

1 Tuesday, 3 July 2018

2 (11.00 am)

3 LADY SMITH: Good morning.

4 Today we move to the stage of closing statements,
5 closing submissions in this, the Sisters of Nazareth
6 case study. I'm proposing that we proceed in the same
7 order as we did at the end of the last case study --
8 obviously not everybody is exactly the same person, but
9 the order of types of representation seemed to make
10 sense and I think that has been explained to everybody
11 that is here. So that will mean turning first of all to
12 Mr Scott, who is here for INCAS.

13 Mr Scott, first of all, thank you for the advance
14 notice of the written submission and I would now invite
15 you to make any oral submissions that you would like to
16 do -- Mr MacAulay, sorry?

17 MR MacAULAY: I'm happy to make a submission as well,
18 my Lady -- only if called upon.

19 LADY SMITH: No, no, I'll be honest, your junior didn't put
20 you on the list yesterday, but that was oversight.

21 Did we take you first last time or last?

22 MR MacAULAY: I think so, my Lady, yes.

23 LADY SMITH: First?

24 MR MacAULAY: Yes.

25 LADY SMITH: It might be helpful for everybody to hear you

1 first, Mr MacAulay. If there's anything you want to
2 come back to on the end you can do that.

3 MR MacAULAY: Yes.

4 LADY SMITH: Very well. Mr Scott, you have a breather and
5 we'll turn to Mr MacAulay.

6 Closing statement by MR MacAULAY

7 MR MacAULAY: My Lady, your Ladyship may recollect that the
8 case study into the Sisters of Nazareth started on
9 24 April of this year and between then and the final day
10 of evidence, on 27 June last week, the inquiry has heard
11 27 days of oral evidence, which has been provided by
12 39 applicant witnesses and also two witnesses who spoke
13 to the experiences of their family members; in one case
14 an aunt, and the other a brother. That witness who
15 spoke about the brother also worked for a time, in the
16 late 1950s, at Nazareth House Lasswade.

17 Evidence from 29 applicant witnesses has been read
18 into the proceedings and the inquiry has already heard
19 the evidence of one witness by listening to a tape
20 recording she had made prior to her death.

21 My Lady, I can say that the total number of signed
22 applicant statements obtained by the inquiry in relation
23 to this case study so far is in excess of 70. There are
24 at present over 30 further applicants currently engaged
25 in the process of providing statements. That highlights

1 the fact that although the public hearings part of the
2 case study has come to an end, the evidence-gathering
3 process continues and will continue until we enter the
4 final report stage. Applicants are therefore able to
5 continue approaching the inquiry and this mirrors the
6 approach adopted by the Daughters of Charity case study.

7 LADY SMITH: Yes. Indeed, we have found that that was
8 picked up by people because people have still been
9 coming forward in relation to the Daughters of Charity.

10 MR MacAULAY: They still are, my Lady.

11 My Lady, the inquiry has also heard evidence from
12 seven other witnesses, including a married couple who
13 looked after a boy from Nazareth House Aberdeen for
14 periods in the early 1980s; also from a witness who
15 worked in Nazareth House Aberdeen while she was
16 a student in the city in the 1970s; and a witness who
17 gave a positive account of her experiences of her time
18 as a child in Aberdeen in the mid-1970s; and also
19 a witness who worked with the sisters and the children
20 at Cardonald in the mid-1970s.

21 We've also heard evidence from a retired police
22 officer who was stationed in the area that included
23 Nazareth House Aberdeen in the 1970s, and from
24 Archbishop Mario Conti, who was a priest in Aberdeen
25 between 1959 and 1962, returning there as a bishop in

1 1977 until 2002.

2 In addition, my Lady, the inquiry has heard evidence
3 from a number of the sisters who worked at the different
4 Nazareth Houses in Scotland, covering the period from
5 the late 1950s to the early 1980s. That included
6 hearing oral evidence from 15 sisters and from one
7 witness who was a sister at the time and has now left
8 the order. Evidence from six further sisters has been
9 read into the proceedings.

10 On the final day of evidence the inquiry heard
11 evidence from Christine Hughes, the order's archivist,
12 and also from Sister Anna Maria Doolan, the
13 United Kingdom Regional Superior.

14 So far as the applicants were concerned, the
15 evidence from applicants relating to their time in the
16 four houses covered the period from the early 1930s
17 through to the early 1980s. The majority of that
18 evidence related to the 1950s, 1960s and 1970s.
19 Although applicants were speaking about experiences over
20 decades and across the four Scottish houses, they all
21 gave evidence of being badly treated by some sisters and
22 staff.

23 Your Ladyship may consider it important that their
24 evidence was not limited to their own personal
25 experiences but also related to other children. And if

1 accepted, their evidence went to support the use of
2 abusive practices by the order in the care of all four
3 Nazareth Houses.

4 In summary, evidence was given which described
5 beatings of children -- sometimes severe -- by sisters,
6 staff and volunteers, using hands, feet, brushes, canes
7 and other implements. The inquiry has heard evidence of
8 children being humiliated and punished for bed-wetting,
9 children being force-fed, and the degrading treatment of
10 children by sisters by way of name-calling and making
11 remarks to children designed to belittle and shame them.

12 The applicants from across the houses and time
13 periods gave evidence of what can be described as
14 a strict regime where fear was a central feature and
15 a form of control.

16 In addition to the evidence of their experience as
17 children in the Nazareth Houses, many applicants told of
18 the impact -- often long term -- on them of their
19 childhood experiences while in the care of the sisters
20 and the ways in which those experiences have manifested
21 themselves throughout their lives.

22 So far as the order itself is concerned, my Lady,
23 there is no dispute, as I understand it, that if the
24 practices spoken to by the applicants took place in the
25 houses, then they did constitute the abuse of children.

1 The order, it seems, readily accepts that if such
2 treatment was inflicted on children, then it would
3 constitute abuse. There does not appear to be any
4 suggestion from the order that the practices spoken to
5 in evidence, if true, could be excused within their
6 historical context. Indeed, Archbishop Conti said, in
7 terms, that any humiliation of a child in itself would
8 constitute abuse.

9 Furthermore, my Lady, the order's position at the
10 conclusion of the evidence was that the applicants who
11 did give evidence were credible and they saw no reason
12 not to believe them in what they were saying. That
13 judgement was one that the order was able to make
14 because sisters from the order had listened to
15 a significant amount of that evidence.

16 There have been convictions in relation to certain
17 abuses which took place at three of the four
18 Nazareth Houses. Sister Alphonso was convicted of three
19 charges in connection with Nazareth House Aberdeen and
20 one in connection with Lasswade. Peter Blaney was
21 convicted in connection with Nazareth House Lasswade
22 and, in February this year, Joseph Duffy was convicted
23 of abusing children at Nazareth House Cardonald.

24 That these abuses occurred is readily accepted by
25 the order and Sister Alphonso, in her own evidence to

1 the inquiry [REDACTED] accepted that she was rightly
2 convicted of that of which she was convicted.

3 Notwithstanding the order's general position on the
4 credibility of the applicants, the essential question is
5 whether your Ladyship can be satisfied that the abusive
6 practices described by the applicants did indeed happen.
7 That would mean your Ladyship accepting the evidence of
8 the applicants and rejecting any contrary evidence.

9 It is worth noting in that connection that
10 Archbishop Conti has recanted from his previous position
11 and now takes a view that the allegations made in the
12 past were true.

13 My Lady, I do not intend to examine the evidence in
14 detail. I will seek to provide a reminder of some of
15 the evidence we've heard from the four houses over the
16 periods covered and, in particular, the practices
17 described in that evidence. As with the previous case
18 study, this can be seen as a short narrative; how the
19 evidence is to be assessed is for your Ladyship. What
20 I have to say may appear repetitive, because it is, as
21 the practices spoken to by the applicants were mirrored
22 in the four houses. There are also issues such as
23 sexual abuse that I will look at separately towards the
24 end of these submissions.

25 Turning then, my Lady, to Aberdeen, there has been

1 evidence presented to the inquiry to cover the period
2 from the early 1930s through to the mid-1970s. Insofar
3 as bed-wetting is concerned, the inquiry has heard
4 evidence, really, from across the decades of practices
5 of humiliation and punishment for bed-wetting.

6 From the 1930s and 1940s, there was evidence that
7 children who wet the bed were made to stand in the
8 middle of the floor in the morning with their wet sheets
9 on their heads, being faced with belittling comments,
10 being said to be like, "Swim like little fishes", and
11 also they were made to have cold baths. That was
12 evidence from Lucy, who was in Nazareth House Aberdeen
13 in the period 1933 to 1945.

14 Another applicant, Mr Booth, in the 1950s -- this
15 was a child migrant, of course -- he spoke of
16 bed-wetters having to wash their own sheets and gave
17 a description of helping a small boy with his sheet and
18 Sister LDR taking hold of him by the back of the neck
19 or hair and telling him that he was naughty for helping
20 that child.

21 LADY SMITH: Yes, I think he was saying he was trying to
22 help a child who was half his size, maybe a 5-year-old
23 or so.

24 MR MacAULAY: And he was, as he put it, thrashed with a cane
25 for doing so.

1 We heard evidence through the 1960s of practices of
2 humiliation for bed-wetting on the boys' and girls' side
3 of the house. In the mid to late 1970s there was
4 evidence from an applicant that, if a child wet the bed,
5 they would be picked on, punished and that demeaning
6 references would be made to the difficult social
7 circumstances that the child had come from.

8 Indeed, into the late 1970s, an applicant who was in
9 Aberdeen, in a mixed group by this point, Mr Daly, told
10 us he saw children who had wet the bed being asked to
11 strip their beds in the morning and sometimes being told
12 to put the wet sheets on their heads. He recalled one
13 girl in particular who was regularly ridiculed because
14 she was a bed-wetter.

15 Can I then turn, my Lady, to bathing and some
16 bathing practices that we've heard about in evidence.
17 An applicant who was in Aberdeen from the mid-1940s to
18 the late 1950s, Rose, spoke of bath times and the use of
19 Jeyes fluid and being scrubbed with scrubbing brushes.
20 The bathing routine of queues and children going in and
21 out quickly in order was described by an applicant who
22 was in Aberdeen from the early 1950s to the mid-1960s,
23 John, as a cattle market; that was his description.

24 Another applicant who was in Aberdeen from the late
25 1960s into the early 1970s said that on her first day in

1 the home, she and her sister were put in a bath of Jeyes
2 fluid and punched by Sister [FAF] and
3 Sister [LTX].

4 These bathing practices, as we'll see when we look
5 at the other houses, are mirrored in other houses.

6 Can I just touch briefly on the matter of puberty,
7 because some applicants spoke of starting their periods
8 and the lack of sympathy, explanation and support from
9 the sisters. For example, there was evidence from the
10 1950s of an applicant having a sheet rubbed in her face
11 when she started her periods and not knowing where the
12 blood was coming from. That was from Rose who was there
13 from 1946 to 1958.

14 Another applicant later provided evidence that when
15 she started her periods, she was called "all the names"
16 and she gave examples of "dirty tink" and "whore". She
17 was hit and laughed at by Sister [LTX] and told --
18 and your Ladyship may recollect this -- that she would
19 be dead by midnight. The applicant gave evidence that
20 she had watched the clock and told others that she was
21 going to die.

22 Looking at the position with regard to siblings,
23 many applicants from Aberdeen spoke of separation from
24 some siblings and the distress this caused them. We
25 heard girls were on one side of the house and the boys

1 on the other, with siblings often seeing only a glimpse
2 of each other on the school bus or at church, where they
3 were seated separately.

4 Some applicants didn't know they had siblings in the
5 house. One applicant spoke of knowing her brother was
6 in the home as she saw him in church and she would look
7 for him and get nipped by the nuns for doing so. That
8 was from the 1940s into the 1950s.

9 Another applicant, in the late 1960s into the early
10 1970s, spoke of being punished for attempting to contact
11 his sisters on the other side of the house and that
12 he was punished by being slapped, dragged, pulled up the
13 stairs, and locked in a cupboard. Your Ladyship may
14 recollect this because this culminated in him being told
15 by an older sister that they were being punished because
16 of him.

17 As time went on, we heard evidence that there was
18 a move towards family groups being kept together and
19 that, by the early 1970s, some of the groups at least
20 were mixed groups and families were kept together if
21 possible.

22 Can I then, my Lady, turn to --

23 LADY SMITH: Did we have the impression that it was very
24 much if possible --

25 MR MacAULAY: It was.

1 LADY SMITH: -- and it would depend principally on where
2 there was space when the children came in?

3 MR MacAULAY: Yes, and also possibly the ages of children if
4 there was a nursery, where younger children were kept
5 separately from older children.

6 LADY SMITH: Yes, of course.

7 MR MacAULAY: I think it was a mixed picture also. It
8 wasn't a uniform transformation at the same time; it was
9 mixed from house to house.

10 Looking then at physical punishment, we have heard
11 evidence of beatings, sometimes severe, by sisters at
12 Aberdeen across the decades, including from
13 Sister [FAF] and Sister [LTX] on the girls' side
14 and Sister [LDR] and Sister [LFB] on the boys' side.

15 There was evidence that Sister [FAF] used to
16 have girls down on their knees in order to bang their
17 heads together or, if it was only one girl, that she
18 would kneel down and push her head forward into the
19 wall.

20 There was evidence of hair pulling, ear pulling,
21 brushes being used over knuckles, and even the kicking
22 of children. One applicant in the late 1950s described
23 how Sister [LDR] would lose control and would carry on
24 beating a child until other boys intervened to stop her.

25 We heard evidence of Sister [LFB] taking pleasure

1 in hitting boys when they least expected it and, in what
2 was described as a calculated way, allowing a child to
3 relax and then hitting the child again.

4 There was evidence that for Sister LFB to drag
5 a child by the hair along the floor was a regular
6 occurrence and, as one applicant said, for that period
7 in the 1960s/early 1970s, "It was something you got used
8 to".

9 That particular applicant, Ned, told how, in his
10 view, Sister LFB taught him fear, paranoia and
11 violence:

12 "I learned if you were going to fight, you had to be
13 devious and take advantage of anybody being vulnerable
14 if they turned their back on you."

15 Another applicant, John, from the early 1950s into
16 the late 1960s, gave evidence about an incident where he
17 spoke of being violently attacked by LDU.

18 LDU was somebody who had some form of informal
19 role at the house. He described how Mr LDU dragged him
20 into a bathroom, took his clothes off, and "battered the
21 hell" out of him. He said that he was black and blue
22 all over his body and, notwithstanding the fact that
23 what Mr LDU did to him was common knowledge and indeed
24 involved the police, Mr LDU still remained at
25 Nazareth House.

1 For this applicant, this assault left a lasting
2 memory and he gave evidence that, even 50 years later,
3 he still thinks once or twice a week of what Mr [LDU] had
4 done to him.

5 We've also heard evidence in connection with
6 Aberdeen on emotional abuse. We heard evidence of
7 applicants being treated badly and described as "scum",
8 for example, for coming from Glasgow. We heard of
9 a child being told he was "Glaswegian scum of the
10 earth", and that, "You're only here because no one wants
11 you". Indeed, that particular type of comment seems to
12 have been one that was regularly used in a demeaning
13 way.

14 We heard from another applicant that Sister [LDR]
15 told him -- and this was the applicant who was to be
16 migrated -- "Your family doesn't want you, your country
17 doesn't want you, you're just garbage".

18 Another applicant, who was there in the 1950s into
19 the late 1960s, was told that he was worthless, but he
20 said in evidence he took comfort from the fact that
21 everybody was abused by such remarks.

22 Can I then look at force-feeding. As with other
23 establishments, there was evidence provided of
24 force-feeding of children, and that included children's
25 hands being held behind their back and the food being

1 forced into their mouths. This continued even although
2 a child might have been sick and the child being forced
3 to eat the food that the child had been sick on.

4 We heard descriptions of how children sought to
5 avoid eating food that they did not like by passing it
6 on to another child or hiding it in some other way.

7 The lack of affection was an issue that really,
8 I think, went across all Nazareth Houses. At Aberdeen
9 we certainly heard from the vast majority of applicants,
10 covering the whole period, that there was little or no
11 affection shown. The way one applicant put it, who was
12 there from the early 1960s into the early 1970s, was
13 that he couldn't remember anything positive:

14 "No nurturing, no love, no empathy and no nothing."

15 It could be said, my Lady, that evidence given by
16 Sister Anna Maria chimes with this evidence because she
17 explained that the order, at least prior to the late
18 1960s, was a very strict order and that the sisters
19 themselves very likely transferred this strictness into
20 their care of the children.

21 LADY SMITH: She said that in terms and also made reference
22 to the practice of discouraging the formation of
23 friendships, even between the sisters, let alone between
24 the children and the nuns.

25 MR MacAULAY: It perhaps highlights how strict a regime it

1 was, although she went on to say that that has changed.

2 LADY SMITH: Oh yes, yes.

3 MR MacAULAY: But that was the position looking to the 1960s
4 and 1970s.

5 We've also heard evidence, my Lady, positive
6 evidence, in connection with Aberdeen. One witness,
7 Carolyn, who was in Aberdeen as a child in the
8 mid-1970s, said that she didn't see anybody being
9 punished for not eating their food or being force-fed.
10 She couldn't remember discipline as such and did not see
11 any corporal punishment and had no recollection of
12 anybody being shouted at.

13 She couldn't remember any form of punishment in her
14 group and she spoke positively about a number of aspects
15 of the routine. This was a witness who entered the
16 order herself in 1984 for a period of about five years
17 or so.

18 Can I then, my Lady, move on to Cardonald. Again,
19 the inquiry has heard evidence from applicants covering
20 a period from about the early 1940s to the early 1980s.

21 In relation to bed-wetting, again there has been
22 evidence of humiliating treatment for bed-wetting with
23 bed-wetters being made to stand with wet sheets over
24 their heads. One applicant, who took the name Poppy,
25 who was there between 1957 and 1961, described the

1 treatment of bed-wetters as involving the beds being
2 checked, having to take the sheet from the bed, if it
3 was wet, to the washroom, putting it on a pulley while
4 it was usually dripping on to the floor, then going to
5 church, having breakfast, going to school and near
6 bedtime being told to go and get the sheet for the bed.

7 There was evidence of Sister [REDACTED] LFP administering
8 harsh treatment for bed-wetting. One applicant who was
9 there between 1962 and 1970 said that Sister [REDACTED] LFP :

10 "... battered her, dragged her by the hair, put her
11 on the floor, kicked her, said that she was a filthy
12 brat, put the sheet over her head, made her stand in the
13 corridor and got other children to call her names like
14 'smelly' and 'wet the bed'."

15 Another applicant who was in Cardonald between 1971
16 and 1979 spoke of how her sister would wet the bed and,
17 if she was in bed with her sister, they would both be
18 lifted or forced out of bed, her sister would be taken
19 to one end of the corridor and the applicant would be
20 put out on the fire exit in a wet dress. So even as
21 late as that, there appears to be that sort of
22 treatment.

23 Another applicant, James, who was in Cardonald
24 between 1977 and 1981, spoke of being punished and
25 humiliated by Sister [REDACTED] LJS for wetting the bed, and

1 again another applicant from that same era, Christina,
2 spoke of having to wash the sheets and hang them on
3 a pulley.

4 Can I note, my Lady, that the order in its
5 submissions suggests that, generally, bed-wetting
6 practices of this kind no longer took place from the
7 late 1960s onwards, but that is contradicted by some
8 evidence that the inquiry has heard.

9 Looking at bathing at Cardonald, there has been
10 evidence of communal bathing with hot or cold water,
11 depending on where you were in the queue, and the use of
12 Jeyes fluid, as was the position in Aberdeen.

13 There was evidence that washing and bathing took
14 place in one large area supervised by the nuns. It is
15 to be said that when Sister [REDACTED] LFP arrived at
16 Cardonald, we heard that she objected to the older
17 children washing when the young ones were there and
18 arranged curtains to be provided to allow some privacy.

19 Nevertheless, into the late 1970s, one applicant
20 described the bathing and washing routine as lacking
21 privacy with people wandering in and out and the doors
22 being left open.

23 So far as the food was concerned, we've heard
24 varying evidence about the quality of food at Cardonald,
25 with some evidence that the food was very poor, other

1 evidence that the food was palatable. But there was
2 evidence of a child being required to eat the food and,
3 at times, of force-feeding.

4 One witness, Olive, who was there between 1975 and
5 1979, spoke of being allergic to orange juice and being
6 forced to drink orange juice with her nose held by
7 Sister [REDACTED] LHW and the staff, she had a reaction to this
8 and was unwell in bed with a doctor involved. Her
9 evidence was she told the doctor she had been forced to
10 drink it, but that the nun said she was making it up and
11 was telling lies.

12 At Cardonald we heard evidence from a number of
13 applicants of a procedure that involved the examining of
14 underpants with punishments if they were stained or
15 soiled and, in particular, evidence was given of
16 a routine inspection on a Friday night whereby children
17 had to queue up and take their pants off and to allow
18 Sister [REDACTED] LFH to examine them and, if there were marks,
19 the child had to wear them on the child's head. There
20 was evidence in particular of this happening to girls
21 and also to boys.

22 There has also been evidence from applicants at
23 Cardonald of harsh physical treatment from a number of
24 sisters, including Sister [REDACTED] LFL, Sister [REDACTED] LFH,
25 Sister [REDACTED] LFP, Sister [REDACTED] LHA and Sister [REDACTED] LJS.

1 That covered a period, my Lady, from the early 1950s
2 to the 1980s. There has been evidence that for some
3 applicants, they would have to wait by Sister [LFH]'s
4 desk to be caned. The cane was described as
5 a bamboo-type cane, and there was evidence that
6 Sister [LFH] had a number of these in different
7 locations in the home.

8 There was one incident where Sister [LFH] used
9 a broom handle, which she managed to break, and the
10 child being caned with the broom handle, which had
11 splinters, and this applicant spoke of being in a sewing
12 class at school and not being able to hold the needle
13 following upon the beating.

14 Another applicant, Maureen, who was there between
15 1962 to 1970, described how Sister [LFH] would bang
16 heads together and she said the pain was "horrific".
17 And this perhaps reflects the practice employed by
18 Sister [FAF] at Aberdeen.

19 Another witness, who was at the home between 1957
20 and 1961, spoke of her brother having been found with
21 urine stains in his underpants and being caned by
22 Sister [LFH] to the extent that she -- that's
23 Sister [LFH] -- could not go on any longer and her
24 brother had to go to the sick room and was kept off
25 school for two weeks.

1 We've also heard evidence from the girls would have
2 their hair in two plaits and that Sister [LFH] would
3 use these as a way of pulling a girl forward by pulling
4 the plaits over her head in a way that would cause pain.
5 And there was evidence of a particular sister being seen
6 taking a child by both plaits and spinning her around in
7 a circle in the dining room.

8 One applicant, James, who was in Cardonald between
9 1977 and 1981, compared punishments at school with those
10 they received at Cardonald. He spoke of the worst
11 punishment at school being the belt but that:

12 "[It] was nothing compared to the beatings in the
13 home."

14 He gave evidence about an incident where he said one
15 of the boys had hit a girl and Sister [LJS] dragged the
16 boy into the dormitory and told the other children,
17 including this applicant, to hit the boy and, if they
18 did not do so, she would punish them. Indeed, she
19 started whipping them with a belt until they hit the
20 boy.

21 Your Ladyship has heard the evidence about the
22 child, an applicant Trisha, who was in Cardonald from
23 1948 to 1961, who was sent on her own to Liverpool on
24 the train aged 11, separating her from her twin sister,
25 with whom she had been in Cardonald since they were

1 babies. She described that she was taken to an
2 institution where there were people with learning
3 difficulties and no other children. She told the
4 inquiry that she spent a number of years there and was
5 given no explanation as to why she was there.

6 The order have not been able to provide an
7 explanation for this. This applicant and her sister,
8 who took the pseudonym "Jennifer", are the applicants
9 about whom there is some mystery about evidence that
10 their mother visited Jennifer at Cardonald, although
11 Jennifer had no knowledge of such visits.

12 LADY SMITH: Am I right in thinking that those are the
13 children for whom there are two very brief entries
14 in the records that we looked at during the evidence of
15 Sister Anna Maria?

16 MR MacAULAY: Indeed.

17 LADY SMITH: But that's all that there is?

18 MR MacAULAY: There's very little, but the evidence that's
19 there tends to suggest that the children's mother did
20 visit at some point. But Jennifer gave evidence,
21 my Lady, that your Ladyship may think supports her
22 credibility and reliability in relation to how she was
23 treated at Cardonald.

24 In a letter dated 12 December 1973, she responded to
25 a request from Sister [LFH] that she, Sister [LFH],

1 attend Jennifer's impending wedding. In that letter
2 Jennifer described how Sister [REDACTED] LFH "terrorised me and
3 the other children", and that of course was in rejecting
4 the advance made by Sister [REDACTED] LFH , the point being that
5 was written long before the publicity that developed
6 in the 1980s and the litigation that followed that.

7 We also heard about emotional abuse at Cardonald.
8 Children were not allowed to hold hands or make friends.
9 Again, if this is to be accepted, it may reflect the
10 practice spoken to by Sister Anna that friendships
11 between the sisters were discouraged.

12 One applicant gave evidence -- this is in the
13 mid-1960s -- of not being allowed to talk in bed and
14 spoke of communicating with his brother while they were
15 in their dormitory by coughing, to make sure, as he put
16 it, the other one was still alive.

17 Another applicant, in the late 1970s, described that
18 she was punished for comforting her younger brother in
19 bed, having heard him crying, and she spoke of a nun
20 coming in and dragging her physically out of the bed,
21 calling her "dirty" and "a slut".

22 Another applicant, who was there between 1962 and
23 1970, spoke about never being allowed to look at her
24 school report card and indeed having to stand with it on
25 her head to show how stupid she was in front of a statue

1 of Our Lady. That she was stupid was untrue because, as
2 she discovered later in life, she did see her school
3 report cards and, as she put it, she was surprised to
4 see that she had in fact been quite clever.

5 That same applicant spoke of:

6 "... being worn down by being constantly, told
7 I couldn't do anything, and told that I was thick,
8 stupid and that I would never amount to anything."

9 So far as the atmosphere itself was concerned, one
10 applicant in the 1970s described the atmosphere as one
11 where she was:

12 "... scared, being a nervous child and wondering
13 what was going to happen next."

14 Another applicant, in the late 1970s, from the last
15 era of the home, described being institutionalised, that
16 nobody was allowed to be a free spirit, and that many of
17 the children were looking for love and support that was
18 not there. She described the house as "a hard place to
19 be".

20 Can I then look at Lasswade, my Lady. Again, we've
21 heard evidence from applicants who were at Lasswade from
22 the late 1940s through to the late 1970s. Again, the
23 bed-wetting practices mirrored the practices in the
24 other institutions.

25 One applicant, Mike, who was at Lasswade from 1960

1 to 1965, said that if you wet the bed, you were made to
2 stand in the corner with the wet sheet on your head and
3 sometimes made to sit in a bath of cold water. The
4 applicant explained that you would get the odd beating
5 for doing it, but there was no sympathy or anything or
6 any efforts to try to understand why or what the reason
7 was behind it. As he put it:

8 "There was no consideration whatsoever."

9 Another applicant in a later period described that
10 if you wet the bed, you were made to stand with the
11 sheet "all around you for a period of time".

12 Another applicant, even later, into the 1970s,
13 described how staff at Lasswade would put bed-wetters
14 into a cold bath, tell them to strip their beds and that
15 they would be slapped and hit and shouted at by a staff
16 member or a nun.

17 Indeed, this applicant went on to tell the inquiry
18 that they, the other children, were encouraged by the
19 nuns to call the bed-wetters "fish". She also gave
20 evidence that those who wet the bed all sat together at
21 a particular table.

22 An applicant from an earlier period, the late 1950s
23 into the 1960s, said that bed-wetters were severely
24 punished and called names to humiliate them. That
25 particular applicant described the bed-wetters as

1 "nervous wrecks".

2 Looking at mealtimes and the evidence from Lasswade,
3 there has been evidence of punishment for refusing food
4 and some evidence of force-feeding. One applicant said
5 he had a particular memory of bread with lard on it and
6 that it was force-fed to the children. He recalled
7 being hit with a stick by nuns for not eating his food.

8 Another applicant, in the 1960s, spoke of having to
9 eat your food and that if you didn't, you would get
10 a beating with a strap or a rope that the nuns carried.
11 He recalled force-feeding and being hit for not eating
12 his food.

13 Again, in relation to bathing, the inquiry heard
14 evidence from an applicant that for the first person
15 that went into the bath, the water was scalding hot,
16 children would queue up and, when one person was
17 finished, someone else would go in until everyone had
18 had their bath. That's a practice that's been described
19 into the 1970s.

20 Another applicant said there was no dignified way of
21 doing bath time. He said they were given a cloth of
22 some sort for cover, but most of the time it was not
23 possible to keep hold of it, and that you were basically
24 having nuns washing all over your body. This involved
25 nuns making contact with his private parts.

1 There has also been evidence presented, my Lady, of
2 harsh punishments and beatings at Lasswade. One
3 applicant spoke of being put into a cupboard for a few
4 hours and how it had come back to him later in life when
5 he was having an MRI scan. He also spoke about being
6 beaten for not saying prayers properly.

7 Another applicant who was there in 1967 spoke of an
8 occasion where Sister [REDACTED] LTX asked her children to hit
9 her sister, but that they refused to do so. She gave
10 evidence of Sister [REDACTED] LTX punching her sister in the
11 face, causing bruising, because the school had said that
12 she wasn't wearing a tie.

13 Another applicant, in the late 1950s into the 1960s,
14 spoke about being hit by a sister because she thought
15 he was playing around. He also spoke of having his head
16 ducked underwater and soap and pepper put in his eyes
17 and mouth until they bled. There was evidence that
18 a particular sister, Sister [REDACTED] LFJ, would remove an
19 applicant's pyjama top at night and scratch his bare
20 back with her nails, causing bleeding. This, according
21 to the applicant, also happened to other children. He
22 spoke of being given "a right doing", as he put it, from
23 a sister with a cane on his legs, back, backside and
24 arms for breaking a statue.

25 Another applicant spoke of being hit with a metal

1 aluminium bar for stealing sugar; that was in the late
2 1960s.

3 One applicant, who was only there for a couple of
4 months in 1976, explained how he [REDACTED] came to
5 leave after such a short period, because when their
6 mother visited, he asked her to look at [REDACTED]
7 [REDACTED] where she could see bruising that had been caused
8 by being beaten by Sister [REDACTED] LTX [REDACTED]. It was that that
9 prompted their mother to remove [REDACTED] from the home.

10 So far as emotional abuse is concerned, my Lady, one
11 applicant spoke of being told:

12 "Your mother's not coming back, you're going to be
13 here until you're big and go to the other place that's
14 even worse than this place."

15 The applicant went on to say it was:

16 "... very hard to be there as a child."

17 That was an applicant talking about the late 1950s
18 and into the 1960s.

19 Can I then turn, my Lady, to Kilmarnock, the fourth
20 Nazareth House that needs to be considered. Again,
21 there has been evidence from a number of applicants who
22 were in Kilmarnock, covering the period from the early
23 to mid-1950s and into the 1970s.

24 The bed-wetting practices seemed to be similar to
25 the practices in other establishments. There has been

1 evidence of the humiliation of children who had wet the
2 bed across the period covered by the applicants at
3 Kilmarnock, and that included children having to stand
4 with sheets over their head. One applicant said that
5 bed-wetters were kicked, pushed and pulled; that was
6 in the late 1960s. Another applicant said that children
7 were severely punished for bed-wetting, shouted at and
8 humiliated. That was in the mid to late 1960s.

9 Another applicant gave a description of what would
10 happen and that, if a child had wet the bed, the bottom
11 sheet was pulled off the bed and put over the child's
12 head. The sheet would also be rubbed into the child's
13 face and the child would be told that the child was
14 "filthy".

15 So far as bathing was concerned, we heard evidence
16 that, in the 1950s, bath times were once a week with
17 girls standing in line naked, one by one, using the bath
18 to get washed and the water never being changed. There
19 was evidence that this continued into the 1960s.

20 One applicant gave evidence that when you were
21 getting changed, you had to wear a cover "like
22 The Flintstones", when you were going for a bath. We
23 heard from another applicant that:

24 "The horrible thing about the baths was you had
25 pantaloons bloomer type things made out of shower curtain

1 materials, so if you were lucky and in the first three
2 or four in the row, they would be dry and easy to slip
3 on and off, but otherwise they would be wet from
4 previous use."

5 As perhaps in particular, I think, with Aberdeen, we
6 also heard evidence in connection with puberty from
7 Kilmarnock, and in particular from one applicant who,
8 when she started her periods, the nuns said to her that
9 she was dirty and this was "the devil coming away from
10 her", and that was an applicant who was there from 1961
11 to 1967.

12 There was also evidence of force-feeding at
13 Kilmarnock. One applicant said that:

14 "At mealtimes it didn't matter whether you liked
15 something you were given or not. If you left it,
16 Sister [REDACTED] LHZ would tip your head back and force-feed
17 you. If you never ate your food, you were given it at
18 the next mealtime until you finished it. It didn't
19 matter if it was cold."

20 And that was an applicant who was there from 1961 to
21 1967.

22 There was evidence that at mealtimes nuns would walk
23 around the tables with their hands on their hips and
24 nobody talked. According to this applicant, who was
25 there between 1967 to 1969, it was completely quiet.

1 This was the applicant who gave evidence of the same
2 celery being put before her at breakfast, dinner and
3 teatime, and she described how Sister **LGO**, getting to
4 the end of her tether, as she described it, pushing the
5 celery towards her head to make her eat it and she ended
6 up being sick.

7 There was a description of one applicant of
8 Sister **LHZ** coming from behind and, if you didn't eat
9 your food, that:

10 "She would pull your back and hold your nose so you
11 had to open your mouth and she would force the food in."

12 And if you were sick, she would say, "You'll eat
13 that as well".

14 We've also heard evidence from Kilmarnock about
15 beatings. One applicant gave evidence from the early
16 1950s that she was reported to the home for misbehaving
17 at school when she was about 8 years old and, when she
18 returned to the home, Sister **LQM** was waiting for
19 her and locked her in the attic, where the water tank
20 was kept, and her evidence was that there were rats
21 running around the room and she was screaming and passed
22 out. When Sister **LQM** took her back out, she was
23 hit all over the body with a belt.

24 Another applicant gave evidence about how his
25 hen-toed walking was addressed. He was made to switch

1 shoes and to walk up and down the large hallway on his
2 tiptoes. If his heels touched the floor, he would be
3 hit with a cane.

4 Another applicant recalled winning a medal for
5 Highland dancing and Sister LHZ giving her the cane
6 later because she had kicked the sword and of being
7 deprived of her medals when she left Nazareth House.
8 That was an applicant who was there from 1961 to 1967.

9 Another applicant in the late 1960s spoke of an
10 incident when she and others had worn their own clothes,
11 known as Sunday clothes, as opposed to the common
12 clothes, to a school party. On their return they their
13 heads banged off lockers by the sisters and were kicked
14 in the back, the head and the face.

15 A kneeling punishment was also described in
16 evidence, which could be meted out, for example, for
17 things like whispering "goodnight" to someone across the
18 room. This punishment involved being taken out of bed
19 and told to kneel in front of a statue and to kneel
20 straight:

21 "If you leaned back on your hunkers, Sister LHZ
22 would hit the bottom of your feet with the switch, so
23 you would have to kneel straight up for hours on end."

24 The switch, my Lady has heard, was described as
25 a cane or a riding crop, and Sister LHZ would hit

1 children with this particular device. It could be heard
2 swishing as it moved through the air and, for that
3 reason, it was known as "the switch".

4 We also heard evidence that Sister LHZ, in
5 particular, would use a fist to hit children and would
6 put her middle finger out so that it was pointed and she
7 would bring that down on top of the child's head. This
8 was described as being extremely painful.

9 In relation to emotional abuse, there has been
10 evidence that Sister LHZ would tell children that they
11 were the outcasts of society, that nobody wanted them,
12 that was the reason why they were there. The evidence
13 was that children would be told not to bother
14 complaining, that nobody was going to listen to them,
15 and that being there was what they deserved.

16 My Lady, I have looked then at the four
17 Nazareth Houses separately, but in fact, as my Lady will
18 see, the pattern is very similar across the four houses.

19 Can I then look at evidence that looks across the
20 houses. For example, there has been evidence from many
21 applicants from the different houses that children were
22 made to lie in bed at night with their hands crossed
23 over their chests and they would be inspected by sisters
24 and staff and punished if they were not lying in this
25 way. Indeed, some applicants said that they still sleep

1 like that today.

2 Support for the existence of this practice can be
3 found in guidance provided to the sisters in the
4 directory, probably up until its revision in 1964.

5 Your Ladyship may recollect the evidence on that last
6 week.

7 LADY SMITH: Yes. That's the directory and book of customs
8 that was first published in 1921?

9 MR MacAULAY: Indeed, and I think Sister Anna thought that
10 that may have been removed in the 1964 revision; I think
11 the revision before that was 1958.

12 In relation to dead nuns, we heard evidence,
13 particularly in relation to Aberdeen and Cardonald, that
14 if a nun died, the nun would be laid out and in some
15 cases children had to go and say a prayer and kiss the
16 nun's head or hand, and that the children found this
17 upsetting.

18 LADY SMITH: Yes. Just going back a moment to the sleeping
19 position at night, am I right in recalling that the
20 Frontline Scotland programme demonstrated a nun putting
21 a child's arms like that in bed?

22 MR MacAULAY: It did indeed.

23 LADY SMITH: And that was made in the late 1990s, so whoever
24 made the programme was being told at that time that that
25 was a practice?

1 MR MacAULAY: Absolutely correct.

2 I was moving on, my Lady, to look at the position
3 in relation to dead nuns. We heard evidence from one
4 applicant who was at Cardonald that he was really scared
5 of having to sit with a dead nun when aged 6 or 7, and
6 indeed he wet himself because of the fear. That was
7 a memory that has stayed with him.

8 So far as chores are concerned, there has been
9 evidence from all of the four Nazareth Houses of
10 children having to carry out what can be described as
11 manual work. This has included scrubbing and polishing
12 floors, cleaning toilets, and heavy laundry work.

13 A witness, Pat, who worked at Lasswade in the late
14 1950s, when her brother was a resident there, she was
15 there for about six or seven months, went on to say in
16 her evidence:

17 "The boys just worked. They scrubbed the corridors.
18 They were down on their hands and knees with a big
19 bucket and big scrubbing brush, scrubbing these marble
20 floors."

21 And the other point she made was this was all done
22 in silence in that there was no talking allowed.

23 LADY SMITH: Am I also right in thinking there was evidence
24 about a family who arrived in Nazareth House Aberdeen
25 shortly before the end of the school summer term,

1 obviously there was no point starting them at school,
2 and what they had to do until the end of term was do
3 chores every day?

4 MR MacAULAY: If it's the same family, I think ...

5 LADY SMITH: They were just there for a short time.

6 MR MacAULAY: They were, yes. Can I say that I don't think
7 the order disputes that chores were done, because
8 Sister Anna did say that the order did not employ staff
9 in the 1940s and 1950s, and in their written
10 submissions, at paragraph 30, the order accepts that
11 into the late 1960s there was insufficient funding for
12 cleaners to be employed. So someone had to do the work
13 and it would appear that the brunt of that fell on the
14 children.

15 Looking, my Lady, at birthdays and Christmases,
16 again, across the four houses. Some applicants have
17 given evidence of never recollecting a birthday being
18 celebrated, others recollected cakes and small gifts.
19 Some applicants recollected having stockings with an
20 apple, an orange and a small gift at Christmastime,
21 while others remember getting a gift and having it taken
22 away very shortly afterwards.

23 One applicant, Poppy, who was in, I think, Cardonald
24 in 1957, told the inquiry how she was given a watch from
25 her grandfather as a combined birthday and Christmas

1 present, because her birthday was very close to
2 Christmas, and this was taken away by Sister [LFH] and
3 never seen again.

4 Can I then, my Lady, look at the issue of sexual
5 abuse. There has been evidence from applicants about
6 sexual abuse at the four Nazareth Houses. As I have
7 already mentioned, some of these allegations have been
8 proved in criminal trials.

9 So far as Aberdeen is concerned, we heard the
10 evidence of sexual abuse by [LDU] on an applicant
11 in the 1950s and into the 1960s. According to the
12 applicant, this abuse persisted for a number of years.
13 This is the applicant who, in his letters to God,
14 explained that the reference to "dirt" was to the sexual
15 abuse he had suffered at the hands of [LDU].

16 My Lady, this applicant gave evidence of speaking to
17 the then Father Conti -- he referred to him as
18 Father Mafia -- in the confessional, and telling
19 Father Conti that he was being sexually abused by
20 [LDU]. Archbishop Conti denies that this occurred.
21 Archbishop Conti did provide some guidance on how, in a
22 hypothetical case, the Seal of the Confessional could be
23 preserved in such a situation.

24 Can I say, my Lady, quite separately, that this and
25 other areas of canon law will be looked at by the

1 inquiry and an eminent canon lawyer who has assisted
2 other inquiries has been contacted for that purpose.

3 LADY SMITH: Yes. It's very important that we do look at
4 this in some detail, Mr MacAulay.

5 MR MacAULAY: Yes. But there is a conflict in the evidence
6 between what the applicant said and Archbishop Conti's
7 position. The applicant was clear that it was, as he
8 put it, Father Mafia that he dealt with.

9 LADY SMITH: Mr Mafia, the boys called Father Conti
10 "Mr Mafia". I think it is probably fair to say the
11 applicant wasn't clear about his memory of the timing
12 and it didn't necessarily correlate with the date that
13 was on the letters that he'd hidden at the back of the
14 cupboard.

15 MR MacAULAY: No, his evidence -- he gave different evidence
16 as to what the timings might have been. One of the
17 points Archbishop Conti makes is that if the date is in
18 fact the date on the letters, which is 1967, then he was
19 not a curate at Aberdeen at that time, having left
20 Aberdeen in 1962.

21 LADY SMITH: Yes. He was still within the diocese though
22 and he did say on occasion that he was back in Aberdeen.

23 MR MacAULAY: He did.

24 Another applicant from Aberdeen, who was there
25 between 1957 and 1960, who took the pseudonym "Terence",

1 said he was sexually abused by [REDACTED] in a boiler
2 room where he had been sent as punishment.

3 We also heard from another applicant that someone,
4 who was unknown to him, used to sit him on his knee,
5 fondle him, take him to the toilet and fondle him there.

6 Looking at Cardonald, one applicant who was there
7 spoke of sexual abuse by two lay staff volunteers and
8 also by a visiting Marist Brother who took him and
9 sometimes other boys away for trips. This was in the
10 late 1970s and into the 1980s.

11 This applicant -- and your Ladyship may recollect
12 this evidence -- also spoke of having seen one of the
13 lay staff volunteers who abused him bathing a young girl
14 who looked scared.

15 Another applicant, who was there from the 1940s into
16 the 1950s, in a witness statement provided evidence of
17 being taken by a nun to [REDACTED] LVS , who sexually
18 abused her. She also said that she was sexually abused
19 by that nun.

20 Another applicant, Olive, who was at Cardonald
21 between 1975 and 1979, gave evidence of being sexually
22 abused by Joseph Duffy, a volunteer at Cardonald.

23 It may be, my Lady, that Joseph Duffy was a prolific
24 abuser at Cardonald. Other charges of which he was
25 convicted were for the abuse of other children at

1 Cardonald.

2 According to one applicant -- this was
3 Paula Chambers, who was at Cardonald from 1983 to 1984:

4 "Joseph Duffy had a front door key to Cardonald."

5 She also said that she saw Joseph Duffy behaving
6 inappropriately with children and that his inappropriate
7 behaviour ought to have been apparent to the staff.

8 Two other applicants from Cardonald, Yvonne and
9 Bernie, gave evidence of being sexually abused while
10 staying with potential foster carers in England while
11 they were children at Cardonald. One of them said she
12 had reported that the male foster carer had done "dirty
13 things" to her. The inquiry has seen that these very
14 words were recorded by the Social Work Department on
15 a document. The applicant and her sibling did not go
16 back to this family.

17 The applicant gave evidence that she told the nuns
18 of what had happened, but they didn't believe her,
19 called her a liar, a troublemaker, and they told her to
20 ask God for forgiveness, and that she should be thankful
21 that someone took them out.

22 The other one of these applicants gave evidence in
23 her statement that she was sexually abused by a priest
24 and [REDACTED] LVT [REDACTED] while at Cardonald.

25 Another applicant, Donna, who was at Cardonald

1 between 1971 and 1979, spoke of being sexually abused by
2 a male who she was told was her father, having been
3 taken out of the home for the day.

4 Another applicant, Maureen, who was at Cardonald
5 between 1962 and 1970, described how she was sexually
6 abused by a benefactor in his home and at
7 Nazareth House. She had said she told Sister [REDACTED] LFS
8 and was accused of being "a filthy brat" and "telling
9 lies".

10 Another applicant, Christina, who was at Cardonald
11 from 1977 to 1978, spoke of drawing a picture of
12 a chapel for [REDACTED] LHS and bringing it to him in
13 confession, hoping that he would like it, and gave
14 a description of being sexually abused by [REDACTED] LHS
15 in the confessional box. Her description tends to
16 suggest that she was raped.

17 Another applicant, Trisha, who was at Cardonald from
18 1948 to 1961, gave evidence that she was sexually abused
19 by a benefactor in his home, but was not believed by
20 Sister [REDACTED] LFH, and she was hit and told to kneel before
21 a statue and ask for forgiveness.

22 My Lady, looking to Lasswade, an applicant, Mike,
23 who was there from 1960 to 1961, gave evidence of having
24 been sexually abused, that it started from when he was
25 around 7 years of age, and that it was older boys of 14

1 or 15 who would abuse him. He gave evidence that he
2 raised this with the sisters at the time and was told
3 that such behaviour did not happen there. He gave
4 evidence that he was beaten for raising this matter with
5 the sisters.

6 When he told a priest at confession about the sexual
7 abuse, his evidence was that he was told, "Say your
8 Hail Marys and Our Fathers and stop being wicked and
9 don't tell lies about people again".

10 He also said that he was sexually abused by priests
11 in the confessional and at Nazareth House itself, and
12 he was also, he said, sexually abused by care
13 assistants, although when giving that evidence he became
14 upset and that wasn't developed in his evidence.

15 There was evidence from another applicant, John, who
16 was at Lasswade between 1969 and 1970, that he was
17 sexually abused by Peter Blaney. As I mentioned before,
18 my Lady, Peter Blaney was convicted in the year 2000 for
19 sexually abusing children at Lasswade in the 1960s and
20 1970s. This applicant did not disclose the abuse at
21 that time and therefore was not a complainer in the
22 trial.

23 Another applicant, who took the pseudonym "Bob" and
24 was at Lasswade between 1965 and 1967, said that he was
25 taken to a room at Lasswade where he saw a priest was

1 masturbating, and that he started screaming and the
2 priest left. He also said he saw a priest lying naked
3 in a nun's cell with a young boy beside him and he also
4 spoke of seeing a well-known individual and another man
5 in a compromising position with a young boy and a young
6 girl, and, on another occasion, seeing two well-known
7 and prominent individuals in a compromising position
8 with two girls.

9 Looking, my Lady, at Kilmarnock, there was evidence
10 from an applicant of having been sexually abused on
11 a regular basis. Her evidence was that she was sexually
12 abused by Sister [LHZ] and by others facilitated by
13 Sister [LHZ]. This included the applicant being tied to
14 a stool with her head covered and then raped.

15 We heard evidence from a witness, via a tape
16 recording, that she herself was sexually abused at
17 Kilmarnock by a priest and that she saw another child
18 being sexually abused. Records disclose that the
19 priest's name in that evidence did visit Kilmarnock.

20 Another applicant, Stephen, who was at Kilmarnock
21 between 1968 and 1970, spoke about sexual abuse by
22 [LXC] and he described this person as someone with
23 [REDACTED] and that this person abused him
24 and also other children. This applicant said he
25 reported this to the Mother Superior, who said that she

1 would deal with it. He -- that was the applicant -- was
2 moved two or three days later to Nazareth House in
3 Newcastle and his brothers, who were with him at
4 Kilmarnock, were moved to different establishments. As
5 he put it:

6 "A separation that changed my whole life."

7 He was aged 11 at about that time.

8 Can I then, my Lady, just look at some of the
9 evidence of the sisters. Other than Sister Alphonso,
10 who accepted that she was rightly convicted -- and
11 I will come back to that -- the general position from
12 all of the other sisters was a denial of any of the
13 allegations made against themselves and a denial of
14 having seen or heard any abuse by other sisters or staff
15 while they were at the various Nazareth Houses.

16 Their position was that the children were well cared
17 for in a homely environment. There was a general
18 acceptance that it would have assisted matters if they
19 had known more about the backgrounds of the children and
20 the circumstances that had brought them into care.

21 Some sisters gave evidence of keeping certain
22 records, some more than others, but very few kept
23 records of punishments. The evidence of the sisters was
24 that deprivation of privileges, such as watching
25 television, playing football or receiving pocket money

1 was the main form of discipline, but with some sisters
2 accepting that they would give children one or two
3 smacks if required, but no more in terms of physical
4 punishment.

5 There was a denial of force-feeding and of saying
6 anything demeaning or belittling to the children. Other
7 than Sister [REDACTED] LTX 's evidence about Sister [REDACTED] FAF ,
8 which I will mention in a moment, there was a general
9 denial of humiliation or punishment for bed-wetting.

10 As I've said, my Lady, very few of the sisters said
11 they used any form of physical punishment. Sister [REDACTED]
12 said she gave children a slap over their clothes.
13 Sister [REDACTED] LSG accepted that she could have smacked
14 a child on the back of the hand --that she might have
15 done. Sister [REDACTED] said she would have smacked children.
16 Sister [REDACTED] spoke of seeing Sister [REDACTED] FAF hit
17 a child, a smack with a hairbrush or something that she
18 had in her hand. But she went on to say it wasn't
19 continual, a smack and that was it, and that it wasn't
20 a regular occurrence.

21 She gave evidence, my Lady, that she herself was
22 frightened of Sister [REDACTED] FAF and that she was not
23 a good mentor for her. She accepted that the children
24 were also frightened of Sister [REDACTED] FAF . She did give
25 evidence of children telling her that Sister [REDACTED] FAF

1 gave them a cold bath for bed-wetting and sometimes put
2 sheets over them, and that she knew that was one of
3 Sister [REDACTED] FAF 's punishments.

4 The evidence of Margaret, the student worker at
5 Aberdeen in the 1970s, and that of Elizabeth, who worked
6 with the children at Cardonald for around 20 years,
7 generally supported the evidence of the sisters, that
8 there was no corporal punishment and that children were
9 treated well.

10 Generally speaking, my Lady, the evidence of the
11 sisters sits very much in contrast to what has been
12 heard from applicants across the period in relation to
13 life at the four Nazareth Houses.

14 As I've indicated, the evidence from applicants
15 covers several decades and periods when the sisters who
16 gave evidence were present.

17 Whether the evidence of the sisters who said they
18 did not witness any ill-treatment at all can be
19 explained by the significant amount of autonomy enjoyed
20 by the different groups is a question your Ladyship will
21 have to consider.

22 As I mentioned earlier, the essential issue for
23 your Ladyship is whether your Ladyship can be satisfied
24 that the evidence provided by applicants can be accepted
25 in its important respects.

1 I have already mentioned evidence that supports the
2 conclusion that children at Aberdeen, for example, were
3 happy and well cared for, and in addition, at the end of
4 Sister Anna's evidence, a number of letters from former
5 residents and independent witnesses were referred to to
6 support the sisters who have given evidence.

7 Sister Anna and the order's archivist,
8 Christine Hughes, spoke to the response to parts C and D
9 of the Section 21 request from the inquiry. Sister Anna
10 had previously spoken to parts A and B.

11 Part C sought a response from the congregation to
12 questions exploring the prevention and the
13 identification of abuse, in particular looking to see
14 what policies had been in place over the relevant
15 period.

16 Sister Anna spoke to part D of the response, which
17 was focused on the abuse allegations themselves and the
18 response to those allegations on behalf of the
19 congregation. There was confirmation that changes were
20 made to these parts in light of some of the evidence
21 that has been provided to the inquiry.

22 Sister Anna did offer an unreserved apology to
23 anyone who was abused as a child in the care of the
24 order in Scotland. She said, as I've already mentioned,
25 that she had no reason to disbelieve the applicants who

1 have given evidence to the inquiry.

2 As already mentioned, my Lady, Sister Anna accepts
3 that there seemed to be a lack of loving and nurturing
4 of the children, particularly before the beginning of
5 the formation of the family groups. As she said, the
6 sisters themselves lived under a very strict regime and
7 that it looked as if that was transferred on to the
8 children.

9 It is accepted by the order that the transfer of
10 sisters between establishments to stop them forming an
11 attachment with the children and vice versa was not
12 ideal and would not happen today.

13 It's accepted that it would appear that there were
14 no assistants or staff with the sisters, particularly
15 in the earlier periods, and that would explain why
16 fairly manual tasks were placed on the children.

17 It is also accepted that the groups within a house
18 were autonomous and that a sister was not in fact
19 permitted to enter another sister's employment, as it
20 was called, and that this could have led to different
21 regimes or discipline and punishment between groups in
22 the same house.

23 It is also accepted that punishments were not always
24 recorded as they should have been and that there was
25 limited adherence to this with most sisters having no

1 knowledge of the existence of any punishment book.

2 In relation to record-keeping, or indeed the lack of
3 record-keeping, the order cannot explain why there are
4 gaps in the records held and what happened to records
5 which appear to be missing or have been destroyed if
6 they did exist.

7 While the order have provided the inquiry with
8 certain records, they cannot provide any explanation as
9 to what happened to other records. There is evidence
10 from the sisters themselves that they did not make
11 records, particularly of a child's progress or have any
12 record of a child's background and the reasons why they
13 were in care.

14 There are good records in relation to the order
15 itself but not about the children. What can be said in
16 favour of the order is that materials such as the
17 histories of the foundation of the four houses and what
18 visitors and logbooks remain do present a positive
19 picture of life in these establishments. A number of
20 points can be made about the punishment books that do
21 exist, particularly from Aberdeen and Kilmarnock.

22 There is some evidence historically of some corporal
23 punishment in the form of slaps and the strap, but
24 latterly what has been mainly recorded in the Aberdeen
25 punishment book was that children were absconding and

1 those entries were looked at in evidence last week.

2 It has to be said that a former policeman, Ian,
3 provided evidence of his dealings with absconding
4 children for a period in 1976 and, indeed, children who
5 told him that they were being ill-treated, accounts that
6 he did not believe at the time.

7 LADY SMITH: Yes. His recollection was, over the months
8 he was there, he was dealing with runaways just about
9 every week; isn't that right?

10 MR MacAULAY: On a regular basis, yes. That's in a sense
11 corroborated by entries in the punishment book.

12 LADY SMITH: Yes.

13 MR MacAULAY: The punishment book kept by Kilmarnock, and
14 kept by a particular sister, I think over the period
15 1981/1982, discloses in fact that there were punishments
16 in the form of deprivations for bed-wetting, although
17 I think the evidence was that certainly by then,
18 bed-wetting would not be managed in that way.

19 The other point to make about the punishment books
20 that we have is that there are the type of significant
21 gaps in the recordings that might suggest that the
22 day-to-day events were not being recorded.

23 My Lady, evidence has also been presented on behalf
24 of the order about the number of complaints and civil
25 claims from former child residents in relation to the

1 four Scottish houses, and a breakdown is provided in
2 section D of the response. In short, there have been
3 122 complaints to the order, generally by letter. There
4 have been 270 civil actions from litigants separate to
5 those who have complained. There has also been criminal
6 proceedings in particular in relation to one sister,
7 Peter Blaney and Joseph Duffy.

8 My Lady, I can say that of the 122 complaints, on
9 the information provided to the inquiry, only a very
10 small fraction of these complainants appear to have been
11 applicants who have signed statements for the inquiry.

12 Of the 270 civil actions, it appears that only about
13 a third of these were raised by applicants who have thus
14 so far provided statements to the inquiry.

15 That suggests that the great majority of applicants
16 did not pursue civil claims and perhaps underscores the
17 wisdom of the retraction by Archbishop Conti of his
18 "pots of gold" comment.

19 My Lady, in conclusion, your Ladyship will have to
20 carefully consider all the evidence of the applicants,
21 the positive accounts, the accounts of the surviving
22 sisters who have provided evidence, the accounts of the
23 other witnesses, and your Ladyship will ultimately have
24 to decide whether the evidence of the applicants is
25 accepted in its material aspects in relation to the

1 regimes and practices that they have described.

2 I think, as I already mentioned, my Lady, that task
3 may now be assisted by the order's acceptance, through
4 Sister Anna in particular, that there was no reason to
5 disbelieve the applicants who gave evidence during this
6 part of the case study.

7 My Lady, these are my submissions.

8 LADY SMITH: Mr MacAulay, thank you very much.

9 It's now just about 12.20. We'll have a short break
10 now to give the stenographers a breather and to enable
11 anybody who wants a comfort break to have that. If
12 we can sit again in 10/15 minutes, please.

13 (12.15 pm)

14 (A short break)

15 (12.30 pm)

16 LADY SMITH: Mr MacAulay, very briefly, before I turn to
17 Mr Scott, could I ask for clarification on what you were
18 saying regarding the statistics of pursuers in
19 litigations as compared to applicants, because I may
20 have misunderstood it?

21 MR MacAULAY: Yes. There were 270 civil claims. So far as
22 applicants are concerned, as I've said, there are over
23 70 signed statements and there are over 30, as it were,
24 still to be processed. However one looks at the
25 figures, only one third of those who have come to the

1 inquiry were civil litigants.

2 LADY SMITH: Right.

3 MR MacAULAY: That's why I was able to say that that
4 suggests that the great majority of applicants did not
5 pursue civil claims and it perhaps underscores the
6 wisdom of the retraction by Archbishop Conti of his
7 "pots of gold" comment.

8 LADY SMITH: You did say the majority of our applicants were
9 not litigants; indeed some of them made it clear they
10 didn't want to be.

11 MR MacAULAY: Indeed.

12 LADY SMITH: Thank you for that.

13 Mr Scott.

14 Closing statement by MR SCOTT

15 MR SCOTT: Thank you, my Lady.

16 I thought that it would be useful to start my
17 submissions today on behalf of INCAS by making some
18 general observations relevant to this case study.
19 Before doing so, it is worth commenting on the recent
20 change to the inquiry's terms of reference regarding
21 timescales.

22 Without this change your Ladyship would have had to
23 report before the end of October next year. It was
24 apparent to INCAS that to do so would inevitably involve
25 the inquiry being unable to take full account of the

1 evidence of all survivors who wish to be heard,
2 especially, as we have heard this morning, as survivors
3 are continuing to come forward.

4 Some survivors are unhappy about the extension but,
5 as an organisation, INCAS welcome it as a necessary
6 step. It is a change which can be accepted in
7 particular because of the interim reports and findings
8 which your Ladyship has promised.

9 More time will assist the inquiry in better
10 achieving its overall aim and purpose of raising public
11 awareness of the abuse of children in care and provide
12 an enhanced opportunity for public acknowledgement of
13 the suffering of those children and a forum for
14 validation of their experience and testimony.

15 The only qualification to acceptance of this change
16 is a renewed determination to have the government
17 address a matter outwith the inquiry's terms of
18 reference, namely redress.

19 As discussions on that subject continue, it seems
20 rather slowly, it is to be hoped that the issuing of the
21 findings in fact for the first case study will focus
22 minds on this other aspect of unfinished business.

23 On that subject, I should record my gratitude to
24 Mr Moloney, who is with us today. He has assisted us on
25 this subject, the question of redress, with his

1 contacts, his knowledge and his experience of the needs
2 of survivors in connection with the equivalent inquiries
3 both in the Republic of Ireland and in Northern Ireland.

4 He has spent some considerable time in identifying
5 matters which might assist INCAS and also, hopefully,
6 the Scottish Government, especially by reference to
7 the Republic's redress scheme, which has settled the
8 claims of all eligible survivors.

9 INCAS members remain committed to the overall aim
10 and purpose of the inquiry. Most days of the hearings
11 have seen at least some INCAS members present and they
12 continue to follow the evidence through transcripts and
13 updates from Helen Holland and others.

14 Each day there has been at least one member of the
15 legal team here. Learning from experience in the first
16 case study, it has been considered useful for me to be
17 here for most of the evidence from the sisters.

18 Mr MacAulay has continued to incorporate all
19 proposed questions, usually entirely seamlessly, into
20 his own examination, especially throughout the last
21 month. It is appropriate to recognise once more the
22 patient but thorough manner in which Mr MacAulay has
23 carried out the examination of all witnesses.

24 The Sisters of Nazareth have been represented as an
25 organisation and several individual sisters have been

1 represented separately. There is an understandable
2 difference in the approach taken by each of the separate
3 legal teams. Despite this, and despite the denials of
4 individual sisters facing specific allegations, there
5 has been no real challenge to the evidence of widespread
6 and sustained abuse of children.

7 Indeed, there has been evidence in this case study,
8 mostly uncontradicted, which I suggest has been
9 powerful, compelling and disturbing. And, despite
10 denying most of the allegations, the sisters who
11 testified helped to paint a picture of how such abuse
12 could occur.

13 Very young women with little or no relevant
14 experience or training, sent without choice of
15 destination to extremely hierarchical places they did
16 not know, to look after children and for whom very
17 little was kept by way of essential information,
18 certainly some of the time. No handover to speak of,
19 sometimes not even passing the sister that they were
20 replacing, inadequate staff --

21 LADY SMITH: That seemed to be a very common experience,
22 that they didn't meet the outgoing sister at all.

23 MR SCOTT: That would be an obvious source of at least some
24 information that the outgoing sister had gathered from
25 the children themselves.

1 Inadequate staff numbers and often little
2 opportunity for meaningful dialogue about the best
3 interests of the children, even with developments in how
4 that was understood over the passing decades.

5 Many of the sisters did, over time, undertake
6 training, which would have allowed them, if it was
7 reflected in what they were allowed to do, to better
8 care for the children.

9 These were young women whose vows of obedience were
10 interpreted as having to accept without question how
11 things were done, perhaps how they would always have
12 been done. As Sister [REDACTED] LSG said in her statement:

13 "There was no training or induction and I went into
14 the post with my eyes closed and hoped everything worked
15 out for the best ".

16 With all of that in place, it is easy to see how
17 long-term abuse could survive beyond individual sisters
18 and even generations of sisters.

19 Archbishop Conti spoke of aversion therapy
20 in relation to bed-wetting and there was much mention of
21 corporal punishment, with the latter, in society at
22 large, outlasting the former, but both an obvious
23 feature of lives behind the Nazareth Houses' often bleak
24 walls.

25 The problem however is that while that might be an

1 explanation for some of what happened, as my Lady
2 herself pointed out, not a single sister accepted that
3 these things happened or said that these were the
4 reasons for such practices.

5 The majority of the general and the specific
6 allegations were denied completely by the sisters. No
7 doubt there must have been houses or parts of houses
8 where there was no abuse for at least at some periods in
9 time, and some witnesses have said so as well as
10 survivors. But that does not mean, as some seem to have
11 thought, that there was no abuse anywhere at any time.

12 We know how separate each sister's employment was;
13 abuse could have happened in one part of the house
14 without any knowledge on the part of others. But the
15 sisters' denials make much more difficult the sort of
16 reconciliation suggested by Archbishop Conti.

17 Despite their denials, did some of the sisters from
18 whom we heard abuse or witness abuse? I was struck from
19 time to time in their evidence in answer to some
20 questions about whether there were abusive practices by
21 phrases such as "not really" and "I didn't really".

22 However, it is not a question requiring of answer in
23 this inquiry. It is hard now to see the young women the
24 sisters who gave evidence once were, with the challenges
25 they faced in what is recognised as a difficult and

1 demanding role, even with proper training and
2 experience, even outwith a strict hierarchy where
3 obedience was demanded, and even with what we know now
4 about trauma, adverse childhood experiences more
5 generally, and the need for love, relationships,
6 encouragement and play in childhood.

7 LADY SMITH: Just going back a moment to the feature of
8 separate employments through all these homes, separate
9 units, nuns not going into each other's units, that was
10 not what you did: whilst, as you say, if abuse was
11 happening, that meant that a non-abusive nun would not
12 see it if it was outwith her unit, do I also have to
13 think about that, as a system, that meant that where you
14 did have nuns running a unit who were good with
15 children, and knew how to handle them, were not hitting
16 them, were not using these bed-wetting practices we have
17 heard about, a nun who was struggling in another unit
18 had no opportunity to witness what you needed to do to
19 do the job well?

20 MR SCOTT: Exactly so, my Lady. The opportunities for
21 sharing of good practice and caring practices was
22 restricted because of that apparently strict rule.

23 LADY SMITH: Yes.

24 MR SCOTT: The serious nature of certain allegations seems
25 to have made it hard or even impossible for some to

1 accept that any of the abuse occurred at all. Indeed,
2 before this inquiry, some focused on the most extreme or
3 fantastical allegations to suggest that all allegations
4 must have been fabricated, possibly in some sort of
5 misdirected anger at the children's own families.

6 I suggest that the inquiry has seen the lie in the
7 suggestion that all such allegations must be the result
8 of damage by others at some other time before or after
9 their care with the Sisters of Nazareth.

10 I mention just one example of this from the evidence
11 of Sister Katrina, when pressed by my Lady on her
12 suggest that the allegations were inspired by thoughts
13 of money, she said:

14 "Because you know they got together, they know each
15 other, they've been in touch with each other and they're
16 talking and they may have a resentment against the
17 sisters."

18 That damaging and obviously unsustainable theory
19 persists, despite its sheer impossibility and survivors
20 who to date, as we have just heard in closing by
21 Mr MacAulay, have not sought a penny in compensation.
22 By comparison to impossible conspiracies, survivors
23 again, I suggest, offered a balanced picture with
24 traumatic events often described in a surprisingly
25 understated manner.

1 INCAS recognises that there are other victims of the
2 abusers: the sisters, some of whom we have heard from,
3 who abused no one and who knew of no abuse; sisters
4 against whom there is not a single allegation. For in
5 abusing or knowing of abuse and doing nothing, those
6 sisters with whom this inquiry is mainly concerned have
7 damaged the reputation of the order and left their
8 innocent colleagues under a general cloud of suspicion.

9 In those circumstances, it is perhaps understandable
10 that some of the innocent sisters, who could never
11 conceive of abusing a child, cannot conceive of another
12 sister having done so. For them, it may be easier to
13 think of the allegations of abuse as a fabrication than
14 to have to re-think what they thought they knew of their
15 own order.

16 Even the fact of criminal convictions has failed, it
17 seems, to convince everyone, including Sister Alphonso
18 herself, before she finally accepted the very late
19 statement of admission she made after further long and
20 welcome reflection.

21 That general, often legalistic, approach taken by
22 some is unfortunate because it also gets in the way of
23 reconciliation.

24 On more than one occasion, sisters and survivors
25 referred to the other group as "these people". There

1 remains a gulf.

2 Despite the denials by individual sisters, I suggest
3 that it is absolutely clear that abuse happened in the
4 various Nazareth Houses. It ranged from the apparently
5 common punitive customs associated with eating, sleeping
6 and general discipline to some of the most extreme
7 sexual abuse about which the inquiry has heard to date.

8 As before, the way these abusive practices have been
9 revealed has involved common themes spoken to by
10 individuals of many ages from many different places and
11 backgrounds who were resident in Nazareth Houses in
12 different decades in different places and were strangers
13 to each other.

14 Despite some suggestions to the contrary from
15 Archbishop Conti, the times we are looking at offer no
16 excuse for much or most of the abuse. For example,
17 looking at the 1960s, there was evidence from John on
18 Day 59 about Redhall House Children's Home, where he
19 also lived. Children there were not punished for normal
20 aspects of childhood and growing up, things like
21 bed-wetting. Fun and warmth appear to have been
22 a feature of lives there.

23 In addition, if this was only about changing times
24 and standards, we might expect to see more record of the
25 detail of beatings and the hanging of sheets over

1 bed-wetters. Surviving records disclose no mention of
2 such punishments, even if abusive punishment was
3 contemplated in the directory and book of customs.
4 Either such abuse was excluded because it was recognised
5 that it was wrong or perhaps it was not seen as
6 punishment, but as discipline and instruction: eat your
7 food, don't wet the bed or else.

8 Last Tuesday, in his evidence, Archbishop Conti made
9 an insightful comment about the lingering effects on
10 Victorian attitudes on the treatment of children in the
11 care of the Sisters of Nazareth, well into the
12 20th century. He also mentioned Dickens, an apt
13 reference for some of the abusive practices about which
14 we have heard so much in this case study. Mention of
15 Dickens reminded me of the following quote in "Great
16 Expectations":

17 "In the little world in which children have their
18 existence, whosoever brings them up, there is nothing so
19 finely perceived and so finely felt as injustice."

20 As we have heard, injustice at the hands of the
21 Sisters of Nazareth has been perceived and felt just as
22 Dickens said, but there has been more: injustice has
23 been admitted, accepted and acknowledged. After
24 a fashion, there has also been apology.

25 Injustice demands witnesses and your Ladyship has

1 been able to see and hear from dozens in the last
2 70 days since this case study started, in addition to
3 the many others unseen but obviously not forgotten by
4 your Ladyship, whose statements will also inform
5 your Ladyship in her tasks.

6 The need for an opportunity for witnesses to
7 injustice to be heard was well captured by the witness
8 Pat, who gave evidence on 25 June:

9 "I have sometimes felt like standing on a mountain
10 and screaming so everybody can hear. Speaking to the
11 inquiry is my mountain. When I think about things now,
12 all I want is justice and closure. I want the things
13 that happened to never, ever happen in any shape or form
14 again."

15 Admission, acceptance and acknowledgement have in
16 some cases arrived only with hesitation, difficulty and
17 even reluctance. Apology has been offered and, in its
18 eventual form, may be of comfort to some survivors, at
19 least to some extent. I fear, however, that warnings
20 from the first case study about the risk of qualified
21 apologies, with excessive deference in some cases to
22 legalistic felicities, have not been heeded entirely or
23 early enough.

24 There should be no need to emphasise the undoubted
25 impact of sincere, unqualified and unprompted apologies.

1 The hesitant and late appearance of some apologies has
2 caused further damage to some survivors.

3 As before, I accept on behalf of INCAS that such
4 acknowledgement must be enormously difficult for the
5 sisters as an organisation. INCAS members truly
6 appreciate the presence of sisters during much of the
7 evidence in this case study, a presence which
8 demonstrates a greater willingness to listen to
9 survivors who, more than almost anything, want finally
10 to be heard.

11 Listening to the evidence must have been uniquely
12 difficult for the sisters, but it has, it appears,
13 proved invaluable in informing the final submissions
14 made on behalf of the order and has resulted in several
15 amendments to the official responses.

16 Nonetheless, the difficulty for the sisters is
17 dwarfed by the difficulty for survivors whose courage in
18 sharing their experiences can again be recognised.

19 Sister Anna Maria Doolan agreed that what was
20 offered now by the order is acknowledgement not
21 restricted to abuse resulting in criminal convictions
22 and that is a welcome development of the position.

23 INCAS welcome the clear statement by the Bishops'
24 Conference at the start of this case study that they
25 were sorry about things said in the past and the

1 additional damage caused by them. Ultimately,
2 Archbishop Conti said the same, and despite the
3 self-justification in some of the earlier parts of his
4 evidence, it seemed by the end that he had a better
5 appreciation of what he got wrong and the damage he had
6 caused. His acknowledgement and apology are also
7 welcomed.

8 In one of his letters of support, quoted more than
9 once, he said:

10 "Those who call others to account for their actions
11 must be prepared to defend their own when they make
12 allegations."

13 There is no small irony in that comment now when the
14 archbishop was simply unable to defend many of his own
15 actions and words, which were experienced by survivors
16 as accusations of lies and pressure to keep quiet.

17 I turn now to the question of findings in fact which
18 your Ladyship can find established on the evidence heard
19 in this chapter. In approaching the making of findings
20 in fact, a number of factors may be relevant. Again,
21 there has been evidence of abuse or a pattern of abuse
22 which is supported by a number of witnesses, even where
23 their involvement in events has been different, whether
24 as sisters, members of staff or as children.

25 The inquiry has heard of patterns of abuse described

1 by these individuals who are complete strangers to each
2 other, resident in Nazareth House in entirely different
3 decades. What happened didn't involve simply one or two
4 abusers, not rogue sisters, it didn't just last for
5 a short period of time, it involved many abusers and it
6 spanned decades.

7 There is evidence of abuse which is uncontradicted,
8 although I recognise again, when considering whether
9 evidence is uncontradicted, contradicted or supported,
10 there remains the problem of trying to reconcile
11 descriptions of timing and events to establish whether
12 different witnesses are talking about the same thing or
13 something different. That's especially so given the
14 passage of time, the destruction or lack of records, and
15 the fact that many of the witnesses were themselves
16 young children at the relevant time.

17 So my submissions are again, in general terms, as
18 they were with the first case study and relate to the
19 body of evidence of practices which go beyond individual
20 witnesses. I don't break down my submissions
21 in relation to the four different locations.

22 We have heard of similar or even identical practices
23 persisting over decades, despite the inevitable changes
24 of nuns, staff, children. I suggest that the following
25 findings in fact can be made for most of the time under

1 consideration --

2 LADY SMITH: Mr Scott, I'm wondering -- it's almost
3 1 o'clock now and I see you're about to move to
4 a different part of your submissions. I think we'll
5 rise at this stage and try and sit again at 1.50.
6 Thank you.

7 (12.58 pm)

8 (The lunch adjournment)

9 (1.50 pm)

10 LADY SMITH: Mr Scott, when you're ready.

11 MR SCOTT: Thank you, my Lady.

12 Addressing my submissions on specific findings in
13 fact, the first of these is in relation to lack of
14 training, vetting and supervision. Many of the nuns and
15 staff who worked at Nazareth House had no qualifications
16 for doing so. Many were very young with no relevant
17 practical experience. This changed to some extent over
18 time when greater numbers of sisters and staff obtained
19 relevant qualifications. Even then, it was not
20 a requirement for everyone.

21 There was no vetting of staff or of volunteers.
22 There was no formal supervision of staff and each house
23 or employment operating with significant autonomy
24 allowed different and inconsistent practices to develop
25 in different parts of the establishment.

1 The next is the lack of human affection. Many
2 children experienced no praise, no human warmth, no love
3 or affection while at Nazareth House. Whether they did
4 depended to some extent on the attitude of individual
5 sisters or members of staff. Contrary to all modern
6 understanding of childhood trauma, it appears that
7 rules, or at least practices, developed which
8 discouraged the forming of any relationships, something
9 which seems extraordinary now in terms of cruelty to the
10 children, but also to the sisters themselves.

11 Witness John said:

12 "It was always brutal."

13 I think he was referring to washing routines, but
14 it's something that from the evidence overall seems to
15 have pervaded the houses.

16 The separation of families. We heard of enforced,
17 deliberate, unnecessary and therefore cruel separation
18 of siblings. Even some sisters questioned this practice
19 and told us that they questioned it at the time, but
20 nonetheless it continued.

21 At times children were allocated to different parts
22 of Nazareth House according to age and sex only, with no
23 regard for family relationships. As my Lady pointed out
24 during Mr MacAulay's submissions, there was no great
25 prioritisation of that, even at later stages when it

1 could have been accommodated.

2 In relation to Australia, we heard only a little
3 about forced migration and I will leave over my
4 submissions on that until the practice is considered in
5 more detail at a later point.

6 So far as records, similarly to the Daughters of
7 Charity, although in relation to the order there are
8 more records available, the full extent of
9 record-keeping throughout the relevant period is
10 contradictory and unclear, and it is clear that many
11 relevant records simply no longer exist for whatever
12 reason.

13 Birthdays and Christmas. Children's birthdays were
14 often not recognised or acknowledged in any way, and
15 again there was evidence of adults saying that they
16 didn't know when their birthday was.

17 Christmas was sometimes recognised. When presents
18 were handed in by family or others, children were
19 allowed to receive them, but they were removed shortly
20 thereafter and kept from them without explanation.

21 Washing. This often involved queues of children
22 ultimately sharing the same washing facilities, which
23 naturally became increasingly cold and filthy. Related
24 to that what was witness John said about, "You had to
25 scrub your sins", so washing was seen as part of the

1 regime almost for religious purposes as well.

2 So far as food is concerned, the evidence was
3 varied. The quality of food, according to the evidence,
4 varied but was often basic and poor. Children were told
5 to eat everything, sometimes force-fed if they did not
6 do so and sometimes forced to eat regurgitated food.

7 Bed-wetting. Humiliation was perhaps the most
8 common aspect of treatment here, with children who wet
9 the bed being forced to stand beside the bed, holding
10 their urine-soaked sheets or with them around their
11 necks or over their heads, sometimes beaten or
12 assaulted, or given cold baths or showers, this being
13 done as punishment and humiliation for the bed-wetting.
14 The sisters humiliated and encouraged the humiliation of
15 such children by others.

16 Remarkably, the evidence of the witness Pat included
17 reference to a very similar punitive approach to
18 bed-wetting in her own mother's time at Nazareth House
19 in Belfast, although perhaps less surprising given the
20 presence of the same sister in the homes in Belfast and
21 Lasswade. This particular humiliation relating to
22 bed-wetting appears to be one of the defining
23 characteristics of the treatment of children in the care
24 of the Sisters of Nazareth over many decades and many
25 homes.

1 Verbal abuse. Children were subjected to verbal
2 abuse, called names like "pissy bed" and "tramps";
3 "Jezebel" was mentioned, I think, at one stage as well.
4 They were told that the devil was inside them and, on
5 many different types of occasion, made to feel
6 responsible for their own rejection by their family,
7 blamed for being where they were, and then blamed for
8 the abuse they suffered at the hands of sisters and
9 others. That was a notable feature in relation to some
10 of the most serious sexual abuse of which we heard.

11 Control, discipline and punishment generally
12 featured children of all ages being assaulted, beatings
13 of all sorts with and without implements. Done, it
14 appears, as a means of control, discipline and
15 punishment. Used to punish bed-wetting, not finishing
16 meals, and any other incident of perceived or actual
17 disobedience or misbehaviour.

18 It is clear that extreme punishment could be
19 sanctioned even in terms of the order's own directory
20 and book of customs, which refers to whipping and
21 caning, not that the sisters acknowledged that that
22 happened, but it is revealing that, in their own
23 directory and book of customs, these were things that
24 could be sanctioned.

25 Sexual abuse. While more children it appears were

1 victims of other sorts of physical, mental and emotional
2 abuse, sexual abuse was a troubling feature of this case
3 study, with boys and girls subjected to this form of
4 abuse by nuns and others. This abuse included indecent
5 touching and significantly more serious sexual activity,
6 including rape by priests and others -- and this is
7 others who were allowed access to the children in the
8 various premises and clearly allowed such access by the
9 sisters.

10 Awareness of abuse. This is the last head in my
11 suggestions, my submissions for findings in fact.
12 Children made complaints of abuse to nuns, perhaps up to
13 the point in time where they realised that there was no
14 point in doing so. They made complaints of abuse to
15 staff members, to police and to others. Such children
16 in the first instance were usually accused of lying.
17 Their complaints were not pursued by those to whom they
18 were made and, indeed, such complaints often prompted
19 punishment and further abuse.

20 Those are my submissions, my Lady, in relation to
21 the key findings suggested from this case study.

22 In conclusion, my Lady, on behalf of INCAS, I would
23 like again to thank you for the continuing care,
24 patience and great sensitivity you have shown while
25 presiding over the giving of evidence in this often

1 harrowing case study. Thank you.

2 LADY SMITH: Thank you, Mr Scott.

3 Let me turn now to the representation for the
4 Lord Advocate, Mr Richardson.

5 MS LAWRIE: My Lady, I appear on behalf of the --

6 LADY SMITH: Sorry, I thought Mr Richardson was going to be
7 here.

8 Closing statement by MS LAWRIE

9 MS LAWRIE: My name is Leigh Lawrie and I appear on behalf
10 of the Lord Advocate and we welcome this opportunity to
11 make a closing submission.

12 The focus of the present case study has been on the
13 residential care establishments run by the Sisters of
14 Nazareth in Aberdeen, Cardonald, Kilmarnock and
15 Lasswade.

16 During this case study, the inquiry has heard
17 evidence about the abuse of children who were resident
18 in those establishments. The inquiry has also heard
19 that some of this abuse was reported to the Crown Office
20 and Procurator Fiscal Service.

21 Given the Lord Advocate's constitutional role as the
22 chief prosecutor in Scotland, the Lord Advocate does not
23 propose to make any submissions on the evidence heard
24 during this particular case study or to propose that the
25 inquiry should make any specific findings in fact.

1 In relation to the prosecution's response to the
2 reports of abuse which it received, the Lord Advocate
3 proposes to address this evidence, where appropriate,
4 during the phase of hearings focusing on the response of
5 the criminal justice system.

6 In conclusion, my Lady, may I take this opportunity
7 to reiterate the Lord Advocate's commitment to
8 supporting the work of the inquiry.

9 Unless I can be of further assistance, that would
10 conclude the submissions on behalf of the Lord Advocate.

11 LADY SMITH: Thank you very much, Ms Lawrie.

12 I would like to turn now to Police Scotland, please.

13 Ms van der Westhuizen is here.

14 Closing statement by MS van der WESTHUIZEN

15 MS VAN DER WESTHUIZEN: Thank you, my Lady.

16 My Lady, Police Scotland is grateful for the
17 opportunity to make this closing statement and continues
18 to be fully committed to supporting the work of this
19 inquiry.

20 During this phase of the inquiry, we have heard
21 testimonies from survivors who suffered abuse within the
22 Sisters of Nazareth institutions. Police Scotland would
23 like to express its continued sympathy to those
24 survivors and to all other survivors who have suffered
25 childhood abuse across Scotland.

1 Police Scotland has provided and will continue to
2 provide the inquiry with information and evidence around
3 its own practices and policies, and those of the eight
4 legacy police forces, regarding the response to dealing
5 with reports of child abuse in care establishments and
6 how this has evolved over time.

7 Police Scotland would like to provide reassurance to
8 the inquiry and the people of Scotland that it will be
9 considering all evidence heard by the inquiry suggesting
10 deficient police policy and/or practice in order to
11 continue to develop and enhance its organisational
12 learning and service provision to survivors.

13 Police Scotland is committed to investigating all
14 forms of child abuse. Those investigations,
15 particularly of non-recent crimes, are complex and
16 challenging, but Police Scotland will continue to
17 investigate all matters of child abuse reported to have
18 taken place in Scotland, irrespective of when that abuse
19 occurred, thoroughly and to the best practice standards
20 applied today.

21 As your Ladyship will be aware, Police Scotland's
22 national child abuse investigation unit is currently
23 undertaking re-investigations into the abuse of children
24 within establishments operated by the Sisters of
25 Nazareth.

1 Although resource assignment, investigative
2 practices and policies around the investigation of
3 non-recent child abuse have advanced considerably over
4 the years, Police Scotland will apply the knowledge
5 acquired and any lessons to be learned during the course
6 of this inquiry to improve further its practices and
7 policies for the future.

8 My Lady, unless I can be of further assistance,
9 that is the closing statement for Police Scotland.

10 LADY SMITH: That's very helpful, thank you very much,
11 Ms van der Westhuizen.

12 I would like to turn now to Scottish Ministers,
13 please, and invite Ms O'Neill to present closing
14 submissions for them.

15 Closing statement by MS O'NEILL

16 MS O'NEILL: I'm obliged, my Lady, for the opportunity to
17 make closing submissions on behalf of the Scottish
18 Ministers. The inquiry has the written submission for
19 the ministers and I wouldn't propose to read from that
20 verbatim.

21 I would formally adopt the written submissions
22 subject to the correction of one typographical error in
23 paragraph 1.2, where the date of establishment of the
24 inquiry is wrongly referred to as being in 2017 when
25 of course it was 2016. But otherwise, I would adhere to

1 the written submission.

2 My Lady, I begin by recording the ministers'
3 continuing interest in all aspects of the Scottish Child
4 Abuse Inquiry's work. The preamble to the inquiry's
5 terms of reference record that the inquiry's overall aim
6 and purpose is to raise public awareness of the abuse of
7 children in care, particularly during the period covered
8 by the inquiry, and to provide an opportunity for public
9 acknowledgement of the suffering of those children and
10 a forum for validation of their experience and
11 testimony.

12 The Scottish Ministers have been represented
13 throughout the phase 2 hearings that have taken place to
14 date and that have concerned the residential care
15 provided by the Sisters of Nazareth. It is clear that,
16 as with earlier hearings concerning the Daughters of
17 Charity of St Vincent de Paul, these hearings have
18 contributed to the fulfilment of the inquiry's overall
19 aim and purpose.

20 So far as the ministers' involvement in this part of
21 the inquiry is concerned, the Scottish Government
22 Response Unit has responsibility for coordinating the
23 provision of information by the Scottish Government to
24 the inquiry.

25 In relation to both the earlier phase 2 case study

1 concerning the Daughters of Charity and the current case
2 study concerning the Sisters of Nazareth, the Response
3 Unit provided information to the inquiry in response to
4 notices issued under Section 21 of the 2005 Act.

5 Those notices included a notice to the Response Unit
6 issued by the inquiry on 1 August last year seeking all
7 documents in the possession or otherwise within the
8 control of Scottish Government relating to the
9 residential care establishments run by the Sisters of
10 Nazareth at Aberdeen, Cardonald, Lasswade and
11 Kilmarnock, and a further notice issued in March 2017
12 seeking, in summary, documents held by or within the
13 control of Education Scotland in respect of the period
14 1 January 1930 to 17 December 2014 inclusive, concerning
15 arrangements for inspection and oversight of specific
16 institutions operated by the Sisters of Nazareth.

17 In relation to findings of fact, my Lady, while the
18 Scottish Ministers have been represented throughout
19 these hearings and have provided information to support
20 the work of the inquiry, those representing the
21 ministers have not been actively involved in the taking
22 of evidence from witnesses who have given evidence
23 during this case study.

24 The Scottish Ministers did not consider it would
25 have been appropriate for them to apply to the inquiry

1 for permission to question those witnesses.

2 In particular, the Scottish Ministers did not
3 consider they had any basis on which to test or
4 challenge the veracity of the evidence given by
5 witnesses during the case study.

6 In the circumstances, the Scottish Ministers do not
7 make detailed submissions on the evidence heard by the
8 inquiry or propose that the inquiry should make specific
9 findings in fact in respect of the accounts given by
10 witnesses as to events at establishments operated by the
11 Sisters of Nazareth. The submissions are therefore
12 restricted to the following observations that were also
13 made in connection with the earlier case study.

14 Your Ladyship has decided that she will apply the
15 civil standard of proof in determining what facts have
16 been established in the course of the inquiry and has
17 also indicated she may be prepared to make findings of
18 fact about, for example, what may possibly have happened
19 or about the strength of particular evidence where
20 it would be helpful to do so.

21 In light of that decision on the standard of proof,
22 the ministers would submit that it remains open to the
23 chair, in making findings of fact, to: use language that
24 reflects the degree of certainty or confidence in any
25 given finding; that the chair is entitled to and should

1 make clear when she considers the evidence insufficient
2 to make a finding of fact in any given matter; and that
3 the chair may express the view that she suspects or
4 regards it as a possibility that a particular event or
5 act has taken place, but in doing so is not making
6 a finding of fact, but expressing comment in terms of
7 section 24 of the 2005 Act.

8 As with the case study concerning the Daughters of
9 Charity, in making such limited submissions, the
10 Scottish Ministers are not to be taken as intending any
11 lack of respect for the witnesses who have given
12 evidence or any lack of concern about the evidence that
13 has been heard. On the contrary, the government wishes
14 to record again its thanks to those who have come
15 forward and to acknowledge that doing so has taken
16 considerable courage.

17 My Lady, before concluding, there is one further
18 matter that has arisen in the course of Mr Scott's
19 submissions on the question of redress. My Lady, it's
20 very much intended on the part of the ministers that
21 there be no detailed submissions on that matter at this
22 stage, but I can advise the inquiry -- and I have
23 informally mentioned this to my learned friend Mr Scott
24 this morning -- that there is an update, I understand,
25 provided by the Centre for Excellence for Looked-after

1 Children in Scotland today on the work of the Scottish
2 Human Right Commission's interaction action plan review
3 group. The terms of which in summary, my Lady, are that
4 that group expects to be reporting to the Deputy
5 First Minister in the autumn of this year in relation to
6 potential financial compensation and redress schemes for
7 victims and survivors.

8 LADY SMITH: For those who want to read that for themselves,
9 do you know whether that's on the CELCIS website?

10 MS O'NEILL: My Lady, I'm given to understand that it will
11 be on the CELCIS website today and that it was
12 anticipated to have been placed there at 1.50 this
13 afternoon. I'm afraid I'm not able to confirm if that
14 has been done.

15 LADY SMITH: Very well. That's where to look, perhaps
16 a little later, if people want to see it for themselves.
17 Thank you.

18 MS O'NEILL: My Lady, I have nothing else to add.

19 LADY SMITH: Thank you very much.

20 I turn next to the representation for the
21 Bishops' Conference, and that takes me to Mr Anderson.

22 Closing statement by MR ANDERSON

23 MR ANDERSON: Yes, my Lady.

24 The Bishops' Conference of Scotland are grateful for
25 the opportunity to present this closing statement and to

1 participate in the inquiry as core participants. They
2 will continue to endeavour to assist my Lady's work over
3 the inquiry's now extended duration.

4 In their opening statement, the Bishops' Conference
5 stated that they would listen to the evidence and
6 respond to it as might be appropriate and that's the
7 purpose of this statement.

8 If I can turn first to how they've kept informed of
9 matters in these proceedings. Written statements and
10 other documents have been considered, their contents
11 noted and discussed, both in advance of the commencement
12 of the case study and as further materials have been
13 released. Legal representatives have been regularly
14 present, reporting back on the evidence heard in an
15 appropriate manner. Transcripts of evidence have been
16 considered. The Bishops' Conference have not proposed
17 questions to witnesses over the course of the case
18 study. In the context of their opening statement, it
19 wasn't considered appropriate to do so.

20 They are conscious, those instructing me, of their
21 role in these proceedings. The Bishops' Conference are
22 not represented here to take on applicants and don't
23 consider them to be their opposition. In this context,
24 my Lady, I will now turn to some brief submissions on
25 the evidence.

1 Turning to the evidence -- and by this I mean the
2 evidence of the applicants, as has been accepted by the
3 order, my Lady -- it seems to those instructing me that
4 the inquiry has been provided with many credible
5 testimonies by the applications who came to tell their
6 stories. Consistent with what was said in their opening
7 statement, the Bishops' Conference takes these witnesses
8 at face value and does not challenge their evidence.

9 The findings in fact are, of course, in my Lady's
10 hands. It may be that my Lady finds that, in
11 consideration of the body of evidence, findings
12 consistent with the terms of reference that abuse of
13 children took place within the relevant establishments
14 and that there were systemic failings which led to or
15 failed to prevent abuse are open to the inquiry to make.
16 If my Lady were to make those findings, they would be
17 accepted by the Bishops' Conference.

18 It would not be an answer to any such findings that
19 what went on was simply the discipline of the time or
20 indeed that it was excessive discipline for the time.
21 Times may have changed, but the difference between
22 discipline and abuse is fully acknowledged.

23 I should say, my Lady, just before ending my
24 submission on the evidence, the Bishops' Conference do
25 acknowledge that the sisters have done some good work.

1 This is not to excuse or balance out issues of abuse
2 but, as acknowledged, I think as acknowledged in my
3 friend Mr Scott's submission, sisters who abused no one
4 and saw no abuse are also affected by what did go on.
5 Those instructing me see that hurt and distress about
6 this is felt across the Catholic Church in Scotland
7 in relation to what's been examined in this process.

8 Turning to what I describe in the draft submission
9 as the Hierarchy's prior responses, a number of
10 witnesses in their oral or written evidence were
11 concerned as to the responses made by members of the
12 Hierarchy of the Catholic Church in Scotland. The
13 Archbishop Emeritus Conti is a focus of these, but other
14 senior clergy were mentioned.

15 It is understood, my Lady, that these concerns are
16 held and people are entitled to their views. If my Lady
17 felt it necessary to make findings in this regard under
18 the terms of reference, with great respect to those who
19 hold such views, the Bishops' Conference would ask
20 my Lady to consider whether the proposition that the
21 Catholic Church has always denied all allegations of
22 abuse and that they continue to do so is sustainable.

23 The Bishops' Conference or members thereof have
24 apologised both within these proceedings and elsewhere,
25 and these apologies are reiterated again here. My

1 submission -- my Lady has the Bishops' Conference
2 submission on the applicants' evidence in the current
3 case study and in the previous one.

4 This is not, my Lady, to go back on what has been
5 said in the opening statement; it's simply to observe
6 that, whether satisfactory or not, the position stated
7 previously has been at least more nuanced than a blanket
8 denial of everything.

9 Turning to the evidence, my Lady, of Archbishop
10 Emeritus Mario Conti. Archbishop Conti appeared as a
11 witness in this case study as an individual and not as
12 a representative of the Bishops' Conference. When he
13 was faced with allegations concerning the Nazareth House
14 within his diocese, the archbishop appears to have
15 considered these by reference to a view whereby the
16 religious vocation of the sisters rendered allegations,
17 although we saw from the television programme that he
18 accepted they were possible, to him it appears that they
19 were effectively unimaginable in terms of their
20 accuracy.

21 It's likely that he has not been alone --

22 LADY SMITH: It wasn't just in terms of their accuracy;

23 I think his approach at the time was to say, you will
24 find that these allegations are untrue --

25 MR ANDERSON: Yes, my Lady.

1 LADY SMITH: -- in their totality, when he was speaking to
2 the police. He volunteered that.

3 MR ANDERSON: On behalf of those instructing me, the
4 submission on that evidence is that was because of his
5 view of the religious vocation of the persons accused.

6 LADY SMITH: Yes. He was really working on the basis of an
7 assumption that they could and would have done no
8 wrong -- could do and would have done no wrong.

9 MR ANDERSON: Yes, my Lady.

10 He is likely not to have been approaching that --
11 not to have been alone in that approach historically.
12 In his evidence he does state that he was blindly
13 satisfied as to matters and that he was not seeing
14 what's now been revealed. Over time, he, like others,
15 seems to gain a greater awareness and understanding of
16 facts which change his mind, changes his position and,
17 it appeared from his evidence, he realised he was wrong.

18 The archbishop did offer a number of apologies in
19 his evidence. To those instructing me, the journey of
20 understanding which he appears to have gone on aligns to
21 that which the current Hierarchy in Scotland have gone
22 one and this inquiry forms part of that journey.

23 In the submission of the Bishops' Conference,
24 my Lady, the situation which Archbishop Conti was
25 presented with was a difficult one. If a bishop or an

1 archbishop were in that situation today, they would
2 follow the procedures set out in the current guidelines.
3 Archbishop Conti touched on these in his written
4 statement. During his evidence, my learned friend
5 Mr MacAulay advised that this might be dealt with at
6 a later stage of the inquiry. Those instructing me are
7 happy to assist with this if that is what the inquiry
8 decides to do.

9 I am advised that if a bishop or archbishop were
10 presented with this situation today, they would be
11 careful not to adopt a public position which might be
12 seen as seeking to influence investigation on matters
13 in the proper channels.

14 The next submission I was intending to make,
15 my Lady, concerned the confessional and the Catholic
16 doctrine of the Sacrament of Confession. I think
17 a large part of that submission has actually been made
18 by my learned friend Mr MacAulay in his opening address
19 to my Lady. In fact, it's perhaps even been overtaken
20 somewhat by what my learned friend has said.

21 All I would say in that respect, my Lady --

22 LADY SMITH: You're referring to Mr MacAulay explaining that
23 the inquiry has already, a little while ago, actually
24 instructed a canon lawyer to assist them understand
25 what's involved in the church's approach to the

1 confessional according to canon law?

2 MR ANDERSON: Yes, my Lady, and the submission I intended to
3 make in my draft submission was to make really a similar
4 offer, whereby if it would assist my Lady, a canon
5 lawyer is most willing to be put forward by the
6 Bishops' Conference to assist the inquiry in that work.

7 LADY SMITH: No doubt further discussion can take place
8 about that if required, thank you.

9 MR ANDERSON: My penultimate submission concerns the
10 Catholic safeguarding system. When describing how she
11 would deal with any complaints made to her order today,
12 Sister Anna Maria Doolan advised the inquiry that as
13 part of their processes, these would be passed to
14 Catholic Safeguarding in Scotland, and as part of that
15 system all allegations of abuse which are passed to the
16 appropriate safeguarding personnel are recorded.

17 In the inquiry process, my Lady, the anonymity of
18 applicants is respected. While the applicants'
19 testimonies are noted by those instructing me -- and
20 when I say "noted" what I mean is that appropriate
21 regard is had to them rather than that they're being
22 recorded as part of the official safeguarding system as
23 if reports made to the safeguarding system -- it is
24 recognised that people approach the inquiry on their own
25 terms and those terms are respected.

1 For that reason, my Lady, it is not seen as being
2 appropriate to catalogue these matters as if they're
3 reported directly to the church's safeguarding
4 personnel. Due to the important principle of anonymity,
5 it can't be discerned whether some of the matters
6 covered in evidence may have previously been reported to
7 the safeguarding personnel or not. Other applicants may
8 not have made any such reports and will have no desire
9 to do so. To those instructing me, my Lady, that's
10 fine. The position of the Bishops' Conference in this
11 regard is that if anybody wants to speak to their
12 safeguarding officers about their experiences, they will
13 be listened to carefully and all allegations will be
14 duly processed.

15 I would also add that counselling and support
16 services are available to those who wish them. All
17 contact is welcomed, formal or informal, anonymous or
18 otherwise. It is recognised, my Lady, that this is not
19 for everyone, but the offer is made to everyone. Anyone
20 who wishes to do so can obtain contact details by an
21 Internet search using the terms "Catholic Safeguarding
22 Scotland". I did this myself this morning. The first
23 search results lead to the website for the Catholic
24 Safeguarding Service. As well as the contact details,
25 there are a number of useful documents on there.

1 I understand these have been submitted to the inquiry
2 already.

3 It is stated in terms on these documents that the
4 first thing to do for a safeguarding officer is to take
5 an allegation seriously and that leads me to my final
6 submission, my Lady. In the opening statement on behalf
7 of the Bishops' Conference, it was stated that past
8 comments which show a misunderstanding of people's
9 experience are regretted as is the hurt which is caused
10 by them. Where any person representing or appearing to
11 represent the Hierarchy of the Catholic Church in
12 Scotland has failed or has appeared to have failed to
13 take seriously any allegation of abuse, sincerest
14 apologies are offered.

15 Unless I can assist further, my Lady, that concludes
16 my submissions.

17 LADY SMITH: That's everything from you. Thank you,
18 Mr Anderson.

19 Turning to the representation for Archbishop
20 Emeritus Mario Conti, I think Mr Inglis you're here to
21 present that submission.

22 Closing statement by MR INGLIS

23 MR INGLIS: Consistent with your Ladyship's directions on
24 Tuesday of last week, there should be two documents
25 before you.

1 LADY SMITH: I have those, thank you.

2 MR INGLIS: There's first of all the bullet points and,
3 secondly, there is a longer document entitled:

4 "Closing statement for presentation to the Scottish
5 Child Abuse Inquiry in relation to the written and oral
6 evidence of Archbishop Mario Conti".

7 My Lady, that's a lengthy document and what
8 I intended to do in my oral submissions is to go through
9 the bullet points -- and here I'm particularly
10 remembering your Ladyship's observations about the
11 length of submissions for witnesses who are in the
12 position that Archbishop Conti is -- and then to extract
13 what I see as the most significant points in the longer
14 document.

15 LADY SMITH: Thank you.

16 MR INGLIS: Unless I can assist your Ladyship in any other
17 way in relation to that structure.

18 So far as the bullet points are concerned,
19 Archbishop Emeritus Conti accepts that a significant
20 number of children were subject to abuse in
21 children's home's established to provide care for them
22 within a religiously based context. He is profoundly
23 shocked that this should have occurred and he expresses
24 his deep sorrow to and heartfelt sympathy and concern
25 for those who have suffered.

1 He makes this statement in a personal capacity.
2 He is a retired senior cleric, formerly the Bishop of
3 Aberdeen, and of course the Archbishop of Glasgow.
4 He is not acting as a spokesperson for the
5 Catholic Church in Scotland. I believe that in making
6 that submission, I am reflecting the position of the
7 Bishops' Conference as well.

8 The inquiry, of course, is concerned with the
9 Sisters of Nazareth in this current case study, and the
10 relevant institution, so far as the archbishop emeritus
11 is concerned, is Nazareth House. That was an
12 institution run by the religious order, the Sisters of
13 Nazareth. It was autonomous from the diocesan structure
14 of the church in Scotland and accountable only to the
15 relevant congregation within the Vatican.

16 At no point did Archbishop Conti occupy any position
17 which gave him responsibility for the management or
18 supervision of children's homes. Independent
19 supervision of the running of the home was the statutory
20 responsibility of the relevant Local Authority.

21 During his time as curate at Aberdeen Cathedral, he
22 would visit the home on a rota basis every three weeks
23 or so and that for, and only for, the purpose of
24 celebrating morning Mass. He did not observe any
25 behaviour in either staff or children which alerted him

1 to the possibility that the latter were being
2 ill-treated. He acknowledges that he, as with many
3 others at that time, may have been blind to that risk
4 precisely because it was a religious institution.

5 Regular visits to Nazareth House ceased when he was
6 appointed to a parish in Caithness. I know that
7 your Ladyship made a comment about that this morning.
8 It would be my observation that Caithness, whilst it's
9 in the same diocese, it is not geographically proximate
10 to Aberdeen, and the archbishop didn't at any time
11 indicate that his visits to Aberdeen during that tenure
12 were concerned with the administration of the sacraments
13 or the taking of confession, a matter which I will
14 revert to when I come to ...

15 LADY SMITH: He didn't touch on that at all, actually,
16 Mr Inglis. He did say that he wasn't at Nazareth House,
17 but of course he remained a priest within the diocese of
18 Aberdeen, the centre of which was the cathedral in
19 Aberdeen, which is where, I think, the child in question
20 says he went to make his confession, because he'd given
21 up on the father that was available to the children
22 in the house because he was deaf.

23 MR INGLIS: Perhaps it would be convenient if I dealt
24 specifically with that point straightaway, my Lady.
25 This relates to Joseph Currie.

1 LADY SMITH: Yes.

2 MR INGLIS: Of course, the archbishop's evidence was that
3 he had no recollection of Joseph Currie attending for
4 confession. His evidence was that the date that had
5 been specified -- and I accept that your Ladyship has
6 heard other evidence in relation to the date and how
7 precise that was -- he would have been present in
8 Caithness and not in Aberdeen.

9 LADY SMITH: Well, it depends, because he didn't leave,
10 I think, until 1962 --

11 MR INGLIS: Yes.

12 LADY SMITH: -- and a possible date is also 1961.

13 MR INGLIS: Yes.

14 LADY SMITH: I appreciate, Mr Inglis, you didn't hear the
15 witness, but there is a transcript of his evidence on
16 the website and he makes it plain that he doesn't have
17 a clear recollection of exactly when.

18 MR INGLIS: But what the archbishop's evidence was -- and in
19 my submission on this point it is important to look at
20 his words -- was that he has no recollection of
21 Joseph Currie having come to him to confess in the terms
22 in which that evidence was given.

23 What he didn't say -- and this relates to the issue
24 of the sanctity of the confession -- was that it was
25 a matter about which he couldn't talk. So it is

1 important, in my submission, to concentrate on the
2 evidence that he actually did give, which is that he had
3 no recollection of such an encounter.

4 I was returning to the bullet points, my Lady. The
5 archbishop first became aware of allegations of abuse at
6 Nazareth House in a visit from the police some 20 years
7 after the incidents are alleged to have occurred. He
8 accepts that some of his public statements when
9 allegations of ill-treatment first emerged may have been
10 better worded.

11 His intent was always that to express he wanted
12 justice to be done and to be seen to be done within the
13 context of a fair and due process before a properly
14 constituted court or inquiry, rather than for the press
15 or individual lawyers to act as prosecutor, judge and
16 jury, with all and any allegations made or reported to
17 them taken as established facts and the sisters' guilt.

18 He has no detailed recollection of the exchanges
19 which are reported to have occurred between him and the
20 witnesses Christopher Booth, Poppy or Christina. If
21 they experienced him as unsympathetic, he apologises,
22 but that again was never his intent.

23 The last bullet point deals with the issue of
24 Joseph Currie, and I have already addressed my Lady
25 in relation to that.

1 Turning to the detailed closing submissions, this is
2 a document which I would suggest requires some preface.

3 Is it a document that your Ladyship has had an
4 opportunity to read?

5 LADY SMITH: I have read it, yes.

6 MR INGLIS: The archbishop has devoted his life to his
7 faith. That is the prism, if I can put it in that way,
8 through which he views all events. For him, an
9 understanding of his approach to the matters which are
10 before the inquiry requires a consideration of how he
11 views his faith and the way in which it impinges on the
12 matters which my Lady is considering.

13 My Lady will see that the document begins by dealing
14 with context. Whilst the archbishop eschews
15 a characterisation of him as a spokesperson for the
16 Catholic Church, his eminence enables him to speak as to
17 the way in which he sees the Catholic faith.

18 The importance of that, from his perspective, is
19 what has occurred in these homes is an abrogation of
20 that faith. He particularly seeks to lay stress on the
21 fact that the Catholic Church understands charity as
22 being a fundamental aspect of the very life of the
23 church. Charity is not something the church does as
24 some kind of extra or an add-on, instead it is something
25 that the church is. It defines the church's very

1 nature.

2 There is then reference to passages of scripture
3 upon which that is founded. It is summed up, in the
4 archbishop's submission, in the encyclical of the Pope
5 on Christmas Day 2005 "God is Love", and the quotation
6 from that is:

7 "The church's deepest nature is expressed in her
8 threefold responsibility: of proclaiming the word of
9 God, celebrating the sacraments, and exercising the
10 ministry of charity. These duties presuppose each other
11 and are inseparable."

12 It is in that context that the archbishop proffers
13 his apology in relation to the matters which are before
14 my Lady. He squarely and unequivocally recognises that
15 for many vulnerable children taken into its care, whose
16 stories of misery, humiliation and loneliness this
17 inquiry has heard in all their harrowing detail, the
18 Catholic Church in Scotland failed them in its
19 ministry of charity.

20 In his witness statement and in his oral evidence,
21 the archbishop acknowledged without reservation that
22 in the experience of many who have given their testimony
23 to this inquiry, individual members of the church failed
24 to live up to the demands that scripture and Christian
25 charity places upon them. They did not defend the weak

1 and the fatherless, they failed to uphold the cause of
2 the poor and the oppressed, and for some of those
3 orphaned or separated from their families and others
4 committed to the sisters' care, rather than experience
5 love and loving kindness, they suffered humiliation and
6 hurt at their hands.

7 For all this, the archbishop expressed and expresses
8 his profound sorrow and regret. One case, he said,
9 would have been one too many. For it to have happened
10 to so many over the years entrusted to the care of the
11 professed religious is doubly scandalous. Cruelty to
12 those who were poor, weak, innocent goes against
13 everything that the church stands for, which why, when
14 the allegations first surfaced, he found them difficult
15 to believe. For this, he asks forgiveness.

16 Thus the archbishop said in his oral evidence:

17 "I am deeply ashamed of what has been revealed and
18 I express my pain and sorrow to those who were abused.
19 Clearly, all we are doing [at this inquiry] is an
20 attempt to get to the truth and provide an opportunity
21 for some redress, at least in terms of saying sorry to
22 those who have had bad experiences. I hope they will
23 find it in their hearts to forgive abusers and forgive
24 me if they feel that I was insensitive to their pain."

25 My Lady, there's then, within the written

1 submissions, a detailed and lengthy description of the
2 establishment and structure of religious orders within
3 the structure of the Catholic Church. Unless
4 your Ladyship feels you would be assisted by my reading
5 that out, it would be my intention to focus on matters
6 perhaps more directly significant.

7 LADY SMITH: That would be very helpful, Mr Inglis.

8 I couldn't help but observe that this section of the
9 written submission deals with matters put forward by the
10 archbishop on which he didn't give evidence, namely
11 about these autonomous orders, and what may or may not
12 have brought pressure to bear on the individual members
13 of the orders, and in relation to which, with the
14 greatest of respect, he is not the best witness.

15 MR INGLIS: My Lady, he gave very slight evidence
16 in relation to it. He did say that they were autonomous
17 and that they jealously preserved that autonomy --

18 LADY SMITH: Yes.

19 MR INGLIS: -- but he didn't go further than that,

20 I accept --

21 LADY SMITH: No.

22 MR INGLIS: -- so I am not going to labour the point.

23 LADY SMITH: Thank you.

24 MR INGLIS: So my Lady, I move on to page 5 and the heading

25 "The search for justice "because that is at the centre

1 of the archbishop emeritus' concerns.

2 The survivors and the archbishop have each
3 articulated a common hope for this inquiry, that it will
4 enable justice to be done and to be seen to be done at
5 last. In the words of the archbishop:

6 "Justice requires that there be a careful appraisal
7 of what happened in a proper forum, established by law,
8 such as this inquiry; that the whole of the allegations
9 made be put in context and their truth established,
10 whether in whole or in part; that there be a sincere and
11 unequivocal acknowledgement of fault by all those found
12 to have let the children down, whether by a harsh and
13 unsympathetic application of the rules or worse; that
14 there be a true expression of sorrow from those
15 responsible for the harm caused to the children; and, in
16 humbleness of heart, a request for forgiveness for those
17 who have been wronged."

18 All of these elements, he would say, are necessary
19 for there to be true repentance and conversion, which is
20 a religious duty. The church has a saying that it is
21 always reforming itself. The church has, in its human
22 composition, made mistakes. The church can learn, the
23 church can change, while always remaining faithful to
24 its founding mission quoted by Isiah to Jesus:

25 "Proclaim good news to the poor and downtrodden, to

1 bind up the brokenhearted, and proclaim liberty to those
2 held captive."

3 The archbishop suggested that the inquiry could well
4 assist the church by stressing the importance of regular
5 visitation to those who ultimately must give account of
6 what is their oversight to those institutions run in the
7 name of the church.

8 It is commonplace elsewhere in the church but should
9 surely be a priority when institutions serve the most
10 vulnerable in society. None are more vulnerable than
11 children in care.

12 The archbishop acknowledges that we have failed such
13 children in the past. Those children have rightly been
14 the focus of this inquiry. We, that being the
15 Catholic Church, did not hear them or listen to them or
16 believe their cries. For that, he asks their
17 forgiveness. It will not and cannot happen again.

18 In all humility, he welcomes the further guidance
19 which the inquiry report will be able to offer and to
20 learn from it, so that all may fulfil what has been
21 asked through the prophet, Micah:

22 "What does the Lord require of you, but to do
23 justice, to love kindness and to walk humbly with your
24 God?"

25 I realise that the focus of those submissions

1 perhaps goes beyond what would normally be the function
2 of a legal body but, my Lady, the archbishop wishes the
3 inquiry to recognise the importance of each of the
4 factors that I have sought to put on his behalf in the
5 way in which he looks both at the history and the future
6 so far as the inquiry is concerned.

7 Unless I can assist my Lady further.

8 LADY SMITH: That's all. Thank you very much, Mr Inglis.

9 I want to turn now to the representation on behalf
10 of the individual witnesses from the Sisters of Nazareth
11 order, principally still nuns -- I think there was at
12 least one who is no longer a member of the order
13 though -- and I think Mr Lavery, you're here to present
14 those submissions; is that right?

15 Closing statement by MR LAVERY

16 MR LAVERY: Yes, indeed. Thank you my Lady.

17 These are the closings submissions on behalf of
18 individual witnesses of the Sisters of Nazareth.

19 My Lady, the inquiry was set up to look at child
20 abuse in Scotland and, in particular, institutional
21 abuse. This involved looking at the involvement of the
22 Sisters of Nazareth who looked after children in four
23 homes in Aberdeen, Edinburgh, Kilmarnock and Glasgow.
24 This also involved looking at the conduct of individuals
25 who worked in the homes and, in particular, the sisters

1 who worked in the homes in the relevant periods.

2 We initially represented 25 individual sisters who
3 would have been at the various locations over the
4 relevant periods that the inquiry is looking at. Since
5 our original instruction, we were instructed by two
6 further people: one a former sister, the second a worker
7 of long standing with the sisters. It is important to
8 note that not all of the sisters that appeared at this
9 section of the inquiry had allegations of abuse made
10 against them.

11 The number of sisters that worked in the homes
12 during the relevant periods should also be considered by
13 the inquiry. The allegations that are being made would
14 only represent a small proportion of the sisters that
15 worked within the homes. Our investigations show that
16 195 sisters in total were involved in the four
17 children's homes through the period of the investigation
18 the inquiry is looking at. 170 of those sisters are now
19 deceased, of whom we can make no comment. The total
20 number of children cared for, we are instructed, is
21 14,700, not counting the children cared for during the
22 war, for which records have unfortunately been lost.

23 We represented both sisters who had allegations made
24 against them and those of whom no allegations were made.
25 The inquiry was looking at historical abuse in the

1 period 1930 to 1985. In doing so, we ask the inquiry to
2 consider the relevant periods of when the sisters would
3 have been within the homes. It is only on this basis,
4 we would respectfully submit, that not being able to
5 compare the standards then and the standards today and
6 the difficulties of the serious risk of imposing
7 a 21st century perspective with actions in the past that
8 the relevant periods must be looked at. We are
9 confident that the inquiry will be able to consider the
10 evidence on this basis.

11 It is important to note that attitudes to children
12 have changed gradually, but only in the last 10 years or
13 so in Scotland has there been a full acknowledgement in
14 the law on children's rights --

15 LADY SMITH: 10 years? What are you referring to?

16 MR LAVERY: No, no, I think that the gradual progression of
17 rights that -- I think there's further legislation that
18 has been put in place, more safeguards have been put in
19 place. I think there has --

20 LADY SMITH: Scotland was very quick to recognise the
21 United Nations Convention on the Rights of the Child and
22 the Children (Scotland) Act 1995 made wholesale changes
23 in the light of that convention, but actually it was
24 reflecting practices which had been changing in the
25 1980s, Mr Lavery. I don't expect you to know but

1 I would just ask you to be careful before making
2 sweeping statements about how things have progressed in
3 Scotland.

4 MR LAVERY: No, maybe that is not worded correctly, but more
5 to say that there has been -- certainly I do understand
6 your Ladyship's point in relation to that and, yes,
7 of course, Scotland has -- and it's continuing, as in
8 other jurisdictions, my Lady.

9 Attitudes to punishment have been inconsistent and
10 full public awareness did not develop until the 1980s.
11 Throughout the period there was a lack of properly
12 qualified care staff, which appears to be as a result of
13 the low status that was given to residential childcare.

14 Laws concerning inspections and monitoring have
15 changed considerably. Taking the children's views into
16 account by way of talking and listening to them is now
17 something that has evolved and part of a regulatory
18 framework, which now acknowledges children's rights.
19 It is of note also that corporal punishment was
20 permitted well into the 1980s.

21 LADY SMITH: Are you referring there to what was regarded as
22 acceptable in the school context?

23 MR LAVERY: Yes, my Lady. More so at that stage, yes, where
24 it was --

25 LADY SMITH: And you're thinking about the Strasbourg case?

1 MR LAVERY: Yes, my Lady, and really at that stage, not only
2 in Scotland, but again in a number of other
3 jurisdictions where corporal punishment --

4 LADY SMITH: That was schools.

5 MR LAVERY: Yes.

6 LADY SMITH: We're looking at home circumstances for caring
7 for children here and we have to recognise that, don't
8 we?

9 MR LAVERY: We do indeed, my Lady.

10 It is also of note that in 1979, the Strathclyde
11 Regional Council stated:

12 "The public have a picture of children's homes as
13 being filled with either poor orphans or bad children."

14 We can see at that stage, again --

15 LADY SMITH: You haven't told me, I don't think, what you're
16 quoting from there. Can you help me with that?

17 MR LAVERY: It was in relation to research that we did. It
18 came that there was -- in one of the research papers --
19 certainly I can submit the citations in relation to
20 that, my Lady.

21 LADY SMITH: That would be helpful, yes. If you could do
22 that. I was wondering where it had come from.

23 Thank you.

24 MR LAVERY: No, indeed.

25 It's the attitude -- at that -- was that sort of

1 Victorian/Oliver Twist attitude that prevailed.

2 Children nowadays would be assessed and
3 consideration given as to what would be a suitable
4 establishment, and it is clear that in the periods that
5 the inquiry is looking at, children were often in
6 establishments that were inappropriate to their needs.

7 Record-keeping was either minimal or non-existent.
8 The sharing of information on an inter-agency basis was
9 not required by law and this meant there was a lack of
10 shared information that would have helped to protect
11 children and to have assisted those caring for the
12 children.

13 The law also allowed for residential care staff to
14 look after children when they were not suitably
15 qualified and without a set national standard of care.
16 It is clear that any monitoring and inspection of the
17 homes was either minimal or was indeed even carried out
18 by members of the order, and therefore compliance
19 in relation to any standard meant a large degree of
20 inconsistency.

21 The inquiry no doubt be aware of the recurrent
22 themes in the allegations that have been raised in
23 evidence.

24 Quite disturbing allegations were made about abusive
25 practices which in any era were clearly abusive. These

1 included: food, the standard of food and force-feeding,
2 bed-wetting, punishment and humiliation, the splitting
3 up of siblings, clothes -- that the children were
4 allowed to wear their own clothes, lack of bonding and
5 affection between the carers and the children, physical
6 punishment.

7 My Lady, they're not considered to be a full list
8 of --

9 LADY SMITH: That can't be exhaustive.

10 MR LAVERY: Absolutely.

11 LADY SMITH: You don't, for example, mention sexual abuse.

12 MR LAVERY: No.

13 LADY SMITH: Using children routinely for chores for which
14 there were no staff, to carry out bathing practices, and
15 the like.

16 MR LAVERY: No, absolutely. It's just to highlight that we
17 accept obviously the recurrent themes; there are other
18 recurrent themes as well that are within the evidence.
19 The inquiry will note that the sisters accepted these
20 allegations would have constituted abuse.

21 The tribunal also heard evidence of alleged abuse
22 which has not been recurrent and was given to -- by
23 children that doctors -- twice or thrice weekly, being
24 given injections as some type of medical experiment, and
25 sisters dishing out physical punishment that resulted in

1 blood-soaked children with sisters dripping with blood
2 on their veils. The inquiry will have to decide what
3 evidence can be relied upon.

4 In relation to that, what we say is that --

5 LADY SMITH: I'm just a little puzzled about your reference
6 to medical experimentation, that --

7 MR LAVERY: There was a witness who stated that he was
8 getting injections and he believed that they were part
9 of a medical experiment because none of the injections,
10 we are told, were going to be of any benefit to him and
11 he suggested that it was a medical experiment.

12 I don't suggest, my Lady --

13 LADY SMITH: Well, it was a suggestion. I don't remember
14 any evidence being put forward to support a case that
15 medical experimentation was actually going on; it was
16 just a person who didn't know what the injections were
17 for.

18 MR LAVERY: He didn't and I think he put forward though that
19 somebody had said to him that, "You'll be helping other
20 people", my Lady, and that's where he gave maybe the
21 suggestion that that might have taken place.

22 LADY SMITH: Of course you could say that to a child who's
23 having an inoculation, as if they don't get the
24 infectious disease, they are not going to pass it on to
25 somebody else.

1 MR LAVERY: Indeed, my Lady. What we don't say or are not
2 trying to state is that these matters didn't happen or
3 that maybe injections were given, but we're stating that
4 one has to maybe take it in the context. These are
5 quite unique matters that were raised. So we're not
6 suggesting that maybe that -- obviously children would
7 have had injections, it's just the manner in which that
8 was said, my Lady.

9 Several sisters had absolutely no allegations
10 against them and were horrified by what they had heard.
11 Several sisters were the subject of allegations, denied
12 the same, and were equally horrified by such
13 allegations.

14 Several witnesses gave compelling and consistent
15 evidence of systematic abuse against sisters for whom we
16 do not appear and about whom we cannot comment. The
17 inquiry has also heard evidence of people who had no
18 issues in relation to their time spent in care under the
19 Sisters of Nazareth.

20 We have also heard evidence from the sisters of
21 matters that, we submit, can be taken as fact and it is
22 important that the inquiry take these into account.

23 Young, then inexperienced, sisters with an average
24 age of early 20s had to look after 15 to 25 children
25 with a large proportion of children having complex and

1 emotional difficulties.

2 Many of the sisters started their careers by
3 collecting, which is a euphemism for --

4 LADY SMITH: Can I just go back to your general comment at
5 the beginning of this section? You say it's important
6 the inquiry take these matters into account that you're
7 addressing now. What's the point you're trying to make,
8 Mr Lavery?

9 MR LAVERY: It's the context, my Lady.

10 LADY SMITH: Yes. What is it you're trying, on behalf of
11 the people you represent, to make of that context?

12 MR LAVERY: The context of obviously how they -- where they
13 worked, how they worked, and in relation -- in no way is
14 it put forward as an excuse or is it put forward as
15 a defence.

16 LADY SMITH: Thank you. I was just a little concerned the
17 way it read, that this was being advanced as an excuse,
18 when nobody in the evidence suggested to me that these
19 were excuses --

20 MR LAVERY: No, absolutely not.

21 LADY SMITH: -- for conduct that resulted in abuse.

22 MR LAVERY: I was going to go and state that and qualify
23 that afterwards because I certainly -- we don't put that
24 forward as any defence. That isn't being put forward,
25 my Lady.

1 Many of the sisters started their careers by
2 collecting, which is a euphemism for looking for funds
3 to enable homes to function and be kept open. It is no
4 doubt that the sisters would have been subject to
5 indignity in this process. Little or no training was
6 given to the sisters. All sisters related how there was
7 little or no induction, no orientation days, no formal
8 or informal briefings, no case histories provided, and
9 little or no proper records available for perusal. Few
10 of the sisters had formal child awareness courses,
11 though some did. It appears that any experience that
12 the sisters would have had of young children was what
13 they would have gained from their own homes.

14 No protocols put in place in relation to children,
15 including the lack of protocols in relation to
16 punishment.

17 No record-keeping to let the sisters know the
18 background of the children or any other information.

19 Sisters being moved at very short notice after
20 looking after children for several years. The sisters,
21 when told to do so, never questioned the move and would
22 have just packed their bags and left. The sisters
23 related how they literally had no time to say goodbye to
24 anyone and, when they arrived at their new locations,
25 the outgoing sister had gone.

1 The sisters had long days. They were up early,
2 there were prayers, Mass, preparations for breakfast,
3 getting large numbers of children up, washed, dressed
4 and out to school. And likewise in the afternoon and
5 evening. There was little or no staff to assist the
6 sisters.

7 The accommodation that the sisters and the children
8 lived in were large formal buildings. The bedrooms were
9 converted dormitories with the sisters living behind
10 a partition in what was known as a cell with little or
11 no time off. It was simply to be.

12 Food was the same for all concerned, for the
13 children and the sisters. Washing and bathing would not
14 have met 21st century standards, and the inquiry has
15 heard evidence that showers did not arrive into the
16 homes until the 1970s --

17 LADY SMITH: Would the washing and bathing facilities even
18 have met the standards of, at least, the latter parts of
19 the 20th century, let alone the 21st century?

20 MR LAVERY: I think that's a fair point, my Lady.

21 The inquiry should take into account that the vast
22 majority of periods that is being looked at was pre
23 Vatican II and this --

24 LADY SMITH: Just for anyone who didn't know, Vatican II
25 began in 1965, I think.

1 MR LAVERY: 1962.

2 LADY SMITH: It took a couple of years to reach -- was it
3 1962? (OVERSPEAKING) 1966. There were a couple of
4 years of meetings and then a couple of years to reach
5 a conclusion as to what was emanating from it. So we're
6 in the second half of the 1960s before there are clear
7 statements of what's emerging from Vatican II.

8 MR LAVERY: Indeed, my Lady, and again it's for context
9 in relation to the nuns at that stage and their
10 teachings: this has meant that the sisters were
11 institutionalised to the extent they lived in
12 a regimental regime in which they had little or no say
13 other than to do what they were told.

14 The inquiry has highlighted the deeply ambivalent
15 attitude Scottish society had in this period to children
16 in childcare. Children were stigmatised --

17 LADY SMITH: I don't think the inquiry has highlighted that
18 Scottish society had a deeply ambivalent attitude to
19 children. Not as yet, Mr Lavery. That would suggest
20 that statements have been made by the inquiry that are
21 conclusive.

22 MR LAVERY: Well, that's correct, my Lady. I think
23 certainly the evidence and the evidence by the
24 witnesses -- I think that they would certainly be of the
25 opinion that maybe society wasn't perhaps looking after

1 them.

2 LADY SMITH: Certainly there was evidence earlier on -- for
3 example, expert evidence from Professor Norrie --
4 regarding what attitudes lay behind the legislation that
5 came into force in the very early 20th century, very
6 early 20th century, with its roots in Victorian
7 attitudes. But we are talking here largely about
8 a period from the early 1930s to the 1980s here.

9 MR LAVERY: Yes, my Lady.

10 Children were stigmatised, seen as the deserving
11 poor, and were the products of family breakdown and
12 aberration, in need of moral reform. This Calvinistic
13 approach clearly influenced thinking.

14 This approach was together with the preoccupation of
15 Catholic circles with blind obedience before Vatican II.
16 This was not just for the sisters but this was then
17 communicated to the children which obviously created
18 a potent mix. Episcopal conferences reflected the pre
19 Vatican II attitudes of an institutional theocratic
20 hierarchical church, mirroring Calvinistic approaches
21 and certainly not the 21st century of Pope Francis and
22 his care for the marginalised and --

23 LADY SMITH: When you say episcopal conferences, are you
24 talking about the Episcopal Church in Scotland, are you
25 talking about some other conferences?

1 MR LAVERY: More the institutional church, my Lady.

2 LADY SMITH: Well, the Church of Scotland is not the
3 Episcopal Church.

4 MR LAVERY: Yes.

5 LADY SMITH: It's important you understand that -- nor in
6 the 20th century or today, I think, would they profess
7 themselves as Calvinist organisations.

8 I wonder if you just want to gloss over this
9 paragraph, Mr Lavery. If you're insisting on it, I will
10 need references for the conferences you're referring to,
11 evidence of religious attitudes in Scotland that you're
12 saying are relevant to my thinking.

13 MR LAVERY: No, indeed, my Lady -- it was more the
14 institutionalised -- it was of the Catholic Church was
15 more that I was referring to in relation to that and I
16 apologise for --

17 LADY SMITH: I see. If you have any references that you
18 think will assist us in understanding the
19 institutionalised approach of the Catholic Church
20 operating in Scotland, that would be helpful.

21 MR LAVERY: Indeed, my Lady.

22 LADY SMITH: Thank you.

23 I'm sorry if this sounds critical, Mr Lavery. Let
24 me repeat: I do understand you don't normally live and
25 work in Scotland and you're on a sharp learning curve.

1 MR LAVERY: I'm grateful, my Lady, thank you.

2 LADY SMITH: Are you talking about the Bishops' Conference
3 when you're talking about the episcopal conference, not
4 a conference of the Episcopal Church?

5 MR LAVERY: No, my Lady.

6 LADY SMITH: Forget it. That's just a possibility. You
7 need to understand, as I say, the Episcopal Church is
8 sometimes referred to as the Church of England in
9 operation in Scotland and it's separate from the
10 Catholic Church.

11 MR LAVERY: Ah yes, that's the Anglican -- yes, it is more
12 the institutional Catholic church that we refer to --

13 LADY SMITH: Very well. But as I say, if there's any
14 particular reference you think would be helpful to us,
15 please let me have it.

16 MR LAVERY: I will indeed, my Lady, thank you.

17 We know that the inquiry has heard evidence from one
18 sister who has convictions for abuse. One, though, must
19 look at the evidence she gave. She arrived at Aberdeen
20 at a very young age, she was supervised by a sister who
21 had numerous allegations made against her, the
22 supervising sister had been there some time and is now
23 deceased. The sister gave evidence stating:

24 "She was not a good mentor for
25 me." The sister also stated:

1 "I was frightened of her, the children were
2 frightened of her."

3 And I believe Mr MacAulay mentioned that earlier.

4 The sister gave an acknowledgement and an apology to
5 the persons that she mistreated. An apology at whatever
6 stage has to be appreciated as an apology which should
7 always be welcomed.

8 I understand as well that even Mr Scott acknowledged
9 that earlier, although we do certainly accept that that
10 was late, my Lady, the apology.

11 Most of the children would have had significant
12 difficulties and trauma before coming to the homes. The
13 sisters, with little or no experience, looked after
14 them, feeling that the best way they understood how to
15 (sic). The children may have been neglected or abused
16 before they came to the homes. Their behaviour may well
17 have made them more difficult to look after.

18 The sisters are, of course, we would say, human
19 beings with the same frailty of all human beings and of
20 parents who can get angry in parent-child relationships,
21 which can occur in normal home environment.

22 I stated earlier, my Lady, though that the
23 allegations that have been made in relation to that, we
24 do accept and all the sisters have accepted that they
25 would constitute abuse.

1 Children can have a perception in the way they have
2 been treated by an individual and can harbour
3 resentment. The inquiry will have to be alert as to
4 the dangers of application and exaggeration in an effort
5 to work off a grudge against a certain individual. We
6 respectfully ask the inquiry to take this into account.

7 The inquiry will also have to consider the length of
8 time over which the allegations are said to have
9 occurred. The recollection that individuals may have
10 had for incidents that are said to have occurred so long
11 ago results in difficulties for everybody concerned.

12 The inquiry has to decide whether the individuals in
13 these homes carried out the care of the children in what
14 would be considered unacceptable by the standards of
15 that time and whether it amounted to abuse.

16 Further, the inquiry has to look at whether there
17 was also a failing in how the homes were being run and
18 little or no input -- and whether in fact a blind eye
19 had been turned by the state on its obligations.

20 When one looks at the numbers of social workers for
21 50 boards, the investigations certainly that we took
22 noted that there were 112 in 1968 and in 1979 there were
23 180. Social workers are now much better trained, each
24 of them coming from training in university.

25 The emphasis appears to have been on social aspects

1 of childhood such as family failing, delinquency, moral
2 behaviour and the relevant psychological developments of
3 the child.

4 The children would not have had the psychotherapists
5 or psychologists as would be the case nowadays.

6 The state, we would say, had a highly ambivalent
7 attitude to corporal punishment.

8 The police service also failed. The police did not
9 appear to check any criminal behaviour or vetting apart
10 from checks for children who absconded to the Friday
11 night disco in Bonnyrigg, or bringing children back who
12 had run away.

13 There was no problem protection units for care and
14 no budget for proper investigations. We would say there
15 is such a stark contrast to the unified Scottish police
16 service of nowadays with more than 22,000 officers and
17 a budget of more than £1 billion.

18 LADY SMITH: So Mr Lavery, if you are right about these
19 failings on the part of the state, whether local
20 authority or police or otherwise, those are failings or
21 absences, if I can put it that way, of which the sisters
22 would have been well aware and therefore well aware that
23 it was very much down to them to see to it that the
24 children were properly and appropriately cared for?

25 MR LAVERY: Yes, indeed, my Lady. I think your Ladyship

1 made a very poignant point earlier in relation to their
2 training, et cetera, and when they were at the homes and
3 the autonomy that was given to each individual units
4 and, unfortunately, if one sister was doing something
5 right, the other sister couldn't see what that was, what
6 they were doing was right. And again -- so we have to
7 accept that also, my Lady.

8 Concerns were made in relation to medical evidence
9 that was produced in relation to the sisters being able
10 to give evidence. This medical evidence needed to be
11 obtained given the age and health difficulties of the
12 various sisters who were to give evidence. It was in no
13 way an attempt to prevent evidence being given to the
14 inquiry or to obstruct the process in any way. The
15 inquiry has now had the opportunity to note that the
16 average age of the sisters was 80-plus with some sisters
17 aged 90-plus and a few in the 70-plus bracket.

18 Most of the sisters were retired with nominal
19 pastoral roles. Only two sisters were not medically
20 checked and two laypeople likewise. It can be seen that
21 eight sisters were deemed medically unfit out of 25,
22 equating to one in three. All other sisters provided
23 statements and gave evidence, apart from four whose
24 statements were read to the inquiry.

25 We express our thanks to Professor Yorgesson(?),

1 Dr Carson, Dr O'Kane and Professor Donegan for the
2 comprehensive medical reports and insight into the
3 conditions which thus enabled the inquiry and the teams
4 the ability to focus on people who could provide
5 appropriate insights into life at that time.

6 Having examined the process, one can clearly see how
7 abuse happened. Monitoring and inspection is essential.
8 The child should be the focus, given self-respect,
9 confidence and standing, but this was not the case.
10 It is clear that staff needed and still need ongoing
11 development. The establishment management needed and
12 needs proper governance with external audits. The
13 government needed and needs proper legislation, good
14 communication, clear guidance and proper resources for
15 training, developments and monitoring.

16 Finally, we would draw to the inquiry's attention
17 that 25 sisters for whom we have appeared have indeed
18 been challenged by the whole inquiry process. They have
19 not only been challenged but deeply shocked, horrified,
20 and endured deep personal pain of what they have heard
21 in the evidence from the witnesses to the inquiry over
22 the past weeks. Each sister, with or without
23 allegations, that gave evidence clearly acknowledged
24 that abusive behaviour was described. The evidence
25 showed abusive practices being carried out by persons in

1 charge of vulnerable children and this will haunt the
2 sisters for a considerable period of time to come.

3 The sisters hope and pray that as they digest the
4 evidence provided, that those who were subjected to
5 these practices will find healing and peace from this
6 process. Equally, the nuns were also glad to note from
7 the evidence given at the inquiry that not all the
8 children in the home experienced this type of abusive
9 conduct.

10 Finally, my Lady, we thank the inquiry team for
11 their assistance throughout and particularly the teams
12 who took witness statements from the sisters and the
13 sensitive way this was done, and to Mr MacAulay and the
14 legal representatives in the way the evidence was
15 presented, and also to your Ladyship for listening
16 carefully to all the evidence.

17 Unless there's anything further, my Lady, those
18 would be the submissions.

19 LADY SMITH: That's very helpful. Thank you, Mr Lavery.

20 Now I turn to Mr Lindsay, who represents the order,
21 the Sisters of Nazareth order.

22 Closing statement by MR LINDSAY

23 MR LINDSAY: Thank you, my Lady.

24 On behalf of the sisters, I would wish to begin by
25 thanking the inquiry for the opportunity of

1 participating in this stage 2 case study and for the
2 opportunity of making these closing submissions.

3 Detailed written submissions have been prepared and
4 lodged on behalf of the sisters, which have been
5 intimated to all other participating parties, and as
6 I understand it, they are available on the inquiry
7 website. Therefore, I propose to follow the same
8 approach as my friend Ms O'Neill, not to read the
9 statement verbatim, but simply to work through the
10 closing submissions, highlighting the main points and
11 dealing with any questions that your Ladyship may have
12 for me, and I trust that approach is acceptable.

13 LADY SMITH: Yes, thank you.

14 MR LINDSAY: The first few paragraphs under the heading
15 "Introduction" really stress that the sisters have
16 endeavoured to fully support the inquiry. They have
17 provided all relevant documentation insofar as it is
18 available and requested to do so. They have assisted
19 with the provision of witnesses. We have submitted
20 questions for the applicants and other witnesses and are
21 much indebted to Mr MacAulay for putting those questions
22 to the witnesses, and also the parts C and D responses
23 have been updated and corrected when the evidence which
24 has been heard at the inquiry has demonstrated that the
25 earlier responses were inaccurate or incomplete.

1 Also, as your Ladyship has noted, each day some of
2 the sisters have been present in the inquiry room,
3 observing the evidence being given by the witnesses and
4 they've certainly found that very, very valuable and
5 much more valuable than simply reading transcripts.

6 LADY SMITH: Yes. Can I just say, Mr Lindsay, it was
7 helpful that those instructing you wrote, once they
8 became aware, on more than one occasion, of what needed
9 to be amended in the part C and D responses. That's
10 a very helpful approach.

11 MR LINDSAY: I'm obliged, my Lady.

12 Turning now to the general approach of these
13 submissions. What the Sisters of Nazareth have
14 endeavoured to do in their submissions is to engage with
15 the main consistent themes of evidence which have
16 emerged. These will be dealt with, with really the twin
17 aims of, firstly, hopefully assisting your Ladyship with
18 writing her findings on all of this and, just as
19 importantly, identifying where the existing apology
20 needs to be expanded upon.

21 I think that's important to stress at the outset:
22 it is accepted that the existing apology does need to be
23 expanded upon, and I will deal with that as I work
24 through the submissions.

25 Turning to the existing apology, the apology which

1 was given at the start of this case study in the opening
2 submissions. Three main failings were identified:
3 staffing ratios were too low; the care was provided by
4 sisters who had little training and were often still
5 young and inexperienced; and the oversight of the groups
6 and the sisters wasn't structured or proactively
7 monitored. I think the evidence has established that
8 the original apology was well made and I think, when we
9 look at the individual failings, which it's accepted
10 occurred, they can all be traced back to these three
11 main central failings: too few sisters; inadequate
12 training; and the whole notion of oversight and the
13 whole concept of being unable to go into a sister's own
14 employment (sic).

15 I think that the evidence shows that these three
16 original apologies --

17 LADY SMITH: Being able to go into each other's employment.

18 MR LINDSAY: Yes.

19 LADY SMITH: You can go into your own, but not into anybody
20 else's.

21 MR LINDSAY: Yes, my Lady.

22 So I submit that the original apology was well made
23 and the three key failings, I think, are at the root of
24 all of the individual difficulties which have come to
25 light. Unreserved apologies were made at the outset for

1 the abuse committed by Joseph Duffy, Peter Blaney and
2 the sister who was convicted up in Aberdeen.

3 Before turning to the particular areas where I think
4 the evidence shows difficulties and failings, a little
5 bit is said in the submissions about the historical
6 context. Your Ladyship is directed to the original
7 responses and also to the extracts from the book that
8 Sister Anna was taken to, and the reference is provided
9 for that, and also a quotation from the applicant who
10 used the name Kathy when giving her evidence.

11 In summary, I think this all shows that the sisters,
12 and indeed other religious orders, stepped into a gap,
13 a breach where the state simply wasn't providing care to
14 children in need, and that the sisters endeavoured to do
15 their best in difficult circumstances where perhaps
16 there was limited funding and limited support or
17 supervision from the state.

18 As I'll be making clear throughout these
19 submissions, although they endeavoured to do their best
20 for all of the children, it is clear that their best
21 wasn't good enough for some of the children in their
22 care, although clearly other children had much, much
23 more positive experiences.

24 The issues of concern, which I think have emerged
25 during this case study are then listed at paragraph 15.

1 They're: the separation of siblings; bed-wetting; food;
2 clothing; household chores; birthdays and Christmas;
3 record-keeping; guidelines; vetting of volunteers and
4 potential fosterers; puberty; corporal punishment;
5 sexual abuse.

6 I propose to turn to these issues one at a time.

7 Again, dealing with the evidence at quite a high
8 level, I don't propose to say anything about particular
9 instances or make detailed submissions on reliability or
10 whatever. I intend to deal with the broad body of
11 consistent evidence which has emerged.

12 Dealing firstly with separation of siblings. That
13 clearly happened and it's equally clear that it was
14 undesirable and not in the best interests of the
15 children concerned. Having said that, it doesn't appear
16 to have been a deliberate policy to separate siblings.
17 Rather, it was a highly unfortunate by product of
18 policies in place relating to separation of boys and
19 girls and different age groups being accommodated
20 physically in different parts of the homes.

21 It is also clear that some sisters attempted to
22 facilitate contact between siblings, and we heard
23 evidence of older siblings visiting younger siblings in
24 the nursery first thing. But there also was evidence of
25 other sisters, not just not encouraging such contact,

1 but appearing to actively discourage it.

2 LADY SMITH: Not just discourage it, but punishing children
3 if they took the initiative to try and have contact with
4 a sibling, whether it was climbing into a sibling's bed
5 to comfort them, climbing on a wall to try and talk to
6 them, trying to catch their attention in church and the
7 like.

8 MR LINDSAY: Yes. It is recognised that more should have
9 been done to enable siblings to remain in contact and
10 that this is something that sisters would wish to
11 apologise for.

12 There was evidence that, from the late 1960s
13 onwards, there was a move away perhaps from the classic
14 Victorian institutional model of care to family groups
15 and there was evidence of new buildings being
16 constructed in the grounds: the bungalow in both
17 Aberdeen and Cardonald and Holycote, Lasswade, which
18 enabled siblings to live together in family groups, boys
19 and girls together.

20 The evidence of precisely when that trend started
21 and when it was complete perhaps wasn't crystal clear
22 and it perhaps varied from home to home, but it does
23 appear from the late 1960s onwards there was a move
24 towards family groups allowing siblings to live together
25 and see much more of each other, which appears to have

1 been completed some time towards the end of the 1970s.

2 The next area of concern is bed-wetting. It's
3 accepted by the sisters that there was clear evidence
4 that bed-wetters were humiliated and were subject to
5 corporal punishment and that corporal punishment, or
6 indeed punishment of any nature, and humiliation of
7 bed-wetters was unacceptable, not just by the standards
8 of today but also by the standards of the time when they
9 occurred.

10 Again, that's something that the sisters would wish
11 to apologise for. I think it's also important to
12 recognise that this wasn't a universal or invariable
13 practice and there were many, many sisters who adopted
14 a much, much more compassionate and discreet approach to
15 bed-wetting.

16 Again, the difficulties and, I think, what can be
17 quite correctly described as abuse does appear to have
18 happened more in the earlier time period of what this
19 inquiry has looked at and, certainly from the 1960s
20 onwards, there appeared to be less evidence of these
21 unacceptable practices, although it is accepted,
22 I think, some of the applicants, as late as the early
23 1970s, were still describing practices of humiliation
24 and having to stand with the sheets over their head. So
25 I think the important point is it's recognised that

1 punishment and humiliation was entirely inappropriate
2 and that is apologised for, but it's always important to
3 recognise that not all of the sisters behaved in such
4 a fashion.

5 The next subject relates to food. There are perhaps
6 two topics under the heading of food that would be of
7 assistance to address the inquiry on: one is the
8 standard of food and the second issue, perhaps the more
9 important issue, is the issue of force-feeding.

10 Relating to standard of food, the sisters and
11 children ate the same food. It wasn't as if the sisters
12 had better or superior food. The evidence, I think,
13 shows that it was perhaps traditional, perhaps slightly
14 stodgy, but wholesome fare that may not have been
15 popular with all children, but it was of an acceptable,
16 nutritional standard.

17 LADY SMITH: I'm not sure we have detail in the evidence
18 that tells me what the nutritional content of this food
19 was or how wholesome it is, Mr Lindsay.

20 MR LINDSAY: Some of the sisters described the food, if
21 I remember their evidence correctly, as being
22 traditional wholesome food.

23 LADY SMITH: I know they said that. I don't know what the
24 detail was of food that was being given to the children,
25 where it came from, how it was cooked. We do have

1 a little bit of detail from some of the applicants about
2 the amount of fat on meat and the old chestnut, if I can
3 mix my metaphors, of porridge which was a problem, and
4 certain traditional puddings.

5 MR LINDSAY: There was evidence in some of the homes that
6 a sister was responsible for the catering. I think at
7 other homes at other points in time it was lay employees
8 who were responsible for the cooking.

9 LADY SMITH: I think it's fair to say the primary concern
10 that was articulated in the evidence was to do with the
11 ways in which children were forced to eat the food if
12 they didn't want to eat it.

13 MR LINDSAY: Yes, and again the second topic, which is
14 accepted, is the more significant one for this inquiry.
15 There was a divergence in evidence, other than
16 Sister Alphonso who was convicted of one offence of
17 force-feeding and who accepted that in her evidence and
18 accepted that she'd placed a spoon in a child's mouth,
19 the other sisters who gave evidence said that they never
20 did that and they never observed any other sisters doing
21 that. The evidence from the applicants was also mixed.
22 Some applicants did speak to force-feeding in quite
23 graphic terms; others didn't describe any physical
24 force-feeding and didn't give any evidence of witnessing
25 it.

1 What is accepted is that physical force-feeding --
2 and I suppose it's prudent perhaps to be clear about
3 what we're talking about as perhaps the expression
4 "force-feeding" can mean different things to different
5 people. Physical force-feeding, restraining children,
6 holding their nose, placing a spoon in their mouth,
7 clearly that is wrong. It's wrong by the standards of
8 today, it was wrong by the standards of any of the time
9 periods that this inquiry has been looking at. But
10 at the other end of the scale, verbally encouraging
11 a child to eat vegetables or other nutritious --

12 LADY SMITH: I don't think anyone is suggesting it's abusive
13 to try to get a child to eat what's on their plate by
14 verbal encouragement.

15 MR LINDSAY: Yes.

16 LADY SMITH: The concerns were particularly about physical
17 forcing and then repeatedly serving a child up the same
18 food again and again or making them sit for an unduly
19 long period in front of a plate, with a plate in front
20 of them of food they didn't want to eat.

21 Mr Lindsay, just let me check with the
22 stenographers. I'm conscious of the fact they have been
23 working since 1.50. We'll take a five-minute break.

24 (3.27 pm)

25 (A short break)

1 (3.33 pm)

2 LADY SMITH: Mr Lindsay, when you're ready.

3 MR LINDSAY: Thank you, my Lady.

4 Before the break, I had just acknowledged on behalf
5 of the sisters that force-feeding, physical
6 force-feeding, is wrong and was wrong throughout the
7 period that this inquiry has been looking at.

8 Moving on, the next chapter in the submissions deals
9 with clothing. It is accepted that some of the clothes
10 provided to the children perhaps weren't the newest or
11 the most fashionable of clothing and that may have
12 caused the children some embarrassment. But it has to
13 be recognised that the sort of general lack of funding
14 at the time did limit what could be provided by way of
15 clothing.

16 LADY SMITH: It wasn't just the clothing of their bodies;
17 they were wearing second-hand shoes, Mr Lindsay,
18 according to the evidence. There was evidence that,
19 when you went back inside, having been playing barefoot
20 outdoors, it was just a question of which shoes there
21 were in the pile that was waiting that you had to put
22 on. Not very good if that is right.

23 MR LINDSAY: I think that's perhaps fair comment. Rather
24 than the clothing, it's perhaps the shoes that the
25 evidence --

1 LADY SMITH: It is a worry.

2 MR LINDSAY: -- gave rise to the greatest concern.

3 Equally, it does appear that as more local authority
4 funding became available, from the 1960s onwards, that
5 new clothes and shoes were purchased for the children
6 and they were taken on shopping trips and could choose
7 their own clothes and many retailers, like the former
8 C&A, donated clothes to the Nazareth Houses for the
9 children.

10 LADY SMITH: What about the evidence regarding children's
11 own clothes being taken away from them when they
12 arrived? I don't think that was expressly addressed by
13 the order or the individual nuns, nor was there any
14 explanation for such a practice. Can you help me with
15 that?

16 MR LINDSAY: We did have evidence that many children arrived
17 simply with the clothes that they were wearing and
18 nothing beyond that. Your Ladyship is correct, it
19 wasn't really fully explored in the evidence with the
20 sisters why the clothes might have been taken away from
21 them. It may be that the clothes were too small or they
22 were worn out or they were inappropriate, being summer
23 clothes.

24 LADY SMITH: You're guessing, Mr Lindsay. We didn't hear
25 any of that. There was powerful evidence from one

1 family who went with a case that was packed with
2 clothes, more than one set of clothes that they had,
3 and, I think, the older sister carefully unpacking it
4 for them, and then those got taken away when it was
5 discovered, according to her evidence, that they had
6 their own things and they were wearing their own things.

7 It may be consistent with a regime that's a very
8 disciplined regime where everybody dresses in a similar
9 fashion and that's not allowed, but if it is right that
10 that happened, is it accepted that that was a practice
11 that wholly failed to have regard to how that would feel
12 for the children, that these last vestiges of little
13 possessions that they had, that were very personal to
14 them, were taken away from them?

15 MR LINDSAY: I can see the force in what your Ladyship says,
16 but equally, in particular circumstances, there may have
17 been a good reason for doing so: if they were too small,
18 worn out, perhaps infested with lice or whatever, beyond
19 repair. There may have been a desire to avoid children
20 perhaps standing out from others because their clothes
21 were much, much better than everyone else's and perhaps
22 that leading to bullying and comments being made and so
23 on and so forth.

24 But I do accept the point that your Ladyship has
25 just put to me for comment, that if one's personal

1 possessions are taken away, then perhaps part of one's
2 own personal identity may be taken away with that. But
3 equally, that doesn't mean that every instance was wrong
4 and in particular circumstances there may have been
5 a reasonable justification for doing so.

6 LADY SMITH: I might have been entitled to expect
7 Mr MacAulay being asked to ask a question or questions
8 of the individual applicants to that effect if that was
9 the position, if not generally of the order, of
10 individual nuns, mightn't I? I don't remember that
11 happening.

12 MR LINDSAY: No, those questions weren't put.

13 Then the next chapter of the submissions deals with
14 the issue of household chores. Clearly, if any of the
15 children were asked to do very, very heavy manual
16 labour, that would have been inappropriate and
17 unacceptable, even by the standards of the day and
18 in the particular circumstances that the sisters found
19 themselves.

20 I think with that important acknowledgement, turning
21 now to look at what those circumstances were, the
22 evidence was of limited budgets and, certainly up until
23 the late 1950s, going into the 1960s, it was just the
24 sisters, there were no lay staff and in particular no
25 cleaners. The homes needed to be cleaned and there were

1 insufficient sisters to do all of the work themselves.
2 So in those circumstances, the children were called upon
3 to carry out chores and to clean the homes.

4 The evidence from the applicants about --

5 LADY SMITH: Mr Lindsay, what evidence, if any -- remind me
6 if there was -- did I hear about the sisters doing
7 household chores themselves?

8 MR LINDSAY: I think the evidence was they supervised the
9 cleaning.

10 LADY SMITH: Yes, thank you.

11 MR LINDSAY: Although there was evidence of sisters working
12 in the kitchen and generally --

13 LADY SMITH: Nobody suggested the children were expected to
14 cook.

15 MR LINDSAY: No, but cooking could fall under the heading of
16 household chores and I suppose I'm just being as full as
17 possible in my answers. There was some evidence of
18 sisters attending to various housekeeping matters during
19 the day when the children were at school. The evidence
20 from the applicants about how burdensome these chores
21 were differed. Some described what would appear to have
22 been unacceptable heavy manual labour, whereas others
23 described almost a fun activity on a Saturday morning,
24 a competition to see who could get the best shine, and
25 the younger children sliding about with dusters on their

1 feet. We had evidence to that effect.

2 LADY SMITH: What about the evidence regarding the two boys
3 that had to go on Saturday mornings to wash old men by
4 way of bed-bathing them in the old people's home part
5 of -- I think that was Cardonald?

6 MR LINDSAY: Yes.

7 LADY SMITH: Should that have been happening?

8 MR LINDSAY: No.

9 LADY SMITH: And I think, having done that, they had to go
10 on and polish the floor in that part of the house, which
11 was a floor in an area used exclusively by the sisters.

12 MR LINDSAY: Or possibly for the care of the elderly
13 residents of the home. Your Ladyship's recollection
14 would be more accurate than mine.

15 LADY SMITH: I think it was. The memory that I heard was of
16 a particular area, a room that was used by the sisters,
17 and I can't off the top of my head remember whether it
18 was an area where they could relax or it was for
19 devotions -- it may have been the latter -- that the
20 children, the same boys, having washed the old men, then
21 had to do the wooden floor. But the good thing about
22 it, was there was a kind woman there who gave them tea
23 and a biscuit that morning. Quite poignant, really, if
24 that was right.

25 MR LINDSAY: Yes. So in conclusion relating to the chores,

1 it is accepted that bathing the elderly residents would
2 have been highly inappropriate for young children to be
3 expected to do. It is accepted if it was heavy manual
4 labour, particularly onerous cleaning that was beyond
5 the physical ability of the children, then that too
6 would have been unacceptable.

7 But in the circumstances of a small number of
8 sisters and no cleaners and the homes requiring to be
9 cleaned, there perhaps was no alternative but for the
10 children to help in that process.

11 The next topic relates to birthdays and Christmases.
12 Again, the evidence was mixed. Some of the evidence was
13 that birthdays were remembered and celebrated with
14 a cake and some presents. There was evidence of
15 Christmas being celebrated and local businesses and
16 charitable organisations being very generous to the
17 children.

18 But there was also evidence of birthdays being
19 missed and I suppose that leads on to the issue of
20 record-keeping, which I will deal with in the next
21 chapter.

22 When it comes to birthdays, I think practices seem
23 to have varied between sisters. Some would proactively
24 enter it in their diaries and other records so birthdays
25 wouldn't be missed. Other sisters, for example

1 Sister [REDACTED] LTX, simply relied on the children to say
2 when their birthdays were approaching or friends of the
3 birthday child.

4 LADY SMITH: And that's dependent on the child knowing when
5 their own birthday is.

6 MR LINDSAY: Yes.

7 LADY SMITH: As described by those sisters who did have
8 a system for diarising when children's birthdays were
9 going to be, it wasn't difficult, it wasn't a difficult
10 thing to do --

11 MR LINDSAY: No.

12 LADY SMITH: -- if one was really caring about what might be
13 seen as a small thing in their eyes, but something that
14 would be very special to the individual child.

15 MR LINDSAY: Yes, my Lady, and clearly the practice of the
16 other sisters of diarising birthdays to ensure that they
17 weren't missed was the correct way to proceed, which
18 leads on to the next topic of record-keeping.

19 I think, as the case study progressed, there were
20 clear problems relating to record-keeping, precisely
21 which books and records were kept in particular homes at
22 particular points in time, and also how diligent and
23 comprehensive the entries were in the books, and also
24 the retention of records after the home stopped caring
25 for children.

1 Not all records appear to have made their way into
2 the archive in Hammersmith and it is unknown whether
3 that's because they never existed in the first place or
4 that the records perhaps went with the child if they
5 went to another institution or were fostered, or whether
6 the records were misplaced or destroyed in approximately
7 the decade of time between the home stopping to look
8 after the children and the archive being established.
9 But it is recognised that there were problems with the
10 record-keeping in all those aspects that I have just
11 narrated.

12 The next topic is guidelines and policies. Again,
13 I think the evidence shows an absence of guidelines and
14 an absence of any real enforcement of particular
15 policies and in some of the earlier submissions,
16 your Ladyship has touched on the lack of any handover,
17 perhaps the lack of detailed records about particular
18 children being available for incoming staff and incoming
19 sisters and that the whole approach of the sisters
20 having more or less complete autonomy in their own
21 employments meant that it was quite difficult to --
22 almost impossible to spot bad practice. And as
23 your Ladyship has observed, just as importantly, it was
24 almost impossible for good practice to be spread.

25 LADY SMITH: Mr Lindsay, you've referred in passing to

1 guidelines and I see in your written submission you
2 suggest each house had guidelines for the day-to-day
3 running of the house. What is it you've got in mind
4 there? What are you referring to?

5 MR LINDSAY: Well, I think the understanding was that that
6 each Mother Superior in the home would have their own
7 local guidelines on how the children should be cared
8 for, punishment, and all --

9 LADY SMITH: So you're really talking about what the system
10 was? It's not some document that I'm scratching my head
11 to think of that you're talking about here, is it?

12 MR LINDSAY: No. I think it's now recognised that what was
13 in the original Section 21 response, that there were
14 these local guidelines and policies, was incorrect.
15 It's the understanding when the response was prepared,
16 but as the evidence has been led throughout the case
17 study, it's clear that there weren't any local
18 guidelines or policies, and my friend Mr Scott quoted
19 one of the sisters basically saying she closed her eyes
20 and hoped for the best, and it's accepted that that
21 wasn't good enough.

22 LADY SMITH: So are you really then, as I say, talking about
23 a system whereby the Superior in the particular house
24 ultimately could tell others what to do, but as against
25 that, each house being separated into units or

1 individual employments for the sisters, they were very
2 much left to their own to do what they thought was right
3 for the way they needed to run their unit --

4 MR LINDSAY: Yes, my Lady.

5 LADY SMITH: -- but there were no written guidelines? And
6 it's not just no formal written policies, there weren't
7 any policies? We've got the directions book, the
8 directory -- sorry, the directory and book of customs
9 but that's all.

10 MR LINDSAY: Yes. The evidence was a little uncertain about
11 how much awareness the sisters actually had of the
12 directory.

13 LADY SMITH: Thank you.

14 MR LINDSAY: The next chapter deals with volunteers and
15 potential fosterers. It is accepted that there appears
16 to have been a failure to properly vet or supervise
17 volunteers and that many of the volunteers were
18 excellent people with the highest motives, but then
19 at the other end of the scale we have Joseph Duffy, and
20 simply saying it was a more trusting age and people were
21 taken at face value, it is accepted that just isn't good
22 enough and isn't an excuse or a justification. There
23 may well have been a whole host of potential benefits to
24 the children becoming involved with volunteers. It
25 could allow them to participate in a whole range of

1 activities to try and prevent them from becoming too
2 institutionalised.

3 But having said all of that, it is recognised that
4 there was a failure to properly vet the volunteers and
5 there may have been a belief that if they came from
6 a respectable, responsible organisation like the Knights
7 of St Columba, they too would be equally as respectable
8 and responsible as the organisation they came from.

9 I think similar comments can be made relating to
10 potential foster parents. Their responsibility for
11 failure to properly vet would be shared with the Local
12 Authority as with the volunteers. Clearly the failure
13 was with the sisters alone, but we did hear evidence of
14 quite troubling incidents involving potential fosterers.

15 The next chapter deals with puberty and again, it is
16 accepted that what can be a delicate and almost
17 embarrassing matter wasn't dealt with appropriately in
18 many instances in two respects. Many of the children
19 don't appear to have been prepared for the changes that
20 their bodies were going to go through as they stopped
21 being a child and grew into an adult. Also, when the
22 changes started to manifest themselves, perhaps they
23 weren't shown the sympathy and the understanding and
24 given the knowledge that they required to be able to
25 deal emotionally with the changes that they were going

1 through. Again, the sisters apologise for that.

2 Turning now to corporal punishment. It is accepted
3 that corporal punishment was administered. It is
4 accepted that in many instances, the corporal punishment
5 was both inappropriate and excessive. What I mean by
6 inappropriate is that the transgression or the mischief
7 that the child was guilty of didn't warrant the
8 administration of corporal punishment, and again there
9 was evidence that corporal punishment was excessive
10 in the sense that it was way beyond any reasonable
11 chastisement.

12 I don't wish to get bogged down too much in what the
13 common law position may have been at certain times and
14 indeed what the common law is at the present time.
15 I notice there was a proposal for some legislation
16 in the Scottish Parliament outlawing corporal punishment
17 by parents, which suggests that even today in certain
18 circumstances the common law may countenance physical
19 chastisement. I don't wish to get too bogged down
20 in that. I think the important point for me to make
21 clear is that not only by today's standards but the
22 standards of the time when these incidents occurred,
23 it's accepted that there were many instances in the
24 evidence where there was no justification for corporal
25 punishment and the corporal punishment that was

1 administered was excessive and went beyond what, on any
2 analysis, could have been viewed as reasonable
3 chastisement.

4 Again, the sisters unreservedly and without
5 qualification apologise for those instances.

6 Again, although it is possible to identify
7 exceptions in the evidence to what I'm just about to
8 say, the general trend did appear to be towards the
9 later period that the case studies have been concerned
10 with, that the use of corporal punishment, if it hadn't
11 died out completely, was certainly much, much less
12 prevalent throughout the 1970s and into the early 1980s
13 than it had been in the 1940s, 1950s and 1960s.

14 The next chapter relates to sexual abuse. This is
15 perhaps the most difficult area of evidence for the
16 sisters. Clearly, Joseph Duffy and Peter Blaney were
17 convicted of very serious offences and that's all
18 accepted and the failures on the part of the sisters
19 which enabled those perpetrators to carry out the sexual
20 abuse, the sisters apologise for any failures on their
21 part.

22 Turning to the other allegations of sexual abuse,
23 the sisters are mindful that as well as being fair and
24 compassionate to the survivors of that abuse, they also
25 have to be fair to those that have been accused of the

1 abuse. But having said all of that -- and one of the
2 advantages of the sisters being present when this
3 evidence was given -- the sisters have listened very
4 carefully indeed to the evidence of the applicants and
5 they've witnessed their pain and distress. They also
6 recognise that giving evidence on such delicate matters
7 required courage and resolve, and it is hoped that the
8 process involved of giving this evidence and bringing
9 these allegations to the attention of the inquiry has
10 been of some help to the survivors.

11 The sisters apologise to any former pupil who was
12 subject to sexual abuse --

13 LADY SMITH: I don't think they were pupils; they were
14 residents in a home, Mr Lindsay. We're not talking
15 about a school.

16 MR LINDSAY: No. I did ask the sisters how they referred to
17 the children who, of course, are no longer children, and
18 I was told that's how they refer to the former
19 residents, as former pupils.

20 LADY SMITH: How interesting.

21 MR LINDSAY: That may be an inappropriate label to apply and
22 your Ladyship may prefer "former residents". But as
23 I was saying --

24 LADY SMITH: No, that is interesting, Mr Lindsay. It's not
25 just a question of a preference on my part; I think

1 it is not correct to call the children who were in the
2 Nazareth homes "pupils". I know some of them went to
3 schools at some points, which the sisters separately
4 were running, but that was going to school and being
5 a pupil at school. When they were in the residential
6 homes, they were simply children in need of home care.

7 If they were being regarded as pupils, perhaps that
8 was partly responsible for cultivating an attitude that
9 was not the right attitude to children who were in need
10 of home care. Would I be right about that?

11 MR LINDSAY: I may have misunderstood what the sisters told
12 me. I can understand your Ladyship's analysis of the
13 word "pupil". But certainly from my discussions with
14 the sisters, I think that would be reading too much into
15 that particular --

16 LADY SMITH: Can I leave it with you to look into that and
17 those instructing you could write and explain exactly
18 what the position is there? I would like to know.
19 Thank you.

20 MR LINDSAY: Yes, that will be done, my Lady.

21 I think the very important point is that the sisters
22 do apologise to any former resident or child, however
23 one wishes to describe them, who was subject to sexual
24 abuse while in their care. Although the sisters are no
25 longer responsible for the care of children, they are

1 determined to learn all possible lessons that can be
2 learned from this inquiry to ensure that the
3 safeguarding procedures going forward are as robust and
4 as effective as possible.

5 The next chapter deals with the evidence of positive
6 experiences in Nazareth House, and I've listed all of
7 the references there, all of which were spoken to by the
8 various witnesses, and the inquiry have already
9 indicated that they will consider all of that material,
10 so it isn't necessary for me to take the inquiry this
11 afternoon through all of the letters and other
12 testimonials.

13 I think they help to paint a much, much fuller
14 picture of life and experiences in the Nazareth Houses,
15 and although many children had bad experiences, many
16 children had very positive experiences.

17 LADY SMITH: As with the previous case study, a number of
18 the applicants who spoke of very negative abusive
19 experiences were at pains to point out that not all the
20 nuns were like that.

21 MR LINDSAY: Yes.

22 LADY SMITH: There were some who were kind.

23 MR LINDSAY: Yes, my Lady.

24 LADY SMITH: It was very clear that they were trying to be
25 fair where they had had a good experience as well as

1 a bad one.

2 MR LINDSAY: Yes.

3 The conclusions -- just pick up on the very point
4 that my Lady has just put to me, to fully understand the
5 work of the sisters and fully appreciate what care was
6 like at the Nazareth Houses in Scotland, it's necessary
7 to look at the good as well as the bad, and the
8 importance of reconciliation is also recognised by the
9 sisters and they hope this inquiry can be part of the
10 process of reconciliation, and they hope that their
11 expanded apology can also be part of that process of
12 reconciliation. But as stated in the submissions, it's
13 recognised that an apology on its own is insufficient
14 and the sisters repeat the offer that they made at the
15 start of the case study that they would be delighted to
16 meet with any former resident who wishes to discuss
17 their time in care with the aim of endeavouring to
18 address their concerns.

19 Records, whenever they have been requested by former
20 residents, have always been provided, and that will
21 continue to be the case. Indeed, your Ladyship has
22 already made reference to the case of the twins and
23 their unusual circumstances, and the sisters have been
24 actively investigating that and are trying to get to the
25 bottom of it. That isn't a matter that's just been

1 allowed to rest, but so far they've not been able to
2 make much progress with their investigations, either in
3 their search of the written records or speaking to
4 sisters who are still alive and who may remember the
5 twins and that period of time.

6 Unless I can assist your Ladyship further, I would
7 merely reiterate the expanded apologies on all of these
8 issues that I have made on behalf of the sisters in the
9 course of these closing submissions.

10 LADY SMITH: I have no further questions of you, Mr Lindsay,
11 thank you very much for the assistance you've provided
12 in your submissions.

13 Mr MacAulay, before I turn to my closing comments,
14 can I check whether there's anything else that you wish
15 to say at this stage?

16 Further closing statement by MR MacAULAY

17 MR MacAULAY: There is one point, my Lady, I would want to
18 pick up, standing the fact that I said something
19 different in my own submissions, and that's in relation
20 to Archbishop Conti, in that he did go beyond saying
21 that he had no recollection; I think that's what my
22 learned friend Mr Inglis sought to stress.

23 LADY SMITH: This is the Joseph Currie matter?

24 MR MacAULAY: It is. He did say -- and we've checked the
25 transcript -- that:

1 "The case didn't happen because I would have
2 remembered it."

3 So he has gone beyond simply saying he had no
4 recollection. That constitutes, in my submission,
5 a denial of the event.

6 Closing address by LADY SMITH

7 LADY SMITH: Thank you very much for that.

8 Before we finish, not just for today but finish the
9 hearings in this case study, I want to thank all who
10 have participated. It has been hard work for everybody
11 involved.

12 I'm very grateful to the witnesses who have engaged
13 so helpfully and openly with us and to all members of
14 the inquiry team who have done so much so well to try
15 and ensure its smooth running.

16 I'm sorry there were one or two technical problems,
17 for example such as with the first attempt at the video
18 link with Aberdeen, but none of them were foreseeable
19 and they have since been addressed.

20 As with the case study in relation to institutions
21 run by the Daughters of Charity, now that the hearings
22 in this case study have finished, I am intending to
23 proceed to prepare findings in fact, and those findings
24 in fact will be published in relation to the evidence
25 presented to date that relate to the provision of care

1 by the Sisters of Nazareth. That will be done as soon
2 as I can. Also, as with Daughters of Charity, it will
3 take some months to get to the publication stage,
4 I should warn you of that.

5 Can I just take a moment to say something about the
6 publication of my findings in relation to the Daughters
7 of Charity case study. In accordance with normal
8 inquiry practice, we are using outside publishers to
9 produce the finished document. I can advise that the
10 findings have been sent to the publishers and I'm
11 expecting the publication process to be completed
12 shortly, certainly so long as we have summer with us,
13 which looks as though it's going to go for a few weeks
14 yet, but it won't be long. I can't give you a precise
15 date because we haven't got a precise date from the
16 publishers, but it won't be very long.

17 Turning to our next case study, as previously
18 indicated, we are going to look at the provision of
19 residential care by three non-religious voluntary
20 organisations: Quarriers Homes, Aberlour Childcare
21 Trust, and Barnardos.

22 The case study will begin on 23 October and we
23 expect it to continue, with some breaks, until about the
24 end of January 2019. Details of the dates of hearings
25 and the breaks will be published on our website in good

1 time before the hearings begin. We will very soon be
2 inviting applications for leave to appear at this case
3 study, so I would invite all interested parties to watch
4 the website for that.

5 Otherwise, in 2019, we will be returning to the
6 unfinished parts of the phase 1 hearings. There will
7 thereafter be a case study looking at the provision of
8 care by male religious orders and a case study looking
9 at the arrangements for children to be cared for outside
10 Scotland under child migrant schemes.

11 I have previously explained we're investigating the
12 provision of care by 69 institutions and there is an
13 outline of them, of course, on the website. But you
14 should be aware that we are in the course of and will be
15 investigating a significant number of other institutions
16 in addition to that 69 and details about them will
17 follow soon.

18 Research is another important aspect of our work.
19 A range of research has been commissioned. You can see,
20 for example, some of the research commissions that are
21 detailed on the website. In addition to those, there
22 are others under way, for instance regarding the
23 Scottish aspects of the UK child migration policies.

24 When relevant research is complete, it is being
25 placed onto the website, so you'll see it appearing

1 there from time to time once we've got to the end of our
2 process of engaging with its authors.

3 Finally, let me return to the important matter of
4 communicating with people who have not yet been in touch
5 with the inquiry, who may be able to assist us. We are
6 committed to encouraging anyone with any relevant
7 information to get in touch and our communications
8 campaign continues. To that end, you may be interested
9 to know that one of the new initiatives we have
10 arranged, and which you may wish to watch for, is
11 a television advertising campaign, and that is due to
12 run a little later this year.

13 I have nothing more I want to raise at this stage.
14 This is the last opportunity for anybody to do so in the
15 hearing context before I rise until October. Can I just
16 check whether there's anything that anybody here who has
17 leave to appear wants to ask me about.

18 As you all know, you know where we are, you know how
19 to get in touch with the team, and I encourage you to do
20 so if you have any queries in the meantime.

21 Otherwise, I renew the thanks I gave at the
22 beginning of my remarks and I'll now rise.

23 Thank you.

24 (4.10 pm)

25 (The inquiry adjourned until 23 October 2018)

at a time to be determined)

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