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SHERIFFDOM OF TAYSIDE, CENTRAL AND FIFE IN DUNDEE

REPORT IN TERMS OF SECTION 11
OF THE CHILDREN (SCOTLAND) ACT 1995

Prepared by

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in causa

David Henderson Tarbett

PURSUER

against

Linda Sim Grant Archer

DEFENDER

Children Concerned:


William Tarbett

Court Ref No:
A1091/97

Report regarding the children, [REDACTED]
[REDACTED] and William Tarbett, 09.07.91; in relation to an application by Mr David Tarbett (Pursuer) under Section 11 Children (Scotland) Act 1995. This report is prepared by Phillip McGill, Social Worker (BA Hons, Durham; Postgraduate Diploma in Social Work, Glasgow; Certificate in Child Protection, Northern College, Dundee); Dundee Children's Services Social Work Department, 6 Kirkton Road, Dundee.

Pursuer: David Henderson Tarbett, 7 D Bonneathill Court, Dundee

Defender: Linda Sim Grant Archer
Living in Dundee

Children concerned:

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- William Tarbett, 09.07.91, c/o [REDACTED] (Foster Carers), [REDACTED]

Ms Archer prefers to be known as Ms Robertson and will be referred to as such throughout this report. Mr Tarbett and Ms Robertson are a separated unmarried couple. The three children are all subjects of Supervision Requirements, from the Dundee Children's Panel, and have been placed in the care of the Social Work Department since September 1994. These orders were last reviewed on: [REDACTED]
[REDACTED] and William 03.04.97. Copies of these Orders, noting the conditions regarding contact with Mr Tarbett and Ms Robertson are appended to this report.

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Appendix One: Copies of the children's current Supervision Requirements

1 INTRODUCTION

This comprehensive report addresses the questions raised by this application regarding the circumstances of [REDACTED] and William Tarbett. Full background information is provided in Sections 2 to 8 (pages 4 to 22). The Social Work Department's views and a recommendation are described in Sections 9 to 11 (pages 22 to 25).

The writer of this report has known the pursuer, the defender and the children since February 1996, in his capacity as Social Worker for [REDACTED] and William. The writer has been a practising social worker for seven years, working in Dundee City since 1991.

The writer has based this report upon his own knowledge, experiences and observations, and upon the information provided by colleagues, specifically Mrs Margaret Leslie, Social Worker for [REDACTED] and Mr Robin Duncan, Senior Social Worker. Section four of this report was compiled and written by Mr Duncan, based upon his analysis of the Social Work Department's records of its involvement with these children.

The writer, along with Mrs Leslie, interviewed Mr Tarbett and Ms Robertson specifically regarding the relevant information needed for this report.

Both Mr Tarbett and Ms Robertson have completed consent documents for Police record checks. These have been sent away and the information is expected shortly. It is known that Mr Tarbett was convicted in 1996 of an offence related to his harassment of Social Work personnel.

2 FAMILY STRUCTURE

[REDACTED] and William are the children of Ms Robertson and were born and initially brought up during her relationship with Mr Tarbett. Ms Robertson has not confirmed the children's paternity, though they have been brought up to believe that Mr Tarbett is their father. Ms Robertson had another child: [REDACTED] who is half-brother to [REDACTED] and William. [REDACTED] currently lives with his foster carers and is the subject of supervision through Perth Children's Panel. Mr Tarbett has five children from a previous marriage, these children were all received into care following the ending of their parent's relationship. These children have all now reached maturity.

Ms Robertson and Mr Tarbett have had many separations and reconciliations whilst the children were living in their care. After the children came into the care of the Social Work Department, in 1994, Ms Robertson and Mr Tarbett had a further separation and reconciliation and then separated in 1995. Ms Robertson and Mr Tarbett are not believed to have lived together since that time.

3 THE CHILDREN'S CURRENT CIRCUMSTANCES

The children who are the subjects of this report have lived continuously in the care of the Social Work Department since September 1994. During this time attempts to consider the children's rehabilitation to either Ms Robertson or Mr Tarbett have consistently concluded that neither have the understanding and ability that is required to care for the children. Those conclusions are based upon what is known of Ms Robertson and Mr Tarbett's actual parenting abilities, up to the children's reception into care, and thereafter, upon their statements and actions regarding the children, and their abilities to maintain relationships with the children through their contact meetings.

In August 1996 the Dundee Adoption and Fostering Panel, which is required to consider the circumstances of children who have not returned to their parent's care, recommended that the children's future should be secured through finding adoptive or permanent foster placements. These recommendations were approved by the Social Work Department Head of Children's Services, and became the basis of the Social Work Department's planning for the children's future.

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██████ who had been living with Mr and Mrs ██████ foster carers, since 1994, was then found a long-term foster placement, and with her agreement, moved into that placement, (Mr and Mrs ██████), in December 1996. Unfortunately this placement then broke down due to difficulties within the family, and ██████ moved to a temporary foster placement (Mr and Mrs ██████), in May 1997. ██████ lived with Mr and Mrs ██████ until September 1997 when she moved to her present foster placement (Mr and Mrs ██████). ██████ move from Mr and Mrs ██████ was requested by them in response to a rapid deterioration in their relationship with ██████, based on some of ██████ behaviour in their home. Mr and Mrs ██████ are very experienced foster carers and are both available full-time to care for their foster children. ██████ has settled well into their home and is making progress at school. At ██████ last Children's Panel the Panel raised concerns regarding the number of ██████ moves and requested that the Social Work Department seek a contemporary assessment of Ms Robertson and Mr Tarbett's potential to care for ██████ to ensure that this option for ██████ future was fully explored. The Social Work Department decided to refer this matter to the "Children 1st" organisation, who have experience in the assessment of, and promotion of, parenting skills. The Social Work Department had already requested "Children 1st" complete an assessment of the quality of the children's contacts with their parents and following the recommendation of the Children's Hearing, asked "Children 1st" to provide a more comprehensive assessment in relation to all three children. It is envisaged that this will be complete by March of next year.

██████ and William lived together in foster care, with Mr and Mrs ██████ from September 1994 to December 1995, and then with Mr and Mrs ██████ from January 1996 onwards. It had been intended that they would move into the ██████ home in December 1995, however a family bereavement for the foster carers prevented this and the boys had a respite foster placement with a single carer, Mrs ██████. This two week placement did not go well for the boys, who both alleged that there was a single occasion when they were physically abused. Their allegations were investigated and were not substantiated. ██████ and William had been noted by Mr and Mrs ██████ to be brothers who fought with each other continuously, and they continued to do this after moving to Mr and Mrs ██████.

Prior to the children's reception into care, there had been concerns raised regarding [REDACTED] and Linda's precocious sexual knowledge, possibly based upon their involvement in or witnessing of sexual activity. This aspect of behaviour became increasingly present in [REDACTED] attitude to William, and was noted by the [REDACTED]. At the [REDACTED], [REDACTED] and William were both acting provocatively towards each other and required continuous supervision in relation to sexual and aggressive behaviours. Along with [REDACTED] and William received a substantial period of therapeutic counselling from Polepark Family Counselling Centre, which had begun after their reception into care and continued until early 1996. Although this counselling was provided to support each child coming to terms with the inappropriateness of their behaviour, it proved not possible to prevent the children's continuing to be interested in experimenting with sexual behaviour. For [REDACTED] and William, the foster carers noted that the boys seemed to initiate intimacy with each other, and would sometimes each pursue keeping the other awake at night. The carers could not discern any pattern to either the aggressive or the sexualised behaviour, and voiced their serious concern regarding the effects of such behaviour, particularly in relation to William's vulnerability as the smaller and younger of the two.

When [REDACTED] and William were presented to the Adoption and Fostering Panel in 1996 the Panel recommended that the boys future welfare would be best secured by placing them separately, into different permanent placements. In March 1997 William moved to live with Mr and Mrs [REDACTED] foster carers. Mr and Mrs [REDACTED] are experienced foster carers and worked hard to help William feel at home with them, their children and their foster children. William quickly made friendships with the children, and responded to Mr and Mrs [REDACTED]. However, at school William showed a lack of concentration and motivation, seeming unable to accomplish tasks that he was able to complete while at the [REDACTED]. It has taken William until quite recently to have fully "opened up" in the [REDACTED] reflecting his slow coming to terms with the wrench of leaving his previous foster carers towards whom he was fond. At William's age this behaviour indicates that his relationship to his foster carers is by far his most significant, and that it is them to whom he looks for his security and emotional support. William is now very much enjoying living with Mr and Mrs [REDACTED] having managed to transfer his dependence, from the [REDACTED] onto them. At school William is now trying hard and proud to be achieving. William now has a lot of catching up to do in school.

[REDACTED] accepted William's moving out at first, and seemed to behave a little better, managing not to target anyone else in the foster family with his aggressiveness. However, within a short time [REDACTED] was having difficulties in relation to children in the neighbourhood, and was generally becoming more difficult to control within the foster home. At school [REDACTED] also began to do less well and to become disruptive, sometimes aggressive.

The Social Work Department has not been successful in identifying permanent placements for [REDACTED] or William. Whilst William has been able to move into another foster placement, which is able to continue for some time, [REDACTED] was continuing to live in a foster placement which was due to end when an alternative could be identified. Unfortunately, no other foster carers considered that they would be able to care for [REDACTED]. In July 1997, [REDACTED] began to speak about thinking of living in a residential unit.

By September 1997 this had become the only focus of his behaviour and attitude, such that he was refusing to be cared for by Mr and Mrs [REDACTED] was deliberately not doing whatever was expected of him and was making it very difficult for the [REDACTED] to be in charge of him and his safety. The Social Work Department considered that [REDACTED] placement could not continue, and moved [REDACTED] into [REDACTED] on 29th September 1997.

[REDACTED] continues to live in [REDACTED] where he is now the only resident. [REDACTED] behaviour since moving to [REDACTED] has become quite extreme. He has deliberately sought to be excluded from school on three occasions (for violence to staff and pupils, destroying school property, verbal aggression including sexualised language). [REDACTED] has destroyed property in Strathmore, has sought to run away, has been aggressive to staff and, most worryingly, has tried to harm himself and has talked of killing himself.

In June 1997, in response to concern for [REDACTED] circumstances the Social Work Department referred Michael to the Child and Family Psychiatry team, DRI for assessment and advice. Mrs Sherrard of that team had begun an assessment of [REDACTED] prior to his move into Strathmore Cottages. Following his self-harming behaviour [REDACTED] was referred also for advice from Dr Duke, Consultant in the team. Mrs Sherrard completed an assessment of [REDACTED] in conjunction with Dr Duke, who is continuing to see [REDACTED]

It is the conclusion of Mrs Sherrard and Dr Duke, and of the Social Work Department that [REDACTED] now requires very specialised care which is able to continue into the long term, and which can only be provided in a residential therapeutic school. This was recommended to [REDACTED] recent Children's Panel, on 12th November 1997. That Panel agreed that [REDACTED] needed a specialist residential placement and urged the Social Work Department to identify a resource as soon as possible. That Panel considered Mr Tarbett's wish that [REDACTED] return to his care, and decided that this would not meet [REDACTED] needs. The Social Work Department are currently seeking a suitable placement for [REDACTED] and are having to consider resources throughout Scotland and in England due to the shortage of available places in appropriate establishments. [REDACTED] has not attended school since his third exclusion for violence, on the 6th November 1997. [REDACTED] is currently being introduced to Castlepark School in Dundee, which caters specifically for children whose behaviour has led to their exclusion from their local school.

4 EVENTS THAT LED TO THE CHILDREN LIVING IN THE CARE OF THE SOCIAL WORK DEPARTMENT

Introduction.

There has been regular and more or less continuous Social Work department contact with [REDACTED] and William throughout their lives. The principal reasons for the department's involvement and the concerns raised, have been;

1. Parents acrimonious relationship and their willingness to involve the children in this conflict.

2. Frequent disruption to the children's lives caused by the many separations and reconciliations of their parents.
3. Lack of appropriate supervision of the children.
4. Parents inability to provide appropriate boundaries to the children's behaviour.
5. The children's sexualised language and behaviour.
6. The children's aggressiveness towards one and other.
7. A series of child protection investigations involving both parents and focusing on inappropriate chastisement of the children.
8. Mr Tarbett's refusal, or inability, to work with the department or other agencies for the children's benefit.

The children were received into care for the first time on 21/1/94. ([REDACTED] and William 2 years 4 months.) Ms Robertson had left the family home and Mr Tarbett felt unable to care for the children

They came into care for the second time on 22/9/94, after the children's hearing made a Place of Safety order. They have remained in care ever since.

Further details of these difficulties and examples of the parenting the children received are outlined below.

Previous Social Work Department involvement with Mr Tarbett and Ms Robertson.

Mr Tarbett has five children by a previous marriage. The relationship ended in 1979 and the children were received into care. Parental rights were assumed in respect of all five children in February 1983 by the local authority.

Ms Robertson and her older brother were received into care when she was 18 months old. Her parents had separated and both had been convicted of neglect. She spent all her childhood years in the care of the local authority apart from a two year period, 1980 -1982, when she returned to her mother's care. She has many negative memories from this time having lived in nine different placements including foster homes and residential units.

Mr Tarbett and Ms Robertson met and began their relationship when he was 39 and she was 17.

Parent's relationship.

Ms Robertson and Mr Tarbett set up home in Whitfield shortly after they met. Ms Robertson became pregnant but her first child was stillborn in 1987.

After [REDACTED] birth in 1988, it would appear that their relationship deteriorated quickly. It has continued to be problematic ever since with numerous separations and reconciliations. When together, the relationship was reported as acrimonious, with many arguments, fights and incidents of physical violence. Both parties were described as strong willed and unwilling to back down.

The children were present during many of their parents' arguments and witnessed physical violence between them.

Both Ms Robertson and Mr Tarbett have made numerous allegations to the Social Work department about each other and about each other's care of the children. These have included;

- That [REDACTED]
- That Mr Tarbett has assaulted her.
- Allegations from both parents against the other of physical abuse of the children/ inappropriate care of the children/ being drunk while in charge of the children.

Again these allegations have been made in front of the children.

Workers noted that neither parent makes any attempt to keep the children separate from their relationship difficulties. The children's needs were placed below the parents need to pursue their own disputes.

- On one occasion, when they were living separately, Mr Tarbett took [REDACTED] to sit outside Ms Robertson's flat in the car even though [REDACTED] had had nine teeth extracted under general anaesthetic only two hours previously.

Mr Tarbett frequently directly involved the children in his disputes with Ms Robertson, for example;

- Telling the children that their mum's "away with a Paki" or that she doesn't love them.
- On another occasion he left the three children at the Social work department in Whitfield saying it was Ms Robertson's turn to care for them.

Uncertainty caused by parent's relationship difficulties.

Following their more serious disputes Mr Tarbett and Ms Robertson frequently separated. In the early years of [REDACTED] life, this normally meant that Ms Robertson would leave and [REDACTED] would stay with Mr Tarbett. From the time [REDACTED] was three years old, the separations more often involved him and his brother and sister, leaving with Ms Robertson.

The Social Work department may not have known about all the separations that took place, but there are 26 such changes in living situation recorded for [REDACTED] prior to the first reception into care.

Again these changes frequently happened in a way that was highly unsettling for the children.

- On one occasion when [REDACTED] was living with Ms Robertson, Mr Tarbett removed him from the Social Work assistant who was taking him to the child and family centre.
- On another occasion when Ms Robertson had been granted interim custody of [REDACTED] and William, Mr Tarbett forced entry into Ms Robertson's flat and removed the children. On this occasion the interim custody had not been properly served so they could not be returned to their mother.
- On a further occasion Ms Robertson and the three children were required to leave the Women's aid shelter where they were staying, after Ms Robertson had assaulted another resident.

Although Mr Tarbett and Ms Robertson have a very destructive relationship, they also both find it hard to live apart. Mr Tarbett has often said he wants Ms Robertson back - but doesn't acknowledge that their separations have anything to do with his behaviour. Ms Robertson frequently says she wants to finish the relationship once and for all, but finds it hard to manage as a parent by herself. Mr Tarbett has also constantly sought to undermine her ability to cope on her own. As a result there is a long-standing pattern that even after bitter separations, they reconcile.

Concerns over lack of appropriate supervision.

While the children have been in the care of Mr Tarbett or Ms Robertson, whether jointly or separately, there have been periodic concerns about the level of supervision they receive.

- While living with Mr Tarbett, [REDACTED] was seen a number of times unsupervised in the Hilltown.
- On one occasion [REDACTED] were picked up by the police in the Wellgate having stolen pot plants - they were then aged 5 and 3.
- On another occasion [REDACTED] arrived at Lilybank Family centre nearly two miles from home, alone, on his scooter. Mr Tarbett's response, was that if he could make it to the centre alone he could get himself back.
- While living with Ms Robertson there were reports from neighbours that the three children were playing outside completely unsupervised. On one occasion they were found outside at night having opened the unlocked front door of the flat themselves.

Ms Robertson acknowledged that she had sometimes not felt able to provide close enough supervision for the children, but argued that when living with Mr Tarbett, he undermined her attempts to impose appropriate controls. Mr Tarbett took the view that since he was catering adequately for their physical needs, there was nothing wrong with the way he was caring for the children.

Concerns over lack of appropriate boundaries to the children's behaviour.

Linking to the concerns about inadequate supervision were worries about the children's behaviour and the fact that Mr Tarbett and Ms Robertson appeared unable or unwilling to impose appropriate controls. The children were observed to be aggressive towards one and other and to behave in an inappropriately sexualised manner (see below).

Both Mr Tarbett and Ms Robertson had difficulty controlling the children.

In addition to finding it hard to manage the children's behaviour, they also presented, through their own actions some very unhelpful examples.

- The children frequently witnessed violence between their parents, between adults and children and with people outwith the household.
- On one occasion the children watched from the car as Mr Tarbett got out and assaulted [REDACTED] father of Ms Robertson's youngest child.

Both parents use of alcohol affected their ability to relate appropriately to the children at different times.

- On one occasion Mr Tarbett returned after drinking to find that [REDACTED] had wet the bed and hit him in the face (see child protection investigations below).
- On another, Linda Robertson was found to be drunk while the children played unsupervised outside.

While Ms Robertson was caring for the children, she was noted on a number of occasions to be very down, emotionally flat and unresponsive to the children's needs.

The children's understanding of what was acceptable behaviour was moulded to a significant extent by the example they were being set.

Children's sexualised behaviour and language.

When [REDACTED] was four, concerns were expressed about his sexualised language and behaviour by staff at the child and family centre. There were related concerns about [REDACTED]

These were the first of persisting concerns in relation to the fact that all three children clearly have knowledge of sex and sexual language quite inappropriate for their age.

The concerns persisted when the children were in foster care and were noted when [REDACTED] started school.

- [REDACTED] was found, for example, [REDACTED]
[REDACTED]
- The children would speak about specific sexual acts.

A referral to Polepark family counselling centre was made in May 1993 and again in December 1994. On the second occasion work was done with [REDACTED] and William. In relation to the sexualised behaviour, the workers concluded that it was unlikely that [REDACTED] had been sexually abused, but likely that he had witnessed sexual acts between adults.

The allegations in relation to [REDACTED] were considered by a child protection case conference which, at that stage, could find no evidence to support them. Mr Tarbett continued to talk about the details of the allegations with the children present, despite being told that it was not appropriate for them to be involved in these discussions.

Children's aggressive behaviour.

The social workers, health visitors and family centre workers involved with the children have all commented, from the earliest involvement with the family, on the aggressive relationship between the children.

- The children were observed to hit, bite and kick each other while their parents were present.
- The fought and jumped over the furniture while their baby brother [REDACTED] was in the room.

This behaviour appeared to be accepted by the parents. Ms Robertson maintains that she tried to impose tighter controls, but that this was undermined by Mr Tarbett who allowed the children more leeway.

The aggressiveness between the siblings continued after they moved into foster care and was one of the main reasons why it proved so hard for them to stay together with the same carer.

Child protection investigations.

In addition to the general and long-standing concerns about the parenting that the children were receiving, there were a number of specific incidents that were investigated more formally. Between December 1991 and September 1994 there were 15 observed incidents or allegations which led to enquiries, and 9 of these were followed up with a formal child protection investigation.

Very briefly the focus of these investigations was;

- Dec 91 Mr Tarbett hit [REDACTED] in the face while he was asleep for wetting the bed. (Charges dropped by procurator fiscal but grounds found to be established by sheriff in relation to Children's Hearing).
- Jan 93 Ms Robertson hit [REDACTED] with wellington boot. Found to be accidental.
- Feb 93 Ms Robertson alleges Mr Tarbett hit [REDACTED] with a yardstick and hose from vacuum cleaner. Not pursued through lack of evidence.
- Mar 93 Investigation into [REDACTED] sexualised behaviour and language and concerns [REDACTED]
- May 93 Allegation by Mr Tarbett that [REDACTED]
- June 93 [REDACTED] hurt nose when pulled off table by Mr Tarbett. Accepted as accidental.
- Aug 93 [REDACTED] alleged that Mr Tarbett threw him across the room - parents refused to give consent for medical. All children placed on 'at risk register'; [REDACTED] on grounds physical abuse (proven) and physical neglect (suspicious).
- Feb 94 [REDACTED] alleges Mr Tarbett assaulted him. No further action.
- May 95 [REDACTED] and his sister found playing in the Wellgate centre.

Mr Tarbett's unwillingness to work with agencies for benefit of the children.

Throughout the time of his involvement with the department Mr Tarbett has maintained that there has been nothing wrong with his parenting of the children. He is adamant that his children should be returned to his care and is completely opposed to the Social Work department's plans.

Mr Tarbett's refusal to acknowledge any shortcomings has made it virtually impossible to work with him to reduce the level of concerns or make a rehabilitation feasible. This has been a continuing problem in relation to planning for the children.

- When Mr Tarbett was granted interim custody of [REDACTED] in 1989 one of the conditions was that [REDACTED] care should be subject to the supervision of the Local Authority. The Social Work department had to take this back to the court because Mr Tarbett refused to meet with the supervising worker.
- The Children's hearing in September 1994 that took a Place of Safety order on all the children, gave as one of their reasons, 'Mr Tarbett's point blank refusal to adhere to the conditions of the care order, to work with the Social Work department or other support agencies.'

As well as refusing to work constructively with the Social Work department, Mr Tarbett has consistently undermined attempts by Ms Robertson to care effectively for the children. He always sought to find out where she was staying, even where this meant tracking down the address and phone numbers of Women's Aid refuges. He would then harass her or try to influence her to return.

- Mr Tarbett phoned a Women's aid hostel where Ms Robertson was staying with her youngest child, at 2 am, sounding under the influence of alcohol and put one of the other children on the phone.
- Workers at another Women's Aid hostel told Mr Tarbett that Ms Robertson was no longer there after receiving as many as 20 abusive phone calls in a day.

There was no evidence over this period that Mr Tarbett developed any insight into the children's emotional needs or the way his own behaviour could have a seriously detrimental affect on them.

Reception into care.

On 26/6/92 [REDACTED] and William were received into care for a few hours while Ms Robertson was interviewed by the police. This followed an incident where Ms Robertson had assaulted another resident at the Women's Aid hostel where they were staying.

They were received into care for the second time on 21/1/94. This followed a particularly acrimonious period in the relationship between Mr Tarbett and Ms Robertson.

The events that led up to this reception into care were, briefly;

- November 27th 1993, Ms Robertson leaves the house at 3 am after an argument with Mr Tarbett and under the influence of alcohol. The following day she lodged a court action requesting the return of [REDACTED] to her care.
- December 14th: Ms Robertson returns to the home.
- December 17th: Mr Tarbett alleges that Ms Robertson kicked [REDACTED] Social workers who visit to investigate find no evidence. They are concerned that neither parent is present and the children are 'running amok'. Mr Tarbett's son, who was ostensibly in charge was in the bath.
- December 26th: Ms Robertson leaves the house at 4 am with [REDACTED] Claims Mr Tarbett assaulted her two nights previously. Police return children. Ms Robertson returns the next day.
- January 20th 1994: Ms Robertson leaves with [REDACTED]
- January 21st: [REDACTED] and William received into care on Mr Tarbett's request. Mr Tarbett saying he was troubled with gout and unable to care for the three children on his own. Ms Robertson believes he only did it to get at her.

██████ returned to the care of Mr Tarbett 10 days later, ██████ and William returned a week later.

The third reception into care, was 8 months later on 22/9/94. The events that led to this decision were, briefly;

- September 2nd 1994: Children move from Ms Robertson's care (in a Women's Aid hostel) to Mr Tarbett, when Ms Robertson says she is unable to care for them. Staff at the hostel were also concerned that ██████ behaviour was a danger to other children.
- Mr Tarbett made it clear that he was not willing to co-operate with the requirements of the previous Children's Hearing order which specified;
 - That ██████ were to attend at St Matthew's for an assessment of their behaviour.
 - That the children should be allowed access with Ms Robertson.
- September 21st: Mr Tarbett threatens that he will bring the children to the hearing and leave them there.
- September 22nd: Place of Safety order taken by the Children's Hearing on ██████ and William. The Hearing's reasons for this decision were;
 - Mr Tarbett's point blank refusal to work with the Social Work department or other support agencies.
 - Mr Tarbett's clear inability to exercise control over the children, places them at risk. Continuing problems with access to Ms Robertson.

Mr Tarbett appealed the decision of the hearing, but the sheriff subsequently dismissed the appeal.

When the Place of Safety order expired, the Children's Hearing made a supervision order requiring the children to remain in foster care. The reasons the Hearing gave for this decision included;

- The children's behaviour has improved since they have been in care.
- Mr Tarbett refuses to co-operate with the supervision order and work with Social work department and other agencies.
- Ms Robertson unable at this time to offer the children a home.
- Mr Tarbett totally selfish in his attitude to the care of the children and was not meeting their physical and emotional needs.

Rehabilitation

It was agreed that work needed to be done with both the parents and the children to consider whether rehabilitation was a feasible option. The rehabilitation assessment was organised in several parts and addressed; the parents relationship, previous difficulties with the children and the parenting skills needed to meet the needs of the children. Mr Callum Strathie from St Matthew's Family Centre was contracted to work individually with Mr Tarbett and Marion Selfridge, Social Worker, to work with Ms Robertson. Joint sessions with both parents were then planned involving both Mr Strathie and Ms Selfridge.

██████████ and William were referred to Polepark Family counselling centre, for work in relation to their difficult and sexualised behaviour.

The assessment continued until 24th February 1995 and included both individual and joint sessions, as planned. At that stage, however, a decision was taken that there was no point in continuing. The reasons for terminating the assessment were;

- Refusal by both parents to accept any responsibility for the children being received into care.
- Mr Tarbett's refusal to acknowledge that there had ever been a problem with the way he cared for the children or that he needed to change this in any way.
- No commitment from either Mr Tarbett or Ms Robertson to maintain their relationship in a way which would allow them to care jointly for the children.

The workers concluded that there was no merit in continuing to meet with Mr Tarbett and Ms Robertson as they remained completely unwilling to address the issues that had given rise to the children being received into care.

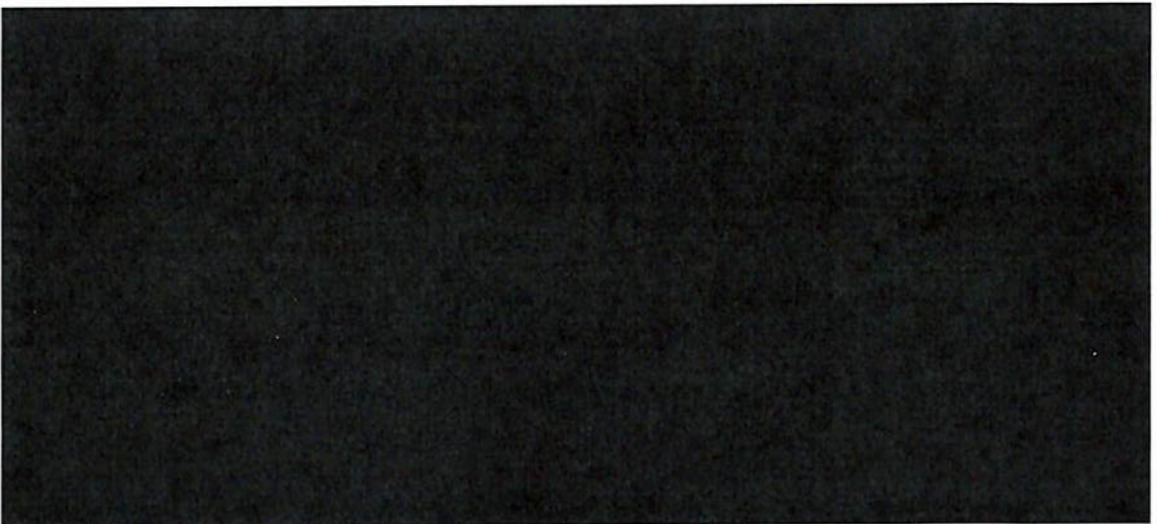
5 THE CONTACT ARRANGEMENTS

Since their reception into care the children have had regular contact with Ms Robertson and, separately, Mr Tarbett. These contacts are supervised and currently take place for one to one and a half hours, once per month, in Social Work Department premises. "Children 1st" were asked earlier this year, to complete an assessment of the children's contact with their parents, with a view to advising the Social Work Department and the Children's Panel. This assessment has been completed. It is the opinion of "Children 1st" that the children's contact with their parents should be reorganised such that the children, individually, have contact with Ms Robertson and, separately, Mr Tarbett. Children 1st have emphasised that the current contacts are of poor quality for the children, and that it is the task of the Social Work Department, Ms Robertson and Mr Tarbett, to improve the quality of these meetings. With regard to Mr Tarbett, Children 1st noted his seeming unwillingness to take a participative role in contact and have highlighted this as an area which he should seek to improve.

The Social Work Department is intending to reorganise the children's contacts as recommended by Children 1st. Depending on the ability of Mr Tarbett and Ms Robertson to provide a meaningful and positive experience for the children, the frequency of contact may be reviewed via the Children's Panel. The children's contacts with each other will be arranged through the Social Work team responsible for supervising their care, and will take place in their carers' homes or in other suitable venues.

6 MR TARBETT'S BACKGROUND AND VIEWS

Information in this section was given by Mr Tarbett to the writer and Mrs Leslie, Social Worker for [REDACTED] during a meeting on 03.12.97. Mr Tarbett was born on 08.04.47 and is now 50 years old.



Mr Tarbett said that he wishes to care for [REDACTED] and William, and that he could manage to do this because he is now not working. Mr Tarbett indicated that he feels there should be no doubt about his ability to care for the children and that there is no evidence to suggest that he is not a competent parent.

With regard to his relationship with Ms Robertson: Mr Tarbett said that he met Ms Robertson when she was 16/17 years old, when she was homeless and came to his home in Whitfield (that she had known about him through a mutual friend).

Mr Tarbett said that he offered Ms Robertson a place to stay, in his home, and their relationship developed from this. [REDACTED] were living with Mr Tarbett at this time (and would have been approximately 17, 19 and 20 years

[REDACTED]

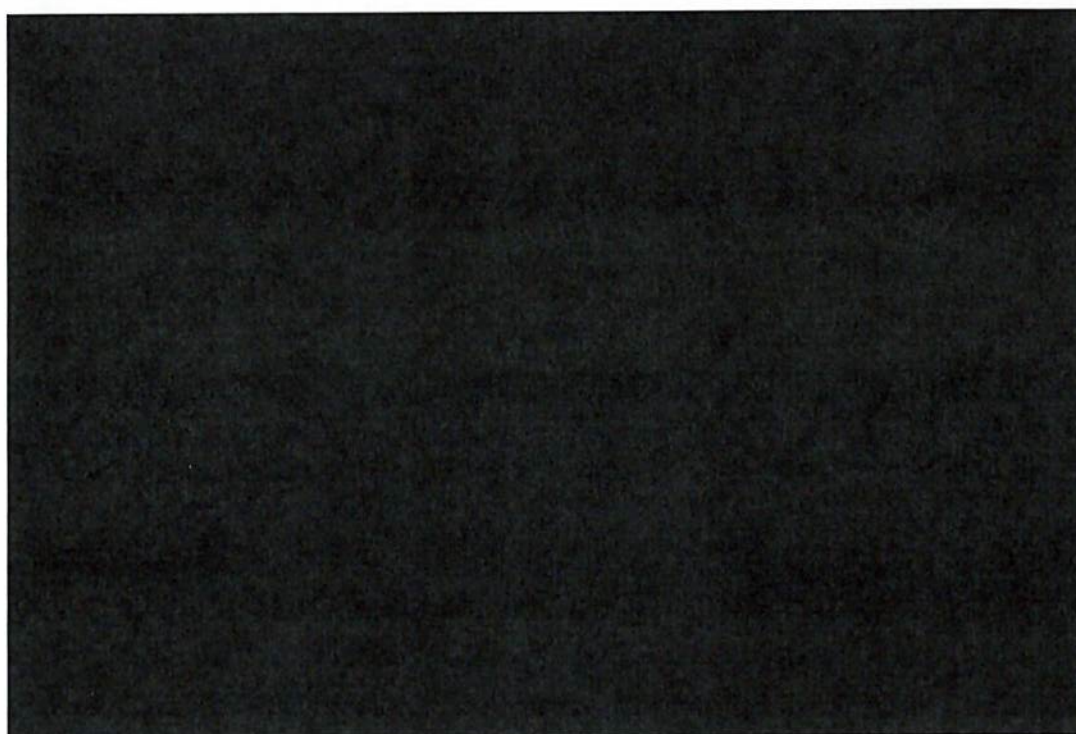
Mr Tarbett said that if he were caring for the children he would allow them to have contact with Ms Robertson. Mr Tarbett said that he believes Ms Robertson is [REDACTED] and that this is the reason why the children should not be placed in her care.

During the rest of the meeting we discussed with Mr Tarbett his attitude to Social Work Department, and several of the incidents known to have occurred when the children were in his care. We noted that we had received a letter from Mr Tarbett's solicitor in which she referred to his wish to co-operate with the Social Work Department. From Mr Tarbett's responses during our discussion we gained no sense of Mr Tarbett having decided to alter his stance towards this department, and found him unwilling to consider our advice regarding the children's needs. We noted that in his writ he had suggested that he is not kept sufficiently informed about the children. We asked whether Mr Tarbett has received the fortnightly letters regarding the children which we have been sending him, (since the beginning of our involvement in February 1996). Mr Tarbett said that although he receives the letters, and although he has been invited to all of the Social Work Review meetings, nevertheless he still feels that is not kept sufficiently informed about the children. Mr Tarbett agreed that he had not attended several of the meetings we had arranged with him recently. Mr Tarbett said that this was due to ill health.

7 MS ROBERTSON'S BACKGROUND AND VIEWS

Information in this section was given by Ms Robertson to the writer and Mrs Leslie, during a meeting on 01.12.97. Ms Robertson was born on 17.06.69 and is now 28 years old.

[REDACTED]



Ms Robertson said that when the children were taken into care in 1994 she was caring for [REDACTED] and not living in Dundee, that she had contacted Mr Tarbett who told her what had happened and had said that the children could be returned to their care if she returned to live with them in Dundee. Ms Robertson said that she then returned to live with Mr Tarbett, with [REDACTED] but when the children were not returned to their care she decided she did not want to continue her relationship with Mr Tarbett, and went to live elsewhere with [REDACTED]

In relation to Mr Tarbett's present application for parental rights and responsibilities Ms Robertson said that she would not want Mr Tarbett to be given parental rights and responsibilities because she thinks that he is not able to care for the children, because he is registered disabled, and because his house is full of other people (including his sons) and because the children would not settle with him.

Ms Robertson said that she believes Mr Tarbett would feed and clothe the children, but would not have time or patience for them, and that he would not be able to control them other than by physical punishment.

In relation to the children's futures Ms Robertson said that she very much wants to be involved with and to have contact with the children. She thinks the children have particular needs which at present will be best met through the children remaining in the care of the Social Work Department. Ms Robertson said that she couldn't currently care for the children because her life is not yet settled, and because she is not experienced in their particular needs and difficulties. Ms Robertson stressed that her belief in the children remaining in the care of the Social Work Department is not based on her not wanting to care for the children but rather upon her recognising the children's needs and putting the children's needs first. Ms Robertson said that she knows that neither she nor Mr Tarbett can meet the children's needs, and that they should live in the care of people who have the experience to be able to meet these needs.

In relation to the children's contact with herself and with Mr Tarbett, Ms Robertson said that she thinks that [REDACTED] needs contact with herself and with Mr Tarbett. However she would question whether [REDACTED] and William benefit from having contact with Mr Tarbett. Ms Robertson said that she would not want Mr Tarbett to be continuing to have contact with the children if this was not proving to be good for them, or if it was upsetting them.

Ms Robertson [REDACTED]
[REDACTED]

8 THE CHILDREN'S VIEWS

Ascertaining the children's views requires one to be patient and to accept that the children say different things at different times, to different people. They can be influenced by not wanting to hurt feelings or equally by how they are feeling at the time, related to whatever has just happened or to how they felt about their last contact with someone.



Since moving into Strathmore Cottages there have been two occasions when [REDACTED] actually ran away from the unit. On the first, in October, he went to his dad's flat. On the second, which occurred this month (December) [REDACTED] went to his mum's flat, having left Strathmore Cottages at some time between 4 am and 6 am, wearing only shorts and a t-shirt, no socks or shoes.



William

When William was living with the [REDACTED] he would say, if asked where he wanted to live, "Here". William continued to say that he wanted to live with the [REDACTED] after he had left and was living with the [REDACTED]. Recently William has changed his view and now says that he wants to stay "Here", ie with Mr and Mrs [REDACTED] and family.

Previously, on several occasions, William has told me that his dad would be drunk on Sundays and would come home from the pub and would hit the children with his belt, such that [REDACTED] (older sister) had to stop dad.

Recently I asked William about living with his mum and about living with his dad. William said that he didn't want to live with his mum or his dad, and added, about his dad, that this was because his dad used to hit him with his belt. William didn't have a specific reason why he shouldn't live with his mum. Following on, William then said that he wanted to live with his big brother [REDACTED] because it was [REDACTED] who used to stop his dad from hitting him.

William knows that he will not always live with Mr and Mrs [REDACTED], and that if the Children's Panel say so, he will live with another foster family and that will be his own place to live until he is much older. When I recently asked William to say what he thinks about staying for a long time with another foster family William said he thought that it should be nearby to his present foster home so he could visit the [REDACTED], his pals and his school.

9 SOCIAL WORK DEPARTMENT'S VIEWS REGARDING MR TARBETT'S APPLICATION FOR A RESIDENCE ORDER

The Social Work Department would have concerns regarding Mr Tarbett being granted a Residence Order for the following reasons:

- 1) Mr Tarbett is not a competent parent. This is exemplified by:
 - a) his very poor parenting of the children prior to, and which led to, their reception into care;
 - b) his refusal to accept responsibility for previous difficulties and to accept advice and help for either himself and/or the children from support agencies;
 - c) the poor quality of his contact meetings with the children, where he shows little understanding of the children's individual needs, struggles to control the children and appears unable or unwilling to engage with them in any activity appropriate to their ages and stage of development.
- 2) [REDACTED] previous aggressive [REDACTED] behaviour towards William would be likely to be repeated with either [REDACTED] or William if he were placed with them. The possibility of William and [REDACTED] living together has not been tested since being looked after. None of the children should be moved unless there is a degree of certainty regarding a successful outcome.
- 3) There remains many unresolved difficulties in the relationship between Mr Tarbett and Ms Robertson, which continue to affect their conduct towards each other. The children all express an interest in continuing to have contact with both Ms Robertson and Mr Tarbett. From previous experience Mr Tarbett's ability to support the children having contact with their mother could be questioned.
- 4) The Social Work Department is not aware of any reason why Mr Tarbett should be preferred as a future residence for the children, as opposed to Ms Robertson. The Social Work Department would contend that Ms Robertson does presently demonstrate an ability to offer some emotional support to the children, and to recognise that they have their own separate and complex needs. These factors would indicate that Ms Robertson has, presently, more potential to attend to the children's needs than does Mr Tarbett. Further guidance regarding this matter will be available at the completion of the Children 1st organisation's assessment regarding parenting abilities.
- 5) Michael needs a therapeutic residential placement which can control him, keep him safe, nurture him and thereby begin to address his complex needs. This is the opinion of all of the professional agencies involved with [REDACTED]. This plan is supported by Ms Robertson.

- 6) William has explicitly expressed a wish not to live with either Mr Tarbett or Ms Robertson. It has taken William some five months to be back to being his usual bright, happy self, and to be making progress at school, following his planned and expected move in foster care. This indicates that William is dependent upon his foster carers for his emotional health and that his development can be "held up" when he is having to adjust to a change in his home and school circumstances. William needs to be able to stay where he is to make up for what he has missed in school. William wants to stay where he is for the present. William says that he would like a long term placement to be near to his current foster home, so that he maintain links with it and with his school.
- 7) [REDACTED] has already had three moves in the last twelve months, as the result of two placement breakdowns, one of which was intended to have been [REDACTED] permanent placement. [REDACTED] now requires a period of stability and to be allowed to feel cared for without this making any particular demands upon her. Placing [REDACTED] with Mr Tarbett would put her into a vulnerable and untested situation which would be emotionally very demanding upon her. As such this would definitely not be recommended at this time.

The Social Work Department will continue to plan for the children's future, and to present these plans to the Dundee Children's Panel. The current plans for the children are that they require permanent alternative care, that [REDACTED] requires a specialist residential placement, that William and [REDACTED] require long term care from very competent caring families. The Social Work Department contend that [REDACTED] should move into a suitable specialist resource in the near future and that William and [REDACTED] should move into long term foster placements when it is considered that they are emotionally ready, and when such placements have been identified and approved by the Children's Panel

10 VIEWS OF THE SOCIAL WORK DEPARTMENT REGARDING MR TARBETT'S APPLICATION FOR A SPECIFIC ISSUE ORDER

The Social Work Department would have concerns regarding the making of a specific issue order in favour of Mr Tarbett. The Social Work Department would contend that the making of such an order is likely to have a negative effect upon the children's welfare.

The reasons for this are that:

- 1) Mr Tarbett does not demonstrate any appropriate understanding of the children's needs, and is not therefore able to consider what is in their best interests.

Example: Mr Tarbett does not accept that [REDACTED] requires a specialist residential placement, despite this being the recommendation of all of the professionals involved. Mr Tarbett does not support the plan to provide such a placement for [REDACTED] and will not encourage [REDACTED] to settle into any such placement.

- 2) Mr Tarbett maintains that the children need whatever he believes they need, and refuses to accept any opinions to the contrary, even when these are expressed by the children themselves.

Example: For his recent children's panel, [REDACTED] wrote a note which expressed his wish to live with his mum and his dad on alternate weekends. Mr Tarbett maintained that [REDACTED] should be sent to live with him.

Example: William recently told us that he would not want to live with his dad because his dad used to hit him with his belt. Mr Tarbett insisted to myself and Mrs Leslie, that I was lying and that William had not made these comments.

- 3) Mr Tarbett underestimates the care and attention which the children need. This allows him to continue to insist that he has never caused any harm or neglect to the children.

Example: many incidents which occurred whilst the children were living in Mr Tarbett's care, including their playing in the Wellgate; the many upheavals when the children were taken away and returned; the children's witnessing violence between Mr Tarbett and Ms Robertson; Mr Tarbett's own handling of [REDACTED] which led to several Child Protection Investigations.

- 4) Mr Tarbett insists that he has the right to inform the children about his own views and opinions, and does not accept advice regarding the inappropriateness of some of his views.

Example: Mr Tarbett has spoken to the children about their mother, stating that she does not care for them. On one occasion during a contact Mr Tarbett upset William when he showed William a torn up photograph of William, whilst telling the children that their mother did not care about them and had torn up the photograph when she was drunk. When challenged about this later, Mr Tarbett maintained that William needed to know "the truth" about his mum. Mr Tarbett would not accept, either that this was not "the truth" since their mother does love William, or that this was an inappropriate way to talk to a five year old boy about his mother.

I would further wish to note that the children's welfare and circumstances continue to be monitored by the Dundee Children's Panel, who are familiar with the difficulties in these children's lives, and of the views of Ms Robertson and Mr Tarbett. The Dundee Children's Panel are concerned to ensure that the children's welfare is promoted, and also to ensure that Ms Robertson and Mr Tarbett's abilities and behaviours towards the children are fully explored. Given the complexity of these children's situations, and the experience with their situations which have been gained by the Dundee Children's Panel, it is reasonable to assume that the Children's Panel is an appropriate forum for discussion regarding the children's futures, and that the Children's Panel will continue to seek to consider the children's views and to balance these with the known opinions of Ms Robertson and Mr Tarbett.

The Social Work Department recognises Mr Tarbett as a significant person in relation to [REDACTED] and William. If this application is not granted, the Social Work Department will continue to advise Mr Tarbett regarding the children's circumstances, to consult with him regarding his views, and to present his views alongside our own at any Children's Panel. The Social Work Department would continue to work with Mr Tarbett for as long as he continues to have regular contact with the children, or until the children express an explicit view to the contrary. The Social Work Department will continue to carry out the instructions of the Children's Panel regarding matters to do with the children.

The Social Work Department would be extremely concerned about Mr Tarbett having status as legal representative of the children. From past experience, the Social Work Department would question Mr Tarbett's ability to understand the children's needs, and would argue he is unlikely to represent the children's views unless they accord with his own.

11 RECOMMENDATION REGARDING FURTHER RELEVANT INFORMATION

The Writer would recommend that reports are requested from:

- 1 Mrs Yvonne Jamieson, Social Worker, Children 1st (Laurelbank Family Centre), 2 Dudhope Street, Dundee
- 2 Mrs Janet Sherrard, Senior Occupational Therapist and Trainee Child Psychotherapist and Dr Sandra Duke, Consultant Child Psychiatrist
Department of Child and Family Psychiatry
Dundee Royal Infirmary
- 3 Reports prepared by Safeguarders appointed by the Children's Hearing in relation to [REDACTED]

Phillip McGill

Phillip McGill
Social Worker
Permanence Team

PMcG/SR
12.12.97
perman\phillip\tarb_2

SOCIAL WORK (SCOTLAND) ACT 1968

SUPERVISION REQUIREMENT VARYING EXISTING SUPERVISION REQUIREMENT

C3. C4: 97

Children's Hearing Centre
91 Commercial Street
DUNDEE DD1 2AF

A children's hearing for the City of Dundee, by way of variation of and in substitution for the supervision requirement dated 27 November 1996 to which

William Tennant (9.7.91)

is subject, hereby requires him/her to be under the supervision of the Director of Social Work for the City of Dundee, subject to the conditions noted below;

and the requirement dated 27 November 1996 is hereby revoked.

DH Watt (Chairman)

CONDITIONS REFERRED TO IN THE FOREGOING SUPERVISION REQUIREMENT

- The child shall comply with directions given by the supervising social worker.
- The child shall reside in a named place, namely 9 M + Mrs [redacted]
- The requirement to reside is subject to the direction of the Director of Social Work to grant leave of absence from time to time to enable the child to engage in approved activities.
- ~~Subject to the discretion of the Director of Social Work the child may receive respite care with~~
- Subject to the discretion of the Director of Social Work and the agreement of the child/parent/guardian, the child may receive respite care with other carers approved by the Social Work Department in terms of the Boarding Out and Fostering of Children (Scotland) Regulations 1985.
- The child shall have supervised access to his mother and father once per month

DH Watt (Chairman)