at tab 8, INQ000763. This 11 is -- am I right in thinking that this is the sort of 12 template for an incident report? 13 A. Yes, that's correct. 14 Q. What does "quality assured" mean? 15 A. It's basically reading through the report, looking for 16 any mishappenings, anything that is not correct, make 17 sure it is written properly and make sure it's got the 18 correct information in. 19 Q. Just summarising briefly what the report says, page 5 20 notes that A136 was involved in an incident in her room 21 where she "exposed herself and engaged in sexual 22 activity with herself." 23 Page 6 says she then disclosed to staff that she'd 24 had sex with a boy who lived next door in a previous 25 placement and later it emerged that the allegation was</p> <p style="text-align: center;">Page 60</p>

1 that that boy was the son of her foster parents.
 2 Page 7 of the report, please. There's a little
 3 comment from you under "Manager comments". You say:
 4 "The staff did well to support each other and also
 5 the young person with this information. Correct
 6 procedures were followed."
 7 If we can then turn to tab 5, please, INQ000764.
 8 This is the email which you sent to the child's social
 9 worker, I think. In this email -- you set out the facts
 10 that I have already outlined. But in the final
 11 sentence, you say:
 12 "A136 hasn't stated if this was consented or not,
 13 and hasn't passed on any further information."
 14 What would be the relevance of whether a girl aged
 15 around 11 had consented to sex with a 21-year-old?
 16 **A. I think at the time -- it was quite a distressing time**
 17 **when it all happened. Obviously, that was me -- I think**
 18 **I've written this sentence wrong, really. Obviously**
 19 **there is no such thing as an 11-year-old consenting to**
 20 **sex. I think at the time it was just a bit of a busy**
 21 **time, it was -- I think I've written the sentence wrong,**
 22 **that's all.**
 23 Q. Can you help with, would it have been a relevant
 24 consideration as to whether -- taking away the legal
 25 notions of consent, would it have been a relevant

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1 Q. -- or from the social worker for the complainant?
 2 **A. Yes.**
 3 Q. Presumably, if you can't remember what happened next --
 4 I just wanted to check this -- do you have any
 5 recollection of whether the home or the senior staff in
 6 the home reviewed the outcome to see whether there was
 7 any learning that could be taken going forward?
 8 **A. The whole investigation was done by the local authority.**
 9 **I know they did the visits to the home and to the young**
 10 **person, but also they carried out visits to the foster**
 11 **carers. We had good contact with the local authority.**
 12 **I can't remember the outcome of the whole incident. But**
 13 **we did what we did. We followed the procedures. And,**
 14 **yeah.**
 15 Q. A month later, in November 2016, allegations were made
 16 by a male resident, who we call A139, against the same
 17 female resident that we have just discussed, A136. You
 18 deal with this at paragraphs 32 to 36 of your statement.
 19 I am just going to summarise the nature of the case.
 20 The allegation was disclosed originally by two other
 21 residents via a letter which set out that A136, the
 22 female resident, had sexually abused A139. The
 23 allegation was that she had tried to kiss him, to hug
 24 him and to touch him inappropriately, and there was also
 25 an allegation that she had performed oral sex on him

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1 consideration as to whether the girl was, or at least
 2 said she had been, a willing partner or would it have
 3 been not relevant to that?
 4 **A. It would have been irrelevant.**
 5 Q. You say in your statement that in relation to this
 6 disclosure the social worker visited the home, but you
 7 weren't involved any further. Would someone from the
 8 children's home, or if you can remember, did someone
 9 from the home take responsibility for engaging with that
 10 investigation and making sure that they were addressing
 11 any issues that had arisen?
 12 **A. I can't remember.**
 13 Q. We will come on to another case in a minute, where there
 14 was a referral of the safeguarding concern to the
 15 Multi-Agency Safeguarding Hub. Can you help us with why
 16 no referral would have been made in this case?
 17 **A. Sorry, say that again?**
 18 Q. There doesn't appear to have been a referral to the MASH
 19 in this case, the disclosure of allegations against the
 20 21-year-old. Can you help with why there might have
 21 been no referral in this case?
 22 **A. I think the MASH might have been done by the social**
 23 **worker, but not by us.**
 24 Q. So the referrals to MASH could come either from you --
 25 **A. Yes.**

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1 without his consent.
 2 Following that letter, I think A139 also disclosed
 3 the incident, although it was a bit unclear the extent
 4 to which he was adhering to what was in the letter or
 5 the extent to which the disclosure was coming from him
 6 himself.
 7 Now, on 26 November, you notified the social worker
 8 for A136, the alleged perpetrator. That's at INQ000776,
 9 tab 7. You say in this email that you are currently
 10 investigating, and would email again when you had spoken
 11 to the emergency duty team and the police.
 12 Maybe it is the word choice that's been used, but
 13 you talked at the beginning about only conducting an
 14 investigation --
 15 **A. Yes, yes.**
 16 Q. -- when the police either weren't going to be involved
 17 or had finished their investigation. So what do you
 18 mean by "investigation" here?
 19 **A. Going back to what we said earlier about gathering all**
 20 **the information before informing, that's what I meant by**
 21 **"the investigation". I wasn't conducting an**
 22 **investigation that hadn't been approved. I was**
 23 **gathering the information, the correct information, so**
 24 **I could provide her with everything at a later date.**
 25 Q. Sorry if it seems I'm being pedantic, but would it be

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<p>1 more accurate to say that, instead of conducting an 2 investigation, at that stage you were sort of gathering 3 the information? 4 A. Yes. 5 Q. The same day, in fact, around 15 minutes later, you 6 reported the case to the county council's MASH, 7 Multi-Agency Safeguarding Hub. That's at tab 6. 8 INQ000773. If we turn to page 2 of that, please, you 9 say -- there is a box about details of the concern, and 10 in this box it sets out that by this time you had -- the 11 police were now involved. You say the police are also 12 involved in the case. I'm not trying to pin you down to 13 a specific time, but within that 15 minutes, was that 14 when you contacted the police and they were now 15 involved? 16 A. I couldn't quite say, off the top of my head. 17 Q. Within this box, you set out that A139 had brought it to 18 the attention of staff that A136 had tried to kiss him, 19 asked him for sex, touched him inappropriately and given 20 him oral sex without his consent. It is noted that the 21 police had requested that the alleged perpetrator be 22 moved but that the county's emergency duty team couldn't 23 find her anywhere to go in this short period of time. 24 Do you have any understanding of why there weren't any 25 alternative placements available at this stage?</p> <p style="text-align: center;">Page 65</p>	<p>1 A. To my knowledge, it's nothing to do with my job role as 2 to why there were no -- or why she couldn't move. That 3 was all down to the local authority. It's my 4 understanding that there was no other places available. 5 Q. Did that come as a surprise to you? 6 A. Not particularly. The incident happened on a -- I think 7 it was a Friday night. It's hard to find placements 8 over a weekend at that late time, anyway. 9 Q. Given that you were involved in these discussions, at 10 least to some extent, were you aware of whether there 11 was any tension caused by the fact that the police 12 wanted the child to be moved but the child couldn't be 13 moved? 14 A. The police were pushing for a move for one of the young 15 people. Mainly, they were aiming at 136. But there 16 was -- if there are no spaces available, there are no 17 spaces available. As much as it probably did maybe 18 aggravate the police a bit, there was nothing else that 19 we could have done about it. 20 Q. In what circumstances would you become -- or be asked 21 for your opinion as to whether you think a child should 22 be moved or not? 23 A. On whether I can keep the young people safe. If 24 I couldn't keep the young people safe, then I would 25 have -- I would have probably pushed more for a move for</p> <p style="text-align: center;">Page 66</p>
<p>1 a young person or they might have asked my opinion on 2 whether they should be moved or not. 3 Q. We can see from the documents and from your statement 4 that, as A136 couldn't be moved, safeguarding measures 5 were put in place within the home, and I think your 6 statement and the documents suggest that this included 7 the two children being separated at all times, doing 8 separate activities, having separate routines, as well 9 as noting there was 24/7 staffing and night checks every 10 night. 11 Would the two young people be on one-to-one 12 supervision? 13 A. They wouldn't be on one-to-one supervision, no. 14 Q. About a week later, a strategy meeting was held, or just 15 over a week, a strategy meeting was held about the 16 incident. One set of the notes about this is at 17 INQ000773_008, and that's at tab 6. 18 I believe from other documents there was a previous 19 strategy meeting a week before this, a few days after 20 the disclosure. But this is a strategy meeting on 21 8 December. Just looking at the heading and the font, 22 were these notes that would have been taken by 23 Homes 2 Inspire? 24 A. Yes. 25 Q. Because we will come on to in a minute, there is</p> <p style="text-align: center;">Page 67</p>	<p>1 a separate council record? 2 A. Yes. 3 Q. Is this sort of your own record? 4 A. Yes. 5 Q. In these notes, it shows that you were at the strategy 6 meeting and you explained the disclosure and went 7 through the order of events, saying that from the 8 investigation that you'd carried out, from speaking to 9 staff members, there was a 30-minute window within which 10 it could have possibly happened, but then, after 11 speaking to staff, the window was narrowed down to five 12 minutes. 13 I know we have talked about this distinction between 14 gathering the facts and carrying out an investigation. 15 Presumably, by the time you're speaking to staff, does 16 that not count as you carrying out an investigation? 17 A. Yes, but at the time, some staff -- it was -- it does, 18 it does, but at the time, it was quite a rushed time to 19 try to keep -- my main concern was keeping the young 20 people safe and separate from each other. As much as 21 I was gathering information, there might have been bits 22 that I missed. It wasn't until we'd put the safety plan 23 in place that I was actually able to look further into 24 more information and gathering more information. 25 Q. At the bottom of the page, page 8, it refers to</p> <p style="text-align: center;">Page 68</p>

1 Eve Halliwood, who is the head of safeguarding in
 2 Nottingham City, coming to the conclusion, or expressing
 3 the likelihood, that something having happened was
 4 minimal but that there was still a chance of something
 5 having happened. Was that a view that you shared?
 6 It is the final sentence of page 8 and then the first
 7 sentence --
 8 **A. I think anything -- if anything did happen -- I don't**
 9 **think anything -- I think the minimal chance of anything**
 10 **happening -- I don't think anything did happen.**
 11 **I think, again, with the letter that was provided,**
 12 **I think it was more of an attack from another -- it was**
 13 **kind of a setup from another young person writing the**
 14 **letter and getting another young person to hand it in.**
 15 **I don't think anything happened.**
 16 Q. So by that stage, you were of the view that, because of
 17 the genesis of the allegations and because of
 18 the narrower time period, you thought that the chances
 19 were that nothing had happened?
 20 **A. That is correct.**
 21 Q. Given that your employer, not necessarily yourself,
 22 might be held responsible in some way if sexual assaults
 23 were found to have happened between children, would that
 24 affect your independence in coming to a conclusion on
 25 these matters?

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1 about a couple of other things that arise. On page 2,
 2 it is recorded that you set out the disclosure,
 3 initially that it was a verbal disclosure, and there was
 4 also a letter about forced oral sex and potentially
 5 intercourse.
 6 On page 3, the minutes note that the children should
 7 not have been left together. That's the penultimate
 8 paragraph on page 3.
 9 Before this incident had happened, or before the
 10 alleged incident had happened, do you think that staff
 11 at the home had sufficiently appreciated the
 12 vulnerability of the children with which you were
 13 dealing?
 14 **A. I think, within a children's home, it is always -- it's**
 15 **one of them things where it's more or less impossible to**
 16 **keep constant supervision of all the young people.**
 17 **They're all in different parts of the home. I think the**
 18 **staff did -- I mean, the staff team worked to the best**
 19 **of their abilities and provided a high level of care and**
 20 **support. Unfortunately, there is maybe a time lapse of**
 21 **five minutes where -- I know at this time, where this**
 22 **allegation would have happened, medication would have**
 23 **been prepared. There would have been also other young**
 24 **people being settled to their rooms. So anything in the**
 25 **house could have been happening. So I don't think the**

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1 **A. No. I'm confident with my job, I'm confident with what**
 2 **I do. I'm confident with writing reports and providing**
 3 **information and evidence and putting together a report**
 4 **and a conclusion.**
 5 Q. Was it ever suggested to you that you should be careful
 6 about your conclusions because it might have
 7 consequences for your employer?
 8 **A. No. I think Homes 2 Inspire will support any -- we have**
 9 **the support from senior authority anyway, and they will**
 10 **support us doing the report and they will also read over**
 11 **the report, and we will go together, and they will back**
 12 **any conclusion that we come up with.**
 13 Q. The second paragraph from the bottom on page 9, it notes
 14 that the police expressed their concerns about the
 15 incident. Do you remember what the police's concerns
 16 were?
 17 **A. Yes. The police didn't want the two young people to be**
 18 **living together. They advised that one of them should**
 19 **be moved.**
 20 Q. If we can turn to tab 10, please, NCC003778. I know
 21 this has been sent to you only quite recently, but have
 22 you had the chance to have a read of it?
 23 **A. Yes.**
 24 Q. This is, I think we have established, a separate set of
 25 notes from the same strategy meeting. I want to ask you

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1 **staff did anything wrong that night or could have done**
 2 **anything differently.**
 3 Q. Do you think the staff had read the care plans
 4 sufficiently for the two children?
 5 **A. Yes.**
 6 Q. Picking up on what you said about the inability of
 7 keeping constant supervision, whilst one might be able
 8 to understand that, we know that following this and
 9 other incidents, yourself and your manager essentially
 10 said that you were confident that you could keep
 11 constant supervision of the children.
 12 **A. Yes.**
 13 Q. Did your efforts increase? Did you provide more
 14 supervision?
 15 **A. Yes. When the safety plan was in place, we increased**
 16 **supervision, we had extra staff on shift. There was**
 17 **always a member of staff supporting one of -- either the**
 18 **victim or the perpetrator throughout the day.**
 19 Q. On page 5 of this document, the second paragraph, one of
 20 the things it refers to -- the genesis of these
 21 paragraphs -- the summary of these paragraphs is that
 22 A136 was a victim from her upbringing, but also was the
 23 suspect of an assault here.
 24 **A. Yes.**
 25 Q. How did you manage that tension, of children being both

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1 suspected of carrying out abuse and likely having been
 2 abused themselves?
 3 **A. It is a delicate area. It's something that was**
 4 **difficult to do. But the investigation with the police,**
 5 **I know they -- we were aiming to -- I know they were**
 6 **working towards A136 being a victim before working with**
 7 **her as a perpetrator, and that's the way they did it.**
 8 **They wanted to -- because she'd made the allegation**
 9 **against the foster carer's son, they wanted to try to**
 10 **get more information from that before they did anything**
 11 **else, because they didn't want to jeopardise or break**
 12 **down relationships. Because I know in here, Kerry Peace**
 13 **was the police officer. She was working with 136, and**
 14 **she said she wanted to do the work with her as a victim**
 15 **because that's the information she wanted to get out of**
 16 **her, from historical reasons.**
 17 Q. One of the things that's noted on page 6 is, under the
 18 heading of "Analysis and discussion" -- this is from
 19 your manager, who comments. She said that A136
 20 struggles with boundaries and appropriate relationships,
 21 but that she did not -- was not believed to be abusive
 22 towards A139 otherwise.
 23 **A. Yes.**
 24 Q. How did you and your manager, if you can help, assess
 25 whether a relationship between two young children was

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1 following an allegation is a difficult issue. You have
 2 said to us that you came to the conclusion that this
 3 incident didn't happen. Do you think that affected your
 4 assessment of risk going forward?
 5 **A. No.**
 6 Q. We have already spoken a little bit about this, but at
 7 the conclusion of this strategy meeting, you and
 8 Ms Ashmore expressed the view that you were confident
 9 that the placements were sustainable, as you had
 10 additional staff. The chair of the strategy meeting
 11 said that a lot depends on supervision by yourselves,
 12 but in the scheme of things, the incident is
 13 unacceptable. And the police officer, Marcus Oldroyd,
 14 said that another incident cannot be allowed.
 15 The way that they talk about the incident is that
 16 this incident may well have happened. Do you think
 17 there was a difference of opinion between you and your
 18 manager, perhaps, and the police and the chair of
 19 the strategy meeting?
 20 **A. I think there could have been a difference of opinion.**
 21 **That is something that obviously the police would have**
 22 **to say. But we worked to that nothing happened, but we**
 23 **would always work above and beyond to make sure that the**
 24 **safety measures are in place to make sure that nothing**
 25 **could happen again in the future.**

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1 abusive or not?
 2 **A. We work with these young people every single day, and**
 3 **the relationships amongst the young people were very**
 4 **positive. There was no incidence of -- there had been**
 5 **no instance of any malicious -- or any assaults and we**
 6 **continued to go -- work with that and, with the**
 7 **information that had been provided and how 139 was**
 8 **acting, how he behaved, we still went along with that**
 9 **because we didn't think anything had happened. So we**
 10 **worked with the positive relationships in the house that**
 11 **had been built up before anything had happened.**
 12 Q. Mr Yates, the inquiry has heard from a number of
 13 witnesses at different times talking about the approach
 14 to risk that is taken.
 15 **A. Yes.**
 16 Q. Because in many cases it can never be proven either way
 17 whether abuse has taken place, and therefore it's the
 18 question of how risk averse you are.
 19 **A. Yes.**
 20 Q. Did you think that in this case your conclusion that the
 21 incidents hadn't happened might have made you a bit less
 22 risk averse than you should have been?
 23 **A. Sorry, say that again?**
 24 Q. Sorry, that's my fault for not phrasing it well. We
 25 know that the risk assessment that one would take

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1 Q. Going back to page 2 of this document, which sets out
 2 the decisions following the meeting, one of the things
 3 is that there would be key worker sessions addressing
 4 sex education, and that the unit would need to plan to
 5 ensure that the children are kept separate. It's also
 6 noted that if there is any further incident, then there
 7 will be a further strategy meeting to consider the needs
 8 of all children. We will come on to that last point in
 9 a minute. Did you carry out sex education training or
 10 classes or anything with the children?
 11 **A. What we actually did is, we actually brought somebody**
 12 **external in to come and do complete sexual education**
 13 **with the residents at the home.**
 14 Q. I think that's set out in the safety plan, so we will
 15 come on to that.
 16 **A. Yes.**
 17 Q. Documents seen elsewhere by the inquiry provided by the
 18 police in an annex to their corporate statement suggest
 19 that a decision was made in this case that there
 20 wouldn't be a criminal justice outcome because it wasn't
 21 in the public interest as the children were
 22 exceptionally vulnerable and needed support, and the
 23 children's social care also agreed with the decision.
 24 Do you recall, were you consulted or was your team
 25 consulted about this?

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1 **A. About, sorry ...?**
 2 Q. About the action of the police, about whether it would
 3 be in the public interest to go down the criminal
 4 justice route?
 5 **A. No, we didn't have anything to do with that.**
 6 Q. I'm going to go on to another case also involving A136
 7 the following year. You discuss this at paragraphs 40
 8 to 44 of your statement. You refer at this time to
 9 allegations made by A136 against a male resident.
 10 **A. Yes.**
 11 Q. To summarise, A136 alleged that she'd been raped by
 12 another resident, and the disclosure arose from another
 13 child handing a note to a member of staff written by
 14 A136, which said, "I am really scared today. This child
 15 raped me". This is in May 2017. We know that staff
 16 members completed an incident report, that's at tab 4,
 17 INQ000760. I believe you signed off this report, we can
 18 see from the final page.
 19 **A. Yes.**
 20 Q. You say in your statement that you completed an internal
 21 investigation into this matter after seeking agreement
 22 from the social worker. Was that -- can you remember,
 23 was that after the police had already said they wouldn't
 24 be taking matters further?
 25 **A. I think so. I believe so.**

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1 the children directly about it when you were carrying
 2 out this report?
 3 **A. I can't remember if I did or if I didn't. I know if**
 4 **I did, I wouldn't have asked any questions, because I'm**
 5 **not allowed to ask questions. But at the time -- from**
 6 **the top of my knowledge, I don't think I did.**
 7 Q. Are you allowed to ask questions of the children after
 8 the police have decided they are not going to go
 9 further?
 10 **A. No.**
 11 Q. You're still not. In the first paragraph here, it sets
 12 out the approach that the police took following the
 13 making of the allegation. It sets out that they
 14 classified it as a hoax call and they said that they
 15 weren't going to take matters further because, when she
 16 first phoned the police, she was laughing and screaming
 17 down the phone and, when the police spoke to her, she
 18 wasn't taking the matter very seriously, and was
 19 refusing to engage with the police by laughing and
 20 joking and not answering the questions. You say the
 21 police left no evidence of their decision.
 22 Given your experience of working with children,
 23 vulnerable children, every day, and actually
 24 specifically in dealing with disclosures of sexual abuse
 25 between children, do you think that the factors

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1 Q. Were there any circumstances -- because you have told us
 2 you would only do an investigation if the social worker
 3 or Social Services permitted you to do so. Had there
 4 been any circumstances in which you'd not been permitted
 5 to carry out an investigation?
 6 **A. Sorry, repeat that again?**
 7 Q. Have you ever not been allowed to complete an
 8 investigation?
 9 **A. No, I have not been in that situation.**
 10 Q. Now, we have your investigation report, which we will go
 11 to in a minute, but no strategy meetings have been
 12 disclosed in relation to these allegations.
 13 Particularly taking into account the decision I took you
 14 to at the end of the previous strategy meeting, which
 15 said if there is any further incidents, a strategy
 16 meeting should be held, can you help with why there was
 17 no multi-agency coming together in this case?
 18 **A. I can't remember off the top of my head.**
 19 Q. I will maybe come on to that again in a minute. The
 20 investigation report is at tab 3, INQ000758. In your
 21 statement you say that you completed this investigation,
 22 you gained information from the social workers following
 23 their discussions with the children, you interviewed the
 24 staff on duty and you considered the reports and
 25 logbooks. Do you remember, Mr Yates, did you speak to

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1 identified, which is making light of it, so laughing or
 2 joking or evading the answers, would that be common, in
 3 your experience?
 4 **A. It all depends on the young person. Every young person**
 5 **reacts differently when giving a disclosure or making an**
 6 **allegation. At the time when the call was made, 136 was**
 7 **with another resident. They had been disruptive in the**
 8 **home. But that was a pattern of behaviour. So when**
 9 **they made the phone call, they were heightened -- they**
 10 **were being silly, I suppose, and they'd rung up from the**
 11 **home as well, which they weren't meant to do, so staff**
 12 **were following them. So when the hoax was -- when the**
 13 **call was made, it was considered a hoax because of their**
 14 **behaviour at the time. It could -- that could have been**
 15 **a defence mechanism. I'm not sure. I know 136 always**
 16 **struggled with disclosing information. But this sort of**
 17 **behaviour was common as normally, rather than around an**
 18 **allegation. So I couldn't really say.**
 19 Q. Do you remember, were you -- I think the documents
 20 suggest that it was one of the staff members, the shift
 21 leader, Ashley Hinton, who spoke to the police. Does
 22 that mean that you weren't involved in discussing this
 23 with the police?
 24 **A. No.**
 25 Q. I know it is a bit of a hypothetical but, had you been

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1 involved in discussing it with the police, do you think
 2 you might have suggested that they take a different
 3 approach?
 4 **A. I would have asked for more information and asked what
 5 approach they would be taking. I would then discuss
 6 with my senior management if it needed to be taken
 7 further.**
 8 Q. In your investigation report, you come to the conclusion
 9 that the allegation must be unsubstantiated due to the
 10 supervision levels of the staff at the time, their
 11 accounts being consistent with other records in the
 12 home.
 13 In what circumstances would an allegation of sexual
 14 abuse, where there weren't any witnesses and there
 15 wouldn't be any, or might not be, any forensic evidence,
 16 in what circumstances could that be substantiated?
 17 **A. Again, I would gather all the evidence I could. It
 18 would be given to the local authority and the local
 19 authority can then do their own investigation or give me
 20 permission to do my own, and then, with the evidence
 21 given, I will have to make my own conclusion or the
 22 local authority can make theirs.**
 23 Q. Can you envisage any circumstance in which you might
 24 come to a conclusion that it would be substantiated?
 25 **A. Lack of evidence, maybe --**

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1 Q. If we can go to tab 9, please, INQ000759. Again, this
 2 has only been given to you fairly recently, I think, and
 3 some of the words are cut off by what was presumably
 4 a Post-it note at the time of the email being printed
 5 and also by the fact that I think one of the pages is
 6 missing.
 7 But to summarise what this email chain sets out, it
 8 sets out that the county council, following this
 9 incident, had asked that -- sorry, I'm going to rephrase
 10 that. It sets out that one of the councils had asked
 11 that A136 be moved, despite her being the complainant,
 12 the person that had made the allegation, but that
 13 Joanne Collins had responded by saying that this was not
 14 appropriate. Was Joanne Collins within the
 15 Homes 2 Inspire --
 16 **A. Yes, she was the responsible individual at the time.**
 17 Q. Do you remember -- I'm not sure whether it is clear from
 18 the document, but do you remember whether it was the
 19 county council or the city council who were making that
 20 request?
 21 **A. 136 was -- I think it would have been the city
 22 requesting for 136 to be moved.**
 23 Q. Did you share Joanne Collins' view that that wouldn't be
 24 appropriate?
 25 **A. Yes.**

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1 Q. No, sorry, in which it would be substantiated, rather
 2 than unsubstantiated?
 3 **A. I don't know. I'm not sure.**
 4 Q. In the report, one of the things that's set out is that,
 5 again, like with the previous allegation, there was
 6 minimal time or opportunity where the young people were
 7 unsupervised, but the children weren't on constant
 8 supervision and, therefore, it couldn't be concluded
 9 that there was no possibility that it had occurred. Do
 10 you think, given the serious discussions that had been
 11 held late in 2016, that there should have been constant
 12 supervision? Is constant supervision ever possible?
 13 **A. With -- as -- the safety plan was put in place in late
 14 '16, 2016, and that safety plan was reviewed often by
 15 myself and the registered home manager and the local
 16 authority, and the constant supervision of one of
 17 the young people was still put in place, but it wasn't,
 18 I would say, as tight as it was back in December 2016.
 19 That's because we had done a lot of work with building
 20 up relationships between young people and the positive
 21 outcomes -- the behaviour that -- they were displaying
 22 more positive behaviours and we were getting more
 23 positive outcomes from them. The allegation made by 136
 24 in 2017 was with another resident, so he wasn't part of
 25 that safety plan and the risk wasn't there.**

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1 Q. One of the things that is mentioned here specifically to
 2 you is that you should be mindful, very mindful, of all
 3 communication with social workers regarding the
 4 children's placements and progress and behaviours and
 5 incidents. Why was there that need for you to be so
 6 mindful of that?
 7 **A. It's just to make sure that we are giving them the
 8 right -- the right and correct information and enough
 9 information so they're getting a full picture,
 10 I suppose.**
 11 Q. One of the things which is suggested in this email is
 12 that there was some negative feeling about the level of
 13 support that you were receiving from social care. Do
 14 you remember that being an issue? For example, the
 15 paragraph below says:
 16 "I was fairly negative about the support we get from
 17 social care ..."
 18 I know that's not you expressing it. It's someone
 19 else.
 20 **A. It's difficult. You know, social workers aren't always
 21 accessible, but I understand they have more young people
 22 than the ones that we look after. So they offer
 23 different levels of support depending on their time,
 24 I suppose. That's -- you know, it's different with
 25 different social workers on different case loads,**

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<p>1 I suppose.</p> <p>2 Q. Can you remember, with your children's home, did</p> <p>3 individual children -- did each child have an allocated</p> <p>4 social worker?</p> <p>5 A. Yes.</p> <p>6 Q. Would each of those children be visited by their social</p> <p>7 worker on a regular basis?</p> <p>8 A. Yes.</p> <p>9 Q. When that visit took place, would they have time alone,</p> <p>10 just the child hand the social worker?</p> <p>11 A. Yes, there was an option for them to go out with the</p> <p>12 social worker into the community or we would provide</p> <p>13 them with a room -- like the living room or the</p> <p>14 education room -- where they could go and sit and talk</p> <p>15 and have a little meeting themselves.</p> <p>16 Q. Am I right in thinking that would be in addition to the</p> <p>17 child also having a key worker within the home as well?</p> <p>18 A. Yes.</p> <p>19 Q. And potentially, as we have already discussed, having</p> <p>20 access to an independent advocate?</p> <p>21 A. Yes.</p> <p>22 Q. If we can go back to tab 3, INQ000758_004. This was</p> <p>23 obviously a handwritten note following your</p> <p>24 investigation. It says:</p> <p>25 "Evidence of meeting attended on 23 May 2017 ...</p> <p style="text-align: center;">Page 85</p>	<p>1 this meeting was attended by EA, JP, MG, JC, MR and</p> <p>2 KE -- to discuss the placement profile at [redacted]."</p> <p>3 I appreciate your initials aren't in there. Are you</p> <p>4 aware of this meeting taking place following your</p> <p>5 report.</p> <p>6 A. Yes.</p> <p>7 Q. This might correct something I previously asked you, but</p> <p>8 was it your understanding that that meeting was</p> <p>9 a multi-agency one?</p> <p>10 A. Yes, I believe so.</p> <p>11 Q. It wasn't just people at the home itself. It was people</p> <p>12 from the councils as well?</p> <p>13 A. Actually, I'm not quite sure. I can't -- by the looks</p> <p>14 of it, it looks like it was a multi-agency --</p> <p>15 a meeting -- yeah, a multi-agency meeting -- yeah, it is</p> <p>16 a multi-agency meeting, looking at the initials.</p> <p>17 MR LIVINGSTON: Chair, can I ask for you to cut the feed</p> <p>18 briefly?</p> <p>19 THE CHAIR: Yes, I will cut the feed.</p> <p>20 MR LIVINGSTON: Sorry about that. I mentioned the name of</p> <p>21 the home itself.</p> <p>22 Chair, can I ask you to make a restriction order in</p> <p>23 relation to my mentioning of the name of the home?</p> <p>24 THE CHAIR: Yes, I will make that order.</p> <p>25 MR LIVINGSTON: Thank you. Sorry about that, Mr Yates.</p> <p style="text-align: center;">Page 86</p>
<p>1 A. That's okay.</p> <p>2 Q. If I can go back to INQ000758_004. We have mentioned</p> <p>3 this being a multi-agency meeting. One of the things</p> <p>4 listed under "Follow-up action" is:</p> <p>5 "EA ..."</p> <p>6 It is the penultimate star:</p> <p>7 "EA to implement a sexualised behaviour tracking log</p> <p>8 for all residents at the home."</p> <p>9 Do you remember, did that take place? Was there</p> <p>10 a specific document that was called "Sexualised</p> <p>11 behaviour tracking log", for example?</p> <p>12 A. It would be a tracking log that we would, as a --</p> <p>13 Homes 2 Inspire would have our own, yes.</p> <p>14 Q. So that would be a specific document, sexualised</p> <p>15 behaviour --</p> <p>16 A. I think we have a behaviour tracking log as it is</p> <p>17 anyway. It would have been edited to be a sexualised</p> <p>18 behaviour document.</p> <p>19 Q. Is that something that exists right now?</p> <p>20 A. We don't have it in place right now.</p> <p>21 Q. Okay.</p> <p>22 A. But I know we do have behaviour tracking logs which are</p> <p>23 accessible if we think it's deemed appropriate to have</p> <p>24 one.</p> <p>25 Q. I want to go back to the safety plan that we have talked</p> <p style="text-align: center;">Page 87</p>	<p>1 about a little bit. That's at tab 2, page 42,</p> <p>2 INQ002421_042. If we can actually take that off screen,</p> <p>3 please.</p> <p>4 I am going to go through some of the documents with</p> <p>5 you. This was a placement safety plan which was written</p> <p>6 in February 2017 but was created back in 2016. Is that</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. I'm going to summarise some of what's in it, because</p> <p>10 this is a type of document which the inquiry hasn't</p> <p>11 necessarily considered before. The second paragraph</p> <p>12 notes that the plan was created to highlight how the</p> <p>13 sexualised behaviour of four of the residents was being</p> <p>14 managed and it was noted "all of whom had demonstrated</p> <p>15 some sexualised behaviour since their admission". Was</p> <p>16 this a major for you and your colleagues in the home at</p> <p>17 the time, this sexualised behaviour?</p> <p>18 A. When 136 first came to the home, we did deal with a lot</p> <p>19 of sexualised behaviours, but we put firm boundaries in</p> <p>20 place, we gave her a secure network and we managed to</p> <p>21 reduce them sexualised behaviours. On occasion, because</p> <p>22 of 136's past, we did see sexualised behaviours, when</p> <p>23 she was feeling distressed or when she was going through</p> <p>24 difficult periods or she was being dealt with new</p> <p>25 scenarios -- so attending education for the first time,</p> <p style="text-align: center;">Page 88</p>

1 **stuff like that -- but it wasn't a big issue all the**
 2 **time. We had the odd -- yeah, we had the odd occasion.**
 3 Q. If you can assist, was it a coincidence that you had
 4 this cohort of children who were all exhibiting
 5 sexualised behaviours or was the home in which you
 6 worked specifically designed to admit people --
 7 **A. No, we weren't designed specifically for sexualised**
 8 **behaviours, it was just an off chance.**
 9 Q. The plan, just to summarise some of what's included,
 10 includes a summary of the residents' backgrounds,
 11 including that one had exhibited harmful sexual
 12 behaviour before admission; another had a history of
 13 sexualised behaviour; and it also sets out the
 14 relationship dynamics, noting that there had been issues
 15 between the residents but this had been challenged by
 16 staff who had issued child-friendly guidance on
 17 relationships. Was that something you worked with the
 18 children on, how to --
 19 **A. Yes, it is. It was something we worked on anyway, as**
 20 **a staff team, it was something that was focused on in**
 21 **keyword sessions as well.**
 22 Q. It says elsewhere in the documents that one of
 23 the things that you were trying to do was create the
 24 home to be like a family home. When you were working on
 25 relationships between children, was the emphasis that

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1 refer to a conception and sexual health team which
 2 visited, resources purchased from the Brook Sexual
 3 Health Charity, work books on sexuality, and giving
 4 information books on consent and circumstances and
 5 consequences. Have these materials that an education --
 6 do you think they have made a significant difference?
 7 **A. I believe they did. They definitely reduce sexualised**
 8 **behaviours. It made the young people more aware of**
 9 **sexuality, sexualised behaviours, and then, when the**
 10 **independent -- or the external agencies come in and do**
 11 **the work with the young people, I feel they definitely**
 12 **learn stuff about themselves and about the rights and**
 13 **the wrongs and the dos and the don'ts. It's definitely**
 14 **reduced sexualised behaviour within the home.**
 15 Q. Are these sort of workshops and resources ongoing, or
 16 was that just a specific --
 17 **A. That was just at the time. Some of the residents**
 18 **mentioned don't live at the house anymore.**
 19 Q. One of the things that was noted in the plan was that
 20 all staff were to complete further training related to
 21 sexualised behaviours and understanding the difference
 22 between sexualised behaviours and sexually harmful
 23 behaviours. Do you remember receiving specific training
 24 on this?
 25 **A. Yes, we did. We had a complete assessment day on it.**

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1 they should treat each other like siblings or was it
 2 a separate thing? How did you deal with that?
 3 **A. We have always focused the children's home to be**
 4 **a family home. It makes it a more -- a nicer atmosphere**
 5 **and it feels like a safer environment for the young**
 6 **people, so they can come home. That's important.**
 7 **We do try and build sibling, kind of, sort of**
 8 **relationships, but obviously these need to be**
 9 **appropriate relationships at the same time.**
 10 Q. One of the things it notes in the plan is that you had
 11 done some preventative measures, such as different
 12 bedtime routines, different morning routines, different
 13 leisure routines. It specifically says that each
 14 resident has their own bedroom and that residents aren't
 15 allowed in each other's bedrooms. Is that still a rule
 16 or was that --
 17 **A. Yes, that's always been a rule, yes.**
 18 Q. Is that difficult to enforce?
 19 **A. It can be at first, when we have new residents admitted**
 20 **into the home. But it's something that old residents**
 21 **stick by and staff do enforce it really well.**
 22 Q. One of the things we have already talked about, but
 23 which is set out in some detail in the plan, is the
 24 engagement of external agencies to promote socially
 25 acceptable or sexually acceptable behaviour, so you

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1 Q. Do you remember who provided that?
 2 **A. I can't, off the top of my head.**
 3 Q. I don't mean to test you on this, but it would be useful
 4 to get your understanding.
 5 **A. Yes.**
 6 Q. It talks about the difference between sexually harmful
 7 behaviours and sexualised behaviours. What is your
 8 understanding of that difference?
 9 **A. It's -- so sexualised behaviours is -- it is quite**
 10 **a difficult way of -- to compare them. Sexual harmful**
 11 **behaviour is when a perpetrator might sexually -- try to**
 12 **sexually abuse someone, make them feel uncomfortable.**
 13 **It's not just about assaulting someone, it's using --**
 14 **what language they use towards people, how they can make**
 15 **an individual feel by what they are doing. So they**
 16 **might be making someone like -- they might make someone**
 17 **feel uncomfortable by doing stuff to themselves. Where**
 18 **sexualised behaviour is something which isn't really**
 19 **focused at people, it's something -- a behaviour that**
 20 **might be done by a young person or anyone, really, who**
 21 **doesn't really have much understanding of what they're**
 22 **doing, but it can be harmful to himself.**
 23 Q. Would you follow the same process if you thought that
 24 a young person was exhibiting sexualised behaviour as if
 25 they were exhibiting harmful sexual behaviour?

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1 **A. Yes.**
 2 Q. And that would be to contact the social worker?
 3 **A. Yes, we would contact the social workers, yes.**
 4 Q. I think you have possibly already answered this but, at
 5 present, does the home still have problems with
 6 sexualised behaviour of children?
 7 **A. No.**
 8 Q. So this was a relatively short period --
 9 **A. Yes.**
 10 Q. -- in which there were problems. You set out your views
 11 at the end of your statement on potential barriers to
 12 disclosures and steps that could be taken to overcome
 13 these barriers. Just a couple of things I wanted to ask
 14 about. In one of the cases we have talked about, A136
 15 made disclosures by way of a telephone call, and this
 16 was treated by the police as a hoax call and not taken
 17 any further. In another one of the cases there was
 18 a disclosure in which you came to the conclusion that it
 19 hadn't happened. Do you think that these conclusions,
 20 or these actions, might pose a barrier to further
 21 disclosures from those children?
 22 **A. No, I don't think they do.**
 23 Q. Given that you're still working in this area at present,
 24 do you have any views on further steps that can be taken
 25 to try and reduce the risk of sexually harmful behaviour

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1 **A. Yes.**
 2 MR FRANK: -- until May?
 3 **A. So there was a takeover process -- part of -- so**
 4 **Homes 2 Inspire formed -- I'm not sure what date it was,**
 5 **but was still a part of G4S, but we were labelled or**
 6 **names "Homes 2 Inspire" under G4S. Then there was**
 7 **a takeover from a company called Prospects later in the**
 8 **year, which took over from G4S, but it has always**
 9 **remained Homes 2 Inspire since 2017.**
 10 MR FRANK: Since 2017.
 11 **A. In 2016, it was G4S, but it was Homes 2 Inspire under**
 12 **G4S. In 2017, we were still Homes 2 Inspire under G4S.**
 13 **At some point later in the year, we became Prospects,**
 14 **Homes 2 Inspire underneath Prospects.**
 15 MR FRANK: As I understand it from your statement -- that's
 16 all I'm taking it from -- the handover from
 17 Homes 2 Inspire to Prospects was on 1 June 2017.
 18 **A. Yes, that's about right.**
 19 MR FRANK: Then, in December 2017, it was taken over by the
 20 Shaw Trust?
 21 **A. Yes.**
 22 MR FRANK: So there were four separate corporate entities
 23 running that home in the space of one year?
 24 **A. Yes.**
 25 MR FRANK: Yes. What I'm interested in, if you would be so

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1 between children?
 2 **A. I think, as a professional, we do everything we can to**
 3 **reduce the sexual harmful behaviour and reduce the risk**
 4 **of anyone being a victim of sexual harmful behaviour.**
 5 **It is difficult to completely put a stop to it when**
 6 **someone like 136 has experienced the stuff she has. You**
 7 **know, it's about making sure that the young people are**
 8 **provided with the correct support and the correct people**
 9 **involved to help her minimise them behaviours, maybe.**
 10 MR LIVINGSTON: Mr Yates, you will be happy to know that's
 11 all the questions I have for you. The chair and panel
 12 might have a couple of questions for you.
 13 THE CHAIR: Thank you. Mr Frank?
 14 Questions by THE PANEL
 15 MR FRANK: I am going to ask you to help me, if you can, in
 16 relation to the dates, the chronology. It may not be
 17 your favourite subject -- it is no-one's -- but I'm
 18 having difficulty understanding this. As I understand
 19 it, the home that you have been speaking of opened in
 20 2016; is that correct?
 21 **A. Yes.**
 22 MR FRANK: At that time, it was operated and run by G4S?
 23 **A. Yes.**
 24 MR FRANK: Then -- certainly in January 2017, G4S were
 25 running it --

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1 kind, is if you could turn to tab 10 of your exhibits,
 2 and if we could look at the second page of that record
 3 of the strategy meeting, do we see that this is
 4 a further strategy meeting that followed the one on
 5 1 December 2016?
 6 **A. Yes.**
 7 MR FRANK: Do you see that?
 8 **A. Yes.**
 9 MR FRANK: We know in December 2016, G4S were running the
 10 home because they were still the corporate entity,
 11 weren't they?
 12 **A. Yes.**
 13 MR FRANK: Indeed, if we look at that document, can you see
 14 that it's recorded that there's a name of the registered
 15 home manager but registered under the name, it would
 16 appear to be, as Homes 2 Inspire?
 17 **A. I think we were Homes 2 Inspire under G4S. So we was**
 18 **G4S, but our part of the children's homes was called**
 19 **Homes 2 Inspire. So we were technically still G4S.**
 20 MR FRANK: I'm not expecting you to know the answer to this
 21 question, but I'm going to ask you just in the hope that
 22 you might: do you know which company was insuring that
 23 home in December 2016?
 24 **A. I don't know that, I'm afraid, sorry.**
 25 MR FRANK: Thank you very much.

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<p>1 THE CHAIR: Thank you. Thank you, Mr Yates. 2 A. Thank you. 3 (The witness withdrew) 4 MR LIVINGSTON: Chair, can I invite you to rise for lunch 5 now and ideally to return at 1.45 pm, if that is okay. 6 THE CHAIR: Yes. 7 (12.50 pm) 8 (The short adjournment) 9 (1.45 pm) 10 MR SADD: Good afternoon, chair, and members of the panel. 11 This afternoon, chair, the first witness the inquiry is 12 going to hear from is Jayne Austin. Her two statements 13 are at INQ001807 and INQ002005. 14 MS JAYNE AUSTIN (sworn) 15 Examination by MR SADD 16 MR SADD: Ms Austin, good afternoon. You have provided two 17 statements to the inquiry, both of which you have signed 18 and dated -- one, 13 July 2018; the second, 19 12 August 2018, and I think that was in response to 20 a specific issue about the centrally collated management 21 system, which you detail. 22 A. That's correct. 23 Q. At the time of signing those respective statements, were 24 you content that what you had set out in those 25 statements was true, as far as you can remember?</p> <p style="text-align: center;">Page 97</p>	<p>1 A. I was, yes. 2 Q. The panel have copies of your statements, and they will 3 be uploaded onto the website of this investigation over 4 the next few days. I'm not going to take you through 5 your statement line by line. There simply isn't enough 6 time. And we want to focus on particular issues. But 7 what is in your statement will be available to the 8 inquiry for its report. 9 I want to ask you also to comment on documents which 10 we will be bringing up on screen as well. So we will go 11 through that exercise together. 12 Can we then go, first, to your roles and 13 responsibilities. Paragraph 1.2 of your first 14 statement, page 1. You say that you have been 15 continually employed by either the city or 16 county council since 1985 and, from 1989, you began 17 working in foster care for the city council as 18 a supervising social worker, which meant supervising 19 foster carers; is that right? 20 A. That's correct, yes. 21 Q. You then became a senior supervising social worker in 22 a fostering team for the city council, in 1991. 23 Paragraph 1.4, in 1999, you became a senior reviewing 24 officer with the city council, and in 2002, you became 25 fostering service manager for the county council,</p> <p style="text-align: center;">Page 98</p>
<p>1 remaining in this role until 2016. I'm just checking 2 the dates there, because the 1991 date of being 3 a supervising social worker in the city council may be 4 the wrong date. Can you help with that? 5 A. I moved to become a supervising social worker in 1989, 6 and then became what's now known as a team manager of 7 a fostering team in 1991. 8 Q. In 2002, you became fostering service manager for the 9 county council, and you remained in that role until 10 2016? 11 A. Yes. 12 Q. Since then, you have been an independent reviewing 13 officer for the city council? 14 A. That's correct, yes. 15 Q. Is that an independent reviewing officer for foster 16 carers or just an IRO separate to that? 17 A. No, it's for children who are in the care of the local 18 authority. 19 Q. Thank you. Paragraph 2.1. When you were the fostering 20 service manager for the county council, you had wider 21 responsibilities, which you set out: recruitment and 22 retention of foster carers; management of seven 23 fostering teams; management of Fostering Panel activity; 24 Ofsted inspections; and ensuring compliance. Then at 25 paragraph 2.4, you say you had to make sure that the</p> <p style="text-align: center;">Page 99</p>	<p>1 foster care resources met the demand and you took the 2 strategic lead in the performance and conduct of foster 3 carers. So far, have I summarised it accurately? 4 A. You have, yes. 5 Q. We then move on to the issue of recruitment and approval 6 and review of foster carers. Paragraph 6.4, on page 3 7 of your statement, you say, during your time as 8 fostering service manager, you saw positive changes to 9 the organisational culture. In the same paragraph, you 10 say you introduced a number of working practices to 11 change the focus of the fostering staff from being one 12 of carer focus to child focus. We are going to come 13 back to that. We have had some evidence already on that 14 issue and aspect of fostering. 15 You say a programme of continuous training and 16 development was provided to fostering staff to "enable 17 the child protection role of the supervising social 18 worker and a fostering team manager to be the one of 19 paramount consideration". What did this programme of 20 continuous training involve? 21 A. Well, there was a corporate programme that fostering 22 staff could access, but I felt that there needed to be 23 a more bespoke training programme, given the specific 24 nature of the role that supervising social workers and 25 fostering managers were involved in. So I devised</p> <p style="text-align: center;">Page 100</p>

<p>1 a rolling programme of four seminars, practice seminars, 2 a year, in addition to a staff conference annually, 3 although they latterly ceased. But the practice 4 seminars were designed to give fostering staff bespoke 5 information and learning about their role of protecting 6 children in foster care. 7 Q. The phrase that you use in paragraph 6.4 of shifting 8 fostering staff "from being one of carer focus to child 9 focus", what period are we talking about, when that 10 shift was being made? So it is something that you 11 addressed. Could the inquiry infer that when you came 12 to address it, it was something you were very aware of? 13 A. Yes. I think when I first started in post -- obviously, 14 it takes time to understand the new working environment 15 in which you're in, but it did become clear to me quite 16 quickly on that there was an emphasis on the carer 17 rather than the child, and there was a clear need, in my 18 view, to address that and to provide a fostering service 19 that had a child focus with the protection of the child 20 being the supervising social worker's paramount concern. 21 Q. What sort of date are we talking here? When would this 22 have been? 23 A. Well, I think I started in post in January 2002, and 24 I think it would be fair to say it took me a good 25 6-12 months to get a grip of a very large fostering</p> <p style="text-align: center;">Page 101</p>	<p>1 service and a large staff group, but I think it's 2 evident, when one looks at the inspection reports from 3 2004/2003, that progress and improvements were being 4 made. 5 Q. But it is clear from what you say that it was something 6 that was evident to you when you took up post in 2002? 7 A. It was to me, yes. I'd come from a senior reviewing 8 officer position in the city council and responsible, as 9 all my posts have been, for the protection of children, 10 and just became aware of certain attitudes that were 11 expressed, certain values that were evident, that there 12 was a carer focus, and that had to change. 13 Q. Examples of attitudes and focus, can you call any to 14 mind? 15 A. Things like, "Oh, they're really good carers", "Oh, they 16 have been fostering for ages", "Oh, they're really 17 experienced", almost prefixing the statement with, "So 18 there can't be anything wrong with them". 19 Q. In paragraphs 7.1 to 7.8 of your statement. You set out 20 the process for the recruitment and post-approval 21 development and review of foster carers. Is the panel 22 to understand that the process you describe there, in 23 broad terms, the one that applied throughout your time 24 as fostering service manager? 25 A. Broadly, but it was refined as we learnt from our</p> <p style="text-align: center;">Page 102</p>
<p>1 experiences, as the regulatory framework changed around 2 us, the introduction of and the implementation of 3 the national standards. But, broadly, the principles 4 were that an initial assessment would be done, 5 a decision would be made to proceed, and then checks and 6 references would be undertaken and an assessment 7 undertaken of the suitability to foster. 8 Q. Just above that fostering process section, at 9 paragraph 6.5, you describe how, prior to your 10 appointment, reviews of carers were sometimes conducted, 11 you say, as a paper exercise -- that's the second line 12 of that paragraph -- without any engagement with, or by, 13 the foster carers. How long had that been going on when 14 you took up your appointment? 15 A. I don't know how long it had been going on, but I did 16 know it had to stop. 17 Q. What would the paper exercise that you describe have 18 involved? 19 A. The team manager who was responsible for the fostering 20 household, because there were different districts across 21 the county, would -- the supervising social worker would 22 prepare a review report. The team manager who managed 23 the supervising social worker would look at that report 24 and confirm or otherwise the continued suitability to 25 foster.</p> <p style="text-align: center;">Page 103</p>	<p>1 The only exception to that was the first review of 2 foster carers, which I understand, at the time prior to 3 my appointment, did go to the Fostering Panel for 4 reapproval. 5 Q. We heard evidence this morning from your colleague, 6 Sonia Cain. One of the questions raised there was 7 whether there was any reduction in the threshold for 8 what needed to be done by someone applying to be 9 a foster carer if the person applying was a social 10 worker. Did you ever come across that, where what they 11 had to do was reduced because it was assumed, if you're 12 a social worker, you are going to be a good foster 13 carer? 14 A. No, I didn't come across that. What I did come across 15 was when professionals, childcare professionals, 16 particularly social workers, who expressed a wish in 17 fostering, I would seek to have a person do a reciprocal 18 arrangement with the city council about they do the 19 assessment or -- to protect, as well, the social worker 20 that was employed in the agency, but also to make sure 21 the same scrutiny was given. 22 But there was some talk in some potential 23 legislation about not allowing employees to foster, and 24 we implemented a practice guidance in 2010 for 25 Nottinghamshire County Council so that we wouldn't</p> <p style="text-align: center;">Page 104</p>

<p>1 approve people that worked in a childcare setting. 2 Q. And that's still in place? 3 A. It was in place when I left, yes. 4 Q. At paragraph 7.1, you say that, whilst you were service 5 manager, the process involved a supervising social 6 worker making an initial visit to complete an initial 7 assessment of suitability, following which a decision 8 was made whether or not to progress the application. 9 How is suitability assessed on that initial visit? Is 10 it a question of gut feeling or is it something more 11 sophisticated? 12 A. Well, there can be a number of factors. Surprisingly, 13 some people apply to foster or make an enquiry to foster 14 when they haven't actually got the physical 15 accommodation to do it. So they will say, "Well, we 16 haven't got a spare bedroom". Then, you know, under the 17 national minimum standards, each child over the age of 3 18 should have their own room. So sometimes there are 19 obvious indicators. Sometimes, from the checks and 20 references, you get information about agency involvement 21 perhaps with the family, but in terms of -- what you're 22 looking for are some key indicators of potential to 23 undertake the task; not that they are, but potential. 24 Q. So the approach is one of, "Can this person do it?", 25 rather than, "They can't do it". So you are looking for</p> <p style="text-align: center;">Page 105</p>	<p>1 positives rather than negatives? 2 A. Yes, but you have to exercise balance and, within the 3 positives indicated, there may well be negatives that 4 are obvious or that become obvious as a result of taking 5 checks and references. 6 Q. From paragraph 7.3 onwards you describe the 7 post-approval training and process. You say at 8 paragraph 7.5, please, at the bottom of page 4, that the 9 review of foster carers was undertaken at least annually 10 and a review always took place following an allegation. 11 Again, the inquiry has heard evidence about that. In 12 relation to both of these reviews, and something that 13 I explored with Sonia Cain earlier today, would the 14 views of foster children form part of that review? 15 A. Yes. We had a child's report that we sought to be 16 completed before the review, and the child's social 17 worker would help them with that. We would also talk to 18 the -- if there were any -- birth children of the foster 19 carers about their experience, because it's often the 20 children of the foster carers who do the most fostering, 21 if you like. 22 Q. What steps are taken, or would be taken, until you 23 stopped, to ensure that children are able to share their 24 views free from any pressure that might be placed on 25 them, or influence?</p> <p style="text-align: center;">Page 106</p>
<p>1 A. I think at the time there were a number of mechanisms 2 that children could use. When children came into the 3 care of the county council, they were given a book or 4 a folder, depending on their age, about what to expect 5 now that you're living in foster care and, within that 6 information, there was information about who to contact 7 if you felt worried or felt unsafe, and details for the 8 older children about agencies that could help. 9 The children were reviewed by their independent 10 reviewing officers who have a requirement to see 11 children. Children of school age were in school -- 12 Q. May I interrupt you a moment? Before the introduction 13 of the IRO, what sort of period are we talking about 14 that you are describing in relation to ensuring that the 15 child was in a position to be able to convey any 16 concerns? 17 A. From when I was first appointed, there was provision, 18 there was a child's report to be included in the review 19 process. 20 Q. Can we go to your second statement, please, where you 21 discuss there risk assessment forms. You state that 22 risk assessments were introduced before the CSCI 23 inspection in 2004 as an additional safeguarding measure 24 and would be completed by social workers. At what stage 25 in the process of placement of a child were these</p> <p style="text-align: center;">Page 107</p>	<p>1 completed? 2 A. They were required to be completed prior to the child 3 needing a placement, so that it could be captured as to 4 the child's needs and the profile of the child and the 5 type of foster carer that we were looking for to meet 6 those needs. 7 Q. You state that matters that would be recorded on such 8 a form included the child's needs, the skill set 9 required of a carer to meet those needs, information 10 about whether a child was suspected or known to have 11 abused and/or been abused by other children. In cases 12 where it was known or suspected that a child had abused 13 or had been abused, what would this mean in practice for 14 the placement of the child? 15 A. There would often be a request where that was the 16 situation for the child to be placed in what was called 17 a singleton placement, so that the child be the only 18 child in the foster home. 19 Q. Coming back, please, if I may, to your first statement, 20 and looking at the combination, if we could -- it is 21 always awkward to do this -- of paragraph 7.8 and 22 paragraph 13.3. I want to look at what you say in your 23 statement about managing allegations of sexual abuse 24 against foster carers. You say at 13.3 of your 25 statement, at page 10, in the last paragraph on that</p> <p style="text-align: center;">Page 108</p>

1 page, that, historically, it was a challenge for foster
 2 staff to provide support for foster carers whilst also
 3 being responsible for protecting the children placed
 4 with them. You've described how, when you came on post,
 5 the default attitude -- and perhaps I'm paraphrasing it
 6 unfairly, but if you disagree you must say so -- that
 7 for many of those social workers who were supporting
 8 foster carers, it was foster-carer-centred rather than
 9 child-centred?
 10 **A. There were pockets in 2002, when I first joined, where**
 11 **I could see that the supervising social worker was**
 12 **child-focused. But my job was to ensure consistency**
 13 **across the fostering service.**
 14 Q. And "pockets" suggests a minority?
 15 **A. Yes.**
 16 Q. You say that all fostering providers have a duty of care
 17 towards foster carers and must treat them "fairly and
 18 reasonably" with an open mind to the possibility of
 19 abuse. In your experience, in practice, how do
 20 supervising social workers keep an open mind to that
 21 possibility?
 22 **A. I think the structures that have been put in place**
 23 **support supervising social workers in keeping an open**
 24 **mind in terms of their involvement, and those structures**
 25 **are that the supervising social worker plays no role in**

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1 **are investigating this complaint, and this means X, Y,**
 2 **Z", foster carers often felt let down by their**
 3 **supervising social worker because they thought they were**
 4 **there for them.**
 5 Q. At paragraph 13.3, still with that paragraph, you say
 6 that the county council commissioned independent advice
 7 and mediation service -- you have just mentioned that --
 8 for foster carers.
 9 **A. Yes.**
 10 Q. We have heard about this, this morning, from Sonia Cain,
 11 your mirror colleague, as it were, in the city. Does
 12 the county's use of independent advice and mediation
 13 service mirror that of the city's, as far as you know?
 14 **A. Yes. I mean, we had a contract -- there was a tendering**
 15 **process and the contract was awarded to the advice and**
 16 **mediation service and the Fostering Network.**
 17 Q. Can we turn, please, to paragraphs 5.2 and 5.3. This is
 18 page 3 of your statement. I want to look very briefly
 19 next at your experience in managing disclosures of
 20 allegations. At paragraph 5.3, you state that early on
 21 in your career when you were working in a city-based
 22 fostering team in around 1989/1990, there was an
 23 allegation of sexual abuse against a foster father that
 24 you had dealt with. We can see this set out in 5.3.
 25 During the Child Protection Conference, you say the

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1 **the investigation process, and the county council**
 2 **commissioned an independent advice and mediation service**
 3 **so that foster carers had access to an independent**
 4 **person to talk about how it was feeling and what they**
 5 **were going through and to get advice about the process.**
 6 Q. That first point that you made, that the supervising or
 7 the support social worker with the foster carers taking
 8 no part in the investigation once an allegation of abuse
 9 had been made, that was a change, wasn't it, from what
 10 had happened previously?
 11 **A. No. As I understand it, the child's social worker or**
 12 **a child protection worker would conduct the**
 13 **investigation in respect of the child's complaint. The**
 14 **supervising social worker would attend strategy meetings**
 15 **but would play no part in the direct investigation of**
 16 **the allegation.**
 17 Q. In your view, is it a realistic expectation that
 18 supervising social workers are able to conduct their
 19 role fairly and reasonably and, indeed, objectively?
 20 **A. I think it's a recognised tension that you're an agent**
 21 **of the county council or the city council or whoever you**
 22 **work for and you're supporting the foster carers. In my**
 23 **experience, a lot of foster carers felt that support**
 24 **equated with agreement. So, therefore, when the**
 25 **supervising social worker took a step back and said, "We**

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1 city council's legal adviser asked you whether you might
 2 have "missed" anything in your assessment of that foster
 3 carer. You say -- this is five lines up from the bottom
 4 of paragraph 5.3:
 5 "I can remember saying something to the effect that
 6 paedophiles do not wear a sticker on their foreheads and
 7 that nobody is likely to admit to having sexual feelings
 8 towards children in an assessment process. The learning
 9 was how difficult it is to identify potential abusers in
 10 an assessment process."
 11 In your experience, Ms Austin, what guidance was
 12 available, or reference points, indeed, to help risk
 13 assess whether foster carers posed a risk to children?
 14 **A. Well, all assessments were conducted to a nationally**
 15 **recognised assessment format.**
 16 Q. From what date?
 17 **A. It was a competency-based framework, first of all.**
 18 **I think it was the British Adoption and Fostering**
 19 **Agency's format.**
 20 Q. Form F, was it the Form F form?
 21 **A. Yes, that we subsequently used. We used**
 22 **a competency-based framework initially, and that was**
 23 **informed by research that had been done about trying to**
 24 **identify the skills that were needed to foster.**
 25 Q. So that's trying to identify skills. My question was

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<p>1 directed at identifying the possibility of the risk. Do 2 you say that one is the opposite side of the other? 3 A. No. I think in the assessment you'd look for certain 4 attitudes that might be expressed. You would observe as 5 well -- it is not just what people tell you. You would 6 collate references from people. You would also look at 7 behaviours and how roles and how safe practices existed 8 already in the household, to give you some indication 9 about how safe that house was going to be. 10 Q. Before you retired, would you say that that assessment 11 had become more sophisticated as more was learnt about 12 approaches adopted by those who sexually abused 13 children? So, for instance, grooming. Did that feed 14 into how assessments were carried out on prospective 15 foster carers? 16 A. I think the increasing awareness informed the assessment 17 process, but my own view is still that it's incredibly 18 difficult to identify somebody who is going to sexually 19 abuse children in an assessment process. 20 Q. Can you remember any circumstances in which you were 21 involved where prospective foster carers were turned 22 down because it was considered they posed a risk? 23 A. Their suitability might have been in question, but 24 I can't recall any being turned down because we thought 25 they were likely to abuse children in those specific</p> <p style="text-align: center;">Page 113</p>	<p>1 terms. On reflection, in 35 years of working, no-one 2 has ever said to me in an assessment process or a review 3 process that they are concerned about the sexual 4 feelings that they have towards children or 5 uncomfortable feelings around children. 6 Q. Your second statement, please, back to that, and 7 paragraphs 2.1 to 2.3. There you tell the inquiry about 8 something called the centrally collated management 9 system. You describe how this was introduced after the 10 Children Act 2004 and that it managed the number and 11 outcomes of allegations against adults who worked with 12 children. This included when an allegation or 13 significant concern was raised against a foster carer. 14 Under the system, when an allegation was made, the 15 fostering social worker or their team manager had to 16 report the allegation to the local authority district 17 officer, and the LADO produced an annual report 18 identifying numbers, outcomes and learning needs. Have 19 I got that more or less right? 20 A. Yes. 21 Q. You say at paragraph 2.3 that: 22 "At an operational level, one form of abuse was not 23 given any different attention than any other type of 24 abuse." 25 Was there any centralised system in place before</p> <p style="text-align: center;">Page 114</p>
<p>1 2004? 2 A. There was, yes, but it was in the domain of the service 3 manager at the time. It was more localised, if you 4 like, to the service, but, yes, data was kept. 5 Q. It's almost as if you have read my script, because that 6 was my next question. In the absence of a cross-county 7 system, how would information be shared between 8 districts that related exactly to the points that I have 9 outlined? 10 A. Well, the fostering manager would have collated all the 11 information from the various districts, and the 12 information would have been shared at management 13 meetings, team meetings, but I think it was only in the 14 year 2000 that all of the fostering teams were brought 15 together under a central fostering service manager. 16 Prior to that, they had been individually managed within 17 the districts. 18 Q. Do you think, when it was introduced in 2000, given the 19 reorganisation that took place, that was a long time 20 coming? 21 A. That's a difficult one to answer, in the sense of, 22 it's -- with hindsight, you can see that it probably 23 would have been beneficial coming sooner rather than 24 later. 25 Q. 2.3. This is still with your second statement. You</p> <p style="text-align: center;">Page 115</p>	<p>1 refer to findings of sexual abuse of foster carers in 2 Mansfield, which you say attracted particular attention 3 and scrutiny. You say the allegations in the Mansfield 4 district were "significantly higher when compared to the 5 rest of the county". 6 A. Yes. 7 Q. You say that there needed to be "reflection and learning 8 to strengthen social work practice and to seek 9 prevention of similar circumstances in the future". The 10 inquiry has already heard a good amount of evidence in 11 relation to the Gallagher case and in relation to F77. 12 When you talk of a significantly higher number, does it 13 go beyond just those two cases? 14 A. Yes. 15 Q. What sort of number are we talking about, over what 16 period of time? 17 A. Obviously those two cases were significant. 18 Q. Of course. 19 A. But there was another circumstance that I consider to be 20 significant as well, and that was also in the Mansfield 21 area. The incidence of reported allegation 22 contemporaneously was low and, therefore, statistically, 23 it became more significant that three significant abuse 24 allegations had been made in the Mansfield district. 25 Q. What conclusions did you arrive at as to why it had</p> <p style="text-align: center;">Page 116</p>

1 occurred in that particular district? Was there an
 2 issue with culture there? Was this the issue that you
 3 have described earlier of support workers -- "siding"
 4 I know is a biased term, but I am going to use that just
 5 for present purposes -- siding with the foster carers?
 6 What was your view, as to why that had been allowed to
 7 happen?
 8 **A. There was a particular culture within the Mansfield team**
 9 **of a strong carer focus, and some strong individuals in**
 10 **that team that promoted that. That presented**
 11 **a managerial challenge to change.**
 12 Q. You say it presented a managerial challenge to change.
 13 Does that mean people didn't accept that there was an
 14 adverse culture?
 15 **A. There was resistance to change. So, therefore, more**
 16 **managerial energies had to go in to bringing about the**
 17 **change because there was resistance and challenge. But**
 18 **that didn't detract from the changes being made. But**
 19 **they were slower in the Mansfield district than in other**
 20 **areas.**
 21 Q. What steps do you remember taking actually to effect
 22 change? What was required to effect change of what in
 23 effect was a cultural response?
 24 **A. Very early on, having recognised the situation regarding**
 25 **reviews, there was a particular problem in the Mansfield**

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1 Q. What the inquiry should take from your evidence is --
 2 you can confirm whether this is the case or not -- that
 3 you viewed it as serious enough for that to be
 4 considered?
 5 **A. I did indeed, yes.**
 6 Q. I want to look next, please, at specific cases that you
 7 have been involved in. It may be -- I want to avoid
 8 having to repeat your evidence, but we are going to look
 9 at some of the things that you have already addressed in
 10 general in particular cases. First, we are going to
 11 look, if we go back to your first statement, at
 12 paragraph 12.1, please. Here you refer to the case of
 13 F77, about which the inquiry has already heard a great
 14 deal of evidence, and indeed only yesterday we heard
 15 from Phil Morgan about the case. Phil Morgan was
 16 someone whom you supervised from 2002; is that right?
 17 **A. That's correct, yes.**
 18 Q. You discuss at paragraph 12.2 the independent review
 19 that was conducted by Peter Maddocks into the F77 case.
 20 You state that in your view the report was -- I want to
 21 find for you the actual quote, but I'm going to read it
 22 out to you, "fair, reasonable and appropriately
 23 critical". In his evidence to the inquiry,
 24 Philip Morgan considered the Maddocks report to be
 25 "totally void of balance". The report referred to

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1 **fostering team with reviews being out of date, not**
 2 **having been completed in timescale, and I did take**
 3 **performance measures against the team manager at the**
 4 **time and put him on an action plan with targets for**
 5 **improvement that I monitored and to bring about change**
 6 **so that there was compliance with our regulatory**
 7 **framework, but also the priority to make sure that the**
 8 **foster carers continued to be suitable to continue to**
 9 **foster.**
 10 Q. Did you, at any stage in your review of the Mansfield
 11 district, consider that individual actions of support
 12 workers amounted to possible disciplinary issues?
 13 **A. There was later consideration of disciplinary action**
 14 **that wasn't taken, and there was disciplinary action**
 15 **taken of a performance management nature early on in my**
 16 **position.**
 17 Q. In relation to the issues that you have told us about?
 18 **A. Yes, about the reviews, yes.**
 19 Q. What was the outcome of that?
 20 **A. The outcome was that change was effected.**
 21 Q. What was the outcome of the disciplinary process?
 22 **A. The disciplinary process didn't proceed beyond its**
 23 **initial stages, because, after a period of monitoring,**
 24 **the action plan, the targets being set and achieved,**
 25 **there was a satisfactory outcome.**

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1 a defensive alliance that had operated for many years,
 2 in Mr Maddocks's view, and Mr Morgan's response to that
 3 was he considered the report "to be moving dangerously
 4 close to conspiracy theory".
 5 In your view, was the Maddocks report devoid of
 6 balance?
 7 **A. No, I thought it was fair. I thought it was**
 8 **appropriately critical. Anybody that had held the**
 9 **mirror up to what Mr Maddocks found and the missed**
 10 **opportunities in the '90s and again in the year 2000 at**
 11 **the Fostering Panel -- as I say, I thought it was a fair**
 12 **criticism. It was a hard criticism to receive, because,**
 13 **in terms of my responsibility, is this the fostering**
 14 **service that I thought it was, that I think it is; but,**
 15 **having said that, it was a fair and reasonable**
 16 **criticism.**
 17 Q. At the 2012 Fostering Panel meeting in relation to the
 18 F77 case, Phil Morgan is recorded as saying -- and
 19 indeed it may be something that you have already
 20 confirmed in your evidence, but I just want to explore
 21 what he is noted as saying:
 22 "In 2000, a number of workers who placed children
 23 there couldn't believe the allegations and didn't think
 24 the abuse could possibly have occurred."
 25 I think the reference to "placed children there",

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1 that's with F77 and F76:
 2 "In the 1990s generally, carers were very highly
 3 thought of and thoughts were that this couldn't have
 4 happened."
 5 He summarises actually quite neatly what I think it
 6 is that you have been describing this afternoon, that
 7 is, the bias towards the carers?
 8 **A. Yes. Although, to be fair, there is evidence on F77's**
 9 **case records of testimonials from former foster children**
 10 **saying that the care was good, from education staff.**
 11 **There was a career pathway for foster carers and, when**
 12 **they progressed through that career pathway, there was**
 13 **evidence from two placing social workers complimenting**
 14 **the standard of care.**
 15 **So on one level, I can accept that there was**
 16 **evidence to say that they were doing a good job as**
 17 **foster carers. However, that is in isolation from the**
 18 **allegations that were made in the '90s and the**
 19 **Fostering Panel presentation that was made in the year**
 20 **2000.**
 21 Q. Which, again, Ms Austin, we have looked at in detail,
 22 that Fostering Panel in 2000.
 23 **A. Yes.**
 24 Q. Can we then go, please, to your discussion with NO-F165,
 25 which is at paragraphs 12.3 to 12.4. This, if you want

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1 **also not let people sit on the fence.**
 2 Q. Had he or she said no, would your view, as it were --
 3 and I don't mean to be trite about this -- have won out?
 4 **A. It would have been the agency's recommendation, but**
 5 **I had had prior experience from which I learnt not to do**
 6 **again, was that I'd had a difference of view with**
 7 **another fostering team manager about a foster carer and**
 8 **my view was that she wasn't suitable and his view was**
 9 **that she was, and so we both went to the Independent**
 10 **Review Mechanism, because I wanted to make sure that my**
 11 **view was heard. But that wasn't. I learnt from that.**
 12 **And I was challenged by that by the Fostering Panel,**
 13 **that I shouldn't have allowed that to happen. There**
 14 **should have been an agency view. And I didn't do it**
 15 **again.**
 16 Q. Just touching on that, you say it should have been an
 17 agency view. We have heard speak of the role of
 18 the agency decision maker. I think that's a statutory
 19 role. Is that right?
 20 **A. Yes.**
 21 Q. That person's role is to do what?
 22 **A. Well, when the service recommends that a foster carer is**
 23 **unsuitable to continue, we present that to the**
 24 **Fostering Panel, and the Fostering Panel make**
 25 **recommendation to the agency decision maker as to**

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1 to, is at tab 6 of your bundle, and the document where
 2 this is set out is at NSC000378. Your involvement in
 3 this case was, as I understand it, the management of
 4 the supervising social worker; is that right?
 5 **A. That's correct, yes.**
 6 Q. You attended a meeting with the supervising social
 7 worker --
 8 **A. Sorry, my error. I managed the team manager.**
 9 Q. Forgive me. It was my mistake because I fed you that.
 10 You attended a meeting with the supervising social
 11 worker and their team manager in which everyone was
 12 agreed that NO-F165 was unable to continue to foster.
 13 I think that was on the basis that there was an
 14 agreement that the allegations that had been made were
 15 believed by those attending the meeting. Is that right?
 16 **A. Well, everyone wasn't agreed: the supervising social**
 17 **worker felt that they should continue to foster; I felt**
 18 **that they shouldn't continue to foster, and I required**
 19 **the team manager to be accountable for his professional**
 20 **judgment and say what he thought should happen, and he**
 21 **said that they weren't suitable to foster.**
 22 Q. So he had, as it were, the casting decision?
 23 **A. Well, I would have had the ultimate say, but I did feel**
 24 **that it was important -- and I try to always do that in**
 25 **my management -- to be inclusive of people's views, but**

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1 **whether or not they agree or otherwise. The agency**
 2 **decision maker then makes the decision on behalf of**
 3 **the agency.**
 4 **If the foster carers -- if the outcome is that**
 5 **they're not suitable to foster and the foster carers**
 6 **challenge that, we then go to the Independent Review**
 7 **Mechanism and, if the agency decision is upheld, then it**
 8 **is as it is and the foster carers cease to foster. But**
 9 **often, the view of the Independent Review Mechanism**
 10 **would come back in challenge to the local authority and**
 11 **the agency decision maker would be invited to reconsider**
 12 **their decision.**
 13 Q. Indeed, that's what happened in this case, because we
 14 know that NO-F165 appealed against the decision that he
 15 should no longer foster and appealed to the IRM, the
 16 Independent Review Mechanism, and that resulted in
 17 a recommendation in 2011 to allow F165 to remain
 18 a foster carer.
 19 If we can go to page 37 of NSC000378, we can see set
 20 out there the summary of the panel discussion. We can
 21 see, three lines down, under the summary of the panel
 22 discussion, the main paragraph there:
 23 "One panel member expressed no sympathy for the
 24 local authority, given that it had disregarded the views
 25 of an experienced social worker who knew the carers well

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1 and advocated on their behalf."
 2 NO-F165 succeeded in his appeal, and you say in your
 3 statement that this was a concern, but you qualified
 4 that by saying "but not a surprise". Why do you say
 5 that, that it wasn't a surprise?
 6 **A. My experience of the Independent Review Mechanism had**
 7 **been limited, but it had been that they were carer**
 8 **focused.**
 9 Q. Indeed, that's what you say at paragraph 12.4 of your
 10 statement, which we go back to. There is a word there
 11 that I just want to pick up with you on that. So it is
 12 page 8 where 12.4 starts, the recommendation was
 13 a concern but not a surprise:
 14 "Outcomes from this forum had suggested that a carer
 15 rather than a child focus influenced the thinking of
 16 the IRM."
 17 What do you think to be the source of that
 18 influence? Is it the strength of feeling that
 19 a fostering support workers gives about the carers? Is
 20 it as simple as that? Or is it something more
 21 sophisticated?
 22 **A. I think it is more sophisticated than that. I think it**
 23 **is about the IRM, the Independent Review Mechanism,**
 24 **making sure, from their perspective, that the carers had**
 25 **had a fair and reasonable hearing in respect of**

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1 individual who poses a risk. Why was it thought
 2 necessary in this case to instruct an expert in sexual
 3 profiling?
 4 **A. I wasn't sure about F165, and for me, when I'm not sure**
 5 **about somebody and there's uncertainty, then I need to**
 6 **interrogate that a bit further. I didn't feel that the**
 7 **fostering service, being a fostering service, had the**
 8 **expertise to examine and interrogate whether or not 165**
 9 **presented a risk, a sexual risk, to other children, so**
 10 **I commissioned an expert -- a criminal psychologist at**
 11 **the time -- who was involved in profiling sexual**
 12 **offenders.**
 13 Q. A Dr Smith; is that right?
 14 **A. Yes.**
 15 Q. The use of that expert and his report, or her report,
 16 was criticised by the IRM. Do you know why?
 17 **A. I think they didn't feel that there was any place for**
 18 **that independent assessment to be done because they felt**
 19 **that the response of the local authority hadn't been**
 20 **proportionate vis-a-vis the allegation that had been**
 21 **made.**
 22 Q. Going back to that period, had you used such an expert
 23 before and did you use one subsequently in the six that
 24 you have described, the six IRMs that you have given
 25 evidence about?

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1 **the allegations against them; that the -- their view**
 2 **about the proportionality of the allegations and the**
 3 **actions taken by the local authority; they're concerned**
 4 **sometimes -- and that was evidenced in this situation,**
 5 **that they didn't feel that the child protection**
 6 **investigation had been conducted as it should have been.**
 7 **So I think they were looking, you know, to make sure**
 8 **a fair and reasonable and due process had been**
 9 **exercised, and if they found, in their view, that it**
 10 **hadn't, then I think it reinforced their view that there**
 11 **was weight to be given to the carer's representation.**
 12 Q. You say at 12.4 at the second line:
 13 "Outcomes from this forum ..."
 14 So it is a plural there --
 15 **A. Yes, more than one.**
 16 Q. -- it is not just simply in this case. By the time that
 17 you stopped work in fostering, was that still your view
 18 of the IRM?
 19 **A. Yes, I think, in entirety, I think six representations**
 20 **had gone to the IRM, and of those six, I think, from**
 21 **memory, only two had been upheld in the local**
 22 **authority's recommended position.**
 23 Q. In the 165 case, an expert had been instructed in sexual
 24 profiling, and you and I have discussed already this
 25 afternoon about the difficulty of identifying an

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1 **A. No, that was the only instance where I commissioned an**
 2 **expert in sexual profiling.**
 3 Q. Can we move on, then, please, to Patrick Gallagher.
 4 Again, a case now very familiar to the inquiry. I think
 5 here you managed the supervising social workers' team
 6 manager. I hope I have that right this time?
 7 **A. That's correct, yes.**
 8 Q. You state at paragraph 12.7 that you have since
 9 reflected on this case. That's page 9 of your
 10 statement. Your analysis is that Gallagher "held
 11 tremendous power" and control over children. In the
 12 subsequent Serious Case Review, the actions taken by the
 13 police and Social Services were reviewed. This is in
 14 relation to what had happened in 2006, when a boy
 15 disclosed that he'd been invited to watch pornography
 16 with Gallagher in the living room. Did you have any
 17 involvement in the decisions taken in 2006?
 18 **A. I would have -- yes, in the sense of, I had supervision**
 19 **with the fostering team manager. It was clear that**
 20 **Mr Gallagher was not suitable to continue to foster. It**
 21 **was a clear recommendation to terminate the approval.**
 22 Q. Indeed, at the same time, he sought to trump that
 23 position by writing a letter saying, "I now want to
 24 retire from fostering"; is that right?
 25 **A. That's correct, yes.**

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1 Q. Again, reflecting back on that, and in the light of
 2 the SCR, do you think an opportunity was missed in 2006
 3 to follow up with children that Patrick Gallagher had
 4 previously provided short-term respite foster care to?
 5 **A. I have reflected on that, because I think what happened**
 6 **was that the presenting issue, that of watching the**
 7 **pornographic material, became the focus of the strategy**
 8 **meetings, and I have re-read the minutes from the**
 9 **strategy meetings, and the chair at the time, you can**
 10 **see that the discussion does consider whether or not**
 11 **Mr Gallagher may have been, or could have been, grooming**
 12 **other children. But you can also see from that**
 13 **recording that that is dismissed.**
 14 **So it is almost as if -- I wasn't at the meeting,**
 15 **but it is almost as if the meeting halfway went to think**
 16 **about it, did think about it and then pulled back from**
 17 **that and concentrated on the presenting issue.**
 18 **However, there was an internal management review**
 19 **done --**
 20 Q. Is this at the time, in 2006?
 21 **A. No, it was done subsequently, in 2011, from memory. And**
 22 **the person looked at the case files of all the children**
 23 **that had lived with the Gallagher family, and also**
 24 **looked at their case files six months after having left**
 25 **them, and there was no recorded evidence at that time of**

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1 I understand it, unaware of his previous role at
 2 Beechwood?
 3 **A. Yes. I -- all that I can recall is that he came from**
 4 **Boots.**
 5 Q. In the light of your answer, you weren't aware that he'd
 6 been subject to internal investigations or disciplinary
 7 procedures in 1990 or 1992?
 8 **A. No. And I've tried to think about the terms of his**
 9 **employment, because he was with the fostering team**
 10 **over -- he was shared, if you like, between the Ashfield**
 11 **fostering team and the Mansfield fostering team, and he**
 12 **was only with the service for a year. The only reason**
 13 **I wrote the reference was because the Ashfield fostering**
 14 **team manager was off sick, and we were asked to provide**
 15 **one from her. But, no, I don't recall anything other**
 16 **than he came from Boots and that he was really helpful**
 17 **in terms of sorting out our duty systems.**
 18 Q. Given the position that you held at the time, do you
 19 think it was right that you provided a reference without
 20 getting more detailed background information and
 21 history?
 22 **A. Well, there is an assumption that when people are**
 23 **employed through -- and I seem to recall that he may**
 24 **have been employed through the agency route, and so**
 25 **there is an assumption, which I think is reasonable to**

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1 **the children having been sexually abused.**
 2 Q. After you have given evidence this afternoon, we are
 3 going to hear from the police officer who investigated
 4 the Gallagher case and her account of how it was that
 5 children became able to disclose, and the notable
 6 landmark in that was on the death of Mrs Gallagher.
 7 **A. Yes.**
 8 Q. Can we turn, please, to paragraph 15 of your statement.
 9 This is where you deal with providing a reference for
 10 Andris Logins. Do you have the page?
 11 **A. Yes, I do.**
 12 Q. In 2005, you provided a reference for Andris Logins,
 13 who, as the inquiry knows, and as I am sure you know,
 14 has since been convicted for child sexual abuse when he
 15 worked at Beechwood in the 1980s. Mr Logins was
 16 applying for a role at Faith in Families, and this is
 17 a matter that's addressed in an investigative report
 18 conducted by Faith in Families themselves. It is in
 19 your bundle at tab 21. We don't need to go to it, but
 20 at the point at which you agreed to provide the
 21 reference in 2005, were you aware of whether Mr Logins
 22 would be working with children in his new role?
 23 **A. Yes -- well, indirectly, in a role with**
 24 **Faith in Families, but yes.**
 25 Q. You were, at the point of providing that reference,

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1 **make, that the agency have done their checks and**
 2 **references, as we would have to do if we employed**
 3 **anybody, before they started employment. So I wouldn't**
 4 **have -- unless there had been a cause for concern, which**
 5 **there wasn't in the period 2003/2004, I wouldn't have**
 6 **had cause to think, "Well, I'd better check out what**
 7 **happened in the past".**
 8 Q. We are going to look next, please, at the issue of
 9 the rotation of supervising social workers, not
 10 something that you address in your two statements, the
 11 reason being that only recently has the documentation
 12 been provided. We are going to look, please, at tab 17
 13 in your bundle, NSC001349. What we find in this
 14 document dated October 2012 -- do you have it?
 15 **A. Yes, thank you.**
 16 Q. It is a feasibility report produced by Nottinghamshire
 17 County Council, I think drafted by you?
 18 **A. Yes.**
 19 Q. It is made in response to recommendations that had been
 20 made in two independent reviews of social work practice
 21 in the fostering service. The concerns identified
 22 included that, in these cases, which included F77, the
 23 supervising social worker had been involved with the
 24 foster carer for a long period of time, and that this
 25 led to overidentification and overfamiliarity and, to

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<p>1 combat this, it was being suggested whether it might be 2 feasible and of value to routinely rotate the assigned 3 supervising social worker to a foster household. Have 4 I got that more or less right? 5 A. Yes. 6 Q. Can we go, please, to page 4 of the report, and 7 paragraph 6.2. It is at the top of the page under 8 "Analysis and evaluation". You say: 9 "There are strengths and vulnerabilities in both 10 practices of routinely rotating the assigned supervising 11 social worker and routinely maintaining the involvement 12 of an assigned supervising social worker." 13 There is a repetition there. 14 A. Yes. 15 Q. The benefits of keeping the existing system -- 16 continuity of knowledge, information about a foster 17 carer -- you believe -- and I should say the meaningful 18 working relationships that can be developed -- I think 19 your view, or your position in this paper, outweighed 20 the risks of maintaining the assigned supervising social 21 worker, those risks being the familiarity, the sorts of 22 things that we have discussed this afternoon. 23 At paragraph 6.5, you recommended as a minimum that, 24 on an annual basis, team managers should formally 25 consider the quality of scrutiny and challenge being</p> <p style="text-align: center;">Page 133</p>	<p>1 provided by the supervising social worker, and instead 2 of routinely rotating social workers, they would be 3 changed only if the manager identified concerns. 4 Would that evaluation involve whether there was any 5 heightened risk to foster children, that being that, if 6 there was familiarity, or growing familiarity, between 7 the supervising social worker and the foster carers, is 8 it implicit in your view that you set out in this paper 9 that that includes a risk to the child being fostered? 10 A. My view is that if relationships get too cosy, then 11 things don't get seen in the same way as they should be. 12 Q. How would what you propose identify that issue, the 13 cosiness, to borrow your phrase, of a relationship? 14 A. My recommendation, which was accepted, was that team 15 managers would routinely, every year at least, in 16 supervision with a supervising social worker, and prior 17 to that supervision, interrogate the scrutiny and the 18 challenge from the recording that that supervising 19 social worker was making of that foster carer, and if 20 that fostering team manager felt that it was a little 21 imbalanced or there wasn't enough challenge or enough 22 scrutiny, then my recommendation, as I say, that was put 23 into place was that the supervising social worker should 24 be changed. 25 Q. You say the recommendation was put into place. I think</p> <p style="text-align: center;">Page 134</p>
<p>1 you stopped in 2017? 2 A. 2016. 3 Q. Forgive me. So you had -- did it come into use quite 4 soon after this? 5 A. Yes. I mean, it went -- it was accepted -- my group 6 manager at the time, Rachel Coombs, agreed it. There 7 was obviously a lot of scrutiny at that time into the 8 fostering service because of the Serious Case Review and 9 the subsequent F77. So there was a lot of senior 10 management scrutiny of what we were doing in fostering 11 to address the concerns that two independent reviews had 12 raised. 13 Q. The point I wanted to get to was, did you ever see the 14 outcomes of reports that were then prepared in the wake 15 of your recommendation being accepted? 16 A. No. I can't recall having seen those, no. But they 17 would have been on the supervising social worker's 18 records and there should have been a note on the foster 19 carer's records to say, "Change in supervising social 20 worker to take effect from X". 21 Q. You're confident that the system was in place when you 22 retired in 2016? 23 A. It was put in place, but compliance is always 24 a challenge. 25 Q. Finally, I want to go, please, to your response to the</p> <p style="text-align: center;">Page 135</p>	<p>1 Halle audit. Again, this is something not covered in 2 your witness statement as the documents have only 3 recently been received. 4 This was an audit -- and do correct me if I get this 5 wrong -- carried out by Hazel Halle of Mansfield foster 6 carer files. It was carried out in December 2012. But 7 I hope that you have had a chance to look at the 8 documentation you have been provided in relation to it? 9 A. I have, yes, thank you. 10 Q. INQ001812_005, in tab 15 of your bundle. Ms Halle found 11 that in 13 cases there were generally good standards of 12 recording and six cases in which there were some 13 concerns: 14 "There was not always evidence of appropriate 15 support being offered and parents being informed." 16 There were also concerns there was a lack of 17 evidence demonstrating robust management by the team 18 manager. You responded to this report in May 2017, and 19 that's a document that we will look at very briefly now, 20 that's NSC001352. It is tab 18 of your bundle. 21 You say that the Halle report lacked credibility. 22 You were concerned that the cost of a proactive and 23 positive response -- this is your conclusion at 24 page 6 -- to seeking continuous improvements to the 25 foster service was the impact upon members of</p> <p style="text-align: center;">Page 136</p>

1 the fostering management and Mansfield fostering team.
 2 You describe a sense of unfairness in the way that
 3 senior management appeared to accept the findings of
 4 the Halle report and others without challenge. You felt
 5 that this gave rise to a perception that there had been
 6 a loss of trust in the fostering service's competence
 7 and capacity. In the light of what we have discussed
 8 this afternoon, was that loss of trust justified at any
 9 point?
 10 **A. I think the feeling at the time was that senior**
 11 **management had accepted the findings without challenge**
 12 **and without balance, and the fostering management team,**
 13 **which I was the leader of, if you like, that somehow**
 14 **nobody had stood up for good practice, and we all**
 15 **accepted that there had been failings in practice but**
 16 **nobody was standing up and saying, "Well, there was some**
 17 **good practice too".**
 18 Q. Indeed, if we look at three paragraphs from the bottom
 19 of that page, starting, "The uncomfortable truth is",
 20 I am just going to read that out:
 21 "The uncomfortable truth is that, had protective
 22 action been taken, had children been listened to at the
 23 time, we may have prevented further abuse from having
 24 occurred. This is an uncomfortable outcome for us all
 25 involved in the fostering service and within the wider

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1 Rhona Keenan. Her statement reference is INQ001875.
 2 MRS RHONA HICKS (sworn)
 3 Examination by MR SADD
 4 MR SADD: Good afternoon. May I call you Mrs Hicks?
 5 **A. Yes.**
 6 Q. You have provided a statement to the inquiry. It runs
 7 to 25 pages. I think at one point you signed the
 8 statement?
 9 **A. Yes.**
 10 Q. When you signed it, were you satisfied that what was set
 11 out there was the truth, as far as you can remember?
 12 **A. There is a bit right at the very end that's not right.**
 13 Q. I think this is at page 25, the final paragraph. Do you
 14 want to tell us what that --
 15 **A. I put in there that two foster children were abused and**
 16 **that one of them was from F77 and that the other one was**
 17 **from the in-laws, and that's not right. Both of**
 18 **the children were fostered by the in-laws.**
 19 Q. Thank you very much. Mrs Hicks, the panel have a copy
 20 of your statement. In the time that's allotted, I'm not
 21 going to go through every line. We are going to look at
 22 particular topics and issues that arise from that. It
 23 may be that in the course of doing that, we will look at
 24 some documents as well. Those documents you have in
 25 hard copy and they also appear on screen.

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1 social care department. Our primary, shared core
 2 business is the protection of children."
 3 Was that something you relayed to your colleagues?
 4 **A. Yes, I mean, it's uncomfortable to read now these years**
 5 **later, but the uncomfortable truth I felt the service**
 6 **had to hear, we all had to take a good look at ourselves**
 7 **and think about things that had happened in the past and**
 8 **how we could do things differently in the future. Yes,**
 9 **it was uncomfortable, professionally uncomfortable, but**
 10 **it had to be said and different ways of working had to**
 11 **be done.**
 12 MR SADD: Ms Austin, thank you very much for your patience.
 13 I have no more questions to ask you. The panel may have
 14 some questions.
 15 THE CHAIR: No, we have no questions. Thank you, Ms Austin.
 16 **A. Thank you.**
 17 **(The witness withdrew)**
 18 MR SADD: Chair, can I suggest we break until 3.10 pm?
 19 Thank you.
 20 THE CHAIR: We will do that.
 21 (2.55 pm)
 22 (A short break)
 23 (3.11 pm)
 24 MR SADD: Chair, we are now going to hear from the final
 25 witness of the day, Mrs Rhona Hicks, formerly

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1 Can we look first, then, at your roles. We go to
 2 the first page of your statement, paragraph 1.1. You
 3 say that you joined -- can I call them Notts Police, if
 4 that's all right? --
 5 **A. Yes.**
 6 Q. -- in 1990, having trained as a nurse. You conducted
 7 police interviews with children. In 2004, you applied
 8 successfully to join the child abuse investigation unit.
 9 How should I pronounce that as a shortening?
 10 **A. CAIU.**
 11 Q. As a detective constable, and quoting from your
 12 paragraph there, "investigating allegations of abuse to
 13 children where there is an element of care or control by
 14 the perpetrator", and you stayed with the CAIU until
 15 retirement in 2017 and now you're a reviewing officer.
 16 Is that right?
 17 **A. Yes, it is.**
 18 Q. You identify there a particular distinction, the element
 19 of care or control by a perpetrator. Again, it may be
 20 very obvious to you, but what does that cover, or what
 21 does it exclude?
 22 **A. It excludes strangers. So it's somebody like a parent,**
 23 **a foster carer, somebody who's a babysitter, somebody**
 24 **who's looking after the child.**
 25 Q. So a visitor to a children's home who sexually assaults

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1 a child resident there, that would fall outside the
 2 CAIU?
 3 **A. Yes.**
 4 Q. You set out the organisation, the CAIU, and you do this
 5 at paragraph 1.2.2. This is again at page 1, but it
 6 goes over the page, and you explain how it is
 7 distributed throughout the county. You talk in the
 8 third paragraph on page 2 -- again, it may be very
 9 obvious to you, but you talk about CAIU had a referral
 10 unit which took referrals for the whole of
 11 Nottinghamshire. Again, sorry if it is so obvious, but
 12 this is referrals of what?
 13 **A. Child abuse.**
 14 Q. When you first started, you didn't deal with
 15 child-on-child sexual assaults?
 16 **A. No.**
 17 Q. Who did?
 18 **A. That would be dealt with by divisional officers.**
 19 Q. Divisional officers --
 20 **A. CID.**
 21 Q. CID. And CID officers who had any experience of working
 22 with children?
 23 **A. No.**
 24 Q. Why was that, historically, that they would deal with
 25 those rather than the CAIU?

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1 **A. I dealt with child-on-child, yes.**
 2 Q. Were you surprised at the level of child-on-child abuse
 3 that was being referred to your unit?
 4 **A. No.**
 5 Q. You say that it became compulsory to complete an ABE
 6 course when joining the CAIU and that you conducted the
 7 majority of ABE interviews out of Mansfield. Many in
 8 this room might know what that means, but there will be
 9 many who don't. What does that mean, an ABE interview?
 10 **A. Okay, what that means in general is that, before**
 11 **I joined the Child Abuse Unit, I worked at Mansfield**
 12 **Police Station as a uniformed officer. There were**
 13 **barely any police officers trained at Mansfield Police**
 14 **Station, so I did the majority of child interviews that**
 15 **weren't interviews with regards to child abuse, they**
 16 **were child witnesses. Sorry, can you direct me back to**
 17 **what else it was you want me --**
 18 Q. Yes, what is an ABE interview?
 19 **A. An ABE interview, it's where you get evidence from the**
 20 **child. You sit in a room with a child. It's videoed.**
 21 **Sorry, that makes me sound old, doesn't it? It's**
 22 **recorded, and that's where you talk to the child and get**
 23 **their evidence from them.**
 24 Q. And ABE means "achieving best evidence"; is that right?
 25 **A. Yes.**

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1 **A. Because there wasn't an element of care and control.**
 2 Q. That would be the only reason?
 3 **A. I can only imagine.**
 4 Q. You say, again on this page, that at some point this
 5 changed and that this had significant impact on your
 6 workload. When did the unit take on child-on-child
 7 abuse?
 8 **A. I'm sorry, I can't remember.**
 9 Q. Why a significant impact? That suggests that you
 10 suddenly received a lot of cases?
 11 **A. We just got more work.**
 12 Q. You got more work.
 13 **A. Because we took that in addition to the work that we**
 14 **were already dealing with.**
 15 Q. Can you remember getting that first workload of those
 16 cases?
 17 **A. I'm sorry, I'm not quite sure --**
 18 Q. Can you remember when the cases first started coming in
 19 of child-on-child sexual abuse?
 20 **A. I don't remember when that actually started, if that's**
 21 **what you mean.**
 22 Q. And --
 23 **A. I remember that, actually, our workload went up, but**
 24 **I don't remember how long I'd been there.**
 25 Q. Did you deal with some of those cases?

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1 Q. When was that requirement introduced to follow a process
 2 of interviewing in this way?
 3 **A. I have not ever known it to be any different from that.**
 4 Q. Do you know how interviews were conducted before ABEs
 5 were introduced?
 6 **A. No.**
 7 Q. No. Were decisions made, in your experience, in
 8 relation to assaults, sexual assaults, on children
 9 without having interviews with the children? Can you
 10 think of any examples where that might have arisen?
 11 **A. No:**
 12 Q. You set out at 1.2.3, please -- this is page 3 of your
 13 statement -- the child protection courses that you
 14 undertook. Were these voluntary or mandatory?
 15 **A. The first -- no, they -- sorry, the introduction into**
 16 **child protection and the two Working Together courses**
 17 **and the SCAIDP course were mandatory. The CEOP courses**
 18 **weren't.**
 19 Q. You tell the inquiry that you weren't involved in
 20 Daybreak, Xeres or Equinox. At 2.1 you say that as
 21 a member of the CAIU you worked "very closely" with the
 22 CPS, whereas before you hadn't done so. You describe
 23 CPS clinics being conducted at a CAIU office and you
 24 found effective close cooperation between the CPS and
 25 the police on cases. By "effective close cooperation",

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<p>1 what would you want the inquiry to understand?</p> <p>2 A. When you can have face-to-face contact with somebody, it</p> <p>3 is a lot easier to talk through a case, explain what it</p> <p>4 is that you have got, get feedback from the CPS lawyer</p> <p>5 and discuss any issues that there are or anything that</p> <p>6 they are wanting you to do. It is much, much easier</p> <p>7 face to face, rather than submitting a file, they have</p> <p>8 a look at it, and then, you know, they come back to you</p> <p>9 with a list of additional things that they want you to</p> <p>10 do. You can just iron out anything much better face to</p> <p>11 face.</p> <p>12 Q. We are going to look later on in your evidence at some</p> <p>13 examples of advices prepared for the CPS, which I am</p> <p>14 going to ask for your assistance on.</p> <p>15 Paragraph 2.2, page 4. You say there that you have</p> <p>16 always had a good working relationship with</p> <p>17 Social Services, that the police would always take the</p> <p>18 lead in section 47 investigations, that is,</p> <p>19 investigations under the 1989 Children Act, which, in</p> <p>20 effect, relates to notice of children at risk of harm</p> <p>21 and the duty to investigate.</p> <p>22 Did Social Services, Mrs Hicks, have a different</p> <p>23 approach to interviews in their investigations to that</p> <p>24 which would have been taken by the police in a criminal</p> <p>25 investigation?</p> <p style="text-align: center;">Page 145</p>	<p>1 A. I think the police take the lead when it comes to going</p> <p>2 and seeing the children at either school, or wherever it</p> <p>3 is you have your first visit, and then doing the ABE</p> <p>4 interviews, because we are trained to interview, because</p> <p>5 you've got to be very careful about how you ask</p> <p>6 questions for a criminal investigation. So that's why</p> <p>7 we will do it.</p> <p>8 Q. Was there ever any occasion where Social Services had</p> <p>9 interviewed and this had an impact on the investigation</p> <p>10 that you were conducting?</p> <p>11 A. There were some interviews in relation to some jobs that</p> <p>12 I've dealt with where the questioning could have been</p> <p>13 different and wasn't particularly helpful, but I can't</p> <p>14 remember there being an occasion where that's ultimately</p> <p>15 had an effect on the decision made by CPS about whether</p> <p>16 to charge or not.</p> <p>17 Q. Page 5, please. You deal with how an investigation into</p> <p>18 an allegation of sexual abuse would be initiated and</p> <p>19 progressed. You say at paragraph 3.2 -- or I should say</p> <p>20 you explain the initial steps in response to being</p> <p>21 informed of an allegation, and that where an allegation</p> <p>22 is first referred to you by social care, the information</p> <p>23 that you would receive. How much information would you</p> <p>24 receive from social care at that point on the background</p> <p>25 of the complainant and of the alleged perpetrator?</p> <p style="text-align: center;">Page 146</p>
<p>1 A. Usually --</p> <p>2 Q. Sorry to interrupt you. Take the example of a foster</p> <p>3 carer and the child in care. What information would be</p> <p>4 relayed to you as the CAIU officer?</p> <p>5 A. Usually, it would just be a very -- enough information</p> <p>6 where you could establish that a crime had been</p> <p>7 committed, and then thereafter there would be joint</p> <p>8 visits and that's when the police would do a criminal</p> <p>9 investigation.</p> <p>10 Q. At what point, if at all, would you be given access to,</p> <p>11 let's say, the foster carer's file, on the one hand, and</p> <p>12 the child's social service records on the other?</p> <p>13 A. That would be something that would be done further down</p> <p>14 the line, as part of disclosure.</p> <p>15 Q. The reason for that being?</p> <p>16 A. Because -- it's a requirement to check social care and</p> <p>17 education records, just to see if there's anything in</p> <p>18 there that undermines the prosecution case or assists</p> <p>19 the defence or if there's anything in there that's of</p> <p>20 any evidential value that you might want to put before</p> <p>21 the court.</p> <p>22 Q. We can start at the bottom of page 5, where you set out</p> <p>23 the structure of an investigation. You list there</p> <p>24 43 steps -- over the page to page 6 and then to the top</p> <p>25 of page 7 -- that are taken in an investigation. I am</p> <p style="text-align: center;">Page 147</p>	<p>1 not going to go through any of those. They are set out</p> <p>2 there.</p> <p>3 In the event that a child retracted his or her</p> <p>4 initial allegation, would there be any action or</p> <p>5 enquiries taken up by the police to investigate why that</p> <p>6 retraction had happened? To give you an example, would</p> <p>7 there be any concern on the part of the police</p> <p>8 investigation that influence had been exerted on the</p> <p>9 child?</p> <p>10 A. What I would do is, you would go and visit the child and</p> <p>11 talk to them about, you know, the fact that they have</p> <p>12 retracted, find out what it is that they're telling you</p> <p>13 about why they have chosen to do that.</p> <p>14 Q. Did you ever have experience of that happening directly</p> <p>15 yourself?</p> <p>16 A. No.</p> <p>17 Q. But you can remember colleagues having to follow that</p> <p>18 up; is that what --</p> <p>19 A. I think children do retract their allegations, yes.</p> <p>20 Q. At 3.10, please, on page 8, you discuss there the steps</p> <p>21 that you would take in relation to issues such as</p> <p>22 safeguarding. You have told us in the statement that</p> <p>23 you joined the CAIU in 1990. Did the steps that were</p> <p>24 taken with regard to safeguarding change over the time</p> <p>25 that you were involved in the CAIU?</p> <p style="text-align: center;">Page 148</p>

1 **A. I didn't join the CAIU in 1990. I joined in 2000.**
 2 **I joined the police in 1990.**
 3 Q. That's my mistake, forgive me. Taking it up, then, to
 4 2000, over the time that you were in the CAIU, was there
 5 a change in approach to safeguarding adopted by yourself
 6 or your colleagues?
 7 **A. No.**
 8 Q. So what was the approach that you took in every case?
 9 **A. Well, the police are there to conduct a criminal**
 10 **investigation and social care are there to ensure that**
 11 **a child is safeguarded. So while you would work jointly**
 12 **together, your ultimate aim is slightly different. We**
 13 **are there to try and ultimately get a court case if**
 14 **that's possible, whereas social care are looking to**
 15 **place -- make sure that the child is living in a safe**
 16 **environment.**
 17 Q. Paragraph 3.11, please, the top of page 9. You there
 18 set out the making of decisions, and the type of
 19 decision that might be made. Would this have involved
 20 decisions in -- or were you involved in cases of
 21 non-recent abuse, so an adult coming forward but giving
 22 their experience of being abused as a child?
 23 **A. Only where there was a child making an allegation as**
 24 **well, where there were -- where it's an adult making an**
 25 **historic allegation, that would have been dealt with by**

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1 Q. On the cases that you worked in relating to sexual abuse
 2 of children, did the fact that you worked closely with
 3 the CPS have a significance? What I mean by that is, we
 4 know now that lots of cases of child sexual abuse, those
 5 coming forward, complainants, even relatively young
 6 people will have histories of drug addiction, maybe even
 7 use of alcohol, or have criminal convictions, and we
 8 know that there's been a development from the CPS
 9 statement that's been provided in how that might impact
 10 on evidence. Has that equally changed with the CAIU?
 11 In other words, the impact used to be, this is going to
 12 damage the prospects of this case; whereas now there's
 13 a more sophisticated approach taken to why the child
 14 might not have disclosed.
 15 **A. Sorry, I probably didn't explain myself very well.**
 16 **I don't think drug abuse and children truanting and**
 17 **those sorts of things would have an impact on whether**
 18 **the CPS will take something forward. It is information**
 19 **they need to know, but it doesn't mean the child is not**
 20 **telling the truth. It is about looking at all of**
 21 **the evidence.**
 22 **Yes, they do need to know, because they need to know**
 23 **about their witness, but I don't think that necessarily**
 24 **means that we are going to look at that and say that**
 25 **they're not truthful.**

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1 **CID or, more recently, the Public Protection Unit.**
 2 Q. At the point that it was dealt with by CID -- you may
 3 not have any direct experience of this -- how would the
 4 approach to the adult who is alleging that they'd been
 5 sexually abused as a child -- did the CID -- would the
 6 CID have had any training about how to approach that
 7 individual?
 8 **A. CID officers should do an ABE interview course, but I've**
 9 **not -- I have only dealt with this sort of thing whilst**
 10 **I've been on the Child Abuse Unit.**
 11 Q. In making decisions, Mrs Hicks, on cases of child sexual
 12 abuse, whether to proceed to charge or to take no
 13 further action, what weight do you remember would be
 14 given to factors such as a lack of corroborative
 15 evidence, a history of false allegations by the
 16 complainant?
 17 **A. You have to look at all of the evidence, and with**
 18 **criminal prosecutions -- I'm really sorry that I'm**
 19 **struggling, but I just need to think.**
 20 **With social care, it's a balance of probability.**
 21 **With criminal prosecutions, really, you're looking at**
 22 **100 per cent likelihood that you will get a conviction.**
 23 **That's how it has to be looked at by the manager who's**
 24 **making a decision about whether there's no further**
 25 **action or not.**

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1 Q. No, and I suppose what I meant to say is, the CPS have
 2 to assess how that might be taken advantage of at any
 3 trial when the defence have that material and how that
 4 approach might have changed.
 5 When a case was "no further actioned", if I can turn
 6 that into a verb, what steps would you take to notify
 7 a complainant?
 8 **A. I would always try and have a face-to-face conversation**
 9 **with somebody because I think it is really important**
 10 **that they understand why that decision has been made and**
 11 **I think it is really important that they also have the**
 12 **opportunity to ask me questions so that they can get**
 13 **their head around it. I can't say it's always possible,**
 14 **because of workload. As a police officer, you can walk**
 15 **into work in the morning and have a whole lot of plans**
 16 **of things that you want to do, and actually all of those**
 17 **things just go out the window because there's somebody**
 18 **in custody or something has come in that has to take**
 19 **a higher priority, and it's really important to tell**
 20 **people and not leave people hanging on and waiting, but**
 21 **to tell them, "I'm really sorry, but we're not taking**
 22 **any further action". So, yes, sometimes it would be**
 23 **over the phone, but the majority of times, you would try**
 24 **and talk to them face to face.**
 25 Q. Would you have discussed with the individual how they

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1 wanted to be notified, or how the communication between
 2 you and the individual was to take place, so whether it
 3 was by text message, by email, by phone call? Was that
 4 something that you would set up?
 5 **A. Are you just talking about how to update them with
 6 regards to a no further action, or are you talking about
 7 updating them on just a general way?**
 8 Q. Both.
 9 **A. Updating witnesses, you've got to look at each
 10 individual person. So I would have a conversation with
 11 them at the very beginning of the investigation to talk
 12 about what they want. Because some people don't want
 13 you ringing up every week and saying, "I'm just phoning
 14 up to let you know that I've got nothing else to tell
 15 you", whereas other people want a lot of contact with
 16 you. So we should be doing what they want. So, yes,
 17 there would be occasions when there would be people that
 18 I wouldn't ring up. There's a system within the police
 19 where it reminds you every so often that you need to
 20 speak to your victim and give them a call, give them an
 21 update.**
 22 **Yeah, there would be occasions when I wouldn't phone
 23 them up every fortnight because they don't want me to.
 24 So I would go with what they want.**
 25 **With regards to updating them about the fact that**

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1 Q. In section 4 of your statement, page 9, you set out your
 2 role and involvement in the Gallagher case, again,
 3 a case that the inquiry is very familiar with.
 4 **A. Yes.**
 5 Q. You provide examples at CPS002682 and CPS002691, at
 6 tabs 3 and 4, of reports that were provided to the CPS.
 7 If we look at tab 3, that's the CPS002682, this is
 8 a report submitted in relation to -- can you explain
 9 what such a report sets out?
 10 **A. This actual report is -- in fact, all of the ones that
 11 you have got, we do a report that lays out, if you like,
 12 a comprehensive summary of the investigation.**
 13 **What this has got on it is, it's got what the CPS
 14 put on as well, where they actually go through
 15 everything and where it shows where they -- what their
 16 thoughts are, what charges they authorise, if there's
 17 any additional work that they want you to do. So this
 18 is a return document from CPS.**
 19 Q. Understood. I understand that. So this isn't you
 20 compiling it, it's the CPS saying what should be done?
 21 **A. There are bits on that I've done, but most of this is
 22 a CPS document.**
 23 Q. In relation to the Gallagher case, you say at the top of
 24 page 11 --
 25 **A. Sorry, is this back in my statement?**

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1 **there's no further action, it's a different matter,
 2 isn't it, because that's what we're talking about, "We
 3 have got some information, we need to update you and
 4 I want to have a chat with you face to face".**
 5 Q. In the event that the CPS decided not to charge,
 6 following material that you would have sent on, would it
 7 be down to you to tell --
 8 **A. Yes.**
 9 Q. -- the individual? It was left to you to do so?
 10 **A. (Witness nods).**
 11 Q. When it was left to you to do so, what you have
 12 described as you wanting to have that face-to-face
 13 contact, was that the practice that you followed?
 14 **A. Yes.**
 15 Q. Was it followed by your colleagues?
 16 **A. Yes.**
 17 Q. You say that you attended strategy meetings. What would
 18 be your role in those strategy meetings and, indeed,
 19 there are examples in the bundle of your doing so. What
 20 was your main purpose of being in the strategy meetings?
 21 **A. My role would be to be there as a police officer, to
 22 talk about who is actually going to be doing what. It
 23 is very clear cut for the police, because we are
 24 conducting a police investigation, so that's what
 25 I would be doing.**

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1 Q. Back in your statement, forgive me. You say the
 2 investigation was eight years ago and "the most complex
 3 case I have ever dealt with". Why the most complex?
 4 **A. Because there were a lot of people that had been
 5 fostered by Gallagher and, when we went to the address,
 6 there was an unbelievable amount of video footage. We
 7 had to look at all that --**
 8 Q. This is video footage of him with the children?
 9 **A. Of him sexually abusing the children. We had to look
 10 through that to try and work out who the children were,
 11 we had to visit all of the children that had been
 12 fostered and marry that up, because we needed to
 13 identify if there were any other children that weren't
 14 children that had been fostered, and there were, and
 15 then we had to try and find out who they were.**
 16 Q. What was the age range of the children at the time that
 17 they were abused?
 18 **A. They were aged between 9/10, up to 17 -- well, when they
 19 ceased to be a child.**
 20 Q. You say at page 10 of your statement that some of those
 21 whom you spoke to or approached didn't want to make
 22 disclosures due to difficulties they had or situations
 23 they were in at the time of the enquiry?
 24 **A. Yes.**
 25 Q. What sense did you get of how difficult it was to make

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1 disclosure to you?
 2 **A. Are you talking about the people who I did the**
 3 **interviews with who did make disclosures or just the**
 4 **ones --**
 5 Q. Well, initially, those who didn't want to do so.
 6 **A. A few of the ones that didn't want to do so, just the**
 7 **things that they said were an indication that there were**
 8 **too many other things going on in their lives. I mean,**
 9 **I think I've touched on it in the statement, where one**
 10 **of them has said that, you know -- he said, "I'm not**
 11 **saying that nothing's happened. I've just got to deal**
 12 **with what's happening at the minute", so, I mean, that**
 13 **was quite obvious.**
 14 Q. We will look at some of the cases, because you set out,
 15 at pages 11 to 13, a list of all the children that, as
 16 I understand it, you either met or you reviewed their
 17 ABEs or their --
 18 **A. I either conducted the ABE or I was the consultant. The**
 19 **way an ABE works is, you have somebody actually sat in**
 20 **the room talking to the child or the adult, and the**
 21 **other interviewer, if you like, is just sat outside**
 22 **monitoring it from a screen, making sure all the**
 23 **equipment's working, and actually thinking as well, is**
 24 **there anything else that we need to be asking about**
 25 **this. So I was one or the other.**

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1 Q. And that those steps would be agreed with the
 2 individual. Was that what you applied in these cases?
 3 **A. Yes.**
 4 Q. Were there those who simply didn't want to know what was
 5 happening in the investigation, or did most want you to
 6 carry on contacting them?
 7 **A. There was a whole range. There were some who just**
 8 **wanted to know when there was something to tell them,**
 9 **but in relation to this inquiry, because there were --**
 10 **I was working to such short time limits -- because he**
 11 **was remanded. We were dictated to by custody time**
 12 **limits and for when -- you know, for how long the**
 13 **investigation could be, and we'd had it extended**
 14 **a little bit because it was such a massive inquiry. So**
 15 **it's not like I wasn't letting them know -- I wasn't**
 16 **talking to them months on end, I was talking to them all**
 17 **quite regularly because there were quite regular**
 18 **updates.**
 19 Q. Whilst this was going on, what specific measures were
 20 being given to the children to support them in the
 21 investigation process?
 22 **A. They would receive support from witness support, or --**
 23 **the adults would get support from adult witness support.**
 24 **There is also, like, a child witness support unit who**
 25 **work specifically with children.**

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1 Q. You say that a common theme, especially amongst the
 2 foster children who struggled to come forward, was the
 3 fondness they had for Patrick Gallagher's wife.
 4 **A. Yes.**
 5 Q. She died in 2010; is that right?
 6 **A. Yes.**
 7 Q. Did that result in many more coming forward?
 8 **A. That's what started the investigation. The first young**
 9 **man who came forward -- they'd not long had**
 10 **Mrs Gallagher's funeral, and Mr Gallagher, quite**
 11 **short -- within days of that, had got two young men who**
 12 **were brothers and wanted to abuse them both at the same**
 13 **time within such a short time after her death, and**
 14 **that's what made the one child say, "Enough's enough".**
 15 Q. As I say, at page 12, you set out the many reasons why
 16 it was that children were unable to disclose. For you,
 17 what was the most striking, or what sticks out in your
 18 memory of what was the most striking issue that
 19 prevented disclosure?
 20 **A. Just how ashamed they felt. Dirty. They felt dirty.**
 21 Q. That was a prevailing theme?
 22 **A. (Witness nods).**
 23 Q. You have told the inquiry already about the steps that
 24 you would take to maintain contact with individuals.
 25 **A. Yes.**

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1 Q. Did you ensure in each case that that was actually
 2 happening?
 3 **A. I made all of the referrals in relation to all of**
 4 **the children, yes, and adults.**
 5 Q. Was that your practice generally with the CAIU?
 6 **A. Yes.**
 7 Q. At paragraph 4.4, you touch very briefly on lessons
 8 learned. You say that you treated all the victims as
 9 individuals. Looking back to cases of disclosure that
 10 you'd handled from 2000 onwards and prior to the
 11 Gallagher case, what aspects do you now think could have
 12 been done differently? So this is pre Gallagher --
 13 **A. All right.**
 14 Q. -- you have got cases where disclosure has been made.
 15 Do you think now, looking back, things might have been
 16 done differently, or the approach adopted be different?
 17 **A. From my point of view?**
 18 Q. Yes.
 19 **A. No.**
 20 Q. One question I am asked to ask you is that, after
 21 Gallagher's conviction, some of the complainants
 22 understand that further allegations were made against
 23 him. However, the decision was taken to caution him
 24 instead of pursuing a further prosecution. Is that
 25 right?

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1 **A. Yes.**
 2 Q. Why was that decision taken?
 3 **A. Mr Gallagher had got -- I have listed it there --**
 4 **13 life sentences. He is never coming out of prison.**
 5 **It was not in the public interest to go back to trial.**
 6 **But it was in the interest of those victims to get**
 7 **justice.**
 8 Q. There was a Serious Case Review into the Gallagher case,
 9 which focused primarily on the seven looked-after
 10 children.
 11 **A. Yes.**
 12 Q. At the time of giving your statement, you hadn't been
 13 provided with a copy of the SCR; you have since. Have
 14 you had a chance to look at it?
 15 **A. I have.**
 16 Q. We know from that SCR that there was a joint
 17 investigation in 2006 when a child disclosed that he'd
 18 been made to watch pornographic film with Gallagher.
 19 Again, the inquiry is aware of that. No further
 20 children were placed and the Gallaghers were
 21 deregistered. Were you involved in that police
 22 investigation in 2006?
 23 **A. No.**
 24 Q. One of the outcomes of the SCR was that there was
 25 a review of the approach to investigations, so one of

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1 misbehaving so that he would be moved on. Had you come
 2 across that before?
 3 **A. What, before this?**
 4 Q. Yes.
 5 **A. No.**
 6 Q. There is reference also to one of the children providing
 7 a graphic description of how fearful he'd been after he
 8 was abused by Gallagher, who had physically threatened
 9 him, and he was a boy who exhibited changes in behaviour
 10 that his foster carers and teachers noticed but were not
 11 able to understand at the time. Again, was that
 12 a familiar experience to you, of behaviour changing in
 13 the wake of abuse?
 14 **A. I've made some notes myself, having looked at the**
 15 **Serious Case Review. Is it all right if I have a look**
 16 **at them?**
 17 Q. In the time, unfortunately, that we have got allotted to
 18 us, are you able to summarise what that might be?
 19 **A. Okay.**
 20 Q. Please.
 21 **A. Children misbehave for all sorts of reasons. Yeah, they**
 22 **can misbehave because of -- I'm not quite sure what**
 23 **words he uses in the report. Children can misbehave**
 24 **because they are being sexually abused and it is as**
 25 **a response to that. Equally, they can just be**

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1 the issues that arose was whether or not the child who
 2 had come forward to say that he had been invited to
 3 watch pornography, whether or not there should have been
 4 a more extensive investigation of other children.
 5 **A. Yes.**
 6 Q. One of the recommendations in the SCR was that there
 7 should have been a more sceptical and forensic approach
 8 to interviewing. Do you have any views about that?
 9 This is the interview with Patrick Gallagher.
 10 **A. Yes. I think that's a very difficult question to ask,**
 11 **because no allegations of any crime had been made.**
 12 **I know it says in there about interviewing him under**
 13 **caution. Well, that would be a very difficult thing to**
 14 **do because he hadn't made -- the child, from the**
 15 **information that we'd got, hadn't made an allegation of**
 16 **a crime, and I think that's why the decision was made to**
 17 **deal with it the way that it was dealt with.**
 18 **I say that. I can only take that from the**
 19 **information that I read from the computer systems that**
 20 **we have got, because I wasn't involved in the actual**
 21 **decision-making process.**
 22 Q. We don't need to have this up on screen, but I'm looking
 23 at the SCR, and the section dealing with minimising the
 24 barriers for children disclosing sexual abuse. One of
 25 the examples that a child gave is of deliberately

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1 **misbehaving. I think you've got to be very careful if**
 2 **you use a child misbehaving as an indicator to sexual**
 3 **abuse. Yes, you need to look at it, but you can't just**
 4 **make assumptions that that's why they're doing it.**
 5 Q. In your experience, how relevant was it to your
 6 investigation that the school where the child went had
 7 concerns about the child's welfare and trying to
 8 establish timelines?
 9 **A. In relation to Gallagher, I didn't need to review the**
 10 **school records or social care records because**
 11 **Mr Gallagher admitted everything that we put to him.**
 12 **Because of that, there was no need for me to look at**
 13 **records to see if anything undermined the prosecution**
 14 **case or assisted the defence. So I don't know what was**
 15 **in the school records.**
 16 Q. We go on to look, please, at the case of F77 and one or
 17 two aspects that arise is, in one of the documents,
 18 there were separate allegations made against F76, F77's
 19 wife, in relation to cruelty.
 20 **A. Yes.**
 21 Q. The understanding is that these weren't pursued. Why is
 22 that?
 23 **A. The F77 and F76 enquiry was even bigger than Gallagher.**
 24 **There were two sets of foster carers. There were over**
 25 **60 children that needed to be visited. So the decision**

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1 was made that actually I needed to concentrate on that
 2 and that the issues around cruelty would be looked at,
 3 and they were, but it was looked at a little bit later.
 4 So they weren't not considered.
 5 Q. I have confused you, I'm afraid, because we are looking
 6 at the F77 case, not the Gallagher --
 7 A. Yes, F77, yes. Sorry.
 8 Q. That's all right. There were issues taken up on
 9 learning to be taken from the F77 investigation, and
 10 reference is made in that learning process to trust
 11 breaking down between the fostering service. Were you
 12 aware of this?
 13 A. Not -- I have read the document. I didn't actually --
 14 well, yeah, I did. What happened was -- is I was -- we
 15 had been in a meeting and I was just discussing
 16 something with the allocated social worker to the
 17 enquiry, and one of the fostering team came out and was
 18 supportive of F77 and his wife, and, frankly, I was
 19 quite shocked. So myself and the social worker from the
 20 R&A team had a conversation about the fact that actually
 21 we needed to tell somebody about that, so she took
 22 responsibility for dealing with it within social care,
 23 which is I think where this has come from.
 24 That said, that was the words of one social worker.
 25 It would not -- well, it didn't impact on my ability to

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1 records is done further down the line of an
 2 investigation.
 3 A. Yes.
 4 Q. That was more or less your phrase. Would a decision to
 5 take no further action be taken in advance of looking at
 6 those records?
 7 A. It would depend on each -- each investigation is
 8 different because each allegation is different and each
 9 child is different. So you could have an enquiry that
 10 goes all the way through to potentially a charging
 11 decision, and then when you look at social care records,
 12 they are that undermining that it becomes a "no further
 13 action" decision. By and large, that's a decision taken
 14 by the Crown Prosecution Service. Other enquiries, they
 15 can come to "no further action" much sooner than that.
 16 MR SADD: Mrs Hicks, we have had a short time between these
 17 questions, but thank you very much for your patience.
 18 It may be that you will be asked questions by the panel.
 19 Questions by THE PANEL
 20 THE CHAIR: Thank you. Ms Sharpling?
 21 MS SHARPLING: Thank you, Mrs Hicks. Just a couple of
 22 questions. Firstly, as an experienced detective, you
 23 will know that, during the course of a criminal trial,
 24 it can be put to complainant witnesses that they have
 25 colluded one with the other.

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1 work with fostering, if that's what you mean.
 2 Q. And it didn't impact on your relationship with
 3 Social Services?
 4 A. Oh, no. We didn't -- investigations aren't done with
 5 fostering. Investigations, joint investigations, are
 6 done with the R&A team. So it's not fostering's role to
 7 get involved with that.
 8 Q. Finally, Mrs Hicks, you discuss at paragraph 7.1 of your
 9 statement the system for recording child abuse
 10 allegations and how that's now defunct and can no longer
 11 be accessed. Do you remember?
 12 A. Oh, the CATS system?
 13 Q. Yes. Was the information on that system transferred
 14 onto another information management system?
 15 A. It was. It's been transferred onto the current system
 16 we have got, which is called NICHE.
 17 Q. Where is information on earlier allegations predating
 18 the system?
 19 A. When I first went on the department, everything was
 20 handwritten, so we kept logs, and then quite late -- it
 21 had been like that for probably about eight or nine
 22 years before we actually went on to using the electronic
 23 system. And for a period of time, there was a bit of
 24 both.
 25 Q. You mentioned earlier that looking at social service

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1 A. Yes.
 2 MS SHARPLING: How do you manage that, in terms of your
 3 investigation?
 4 A. In relation to investigations like Gallagher and F77,
 5 you have to agree with the Crown Prosecution Service
 6 a particular set of questions, because you can't go up
 7 to a child and say, "Did this person abuse you?",
 8 because, clearly, that's really going to be undermining.
 9 So there's an agreement with the Crown Prosecution
 10 Service about exactly what questions you can ask when
 11 you go and knock on somebody's door.
 12 MS SHARPLING: Thank you. Secondly, you talked earlier
 13 about referrals.
 14 A. Yes.
 15 MS SHARPLING: And sometimes calls can come into the call
 16 centre.
 17 A. Yes.
 18 MS SHARPLING: When you are not on duty and the sergeant is
 19 on duty, who has the final say on whether that goes
 20 forward for investigation?
 21 A. I'm perhaps not understanding what you are asking,
 22 but --
 23 MS SHARPLING: How does it get to you, in other words?
 24 A. Right. What happens is, you can get a referral either
 25 come from social care, directly from -- because

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<p>1 disclosures can be made there.</p> <p>2 MS SHARPLING: Yes, I understand that.</p> <p>3 A. Or you can get a call to the police, so it comes in</p> <p>4 through the control room. It comes into the referral</p> <p>5 unit, where a number of checks and enquiries are done,</p> <p>6 and then a decision will be made in there about whether</p> <p>7 it needs to go out --</p> <p>8 MS SHARPLING: So it is there that is the filter</p> <p>9 mechanism --</p> <p>10 A. Yes.</p> <p>11 MS SHARPLING: Not with you?</p> <p>12 A. No.</p> <p>13 MS SHARPLING: I see. Thank you.</p> <p>14 A. Unless the referral unit is not on duty.</p> <p>15 MS SHARPLING: I understand that, thank you.</p> <p>16 THE CHAIR: Thank you very much, Mrs Hicks.</p> <p>17 (The witness withdrew)</p> <p>18 MR SADD: Chair, one more thing. We have brought up various</p> <p>19 documents on the screen today, and these documents will</p> <p>20 be published in full on the inquiry's website.</p> <p>21 That completes the evidence for today, and we sit</p> <p>22 again at 10.00 am on Monday.</p> <p>23 THE CHAIR: Thank you, Mr Sadd.</p> <p>24 (3.58 pm)</p> <p>25 (The hearing was adjourned to</p>	<p>1 Monday, 22 October 2018 at 10.00 am)</p> <p>2</p> <p>3 I N D E X</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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