

1 Tuesday, 4th July 2017

2 (10.00 am)

3 LADY SMITH: Good morning.

4 Before I bring in the first witness for this week,
5 there's one thing I want to mention. I recognise that
6 during today's evidence the names of private individuals
7 may be mentioned. Please note that any such names are
8 not to be publicised outside the hearing room; they are
9 to remain anonymous. If anyone is in any doubt about
10 that, please speak to a member of the Inquiry team and
11 they will be able to help.

12 So any names of private individuals, assume that
13 they are to remain anonymous and not to be repeated
14 outside this room unless a member of the Inquiry team
15 assures you that it is all right to do so. I hope
16 that's clear.

17 I now turn then to this morning's first witness.

18 MR MacAULAY: Yes, good morning, my Lady.

19 The witness this morning is Helen Holland.

20 LADY SMITH: Thank you.

21 MS HELEN HOLLAND (sworn)

22 Questions from MR MacAULAY

23 LADY SMITH: Do sit down and make yourself comfortable. One
24 thing you are going to need to be aware of is the
25 position of the microphone because it helps you speak

1 without having to shout so everybody can hear you. It
2 will move around, Ms Holland, if necessary, to get it
3 into the right place for you to be comfortable.

4 Mr MacAulay, when you are ready.

5 MR MacAULAY: Are you Helen Holland?

6 A. Yes.

7 Q. Helen, before I ask you any questions, I think there is
8 something you would like to say.

9 A. Yes, please.

10 I would like to say as the chairperson of INCAS
11 a thank-you to Lady Smith, to yourself, Colin, to the
12 INCAS legal team, Simon Collins and John Scott, for the
13 recognition that was given to Frank Docherty at the
14 beginning of these proceedings. I know that Frank's
15 wife is here today and his daughter and the reality is
16 that it should be Frank who is sitting here first and
17 not me. I'm aware of that so I just wanted to say --
18 I know that Frank would want me to thank the Inquiry
19 team for the recognition that was given to him and
20 equally for the way that he was spoken to when he was
21 here; I know it meant a great deal to him. He felt that
22 felt for the first time ever he was listened to and he
23 was believed.

24 Thank you.

25 MR MacAULAY: Thank you for that.

1 As you indicated a moment ago, Helen, you are here
2 in particular as the chairperson of INCAS.

3 A. Yes.

4 Q. We will look at INCAS in a moment, but before you were
5 a chairperson you were the vice-chairperson of INCAS; is
6 that correct?

7 A. Yes.

8 Q. You have provided the Inquiry with a statement. I will
9 put that on the screen it is at WIT.001.001.1676.

10 A. Yes.

11 Q. If we turn to page WIT.001.001.1726. While we are
12 waiting for that I can tell you there is a hard copy of
13 the statement in front of you if it is easier for you to
14 work off that. I'm looking at the last page where we
15 can see that you have signed the statement, although
16 your signature has been blocked out.

17 A. Yes.

18 Q. Can I begin by just looking at the first part of your
19 statement and the background to your work for survivors.
20 Can you just tell me about the background to that.

21 A. It seems like a lifetime, to be honest with you.
22 I initially heard about the fact that someone else had
23 come forward because at the time I was working as
24 a manager in the Glasgow Dental Hospital.

25 Q. When was that? Can you give me a date?

1 A. That would have been about 1998/1999, something like
2 that. I had sent the staff for a break and I was aware
3 of the fact that there was quite a heated discussion
4 taking place, so I thought I better go out and see what
5 was happening. I could hear on the way out some people
6 saying, no, that wouldn't have happened, I don't believe
7 that, and some people saying, yes, it would, my son went
8 to such-and-such a school, and I asked them what they
9 were speaking about and they said that a story had been
10 in the paper the day before and it was in relation to
11 someone who had been in Nazareth House.

12 I had never told any of the staff anything about
13 myself and I very quickly made excuses and left the room
14 and pretended I had to go and put orders in or
15 something, because I was quite taken aback; I hadn't
16 seen the article.

17 The supervisor came in and said to me that she still
18 had the paper at home and would I like to see it. She
19 brought it in the next day and that's when I read the
20 article.

21 Q. The context of this was that you yourself had been in
22 Nazareth House as a child?

23 A. Yes, but I had been in Nazareth House in Kilmarnock.

24 Q. Did you then see the article?

25 A. I did, yes.

1 Q. What did you do?

2 A. Initially I felt sick. At that moment in time I did
3 nothing because I was in shock. I was in shock that
4 someone had spoken about it because even though I had
5 experienced it, for years I used to question myself and
6 think, did that really happen, or, was it really as bad
7 as I thought it was? People just seemed to go out and
8 get on with their lives, so I believed that was the
9 right thing to do, so I had done the same thing myself
10 for many, many years.

11 Then I kept hearing the people that said, no, they
12 didn't believe it, and I thought, well, if that's
13 happening on a small scale with a dozen people in
14 a room, how much more is it happening in society?

15 At first I didn't know what to do so I did nothing
16 for probably a couple of weeks and then I decided to
17 phone the journalist that had written the story and
18 I asked --

19 Q. We will come to that.

20 Without looking at the details of the story, was it
21 a story about allegations of abuse at a Nazareth House?

22 A. Yes.

23 Q. You have said you phoned the journalist who had written
24 the article?

25 A. Yes. I phoned the journalist who had written the

1 article and basically said to him, what you said was
2 true, but you have only hit the tip of the iceberg,
3 there was much worse happening in some of these places.
4 I asked him if he had had contact from many people and
5 he said, yes, they had been inundated with calls, and
6 I asked him, what is going to happen, is there anything
7 happening as a result of this? He told me to contact
8 the police in Kilmarnock. He asked what children's home
9 I was in and he said, well, you have to contact the
10 police in the area where you were.

11 Q. Did you do that?

12 A. Yes.

13 Q. What was the local station?

14 A. It was Kilmarnock Police Station, but they were not very
15 helpful at all.

16 Q. Did you actually go to the police station or did you
17 contact them --

18 A. No, I contacted them by telephone. I explained what it
19 was, I explained it was in relation to the article that
20 had been in the paper. I explained that I had been in
21 Nazareth House in Kilmarnock and that similar things had
22 happened there if not worse. The police officer that
23 I spoke to on the phone told me, well, we don't know
24 anything about it, you'd be better phoning
25 Nazareth House in Kilmarnock.

1 Q. Was that the end of your contact with the police at that
2 stage?

3 A. Initially at that time, yes, because there was no way
4 I was going to contact Nazareth House in Kilmarnock.

5 I waited some time later and then contacted them
6 again and they said that there was a legal firm in
7 Glasgow who were dealing with the cases.

8 Q. Was it the same police station you made contact with?

9 A. Yes.

10 Q. Again, by telephone?

11 A. Yes.

12 Q. So do I take it that you were directed in the direction
13 of a particular law firm in connection with possibly
14 pursuing a civil claim; is that what you are saying?

15 A. To be honest with you at the time I didn't know what
16 they were pursuing because I had never been involved
17 with anything like this before. I was told to go to
18 this particular law firm; I'm not sure if I'm allowed to
19 say the name of them.

20 Q. We don't need to know the name, but did you go and see
21 a lawyer?

22 A. I did. I went to the particular law firm. I didn't see
23 the lawyer who was dealing with it; I saw one of his
24 representatives. She told me that they would need to
25 take a full statement from me but to be honest with you

1 it was like a kind of tick-box thing that they had and
2 after speaking to her for a short time she said, you
3 haven't told me anything that I haven't already heard.

4 Q. What happened then after that?

5 A. After that I went back to the police. I was advised to
6 go back to the police. I contacted the police in
7 Kilmarnock again to say that they had to hear what had
8 happened when I was in Nazareth House in Kilmarnock.

9 I saw two female police officers. They came to my
10 house, spoke to me for a while, took some details, and
11 then six weeks later I received a phone call at work
12 from one of the police officers; I think her name was
13 PC Maclean. She said to me we are not going to pursue
14 the case, we are not going to investigate.

15 Q. Did she give any reason for that?

16 A. She didn't give a reason; she just said they were not
17 going to investigate.

18 Q. Can you just give me a feel for the time frame now.

19 I know dates are difficult --

20 A. That would probably have been about maybe six months to
21 seven months after the initial report in the paper.

22 Q. I think the report in the paper was in about 1998.

23 A. Yes.

24 Q. Are we still in 1998?

25 A. We would be into 1999.

1 Q. At that time at least, was that the end of your contact
2 with the police?

3 A. No. Because they told me they weren't taking it any
4 further, I was really angry about that and I thought,
5 well, they haven't given me a reason why, they haven't
6 even asked me the full extent of what happened, so
7 I actually went to my own MSP, and to be honest with you
8 at the time I didn't know how to tell her how badly
9 things had been. I didn't know how to put it into words
10 without being embarrassed. I was aware of the fact that
11 usually at these surgeries you have like a 15-minute
12 slot. So I wrote it down. I actually wrote a poem to
13 the person who had abused me because I thought that was
14 the easiest way of doing it, so she might understand
15 where I was coming from. I took that to her -- it was
16 Jackie Baillie at the time in Dunbarton -- I took to her
17 and said, I don't know how to tell you this, but I know
18 there hundreds of people out there who have suffered in
19 the same way I have and I need you to read this and then
20 I need you to try and help us in some way.

21 So she read what I had written and then she looked
22 up and she said, "So, what have the police told you?"
23 I said "they have told me that they are not going to
24 pursue it". She then wrote a letter to James Wallace,
25 who I believe was the senior legal person in Scotland at

1 the time.

2 Q. He was a senior legal figure, he was.

3 A. He contacted the procurator fiscal's office in
4 Kilmarnock and instructed them to do an investigation --
5 but that was because the MSP had done something about
6 it; they were not doing an investigation because I had
7 complained and that upset me as well.

8 Q. Did they carry out an investigation?

9 A. They did carry out an investigation. I probably spoke
10 to the procurator fiscal over a six or seven-month
11 period because I couldn't tell him everything at once.
12 I was still really wary about speaking about what had
13 happened about me at all.

14 He sent off the paperwork to the Crown Office,
15 I believe, and it was about maybe a year or year and
16 a half later I received a phone call to come down to
17 Kilmarnock and I was told -- the first thing he said to
18 me was, "Whatever happens today, you need to understand
19 that we believe you," and I knew then they were not
20 going to do anything, the minute he said that.

21 Q. Was that the procurator fiscal who said that to you?

22 A. Yes.

23 Q. So that was at the procurator fiscal's office in
24 Kilmarnock?

25 A. Yes.

- 1 Q. Yes.
- 2 A. He said the Crown Office had come back and said that the
3 perpetrator was too old and too infirm and therefore
4 they were not going to proceed with the case.
- 5 Q. Was that then the end of the investigation so far as you
6 know?
- 7 A. No. Me being me, I decided I wanted to find out the
8 truth. I knew where the perpetrator was, it was me who
9 had given that information to the police because
10 initially they told me they didn't know where she was,
11 and I said, "I can tell you exactly where she is", so
12 I gave them the information. I phoned the convent in
13 Ireland, I asked to speak to the person. She came to
14 the phone. I told her who I was and straightaway she
15 was able to say to me, oh yes, from Nazareth House in
16 Kilmarnock, so I knew that mentally she was okay.
17 I then asked about her physical health and I said, "Can
18 you tell me how you are, are you physically okay?" She
19 said, "Well, yes, just that I walk with a stick". Well,
20 I was walking with a stick at that point myself, so
21 I just rattled a crisp paper and pretended there was
22 something wrong with the line because I could not speak
23 any longer and I just put the phone down at that point.
- 24 Q. What did you do after that?
- 25 A. I phoned the procurator fiscal back and asked him, "Why

1 did you lie to me? Why did you say that this person was
2 too old and too infirm when she is obviously mentally
3 capable? She knew exactly who I was, issue knew what
4 home I was from, so how could she be not capable of
5 speaking?" I didn't find out until, I don't know,
6 a couple of years later that she hadn't even been spoken
7 to by the police?

8 Q. How did you find that out?

9 A. I personally didn't find it out; it was a reporter who
10 found it out.

11 Q. I see. Can you give me a feel for the time frame now
12 for your dealings with the procurator fiscal?

13 A. I probably was involved with the police in Kilmarnock
14 over like a two-year period.

15 Q. Are we into the year perhaps 2000 or 2001?

16 A. 2001, maybe even into 2002, to be honest with you.

17 Q. Was that the end of the matter or did you take any other
18 further steps insofar as the procurator fiscal was
19 concerned?

20 A. No, I didn't think I could, because I had already been
21 told that so far as the Crown were concerned she was too
22 old and too infirm.

23 Q. Can we then look at some further dealings you had with
24 the press. I think you had some further dealings with
25 someone from the press; is that correct?

1 A. Yes.

2 Q. Can you tell me about that?

3 A. My initial dealing with the press was through the same
4 legal firm's office. I received a phone call one day
5 asking me if I would be willing to speak to
6 a journalist.

7 Even then I wasn't too sure, to be honest with you,
8 because it was one thing knowing what happened myself,
9 it was another thing entirely exposing that to other
10 people, especially in the job that I had. I was
11 a representative for the company that I worked for,
12 I spoke to clients, I dealt with contracts, etc. So
13 I was meeting with the clients from the company on
14 a regular basis, but at the same time I knew in my heart
15 I had to do it. I felt at that stage I was at the stage
16 where I thought, no, this needs to be exposed, the truth
17 needs to come out, so I agreed to speak to the
18 journalist, but at the time I said I didn't want my name
19 to be used, I wanted to use a pseudonym, and I also
20 didn't want my picture to be used.

21 Q. But did you speak to the journalist?

22 A. I did, yes.

23 Q. Who was this journalist?

24 A. That was Catherine Deveney from Scotland on Sunday.

25 Q. When you spoke to the journalist, what was the result of

- 1 that?
- 2 A. The result of that was quite quiet, to be honest with
3 you. I kind of expected some kind of backlash but
4 because I had used a pseudonym and because I wasn't
5 identified, it was easier. All I got was the result --
6 the paper themselves came back to me and said that they
7 had had a lot of people contact them as a result of that
8 particular article.
- 9 Q. Did the journalist then publish an article setting out
10 some of the things that you told the journalist?
- 11 A. Yes.
- 12 Q. Perhaps again a date, can you give me a date for that?
- 13 A. I think -- I can't remember the exact date. I think
14 that article was written about 2003 -- it would have
15 been before -- I think it was before the public
16 apologies. I think it might have been 2003.
- 17 Q. We can perhaps work out dates later, but following upon
18 that article, did you have further dealings with that
19 particular journalist?
- 20 A. I did. About six months later she contacted me again.
21 She had been in contact in between because other people
22 had been contacting her as well and she contacted me
23 again and at this time she was doing what was called the
24 One-to-One programme on BBC Tel. It was a religious
25 programme, so it was talking about people's faith and

1 how their faith had affected them and that type of
2 thing, and she asked me if I would be willing to go on
3 that particular programme.

4 Initially I said again, would I be able to do it
5 under a silhouette, but she explained that because it
6 was a one-to-one interview, the viewers wouldn't tune in
7 to look at a silhouette. At that time I think there was
8 part of me that decided, look, if I am going to do this,
9 I need to do go the whole hog, so I decided to waive my
10 right to anonymity at that point and I said I would do
11 it.

12 Q. Did you do it?

13 A. Yes, I did.

14 Q. Was that broadcast?

15 A. Yes.

16 Q. If you go back to your statement at
17 page WIT.001.001.1678, it is paragraph 9.

18 LADY SMITH: Would it help if you had your glasses?

19 A. I can see it on here; it is big enough on there.

20 Q. It is just in that paragraph, paragraph 9, you deal with
21 this in your statement.

22 I want to highlight that you thought when you gave
23 the statement it was about 2000 or 2001.

24 A. It might have been at that time, sorry. My head is all
25 over the place with dates.

1 Q. What was the effect of that broadcast interview so far
2 as you are aware?

3 A. Well, initially, I had to go to my boss before I did the
4 programme. I went and spoke to my director and said
5 I was intending to waive right to my anonymity in
6 relation to the abuse in childhood. Initially he was
7 not too keen on that idea. He said to me, look, Helen,
8 how is that going to affect your work, your relationship
9 with the clients? I basically just said to him, look,
10 this is nothing to do with my work, it is my personal
11 life, and it is something I need to deal with, so I feel
12 that I need to do it.

13 After the programme was aired the next day I went
14 into work and I had nothing but people come up to me and
15 say, that was a really brave thing to do, you did really
16 well, I'm really sorry for what happened to you.

17 Q. Was that an important point then in the whole process of
18 you working for survivors?

19 A. Yes, it made me absolutely determined to take it the
20 whole road.

21 Q. The next part of your statement -- and we see that on
22 the screen at the moment, actually -- is talking about
23 how you came to meet Frank Docherty and how INCAS came
24 to be formed.

25 That was after the interview, I think, that you met

1 Frank Docherty for the first time; is that correct?

2 A. Yes, it was.

3 Q. Can you tell us a little bit about how that happened?

4 A. What happened was there was another lady speaking on
5 that programme as well from the Moira Anderson
6 Foundation, the founder, and she was running
7 a conference. One of the initial speakers wasn't able
8 to attend so she had contacted me and asked me if
9 I would go along and speak at the conference and
10 I explained to her I had never done anything like that
11 before and she said, just come along and speak about
12 your experience, that's all you need to do.

13 So I agreed to do it. I went along there, spoke
14 about what had happened to me, and a gentleman
15 approached me at the end of it and said -- he handed me
16 a piece of paper and he said, look, we are trying to
17 help other people, there are a lot of people out there
18 like you, you are not on your own, can you contact me if
19 you want to help, I'm trying to set up a group, can you
20 contact me if you are interested. I think I phoned him
21 maybe the next day because it was a no-brainer that
22 obviously I wanted to help and if there were other
23 people out there trying to achieve the same thing then
24 I was more than happy to help.

25 Q. That was Frank Docherty?

- 1 A. Yes, it was.
- 2 Q. Where was the conference, can you remember?
- 3 A. The conference would have been 2001.
- 4 Q. Where was it?
- 5 A. It was at the Moira Anderson Foundation in Airdrie.
- 6 Q. So Frank Docherty had given you this leaflet at the
7 conference and I think you said you phoned him the next
8 day.
- 9 A. Yes.
- 10 Q. What happened next after that?
- 11 A. Frank wasn't the kind of person you said no to. He said
12 to me, look, I want you to come along and I want you to
13 speak at this gathering that we are going to have. He
14 spoke about the fact that they were going to hire
15 Woodside Halls in Maryhill and there was going to be
16 a gathering and that they had contacted the initial law
17 firm to ask them to send out letters to all their
18 clients, explaining that they were going to have this
19 gathering for survivors.
- 20 Q. We will come to look at the gathering in a moment
21 because that did happen, you tell us.
- 22 A. Yes.
- 23 Q. What about the creation of the group itself as a group?
24 Did that happen before you had the gathering?
- 25 A. The name INCAS itself initially happened just after

- 1 the -- the same day as the gathering.
- 2 Q. Can we then look at the gathering then. I think you say
- 3 that was at the Woodside Halls in Glasgow.
- 4 A. Yes.
- 5 Q. The date for that approximately?
- 6 A. It would have been the end of 2001.
- 7 Q. Was that well attended?
- 8 A. It was very well attended; there were over 100 people
- 9 there.
- 10 Q. Did you speak at that gathering?
- 11 A. Yes.
- 12 Q. Did others speak at the gathering?
- 13 A. I was one of the main speakers. The other main speak
- 14 are was a lady who had been involved in the Magdalene
- 15 laundries. She had come over from Ireland, so the two
- 16 of us were speaking at that conference.
- 17 Q. Reading from the screen, you tell us in your statement
- 18 that over 100 people turned up for that event.
- 19 A. Yes.
- 20 Q. Did you meet other people and speak to other people who
- 21 were survivors?
- 22 A. Nearly all of those over 100 people were survivors.
- 23 Q. You do mention one person who had come all the way from
- 24 London in your statement.
- 25 A. Yes, [name redacted].

- 1 Q. What were your dealings with him?
- 2 A. He was an older gentleman. He had flown up from London.
- 3 He was late for the meeting, so I think he had been kind
- 4 of wandering about outside and Frank's wife had gone out
- 5 and met with him and brought him in. If my memory is
- 6 correct, I think at that time he was 82 years old and
- 7 during the course of the meeting he stood up and very
- 8 eloquently said, "I am 82 years old and you are only at
- 9 the beginning of this journey but I'm not going to be
- 10 around, who is going to speak for me?" It broke my
- 11 heart because I thought there's somebody of that age has
- 12 come all the way up because he has had the same
- 13 experience or a similar experience. At that time I was
- 14 in my 40s so I said to him, look, if you will allow me
- 15 to, then I will be your voice, I will continue to speak
- 16 for you, and he has been my reason for keeping going all
- 17 these years.
- 18 Q. You mentioned a moment ago that it was at the time of
- 19 the gathering that you decided to finally form the group
- 20 INCAS.
- 21 A. Yes.
- 22 Q. Can you tell us a little bit about how you came to focus
- 23 on the name of the group?
- 24 A. Well, initially you know we had announced from the
- 25 platform that we were looking for people to come

1 together and form a committee to represent survivors of
2 institutional abuse. There were about 17 people who
3 came forward just after the meeting, but then you always
4 get that: there are always loads of people willing to
5 voluntary and then quickly decide it is maybe not for
6 them.

7 But at that meeting we formed a committee. When we
8 formed the committee, at that time we were not sure what
9 to call the group. Someone had come up with the idea of
10 Inca because Inca was the lost tribe and straightaway
11 Frank said, that's us, because we are the lost children,
12 and that's where the name came from.

13 Q. Although in fact INCAS also stands for Incare Abuse
14 Survivors, as it happens.

15 A. Yes.

16 Q. I think it is right to say that Frank himself had a name
17 before for a group he was trying to form.

18 A. Yes, he did, AVA.

19 Q. That was Abuse Victims Anonymous?

20 A. Yes.

21 Q. But the new name was the name chosen and it stuck?

22 A. Yes.

23 Q. You mention then that INCAS had a committee formed at
24 that point in time. What sort of numbers are we talking
25 about?

1 A. The initial numbers that came forward after that
2 particular day were 17 but within a few weeks it was
3 down to about 12 because people phoned up and said they
4 couldn't commit to it because of work commitments, etc,
5 and that's kind of to be expected. So the initial
6 committee was between about 10 and 12 people.

7 Q. Did you discuss at that time what your aims as a group
8 were to be?

9 A. At that time it was initially support because we were
10 aware of the fact that so many people were starting to
11 recognise the fact that they had been abused in care but
12 had no means of exposing it, they didn't know what to do
13 with that information, they didn't know how to speak to
14 anybody. So initially INCAS our main priority was
15 support. I mean Frank was doing all sorts of things to
16 try and support people right down to even, in his wee
17 flat, gathering furniture, putting it in a garage
18 outside, going out and helping people with shopping,
19 helping people with personal needs, all that kind of
20 thing.

21 Q. In those early days you weren't the chair, but were you
22 the vice chair from that time?

23 A. I have always been either the vice chair or the chair.

24 Q. I think Frank was the treasurer at that time.

25 A. Yes.

1 Q. As you tell us in your statement -- I'm now looking at
2 page WIT.001.001.1681 and it is at paragraph 20 -- there
3 was a point in time when INCAS stopped functioning; is
4 that right?

5 A. Yes.

6 Q. Without looking at the detail of that, in fact, there
7 came a point in time when it started up again as
8 a group.

9 A. Yes.

10 Q. Can you tell me about how it came about that you started
11 up again having had a period when you weren't operating?

12 A. Unfortunately, I took ill, so it meant I had to step
13 back for a little while. During that time Frank was
14 doing his best to keep it going. He was struggling
15 a bit. It is like anything, when you have a group of
16 volunteers together you have egos, you have all sorts of
17 things that come into play. Sometimes Frank was as
18 stubborn as a mule. If he decided he wanted to go down
19 a certain route he would stick to that, and fair play to
20 him, rightly so. But the helpline that we had set up --
21 the helpline was set up between Frank's home line and my
22 own home line and that stayed open the whole time. That
23 never ever stopped.

24 Q. I should have asked you about that then. Was that
25 something you had set up from the very beginning?

1 A. Yes.

2 Q. Was this a line that remained open 24 hours a day --

3 A. Yes.

4 Q. -- to allow survivors to make contact with you and so
5 on?

6 A. Yes.

7 Q. Although the group wasn't really functioning, that
8 helpline was still operating?

9 A. The committee weren't functioning but the helpline and
10 everything was still functioning, yes.

11 Q. But then in fact the group started up again as a group?

12 A. Yes. Round about, I think it was, the end of 2005/2006
13 the numbers of people phoning into the helpline started
14 to increase for whatever reason and I was starting to
15 feel a bit better at that point as well and I was aware
16 of the fact that there was still an awful lot of people
17 out there who needed help. So I contacted the initial
18 committee members and said, look, the helpline is busy,
19 I really think there is a real need out there for INCAS
20 again, are you willing to start up? Without question
21 every single person said yes.

22 LADY SMITH: How many calls were you getting each day on
23 average?

24 A. It changed. I mean you could get 40 calls in a day, you
25 could get -- sometimes I would get phone calls in the

1 middle of the night from the police.

2 LADY SMITH: I wondered about that.

3 A. Sometimes it would be phone calls from social work
4 departments asking us about specific clients that they
5 had who needed help. The phone calls were a lot. I
6 mean --

7 LADY SMITH: It sounds like a tremendous responsibility you
8 took on.

9 A. It was, but no one else was doing it, so we had to.

10 LADY SMITH: Mr MacAulay.

11 MR MacAULAY: INCAS became a registered charity.

12 A. Yes.

13 Q. If you look at a document for me, it will go on the
14 screen for you. It is INQ.001.001.1318.

15 Can we see that under the heading "Charity details"
16 that INCAS was registered as charity from
17 27th September 2011?

18 A. Yes.

19 Q. If we just read on a little bit actually, can we see
20 towards the bottom, against the heading "Purposes" can
21 we read:

22 "The relief of those in need by reason of age, ill
23 health, disability, financial hardship or other
24 disadvantage."

25 So that is at least part of the purposes of INCAS?

1 A. Yes.

2 Q. If we move on to the next page at WIT.001.001.1319,
3 under the heading "Object" can we read:

4 "To relieve the suffering of and provide support for
5 those who have been victims of physical, spiritual,
6 sexual or mental abuse suffered whilst in care and to
7 promote restorative justice and mediation or
8 reconciliation between persons, organisations,
9 authorities or groups with regards to physical,
10 spiritual, sexual or mental abuse suffered whilst in
11 care."

12 A. Yes.

13 Q. Does that set out your objects?

14 A. Yes.

15 Q. That's what you have been pursuing over the years that
16 you have been in operation?

17 A. Yes.

18 Q. So far as funding of the group is concerned, you tell us
19 a little bit about that in your statement at page
20 WIT.001.001.1682; how do you fund your work?

21 A. To be honest with you, for umpteen years it was the
22 committee themselves. We would go to a meeting once
23 a month and we would take money out of our own pockets
24 and put it in and that would cover the likes of, if we
25 had to send letters out to people, we would try and

1 get -- we would try and get a room for nothing, even
2 just to have our meetings in. Initially Woodside Halls
3 were free of charge, but then they started to charge us
4 and so it was a case of we were putting our hands in our
5 pockets all the time.

6 We had a room in Victim Support for a short space of
7 time but then we contacted Who Cares? Scotland and they
8 agreed to allow us to use a room in their premises and
9 we have done that ever since. We still do that to this
10 day.

11 Q. So far as raising funds today might be concerned, do you
12 have charity events that you perhaps use to raise funds?
13 How do you set about it?

14 A. To be honest with you the biggest majority of the money
15 that's in our fund at the moment was done through our
16 lawyer doing a sponsored run. But, yes, there are
17 donations coming in from survivors as well from time to
18 time and that is the bulk of our funds.

19 Q. You have told us a little bit already about the
20 committee. We understand there is a chair and a vice
21 chair and a treasurer. Is there also a secretary?

22 A. A secretary, yes.

23 Q. Are there other members of the committee apart from
24 those four?

25 A. Yes.

1 Q. How large a committee is it?

2 A. At the moment it is eight.

3 Q. Looking to your membership, can you just tell me
4 a little bit about the kind of people who are members of
5 the group?

6 A. The members of the group cover -- I think the oldest --
7 I was trying to go through the membership the other day
8 when I was printing out all the information letters --
9 I think at this moment in time the oldest is 86 and the
10 youngest is 40. I was going to say so obviously the
11 needs of an 86-year-old are different to the needs of
12 a 40-year-old. Some of the older survivors still to
13 this day will not have a social worker in their home so
14 they go without because of their fear. I have had to
15 attend hospitals where older people are dying and they
16 are afraid. They want to make peace with God but they
17 don't know how.

18 They will phone up and ask if I will go along to the
19 hospital and I have sat with someone and prayed with
20 them until they have died and to me that's the worst
21 thing in all of this, the fact that people have died
22 with no justice whatsoever, not even peace, not even
23 spiritual peace, the one thing they should have more
24 than anything.

25 Q. You have told us about this spectrum of ages. What

- 1 about where people have been?
- 2 A. We have people from all walks of care. We have
3 survivors who have been in local authority care homes,
4 we have survivors who are registered who have been in
5 Quarriers, we have survivors who have been under the
6 care of the religious orders, the Christian Brothers,
7 the List D schools, boarded out, some of them were
8 boarded out to the Highlands, etc. So we have survivors
9 from more or less every spectrum. I think the only
10 survivors we don't have are from places like Gordonstoun
11 and places like that.
- 12 Q. But you do tell us in you statement, if I can just take
13 you to this paragraph at WIT.001.001.1683, that INCAS is
14 open to any survivor, it is open to anyone who was in
15 care. This is at paragraph 26.
- 16 A. It is not just survivors; it is survivors and their
17 families.
- 18 Q. But you also go on to say that not everybody's
19 experience of care is negative and you recognise and
20 respect that.
- 21 A. Absolutely, yes. We have someone on our committee whose
22 experience of care was good but she also recognises the
23 fact that many people's experience in care was
24 particularly bad. You can't cancel out one from the
25 other. We respect the fact that some people, depending

1 on when they were there, may have had a good experience.

2 But INCAS is set up primarily for people who have
3 bad experiences, that is the majority of people who come
4 to us. It is not necessarily people who have had good
5 experiences.

6 Q. Looking at the size of your membership, no doubt it
7 fluctuates, but can you give us an understanding as to
8 how large or how small the membership might be?

9 A. Yesterday I sent out 320 envelopes. I dare say that
10 from some of those envelopes we will have people who
11 contact us and say, I'm sorry this person has now
12 passed, because unfortunately people tend not to tell us
13 when they have passed, and it is only when we send out
14 the up-to-date information to people that we then get
15 the contact saying, I'm sorry this person is no longer
16 here.

17 Q. If we look at your statement towards the bottom of that
18 page, what you say is your membership can be between 280
19 and 450.

20 A. Yes.

21 Q. I suppose that depends on the position at a point in
22 time.

23 A. Yes. The thing is as well, with the membership, as
24 I say, the envelopes will go out to the people who are
25 registered as having been in care but equally we have

1 the families as well, so you can have a situation if we
2 are talking for the sake of -- where it is a mother who
3 has a child dependent living at home and the child might
4 need some help with some things or a young adult or the
5 adolescent might need help with something. If we can,
6 we will help there where necessary.

7 Q. One point you do make in your statement there though is
8 there are some of your members who have not told their
9 families about what happened to them in care.

10 A. Yes.

11 Q. How do you deal with them when you are trying to make
12 contact with them?

13 A. We don't make it obvious that the envelopes are from
14 INCAS. That way the person who it is addressed to is
15 obviously the person who receives it because they are
16 the person who has contacted us and they are the person
17 who is registered.

18 Q. You also in your statement tell us about how you set
19 about obtaining the views of the membership. Can you
20 tell us about that? How do you consult with them and
21 find out what they want?

22 A. The biggest majority of our contacts are by phone, to be
23 honest with you. People feel safer with the phone. It
24 doesn't matter if they are upset, they don't need to
25 worry about how you are in a sense. They can be upset.

1 They can be at peace talking about whatever it is they
2 want to speak about. So, the biggest majority will
3 contact us by telephone.

4 Sometimes, I will be honest with you, in the past
5 when consultation papers have gone out these papers are
6 written by academics and quite a lot of them go over the
7 heads of the survivors and they have absolutely no idea
8 what they are being asked. So, at that point, they will
9 phone and say, I don't understand this, can you explain
10 it to me, and we will explain it to them. In the past
11 we have even written letters for people so all they have
12 had to do is sign it and take it to their MSP. It is
13 that type of thing.

14 Q. Meetings. How often do you have meetings either of the
15 committee or indeed of the membership itself?

16 A. The committee meet monthly. The gatherings, as we call
17 them, we have them when we can afford them. It is as
18 simple as that because we have to hire a room, we have
19 to see about having some kind of lunch for the people as
20 well. So the gatherings -- I think the last gathering
21 we had was at the AGM this year. About 40 members
22 turned up for that, which isn't unusual, because you
23 have feel from all over the country. It is a national
24 organisation. We also have people abroad as well who
25 are registered with INCAS. There's no way we would

1 expect people to come up from England or whatever for
2 a two-hour meeting; it is just not feasible.

3 Q. I think you tell us in your statement that AGM was in
4 April 2017.

5 A. Yes.

6 Q. Can I take you on to page WIT.001.001.1686 of the
7 statement. You have touched upon this already. This is
8 the INCAS 24-hour helpline that you have already
9 mentioned. As you have already explained, this was
10 something you and Frank Docherty really took on board;
11 is that correct?

12 A. Yes, it has always been myself and Frank that have
13 manned the helpline.

14 Q. It is a 24-hour helpline?

15 A. Yes.

16 Q. You would get calls at any time of day?

17 A. Any time of the day or night.

18 Q. Do you find that there is a particular period of the day
19 when you get more calls than any other period of the
20 day?

21 A. It fluctuates, to be honest with you. If there's
22 something in the press we tend to get a lot more calls.
23 You will have your regular callers. I can give you
24 an example: at the moment I have probably three people
25 who contact me six to eight times a day. I feel as if

1 I'm married to them. I wake up in the morning my phone
2 is going, it is one of them, or just before I go to bed
3 at night it will be one of them. That is to be expected
4 because some have more needs than others and even though
5 we are there to help, sometimes people don't recognise
6 the fact that you can only do so much and that's just
7 part of the them trying to work through whatever it is
8 they are working through and we recognise that because
9 we have been there.

10 Q. What sort of help are you able to give the people that
11 make contact with you?

12 A. With the phone it is mainly pacifying, to be honest,
13 with you. It is mainly saying that what they are
14 feeling is to be expected, that they don't need to feel
15 bad about how they are feeling, it is normal, it is
16 normal to be upset, it is normal to be angry. It is
17 very, very difficult to try and appease someone when
18 they are angry about lost opportunities because many,
19 many survivors will say, if this hadn't happened to me,
20 I wanted to do X, Y and Z with my life and I have not
21 been able to do that.

22 As they get older they recognise that even more and
23 they will then come back with, if I hadn't have been in
24 care I could have achieved so much, because when they
25 look at what they have achieved since leaving care it

1 almost intensifies what they could have achieved had
2 they not been this care and had they been given the same
3 opportunities that other people had been given.

4 Q. As you have told us, you and Frank Docherty have been
5 doing this for quite a number of years. I think you
6 accept you don't have professional training. This is
7 learning on-the-job type of training?

8 A. Very much so and not just learning on the job with
9 members, learning on the job with volunteers, learning
10 on the job with people who want to volunteer but who
11 might not be in that place of mind where they can
12 volunteer, and that's a difficult one because you almost
13 have to say to someone, look, your skills are better
14 doing X, Y and Z and sometimes that is a gentler way of
15 saying to saying to somebody, you are not capable of
16 listening to what people are going to be saying because
17 it is going to affect you.

18 Q. But apart from then giving people advice and listening
19 to people, do you also do practical things for people,
20 that people, for whatever reason, aren't able to do for
21 themselves?

22 A. Yes. I have gone out and taken somebody shopping on
23 a regular basis. I have done home visits with people.
24 I have been called out in the middle of the night by the
25 police because someone has self-harmed or someone is at

1 hospital.

2 I actually didn't realise that the police are not
3 allowed to leave somebody until somebody is with them.
4 I only found that out when this started happening, to be
5 honest with you, a few years back and it could be the
6 case that at 3 o'clock or 4 o'clock in the morning you
7 get a call from the police asking, can you attend
8 Victoria Infirmary, can you attend the GRI, or whatever.
9 To be honest with you, there's no way I would say no
10 because I have been in the dark places these survivors
11 are in, so I why would I say no? There was nowhere
12 there when I needed someone and I have managed to come
13 through it, so we are all the more determined to be
14 there for other people.

15 Q. You do point to one particular tragic incident in your
16 statement when you were contacted by somebody who then
17 took his own life during the course of the call.

18 A. Yes.

19 Q. That would be quite a traumatic --

20 A. It was horrible. I received a phone call one morning
21 from a survivor in Greenock. He was absolutely
22 distraught. I tried to get him to calm down. I kept
23 begging him to allow me to contact someone on his
24 behalf. Because I'm a stickler for confidentiality,
25 I will not do something unless someone gives me their

1 permission to do it because so many survivors have been
2 let down by confidentiality being broken. I kept saying
3 to him, will you let me get you help or contact the
4 police, but the answer was no all the time, "I don't
5 want you to do that, you are as bad as the social
6 workers, you are like this, that and the next thing," so
7 I said to him, look, I can't deal with this on my own,
8 I need to be able to help you.

9 He then went onto explain that his children had been
10 taken from him on that day and he had nothing left to
11 live for. And he at that time was standing on a chair
12 and I heard a thump and I heard the chair hit the floor
13 and I could also hear the police sirens because for the
14 first time in my life I broke that rule and contacted
15 the police during that conversation and I was always --
16 I have always been left with the thing that did he do it
17 because he heard the sirens or did he do it because
18 I broke confidentiality and that almost destroyed me.
19 It still lives with me to this day and it always will.

20 Q. I think you tell us in your statement that he hung
21 himself while he was on the phone to you.

22 A. He did, yes.

23 Q. You provide us with quite a bit of detail with the
24 practical help you provide to people. Can we perhaps
25 look at how you summarise this section of your statement

1 by looking at page WIT.001.001.1688 -- it is at
2 paragraph 51. You say there:

3 "I would say that for the majority of people, all
4 they wanted was to share what had happened to them and
5 for somebody to believe it because they had never told
6 anybody."

7 A. Yes.

8 Q. Do you find that with the majority of people you speak
9 to?

10 A. Absolutely. I mean, to be honest with you, with the
11 helpline, the minute they know that the person who has
12 answered the phone is a survivor themselves, they
13 automatically open up. They come on the phone, they are
14 distraught, they are really upset, they feel ashamed,
15 they are still carrying the stigma of being brought up
16 in care. Some survivors still blame themselves for what
17 happened to them. So when they realise that you are
18 a survivor yourself, that you have been brought up in
19 care yourself, they will ask you questions about your
20 own experience, I tend not to go into that with them,
21 I tend to say, look, I know it wasn't pleasant, it is
22 far from pleasant, in fact sometimes there was criminal
23 activities taking place, and the minute they realise you
24 know what they are talking about, they will
25 automatically open up and start sharing with you.

1 Q. The next topic I want to discuss with you, Helen, is
2 your role as a campaigner and you tell us about that in
3 your statement.

4 Can I ask you about that? How did that start? How
5 did you become a campaigner?

6 A. Well, even as far back as just after Woodside Halls, at
7 that time Chris Daly had been working on the initial
8 petition, PE535. He had approached Frank but Frank at
9 that time was very, very wary of government. In fact
10 Frank was always wary of government right until the day
11 he passed and I can understand why.

12 He didn't want anything to do with the government
13 because we felt it was the state that had let us down:
14 we were children of the state, the state were
15 responsible for our care, and the state had basically
16 failed and therefore, as far as we were concerned, the
17 state were primarily responsible. But if we wanted to
18 make a difference for children in the future, there was
19 only one way we could and that was by campaigning to the
20 state to make a difference.

21 When we finally managed to get Frank to realise
22 that, then we decided at that point that Frank would
23 lead the support side of INCAS and at that time myself
24 and Chris Daly would look at the campaigning side of
25 INCAS.

1 Q. Chris Daly, who will be giving evidence later this week,
2 was he a member of INCAS at that time?

3 A. At that time, yes.

4 Q. You mentioned a petition and I think Chris Daly was
5 primarily responsible for putting the petition together;
6 is that correct?

7 A. Yes.

8 Q. You supported him when the petition was being presented?

9 A. Yes, Chris had written up the petition and presented it
10 to the Petitions Committee but when it came to actually
11 giving evidence to the committee, Chris had asked me if
12 I would go along with him. At that time he had already
13 gone through the petition and I said I didn't have any
14 issues going along with him and giving evidence to the
15 committee.

16 Q. Can we perhaps look at the petition for a moment or two?
17 That's at INQ.001.001.0163.

18 We can see towards the top right that it has a date
19 stamp on it for 20 August 2002; do you see that?

20 A. Yes.

21 Q. It is addressed as:

22 "Public petition to the Scottish Parliament."

23 Do you see that towards the middle?

24 A. Yes.

25 Q. "Inquiry and apology for adult survivors for

- 1 institutional abuse in Scotland."
- 2 A. Yes.
- 3 Q. Was that the intention behind the petition, two limbs to
4 it, seeking an inquiry and also an apology?
- 5 A. It was primarily an inquiry. We wanted an inquiry into
6 institutional abuse but equally we wanted an apology for
7 what had happened within these institutions.
- 8 Q. If we read on then, reading the main body of the text,
9 I will just read this out to get it into the transcript:
10 "We the undersigned petitioners ask the Scottish
11 Parliament to urge the Scottish Executive to commence
12 an inquiry into past institutional child abuse."
13 Then there is a description of the type of abuse.
14 Then moving on to the next few lines down:
15 "We also ask the Scottish Parliament to make
16 an unreserved apology for said state bodies and to urge
17 the religious orders to apologise unconditionally."
18 A. Yes.
- 19 Q. So these requests were being made way back in
20 August 2002?
- 21 A. They were probably being made before then. The petition
22 went in in August 2002 but we were already meeting with
23 civil servants before then.
- 24 Q. What was the intention behind these meetings then?
- 25 A. We wanted an apology and we wanted a public inquiry.

1 Q. When do you think you first raised with a civil servant
2 the issue of a public inquiry?

3 A. At the end of 2001.

4 Q. And where did that take place?

5 A. St Andrew's House.

6 Q. Who was at the meeting?

7 A. At that time the two senior -- well, the senior civil
8 servant was [name redacted] and the other civil servant
9 was [name redacted].

10 Q. From your side of the coin, from the INCAS position, who
11 was at that meeting?

12 A. Those two civil servants -- from INCAS, sorry, it was
13 myself and Chris Daly.

14 LADY SMITH: Can I just intervene for a moment at this
15 stage.

16 We have been taking evidence from you for nearly
17 an hour now. I wondered if you would like to stretch
18 your legs at this point and we could have a break.

19 A. Yes, please.

20 LADY SMITH: It is up to you if that would help now. Would
21 that be a good idea?

22 A. Yes.

23 LADY SMITH: Very well. We will rise now for a break and
24 perhaps take a slightly longer break than we normally
25 would until -- if we resume at 11.30 am, how would that

- 1 Q. What about when the petition was lodged? Did you get
2 any response at the time when that happened?
- 3 A. We were told for years, "There's no way you are getting
4 to get a public inquiry".
- 5 Q. Who was telling you that?
- 6 A. MSPs, senior civil servants, anybody we spoke to. The
7 media were also saying, you will be lucky if you get
8 a public inquiry.
- 9 Q. In relation to the petition, did you say earlier that
10 you did attend some -- at least a meeting with the
11 Petitions Committee in connection with the petition?
- 12 A. Yes, we attended a few meetings with the
13 Petitions Committee in relation to the petition.
- 14 Q. Were these meetings in Edinburgh?
- 15 A. Yes.
- 16 Q. At St Andrew's House?
- 17 A. Yes, we were giving evidence to the Petitions Committee
18 in Parliament.
- 19 Q. In the parliament building itself?
- 20 A. Yes.
- 21 Q. Can you remember when that happened?
- 22 A. Round about 2002.
- 23 Q. We are going to look in a moment at what happened in
24 connection with the First Minister's apology, which was
25 on the 1 December 2004.

1 At that time there was also a debate in the
2 Parliament --

3 A. Yes.

4 Q. -- in connection with the petition. So between the date
5 of the presentation of the petition and the debate in
6 the Parliament in December 2004, did you have a number
7 of meetings then with the Petitions Committee?

8 A. Yes, it was as a result of those meetings that the
9 petition was then put into the main chamber because in
10 the course of those meetings questions were being raised
11 and so the convener to the Petitions Committee,
12 Michael McMahon, was asking questions of the ministers.
13 At that time the petition had been put into both health,
14 education and justice. So we had three separate
15 ministers dealing with it, which to be honest with you
16 just made it really, really awkward.

17 We said right at the very beginning when we were
18 giving evidence that given that there was criminal
19 activity involved with abuse, it should be in the
20 justice department, but nobody took us up on that.

21 Q. Let's try and get an understanding as to what happened
22 then with the petition.

23 I want to put this document before you and that's at
24 LEG.001.001.1491.

25 If we move down a little bit we can see that we are

1 looking here, on the front page, at the record of the
2 proceedings of the meeting of the Parliament on
3 Wednesday, 1st December 2004. Were you present on that
4 date?

5 A. Yes.

6 Q. Before we look at what the First Minister had to say,
7 can I just look at -- I think the sequence was the First
8 Minister made the apology and then there was the debate;
9 is that right?

10 A. Yes.

11 Q. Let's just look at one or two things about the debate
12 itself. If we turn to page LEG.001.001.1501. We are
13 looking here at the transcript of what was said by
14 Mr McMahon, who was the Convener of the Public
15 Petitions Committee; you will see his name in the column
16 on the left-hand side.

17 A. Yes.

18 Q. If we go towards the top of the second column, can we
19 see that Mr McMahon is giving some information about the
20 petition and when it was lodged and when it is it was
21 being considered?

22 "We note that public petition PE535 was lodged by
23 Chris Daly on 20th August 2002 and first considered by
24 the Public Petitions Committee on 8th October 2002."

25 Do you see that?

1 A. Yes.

2 Q. So far as that date would be concerned, would you have
3 been present at that meeting of the committee?

4 A. Yes.

5 Q. If you look at the bottom of the page, in that column.
6 Can, we see that Mr McMahon says:

7 "At its meeting on 8th October 2002, the committee
8 agreed to write to the Scottish Executive and the
9 cross-party group on survivors of childhood sexual abuse
10 and see their comments in relation to the issues raised
11 in the petition."

12 Do you remember that being the conclusion
13 effectively of that meeting?

14 A. Yes.

15 Q. Perhaps while that is on the screen, and the reference
16 to the mention to the cross-party group of survivors, is
17 it the case that a cross-party group of survivors had
18 been established prior to 2002?

19 A. No, the cross-party working group was a different group
20 of campaigners who were campaigning for the issue on
21 childhood sexual abuse. We were not only looking at
22 sexual abuse; we were looking at all the abuse that took
23 place within the institutions in Scotland.

24 Q. I understand that but that particular group had been set
25 up prior to this point in time?

1 A. Yes.

2 Q. I think we have a time map, which we will look at
3 shortly, but that was in 2001 that that group was set
4 up?

5 A. Yes. Myself and Frank attended that group.

6 Q. Did you?

7 A. Yes.

8 Q. If we move on to the next page, LEG.001.001.1502. I'm
9 not going to go through the detail of this with you, but
10 we can read it for ourselves, but is it the case that
11 Mr McMahon set out in this part of the debate the
12 communications that this committee had with the
13 Scottish Executive in connection with the petition?

14 A. Yes.

15 Q. Effectively is he saying there were a number of
16 communications with no response?

17 A. There was no response. The government weren't
18 interested.

19 Q. If we turn then on that page to the second column,
20 having set out a point in time when contact was made by
21 this committee, in the third paragraph down, can we read
22 that:

23 "Having still not received a response, I placed
24 petition PE535 on the agenda for the committee's meeting
25 on 29th June 2004. At that meeting, the committee

1 agreed to invite the Minister for Education and Young
2 People to give evidence at its first meeting after the
3 summer recess on the issues that had been raised by the
4 petition. The committee subsequently received a reply
5 from the minister in which he stated:

6 " 'The First Minister and I apologise for what has
7 clearly been an unacceptable delay in providing
8 a substantive reply to your original request for
9 information. I know you will appreciate this is
10 a difficult and complex subject and we have been
11 examining the way ahead very carefully.' "

12 Then it goes on to say:

13 " 'Whether an inquiry would prevent future abuse,
14 help meet the needs of survivors, or be in the wider
15 public interest ... we decided that it would not.' "

16 A. Yes.

17 Q. That's the response, that there would be no inquiry?

18 A. Yes.

19 Q. And you were aware of that?

20 A. Well, we were blatantly aware of it because we were
21 going to the Petitions Committee, we were waiting on
22 responses from the Petitions Committee, the ministers
23 were refusing to respond to the committee, they were
24 eventually forced to come and give evidence to that
25 committee.

1 Q. Indeed that's what Mr McMahon goes on to say. If we go
2 on to the next page at LEG.001.001.1503, the first
3 column, about a third of the way down the page,
4 Mr McMahon does say:

5 "After receiving the minister's response, the
6 committee took oral evidence from the Minister for
7 Education and Young People at its meeting of
8 29th September 2004."

9 Were you at that meeting?

10 A. Yes.

11 Q. I think Mr Peacock was the particular minister; is that
12 correct?

13 A. Yes, it was Peter Peacock.

14 Q. I think Mr McMahon sets out what Mr Peacock said at that
15 oral hearing and I will quote that:

16 "I make as clear as I possibly can that the decision
17 not to proceed to an inquiry does not imply that the
18 Executive does not acknowledge that, at times in the
19 past, the treatment of some of our young people fell
20 well short of what would be regarded as acceptable."

21 But it is clear also that the decision was that
22 there is to be no inquiry?

23 A. Yes.

24 Q. What sort of meeting was this meeting that Mr Peacock
25 attended?

1 A. It was the Petitions Committee meeting. He was asked to
2 come and give oral evidence to the Petitions Committee.

3 Q. Was he asked by the Petitions Committee?

4 A. Yes he was questioned by the Convener and also by other
5 people in the room.

6 Q. Was it following upon this meeting that it was decided
7 by the committee that the issues raised in the petition
8 would require it to be considered in a full debate by
9 the Parliament?

10 A. Not on that particular day.

11 Q. But subsequently?

12 A. Subsequently, yes.

13 Q. I think that's what Mr McMahon goes on to say.

14 A. Yes.

15 Q. Is that then how it came to be that on 1st December that
16 the petition was debated by the full Parliament?

17 A. Yes, because Mr McMahon and the Petitions Committee were
18 so incensed by the fact that they were not getting the
19 answers that they were asking for and that basically the
20 ministers at that time were making decisions based on
21 their own opinions, and so Mr McMahon decided that on
22 the evidence that he had been given that he would put it
23 into the main chamber for full debate. My understanding
24 is that that's the first time that has ever happened
25 with the Petitions Committee.

1 Q. I think that may even be said in some of the transcript
2 here.

3 If we then look at what the First Minister had to
4 say -- perhaps before I do that, we know -- and we will
5 come to see what he says -- that an apology was made by
6 the First Minister.

7 A. Sort of.

8 Q. Well, we will come to look at the apology in a moment.
9 When did you first become aware that the First Minister
10 was going to make an apology?

11 A. Chris and I were actually at a meeting in Glasgow. We
12 were meeting with the civil servants. Just before we
13 were due to go in Chris got a message on his phone and
14 he said to me, Helen, I have just had a message from the
15 Petitions Committee that it is going into the chamber
16 for a full debate. We didn't know at that time that
17 there was going to be an apology.

18 Q. When then did you first realise that there was to be
19 an apology?

20 A. I think it was the day before.

21 Q. How did you find out?

22 A. By phone call.

23 Q. From whom?

24 A. From the civil servants. We were told that Mr McConnell
25 would meet with us for half an hour before the debate

1 took place.

2 So we had to go up earlier. At that point I kind of
3 left Chris to deal with the media because it was Chris
4 who put in the petition obviously. The media were
5 waiting for us when we got up to Edinburgh. There were
6 a number of people there from INCAS. There were great
7 expectation of what this apology was going to be and
8 sadly it turned out not to be what we expected.

9 Q. Did you then go to the Scottish Parliament on the
10 1st December?

11 A. Yes.

12 Q. And --

13 A. 4th December, sorry.

14 Q. Sorry, it was the 4th.

15 The proceedings are dated 1st December --

16 A. The apology was on 4th December.

17 Q. Be that as it may, did you meet with the First Minister
18 before he spoke in the Parliament?

19 A. Yes.

20 Q. What happened at that meeting?

21 A. He just said that he was going to give an apology. We
22 didn't know what the apology was going to be or who it
23 was going to be from. We didn't know the content of the
24 apology, we hadn't seen the transcript. We just knew
25 that there was going to be an apology and my initial

1 response was very favourable because I thought, oh my
2 god, we have achieved an apology. At least that was
3 something. I remember saying to him before we even went
4 in, thank you very much for agreeing to apologise.

5 Q. The First Minister at the time, as we know, was
6 Mr McConnell.

7 A. Yes.

8 Q. Let's then look at the terms of what Mr McConnell had to
9 say. That's at page LEG.001.001.1499.

10 So we are looking to the left-hand column and it is
11 the paragraph towards the very top of the page
12 beginning:

13 "It would be a mistake ..."

14 I will read that paragraph out for you just to
15 remind you as to what he said. He says this:

16 "It would be a mistake for us to try to fit all that
17 happened in the past into the framework of our own
18 knowledge and experience, but some things are and always
19 have been wrong. Now that we know what has happened, it
20 falls to us, as representatives of the Scottish people,
21 to acknowledge it. It is for this generation of the
22 people of Scotland to say quite clearly that it was
23 unacceptable that young people were abused and that it
24 was appalling that they were abused by those entrusted
25 with their welfare. That is why, today, I offer

1 a sincere and full apology on behalf of the people of
2 Scotland to those who were subject to such abuse and
3 neglect and who did not receive the level of love, care
4 and support that they deserved, and who have coped with
5 that burden all their lives."

6 At the time, Helen, what was your reaction to that
7 apology?

8 A. Initially at the time I felt at least it was something.
9 I didn't know anything about politics, I probably still
10 don't know anything about politics other than they make
11 decisions and nobody understands why they make
12 decisions, to be totally honest with you.

13 I didn't understand the fact that it was written and
14 it was worded very, very carefully. There was no talk
15 of accountability, there was no acknowledgement that the
16 state were responsible and so my initial reaction was,
17 thank goodness at least they have apologised. It was
18 not until afterwards when I spoke with Frank and Frank
19 was really, really disappointed and upset, and his exact
20 words to me were, "Helen, the people of Scotland didn't
21 abuse us; it was the state that allowed the abuse to
22 take place".

23 It was only when he said that that it hit home and
24 I remember feeling really gutted at that point and
25 thinking, "He is right." What we also need to remember

1 is there were apologies going on around the world for
2 abuse that had taken place and we were able to see those
3 apologies and that apology is absolutely diluted in
4 comparison to some of the apologies that have been given
5 around the world.

6 LADY SMITH: Is there anywhere in particular you have in
7 mind?

8 A. Australia.

9 LADY SMITH: Australia.

10 A. Yes, and Ireland. Bertie Ahern's apology was a full and
11 sincere apology as well.

12 LADY SMITH: Yes.

13 MR MacAULAY: Do I understand from what you have been
14 saying, Helen, that what concerned you in particular was
15 linking the apology to the people of Scotland as opposed
16 to the state as the state.

17 A. Yes. It was that we were -- when I was taken into care,
18 I was taken into the care of the state. I wasn't taken
19 into the care of the Catholic Church, I was not taken
20 into the care of the local authority -- well, I was
21 taken into the care of the local authority, but the
22 overall umbrella was the state. We were taken into the
23 care of the state, so therefore the state were
24 responsible for me as a child growing up and they were
25 equally responsible for what was allowed to happen in

1 these places. But yet there's nothing in that statement
2 that speaks about accountability, there's nothing in
3 that statement that speaks about responsibility. It is
4 just a diluted apology.

5 Q. While we are on the page we are on, the First Minister
6 goes on to say just a little bit further down the page
7 this:

8 "In the committee debate that will follow this
9 statement, Peter Peacock will set out the proposals that
10 we have developed with survivors of abuse to support
11 them more effectively in a range of ways and [he goes on
12 to say] to examine what happened to them."

13 That's what he said at that time. Did that happen?

14 A. No.

15 Q. What did happen?

16 A. Nothing.

17 Q. There was an independent investigation set up though --

18 A. A couple of years later. Initially, if you think about
19 the apology, the apology only came about because Chris
20 and I were campaigning to the civil servants and saying
21 to them, look, there have already been cases of abuse,
22 you can't not apologise any more, you can't pretend this
23 hasn't happened, because at that time there had already
24 been some Quarriers cases. We were already aware of the
25 fact that some of the De La Salle cases were coming

1 forward. We were already aware that there was a case of
2 a Nazareth House Sister up in Aberdeen. So it was
3 known -- the government knew at that time that abuse had
4 taken place and that abuse was only the tip of the
5 iceberg. We explained that to them.

6 LADY SMITH: When you are talking about "these cases", you
7 are talking about the prosecutions --

8 A. Yes.

9 LADY SMITH: -- that resulted in convictions --

10 A. Yes.

11 LADY SMITH: -- in the three examples that you gave?

12 A. Yes.

13 LADY SMITH: Because we are now at 2004 and we know there
14 were prosecutions before then.

15 A. Yes.

16 LADY SMITH: Indeed, your thinking, I take it was that was
17 in 2005 because it was at the back end of 2004 that the
18 statement was made.

19 A. Yes. So given that prosecutions had already taken
20 place, the government could no longer hide behind the
21 fact that they didn't know about it because I remember
22 saying to them, with knowledge comes responsibility and
23 you now have a responsibility to put some kind of
24 inquiry in place to find out what happened and why these
25 things were allowed to happen. That's what the

1 survivors needed to hear. That's what they deserved to
2 hear.

3 Q. Those sorts of conversations you mentioned, when was
4 that taking place if we are looking within this
5 timescale?

6 A. Just before the apology was made. I will be honest with
7 you, I actually said to the civil servants, if you don't
8 apologise now, you are as bad as the people who allowed
9 this abuse to happen. I was well aware of the fact that
10 that particular government were not in place at the time
11 but the fact that they were aware at that stage that
12 abuse had taken place, I don't care who it is who is in
13 power, to be honest with you, I'm not really into
14 politics. At the end of the day if people in authority
15 are aware that abuse has taken place, and that they have
16 scratched the tip of the iceberg, as far as I'm
17 concerned they have a responsibility to find out how
18 deep that goes and I don't think at that time the
19 government wanted to.

20 Q. But that message that you have just articulated to us
21 was a message that was also articulated to the civil
22 servants you were dealing with?

23 A. Yes. I actually gave them a disk that day, A Song for
24 a Raggy Boy. I said go home and watch that, it is based
25 on a true story, watch that and tell me that we don't

1 deserve an apology.

2 Q. Was that the meeting you had prior to the apology?

3 A. Just before the apology, yes.

4 Q. That was at St Andrew's House, that meeting?

5 A. Yes.

6 Q. So far as the petition is concerned then, do you know

7 what happened to the petition after the apology?

8 A. I think the petition just lay somewhere after the

9 apology. The next stage of something happening was

10 Tom Shaw being appointed for the systemic review.

11 Q. I will come and look at that in a moment with you,

12 Helen. Perhaps just to put this to you then --

13 A. Sorry, I'm telling a lie: we did go back to the

14 Petitions Committee. I can't remember the exact date

15 but after the apology was made, Chris and I both went

16 back and gave evidence to the Petitions Committee again

17 and at that time, they were asking us: what did you

18 expect to happen after the debate? Basically we had

19 said that we expected there to be a domino effect, that

20 someone had apologised, that all the institutions would

21 then start to apologise as well, and we would get onto

22 the inquiry. But that didn't happen.

23 Q. I think we had seen from the petition itself that part

24 of the petition was also talking about urging the

25 religious orders to apologise unconditionally.

1 A. Yes.

2 Q. You expected that there would be other apologies?

3 A. Yes. I thought no matter how diluted that apology was
4 that we would have a domino effect afterwards and that
5 given the fact that there had already been prosecutions,
6 that some of these religious orders would come forward
7 and apologise for what happened.

8 Q. Then looking to what happened to the petition, if I can
9 take you to INQ.001.001.1142.

10 We have in front of us now the transcript of
11 a meeting of the Public Petitions Committee for Tuesday,
12 15th April 2008. So we are some years down the line?

13 A. Yes.

14 Q. If I take you to page INQ.001.001.1152. If we scroll
15 towards the bottom of the page, can we see that the
16 committee is considering two petitions, 535, and another
17 one, 888. I think 888 was a petition by Chris Daly
18 himself in connection with fast-track court actions and
19 so on. We will leave that aside for the moment.

20 But you will see that the other petition is also
21 considered here. If we read on towards the bottom of --
22 into the next column, can we see that one of the
23 politicians, Rhoda Grant, suggests that the petitions
24 should effectively be closed?

25 A. Yes.

1 Q. That's what was agreed to, that that was really the end
2 of the line for the petitions?

3 A. Well, that tells us that she didn't understand the
4 issue. She says:

5 "Bringing a grave issue into the public arena had
6 achieved what we set out to achieve."

7 We didn't set out to achieve to bring it into the
8 public arena; we set out for a public inquiry and a full
9 apologise.

10 Q. You did mention a moment ago the Tom Shaw review.

11 I think that was something that was mentioned in the
12 course of the debate.

13 A. Yes.

14 Q. In December 2004. If I can turn to where that's
15 mentioned by the minister. That's at LEG.001.001.1505.

16 I'm looking to the first column just below halfway
17 where -- this is Mr Peacock speaking and he says:

18 "However, I can say to Parliament that I intend to
19 appoint someone with experience to analyse independently
20 the regulatory requirements of the time, the systems
21 that were in place, to monitor operation of those
22 requirements and, in general, to analyse how that
23 monitoring was carried out in practice.

24 "I wish to discuss that with other interested
25 parties so that the process can start as soon as

1 possible. I will keep members informed of the progress.

2 "As I told INCAS, I will of course consider any
3 conclusions that are reached and any policy questions
4 that arise as a result of that further examination.
5 I intend to report to Parliament on the outcome of that
6 process."

7 So that was the result of the debate, at that point
8 in time, namely, an independent inquiry along the lines
9 set out there?

10 A. There wasn't even an independent inquiry; it was
11 an independent report.

12 Q. But that wasn't the inquiry you were looking for?

13 A. No, not at all.

14 Q. But that's what led up, I think, to the systemic review
15 that was conducted by Mr Shaw?

16 A. Yes.

17 Q. Did you engage with that particular process?

18 A. We did. We had a meeting with Tom Shaw and at that
19 meeting he told us that he had been instructed by the
20 minister that he was not to engage with survivors and
21 I remember saying to him, well, what is the point in you
22 doing the report then? How could you do the report if
23 you are not going to speak to the survivors about their
24 own experiences and what happened because that's what
25 you are supposed to be investigating.

1 Q. But did that change in fact?

2 A. He did. He then went back to the minister and he was
3 allowed to speak to 12 survivors.

4 Q. Were you one of those or not?

5 A. Yes. As was Frank and a couple of others from INCAS.

6 Q. If we go back to your witness statement, Helen, at
7 WIT.001.001.1693.

8 I'm not sure what hieroglyphics we have on there at
9 the moment. (Pause). Thank you.

10 In paragraphs 70 through to 74, I think, you talk
11 about Mr Shaw's review and in paragraph 73 you tell us
12 that the report was published in 2007. You go on to
13 say:

14 "It was basically all around what was in place at
15 the time, what this particular Act said, what that
16 particular Act said, up to whatever day he was taking
17 his particular report for. To me that was by the by
18 because, at the end of the day, it was pretty obvious
19 that a lot of things had taken place which should never
20 have taken place in the first place and did not comply
21 with any Acts that had been written up."

22 You are pointing out there that it was very much
23 focusing on the regulatory regimes and systems and
24 legislation that was relevant to the period of time he
25 was looking at?

1 A. Yes. It was all about systems that were in place, what
2 legislation was in place, whether or not there were any
3 ways that people could complain or anything like that.
4 To be honest with you, Tom himself was an Inspector of
5 Schools in Ireland. I don't know whether or not they
6 were List D schools or residential schools, but we were
7 primarily talking about residential institutional care
8 in Scotland. He didn't understand Scots law. He didn't
9 know anything about law and he admitted that himself.
10 His researcher was Canadian and she herself didn't know
11 or understand anything about Scots law and I think they
12 were already about a year and a half into looking at the
13 systemic review in Scotland when they actually had to go
14 back to government and say they needed somebody to guide
15 them in Scots law issues because they had no expertise
16 on it at all.

17 Q. I think they did have a legal researcher.

18 A. They did, yes.

19 Q. Can I take you to the timeline that I think you yourself
20 made available at some point; that's INQ.001.001.1049.

21 I think in the past this is a document you made
22 available to the Inquiry; is that correct?

23 A. Yes.

24 Q. What was the source of this document?

25 A. It is in relation -- this was actually set up in

- 1 relation to -- because at the moment within the
2 interaction group we are looking at the financial
3 redress that the minister announced last year.
- 4 Q. I will be asking you about the interaction group in due
5 course.
- 6 A. So this was set up basically just to keep us right with
7 where we have got to and the processes that we have been
8 through to get to where we are now. To be honest with
9 you, that might look a lot, but for every group you have
10 subgroups and additional subgroups onto that, so it gets
11 quite confusing, but that's probably as clear as we
12 could make it.
- 13 Q. Who put it together?
- 14 A. That was put together by CELCIS, by Estelle Carmichael.
- 15 Q. Then if we go to the left-hand side and start off at
16 2001, we already touched upon the Scottish Parliament
17 cross-party group on survivors of childhood sexual abuse
18 being established.
- 19 A. Yes.
- 20 Q. I think you indicated to us that that was quite separate
21 from the work that you were doing.
- 22 A. Yes.
- 23 Q. But then we see that the reference to the petition,
24 PE535, submitted to Parliament calling for an inquiry
25 and the date for that is 19th August 2002. So that is

1 that particular point in time.

2 We then have the point in time for the
3 1 December 2004 when Mr McConnell issued the unreserved
4 apology.

5 A. Yes.

6 Q. We mentioned the historic abuse systemic review by
7 Mr Shaw. If you look towards the top part of this
8 document for between 2007 and 2008, can we see that was
9 published on 20th November 2007?

10 A. Yes. So basically you have three years from the apology
11 before the systemic review was published.

12 Q. Yes, indeed.

13 We also see, if we look at September 2005 -- this is
14 towards the bottom section of the document -- that there
15 is reference to:

16 "National strategy for adult survivors of childhood
17 abuse launched."

18 And:

19 "Reference group has first meeting."

20 Can you tell me about that, in particular, the
21 reference group?

22 A. The National Reference Group was set up just after the
23 apology, in fact -- I think it was less than a year
24 after the apology but that was primarily in relation to
25 the cross-party working group who had been looking to

1 set up something to look at childhood sexual abuse and
2 the effects that that has on your adult life, etc, and
3 the implications through life for survivors.

4 It was not primarily for people who had been abused
5 in care, so when myself and Chris were asked if we would
6 join the reference group, I'm not sure at that time the
7 government knew what to do with that, to be honest with
8 you. I do not think they knew in what department we
9 fell -- they didn't, because we were between education,
10 health and justice. So nobody knew where to put us.

11 Because that group was already established, they
12 asked us to join that particular group.

13 Q. The reference to the National Strategy for Adult
14 Survivors of Childhood Abuse being launched; is that
15 what's known as Survivor Scotland?

16 A. That came after the reference group, yes. The
17 Survivor Scotland was round about the same time. They
18 established a different department in government that
19 would specifically look at the survivor needs in
20 Scotland.

21 Q. In any event you became a member of the reference group?

22 A. Yes.

23 Q. Did any other members of INCAS join the reference group?

24 A. Myself and Chris Daly.

25 Q. What sort of matters were you dealing with then?

1 A. Primarily, to be honest with you, it was mainly -- again
2 because the cross-party working group had already been
3 up in operation, it was -- there was a lot of people
4 there from the NHS, there were people there from social
5 work departments, policymakers within the differing
6 groups, and there were people there from different
7 groups within Scotland, like, say, women, people who had
8 been abused in domestic abuse, that type of thing.
9 There was a cross-representation of abuse in Scotland.

10 Q. How often did the group meet?

11 A. Quarterly.

12 Q. At a particular location?

13 A. Not necessarily a particular location, no, 'wherever
14 they could find premises to take the group. They tried
15 to mix it so that one quarter it would be Edinburgh, the
16 next quarter it would be Glasgow, because myself and
17 Chris were travelling through to Edinburgh all the time
18 and that wasn't always easy.

19 Q. What sort of number are we talking about that went to
20 make up the group?

21 A. Around the National Reference Group there were probably
22 about maybe 25.

23 Q. It was quite a large group?

24 A. Yes.

25 Q. If we go back to your statement at WIT.001.001.1692, at

1 paragraph 66 what you say is this:

2 "When the National Reference Group finally got round
3 to start dealing with the in care stuff, they were
4 talking about truth and reconciliation."

5 Can I just ask you about that? Can you elaborate
6 upon that?

7 A. Yes. Well, obviously with Chris and I being part of
8 that group, every time we went we would bring up issues
9 about the in care and the fact that the government was
10 supposed to be working to set up what they said they
11 were going to set up after the apology.

12 Truth and reconciliation I think government were
13 already looking at to see what they could learn from
14 that and, to be honest with you, our attitude was not
15 a lot because truth and reconciliation is about
16 apartheid, it is not about institutional abuse.

17 So at that time Chris was saying it would make more
18 sense to look at what was happening in Ireland because
19 a lot of the institutions who were involved in this
20 country were also involved in Ireland.

21 Q. You go on to talk about calling the process that was to
22 be engaged on at this point in time as acknowledgement
23 and accountability.

24 A. Yes.

25 Q. Can you help me with that. How did that come about?

1 A. Because they decided that truth and reconciliation
2 perhaps wasn't the terminology that we should have been
3 using. There was a discussion within the group as to
4 what we should call looking at the institutional abuse.

5 To be honest with you, our attitude was, look at the
6 petition, we were asking for acknowledgement that abuse
7 had taken place, and we were also asking for
8 accountability, so why don't we just call it what it
9 should be, acknowledgement and accountability?

10 Q. Was that accepted eventually?

11 A. Yes.

12 Q. What were the discussions about then once that was
13 accepted as the appropriate description of the process?

14 A. Well, there were consultation papers that went out to
15 the general public. My understanding is the initial
16 consultation paper in relation to looking at a public
17 inquiry was sent out to over 104 different departments
18 in Scotland, whether that be local authority
19 establishments, social work establishments, NHS
20 establishments, any of the voluntary sector dealing with
21 abuse. Basically there was a questionnaire sent out in
22 regards to, should there be an apology, should there be
23 an acknowledgement, should there be accountability, did
24 the people think it was necessary to have an inquiry.
25 That was the kind of questions that were being asked in

1 the consultation paper.

2 Q. So within this group itself the issue of an inquiry is
3 still very much on the table?

4 A. We were not going to let an inquiry be taken off the
5 table.

6 Q. But not just yourselves -- by that I mean yourself and
7 Chris Daly -- but others within the group then were at
8 least considering the possibility of an inquiry even at
9 this stage?

10 A. Yes. And, I will be honest with you, some of them would
11 have welcomed an inquiry at that stage as well.

12 Q. Can I take you to a document that has been produced by
13 the Scottish Human Rights Commission. It is at
14 INQ.001.001.1327.

15 We can see that this is described as being:

16 "A human rights framework for the design and
17 implementation of the proposed Acknowledgement and
18 Accountability Forum and other remedies for historic
19 child abuse in Scotland."

20 Did you have dealings with the Scottish Human Rights
21 Commission?

22 A. Yes. When Professor Miller was appointed as the Human
23 Rights Commissioner for Scotland, he went out along with
24 some of his team and went round about Scotland to find
25 out what were the main concerns that people in Scotland

1 had at that time. He came back and said that without
2 a doubt the main concern at that time was about
3 institutional abuse in Scotland and, as a result of
4 that, they wanted to set out the Scottish Human Rights
5 Framework looking at the institutional abuse that had
6 taken place in Scotland.

7 Q. This particular document we are looking at, we see the
8 date of its publication is February 2010. Do you know
9 this document? You have knowledge of this document?

10 A. Yes.

11 Q. In particular, it contains a number of
12 recommendations --

13 A. It contains everything that survivors have asked for
14 over the years.

15 Q. You are happy with the document?

16 A. Absolutely. We made sure the government knew that as
17 well.

18 Q. If we turn to page INQ.001.001.1330. I just want to
19 read a first paragraph that puts together a number of
20 things that have happened over time. What's said is
21 this -- this is in the executive summary:

22 "In the last decade Scotland has taken various steps
23 to address the historic abuse of children while in care.
24 A key moment came on 1 December 2004 when the then First
25 Minister, Jack McConnell, issued an apology on behalf of

1 the people of Scotland for past child abuse in
2 residential care homes.

3 "Among other steps, the Scottish Government created
4 a national strategy for survivors of childhood sexual
5 abuse. Following an independent historic abuse systemic
6 review, it announced in 2008 that it was would trial
7 a form of truth commission on historic child abuse which
8 was later given the working title 'Acknowledgement and
9 Accountability Forum'."

10 It goes on to say that:

11 "In late 2009, the Scottish Government announced
12 that there would be a pilot forum which would operate in
13 spring 2010 to listen and validate survivors'
14 experiences, create a historical record, signpost to
15 services available, and test out a confidential
16 committee model."

17 Even at that time we can see that the commission is
18 talking about an Acknowledgement and Accountability
19 Forum; we see that?

20 A. Yes.

21 Q. But did that change? Did the title of what was to
22 happen change?

23 A. It did. It changed before the Scottish Human Rights
24 Commission even had a chance to submit this report to
25 government. It changed just before. I think it was the

1 same week that that document was prepared and was ready
2 for government. Chris and I went into a meeting on
3 25th November -- I'm sure it was, it was Chris'
4 birthday. The executives at that time were printing off
5 stuff on the computer, even as we arrived. We went into
6 the meeting, it was to do with the National Reference
7 Group, but we went into the meeting and we were handed
8 these booklets that were prepared and it said "Time To
9 Be Heard".

10 Q. Perhaps we can just root this in your statement just to
11 get the dates. In your statement it is
12 WIT.001.001.1694.

13 You have a section here dealing with acknowledgement
14 and accountability. At paragraph 76 you say:

15 "At the meeting of the National Reference Group ..."

16 You have said it was 25th November; I think in fact
17 the date is 2009 rather than 2008.

18 A. That's probably right.

19 Q. I think we can work that out from other materials:

20 "... the civil servants were still printing papers
21 off when we arrived for the meeting."

22 You go on to say that the name was changed to "Time
23 To Be Heard". Were you given an explanation as to why
24 the name of what was being labelled "the Acknowledgement
25 and Accountability Forum" was "Time To Be Heard"?

1 A. Absolutely none and we were -- it was a really difficult
2 meeting that meeting. There were a lot of angry people.
3 People were asking questions. We specifically asked why
4 was the name changed, and the chair of the meeting,
5 Jean McLellan, who was the senior civil servant at the
6 time, she turned round and told the executive not to
7 answer the question. We asked why? Why can't she
8 answer the question? Then she became really defensive
9 and said, look that's what it is going to be called, it
10 is not open for discussion.

11 Q. Did you get any information at all as to the reasoning
12 behind the change of name?

13 A. None. At that meeting, absolutely none.

14 Q. You were there with Chris Daly; is that correct?

15 A. Yes.

16 Q. Anybody else from INCAS?

17 A. Not from INCAS, no, but certainly from the National
18 Reference Group and even though we were the only
19 survivors, we were not the only people that were
20 concerned about the name change. The other people who
21 were involved with the group were asking and basically
22 the civil servant was being told, "Do not answer that
23 question". She was instructed quite forcefully by the
24 chair, "Do not answer that question".

25 LADY SMITH: So this was one civil servant telling another

1 civil servant not to speak about it?

2 A. Yes.

3 LADY SMITH: I see, thank you.

4 MR MacAULAY: We can see that in particular the reference to
5 accountability has come out of the name of the forum.

6 A. Everything about it has come out of the name of the
7 forum. I mean "acknowledgement" isn't there. "Time To
8 Be Heard", the time to be heard was when the abuse took
9 place. So the whole terminology just made no sense
10 whatsoever. The accountability was dismissed
11 altogether. So therefore nobody was going to take
12 responsibility, they were talking about it being called
13 "Time To Be Heard" and, as I say, we were really, really
14 angry about it and to be honest with you I still am to
15 this day because this Inquiry could have been up and
16 running years ago had they listened to us.

17 Q. If we go back to your statement at page
18 WIT.001.001.1696. You provide us with some information
19 there under the heading "Time To Be Heard" and in
20 particular that there was a pilot in 2010 and again
21 Mr Shaw from Ireland was going to be involved in that
22 project.

23 A. Yes.

24 Q. Is that what happened, there was a pilot project that he
25 conducted?

1 A. Yes. We were told it was a pilot, it was only a pilot,
2 we were not to get upset about it, it was only a pilot,
3 and it would be in relation to a National Confidential
4 Forum.

5 Q. In relation to the potential of creating a National
6 Confidential Forum in due course?

7 A. Yes, but not a public inquiry.

8 Q. You tell us that in fact the focus of the pilot was to
9 be on Quarriers only; is that correct?

10 A. Yes.

11 Q. Can you help me with that? How did that come about? Do
12 you know?

13 A. At that time during the discussions of setting up the
14 "Time To Be Heard", Tom Shaw was obviously meeting with
15 the care providers as well as survivors and the way
16 government would deal with things, when they were going
17 to talk about making a decision or whatever, they would
18 have a meeting and they would only meet with care
19 providers or they would have a meeting on a separate day
20 and they would only meet with survivors. They never,
21 ever had both of us in the same room at the same time.
22 We were asking the question -- because obviously that
23 raises suspicion because we don't know what the care
24 providers are being told, we don't know what engagements
25 are taking place, we don't know what's being said, so we

1 were saying to the government, why can't you just hold
2 a meeting and let us all air the issues that we have?
3 The answer was, no, this is the best way to deal with
4 it.

5 Q. But the focus ultimately was on Quarriers.

6 A. Yes.

7 Q. If we look at paragraph 84 of your statement, what you
8 say is:

9 "They decided that it would only be about Quarriers
10 because Quarriers was unique."

11 You go on to say that annoyed a lot of survivors.

12 A. I say that because that is the wording the government
13 used, "unique". Yes, they came back and they told us
14 that the pilot was only going to be about Quarriers and
15 that upset a lot of survivors, to be honest with you,
16 because it created division among survivors for a start.
17 The same abuse that was taking place in Quarriers was
18 taking place in other institutions. So all of the
19 survivors, not just the Quarriers survivors, all of the
20 survivors had concerns about this whole process and we
21 raised those concerns and at the meeting in Edinburgh,
22 I think it was at one of the Apex hotels, when we got
23 back to asking the question again about who made the
24 decision that we were changing from "Acknowledgement and
25 Accountability" to "Time To Be Heard" and the Scottish

1 Human Rights Commissioners were there at that meeting as
2 well, Professor Miller was there, Duncan Wilson was
3 there and there were several other people and at that
4 stage the same civil servant, Jean McLellan eventually
5 said it was a ministerial decision.

6 We asked who were the ministers that made that
7 decision and we still don't know that to this day.

8 Q. Can you give me a date for that particular meeting?

9 A. It would have been just round about the time when the
10 "Time To Be Heard" was starting, maybe 2010, something
11 like that.

12 Q. Around 2010 you think?

13 A. Yes.

14 Q. You mention that Professor Miller was present at that
15 meeting.

16 A. Yes.

17 Q. And yourself?

18 A. Many survivors were present at that meeting. At that
19 time Professor Miller was saying -- as he says in the
20 Scottish Human Rights Framework -- he had been saying to
21 the government all along from the very beginning, you
22 cannot put all the survivors into the same peg, it just
23 doesn't work. It is like putting a square peg into
24 a round hole. Every survivor is unique, their own
25 experiences are unique, and therefore they should be

1 dealt with on that basis, don't create something and
2 expect the survivors to fit it.

3 To be honest with you, I don't think they listened
4 to that at all. Well, they haven't.

5 Q. Coming back then to your statement and the focus on
6 Quarriers, you go on to say that you found that
7 unforgivable because you had elderly people who you
8 thought should be part of this process at this point.

9 A. I have to be honest with you and say I will never
10 forgive the government for the amount of people who have
11 died in this process who wanted their experience to be
12 told, who wanted people to understand what happened to
13 them. I told them that in INCAS at that time we had
14 a number of elderly survivors who were seriously ill.
15 I asked them to be prioritised and I was told they would
16 be prioritised without a doubt. Just before the process
17 was due to start, at the very last meeting, I was then
18 told, no, it will only be the survivors who were in
19 Quarriers and I said to the executive at the time, "But
20 look you told me that the elderly people would be heard,
21 I have already spoken to the elderly survivors, they are
22 waiting to tell their experience of what happened to
23 them before they die", and the answer I got was, "Only
24 if they have been in Quarriers". No explanation as to
25 why it would only be if they had been in Quarriers.

1 Those survivors died telling no one their experience
2 and, I'm sorry, but I find that absolutely unforgivable
3 of any government to allow that to happen. Those
4 survivors' voices were equally as important as any
5 survivor who is alive today.

6 Q. And at this time, of course, the intention was to
7 conduct this pilot?

8 A. Yes.

9 Q. Thereafter, as we know, to set up the National
10 Confidential Forum, which was set up in due course --

11 A. Yes.

12 Q. -- some time down the line.

13 A. Yes, but again we were called back to government. We
14 were asked to give evidence to the Health and Sports
15 Committee. Why it was the Health and Sports Committee,
16 I have no idea, but anyway that's who we were asked to
17 give evidence to. Again Alan Miller gave evidence to
18 that committee, as did Duncan Wilson. We spoke to them
19 and said that a National Confidential Forum on its own
20 entity was not fit for purpose because what the
21 government did was they looked at what happened in
22 Ireland, Ireland had a process where they had a judicial
23 process where survivors were given the choice. They
24 were given the choice of going down the judicial route
25 where they could speak about their experience and they

1 were also given the choice, if they were more vulnerable
2 and felt perhaps that was too difficult for them, that
3 they could go down a confidential route. But at the end
4 of the day all the experiences would be taken into
5 account at the end of it.

6 I believe the government here decided they didn't
7 want to spend money and they decided to go down the
8 confidential forum route only and that's what they did.

9 Q. If we go back to the timeline to get a feel for the time
10 frame, if you look at INQ.001.001.1049.

11 Can we just look towards the bottom section of the
12 timeline towards the right-hand side. I think it is
13 perhaps two or three entries from the end of the
14 right-hand side. Can we see that Mr Shaw's "Time To Be
15 Heard" report was published on 7th March 2011?

16 A. Yes.

17 Q. That did, I think, prompt the government to set up the
18 National Confidential Forum and, as a matter of history,
19 that was created as a result of the Victims and
20 Witnesses (Scotland) Act (2014).

21 A. Yes.

22 Q. You are aware of that?

23 A. Yes, but I think the government knew that was the route
24 they were going down all along. They tended to make
25 decisions in advance and then expect the survivors to go

1 along with it.

2 Q. Once you discovered the approach being taken in relation
3 to how the "Time To Be Heard" process was going to be
4 conducted, did you petition the Parliament in connection
5 with that?

6 A. We petitioned the Parliament. We took out another
7 petition, myself and Chris, PE1351, asking for "Time for
8 All to be Heard".

9 Q. So if we then look at INQ.001.001.0164.

10 A. Yes.

11 Q. Do you recognise this as the petition you just
12 mentioned, 1351?

13 A. Yes.

14 Q. Can we see it runs in the name of Chris Daly and
15 yourself?

16 A. Yes.

17 Q. The petition title is "Time for All to be Heard". Can
18 you explain the thinking behind this particular step you
19 took?

20 A. That was because the government were only at that time
21 prepared to listen to Quarriers.

22 What we were saying was that every survivors' voice
23 should be heard and that they couldn't just look at one
24 section of the care sector; they had to get the full
25 picture. It is a bit like doing a jigsaw puzzle and

1 leaving umpteen pieces out: you don't get a full picture
2 if you do that.

3 So even in relation to the "Time to be Heard"
4 process, the "Time to be Heard" would only get a picture
5 of what happened in Quarriers but Quarriers had some
6 unique functions that the other institutions didn't
7 have.

8 Therefore, no matter what came out from "Time To Be
9 Heard", it would never be a true reflection of what
10 happened in all of these institutions.

11 Q. You summarise what you are looking for at paragraph 3
12 and what you say is:

13 "Calling on the Scottish Parliament to urge the
14 Scottish Government to establish for all victims of
15 institutional child abuse a 'Time for All to be Heard'
16 forum incorporating a compensation scheme."

17 A. Yes.

18 Q. That was the thinking at the time?

19 A. Yes.

20 Q. You go on to mention the meeting you have already
21 mentioned to us of the 25th November. We can see it is
22 2009. You mention that in the body of the text. You go
23 on to say:

24 "The outcome of concerns raised by the petitioners
25 and other survivors was an event at which Tom Shaw,

1 chair of the 'Time To Be Heard', and the other
2 commissioners for the forum explained why adult
3 survivors of abuse in the Quarriers institution would be
4 exclusively heard by the forum. We survivors, and
5 indeed my fellow members, of the Scottish Government
6 National Reference Group on Childhood Sexual Abuse were
7 not involved in any consultation in the decision that
8 the forum would be a select 100 from the Quarriers
9 institution."

10 That summarises your position?

11 A. Yes.

12 Q. If we go to page --

13 A. Especially given that, if you remember, Jack McConnell
14 had said that he would be continually in discussion with
15 INCAS. We had no input into that decision whatsoever.

16 Q. I was going to take you, just to get the date for this
17 petition, if we go to page INQ.001.001.0167. We have
18 a date there of 16th August 2010. That may not have
19 been the date it was presented, but was it certainly in
20 2010 that this petition was submitted to the Parliament?

21 A. Yes.

22 Q. Are you quite happy, Helen, to carry on or would you
23 welcome a short break?

24 A. No, I'm okay.

25 Q. Do you know what happened to that particular petition?

1 A. It was probably flung in the long grass somewhere, as
2 they say in Parliamentary terms.

3 Q. If we look at INQ.001.001.1286.

4 We are looking here at the official report of the
5 Public Petitions Committee for 1 March 2011. If we go
6 to page INQ.001.001.1299. I think, towards the bottom,
7 in the left-hand column, this is where there had been
8 a discussion about your petition. We can see that the
9 Convener says:

10 "The suggestion is that we should close the
11 petition; do members agree?"

12 I can see therefore at that date the petition is
13 closed.

14 A. Yes.

15 Q. Perhaps go back a few pages to INQ.001.001.1290. This
16 is where the discussion on your petition begins; we see
17 that towards the top of the first column. Were you
18 present at this particular time or not?

19 A. Yes.

20 Q. This was a meeting attended also by Mr Shaw?

21 A. Yes.

22 Q. Do you remember that?

23 A. Yes.

24 Q. I think he makes a number of points. Can you remember
25 what the discussion was about?

1 A. I think it was mainly in relation to his report, what he
2 had heard through the "Time To Be Heard" in relation
3 to -- he found in the course of that work that some
4 survivors didn't even realise that they had been abused.
5 He had been speaking to them and they felt they had not
6 been abused but then they would disclose things without
7 even realising that that was abuse in itself.

8 I can't remember what his recommendations were to be
9 honest with you. He spoke about the people he saw, the
10 fact that so many people had come forward. Some had
11 pulled out. I think one person had died and he then
12 went on to speak about the context of his report.

13 Q. If we look at the second column on the page we are on,
14 INQ.001.001.1290, about a third of the way down -- and
15 this is Mr Shaw speaking -- can we see that he says:

16 "Another issue was the fact that our forum was
17 an acknowledgement forum, not an acknowledgement and
18 accountability forum. For some survivors the lack of
19 accountability was a significant issue: some saw it as
20 the government reneging on what had been consulted on
21 prior to the establishment of the pilot forum."

22 So it does recognise there that his forum was not
23 what was originally being discussed by your group?

24 A. Yes.

25 LADY SMITH: Can I just explore for a moment with you, when

1 you say acknowledgement, as opposed to accountability,
2 what is it that you have got in mind?

3 A. For us the acknowledgement was the fact that I think so
4 many people in society didn't even realise that abuse
5 had taken place in all of these children's homes.

6 LADY SMITH: Does that really go back to that first moment
7 when you were at work and you heard people not believing
8 what they were reading in the paper?

9 A. Yes. It was almost like some sections of society were
10 aware, some sections of society -- I only know that from
11 after leaving care, that the attitude was that these
12 children were bad children and not children who were
13 placed in care because they were victims of
14 circumstances. So basically to change the public
15 perception of the acknowledgement of abuse that took
16 place and that it wasn't the children's fault. The
17 children were innocent. The children were placed there
18 through no choice of their own. No child chooses what
19 family they are born into or what circumstances they are
20 born into, so as far as I'm concerned we were children
21 of circumstances.

22 So the acknowledgement side of it was equally
23 an acknowledgement of how these children were taken into
24 care, the effect that being taken into care had on them,
25 the acknowledgement from the institutions that they

1 probably shouldn't have been looking after the children
2 because they either didn't have the ability or they
3 should never have had the children in their care in the
4 first place, but more importantly acknowledgement from
5 the government that the government didn't follow through
6 the care of a child when they were taken into care.

7 LADY SMITH: I think I hear three important things here: one
8 is acknowledging that the abuse happened --

9 A. Yes.

10 LADY SMITH: -- then getting the particular institutions
11 involved to acknowledge that it happened --

12 A. Yes.

13 LADY SMITH: -- and then, separately, government to
14 acknowledge that ultimately, as you put it, they are the
15 state and they have responsibilities to see that what
16 goes on within their jurisdiction takes proper care of
17 children.

18 A. Yes.

19 LADY SMITH: Have I got that right?

20 A. Yes I was looking at it -- my job was a manager in
21 catering and within the Food Safety Act if something
22 goes wrong, the person who's responsible for what's gone
23 wrong, ie the worker, if the worker has caused
24 cross-contamination or whatever, by law they can be
25 fined, but the manager is also fined and equally the

1 whole head of the organisation is fined a much higher
2 amount as well. So the responsibility lies throughout.
3 For me that's what the acknowledgement side of all of
4 this is. It is not just acknowledging that, for
5 talking's sake, the Sisters weren't prepared to look
6 after the children, or the church weren't prepared or
7 List D schools weren't prepared, it is much more
8 involved than that. It is the whole content of it. The
9 core reasons for the inquiry in the first place was
10 acknowledgement and then the accountability.

11 LADY SMITH: Thank you. That's very helpful. Thank you.

12 A. Thank you.

13 MR MacAULAY: There was some discussion at this meeting on
14 acknowledgement you may recall --

15 A. Yes.

16 Q. -- but also accountability. If I just take you to what
17 Mr Shaw had to say when these matters were being
18 discussed. This is at page INQ.001.001.1292.

19 It is the second column where one of the MSPs --
20 this is towards the top -- says:

21 "It occurs to me, as I am sure it has to others,
22 that one way forward might be to put the acknowledgement
23 phase ahead of any other phase -- unless, of course,
24 a survivor insists that they do not want to go through
25 the acknowledgement phase and that they are concerned

1 about other matters."

2 Mr Shaw's response in the first few lines of that
3 paragraph was:

4 "I would be very reluctant to take things
5 consecutively. Whatever happens needs to happen
6 concurrently. After all, we are dealing with a body of
7 people, many of whom are in their 70s, 80s and 90s, who
8 simply cannot wait any longer."

9 Would you agree with that?

10 A. Yes, absolutely.

11 Q. But what happened was in fact the National Confidential
12 Forum was set up --

13 A. Yes.

14 Q. -- and there was no further inquiry at that time?

15 A. No. Not only was there no further inquiry, the National
16 Confidential Forum was set up in a way where everything
17 would be anonymised, so that basically took away the
18 accountability, it took away the acknowledgement,
19 because if you can't mention who is responsible, then
20 how does that acknowledge anything?

21 Q. Well you do talk about the National Confidential Forum
22 in your statement. Perhaps this would be a convenient
23 point to see what you have to say. That's your witness
24 statement at WIT.001.001.1698.

25 So if we move down the page a little bit, you have

1 got a heading "the National Confidential Forum". We
2 know it was set up following upon the legislation in
3 2014.

4 A. Yes.

5 Q. You express a view there that you had a belief that what
6 was happening in Ireland influenced that decision. Can
7 you elaborate upon that?

8 A. Some of the civil servants for the National Reference
9 Group had gone over to Ireland, there was about five of
10 them went over for the weekend, and there were meeting
11 with the Confidential Forum people in Ireland.

12 Q. Can you give me a time for that? Was that before or
13 after the "Time To Be Heard" process?

14 A. That was before.

15 Q. Before?

16 A. Well, before. Around about 2006/2007.

17 Q. So quite some time before?

18 A. Yes. But I think that's probably where it initially
19 stemmed from because they looked at what was happening
20 in Ireland, they realised there was a National
21 Confidential Forum, and that was a softer option, so to
22 speak. I think in Parliamentary terms they talked about
23 it as about a therapeutic experience for the survivors
24 to go along and speak at the National Confidential
25 Forum. That was the word used, "therapeutic

- 1 experience".
- 2 Q. You go on to say at paragraph 92 that this was a course
3 of action that the Scottish Government were prepared to
4 adopt.
- 5 A. Yes.
- 6 Q. Were you told why only this course of action and not for
7 example, a public inquiry along with it?
- 8 A. No. No. I kept saying to the government, it is
9 important that survivors have choices. The difference
10 between what happened in Scotland and what happened in
11 Ireland was the survivors in Ireland had a choice of
12 which route they took. The people in Scotland had no
13 choice because it was a case of you have the National
14 Confidential Forum and it's that or nothing at that
15 time.
- 16 Q. As we move beyond 2010, after the "Time To Be Heard"
17 report had been published, were you still pressing for
18 a public inquiry?
- 19 A. Yes.
- 20 Q. How were you doing that?
- 21 A. By still going back to the MSPs, by still speaking in
22 public, by speaking to the media. Primarily by speaking
23 to the media because at that time we were losing so many
24 survivors as well. So many survivors had been denied
25 their choice in having their voices heard and that hurt

1 us more than anything because we felt we had
2 a responsibility to them, given that we are now talking
3 nearly ten years up the road. I mean, we had already
4 lost a number of survivors by that time.

5 LADY SMITH: Was it that that helped you to keep going?
6 Because you had been being knocked back for years by the
7 state.

8 A. It was that but it was also the promises that I had
9 given. I can never, ever forget promising to be that
10 man's voice and, yes, there were times when I wanted to
11 give up. Yes, there were times when I wanted to walk
12 away. Yes, there were times when it became a bit too
13 much. But at the end of the day if we didn't do it,
14 then who would? So we had to keep going.

15 LADY SMITH: Thank you.

16 MR MacAULAY: You mentioned pressing ministers as well.

17 Again, was that something that you did on quite
18 a regular basis throughout this period?

19 A. Yes.

20 Q. Can you give us an understanding as to what response you
21 got from ministers?

22 A. All we got from ministers was how much money they had
23 already spent and, to be honest with you, that sickens
24 me to the core because how do you put money --
25 a monetary sum against the life of individuals?

1 I wouldn't have cared if they had spent 100 million up
2 until now, I would have still have kept going, because
3 at the end of the day that wasn't what was important,
4 this wasn't about money, this was about justice, this
5 was about injustices that had happened to people as
6 children. This was about destroying people's lives.

7 Many survivor's lives have been destroyed to the
8 point of not being able to turn back and that's
9 unforgivable. People need to know. They need to know
10 the extent of the abuse. They need to know the impact
11 on people's lives. They need to know the fact that lost
12 opportunities -- so many lost opportunities for
13 survivors and what they could have achieved had they not
14 been brought up this way.

15 Q. Can I move on to another topic then with you and this is
16 in your witness statement at page WIT.001.001.1700?

17 Here you are talking about what's headed "The
18 Interaction Group"; can you give us some insight into
19 that and your involvement with it?

20 A. The interaction group was set up primarily by
21 Alan Miller from the Scottish Human Rights Commission
22 and it was in the process of looking at the Scottish
23 Human Rights report. Like I said earlier, the Scottish
24 Human Rights Report, I don't know of any survivor who
25 had an issue with that.

1 Q. That was the framework report we looked at earlier?

2 A. Yes.

3 Q. We needn't look at the detail, but that does look at
4 acknowledgement and accountability.

5 A. Yes. It looks at acknowledgement, accountability,
6 redress, compensation, all the things that survivors
7 were looking for.

8 Q. All within the context of human rights?

9 A. Yes.

10 Q. What about this group then? Can you just give me
11 an idea as to how this group operated, the interaction
12 group?

13 A. The first meeting I ever went to was with
14 Professor Alan Miller and Duncan Wilson and there were
15 some people who had come from abroad, somebody had come
16 over from Canada if I remember correctly. There was
17 people there from Ireland, there were -- I don't think
18 there was anybody there from Australia; it was mainly
19 Canada and Ireland there were people there from. They
20 were speaking about what had happened in their country.

21 I remember the lady from Ireland was talking about
22 the Indian children and the effect it had on them and
23 their culture, etc, and equally the people there from
24 Ireland were speaking about the choices that survivors
25 had, as in the judicial route or the confidentiality

1 route.

2 So together from a human rights perspective we were
3 trying to look at bringing everything together, not just
4 from a survivor perspective, but equally from the care
5 providers' perspective as well. To be honest with you,
6 that was the first time that had happened. It was the
7 first time we had been involved with having to think
8 about it from the other side.

9 Q. When you talk about the care providers, you are talking
10 about --

11 A. Representatives from the institutions.

12 Q. So you sat down around the table with them in this
13 process?

14 A. Not in the very first meeting, but that's how it ended
15 up, yes. It ended up where we were all together, they
16 were raising the issues concerned so that we were aware
17 of the issues, the institutions were aware of the
18 issues, the government were aware of the issues, and the
19 Human Rights Commissioners were aware of the issues as
20 well. We were trying to get to a place where together,
21 collectively, we could move the human rights framework
22 forward.

23 Q. Part of that framework was directed to there being
24 a public inquiry?

25 A. Yes, that's where INCAS kept going.

1 Q. If we look at what we have on the screen at the moment.
2 You tell us then that the interaction group was set up
3 in 2012 primarily to take the Scottish Human Rights
4 Framework forward.

5 You go on to say:

6 "To make sure the recommendations in the framework
7 were followed through."

8 That was the purpose behind the creation of the
9 group?

10 A. Yes.

11 Q. How often did it meet?

12 A. I think that was quarterly as well.

13 Q. Certainly that's what you say in your statement?

14 A. Yes.

15 Q. If we go back to the timeline at INQ.001.001.1049.

16 Again just to get a date for this, it is the bottom
17 section of the timeline towards the far right. Can we
18 see that under reference to the 1st August 2012 we note
19 that the interaction process starts? Do you see that?

20 A. Yes.

21 Q. So that's the beginning. For how long did that process
22 go on for?

23 A. It was initially to be three years but my understanding
24 is it was nearly four until we finally got the
25 announcement from Michael Russell that they were

1 considering a public inquiry.

2 Q. Was there a particular event where that happened?

3 A. Yes, there was. The Scottish Human Rights Framework
4 interaction process would have been around 2015, if my
5 memory serves me right.

6 There was a meeting at the Mitchell Library in
7 Glasgow and stakeholders were there, representatives
8 from the interaction group were there, representatives
9 from government, representatives from the institutions
10 and obviously that was facilitated by the Human Rights
11 Commissioner.

12 Q. Perhaps I can put this document on the screen for you
13 and maybe perhaps focus on the dates in particular.
14 This is INQ.001.001.1389. We see this is jointly headed
15 by CELCIS and also by the Scottish Human Rights
16 Commission and can we note that it is described as
17 a report of an interaction event held on 27th
18 October 2014 in the Mitchell Library in Glasgow. So you
19 have got the place correct --

20 A. Yes.

21 Q. -- but the date is in fact 2014?

22 A. That doesn't surprise me.

23 Q. Again, just touching upon what's in it, first of all,
24 this report is what's been put together following upon
25 the open event that was in the Mitchell Library that you

1 have mentioned?

2 A. Yes.

3 Q. If we go to page INQ.001.001.1393, do we have the
4 heading there:

5 "Feedback from the open event on inquiry was
6 summarised. All survivors who attended the event
7 supported the call for an inquiry."

8 Was that the position?

9 A. Yes, absolutely.

10 Q. And we are then given a number of reasons why that
11 should be the case:

12 "an inquiry would allow survivors' experiences to be
13 publicly heard and acknowledged; an inquiry would
14 enhance public awareness of abuse in care; it would
15 highlight the long-term consequences for the mental
16 health of survivors of abuse."

17 We can read for ourselves what else was envisaged.

18 If we move on to the last page of the document at
19 INQ.001.001.1397. It is headed "Closing remarks and
20 next steps"; do you see that?

21 A. Yes.

22 Q. The summary sets out:

23 "There remain two areas of the action plan where
24 more work and clarity is needed."

25 The first is time bar -- and we will touch upon that

1 later -- and then the second area is on the question of
2 an inquiry into historic abuse of children in care.

3 This is reflecting what happened at the meeting.

4 Did you say earlier that Mr Russell MSP was present at
5 this meeting?

6 A. Yes.

7 Q. What did he have to say for himself?

8 A. He was only the minister for, I don't know, a couple of
9 months, I think. He appeared out of nowhere. I had not
10 even spoken to him personally but I think he appeared
11 about three weeks before he made this announcement.

12 Q. What announcement did he make?

13 A. He specifically thanked the survivors for engaging with
14 the process to date. He spoke about the fact that they
15 were -- they hadn't made a decision on an inquiry but
16 they were considering it, which came across as good news
17 for us. He spoke about the human rights framework and
18 the work that had been done to date and welcomed that
19 work. He said that the recommendations from the
20 Scottish Human Rights Commission he would implement in
21 full and he made a commitment to do that.

22 LADY SMITH: Was he minister for education at that time?

23 A. I think he might have been.

24 LADY SMITH: He may have been, yes.

25 MR MacAULAY: But it was the undertaking to implement the

1 recommendations of the Human Rights Commission in
2 particular that gave you some comfort that there may
3 indeed be a public inquiry?

4 A. Yes.

5 Q. As a matter of history, the public inquiry was announced
6 in December 2014.

7 A. Yes.

8 Q. So far as the interaction process was concerned, I think
9 you say in your statement that you considered that that
10 process as a process worked well.

11 A. Yes. I mean that in the sense of -- to be honest with
12 you, rightly or wrongly, I think the executives from the
13 government almost painted a picture of survivors as
14 being really angry, unworkable people and my experience
15 of that is the exact opposite. Yes, survivors are
16 angry, they have every right to be angry about what
17 happened to them; that doesn't excuse the fact that
18 people don't want to listen.

19 Nine times out of ten, to be honest with you, any
20 meeting I was at where a survivor was trying to be
21 assertive, it was then addressed as being aggressive and
22 there's a massive difference in my opinion.

23 Q. If we turn to the witness statement WIT.001.001.1702.

24 Here you are talking about the interaction process
25 at paragraph 107 and perhaps the point you have already

1 made, that the interaction process worked well because
2 it was one thing that got the various interests
3 together; is that right?

4 A. Yes. It was the one time where you had all the
5 stakeholders involved in one particular meeting, not
6 them all being spoken to separately, the way the
7 government were handling things. The human rights
8 framework brought everybody together so that you had
9 care providers in the same room as survivors, they were
10 listening to what survivors had to say across the table.
11 If they were coming back with a reason, for talking's
12 sake, to why they didn't think there should be
13 an inquiry, then we were hearing what they had to say
14 and equally they were hearing what we were saying. For
15 me that was a much more progressive way of taking the
16 whole thing forward.

17 Q. Do you contrast that with some of the consultations you
18 had with people representing the government where they
19 would never mix the different interests?

20 A. Yes, because they painted the survivors as being very
21 aggressive, angry people and that just wasn't the case.
22 Some were angry, yes, but as I say, once you had spoken
23 to the survivors in a way where you say, I understand
24 your anger, however the only way we can listen to you is
25 if you engage with us in a manner we can understand,

1 then sure the survivors would react differently at that
2 point. It is very difficult to ask people to come
3 along, speak about their experience, and be totally calm
4 about it. How can you possibly be calm about some of
5 these things that have happened?

6 Q. One of the points you make -- which is in fact in the
7 paragraph just before the one we are looking at on the
8 screen, paragraph 107, is that when you had the meetings
9 with the different providers, the agencies, that
10 everybody respected the fact that the agencies and
11 providers had difficulties because a lot of them were
12 not around when these things happened, but they were
13 left with the legacy of what had happened --

14 A. Yes.

15 Q. -- and therefore you would say required to deal with it?

16 A. Whether they were around or not is besides the point;
17 the reality is the state hasn't changed, the state is
18 still here, the state is still primarily responsible for
19 what took place, so therefore whoever the state engaged
20 with, whoever they subcontracted the care of these
21 children out to, that still has to be dealt with.

22 If the particular agencies -- perhaps the
23 perpetrators are not around, but the organisation itself
24 had a responsibility and they can't shun from that
25 responsibility, no matter what.

1 Q. If we move on to the next part of your statement then,
2 Helen, at WIT.001.001.1703.

3 You have a section here dealing with the In Care
4 Survivor Service Scotland and a number of paragraphs,
5 112 through to 117, where you make some observations in
6 relation to that.

7 Again if we go back to the timeline, so we can focus
8 on the dates, it is INQ.001.001.1049. If we look
9 towards the bottom section, indeed it is the very bottom
10 red triangle. Is there a note there to tell us that the
11 In Care Survivors Service Scotland, ICSSS, was launched
12 in November 2008?

13 A. Yes.

14 Q. Were you involved in any way in the background leading
15 to the launch of that particular organisation?

16 A. Yes.

17 Q. Can you elaborate upon that?

18 A. We were involved in the tenders for the contract.

19 LADY SMITH: That's INCAS?

20 A. Well, there was myself from INCAS, yes. There was
21 myself, there was Chris Daly, there was [name redacted]
22 and there was David Whelan from FBGA.

23 Basically people submitted their contracts, their
24 tenders for the contracts, I should say. They came in,
25 did a presentation and, to be honest with you, there

1 were only four people in the whole of Scotland that
2 submitted a tender for the contract for the In Care
3 Survivor Service, the National In Care Survivor Service.
4 It boiled down to two organisations: one was
5 Health in Mind, who were extremely professional; the
6 other one was Open Secret.

7 To be honest with you, we were all looking at
8 Health in Mind because the one thing that stopped us
9 choosing Health in Mind was when we asked them, how will
10 you provide support for survivors, how will you provide
11 counselling for the survivors, and the response that we
12 got was, "It would be telephone counselling".

13 Now I know that we were doing telephone support, I'm
14 not a counsellor and I always made it perfectly clear
15 I was not a counsellor. The one thing that survivors
16 need more than anything is to be able to trust the
17 person you are talking to and the only way you can trust
18 a person you are talking to is the body language when
19 you are speaking to them. How can you do that over a
20 telephone? That is the only reason why Health in Mind
21 didn't get that contract. They were asked to come back
22 a second time because we all said that was the one thing
23 we were concerned about.

24 We asked them to come back for a second interview,
25 both Health in Mind and Open Secret. Health in Mind

1 came back and again said that the only support they
2 would give, the only counselling they would give is
3 telephone counselling; they didn't do one-to-one
4 counselling. Knowing the survivors the way I did,
5 I knew that wasn't the answer for the survivors we were
6 talking about.

7 Open Secret spoke about hitting the ground running
8 and the fact that they were already dealing with
9 survivors. On the first interview it was Open Secret on
10 their own. On the second interview they came back with
11 KASP, so it was then Open Secret and KASP working in
12 partnership. I think that works for Kingdom Abuse
13 Survivors -- I'm not sure what the P is. But it was a
14 collective -- supposed to be a joint tender for the
15 contract.

16 Because they were working with survivors, because
17 they were working on a one-to-one basis, because they
18 were saying they had the expertise and the ability to
19 hit the ground running, and it wouldn't be an issue for
20 the fact that it would be a national service, then when
21 we took the vote we decided we would go with Open Secret
22 and KASP.

23 Q. What you tell us in summary in your statement at
24 WIT.001.001.1704 at paragraph 117 is that although you
25 had issues with it, you have heard from survivors who

1 have felt they got something from the process.

2 A. I heard some survivors of Open Secret that they believe
3 if it hadn't been for Open Secret, they would not be
4 here today. So I do not think it would be right for
5 anybody to belittle that.

6 Q. You then go on to talk about the In Care Support Fund
7 and Future Pathways. That's the next section of your
8 statement and in particular that this support fund was
9 announced in 2015 to meet the need of survivors?

10 LADY SMITH: Mr MacAulay, this sounds like a fresh chapter
11 and I know it is looking to the future as well; would
12 that be a convenient place to stop?

13 MR MacAULAY: I think so. I think Helen would probably
14 welcome a break.

15 LADY SMITH: We can resume after the lunch break at 2 pm
16 sharp, please. Thank you.

17 (12.55 pm)

18 (The luncheon adjournment)

19 (2.00 pm)

20 LADY SMITH: Mr MacAulay.

21 MR MacAULAY: My Lady. Before the lunch break Helen I was
22 going to ask you about the In Care Support Fund and
23 Future Pathways. This is something you address in your
24 statement as well. As you will be aware, that was
25 something that was announced by Angela Constance in

1 2015; is that correct?

2 A. Yes.

3 Q. I will put the statement up on the screen for you. That
4 might help with dates. That's WIT.001.001.1704. In
5 fact, we have the section where you address this on the
6 screen.

7 How have you found the functioning of this
8 particular support fund and Future Pathways so far?

9 A. I think survivors come to it from different views, to be
10 honest with you. There is an element of mistrust
11 because some survivors feel that perhaps it will affect
12 them if they then go forward to seek redress, despite
13 the fact that there have been assurances made that it
14 won't and I think the government have actually announced
15 that and said it will not in any way jeopardise future
16 claims for redress. But given the way that things have
17 happened to date it is understandable that survivors are
18 concerned about that and have trust issues surrounding
19 it.

20 Q. Yes.

21 A. There are some survivors who are participating with the
22 support fund there are others who are choosing not to.
23 My understanding is there are about 300 people at the
24 moment using the support fund.

25 Q. Can you give us an understanding as to what the support

- 1 fund is designed to do?
- 2 A. Basically meet the needs -- the individual needs of
3 survivors. I mean survivors -- because it is very much
4 individually needs based -- some survivors may have
5 issues, for talking's sake, with housing issues. Some
6 survivors may wish to seek counselling but may wish to
7 seek private counselling. Some survivors may have
8 issues in their own home that they want to address,
9 whether that be repairs or furniture or whatever. Some
10 survivors may be looking for a researcher to get access
11 to their records. So they are basically covering a wide
12 range of issues.
- 13 Q. For example, I think the fund will finance travel
14 arrangements, for example.
- 15 A. Yes. If for talking's sake there have been siblings
16 separated and perhaps they have maybe traced their
17 siblings to Australia or Canada or somewhere like that,
18 then the support fund have provided financial
19 availability so that they can actually go to these
20 countries and meet up with their siblings.
- 21 Q. If we look at page WIT.001.001.1706 of your statement --
22 and I'm looking in particular at paragraph 125 where --
23 I think you touched upon this this morning, where you
24 say that:
- 25 "There are many survivors who have turned their back

1 on everything ..."

2 Can you help me with that? What do you mean by
3 that?

4 A. Well, there are some survivors who have given up hope.
5 There are some survivors who initially were engaged with
6 the process and believed that we would get a public
7 inquiry, but given that it has taken more than ten years
8 to achieve that, it is understandable why some people
9 have given up and decided, no, it is too painful. There
10 are survivors who have been asked about their own
11 testimonies, there are survivors who have been involved
12 with some of the subgroups and have gone along and
13 spoken about their own experiences in the hope that
14 something would happen and it is all well and good to
15 say, well, we have achieved X, Y and Z, but if you
16 achieve X, Y and Z and it has no direct implication on
17 a survivor's life then for them you have not achieved
18 very much. So because of that, yes, some survivors have
19 chosen to give up.

20 Q. You do say, if you are asked, that your own opinion is
21 that, particularly elderly people, should seek to engage
22 with the support fund --

23 A. Absolutely.

24 Q. -- to get what assistance they can?

25 A. Yes, absolutely because we don't know how long it is

1 going to take. I mean we know that Mr Sweeney has
2 spoken about financial redress and that there is work
3 ongoing at this moment in time to set up a consultation
4 on that but we don't know how long that is going to
5 take. We don't know whether or not it is going to mean
6 that there needs to be a bill set up in Parliament. If
7 that's the case then we are talking about another three
8 years at least maybe more. If it doesn't require a bill
9 then chances it can be a bit quicker but at this moment
10 in time we don't know; that is still work that is
11 ongoing.

12 Q. The point you make at the bottom of that page at
13 paragraph 127, can you just help me with that? I think
14 you are suggesting if things had been different, they
15 may not have needed a support fund.

16 A. Yes. I believe if things had been different, if the
17 initial petition to Parliament asking for a public
18 inquiry into institutional abuse in Scotland and all
19 these different institutions, had that happened
20 13/14 years ago, the chances are that we would have had
21 the Inquiry, the Inquiry would be finished, people would
22 be able to go forward, having sought redress,
23 acknowledgement, accountability all the things that
24 survivors have been asking for all this time. Instead
25 of little pieces of money being ploughed here, there and

1 everywhere. The chances are that collectively if we
2 drew all that back in we probably could have covered the
3 bulk of an inquiry, although I don't know what
4 an inquiry costs so I'm probably not the best person to
5 ask on that one, but it certainly would have covered a
6 large part of it.

7 We know how many millions have already been spent
8 and every time the media speak to the government about
9 survivors, the answer they get is how much has been
10 spent to date and that, to me, is just a slap in the
11 face to survivors.

12 Q. The next section of your statement actually is a section
13 where you do talk about this Inquiry and perhaps we can
14 turn to page WIT.001.001.1707.

15 Of course, you begin by saying what you have already
16 made clear, Helen, that you have wanted an inquiry from
17 a very early stage; is that correct?

18 A. Yes, since day one.

19 Q. When the Inquiry was announced in December 2014, what
20 was your reaction to that?

21 A. Relief. At last. At last they have listened, maybe not
22 primarily to the survivors. I believe that it was the
23 media getting behind us and highlighting the issues that
24 eventually forced government's hands. I do not think it
25 was because of what they knew. I do not think it was

1 because or simply, solely what the survivors were
2 saying. Because nothing has changed. We have been
3 saying the same things now that we said from day one.
4 It took the media to get behind us. It took the
5 broadsheets, etc, to put a bit of pressure on and
6 eventually the announcement was made that we were going
7 to have a public inquiry.

8 Q. You do talk about the media in your statement and at
9 least to that extent you consider that they have been
10 helpful to survivors.

11 A. Yes. I think in the beginning when it was a bit
12 sporadic it was a story that sold papers, but from the
13 campaigning side of things, once the broadsheet papers
14 got involved and started to understand exactly what it
15 was we were asking for it and the reasons why we were
16 asking for it, and also you had -- I can't remember the
17 name of the film now -- "Spotlight" from America, when
18 that was filmed, and it was because of the media and
19 their pressure that they had put onto government when
20 finally the Inquiry had happened over there, so I mean
21 I think, fair is fair, we have to give credit where
22 credit is due. I think had the media not got behind us
23 the way it did, maybe -- we probably would have still
24 got the inquiry, because we wouldn't have given up, but
25 I'm not sure it would have been announced when it was.

1 Q. Going back to this Inquiry and you talk about the terms
2 of reference in paragraphs 130 and 131. I think,
3 although as we know there have been points made about
4 the terms of reference in the past, broadly you are
5 content with what the Inquiry has been asked to do?

6 A. The Inquiry covers our constitution within INCAS.
7 Within INCAS our constitution is for anyone who was
8 abused in care, ie in the care of the state, regardless
9 of where that care home was or who was running it.
10 I know that there were issues surrounding people who had
11 been abused elsewhere under different settings. But
12 insofar as the terms of reference for the Inquiry are
13 concerned, it covers our constitution and it covers what
14 we have been campaigning for for all these years.

15 Q. If we move on then to page WIT.001.001.1708. You do
16 there, on that page, at paragraph 132 in particular,
17 express some hopes as to what your expectations of the
18 Inquiry are. Can you perhaps tell me what they are?

19 A. I think for every survivor the main concern and the main
20 hope is that this never happens again to the extent that
21 it has. I mean basically as far as the survivors are
22 concerned, the people who run these institutions were
23 given free rein to do whatever they liked.

24 When you have people in a position of power and that
25 power is not overseen by any other party, then obviously

1 you run the risk of that abuse happening, and that would
2 still happen today in any situation. So if we don't get
3 it right now by learning from the mistakes of the past
4 how, are we supposed to protect the children of the
5 future?

6 Q. If we look at paragraph 132, for example, what you want
7 and I think there you are speaking for survivors, is why
8 things were allowed to happen; is that correct?

9 A. Absolutely. I mean, it is probably the biggest question
10 that we have. I mean you constantly question things:
11 why was that allowed to happen, why did nobody do
12 anything, why were social workers not looking to see if
13 there were various things happening that they should
14 have been aware of? I know things have come a long way,
15 I know people have learned lessons, but the 1948
16 Children Act pointed out many, many things that we are
17 talking about. It talks about excessive punishment in
18 these institutions, it talks about children being abused
19 in the institutions, it talks about the door being open
20 for abuse. So had the recommendations been followed
21 then we wouldn't be sitting here today talking about
22 this. I wouldn't have been abused, I'd not have lived
23 the life I lived and nor would have hundreds of other
24 survivors.

25 Q. You have talked about institutions but you also include

1 within your broad church of survivors those who have
2 been in foster care.

3 A. Absolutely. All that has changed in my opinion is the
4 large institutions no longer exist. The institution
5 today is the family home. It is the foster homes. But
6 I think you have to be really, really careful of who are
7 appointed as true foster parents because if somebody is
8 doing it for a financial commodity, then we run the risk
9 of running into this years down the road. Children are
10 not financial commodities. We were used as financial
11 commodities as children by the institutions. We were
12 used as financial commodities to be sent abroad to other
13 countries, etc. We are still being used as financial
14 commodities to this day. You have all these charities
15 who have come out of the woodwork now and are suddenly
16 involved in providing care for the survivors, so the
17 survivors heads now as adults are financial commodities.

18 To me, that is totally wrong. You either care and
19 love a child and you do it not for financial gain. The
20 minute you put financial gain into something you run
21 the risk of people abusing that.

22 Q. You make a point I think in paragraph 133 about a sign
23 or a banner --

24 A. Yes.

25 Q. -- that suggests "Have a career in fostering".

1 A. Yes.

2 Q. What is --

3 A. I hate that banner. In fact I hated it so much that
4 I stopped the car going into the social work office. It
5 was around about -- attached to the metal railings,
6 a massive banner. It probably stretched the length of
7 the space behind you. "Have a career in fostering", and
8 I was so enraged when I looked at it, I thought how is
9 that a career? You are talking about inviting people to
10 foster children because they are going to be -- they are
11 going to get money at the end of it.

12 You either foster children because you want to make
13 those children's lives better or you foster children
14 because you feel that you have love for children that
15 you want to spread or you foster children because you
16 brought up your own family and they have now grown up
17 and you now want to help other children to be nurtured
18 in the same way. You don't foster children for monetary
19 gain. That's exactly what that statement states.

20 Q. The continuing work of INCAS, then, Helen, and you talk
21 about that on page WIT.001.001.1709. You do identify
22 a number of issues, one being the time bar issue and of
23 course I think that's been overtaken to some extent in
24 that the Parliament have now passed a law in connection
25 with that and we will see how that develops.

- 1 A. Yes.
- 2 Q. You make a point at paragraphs 137 to 138 in connection
3 with Wellbeing Scotland as they are now called, or
4 Open Secret as they are now called. What is the point
5 you are making there?
- 6 A. The point I'm making there is, again, it is all down to
7 information. Some of the survivors there were believing
8 that they were going to lose their support, ie the
9 people that they have been going to counselling for
10 a number of years.
- 11 Q. Is that counselling by Open Secret?
- 12 A. Yes. They were being led to believe that that was going
13 to be the case. However, through the support fund, if
14 you are already in counselling and you already have
15 a relationship with a counsellor, then there is no
16 issue. As long as that counsellor meets the
17 accreditation, the insurance policies, etc, all they do
18 then is register with the fund as a provider of
19 counselling. As long as all those things are in place,
20 there's no problem with it and the counselling will be
21 paid for.
- 22 Q. The reference you make to working in partnership with
23 Wellbeing Scotland and Open Secret, what is the context
24 of that?
- 25 A. I was at a meeting one day and one of their own clients

1 was speaking about the fact that he had gone to get
2 legal advice and how much money it had cost him and
3 I didn't understand why that was happening because INCAS
4 are a group that are open to anybody who has been this
5 care, regardless of where they have been in care, and we
6 had a legal team already set up. They had been working
7 with INCAS for at least two years before the Inquiry
8 started and I thought, well, why would they need to go
9 and pay for legal advice when there are lawyers out
10 there who are already dealing with the issue. I thought
11 rather than a survivor being out of pocket, if they
12 wanted to work in partnership with INCAS, then that
13 legal advice would be there.

14 Q. When you say "they", do you mean Open Secret working in
15 partnership with INCAS?

16 A. Yes.

17 Q. Was there somebody who wanted to approach the Inquiry or
18 was it in connection with something different?

19 A. It was both. It was in relationship to Inquiry issues
20 and equally it was in relationship to personal issues.

21 Q. But I think you say to date you have had no referrals
22 from Wellbeing Scotland.

23 A. We've not, no, despite the fact that we have openly said
24 that we are happy for any of their clients to join
25 INCAS, that wouldn't be a problem.

1 Q. You do tell us that you do work with trauma therapy, the
2 Trauma Therapy Trust in Glasgow.

3 A. Yes.

4 Q. What does that involve?

5 A. Trauma Therapy Trust are a charity in themselves. They
6 provide trauma therapy for children who have been abused
7 over a prolonged period of time. Basically all of our
8 survivors meet that criteria.

9 They look at individually needs assessed trauma
10 therapy. For talking's sake it could be EMDR, it could
11 be art therapy, it could be talk therapy. There are so
12 many different therapies out there nowadays. They are
13 the experts in that and they will work with the
14 individual needs.

15 They approached INCAS and said that they were happy
16 if you had referrals that we needed to make to them,
17 that they would be happy to cover the cost if they had
18 the funding available. We have made referrals to them
19 and they have covered the cost and everybody who has
20 been referred to them to date, without exception, has
21 said that they are really, really pleased with the
22 service that they provide.

23 Q. Moving on then to the next section of your statement on
24 page WIT.001.001.1710. Here you do go back to the issue
25 of time bar. In particular, you have some comments to

1 make, at least historically, in connection with time bar
2 because as we know the law has been changed.

3 I think one of the points you make is it is
4 difficult to get a solicitor to take a case on because
5 of the time bar hurdle; have I understood that
6 correctly?

7 A. Yes. You could not get a solicitor in Scotland to take
8 on a time bar case. If a survivor was going to
9 solicitors, like myself and Chris went to a conference
10 in Glasgow that was primarily for solicitors. I'm not
11 really sure why we were asked to go, to be honest with
12 you, but we were and we went. The room was full of
13 legal people and the people who were holding the
14 conference that day were from the Law Society
15 themselves. One of the lawyers stood up and he
16 basically said to the solicitors in the room, "If
17 somebody comes through your doors and it is a historical
18 abuse survivor, run a mile because you won't get Legal
19 Aid, you won't get covered for it, so run a mile, don't
20 touch it, it is too difficult."

21 Q. As I said, the bill has now become the law and are you
22 pleased with that result?

23 A. I have to be pleased with the result, I would have been
24 even more pleased if it had happened ten years ago.

25 Q. What about redress then, Helen? That's something you

1 talk about in your statement as well. That is at
2 page WIT.001.001.1712. What views do you have on that?

3 A. I think redress is very, very much a personal thing.
4 Because what I might see as justice in redress for me
5 could be totally different for someone else and I think
6 that's exactly what the human rights framework was
7 talking about when they said you cannot put everybody
8 into one box because it just won't work.

9 You are talking about hundreds of people. Some
10 people may have been in care, let's say, six months,
11 eight months, other people may have been in care six
12 years, eight years, 18 years. So their own concept of
13 what's justice and what's redress for them is very, very
14 individual, but I believe redress has to happen.

15 There has to be closure at the end of this. It
16 can't just be, "We have looked at it, we recognise
17 things have happened, we recognise abuse took place, we
18 are sorry abuse took place, if abuse took place we are
19 sorry". That's not the answer for survivors. There
20 needs to be some kind of action at the end of it as
21 well. I know that I struggled with compensation, many
22 survivors struggled with compensation, because how can
23 you give somebody a childhood back? You can't. That
24 childhood is gone forever. But the way that the law
25 works, the only way you can redress a wrong is

1 financially at this moment in time.

2 So at least compensation is an acknowledgement of
3 what happened. It is a form of saying, look, this
4 should never ever have happened and if this compensation
5 helps you to achieve something in your life that you
6 feel you haven't been able to achieve because of what
7 happened to you, then it is up to you exactly how you
8 use it. For me redress is very, very much
9 an individually needs concept.

10 Q. If we turn to page WIT.001.001.1713 of your statement,
11 I think that is the next page we come to.

12 Towards the bottom of paragraph 155, I think this is
13 the point you have just made that you have always said
14 to every single one of them, that is the survivors:

15 "It is not amount that matters. It is the fact that
16 they have acknowledged that a wrong was done when they
17 were a child. They were wronged. That is the important
18 part."

19 Is that your position?

20 A. Absolutely because the number of survivors that take on
21 board the guilt for what happened is unbelievable.

22 I mean they feel -- they still feel to this day that
23 somehow it was their fault, somehow they deserved what
24 happened to them, somehow the people were justified in
25 treating them in that way, and the reality is no matter

1 what they did that was wrong, no matter how they
2 behaved, there's nothing that can justify abuse,
3 absolutely nothing, and there's absolutely no way that
4 a survivor should be held responsible for somebody
5 else's actions.

6 Q. What you do say, and we see it at the very bottom of the
7 screen, is that abuse should be seen as a psychological
8 injury and not a mental health problem.

9 A. Yes.

10 Q. Can you explain what you mean by that?

11 A. What I mean by that is the way that survivors have been
12 dealt with over the years -- it hurts to say this -- but
13 one of the meetings I was at -- and it was a government
14 meeting -- at the time there were more service providers
15 and stakeholders than there were survivors and I asked
16 the question, "Why is it that there aren't so many
17 survivors here?" The response I got back was, "Well, we
18 can't have the room full of nutters". That to me spoke
19 volumes because that said to me that we were always
20 going to be seen by government as people with mental
21 health issues, people who were aggressive, people who
22 couldn't engage, when the reality is from any number of
23 survivors I have spoken to, whether they can engage at
24 a simple level or whether they can engage at a more
25 professional level, every single one of them is able to

1 engage because they are able to speak about their own
2 experience and that is the most important thing.

3 The psychological injury -- I don't believe that all
4 survivors are mentally ill. I remember at one meeting a
5 survivor stood up and she said, "I'm emotionally
6 tormented, I'm psychologically tormented, I don't have
7 a mental illness."

8 I spent years going round different psychologists,
9 different psychiatrists in Glasgow, sometimes with
10 survivors, acting as an advocate on their behalf.
11 Survivors were basically categorised with borderline
12 personality disorder. To me all that was was a way of
13 the psychiatrist and the psychologists saying, we can't
14 deal with your problems. So as long as that label was
15 placed on the survivor, then they didn't have to look
16 after the survivor and the survivor was left with no
17 support.

18 Q. The language you used a moment ago, that used the word
19 "nutters", was that actually the language that was used?

20 A. That was the exact word that was used. If somebody has
21 -- it is almost like -- the way I look at it is -- to be
22 abused one time is almost like a coconut, somebody hits
23 it with a hammer and you get a crack in it, then you
24 abuse somebody on top of that initial abuse and the
25 confusion gets worse, and the pain gets worse and

1 somebody hits you with a hammer again and that crack
2 opens further and the abuse continues and it continues
3 and it continues until eventually all you have is one
4 gaping hole and that survivor is supposed to fill that
5 hole suddenly in a way that will make sense to them and
6 in a way that they will understand.

7 They don't have a mental illness; they have
8 a psychological injury that has been imposed upon them
9 by their abusers. That is an entirely different thing
10 altogether.

11 Q. One thing you do say in this section of your statement
12 is that what you see among survivors is sadness.

13 A. Absolutely.

14 Q. Can you elaborate upon that?

15 A. I see survivors who are confused, I see survivors who
16 are hurt, I see survivors who are ashamed of the fact
17 that they couldn't even cuddle their own children.
18 I speak to survivors who feel they don't have
19 a relationship with their husbands or their wives.
20 I see survivors who say to me, "How come I can tell you
21 about these things, Helen, but I can't tell my spouse?"

22 It is all that horrible cloud of sadness that's over
23 their lives that they can't get rid of. They carry it.
24 You carry it for the rest of your life.

25 I consider myself a strong survivor, but I have my

1 moments like everybody else. There are times when
2 I think if my gran hadn't have died, I wouldn't have
3 gone through all of this and I might have been able to
4 achieve a lot more. Every survivor feels that way to
5 some extent and that in itself -- you can't get rid of
6 that sadness because that gap, that denial of what you
7 may have achieved in life has been taken forever.

8 Q. Is that what you mean when you tell us in the statement
9 that the psychological impact of the abuse never, ever
10 leaves you?

11 A. Absolutely. Yes. I think abusers -- I think the people
12 who have been abused will carry it for the rest of their
13 days. Hopefully you learn to live with it and you learn
14 not to allow it to have a major impact on your present
15 day life or your future life, but that takes time and
16 that takes a lot of work. But even when it takes time
17 and it takes work, the natural circle of life is that as
18 you get older you start thinking back to your childhood.
19 What do we have to look back on? What do we have to
20 hold onto? What do we have to look back at? Abuse?
21 That can never ever leave us. We can't suddenly flick
22 a switch and the memories are no longer there; the
23 memories are there forever.

24 Q. Can I just touch upon the issue of records then, Helen,
25 because again you touch been that in your statement, at

1 page WIT.001.001.1715. Essentially, I think you are
2 saying that recovery of records has been a real problem
3 for INCAS and survivors.

4 A. Yes.

5 Q. Can you explain that?

6 A. Initially survivors were told, we don't have records,
7 your records were destroyed in fires or records were
8 destroyed in floods. When people have contacted the
9 institutions, for talking's sake, they may have
10 received -- I know in my own case I received a piece of
11 paper that was probably like the size of two Post-its
12 and all it said was, "I was in care in the 1960s and
13 1970s". That was it. Nothing about why I went into
14 care, nothing about recognition of what happened when
15 I left care, what advice I was given, whether or not
16 I had any say in when I left care. Nothing like that.

17 Some survivors have received records and they have
18 been pretty distressing because within those records
19 they have found cards they were sent by their parents
20 that they never ever received; information -- even just
21 to know as a child that your parent cared enough to try
22 and visit you, but were denied the right to visit you.
23 Seeing that as an adult is almost soul-destroying
24 because you blame your parents. You think your parents
25 have abandoned you, you think you have just been left

1 there and forgotten about, and then suddenly you
2 realise, well, actually, no, they did try and come and
3 see me but they were told not to.

4 It is all of these things that are in the records
5 but I mean the number of -- I remember I spoke about one
6 survivor in particular, who unfortunately is no longer
7 with us, but he spent years and years trying to get
8 access to all his records. I have got some of them in
9 my own home. He was going to the local authority.
10 Initially he was being told his siblings didn't exist.
11 He knew they existed; they were his siblings.

12 Q. Was he wanting the records to get some information about
13 his siblings?

14 A. He wanted the records to get information about his
15 siblings but he also wanted the records in relation to
16 himself being taken into care because he was confused
17 about some of the stuff that had appeared in the public
18 domain. So he was trying on get access to all of those
19 records. Now, it probably took him the best part of
20 about six years to access the records that he needed and
21 they formed eight big folders, probably about two to
22 three inches high. He had about eight of them. But
23 that had cost him nearly £16,000 to access that and that
24 was him going through to Edinburgh. Every time he
25 wanted a copy he would be charged for a photocopy. The

1 struggles that survivors have had, I can't even go into
2 detail with because they have been so vast and so many.

3 Right from the very beginning, even until now some
4 survivors still don't have access to any records at all.
5 I can speak about my own personal case. My GP has no
6 records to me prior to 1980 and that's not for the want
7 of trying; they have just disappeared.

8 Q. I think one thing that Mr Shaw said in his report is
9 that records are important to survivors.

10 A. Yes, they need to understand. I spoke to a survivor
11 just yesterday who was speaking to me about her own
12 parents' experience and the fact she understood things
13 more now because of what she had read -- she only got
14 the records yesterday -- and the fact that she read them
15 helped her to understand things from her mother's
16 perspective that she didn't know about before. It is
17 almost like -- by denying somebody access to their
18 records you are denying them access to their very
19 existence because that's where the records started from,
20 when the child was taken into care in the first place.

21 Q. The example you mentioned a few moments ago of the
22 person who spent money and time trying to get his
23 records and got the eight folders, I think you do tell
24 us in your statement that he was able to access his 12
25 siblings as a result of that exercise.

1 A. Yes. He was and he tracked them down, but unfortunately
2 we had a meeting with the ministers in the December of
3 2013, I think it was, 2014. We had a meeting with the
4 ministers and in the December of that year and some of
5 these files were brought to that meeting to help them to
6 understand how difficult it had been and I remember
7 saying to the ministers at the time, "This is only two
8 of the files, there are many, many more, but at what
9 cost?" The survivor didn't look well that day anyway
10 but unfortunately he contracted cancer and he died four
11 months later. So despite all that hardship he didn't
12 even get a chance to build up a relationship with his
13 siblings before he passed.

14 Q. You also mention Helen in the next section of your
15 statement, on page WIT.001.001.1716, lack of trust; that
16 survivors lack trust in certain institutions. Can you
17 help me with that? What do you mean by all of that?

18 A. How can we trust the institutions when they denied us?
19 When this abuse came to light we had nothing but denial.
20 You had the Catholic Church coming away with statements
21 like, "You must remember these children were delinquents
22 and misfits of society". We had them coming away with
23 statements, "You must remember these children are all
24 after a pot of gold". All that negativity that was
25 thrown at survivors simply because they wanted the truth

1 to come out.

2 Then we had the institutions saying, "If the abuse
3 took place, we are sorry". That is not accepting the
4 abuse took place. You had the institutions coming
5 forward and saying, no, they didn't accept that abuse
6 took place. Survivors had to live through all of that
7 and have had to live through that to this very day.

8 So trust isn't something you just get automatically.
9 You need to earn trust. I don't trust 100 per cent the
10 Inquiry and that's me being totally honest because
11 I need to wait and see the outcome of the Inquiry.
12 I trust that you will do your very best and that's the
13 only reason I'm taking part. But that's the attitude
14 that survivors come with. Why would they come with
15 anything different? Because they have been let down so
16 many times.

17 Q. What about government? What's your attitude to
18 government?

19 A. I don't trust the government one bit. I would be lying
20 if I said anything different. I think the government
21 want to find an easy solution from this. I'm concerned
22 that while the Inquiry is ongoing that the financial
23 redress is a means of the government trying to say,
24 before the end of the Inquiry, well, actually we have
25 addressed this.

1 I think the government have shown to date that they
2 wanted to do things as cheaply as possible. The
3 government have always put money before human lives and
4 I will never forgive this government for that because at
5 the end of the day we are human beings. For every adult
6 that stands before this Inquiry there is a child inside,
7 there is a child that has been hurt, there's a child
8 that has been let down, there is a child that has been
9 confused, there's a child that has been hurt over and
10 over and over again, that turns back to these people who
11 are at the head of the tree and who have full
12 responsibility because we were children of the state and
13 we still see a government who have only decided to have
14 an inquiry because they were forced into it and that is
15 my feeling towards the government.

16 I think the only reason we are having an inquiry is
17 because eventually they thought there is no other way
18 out, there's no other door to open, we are going to have
19 to give them an inquiry. So to give the survivors
20 an inquiry grudgingly is as bad as not giving us
21 an inquiry at all. That's just my personal opinion and
22 I think there are other survivors who would agree with
23 that.

24 Q. The attitudes to children in care, you talk about that
25 in your statement as well on page WIT.001.001.1717. You

1 talk about people who have been in care not telling that
2 they have been in care. Can you just tell me a little
3 bit about that? Is that your experience in dealing with
4 survivors?

5 A. That's even my experience in life. I mean you didn't
6 tell anybody you were in care. I never told a soul. If
7 I was with people at work and they were talking about
8 their childhoods, then I would find something to do so
9 I wasn't part of that conversation. I think a lot of us
10 have lived our lives scooting around trying to avoid the
11 issue of our childhood.

12 But in relation to survivors in care now, that
13 stigma is still there.

14 Q. Is it the stigma then that was of concern to you, for
15 example, in not telling people?

16 A. Yes. Because I think society thought that people that
17 were in care, children that were in care were in care
18 because they were bad children and that wasn't the case
19 at all. I know even -- just looking at it locally, in
20 the local area where I lived, because I was brought up
21 in Kilmarnock, and I left care in Kilmarnock, but
22 I remember going shopping one day and this woman was
23 there with her children and they were misbehaving and
24 she turned to the children and said to them quite
25 loudly, if you don't behave, I'm taking you up to the

1 nuns. So even the people in the local community
2 believed that the children that were there were because
3 they were bad children and that was when it dawned on me
4 I can never ever tell anybody I was in care because
5 that's how I was going to be perceived and I didn't.

6 Q. Attitudes of the Catholic Church. You also talk about
7 that in your statement, in particular towards survivors.
8 That's on page WIT.001.001.1718. Can you elaborate on
9 that? How have you find your dealings with the
10 Catholic Church over the years as a member of INCAS?

11 A. Well I know initially Frank had many, many dealings with
12 the Catholic Church. I have seen lots of his emails,
13 etc. He would deliberately pursue them. He would
14 deliberately try to get them to answer questions. He
15 would turn up at inaugurations, etc, and hand out
16 leaflets. He was just determined for somebody to
17 acknowledge what had happened. Our dealings -- we have
18 tried to engage with the Catholic Church since day one.
19 Our initial chairperson was [name redacted], who at one
20 point was an adviser to the Catholic Church. He was
21 aware of the abuse that was taking place, he was aware
22 of how the church were dealing with it, ie moving
23 a perpetrator from one area to another area.

24 He was specifically asking the Bishops' Conference
25 to sit round the table with us. All we were trying to

1 do was get them to understand the pain and the hurt that
2 survivors felt but they wouldn't engage. Sometimes they
3 just didn't bother to answer the letters. Sometimes
4 Alan would write back to them and say, look, you didn't
5 respond, can you tell us what's happening, are you
6 willing to engage with us? Sometimes he would maybe get
7 a couple of sentences back, if that.

8 So whilst we continued to ask the Catholic Church to
9 engage with us -- and I say the Catholic Church, I'm not
10 saying that the Catholic Church are the only
11 organisation that abused children in any shape or
12 form -- but within INCAS many, many of the survivors had
13 been abused under that umbrella. We were asking them to
14 meet with us so that we could sit round the table and
15 explain to them about the hurt that people were feeling
16 and so we could engage with them and say to them, have
17 you any idea what your statements are saying to people,
18 have you any idea what it means to the survivors when
19 you say they are delinquents and the misfits of society,
20 have you any idea what it feels like for the church that
21 we believed in as children, we were brought up within
22 that church, we were brought up to believe in Christ's
23 teachings, we were brought up to believe in compassion
24 and love, and yet the very thing that we saw was the
25 opposite, we saw cruelty. I learned more about the

1 devil than I did about Jesus in all the years I was in
2 care.

3 It was to sit down with the church and say, how is
4 that possible? How is that okay? What are you going to
5 do to put that right? Scripture says if you have lost
6 one sheep, go out and find them. That's what we wanted
7 the church to understand. We wanted the church to reach
8 out with compassion and that was to be the attitude
9 towards survivors, we felt. We never ever got the
10 opportunity to meet with them until February of this
11 year.

12 Q. I will come to that in a moment, but on
13 page WIT.001.001.1718 you do indicate at paragraph 175
14 that you did speak to the then safeguarder of the
15 Catholic Church and you think it was in 2007 or 2008.

16 A. Yes.

17 Q. But what was her position at that time?

18 A. That was at a conference the government were holding at
19 Airth Castle. I specifically approached her and I asked
20 her, "Look, can I ask you something: what are you going
21 to do about the historical abuse that took place under
22 the remit of the Catholic Church?" and her exact
23 response to me was, "I have been instructed specifically
24 by the church that I have to deal with the present and
25 the future, I am not to touch the past."

1 I said to her, "But that means how are you going to
2 learn? How are you going to learn if you refuse to look
3 at what happened in the past?" She said, "That is my
4 job; my job is the present and the future."

5 Q. If we turn to page WIT.001.001.1719 then of the
6 statement, you mention there that you contacted the
7 present safeguarder, who has already given us evidence
8 to the Inquiry, that's Mrs Tina Campbell.

9 A. Yes.

10 Q. Eventually, after a period of time, she did respond to
11 you.

12 A. Yes.

13 Q. It took a little time for that to happen, did it?

14 A. It did, yes. It was because of emails that kept going
15 back and forward between either [name redacted] or
16 myself asking if they were going to engage and again
17 that was after the McLellan Commission report, if the
18 dates are right, which we had engaged in through INCAS
19 as well.

20 I approached her and asked her if she would be
21 willing to speak to us again about the survivor issues.
22 Again, we were still in a situation where survivors were
23 being told, "You are nothing but a drunk, get out of the
24 office sort of thing", or that type of thing. They were
25 not being given the support that they needed.

1 Also, at that time, the one thing that annoyed us
2 more than anything was the church would always come back
3 with, well, we have apologised. But they would
4 apologise in the middle of a Mass. How many survivors
5 who have lost their faith because of abuse would attend
6 a Mass? So how do you apologise to a survivor in the
7 middle of a Mass? It didn't make any sense. That was
8 the kind of things that we wanted them to understand and
9 to be able to reach out in a positive manner towards the
10 survivors.

11 I will be honest with you, I think even within the
12 church, they perhaps felt that some survivors were too
13 aggressive or too angry to be able to engage with them.

14 Q. As you mentioned a moment ago, you did in fact make
15 contact with members of the Bishops' Conference earlier
16 this year.

17 A. Yes, in February of this year.

18 Q. Were you able to communicate your concerns in relation
19 to survivors and historical abuse?

20 A. To be honest with you, I think they agreed to meet with
21 us because we had already engaged with the service that
22 was specifically put on for survivors by some of the
23 laypeople within the Catholic Church. They wanted to
24 reach out and they contacted INCAS and they explained
25 that they wanted to hold a service and it was not going

1 to be priests, etc, who were doing the service.

2 Q. This was a lay service?

3 A. Yes. It was going to be laypeople within the church who

4 just wanted to reach out and let survivors know that

5 they themselves were not enamoured with the way the

6 church were handling the survivors and they wanted the

7 survivors to know that they wanted to reach out with

8 compassion and love in the way that their faith taught

9 them that they should do. To be honest with you

10 initially there was a bit of "I'm not sure about this"

11 from the committee. But I remember saying to the

12 committee itself, I said, hang on a minute, how can we

13 say we are unhappy with the church if they won't engage

14 with us, when someone then agrees to engage with us, and

15 we turn them down. We have to be able to say, we are

16 going to be the bigger person here and we will engage.

17 To be honest with you, it is one of the nicest services

18 I have ever attended in my life. There were survivors

19 there that day who have not been in a church for over

20 30 years. The survivors who were there that day came

21 out saying that they were glad they had gone. There was

22 a particular survivor that day who took a panic attack

23 right at the very beginning because of the life-size

24 statues. But she was able to look past that, look

25 beyond that, and see that the fact that the people that

- 1 were there were people who were there because they
2 genuinely wanted to reach out to the survivors. That
3 did mean a lot to the survivors on that particular day.
- 4 Q. That you tell us, I think, was in February 2017, earlier
5 this year.
- 6 A. Yes, and it was as a result of that that we again
7 contacted Bishop Toal and spoke about that service and
8 said, look, this has had an impact on survivors, we have
9 engaged with the church, survivors have felt that
10 compassion came across, would the Bishops' Conference be
11 willing to engage with us again?
- 12 LADY SMITH: Where did they hold that service?
- 13 A. I'm trying to remember the name of the Catholic building
14 in Glasgow, the big glass building in Glasgow. I can't
15 remember the name of it, I'm sorry.
- 16 LADY SMITH: It doesn't matter.
- 17 A. It is the Catholic Church's headquarters in Glasgow,
18 just up from the cathedral. I can't remember the name
19 of the cathedral, sorry. It was held there and it was
20 Bishop Toal and Monsignor Bradley.
- 21 MR MacAULAY: Who you eventually saw when you engaged with
22 the Bishops' Conference?
- 23 A. Yes.
- 24 Q. Were they at the service?
- 25 A. No.

1 Q. It was a lay service?

2 A. Yes. There were some priests at the service, but they
3 were in the congregation.

4 Q. But the lay service I think her Ladyship was asking you
5 about, where was that held?

6 A. I beg your pardon, that was in Edinburgh.

7 Q. What particular place was that?

8 A. St Mary's Star of the Sea Church. It is a beautiful old
9 church. I think it was there from two centuries ago or
10 something, but it is a really, really old church. But
11 it was done in such a way that the survivors felt they
12 were made welcome. We were taken into the hall
13 beforehand. We engaged with the service and then we
14 were taken through to the hall afterwards and they
15 provided tea and lunch and just sat around and
16 communicated with the survivors.

17 It wasn't just representatives there from the
18 laypeople; obviously the parish priest from that
19 particular church was there. There was -- a Church of
20 Scotland minister from a church a few doors down was
21 there as well and there was a retired Baptist, I think
22 it was, who was there as well. So there was -- it was
23 basically people with Christian faith who wanted --

24 LADY SMITH: Interdenominational.

25 A. Yes.

1 LADY SMITH: But run by laypeople?

2 A. Yes.

3 LADY SMITH: And it worked?

4 A. Absolutely yes.

5 LADY SMITH: Help me with this: you said a few minutes ago
6 that initially the Catholic Church built their apology
7 into the Mass.

8 A. Yes.

9 LADY SMITH: How did they do that?

10 A. They said a Mass and halfway through the Mass they said,
11 oh, by the way, we apologise to the survivors of abuse.

12 MR MacAULAY: That was the archbishop was it?

13 A. I think at that time it would have been
14 Cardinal Winning.

15 Q. That's going back some time.

16 A. Yes.

17 Q. Another positive experience you point to from the point
18 of view of the Catholic Church is the appointment of
19 a priest as a patron now to INCAS.

20 A. Yes, Father John Robinson. Father John Robinson is
21 a retired priest, but he was acting as a stand-in if
22 a priest was on holiday or whatever and he had had
23 experience himself of someone approaching him who had
24 been abused within a particular parish. He had tried to
25 handle it in the appropriate manner but was met with

1 an aggressive response from the priest who was in that
2 parish at the time and he had spent years trying to
3 support the survivor who had first come to him and every
4 time he spoke about that survivor he cried. When he
5 first spoke to us at INCAS, every single time he spoke
6 about the concerns that survivors had, he wept. He wept
7 for the survivors. To me that was what we should have
8 got all along. That should have been the attitude of
9 the priests from the very beginning that they were
10 reaching out with compassion, that they felt the pain,
11 that they understood the issues, and that they wanted to
12 put right. Again, he was also living with the personal
13 pain of the fact that he had dedicated his life to the
14 church and yet he was not happy with the way the church
15 were responding.

16 He would deliberately contact bishops, he would
17 contact me and say, Helen, is it okay if I send this out
18 from INCAS to the Bishops' Conference, and he would do
19 that. He would attend the Bishops' Conference and he
20 would speak about the survivor issues.

21 To be honest with you, he is one of the most
22 genuine, lovely people I have ever met. My
23 understanding is that he is not too well at the moment,
24 so I was really sorry to hear that.

25 Q. You have a section in your statement Helen that begins

1 at WIT.001.001.1720 and goes on for a couple of pages
2 where you look at your dealings with government
3 officials and I think we have covered quite a lot of
4 this material already.

5 But you do say towards the bottom of the page that
6 attitudes are changing, you think, particularly in
7 connection with your dealings with Survivor Scotland.

8 A. Yes. I think probably the last two to three years have
9 probably been the most difficult and I say that in the
10 sense of when there has been engagements with survivors
11 and government officials, it has almost been a case of
12 the end option has already been planned and trying to
13 get survivors to fit that. For talking's sake, when
14 there was meetings in relation to financial redress, we
15 were not allowed to speak about it, the government
16 officials said, no, that's not up for discussion when we
17 were talking about the Inquiry and terms of reference
18 for the Inquiry.

19 If you are there representing the government or you
20 are representing the Scottish Executive, surely you are
21 there to listen to the concerns of the people you are
22 engaging with. Some of the concerns the people had who
23 were engaging with them was, look, that's all well and
24 good, but we want compensating for what happened to us,
25 we want redress, we want justice. It became apparent

1 that, to be honest with you, it was almost as if the
2 decision had been made and these meetings were taking
3 place so the government could stand up and say, "We have
4 engaged with survivors". I think that has been used on
5 more than one occasion because you will get the
6 ministers will stand up in Parliament and say, actually
7 we have engaged with survivors and this is what the
8 survivors are telling us. Or, going back a few paces,
9 if you look at Quarriers, for talking's sake, "Well, we
10 engaged with Quarriers and a 'Time To Be Heard' was
11 a massive success", etc. I am not sure that the people
12 from Quarriers will be giving that opinion and I dare
13 say you will be hearing from them in due course. But
14 certainly from our members at INCAS who are Quarriers
15 survivors, they certainly weren't happy with that at
16 all.

17 Q. But attitudes you think are changing is that what --

18 A. I think the whole team has been changed now over this
19 last year, so I think attitudes with the people who are
20 in place now, they tend to be more compassionate towards
21 the survivors. They tend to be more looking at what the
22 survivors are saying.

23 However, every so often little diamonds pop up when
24 you are in a middle of a conversation and it is a case
25 of -- I will give you an example, the financial redress

1 that we are working on at the moment. At one time we
2 were discussing it, believing that it was an ongoing
3 fact-finding exercise and finding out what was
4 acceptable to the survivors, and then suddenly at
5 a meeting we find that actually, no, this is the end of
6 the line in relation to financial redress.

7 It took on a whole different meaning at that point
8 because the survivors who were engaging in that process,
9 it totally changed the responsibility that was on our
10 shoulders at that moment in time, because if we didn't
11 get that right, then we are letting down so many
12 survivors and that's why we are really, really conscious
13 of the discussions that take place, what the input is,
14 and sometimes there are disagreements but we just have
15 to keep talking through those disagreements.

16 But when the minister stood up and said there was
17 going to be financial redress and then they wanted it
18 back in Parliament, they wanted the consultation back in
19 Parliament within a year, I mean it is a very, very
20 short turn around. That's what I mean about my
21 mistrust, because I am not sure whether or not that is
22 a deliberate thing and it is a case of the government
23 saying: before the end of this Inquiry, given what they
24 did to the Scottish Human Rights Framework, before the
25 end of this Inquiry is done the government can come back

1 and say: we have put such-and-such a thing in place.

2 Q. The consultation process hasn't quite begun yet, is that
3 correct?

4 A. No, we're still at the place where we are looking at the
5 questions and how those questions are formulated etc.

6 MR MacAULAY: My Lady, I'm nearly finished, but it might
7 nevertheless be a useful point to have a short break.

8 LADY SMITH: I do need to give the stenographers a break at
9 some point. You have probably realised there are two
10 people here working hard on the transcript and they have
11 to have a breather about halfway through the afternoon.
12 Would that be suitable for you if we break now?

13 A. Yes.

14 LADY SMITH: We will stop now for five minutes or so.

15 (3.00 pm)

16 (A short break)

17 (3.05 pm)

18 LADY SMITH: Mr MacAulay.

19 MR MacAULAY: My Lady. Can I now take you Helen to page
20 WIT.001.001.1722 of your statement and that will come on
21 the screen shortly.

22 Now this is the section where you make some remarks
23 about the police and also the procurator fiscal service.
24 You have already given evidence about your own
25 experience in reporting matters and what happened after

1 that.

2 But, in paragraph 191, you make mention of
3 a conversation you had with someone with the Law
4 Society?

5 A. Yes.

6 Q. I think the background was the fact that there had been
7 a conviction of a Sister in Aberdeen?

8 A. Yes.

9 Q. But so far as you are aware no other convictions in
10 relation to that particular Order, is that correct?

11 A. There haven't been any other convictions in relation to
12 any other female religious orders since that case.

13 Q. What was the point that you raised then with the Law
14 Society?

15 A. The point was why weren't there any other cases. This
16 was after I had been told that the person was too old
17 and too infirm and then I find out that's not the case.
18 This was also after the time when Chris and I had gone
19 along to the conference that was being held by the legal
20 society and they were being told not to accept
21 historical abuse cases.

22 But also we wanted to find out why there hadn't been
23 any other cases, especially given that within the media
24 they were talking about the fact that the law firm had,
25 at that time, I think the figure that was being given

1 was 1,000 cases. So why would it be that there would
2 only be one case out of all of those that went forward
3 when I was well aware of the fact that there were
4 criminal activities that took place within some of these
5 institutions as well?

6 So, on that basis, why were there no other cases
7 taken forward? I spoke to somebody from the Law Society
8 and he basically said to me: "Look, Helen, that's not
9 going to happen because there has been a blanket
10 agreement that it won't happen, so don't look for it to
11 happen."

12 Q. Did he tell you who was involved in this blanket
13 agreement?

14 A. He didn't tell me who was involved in the blanket
15 agreement but at that time Elish Angiolini, who had been
16 the procurator fiscal of Aberdeen, had been appointed to
17 Solicitor General in Scotland and I just thought that
18 was a bit coincidental, the fact that she had been the
19 procurator fiscal for the one in Aberdeen and yet
20 I would have thought that that would have meant that any
21 other cases that came forward would have been taken
22 forward as well and would have been acted upon.

23 Q. Do you have a date for when you had this conversation
24 with, I think you described them as, a senior lawyer in
25 the Law Society?

1 A. It was a senior lawyer in the Law Society. I'm trying
2 to remember. It was after the law firm wrote out
3 letters to everybody saying that they could no longer
4 represent them because the test cases had failed in the
5 House of Lords because of the time bar.

6 I received a letter from their solicitors asking me
7 if I still was determined to pursue the case and I took
8 that letter along with me, because I didn't know who to
9 take it to, because we had already been told that the
10 law firm was no longer representing the survivors. And
11 I took it to a place in Clyde Bank and the lawyer I saw
12 at the time was an older gentleman and he explained to
13 me that he was one of the senior lawyers in the
14 Law Society and he was the one that told me that there
15 had been a blanket agreement that there wouldn't be any
16 further cases.

17 Q. Just a broad date then? Can you --

18 A. I would probably need to get back to that because
19 I can't remember when the letters were sent out from the
20 law firm saying that they no longer represented
21 survivors.

22 Q. We can check that out.

23 A. Okay.

24 Q. Can I now finally, Helen, take you to
25 page WIT.001.001.1724 of your statement, where you

1 provide us with some of your personal reflections since
2 the 1990s to date.

3 You point out, first of all, that people do say to
4 you that you have achieved so much and is that correct?

5 A. People do say that. People within government say that.
6 People that I speak to say that. But I don't -- how do
7 you measure achievement? For me I measure achievement
8 by the survivors' lives. What impact has it had to
9 their lives? What changes have been made to their lives
10 as a result of the work that we have been doing? And
11 that is only just starting to happen now in small ways.

12 The fund is doing some things for some survivors.
13 However, the other survivors who don't trust the fund
14 and are not using the fund, what impact is it having on
15 their lives? What impact is it having on the older
16 survivors, the people who are pre-1964? The people who
17 the time bar doesn't make any difference to their lives
18 whatsoever. How can I say we have achieved so much when
19 we still have -- we now have a two tiered justice
20 system, where, if people are post-1964 they can receive
21 justice by going down the civil routes, but if they are
22 pre-1964 they can't pursue justice at all through the
23 courts in Scotland.

24 To me that's not an achievement, that is a failure.

25 Q. You mention that you are beginning to see a change in

1 the public's attitude. That's at paragraph 199, towards
2 the bottom of that particular page?

3 A. Yes.

4 Q. And also within the church. We have had some discussion
5 about that already; that you are seeing a change in
6 response?

7 A. Yes, I am seeing a change in the response. It is
8 difficult to quantify what that change is. The fact
9 that they have engaged with us once. Hopefully they
10 will come back and engage with us again. Hopefully at
11 some point, through this process, they will decide to
12 engage with the survivors on a face to face level.

13 I know some of the people who have already given
14 evidence have said that they have met with survivors
15 face to face, but not all of them. So that remains to
16 be seen whether or not that's a positive thing.

17 Q. You do make reference there to a particular quote that
18 was made to the people of Scotland on the BBC news?

19 A. Yes.

20 Q. I think that did stick with you.

21 A. I feel like I have been branded like cattle. That
22 statement will never leave me to the day I die. I was
23 not a delinquent.

24 Q. What was the statement?

25 A. The statement was from Mario Conti when he spoke to the

1 BBC after the [name redacted] case in Aberdeen. He has
2 looked into the camera, I can still picture him doing
3 it, and he said to the people of Scotland:

4 "You must remember these children were delinquents
5 and misfits of society."

6 That is unforgivable for anybody to make that
7 statement. Even had we been delinquents and misfits of
8 society, does that justify abuse? Nobody has ever come
9 back and apologised for that statement, despite the fact
10 they know that it was said.

11 Q. Turning on to the next page, WIT.001.001.1725, there are
12 matters there that I think you have already covered in
13 your evidence. I think you do say that you didn't
14 realise it was going to take so much of your life?

15 A. No, I didn't. Again, I suppose ignorance is bliss.

16 I had no concept of how slowly governments work and how
17 slowly the wheels turn. Some people think it is fast.
18 I beg to differ with that one. I think for every
19 survivor it has cost them at a personal level, whether
20 that be financial, whether that be their time, whether
21 that be pain by having to re-live their experiences,
22 whether that be just turning up at an event and
23 therefore identifying themselves as a survivor. Every
24 survivor has paid a cost to some level.

25 Q. But you are hoping, I think in the last paragraph of

1 your statement, that there will come a time when your
2 work will come to an end?

3 A. It has to, for my own sanity apart from anything else.
4 I'm tired. I am tired. I will be lying if I said
5 otherwise. I am tired. I absolutely love the survivors
6 to bits, I would do anything for them; there are
7 survivors who I will hopefully still be friends with for
8 the rest of my life, no matter what happens. But
9 equally I recognise the fact that many, many survivors
10 need to be empowered to make decisions for their own
11 lives. Many, many survivors need to be empowered to be
12 able to work out what suits them, what's going to help
13 them, what their needs are and be able to voice what
14 those needs are. We can't do it for every survivor, it
15 is impossible.

16 It has taken a lot of work. It has taken a lot of
17 dedication to get to where we are at now. It has been
18 very painful at times. If you ask me if it is worth it,
19 absolutely. I would do it again in a minute.

20 Q. You say, I think, that your work will come to an end
21 when the survivors see justice?

22 A. Yes.

23 Q. What does that mean for you and the survivors?

24 A. Well, hopefully, at the end of this Inquiry, everything
25 that the Scottish Human Rights Framework have asked for

1 will be acknowledged; not only just acknowledged but it
2 will be acknowledged, it will be put in place. The
3 survivors will have sought redress, they will have
4 sought compensation, they will have been acknowledged
5 for the abuse that took place. People will held
6 accountable, whether that be through this Inquiry,
7 whether that be through the recommendations of this
8 Inquiry, whether that be through action that's taken
9 place as a result of this Inquiry, I don't particularly
10 know.

11 But I think for me at the end of this Inquiry,
12 I think this has to come to an end. There comes a point
13 when I don't want to be speaking about abuse every
14 single day for the rest of my life.

15 Some of us have done it because we have felt we have
16 had to because we have felt we wanted to because we have
17 felt that we have had to in order to make people
18 responsible for what happened, but that's not an easy
19 process. It has come at a cost for every single one of
20 us. I do not think anybody is exempt from that.

21 Q. That is all, Helen, that I propose to ask you other than
22 perhaps to ask you this, is there anything else you
23 would like to say that might assist the work of this
24 Inquiry?

25 A. For me the most important thing is the fact that, even

1 at the very beginning of this Inquiry, survivors weren't
2 sure whether to engage with it or not. But the only way
3 we are going to get to the truth is if collectively we
4 all, every single survivor, somehow finds the strength
5 to come forward; whether that be putting something in
6 writing, whether that be getting somebody to come along
7 with them for support in order to be able to give their
8 evidence, or whether that be asking if the Inquiry will
9 accept evidence they have already given, I don't know.

10 But I mean, in order for the voices to be heard, it
11 is going to take all of the survivors, as many as
12 possible, to find the courage to be able to do it.
13 Otherwise we won't get the full picture we are looking
14 for. We will still have that missing piece of the
15 jigsaw and to me the Inquiry is about bringing the
16 jigsaw together and somebody putting that last piece in.

17 MR MacAULAY: Thank you for that. My Lady, I have received
18 no written questions for Helen.

19 LADY SMITH: Thank you very much Mr MacAulay. Just let me
20 check. Are there any outstanding applications to ask
21 questions of this witness?

22 You have made mention of the fact that the whole
23 process of doing what you have done has tired you and
24 I am sure that today has been exhausting, but thank you
25 for bearing with us through what has been a long day and

1 I'm able to let you go now. Thank you.

2 A. Thank you very much.

3 LADY SMITH: Now, Mr MacAulay we close there for today?

4 MR MacAULAY: We are closing there for today, my Lady, and
5 tomorrow Mr Whelan will be giving evidence.

6 LADY SMITH: That will be a 10 o'clock start tomorrow
7 morning. Very well. Just take your time, I will leave
8 the bench, there's no hurry. Thank you.

9 (3.25 pm)

10 (The Inquiry adjourned until 10.00 am on
11 Wednesday, 5th July 2017)

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