

APPENDIX – Kilmarnock Nazareth House

Part D – Abuse and Response

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

5. Abuse5.1 Nature

- i. What was the nature of abuse and/or alleged abuse of children cared for at the establishment, for example, sexual abuse, physical abuse, emotional abuse?

See appendices:

Appendix B Section 21 Notice – 5.09 Complaints
Appendix C Section 21 Notice – 5.10 Civil
Appendix D Section 21 Notice – 5.12 Police
Appendix D Section 21 Notice - 5.13 Criminal

5.2 Extent

- i. What is the organisation/establishment's assessment of the scale and extent of abuse of children cared for at the establishment?

The organisation has records of the following:

- There are 7 complaints concerning Kilmarnock. There are also records of 5 complaints where the location is unknown.
- There are 13 civil actions concerning Kilmarnock, 2 actions concerning both Aberdeen and Kilmarnock, 1 action concerning both Glasgow (Cardonald) and Kilmarnock, and 1 action concerning both Edinburgh (Lasswade) and Kilmarnock.
- There is 1 police investigation concerning Kilmarnock which did not result in criminal proceedings.

- ii. What is the basis of that assessment?

The organisation has records pertaining to complaints, actions and proceedings raised against it. These records are currently held by its solicitors, Clyde & Co Scotland LLP.

- iii. Against how many staff have complaints been made in relation to alleged abuse of children cared for at the establishment?

The organisation's records indicate that complaints have been made in respect of 115 Sisters, 21 employees/volunteers and 33 unknown individuals. It is not possible to determine how many staff at each establishment.

- iv. How many staff have been convicted of, or admitted to, abuse of children cared for at the establishment?

None at Kilmarnock.

- v. How many staff have been found by the organisation/establishment to have abused children cared for at the establishment?

None – the organisation undertook no investigations of its own.

- vi. In relation to questions iii – v above, what role did/do those members of staff had/have within the organisation/establishment?

See the corresponding column in **Appendix E Section 21 Notice – Alleged Abusers**.

- vii. To what extent did abuse and/or alleged abuse of children cared for at the establishment take place during off-site activities, trips and holidays?

Where abuse during off-site activities, trips or holidays has been alleged, it has been noted in the spreadsheets in the following columns:

Appendix B Section 21 Notice – 5.09 Complaints: column v.

Appendix C Section 21 Notice – 5.10 Civil: column v.

- viii. To what extent was abuse and/or alleged abuse of children cared for at the establishment carried out by visitors and/or volunteers to the establishment?

Where abuse by visitors/volunteers has been alleged, it has been noted in the spreadsheets in the following columns:

Appendix B Section 21 Notice – 5.09 Complaints: column iv.

Appendix C Section 21 Notice – 5.10 Civil: column vi.

- ix. Have there been allegations of peer abuse?

Where peer abuse has been alleged, it has been noted in the spreadsheets in the following columns:

Appendix B Section 21 Notice – 5.09 Complaints: columns iv. and v.

Appendix C Section 21 Notice – 5.10 Civil: columns v and vi.

5.3 Timing of Disclosure/Complaint

- i. When were disclosures and complaints of abuse and/or alleged abuse of children cared for at the establishment made to the organisation or establishment?

As far as we can tell the earliest complaint in relation to Kilmarnock was made against the Congregation on July 1997. The earliest court action in relation to Kilmarnock was raised against the congregation on 29 June 1998.

However, there are a number of complaints where there is little or no information beyond the name of the complainer. As such it is possible that

these complaints were made earlier than July 1997.

- ii. To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?

Never. Allegations were made after the Congregation stopped providing residential care to children in Scotland.

- iii. To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?

The complaints were always made many years after the alleged abuse.

- iv. Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?

In 1997 there was a Frontline documentary regarding Nazareth Houses. The vast majority of the allegations were made after that documentary.

5.4. External Inspections

- i. What external inspections have been conducted relating to children cared for at establishment which considered issues relating to abuse and/or alleged abuse of children?

None. Allegations were made after the Congregation stopped providing residential care to children in Scotland.

For each such external inspection please answer the following:

- ii. Who conducted the inspection?
N/A

- iii. Why was the inspection conducted?
N/A

- iv. When was the inspection conducted?
N/A

- v. What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children?
N/A

- vi. What was the organisation/establishment's response to the inspection and its outcome?
N/A

- vii. Were recommendations made following the inspection?
N/A

- viii. If so, what were the recommendations and were they implemented?

N/A

- ix. If recommendations were not implemented, why not?

N/A

5.5 External Investigations

- i. What external investigations have been conducted relating to children cared for at the establishment which have considered issues relating to abuse and/or alleged abuse of children?

None. Allegations were made after the Congregation stopped providing residential care to children in Scotland.

For each such external investigation please answer the following:

- ii. Who conducted the investigation?

N/A

- iii. Why was the investigation conducted?

N/A

- iv. When was the investigation conducted?

N/A

- v. What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children?

N/A

- vi. What was the organisation/establishment's response to the investigation and its outcome?

N/A

- vii. Were recommendations made following the investigation?

N/A

- viii. If so, what were the recommendations and were they implemented?

N/A

- ix. If recommendations were not implemented, why not?

N/A

5.6 Response to External Inspections/Investigations

- i. What was the organisation's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse, of children cared for at the establishment?

N/A

- ii. What was the organisation's procedure/process for responding to the outcomes of such external inspections and/or investigations?

N/A

- iii. What was the organisation's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

N/A

5.7 Impact

- i. What is known about the impact of abuse on those children cared for at the establishment who were abused, or alleged to have been abused?

The Sisters have kept in contact with former residents who have complained of abuse. In particular they are in touch with a male and a female spokes person for former children.

- ii. Where does the organisation/establishment's knowledge/assessment of that impact come from?

From the Congregation's contact with them.

- iii. What is known about the impact of abuse on the families of those children cared for at the establishment who were abused, or alleged to have been abused?

The Congregation has no information about this.

- iv. Where does the organisation/establishment's knowledge/assessment of that impact come from?

N/A.

5.8 Known Abusers at Establishment

- i. Does the organisation/establishment know of specific abusers, or alleged abusers, of children cared for at the establishment?

Yes.

- ii. If so, what are the names of the abusers, and/or alleged abusers?

See **Appendix E Section 21 Notice – Alleged Abusers.**

- iii. For each of these persons, please provide as much as possible of the following information:

- the period (dates) during which they are known or alleged to have abused children cared for at the establishment
- the role they had in the organisation/establishment during the period of abuse and/or alleged abuse
- where they worked prior to, and following, their time at the organisation/establishment
- the knowledge sought or received about them by the organisation/establishment at the point of recruitment, and while they were at the establishment

- any information sought by, or provided to, future employers or third parties after they left the establishment, including regarding abuse or alleged abuse

See **Appendix E Section 21 Notice – Alleged Abusers.**

- iv. Were known abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation?

No known abusers were moved between establishments.

- v. If so, why was this considered to be appropriate?

N/A

- vi. If so, what process of monitoring/supervision followed at the new establishment?

N/A

5.9 Specific Complaints

- i. How many specific complaints of abuse of children cared for at the establishment have been made to the establishment/organisation?

There are 7 complaints concerning Kilmarnock.
There are also 5 complaints where the location is unknown.

For each specific complaint, please answer the following:

- i. Who made the complaint?

See corresponding column in **Appendix B Section 21 Notice - 5.09 Complaints** for each specific complaint.

- ii. When was the complaint made?

See corresponding column in **Appendix B Section 21 Notice - 5.09 Complaints** for each specific complaint.

- iii. Against whom was the complaint made?

See corresponding column in **Appendix B Section 21 Notice - 5.09 Complaints** for each specific complaint.

- iv. What was the nature of the complaint?

See corresponding column in **Appendix B Section 21 Notice - 5.09 Complaints** for each specific complaint.

- v. When/over what period was the abuse alleged to have taken place?

See corresponding column in **Appendix B Section 21 Notice - 5.09 Complaints** for each specific complaint.

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- vi. What was the organisation/establishment's process and approach in dealing with the complaint?
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| The organisation undertook no investigations of its own. All matters were referred on to its insurers, Aviva. |
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- vii. What was the organisation/establishment's process and approach for investigating the complaint?
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|---|
| The organisation undertook no investigations of its own. All matters were referred on to its insurers, Aviva. |
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- viii. What was the outcome of the complaint following that investigation?
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| Claims were intimated. However, court proceedings were not raised in respect of the complaints covered by question 5.9. |
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- ix. Did the organisation/establishment provide a specific response to the complaint?
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| No. However, in some cases the Congregation contributed towards the cost of counselling. |
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- x. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?
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| See column x in Appendix B Section 21 Notice – 5.09 Complaints. |
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- xi. If there was no response, why not?
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| Letters were received intimating claims. The Congregation waited to see if they were then litigated. |
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- xii. Was the information/content of the complaint passed to police?
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| In some cases, yes. |
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- xiii. If not, why not?
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| There are no records providing an explanation for this. |
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5.10 Civil Actions

- i. How many civil actions have been brought against the organisation and/or establishment relating to abuse, or alleged abuse, of children cared for at the establishment?
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| 13 actions concerning Kilmarnock;
2 actions concerning both Aberdeen and Kilmarnock;
1 action concerning both Glasgow (Cardonald) and Kilmarnock; and
1 action concerning both Edinburgh (Lasswade) and Kilmarnock |
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For each such civil action, please answer the following:

- ii. Who brought the action?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- iii. When was the action brought?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- iv. Against whom was the action brought?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- v. What was the nature of the abuse, or alleged abuse, to which the action related?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- vi. What were the names of the persons said to have, or alleged to have, committed abuse?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- vii. When/over what period was the abuse said, or alleged, to have taken place?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- viii. How did the action progress?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- ix. What was the outcome?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- x. Was the action settled on a conditional basis of confidentiality?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.
- xi. Who was/were the organisation/establishment's legal representative(s) in relation to the civil action?
See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.

- xii. Did the organisation/establishment carry insurance for meeting civil claims at the time the action was live?

See corresponding column in **Appendix C Section 21 Notice – 5.10 Civil** for each civil action.

- xiii. How/where can copies of the court papers relating to the civil action be made available to the Inquiry?

Copies of the Summonses and Defences are held by Clyde and Co Scotland LLP. In addition the courts may have copies of those documents.

5.11 Criminal Injuries Compensation Awards

- i. Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for at the establishment?

The Congregation understands that criminal injuries compensation was paid to one individual. The Congregation is unaware of any other payments of criminal injuries compensation.

- ii. If so, please provide details if known.

The Congregation have no details.

5.12 Police

- i. How many complaints of abuse of children cared for at the establishment have been made to the police?

1 investigation in relation to Kilmarnock.

In relation to each known complaint to the police, please answer the following questions:

- ii. Who was the alleged abuser?

See corresponding column in **Appendix D Section 21 Notice – 5.12 & 5.13 Criminal** for each police investigation.

- iii. Did the police conduct an investigation in relation to the complaint?

Yes

- iv. If so, who conducted the investigation and when?

Police Scotland in or around 18 October 2016.

- v. What was the outcome of the police investigation?

Unknown.

- vi. What was the organisation/establishment's response?

The Congregation has worked with the police to assist with any inquiry and investigation, and continues to do so whenever a concern is raised.

5.13 Crown

- i. To what extent has the Crown raised proceedings in respect of allegations of abuse of children cared for at the establishment?

None in relation to Kilmarnock.

In relation to each time the Crown has raised proceedings, please answer the following questions:

- ii. What is the name of the person(s) against whom the proceedings were raised?

N/A

- iii. What was the nature of the charges?

N/A

- iv. What was the outcome of the proceedings, including disposal/sentence if there was a conviction?

N/A

- v. What was the organisation/establishment's response to the proceedings and outcome?

N/A