

The Orphanage Report

Part A - Background

The majority of the questions relating to the “past” have been approached in terms of three distinct time periods within the organisation’s history. Each time period is identified and explained within the table in Appendix 1 to this report. The child care legislation relevant to each time period is included within this table.

Throughout this report references to each time period shall be to the “Orphanage Years”, the “Group Home Years” and the “Service Years” as identified and explained within Appendix 1.

The information contained within this report is based on an investigation of the organisation’s records between 1930 and present day. The records reviewed include the minutes of meetings of the organisation’s governing body and relevant management committees; HR records so far as these are available during this period (please note that HR records are not generally retained for longer than seven years); and individual case records of residential service users have also been examined where specific allegations or complaints of abuse involving those service users have been made.

The organisation has access to extensive records within its archives, including individual child records. It is likely to be possible to locate and review individual child records if specific allegations are raised.

The establishment was operational between 1875 and 1967. The information in this report relates to the period 1930 to 1967 unless stated otherwise.

1. Characteristics

1.1 History of the organisation and establishment

Past

i. **When, how and why was the organisation founded?**

When: the organisation was founded in 1875 by Canon Charles Jupp as an orphanage.

The initial undertaking in 1875 was to house four children at a location known as “Burnside Cottage”. This initiative was funded by Miss Macpherson Grant of Aberlour.

A further bequest of £8000 in 1882 enabled the construction of a larger orphanage and accompanying facilities.

How: the original Burnside Cottage residence and the original orphanage building were set up and managed by Canon Jupp and his wife, funded by Miss Macpherson Grant and the further bequest referenced above.

The organisation was set up with a governing body and constitution setting out its purposes.

The government and management of the endowments administered by the establishment were administered under a Trust Scheme under the Educational Endowments Acts. The first Trust Scheme recorded within the organisation’s historic records is the Aberlour Orphanage Trust Scheme 1934 which amended the founding constitution of the organisation.

During the 1800s the care of destitute children and families was undertaken on the most part by religious organisations and individuals. The Episcopalian Church (the

"Church"), of which Canon Jupp was part, supported the establishment of an orphanage and the establishment was initially established under the banner of the Church to be conducted upon the principles of the Church.

The organisation benefitted from the support of the Church, the members of which have fundraised for, and donated to, the organisation to differing degrees throughout its existence.

The organisation's first Board of Governors was made up primarily of members of the Episcopalian Church but the Church as an entity did not have control over those Governors or the organisation.

Why: the organisation was set up to meet the needs, identified by Canon Jupp (or Reverend Jupp as he was at the time), of children in Scotland, including the need for residential care where children could no longer live with their families.

Canon Jupp came across many "destitute" children living in Scotland's cities during the 1860s and 1870s. These children often had no family to care for them, either because family members had died or abandoned the children or because family members were in such severe poverty or ill health they could not support the children. These children lived on the streets in poor health, poverty and with limited prospects for their future.

Canon Jupp was of the opinion that ***"every child has the ability and indeed the right to grow up and flourish"*** and he saw the importance of providing children with a safe home in which to live and develop. For this reason Canon Jupp committed the remainder of his life to providing a home and education for children who could not be cared for by their families.

Part of the reason for choosing Aberlour as the location for the establishment was to allow the children to leave the cities and the dangers therein, not least of which was perceived to be the city smog. Canon Jupp believed the children would thrive in the clean countryside air.

Canon Jupp did not have his own funds to establish an orphanage but he was an innovative and persistent fundraiser, starting with his arrangement with Miss Macpherson Grant for whom Reverend Jupp (as he was at the time) agreed to be a private chaplain on the basis that Miss Macpherson Grant would fund the development of an orphanage with accompanying school, rectory and church. The development of the orphanage from the initial cottage housing four children to a building housing 30 and then 100 and finally 500 children was driven by Canon Jupp's fundraising efforts which involved travelling around Scotland building support for the establishment and holding second hand sales (which became known as "Jupp Sales" and which were enjoyed by the communities in which they were held).

- ii. **What part did the provision in Scotland of residential care (including foster care) for children play in the organisation's purpose, operation and activities?**

The Orphanage Years:

The organisation was founded for the purpose of providing residential care to children in Scotland and the operations and activities of the establishment were focused on the provision of residential care to children in Scotland.

The organisation operated an orphanage (with accompanying facilities including a school, church, laundry and swimming pool).

The Group Home Years:

In the 1960s the organisation examined the opportunities for transitioning to a smaller group home structure in accordance with Government recommendations at that time. The first group home (Constitution Street, Aberdeen) was opened in 1962, closely followed by the second (The Dowans, Aberlour) in 1963 and further homes were opened between this date and 1967 at which time the establishment closed.

Throughout this period the organisation's purposes continued to be the provision of residential care to children in Scotland and its operations and activities (i.e. the operation of group homes) were for this purpose.

The Service Years:

Throughout the 1980s the organisation experienced a further change in focus as public policy (i.e. local authority policy) moved from accommodating children in group homes towards fostering and similar services. During this time the organisation's services diversified and the group homes were either wound down in response to the service-requirement or their purposes were changed to meet new needs. By 1987 only one group home remained in operation.

During this time, the provision of residential care still formed a part of the organisation's purposes, operations and activities but the residential care services operated were developed by the organisation for more focused purposes. For example, these included respite care or care for children with disabilities or severe behavioural problems.

In 2002 the organisation opened its first fostering service through a family-based scheme where approved foster carers provide regular respite breaks for children and young people up to the age of 18. The organisation's second fostering service commenced in 2004. This second service was linked to and enhanced the work carried out within the Sycamore project. Children resident within the Sycamore residential services often received respite care through this fostering service.

Those services with a residential care or fostering element which operated during this period are set out within Appendix 3.

iii. **When and how did the organisation become involved in the provision of residential care (including foster care) for children in Scotland?**

When: The organisation has been involved in the provision of residential care for children in Scotland from the date on which its operations commenced in 1875.

The organisation has been involved in the provision of foster care since 2002.

How:

Details of the residential care services provided by the organisation from 1930 to date are set out in detail within Appendix 3.

The Orphanage Years: Canon Jupp, the organisation's founder identified a need for residential care for those children who could no longer live with their families and established the establishment, with the support of funders, to provide for this need. Further details about how the organisation became involved in the provision of residential care in terms of the Orphanage Years are set out within question 1.1.i. above.

The Group Home Years: As for the Orphanage Years. During this period the organisation recognised the benefits of providing residential care for children within

smaller family group homes rather than within one large establishment such as the establishment and adjusted its care structure accordingly.

The Service Years: As the organisation's services diversified the organisation, generally in partnership with local authorities, identified the needs for specific types of residential care (such as respite care or care specifically designed for children with disabilities or severe behavioural problems) in different locations. With local authority support the organisation was able to meet these needs.

iv. Why did the organisation consider that it had the competence to be responsible for, and manage the care of, children in establishments?

The Orphanage Years:

The organisation has, since it was established, sought to provide suitable accommodation for the children resident with it. Having in place appropriate accommodation was part of the organisation's assessment as to why it was competent to provide residential child care. In the initial period of the establishment's operations the Poor Laws supported the boarding out of children who could not live with their parents. Canon Jupp responded to a need that he identified across Scotland at that time.

During this period the residential premises operated by the organisation were registered with the Secretary of State in accordance with The Children Act 1948. In accordance with this legislation the Secretary of State had the right to enter and inspect residential care facilities. The Secretary of State did exercise this right and made regular inspections of the establishment, as recorded within the organisation's historic records.

Historic records also show that during this period local authorities placing children at the establishment inspected the establishment from time to time

The organisation either received favourable inspections or carried out works to meet the recommendations made by these bodies.

The organisation complied with the regulatory requirements of operating a residential establishment (contained under, for example, the Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959).

During this period there were limited regulations and guidance regarding the level of education and certification which staff employed by residential care organisations were required to have. However, historic records show that where possible, the organisation sought staff responsible for, and managing, the residential care of the children in the establishment who had relevant experience (past work experience and references within child care) and/or who had undertaken relevant training and certifications (for example qualifications in child care, residential care or social work). The competence of such staff for providing and managing residential child care was part of the organisation's competence for such as a whole.

The Group Home Years:

After careful consideration of the policies and recommendations in relation to residential care for children at this time, the organisation transitioned from one care establishment (the establishment) to a group home structure. The reason for doing so was that this had been identified (from a public policy point of view and internally within the organisation) as the best environment in which to provide residential child care.

By way of explanation, the group home structure advocated by the Government and which was adopted by the organisation involved the provision of residential child care within a "family home" environment. This involved providing a home for between 7 and 15 children within a house (usually stately homes were used due to their size) with one or two "live-in" houseparents who were supported by a number of assistant and relief houseparents and domestic staff who worked shifts.

During this period the ability to provide residential care in the group home structure was one of the reasons the organisation considered it was competent to provide care to children.

During this period local authorities took over the registration and inspection of residential establishments (under the Social Work (Scotland) Act 1968) and historic records show that the organisation's group homes were registered with the relevant local authorities and that inspections of the group homes by those local authorities took place.

As explained above, the organisation continued to recruit competent staff, although as yet there were few if any regulations and guidance regarding the training of residential care staff.

Again, the organisation sought to provide accommodation for children resident within its services which was tailored to their needs. In most cases the organisation either custom-built or custom-renovated premises for use as group homes.

For each of these reasons the organisation considered it was competent to provide residential care to children.

The Service Years:

By this stage the organisation was operating with a background of over one hundred years of residential child care provision.

During this period the organisation's establishments were registered with the local authorities (under the Social Work (Scotland) Act 1968) as set out above and later, with the Care Inspectorate (formerly the Care Commission but referred to within this report as the "Care Inspectorate") (under the Regulation of Care Act 2001).

Local authorities continued to inspect and report on the organisation's establishments and, as of 2001, the Care Inspectorate carried out regular inspections in accordance with its obligations under the relevant legislation, policies and procedures. The organisation would not have been competent to provide residential child care without obtaining registration and ongoing favourable inspections from the Care Inspectorate.

Records reflect the organisation's practice of implementing recommendations made by the Care Inspectorate.

As of 2009 any individual working with children in residential care was required to hold a relevant HNC (preference was HNC in Social Care) and SVQ Level 3 (which could be in Care, Health and Social Care, Caring for Children and Young People or Promoting Independence). Managers were expected to have reached SVQ level 4 and have a relevant management qualification.

In addition, a criminal record check was carried out on any individual working with children in any capacity. The organisation applied such practices to all staff.

As in previous years, the organisation continued to utilise tailored premises to provide residential care for children.

Each of these factors indicates why the organisation considered it was competent to provide residential child care.

v. How many establishments did the organisation run, where were they located, over what period were they in operation, and what were their names?

The organisation does not retain a record of every establishment operated by the organisation in the past. A history of the establishments run by the organisation between 1930 and present day has been drawn from historic records and a list of the establishments of which the organisation is aware is included at Appendix 3. This list sets out the name of each establishment (as referenced within historic records), their location (in as much detail as possible), the dates on which each opened and the dates on which each closed.

It is not possible to confirm that this is an exhaustive list of all establishments operated by the organisation and the dates included within this table are estimates.

vi. When, how and why was each of these establishments founded?

When and why:

Please see Appendix 3 which includes a table setting out each establishment which was operated by the organisation and of which the organisation is aware at present. This table includes detail of when each establishment was founded and the purposes for which it was founded (e.g. "residential care").

How:

The Orphanage Years: Canon Jupp, the organisation's founder identified a need for residential care for those children who could no longer live with their families and established the establishment, with the support of funders, to provide for this need.

Further detail regarding the way in which and the reasons why the establishment was founded are set out within question 1.1.i. above.

The Group Home Years: The organisation identified the benefits of providing residential care for children within smaller family group homes rather than within an institution such as the establishment and established a number of residential group homes for this purpose. The children previously resident at the establishment were transferred into these group homes and children referred to the organisation by local authorities thereafter were offered places within these group homes.

Suitable locations for each group home were identified in partnership with the relevant local authority and in response to a need identified within that area.

For example, prior to the establishment of the first group home in Constitution Street, Aberdeen, the organisation had identified the need for a home for girls over school age but who still fell under public care (until they were 17 years old). These girls usually had jobs or were involved in ongoing education. The organisation became aware of this need through assisting girls leaving the establishment to find a new residence and the local authority agreed such provision would be useful.

The Service Years: As the organisation's services diversified the organisation, generally in partnership with local authorities, identified the needs for specific types of

residential care (such as respite care or care specifically designed for children with disabilities or who required additional support) in different locations.

With local authority support the organisation would identify a suitable location for each establishment and suitable children requiring care and was able to meet these needs.

vii. In the case of any establishment which is no longer in operation, when and why did it cease operating?

Please see Appendix 3 which includes details of each establishment operated by the organisation (of which the organisation is aware). This table includes the dates on which each establishment ceased to operate and the reasons for closure.

Please note that it is not possible to confirm whether this is an exhaustive list of all establishments operated by the organisation and the dates included within this table are estimates only.

viii. If the organisation itself is no longer involved in the provision of residential care for children in Scotland, when and why did it cease to be so involved?

The organisation continues to be involved in the provision of residential care for children in Scotland.

ix. If the organisation was founded as a religious order by members of a particular faith or church, what was the precise relationship between the order and the religious hierarchy within that faith or church?

The organisation was not founded as a religious order. As noted in the responses above, the organisation did have historical links with, and has benefitted from the support of the Episcopalian Church.

x. Within the faith or church to which the religious order belonged, what degree of autonomy was enjoyed by the order in relation to the provision of residential care for children in Scotland?

The organisation was not founded as a religious order.

xi. In the case of establishments that were run by members of a religious order, what degree of autonomy within the order itself was enjoyed by such members?

The organisation was not run by members of a religious order.

Present

xii. With reference to the present position, are the answers to any of the above questions different?

Yes.

xiii. If so, please give details.

Question 1.1(ii) - What part did the provision in Scotland of residential care (including foster care) for children play in the organisation's purpose, operation and activities?

The current purposes of the organisation (as set out within Appendix 2) include the provision of "care" and "accommodation" to:

- a) children and young persons who are in need of care, protection, assistance and/or training;
- b) in exceptional circumstances, those who were previously children or young persons assisted by the organisation who remain vulnerable and/or disadvantaged and therefore remain in need of care, protection, assistance and/or training; and
- c) vulnerable and/or disadvantaged adults whose assistance by the organisation will provide care, protection and/or assistance to children and young persons.

The organisation carries out these purposes by providing the current services listed in Appendix 3 (in particular, the Fostering Services, Sycamore Services and Options Services detailed therein) along with other services.

The Highland Sycamore services commenced on 1 April 2017. Further details of these services are set out within Appendix 3.

1.2 Funding of Establishment

Past

- i. **How were the establishment's operations and activities, so far as relating to the provision of residential care for children, funded?**

The establishment's operations and activities relating to the residential care of children were funded by:

- a) charitable donations and legacies;
- b) investment income of the organisation which was allocated to the establishment;
- c) contributions to the maintenance costs of a child from the local authorities placing that child at the establishment; and
- d) contributions to the maintenance costs of a child from the parent of that child who had placed the child at the establishment.

- ii. **Was the funding adequate to properly care for the children?**

Yes, the establishment was well placed to provide a suitable residence and additional facilities (e.g. a swimming pool, school, laundry and clothing and shoe repair facilities), nutrition, additional activities (including sports classes, social clubs and holidays), healthcare, pocket money and clothing.

- iii. **If not, why not?**

Not applicable.

- iv. **What state support did it receive?**

The establishment received a basic contribution to the maintenance costs of children placed in its care by local authorities. This was based on standard costs and rates during this time.

The Orphanage School received an education grant towards its operating costs.

There is no evidence of any additional state support received by the establishment.

Present

- v. **If the establishment continues to provide residential care for children, how is that funded?**

The establishment is no longer operational.

- vi. **What state support does it receive?**

The establishment is no longer operational.

1.3 Legal Status

(a) Organisation

Past

- i. **What was the legal status of the organisation since it was founded?**

The organisation was founded as an orphanage, an "institution" designated "The Scottish Episcopalian Church Orphanage and Convalescent Home", with a governing body and management committee.

As of 1934 the organisation operated as a trust. The government and management of the endowments administered by the establishment were so administered under a trust scheme under the Educational Endowments Acts. The first trust scheme recorded within the Organisation's historic records is the Aberlour Orphanage Trust Scheme 1934.

In 2006 the organisation was incorporated as a company limited by guarantee known as "Aberlour Child Care Trust" with registered number SC312912.

An outline of the legal status of the organisation between 1930 to present day is included within Appendix 2.

- ii. **Were there any changes in the legal status of the organisation since it was founded?**

Yes.

- iii. **What, if any, material changes were there to the legal status of the organisation?**

The organisation operated as a trust governed by a number of different trust schemes until 2006 when the organisation was incorporated as a company limited by guarantee.

The organisation has been a registered charity from 19 March 1936 and is currently registered with OSCR. The organisation's charity number is SC007991.

The detail of each change to the legal status and constitution of the organisation is set out in Appendix 2.

- iv. **What was the legal basis which authorised or enabled the organisation to become responsible for the provision of residential care (including foster care) for children in Scotland?**

Internal authorisation:

The organisation's constitution as amended from time to time authorised the organisation to become responsible for the provision of residential care for children in Scotland. The purposes of the organisation as set out within its constitution from time to time are set out within Appendix 2.

External authorisation:

The Orphanage Years: the organisation was originally authorised under the "Poor Laws" to provide residential care for children in Scotland.

Following the introduction of legislation such as The Children and Young Persons (Scotland) Act 1937 and The Children Act 1948, the responsibility of local authorities for providing residential care to children was formalised. Under this legislation local authorities could meet their duty by engaging voluntary organisations (such as the organisation) to provide residential care to children.

Under this legislation, by referring children to the care of the organisation, the local authorities authorised the organisation to become responsible for the provision of residential care for those children.

The Group Home Years and the Service Years: under the Social Work (Scotland) Act 1968 and the Children (Scotland) Act 1995 and subsequent legislation, local authorities could meet their obligations to provide residential care to children in need by placing those children with voluntary organisations.

The legal basis on which the organisation provided residential care to children in Scotland has generally been upon the authorisation to do so granted by the relevant local authority placing children with the organisation.

v. Did that legal basis require the organisation to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.

Yes. From 1948 the organisation was required to be registered with a relevant body (the Secretary of State or a relevant local authority); to meet certain standards in relation to that registration; and to be subject to inspections by relevant bodies.

The Orphanage Years: the Children Act 1948 required the organisation to be registered with the Secretary of State and to allow the Secretary of State to inspect the organisation from time to time.

The organisation was also obliged to comply with any regulations made by the secretary of state regarding the conduct of voluntary homes. This meant the organisation was required to comply with The Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959 both of which outlined operational rules for voluntary homes.

The Group Home Years: the Social Work (Scotland) Act 1968 required the Organisation to maintain registration with the relevant local authority; to comply with conditions related to the registration of the organisation's premises (e.g. capacity numbers etc.); and to allow that local authority to inspect the organisation as required.

The operational rules set out within The Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959 applied during this period and the organisation was required to comply with these.

The Service Years: under the Regulation of Care Act 2001 and subsequent legislation the organisation was required to register with the Care Inspectorate (previously the Care Commission) and to comply with the National Care Standards.

The organisation was also required to: a) enable the Care Inspectorate to inspect the organisation's establishments; and b) comply with any requirements set out by the Care Inspectorate's inspectors following such inspections.

vi. Did the organisation have a legal duty of care to each child in its care?

The organisation did have a legal duty of care to each child in its care.

Such a duty arose from the position of the organisation acting in loco parentis. The obligation to act towards each child with the same care as would be expected of a reasonably careful parent was understood at or around the time of the founding of the organisation in 1875. The organisation accepts that this duty has to be looked at in the context of any particular circumstances, such as the number of children and the nature of the establishment. A duty on this basis continues to this day.

The organisation further accepts that, given developments of the law of negligence over the years in which it has been operating, and in the field of health and safety, the duty that arises in loco parentis must be considered today in the modern context, and from the perspective of an organisation of appropriate size, history and experience.

The organisation notes that there are also duties owed by individuals such as employees. For example, an employee carrying a child as a passenger in a vehicle owes a duty care to that child as a passenger. The organisation recognises that it may be vicariously liable for negligent or wrongful acts committed by employees (although a vicarious obligation does not arise from a duty of care owed directly).

Present

vii. With reference to the present position, are the answers to any of the above questions different?

No.

viii. If so, please give details.

Please see answer above.

ix. If the organisation is a Scottish local authority, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.

The organisation is not a Scottish local authority.

(b) Establishment

Past

i. Did the establishment have a special legal, statutory or other status?

The establishment did not have separate legal personality – it was an operation of the organisation.

The establishment was registered as an establishment for residential child care (a "children's home") with the secretary of state in accordance with statutory requirements (the Children Act 1948) during this period.

ii. **If not, how was the establishment described?**

Not applicable.

iii. **What was the legal basis which authorised, or enabled, the establishment to become responsible for managing the care of children in a residential setting?**

Internal authorisation:

The organisation's constitution as amended from time to time authorised the organisation to become responsible for the provision of residential care for children in Scotland and to operate the establishment. The purposes of the organisation as set out within its constitution from time to time are set out within Appendix 2.

External authorisation:

The organisation was originally authorised under the "Poor Laws" to provide residential care for children in Scotland.

Following the introduction of legislation such as The Children and Young Persons (Scotland) Act 1937 and The Children Act 1948, the responsibility of local authorities for providing residential care to children was formalised. Under this legislation local authorities could meet their duty by engaging voluntary organisations (such as the organisation) to provide residential care to children.

By referring children to the care of the organisation, the local authorities authorised the organisation to become responsible for the provision of residential care for those children

As explained above, the establishment was registered as an establishment for residential child care with the Secretary of State in accordance with statutory requirements during this period

These were the legal bases on which the establishment was authorised to become responsible for managing the residential care of children.

iv. **Did that legal basis require the establishment, or its management, to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.**

Yes. From 1948 (under the Children Act 1948) every residential child care facility was required to: a) be registered with the relevant local authority; b) meet certain standards in relation to that registration as set out within the relevant legislation, as directed by the local authority or the Secretary of State or as set out in additional regulations; and c) be subject to inspections by the local authority.

During its operational period the establishment was registered with the Secretary of State and the Secretary of State inspected the establishment from time to time. The organisation was also obliged to ensure the establishment complied with any regulations made by the Secretary of State regarding the conduct of voluntary homes (for example, the Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959).

v. Did the establishment have a legal duty of care to each child in its care?

The establishment itself did not have separate legal personality and therefore did not have a legal duty of care to any party.

The organisation had a legal duty of care to the children in its care within the establishment as explained in question 1.3(a)vi above.

Present

vi. With reference to the present position, are the answers to any of the above questions different?

The establishment is no longer operational.

vii. If so, please give details.

The establishment is no longer operational.

1.4 Legal Responsibility

(a) Organisation

Past

i. Did the organisation have any legal responsibility for the children in its care?

The organisation did not undertake legal responsibility for the children in its care in terms of what are now recognised as “parental rights and responsibilities”. The organisation provided a residential child care service which those with legal responsibility for children (e.g. local authorities or parents/guardians) utilised.

The legal duty of care undertaken in relation to children within the organisation's care has been considered (under question 1.3.(a).vi. above) as a separate matter from its legal responsibility for those children.

The responsibility of local authorities for children in need was not formalised until 1948 (under the Children Act 1948). Prior to this date the responsibility which local authorities had for children was more focused on child protection matters – i.e. undertaking a role in identifying abuse and neglect of children, assisting in the acquisition of protection orders, etc.

Local authorities provided the organisation with most of its inhabitants and in doing so would have retained legal responsibility for those children.

The establishment also received children into its care who did not have parents/guardians to support them or in whose circumstances the local authorities had not yet become involved. Prior to 1948, in these cases, the Organisation may have had some level of legal responsibility for those children until the relevant local authority was notified of the child's residence at the establishment.

ii. If so, what was the nature and extent of that legal responsibility?

Pre 1948 – if the organisation did undertake any legal responsibility for children in its care as set out above; such responsibility was to provide the children with a home and support and to encourage their onward development.

Post 1948 – the organisation did not undertake legal responsibility for children in its care.

iii. Did any other person or organisation have any legal responsibility for the children while they were in the organisation's care?

Yes. Historic records show that the organisation has over the course of its existence received children into its care upon the request of parents/guardians and local authorities, who/which would have had legal responsibility for the children they were admitting to the organisation.

iv. If so, what was the nature and extent of that responsibility?

Following the introduction of the Children Act 1948, the position of local authorities in relation to children in need of care was formalised and although the structure of "parental rights and responsibilities" was not introduced until 1995, the local authorities admitting children to the care of the organisation would have had legal responsibility (i.e. parental rights and responsibilities) for those children.

Those responsibilities may have taken the form of full parental rights (where these vested in the local authority on the basis the child's parent/guardian was not able/willing to care for the child) or a basic responsibility to remove the child from their parent's/guardian's care and find a more suitable residence for the child (in cases of abuse or neglect of the child). In some cases the child's parents may also have retained a level of legal responsibility for their child, e.g. certain parental rights or the requirement to make payments towards the cost of providing for the child.

Local authorities would not have transferred those responsibilities but were entitled to arrange for accommodation of children for whom they were responsible with a third party (e.g. the organisation) and to arrange for that third party to fulfil or exercise their rights in relation to those children.

The organisation also received children into its care (in the establishment, into group homes and into its later services) upon the direct request of a child's parent/guardian. In such cases the parent/guardian in question would retain legal responsibility for their child, that legal responsibility being parental rights and responsibilities.

In some cases, particularly during the Orphanage Years, a child was placed with the establishment by a parent/guardian who then failed to make further contact with the organisation. In these situations, historic records suggest that the relevant local authority would have taken up the legal responsibilities for such children on the basis that they then required state care, having no responsible parent/guardian to provide such care.

While a child was resident with the organisation, the relevant local authority or the child's parent/guardian would have been responsible for contributing towards the child's maintenance.

v. If the organisation had no legal responsibility for children in its care, where or with whom did legal responsibility lie?

As outlined at 1.4(iii) above, the relevant local authority and/or parent/guardian of the child had legal responsibility for children in the care of the organisation.

Present

- vi. **With reference to the present position, are the answers to any of the above questions different?**

No.

- vii. **If so, please give details.**

(b) Establishment

Past

- i. **Did the establishment, or those in charge of the establishment, have any separate legal responsibility (separate from the organisation) for children in its care?**

The establishment did not have any separate legal responsibility for children in its care. The establishment did not have separate legal personality and any legal rights and responsibilities would have rested with the organisation as a whole. Please see our comments on legal responsibility at question 1.4(a) above.

Please note, "parental" permission was sought from the relevant local authority prior to any child within the establishment attending any event or activity for which the child required permission to do so (e.g. trips or excursions, holidays with family members, etc.).

- ii. **If so, what was the nature of that responsibility?**

The establishment did not have any separate responsibility.

Present

- iii. **With reference to the present position, are the answers to any of the above questions different?**

The establishment is no longer operational.

- iv. **If so, please give details.**

The establishment is no longer operational.

1.5 Ethos

(a) Organisation

Past

- i. **What did the organisation see as its function, ethos and/or mission in terms of the residential care service it provided for children?**

The organisation's perception of its function and mission in relation to the residential care service it provided to children can be identified from its purposes outlined within its constitution. A summary of the purposes outlined in the organisation's constitution as updated from time to time is set out within Appendix 2.

As explained previously, a copy of each version of the organisation's Trust Scheme and the purposes outlined therein is not available. However, historic records suggest that the main principles of each Trust Scheme were similar to those of the 1934 Trust Scheme outlined within Appendix 2. Amendments to the Trust Scheme primarily

extended the organisation's remit to enable it to undertake different services (e.g. group homes rather than care within one establishment and additional family support services, etc.).

Throughout the organisation's existence its ethos has been to provide for children in need of care and support, to put the best interests of those children at the forefront of its activities and wherever possible to provide a family environment for those children within its residential care services.

- ii. **If the establishment was run by a Catholic religious order, what vows were taken by members of the order and at which point in their training?**

The organisation was not run by a Catholic religious order.

- iii. **What did the organisation see as the establishment's function, ethos and/or mission in terms of the service that the establishment provided to children accommodated there?**

There are no current employees who can describe the organisation's perception of the establishment's function, ethos and mission and the following comments are based on a review of historic records.

Function: the organisation saw the establishment's function as the provision of the following services to children placed within it: residential care; food and nutrition; health and dental care; education and training; and support, encouragement and training in relation to future education and work opportunities.

Ethos: the organisation's ethos has always been to operate in the best interests of the children resident with it. Historic records suggest that the organisation saw the establishment as having a family-focused ethos, welcoming all children who required a home and providing not only for their physical needs, but also for their emotional needs – the provision of love and family.

Mission: the organisation's mission at this time was to provide for a need in Scotland – the need for residential care for children who could no longer live with their families/guardians. The organisation saw this, along with the provision of a place for these children to belong and flourish, as the establishment's mission.

- iv. **Were there changes over time in terms of what the organisation saw as its function, ethos and/or mission in terms of the residential care service it provided for children?**

Yes.

- v. **If so, what were the changes and when and why did they come into effect?**

Ethos and mission: the organisation's ethos has always been to provide for the needs of children in Scotland and to act in the best interests of the children to whom it is providing services. This ethos has not changed.

Throughout the Group Home Years and the Service Years the organisation's ethos and mission developed to include providing for the needs of children, young people and families. The reasons for these changes were the changing needs in Scotland and the recognition of the benefits which could be gained for children from providing ongoing support to young people and families.

Function: the organisation has always seen its function as providing care and support for children in need.

In the Orphanage Years and the Group Home Years the organisation saw this function as the provision of short and long term residential care for children in need of such care.

During the Service Years the organisation saw its function widening to include family support services, i.e. to support families (generally and in terms of specific issues such as alcohol and drug abuse) and potentially prevent the need for their children to be taken into residential care.

During the Service Years the organisation also saw its functions in relation to residential care move from the provision of standard residential care to tailored residential care (short term, long term and respite) for children with disabilities and children who required additional support.

- vi. **Were there changes over time in terms of what the organisation saw as the establishment's function, ethos and/or mission in terms of the service that the establishment provided to children accommodated there?**

No. However, the organisation's function, ethos and mission as a whole changed towards the latter part of the establishment's operational period. These changes are explained in more detail within question 1.5(a).v. above.

- vii. **If so, what were the changes and when and why did they come into effect?**

Towards the end of the establishment's operational period public policy on the provision of residential care for children had changed resulting in recommendations for children to be cared for in family home environments rather than within large establishments. The organisation also recognised the benefits of the provision of residential care for children within smaller group homes rather than in a large establishment.

For this reason, the organisation decided to close the establishment and move towards providing residential care within small group homes.

Present

- viii. **With reference to the present position, are the answers to any of the above questions different?**

Yes.

- ix. **If so, please give details.**

The current ethos, function and mission of the organisation are as follows:

Our vision

To transform the lives of the children and families we work with and, through this, contribute to building a fairer and more equal society.

Our values

Respect means acting in a way that shows we care about the feelings of one another, and that we listen to one another's opinions. As a person-centered organisation that stands up for the rights of all children and families, a culture of respect is inherent in all of our work.

Integrity means doing the right thing, even when no-one else is watching. We recognise that to fully represent the concerns of Scotland's children and families, we may have to go against the grain or take difficult decisions. We will strive to act with integrity at all times.

Innovative means finding new, efficient ways to do things. We are committed to learning and developing improved ways of helping Scotland's children and families. We will be innovative in our approaches, to ensure we are doing the best for our children and families.

Challenging means testing ourselves and those around us. It means not accepting the status quo. Within Aberlour, we will challenge ourselves to be the best we can be, as a provider of choice. Externally, we will use our campaigning voice to challenge decisions in the policy sphere, to ensure that our families' voices are heard.

(b) Establishment

Past

i. What services were provided at the establishment, in terms of care for children?

The establishment provided residential care for children (including the provision of meals, clothing and laundry services and health and dental care). The Organisation also provided education at the Orphanage School and leisure activities for children (e.g. dance classes, playing fields, indoor games, etc.). Children were also taught to swim at the establishment's swimming pool.

The establishment also provided for the onwards development of children by providing career and further education advice and assistance.

ii. Did the establishment care for children of both sexes?

Yes.

iii. If the establishment cared for children of one sex only, what was the thinking behind that policy?

The establishment care for children of both sexes.

iv. Were any special child care, or child protection measures, taken in the light of that policy? If so, please provide details.

The establishment care for children of both sexes.

v. What was the daily routine for boys/girls cared for at the establishment?

Limited information is available about the practical routine of the children cared for at the establishment but historic records show the children's routine included dressing and washing (bathing), attending school on standard school days (Monday to Friday) and meals which included breakfast, dinner and supper, and a further late supper for older children.

The children also had leisure time during which they played outdoors or indoors within the communal areas. The children were encouraged to play outdoors as this was seen as beneficial for their health.

There were often sporting activities and classes arranged for the evenings (e.g. dance classes, boxing lessons, Brownies, Scouts, etc.) and movies were shown in the communal areas of the establishment from time to time.

Older children were allowed to go into Aberlour to spend their pocket money at the weekend and the children attended church on a Sunday. Those children involved in the church choir were also likely to have been involved in regular choir practices.

vi. What were the on-site activities for children cared for at the establishment?

On-site activities included:

- a) schooling;
- b) meals;
- c) playing fields and sporting equipment;
- d) classes and activities arranged by the establishment (e.g. dance classes, boxing lessons, Brownies, Scouts, etc.);
- e) leisure activities (swimming, playing indoors and outdoors); and
- f) church.

vii. What were the off-site activities for them?

The children were taken on annual holidays and trips and outings. The children were also able to go into Aberlour to spend their pocket money and were encouraged to take advantage of the countryside surrounding the establishment by playing outdoors.

Those children who achieved the relevant academic standard were encouraged to attend the local high school for the last few years of their school education.

viii. Did children work manually, either at the establishment, or externally (e.g. farming work or other labour), or both?

Historic records suggest that the older boys assisted with potato harvesting on the Orphanage Farm from time to time.

It is not clear to what extent the children assisted with cleaning the establishment. The organisation employed a range of domestic staff who undertook most of the cooking and cleaning within the establishment. It can be expected the children assisted with cleaning to some extent, even if only to the extent of keeping their own living space(s) clean and tidy.

Older girls often stayed on at the establishment for a period of time after reaching school leaving age (originally 14 and then 15) as the organisation was of the opinion that these girls were too young to go directly into the working world alone. During this time the girls worked within the domestic service of the establishment. The girls were paid for this work and provided with ongoing accommodation, laundry facilities and meals.

From time to time upon leaving the care of the establishment older boys may have acquired a job at the Orphanage Farm or within the establishment grounds (gardeners, handymen etc.). These were external employment arrangements and the young men were paid standard wages for this work.

ix. If the establishment was run by a Catholic religious order, were any prospective members of the order who were in training permitted to care for children?

The establishment was not run by a Catholic religious order.

Present

- x. **With reference to the present position, are the answers to any of the above questions different?**

The establishment is no longer operational.

- xi. **If so, please give details.**

The establishment is no longer operational.

1.6 Numbers**(a) Organisation****Past**

- i. **How many children did the organisation accommodate at a time and in how many establishments?**

The Orphanage Years: during this period the organisation accommodated between 100 and 430 children per year within the establishment and, between 1962 and 1967, the establishment and five group homes.

The Group Home Years: during this period the organisation accommodated between 70 and 140 children per year within its group homes. During this period the organisation operated around twenty-two separate group homes, however, these homes were not all operational at the same time. A summary of the date of opening and closure of each group home is included in Appendix 3.

The Services Years: during this period the organisation accommodated between 20 and 70 children per year within its residential services (short term long term and respite care facilities). During this period the organisation operated nineteen establishments. Again, not all of these establishments were operational at the same time. A summary of the date of opening and closure of each establishment is included in Appendix 3.

- ii. **Please provide details of any material changes in numbers of children, or numbers of establishments, and the reasons for those changes?**

During the Orphanage Years it was a generally accepted practice within Scotland to provide residential care for children within one large establishment. Throughout the 1950s and 1960s public policy changed and the preferred practice was to provide residential care for children in small family units (mixed ages and mixed genders).

This process of investigating the organisation's ability to provide group homes rather than one large establishment commenced during the 1950s.

The reason for the change in the number of establishments between the Orphanage Years and the Group Home Years was to enable the organisation to provide group home accommodation for the children in its care rather than residence in one large establishment, as recommended during this time.

The reason for the fall in numbers between the Orphanage Years and the Group Home Years was due to the move from one large establishment to a number of small group homes meaning the organisation had lower capacity than when it operated the establishment. In addition, changes in local authority policy led to more children

remaining with their parents and more children being fostered and adopted rather than placed within children's homes. This led to a reduction in the need for residential child care of the type offered by the organisation.

During the latter part of the Group Home Years and moving into the Service Years the organisation expanded its services to provide family support and youth engagement services in addition to the residential services it continued to provide. Those residential services it continued to provide were also tailored to meet specific needs during this time (such as respite care and care for children with specific emotional and physical needs).

The reduction in numbers during this time was due in part to the reduced need for children's homes (due to changes in local authority policy) and the changing nature of the organisation's services. Tailored services have to be carried out on a smaller scale.

iii. How many children in total were accommodated by the organisation?

The exact number of children accommodated by the organisation since 1930 to present day cannot be confirmed but it is estimated that this figure is in excess of 3000 children.

iv. What numbers (if any) were placed in foster care by the organisation?

66 children were placed in foster care by the organisation. 9 such placements were on a respite basis.

v. In general terms, was the main service provided by the organisation the provision of residential care for children in establishments, or was it the provision of foster care?

The Orphanage Years: the main service provided by the organisation was the provision of residential care for children in establishments.

The Group Home Years: the main service provided by the organisation was the provision of residential care for children in establishments.

The Service Years: the provision of residential care for children in establishments (on long term, short term and respite bases) forms part of the services provided by the organisation. At times during this period this would have been the main service provided by the organisation but in general terms, there were and are a number of other non-residential services provided by the organisation.

The organisation operated two fostering services during this period (please see Appendix 3 for more details). Again, these are only two of a number of different services offered by the organisation.

Present

vi. With reference to the present position, are the answers to any of the above questions different?

Yes.

vii. If so, please give details

The number of children in residential care (respite and full time care placements) within the organisation is currently 194. The number of residential establishments operated by the organisation is currently 15.

The number of children placed in foster care by the organisation between 18 December 2014 and the date of this report is 14.

(b) Establishment

Past

i. How many children did the establishment accommodate at a time?

Over its period of operation the establishment accommodated around 60 to 430 children per year. A summary of the number of children resident within the establishment is set out within Appendix 8. Please note that between 1962 and 1967 the organisation had started to open a small number of group homes and the residents of those homes are included within the overall numbers set out in Appendix 6.

ii. Did this change, and if so, what were the reasons?

The increase in numbers evident within the 1940s (shown in Appendix 5) can be attributed to the war and the need for residential accommodation for more children who could not live with their families during or after this time.

The number of children decreased relatively steadily between 1955 and 1967 due to changes in local authority regulations regarding the number of children who could be accommodated at a residential establishment and changing public policy around residential child care (explained above at question 1.5(a)). Local authorities started to put more pressure on the establishment during this time to explore a smaller group home structure and to decrease overall numbers.

In addition, from 1955 onwards the organisation started to explore a group home structure and steadily reduced the number of children resident in the establishment to enable it to work towards this goal.

iii. How many children in total were cared for at the establishment?

The exact numbers of children cared for at the establishment over its operative period cannot be confirmed but it is estimated this was over 2000 children.

Details of the number of children cared for by the organisation as a whole are included within question 1.6(a) above.

iv. What accommodation was provided for the children?

The establishment consisted of separate wings for girls and boys. The children's accommodation was split into "houses" and each "house" had communal areas in which the children could play, gather and relax.

Initially the children slept in large dormitories but throughout the 1950s partitions were inserted into these dormitories to create smaller living quarters for smaller numbers of children.

For the most part the children ate their meals in the large dining halls of the establishment. Throughout the 1950s the organisation experimented with smaller dining areas and the children ate their meals within their "house" communal areas

rather than in the large dining halls. These large halls were used for different activities including sports and parties.

v. How many children occupied a bedroom/dormitory/house?

The exact number of children accommodated in each dormitory within the establishment cannot be provided but the original design of the establishment premises was for dormitories which accommodated 25 children each.

As explained above, these large dormitories were partitioned to create smaller living spaces. These partitions created rooms for around 4-10 children each with smaller rooms for older children (e.g. 4 children per room).

Present

vi. With reference to the present position, are the answers to any of the above questions different?

The establishment is no longer operational.

vii. If so, please give details.

The establishment is no longer operational.

1.7 Children's Background/Experience

Past

i. Did the children admitted to the establishment generally have a shared background and/or shared experiences?

The establishment received a wide range of children and these children had varied backgrounds and experiences.

ii. Were children admitted into the care of the organisation as a whole, or were they admitted into the care of a particular establishment?

The organisation's establishments did not have legal personality therefore any arrangement with a local authority or parent/guardian for the care of a child by the organisation was with the organisation as a whole.

For this reason children were admitted into the care of the organisation as a whole although the intention may always have been for their care to be undertaken by a particular establishment.

iii. If children were admitted into the care of the organisation, did the organisation decide which establishment they would be admitted into?

Admission of a child into the care of the organisation, including into which establishment the child would be admitted, was discussed with the local authority or parent/guardian responsible for the child and any associated care team (e.g. social workers, therapist, etc.) and was agreed by all parties prior to the child's placement.

iv. Who placed children with the organisation?

The Orphanage Years: local authorities and/or parents/guardians. As explained above, to a limited extent prior to 1948 children may have been placed with the organisation on a less structured basis.

The Group Home Years: local authorities and/or parents/guardians.

The Service Years: local authorities and/or parents/guardians.

- v. **From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the organisation/establishment receive children mainly from the Children's Hearing system?**

The organisation may have received children from the Children's Hearing System but this was not the only or main source of receiving children.

- vi. **If not, how generally did children come to be admitted into the care of the organisation?**

Children were generally admitted into the care of the organisation upon the request of a local authority with responsibility for providing residential or welfare care for that child or upon the request of a parent/guardian.

- vii. **Was there a gender or other admission policy or practice operated by the organisation or any establishment run by it?**

The organisation did not operate a gender admission policy. The ethos of the organisation was that "all would be welcome".

The Orphanage Years: prior to this period the organisation's constitution provided that the organisation would provide care to children of members of the Episcopalian Church "and others". During this period the organisation's constitution was amended in order to clarify that this was not a restriction on admission.

Prior to this period, as was social custom at the time, the organisation did not allow the admission of children into the establishment who had been born out of wedlock. However, early during this period (the exact date is unknown) this restriction on admission was also removed.

During this time there was some concern within the organisation that local authorities were placing children within the establishment who could not be placed by the local authority elsewhere due to behavioural difficulties, difficult past experiences, disabilities or learning difficulties. At this time the establishment was not equipped to provide for these children. The organisation did not operate a strict policy on admission which took account of these issues but operated a practice of allowing the child to be placed within the establishment for a trial period to assess whether it was a suitable environment for the child. If the placement was not suitable the establishment would advise the local authority that the child would have to be placed elsewhere (in a more appropriate environment).

The organisation went on in later years, particularly the Service Years, to provide facilities for children who could not be placed elsewhere. During the later Orphanage Years the organisation developed classes within the Orphanage School specifically designed for children with learning difficulties and sought to provide a home for these children within the establishment.

There is no evidence of any other admission policies and practices (formal or otherwise) operated by the organisation during this time.

The Group Home Years: there is no evidence of any admission policies or practices (formal or otherwise) operated by the organisation during this time.

The Service Years: as explained above, the residential services provided by the organisation during this period were tailored to particular needs of the children to whom they were provided

For this reason each service operated its own admissions policies and practices to ensure places within these services were allocated to appropriate individuals – i.e. individuals of an appropriate age and individuals with needs relevant to the establishment in question.

viii. What was the policy/procedure and practice regarding admission of siblings?

The organisation has always sought to retain sibling groups.

The Orphanage Years: historic records show that the organisation sought to offer placements within the establishment to sibling groups in order to retain the family unit.

For the majority of the period for which the establishment operated, children were divided into groups based on age and gender within the establishment. This meant that sibling groups would have been unlikely to have lived within the same “House” within the establishment.

The Group Home Years: one of the key aims of transitioning the organisation from one establishment to a small group home structure was to replicate family environments. For this reason, families who were placed with the organisation would generally have been placed within the same group home unless there were reasons not to do so.

The Service Years: the residential services provided by the organisation during this period were generally more tailored and for this reason it was more likely that a child would be placed individually rather than as part of a family unit. It may not have been relevant or appropriate to consider admission of siblings into the same establishment. For example, a child with a physical disability may have been admitted to a residential respite service for a period of time during which their sibling, who did not have a disability, did not need to be admitted to the same establishment.

However, if the organisation did receive a request to place siblings it would seek to place those siblings together unless there was a reason not to do so.

ix. How long did children typically remain in the care of the organisation?

There is no typical length of time a child would spend in the care of the organisation. The length of time spent with the organisation would depend on the particular circumstances of the child in question.

Throughout its history children have been admitted to the organisation’s care on both short term and long term bases.

The Orphanage Years and the Group Home Years: children could be admitted to the care of the organisation at any age (usually over 2 years old) and would not ordinarily reside with the organisation after reaching the relevant leaving age; school leaving age during the Orphanage Years and 17 or 18 during the Group Home Years (which age changed in accordance with local policy over the years).

Children generally left the care of the establishment upon reaching school leaving age (14 and later 15 and then 16 years of age) at which time they would go into work or training. These children would remain the responsibility of the relevant local authority until they reached 17 years of age.

Children often remained within the group homes after leaving school and after obtaining a job or further education. The young person would then usually move on at age 17 or 18 to adult services or accommodation.

The organisation did provide a range of after care options for children who had been resident in the establishment and group homes, including allowing individuals who had left the care of the organisation to return to an organisation establishment for holidays or if that individual was unable to source a new place to stay.

The Service Years: children could be admitted to the care of the organisation at any age (the youngest service provision commenced at around 5 years of age) and would reside with the organisation until circumstances enabled that individual to move on to work or training or on to adult or alternative services.

The upper age for which the organisation is entitled to provide residential care services to individuals (under its constitution) was raised to 25. Practice has generally been to arrange the transition of individuals from the organisation's services to adult services with time to spare prior to the individual reaching this age limit.

x. Were children moved between different establishments run by the organisation?

The organisation's general practice has been to avoid moving children between establishments so far as possible. On rare occasions children may have been moved between establishments.

xi. If so, in what circumstances?

The Orphanage Years: prior to the closure of the establishment all children resident within the establishment were transitioned into group homes.

During the early operation of the group home structure children were often received into the establishment for a very short period (e.g. one day) when first placed with the organisation and then placed within the group home in which they would reside for the duration of their time with the organisation.

The Group Home Years: children were rarely moved between establishments.

In the early years of the operation of the group home structure children were initially received into the organisation's reception centre prior to their placement within the group home in which they would stay for the duration of their time with the organisation, unless the child was placed within the reception centre for the purposes of respite or short term care, in which case that child would not be placed within a group home.

The time spent in the reception centre would have been limited.

A move may have been required if a premises issue or staff vacancy arose within one establishment which meant it was not possible to provide for the children within that establishment – in this case the children may have been temporarily relocated to a different establishment.

A move may also have been required where there was a drop in numbers within one group home which meant it had to close. In this situation the children may have been relocated to a different group home or, in some cases, to a council house, usually along with the staff from the closing group home.

The Service Years: during this period children were rarely moved between establishments. The few reasons a child may have been moved between establishments are as follows:

- a) at a parent's/guardian's or the relevant local authority's request;
- b) if the child was not settling well within one establishment and it was considered that child may benefit from placement within a different establishment; and
- c) in the case of the Sycamore Services, during the period of time in which the Sycamore Houses were split into age groups (5-10 years, 10-13 years, adolescents and semi-independent). Please note the Sycamore Houses are no longer split into age groups but rather operate as family units.

xii. Generally did children typically stay in one, or more than one, establishment?

Generally children stayed in one establishment for the duration of their residence with the organisation.

xiii. What provision was made for contact between siblings while siblings were at the establishment?

Historic records demonstrate that the organisation sought to maintain family groupings and would prefer to take all siblings from a family into the establishment rather than these children separating into different residential establishments.

Boys and girls were accommodated separately within the establishment which meant brothers and sisters would not have slept in the same accommodation, eaten meals together nor spent time within the same communal areas.

Brothers and sisters would have had contact with each other at School or Church or when outwith the establishment during leisure time.

Children were also accommodated within the establishment in age groups which meant siblings of the same gender but of different ages would not have been accommodated within the same dormitories.

Siblings of the same gender may have had contact during meal times where meals were eaten together.

There is limited evidence of any official efforts which were made to enable siblings to have contact within the establishment, however, historic photographs exist which show siblings together (a copy of one such photograph has been provided to the Inquiry along with this report), suggesting effort was made to encourage sibling contact.

xiv. What provision was made for contact between children and their parents and wider family while children were at the establishment?

Where appropriate, contact between children resident at the establishment and their parents and wider family occurred unless such contact was damaging to the child.

Contact would have differed on a case by case basis. Historic records reveal that some children did not have parents or wider family willing or able to make contact with the children.

Those family and parents who were in contact with the children would write to and receive letters from the children, bring or send presents to the children, visit the

children and from time to time and take them on trips, days out or holidays. Some children also returned to live with their families for short periods at a time.

The extent of contact between a child and their parents and wider family may have been limited in agreement with the relevant local authority with responsibility for the child on the basis that it was detrimental to the child or that the parent or family member in question was not a suitable individual to have contact with the child. This would have been of particular significance in cases where the child was removed from their parents' care on the basis of a court order related to abuse of, or danger to, the child.

xv. What provision was made for information sharing/updates about the children to their parents?

This would generally have been a matter for the local authority team responsible for a child placed with the establishment by that local authority.

In some circumstances a parent may still have contacted the establishment directly and, with the local authority's permission, the establishment would have shared information about that child with that parent (to the extent it would have been appropriate to do so in the circumstances).

There is no evidence of a formal update system within the establishment although one may have been in place between parents and the local authorities. Generally parents contacted the establishment asking for information about their child in which case the establishment provided this unless it was prohibited from doing so by the relevant local authority or in the interests of the child in question.

xvi. What provision was made for information sharing/updates about parents to their children?

There is limited information about the information shared about parents with the children resident at the establishment.

Again this would primarily have been a matter for the relevant local authority responsible for the child in question. No comment is made on the local authorities' practices in this regard.

It can be expected that limited information was given to children about their parents unless the children specifically asked for it as during the establishment's operational period it was considered unnecessary and inappropriate to burden children with the details of their parents' lives. Principles of transparency and taking account of children's views were not fully developed in Scotland during the establishment's operational period (a statutory requirement to take account of a child's wishes was only introduced by the Children Act 1975).

The main focus was on providing a safe and stable environment for those children – stability in particular being considered at risk if too much was shared with children about their parents.

The organisation's culture suggests that if a child had asked about their parents they would have been told about them (if it were appropriate to do so – even today it is not always considered appropriate to tell a child everything about their parents). There is no evidence of the establishment withholding unnecessarily information about a child's parents.

Where there was regular contact between parents and the children (e.g. letters, visits) children had an opportunity to share information directly with their parents. This contact had to be instigated by parents.

xvii. What provision was made for the celebration of children's birthdays, Christmas and other special occasions?

The establishment staff sought to make Christmas a memorable celebration for the children and special arrangements were made in terms of celebrations, food and gifts for the children. The establishment also ran an annual Christmas pantomime and Christmas party.

Birthdays were also celebrated within the establishment and the children were allowed to pick a birthday gift. There was also a practice within the establishment of "birthday aunts" and "birthday uncles". These were individuals within the local community who "sponsored" a child for their birthday and visited the establishment to celebrate the child's birthday with them or to take them out for their birthday.

The children were taken away on holiday for two weeks during the summer each year.

xviii. What was the process for review of children's continued residence at the establishment, in terms of whether they continued to require to be there?

There is limited information on the review process for most children as this was the responsibility of the local authority responsible for the child.

There were regular meetings/reviews with the local authorities responsible for the children resident at the establishment to discuss the progress and wellbeing of these children. It is expected that any review of the need for a child's continued residence at the establishment would have been dealt with at such meetings/reviews.

In accordance with public policy at the time, the relevant local authorities would have been working on an ongoing basis to return children to their own families or make arrangements for foster or adoptive parents.

From time to time children left the establishment in order to return to their families (such returns were sometimes only for short periods before the children had to be removed again by the local authorities or upon the request of the children); to be boarded out with foster or adoptive parents (which was the local authorities' preferred option); or to move to a different care facility (perhaps which was closer to their family or which provided more specialised care for the child's specific needs).

xix. When children left the care of the establishment, what was the process for discharge?

If a child was leaving ahead of school leaving age, this would generally be upon the request of or following discussion with the relevant local authority.

In these circumstances the local authority would have arranged for the child's next place of residence (back to family, boarding out or moving to a different care establishment). The establishment generally carried out a further health check on the child and then discharged the child to the care of the local authority and for transport on to their next residence.

If a child was leaving at school leaving age, when discharged from the establishment the child would return to the care of the local authority which remained responsible for those children until they had reached the age of 18 years old.

The process for discharge at leaving age involved a further health check within the establishment and the provision of clothing and money to the young person to assist with their next steps.

Young persons at leaving age were generally only discharged to a known residential placement, training or education opportunity or workplace. The establishment staff were heavily involved in assisting the children resident at the establishment in acquiring education, training or work and a place to stay after leaving the establishment. Establishment staff often called on their own personal contacts to assist in finding work or education for these children.

xx. What support was offered to children when they left the care of the establishment?

There was limited scope for ongoing after-care provision to children who had been discharged from the organisation for the purposes of a return to their parents/guardians or for placement elsewhere (another child care organisation, fostering or adoption), unless a child returned to the organisation's care at a later date.

If a child was leaving at leaving age, the support outlined below was offered by the organisation.

Procurement of suitable employment/training – as explained above the organisation took an active role in procuring employment, training or education opportunities for children leaving its care. In many situations, the organisation retained contact with both the former resident and the new employer or education/training provider for a period after the individual had left the establishment and continued to provide support, encouragement and counselling in relation to employment/education.

References were also provided by the organisation for young people entering employment/training/further education and those operating the establishment often called upon their own contacts to seek potential employment opportunities for ex-residents.

Financial support – the organisation discharged young people with clothing and basic financial support. The organisation also often provided additional financial support to ex-residents by way of, for example, "pocket-money", payment towards education or residential costs (in order to make up a shortfall from the ex-resident's wages) and payment towards wedding expenses of female ex-residents.

Respite/return – the organisation often provided for the return of ex-residents to the organisation's premises for holidays, respite care or where the individual was temporarily unemployed or without a residence.

Legal assistance – there are a number of references within the historic records of the organisation providing ex-residents with assistance where the ex-resident was in legal trouble (for example, where an individual had been charged with shop-lifting, etc.).

xxi. What information was sought by the organisation and/or establishment about what children leaving its care planned to go on to do?

A child was not discharged from the establishment unless there was a clear plan in place for that child's future.

The organisation did not have control over planning for those children who were removed from the establishment in order to return them to their families or for the purposes of a move to another care organisation, foster place or for adoption.

For those children leaving at leaving age, historic records suggest that enquiries were made as to suitable work/training/further education and residence for those children and assistance was provided to the children in acquiring these placements.

xxii. Was such information retained and updated?

Yes, unless a child was removed for the purposes of a return to their family or of moving to another care organisation, fostering or adoption, the organisation maintained contact with young people after they left the establishment for a period of time.

Such information is not generally accessible but will predominantly be retained within the individual case records of former residents of the establishment.

xxiii. What was provided in terms of after-care for children/young people once they left the establishment?

Please see the answer to question 1.7.xx above which sets out the support and after care provided to children/young people after they left the establishment.

Present

xxiv. With reference to the present position, are the answers to any of the above questions different?

Yes.

xxv. If so, please give details.

xi. Children are not generally moved between establishments. The few reasons a child may be moved between establishments are as follows:

- a) at a parent's/guardian's or the relevant local authority's request; or
- b) if the child is not settling well within one establishment and it is considered that child may benefit from placement within a different establishment.

Children are no longer regularly moved between the Sycamore Houses.

1.8 Staff Background

(a) Organisation

Past

- i. **How many people were employed by the organisation who had some responsibility for residential care services for children?**

The Orphanage Years (1930 – 1967): records do not exist for this period.

The Group Home Years (1967 – 1987): records do not exist for the entirety of this period. Of those records still held by the organisation, it is not possible to identify which staff members were engaged in residential care services.

The Service Years (1987 – December 2014): the organisation has operated two electronic HR systems since 2002 (Source from Ceridian from 2002 to 2011; and iTrent from Midland HR from 2011). The first system is no longer supported and therefore access and information analysis is limited.

Using information from the organisation's current system and extrapolating numbers based on expected turnover figures it has been estimated that during this period the organisation employed around 1600 staff across residential services.

ii. **How many people were employed by the organisation at any one time who had some responsibility for residential care services for children?**

The Orphanage Years (1930 – 1967): the exact numbers of people employed by the organisation cannot be provided as the organisation's employment records do not extend to this period.

Historic records indicate that between 1930 and 1967 those responsible for residential care services within the establishment consisted of: a Warden; a Sub-Warden; a Lady Superintendent, a Depute Lady Superintendent/Assistant; a number of Housemasters and Housemistresses; and a number of Assistant Housemasters and Assistant Housemistresses.

The Group Home Years (1967 – 1987): the exact numbers of people employed by the organisation cannot be provided as the organisation's employment records do not extend to this period.

Historic records indicate that Group Houses were overseen by the Warden who was later known as the Director or Principal and that each Group Home was operated by Houseparents and, where larger homes were concerned, Assistant Houseparents, with the support of relief Houseparents.

The Service Years (1987 – December 2014): 235 people – taking a point in time during 2014. This number would have fluctuated depending on service openings or closures

iii. **What experience/qualifications did such staff have?**

The Orphanage Years (1930 – 1967) and Group Home Years (1967 – 1987): there is limited information about the experience/qualifications of staff working within the establishment but the following key points can be extrapolated from the organisation's historic records.

Statutory and regulatory requirements and guidance on experience and qualifications during this period were limited, if not non-existent. It was not until 2009 that statutory and regulatory requirements on qualification levels came into place.

The organisation did not have set requirements as to experience and qualifications but the standard expected of the individuals undertaking these roles is evident in governance and management discussions about this issue.

In terms of experience, the organisation generally sought staff with some form of experience in the work they would be undertaking for the organisation, for example, the Lady Superintendent was expected to have past experience overseeing a large residential child care establishment and houseparents were expected to have past experience working in residential child care.

In terms of qualifications, historic records suggest that, although it was not a requirement, many of the houseparents employed by the organisation had some

form of qualification in social work or child care. The organisation often employed social work students to carry out vacation work with the organisation with the aim of retaining these students as staff if they were suitable.

Staff were encouraged to undertake further training and qualifications and the organisation often sent staff to undertake courses.

The Service Years (1987 – December 2014): SSSC requirements from 2009 were for staff to hold a relevant HNC (the preference was HNC in Social Care) and SVQ level 3. The SVQ could be in Care, Health and Social Care, Caring for Children and Young People, or Promoting Independence. Managers were expected to have reached SVQ level 4 and have a relevant management qualification.

- iv. **If the organisation is a religious order, how many members of the order had a responsibility for residential care services for children provided by the organisation in Scotland?**

The organisation is not a religious order.

- v. **What experience/qualifications did such members have, to equip them to discharge their responsibilities?**

The organisation is not a religious order.

Present

- vi. **With reference to the present position, are the answers to any of the above questions different?**

Yes – staff numbers.

- vii. **If so, please give details.**

There have been an additional 172 staff recruited to residential posts since January 2015.

(b) Establishment

Past

- i. **How many persons were employed in some capacity at the establishment?**

The organisation no longer holds comprehensive employment records for the period in which the establishment was in operation and the number of people employed at the establishment cannot be confirmed.

The following were employed at the establishment:

- a) a warden (with overall responsibility for the management and operation of the establishment);
- b) a lady superintendent and her depute (responsible for the girls wing of the establishment and for overseeing the cooking, cleaning and clothing/laundry provision within the establishment);
- c) housemasters and housemistresses (with responsibility for looking after the children within the establishment);
- d) assistant housemasters and housemistresses;
- e) a nursery head mistress and her child care staff and nursery teachers (responsible for the Princess Margaret Nursery School);

- f) a headmaster of the Orphanage School and the teachers and assistants working at the School;
- g) domestic staff who undertook cooking, cleaning and laundry, etc.;
- h) handymen and gardeners; and
- i) painters and other contractors.

ii. How many of those persons had the opportunity of unaccompanied access to a child, or children, cared for at the establishment?

As explained above the exact numbers of employees involved in child care work cannot be confirmed but the following had the opportunity of unaccompanied access to children:

- j) the warden;
- k) the lady superintendent and her depute;
- l) housemasters and housemistresses;
- m) assistant housemasters and housemistresses;
- n) the nursery head mistress and her child care staff and nursery teachers; and
- o) the headmaster of the Orphanage School and the teachers and assistants working at the School.

The domestic staff working within the organisation may also have had access to the children but this would generally not have been on an unaccompanied basis as the children would usually have been supervised at all times by a housemaster/housemistress or a teacher.

iii. How many were involved in the provision of care to children accommodated at the establishment (child care workers)?

As explained above, the exact numbers of employees involved in child care work cannot be confirmed but the following were involved in the provision of care to children:

- p) the warden;
- q) the lady superintendent and her depute;
- r) housemasters and housemistresses;
- s) assistant housemasters and housemistresses;
- t) the nursery head mistress and her child care staff and nursery teachers; and
- u) the headmaster of the Orphanage School and the teachers and assistants working at the School.

iv. What experience and/or qualifications, if any, did the child care workers require to have?

Statutory and regulatory requirements and guidance on experience and qualifications during this period were limited, if not non-existent. It was not until 2009 that statutory and regulatory requirements on qualification levels came into place.

There is no evidence of the establishment having set requirements as to experience and qualifications but the standard expected of the individuals undertaking child care roles is evident in governance and management discussions about this issue.

In terms of experience, the establishment generally sought staff with experience in the work they would be undertaking for the organisation, for example, the lady superintendent was expected to have past experience overseeing a large residential child care facility and housemasters and housemistresses were expected to have past experience working in this capacity in residential child care.

In terms of qualifications, historic records suggest that, although it was not a requirement, many of the housemasters and housemistresses employed by the organisation had some form of qualification in social work or child care. Staff were encouraged to undertake further training and qualifications and the organisation often sent staff to undertake courses.

Teachers within the Orphanage School were expected to have past experience in the role they were undertaking and were also required to have relevant teaching qualifications in their subjects.

v. What was the child care worker/child numbers ratio?

This information is not available in relation to the establishment.

vi. What was the gender balance of the child care workers?

The majority of (if not all) child care workers working in the girls wing, in the nursery and with the “wee kids” (children up to the age of 7) within the establishment were female.

Within the boys wing there was generally a housemaster in charge of each house, although there were from time to time housemistresses in charge of these houses. There was generally a more equal balance between male and female workers carrying out the duties of assistant housemasters and housemistresses within the boys wing. The organisation saw the benefit to the boys of having both male and female authoritative figures.

vii. Was any attempt made to employ child care workers in looking after children of the same sex as those workers?

Both boys and girls were resident within the organisation. As explained above in questions 1.8(b).vi., the organisation sought to employ housemasters and housemistresses. Also as explained above, the child care workers working with the girls tended to be female.

Present

viii. With reference to the present position, are the answers to any of the above questions different?

The establishment is no longer operational.

ix. If so, please give details.

The establishment is no longer operational.

2. Organisational Structure and Oversight

2.1 Governance

Past

i. What were the governance arrangements within the organisation?

The organisation is, and has been since prior to 1930, governed by a Board of Governors (now known as “Directors” or “Trustees”).

Details of the changing constitution and make-up of the Board of Governors is contained in Appendix 2.

ii. How were the members of the governing body selected?

Details of the way in which members of the governing body were selected are set out in Appendix 2 under the "Governance" heading.

The practice of the organisation's governing body has been to choose members of the governing body who are able to bring relevant skills to the Board.

iii. What qualifications and/or training, if any, did the members require to have in relation to the provision of residential care services for children?

There was no formal requirement for members of the governing body to have qualifications and/or training in relation to the provision of residential care services for children although a number of the organisation's governing body did have a background and experience in child care, social care or residential care.

The organisation sought members for its governing body who could provide the organisation with a range of *governance* skills – oversight, strategy etc.

iv. Did the members receive remuneration?

No.

v. What was the nature of the accountability and oversight regime between the organisation's governing body and the establishment?

The warden was responsible for overseeing the day-to-day operations of the establishment and was accountable directly to the organisation's governing body.

A report was provided to the governing body on a regular basis (for each meeting of the governing body, i.e. monthly, or every two to three months – the regularity of meetings changed at different times) which provided an update on the establishment's operations, and any issues or concerns which had arisen.

The governing body were required to approve any material changes to the premises; to the children's care; and to the staffing arrangements (although individual appointments were not usually approved unless these were high level management positions) within the establishment.

The lines of accountability within the establishment up to the governing body can be seen from the structure chart contained in Appendix 7.

vi. What visits were made by the governing body to the establishment?

Governors undertook regular visits to the establishment. Visits were undertaken on a monthly basis and a schedule of visits was drawn up amongst the governors with a different governor attending each month.

Visits to the establishment by the governors were also made if a specific concern had been raised. For example, a governor may have attended to assist the warden with investigations into staff issues.

vii. What was the purpose of such visits?

The purpose of these visits was to allow the governing body insight into the day-to-day operations of the establishment, to allow them to see how the children were looked after (in terms of child care and accommodation) and to meet staff and assess their suitability.

The relevant governor would report back to the governing body on the findings of their visit and any recommendations which had arisen.

viii. How frequently did these happen?

Visits from the governing body to the establishment during the Orphanage Years were on a monthly basis although this timescale may have changed from time to time.

As explained above, governors may also have visited the establishment in connection with a specific concern or incident. This may have involved visiting the establishment on a more regular basis.

ix. Were children interviewed, or spoken to, by members of the governing body during such visits?

Yes, children were spoken to and interacted with by governors who were only invited when the children would be at the establishment (i.e. visits would not take place when the children were away on holiday).

The governors also reported on the demeanour and attitudes of the children which suggests that the governors did spend time with the children and spoke to the children to be in a position to make this assessment.

x. If so, were establishment staff present while children were interviewed or spoken to?

It can be expected that the warden and/or relevant housemasters and housemistresses were been present when the children met the governors as generally it would not have been appropriate for the governors to meet the children alone.

If concerns had been raised about a particular member of staff and interviews were undertaken with a child in this regard, the member of staff in question would not have been present at such interviews.

xi. Were reports of such visits made and discussed by the governing body?

Yes, reports were made to the governing body, including any recommendations which had arisen from the visit and these were discussed at the next board meetings. Recommendations were generally put into action unless there was a reason not to do so.

xii. Did visits result in changes to the organisation's policy, procedure and/or practice? If so, please give examples.

There is no evidence of any need to amend policy or procedures which arose from these visits to the establishment.

Changes in practice did result from these visits. For example, recommendations in relation to the decoration of the children's residential facilities or the make-up of meals served to the children were made from time to time and these were implemented quickly. In addition, one of the governors made recommendations

about the size of the children's dormitories and following a discussion on this matter, further partitions were put in place within the dormitories to create smaller "bedrooms" for the children with fewer children sharing a room.

Present

- xiii. **With reference to the present position, are the answers to any of the above questions different?**

Yes.

- xiv. **If so, please give details.**

How were the members of the governing body selected?

As explained above, the practice of the organisation's governing body has been to choose members of the governing body who are able to bring relevant skills to the Board.

The latest appointments to the governing body were made following a process of "skills gap analysis" within the governing body. Vacancies were then advertised on the basis of the skills gaps identified. Advertisement of these vacancies was on an open basis and candidates who had applied were interviewed in order to assess whether they were suitable for appointment.

2.2 Culture

Past

- i. **What was the nature of the culture within the organisation?**

There are no current employees who can describe the culture in the Orphanage Years, and very few from the Group Home Years. The following comments on the culture within the organisation during the Orphanage Years and the Group Home Years is based on a review of historic records.

These records reflect the commitment of the governors, management and staff of the organisation to act in the best interests of the children to whom the organisation was providing care.

Comments within the organisation's historic records (e.g. records of Annual General Meetings and Board/Committee/Management Minutes) from governors and management within the organisation demonstrate the care they had for the children, their determination to create environments in which the children would flourish and their work to enable those children to progress in life. The early aim of the organisation was to provide a home and family for children who did not have one and to provide them with support as well as basic nutrition, health care and education.

The organisation's culture continued to develop along these lines and is reflected in the organisation's most recent publication of its vision and values. These reflect the culture within the organisation during the Service Years.

"Our vision

To transform the lives of the children and families we work with and, through this, contribute to building a fairer and more equal society.

Our values

Respect means acting in a way that shows we care about the feelings of one another, and that we listen to one another's opinions. As a person-centered organisation that stands up for the rights of all children and families, a culture of respect is inherent in all of our work.

Integrity means doing the right thing, even when no-one else is watching. We recognise that to fully represent the concerns of Scotland's children and families, we may have to go against the grain or take difficult decisions. We will strive to act with integrity at all times.

Innovative means finding new, efficient ways to do things. We are committed to learning and developing improved ways of helping Scotland's children and families. We will be innovative in our approaches, to ensure we are doing the best for our children and families.

Challenging means testing ourselves and those around us. It means not accepting the status quo. Within Aberlour, we will challenge ourselves to be the best we can be, as a provider of choice. Externally, we will use our campaigning voice to challenge decisions in the policy sphere, to ensure that our families' voices are heard."

- ii. **Was that culture reflected in the organisation's policies, procedures and/or practice in relation the provision of residential care services for children?**

Yes.

- iii. **How can that be demonstrated?**

An understanding of the way in which the organisation's culture was reflected in its policies, procedures and practices during the Orphanage Years and the Group Home Years can be gained from the organisation's historic records (e.g. records from Annual General Meetings and Board/Committee/Management Meetings).

Review of the organisation's policies for the development of its services demonstrates the organisation's commitment to the children to whom it was providing the services and its commitment to innovation. For example, the transition from one establishment to a number of group homes was not taken because it was an easy option but rather because it was perceived as the best method of providing care to children. Similarly, the transition towards providing tailored services was undertaken by the organisation upon the view that this was required in order for the organisation to provide for the interests of the children in its care and to meet the needs apparent in the communities in which it operated.

Review of the organisation's policies and procedures demonstrates the organisation's focus on the interests of the children within its care. For example, policies and procedures on discipline and punishment, holidays and activities, education, after care, staff recruitment and training and renovation of premises all centre on the needs and best interests of the children in the organisation's care. These policies were also developed with the guidance and recommendations of the government and social departments responsible for child care in Scotland.

Review of the organisation's practices again reflects the organisation's commitment to the children in its care and the innovative and open way in which the Organisation has conducted its operations. A willingness to change the way in which the organisation operated is evident from the changes to the organisation's services and its willingness to review new guidance and recommendations on child care matters. A commitment to openness and integrity is evident from the organisation's willingness

to invite third parties to review its practices (by way of inspections, reviews or simple recommendations).

iv. Did the running of establishments reflect the organisation's culture, policies and procedures?

In general the running of establishments did reflect the organisation's culture, policies and procedures. As with any organisation of equivalent size and history, there have been some instances in which the running of the establishments fell below the expected standard, and examples are given in response to the question below.

v. If not, please provide a representative range of examples and explain, by reference to those examples, why particular establishments were not, in material ways, run in accordance with the organisation's then culture, policies and procedures and what, if anything, was done to change that state of affairs?

The Orphanage Years: for most of this period the organisation only operated one establishment – the establishment. For the purposes of culture, policies and procedures, the organisation and the establishment operated as one and the same therefore there is no evidence of the general running of the establishment failing to reflect the organisation's culture, policies and procedures.

The Group Home Years: there is limited availability of the formal policies and procedures which were used within the organisation, however, historic records suggest the organisation's standard practices, policies and procedures were intended to apply across the Group Homes.

In general historic records suggest that the group homes were operated in accordance with the organisation's standard practices, policies and procedures. It may not always have been the case that such practices, policies and procedures were applied consistently across a number of wide spread and self-sufficient premises, particularly where those premises are intended to operate as "family homes" and the staff managing those premises required some freedom to operate them as they see fit.

Consistency throughout the group homes was encouraged by providing all staff with the same operating guidelines and through regular visits by the organisation's management and governors to the different establishments.

There were a limited number of occasions on which concerns arose as to the way in which a group home was operated. Those concerns most relevant to this report are outlined below but there are limited additional incidents.

On one occasion in 1970 a junior staff member raised concerns about the disciplinary methods used within a group home in connection with children with enuresis. These concerns potentially involved practices undertaken by houseparents at the relevant establishment which were not in accordance with the organisation's policies and procedures on enuresis (i.e. children with enuresis should not be treated differently from any other child and should not be punished in any way).

On this occasion the warden undertook an investigation of these concerns assisted by members of the governing body. This investigation involved interviewing the junior staff member who had made the complaints, children resident within the relevant group home and the managers of the home. The managers (houseparents) of the relevant group home were not willing to cooperate with the organisation's investigation into the concerns. For this reason and on the basis that this suggested that these individuals were not committed to carrying on their work in accordance with the organisation's policies and procedures, they were dismissed.

On another occasion there were concerns arising about the way in which a manager of a group home conducted the home, including in relation to the way she disciplined the children. This matter was investigated and the findings suggested that the housemother in question wanted to operate the group home as she would her own home, even if this meant disregarding the organisation's policies and procedures.

It was made clear to the housemother that it was not acceptable for her to apply any policies and procedures to the operation of the group home other than those approved by the organisation. As the housemother was willing to change her methods in order to comply with the organisation's operating policies and procedures, she was taken through a course of training on the organisation's policies and procedures, senior management worked with her to develop her practice and she was advised that if such concerns arose again she would be dismissed.

The Service Years: in general the establishments operated by the organisation during this period were operated in accordance with the organisation's culture, policies, procedures and practices.

Due to the wide-spread nature of some of these establishments and their operation as a "family home", there may have been times when the establishment strayed from the organisation's policies, procedures and practices.

Within one service operated by the organisation a situation arose during 1997 where the senior manager of the establishment did not manage the staff or service in accordance with the organisation's culture or procedures. In particular this senior manager did not work well with service users nor did she provide staff with appropriate supervision or guidance and generally created a hostile working environment. Following investigation this individual's management style was found not to fit with that of the organisation and she was dismissed.

In other cases, the way in which a member of staff within an establishment has spoken to a child has required investigation. For example, where a staff member has "mocked" a child's taste in music or their accent or way of speaking or where a staff member has made a comment "in jest" which was not appropriate to say in front of a child within that staff member's care, In these situations the relevant staff members have been disciplined and reminded of the appropriate practices for speaking to the children within their care. These situations have often given rise to increased supervision or additional training for staff within the relevant establishments. In some cases this has resulted in dismissal where the organisation is of the opinion that the staff member is not showing a commitment to the organisation's culture.

One further example is where, in 1987, a Project Leader failed to provide the staff within his project with appropriate guidance and support resulting in the failure of staff to recognise a child's concern regarding sexual abuse (not within the service but within the child's life external to the service) and failure to follow the appropriate policies and procedures in this regard.

Following an investigation into this matter the Project Leader was dismissed on the basis of his failure to provide the guidance and support expected by the organisation.

vi. When and why did any changes in the culture of the organisation come about?

There is no evidence of any significant changes within the culture of the organisation which are relevant to this Report other than those which are rooted in public policy changes.

For example:

- a) The organisation's practices and procedures in relation to punishment and discipline of children changed throughout the 1940s and 1950s to reflect the recommendations and guidance at the time on restricting corporal punishment, a matter which was already carefully monitored by senior management within the organisation.
- b) The organisation's practices in terms of providing residential care within small family home environments rather than within gender and age limited groups within one large establishment were influenced by public policy on this matter and recommendations resulting from research carried out on this matter.
- c) Changes in the way in which children were nurtured and supported by the organisation arose due to changing guidance and research in this area and due to changing social norms.

vii. Were any changes in culture driven by internal influences, incidents, experiences or events within the organisation, or any of the establishments run by the organisation?

During the 1940s and 1950s the organisation's practices in relation to punishment and discipline of children were influenced by concerns which arose within the organisation as to the use of excessive punishment by a housemaster.

Following investigation of these concerns and the admonishment of the housemaster in question, the organisation's policies and procedures relating to corporal punishment were reviewed and revised. In particular the policy was revised to provide that only the Warden of the establishment was authorised to carry out corporal punishment and only in limited circumstances. In addition, the punishment/discipline of girls was reserved as a matter for the Lady Superintendent or the Warden to manage and in particular, corporal punishment was only to be used in relation to girls in very serious circumstances.

Changes in staffing, including staff qualification requirements, pay grades, supervision and management were all influenced at different times by the experience of operating different establishments. These changes were often made with the aim of influencing the culture within the different establishments, in order to ensure it corresponded with the culture of the organisation as a whole.

For example, the pay grades relevant to the Sycamore Services were reviewed on a regular basis in light of the complex nature and pressure of the work staff were undertaking at these establishments. The management structure of the Sycamore Services has also been changed at different times throughout the existence of those services. These changes are a response to the experiences gained from operating a number of services and from regular reviews and investigations into the services.

The organisation takes every complaint or allegation or incident involving the care of a child seriously and any such complaints, allegations or incidents are learning experiences for the organisation, often resulting in updating or strengthening policies and procedures or training for staff.

viii. Were there any changes in culture that were driven by abuse, or alleged abuse, of children cared for at the establishment?

During the establishment's operational period social perceptions in relation to the punishment of children changed drastically. There were also a few concerns which were raised within the establishment regarding excessive punishment which, rather

than requiring a change in culture as such, led to a strengthening and developing of the correct cultures within the establishment.

ix. If so, when did they occur and how did they manifest themselves?

Examples of the way in which the culture within the establishment was developed/strengthened are as follows.

Concerns were raised about the discipline of girls within the establishment during the late 1940s. This was due to a spate of bad behaviour amongst the girls rather than concerns that excessive punishment was taking place. The focus at this point was on devising a method for disciplining the girls (particularly the older girls) without degrading them. The governing body decided the following:

- a) only female staff were authorised to undertake corporal punishment of female children;
- b) girls over 12 years of age would only receive corporal punishment in extreme circumstances and such would only be administered by the lady superintendent; and
- c) only the lady superintendent and her depute were authorised to discipline "senior girls" (i.e. those over leaving age who remained within the establishment for a time).

In the 1950s, following concerns regarding excessive punishment by a housemaster, the governing body agreed that the warden would be the only person authorised to approve or carry out corporal punishment. Any such punishment had to be referred to the warden prior to being administered.

The organisation has always had clear guidelines and rules on corporal punishment and discipline in general. On the rare occasion on which concerns were raised about excessive punishment these were treated very seriously. On most occasions the offending staff member was dismissed and a full review of the guidelines and rules undertaken. Remaining staff were then reminded of these rules and discussions took place with staff to ensure they understood the rules and guidelines.

Historic records also show that guidance from the Home Office on punishment and discipline was taken into account whenever released. In general the warden sought to keep corporal punishment within the establishment to a minimum and prided himself on reporting to the governing body on the low level of its use.

x. Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?

As explained above changes in public policy relating to the residential care of children influenced the culture of the organisation.

For example:

- a) Changes in public perceptions of corporal punishment and changes in public guidance and rules on corporal punishment were part of the influence which led the organisation to revisit its policies and procedures on corporal punishment, restricting its application until it was no longer used within the organisation.
- b) Changes in the structure of child care within the organisation were driven by the government's guidance and recommendations on residential child care which focused on the benefits of caring for children within small family homes rather than in large institutions.

- c) Public policy and government guidance and regulations on the qualifications of child care workers was part of the influence which led to the organisation updating its policies and requirements in terms of staff qualifications. The organisation has always had a policy of encouraging staff to pursue training and further qualifications but government regulations on this matter led to the formalisation of the organisation's position.

Present

- xi. With reference to the present position, are the answers to any of the above questions different?**

No.

- xii. If so, please give details.**

- xiii. To what extent, if any, has abuse or alleged abuse of children cared for at any establishments caused, or contributed to, the adoption of the current policies, procedures and/or practices of the organisation, in relation to the provision of residential care services for children including the safeguarding and child protection arrangements applying to its current establishments?**

The organisation's current policies, procedures and practices in relation to the safeguarding and child protection arrangements applying to current establishments have been influenced in the most part by statutory and regulatory requirements and by past experience of child care both within the organisation's operations and within the wider industry.

These policies, practices and procedures have also been influenced by the tailored nature of the residential services which the organisation now provides.

If a complaint or allegation regarding the treatment of a child is raised the matter is investigated in full and if cause for concern is found, the policies, procedures and practices of the establishment in question are assessed and amended if required or, more likely, the individual care plan of the relevant child or young person is updated to ensure a similar incident does not occur in the future.

There is no evidence to suggest that specific incidents of abuse or alleged abuse resulted in the adoption of the organisation's current policies, procedures or practices.

2.3 Leadership

Past

- i. How was the establishment managed and led?**

The establishment was managed on a day-to-day basis by the warden, assisted from time to time by a sub-warden (the organisation did not consistently employ a sub-warden), the lady superintendent and the headmistress of the nursery school.

The warden had overall managerial and leadership responsibility for the establishment and all of its operations.

The lady superintendent, assisted by her depute, was responsible for the girls wing of the establishment and for overseeing domestic activities and domestic staff.

The headmistress of the nursery school was responsible for the operation of the nursery school, including the care of the children and the domestic running of the nursery school.

The headmaster of the Orphanage School was responsible for the management of the School and for overseeing and leading the teachers employed to work within the School.

The headmistress, the headmaster and the lady superintendent reported to the warden.

The establishment was split into "houses" by gender and age and the senior housemasters and housemistresses were responsible for overseeing these houses. Housemasters and housemistresses also reported to the warden, who had overall managerial responsibility for the children's care.

ii. **What were the names and qualifications of the persons in charge of the establishment? Please include the dates for when each of the persons was in charge.**

Employment records for this period no longer exist. Employment records are not ordinarily retained for longer than seven years.

The following two wardens were in charge of the establishment during the Orphanage Years:

Clarence Albert Edward Wolfe, M.B.E., B.A.

Warden between 1928 and 1958

Qualifications:

B.A. from Manchester University

Prior to working at the establishment Canon Wolfe worked at St. Anne's-on-Sea, Slade Grammar School and St. Bartholomew's and was sub-warden at the establishment for two years prior to becoming warden.

Reverend C. W. Leslie

Warden between 1958 and 1967

There is no full record of Rev. Leslie's qualifications however, prior to employment at the establishment Rev. Leslie was a Child welfare Officer (Special Duties) in the Children's Department of the London County Council.

iii. **What was the oversight and supervision arrangements by senior management within the establishment?**

Please see the structure chart within Appendix 7 which sets out the lines of accountability within the establishment.

A housemaster or housemistress was responsible for the day-to-day running of each "house" within the establishment and these housemasters and housemistresses were overseen and supervised by the warden and/or the lady superintendent. As explained above, the warden had overall management, oversight and supervision responsibility for the establishment and all staff employed there.

The warden and lady superintendent were heavily involved in the day-to-day operations of the establishment and worked closely with the housemasters and housemistresses who reported to them.

The warden also worked closely with the headmistress of the nursery school and the headmaster of the Orphanage School. Both were required to report to the warden and the management committee on a regular basis regarding the running of these arms of the establishment.

The warden reported directly into the governing body.

iv. What were the oversight arrangements by the organisation, including visits by or on behalf of the organisation?

During the establishment's operational period there was no real distinction between the operations of the organisation and the operations of the establishment. For the majority of this time the establishment was the only operation of the organisation and everything the organisation did was in connection with the establishment.

The warden was responsible for overseeing the establishment on behalf of the organisation and worked within the establishment.

As explained above, the warden reported regularly to the governing body on the establishment's operations and the governors undertook monthly visits to the establishment.

Present

v. With reference to the present position, are the answers to any of the above questions different?

The establishment is no longer operational.

vi. If so, please give details.

The establishment is no longer operational.

2.4 Structure

Past

i. What was the structure of the organisation?

Please refer to the structure charts within Appendix 4.

Please note, the structure of the organisation changed on a regular basis within each period of time depicted in Appendix 4 and every change in that structure is not reflected within the attached charts. Rather, examples of the structure of the organisation within each key time period of its existence have been provided.

ii. What was the structure of the establishment?

Please see the structure chart contained in Appendix 7.

Present

iii. With reference to the present position, is the answer to the above question different?

Please refer to the current structure of the organisation as set out in Appendix 4.

iv. If so, please give details.

2.5 Hierarchy and Control

Past

i. **What was the hierarchy within the organisation?**

Please refer to the structure charts within Appendix 4.

ii. **What was the structure of responsibility within the organisation?**

Please refer to the structure charts within Appendix 4.

iii. **What were the lines of accountability?**

Please refer to the structure charts within Appendix 4

iv. **Within the organisation, who had senior management/corporate/organisational responsibility for the managers/management teams/leadership teams who managed the establishment on a day-to-day basis?**

As explained above in question 2.3, the warden had senior management responsibility for the managers of the establishment (i.e. the lady superintendent, the headmistress of the nursery school, the headmaster of the Orphanage School and the senior housemasters and housemistresses).

v. **What were the reporting arrangements between the establishment and the organisation?**

During the establishment's operational period there was no real distinction between the operations of the organisation and the operations of the establishment. For the majority of this time the establishment was the only operation of the organisation and everything the organisation did was in connection with the establishment.

The warden formally reported on the establishment to the organisation's governing body on a regular basis (monthly or every two to three months depending on how often the Board met). Such reports contained information about how many children were in residence, the health and progress of the children, any particular issues relating to the children, staffing arrangements and any particular issues therewith and building and premises matters.

vi. **Within the establishment itself, who had managerial responsibility for, or was in overall charge of, those employed there, including in particular those who were involved in the day-to-day care of children, and any other persons who had contact with the children?**

As explained above, the warden had managerial responsibility for and was in overall charge of, all staff employed at the establishment, particularly those involved in day-to-day care of the children (e.g. housemaster and housemistresses, the lady superintendent, the headmistress of the nursery school and her staff and the headmaster of the Orphanage School and his staff).

At a lower level:

- a) housemasters and housemistresses had managerial responsibility for assistant and junior housemaster and housemistresses working within their "houses";
- b) the lady superintendent had managerial responsibility for those staff working in the girls wing and for the domestic staff;

- c) the headmistress of the nursery school had managerial responsibility for the staff working in the nursery school (in child care roles and domestic roles); and
- d) the headmaster of the Orphanage School had managerial responsibility for the teachers and teaching assistants working in the Orphanage School.

vii. To whom were child care workers within the establishment directly responsible?

All child care workers (housemasters and housemistresses, the lady superintendent and her depute, the headmistress of the nursery school and her staff and the headmaster of the Orphanage School and his staff) were directly responsible to the warden who had oversight responsibility for all staff.

On a day-to-day basis staff would also have been responsible to the lady superintendent, the headmistress of the nursery school and the headmaster of the Orphanage School as explained in question 2.5.vi above.

viii. Who, within the organisation, took decisions on matters of policy, procedure and/or practice in relation to the establishment?

Generally the warden took decisions on matters of policy, procedures and practice in relation to the establishment. The warden would have consulted and obtained the views and recommendations of senior management (the lady superintendent, the headmistress of the nursery school and the headmaster of the Orphanage School) so far as their views were relevant to the matters in consideration.

The establishment was operated in accordance with the organisation's policies, procedures and practice and therefore any material change to these policies, procedures and practice would have required approval from the governing body. Such matters were discussed at meetings of the governing body. For example, discipline and admission policies and practices were approved by the Board as were changes in practice relating to the children's residential, schooling, medical or eating arrangements.

ix. Who, within the organisation, was responsible for the implementation of, and compliance with, the organisation's policies, procedures and/or practices at the establishment?

The warden had overall responsibility for the implementation of, and compliance with, the organisation's policies, procedures and practices. Senior management (the lady superintendent, the headmistress of the nursery school and the headmaster of the Orphanage School) would also have had some responsibility for the implementation of and compliance with the organisation's policies, procedures and practices within the day-to-day management of their areas of responsibility.

Present

x. With reference to the present position, are the answers to any of the above questions different?

Please refer to the current structure chart within Appendix 4.

xi. If so, please give details.

2.6 External Oversight

Past

i. **What were the arrangements for external oversight of the organisation and the establishment?**

Organisation:

The Orphanage Years: the organisation operated a policy of regular (e.g. monthly) visits to the establishment by the governing body.

The organisation was registered with the Secretary of State during this period and there were regular visits to the establishment by the Secretary of State and the local authorities which had placed children within the establishment.

The establishment was also visited and inspected by the Endowments Commission.

The organisation also encouraged visits and inspections from a number of other bodies, such as the NSPCC.

The Group Home Years: the organisation continued to promote a practice of regular visits to the establishment by the governing body.

The organisation and each establishment was registered with the Secretary of State and the relevant local authorities during this time. The organisation was required to comply with the standards and requirements of local authorities in relation to such registrations and visits and inspections by the Secretary of State and the relevant local authorities were common.

The Service Years: the organisation and each establishment were registered with the relevant local authorities and then the Care Inspectorate during this period.

The Care Inspectorate undertook regular inspections of the organisation's establishments.

The organisation also requested external reports to be undertaken on particular establishments and services on a regular basis.

For the past few years the organisation has also commissioned "Who Cares? Scotland" to provide support to the children resident in the Sycamore services in Fife. Who Cares? Scotland operates independently of the organisation and offers an independent perspective of the services operated by the organisation.

Establishment:

As outlined above for the Orphanage Years.

ii. **Who visited the organisation and/or the establishment in an official or statutory capacity and for what purpose?**

Organisation:

The Orphanage Years: as explained above, the Secretary of State, relevant local authorities and the Endowment Commission visited the establishment for the purposes of inspecting the premises and operations of the organisation.

The Group Home Years: as explained above, the Secretary of State and relevant local authorities visited the group home establishments for the purposes of inspecting the premises and operations of the organisation.

The Service Years: as explained above, relevant local authorities and the Care Inspectorate visited the Organisation's establishments for the purposes of inspecting the premises and operations of the organisation.

Establishment:

As outlined above for the Orphanage Years.

iii. **How often did this occur?**

Organisation:

The Orphanage Years: these visits generally occurred once a year and from time to time on a more frequent basis.

Visits from relevant local authorities occurred on an ad hoc basis.

The Group Home Years: these visits generally occurred once a year and from time to time on a more frequent basis.

The Service Years: these visits occurred on an annual basis and may have occurred more frequently if thought necessary by the inspecting authority.

Establishment:

As outlined above for the Orphanage Years.

iv. **What did these visits involve in practice?**

Organisation:

The Orphanage Years and the Group Home Years: there is limited information on what these visits involved in practice. Historic reports of these visits indicate that they involved an inspection of the relevant premises, a review of the relevant services provided to the children in residence (e.g. schooling, dietary provision, religious education, clothing and healthcare), a review of the attitudes and wellbeing of the children and potentially a review of the organisation's paperwork.

The Service Years: Care Inspectorate inspectors carried out announced and unannounced inspections.

Inspections usually involved the inspector:

- a) talking to people who use the service, their carers and families;
- b) talking to the people who work in the service - the staff and managers;
- c) talking to people privately and in groups;
- d) having a good look around to check what quality of care is being provided;
- e) looking at the activities happening on the day;
- f) examining things like records and files, if required; and
- g) finding out if people get choices, such as food, choosing a key worker and controlling their own spending money.

Inspections usually took account of:

- a) the self assessment form that services are asked to complete;
- b) aspects of care that the Inspectorate may be particularly interested in (these are called Inspection Focus Areas);
- c) the National Care Standards that the service should be providing;

- d) recommendations and requirements made in earlier inspections;
- e) any complaints against the service; and
- f) other regulatory activity, such as enforcement actions taken to improve the service.

Establishment:

As outlined above for the Orphanage Years.

- v. **What involvement did local authorities have with the organisation and/or the establishment in respect of residential care services for children?**

Local authorities were the bodies placing children with the organisation and on this basis were involved in making such placements and in communication with the organisation about those placements and the children in question.

Local authorities were also responsible for ensuring the organisation's establishments were registered during the Group Home Years and for part of the Service Years and for visiting the organisation's premises to inspect their suitability for provision of residential care services to children.

- vi. **What involvement did local authorities have with the organisation and the establishment in respect of the children at the establishment?**

As explained in question 2.6.v above, local authorities were the bodies placing children within the establishment and on this basis were involved in making such placements.

There was regular communication between local authorities and the organisation in relation to children placed by the local authority within the establishment.

Local authorities were also invited to visit the establishment and inspect it and this did happen on a regular basis.

- vii. **If the establishment was run by a Catholic religious order, what actual involvement and/or responsibility, whether formal or informal, did the Catholic Hierarchy/Bishops' Conference have, either directly or at diocesan level, in the creation, governance, management and/or oversight of the establishment?**

The establishment was not run by a Catholic religious order.

- viii. **What was the nature and extent of any pastoral care provided to the establishment, if it was run by a religious order?**

The establishment was not run by a religious order.

Present

- ix. **With reference to the present position, are the answers to any of the above questions different?**

No.

- x. **If so, please give details.**

N/A.

Part B – Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

- i. **Does the organisation/establishment accept that between 1930 and 17 December 2014 some children cared for at the establishment were abused?**

Yes.

- ii. **What is the organisation/establishment's assessment of the extent and scale of such abuse?**

The information held by the organisation about the extent and scale of abuse carried out within the establishment is outlined within Appendix 5 in which the allegations and complaints of which the organisation is aware are set out.

The majority of this information is drawn from historic records and in some instances only limited information can be provided due to the nature of those records.

The organisation's conclusions from the information outlined in Appendix 5 are that:

- a) allegations and complaints of abuse received by the organisation were investigated;
- b) in some circumstances there was no evidence of the alleged abuse having taken place and we are unable to comment further on these instances;
- c) in other circumstances where incidents or issues were identified, these were investigated and actions taken to secure the safety of the children within the organisation's care.

For example, corporal punishment was an accepted method of discipline during the establishment's existence and it is recognised that for the most part of that operative period corporal punishment was used within the organisation. However, it was recognised by the organisation that corporal punishment was only an appropriate method of discipline to the extent that the punishment administered was not "excessive". Where excessive use of corporal punishment was identified within the establishment, the staff involved were disciplined or dismissed and all staff were reminded of the organisation's rules on corporal punishment.

- iii. **What is the basis of that assessment?**

That assessment is based on a review of the information outlined within Appendix 5.

3.2 Acknowledgement of Systemic Failures

- i. **Does the organisation/establishment accept that its systems failed to protect children cared for at the establishment between 1930 and 17 December 2014 from abuse?**

No. Although the organisation accepts that there were instances in which children cared for by the establishment suffered abuse as set out in the response above, the organisation does not believe that this arose from systemic failures.

- ii. **What is the organisation/establishment's assessment of the extent of such systemic failures?**

The organisation does not believe there were systemic failures.

iii. **What is the basis of that assessment?**

The organisation does not believe there were systemic failures.

iv. **What is the organisation/establishment's explanation for such failures?**

The organisation does not believe there were systemic failures.

3.3 Acknowledgement of Failures/Deficiencies in Response

i. **Does the organisation/establishment accept that there were failures and/or deficiencies in its response to abuse, and allegations of abuse, of children cared for at the establishment between 1930 and 17 December 2014?**

No. The organisation is not aware of evidence of failures and/or deficiencies in its response to abuse or allegations of such related to children cared for at the establishment during this period.

Each allegation or complaint set out within Appendix 5 (those occurrences of abuse or allegations of such of which the organisation is aware) was dealt with, investigated and managed when raised. It appears to the organisation that its responses were appropriate, having regard to the circumstances and context of the abuse or allegations.

ii. **What is the organisation/establishment's assessment of the extent of such failures in its response?**

The organisation does not believe there were such failures.

iii. **What is the basis of that assessment?**

The organisation does not believe there were such failures.

iv. **What is the organisation's explanation for such failures/deficiencies?**

The organisation does not believe there were such failures.

3.4 Changes

i. **To what extent has the organisation/establishment implemented changes to its policies/procedures and practices as a result of its acknowledgment in relation to 3.1 – 3.3 above?**

The organisation's policies and procedures were reviewed and updated on a regular basis but this was generally carried out on the basis of the natural development of those policies and procedures, not as a result of the acknowledgment at 3.1 above.

Details of changes in culture within the organisation are set out in question 2.2 above.