

**Witness Statement of Mark Davies**

**(Statement updated on 8 September 2020 to include additional footnotes. All footnotes refer to production numbers of productions lodged by the DH in their First and Second Inventories of Productions)**

**Introduction**

- 1 My name is Mark Davies. I can be contacted at the Department of Health and Social Care, 39 Victoria Street, London, SW1A 0EU.
- 2 I am employed by the UK Government Department of Health and Social Care as the Director of Population Health. The Department of Health and Social Care has been known by various names over the years, including the Department of Health and Social Security and the Department of Health ("DH"). Throughout my statement, references to DH are intended to refer to the Department and its successors and predecessors. Where this might cause confusion, I refer to the Department by the name it was known by at the relevant time. Where another Department of the UK Government is being referred to I will make this clear.
- 3 I have been employed by DH since 1985 and worked in a number of roles. At the time of the National Apology to former child migrants on 24 February 2010 I was the Director of Inequalities and Partnership.
- 4 I have been in my present role as the Director of Population Health since July 2016. I am responsible for a range of policies and functions, including policies relating to the health of vulnerable children and children at risk of harm. Responsibility for matters relating to the welfare of former British child migrants currently rests with the DH.
- 5 Since January 2007 I have been the DH's lead on all matters relating to child migration. My work in that capacity has been focused on ensuring that British former child migrants have access to the services and support that they need. This responsibility has been, for the most part, discharged through the grant funding which the UK Government makes available to the Child Migrants Trust ("CMT"), to carry out the following functions:
  - (a) Tracing, identifying and contacting former child migrants and their families;
  - (b) Helping former child migrants to understand their personal histories (such as their family history; the circumstances of their being taken into state care; their migration history and their story since their arrival at their destinations);
  - (c) Providing advice and support to former child migrants;
  - (d) Managing the Family Restoration Fund on behalf of the UK Government; and
  - (e) Supporting former child migrants in other ways, such as in giving evidence to inquiries or select committees, responding to public consultations, or meeting with ministers or officials.

- 6 I led the work on the National Apology which the Prime Minister gave on behalf of the nation in 2010 and I am responsible for any work flowing from the apology, including the establishment of the Family Restoration Fund.
- 7 There is no one in the Civil Service today who had any personal involvement with the child migration schemes prior to 1971. As the DH has had policy responsibility for the welfare of former child migrants for the majority of the last 46 years, it was decided that this Department would be best placed to assist this Inquiry<sup>1</sup>. DH has previously provided assistance to the Independent Inquiry into Child Sexual Abuse (IICSA) in their consideration of child migration programmes.
- 8 The UK Government, with limited exceptions, was not involved in the selection, accommodation, travel arrangements, reception overseas or care of individual children for migration. This will be explored in my statement later.
- 9 Evidence about DH involvement from 2007 onwards is from my own knowledge, unless otherwise stated. In all other respects the evidence I can give the Scottish Child Abuse Inquiry ("the SCAI") is limited to what I have been able to understand from a review of documents identified from the limited surviving records held in departmental files and files held by The National Archives ("TNA") without assistance from the authors or recipients of those documents or anyone mentioned in them.
- 10 In reading and evaluating the documents provided to this Inquiry, I did not attempt to consider them to the level of detail covered in the Report to the SCAI prepared by Professors Constantine, Harper and Lynch ("the Report"). On that basis I can confirm that I will not be disputing any of the factual detail, including that relating to the UK Government, which has been set out in the Report and recognise that the Researchers have had the benefit of access to a range of source materials to help establish the facts, so far as that has been possible. I have no special knowledge of events or decisions taken at the time that migration was being carried out.
- 11 At different points in my statement I refer to three reports: the Curtis Report, the Ross Report and the Moss Report. All three of these reports, as well as others, are referred to within the Report to the SCAI. That Report contains summaries of the background of these reports starting at paragraph 7.8 for the Curtis Report, 7.21 for the Moss Report and 7.26 for the Ross Report.

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<sup>1</sup> In respect of, for the avoidance of doubt, all Central Government departments who have had responsibility for or involvement with Child Migration, namely the Home Office, the Foreign and Commonwealth Office (formerly the Commonwealth Relations Office and formerly the Dominions Office) and the Department for Education (formerly the Department for Education and Skills).

### **The 2010 National Apology**

- 12 It was made clear to the SCAI in the opening statement on 3 December 2019 that the UK Government stands by the 2010 National Apology. The National Apology acknowledged the experiences of child migrants, and the effect of migration programmes on them. This starting point has underpinned all the work that DH has done to support former child migrants. I would like to make it clear from the outset that it is not part of the UK Government's approach to these hearings to defend the policy of supporting child migration, or in any way to challenge or underplay the consequences for the children who were involved and their families. The UK Government's position remains, as expressed by Prime Minister Gordon Brown when he made the National Apology in February 2010, that the former child migrants were let down and that in too many cases vulnerable children endured the harshest of conditions, as well as neglect and abuse in the institutions that received them. The UK Government at the time agreed that the most important action it could take was to help British former child migrants to trace their birth families and to rebuild relationships with them. It therefore increased its funding to the CMT and established the Family Restoration Fund. More recently, it has established a redress scheme for all former British child migrants.
- 13 Within the context of a policy that has now been accepted as wrong, the UK Government fully accepts there were shortcomings in the implementation and oversight of that policy.
- 14 In the case of children in institutional care, whether in the UK or overseas, a number of organisations and individuals have responsibility for their care and protection, including:
- (a) those organisations responsible for making decisions about where children should live and who should look after them;
  - (b) the individual staff whose responsibility it is to provide day-to-day care for children;
  - (c) those organisations responsible for ensuring that facilities and services are available for children to be looked after;
  - (d) those organisations and individuals who employ those who care for children and ensure that they are suitable people to be in a child care setting, through checking their background, training them and providing supervision and management oversight;
  - (e) local and national authorities whose responsibilities include inspection of arrangements made for children and ensuring that arrangements are in place for checking, training and supervising staff; and
  - (f) the national and local governments and legislatures, which set the legislative and policy framework for the care of children.

## **Responsibility for child migration programmes**

15 Responsibility for support of child migration policy has been assumed by different UK Government departments over the years. The UK Government was not responsible for running the programmes. In order to assist the SCAI, I set out below chronologically, in summary terms only, the framework within which each department operated.

16 We know that child migration has been a feature of British social policy for many years. The first record is from the 17<sup>th</sup> century. It increased in the 19<sup>th</sup> century during the period of British Colonial Expansion. It is estimated that, over the centuries, child migration programmes were responsible for the removal of over 130,000 children from the UK.

### ***January 1900 - September 1945***

17 Early emigration to Canada in the 19<sup>th</sup> Century appears to have been the responsibility of the various territorial Local Government Boards in the UK. By the time of the enactment of the Commonwealth Settlement Act in 1922, and in respect of later migrations to other locations, modern government structures become clearer.

### ***1945 until 1971: Home Office and Commonwealth Relations Office***

18 Responsibility for policy regarding welfare of children was with the Home Office. Child migration took place within a framework of legislation, which provided for the funding of schemes. The legislative provisions relevant to child migration are summarised in the DH's Memorandum to the Health Select Committee's Inquiry into the Welfare of Former Child Migrants<sup>2</sup>.

19 Under the provisions of the Empire Settlement Act 1922 (re-enacted in 1937 and 1952, and subsequently re-enacted as the Commonwealth Settlement Act 1957, 1962 and 1967, hereinafter referred to as "the Commonwealth Settlement Acts") the UK Government had authority to act in association with Dominion Governments, public authorities and public and private organisations "to formulate and co-operate in carrying out agreed schemes for affording joint assistance to suitable persons in the United Kingdom who intend to settle in any part of His Majesty's Overseas Dominions" (s.1).

20 The Commonwealth Settlement Acts were in effect a finance measure and did not specifically empower the UK Government or voluntary organisations to send children abroad. Instead, the Commonwealth Settlement Acts enabled public funding to be provided to subsidise any emigration schemes that fell within s.1.

21 The Home Office was responsible for policy regarding the welfare of children until 1971, and in that capacity their responsibility in respect of child migrants was twofold.

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<sup>2</sup> Document 00002 of the First Inventory of Productions for the DH

- 22 First, by s.17(1) of the Children Act 1948, local authorities were empowered to procure or assist in procuring the emigration of any child in their care subject to the consent of the Secretary of State. Consent could not be given unless, *inter alia*, the Secretary of State was satisfied that emigration would benefit the child and that suitable arrangements had been or would be made for the child's reception and welfare in the receiving country.
- 23 Although s.33(1) of the 1948 Act empowered the Secretary of State to make regulations "to control the making and carrying out by voluntary organisations of arrangements for the emigration of children", no such regulations were drawn up prior to the end of child migration in 1982 and were made under different legislation.
- 24 Second, the Home Office worked with the Commonwealth Relations Office<sup>3</sup> ("the CRO") in advising as to the suitability (and continuing suitability) of the receiving institutions.
- 25 My understanding of the role of the Commonwealth Relations Office in child migration schemes is that it was: (i) to approve as fit for purpose the institutions to which child migrants could be sent; (ii) to approve applications for funding from organisations pursuant to the Commonwealth Settlement Acts; and (iii) to liaise with the receiving Governments via the UK High Commissioner. I am not able to say from my own knowledge how the arrangements between the Home Office and the Commonwealth Relations Office worked in practice.

#### **Involvement/knowledge of the UK Government in relation to the operation of Child Migration Programmes**

- 26 In the period 1945 – 1971 the Home Office was in contact with the voluntary organisations in the UK responsible for sending children overseas.
- 27 Whilst the Home Office did not have any active involvement in the arrangement of the migration programmes run by voluntary and church organisations, it did have some knowledge of and input into the general operation of the programmes, provided high level guidance and intermittently commented on and engaged with individual schemes. I would summarise the Home Office's involvement as having been in the following areas:
- (a) Consent by the Secretary of State for the migration of children in local authority care pursuant to s.84(5) of the Children and Young Persons Act 1933 and s.17 of the Children Act 1948. The legislation for consents was slightly different in Scotland under the equivalent Children and Young Persons (Scotland) Act 1932 and in the operation of S17 of the Children Act 1948 where the Secretary of State would give consent. The Social Work (Scotland) Act 1968 allowed voluntary organisations and local authorities to allow a child to be migrated with the consent of the Secretary of State. In practice this would be the Secretary of State for Scotland.

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<sup>3</sup> The Commonwealth Relations Office existed between 1947 and 1966, and then became the Commonwealth Office in 1966, and finally merged into the Foreign Office to become the Foreign and Commonwealth Office in 1967.

- (b) Advising on approval of homes for funding to be made by the Commonwealth Relations Office (pursuant to the Commonwealth Settlement Acts). .
- (c) Liaison with the sending organisations about, *inter alia*, arrangements for the selection, transport and care of potential child migrants, including occasional attendance at meetings as observers.
- (d) Visits to farm schools: whilst the UK Government had no formal jurisdiction to conduct inspections in Australia there were arrangements whereby informal "inspections" were conducted by or on behalf of the Home Office, by staff from the High Commission or by UK civil servants on fact-finding visits. In addition the Home Office were provided with the reports prepared by the local authorities in Australia following their inspections, and on occasion with the informal and personal views of or reports from UK nationals who attended some of the institutions with which this Inquiry is concerned.
- (e) Inspections of institutions in the UK where children spent time before being migrated.
- (f) Developing the legislative framework, including regulations under s.33 of the Children Act 1948 and, when the regulations were not made, making and giving effect to informal agreements with the voluntary organisations for inspection of their arrangements.

28 In addition, the Commonwealth Relations Office was responsible for approving applications for funding for migration of children. This was in accordance with the power granted to the Secretary of State to cooperate in migration schemes, pursuant to the provisions of the Commonwealth Settlement Acts.

***1971 - 2003: Department of Health and Social Security***

29 In 1971 responsibility for children's social care policy passed to the Department of Health and Social Security ("DHSS"). This was after child migration had ended.

30 In 1989 DHSS split into the Department of Health and the Department for Social Security, and responsibility for children's social care continued to be with the Department of Health.

31 It appears that there began to be concern for the welfare of former child migrants in the late 1980s after the CMT and the press had brought the matter to public attention.

32 In 1990 the CMT applied for the first time for a grant under s.64 of the Health Services and Public Health Act 1968.

33 On 22 November 1993 an adjournment debate was held in the House of Commons to discuss various issues arising from the child migration schemes. John Bowis MP, the then

Parliamentary Under Secretary for Health, agreed to make public all the available files held in the (then titled) Public Records Office that were known to exist on the child migration schemes. Some of the files were opened up on an accelerated opening basis. Others were subject to extended closure, because they contained personal details, but were made available on a "privileged access" basis. It is my understanding that the CMT and other *bona fide* researchers had such privileged access.

- 34 In 1998 the Parliamentary Select Committee on Health conducted a review into the welfare of former Child Migrants. The Health Select Committee considered the welfare of former child migrants, and looked at the framework within which the programmes had operated. No other inquiries have been held by DH or other UK Government departments into the UK Government's role in the child migration programmes. The Department of Health prepared a memorandum for the Select Committee addressing the UK Government's position on the former policy of supporting child migration, the historical aspects of child migration policy, former child migrants and UK social security and the rights of former child migrants to British citizenship. The Select Committee report was published in July 1998.
- 35 In December 1998 the Department of Health announced the establishment of the £1m Child Migrants Support fund in response to the Health Select Committee recommendations. Prior to that the CMT had received some funding since 1990, though this was not given to them every year.

**2003 — 2007: Department for Education**

- 36 In 2003, under a Machinery of Government change, the responsibility for children's social care policy passed from the Department of Health to the Department for Education and Skills, which is now the Department for Education.
- 37 As a result of this change all of the Department of Health files passed to the Department for Education. The Department for Education continued to provide grants to the CMT throughout this period<sup>4</sup>. These grants are separate from and additional to the Family Restoration Fund.

**2007 - 2018: Department of Health**

- 38 In 2007, following a decision by the Department for Education and Skills to end the grant to the CMT, responsibility for supporting former child migrants passed to the Department of Health.
- 39 In February 2010, the then Prime Minister, Gordon Brown, made an apology on behalf of the nation to former child migrants and announced the Family Restoration Fund. This work was led by the Secretary of State for Health. The Family Restoration Fund of £6 million was formally launched in July 2010. A further £2m was added to the Fund in 2015. By the end of March

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<sup>4</sup> Between 1996 and 2006 The Department of Health and the Department for Education and Skills made grants to the Child Migrants Trust totalling £1,250,000.

2020, the Family Restoration Fund had helped 691 former British child migrants to undertake 1381 trips.

**2018 to date: Department of Health and Social Care**

- 40 In December 2018 the Department of Health was renamed the Department of Health and Social Care. The Department retains responsibility for historic child migration.

**Rationale for the UK Government's participation in child migration programmes**

- 41 I am not able to add to the analysis in the Report to the SCAI as to why the policy of allowing child migration continued after the Second World War.
- 42 I am aware from certain documents that there are suggestions of some uncertainty in UK Government in the mid-1940s as to what the UK Government's policy would be about the emigration of children, and that staff in the Home Office appear to have been careful to avoid taking any action in respect of the policy until circa 1947 (by which stage the Curtis Committee had reported). See for example:
- (a) 13 December 1945 letter from Ms Wall in the Home Office to Mr Turner in the Ministry of Health, in which she advised deferring any action regarding bringing the possibilities of child emigration to the public assistance authorities until more was known about the UK Government policy<sup>5</sup>.
- (b) In 1947 a representative from Save the Children wrote to the Home Office requesting an indication as to the UK Government's general policy regarding child migration. Whilst Save the Children were not proposing to undertake child migration work themselves, they wanted to know the position for their "*friends in Australia*". Miss Maxwell of the Home Office wrote back to say that the Home Office had "been looking into the general question of child emigration" and hoped to be able to revert soon. By the end of the year Save the Children had received no response, but there is a draft letter on the file saying that the Home Office was still unable to give a definite response<sup>6</sup>.
- 43 Following the Curtis Report, which led ultimately to the 1948 Act, it appears there was an opportunity and an ambition to improve the quality of children's services in this country. The Home Office appeared to be staffed with people who had the welfare of children as their key interest and wanted to take action in this country to make improvements to this, which they did through the 1948 Act.

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<sup>5</sup> Document 00009 of the First Inventory of Productions for the DH at pages 41 to 42

<sup>6</sup> Document 00010 of the First Inventory of Productions for the DH



44 There appears to be some evidence throughout the files that I reviewed that the Home Office did not want to promote child migration as a policy, but equally they did not take significant action to reduce the level of migration. See for example:

- (a) A memo prepared by Miss Maxwell of the Home Office on 26 June 1947 *“On the whole I think we should tend to be anti-emigration except where we can be fully satisfied that the child can only gain by it”*<sup>7</sup>; and
- (b) A letter dated 19 March 1954 from Mr Oates of the Home Office to a Mr Dixon stating that *“our view is that it is not for us to advocate the emigration of children in public care but that we should be prepared to act as an intermediary between the Commonwealth Relations Office and local authorities”*<sup>8</sup>.

**Institutions with which the UK Government collaborated in relation to the Child Migration Programmes.**

45 The Report contains reference to key institutions as identified by the authors as being involved in the Child Migration Programmes relative to Scottish migrants. I have no other establishments to add to those already identified. However, the UK Government had contact primarily with the UK based institutions and departments, and with the Australian Department of Immigration. I understand that the UK Government may have also had contact with the Canadian/Dominion Governments prior to 1930.

**Requests for children to be migrated and preferred requirements for children who were to be migrated including medical, age and gender preferences**

46 In the post-war period it appears to be the case that some of the voluntary organisations sought input from the Home Office as to their arrangements. It is my understanding that the UK Government did not have involvement in either setting the criteria (e.g. age, gender, background) or in the selection of children.

47 The Home Office provided these organisations with general guidance as to matters of selection and aftercare, but did not have specific input into individual cases. I refer to the following examples:

- (a) Shortly after the war The Fairbridge Society wrote to the Home Office requesting the assistance of an expert from the Children’s Department in the framing of The Fairbridge Society’s new Charter and Articles of Association *“for the purpose of*

<sup>7</sup> Document 00046 of the Second Inventory of Productions for the DH

<sup>8</sup> Document 00047 of the Second Inventory of Productions for the DH

*bringing the work of Fairbridge in line with the new standards of child welfare, education and planning*<sup>9</sup>.

- (b) In 1947, following the conclusions set out in the Curtis Report regarding the emigration of children, Fairbridge asked the Home Office to provide a memorandum setting out in general terms the principles of child care in the Farm Schools and aftercare. The Home Office provided them with a memorandum entitled "*Emigration of Children who have been deprived of a normal life*", setting out its views on matters such as standards of care, selection, staffing in homes, education, aftercare and sharing of records concerning children. This was also provided to the Australian authorities by Mr Garnett, the High Commissioner<sup>10</sup>.
- (c) A note of a meeting in July 1947, which appears to have been prepared by a representative from The Fairbridge Society, states that the purpose of the meeting was to explore the views of the Home Office Children's Department as to the care it expected to be given to homeless children who were migrated. The notes record that Miss Rosling (of the Home Office) mentioned a number of points of "*supreme importance*" in the care of the children, including: use of a trained social worker; the calibre of the principals of the farm schools; availability of records of the children; and the provision of modern training, education and equipment at the farm schools. Miss Rosling's notes on the file record that she gave the following advice:

*"Selection: no minimum age should be noted to ensure families are kept together; Type of children: emigration must be best thing for child, not just suitable. Preparation of child very important. Machinery of selection: Contact with Local Authorities very necessary, Imperative child does not feel break of ties from UK"*<sup>11</sup>.

- (d) October 1947 – January 1948: correspondence with and minutes concerning the Northcote Children's Emigration Fund proposal to emigrate children. In a letter of 12 January 1947 Ms Maxwell set out the UK Government's position, that emigration would only take place where the Secretary of State was quite satisfied that there was no hope of a normal life for the child in this country<sup>12</sup>.
- (e) In a file from May 1948 concerning an appeal in the press by the Royal Overseas League the notes on the minutes page state:

*"the Overseas League is becoming very active in regard to the emigration of children overseas mainly to New Zealand and Australia. We are not all together*

<sup>9</sup> Document 00011 of the First Inventory of Productions for the DH at page 12

<sup>10</sup> Document 00053 of the Second Inventory of Productions for the DH

<sup>11</sup> Document 00012 of the First Inventory of Productions for the DH

<sup>12</sup> Document 00014 of the First Inventory of Productions for the DH

*sure that in all cases they fully realise the needs of the children and the standard of care they should be given. After the passing of the New Bill it might be as well to have a general discussion with the League about emigration of children*<sup>13</sup>.

- (f) In 1948 The Fairbridge Society sent the Home Office a report entitled "*Fairbridge Farm Schools: Selection of Children*", which set out proposals for the selection of children, having regard to Curtis Committee recommendations and the Children's Bill. In November 1948 Mr Prestige of the Home Office met with The Fairbridge Society and expressed some concerns about the report, including the Home Office's view that all case histories should be provided to the principal in Australia, who should be a suitable person to have such information. If he was not a suitable person to have such information he should not be principal. Further, trained social workers were essential for the selection process. The notes record that The Fairbridge Society agreed (albeit with some reluctance)<sup>14</sup>.
- (g) In September 1948 the Home Office received a copy of a press article suggesting that the Church of England Children's Society was seeking to persuade the Canadian Government to allow the re-introduction of a scheme for British children to emigrate to Canada. In a letter to the Church of England Children's Society the Home Office said "*that it has now been practice for some time for sending organisations to discuss proposals with the Home Office at an early stage*"<sup>15</sup>.

48 In 1953 the Overseas Migration Board was formed. It was the responsibility of the CRO and its remit included input into child migration. Its meetings were attended by MPs, representatives of the CRO and, on occasion, representatives from other interested bodies and organisations. See for example:

- (a) Minutes from a meeting of 26 November 1953 which was attended by Mr Moss and Mr Oates of the Home Office. The minutes record that the Board had helped to secure for Mr Moss's report "*the attention it had deservedly received*". Mr Moss outlined his findings and explained that any expansion of the practice of child migration would have to be on a gradual scale. A member of the board noted that "*local authorities, often from the most conscientious of motives, seemed to be reluctant to shed responsibility for children in their care*". Mr Moss noted that "*a very small number of cases of unsatisfactory settlement also had a disturbing effect*". It was agreed that the

<sup>13</sup> Document 00015 of the First Inventory of Productions for the DH

<sup>14</sup> Document 00013 of the First Inventory of Productions for the DH at page 3

<sup>15</sup> Document 00016 of the First Inventory of Productions for the DH at pages 3 to 7

Board might endorse Mr Moss's recommendations and bring to the attention of local authorities the advantages of child migration<sup>16</sup>.

- (b) Minutes from a meeting of 29 March 1954 which was attended by representatives of Fairbridge. The chairman noted that the activities of Fairbridge had greatly impressed the Secretary of State for the CRO and invited Mr Vaughan of Fairbridge to "*give some account of what might be done to help the Society expand its activities*"<sup>17</sup>.

49 The Overseas Migration Board did not have any input into decisions about which children were selected for migration.

50 In practice this meant the UK Government subsidised some of the shipping, kitting-out and travel costs of child migrants. It also provided an award for their maintenance until they reached the age of 16 which was paid to the voluntary organisations, not the individual children.

#### **Information the UK Government received about child migration programmes**

51 Although the Ross Report had recommended in 1956 that the Secretary of State's approval be obtained for children in the care of voluntary societies, the UK Government decided not to implement this recommendation but instead established voluntary arrangements. This was achieved in 1957 with the cooperation of the voluntary organisations.

52 The voluntary arrangements did not include routine oversight by the Home Office of the children who were selected for migration. However, Home Office officials were sometimes invited to attend selection meetings and meet children who were to be migrated. See, for example:

- (a) The inspection report of The Fairbridge Society in 1957. The inspector records the detail of the children selected for migration between 1950 and 1957, and makes observations about the methods of selection and investigation (and in one case comments in respect of a boy who had not settled well that "*it might be thought that a skilled social worker may have been able to improve the position so that emigration may not have been undertaken*")<sup>18</sup>.

- (b) The inspection report of the John Howard Mitchell Home in Knockholt, Kent dated 19 January 1959. The inspector met with a party of children, who were due to be migrated, and commented that "*it is clear from this visit again that whilst Mrs G is in charge there is an honest and reliable assessment of the child's suitability for emigration and of his reactions to separation from his previous environment*"<sup>19</sup>.

<sup>16</sup> Document 00017 of the First Inventory of Productions for the DH at page 8

<sup>17</sup> Document 00017 of the First Inventory of Productions for the DH at page 3

<sup>18</sup> Document 00042 of the Second Inventory of Productions for the DH

<sup>19</sup> Document 00042 of the Second Inventory of Productions for the DH

- (c) A report by the inspector who attended the Dr Barnardo's meeting of the Migration Placement Committee on 3 October 1957<sup>20</sup>.
- (d) The inspection report of Dr Barnardo's Emigration Arrangements in June 1960 which records that the inspector attended the emigration selection committee<sup>21</sup>.
- (e) The inspection report of Dr Barnardo's Emigration Arrangements in September 1962 in which the Inspector concludes that "*the extent of the close consideration given by the emigration committee suggests that the welfare of this child is considered fully*"<sup>22</sup>.

**Information given to child migrants, travel arrangements for child migrants and all communications with family members**

- 53 The Report to the SCAI contains reference to information given to child migrants prior to their migration, information given to family members, travel arrangements for the children and issues of harm during the journey. I have no information regarding such communications with family members relating to migration, or on these other information matters.

**Local Authorities**

- 54 The Report suggests that the total number of children migrated from local authority care in England and Wales was around 400 (paragraph 3.19). At paragraph 3.18, the report suggests around 77 children could have been migrated from local authority care in Scotland. I have no information to dispute or corroborate this finding. A number of documents I have seen suggest that, after the war, some local authorities were reluctant to arrange for children in their care to be migrated because of concerns about their welfare. See, for example:
- (a) At a meeting of the Overseas Migration Board on 7 June 1955, attended by Children's Officers from three local authorities, the Children's Officer for Essex stated that they felt that "*children in their care would not necessarily be better off in Australia, and that with plenty of opportunities for education and employment, their statutory responsibilities towards these children could be satisfactorily carried out in the United Kingdom*" and the London Officer stated that "*the opportunities afforded to children in care in this country were, however, so good that there seemed no need to offer emigration as an alternative*"<sup>23</sup>.
  - (b) At a meeting with the Chief Migration Officer at Australia House the Children's Officer for Lancashire explained that "*Children's Officers in the United Kingdom were not*

<sup>20</sup> Document 00043 of the Second Inventory of Productions for the DH

<sup>21</sup> Document 00043 of the Second Inventory of Productions for the DH

<sup>22</sup> Document 00043 of the Second Inventory of Productions for the DH

<sup>23</sup> Document 00051 of the Second Inventory of Productions for the DH

*altogether satisfied that Australian methods of child care were comparable with those practised in Britain in the past few years*"<sup>24</sup>.

- (c) On the minutes page of a Home Office file from 1955 it is recorded that *"it must now be abundantly clear to Australia House that the child care authorities of this country have no esteem for Australian methods of childcare, and moreover consider that the prospects of deprived children here are as good as, if not better than what Australia has to offer"*<sup>25</sup>.
- (d) A Home Office memorandum from 1969 records a visit from the Director of Fairbridge who wanted to discuss how the benefits of child migration might be better appreciated by Local Authorities. E Morris of the Home Office explained to the Fairbridge representatives that *"it was unlikely that any children's department would suggest the emigration of children without their parents"*<sup>26</sup>.

55 In an internal Home Office memorandum addressed to Mr Prestige from Mr Lyon dated 24 May 1949 Mr Lyon states that no statistics have been kept and it is difficult to say how many consents (by the Secretary of State) had been given. He notes that local authority consents are dealt with on the local authority care file rather than the emigration file, which may explain the lack of records. Mr Lyon also suggests that the number of consents given is *"a great deal less"* than 50 since D2, who from the context I infer to be a team within the Home Office Children's Department, had taken over<sup>27</sup>.

56 If around 400 children from England and Wales (and approximately 77 Scottish children) were migrated from local authority care, this represented around just over 5% of the total post-war child migrants. Save that the Secretary of State was required to consent to their migration, there is no indication that the Home Office had any involvement in the selection of the specific children. I am not able to say in what proportion of cases consent was withheld, but would refer the Inquiry to one memorandum in a Home Office file from 1951 which gives an example of when consent was withheld, and suggests that generally, where consent was withheld, this would be on legal grounds:

*"We have however consulted them (Superintending Inspectors) where it appeared necessary to do so. For instance in June there was an application from West Sussex for consent to the emigration of six or seven children in the care of the local authority but accommodated in a voluntary home. It appeared to us that the local authority had not given full consideration to all the aspects which they have should have considered but had accepted the opinion of the voluntary society without much enquiry. We*

<sup>24</sup> Document 00051 of the Second Inventory of Productions for the DH

<sup>25</sup> Document 00052 of the Second Inventory of Productions for the DH at pages 8 to 9

<sup>26</sup> Document 00035 of the First Inventory of Productions for the DH

<sup>27</sup> Document 00018 of the First Inventory of Productions for the DH

*therefore asked SI (name) to interview the children's officer and find out all about it. SI gave valuable assistance and in the end consent was withheld for the time being in two of the cases....*

*In dealing with applications the department is careful to see that the local authority have considered all relevant matters and very frequently write or telephone for further information before considering the application. Some of the cases present difficulties, which we can usually clear up on the telephone or by correspondence, but others are clear and straightforward and a reply of "yes" or "no" (the latter usually on legal grounds) can be sent immediately"<sup>28</sup>.*

- 57 I note that the records referred to in the Report to the SCAI indicate that Scottish Local Authorities were similarly cautious to those in the rest of the UK.

#### **Consent from children or their parents to their migration**

- 58 The UK Government relied on the voluntary organisations to satisfy the requirement for consent from the child/their parents to migration.
- 59 Both a note from Miss Maxwell (Home Office) in 1947, and the memo from Mr Lyon, provide some insight into the matters with which the Home Office were concerned for the purposes of giving consent for a child to be migrated, and also into the sort of children it was envisaged might be migrated. It was a matter for the voluntary organisations to satisfy the requirement for consent from the child itself or a relevant family member to the child's migration.

#### **Maxwell Memo 16 June 1947**

*"I feel the only practical solution on emigration is to consider each child's particular position without undue regard for national and wider considerations, on the lines that where a child has absolutely no relations in this country, and no prospect of being adopted or boarded out, that is, he is likely to remain an institution child all his life and have only himself to rely on and work for when he is grown up, we should not prevent emigration...in such a case there would not seem to be any harm in his emigrating, but even so we should be satisfied that he will be properly looked after and have the opportunity of learning a trade which will support him when he leaves the home...I think it would be wrong to agree to the emigration of a child for whom there were prospects of a home life of his own in Britain, even if the prospects are remote at the time of the application for emigration...On the whole I think we should tend to be anti-emigration except where we can be fully satisfied that the child can only gain by it. It*

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<sup>28</sup> Document 00019 of the First Inventory of Productions for the DH at page 2

*is, after all, an irrevocable decision. Once done it can only, with the utmost difficulty, be undone*<sup>29</sup>.

Lyon Memo May 1949

*"In dealing with applications by local authorities for consent to emigration, the policy is to ensure primarily that the statutory conditions are satisfied and particularly that so far as can be foreseen emigration is in the child's interest. The child's consent is required to be in writing and must be given with the understanding of what is involved, having regard to his age. Enquiry is always made as to the possibility of the parents' home being rehabilitated either then or in the foreseeable future and consent is not given unless it is clear that the child is abandoned or has no real prospect of a home life in England" .*

**Process for obtaining consent from the Secretary of State**

- 60 In Scotland, consent would be obtained from the Scottish Home Department who were representing the Secretary of State for Scotland.
- 61 One Home Office file from 1950 gives some understanding of the process by which consent was sought and obtained from the Secretary of State.
- (a) On 5 July 1950 the Children's Officer at Cornwall County Council wrote to the Home Office attaching a schedule of the names of children it was proposed to put forward for migration<sup>30</sup>.
  - (b) A Home Office official comments on the minutes page that "*we are not even told which country the children will go to, though it may be assumed Australia*" and later that "*all the children wish to emigrate, but some of them are rather young to form a proper opinion*"<sup>31</sup>.
  - (c) On 19 July 1950 the Home Office responded seeking further information as to whether the children were sufficiently mature to have an understanding of what is entailed by emigration<sup>32</sup>.
  - (d) It appears that initially one child was considered too young and consent withheld, but after speaking to the Children's Officer the Home Office did give consent<sup>33</sup>.

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<sup>29</sup> Document 00046 of the Second Inventory of Productions for the DH

<sup>30</sup> Document 00020 of the First Inventory of Productions for the DH at page 47

<sup>31</sup> Document 00020 of the First Inventory of Productions for the DH at page 3

<sup>32</sup> Document 00020 of the First Inventory of Productions for the DH at page 45

<sup>33</sup> Document 00020 of the First Inventory of Productions for the DH at pages 11 to 31



- 62 In 1957, following the publication of the Ross Report the Children's Department of the Home Office wrote to the local authorities to say that a sub-committee, that had been established in the wake of the Ross Report, had resolved as follows:

*"That whilst the sub-committee do not wish to discourage migration in individual cases, e.g. when a child has no relation in this country or has relatives in Australia and the conditions of the particular home to which he is going are considered suitable for him, they cannot, having regard to the report of the fact-finding mission and in particular to their recommendations for changes in the arrangements which should govern residential establishments, and to the need for a review of the approve list of establishments, recommend county councils as a matter of general policy, at the present time, to increase the number of children of school age in care who are sent as migrants to Australia"<sup>64</sup>.*

### **The general selection of children for migration**

- 63 The Home Office clearly envisaged that the only children who should be selected for migration (whether by the local authorities or by the voluntary organisations) were those: (1) who were mentally and physically suitable; (2) who wanted to go; and (3) for whom there was no real prospect of having a home life in Britain<sup>35</sup>.
- 64 However, as the Home Office did not participate in the selection process and approval for migration was not required for the vast majority of children who were migrated, it may be said that there does not appear to have been any mechanism by which these criteria could be or were enforced or imposed in practice.
- 65 In respect of vulnerable children, the Home Office repeatedly told the voluntary organisations that it was very important that the selection of children was carried out by experienced social workers who understood the children who had been identified as potentially suitable for migration and the environment to which the children would be going.
- 66 Thus, as well as the children being physically fit and able, it appears the Home Office wanted, but would not have been able to require, the voluntary organisations to take steps to ensure the children who were selected were emotionally robust and prepared.

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<sup>34</sup> Document 00047 of the Second Inventory of Productions for the DH

<sup>35</sup> Document 00053 of the Second Inventory of Productions for the DH

67 The voluntary organisations appear to have accepted these principles of selection.

**The UK Government's responsibilities as to the welfare of children migrated under Child Migration Programmes**

68 In the Department of Health's Memorandum to the Health Select Committee in 1998 the UK Government annexed a document which set out the legislative framework pursuant to which the UK Government was involved in and funded the child migration schemes<sup>36</sup>.

69 The Secretary of State's legal responsibilities as to the welfare of child migrants depended upon whose care the child was in at the time that child was identified as potentially suitable for emigration.

70 The Curtis Committee's recommendation in respect of the continued migration of deprived children was that whilst the 'opportunity' should remain open for those with '*an unfortunate background*' and who '*express a desire for it*', the Secretary of State should only consent if the arrangements made by the UK Government of the receiving country for the children's welfare and aftercare were comparable to those proposed by the Curtis Committee for deprived children in this country.

71 Section 17(1) of the Children Act 1948 provided that local authorities could arrange for the emigration of a child in their care with the consent of the Secretary of State. Section 17(2) provided that such consent should not be given unless the Secretary of State was "*satisfied that emigration would benefit the child, and that suitable arrangements have been or will be made for the child's reception and welfare in the country to which he is going*" (and additionally satisfied as to consultation with parents and guardians, and that the child consented). Thus, the legislative provisions for children in local authority care went some way to giving effect to the recommendation of the Curtis Committee.

**Secondary legislation which the Secretary of State was empowered to put in place by virtue of section 33 of the Children Act 1948**

72 The Report reflects that while no regulations were made under the 1948 Act, they were in fact in active contemplation until circa 1954. In effect, throughout this period, staff in the Home Office anticipated broader statutory responsibilities in the future. Thereafter, in 1957 the Home Office entered into voluntary inspection arrangements with the voluntary organisations which were designed to ensure satisfactory arrangements were in place for the welfare of the children.

73 In relation to children in the care of or sent by the voluntary organisations, no legislative effect was given to the recommendation of the Curtis Committee. The 1948 Act did not require the Secretary of State's consent at all to the migration of children in the care of the voluntary

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<sup>36</sup> Document 00063 of the Second Inventory of Productions for the DH at pages 11 to 14

organisations and s.33(1) merely gave the Secretary of State power to make regulations “to control the making and carrying out by voluntary organisations of arrangements for the emigration of children”.

74 I have reviewed documents from TNA which provide some insight into the history of the attempts to draw up regulations pursuant to s.33, the approach taken by the Home Office when regulations were still in contemplation, and, when those attempts ceased, the informal arrangements put in place by agreement between the Home Office and the voluntary organisations.

- (a) When the Children’s Bill was being debated in the House of Lords in 1948, in response to a question as to what assurances there would be as to the arrangements for child migrants, the Lord Chancellor gave an assurance “*that the Home Office intended to secure that children should not be emigrated unless there was absolute satisfaction that proper arrangements had been made for the care and upbringing of each child*”<sup>37</sup>.
- (b) A note from a meeting with the Home Office and the CRO on 28 June 1950 states “*until Regulations under the Children Act were made, while the Home Office felt bound to comment on any proposed scheme on the basis of what seemed likely to be included in the regulations when made, they recognised that the Commonwealth Relations Office might not think that approval could be withheld on grounds which could not yet be enforced. It was to be expected that the present position would be mitigated (when) the general shape of the regulations could be settled and Commonwealth Relations Office consulted on them, not least from the point of view (of) their applicability to conditions in the various countries concerned*”<sup>38</sup>.
- (c) Drafting of the regulations in the early 1950s reached quite an advanced stage. I refer the Inquiry to the following file references which show the amount of work and consideration that went into drafting regulations:
  - A provisional draft of the regulations from 1951, and the legal advice given in respect of that draft<sup>39</sup>;
  - The comments of the Australian Department of Immigration and of the High Commissioner on the draft regulations in 1951<sup>40</sup>;
  - The Memorandum by the Home Office on the Regulations dated June 1952<sup>41</sup>;

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<sup>37</sup> Document 00050 of the Second Inventory of Productions for the DH

<sup>38</sup> Document 00025 of the First Inventory of Productions for the DH

<sup>39</sup> Document 00021 of the First Inventory of Productions for the DH

<sup>40</sup> Document 00022 of the First Inventory of Productions for the DH

<sup>41</sup> Document 00023 of the First Inventory of Productions for the DH

- The views of the Council of Voluntary Organisations for Child Emigration expressed in a meeting on 23 October 1952<sup>42</sup>;
- Discussion of the regulations at numerous meetings of the Advisory Council on Child Care<sup>43</sup>;
- Documents showing the requests for and receipt of the views of the Superintending Inspectors<sup>44</sup>;

75 It is clear that until about 1954 it was expected that regulations would eventually be drawn up. However by the end of 1954 the decision had been taken, as one CRO official said, to leave the regulations "*in abeyance*"<sup>45</sup>.

76 There appear to have been various reasons for the decision not to draw up regulations. I understand that the primary reason was the problem that there was no jurisdiction to make regulations that governed standards and conditions in Australia. There seemed to be a perception by 1954, bolstered by Mr Moss's favourable report, that that there was no need for regulations.

77 By December 1956 the decision had been made to introduce amendments to the Commonwealth Settlement Acts. Given the criticisms raised in the Ross Report shortly before this decision and the fact that regulations had not been made, it was proposed to enter into voluntary agreements with the voluntary organisations to enable supervision of their arrangements. See:

- (a) Telegram dated 6 December 1956 from the CRO to the High Commission which reports that the Parliamentary Under Secretary of State will speak to the organisations about, *inter alia*, an agreement to official supervision of their arrangements. In the telegram the CRO also requests that the High Commission speak to the local authorities about including information in their reports about the quality of staff and their attitude towards care of children, rather than just the material details of the institutions<sup>46</sup>.
- (b) Letter from the CRO to voluntary organisations in December 1956 which explains that the proposal is to adopt an experimental system of voluntary inspections. "*It is proposed that each organisation should agree to provide the Home Office...on*

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<sup>42</sup> Document 00023 of the First Inventory of Productions for the DH

<sup>43</sup> Document 00023 of the First Inventory of Productions for the DH

<sup>44</sup> Document 00023 of the First Inventory of Productions for the DH at pages 98 to 111

<sup>45</sup> Document 00024 of the First Inventory of Productions for the DH

<sup>46</sup> Document 00048 of the Second Inventory of Productions for the DH

*request with information about its activities and allow the Department's officers to see its arrangements on the lines set out at Annex A to this letter*<sup>47</sup>.

- 78 The voluntary organisations agreed to inspections of their arrangements. I have had sight of examples of the inspection notes in respect of Dr Barnardo's and Fairbridge<sup>48</sup>. The reports arising from these inspections include:
- (a) Details of the facilities for and care of children in the UK institutions prior to being migrated;
  - (b) Details made of arrangements for the selection, transport, care in Australia and after care for the child migrants; and
  - (c) Examples of selection decisions taken by the voluntary organisation and notes of meetings of the selection committees (which appear to have been occasionally attended by the inspectors).
- 79 I am not able to say whether these inspections continued until the end of child migration or, if they did, to comment on the frequency.

**Arrangements for care of child migrants once at their destinations, including requests made and information received about the situation and environment to which children were to be migrated**

- 80 The recommendation of the Curtis Committee was that the standards in the receiving country for the care of children should be comparable to the standards the Committee proposed for Great Britain. Those standards included, in particular:
- (a) The appointment of Children's Officers with responsibility for the children in each local authority's care;
  - (b) Staff training for those involved in the care of children;
  - (c) A recognition that whilst institutional care was the least satisfactory option, where there was no alternative: (i) it should be provided in small homes with no more than 12 children and ideally no more than 8; (ii) siblings should be kept together; and (iii) the children should be encouraged to maintain contact with relatives and develop friendships outside the home.
- 81 The Home Office's expectations in this regard were communicated to the voluntary organisations in the document I have referred to above entitled "*Emigration of Children who have been deprived of a normal life*". The introductory paragraphs stated:

<sup>47</sup> Document 00027 of the First Inventory of Productions for the DH at pages 17 to 22

<sup>48</sup> Documents 00042 and 00043 of the Second Inventory of Productions for the DH

*"The question of the emigration of children who have been deprived of a normal home life can only be considered in the light of the standard of care which these children may hope to enjoy in this country as the provisions of the Education Act 1944 and the recommendations of the Curtis Committee take effect. The child deprived of a home of its own, needs a substitute home and, to quote the Curtis Report, a substitute home, if it is to give a child what he would have got from a good family home must provide:*

- (i) Affection and personal interest; understanding of his defects; care for his future; respect for his personality and regard for his self-esteem;*
- (ii) Stability; the feeling that he can expect to remain with those who will continue to care for him till he goes out into the world on his own feet;*
- (iii) Opportunity of making the best of his ability and aptitudes, whatever they may be, as such opportunity is made available to the child in the normal home;*
- (iv) A share in the common life of a small group of people in a homely environment.*

*It follows from this conception of the kind of care that should be given to a deprived child and the prospect of its realisation in this country that it would be difficult to justify proposals to emigrate deprived children unless the Societies or Homes to which they go are willing and able to provide care and opportunity on the same level. The first requirement from an emigration Home or Society must be, therefore, the assurance that a child emigrant will have equally good care and opportunities overseas as he would have had in this country".*

82 The document goes on to set out the expected standards with regard to:

- (a) Continuing responsibility of the parent organisation (reflecting the concern that the welfare of the children should be an ongoing obligation on the part of the sending organisations);
- (b) Liaison officers (to ensure the conditions and standards in Australia and report back);
- (c) Local Committees or Boards of Governors with specialist knowledge to advise the principals in the homes;
- (d) Calibre of staff;
- (e) Life within the home (small groups, interactions outside the home, family links, environment in the home and comparable levels of pocket money, encouraging children to develop judgment and sense of responsibility);
- (f) Education and training (made available to the children);

- (g) Hostels (to facilitate further education and training);
- (h) Aftercare;
- (i) Contact with outside world;
- (j) Records.

83 I also refer the Inquiry to a document entitled "*Note prepared by the Home Office on Questions for consideration in connection with the Emigration of Children*", which was prepared for a meeting of the Advisory Council on Child Care in 1949. This sets out the Home Office's view as to the general principles that should be applied, including that "*the standard of upbringing overseas should be as high as that aimed at in this country*", and provides fairly detailed notes on its expectations as to the arrangements that should be in place for the selection, care and after care of children selected for migration<sup>49</sup>.

84 At a meeting in June 1950 the Home Office reminded the CRO of the recommendation of the Curtis Committee as to equivalence of standards. The notes record that the Home Office said that issues concerning the standard of care in the institutions and aftercare, as well as material conditions, should be addressed before approval was given to an establishment<sup>50</sup>.

85 The Home Office subsequently sent a list to the CRO of matters on which information was required. The list was sent to the British High Commissioner, who passed it on to the Australian Immigration Department and the local state authorities. Whilst the local state authorities "*did not wish to take exception*" to any of the points in the document, they thought the matters covered were taken for granted by any authority dealing in child welfare, and the preparation of such a report would result in a great deal of unnecessary work. They made the further point that "*the questionnaire was drawn up entirely in light of conditions in the United Kingdom and did not allow for the very different circumstances, especially of climate, in Australia*"<sup>51</sup>.

**To what extent the UK Government fulfilled its legal responsibilities towards children emigrated under the Child Migration Programmes?**

86 Looking at the narrow question of the Secretary of State's statutory duty under the 1948 Act (namely to exercise the power of consent properly, i.e. not to give consent to a local authority seeking to procure the emigration of children unless properly satisfied that emigration would benefit the child and that suitable arrangements have been made for the child's reception and welfare), I am unable to say whether, in the case of each child, the UK Government discharged that duty. Those questions will be specific for each case, and I do not have the material available

<sup>49</sup> Document 00001 of the First Inventory of Productions for the DH at pages 21 to 26

<sup>50</sup> Document 00025 of the First Inventory of Productions for the DH at pages 30 to 32

<sup>51</sup> Document 00025 of the First Inventory of Productions for the DH at page 13

to me to comment or to assist the Inquiry further. I understand that much of the consent material is unavailable today.

- 87 With regard to the broader picture, however, the UK Government fully accepts that it failed to ensure, as the Curtis Committee had recommended, that the arrangements and standards of care for those children in Australia were comparable to those in this country.
- 88 In particular, I note the failure to ensure that no further children were sent to the institutions that had been put on a 'blacklist' following the Ross Report in 1956 until evidence was received that the institutions had improved.
- 89 Agreements called "*Outfits and Maintenance agreements*" made between the CRO and voluntary organisations provided (i) for the Secretary of State to make a contribution towards the cost of an outfit in respect of each child embarked, (ii) that the voluntary organisation would be responsible for the care and maintenance of all the children they migrated and (iii) for the Secretary of State to make a contribution towards the maintenance of the child (subject to being satisfied the child had actually been maintained at an approved establishment)<sup>52</sup>.
- 90 These agreements came up for renewal or reconsideration at various points, such as when the agreements expired and when the Commonwealth Settlement Acts came up for renewal. Whilst pre-conditions for the agreements were not governed by legislation, they presented an opportunity for the UK Government to consider the suitability of arrangements and impose conditions. This was recognised by the UK Government. See for example the memorandum from Mr Shannon to Mr Gibson<sup>53</sup>.
- 91 Some pre-conditions were incorporated into the agreements. I refer the Inquiry to the comments of one Home Office official in 1958 in response to a letter sent by to the Home Office by Mr Ross, who was concerned about Fairbridge's new '*one-parent*' migration scheme:

*"Our influence, exerted against opposition from the emigration societies, the Overseas Migration Board and the Commonwealth Relations Office is contained in Articles 5, 7 and 14 of the agreement. Article 5 is of little more than theoretical value. The terms used in it probably have a different meaning in Australia and we have no means of knowing whether its provisions are being honoured, still less of coercing the (Fairbridge) Society. Article 7, and the informal agreement on which it is based, enable us to inspect the work of the Society in this country and it is our best hope of reforming their methods"*<sup>54</sup>.

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<sup>52</sup> Document 00064 of the Second Inventory of Productions for the DH

<sup>53</sup> Document 00040 of the First Inventory of Productions for the DH at pages 6 to 7

<sup>54</sup> Document 00042 of the Second Inventory of Productions for the DH



**Steps the UK Government took to inform themselves beforehand of the conditions for the children in the institutions to which they were to be sent**

92 Material within the Home Office files shows that officials at times expressed concern about the difficulties in obtaining information about the conditions in Australia. See, for example:

A note prepared by Miss Maxwell of the Home Office in August 1947 following a meeting with Mr Dixon of the CRO:

*"It was difficult for the Home Office, however, to get adequate information about the Homes in Australia to which children would emigrate and about the general standards of child care accepted in the dominion. There is here a vigilance and interest, and a reforming spirit, which probably does not exist in Australia. We had also difficulty in knowing how far the wider needs of the children such as contact with ordinary families in Australia and knowledge of Australian life, also the need for after-care on leaving the homes, were realised"<sup>55</sup>.*

A letter from the Home Office to the Scottish Home Department dated 20 September 1950:

*"As you may know, we are very short of first-hand information about the arrangements for the reception and welfare of children who emigrate"<sup>56</sup>.*

93 This concern about the lack of information appears to have been one of the factors that led to the Ross Report being commissioned *"I think it is certainly true we do not have sufficient information about conditions in Australia, and an authoritative report would be extremely useful"*— and a subsequent note *"the primary motive of the board is no doubt to endeavour to obtain material which would allay the fears of children specialists. We must, however, I think admit that there is a considerable lack of authoritative and up-to-date information as to the conditions at the reception end and how the children fare"<sup>57</sup>.*

94 I set out in the following paragraphs what I understand of the various ways in which information was sought, and obtained, prior to the Ross Report.

***Advice from Home Office before a premises was approved for funding***

95 In order to obtain funding pursuant to the Commonwealth Settlement Acts, the receiving institutions had to be approved by the CRO.

96 The CRO sought the Home Office's advice as to whether an institution should be approved.<sup>58</sup> Minutes of a meeting from 1954 contain some discussion as to whether the practice of seeking

<sup>55</sup> Document 00046 of the Second Inventory of Productions for the DH

<sup>56</sup> Document 00026 of the First Inventory of Productions for the DH at page 21

<sup>57</sup> Document 00041 of the First Inventory of Productions for the DH at pages 55 to 57

<sup>58</sup> Document 00055 of the Second Inventory of Productions for the DH

Home Office views should continue, and the decision was taken that the Home Office should continue to advise the CRO *“on the basis of the type of arrangements that will be required by the regulations”*<sup>59</sup>.

97 I am aware of one instance from 1944 where it appears that the CRO approved Nazareth House in Geraldton without reference to the Home Office<sup>60</sup>, but I am unable to say whether, apart from this case, the views of the Home Office were always sought before a home was approved. There is a lack of consistency across the files as to whether the Home Office view was determinative. For example:

- (a) In 1954 there was correspondence between the CRO and the Home Office as to whether to approve St Cuthbert’s Home for Boys for the reception of migrant boys<sup>61</sup>. The Home Office decided to defer the decision to approve the home in light of an ongoing case against the principal of the home for excessive corporal punishment of boys<sup>62</sup>.
- (b) Between 1948 and 1951 there was correspondence between the CRO and the Home Office concerning Thurgoona orphanage. The CRO position appears to have been that the orphanage should be included in the scheme being set up with the Australian Catholic Immigration Department. The Home Office expressed reservations, but there is note in the minutes page to the effect it was not for Home Office to *“approve”* the home or the scheme but to sound *“a warning note”* in respect of welfare arrangements<sup>63</sup>.
- (c) Between 1950 and 1955 there was correspondence between the CRO, the Home Office and the Department of Immigration concerning the approval of a Nazareth House Home in Victoria<sup>64</sup>. The Home Office had concerns about Nazareth Homes generally (*“generally regarded as being somewhat backward and restrictive”* p.3; *“Miss Harrison’s views strengthen the reports that the Nazareth Homes in Australia share the same institutional character of the homes in this country...there is also some doubt as to the adequacy of the aftercare arrangements”* p.4 and *“it is not uncommon to find the staff inadequate both as to number and as to qualifications”* p.69) but did approve the Victoria home (pp57 – 61). The file contains a letter from the CRO asking the Home Office whether there is anything it can do to help fill the home. The Home Office’s response was that *“we cannot see any way in which the Home Office can undertake to assist to find children in (the) United Kingdom to send to Australia”* (pp36-37).

<sup>59</sup> Document 00007 of the First Inventory of Productions for the DH

<sup>60</sup> Document 00027 of the First Inventory of Productions for the DH at pages 3 and 9

<sup>61</sup> Document 00028 of the First Inventory of Productions for the DH at pages 22 to 33

<sup>62</sup> Document 00028 of the First Inventory of Productions for the DH at pages 15 to 17

<sup>63</sup> Document 00029 of the First Inventory of Productions for the DH at page 4

<sup>64</sup> Document 00027 of the First Inventory of Productions for the DH

98 There is a CRO file concerning the Fairbridge Farm School in Pinjarra which is relevant to this topic<sup>65</sup>. It portrays anxiety by the UK Government at various stages about the lack of information it had about the conditions in the school, but the school was ultimately approved.

- (a) The minutes page on the file starts in 1948 and contains a long note in which the author recognises that:

*“it is difficult at this distance to comment on the local arrangements at Pinjarra, since the two reports... on which any observation must be largely based, are in some (ways) insufficiently specific or entirely silent on matters relevant to the question of a (conclusive) opinion by the HO. For example, while we learn that a Principal has been appointed, we are not told, as far as I can see, what his qualifications and previous experience are, nor what quality or number of staff he will have at his disposal”<sup>66</sup>.*

The author goes on to say that:

*“(whilst it had been indicated that) it was not proposed to receive children until improvements had been effected, it is disquieting that according to the reports already referred to nothing had been done to put the schoolroom into a proper condition...I cannot judge, but the delay in dealing with this aspect of the general provision does not encourage confidence in the attitude of the organisation regarding the relative importance of the educational facilities”<sup>67</sup>.*

The note states that there is no indication in the reports that aftercare arrangements, in line with the Home Office view, have been put in place.

- (b) The next entry reads:

*“It seems likely that the school rooms will be put into proper condition between the time of the report and the arrival of the children. The point is being watched by W Garnett (of the High Commission) who is very well versed on the problems of childcare and may be depended on to insist on the standards we require. The work of improvement is going ahead and the present position at Pinjarra seems to be good enough, on the whole, to justify the emigration of 100 children there. Presumably we should ask for an undertaking that the facilities for education should be brought up to standard and ask Garnett to*

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<sup>65</sup> Document 00007 of the First Inventory of Productions for the DH

<sup>66</sup> Document 00007 of the First Inventory of Productions for the DH

<sup>67</sup> Document 00007 of the First Inventory of Productions for the DH

*report from time to time. The arrangements for inspection on behalf of the State Government are not the concern of the Home Office*<sup>68</sup>

- (c) The next entries are typed notes from Mr Lyon of the Home Office who states that he agrees with the CRO that no objection should be made to the next party of children arriving but that assurances as to the schoolroom should be sought. He was satisfied that the Fairbridge Society in London was making appropriate efforts *"to achieve standards of childcare not less satisfactory than those expected by the Home Office"*.
- (d) In 1950 the Australian Department of Immigration sent the High Commission a report on the school by the local authorities, which contained some details about the number of children, buildings and staff and concluded *"we are perfectly satisfied that everything is being done at this institution to make the migrant children happy and contented"*.
- (e) In 1952 Mr Moss reported unfavourably on the school. The Australian Department of Immigration responded to the concerns he had raised in a manner that the High Commission described as *"not very forthcoming"* and with *"an attempt to reject or brush off Moss' complaints"*. The CRO wrote to the Home Office seeking its *"early views"* on the criticisms, as Fairbridge was seeking an extension of their agreement imminently. The Home Office responded to say it was *"disposed to think the criticisms could mainly be met by a keen principal, possibly even without the additional supervisory staff Moss recommends. Since there is hope that the new principal will effect some improvements, our provisional decision is to leave matters as they stand for the moment, provided that we can be given a report...in 12 months time"*.
- (f) Thereafter the file contains further reports from the state authorities in Australia and a report from the High Commission, but in 1954 there is a letter from the Home Office to the CRO which again suggests that the Home Office felt uneasy about the standards of care in the school (*"the sort of information given in the reports...is not sufficient to enable us to say whether the standard of care is adequate... We do not feel there is sufficient evidence to show what has been done to meet the criticisms made by Mr Moss"*), but nonetheless decided that there was *"no question of withholding approval to the extension of the agreement with Fairbridge, but we feel it would be reasonable for you to ask to be satisfied on the matters which this letter raises"*.

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<sup>68</sup> Document 00007 of the First Inventory of Productions for the DH

### ***Local inspections***

- 99 There are many reports showing that homes were all inspected locally by the Australian state authorities, but the subject matter of the reports largely relates to the matters such as the fabric of the premises and the equipment<sup>69</sup>.

### **Steps taken by the UK Government to monitor the welfare of child migrants post-migration and information in relation to the welfare, supervision and aftercare of children migrated**

- 100 Apart from the local inspections, there was no regular system of inspections conducted or organised by the Home Office or the CRO of the institutions to which child migrants were sent. The view of the Home Office and the CRO appeared to be that there was no way of enforcing such a system in another country.
- 101 Apart from the Moss and Ross reports, the inspections that were carried out were either informal visits by the High Commission or individuals visiting Australia who had an interest in the farm schools.
- 102 As set out at paragraph 93 above, there are comments in a number of the files which suggest that officials in the Home Office were concerned that they did not have sufficient first-hand information about the conditions in Australia and about the quality of the reports they received.
- 103 In October 1944 Mr Garnett (then secretary to the High Commissioner in Australia, later to become a principal of one of the homes) prepared a report which was shared, *inter alia*, with the CRO, the Home Office and the Fairbridge Society.
- 104 The report addressed generally the value of the farm school schemes in Australia. Whilst Mr Garnett concluded that the farm school system justified itself by results, he raised a number of concerns about the staff and supervision. He recorded that the Child Welfare Department in Western Australia was concerned at that time about the principals and staff at the farm schools. He noted their view that the Australian farm schools had an unfortunate record in terms of selecting "*the right type of man*" as principal, and that "*the standard of cottage mothers requires improvement*". In respect of the Australian Committees for the farm schools he states that that they were composed of people "*who in general have no previous experience with children*".
- 105 In June 1950 Muriel Welford, of the Women's Voluntary Services (Children's Welfare) sent her report to the Home Office following a visit to Australia and New Zealand. She reported favourably on Fairbridge Farm School in Molong, Fairbridge Farm School in Pinjarra and

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<sup>69</sup> Document 00027 of the First Inventory of Productions for the DH at pages 30 to 35

Northcote Farm School but made less favourable comments on the arrangements in New Zealand<sup>70</sup>.

- 106 In July 1950 Miss Harrison, a welfare officer from the Scottish Home Department, provided a report on the homes she had visited, which was shared with the Home Office. She concluded that *"Australia is a magnificent country for the fit but no place for those requiring permanent spoon feeding. Care should be taken to see that no really defective child is sent out, for the sake of the child and the honour of Britain"*<sup>71</sup>.
- 107 Between 1951 and 1952 Mr Moss carried out his inspections. The experts have covered this at section 5.5 of their first report.
- 108 Mr Crook (from the High Commission) visited a number of homes in the early 1950s and prepared informal reports on them. He explains in a letter to the CRO in November 1951 that the purpose of visiting the homes so soon after Mr Moss had visited was *"to gain some idea of what the places looked like"* and *"by comparing my reaction to his (Mr Moss) "I hope to be able to get into my mind what constitutes a good home"*<sup>72</sup>. See, for example:
- (a) In 1951 Mr Crook explained that his impression was that the existing system was sound in relation to the *"normal child"* but that the *"difficult child"* throws *"a spanner in the works"*. He provided short reports on the following homes: St Brigid's Orphanage, Ryde; Dalmar Methodist Home, Carlingford; Church of England Boys' and Girls' Home, Carlingford; Dr Barnardo's Girls' Training Home, Burwood; St John's Boys' Home, Canterbury; Young Christian Brotherhood hostel, Hawthorne; Nazareth House, East Camberwell; Peace Memorial Homes Burwood<sup>73</sup>.
  - (b) In 1952 Mr Crook reported on his inspection of homes in Queensland and provided short reports on St George's Home Parkhurst; St Joseph's in Neerkol; Salvation Army Training Farm, Riverview; Queen Alexandria Home for Children in Coorparoo; Margaret Marr Home in Wynnum; Methodist Homes in Brisbane; Shaftsbury Homes. The inspection report was sent to the CRO and the Home Office<sup>74</sup>.

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<sup>70</sup> Document 00030 of the First Inventory of Productions for the DH at pages 9 to 29

<sup>71</sup> Document 00045 of the Second Inventory of Productions for the DH at pages 11 to 14

<sup>72</sup> Document 00031 of the First Inventory of Productions for the DH

<sup>73</sup> Document 00031 of the First Inventory of Productions for the DH

<sup>74</sup> Document 00031 of the First Inventory of Productions for the DH

109 In 1956 the Ross Committee reported.

**Reports indicating that child migrants were at risk of abuse once they arrived in institutions overseas.**

110 I refer to the undated Memorandum of Mr Paterson at paragraph 124. As well as the account of the abuse suffered by one child, it contains criticisms about child migration generally and the inability of the Australian authorities to protect the children involved.

111 In September 1947 a letter was sent by Mr Logan of Fairbridge to Miss Rosling in the Home Office concerning comments on a draft memorandum<sup>75</sup>. There is an unexplained reference to "*unfortunate experiences of a tragic nature*". It is not clear what type of experience Mr Logan is referring to here<sup>76</sup>.

112 In October 1947 a Miss Lucy Cole Hamilton wrote to the Secretary of State raising concerns about the proposed resumption of migration of children to Australia and the extent to which safeguards for their welfare would be put in place. She explained that she had been at the Fairbridge School in Western Australia from 1934 to 1945 and did not consider "*the system at present conducive to the children's happiness or welfare in a great many ways*"<sup>77</sup>.

113 In June 1950 Miss Tempe Woods, who had worked at Northcote School in Victoria as Head Cottage Mother, wrote to the Home Office and was critical of staff and practices at the school, and reported that she understood "*that children are now strapped for misdemeanours, as is the custom in Australia*". It appears that the only action that was taken in response to the letter was to write to Ms Woods to acknowledge her letter<sup>78</sup>.

114 In a Home Office file from 1954 concerning the approval of St Cuthbert's Home for Boys, the Home Office deferred the decision to approve the home in light of an ongoing case against the principal for excessive corporal punishment<sup>79</sup>.

**What steps did the UK Government take to keep informed of the progress of the children who had been emigrated**

115 I have seen no evidence to suggest that officials within UK Government took steps to keep themselves informed as to the progress of individual children.

116 It is fair to say, however, that (i) they received some information as to the progress of some children during the course of their inspections of the voluntary organisations from 1957

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<sup>75</sup> Document 00056 of the Second Inventory of Productions for the DH

<sup>76</sup> Document 00008 of the First Inventory of Productions for the DH at pages 2 to 4

<sup>77</sup> Document 00054 of the Second Inventory of Productions for the DH at page 11

<sup>78</sup> Document 00033 of the First Inventory of Productions for the DH at pages 7 to 14

<sup>79</sup> Document 00044 of the Second Inventory of Productions for the DH

onwards, and (ii) the Home Office did advise the voluntary organisations as to its expectations in respect of the after care of children who had been migrated.

117 I note also that on 18 September 1998 Cornwall County Council wrote to the local MP following the publication of the Health Select Committee's Report. They enclosed a series of extracts from monitoring reports (held in its archives) on the care and progress of children who had been migrated<sup>80</sup>, suggesting that Cornwall County Council had made some efforts to inform itself of the progress of children migrated from its care.

118 I have addressed above the inspections of the institutions that I am aware of.

**What documents does the UK Government hold in relation to each child who was emigrated**

119 I have not seen or been made aware of documentation to suggest that the UK Government requested or kept records relating to every child that was migrated over the relevant period.

120 I understand (although I have not viewed them myself) that some of the closed files at TNA contain lists of children and details of their circumstances provided by the sending organisation (including the local authorities).

121 The information provided in those closed files included matters such as the children's or their parents' attitude to migration, their home conditions and whether they had been approved or rejected for migration. However, I cannot say whether this was a consistent practice throughout the period and across all the organisations; if it was, then a large number of records are no longer available.

122 The Home Office does not appear to have maintained anything like a register of all the children it knew to have been migrated.

123 The UK Government files containing documents relating to the development and operation of the child migration programmes, which include all the issues that have been covered in this statement, are stored in TNA. Following the 1993 adjournment debate, a list was compiled of the files that were considered likely to hold information concerning the programmes<sup>81</sup>.

**Reports, allegations or complaints of child sexual abuse of children selected for migration, prior to their being sent abroad.**

124 I have not seen any reports, allegations or complaints of child sexual abuse of children selected for migration prior to their being sent abroad.

<sup>80</sup> Document 00034 of the First Inventory of Productions for the DH at page 43

<sup>81</sup> Document 00062 of the Second Inventory of Productions for the DH at pages 62 to 80



**Reports, allegations or complaints of child sexual abuse of child migrants once they had arrived in institutions or other situations overseas.**

125 A Home Office file from 1949 contains an undated report entitled “*Memorandum submitted by Mr Dallas Paterson on emigration of children overseas and relating to his own experience as principal of Fairbridge Farm School at Pinjarra, W Australia*”. The report is very critical of child migration generally<sup>82</sup>.

126 At paragraph 2(d) Mr Paterson states: “*it cannot be over-emphasised that those taking responsibility to send British children overseas must retain a direct sense of responsibility. They must never be lulled into trusting any overseas authority to assume their responsibility... (Let the behaviour of Perth WA Committee towards Fairbridge children and the failure of a Principal to protect his wards be a warning)*”.

127 Appendix C to the report appears to contain details of the failure that Mr Paterson refers to:

*“The wife of the chairman of the Perth Committee arrived unheralded one day at the Farm School and ordered my predecessor to move a young Fairbridge girl, whom she had brought with her, to any employment in part of the state far away from where she had gone to her first employment as a mere child of 14 with Mrs (X’s) daughter. [REDACTED] [REDACTED] was a man of no conscience and had behaved in the most seriously immoral way repeatedly over a long time (as the child later told her cottage mother and who in turn told After Care)...*

*When I became principal I found no warning against this employer. After all, he was the Chairman’s [REDACTED] ...*

*Here is a perfect example of what can happen if the children are rated as of no account... a Principal meekly takes orders from a member of Committee, and does not refuse to send further children to a place of employment where one young child has been outraged time and again by a cynical scoundrel”.*

128 The notes on the minutes page of this file do not address at all the report of this incident. They record that the memorandum is undated “*so it is difficult to say whether or not the contents refer to the Fairbridge scheme as approved for the emigration of children today. The criticisms of the scheme are however violent*”<sup>83</sup>.

129 Mr Lyon of the Home Office concludes in the final note on this file “*In view of what I believe are the subsequent discussions, no further action is required on this file*”. There is no indication on the file as to what those subsequent discussions entailed or why it was considered that no further action was required.

<sup>82</sup> Document 00049 of the Second Inventory of Productions for the DH

<sup>83</sup> Document 00032 of the First Inventory of Productions for the DH

- 130 I have not seen any documentation referring to this incident, but have been able to ascertain Mr Paterson was principal of Pinjarra between 1936 and 1937, so it is likely that the incident significantly pre-dated the time at which it was referred to the Home Office.
- 131 There is reference in the Report to instances of reports of abuse received by the UK Government during the period in which child migration policies were operating. That is at Appendix 2, section 2 of the Report.

**Reports, allegations or complaints of child sexual abuse of child migrants that have been made in the period since their migration to the present day.**

- 132 The first report that identified in DH's files that former child migrants suffered sexual abuse was contained in CMT's first application for funding under s.64 in 1989<sup>84</sup>. Annexed to CMT's funding application was a document entitled "*Annual Report of the Child Migrant's Trust: First Report for Year Ending July 31 1988*".
- 133 Page 5 of the report described the experience of many of the children who were migrated in the following terms:

*"Very many described their childhood (in) institutions which showed a lack of care, speaking of cruelty and abuse. Indeed a significant number described independently and consistently severe sexual and physical abuse which they and others had experienced"*<sup>85</sup>.

- 134 Thereafter, from the early 1990s to the present day, DH received occasional reports of abuse generally, including sexual abuse, suffered by child migrants (usually in the form of letters or letters of claim from the child migrants), and was made aware of press and documentaries which reported on the abuse suffered by child migrants.
- 135 There is no doubt that from the early 1990s it was well understood by the UK Government that a significant number of child migrants had claimed to have been abused, and that certainly by the time of the Health Select Committee inquiry it was accepted that abuse had occurred. See, for example:
- (a) The Weekend Australian dated 3 July 1993 containing a statement from the Christian Brothers that "*the evidence is such as to convince us that abuses did take place, abuses that in some cases went well beyond the tough conditions and treatment that were part of life in such institutions in those days. Whilst the extent of the abuse appears to have been exaggerated in some quarters, the fact that such physical and*

<sup>84</sup> It is possible that earlier reports were received by UK Government departments through threatened legal action, but these have not been identified in our searches.

<sup>85</sup> Document 00006 of the First Inventory of Productions for the DH at page 19

*sexual abuse took place at all in some of our institutions cannot be excused and for us is a source of deep shame and regret*<sup>86</sup>.

- (b) In a written answer to a question from David Hinchcliffe, the Prime Minister (John Major) stated *"I know there have been allegations of physical and sexual abuse of a number of child migrants in Australia some years ago in Australia. I am not aware of any allegations involving the British authorities or claims against them for compensation"*<sup>87</sup>.
- (c) In February 1995 the High Commission sent a letter to the Foreign & Commonwealth Office ("the FCO") containing allegations from a former child migrant that he and others had been sexually abused by a Marist brother. The letter was passed to the Department of Health<sup>88</sup>.
- (d) On 30 August 1995 Leigh Day wrote to the Secretary of State for Health on behalf of around 200 child migrants seeking an apology, compensation for personal injuries and the cost of being reunited with their families. The letter states that their clients suffered physical and sexual abuse between the ages of 4 and 14<sup>89</sup>.
- (e) On 28 May 1999 Rooth and Wessels solicitors sent a letter of claim on behalf of a woman who had been migrated to then Southern Rhodesia which contained a number of allegations about poor treatment, including *"The Padre..., who in order to please the senior boys made the daughters lie spread eagled on his desk, pulled down their underwear to their ankles, and then caned them in front of the room full of boys"*<sup>90</sup>.

**Following the end of the Child Migration Programmes, to what extent the UK Government engaged with bodies tasked with investigating allegations of abuse of former child migrants**

- 136 Following the debate in Parliament in 1993 the UK Government opened up the closed files in TNA to bona fide researchers, including the CMT, to assist them in their efforts to trace the histories of former child migrants.
- 137 In September 1996 officials from DH and the FCO met with the Western Australia Select Committee<sup>91</sup>. The disclosed briefing notes show the lines that the UK Government proposed to take in response to the Select Committee's Terms of Reference<sup>92</sup>.

<sup>86</sup> Document 00039 of the First Inventory of Productions for the DH at page 8

<sup>87</sup> Document 00039 of the First Inventory of Productions for the DH at page 14

<sup>88</sup> Document 00062 of the Second Inventory of Productions for the DH at pages 21 to 27

<sup>89</sup> Document 00039 of the First Inventory of Productions for the DH at pages 63 to 66

<sup>90</sup> Document 00003 of the First Inventory of Productions for the DH at page 1

<sup>91</sup> Document 00036 of the First Inventory of Productions for the DH at page 114

<sup>92</sup> Document 00036 of the First Inventory of Productions for the DH at page 102

- 138 DH took the lead in relation to the UK Government's response to the Health Select Committee into the Welfare of Former Child Migrants:
- (a) DH provided a memorandum setting out the UK Government's position on the former policy of supporting child migration<sup>93</sup>;
  - (b) On 16 July 1998 the Secretary of State gave evidence to the Health Select Committee<sup>94</sup>; and
  - (c) DH provided a response to the resulting Report.

**Summary of the way in which the CMT, The Travel Fund and the Family Restoration Fund are administered**

- 139 It may be helpful to set out more generally the background to the funding of the CMT, the Travel Fund and the Family Restoration Fund.

***Funding of the CMT***

- 140 Under s.64 of the Health, Services and Public Act 1968 and s.70 of the Charities Act 2006, the Secretary of State for Health has power to make grants to voluntary organisations whose activities support the DH's policy priorities (for s.64) and to give financial assistance to charitable, benevolent or philanthropic institution (s.70) This sort of funding is appropriate for CMT, as expanded on below.
- 141 There are eligibility criteria for the funding, and the published priority of such grants is for "*proposals that promote health and wellbeing and address inequalities through the provision of relevant and trustworthy information, advice and support*".
- 142 Since 1990 the CMT has applied for and, in most (but not all) years, received funding under s.64. This funding is distinct from the Travel Fund and the Family Restoration Fund, which could only be used to facilitate the family reunions.
- 143 The CMT first applied for a s.64 grant in 1989. In the application CMT set out their aims and objectives, which were:
- (a) To provide a professional social work and counselling service for former child migrants and their families;
  - (b) To undertake research into family background, and where appropriate to arrange reunions;

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<sup>93</sup> Document 00057 of the Second Inventory of Productions for the DH at pages 46 to 59

<sup>94</sup> Document 00065 of the Second Inventory of Productions for the DH

- (c) To provide advice and assistance to former child migrants on matters of law and medical history;
  - (d) To learn more about the effects of separation on children;
  - (e) To provide counselling to former child migrants who suffered physical, sexual and emotional abuse and to learn about the effects of such abuse so knowledge could be shared with relevant professionals and agencies; and
  - (f) To research and promote research into the extent, operation and organisation of the child migrant scheme<sup>95</sup>.
- 144 The CMT was awarded a one year Core Grant of £20,000 for the year 1990/1991. The CMT applied for, but did not receive, funding for the years 1991-1992 and 1992-1993.
- 145 Thereafter s.64 grants were paid to the CMT every year which varied in amounts depending on their activities and need in any given year.
- 146 Between 2004 and 2007 responsibility for the s.64 grants rested with the Department for Education and Skills, but in all other years the grant applications have been made to and approved by DH.
- 147 The total s.64 funding awarded between 1990 and the year ending March 2020 is £9.358 million. At Appendix A, I enclose a table showing the annual funding provided to the CMT. The CMT have received £654k per year for each of the last three years (up to March 2020). They have also received separately, under a commercial contract, over £150k for the costs of administering the former British child migrants Payment Scheme.
- 148 The grant applications show what the funding was for each year. The funding applications continued to refer to the provision of counselling services to those who had suffered abuse, although whilst the early applications specifically refer to sexual abuse, the more recent applications refer more generally to childhood trauma and abuse.
- 149 Through my own involvement with the CMT and their grant applications, I am aware that part of the service they provide to former child migrants is counselling for those who have suffered abuse. I have always understood this to be part of what the grant paid for, but none of the funding has ever been specifically ring-fenced for that purpose.
- 150 My understanding is that the broad objectives of the CMT and the work they do is not only research into family background and matters of that nature, but also to provide a professional social work and counselling service to former child migrants. That is set out in our funding agreements with the CMT.

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<sup>95</sup> Document 00061 of the Second Inventory of Productions for the DH at page 3

151 Since 2010 the grants have been higher than previously because the CMT assumed responsibility for administering the Family Restoration Fund and because, following the apology, we anticipated an increase in demand for its services.

***The Travel Fund***

152 Following the recommendations of the Health Select Committee, the UK Government established the Travel Fund to help reunite families separated by child migration. This was a £1 million scheme which lasted for 3 years between 1998 and 2002.

153 The money in the travel scheme was only used to facilitate reunions; the administrative costs of running the fund were funded separately.

***Family Restoration Fund***

154 The Family Restoration Fund (“the FRF”) was established after the National Apology in 2010.

155 The purpose of the FRF is to facilitate former child migrants being reunited with their families, to include the cost of travel and expenses. Under the provisions of the fund it could be used both by former child migrants who wanted to fly to the UK and family members from the UK who wanted to fly to their relatives.

156 The FRF was a £6 million fund, which was funded by a £1 million grant from the Department of Children, Schools and Family and the remainder from DH’s discretionary programme funding. A further £2 million from DH’s programme funding was added in 2015.

157 The FRF is administered by the CMT. The grant funding it has received annually covers the administrative costs of this aspect of its work.

158 DH’s internal audit team looked at the management of the FRF when they audited the CMT in 2012. DH requested that some changes be implemented following the audit and have, since those changes have been implemented, always considered the FRF to be well and efficiently managed.

159 DH meets with CMT quarterly to ensure that it has oversight of the administration of the FRF and, for example, to agree questions of eligibility for access to the fund. In addition DH receives monthly update reports which set out the number of trips made, cancelled and pending. The most recent report (March 2020) contains the following summary table (which shows all applications since 2010):

| <b>Applications</b>     | <b>Number</b> | <b>%</b> |
|-------------------------|---------------|----------|
| <b>Travel completed</b> | 1,368         | 81.53%   |
| <b>Cancelled</b>        | 195           | 11.62%   |

|                           |              |                |
|---------------------------|--------------|----------------|
| <b>Not eligible</b>       | 32           | 1.91%          |
| <b>Open</b>               | 83           | 4.94%          |
| <b>Total Applications</b> | <b>1,678</b> | <b>100.00%</b> |

### **The circumstances leading to the National Apology and the decision to set up the FRF**

160 One of the Health Select Committee's recommendations in 1998 was in the following terms:

*"We have received different views on the issue of an apology for the human suffering arising from the British child migration scheme. Some felt it to be irrelevant, but there was a significant number who would welcome a formal acknowledgement of the wrongs they had suffered. We believe an apology is in order but think that the best acknowledgement would be for the British Government to take urgent action on the recommendations in this report".*

161 In its response, the UK Government stated that in its view the child migration policies were misguided and offered sincere regrets to the former child migrants and their families who saw themselves as deeply scared.

162 In 2003, under a Machinery of Government change, responsibility for children's social care policy transferred to the Department for Education and Skills and with it, responsibility for issues relating to former child migrants and funding of the CMT. In early 2007 responsibility for supporting former child migrants passed back to DH.

163 At the end of 2007 the Secretary of State met with Kevin Barron MP who raised the issue of a reparation scheme for former child migrants<sup>96</sup>.

164 In early 2008 I had a conversation with Ian Thwaites, the then service manager at the CMT. Following our conversation he wrote to me setting out details of the present context and concerns of the former child migrant community. He explained that as there was movement in Australia towards an apology, and there was increasing international recognition of the long term consequences of historic child abuse, the increasing focus of the former child migrants' anger was with the British Government for its failure to provide a response which met their pleas for social justice. He said that the Travel Fund had not benefitted enough people, and had raised expectations which it could not fulfil, increasing the sense of injustice from those who were excluded<sup>97</sup>.

165 Following those meetings, on 23 January 2008, I prepared a submission to the Secretary of State noting that the funding of travel costs still appeared to be an issue for former child migrants

<sup>96</sup> Document 00004 of the First Inventory of Productions for the DH at pages 5 to 6

<sup>97</sup> Document 00004 of the First Inventory of Productions for the DH at page 11

and that the issues of an apology and reparations were complex and would need discussion across the UK Government, but that they should be explored<sup>98</sup>.

- 166 In April 2008 Prime Minister Gordon Brown met with the Australian Prime Minister, Kevin Rudd. Prime Minister Gordon Brown had indicated by then that it was his intention to work with the Australians to take forward the question of what more could be done to help the former child migrants<sup>99</sup>.
- 167 I met with the CMT in April 2008, who reiterated that the view among former child migrants was that the British Government should apologise, because the harm was initiated by our policies. In terms of what more could be done, CMT identified additional services for former child migrants (to be identified), a financial package to enable former child migrants to have some choice in how they accessed travel services, and continuity and certainty of funding for CMT<sup>100</sup>.
- 168 After this meeting Dr Margaret Humphreys sent me a report setting out in more detail the outstanding issues from the CMT's perspective<sup>101</sup>, which were: (1) an apology, (2) reparations (the proposal was a one-off payment for each surviving former child migrant, rather than a payment that distinguished between different experiences), (3) continued provision of CMT's services and (4) a Truth and Reconciliation Commission. The Secretary of State then wrote to the Prime Minister and other relevant departments about these issues, and specifically to seek his views on whether in principle an apology should be made and financial reparations<sup>102</sup>.
- 169 In July 2009, Secretary of State Alan Johnson wrote to the Prime Minister again, proposing that the UK Government should make an official and public apology to former child migrants and should commit to continue to support the CMT beyond the three year package that had been agreed and which ended in 2010<sup>103</sup>.
- 170 In September 2009 the Secretary of State for Children, Schools and Families confirmed that his department agreed there should be a National Apology and funding of the CMT should continue<sup>104</sup>.

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<sup>98</sup> Document 00004 of the First Inventory of Productions for the DH at page 2

<sup>99</sup> Document 00004 of the First Inventory of Productions for the DH at pages 13 to 18

<sup>100</sup> Document 00004 of the First Inventory of Productions for the DH at page 20

<sup>101</sup> Document 00004 of the First Inventory of Productions for the DH at page 33

<sup>102</sup> Document 00004 of the First Inventory of Productions for the DH at page 49

<sup>103</sup> Document 00004 of the First Inventory of Productions for the DH at page 61

<sup>104</sup> Document 00060 of the Second Inventory of Productions for the DH



- 171 The FCO then coordinated with the Australian authorities about what had been said and done in Australia previously, and their next steps<sup>105</sup>. It was confirmed that:
- (a) By the end of 2009 the Australian Government would apologise to those who had suffered child abuse in institutional settings (referred to as "*the Forgotten Australians*") including former child migrants.
  - (b) The question of redress was considered by the Australians to be the domain of the individual states or the past care providers. I understand the position in each of the Australian states to be as set out in paragraphs c-h below.
  - (c) Western Australia: the State Government had apologised in August 1998 to former child migrants who had suffered sexual, physical and emotional abuse, but at that time had voted against re-establishing a select committee to investigate the needs of former child migrants or redress. In April 2005 they had apologised to "*people who were harmed in institutional care*", and in December 2007 had announced the establishment of Redress Western Australia for children abused and neglected in state care.
  - (d) Queensland: In 1999 the treatment of former child migrants in Queensland was included in the Report of the Commission of the Inquiry into Abuse of Children in Queensland Institutions (the Forde Report) and an apology was issued by a number of people and institutions, including the Premier of Queensland and the heads of relevant churches. A redress scheme was created in October 2007.
  - (e) South Australia: In November 2004 the Commission of Inquiry into Children in State Care was established. An interim report was delivered in 2005 and the final report in 2008. In 2008 the State Government, together with the churches, apologised to those who had suffered or witnessed abuse or neglect whilst in state care. In July 2008 a task force was established to examine redress for child victims of sexual abuse.
  - (f) New South Wales: In November 2005 the State Government apologised for the harm and distress suffered by children in New South Wales institutions.
  - (g) Victoria: In August 2005 an apology was delivered in the State Parliament to children who suffered abuse, neglect or lack of care in out of home care. In 2008 the Victoria State Government announced it would not establish a redress scheme but would deal with abuse cases on a case by case basis.

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<sup>105</sup> Document 00005 of the First Inventory of Productions for the DH at page 12

- (h) Tasmania: In August 2003 the State Government announced a redress scheme for past abuse of children in state care, and in 2004 apologised to those abused whilst in state care.
- 172 On 16 November 2009 Prime Minister Kevin Rudd apologised to the '*Forgotten Australians*', including former child migrants; at this time the UK Government announced its intention to make an apology in early 2010.
- 173 We understood that it was important to former child migrants that they were consulted about the content of the apology, and so we liaised closely with the CMT on the apology from an early stage, both as to the content and the practicalities<sup>106</sup>.
- 174 Whilst at that time the CMT informed us that compensation for former child migrants was not an issue, it was recognised that the UK Government and the DH needed to agree a position both on the continued funding of the CMT and the provision for and administration of a travel fund<sup>107</sup>.
- 175 We also recognised (and recognise) that for some former child migrants and the International Association of Former Child Migrants and their Families that compensation was an important issue.
- 176 As we progressed towards an apology and, once we were confident that it would happen, we sought to determine what the most important things were for child migrants at the time.
- 177 My reflection of the conversations at the time, as we prepared to make the apology, is that a National Apology and the creation of a travel fund to help families to be reunited were considered to be more important and relevant to child migrants than financial compensation.
- 178 Between November 2009 and the apology of 24 February 2010 of work was undertaken across the UK Government and by the CMT in preparation for the apology<sup>108</sup>. This included:
- (a) Obtaining confirmation that Prime Minister wanted to be personally involved in the apology (which he did)<sup>109</sup>;
  - (b) Multiple drafts of the wording of the apology, including incorporating input from the CMT and the International Association of Former Child Migrants and Their Families<sup>110</sup>;

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<sup>106</sup> Document 00005 of the First Inventory of Productions for the DH at pages 60 to 64

<sup>107</sup> Document 00005 of the First Inventory of Productions for the DH at pages 67 to 69

<sup>108</sup> Document 00058 of the Second Inventory of Productions for the DH

<sup>109</sup> Document 00037 of the First Inventory of Productions for the DH at page 9

<sup>110</sup> Document 00037 of the First Inventory of Productions for the DH at page 55

- (c) Planning 'the event' of the apology, which included discussion as to timing, the venue, liaising with the CMT and other countries as to the attendance at the apology and developing a communications strategy<sup>111</sup>;
  - (d) Ensuring the CMT was kept apprised of plans and developments and arranging support for its publicity / media strategy<sup>112</sup>;
  - (e) Making arrangements for the fee for a British Passport to be reimbursed for former child migrants<sup>113</sup>;
  - (f) Liaising with and updating No.10<sup>114</sup>; and
  - (g) Seeking agreement that the apology to the former child migrants should be a non-party issue, and should engage the whole of parliament<sup>115</sup>.
- 179 In respect of a further travel fund, I requested that the CMT prepare a proposal for managing such a fund so we could better understand what was required<sup>116</sup>.
- 180 The CMT prepared a model for discussion of the Family Restoration Fund, setting out the likely demand, administrative implications and budget<sup>117</sup>. It estimated that there would be 1000 applications, each seeking 2.5 visits, and so identified a budget of £6,250,000 (plus staff costs)<sup>118</sup>.
- 181 As can be seen from my briefing note for the Treasury date 30 March 2010, DH in effect adopted the CMT's proposal and set about making arrangements to facilitate the fund being established<sup>119</sup>.
- 182 I understand that an issue that the Inquiry may want to consider is why the apology was not made until 2010. From my reading of the documents from the 1990s, I understand that, following the Health Select Committee report, it was felt that practical support for former child migrants was more important than an apology. I have set out above what I perceive to have been the point at which there was increased focus on the need for an apology, and the steps that we took to make sure that when it was made, we got it right. I hope and believe that we did. We tried to accommodate what the child migrant community were telling us at that time was most pressing, and would mean the most to them – namely a fulsome and personal apology, a

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<sup>111</sup> Document 00038 of the First Inventory of Productions for the DH at pages 19, 47 and 68 to 72

<sup>112</sup> Document 00037 of the First Inventory of Productions for the DH at pages 18 to 22

<sup>113</sup> Document 00037 of the First Inventory of Productions for the DH at page 43

<sup>114</sup> Document 00037 of the First Inventory of Productions for the DH at page 42

<sup>115</sup> Document 00038 of the First Inventory of Productions for the DH at page 2

<sup>116</sup> Document 00037 of the First Inventory of Productions for the DH at page 20

<sup>117</sup> Document 00059 of the Second Inventory of Productions for the DH

<sup>118</sup> Document 00037 of the First Inventory of Productions for the DH at page 31

<sup>119</sup> Document 00037 of the First Inventory of Productions for the DH at page 35

substantial travel fund, commitment to ongoing funding of the CMT and reimbursement of the cost of British Passports.

- 183 In addition, we felt it was very important to recognise the tireless work of the CMT, and in particular Dr Margaret Humphreys, for championing and fighting for child migrants and their families.

**Redress scheme**

- 184 In December 2018 the UK Government announced that it would accept the recommendation of the IICSA in its Investigation Report on Child Migration Programmes (published in March 2018), that a redress scheme should be established for former British child migrants.

- 185 The ex-gratia Former British Child Migrants Payment Scheme is available to any former British child migrant (irrespective of the UK nation from which they were sent) who was alive on 1 March 2018. It pays a sum of £20,000 to eligible former British child migrants, irrespective of whether the individual suffered harm or abuse. Applications to the Scheme are managed by the CMT and it is funded through the contract with DH which is administered by the NHS Business Services on behalf of DH.

- 186 Since the scheme began making payments on 1 April 2019, over 1600 former British child migrants have received a payment. As of February 2020, the Child Migrants Trust has knowledge of 265 children sent from Scotland between 1932 and 1963 (although there may be more); 153 payments have been made to former British child migrants sent from Scotland; and one payment has been made to a former British child migrant currently living in Scotland. In the year 2019/20 payments totalling £150,000 have been made.

**Other Information**

- 187 I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.



Signed: \_\_\_\_\_

Dated: 4 June 2020