

1 Thursday, 6th July 2017

2 (10.00 am)

3 LADY SMITH: Good morning.

4 Mr MacAulay, we have another witness this morning,

5 I think.

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

7 I would like to call Christopher Gerard Daly.

8 LADY SMITH: Thank you.

9 MR CHRISTOPHER GERARD DALY (sworn)

10 Questions from MR MacAULAY

11 LADY SMITH: Please sit down and make yourself comfortable,

12 Mr Daly.

13 Mr MacAulay, when you are ready.

14 MR MacAULAY: My Lady.

15 Christopher, is your full name Christopher Gerard

16 Daly?

17 A. It is, yes.

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

21 A. I have, yes.

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

- 1 is that correct?
- 2 A. Yes.
- 3 Q. Did you in fact go into foster care at a very, very  
4 young age?
- 5 A. At age 3 months I had my first care placement, which was  
6 foster care at that time.
- 7 Q. Thereafter did you have a number of residential care  
8 placements?
- 9 A. Yes. Some quite lengthy; the longest being four years  
10 in Nazareth House in Aberdeen.
- 11 Q. That, I think, was in the 1970s?
- 12 A. Yes, it was.
- 13 Q. But you had other care placements as well?
- 14 A. I did, yes.
- 15 Q. You tell us in your statement that there came a point in  
16 time when you did a social care course at Glasgow  
17 Nautical College.
- 18 A. Yes.
- 19 Q. I think you say that was between 1997 and 1998.
- 20 A. That is correct.
- 21 Q. Can you just give me some background to that? What  
22 caused you to take that step?
- 23 A. Well, I left school with no education and I was a member  
24 of the management committee in a community centre and  
25 they had various classes that came from the Glasgow

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

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

8 A. It was a year, yes.

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

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

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

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

21 A. Yes.

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

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

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

4 Q. And did you meet with Frank Docherty?

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

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

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

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

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

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

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

16 Q. But then I think it resurrected itself.

17 A. It resurrected some years later, yes.

18 Q. Were you involved at that stage?

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

21 Q. How long did that involvement thereafter last?

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

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

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

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

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

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

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

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

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

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

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

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

6 Q. Yes.

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

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

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

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

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

25 A. It had, yes.

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

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

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

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

18 A. Yes.

19 Q. An inquiry?

20 A. Mm.

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

22 A. Yes.

23 Q. You are looking for an apology.

24 A. Yes.

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

1 to apologise unconditionally.

2 A. Mm.

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

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

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

19 A. Yes.

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

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

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

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

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

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

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

25          A. Yes.

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

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

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

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

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

21 LADY SMITH: I am sure it did.

22 A. -- get there with it.

23 LADY SMITH: Yes.

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

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

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

7 Mr MacAulay.

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

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

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

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

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

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

25 A. That is correct, yes.

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

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

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

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

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

22 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

25                    "Having still not received a response, I placed

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

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

10 Then he goes on to say that:

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

15 That was the response at that time?

16 A. Yes.

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

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

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

25 Then the minister came to be questioned over some of

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

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

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

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

15 A. Myself and Peter Peacock.

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

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

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

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

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

4       Q. That was his thinking at the time?

5       A. Yes.

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

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

13      Q. I will take you to the page.

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

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

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

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

21      A. On the main debate?

22      Q. Yes.

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

24      Q. And for the apology?

25      A. Yes.

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

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

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

11 A. Yes, that is right.

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

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

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

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

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

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

18 What was your reaction to that?

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

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

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

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

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

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

15       A. That is right.

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

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

21                 That was your position?

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

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

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

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

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

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

21 A. I did, yes.

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

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

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

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

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

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

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

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

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

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

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

14          A. Yes.

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

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

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

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

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

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

15 Is that the bit you are focusing on?

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

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

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

21 Q. Just look at the context of it.

22 A. Yes.

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

1 authorities"?

2 A. Yes.

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

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

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

11 A. Yes.

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

14 A. Yes.

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

17 A. Yes.

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

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

24 Q. What the note says is:

25 "Another archivist [I think] reported being

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

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

7 A. Yes.

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

9 Because you also lodged a second petition, PE888.

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

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

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

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

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

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

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

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

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

25 "Petition by Chris Daly calling on the Scottish

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

9 Does that ring a bell with you now?

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

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

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

22 A. Yes.

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

1 A. Yes.

2 Q. You have listed -- we needn't look at the detail --  
3 items of correspondence you have had with either MPs or  
4 members of the Scottish Parliament; is that correct?

5 A. Yes. I mean, I do remember meeting Janis Hughes, who  
6 was my then MSP. I have spoke before about Tommy McAvoy  
7 and there were a few different things where I met with  
8 him and discussed different matters.

9 So Tommy McAvoy had said it was a devolved issue.  
10 Again, that was his answer to this particular issue as  
11 well.

12 Q. If we go back then to the first page of the document at  
13 page INQ.001.001.0168, looking at what you were asking  
14 at this point in time. You have mentioned already the  
15 review for fast-tracking the cases, and also reviewing  
16 time bar. I think that's an issue that you return to  
17 later on.

18 A. Yes. We kept raising the issue of time bar. A lot of  
19 survivors thought it was important for them to have  
20 their cases heard through the civil courts.

21 Q. You mentioned the Scottish Law Commission --

22 A. Yes.

23 Q. -- who were looking at time bar at this point in time,  
24 although their report in fact didn't come out until  
25 later -- I think it was 2007.

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

3           A. Yes.

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

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

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

18          A. Yes, that would be right.

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

23          A. That is right, yes.

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

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

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

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

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

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

15          A. Yes, that's me.

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

18          A. Yes.

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

21          A. Yes, that is right.

22          Q. -- on 15 January 2008?

23          A. Mm.

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

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

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

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

7            Q. And that has happened since?

8            A. It has, yes.

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

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

15                    Does that reflect your position?

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

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

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

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

3           That is the point you are making about Ireland?

4           A. Yes.

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

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

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

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

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

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

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

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

8 A. That is right.

9 Q. You may remember this but --

10 A. I do.

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

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

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

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

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

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

20 A. Yes.

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

23 A. Yes, that would help.

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

1           there is a paragraph which begins:

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

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

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

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

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

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

24          A. What date was that?

25          Q. This is in April 2008.

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

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

8           Q. What was the occasion for this comment?

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

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

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

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

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

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

25          A. I ignored that. Yes.

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

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

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

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

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

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

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

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

6 Q. A subgroup?

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

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

15 A. I think it was 2006.

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

17 A. Okay.

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

22 A. That would be right, yes.

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

25 A. Roughly about six years yes.

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

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

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

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

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

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

20 Q. Acknowledgement and Accountability Forum.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Q. Who made the announcement?

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

1 sat in the Reference Group.

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

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

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

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

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

20 Q. We will look at that shortly.

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

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

25 The "I" here, is that you?

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

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

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

15 So you have raised two points.

16 A. Yes.

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

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

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

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

6       A.   Yes.

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

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

17               Where that comes from is the Irish model --

18       Q.   Which you mentioned before?

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

24       Q.   Residential Institutions Redress Board (Ireland)?

25       A.   That is it, yes.

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

3 In paragraph number 3 you do mention there that:

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

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

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

13 You did get a response from Mr McConnell --

14 A. Yes.

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

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

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

21 A. Yes, that is right.

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

23 A. It was, yes.

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

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

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

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

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

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

15 "Closing date for e-petition."

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

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

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

24 A. Yes.

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

1           yes?

2           A. Yes. Some of the --

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

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

11          LADY SMITH: I see.

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

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

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

1 A. Yes.

2 LADY SMITH: I see, thank you.

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

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

10 A. Yes, definitely.

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

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

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

20 A. Yes.

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

23 (11.30 am)

24 (A short break)

25 (11.45 am)

1 LADY SMITH: Mr MacAulay.

2 MR MacAULAY: My Lady.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 A. Yes, very --

13 Q. -- you and Helen made?

14 A. Yes, very much receptive.

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

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

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

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

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

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

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

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

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

24          Q. Did they accede to that?

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

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

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

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

11 Then:

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

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

18 A. That is right.

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

21 "What is your response to the petition?"

22 Do you see that?

23 A. Yes.

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

1 point is:

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

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

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

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

18 A. Yes, that's the one.

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

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

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

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

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

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

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

11         A. Yes, I remember that letter.

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

15                 So the first question was:

16                 "What is your response to the petition?"

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

18         A. Yes.

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

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

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

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

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

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

15 A. Probably.

16 Q. Well --

17 A. I don't remember.

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

19 A. Okay.

20 Q. Here we have a document headed:

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

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

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

3 Q. Yes, just take a moment.

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

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

14 A. Yes, that is right.

15 Q. You go on to say:

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

19 A. That is correct, yes.

20 Q. You go on to say:

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

24 A. Yes.

25 Q. So that had been --

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

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

10 A. Yes.

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

14 A. Yes.

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

16 A. Okay.

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

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

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

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

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

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

13 A. Sure.

14 Q. That's what they say.

15 A. Yes.

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

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

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

22 Then you ask the question:

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

25 What led you to that understanding that in fact the

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

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

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

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

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

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

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

22 This is what you have mentioned before?

23 A. Yes.

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

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

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

8            A. Yes.

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

16           A. Published, yes.

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

20           A. Yes.

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

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

1           that was the last bullet point that they raised?

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

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

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

8   LADY SMITH:  Thank you.

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

11   A.  Yes.

12   Q.  To the question:

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

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

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

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

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

1 that; it is on page INQ.001.001.1405.

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

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

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

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

12 That was your position?

13 A. Yes.

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

16 A. It has, yes.

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

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

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

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

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

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

7       A.   Yes.

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

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

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

22      A.   Yes.

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

25      A.   That is right.

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

6 A. Yes, I have.

7 Q. How was that for you?

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

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

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

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

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

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

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

9 A. I believe it is, yes.

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

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

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

- 1 LADY SMITH: Right. So it might be visual as well as just  
2 a sound that is recorded?
- 3 A. Yes. From the Canadian experience of some of the  
4 indigenous peoples who gave oral histories, they are  
5 very much visual and they have lots of recordings of the  
6 experiences of some of the indigenous peoples in the  
7 residential institutions there.
- 8 LADY SMITH: That's really interesting, thank you.
- 9 MR MacAULAY: Just while it is in my mind and before  
10 I forget, going back to your involvement with the  
11 National Reference Group -- I'm not putting anything on  
12 the screen, I just want to ask you -- you had these  
13 quarterly meetings that we discussed over quite  
14 a lengthy periods of time. Were there minutes kept of  
15 the meetings?
- 16 A. Yes, and they were published. They were on -- sorry  
17 what's it called again -- Survivor Scotland kept those,  
18 but I think in some ways they were anonymised. They  
19 were maybe redacted here and there.
- 20 Q. But nevertheless they would reflect what was being  
21 discussed at the different meetings?
- 22 A. Yes, they would reflect the policy decisions that were  
23 made over the six years that we sat round the table.
- 24 Q. Were the minutes circulated to the members of the group?
- 25 A. Yes, via email.

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

3 A. Yes.

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

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

10 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

17         A. Yes, it looked that way.

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

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

23         Q. Can I take you to your statement at WIT.001.001.1649.

24          This is a section of your statement where you make some  
25          observations about the survivors' support fund.

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

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

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

17       A. Yes, I have, now. Yes.

18       Q. It is now called Future Pathways?

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

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

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

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

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

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

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

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

19 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

7       A. Yes.

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

12      A. Yes, really brilliant help.

13      LADY SMITH: Good.

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

21      LADY SMITH: The summons?

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

1           productions as well.

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

4           A. Yes, and kept us right.

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

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

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

11          A. Okay, thank you.

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

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

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

21          A. Thank you.

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

23          A. Thanks.

24                         (The witness withdrew)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (12.40 pm)

25 (The Inquiry adjourned until 10.00 am on

Tuesday, 11th July 2017)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

INDEX

PAGE

MR CHRISTOPHER GERARD DALY (sworn) .....1

    Questions from MR MacAULAY .....1

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25