

## **Introduction to the Response by Kibble Education and Care Centre ("Kibble") to the request made in terms of Section 21 of the Inquiries Act 2005 by the Scottish Child Abuse Inquiry**

What follows is an introduction to the Response made by Kibble relative to the Request made in terms of Section 21 of the Inquiries Act 2005 by the Scottish Child Abuse Inquiry. It is provided to assist the Inquiry in its understanding of those Responses.

### **1. Collation of Information for the Inquiry**

- a) The instances of migration of children from Kibble are sufficiently historic to exclude the ability of Kibble to provide the Inquiry with corporate knowledge of these events garnered from current or past employees or board members. As such Kibble has required to base its Response to the Inquiry entirely upon documents and records held in its possession or control. It is therefore relevant that the Inquiry understand the nature and extent of the search conducted, and the material available.
- b) Following receipt of the Section 21 Request a search team was appointed by Kibble to recover the documents and records requested. A search protocol was created in line with the terms of the Section 21 Request. Team recruitment took place in the fortnight that followed the intimation of the Section 21 Request. The search team was composed of the Administration & Records Manager at the school, 4 Senior Administrators, and 1 Records Administrator. Two members of the team commenced work on the search procedure on the 1 February 2019, with the other three joining on the 6 February.
- c) In its present iteration Kibble Education and Care Centre is located at several sites across Scotland. During the periods of time that migration of children took place Kibble was situated at a single location at Paisley. All of the records and documents ("the archive") are held by Kibble, there is no knowledge of any records being held off site.
- d) The records examined amounted to 74 "hard copy" record books or ledgers held by the organisation, as well as the electronic records which have been maintained since 1996.
- e) The electronic records did not provide any records or other files or documents or items of any form that related to child migration. It is clear that this was so because migration from Kibble had by 1996 not taken place for over three decades.
- f) Appendix 1 details the hard copy records which were examined by the search team.
- g) The hard copy records have been broadly subdivided into records relating to individual pupils time at Kibble, and records from governance meetings of differing forms. There was no separate retention of any correspondence that pertained to migration of children within the Kibble archive other than that which is contained within those records.
- h) The hard copy records were reviewed to recover any information held relating to migration in any context, and more specifically to identify pupils who had any reference to migration within their records. Every record that was identified as pertaining to migration was tagged and noted for follow up.

- i) The inventory of records held by Kibble (Appendix 1) highlights that the archive covers a range of operational and governance areas of the organisation. Each one of these records was fully examined by the search team.
- j) The timeframes examined by the Inquiry encompasses a number of iterations of the organisation. The record keeping processes from these times have not been retained. There is however in general terms a high degree of consistency in terms of the record types contained within the archive: Admission, Discharge and Licensing books joined by Trustees, Education and Property Committee minute books.
- k) There was also a practice within the archive at some points of dual recordings within record books. By way of example; Admission and Discharge Registers (Appendix 1 reference KA012), Admission and Progress Registers (Appendix 1 reference KA020) and Discharge and Licence Registers (Appendix 1 reference KA013).
- l) It should also be said that the age and volume of records made the search task both exacting and time consuming for the team. It became clear too that on occasions events that were ordinarily recorded in pupil records, such as admission, discharge and release upon licence, were found to be located in the records of governance meetings. Accordingly in order to make every effort to ensure accuracy and completeness the search team adopted a practice of cross referencing the records.
- m) Where no dedicated record book was available, for example the Admission Register pre 1914, it is unclear whether such a record book was ever in fact created. This is said because information was, as noted above, recorded across different ledgers in the archive. To utilise the example of the Admission Register pre 1914, whilst there was no dedicated ledger information from that period, information regarding admissions was recorded in the minute books of the time (Appendix 1 KA054, 58, 59).
- n) In addition as can be seen from Appendix 1, there was no central register or log either listing those pupils who had been migrated, nor collating information relating to the children who had been migrated. Further there was no dedicated ledger that addressed the general subject of migration.
- o) The search therefore required to examine the various individual records for each pupil to ascertain if there was evidence that the child was migrated from the school. This entailed, in the first place, examining the records relating to discharge of pupils. Where records suggested that the child had been discharged abroad further examination of other records relating to that child were examined. In particular those records that related to licence periods. These were the most complete records available. Where other records suggested that a pupil had been discharged abroad the records charting the licence period would often contain entries that verified that migration had occurred.
- p) The search of the governance records entailed examination of all available minutes for any reference to migration.
- q) The output of all of that work allowed four separate tranches of information to be identified.

- r) The first and most significant output was that the search was able to identify evidence that 120 pupils were definitely migrated from the school.
- s) All records pertaining to the migration of those pupils have in the instance of each pupil been extracted in an individual folder which has been designated as a "migration record". Within each migration record are the relevant extracts from the archive that have been found for the pupil. Given the time periods in which migration took place - there was no migration after 1959 - the minutes themselves are almost exclusively in manuscript format only and cannot be produced by way of searchable PDF. Instead the extracts have been digitally photographed.
- t) However the pertinent entries and information from the records have been transcribed or summarised onto a document which we have referred to as a "bio". This "bio" is in searchable PDF format.
- u) The migration records contain all of the information sought for children migrated, as required by paragraphs 3 and 8 of the Section 21 Request.
- v) These individual migration records for pupils who are known to have been migrated from Kibble are included as Appendix 2 to this Response. Where reference is made to a migration record number in this report this will be, unless otherwise specifically stated, a migration record number from Appendix 2 of this Response.
- w) The second tranche of information produced was the migration records collated in Appendix 3. These records have been composed in exactly the same way as those in Appendix 2. However in this instance the migration records relate to 28 pupils whom it is considered may have been migrated, but for whom the evidence from the records is insufficient for that to conclusion to be drawn. For the avoidance of doubt they are not presented to this Inquiry as being pupils who Kibble state were migrated from the school.
- x) There is also a third tranche of migration records collated in Appendix 4. It provides migration records for 13 pupils that contain reference to individual pupils and migration, but which show that the pupil identified did not ultimately migrate from Kibble.
- y) Appendix 5 is an excel spreadsheet which lists all of the pupils who are found in Appendices 2, 3 and 4.
- z) The fourth tranche of information that was able to be identified was obtained from records of governance meetings. As with migration records, the relevant extracts that related to the issue of migration have been collated in individual "minute records". These minute records are compiled so that each separate relevant minute has its own folder. With the exception of one record, which was typewritten, all of the minutes were in manuscript format. They have therefore been digitally photographed. As with the migration records all of the pertinent entries and information from these manuscript minutes have been transcribed into a searchable PDF format. This has been referred to as a "transcription". The folder of minute records is included as Appendix 6 to this Response.

- aa) Appendix 7 to this Response is an excel spreadsheet which lists all of the minute records contained in Appendix 6.
- bb) It should be noted that once compiled Appendices 2, 3, 4 and 6 were reviewed in an effort to ensure that all of the information available had been captured from hard copy records. This could only be achieved by an exercise which involved the search team re-examining the records already examined.
- cc) The search team appointed by Kibble spent over 600 hours upon the search task.

## 2. The Terms of Reference

- a) The terms of reference for the Inquiry oblige reporting on pupils under the age of 18. We have taken a broader view of matters and have in an effort to provide as complete a picture as is available to us from existing records, reported on all pupils migrated from Kibble regardless of age.
- b) The terms of reference for the Inquiry relate to migration of children between 1 January 1900 and 17 December 2014. We have included information from a period some three months before 1 January 1900, and thus outwith the terms of reference of the Inquiry. We have done so as it is considered that these particular records are relevant to later migration and provide a fuller understanding of the entire process of migration from Kibble to the Inquiry.

## 3. Kibble

- a) Kibble Reformatory School opened in 1859 following on from the establishment of a Trust founded upon sums bequeathed by Elizabeth Kibble '*to found and endow, in Paisley, an Institution for the purpose of reclaiming youthful offenders against the laws*'. Kibble housed only boys and young men. The school roll was on average 130 boys prior to 1950 and from 1950 until 1996 the role averaged 100. The present roll for the organisation averages 140 however this is across a vastly different array of services from the original school provision.
- b) Those pupils accommodated within Kibble were provided with education and vocational training in the trades of the day carpentry, shoemaking, farming and tailoring. Kibble had farm land which allowed an emphasis to be provided upon that skill.
- c) Income was obtained by way of fees charged to Scottish Burghs for housing children. A circular intimating that the Institution was now open for the reception of boys, and requesting that the communication be laid before magistrates was forwarded to the Clerks of the Criminal Court of Renfrewshire and to the Clerks of the principal courts of neighbouring counties. The opportunities for boys to be gainfully employed whilst placed within Kibble allowed an additional income revenue, as the employers would pay a fee to Kibble alongside paying the boys wages. Finally, the sales from the produce of the boys' work helped finance the organisation's running costs.
- d) It may assist the Inquiry to note that all of the pupils who are referred to in the Response originated from Scotland and were "sent" to Kibble as a consequence of a sentence imposed by a criminal court.

- e) The shift away from independence to a centralised funding model occurred during the 20th Century following the introduction of the Children and Young Persons (Scotland) Act 1937.
- f) Kibble was established as a Social Enterprise in 1996 and the source of income reverted to fees charged to Local Authorities for the services provided.

#### 4. Statutory framework

- a) As shall be made clear in the body of the Response to the Section 21 Request there was no statement of policy or procedure relative to the operation of child migration in Kibble. However the legislative and regulatory framework that governed the operation of Kibble during the periods when migration took place, the legislative provisions sanctioning child migration during that time, and certain legislation in the then Dominions of Great Britain, may assist in identifying the approach taken at the school.
- b) A useful starting point is the legislation under which Kibble started life. The Youthful Offenders Act 1854 was introduced to promote the utilisation of Reformatory Schools throughout Great Britain, including Scotland. The Schools provided a method by which young offenders between the ages of 14 and 18 might be sanctioned. Under Section II of the Act Sheriffs and Burgh or Police Magistrates were empowered to "sentence" a convicted child aged under the age of 16 to a Reformatory School, for a period of not less than two years and not exceeding five years, in addition to the applicable criminal sentence. The fact that a child sent to Kibble by the courts could potentially be kept there beyond the age of 18, explains the otherwise unusual event of pupils migrating abroad from Kibble when aged over 18.
- c) Shortly thereafter saw the introduction of the Reformatory Schools Act 1866 Act which consolidated Reformatory and Industrial Schools under the same administrative body. By virtue of Section 12 of the Act managers of Reformatory Schools were authorised to create institutional rules to govern the school.
- d) On 5 March 1890 government approved a set of model regulations for the management of Reformatory Schools certified in terms of the Reformatory Schools Act 1866. The model rules provided that each Reformatory School should have regulations on the following:
  - Lodging and clothing;
  - Dietary requirements;
  - Secular instruction consisting of reading, spelling, writing, and arithmetic;
  - Religion and worship;
  - Discipline and punishment;
  - Recreation;
  - Visits from friends and family; and
  - Medical requirements.
- e) Children were required to work no less than six hours daily but as a protective measure work could not exceed six hours daily.
- f) The Children Act 1908 consolidated the law for protection of children in England and Scotland. Part IV of the Children Act 1908 dealt with Reformatory Schools. The provisions

contained within the 1908 Act marked a change towards a more interventionist approach by the state in child protection. Where the court sentenced a child to a Reformatory School as a consequence of an offence committed, Section 57 (1) of the 1908 Act prohibited the child being sentenced to an additional term of imprisonment.

- g) In terms of Section 52 of the 1908 Act a Reformatory School which accepted a child into their institution was deemed to have undertaken to teach, train, lodge, clothe and feed the child.
- h) Section 54 of the 1908 Act introduced an obligation upon managers of Reformatory Schools to have their rules for the management and discipline of the school approved by the Secretary of State.
- i) Section 46(3) of the 1908 Act provided that every Reformatory School would be inspected at least once a year by the Chief Inspector for Reformatory Schools. If, upon inspection, the Reformatory School did not meet the requisite standard expected for Reformatory Schools by the Secretary of State, the school could be stripped of their certified status and would no longer be able to operate as a Reformatory School. Thus from the continued existence of Kibble as a Reformatory School one may infer that the School complied with the standard expected in terms of the legislation. Minutes from Kibble archive exemplifying school inspection are included in the response to the Inquiry as Appendix 11.
- j) Section 70 of the 1908 Act empowered managers of reformatory schools such as Kibble to migrate children without parental consent, provided that they had obtained the Secretary of State's permission:

*"If any youthful offender or child detained in, or placed out on license from a certified school or a person when under the supervision of the manager of such a school conducts himself well the managers of the school may with his own consent apprentice him or dispose of him ...by emigration, notwithstanding that his period of detention or supervision has not expired; and such apprenticing or disposition shall be as valid as if the manager were his parents..*

*Provided that where he is to be disposed by emigration...the consent of the Secretary of State [as per Section 132 (1) in Scotland that was the Secretary for Scotland, a cabinet position that from 1926 was re-designated as Secretary of State for Scotland] shall be required for exercise of such power under this Section."*

- k) The Children and Young Persons (Scotland) Act 1932 redesigned Reformatory Schools as Approved Schools. Its successor the Children and Young Persons (Scotland) Act 1937 dealt with the regulation of Approved Schools.
- l) In terms of s.83 of the 1937 Act, a school required the approval of the Scottish Education Department to be certified as an Approved School for the purposes of the legislation. If at any time the Scottish Education Department was dissatisfied with the condition or management of the Approved School, they could withdraw the certificate granting the school an Approved School status.

- m) As per paragraph 1 of Schedule 2 to the 1937 Act, the Scottish Education Department was sanctioned to make rules for the management and discipline of Approved Schools and managers of said Approved Schools were sanctioned to make supplementary rules for the management and discipline of the Approved School, however, those supplementary rules required approval from the Secretary of State.
- n) Paragraph 12 (2) of Schedule 2 of the 1937 Act placed managers of an Approved School under an obligation not only to provide for the clothing, maintenance and education of children in their care but also to cause the children to be visited, advised and befriended and also to give children assistance in maintaining themselves and support in locating suitable employment.
- o) Section 88 (5) of the 1937 Act gave the Secretary of State the sole discretion to empower any person who cared for a child / young person to arrange for their migration on proviso that the child / young person consented to migration and that their parents were consulted where practicable to do so. In terms of paragraph 7 of Schedule 2 to the 1937 Act, managers of an Approved School could, with the written consent of a child and the written consent of the Scottish Education Department, arrange for his migration.
- p) In terms of Dominion legislation an Australian statute, the Immigration Amendment Act 1913, empowered the South Australian State to introduce the apprenticeship scheme *Opportunity for Boys to Become Farmers*. Pupils from Kibble were migrated to Australia to take up places upon this scheme.
- q) The *Opportunity for Boys to Become Farmers* scheme was aimed at boys who were physically able and willing to take up farm work, with a view to eventually becoming farmers. Under the terms of the apprenticeship boys would be contracted to work for not less than one year and not more than three years. The Australian Immigration Department also issued a booklet, to prospective applicants. This booklet outlined conditions which were to be met before the boys would be granted passage to Australia. Each boy needed to have the consent of his parent / guardian to migrate. The boys migrating were to be between the ages of 15 and 19. The booklet is included as Appendix 8 to this Response.
- r) Thereafter the Empire Settlement Act 1922 enacted in Britain and several Dominion countries including Australia and Canada brought into statute the agreement between the British Government and Dominion countries for the migration of agriculturalists, farm labourers, domestics and children.
- s) In terms of s.1 (1) of the 1922 Act, the Secretary of State, in association with the Dominion Governments, was empowered to formulate and carry out agreed schemes to enable persons to settle in any part of the Dominions.
- t) Section 1 (2) (b) of the 1922 Act provided that an agreed scheme was one which facilitated the migration of persons to any part of the Dominions by assistance with passages, initial allowances, training or otherwise. Several settlement schemes were introduced in Australia and Canada alike to attract immigrants from Britain.

- u) In terms of sections 3 and 4 of the 1922 Act, monetary contributions towards the agreed schemes from the Secretary of State and the government were permitted by way of grants or loans, provided that the Treasury consented to and was satisfied with the proposed contribution. Any monetary contribution made by the Secretary of State towards an agreed scheme had to be reflective of their contribution towards facilitating that scheme. This introduces the prospect at least that Kibble was able to receive a monetary contribution from government towards apprenticeship schemes in respect of which boys were migrated. However as shall be seen there are no accounting records evidencing any such sums being received by Kibble.

**Kibble Education and Care Centre**

**12th April 2019**