Wednesday, 16 January 2019

(10.00 am)

(Proceedings delayed)

(10.05 am)

LADY SMITH: Good morning. As we indicated yesterday, I think one witness again today, and that is Sir Roger Singleton; is that right?

MR PEOPLES: That is correct, my Lady.

LADY SMITH: Is he ready to give evidence?

MR PEOPLES: Yes, he's now ready to give evidence.

LADY SMITH: Good, very well.

SIR ROGER SINGLETON (sworn)

LADY SMITH: Please do sit down and make yourself comfortable.

If I can ask you, Sir Roger, to make sure that you're in the right position for the microphone: we need you to be heard through it, not just for everybody in the room, but particularly the stenographers listen through the microphone system.

I'll pass over to Mr Peoples and he'll explain what happens next.

Questions from MR PEOPLES

MR PEOPLES: Good morning, Sir Roger.

A. Good morning.

Q. Can I begin by simply explaining that on the desk in front of you there is a red folder which contains a copy

of a statement that has been provided to the inquiry on behalf of Barnardo's. I'll just give the reference for the transcript: BAR .001.004.9625.

That copy in front of you is available for your use at any stage. The document will also appear on the screen in front of you, so if you find it more convenient to use the screen at any point, feel free to do so. I'm conscious that you have brought your own folder and that's perfectly okay with me and I think you have some of your own notes that you may wish to use as an aide-memoire if there are any points that arise today. If you need time to consult them, just say so and we'll proceed in that way.

A. Thank you.

Q. Perhaps I should just say at this stage, that the statement that I have just referred to in the red folder -- for the benefit of those here today, the statement is on behalf of Barnardo's. It's a long statement, but you, I think, as you'll no doubt confirm, contributed to parts of that statement and it's those parts that I'll be focusing on with you today, if I may.

I propose to deal with today's evidence in three parts. I'm going to start with asking you a little about your background experience, including your connection with -- long connection with Barnardo's. I will then, I think, take you to the statement that

we've just mentioned, to the paragraphs which you have contributed to, and finally I'm going to perhaps take you to a more general set of questions, which are of interest to the inquiry. I should say that I did, I think, give you some advance notice of the type of questions under that section I was interested in your views on. So I think you've had an opportunity to reflect on some of the matters and I think you feel able perhaps to give some thoughts on some of the points that are raised in that section, in that chapter, which we'll be dealing with today. I'll come to that lastly. The questions there are not specifically directed at anything to do with your role at Barnardo's; they're of a more general nature to assist the inquiry in its work.

So with that introduction, Sir Roger, first of all, I just want to take from you -- can you confirm were you born in the year 1942?

A. I was.

Q. I don't need your age, I think that will do for me.

So far as your connection with Barnardo's is concerned, am I correct that you were the chief executive of Barnardo's between 1984 and 2005?

A. Yes.

Q. Just while dealing with that, am I right in thinking that you led the change in that organisation from running residential homes to a service that was

principally concerned with supporting children in their own homes and communities? Would that be a fair and general description of one of the significant changes in your period as chief executive?

A. Yes, it would.

Q. I think, indeed, when you retired from Barnardo's in 2005, it was in that year you were knighted for services to children; is that correct?

A. Correct, yes.

Q. You have done a number of other things and I'll maybe just touch upon those at this stage, if I may. You are a past chair of what is known as the Independent Safeguarding Authority; is that correct?

A. Yes.

Q. For our benefit, can you give us a little bit of information about this authority? Because I think it does relate to issues of safeguarding, including the safeguarding of children in care.

A. Yes. In England, Wales and Northern Ireland, until 2008, the responsibility for deciding who should be statutorily barred from working with children and vulnerable adults rested with the respective Secretary of State.

In 2007/2008, that responsibility was transferred to a Home Office agency called the Independent Safeguarding Authority. It assumed those responsibilities until 2012

when the government decided to merge the Independent Safeguarding Authority with the Criminal Records Bureau that had provided criminal records information to potential employers. It was at that point, having done that role for some five years, that I stood down.

Q. So you were chair from around 2007 to 2012 or thereabouts?

A. Yes, indeed.

LADY SMITH: How did that authority fit with the Disclosure and Barring Service?

A. The Disclosure and Barring Service was the name given, my Lady, to the combined Criminal Records Bureau and Independent Safeguarding Authority.

LADY SMITH: So that was from 2012 or so?

A. That was indeed.

LADY SMITH: Thank you.

MR PEOPLES: The authority itself, before 2012, did that have a statutory footing?

A. It did. The 2006 Safeguarding Vulnerable People Act was the fundamental statutory provision.

Q. Prior to that legislation, the arrangements for barring certain people from working with children or other vulnerable groups, were those arrangements non-statutory prior to --

A. They were mixed. In the education world, and particularly in relation to special boarding schools,

which confusingly did not include approved schools in England and what I think were called List D schools in Scotland, it did not include them, but that was on a partial statutory footing and the Secretary of State for Education had barring powers.

In relation to the childcare range of services, there had been from the early 1960s what I think I can only describe as a fairly loose arrangement, whereby employers of people whom they wished to work with children were invited to submit names and dates of birth to the Home Office. If the Home Office knew any reason why they should not be appointed, then a Home Office inspector would telephone and say, "We suggest that you consult his last employer".

It was all rather vague and loose, and I think, probably from a human rights perspective, fairly boggy. I think I'm right in saying that there was a Childcare Act in 1999, which put that on a more statutory basis and created the Protection of Children Act list, which was the statutory list.

When the Independent Safeguarding Authority came into being, it combined in effect -- it reviewed and then combined the schools list with the protection of children list into a single list for children, which is the present situation.

Q. Just maybe pursuing that a little bit more, we've heard

in passing reference in Scotland to a Social Work Services Group blacklist. Is that something that you have any familiarity with or have heard about?

A. To be precise, I haven't any familiarity with the Social Work Services Group list. I am aware that although the Home Office said there wasn't a list, there must have been a collection of names of people who were deemed to be unsuitable. So I think there was a certain amount of playing with words.

Q. So there would have been some sort of equivalent to the list that you have described that appeared to be held in England through these loose arrangements? There would be some form of list?

A. I cannot say that I know there was one in the Social Work Services Group, but I wouldn't be described to discover that there was one.

Q. Just so far as the barring processes are concerned, you've explained the development of that in England and particularly it's become more of a statutory process and procedure in modern times. Did you have occasion to discuss the Scottish position at any stage and, if so, could you give us any indications of what you understood the position in Scotland to be about barring?

A. Ministers, I think both north and south of the border, did commit to a process whereby there was not a danger that people, as it were, could slip between the two

different systems. So I was particularly keen, when we were creating the Independent Safeguarding Authority, to actually understand what the Scottish system was. So I came here to Edinburgh and met the officials who were responsible for operating it, so that we could do a compare and contrast and maybe learn from one another.

I think the principal difference, as I recall it, in Scotland, was the voluntary nature of whether an employer actually utilised the list. That, I think, was the main difference, whereas whilst there were shortcomings in the thoroughness with which some employers south of the border actually carried out the checks against the list, there was very, very strong pressure to actually do so by means of statutory guidance issued by Central Government, both in relation to children's services and education.

LADY SMITH: Can you give me a date as to when you did this check in Scotland, roughly?

A. I think, my Lady, it may have been around 2006/2007, but I would need to confirm and can confirm that if that would be helpful to the inquiry.

LADY SMITH: Just to get a feel. So it's well past devolution and probably into the period after Disclosure Scotland had been established?

A. Yes. I actually sat in on the process of determining two cases so that I could sense how the work was done

here in Scotland.

MR PEOPLES: Going back to the system or arrangements that began perhaps in the early 1960s, perhaps at the instigation of the Home Office, the practice, as I understand it, is that the employer, such as Barnardo's or other care provider, would they submit some kind of request to a department, a government department, for any observations that the department might have about a particular applicant?

A. Yes. My recollection is that the Home Office, which in the 1960s, was the Central Government department in England responsible for children's services, it issued a circular that had in the form of an appendix a sort of pro forma. So the pro forma was filled in by, for example, the personnel section of the potential employer, and sent off to the Home Office, the vast majority of which came back with a rubber stamp -- with the original form returned with a rubber stamp that said "no observations" on it. Then I think I've explained what happened where there were observations.

Q. That was a more informal communication by telephone to suggest certain action that could be taken by the employer?

A. That certainly was my recollection. A senior inspector would telephone me and sort of say, "We suggest you consult his last employer or when he or she was employed

at X, Y or Z".

The other side, of course, was that there was encouragement, as it were, from the Home Office to submit to them the names of people whom, as the employer, you regarded as being unsuitable, together with information about why you did that. Sometimes the Home Office accepted that and sometimes they didn't. So the notion of there not being a list was rather fanciful in that context.

I do recall there being occasions when I have submitted a name and the Home Office have written back to say they've consulted X, Y and Z and decided they wouldn't put that -- whatever the phrase for putting them on the list was.

Q. Just pausing there then, if we take the first scenario of the employer contacting the Home Office or the government department about an individual applying for a job in a care setting with children, if it was not a "no observations" stamp but a telephone call, that would be -- it would then be left under the process to the employer to take such action thereafter as was considered appropriate. The department fell away at that point; is that right?

A. Yes. Under that provision at that time the department, as I understand it, had no power to say to the potential employer, "You should not employ this person".

Q. Again, perhaps based on guidance and circulars, the hope was that if an employer who employed individuals to look after, for example, vulnerable children in care settings, that if they had concerns, perhaps resulting in dismissal of staff or other concerns that arose, they would contact the department and convey those concerns and the department would then take a decision as to whether that name, based on the information and any enquiries they carried out, should perhaps be put on what I call a list of some description.

A. Yes.

Q. Of course, the whole process you've described suggests to me that the department, for these purposes in making these decisions, would necessarily have had some intelligence, if I could put it that way, about individuals, either intelligence they could convey to an employer who's using the process for a job applicant, or intelligence that was based on information supplied by an employer?

A. Yes, that's true. For example, a previous employer who had dismissed this particular person may have submitted their name, so that would be one reason. The other information which just occasionally sort of emerged or came out was information of a criminal records type. However, there was -- I think there was a general ... Sorry, can I start that sentence again?

My impression, my personal impression, was that the quality of the criminal records information that went into the Home Office for this purpose was unreliable in relation to its thoroughness. Of course, in the 1960s this was all a paper operation and the police itself, as I think Norman Warner in his report found, the police really lacked adequate sort of central systems for transferring criminal record information to other relevantly interested parties.

Q. Yes, I'll come to the Warner Report 1992, because you touch on it in the statement and I'll maybe get you to tell me a little bit more about that when I do that.

If we go back to the earlier days, the 1960s and through the 1970s where there's this process you described. The process, as described, doesn't appear to involve what might happen these days, that there are police checks, direct police checks, with police forces. Was that your understanding? It was a process that was done through a government department rather than employers contacting the police in some shape or form to get information that they may have held either on previous convictions or any intelligence that they had gathered about individuals in the course of their operational activities?

A. That is true in the 1960s. My mind is racing to try and recall the point, possibly some time in the 1970s or

1980s, where the police agreed that for people in certain functions -- and working in children's homes was one of those functions -- a police check could be obtained.

An entity -- it wasn't an organisation but an entity -- was set up whereby those voluntary organisations, who were responsible for managing children's homes, could actually apply for a criminal record check to be run on prospective employees.

I think it was probably the late 1980s/early 1990s when that was introduced, because that arrangement all, as it were, fell into the Protection of Children Act arrangements at the end of the 1990s. But in the 1960s, I'm fairly sure that there was not a systematic system whereby employers could obtain a criminal records check on their prospective employees who were going to work in children's homes. I think that came probably 20 years later or something like that.

Q. The CRB that you mentioned that would merge with the ISA in 2012 to become the DBS, if I can use all these acronyms, was it established under the arrangements in the 2006 Act or was it a long-standing --

A. No, the Criminal Records Bureau pre-dated that -- I can't now recall when, probably about five years previously. The Criminal Records Bureau checks were available prior to the creation of the Independent

Safeguarding Authority.

From the voluntary organisations' point of view, they submitted the names for the criminal records check to something called the Voluntary Organisations Consultancy Service, which was a little odd in terms of its name, but anyway that's what it was called.

There was an arrangement then about the Association of Chief Officers of Police that in fact the Voluntary Organisations Consultancy Service would check the validity of the application, and if they were satisfied, they would submit it to the police, who would then make their response. It was a rather long-winded system, but anyway it was far better than nothing.

That was then initially wrapped up in the Criminal Records Bureau arrangements, which were in turn then taken alongside the development of the Independent Safeguarding Authority. I'm sorry it is rather garbled, but it is --

Q. I'm just trying to get my head round the progression.

This sort of entity that was set up, is that the service that you've just mentioned, the entity that was set up in a sense to filter applications and then pass them through to the police to carry out appropriate checks?

A. That was, as it were, the forerunner --

Q. Of the Voluntary Organisations Consultancy Service?

A. The Voluntary Organisations Consultancy Service was the forerunner of the arrangements whereby initially Criminal Records Bureau checks could be obtained and then, once the Independent Safeguarding Authority came into being, then a check could be run on whether a person was on one of the barred lists. That was a statutory duty in England for an employer to run that check.

Q. So going back to the historical origins of these processes, where information originally or intelligence the police held would originally have simply been passed on to the department, to whom an employer would write?

A. Yes.

Q. And be incorporated in the material that they might consider?

A. Yes.

Q. And form a judgement whether observations should be made or not.

A. Yes.

Q. The police weren't directly involved at all either through an intermediary or otherwise in the early days?

A. I have no knowledge that they were.

Q. And intelligence systems that maybe now exist, and I don't know whether you can help us, like the Police National Computer and other intelligence systems, which are used not just to recover details of past

convictions, including spent convictions, but no doubt other intelligence that may be relevant, these sort of systems, when were they beginning to come into play in the process of pre-employment screening and checking? Can you help us with that?

A. Apart from these almost informal words, as it were, which had been fed in by previous employers to the Home Office, I think the availability of police intelligence -- or "soft information" as it's sometimes called -- I think that was only put on a systematic footing as a result of the creation of the Independent Safeguarding Authority, yes.

Q. So the police might supply the department with information -- soft information, to use your expression -- historically in the 1960s or 1970s and that might feed into the decision about whether observations should be made? So that was the extent so far as you can recall of the original processes?

A. I have to say that I don't know whether the police provided soft information to the Home Office or not. What I have actually seen, as it were, with my own eyes is only formal criminal record information: on 23 July in 1958, this person was convicted at X Magistrates' Court of indecently assaulting a child. I have seen that information, which has gone into the Home Office. Information of the type, "This person has been

investigated three times on the basis of allegations of abuse against children but none of them have met a threshold for prosecution", that sort of information, I have no idea whether that went into Central Government or not.

Q. I rather took you away from some of your other roles, but I think it was important perhaps to get an understanding of that at this stage. You have done some other things in the field of safeguarding and child protection. Can I just at this stage, again, looking at your background experience -- I think at some point in recent times you prepared a report called "Keeping Our Schools Safe", which considered safeguarding arrangements and independent and boarding schools in England and Wales; is that correct?

A. That's correct, yes.

Q. Was that in about 2013?

A. I think it would have been earlier than that: I think probably about 2008.

Q. Sorry.

A. 2007 or 2008, yes.

Q. In more recent times, in fact fairly recently, you've also produced an independent report, which was I think published in June last year, into the adequacy of the Church of England's handling of its past cases review in 2008 and 2009; is that correct?

A. That's correct.
Q. I think in relation to that matter principally, you have given written and oral evidence to the Independent Inquiry Into Child Sexual Abuse in England and Wales?
A. Yes.
Q. From 2016, you were a member -- and I think you may still be, I don't know -- of the Church of England's National Safeguarding Panel. Are you still a member?
A. Yes, I am, yes.
Q. But I think there's been some developments in that area, recent developments that you maybe could tell us about in terms of the Church of England. It's doing some things as we speak, is it?
A. Yes.
Q. Can you tell us about that briefly?
A. Briefly, in response, really, to concerns that there had been about the quality of the Church of England's responses to people who have been abused by clergy or church officials, the Church of England decided a few months ago that it would create a separate Directorate of Safeguarding and, almost as we speak, applications are being sought for that role. It's likely to take some months to fill and, in the meanwhile, the Church of England has asked me if I would act as the interim director of safeguarding to seek to move forward some of the improvements that they want to see immediately.

Q. Am I right in thinking that so far as the English inquiry is concerned, the IICSA inquiry, to some extent the scrutiny of the Church of England historically in its response to abuse and sexual abuse at least is still ongoing; is that correct?

A. It is. They have done an in-depth case study into the Chichester diocese. The interim report from the inquiry is due at the end of March and then, in July, the substantive inquiry into the broader church's performance, as it were, on safeguarding matters is due to commence.

Q. Just going back to your role as a member of this National Safeguarding Panel, again briefly if it's possible, could you just give a flavour of what the panel does and what your role would be as a panel member?

A. Yes. The panel meets four times a year. It's essentially an advisory panel on the Church of England. It comments on the church's business plan for safeguarding, it looks at draft policies and procedures, which the church intends to promulgate. It comprises a combination of Church of England bishops as well as people completely unconnected with the Church of England, and it includes three people from survivor organisations on the panel as well.

Q. Does it have people with recognised specialist expertise

in areas of safeguarding, child protection and so forth?

A. Yes, it does. For example, the Lucy Faithfull Foundation, which has some distinguished reputation in the field of dealing with sex offenders. Its former deputy director is on. The chief executive of the NSPCC has recently stood down from the committee, from the panel, sorry.

Q. This panel is a standing arrangement that's going to continue; is that correct?

A. It is. Until recently, it was chaired by the Church of England's lead bishop on safeguarding, the Bishop of Bath and Wells. That has recently been changed and it is now being independently chaired by a lady called Meg Munn, a former politician, a former minister.

Q. Does the panel -- you've said it's an advisory panel and it meets quarterly, essentially, and looks at the whole, presumably, system of safeguarding and arrangements within the Church of England.

A. Yes.

Q. Does that panel produce reports as part of its work?

A. It hasn't produced a report so far. I think the intention is for it to produce an annual report on its work and to become more proactive in relation to scrutinising the quality, for example of the national churches' training of bishops and clergy as well as just sort of commenting along with many others on drafts of

policies. I think Ms Munn wishes to see it have greater impact and an intention to hold the church more to account for its safeguarding activity.

Q. Are its proceedings, such as its meetings, public or are the minutes published?

A. It's not public. I don't think the minutes are published. I don't think so.

Q. Is the intention, if it does produce annual reports, to not only submit them to the Church of England but to publish them?

A. That I don't know.

Q. Yet to be decided perhaps?

A. Yet to be decided. Ms Munn has only been in post about three or four months.

Q. Just on the new initiative of a new post of director of safeguarding -- and you have told us you will meantime be the interim director -- can you just give me some sense of what the broad purpose of this is and how it is changing the safeguarding arrangements and processes within the church? What is the director of safeguarding's key role and function?

A. There are a number of areas where there is common agreement on the need for change but relatively little progress has been made.

For example, one of the areas is the quality of the church's response to people who come forward and say

that they were abused by a priest or a church official, either contemporaneously or particularly in the past. One of the more difficult issues that we will need to confront is where people come forward and say that they were abused by a priest, for example, who's now deceased, and the difficulty of acquiring the necessary evidence when the police cannot be involved in doing their investigative work.

Another area where there's common agreement on the need for change is, as it were, a change of culture in the church towards safeguarding. That is partly happening as a result of the mandatory training that priests and bishops now have to undergo.

But of course, the church is essentially a voluntary organisation and most of its work and activity is done by volunteers. The challenge of acquainting volunteers with relevant safeguarding concerns and the importance, for example, of just because you've known somebody for 20 years, that doesn't mean to say that you're going to take on a formal role with children, it's necessary to do a Disclosure and Barring Service check.

That sort of culture change is necessary and there are some difficult areas. I think one of the reasons why abuse may not have been reported and dealt with is the place of forgiveness in church thinking. Those of you who are familiar with the Lord's Prayer will know

that we talk about sort of forgiving those who trespass against us. My own personal view -- and this was the burden of my evidence to IICSA or one of my burdens of evidence to IICSA -- was that I think the concern to forgive the offender has outweighed concern for the victim and the survivor. That's a balance which I think some clergy and some people in responsible positions in the Church of England need to, I would say, put right. At least we need to give far more attention to preventing abuse and to the needs of survivors.

So I hope that has given you a flavour of the sorts of work that need to be undertaken.

Q. These sort of issues that you have touched on that are facing the Church of England and the steps that they're taking to address them, albeit there's still a discussion no doubt ongoing, to what extent do these cultural issues and other issues of how you deal with these matters -- how far are they also issues for other organisations caring for children, including the organisation you ran, for example, for 26 years or so?

A. If we take the whole issue of culture and probably go back 40 years to -- no, 50 years, to when, I in the 1960s, worked in a variety of children's homes and institutions, particularly those that were concerned with young offenders, there was a predominant culture, I think in those institutions, that children were

trouble and the main exercise was about keeping one ahead of them.

Notions of children's needs, although consciously around and available to read about in assessment reports, were not actually internalised very often by the people who were working with children. So the necessity for culture change there, I think, in rather a different context, I think it has taken a rather long time for that to happen. So that's just one example of where I think there are some common features that recur, whatever the context.

Q. This is a very broad question: would the general culture within Barnardo's during your period, between 1973, I think, through to 2005, your whole time, was that something that you were happy with or you had some concerns about at times?

A. Oh, I had some concerns. When I joined Barnardo's in 1974, there were probably about 150 children's homes or schools of one form or another, and yes, I have to say there were some which would be as I've described. But I was in a position to do something about it and we did get rid of, particularly people in leadership positions, whose attitude and outlook was unsuitable, and others, admittedly as part of a general programme of reducing the volume of residential care -- there's one home that I recall I visited it for the first time, it smelt of

cabbage and carbolic, and the attitude of the man running it was really: these lads, teenage boys, were pretty troublesome and it was a matter of really doing one's best to keep them in check. He couldn't see it much beyond that. We closed the home. That was the only way in which it could be addressed.

I think to be fair to my former organisation, there were, on the other hand, some excellently progressive units and establishments that one was proud to be associated with.

Q. I suppose then you're describing in general terms a mixed bag?

A. Yes. Yes, it was a mixed bag.

Q. Just in terms of the Church of England, one thing I did mean to ask you -- and maybe this is associated with the intention to appoint a director of safeguarding, is there some recent announcement from the Archbishop of Canterbury or his office about some form of reporting to the national recording system that is to be introduced, is it, in relation to allegations and reporting? Can you help me with that?

A. Yes. That has in part been prompted by an initiative which the charity regulator, the Charity Commission for England and Wales, took just a few weeks ago in which they reminded charity trustees of their obligations to report to the commission serious instances of abuse.

You may recall a few months ago, the national charities, Oxfam and Save the Children Fund, were severely criticised for failing to address -- well, failing to address at all, let alone rigorously, some issues of very serious child abuse overseas.

So the church itself recognised that although individual church councils don't have to register with the Charity Commission -- they are in fact unregistered charities -- and there has probably not been an obligation to report serious issues into the Charity Commission.

So it was a double thing. It was reporting not only to the national church but to remind dioceses and churches that they had a statutory -- sorry, maybe not a statutory, they had an obligation to respond to this Charity Commission requirement.

So that's how it started. It will be the first time that the Church of England has, as it were, an overview of the volume of serious incidents of abuse, not only to children, in fact perhaps more principally to vulnerable adults, particularly ones with mental ill-health.

Q. But the principles apply whichever age the vulnerable person is?

A. Absolutely, they will apply.

Q. It may be that the Church of England's services are now more directed to the elderly than the young?

A. Yes.
Q. And I think that may be a trend across the board with religious providers, if you like?
A. Yes.
Q. But the issues are the same?
A. The issues are the same.
Q. But this system will allow the organisation itself, in this case the Church of England, to be aware -- to have this overview, it will allow the charity regulator to have an overview?
A. It will.
Q. And also other reporting obligations.

Because we have the Care Inspectorate in Scotland and the SSSC, the Scottish Social Services Council, who regulate workforce. I think there are some obligations now to report matters to them. Is there some equivalent in England to that?

A. There are obligations for specified forms of care for a report to go to either the Care Standards Commission in the case of adult services and OFSTED in the case of children's services. But in addition, from the church's point of view, what this new mechanism will do is to enable it to assess the impact that the various initiatives that it is taking are having. That's rather an important point in monitoring the effectiveness of what you're doing.

Q. So it's a measurement tool in some sense?
A. It is in some respects a measurement tool, yes.
Q. Just again, going back to your experience, I think latterly you have acted in a consultancy capacity, specialising in giving safeguarding advice to organisations on their safeguarding policies and practices and how they might be improved.
A. That is true, yes.
Q. That's another one of your roles, if you like?
A. Yes.
Q. Lastly, in relation to your various roles, am I correct in thinking that you have some direct experience of involvement in reviews or inquiries over a considerable period into allegations of abuse, particularly allegations of abuse in residential care settings?
A. Yes, indeed. I was part of two reviews in the 1970s, which examined allegations and complaints of abuse to children in residential care, and more latterly, since I retired from Barnardo's in 2005, I've done some similar work particularly in relation to residential schools.
Q. These inquiries in the 1970s, I don't think you are necessarily suggesting these have anything to do with Barnardo's, these are inquiries you were asked to take part in?
A. No, they were absolutely nothing to do with Barnardo's,

no. I was asked, as a senior member of Barnardo's, if I would join the panel. In each case they were chaired by Queen's Counsel.

Q. Were these inquiries looking, in the early 1970s, in residential care at the issue of abusive practices, physical abuse and/or sexual abuse? Were there particular forms of abuse that these inquiries were concerned with?

A. In both cases it was physical abuse. I think I would have to say that whilst the issue of sexual abuse certainly was there in the 1970s, it was probably less prominent in people's thinking and awareness than it is now.

But no, these were cases where -- well, in one case where children had been required to engage in rather degrading activities and where some abuse was really dressed up as games. There was something called "the red hand game". What that consisted of was the losers or the ones who didn't perform well in some sort of showering ritual, the member of staff would then bring down, with fingers open, a heavy hand on the shoulder of the child, which of course left red marks, and the kids in the home dubbed it "the red hand game".

It was that sort of abusive, denigrating practice in one of the homes. In the other homes it was more about inappropriate use of corporal punishment and complete

confusion about what the rules were.

Q. Can I turn now to the statement that has been provided by Barnardo's to the inquiry, that is BAR.001.004.9625, and look at the passages which represent, I think, your personal contribution to this statement.

Can I first ask you this before I look at the passages themselves: am I right in understanding that your contribution is really entirely from your memory of the periods that you talk about and the things you remember of those periods?

A. Before I answer that, may I just, my Lady, explain? I've got a throat infection. Do you mind if I just (indicating) ...

LADY SMITH: Not in the least. If you run out of water and it's not spotted, let me know. If you need a break at any time, please let me know. Thank you for coming along today anyway despite this.

A. The short answer is yes.

MR PEOPLES: By the way, we usually have a break around 11.30, so we will have a break anyway, but if you do want a break, please feel free to ask for one.

A. Thank you very much.

Q. The other thing I should ask, just to be absolutely clear, because I'm not intending to take up time with this, you haven't been following the evidence of this inquiry or in particular the evidence given by former

residents, former employees of Barnardo's, including those in senior managerial capacities; is that correct?

A. That is correct.

Q. Looking at the statement, if I may, can we start -- I think the first passage or paragraph that I would like you to look at are paragraphs 21 and 22 of the statement at page -- I will give our numbering just for the benefit of the transcript, but it's page 6 of the statement, page 9630.

There, I think you're telling us a little bit about the situation in the 1970s and 1980s. Just to be clear, I think you began, did you say, around 1973/1974?

A. February 1974, yes.

Q. As a deputy director of Barnardo's?

A. Yes.

Q. Is that really the number two --

A. Yes.

Q. -- in the organisation?

A. Yes.

Q. And the chief executive that you reported to was Mary Joynson?

A. Mary Joynson, yes.

Q. Again, before we go to the passages, I should maybe have taken this from you. From, is it, 1984 to 2005, you held the position of chief executive? I'll come to the other role that you had for a brief period and we'll

touch on that, I think, when we look at the passages. You were chief executive in that period in succession to Mary Joynson?

A. Yes, indeed.

Q. In these roles, you were based in the London headquarters?

A. Yes.

Q. Was that initially at Stepney and then at Barkingside or was it Barkingside by then?

A. It was at Barkingside by then: it had moved from Stepney in 1967.

Q. I see. Going back to paragraphs 21 and 22 to see what you're telling us there. You give there, in paragraph 21, I think, an example of some action that was taken by Barnardo's in relation to an establishment or establishments that were set up for young -- is it placing babies? You were investing in provision for very young children; is that right?

A. If I can briefly say, Barnardo's in 1966 had been in existence for 100 years and that was celebrated with a major fund-raising campaign that was enormously successful. There was a rebuilding programme that followed that.

Barnardo's traditionally had run these residential nurseries for children under 5 and had not only a good reputation in that field for those nurseries, but also

for training staff to work in them. As part of the centenary celebrations, it built in Tunbridge Wells a training college for over 200 nursery nurses.

I think the point that I was wanting to make here was the willingness of the senior staff and, one must add, the trustees, when an increasing number of social workers employed in the organisation began to challenge whether placing very young children in institutional care was in their best interests, the organisation commissioned a piece of independent research.

The research showed that it was not, particularly in relation to their emotional development, in their best interests. So despite the fact that they had only recently built and opened this training college, they took the decision to close it and to close all the residential nurseries. So that was, I think, the point that I was seeking to make there.

Q. Really, the organisation was responsive to findings of this research and indeed the representations of the social workers that were being employed by the organisation --

A. Yes.

Q. -- as to the wisdom of having young babies in residential institutions --

A. That's right, yes.

Q. -- in large numbers?
A. And in large numbers, yes.
Q. What I think you tell us in these paragraphs is that -- and it's something I think we probably heard in other evidence -- looking at the general context of residential care provision, there was a diminishing demand in the 1970s and indeed the 1980s for residential homes across the UK, is it, really?
A. That is right. I think the wider context is that some of the circumstances in which children had gone into Barnardo's care were changing. For example, the growth of contraceptive measures, not least of all the contraceptive pill in the 1960s, meant that fewer unwanted babies were actually being born. The growth of welfare benefits, although many would say inadequate, nevertheless meant that it was no longer necessary for, for example, a woman to give up her illegitimate child for no other reason than she couldn't afford to look after it.

Because I think the voluntary organisations at the time were lagging a bit behind, there was in the wider local government field a feeling that children's best interests were promoted if they couldn't live within their own family, then within a foster or adoptive family, and shrewd people were sort of saying, "Well, couldn't the interests of both children and the economy

be combined by in fact a much greater thrust in foster care?"

So please don't hold me to the numbers precisely, but my recollection is that in England and Wales in 1971, there were probably between 35,000 and 45,000 children living in residential care. We're now talking about 5,000 or 6,000. So that gives an indication.

But to go back to paragraph 22, I think local authorities were not only developing their own foster care, but they were becoming increasingly disinclined to refer children to Barnardo's and the other major voluntary organisations. If you put that alongside the referrals that came directly, particularly from mothers, for Barnardo's to care for their child, then in fact the demand was reducing and I think the opportunity was there -- we certainly took it to take action on the less satisfactory homes.

Q. Yes, because I think, and we have heard some evidence of this and I think perhaps it echoes what you told the English inquiry, that Barnardo's embarked -- and I think the statement says this too -- on a programme of closures of traditional homes across the country, including Scotland.

A. Yes.

Q. A process which I think may have been largely carried out between 1970 through to about 1990, where I think

the last of the traditional homes was closed by then. I think that's the approximate date we have. Would that accord with your recollection?

A. That would support my recollection, yes.

Q. One thing you do say in terms of the issue of demand is that while there was a diminishing demand for general residential care provision, no doubt for all the reasons you've given, there was, however, an increasing demand for more specialist provision for -- and I'll use this term because it was the term that was current at the time -- maladjusted children and children with physical and/or mental handicaps.

A. That is true. The two are different. My recollection at the time is that there was a particular interest from people in the Social Work Services Group and from some of the local authorities in Scotland in Barnardo's providing a service for children with what I suppose today we'd call challenging behaviour and emotional difficulties. That was a particularly strong theme, as I recall it, in Scotland.

As far as children who at the time we called mentally handicapped or had severe learning disabilities, there had been, certainly in England from 1971 onwards, an increasing determination to bring out of the large hospitals certainly children under the age of 16. Barnardo's was very committed to that process.

Whilst we placed some of those children back at home with their parents, some in foster care, there was also a need for some of the children whose needs were really very profound and perhaps beyond the caring or coping capacity of any family, to provide residential care for them. That is the direction in which we moved the residential care of the organisation at that time.

Q. I suppose that what you're saying then is that was leading, both using existing buildings, no doubt, and new purpose-built, to the creation of more specialised units for that type of child?

A. That is true. I think one of the homes in which your inquiry is particularly interested, namely Ravelrig, that had been a residential nursery and that transferred and changed to care for children with learning disabilities.

Q. So that would be an example of this change?

A. That would be an example of the change.

Another home that I can recall in Glasgow was one that we created, using, actually, much smaller domestic scale accommodation for five or six children. There was a transition, really, between using the bigger homes that were broken down into smaller groups to sort of really saying, well, even is that appropriate, let's try and use much more domestic scale accommodation, which is available in ordinary roads, in ordinary houses, and if

the need for it passes, it can be returned to the domestic housing market.

Q. Can you recall the name of the Glasgow unit?

A. I will try in the break to recall it.

Q. Don't worry. Am I right in understanding that the creation of more specialist units, so far as implications for staffing were concerned -- well, they might have two implications: one might be qualifications but, secondly, a move towards a higher staff to child ratio. Would that have been a trend, at least a trend? Maybe that's putting it --

A. Oh, I think it was more than a trend. We actually had a system for calculating what the child/staff ratio should be. In terms of children with learning disabilities, that formula -- it was a formula -- generated a much more generous staff/child ratio.

I think on the staff training side, one of the moves to children with learning disabilities in particular is that it did actually open up a little the availability of people who had some relevant training. I'm thinking particularly of people who had worked in the large hospitals who were nurses and had had quite a good training, had had a lot of experience, and really wanted to work in different sorts of ways than had been possible in the ward structure of the old mental handicap hospitals. I think the name of Gogarburn comes

to mind here in Scotland.

Q. So there was maybe a pool of people that previously would not have been available to staff residential homes that were carrying out more general provision?

A. Yes. I wouldn't want to overstate that, but I can think of -- I think of our engaging several staff who came with that sort of appropriate nursing background.

Q. But am I right in thinking that the general issue of recruiting staff for residential care establishments remained or was a difficulty and was a difficulty for much of the period that you were both deputy director and director?

A. I think that is absolutely true. My recollection is that we probably succeeded in achieving about a third of our staff who had had appropriate training for their work and that, frankly, was a very generous ratio compared with the residential care sector in particular.

I myself, for a relatively short period of time, was the tutor to a course for staff wishing to work in residential care. I think there were about 16 such courses throughout England, probably with about 15 to 20 students on each, and the course lasted a year.

If you do the maths and look at the number of people therefore who qualified each year compared with 30,000 children in residential care and the numbers of staff needed, it was frankly a drop in the ocean.

LADY SMITH: Sir Roger, just going back to your recollection of about a third of your staff in Scotland, I take it you're talking about or is it generally --

A. I was speaking more generally, my Lady.

LADY SMITH: -- having the relevant qualifications. I was wondering whether, bearing in mind that these staff would be working on shifts in a residential care basis, there was any system for spreading those with qualifications evenly across the shifts? Do you see what I'm getting at?

A. Yes, I see what you're getting at, my Lady. I can't say that there was. I think the priority that we sought to give to supporting our staff on training courses was to look for the senior staff to be appropriately trained initially. So that was the perspective that we took.

LADY SMITH: Right, thank you.

MR PEOPLES: If I could just maybe break it into two periods. If we go pre-1970 -- and I appreciate you weren't with Barnardo's -- I think there's been some evidence that historically, prior to 1970, to recruit appropriate staff in residential care homes and to retain them was a real issue for care providers generally, historically. I don't know whether that's something that you would agree with or have knowledge of, but it was a general problem.

A. I think that was unquestionably the case. Really, apart

from nursing and perhaps some teaching qualifications, until the post-war period, there had been no specific training for residential staff, apart from what Barnardo's and possibly the National Children's Home, both of which had training colleges and training courses which they ran themselves.

Partly in England, as a result of the recommendations of the Curtis committee in 1946, these courses, one-year courses, started to be set up in colleges of higher -- not the universities but colleges of higher education. But as I've already alluded to, the actual numbers in relation to the demand were small.

There was another structure of in-service training courses, but these were fairly rudimentary, I have to say, and involved people going on a sort of bit of a day release basis. But, no, you're absolutely right, I think it was a -- I recall it being a prevailing issue about how the numbers of qualified staff in residential care were going to be increased.

Q. I suppose if we're looking at the period 1970 and beyond to 1990, when the traditional homes had all but closed or had closed, even in that period the figures you have given or the broad figures you've given, would suggest that while maybe a third of residential care staff had some sort of qualification, then the majority did not.

A. That's true.

Q. And indeed, of those who were qualified, did I pick you up correctly in thinking that perhaps the majority of those would be in the more senior positions in the residential care home, whereas the basic grade front-line care worker would not be qualified as such?

A. That was so. I mean, the market situation was such that if a person actually had a relevant qualification, then they would almost automatically go to the top of a short list for any job, and I think I'd have to say that probably some people were promoted beyond their competence and their experience simply because of the possession of a qualification. So that meant that front-line workers in the main were not qualified.

Q. So could you have a situation -- and it seems to follow that they would have quite a considerable number of front-line staff in residential care establishments who were both unqualified and perhaps not appropriately trained or adequately trained?

A. Yes, that was most certainly the case.

Q. And yet they would be dealing, certainly from perhaps the 1960s and maybe earlier, with children who had special needs, behavioural challenges, emotional problems and the like?

A. Yes. I think of the reports and reviews that were done, really, from the end of the war onwards, that was an absolutely recurring theme, yes.

Q. And not one that was ever properly solved?

A. It wasn't, because there was -- the one-year residential courses were wrapped up in the early 1970s. Do please stop me if this is not relevant, but there was a sense in which the social work profession really was seeking to colonise residential work as part of it. The ideal situation that developed amongst the sort of vested interests, as it were, was that the best qualification to run a residential home was to be a qualified social worker.

Well, that is actually a debatable premise, but that was the view. The Central Council for Education and Training in Social Work that was responsible for the development of this decided that in fact it would introduce a secondary qualification called the certificate in social service. And although this was denied, I think the general view was residential staff should go on the certificate in social service qualification. And to be fair to some of those courses, they did develop specialised residential streams within the course.

In the event, the certificate in social service and the certificate of qualification in social work were in effect merged to become a single social work qualification. But by that time, I think the hold that social work had on residential care was beginning to

diminish and with the development of the National Vocational Qualification system in England, and I think Scottish SVQ, then in fact we actually got for the first time a much more realistic approach to the training of residential staff.

I can't speak for the case in Scotland, but there is a requirement, for example, that staff working in residential care in England need to acquire a certain level -- I think it's level 3 -- in the qualification structure before they can be employed.

I'm woolly about that, so I would ask the inquiry not to rely too much on the detail of that. But of course, by that time, the sheer volume of residential care across the country generally was diminishing.

Q. That's what I wondered, this point of the more realistic appreciation of the sort of training that was best equipped to deal with the type of residential care provision, have you got an approximate date for that? Are we talking in the period from 1970 to 1990, at the end of that period or the middle?

A. I would say it was loaded towards the end of that period, but I cannot recall whether the vocational qualification structure came in, not offhand.

Q. I suppose that by then, if the demand was diminishing and all the traditional places were closing, it was maybe too little too late for some?

A. Well, for some. What I think it did do is because -- forgive the expression -- the market to be supplied had shrunk and the opportunities for those people to enter it had increased, then the position did improve. It certainly improved on the pre-1970s situation.

MR PEOPLES: I wonder if this is as good a time as any -- I'm going to move on to another part.

LADY SMITH: Very well. We'll take the morning break now and I will sit again in about 15 minutes, Sir Roger.

(11.27 am)

(A short break)

(11.50 am)

LADY SMITH: Are you ready for us again, Sir Roger?

A. Indeed, yes.

LADY SMITH: Thank you.

Mr Peoples.

MR PEOPLES: Sir Roger, can I move to a different matter that I think you again contributed to in the statement that's been provided. This is found, I think, in a number of paragraphs that you assisted with, but it's paragraph 24 that I can maybe refer to. It's at page 9631. I think the same matters are touched on in paragraphs 159 and 185, but I'm not going to take you to those because I think you can deal with it with this paragraph in front of you.

This is to do with the Central Child Care Committee

and issues of policy making. I think it was colloquially called "the Four Cs".

A. Yes, it was.

Q. We've heard some evidence about this committee. Just to set the scene, we understand -- I think from other parts of the statement -- that the policy and procedure that had previously been contained in the Barnardo Book, which was I think first issued in 1944 and then a second edition in the mid-1950s, had subsequently been replaced by a system of circulars issued by this Central Child Care Committee.

Am I right in thinking that when you joined Barnardo's you inherited this system, that was the system in place in 1973/1974?

A. It was, yes.

Q. Again I think when you joined, am I right in thinking that the body which was known at one stage as the "committee of management", that was still in place? It may have had a different name.

A. Yes. It had been renamed "the executive/finance committee": that was a committee of trustees.

Q. But essentially, this committee, which I think had a long history, was still a recognised committee within Barnardo's when you joined?

A. Yes, it was. It was a formal subcommittee of the trustee board, yes.

Q. Because there was something called the Barnardo's Council, which was the overarching governing body?
A. The Barnardo's Council was the body of trustees, yes.
Q. And a principal committee -- historically was this a committee of management?
A. Yes.
Q. Which had policy-making functions historically?
A. I think historically it had been much more involved in matters which concerned the day-to-day running of children's homes. By the time I joined, it would have had some involvement in some policies, but where the policies related to what one might broadly call professional practice, no, they wouldn't be involved.

On something that was sort of potentially more contentious, such as care and control, then the executive/finance committee did review the proposals of the Four Cs and make the decision.

Q. But issues of practice were discussed at the committee, the Four Cs' committee, and some sort of policy document may emerge from that discussion, although the actual final approval might have to go to either the council itself or to the committee of management or whatever title it had at that time?
A. If I could be tedious and perhaps just draw a distinction between matters of significant policy, such as the Christian basis of the organisation, the

care and control policy, policies which perhaps had a significant resource implication, such as the secondment policy, they would go to the subcommittee of trustees.

But, for example, if new statutory rules came out, which affected the way we worked on a day-to-day basis, they would not go to the trustee body, this Four Cs group, which comprised the eight divisional directors, of which the director for Barnardo's Scotland was one, and four or five head office-based people, the education adviser, the social work adviser; they comprised the Four Cs committee.

Q. So to use the expression, the day-to-day matters, then by the stage of you coming to Barnardo's and the existence of the Four Cs committee, these were matters that might at least are more likely to be discussed, if necessary, at the committee level, the Four Cs committee level, rather than at the trustees' committee level or the council level?

A. Yes.

Q. But historically, the committee of management, which was simply a subcommittee of the council, as I understand it, did concern themselves quite closely with the day-to-day running of organisations along with the general superintendent and issued, for example, circulars on all manner of things?

A. That is my understanding, that they were much more involved in how much pocket money was paid and so on and so forth.

Q. Quite a prescriptive approach historically?

A. Very much so.

Q. So when you came in, was this either the beginnings or even perhaps beyond that of some degree of surrender of control by the governing body of some matters such as the day-to-day operational issues and maybe the start of a degree of decentralisation of these matters?

A. I think that is fair. Just to make a slightly wider comment, from the period 1970 to, well, really my joining in 1974, the senior staff of Barnardo's had been in a certain form of disarray. There had been a number of structures and restructures and people leaving and people coming and there was really a very urgent need, I think, to bring some stability.

My boss, Mary Joynson, I think brought that stability, but what she also brought with her was many years' experience in local government, with a clear distinction between what officers did and what elected members did. I think it would be true to say that some of that thinking we imported into the Barnardo way of doing things.

Q. Because I take it that historically, again, to try and do the comparisons, members of the council and the

committee of trustees, as they were entitled, were not generally speaking people with special expertise in childcare, therefore even if they were dealing with these matters perhaps they weren't, looking back, the best people to make decisions about them?

A. I think that is fair. There was usually at least one out of about probably 20 council members who had some form of background in social welfare. Medicine tended to be quite well represented on the council. But, no, I think you've characterised it accurately.

LADY SMITH: Do you remember when Mary Joynson began working at Barnardo's?

A. I believe she joined as the divisional director for the north-west, based in Liverpool, my Lady, in 1971. I've described a certain amount of turmoil. She was then promoted to be the deputy director with particular responsibility for the childcare services around 1972. And then I think in 1973 she was promoted to be the director and senior director.

It was a sort of a rather odd combined role but she was immediately responsible for the children's services but only influentially responsible for the fund-raising and the general management. I think the governing body had difficulty in confronting the idea that the staff should have a single head, because they couldn't decide whether it should be someone with a general management

background or whether it should be a professional childcare person. And in fact, that issue was only resolved in 1986, I think, when I became the single head.

MR PEOPLES: I'm going to deal with that. I would like to take us through the story and I think that is one of the matters I was going to perhaps ask you about, to explain the thinking and the reason for change, because I think you do deal with it in some of the later paragraphs.

Just to perhaps take it in some degree of order at this stage, you've told us that the early 1970s was perhaps a time of structural change within Barnardo's, quite significant structural change, and maybe I can just deal with that in the context of what you've been saying. I think you touch on this in paragraphs 48 and 49, if you want to have a look at that, but I'll come back to the Four Cs at some point.

The early 1970s, if we take it that was a time of structural change. We've heard of a name that was given by Hugh Mackintosh, who has given evidence to this inquiry, of Doug Smyth, who seems to have had a Home Office background, or at least it was part of his previous careers and incarnations, but he seems to have come to Barnardo's at some point maybe in the late 1960s or early 1970s and apparently produced some form of influential report. Would that accord with your general

recollection of things?

A. Almost. He was a Home Office inspector and he had been invited, I think, by the council of Barnardo's, to comment on some restructuring proposals which were around. I think he was probably influential in producing a report on the reorganisation of the children's services; a rather bright red document, as I recall it.

I'm here speculating a little, but my guess is that Smyth or Smith, as I think he preferred it to be pronounced, saw, as it were, an opportunity, a personal opportunity, so that in the process of one of this sort of rather churning restructures, he found himself appointed as the director of childcare. And simultaneously, the council had had a firm of management consultants in, who had actually recommended that there should be a single head of Barnardo's.

The job, as I understand it, was offered to Smyth. He initially accepted it but within a very, very short space of time -- I think a matter of weeks -- resigned because he had been appointed as the deputy -- sorry, as the director of social services from his native Northern Ireland --

Q. I see.

A. -- so he then withdrew.

Q. If we're trying to then get the flavour of what's going

on here, if we look at the organisation and the fact that it was obtaining reports from Mr Smyth and involving management consultants to look at the organisation, root and branch presumably, and its structures, was that a recognition at that time that there was a need to do that because, to some extent, the organisation had to be perhaps more professionalised? Or is that putting it too highly?

A. I wasn't there so I don't know. Ironically, despite this churning in terms of the senior management structure for the wider organisation, I think the policy decision to reduce the volume of residential care and to move to those parts of the country where the need for community-based services seemed to be more pressing -- the north-east of England, Merseyside, the West Midlands -- this involved withdrawing from rather more comfortable areas of the country like York and Guildford and so on. I think that was fairly consistent and that was fairly agreed.

What the churn was about was really about the dichotomy which really existed between those who raised the money and those who dealt with, as it were, what we might call the corporate services of the organisation, personnel and buildings and so on the one hand, and the children's services on the other. That was -- because that difference of perspective, I understand, was not

only existing in the staff, but it existed in the trustees as well, and it was the trustees, I think I have to say, who were not giving the leadership that really you expect of a trustee body at that time, because they really couldn't decide what an appropriate structure would be, hence these consultants and so on.

Q. In terms of leadership, are you thinking principally of also leadership in the area of children's services, because clearly a lot of them had an eye to the fund-raising side of things and those aspects?

A. Yes.

Q. Is that why we see the changes that kicked in in 1973/1974 and beyond?

A. I think the changes were motivated by a genuine recognition that we can't go on running this large volume of children's homes, not least of all because the number of referrals is reducing. I think it was also influenced by the increasing influence of social work within the organisation, which I've always referred to. Mary Joynson was herself a psychiatric social worker, with some increasing antipathy towards residential care in favour of supporting families and developing community-based services.

I think those were the drivers for the change rather ... What was going on in the boardroom and the senior staff meetings was almost a sideshow and,

I think, was only known to a relatively small number of senior staff at the time, although it was subsequently described by Ms June Rose in her book "For the Sake of the Children".

Q. Therefore, if we are looking at the position of the governing body and the leadership and the direction of travel, are they seeing the future then or is it needing other people to come in and tell them what they think the future is going to be and how that will affect the organisation?

A. I think the council was at the time quite heavily dependent on the advice that it was getting from its senior staff. And as they kept changing, then clearly they were in some difficulty. But at the point where Mary Joynson, in a pretty firm, forthright way, gave clear and unambiguous advice, at that point and at the point where I came, people were saying, "We've got to move on". They were almost treading on eggshells in terms of their relationships with one another, desperate not to offend each other because of the history. And I think at that point, the trustees really fell in behind what the senior staff were recommending and suggesting.

Q. But it was a time for change?

A. Oh, it was certainly a time for change. A lot was happening in the external environment in relation to

social services, not least of all here in Scotland, with the Social Work (Scotland) Act and the creation of the panel hearing system. So there was a lot of churn generally and I think probably the trustees sort of found that unsettling after having had 100 years of not too much change.

Q. Yes. I suppose when we're trying to understand the development and evolution of the services and childcare provision and what was happening, we have to understand the broader context.

A. Yes.

Q. As you've just referred to, we have the Social Work (Scotland) Act in 1968, the Kilbrandon report and the creation of the Children's Hearings system in Scotland in the early 1970s, the creation of generic social work departments to replace specialist children's committees and departments and children's officers. That was all happening in Scotland. And a not dissimilar process was happening in England: there was the Seebohm report in the late 1960s and reorganisation of social services and creation of, is it, social work departments or something equivalent to the Scottish model; is that correct?

A. Yes, indeed, social services departments were created in 1971 and reorganised again because of local government reorganisation in 1974. The Health Service was also stood on its head in terms of organisation, and all

these were key interfaces which a major voluntary organisation had to have with what was happening or should have with what was happening in the wider world.

So going back to your contention that this was a time of major change, it was a time of major change for Barnardo's and for two or three years in a bit of a rudderless way, really. But it does have to be seen in that wider context of social change, yes, and the training which we referred to earlier was also being stood on its head.

Q. We shouldn't underestimate, I take it, the influence of these external changes and external pressures such as any policy decisions that local authorities were adopting in the 1970s about the use of organisations like Barnardo's, the emphasis on different forms of care other than residential care, these sort of things? These are all things that we have to keep in mind?

A. Yes, indeed, and I can't recall whether there was change in the Social Work Services Group in Scotland, but for example, the inspectorate in England and Wales moved from the Home Office to the Department of Health. That actually brought some sort of really quite significant changes in style that the inspectorate word was dropped and it was replaced by something called the Social Work Service. That was a diminution of inspecting functions and a move to a much more advisory, supporting

professional development function. It changed again back again a few years later, but that was also part of the changing scene.

Q. If we go back to Barnardo's in the early 1970s, you've told us about this period until Mary Joynson became director. She had a fairly rapid rise to the top.

A. Yes, indeed.

Q. I think in the space of three years, she's moved from a division to the deputy to the top post; is that correct?

A. That's correct.

Q. At that time, am I right in thinking that the restructuring that took place, did that involve the creation of the eight divisions that you came into as deputy director?

A. It did indeed. Again, with your theme of devolution, it was also accompanied, I think, by giving -- we later called them divisional directors -- I think much greater authority to run the services within their own area and also to propose what new services and what developments there should be. I referred earlier to the interest that I recall there being in Barnardo's developing more services for what we called maladjusted children at the time. It was very different in other parts of the country and therefore it did, I think, make sense for divisional directors to be much more influential about

the nature of the services that were delivered.

Q. I think there was still, at least in the case of one witness who gave evidence to us, an assistant divisional director, Mr Swift, Alan Swift, whom you'll know of, who I think maybe expressed a degree of frustration when they were trying to look at new projects, about the rather torturous process that involved quite a lot of interaction with London before a project could be agreed and initiated. I think he expressed his frustration that perhaps there wasn't sufficient decentralisation even although it may be a process that you say was happening. Is that perhaps a fair comment or do you disagree with that?

A. Well, it's all a matter of perspective.

Q. Exactly.

A. I think I can understand what Alan Swift was saying. But the process, in short, was the need had to be established, the attitudes of the relevant statutory authorities had to be ascertained, and the proposed solution or response or service had to bear some relationship to good practice and to what experience had been elsewhere in the organisation.

That was then put through, I suppose, from the divisional perspective, a mill of a headquarters team, who looked at all those aspects, including whether buildings were required and what sort and how they had

to be -- if they had to be adapted and changed, and of course all the financial consequences that flowed from the proposal.

Sometimes, yes, we did send proposals back because we weren't satisfied. From my perspective in the centre, I would say that was responsible due diligence. From Mr Swift's perspective, it was tedious and bureaucratic. I don't know whether he used those words, but I can imagine he might very well have done.

Q. I don't think he used those words, but that may have been in some senses the flavour of the point he was making.

Going back to the changes, then we have Mary Joynson being appointed as essentially, is it, the post of chief executive in 1973, along with being combined with the position of director of childcare? Is that essentially what she was in 1973 or thereabouts?

A. She wasn't the chief executive in the sense that you would expect the chief executive to be the principal person who had to account for the services. I mean, the council couldn't bring itself to do that. They gave her a coordinating function with two other directors, one the director of fund-raising, and the other the director of finance, which also included buildings and incipient IT and personnel and so on.

Q. Was she the lead director then?

A. She was the lead director, and she exercised considerable influence by dint of her forceful personality.

Q. Yes. So far as her -- she kept that position from 1973 through to 1984. Did she remain the lead director rather than the chief executive?

A. She did. She did.

Q. And maybe I have picked this up -- I hope I picked it up correctly -- perhaps if I was asking what her legacy was, is it essentially she did bring the stability and she did oversee this process of change perhaps to move in the directions you have mentioned, away from residential care and into more specialist services across the communities?

A. Mary Joynson deserves, in my view, absolute credit for bringing stability to an organisation and for increasingly wanting to see children supported in families wherever possible. That was her whole background. She'd been assistant children's officer in Somerset and Devon. That's what she was absolutely committed to. So yes, she's the person who achieved that.

Q. So stability and change in the direction she wanted to go? Community-based services, more children at home and, if not, in foster care rather than residential care; was that her general philosophy?

A. That was her general philosophy. She also supported the movement to care more for children with intellectual disabilities.
Q. So this is the more specialist, complex needs?
A. Yes, indeed, and I think she was also quite an advocate for adequate training. We did manage to increase our spending on staff training very substantially during that time.
Q. Was that a recognition by her that training was essential to provide the services that you were moving into?
A. Yes, it was, absolutely.
Q. So far as the committee structure is concerned, if I could go back briefly to the Four Cs, they were meeting monthly, as I understand it, and it was the divisional director, all eight plus others from headquarters. Some areas of policy would be reviewed and updated by them as considered necessary?
A. Yes.
Q. That was one of their functions?
A. Yes.
Q. Indeed, one of the examples that you can recall, I think in your contribution to the statement, is that at some point -- would this be in the 1970s? -- that they were responsible -- perhaps you were personally responsible for a care and control policy being drafted, discussed,

approved and issued?

A. That is true. I think what made me -- what prompted me was partly the experience of sitting on one of the inquiries that we referred to earlier that were external to Barnardo's, where there was just complete ignorance of what the rules in relation, for example, to punishments were.

I came back to the organisation when I had finished sitting on that inquiry and sort of looked at what we had and really decided that we needed greater clarity. If you were going to hold staff to account, you needed to be clear -- and clearer than we were -- about their approach to care and controlling children. So that was what led to -- I mean, by memory, I think about 1977, something like that.

Q. That policy -- and we've obviously been told that the policies themselves no longer exist -- that's the organisation who's told us that -- that policy therefore, am I right in thinking, would have covered, for example, approach to discipline and punishment?

LADY SMITH: I think you mean, Mr Peoples, that the documents no longer exist, not that Barnardo's have no policies that deal with care of children.

MR PEOPLES: Sorry.

LADY SMITH: It's all right, just to be clear.

MR PEOPLES: The policy document that was produced -- none

of these policies that were produced by the Four Cs, we are told by the organisation, currently exist in documentary form.

A. I have been told that and I'm rather disappointed --

Q. I was wondering about that.

A. -- to have discovered that.

Q. I take it then it follows that if they were not retained by reason of some form of decision not to do so, that wasn't something that jumps out at you that you had a hand in?

A. Oh, I think it was neglect rather than any --

Q. Conscious decision?

A. Oh, absolutely. As I say, when I was told by current colleagues that copies couldn't be found, I was surprised and, frankly, a bit disappointed because otherwise you are dependent on flaky memories, like mine.

You may wish to come on to this, but there was a transition to a much more elaborate policy and procedure guide. There were four volumes of this, of which the childcare volume was just one, and therefore a transfer of the Four Cs' documents into that. I can only think that what happened -- because we didn't have any document retention policies at that time. I can only think that what happened was that people, once the policies that had come out in Four Cs' circular form

were translated into the new policy and procedure manual, then the old ones were just thrown away and destroyed.

Q. But the policy that, so far as you can recall -- and you can recall the detail of the policy that was first drafted against the background you've described, but you seem to have a memory, a general memory, that it would have covered, for example, discipline and control, to provide what you call greater clarity?

A. Oh, it did. In fact, I think, the 1977 policy specifically prohibited corporal punishment, with one just slightly odd exception, namely that in relation to very young children, then they could be smacked on the hand. We received from our colleagues in the day care centres strong representations that just a smack on the hand like that (indicating) was effective in terms of stopping a rebellious 3-year-old from doing something that was dangerous or disobedient or silly. We later removed that. But that was certainly one of the provisions of the 1977 change.

Others were about old institutional practices such as outlawing -- not that they were happening in Barnardo's, but I wanted to be absolutely sure. There was an old institutional practice that if a child swore, then their mouth had to be washed out with sort of salt and water. I found that when I visited -- when I was

a tutor, I found that happening when I visited a student in this particular children's home where we had placed the student for a period of practice.

Sarcasm, we also said, didn't have a place. So there were a number of things there that were included in the care and control.

Q. Can I just ask you this then: if in 1977 it was felt necessary to bring this degree of clarity and to address these specific types of situation, is that a recognition that you couldn't be confident that these things weren't happening in Barnardo's establishments, at least in some establishments in some parts of the country?

A. At that time, we had very little evidence that had emerged that there was poor practice or abuse. However, a very clear finding of one of the inquiries that I had sat on was that people didn't know what they could and could not do. Therefore, the lesson I took from that was that we needed, in fairness to staff, let alone protection of children, we needed to be clear. So I think it was in part a response to that.

I think the other thing -- and again I'm sorry, I cannot recall what the statutory regulations said in relation to Scotland, but the Community Homes Regulations 1972 were remarkably woolly in what they had to say about care and discipline. They had replaced the 1950s regulations.

Q. The 1951 regulations?
A. Yes, they had. Community homes were legally separate from voluntary children's homes. I'm not absolutely sure whether they had replaced the 1951 regulations, but in general the Community Homes Regulations of 1972 were quite woolly, in my view, about means of care and control, and in fact the Department for Health set up a working party, of which I was a member, to provide better guidance in this area.
Q. I suppose if you don't have a lot of clarity on discipline and punishment and not everyone is qualified in the residential care setting and some aren't appropriately trained, if you put these things all together you are risking bad practice, you are risking abusive practices, and you are risking a failure to pick them up and report them and address them.
A. I think that was the essence of my concern, yes.
Q. I'll maybe go back to one point about Mary Joynson I meant to ask. You've told the inquiry today what her personal philosophy was and how she saw good childcare provision. Did she have any particular views about residential care provision for children in terms of whether it was a good thing or a bad thing during her period with Barnardo's? And if so, why?
A. I don't think she would have said it must be avoided at all costs. But I certainly think that she was very much

in favour of Barnardo's developing services which diminished the need for children to come into residential care.

Having said that, she was -- yes, residential care is necessary for some children, but she certainly wanted it to be of a quality that the organisation could be proud of. I think what we tried to do was to take the opportunity of a reduced volume of residential childcare as part of what the organisation provided to try and enhance its quality. By what you might ask? Certainly by our staff ratios, we increased those substantially and put some of -- and didn't always expect the local authorities to pay for the full amount. If we felt that it was needed and the local authorities wouldn't pay for it, then we utilised some of the money donated by the public for that purpose.

Q. Because I suppose that is obviously another consideration about how you fund --

A. Yes.

Q. -- the staff required and how you fund what might be a more specialist service. It costs money to do it, right?

A. Well, it does indeed. There was an annual joust with the statutory authorities about by how much should the fees go up. My recollection is that I think the Scottish director had to negotiate annually with COSLA

--

Q. COSLA, yes.

A. -- to agree what rates would be paid by local authorities in Scotland for the Scottish services.

Q. I suppose if you're running a specialist service and there's only so much you can negotiate, if there's any shortfall to provide the service, then it has to be met in some other way.

A. Yes.

Q. And you're telling us at least, fortunately in the case of Barnardo's and because of perhaps its ability to fund raise and any reserves it had, it could, if necessary, meet that shortfall?

A. It could and did. And shortfalls could occur for other reasons, one of which might be a reduced occupancy level, which always runs the risk of children being admitted for the wrong reason. I am wholly confident that my colleagues throughout Barnardo's did not admit children simply to make the numbers work out properly.

Q. If you're in an organisation where you depend on your local authority income and donations and you don't have the reserves, the situation that we've been describing becomes quite a problem if the local authority reduced provision. I think some organisations found that a difficulty. I think we've heard some evidence that Quarriers had a difficulty when local authorities took

a policy position about reducing the use of the organisation.

A. I think that's an inevitable conclusion to draw, yes.

Q. Can I move you to the 1980s, I think. You address this, or at least it's addressed in the statement -- I think this is again one of your contributions -- at paragraphs 54 through to 57. It starts at page 9642 of our numbering, page 18 of the statement. I just wanted to ask you a little bit about that.

One of the things you tell us about in paragraph 54 is the development in the 1980s of the policy and procedure guide or manual, which I think replaced the circular system that you've told us about earlier this morning. You said that was a pretty bulky document in three volumes or so.

A. Yes, it was four volumes.

Q. But the topics would include matters of childcare, matters of discipline, and so forth.

A. Yes. The childcare volume would include, really, everything from processes and procedures in relation to early childhood services, complexities -- I mean, the adoption situation changed, for example, during this period, with significantly changed adoption legislation and the setting up of adoption panels and so on. All these general issues were covered in the childcare section of the manual.

Q. Obviously, I think we're told in the statement -- it may not be in this paragraph -- that the manual would go to each establishment, it would be held there, and I think there's somewhere in the statement there's something along the lines of:

"All new staff are expected to have read the manual and signed to that effect."

Is that something you can recall, a process that --

A. I don't think we required staff to read the manual. I think what you maybe referring to is the care and control part of the manual.

Q. I see.

A. And when a new member of staff was appointed, they were given specifically the extract -- really literally with their contract of service, I think.

Q. Right. Would that be in the 1980s?

A. Yes, I think it would. They were then asked to read it and in fact to actually sign that they had read it so -- well, they may or may not have read it, but at least they'd said they had. I think it underlined -- because it had been selected out of the total mass of policies and procedures that there were, I think it said something about the importance that we attached to matters of care and control and probably ... I seem to recall that it was only a couple of sentences, but we had something about physical restraint to separate it

out, as it were, from issues of ... It is part of control, obviously, but to indicate those -- perhaps not the circumstances in which staff could intervene but when they intervened, then only such pressure or force as was necessary to control the situation should be used and not as any element of punishment.

Q. That's more a statement of principle, I suppose, rather than a practical guide to say: this is what you do, these are the techniques you should employ, these are the situations where you should use them, and so forth. Would it be fair to say that the policy at that stage wouldn't have gone into these matters?

A. It would be fair to say that. I think some staff may very well -- who were working day in, day out with children were sometimes looking for more guidance on what they would call positive methods of control rather than what not to do, which is, I'm afraid, always the terms very often in which these procedures can be couched.

Q. The other point I just want to ask is if the care and control policy as part of the manual or guide was itself still a bulky document, then in the real world, if you've got staff of all levels in an establishment, even if they sign that they've seen it or read it, some might say it's very well intentioned but ultimately if you're trying to get a few key messages of dos and don'ts,

there might be better ways of putting the message across. Is that something that you have reflected on, that there might have been a better way forward or an additional means of ensuring appropriate care and control?

A. The document itself was very short.

Q. Oh right.

A. It may have been in total perhaps a couple of sides of A4. So it wasn't a great volume.

Have I reflected on that? I can't honestly point to a time when I sat down and thought about it. I take your general point that integrated -- we might have done more. We might have done more to integrate into training programmes effective means of dealing with difficult and challenging behaviour, which some children do exhibit, especially the ones that have had the sort of experience which some of the youngsters we cared for had had.

Q. I suppose I'm also saying that if there's some absolutely key principles of dos and don'ts, to make sure these are not lost sight of, one has to give them some prominence to make sure that the staff who have to apply them have them always in their mind, consciously, subconsciously, but it's there, it's almost like they're working on an automatic basis that they can apply them without really any conscious thought.

A. I agree with that. Our requirement for staff to read and sign -- they're criticised for being inadequate, but that was the direction of travel. That's what we were seeking to do.

Q. There can be a merit, and I take it you'd agree, in simplicity of message and clarity of message?

A. I'm sorry, can you say that again?

Q. There can be considerable merit in simplicity of message and clarity of message on key matters?

A. Absolutely, and it was that, really, which I think was the motivation behind looking at care and control at that point, because I didn't feel that the clarity was there.

Q. And not just in the area of discipline, but in general care issues?

A. Well, I thought it particularly so in the area of discipline. That's what I was focused on. I think we had plenty of material and quite a commitment to training in terms of good practice, yes, I think we did.

Q. But in the period we're talking about, the period between early 1970s and 1990 when the traditional homes were still operating, you have already mentioned about the number of qualified staff, the sort of figures you gave or percentages.

In terms of all staff, I take it that you're not suggesting in that period that all staff in residential

homes received all the training that they should probably have had, looking back?

A. No, no, that couldn't be my honest position at all. I think when one talks about the 1970s to the 1990s, when the last old-style home changed -- it wasn't a sort of steady group, we had actually closed, I think, the bulk of the old style residential homes by the early 1980s, in fact.

Q. Just sticking with the 1980s, you became chief executive, that title was given to you, was it in 1984 or did you have the same title as Mary Joynson?

A. I had the same title and I had the same limited authority.

Q. At that time?

A. As Mary Joynson on appointment. There was a little bit of strengthening up of my capacity to -- well, bluntly, tell the other two directors what to do.

Q. So were you a de facto chief executive but with some degree of limitation on your authority?

A. I think that that would be fair. The council recognised that after a relatively short space of time and then separated out the two roles.

Q. And then by, say, around 1986, I think, it seems to be the indication, that there was then two separate and discrete roles of chief executive and director of childcare from then on. Is that correct?

A. It was initially called "senior director" and then, as the phrase "chief executive" got applied generally more widely in the voluntary sector, then Barnardo's followed suit and I was renamed the chief executive.

Q. How far were you driving this process to get these two roles separated and appropriately named?

A. I would say completely.

Q. You felt it was necessary to separate the two?

A. I did. I felt there was far more work to be done in moving towards a much more corporate entity as Barnardo's. Much of the strife and dysfunctional work of the 1970s had reduced considerably. But I really felt that the organisation's needs -- because we were expanding quite considerably on our childcare services in total at the time -- needed someone who would have the time to particularly look externally to engage with the various worlds that we had to, whilst the director of childcare could principally focus on the development of services, on quality, on childcare, staff morale and so on.

Q. The other matter you deal with in paragraphs 54 through to 57, I think perhaps paragraph 57 on 9643, page 19, I was just going to ask you a few questions about that. It's how, as you describe it or how the statement describes it, incidents of concern were handled at that time.

A. Yes.
Q. And I think there's a description of a process that was in use at that time in paragraph 57.
A. Yes.
Q. The process seems to require a report to trigger the process, a report to start the process.
A. Yes.
Q. And that report has to come presumably, if it had to do with the units, from the unit itself, from someone within the unit, if it's a concern that's in the --
A. Yes, possibly in some cases.
Q. Or the assistant director might see it when he's visiting?
A. The assistant director might see it or it might be a complaint from a member of the public.
Q. Am I understanding the process correctly that at that time it would have involved discretion and judgement as to who was informed of the concerns up the chain, if you like, and how far it went?
A. Yes, that is true.
Q. Can I ask you this: looking at incidents of concern as a broad description, I take it that would include complaints or allegations of ill-treatment of children at a unit?
A. Most certainly, yes.
Q. Were unit leaders, leave aside whether they were called

superintendents or project leaders or whatever, were they expected to report all concerns of that nature to a member of the divisional management team?

A. Absolutely. I mean, the system really fundamentally rested on that with the complication of if the abuser happened to be the head of the unit. But that was the clear, I think, expectation and that the person to whom they should make the report would be the assistant director, who was their supervising officer.

Q. You've used the word "expectation", and maybe I just can probe this a little bit further. There's a difference between an expectation, in my view, and an instruction, a specific instruction that all incidents of concern of a particular nature have to be reported as opposed to there is an expectation that they will be. In all honesty, is it more the latter at that time than the former?

A. No. If the documentation could be found it's possible I could be proved wrong, but I certainly felt sufficiently strongly about the necessity for allegations of abuse to be properly investigated that I should be astonished if we did not instruct -- in fact, I think that requirement was actually in the care and control policy.

Q. So if you're correct in your recollection, that would place a direct responsibility on the unit manager or

person in charge or indeed anyone else with the concern to report it?

A. Absolutely. I was going to add your latter point, that we sought to lay a responsibility on staff to report issues of concern in relation to the care of children.

Q. But of course, the system is only as good as those that have to implement it. If they, for whatever reason, choose to not raise a concern at all that they harbour or that they raise it with someone in the unit and it's not passed to higher level, then the system is not working effectively?

A. That is inevitable. How do you legislate for people not breaking the rules?

LADY SMITH: Just going back to seeking to lay responsibility on staff to report, are you talking about whistle-blowing?

A. In today's language, yes. Yes.

LADY SMITH: At that time did you think of any of the quite substantial difficulties that a person who was thinking of whistle-blowing or who whistle-blows may either in fact encounter or perceive they are going to encounter?

A. I think with the benefit of what we now know, we could have been more sensitive to those difficulties, my Lady. Even today, where I think most responsible organisations will have whistle-blowing policies -- I can't disclose the organisation, but just a few weeks ago I was asked

to investigate a circumstance where a person had whistle-blown on a safeguarding organisation and believed that that person had been victimised by that organisation as a consequence.

So whilst whistle-blowing policies depend on their implementation, part of that implementation, I think, is that people need to have confidence that if they whistle-blow, it's going to be dealt with appropriately and sensitively and it is not going to be to their detriment.

LADY SMITH: Thank you.

MR PEOPLES: That's still an issue today?

A. Absolutely.

Q. We read it every day in large organisations that some people perceive that if they say something, then it will have adverse consequences for their own position.

A. Absolutely and, as I say, the instance that I quoted a few weeks ago --

Q. Would bear that out?

A. Yes.

Q. I suppose so far as the process is concerned, if you're right that there was a requirement in effect to report an allegation or a concern about the way, for example, children were being treated by staff, was there still a degree of discretion at the next level, the divisional manager level, as to whether you would get to hear about

it or one of your senior colleagues in London under the process?

A. Yes, there was a degree of discretion. The plain fact is that you don't know what you don't know. Given the nature of the complaints or the allegations that were passed on, I was reasonably confident that appropriate information had been passed. I can't immediately point to it, but I think somewhere I referred to a --

Q. Was this to do with the slipper?

A. With the slipper. In reality, it was a minor, minor thing, but it was a breach of the rules. But the divisional director had absolutely no hesitation in reporting that in. My impression was that the threshold for reporting was actually quite a low threshold.

Q. In the case of that director, his or her threshold was low.

A. Yes.

Q. But not all directors might have taken the same view for the reasons you've given. You may have categorised it on the scale as more at the minor end than the major end, so it's possible that others might have let that go or not reported it on.

A. It is possible. I think that one of the possible safeguards against that happening was that we had had extensive discussions within the Four Cs about the whole business of discipline and control. It was one of those

areas that would need to go to the trustees. So we wanted to be sure that we had thoroughly examined the range of issues so that I would have hoped that a commonality of threshold existed, as it were, between that divisional director structure, but how can I be sure?

Q. No, and if you were wanting to have clarity on what should definitely be reported if there's a requirement to do so, one source would be the care and control document if it was detailed about how you don't carry out this practice or you don't do that.

A. Yes.

Q. That would be a clear instruction, effectively.

A. Indeed, yes.

Q. Beyond that, was there guidance that you're aware of that might have explained the phrase "incident of concern" or "serious incident" that would have drawn some sort of line that would have allowed people to say what they should do in this situation?

A. I can't immediately recall if, as it were, the care and control document was amplified in the way that you're now asking.

Q. But that might have been perhaps valuable?

A. It may have been, but I'm afraid with the passage of time, I can't recall that.

Q. Just on one matter that -- if I can take you back to the

1970s again, you've told us about the DHSS checks. I think it came the Department of Health and Social Security that made these checks in the 1970s.

A. Yes.

Q. In the 1970s, just around maybe the time you came to Barnardo's, and it may pre-date it, in paragraphs 75 and 76 there's some discussion of -- and this is on page 9649, page 25 of the statement, so you have it in front of you.

LADY SMITH: Are we looking at recruitment now in this section?

MR PEOPLES: No, not quite.

LADY SMITH: Paragraphs 75 and 76, did you just say?

MR PEOPLES: Yes. Paragraph 75 is on page 25. It begins:

"In 1973, Barnardo's abolished ..."

LADY SMITH: The reason I asked that is because at page 20, there's a sub-heading in bold "Recruitment". We start with the 1930s, then we go to the 1950s, and 1960s and then we are here in the 1970s under an overall sub-heading of "Recruitment".

MR PEOPLES: That may be the structure of the statement, but the parts your Ladyship was referred to, I'm told, were contributions by other witnesses, so I'm avoiding going to the beginning of the section.

LADY SMITH: I get that. It's just this section is also in the recruitment section. No doubt we can look at it.

MR PEOPLES: Perhaps I can take the point that this change may have pre-dated your time, I don't know. I was really looking for why was it thought a good idea to get rid of joint superintendents and have a single superintendent. Do you know?

A. I don't know specifically. The joint superintendents sometimes were man and wife, sometimes there were two women, sometimes there were two men. I think I would be speculating, really.

Q. Don't worry.

A. I don't know, nor can I ever recall reading or being told why they abolished joint superintendents. That was a contentious issue for the superintendents. I picked up the backwash of that.

Q. Because you would have to deal with the implications of that.

A. Yes, absolutely.

Q. But what you may be able to help us with on the superintendents are some of the other matters in these paragraphs. The first being that it seems to be the case that until 1977, appointments of superintendents were made by Barnardo's Council, but after that were made at, it seems, divisional level. Is that correct?

A. Yes. That was one of the changes. With one or two notable expectations, that was one of the changes that we brought about in terms of redefining the respective

roles of the trustees and the staff.

Q. And further than that, decentralising from headquarters to divisional level?

A. Yes.

Q. To give them more authority in that area of recruitment?

A. Yes.

Q. Of a key role, a superintendent role?

A. Yes.

Q. Another change that happened around that time is that superintendents -- there was a change of terminology to use the term "project leader". Around that time?

A. Yes.

Q. Was that something that you were instrumental in pushing forward?

A. Yes, in fact it was my proposal because by then, we were having an increasing number of services which were not residential. I took the view that whilst people were operating in different contexts, there was a similarity of responsibility between the person who ran a team of social workers, the person who ran a children's home, and the person who ran an under-fives centre.

So we did some restructuring in terms of saying that, well, the senior person responsible for the integrity and quality of that service is going to be called initially a project leader; later it became project manager.

Q. Was that intended to bring about some improvement in terms of the -- I was going to say cultural change, but I'm not sure that's the right expression. I think the expression you use was that the change was explained in part to create a project identity. I don't know whether that carries more significance than just those words. Were you trying to achieve something beyond a mere change that might reflect a broader service? Were you trying to achieve a change within the units?

A. It wasn't intended to achieve a change within any residential units. What was happening was that because in some respects divisional directors were more responsible for the developing of new services than they had been and had greater authority in this respect, organisationally it was looking pretty messy. So what we decided to do was to establish the project identity -- I can't remember the words now that we used -- which were about specific objectives, specific responsibilities for each major piece of work and that we would use the collective term of project leader for the person who headed that up.

If you want to be cynical -- not if you want to be cynical, but if one was cynical you could say it was a bit of organisational tidying-up. I would say it was much more to reinforce the responsibility of the leader for that particular service.

MR PEOPLES: I'm conscious of the time. I think we should perhaps break there and resume. I don't have much further to go, I should say, about the statement, and then I'll move to some of the general issues.

LADY SMITH: We'll take the lunch break now, Sir Roger, and sit again at 2 o'clock.

(1.05 pm)

(The lunch adjournment)

(2.00 pm)

LADY SMITH: Sir Roger, I'm very conscious of the fact that you're struggling. Please, as I said before, let me know if you need a break, will you?

A. Thank you very much, my Lady.

LADY SMITH: Mr Peoples.

MR PEOPLES: Sir Roger, can I move on in the statement to a matter which was touched upon this morning at the beginning. It's on page 26 of the statement, page 9650 in our numbering. It's paragraph 80. The statement there, and I'll read it:

"From the 1990s there was more emphasis on scrutinising references when recruiting employees following the report of a committee of inquiry into the selection, development and management of staff and residential homes by Norman Warner."

So perhaps you could elaborate on that statement for us just to explain the context in which that report was, I think, commissioned and how it impacted on, I suppose, essentially a process of recruitment.

A. I have to say I can't recall what the motivation behind asking Norman Warner to do this report was. It's very probably another report of --

Q. Can I maybe help you there? It may refresh your memory. I did a little homework last night just on

Norman Warner. My understanding is that he was, between 1985 and 1991, which is shortly before the report, director of social services for Kent County Council.

A. That's correct.

Q. Subsequently, after the report, he held various positions. He was senior policy adviser to the Home Secretary in 1997/1998. I think that's maybe something you know about.

A. Yes.

Q. Ultimately, he was a minister of state at the Department of Health between 2005 and 2007 in the Blair government.

A. Yes.

Q. He is now Lord Warner.

A. Yes. He is, yes.

Q. Again, if it's of any assistance, it appears -- and maybe you can confirm if this is correct -- that perhaps the background to the committee being set up was a number of major public inquiries that were going on around that time, including Kincora in Belfast --

A. Yes.

Q. -- Pindown in Staffordshire, Castlehill School. Around these times there were a number of them going on. And I think there was also a conviction, a fairly well-known conviction, Frank Beck in 1991.

A. Yes.

Q. I think that did raise concerns, did it, about issues of

recruitment of staff and suitability of staff. Was that the broad background or climate in which --

A. That would be true. I'm grateful for your help. It was in fact the Beck case in Leicestershire which particularly prompted the Warner inquiry.

Just a sentence by way of background and relating it particularly to Barnardo's. We had put, during the 1980s and early 1990s, a lot of effort into trying to improve our equal opportunity policies and practices. I think one of the consequences -- and it was probably unintended of that -- was that the general status of references had declined. They tended to become a sort of: oh well, after you've made the decision, as it were, then you've got references in. I don't think Barnardo's was unique in that sense.

I think the emphasis that Warner put in his report on the rigour with which references for residential staff should be interrogated and followed up certainly emboldened me to sort of say, "We've got to take more notice of references". After all, if this person has worked for X, Y and Z for three years, surely they know something about his or her practice.

I know all the -- well, I know some of the reservations that are expressed about references, but I think probably the pendulum had swung too far in them becoming rather notional.

Q. Perhaps I can help here because I think I can get the sense of what you're saying, that I suppose in the climate of equal opportunity and job applications and avoiding discrimination by processes of interview, there would be perhaps a certain concern about how much individual job applicants can be asked about themselves in case it was thought that they were breaching anti-discrimination legislation. That might have been one consideration, would it, at the time?

A. I think that was the flavour of what the concern was. We were keen to do the right thing and to be a good equal opportunities employer, but I think in this particular context, where close personal relationship between residents and staff is not unique but it is perhaps exceptional by most employment standards, then Warner encouraged a greater regard to be paid to references.

Q. Can I just maybe take it a little bit further and you can correct me if I'm wrong. My understanding is that perhaps one of the things that he was advocating -- and maybe one of the things that has been followed through in practice by some organisations -- is what are called Warner-based questions or a Warner interview. My understanding is, and again correct me, that that is a process that involves questions by trained interviewers, designed to explore a number of matters

which are seen to be highly relevant to employing people in a care setting, one being the motivation to work with children and young people.

A. Yes.

Q. That's one. So you're trying to get questions that will flush that out.

The second is the ability to make or to form and maintain appropriate relationships and personal boundaries with children and young persons. That's another matter?

A. Yes.

Q. The third of the four key planks is to ask questions designed to explore what I think is termed emotional resilience to working with challenging behaviours. The fourth is to elicit attitudes towards the use of authority and maintaining discipline.

Was this, to some extent, a fairly analytical exercise to some extent to explore what sort of things you should really be testing more rigorously at the recruitment stage?

A. Yes, I think that's right. At that particular time in the organisation's development, we most -- certainly at senior -- the more senior appointments involved participation by one of our three occupational psychologists, whom I hope would have had regard to issues of motivation and the resilience of the

individual.

Q. I think we did hear some evidence about the use of various refinements of the recruitment process, including, as you say, the involvement of certain individuals from head office and also psychometric testing and tests of that nature being introduced for senior appointments.

A. Yes, indeed.

LADY SMITH: Is the Warner method really a competency-based approach to interviewing, as in the person who is the employer knows what competencies the job requires and the interview process is structured in a way to check that you have explored each competency in turn and, perhaps on a spreadsheet, marked the competencies depending how many divisions there are or whatever?

A. I think certainly the contribution which the occupational psychologists brought to our process was very much a competence-based one and, certainly occasionally to our irritation, a bit -- not tick-boxing but scoring against things.

I think, however, that it's competency plus because I think the issue of emotional resilience, of attitudes towards children -- if you're going to influence children's outlook, attitudes and behaviour, then I think you need adults who possess these as personal qualities as well as competence in the knowledge and

skill sense of the word.

LADY SMITH: That's looking like role models?

A. Yes, indeed.

LADY SMITH: People who, just because of how they are, are going to be good role models for the children?

A. And what their range of interests are and the extent to which they coincide with young people's interests bs that is one of the ways of trying to build a relationship of influence over the behaviours and attitudes of young people.

LADY SMITH: But these are all different from references. References are something else, aren't they?

A. Well, I think if the reference request is structured in a way in which at least you can ask questions about these issues, then that would be one way of making the reference potentially more useful.

MR PEOPLES: Yes. I'll probably be doing a disservice to Norman Warner's report, but apart from giving indications of how one might conduct an interview that would elicit not just competency but motivation, attitudes, potentially significant prior experiences and generally testing suitability as well as competence, I think he did advocate a more robust use of reference material and perhaps more checking of the material and analysis and interpretation of the material as to what it told you allied to the information elicited at

interview. It wasn't just a single point he was making?

A. No, it wasn't. For example, it has been a long time since I read his report, but I believe he suggested that telephoning the referee up on issues of either inclusion or omission, even. That made, I think, some of our colleagues who were concerned to sustain good equal opportunities practice sort of suck in air a little bit.

There were some balances about --

Q. So to take a simple example, if someone submitted an application form or a reference and it only referred to something they'd done five years ago or only things they had done recently, the Warner approach might say: you need to know a bit more, either about the recent past or the distant past?

A. Well, that's true. My personal practice since I left Barnardo's is, where I'm involved in appointments, as occasionally I am, I try to focus the referee on a particular area or a particular timescale and sometimes even say, "Can we please have the name of a person who has been acquainted with your practice, say, over the past three years?" Because otherwise, you know -- well, we all select the right people for references in our own perspective, don't we? But it could also be used in a rather malign way if the individual wanted to.

Q. Yes, but I think in principle that this approach, at

least, is seen by those who use it as not in any way inconsistent with the principles of equality and non-discrimination, provided the questions and the approaches don't stray into dealing with issues or questions that are of a discriminatory nature and could lead to unlawful discrimination. Provided you steer clear of that -- and sometimes there are fine judgements -- in principle the approach is not objectionable?

A. I'm pleased to hear that, really.

Q. I'm just saying, that's a view, I believe, because presumably these techniques are used?

A. Yes.

Q. And they're used today?

A. Yes.

Q. And indeed they don't infringe Article 8 either because I think you can, to some extent, in proportionate ways, ask about personal information if it's relevant and appropriate and concerns, for example, the safety of children in care.

A. Yes. You're pushing at an open door, really, on that.

Q. So that was a change?

A. I wouldn't say it was a dramatic marked change, but it was something that we certainly discussed with our personnel colleagues. In a rebalancing sense, I think.

Q. The only matter I'm interested in then is -- I think

we've heard some evidence that, for more senior appointments, these refinements were produced in some shape or form into the process of recruitment. If we're going to the more basic appointment level of the basic grade residential care worker, was that degree of refinement introduced into the normal processes of recruitment even in the 1990s?

A. Well, I would hope it had been in relation to the approach to references. What was not happening was that we did not have occupational psychology colleagues involved in front-line appointments.

Q. So in part it would introduce some changes?

A. In part it was introduced.

Q. But not as extensive as for more senior appointments?

A. No.

Q. If I can move on a bit further on in the report to paragraph 176. It's at page 51 of the statement, page 9675 of our numbering. To some extent I'm revisiting here the process which would be followed if a member of staff had concerns about, in particular, discipline or levels of restraint used in relation to a child.

It would appear that -- is this very much what you were telling us this morning, that the process was that it would really be a requirement to report this matter to a more senior member in the divisional team? Would

that be your understanding that that would be the process if something of this nature had cropped up?

A. Yes. I've reflected on that part of our discussion over lunch and I'm more sure that we placed on all staff a requirement to report if there had been breaches of either the care and control policy -- well, of the care and control policy, which did include a few sentences on restraint.

So, yes, the assistant divisional director, the supervising officer, if it came as a report from the residential unit, would report that to the divisional director, who would then do a report through to head office.

My former boss, Mary Joynson, had been on a senior management course and got into conversation with a chief constable who described how, in his force, at that time, they investigated complaints against police officers. In short, what he said was that he got his deputy to actually investigate the complaint and then that freed him to actually chair any consequent disciplinary proceedings and penalties. She thought it would be a good idea if we imported that idea and in fact we did do so.

Q. Just maybe taking this through then, if we start with if a concern is reported, and of course it does presume that the person with the concern makes a report in the

first instance, having reflected on it over lunch, you are fairly clear that a report, if a concern was reported by either a member of staff, any residential care member of staff, it would go to the divisional team and should go to the divisional director, not just to his subordinate, and it should also go beyond that? Is that what you can recall being the practice?

A. Well, yes. I think we discussed before lunch the threshold that a divisional director would apply to whether he or she notified head office of that. I'm as confident as I reasonably can be that divisional directors exercised proper discretion about that. What I cannot, of course, possibly say is that in all cases the process worked exactly as it should.

It may be that this inquiry has heard of instances where a complaint was made and action was apparently not taken. I don't know whether it has or whether it hasn't. But that must remain a possibility and I don't quite see how you can defend against that.

Q. Okay --

LADY SMITH: Can I just backtrack a moment, Sir Roger. Imagine that I am the front-line member of staff and I see my colleague, who's on the same shift as me, forcibly restraining a child and, in my judgement, that exceeds what I have read in that few sentences about restraint. Who do I have to tell?

A. Well, the procedure, as I recall it, said that you should notify the head of home.

LADY SMITH: And then the head of home has got to do what, record it in their logs?

A. The head of home has to record it and to notify his or her own supervising officer which, in the Barnardo's structure, would have been the assistant director.

LADY SMITH: Then the assistant director has to tell the divisional director?

A. Yes.

LADY SMITH: So by that time, three people have been involved in reporting to the divisional director, who is number four in the chain?

A. Yes.

LADY SMITH: Is that ideal?

A. Well, the head of home would be a known person to the front-line member of staff, the assistant director less so. I see your point, that it seems rather a long chain and could the story get mangled in the process or something --

LADY SMITH: Or not got there --

A. Yes.

LADY SMITH: -- because of the opportunities for a different view to be taken on whether this really needs to go to the divisional director and thereafter to London --

A. Yes, indeed.

LADY SMITH: -- which is going to be the fifth port of call.
A. Yes. In those circumstances, I think probably now knowing more about it, the case for avoiding that sort of chain is probably a strong one.
LADY SMITH: Thank you.
MR PEOPLES: But so far as you can now recall of the process, whatever what on reflection may be a weakness of the process, in the example that Lady Smith has given you, the concern gets to the head of home, that person has to report to the assistant divisional director, that person, the assistant divisional director, has to report to the divisional director. He doesn't have discretion; is that what you're saying? He still has to make the report on to his boss or is there a degree of discretion?
A. I think there's a degree of discretion.
Q. I follow.
A. Yes, there must be a degree of discretion. If the kid fell down in the playground, well, there's got to be a degree of discretion.
Q. And again, there's a degree of discretion whether divisional director feels that it's a matter that has to be reported to London?
A. Yes.
Q. Just let's say all these things happen, just for the sake of argument, and it's thought that, following these

reports, some investigation might be merited, who takes the decision in this process, whether an investigation of any kind is conducted? Leaving aside who does the investigation, who takes the decision?

A. At this time that would be Mary Joynson, the director of childcare.

Q. So ultimately, if the matter got beyond divisional director level and got to London, whether there was to be any investigation would be a matter for Mary Joynson?

A. Yes, indeed.

Q. Not the divisional director?

A. No.

Q. If the director of childcare thought that an investigation was warranted, am I understanding that that would be conducted by either herself or a senior deputy in London?

A. No, it would not be conducted by herself.

Q. No, okay.

A. In practice it was conducted by me, as her sole deputy.

Q. As the deputy, the number two in the organisation?

A. The number two in the organisation.

Q. If you were the investigating officer under this process and decided that, on investigation, some form of disciplinary process needed to be conducted, am I right in thinking that, based on Mary Johnson's discussions with the chief constable, what would happen in practice

would be that disciplinary proceedings would be conducted by -- is it someone in London or a divisional director from another division?

A. No. Let us go back to the point where Mary Joynson asks me to investigate a set of circumstances. I would do so and I may make a recommendation about disciplinary proceedings. She would decide whether to accept that recommendation or not and she would then get the personnel section to organise a disciplinary hearing, which she would chair.

Q. She would chair?

A. She would chair.

Q. So that process means that she makes the ultimate decision whether there should be a process, does she, of disciplinary action?

A. Yes, that at the time was the system.

Q. She decides whether there should be disciplinary action and then she chairs it?

A. She decides whether there should be a disciplinary hearing, which is not quite the same as disciplinary action. She decides whether there should be a disciplinary hearing and she chairs it if she has made that decision --

Q. Forgive me --

LADY SMITH: And she would have had no part in the investigation?

A. She would have had no part in the investigation; I would have done that.

MR PEOPLES: So were there no occasions when, say, a divisional director from one division would conduct an investigation into a matter in another division or do you know whether that happened?

A. I think there may have been one or two occasions when that did happen, yes, when maybe I wasn't available or was committed on something else.

Q. I think I understand the process there.

There's a separate matter that can arise in these situations and it's the issue of whether you report it to any external agencies, including in particular the police.

A. Yes.

Q. What was the position on reporting to external agencies and in particular the police at that time?

A. At that time I think there would be probably a discussion between Mary Joynson and myself about whether a criminal offence or perhaps more of a serious criminal offence had been committed. Then a decision would be taken about whether to report it to the police. I do emphasise that --

LADY SMITH: Sorry, just a moment, Sir Roger: how were you in a position to decide whether or not a criminal offence had been committed?

A. Well, I conducted the investigation and it was then a matter of judgement about whether a criminal offence had been committed or not.

I mean, at the time --

LADY SMITH: But that would involve knowledge and understanding of the relevant criminal law.

A. Yes. Yes, I think that is a fair point.

LADY SMITH: Perhaps not a matter for you?

A. And certainly not as procedures have developed subsequently and over the years. But I think the first guidance on referral to the police was 1999. I'm not absolutely sure about that.

But may I just make one further point about this matter of referral to the police? Because I had a very early lesson personally in what matters should be referred to the police. During what would now be called my year out, I went to work in a boys' approved school. I'd only been there a few weeks when the wife of one of the housemasters, one of the care staff, rushed into the school to say that she'd returned home early from shopping and found her husband in bed with a boy. The police were investigating that within 20 minutes of it actually happening. That taught me a very early lesson about the importance of involving the police certainly in serious matters.

So I think if I can return to the issue of

thresholds, then I can recall one of the four or five incidents which I investigated over that period of time where we thought that it was sufficiently serious to involve the police. The case that is referred to -- yes, in paragraph 176: the case of smacking a girl with a carpet slipper. The woman smacked the girl twice on the bottom over her clothing with a carpet slipper. It was a breach of Barnardo's rules. It was marginally a breach of the statutory regulations because it was a girl rather than a boy. But our judgement at the time was that this was not a matter that the police would be sufficiently interested in to pursue.

MR PEOPLES: Did the police, from your experience, tend to convey that message to organisations like Barnardo's, that they might be more interested in certain types of complaints or concerns than others? Did you ever sense that they gave any kind of hint as to whether you would be encouraged or discouraged from reporting matters that potentially could be a criminal offence or an assault?

A. I don't think at the time I had an experience which would allow me to draw that conclusion. I have had a number of experiences much more contemporaneously where the police have said, "No thank you, we're not going to pursue this any further", particularly in relation to matters of heavy-handedness and physical abuse.

Q. Just again, so far as the reporting to the police is concerned, clearly at the time that we're looking at there was no system of mandatory reporting --

A. No.

Q. -- of complaints involving physical contact with children? Whether the contact is of discipline of restraint, there was no mandatory reporting?

A. As indeed there isn't in England now.

Q. I did think, and maybe I'm wrong and it's not your part of the statement, in relation to non-recent allegations of abuse of any kind, Barnardo's policy, by 2001 at any rate, although it was maybe not so earlier, having reflected on the matter, was to routinely report all allegations to the police for consideration and investigation.

A. Indeed. The world by then had moved on in terms of expectations about how these matters should be dealt with.

Q. I think, also by that stage, 2001, the organisation was receiving a number of allegations of non-recent abuse by former residents; is that correct?

A. That would be true and my former colleague, who I think is due to give evidence tomorrow, I think, would be able to elaborate on that because she is the person who dealt with it.

Q. I don't want to go into the detail, but I'm just trying

to get some idea of how things changed and moved.

A. Yes, indeed.

Q. I suppose what her Ladyship says ultimately is apart from neither you nor Mary Joynson were lawyers, and if you were trying to make a judgement between something serious enough to report and something not serious enough, I suppose it does throw into question what criteria were used. I take it that you didn't have specific criteria that in some way had been run by your lawyers or someone with some degree of expertise in these matters or knowledge of what might be reasonable chastisement, for example?

A. We didn't. I think the significance of reporting to the police and statutory authorities at the time was far less there than it is today.

Q. Yes. That reminds me. I didn't actually perhaps cover that point. I did say "external agencies including the police". Going back to the 1970s and 1980s, particularly, because I think processes may have tightened in the 1990s and beyond. In the 1970s and 1980s, for example, would it have been routine practice, if an incident or concern involving discipline or restraint had been raised and reported, to notify external agencies like local authorities, social work departments and so forth?

A. I can certainly think of instances where the local

authority was notified and involved. The local authority interest would be a twofold one, I think. There would be the local authority in whose administrative area the actual home resided. Because depending on the category of the home -- for example, homes for children with intellectual disabilities were actually registered by that local authority. So that would be an expectation of reporting. The other local authority interest would be where a local authority was actually funding the placement of a child, then there would certainly be an expectation -- I keep using that phrase -- there would be an expectation that the local authority would be notified as part of the ongoing care of the child.

But if I can just defend my use of the phrase "expectation", I use it in the sense of, well, you know, that would be routinely done rather than told to do it, and it may very well have been covered in this vast volumes of childcare policies.

Q. I take you point I suppose what you probably can't be confident of saying at this point is that it was invariably done or that some degree of judgement might be (inaudible) just as it was in the case of reporting to the police?

A. I think in this world I could never use the word "invariably".

Q. If that was the situation in regard to reporting to the police, it seems a matter of common sense that there was a fair chance it was the same when it came to: do we need to report this other than note it and consider what action might be appropriate and do we actually need to involve other agencies?

A. I think the likelihood is that the local authority would be more involved than the police would, yes. That would be part of, you know, the conjoint responsibility for the welfare of the child and the reviewing process.

Q. I'm going to move away from the statement now and turn to my third chapter, having explored your background and the matters you contributed to the statement, and look at what I call the general questions section. I did pose a number of questions to you and I'm not going to go through them with you today in detail.

We've seen from the statement that's been submitted by the organisation, by Barnardo's, and indeed they've said this from the outset of the inquiry, that they fully acknowledge that abuse did take place in statements that were run by them.

Of course, one matter of great interest to people who have told us of experiences of abuse in establishments, not just Barnardo's, but generally, is: why did this abuse happen and why did it happen, it would appear, on at least a significant scale? Let's

not worry about the precise details.

I suppose what I'm maybe asking you to help us with, based on your range of experience and indeed involvement in previous inquiries, is what was it about the way things were done? What was it about the systems that were in place historically that, in your view, can help us explain why abuse happened or why children might have been exposed to the risk of abuse? Can you help us?

A. I'll try. I think historically, many children's institutions were rather closed, closed in the sense that whilst children may or may not, but may have gone out to school, there was, for example, very limited contact in some cases with children's own families. We, of course, didn't have mobile phones or the Internet or social media. Children's homes that I visited when I was a tutor -- and I must have visited dozens of them -- didn't have a telephone that children could use.

In some institutions, letters that children wrote home had to be left open so that staff could read them before they were posted, and incoming mail was checked as well. So there was a very sort of controlling aspect, really.

I think a second factor was the lack of say which children felt they had over what happened to them. So if they were to complain about abusive management or abusive handling, I think some children -- and

I listened to what people have said who have experienced this -- they went for the devil you know rather than the devil you don't. So if they had no control and no say over what the possible consequences of complaining about a member of staff's behaviour towards them would be, then they plumped for what they knew.

So there was this issue, really, of the extent of control that institutions exercised over the lives of children. I think another reason why abuse has not gone unchecked -- and perhaps I can report a specific case here because it was in the public domain. I was a member of the serious case review that looked into what had happened at the Southbank International School, where a teacher drugged children on school camps and then, in their drugged state, sexually abused them.

What we found when we looked into what had happened was that there had been concerns about this man's behaviour, low-level concerns perhaps, about this man's behaviour, expressed by other members of staff. But at no point were the school systems such that that information came together so that the person charged with child protection in the school could look at the totality and say, "Look, there are too many low-level areas of concern here for us not to find out if there's not a more serious problem". That's a contemporary issue, that's not a historical one.

I think some homes tended to have traditions and cultures which children just fell into, "This is the way that things happen here". When I was deputy head of an assessment centre for boys who had been committed to approved schools, we used to say we could identify which remand home a boy had previously been in by the way he tended to behave in his early two or three days. So if you went into the dormitory, as they then were, in the morning, put on the lights, said, "Come on, boys, it's time to be up", some boys would leap out of bed and stand to attention because that's what they had experienced at the ...

So there was, I think, a tendency of young people to conform to what they found in an institution, and if it had abusive features, then that was likely to be sustained.

I think some children thought that they simply wouldn't be believed if they complained about the behaviour of a member of staff. They felt that they would be considered to be lying and that the staff would simply close ranks against them, so another dimension of better the devil you know than the one you don't.

LADY SMITH: I suppose if that happens, that just adds fuel to the child's fear of complaining and things getting worse because if they're not believed and that member of staff is somebody directly responsible for their care,

they're going to have to keep facing that person day after day --

A. Sure.

LADY SMITH: -- after having been told: your complaints about him or her are rubbish?

A. Yes, exactly. That leads me a little to the next point I was going to make about the power relationship between staff and children. I have sat on a government committee that looked at issues of care and control in community homes. One of my fellow panel members was the headmaster of an approved school. He described his approach to care and control as having a senior team, the three of them, all of which were at least 6-foot and broad. And he called them gentle giants.

Well, they may have been giants, but you know, from other things he said, I doubt about their gentleness. But the whole business of the power relationship, the control about a young person's future, how long they stayed, what contact they could have with family, is something I think which historically has probably been underestimated and not appreciated.

Then I think perhaps particularly for some young and inexperienced staff -- and we spoke earlier about the absence of training for many staff -- was really the absence of guidance of positive methods of control and managing difficult behaviour. It's all right the

organisation telling them what they should not do, but they felt that they needed help in terms of what they could do, and in the absence of that, then I think there was always a danger that they would resort to behaviours that were inappropriate.

Of course, some young people do not necessarily recognise abuse, perhaps particularly sexual abuse, as being abusive at the time that it happens, particularly if it is associated with the sorts of rewards and favours which it very often is.

So those are just, I think, some of the reasons why abuse does occur and has occurred in residential homes.

MR PEOPLES: When you say the absence of training for perhaps a majority or many, I take it you're not just referring to training after employment, but lack of qualification, training in the broad sense?

A. Yes.

Q. -- it might be one or both -- these contribute to this state of affairs?

A. Yes, indeed.

Q. All of these things, do you see these as systemic issues that the care system has to look at, address and seek to deal with, rather than saying, oh, it was just unfortunate this individual was either a bad apple or something like that? Because that's often said.

A. Yes.

Q. You must have heard that before?

A. Yes. Well, that's right. I think some of the issues are systemic. One of the other questions that you asked me is what positive changes, I think, have I seen over the past 50 years.

I think one of the most positive changes, really, has been a move away from "the professionals know best and this is what is going to happen to you" to one where children and young people are much more fully engaged in the process of planning their future and their development.

That is a systemic issue insofar as the managing organisation ensures that there are appropriate processes whereby children and young people can be actively engaged and involved.

I think the second good thing that has happened is that children in residential care today, I sense, are better appraised of what is appropriate and inappropriate staff conduct. That doesn't overcome all the list of downsides that I've just mentioned, but I do think that that's been a major change and a change which has better protected children. In itself, it's insufficient because there are issues of, still, what do children do about concerns and how much confidence can they have that they will be appropriately dealt with. But if at least they are clear that what is happening to

them should not be happening to them, then that is a step on the road to some remedial action.

Q. In a sense, in a broad sense, they're perhaps better educated as to what is appropriate and what's not --

A. Yes.

Q. -- for one reason or another?

I don't know what you attribute the reason to that to be. Is that because they're told better or they're consulted, they're given more opportunities to be told and they can discuss issues or is it something more --

A. I think there are probably two reasons. One is I think a greater awareness of children and young people generally about what we might broadly call rights, as it were. That comes from the television programmes that they watch -- there are television programmes about young people in children's homes and how they behave and so on and so forth.

But I also think that the change is -- it needs to come to specific things which are done to address the peculiar circumstances of children living in residential homes and that is about greater openness.

One role I haven't mentioned that I think is a particularly vital one is that of the external supervisory officer, someone who is known to be the boss of the head of the unit, someone who comes in, is a known person to children, is known to have authority,

and who can engage -- who has the skills to engage in debates and discussions with young people about what's good about living here, what would you like to change, what would you like more of, what could you do with less of.

You don't have to say, "Are you being abused?" but that role, I think, is a very essential -- I've always thought it has been, but I think it continues to be a very essential protective measure for children if it's carried out and done well.

Q. It sounds like a variation on Warner.

A. Yes.

Q. You ask the right questions and probe the right questions to --

A. But to be fair it was also in the 1951 regulations, that there should be that visitor.

Q. But you're saying someone known to the people in the establishment, known to the residents, but still connected to the organisation? Or independent of?

A. In that connection, yes, that was the role that I was talking about, still connected to the organisation.

Q. How important is it you have an independent person, not connected to the organisation, that might be available? Because we did hear some evidence that in Hugh Mackintosh's time, somewhat later in his period, they introduced perhaps an independent visitor system

where people of different walks of life would come to establishments, rotate, prepare reports for the organisation about each establishment where they talked to children. Do you see that as an important check and balance?

A. I think it's a further one. I recall the introduction of the independent visitor and, of course, again I don't know in Scotland, but statutorily a child in care needs a personal independent advocate as well. So these additional, as it were, sources of outlet and opening up what I call the rather more closed institution I think are valuable.

But I think I would still place some considerable evidence on the organisation's own senior employee having responsibility for knowing the organisation's policy, knowing its values, knowing its expectations, and being a known figure to children, not turning up at 10 o'clock in the morning, having a cup of coffee, a chat with the superintendent, lunch, and going home, and never seeing a child, they're at school. Really someone who's going to be there and around with children and young people.

Q. So that's a key role still to your mind?

A. If I ruled the world, I would make that a key role.

Q. Well, I think I was giving you the opportunity to rule the world so you could help us in that regard. Are

there other things, either positive developments or things that should be avoided?

A. Well, I think ideally a good residential home, in my view, needs a number of things. I think it needs staff who are kind, resilient, respectful of children, and committed to their growth and well-being. You may say, well, that's motherhood and apple pie, but it does contrast with what as a tutor I saw 40 years ago, where the attitude of many residential staff was: children are trouble and it's a game of wits to see who can keep on the top side.

I think it is essential that staff -- forgive me if I've already made this point -- are well in touch with children and young people's interests. If you are going to influence the way young people think and their attitudes and their behaviour, you do need some sort of points of connection. I think conjoint interests are particularly important. It may be as simple as football, but that's not unimportant to many 13-year-olds and maybe a few people older.

I would want to see a home that was prepared to be open to scrutiny, a head of home who's prepared to share the challenges and frustrations and difficulties that he or she is encountering, certainly with their supervising officer as a minimum.

Again, a little bit repeating what we've said

already, but a home where children know what to do if they believe that they are not being treated justly and have the confidence to do so.

I think this is really one of the most difficult things, as it were, to create for children that sense of: it's okay to go and say, "Look, I think so-and-so is being treated with favouritism when I'm not. He got this, that and the other". It may be as simple as that. On the other hand, "Every time we play football, he always manages to land on top of me and it hurts", that is not so easy in any way for children and young people to come forward with that, but I think we need an attitude and a mindset which enables and encourages that to happen.

Some staff will be worried about mischievous and false complaints and allegations, but I think that just comes with the turf a bit in relation to working in this context.

LADY SMITH: Have you ever come across a children's home that's established its own children's council, identifying the children who are good at speaking up and communicating to whom others can go and they can discuss whatever they think needs discussed?

A. Yes, I have, and I think those mechanisms -- that's the sort of -- a range, a menu of mechanisms that can be used.

Of course, that particular model, not just in children's homes. When I did the report on independent schools, which you referred to, just as I was finishing it, my then 5-year-old grandson telephoned me to say he had just been elected on to his school council. I said to him, "What did you talk about?" -- oh, he had just been to his first meeting. "What did you talk about?" "Keeping our school safe", he said.

So there at the most infant level is -- it may be about locking the gate, I don't know, but I think those are the sorts of approaches, I think, which are needed to characterise the good home.

Good arrangements with local schools. I mean, the performance of young people leaving the care system continues to be way below par for the population generally. And also for good psychological and psychiatric support. A proactive supervision by the managing organisation. And again, this business of someone who is sufficiently known to children and seen to be in authority, whom they can talk to.

None of these measures in themselves will guarantee -- but I think there are a few points there which a good home would exhibit.

MR PEOPLES: Just two matters on the question -- there is the difficulty, and you have recognised it and it remains a difficulty, of getting children and young

people to report concerns, and you're trying to find ways to facilitate that.

A. Yes.

Q. It strikes me it's not that easy to translate that into some rule or regulation, but it's a process that you have to work on. You have to speak about it and give the message, but it's just making the message and reinforcing it time and time again, is it?

A. It is. Some homes that I've been in will have the Childline telephone number available. From the little I know about Childline, I think they are experienced in dealing with calls which come with complaints from children in residential care. Others will have -- some local authorities, for example, and I don't know about what Barnardo's current practice is, have, for want of a better phrase, a complaints officer, a single person to whom a complaint could be made. That may be one of those mechanisms which overcome the objection you raised, your Ladyship, to the stepping system that existed in Barnardo's. But that person's contact details are around the home on the noticeboard, maybe by the telephone, or whatever.

So I think the great trick is trying to engage with young people about what mechanisms they would be likely to use rather than we as adults sort of saying, "Well, that's the telephone number we'd ring if we wanted to

complain about our insurance policy or something".

Q. Would that involve simple measures like getting some appropriate person, maybe even a former person in care, to talk to them and saying, "If you had a problem, how with you express and what would you want to do and how would do you it if you had the chance?" and also drawing on the experience of people who had left care to explain how they felt at the time, how they would rather things were done?

A. Things like that. Your first suggestion there is actually what inspectors ask of young people when they're doing inspections now.

Q. But it might be that an inspector, a formal inspector, might not be the best choice to have a conversation with on that issue, with people to try and say, well, if you wanted to speak about something, particularly something sensitive, let's explore how you might do that. Maybe it's someone different that has to do that exercise.

A. Yes.

Q. I think there are groups today that do that, that represent the interests of children. We have them in Scotland.

A. Absolutely, Who Cares? Scotland, I know a little, yes. I wasn't at all suggesting that it would -- the inspector function would ... I was just I think emphasising the importance of that approach, really.

Q. Historically, do I take it from some of the things you've said, from your experience and perhaps common sense, that you are not -- are you in any doubt that there will have been a degree of under-reporting of complaints from children? Because I think you've alluded -- not just alluded, you have said quite clearly there are difficulties for children in care for the reasons you've given. Do you think that means that it's highly probable there's a considerable degree of under-reporting of what went on?

A. I think the evidence is that there's under-reporting. After all, it comes out when people say, "It's 30 years since I left that home and I was abused at the time". So I think that's the evidence of under-reporting. What I find much more difficult is to assess what the scope and the extent of that is. That for me is the imponderable.

Q. Even if that's a difficult issue, I suppose some of the things you've spoken about, including issues of training and qualification, and that, if you don't have a trained person, if you don't have a qualified person, if you don't have some of the other features, but you have a closed system, then you put all the children at risk of abuse. You may not be able to say how many were in fact abused, but these all contribute to creating a situation of risk, do they not?

A. Yes. I think it is undeniable that the level of risk for children living in residential care is higher than it is for children living in families. It always seemed to me to be necessary when any professional was contemplating removing a child, for example, say from home: are you sure that what you're moving them to is going to be better for that child than what you're moving them from?

I think the conclusion it leads me to is that we should think very, very carefully about the use of residential care. This is not a negative comment on residential care generally, but as you have indicated, then the risk level is higher.

LADY SMITH: Are you saying there it's not acceptable if you remove one source of harm but create another source of harm in the child's life by shifting them to a different environment?

A. Obviously, it depends on the relative level of harm.

LADY SMITH: Yes.

A. But I think that's a question that should pass through people's minds, and for me what it says, and I know this to be for the country generally at a time of very tight and difficult resources and so on, but for me, even in these complex cases, then I think we should be doing all that we can to protect and support and sustain children within families wherever possible. Because what we

then -- all right, we expose them to some other risk there, but we actually diminish the likelihood of some of these institutional risks which we've been discussing.

So again, going back to the "if I ruled the world" notion, then I would hope that even at times of heavy constraint in resources, we do not lose the opportunity of finding ways of supporting and sustaining children in families as opposed to placing them in residential care. I'm far from persuaded by the argument that that is more costly than placing them in residential care.

LADY SMITH: Mr Peoples, do I sense that you're almost finished?

MR PEOPLES: Yes.

LADY SMITH: Because otherwise we would like to take a break.

MR PEOPLES: I'm sure Sir Roger would be quite happy to finish if we can.

There was another issue and I think you maybe answered some of it. If we're dealing with children that require residential care for one reason or another and there are all these, as you put it, institutional risks that have to be considered and assessed and minimised, looking at things as they now are -- and there have been a lot of changes that you talked about -- do you have any ideas of what more might be

done? Let's not assume it's an ideal world, let's assume it's the real world now. Are there particular ideas that you think ought to be seriously considered to even improve things from the way they are now?

A. It's a bit of an extension of my last response. I'm aware that there are children in some forms of residential care, both in the National Health Service and in special boarding schools, children who perhaps have severe learning disabilities and difficulties, perhaps complicated by autism and very often with challenging behaviour.

They are not necessarily being abused where they are, I hope, but nor are they really being significantly helped. So my hope would be to sort of say, "Look, let's start not with a notion of changing or improving residential care, but let's start with that actual child's needs and see what it is that's required to help and sustain the family who want to go on caring for him or her at home, given the appropriate help to do so".

That may be sometimes a period of assessment or residential care but in fact it's very often the very practical things like getting up in the morning and getting to school and the long school holidays and the short school days. It's these very practical things that bear down on parents and just make it impossible for them to provide a decent upbringing for other

children in their family as well as a tolerable lifestyle for themselves.

So I wouldn't think about how we could create a residential context for them; I'd think much more about how we can build on the family and the local school will probably need a lot of assistance.

But when I said a few minutes ago I'm not persuaded that if you take the full cost of residential care into account, that form of absolutely intensive family support would not actually be any more expensive. I would like some government at some point to sort of say, "We'll have a pilot scheme to test whether he's talking rubbish or whether it's possible".

MR PEOPLES: Well, these are all the questions I have for you. Can I just thank you very much, including considering the general issues that I asked you to reflect on before giving evidence today. I hope I haven't worsened your throat infection and I wish you well and hope you make a speedy recovery. Thank you very much indeed for your evidence today.

LADY SMITH: Let me check if there are any outstanding applications for questions. No.

Sir Roger, I'm pleased to say we can now let you rest your voice and I hope you haven't lost it completely. Thank you very much for engaging with the inquiry as you have done, both for giving the

contributions you have given to the very long Barnardo's report and coming along to talk to us today. It has been of enormous assistance for me today to hear you, but now please feel free to go away and rest.

A. Thank you, ma'am.

(The witness withdrew)

LADY SMITH: So that completes today's evidence, I think, Mr Peoples; is that right?

MR PEOPLES: Yes. We have two witnesses tomorrow.

LADY SMITH: Starting at 10 o'clock.

I will rise now until 10 o'clock tomorrow morning.

(3.15 pm)

(The inquiry adjourned until 10.00 am on Thursday, 17 January 2019)

I N D E X