

**Report To:** Health and Social Care Committee      **Date:** 24<sup>th</sup> August, 2017

**Report By:** Louise Long  
Corporate Director (Chief Officer)  
Inverclyde Health and Social Care  
Partnership (HSCP)      **Report No:** SW/33/2017/SMcA

**Contact Officer:** Sharon McAlees      **Contact No:** 01475 715282  
Gerard Malone      **Contact No:** 01475 712710

**Subject:** Scottish Child Abuse Inquiry

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## **1.0 PURPOSE**

- 1.1 This report alerts the Health and Social Care Committee to the formal service of a Section 21 Notice upon the Council requiring delivery of documents within its custody or control and advises of the arrangements necessary for compliance.

## **2.0 SUMMARY**

- 2.1 The Scottish Child Abuse Inquiry is considering the abuse of children in care. The Inquiry will report to the Scottish Government with recommendations for the future to improve the law, policy and practices for children in care in Scotland. The Inquiry is currently taking evidence from people who were abused.
- 2.2 In relation to the progress of evidence-gathering, a formal notice in terms of the Inquiries Act 2005 was served upon the Council on 4 June 2017 requiring documents within the Council's custody or control to be delivered to the Inquiry by 4 September 2017. The notice has been served on the Chief Executive and failure to comply with the notice is a criminal offence.
- 2.3 The notice requires the delivery by the Council of all documentation showing the arrangements for inspection or oversight of Quarriers Village, Bridge of Weir and for any records of documentation affecting any schools attended by children residing at Quarriers Village within Inverclyde in respect of the period from 1 January 1930 to 17 December 2014.
- 2.4 Arrangements have been put in place in order for the local authority to comply with the requirements of the Notice.
- 2.5 A Project Team of key representatives has been established to source and ensure documentation requested by the Scottish Child Abuse Inquiry team is identified from local sources or the archives at the Mitchell Library, is securely stored centrally prior to submission, read by a file reading team who will record and identify possible issues of concern for the Council.

### **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Health & Social Care Committee considers this report and notes the arrangements in hand to implement the notice's requirements.

**Louise Long**  
**Corporate Director (Chief Officer)**  
**Inverclyde HSCP**

## **4.0 BACKGROUND**

- 4.1 The Scottish Child Abuse Inquiry has been set up in October 2015 to investigate the abuse of children in care in Scotland. The terms of the Inquiry include the nature and extent of abuse of children in care in Scotland, the failures of those with legal responsibility to protect children in care from abuse and whether the failures have been addressed already or whether further changes are needed.
- 4.2 The overall aim and purpose of the Inquiry are to raise public awareness of the abuse of children in care, particularly during the period covered by the Inquiry. It will provide an opportunity for public acknowledgement of the suffering of those children and a forum for validation of their experience and testimony.
- 4.3 The Inquiry is investigating the nature and extent of abuse of children whilst in care in Scotland during the period from 1 January 1930 to 17 December 2014. The Inquiry is to consider the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland from abuse – regardless of where that abuse occurred – and in particular to identify any systemic failures in fulfilling that duty.
- 4.4 The purpose of the Inquiry is to create a national public record and commentary on the abuse of children in care in Scotland and to examine how abuse affected and still affects these victims in the long term and how it affects their families. The Inquiry will consider the extent to which failures by state or non-state institutions to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation. The Inquiry will consider whether further changes in practice, policy or legislation are necessary to protect children in care in Scotland from abuse in the future. The Inquiry will report to Scottish Government Ministers and also to the Scottish Parliament.
- 4.5 For the purposes of the Inquiry, a child is any person under the age of 18. Children in care includes children in institutional residential care such as children's homes including residential care provided by faith groups, secure care units including List D Schools, borstals, young offenders' institutions, places provided for boarded out children in the Highlands and Islands, state, private and independent boarding schools, including state funded school hostels, healthcare establishments providing long term care and any similar establishments intended to provide children with long term residential care, and also includes children in foster care. Children in care does not include children living with their natural families or with their adoptive families or children using sports and leisure clubs or attending faith based organisations on a day-to-day basis.
- 4.6 Abuse for the purposes of the Inquiry will mean primarily physical abuse and sexual abuse with associated psychological and emotional abuse.

## **5.0 S21 Notice**

- 5.1 On 4 June 2017, the Chief Executive was served with a Section 21 Notice issued by the Chair of the Inquiry, the Rt Hon Lady Smith. The Section 21 Notice is focused on the Council's and its predecessors' records showing the arrangements for inspection or other oversight of Quarriers Village, Bridge of Weir and for records affecting any schools attended by children residing at Quarriers Village in the period from 1 January 1930 to 17 December 2014.
- 5.2 A copy of the formal notice is attached as Appendix 1. Failure to comply with the notice is a criminal offence.

- 5.3 The notice requires delivery of the relevant records by 4 September 2017. There are provisions for extension of that timeline if necessary and this is at the entire discretion of the Chair of the Inquiry. Arrangements have been put in hand to identify and extract the relevant records. This is a major task that requires a dedicated project team and an initial project log has been developed to progress and govern this work. A project plan is being developed as work progresses on scoping out the implementation of the notice's requirements.
- 5.4 The notice will affect, primarily, the records within the HSCP and those of Education Services. The notice also will affect any relevant records retained by OD & HR and possibly Finance Services, if those exist.
- 5.5 Weekly meetings are taking place in order to monitor and implement the file identification, recovery and extraction. Significant numbers of Council records are held by the regional archivist in Glasgow and contact has been made in order to progress work there. The Council's archivist has also been contacted and officers from the HSCP and Education Services and OD & HR are all alert to the requirements and developing issues.

5.5 The Head of Legal and Property Services and the Child's Planning and Improvement Officer, the Council's Children's Planning & Improvement Officer, with the support of the Heads of Children's Services and Criminal Justice; Health Improvement and Planning; Head of Inclusive Education, Culture and Corporate Policy; Head of HSCP Admin; Senior Organisational Development Adviser; Libraries Manager; Information Governance Officer; Team Leader, Swift Team, are involved in progressing this complex agenda. Further resources are being identified as this task develops. Progress towards completion is being monitored on a weekly basis.

## 6.0 Finance

- 6.1 At this stage of the process, resourcing in relation to the section 21 notification has been contained within existing services.

## 7.0 IMPLICATIONS

### Finance

7.1

| Cost Centre | Budget Heading | Budget Years | Proposed Spend this Report £000 | Virement From | Other Comments |
|-------------|----------------|--------------|---------------------------------|---------------|----------------|
| N/A         |                |              |                                 |               |                |

Annually Recurring Costs/ (Savings)

| Cost Centre | Budget Heading | With Effect from | Annual Net Impact £000 | Virement From (If Applicable) | Other Comments |
|-------------|----------------|------------------|------------------------|-------------------------------|----------------|
| N/A         |                |                  |                        |                               |                |

### Legal

- 7.2 It is essential that the Section 21 Notice be complied with either within the set timetable or

within agreed alternative arrangements. This is a critical issue in terms of the Council's credibility and record keeping.

### **Human Resources**

- 7.3 There are no direct human resources implications arising from this report .It should be noted however that this is an area that should be kept under ongoing review.

### **Equalities**

- 7.4 Has an Equality Impact Assessment been carried out?

|   |   |
|---|---|
|   | YES (see attached appendix)   |
| √ | NO – This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required. |

### **Repopulation**

- 7.5 N/A

## **8.0 CONSULTATION**

- 8.1 N/A

## **9.0 BACKGROUND PAPERS**

- 9.1 S21 Notice

# Scottish Child Abuse Inquiry

PO Box 24085; Edinburgh EH7 9EA

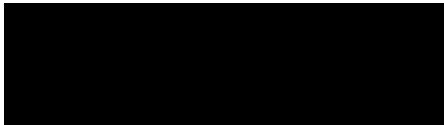
e-mail: [information@childabuseinquiry.scot](mailto:information@childabuseinquiry.scot)

2<sup>nd</sup> June 2017

To: Aubrey Fawcett  
Chief Executive  
Inverclyde Council  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

1. Notice is given, in terms of section 21(2)(b) of the Inquiries Act 2005 (“the Act”), that you are required by Rt Hon Lady Smith (“the Chair”) to provide at the above address not later than by **4<sup>th</sup> September 2017** all documents (as defined in section 43 of the Act) in your custody or under your control which are listed in paragraphs 1 to 3 of the appendix attached to this notice.
2. In terms of section 36 of the Act, where a person fails to comply with, or acts in breach of, this notice, or threatens to do so, the Chair may certify the matter to the Court of Session. The Court, after hearing any evidence or representations, may make such order by way of enforcement or otherwise as it could make if the matter had arisen in proceedings before it.
3. In terms of section 35(1) of the Act, a person is guilty of an offence if he fails without reasonable excuse to do anything that he is required to do by a notice under section 21 of the Act. A person who is guilty of such an offence is liable on summary conviction to a fine not exceeding £1000 or to imprisonment for a term not exceeding six months, or to both.
4. If you wish to make a claim in terms of section 21(4) of the Act:
  - (a) that you are unable to comply with this notice, or
  - (b) that it is not reasonable in all the circumstances to require you to comply with it,and that it should be revoked or varied,  
you should apply in writing to the Chair no later than by the end of the period within which production is required. When so applying you should:

- (a) identify, so far as possible, any particular document in relation to which the claim is being made;
- (b) state whether you seek revocation or variation of the notice, and in the latter case specify the variation sought;
- (c) give reasons for your claim; and
- (d) where it is claimed that it is not reasonable in all the circumstances to require compliance with the notice, the reasons for the claim should address the public interest in section 21(5) of the Act.



.....  
The Rt Hon Lady Smith  
Chair of the Inquiry

## APPENDIX

1. All records, books, reports, correspondence, memoranda, minutes, file notes and other documents of a similar nature in whatever form including electronic or digital form in the possession or otherwise within the control of Inverclyde Council or its predecessors or anyone acting on behalf of Inverclyde Council or its predecessors showing or tending to show the arrangements for inspection or other oversight of (a) Quarriers Village, Bridge of Weir and (b) any school(s) attended by children residing in said establishment(s), whether internal or external to the organisation, including but not restricted to:
  - (i) any policies, procedures and practices relative to such inspections, visits or other oversight arrangements;
  - (ii) the frequency of inspections, visits or other oversight of each establishment;
  - (iii) the identity and office of the person or persons carrying out inspections, visits or other oversight;
  - (iv) the purpose of inspections, visits or other oversight;
  - (v) what inspections, visits or other oversight involved in practice;
  - (vi) the conclusions, recommendations and outcome of inspections, visits or other oversight;
  - (vii) the action undertaken and by whom (whether by the organisation, establishment, inspector and/or other) in response to the conclusions, recommendations and outcome of inspections, visits or other oversight, and any follow up procedure and by whom (whether by the organisation, establishment, inspector and/or other) in relation thereto;all in respect of the period 1 January 1930 to 17 December 2014 inclusive.



2. Any record or document indicating, showing or describing the whereabouts of any record or document falling within paragraph 1 above where such record or document is outwith the possession and/or control of Inverclyde Council.
  
3. Failing originals, copies, electronic copies, digital or other medium copies, drafts or duplicates of the above or any of them.