

Social Work Inspection Agency (SWIA) report: an inspection into the care and protection of children in Eilean Siar (Western Isles), August, 2005

Deadline for responses: 31 December 2005

Introduction

A sense of bewilderment and frustration surrounds the way in which the case of three abused young girls living in the Western Isles has been handled. Evidence has emerged on their long-term physical, emotional and sexual abuse by the father and by friends of the father. The myriad professionals and agencies involved for more than a decade repeatedly failed to protect these maltreated girls – culminating in the Crown Office dropping its prosecution. No criminal penalties have been, or will be, imposed on the abusing parents or other offending adults. Although now living with foster families, the three girls still have not been released from the legal authority of these parents.

In a candid and comprehensive 170-page report by the recently created Social Work Inspection Agency (SWIA), the history and lessons of this case are revealed. SWIA offers 31 recommendations for consideration – and action – by the local authorities, as well as by the Scottish Executive and the Scottish Parliament. These range from specific advice about supervisory procedures within the social work department of Comhairle nan Eilean Siar (Western Isles Council) to sweeping national recommendations about needed improvements to Scotland's child protection, education, health and police authorities.

Summary of the case

Alice was born in England in 1989. In 1990, Alice's mother (Mrs A) married a man who was not Alice's father. Mrs A had a history of sexual abuse as a child, learning problems and mental health issues. Alice's step-father (Mr A) previously had been convicted of indecent assault on his nine-year-old daughter from a previous marriage. Mr and Mrs A subsequently had two more daughters, Barbara (1991) and Caitlin (1993). From 1990 to 1995, Alice and her sisters were placed on the English child protection register as being at risk of sexual abuse.

Twelve child protection conferences about these girls were convened by the local social services authority in England during this five-year period, but the children were not removed from their home. Instead, the A family was provided with extensive services and assistance by local authorities.

The A family moved to the Isle of Lewis in 1995. Their records (in part) reached the local authorities in Eilean Siar and all three girls were placed on the child protection register in 1995 as being at risk of sexual abuse, physical abuse and physical neglect. As in England, extensive assistance was provided to support and assist the A family in Eilean Siar.

Mrs A (and eventually the girls themselves) reported sexual abuse by the father and friend of the father. Their home conditions (both physical and emotional) were repeatedly assessed by a variety of professionals and found to be sorely lacking. There were 222 official concerns registered about their well-being over the years – from cigarette burns to genital soreness, as well as from Alice repeatedly soiling at school, to being clingy, tired and weepy in the classroom. In all, 100

professionals were involved, 29 case conferences, 21 statutory reviews and 24 children's hearings were held about the maltreatment of the three girls.

Nevertheless, Alice was not removed from her home and placed in long-term foster care until 1998. Barbara and Caitlin were not placed with relatives until 2000 and were not in long-term foster care until 2001.

In October, 2003, nine adults in the Western Isles and England were arrested on various charges of seriously harming the three girls. In July 2004, the Crown Office dropped all charges against these adults for undisclosed reasons. Private prosecution against them is being contemplated. Mr and Mrs A still retain legal authority over all three girls.

Summary of the SWIA findings and recommendations

The basic findings of the Social Work Inspection Agency's Eilean Siar Report are: a) the girls all experienced severe and prolonged abuse; b) social work authorities made seriously flawed decisions and should have acted much sooner to protect the children; and, c) the health authorities failed to respond appropriately to the children's health problems and distress. SWIA explains and documents its findings in detail. There are numerous other, more case-specific and procedural findings.

Thirty-one recommendations are made by SWIA based on the lessons to be learned from this case. SWIA offers no ranking of these recommendations by priority, cost, urgency or other criteria. Instead, the recommendations are organised by authority/agency.

These include five for the Comhairle nan Eilean Siar and two for the Western Isles NHS Board. The recommendations flow directly from SWIA's findings in this case, eg, "seek a more permanent legal status for the children in family A" and "retain and effectively use health visitor records."

There are 14 recommendations that the SWIA addresses to various parts of all local authorities across Scotland. Included here are social work, education, police and health authorities. These address specific weaknesses, concerns and opportunities that surfaced in the Eilean Siar case, but which were judged to be of relevance throughout Scotland. Examples include: ensuring that there is a senior member of staff at every school responsible for recording and passing on child protection concerns; ensuring that there is a health professional at every NHS Board responsible for co-ordinating the services provided to children with multiple and/or complex needs; and, ensuring that when a convicted sex offender is acting as a parent, local social workers will be informed and act on that information.

For national policy purposes, the ten most significant SWIA recommendations are the ones directed to the Scottish Executive. Three of these recommendations merit special attention:

- **fostering regulations should be revised, so that family members of abused/neglected children must be formally approved (on their merits) as carers**
- **an independent advocate should be available to all children anywhere in the nation when decisions about them are being made in children's hearings or other inter-agency meetings**
- **a multi-agency national resource should be established to assist in the effective investigation and resolution of complex child protection cases anywhere in Scotland.**

Key issues

One of the clearest lessons to be learned from this SWIA report is that children need to be heard and heeded about being abused or neglected. However, it also raises several serious questions for anyone concerned about child maltreatment.

- **How can this case, and the SWIA report on it, result in clear priority being given to protecting children in policy and in practice?**
- **Will the recommendation made by Lord Clyde nearly 14 years ago about the Orkney child abuse case – and reasserted in the current SWIA inspection report – lead to the creation of a national centre on child protection?**
- **Which findings and lessons of the Western Isles inspection report have the most important implications for the Scottish Executive’s current initiatives around children’s hearings, family law and other child protection reforms?**
- **Do the lessons and recommendations of this report imply that the Children (Scotland) Act 1995 is in need of being reviewed and revised by the Scottish Parliament?**
- **Would the recommendations made by SWIA in its Western Isles inspection – if funded and implemented properly – prevent the recurrence of complex child abuse cases being mishandled?**

For more information on any of the points raised in this briefing, please contact:

Dr Jonathan Sher, director of research, policy and practice, Children in Scotland
tel: 0131 222 2418 email: jsher@childreninscotland.org.uk