Tuesday, 12 February 2019

(10.00 am)

LADY SMITH: Good morning.

You'll all know that we began the closing submissions yesterday and when I rose we were in the course of hearing the submissions being given by Mr Gale on behalf of FBGA, the Former Boys' and Girls' Association from Quarriers.

Mr Gale, I think you probably have a short section to finish, but it's obviously an important section, so when you're ready, do feel free to start.

Closing submissions by MR GALE (continued)

MR GALE: Thank you, my Lady, good morning.

Before I do, there are two matters arising out of yesterday that I could briefly mention. Yesterday, Mr Peoples in his summary I think said that it was the police who contacted David Whelan; in fact, it was David Whelan who contacted the police.

LADY SMITH: Yes, I recall that.

MR GALE: I have just been asked to correct that.

I appreciate it was just a slip.

LADY SMITH: And there was evidence about events that took place.

MR PEOPLES: I think I cut it rather short. The background was in fact that Mrs QKR contacted David Whelan and

he then deliberated and, after that, he went to speak to the police. I think that's the -- I fully accept -- I didn't realise when I said it that I perhaps missed out that important chapter or part of the evidence.

LADY SMITH: Thank you for picking that up, Mr Gale.

MR GALE: The second point is we ended yesterday with a discussion regarding what we say should be the conclusion or finding that my Lady might make regarding Mr Dunbar and the punishment books. Can I just ask my Lady in that connection, when she comes to look at this issue, to look at the two witness statements which are footnoted at number 23 in our submission, both Mr Dunbar and his wife Helen Dunbar. Helen Dunbar did not give evidence, nor was her statement read in, but it is a document that is available to the inquiry.

So with those two observations, my Lady, could I return to the text? This is a section in which we address the suggested findings of abuse that my Lady may wish to make.

The evidence led in this case study has disclosed a substantial body of consistent and compelling evidence that abuse as defined has occurred in Quarriers Homes within the period under consideration. Certain forms of abuse have been highlighted in previous case studies and it would appear that these have been replicated in

Quarriers.

We've indicated that those individuals convicted of abuse provide an undeniable datum, but the scale of abuse is, as we have already pointed out, disturbingly high. We identify the following forms of abuse. And I should point out, my Lady, that we don't suggest that these are necessarily exhaustive, but we just highlight these.

First of all, physical abuse and inappropriate levels of punishment. Mary Drummond, Effie Climie and Ruth Wallace were convicted of offences involving physical abuse. I think also, my Lady, that Alexander Wilson, among his convictions, there were convictions for assault, not merely of sexual assault -- I should not have said not merely, but as well as sexual assault. Exactly what those convictions for assault were, I'm afraid we simply don't know, but it may well be that he was also convicted of matters of physical abuse and assault.

Many witnesses have spoken of acts of what may be regarded as simply indiscriminate and gratuitous acts of violence, albeit that the individual administering it justified it as an act of punishment for some perceived infraction of rules. House parents used implements such as belts, tawses, sticks, canes, slippers, wooden

spoons, hairbrushes as implements of abuse. They also used their hands and fists to deliver punches and slaps. The victim could be of either sex, and age did not seem to be a barrier to such abuse.

Almost all of these acts were designed to inflict pain and regularly did. On occasions, children had marks on their bodies, but often in areas that were not immediately visible. The absence of punishment books denies one the opportunity to consider whether acts of punishment were commensurate with the level of punishment provided for in standing order 7. The evidence of witnesses would clearly suggest that the episodes of indiscriminate violence would be most unlikely to have been recorded.

Importantly, we say, my Lady, that the use of physical violence was one of the aspects of abusive practices that gave rise to what several witnesses described as a sense of fear which pervaded individual cottages. I appreciate there were other aspects as well as just physical violence, but it was a significant feature.

The second area we look at is bed-wetting, and this is something, obviously, that has been dealt with by Mr Peoples in some detail. There's not very much one can add. Those who were bed-wetters were described as

having "an objectionable habit", and that the sympathy lay not with the child but with the house mother who had to deal with the consequences. That's obviously from the standing orders. It is noted that such a description is deemed relevant throughout the period.

Again, there is a compelling body of evidence that the response to bed-wetting was entirely inappropriate. On occasions, physical punishments were meted out, but more frequently those who wet the bed were publicly humiliated by having to wash their sheets or wear them on their heads and carry them so that what had happened would be apparent to all. It was particularly apparent that those who knew that wetting the bed was a possibility lived in dread of doing so.

Two witnesses spoke of still bearing the scars from the pad and bell that was used. The second of those, my Lady, is the witness William whose statement was read in and there was an element of his statement, I think, that Ms Rattray added to because he had contacted the inquiry to say he still bore the scars of the pad and bell. So that's the second of the witnesses from the witnesses who gave direct evidence.

For those who lived in cottages where bed-wetters were punished, the fact that in others the problem was treated with sympathy and compassion must have increased

their feelings of isolation and probably of desperation.
Then I turn to force-feeding. This was
a distressing --

LADY SMITH: Just before you leave the matter of bed-wetting, and in particular the use of the pad and bell system, what are you actually saying about the use of that system?

MR GALE: I think, my Lady, the fact that at least one instance at the time was known to have caused injury should have alerted those who were responsible for using it to just that possibility, and that it should have ceased at that stage.

LADY SMITH: Well, I'm not determining whether -- I can't determine whether negligence occurred.

MR GALE: No.

LADY SMITH: The legislation prevents me doing that. I'm just a little puzzled as to whether I'm being invited to conclude that it was abusive to use it or whether it's just part of a context that surrounds this treatment of the bed-wetting problem.

MR GALE: I think we are asking my Lady to conclude that it was abusive in that there was evidence of physical injury occurring as a result of it, and to continue to use that device in that knowledge was, we submit, abusive.

LADY SMITH: Thank you.

MR GALE: My Lady, turning to force-feeding, this, as I said, is a distressing -- distressing accounts have been heard where children were physically held while food was forced into their mouths.

My Lady will recall at least one witness indicating that a house parent engaged the assistance of others, I think the house aunties, to assist with that, where those house aunties were perhaps reluctant participants in what was being done, but that was part of the evidence.

Some were forced to eat food that they simply could not digest: the fish bones and gristle comes to mind. On occasions they were forced to eat vomit that they had thrown up on to their plates. These practices appear to have been justified by staff who regarded a child's inability to eat as indicative of ingratitude.

Some children devised mechanisms to avoid eating food that they found inedible. They would pass it on others who perhaps could stomach it. There are certainly instances of pockets that were full of food that they wanted to avoid.

Again, the fact that in certain cottages food was good and such practices did not take place is a further example of the lottery which a child's life was.

We turn now to separation from siblings and other feelings of isolation. Again, this is going over perhaps old ground. Cottages appeared to be separate, self-contained units, and witnesses frequently spoke of interaction with children in other cottages was restricted to formal occasions such as attendance at school or church.

Where house parents had reasons to protect themselves from investigation as to their abusive practices, they actively discouraged children from communicating with others, sometimes through the threat of violence.

There were instances, my Lady, where there was interaction with other people from the outside world. The children were presented in their Sunday best, but it was made clear to them that they were not to communicate anything, particularly anything negative about their experience.

While separation of siblings of different ages and sexes may have been explained by the provision of separate sex cottages and age-appropriate companions, what was of concern was the evidence that house parents did not allow or encourage interaction between siblings. There was evidence that some children were not aware of the identities or even of the existence of their

siblings, even where those siblings were in another cottage.

There was evidence that the parents of certain children were denied reasonable contact with the children by those in authority. It is particularly reprehensible, we say, that in certain circumstances those in authority perpetuated the misleading impression that the parents were not known or were not interested in their own children.

One particular example of this struck us, and this again is William, the statement that was read in. He believed that his mother had abandoned him and that impression was perpetuated by those in charge. Indeed, it's my understanding that he believed his mother was dead.

Now, William is a gentleman I have spoken to on a number of occasions in the room adjacent to here. It was only when he gained access to his records that he found out that that was not the case. Letters showed that she had tried to contact him and it was particularly gratifying to learn through talking to him recently that he's now been able to see a photograph of his mother, and in that his pleasure was obvious and manifest.

There was also isolation in the shed at the rear of

some of the cottages, and that was used as a form of punishment. On occasion, that was accentuated by children being locked in cold and dark conditions.

My Lady, I turn to the matter of sexual abuse. John Porteous, Samuel McBrearty, Alexander Wilson and William Gilmore and Joseph Nicholson were convicted of serious sexual offences. The evidence of the horror of sexual abuse committed on vulnerable children was one of the most distressing parts of this case study. Few who sat as David Whelan or Elizabeth or Troy gave evidence will easily forget that experience, but that is as nothing compared to what those witnesses went through.

Again, my Lady, I wonder if I could just extemporise slightly on that. David Whelan is obviously somebody with whom I have conversed a great deal with over the last two and a half years.

It was through listening to him giving his evidence that I learned certain details that David had never felt able to talk to me about in his conversations with me. Again, that is a feature of many witnesses, that even with somebody with whom they've established, in our case, a professional relationship with, they find it difficult to go into the detail of what actually happened to them.

Elizabeth, my Lady will recall and I have already

mentioned, was the lady who, my Lady's encouragement allowed her to come -- I think she said, "Come out of her box", and express her evidence. She was a lady who was perversely abused by the person she described as "the dirty shoe man".

And finally Troy. He was the witness who gave evidence of having been sexually abused. Again, it was difficult to listen to, but my Lady will recall that he, in giving his evidence, I think for the first time explained the number of times that he had been abused and he did that by holding up his hand and showing his fingers. That again was a difficult part of the evidence to listen to.

With that, my Lady, we turn to emotional abuse and this covers, obviously, a lot of separate material. We begin by saying that humiliation and ridicule are, we say, particularly repellent forms of abuse and in this case study there has been evidence of such abuse in abundance. We have already referred to the public humiliation of those who wet the bed and witnesses frequently spoke to the general absence through to the deliberate withholding of love and affection.

We appreciate that there required to be boundaries so as to avoid inappropriate or disproportionate care so as to avoid children being regarded as favourites, but

a level of human kindness towards children whose lives may have been devoid of such consideration was, we say, a basic entitlement.

Denigrating children directly and in the presence of others for the perceived sins of their parents was utterly disgraceful. My Lady will recall one witness who indicated that clearly a house father, I think, knew of him because of his own father's criminal past and that was particularly repellent.

There were very clear examples of sectarian and racial abuse, and the appalling racial and religious abuse of Esmerelda was difficult to listen to and her quiet dignity was humbling.

There was evidence that gifts intended for children were either delivered but then removed or perhaps simply not passed. The ways in which Christmas and children's birthdays were celebrated unfortunately depended again on the lottery of which cottage the child was resident in.

My Lady, I have not mentioned the question of instances where children were verbally abuse, but obviously that is something that occurred very frequently. I have also not mentioned specifically the requirement to call cottage parents "mummy", but I alluded to it in the earlier evidence in relation to

Anne.

My Lady, concluding, a final word if I may on the apology. The apology given by Ms Harper in this inquiry has been delivered on behalf of the organisation after she and the organisation's representatives have had the benefit of hearing the detail of the abuse endured by the survivors and the effects that abuse has had upon them. Given what has happened in the past and organisations such as FBGA and the survivors has and have every entitlement to be sceptical and cynical. However, we salute what Ms Harper has done, but it remains a matter of great regret that earlier opportunities were not taken to deliver this to all survivors while still in life.

As is apparent from the evidence of both Mr Robinson and Ms Harper, that failure to offer an unqualified and sincere apology was delayed on instructions. As Mr Robinson made clear, he was uncomfortable with the position he was in, that he, the CEO of Quarriers at the time, "firmly believed" the disclosures of abuse. Notwithstanding that, the insurers took the position that even in civil cases where abuse had been proved to a higher standard in the criminal courts, the organisation would be instructed to continue to deny that abuse had ever taken place. That approach has

caused untold hurt and damage to survivors.

My Lady, before I conclude, obviously I've had the opportunity to read the other submissions. Mr Scott's submission in particular, so far as it contains general observations and those relating specifically to Quarriers, is a submission that I would respectfully endorse.

Can I also add that Mr Scott makes a similar point to that made in the final paragraph of my submission and that's at page 6 of his submission. On its website, IICSA indicates that it is conducting an inquiry into the extent to which existing support services and available legal processes effectively deliver reparation to victims and survivors of child sexual abuse and exploitation, obviously. They are not just restricted to sexual abuse. That is in response to inter alia, "multiple reports of obstructive insurance companies". We would suggest, my Lady, that this inquiry should in future case studies consider investigating that matter.

My Lady, with that --

LADY SMITH: Sorry, can I just be clear what it is you're suggesting there by way of investigation? You mentioned current support systems, but then also obstructive insurers. It sounds as though there's a mismatch there. Tell me a little bit more about that.

MR GALE: That's how IICSA described it on their website. I accept there is something of a mismatch, but that's how it's described.

LADY SMITH: Insurers would be involved with decisions as to how to respond to litigation.

MR GALE: Yes.

LADY SMITH: I get that. The provision by public services of appropriate support to survivors would be something different.

MR GALE: I entirely appreciate that, but they are drawn together in the inquiry that's currently taking place.

LADY SMITH: So you're really asking me to find out a little bit more about that and decide whether it assists us to understand what they're doing? It may be that what it's getting at is covered by our terms of reference already, but I can certainly check that.

MR GALE: It may be, my Lady. It is something we did raise a little while ago with the inquiry team, so it is something that we have highlighted.

LADY SMITH: Thank you.

MR GALE: With those submissions, I am grateful to my Lady and unless there's anything I can assist my Lady further with, those are our submissions.

LADY SMITH: Thank you very much for the time and trouble you have taken over that, Mr Gale.

I am now going to turn to Mr Scott, who is here to present the closing submission on behalf of INCAS. When you are ready, Mr Scott, I am ready to hear you.

Closing submissions by MR SCOTT

MR SCOTT: Thank you, my Lady.

Before making submissions on behalf of INCAS on specific findings in fact which her Ladyship may feel able to make, I wish to start with some general observations.

On 23 October of last year, the same day as opening statements were heard in this case study, the Deputy First Minister made a statement to the Scottish Parliament in which he committed to establishing a financial redress scheme for survivors of abuse in care.

He also offered an unreserved apology on behalf of the Scottish Government to all those who were abused as children while in care. He was responding to recommendations from the review group which had consulted and engaged widely on the matter of redress. That group recommended that a redress scheme be set up by legislation before the end of this parliamentary term, which is in March of 2021. It also recommended that advance payments be made as soon as possible to some survivors based on ill-health or age.

All of this is welcomed by INCAS and its members, who will continue to press to ensure that everything announced happens just as quickly as possible.

I note that there was an update from the Deputy First Minister on 1 February confirming advance payments to survivors who may not live long enough to apply to the proposed statutory scheme, which scheme is to be the subject of public consultation later this year.

He advised that the budget bill has now passed stage 1 and has parliamentary agreement to pass at stage 3, meaning that the £10 million set aside for the advance payment scheme will be available from April of this year.

He said that the budget will in effect be demand-led and the provisional allocation of £10 million may be higher or lower depending on the number of applications received. Although outwith the terms of reference for this inquiry, for survivors this is important parallel work.

In relation to the Sisters of Nazareth case study, INCAS notes that your Ladyship's findings are in hand and will be published as soon as possible. The findings are keenly awaited and INCAS again wishes to thank your Ladyship for proceeding by way of interim findings to allow some public recognition at as early a stage as

possible for many of those whose evidence has been heard or read to date.

Turning then to this case study, looking at Quarriers, Aberlour and Barnardo's. It offered its own distinctive features, especially the fact of several criminal convictions involving extremely serious sexual and other abuse. The fact of those convictions has informed the way we as a legal team for INCAS have engaged with the inquiry. We took the view that there was not the same scope as in the previous case studies for any challenge or querying of the fact and extent of abuse.

The main themes of my closing statement on behalf of INCAS are reputation and responses. This case study, my Lady, has offered an insight into the care offered on behalf of the state by three secular organisations. Although sadly, much of what we have heard, shocking though it is, comes as no great surprise, it is nonetheless worth commenting on the similarities of the abuse suffered by children over many years at establishments run by these three organisations and the similarity to that suffered by children in homes run by religious orders.

The similarities are such as to defy coincidence. Even if there is little or no overlap in personnel as

between care provided by these organisations by comparison to the religious orders. It does seem remarkable enough to find evidence of such abuse as we have already seen crossing establishments and borders, but perhaps more understandable in the context of religious orders, especially when we heard evidence of a transfer of staff, for example from Northern Ireland coming over to Scotland.

But here, we have heard evidence of the same or very similar abuse crossing organisations and borders which have no such apparent connection. Different children, different abusers, different organisations, different decades, but very similar abuse. I confess, my Lady, it is not clear to me that any evidence-based conclusions are possible on these remarkable features or coincidences, certainly not at this stage. If any conclusions are possible, it would no doubt be only at a much more advanced stage of the work of the inquiry.

As I said in my opening statement in this case study, there are considerations which have not featured so far. That is particularly so because these organisations continue to be trusted to provide care and services for children and young people. It will be all the more important therefore for the representatives to demonstrate that they have changed from the time within

living memory when some of their predecessors in the same organisations allowed abuse to happen, whether negligently or knowingly, and even carried out abuse. Hard-earned trust may have to be earned again.

In part, my opening statement anticipated the reputational issues for each of these three organisations of significant evidence of extensive abuse even if involving staff and others now dead, certainly no longer involved in the care of or services for children which they provide.

INCAS welcome the active participation of each of the three organisations in the case study and their stated commitment to understand what happened and vouch that everything possible will be done to avoid the chance of it happening again.

Full and committed engagement by the three organisations with the work of this inquiry in their written evidence, in the case study, in attending the hearings and after today in their response to the eventual findings from this case study may offer some reassurance that the grave wrongs of the past will not be repeated.

Reputations are important. Another aspect of that for survivors is the extent to which their reputations have been called into question over the years. Active

participation by those whose organisations bear at least some responsibility for the abuse perpetrated in their establishments may offer additional insight for those involved in the care of children, indeed for us all, into the reputational issues for survivors, who are all too used to being disbelieved, doubted and denigrated for things which happened to them as children and for which they bore no responsibility. This ties into the myth of deserved abuse with troubled and challenging behaviour treated not as communication to be understood but as wickedness to be punished.

Before turning to the three organisations, it is worth restating the need for all involved to avoid answers and language which might be thought to deny, minimise or excuse abuse. Phrases such as "excessive corporal punishment", "overuse of corporal punishment", or "improper use of corporal punishment" are often no better than a euphemism for abuse. They should distract no one from what happened but may suggest an attempt to excuse that these were legitimate punishments taken slightly too far rather than recognising them as the abuse they were.

Phrases like that can help to perpetuate the myth of deserved abuse. Survivors have attended these hearings and other survivors away from this hearing are following

the work of the inquiry in various ways. All are listening and none are fooled by exculpatory language which serves rather to cause further damage.

Turning then to each of the organisations, I will say only a little before making submissions on suggested findings.

In relation to Quarriers, my Lady, in my opening statement I said, as before in the next few months, survivors are listening keenly to ensure that acceptance, acknowledgement and apology are not restricted to what has been proved beyond a reasonable doubt in the criminal courts. We know that convictions will stand as facts for the purposes of the inquiry and not as opportunities for reheating rejected claims of innocence and thereby causing further damage to survivors.

Survivors were struck by the unqualified acceptance on behalf of Quarriers of the fact and extent of abuse. It was of particular note that their CEO stated that even if an abused person was acquitted, that would not mean that the abuse did not happen. That is precisely the sort of approach I had in mind in my opening statement, one that was not fenced by legal niceties or grudging acceptance. Such an approach does help at least some survivors and is greatly welcomed.

Turning to Aberlour briefly, this chapter provided examples of the continuing need for great care when putting in written evidence and also for framing questions and it's really examples for us all --

LADY SMITH: And you're talking about requests for questions going to counsel to the inquiry here, I think, aren't you?

MR SCOTT: I am, my Lady.

On 17 December 2018, and it's on page 151 of the transcript, the following question was asked -- and it was stated that this was at the request of Aberlour:

"I have been asked to put the following description of Michael to you by Aberlour, that he could be described as an aggressive bully, who had a history of physical assault, sexual assault, theft, truancy and verbal and physical abuse. Does that fit with the Michael you knew?"

In fact, my recollection is, my Lady, that the witness didn't accept the premise of the question, so it could go no further and that may in part explain why things were left hanging as they were.

When asked about that question, at our request by Mr Peoples in her subsequent evidence on Day 119, the chief executive officer said that she welcomed the opportunity to clarify the purpose of the intended

questioning. The intention was not, as she accepted may have been the impression, to try to excuse or justify abuse of the boy because of his behaviour, rather it was to try to put into context a number of issues around his progress and how he interacted with other children and staff. Quite how the question came to be asked in the way it was remains unclear or if it was the witness's response that in effect left it the way it was. But it emphasises, my Lady, I suggest, the need for continuing care in all language used by us all in the presentation of questions or other submissions to the inquiry.

Your Ladyship has been careful at all times to ensure that all witnesses in the inquiry are treated appropriately and sensitively and has taken great care in the language she has used. This example is perhaps a useful reminder to us all of the need for constant care with our choice of words so far as those who are listening here or elsewhere is concerned.

INCAS has always sought to recognise that the history of child abuse being recorded in this inquiry is not the whole story. And what is in the hearings is clearly not the whole story either. There is abuse which falls outwith the terms of reference, just as there are also inspiring stories of excellent care from committed individuals and of the triumph of humanity in

those who have experienced care.

Attempts to put an unjustified gloss on the past will, however, be recognised and called out. The fact of good care and the best of intentions on the part of many, perhaps most, should not be seen as an opportunity to try to spin good PR from sheer happenstance.

Some of the evidence from Aberlour suggested a certain lack of care or perhaps overly favourable interpretation in the preparation of statements and evidence.

For example, what was claimed as a highly significant example of children's voices being heard turned out to be the result of the complete accident of an overheard conversation between children. As was pointed out at the time -- this was also on Day 119 -- by my Lady, and by Mr Peoples, there is quite a distance between that claim and the supposed justification for that claim.

To an extent the same might be said for Barnardo's claim to be pioneers of training for residential staff. While no doubt true or true as far as it goes or true to some extent, to have to then concede that the training was accurately described as patchy perhaps puts it in a fuller context and it may be that by comparison to other organisations, there was training where otherwise there

was none. But again, perhaps just an example of the need to be careful.

There is very little to say about Barnardo's, my Lady. It says on the website, on their website, in the section "Who we are", that:

"We listen to them. We believe in them no matter who they are, what they have done or what they have been through."

That is consistent with what I have seen in the closing statement for Barnardo's, which is now available. It goes further, in fact, by saying that, "We believe them", not just, "We believe in them", and that is welcome.

That approach is a useful starting point for all of those involved in the care of children, perhaps especially where it is care for which the state is ultimately responsible.

My Lady, the other theme for my closing statement is responses. This brings us into some of the territory well covered by Mr Gale. The fact of abuse in establishments run by the three organisations is clear and undisputed, even if the extent of it has been sometimes, perhaps in the past, questioned.

For survivors, given that the clock cannot be turned back, how they have been and continued to be affected

relates in large part to the response or the responses they have received when speaking of the abuse they have suffered. Of course, for some they were simply prevented from doing so, whether because of an absence of suitable procedures independent of abusers or because of intimidation, whether explicit or merely implicit and understood.

That some survivors have never shared their experience until this inquiry can be explained at least in part by knowledge of the responses to some of those who tried to report their abuse. Often the first response was that of the abuser or the abuser's organisation. The reporting of abuse sometimes prompted punishment and even victims being forced to apologise to their abusers. Thereafter, and even recently, responses have involved insurers and professional advisers, like lawyers and, as I understand matters, in some cases, even public relations experts. Here too survivors have experienced further damaging behaviour.

Far from accepting the fact of abuse, even it seems where that was the position of the Criminal Courts, and even the insured organisation itself or at least a senior office bearer in the organisation, it seems that some insurers decided instead to maintain a position of denial and, further, an attitude of accusation.

Claims rejected as unfounded. Contrary evidence suppressed or simply not sought. Baseless allegations of recovered memory or false memory syndrome. Hints of purely financial motivation on the part of survivors. In this respect, the evidence of chief executive officer Philip Robinson from Quarriers, the former chief executive officer, on Day 90, was extremely troubling.

Even after the criminal conviction of Porteous, the response of the Quarriers board, the insurers Norwich Union, and the relevant lawyers was to deny liability by denying that there had been abuse and then contrive some sort of artificial defence involving recovered memory and ensure that the apology offered was wholly restricted and conditional, and I think your Ladyship highlighted that at the time.

LADY SMITH: You should in passing, Mr Scott, perhaps acknowledge that whilst Mr Robinson was the vehicle for that information, as chief executive he was not a member of that board. He was telling us about what other people were doing and saying, not himself.

MR SCOTT: Indeed, and that's an important matter to be recognised and indeed it was apparent that he felt deeply uncomfortable about the approach taken and may himself have made representations that a different

approach should have been taken.

LADY SMITH: Yes.

MR SCOTT: When the inquiry comes to consider the response of government and others in due course, it is to be hoped that such wholly inappropriate and damaging responses will not be overlooked, contributing as they have to further damage to survivors.

In passing, Mr Robinson's evidence on Day 90 raised a question not yet, I think, fully answered about the report by the Scottish Institute for Residential Childcare, the forerunner to CELCIS. Mr Robinson seemed to think that concerns around publicity affected what was done or not done with that report, which had been commissioned by Quarriers to provide a full independent review of existing child protection arrangements.

I don't think we on the evidence fully understand what happened with that report, but it may be that it was another example of an inappropriate response and no doubt further enquiry can be made in that regard.

Before turning to possible findings, there are two final matters that I would wish to address, my Lady. There is a general issue which persists relating to the timing of disclosure to the INCAS legal team of evidence relevant to each case study, especially where that happens close to or even after the start of hearings.

The complications have been discussed before, primarily in informal discussions between the inquiry team and my instructing solicitor, Mr Collins, as well as discussions with INCAS committee members. I do not want to take up time on the issue today, important though it is. Perhaps it would be more useful to say that I will endeavour to assist in further discussions to see if some of the technical issues can be addressed, which might address continuing concerns.

We recognise the inquiry will no doubt continue to receive evidence throughout its full term and during and beyond specific case studies, posing challenges for the inquiry. Those challenges for the inquiry team have knock-on challenges for others who are seeking to work with the inquiry. It may be that further discussions could produce specific proposals to recognise the timing of the loading of work related exclusively to disclosure and any such proposals could then be submitted to your Ladyship for consideration.

Another matter of some delicacy has also been raised by INCAS members who have attended the hearings in this case study. While survivors recognise that the hearing room and certain other parts of this building are public spaces which afford them no guarantees of separation from those with different interests or involvement, it

appears that some survivors have been concerned about certain behaviour and conversations by others with a different interest. As the public phase of this case study is about to be complete, this is more of a request perhaps for greater consideration from those involved in future hearings. As we have said before, it is hoped that those involved in future case studies will study what has happened in the case studies to date because in that they may well benefit considerably from an understanding of the work of the inquiry and what might be considered an appropriate approach.

I will mention only briefly the reported behaviour which caused the problems. It appears that some who have attended have been unable to contain their views of certain evidence with expressions of satisfaction when it has been judged favourable and rather obvious disapproval when it has not.

Insensitive remarks have also been heard which, although no doubt not intended for survivors' ears, display a lack of appropriate care and respect. This whole process is undoubtedly challenging for everyone involved in their own different ways, but that is especially so, I suggest, for survivors who consider that some of this behaviour and conversation has been at times careless and insensitive, and it is to be hoped

that no such behaviour will be repeated and that greater care will be taken by individuals when they are in and around the building, not simply when they are being recorded.

The last matter, my Lady, is in relation to publication of evidence; I mention this only briefly. In addition to some survivors -- and this has been mentioned before -- the Scottish Human Rights Commission and Rape Crisis have now added to the expression of concerns about the publication of some of the detail of sexual abuse and have suggested that redaction of transcripts be considered again.

I appreciate that this is an extremely complicated area and that the work of the inquiry and one of the aims of the inquiry relates to making sure that everyone understands what has happened, but I mention that because it is something that continues to come up in discussions with INCAS members.

So far as findings in fact are concerned then, I turn now to the questions that your Ladyship should or might find established on the evidence heard. In approaching the making of findings in fact, a number of factors may be relevant, are relevant. First and foremost, perhaps is the fact of several criminal convictions. While not determinative of all or

exhaustive of all relevant questions, these offer a sound basis or support for certain findings.

Beyond evidence of convictions, the inquiry has heard of patterns of abuse described by individuals of different backgrounds and ages, resident in the various establishments and entirely different decades and who were and are strangers to each other.

As with previous case studies, what happened did not involve only one or two abusers, it did not last for just a short time, it involved many abusers and took place over considerable decades.

The inquiry has continued to experience the challenges of the passage the time, the destruction or lack of records, and the fact that some witnesses were very young children at the time of the abuse they are telling us about. Despite this, there is clear evidence of abuse, much of which is wholly uncontradicted.

My submissions are again in general terms and relate to the body of evidence of practices which go beyond individual witnesses. We have heard of similar or even identical practices persisting over decades, despite the inevitable changes of staff and children and it is this evidence and these practices which form the basis of most of my submissions.

Regrettably, many of these are similar to findings

suggested for previous case studies.

The first heading relates to sexual abuse. The criminal convictions are of particular relevance here. While more children were victims of other sorts of physical, mental and emotional abuse, sexual abuse was a significant and troubling feature of this cases study. Boys and girls were subjected to sexual abuse, which included indecent touching and significantly more serious sexual activity, including rape.

On the question of training or the lack of training, vetting and supervision, many staff had no qualifications or experience for working with children. Some, as in previous case studies, were very young with no relevant practical experience.

This changed to an extent over time when greater numbers of staff started to obtain relevant qualifications and training was introduced at different stages in different places. Even then it was not a requirement. The training of residential staff was patchy with the focus apparently on carers who were fieldworkers rather than residential.

There was no consistency in the vetting of staff. In the smaller cottage houses, there was no formal supervision of staff, each cottage operating with significant autonomy, allowing different and

inconsistent practices to develop in different parts of the establishment so that we have a situation where there were good cottages and bad cottages.

Awareness of abuse. Children made complaints of abuse to staff members and others. Such children were accused of lying, sometimes forced to apologise to their abusers. Their complaints were commonly not pursued by those who whom they were made, and indeed such complaints often prompted punishment and further abuse and acted as a disincentive to complaints being made.

In relation to control, discipline and punishment, children of all ages were assaulted. This involved beating of all sorts, with and without implements. It was done, it seems, as a means of control, discipline and punishment. It was used to punish bed-wetting, not finishing meals and any other incident of perceived or actual disobedience or misbehaviour.

In relation to verbal abuse, children were subjected to horrific verbal abuse, some of which related to the family or other circumstances which led to them being received into care. As suggested by Mr Gale, this is a particularly insidious form of abuse.

Bed-wetting humiliation perhaps being the most common aspect of treatment. Again, children who wet the bed being forced to stand beside the bed or to be

covered with their urine-soaked sheets in some way, sometimes being beaten or given cold baths or showers. This was done, it seems, as punishment and humiliation for bed-wetting. Members of staff humiliated and encouraged the humiliation of such children by others, and there is the one instance referred to where members of staff applied the pad and bell system, even where it was shown to have caused injuries to the child.

Lack of human affection. This was a particularly striking aspect of your Ladyship's findings in relation to the first case study. As in previous case studies, many children experienced no praise, no human warmth, no love and no affection. There was, for many, no atmosphere of nurture at all. Whether they did depended to some extent on the attitude of individual members of staff because there were some who did receive such human affection.

So far, my Lady, as separation as families is concerned, there was enforced, deliberate, unnecessary, and therefore cruel, separation of siblings. Children were allocated to different places according to age and sex with no regard for family relationships and no efforts made to maintain those relationships.

While the initial separations might have been indicated for particular reasons, there was no reason to

prevent contact to continue.

We have heard of witnesses only discovering in adult life that they had brothers or sisters and evidence of the separation of siblings at Aberlour Orphanage, Barnardo's house at Glasclune, South Oswald Road and Balcary and various Quarriers cottages. It is spread across so many houses and over such a wide range of years that the evidence suggests this was or can now be seen as an accepted institutional policy. Whether a written policy or not; it worked in effect as a policy.

I say nothing about forced migration, although there was a little evidence heard about that. It is for another case study at another time.

Records are always something worth mentioning because the full extent of record-keeping throughout the relevant period is contradictory and unclear. Many relevant records no longer exist and the reasons for that we don't know.

In relation to gifts we heard that in Quarriers Homes gifts and presents were handed in which were then removed from the children or destroyed. Several cottages had this as a practice, which again appears to be more than mere coincidence. It might be seen as accepted institutional policy in practice, if

not in writing.

Washing. This is a heading that's not relevant to Aberlour. Washing often involved numerous children sharing the same bath, becoming increasingly cold and filthy, obviously, with even passing child. There was evidence of this at various Quarriers cottages, and at the Barnardo's houses at Glasclune and Thorntoun, again suggesting this was an established part of the regimes.

Finally, then in relation to food. The quality of food varied with many witnesses accepting that their food was good, but for some there was an issue where they perhaps could not or did not wish to eat particular food. Children were told to eat everything and sometimes force-fed if they did not do so, and then sometimes forced to eat their own regurgitated food or to have their uneaten meals re-presented at the next mealtime. We heard evidence of this practice in ten Quarriers houses as well as in Aberlour Orphanage.

Those, my Lady, are what I submit could be considered key findings, although again, as with Mr Gale, not exhaustive.

Finally, my Lady, I wish to record my thanks to Mr Peoples and Ms Rattray for continuing with the excellent lines of communication previously established which greatly assist in the smooth running of the

hearings and are of great assistance to us in understanding how matters might progress. Mr Peoples has also taken due account of our suggestions for questions, for which I am grateful.

INCAS remain committed to the work of the inquiry, my Lady. Its members and legal team will continue to do whatever we can to assist in particular by way of submissions and continuing communication.

It remains for me only to thank you, my Lady, for the considerate and sensitive way in which you continue to chair the inquiry. Very difficult, traumatic days for survivors have been made a little easier because of your obvious humanity as well as the other qualities required of someone chairing such a demanding inquiry.

LADY SMITH: Thank you.

MR SCOTT: Thank you, my Lady.

LADY SMITH: Thank you very much, Mr Scott. I just want to pick up on a couple of things you mentioned. Firstly, the timing of disclosure and this is to do with release of documentary evidence to these with leave to appear.

I'm pleased to note that you appreciate that the continuing influx of documentary evidence does create real challenges for the inquiry team and I would like to take this opportunity to assure everyone that disclosure does take place as soon as we can do so.

So far as the case study that's just drawing to a close is concerned, Quarriers, Aberlour and Barnardo's, I have been in close touch with the timing of disclosures and I'm satisfied that they couldn't have been made reasonably on any dates earlier than in fact they took place. I know that people found that they were sometimes under pressure because of that, but it wasn't because of failures that could have been rectified at this end.

Let me turn then to the mention that you made of the inquiry's publication of details of sexual abuse in transcripts that become available on the website. The inquiry takes very seriously the full extent of its duties to the public and it is important that everyone understands that those duties include the following.

We are required to investigate the nature and extent of abuse, and that means not just whether particular types of abuse occurred, but what were the details of that abuse.

We are required to create a national public record and commentary on abuse, and that means there is an obligation on us to put the details of the abuse that we collect evidence about on record.

These are important aspects of that part of the function of a public inquiry, which is about learning

lessons from exactly what went wrong in the past and making recommendations about future protection and prevention and, in the case of this inquiry, it concerns, in addition, the fundamentally important matter of the effective protection of vulnerable children now and in the future.

The Inquiries Act 2005 requires me to secure that members of staff are not only able to attend public hearings but are also able to see a record of all the evidence that is presented. We do that by publishing the transcripts of the evidence. They reflect, of course, what's already been put in the public domain by the witnesses who have given oral evidence or have provided statements which are read in at hearings. Where redactions are made, they are done only insofar as is necessary to protect the identities of those who are entitled to anonymity.

This all means that we have not only a legitimate interest in publishing the transcripts of evidence in all the detail that we can do, we have a primary statutory duty to do so. I hope it helps people to have heard that and understand that it is not just a matter of choice here and there; there are very important rules that I have to follow when I decide what gets published.

Let me turn now to the next set of closing

submissions. That takes me, I think, to inviting the Lord Advocate -- Ms Lawrie, you are here for the Lord Advocate; is that correct?

Closing submissions by MS LAWRIE

MS LAWRIE: That's correct, my Lady.

Thank you, my Lady, for this opportunity to make a closing submission to the inquiry on behalf of the Lord Advocate. The focus of the present case study has been on the residential childcare establishments run by Quarriers, the Aberlour Child Care Trust and Barnardo's.

During this case study, the inquiry has heard evidence about the abuse of children who were resident to those establishments. The inquiry has also heard that some of this abuse was both reported to and therefore investigated and prosecuted by the Crown Office and Procurator Fiscal Service, generally shortened to the acronym COPFS. In particular, on 16 November last year, the inquiry heard evidence from two COPFS officials, namely Kenneth Donnelly, procurator fiscal, High Court, and Catherine White, Principal Procurator Fiscal Depute.

Their evidence concerned the action taken by COPFS in response to the police inquiry known as Operation Orbona, which related to Quarrier's Village, Bridge of Weir, Renfrewshire, and the outcomes of the

cases reported to COPFS.

In addition to this oral evidence, COPFS also provided the inquiry with both a written report and a supplementary report responding to questions posed by the inquiry, again relating to the individuals reported to COPFS for consideration of prosecution and the outcomes of those reports.

A final report containing additional information requested by the inquiry and some amendments was provided to the inquiry on 22 January this year. This evidence has informed the inquiry specifically about the investigation and prosecution of cases relating to Quarrier's Village at Bridge of Weir in the early 2000s. It may also help to inform the inquiry more generally about the legal background to and the practical challenges involved in the investigation and prosecution of the abuse of children in a residential care setting and some of the ways in which the position has changed over time.

Based on this evidence, I submit on behalf of the Lord Advocate that the inquiry would be entitled to make the following findings in respect of the investigation and prosecution by the Crown.

First, as is detailed in the final report, that of the 26 individuals reported to COPFS by the police, 16

were prosecuted and ten were convicted, of (inaudible) one charge, although one of the ten prosecuted was acquitted on appeal. I should also add that the figure of ten includes Mr Brian McMenemy, who at the time of his conviction was employed at a project run by Quarriers, but none of the offences for which he was convicted took place within an establishment run by Quarriers. This information is provided at page 14 of our final report.

The second finding is that, based in particular of the evidence of Catherine White, that the Crown investigation and prosecution of individuals reported to COPFS as a result of the police inquiry was conducted in a professional and thorough manner. Those involved took account of the diverse needs of the survivors involved.

In conclusion, may I take this opportunity to reiterate the Lord Advocate's continuing commitment to supporting the work of the inquiry and to contributing positively and constructively to its ongoing work.

Those are my submissions, my Lady.

LADY SMITH: Thank you, Miss Lawrie.

I would like now to turn if I may to Police Scotland. Ms van der Westhuizen is here for the police. When you're ready, I'm ready to hear you.

Closing submissions by MS van der WESTHUIZEN

MS VAN DER WESTHUIZEN: Thank you, my Lady.

My Lady, Police Scotland is grateful for the opportunity to make this closing statement and continues to be fully submitted to supporting the work of the inquiry. During this phase of the inquiry we heard testimonies from survivors who have been the subject of abuse within Quarriers, Aberlour and Barnardo's institutions. Police Scotland would like to acknowledge the extent and impact of the abuse experienced by those survivors and indeed all survivors of childhood abuse across Scotland.

Police Scotland has provided and will continue to provide the inquiry with information and evidence around its own practices and policies and those of the eight legacy police forces in relation to responding to reports of child abuse in care establishments and how this has evolved over time.

During this phase, Police Scotland assisted the inquiry by providing a detailed report relating to police investigations into the abuse of children within establishments operated by Quarriers. A police witness also attended and provided evidence to the inquiry outlining the findings contained in that report. Police Scotland would like to reassure the inquiry and

communities across Scotland that evidence heard will be considered when refreshing current police policy and practice in relation to the investigation of child abuse and neglect. This will provide further opportunity to enhance the skills and knowledge of its staff and ultimately improve outcomes for survivors.

Police Scotland remains committed to investigating all forms of child abuse. Such investigations can be complex and challenging, but Police Scotland will continue to investigate thoroughly all reported or suspected child abuse in Scotland irrespective of when that abuse occurred.

Re-investigations by Police Scotland's National Child Abuse Investigation Unit into the non-recent abuse of children within establishments operated by Quarriers, Aberlour and Barnardo's continue alongside its joint investigations with social work partners into recent child abuse and neglect.

My Lady, Police Scotland will use any opportunities presented during the course of this inquiry to enhance and improve its understanding of child abuse and neglect and to protect children at risk of harm.

Unless I can be of further assistance, that is the closing statement on behalf of Police Scotland.

LADY SMITH: Thank you very much.

If I could now turn to the representation for Scottish ministers, and I see Miss O'Neill you are here this morning for the Scottish Ministers.

Closing submissions by MS O'NEILL

MS O'NEILL: Thank you, my Lady.

The inquiry and the other representatives here today have the written submission from the Scottish Ministers. I would formally adopt that but I don't intend to read it out verbatim.

The first part of that written submission accords with Scottish Ministers' continuing interest in all aspects of this inquiry and its work and notes that the ministers have been represented throughout the phrase 3 hearings. That part of the submission also records the role of the Scottish Government's Response Unit in continuing to coordinate the provision of information by Scottish Government to the inquiry.

And as with earlier phases of the inquiry, the Response Unit has provided information to the inquiry following the receipt of notices issued by the inquiry under Section 21 of the 2005 Act.

My Lady, in relation to findings as to experiences of abuse, although the ministers have been represented throughout the phase 3 case studies, those representing the ministers have not been actively involved in the

taking of evidence from witnesses who have given evidence during the case study about their experiences of abuse and, of course, are not here as representatives of any of the applicants or the specific organisations who are the subject of these case studies. As with earlier phases of the inquiry, therefore, ministers did not consider it would have been appropriate for them to apply to the inquiry for permission to question those witnesses and do not consider they had any basis on which to test any evidence given by applicants during the case study.

In those circumstances, my Lady, the Scottish Ministers do not make detailed submissions on the evidence heard by the inquiry or propose that the inquiry should make specific findings in respect of the accounts given by applicants as to events at establishments operated by Quarriers, Aberlour or Barnardo's.

My Lady, I make that point by reference to the specific role of ministers in this inquiry and in adopting that approach, the ministers do nevertheless wish to acknowledge the very substantial evidence that has been given by applicants of physical, sexual and emotional abuse and neglect suffered by them as children in care.

The next part of the submission concerns the question of inspection. The ministers are conscious that the nature and extent of inspections carried out at Quarriers, Aberlour and Barnardo's has been the subject of evidence during the phase 3 case studies. Individual applicants gave evidence about the fact, extent and impact of external inspections, as did former employees.

My Lady, there are footnoted references to just two examples of this, but it's acknowledged that that was referred to in the evidence of a number of witnesses.

In addition, some inspection material was put to individual witnesses and the examples given are the questions put to Ian Brodie on 15 November 2018 in relation to a Scottish Home Department inspection of Quarriers carried out in 1965, which inspection report appears not to have been shared in its entirety with Quarriers at that time.

LADY SMITH: Can I take it from the way you have put that that the Scottish Ministers are not able to dispute the position as put by Quarriers, which is simply the report was withheld from them?

MS O'NEILL: My Lady, this has been the subject of correspondence with the inquiry team and the Response Unit, the Scottish Government's Response Unit. It has no more information than that which has been given to

the inquiry itself, but certainly from the records that have been found within Scottish Government, repositories, it appears that that report was not provided at the time. What was provided was a summary of recommendations at the time.

LADY SMITH: That was spoken to in evidence.

MS O'NEILL: Yes, my Lady, and I understand there would have been historic reasons why that would have been thought appropriate at the time and I don't intend to make submissions about that, but certainly the Scottish Ministers' records indicate that it was not provided to Quarriers at the time.

LADY SMITH: Thank you.

MS O'NEILL: My Lady, separately, Professor Abrams' reports on each organisation contained material relating to inspection. In relation to such findings as your Ladyship may make in relation to these case studies, the ministers are conscious that the already published findings concerning the Daughters of Charity do not contained detailed findings in relation to questions of inspection. It is, of course, absolutely a matter for your Ladyship but the ministers respectfully submit that it would not be appropriate to make findings concerned specifically with inspections at this stage given the further evidence that's anticipated

to be given in due course by Professor Levitt on inspection generally and also given that Professor Abrams' final report is to be disclosed at a later date and the ministers may in due course make observations on those reports.

LADY SMITH: Of course, as I think everyone will be aware, inspection sits apart as a separate topic that touches on every institution, every case study. It's not peculiar to one particular institution, so it is being looked at separately by the inquiry.

MS O'NEILL: Indeed so, my Lady, and for the ministers' part, if there is an opportunity to make comprehensive submissions on the issue of inspection, that would be welcomed.

LADY SMITH: I can see that and I can see there's logic in, at the very least, waiting until we have heard the totality of Professor Levitt's evidence. He has given very good helpful evidence already, but chronologically it's not yet complete, which it will be in the not too distant future. But there's time for that later on.

MS O'NEILL: My Lady, the last part of the written submission deals with the issue of recommendations for reform and improvement.

The Scottish Ministers listened carefully to all the evidence given during this case study, but particularly

to the evidence given during the panel session on 30 January this year involving SallyAnn Kelly of Aberlour, Charles Coggrave of Quarriers and David Beard of Barnardo's. Their discussion was wide-ranging and rich in content, touching on topics that included: the Health and Care Staffing (Scotland) Bill currently before the Scottish Parliament; the work of public bodies such as the Care Inspectorate and Disclosure Scotland; the regime for registration and regulation of care workers by the Scottish Social Services Council; recruitment and retention of staff; procurement of care services by the public sector including local authorities; advocacy and mentoring services; whistle-blowing; protocols concerning children who go missing from a care setting; the independent Care Review; and the National Child Protection Leadership group.

That evidence will no doubt contribute to the fulfilment of the inquiry's sixth and seventh terms of reference, which, put shortly, are to consider whether issues of abuse have been addressed to date by changes to practice, policy or legislation or whether further changes to practice, policy or legislation are needed.

Again, it is a matter entirely for the chair, but Scottish Ministers anticipate that formal findings and

recommendations in respect of these aspects of the terms of reference will not be made in the context of individual case studies and are likely to be dealt with at a much later stage in the inquiry's work.

LADY SMITH: I can say the Scottish Ministers anticipate correctly in that regard.

MS O'NEILL: And in that respect, my Lady, all that the ministers would wish to do at this stage is record their willingness and desire to provide the inquiry in due course with evidence and submissions on all of the matters mentioned previously and of course the content of that evidence and any submissions will depend to a degree on the timing and on events between now and the time when the inquiry finally reports.

I am conscious that there was discussion of the Health and Care Staffing (Scotland) Bill. That bill has no now completed stage 2 in its passage through the Scottish Parliament and has been the subject of amendment by the Health and Sport Committee. Should the bill be passed and receive royal assent it is expected to provide for the issuing of ministerial guidance on staffing and the development of staffing methods, including the use of what are called staffing level tools in the NHS and in care services. The bill does not have a specific focus on childcare services but the

inquiry may wish to hear evidence about the operation of the bill in practice if it is passed and brought into force before the end of the inquiry's work.

The Scottish Ministers are more directly responsible for some of the other matters about which evidence was given, for example Disclosure Scotland is an executive agency of the Scottish Government and has no legal personality separate from that of the government, and the National Child Protection Leadership Group is a non-statutory group convened by the Scottish Ministers, whose aim is to identify means by which more effective consistent protection and support for children and families can be delivered and to reduce duplication of effort. SallyAnn Kelly gave evidence that she is a member of that group, my Lady. The group also provides scrutiny and advice to Scottish Government on proposed policy changes.

While not directly responsible for independent statutory agencies such as the Care Inspectorate and the Social Services Council, the ministers obviously have a clear interest in their work and a key role in ensuring that the legislative framework within which they operate is fit for purpose. The government Response Unit would welcome the opportunity to discuss with the inquiry team how it might best contribute to

the inquiry's work in these areas.

LADY SMITH: Thank you very much.

I think we'll take the morning break at this stage, so I will rise for a quarter of an hour or so just now and then sit again for the remainder of the submissions.

(11.22 am)

(A short break)

(11.44 am)

LADY SMITH: I'm now going to turn to the closing submissions that are to be presented on behalf of Quarriers. So Ms Dowdalls, when you're ready, I'm ready to hear from you.

Closing submissions by MS DOWDALLS

MS DOWDALLS: Thank you, my Lady.

Quarriers has already provided a rather lengthy and detailed written closing submission to the inquiry. I don't intend, my Lady, to read that submission in its entirety. If I may, however, what I intend to do is to summarise the content of that submission, which is of course adopted by me in any event on behalf of Quarriers. I also intend to take the opportunity to respond briefly to some of the issues that were raised this morning and yesterday in the submissions of others.

Before I do, however, my Lady, may I express on behalf of Quarriers sincere thanks to yourself, my Lady,

and the inquiry team for the approach that has been taken to this case study. Your Ladyship's sensitive and respectful approach to survivors and former employees who have come and given evidence has allowed the witnesses to speak freely about difficult and often upsetting issues. The willingness of the inquiry team to incorporate questions put by Quarriers into the examination of witnesses has assisted the flow of the evidence and minimised distress to those witnesses.

The Witness Support team has facilitated communication between Quarriers management and the witnesses following the witnesses having given their evidence and Quarriers management is particularly grateful to them for that.

I am grateful also to yourself, my Lady, for allowing me to raise issues with some of the witnesses when the need arose at the conclusion of their evidence.

The current management of Quarriers apologised to those who suffered abuse while in the care of the organisation during phase 1 of this inquiry in June 2017, and again apologised in opening statements made at the outset of this case study before any evidence had been heard.

More recently, the CEO, Mrs Harper, apologised personally and on behalf of the organisation to any

person who had been abused while in Quarriers' care. In making these closing submissions, Quarriers again reiterates that acknowledge and that apology.

As an organisation, Quarriers has acknowledged that there was widespread abuse of children at Quarrier's Village and that abuse occurred at other establishments that were run by the organisation. Seven former employees and the son of former house parents have been convicted of abusing children in the care of Quarriers during the 1950s to the 1980s. Others have been tried and acquitted or have successfully appealed conviction. Quarriers acknowledge that the absence of a conviction does not mean that no abuse occurred.

The accounts given to the inquiry, information from the criminal cases, disclosures made to Quarriers' safeguarding and aftercare department, evidence through the Time To Be Heard pilot scheme and other sources provide a compelling body of evidence that widespread abuse occurred at Quarrier's Village.

Certain themes have emerged during the evidence. Some of these themes relate to what can only be described as abuse. Others relate to practices and responses to behaviour including responses that were inappropriate and amount to abuse. Some witnesses recounted positive experiences of their time in

Quarriers' care and it is apparent from the evidence that experiences were mixed.

That any child suffered abuse in Quarriers' care is, however, unacceptable. It's important for this inquiry to highlight the abuses suffered by children and the efforts that have been made since and continue to be made to protect vulnerable children from abuse in the future.

I will discuss now, if I may, the themes that I have just mentioned by reference to the practices and circumstances that were described by the witnesses in their evidence.

The first of those themes is physical abuse. There is ample evidence that children were physically abused at Quarrier's Village. There is documentary evidence that physical abuse in the form of disproportionate physical punishment and assaults took place as long ago as 1937.

Acceptable standards of corporal punishment have evolved over the years since the 1930s. It was once unremarkable for corporal punishment to be used in schools and in the home. However, excessive or disproportionate physical chastisement of children has never been acceptable. It's clear that there are instances of house parents and others using physical

chastisement which went well beyond what was considered acceptable at the time.

Some of the physical abuse perpetrated by house parents can only be described as cruel and sadistic. There was evidence of children being strapped, including from some who described being lined up and strapped using a tawse on the return from days off of certain house parents. Some survivors described being hit, as they put it, often and hard and being struck with sticks.

There was evidence of wet or soiled underwear and bed linen being rubbed in children's faces, children being forced to sit on a stool for hours, holding their hands above their heads for lengthy periods or holding out piles of books. One witness described seeing boys standing for long periods facing a wall. Accounts were given of physical punishment for running away and also for bed-wetting.

The tawses were ordered to be withdrawn from the cottages when Roy Holman was appointed superintendent in 1964. However, in a 1965 report, which I will discuss later, it was indicated that not all cottages had by that time returned them to the head office.

The use of corporal punishment was banned by Quarriers' management in the mid-1970s. There's

evidence, however, that in 1977, Dr Minto, who was then the general director discussed the possibility of the reintroduction of what was described as a mild form of corporal punishment for young children and he discussed that with the Social Work Services Group. He was discouraged from the reintroduction of that policy.

It's not clear what the policy at that time actually was. However, according to the evidence of Bill Dunbar on Day 89, corporal punishment was banned in the 1980s in Quarrier's Village.

LADY SMITH: But that timing, of course, would fit with the change in the law after the cases had gone to the European Court of Human Rights in Strasbourg.

MS DOWDALLS: Indeed, my Lady.

Some witnesses described alternative punishments such as being sent to your room, which one described as a "calmer" approach than he had experienced in a different cottage. That was the evidence on Day 82.

The next theme that I will mention only briefly is the theme of sexual abuse. Four former employees of Quarriers were convicted of sexual offences. One child of former house parents was also convicted of sexual offences which he committed when he was under 16 and living with his parents at Overbridge. Others have been accused of sexual abuse. Quarriers makes no comment

in relation to those accusations, save to observe once again that the absence of a conviction does not necessarily denote the absence of a crime.

The next theme I will discuss briefly, my Lady, is bed-wetting. There was a large body of evidence from survivors and former employees regarding the issue of bed-wetting and how children who wet the bed were treated. Although some children reported being treated with kindness and consideration, there can be no doubt that many were humiliated and punished for wetting the bed.

Punishments including being made to take wet sheets to the laundry, albeit that was a practice that ceased when it came to the attention of Mr Munro in 1960 according to the evidence of Mr Dunbar. Some children were placed in cold baths and there was some suggestion in the evidence that that may have been intended to get rid of the smell of urine, but it was certainly regarded by those who experienced it and gave evidence about it as a punishment. Some former residents reported being shouted at, humiliated and physically struck, responses which were plainly inappropriate and reprehensible.

There was evidence of the use of the pad and bell already discussed in submissions heard earlier today and yesterday. That was a mechanism that was used as

a means to prevent or cure enuresis. Although criticised by former residents, two of whom describe being injured as a result of its use -- and I pause to note here, my Lady, that in the lengthier written submission reference had been made to one witness. On a review of the evidence following the submissions by Mr Gale yesterday, I confirm that the number is indeed two witnesses: Matt and William.

The use of the pad and bell was a medically recognised and prescribed response to chronic bed-wetting. It's understood, and I am told, that enuresis alarms more generally remain a medically recognised and prescribed response to chronic bed-wetting.

There has been reference made in submissions, my Lady, to injury caused by the use of the pad and bell and a question was raised whether its very use ought to be characterised as abuse. As I understood the evidence, my Lady, there was very limited medical evidence that the cause of the injury to Matt may have been the use of the pad and bell, and that medical evidence, such as it was, indicated that Matt would be taken off, I think the expression was, the pad and bell as a consequence of that.

In my submission, my Lady, it is difficult to

describe its use, standing that it was a medically recognised treatment, if I can put it so, for bed-wetting as abuse. Perhaps the abuse lies more in the effect emotionally upon the children of being singled out and the use of the pad and bell as a means by which to humiliate children from time to time.

Moving on, my Lady, several former residents described incidences of force-feeding at Quarriers, including being physically held and force-fed food into which they had vomited. Some also described being deprived of food as a punishment. Those practices were plainly unacceptable.

Former residents also gave evidence about being isolated, some described having been put in a cupboard or having been put into the shed annexed to the house as a punishment, some of those for long periods. The practice of sending a child to the shed for a lengthy period or in inadequate clothing was plainly unacceptable.

Some former residents described being given responsibility for chores. The expectation that children would help around the cottage and take responsibility in an age-appropriate way for some household tasks is, of course, not unreasonable --

LADY SMITH: I don't think anyone is suggesting the very

fact of engaging children in carrying out chores is abusive. Indeed, you need to teach children how to play their part in looking after a household. It's when it becomes too much for the child and taking account of their age and ability that it can be used abusively.

MS DOWDALLS: Indeed, my Lady, and it's acknowledged by Quarriers that some children were expected or required to do far more than was reasonable given their age and stage at the time.

LADY SMITH: I think the context of some of that was very limited or in some cottages the absence of domestic assistants for the house mother; would that be right, according to some of the evidence?

MS DOWDALLS: The evidence suggested, my Lady, that as domestic assistance in the cottages improved and were increased, there was a reduction in the expectation that children would be expected to carry out tasks, and certainly I think the evidence of Carol McBay, a former house parent, was that when she came in as a house parent, she recognised that what the children expected to do was far beyond what she expected them to have to do and she changed the regime at that time. So there certainly appears to have been a change in attitude and approach as time progressed.

I will discuss, if I may, at some length the issue

of emotional abuse. That expression may be taken to include a number of practices or behaviours, not all of which were intended to hurt or distress children. However, well-intentioned some of the practices might have been, they clearly had a significant impact on the young people towards whom they were directed, and for that Quarriers apologises.

Examples of emotional abuse, about which there has been evidence during this inquiry, include such things as calling the house parents mummy and daddy. The practice of encouraging children to call house parents mummy and daddy was described by many witnesses. Some said that they were compelled against their will to do so and some gave evidence that they were happy to do so. One witness said it just happened and his account of his time in Quarriers was a positive one. He said he was made to feel important and part of the family and he called his house parents mum and dad because, as he put it, "That's what they were to me". For others, the practice of calling house parents mummy and daddy or mum and dad was plainly distressing, especially as most of them had parents of their own.

The next issue is the separation of siblings and restriction of family visits. Some former residents spoke of being separated from their siblings. Others

spoke of having been placed throughout most or all of their time at Quarriers with their siblings. Some witnesses suggested that the practice of separating siblings may have been due to the availability of accommodation, the sex of the child, or the need for a very young child to be placed in the nursery. The practice of separating siblings, it is submitted, lessened over the years.

Bill Dunbar spoke in his evidence about changes in society and described:

"A gradual process of changing from individual boys and girls' cottages to having mixed cottages."

One witness described efforts being made to place her and her siblings in the same cottage when they were resident at Quarrier's Village during the late 1950s.

I was reminded yesterday that the standing orders from 1930 make some provision for brothers visiting sisters and that the 1965 report that I have already mentioned briefly and will discuss further later notes that by that time there was a positive policy of keeping children of one family together in a cottage where possible.

The distress, however, caused to children by separation from their siblings is acknowledged by Quarriers and is very much regretted.

On restrictions of visits from family members, some witnesses described positive visits from family members. Those were positive events in their evidence. There was evidence in some of the records of regular family visits and there were also records showing that some children were rarely visited by family members or that planned visits did not take place.

There's evidence in children's records of Quarriers encouraging parents to visit children, both when they hadn't visited for some time and when they had failed to attend for planned visits. There is also evidence of families being asked not to visit or to restrict the extent of their visits because the children found them unsettling.

Many survivors described lack of affection from their house parents and described not being hugged or cuddled, being told they were useless or worthless and that they weren't wanted. Others described being cared for and given attention and affection by house parents and other staff members. The lack of uniformity of standards of care and of approaches of house parents resulting in very different experiences for children in Quarriers' care is acknowledged and is regretted.

On the matter of celebrations, including Christmas and birthday celebrations, these were discussed during

the evidence of many former residents and staff. Most recalled Christmas celebrations including a special meal, a church service and gifts. Recollections of birthday celebrations were more mixed, with some former residents describing cakes, cards and gifts to mark birthdays, and others saying that birthdays weren't marked at all. There was also evidence that children weren't allowed to keep gifts that had been given to them. The absence of celebration of events such as birthdays and Christmas would certainly have been upsetting for children and, again, the apparent lack of consistency and uniformity of care and attention is regrettable. It was suggested earlier that the removal from children of gifts might have been some policy of Quarriers. The lack of consistency of approach of house parents in that respect would rather tend to suggest that that was certainly not a policy but rather a practice engaged in by some house parents. We have heard and this inquiry has heard evidence about the autonomous nature of the house parents' role and responsibilities.

Moving on, my Lady, there was evidence that especially in the early years, some children felt that they were depersonalised. Specifically, children had little choice as to the clothes that they would wear and

some felt that the effect of having to wear clothes that were shared or the same clothes as everyone else at Quarriers depersonalised them. There was also, my Lady, I recall, evidence from a house parent who recognised on taking up her role that that was a practice that had existed under the regime of the previous house parent was one that she was very keen to move on from and to discontinue.

The wearing of standard issue clothes was identified in the evidence as something that set the children apart from other children, set them apart as being Quarriers children, particularly at school. That somewhat institutional approach was not so apparent during the later years at Quarrier's Village, I would submit.

The issue of religious and racial bigotry has also been raised. Quarriers Homes was founded on the basis of a Christian, mainly Protestant, ethos and there has been evidence that recruitment was largely based on assessing the Christian character of applicants. Thus, most or possibly all of the house parents were from a Christian Protestant background.

In the early years, many of the children were referred by the local minister. It is unsurprising perhaps, therefore, that most of the children looked after at Quarriers were from white Scottish Protestant

families. The inquiry has heard little evidence of religious or racial diversity among the children and none about religious and racial diversity among house parents and other employees.

There was evidence that one house parent was critical of management for placing a Catholic child in her care, although no evidence that the child was neglected or abused as a result. One former resident gave evidence that during her time in Quarrier's Village in the early 1960s, and I refer here to Esmerelda, as well as how there were other black children in the home, she described racist language being directed towards her and a lack of attention to the specific needs of black children, such as in caring appropriately for their hair and skin, and that is deeply regretted by Quarriers.

There was evidence also in relation to peer abuse and there can be no doubt that there was peer abuse in some of the cottages at Quarrier's Village and at Overbridge. As I mentioned earlier, the son of the house parents at Overbridge was convicted of sexual offences committed while he was under the age of 16 and while he was living with his parents at Overbridge.

There was evidence of house parents at Quarrier's Village turning a blind eye on physical and also sometimes sexual abuse of other children by

residents, by peers. That peer abuse went unchecked is deeply regrettable.

The records have revealed some evidence and concerns about safeguarding young people at Southannan and Seafield from the risk of peer abuse. In more recent years, evidence has emerged of peer abuse at Seafield. However, the robust procedures in place at that time meant that these incidents were dealt with appropriately and the police and other agencies were informed.

On the matter of absconding, the issue of responses to children absconding arose in the evidence of some former residents. Absconding and the reasons for it do not appear to be investigated thoroughly, if at all, by staff or managers at Quarriers. One former resident described his house parent being relieved to see him back safely -- I think that was the young man to went to Glasgow for Hogmanay -- while others spoke of being punished for having left.

I will say a little now about aftercare services and approaches to aftercare.

There were some positives emerging from the evidence relating to services for young people preparing to leave Quarriers and live independently. Quarriers had established a hostel at Quarrier's Village in 1971 where young people could live and begin to develop independent

living skills, albeit with supervision and support. Bill Dunbar gave evidence that he was responsible for supervising aftercare services and that he helped young men by placing them in jobs. His evidence was that there was supervision for about a year to 18 months after leaving Quarriers.

From the early days of Quarriers Homes there was training for work on ships and in domestic service. Later Quarriers assisted young people with finding work placements and help with job applications. There was evidence throughout the decades of some follow-up communications between Quarriers management and former residents. Many former residents, however, gave evidence that the support they received on leaving Quarriers was inadequate and that they were entirely unprepared for life outside Quarrier's Village.

Overall, the experiences of former residents as to support and preparation for leaving appear to have been mixed, but the records do tend to demonstrate that greater attention was paid to the need for preparation for leaving and the need for ongoing support from the 1970s onwards.

I'll move on, if I may, my Lady, to discuss issues under the broad heading of systemic failures. Quarriers has sought to explore during this inquiry what

deficiencies in its historic systems and practices allowed abuse of the vulnerable children in the care of the organisation to occur. These deficiencies contributed to an environment where widespread abuse could occur and go undetected or unchecked.

Children didn't often complain. There was evidence that some when they did were not believed. Staff were largely untrained and unqualified, at least until the 1970s. The management structure was not conducive to an environment where there was support, supervision and scrutiny of staff and practice.

This inquiry on the evidence it has heard may conclude that in the areas that I am about to discuss, Quarriers' systems were not sufficiently robust.

The first of those areas is recruitment. There are regrettably few existing employee records available from which to assess the processes by which staff were recruited before the 1990s. From the available information, it seems that in the early years, staff were recruited on the basis of their good Christian character and their love of children. Over the years, efforts were made to require qualifications, experience and references other than from a local minister or other character referee.

LADY SMITH: I suppose that's a stated love of children.

There's no evidence, for example, of any real assessment being made of whether somebody who says, "I just love children and want to work with them", really did feel that way about children.

MS DOWDALLS: Indeed, my Lady.

Over the years interviews do appear to have taken place, but they certainly were not thorough, and that perhaps was an opportunity to explore just the sort of issue that your Ladyship has just raised and perhaps an opportunity missed.

By at least the 1960s, there is evidence that Quarriers was obtaining references from previous employers. From around that time, there is evidence of police checks being carried out on potential volunteers, but there are no records, however, that show that similar checks were carried out in relation to prospective employees.

From the 1990s onwards, police carried out SCRO and required police checks in relation to potential employees.

The next area is that of training. Until the 1960s, from the evidence, it would seem that training was largely provided by other house parents. New recruits shadowed more experienced colleagues, though the evidence of that was somewhat patchy from those

house parents who have given evidence.

LADY SMITH: And it depended what they were doing. For example, we had some evidence of the shadowing being a matter of a few weeks -- I think this was Mr Dunbar -- and it was nothing to do with how you look after the children, but it was to do with things like when you put the laundry out and what goes where in which cupboards.

MS DOWDALLS: Yes. That is part of the patchiness, my Lady: there was no consistency in the approach to training at that time.

That approach to training, of course, may for obvious reasons have resulted in the perpetuation of poor and sometimes abusive practices. During the 1960s, the need for more formal structured training became apparent. This was highlighted in the 1965 Home Office report already discussed and the recommendations of which were communicated to Quarriers.

In 1965, Bill Dunbar, who had obtained a childcare qualification in 1961 and 1962 at Langside College took over responsibility for staff training. His evidence was that in-house staff training was available initially and that, in about 1971, training was by secondment to Langside College.

The training that was given, however, was not compulsory. Mr Dunbar's evidence was that he didn't

recall resistance from staff to attendance at training, but the staff who gave evidence during this inquiry -- was that many perhaps chose not to attend. It doesn't appear from the evidence that very much was done by management to encourage attendance and certainly there was no compulsion to do so. There was evidence of improvements in relation to training throughout the 1970s, however.

On the question of supervision, it has been noticed during the course of this case study that Mr Mortimer, Joseph Mortimer, held the post of superintendent at Quarrier's Village for a lengthy period from 1965 until 1991. In that role, he was solely responsible for the supervision of all of the house parents and the domestic staff.

The evidence also showed that house parents had a great deal of autonomy in the way that the cottages were run. Some were able to successfully resist social work intervention or scrutiny with, it seems, the approval of management.

There was evidence of good cottages and bad cottages at Quarrier's Village and accounts of happy memories in some cottages. One of the former residents described it as being "like a normal house".

That evidence demonstrates the inconsistencies among

house parents as to their practices, but also the lack of clear standards set by management for the care of the staff and a lack of adequate supervision and monitoring of staff.

Historically, the Ladies' Committee was established in 1959 to provide some external supervision. It appears from the evidence that that supervision related more to the physical environment in the cottages than to the care of the children. I pause to observe that there were some successes there, for example we've heard evidence of the introduction of washing machines which assisted the work of the house parents.

There was evidence of a lack of adequate engagement by way of visits to children by local authority social workers. It is notable that in that regard that by the 1970s, following the enactment of the Social Work (Scotland) Act 1968, most of the children placed at Quarriers would have been the responsibility of the local authority, which had certain duties in respect of those children, including a duty to visit on a regular basis.

On the matter of guidance and instruction of house parents, as I mentioned earlier, some was provided to house parents in relation to corporal punishment, and your Ladyship will remember the evidence in that regard

going back as far as 1937. There is, however, little evidence of other substantial guidance being provided to house parents as to how they ought to manage and run their cottages.

On the question of support for house parents, staff to children ratios were poor in the days of Quarrier's Village with limited support for house parents. That appears to have improved over the years with the employment of assistants and domestic staff. The ratios of staff to children were, by current standards, woefully inadequate.

By the 1960s, a psychologist had been appointed and a social work department had been established which provided some support for house parents. It is acknowledged that this lack of adequate support however may have led or contributed to poor childcare practices.

It is notable that at Southannan, which opened in 1978, the ratio of staff to children was higher and it's observed that the children looked after there had recognised significant behavioural issues.

On the matter of complaints, my Lady, from the available evidence it is reasonable to conclude that while it was possible for children to complain to Mr Mortimer, few of them actually did so. Something has been said of the open-door policy and whether it existed

or not. There was, in my submission, adequate evidence that the policy, the open-door policy, existed, but equally adequate evidence that few children chose to go through the open door.

LADY SMITH: Yes. I think we had -- I may be wrong about the witness, I think it was Joanna Brady, who gave a very clear description of how daunting it would be for the average child actually to go to that, going through those polished doors into a place that had polished brass and more dark wood, and you had to get past the secretarial staff to actually get to Mr Mortimer. It would take a pretty brave child to decide they were going to do that, particularly having had to first of all explain to the house parents where they were going.

MS DOWDALLS: Indeed, my Lady. While Mr Mortimer may have been well intentioned in that regard, he perhaps didn't recognise the remoteness of his position from the lives and the position of the children that he was looking after.

There was, however, evidence that some young people complained or told individuals about abuse or abusive practices, but there was no effective action taken. There were repeated suggestions in the evidence, my Lady, that children were simply not believed. While that may be correct as a generality, there are also

examples in the records of children's complaints of abuse being taken seriously and followed up.

On record-keeping, my Lady, regrettably the records for children at Quarrier's Village and at Overbridge held minimal information about the child or his or her time in care during the period up to the 1970s. Quarriers recognises the importance to former residents of obtaining records of their time in care. Some former residents complained during their evidence that records provided to them had been incomplete or sparse. In some cases, regrettably, there is nothing more that can be produced. In others, details of a child's stay at Quarriers or Overbridge are contained in family files or sibling files which have since been recovered. Many former residents have now been provided with additional material and with fuller records.

The safeguarding and aftercare team at Quarriers, headed by Mr Coggrave, has worked hard to recover, collate and provide records to former residents who request them. It was apparent at times during this case study that witnesses had not received all of the records they might have done. Where possible, Mr Coggrave or Alice Harper took the opportunity after the witness had given evidence to discuss those matters with them and to arrange to meet with them so that fuller records and

possibly also photographs could be provided.

The records at Southannan and latterly Seafield were more detailed, as one might expect given the nature of those establishments, the needs of the residents and the periods during which those establishments operated.

I have mentioned the 1965 Home Office report, my Lady, and I'll say a little bit about that now. In January 1965, the Home Office produced a report following up on an inspection of Quarrier's Village. I was reminded of the length and detail in that report last night, in fact, when I re-read it. The report was highly critical and it contained recommendations for improvements across a wide range of issues at Quarrier's Village. The report itself wasn't provided to Quarriers at the time, though the recommendations were communicated in 1965 to Dr Davidson, who was the general director at that time.

In December 1965, a further visit was made, a further inspection visit, and at that time it was noted that some improvements had been made following the recommendations.

In September 1966, the Scottish Education Department wrote to Quarriers confirming that many of the recommendations contained in the 1965 report had already been implemented and that others were receiving

attention.

By 1968, a report to the Chief Inspector of the Scottish Education Department noted that most of the recommendations of the 1965 report had been implemented.

In the more lengthy detailed written submission, my Lady, I have listed some of the improvements that were made following upon receipt of the 1965 report at Quarriers.

I will move on, if I may now, my Lady, to discuss responses by Quarriers to allegations of non-recent abuse. From 2000 onwards, there were criminal prosecutions arising from complaints of abuse by former Quarriers residents. As already discussed, these resulted in a number of convictions. In addition, a large number of civil claims for damages were intimated by former residents. In her evidence, Mrs Harper explained the difficulties faced by the organisation at the time and some of the reasons for its responses at that time.

It is acknowledged that some survivors have criticised the responses as inadequate. Particular criticism has been directed at the apology issued on behalf of Quarrier's Village by Phil Robinson, then CEO, in 2004 to the Petitions Committee of the Scottish Parliament. The context in which Quarriers and

Mr Robinson were working at the time is fully explained in his evidence on Day 90 of this case study.

In relation to the apology, his evidence was that issuing a qualified apology was, as he put it, "a mistake".

In 2010, Quarriers volunteered to participate in the pilot forum, which was known as Time To Be Heard, which reported in 2011. This inquiry has heard evidence from Tom Shaw on Day 115 in relation to the setting-up of the forum, its conduct and the evidence considered and his conclusions were explained in his evidence.

In closing submissions, INCAS has queried what was done with the SIRCC report that was commissioned by Quarriers in 2001 as part of its response to the allegations of non-recent abuse and has queried why that report wasn't made public.

The reasons for that decision lie with SIRCC, which is now CELCIS, and Quarriers' current management team are not aware of the reasons for that decision.

LADY SMITH: I thought that was the case, Ms Dowdalls. It was said that they were just told that it wasn't going to be -- when I say they, Quarriers were told it wasn't going to be published.

MS DOWDALLS: That's right, my Lady, I think the expression used was it had been embargoed by SIRCC, now CELCIS, but

no explanation for that was given.

By way of explanation, the report was commissioned to review current practices at that time, that is in 2001, and so far as Quarriers management team is concerned, its recommendations have all been implemented. A copy has been produced to this inquiry.

So far as engagement with survivors is concerned, during Phil Robinson's tenure as chief executive between 2000 and 2010, he had extensive contact with and met with FBGA and Mr Whelan. Relations between Quarriers and FBGA were strained at that time. As was acknowledged by both Mr Whelan and Alice Harper in their evidence to this inquiry, relations between FBGA and Mr Whelan on the one hand and Quarriers on the other are now very much improved.

I will speak a little, if I may, about current engagement with former residents, my Lady. Mr Coggrave, who's the head of safeguarding and aftercare at Quarriers, has met with former residents and children of former residents outwith this inquiry. Like Mrs Harper, he has been present during many days of evidence and, where possible, he has met with survivors. Contact information has been provided to the inquiry team so that survivors who wish to contact the organisation may do so and will have a direct point of contact, that

being Mr Coggrave.

As a result of the efforts made by him and his team, a great deal of documentation has now been recovered and properly recorded and archived so that it is more readily available to former residents and their families. He explained in his evidence the restrictions placed on the organisation as a result of GDPR and the organisation's response to that, which is to keep redaction to a minimum and produce as much as possible.

Frequent requests are made for recovery of records and Mr Coggrave and his team aim to respond as quickly and fully as possible to those requests. He aims to meet with individuals where possible to discuss and disclose records and other information relating to them. At times, allegations or disclosures of abuse may be made by former residents. Some also require support from other agencies. Quarriers' response is to signpost them to other agencies as appropriate and also to report to the police if there is an allegation of abuse.

It is acknowledged by Quarriers that its engagement with former residents and ability to provide records was not formalised or structured until after 2000. Quarriers has invited anyone who has been disappointed with past responses to contact the team now so that the fullest possibly information and assistance can be

provided to them. Quarriers does not, however, provide a support or advice service, but it will provide details of such services, if required, on request.

During this inquiry, Quarriers has endeavoured to engage fully and openly. It has supported the inquiry in its work to date and it will continue to do so as the inquiry moves to later phases.

During this case study and earlier stages, Quarriers has ensured that members of its senior management team have been present to hear opening statements and evidence. They've been able to witness at first-hand the distress of survivors and their dignity. They've communicated with survivors who have been willing to speak to them and they've been able to respond to requests for information, apologies or acknowledgement of past failures. In addition, Mrs Harper has read all of the applicant statements which have been disclosed.

It has been made clear during the inquiry that Quarriers is willing and able to communicate with survivors and will facilitate such communication. As I have said, contact details have been provided to the inquiry team, and every effort will be made to provide former residents with records of their time at Quarriers.

The importance for survivors of having photographs

from their childhoods is acknowledged. This was an issue that was first raised in the Time To Be Heard report and Quarriers has in recent months been working towards the task of collating and indexing its extensive archive of photographic material and it hopes to be able to provide former residents with photographs from their childhood in early course.

Quarriers acknowledges that this matter has not been dealt with as quickly as it could have been but assures former residents that it is now being progressed.

As Mr Coggrave explained in his evidence and in his statement, one impact of the inquiry process has been the thorough search for records. Numerous sources have been checked and these are set out in full in the fuller written submission. Records have been recovered from many sources.

The Quarriers safeguarding and aftercare service was established during the course of the inquiry with particular responsibility for records, communications with former residents and others in connection with the inquiry, or requests for information dealing with disclosures, including reporting to the police and development of policy in that regard, and cooperation with this inquiry including the production of documents and responses to Section 21 notices.

I will say something about the current organisation moving forward and then some concluding remarks, my Lady.

Quarriers' current services, including services for children, are discussed in detail in Mr Coggrave's statement. The organisation's focus on children's residential services is now significantly reduced, although two are maintained for children with complex needs at Rivendell and Countryview within Quarrier's Village. Other children's services are located outwith Quarrier's Village and include support services for young people, advocacy and advice services and foster case services. Currently, 100% of Quarriers regulated children services are rated good or above by the Care Inspectorate.

The current management and organisational structure is set out in an appendix to Mrs Harper's statement. It is a line management structure with ultimate responsibility resting with her as CEO and she is answerable only to the board of trustees.

Staff recruitment policy is the responsibility of the HR department, the department for learning and talent development is responsible for training and oversight of staff development and qualifications. The roles of each of these departments are discussed fully

in Mr Coggrave's statement.

Quarriers is proud to have recently been awarded the platinum Investors in People award, which is a significant achievement for the organisation.

What's apparent from the organisational witnesses' statements and the documents provided showing current policy and practice is that Quarriers' focus is directed to caring and safeguarding effectively, compassionately and with respect for the people it supports and their families in a professional environment.

Quarriers has welcomed this inquiry and the lessons learned from listening to accounts of abuse and the review of records and scrutiny of its own historical policies and practices. Currently residential childcare practice has been informed by child-centred practice, GIRFEC and the associated SHANARRI framework, and the work done to date in response to the inquiry, and it will continue to evolve in the future.

The inquiry has heard evidence of changes in policy and practice, including areas such as: physical punishment, which is no longer tolerated in Quarriers establishments; restraint, which is subject to complex procedures including assessment, avoidance and use of alternative strategies; bed-wetting, which is recognised as a sign that a child may require help or support, and

is responded to privately and with sensitivity and compassion; force-feeding, which is not tolerated, children are encouraged to eat and issues surrounding food relating to a particular child will be flagged up in their care plan; contact with family and other visitors, which is positively encouraged having regard to the welfare of the child; birthdays and other celebrations which are marked appropriately having regard to the child's needs and ethic and religious background.

Notwithstanding the improvements that have been made, professionals experienced in the area of residential childcare recognise that further progress could be made. Witnesses from Quarriers, Aberlour and Barnardo's, all with extensive experience in the field, suggested possible improvements. Those include reduction of training periods for childcare professionals, although such changes were largely considered not to be practical in the current labour market; increased or increasing funding of services; promoting greater respect for the social and residential care profession.

Mr Coggrave suggested that a single point of contact with other services, such as the police, medical and educational authorities and local authorities, would

improve communication and information sharing.

In his statement at paragraph 191, he refers to efforts made to obtain a police liaison officer. His view is that it would be helpful to have a central point of contact within Police Scotland to whom information about disclosures of abuse could be communicated.

It is sadly unlikely that whatever safeguards are put in place, the risk that a child will be abused by those caring for them will be completely eliminated. Mr Coggrave in his evidence put it this way and I quote:

"Folk that want to abuse children are well motivated and creative in my experience."

The realistic goal therefore is to take all steps necessary to reduce the risk of abuse as far as possible. The evidence led in this inquiry suggests that the key is to focus on training and qualification of care staff, having robust child protection policies and practices, developing staff and service user awareness of what amounts to abuse through education, so that staff in particular are alert to signs of abuse; and developing and maintaining effective whistle-blowing policies within an effective management structure that will ensure concerns are taken seriously and acted upon swiftly. The importance of listening to children and facilitating the expression by them of their views

cannot be underestimated and should form the central focus of child protection and childcare work.

In conclusion, my Lady, Quarriers' current management acknowledges the importance of the inquiry to survivors and residential care providers. During this case study, former Quarriers residents have come forward to describe, sometimes in intimate detail, events that are deeply personal and often distressing. Many were willing to speak with Quarriers current management team after they'd given evidence. Quarriers is grateful to them for their candour and courage and for the respectful way that they engaged with Quarriers representatives during the case study.

Quarriers management looks forward to the inquiry chair's report and recommendations. It is important for those who provided residential care to children in the past and those who do so now to learn from the mistakes of the past and use the knowledge acquired during this process to improve services for the future.

Unless I can be of any further assistance, my Lady, that concludes my submission on behalf of Quarriers.

LADY SMITH: Thank you very much, Ms Dowdalls. Thank you for the care and detailed attention you given to all the issues that needed to be covered in your submission.

I would like to turn now, if I may, to the closing

submissions on behalf of Barnardo's. Mr Jackson is here for those. I doubt that you'll finish them by 1 o'clock, Mr Jackson. If you're running up to 1 o'clock and you still have a bit to go, please find a convenient stopping place that suits you and we'll rise then.

Closing submissions by MR JACKSON

MR JACKSON: Thank you.

Let me say immediately on behalf of Barnardo's the desire to recognise and respect evidence that we've heard from all the applicants who were formerly in their care. They have shown great courage to coming forward to the inquiry at all and even more in giving evidence in public. We appreciate how difficult that has been for those who have suffered abuse, having to relive their experiences and share them in a public forum.

Equally, I am conscious that Barnardo's have tried to cooperate fully with the inquiry. A great deal, over many months, has been submitted in writing, in closing submissions, and I'm grateful to my Lady for allowing me to have mine just in this morning for other reasons, and in oral evidence.

All that material is now before the inquiry and I would see little value in repeating all of that here. I do, however, want to focus just on certain issues and

to make clear submissions on, firstly, the abuse that the applicants courageously spoke about and, secondly, a few more issues of general interest.

When we come to look at abuse, we can I think fairly divide it into two categories. There is sexual abuse and other abuse which itself can take a variety of forms, both physical and emotional, and no less important.

It has often been said that the latter, that is the more physical abuse, can to some extent be at least partially understood in the context of the then prevailing norms. Let me be clear: I'm not hiding behind that in any way, shape or form. The fact that there were different prevailing norms does not condone certain behaviour.

I also accept that the fact that something would be acceptable in school -- I mean day school in the normal sense -- or in a family home does not necessarily mean that should equally apply to those in residential care. They are not entirely the same.

It must also be the case that excessive and inappropriate use of corporal punishment would be an unacceptable form of abuse at any time.

Having said that, sexual abuse, on the other hand, stands in a different category. At no time would that

or should that have ever been condoned in any shape or form. No amount of reference to prevailing norms has any relevance to sexual abuse.

Having said that, I want to look briefly at the allegations of abuse which have been given in evidence. Sexual abuse did take place. One former member of staff has been convicted. Other applicants have given evidence that they too suffered in this way without my rehearsing the detail.

Having said, as I will say over and over again that these things should never have happened, it might be worth asking why they were allowed to take place at all.

We now live in a time when such abuse is widely known to have happened. Indeed, our criminal courts these days seem to be dealing with almost nothing else. That was not always the case. For most people, such behaviour was, in the past, unthinkable. I think we even heard from members of staff who didn't know the meaning of certain words that would now be commonplace, such was the atmosphere at the time, and the thought that fellow staff members might be behaving in these sort of ways was simply not contemplated.

Interestingly, even when there were suspicions -- and from time to time people had suspicions about others -- there was a reluctance to give voice to it,

not I suggest purely because of being anti-whistle-blowing; it was partly because the whole idea was so unthinkable that it was very difficult to face up to. That excuses nothing, but it does perhaps give some understanding of how these things happened.

But its very nature, such activities were carried out in secret, often under the pretence of forming a healthy and helpful relationship with the child. In some ways that's been one of the saddest things we've heard: of children who were grateful for the attention given them and being taken on outings and felt they were getting a much-needed attention --

LADY SMITH: It's a very common reaction amongst children, particularly during the grooming period, when it was something nice that was happening in their lives when everything else was so tough.

MR JACKSON: And the tragedy was that was on occasions overlaid with this much more sinister aspect of behaviour, but that made it all the more difficult perhaps to identify without the benefit of hindsight.

It's also true to say that systems which would safeguard against such behaviour were simply not in place in the way they are today. I make no excuse for that, it's not peculiar to Barnardo's, but it is undoubtedly a fact of the time.

But if I could also think about more general terms of abuse which have been mentioned. A number of issues, I just mention them in passing to some degree, have been mentioned.

Physical abuse. Although I say, and I have said that, corporal punishment has to be set in the context of the times, I say again it is totally accepted that at any time excessive or improper use of corporal punishment was unacceptable and abusive.

LADY SMITH: There's also a category of, let's call it physical force, amounting to abuse of children being on the receiving end of it when it wasn't a punishment for anything at all; that is just the way they were treated.

MR JACKSON: Indeed, and I do not make light of that in any way, shape or form. Barnardo's supplementary statement contains the up-to-date information as to the number of allegations of abuse that they have received and Barnardo's is aware of allegations over and above those made directly to the inquiry.

None of this was acceptable in any era. It did not reflect what Barnardo's expected of care staff, nor what was set out in guidance to them. It ought not to have happened.

Your Ladyship has also heard from applicants, members of staff, who did not see that sort of thing.

That of course did not mean it did not happen.

Witnesses gave such evidence that they had neither seen it nor heard of it happening to others and of course it needs perhaps to be said that some staff members have specifically refuted allegations made against them.

There was detailed evidence from former staff, ranging from evidence that in the 1960s corporal punishment was used sparingly, albeit considered acceptable at the time. In the 1970s, there was an unwritten code of conduct that there was to be no corporal punishment, and in the 1980s and 1990s, corporal punishment was prohibited and not to be used, no doubt as my Lady pointed out to others, in response to a European-wide change in how we dealt with these things.

But I do suggest and submit that Barnardo's approach to corporal punishment was generally progressive and was the subject of regular review. It was restricted to a level below that permitted by the legislation of the day. There was a requirement to keep punishment books but those have not been retained for any Scottish establishment. There was requirement for each home to report their use of corporal punishment and these reports were monitored.

The 1944 and 1955, Barnardo's Books stipulated that copies of the punishment book were to be sent to headquarters once a week. Barnardo's has produced minutes of staff meeting from the early 1970s. From the sample of management records showing that management emphasised that regular signing of punishment books was to be carried out by senior residential officers. Having said all that, we accept that this system was not foolproof. The centralised approach which was good, which was progressive, was not foolproof against individual members of staff using excessive or inappropriate punishment and failing to report it.

If I could say something about bed-wetting, which I certainly found a particularly distressing episode, because I think most of us would accept that being struck is one thing, being humiliated is quite another thing, and while I don't make comparisons between them, there is something particularly horrid about the latter.

There was a divergence of evidence in the case of Barnardo's and from applicants and former members of staff regarding the response to bed-wetting and the bathing routine for children. That might simply reflect differences in practice between homes in different areas. It may just be geographical. So you had evidence in some places of good practice, but of course,

for example, staff waiting until a child had gone to school so that the child would not be embarrassed by sheets being changed, but of course there was also evidence of unacceptable practice and that cannot be avoided.

Barnardo's would want to apologise to every child who was ever punished for wetting the bed or was ever placed into a humiliating situation by the manner in which it was dealt with by staff at the time.

I'm also submitting, I hope correctly, that at least generally there was no suggestion that this was done with malicious intent. This, however, is a clear area where understanding and attitudes have changed over time, and if I may say so, for the better.

Punishment for wetting the bed was prohibited. Specifically in the 1944 and 1955 Barnardo's Books, children ought not to have been punished for this and when it did it was contrary to Barnardo's guidance and acceptable practice.

One of the more difficult areas, if I may call it that, is restraint and I noticed that when Mr Peoples dealt with his submissions, he tended to give restraint a fairly wide berth because it is even yet an area that provokes discussion.

I suppose it is clear that on occasions restraint

will always be necessary. If a member of staff is being approached by a fit, healthy teenage male holding an implement, you would be difficult to judge any action in an over-theoretical manner. That is an extreme example, but it does illustrate how difficult this area can be.

Having said that, it is appropriate to prepare as far as possible for such situations and to have relevant systems and institutions in place. A number of members of staff, senior members of staff, such as Hugh Mackintosh, Sir Roger Singleton, have mentioned these sort of areas and the reality is that the present practice recognises this much more than it did.

In the early years there was little training on restraint, training was on the job, latterly two techniques were taught. Children were not being restrained in the same way across all units and, even by 2005, there was no clear national guidance on best practice and indeed there was a reluctance to be over-prescriptive. Training was given in some places to reflect the current thinking at that time, but I think it is fair to say that staff were aware of the principle of using as little force as was necessary and to only use restraint when it was necessary to prevent physical injury to the child/young person or serious damage to property.

The reality is this will always be a difficult area because restraint to some extent will never be totally avoidable, but it is important and we recognise that proper procedures need to be put in place.

All of that having been said, having accepted that there were things both of a sexual and non-sexual nature that should never have happened, and for which Barnardo's unreservedly apologises, it remains in my submission a very important issue. How is this undoubted abuse to be properly characterised in relation to Barnardo's generally as a long-term care provider?

We use occasions -- and I make no criticism and I'm not suggesting this has ever been said about Barnardo's -- phrases such as "widespread abuse", "part of everyday life", "an underlying culture of fear". All I would say is that would, in my submission, not be a fair characterisation of the care given by Barnardo's. That is not in any way to be complacent or to minimise the traumatic effect of any form of abuse on any one child, but terms such as I have used suggest something very badly wrong at the core of the organisation. That I do say again would not be a fair representation of Barnardo's.

In my submission, the evidence taken fairly and as a whole, taking, in the words of Mr Peoples, the broad

picture, shows a caring, compassionate organisation with dedicated staff doing their best in the best interests of the child.

The accepted fact -- and I totally accept it -- that over a very lengthy period and over many thousands of children, things happened that clearly should not have happened, mistakes made which should not have been made, systems not followed always as they should have been, inevitable human error and, on occasion, utterly wrong behaviour, should not allow sight to be lost of the general care, compassion of the staff of all that organisation.

That is why we have included a section on positive aspects of children's times at Barnardo's. It is a long list. One example will suffice, about South Oswald Road. One applicant said:

"This was a brilliant place. It felt like going back home to my home. Sheila and Lewis Currie ran the place and were the most fantastic couple you could ever meet. They were absolutely brilliant."

Let me be absolutely clear what I'm saying. That is not meant to balance the abuse. I do not say that in order to negate abuse because if it happened, it should not have happened, but I do say it recognises that there was much that amounted to appropriate care and support

for those in care.

Against that background, I would like briefly to turn to some other issues which are related to the inquiry such as training, aftercare, et cetera, and as it's 12.55, I might just call a halt at that, if I may.

LADY SMITH: Very well. I will rise now for the lunch break and sit again at 2 o'clock. Thank you.

(12.56 pm)

(The lunch adjournment)

(2.00 pm)

LADY SMITH: Mr Jackson, when you're ready.

MR JACKSON: Thank you.

My Lady, having dealt with perhaps the core issue of abuse in its various forms and having tried to put that in a broad context, I would just turn briefly to a few other related issues which have arisen during the course of the inquiry. They're all dealt with at some length in the written submission, but I simply mention a few of them.

One is, of course, recruitment and training. Your Ladyship heard evidence from former members of staff as to the process and the training they received following recruitment. From the 1940s to the 1960s, head office was heavily involved in that process, but from the 1970s there was a gradual devolution of authority to senior management in order to add an additional level of scrutiny.

Many could not recall formal induction and it is certainly the case that throughout the time period training was very much on the job, it involved shadowing other members of staff.

Some staff did receive more detailed training.

Barnardo's organised training programmes for residential care staff and things like in-service training days, and Sir Roger Singleton gave us evidence on that matter. As he pointed out, although a significant number of courses -- not a large number of courses -- were run, as there were 30,000 people working in the sector, he did concede that that was a drop in the ocean.

I think it is fair to say, though, that Barnardo's recognised the importance of training at an early stage. It provided accredited training courses as far back as the 1940s. The nature of work was such to prevent the release of all staff for that and priority was given to training senior staff.

External training courses were very restricted in the numbers they could train compared to the numbers employed and that may well have been linked to the fact of the issue with retention of staff. What I think came across quite often in evidence was the lack of appreciation given to people who were employed in that sector.

Someone I remember giving evidence -- I don't think they were from Barnardo's -- said they had been in the sector for 30 years only to be met with the response, "Hardly a career, is it?" So that kind of background and those kind of attitudes obviously did not help.

Despite all that, Barnardo's has always been -- and I will qualify this in a moment -- at the cutting edge in terms of recruitment and training, and they were fortunate in the quality of staff they had. I say that because I think someone else described it this morning as patchy, and I accept that of course because things were compared to how they were now patchy. But it doesn't take away my position that training was always something at the forefront of Barnardo's management's mind and a great deal was done, albeit one could always have done it more or done it better.

LADY SMITH: The word patchy was used by a Barnardo's witness, I think, Mr Jackson.

MR JACKSON: Indeed, but I think it might have been repeated this morning.

LADY SMITH: It was referred to this morning, yes.

MR JACKSON: And I don't take away from that. I, of course, accept that that's an accurate way of putting it.

So far as record-keeping is concerned, Barnardo's has historically kept detailed records for all in its care and that was highlighted in a 1944 Barnardo's Book.

From 1942 each child admitted had their own paper file held at headquarters and at the regional office in Edinburgh. They were returned when the child was 18 to head office for archiving and have been microfilmed or

scanned to the appropriate technology.

The various regulations which came in were reflected in Barnardo's procedures being updated.

So there has been a quality of record-keeping which could be said to be good throughout the period when judged, again of course, by record-keeping practices at the time. We also recognise, of course, that the quality of those records is not always what it could have been.

In particular, staff had limited awareness of a child's history. On reflection, that was a pity. There was sometimes limited guidance on what to include in daily records, so staff would sometimes record, as they saw it, major events but not necessarily day-to-day events.

But suffice it to say, Barnardo's has long understood the centrality of a child's record and has tried to maintain an archive made available to all former children and to the families of those who have since died.

Barnardo's still carefully considers how best to support those who request records. They allocate social workers as part of the preparation work to identify areas in those records which may cause distress. Sometimes that's the language used in the

records. And those who are getting their records are given support before and after the reading of such records.

About 50% of people still come in person to get their records face to face and a duty of care is always undertaken before any records are released.

In the course of this case study, my Lady will remember one applicant requested records and they were then made available, I think, in quick time along with various photographs of when the person was in care, and I think it's fair to say that applicant was delighted with what was done in response to that request.

When it comes to aftercare, there have been differing views. Some applicants felt they were not given sufficient aftercare. I would simply refer you to the evidence of Kate Roach, the service manager of Making Connections at Barnardo's, who gave, I suggest, very detailed and very helpful evidence to the inquiry. The sum and substance was that Barnardo's was and is committed to the ongoing support of young people in its care and the Barnardo's Book always took that very seriously.

It was absolutely the case, she says, that when the older boys and girls left Barnardo's there was never any question of them simply leaving Barnardo's care. It was

always made clear they would remain part of the Barnardo's family.

Again, nothing would be perfect and, of course, would depend on the young person to a degree. Some people welcomed the support, some people wished to cut ties, but I do suggest that the evidence given by Kate Roach does give a very good picture of how seriously and still does take seriously that sort of aftercare provision is made.

Where an allegation of historic abuse is made today, a number of steps are taken. These are discussed quite fully in the written submissions. But Making Connections will review the records to find circumstantial evidence, the names of members of staff, and put it into some sort of context. There is also maintained a historic abuse database which they can search by home to find all allegations made in respect of staff or residents at that home. They can tell individuals that they were not alone in making allegations about a particular individual if the database reveals that that was indeed the case.

What is to be emphasised is the last thing the Making Connections team are doing are looking to disprove any allegations made. That is very, very much not what they are about. They are there to try and

assist and to help and to giving a continuing support.

Barnardo's -- and I think this is fair -- has always recognised the importance of providing children with aftercare. It provided a service perhaps before other organisations were in a position to do so and would continue to provide ongoing support for former residents.

So in conclusion, let me just say this: Barnardo's approach -- and this has been spoken to by a number of witnesses to residential childcare -- far from perfect, was head of its time in many respects, constantly reviewed, updated to respond to legislative changes and to research improvements, knowledge and best practice. And Barnardo's has tried to keep abreast of developments in the wider sector and change practice to reflect that.

Sir Roger Singleton gave helpful evidence on that, as did John Rea and Hugh Mackintosh. Of course, no system is perfect and no system can always operate entirely as one would have wanted it to do, but I do think it's fair to say that there has been a real awareness of that as far as Barnardo's are concerned.

Barnardo's has, of course, thoroughly welcomed the inquiry and tried to cooperate with it in every way possible, responded to all requests, written submissions, and having, you will have noticed, a senior

representative present throughout the evidence, all of it relating to Barnardo's. You have heard all the evidence and had all the evidence we can possibly give.

I have not been attempting to repeat it or even summarise it, but I have tried to focus on some important issues, and in conclusion, just one or two things stand out.

Let me say again: over the long period the inquiry is concerned with, abuse did on occasions occur, sexual or more generally. For any of that and all of that, Barnardo's apologises unreservedly. No child should ever have been subjected to any form of abuse and, in particular, abuse of a sexual nature.

Even if these were to an extent -- and I don't elaborate that -- isolated incidents, that makes no difference to the regret felt by Barnardo's. One child abused or ill-treated is one too many.

It is, however, appropriate, and I have tried to do that in fairness, to all concerned, to place that in a general context and I believe the evidence does show Barnardo's was, and indeed remains, a highly caring organisation with a dedicated staff. It would in many ways be a tragedy if that were ever to be lost sight of.

I would also underscore Barnardo's strong sense of duty and commitment to listening to and learning from

the experience of these former residents.

Barnardo's has always provide an aftercare service, has employed officers for that since the 1940s, and of course Making Connections came into being by the amalgamation of other departments in 2008. It has been a central point of contact for those persons seeking information about their time in care and it has been there to support and to disclose where there has been poor care and abuse. That will continue for as long as is required and, of course, already that for some former residents has been many years.

Barnardo's would like to think of itself as trying as best it can to be in the forefront of reforming good practice and it would certainly be its intention to continue in the future in that vein.

I think everything else I might say will be in a very substantial written submission which was lodged this morning.

LADY SMITH: Thank you very much, Mr Jackson.

I would now like to turn to the closing submission for the Aberlour Child Care Trust and invite Mr Love to address me.

When you are ready, Mr Love.

Closing submissions by MR LOVE

MR LOVE: Thank you, my Lady.

Your Ladyship has a full detailed closing statement prepared on behalf of Aberlour, the content of which is adopted. I don't intend to read it in full and will provide a summary.

Aberlour remains grateful for the opportunity to participate in this inquiry as a core participant and to present this closing statement. Aberlour neither excuses nor condones the abuse of children in any form whatsoever. They have offered and will continue to offer every assistance to the inquiry.

Aberlour has welcomed the opportunity afforded by the inquiry to investigate the flaws in its historical procedures and practices, which may have contributed to abuse perpetrated towards children in its care.

Board members and senior officers of Aberlour have been able to attend throughout, hearing the evidence of the inquiry, and have themselves witnessed and been touched by the distress of survivors, their courage in coming forward, and the dignity with which they've conducted themselves.

Like any organisation seeking to promote the welfare of children, Aberlour considers the abuse of children to be abhorrent. During the period under consideration by the inquiry, many thousands of children have been looked after by Aberlour or have been able to access its

services. Despite some positive evidence that the inquiry has heard about the positive and quality times that children spent in their care, Aberlour accepts with regret that there have been occasions where abuse occurred and the responses sent by Aberlour to the inquiry have identified all such occasions which are currently known to them.

As was explicitly expressed at the very start of phase 1 of this inquiry, in relation to any children who did suffer abuse while in its care, Aberlour recognises this should not have happened. It welcomes this opportunity to reiterate an unreserved apology to those who were abused whilst in its case and to their families.

Indeed, in her evidence, SallyAnn Kelly acknowledged and did not seek to underplay or gloss over the failures of Aberlour that have undoubtedly been disclosed by the evidence of applicants and she offered her own personal and sincere apologies for what had occurred.

The assessment of the evidence is a matter for your Ladyship. There are a number of specific issues or themes arising from the evidence before the inquiry that Aberlour would wish to address at this stage. Turning first, if I may, to the issue of the separation of sibling groups within the Aberlour Orphanage.

From 1930 to around 1955, sexes were mixed in the nursery only, and when children were old enough to begin school, boys and girls were separated into distinct wings. The dining rooms and the dormitories were within these wings and accordingly children slept and ate only with other children of the same sex. Although sexes were mixed in school in the usual fashion, school classes were naturally organised by reference to age and, to some extent, the houses within the orphanage also appeared to have been organised by reference to age, although the information on this is less consistent and clear.

There appears to have been no firm policy identifying a specific age at which any child should move from one house to another, although it is accepted that it seems to have been the norm for children to change houses as they aged.

The separation of sexes into distinct buildings was clearly policy at the time of the construction and development of the orphanage, and a mix of sexes was undertaken on initially a trial basis in 1955 and was then the norm throughout.

From 1955 onwards, the mixing of boys and girls was a feature of orphanage life, but, on the evidence, was not consistently applied in a manner which kept siblings

in one house.

It is obvious that it would have been possible for children to mix with their siblings at play and at school. While there is no evidence available of any policy or practice of preventing contact between siblings in these settings, equally there is no firm evidence of consistent action being taken with the aim of sibling groups being kept together.

It is also accepted that there is no evidence of any firm, deliberate or consistent policy or practice of seeking to organise, facilitate or positively promote regular and good quality contact between siblings. It is accepted that this may, for some young people, have resulted in their living separately from siblings during most or all of their time in the orphanage, possibly with only infrequent or even coincidental meetings. It is accepted that this may have had a detrimental effect upon the relationships with siblings and for that Aberlour's sincere apologies are offered.

In addition, the lack of any system to ensure that contact details for young people leaving the orphanage were made available to younger siblings hampered the availability of those younger siblings to keep in contact with family members who had moved on before

them. Aberlour accepts that in the orphanage years, it did not do all that it could have done to assist those siblings in building or maintaining a potentially supportive family network for their future life. Aberlour deeply regrets and is truly sorry for the consequences of that failure and offers its apologies to any young person who feels that this had a detrimental effect on their family relationships.

Moving on to departure and aftercare, my Lady. Some applicants spoke of leaving Aberlour with little notice and little preparation and of having found this to be an upsetting and unsettling experience.

LADY SMITH: There was more than one instance spoken to of applicants really not knowing until the day they were leaving. It's striking.

MR LOVE: Yes, that certainly seems to be the case, my Lady.

The various applicants giving evidence to the inquiry left Aberlour in quite different circumstances and it's readily accepted that the extent of knowledge which the individual applicants had of their impending departure varied. It's also readily accepted that the level of preparation which individual applicants had in advance of their departure varied. It is clear that the level of preparation for departure was not always substantial. In some cases it was plainly inadequate

and wholly insufficient, and sincere apologies are offered for this and its consequences to those who have been affected.

Aberlour readily accepts that some young people leaving the orphanage felt that they were not well prepared for adult life and the transition into their future lives was not well handled. A very different approach is taken to this at present, but Aberlour accepts that in the orphanage years children did not always receive enough advance notice of their departure to allow them to feel prepared and that they had appropriately taken leave of their home, something very important to them, and those with whom they had lived for often substantial periods of time.

Aberlour would like to take this opportunity to extend its heartfelt apologies to any former resident who at the time of leaving the orphanage, in particular, did not feel adequately supported through this process.

Where children were placed in the care of Aberlour by local authorities, the level of involvement of Aberlour in planning and decision-making about the futures of children they had cared for was limited as that decision-making power rested with the placing authority. Aberlour was not, as a matter of standard practice, given a voice in those processes. Often

it would simply receive a letter -- your Ladyship heard evidence about this -- from the placing authority giving very few days of notice and advising that the children's officer would arrive at the orphanage at a specified time to collect and remove the young person. There was evidence about two days in advance a letter being received at the orphanage. This gave limited information to relay to the young person and limited time in which to prepare the young person for that specific arrangement as opposed to preparation for the general concept of moving on.

That said, it is accepted without qualification that there is evidence before the inquiry which calls into question the amount of preparatory work carried out with young people to prepare them for transition into the adult world.

LADY SMITH: Just going back to the late notice given by the placing authority, unfortunately there was no evidence that I heard of anybody standing up to the local authority and telling them, "This will not do, we're not handing children over to you on a two-day notice or a same-day notice".

MR LOVE: Yes, certainly I'm not aware of having seen any evidence to that effect, my Lady.

LADY SMITH: So the practice continued.

MR LOVE: The practice continued without obstruction or criticism.

LADY SMITH: Yes.

MR LOVE: There is evidence that in the limited time available after notification from a placing authority had been received and before the young person was removed, there was not enough done to advise the young person about what was about to happen to them. It is obvious that this would have been possible and it's obvious that the involvement of the young person in packing their clothing, gathering their personal possessions, affording them the opportunity of saying goodbye to their friends, to their carers and to their home ought to have been afforded.

Aberlour readily accepts that for some children they fell well short of making the best and fullest use of even the limited information that they were given or of the time available to them after becoming aware of an imminent departure so as to best prepare the young person for leaving their home. It's entirely understandable that young people may have consequently been left feeling confused, distressed, isolated, ignored, and for that Aberlour is truly sorry.

Moving on to punishment. Discipline and punishment are not synonymous and that has been the evidence in

this inquiry. Discipline is a mode of living and it is distinguishable from a system of punishment. In considering, in particular, advertisements for employees, indicating that an ability to maintain discipline is desirable, this terminology should be viewed in context.

Further, in advertising for staff in the immediate post-war period, indicating that a job would be suitable for a former serviceman, it is submitted that it is clear that there were significant numbers of such individuals seeking gainful employment. Such advertisements should be viewed in the context of their times and not as implicitly indicative of a need for individuals who were likely to take a militaristic approach to punishment of young people.

LADY SMITH: I just reflect, Mr Love, on the immediate impression one gets if told an ability to maintain discipline is desirable and these jobs would be suitable for former servicemen. It is very hard to resist the impression that control is to be prioritised.

MR LOVE: Yes, control and to that extent --

LADY SMITH: Firm control.

MR LOVE: It shouldn't be taken to imply an expectation that harsh punishment should be or would be required.

LADY SMITH: There's not much there about warm, loving

nature, for example, is there?

MR LOVE: Well, there's one of the advertisements that did make reference, rather oddly, to the requirement that somebody should be fond of children. A peculiar expression, but the advertisements weren't entirely devoid of giving an indication that an interest in children was required, not just the militaristic background of those who might seek to apply.

While discipline is related to the need for boundaries and for conduct to adhere to particular rules and values, that's not to say that the maintenance of such discipline is equivalent or restricted to a system of punitive measures. Discipline is capable of being maintained by positive means and I think your Ladyship has heard evidence about that, certainly in the latter stages of the evidence.

For example, by the instilling of self-discipline in individuals by example and by role-modelling, and by giving leadership and direction towards the maintenance of high personal standards, and by the development of routines and structures which are conducive to the standards desired.

Maintenance of such discipline can be conducive to the development of a feeling of security for young people, particularly those who have previously

experienced life as unpredictable or chaotic and strong personal relationships and bonds can be achieved.

On consideration, it appears that Aberlour's rules on discipline and punishment were probably in place from at least the late 1940s. The content of the rules when taken in conjunction with the content of discussions at governors' meetings shows that Aberlour expected any punishment to be applied uniformly, to be proportionate, and not to be excessive.

Aberlour's rules outline the approach taken to monitoring compliance with its policy on punishment. As with other core participants, punishment books were required to be maintained with black marks for minor offences and all entries where corporal punishment was imposed to be marked with a P. These books were to be reviewed by the warden or lady superintendent at the end of each week when four black marks could result in the loss of pocket money for one week or two. This ought to result in the awareness of senior management of all recorded punishments.

There are several instances, such as the reprimanding of BCK, for engaging in an excessive degree of corporal punishment which, it is submitted, demonstrates the commitment of Aberlour to ensuring that their policy was followed through in

practice.

That commitment and what appears to have happened based on the evidence of applicants diverged because it's clear on the evidence that punishments well beyond those set out in the rules were administered, and to any child who experienced punishment in the care of Aberlour which was inconsistent with the policy system which had been created and sought to enforce, sincere apologies are offered.

There has been evidence about enuresis and issues arising with refusal or inability to eat meals. It is submitted that it is plain that nothing in Aberlour's rules authorised, proposed or condoned punishment for bed-wetting or daytime incontinence or for declining to eat food on grounds of taste or lack of appetite. And it is readily accepted that punishment of young people in such circumstances would have been entirely inappropriate. Aberlour reiterates its sincere apology to any child who experienced such punishment in any of the organisation's establishments.

Equally, nothing in the rules authorises, proposes or condones punishment for speaking out about harsh behaviour at the hands of others, be they adults or other children. Moreover, nothing in the rules authorises or proposes punishment such as locking

children in cupboards or force-feeding or imposing excessive chores. Again, such conduct would be entirely against the value system which the Aberlour rules expected all staff to adhere to. Aberlour offers its sincere apologies to any person who experienced such harsh treatment while in its care.

Moving on to the issue of absconding. The inquiry has heard evidence about absconding particularly from Aberlour Orphanage and also the importance of ascertaining whether a child is running from or to something. As is set out in greater detail at paragraph 225 of SallyAnn Kelly's organisational witness statement, it's perhaps better understood in the present day that all behaviour by children and young people is a form of communication. It is regrettable that it does not appear to have been understood at the time that absconding was a form of communication and it is plain that punishment in response was not apposite, despite the terms and content of the Aberlour rules.

Turning to corporal punishment. In the orphanage years, Aberlour did have a policy on corporal punishment, that being the Aberlour rules. Those rules were in place before the arrival in Aberlour's care of any of the applicants whose evidence is available to the inquiry. That policy made it plain that it was the

intention of Aberlour that all staff would operate and conduct themselves in accordance with the policy. It was Aberlour's expectation that children would know what the policy was in order for adults to be held accountable for it.

Corporal punishment imposed, other than in accordance with the policy -- and it is clear that that occurred -- does not demonstrate a lack of a system, rather it would point it to failure by staff to adhere to the system that was in place. Such a failure would never have been acceptable to Aberlour and it is something that Aberlour regrets and apologises for.

To any child who did experience corporal punishment in the care of Aberlour, which was inconsistent with the policy system which it had created and sought to enforce, whether excessive or inappropriate --

LADY SMITH: The way you put it, Mr Love, that it was Aberlour's intention that children would know what the corporal punishment policy was and for adults to be held accountable for this doesn't really sound like the way a child's mind would work, does it? If I'm seven, I probably am not aware, if I'm 7 years old, that there's any policy on corporal punishment at all. Even if I'm vaguely aware of there being some rules, I'm not going to think about it in terms of being able to hold

adults to account if the rules are broken by them, am I?
MR LOVE: No, that is correct, my Lady, and your Ladyship did hear the evidence of SallyAnn Kelly on that very point. I think it was a question your Ladyship asked of Ms Kelly --
LADY SMITH: I did and I think she accepted --
MR LOVE: -- and she did accept it entirely and she qualified her observation, if my recollection is correct, by indicating that it was more directed towards the older children and certainly not the younger children because it would be entirely inappropriate to expect them to engage in any system of punishment.
LADY SMITH: Even with the older children, there has to be a really sound and secure means by which they know they can confidentially communicate their disquiet if they think they're not getting fair treatment according to whatever the rules of the place are.
MR LOVE: Absolutely, my Lady.
LADY SMITH: Thank you.
MR LOVE: Turning to the issue of sexual abuse, it has to be expressed again in the most emphatic terms that sexual abuse of any sort has at all times been both diametrically at odds with the aims, ethos and purposes of Aberlour, and entirely unacceptable to the organisation at all stages and in all manifestations of

its existence.

Aberlour proffers its deepest apologies to any child who experienced any form of sexual abuse while under its care.

I'm going to deal specifically with the circumstances surrounding Mr Lee at Aberlour Orphanage. Your Ladyship and the inquiry has heard evidence about the late Mr Lee and his sexual abuse of a number of boys at Aberlour Orphanage in the period prior to his dismissal from Aberlour's employment and his conviction in 1963. It is clear from the evidence before the inquiry that the fact of Mr Lee's conviction and imprisonment was not relayed to his victims, nor is there any indication given in the contemporaneous records available to the inquiry of details of Mr Lee's conviction and imprisonment being relayed to parents of victims.

Due to the absence of records, it is not possible to explain the reasoning behind the complete failure to relay information of this type at this time with any degree of certainty. It is readily accepted that it may have given comfort, or greater peace even, to victims to have been aware at the time of these events of the conviction and imprisonment of their abuser. This also applies to the victims of Mr Lee from whom the inquiry

has not received statements or heard evidence.

Aberlour offers its heartfelt apologies to all of those boys who suffered abuse at the hands of Mr Lee. In addition to that, the sincere apologies of Aberlour are offered for the lack of communication following the conviction of Mr Lee, for the missed opportunity to offer the fullest support, reassurance and comfort to those in greatest need of this, and for any additional distress or trauma this may have caused to those who had already suffered abuse and to their families.

In the present care of Aberlour, in the event of there being a prosecution resulting in conviction and sentencing of an abuser, close consideration would be given to the appropriate method to share this information with the victim in a supportive and supported environment.

In present practice, Aberlour employees speak openly to children about behaviours and what is expected from both them and adults. Aberlour staff speak openly with young people about safety and keeping each other safe. They also let children know that they can share concerns with any member of staff or with any person they choose to speak to. The inquiry has heard evidence that Aberlour funds independent advocacy through Who Cares?, and moreover, that this service is well publicised

in that Sycamore Cluster establishments have posters on display giving contact details.

Moving on to the position with records. Aberlour's response to the inquiry is necessarily based upon a review of the evidence available from the statement or statement and evidence of each of the various applicants as well as a review of its own file for the applicant and any management committee meeting minutes addressing matters arising.

Social work and medical records might provide an additional source of information other than a review in isolation of the files and minutes held by Aberlour. That has become increasingly obvious from the evidence that has been taken from applicants. In certain circumstances it appears to have been proposed that absence of documentary evidence is evidence of the absence of any contemporary record. Just with the passage of time and the fact that records have not been capable of being found, I would submit to your Ladyship that that wouldn't be justified or reasonable and perhaps runs the risk of inviting speculation.

In the case of Mr Lee, for example, it may be that there are in fact social work or medical records that exist and might provide further pertinent detail. The enquiries that have been carried out by Aberlour have

been unable to find any documentation in their own archives relating to the incident and the incidents and what arose. But the fact that they have not been traced does not mean they didn't exist at one point, but it certainly raises a question as to whether or not there may be further documents that could educate about the situation that prevailed at the time.

The inquiry has heard some evidence about applicants experiencing either delay in retrieving or recovering records from Aberlour or receipt of incomplete records and for that Aberlour apologises.

Aberlour's position is that any former resident is entirely welcome to seek to recover the records which Aberlour holds which relate to that individual. Indeed, residents have a statutory right to recover their records. There is no fee for this. Applicants can either contact the quality and safeguarding manager at Aberlour by telephone or via the website or can begin the process online without having to speak to anyone at Aberlour, and that's by means of completing a form again on Aberlour's website.

Aberlour will be glad to assist any former resident with that process and moreover any resident who otherwise wishes to discuss their experiences in Aberlour's care with Aberlour itself is most welcome to

make contact with the quality and safeguarding manager.

Moving on to current policies and procedures, Aberlour has developed a suite of policies, all accessible via their website, and those contribute to the protection and welfare of children by promoting high standards and ensuring that staff are held accountable by managers and by each other.

I don't intend to take up time looking at the nature and extent of those policies, but links are all available on the Aberlour website, and your Ladyship will find them within the full closing statement itself.

Aberlour's full closing statement makes reference to Aberlour's current complaints policy and the fact that the organisation takes all complaints seriously, irrespective of their source. Again, I don't intend to take up time today by looking at the nature and extent of those policies and procedures in relation to complaints.

Turning to recruitment of staff. Aberlour's approach to recruitment of staff in the service years to the present day and in particular the developments in relation to the checks carried out in connection with the suitability of applicants is set out in detail at paragraph 115 and following in SallyAnn Kelly's organisational witness statement. The inquiry heard

evidence about Aberlour's recruitment and continued employment of Mr Adrian Snowball and the lack of honest disclosure by him of a previous pertinent criminal conviction.

The systems in place did not successfully identify the existence of that conviction and that's more fully addressed in Aberlour's full closing statement and I don't intend to take up time with it today unless your Ladyship would wish me to.

LADY SMITH: We have it. We looked at it in detail, observations can be made about questions that weren't asked on the back of what he did or didn't put in the form, and also about the very real risk that somebody like him will do this --

MR LOVE: Absolutely.

LADY SMITH: -- and not volunteer what he should be volunteering.

MR LOVE: Absolutely.

In relation to training and qualifications, the inquiry has heard evidence about that. It's important to consider when looking at the historical position to look at the evidence about lack of training in the past in its historical context -- and by that I mean looking at the extent to which training was available from external sources. Much evidence was heard about that.

In the present, Aberlour is a learning organisation, it takes its responsibilities for the training of staff and assisting them in obtaining qualifications seriously. A learning approach is adopted to any significant events prompting open, transparent and candid reflection on what might have been done differently and again your Ladyship heard evidence from SallyAnn Kelly about a particular event that raised transparent and candid discussion and reflection.

The inquiry has heard evidence about a plan to run a six-month pilot scheme where Aberlour will endeavour to cease to use physical interventions with children at all. Children will only be touched by staff in a calming and sensitive way, offering warmth, reassurance and comfort, with a view to helping self-regulation. In relation to this pilot scheme, input is being sought from both children and staff and that's of key importance.

Dealing with two final matters. Firstly, Professor Abrams' draft report. For reasons identified by others, I intend to make no submission at all about the content of Professor Abrams' report at this stage. I may in due course, and if appropriate, apply for questions to be asked of Professor Abrams through your Ladyship and seek to --

LADY SMITH: Absolutely, as was made clear, it was presented at this stage in draft form and it wasn't being suggested that that was the last word that she had to say.

MR LOVE: And in terms of the observation that Mr Scott made this morning about a reference to a question being put to one particular applicant, BHI, all I would say about that is that the question Aberlour asked to have put to BHI was made clear by SallyAnn Kelly in her evidence and that's at Day 119, 30 January 2019, at page 17 and following. The question as put was not a question that Aberlour asked and Aberlour agree that it is very important to be careful with words.

In closing, Aberlour recognises the value and importance of the work of the inquiry and undertakes to continue to give the fullest assistance that it can to the work.

That's the closing submission for Aberlour, my Lady.

Housekeeping

LADY SMITH: Thank you very much.

There are one or two things I want to say about where we're going for the rest of this year. But before I do that, can I check whether there are any other issues anybody wants to raise at this point. No?

Well, firstly, just under reference to the case

study that is now coming rapidly to a close, that's the case study into the provision of residential care for children by Quarriers, Aberlour and Barnardo's. As with the two previous case studies now that it is complete, I will be taking time to consider my findings in fact in relation to these three institutions and they will be published in documentary form after that.

That takes me to the findings in relation to the Sisters of Nazareth case study and I know that many are anxiously waiting to see a document setting those out. I'm pleased to say that it is nearly there in the sense that the finding are going through a publication process at the moment and the final booklet is very close to being completed. I hope to be able to announce a publication date very soon, but I'm sure you all appreciate that the technicalities of the publication process and some of the electronic procedures that have to be gone through, whether it is hyperlinking or other mechanisms, that does take a little time. I know you want to know, if I can put it that way, and I'm doing very, very best to accelerate that date as fast as I can.

Let me turn now to the hearings for the remainder of 2019. The first date to note is 25 March, just that one date. We'll be taking the evidence of another witness

whose evidence relates to the child migrant case study by video link from Australia. Because of the relevant time differences, we'll be sitting outwith normal hearing hours, this time in the evening. It will be -- we're not absolutely sure yet, but around 8.30 pm, probably something like that, but if you keep an eye on the website, you will get a confirmation of the timing of that hearing closer to the date. That's 25 March.

An announcement will be going out very soon in relation to applications that will need to be made for anyone who wants leave to appear for that evidence.

Let me take you then to April and phase 1, part C. In the week of 2 April, and probably running into the week after that, we're going to hear research evidence from Professor Kendrick, who is a professor of social work and residential childcare, who will speak about some aspects of his work on the development of services for children in care. Also Professor Levitt, to whom we've already referred today, will be giving evidence about part 2 of his report on inspection systems. And Professor Norrie, who will be giving evidence on part 3 of his report about the relevant legislative and regulatory framework. And Professor Abrams again who's been referred to today, who will be giving evidence about the effectiveness of

inspection systems following her investigation and analysis.

If I can then take you a little further forward in the year, and we'll get to phase 4. Phase 4 is going to involve a series of separate case studies in which we'll examine the provision of residential care by a number of male religious orders. We'll move to this phase of evidence in early June.

There will be three consecutive case studies. The first is going to focus on provision at St Ninian's in Falkland, which was run by the Christian Brothers. That will start on 4 June and we expect it to take until early July.

The second case study that will follow that one will examine the provision of care for residential care at the Carlekemp and Fort Augustus Abbey schools. These are two boarding schools that were run by the Benedictines, and that case study we expect to run until the week of 23 July.

We will then have a break over the summer period and resume hearings on 10 September and then we'll turn to the third case study in this phase. It's going to examine the provision afforded by the Marist Brothers at St Columba's in Largs and St Joseph's in Dumfries, and we expect that to run until late September/early

October, there or thereabouts.

Then, after a pause towards the end of the year, we'll move to phase 5, and that will be our case study into the child migration programmes. Of course, we have heard some individual witnesses in relation to that phase already, but there's more evidence to come, and from that time, that's the end of the year, we will be hearing directly from child migrants who come here to give evidence and also we expect to be arranging more video link evidence for that.

We'll provide further details of the hearings schedule in advance of all the hearings. Watch the website and if you're in any doubt get in touch with the inquiry team.

So far as future case studies are concerned, we continue constantly to review our programmes for hearings and we'll be announcing future case studies later this year.

I should perhaps at this stage emphasise that due to the volume of evidence we're receiving, it won't be possible to hold a case study into every single institution but all the evidence we receive will be carefully considered, analysed by us and appropriately taken into account to inform the final report and findings.

Can I encourage anyone who has evidence that's relevant to our terms of reference to contact the inquiry's Witness Support team. Everybody matters and we want to hear from everyone who has relevant evidence to offer.

Then if I can turn to a final matter, and that's that part of our investigation and hearings that I would refer to as the history of relevant events in the period 2002 to 2014. During the first part of phase 1, I indicated I was interested in hearing more about relevant events in the period between the lodging of the petition by Chris Daly in 2002 in which he called for a public inquiry and the announcement of such an inquiry in late 2014.

At this stage I can say that there have been investigations by the inquiry into this and they're continuing. Those investigations include gathering evidence from relevant officials and relevant government ministers. Whilst the presentation about this period won't form part of this year's programme of public hearings, my current intention is to include evidence about it in inquiry hearings during 2020 so as to take account of any developments that have occurred since the setting-up of the inquiry, such as, for example, the outcome of Scottish Government's stated intention to

establish a redress scheme for those who were abused when in care as children.

That's all I have to say at the moment. It remains only for me to thank all of you who have been here with leave to appear to contribute to this lengthy case study, to thank counsel to the inquiry who have worked so hard on it, the inquiry team behind the scenes who have also been working extremely hard, and the faces I see in the public seats who have been here so often and so interested in the very important evidence we've been hearing. Thank you for coming along to do that. I'll now rise.

(2.55 pm)

(The inquiry adjourned until Monday, 25 March 2019 at a time to be determined)

MS van der WESTHUIZEN

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