

LEWIS DUNCAN EXTRACTS FROM DOCUMENTS HELD BY SCRA

Please note: Some names have been removed from the document extracts. It would not be reasonable or appropriate to disclose this information to you. In order to make the extracts reader-friendly, names of relevant third-parties have been replaced with a descriptor or [].

2015-02-04 Police Child Concern

Lewis Duncan Male 22/10/1984 Parent

At 2034hrs on 02/02/15 ...Police attended, there had been a family fall out mainly between Lewis Duncan and []. No persons were willing to provide the police with any clear details as to what had taken place.

Any Other Relevant Information:

Lewis Duncan has a swollen eye that was bleeding however refused to state how he came by this. He was outside when police arrived and upon seeing the police vehicle threw himself onto the ground face first. It is unclear at this time how he came about the injury. The call has been deferred for early shift to attend and speak with him again when sober to try and clarify this and to establish if any assault took place or any complaints being made.

2016-09-28 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 1 To hold the hearing in 2 parts and speak to [] from 10:35 to 10:50 and to Lewis Duncan, father from 10:50 to 11:15

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 1: Mum and Dad had not met for a considerable length of time and (child) had not seen her Dad for some time. It was agreed that the hearing was not the place for these first meetings to take place.

South Ayrshire will support Mum and provide guidance to both Mum and Dad as they move towards Dad's contact with (child).

We spoke to Dad separately and he was clear that he wished contact with (child), The panel agreed that this was best done without a formal measure at this stage, but it was agreed that Mum and Dad would meet to discuss arrangements and expectations regarding contact with Dad and this would be facilitated by the SW, Gill Evans.

2016-12-13 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 6 To include in the order a requirement that the child shall reside with Lewis and [] at 35 Outdale Avenue, Prestwick

2016-12-30 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 5 To include in the order a requirement that (child) shall reside with Lewis and [], 35 Outdale Avenue, Prestwick

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 4: (Child) is to continue living with her dad and his partner as she is thriving there and has settled in well.

2017-10-20 Social Work Report

'[] and Lewis Duncan are currently living in separate homes to allow Lewis time to work on personal issues.'

'Supports in place for [] and Lewis Duncan Caledonian Project.'

'Lewis Duncan 22.10.84 Father with parental responsibility No. 20 MOSSGIEL AVENUE TROON KA10 7DQ'

Chronology of Significant Events

15.04.14 - Domestic incident –police contacted by (child's) father Lewis Duncan due to mother [] and her brother [] arguing in presence of child...No parties would provide statement to police. Lewis took child to his father's home...

20.10.14 - Home visit undertaken and agreement reached with parents that they will move out of grandmother's home and reside with paternal grandfather pending application for homeless.

23.10.14 - Parents taken decision not to present homeless and have returned to their own tenancy with (child).

20.11.14 - CP investigation concluded. Risks reduced due to parents returning to their own tenancy.

01.12.14 - Police attended [] home due to a domestic incident. [] reports that Lewis punched her and [] in the face. All parties intoxicated. Lewis was detained but released without charge.

05.02.15 - []contacted police, Police attended; there had been a family fall out mainly between Lewis Duncan and [].

2015 - Parents separated. Date not confirmed as yet.

31.10.16 - Supervised contact started with Lewis Duncan, Father. Assessment of relationship; positive initial interactions

04.11.16 - Request to SCRA for early review of CSO; recommendation that measure of residence varied to name Mr Duncan, Father

11.11.2016 – (Child) moving to live with father on a full time basis.

13.12.2016 - Children's Hearing. ICSO in place with residence with father Lewis Duncan.

30.12.2016 - Children's Hearing. CSO with condition of residence with father.

26.01.2017 - Domestic Incident between Lewis Duncan and []. Lewis handed himself into police and was charged with section 38.

27.01.2017 - Lewis pled guilty at Ayr Sheriff Court. Bail conditions in place, not to approach [].

10.02.17 - Bail conditions lifted. Lewis able to approach family home.

21.06.2017 - Lewis now living with his father following further issues with anger management. Lewis having quality time with (child).

24.09.2017 - Helen Martin, Psychiatric Liaison Nurse, Ayr Hospital telephoned Out of Hours at 11.35am to share information in relation to Lewis Duncan, (child's) father. She advised that Mr Duncan had presented at hospital last night having been under the influence of alcohol and using cocaine whilst out at a friend's. Lewis will have time out with his father.

Historical Family Circumstances

(Child's) father, Lewis Duncan was also accommodated as a child. He reports he was brought up by his mother and was subjected to physical abuse by one of her partners. He has lived in Troon, Irvine and Inverness at various times.

[] and Lewis had a 10 year long relationship; they met in their early teens at a house party in Troon, Lewis was originally from Inverness. It would appear that alcohol was a significant feature in their years together, but both were clear that [] did not drink during pregnancy...Contact has been subsequently made with Lewis who would wish to resume contact with his daughter.

2016 – (Child) then was supported to transition to the care of her father and [].

Current

(Child) has been settled and coping well...since her father moved to his father's to work on his issues with anger...Mr Duncan is currently on a Community Payback Order and supported by the Caledonian Project.

Current & previous interventions

Lewis, Community Payback Order, Adult Mental Health services; Addiction services.

Analysis of child development needs

Lewis, her father, wished to resume contact with his daughter... Lewis states that he believed that he was doing the right thing by stopping contact, he was working in England and he and [] had a fractured negative relationship. He was very concerned to find out that she was in foster care and did contact social work to discuss. He is now married and lives with his wife in Prestwick with her two children. A meeting has taken place between [] and Lewis to discuss potential contact.

There are concerns about the future stability of [] and Lewis's relationship. They are both determined to rebuild their trust and that Lewis and [] would hope to be back together as a couple when they feel it is safe to do so.

However this too has been disrupted as a result of domestic violence between [] and Lewis. They have both been very honest about the stress they had been under... Lewis was managing his business while taking on a lot of the child care...

Lewis has given an account of the latest difficulty; he advised that he had argued with his partner [] and had taken an overdose of Citalopram. When Helen spoke with Mr Duncan today she advised that in relation to himself she was not concerned about him being suicidal. He had advised that he was not suicidal and was remorseful of his actions. He stated he had some pressure due to his business however continues to work every day. He plans to seek support from Ad-Action in relation to his cannabis use; albeit he continues to work and function he feels his use of this at night is problematic. Mr Duncan was discharged from hospital as he required no physical treatment and no other treatment for his mental health.

However he had advised that he has custody of his daughter (child), aged 3 years. He advised that (child) was at home with his partner... Action taken by Out of Hours:

...Records indicate what Mr Duncan had advised the hospital that he has the care of (child)...Telephoned and spoke to Mr Duncan and he advised that there have been issues with his business which have built up with him. However he advised he does not feel suicidal and cannot explain why he took tablets yesterday. He feels fine today however he is going to reside overnight with his father for some space and his father is supportive. He advised that the incident did not occur at home. He had been arguing with [] on the phone the previous day and had consumed alcohol and taken cocaine and the following morning had taken the medication...He advised that they continue to engage with social work. Lewis informed that he will continue to engage with Ad-Action in relation to cannabis use and he has to engage with the Caledonia Project.

Lewis, (child's) father did immediately request that (child) become part of his and [] family following [] latest charges.

Concerns are that Mr Duncan left (child's) life last year. He says this was a result of threats being made towards him by [] and her family. He did immediately wish to step in and protect (child) from further changes of carer. She had settled with them and the bond with her father was very evident. However concerns are; his commitment to (child) and his ability to prioritise her needs. Whether the domestic incident was directly in relation to his stress at being a full time carer are denied.

[] and Lewis met through his gardening business. At this time Lewis had intimated that Lewis and [] relationship was ended. [] and Lewis thereafter entered into a relationship and after 7 months they married. They have now been married for 2 years. ...He says he was denied overnights by []. He has said that he had terminated contact with (child) due to threats from [] and her family. He has said he understands that he had a responsibility to (child) and could have sought legal advice. Police checks have been undertaken in respect of Mr and Mrs Duncan.

Lewis Duncan has significant history of offending as detailed here:
OUTSTANDING:

1 pending case from 2013 – Breach of Supervised Attendance Order

HISTORICAL:

1997 – Theft by shoplifting and vandalism

1998 – Housebreaking with intent

2002 – Reckless damage

2007 – Domestic Assault; fined £150

2008 – 2 counts of vandalism, 1 possession of cannabis, 1 failure to attend court

2009 – Assault to injury and vandalism; 12 months' probation, (alcohol and anger management counselling)

2010 – Domestic Breach of the Peace and Theft; fined £400

2011 – 2 x Breach of probation, S127 Communications Act 2003 – sending a male threatening texts.

2017 Domestic Incident

Mr Duncan has admitted to having a lengthy period of offending and states that by removing himself from the relationship with [] and distancing from her family, this has now stopped. There has been no reported offending since 2011 until the domestic charge earlier this year.

The reintroduction between (child) and her father were very successful ... (child) has now been in her father and his wife's care since 11-November-2016. ... However home life has been interrupted by the domestic incident and further relationship difficulties...

Identified Risks and Needs

Lewis had not kept in touch with (child) for a period of almost a year and has thus left her in the care of her mother when it appears he had some awareness of concern that was not reported to the SWD.

Her security has been further compromised when she was present during a domestic incident between her father and step-mother.

20-Oct-2017 Child's Plan

(Child's) name to be removed from SAC Child Protection Register. On condition that.

☐ Lewis engages with health, GP and Adult Mental Health services.

☐ Engages with Risk assessment of conflict between himself and [].

Mr Lewis Duncan, Father to fully comply with all assessments in relation to his previous use of alcohol and offending history.

Mr Duncan to be responsible for (child's) attendance at nursery during times he has care of her and to ensure all her educational support needs are met.

2017-11-23 Statutory Record of Proceedings

Father attended but left prior to the hearing starting

Decision of Pre-Hearing Panel Children's Hearing

Decision 2: to proceed in the absence of a relevant person Lewis Duncan, father s.75

Decision: To include in the order a prohibition on disclosure of the place where the order requires the child to reside to Lewis Duncan

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 2: Lewis Duncan father was excused from today's hearing. He had turned up for the hearing but elected to leave on his own accord due to himself not wanting any contact with []

Decision 3: Due to the non disclosure of [] address the panel were unable to make a substantive decision. An interim variation was put in place to allow the corrective paper work to be submitted and to alert Lewis that the non disclosure of address was for himself. The bail conditions for Lewis were to protect step mother [] although the panel recognises that Lewis is not a direct threat to (child)

2017-11-30 Social Work Report

Additional information not in previous report: [] and Lewis Duncan are currently living in separate homes due to bail conditions following a domestic incident.

2017-12-13 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 7 The Children's Hearing orders that the place/places where the child is required to reside in accordance with this Order shall not be disclosed, whether directly or indirectly to Lewis Duncan

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 8: Father Lewis Duncan shall have overnight contact with (child) a minimum of once a fortnight and this is to be supported by Lewis's father [].

2018-01-12 Safeguarder Report

MEETING WITH LEWIS

On 28th December, 2017, I had a pre-arranged meeting with Lewis, who explained to me that he requires to live with [], since Lewis is currently subject to a Curfew imposed at Ayr Sheriff Court, although the former Bail Conditions no longer apply, thus enabling him to communicate now with []. He is continuing to take his prescribed medication re his medical problems, and his general mental health. Also, as required, he has on-going involvement with the Caledonia Project. In general, he is getting a substantial benefit from the above assistance, and well understands that he must not get into any more Criminal trouble if his contact overnights with his daughter are to continue, or increase, and, separately, he is to have any chance of achieving a reconciliation with []. He has told me that he has no outstanding Criminal Court matters. In addition, Lewis confirmed to me that there is no communication at all between him and [], and there is nil chance of any resumption of their former relationship. However, he is in favour of continuing contact overnights by (child) with [], believing that there is a definite benefit to (child) arising therefrom. Similarly, he is firmly of the view that his own times with his daughter do help with her development by providing a male influence in her life, and reminding her of the existence of her father, when she is otherwise being brought up by her mother and her step-mother. Lewis is totally happy with (child) remaining in the care of [], and accepts that [] is very experienced in bringing up her own children satisfactorily. He absolutely accepts that there should be no disclosure to him of the place(s) where (child) is residing with [], i.e. the whereabouts of the Women's Refuge. He has no intention at all of trying to find the Refuge and attend there, for any purpose. He is quite prepared to accept an on-going

Measure of such non-disclosure, being completely content with the present level of communication between him and [], given recent events... Lewis accepts that he had a lengthy history of offending, until he and [] separated, and he distanced himself from the []. Unfortunately, after staying out of trouble for several years, he committed the Domestic Breach involving [], on 26th January, 2017.

2018-01-03 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 7 To include in the order a prohibition on disclosure of the place where the order requires the child to reside to Lewis Duncan.

2018-01-23 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 5 To include in the Order a measure that the place/places where (child) is to reside shall not be disclosed to her father, Lewis Duncan.

Decision 9 To include in the Order a measure that the child shall have contact with her father, Lewis Duncan, for a minimum of one overnight once per fortnight, as she so wishes, to be supported by the child's grandfather, [].

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 5: Due to the ruling within the women's refuge the panel continued the measure of non disclosure of (child)'s address to Dad

Decision 9: The panel heard from Dad that contact is going well and (child) enjoys and benefits from this contact. The panel felt that this measure should remain in place until a future panel can make a substantive decision.

2018-02-13 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 11 To delete measure of contact with Mr Duncan, father (majority)

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 8: The panel added a measure of non disclosure of address to [] and Lewis Duncan. The panel felt that this measure was required to safeguard and protect (child)'s placement

Decision 11: The panel that contact with Dad is going well and this is something which (child) requests and looks forward too, Dad has made great strides and the family are able to organise contact between themselves and to meet and support (child)'s needs.

2018-03-02 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 3 To proceed in the absence of [] (Step-mother) and Lewis Duncan (Father) from part of the hearing 5.75

2019-02-25 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 1: to excuse relevant person, Lewis Duncan from attending s.74(3) (Arrived at 14:30)

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 1: The Panel heard that dad was going to attend but was travelling from Galston and was running late. The Panel started without him, but on his arrival at 14:30 he was updated on the earlier discussions.

2020-01-15 Statutory Record of Proceedings

Decision of Pre-Hearing Panel Children's Hearing

Decision 1: To proceed in the absence of Lewis Duncan, father who is a relevant person s.75

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Reasons for Decision 1: Mr Duncan had contacted the social worker to say that he was unable to get time off his work to attend the hearing but he was happy for the hearing to proceed in his absence. The panel agreed to continue as it was in (child)'s best interests.

Social work will continue to work with the family, dealing with contact arrangements with Mr Duncan, should this be an option.

2020-06-24 Social Work Report

Both parents have parental rights and responsibilities. Whilst (child's) father, Lewis Duncan has largely been uninvolved in providing (child's) day to day care for long periods of time, he signed Section 25 of the Children (Scotland) Act 1995, which currently provides the basis for (child) to reside out with parental care...

Contact with her father, Lewis Duncan: (Child) is to have contact with her father, Lewis Duncan a minimum of once per week for a minimum of 3 hours. Contact can be unsupervised on the basis that Lewis does not present as being under the influence...

... (child's) father Lewis Duncan holds parental rights and responsibilities (PRR's) and signed Section 25 on 11/06/2020...

...Therefore, this report makes the following recommendations in respect of parental contact: Lewis Duncan: (child) should have contact with her father a minimum of once per week for a minimum of three hours...Ongoing assessment of Lewis Duncan will inform and provide the basis of incremental increases in duration and frequency of contacts. Contact can be unsupervised providing there are no concerns in respect of Lewis' presentation. Lewis has ongoing involvement with Justice services in regards to previous offending behaviour. Lewis has also had previous involvement with mental health services, his last involvement was February 2018; prior to this there were 8 mental health referrals between 2011 – 2018 which included suicidal ideation and attempted overdose. There are also reports around Lewis having misused alcohol previously. Lewis presents as being more stable at this time; however, a full parenting capacity assessment now requires to be completed to conclude the assessment in regards to Lewis' viability to be considered as a permanent carer for (child).

14.02.18 - Police involved due to messages of a concerning nature passed from Lewis to []

18.09.18 - Lewis and [] have further issues resulting in him being arrested.

The relationship between Lewis Duncan and [] was affected by domestic violence; [] and Lewis ended their relationship in March 2017...

Justice Services - Lewis Duncan is currently open to Karen Lewis (SW). At Ayr Sheriff Court on 27 April 2017 Mr Duncan was made subject to a Community Payback Order with 24 months supervision and Programme Requirement to attend Caledonian Programme. He was supervised by Karen Sharp, who noted that he did well initially and attended appointments. He completed pre-programme work apparently without difficulty. His Case Management Plan appeared to focus on Completing Caledonian Programme, monitor his substance misuse and also his mental health. Further offending resulted in a Restriction of Liberty Order which he subsequently breached. Lewis' compliance with groupwork was reported to be around 50% with facilitators informing that when he did attend he engaged and participated well. Further offences (Domestic in nature) resulted in a further Community Payback Order being disposed at Ayr Sheriff Court on 13 November 2018, again with Caledonian programme and also 24 months supervision. Both orders to run concurrently 100+ unpaid hours work still to be completed.

Lewis Duncan's involvement with (child) thus far could be considered to have been on the fringes and to have been cursory, there are concerns in respect of Lewis' mental health, his involvement with criminal activity and his self-reported drinking which was previously reported to be significant. Lewis reports that he has had no further or pending convictions since February 2019...Lewis has parental rights and responsibilities in respect of (child) and is stating his intention and desire to step up and evidence he has a strong commitment to (child). There are some significant concerns in respect of Lewis, particularly around his mental health dating to September 2018 when Lewis attended hospital due to an overdose of co-codamol. There was a previous incident in November 2017 where Lewis was suicidal and had suicidal ideation by hanging. There have been a total of 8 referrals to mental health services between 2011 and 2018 in respect of concerns of having episodes of physical violence and suicidal ideation. Psychiatric assessment in Feb 2019 indicated that Lewis continued to drink heavily, self reporting drinking 4 times per week. Lewis also reported to use cannabis regularly. Lewis was reported to have problematic temper and impulse control issues and was diagnosed with harmful alcohol use with additional diagnosis of a dissocial personality disorder. His impulsive behaviours were considered to be linked to behaviours from his childhood (physical and emotional abuse from stepfather). His outbursts are often premeditated and instrumental of violence. Lewis has not been seen since the last appointment in September 2018. Lewis appears to present more positively and has no ongoing involvement with mental health services at this time...

(Child) requires at this time is for Lewis to evidence his commitment by working in partnership with services and to work towards (child) being rehabilitated into his care. Thus far, Lewis has agreed and is working with services towards this end.

Lewis at this time can be heightened emotionally himself – this will require specific work and agreed strategies to support and guide Lewis on how best to manage (child)'s behaviour, feelings and emotions at these times.

(Child)'s father has lived a life which could be characterised and described as also being transient. Lewis will require to evidence that he is able to settle and maintain his own tenancy whilst caring for (child) on his own, something he has very limited experience of...

Lewis is in the process of identifying and securing a home, a location close to Troon Primary may not be practicable or possible for her father...

Due to (child)'s increased emotional needs, the demands made of her father, Lewis are expected to be both significant and challenging. Therefore social services have advised and requested that his caring responsibilities and increased gradually and incrementally to ensure that he builds capacity to meet (child)'s needs. Lewis appears to be impatient to move things forward rapidly and feels confident in his abilities to care for his daughter. Lewis will be supported and encouraged by services to acknowledge and reflect on the challenges and difficulties he will no doubt encounter when caring for his child...

Lewis Duncan:

Lewis Duncan stated that he was not surprised that [] continued to drink or that she was involved in domestic violence; Lewis stated he had reported these concerns to (child)'s previously allocated worker. Lewis has stated very clear that he now wants the opportunity to demonstrate his commitment to (child) by being her full time parent. It is noted that when Lewis' relationship ended with [], it was she who continued to provide care and parenting for (child), rather than himself. Lewis reports that this was due to him not being in a positive place in respect of his drinking or his mental health. Lewis was asked about his role and lack of involvement in (child)'s life up to this point. Lewis cited difficulties in his relationship with (child)'s former social worker and states he wasn't viewed positively by them. Lewis also concedes and reports that he stepped back to allowing others, [] and [] to get on with caring for (child) without the complication of his involvement. Lewis states and social work reports affirm that prior to the termination of the Compulsory Supervision Order in January 2020, Lewis was again involved in (child)'s life and was having (child) stay over with himself and his step father on the weekends. Social Work reports state that Lewis was coping with (child) on weekend overnights. Lewis states that his contact with (child) was less consistent after the order was terminated – he claims this was down to [] not cooperating rather than him not wanting to have (child) stay over.

2021-02-25 Social Work Report

(Child) has no contact with her father Lewis Duncan. Lewis' whereabouts are unknown and there is an active warrant for his arrest due to his non-attendance at court in relation to being breached. Lewis' mental health is a concern and he has had repeated suicidal ideations between 2011 and 2020. It is not deemed beneficial or safe for (child) to have contact with her father at this time.

(Child)'s father, Lewis Duncan has not engaged with services and his whereabouts are unknown. Lewis' mental health is such, that it is the assessment of social work, that (child) should not have any contact with her father until a fuller assessment and understanding of his mental health, particularly around his recurring suicidal ideation is known.

This report also makes recommendation that (child) has no contact, direct or indirect with her father Lewis Duncan. Lewis struggles to maintain positive mental health, consequently Lewis has experienced repeated episodes of suicidal ideation from 2011 to 2020, Lewis has also made attempts on his life and has engaged in self-harming behaviours. There is currently an active arrest warrant issued by Ayr Sheriff Court in respect of Lewis Duncan who failed to attend court in 2020 in relation to breaching his court order. Lewis' whereabouts are unknown at this time.

02.07.2020 – [] contacts services to advise that Lewis has attended A+E due to an accident which has resulted in two cuts being sustained on his left arm. SW contact NHS CP advisor to enquire if there is any concern in respect of injuries being self-injurious.

09.07.2020 - Home visit undertaken to discuss concerns raised by [] in regards to Lewis making threats towards people in the community. Lewis evidences aggressive conduct throughout visit and leaves the home multiple times. Does not acknowledge concern but feels that he has been "grassed up" by []

14.07.2020 - Lewis messages SW and [] to report that he is done and no longer wants to engage

28.07.20 - Home visit – [] shows SW messages on her phone which indicate that on 14.07.20 - Lewis admits that he has cut his arm deliberately, there are also messages that state Lewis is suicidal and is considering drowning himself. Visit to be arranged with Lewis to discuss the concerns raised by the messages.

30.07.20 - Information received that [] has had the Police remove Lewis from his home and is no longer willing to have Lewis reside there.

31.07.2020 - Home visit – Davidson Place. Lewis secured homeless accommodation after being removed from... Lewis advised SW that the cuts to his arms were self-inflicted and that reports of messages he sent were by him and that he had considered suicide. Lewis also advised that he had been in contact with the CID and advised them of historic sexual abuse he has been subjected to by his adoptive father. Lewis advised SW that he understands he is not in a good place just now and cannot give (child) what she needs. Lewis states his intention to step back and get support and help – Lewis notes that he hopes to get the right help he needs.

13.08.2020 - Home visit – Lewis Duncan residing at his mother's home. Lewis does not have a telephone and has no fixed abode. Lewis updated in respect of (child) and the breakdown of the placement and SW inability to trace him. Lewis advises that he has been sleeping rough on Troon beach at times when he has been unable to stay overnight at his mother's...Lewis advised by social work that there continues to be significant concerns in regards to his mental health. Lewis claims he is fine.

15.09.2020 - Lewis fails to attend Ayr Sheriff Court. Warrant issued for Lewis' arrest.

Family Circumstances

...Karen Lewis reported that since the Covid lockdown in March, Lewis' engagement was satisfactory, however, prior to the lockdown due to the coronavirus pandemic, Lewis's engagement was not consistent and that she had reported this to the sheriff, effectively breaching Lewis for the second time in relation to his Community Payback Order. Lewis reported that despite the concerns expressed by social work in relation to his previous poor mental health, reports of domestic violence and his unexplained longstanding absence from (child)'s life, Lewis reported that his life circumstances had much improved and that his mental health was no longer a significant factor which impacted him, this in turn meant that he was drinking far less and that he was not misusing substances. Lewis signed voluntary consent on the 11.06.20 for (child) to be placed with her stepmother, [] whilst any rehabilitation could be assessed and evaluated around himself being a full time carer for (child). Lewis initially appeared to struggle with the rationale behind this decision as he stated he wanted (child) in his care immediately, he appeared to lack insight into the impact and the demands on himself of having to provide around the clock care for a child and was encouraged to consider a plan where (child) could be placed in his care and this be increased incrementally in order that any rehabilitation plan would have a greater chance of success. It would also provide the basis to assess and evaluate progress. On the 16 June 2020, (child)'s name was placed on South Ayrshire Council's Child Protection Register on the basis of her exposure to domestic violence, parental alcohol misuse and neglect...(Child) was having weekend contact with her father and grandfather, however, [] reported issues getting (child) to sleep at night following weekend contacts with her father. Lewis was asked to pause the overnight contacts for two weeks to allow (child) to settle back into a routine. Lewis was given the offer of services paying for a bus pass which allow him unlimited travel by bus to allow contact throughout the week and weekend with (child). The only aspect of contact being requested to change was the overnight stay at [] home as (child) was becoming very distressed and heightened emotionally following her overnight stays with Lewis. Lewis refused the offer off a bus pass, reporting that [] had a vehicle and therefore could run him back and forth between Troon and Ayr. [] reported that Lewis attended once on the first week following this decision, but thereafter contact was limited to phone calls between (child) and her dad.

Current

On 2 July 2020, Lewis Duncan attended Accident and Emergency in respect of two cuts to his left forearm which he claimed was caused in a workshop accident where blades fell onto his arm. Lewis sent text messages on 14 July 2020 to the allocated social work and [] which indicated an admission that the cuts were caused through self-harm rather than being accidental. At this time, Lewis also expressed the view that he now wanted to put a knife into his neck rather than into his arm. Lewis also sent text messages on the same date claiming that he was considering drowning himself by getting caught in a riptide or the wash from a ferry. On 30 July 2020, [] called Police Scotland and requested that the police remove Lewis from his home as he no longer wished Lewis to continue to reside there... A home visit was undertaken to Lewis Duncan on 31 July 2020 who had secured homeless accommodation. Lewis reported through this visit to the social worker that he did have suicidal ideation and that the messages he sent on 14 July 2020 where he indicated that he had cut his own arm was accurate. Lewis advised at this meeting that he was dealing with significant historical sexual abuse which he alleged was perpetrated by []. Lewis advised that this was why he was suicidal but advised that he was now in the process of

approaching the right support service, furthermore, he had contacted police in respect of the allegations and was progressing and co-operating with the police in a current investigation. Lewis's tenancy lasted a few days before he felt unable to sustain his tenancy due to what he described as pressure being put on him by local drug dealers who were trying to persuade Lewis Duncan to use his property as a place to distribute illicit substances. Lewis claimed the police advised him to leave his property after he reported this information to them, however, Housing Operations and Police Scotland were unable to verify that Lewis had made such a report. Thereafter Lewis' whereabouts had been largely unknown but he did spend some time residing at his mother's home,...Lewis attended court in August 2020 and denied Breach of his Supervision Order and the matter was deferred until 15 September 2020. Lewis thereafter failed to appear at court and a warrant was issued for his arrest. The arrest warrant remains active and Lewis' whereabouts continue to be unknown to services and his family...

The ICSO contained...a measure of no contact for (child) with her father Lewis Duncan due to concerns around his mental health and suicidal ideation, his complete disengagement from services, an active warrant for his arrest with the possibility of a custodial sentence being served, and ongoing reports from family in regards to Lewis' problematic alcohol and substance misuse. Lewis Duncan continues to be affected by his mental health and has engaged in a significant act of self-injury which required 29 stitches. Despite reporting his mental health is much improved, Lewis Duncan continues to have suicidal ideation – there are eight separate referrals in respect of Lewis's mental health and incidences of suicide attempts and suicidal ideation from 2011 until the present, this does not include the messages sent on 14 July 2020 to [] where Lewis claimed he was considering suicide by drowning. Lewis later confirmed at a home visit on 31 July 2020 that his mindset at the time was such and that the messages he sent was how he was feeling at the time. Lewis continues to lack any sense of stability and is currently of no fixed abode and there is an active warrant for his arrest. Concern that Lewis may likely receive a custodial sentence...

Analysis of impact on the child

Lewis reported to be, and appeared to present as more stable at the outset of (child) being placed on the CP register, however, since then there have been further concerns in respect of further suicidal ideation on 14 July 2020 where Lewis made comments about putting a knife into his neck, rather than his arm, a reference to the two cuts he made to his left forearm which required 29 stitches. Lewis also expressed suicidal ideation by drowning at this time too. At a time when (child) required her father Lewis to evidence his commitment by working in partnership with services and to work towards improving his mental health, addressing his alcohol and cannabis misuse as well as engaging with his orders through the courts to have some form of place in his daughter's life, however, Lewis' has withdrawn and disengaged from all services, he has been unable to maintain positive mental health and has experienced further instances of suicidal ideation and engaged in significant acts of self-harm which was undertaken in the full view of [], he has escalated his alcohol and substance misuse and is likely to face a custodial sentence due to his non-engagement with his Community Payback Order. Lewis' current whereabouts are unknown – it is the assessment of social work that Lewis Duncan is not in a position, nor does he evidence the capacity to provide adequate day to day parenting of his daughter (child).

At no time in the process of involvement when Lewis Duncan was engaging with social work, was it assessed that (child) could have unsupervised time with her father due to significant and unresolved concerns around his mental health and substance/alcohol misuse...

Lewis Duncan has completely withdrawn all involvement from services and currently his whereabouts are unknown. A single text message was received by social work from Lewis Duncan on the 04 December 2020 in which he texted "New number". This was responded to and requests made for Lewis to contact services however all messages and calls went unanswered. Lewis has not contacted services to enquire how his daughter has been since being accommodated with foster carers.

...There are significant concerns in respect of Lewis Duncan's mental health and his capacity to keep himself safe. There is evidence which indicates that his mental health is not stable and he continues to experience episodes where he has suicidal ideation and where he has engaged in significant acts of self-injury on at least one occasion. Reports from family indicate that Lewis continues to misuse alcohol and substances, which result in him being abusive and aggressive towards members of both households, allegations which Lewis denies,...Lewis has failed to attend court and there is an active warrant for his arrest in respect of breaching his supervision order and non-attendance at court. This is Lewis' second breach and there is a likelihood he may receive a custodial sentence which is likely to further impact his mental health.

Comfortable and Safe Housing

(Child)'s father has lived a life which could be characterised and described as being transient. Lewis has been unable to evidence that he is able to settle and maintain his own tenancy, his tenancy in Ayr lasted a few short days before he voluntarily terminated his tenancy agreement. Social work were unable to engage with Lewis Duncan in a proactive way to support, encourage and assess his parenting of (child). Rather than engage and work with services to evidence his commitment to (child), Lewis' conduct and behaviour throughout the process indicates very strongly that there is very little viability around consideration of him being a long term care option for his daughter (child). Lewis continues to be affected by problematic alcohol and substance misuse, poor mental health with incidences of suicidal ideation and actual self-harm, disengagement from all support services coupled with a lack of acknowledgement of responsibility on his part for his current situation and circumstances.

Informed views of parent/carer

Lewis Duncan:

Lewis is currently of no fixed abode and his mental state at the time when he engaged with services requires fuller assessment given his actions throughout July 2020. Lewis expressed a desire to be fully involved with (child) and would like to have (child) permanently in his life, however, he has not been able to evidence any sense of commitment towards his daughter either since (child)'s name was placed on the CP register or following her removal from the CP register. Lewis disengaged completely from all services and therefore has not provided views beyond those he shared on 31 July 2020. Lewis sent a text message on 04 December 2020 advising he had a new

mobile number; however, he failed to respond or pick up any calls from social work that were made to the number provided.

Addendum

Report provided by Karen Lewis (Justice Worker for Lewis Duncan) for Child Protection Review convened on 04.09.20. Info for CPRCC (child) on 4 September 2020

Lewis Duncan, dob 22/10/1984

At Ayr Sheriff Court on 27 April 2017 Mr Duncan was made subject to *Community Payback Order 24 months supervision and Programme Requirement to attend Caledonian Programme*. He did well initially and attended appointments. He completed pre-programme work without difficulty. His Case Management Plan focussed on Completing Caledonian Programme, monitoring substance misuse and mental health. Further offending resulted in a Restriction of Liberty Order which he subsequently breached. His compliance with groupwork was around 50% with facilitators informing that when he did attend he participated well. Further offences (*Domestic in nature*) resulted in another *Community Payback Order being disposed at Ayr Sheriff Court on 13 November 2018 with Caledonian programme and also 24 months supervision*. Both orders ran concurrently until AYR 2017/000189 expired on April 2019, although Breach of Order was outstanding.

On 12 February 2019 Mr Duncan appeared at Ayr Sheriff Court in relation to Road Traffic matters – Road Traffic Act 1988 S2 *Dangerous Driving*, S87 (1) *Driving without Licence*, S143(1) and (2) *Driving without insurance*. Sentence was deferred until 5 March 2019 when he was fined £950 and disqualified from driving for 15 months.

On 17 October 2019 at Ayr Sheriff Court Mr Duncan was made subject to *Community Payback Order 18 months supervision and 150 hours unpaid work x 2*, to replace two breached CPO's. LS-CMI assessment tool currently places him at high risk and needs and his Case Management Plan focusses on– **RESPECT Programme work** in relation to Domestic Violence, **Alcohol and Substance misuse** (Self monitor initially, any further offences will result in referral to specialist agency), **Family/marital** – Continue to monitor relationships, safety of any partner. In addition there will be ongoing discussion with Children and Families Social Work in relation to his daughter and accommodation. He was encouraged to meaningfully participate in any parenting assessment.

Mr Duncan has failed to engage and comply fully with his two recent Community Payback Orders and failed to attend supervision appointments. In relation to unpaid work there are 107 hours 45 minutes remaining. On 18 March 2020 a Breach report was prepared for Ayr Sheriff Court. Due to the current health pandemic and the resultant lockdown restrictions, discussion with Team Leader and it was decided that Mr Duncan should be given one final opportunity to engage with his Community Payback Orders. He was engaging by telephone on a fortnightly basis and commenced RESPECT Programme work in June 2020. He was made aware that should he fail to fully engage with supervision appointments then his Orders would be returned to Court under Breach Proceedings. He has once again failed to engage with Programme work, appointments for supervision and for unpaid work. He attended Court in August 2020 and denied Breach of his Orders. Matter was deferred until 15 September 2020. Mr Duncan is at risk of receiving a custodial sentence.

He telephoned Justice Services office in crisis on Friday 14 August 2020, prior to his Court appearance on Tuesday 18 August 2020. He told me that he wished to speak to me about a sensitive matter, something that had happened years and indicated that

it involved his stepfather though did not wish to elaborate. If he would have elaborated I would have been able to refer or signpost him to appropriate services however he stated that he was only willing to discuss this matter face to face.

He stated that he has fallen out with his stepfather and was no longer living there. He informed me that he had presented at South Ayrshire Council Homeless Team, and was provided with accommodation at 4 Davidson Place, Ayr. He did not wish to live there, stated that there were males who had tried to break down his door on two occasions and that he did not feel safe. He informed me that he had reported this to Police Scotland but was unable to provide me with complaint numbers stating that there had been a mix up. He is currently living with his mother in Irvine as a temporary measure and his housing officer is Angela McTaggart Ms McTaggart has not been able to receive complaint numbers from Police Scotland as described by Mr Duncan. She confirmed that he has handed back the keys to 4 Davidson Place, Ayr. He is not in South Ayrshire accommodation and the situation is still the same i.e. that he will not be provided further temporary accommodation. His application is being held for lost contact as she has been unable to speak to him.

- I discovered at a recent Core Group that Mr Duncan had presented at Ayr Hospital following self harming after misusing substances. Mr Duncan had not made me aware of this information. I left a message on his mobile phone asking him to return my call however he has failed to do so. I do not have an up to date mobile number for him.
- Mr Duncan recently informed me that (child)'s placement with his ex wife [] did not work out, resulting in her removal to South Ayrshire Council foster care placement. He stated that he was disappointed with this outcome however was advised to work with Children and Families Team in relation to any assessment or contact.
- Mr Duncan continues to fail to take responsibility for his behaviour and there are clear elements of attempting to manipulate agencies.

Karen Lewis

Justice Services Social Worker

2 September 2020

2021-10-28 Social Work Report FINAL

Lewis Duncan NFA. No fixed abode. Whereabouts unknown.

08.03.2021 - Lewis Duncan appeared at Ayr Sheriff Court in connection to breaching his CPO and an active warrant being issued for not appearing in court on 15/12/20. Lewis was admonished and given a £500 monetary penalty to be paid in 8 weeks, a further 12 months to complete his unpaid work element and to complete the remaining 5 weeks supervision element of his CPO.

15/03/2021 - Lewis Duncan advised his Justice Social Worker that he had been assaulted by 2 males. Lewis was admitted to hospital with a stab wound which resulted in his lung being punctured.

18/05/2021 - Lewis Duncan was issued with his first formal warning for noncompliance in his unpaid work element of his CPO. A letter was sent confirming the first formal warning due to not attending for his unpaid work or making contact with Justice Services.

26/05/21 Lewis Duncan was issued with a final formal warning for noncompliance with his CPO. A letter was sent advising that failure to attend further appointments may result in his order being returned to court under breach proceedings.

20/6/21 Justice Social Worker noted that Lewis Duncan has again breached his CPO. A further breach report was to be submitted to court due to Lewis ongoing failure to engage.

20/07/21 Lewis Duncan was extremely abusive and threatening to John Docherty, Social Worker. Violence to staff form was completed and threats were reported to Police Scotland. Lewis was arrested and questioned in connection with the incident however was not charged due to insufficiency of evidence to present to the PF.

Being there for Me

(Child)'s father contacted social care services with a view to gaining some level of contact with his daughter. Lewis appeared to be implying he had been exonerated by the Sheriff and was clearly under the impression that as far as legal proceedings were concerned, his admonishment from Ayr Sheriff Court with a high financial penalty was indicative of him being innocent and of him being proved right in respect of his claims that legally he had done nothing wrong. The tone throughout the phone call was menacing and unsettling; a number of threats were made towards the social worker which resulted in Police Scotland consequently being contacted and a complaint being made in respect of the threats and attempted intimidation by Lewis on the phone call. Concerns were also expressed to Police Scotland in regard to Lewis' current mental health as he also made some clearly outlandish claims on the call and a real sense that he was being very unjustly persecuted...It is a concern that Lewis is seeking contact and stating that he knows where she is. Foster carers have been updated and apprised of the information around Lewis.

2021-12-14 Social Work Report

Condition of no contact with her dad, Lewis Duncan

Lewis has had no recent contact with social work and therefore we are not able to assess if contact with him would be safe and/or beneficial for (child).

Lewis has not managed to sustain any meaningful engagement with appropriate support services. There has been no significant or sustained change in respect of either parents' ability to address any of the identified concerns in order to minimise, ameliorate or reduce the risk of harm to (child). There has been a repeated pattern of behaviour which would indicate that the prognosis for change in respect of either parent in the future is unlikely. The granting of the order would safeguard and promote the welfare of (child) throughout her childhood and later life. It would be better for the child that the order be made rather than should it not be made.

2021-12-15 Health and Social Care Partnership Letter

Form of reference by South Ayrshire Council to the Principal Reporter for advice by Children's Hearing to the Court in terms of Section 95 (1) (a) of the Adoption and Children (Scotland) Act 2007

[] and Mr Lewis Duncan (father) hold parental rights and responsibilities in respect of (child). However, the child's residence with [] and Mr Lewis Duncan has been and is likely to continue to be seriously detrimental to her welfare.

3. In terms of Section 82 (1) (c) and (d) of the said 2007 Act extinguish the aforementioned parental rights and responsibilities which were held by [] and Mr Lewis Duncan for the appropriate period.

4. To permit the parental responsibility detailed in Section 1 (1) (c) of the Children (Scotland) Act 1995 and the parental right detailed in Section 2 (1)(c) (namely if the child is not living with them, to maintain personal relations and direct contact with the child on a regular basis) to be extinguished in relation to [] and Mr Lewis Duncan.

5. In terms of Section 82 (1) (e) and (f) to allow South Ayrshire Council to determine the level and manner of contact between the child and the said [] and Mr Lewis Duncan and any other person as the Petitioner deems to be in the best interests of the child, given her needs and wishes.

And to dispense with the consent of [] and Mr Lewis Duncan.