

| Executive Summary

The Historic System to Protect and Prevent the Abuse of Children in Care in Scotland, 1948-1995

Report for the Scottish Child Abuse Inquiry

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October 2019



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Introduction

The Scottish Child Abuse Inquiry commissioned this report into the existence and effectiveness of the systems that pertained in Scotland to protect children in care and to prevent the abuse of those children in the period framed by the Children Act 1948 and the Children Act 1995.

The research addressed the following overarching questions:

- to identify and describe the policies, structures, and mechanisms in place at the Scottish Office and Local Authority levels to protect children in the care of the state from abuse and to prevent it occurring;
- to assess the effectiveness of these policies, structures, and mechanisms (e.g. oversight of Children's Committees, inspection regimes at national and local authority levels, effectiveness of communications between different authorities); and
- to identify and assess the attitudes expressed towards children in care by those responsible for their wellbeing across the period 1948-1995 and to identify change where it exists.

It also addressed the following sub-questions:

- to identify the degree to which the state (either Scottish Office or Local Government) oversaw/scrutinised the care provided by voluntary institutions after 1948;
- to identify the relationship between Scottish Office mechanisms for inspection (HMI) and local authority regimes in the case of child care institutions;
- to identify whether there was any distinction made between voluntary and state-run institutions in respect of inspection and protection regimes
- to identify whether and how training of residential care home staff was addressed in this period (at national and/or local authority level); and
- to identify how the system of inspection and reporting on children boarded out and in residential care in this period operated in practice and how responsive it was to intimations of abuse from children themselves, inspectors or third parties.

The report covers the following areas:

- it describes the systems and structures that existed at national (Scottish Office) and local authority levels to regulate the care of children who could not be looked after by their birth families;
- it cites the implementation of policies and procedures at the Scottish Office (Scottish Education and Home Departments) and by local authorities and identifies how and to what extent the regulatory mechanisms were executed in practice;
- it discusses the dominant attitudes towards children in care;
- it provides information about how appropriate qualifications and the training of staff was planned for and implemented by the Scottish Office and local authorities; and
- it assesses the effectiveness of the state in its responses to intimations of mistreatment and abuse from children themselves, inspectors or third parties.

Scope

We include children in a range of care provision, including boarding out or foster care; local authority children's homes (including reception homes, non-denominational residential homes and hostels that provided care for children beyond school-leaving age); and voluntary provision (children's homes and residential schools run by religious orders and other voluntary providers). The report also includes brief discussion of local authority remand homes and assessment centres, residential centres providing intermediate care, and Approved and List D Schools. Child emigration is not considered here but is the subject of a separate report for the Inquiry. There is some consideration in Part 2 of children under local authority supervision in their own homes but this is discussed in the context of mixed provision of care in this period.

The report focuses primarily, although not exclusively, on Glasgow and the West of Scotland—those areas that came under the local government of The Corporation of the City of Glasgow (up to 1975) and Strathclyde Regional Council (from 1975-1996). Where relevant, other local authorities are included in the research to offer the opportunity for comparison.

The Report (and this summary) is divided into two parts. Part 1 deals with the period from the Children Act 1948 to the Social Work Act 1968. Part 2 deals with the period from the Social Work Act 1968 to the Children Act 1995.

Methodology

This research into the day-to-day workings of the historic child care system in Scotland draws primarily on historic written records created by the relevant authorities at the Scottish Office (primarily Home and Education Departments) and Local Government Children's Departments (1948-c.1969), Social Work Departments and Education Departments (primarily though not exclusively Glasgow Corporation and its successor, Strathclyde Regional Council). We have also consulted some records created by voluntary organisations providing child care, namely Smyllum Orphanage, Quarrier's Homes, Aberlour Orphanage, Barnardo's, Church of Scotland Homes, and residential establishments operated by several other smaller providers in Scotland. We also conducted some searches of online newspapers in order to access information not otherwise available in the official record.

In summary the key records consulted comprise:

- a) Records relating to children in care created by Scottish Office and held by the National Records of Scotland: Home (until 1960) and Education Departments (from 1960); and by the Social Work Services Group which was based within the Education Department from 1967.
- b) Records created by local authority bodies (primarily Glasgow Corporation Children's Department, Strathclyde Regional Council, and Glasgow City Council Social Work Departments—all held at Glasgow City Archives) relating to children in care within their jurisdiction.
- c) Children's case files. A random sample number of children's case files according to the date of birth of the child up to 1945, and a random sample of files held for children born after this period held by Glasgow City Archives. We have also examined a small sample of case files of children in the care of voluntary providers who were not placed by the local authority are still held by those voluntary organisations.
- d) Newspapers. We conducted some searches of online newspapers to access press reports of prosecutions for abuse of children and reports of issues concerning legislative changes, children's homes and miscellaneous matters of interest related to child care by the state.

Historical records are subject to legislative ruling and government, local authority and institutional policies, and practices on retention, preservation, and access. The records consulted are not comprehensive (that is, not all records that were created have been preserved or can be identified in archives). However, we have reviewed an extensive range of historical records relating to Scottish Office and mainly Glasgow local authority childcare responsibilities, which overwhelmingly present a record of what adults have done on behalf of and to children. The child's voice is rarely heard directly.

The written historical record reveals much about how children were treated in the care system; they provide evidence of dominant attitudes towards children in care and about the practical steps taken to look after children. But the absence of children's voices in the historical written record is a barrier to knowing about the existence, extent, and response to abuse in the past. The systems and practices employed by local authorities and the Scottish office to regulate child care did not facilitate an environment in which children were likely to reveal mistreatment or abuse whilst they were in care. This is not to say that children did not disclose abuse to responsible persons such as inspectors, teachers, and social workers. However, these instances are recorded very infrequently, and we must assume that some disclosures were not recorded. Where abuse and mistreatment were reported by a child, that reporting was more likely to occur outwith the care system, especially prior to the 1968 Social Work Act. The provisions of that Act, particularly the assignment of a case worker for each child, appears to have increased the opportunity for children to report mistreatment or abuse. In addition, we must presume that evidence of abuse was more commonly manifested in a number of ways—for instance via certain behavioural traits exhibited by children. These indicators are evident in the historical record, but are seldom explicitly linked to abuse.

Background context

From the late nineteenth century an extensive pattern of voluntary provision complemented statutory poor relief in Scotland, establishing a complex web of care services encompassing children's homes, boarding out, adoption, and emigration. A child could have experience of the public and private sector, of multiple children's homes, or placements with guardians, and—in some instances—all of these types of provision. Until the 1960s a child was likely to experience long-term care until discharge into the world of work and, subsequently, from the care system, at age 18.

Much of this report discusses the implementation of policies and the delivery of services in Glasgow, the authority with by far the largest number of children in care throughout the period under review. Glasgow in the post-war decades was a city characterised by economic and social deprivation including appalling housing—both lack of sufficient homes and poor-quality homes—which was a prime factor in placing stress on families, sometimes in itself necessitating children being taken into care. The housing crisis also meant there was a severe shortage of suitable accommodation in the city and its environs at least until the early 1970s in which children could be boarded out, either temporarily or longer term. These conditions, alongside insufficient resources within the Children’s Department, must be borne in mind when considering the implementation of policy on the ground in the city. The situation that pertained in Glasgow should not be assumed to apply to all local authorities.

Key Findings

1. What were the policies, structures, and mechanisms in place at the Scottish Office and Local Authority levels to protect children in the care of the state from abuse and to prevent it occurring?

Part I: 1948-1968

The post-war childcare environment in Scotland was shaped by the pattern of historical provision (the preference given to ‘boarding out’ over residential care), the findings and recommendations of the Clyde Report (1946) and the Kilbrandon Report (1964), as well as legislation: chiefly the Children Act 1948, and the Social Work Act 1968.

The Clyde Report essentially gave Scottish authorities the go-ahead to continue with boarding out after World War Two in a modified form. Clyde identified: the inconsistent administration of child welfare in Scotland, which invariably resulted in inspection failures (especially in respect of boarded-out children cared for outwith their own local authority); the gap between structures in place to ensure children were cared for, and the implementation and effectiveness of these; and the urgent need for staff education and training, though discussion of implementation of training was left to the Scottish Advisory Council (and not addressed until after the 1948 legislation). Clyde did not address child emigration.

The Children Act 1948 placed legal obligation on local authorities (through a Children's Committee and a Children's Department, overseen by a Children's Officer) to look after children, and dictated how this duty was to be administered. Day-to-day responsibility for children was in the hands of local authorities; overall executive responsibility was assigned to the Secretary of State for Scotland. Local authorities now had the responsibility to take children into care, to assume parental rights over such children, to provide appropriate accommodation, and ensure that after care was provided at least up to 18 years of age. The Act 'intended that the children should be compensated for lack of parental care.' Children were not to be taken into care unless completely necessary (prevention).

The responsibilities of the Secretary of State and local authorities were summarised in a lengthy schedule. The responsibilities of the Secretary of State included: provision (in the sense of requiring the local authority to set up and run homes), regulation, and inspection of children's homes, and inspection of children's departments with the setting up of a single inspectorate. The Secretary of State also had the power to close an unsatisfactory home. With regards to boarding out, the Secretary of State's role was less clear cut: to issue regulations, to receive notification from a local authority when a child was moved, and to maintain a list of guardians from whom children had been removed on account of mistreatment. In practice and in respect of all sectors of provision of care, the Scottish Office largely operated in an advisory and regulatory capacity through the Home and Education Departments and, from c.1967, via the Social Work Services Group. The inspection of local authority and voluntary-run children's homes and Approved Schools was carried out (though coverage and frequency is not apparent from the records) until the Social Work Act 1968 moved this function to local authorities. There was no official schedule or criteria for inspection that we have identified; reports were not routinely shared with local authorities or voluntary organisations. Recommendations were not always issued and if they were it was often verbally. The Scottish Office had no responsibility for, or mechanism for conducting, the oversight of the welfare of individual children.

Thus, with the exception of inspection of children's homes, it was the local authority that was entrusted with the welfare of children in its care.

Local authority management of children's services was undertaken by the Children's Department (comprising a range of staff from boarding out officers to clerical staff), headed by the Children's Officer, and oversight was managed through the Children's

Committee, comprising elected members. Throughout the period under review (1948-1995), Children's Departments were often extremely stretched in respect of the numbers of children requiring care and the functions for which they were responsible. This is very evident in evidence concerning Glasgow's Children's Department. The visiting and inspection of individual children under the care of the local authority—those boarded out (the majority) and in local authority and voluntary children's homes—was carried out by children's officers and by members of the Children's Committee.

Thus, the policies, structures, and mechanisms instituted to ensure children's welfare were put in place via the provisions of the Children Act and regulations governing boarding out and residential care. However, there were gaps left by the respective responsibilities of the Scottish Office and local authorities. These included:

- the failure to visit and inspect children placed privately in voluntary-run children's homes (and private foster care placements that were not for gain)
- the absence of a mechanism to ensure that the Scottish Office shared their reports of inspections of children's homes with the providers and the absence of a clear or formal feedback loop between providers and the inspectorate
- long intervals between reviews of existing statutory regulations governing child care and the issue of new regulations
- the lack of provision of an educational infrastructure that might promote a sufficiently large workforce of trained and qualified child care personnel particularly in the period up until c.1963 in Scotland; and thereafter, although progress was made in training larger numbers of field social workers, there were slow and inadequate developments made in providing accredited training for residential child care workers.

Local authorities struggled to implement change in the face of rising numbers of cases of children requiring some form of intervention. In the case of Glasgow, the picture is one of continuity with the pre-war regime in many respects. Whilst some of the personnel may have changed, the practices of dealing with children requiring care did not, at least in the short term. The Scottish Office failed to give much of a lead in the 1940s and 50s and came up against intransigent local authorities and voluntary organisations in respect of practices of boarding out, the running of residential homes, and in prevention strategies that were implemented piecemeal

and without either the enthusiasm or resources needed to make real improvements in the experiences of children brought into the care system.

Change was finally implemented in the wake of the Children and Young Person's Act 1963 and Social Work (Scotland) Act 1968, which placed prevention at the heart of childcare policy and practice and which set in train the establishment of professional social work practice.

Part II: 1969-1994

Following the Social Work Act 1968, the prime responsibility for the protection of children in care was handed to local authorities. The Scottish Office now only had an advisory or guidance role and no longer conducted inspections of children's homes. It only intervened in cases of deaths of children in care or in other certain instances, within matters pertaining to List D Schools and Assessment Centres.

At the local authority level there was now—in theory—greater oversight of individual children's needs. The employment of professional social workers and the assignment to each social worker of a case load meant the individual child had an allocated case worker (though continuity was often disrupted owing to the high turnover of social workers in authorities like Glasgow). In addition, the Children's Hearings System operated to identify appropriate care and supervision of children at risk. Both these post-1968 innovations potentially offered space in which the child's voice could be heard. However, the policy of prevention (the presumption that efforts should be made to keep children in their families) did militate against continuity of care for some children with knock-on effects on oversight of individual children.

2. What was the relationship between Scottish Office mechanisms for inspection and local authority regimes in the case of child care institutions?

Part I: 1948-1968

The Children Act 1948 had provided the opportunity to harmonise the inspection regime of children's homes (including Remand Homes) within the Scottish Home Department. Before this, a confusing bricolage of oversight had existed with personnel from Home, Health, and Education inspectorates responsible for oversight of childcare institutions. Inspection of Approved Schools was undertaken by the Education Inspectorate and this remained unchanged after 1948. Children placed in institutions were subject only to minor provisions within Boarding Out Regulations

introduced in 1947; these remained in place until superseded by the Administration of Children's Homes (Scotland) Regulations 1959.

There is evidence that some local authorities resisted the implementation of new structures and responsibilities following the Children Act 1948 (this was against a context of strained resources) and were resentful of Scottish Office involvement in the appointment of Children's Officers.

Where voluntary homes are concerned, the responsibility for individual children placed there by the local authority was the province of the boarding-out authority as they were treated as boarded-out children, albeit they were in a residential care home. Where the running of the institution was concerned, this fell to the Scottish Home Department until c.1960 (thereafter the Scottish Education Department).

The relationship between these two responsible bodies was not clearly spelled out and records indicate that when issues arose in a local authority children's home that prompted Scottish Office intervention, this sometimes gave rise to defensiveness on the part of the local authority. For the most part (until 1968 when the Scottish Office passed responsibility almost entirely to local authorities) the two systems of oversight operated in parallel. Scottish office inspection reports were not passed routinely to the local authority and local authorities were reluctant to involve the Scottish Office when difficulties in homes arose, although they were obliged to inform the central administration in some circumstances, such as when the deaths of children in care occurred.

Part II: 1969-1994

In 1968 the major responsibility for child care moved to local authorities who were now responsible for the registration of most residential institutions within their individual catchments. The role of the Scottish Office via the Social Work Services Group (SWSG) and their advisory arm, the Central Advisory Service (CAS) was broadly to provide policy guidance and review, advice on the levels and nature of service provision, undertake or commission research, and give some assistance with in-service training for social workers. Though the Secretary of State continued to have powers of entry to institutions and control over setting statutory regulations, in practice, these powers were rarely used in the case of mainstream children's homes, though inspection of List D schools—mainly run by voluntary organisations—was still undertaken.

Therefore, in this period all activities by social work departments were formally performed under the direction and guidance issued by the Secretary of State. The Secretary of State could make regulations and also retained the power to require local authorities to remove children from placements if their welfare was in danger, and to enter any establishment where a child was being looked after. However, in practice the Secretary of State's power to compel change where practices were found wanting was limited.

3. How and to what degree did the state (either Scottish Office or Local Government) oversee/scrutinise the care provided by voluntary institutions after 1948?

Part I: 1948-1968

Children who were cared for in voluntary-run, rather than local authority, residential care were visited only if they had been placed there by the local authority. Children's officers and members of the Children's Committee (councillors) undertook regular visits to fulfil the statutory obligations to inspect these children on a six-monthly basis under regulations made in 1947, and at three-monthly intervals after 1959. The historical records held by the voluntary homes and the local authority indicate these visits did occur, but provide little indication that the visitors met with children alone or undertook any assessment of their welfare according to criteria. There is no indication that visitors had any specific training to allow them to properly assess children's wellbeing. Children who had been placed in these homes privately were not overseen by any external agency. Inspections of voluntary-run homes were undertaken by the Scottish Office but the focus of these was on the management of the home and its environment and culture. These inspections did look at records but did not, as a rule, pay attention to individual children's welfare.

Part II: 1969-1994

After 1968 oversight of voluntary homes was placed in the hands of local authorities and the homes' own governing bodies, although the Scottish Office via the CAS did engage with voluntary providers. This meant that there was no inspection of the general environment and standards in these homes by external parties as far as records indicate.

By this time all children were under supervision of the local authority and all were assigned a social worker who would have visited children placed in voluntary homes on a regular (three-monthly) basis.

4. Was there any distinction made between voluntary and state-run institutions in respect of inspection and protection regimes?

Part I: 1948-1968

The inspection regimes for all kinds of institutions were the same throughout the period under review (although Approved Schools were always inspected by the SED, whereas children's homes were inspected by the Home Department until 1960). All childcare institutions were subject to inspections by the Scottish Office until c.1968, although the frequency and scope of inspections cannot be ascertained from the historical record. Inspection reports until c.1960 are scant, and it is likely that even after 1960 a good number of reports have not been retained. After the Social Work Act 1968 residential childcare institutions were subject to local authority registration and oversight. Records of such inspections for Glasgow/Strathclyde for this period have not been identified.

All children in the care of the local authority were inspected by that authority, whether they were boarded out or in local authority or voluntary residential care institutions. Before 1968, children who were privately placed in a voluntary run residential home were not subject to visitation or inspection by any external agency. Their welfare was overseen by the voluntary institution and the governing body held responsibility for their welfare. Children who had been privately placed with foster carers were supposed to be supervised according to the provisions of the Children and Young Persons Act 1937 and the Children Act 1948. Some children in residential care may have been visited by so-called 'foster aunts' or befrienders, but these did not have a role in inspection. After 1968, all children in the care system were the responsibility of the local authority and were allocated a social worker who was charged with checking and reporting on the welfare and progress of children to whom they were assigned.

Therefore there was no statutory difference between state-run and voluntary-run institutions with regard to the regimes in place to inspect provision of care and the welfare of children. The historical record does not allow us to say with certainty that all institutions in Scotland were inspected on a regular basis. While we can be fairly

sure that all children under local authority care were visited according to the statutory requirements, it is not possible to be confident about the quality of the visit or the likelihood that a visitor would have identified any issues relating to the children inspected. Not all children were seen individually, and there is no evidence that individual children were given the opportunity to speak with children's officers or councillors. Therefore it is fair to surmise that abuse would not have been either reported or noticed by these visitors.

Part II: 1969-1994

As noted above, after 1968 local authorities had responsibility for inspection of their own and voluntary-run institutions. The surviving historical record does not reveal whether general inspections of homes were carried out for the purpose of registration. Information was collected. There are some examples of the forms on which this information was collated. Who visited, or if they visited, is unknown. Homes that were already registered when the Act came into force remained registered. There were transitional arrangements made for a handover.

Children in the care of the local authority—whether in local authority homes or voluntary homes—were assigned a designated social worker who visited on a regular basis. Some of the larger providers of voluntary homes employed their own residential social workers who had regular contact with the children.

5. How was the training of residential care home staff addressed in this period (at national and/or local authority level)?

Part I: 1948-1968

Training provision in Scotland was at a very low level until the 1960s and was central to most of the problems encountered since 1948. Clyde had emphasised the importance of investment in training but, unlike in England, there was no centralised training body established—and during the 1950s there was a view that training was best delivered in the voluntary homes. Throughout the 1950s accredited training for residential childcare workers was only available through two colleges of further education in Scotland, and the numbers of available places each year were inadequate to meet demand. Throughout the 1950s and early 1960s, training provided for local authority field officers and experienced residential workers without formal qualifications consisted of central government sponsored 'refresher courses'

and some extra-mural lectures provided within universities. Neither was there any bespoke training for boarding out officers or for council members entrusted with visiting children in residential care until the 1960s. Evidence from children's home inspection reports until the late 1960s indicates that few staff with responsibility for children's day-to-day care had training, experience, or qualifications (with the exception of nursery nurses and matrons who had nursing training). There was no impetus from the Scottish Office to improve training provision until the early 1960s, and this met with only limited advances; local authorities were limited to offering in-service courses and refresher training on an ad-hoc basis. Staff shortages across the sector meant that few could be released for full-time training.

Improvements to the training environment and further expansion had to wait until the late 1960s but even then, progress was slow. There was a small expansion in residential childcare courses at this time, but provision was once again below stated needs. In Glasgow there was no formal in-service training in 1966, and the authority sponsored very few of its employees to take the residential childcare training available. From 1964 onwards, there was progress in providing training for field workers either through colleges and universities, refresher courses run by the SED, or via the kinds of in-service, informal training outlined above—though clearly this had some limitations. Overall, there was a huge backlog of untrained childcare workers. On the eve of the Social Work Act in 1968, of the 305 officers employed within Children's Departments, only 60 had professional childcare qualifications. It almost goes without saying that foster parents who looked after the vast majority of children in care were not provided with any training or support in the period until at least the 1970s—though we lack information that might show the take-up of such programmes.

Part II: 1969-1994

When the Social Work Act 1968 came into operation and Social Work Departments were established, demand for qualified workers was immense in Scotland. Some improvements can be seen, with several universities and colleges of education providing educational programmes leading to accredited qualifications. Increasingly field social workers were professionally qualified, and by the 1980s it was unlikely that unqualified staff would have been employed in this role. However, the residential sector continued to lag behind badly—both in local authority and voluntary-run homes. The example of Lochgarry Home (run by Glasgow local

authority and visited in 1973) indicates the poor level of training of staff there and this was likely to be replicated in some voluntary homes.

5. How effective were these policies, structures and mechanisms (e.g. oversight of Children's Committees, Inspection regimes at national and local authority levels, effectiveness of communications between different authorities) in protecting children from abuse?

Part I: 1948-1968

The question of whether the regulation and inspection regime was effective in the period between the 1948 Children Act and the 1968 Social Work Act in preventing the mistreatment and abuse of children must be answered in the negative.

The inspection regime implemented by local authorities and the Scottish Office was conducted broadly in line with the regulations, but there were shortcomings in respect of all areas of child care—notwithstanding the fact that care standards at the time were not what they are today. We think it unlikely that inspectors, especially those employed by Glasgow Corporation who had huge caseloads, would have detected the mistreatment or abuse of children in both foster care and residential care. Whilst the welfare of individual children was the responsibility of local authorities, evidence suggests that oversight was at best patchy and likely contingent on adequate financial and staffing resources. Glasgow certainly visited the children in its care placed in residential homes and in far flung and closer-to-home foster care, but the notes recorded on children's case files suggest visitors—and especially councillors—were content merely to see the children and sometimes it is not evident that they did this, being content to take the word of guardians and professionals.

Before 1960, Scottish Office inspectors seemingly took a broad-brush approach to the material provision of care in children's homes; after that date, inspections paid more attention to provisions made for children to develop socially and as individuals, but the surviving record indicates a general willingness to accept conditions in homes that were far from ideal for children who often had complex physical and emotional needs. It was not within the remit of the Scottish office inspectorate to check on the wellbeing of individual children, except in a very superficial way, i.e. they might review case files, or a sample of these to ascertain standards in record keeping. There is no evidence that Scottish Office inspectors had the time or the remit to attend to children's behaviour.

In the cases of institutions where mistreatment was alleged that have been examined in this research, the intimations originated elsewhere and not from the inspectors-- either from the Scottish Office or local authorities. Residential care was poorly staffed in this period. Staff took on the management of children's homes with little experience and next to no training in many cases, at least until the 1970s and were often ill-equipped to deal with children who exhibited emotional disturbance. There was limited recognition that manifestations of emotional disturbance (such as bed wetting or absconding) could have been signs of mistreatment or abuse by child care staff or other children. It seems that inspectors rarely met privately with children suggesting there were few avenues for children to express their views or report abuse. The fact that examples of intimations of mistreatment and abuse identified in the records (relating to corporal punishment and inappropriate disciplinary regimes) all originated in complaints made to external bodies underlines the ineffectiveness of the regimes in place.

The regulation of foster care was similarly light touch with little evidence of foster parents being vetted despite the 1947 regulations requiring this and in the case of Glasgow at least, a familiar relationship often existed between childcare officers and established guardians that left children potentially exposed to mistreatment. Children were removed from foster carers, but we have identified few cases where mistreatment was the cause and the response was usually to move a child to another known foster home in the locality with a vacancy, or the child was placed in residential care. We have not located the so-called 'black list' of guardians that the Scottish Office was reputed to keep. Whilst the Scottish office was unhappy about the numbers of children Glasgow had boarded out in remote areas, it was unable to effect change overnight and small numbers of children were still being sent to the Highlands and islands in the 1970s.

The great organisational change that was made in 1948 with the introduction of separate Children's Departments did not necessarily usher in hoped for changes in practice. The new Departments had to deal with the legacy of pre-war policies, structures, and ways of doing things. In Glasgow at least, this department never had sufficient resources to implement fundamental change that would positively impact on the welfare and safety of all children brought to their attention. Moreover, the continued existence of large voluntary-run children's homes that were out of step with modern childcare thinking and the slow response to the practice of boarding out in remote areas meant that many children were allocated care placements that were far from ideal. Legislation and regulation thus failed to ensure that all deprived

children were given every opportunity to thrive—for some, the opposite could be true.

Part II: 1969-1994

The reorganisation and realignment of childcare services that took place following the Social Work Act 1968 and especially the assignment of a caseworker to each child, meant there was greater personal oversight of children's welfare and some opportunities for children to report abuse. However, contemporaneously, the implementation of prevention strategies and the presumption that efforts should be made to maintain children in their own homes resulted in resources being skewed towards these priorities. This resulted in a situation where children placed in residential or foster care long-term received the least interaction with their case workers whose workloads were dominated by complex families. Case files reviewed for this report suggest that some children did experience intensive engagement from their social workers and that social workers did sometimes advocate for them on their behalf. But the policy of prevention also left some children in potential danger in their own families.

Following the 1968 Act children's homes were placed largely under the aegis of local authorities; Scottish Office responsibility for inspection was greatly reduced. Whilst this new management and regulatory regime was simpler, avoiding the conflicts that arose between local authorities and the Scottish Office inspectorate, the new system potentially created holes in the regulation of these institutions and it is very hard to identify in the historical record precisely how and when residential homes were inspected by local authorities.

6. How did the system of inspection and reporting on children boarded out and in foster care in this period operate in practice and how responsive was it to intimations of abuse from children themselves, inspectors, or third parties?

Part I: 1948-1968

By far the majority of children who came into the care system between 1948 and 1968 were eventually boarded out in a continuation of the practice that had prevailed before the Children Act. In Glasgow's case, the majority were in foster homes far from the city. Although Clyde had deprecated this practice, Glasgow remained confident of the benefits of the crofter's home. The regulation and

inspection regime as it was implemented by the local authority generally adhered to the frequency requirement—most children it seems were visited every six months and then every three months from 1959. Such were the numbers and geographical distribution of boarded-out children, and so stretched were the staff of many Children's Departments, that inspection was carried out in accordance with the regulations, but was often superficial. Visits were often expected rather than unannounced, children were not always seen, and the opinions of guardians and other adults were largely taken at face value. When guardians requested a child's removal, the child was either moved to another foster home in the locality or back to a residential home in Glasgow. Records do not tell us that children's views were routinely elicited, though this does not mean that this did not happen. Inspectors were aware of the shortage of guardians and the consequences for a child if he or she were removed from a foster home. This situation was the cause of some risky decision making by child care officers.

In Glasgow by the 1960s, many more children were found foster homes in the city and its environs and increasingly these were with relatives rather than strangers, with a view to returning the children to their parents when circumstances improved. But oversight of these children was severely stretched (with some tragic consequences) and it is clear that in this period, prior to reorganisation brought about by the 1968 Social Work Act, recommendations regarding matching children with foster carers and ensuring child care officers developed strong relationships with all the parties simply could not be achieved owing to resource limitations and the poor quality of housing in Glasgow. So it was still the case that throughout the 1950s and 1960s children were boarded out in remote locations, which not only cut them off from relatives, but severed them from the services from which they might have benefited if they experienced emotional disturbance, or when it came time for them to be discharged from care.

The official written record requires careful interpretation. Case files are largely silent on the issue of abuse in this timeframe, although children were removed from guardians. We cannot rule out that this occasionally happened because childcare officers suspected ill-treatment, but more often it was because the child was unsettled or exhibiting disturbed behaviour (such as bed-wetting, bad language or running away) and the guardian requested removal. Thus, concerning behaviours were commonly interpreted as problems for the guardian.

Although the local authority was adhering to statutory legal requirements in carrying out inspection visits, in line with regulations and the advice given by the Advisory

Council, the efficacy of such checks on children's welfare must be seriously questioned. Inspectors were not trained. We argue that a) this casts doubt on the ability of the inspection regime to identify cases of abuse and b) there must be some concern about the partiality of the written record in some, if not the majority of cases. Regulation, introduced with the best of intentions, still provided no guarantees that abuse—where this occurred—would or could be swiftly recognised and addressed.

Part II: 1969-1994

After 1968 little changed apart from the increased placement of children closer to family (although some were still placed in remote communities into the 1970s). Efforts were made to find foster parents for children nearer to their family homes so that family ties might be preserved; and greater use was made of short-term fostering. Children who were placed in long-term foster care arrangements were significantly fewer by the 1980s. While prospective foster families were subject to closer scrutiny and checks, in terms of ongoing supervision and guidance (1986 Regulations tightened up the selection of foster parents and took on board the child's wishes), there was still a need for significant improvement in this area. The system did become heavily bureaucratic, but consistency in levels of regular of practical and emotional support was uneven due to staff shortages and staff retention problems within local authorities. There were no changes in the requirement for three-monthly visits to the home by social workers. Given children were generally boarded closer to home, that case workers were more likely to have been trained, and foster parents were more carefully selected, one must conclude that in general the system of foster care was more attentive to children's welfare than it had been in the earlier period. We have not identified cases where a child has reported abuse and thus it is difficult to say whether the improved system was more responsive to such intimations.

7. How did the system of inspection and reporting on children in residential care operate in practice and how responsive was it to intimations of abuse from children themselves, inspectors, or third parties?

Part I: 1948-1968

The system of inspection has been described above under question 1. Where allegations were made by children in, or formerly in, residential care, or by former care staff (and all such incidents identified in the historical record feature allegations and complaints made to external authorities) we identified mixed responses. No children's homes were closed down by the Scottish Office as a result of allegations of mistreatment nor were any closed following a poor inspection. Local authority responses likewise were mixed. Only one example was identified in the records of a local authority acting swiftly and in concert with the Scottish Office to respond to evidence of mistreatment. In the case of Glasgow, there was sometimes unwillingness to accede to recommendations made by the Scottish Office in respect of improvements that might be made to the care regimes in place.

The inspection system operated by the Scottish Office was more effective at identifying poor standards of care. Inspection reports frequently identified shortcomings in material provision in children's homes and in the quality and capacity of staff. Staff who lacked training or appropriate experience or who had backgrounds in disciplinary environments, such as the armed forces, and who had little support, were more likely to resort to corporal punishment or other unacceptable disciplinary measures to manage the children in their care—meaning those children were more vulnerable to abuse from staff.

Part II: 1969-1994

After 1968 it has not been possible to identify how the system of local authority inspection operated in practice. Any intimations of abuse by children may have been picked up by the children's designated social worker. In one case of alleged abuse in 1978 that occurred in a home run by a religious organisation, it is clear that although the home abided by the Regulations (they reported the allegation to the local authority), the home's response was inadequate.

8. What were the attitudes towards children in care by those responsible for their wellbeing across the period 1948-1995?

Part I: 1948-1968

The childcare system in the post-war period until the 1960s was characterised by regimes in which the imposition of discipline and control could too easily trump patient understanding of children badly damaged by their experiences. In some

ways, the attitudes shown to such children were merely a mirror of wider societal views. Once children entered the care system the clear line that existed in popular imagination between the innocent and vulnerable deprived child who deserved a chance to 'make good' and the potential juvenile delinquent likely to become a burden on society, became less clear cut. This rendered many vulnerable to negative views and poor expectations that had adverse effects on their mental and emotional wellbeing. This fact was then, inevitably, reflected in many of the structural features of the childcare system in which children who failed to match up to expectations simply became problems to be solved. The consequence was that such children were moved around the care system with little attention to their emotional needs.

Part II: 1969-1994

Change occurred in the 1960s across the child care system, most especially in respect of the policy that aimed to keep families together. This had a number of consequences. The children who did end up in children's homes felt stigmatised and powerless. The needs of some of those kept under supervision in their own homes went unrecognised, owing to the louder claims of the family as a collective. Most important though in this period were the opportunities for children to speak, reflecting a fundamental shift in attitude to children in care. The Children's Hearing System was the most formal forum for this, but children now had designated social workers who, in theory, took their needs and views into account.

Overall Summary 1948-1995

In the period before the Social Work Act 1968, responsibility for the safety and wellbeing of children in the care system in Scotland lay with the Scottish Office, the local authority, and voluntary providers. Whilst records indicate that inspection regimes were broadly adhered to in terms of frequency of visiting, evidence suggests there were shortcomings in the quality of inspection and the absence of any clear criteria for judging the standards in residential and foster care. Moreover, it is clear from children's case files that individual children were not always seen by inspectors. The relationship between Scottish Office inspectors and the providers of care (local authorities and voluntary providers) is unclear from the historical record, owing to the tendency of the SED inspectors to offer verbal recommendations and advice to providers. Local authorities and voluntary providers resented Scottish Office involvement.

Throughout this period the training of staff was lacking—both those who worked in local authority children’s departments and residential care staff. Foster parents received no training at all and little support. There was an absence of provision of training across Scotland and staff shortages meant it was difficult to release staff to undertake training.

In the period after the Social Work Act 1968 it is clear that responsibility lay almost entirely in the hands of local authorities, with the Scottish Office adopting an advisory role. While the regulatory regime tightened up inspection and oversight, particularly with regard to the oversight of individual children, this report’s analysis of how that operated in the case of Glasgow indicates that:

- staffing was still inadequate and, until the 1980s, insufficiently trained, particularly in circumstances in which many children coming into care belonged to families with complex needs;
- out-of-home care still comprised a mix of foster care and residential care, with the latter declining over the period (though residential care was still regularly employed for mostly short-term placements and for sibling groups);
- local authority oversight of the quality of care standards in children’s homes—especially in voluntary run homes—must be questioned in the absence of evidence that inspections were undertaken; and
- individual children undoubtedly had more contact with local authority and other professionals, and had more opportunities to express their views about their needs and their care.