

1 Friday, 23rd June 2017

2 (10.00 am)

3 LADY SMITH: Good morning.

4 We return now to other evidence today, Mr MacAulay.

5 MR MacAULAY: That is correct, my Lady. I would like to

6 call Christopher David Yeo.

7 LADY SMITH: Thank you.

8 DOM CHRISTOPHER DAVID YEO (sworn)

9 Questions from MR MacAULAY

10 LADY SMITH: Mr MacAulay.

11 MR MacAULAY: My Lady.

12 Are you Christopher David Yeo?

13 A. I am.

14 Q. And I understand that your religious name is Richard.

15 A. It is.

16 Q. I think, as the Abbot President of the English
17 Benedictine Congregation, you are generally referred to
18 as Dom Yeo; is that correct?

19 A. Yes.

20 Q. You have come here today to speak to reports that your
21 congregation has submitted to this Inquiry following
22 a request by the Inquiry?

23 A. Yes.

24 Q. We will come to those shortly, but before I do that, can
25 I look at your CV. That will be on the screen and it is

- 1 at BEN.001.001.0189.
- 2 A. Yes.
- 3 Q. Can I perhaps take you first to your academic
4 background; that's the second section on the CV.
- 5 A. Yes.
- 6 Q. Can we read that you graduated with a BA in
7 jurisprudence from Lincoln College Oxford in 1969?
- 8 A. Correct, yes.
- 9 Q. You also then got an MA in 1974?
- 10 A. Correct, yes.
- 11 Q. During that period did you enter Downside Abbey as
12 a novice?
- 13 A. In 1970.
- 14 Q. In 1970?
- 15 A. Yes.
- 16 Q. You took your solemn vows in October 1974?
- 17 A. Correct, yes.
- 18 Q. You also, it would appear, during that period seemed to
19 have studied law, is that correct, or is that part of
20 the continuation of your jurisprudence degree?
- 21 A. I finished studying law in 1970 when I entered the
22 monastery.
- 23 Q. So you were called to the Bar by Gray's Inn in 1972?
- 24 A. Yes.
- 25 Q. Did you ever practice?

- 1 A. No, never.
- 2 Q. I think you also obtained a BA in theology in 1976 from
3 St Benet's Hall in Oxford.
- 4 A. Yes.
- 5 Q. Moving on from there, you obtained a JCD in canon law.
6 I think JCD means Juris Canonici Doctor; is that
7 correct?
- 8 A. Yes, correct.
- 9 Q. That is essentially a postgraduate degree and it was in
10 canon law?
- 11 A. Yes.
- 12 Q. That was from the Pontifical Gregorian University in
13 Rome?
- 14 A. Yes.
- 15 Q. How long was that course?
- 16 A. The licence course is two years and then you have to
17 write a thesis and I did it in two years.
- 18 Q. Can we then look at your work and what you have been
19 doing. Can we see that you were Secretary of the Abbot
20 Primate of the Benedictine Congregation from 1980 to
21 1986?
- 22 A. Of the Benedictine Confederation; that is the
23 worldwide --
- 24 Q. I was about to ask you about that; can you tell us
25 a little bit about that?

1 A. There are 19 Benedictine congregations of which the
2 English Congregation is one and there is a worldwide
3 confederation which has an abbot primate, who doesn't
4 exercise any jurisdiction but who is a coordinator of
5 the Benedictines. He lives at Rome and I was the
6 secretary of that primate.

7 Q. Were you then based in Rome during that period?

8 A. Yes.

9 Q. During that same period you were also Procurator in
10 Curia of the Benedictine Congregation?

11 A. Yes.

12 Q. What did that involve?

13 A. That meant if there was any work to be done in the Roman
14 Curia, I acted as the Congregation's agent.

15 Q. The next information you provide us with is that you are
16 an assessor of the English Benedictine Congregation from
17 1985 to 1998; can you tell us about that?

18 A. That is adviser in canon law matters.

19 Q. Were you still based in Rome at that time or not?

20 A. Well, I did it -- I started it when I was based in Rome,
21 continued when I came back to England, and then
22 continued again when I was back in Rome in the 1990s.

23 Q. Of course you tell us that in fact you were a parish
24 priest of Bungay, Suffolk, from 1986 to 1993.

25 A. Yes.

- 1 Q. I think that is the Diocese of East Anglia; is that
2 correct?
- 3 A. It is. Could I just add: assessor is not a full-time
4 job; it is just being available for giving advice when
5 wanted.
- 6 Q. The information you provide is that you are an official
7 of the Congregation for Institutes of Consecrated Life
8 and Societies of Apostolic Life from 1993 to 1998; can
9 you tell us about that?
- 10 A. That is the office in the Vatican which supervises,
11 helps, supports different -- all different institutes of
12 religious and I was one of the officials there.
- 13 Q. And your congregation is an institute of religious; is
14 that right?
- 15 A. Yes.
- 16 Q. Amongst many others?
- 17 A. Indeed.
- 18 Q. You became abbot of Downside Abbey in 1998 and that's
19 the position you continue to hold to 2006.
- 20 A. Yes.
- 21 Q. During that same period you became Abbot President of
22 the English Benedictine Congregation?
- 23 A. Yes.
- 24 Q. Is that the position you hold at present?
- 25 A. It is, yes.

1 Q. You are also the Vicar of the Abbot Primate of the
2 Benedictine Confederation.

3 You have told us what the confederation is. What
4 about the position of vicar; what would that involve?

5 A. It means I am a member of his council. There are three
6 abbot members who form his council who he can consult
7 when he needs to. In the event of the Abbot Primate
8 ceasing to be Abbot Primate for any reason, the vicar
9 has to go and pick up the pieces.

10 Q. Finally, you tell us you were the administrator of
11 Buckfast Abbey from 2007 to 2009.

12 A. Yes.

13 Q. So far as your present situation is concerned you are
14 Abbot President and you also have this position as
15 vicar?

16 A. Yes.

17 Q. Where are you based?

18 A. I'm based not far from Liverpool.

19 Q. Are you attached to a monastery?

20 A. I'm attached to one of the parishes which is served by
21 one of our monasteries, by Douai Abbey.

22 Q. Thank you. Before we look at some of the responses that
23 you have made in the reports, can I ask you a little bit
24 about the history and background to the
25 Benedictine Congregation and its status within the

1 Catholic Church. Can you just fill us in on that?

2 Can you give us some background to the existence of
3 the congregation? If it would help, I can take you to
4 page 0125 of one of the reports.

5 Can I say to you, Dom Yeo, you have a hard copy of
6 each of the reports available to you in the folder.

7 A. Right.

8 Q. What you tell us here is that the English
9 Benedictine Congregation has its origins in the
10 legislation of the Fourth Lateran Council of 1215 and
11 the legislation of Pope Benedict XII of 1346. But you
12 had existed before then as a congregation?

13 A. Individual monasteries have existed -- individual
14 Benedictine monasteries have existed in England on and
15 off since 7th century. We don't know exactly when the
16 first monasteries adopted the rule of St Benedict. But
17 monasteries were --

18 LADY SMITH: You said the 7th century?

19 A. Yes. Monasteries were not linked up with each other and
20 increasingly monasteries were placed under the care of
21 the Holy See immediately, which meant effectively they
22 were not under anybody's care because the Holy See was
23 a long way away. So monasteries weren't being
24 supervised.

25 During the Middle Ages this started to become

1 an issue which exercised the church and in 1215 the
2 Lateran Council decided that Benedictines should follow
3 the example set by the Cistercians, which is that every
4 so often there should be a meeting of all the abbots,
5 the abbots should elect visitors, and the visitors would
6 conduct visitations of all the monasteries; that's the
7 origin of the Congregation.

8 It continued in that way until the Reformation.
9 With the Reformation our monasteries were dissolved.
10 Briefly -- we are talking about England here. Briefly
11 restored under Queen Mary and then further restored in
12 the 17th century.

13 But our monasteries were in exile in continental
14 Europe at that time.

15 MR MacAULAY: Perhaps I could take you to the constitutions
16 that I think you or your solicitors provided the Inquiry
17 with and that's at page 0190.

18 Before we look at any of the detail, can you perhaps
19 help us with what the status of this document is?

20 A. Every religious institute has constitutions which have
21 to be approved by the Holy See; they are the ground
22 norms under which the institute works.

23 In the case of a Benedictine Congregation, we have
24 two ground norms: we have the rule of St Benedict and
25 the constitutions, as is described a little later on in

1 the text, complement the rule.

2 Q. If we look at the first paragraph, paragraph 1, does
3 that summarise really what you have been already telling
4 us about the origins of the Congregation?

5 A. Indeed, yes.

6 Q. In particular, so far as Rome is concerned, was it
7 constituted as a monastic congregation of pontifical
8 right by Pope Paul V?

9 A. The distinction between pontifical right and diocesan
10 right is relatively modern.

11 Q. That's in the canon law code?

12 A. Back in the 17th century, at the time of Paul V, the
13 Benedictine monasteries were considered as regulars, and
14 regulars meant that we were exempt from episcopal
15 control, which today would be the equivalent of
16 pontifical right.

17 Q. Perhaps we can look at some aspects of the canon law
18 code and if we turn to -- before we do that, if we go
19 back to page 0125, just to pick up this particular
20 point.

21 Just to come back, to emphasise the point I think
22 you have been making, that the purpose of founding the
23 congregation was to reduce the dangers arising from
24 excessive autonomy of individual Benedictine
25 monasteries.

1 A. Excessive autonomy, I would not say that. Excessive
2 isolation. Isolation -- if things start to go wrong and
3 if there is no one to come in from outside, things can
4 start going very wrong.

5 Q. That's why then there is this vision that abbots should
6 meet periodically and elect visitors who would conduct
7 a visitation or inspection of each monastery?

8 A. Yes.

9 Q. We will be looking at Fort Augustus --

10 A. Indeed.

11 Q. -- which was a monastery and you would have expected
12 there to have been visitations to that monastery from
13 the Abbot of the English Benedictines?

14 A. From the Abbot President, yes.

15 Q. The Abbot President. Can we then look at --

16 A. Sorry, may I clarify that?

17 Q. Yes?

18 A. From the time that Fort Augustus rejoined the English
19 Congregation.

20 Q. And we will see when that was. If you turn to
21 page 0069, I was then going to take you to the code.

22 At 589 -- and can I say this is the 1983 code we are
23 looking at.

24 A. Yes.

25 Q. I think you indicate in the reports that there is also

1 of course the 1917 code, which was the first code of the
2 canon law.

3 A. Yes.

4 Q. This is the section dealing with what institutes are
5 and, as you mentioned:

6 "An institute of consecrated life is of pontifical
7 right if it has been established by the Apostolic See."

8 Do I take it from that that there has to be
9 a mandate of some sort from the Vatican effectively to
10 create an institute of pontifical right?

11 A. This canon refers to institutes which are being created
12 today and the answer is yes. Today, if you are having
13 an institute of pontifical right created, it would
14 require a decree of the Vatican.

15 What usually happens is that an institute of
16 diocesan right applies to become an institute of
17 pontifical right, but of course in the 17th century, and
18 even more in the 13th century, things were different.

19 Q. But do you look upon your congregation as an institute
20 of pontifical right?

21 A. It is.

22 Q. Can we look at Canon 586; that is on page 0068. We
23 looked at this earlier on in the Inquiry when
24 Monsignor Smith was giving his evidence, but if we look
25 at that particular canon, do we read that:

1 "A true autonomy of life, especially of governance,
2 is recognised for each institute. This autonomy means
3 that each institute has its own discipline in the church
4 and can preserve whole and entire the patrimony
5 described in Canon 578."

6 Clearly, that applies to your congregation, that
7 provision?

8 A. It could be misleading if you say that.

9 Q. Very well.

10 A. Because when I am talking about our monasteries being
11 autonomous I'm talking about the individual monasteries
12 being autonomous. This canon is saying that any
13 religious institute needs to have a certain degree of
14 autonomy. So, in other words, within the English
15 Benedictine Congregation each monastery enjoys autonomy.

16 Q. If we look at England, just focusing on England and the
17 monasteries you have in England, how many monasteries do
18 you have at present in England?

19 A. In England we have seven monasteries of monks and three
20 monasteries of nuns.

21 Q. If we focus on these monasteries, these ten monasteries,
22 they are each autonomous in their own right?

23 A. Yes.

24 Q. But they come within the Congregation as a whole?

25 A. Yes.

1 Q. While we have this page on the screen, can we look at
2 Canon 584 and read that:

3 "Only the Apostolic See can suppress an institute
4 and dispose of its temporal goods."

5 "Suppression" means effectively eliminating the
6 institute?

7 A. Yes. It means the juridical person is extinguished.

8 Q. That happened with Fort Augustus, did it?

9 A. That actually was done under Canon 616, I think, which
10 provides for the suppression of an autonomous monastery.

11 Q. But does it still have to be done from Rome?

12 A. It can be done by the General Chapter. However in the
13 case of Fort Augustus I had to go to Rome because one of
14 the monks was reluctant to join another monastery and
15 that meant that I was wanting to suppress a monastery
16 which still had a member and therefore I had to refer to
17 Rome to ask them what to do and they told me to go
18 ahead.

19 Q. Very well. Canon 616 then at page 0072, if we look to
20 that. From what you are saying this is the provision
21 you sought to invoke, was it?

22 "After consultation with the diocesan bishop,
23 a Supreme Moderator can suppress a lawfully established
24 religious house in accordance with the constitutions."

25 A. No, 616, section 3.

- 1 Q. Thank you:
- 2 "Unless the constitutions enact otherwise, the
- 3 suppression of the autonomous houses mentioned in
- 4 Canon 613 belongs to the General Chapter."
- 5 A. Yes.
- 6 Q. But notwithstanding that, you saw the need to go to Rome
- 7 to get the final go-ahead?
- 8 A. Because there was an exceptional circumstance which
- 9 meant that I could not act on my own.
- 10 LADY SMITH: Can I just take you back a few answers. You
- 11 were asked about suppression and you said that that
- 12 means the juridical person is extinguished --
- 13 A. Yes.
- 14 LADY SMITH: -- and you were referring to Fort Augustus.
- 15 A. Yes.
- 16 LADY SMITH: What was the juridical person that was
- 17 extinguished in the case of Fort Augustus?
- 18 A. The community.
- 19 LADY SMITH: The community was extinguished?
- 20 A. The community of monks.
- 21 Q. So when you are talking about the autonomy of individual
- 22 monasteries, you are referring to the autonomy that
- 23 an individual community has?
- 24 A. Yes.
- 25 LADY SMITH: But each community is itself part of the wider

1 community of Benedictines, the religious institute; is
2 that right?

3 A. Each of the monasteries is a member of the English
4 Benedictine Congregation.

5 LADY SMITH: Right.

6 A. So the community of Fort Augustus was a member of the
7 English Benedictine Congregation. The individual monks
8 of Fort Augustus aren't members of the Congregation;
9 they are members of Fort Augustus Abbey.

10 LADY SMITH: I can understand that.

11 It sounds very simple to say the whole institute is
12 autonomous and that's, I take it, in respect of its
13 relationship with the Holy See?

14 A. Also -- more its relationship with bishops.

15 LADY SMITH: Its relationships with the bishops?

16 A. Yes.

17 LADY SMITH: All right. But individually these communities
18 are autonomous?

19 A. Yes.

20 LADY SMITH: But there must be some means of relationship,
21 direction, control as between them, isn't there?

22 A. And that's why the Congregation was established. That's
23 why we have a congregation, my Lady, in order to provide
24 coordination, some sort of inspection, and some sort of
25 remedy if things go wrong.

1 LADY SMITH: Right. Thank you. I am sure Mr MacAulay is
2 going to explore this further -- and forgive me if
3 I have taken that out of order -- but I just wanted to
4 explore that at this stage. Thank you.

5 MR MacAULAY: I will be coming on to ask you to whom,
6 ultimately, was the monastery at Fort Augustus
7 answerable to.

8 Perhaps you can give me a preview of that: to whom
9 was that monastery answerable ultimately?

10 A. The Abbot of Fort Augustus had the care of everything
11 relating to the monastery. So he was in charge of the
12 spiritual life and in charge also of the material
13 possessions of the monastery. He had to account for his
14 stewardship to the visitor -- sorry, the Abbot President
15 of the Congregation, who was the person entrusted with
16 the visitation of Fort Augustus.

17 So that is the main way in which we ensure that
18 monasteries are proceeding in a good way.

19 Q. Is that to say that is the way in which monasteries are
20 held accountable?

21 A. Yes.

22 Q. We will come back to that, but while I have the code in
23 front of me, Dom Yeo, can we also look at Canon 573,
24 paragraph 2 -- I'm sorry it is at page 0067.

25 This is the canon that makes mention of vows and in

1 the context of Institutes of Consecrated Life and we can
2 read that:

3 "By vows or by other sacred bonds in accordance of
4 the laws of their own institutes they profess the
5 evangelical counsels of chastity poverty and obedience."

6 I appreciate that your congregation was in existence
7 long before this code was enacted, but does that reflect
8 the position within your congregation?

9 A. Yes.

10 Q. These are the vows?

11 A. Yes.

12 Q. You mentioned the rule of St Benedict as being the other
13 important document that is of particular relevance to
14 your congregation. If we can look perhaps at page 1.

15 Again this was a document sent to us. We can read
16 the heading:

17 "The Rule of St Benedict."

18 I think we have a page, but the Rule of St Benedict
19 is a much longer document than one page. It is a very
20 lengthy document.

21 A. It is relatively short as rules go: a prologue plus
22 73 chapters.

23 Q. Is this where your congregation derives its inspiration
24 from?

25 A. Yes.

- 1 Q. Was it written by St Benedict himself?
- 2 A. Yes, it was. He certainly took elements from earlier
3 rules and adopted them, but some of it you can tell must
4 have been written by himself.
- 5 Q. That's some time what, 500 to 600AD?
- 6 A. The traditional date of his death is 547.
- 7 Q. In your response to the Inquiry's requests, Dom Yeo, you
8 have provided three reports --
- 9 A. Yes.
- 10 Q. -- one focusing on Fort Augustus, one on
11 Carlekemp Priory, and also a separate report essentially
12 providing the viewpoint of the English
13 Benedictine Congregation.
- 14 A. May I qualify that? The report on Fort Augustus was on
15 Fort Augustus School.
- 16 Q. Yes.
- 17 A. Yes.
- 18 Q. And the Carlekemp School as well?
- 19 A. Yes.
- 20 Q. So far as putting these reports together, can you help
21 me with that? How were they constructed?
- 22 A. The report on the Congregation was written by me and
23 then I submitted it to our lawyers who made comments and
24 I amended it accordingly.
- 25 The reports on the two schools, as we indicated, we

1 have archival material about the schools. I'm afraid
2 I didn't have time to go through the archives myself and
3 we got one of the members of the law firm which we work
4 with to go through the archives. So she basically wrote
5 the report and then I looked at it, corrected it, filled
6 in some gaps.

7 Q. Very well. But you are in a position to respond to some
8 of the points -- to the points that have been made in
9 the request that was made?

10 A. Indeed.

11 Q. Can we then perhaps use the Fort Augustus report as the
12 main report for present purposes and go to page 0152.

13 You begin by describing what a monastic congregation
14 is. We have talked about that. You go on to say that:

15 "The Superior of the Congregation has no remit to
16 authorise or control the activities undertaken at any
17 monastery. Under both the 1917 code and the more recent
18 1983 code, the Abbot President is the Superior of the
19 Congregation."

20 And he undertakes a four yearly visitation and you
21 have told us about that.

22 Then you go to say in the next paragraph:

23 "At no time did the English Benedictine Congregation
24 have any control over or responsibility for the
25 constitution, management or operation of Fort Augustus

1 Abbey. The Congregation did not govern the Abbey."

2 There you are focusing on the autonomy of the
3 monastery itself?

4 A. Correct, yes.

5 Q. As I think you indicated a moment ago, you would look
6 upon the monastery or the abbot to be accountable to you
7 ultimately?

8 A. The way I often describe it is that the Abbot President
9 doesn't run the monastery; he ensures that the monastery
10 is properly run.

11 LADY SMITH: So what does he do if he discovers something is
12 happening which ought not to be happening?

13 A. The first thing that I would do is call a visitation.
14 During the visitation, if I was able to correct things
15 informally, then that would be the ideal way to do it.

16 Ultimately I might have to issue what we call an act
17 of visitation, which is a decree which is binding by the
18 vow of obedience.

19 LADY SMITH: Is that what you refer to in this document as
20 a precept or is that something different?

21 A. Yes.

22 LADY SMITH: A precept?

23 A. Yes.

24 LADY SMITH: It is a direction that has to be followed by
25 the monastery?

- 1 A. Yes.
- 2 LADY SMITH: Thank you.
- 3 A. If that fails, I go to the Holy See.
- 4 LADY SMITH: Thank you.
- 5 MR MacAULAY: I was asking about ultimate responsibility or
6 accountability. Just from what you said there a moment
7 ago, in fact, ultimately would it be the Holy See that
8 would be accountable?
- 9 A. The Holy See has ultimate authority. The Holy See can
10 do anything fundamentally.
- 11 Q. Essentially we are talking about the Pope?
- 12 A. You are talking about the Congregation for what we call
13 Congregation for the Religious, the Congregation for the
14 Institutes of Consecrated Life and Societies of
15 Apostolic Life, which acts on the Pope's behalf dealing
16 with religious institutes.
- 17 Q. To answer my question, ultimately it is the Holy See
18 that would be responsible for the actions/activities at
19 the monastery at Fort Augustus?
- 20 A. I don't think saying that the Holy See is responsible is
21 a helpful way of putting it.
- 22 Q. Accountable?
- 23 A. The abbot is accountable. The Abbot President is
24 responsible for ensuring that the abbot acts correctly
25 and if the abbot doesn't act correctly ultimately the

1 Abbot President would go to the Holy See and ask the
2 Holy See to dismiss the abbot. But that's not, to my
3 mind, the same thing as saying that the Holy See is
4 accountable.

5 Q. Ultimate authority rests with the Holy See?

6 A. Yes.

7 Q. If we read on in the report then, Dom Yeo, on that same
8 page you begin by saying halfway down:

9 "The English Benedictine Congregation cannot respond
10 to the Section 21 Notice on behalf of Fort Augustus
11 Abbey, Fort Augustus Abbey School or Carlekemp Priory
12 School. It was not a provider of an establishment in
13 Scotland. The Congregation had no responsibility for or
14 control of the abbey or its schools."

15 Looking to the conversation we have just been
16 having, is that absolutely correct that you had no
17 responsibility?

18 A. Well, my predecessor, the Abbot President, had
19 a responsibility for ensuring that Fort Augustus was
20 properly run. But that's not the same thing as the
21 responsibility for running Fort Augustus.

22 Q. From what you are saying, Dom Yeo, do you accept that
23 your predecessor -- I don't want to personalise this --
24 had responsibility for control of the abbey in the sense
25 that if something is untoward or is wrong, then your

- 1 predecessor had the power to do something about that?
- 2 A. He had the power to order that the abbot do something
3 about it. The Abbot President couldn't go in himself
4 and give orders. He would have to -- he tells the abbot
5 what to do.
- 6 Q. Let's take an example where that's happened and the
7 abbot refuses to do what he has been told. Do I take it
8 from what you have were saying before that the
9 Abbot President would then go to the Holy See?
- 10 A. Yes.
- 11 Q. And then what would happen?
- 12 A. The Abbot President would probably recommend to the
13 Holy See that the abbot should be dismissed.
- 14 Q. And in that way the Abbot President, through the
15 Holy See, is exercising control over the abbot and the
16 monastery?
- 17 A. I would say that it is because the Abbot President
18 cannot exercise control that he has to go to the
19 Holy See.
- 20 Q. In that instance then the Holy See is exercising the
21 control?
- 22 A. The Holy See is making provisions to ensure that the
23 monastery is properly run.
- 24 Q. And the Holy See has the power to do that?
- 25 A. The Holy See could. As I said, the Holy See can do

1 anything.

2 Q. It may be a matter of words, but in that way, having the
3 power to do anything, the Holy See has the power to
4 control an Abbey like Fort Augustus? Are you accepting
5 that or not?

6 A. How the Holy See, a thousand miles away from
7 Fort Augustus, can effectively exercise control is
8 difficult to see.

9 Q. But in the example we are looking at where the
10 Abbot President has reported to the Holy See, then that
11 report provides the Holy See with the information and
12 the power to exercise control, for example, by
13 dismissing the abbot of the monastery.

14 A. And if I can add: on several occasions during the
15 history of Fort Augustus the Holy See appointed
16 an administrator and what they were doing then was
17 appointing a person who had the full jurisdiction that
18 the abbot has. So from that point of view, indirectly,
19 yes, they were exercising control, but not in the sense
20 that the Holy See gave an individual direction to
21 individual monks about how they should behave. It would
22 only do that through the appointment of
23 an administrator.

24 LADY SMITH: I think we have got that point. I do not think
25 Mr MacAulay is suggesting to you that the Holy See would

1 step in and start taking over the minutiae of how
2 Fort Augustus was going to be run. But the way you
3 describe it, it does sound rather as though the
4 Abbot President would recognise, in the hypothetical
5 circumstances being explored, that he has a duty to take
6 steps, steps as serious as reporting matters to the
7 Holy See, because, to use a colloquialism, something
8 dramatic needs to be done and he, as Abbot President,
9 doesn't have the power to do that.

10 Then, in turn, if the Holy See agrees, agreeing that
11 out of duty to everything that the religion believes
12 in -- and we are talking about the wider Christian
13 religion here -- then steps must be taken.

14 A. Yes, my Lady.

15 LADY SMITH: Is that a fair description of what goes on?

16 A. I think that is fair, yes.

17 LADY SMITH: Thank you.

18 MR MacAULAY: Can we then move on in the report and look to
19 see what you tell us about Fort Augustus first of all.

20 The information you provide us with is that the
21 abbey was founded in 1876 and you provide us with some
22 history of that and in particular that originally it was
23 hoped that Fort Augustus would represent the beginning
24 of a Scottish Benedictine congregation; is that right?

25 A. Yes.

- 1 Q. What then happened?
- 2 A. It was always a fairly unrealistic hope. The people
3 involved in the foundation of Fort Augustus weren't the
4 right people really to do something as grand as that.
- 5 The first Superior was not a suitable person to be
6 appointed Superior. There were disagreements within the
7 monastery. The disagreements were taken to the Scottish
8 bishops. The Scottish bishops became convinced that it
9 was unhelpful to have this monastery within the English
10 Benedictine Congregation and secured from the Holy See
11 a provision separating Fort Augustus from the English
12 Benedictine Congregation.
- 13 Q. So, at the very beginning, was it part of the English --
- 14 A. At the very beginning, yes.
- 15 Q. I think you mentioned this before: there was this
16 separation but then there was a return?
- 17 A. Yes.
- 18 Q. You have provided us with information about that on
19 page 0153. In that the separation occurred in 1882?
- 20 A. Yes.
- 21 Q. That lasted some 27 years; is that right?
- 22 A. Yes.
- 23 Q. But thereafter the community -- rather Fort Augustus
24 returned to the English Benedictine Congregation?
- 25 A. Yes.

1 Q. Where it remained until it closed?

2 A. Yes.

3 Q. Perhaps I should ask you at this point: you have made
4 mention of there being archives and records that were
5 used to construct the two reports.

6 Looking at Fort Augustus, what kind of records are
7 available?

8 A. When the monastery closed, most of the archives were
9 deposited in the Scottish Catholic Archives here in
10 Edinburgh.

11 A few of the archives -- a few archives relating
12 specifically to monastic things were placed in the
13 Congregation's archives. In 2013 the Scottish Catholic
14 Archives said that it couldn't house them any longer and
15 the archives were split into two at that stage -- sorry,
16 I beg your pardon, no, at that stage and our lawyers in
17 Edinburgh housed the archives for a time. Then they
18 were split into two.

19 We had heard stories of abuse at Fort Augustus by
20 then and so we kept all the archival material which
21 could be wanted for litigation up in Edinburgh in our
22 lawyer's offices and the rest was removed to the
23 Congregational archives.

24 So, what you have is here in Edinburgh a good deal
25 of personal files about pupils in the school. What we

1 have at Downside, the Congregational archive, which is
2 located at Downside Abbey, are things related to the
3 monastery more.

4 Q. So, for example, looking at the Downside archives,
5 visitation reports for example, would they be contained
6 in that archive or not?

7 A. No. There might be something but they will be more
8 likely to be in the Abbot President's archives.

9 Q. Tell us about that.

10 A. I have taken all the material from Fort Augustus and
11 I keep it with me and there is remarkably little
12 material about visitations. A certain amount about the
13 finances -- mainly about the finances.

14 Q. Let's look at the personal files that you say are in
15 Edinburgh. Do they cover the whole period of the
16 existence of the school?

17 A. Are we talking about the personal files of pupils or of
18 monks?

19 Q. Of both in fact.

20 A. Pupils -- I'm afraid I haven't looked at them. I know
21 they are there but, yes, I assume they do. As regards
22 monks, there seems to have been a policy that when
23 a monk died or when he left the monastery that his
24 personal file was destroyed because the files which
25 I received when the monastery was suppressed relate only

1 to monks who were living as monks at Fort Augustus when
2 the monastery closed.

3 LADY SMITH: Is that normal practice in the Congregation?

4 A. I don't think so but I wouldn't really know.

5 LADY SMITH: It seems a terrible shame.

6 A. It is not practice in the monasteries which I know
7 about, though I would add that personal files tend to be
8 pretty skimpy.

9 LADY SMITH: They may still be of interest, for instance, to
10 surviving relatives.

11 A. I'm not defending the policy, my Lady. As I say, simply
12 from the fact that those are the only archives which
13 exist, that's the only explanation that I can give.

14 LADY SMITH: Thank you.

15 MR MacAULAY: Just looking to the materials that are kept at
16 Downside. I think you say there's very little by way of
17 visitation reports. What kind of other material do you
18 have in mind?

19 A. We have the reports; we have the records of council
20 meetings; we have the records of meetings of the
21 chapter, that is of the whole community; a fair amount
22 of correspondence; we have papers left by individual
23 monks, including some scholarly works; a certain amount
24 of material going back to 17th century, Ratisbon --

25 Q. Can we then look on in the report and turn to (ii) where

1 you provide us with some information as to when the two
2 schools came into existence.

3 The Fort Augustus School -- you call that "the abbey
4 school" -- that was opened in 1923?

5 A. Yes.

6 Q. Can you tell us what the thinking was in opening
7 a school?

8 A. Probably about three elements come together. In the
9 first place, there was a growing community at
10 Fort Augustus and the monks needed work. Secondly, the
11 community was chronically short of money, so it needed
12 an income. Thirdly, the monastery had re-joined the
13 English Benedictine Congregation in 1909 and all the
14 other schools of the English Benedictine Congregation
15 ran schools:

16 The first Abbot of Fort Augustus after the return to
17 the English Benedictine Congregation wanted to re-open
18 the school, but that was in 1914 and with the war
19 nothing happened. So there was certainly a number of
20 monks within the community who were favourable to
21 following the same sort of lifestyle as the other
22 English Benedictine Congregation monasteries and that
23 included running a school.

24 Q. What traffic was there between monasteries either then
25 or indeed over the years? Would monks from one

- 1 monastery move to another monastery?
- 2 A. Very little. Monks moved on a stable basis, you mean?
- 3 Q. On any basis. If you have a monk, for example, based at
4 Downside, could that monk have made his way up at some
5 point in time over the years to Fort Augustus Abbey?
- 6 A. It would be extremely rare. I'm aware of the first
7 occasion an administrator was appointed to Fort Augustus
8 in 1909. He was there for two or three years. He was
9 reappointed in 1917, I think, and stayed for two years.
10 Another administrator was appointed in 1940 and I think
11 he took another monk, maybe two monks, with him.
12 An administrator was appointed in 1969. Towards the end
13 of the time of Fort Augustus, after the school was
14 closed, one monk was moved there for -- partly to help
15 the community and partly because he was an offender.
- 16 Q. Sorry, he was what sorry?
- 17 A. Partly because he was a sex offender. Then --
- 18 Q. Just go back. You say a monk was moved from where to
19 where?
- 20 A. That was a monk who was moved from Downside to
21 Fort Augustus, which is to say that the Abbot of
22 Downside asked if he could be moved to Fort Augustus,
23 the Abbot of Fort Augustus agreed and that would be the
24 case in all --
- 25 Q. But was the movement taking place because the monk in

- 1 question was a sex offender?
- 2 A. Two reasons: one Fort Augustus wanted more monks and
3 Downside wanted a place where there wasn't a school
4 where this person could be housed.
- 5 Q. What was the date for this?
- 6 A. 1993.
- 7 Q. So the school had closed by then?
- 8 A. Yes. Several monks from another monastery went to
9 Fort Augustus for periods of a month or so -- 1994 to
10 1997, I think -- and as far as I'm aware that's the
11 limit of movements of monks to Fort Augustus.
- 12 Q. The movement of the monk in 1993, the monk who was a sex
13 offender, was he a convicted sex offender?
- 14 A. No.
- 15 Q. Were the authorities involved with this monk, the
16 police?
- 17 A. This was arranged by the two abbots concerned.
- 18 Q. But what about the police? Were they involved?
- 19 A. I doubt it.
- 20 Q. Why do you doubt it?
- 21 A. I don't think that -- because when the person concerned
22 was discovered, the families asked that he shouldn't
23 be -- that the police should not be informed. This was
24 before the Children's Act.
- 25 Q. But then what you are telling us I think, Dom Yeo, is

1 that there was very little movement, in fact, between
2 monasteries?

3 A. Very little.

4 Q. Insofar as Fort Augustus would be concerned then, how
5 would it, as a monastery, obtain monks? Would it rely
6 on people coming with a vocation to become a monk
7 joining the community?

8 A. Yes.

9 Q. I should have taken from you when I was looking at your
10 CV that you are in fact an ordained priest.

11 A. Yes.

12 Q. And you were ordained on 6th September 1976; is that
13 correct?

14 A. 26th.

15 Q. 1976?

16 A. Yes.

17 Q. Was it the practice for Benedictine monks to become
18 priests?

19 A. Different monasteries have different customs. At
20 Fort Augustus you had a large number who did not become
21 priests.

22 Q. But some who did?

23 A. The majority did.

24 Q. Then we had moved from looking at the starting point for
25 Fort Augustus, and you tell us that the Priory School,

- 1 that is the school at Carlekemp, opened in 1945?
- 2 A. Yes.
- 3 Q. That was the successor of an earlier school in
- 4 Canaan Lane in Edinburgh?
- 5 A. Yes.
- 6 Q. The Priory School was for younger boys; is that right?
- 7 A. Yes.
- 8 Q. The age range, can you tell us, for the Priory School?
- 9 A. I think there were two leaving ages. Either 11 or 13,
- 10 I think it was. They could move to Fort Augustus at 11
- 11 or at 13, I believe.
- 12 Q. Was it -- and the starting point, what were the youngest
- 13 ages for the youngest children at the Priory School?
- 14 A. I don't know but I assume it was something like 7 or 8.
- 15 Q. It was a boarding school?
- 16 A. Yes, it was.
- 17 Q. Was it seen as a feeder school to Fort Augustus?
- 18 A. Yes.
- 19 Q. Since we are looking at age ranges, what about
- 20 Fort Augustus itself? What was the age range at
- 21 Fort Augustus?
- 22 A. I think it varied at different times, but I think it was
- 23 12 to 18.
- 24 Q. Both schools were fee-paying schools?
- 25 A. Yes.

- 1 Q. In the request the question was asked:
- 2 "Why [did] the organisation consider that it had the
- 3 competence to be responsible for and manage the care of
- 4 children in establishments?"
- 5 What's your answer to that?
- 6 A. I think the question would not have occurred to anybody
- 7 in 1923. The members of the community of Fort Augustus
- 8 saw that other monasteries in the Congregation were
- 9 running successful schools and assumed that they could
- 10 do the same.
- 11 Q. That's I think the answer you give in the report, in
- 12 fact, that many other monasteries of the Congregation
- 13 developed schools as part of their institutions.
- 14 A. Yes.
- 15 Q. If you move on to page 0154, you provide information
- 16 then about the life of the duration and existence of the
- 17 two schools. I think, so far as Fort Augustus was
- 18 concerned, it ran from 1923 until closure in 1992 as
- 19 a school.
- 20 A. I think it is 1993, actually.
- 21 Q. Carlekemp ran from 1945 to 1977.
- 22 A. Yes, that is correct.
- 23 Q. So far as Fort Augustus is concerned, do I take it that
- 24 the Abbey continued to run then as an abbey until its
- 25 closure?

- 1 A. Yes.
- 2 Q. I think you said it closed in 1999.
- 3 A. Yes.
- 4 Q. Is it 1999?
- 5 A. Correct, yes.
- 6 Q. But not suppressed until some time after that?
- 7 A. The canonical suppression took place in 2001.
- 8 Q. The reason why the school was closed, can you elaborate
9 upon that?
- 10 A. The school at Carlekemp closed because numbers were
11 going down, numbers of monks were going down. I think
12 it was felt that it was too much for Fort Augustus to
13 run two schools. I think the abbot was not happy about
14 having some of his monks living a long way away and
15 wanted the community to be together.
- 16 Q. And Fort Augustus?
- 17 A. That was because of shortage of numbers.
- 18 Q. Just to be clear, although monks were located at
19 Carlekemp Priory School, they were part of the
20 Fort Augustus monastery?
- 21 A. Yes.
- 22 Q. If we turn to page 155 of the report, at (x) you say
23 again that:
- 24 "Fort Augustus had complete autonomy in relation to
25 provision of residential care for children. The English

1 Benedictine Congregation at no time had any control
2 over, or responsibility for, the management or operation
3 of the schools run by the Fort Augustus Abbey."

4 That's I think the position you adopt.

5 A. Yes.

6 Q. Can we look a little bit more at the organisational
7 structure that may have been involved here. I know you
8 have mentioned this before, but if you turn to page 0175
9 of this report, there is a section dealing with
10 organisational structure and oversight. The question
11 you were asked was:

12 "What were the governance arrangements within the
13 organisation?"

14 Perhaps you can tell us about the set-up at
15 Fort Augustus Abbey. That's what you talk about.

16 A. I'm sorry I have got lost. (Pause). Excuse me, could
17 you repeat the question?

18 Q. Yes. I'm asking really about the -- as we are looking
19 at the school, let's look at the school. What was the
20 set-up? What was the organisational structure within
21 the school so far as you can tell us?

22 A. There was always a headmaster and the headmaster was
23 always a monk. I think in the 1930s there was a layman
24 who acted as headmaster, but the nominal headmaster was
25 a monk.

1 There would have been a bursar, but the bursar was
2 under the direction of the abbot, not the headmaster.
3 The school was divided into houses from about
4 1940-something onwards. There were two, then three
5 houses.

6 The abbot would have had to get consent of his
7 council or of the chapter for major capital expenditures
8 for the school.

9 Q. Yes. Within the school environment, apart from the
10 headmaster, would the other monks be there to teach?

11 A. Yes. There were two and then three housemasters whose
12 role was more pastoral, but other monks would have been
13 involved in teaching.

14 Q. And the abbot, as you tell us on page 175, and you may
15 have mentioned before, was elected by the community at
16 Fort Augustus Abbey?

17 A. Yes.

18 Q. Although I think you have indicated that if at some
19 points in time there was no abbot, an administrator was
20 in position?

21 A. Yes.

22 Q. The abbot then lived on the same site as the school; is
23 that correct?

24 A. Yes.

25 Q. Can you tell us anything about the way the site was set

1 up?

2 A. I can't really because I only visited Fort Augustus
3 after the school had closed down. What I think was the
4 case was that the monastery was pretty separate from the
5 school.

6 Q. We have some photographs if I can perhaps put them on
7 the screen. If you can provide us with any assistance
8 in connection with them. That is at 0213.

9 The top photograph we are looking at is giving us
10 a sort of an aerial view of the site with quite
11 extensive buildings on the site. It was a large area?

12 A. Yes.

13 Q. We have a wonderful view across the water.

14 A. It is beautiful.

15 Q. But there would be -- can you tell from here which part
16 was the monastery and which part was the school?

17 A. I'm afraid I can't.

18 Q. The bottom photograph on that same page, that is a more
19 modern building; you can't help us with what that may
20 have been?

21 A. I certainly can't help and I have no recollection of
22 seeing that building. Is that building still in
23 existence?

24 Q. I can't answer that. These photographs, I think, were
25 sent in on your behalf, but there we go.

1 A. Sorry.

2 Q. Can we move on then to another photograph, while we are
3 looking at photographs, and that's at 0215.

4 If I just move that up a bit. The heading tells us
5 that's the Superior of Carlekemp Priory School. Had you
6 been there?

7 A. I had never been there.

8 Q. I have been looking at the response in relation to
9 Fort Augustus and the set-up there and I think the
10 set-up at Carlekemp was similar with a headmaster who
11 was a monk, but of course the abbot was in Fort Augustus
12 and not at Carlekemp.

13 A. Indeed.

14 Q. You are asked questions also about leadership. If we
15 turn to page 0179 of the Fort Augustus report, you begin
16 by telling us that:

17 "The Abbey School had a tiered management structure.
18 The abbot had ultimate control over the school, as the
19 head of the abbey, and the school headmaster had overall
20 control of the school in all aspects save for finance."

21 You have mentioned that already. You go on to tell
22 us that:

23 "In 1985 the Fort Augustus Advisory Board was
24 established."

25 Can you tell us a little bit about that?

1 A. Carlekemp had come to Fort Augustus in 1977, so numbers
2 went up. But then in the early 1980s, numbers started
3 going down. I think by 1984 the numbers were below 100.

4 Q. We will look at numbers shortly.

5 A. Right.

6 LADY SMITH: So in 1977 the Carlekemp operation closed in
7 North Berwick and the children being educated there came
8 to Fort Augustus?

9 A. They did, yes.

10 LADY SMITH: So it would then have become a combined prep
11 school and senior school at one site?

12 A. For a short time and then the preparatory department
13 fizzled out but the numbers in the school started to
14 decline seriously in the 1980s. By 1984 the abbot was
15 convinced that the school should be closed down, that it
16 was going to become uneconomical. There was an uproar
17 at this and a group was founded, which I think was
18 called the Action Committee, to save the school. They
19 put a lot of pressure on the community. The abbot
20 became ill and had to go away to recover. The chapter
21 reversed the decision to close the school and
22 Fort Augustus continued and the Action Committee became
23 the Fort Augustus Advisory Board.

24 Q. And continued in existence?

25 A. And continued -- the school continued in existence.

- 1 Q. But did the board?
- 2 A. It did. What I have heard is that it did good work, it
3 was useful.
- 4 Q. Who made up the board?
- 5 A. I don't know, I'm afraid.
- 6 Q. Were there laypeople on the board?
- 7 A. Oh yes. It was the people who had taken action to save
8 the school.
- 9 Q. If you turn to page 0180. You set out a list of the
10 abbots of Fort Augustus, you begin by 1888 up to 1999
11 and you also provide us with a list of the
12 headmasters --
- 13 A. Yes.
- 14 Q. -- from about 1920 through to 1993; is that correct?
15 Does it appear to be the case, at least so far as
16 the headmasters were concerned, that they were, perhaps
17 apart from one, all priests?
- 18 A. They were. As I think I indicated, there was, in the
19 1930s, there was --
- 20 Q. There was a layperson?
- 21 A. There was a layperson. I think the abbot technically
22 was headmaster because the constitutions at that time
23 didn't allow for a layperson to be headmaster, but in
24 practice it was this layperson who ran the school.
- 25 Q. Can we assume that the abbots were also priests?

- 1 A. Yes.
- 2 LADY SMITH: But did the person who was head required to
3 have any teaching qualification?
- 4 A. No.
- 5 MR MacAULAY: What you tell us in response to that is that
6 their qualifications arose from that office.
- 7 A. It was assumed that -- it was the age of the gifted
8 amateur, wasn't it? It was assumed that a person who
9 had a general competence would be able to run a school.
- 10 Q. Of course, we are looking up to fairly recent times,
11 1993, but what you are saying is that even then the
12 headmaster was not a qualified teacher?
- 13 A. I think by the time Fort Augustus ended, it was
14 struggling and it was clearly behind the times.
- 15 Q. Does that mean he was not a qualified teacher?
- 16 A. I can't be absolutely certain about the last one but
17 I would be very surprised if any of them were qualified
18 teachers.
- 19 LADY SMITH: When you say it was assumed that a person who
20 had a general competence would be able to run a school,
21 what do you mean by "general competence"?
- 22 A. Probably the people concerned had been involved in the
23 school. If they were capable as teachers, capable as
24 housemasters, they would have been seen as probably able
25 to run the school.

1 LADY SMITH: Did those monks who were teaching in the school
2 require to have any teaching qualification?

3 A. No, they weren't.

4 LADY SMITH: Thank you.

5 MR MacAULAY: I will look at staffing shortly because you
6 provide us with some information on that, but going back
7 to page 0181 -- this is a point you have made before and
8 it is at (ii) -- and that is that the pupils were split
9 into houses.

10 A. Yes.

11 Q. Two houses, is that correct, or more?

12 A. There were two houses until, I think, the early 1970s
13 when a third house was introduced.

14 Q. But each of these houses was led by a housemaster?

15 A. Yes.

16 Q. That would be a monk, would it?

17 A. Yes.

18 Q. You tell us a little bit about staffing there and we
19 will perhaps return to this, but housemasters and
20 teaching staff could be non-clergy members, you say.

21 A. They could be, but my information, which I have
22 discovered since giving in this report, is that all the
23 housemasters were in fact monks.

24 Q. Can we now look at numbers to get a feel for the size of
25 the school and you have touched upon this already. If

1 you turn to page 0166, you have provided a list covering
2 a period from 1935 up to 1993 and can we see that, as
3 you mentioned, there was a peak period in the early
4 1980s following upon the closure of Carlekemp.

5 A. Indeed.

6 Q. And in 1980, for example, the school had 133 pupils but,
7 as you indicated, thereafter and into the later 1980s
8 and into the 1990s, the rolls start to come down to the
9 60s.

10 I think you were asked about numbers for Carlekemp
11 but you weren't able to provide any information.

12 A. I'm afraid not.

13 Q. Why was that?

14 A. They don't seem to be any numbers in the archives.

15 Q. I asked you about records for Fort Augustus; what
16 records are there for Carlekemp?

17 A. They seem to be more skimpy.

18 Q. Mostly?

19 A. They seem to be more skimpy than those for
20 Fort Augustus.

21 Q. Any personal records of the children?

22 A. I believe there are.

23 Q. Again would they be with the Edinburgh solicitors?

24 A. Yes, they are.

25 Q. If we look at page 0168 of the report, you are asked

1 about the accommodation that was provided for the
2 children at (iv). You tell us that the accommodation
3 consisted of dormitories that was split into houses.

4 You were asked how many children occupied a bedroom
5 or a dormitory in a house. Were you able to provide any
6 information on that?

7 A. You are looking at the figures under (v)?

8 Q. Yes.

9 A. Bear in mind that is dated 1990 when the numbers in the
10 school were already pretty low. My guess, based on
11 general information from earlier dates, is that earlier
12 on more would have been in dormitories. Presumably with
13 the reduction in the numbers there were just more
14 individual or shared rooms available. That's my guess.

15 Q. What you say for 1990:

16 "12% of pupils had their own bedroom, 76% shared
17 a room, and 12% were in dormitories of more than six
18 boys."

19 A. As I say, my guess is earlier on there would have been
20 more in dormitories.

21 Q. I think again, so far as Carlekemp is concerned, you
22 tell us in that report that there were dormitories for
23 children, but you have no information on numbers.

24 A. I'm afraid, I don't, no.

25 Q. Looking then to staffing and let's look first at

1 Fort Augustus. That's on page 0172. You were asked:

2 "How many people were employed by the organisation
3 who had some responsibility for residential care
4 services for the children?"

5 You go on to tell us that:

6 "The number of people employed by the organisation
7 with responsibility for residential care services for
8 children fluctuated throughout the history of the
9 school. In each circumstance the monastic community
10 undertook a significant amount of the care services."

11 Are you saying there that the monks bore the brunt
12 of the care?

13 A. I think we are saying that the monks -- the housemasters
14 were always monks and the housemasters were the people
15 who had primary responsibility for care.

16 Q. Over the period, and the numbers may have fluctuated,
17 how many monks were there at the Fort Augustus Abbey?

18 A. I'm afraid I don't know. The community was very large
19 before the Second World War. The total numbers in the
20 community were about 100, but they weren't all at
21 Fort Augustus. They had two dependent houses in the
22 United States at that time. My guess would be that
23 there wouldn't have been more than about 40.

24 Q. Than?

25 A. There wouldn't have been more than about 40 --

- 1 Q. Yes.
- 2 A. -- resident in the monastery at that time and
3 a significant proportion --
- 4 Q. Sorry what time.
- 5 A. Sorry, before the Second World War and a significant
6 proportion of them would have been lay Brothers and the
7 lay Brothers wouldn't have been involved in the school.
8 I think we give a figure of 8 to 10 monks working in
9 the school.
- 10 Q. You do give a figure of, on average, eight members of
11 the Order working within the abbey school?
- 12 A. Yes.
- 13 Q. That's an average over time, is it?
- 14 A. Over time. But as I say, the total numbers in the
15 community will differ from the numbers resident at
16 Fort Augustus --
- 17 Q. Yes.
- 18 A. -- because, until 1949, they had two houses in the
19 United States. They had monks at Carlekemp, previously
20 in Canaan Lane in Edinburgh, and various monks who were
21 out serving on parishes.
- 22 Q. As far as Carlekemp was concerned, I believe the
23 position is you are not able to give us any sense of
24 what the numbers of monks may have been?
- 25 A. From records that I have seen, not in the archives, it

1 would be something like four, five, that sort of number.

2 Q. I think, as you have already mentioned -- and you tell
3 us this on page 0173 -- that members of the Order did
4 not have teaching qualifications.

5 A. No.

6 Q. You do say they had significant academic experience;
7 what's the basis for that?

8 A. That all those who were ordained would have done
9 theological studies, philosophical studies, and others
10 will have had university degrees. There was one quite
11 famous Gaelic scholar at Fort Augustus.

12 So I think what we are trying to say is simply that
13 there was an academic atmosphere about the place.
14 I don't want to exaggerate that, but there were
15 a significant number of people of some scholarly
16 ability.

17 Q. You do say in this report that there were lay teachers.

18 A. Yes.

19 Q. Can you give us a point in time as to when lay teachers
20 became involved?

21 A. I don't know, but my guess is that it would probably
22 have been some from the very beginning because there
23 would have been subjects which the monks couldn't cover,
24 but that's my guess.

25 LADY SMITH: But the lay teachers didn't have to have

1 a teaching qualification either?

2 A. I don't know, my Lady.

3 LADY SMITH: I think you say in the response:

4 "Teachers in the schools were not required to have
5 teaching qualifications."

6 A. Indeed, yes. Sorry, my Lady, what I mean is I cannot
7 say definitely they didn't have qualifications --

8 LADY SMITH: Well, that's another thing.

9 A. -- which is another thing.

10 LADY SMITH: It may happen to be that somebody employed has
11 a teaching qualification, but it seems that the approach
12 of the school was they didn't see it as necessary in the
13 fulfilment of their duties towards the children being
14 taught there that they should ensure that the people
15 teaching them had been trained as teachers in addition
16 to having whatever was the relevant academic expertise
17 they required for the subject; is that right?

18 A. I think that's true, my Lady.

19 MR MacAULAY: If you look at page 0174 of the report, the
20 next page, what you tell us at the top is that:

21 "The numbers fluctuated but the number of teaching
22 staff averaged around 16 comprising of about eight lay
23 staff and eight members of the community."

24 You go on to say that:

25 "Non-teaching staff comprised of a matron, janitor,

1 kitchen staff, cleaning staff, secretary and labourers
2 at particular times amongst others."

3 Has that been taken from the records that are
4 available?

5 A. From the archives, yes.

6 Q. The lay personnel, would they be -- are any of them
7 resident on the premises or would they be from the
8 locality?

9 A. I don't know but I would doubt they would be resident on
10 the premises.

11 Q. What about the matron?

12 A. I'm afraid I don't know.

13 Q. So far as Carlekemp is concerned, if we look at that,
14 I do not think you have any real information on the
15 staffing numbers for Carlekemp.

16 A. Not really, no.

17 Q. You do say that -- and that's at page 0112 of that
18 report -- that a matron was always employed at
19 Carlekemp.

20 A. Yes.

21 Q. Your basis for that is what? Is that taken from the
22 archives?

23 A. Archival material. I think the same is true of
24 Fort Augustus as well.

25 Q. Do you know if she lived on the premises or not at

- 1 Carlekemp?
- 2 A. I don't know.
- 3 Q. Can we then look quickly at the background of the
4 children who attended the schools and perhaps look to
5 page 0168 of the report. It is towards the bottom of
6 that page and we are moving on to page 0169. You begin
7 by telling us that the children admitted had a shared
8 background of a Catholic faith. It was a service for
9 Catholic children?
- 10 A. Yes.
- 11 Q. Did that remain the position throughout its existence
12 for Fort Augustus?
- 13 A. The school certainly existed in order to bring boys up
14 in the Catholic faith; whether there were any children
15 who were not Catholics, I do not know.
- 16 Q. You indicate there that the children were mostly from
17 the UK; is that right?
- 18 A. That's what I understand.
- 19 Q. Were there children from other parts of the world?
- 20 A. I don't have knowledge of that, I'm afraid.
- 21 Q. You tell us that they were generally from a middle class
22 background --
- 23 A. Yes.
- 24 Q. -- because school fees had to be paid?
- 25 A. Yes.

1 Q. But I think you do tell us that there were some assisted
2 fee and bursary places that could allow children from
3 more deprived backgrounds to attend the school.

4 A. There was the assisted places scheme in the -- was it
5 the 1980s?

6 Q. And into the 1990s.

7 A. And I have seen a letter from the Abbot of Fort Augustus
8 at the time when they were talking about closing that
9 down in which he said that would be a serious problem
10 for Fort Augustus, so I presume that there were children
11 with assisted places.

12 Q. So far as children coming into the care of Fort Augustus
13 was concerned, parents applied to the two schools for
14 their children to be admitted to the schools?

15 A. That's how it would have happened, yes.

16 Q. Was there an entrance examination, so far as you can
17 tell?

18 A. I don't know, I'm afraid.

19 Q. I think you do tell us it was a boys' school but in the
20 final school year of the Fort Augustus School a girl was
21 admitted to the school?

22 A. I have also discovered since that there were day girls
23 at other times. In the 1970s, there were a couple of
24 day girls.

25 Q. From the local area?

1 A. I imagine so, yes.

2 Q. This was a day girl that was admitted --

3 A. Day girl, yes.

4 Q. So far as siblings are concerned, what you do tell us is

5 that if brothers of pupils came to the school then there

6 would be a reduction in fees?

7 A. That is information from the archives.

8 Q. Providing information to parents. You do tell us that

9 parents were provided with school newsletters and

10 magazines; is that right?

11 A. That's what I have from the archives.

12 Q. What about report cards, providing information about the

13 progress of the pupils?

14 A. I presume there were, but I'm afraid I don't have

15 information.

16 MR MacAULAY: My Lady, that might be a good time.

17 LADY SMITH: Would that be a convenient place to break?

18 We will stop now for the morning break and sit again

19 at 11.45 am, please.

20 (11.30 am)

21 (A short break)

22 (11.45 am)

23 MR MacAULAY: My Lady.

24 Can I now take you to page 0177 of the report and

25 the section of the report that asks questions about the

1 culture of the organisation.

2 At (i), insofar as the Fort Augustus Abbey was
3 concerned, what you tell us is:

4 "As a member of the English Benedictine
5 Congregation, its culture was rooted in the religious
6 observance that that membership represented."

7 A. Yes.

8 Q. If we look at the main report -- and by that I mean the
9 report submitted on behalf of the English Benedictine
10 Congregation -- and turn to page 143. If we move just
11 below halfway on the screen, in response to that
12 question, as to what the nature of the culture within
13 the organisation was, you have said:

14 "The purpose of the English Congregation was to
15 support the monasteries which were members of the
16 Congregation and to ensure that they followed the rule
17 of St Benedict, the constitutions of the Congregation,
18 and the canon law of the church."

19 Can I just explore that with you a little bit --
20 some of this we have touched upon before, but you talk
21 about supporting the monasteries and also to ensuring
22 that they followed certain rules; is that right?

23 A. Yes.

24 Q. Just so I can understand it, by what process did you
25 carry out that particular function?

1 A. The support is given by membership of our general
2 chapters, by interactions with the Abbot President, with
3 the officials of the Congregation, who were also there
4 to help the monasteries, and with a certain amount of
5 contact above all between the abbots -- between the
6 different monasteries.

7 The second part of the answer, to ensure that they
8 followed the rules, the constitutions and the canon law,
9 that's above all done through the Abbot President's
10 visitations.

11 Q. You have mentioned that to us before --

12 A. Yes.

13 Q. -- and I think it is mentioned again in the section of
14 the report dealing with oversight. But these
15 visitations occurred within a particular time frame?

16 A. Normally once every four years.

17 Q. What would be involved in that visit?

18 A. The Abbot President would come, he would give a talk to
19 the community as a whole, reminding them of the purpose
20 of the visitation. He would then interview each member
21 of the community. At the end he would speak with the
22 Abbot --

23 Q. Just above you move to the Abbot: in the interview then
24 what would the Abbot President be seeking to discover?

25 A. What the individual monks thought about the situation in

1 the monastery, if they were aware of good things or bad
2 things.

3 Q. If a particular monk indicated that he was aware of
4 a bad thing, such as at least a suspicion that a fellow
5 monk may be an abuser, and if that information was
6 imparted to the Abbot President, what then would happen?

7 A. The Abbot President would have to decide how to use that
8 information. Probably he would go in the first place to
9 the Abbot, almost certainly he would go in the first
10 place to the Abbot and ask for his opinion.

11 The next stage of the visitation is the
12 Abbot President speaking to the council of the
13 monastery -- that is the Abbot and his close advisers.
14 Whether he would mention this at the council or not,
15 I don't know, because we are talking about an individual
16 and it might be difficult to mention individuals in
17 a meeting with several people.

18 It would really be up to the Abbot.

19 Q. Would you expect the Abbot to confront the person
20 against whom the allegation was being made?

21 A. First of all I would want to find out what the Abbot
22 knew and I would want to inform the Abbot that this had
23 been said. That's the most important thing.

24 Q. Yes. But then -- I'm interested to know what would
25 happen then, after that part of the process. At some

1 point would someone speak to the person against whom the
2 allegation was being made?

3 A. It would be better if that was done by the Abbot.

4 Q. So the Abbot -- you would expect the Abbot to do that?

5 A. I would expect him to do something. Whether he would
6 speak to the person, whether he would make enquiries
7 before speaking to the person, I would expect the Abbot
8 and the Abbot President to discuss it together.

9 Q. How would this go forward? Let's assume the Abbot has
10 made enquiries, received information which might support
11 the allegation being made, how would it progress from
12 there?

13 A. Right, we are talking about a school?

14 Q. We are talking about a hypothesis where a monk, in his
15 interview, has told the Abbot President that he suspects
16 that a fellow monk has been abusing a child at the
17 school.

18 A. Right. At a fairly early stage the headmaster of the
19 school would have to be brought in, probably even during
20 the time of the visitation, and measures would have to
21 be put in place. At that stage, it would probably be
22 keeping an eye on the person, ensuring that they weren't
23 in a position to abuse -- sorry, that their work was so
24 organised that opportunities for abuse didn't arise.

25 Q. I come back to the question I put to you earlier: would

1 the opportunity not be taken to speak to the person
2 against whom the allegation was being made? Because he
3 might -- he might accept that he had been guilty of
4 abuse.

5 A. Well, if this was to happen today, you would probably
6 have to bring the safeguarding services and the police
7 into the discussion at an early stage.

8 Q. I think you do tell us a little bit about the
9 safeguarding system, but we are looking back at the
10 moment to the time when Fort Augustus was in existence.

11 A. Yes. At that time it would have depended very much on
12 the Abbot and the headmaster.

13 LADY SMITH: But what about the risk to children? What
14 thought of that?

15 A. Well, at that stage, in those years, because we didn't
16 have the systems which we have in place now it was very
17 difficult, I think, to assess that.

18 LADY SMITH: What's being put to you as an obvious step, for
19 instance, is to speak to the person in relation to whom
20 the allegations are made. At the very least it would
21 put that person on notice of those allegations and of
22 the need, if they are to continue at the place, to
23 change their behaviour, wouldn't it?

24 A. Yes, my Lady. I think today you would be advised to go
25 to statutory authorities before speaking to the person

1 concerned.

2 MR MacAULAY: By that you mean the police?

3 A. Police or the social services.

4 Q. We have been looking at a hypothesis here and just
5 trying to get some understanding as to what might have
6 happened. Moving it on a little bit, would you have
7 expected the Abbot President, after the visitation
8 process had been finished, to have further contact with
9 the Abbot in connection with such an allegation?

10 A. Yes, I would. Again, I stress we are talking about what
11 happened 25 years ago and I can't put myself in the
12 shoes of my predecessors but, yes, abbots keep in fairly
13 frequent contact with Abbot Presidents.

14 Q. We have been, as I say, looking at a particular
15 hypothesis. Did you find any evidence in the materials
16 you had access to that this sort of allegation was made
17 by any monk during the visitation processes?

18 A. No, I didn't.

19 Q. So far as we have been looking at the interviews that
20 would take place with each individual monk, can you give
21 me a feel for how long on average you would expect that
22 interview to take?

23 A. I allow half an hour. Some may be much shorter, some
24 maybe much longer.

25 May I qualify the answer which I gave to your

1 previous question --

2 Q. Indeed.

3 A. -- where you asked if there was any indication that
4 anything was said at a visitation about the possibility
5 of a monk being an abuser.

6 I have seen one letter between the Abbot of
7 Fort Augustus and the Abbot President, implying that
8 a person was a very difficult person. That person has
9 since been identified as the object of allegations.
10 Whether that's the reason why they were considered to be
11 a difficult person or not, I don't know, but that's the
12 one letter which I have seen in the archives which
13 raised concerns for me and the context of that letter
14 was that this person was away from Fort Augustus and
15 neither the Abbot nor the Abbot President wanted the
16 person to return to Fort Augustus.

17 Q. But you say "a very difficult person", any greater
18 specification than that?

19 A. No, there's nothing.

20 Q. What was the date of the letter, can you tell me?

21 A. I think the early 1980s.

22 Q. As at the date of the letter --

23 A. Or maybe the late 1970s.

24 Q. And as at the date of the letter, had the person who was
25 being identified, had he left the --

1 A. Yes, he had.

2 Q. To do what? Do you know?

3 A. He was sent to do work away from the monastery.

4 Q. Was he a priest?

5 A. Mr MacAulay, I can give much greater detail if you like
6 but my understanding is that you don't want individuals
7 to be identified.

8 Q. I don't want the name, but I would be anxious to find
9 out how this progressed, if you are able to tell us.

10 A. I am able to tell you, but many people will be able to
11 identify the person once I give any details; is that all
12 right?

13 Q. Let's take it forward and see where we go.

14 A. Fine. The person was sent -- and I think the first
15 thing he was sent to do was to be a chaplain to nuns.
16 After that he went to his own country, which was
17 Australia.

18 Q. I see -- sorry, he was a priest --

19 A. Yes.

20 Q. -- if you are a chaplain to nuns. Was that chaplaincy
21 in Scotland?

22 A. No, it wasn't; it was in England.

23 Q. So that is the one document you found that has indicated
24 a problem of someone being a difficult person without
25 specification as to what that --

1 A. Indeed. If I hadn't heard that that person had been
2 identified as an abuser, I wouldn't have taken
3 particular notice of it. But because I had heard
4 allegations being made about that person, as I say, it
5 set off alarm bells.

6 Q. Apart from that person being moved, was there any
7 evidence that any report was made to, for example, the
8 police or any other statutory authorities?

9 A. There's no evidence at all.

10 Q. Was that letter, so far as you can make out, a follow-up
11 from a visitation?

12 A. No. It was a follow-up from a request from that
13 individual to remain away from Fort Augustus.

14 Q. So do I understand the sequence to be, before the letter
15 has been sent, he has been sent away from Fort Augustus?

16 A. Whether he had been sent or whether he went voluntarily,
17 I don't know.

18 Q. You also mention -- sorry.

19 A. And by the time that letter was written he had been away
20 for a long time.

21 Q. Then what triggered the letter is a request by this
22 person wanting back?

23 A. No, I think, if I recall rightly, it was a request by
24 this person to remain away and the letter indicates it
25 is a good thing that he wants to be away.

- 1 Q. You also mention that, apart from interviewing the
2 individual monks, the Abbot President would also
3 interview the Abbot.
- 4 A. He would both interview the Abbot and also give a report
5 to the Abbot.
- 6 Q. Would the report come subsequently, by that I mean after
7 the visitation had finished, or would it be at the time
8 of the visitation?
- 9 A. I think normally at the time of visitation.
- 10 Q. How long would a visitation normally take?
- 11 A. A matter of days.
- 12 Q. And during that time would the Abbot President remain --
13 stay on the premises?
- 14 A. Yes.
- 15 Q. But so far as the Fort Augustus set up was concerned,
16 with the monastery and the school, would the
17 Abbot President have anything to do with interviewing
18 anyone in connection with the school?
- 19 A. No. He would interview the headmaster and all the monks
20 who were working in the school, but above all, because
21 of their membership of the monastic community and also
22 concern about ways in which the school was impinging on
23 the life -- the life of the school was impinging on the
24 life of the monastery.
- 25 LADY SMITH: What do you mean by that, the way the school

1 was impinging on the life of the monastery?

2 A. Suppose the monks working in the school were to say that
3 they were overworked in the school, that they didn't
4 have enough time to be with the community, they didn't
5 have enough time to come to the services in the abbey
6 church. They might be saying that the children in the
7 school are making too much noise and disturbing the
8 monastery.

9 LADY SMITH: In what religious observances would the monks
10 to be expected to participate on a daily basis?

11 A. They would be expected to come to the church, to divine
12 office, several times a day. At Fort Augustus I think
13 it was about five or six times a day. They were
14 expected to come to meals in the monastery and to a
15 meeting of the community at least once a day, possibly
16 twice a day.

17 LADY SMITH: Thank you.

18 MR MacAULAY: If we turn to page 0144 of the report. Here
19 at (vi) the question that was asked was:

20 "When and why did any changes in the culture of the
21 organisation come about?"

22 The answer you have provided there is that:

23 "Since the 1960s the emphasis of the English
24 Benedictine Congregation's support of the monasteries
25 shifted from an emphasis on correction of faults to one

1 of encouragement of good practice."

2 Can you just elaborate upon that? This is something
3 you have indicated has happened since the 1960s; it is
4 going back quite some time.

5 A. The 1960s was the time of the Second Vatican Council.
6 It was the time when there was a lot of what we call
7 renewal in the religious life -- that is a desire to go
8 back to the sources and revive the spirit of the
9 institute.

10 In Benedictine monasteries that involved a good deal
11 of examining our customs, our observances, assessing
12 them and sometimes changing them. Obviously that
13 involves tensions, it involves difficulties, and
14 individual monasteries have needed to be encouraged and
15 supported through that process.

16 Q. It was the juxtaposition of there being a shift away
17 from correction of faults to encouragement of good
18 practice that was of interest to me. Going back to my
19 hypothesis, where an allegation of abuse is made, I just
20 wonder how this change in philosophy, moving away from
21 a correction of a fault to encouraging good practice,
22 would feed into that.

23 A. Sorry, I didn't appreciate the point you were making.

24 I think what I'm saying is that if you look at
25 visitations as they were conducted before the 1960s, you

1 look to see if there were faults and if there weren't
2 faults, there's nothing to be said.

3 Whereas, since the 1960s, there has been much more
4 emphasis on giving support, giving encouragement. If
5 I gave the impression that correction of faults had
6 finished, that was incorrect.

7 Q. No, no. So you are confirming that that was still part
8 and parcel of the visitation process?

9 A. It still is.

10 LADY SMITH: I think I have read the general impact of the
11 Second Vatican Council in these matters being described
12 as matters becoming more pastoral and more communitarian
13 in its approach to spirituality; is that a fair short
14 summary?

15 A. I think that is fair, my Lady, yes.

16 MR MacAULAY: If we move on then to a more up-to-date
17 position. If you turn to page 0145 of the report where
18 you are asked about the present position.

19 A. I haven't got it here. (Pause)

20 Q. It is on the screen. You are asked in relation to the
21 present whether any of the answers that we have been
22 focusing upon would be different. You say that:

23 "Since 2013 the English Benedictine Congregation
24 has, with the agreement of the Holy See, changed its
25 constitutions to give the Abbot President a role in

1 ensuring that monasteries comply with the safeguarding
2 policies approved by both the ecclesiastical and civil
3 authorities."

4 Can you just elaborate upon that for us, please?

5 A. Thank you. Many of the abbots and I became aware after
6 about 2010 that our structures were inadequate to ensure
7 robust safeguarding within the monasteries and, above
8 all, within the schools.

9 One thing that was obvious was that if a monastery
10 was failing, either because the abbot was simply failing
11 to do his duty or because a monastery was overwhelmed
12 with safeguarding difficulties, that we needed to have
13 some sort of central control and central support. For
14 that reason we put to the General Chapter in 2013 that
15 we needed to give the Abbot President, unusually, power
16 to intervene in a monastery even outside the time of
17 visitation.

18 What we said is that the Abbot President may at any
19 time inquire into the compliance of a monastery with
20 approved policies; that he must do so during the time of
21 the visitation; and that if he sees problems he may call
22 an extraordinary visitation to deal with that issue.

23 Q. Do I understand from what you say that has really been
24 since 2010?

25 A. No, it was 2010 that we realised -- about 2010 that we

1 realised that something needed to be done and we did it
2 in our General Chapter at 2013.

3 Q. Having obtained the agreement of the Holy See?

4 A. Yes.

5 Q. So, how does this change the landscape then for someone
6 in your position?

7 A. Above all it means that when I do a visitation I have to
8 commission a report from a competent safeguarding
9 professional on the situation in that individual
10 monastery. That has been helpful not only for me but
11 also for the monastery as a way of checking up, ensuring
12 that they are up to speed on safeguarding.

13 Q. And the safeguarding report, if there's a school
14 associated with a monastery, would look at the situation
15 within the school?

16 A. That would be mainly the responsibility of the school
17 safeguarding policies which are approved by -- I'm
18 talking about England now -- which are approved by the
19 local authority. So safeguarding for the school is
20 really supervised by the local authority.

21 The Abbot President is concerned above all about
22 liaison between school and monastery. Many of our
23 monasteries have schools and many also have parishes and
24 one of the areas of difficulty is that there can be
25 a gap between the safeguarding system in the school, in

1 the monastery and in the parishes, and it is important
2 to have joined-up safeguarding.

3 Q. So far as this change then you have told us about is
4 concerned, Dom Yeo, what concerns caused this change to
5 take place?

6 A. That we had difficulties in two of our monasteries,
7 particularly in 2010 and 2011.

8 Q. What you tell us in the report at (xiii) is that:

9 "Abuse of children cared for at establishments run
10 by monasteries of the English Benedictine Congregation
11 has been the most significant factor in the adoption of
12 the changes in the constitutions described above."

13 From what you are saying, this related to
14 monasteries south of the border, in England?

15 A. Yes, indeed.

16 Q. So it is not connected to anything that may have been
17 reported to you or you may have heard about in
18 connection with Fort Augustus?

19 A. No.

20 LADY SMITH: Just for completeness, what was the nature of
21 the difficulties in those two monasteries?

22 A. Well, in one monastery it was an individual who was
23 convicted of offences against children, having
24 previously been allowed to return to the monastery and
25 having an opportunity to offend a second time.

- 1 LADY SMITH: And the other?
- 2 A. The other I'm not very well-informed because it is my
3 own monastery and I do not exercise the
4 Abbot President's jurisdiction over my own monastery.
5 But fundamentally it was a person whose offending had
6 not been reported to the police.
- 7 LADY SMITH: Thank you.
- 8 MR MacAULAY: We have touched upon the movement of monks
9 already in your evidence, Dom Yeo, but can you tell us
10 what happened to the monks at Fort Augustus once
11 Fort Augustus closed?
- 12 A. They were given the option of moving to another
13 monastery or leaving the monastic life if they did not
14 wish to move.
- 15 Q. Before you move on to develop that, how many are we
16 talking about?
- 17 A. Eleven.
- 18 Q. What happened?
- 19 A. I think I'm right in saying five opted to join other
20 monasteries. Five opted to leave the monastic life;
21 they were all priests, which meant that they were
22 accepted into a diocese as secular diocesan priests.
23 One person, who I referred to before, who wanted to
24 remain a monk but didn't want to apply to another
25 monastery for whom I obtained special provisions.

1 Q. What does "special provisions" mean? What does that
2 mean?

3 A. It meant that he was under my personal jurisdiction,
4 which lasted for about three years until he died.

5 Q. At Downside Abbey?

6 A. No, he was living here in Edinburgh and I came up to
7 make sure that he was all right every so often.

8 Q. But he would still be a priest?

9 A. Yes.

10 Q. Can I just touch briefly on the issue of ethos because
11 again this is linked clearly to culture. You were asked
12 separately about that and I will just take you to the
13 report. That's at page 0161. This is towards the
14 bottom of the page.

15 Essentially you are telling us that, so far as the
16 Fort Augustus Abbey community was concerned, they saw
17 the provision of Catholic education to the boys of the
18 Fort Augustus School and the Priory School as part of
19 its mission. That's the essence of it, is it, towards
20 Catholic education?

21 A. Yes, a part of its mission. Not the whole of it, but
22 a part of it.

23 Q. You go on to say at 0162 at (iii) that:

24 "The Abbey community saw the schools as the
25 principal means by which it was able to offer a Catholic

1 education to boys."

2 A. Yes.

3 Q. You do provide some information about what services were
4 provided by particularly the Abbey school. If we turn
5 to page 0164, for example, you set out some information
6 in connection with the daily routine which would involve
7 daily Mass, is that correct, or a study period?

8 A. Yes. Again, my hunch, my guess is that the daily Mass
9 would have been obligatory in the early days and
10 voluntary in later days.

11 Q. You have provided information about what activities were
12 available on site, sports and so on, and also what the
13 off-site activities were.

14 A. We have this from archival material.

15 Q. What about corporal punishment? What is/was the
16 attitude of your congregation to corporal punishment?

17 A. I think the congregation would not have had an attitude
18 because it is a matter for the individual monastery or
19 the individual school.

20 But the attitude within the individual schools until
21 the 1960s was that it was normal. The individual
22 schools will have progressed at different speeds but
23 from the 1960s onwards it became less acceptable in
24 theory and rarer in practice.

25 Again, I cannot speak about -- give evidence for any

1 monastery other than my own, where corporal punishment
2 was certainly declining in the 1960s and had finished by
3 the -- by about 1980.

4 Q. What you tell us in the report -- sorry, carry on.

5 A. That is only my monastery; I cannot speak for others.

6 Q. Is there any material in the archival material that you
7 have access to that would indicate what the position was
8 either at Fort Augustus or Carlekemp?

9 A. No. I have had letters from former pupils implying that
10 it was a fairly robust regime.

11 Q. Are these letters that are -- have they been sent to you
12 direct rather than being in the archive?

13 A. Yes.

14 Q. Recently or --

15 A. Yes, since 2013.

16 Q. Any broad idea as to how many letters you have received
17 in that context?

18 A. Half a dozen.

19 Q. One point you tell us about on page 0165 of the report
20 in connection with manual work is that there are records
21 that suggest that pupils at the Abbey school may have
22 been required to do manual work as a form of punishment.

23 A. That again comes from the archives.

24 Q. Can you tell us what sort of work?

25 A. No, I'm afraid I can't.

1 Q. You were also asked some questions about the legal
2 status of Fort Augustus Abbey. If we turn to page 0157,
3 you make the point there that Fort Augustus Abbey was
4 a voluntary unincorporated association and that on 20th
5 May 1936 a trust deed was registered which set up the
6 St Benedict's Abbey Trust?

7 A. Correct, yes.

8 Q. Was the trust in existence up until the closure of the
9 monastery?

10 A. It was and it was finally wound up, I think, in 2010.

11 Q. It was registered I think with the Scottish Charities
12 Commission; is that correct?

13 A. Yes.

14 Q. And wound up. I think the date you give there is 2011,
15 towards the bottom of that page.

16 A. Yes, I think we applied in 2010 and it was given in
17 2011, sorry.

18 Q. But you also say that the trust became insolvent when
19 the community dispersed?

20 A. What happened was that the monastery ran something of
21 a tourist business and they no longer had the funds
22 which enabled them to continue that, so they had to
23 cease trading and it was that which triggered the
24 closure of the monastery.

25 Q. I think what you also tell us is that the land and

1 buildings at Fort Augustus were held on a 999-year-old
2 lease.

3 A. Yes.

4 Q. When the monastery was suppressed, the land and
5 buildings reverted to the Lovat estate?

6 A. Yes.

7 Q. That was the owner of the land.

8 A. It was a 999-year lease as long as the monks were there,
9 so the moment the community dispersed the lease
10 finished.

11 Q. The reference towards the top of the page to other
12 assets and land being transferred by a deed of gift to
13 the English Benedictine Congregation in 2010, can you
14 elaborate on that?

15 A. When they started to realise the assets of the
16 monastery, that obviously meant selling books. It
17 yielded a certain amount of money. Money was given to
18 the monks who had opted to leave the monastic life in
19 order to set them up.

20 Then the remainder, including the archives and also
21 a small patch of land, was gifted by the trustees to the
22 English Benedictine Congregation as a restricted fund
23 under special conditions.

24 Q. Was the land sold or has it been retained?

25 A. We have not yet been able to sell it.

1 Q. Just to be clear, there's no dispute, as is made clear
2 on the next part of the report, that Fort Augustus Abbey
3 had a legal duty of care to each child in its care?

4 A. Sure.

5 Q. If we look at the position with regard to Carlekemp
6 briefly --

7 LADY SMITH: Just before you turn to Carlekemp, do you have
8 any feel for the value of the assets that were
9 transferred from one trust to the other, the value of
10 the assets transferred from one trust to the other?

11 A. It is complicated, my Lady, because the value of the
12 land has been assessed very differently depending on
13 whether it would be sold for development or not and the
14 different policies. I have a recollection of
15 £600,000 --

16 LADY SMITH: For the land?

17 A. No, for the gift.

18 LADY SMITH: Thank you.

19 MR MacAULAY: Looking then at the position of Carlekemp. If
20 we turn to page 0098 of the report, at (iii) you have
21 told us that the Priory School was an independent
22 fee-paying school and parents paid fees. You go on to
23 say that the school was not under the authority of
24 a local authority. So that's the position that's
25 asserted there. But you fully accept that the school

- 1 had a legal duty not to cause harm to children in its
2 care?
- 3 A. Indeed.
- 4 Q. What about the property at Carlekemp? Who owned that?
- 5 A. It was -- sorry, it was obtained by the monastery in
6 1945. It had been the property of Lord Carmont and it
7 was -- whether it was bought or given, I'm afraid I do
8 not know, sorry, but I understand that it was owned by
9 Fort Augustus Abbey and I am pretty certain that it was
10 sold by Fort Augustus in 1977.
- 11 Q. When the school closed?
- 12 A. Yes.
- 13 Q. Just on the issue of funding generally, on page 0156,
14 I think we have probably covered this already but you
15 have talked about the Abbey having financial autonomy
16 and that there came a point in time when the school had
17 to close because it became economically unviable; is
18 that right?
- 19 A. Yes.
- 20 Q. You are not in a position to give us any information as
21 to whether the school received any state funding?
- 22 A. The only information I have is about the assisted places
23 scheme which I mentioned before.
- 24 Q. Moving then on to look to the issue of external
25 oversight. If you turn to page 0184 of the report. You

1 have, I think, covered most of this, in particular the
2 fact that the point you make is that the English
3 Benedictine Congregation did not have external oversight
4 over the schools but it did have oversight functions
5 over the Abbey and we have talked about the visitation
6 process.

7 The issuing of the precept which you mentioned
8 already, can I just be clear, would that be seen as
9 a binding instruction by the local abbot?

10 A. Yes.

11 Q. The Bishop of Aberdeen, as you tell us, did not have the
12 right to carry out the visitation of the Abbey and I can
13 take it, I think, that's because of the autonomous
14 nature of the monastery; is that right?

15 A. Yes.

16 Q. You say he did have the right to carry out the
17 visitation of the schools in his diocese. Was there any
18 evidence in the materials in the archives that such
19 visits took place?

20 A. No.

21 Q. You indicate that the Abbey school was subject to the
22 Scottish Education Department, HM Inspector of Schools
23 office, which inspected the school in line with their
24 remit under the Education (Scotland) Act (1980). Was
25 there evidence in the archives of there having been

- 1 inspections of this kind?
- 2 A. Yes. We have reports of Her Majesty's Inspectors; the
3 earliest we have found is 1923.
- 4 Q. Regularly thereafter or not?
- 5 A. I don't know how regularly, but the last I saw was for
6 1972.
- 7 Q. For Fort Augustus Abbey School?
- 8 A. Yes.
- 9 Q. What about Carlekemp?
- 10 A. I have not seen any reports from -- no, I haven't seen
11 any copies of reports in the archives.
- 12 Q. Towards the bottom of page 0184, where you are talking
13 about inspections by HM Inspectors from the Scottish
14 Education Department, when you are asked the question:
15 "How often did this occur?"
16 You suggest there that:
17 "Inspections generally occurred every six years."
18 Is that information you are taking from the material
19 that you have?
- 20 A. I think that is taken from the law.
- 21 Q. From the law?
- 22 A. From the law.
- 23 Q. Was part of this prepared by your lawyers?
- 24 A. Yes.
- 25 Q. On page 0185, towards the top, you are asked to set out

- 1 what the inspections involved and you provide
2 information. For example, how well are pupils cared
3 for. What's the source of this information?
- 4 A. This again was prepared by our lawyers and I assume it
5 comes from the law.
- 6 Q. Yes, I see. Do you know if any of this comes from any
7 archival material that has been sent to your lawyers?
- 8 A. I'm afraid I don't.
- 9 LADY SMITH: I suppose it is may be from the Inspectorate's
10 own guidance or the forms that they habitually used at
11 that time to set out their findings in relation to
12 questions they had addressed.
- 13 A. My Lady, I discovered, just recently, as I mentioned,
14 copies of reports by HM Inspectors, which I hadn't seen
15 beforehand.
- 16 Q. Are they within your own archives?
- 17 A. They discovered them in the archives which are up in our
18 lawyer's office in Edinburgh.
- 19 Q. Can we then move on to the last part of the report,
20 that's part B. You will find that at page 0186.
- 21 This is a section of the report, as we have had with
22 other religious orders, where the order was asked to
23 retrospectively either acknowledge or admit abuse.
24 What's your position here, Dom Yeo? How do you approach
25 this?

1 A. I would have to make some distinctions. Several people
2 have come to me and informed me that they were abused
3 and I have told them that I believe them and that I was
4 sorry about it. And that is my position.

5 The same applies to two people who have come to me
6 and told me about relations being abused.

7 Q. Sorry, just so I understand that part: two people who
8 have told you about relations being abused?

9 A. Yes.

10 Q. Relations at the school?

11 A. Indeed.

12 Q. As children?

13 A. Indeed, yes -- and one person who was not a member of
14 the school has come and told me that he was abused and
15 again I have told him that I believe him and I have
16 apologised.

17 Secondly, there was a television programme in 2013
18 which made allegations that several people were abused.
19 I have no reason to doubt the veracity of those people
20 and, as a condition of my appearing on that television
21 programme, I insisted that I be allowed to say that
22 I was sorry for any abuse that might have happened.

23 Thirdly, a number of people have come -- have issued
24 letters of claim against the English
25 Benedictine Congregation alleging abuse, either at

1 Fort Augustus or at Carlekemp. Obviously I have no way
2 of ascertaining whether those letters of claim are based
3 on substance or not.

4 Q. Are there many of these?

5 A. I think it is 11 in all, which include some of the
6 people whom I have said that, yes, I believe them, but
7 there are other people too.

8 Q. If we look at what you say in your response on
9 page 0186. We have already covered the suppression of
10 the monastery under canon law and the winding-up of the
11 trust. You go on to say:

12 "The English Benedictine Congregation had no
13 authority over or involvement in either school. It is
14 not the relevant organisation in respect of the schools
15 as establishments. It has no remit or authority to
16 acknowledge or accept abuse on behalf of the former
17 Fort Augustus Abbey."

18 Just on that, that's the position you adopt, is it?
19 You don't see that you, as the Abbot President, has
20 a remit or authority to acknowledge or accept abuse?

21 A. I have -- I can say on my own account personally that
22 I am sorry about any abuse that has happened, but
23 obviously I cannot speak for the school.

24 Q. Who can?

25 A. Nobody -- and that is why I insisted that I wanted to

- 1 say sorry myself because Fort Augustus is closed.
- 2 Q. Yes, but who can be held accountable for any abuse that
- 3 occurred at Fort Augustus or Carlekemp?
- 4 A. Since the monastery has been closed I don't see how
- 5 anybody can be.
- 6 Q. What about the Holy See? I think we have accepted that
- 7 the Holy See had ultimate responsibility.
- 8 A. Ultimate responsibility but not ultimate control.
- 9 Q. Or ultimate accountability. What you are saying is that
- 10 because the monastery has closed, the Catholic Church
- 11 cannot be held accountable, and that's what I'm seeking
- 12 to test with you.
- 13 A. I think I said publicly at a fairly early stage that the
- 14 great problem with all this is that Fort Augustus is
- 15 closed down and that must mean that the redress that any
- 16 survivors of abuse can have is going to be limited.
- 17 It is for that reason, as I say, that I felt it
- 18 important to express my own sorrow about abuse but
- 19 I cannot do that on behalf -- I can do that myself but
- 20 I can't do it as a representative of the organisation
- 21 which was responsible.
- 22 Q. But what I'm seeking to explore with you, Dom Yeo, is
- 23 whether there is someone within the Catholic Church who
- 24 can provide the victims and survivors with that sort of
- 25 apology in a more, if I can put it in this way, in

1 a more responsible category?

2 A. I think that because Fort Augustus is closed, I'm the
3 only person who can do that.

4 Q. Not even the Pope?

5 A. The Pope has expressed his sorrow that abuse has
6 happened --

7 Q. Yes.

8 A. -- but you cannot say that the Pope was responsible for
9 it.

10 Q. I'm not saying the Pope is responsible; I'm asking
11 whether the Pope, as the ultimate head of the
12 Catholic Church, can express remorse to the victims and
13 survivors of Fort Augustus and Carlekemp.

14 A. He has done that for those victims of abuse who have
15 come to him.

16 MR MacAULAY: Very well, Dom Yeo. I think that's all I want
17 to ask you.

18 My Lady, no written questions have been submitted
19 and I think I have covered anything that anyone asked me
20 to ask.

21 LADY SMITH: Thank you. Could I just confirm this, please:
22 you have said that you believe the people who have come
23 to you personally --

24 A. Yes.

25 LADY SMITH: -- and told you about having been abused at

1 Fort Augustus and that you have no reason to doubt the
2 veracity of claims of others whom you have not met.

3 I think you said that a few minutes ago.

4 A. I did. Let me qualify that. I have no -- I have told
5 the people who came to me that I believe them.

6 I believe what they said was substantially true. I can
7 well imagine that small incidents which they reported to
8 me may possibly -- may not necessarily be accurate with
9 the passage of time, I don't know, but I believe that
10 substantially they were telling me the truth.

11 LADY SMITH: So you believe that children were being abused
12 at Fort Augustus School?

13 A. I believe those children were abused at Fort Augustus
14 and Carlekemp.

15 LADY SMITH: And you have also explained to us that
16 a structure operated within which the
17 Benedictine Congregation, through the Abbot President,
18 had the ability to exercise control over
19 Fort Augustus School because there was a system whereby
20 the president could issue precepts, which had to be
21 followed, which would seem to imply an acceptance of
22 duty being imposed within the system by the
23 Congregation, as represented by the Abbot President, in
24 relation to the school; wouldn't that be right?

25 A. Yes, my Lady, but remember that the Abbot President can

1 only work on the information that he receives.

2 LADY SMITH: Yes and what he finds out and the nature of the
3 investigation he makes during his visitations. Yes? Is
4 that right? Well, it must be right, mustn't it?

5 A. I think the position which you are suggesting, my Lady,
6 implies that the Abbot President is going to have to not
7 just hear what's going on or should not just have heard
8 what was going on, but also have made further
9 investigations about things about which he had no reason
10 to suspect there were problems.

11 LADY SMITH: Thank you.

12 MR MacAULAY: Just one point: you have mentioned the numbers
13 that have either made letters of claim or come and
14 spoken to you about abuse; the other side of that
15 particular equation is how many monks either at
16 Fort Augustus or Carlekemp are being identified as
17 abusers.

18 A. Six.

19 Q. Can you divide them up between the two schools?

20 A. Not really because people went from one school to the
21 other.

22 MR MacAULAY: Very well. Thank you for that.

23 As I indicated, my Lady, a few moments ago no
24 written requests for questions have been submitted.

25 LADY SMITH: Thank you. Could I check whether there are any

1 outstanding applications for questions of this witness?

2 Thank you.

3 Thank you very much. We can let you go now.

4 (The witness withdrew)

5 LADY SMITH: Mr MacAulay.

6 MR MacAULAY: My Lady, the next witness I would like to call
7 is Mrs Vivienne Dickenson.

8 MRS VIVIENNE DICKENSON (sworn)

9 Questions from MR MacAULAY

10 LADY SMITH: Do sit down and make yourself comfortable.

11 Mr MacAulay.

12 MR MacAULAY: My Lady.

13 Mrs Dickenson, are you Vivienne Dickenson?

14 A. I am.

15 Q. You have come here today on behalf of Crossreach, and we
16 will discuss who they are shortly, to speak to a number
17 of reports that have been submitted on Crossreach's
18 behalf; is that correct?

19 A. That is correct.

20 Q. Before we do that can I look at your witness profile.

21 Could we have on the screen COS.001.001.0116.

22 What you tell us there, Mrs Dickenson, is that you
23 graduated from St Andrews University in 1985 with
24 a degree in psychology.

25 A. That is right.

- 1 Q. Would that be an MA or --
- 2 A. It was an MA.
- 3 Q. Since then you have gone on to train in counselling and
- 4 counselling supervision and you have a postgraduate
- 5 certificate in management and leadership and social
- 6 services from Robert Gordon's University.
- 7 A. That is correct.
- 8 Q. When did you obtain that?
- 9 A. Probably about 15 years ago, I think.
- 10 Q. What you tell us then is that you worked within the
- 11 prison service in England and Wales.
- 12 A. That is right.
- 13 Q. What positions did you hold there?
- 14 A. I went in on an accelerated promotion scheme, so
- 15 I worked as a year as a prison officer in HM Prison and
- 16 Young Offenders' Institution Styal. I was then promoted
- 17 through various grades as a prison governor and an
- 18 assistant governor, going on to hold positions of heads
- 19 of services and operations in Belmarsh and Holloway.
- 20 Q. You rose through the ranks effectively to become
- 21 a prison governor?
- 22 A. That is right.
- 23 Q. That all happened before you joined Crossreach and that,
- 24 I think, was in 1995?
- 25 A. That is right.

1 Q. What position did you join -- what position did you have
2 when you joined Crossreach?

3 A. I came in as a coordinator for their post-natal
4 depression services outreach in Palmerston Place.

5 Q. What you tell us is that you have worked within fields
6 of addictions, mental health, criminal justice and
7 homelessness, and this has all been within your time at
8 Crossreach?

9 A. That is correct, yes.

10 Q. You have a particular interest in what's referred to as
11 early intervention?

12 A. That is right.

13 Q. Can you elaborate upon what that means?

14 A. Absolutely. Early intervention can be seen in a number
15 of ways. I have got a particular interest in early
16 intervention in early years and that would be working
17 with families and young children to improve attachment,
18 to look at the situations that children are born into,
19 to work with families in a holistic way, and to try to
20 ensure that children get the best life chances.

21 Early intervention can also mean when a family goes
22 into some sort of situation that's unexpected and that
23 you intervene at the earliest possible opportunity to
24 prevent breakdown or further trauma.

25 Q. You have been, as you tell us, the director for children

- 1 and family services; is that right?
- 2 A. That is correct.
- 3 Q. What sort of responsibilities did you hold in that post?
- 4 A. I held responsibilities for a number of both --
- 5 community services, so early intervention services,
- 6 early years services, prison visitor centres,
- 7 counselling services, perinatal mental health services,
- 8 as well as services for looked-after and accommodated
- 9 children and children with disability.
- 10 Q. You were appointed to your present position as
- 11 chief executive officer with effect from 1st June 2017?
- 12 A. That is correct.
- 13 Q. That's Chief Executive Officer of Crossreach?
- 14 A. Of Crossreach, that is right.
- 15 Q. The membership that you mentioned in the final
- 16 paragraph, can you explain what that is?
- 17 A. Yes, the Coalition of Care & Support Providers in
- 18 Scotland is a group of national organisations who are
- 19 involved in child care who come together to talk about
- 20 matters of policy and practice.
- 21 Q. And you are working in particular, I think you tell us,
- 22 on a project with the University of Strathclyde on
- 23 a research project on stigma in childhood.
- 24 A. That is right.
- 25 Q. What's that about?

1 A. I think that has been informed largely by my experience
2 of working in the field, particularly with looked-after
3 and accommodated children, where I was surprised in the
4 community at the kind of response that we were getting
5 when we were trying to set up community houses. What
6 I realised is that some of the rhetoric around these
7 children seemed to be particularly biased and
8 stigmatising. I think that is reflected not just in
9 society but in some of the systems and processes that
10 are there that are designed to help children.

11 I was speaking with Andrew Kendrick at the
12 university of Strathclyde who then did a bit of further
13 work looking into that and he has now been funded
14 through the Insight Institute to take that study forward
15 looking at international experiences of children in all
16 sorts of vulnerable situations who may be stigmatised
17 against.

18 Q. Not just looked-after children or children in care?

19 A. Not just looked-after children, no.

20 Q. The report is due later this year; is that right?

21 A. Yes, there are a series of four workshops being held,
22 the last would be in August, and we are hoping we will
23 be able to publish something by the end of the year.

24 Q. As I mentioned earlier, there are three reports that
25 have been prepared on behalf of Crossreach; is that

- 1 correct?
- 2 A. That is correct.
- 3 Q. Can you just explain to us the connection between
4 Crossreach and the Church of Scotland?
- 5 A. Yes, I will try. So Crossreach is what is often
6 referred to as the trading arm or the professional
7 social care arm of the Church of Scotland. The Church
8 of Scotland is a set of unincorporated councils and
9 committees; the Social Care Council is one of these.
10 The Social Care Council is where the work of the -- of
11 professional social care is invested and that is called
12 Crossreach.
- 13 Q. So you are the sort of trading arm of the Social Care
14 Council?
- 15 A. We are often referred to as such, yes.
- 16 Q. But the reports that have been submitted are in
17 connection with three establishments that were run by
18 the Church of Scotland?
- 19 A. Yes.
- 20 Q. And those were Ballikinrain, Geilsland, and the Lord and
21 Lady Polwarth Children's Home?
- 22 A. That is right.
- 23 Q. So far as their reports are concerned -- and I will be
24 looking at them shortly -- the reports for Ballikinrain
25 and Geilsland are relatively similar --

- 1 A. That is correct.
- 2 Q. -- in the main?
- 3 A. Yes.
- 4 Q. Where we find some differences is in the report for the
5 Lord and Lady Polwarth Children's Home, because it was
6 a different sort of establishment as we shall see.
- 7 A. Yes, that is correct.
- 8 Q. So far as the construction of the reports is concerned,
9 who was involved in that process?
- 10 A. There have been a number of us involved in that process.
11 The main people working on it have been a team of three:
12 an archivist, the external head of service for
13 looked-after and accommodated children, our quality
14 compliance and improvement officer, and myself.
- 15 Q. You are in a position to speak to the different reports?
- 16 A. Yes, I am.
- 17 Q. I see I think you brought your own copy, is that right,
18 the white folder?
- 19 A. Yes, I have various bits of information in here.
- 20 Q. So you will be able to use that as a crutch, as it were,
21 when answering the questions?
- 22 A. Yes.
- 23 Q. Can I say I propose to work off the Ballikinrain report.
24 That's a school that is still in existence?
- 25 A. That is correct.

1 Q. And that's at page 0001, in fact, of -- so, at the
2 beginning, on page 0001, you are asked a question about
3 the history of the organisation and establishment:

4 "When, how and why was the organisation founded?"

5 Here you give quite a lot of information about the
6 Church of Scotland and its history.

7 A. Yes.

8 Q. We can read it for ourselves, but in a nutshell can you
9 tell us what the message is?

10 A. The message is that the Church of Scotland has always
11 been interested in social conditions and ameliorating
12 these, where possible, in a number of different ways and
13 have been equally interested in young people, adults and
14 older people.

15 The work of Crossreach, particularly in children's
16 services, is long and well-established.

17 Q. Reading from the bottom of page 0001 into page 0002,
18 what you provide us with there is with a history of
19 certain committees that have been associated with the
20 work of the Church of Scotland; is that right?

21 A. That is right, yes.

22 Q. We come ultimately, if we turn to page 0002, to the
23 information that what was then the Board of Social
24 Responsibility and was renamed the Social Care Council
25 of the Church of Scotland.

1 A. That is right.

2 Q. As you mentioned a moment ago, when we talk about
3 Crossreach, we should be thinking about the Social Care
4 Council?

5 A. That is right.

6 MR MacAULAY: My Lady, it is 12.59 pm --

7 LADY SMITH: Would that be a convenient point to stop? We
8 will stop now for the lunch break and sit again at
9 2 o'clock please. Thank you.

10 (1.00 pm)

11 (The luncheon adjournment)

12 (2.00 pm)

13 LADY SMITH: Mr MacAulay.

14 MR MacAULAY: My Lady.

15 Mrs Dickenson can I take you then to the
16 Ballikinrain report and turn to page 0002. One of the
17 issues that was raised with you was seeking to explore
18 the provision in Scotland that the Church of Scotland
19 was involved with insofar as residential care was
20 concerned. You provide some information on that towards
21 the bottom half of that page. What was the position?

22 A. In terms of residential care for children?

23 Q. Yes.

24 A. We have a long tradition of providing residential care
25 for children and in this particular part of the report

1 we are outlining how many types of homes that we did
2 provide from voluntary homes, hostels for young men and
3 women, and also employment offices.

4 Q. So quite a different range of establishments?

5 A. A big range of establishments and a range of
6 establishments for children in their own right, yes.

7 Q. If we move on to the next page, page 0003. I think you
8 tell us that the Church of Scotland began this exercise
9 in 1898 by taking over a home known as the Robertson
10 Orphan Home for Girls; is that correct?

11 A. That is correct, yes.

12 Q. You are then asked why the church considered that it had
13 the competence to be responsible for the management and
14 care of children in establishments; can you tell us
15 about that?

16 A. Yes. The church has always taken careful consideration
17 about the type of work it should get involved in and the
18 work with children was established generally by
19 congregations and parishes outlining a need within their
20 particular area and the church deliberating on that,
21 looking to see whether it had the skills and experience
22 to be able to provide something helpful in that
23 situation and eventually going on to establish different
24 types of provision.

25 Q. So, the first point is that the need was there?

- 1 A. The need was there, yes.
- 2 Q. The second point you made is that the church did
3 consider that it had the skills to meet that need?
- 4 A. That is correct.
- 5 Q. So far as residential schools are concerned, you make
6 a particular point about that, that the church began
7 work in this area following an approach from the
8 Scottish Education Department; is that right?
- 9 A. That is correct, particularly with Ballikinrain and
10 Geilsland, we already had a provision for young women
11 and a footprint in terms of approved schools. We were
12 approached specifically to start a school in the west of
13 the country for young men or male children.
- 14 Q. And that's --
- 15 A. That would be Geilsland.
- 16 Q. Pardon?
- 17 A. That would be Geilsland.
- 18 Q. That is in Ayrshire, I think.
- 19 A. That is right. Then shortly on the back of that we were
20 asked to open a second new home or approved school for
21 younger children and that was how we established the
22 provision at Ballikinrain.
- 23 Q. And Ballikinrain is in Stirling?
- 24 A. That is correct, yes.
- 25 Q. Then if we move on you provide a list on page 0004 of

1 the different establishments that were run and where
2 they were located over a period of time. If we just
3 look at that. We can see it is quite a significant
4 list.

5 A. It is, yes.

6 Q. Of course, many of these establishments are no longer in
7 existence.

8 A. Most of them are no longer in existence. The only
9 provision remains The Mallard, which is towards the
10 bottom of the page there, and Ballikinrain Residential,
11 as it is at the moment. But even there these are the
12 ones that are listed; the big campuses have now
13 dispersed into a number of smaller houses. So although
14 we aren't on the big campuses as listed there, there are
15 a number of smaller provisions.

16 Q. You mention at the very bottom the House of Newburn
17 Residential Children's Service. So that is still being
18 run?

19 A. That's still being run, yes.

20 Q. While we are on this page then, if we look at the
21 establishments who we might be looking at today, the
22 Lord and Lady Polwarth Home for Children, we can see
23 that's about a third of the way from the top and that
24 appears to have been run from 1945 to 1982.

25 A. That is correct, yes.

1 Q. Geilsland, further down the page, was a former List D
2 school, it is around from 1964 to 2015. So that's quite
3 recently shut down.

4 A. Very recently shut down, yes.

5 Q. Then Ballikinrain?

6 A. Yes.

7 Q. Further down, former List D school, and that's 1968 to
8 the present?

9 A. That is right.

10 Q. So Ballikinrain and Geilsland, in relative terms, they
11 are fairly recent establishments and by that I mean they
12 almost coincide with the passing of the Social Work
13 (Scotland) Act (1968).

14 A. That is correct.

15 Q. Perhaps you have covered this already, but insofar as
16 the -- let's look at the Polwarth Home, let's call it
17 that. Can you tell me why that was established?

18 A. Yes. For some time presbyteries and congregations had
19 been asking the church to respond to the need for
20 provision for children under the age of 5. So again
21 there was an established need. The church deliberated
22 upon that and then worked alongside the Department for
23 Health at that time to ensure that we were in
24 an appropriate place to run the provision and to get the
25 licences in place to allow us to do so.

- 1 Q. Did the nature of the establishment change over the
2 years from looking after very young children under 5 to
3 looking after older children as well?
- 4 A. Yes, that is right. After a period of time -- I think
5 in the 1970s -- it changed to looking after older
6 children. That was partly in response to a desire to be
7 able to keep siblings together as well because at the
8 first point of when Polwarth was in place, there was no
9 place for children to go to other than homes for boys or
10 girls.
- 11 Q. And Polwarth, of course, that is in Edinburgh, in the
12 Colinton area?
- 13 A. That's in Edinburgh, that is right.
- 14 Q. You have told us about Geilsland and how that was
15 established following a request from the Scottish
16 Education Department. What of Ballikinrain? Why was it
17 set up?
- 18 A. It was a similar request.
- 19 Q. Was it?
- 20 A. Yes.
- 21 Q. I think, as you have indicated, you are still engaged in
22 this provision of care, of residential care for
23 children.
- 24 A. Yes.
- 25 Q. But in a much more limited form than before?

1 A. That is right, yes.

2 Q. Can you tell me why it came to be that the
3 establishments such as Geilsland and indeed the Polwarth
4 home closed?

5 A. Yes the Polwarth home closed because there was lack of
6 a need for that type of provision. On the whole, local
7 authorities were trying to do something differently with
8 children and placing them much more within their own
9 care or the care of foster or adopted parents.
10 Gradually the need dropped off for that.

11 In the situation with Geilsland, what we decided was
12 that the -- there was no longer such a need for large
13 residential campuses and in fact it wasn't the best
14 model of care for children.

15 What we did a number of years ago was look very
16 closely at the types of conditions in which children
17 thrived and we felt a smaller house model where children
18 were in groups of either two, three, four, or five
19 maximum allowed the best possible conditions and so we
20 were breaking up large campuses and taking up much more
21 to the small house provision. That started with
22 Geilsland and we were able to decant all the children
23 from Geilsland and shut that in 2015. We are in the
24 process of doing that now with Ballikinrain.

25 Q. We do have photographs of these establishments.

1 Geilsland you will find at page COS.001.001.0296.

2 I think we might have to move further down the page.
3 I think that is the official opening we are seeing
4 there. We have some shots of the building itself and we
5 can see it looks like a Victorian type building. As you
6 were saying, you wanted to move away from that sort of
7 environment to different forms of units?

8 A. That is right, yes.

9 Q. You have indicated that that's happening at the moment
10 insofar as Ballikinrain is concerned?

11 A. Yes.

12 Q. Is that happening on site or --

13 A. We have moved Ballikinrain already to providing smaller
14 units within the castle, but we have opened one house
15 since I think this went in, around about the same time,
16 called Finnescroft Farm, so we have decanted a number of
17 children from Ballikinrain into a small house and we
18 only have now 12 children remaining on that campus and
19 the plan is, within the next year, to open houses for
20 them too and to shut Ballikinrain altogether.

21 Q. And Polwarth, if you just look at that, if you look at
22 COS.001.001.0312. Again, a substantial looking building
23 in Colinton.

24 A. Yes.

25 Q. I think you indicated that was closed down as a home in

1 1982.

2 A. That is right.

3 Q. Do you know what happened to the premises?

4 A. I believe they have been sold.

5 Q. We do have some shots of Ballikinrain. It is quite
6 difficult to work out, but it is at COS.001.001.0299.
7 So we have what's described as the school block and we
8 have a number of shots of different parts of the
9 premises. But you tell us that this is all being
10 reviewed and changed?

11 A. That is right, yes.

12 Q. Can I now move on to look at aspects of the
13 organisational structure and oversight provided. If
14 I can take you to page COS.001.001.0027 of the
15 Ballikinrain report. We are on that page and in
16 relation to the question:

17 "What were the governance arrangements within the
18 organisation?"

19 You in fact refer back in the report to where we can
20 go now and that's page COS.001.001.0009 of the report.

21 A. Okay.

22 Q. So we are looking at (i) and you begin by telling us
23 that the church's structure is complex. Can you give us
24 a very short description of what it involves?

25 A. Yes. So the Central Church Office of Administration is

1 run a bit differently from congregations and
2 presbyteries. The Central Church Administration takes
3 care of a number of the councils and they are managed as
4 a body of unincorporated councils. But the
5 General Assembly is the legal court which presides over
6 those. Presbyteries are their own courts as are kirk
7 sessions.

8 Q. You describe the General Assembly as the supreme court
9 of the church.

10 A. That is correct, yes.

11 Q. But what you do tell us here is the role played by
12 a number of committees.

13 A. Yes.

14 Q. Can you explain that?

15 A. Yes, so the committees are set up with different remits
16 within the church structure. So, as I have explained,
17 the Social Care Council is tasked with issues of social
18 care, church and society, which will speak out on issues
19 which they think are important to society. There's
20 World Mission which concerns itself with other areas of
21 the world and outreach and support for them, and then
22 there's the Ministries Council, which looks after
23 ministers who are work in congregations by and large.

24 There's also a safeguarding committee which sits
25 separately to that. There's the Legal Committee, there

1 is the Central Church Offices, and a number of different
2 committees of that type.

3 Q. As far as the Social Care Council is concerned then,
4 does residential care come under the umbrella of that
5 committee?

6 A. Yes, it does.

7 Q. That explains why Crossreach in particular have
8 a particular interest in residential care?

9 A. That is right, yes.

10 Q. If you look at (v) on that page, the question was:

11 "Did that legal basis require the organisation to
12 meet or fulfil any legal and/or regulatory requirements
13 in respect of children in its care?"

14 The answer is:

15 "Not explicitly, but the General Assembly expected
16 that services provided in its name would meet
17 appropriate standards of good practice and put suitable
18 governance arrangement in place to ensure this."

19 You go on to say:

20 "Each service run by the church would regularly
21 report to a local committee on routine issues of
22 day-to-day management; the local committee would then
23 report to the General Assembly Committee."

24 And:

25 "That would then report annually to the

1 General Assembly."

2 Is that the general structure?

3 A. That is the general structure yes.

4 Q. If you go back to page COS.001.001.0027 where we had
5 started off from --

6 LADY SMITH: Sorry, when you come to this local committee,
7 who decided on the formation or who decides on the
8 formation of that local committee?

9 A. Local committees came together in different ways. So
10 I know, for example, that at Geilsland one of the local
11 committee was a local councillor and was tasked by the
12 education section of the local authority to be part of
13 that local committee.

14 I think for Lord and Lady Polwarth Home, before
15 these statutory organisations quite worked in that way,
16 it was probably people who had an interest who were
17 members of the Church of Scotland and who came together
18 to ensure that accountability was being held in terms of
19 good practice for the home. We don't have very much
20 information about the make-up of the local committees at
21 that time.

22 LADY SMITH: So were presbyteries checking on whether there
23 were local committees and how they were being populated
24 or not?

25 A. I am not sure that presbyteries would do that.

- 1 LADY SMITH: Who would then?
- 2 A. Our own councils would have to do that, so it would
3 report up through the council structure rather than
4 through the local presbytery structure.
- 5 LADY SMITH: So the only local element in it would be local
6 to the school and hopefully people with an interest in
7 and a knowledge of that area?
- 8 A. Yes, I think so.
- 9 LADY SMITH: Thank you.
- 10 MR MacAULAY: I think if we now go back to
11 page COS.001.001.0027, we are looking at (ii). There
12 you are telling us that members of the Social Care
13 Council, which you have indicated was responsible for
14 residential care, are appointed by the General Assembly
15 on a recommendation; is that correct?
- 16 A. That is correct yes.
- 17 Q. We are focusing on the Social Care Council as it now is,
18 but did that apply to its predecessors as well?
- 19 A. Yes. As far as I'm aware it has always been through
20 a nomination committee that people have taken a position
21 on the different councils, not just the Social Care
22 Council.
- 23 Q. So far as being qualified to be on that council, what
24 you tell us in the next section is that individuals
25 would be expected to have some experience or interest in

1 child care.

2 A. That is correct.

3 Q. You, of course, are associated with Crossreach; are you
4 on the council?

5 A. No. I am the secretary to the Social Care Council,
6 which means that I am -- fulfil certain tasks and
7 functions on their behalf, but I am not a council
8 member.

9 Q. How large a group is it?

10 A. About 30 individuals.

11 Q. What you say in (v) to the question:

12 "What was the nature of the accountability and
13 oversight regime between the organisation's governing
14 body and the establishment?"

15 You say:

16 "There is no difference in the internal
17 authorisation by which Crossreach provides care in terms
18 of its remit from the General Assembly but is now
19 subject to the extensive external statutory regulation
20 which applies to all care providers/establishments and
21 which it must adhere to in order to continue to
22 operate."

23 That is the position as is now, but over the period
24 have there been changes in the degree of regulation?

25 A. Yes, there have. But all of our homes have been

1 licensed to operate in some way. So Lord and
2 Lady Polwarth Home, even then, was licensed as
3 a voluntary home way back when that provision was in
4 place, but arrangements weren't made for inspection as
5 they are now.

6 Our homes are now regulated and licensed in a number
7 of places, so Ballikinrain and Geilsland were both --
8 and Ballikinrain still is -- registered as
9 an independent school, with SCIS, the body that --

10 LADY SMITH: The Scottish Council for Independent Schools?

11 A. The Scottish Council for Independent Schools, that's
12 them. So they are registered there but they are also
13 registered with for care with the Care Inspectorate and
14 for education with Education Scotland.

15 Q. That is the position now?

16 A. That is the position now.

17 Q. I think we know that Ballikinrain came into existence in
18 1968; is that right? One was 1964 and one was 1968.

19 A. Yes Ballikinrain was the second, 1968.

20 Q. So it would effectively come under the auspices of the
21 regime after the 1968 Act, the Social Work Act?

22 A. That is right. It came into provision after that but
23 actually the regulations that it worked under were the
24 Approved School Regulations (1961).

25 Q. The same would apply to Geilsland?

1 A. That is correct, yes.

2 Q. What you say in the last sentence in that section is
3 that:

4 "Each service operated by Crossreach no longer
5 reports to a local committee."

6 Can you explain that because we have talked about
7 local committees and their role?

8 A. Yes. As education -- well, as regulation became more
9 enforced, the need for a local committee to be going in
10 and inspecting on a regular basis or looking as
11 an independent body at the provision that was there,
12 that fell off. So we still have friends groups who go
13 in and who are around the provision, but not local
14 committees who are tasked to sign in a certain way,
15 sign-off on any punishments and don't have that formal
16 role any more. That's now undertaken within
17 Crossreach's own structures by our own external
18 managers. Each group of services has a manager but it
19 also has an external manager who goes in and checks that
20 the policies and procedures are being properly
21 implemented and will audit certain elements of
22 practice -- and that's alongside the regulatory bodies
23 that exist and that go in on an announced or unannounced
24 basis.

25 Q. You mentioned the friends group.

- 1 A. That is right.
- 2 Q. Is or was there a Ballikinrain Friends group?
- 3 A. There still is.
- 4 Q. You touch upon on page COS.001.001.0028. Just to see
5 what it does, that is at (vi), it would meet monthly and
6 members of the group would have a rota to visit the
7 school outwith the meeting.
- 8 A. Yes.
- 9 Q. How long has this group been in place?
- 10 A. I think we have records dating it back to the 1980s.
11 I'm not sure we have records dating it back any further
12 than that.
- 13 Q. What about Geilsland, did that have a similar set-up?
- 14 A. Yes, in fact, Geilsland had a much more formal, I think,
15 local committee and, as I said, the local authority
16 tasked someone to be on that local committee and to
17 undertake certain provisions on behalf of the local
18 authority. The local minister would often also be part
19 of the local committee.
- 20 Q. The reference you made before to a manager, a principal
21 officer or head of service who would visit this
22 establishment, Ballikinrain for example, on a monthly
23 basis and that person would prepare a report?
- 24 A. Yes.
- 25 Q. That would be submitted to whom?

1 A. That would be submitted to the director of the
2 particular area. So in this case it would come to me,
3 so it was something I would regularly work through with
4 the heads of service with responsibility for each area
5 and then we would prepare a report for the Social Care
6 Council on a regular basis.

7 Q. Do you have records of these reports?

8 A. Yes.

9 Q. How far back do they go?

10 A. I'm not sure.

11 Q. But you tell us that in the course of that sort of
12 visit, children would be spoken to in an informal way?

13 A. That is right, yes.

14 Q. Again, we are focusing on Ballikinrain, but the position
15 was similar with Geilsland?

16 A. Yes, that is correct.

17 Q. Can we look at the position with the Lord and
18 Lady Polwarth Home and that's at page COS.001.001.0102.
19 That's in a different report.

20 A. Okay.

21 Q. You refer back to the section we already looked at and
22 you tell us, I think, looking at (v), that:

23 "The Committee on Social Care would have appointed
24 a local committee to manage the home and report on it."

25 It is just the reference to "would have done that"

1 that catches the eye because -- are there any records to
2 indicate that that was indeed the case?

3 A. Yes, there are records to evidence that, including in
4 reports of the General Assembly.

5 LADY SMITH: You are pointing to the white file beside you.

6 A. I have lots of information --

7 LADY SMITH: You have come with presents for us, have you?

8 A. I may well have the dates of that, if that helps.

9 LADY SMITH: If they are easily identifiable we can take
10 them from you now, failing which we will look at these
11 later.

12 A. I'm just trying to find the same page.

13 MR MacAULAY: If you are struggling, we can come back to it.

14 A. I can give you the dates of when we find that reference,
15 if that helps.

16 LADY SMITH: One other completely different thing: when you
17 turned then and spoke to me with your face nearer the
18 microphone, I could hear much more clearly. It will
19 bend down, so get it into a more comfortable position
20 for you. That's better. Thank you.

21 MR MacAULAY: Moving on to page COS.001.001.0103 -- and here
22 we are focusing on the Polwarth Home -- you tell us at
23 the top of the page that:

24 "Members of the Committee on Social Care would visit
25 however the frequency of these visits is unknown."

1 Is that because you don't have the records there?

2 A. That's because we don't have the records for Polwarth.

3 Q. Would there have been records?

4 A. Yes, there were some records for Polwarth but there's

5 not an intact set of records. What we do have actually

6 is some records of the local committee themselves, as

7 well as references to that in General Assembly minutes.

8 Q. Is that why you can say then that members of the local

9 committee would usually visit monthly?

10 A. Yes.

11 Q. You have records to support that?

12 A. We do have records to support that and I think it is

13 referred to as well in the Kendrick report. So some of

14 that is brought out there.

15 Q. You tell us at (x) that:

16 "The minutes indicate that the local committee

17 members were regular visitors and known by the

18 children."

19 Is that correct?

20 A. That is correct, yes.

21 Q. Did the minutes go back for some time?

22 A. Yes, I believe they do and again I could find you how

23 far back that they go because we have a fairly good set

24 of records at least for that element for local

25 committees.

1 Q. You are also asked to provide some information in
2 relation to leadership and oversight of the different
3 places. If we turn to page COS.001.001.0031 -- this is
4 under reference to the Ballikinrain report --

5 A. Okay.

6 Q. -- so far as leadership or management is concerned, you
7 provide us with some information on that page. There
8 was a headmaster?

9 A. Yes.

10 Q. And a deputy head?

11 A. That is right.

12 Q. And also a deputy head for care only?

13 A. Yes.

14 Q. And a deputy head for education?

15 A. That is right.

16 Q. Was that the regime throughout the existence of
17 Ballikinrain going back to 1968?

18 A. Yes. What we have now is an external manager and a head
19 of care and a head of education.

20 Q. And a headmaster?

21 A. The head of care would be the head teacher but there's
22 not an overall -- there was nobody managing them
23 directly in that structure other than the external
24 manager.

25 Q. I suppose we should perhaps establish insofar as

1 Ballikinrain is concerned, which is the one of the three
2 we are looking at which still exists, and I think you
3 said the population is down to about 11 or 12.

4 A. 12 as of today.

5 Q. But so far as education is concerned, is that on-site?

6 A. It is. So education is provided for the 12 children who
7 are in care but also is provided for children who are
8 resident in the houses around that. So children from
9 our houses who require schooling but that can't be
10 provided at the local secondary school would also come
11 up to Ballikinrain for education.

12 Q. Looking down that page at (iii), you are asked about
13 oversight and supervision within the establishment and
14 you talk about staff meetings and senior staff being on
15 duty and on call. So that is the sort of internal set
16 up?

17 A. That is right.

18 Q. And externally, you have already mentioned I think, the
19 role played by the principal officer?

20 A. That is right, yes.

21 Q. And the position in relation to Geilsland is broadly
22 similar, I think.

23 A. Yes.

24 Q. Or was broadly similar.

25 A. Was broadly similar -- and in fact the houses that it

1 then evolved into, that's exactly the same situation
2 that we have there.

3 Q. If we look at the Lord and Lady Polwarth Home and turn
4 to page COS.001.001.0106 of that report, when you are
5 asked about the management of the establishment, what
6 you tell us there is that:

7 "The home was managed by a local committee of 21
8 members, four appointed by the Committee on Social
9 Service, one nominated by the Edinburgh Women's Guild
10 Presbyterian Council, one nominated by the Edinburgh
11 Girls' Association Presbyterian Committee, and one each
12 from 15 congregations of the Women's Guild branch."

13 Was this the set-up from the outset as far as you
14 can tell us?

15 A. As far as I can tell you, yes, that answers the question
16 I think previously about how the local committee were
17 appointed.

18 Q. You also go on to tell us how the matron and house
19 parents were in charge of running the home.

20 A. Yes.

21 Q. Can you tell us a little bit about the set-up at the
22 home from the point of view of the running of the home?

23 A. Yes. You would have a matron in charge who would be
24 supported by staff with different qualifications.
25 Because it was under fives I think it would be the

1 equivalent of what is today nursery nurses. So the
2 matron and, I think, two assistant matrons and then
3 domestic staff and child care staff or young child care
4 staff as appropriate.

5 Q. Moving on to page COS.001.001.0107, I think you repeat
6 that:

7 "Insofar as internal oversight is concerned, the
8 matron and the superintendent were responsible for the
9 day-to-day running of the service."

10 A. That is right.

11 Q. We will look later at what happened towards the end of
12 the existence of the home when one house parent was
13 convicted of serious abuse.

14 A. That is right.

15 Q. Insofar as the oversight arrangements were concerned,
16 including visits, what do you tell us about that insofar
17 as this home is concerned? That's in the next section.

18 A. So the local committee would be tasked to visit on
19 a monthly basis, which they did. They would also set
20 the visiting regime and support for children in the home
21 from other parties and again I think that's referred to
22 in the Kendrick review.

23 When they visited it was a bit like an unannounced
24 inspection is today, so they would visit without any
25 prior warning and they would ask to check the records of

1 the time and would sign to say that they had been there.
2 They were tasked to support children in terms of outings
3 as well and there's some footage that we have of members
4 of staff and a local committee on outings -- in fact
5 down to North Berwick and places like that.

6 Q. Would they speak to the children there?

7 A. Yes, they would. They were tasked to speak to the
8 children and, as far as we are aware from the minutes,
9 that happened.

10 Q. If you are to be asked the question then who was
11 actually in charge on a day-to-day basis of the
12 Polwarth Home, would it be one or other of the house
13 parents or both?

14 A. It would be the matron in charge in the early days and
15 I think that evolved into house parents as Polwarth went
16 on. So I don't think it always had house parents in
17 charge right from the start. I think it was a matron
18 when it first set out and then a desire to -- as
19 captured in things like this, the challenge or indeed
20 the desire to make something much more like a family
21 home, and at that point it looked at house parents in
22 charge, appointing both a man and a woman to the overall
23 day-to-day responsibility for the home.

24 Q. Latterly was the man known as the superintendent?

25 A. Yes.

1 Q. And the matron as the matron?

2 A. Yes.

3 Q. I think latterly certainly there was a husband and wife
4 team that managed the home.

5 A. That is right.

6 Q. Can we then move away from that and talk about numbers
7 and go back to the Ballikinrain report and just get
8 a sense as to how much traffic there was over the years
9 in terms of these establishments.

10 If you turn to page COS.001.001.0017 of that report,
11 towards the bottom of page, this is a more general
12 figure you are giving us, but you are asked the
13 question:

14 "How many children did the organisation accommodate
15 at a time and in how many establishments?"

16 You provide some information in that connection.

17 What do you tell us?

18 A. What we are saying is that on average we had around
19 about 155 children a year between the years of 1930 and
20 2015. It is quite difficult for us to get to an exact
21 number because we don't have a complete set of records
22 but it is based on the overall occupancy of each home
23 and the fact that the need was well established so we
24 anticipate that most of the time we would be full.

25 Q. If you turn onto the next page then, you break some of

1 the figures down for us on page COS.001.001.0018. So
2 looking at a high point in the 1970s, for example, you
3 mentioned 15 establishments providing accommodation for
4 around 338.

5 A. Yes.

6 Q. That is on an annual basis?

7 A. That would be on an annual basis.

8 Q. I think you give us a total at (iii) as to how many
9 children you estimate altogether were cared for in
10 children's homes, orphanages and approved schools
11 between 1930 and 2015.

12 A. Yes.

13 Q. The figure is?

14 A. 13,330 as an estimate.

15 Q. That is a substantial number.

16 A. It is a substantial number, yes.

17 Q. I think there's some mention in (iv) that the church did
18 have some involvement in foster care.

19 A. Yes.

20 Q. Can you tell us about that?

21 A. Yes. What we do have is sporadic references in
22 General Assembly reports as to how many children had
23 been placed in foster care, but it isn't something on
24 which we have a complete set of records nor was it
25 something that was reported on every year.

- 1 Q. You make mention of a 1968 report --
- 2 A. Yes.
- 3 Q. -- that indicates that 226 babies were fostered in 1967.
- 4 A. Yes.
- 5 Q. But that's one year, isn't it?
- 6 A. That was one year and my understanding is that the next
- 7 year, that that wasn't something that the Board of
- 8 Social Responsibility decided to report on.
- 9 Q. But that's not to say that the fostering arrangements
- 10 stopped?
- 11 A. No.
- 12 Q. So do you know what the position was?
- 13 A. We don't have a clear picture of the position of the
- 14 church in fostering/adoption services or how long that
- 15 lasted. It is something which we are still looking at
- 16 records to see if we can get a better indication of.
- 17 Q. It came to an end at some point?
- 18 A. It did, yes. We no longer run fostering and adoption
- 19 services --
- 20 Q. Do you know how long prior to 1968 these arrangements
- 21 were in place?
- 22 A. No, I don't.
- 23 Q. Is that because there are no records to help you on
- 24 that?
- 25 A. Yes, that is correct.

1 Q. If we look at the particular position of Ballikinrain
2 then, that's on page COS.001.001.0019. You tell us at
3 the beginning of that section that initially the
4 establishment was to cater for 66 children between the
5 ages of 8 and 12; is that correct?

6 A. Yes that is correct.

7 Q. You go on to tell us that in the 1980s to 1990s the
8 recorded maximum was of about 50 residential placements.

9 A. Yes.

10 Q. That is the annual figure?

11 A. That is correct, yes.

12 Q. For the same age groups?

13 A. Yes, for the same age groups.

14 Q. And boys only?

15 A. And boys only, yes. It was only registered for boys.

16 Q. You give us some understanding of the changes over the
17 years and how the changes in the numbers occurred.

18 A. Yes.

19 Q. For example, refurbishment of the buildings had
20 an impact; is that right?

21 A. Yes, refurbishment of the buildings had an impact and
22 also the placing arrangements with local authorities
23 began to change over the years as well.

24 Q. The total you have calculated who were cared at this
25 establishment is 1,059.

- 1 A. That is correct.
- 2 Q. You do provide some information about the nature of the
3 accommodation; can you just sort of give us
4 an understanding of what that was?
- 5 A. Yes. Ballikinrain is a very large building, which in
6 fact was an old castle. In order to make that a better
7 situation for children to be living in, it has been
8 subdivided into smaller units where a group of children
9 would live -- I think six at a time. They increased
10 residential accommodation to six areas, housing up to
11 six children.
- 12 Q. You mention the significant refurbishment occurred in
13 2000/2003.
- 14 A. That is right.
- 15 Q. Before that period then had the nature of the
16 accommodation been like a dormitory type?
- 17 A. Yes, I believe at times it was a dormitory set-up.
- 18 Q. If we move on to page COS.001.001.0020, insofar as
19 current occupancy is concerned, the figure you have
20 given there is 11 and today you have mentioned 12.
- 21 A. That is right.
- 22 Q. Looking at Geilsland then on this issue, since the
23 numbers are different, if you turn to
24 page COS.001.001.0056 of the Geilsland report, it is the
25 bottom half of that page. You have indicated that from

1 historical records it was initially to cater for 80 to
2 100 boys of 14-and-a-half years upwards; is that right?

3 A. That is correct, yes.

4 Q. But in the 1970s and 1980s it operated at a maximum of
5 60?

6 A. That is correct.

7 Q. You have records to support these figures?

8 A. Yes. For both Ballikinrain and Geilsland we have the
9 register of admissions, a good coverage of the register
10 of admissions, I think an intact set for Geilsland and
11 a pretty well intact set for Ballikinrain.

12 Q. Again, you provide some information about the decline
13 and why the decline in numbers occurred over the years.

14 A. Yes.

15 Q. For example, trends in referrals and placements by the
16 local authority had an impact.

17 A. That is right, yes. So local authorities would place
18 much more within their own provision rather than out of
19 authority and into the provision of providers that
20 weren't in their immediate geographical area.

21 Q. Looking to the total that you have estimated or
22 calculated for Geilsland, if you turn to
23 page COS.001.001.0057, I think the figure you have
24 provided us with is 2,103.

25 A. Yes, that is correct.

- 1 Q. Again, as with Ballikinrain, you have also provided
2 information in relation to how the accommodation was
3 provided and how the children occupied the
4 accommodation.
- 5 A. Yes, we have.
- 6 Q. If we look at the Polwarth Home -- of course, just to be
7 clear, Geilsland no longer exists? It has now closed?
- 8 A. Yes, Geilsland has now closed.
- 9 Q. In August 2015, I think.
- 10 A. That is correct.
- 11 Q. But if we look at the Polwarth Home, that's at
12 page COS.001.001.0094 of the Polwarth report.
- 13 Towards the top of the page you tell us that when it
14 was providing a service to the under-fives the capacity
15 was 25 children, but this reduced down to 16 when the
16 home changed in 1970.
- 17 A. That is right.
- 18 Q. That's when the policy was changed to being a home for
19 children from zero up to school leaving age?
- 20 A. Yes.
- 21 Q. So a wide range of children?
- 22 A. A wide range of children at that point.
- 23 Q. But a smallish number?
- 24 A. A smallish number and some of whom would have been
25 siblings.

1 Q. You aren't able to provide an exact number of the
2 children that passed through the doors of Polwarth, but
3 you provide a maximum total of 857; is that right?

4 A. That is right, yes.

5 Q. That is an estimate?

6 A. That is an estimate.

7 Q. Did the records not allow you to come to a more exact
8 figure?

9 A. We don't have registers in the same way as we do for
10 Ballikinrain and Geilsland so, I'm sorry, it is
11 an estimate.

12 Q. I don't think you are able to provide any information
13 about how children were distributed within the home.

14 A. No.

15 Q. Again, is that down to the absence --

16 A. That's down to the absence of records.

17 Q. Can I now look at staffing with you and turn to
18 page COS.001.001.0024 of the Ballikinrain report.

19 Towards the bottom of the page, when this issue is
20 being looked at, the first point you make is that
21 an electronic personnel and payroll system was installed
22 in 1995 and records before this date are incomplete.

23 A. That is correct.

24 Q. Just looking at Ballikinrain, are there records to
25 indicate the type of staff that were employed prior to

1 1995?

2 A. No, it would be patchy.

3 Q. What about Geilsland?

4 A. The same.

5 Q. And Polwarth?

6 A. Yes, that would be the same.

7 Q. Well, what you can supply us with, if you look at

8 page COS.001.001.25, for Ballikinrain, is that in 1995

9 there were 126 employees; is that correct?

10 A. Yes.

11 Q. Is that for the one place, is it?

12 A. I think that that -- that's for the organisation.

13 Q. That's across the board?

14 A. That's across the board, yes.

15 Q. If you turn to page COS.001.001.0026, on

16 page COS.001.001.0026 you are asked the question:

17 "How many persons were employed in some capacity at

18 the establishment?"

19 What you say is:

20 "From 1995, 433 numbers of staff were employed at

21 Ballikinrain."

22 A. That is right.

23 Q. You don't give us an annual breakdown as to how many

24 were employed on an annual basis for Ballikinrain.

25 A. No. I daresay that from 1995 we could interrogate our

1 records and provide that for you.

2 Q. I think you do it for Geilsland, unless I am wrong, but
3 we will come to that shortly.

4 But insofar as the staff were concerned you do give
5 us some information as to who they were.

6 A. Yes.

7 Q. There was a mixture of care staff, teachers, classroom
8 assistant and instructors?

9 A. Yes.

10 Q. There would also be a matron?

11 A. Yes. I'm not sure that that was in Ballikinrain,
12 however.

13 Q. You are not clear on that?

14 A. I think that is for the residential homes generally.
15 I think it is -- as referred to previously, it would be
16 a head of care in Ballikinrain.

17 LADY SMITH: I think you have just answered the question
18 I was about to ask, which was: who would take the role
19 of what we would understand a matron to fulfil? Is it
20 head of care?

21 A. So it would be the head of care.

22 LADY SMITH: And there would be one in each school, would
23 there?

24 A. There would be one in each school. So the head of care
25 and the head of education would work very closely

1 together to ensure a holistic approach to the children.
2 Within the schools initially they were under the command
3 of a head teacher.

4 LADY SMITH: Thank you.

5 MR MacAULAY: And if we look at Geilsland for staffing;
6 that's on page COS.001.001.0063. You tell us there that
7 insofar as the numbers over the period, from 1995, was
8 concerned it was 267 total.

9 A. Okay.

10 Q. That's at the top of the page, towards the top of
11 page COS.001.001.0063.

12 A. I have got a question about the organisation being
13 funded in front of me. Sorry.

14 Q. I think you are on the wrong page.
15 Page COS.001.001.0063.

16 A. Yes, there we go.

17 Q. Again, you are giving us a figure there for the total
18 over a period from 1995 until Geilsland closed?

19 A. Yes.

20 Q. We don't actually have an annual figure as to how many
21 staff were working on a day-to-day basis?

22 A. No.

23 Q. Again, looking to the make-up of the staff, it looks
24 fairly similar to the set-up at Ballikinrain.

25 A. That is correct, yes. They were both running as

1 approved schools and so actually part of that was
2 allowed for within the approved school rules.

3 Q. They were very similar establishments, I think, as we
4 have seen.

5 A. That is correct.

6 Q. Looking at Polwarth at page COS.001.001.0101. It is
7 here I think we do get a figure for the numbers on
8 a sort of day-to-day basis, if you like, and towards the
9 top we are told that when the home first opened there
10 were 12 full-time and part-time care staff. This had
11 changed, by 1949, when the staff numbered 15.

12 A. Yes.

13 Q. So that gives a sense as to how many staff were there on
14 a day-to-day basis?

15 A. Yes, that is correct.

16 Q. One point I think you do make is that the matron, that's
17 at (iv), was to be a qualified nurse.

18 A. Yes.

19 Q. If we look at the children's backgrounds, if you turn to
20 page COS.001.001.0020 of the Ballikinrain report, you
21 provide some information on that.

22 What you tell us at (i), just towards the top of the
23 page, is that:

24 "Children and young people would be referred by
25 local authority/social work for a number of reasons and

1 these would include school refusal, non-attendance,
2 challenging behaviours, criminal behaviours, neglect
3 and/or abuse."

4 A. That is correct, yes.

5 Q. Once the Children's Hearing System was in place, then
6 would there be referrals through the Children's Hearing
7 System?

8 A. There would be referrals through the Children's Hearing
9 System and a disposal made to an approved school or
10 a residential establishment.

11 Q. The process was that an application for admission would
12 be handled through your George Street offices?

13 A. Not in the case of Ballikinrain and Geilsland; referrals
14 were made directly into these establishments. For all
15 other residential homes initially all referrals were
16 made through the central offices.

17 Q. I see. I'm just reading the next paragraph at (ii)
18 where the suggestion is:

19 "Applications for admission are received at
20 121 George Street. Each case is thoroughly investigated
21 by one of the staff so that a full report may be
22 available when the application is submitted to the board
23 or local committee ..."

24 That didn't apply then to Geilsland or --

25 A. No. So residential homes are in the first paragraph and

1 the provision for approved schools is in the second part
2 of that where the children and young people were
3 admitted solely to a specific school.

4 Q. I see, thank you.

5 A. I think the difficulty is going between organisation and
6 establishment, so apologies.

7 Q. You do tell us at some point -- I think this is on
8 page COS.001.001.0021 -- that children could move from
9 Ballikinrain to Geilsland because of age.

10 A. That is correct, yes.

11 Q. Although different parts of the country?

12 A. Different parts of the council but, yes, the provision
13 could be made if a child remained under an appropriate
14 order and it was felt it was the appropriate place for
15 them to move on to then we did have provision to be able
16 to do that.

17 Q. Towards the bottom of page COS.001.001.0021, in looking
18 at the question of siblings, you tell us that siblings,
19 if they were to be placed in either Ballikinrain and,
20 I think, in Geilsland would be placed in the same unit?

21 A. Yes.

22 Q. How far back are you going to get a basis for that?

23 A. Well, we do have a complete register of admissions but
24 I'm not sure that we have a complete set of records that
25 would tell us exactly which units all the children went

- 1 into.
- 2 Q. Moving on to page COS.001.001.0022. You provide some
3 information as to what arrangements there was for
4 contact between children and their parents and family.
- 5 A. Yes. Family support has been an important part of the
6 regime at Ballikinrain, where that was felt appropriate.
7 So home visits, supervised and unsupervised, overnights,
8 visits from the parent to the campus, telephone calls,
9 letters, recently social media contact, and then special
10 occasions where families are invited to be part of
11 things, like prize-givings or sports days.
- 12 Q. Are there records then in respect of Ballikinrain and
13 Geilsland to indicate these arrangements were taking
14 place from the outset?
- 15 A. Yes. So we have some logbooks covering some of that
16 period. It is not a complete set of records for
17 Ballikinrain but there is evidence in the logbooks to
18 show when that happened in recent history. We know it
19 happened because we have got many members of staff who
20 are able to testify to that.
- 21 Q. But going back to 1968 and after that, you have some
22 records but not complete?
- 23 A. We have some records but it is not a complete set of
24 records.
- 25 Q. And Geilsland, is that the position, similar?

1 A. Geilsland is the same -- for Geilsland actually we have
2 a much more complete set of records for Geilsland
3 than --

4 Q. To cover this sort of arrangement?

5 A. That is right, yes. In fact I can tell you what records
6 we have at some point if that's helpful.

7 Q. It is information we will be seeking to get from you --
8 it doesn't have to be today, but we will certainly get
9 that.

10 LADY SMITH: Don't lose your note on it, that's very
11 helpful.

12 A. Okay.

13 MR MacAULAY: At (xvi) on page COS.001.001.0022 you say
14 that:

15 "All children and young people had an identified key
16 worker who would be responsible for liaising with social
17 work and family."

18 Is that then a key worker within the school?

19 A. Yes. So all children would have somebody who was
20 primarily tasked to be the main point of contact for
21 that child and to be looking after their welfare within
22 the school.

23 Q. Again, was that an arrangement that goes back in time to
24 the early days of these establishments?

25 A. It does, yes.

1 Q. For both Ballikinrain and Geilsland?

2 A. Yes.

3 Q. Insofar as birthdays and Christmas were concerned, you

4 say that these would be celebrated?

5 A. Yes.

6 Q. In both these establishments?

7 A. That is right.

8 Q. Are there records to show that was the case?

9 A. Yes.

10 Q. What do we see from the records?

11 A. In the logbooks you would have children's files. It

12 would tell you when a child's birthday had been, what

13 arrangements were in place, whether family had been

14 involved in that. Christmas -- there always quite a big

15 occasion at Christmas with a party and a meal,

16 a sit-down. We have provision within our budgets now

17 for a gift to be provided for each child and my

18 understanding is that that does go back some way. So in

19 the logbooks in the children's files there are

20 references to that the whole way through.

21 Q. Thank you.

22 Turning to page COS.001.001.0023, the first point

23 you are being asked about is:

24 "What was the process for the review of the

25 children's continued residence at the establishment?"

1 still on the screen, you were also asked to provide
2 information as to what support was offered to children
3 when they left the establishment.

4 A. Yes.

5 Q. You tell us here that the practice was guided at least
6 initially by the Approved School (Scotland) Rules. What
7 was the practice that was followed?

8 A. If a child was going home, we would be increasing
9 contact over that time to allow both the family and the
10 child the time to reacclimatize and rebuild
11 a relationship or strengthen the relationship.

12 We would also be in touch with the local school and
13 a process of reintroduction would be agreed there and to
14 give the child the best chance of reintegrating back
15 into their school.

16 For older pupils who were no longer of school age,
17 we would be trying to find a positive destination in
18 terms of a college place or a vocational work placement
19 for them.

20 If there were young persons moving on to another
21 residential provider, there would be a planning process
22 for transition and the details of that transition would
23 depend very much on the child's circumstances.

24 But in general it would always be a stepped process
25 rather than an immediate move out.

1 Q. Are you looking there not just at recent times but going
2 back in time?

3 A. Yes.

4 Q. Do you have records to support this process?

5 A. We have some records to support that process. We
6 particularly have some records around Geilsland, which
7 talks about the setting up of an aftercare and
8 through-care programme and the principles on which that
9 was based.

10 Q. Do you have a time frame for that?

11 A. That's particularly around about the 1990s.

12 Q. Can we then look at culture, which is one of the topics
13 that you are asked to address in this report, and turn
14 to page COS.001.001.0029 of the report.

15 So far as the church itself is concerned, I think we
16 have probably covered that. In this context what you
17 say is that:

18 "The purpose of the church is the advancement of the
19 Christian religion and the remit given to the Social
20 Care Council and its predecessor was: (1) to provide
21 specialist resources to further the caring work of the
22 church; (2) to identify existing and emerging areas of
23 need and to guide the church in pioneering approaches to
24 relevant problems; and (3) to study and present
25 essential Christian judgements on social and moral

1 issues arising within the area of the committee's
2 concern."

3 A. Yes.

4 Q. So based on Christian's values essentially?

5 A. That is right.

6 Q. The establishments -- and here we are talking about the
7 establishments, in particular Ballikinrain and
8 Geilsland -- were run on that basis, a culture rooted in
9 Christian values?

10 A. That is right, yes.

11 Q. But also, as you tell us, in accordance with national
12 guidelines?

13 A. There would be both. The Approved School Rules and the
14 distinct culture of the organisation.

15 Q. You were asked if there were any changes in culture
16 driven by internal influences and you do tell us that:

17 "There were a number of events within the
18 organisation, learning experiences of staff, and
19 a better understanding of children and young people
20 which led to the change in culture from one of
21 discipline and reform to a more personally centred and
22 therapeutic approach."

23 Can you tell us a little bit more about that?

24 A. Yes. I think very much rooted in research that was
25 around about at the time and working with individual

1 children's experiences about what worked best for them.

2 So whilst I think in the very early days it was
3 largely about the regime and as that was laid down, as
4 time went on, then there was a much more nuanced
5 approach to looking after an individual child and
6 understanding the circumstances in which they were
7 based, going to thrive, and working a program round
8 about them, rather than fitting them necessarily into
9 a regime which operated for all children.

10 Q. Can you give me a time when this began to change in
11 these establishments?

12 A. Yes. I think the largest change was driven round about
13 the 1990s and that would be in terms of the Skinner
14 report -- "Another Type of Home" I think it is called --
15 and it very much centres on listening to a child,
16 understanding what is good in terms of their welfare,
17 and putting all the appropriate measures in place to be
18 responsive to the child rather than meet the needs of
19 the regime.

20 Q. That's one of the external influences I think you
21 mention in the report?

22 A. That is right.

23 Q. I think it was 1992.

24 A. That is right.

25 Q. But you also mention reports from such as the Orkney

1 Inquiry and other inquiries as having a bearing on the
2 way in which your approach might have changed over the
3 years?

4 A. Yes, that is right. As more was understood about child
5 development then -- and the influences which were
6 impacting on children, their particular responses to
7 trauma or the circumstances that they might have been
8 brought up in then I think our approach became much more
9 understanding of the psychological impact on the child
10 and things were done, interventions were brought to
11 bear, psychologists coming in and different people who
12 could support the child in different ways according to
13 their needs.

14 LADY SMITH: Can you pinpoint the beginning of these
15 developments in terms of date?

16 A. I probably can in terms of when we had psychologists
17 coming in. Do you want me to look now or would it be
18 helpful for me to provide that to you?

19 LADY SMITH: Perhaps you can check and let us know later.
20 But you are talking earlier than the 1990s, I think,
21 from the way you are talking about these realisations
22 beginning to dawn?

23 A. That is right. There is a report we have for Geilsland,
24 1990, which very clearly sets out some of that in terms
25 of what the regime has been up until then and how it has

1 been evolving.

2 LADY SMITH: Thank you.

3 MR MacAULAY: If you turn to page COS.001.001.0030, you have
4 already mentioned the Skinner report, "Another Kind of
5 Home", and you list there some other influences that had
6 an impact upon the cultural changes which have taken
7 place over time.

8 A. That is right. So the behaviour management strategy is
9 much more about how to deescalate something when it is
10 happening. That is the TCI -- therapeutic crisis and
11 prevention, TCI there -- which was driven by the British
12 Institute of Learning Difficulties.

13 The phasing out of List D schools altogether,
14 Orkney, Kerelaw, the National Care Standards coming in,
15 the Social Work (Scotland) Act having a big impact on
16 that and then more recently much more being understood
17 about brain development, trauma and the cognitive and
18 behavioural development of a child and particularly
19 where attachment impacts on that.

20 Q. The impact of knowledge of child abuse I think you also
21 mention towards the bottom of the page.

22 A. Yes.

23 Q. Can you develop that for me? What was the impact of
24 that?

25 A. So are you referring to the historical complaints

1 protocol there?

2 Q. Yes.

3 A. So as we have understood more about abuse and how that
4 has impacted on survivors we have been trying to think
5 about a way in which people who may have had that type
6 of experience can engage with us in a way that would
7 support them to come and tell us about what has happened
8 to them and to allow us to make the most appropriate
9 response in these circumstances.

10 So a historical complaints protocol has been
11 developed between ourselves and the safeguarding service
12 and that has been trained throughout the organisation.

13 Q. If you look at page COS.001.001.0313, this is headed:

14 "Responding to historical abuse in the Church of
15 Scotland: Policy and procedure."

16 A. Yes.

17 Q. This is the version of the 9th April 2014?

18 A. Yes.

19 Q. But there had been previous versions?

20 A. Draft versions, I think, up to that point.

21 Q. Is this the document you are referring to?

22 A. Yes, it is.

23 Q. As the policy statement tells us:

24 "This policy is about how the church aims to respond
25 to the needs of survivors of historical abuse."

1 A. That is right.

2 Q. And it is underpinned by the safeguarding policy
3 statement of 2010?

4 A. Yes.

5 Q. For example at 2:
6 "Treat all disclosures of historical abuse
7 seriously."
8 Is one of the points?

9 A. That is right.

10 Q. "Offer the survivor the opportunity to be heard and
11 listened to."

12 A. Yes.

13 Q. So that guidance has been available at least since 2014?

14 A. That is right. We felt that we needed to bring
15 something into place so that all staff, if they were on
16 the end of a call, would know how to deal with that call
17 appropriately rather than people being potentially
18 pushed from pillar to post.

19 Q. We have been looking generally at culture. If we look
20 at ethos, which is related to that, and if you turn to
21 page COS.001.001.0012 of the Ballikinrain report,
22 towards the bottom of the page you begin to address this
23 point and indeed you make reference to an annual report
24 for 1954 to -- the question was:
25 "What did the organisation see as its function,

1 ethos and/or mission in terms of the residential care
2 service it provided for children?"

3 The annual report of 1954 sets out some principles.

4 A. Yes.

5 Q. Can you summarise these for us?

6 A. The first is that:

7 "The church's social work is founded on the Gospel
8 of our Lord and Saviour Jesus Christ. She goes forth
9 and in Her Master's name to seek that she may save that
10 which is lost ... the special aim of the church's social
11 work, which includes both social and spiritual
12 amelioration, is to secure these by the personal
13 influence and help of consecrated men and women."

14 Q. But putting that into practice in an establishment like
15 Ballikinrain, for example. If you turn to
16 page COS.001.001.0014, what you tell us at (iii) is that
17 in answer to the question:

18 "What did the organisation see as the
19 establishment's function, ethos and/or mission in terms
20 of the service that the establishment provided to
21 children ..."

22 What you tell us is:

23 "As an approved school the establishment sought to
24 give male children a disciplined environment in which
25 they could take opportunities and modify behaviour."

1 A. Yes.

2 Q. That was the mission so far as --

3 A. As far as an approved school went, yes.

4 Q. The same would apply to Geilsland?

5 A. The same would apply to Geilsland, yes.

6 Q. You tell us towards the end of the next section that:

7 "While child care practices varied over the years,

8 in line with the regulatory requirements/guidelines, the

9 principles of providing good quality care to children,

10 ensuring they maintain positive links with family

11 members, and where possible keeping siblings together,

12 have been maintained."

13 A. Yes.

14 Q. You maintain that to have been the position over the

15 years?

16 A. Yes, that is right. In fact, there is reference to it

17 in a number of documents. One of the first references

18 is in the "Challenge of Need" where actually something

19 more of the church's mission in terms of child care

20 practice is understood and there is reference to that

21 throughout various of our records, right through to the

22 present day, where we would still be saying that that

23 was important: good quality child care, positive links

24 with family, where appropriate, and keeping siblings

25 together where ever possible.

1 Q. Towards the bottom of that page, at (vii), and moving on
2 to page COS.001.001.0015, where you are asked about
3 changes and when and why they came into effect, you tell
4 us -- and you mentioned this before -- that:

5 "The traditional societal view of residential
6 schools was that these were viewed as schools for 'bad
7 boys' and as such the general regime would focus on
8 maintaining control and managing difficult and
9 challenging behaviours."

10 But that changed, I think, as you mentioned earlier.

11 A. Yes, that is right.

12 Q. An influence on that was the Skinner report?

13 A. Yes, that was a large influence on that, but also
14 driven, I think, by the interests of the staff in the
15 schools themselves who care very much for the young
16 people and wanted to know more about how we could
17 support the young people rather than necessarily take
18 them through a regime of discipline.

19 LADY SMITH: I think on the previous page you commented that
20 it was in the early 1980s where practice was evolving
21 both in understanding the psychological affect on
22 a child's behaviour of trauma but also beginning to
23 reflect on a more person-centred/child focussed
24 approach. So you must have seen something that pinned
25 that to the early 1980s which would have been

1 pre-Skinner.

2 A. Pre-Skinner, yes.

3 MR MacAULAY: Are you able to tell me what the practices
4 were in relation to Ballikinrain and Geilsland insofar
5 as physical punishment was concerned, corporal
6 punishment?

7 A. Yes. The situation at both Ballikinrain and Geilsland
8 would be allowed for within the provision of the
9 approved school rules.

10 Q. So we are looking at the provisions of what the rules
11 specify?

12 A. That is right.

13 Q. Insofar as your records go to show, are there records --
14 have records been made of what punishment was given and
15 when?

16 A. Yes. We have a complete set of punishment books for
17 Geilsland and an almost complete set for Ballikinrain.

18 Q. Thank you.

19 You do provide us with some insight into the daily
20 routine of both these particular establishments. For
21 example, if you turn to page COS.001.001.0016 of this
22 report, if we perhaps look at the bottom part of the
23 report, you provide some insight into the daily routine
24 for -- I think we are talking about boys really, not
25 girls, beginning with, for example, rising in the

1 morning, shower, breakfast, and getting ready for
2 school, and so on.

3 A. Yes.

4 Q. You provide some information in relation to what
5 activities were available both on-site and off-site --

6 A. Yes.

7 Q. -- moving on to the next two pages.

8 Although I'm looking at Ballikinrain, I think I'm
9 right in saying that the position was fairly similar at
10 Geilsland.

11 A. That is correct, yes.

12 Q. Can I just look quickly at Polwarth at
13 page COS.001.001.0090 of that report. This is the
14 section dealing with ethos and you have repeated quite
15 a lot of what we have looked at already but on
16 page COS.001.001.0090 towards the bottom you say again:

17 "When the home opened ... it provided care only to
18 babies and children under five."

19 A. Yes.

20 Q. Moving on to the next page, in relation to services and
21 so on, as I understand it, you don't have records to
22 provide details as to what was provided and what the
23 programmes might have been.

24 A. No, we don't have a complete set of records on Polwarth
25 at all that would indicate what that was.

1 Q. You do have some information to suggest that an annual
2 holiday, for example -- I think it was 2 to 5, there is
3 some evidence of that in the record?

4 A. Yes, so the annual reports would often tell us what
5 children had done, what trips they had been on, and what
6 types of holiday they were -- that they had for that
7 year. As you can see the home in Kinghorn, Fife, was
8 a popular one.

9 Q. That was in 1961, I think; is that correct?

10 A. That is right.

11 Q. Can we look at the question of funding of these
12 establishments and go over to page COS.001.001.0008 of
13 the report, dealing with Ballikinrain.

14 We are on that page and at (i) on that page, you
15 provide some information as to how Ballikinrain was
16 funded.

17 A. Yes.

18 Q. In short how did that happen?

19 A. Initially it was funded through the Scottish Office
20 Education Department and the local authority together
21 until 1986. After 1968 there was a user agreement with
22 Strathclyde Regional Council who would place their own
23 children and children in Central Region.

24 Latterly local authorities would place under their
25 own provision and most recently there is a residential

1 care framework in place for placing children and they
2 can be placed from all over the country on that.

3 Q. Is that what you refer to at (v) and that is the
4 National Residential Framework?

5 A. That is right, yes.

6 Q. When did that come into effect?

7 A. I think we are at about year four now of that.

8 Q. I see.

9 But before that you have also provided information
10 at least until March 1986 where it was really 50/50
11 between the Scottish Education Department and local
12 authorities?

13 A. Yes, that is right.

14 Q. Did the position change after 1986?

15 A. Yes, it did. So the local authorities took the
16 provision of care for children under their own financial
17 arrangements.

18 Q. So 100 per cent then?

19 A. Yes, that is right. Although it would still be partly
20 funded from the social work and partly funded from the
21 education budgets but under the local authority --

22 Q. But under the local authority umbrella?

23 A. That is right.

24 Q. Without looking at it, the position really was the same
25 for Geilsland?

- 1 A. Absolutely.
- 2 Q. If we look at Polwarth on page COS.001.001.0083 of the
3 report, just above halfway you provide some information
4 in connection with the funding of that home. You tell
5 us first of all that, in terms of opening the home, the
6 finance subcommittee minutes of 1943 show that an appeal
7 for funds was made to congregations of the Church of
8 Scotland and sufficient funds were achieved from this
9 appeal, but had it not been, the balance would have been
10 taken up from the capital funds of the committee to run
11 the service.
- 12 A. That is right.
- 13 Q. In fact, the request for funding was successful in
14 providing sufficient --
- 15 A. Yes, it was. It is actually laid out in some detail in
16 the finance committee minutes.
- 17 Q. Thereafter can you then just provide us with some
18 insight as to how the home was funded?
- 19 A. So mainly by donations and legacies. Dedicated giving
20 by some individuals or companies. Parents or guardians
21 who placed a child in the home, if they could afford to,
22 they would pay something towards the upkeep of the child
23 in that home. If a local authority placed in a home,
24 they would also pay all or part of the sum of the
25 child's upkeep.

1 At one point some of our homes for older people had
2 a social and financial adoption scheme where they would
3 provide some money towards the upkeep of a child.

4 Q. If you turn to page COS.001.001.0084, the next page --
5 it is the top of the page, the last sentence in the
6 paragraph -- it is noted that in 1975 the committee
7 reported that:

8 "The ordinary income of the children's homes is
9 derived almost entirely from local authorities on whose
10 behalf the committee cares for children."

11 Did that also apply to Polwarth at that time?

12 A. In the later stages of Polwarth, yes, that would be
13 right.

14 Q. I don't think there's any dispute in the report you have
15 provided in relation to each of the establishments that
16 the church does accept that it had a duty of care
17 towards the children in its care.

18 A. Yes, an absolute duty of care.

19 Q. Can I then look at the question of external oversight
20 and turn to page COS.001.001.0034 of the Ballikinrain
21 report. I think the position is the same for Geilsland
22 so we can bear that in mind.

23 In response to the question:

24 "What were the arrangements for external oversight
25 of the organisation and the establishment?"

1 You provide a number of different organisations that
2 had some input.

3 A. Yes.

4 Q. Can you just take us through that?

5 A. Yes. So we have referenced the Scottish Education
6 Department before, who would be interested in the
7 placement of children who would be excluded from
8 mainstream schooling. The Care Inspectorate are the
9 body who inspect on a regular basis the care element
10 with the Scottish Education Department inspecting the
11 education element and latterly doing joint inspections.
12 So they would come together and do an inspection on both
13 the care and education provision to make sure that that
14 is holistic.

15 Who Cares? Scotland are a local -- actually,
16 a national advocacy group. So although they don't
17 inspect, they would come in and speak to the children
18 and make recommendations to us on behalf of the children
19 if they felt that was necessary -- or encourage the
20 children to do that themselves.

21 The local committees we have referenced before in
22 terms of having some external oversight and coming in
23 and signing things like the punishment book, they were
24 required to do that. That is referenced in the
25 punishment books.

1 We then have our own external management provision
2 which would be your head of service or principal
3 officer, now head of service. Then the local authority
4 social work departments.

5 Q. I think we can understand that although you have listed
6 all these different organisations they would not all
7 have existed over the time frames that we are looking at
8 for these two establishments.

9 A. Yes.

10 Q. The local committee might have existed --

11 A. The local committee might have done, yes.

12 Q. But the Care Inspectorate did not?

13 A. The Care Inspectorate did not.

14 Q. Or Who Cares? Scotland, for example?

15 A. Yes.

16 Q. We will bear that in mind when we are looking.

17 A. That is right.

18 I suppose what's missed off that list is the medical
19 officer. There was also a medical officer appointed for
20 each establishment and they would also come in and do
21 some external oversight, particularly in relation to
22 corporal punishment.

23 Q. In (iii) I think you provide us with some information as
24 to the regularity of different forms of inspection.

25 A. Yes.

1 Q. So the Care Inspectorate, for example, was a minimum of
2 twice a year once they were up and running as
3 an organisation.

4 A. That is right, yes.

5 Q. The inspections involved, as you tell us in the next
6 section, questionnaires and meetings with children.

7 A. Yes.

8 Q. So the children would be involved?

9 A. The children are involved, yes.

10 Q. If we look at the position at Polwarth -- and that's at
11 page COS.001.001.0111, towards the bottom of the page --
12 the answer you provide to the question in relation to
13 the arrangements for external oversight is:

14 "We are not aware of records specific to the
15 establishment to confirm this."

16 But you make mention of the Children Act and the
17 Social Work (Scotland) Act and their oversight
18 arrangements that were mandated by that legislation.

19 A. That is right.

20 Q. But you don't have records in relation to who visited
21 the home or when?

22 A. No, other than the local committee minutes, which we
23 have a good set of.

24 Q. Moving on to the next page, you do indicate there,
25 I think, that, at (v) that:

1 "The local authority social work departments who
2 looked after individual children would have had regular
3 contact with the establishment."

4 Do you see that?

5 A. Yes.

6 Q. Do you have any records to indicate that contact and how
7 regular it might have been?

8 A. Yes. It would often depend on the need of the child but
9 local authority social work departments would -- a child
10 would always have a social worker, somebody from the
11 local authority who would be interested in the
12 placement, who would be also taking -- would also be
13 represented at the care reviews and that would be in the
14 child's record. We do have children's records that
15 would evidence, as well as logbooks, these types of
16 visiting being made.

17 LADY SMITH: When you say "care reviews", are you talking
18 about the Children's Hearings care reviews or care
19 reviews that were carried out by Crossreach in the
20 Crossreach system?

21 A. Both.

22 MR MacAULAY: I now want to take you, Mrs Dickenson, to the
23 final section of the report, which begins on
24 page COS.001.001.0035 and goes on for a number of pages.

25 This was a section of the report -- of the three

1 requests that were made to you where the church was
2 asked to retrospectively acknowledge or admit abuse.

3 If we look separately at the different
4 establishments. Here we are looking at Ballikinrain,
5 first of all. So far as Ballikinrain is concerned, you
6 tell us towards the bottom of page COS.001.001.0035, if
7 we can get that on the screen, that:

8 "The organisation accepts that there were occasions
9 on which complaints were made of the use of excessive
10 force by staff."

11 A. Yes.

12 Q. And that:

13 "If the response to investigation was either the
14 imposition of a disciplinary sanction or the
15 identification of the requirement for training would
16 imply that the complaint was substantiated."

17 You tell us:

18 "This appears to have occurred on around 15
19 occasions."

20 A. That is right.

21 Q. Do I take it from this you have records to show that
22 these complaints were made?

23 A. We do. We have records -- really, the records only
24 started being -- the complaints record really only
25 started in the 1990s when the safeguarding service was

1 set up and began to look at these things.

2 What we do have is also on that any recordings of
3 historical abuse and anything that we have been able to
4 do in terms of follow-up for those as well.

5 Q. But do I understand from what's set out here that over
6 a period of quite a number of years, is it, that there
7 were 15 complaints?

8 A. As far as we can ascertain from the records we have.

9 Q. What span of years are we talking about?

10 A. We have records which show that we have had reports of
11 historical abuse which go back some time but these
12 reports have been made historically and our records on
13 complaints really only start in the late 1990s, early
14 2000s, since we have actually had a register.

15 I'm just trying to kind of -- so if I'm able to say:
16 we have had a register which is every complaint that has
17 been made to us since that register started and has been
18 logged with the safeguarding service and is on there --

19 LADY SMITH: When did it start?

20 A. I believe that was late 1990s/early 2000s --

21 LADY SMITH: That's the one you are talking about?

22 A. That's the one I'm talking about.

23 LADY SMITH: But when you are talking about historical abuse
24 records, what are you referring to?

25 A. Anything that has been reported to us historically will

1 also be captured on that database.

2 LADY SMITH: So a report since the late 1990s might be of
3 something that happened a long time before then?

4 A. Yes.

5 LADY SMITH: Got you, thank you.

6 Can you remember broadly what the earliest date
7 for -- not the making of the report, but the subject
8 matter described in the report is?

9 A. I think they would date back to the 1970s.

10 LADY SMITH: Thank you.

11 MR MacAULAY: Let me see if I can understand this: first of
12 all, so far as looking at what you have said in the
13 report is concerned, you are identifying 15 occasions
14 where complaints were made?

15 A. Yes.

16 Q. Do I understand it that -- I had certainly understood
17 from this that the information here is based on
18 contemporaneous records because you say that the
19 complaint resulted in the imposition of a disciplinary
20 sanction or the identification of a requirement for
21 training.

22 A. Yes.

23 Q. So those 15 complaints were contemporaneous in the sense
24 that there was -- the church was able to respond in the
25 way you have indicated and take action?

1 A. Yes. Wherever we have been able to take action we have
2 done that.

3 Q. That's on 15 occasions?

4 A. Yes.

5 Q. I think what her Ladyship was asking you about was about
6 complaints you have had of historical abuse --

7 A. Yes.

8 Q. -- which clearly are not contemporaneous, they are long
9 after the allegation of abuse has occurred.

10 A. Yes.

11 Q. What about these as far as Ballikinrain is concerned?

12 A. As far as Ballikinrain is concerned there are few
13 complaints of historical abuse.

14 Q. Here we are talking about excessive physical abuse. In
15 what you have provided, the historical abuse, what's the
16 nature of that abuse?

17 A. On the whole this applies to situations, both
18 contemporaneous and historical, where we have used
19 an intervention and within that intervention a hold for
20 a child has been applied with excessive force or
21 something has gone wrong when a hold is going to be
22 applied. That's the type of allegation that we have
23 had.

24 We have -- outwith that, there is very little for
25 Ballikinrain.

1 Q. I just want to be absolutely clear -- and it may be this
2 will be covered in another report -- but you said you
3 have a few complaints of historical abuse relating to
4 Ballikinrain.

5 A. Yes.

6 Q. I want to focus on these not the contemporaneous
7 complaints. So far as those complaints are concerned,
8 can you tell me what the nature of the abuse is?

9 A. My understanding is that these complaints have largely
10 been around excessive use of force, potentially where
11 a child feels they were handled inappropriately.

12 Q. So just to be clear, in relation to Ballikinrain, from
13 your position, you do not have any allegations of sexual
14 abuse relating to that establishment?

15 A. As far as I'm aware, not.

16 Q. Then staying with Ballikinrain, the next question that
17 you are asked is:

18 "Does the organisation/establishment accept that its
19 systems failed to protect children cared for at the
20 establishment ..."

21 That is not accepted.

22 A. No.

23 Q. Can you explain the thinking behind that?

24 A. Absolutely. The fact that children have been able to
25 tell us or that it has been picked up by another

1 individual that something has gone wrong and that we
2 have taken steps to rectify that and to take action to
3 discipline members of staff where appropriate would
4 suggest that the systems have worked by and large for
5 these children, that some individuals have not applied
6 the systems and processes correctly.

7 Q. That relates of course at least to the 15 occasions
8 where the complaint was made and a response was made at
9 the time?

10 A. Yes.

11 Q. What about the historical complaints? Are you feeding
12 them into the equation as well?

13 A. Yes.

14 Q. Now --

15 LADY SMITH: Well, have you also got information in relation
16 to the historical complaints that appropriate action was
17 taken to deal with the training needs and such like of
18 the member of staff?

19 A. I would have to look at the other documents that we have
20 prepared for the Inquiry. Where something has been made
21 historically, what we haven't had is anything that has
22 been -- so somebody may have told us that something has
23 happened, but we haven't had anything to be able to
24 either substantiate that complaint in terms of our
25 records or do anything because the members of staff have

1 left the establishment by that point.

2 LADY SMITH: So do you have to keep an open mind as to
3 whether there may have been system failure at that point
4 in, for example, the 1970s, as you have referred to?

5 A. Yes.

6 MR MacAULAY: I mean I had understood you to say that the
7 historical complaints in the 1970s only became -- you
8 only became aware of these has complaints much more
9 recently.

10 A. That is right.

11 Q. Therefore they are historical and were not dealt with at
12 the time because they weren't made at the time.

13 A. Yes and weren't picked up at the time, so I accept then
14 the system didn't pick them up.

15 LADY SMITH: Just going back to what you are saying about
16 the group of 15, the more recent complaints that have
17 come through in the new system for recording complaints.
18 I understand fully where you are coming from in saying,
19 well, I am there seeing appropriate action being taken
20 both in respect of the child and a member of the staff.
21 But what about the possibility that there was an initial
22 training failure so far as the member of staff was
23 concerned, addressing how did it happen in the first
24 place? Has that been looked at?

25 A. Where training -- the training is regularly applied to

1 all members of staff. Because the complaints are so few
2 and we're not picking up lots of difficulty with that,
3 we are, I guess, making an assumption that on the whole
4 the training basis is good, and that sometimes in
5 a difficult situation -- and they are difficult
6 situations where members of staff are applying these
7 holds -- that sometimes they are just not applied
8 correctly in that situation and we would go back --
9 re-train somebody or we would take them back to earlier
10 in the deescalation technique and work with them in
11 reflective practice on, could we have done something
12 better in the earlier process to stop it escalating to
13 that point.

14 LADY SMITH: Thank you.

15 MR MacAULAY: Then looking on to Geilsland at
16 page COS.001.001.0073 of that report.

17 You were asked the same question about whether it
18 was accepted that some children may have been abused and
19 what's your response to that for this establishment?

20 A. Yes, for this establishment we accept there are
21 occasions when the nature and extent of physical
22 punishment administered were excessive, even when
23 measured by the standards of the time.

24 Q. What's your basis for that conclusion?

25 A. Our basis for that conclusion would be some historical

1 complaints and in fact a complaint made by an inspector
2 from the Education Department who felt that a regime
3 that was being applied was outwith the Approved School
4 Rules and talked to the social work director about that.

5 LADY SMITH: So we are talking here not simply about
6 circumstances in which a hold has to be used and wasn't
7 properly used, something more systemic here, is it?

8 A. This was a regime which was applied which was not -- so
9 within the Approved School Rules various punishment
10 regimes were allowed for. So one of the things that was
11 brought to the attention of the department at the time
12 was that children were running around a field in the
13 morning, at 6 o'clock in the morning, which was not
14 a time which was allowed for within the Approved School
15 Rules. It was felt that that was too early.

16 LADY SMITH: Thank you.

17 MR MacAULAY: You say in the next paragraph that:

18 "We know of a number of complaints relating to the
19 treatment of individuals at Geilsland, and these have
20 already been shared with the Inquiry team."

21 A. Yes.

22 Q. "The complaints relate to a small number of young people
23 compared to the total numbers which Geilsland has cared
24 for over 50 years and is largely to a certain time
25 period."

- 1 A. Yes.
- 2 Q. What's the time period we have in mind?
- 3 A. That would be from the regime of the first head teacher,
4 which would be from when Geilsland opened to about
5 I think -- let me think -- about 1981/1982.
- 6 Q. From 1968 to 1981/1982?
- 7 A. Yes. I could find that for you.
- 8 Q. So is that relating to the -- is this in connection with
9 the regime problem?
- 10 A. Yes, that is right.
- 11 Q. Did the regime problem, was that a problem that existed
12 throughout that whole period?
- 13 A. No.
- 14 Q. When was it picked up by the inspector?
- 15 A. That was picked up fairly early on. So the regime
16 problem was picked up fairly early on.
- 17 Q. Do you have a date?
- 18 A. There are complaints -- I would be able to get you
19 a date for you. Yes, there is a letter we can pick up
20 for you on that one.
- 21 There have also been complaints of excessive
22 physical punishment in terms of the physical punishment
23 being applied outwith that provided for the Approved
24 School Rules.
- 25 Q. Just so I can understand: there is the problem that the

1 inspector picked up with the regime; is there another
2 issue that you are now talking about or is that part and
3 parcel of the same problem?

4 A. No, it is a separate problem.

5 Q. Is there a time frame for that?

6 A. It would be that time frame that I specified, that
7 largely it was within the 1960s and 1970s.

8 Q. What was the problem?

9 A. The problem -- the allegations that have been made to us
10 and that have been handed over to the police, where
11 appropriate, is that assault occurred rather than what
12 was allowed for in the Approved School Rules.

13 Q. Is that what you mean then -- is that what you are
14 touching upon in the next paragraph:

15 "A number of people have made similar allegations of
16 abuse against one individual and they have been shared
17 with and investigated by the police"?

18 A. That is correct, yes.

19 Q. These are then what might be called historical
20 allegations?

21 A. Yes.

22 Q. But made by a number of people?

23 A. Yes.

24 Q. What number do you have in mind?

25 A. I would be able to get that information for you.

- 1 Q. It may be in the next report?
- 2 A. It is. We have detailed all of that for you in previous
3 reports.
- 4 Q. Very well.
- 5 When you say in the next paragraph that:
- 6 "Complaints which have been received ... and in some
7 cases records of any investigations ... disciplinary
8 hearings and subsequent sanctions have been awarded."
- 9 Have you had disciplinary hearings in connection
10 with any of the complaints we have been discussing so
11 far?
- 12 A. Yes, we have. So there are records which go back since
13 the complaints register began where if we feel that
14 there has been an inappropriate treatment of a child or
15 young person in our care, we have shared that with the
16 police as appropriate, we have taken safeguarding
17 advice, and we have dealt with it internally, externally
18 or in a joint committee with social work deciding on
19 a sanction at that point.
- 20 Q. But I think the cluster of allegations we mentioned
21 earlier, these are historical and the staff member is no
22 longer in your employment?
- 23 A. That is correct.
- 24 Q. You are asked then on page COS.001.001.0074, looking to
25 that background -- perhaps before I ask you that, have

1 any complaints been made, insofar as Geilsland is
2 concerned, of a sexual nature?

3 A. I believe that there are two complaints of a sexual
4 nature.

5 Q. Are these historical complaints?

6 A. Yes.

7 Q. Two complaints from two different individuals?

8 A. Yes. Again, that is detailed for you --

9 Q. In the second report?

10 A. Yes.

11 Q. Then moving on to page COS.001.001.0074, the question
12 was asked:

13 "Do you accept that your system failed to protect
14 children cared for at the school?"

15 What's your response to that?

16 A. So we have in the instance of excessive punishment
17 referred to most recently -- they relate more to the
18 actions of the individuals than to the systems.

19 The systems in place do appear to have generated
20 investigations, certainly most recently, of complaints.
21 Where allegations have been substantiated, then
22 disciplinary sanctions and/or further training as
23 appropriate have been initiated.

24 Q. If we are looking, for example, to the regime that was
25 picked up by the inspector, did that regime in itself

1 represent a failure in system?

2 A. Yes, it did.

3 Q. You are now looking at other historical complaints and,
4 as her Ladyship mentioned earlier, you are keeping
5 an open mind then as to what extent, if at all, systems
6 failed in relation to these allegations?

7 A. That is correct. I think at this point what we are
8 doing is we are still examining records. The whole way
9 through this Inquiry, we are picking up records, we are
10 picking up more. This, I think, came to you in October.

11 Q. Yes.

12 A. Some of the most recent evidence has been made available
13 to us since we submitted this report and that's why, as
14 time goes on and you will get more reports from us, you
15 will see some more of the detail coming through in
16 these.

17 LADY SMITH: Thank you.

18 MR MacAULAY: Thank you for that.

19 I don't know if your Ladyship would want to give the
20 transcribers a short break; I have just one more chapter
21 to deal with.

22 LADY SMITH: Let me check. How long do you think you will
23 require, Mr MacAulay? (Pause). We will carry on.

24 MR MacAULAY: I am sure you are more than happy to finish
25 today than coming back next week --

1 LADY SMITH: Perhaps I can just explain to those who are
2 here in the public: there are two people here running
3 the transcriptions, it is very hard work what they are
4 doing, and that's why we have the breaks that we have,
5 but they have kindly said they will carry on for
6 10/15 minutes and then, in the usual way, later on the
7 transcript will be available on the website thanks to
8 their hard work.

9 Mr MacAulay.

10 MR MacAULAY: Can we now turn to page COS.001.001.0113 and
11 this is looking at the Polwarth report.

12 Here you give a clear response to the question
13 whether you accept that children in care at Polwarth
14 were abused and you say yes to that.

15 A. Yes.

16 Q. You give us some information as to why you give us that
17 answer; can you summarise that for us?

18 A. Yes. Absolutely. What we know is that a former
19 employee of the Church of Scotland, who was employed
20 specifically at the Lord and Lady Polwarth Home, has
21 been convicted of sexual abuse of children in that
22 home -- as well as in other establishments.

23 Q. What you tell us is that on 14th August 2013, this
24 employee was convicted of 22 serious sexual offences
25 against children and 12 of those involved eight children

1 that were in the Polwarth Home?

2 A. That is correct.

3 Q. Those offences occurred when this person was the person

4 in charge between 1975 and 1981?

5 A. That is correct.

6 Q. Do you know the time frame covered by the charges for

7 which he was convicted or was that the time frame?

8 A. That was the time frame.

9 LADY SMITH: Well, are you sure about that? I think it

10 might have been 30 years.

11 A. Well, we have -- in terms of our own time frame we

12 know --

13 LADY SMITH: I have got that. Your time frame was about

14 1975 to 1981?

15 A. Yes, that is right.

16 LADY SMITH: But the charges of which he was convicted

17 spread over a greater period. I think you have already

18 alluded to him working elsewhere as well.

19 A. That is right -- and in community settings as well,

20 I believe.

21 MR MacAULAY: So far as Polwarth Home is concerned, the

22 charges related to offences covering this period of 1975

23 to 1981?

24 A. Correct.

25 Q. And involved, so far as the convictions were concerned,

- 1 eight children?
- 2 A. Yes.
- 3 Q. And they were serious sexual offences?
- 4 A. Yes, I believe so. Yes. We don't have the absolute
- 5 detail of that, we weren't involved in the trial at the
- 6 time; it was reported to us afterwards.
- 7 Q. You do indicate that your records say that in 1980 that
- 8 there were concerns about this individual's relationship
- 9 with a particular child?
- 10 A. That is right.
- 11 Q. What were the concerns?
- 12 A. The concerns were that some photographs had been found
- 13 of a particular child naked; that the allegation was
- 14 that this was to do with a relationship with [X]; and
- 15 that was then thoroughly investigated but not
- 16 substantiated at the time.
- 17 However, the director of social work was still
- 18 concerned about the allegations and wrote to the local
- 19 authority at the time asking that the children be
- 20 removed.
- 21 Q. When you say children --
- 22 A. The child.
- 23 Q. Sorry --
- 24 A. The child be removed.
- 25 Q. I think the child had siblings?

- 1 A. Yes.
- 2 Q. So the recommendation was that the child and the
3 siblings be removed?
- 4 A. That is correct.
- 5 Q. Now, just to be clear the director of social work of the
6 Church of Scotland?
- 7 A. That is correct.
- 8 Q. And that was in 1980?
- 9 A. That is correct.
- 10 Q. This particular individual, I think, left the employment
11 of the home I think in about March 1981, is that right?
- 12 A. That is correct.
- 13 Q. So this was a little while before he left the
14 employment?
- 15 A. Yes.
- 16 Q. Can you give me a date for the letter that was written
17 by the director of social work?
- 18 A. I can, I don't have it with me, but we have a copy of
19 the letter.
- 20 Q. So what was the response to that request?
- 21 A. The response was negative. The local authority refused
22 to remove the child and siblings believing it wasn't in
23 their best interests.
- 24 Q. Why was the request made?
- 25 A. The request was made because although the police were

1 saying that no further action could be taken, and that
2 there's nothing to suggest that [X] was involved --

3 Q. We are not using names at the moment, but the
4 "individual".

5 A. Yes. So that the individual who was the supervisor at
6 the time, although he was not implicated by the police
7 in terms of the photographs being taken, clearly the
8 director of social work was still concerned about the
9 relationship and felt that the safest thing to do, if
10 there was no action being taken against the
11 superintendent, would be then to remove the children.

12 Q. His thinking, or the director's thinking, was in order
13 to protect the child the child should be removed from
14 the home?

15 A. That is right.

16 Q. What was his basis for seeking to protect the child?

17 A. The basis for seeking to protect the child was the
18 allegations that had been made and my understanding --
19 if you read through the Lord and Lady Polwarth review,
20 which has also been made available to you -- is that
21 there was a member of staff who was also concerned about
22 the relationship and reported that to the director.

23 Again, although nothing could be proven in these
24 circumstances, the director was clearly concerned about
25 the relationship.

1 Q. The question might be asked as to why the director did
2 not off his own bat take steps to deal with this issue?

3 A. I think the director felt that he had exercised every
4 power that he could do and, short of dismissing the
5 member of staff, which presumably he could not do at the
6 time given employment law, then felt that he could take
7 the only action available to him.

8 Q. Did you say a moment ago that the basis of this
9 allegation was another member of staff?

10 A. Yes.

11 LADY SMITH: So this is another member of staff apparently
12 aware that an inappropriate and improper relationship
13 had been formed between the man and I think quite
14 a young child?

15 A. Yes.

16 LADY SMITH: And he started sexually abusing her at a stage
17 that she would really be too young to appreciate what
18 was going on?

19 A. Yes, I believe so. But I don't think that's -- that
20 wasn't what was reported to the director. I think it
21 was just a general sense that there was something wrong
22 in the relationship rather than any specific allegations
23 at that time.

24 LADY SMITH: So was this an experienced member of staff who
25 was making these reports to the director?

1 A. Yes.

2 LADY SMITH: And, in short, that member of staff's instincts
3 were correct -- I don't know whether it was a him or
4 her -- and were telling him that something needed to be
5 done?

6 A. It was a her and yes, they were.

7 MR MacAULAY: We know I think and you have accepted that
8 this individual, the abuser, left the employ of the home
9 in March 1981.

10 A. That is right.

11 Q. You are going to look for the date for when this issue
12 was being addressed. But, on the face of it, it appears
13 that because nothing was done, the abuser remained where
14 he was until March 1981, is that correct?

15 A. The abuser received a letter from the director of social
16 work saying that the director of social work was
17 concerned and although nothing had been substantiated,
18 if anything else came to his attention he would take
19 action to remove the member of staff.

20 Q. But I think the point is that the member of staff stayed
21 there?

22 A. The member of staff stayed there.

23 Q. Do you know if any of the convictions that he was
24 convicted for related to the period after this issue
25 arose?

1 A. I don't have that level of detail. I do not think we
2 have that level of detail.

3 LADY SMITH: Am I right in thinking that at one point the
4 child ran away?

5 A. From the home?

6 LADY SMITH: Yes.

7 A. I'm --

8 LADY SMITH: You may not know.

9 A. We don't know that. That's not something that's known
10 to us. What we do know is that she moved in with him
11 when she left the home's care.

12 MR MacAULAY: But looking to what the director did in
13 writing to this individual, was that to be seen as
14 a warning letter?

15 A. Yes, I believe it was. Yes.

16 Q. Which suggests that the director clearly was of the view
17 that there was a real issue here to be concerned about?

18 A. Yes. I think that's entirely covered in the [X]
19 report -- the Lord and Lady Polwarth review.

20 Professor Kendrick did speak to the director of social
21 work at that time and took a statement from him.

22 LADY SMITH: So you have evidence of a letter being written
23 to the man warning him. Is there any evidence of
24 anybody speaking to him face to face, putting the
25 allegations to him and trying to find out from him what

1 was going on?

2 A. The report was made to the police and we understand that
3 the police investigated. My assumption would be that
4 the police would deal with at least the photographs
5 element of the allegation and put that face to face.

6 But we don't have records to show that one way or
7 the other.

8 LADY SMITH: And you can't tell whether the employer spoke
9 to the employee about the allegations?

10 A. No.

11 MR MacAULAY: If we move on then to the next section of this
12 part of the report and turn to page COS.001.001.0114.

13 The question again is asked whether you accept that
14 your systems failed to protect children and what's your
15 response here?

16 A. We fully accept that the systems and processes did not
17 protect children in our care at that time.

18 Q. You point of course to the conviction?

19 A. Yes.

20 Q. In the last box in this section, (iv) you say that:

21 "Once allegations were made, the organisation used
22 what powers and processes it had available to it."

23 I just wonder, is that absolutely correct? Could
24 the director or indeed the church have done anything
25 more than was done?

1 A. This has been fully inquired -- looked at in the
2 Independent Inquiry. Looking back on it, you always
3 wonder why the member of staff just wasn't dismissed.
4 I think that, where we feel is that the director at that
5 time fully believed that he had done everything he
6 possibly could to remove the risk of harm from that
7 child.

8 Q. In any event, I think you do fully accept, as you set
9 out, that the powers and processes were insufficient to
10 uncover the extent of the individual's actings?

11 A. That is correct.

12 Q. So far as this individual was concerned, he, as you have
13 told us, was in charge of the home. Do you know what
14 qualifications he had?

15 A. I think that we have covered that in the earlier in the
16 report. We have had qualifications -- they will be
17 in --

18 Q. I think in the report it is not known.

19 A. No.

20 Q. That's the position?

21 A. Yes.

22 Q. When he was employed, was that at a time when checks
23 were not carried out?

24 A. That is correct, yes.

25 Q. Do you know, for example, if this person had any

1 previous convictions prior to the convictions he --
2 after 1981?

3 A. We did not know that.

4 Q. Pardon?

5 A. We don't know that.

6 Q. Then, finally, on page COS.001.001.0115, you provide us
7 with some insight in relation to how over time policies,
8 procedures and practices have changed. Is that right?

9 A. Yes.

10 Q. For example, you talk about safety equipment practices,
11 staff undertaking safeguarding training and so on?

12 A. Yes, that is right. We are regularly inspected on safer
13 recruitment practices at our central offices as well.

14 MR MacAULAY: Thank you, Mrs Dickenson, that's all I have to
15 ask of you. My Lady, I have not been sent any written
16 questions to ask.

17 LADY SMITH: Thank you very much. Are there any outstanding
18 applications for questions to be put to this witness?

19 No. Thank you very much. Thank you Ms Dickenson
20 and thank you for the indications of the further help
21 that you are able to give us in addition to the detailed
22 work that's already been done. We look forward to
23 receiving it.

24 A. Again I would just like to reiterate the apology that we
25 have already made, that if any child known or not known

1 has been harmed in our care, we are deeply sorry for
2 that and we would want to learn from the Inquiry.

3 LADY SMITH: Thank you. We can let you go.

4 (The witness withdrew)

5 LADY SMITH: That's all for today obviously Mr MacAulay.

6 MR MacAULAY: It is.

7 LADY SMITH: We sit again on Tuesday?

8 MR MacAULAY: On Tuesday and, my Lady, the programme for
9 next week will start with Quarriers.

10 LADY SMITH: Yes.

11 MR MacAULAY: We will move on then to Barnardo's and then
12 Aberlour.

13 LADY SMITH: Thank you very much. That's all for today. We
14 rise now until Tuesday morning.

15 (4.15 pm)

16 (The Inquiry adjourned until 10.00 am
17 on Tuesday, 27th June 2017)

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