

The Orphanage Report

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.

Part C – Prevention and Identification

We have approached the majority of the questions relating to the "past" in terms of three distinct time periods within the organisation's history. Each time period is identified and explained within the table in Appendix 1A 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 1A.

4. Policy and Practice

4.1 National

Past

- i. **Was there national policy/guidance relevant to the provision of residential care for children?**

Yes. The legislation, rules, regulations and policy documentation which set out national policy and guidance in place during each relevant time period and which were relevant to the provision of residential care for children are set out under the heading of "Relevant Legislation/Policy/Guidance" within Appendix 1A.

- ii. **If so, to what extent was the organisation aware of such?**

The Orphanage Years: the organisation was aware of the legislation, rules, regulations and policy documentation set out within Appendix 1A which detailed national policy and guidance.

The organisation was aware of the legislation and policy which formed the legal basis on which the organisation was authorised to provide residential child care services (this is considered in greater detail within question 1.3(a).iv. above).

The organisation was also aware of the rules and regulations governing its and its establishments' day-to-day operations (e.g. The Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and Administration of Children's Homes (Scotland) Regulations 1959).

The organisation's operational establishments during this period were registered with the Secretary of State and were regularly inspected by the Secretary of State, education authorities and local authorities. In order to obtain favourable inspection reports from these bodies (which it did) the organisation had to be aware of and apply the national policy and guidance set out within the legislation, rules, regulations and policy documentation identified within Appendix 1A.

Historic records show that the organisation was aware of new legislation, rules and regulations, policy and guidance relating to the provision of residential care to children – these historic records outline reviews of such new rules and policy along with commentary and discussion by the organisation's management committee and governing body of their merits and methods for their implementation.

For example:

- a) the organisation revised its information collection and recording practices in accordance with regulations on establishment records (e.g. the Administration of Children's Homes (Scotland) regulations 1959);
- b) the organisation developed its child discipline policies in accordance with advice and recommendations from the Home Office;
- c) the organisation restructured its services on the basis of national policy recommendations on the benefits of the provision of residential care within small homes rather than large facilities;
- d) papers were regularly presented to the governing body regarding reports by the Home Committee of the Scottish Advisory Council and the Advisory Council on Education in Scotland; and
- e) managers, including the warden, often attended training and conferences on new legislation (e.g. the Children's Act 1948 when this was introduced).

The Group Home Years: the organisation was aware of the legislation, rules, regulations and policy documentation set out within Appendix 1A which detailed national policy and guidance.

The organisation was aware of the legislation and policy which formed the legal basis on which the organisation was authorised to provide residential child care services (this is considered in greater detail within question 1.3(a).iv. above).

The organisation was also aware of the rules and regulations governing its and its establishments' day-to-day operations (e.g. Administration of Children's Homes (Scotland) Regulations 1959).

Historic records suggest that the organisation continued to take account of new legislation, rules and regulations, policy and guidance relating to the provision of residential care to children. The historic records outline reviews of such new rules and policy along with commentary and discussion by the organisation's committees and governing body of their merits and methods for their implementation.

In addition to the ongoing attendance of managers at training courses and conferences on new rules and policies and the ongoing preparation of papers for discussion and implementation by the governing body and relevant committees, the organisation regularly updated its practices in order to comply with new rules. For example, in 1968/1969 the organisation revised its records management procedures to meet new local authority requirements.

The organisation's operational establishments during this period were registered with the Secretary of State and later with the relevant local authorities and were regularly inspected by those bodies. In order to obtain favourable inspection reports from these bodies (which it did) the organisation had to be aware of and apply the national policy and guidance set out within the legislation, rules, regulations and policy documentation identified within Appendix 1A.

The Service Years: the organisation was aware of the legislation, rules, regulations and policy documentation set out within Appendix 1A which detailed national policy and guidance.

The organisation was aware of the legislation and policy which formed the legal basis on which the organisation was authorised to provide residential child care services (this is considered in greater detail within question 1.3(a).iv. above).

The organisation was also aware of the rules and regulations governing its and its establishments' day-to-day operations.

The organisation's records show that the organisation continued to take account of new legislation, rules and regulations, policy and guidance relating to the provision of residential care to children. These records outline reviews of such new rules and policy along with commentary and discussion by the organisation's committees and governing body of their merits and methods for their implementation.

Papers were regularly prepared by senior staff for consideration at the meetings of the governing body which identified changes in policy and guidance relevant to residential care for children. Such papers would suggest the actions which the organisation had to take to ensure ongoing compliance with policy and guidance in the areas in which it operated.

Senior staff continued to attend training and discussion forums on new rules and policies and the organisation also produced a regular internal review of policy and influencing activities which was circulated around the governing body and the organisation's relevant committees and used by the organisation to identify areas within its operations which required change.

During this period the organisation's awareness of national policy and guidance is reflected in the policies and procedures which the organisation implemented. For example in relation to: safeguarding and child protection; safer recruitment; and staff training.

The organisation's operational establishments during this period were registered with the relevant local authorities and later the Care Inspectorate and were regularly inspected by those bodies. In order to obtain favourable inspection reports from these bodies (which it did) the organisation had to be aware of and apply the national policy and guidance set out within the legislation, rules, regulations and policy documentation set out within Appendix 1A.

iii. If there was national policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?

- **Child welfare (physical and emotional)**
- **Child protection**
- **Complaints handling**
- **Whistleblowing**
- **Management of residential establishments**
- **Child migrants**
- **Record retention**
- **Recruitment and training of residential care staff**
- **Requiring employers to divulge details of complaints etc. to prospective employers**
- **Reviewing a child's continued residence at a residential establishment**

The national policy/guidance which existed in relation to the policy areas identified in this question and of which the organisation was aware (as shown within the organisation's historic records) is set out within the column "Awareness of policy area" in Appendix 8.

National policy/guidance in respect of the above policy areas in relation to general child care also existed but this report only considers that policy and guidance which relates specifically to residential child care.

iv. If the organisation was aware of such, did they give effect to that policy/guidance?

Yes.

v. If so, how was effect given to such policy/guidance?

The effect given to such national policy/guidance by the organisation (as shown within the organisation's historic records) is explained within the column "Effect given to policy area" in Appendix 8.

Please note the information contained within Appendix 8 is based on a review of the organisation's historic records, mainly comprising minutes of the meetings of the organisation's governing body and relevant committees.

The organisation does not retain copies of historic policies and procedures unless such documentation was copied into the minutes of meetings of the governing body or relevant committees. For this reason it is not possible to provide a complete picture of every way in which the organisation implemented national policy and guidance in each part of the organisation's history. In particular, information provided in relation to the Service Years is informed for the most part by current practices as older policies and procedures were discarded following implementation of new ones in order to avoid practical confusion.

vi. If not, why not?

Please see question above.

Present

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

Yes.

viii. If so, please give details.

The answers to the above questions in relation to the Service Years identify where those answers are based on the organisation's current, ongoing practices.

The Children and Young People (Scotland) Act 2014 came into force on 27 March 2014 and some aspects may not have been implemented prior to December 2014.

Key aspects of the 2014 Act which have an impact on the work carried out by the organisation in relation to the residential care of children are as follows.

- a) **The Named Person scheme** – the Named Person is a person anyone can approach if they have concerns about a child or young person's well-being or if they think that child or young person requires help or support. The intention is for every child and young person in Scotland up to the age of 18 to have a Named Person.

This scheme is not yet fully operational as there are changes required in order to ensure compliance of the new rules with EU laws.

Within the Sycamore Cluster the organisation is prepared to offer the Named Person service to the young people enrolled at the Sycamore Education Centre. This service would be provided by the Principal Teacher of the Centre. However, as explained previously, the role of the Education Centre is changing and going forward most children resident at Sycamore will continue their education within local authority schools in which they will be allocated a Named Person.

- b) **A Child's Plan** – the 2014 Act outlines how agencies should work together to create a "Child's Plan", the idea being that rather than different agencies creating lots of separate plans, people involved in supporting a child or young person can store the information in one place.

The Child's Plan will contain information about:

- a. why a child or young person needs support;
- b. the type of support a child or young person needs; and
- c. how long support will be required for and who should provide it.

The organisation is already working with a number of agencies who support the children resident with the organisation and has engaged with such other agencies to create one Child's Plan for relevant children.

4.2 Local Authority

Past

- i. **Was there local authority policy/guidance relevant to provision of residential care for children?**

The local authorities placing children with the organisation followed and applied national policy/guidance in relation to residential care for children. Such national policy/guidance is identified above in question 4.1.i.

The Orphanage Years and the Service Years:

Where there is evidence within the organisation's records of specific local authority policy or guidance relevant to the provision of residential child care known about by the organisation this has been identified within the column entitled "Local Authority Policy and Guidance" within Appendix 8.

The Group Home Years:

The organisation's historic records do not contain information about local authority policy and guidance during this period therefore it is not possible to confirm whether such policy/guidance existed.

- ii. **If so, to what extent was the organisation aware of such?**

The local authorities placing children with the organisation followed and applied national policy/guidance in relation to residential care for children. The extent to which the organisation was aware of such national policy/guidance is outlined above in question 4.1.ii.

The Orphanage Years and the Service Years:

Where there is evidence within the organisation's records of specific local authority policy or guidance relevant to the provision of residential child care known about by the organisation this has been identified within the column entitled "Local Authority Policy and Guidance" within Appendix 8.

The Group Home Years:

The organisation's historic records do not contain information about local authority policy and guidance during this period therefore it is not possible to confirm whether such policy/guidance existed.

iii. If there was local authority policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?

- **Child welfare (physical and emotional)**
- **Child protection**
- **Complaints handling**
- **Whistleblowing**
- **Management of residential establishments**
- **Child migrants**
- **Record retention**
- **Recruitment and training of residential care staff**
- **Requiring employers to divulge details of complaints etc. to prospective employers**
- **Reviewing a child's continued residence at a residential establishment**

The local authorities placing children with the organisation followed and applied national policy/guidance in relation to residential care for children. The organisation's awareness of such national policy/guidance is outlined above in question 4.1.iii.

The Orphanage Years and the Service Years:

Where there is evidence within the organisation's records of specific local authority policy or guidance relevant to the provision of residential child care and relating to the policy areas identified within this question which was known about by the organisation this has been identified within the column entitled "Local Authority Policy and Guidance" within Appendix 8.

The Group Home Years:

The organisation's historic records do not contain information about local authority policy and guidance during this period therefore it is not possible to confirm whether such policy/guidance existed.

iv. If the organisation was aware of such, did they give effect to that policy/guidance?

The local authorities placing children with the organisation followed and applied national policy/guidance in relation to residential care for children. The effect given to such policy and guidance by the organisation is explained above in question 4.1.iv.

The Orphanage Years and the Service Years:

Where there is evidence within the organisation's records of specific local authority policy or guidance relevant to the provision of residential child care known about and given effect to by the organisation this has been identified within the column entitled "Local Authority Policy and Guidance" within Appendix 8.

The Group Home Years:

The organisation's historic records do not contain information about local authority policy and guidance during this period therefore it is not possible to confirm whether such policy/guidance existed.

v. If so, how was effect given to such policy/guidance?

The local authorities placing children with the organisation followed and applied national policy/guidance in relation to residential care for children. The effect given to such policy and guidance by the organisation is explained above in question 4.1.v.

The Orphanage Years and the Service Years:

Where there is evidence within the organisation's records of specific local authority policy or guidance relevant to the provision of residential child care known about and given effect to by the organisation this has been identified within the column entitled "Local Authority Policy and Guidance" within Appendix 8.

The Group Home Years:

The organisation's historic records do not contain information about local authority policy and guidance during this period therefore it is not possible to confirm whether such policy/guidance existed.

vi. If not, why not?

Please see questions above.

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

Please see the answer to question 4.1.viii. above.

viii. If so, please give details.

Please see the answer to question 4.1.viii. above.

4.3 Admissions**(a) Policy****Past****i. What policies and/or procedures did the organisation/establishment have in place in relation to admission of children to the establishment?**

Other than in terms of the establishment's purpose set out within its constitution, the organisation's historic records do not contain evidence of formal policies and procedures relating to admission. Formal records of such may have been maintained at the time. There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard.

The expectation is that the organisation's policies and procedures were in accordance with good practice during this period.

The information provided in this question is based on an understanding of the organisation's policies and procedures (formal, informal, written or unwritten) in relation to admission gained from a review of the organisation's historic records (namely records of meetings of the organisation's governing body and management committee).

Policies

The organisation's policies in relation to admission of children to the establishment are explained above at question 1.7.vii. In summary these policies included:

- a) the overall ethos of "all would be welcome";
- b) maintaining sibling groups by admitting all the children in a family to the establishment;
- c) removing restrictions to admission based on membership of the Episcopalian Church and whether the child had been born out of wedlock; and
- d) assessment of the establishment's suitability for children who had been difficult to place elsewhere.

Procedures

Children were generally admitted to the organisation either by the local authority which had taken over the care of the child (for example, by way of a court order) or by their parents or guardians where it was no longer possible for the child to remain within the care of their family.

In terms of the practical procedures for admission, a letter or verbal request for a placement at the establishment was generally made to the organisation and if a suitable place was available, this request was accepted. Upon admission a case record was completed for the child which set out the child's identity and family information, the reasons the child had been taken into care, education and health records and information about the clothing and other belongings the child had with them upon admission.

ii. Was there a particular policy and/or procedural aim/intention?

As explained in greater detail within question 1.7.vii. the organisation's ethos in terms of admission was that "all would be welcome". Therefore there were limited restrictions to admission to the establishment. Those which did exist are explained within questions 1.7.vii. above.

iii. Where were such policies and/or procedures recorded?

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

Those limitations to admission which are described in greater detail within question 1.7.vii. above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action (as explained within questions 1.7.vii. above) are contained within the minutes of those meetings.

iv. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

v. When were the policies and/or procedures put in place?

The exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

As explained within question 1.7.vii. above, the information available suggests that:

- a) in the early 1930s the organisation's constitution was amended in order to clarify that membership of the Episcopalian Church was not a restriction to admission to the establishment;
- b) in the early 1930s any restriction to the admission of children born out of wedlock was removed; and
- c) in the 1940s and 1950s the organisation reviewed the establishment's capability for admitting children who could not be placed by local authorities elsewhere due to behavioural difficulties, difficult past experiences, disabilities or learning difficulties. The organisation decided that at that time it 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 a 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).

In 1959 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.

The organisation went on in later years, particularly the Service Years, to provide facilities for children who could not be placed elsewhere.

vi. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

vii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed admissions policies and practices on an ongoing basis, as evident from the information provided in question 1.7.vii.

viii. If so, what was the reason for review?

There does not appear to have been a need for formal, regular review of these policies and practices. Rather, review was carried out when the natural need arose in response to internal or external influences.

For example, the changes to admission policy described in question 1.7.vii. were introduced in response to the organisation's assessment of the social and cultural influences of this period. Changes in admission practices arose due to modernisation of the organisation's systems and procedures as the establishment grew in size and in response to the introduction of statutory requirements for residential establishments during this period (e.g. the Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959).

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

Substantive changes to admission policies and procedures are explained within question 1.7.vii. above.

x. Why were changes made?

The reasons for these changes are explained within question 1.7.vii. above.

xi. Were changes documented?

There is no evidence within the organisation's historic records of formal policies and procedures or changes to those being formally recorded.

Changes to the limitations on admission which are described in greater detail within question 1.7.vii. above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action (as explained within questions 1.7.vii. above) are contained within the minutes of these meetings.

xii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

Present

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

The establishment is no longer in operation.

xiv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to the admission of children to the establishment?

Yes.

ii. How was the adherence demonstrated?

Adherence was demonstrated through the admission of children to the establishment on the basis of those policies and procedures outlined above.

If the organisation had not adhered to those policies and procedures there would be evidence of the organisation regularly turning children away (in contradiction of its ethos of "all would be welcome"), there would be evidence of children being admitted without their eligible sibling groups and evidence of a failure to properly assess whether the organisation was equipped to undertake the care of children with behavioural difficulties, difficult past experiences, disabilities or learning difficulties.

There is no evidence of such within the organisation's records.

Rather, there is evidence within the organisation's records of the organisation looking for solutions to keep sibling groups together (including allowing the admission of a baby at an earlier age than usual in order to enable the organisation to admit a sibling group rather than splitting up the group between a number of organisations) and of staff assessing whether the establishment had the capability to provide care to children who had so far been difficult to place – this often required placements on an assessment basis.

iii. How can such adherence be demonstrated to the Inquiry?

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

iv. Were relevant records kept demonstrating adherence?

As explained above, there is no evidence of records specifically relating to admissions policies or procedures or adherence thereto.

Adherence to admission policies and procedures is evident from the case records of children admitted to the organisation (in which details of the child's admission are recorded) and, on a more general basis, within the records of meetings of the organisation's governing body and the establishment's management committee during which admission was discussed in relation to specific children and on a general basis.

v. Have such records been retained?

Records of children's case files and of meetings of the organisation's governing body and the establishment's management committee during which admission was discussed in relation to specific children and on a general basis have been retained.

vi. If policy/procedure was not adhered to in practice, why not?

There is no evidence that admission policies and procedures were not adhered to in practice.

vii. If policy/procedure was not adhered to in practice, what was the practice?

There is no evidence that admission policies and procedures were not adhered to in practice.

Present

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

The establishment is no longer in operation.

ix. If so, please give details.

4.4 Day to Day

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to the day to day running of the establishment?

The organisation's historic records do not contain evidence of formal policies and procedures relating to complaints and reporting although formal records of such may have been maintained at the time.

There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard. The expectation is that the organisation's policies and procedures in this regard were in accordance with good practice during this period.

The information provided in this question is based on an understanding of the organisation's policies and procedures (formal, informal, written or unwritten) in relation to internal investigations gained from the organisation's historic records (namely records of meetings of the organisation's governing body and management committee).

These historic records suggest there were policies and procedures in relation to:

- a) clothing;
- b) children's accommodation;
- c) diet and nutrition;
- d) holidays;
- e) education;
- f) discipline and punishment; and
- g) recreational activities.

These records also suggest that such policies and procedures would not generally have been recorded or formalised (exceptions to this are explained within the remainder of this question). The establishment was managed overall by the warden, who was responsible for overseeing all aspects of the establishment's operations, supported by the lady superintendent, who was responsible for overseeing the girl's wing of the establishment and for housekeeping but who was not authorised to make policy, and by the principal teacher of the Orphanage School, who was responsible for overseeing the School.

The Warden reported directly to the governing body of the organisation and due to the limited number of individuals with oversight responsibility and the close working relationship between the warden and the establishment staff, it was possible to maintain the organisation's operating policies and procedures throughout the establishment without formal written policies or implementation.

ii. Was there a particular policy and/or procedural aim/intention?

- a) Clothing

The policy/procedural intention was to provide the children with suitable clothing in a cost effective and efficient way.

b) Children's accommodation

The children were accommodated for the most part within age and gender groups. Children up to the age of seven years old were usually cared for in a mixed gender setting but thereafter the children were split into "houses" based on gender and age.

During this time period separating children by age and gender was considered to be the best way in which to provide residential care for those children.

As explained previously, a change in social norms in the 1950s and 1960s led to the recommendation that care for children was best provided in a family group setting.

c) Diet and nutrition

The diet and nutrition provided to children resident within the establishment changed regularly over time due to external recommendations and due to the availability of certain food products at different times.

The aim of the establishment's dietary procedures was to provide the children in residence at the establishment with the best nutrition possible within the constraints of the establishment's (and the country's) resources.

d) Holidays

The organisation recognised the benefits of taking the children within its care on holiday, providing a change of scenery and new experiences. For this reason the organisation sought to facilitate a two week holiday for the children once a year.

e) Education

Generally the children resident within the organisation were educated at the Orphanage School but children with promising academic talents were encouraged to attend the local grammar school where they could undertake additional qualifications. It was also the organisation's policy to encourage children leaving the establishment to seek to attend further education following school.

In 1959 the organisation also engaged a teacher to teach a class for children with learning disabilities. Certain children were taught separately in this class on the basis that in doing so the children would have a better chance of progressing.

The aim of these policies was to seek to secure the best possible future for the children resident at the establishment.

f) Discipline and punishment

The content of these policies will be discussed in greater detail below. The intention of these policies was to secure the orderly running of the establishment while ensuring the children were respected and were able to learn from the discipline which was administered.

g) Recreational activities

The organisation sought to provide or facilitate a range of recreational activities for the children resident at the establishment. The intention behind this policy was to provide the children with wider skills, to entertain the children and to prepare them for life after they left the establishment.

iii. Where were such policies and/or procedures recorded?

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

The intention and aim of such policies were discussed within meetings of the establishment's management committee and of the organisation's governing body and records of these discussions and the agreed course of action are contained within the minutes of these meetings.

The organisation's records suggest that a form of operating rules which included guidance for teachers and housemasters and housemistresses and guidance on corporal punishment was produced by the organisation and circulated amongst staff but only one partial copy of such rules has been found within the organisation's records. It is not clear to which period of time this copy of the rules relates.

A set of rules was also produced for the children with the intention of making it clear what behaviour was and was not acceptable and the consequences of such.

iv. What did the policies and/or procedures set out in terms of the following?

As explained in the previous question, a formal, written record of day to day policies (except for the extract which covers corporal punishment and which is mentioned above) is not available. The information provided below is based on the organisation's records of discussions of these matters within the meetings of the governing body and management committee.

- **Activities for children**

As explained briefly above, the organisation provided or facilitated a range of activities for children resident at the establishment. Such activities were introduced in response to a need of the children which had been identified by the organisation. For example:

- a) in 1952 dance classes were organised for the girls resident at the establishment in response to the acknowledgment that the girls were not sufficiently entertained or challenged leading to misbehaviour;
- b) scouts and cubs groups were organised for the boys in order to provide them with entertainment and to equip them with skills for life; and
- c) the older children were allowed to go into the town of Aberlour to spend their pocket money and engage with the local community so as to prepare those children for life outwith the establishment.

- **Off-site activities for children including trips, holidays and visits to family**

The establishment sought to provide the children with a two week holiday away from the establishment on an annual basis. The form which this holiday took depended on the resources of the organisation at the relevant time and the opportunities available. This was considered afresh on an annual basis.

There is no evidence of a formal policy regarding visits to family but individual case records of children resident at the establishment suggest that these visits did take place and were assessed and managed on a case by case basis.

The policies and procedures regarding such visits would have been influenced by the local authority responsible for the child in question as no child could go on any trip or visit without the permission of the local authority which had placed them in the establishment.

- **Schooling/education**

Generally the children resident within the organisation were educated at the Orphanage School but children with promising academic talents were encouraged to attend the local grammar school where they could undertake additional qualifications. It was also the organisation's policy to encourage children leaving the establishment to attend further education courses and training following school.

In 1959 the organisation also engaged a teacher to teach a class for children with learning disabilities. Children with additional support needs were taught separately in this class on the basis that in doing so the children would have a better chance of progressing.

- **Discipline**

The organisation's records suggest that formal discipline policies and procedures were distributed amongst staff within the establishment and the Orphanage School. As explained above, copies of all such policies and their various versions are not available. An understanding of the organisation's policies in this area can be gained from the organisation's records of meetings of the management committee and governing body in which this matter was discussed.

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 administered to girls by a female member of staff and only in very serious circumstances.

A spate of bad behaviour amongst the girls resident at the establishment in the 1940s led to a review of the organisation's policies on the discipline of girls. The focus 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).

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.

The governing body's policy on the use of corporal punishment was that it must serve the purpose of deterring children from acting in a way which merited punishment and if it did not, then it should not be used.

v. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

vi. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

The development of the organisation's discipline policies and procedures are slightly easier to date and the dates on which these policies were updated are outlined within question 4.4.(a).iv. above.

vii. Do such policies and/or procedures remain in place

The establishment is no longer in operation.

viii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis.

ix. If so, what was the reason for review?

There does not appear to have been a need for formal, regular review of these policies and practices. Rather, review was carried out when the natural need arose in response to internal or external influences.

For example, as explained above within question 4.4(a).iv., the changes to the activities for children provided or facilitated by the organisation were influenced by the perceived needs of the children at the relevant times. Changes to discipline policies were influenced (as explained in question 4.4(a).iv. above) by social changes and public policy at the relevant time and in response to internal needs identified within the establishment.

Similarly, changes to the policies and procedures relating to education of the children resident at the establishment were based on the organisation's ability to provide additional services to children with additional education needs. In particular, during the early 1950s the organisation identified the need to engage teachers equipped to support children with additional education needs and to provide those children with their own dedicated learning facilities. For this reason the organisation hired such teachers and made arrangements for admitting children to the establishment who required such assistance.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

Please see the answers to questions 4.4(a).iv. and 4.4(a).ix. above.

xi. Why were changes made?

Please see the answers to questions 4.4(a).iv. and 4.4(a).ix. above.

xii. Were changes documented?

The organisation's historic records contain a copy of the establishment's rules (as applicable to staff), including discipline procedures, and reference is made to these rules within the minutes of meetings of the governing body and management committee. The copy of these rules which remains within the organisation's records is not dated and it is not possible to confirm to which time during the establishment's existence it relates. Prior and later copies of these rules are not available but it is assumed that changes to these rules were documented and revised copies were distributed to staff and children (where appropriate).

Other than the information relating to discipline contained within the rules referenced above, there is no evidence within the organisation's historic records of other formal policies and procedures or changes to those being formally recorded.

Changes to the policies and procedures which are described in greater detail within question 4.4(a) above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action (as explained within questions 4.4(a)(iv) and (ix) above) are contained within the minutes of these meetings.

xiii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

In terms of the information contained within the rules of the establishment outlined above, only one copy of those rules has been retained and as no prior or later copies are retained it is not possible to identify an audit trail.

Present

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

The establishment is no longer in operation.

xv. If so, please give details.**(b) Practice****Past****i. Did the organisation/establishment adhere in practice to its policy/procedures relating to the day to day running of the establishment?**

Yes.

ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

Yes.

- **Activities for children**
- **Off-site activities for children including trips, holidays and visits to family**
- **Schooling**
- **Education**

iii. How was adherence demonstrated?

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.4(a) and this practical application of those policies and procedures demonstrated adherence.

iv. How can such adherence be demonstrated to the Inquiry?

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

v. Were relevant records kept demonstrating adherence?

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures relating to the day-to-day running of the establishment is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of the day-to-day running of the establishment and the policies behind these were discussed in relation to specific children and on a general basis.

vi. Have such records been retained?

Records of meetings of the organisation's governing body and the establishment's management committee during which day to day running of the establishment was discussed in relation to specific children and on a general basis have been retained.

vii. If policy/procedure was not adhered to in practice, why not?

From time to time certain staff failed to adhere to the organisation's discipline policy by administering excessive punishments to children. Examples of such occurrences are contained within question 2.2(ix) above.

The organisation's records suggest that such failures to comply with the organisation's discipline policies and procedures were due to individual staff failings and not due to a wider issue within the organisation or establishment. As explained within question 2.2(ix) above, the organisation investigated any allegation of excessive punishment and disciplined the relevant member of staff accordingly – in most cases the relevant member of staff was dismissed from the employment of the establishment. In addition, staff were provided with a refresher on discipline policies and procedures following any concerns raised about excessive punishments.

There is no other evidence that policies and procedures relating to the day-to-day running of the establishment were not adhered to in practice.

viii. If policy/procedure was not adhered to in practice, what was the practice?

Please see the answer to question 4.4(b).vii. above.

Present

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

The establishment is no longer in operation.

x. If so, please give details.

4.5 Children

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to caring for children at the establishment?

The organisation's historic records do not contain evidence of formal policies and procedures relating to caring for children at the establishment although formal records of such may have been maintained at the time.

There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard.

In compliance with the Children (Boarding-Out Etc.) (Scotland) Rules and Regulations 1947 and the Administration of Children's Homes (Scotland) Regulations 1959 the organisation was required to carry out certain practical actions in relation to the care it provided to children within the establishment. For example, the 1959 Regulations restricted the level of discipline and punishments which could be administered to children and set out prescriptive requirements as to the health care, dental care and sleeping accommodation which was provided to the children.

The organisation's records state that the establishment received favourable inspections from the secretary of state, the department of education and the relevant

local authorities which suggest that these practical actions were undertaken by the organisation.

The Regulations outlined above also required the organisation to ensure the establishment was run in a way which benefitted the wellbeing of the children resident there. The organisation's commitment to ensuring the wellbeing of the children in its care is evident within the minutes of meetings of the governing body and management committee.

ii. Was there a particular policy and/or procedural aim/intention?

The aim of all policies and procedures which related to the care of the children resident within the establishment was to secure the wellbeing and safety of those children and to afford them "the chance to flourish" (in the words of Canon Jupp, the founder of the establishment).

iii. Where were such policies and/or procedures recorded?

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

iv. What did the policies and/or procedures set out in terms of the following?

- **Safeguarding**

The concept of "safeguarding" was not introduced in public policy until the Service Years. For this reason there were no formal safeguarding policies or procedures implemented by the organisation.

- **Child Protection**

The focus of child protection policy during this period was on the national public strategy for its prevention rather than on the actions individual organisations could take in relation to this matter.

Again there is no evidence of a formal child protection policy within the organisation's records for this time period.

In terms of informal policies and procedures:

- a) the organisation reviewed staff appointments against the Scottish Education Department's list of persons not suitable for work with children and did not appoint individuals on that list, or if the individual was later added to that list, dismissed that individual. This list was of limited use outwith the education sphere and the organisation's governing body lobbied the Home Office to develop a wider list of individuals not suitable for work with children; and
- b) historic records show the organisation treated the protection of the children within its care as a very serious matter and investigated complaints, allegations or concerns which suggested a child was in danger. Staff members were dismissed if their conduct was deemed to endanger a child and local authorities were informed if the organisation became aware of any danger to a child within its care which was external to the establishment (for example from a relative etc.). It is not possible to

provide any further detail on the practical application of such policies and procedures.

- **Medical care**

The establishment had its own health wings and historic records suggest medical care was administered in accordance with the following policies and procedures:

- a) upon admission to the establishment a health record was completed for each child (so far as it was possible to do so with the information available for a child);
- b) upon admission to the establishment each child received a health check from the organisation's physician;
- c) if a child was found to have an infectious condition that child was quarantined within the establishment's health wings for an appropriate period of time to avoid the spread of the condition to the other children within the establishment;
- d) children received standard immunisations during their residence within the establishment;
- e) children received an annual (and in some cases a six monthly) routine health check;
- f) if a child fell ill that child was cared for within the establishment's own girl's and boy's health wings if possible. If the child required additional medical care the child would be transferred to a nearby hospital; and
- g) prior to leaving the establishment a further health check was carried out on each child.

- **Children's physical wellbeing**

As above there are no remaining records of formal policies and procedures relating to the physical wellbeing of children resident within the establishment.

General information about the organisation's policies and procedures in this regard can be gleaned from the organisation's records of meetings of the governing body and management committee.

The following aspects of the day to day running of the establishment had an impact on the physical wellbeing of the children resident at the establishment: diet; exercise; clothing; healthcare; and residential provision.

Diet: the organisation sought to provide nutritious meals for the children resident at the establishment and to introduce variety and new foods which the children would not have been able to experience while living with their own families (for example, the memoirs of a previous resident of the establishment recount the first time bananas were introduced to the children following the war).

It can be expected that the diet of the children was dictated to some extent by available funds and available food sources (particularly during the war years and post-war years). However, the organisation's records show that the organisation followed medical and local authority recommendations in relation to the diet of the children; maintained good records of the food served; and was praised by those inspecting the establishment for providing well for the children's diets.

The organisation's records state that the same meals were served to the children as to the staff at the establishment.

Exercise: one of the reasons the founder of the establishment decided to build the establishment in Aberlour was that he thought the clean, fresh air would be good for the children and that access to the countryside would be beneficial for them.

The children were encouraged to play outdoors and to explore the countryside and the establishment's grounds. In addition, sports classes were arranged by the organisation including football, boxing, dancing, strength classes, etc.

Clothing: the organisation's policies and procedures in relation to clothing were to some extent informed by the resources of the organisation. The organisation's records show the ongoing assessment of fabrics and clothing suppliers. These records reveal that the organisation sought quality as well as a reasonable price.

Onsite at the establishment there were seamstresses and a bootmaker who repaired and made the children's clothing.

Health: the organisation's procedures on healthcare are outlined above.

Residence: the organisation's records show that the organisation appreciated the importance of the children's residence to their wellbeing. For this reason there was regular review of the suitability and use of the dormitories and common areas within the establishment. The way in which these rooms were used changed on a regular basis. Further details of the children's residence are included in question 1.6(b).iv. and v. above.

In addition, the children's residences were redecorated on a regular basis with a view to providing a homely atmosphere and high standard of care. Redecoration strategies often formed part of the recommendations made by members of the governing body visiting the establishment.

- **Children's emotional and mental wellbeing**

As above there are no remaining records of formal policies and procedures relating to the emotional and mental wellbeing of children resident within the establishment.

General information about the organisation's policies and procedures in this regard can be gleaned from the organisation's records of meetings of the governing body and management committee.

There are two aspects of the care provided to children which relate to the organisation's approach to the children's emotional and mental wellbeing. Firstly, a child's residence at the establishment was often due to the need to remove that child from their own family or guardians so as to protect the child from physical or emotional and mental harm.

For this reason many of the children received into the establishment may already have suffered emotional and mental damage and the organisation's aim was to provide a safe environment in which those children could develop and hopefully overcome that damage. Housemasters and housemistresses were therefore engaged by the organisation not only to provide physical care for the children but to foster an emotionally caring environment and to provide

the children resident at the establishment with a substitute family – providing love, encouragement and worth to the children. This policy is evident from the organisation's records.

Secondly, in order to protect the emotional and mental wellbeing of the children resident within the establishment it was sometimes necessary to limit the contact which those children had with their families and wider relatives or acquaintances. Decisions on the extent of parental and family contact were generally made by the local authority responsible for the child and the organisation would have been involved in such discussions from the viewpoint of the wellbeing of the child in question.

v. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

vi. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

vii. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

viii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis.

ix. If so, what was the reason for review?

The review of these policies and procedures was generally carried out on an ongoing and responsive basis. Those operating the establishment sought to ensure the establishment's practices remained relevant in terms of the care required by the children resident in the establishment and in terms of social and public policy, guidance and regulations.

Policies and procedures were also reviewed in response to a particular event. For example, additional sports and recreational classes were set up (e.g. boxing and scouts for the boys and dancing for the girls) when the organisation recognised that the children required additional entertainment to keep them occupied.

The introduction of the 1959 Regulations and the prescriptive requirements in relation to the practical operations of the establishment would have given rise to a review of these matters by the organisation to ensure the practical care of the children met the requirements of those regulations.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantive changes to these policies and procedures over time. As explained within questions 4.5(a).iv. and ix. above, changes to those policies and procedures were generally on an ongoing basis in response to changing requirements within the establishment and externally within public policy.

xi. Why were changes made?

Please see the answer to question 4.5(a).x. above.

xii. Were changes documented?

There is no evidence within the organisation's historic records of formal policies and procedures or changes to those being formally recorded.

Changes to the policies and procedures which are described in greater detail within question 4.5(a) above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action are contained within the minutes of those meetings.

xiii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

Present

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

The establishment is no longer in operation.

xv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures relating to the care of children at the establishment?

Yes.

ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

Yes.

- **Safeguarding**
- **Child Protection**
- **Medical care**
- **Children's physical wellbeing**
- **Children's emotional and mental wellbeing**

iii. How was adherence demonstrated?

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.5(a) and this practical application of those policies and procedures demonstrated adherence.

iv. How can such adherence be demonstrated to the Inquiry?

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

v. Were relevant records kept demonstrating adherence?

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of these policies and procedures were discussed in relation to specific children and on a general basis.

vi. Have such records been retained?

Records of meetings of the organisation's governing body and the establishment's management committee during which care of the children was discussed in relation to specific children and on a general basis have been retained.

vii. If policy/procedure was not adhered to in practice, why not?

Due to the informal nature of these policies and procedures there is limited information regarding any failure to comply with the organisation's policies and procedures.

Details of staff failures to adhere to the organisation's policies and procedures regarding the safeguarding and protection of children are outlined within Part B of this report. As explained above with question 4.5(a) such safeguarding and child protection policies and procedures during this period were relatively underdeveloped, however, the organisation's remit was to provide a safe and nurturing environment for the children within its care and for this reason any abuse of a child (physical, sexual, emotional or otherwise) would have involved actions which would not have been in adherence with the organisation's policies and procedures.

The organisation's records suggest that such failures to comply with the organisation's caring policies and procedures were due to individual staff failings and not due to a wider issue within the organisation or establishment.

viii. If policy/procedure was not adhered to in practice, what was the practice?

Please see the answer to question 4.5(b).vii. above. The details of failure to adhere to the organisation's policies and procedures in terms of caring for children are set out within Part B of this report.

Present

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

The establishment is no longer in operation.

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

4.6 Staffing

(a) Policy

Past

- i. **What policies and/or procedures did the organisation/establishment have in relation to staffing at the establishment?**

The organisation's historic records do not contain evidence of formal policies and procedures relating to staffing although formal records of such may have been maintained at the time.

There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard. The expectation is that the organisation's policies and procedures in this regard were in accordance with good practice during this period.

- ii. **Was there a particular policy and/or procedural aim/intention?**

The organisation's aim and intention in relation to staffing at the establishment was to obtain suitably qualified staff with relevant experience who could provide care to the children within the establishment in accordance with the organisation's ethos, mission and purpose (as explained above within question 1.5(a)).

- iii. **Where were such policies and/or procedures recorded?**

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

- iv. **What did the policies and/or procedures set out in terms of the following?**

As explained, it is not possible to confirm the exact content of the organisation's staffing policies and procedures in relation to the establishment but historic records suggest the following.

- **Pre-employment checks**

There is evidence within the organisation's historic records that prospective staff were required to provide details of their prior employment and work experience.

Teaching staff had to be confirmed in post by the Education authority which meant: a) the staff member was vetted against the authority's list of individuals not suitable to work in education; and b) their qualifications and suitability were confirmed by this authority.

- **Recruitment**

Recruitment of the warden, the most senior role within the establishment, was managed by the governing board while recruitment of other senior roles (e.g. the lady superintendent, sub-warden, headmaster and nursery headmistress) was managed by the warden with the approval and input of the governing board.

Recruitment of the remaining staff (housemasters, housemistresses, assistant housemasters and housemistresses, nursery assistants, teachers, domestic and grounds staff, etc.) was generally managed by the warden with the assistance of a member of senior management responsible for those staff.

Historic records state that posts were advertised locally and applications received from prospective employees. It is not possible to comment on the content of those applications but the experience and qualifications of the individual did form part of the information sought by the organisation.

- **Induction**

The form of induction would have differed depending on the role the new staff member was undertaking. It is not possible to confirm whether a formal process of induction was used within the establishment on the basis of the information available but historic records do suggest most new employees (particularly those with a child care element) received a staggered introduction to their new role which involved explaining the organisation's rules.

In the later part of the establishment's operative period the organisation's records show that an induction course was run by the organisation for new employees. It is not possible to comment further on the content of that course.

- **Transfer of staff to or from other establishments within or outwith the organisation**

There is no evidence of this practice taking place within the organisation in connection with the establishment.

- **References**

There is evidence within the organisation's historic records that prospective staff were required to provide details of their prior employment and work experience and that references from previous and relevant employers were obtained.

Where recruitment of senior management was concerned (e.g. the warden, sub-warden, lady superintendent, headmaster and nursery headmistress) references were obtained from previous employers or character witnesses.

- **Appraisal/supervision**

It is not clear from historic records whether a formal appraisal/supervision procedure was in place within the organisation during the establishment's operational period.

The records suggest that supervision was carried out on an ongoing basis. The lines of accountability within the establishment are outlined within

Appendix 6. Where issues arose in connection with a member of staff's performance of their role this was investigated (usually by the warden with the assistance of whichever member of senior management was responsible for that member of staff). There was a practice of discussing the issues with the member of staff and formulating a plan for improving their performance if possible.

- **Training**

There is no evidence of a formal training programme operated for the establishment.

Where specific issues arose (e.g. where there were concerns about the use of corporal punishment within the Orphanage School) the practice was to review the establishment rules with the relevant members of staff to ensure everyone understood what was required of them.

Staff were encouraged to attend external training, particularly conferences on new areas of law and regulation.

- **Personal/Professional development**

There is no evidence of a formal programme for such.

Staff were encouraged to undertake further education and the organisation often allowed staff to attend such courses with full pay.

Assistant or relief housemasters and housemistresses could progress within the establishment to take up posts as full time housemasters and housemistresses.

- **Disciplinary actions**

Where staff failed to adhere to the organisation's policies and practices or the organisation's ethos, staff were reprimanded and often dismissed.

- **Dismissal**

Please see above.

v. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

vi. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

vii. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

viii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis.

ix. If so, what was the reason for review?

The review of these policies and procedures was generally carried out on an ongoing and responsive basis. Changes to staffing policies and procedures would have occurred in response to changing social and public requirements and in response to the organisation's own requirements.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantive changes to these policies within the organisation's historic records.

xi. Why were changes made?

Please see questions above.

xii. Were changes documented?

There is no evidence within the organisation's historic records of formal policies and procedures or changes to those being formally recorded.

Changes to the policies and procedures which are described in greater detail within question 4.6(a) above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action are contained within the minutes of those meetings.

xiii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

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

The establishment is no longer in operation.

xv. If so, please give details.**(b) Practice****Past****i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to staffing at the establishment?**

Yes.

ii. **Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?**

Yes.

- **Pre-employment checks**
- **Recruitment**
- **Inductions**
- **Transfers to and from other establishments within or outwith the organisation**
- **References**
- **Appraisals/Supervision**
- **Training**
- **Personal/Professional development**
- **Disciplinary actions**
- **Dismissal**

iii. **How was adherence demonstrated?**

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.6(a) and this practical application of those policies and procedures demonstrated adherence.

iv. **How can such adherence be demonstrated to the Inquiry?**

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

v. **Were relevant records kept demonstrating adherence?**

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of these policies and procedures were discussed in relation to specific children and on a general basis.

vi. **Have such records been retained?**

Records of meetings of the organisation's governing body and the establishment's management committee during which staffing was discussed have been retained.

vii. **If policy/procedure was not adhered to in practice, why not?**

There is no evidence of policy and procedure in relation to staffing not being adhered to in practice.

Present

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

The establishment is no longer in operation.

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

4.7 Visitors

(a) Policy

Past

- i. **What policies and/or procedures did the organisation/establishment have in place in relation to visitors to the establishment?**

The organisation's historic records do not contain evidence of formal policies and procedures although formal records of such may have been maintained at the time. There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard.

Information about the organisation's policies and procedures (formal or otherwise) in relation to visitors to the establishment can be drawn from the organisation's records of meetings of its management committee and governing body.

The establishment received the following visitors:

Family and acquaintances of the children resident at the establishment: as explained previously within this report, visits to the children from their families and relatives were generally encouraged. However it was not always appropriate for certain family members to have contact with the children. This might have been because the child was removed from an abusive or dangerous family environment or because the family members in question were not a good influence on the child or prevented the child from settling into their new surroundings at the establishment.

Decisions as to whether a child's family and other acquaintances could visit the child were generally taken by the local authorities responsible for the child and the establishment's practice was to abide by those decisions.

Local authority representatives: as part of their duties to the children within their care, local authorities were required to visit those children while they were resident at the establishment. The organisation's practice was to ensure local authorities had access to the establishment and the children within the local authority's care when required.

Secretary of state, local authority and other public inspectors: the organisation made the establishment available to the secretary of state, local authorities and any other statutory or public inspector when required. These bodies required access to the establishment to carry out inspections.

Representatives from other agencies/organisations: as explained within this report, the organisation fostered a transparent way of working and encouraged other agencies and organisations to visit the establishment and to discuss the care of the children resident with the organisation.

Such visits were generally for the purposes of discussing care arrangements with the warden and did not involve significant contact with the children and certainly not unsupervised contact.

Supporters of the establishment and the children: as part of its fundraising and awareness raising campaigns the organisation invited supporters of the establishment to visit it. Such visitors may have been introduced to the children and given a tour of the establishment. Such visits would not have involved unsupervised contact with the children.

ii. Was there a particular policy and/or procedural aim/intention?

The aim of the procedures outlined above was to encourage openness and transparency within the organisation's practices.

So far as family visits to the children were concerned, the practices outlined above had the aim of ensuring the children were protected and that the contact they had or did not have with their families was in their best interests.

iii. Where were such policies and/or procedures recorded?

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

iv. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

v. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

vi. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

vii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis although there are no clear indications of specific or major reviews of policies and procedures relating to visitors.

viii. If so, what was the reason for review?

It is presumed that the review of policies and procedures relating to visitors was carried out on an ongoing and responsive basis. Changes would have occurred in response to changing social and public requirements and in response to the organisation's own requirements.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantive changes to these policies within the organisation's historic records.

x. Why were changes made?

Please see question above.

xi. Were changes documented?

There is no evidence within the organisation's historic records of formal policies and procedures or changes to those being formally recorded.

The policies and procedures which are described in greater detail within question 4.7(a) above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action are contained within the minutes of those meetings.

xii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

Present

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

The establishment is no longer in operation.

xiv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to visitors to the establishment?

Yes.

ii. How was adherence demonstrated?

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.7(a) and this practical application of those policies and procedures demonstrated adherence.

iii. How can such adherence be demonstrated to the Inquiry?

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

iv. Were relevant records kept demonstrating adherence?

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of these policies and procedures were discussed in relation to specific children and on a general basis.

v. Have such records been retained?

Records of meetings of the organisation's governing body and the establishment's management committee during which staffing was discussed in relation to specific children and on a general basis have been retained

vi. If policy/procedure was not adhered to in practice, why not?

There is no evidence of policy and procedure in relation to staffing not being adhered to in practice.

Present

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

The establishment is no longer in operation.

viii. If so, please give details.

4.8 Volunteers

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to volunteers at the establishment?

Limited use of volunteers was made by the organisation during the establishment's period of operation and for this reason there is no information within the organisation's historic records about policies and procedures applied to volunteers. There is no person within the organisation who can speak to practices in relation to volunteers during this period.

Volunteers assisted the organisation in fundraising and raising awareness (for example in connection with "Jupp Sales", the second hand sales ran by the wardens of the establishment to generate income for the establishment) but these individuals did not volunteer at the establishment or work with the children.

The organisation's historic records detail the work of volunteers with children resident in the establishment as "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.

It is not clear from the organisation's records for how long this practice occurred nor is there any further information as to the policies and procedures applied by the organisation in relation to these "volunteers".

ii. Was there a particular policy and/or procedural aim/intention?

There is no information within the organisation's historic records about policies and procedures applied to volunteers. There is no person within the organisation who can speak to practices in relation to volunteers during this period.

iii. Where were such policies and/or procedures recorded?

Please see question above.

iv. Who compiled the policies and/or procedures?

Please see question above.

v. When were the policies and/or procedures put in place?

Please see question above.

vi. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

vii. Were such policies and/or practices reviewed?

There is no information within the organisation's historic records about policies and procedures applied to volunteers. There is no person within the organisation who can speak to practices in relation to volunteers during this period.

viii. If so, what was the reason for review?

Please see question above.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

Please see question above.

x. Why were changes made?

Please see question above.

xi. Were changes documented?

Please see question above.

xii. Was there an audit trail?

Please see question above.

Present

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

The establishment is no longer in operation.

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

(b) Practice

Past

- i. **Did the organisation/establishment adhere in practice to its policy/procedures in relation to volunteers at the establishment?**

There is no information within the organisation's historic records about policies and procedures applied to volunteers. There is no person within the organisation who can speak to practices in relation to volunteers during this period.

- ii. **How was adherence demonstrated?**

Please see question above.

- iii. **How can such adherence be demonstrated to the Inquiry?**

Please see question above.

- iv. **Were relevant records kept demonstrating adherence?**

Please see question above.

- v. **Have such records been retained?**

Please see question above.

- vi. **If policy/procedure was not adhered to in practice, why not?**

Please see question above.

Present

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

The establishment is no longer in operation.

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

4.9 Complaints and Reporting

(a) Policy

Past

- i. **What policies and/or procedures did the organisation/establishment have in place in relation to complaints and reporting at the establishment?**

The organisation's historic records do not contain evidence of formal policies and procedures relating to complaints and reporting although formal records of such may have been maintained at the time.

There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard. The expectation is that the organisation's policies and procedures in this regard were in accordance with good practice during this period.

The information provided in this question is based on an understanding of the organisation's policies and procedures (formal, informal, written or unwritten) in relation to complaints and reporting gained from the organisation's historic records (namely records of meetings of the organisation's governing body and management committee).

ii. Was there a particular policy and/or procedural aim/intention?

The organisation's historic records suggest that the aim/intention of such policies and procedures was to ensure the organisation operated on an open and transparent basis and learned from its own experiences and the experience of external parties.

iii. Where were such policies and/or procedures recorded?

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

iv. What did the policies and/or procedures set out in terms of the following?

- **Complaints by children**

There is limited information about complaints made by children. In general during this period it was not standard practice to raise service complaints, nor were there established practices of taking the views of children into account within child care services. The expectation was for adults (for example, local authority representatives, parents and staff providing services to the children within an establishment) to deal with quality or service level matters on behalf of children.

There are examples of concerns raised by children within the organisation's historic records which provide an insight into the organisation's policies and procedures in this regard. Records show that the organisation investigated any complaints or concerns raised by children and took action against staff where relevant.

- **Complaints by staff**

There are slightly more examples of complaints made by staff than by children within the organisation's records. Again the organisation carried out an investigation into the complaints and where necessary staff against whom complaints were made were disciplined or dismissed as a result of the organisation's investigation.

Complaints were received from all levels of staff from the most junior to those within senior management positions.

Complaints made by staff were generally managed by the warden with input from the governing body and management committee where required.

- **Complaints by third persons/family of children**

There are no examples of complaints from family of children within the organisation's historic records therefore it is not possible to comment on the policies and procedures related to these.

There are examples within the records of complaints received from external agencies (for example, those received from the RSPCC and the Scottish Association of Girls Clubs which are explained in greater detail below at question 5.5.i.). These complaints were sometimes received by the warden directly or made through the governing body.

Such complaints were dealt with promptly by the warden who would contact the person or body making the complaint to discuss it further. The individual or a representative of the body making the complaint was usually invited to the establishment to discuss their concerns with the warden.

- **Whistleblowing**

The establishment did not have a formal whistleblowing policy but the organisation's approach to complaints and concerns raised by staff suggests the organisation fostered an open culture and encouraged staff to raise concerns. There are examples of concerns raised by junior members of staff against senior members of staff which were taken seriously by the organisation and fully dealt with. This suggests the organisation did not discriminate against junior staff members when it came to reporting and complaints.

- **Support, including external support, for those who made complaint or those who were the subject of complaint**

There is limited information about the support provided to such parties within the organisation's historic records. Complaints usually resulted in an investigation conducted by the warden, relevant members of senior management and with the assistance of the governing board. It can be expected that throughout the course of these investigations support was provided to those complaining and those about whom a complaint was made, at least in order to progress and conclude the complaint.

- **Response to complaints (including response by organisation and/or establishment)**

As explained above, the organisation investigated the complaints it received and took relevant action, such as inviting a complainer to visit the establishment to discuss their concerns and explain the establishment's practices; disciplining or retraining staff; or dismissing staff.

No further information is contained within the records regarding the organisation's procedures in relation to response to complaints.

- **External reporting of complaints**

Generally during this period there were limited requirements to report complaints externally.

The organisation did inform the local authorities responsible for children in its care if any significant event took place in connection with that child. Therefore if a complaint was received from a child or about a child (either as a concern for that child's safety or against that child), the relevant local authority was informed.

v. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

vi. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

vii. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

viii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis.

There is no evidence of a specific review of the organisation's policies or practices in relation to complaints and reporting.

ix. If so, what was the reason for review?

There is no evidence of a specific review of the organisation's policies or practices in relation to complaints and reporting.

The review of policies and procedures was generally carried out on an ongoing and responsive basis, i.e. in response to changing social and public requirements and in response to the organisation's own requirements.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantive changes to these policies and procedures.

xi. Why were changes made?

Please see answer above.

xii. Were changes documented?

There is no evidence within the organisation's historic records of formal policies and procedures or changes to those being formally recorded.

The policies and procedures which are described in greater detail within question 4.9(a) above were discussed within meetings of the establishment's management

committee and of the organisation's governing body. Records of these discussions and the agreed course of action are contained within the minutes of those meetings.

xiii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

Present

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

The establishment is no longer in operation.

xv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to complaints and reporting at the establishment?

Yes.

ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

Yes.

- **Complaints by children**
- **Complaints by staff**
- **Complaints by third persons/family of children**
- **Whistleblowing**
- **Support, including external support, for those who made complaint or those who were the subject of complaint**
- **Response to complaints (including response by organisation and/or establishment)**
- **External reporting of complaints**

iii. How was adherence demonstrated?

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.9(a) and this practical application of those policies and procedures demonstrated adherence.

iv. How can such adherence be demonstrated to the Inquiry?

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

v. Were relevant records kept demonstrating adherence?

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of these policies and procedures were discussed in relation to specific children and on a general basis.

vi. Have such records been retained?

Records of meetings of the organisation's governing body and the establishment's management committee during which complaints and reporting were discussed have been retained

vii. If policy/procedure was not adhered to in practice, why not?

There is no evidence of policy and procedure relating to complaints and reporting not being adhered to in practice.

Present

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

The establishment is no longer in operation.

ix. If so, please give details.

4.10 Internal Investigations

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in respect of internal investigations relating to the establishment?

The organisation's historic records do not contain evidence of formal policies and procedures relating to internal investigations although formal records of such may have been maintained at the time.

There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard. The expectation is that the organisation's policies and procedures in this regard were in accordance with good practice during this period.

The information provided in this question is based on an understanding of the organisation's policies and procedures (formal, informal, written or unwritten) in relation to internal investigations gained from the organisation's historic records (namely records of meetings of the organisation's governing body and management committee).

ii. **Was there a particular policy and/or procedural aim/intention?**

The organisation's historic records suggest that the aim/intention of such policies and procedures was to ensure the organisation operated on an open and transparent basis; learned from its own experiences and the experience of external parties; and identified and resolved any issues in the operation of the establishment or the care of the children for which it was responsible.

iii. **Where were such policies and/or procedures recorded?**

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

iv. **What did the policies and/or procedures set out in terms of the following?**

- **Approach to/process of internal investigations**

The organisation's records suggest that internal investigations were usually undertaken by the warden, assisted by a member of the governing body and/or a relevant member of senior management as appropriate depending on the size and severity of the investigation.

Internal investigations usually involved interviewing relevant persons, e.g. the individual making the complaint, the child (or children) or staff member(s) involved, any witnesses and any additional persons able to provide input. This sometimes involved taking written statements from those individuals. Interviews were generally conducted by two people - the warden and a member of the governing body or the relevant member of senior management.

The warden would also consider any surrounding circumstances or issues with an impact on the investigation.

Upon concluding his investigation the warden would present his findings and proposed actions to the governing body or management committee for their approval before taking any further action.

- **Identifying lessons/changes following internal investigations**

Following an internal investigation the organisation would adjust its operations, staffing or care offering taking account of the outcome of the investigation.

One of the most common changes involved the retraining, discipline or dismissal of staff. Removing a member of staff from the organisation appears to have been a preferred method of the organisation to prevent a similar issue occurring again.

Where an investigation involved the conduct of a child (usually where the child had behavioural or psychological problems which the organisation was not equipped to support) it was sometimes necessary to request the transfer of the child to another organisation's care.

- **Implementation of lessons/changes following internal investigations**

Those changes which were required immediately following an internal investigation (e.g. the discipline, retraining or dismissal of a member of staff or the transfer of a child to another care provider) were actioned immediately.

Other lessons learned (for example, regarding the need for a review of the establishment's rules or practices or a review of staffing) were implemented as quickly as possible but by their nature often required a period of reflection and assessment prior to implementation.

- **Compliance**

The actions taken by the organisation during and following internal investigations suggest that the organisation was aware of its ongoing compliance obligations and sought to correct any failures to comply with relevant laws and regulations.

- **Response (to child and abuser)**

Please see the comments below on response to complaints generally.

The organisation's records do not contain any additional information regarding the response to a child or abuser following an internal investigation.

If an internal investigation returned a finding that a member of staff had abused a child, that member of staff was dismissed. One such investigation which led to an inconclusive finding as to whether two members of staff's actions had been abusive resulted in the dismissal of those staff members on the basis that they did not fully cooperate with the investigation.

- **Response to complaints (including response by organisation and/or establishment)**

As explained above, the organisation investigated the complaints it received and took relevant action, such as inviting a complainer to visit the establishment to discuss their concerns and explain the establishment's practices; disciplining or retraining staff; or dismissing staff.

No further information is contained within the records regarding the organisation's procedures in relation to response to complaints.

- **External reporting following internal investigations**

Generally during this period there were limited requirements to report externally.

The organisation did inform the local authorities responsible for children in its care if any significant event took place in connection with that child. Therefore if an investigation was undertaken in relation to a child (either in response to a concern for that child's safety or due to that child's actions or state of mind), the relevant local authority was informed.

v. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

vi. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

vii. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

viii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis.

There is no evidence of a specific review of the organisation's policies or practices in relation to internal investigations.

ix. If so, what was the reason for review?

There is no evidence of a specific review of the organisation's policies or practices in relation to complaints and reporting.

The review of policies and procedures was generally carried out on an ongoing and responsive basis, i.e. in response to changing social and public requirements and in response to the organisation's own requirements.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantive changes to these policies and procedures.

xi. Why were changes made?

Please see answer above.

xii. Were changes documented?

There is no evidence within the organisation's historic records of formal policies and procedures or changes to those being formally recorded.

The policies and procedures which are described in greater detail within question 4.10(a) above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action are contained within the minutes of those meetings.

xiii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

Present

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

The establishment is no longer in operation.

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

(b) Practice

Past

- i. **Did the organisation/establishment adhere in practice to its policy/procedures in respect of internal investigations relating to the establishment?**

Yes.

- ii. **Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?**

Yes.

- **Approach to/process of internal investigations**
- **Identifying lessons/changes following internal investigations**
- **Implementation of lessons/changes following internal investigations**
- **Compliance**
- **Response (to child and abuser)**
- **Response to complaints (including response by organisation and/or establishment)**
- **External reporting following internal investigations**

- iii. **How was adherence demonstrated?**

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.10(a) and this practical application of those policies and procedures demonstrated adherence.

- iv. **How can such adherence be demonstrated to the Inquiry?**

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

- v. **Were relevant records kept demonstrating adherence?**

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of these policies and procedures were discussed in relation to specific children and on a general basis.

- vi. **Have such records been retained?**

Records of meetings of the organisation's governing body and the establishment's management committee during which internal investigations were discussed in relation to specific children and on a general basis have been retained.

vii. If policy/procedure was not adhered to in practice, why not?

There is no evidence of policy and procedure relating to internal investigations not being adhered to in practice.

Present

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

The establishment is no longer in operation.

ix. If so, please give details.

4.11 Child Migration

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to child migration?

The organisation's historic records do not contain evidence of formal policies and procedures relating to child migration although formal records of such may have been maintained at the time.

There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard. The expectation is that the organisation's policies and procedures in this regard were in accordance with good practice during this period.

The information provided in this question is based on an understanding of the organisation's policies and procedures (formal, informal, written or unwritten) in relation to internal investigations gained from the organisation's historic records (namely records of meetings of the organisation's governing body and management committee).

The records of two approaches made to the organisation in relation to potential child migration and the organisation's procedures in handling these approaches demonstrates the policy which is most likely to have been in existence within the organisation.

Firstly, in 1938 a representative of Fairbridge Farm Schools met with representatives of the management committee to discuss whether the organisation would be interested in sending children to the Fairbridge Farm Schools in Australia. The organisation decided that it would not be appropriate to send children within its care and under the age of 12 years old to Australia through this scheme. There is no evidence of any further discussion having taken place on this matter.

Secondly, an application was received by the organisation from the Overseas League in 1948 regarding a potential adoption opportunity for a boy. Such applications do not

appear to have been a regular occurrence. The practice followed by the organisation on this occasion was:

- a) to identify whether this was an opportunity which would benefit one of the boys within the organisation's care;
- b) upon identifying a boy for whom this could be a beneficial opportunity the boy's parents were contacted to seek permission to proceed with the application;
- c) upon not receiving the permission of the boy's parents the boy's name was withdrawn;
- d) an alternative boy was then identified and the organisation took the boy through the process of psychological and health assessments to assess whether he was a suitable candidate for the potential migration; and
- e) upon finding that the boy was not suitable based on a psychological assessment, the boy was withdrawn and the organisation did not offer any further candidates.

Based on the examples, the organisation's policy and procedures in relation to child migration appear as follows:

- a) the organisation did not engage in child migration activities during this time period;
- b) the organisation considered each child as an individual, took account of whether actions would be in the best interests of that child and considered the opportunities available to that children on an individual basis;
- c) the organisation would not have taken any action in relation to a child (particularly any action relating to child migration) without obtaining the consent of the child's parents/guardians; and
- d) during this period the organisation did not perceive child migration as an activity which would benefit the children in its care or its operations as a whole.

ii. Was there a particular policy and/or procedural aim/intention?

The organisation's historic records suggest that the aim/intention of such policies and procedures was to avoid child migration schemes (and indeed any activity) unless there was a clear benefit to the child in question. In addition it appears that each child was considered individually in this regard.

iii. Where were such policies and/or procedures recorded?

As explained above, records of the organisation's past policies and procedures are no longer retained and there is nobody within the organisation who can speak to the practices during this time. For this reason it is not possible to confirm where, or indeed whether, such policies and procedures were recorded.

iv. What did the policies and/or procedures set out in terms of the following?

- **Identification and checking the suitability of the places where children were sent**

The organisation appears only to have considered specific children for a migration placement for whom this had been identified as a beneficial opportunity. The examples outlined above did not progress far enough for the organisation to have been involved in assessing the suitability of the place where the children were to go.

- **Selection of children to migrate including age, gender and background**

The organisation appears to only have considered specific children for a migration placement for whom this had been identified as a beneficial opportunity.

As explained above, the organisation did not think the Fairbridge Farm School placements would be suitable for the children within the organisation's care.

- **Provision of information to the child and/or his/her parents before migration**

The organisation would only send a child to a migration placement with the consent of his or her parents. There appears to have been full disclosure of the proposed placement to the child and parents prior to putting the child forward for the placement.

- **Provision of information and records to children and/or their parents once child had been migrated**

No children migrated from the organisation during the time periods in question.

- **Obtaining consent of child**

No children migrated from the organisation during the time periods in question.

- **Obtaining consent of parents of child**

No children migrated from the organisation during the time periods in question.

However, the organisation's practice was to obtain the consent of parents prior to putting a child forward for a placement, as can be seen from the example above.

- **Obtaining of consent of others e.g. Secretary of State**

No children migrated from the organisation during the time periods in question.

- **Responding to requests for information from former child migrants**

No children migrated from the organisation during the time periods in question.

- **Other issues**

No children migrated from the organisation during the time periods in question.

v. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

vi. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

vii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis.

There is no evidence of a specific review of the organisation's policies or practices in relation to child migration as the organisation did not regularly engage in child migration activities.

viii. If so, what was the reason for review?

There is no evidence of a specific review of the organisation's policies or practices in relation to child migration.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantive changes to these policies and procedures.

x. Why were changes made?

Please see answer above.

xi. Were changes documented?

There is no evidence of changes to these policies and procedures.

xii. Was there an audit trail?

There is no evidence of changes to these policies and procedures.

Present

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

The establishment is no longer in operation.

xiv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to child migration?

Yes.

ii. **Did the organisation/establishment adhere in practice to its policy/procedures in terms of child migrants relating to the following?**

Yes.

- **Identification and checking the suitability of the places where children were sent**
- **Selection of children to migrate including age, gender, background**
- **Provision of information to the child and/or his/her parents before migration**
- **Provision of information and records to children and/or their parents once child had been migrated**
- **Obtaining consent of child**
- **Obtaining consent of parents of child**
- **Obtaining of consent of others e.g. Secretary of State**
- **Responding to requests for information from former child migrants**
- **Other issues**

iii. **How was adherence demonstrated?**

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.11(a) and this practical application of those policies and procedures demonstrated adherence.

iv. **How can such adherence be demonstrated to the Inquiry?**

Adherence can be demonstrated to the Inquiry by providing examples of the organisation's practice (in adherence with the policies and procedures) as are recorded within the organisation's minute books.

v. **Were relevant records kept demonstrating adherence?**

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of these policies and procedures were discussed in relation to specific children and on a general basis.

vi. **Have such records been retained?**

Records of meetings of the organisation's governing body and the establishment's management committee during which internal investigations were discussed in relation to specific children and on a general basis have been retained.

vii. **If policy/procedure was not adhered to in practice, why not?**

There is no evidence of policy and procedure relating to internal investigations not being adhered to in practice.

viii. **How many children were sent as child migrants from the organisation's establishments, and where were they sent?**

No child migrants were sent between 1930 and 2014.

ix. What was their age and gender?

No child migrants were sent between 1930 and 2014.

x. Over what time period were children migrated from the organisation's establishments?

No child migrants were sent between 1930 and 2014.

xi. Who funded the child migration?

No child migrants were sent between 1930 and 2014.

xii. Who received the funding in relation to migrant children?

No child migrants were sent between 1930 and 2014.

xiii. In general terms, how much was this funding?

No child migrants were sent between 1930 and 2014.

xiv. How did the organisation/establishment respond to requests for information from former child migrants?

No child migrants were sent between 1930 and 2014.

Present

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

The establishment is no longer in operation.

xvi. If so, please give details.

xvii. In hindsight, does the organisation have a view on policies/procedures that were in place in relation to child migration?

As explained above, limited information is available in relation to the policies and procedures the organisation had in place in relation to child migration due to the limited involvement the organisation had in child migration during this period.

From the information available it appears that the organisation took an individual approach to any migration request or enquiry, took part in a full assessment of the suitability of an individual child for placement and sought the necessary consents prior to migration. This appears to have been a reasonable approach for the organisation to have taken in the circumstances.

xviii. If the organisation accepts that such policies or procedures were flawed, has the organisation provided a specific response e.g. apology, redress or any other type of response?

The organisation does not accept that such policies/procedures were flawed.

4.12 Records**(a) Policy****Past****i. What policies and/or procedures did the organisation/establishment have in relation to record keeping?**

The organisation's historic records do not contain evidence of formal policies and procedures relating to recording keeping although formal records of such may have been maintained at the time.

There is no individual within the organisation who was present during the operation of the establishment and who could speak to the organisation's policies and procedures in this regard. The expectation is that the organisation's policies and procedures in this regard were in accordance with good practice during this period and enabled the organisation to comply with its obligations under the Administration of Children's Homes (Scotland) Regulations 1959.

The 1959 Regulations required the recording of information such as: a register of admissions and discharge; a log book in which "very event of importance" was to be recorded (e.g. visits, inspections, punishments, fire drills and precautions, etc.); and a personal history of each child resident at the establishment and the destination of that child after leaving the establishment. Some of this information had to be provided to the Secretary of State upon request. There were no rules within the 1959 Regulations as to the length of time for which the information had to be retained.

The organisation maintained log books in accordance with the 1959 Regulations. The organisation did not have a formal record retention policy during this period and the expectation is that the organisation would have wanted to retain this information for as long as it could have been requested by the Secretary of State. Some of these log books are still held within the organisation's archived records.

The majority of case records of the children resident within the establishments operated during this period are retained by the organisation.

The information provided in this question is based on an understanding of the organisation's policies and procedures (formal, informal, written or unwritten) in relation to complaints and reporting gained from the organisation's historic records (namely records of meetings of the organisation's governing body and management committee).

ii. Was there a particular policy and/or procedural aim/intention?

The organisation's historic records suggest that the aim/intention of such policies and procedures was to meet the organisation's obligations under the 1959 Regulations; to facilitate the smooth operation of the establishment; to facilitate updates and discussions with the local authorities responsible for the children within the organisation's care; and to provide the children resident at the establishment with some record of their childhood.

iii. What did the policies and/or procedures set out in terms of records relating to the following?

- Children in its care

The content of these records changed throughout the establishment's period of operation. Initially only basic information was collected for example, the child's name; date of birth; background; family and sibling details; reasons for being taken into care; basic health records; basic education records; and notes of the child's belongings when they arrived at and when they left the establishment.

As time went on additional information was recorded within the children's case records for example, more detailed health and education information; correspondence between the establishment and the relevant local authority responsible for the child, any party engaged to carry out work with the child (e.g. psychologists, etc.) and the child's family; information about education, training or work for the child when it came time to leave the establishment; and more regular care records providing details about the child's progress at the establishment.

The organisation still retains most of the case records for children resident at the establishment.

- **Staff**

Employment records are not generally held for longer than seven years therefore it is not possible to comment conclusively on the level of record keeping in this regard.

Those records the organisation retains contain basic information about staff for example, their name; date of birth; dates of employment; reason for leaving; and sometimes details about qualifications, experience or past employment of those staff members.

- **Complaints**

There are records of complaints received by the organisation within the organisation's records of meetings of the governing body and management committee and within individual child case records.

The organisation no longer holds separate records of complaints, although this does not mean these were not held by the organisation at the time.

- **Investigations**

There are records of investigations (internal and external) within the organisation's records of meetings of the governing body and management committee and within individual child case records.

The organisation no longer holds separate records of investigations, although this does not mean these were not held by the organisation at the time.

- **Discipline**

Under the 1959 Regulations the organisation was obliged to record details of punishments administered within the establishment within a log book retained by the warden.

The organisation's records refer to such log books and suggest punishment log books were maintained by the warden, the lady superintendent and the headmaster of the Orphanage School.

- **Child migrants**

As outlined above in question 4.11, the organisation did not participate in child migration during the relevant period of inquiry. Records of the migration proposals received by the organisation (which are explained within question 4.11 above) are retained within the organisation's records of meetings of the governing body and within the individual case records of the children in question.

These records include: letters between the establishment, the relevant local authorities responsible for the children, the families of the children and the migration agencies; the consideration of the migration offers by the organisation's governing board; and the decisions in this regard.

- **Responding to requests from former residents for information/records**

There is no information within the organisation's historic records which suggest such requests were made during the establishment's period of operation and no information which provides insight into the organisation's policies and practices in this regard.

The current approach to responding to requests is explained within the report relevant to the Sycamore Cluster.

- **Other issues**

iv. Who compiled the policies and/or procedures?

The policies and procedure referred to above were compiled by the warden of the establishment and approved by the establishment's management committee and the organisation's governing body.

v. When were the policies and/or procedures put in place?

As explained above, the exact timing of the development of the organisation's policies and procedures is not clear from historic records, particularly as there are no remaining written records of those policies. The information available suggests that the policies and procedures were in place, developed, reviewed and updated throughout the period of the establishment's operations with which the inquiry is concerned.

vi. Do such policies and/or procedures remain in place?

The establishment is no longer in operation.

vii. Were such policies and/or practices reviewed?

The organisation's historic records show that the organisation reviewed policies and practices on an ongoing basis.

There is no evidence of a specific review of the organisation's policies or practices in relation to record keeping.

viii. If so, what was the reason for review?

There is no evidence of a specific review of the organisation's policies or practices in relation to record keeping.

The review of policies and procedures was generally carried out on an ongoing and responsive basis, i.e. in response to changing social and public requirements and in response to the organisation's own requirements.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantive changes to these policies and procedures.

x. Why were changes made?

Please see answer above.

xi. Were changes documented?

There is no evidence within the organisation's historic records of formal policies and procedures or changes to those being formally recorded.

The informal policies and procedures which are described in greater detail within question 4.12(a) above were discussed within meetings of the establishment's management committee and of the organisation's governing body. Records of these discussions and the agreed course of action are contained within the minutes of those meetings.

xii. Was there an audit trail?

As was standard during the establishment's period of operation, there is no evidence within the organisation's historic records of policies and procedures or changes to those being formally recorded therefore the only audit trail relating to these policies is contained within the minutes of meetings of the establishment's management committee and of the organisation's governing body.

Present

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

The establishment is no longer in operation.

xiv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to record keeping?

Yes.

ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of record keeping relating to the following?

Yes.

- Children
- Staff
- Complaints

- **Investigations**
- **Discipline**
- **Child migrants**
- **Responding to requests from former residents for information/records**
- **Other issues**

iii. How was adherence demonstrated?

There is no evidence of the organisation having a formal procedure for demonstrating adherence. Adherence was demonstrated through the practical application of these policies.

Historic records show that the areas outlined above were generally conducted in accordance with the agreed policies and procedures as outlined in questions 4.12(a) and this practical application of those policies and procedures demonstrated adherence.

iv. Were relevant records kept demonstrating adherence?

As explained above, there is no evidence of records specifically relating to such policies or procedures or adherence thereto.

Adherence to policies and procedures is evident from the records of meetings of the organisation's governing body and the establishment's management committee during which the practicalities of these policies and procedures were discussed in relation to specific children and on a general basis.

v. Have such records been retained?

Records of meetings of the organisation's governing body and the establishment's management committee during which record keeping was discussed in relation to specific children and on a general basis have been retained.

vi. If policy/procedure was not adhered to in practice, why not?

There is no evidence of policy and procedure relating to record keeping not being adhered to in practice.

vii. Did the establishment undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for at the establishment may have taken place?

There is no evidence of such a review taking place during the establishment's period of operation.

In order to respond to the Inquiry's questions contained within this report, the organisation undertook a review of its records in order to establish whether abuse or alleged abuse of children cared for at the establishment may have taken place.

viii. If so, when did the reviews take place, what documentation is available, and what were the findings?

The recent review of the organisation's and establishment's records took place in late 2016/early 2017.

This review included a review of the organisation's minute books (records of meetings of the organisation's governing body and management committee and of the Orphanage School management committee) from 1930 to 1967 (when the

establishment closed). Where concerns were identified within these minute books regarding a specific child, that child's case record was retrieved and reviewed.

The findings of this review are contained within this report. The findings of abuse and alleged abuse are recorded primarily within parts B and D of this report.

ix. How have the outcomes of investigations been used to improve systems, learn lessons?

The establishment was no longer in operation when this review was carried out.

x. What changes have been made?

The establishment was no longer in operation when this review was carried out.

xi. How are these monitored?

The establishment was no longer in operation when this review was carried out.

xii. Did the organisation/establishment afford former residents access to records relating to their time at the establishment?

Yes. The organisation encourages former residents to request access to their case records relating to their time at the establishment.

xiii. If so, how was that facilitated?

Former residents can request their records in any way (for example, by telephone, e-mail or mail request). In order to ensure files are not released to the wrong person the organisation asks former residents to provide proof of their identity before providing a copy of their case record to them.

A copy of the former resident's case record is then reviewed by the organisation and any information relating to other people (e.g. other residents of the establishment) is redacted. The file is then sent to the former resident along with a letter from the organisation.

xiv. If not, why not?

Access is provided.

Present

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

The establishment is no longer in operation.

In terms of access to records by former residents, the information provided above reflects current practice.

xvi. If so, please give details.

Please see answer above.

xvii. Please provide details of any records currently held relating to the establishment in respect of the following:

- Children in its care

The organisation holds case records for most of the children who were resident in the establishment. These case records range in size and detail but generally contain: information about the individual's identity; their background and the reasons they were taken into care; family background if known; information about siblings and other family members; health information; details of the individual's belongings brought with them to the establishment; correspondence relating to the individual between the establishment and the relevant local authority, the child's family, any support service offered to the individual (e.g. psychologists, etc.) and potential employers/educators of the child following their residence at the establishment; information about what the individual went on to do after their time at the establishment; and "daily care" records relating to the individual which provide an insight into the individual's progress and any issues experienced.

- **Staff**

Employment records are not generally held for more than seven years after an employee leaves the employment of the organisation. However, these are relatively recent rules and some basic records are still held for staff employed at the establishment in the later years of its operations. These records generally record the individual's name, date of birth, role, dates of employment, reason for leaving and qualifications.

- **Complaints**

Information about the complaints received by the organisation in relation to the establishment can be found within the organisation's records of meetings of its governing body and management committee. Standalone records of complaints relating to the establishment are no longer retained.

- **Investigations**

Information about investigations relating to the establishment (internal and external – although note the lack of external investigations carried out in relation to the establishment) can be found within the organisation's records of meetings of its governing body and management committee. Standalone records of investigations relating to the establishment are no longer retained.

- **Discipline**

Information about discipline policies and procedures and concerns relating to the way in which discipline was handled within the establishment can be found within the organisation's records of meetings of its governing body and management committee. The establishment recorded punishments within log books (as explained above) and some of these books are retained by the organisation. Otherwise, standalone records of discipline policies and procedures relating to the establishment are no longer retained.

- **Child Migrants**

As explained above, the establishment did not take part in child migration during the period under inquiry.

Records of the assessment of two children for potential overseas adoption placements (as explained above in question 4.11(a)) are retained within the case records of those children and the minutes of meetings of the governing body and management committee.

- **Responding to requests from former residents for information/records**

The organisation now operates a data retention policy and no longer holds all information indefinitely. For this reason more recent records of requests made by former residents for information/records and the organisation's responses thereto may be retained by the organisation but it is unlikely records of all such records are retained.

Part D – Abuse and Response

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

5. Abuse

5.1 Nature

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

As recognised in the response to Part B, the organisation accepts that there was abuse or alleged abuse, as defined by the Inquiry, at the establishment during the period in question. The nature of that abuse included excessive corporal punishment and allegations of sexual abuse. Appendix 5A sets out all of the instances of abuse or alleged abuse that are known to the organisation from a search of historic records. The appendix also includes information about the extent of any evidence for the abuse or allegations, and what was done as a result in each case.

Please note, the records reviewed in order to provide the information contained in this report 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.

5.2 Extent

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

The organisation's assessment of the extent and scale of abuse carried out within the establishment can be found in Appendix 5A in which the allegations and complaints of which the organisation is aware are set out. The organisation accepts that every allegation of abuse is a serious matter, and holds abhorrent any abuse found to have taken place. In terms of scale, the twelve allegations of which the organisation is aware occurred during a period in which the establishment was home to over two thousand children.

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

The organisation's conclusions from the information outlined in Appendix 5A 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.

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

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

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

Complaints have been made in relation to alleged abuse of children at the establishment against twelve staff members.

Further details of each of these complaints are contained in Appendix 5A.

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

Seven members of staff admitted to the actions complained of and two of these incidents/complaints were referred to the Police. The organisation's historic records state that at least one of the individuals referred to the Police was convicted of abuse of children.

Further details of each of these complaints are contained in Appendix 5A.

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

Seven members of staff have been found by the organisation to have abused children at the establishment. As explained above, two of these staff members were referred to the Police and the organisation's historic records state that at least one of the individuals referred to the Police was convicted of abuse of children.

Further details of each of these complaints are contained in Appendix 5A.

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

The role of each staff member against whom a complaint has been made is set out within Appendix 5A.

Some allegations have been made against unknown staff members therefore it is not possible to confirm the role those members of staff had within the establishment.

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

There is no evidence within the organisation's historic records of abuse having occurred during the establishment's off-site activities, trips and holidays.

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

There is no evidence within the organisation's historic records of abuse or alleged abuse being carried out by visitors to, or volunteers of, the establishment.

ix. Have there been allegations of peer abuse?

There is no evidence within the organisation's historic records of peer abuse at the establishment.

5.3 Timing of Disclosure/Complaint

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

The dates on which disclosures and complaints of abuse and alleged abuse relating to the establishment were made are set out in Appendix 5A.

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

The dates on which disclosures and complaints of abuse and alleged abuse relating to the establishment were made are set out in Appendix 5A. Twelve allegations are outlined within Appendix 5A. Of these twelve allegations, eight complaints/disclosures were made while the abuse or alleged abuse was on-going or recent.

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

The dates on which disclosures and complaints of abuse and alleged abuse relating to the establishment were made are set out in Appendix 5A. Twelve allegations are outlined within Appendix 5A. Of these twelve allegations, four complaints/disclosures were made years after the alleged abuse took place.

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

The organisation does not identify any pattern in terms of the timing/disclosure of the allegations of abuse made while the abuse or alleged abuse was on-going or recent.

Similarly, the organisation does not identify any pattern in terms of the timing/disclosure of the allegations of abuse which were made years after the alleged abuse took place, other than that the allegations were all made in the early 2000s (between 2000 and 2002).

5.4. External Inspections

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

There is no evidence within the organisation's historic records of external inspections which specifically considered issues relating to abuse or alleged abuse of children having been conducted in relation to the establishment.

General inspections of the establishment were carried out and details of which bodies carried out such inspections and what these involved are set out above in question 2.6.

For each such external inspection please answer the following:

There is no evidence within the organisation's historic records of external inspections which specifically considered issues relating to abuse or alleged abuse of children having been conducted in relation to the establishment.

- ii. **Who conducted the inspection?**
- iii. **Why was the inspection conducted?**
- iv. **When was the inspection conducted?**
- v. **What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children?**
- vi. **What was the organisation/establishment's response to the inspection and its outcome?**
- vii. **Were recommendations made following the inspection?**
- viii. **If so, what were the recommendations and were they implemented?**
- ix. **If recommendations were not implemented, why not?**

5.5 External Investigations

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

There is no evidence within the organisation's historic records of external investigations which specifically considered issues relating to abuse or alleged abuse of children having been conducted in relation to the establishment.

Within the organisation's historic records there are two examples of concerns raised with the organisation by external bodies. There is no evidence that either concern resulted in an external investigation but these examples reflect the organisation's transparent operating practices and the attitude of management of the establishment to external comment on internal practices and procedures. These examples are outlined here.

The organisation invited representatives of the RSPCC and the Scottish Association of Girls Clubs to visit the establishment following receipt by those organisations of complaints regarding the system of punishment used within the establishment.

In June 1950 a housemistress employed in the boys' wing of the establishment had previously worked for The Scottish Association of Girls Clubs which advocated against the use of corporal punishment. The housemistress reported to the Association on the use of corporal punishment within the establishment, following which the Association raised concerns regarding such use with the organisation.

Following a discussion between the warden of the establishment and the Association, the warden invited representatives of the Association to visit the establishment in order to obtain a clearer understanding of the organisation's practices.

A boy resident at the establishment in June 1950 had been punished for running away in an attempt to return to his previous home. The RSPCC considered

investigating the boy's punishment and an Inspector had mentioned this to a "lady" who had mentioned it to the Bishop of Moray who informed the organisation's governing body. The organisation was not otherwise aware of any investigation undertaken by the RSPCC.

The warden of the establishment was instructed to query the potential investigation and the indiscretion of the RSPCC Inspector with the secretary of the RSPCC. During this conversation the secretary of the RSPCC was invited to visit the establishment for the purposes of discussing the system of punishment in the establishment.

The organisation's historic records suggest that the organisation was always willing to accept visits to the establishment from organisations with responsibility for child protection and child care. The organisation's historic records do not contain any further information regarding the visits by the RSPCC or the Scottish Association of Girls Clubs.

General oversight of the establishment was carried out and details of how this was carried out are set out above in question 2.6.

For each such external investigation please answer the following:

There is no evidence within the organisation's historic records of external investigations which specifically considered issues relating to abuse or alleged abuse of children having been conducted in relation to the establishment.

The details of two invitations to visit the establishment which were extended to two organisations by the organisation are outlined above. However, historic records do not state that such visits were part of an investigation nor that these visits resulted in recommendations from either body.

- ii. **Who conducted the investigation?**
- iii. **Why was the investigation conducted?**
- iv. **When was the investigation conducted?**
- v. **What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children?**
- vi. **What was the organisation/establishment's response to the investigation and its outcome?**
- vii. **Were recommendations made following the investigation?**
- viii. **If so, what were the recommendations and were they implemented?**
- ix. **If recommendations were not implemented, why not?**

5.6 Response to External Inspections/Investigations

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

There is no evidence within the organisation's historic records of external inspections and/or investigations which specifically considered issues relating to abuse or alleged abuse of children having been conducted in relation to the establishment.

As explained above within question 5.5, the organisation operated a transparent and open policy in relation to the operation of the establishment. Visitors to the establishment were welcome and if any concerns were raised about the operation of the establishment the organisation made every effort to invite those raising the concerns to visit the establishment and to discuss their concerns with the warden.

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

There is no evidence within the organisation's historic records of external inspections and/or investigations which specifically considered issues relating to abuse or alleged abuse of children having been conducted in relation to the establishment.

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

There is no evidence within the organisation's historic records of external inspections and/or investigations which specifically considered issues relating to abuse or alleged abuse of children having been conducted in relation to the establishment.

5.7 Impact

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

The organisation recognises that any abuse is likely to have an impact on the individual experiencing that abuse. The organisation's records relating to this establishment contain limited information from which the impact of abuse or alleged abuse can be ascertained in the particular cases.

The organisation's records refer to incidents of abuse which occurred in 1963 (details are set out in Appendix 5A) involving a housemaster and three boys.

Specific detail of the impact which the abuse had on the boys is not available, however, changes in the behaviour of the three boys can be identified (during the period the abuse is thought to have occurred) within the progress recording included within each boy's case record.

Such changes include changes in demeanour – from relatively happy and outgoing to sullen and introverted; changes in appetite – refusing to eat, vomiting during and after meal times, an inability to swallow or alternatively an increased appetite resulting in weight gain; changes in social behaviour – for example, an increased preference to play alone or indoors and loss of interest in activities with the other children; and changes in sexual behaviour – increased "sexual play" as recorded within the case records.

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

The organisation's knowledge is derived from the organisation's historic records and the individual case records of the relevant children.

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

The organisation's records do not contain any information about the impact of abuse on the families of children cared for at the establishment who were, or were alleged to have been, abused.

The organisation recognises that any abuse is likely to have an impact on the individual experiencing that abuse and on their families.

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

The organisation's knowledge is derived from the organisation's historic records.

5.8 Known Abusers at Establishment

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

Yes.

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

The names of those against whom allegations of abuse were made are contained within Appendix 9.

Appendix 9 also contains allegations made against unknown staff members and where this is the case it is not possible to provide the name(s) of the individuals against whom the allegations were made.

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

As much as possible of the information requested has been provided within Appendix 9.

The information sought relates to the period 1930 – 1967. Comprehensive employment records for this time period are no longer retained by the organisation and there is nobody employed by the organisation at present who can speak to the recruitment and dismissal procedures of the organisation during this time period. For these reasons it is not possible to provide all of the information sought.

- **the period (dates) during which they are known or alleged to have abused children cared for at the establishment**
- **the role they had in the organisation/establishment during the period of abuse and/or alleged abuse**
- **where they worked prior to, and following, their time at the organisation/establishment**
- **the knowledge sought or received about them by the organisation/establishment at the point of recruitment, and while they were at the establishment**
- **any information sought by, or provided to, future employers or third parties after they left the establishment, including regarding abuse or alleged abuse**

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

There is no evidence that abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation.

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

There is no evidence that abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation.

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

There is no evidence that abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation.

5.9 Specific Complaints

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

Twelve specific complaints or allegations of abuse of children cared for at the establishment have been made to the organisation.

For each specific complaint, please answer the following:

As much as possible of the information requested has been provided within Appendix 5A.

- ii. **Who made the complaint?**
- iii. **When was the complaint made?**
- iv. **Against whom was the complaint made?**
- v. **What was the nature of the complaint?**
- vi. **When/over what period was the abuse alleged to have taken place?**
- vii. **What was the organisation/establishment's process and approach in dealing with the complaint?**
- viii. **What was the organisation/establishment's process and approach for investigating the complaint?**
- ix. **What was the outcome of the complaint following that investigation?**
- x. **Did the organisation/establishment provide a specific response to the complaint?**
- xi. **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
- xii. **If there was no response, why not?**
- xiii. **Was the information/content of the complaint passed to police?**
- xiv. **If not, why not?**

5.10 Civil Actions

- i. **How many civil actions have been brought against the organisation and/or establishment relating to abuse, or alleged abuse, of children cared for at the establishment?**

There is no evidence within the organisation's historic records of civil actions brought against the organisation and/or establishment relating to abuse or alleged abuse of children cared for at the establishment.

For each such civil action, please answer the following:

There is no evidence within the organisation's historic records of civil actions brought against the organisation and/or establishment relating to abuse or alleged abuse of children cared for at the establishment.

- ii. **Who brought the action?**
- iii. **When was the action brought?**
- iv. **Against whom was the action brought?**
- v. **What was the nature of the abuse, or alleged abuse, to which the action related?**
- vi. **What were the names of the persons said to have, or alleged to have, committed abuse?**
- vii. **When/over what period was the abuse said, or alleged, to have taken place?**
- viii. **How did the action progress?**
- ix. **What was the outcome?**
- x. **Was the action settled on a conditional basis of confidentiality?**
- xi. **Who was/were the organisation/establishment's legal representative(s) in relation to the civil action?**
- xii. **Did the organisation/establishment carry insurance for meeting civil claims at the time the action was live?**
- xiii. **How/where can copies of the court papers relating to the civil action be made available to the Inquiry?**

5.11 Criminal Injuries Compensation Awards

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

There is no evidence within the organisation's historic records of criminal injuries compensation having been awarded in this respect.

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

5.12 Police

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

Four complaints of abuse of children cared for at the establishment have been made to the police.

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

As much as possible of the information requested has been provided within Appendix 5A. Limited information is available within the organisation's records on these matters and where this is the case it is not possible to provide any further detail regarding the outcome of Police investigations.

- ii. **Who was the alleged abuser?**
- iii. **Did the police conduct an investigation in relation to the complaint?**
- iv. **If so, who conducted the investigation and when?**
- v. **What was the outcome of the police investigation?**
- vi. **What was the organisation/establishment's response?**

5.13 Crown

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

Historic records show that the Crown raised proceedings in respect of one allegation of abuse of children cared for at the establishment.

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

As much as possible of the information requested has been provided within Appendix 5A. Limited information is available within the organisation's records on these matters and where this is the case it is not possible to provide any further detail regarding these proceedings.

- ii. **What is the name of the person(s) against whom the proceedings were raised?**
- iii. **What was the nature of the charges?**
- iv. **What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**
- v. **What was the organisation/establishment's response to the proceedings and outcome?**