

Thursday, 6th July 2017

(10.00 am)

LADY SMITH: Good morning.

Mr MacAulay, we have another witness this morning,

I think.

MR MacAULAY: Yes, good morning, my Lady.

I would like to call Christopher Gerard Daly.

LADY SMITH: Thank you.

MR CHRISTOPHER GERARD DALY (sworn)

Questions from MR MacAULAY

LADY SMITH: Please sit down and make yourself comfortable,

Mr Daly.

Mr MacAulay, when you are ready.

MR MacAULAY: My Lady.

Christopher, is your full name Christopher Gerard

Daly?

A. It is, yes.

Q. I think I'm right in saying that you have provided a statement to the Inquiry in connection with this first phase of the Inquiry.

A. I have, yes.

Q. I will be asking some questions about the statement and in particular about your campaigning efforts over the years. But before I do that, can I just touch upon your background: you were someone who as a child was in care;

1 is that correct?

2 A. Yes.

3 Q. Did you in fact go into foster care at a very, very

4 young age?

5 A. At age 3 months I had my first care placement, which was

6 foster care at that time.

7 Q. Thereafter did you have a number of residential care

8 placements?

9 A. Yes. Some quite lengthy; the longest being four years

10 in Nazareth House in Aberdeen.

11 Q. That, I think, was in the 1970s?

12 A. Yes, it was.

13 Q. But you had other care placements as well?

14 A. I did, yes.

15 Q. You tell us in your statement that there came a point in

16 time when you did a social care course at Glasgow

17 Nautical College.

18 A. Yes.

19 Q. I think you say that was between 1997 and 1998.

20 A. That is correct.

21 Q. Can you just give me some background to that? What

22 caused you to take that step?

23 A. Well, I left school with no education and I was a member

24 of the management committee in a community centre and

25 they had various classes that came from the Glasgow

1 Nautical College as a kind of outreach type thing.
2 I joined the IT class and then went on to do
3 Communications 4, which is a Higher English equivalent.
4 From that I decided to look at what other courses were
5 on offer and decided to do the social care course at the
6 Nautical College in Glasgow.

7 Q. Was that a one-year course or was it longer than that?

8 A. It was a year, yes.

9 Q. Did that course provide you with some insight into your
10 own position?

11 A. Well, there was a number of different modules that
12 related to care, different aspects of care, whether it
13 be moving and handling, or infection control, different
14 things like that.

15 One of the modules was stress and stress management
16 and we looked at -- one of the topics that I started
17 reading about was post-traumatic stress disorder and
18 I recognised some of the symptoms in myself, yes.

19 Q. There came a point, I think, where you became
20 a campaigner in a real sense; is that right?

21 A. Yes.

22 Q. Can we just look at the background to that. I think you
23 met a man by the name of Frank Docherty at some point.

24 A. Yes. Well, in about the time of [name redacted] or
25 [name redacted] trial in about 2000, there was a lot of

1 things in the press about that. I started doing some
2 internet searching and I came across Frank Docherty with
3 this INCAS online.

4 Q. And did you meet with Frank Docherty?

5 A. I contacted him through an email and then we arranged to
6 meet and I went to his house.

7 Q. Was that in about 2000, the year 2000?

8 A. Yes, or shortly thereafter. It was early 2000s,
9 I think.

10 Q. After that did you become involved with the group that
11 Frank Docherty was himself involved with, namely the
12 INCAS group?

13 A. Yes a bit later on I got involved with it.

14 Q. How long were you actually involved with INCAS for?

15 A. Maybe about four years or so; then it disbanded.

16 Q. But then I think it resurrected itself.

17 A. It resurrected some years later, yes.

18 Q. Were you involved at that stage?

19 A. I was involved at that stage. Then I was secretary and
20 minutes secretary of INCAS at that point in time.

21 Q. How long did that involvement thereafter last?

22 A. I actually can't recall; it may have been up to
23 five years, as much as that.

24 Q. I think there is a date in your statement that mentions
25 2014; could you have been involved up until that time?

- 1 A. Up until 2014?
- 2 Q. Yes.
- 3 A. Yes, that probably would be about right. I withdrew
4 completely from all of this, including any
5 consultations, any Scottish Government meetings.
6 I withdrew last summer when then I started my university
7 course.
- 8 Q. That's what you are engaged in at the moment; is that
9 right?
- 10 A. Yes, I am.
- 11 LADY SMITH: What are you studying?
- 12 A. I'm studying -- my degree starts in September and it is
13 social policy and sociology, a combined degree, but
14 I have just completed the access to degree course at
15 Stirling and I received my diploma last week.
- 16 LADY SMITH: Well done.
- 17 A. Yes.
- 18 MR MacAULAY: I think you tell us in your statement that
19 since you have stepped back from your previous
20 involvement that you feel that that's been beneficial to
21 you.
- 22 A. It has, yes.
- 23 Q. But can I then look at what your involvement has been
24 over the years and in particular can I focus on the
25 first petition that you presented to the Scottish

1 Government. I will put a copy of that on the screen.

2 Perhaps before I look at it, can you give me some
3 background as to what made you consider petitioning the
4 government at that time? Was this 2002?

5 A. Well, the bridesmaid at my wedding was a city councillor
6 in Glasgow and I discussed the idea with her of
7 petitioning and I asked her if she knew anything about
8 petitions and she said she didn't know much about
9 petitioning but she thought that it might be through
10 Westminster that they would have a petitions system,
11 which indeed they do.

12 But when I looked at that -- and after speaking to
13 the local MP, Tommy McAvoy MP, he said that the issues
14 were devolved and it was a matter for the Scottish
15 Parliament. So then I started researching the Scottish
16 Parliament and their committees and I saw that they had
17 a Petitions Committee, a Public Petitions Committee.
18 I read through on how you would go about petitioning
19 them and drafted the petition once I got some knowledge
20 of how the system worked in the Petitions Committee in
21 the Scottish Parliament in those early days.

22 Q. Let's look at the petition itself then. I will put it
23 on the screen for you, Chris; it is at INQ.001.001.0163.

24 I have to give a number so we can get it onto the
25 screen.

- 1 A. Yes.
- 2 Q. You will see it has a receipt date of 20 August 2002; do
3 you see that in the top right section?
- 4 A. Yes.
- 5 Q. Can you confirm this is the petition that you drafted?
- 6 A. That's the petition that I drafted.
- 7 Q. So far as the members of INCAS were concerned, did you
8 discuss this step that you were proposing with people
9 like Frank Docherty and indeed Helen Holland?
- 10 A. I did and Frank told me I should take it to the
11 committee to discuss whether I should lodge the petition
12 because I explained what it was and basically what
13 I was -- what the content was and so on. I discussed
14 a wee bit with him. It was in my house actually at the
15 time when I was married. Frank told me not to lodge it,
16 that I had to take it to the committee for their -- to
17 discuss it with INCAS.
- 18 I decided not to do that and I sent the petition,
19 which was I think free post, and I remember sending it
20 then to [name redacted], who was the clerk to the
21 Petitions Committee at the time.
- 22 Q. We see it is addressed to him as the clerk.
- 23 A. It is, yes.
- 24 Q. Before you submitted the petition, had you had any
25 public event whereby you were seeking to get support

1 from the public in connection with petitioning the
2 Scottish Parliament?

3 A. That was after the event. After. You will note that at
4 the bottom of this there is a signature and it says
5 "principal petitioners".

6 Q. Yes.

7 A. On enquiring with the Scottish Parliament and having
8 looked at how you go about petitioning the Scottish
9 Parliament, I found out that you can be a sole
10 petitioner. I decided just to put it in as a sole
11 petitioner. However, later we did have an event that
12 was in the Woodside Halls in the Maryhill area of
13 Glasgow, where we were looking for support from other
14 members of INCAS.

15 Then what happened was we decided to have an event
16 where we met at Donald Dewar's statue in
17 Buchanan Street, and there was an actual petition
18 signing and the Petitions Committee said it would
19 possibly give it some strength to have a good number of
20 signatures from members of the public and so on.

21 Q. Did you then get signatures from the public?

22 A. Yes. At some stage we then attached it and submitted it
23 along with my original petition.

24 Q. But by then the petition had already been lodged?

25 A. It had, yes.

1 Q. Then if we look at the document itself, Chris. Just to
2 see what you are asking of the Petitions Committee, you
3 begin by saying:

4 "We, the undersigned petitioners, ask the Scottish
5 Parliament to urge the Scottish Executive to commence
6 an inquiry into past institutional child abuse.
7 Survivors were subjected to systematic abuse including,
8 sexual assaults, physical and emotional abuse, while
9 they were as children resident in an institution in
10 respect of which state bodies had regulatory or
11 supervisory functions, in particular those in the care
12 of the state under the supervision of religious orders.

13 "We also ask the Scottish Parliament to make
14 an unreserved apology for said state bodies and to urge
15 the religious orders to apologise unconditionally."

16 To summarise, you are looking for three things
17 there; is that correct?

18 A. Yes.

19 Q. An inquiry?

20 A. Mm.

21 Q. You talk about that in the second line of the document.

22 A. Yes.

23 Q. You are looking for an apology.

24 A. Yes.

25 Q. And you are looking for the religious orders to be urged

1 to apologise unconditionally.

2 A. Mm.

3 Q. So these are the three things you are looking for?

4 A. Well, within that first opening paragraph, but then it
5 is more detailed in the terms of reference that follow
6 which discuss other things. It is kind of more detail.
7 My idea was -- this was my own format. At the time the
8 Petitions Committee, the Public Petitions Committee at
9 the Scottish Parliament didn't have a format for
10 petitions. They do now and quite soon after this they
11 had a kind of draft thing that you would attach your
12 petition to. But this is my own kind of format and
13 draft and I decided to put a terms of reference and
14 really go into detail after the opening.

15 Q. We see that and, for example, you talk about there being
16 a report and there being recommendations as the Inquiry
17 considers appropriate. So you have provided that sort
18 of detail?

19 A. Yes.

20 LADY SMITH: I'm struck at the extent to which what you set
21 out here finds its way through to what ultimately became
22 the terms of reference for the Inquiry with the
23 introduction and then the points you raise under the
24 terms of reference that, as you saw it, needed to be
25 addressed by the Inquiry. Did you discuss with anybody

1 else what might go into it or was this all your own
2 work?

3 A. Well, it was my own work but there were some things
4 like -- I spoke to a social worker friend, I know her
5 socially not through any of this stuff, but when I was
6 first drafting the petition, for example, there is a bit
7 in it where it says about the type of abuse.

8 LADY SMITH: Yes, that's in the introductory paragraph; you
9 cover sexual, physical and emotional abuse.

10 A. For example, I think I had written -- yes, I do know,
11 I remember -- I had written "psychological abuse" and
12 the social worker who is a friend corrected me and said,
13 actually, in there it should be emotional abuse, which
14 I know now, after many years of sitting round the table
15 on these issues, that that is the correct term for it.

16 For example, when then I have set about writing the
17 terms of reference, a journalist friend, who I know also
18 socially, it is not through any of this stuff, he read
19 through it when it was kind of at its good-to-go stage
20 and he suggested that some of the issues that I put on
21 the bullet points, that I put the heading there, "Terms
22 of reference", so, yes.

23 LADY SMITH: That made it really clear what you were looking
24 for.

25 A. Yes.

1 LADY SMITH: You set the scene in the introduction and then
2 you said to the Scottish Parliament, when you set up the
3 Inquiry, I think this is what you should be asking the
4 Inquiry to do and the way in which they should do it.

5 A. I didn't really understand very much about how the
6 Scottish Parliament worked. When I had a short
7 discussion over the phone with [name redacted] about
8 when I was drafting the petitions, he also said that
9 some of the way that I was writing was too strong, it
10 should be more kind of measured and so on. I do
11 remember he pointed out the difference between the
12 Scottish Parliament and the Scottish Executive, which is
13 now the Scottish Government, so I didn't know that at
14 the time.

15 But things like that -- after doing research, then
16 I found how I should put this to paper really.

17 LADY SMITH: Yes. But your instincts and the research you
18 did were obviously spot on for the message that you
19 needed to get across at the time.

20 A. Yes. It took me a while to --

21 LADY SMITH: I am sure it did.

22 A. -- get there with it.

23 LADY SMITH: Yes.

24 A. Because the initial was a conversation with a friend who
25 was a city councillor and I thought maybe she would know

1 bits about petitions and so on to Parliament and
2 initially I had thought it was going to go to
3 Westminster. Then my local MP, Tommy McAvoy, said to me
4 it was a devolved issue, it was something for the
5 Scottish Executive at the time.

6 LADY SMITH: Good. That's very clear. That's very helpful.

7 Mr MacAulay.

8 MR MacAULAY: What happened, as we know and we have heard
9 already in evidence, is that the petition eventually was
10 considered by the Scottish Parliament in the big
11 chamber.

12 A. Yes. That was the debate on the 1st December 2004.

13 Q. If we look at the transcript of the proceedings of that
14 event, I will put that on the screen for you, Chris. It
15 is at LEG.001.001.1491.

16 You are looking at the first page of the transcript
17 of this meeting of the Parliament. As you have just
18 pointed out, if we scroll down the page, the date is
19 1st December 2004. We can see that.

20 It was at this point in time that the First
21 Minister, Jack McConnell, made an apology and I will ask
22 you about that in a moment.

23 The apology preceded the debate in the chamber. It
24 came first; is that correct?

25 A. That is correct, yes.

1 Q. But in the chamber, I think it is right to say, that
2 Michael McMahon, who was the Convener of the Public
3 Petitions Committee, he set out the history and the
4 timescale between the launching of the petition and it
5 coming to the Parliament.

6 A. Yes, he included within that speech or when he presented
7 the petition, he really forced through the debate in the
8 main chamber.

9 It was through him really pushing it to have a full
10 debate and he included in that some of the
11 correspondence, including from -- I think the
12 administration was a Labour administration at the time,
13 but some of the comments and letters to the
14 Petitions Committee were from the SNP as well at that
15 time.

16 Q. If we turn to page LEG.001.001.1501 of the document and
17 we look to the second column on that page, just towards
18 the top, can we read that:

19 "Public petition PE535 was lodged by Chris Daly on
20 20th August 2002 and first considered by the Public
21 Petitions Committee on 8th October 2002."

22 A. Yes.

23 Q. Did you attend any of the meetings of the Public
24 Petitions Committee when the petition was being
25 considered or not?

1 A. I'm not sure that I attended on the very first one. But
2 there came a point -- hang on, October 2002? (Pause).
3 See, within that actually -- it would have helped
4 actually if I had saw the transcript from that because
5 I know that Phil Gallie was one of the members and it
6 was through his suggestion that it should go to the
7 Scottish Executive for comment, to Peter Peacock and so
8 on, and then one of the other points that
9 Phil Gallie MSP made was that they should have comments
10 from the Cross-party Working Group on Childhood Sexual
11 Abuse within the Scottish Parliament.

12 So if it is that time, then I think I was there.

13 Q. But if we look at your witness statement and again I can
14 put this on the screen for you; I know you have a copy.
15 It is at WIT.001.001.1630.

16 There is a section here in your statement where you
17 are talking about the apology from the Scottish
18 Government and Mr McConnell. But if we just look at
19 paragraph 29, what's been noted here is that:

20 "The next thing was there were several oral
21 hearings. Actually I don't think the petition would
22 have got anywhere but for the MSPs feeling they were
23 being ignored by the Scottish Executive."

24 Can you elaborate on that? What was your
25 understanding as to what was going on?

1 A. This was after the petition had been lodged in its first
2 hearing. Now, from memory what was said was that the
3 Scottish Executive should be approached for their
4 comment on the petition.

5 Now they had received an answer back from the
6 cross-party working group, who were also mentioned when
7 the petition was first heard. However, the
8 Scottish Executive at that time repeatedly ignored --
9 and I think the responsibility for that would have
10 fallen on Peter Peacock, who was then the education
11 minister.

12 So basically the Scottish Executive were ignoring
13 calls from the Petitions Committee to comment on the
14 petition and the matters that were raised and I think
15 from memory what Phil Gallie said was, there is a lot in
16 the petition, so therefore it might merit having the
17 Scottish Executive looking at it and looking at the
18 issues that are raised within the petition.

19 Q. If we go back to the transcript of the proceedings
20 themselves and this is at page LEG.001.001.1502.

21 This is still Mr McMahon speaking in the debate. If
22 we look to the second column, he has been setting out
23 the history and it is the third main paragraph and
24 I will just read out what has been noted:

25 "Having still not received a response, I placed

1 petition PE535 on the agenda for the committee's meeting
2 on 29th June 2004. At that meeting, the committee
3 agreed to invite the Minister for Education and Young
4 People to give evidence at its first meeting after the
5 summer recess on the issues that had been raised by the
6 petition. The committee subsequently received a reply
7 from the minister in which he stated:

8 "The First Minister and I apologise for what has
9 clearly been an unacceptable delay ..."

10 Then he goes on to say that:

11 "After very careful consideration of whether
12 an inquiry would prevent future abuse, to help meet the
13 needs of survivors, or be in the wider public interest,
14 we decided that it would not."

15 That was the response at that time?

16 A. Yes.

17 Q. We can see there is an apology there for what has been
18 referred to as an unacceptable delay in responding.

19 But thereafter is it correct to say that the
20 minister was asked to attend the public --

21 A. And he did; Peter Peacock attended the
22 Petitions Committee. They weren't happy that they had
23 been ignored, that the committee of the Parliament had
24 been ignored.

25 Then the minister came to be questioned over some of

1 the issues. I think they stuck to the thing where they
2 wouldn't -- he was not considering an inquiry. In fact
3 what came from the thoughts that he had at the time
4 was -- the "Historical Abuse Systemic Review" came out
5 of that. Peter Peacock had asked for an independent
6 expert to look at the systems that were in place to
7 allow such abuse to happen throughout the decades.

8 Q. Were you present when Mr Peacock was interviewed by the
9 committee?

10 A. Yes. I was there at the Petitions Committee sitting
11 behind Peter Peacock and his team of civil servants.
12 Then we were interviewed by the radio, directly
13 afterwards, on the issue.

14 Q. When you say "we", yourself and --

15 A. Myself and Peter Peacock.

16 Q. I see. But as you have just mentioned a moment ago, the
17 message from Mr Peacock at that time was that they were
18 not agreeable to a public inquiry.

19 A. Yes. He saw as a way forward this systemic review.

20 Q. Was that actually mentioned by him at the Public
21 Petition Committee meeting?

22 A. He didn't call it that though. He had said he was
23 looking at some European model for an independent -- it
24 was a kind of -- there was a name that Peter Peacock
25 used when he met with Helen Holland and I in and about

1 that time and it was about this kind of independent
2 expert looking at it and there was a term he used that
3 they use in the European Parliament, I think. So, yes.

4 Q. That was his thinking at the time?

5 A. Yes.

6 Q. I think when we look at what was said in the course of
7 the debate on 1st December, there's also some mention of
8 that, is there not?

9 A. Mention of the? There is. Well, Peter Peacock lays out
10 exactly what he felt was a way forward for this, so we
11 had the apology but -- and I think Peter Peacock speaks
12 there about --

13 Q. I will take you to the page.

14 A. It is about support. So he talks about having --

15 Q. If I can take you to page LEG.001.001.1505, that might
16 help.

17 If we scroll down, looking at the first column, this
18 is Mr Peacock speaking in the course of the debate.

19 Just to be clear, I think you said you were present for
20 this occasion, Chris.

21 A. On the main debate?

22 Q. Yes.

23 A. 1st December 2004? Yes, I was there.

24 Q. And for the apology?

25 A. Yes.

1 Q. We will look at that in a moment. He says here, if we
2 just scroll down, we are in the right place:

3 "However, I can say to Parliament that I intend to
4 appoint someone with experience to analyse independently
5 the regulatory requirements of the time, the systems
6 that were in place to monitor operation of those
7 requirements, and, in general, to analyse how that
8 monitoring was carried out in practice."

9 I think that's what you have been alluding to
10 already, that that was the way ahead for him?

11 A. Yes, that is right.

12 Q. Insofar as the apology is concerned by Mr McConnell --
13 and as we have discussed, that came before the debate --
14 had you met Mr McConnell before he actually made the
15 apology?

16 A. Well, Helen Holland, who I think is currently still
17 a member of INCAS and certainly was at that time, she
18 sort of became my sidekick at a lot of these different
19 things and I know that Helen and I were introduced to
20 Jack McConnell behind the scenes. I remember Helen
21 became very emotional as Jack McConnell gave her a hug
22 and said there would be an apology.

23 So we were both over the moon at the fact that we
24 had made such huge progress in the course of just a few
25 months from them really dismissing the issue altogether.

1 Q. Insofar as the apology itself is concerned -- we looked
2 at this the other day with Helen Holland and I will just
3 take you to it -- it is at LEG.001.001.1499.

4 We are looking towards the top of the first column
5 and it is just a few lines down. He goes on to say:

6 "Now that we know what has happened, it falls to us
7 as representatives of the Scottish people to acknowledge
8 it. It is for this generation of the people of Scotland
9 to say quite clearly that it was unacceptable that young
10 people were abused and that it was appalling that they
11 were abused by those entrusted with their welfare. That
12 is why today I offer a sincere and full apology on
13 behalf of the people of Scotland to those who were
14 subject to such abuse and neglect and who did not
15 receive the level of love, care and support that they
16 deserved and who have coped with that burden all their
17 lives."

18 What was your reaction to that?

19 A. I was sitting up in the gallery, just overlooking all of
20 the MSPs, and it was one of the best attended debates in
21 the main chamber up until then.

22 I remember that and I was sitting beside
23 Helen Holland and I was really quite emotional and
24 I welled up and started crying. I really felt it was
25 a really massive thing that we should get this far with

1 it after many people raising the issues. But the fact
2 that we took it to Parliament, I think, moved it on
3 quickly.

4 Q. On reflection, are you content with the terms of the
5 apology?

6 A. Yes. I am. I know others aren't and I know others are
7 saying they didn't like the wording of the apology, that
8 because it says "on behalf of the Scottish people," but,
9 no, I think he did say it was a full apology, so I was
10 happy with it.

11 Q. If we look back to your statement then, Chris, this is
12 at WIT.001.001.1632, towards the top you are setting out
13 the meeting you had with Jack McConnell in the main
14 chamber, you say, and the fact that he gave Helen a hug.

15 A. That is right.

16 Q. You go on to say in the next line:

17 "... and despite what people say about the apology,
18 I think it really moved things on because within that
19 debate Peter Peacock had spoken about an independent
20 report and a review being done."

21 That was your position?

22 A. Yes. It still is. My position hasn't changed on that.
23 I think it really did move things on.

24 Q. What happened, as you mentioned a little earlier, was
25 the setting up of what we call the Shaw Review?

1 A. Yes. Tom Shaw's historic abuse review -- 2007, wasn't
2 it, I think?

3 Q. It was, yes. It was reported in November 2007. Of
4 course he had been working on it for some time before it
5 was published. Did you engage with Tom Shaw during that
6 period of his review?

7 A. I did. I met him a couple of times. However, during
8 the time that Tom Shaw was working on the review and at
9 the time of the launch, I was long term in a psychiatric
10 hospital. I had severe anxiety and depression and I was
11 actually in for many months. In fact, when the Historic
12 Abuse Review was complete, I got a copy of it while
13 I was in hospital to read it because a sympathetic nurse
14 had taken me to an IT suite and said, look, we can print
15 this off for you if you want to get it. I had asked
16 them if there was any way I could access it, just to
17 look at it online, but he allowed me to print it off.
18 So, yes.

19 Q. But I think you did have later on some connection with
20 Tom Shaw and spoke to him about the review.

21 A. I did, yes.

22 Q. He did, I think -- you tell us this in your statement,
23 it is at page WIT.001.001.1635 at paragraph 48. You
24 talk there about the "Time to be Heard" launch. We will
25 touch upon that in a wee while. But you were in the

1 audience and Tom Shaw said something along the lines of,
2 without the petition we wouldn't be here. Did he
3 recognise the role the petition had played?

4 A. Well, then he did. But I think my criticism of
5 Tom Shaw -- at the time -- well, I raised the issue with
6 him that he hadn't given recognition to the work of the
7 petition and how it had led to his systemic review and
8 then, following on from that the "Time to be Heard",
9 which was a pilot forum for the currently running
10 National Confidential Forum. But he took it on the chin
11 and actually the next day -- I was actually in
12 Parliament, in the foyer of the Scottish Parliament when
13 I raised the points with him, and I was particularly
14 angry with him because he put in the acknowledgements
15 sections about [name redacted], who was supposed to
16 oversee our care and the care of the nuns and his job
17 was to oversee all of these Catholic children's homes in
18 Scotland. He went round visiting and I remember [name
19 redacted] as a young priest.

20 So, basically, I think I was annoyed at Shaw for
21 acknowledging [name redacted] input into his systemic
22 review but he could not acknowledge the petition.

23 Q. But as you said he took it on the chin?

24 A. He go and actually the next day we were to meet at
25 another event, which was his launch of "Time to be

1 Heard", and he did say -- when he was opening that event
2 he did say that he recognised the work of the petition
3 at that point, yes.

4 Q. You make some points about Tom Shaw's report. I think
5 in the main you are happy with -- you were happy with
6 his recommendations?

7 A. Yes, I was. I think it is a really good review, yes.

8 Q. There is one point that you do make and I want to ask
9 you about this. It is on page WIT.001.001.1636 of your
10 statement.

11 You are making a point there, in paragraph 51, about
12 comments made in the Shaw review about the destruction
13 of senior management records.

14 A. Yes.

15 Q. What you say -- I will just read this out. In the
16 Historic Abuse Systemic Review, appendix 3, "Children's
17 Residential Services: Learning through records",
18 page 253, the second paragraph relates to record
19 keeping. What was said was that:

20 "After the 2004 apology and the debate in the main
21 chamber of the Scottish Parliament there was an order to
22 destroy all senior management records from residential
23 child care."

24 Can I just look with you at what Mr Shaw says about
25 this in his report. His report -- if we begin by

1 looking at LIT.001.001.0811. You have your own copy
2 there but we will also put it on the screen. We can see
3 the title of the report on the screen and the particular
4 paragraph I think you identify is at page
5 LIT.001.001.1069.

6 It is the second paragraph in the first column where
7 you talk about an archivist -- you say:

8 "Mr Shaw mentions one archivist who said that their
9 archive did not hold any specific records relating to
10 children's residential establishments, although the
11 archivist tried to locate this information from local
12 authority departments without success. Another reported
13 being instructed to destroy all senior management tram
14 records in 2004."

15 Is that the bit you are focusing on?

16 A. That is the bit I'm referring to.

17 Q. If we go back to page LIT.001.001.1067, the previous
18 page --

19 A. I haven't got that marked on mine. I have really just
20 marked the --

21 Q. Just look at the context of it.

22 A. Yes.

23 Q. If we look to the bottom of the page, this is the
24 section in which these remarks that we have just looked
25 at were made. Can you see it is headed "Local

1 authorities"?

2 A. Yes.

3 Q. Then we are told it is an archivists' survey. Then we
4 are told:

5 "The following information represents general
6 comments received from archivists in responses to the
7 survey."

8 Would it appear that the context of the remarks we
9 looked at on the other page are in the context of local
10 authorities --

11 A. Yes.

12 Q. -- rather than the Scottish Government or the Scottish
13 Parliament?

14 A. Yes.

15 Q. I think you do say you did write to the Scottish
16 Government about this particular point --

17 A. Yes.

18 Q. -- but that you couldn't get any assistance from them?

19 A. They gave me no assistance on the matter. I think my
20 suspicion was raised by the timing of this instruction
21 to destroy senior management team records, that it was
22 in 2004 when these issues were raised within the debate
23 in the main chamber in the Scottish Parliament.

24 Q. What the note says is:

25 "Another archivist [I think] reported being

1 instructed to destroy all senior management team records
2 in 2004."

3 It is not directly linked to the Scottish
4 Parliament, but I think that's your suspicion that there
5 was a connection between that instruction and what had
6 gone on in the Scottish Parliament?

7 A. Yes.

8 Q. Can I then, Chris, return to the issue of petitions.

9 Because you also lodged a second petition, PE888.

10 I think again this was your own work, is that correct,
11 it is not through INCAS?

12 A. You will need to remind me what that petition heading
13 was.

14 Q. That's what I'm going to do.

15 A. Then I will be able to give you an answer on that.

16 Q. You are quite right. I will get it up on the screen, it
17 is INQ.001.001.0168.

18 To pick up a point you made earlier, we now have
19 a sort of a form that you can fill in for petitions --

20 A. Yes, this is now the format of this.

21 Q. It says "Details of principal petitioner" and your name
22 appears there, "Mr Chris Daly".

23 Moving down to the text of the petition, can we
24 read:

25 "Petition by Chris Daly calling on the Scottish

1 Parliament to urge the Scottish Executive, in the
2 interests of those who have suffered institutional child
3 abuse, to: (a) reform Court of Session rules to allow
4 fast-track court hearings in personal injury cases; (b)
5 review the implementation of the Prescription and
6 Limitation (Scotland) Act (1973); and (c) to implement
7 the recommendations of the Law Commission Report on the
8 limitation of actions."

9 Does that ring a bell with you now?

10 A. Yes, it does. That was my own work. I thought it might
11 have been a later petition which Helen Holland had
12 worked with me on, but I remember that one.

13 Where it came from was that these civil cases were
14 clogged up in the courts and stuff, but there was
15 a whole issue related to time bar as well and that's why
16 I referred to a review of the Prescription and
17 Limitation (Scotland) Act.

18 Q. If we move to the next page of the document,
19 INQ.001.001.0169, towards the bottom we have a date,
20 22nd September 2005. That gives us a time frame when
21 this was being submitted.

22 A. Yes.

23 Q. Towards the top, because of the way this is now set out,
24 I think you had to set out what actions you had taken to
25 resolve the issue before submitting the petition.

- 1 A. Yes.
- 2 Q. You have listed -- we needn't look at the detail --
3 items of correspondence you have had with either MPs or
4 members of the Scottish Parliament; is that correct?
- 5 A. Yes. I mean, I do remember meeting Janis Hughes, who
6 was my then MSP. I have spoke before about Tommy McAvoy
7 and there were a few different things where I met with
8 him and discussed different matters.
- 9 So Tommy McAvoy had said it was a devolved issue.
10 Again, that was his answer to this particular issue as
11 well.
- 12 Q. If we go back then to the first page of the document at
13 page INQ.001.001.0168, looking at what you were asking
14 at this point in time. You have mentioned already the
15 review for fast-tracking the cases, and also reviewing
16 time bar. I think that's an issue that you return to
17 later on.
- 18 A. Yes. We kept raising the issue of time bar. A lot of
19 survivors thought it was important for them to have
20 their cases heard through the civil courts.
- 21 Q. You mentioned the Scottish Law Commission --
- 22 A. Yes.
- 23 Q. -- who were looking at time bar at this point in time,
24 although their report in fact didn't come out until
25 later -- I think it was 2007.

1 I think you were acting in anticipation of what the
2 Scottish Law Commission might do.

3 A. Yes.

4 Q. Did it become the position that this petition, along
5 with the first petition, were, as it were, put together
6 and considered by the Public Petitions Committee as
7 matters went on?

8 A. Yes. You know, different conveners came in at different
9 points in time and with different political
10 administrations and so, yes, they kind of put all of the
11 petitions together in the one issue. So say they were
12 addressing PE888, they might then when I lodged the
13 other petition later, PE1351, they would then discuss
14 the two at the same meeting of the Petitions Committee.

15 Q. But in particular I think -- and we will look at
16 correspondence in a moment -- that PE535 and PE888 came
17 together --

18 A. Yes, that would be right.

19 Q. In a sense, from what you have told us, the issues do
20 merge and the time bar becomes relevant to whether or
21 not those survivors who wanted to raise actions could
22 raise actions.

23 A. That is right, yes.

24 Q. Could I ask you to look at another document for me
25 please, Chris. It is at INQ.001.001.1311.

1 Can you just take time to look at this document
2 because can you see it is addressed to [name redacted]
3 who is clerk to the committee at this point. It begins
4 with the heading "The two petitions" and it reads:

5 "I understand that on the 15th of January you will
6 be considering responses to the above petitions."

7 We see the date, if we scroll up to the top, that
8 the date of this letter is 4th January 2008. Was this
9 a letter written by you to the clerk of the committee?

10 A. I look at the style of the layout of it and so on and
11 the format of it, yes, it is the way that I would
12 present a letter.

13 Q. If you turn to the next page then, INQ.001.001.1312, we
14 see your name is printed there.

15 A. Yes, that's me.

16 Q. The principal -- you would have signed it and sent it
17 off to the committee for consideration?

18 A. Yes.

19 Q. So clearly you were aware that the committee were going
20 to be considering both the petitions --

21 A. Yes, that is right.

22 Q. -- on 15 January 2008?

23 A. Mm.

24 Q. This was you writing to the committee making some points
25 as to what they should have in mind at that time? Take

- 1 your time. Perhaps you can go over the page --
- 2 A. No, I do remember and I remember why I would have been
3 writing this and I think I kept going back to how
4 Ireland dealt with it and with [name redacted] and his
5 Inquiry and the way that they had set up a forum and so
6 on in Ireland. So I kept pointing to Ireland as a way
7 forward for this.
- 8 Q. If we go back to the previous page then at page
9 INQ.001.001.1311 and scroll down to just below halfway
10 whereby now you are aware the Scottish Law Commission
11 has published its report. You mention that. You go on
12 to say:
- 13 "I understand that they are not recommending
14 a change in the law."
- 15 A. Yes, in fact, PE535 was referenced within that Scottish
16 Law Commission document.
- 17 Q. It was; you are quite right.
- 18 A. Yes.
- 19 Q. I think your reference to Ireland is also in connection
20 with the way Ireland approached the question of time
21 bar.
- 22 A. Yes, because they changed the statute of limitations for
23 all historic child abuse cases.
- 24 Q. So although it was your understanding that the Scottish
25 Law Commission weren't making any significant

1 recommendations for changing the law, your point here is
2 ultimately the decision rests with the ministers?

3 A. I think what I said at the Petitions Committee hearing
4 to the MSPs sitting round the table was they are the
5 legislators and it is for them ultimately to make the
6 decision on time bar.

7 Q. And that has happened since?

8 A. It has, yes.

9 Q. You then go back to the position of PE535 because you
10 say:

11 "To conclude, when I submitted PE535 it was because
12 I had a sense of social justice. I did it for my fellow
13 survivors, some of whom have given me a great deal of
14 encouragement and strength to go on."

15 Does that reflect your position?

16 A. Yes, it reflects how I feel and how I felt then and how
17 I still feel about matters. Although I'm not saying
18 that we are easy people to work with, and I have found
19 it very difficult, very challenging, to work on
20 a committee with fellow survivors. However, we did get
21 a lot done over the years.

22 Q. If we move on to the final page of the document at
23 INQ.001.001. 1312. What you say there is:

24 "My overall view of the response to my petition is
25 that Scotland has fallen short of what other countries,

1 such as Ireland, has given survivors of institutional
2 child abuse."

3 That is the point you are making about Ireland?

4 A. Yes.

5 Q. "The petition received much support from the current
6 administration when in opposition. However we have seen
7 little of substance as yet."

8 Can you just elaborate upon that for me, Chris?

9 A. At that point in time things were stuck, there was no
10 moving forward, we hadn't had -- the National
11 Confidential Forum hadn't been fully in place, we hadn't
12 had any of the answers -- or we didn't have the answer
13 that we wanted in relation to time bar and other issues
14 like a public inquiry as well. So, yes.

15 Q. And the administration now in place was -- what was it
16 at 2008?

17 A. At that point in time, when I'm saying "the current
18 administration", at that point it would have been
19 probably Alex Salmond and the SNP but what I'm referring
20 to there is that when they were in opposition they made
21 comment to the Petitions Committee about the original
22 petition, PE535, because at that point in time in 2002
23 it was a Labour administration. So that is what I'm
24 kind of referring to there.

25 Q. It is an interesting point because if we go back to the

1 transcript of the proceedings on 1st December 2004, just
2 turn to page LEG.001.001 1505.

3 Now this is -- we looked at this earlier, the bit
4 about Mr McMahon, if you scroll down the page and where
5 he is talking about appointing someone with experience
6 to have a review, but if you look to the other column
7 you will see that one of the SNP ministers then speaks.

8 A. That is right.

9 Q. You may remember this but --

10 A. I do.

11 Q. -- if we move towards the bottom of the page, the second
12 last paragraph:

13 "The petition had two aims: to achieve an apology
14 and a public inquiry. I, too, welcome the First
15 Minister's apology. It should not have been difficult
16 because it was the right thing to do; however, it has
17 been difficult. That part of justice that the survivors
18 sought has been achieved today and demand for their
19 other aim of establishing a public inquiry has gained
20 cross-party support. As someone to supports such
21 an inquiry, I listened with interest to what the
22 Minister said."

23 So it would be clear at least at that point in time
24 this minister supported an inquiry and it had
25 cross-party support?

1 A. Yes. There was a point however between 2004 and when
2 I made that point about how the current administration
3 were quite vocal about it when in opposition. There was
4 a point when nothing was being done to move it on. I do
5 remember that Linda Fabiani, the MSP for I think
6 East Kilbride, had made points on these historic abuse
7 points issues -- and in fact she spoke on that debate in
8 the main chamber. From memory what Linda Fabiani had
9 said was that things weren't moving fast enough.

10 Q. Yes. So far as the two petitions we have been looking
11 at are concerned then, if I can take you to the
12 Petitions Committee meeting of 15th April. It is at
13 INQ.001.001.1142.

14 We can see here this is the transcript of the
15 committee's meeting of Tuesday, 15th April 2008. If
16 I can take you to page INQ.001.001.1152. If we move
17 down the page towards the bottom, can we see there that
18 your two petitions are under consideration by the
19 committee?

20 A. Yes.

21 Q. Were you present for this meeting or not? If I can take
22 you to what's said --

23 A. Yes, that would help.

24 Q. If we move on to the other column. You are mentioned
25 again in what you are seeking to achieve. We see that

1 there is a paragraph which begins:

2 "We have considered the information that has been
3 submitted and there have been fairly extensive debates
4 and discussions on the issues that have been raised --
5 indeed, ministerial statements have been made.
6 I recollect the former First Minister and ministers with
7 responsibility for education and children making
8 statements on institutional child abuse."

9 Then there is a question as to how the petition
10 should be dealt with and the response is:

11 "We should close consideration of them. The
12 petitions have been successful in bringing a grave issue
13 into the public arena and ensuring that things have
14 happened. There has been great movement and people have
15 taken seriously the concerns that have been expressed,
16 as they should have done. What has happened shows that
17 submitting petitions to the committee works."

18 So the petitions were closed down at that point in
19 time?

20 A. Yes, I was not present for that.

21 Q. But do you agree with the statement that what has
22 happened by then shows that submitting petitions to the
23 committee works?

24 A. What date was that?

25 Q. This is in April 2008.

- 1 A. No, I don't agree with that.
- 2 Q. Why not?
- 3 A. I do remember discussing things with Helen and other
4 people and I didn't think the petition should have been
5 closed down at that point. I thought that there were
6 too many matters that we had taken to Parliament that
7 hadn't been resolved and the national Inquiry -- the
8 main one for me that I have always argued about is the
9 survivor support fund and the counselling and advocacy
10 and matters like that hadn't been set up at that point
11 in time.
- 12 Q. I want to move on to a different topic. I know we have
13 another petition to look at with you, Chris, which
14 I will do shortly, but before I do that can I take you
15 to a page in your statement at WIT.001.001.1647.
- 16 A. Yes.
- 17 Q. If we move towards the bottom of the page there is
18 a heading "National Reference Group". This is something
19 I want to clarify with you because I think something has
20 gone wrong in the transcription of this.
- 21 At paragraph 98 it is noted:
- 22 "The National Reference Group was a waste of space."
- 23 I don't think you intended to say that.
- 24 A. I didn't no. When I was giving my statement we were
25 working through various bullet points and, as you see,

1 this came up at this point at 98 and, as you see, it is
2 the National Reference Group. So when it was said,
3 "Let's move on to the National Reference Group," and
4 I mumbled, "Waste of space". What I meant was that --
5 what I meant from that is what's said in the last couple
6 of sentences there is actually -- it reminded me of what
7 a senior civil servant had said about me to a colleague.

8 Q. What was the occasion for this comment?

9 A. It was one of the thematic events run by CELCIS. CELCIS
10 and the Scottish Human Rights Commission under
11 Alan Miller had these thematic events where we discussed
12 the support fund, the national Inquiry, different
13 aspects of the kind of care experience issues.

14 So it came just as I was going in to one of these
15 thematic events at the same time as this senior civil
16 servant who kind of -- you know, she had chaired the
17 National Reference Group over the six years or so that
18 I was there.

19 Q. The comment that you have recorded in the statement is
20 that:

21 "There's Chris Daly, what a waste of space."

22 A. Yes, that's what was said.

23 Q. That was the confusion. Did you respond to that at the
24 time or did you just let it slide?

25 A. I ignored that. Yes.

1 Q. Looking at your involvement with the National Reference
2 Group then, Chris, was that a positive experience?

3 A. It was a positive because -- I keep using the term, and
4 I know it is kind of a bit crude at times, but keeping
5 the ball in play and really I felt that if we just kept
6 engaging with the Scottish Government and the Scottish
7 Parliament that we would get to the end goal, which was
8 the things that I had asked for within that original
9 petition.

10 Q. But this group was seeking to, as it were, provide
11 guidance on policy, was it, in connection with child
12 abuse?

13 A. It was. We were making policy decisions on child abuse
14 in Scotland. The thing is that the people sitting round
15 that table had -- really did an awful lot of work before
16 we came to this, what was supposed to be a short-life
17 working group, which then became the National Reference
18 Group.

19 It was the National Reference Group on Childhood
20 Sexual Abuse. They weren't entirely happy that the
21 issues of historic institutional child abuse was put
22 upon them by Scottish Government, so the people sitting
23 round that table who formed that reference group.

24 But a senior civil servant, [name redacted] and
25 I made the argument for our issues, care experience

1 issues and the historic abuse in care issues, to be
2 discussed around the table and policy decisions being
3 made there.

4 Actually, it did work because -- I cannot remember
5 what the term is now, but it is like a side group --

6 Q. A subgroup?

7 A. A subgroup, yes. So there was a subgroup set up on
8 historic institutional child abuse issues and what came
9 from that subgroup of the National Reference Group
10 was -- the In Care Survivor Service Scotland came from
11 that. So, yes.

12 Q. If we get perhaps just a date for when the group began
13 its work. I can put a document -- it is a timeline on
14 the screen for you. It is at INQ.001.001.1049.

15 A. I think it was 2006.

16 Q. You are getting quite warm, I think.

17 A. Okay.

18 Q. If we look towards the bottom, you can see around
19 September 2005 there is a reference of the first
20 meeting. According to what has been -- so it is 2005,
21 around then is when it would have started off?

22 A. That would be right, yes.

23 Q. But you attended that group for six years I think you
24 tell us in your statement.

25 A. Roughly about six years yes.

- 1 Q. I think also Helen Holland was a member of the --
- 2 A. Well Helen was a member and at different points we were
3 often ill. I spoke to you about long-term stays with
4 anxiety and depression and then the post-traumatic
5 stress disorder was diagnosed from my own childhood
6 trauma. So we often went together, but if either one of
7 us was ill then usually there was at least one of us
8 there.
- 9 Q. The full reference group, if I can refer to it as that,
10 sat on a quarterly basis?
- 11 A. Yes, we did. That would be right.
- 12 Q. That's going to bring me onto the third petition, Chris,
13 that you had involvement with. If I can put that on the
14 screen first of all. That is at INQ.001.001.0164.
- 15 A. Can I just check: am I okay where I am for the mic?
- 16 Q. I can hear you perfectly?
- 17 LADY SMITH: Thank you for checking. It sounds good to me
18 and I haven't seen any signs from further down the room
19 of people having difficulty, but thank you for being
20 aware of that.
- 21 MR MacAULAY: We have on the screen now, Chris, petition
22 PE1351 and here the name of the petitioner is said to be
23 Chris Daly and Helen Holland. Does that bring back some
24 memories for you as to what this was about?
- 25 A. Yes. I mean, I think Helen and I and some other folk

1 had got a bee in our bonnet about -- in fact I think the
2 majority of people who weren't connected to Quarriers
3 and who were the 100 or so people used in that pilot
4 "Time to be Heard" forum were really wondering why they
5 chose such a select group when they wouldn't get
6 a picture of what all of the different institutions were
7 like, all the residential child care institutions in
8 Scotland. So that's how we took that because we weren't
9 happy with this pilot "Time to be Heard".

10 Q. Because the title of your petition is "Time For All to
11 be Heard".

12 A. Yes, we were just being a bit cheeky there, I think.

13 Q. But looking at the background to this though, had there
14 been discussion in connection with an Acknowledgement
15 and Accountability Forum within the group?

16 A. Yes. Helen has probably got really good memory of that
17 because we were really quite angry that the National
18 Reference Group discussed over many months -- what did
19 you say, an accountability forum?

20 Q. Acknowledgement and Accountability Forum.

21 A. Acknowledgement and Accountability Forum, yes. So where
22 was the accountability, I think we were saying, that
23 they took all of that out of it. It had resembled
24 nothing to what we -- and there were some experts there,
25 [name redacted], who has informed some of the government

1 policy on childhood sexual abuse and so on. When we sat
2 round that table over many months, that's what we were
3 discussing, this Acknowledgement and Accountability
4 Forum.

5 But then suddenly we heard announced that we were
6 going to have this "Time to be Heard" pilot, which
7 wasn't discussed by the reference group in full, only
8 certain few civil servants, including the civil servant
9 who headed the -- who was chair of the National
10 Reference Group.

11 Q. If we look at the text then of this document. At
12 item 4, as we have seen from the previous style, you set
13 out:

14 "Action taken to resolve issues of concern before
15 submitting the petition."

16 I think I note that as we read this part of the
17 petition it runs mainly in the first person, where it
18 talks about "I". The "I" that is referenced in the
19 text, is that you yourself? For example if you look --

20 A. Well, it is different. For example, when I say "took
21 the concerns about the restrictiveness of the forum".
22 He was my local MSP when I lived in Glasgow, so I took,
23 me personally, the issues to him.

24 But if we are raising the issues with, let's say,
25 [name redacted] who was on the National Reference Group

1 and other people there, then it would have been Helen
2 and I who had raised these issues.

3 Q. But if we look at paragraph 2 it reads:

4 "Raised concerns regarding the forum with the
5 Scottish Government's Survivor Scotland team at the
6 meeting of the National Reference Group on Childhood
7 Sexual Abuse on 25th November 2009."

8 By that time had you been made aware of the change
9 of title for the forum?

10 A. Well, no -- I do remember that day. It was
11 25th November is my birthday and I remember Helen and
12 I sitting at that National Reference Group. It was held
13 in Glasgow then because we used to alternate it between
14 Edinburgh and Glasgow. When we sat at that it was only
15 then that we heard that they had gone back on the
16 decisions that were made by the Reference Group as
17 a whole to have this Acknowledgement and Accountability
18 Forum.

19 They decided then to bring it -- this was the first
20 we had heard of that, on 25th November 2009, when we
21 were at a meeting in Glasgow.

22 Q. Who made the announcement?

23 A. Well, that would have been -- [name redacted] made the
24 announcement because she was the legal expert within
25 that team, within the Survivor Scotland team, who also

1 sat in the Reference Group.

2 I do remember asking -- and Helen and I were -- we
3 didn't know where this came from because suddenly behind
4 their back they come with this. I do remember maybe
5 asking [name redacted] questions but the chair shut me
6 down and censored me and said to [name redacted] the
7 legal expert, not to answer me at all.

8 Q. Who was chairing the group at that time?

9 A. That was [name redacted] who was the senior civil
10 servant.

11 Q. Did you then get any answer to why the change in label
12 had occurred?

13 A. No. But it wasn't just the change in label really that
14 we were angry at; it was the whole -- what the purpose
15 of such a forum would be and we did have issues about it
16 about it being fully confidential and the way that it
17 has worked out. These issues were raised with Scottish
18 Government about coming from -- that pilot "Time to be
19 Heard" became the National Confidential Forum.

20 Q. We will look at that shortly.

21 If you look at the last paragraph there on this page
22 what's said is:

23 "Some of the lead professionals and I raised
24 concerns --"

25 The "I" here, is that you?

1 A. Yes, it should probably read "we" because actually it
2 was November 2009, so we are talking about the
3 25th November. Helen and I both raised these issues.

4 Q. So to read then what's written:

5 "Some of the lead professionals and [you say 'we']
6 raised concerns at the meeting in November 2009 about,
7 firstly, the lack of consultation to make it a select
8 group of survivors and, secondly, dropping the
9 accountability element in the pilot forum. The best
10 explanation we, the survivors, have had as to why the
11 forum was only being opened to the Quarriers victims was
12 that the organisation was responsible to recognise the
13 abuse that had happened in the past and to work with
14 survivors to make amends."

15 So you have raised two points.

16 A. Yes.

17 Q. The lack of consultation in connection with the focus on
18 Quarriers and also the dropping of the accountability
19 element.

20 A. Yes. I remember sitting there in the Adelphi Centre,
21 where we had that meeting on 25th November 2009, sitting
22 with Helen and we were kind of out of the group in a way
23 that we were at the end of a table and we were on our
24 own there, but other -- some of the professionals who
25 had discussed these issues over many months with us and

1 who thought we were going in a certain direction with
2 it, they were concerned about this sudden -- where this
3 pilot forum had come from.

4 Q. You also, apart from asking for "Time For All to be
5 Heard" in the petition --

6 A. Yes.

7 Q. -- you link that to incorporating in that a compensation
8 scheme. If we look towards the top of the page again --

9 A. So see that petition there, and it has got Helen's name
10 on it, I remember that was drafted when poor Helen was
11 in hospital. She told me to come to visit her in
12 hospital but to bring pen and paper and we would set
13 about drafting this petition. So I remember that when
14 we wrote these things -- and one of the issues that
15 Helen had said that many survivors were bringing up was
16 the issue of a compensation scheme.

17 Where that comes from is the Irish model --

18 Q. Which you mentioned before?

19 A. Yes. I had drafted a paper which I submitted to the
20 Scottish Government, through the National Reference
21 Group, which was really kind of a breakdown of how the
22 scheme worked in Ireland, the Residential Institutions
23 Redress Board or something like that.

24 Q. Residential Institutions Redress Board (Ireland)?

25 A. That is it, yes.

1 Q. If we turn to page INQ.001.001.0165, the next page of
2 the petition.

3 In paragraph number 3 you do mention there that:

4 "[You] drafted a paper on the redress scheme in
5 Ireland outlining why this model should be adopted in
6 Scotland and circulated it to all MSPs."

7 That's what you have just told us. Then you say:

8 "My paper met with no response from the Scottish
9 Government. However, Jack McConnell MSP, who made the
10 apology for the abuse in 2004, did back a similar
11 redress scheme to Ireland in his email response to me.
12 Most other MSPs referred me to my constituency MSP ..."

13 You did get a response from Mr McConnell --

14 A. Yes.

15 Q. -- at the time when you circulated your paper? From
16 what you tell us here it was a positive response.

17 A. Yes, he was in favour of this. Again, I think I asked
18 the question at the time, why didn't that work come
19 about during his time as First Minister.

20 Q. By now he is no longer First Minister?

21 A. Yes, that is right.

22 Q. But this response to you from him was in an email?

23 A. It was, yes.

24 Q. You mentioned the Irish scheme. I think if you turn to
25 the next page, INQ.001.001.0166. The material you set

1 out here, is that the material that was in your paper?

2 A. Yes. I drafted all of those figures and so on from the
3 RIRB information that I got. I just kind of researched
4 the RIRB Redress Board in Ireland. I thought it might
5 be helpful to let people see how things were working
6 there.

7 Q. Yes. I should have taken you to this before, but if you
8 go to the next page, INQ.001.001.0167, we have a date
9 there for 16th August 2010. That's the closing date for
10 the e-petition. Was this petition submitted some time
11 in 2010?

12 A. That's not a petition -- or is it? Sorry, I'm getting
13 confused here.

14 Q. It is just the date, it says:

15 "Closing date for e-petition."

16 A. That is just to do with the process for e-petitioning.
17 You have to have a closing date for gathering petitions
18 online. So that is what that date is.

19 Q. If we turn to another document, it is INQ --

20 LADY SMITH: Just before you leave that, I see box 8 has
21 four bullet points of comments to stimulate online
22 discussion. These suggestions were also drafted by you,
23 were they?

24 A. Yes.

25 LADY SMITH: In the third one you touch on child migrants;

1 yes?

2 A. Yes. Some of the --

3 LADY SMITH: This seems to be the first time that you try to
4 draw Parliament's attention to this feature; is that
5 right?

6 A. I mean at different points in this issues were raised
7 about different issues and sometimes -- for example,
8 where that might have come from is there was discussion
9 around the table either at the Reference Group or within
10 INCAS about child migrants.

11 LADY SMITH: I see.

12 A. Certainly we had been this touch with -- certainly
13 I know that the late Frank Docherty had a close
14 relationship with a woman who was making a documentary
15 film and he helped her while she was here to interview
16 people. The child migrants issues came up in some of
17 the committee meetings at INCAS and also the National
18 Reference Group touched upon it as well.

19 Because some of the kids that were in the same care
20 homes as us, let's say Nazareth House Aberdeen, were
21 actually sent to Canada or Australia as migrants. So,
22 yes, that's where that comes from really.

23 LADY SMITH: You are adding your learning as you go along to
24 bring it to the attention of the Petitions Committee and
25 hopefully the Parliament?

1 A. Yes.

2 LADY SMITH: I see, thank you.

3 MR MacAULAY: I was going to take you to another document
4 just to see if we can get a date for what time frame we
5 are looking at in connection with this petition and
6 that's INQ.001.001.1316.

7 This presents a chronology of this petition, PE1351.
8 Can we see, at least according to this document, the
9 date of the launching is 30th August 2010?

10 A. Yes, definitely.

11 MR MacAULAY: I want next to see what happened to that
12 petition -- my Lady, looking at the time that might just
13 be a --

14 LADY SMITH: Would that be a good time for the morning
15 break?

16 We have a break particularly to give the
17 stenographers a break from what they are doing, but I am
18 sure you would welcome one as well to stretch your legs
19 and have a cup of coffee or whatever you would like.

20 A. Yes.

21 LADY SMITH: We will stop now and sit again at 11.45 am,
22 please.

23 (11.30 am)

24 (A short break)

25 (11.45 am)

1 LADY SMITH: Mr MacAulay.

2 MR MacAULAY: My Lady.

3 Chris, just before the break I had been asking you
4 about the third petition that you submitted and I want
5 to return to that.

6 If I can put back on the screen the document that we
7 had on just before the break; that's at
8 INQ.001.001.1316. We had identified the date as being
9 30th August. Then, if we look at the next paragraph, it
10 is against the date of 5th October. Do we read:

11 "The committee took evidence from Chris Daly and
12 Helen Holland and agreed to write to the Scottish
13 Government seeking a response to points raised in the
14 petition and during the discussion"?

15 Do you remember giving evidence to the committee at
16 this point?

17 A. Yes, I remember that hearing very well. I remember that
18 Helen and I, having now had some considerable experience
19 of Parliamentary committees and so on, we really
20 presented very well that day and we took it in turn to
21 present different bits of the work that we wanted to
22 raise, the issues that we wanted to raise with the
23 committee.

24 Q. Can you perhaps give us some understanding as to what
25 the issues were then that you were discussing?

1 A. Well, we were both quite angry at this "Time to be
2 Heard" pilot forum and we got a feel for that from other
3 survivors at an event we went to in the Apex hotel in
4 Edinburgh before this petition was lodged, obviously.

5 We got a feel that other survivors were quite angry
6 about it and I remember one survivor saying to Tom Shaw:

7 "You should have seen this coming, Tom, because what
8 you have done is you have taken a select few, these
9 Quarriers survivors, and you are now using them for the
10 pilot."

11 So basically when I presented I had that feel of
12 things from other survivors, but my own personal
13 feelings about this "Time to be Heard" forum, and
14 I think I used the term "restrictiveness" before, and
15 that's what I felt and I did explain that I thought it
16 was very much restricted to these 100 Quarriers
17 survivors.

18 I remember saying -- using these sort of terms, that
19 if you only have 100 Quarriers survivors in your pilot,
20 you are only going to get a snapshot of what life was
21 like in Quarriers and you will not get a bigger picture
22 of what the other institutions were like in Scotland,
23 like the big sort of Victorian huge institutions like
24 the ones that we were in in Aberdeen, Nazareth House and
25 so on.

1 I was explaining to the committee that I just
2 thought that they would have been better getting
3 a mixture of different care experiences. Because
4 Quarriers -- I think I remember saying that Quarriers
5 was set up very much differently with these sort of
6 family cottages and things like that. You know, when
7 you have used that as a pilot, it isn't really a good
8 example of what residential child care was like in
9 Scotland because it was quite distinct in the way that
10 it was set up.

11 Q. How receptive was the committee to the points that --

12 A. Yes, very --

13 Q. -- you and Helen made?

14 A. Yes, very much receptive.

15 LADY SMITH: Of course you make the point that you had
16 learned a lot in your journey to 2010 because you had
17 been at this for eight years by then; is that right?

18 A. That is right, yes. So we learnt a lot long the way and
19 how kind of sitting round the table we were a bit lost
20 at first with all this government speak and certain
21 jargon that was being used around the table.

22 LADY SMITH: But that was their fault, not yours.

23 A. Yes, I kept raising that with them as well, to have
24 easy-read versions of any consultation papers and so on.

25 LADY SMITH: I suppose you would have learnt how to get

1 yourselves listened to and get them to sit up and notice
2 what you were saying.

3 A. Well, that's how we kept going back to the
4 Petitions Committee because when we took it to
5 Parliament, then people would listen and oftentimes it
6 was referred then to, back when we started all this, the
7 Scottish Executive or later the Scottish Government
8 would then be asked to comment on anything that we had
9 taken to the Petitions Committee.

10 MR MacAULAY: This request, I think as you put it in your
11 statement actually, to cut out the jargon was one that
12 they listened to.

13 A. Well eventually, but it was a good bit down the road.
14 I mean one of the final consultations which was about
15 these thematic events, one of the consultation papers
16 that was one of the final ones was about a consultation
17 on questions about the Inquiry, questions about the
18 support fund, advocacy, counselling, all of the
19 different issues, and it went back twice to the Scottish
20 Human Rights Commission after myself and some of the
21 other survivors had a look at it. From memory probably
22 Helen and I probably looked at it and we asked them to
23 re-do it and make an easy-read version.

24 Q. Did they accede to that?

25 A. They did, yes. The final version was obviously -- well,

1 I mean, like myself and a lot of survivors, their
2 education was disrupted in and out of different care
3 placements. Sometimes you weren't enrolled in schools
4 for long periods. So literacy was really poor among
5 a lot of survivors that I have met.

6 Q. Can we then see what happened next after you had your
7 meeting on 5th October. If you look at this document
8 for me; it is at INQ.001.001.1398.

9 What we have on the screen now is a document that we
10 see is headed "Written questions for Petition 1351".

11 Then:

12 "Public Petitions Committee consideration of PE1351:
13 questions arising from committee meetings."

14 We see the date of 5th October, which is the date of
15 the meeting you had. Can we then see that a number of
16 questions, some thirteen in all, I think, have been set
17 out and directed to the Scottish Government?

18 A. That is right.

19 Q. For example, if we look at the first question, the
20 question is:

21 "What is your response to the petition?"

22 Do you see that?

23 A. Yes.

24 Q. If we move down -- let's say look at the third last
25 bullet point. These aren't numbered. The third bullet

1 point is:

2 "Why did you set up the forum before responding to
3 the recommendations in the report from the Scottish
4 Human Rights Commission on the Acknowledgement and
5 Accountability Forum and other remedies for historic
6 child abuse in Scotland?"

7 Was that something discussed at the meeting as to
8 the role being played by the Scottish Human Rights
9 Commission in this connection?

10 A. Yes. If that was the same hearing then I think I held
11 up the document that's referenced there, "The
12 Acknowledgement and Other Remedies". I held it up at
13 the petitions committee meeting and said, "Everything
14 the survivors are looking for is within this
15 document" -- I can't remember what they called it.

16 LADY SMITH: That was the Scottish Human Rights Commission
17 document?

18 A. Yes, that's the one.

19 MR MacAULAY: I will look at that shortly with you. But
20 that's the background to that. If we look at the last
21 bullet point, can I just ask you about that, if you can
22 help me:

23 "What is your response to the points made by
24 Cathie Craigie MSP regarding the time bar law in
25 Ireland?"

- 1 Can you help with that?
- 2 A. Yes, I seem to be remember saying to Cathie Craigie, who
3 I think got the year wrong -- the Prescription and
4 Limitation (Scotland) Act, it is 1973 and I think she
5 said 1974 and I corrected her. Then I said, "And you
6 are the legislator," because I can be a bit cheeky when
7 I want to be right, so I said, "You are the legislator
8 so it is for you to make." So I did point that out to
9 Cathie Craigie, that the Scottish Parliament could
10 change the time bar law.
- 11 Q. As it happened in Ireland?
- 12 A. Yes -- sorry my mind has gone blank there, I can't
13 remember what it is called -- the statute of limitations
14 in Ireland. I seem to remember that that's what we were
15 discussing from that bullet point that comes there, that
16 question to the Scottish Government.
- 17 Q. Was Cathie Craigie a member of the Public
18 Petitions Committee?
- 19 A. Yes, she was.
- 20 Q. If we move on then to look at the government's response
21 to these questions. If you look at INQ.001.001.1399.
- 22 A. I know what -- I remember these were the answers that
23 they gave to these questions from the committee.
- 24 Q. I'm looking first at a letter dated 21st October 2010.
25 It begins:

1 "Dear [name redacted]. Thank you for your letter of
2 7th October to [name redacted] regarding petition PE1351
3 by Chris Daly and Helen Holland."

4 It goes on to repeat what is in the petition. We
5 read:

6 "Your letter has been passed to me as the 'Time to
7 be Heard' pilot forum is part of DG Health's policy."

8 We can see that this comes from [name redacted],
9 Adult Care and Support Division of the Scottish
10 Government.

11 A. Yes, I remember that letter.

12 Q. If we turn onto the next page, INQ.001.001.1400, you may
13 remember this has the responses to the questions we
14 looked at earlier.

15 So the first question was:

16 "What is your response to the petition?"

17 And we have a fairly lengthy response set out there.

18 A. Yes.

19 Q. If we look at what's said in the first paragraph, do we
20 read that:

21 "The Scottish Government announced the scoping of
22 an Acknowledgement and Accountability Forum in 2008.
23 Following consultation and consideration of
24 international models, including the Irish commission,
25 ministers approved a pilot forum based on the

1 confidential committee model to hear testimony from up
2 to 100 former residents of Quarriers. Accountability
3 did not form part of the pilot forum, 'Time to be
4 Heard', as it would require full investigation of any
5 allegations and therefore would take longer and be much
6 closer to a legal process."

7 So that was the explanation being put forward at the
8 time.

9 A. Yes, I remember that and I think the response was that
10 it didn't have any teeth if you take away the
11 accountability element of it.

12 Q. You say in the response -- I think you yourself
13 responded to the answers given on behalf of the Scottish
14 Government.

15 A. Probably.

16 Q. Well --

17 A. I don't remember.

18 Q. I will take you to page INQ.001.001.1404 then.

19 A. Okay.

20 Q. Here we have a document headed:

21 "Public Petitions Committee consideration of PE1351:
22 Petitioners' response to government response to written
23 questions."

24 Were these put together by yourself or was it with
25 a joint effort with Helen Holland?

1 A. Can I read a couple of the paragraphs first and I will
2 be able to tell you that.

3 Q. Yes, just take a moment.

4 A. I have a feeling that I sat and did those when we went
5 through [name redacted] response at Helen's home and
6 that we would have worked on how to respond to that
7 together. Then what happened was I would draft it up
8 and type it up. I think that's what happened.

9 Q. In relation to the first question that we have looked at
10 the answer, I think the point you are making, as you
11 made already, was that the forum was referred to during
12 the National Reference Group process as acknowledgement
13 and accountability.

14 A. Yes, that is right.

15 Q. You go on to say:

16 "We members of the Reference Group were not part of
17 the decision process to make it 100 Quarriers former
18 residents or to drop the accountability element."

19 A. That is correct, yes.

20 Q. You go on to say:

21 "Never was there a vote round the table about this;
22 there was however for the name 'Acknowledgement &
23 Accountability'."

24 A. Yes.

25 Q. So that had been --

1 A. I remember the consensus was for an Acknowledgement and
2 Accountability Forum. You know, over many months
3 different papers would come out and I remember the
4 discussion papers were about an Acknowledgement and
5 Accountability Forum.

6 Q. I have taken you in the questions raised by the
7 committee to the bullet point that mentions setting up
8 the forum before the recommendations in the report from
9 the Scottish Human Rights Committee were available.

10 A. Yes.

11 Q. If we turn to page INQ.001.001.1402 of what's on the
12 screen at the moment -- sorry, we are going back to
13 this. These are the answers by the government.

14 A. Yes.

15 Q. It will just come on in a second.

16 A. Okay.

17 Q. If we scroll towards the bottom of the page we see in
18 bold the question and we then read the answer:

19 "The timescale for the Human Rights Framework was
20 delayed. Officials met twice with the Scottish Human
21 Rights Commission to discuss arrangements for the pilot.
22 The framework, which cost £28,050, includes specific
23 recommendations for the pilot and further
24 recommendations for a full forum. The specific
25 recommendations for the pilot were taken into account.

1 An interim response was sent on 8th June 2010."

2 The suggestion there is that although the Scottish
3 Human Rights Commission report had not been published at
4 the time the forum was set up, that they had met with
5 the Scottish Human Rights Commission and I think what's
6 being said: they knew in advance what was going to come
7 out of that process.

8 A. I wouldn't have know that, but it looked to us that they
9 had made a decision before the paper was actually made
10 public.

11 Q. Because the paper isn't made public until some time
12 after the decision that we were looking at was made.

13 A. Sure.

14 Q. That's what they say.

15 A. Yes.

16 Q. Let's run with that for the moment. If we go then to
17 page INQ.001.001.1405 and this is looking at your own
18 response to that.

19 I think you have numbered this 11. You begin by
20 saying:

21 "Our understanding is that there was no such delay."

22 Then you ask the question:

23 "Can the Scottish Government identify the delay and
24 who was responsible and how long a delay?"

25 What led you to that understanding that in fact the

1 Scottish Human Rights Commission had not delayed their
2 process?

3 A. I can't be 100 per cent on that but I think someone from
4 SHRC might have told me that.

5 Q. What's the reference to the £500,000 that you set out
6 when you are looking at figures? Does that mean
7 anything to you?

8 A. Yes, what it was was (reads sotto voce). Yes, I think
9 somewhere along the line someone had given us,
10 Helen Holland and I, this figure, which had been raised
11 within our presentation at the Petitions Committee.

12 It may have been wrong. So the Scottish Government
13 are saying how much it cost and so I'm basically saying
14 it is sourced in good faith.

15 Q. If we could turn quickly to the Scottish Human Rights
16 Commission report itself and that's at INQ.001.001.1327.
17 We see that is the report on the screen. It describes:

18 "A Human Rights Framework for the design and
19 implementation of the proposed Acknowledgement and
20 Accountability Forum, and other remedies for historic
21 child abuse in Scotland."

22 This is what you have mentioned before?

23 A. Yes.

24 Q. If we turn to page INQ.001.001.1337, can we read
25 towards the top of the page there that:

1 "In spring 2009 the Scottish Human Rights Commission
2 (the commission) was commissioned to produce
3 an independent Human Rights Framework for the design and
4 implementation of such an Acknowledgement and
5 Accountability Forum."

6 So it would appear that the commission was asked to
7 do this in spring 2009?

8 A. Yes.

9 Q. I think if you go back to your answers at
10 INQ.001.001.1405, moving towards the bottom where we
11 have been before, at number 12, you make the point that
12 they did not have the framework in November 2009 when
13 the pilot was introduced and the framework was not
14 complete until March 2010. That's your understanding as
15 to when the framework document was published?

16 A. Published, yes.

17 Q. It would appear that it was commissioned in the spring
18 of 2009 and it was published about -- looks like a year,
19 or perhaps less, later.

20 A. Yes.

21 Q. Whether that's a delay or not is no doubt for someone
22 else to explain.

23 The other question that I think I focused on
24 previously as to what was asked by the commission was to
25 do with the time bar law in Ireland. Do you remember

1 that was the last bullet point that they raised?

2 If we look at the government response to that. If
3 you turn to page INQ.001.001.1403.

4 LADY SMITH: Is it the government response you want or
5 Mr Daly's letter?

6 MR MacAULAY: It is the letter from the Adult Care and
7 Support Division, which begins on page INQ.001.001.1399.

8 LADY SMITH: Thank you.

9 MR MacAULAY: We are looking at the response that was in the
10 letter from [name redacted].

11 A. Yes.

12 Q. To the question:

13 "What is your response to the points made by Cathie
14 Craigie?"

15 We needn't look at the detail of this, but there is
16 mention there of the Scottish Law Commission's final
17 report which was in 2007 and what suggestions had been
18 made by the Scottish Law Commission. But we also read
19 towards the bottom that:

20 "The Scottish Government has given a commitment that
21 it will develop options for reform in this area of the
22 law."

23 And there will be a consultation paper. So that is
24 the response at that time.

25 Finally then if we can go on to what you say about

1 that; it is on page INQ.001.001.1405.

2 Towards the bottom of the page -- I think something
3 has gong awry with the numbering, but it is at number 14
4 here.

5 A. That's my numbering that's wrong then.

6 Q. Be it as it may, I think this covers the point that you
7 say:

8 "If Ireland can change the law recognising that the
9 government has responsibility, why can't Scotland? The
10 time bar in child abuse civil cases needs to be
11 repealed. It's not complicated."

12 That was your position?

13 A. Yes.

14 Q. Indeed that has been your position consistently for
15 quite some time?

16 A. It has, yes.

17 Q. So if we turn to page INQ.001.001.1406, the next page.
18 In the second sentence there you say:

19 "In Scotland, 10 years on, we are still talking and
20 promising nothing."

21 Was that your position at the time on this issue?

22 A. Yes, because I think I was referring there to
23 Bertie Ahern's apology in the Dáil in whenever it was --
24 1999 maybe, something like that, where the statute of
25 limitations was changed. Yes. In Scotland -- I think

1 what I'm saying here is we are ten years on in the
2 campaigning and we are still talking with nothing
3 really.

4 Q. Towards the end I think you are inviting the Scottish
5 Government to act now and face up to its
6 responsibilities to survivors.

7 A. Yes.

8 Q. You have mentioned on a number of occasions the "Time to
9 be Heard" forum. Again we know that was chaired by
10 Tom Shaw. Did you engage with Mr Shaw during that
11 process at all?

12 A. Well, really only when there was any events surrounding
13 the launch of it and so on, but I wouldn't have engaged
14 with the pilot forum because I was never resident in a
15 Quarriers home and it was specific to the 100 or so
16 Quarriers survivors that would have engaged with the
17 pilot forum and given their statements to the pilot
18 forum.

19 Q. As we know the pilot forum was just that, it was a pilot
20 that was used to set up in due course the National
21 Confidential Forum.

22 A. Yes.

23 Q. That was brought in in 2014 by the Victims and Witnesses
24 (Scotland) Act (2014).

25 A. That is right.

1 Q. You do tell us something about your engagement with that
2 forum. If you turn to your statement at
3 WIT.001.001.1641. I'm looking at paragraphs 73 and 74,
4 where you confirm that you have given evidence to the
5 National Confidential Forum.

6 A. Yes, I have.

7 Q. How was that for you?

8 A. I thought it was quite cathartic. I didn't think it was
9 a traumatic experience. I would advise anyone else who
10 was going along to it to take some support, either
11 through a support worker or someone like that. I took
12 someone from the In Care Survivor Services Scotland.

13 But I found it quite cathartic and I went through
14 some of the experiences, particularly in Nazareth House,
15 and some of the other institutions that I had been in.

16 But my overall thoughts on the forum are that it
17 shouldn't have been a confidential forum, that myself
18 and others had set up Talking Care Scotland, which is
19 an oral history project.

20 When I withdrew from these matters about a year or
21 so ago I also withdrew from that, but I was co-founder
22 of the Talking Care Scotland oral history project and
23 that really came from us not being entirely happy with
24 the National Confidential Forum model, whereby I think
25 we were looking more at a national record being kept and

1 we thought that oral history would be a good way of
2 preserving the testimonies and the narratives of
3 survivors.

4 So we set up the oral history project from not being
5 happy with the kind of -- that confidential -- and the
6 way that they would destroy oral testimonies.

7 Q. You do talk about that in your statement I think, Chris.
8 Is the oral history project still on the go or not?

9 A. I believe it is, yes.

10 Q. Myself, [name redacted] of National Record Scotland, and
11 [name redacted], who is an expert in oral history, we
12 set up that organisation, Talking Care Scotland.

13 LADY SMITH: Do I take it from the description "oral
14 history" that people's accounts are being recorded in
15 some way in a digital form of some type, is it, or what?

16 A. Well, I haven't been to any of the meetings in over
17 a year, but when we were discussing the type of format
18 that might be, it might include all of those and we got
19 examples from some work that was done on Gogarburn
20 Lives, adults with learning difficulties in the
21 Gogarburn institution and [name redacted], who is the
22 oral historian who got involved with us, he did the work
23 on Gogarburn Lives and they had a book and they had
24 a film presentation as well. So we looked at -- these
25 testimonies could be in different formats.

1 LADY SMITH: Right. So it might be visual as well as just
2 a sound that is recorded?

3 A. Yes. From the Canadian experience of some of the
4 indigenous peoples who gave oral histories, they are
5 very much visual and they have lots of recordings of the
6 experiences of some of the indigenous peoples in the
7 residential institutions there.

8 LADY SMITH: That's really interesting, thank you.

9 MR MacAULAY: Just while it is in my mind and before
10 I forget, going back to your involvement with the
11 National Reference Group -- I'm not putting anything on
12 the screen, I just want to ask you -- you had these
13 quarterly meetings that we discussed over quite
14 a lengthy periods of time. Were there minutes kept of
15 the meetings?

16 A. Yes, and they were published. They were on -- sorry
17 what's it called again -- Survivor Scotland kept those,
18 but I think in some ways they were anonymised. They
19 were maybe redacted here and there.

20 Q. But nevertheless they would reflect what was being
21 discussed at the different meetings?

22 A. Yes, they would reflect the policy decisions that were
23 made over the six years that we sat round the table.

24 Q. Were the minutes circulated to the members of the group?

25 A. Yes, via email.

1 Q. Another process that you had involvement with, Chris,
2 was what was called "the interaction process".

3 A. Yes.

4 Q. If I could just go back to the timeline just to get you
5 to identify dates again; that is at INQ.001.001.1049.

6 So if we look towards the bottom, it is really the
7 last entry underneath 2012. Can we see there is a note
8 there against 1st August 2012, "Interaction process
9 starts"?

10 A. Yes.

11 Q. Would that tie in with your understanding as to when
12 this process began?

13 A. Well, I wasn't there from the very start of it all.
14 Really, I had found that one of the INCAS members, our
15 chair, [name redacted], was involved in that process
16 from the start. But I had said at one of the INCAS
17 meetings we need feedback as to what the entire
18 interaction process is all about.

19 So I met up with some of the interaction team at
20 CELCIS, which would have been Andrew Kendrick,
21 Professor Andrew Kendrick and Moyra Hawthorn, who are
22 based at CELCIS.

23 So when I met up with them they explained the
24 interaction process, they showed me that there was
25 a videolink of Duncan Wilson, who was the legal expert

1 for SHRC, and he had a whole explanation on this
2 videolink at the SHRC website and I showed that to
3 fellow INCAS member at a meeting and then I got an in
4 then basically from the interaction team from Duncan
5 Wilson and Alan Miller of SHRC and also Moyra and Andrew
6 got me on board in the interaction process then.

7 Q. Can you give us an interaction about what was involved
8 in the process once you became involved in it?

9 A. Well, really when I became involved, you know, they had
10 started to really take off with it all. We had like
11 main interaction meetings where you had some of the
12 institutions involved, some of the caregivers, the
13 orders of nuns, we had a bishop or two come along, other
14 institutions were represented there, like Quarriers,
15 Barnardo's, the Church of Scotland were also there.

16 When I remember looking into Ireland I felt that it
17 was really quite -- there was a lot of anger about -- in
18 these interactions that they had in the Irish process
19 and I have to say that the Scottish Human Rights
20 Commission and CELCIS got this right with the
21 interaction because you had people like myself who felt
22 that they were wronged by the church and others in these
23 institutions, but you also had representatives from this
24 order of nuns or Christian Brothers or the bishop from
25 the Catholic Hierarchy and all this.

1 But we sat round the table and we discussed the
2 issues. Again it was about thematic events. It was
3 about -- sorry, it was thematic -- it was about the
4 Inquiry, it was about would the church be willing to put
5 into a support fund, would the other caregivers -- these
6 are the sort of discussions that were going around in
7 this interaction process.

8 So we had like two or three really big events where
9 there was the caregivers and survivors and Scottish
10 Government and other people who were involved in the
11 field.

12 Q. We have already heard evidence about a meeting that took
13 place in the Mitchell Library in Glasgow.

14 A. Yes, I think that was a big interaction.

15 Q. We take from that, for example, that all survivors
16 wanted an public inquiry.

17 A. Yes, it looked that way.

18 Q. Very shortly after that, in December 2014, the public
19 inquiry was announced.

20 A. Yes, that is right, by the MSP -- I can't remember his
21 name. Then Angela Constance took over the portfolio for
22 that.

23 Q. Can I take you to your statement at WIT.001.001.1649.
24 This is a section of your statement where you make some
25 observations about the survivors' support fund.

1 Can I ask you about that? What's your attitude to
2 that fairly recently introduced fund?

3 A. Well, I think that's actually factually correct because
4 I was backed up by Professor Alan Miller at some of
5 these -- there was like a group that met to discuss the
6 matters of the interaction process and we met at CELCIS
7 and SHRC, Scottish Government and representatives of
8 survivors were there. I think some of the caregivers
9 came to some of these, the smaller meetings. So
10 basically what happened was that we were discussing
11 a kind of compensation scheme around these thematic
12 events that we were having, but then they brought in
13 this medical model support fund and it was entirely
14 different from what was being discussed around the
15 table.

16 Q. But you have had some involvement with the fund?

17 A. Yes, I have, now. Yes.

18 Q. It is now called Future Pathways?

19 A. Yes, they re-branded it as Future Pathways a few months
20 back.

21 Q. I think you say in your statement that you consider that
22 to be a particularly good name for the fund?

23 A. I do, given what I said back then, but in truth that is
24 what was being discussed around the thematic events, was
25 this compensation scheme and that was what we understood

1 to be a fund. But when they gave us this support fund
2 it was entirely different. It was drove through by
3 Scottish Government and then it was the In Care Survivor
4 Support Fund initially and then they re-branded it, as
5 you say, as Future Pathways.

6 I actually have nothing but praise for Future
7 Pathways because it has helped me with my university
8 education, with IT equipment, and textbooks are very
9 expensive. They have really helped no end with things
10 like that. They have been very supportive.

11 Q. I think you tell us in your statement that the fund paid
12 for your driving lessons.

13 A. Yes. I'm nearly there. Just. But, yes. So we are
14 talking about towards a test date soon, so they have
15 helped me with that as well, with driving.

16 Q. As we have seen, Chris, you have in the past been
17 advocating for some form of redress or compensation type
18 of scheme as well.

19 A. Yes.

20 Q. Is that still something that is attractive to you?

21 A. Well, I have mixed feelings about compensation. I'm ten
22 years sober -- I'm an alcoholic, recovered now ten
23 years, and I feel that if you have people with
24 addictions, a lot -- a lump sum of money could be quite
25 damaging in a lot of ways. So I have a mixed feeling

1 about compensation. Everyone needs money and I will be
2 a full-time student in September and students are always
3 skint, but if I weigh it up, would giving me a huge lump
4 sum of money, given my past history of addiction to
5 alcohol and having to go to rehab and various alcohol
6 treatments? So I'm not sure that big compensation
7 schemes are such a good idea.

8 These things about that, about if there was
9 compensation, were discussed in the thematic events that
10 we had, where people were weighing up, and I'm not
11 entirely sure what the answer is but I know that a lot
12 of people consider that compensation -- that they
13 deserve compensation for the abuse.

14 Q. Linked to that is time bar. At least in relation to
15 time bar, finally, after many, many years, looking to
16 your campaigning, the law has been changed?

17 A. It has, yes, and I'm really not sure about that either
18 because I have got mixed feelings about time bar now.
19 Whereas I have really fought to have the time bar
20 lifted; but myself and my brother took cases as party
21 litigants, but it was thrown out by Lord Drummond Young
22 because of time bar. This was before the lifting of
23 time bar. I actually found it really quite traumatic
24 and my brother, who I was supporting through his case;
25 really it was a dreadful experience.

1 So although people say they want their cases heard
2 in court, they want to go through the civil court
3 process, I really found that quite traumatic, the whole
4 thing, of being a party litigant in the cases.

5 It was a procedural debate on time bar. It didn't
6 go in our favour. It was really quite traumatic for us
7 both.

8 LADY SMITH: Tell me what was difficult? What was hard for
9 you?

10 A. It was really my brother's anger and me trying to
11 contain that and all the anger was all welling up. We
12 didn't have a legal representative because no one would
13 touch it because the cases were time barred. I drafted
14 up court papers for my brother and I and we became party
15 litigants and took the case to the Court of Session in
16 Edinburgh.

17 I was sitting there giving some support to my
18 brother, but I could not speak for him, and we had two
19 real heavy barrister guys, one representing the
20 Catholic Church -- sorry, not the Catholic Church, one
21 representing Nazareth House and the other representing
22 Aberdeen City Council and that's what we were up
23 against, and then we had Lord Drummond Young who had
24 already decided in some Nazareth House cases, and he
25 time barred the cases before they went to the Lords.

1 So that was difficult. We were totally out of our
2 depth. Up against some really strong legal people that
3 were there representing --

4 LADY SMITH: Yes, it is very hard for people representing
5 themselves, particularly where there's an issue of law
6 to handle.

7 A. Yes.

8 LADY SMITH: When you went to the court offices, did you get
9 good help from the staff there on things like lodging
10 your court papers and telling you what would be
11 happening?

12 A. Yes, really brilliant help.

13 LADY SMITH: Good.

14 A. There's really good help online. They call it a party
15 pack, right. That's what they call it in the court.
16 But it obviously just means party litigant pack. So the
17 party pack basically takes you through and it gives you,
18 like, blueprint documents to draft for lodging and then
19 we amended the main paper, which I forget what it is
20 called --

21 LADY SMITH: The summons?

22 A. Yes, we amended that because we inherited it from our
23 solicitor, Cameron Fyfe of Ross Harper. But
24 I re-drafted it, lodged it and I lodged some other
25 stuff, like this is a production -- we lodged

1 productions as well.

2 LADY SMITH: Good, and the staff helped you with making up
3 an inventory for the productions and so on?

4 A. Yes, and kept us right.

5 LADY SMITH: I'm pleased to hear that.

6 A. And they were really helpful in the court session.

7 MR MacAULAY: Perhaps they should change the name from party
8 pack to something else, because it creates the wrong
9 message. But, Chris, that's all the questions I propose
10 to ask you today.

11 A. Okay, thank you.

12 MR MacAULAY: Thank you for your evidence. My Lady, I can
13 say that I have not received any written requests for
14 questions.

15 LADY SMITH: Thank you. Could I just confirm whether there
16 are any outstanding applications to ask questions of
17 this witness? No.

18 That is, as Mr MacAulay says then, all the questions
19 we have for you today. Thank you for your assistance.
20 That's been really good, very helpful.

21 A. Thank you.

22 LADY SMITH: I'm able to let you go now.

23 A. Thanks.

24 (The witness withdrew)

25 LADY SMITH: Before I adjourn for today, there are one or

1 two things that I want to mention. The first is that it
2 will no doubt have been noticed that the names of some
3 private individuals were mentioned by the last witness.

4 As I said at the beginning of this week, names of
5 private individuals mentioned in the hearing are to
6 remain anonymous. I am sure everybody who was here then
7 remembers that, but in case anybody doesn't, I repeat
8 that direction.

9 If anyone has any doubts about that, please, would
10 they check with the Inquiry team before any name is
11 disclosed outside the hearing room.

12 Let me turn now to where we are in the oral
13 hearings. We have now completed the evidence that is to
14 be led in this first section of Phase I of the Inquiry's
15 oral hearings. Those of you who have checked the
16 hearing calendar that's published on the website will
17 see that it provides for what are referred to as closing
18 submissions to be made next week.

19 I have been considering how best to proceed and
20 I have decided that it would be neither realistic nor
21 helpful to call for closing submissions in their strict
22 sense at this stage. In particular, I will not be
23 making any specific findings in fact following the
24 evidence that we have heard so far.

25 What would, however, be helpful would be to know

1 whether there are any observations that anyone with
2 leave to appear would like to make in relation to their
3 own position at this stage, including, for example, any
4 updating of or additions to what was in the opening
5 statements they made on the 31st May, and/or, in the
6 case of those whose witnesses undertook to provide
7 further information or documentary evidence, what
8 progress has been made so far and when we can expect
9 a response.

10 Indeed, I know that in one case we have had
11 a helpful response and we are being able to take that
12 forward. That has been really good, but any other news
13 on those undertakings I would like to have please.

14 Parties needn't restrict themselves to these
15 examples I have given, if there's anything else they
16 wish to raise. They will, however, be restricted in
17 time. I will be allowing no more than 20 minutes per
18 party but I would frankly expect these matters to be
19 capable of being covered in less than that.

20 So I'm issuing an invitation to all who have leave
21 to appear to make what I will call a closing statement
22 for the purposes that I have just outlined next week.

23 I'm going to sit only on Tuesday, starting at
24 10 o'clock in the morning. Other than that I should
25 perhaps add that I understand that counsel to the

1 Inquiry are planning to -- perhaps I can let you
2 explain, Mr MacAulay. I think you are going to say
3 something on Tuesday, is that right?

4 MR MacAULAY: Yes. I will also make a relatively short
5 closing statement.

6 LADY SMITH: Thank you very much. Finally, I would simply
7 like to echo what has been said by witnesses this week
8 already, to encourage others to keep coming forward. As
9 Helen Holland said, the only way we are going to get to
10 the truth in this Inquiry is if survivors come forward,
11 so that their voices are heard and I share her hope that
12 they keep finding the courage to do that as they have
13 been and are doing.

14 As David Whelan said, I would encourage not just
15 survivors, but others, such as those who worked at any
16 of the institutions we are investigating, also to come
17 forward if they have anything at all to tell us that
18 they think might be relevant to the important work of
19 this Inquiry.

20 I have nothing further to say at this stage.
21 I don't know if anybody else wishes to raise anything
22 today? Do they? No. Thank you very much for your
23 attendance. We will now adjourn until Tuesday morning.

24 (12.40 pm)

25 (The Inquiry adjourned until 10.00 am on

Tuesday, 11th July 2017)

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