Tuesday, 22 January 2019

(10.00 am)

LADY SMITH: Good morning.

Ms Rattray, I think you're going to take this morning's witness; is that right?

MS RATTRAY: Yes, my Lady. This morning's witness is Tom Shaw.

TOM SHAW (sworn)

LADY SMITH: Please sit down and make yourself comfortable.

As you probably appreciate, we need you to use the microphone so that you can be properly heard and particularly so that the stenographers can pick you up. You look all ready, so I'll hand over to Ms Rattray and she will explain what happens next.

Questions from MS RATTRAY

MS RATTRAY: Good morning, Tom.

A. Good morning, Jane.

Q. In the red folder in front of you, you'll find a copy of the statement that you gave to the inquiry. We've given it a reference, which is WIT.001.002.3304. You'll see that reference in the top right-hand corner of the page. In that folder, you'll also find a copy of the report you prepared in respect of the pilot forum Time To Be Heard.

A. Yes.

Q. Just for the record, I'll give our reference for that report, which is LIT.001.001.1097. So during the course of the morning, when we're looking at your statement or your report, the relevant parts will come up on the screen in front of you, but if it's easier for you to work from the paper copy instead, or as well, then please feel free to do that.

A. Thank you.

Q. To start, I would like to take you to the back page of your statement, the top right-hand corner, which will be number 3314 --

A. Yes.

Q. -- just to ask you to confirm that you have signed your statement --

A. Yes.

Q. -- and to also confirm that, looking at the last paragraph, number 45, you have no objection to your witness statement being published as part of the evidence to the inquiry and you believe the facts stated in your witness statement are true.

A. That is so.

Q. Can you confirm the year of your birth? I don't need the date or the month, simply the year.

A. 1940.

Q. Tom, I'm going to ask you some questions about your

involvement as the chair of the pilot forum known as Time To Be Heard. Just so we can be clear from the outset, today we're going to focus on the nature of the accounts you heard from the participants in the forum.

A. Right.

Q. The inquiry is aware that there was a divergence of views on matters such as the scope, the purpose and the process involved in the establishment of the forum, and indeed you identify certain issues faced in setting up the pilot forum in the executive summary at page 5 of your report. But these are matters to be examined and explored on another day and not in the context of the present case study.

A. I understand.

Q. I will ask you some factual questions about a bit of the setting-up, simply so that we have a factual background to how it was you came to hear the various accounts of the persons who were involved in the forum.

A. Thank you.

Q. Just as sort of a general overview of the way I'm going to approach this this morning, firstly I'm going to ask you about the factual background of how participants were identified, the numbers involved and the hearing process, how their evidence was heard. Secondly, I'll move on and ask you about what you in fact heard from

the participants and in particular any themes and patterns which you considered emerged from the accounts that were heard. Thirdly, I'll ask you about one or two of the recommendations that you made in your report at the end of the process.

A. That's fine.

Q. Before we go there, before we go to Time To Be Heard, I'm going to ask you to summarise your qualifications and work experience, which you set out in your statement at pages 3304 onwards.

A. Yes.

Q. I think you tell us that you have an honours degree in geology and geography.

A. That is correct.

Q. And you have a further qualification in teacher training?

A. Yes, a diploma in education.

Q. You initially began teaching in 1963?

A. Yes.

Q. And if I'm correct, you taught for about ten years?

A. That's so.

Q. And then you were appointed as inspector of schools and colleges in the Department of Education in Northern Ireland in 1973.

A. Yes, that's correct.

Q. From there, you became the deputy chief inspector of education and training inspectorate in 1990.
A. Yes.
Q. And then chief inspector in 1995, and you retired from that post in 2000.
A. That is so.
Q. I think you do tell us in your statement about some of the contributions you made in that role at paragraphs 5 and 6. Also, at paragraph 7 of your statement, in 1999 you tell us you were awarded a CBE for public service in the Queen's birthday honours.
A. Yes, that's so.
Q. Since your retirement in 2000, you tell us that you have served on a number of government and other reviews in Northern Ireland. What kind of reviews were they?
A. The first one was a piece of work to examine post-primary education in Northern Ireland and review the nature, organisation and provision of it in order to provide a more equitable and more accessible and more effective system.
Q. In the context of Scotland, in August 2005, you were appointed by the Scottish Ministers as the independent expert to lead the historical abuse systemic review.
A. Yes.
Q. And you give us a brief overview of that at

paragraph 9 --

A. Yes.

Q. -- of your statement, and your report was published in November 2007.

A. That is correct.

Q. In July 2008 you were appointed as a member of the advisory board of the independent inquiry into abuse at Kerelaw residential school and secure unit?

A. Yes, I was.

Q. And you served in that role until the publication of the report in May 2009.

A. That is correct.

Q. Coming to the issue that we're looking at today, in 2009 you were appointed by Scottish Ministers to test a form of confidential forum for former residents of children's residential schools and homes.

A. Yes.

Q. And you tell us that the forum was designed to allow former residents to be heard in a non-adversarial setting and to have their experiences recorded anonymously.

A. That is absolutely right.

Q. That's the pilot forum that came to be known as Time To Be Heard?

A. Yes.

Q. Your report on that matter was published in February 2011.
A. Mm-hm.
Q. And your recommendations, including the main recommendation that a National Confidential Forum be established, were accepted by Scottish Ministers?
A. Yes.
Q. You tell us that your work in Time To Be Heard involved liaison with a former chair of the confidential committee as well as the secretary of the commission of inquiry into child abuse in Ireland.
A. Yes, indeed, and they were very helpful.
Q. Finally, at paragraph 12, in this section of your statement, you tell us that you were appointed as a panel member of the Historical Institutional Abuse Inquiry in Northern Ireland. What was your role in that inquiry?
A. The inquiry included an acknowledgement forum for which there were four panel members appointed. I was one of the four and we conducted the hearings with those who applied to be heard, but who hadn't yet decided whether they wished to go on to the statutory aspect of the inquiry.

In that role, I heard, with another panel member, approximately half of the applicants which in total

meant that I heard about 250 people.

Q. You indicate as well that you were involved in writing volume 10 of the inquiry's report.

A. Yes. The four panel members shared the summation of what we had heard and I was responsible for collating that and editing it and producing the document that was published as volume 10.

Q. Tom, moving on to the first section of what I set out at the start, which is looking essentially at the factual background to how participants were identified for Time To Be Heard, the numbers involved and the hearings process. For this, we'll be looking at the Time To Be Heard report at LIT.001.001.1097.

When I refer to that report from now on, I'm actually going to refer to the page number of the report rather than the Delium reference; I think we all find it easier to work from that.

A. Absolutely, because the Time To Be Heard logo overlaps that on each page and makes it hard to read.

Q. First of all, you set out an overview of some of the earlier process in your statement. So if we return to your statement at this stage and paragraph 13 on page 3306. Here, essentially you tell us that you were contacted by an official from the Adult Care and Support Division of the Scottish Government and you were asked

that that, in the event, ministers were minded to invite you if you would be willing to serve as a chairman of a pilot forum. You were told it would be a test of a model for listening to participants' experiences in children's residential establishments.

A. That is so.

Q. Subsequently, you accepted the appointment as chair and two commissioners were also appointed, Kathleen Marshall and Anne Carpenter.

A. Yes, they were.

Q. In relation to the purpose of the Time To Be Heard forum, you set that out at paragraph 14 of your statement. Can you tell us what was the purpose of this particular project?

A. The purpose was simply to allow those adult survivors who wished to do so to come forward and recount their experiences in a situation where they weren't going to be challenged or disbelieved or rejected, to allow them to say as much or as little as they wished, to say if they wished to, who the perpetrator was or choose not to do that, and to try to do that in its context, where it was a non-adversarial, non-judgemental context.

Q. I think in relation to other parts of the set-up, the only thing I need refer to this morning is that you confirm in your statement that you and your

commissioners took steps, essentially, to ensure that the forum was conducted in a way that was independent of Scottish Government.

A. Yes, absolutely. We became aware very early on, and then subsequently through the publication of a framework by the Scottish Human Rights Commission, that were we not to operate independently, we would not be able to guarantee the confidentiality of the forum, the confidentiality which we felt was essential if people were to be comfortable in coming forward. And for that reason, then we took independent legal advice and the recommendation was that we should establish ourselves, and even though we weren't an independent authority in the full sense of the word, we should operate as though we were, and that was what determined our relationship then with any of the other bodies that we had been relating to prior to that.

We had no further, if you like, dependency on the Scottish Government, and in fact the only role that I can remember they played was, because information about the pilot forum had been sent out before this decision was taken, some people made applications to be heard through the Scottish Government rather than directly to us, and so when that happened, they forwarded the documents to us.

That was a small minority, but that was the only ongoing contact.

Q. In your statement, you make reference to an agreed set of key principles to guide the work of the Time To Be Heard.

A. Yes.

Q. And I'm not going to take you to those just now, but they are set out in detail in appendix 3 of your report. Indeed, there was a paper on the question of confidentiality, which is set out in appendix 4 --

A. That's so.

Q. -- to your report. I think you also tell us that in planning for the forum, you were alert to the possibility of the process of giving an account potentially re-traumatising participants.

A. Yes.

Q. Were certain steps taken to try and safeguard those --

A. Yes, they were. We felt we had to have properly qualified, trained and experienced people to whom we could refer people for support after their meeting with us if that was thought to be required, if they wished to have it, or if we suggested they might wish to have it.

We also had training for the whole team of staff who worked in Time To Be Heard. That was the commissioners and myself, the witness support officers, and indeed the

administrative officer, because all of us had contact at some stage in the process with each applicant who came forward. We felt we all needed to be alert to the concerns people would have on coming in, the issues that might arise in the course of their hearing, and indeed the consequences of having been through the hearing. We needed to be mindful of that also and be ready in the event of their needing any further support.

Q. Turning now to the scope of the inquiry. We're not going to today explore the matter of the scope of the inquiry, but as a matter of fact, it was in relation to a single institution which was Quarriers?

A. Yes.

Q. And you were told, I understand by Scottish Government, that the number of participants would be restricted to in the region of 100?

A. Yes. As I understand it, that number was arrived at on the basis of the intended duration of the pilot, which was a matter of three to four months. And when we had thought through the sequencing and the time that we would be allocating to individual people who wanted to be heard, we recognised that to go beyond 100 would then stretch the timescale and perhaps make the whole exercise less effective, if you like.

Q. Turning to paragraph 24 of your statement at page 3309

of your statement, in relation to the persons who were allowed to participate, you indicate that those who were allowed to participate had to be anyone who was resident as a child in Quarriers.

A. Yes.

Q. And it was open to whoever in that capacity wanted to come forward, no matter what the content of their accounts might be, whether they were positive or negative.

A. That is absolutely so. A number of people came forward to talk about entirely positive experiences during their time as a child in Quarriers.

Q. Once again I'm not going to examine the reasons or the methods behind that, but ultimately you prepared and signed a letter, inviting persons to come forward and Quarriers sent that letter, on your behalf, to around 500 former residents who had been in touch with Quarriers over the previous five years.

A. Yes, that is so. We felt that that was one way of helping to ensure that more people would be aware of the opportunity than only going through a publication or advertising in newspapers or in journals or wherever.

We recognised, though, we couldn't ask Quarriers to write to people on our behalf. That wasn't exactly in the terms of our confidentiality. So they undertook

to send my letter to people. I didn't have access to the database, so I didn't know to whom the letters would go, but they did go and that was the source -- or we think that was the primary source -- of most of the expressions of interest and subsequent applications we received.

Q. Yes, I think I remember at one stage in your report -- I can't quite remember what particular page it's on -- you did indicate there was also an advert, I think, in two national newspapers and an advert in The Big Issue.

A. That's right.

Q. At paragraph 26 of your statement, you tell us a little about the numbers. I think you tell us that 168 people got in touch to express a potential interest.

A. Yes. And in some cases, we imagine, because of curiosity to find out what this was all about, even if they weren't necessarily people who had been to Quarriers, we had no way of knowing. When someone contacted us for the information pack, they simply got the pack. Out of that then 116 applications were received.

Q. You explain that two persons -- it was considered that they were not eligible.

A. Correct.

Q. Why was that?

A. One had not been cared for in Quarriers at any stage. The other was a former member of staff in Quarriers who had never been a child resident there. So in each case they didn't meet the criteria for acceptance.
Q. You tell us that ultimately, out of the 114 eligible potential participants, 98 gave accounts.
A. That's correct, they were heard by the panel.
Q. And what happened to the remaining people?
A. Well, some withdrew and we understood from contact with the confidential committee in Ireland that that was a factor that they had experienced. Some people changed their minds after they had expressed an interest. Some were ill and felt they couldn't go forward. One, unfortunately, passed away before he could be given an appointment and heard by the inquiry. Some just changed their mind.
Q. Although it's not set out in your statement, you do give a little bit more background at page 6 of the Time To Be Heard report. I don't know if we need necessarily look at that just now, but you give us a breakdown that of those you heard, 47 were men and 52 were women.
A. That's right.
Q. And they were aged 38 to 83.
A. That is so.
Q. Forty-eight had spent more than 10 years living at

Quarriers.

A. They had.

Q. And 18 had spent five years or less --

A. Yes.

Q. -- living at Quarriers.

You also provide us with a breakdown of the percentage who live in Scotland or elsewhere.

A. And elsewhere. That duration of stay in Quarriers, in looking at the pattern over time, had changed because in the earlier periods children tended to be there for much longer, and in more recent times, by the nature of change in care arrangements for children, some of them were there for very short periods. So it became different over the period of the whole report.

Q. Turning now just to how the hearings were conducted, you tell us at paragraph 27 of your statement, page 3309, that at each hearing you were present and you were also assisted by one or other of your commissioners.

A. That is right. Kathleen and Anne and I scheduled the hearings so that one of them was always with me. That way, they participated probably in about, each of them, half of the hearings, of which I heard all.

Q. At page 3310, paragraph 28, of your statement, you raise matters which you have touched on already in your evidence. You tell us that where disclosure of abuse is

met with scepticism and doubt, survivors have reported, both in research and clinical settings, feeling traumatised and suffering other adverse effects.

A. Yes.

Q. For this reason, Time To Be Heard aimed to hear accounts in an particular way or a particular setting. Can you tell us a little more about that?

A. Yes. We wanted to reassure people and we said this at the commencement of each meeting with them or hearing, that we were there to hear what they had to say, we were there to believe what they had to say, we had no reason for doubting them and we were not there to test what they had to say. So we weren't going to be cross-examining them or pursuing them for more detail. The only questions that we would ask might be in a situation where we felt we needed clarification, where we didn't understand some detail of the account they were giving.

We wanted it to be as comfortable as possible and in every sense, their time. Forgive me for the pun of Time To Be Heard, but it was very much their time to come and say what they wanted to say. Everything that we tried to do was designed to enable them to believe that that was what it was really all about.

Q. I'm going to move to paragraph 34 of your statement on

page 3311, really, to explain to us the process of any assessment of the accounts. You tell us that you were there to believe it --

A. Yes.

Q. -- but what I want to explore is whether there was any assessment or discussion of the accounts and whether, as a matter of fact, you and your commissioners did form a view as to whether people were telling the truth or not.

A. Yes. Well, one thing that I realised I didn't include in that paragraph and might have been helpful was that participants were asked to bring their admission record to Quarriers as an indication of the veracity of their statement that they had been resident there at some stage. Very many of them were able to do that. So that was the starting point.

But that was received prior or on the day of arrival and was given to the witness support officers. But also, numbers of them brought with them other documents. For example, some brought correspondence that there had been between Quarriers and their parents, which they'd only found in accessing their files in recent years. They didn't know about this correspondence. Others found letters written by their parents to them that had never been passed to them by Quarriers. Others brought

photographs, photographs of not just their family but of their time in Quarriers because, as a large institution, things like photographs of the children in one cottage or a big event in the life of the village, had been taken.

There were multitudes of photographs. Some of them had some and they knew other people in the photographs. All of that, if you like, was a context in which we were able to place what they were saying, and because we had the benefit of reading documents that Quarriers had given to us, annual statements and annual reports and things like that, changes that we learned about in Quarriers over time, that helped us to put also some context around what people were saying was their experience and the kind of situation in which they were cared for.

But beyond that, we had to form a judgement in our own minds. We weren't there at the end of the day to say, "This is not true", and we were never going to say that to anyone who came to talk to us. We took in good faith what they said.

One of our commissioners, who'd had a lot of experience working with others who had been victims of crime, had a lot of experience in hearing how they recounted what had happened to them. She, as with the

other commissioner and I, constantly concurred: this is actually what happened. We felt a ring of truth and veracity was not, in our minds, ever an issue. We believed what people were saying.

Q. I think you indicate in your statement that you felt that -- you formed the view that participants were doing their best to tell you honestly --

A. Yes.

Q. -- and in an accurate way of what had happened to them.

A. Absolutely. And I think somewhere else in the statement I maybe make reference, if not it's in the report, some people brought with them a written statement, if you like. They didn't call it that, but it was their account. It bothered me, outside the hearings, to hear some voices say, in my opinion, in an ill-informed and cynical way, that they had been prompted to write all of that. They hadn't. They'd written it down because they were concerned there were things they would forget.

It was as simple and straightforward as that whenever they were talking to us. Frequently they made no reference to it because our common experience was when someone got to the point where they felt they were ready to begin recounting what they had said, they didn't stop until they felt they had said all they wanted to say.

It was, in the best sense of the words, a torrent of accounts and information that came out, which they'd been waiting, it was clear, for a long time to say.

Q. You say again in your statement that:

"[You] considered that [you were] hearing consistently honest participants who were honest in intention and truthful in recounting the experiences."

Indeed, it wasn't just looking at each individual as to whether they presented as honest and trying to tell the truth, but you tell us at paragraph 37 that you heard 98 people --

A. Yes.

Q. -- giving their accounts and you identified that there was a degree of consistency and pattern across the accounts of different individuals.

A. That was one of the things that prompted us to aggregate the accounts by decade. Because we felt that if we had 15, or whatever the number was, people coming from the same decade, it was quite likely they would make reference to things that were characteristic of care in Quarriers during that decade. And that was what we found in practice.

Across each of the decades, there was that degree of incidental corroboration of what people were saying, by reference to circumstances, events, to individuals, even

when they didn't remember the names of individuals, to locations that prompted them to relate to that. And we felt all of that helped us to believe what they were saying.

Q. At paragraph 36 of your statement, you tell us, as indeed you state in the report, that Time To Be Heard was not an academic research and it wasn't an investigation or an inquiry.

A. Yes.

Q. In terms of what you were hearing, you tell us that:

"It has been said elsewhere that recollections, words and feelings ought not to assume the power of evidence, but in the context of Time To Be Heard [you weren't] using the testimonies as evidence as such."

A. Yes.

Q. But you were accepting the testimonies in good faith as an indication of the kinds of experiences that people had and, you say, the ways in which the systemic failings manifested themselves.

A. That is absolutely so. Apart from anything else, we weren't operating as you would do in a research exercise with some kind of predetermined, highly specified sample. Ours was a self-selected group of people: they came forward, we didn't choose them. They came forward to tell us things without us testing what

they were saying to us as one would do in relation to trying to pursue evidence as such.

So we were there to relate to their recollections, and in that sense, that is how we then thought we would get an insight into systemic failings and individual incidents that might have caused some people great distress and harm.

Q. At paragraph 39, you make some comments about what motivated people to come forward and speak to Time To Be Heard.

A. Yes.

Q. Were you able to form a view as to what people's motivations were?

A. We formed that view very clearly and quickly. In entering into this, we went into the exercise with as clear minds as we could, without any preconceived notions of what we might hear or how we might hear it or what we might be told. Outside the realms of Time To Be Heard, I have heard reports of people who say, "Oh, they're only interested in what we can get financially out of this". We had no one say that. We heard people say, "I'm not interested in any redress or compensation, I want to be heard". And that was the constant theme that kept coming through what they said: they wanted, as they said, for the first time in their lives to be

allowed to say openly and out fear what they had experienced and what they had held in their memory and in their lives ever since.

Q. So essentially what you say in your statement is that the motivation of the majority of people who came forward was simply to be heard and believed?

A. Yes, that is correct.

Q. You also tell us that:

"Over and over again, people were saying that throughout their lives their experiences had been denied."

A. Yes, indeed. And they recalled that vividly, that whenever they attempted to complain -- that's probably too technical a word for a child, but to say to someone, "Someone has done this to me, what can I do to stop this?", whatever the words might have been, too often they said they were told, "You're making it up, go away, you deserve what you got". Dismissal, if you like, in that kind of way. Occasionally, they would say, "I know that's too bad, but don't say anything about it". It was a combination of put-downs, if you like.

Q. At this stage, Tom, I'm going to move to the second part of my questions. That is essentially looking at the kind of things that you heard from participants in the hearings and any themes and patterns that emerged from

the accounts.

A. Right.

Q. I'm not going to delve into too much of the detail of the accounts in the report -- this is a public report and the detail is there for everyone to read -- but simply to look at perhaps an overview and themes and patterns.

It might be helpful if I just explain what the structure of this part of the report is. It starts, I believe, at around page 13, "Remembering Life in Quarriers".

From what I can see, the structure of the report is that you start with a section which comprises quotations across the decades from the 1930s to the 1980s.

A. That's right.

Q. Then there's a section where you have five summarised individual accounts --

A. Yes.

Q. -- one for each decade from the 1930s to the 1970s or 1980s. Then, from page 37, you discuss the themes and issues that arose from what you heard.

A. Yes.

Q. And you then go on to examine what you heard under the heading "Different Types of Abuse".

A. Yes, that is correct.
Q. And then under the sub-heading "Different types of abuse" you've broken that down into decades?
A. Yes.
Q. When we're first mentioning abuse, what was the definition of "abuse" that you used for the purposes of Time To Be Heard?
A. Well, we used the definitions that had been used in the review that I conducted, the Historic Abuse Systemic Review, and which had been accepted by the Scottish Government. We felt that they were in, if you like, the public arena, that they were known and they were understood, and that they were accepted. That was the basis on which we chose them.
Q. The categories in the report that you've broken it down into are physical abuse, sexual abuse, emotional abuse, and neglect.
A. Yes, that's right.
Q. Returning at this point to your statement, paragraph 40 of your statement, at page 3312, essentially when you were compiling the report and selecting different parts of different accounts, what was the basis for selecting the parts that you did, the quotations and the narratives and so forth?
A. Well, we began by concluding that it would not

necessarily be the best thing to do to try to produce a transcript of everything that each person had said and therefore have 98 of these in the report, not least because one of the other functions of Time To Be Heard was to try to demonstrate the kinds of lessons that could be learned from what people were telling us about what went wrong in the past and therefore give us insights into what might be done, either presently or in the future, to make sure these kinds of things could not happen again. Even though legislation and practice had changed over time, we were concerned that there was still evidence that things were not all that they should be, even in the present day.

So we then thought, well, what we could do is try to look at examples of details in the testimonies which would reflect particular kinds of abuse, and we could see was there any correspondence between those in particular periods or decades. Then we thought, but if we do that and we break it all down into small extracts or quotations, perhaps we lose some sense of what the totality of an account was like from those that we heard, and we recognised that there were 98 individual ones and others might be different.

That's why we then thought it would be helpful, perhaps to those reading the report, to have an example

from each decade of an account, a more or less intact account, that would let people see how people related to the experiences they had in the totality of what they said. That was the basis on which we chose.

Q. I think you tell us that the selections you have made and included in the report are to try and represent what you heard and give an insight into the variety of experiences that people reported to you.

A. Yes, we did. That's true.

Q. Also, in terms of the parameters of the report and what is reported there, you don't purport to provide a complete description of what people reported, but it's an indication of the kind of things that you were told?

A. Yes, yes, it is. We felt that we could choose examples of what people said that would give an outside reader, if you like, an insight into what life was like in general for children at a particular period or time in Quarriers and perhaps in an individual cottage. We tried to make sure that that sort of, if you like, context could become obvious from what we had chosen.

Q. You also explain what this isn't. You tell us that it's not an account of life in Quarriers, but it's intended to present aspects of the experiences of some of those who were resident as children in Quarriers.

A. Yes. We didn't set out to write a history of Quarriers

from the perspective of residents. We did have to include information about Quarriers as an institution, as an organisation, that changed over the duration of the period, but that was again purely to give a context or backdrop to what we were then quoting. We felt that we were concerned that people would think the 98 people who came forward and the extracts that we made would be the totality of Quarriers, but of course it wasn't.

Think of the thousands of children who had been there over time and who could contribute to a bigger account, were they wishing to do so or having an opportunity to do so. This could be at best, if you like -- how shall I say? -- spotlights shining into the landscape of what was going on at particular times.

Q. Before we move on to the substance of the report, I would like to take you back to paragraph 29 of your statement at page 3310. Here, you give us a brief overview of the numbers, essentially. What you tell us is more than two-thirds of the 98 former residents talked about abusive experiences.

A. That is correct. Sixty-nine of the 98, or approximately 70%, had reference to some form of abuse in the account that they gave to us.

Q. That might be abuse that they had directly experienced or abuse they had witnessed in others' experiences?

A. In the great majority of cases it was direct experience. Sometimes it was direct experience and observed. I think that's correct, actually, for all of them. They were telling us what they had experienced personally. But in addition, as I say, a few had witnessed other abuse.

Q. But you do -- that's the point you make at paragraph 31, that some of those who came forward and spoke about their own good personal experiences, nonetheless knew of others who had, if we put it simply, bad experiences?

A. That's right. A number of those people who would say, "We've come to talk about good care and good times and good memories we have of Quarriers, but I don't want to say that that means it was good for everybody", they wanted to say, "We know that some people didn't have good experiences", they volunteered that. We never asked them, "Do you know of ..?" That wasn't part of our process because they were given the same right to recount what they wanted to say in an untrammelled or unfettered way.

Q. If someone who had a positive experience then went on to comment about seeing someone who didn't or being aware of someone who didn't, that was information that was volunteered, it wasn't sought by yourself or --

A. Absolutely, only volunteered.

Q. You touch upon an issue which we might look at later on when we look at the substance of your report and that is essentially awareness of abuse. You touch upon that at paragraphs 31 and 32 and you speak about children speaking to each other and knowing, amongst children, that there might be cottages in Quarriers that, amongst the child residents, had a bad reputation.

A. Yes, that became very obvious. After all, all of the children who were resident there, when they were of what would now be called primary age, went to the on-site school. So they came out of their cottages and then mingled in school in the way that children from families do in everyday school nowadays and they talked to each other as children do.

From whatever they heard, they became aware of the fact that some children were not having a good time and they became aware of the fact that there were certain cottages and certain regimes in certain cottages which were, to put it mildly, not very nice.

That was there, and as well as that, as I think I say in the statement, as well as hearing that conversationally in school, then sometimes children were moved between cottages. Whether it was justified or not, some would know in advance that the cottage they were going to had a bad reputation. Others found out

that it was an unpleasant experience they were going to have.

But that definitely was referred to by people who were not there to complain about their own experiences.

Q. There was also, I think, the indication, a degree of awareness of abusive practices amongst staff.

A. Yes.

Q. I think you touch on that in paragraph 32.

A. Yes, I do. Some people said that whenever they were being beaten, for example, or whenever they were being verbally abused, I think is the best way to put it, there were other staff present. I can remember hearing one participant saying that they were comforted by the other person after the beating had finished but were told, "Don't say anything about it, you'll be all right". A kind of comforting, but a sense of helplessness coming through.

Q. You also touch on a matter which I think we'll hear more of at paragraph 33 of your statement, about the response or responses that were made to some children when children were perhaps speaking about their experiences of abuse.

A. That's right. Commonly, we heard in the accounts that they had been told, "Oh, you're making it up, don't be telling lies, go away and play", or even nastier

things: you're a bad child ...

Very -- how shall I say? -- derogatory and harsh and unpleasant things to say to any child. I think they felt that was another dimension, if you like, of the emotional abuse that they were experiencing because they were being accused of what they weren't.

Some of those who spoke about what had happened did say that there was action taken, either a member of staff was moved or disappeared, they didn't necessarily know where they'd gone. But others said that having complained, nothing changed, it was as bad as before, and some went on to say not only that, but then the person about whom they had complained simply gave them a harder time.

Q. At this stage, Tom, I'm going to move on to your report. If we put your statement to one side just now.
If we turn to page 37. This is the part in talking of the accounts that you heard that you identify certain themes and issues that arose --

A. Yes.

Q. -- from what you heard. You tell us that you became aware of themes running through accounts and you also became aware of some common issues. You have focused in particular on three themes that you consider resonate with what you have read and know about the needs of

young people in care today.

A. Mm.

Q. That's poor communication, lack of respect, and inadequate preparation for leaving care. How was it you came to focus on those particular themes?

A. Well, I think, as maybe was inferred earlier, whenever the commissioners and I reviewed what we'd heard at the end of a particular meeting with a participant or, outwith that, in discussions together reviewed the totality of what we'd heard at that stage, we began to recognise that there were common issues and common themes coming through.

Then, being alert to the fact that one of the things that all of this work is designed to do ultimately is to protect children today as well as make amends for those who have suffered in the past, we became mindful of the need to go and see, what's being said about care today? In doing that, we found recent reports at that time which indicated the same issues were coming up, that young people who were leaving care, for example, hadn't been adequately prepared for that process of transition, were disrespected in terms of the information that was given to them at various times.

For example, in Quarriers, going back into time, many of them didn't really know about their family,

their biological family. Some of them found out only when they got their records that they had other siblings and they had gone through life out of Quarriers into society and come to see us 30, 40, 50 years later and didn't know that they had brothers and sisters. So communication in that sense was certainly far from adequate.

The lack of respect -- they weren't told about parental visits, there were children who -- I remember one person in particular who said that she knew her father would come on a particular day -- I think it was a certain Sunday each month -- and she would see him from the window of the cottage and he would come to the door and he would be turned away or he would leave something for her, and when he left something for her, she didn't get it.

That's only one, if you like, one facet of the disrespect that was there. There was an insensitivity to the fact that these were children who had as much right to be respected and to be communicated with and to be helped to learn about life and be ready for life outside Quarriers as any others.

That's not to say that Quarriers didn't have any transition provision in place and perhaps some other time we may come to that. They did have -- this is

a very colloquial way of putting it, but they had kind of halfway houses that they could go to when they were no longer in Quarriers and perhaps had their first job, which Quarriers may have helped to get for them, they could stay there in a kind of independent but collected living place.

But when they went out into the world, they'd had so little contact with the world, they were totally unaware of how it worked. They didn't know how to pay bills, they didn't know how to buy basic needs, they didn't know how to -- even to do shopping for food. The kind of things that everyone else outside would take for granted, but the very nature of the protected environment had the negative side then of ill-equipping people for independent living later on.

So we felt that these themes, particularly lack of respect, inadequate communication with them throughout their time there and then preparation for life, rang quite true with what we were hearing about experience today in reports -- public reports now and we're not talking about confidential documents. That was why we felt in its own way, Time To Be Heard provided another, if you like, opportunity to press for proper attention to those dimensions.

LADY SMITH: Tom, I have to tell you, I recognise everything

you say here about the three factors, poor communication, lack of respect and inadequate preparation for leaving care. I've heard these as themes right across the board. I don't think, though, you're saying that you concluded that these in themselves were abusive practices.

A. No.

LADY SMITH: Right.

A. This was a means of aggregating the messages and, from these messages, these themes were coming out, which had, if you like, a general relevance.

LADY SMITH: I get that.

Tell me this: were you feeling that these themes were in some way relevant when understanding what type of environment a care institution needs to work at maintaining if it is to have in place full protection against abusive practices emerging?

A. Yes.

LADY SMITH: Is that what you're getting at here?

A. Yes, it is, it is. I think they are, if you like, indicators of the adequacy of the provision and protection and assurances that should be there for a child in any context of care, whether in Quarriers or in a different kind of institution nowadays. Those are fundamentals, if you like, and principles on which the

respect can be tested and the communication can be tested and so forth.

LADY SMITH: I suppose if you take lack of respect for the child on its own, a lack of respect must be likely to feed emotional abuse.

A. Yes.

LADY SMITH: Whereas if there is genuine practised, maintained respect for the child, it is highly unlikely that there's going to be emotional abuse?

A. That, in my opinion, is absolutely so.

LADY SMITH: Thank you.

MS RATTRAY: Tom, moving on to the question of physical abuse, which starts below the paragraph dealing with themes and issues. I think you tell us in the section of the report that the experiences of 69 survivors reported physical assault --

A. Yes.

Q. -- and you grouped those in decades. And the reason they were grouped in that way was, as you've already explained, I think, to see whether there was any developmental trend.

A. Yes.

Q. I think you indicate that in fact there was a remarkable amount of consistency --

A. Yes.

Q. -- especially in relation to responses to bed-wetting and failure to eat food.

A. That's right.

Q. Also, you make reference to reports of abuse and a lack of understanding of whether the making of a complaint would have had any impact upon a child from the child's perspective.

A. Yes, indeed.

Q. These were matters which arose.

A. Yes. I think the other comment I might make, just about, for example, on physical assault: across the period that we were hearing from people, legislation changed in relation to what was permitted in terms of corporal punishment. We thought it might be helpful, therefore, for that reason as well to have this information by decade to see what, if anything, changed when the legislation changed.

We hoped that that kind of incidental indicator might come out of it, or indication I should say, of what was happening.

Q. Did you see a change in the trends, if you like, over that period in terms of decades or in terms of changes in the law?

A. We did. We definitely saw a reduction in the numbers of people who were alleging physical abuse across the time

of our hearings. I think a factor that maybe is more alluded to in the review that I conducted -- you have to set what was going on in Quarriers in the context of what society thought was right at the time. There was considerable public support for physical chastisement of children, especially in the earlier decades that we were relating to.

There was a kind of -- certainly, we came across accounts which suggested that whenever some individuals complained to their parents, they were told, "You must have done something bad". So there was a kind of: it was good enough for me, so what are you complaining about?

Q. Moving on at the foot of the page to the 1930s, the breakdown of physical abuse into decades, you tell us that nine participants described life in Quarriers from the 1930s. All of those persons spoke of physical chastisement and you were told of random acts of cruelty; is that correct?

A. That is absolutely correct.

Q. There is reference, I think, over the page at page 38 to practices of putting children in a bath of cold water and also being put in a black cupboard.

A. Yes, and the door closed and locked.

Q. You speak about reports and you tell us that three of

those who told you what happened didn't report what was happening to them and gave reasons such as they were afraid, they were intimidated by threats, or they didn't think it would do any good.

A. That's absolutely correct and indeed I've alluded to that already.

Q. Four did report certain matters. You make reference at page 39 -- in the final two thirds on page 39, you say:

"However, four did report and told us about action that appears to have followed from it."

You make reference to a senior manager and you refer to reporting to a senior manager throughout. When you say, "senior manager", would that have been the superintendent or the warden?

A. Yes, someone at that level. It wasn't someone in the cottage. It was someone who had an oversight or a managerial responsibility for life in Quarriers, if you like.

Q. What do you tell us about the outcome of the four who did report matters?

A. Well, as you see in the report that I wrote at the time, there was one action in relation to one of them in that the house parent subsequently left. Then in another case, they appear to have been believed as well, or they said they were believed, and then they were moved to

1 another cottage, the survivor that is, not the member of
2 staff.
3 Then another person who said he was beaten black and
4 blue, is how I remember it so vividly, with a leather
5 strap, he was so bruised, so absolutely bruised, he was
6 reluctant to get undressed at football. And the other
7 boys told a teacher why this was the case. The teacher
8 took him to the headmaster to tell him what had happened
9 and he was in hospital for a week, but he continued to
10 live in that same house with the same father for
11 a further year. But there were no more beatings. So it
12 may be that action was taken, but obviously we don't
13 know what action.
14 I think prompted by what I see on the screen, he did
15 refer to the fact that the man who had beaten him in the
16 first instance then was constantly trying to make it up
17 to him is how he put it. So clearly trying to make
18 amends.
19 Q. So the children are trying to sort of link their
20 experiences after reporting to perhaps an outcome of the
21 report?
22 A. Correct.
23 Q. Did any of the children tell you as to whether, having
24 made a report of abuse or a beating or whatever it
25 happened to be, as to whether there was any feedback to

them that anyone explained to them what would then happen or who would be told?

A. My clear recollection of what we were told is that rarely did we hear of the children being told that any action would be taken or what action would be taken or what the outcome would be for them. It was based on their observation of what happened in terms of someone being moved or, as is said here, the individual being moved to another home or whatever. But there didn't appear to be any common policy of talking to the children about what had happened after it had happened and engaging them to the extent of giving them confidence that something was going to be done about it.

That may have been of its time, because at the end of the day there wasn't the same understanding, I would judge, from the legislation and the practice of the time, the same understanding of the importance of listening to children and engaging with them and helping them to understand that perhaps things were being done and were being done as best they could be done. But we didn't hear people talk about that.

Q. Over the page at the end of the section of the 1930s, at the top of page 40, you tell us as well that some of the survivors feel strongly that other people in Quarrier's Village must have known what was happening,

but accepted at face value the explanations children were ordered to give for their injuries.

A. Yes, they did. They referred to someone else who had been in the room or the corridor or the grounds of the cottage, and they must have seen what was going on, and yet at the same time there were concerns that nothing appeared to be done by those individuals who intervened.

Some, I have to say, said maybe they felt their jobs were at risk or they speculated, I should say, about what might be the reasons for them being reticent about it. That's something we have no hard evidence or information about. But the impression that the children had was that surely others must have known and in one of the stories we've already related, other children were the people who went and reported what was going on and it appears to have had some beneficial action and outcome.

But feedback didn't seem to be part of the system.

Q. Tom, moving on to the 1940s, you tell us that there were 29 participants who reported and only a few suggested that they weren't in receipt of physical punishments.

A. Yes.

Q. And there was also during that time some reporting of --

A. Yes, indeed.

Q. -- of beatings.

An example of some of the matters raised is a child being slapped for not calling a house parent "mummy". Is that an isolated account or is that something which reoccurred during the narratives you heard?

A. We definitely heard people referring to the fact that they were expected to call, in some cases, the house parent "mummy", and they didn't like doing that because they knew that they had a mummy at home, wherever home was. Many of the -- when I say "many", of the small number who made reference to that, most of them accepted it, but some felt very unhappy with that and struggled with it and resisted it as best they could.

Q. You also tell us of consistent and persistent accounts of being locked in dark cupboards.

A. Yes. I don't know the geography of the insides of the former Quarriers cottages. We had hoped that we might have been able to see into one, but most of them are now private residences and access is not, obviously, possible. But we surmised that those houses of that period would have cupboards under the stairs. Who knows? A cupboard somewhere. It might have been down at the back where fuel was stored. But the child or the children or the applicants, as they are now, adults, referred to being locked in there or put in there for

being bad, and for quite long periods of time, to the point where, on occasions, it sounded as though they also had missed meals because they were put out into this isolated location.

Q. In the 1940s, you tell us that ten of the persons you spoke to reported what happened to them, and in respect of three, some form of action appears to have been taken.

A. Yes.

Q. And four reported further punishment from the abuser --

A. Yes.

Q. -- for reporting?

A. Yes, absolutely. I'm not going to put words into your mouth at all, I don't mean to do that, but I think, as one can appreciate, that was a very bitter pill for the individuals who experienced that: the more you complain, the more you get the same punishment.

Q. Once again you tell us, at page 42, about the kind of barriers that existed for children reporting abuse. You refer at the top, second paragraph:

"The fear and sense of hopelessness were barriers to reporting the abuse."

A. That was very real to each of us during the stories or the accounts we heard. Some people would say, "I was too frightened to say anything about this", or,

"What was the point? Nothing was going to change". But there was definitely a sense of intimidation that they felt they daren't report it. And from my perspective, that in its own way was another part of the emotional abuse that the children were undergoing. They shouldn't have been living in a climate where it was so frightening or that it was so hopeless that they couldn't do anything about it.

Q. In one way, fear and a sense of hopelessness could be an issue about poor communication?

A. Yes.

Q. But when you bring in a level of intimidation then that is not just about communication any more, that's about an abusive practice to prevent reporting?

A. It is, it's another form of manipulation.

Q. Moving on to the 1950s and physical abuse, you start at the foot of page 42 of your report.

A. Yes.

Q. You tell us that three participants entered Quarriers during the 1950s and spoke about their experience then. Only a few of whom reported not being hit.

A. Yes.

Q. You identify night-time punishments as a recurring theme and being put in a shed.

A. Yes, that's right. The concept of putting a child in

somewhere in a shed overnight I find incredible.

LADY SMITH: Tom, we've heard quite a bit about the shed and we've got photographs of it.

A. Right.

LADY SMITH: These were structures that were attached to the houses, to the back of the houses, broadly a sort of garden room look to them, with wood walls, if I remember rightly, not all the same. That was what seemed to colloquially have got referred to as the shed, where coats and wellingtons, outdoor kit would be, and they were certainly not heated on the evidence. I think we heard stone floors, was it, Ms Rattray?

MS RATTRAY: Yes, stone or concrete.

LADY SMITH: They were very cold places, they weren't separate from the house, so it did mean that they were readily available, from the evidence I have heard, somewhere to send children to think about their misdeeds.

A. Right, thank you.

MS RATTRAY: Also, in the 1950s, you mention reports of what we might refer to as peer abuse, where perhaps older residents behave in an abusive way to younger people.

A. Yes, indeed. I'm just looking to see if I can find exactly where on my page that comes up. Is that on page 44?

Q. Yes, I think it is.
A. I can talk about it in any case; I just wanted to pin it down, if I could. What I recall, without necessarily picking it up on the page in front of me, was that some definitely referred to older children being given some kind of authority or responsibility.
Q. Tom, in fact, what I'll say is we'll perhaps move on to that. It's my fault, I do apologise. I was lifting it from my notes and I realise it's something referred to in the 1960s, which is why we're not seeing it on page 44.

Before we move on to that then, to finish off the 1950s, on page 44 you say that of the nine references to abuse being reported, two resulted in action.
A. Yes, that's right. Absolutely. I think as I say there, and I may have mentioned that earlier, that was one of the cases where the applicant told us that the house parents had left or had been moved soon after they had reported to a senior manager.
Q. Tom, moving on to the 1960s, starting at page 45, you tell us that 19 participants entered Quarriers during the 1960s. And as in earlier decades, a few reported not having been hit, but many more spoke of regular beatings.
A. Yes.

Q. Once again, there is a continuation of, it appears, the practice of locking children in dark cupboards and children being made to stand barefoot or sitting in cold places.

A. That's right, absolutely, and being belted for all kinds of things, including not getting an adequate level of achievement in their religious education.

Q. It is here we see that short-term residents appear to have had a hard time from some house parents who resented them and some longer-term residents who bullied them.

A. Yes, they did. They spoke of that quite passionately. I suppose it's possible to conceive of a situation if you come in as a new child into a setting where there are others who have been there a long time, they inevitably know the rules and are streetwise to everything and you're naive and innocent. Some of them were older and bigger and exerted a kind of dominance over you, which I had presumed would have been mediated by the house parents -- or prevented if it was excessive. But they didn't seem to think that was happening. They felt they were kind of victims or at the mercy of, I should say, these older children.

Q. Those who were giving these accounts, did they give any sense of whether the house parents were aware of the

bullying being perpetrated by other residents?

A. Yes, I think I'm -- I'm just trying to recall. Perhaps it's in the text. I do believe that one person reported this to a house mother, I think, and her response was, it was none of her business, which I found remarkable. Surely if she is a parent, everything that happens to all the children in her charge is her business, whoever is doing it, and she should be taking action as appropriate, either to see if it is happening and, if it is happening, then to make sure it doesn't happen again.

Others said that it seemed to be accepted as an experience and one of the, if you like, facets of living in that house.

Q. And you do give us another example, in the middle of page 45, a survivor who entered Quarriers when she was 7, who reported that the day she arrived, an older girl was told to take her to the park and she pulled her along by the hair on the way back.

A. Yes.

Q. The cottage mother asked her why she was crying, and when she told her, she was whipped with wet towels and put to bed with no supper.

A. Yes, I remember that very, very vividly. That kind of -- I don't know the right way to describe it --

oppressive dismissal or rejection seemed to be a common enough experience for the children who were there at that time.

Q. I think towards the foot of paragraph 45, in terms of reporting, you tell us that six participants referred to reports being made, of which two were actioned and one is referred to as being respected, albeit you're not quite sure what that was.

A. Yes.

Q. We're looking at reports to social workers and nurses?

A. Yes.

Q. So we're looking at reports to professional people?

A. We are. We are indeed. That becomes all the more concerning because, in essence, that's a little shaft of light looking at the whole business of systemic failure.

Here were children who were -- and I'm quoting from another context now, not in this section of the report. But as someone said to us so poignantly, we were put there to be protected and cared for, having been removed from their homes, where evidently they were in fear or danger or whatever, and they were experiencing things which were in some instances worse than they had experienced when they were living with their family, however inadequate that was.

Q. I think the references to the social worker and the

nurse are not in relation to the reports which were followed up; these are reports which were made but were not followed up?

A. That's right.

Q. The social worker just told her to go back and the nurse -- it had been something that was not followed up following that.

A. Yes.

Q. You also identify once again the issue of fear of recriminations and a perception that the children would not be believed, a lack of trust in adults and suspicions of authority.

A. That's right.

Q. Were those recurring themes?

A. Yes, they were.

Q. Throughout the decade?

A. Yes, they were, definitely.

Q. Moving on to the 1970s onwards and the 1980s, on page 46 of your report, you tell us that seven participants spoke of Quarriers during this period, and four of those participants said that they had never been hit.

A. Mm-hm.

Q. There was talk of the regime becoming perhaps more relaxed.

A. Yes. The pattern or the practice for care at that time

was changing. There appeared to be a commitment to try to make life in the homes more like family living and less like institutional living, is how I describe it. But that was reflecting maybe moving practices and policy in social care and social work at that time.

Q. Although, despite that, there is still reference to a continued practice of locking children in the coal shed or dark cupboards --

A. Yes.

Q. -- an incidence of calculated cruelty --

A. Yes.

Q. -- more than one incident showing a measure of calculated cruelty. And further references to reports of behaviour being made but no action following upon that.

A. That's right. That's right, and I think there's one of those that I refer to as a nice, if you like, illustration of this problem of others knowing and not doing anything about it. It's a reference to the fact that the cleaner would come and open the door a little bit and see the child who was inside, ask if they were all right and give her a little thing, a sweet or a drink or whatever. There again is an instance of a member of staff in the place, albeit a humble person in terms of the working of the operation, particularly

felt for some reason she wasn't going to report it to anybody.

Q. Indeed, one of the survivors at the foot of the page, you tell us, reported abuse to the wife of a senior employee but no action followed and commented that:

"Everybody must have known --"

A. Yes.

Q. "-- there were lots of children wandering around with serious injuries. The hospital must have known."

A. That actually prompts me to think that there were a number of references to the hospital and that same question was asked, if you like, a rhetorical question: why did they not do anything about it? They saw the bruises, they saw whatever the injuries were. They said that in the context of what wonderful care they had in the hospital. One said, I remember, at least one, said they liked going to the hospital because they felt safe.

Q. Moving on to an aspect of physical abuse which I think is a recurring theme across the decades, you tell us on page 47, that's bed-wetting.

A. Yes.

Q. What you conclude in the last paragraph in paragraph 47 is that experiences reported by participants were so consistent that they seemed to reflect a standard,

1 although not universal, practice that persisted right up
2 until the 1980 in some cottages at least.
3 A. Yes.
4 Q. And this involved bed-wetting as a punishable offence?
5 A. Yes.
6 Q. And also the humiliation of the child who had wet their
7 bed?
8 A. Yes, indeed. As you will have seen in the report, there
9 are a number of consequences of it. We refer, I think,
10 to physical punishment. We refer to, again, children
11 being locked up and being made to wash their own sheets.
12 We refer to, if you like, them being humiliated in the
13 presence of the other children. And in every way, this
14 seemed to be a standard practice in some of the
15 cottages. I can't say that it refers to all of them
16 because, obviously, we weren't able to associate
17 what was going on with particular cottages. We hadn't
18 enough people telling us to be able to do that.
19 But the fact that it was reported decade after
20 decade after decade, whether it was policy or whether it
21 was learned practice to staff who came in who didn't
22 know any other way, it shouldn't have happened and it
23 was still happening.
24 LADY SMITH: Tom, I think you'll find there's literature
25 that indicates that this started in the Victorian era

and there was a belief that if one used physical punishment and emotional humiliation, it would have the effect of making the child stop. Added to which, a cold bath was a great idea because it was thought that only cold water would get rid of the smell of urine.

A. Right. My goodness.

LADY SMITH: I have heard about these practices in a whole variety of institutions.

Before we have the break, we should probably also tell you that with regard to something you allude to just at the foot of page 47, which was the use of electric wires and a bell, and you being told that a child was burned with a contraption, we have not only heard that evidence, but we found medical records that record the skin injuries and bad ulceration to a child --

A. My goodness.

LADY SMITH: -- because of these wires and the electric bell system, which, when I read that, sounded to me as though it was probably the same person.

A. Yes. Well, thank you very much for telling me that.

LADY SMITH: We'll take the morning break now and I will sit again in 15 minutes.

(11.30 am)

(A short break)

(11.45 am)
LADY SMITH: Tom, are you ready for us to carry on?
A. Yes, I am, thank you.
LADY SMITH: Thank you. Ms Rattray, when you're ready.
MS RATTRAY: Before the break, we were talking about bed-wetting and the issue of the use of the rubber sheet and the injuries that that caused one person.
Also, you say at the foot of page 47 there were many reports of wet or soiled sheets being rubbed in the child's face and being made to wear wet pants on their heads.
A. Yes. That experience was reported by many of the people who came forward. It seemed to be -- I don't know, but the word that I would use is commonplace, a common experience that many of them had.
Q. In relation to another practice that you focus on at the foot of page 48, force-feeding.
A. Yes.
Q. You tell us of, essentially, that involving meals being served up again, the same meal being served up again to a child who wouldn't eat it, of a child, if they're sick, being made to eat their own vomit, a child being physically force-fed by forcing the food into their mouth, and of children being beaten for not eating. You also make reference to a punishment of being made to eat

extra food for a child who had been caught stealing food.

A. Yes, indeed. That was reported to us quite a number of times. Yet another experience that clearly -- it's very live in their memory and still affecting them to this day.

Q. On page 49, halfway down, you round up this section of your report and you have certain observations to make.

You start by indicating that there was a degree of perhaps generous acceptance, shall we say, on the part of those who were reporting these levels of abuse that there was acknowledgement amongst participants that standards of acceptable punishment had changed --

A. Yes.

Q. -- and that sometimes their behaviour might have been challenging.

A. Yes, indeed.

Q. And that sometimes they showed, you say, a commendable and very generous concern for the house parents charged with the care of large numbers of children.

A. That was absolutely the case. People would say, "It can't have been easy for them", or, "I was rebellious, unruly, difficult,awkward, I spoke back". In that way they were acknowledging that they weren't the easiest to work with, but that coupled with the fact that there

were big numbers of children in the earlier period in each of the cottages didn't make the responsibilities of the house parents particularly easy. So that was challenging for them in another sense.

Q. However, you do say that:

"Even if the child or children or former residents concerned didn't categorise what had happened to them as abuse --"

A. Yes.

Q. "-- it was clear to [you] and [your] commissioners, hearing the account, that some practices clearly went beyond the bounds of anything that might have been categorised as reasonable chastisement."

A. Yes, indeed. For example, someone would speak to you about this and they would say, "Well, I deserved it", but we'd heard them recount to us that they'd been beaten repeatedly in the course of a day, never mind in the course of a week. From our perspective, that seemed to us to be in excess of what would have been permitted by the regulations of the day and by what would have generally been accepted as reasonable practice. It was excessive and we would have thought that what we were talking about was abusive, although they were excusing it as not.

Q. You make the point that punishments were supposed to be

recorded in punishment books --

A. Yes.

Q. -- and you were told at that time by Quarriers that there were no completed punishment books in their archives.

A. Absolutely. That was a specific requirement, that those kinds of punishment record books should be maintained and in the previous piece of work that I'd done when I was carrying out the review, we were very, very unsuccessful in finding punishment books that had information in them, if we found them at all.

Q. So you say at the foot of page 49 that:

"Even acknowledging the fact that standards of acceptable punishment have changed and that some children had good experiences, it became clear through sincere and consistent testimony that some house parents operated a regime that was brutal and sadistic."

A. That is so. That was our firm conclusion.

Q. And that:

"Some of the assaults described by survivors could in no way be described as legitimate punishment, even by the standards of the time."

A. Yes. I mean, forgive me if my memory's inaccurate on this, but I seem to remember in the legislation or in the law at the time, there was a limit to the number of

hits you could be given: if I remember correctly, six with the tawse. We were hearing of instances where they were being given six or more, more than once a day. By our understanding of the regulation, that was abusive and in breach of what they were meant to be doing.

Q. You also formed the view that from what you heard, there were certainly instances where house parents knew that what they were doing was wrong.

A. Yes. Yes, absolutely. That was manifest in the way they tried to cover up or issued threats to the children or told the children -- I think one of the most painful things was to hear a child or an adult saying they were told or they were asked to lie about what the injury was and how it happened, that they had fallen or they had been knocked over in the playground or whatever it might be, in point of fact when the bruises were from being beaten.

Q. In the second paragraph on page 50, you conclude that there seems to have been a weakness in the system in that it placed too much trust in adults and not enough trust in children whose reports of brutal treatment were often not believed.

A. Yes. That was very much our conclusion. We understand precisely the caution of not judging the standards of the past by the standards of today, but what we were

hearing in our opinion was excessive, even by the standards of the day, and there wasn't an adequate means for children to be heard and to have redress for what they were being put through or suffering. We felt that that was a genuine weakness in the system.

Q. I think you go further on to state at the end of that particular paragraph that essentially, even where reports were made and action was taken, you say:

"There appears to have been a lack of awareness of the implications for the child of their complaint being made known to the offender, who still had access to them and power over them."

A. Yes. From our perspective, we would have thought that if you had a complaint and there was physical evidence before your eyes of harm to the child in the form of bruising or whatever, you'd want to check that all through and do it in a way that wouldn't result in any comeback of a negative kind for the child. And there didn't seem to be any awareness of that as a possible outcome.

Q. You indicate as well at the top of page 51 that participants often asked why wasn't the brutal treatment picked up on and why wasn't anything done. You speak of how the main witnesses to abuse were other children, but children were aware where junior staff members had

complained about treatment --

A. Yes.

Q. -- and it appeared to be that these staff members then were no longer there.

A. That's right. The interpretation that was placed on that by the applicants was that they suffered as a result of their attempts to intervene on behalf of the children.

Q. At this stage, Tom, I'm going to move on to your next abuse heading at the top of page 52, which is "Sexual Abuse".

A. Yes.

Q. You tell us there that sexual abuse was mentioned by 40 participants, male and female, across the decades --

A. Yes.

Q. -- and the sexual abuse was sometimes accompanied with physical and emotional abuse as well.

A. Yes, indeed.

Q. You tell us of the nature of the types of sexual abuse mentioned and you tell us it included inappropriate behaviour of a sexual nature by adults in the presence or in the view of children --

A. Yes.

Q. -- inappropriate touching of children, children being made to touch others inappropriately, and sexual

intercourse, whether vaginal, anal or oral. The perpetrators that participants said had carried out that abuse included house parents, other staff in Quarriers, other residents or former residents, and people in the community who gave hospitality to children from Quarriers at weekends or on holiday trips.

A. That is absolutely so. One little additional comment might be that the other residents or the former residents, I should say -- there appeared to be on the face of it a perfectly worthwhile practice that former residents could come back to visit their house parents or others in the village that they had become attached to, if you like, or friendly with or regarded them highly. But that appeared to allow people to come in who then took advantage of the situation and freedom that they had and then were involved in abusing the residents who were there at that time.

Q. You tell us that some of those who mentioned having been sexually abused were too distressed to describe anything in detail.

A. Yes, that's so.

Q. You heard a few speaking about feelings of guilt about having been abused.

A. Absolutely. What several people have said to us -- and I can't quantify it as clearly as I'd like -- was that

they felt in some measure it was their fault. They felt that they were -- they were at fault for having not done anything to stop it or being more resistant to whatever was going on. That has caused them to live on with a sense of guilt about what happened.

Q. You make reference to children mentioning that it was good to be shown affection and they were unsure as to whether what was being done to them was wrong.

A. Yes.

Q. Essentially, it looks like you're speaking about grooming?

A. Yes, absolutely. One can only listen with respect to someone as an elder, trying to recall what was happening to them as a 9-year-old or a 12-year-old or a 15-year-old or whatever and thinking, you know, particularly if they've come from a background prior to entering Quarriers where they had little or no love or affection, they had no warm personal relationships with other adults, and here is someone now showing this kind of affection and interest in them and they are, if you like, open to it because it's the first time they've experienced that kind of, as they saw it, genuine human communication, and not realising that in turn this was maybe going too far or in the wrong way, but thinking all the while, "I'm special now, having been nothing

before".

Q. You set out some of the accounts that you heard from participants over the decades. But moving to page 56, you speak about the reporting of sexual abuse and participants were asked about what, if anything, they'd done to report their abuse --

A. Yes.

Q. -- and you set out the various responses below over the decades.

A. Yes.

Q. You tell us that 18 of those who told of being sexually abused said that they told no one about it at the time.

A. Yes.

Q. The reasons they gave for this varied very little over the decades. I think essentially the reasons are that: they didn't think they'd be listened to or believed; that they had no one to tell --

A. Yes.

Q. -- they didn't know what to do; and there was always the fear of punishment --

A. Yes.

Q. -- if they made such an allegation.

A. That's absolutely right. Anyone reading the report, I hope, would have got from that what we were profoundly aware of then, that across whatever the number of

decades was, five decades, the same expressions were coming forward as to why they didn't do anything about it or what they did experience when they tried to do something about it. In some senses, nothing changed, even though candidly understanding over time changed on what was right and wrong.

I appreciate as far as public knowledge and awareness of sexual abuse is concerned, it didn't become manifest much in the public domain until the 1980s, but nonetheless here were people experiencing this and, shall I say, being unable to do anything about it for similar reasons across that whole period of time.

I think one of the things that came through -- I noticed it, my eye caught it there -- was, having told family members outwith Quarriers, they either got responses which were that the parents felt they couldn't do anything about it, they were, if you like, in that sense impotent as far as action was concerned, or else they got the rebuttal, which said, "You're telling lies, you're making it all up, behave yourself", and that for any child is an impossible barrier to overcome.

Q. So if I'm correct in my understanding of those participants who said they didn't report or tell anyone because of certain fears and barriers to reporting, from the accounts of others who did report, it does seem to

be that the fears were entirely justified --
A. That's right.
Q. -- because you heard about people not being believed and so forth?
A. We did. We don't have evidence for this, so I'm probably stepping out of line when I say this, but we had the sense that they were aware of others having had, shall we say, punishment for trying to do something about it, which in turn influenced their actions and decisions. Although this was a much more private thing in terms of its occurrence and location in the cottages, after all they were all living in the same place and children together in one place, it's possible that they will talk to each other and share what's going on. And for some, this put them off making any complaint.
Q. Moving to page 58, Tom, and your last paragraph on page 58, here you have certain observations to make.
A. Yes.
Q. It's here I think you pull together some of the themes that you identified at the outset: communication with children was completely inadequate, there was no respect for them, and you also indicate that responses to reporting abuse were not encouraging.
A. Yes, absolutely. I think I quote a kind of rhetorical question that one participant put to us in that

paragraph. At one stage we contemplated calling the report by that name, but then we thought that was maybe inappropriate. Anyway, this person said, having recounted a catalogue of abusive experiences,they just said, "Where was everybody?" and I think that said more vividly than anything we heard that this was a hopeless and helpless situation.

Q. You refer to that:

"There was contempt of children and they were left to suffer in silence."

A. That's right. The whole concept, policy, practice, behaviour of respecting children, understanding that they have their rights and they have their opportunities, the same as anyone else, and dismissing that disdainfully or even aggressively, was just wrong and they were left there, and as we said, suffering in silence.

Q. Moving on to the third heading of abuse, headed "Emotional Abuse and Neglect", page 59 of the report. Here you tell us that 49 of the participants reported emotional abuse and neglect, and that could involve harsh, unsympathetic treatment, a lack of affection, warmth and empathy --

A. Yes.

Q. -- that children were denigrated, including for

bed-wetting and force-feeding, which we have spoken about, and being told that the children weren't wanted and derogatory comments being made about their parents --

A. Yes.

Q. -- and also something you've touched on at the outset of your evidence: being given false information about their parents and parents being sent away --

A. Yes.

Q. -- and of not getting presents that had been given by family members.

A. And maybe, I can't recall for the moment if it's in the report, but one adult telling us, as a child, saying that the presents her parents brought to her being given to the children of the house parents. That wasn't the only time that was mentioned that. That was mentioned a number of times.

Q. You say further down the page in the second last paragraph on page 59:

"Some reported that presents were brought to them by members of the familiar, were taken from them to be shared by the other children in the cottage. Others said they either never saw the presents again, or if they did, they were in the hands of the house parents' children, or, in the case of sweets and food, they were

being eaten by the house parents and their children."

A. Absolutely, and that came through repeatedly in those -- and our understanding of that was that that was true of some cottages. That wasn't a general, if you like, aspect of experience across all the cottages. But some -- and one can only assume this -- of this was going on in the cottages where practice generally was totally inadequate.

Q. At the foot of page 59, you say that 21 of those who came to be heard reported no abuse of any kind.

A. Yes.

Q. They may have spoken of a strict regime and punishment they received for misbehaviour.

A. Yes.

Q. But for some, there was a sense that they had deserved whatever punishment was given out and some spoke of receiving excellent care from dedicated house parents.

A. Yes. That's absolutely so. I mean -- forgive me, I'm digressing, but it bothered me that there were some comments on our report which said that we did nothing to acknowledge the fact that there was good practice and yet here we had people coming along who gave testimony that there was good practice. This was never meant to be a comprehensive account of everything that went on in Quarriers, but nonetheless, some were able to come and

say, "I was cared for", and some of those who were subject to abusive experiences were able to say about other staff that they had dealings with that, "They were good to me". There was a conflict, if you like, of emotion coming through.

Q. I think from having read the earlier parts of the report, the five individual summaries and the quotations, throughout the quotations there are very positive quotations about experiences, but also in the summaries you also see people who have had a mixed experience. Whilst they may have experienced abuse alongside that, they have also had very positive experiences too.

A. That is absolutely right. They were very open and firm in telling us about that. It was something they wanted us to understand.

Q. At the foot of that paragraph, which moves on to page 60, you make the point that we've touched on before, that while some -- you say:

> "What we heard ... some participants who made no complaint of abuse ... describe as acceptable would not have been such even in the context of its time."

A. That was our absolute firm conclusion. We didn't obviously attempt to discuss that with them because that was not our role, but we felt genuinely that they were

innocently accepting things that were unacceptable.

Q. I think you go on at this stage to break down into the decades various quotations.

A. Yes.

Q. Over the decades, including, I see one in the 1960s, speaking of emotional abuse:

"We were made to stand on the tiled floor in the hall for hours ..."

This is again a reference to having to stand in a cold place for long periods of time.

A. Yes.

Q. "You got fed up crying, but you had to keep on so as you'd not be forgotten about. A girl in my dorm was found dead in the bed one Sunday. After that, the house parents threatened us with the deathbed."

A. Yes. I'm absolutely unable to avoid saying what I'm going to say, which is we were absolutely shocked by that.

Q. Yes, it does stand out as shocking.

A. It does.

Q. If we move to page 62 and your observations at the foot of page 62 on the question of emotional abuse. You detected a number of people referring to house parents perhaps showing more concern and warmth towards children who had come from the baby homes as opposed to children

who had come from the baby homes as opposed to children who had perhaps come into Quarriers at an older age.

A. Absolutely. That was a prevailing theme that we came across. Whether it was intended or why it happened this way, but children who had been received into Quarriers into the baby homes and then remained within the village seemed to have been -- and I'm hopefully not saying this in the wrong way, but seemed to have been regarded as "our own", and the others as incomers, and somehow or other, our own were to be preferred. I'll say no more than that about it, but there definitely was -- people who came forward sensed a difference in terms of how they were regarded and how they were treated.

Q. At the top of page 63, you tell us of a key observation arising from what you heard which is that:

"It's essential for staff involved in caring for children to respect and value them, whatever their circumstances and need, whatever their behaviour and demeanour and whatever challenges they present."

A. Absolutely. There should not be any differentiation of any child based on what you may or may not know about them. They're all individuals and should be treated equally.

Q. And that gets back to one of your main themes of respect, which is something that you think resonates

perhaps in terms of care provided today.

A. I think so. It's my firm opinion that that lack of respect of that kind of treating everybody with the same basic level of consideration in a prolonged period of experience, that is very harmful to them. It is harmful to their self-confidence, harmful to their self-image, harmful to their capability of relating to other people. I'm not an expert in those fields, but you can register the kinds of harm it can cause and people spoke about that, not analysing it in that way, but talking about how they had difficulties forming relationships, how they felt insecure, how they worried whether they could hold down a job. All those kind of things.

Q. You also say:

"This in turn needs to be reflected in the criteria for appointing staff who work with vulnerable children in any form of residential care and in the content of ongoing training and their management and supervision."

A. I absolutely fundamentally believe that. I don't know enough about the detail of the recruitment and appointment process in Quarriers, but it did appear that the skill set that people would have been needing was not necessarily high in the priority for choice of candidate. Now, I appreciate that at times they were seeking to fill jobs that there were no applicants for,

or few, I should say. And that made it perhaps at times more of a decision, "We need somebody, so we'll have you".

But it just didn't seem that it was being adequately monitored and followed up and people were allowed to continue in posts who probably were unsuited for that work.

Q. We've spoken over these experiences about awareness of abuse generally and reporting of abuse, and certainly throughout the decades there's been a sense, and concrete reports too, of children reporting abuse and of children saying that others were aware, both children and adults, aware of abuse.

A. Yes.

Q. I don't know if this is putting you on the spot, but as an overview of the period of the decades you looked to, firstly, to what extent do you think there was awareness within Quarriers, within staff or management at least of Quarriers, of what was happening? And to what extent do you think was there reporting of abuse? They are kind of linked because reporting would give rise to awareness.

A. Yes, I understand that. That is absolutely an important question. I have concerns about answering it straightforwardly in the sense that I don't know how far

the 98 we heard from and of that the 69 who spoke of abuse were representative of the totality of 30,000 or more residents of Quarriers over all those years.

But if one accepts the premise that it might be an indicator or a signpost, it seems to me that at periods during the sessions that we were learning about, there was awareness but there appeared to be inadequacy in terms of the management of the problem at the higher level within the village, with the result that the children's reporting was not getting them anywhere or whatever action was being taken wasn't adequate to deal with the fundamental issue.

We never heard the names -- as far as I can recall, we didn't hear the names of the more senior people. Maybe in itself, that's indicative of the fact that the children didn't know who these people were. We thought that at the time, you know, why do the children not know who they can go and speak to beyond the cottage? But then, was that asking a lot of a 9 or 10-year-old to go beyond the house parents and walk to wherever the office was and register a complaint?

But we felt that there must have been some knowledge of this and we were concerned about, so far as we could hear, limited action being taken. There was action and obviously the report acknowledges that. Whether that

was more consistent across other parts of the village, I don't know, but I don't think it can have happened without someone knowing.

Q. Moving on, on page 63, to issues arising from leaving care. You gave us a bit of an overview of that at the outset of your evidence and indicated that within Quarriers at some stage there were hostels or places within Quarriers or elsewhere that children, older children, could go and live together and try to become a little independent.

A. Yes.

Q. As I understand it, from the reports you were hearing, they were still not equipped to deal with the world outside Quarriers?

A. That's right.

Q. Are there any other particular issues which came through in the accounts that you heard in relation to challenges for young people leaving care and any support that they may or may not have been given after leaving care?

A. Right. Well, an issue or issues that came through in reference to those transition points, if that's the right thing to call them -- they had specific names, but for the moment I can't recall the names. I think there were at least two and they were there for quite a while.

I think in their intention and in their possible

opportunities, they were actually a very forward-looking and valuable means of linking life in Quarriers and working life beyond that. But from what we could gather, they were places where you could eat and sleep, where you could leave whatever few possessions you had when you were out during the day wherever you were being apprenticed or maybe, if you were fortunate, in a job. There was no -- they had grown up with a situation where they were accustomed to house parents. There was an adult or two adults to whom they could relate.

Here was a place where, yes, I think there were people who had some kind of function to manage the oversight of the place, but they didn't relate to them in that same way.

This may seem almost contradictory in the light of what the report's talking about, but some of them were homesick for where they'd been, particularly those who had good experiences. This was home, this was family. And even in relation to those who had bad experiences, these were people who were featured in their lives and now especially those who were good to them, they had less contact with.

Quarriers was open, as I understand it, to them going back, but as we said earlier, that didn't happen, I think, frequently. Where it did happen, it seemed to

be a very good thing, but in the other cases that we have mentioned or heard about, it sometimes was a bad thing because those who came back were misbehaving with the younger residents.

But I felt that from what we were telling us, these adults were describing their lives as older teenagers who were -- I don't like the term, but they weren't streetwise. They went out into a world that they'd had no prior knowledge of.

In the latter decades that was improving because, as you probably know better than I, there was a change in policy which, for example, allowed the children to buy their own clothes. They had a clothing allowance and they could go out and go to shops and learn how to deal with those kinds of transactions. But earlier on, there wasn't that. Therefore visits outside were maybe going on holiday to Little Turnberry or going to a camp somewhere or going to a theatre -- they all went to the circus, I seem to recall, in Glasgow at Christmas. But those were not, shall we say, everyday experiences, in the sense of you went as a group, you were managed as a group and you still didn't mingle with outside life.

I think in that sense many of them felt very, very ill-prepared and insecure and not ready to accept the responsibilities that they had to accept, even down to

the level of personal hygiene.

Q. There's one issue that you raise, an important issue, at page 68 of your report. It's the number of participants, 12, who made reference to suicidal feelings and attempted suicide.

A. Yes.

Q. Of that number, eight said they had personally experienced suicidal feelings and/or had attempted suicide.

A. Yes, indeed. That is so. We listened to what we were told and this was something that disturbed us and concerned us greatly. We wondered -- I think it maybe refers to this later in the report -- about what is being done to monitor that as an issue, if it is still an issue, for young people coming out of the care system.

But there definitely were some very unhappy stories around what they felt and what they were attempting to do about it. I don't want to be graphic about all of this at all, but we met some adults that were radically self-harming and who bore the scars of that self-harm whenever they came into the meeting with us.

Q. At page 69 onwards, you discuss the psychological needs of participants. In that, I suppose you mention matters which we sometimes refer to as impact, the impact on an

adult of their experiences as a child in care.

A. Yes.

Q. I think you identify certain issues such as feelings of shame and guilt as one of those issues.

A. Yes -- I think maybe I mentioned this earlier -- profoundly bothering people many, many years after this has happened. Guilt and then consequential on that, unwillingness to tell their closest family members that this had happened to them. I can't remember the number precisely, but some people came in that day and assured us that they had never told this to anyone else before.

Some of those who brought -- as you know, we allowed them to be accompanied if they wished. Some of those who were accompanying the individual were hearing it for the first time as well, which is difficult for them as well as for the person who is recounting it, but that was born of the impact that this has had on them.

I remember others saying it affected them in all kinds of practical ways in terms of the guilt going through into their participation in sports activities, their life in the armed services, whatever. They felt they had to be on their guard all the while. They didn't want anybody to know. They saw it as some kind of stigma, which somehow or other, as we said earlier, they saw as their fault.

Q. You also mention within the section participants experiencing low self-esteem and relationship problems.

A. Yes. Again, we didn't feel it was our business to pursue in any way this question, but people talked about relationships being short-term, breaking down, and blaming themselves because they felt they couldn't engage in a relationship in the way in which their partner had expected. They attributed that to the insecurity and guilt that they brought with them from what had happened in Quarriers.

Q. You also mention participants having difficulty engaging in work and educational opportunities and having social and mental health problems as well.

A. Yes. That's right. A number of people talked about how they couldn't hold a job down. They were unsettled and couldn't readily adapt to the routine of the job. They talked about the fact that they couldn't concentrate whenever they attempted to take any further education or any additional qualifications. They felt they hadn't learned anyway enough before they left Quarriers, when they were at school, because of the impact of what was going on affecting them emotionally and psychologically.

Q. Also, practical matters such as an effect on their own parenting.

A. Yes. Oh, absolutely. Forgive me if I'm telling you

what's here.

Q. No, not at all.

A. I remember vividly one woman saying that she could never hold her children because nobody ever held her. She said, "In my family, there is no contact, we don't touch". "I can't cope with that", was how she described it. To be truthful, all I could say was, "That's horrific, really". I believed every word she was saying. I don't think it was exaggerated in any sense.

Others said that they had difficulty relating to their children because no one had related to them as a parent, so they didn't know how to deal with the children when they were small or, more often, they referred to "I didn't know how to handle my teenage children". It was painful to hear what they were telling about what was affecting them, if you like, in later life and still to this day.

Q. At page 72 of the report, the second paragraph there, you're talking -- the first paragraph even -- of your response to what you heard.

A. Yes.

Q. You indicate that:

"The experience of Time To Be Heard for the commissioners and [yourself] has been remarkable and that throughout the hearings, [you were] treated with

respect, sensitivity and graciousness. And even those participants who expressed anger forcefully when recounting their experiences in Quarriers were at pains to reassure us that their anger was not directed at us."

A. That absolutely is our common experience. These things all come back to you in time. I remember one man who came in to talk to us, who was very angry, very, very agitated, very aggressive. We approached him in the way we did everybody else, explained that he could say whatever he liked and there was no issue for us in terms of how he expressed it. And he really was thumping the table, laying down the law, having a very forthright account of what he said. And every so often he would take a breath and say, "I'm not blaming you", but he really had to get it all out. That was a relatively rare thing.

Others would say -- and I think I refer to this somewhere else -- you know, we felt this was so unnecessary and inappropriate -- "How did I do? Was I all right?" We were the ones who should be apologising to them, not them asking us for that. But we recognised at the end of the day, I suppose, it's a human need for some affirmation, about what they had done had been clear and we had understood it and we could accept it.

But this sensitivity -- we felt very genuinely very

privileged to be able to be trusted by those people to come and say what they said to us, and some extraordinarily personal things which they shared with strangers and did so with a constant concern that we were all right.

Q. And I think the next sentence is that:

"We were continuously impressed by the dignity and openness of those who came to be heard".

A. Yes. I went away from Time To Be Heard feeling that it had been remarkable to meet so many fine people. I had met people who, despite all that had happened to them, had made a remarkable success of their lives, and who had been able to come to terms with this. I met others, equally fine people, who had been very damaged by it and who were still suffering openly. And others who perhaps were suffering less outwardly. But it was, I thought -- I don't want to sound too sentimental about it, if you know what I mean, but it was a remarkable indication of the triumph of the human spirit over what had happened. That came through over and over again.

Q. In terms of your recommendations, which obviously are set out in detail from page 104 of your report, the primary one was recognising the value and the benefit of having a confidential forum.

A. Yes. Yes, indeed. You will know that there was a piece

of independent evaluation going on, which was taking the views of those who came forward as a basis for analysing whether this pilot was doing what it set out to do, and the response to that was -- well, the response to that was high in two respects. A very high response rate. The people who carried out the research told us that many more responded to that than would normally respond to that kind of post-experience contact.

It was time and time again saying, "I'm glad I did this, it helped me, it wasn't easy, I had problems afterwards dealing with what I'd had to recount, but I'm glad I did it". And that's what we were really convinced by, saying this really should be an experience that is open to all.

We recognised -- and I think I say that earlier in the report -- Time To Be Heard was a test of a particular way of allowing people to be heard. Obviously, it did not answer the other express demand of so many former residents for accountability. That wasn't the function of it. I'm convinced now that it wouldn't have been appropriate to bring accountability into the context of Time To Be Heard.

Time To Be Heard was space for people to talk about what had happened and, perhaps in that context, allow them to feel some release or some betterment, and

perhaps for some others to say, "I now feel I have enough confidence to do something about this", and whether that involved further procedures or proceedings was for them to judge and not for us to advise.

Q. I think going back to your statement, on page WIT.001.002.3313, at paragraphs 41 and 42, I think you're making the point that:

"Time To Be Heard was the test of a model of a confidential forum and it led [you] to recommend that a National Confidential Forum should be established ..." which indeed has happened.

A. Yes.

Q. "... as one of a range of responses to the needs of survivors --"

A. Yes.

Q. "-- and to young people in the care system."

And you're clear to point out that in your report, the executive summary at page 9, paragraph 4 -- and you quote it in your statement, the closing sentence of that paragraph is:

"Our observations and recommendations focus solely on our experience of piloting the confidential committee and should not be interpreted as a conclusion that nothing else, for example an investigation or a redress committee, is required."

A. Yes.
Q. And you say that:
"The commissioners and I undertook the testing of this model with the intention of trying to do it as effectively as we could. We were not commending a confidential forum, an acknowledgement forum, as the only option. We did not want anyone to think that."
A. That, I felt, was absolutely essential to say, because you already know that Time To Be Heard was -- well, shall we say, had a turbulent birth. I attended an event in 2008, I think it was, which was a conference at which in a sense there was a review of what had happened one year on from the review that I'd done and at which there was an announcement that there was going to be a consultation on what was initially called a truth and reconciliation forum, but then became known as an acknowledgement forum.
Q. I may say at this stage that we are very much aware of the turbulent nature and we will be returning to that turbulence later on in the inquiry. We expect to be asking you about that at that time.
A. I'm grateful for you telling that. I feel obliged, if only to keep faith with the people who came to Time To Be Heard, that it wasn't everything and it wasn't all, and they needed more.

Q. To close now, Tom, there's one of your recommendations I would like to ask you about. We have all the detailed recommendations there to read and consider, but it's your final recommendation at page 112 of your report, number 15:

"All institutions should develop a photographic archive in response to the needs of former residents who have no or few photographs of themselves if they have not already done so."

And that was a recommendation in a public report made back in February 2011.

A. Yes.

Q. What led you to make that particular recommendation?

A. I think I said earlier that in relation to verification, when people came to see us, we looked for their admission records, but in addition to that, many of them brought photographs, and those photographs were sometimes of individuals, just themselves, maybe with another child, taken on a garden party day or whatever it was going on in Quarriers. Others were pictures of all the children in the cottage. Others were pictures of them at some big function or big event. I don't remember the personalities of the day, but Quarriers had these equivalent of modern celebrities who would come and spend a day there and entertain the children and so

on. There were opportunities for photographs there and some of them had photographs of them standing beside the celebrity.

Some of them brought those along because they saw those as their link with the past. They saw that that was proof that I was there.

Remember, I told you that some of them afterwards, when they got their records in later life, discovered that they had siblings and the siblings knew nothing about Quarriers, didn't know it existed. So here was photographic evidence that showed not only were they in Quarriers, but what it was like.

It raised a huge amount of interest and enthusiasm and emotion. It just seemed to us that here was an invaluable resource that should be archived. Quarriers' own annual reports and other documents that they published have lots of very good photographs that many people don't even know exist. I presume the same is true of all children's establishments of one kind or another.

Photographic records where people can go in and look at properly catalogued photographs and relate to when they were there, and say, "Is there a picture of me?" Some people don't have a picture. I don't know how everybody else here feels, but I show pictures of me as

a child to my grandchildren. All of those things go on and they are tangible connections with the past and they are frequently tangible connections of happy times. And I think people who have been in care and have had unhappy times need to have access to more of those resources. That's why I felt -- maybe I wandered on a bit, but that's why I felt it was important and I still feel it.

Q. The reason I raised that is that we have heard in the course of evidence of people who have been in caring raising the issue of how important it would be to see photographs of themselves as a child, and many still don't have that. So that basically led me to ask you why it was that you came to make that recommendation.

A. I don't know if I'm allowed to express personal emotions about things. That disappoints me terribly that nothing has been done, as far as I'm aware, to take that forward. I understood at the time from conversations that I had with people who are expert in the archival business that such an archive would be of value to Scotland because it's part of our shared history in Scotland. That is how they expressed it to me.

I gather there are in the archives -- I'm not sure which archives, but there are places where such collections could be located and accessed, nowadays with

modern technology, made available to anybody at home.

MS RATTRAY: Well, Tom, I have no further questions for you. It just remains for me to thank you very much for answering all the questions I put to you today.

I'm not aware as to whether there are any further matters.

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

Tom, it just remains for me to thank you for engaging with the inquiry as you have done. I'm grateful to you for the statement we've been exploring today and, of course, to you for coming along and spending a long morning giving evidence to us today. I'm now able to let you go for the moment.

A. Thank you very much.

LADY SMITH: Thank you very much.

(The witness withdrew)

LADY SMITH: I think that completes the evidence for today; is that right?

MS RATTRAY: Yes, it does, my Lady.

Whilst the hearing will be sitting tomorrow in relation to child migrants, in relation to this case study we'll be returning on Monday the 28th at 10.00.

LADY SMITH: Thank you very much indeed.

In case you didn't pick that up, for anybody who's

interested, at 8 o'clock tomorrow morning, we'll be linking with Australia again to hear evidence again in relation to the child migrant case study. But otherwise, there will be no other evidence tomorrow and no further evidence until next week, as has just been alluded to when we'll be back to the Quarriers, Aberlour and Barnardo's case study.

So I will rise just now until 8 o'clock tomorrow morning.

(12.45 pm)

(The inquiry adjourned until 8.00 am on Wednesday 23 January 2019)

I N D E X