

**Scottish Child Abuse Inquiry**

Witness Statement of

**David WHELAN**

Support person present: Yes

1. My name is David Whelan and my contact details are known to the Inquiry. For the purpose of this witness statement I am happy to waive my anonymity. The purpose of me giving this witness statement is to provide information to the Inquiry on the establishment and the work carried out by the Former Boys and Girls Abused in Quarriers Homes (FBGA). I am currently the spokesman for FGBA.

**Reference documents**

2. I have provided the Inquiry with two documents which I will refer to in this witness statement. The first document is "FBGA Chronology of activities to date and timeline" [WIT.003.001.0001.0004] and the second document is "History of FBGA when and why it was formed" [WIT.003.001.0005.0008]. I created both of these documents within the last three weeks to assist this witness statement.

**Correction to "FBGA Chronology of Activities"**

3. I would like to add into the "FBGA Chronology of activities" there should be an entry dated August 2004 when there was a meeting at the Victim Support offices in Glasgow with Phil Robinson who was the CEO of Quarriers at the time. That meeting was arranged specifically at my request and in attendance were Phil Robinson and the after care worker who I believe was called Pam Barr. I was there along with Alan Draper, because FBGA hadn't set up formally by that point. I don't believe I was ever

formally a registered member of INCAS but was attached to them in the very early years, 2003 to 2004. The meeting was a crucial meeting in respect of what was going on with the victims of abuse relating to Quarriers and I raised a number of issues.

4. On page 3 of the FBGA Chronology of activities document, in the item dated 16/11/2011, it says FBGA wrote to the Petitions Committee of the Scottish Parliament requesting "they" meet their international obligations. The "they" being referred to is the Scottish Government and not the Petitions Committee.

### **Formation of FBGA**

5. It all started initially in 2002 when victims from Quarriers were given anonymity and there were a number of trials which led to a number of convictions. After the trials there was media publicity. Newspaper reports said that some of the people had lied during the trials and that people had been wrongly convicted. This brought a lot of pressure on victims and that is when I got a connection with INCAS. Someone had given me Frank Doherty's name so I contacted him because I didn't really know what to do.
6. After some of the trials and the abusers were convicted a number of witnesses who gave evidence during the trials were intimidated. I know that some witnesses were stopped in the street and verbally abused for giving evidence. Others received abusive phone calls, one person was visited at her home address and one person received a letter. All of this was reported to PC Mhairi Milne at Greenock Police Station. We also wrote to the Lord Advocate's office. I am not sure what the outcome of the police enquiry was. Some of this documentation is with the FBGA legal team.
7. The BBC Frontline Scotland programme called "Secret's or Lies" was broadcast on 1<sup>st</sup> April 2003. This was in relation to Quarriers and specifically to the trial involving me. It was making some serious assertions in the national domain. From that some of us gave up our anonymity and went public. That was probably the most difficult

decision for some of us. We didn't want to go public. I think the justice system failed. The processes for victims failed and there was no support at the time. There was nothing put in place to actually help the victims of abuse and people were left stranded with no help or support. Basically they took it upon themselves to form groups and try and get the support.

8. After the initial trials, in my naivety and in my goodwill I contacted Kevin Scullion at Quarriers who was the Director at the time. I think he genuinely wanted to help us. I was trying to find out what support the organisation could give people, recognising at the same time that it would be difficult for people who had been abused in the organisation to get that support directly from Quarriers. So what I was trying to do was get that support through a third party, maybe a different social work department or someone else like a separate counselling agency.
9. Because of the adverse media coverage some of us started campaigning. We made some mistakes along the way as a group. Hindsight is a great thing. We campaigned at one of the trials, the Sandy Wilson trial. We were advised that this was not an issue for us so a number of Quarriers residents got banners and we campaigned outside the court. The trial was stopped and it was a really hard lesson for us because we thought we had potentially allowed somebody to get off with abusing children. Thankfully the trial was reconvened but they used the fact that we were demonstrating outside to try and get him off. This was a steep learning curve for us. I recognise now that we shouldn't have done that.
10. I recognised, as others did, that there was no other care organisation in the United Kingdom that had as many people convicted as Quarriers. It was unique in that way. We also felt that we were the best people to represent our own interests because we understood completely what the organisation was and what it was about. I also thought that because some of us had been through the court processes we really understood what it involved to go through trials.
11. All that came together and we decided to form a group "FBGA" which is an acronym of "Former Boys and Girls Abused in Quarriers". We registered as two limited

companies, to give us some protection should anyone make a legal claim against us. We had been corresponding with another group called Former Boys and Girls Association of Quarriers and they were saying we had stolen the acronym and couldn't use "FBGA". We had registered in fact it as two companies in July 2005 so no one else could use either name. The Former Boys and Girls Association of Quarriers are completely independent of our group and was basically set up as an association of former residents. We believe in fact that their Association has been a potential route used by some people to get access to children in various disguises.

12. We have said that former Quarriers residents are alleging physical and sexual abuse or inappropriate behaviour, mistreatment, bullying, physical and emotional treatment by former employees, others and former residents whilst in care. This is repeated in the Tom Shaw "Time to be heard" report where it is identified that others were involved in the abuse including former residents.

#### **Structure of FBGA**

13. FBGA was set up, and remains, a campaign group and consists of a network of former Quarriers residents. We do not have formal membership and we do not keep any forms as such. All we have is a list of names and contact details. Sometimes we will check the validity of someone who comes to us. We will ask what cottage they were in or who the house parents were. FBGA has a core membership of a web administrator, a secretary and a spokesperson. I have always been, and remain, the spokesperson. Some of the core members who were elderly at the start have been replaced so the core team has changed. Initially we had masses of people contact us. At one point we had about 230 people on our list. There are probably six core members and a very conservative estimate would be about 30 to 40 people in the wider network. We also had a wider survivor audience as we were the only group to highlight all the processes like Time to be Heard, the National Confidential Forum, the Interaction processes and the survivor Scotland workshops on our website.

14. There are reasons why we have set up the way we have. One reason was that in the Catholic civil court cases of 2005 involving other survivors presided over by Lord Drummond Young. In particular in a civil case against Sister Bernard Mary Murray and others (reference [2005] CSOH 70), there was a view put forward by an expert witness for the defender that such organised survivor events may have an impact on the right to a fair hearing and possibly be prejudicial. FBGA were mindful of these criticisms by this particular expert. We understood that they were saying that by gathering in this way survivors were sharing stories and testimonies and any subsequent trial could be prejudiced. We took the view that there was no need to have our own survivor events and we were often invited to other survivor events and people are allowed to participate in these.
15. We have never been qualified or trained to give or offer specialist trauma support so we have always referred or signposted others on to the proper agencies to get that support. In essence when we did that we lose that person because they then go somewhere else. We have always had the view that we like to enable people to make the choices they want to make. We have signposted lots of people to what was formerly the In Care Survivor Support Service, or to other different forms of support. We now refer everyone who comes to us to the new support service.

#### **FBGA online forum**

16. Within our website we briefly had an online forum for discussion and members would be given a password to get access. Initially it was a great idea but we were concerned about the issue of prejudice to a fair trial. It was closed because we were concerned when a few names were getting mentioned and we thought that this was not the purpose of the forum so we stopped it.

## **Funding**

17. FBGA is not funded. In the early days some former residents gave us donations. Every year we submit a confirmation statement to Companies' House which is done on a pro bono basis by our accountancy company. We have a web page and we have had the same web guy for a very long time. Thankfully he is very charitable so it doesn't cost us a lot of money.

## **FBGA aims and goals**

18. On the last page of the "History of FBGA" document there are bullet points showing the aims and goals of FBGA. They are as follows;-
- campaign to challenge those who claimed or alleged the victims lied in court, including organisations such as FACT, Dr Janet Boakes and others;
  - campaign to hold state and state bodies to account;
  - campaign for a full judicial inquiry into Quarriers Homes;
  - campaign for support services for victims of such abuse;
  - campaign for a range of remedies including time-bar to be changed;
  - campaign for redress and compensation for victims;
  - campaign to raise public awareness of the issues affecting the victims of such abuse;
  - ensure that Quarriers, as an organisation still caring for children and vulnerable adults, is in fact fit for purpose going forward and to help prevent future generations cared by Quarriers suffering similar abuse.
19. In the network we would discuss what we were looking to achieve. The aims listed are still the same as they have been from the start in 2005. I think we have been consistent and achieved most of our aims. There is one outstanding on the list which we are currently working on and relates to the campaign for redress and compensation for victims.

20. This demonstrates that our campaign was successful although it may have taken longer than anyone expected. We came up against lots of barriers saying we would never have a public inquiry. That came from the Government, the organisations, and the institutions but here we are sitting here today. I think this can be put down to the tenacity and resilience of the survivors. When you have been abused by the system you don't trust the system, the institution, the establishments or the professionals. They are all collectively part of the fault of it. There have been systemic failures.
21. There is another aim which is not on that list and that is commemoration. The group's position on this is that we don't think it is appropriate to have a commemoration until we have achieved everything. You wouldn't normally have a commemoration until the end of something.
22. I believe it is a legitimate right of survivor groups to organise gatherings and meetings as they see fit.
23. FBGA have been reactive because we had to react to events that were happening and those events shaped and formed how we approached things. But once we engaged with the processes we were very constructive. We were very clear and consistent about what we wanted and what our outcomes were. In every process that FBGA have been involved with we have submitted a working paper. For instance, in the Interaction process we submitted papers about what we believed the former residents wanted. What we normally do to submit these papers is we network round our group of people and send out the paper to the group, get feedback on it and we tweak it. In the beginning there were some extreme positions held, including by Quarriers residents. For example, some believed it was a legitimate cause to target the donors and the funders of Quarriers. That might seem a legitimate cause if you were an extreme group. I would never sign up to that and I advised them that they should never do that and anybody who did do that then they wouldn't be part of FBGA. So there are some things we have had to push back what some former residents wanted.

24. It was a steep learning process for us and we have had to deal with organisations like Falsely Accused Carers and Teachers (FACT). I believe that even in Government processes and inquiries, people don't really understand the powerful forces that are working against the survivors and the victims. Until the day we have equal parity with these people in the Parliamentary processes and in processes such as this then they will always, for some reason, have the upper hand. FBGA went proactive in the early days to challenge these groups. I don't know any other survivor group that has ever done that. We were very defensive and protective to ensure our honesty and integrity were not impinged by other survivors and by other groups like FACT. These cases in relation to Quarriers had been determined in the courts.

#### **FBGA activities**

25. In the early days FBGA booked into conferences where these people were appearing like FACT and MOJO - which was related to the prison and covered false allegations - and we went there to ask questions.
26. In 2005 Quarriers were promoting that they were holding a conference in Bath. At this conference they announced they would subsequently hold a historical abuse conference and FBGA were not included. I suppose they wouldn't want to include the people that it actually affected. The theme was children's rights versus press freedom. There was a host of VIPs there, including the Secretary of State for Media and Culture, Mike Jempson from MediaWise and the BBC. To be honest there were two protagonists at the conference - Quarriers and the BBC - who we were able to challenge directly with questions in an open forum which they couldn't escape. Of course they said "We will have this, and we will do this and do that".
27. At that conference Tessa Jowell gave me her private secretary's number and allowed me to have communication with them about the BBC's Frontline Scotland programme "Secrets or Lies". Also Mike Jempson who was working with Quarriers in some capacity although I am not sure what his role was. He works in media ethics



for MediaWise. I had previously written to him and asked for some advice on this particular issue and initially he said he couldn't because he was working with Quarriers but he subsequently got back to me and agreed. He said he would inform Quarriers that he was going to do this. That was really positive because his input and knowledge of media issues and the BBC complaints process really helped us uncover a lot of stuff later on.

28. FBGA have submitted many papers to many groups including the sub-group of Survivor Scotland, the Interaction review, and the National Confidential Forum. The papers FBGA submit are basically draft policy papers and are designed from a survivor's perspective and are survivor centred. Generally speaking from the other side are policy documents designed by professionals with no survivor input. It is getting better and things have improved but that clearly was not what used to happen.
29. In 2010 Harper Collins published my book called "No More Silence".

### **Petitions Committee**

30. The Petitions Committee of the Scottish Parliament oversaw everything that was being done. The Committee originally held the petition for a public inquiry and were the overarching committee of everything at one point. It has now been broken down into different components, for instance the time-bar law is now with the Justice Committee and the support fund would naturally rest with the Health Committee. As I said at the Justice Committee recently the Scottish Government pulled it all together and made a genuine effort to meet with various survivor groups and individuals to try and understand the difficulties we were facing. They pulled the Ministers portfolios together and there has been progress. Many survivors will say that we have waited a long time and we have to recognise that many survivors have passed away and not seen justice, and many are ill and infirm.

**Apologies from Jack McConnell and from Quarriers**

31. On 1st December 2004 myself and a number of other survivors from Quarriers were present in the public gallery when the then First Minister Jack McConnell made a public political apology in the Scottish Parliament. If you don't give an apology which is sincere and meaningful it means nothing. If you give an apology with nothing coming out of it or to address the issues then it definitely means less. An apology is good but it has to be done in the right circumstances. Jack McConnell didn't follow anything through. He didn't put any funding into any support services. We still had to go out there and campaign. He may have made people feel good but only for a week or two.
32. What was more damaging was that Quarriers, as is typical of them to try and protect their public image and wanting to be seen, jumped on the bandwagon and decided to give an apology as well, but they caveated it with an "if". Phil Robinson, on behalf of Quarriers, submitted an apology document as part of the national apology from Jack McConnell and in that apology they put the word "if" before abuse to say "if abuse took place". That "if" was like a red rag to a bull.
33. We had the apologies from Jack McConnell and from Quarriers looked at legally and they are not worth the paper that they are written on. The "apology" statements were subsequently used in the civil courts as evidence that they accepted that abuse had taken place, but they weren't accepted.
34. I would draw the Inquiry's attention to the report of the debate in the Scottish Parliament on 1<sup>st</sup> December 2004 when Jack McConnell made his apology [LEG.001.001.1491] in particular the speeches of Rosie Kane MSP and Phil Gallie MSP. These concerned the "if" apology from Quarriers and the reduction in sentence relating to one of those convicted of abuse at Quarriers.

**Survivor Scotland sub-group**

35. FBGA had been campaigning the Scottish Government for some time for services. I was invited to join a sub-group of the Survivor Scotland team which was a process set up initially by the Scottish Executive which carried forward to the Scottish Government. It was a process looking at the issues. One of the main issues was that there were no dedicated support services. We were really concerned about people suffering from real trauma and not having access to proper counselling and finding barrier after barrier to get treatment. Even within some of the professional agencies like the NHS mental health services, and things like that, people felt discriminated against because what they were complaining about were the institutions. Basically you had one professional protecting another professional. Some of the diagnoses people were given were given as personality disorders but they weren't actually looking at the root causes.
36. Jackie Brock was the chair of the sub-group. There were other survivor groups involved like INCAS, another independent Quarriers survivor, myself representing FBGA, and possibly Chris Daly. FBGA submitted to the sub-group a written document for a fully integrated service specification. To do this, as normal we go outside FBGA and work with other professionals for expert advice. We were really looking for a one stop integrated service. As it turned out we didn't get a one stop or an integrated service but that is what we have today, the Survivor Support Fund. So what the FBGA initially campaigned for and wanted is actually what we have ended up with today and this has been kindly recognised by a senior official.

**Historic Abuse Systemic Review**

37. In the Historic Abuse Systemic Review by Tom Shaw FBGA got involved mostly in relation to children's records. FBGA are highlighted in this report anonymously. The Review was less about taking survivor's testimonies and more about looking at the systems in more general terms, but then looking at some of the abuse issues so

survivors could engage with it if they wanted. Some former residents of Quarriers did give testimony to the systemic review.

38. We submitted papers to Tom Shaw and Nancy Bell in relation to people's experiences of trying to get their records. There is definitely an issue with records. Quarriers will say that they have very good records but there is a lack of records including medical records. There are part of the records that have been taken out of the records that were given by the social work department on the admission of the child. When survivors get their records by applying for them, there would still be a letter from the social work department saying that we are giving you, for example, the school report but the school report will be missing. There is a major issue about gaps in records. I think there are more serious concerns about medical records in relation to Quarriers.
39. I think the Inquiry has to focus on the deaths of children in care and the deaths of children in Quarriers. The records are incomplete and are not completely accurate. One of the telling things about the records is there is no involvement of the child. The records would say that you saw a social worker and it was written there. Often you hadn't. A good organisation is run when someone says we have done this today and the child or other person agrees. There are records in Quarriers. and in relation to some other organisations you would call the records good because there is nothing in the other organisations.
40. I was concerned when Tom Shaw made a statement at the launch when the Review was published which seemed to be excusing what had gone on in the past and blamed it on the standards of the past. I spoke to the media afterwards and told them we were very clear that it wasn't the standards of the past, it was criminality.

#### **"Time to be Heard"**

41. "Time to be Heard" was a confidential process purely for former Quarriers residents where you can come and tell your testimony to a panel which included Tom Shaw,

Kathleen Marshall (the former Scottish Children and Young People's Commissioner) and Anne Carpenter (a psychologist). It came about because they were talking about setting up some sort of process, and everybody thought it was going to be an all-inclusive process. It caused a lot of unease and people were distressed about it. The intention was good but they set up an advisory group to give advice on how it should work. Although it was only focussing on Quarriers there was not one former Quarriers resident involved in the advisory group.

42. At the announcement of "Time to be Heard" we were invited to an open meeting in Edinburgh where Phil Robinson did a presentation. At that meeting there were survivors from all different organisations and all of a sudden they announced that "Time to be Heard" was only going to be dealing with Quarriers residents. We didn't know this before the announcement and I had to defend the fact that we would engage with that process when other people in that room were very unhappy. We all had had the perception that this process was going to be for everybody.
43. This process was a pilot forum for what would eventually become the National Confidential Forum. The question has to be asked why in Scotland have they done this pilot and used the most vulnerable group of people you can possibly have as guinea pigs in forums? By doing this you are further damaging them, re-traumatising them and not dealing with the issues. I understand the good intention to test something but with all due respect to Scotland there was good practice out there in other jurisdictions that they could have looked at. How many processes do you want to involve us in and not have closure?
44. If FBGA believe a process is a credible process and we have been involved in its design, which we weren't in the case of "Time to be Heard", we will promote that process by including it on our website. That is our gateway to pass information on to other people and they can make their own informed choice. It is not for FBGA to tell someone to go to any particular event or engage in any process. Most people would want to go to these events confidentially and not tell their families. FBGA don't want to, and don't need to, know who goes to any event. This also protects us from allegations that we have colluded in our stories. Individuals go on a personal basis.

45. FBGA and some other former Quarriers residents had two meetings with Tom Shaw before the "Time to be Heard" process went operationally live. Quarriers was going to be used as a conduit to send out the letters, but that did not sit right with us. Looking back now I think that probably was quite a good route, but not the most appropriate route. The last 500 people who had contacted Quarriers received a letter from Tom Shaw sent out by Quarriers to former residents. 110 people replied and 98 people actually participated.
46. FBGA had an important role to promote "Time to be Heard" on our website and to former Quarriers residents, even though we weren't entirely satisfied with the outcome of it. People had given legal documents from the courts to Tom Shaw. This was a confidential process but people were handing over court documents. Surely in the chronology of documents provided by individuals and organisations there must be a duty to say that they would reference those documents? People were giving "Time to be Heard" documents from Quarriers files which confirmed abuse had taken place, and there was no mention or reference in his report that this had ever happened. There wasn't even a mention in the report that a person had given in an official Quarriers document that said this person had reported being abused. That was a fundamental failing.
47. Another criticism of the "Time to be Heard" process was that people were coming in the front door and leaving by the back door. By that I mean that as they left they were excited about getting their story out, feeling they were going to get justice. But someone was there saying they were there as part of a sub-process called restorative justice and were handing out leaflets. You shouldn't do this to people; you shouldn't con people like this. They are going in for one process and it should only be one process. The restorative justice process was done by Sacro. There was no consultation about this. Survivors were critical of this part of the process. FBGA had a look at this restorative justice process. Although we didn't go in the media criticising it we were critical to Sacro about it. We didn't support it and we made that quite obvious on our website. The restorative justice process is a criminal justice

process and was not independently or externally evaluated. There was only one confirmed positive outcome out of 98 people.

48. There were a number of positive things that came out of "Time to be Heard" and FBGA fully recognise this. It gave people an opportunity to come forward who may never have taken part in the process. It was a non-inquisitorial and a light touch process. People got the right support to go through the process.
49. FBGA were more critical of the involvement at the beginning of the advisory group. There were no former Quarriers residents represented, and with Sacro pushing the restorative justice aspect and the fact it was a pilot. I presume professionals looking back on it would have said the pilot gave them a basis to take something like the National Confidential Forum forward.
50. FBGA have always called, from day one, for a fair hearing for all and for a credible and robust process. That hasn't sat well with a number of survivors and possibly including some of the members of other survivor groups. We have said it from day one and at the Interaction process. Some of us are quite unique because we have been through the trials, and we have been challenged by members of FACT and we have had to challenge them. We had a look at the Kaufman Canada Report 2006. That process was so flawed that it ended up damaging the genuine victim survivors who had come forward because a number of people made false allegations. It ended up damaging those who had no part in the abuse.
51. In relation to this Inquiry, if the Inquiry process is not robust and credible then I would be very honest. I would have come out and said that we would not take part in it. We recognise that there has to be a fair hearing. In a flawed process there is probably more of a potential for the possibility of false allegations. FBGA recognise fully, and some groups don't like it when we talk about it. But we have to say to you that the process has to ensure, to the degree that it can, that the allegations that are being made to you are scrutinised, are credible and are determined by the Inquiry. At the end of the day the Inquiry is looking at a number of organisations and FBGA have

spent 16 years protecting our honesty and integrity and challenging groups who have questioned that.

52. If it comes out in this Inquiry that even only one person has made spurious allegations then the impact on FBGA, genuine victims and those who had no part in the abuse, is enormous. It won't be the Inquiry that will end up defending the process it will be FBGA because we took part in it. In the early days we had a care leavers group who didn't recognise this or understand the damage a flawed Inquiry process could do. FBGA were being pressurised into accepting a second rate process. I personally would never do that and would never advise the people we were part of to be part of it. If we had any concerns we would raise them with you but at this point of time we do not have any concerns because of the statements that have come out from the Inquiry and the processes that are in place.
  
53. I would like to draw the attention of the Inquiry to a document I have provided to the Inquiry titled "The Role of the Expert in Criminal Trials". [WIT.003.001.0067] In this document, dated 1<sup>st</sup> November 2014, Rose Stringer examines recent developments in the field of expert evidence. In particular she details the findings in the Court of Appeal case of Stephen Hamilton v. R[2014] EWCA Crim 1555 which provides clarity as to the principles governing the admissibility of expert evidence, guidance on the proper contents of an expert report and the timing of admissibility rulings.

#### **National Confidential Forum**

54. I was invited to represent FBGA on the national reference group of the National Confidential Forum. It was a reference group with professionals on it with some other survivors chaired by the Scottish Government official Jean McLellan. It was through a series of discussions including talking about the experiences of "Time to be Heard" Forum and how we could assist in setting up the process and making it work for everyone. We submitted various papers and had discussions. I think our experience of "Time to be Heard" helped and gave them a wider understanding.



55. There was then a sub-group of this. I, along with another survivor, was asked to sit on a sub-group along with the Catholic Church, the Church of Scotland, some other professionals and possibly a representative from Quarriers and we wrote up the Good Practice Guide Policy in 2016. Richard Cross, from the Church of Scotland safeguarding group was the chair of the sub-group. It was a piece of work around how agencies, institutions and organisations would deal with survivors or victims of abuse. It was how an organisation treated someone from the very start of approaching them saying they were a victim, how to empathise with them and being very clear with the survivor from the start and offer support. I believe this document is on the Survivor Scotland website. I am not sure if it was actually signed off, although it was all agreed and Scottish Government agreed it but then I am not sure if the public Inquiry was announced so they held it back as there may have been other stuff to look at.

#### **FBGA' s views on the National Confidential Forum**

56. FBGA has supported the National Confidential Forum in a number of ways and a large number of Quarriers survivors have participated in it. From the national reference group they asked a number of survivors if they wanted to participate in the selection panels for the members of the National Confidential Forum. I sat on one of the recruitment panels over a number of weeks, and another survivor sat on some other panels. FBGA wanted someone on the NCF panel with a human rights expertise. We wanted the human rights aspect of everybody to be upheld.
57. The National Confidential Forum has operated really well. One of the things we were slightly concerned about was how do you publicise outside of Scotland, how do you publicise your processes to ensure that you maximise that people can access the processes? This is one area which we raised. The feedback we have received from many people who have taken part is that they have been very happy with it and were supported through it. In addition, because there is no tension now with the In Care Survivor Support Service, people also now get sent directly to Future Pathways and getting additional support.

58. The problem with processes like the National Confidential Forum and the Inquiry is that a survivor will need support before, during and after the Inquiry, but there comes a time when the Inquiry is finished and the survivor still needs that support. So how do you have a duty of care to that person, and how do you ensure that they have continued support? That is the sort of thing that we are trying to highlight to people to ensure this happens because often people will be vulnerable as soon as they've given evidence or it could be two weeks later. That person needs to know where to call, and have access to support. It is far better today than it used to be back in 2003 or 2004.

### **Scottish Human Rights Commission**

59. The Scottish Human Rights Commission (SHRC) became involved through the survivors campaigning. Then they came up with a Framework of how all the issues should be addressed. The SHRC submitted a Framework policy document of how everything should be addressed to the Scottish Government in 2010. This document was an outline of how you could possibly address and resolve the issues. It was then agreed that the SHRC would have an Interaction process. This brought all the protagonists and all the parties together where the elements were broken down and we went through each element. This took about eighteen months. At the end we came out with the Interaction Action Plan which has a number of elements.
60. I have provided to the Inquiry a copy of the SHRC Human Rights Framework [LIT.001.001.1232] and the SHRC Interaction on Historic Abuse of Children in Care Action Plan on Justice for Victims of Historic Abuse of Children in Care [LIT.001.001.1240]. The Framework was published in 2010 and then in 2013 the Interaction process was established. The Interaction Action Plan was published in 2015.

61. The FBGA involvement in the Interaction process was that we submitted papers relating to several elements of the process and included what we wanted done with matters such as time-bar, an inquiry, compensation and redress, and an apology.
62. FBGA always wanted and campaigned for a wider involvement of survivors to involve as many people as possible, and to get wider views. In the Interaction process they would have open days and we would highlight these events on our website. We would contact people in the FBGA network and let them know about the event and we left it for them to decide whether they would go or not. The Interaction process was very non-threatening because they put a lot of thought into it. I have facilitated survivors to attend other events which have been challenging because sometimes there are extreme views in the room and there are lots of other people who want to be heard. FBGA have always wanted to ensure that any such meeting arranged by any organisation is a safe environment and sets down a set of principles at the beginning of the engagement, such as respect for each other and allowing the other person to be heard.
63. The Interaction Action Plan came up with a set of principles and FBGA tend to use these principles at any event or process we are involved in. There is no point in us engaging at these events if it ends up in a bun fight like it did at the "Time to be Heard" event meeting in Edinburgh. At this event all the survivor groups were trying to justify why they all wanted to take part and some were pressurising FBGA not to take part.
64. The Interaction meetings were quite a formal process and were attended by a range of faith organisations, Quarriers, the survivor groups, independent survivors, other organisations like Social Work Scotland, and we were there representing FBGA. The open forums were larger and were a bit less formal and were attended by those who hadn't been at the other meetings.

### **Interaction Plan Review Group**

65. When the Interaction Action Plan was published we thought that was it and everything would be started straight away but it hasn't worked out like that. It is being implemented slowly but surely. The Interaction Plan Implementation Review Group, chaired and facilitated by CELCIS, continues to monitor the implementation of the Interaction Action Plan and feedback to the Scottish National Action Plan which is under the umbrella of the SHRC. FBGA are represented in this group along with independent survivors and other Quarriers survivors, INCAS, another survivor from another organisation, a survivor from foster care, and the SHRC.
66. We have meetings probably every two months with the Scottish Government and have just had a special Interaction Review Group meeting because we are in the process of starting a discussion around redress.

### **Campaigning for a public inquiry**

67. Over many years FBGA has canvassed MSPs for a judicial inquiry. Our actions included writing individually to each MSP and hand delivering the letters. We also emailed individual MSPs over the years asking for an inquiry. In addition, we raised the issues in the UK Parliament's official magazine for MPs, and had a number of FBGA articles published in that magazine and other magazines and media outlets. Former Quarriers residents have also highlighted that they were seeking a full judicial inquiry in the Scottish media since 2003 up to the time that the Inquiry was in fact established.

### **Announcement of a public inquiry**

68. When it was announced in 2014 that a national public inquiry into historical child abuse was going to take place, this was one of the things we had campaigned for and was one of our goals. So we thought it was great, but through experience I knew that we would have to look at the process and what it actually meant.

69. FBGA liaised with the Scottish Government and we offered input on the Terms of Reference for the Inquiry. Some survivor groups over a period of time wanted the Terms of Reference extended. In a sense that was difficult for us on a number of levels. All of the survivor groups campaigned for the same inquiry to look at in care institutional abuse. We had been campaigning for this for a long, long time, and the Inquiry was announced.
70. FBGA have always been conscious that the Inquiry needs to deliver within a certain time frame. Some survivors are very elderly, some are ill and some have passed away, even since the Inquiry was announced. FBGA believed the remit was broad enough. We had a concern about the remit and we raised it with the Government but it was addressed by the Inquiry. This was in relation to the circumstances where a child was in an institution and was sent out to a third organisation and the duty of care to that child. For example in Quarriers a number of children were sent out to activity groups but at the time there were no checks done on these people. Quarriers didn't seem to oversee or be present at these activities. There were allegations coming through that people had been abused through these third party links. We wanted, in relation to Quarriers, where an allegation was made of abuse against the third parties, to ensure that this was part of the Inquiry where there was an obvious lack of external supervision or duty of care by Quarriers. We were quite specific about that.
71. There was tension with some of the other survivor groups because we didn't want the Inquiry expanded to the extent where it became unmanageable and the time line became so long that it lost sight of its original aims and objectives. FBGA defend our position on this if we have to, and we defended that in the media.

**In Care Survivor Support Service and In Care Survivor Support Fund (now Future Pathways)**

72. In the Survivor Scotland sub-group which FBGA was part of we wanted an integrated support service but didn't get that. The In Care Survivor Support Service (ICSSS)

was providing a certain amount of support to people and they were providing therapeutic counselling. As they were developing they were also providing advocacy support and help to get records. This was all well and good, but FBGA were concerned that if someone is seeing a professional counsellor in a therapeutic process you don't expect that counsellor to be acting on your behalf providing advocacy. We didn't see how they could achieve that in that setting. I don't think it met the needs of everything that should and could have been done.

73. We supported the creation of the In Care Survivor Support Fund (ICSSF), which is now called Future Pathways, because it was an integrated service and was based on what the survivor wanted. We have been very clear from the beginning it was all about the survivor, it's about what their needs are and it has to be survivor-centred. We believe that what is now called Future Pathways has been very successful in meeting those needs.
74. The In Care Survivor Service Scotland (ICSSS) ended up in a dispute with the Government over a number of issues. This impacted on the wider survivor community. I think when they don't act in the best interests of those they represent or the wider survivor community, and if that impacts, they have to understand what those impacts are. In their dispute with the Government the ICSSS didn't and I went on national TV to say that.
75. I wanted the parties to sit down and sort it out because you shouldn't be involving your clients in the direct dispute. The dispute was all about funding of the ICSSS. The ICSSS said publicly they would not become part of what is now Future Pathways and not take up the offer of working with them. They also said that they were being told by the Scottish Government to put forward confidential information in relation to their clients, but the Scottish Government clarified publicly that this was never the case. It shouldn't have gone to that level because it has a big impact on the wider community.
76. Future Pathways is now the main service but there are two separate organisations, one being Future Pathways, the other being the ICSSS. It is possible for someone to

get support from both services. Future Pathways is now providing a much wider range of support. An example of this is a number of former residents from Quarriers had educational issues and didn't get educational opportunities when they were children in residence. I know a number of residents who are going back to college with the support of Future Pathways.

77. In the Interaction Review Group we identified that the ICSSS were not delivering all that they should and could be delivering. It was decided to bring survivors to work in workshops to design a service and that is what we did. We agreed the principles and the model.
78. FBGA have always been concerned about the unintended consequence of a benefit. This is where Future Pathways (ICSSF) want to provide something but can't because the person is receiving benefits. This was one of the key things of Future Pathways so we raised this in the workshop and made sure the Government understood this and put something in place to prevent that.
79. The funding of Future Pathways comes from the Scottish Government who provided £13.5 million over 5 years. The name changed to Future Pathways because they asked the service users for their views. Not everyone wanted that name but I can see the logic of having a different name. It is an enabling name that, as it suggests, is looking in to the future.

#### **Time-bar**

80. Time-bar became one of the main issues over the years. I think what happened was that people were looking elsewhere in other jurisdictions where they had dealt with time-bar in various ways. I think a key moment came when the SHRC got involved in the issues and put their Framework together. They started a process of looking at all the segments and came up with the ultimate Action Plan.

81. FBGA have been involved in discussions along with other former residents of Quarriers in all the stages of lifting the time-bar to allow cases to be heard. In 2006 FBGA responded officially to a consultation with the Scottish Law Commission but we were disappointed with them. They referenced us but they didn't use any of the evidence we provided in their report. What surprised us was that in 2006 Kate Stanford, the policy officer for Quarriers, opposed the lifting of the time-bar through the Scottish Law Commission. Here you have an organisation with a number of cases which have been criminally tried and decided and they are opposing an action to allow civil actions to be raised.
82. We gave evidence to the Justice Committee on 21<sup>st</sup> February 2017 at stage one of the Limitation Childhood Abuse (Scotland) Bill. We gave examples of where the time-bar hasn't worked. In particular, where there has been a criminal conviction, then it has moved into the civil court process and it has been found to be time-barred. From a layman's perspective this is a real anomaly in the law. How can it be possible to convict somebody and then be time-barred in a civil process?
83. In the Limitation Childhood Abuse (Scotland) Bill FBGA obviously want the time-bar to be lifted but there were some difficulties. We are not legal people so not quite sure that we understand it, but there is a term "absolvitor" which means to dismiss the case completely. This is a particular issue which we have asked them to address as part of time-bar. FBGA think the civil court process - and we are conscious Lady Smith is the Chair of the Inquiry - is antiquated. We have an understanding of what the limitations of this Bill are and what it can do, whereas it is getting the wider survivor community to understand this. It doesn't change the fact you would have to go through a court process and you would still have to provide robust evidence.
84. This Bill would remove the time-bar back to 1964 and because it doesn't address the issues pre-1964 the Interaction group are starting discussions with the Government to have another remedy for those affected pre-1964.
85. If the current Bill is passed then we will probably propose that a specialism service for support is looked at for historical abuse survivor cases. There was an issue about



funding for the justice system in coping with the number of cases but we told them that this was not our concern. It was probably more an issue for the Justice Committee. I think there is scaremongering to a degree about the number of potential cases which may come forward, but FBGA understand that a case cannot proceed without clear, credible robust evidence.

86. There are powerful forces that don't want the law to be changed and the time-bar to be removed, like insurance companies. The stage one Justice Committee report was published on 20<sup>th</sup> April 2017 [LEG.001.001.1408]. I would draw your attention to the comments FBGA made about the conduct, action and tactics by Quarriers, their insurers and legal representatives in the civil court processes, and why FBGA viewed such actions as unnecessary and unwarranted. In fact such actions also contributed greatly to the processes being very adversarial over a number of years, causing additional real harm and distress to the Quarriers victims.

#### **Potential conflict of interest**

87. A conflict of interest with the former panel member of the Inquiry, Glenn Houston, has been discussed by FBGA. Does no-one see a conflict with Lady Smith as the Chair of this Inquiry who has presided over some of the Quarriers cases? When I see that Glenn Houston left the Inquiry because of a conflict of interest this raises a number of issues for FBGA. For example, why some people wouldn't think or perceive that that some survivors would perhaps think there was a definite direct conflict of interest of a judge who has already presided over a number of cases.
88. We did ask the Inquiry team about the independence of the Inquiry. We wanted a statement, and when Lady Smith made a statement at the preliminary hearing in January 2017 we were reassured. I said it publicly in the media that FBGA were reassured. I want to be very clear it is not an impingement on Lady Smith. What I am just trying to say is that there are concerns that there is a form of conflict of interest. Members of FBGA are coming to me about it and I am trying to reassure

them that this person is independent, operates impartially, and has stated this publicly at the Inquiry.

89. This is a question by me to the Inquiry. If you have been involved in something to do with that issue and you don't see that as a conflict of interest, that to me is strange. I am putting it on record because I think it is the elephant in the room. I think it has to be dealt with by us and we have to be honest about it. We have never publicly said anything critical of the Inquiry because we campaigned for it and we want it to work. We will use the media, just like INCAS, when we feel that something is fundamentally wrong and I think that people have to understand that. There have been challenges for us in trying to engage with the Inquiry. It is important that I say this because we can't pretend that it has all been easy. There are unnecessary barriers that have been put up there.

#### **Survivors' trust in processes**

90. Some survivors don't trust processes like the National Confidential Forum and the Scottish Child Abuse Inquiry and there are a number of reasons for this. Many survivors are frustrated and angry as it is taking far too long to resolve the issues. Institutional abuse is unique in respect that people have been abused by the system in a sense. It isn't a fault of the processes that are now running but it is compounded by the timelines it has taken to have these processes in place.
91. It is unfortunate that the past Chair of the Inquiry, Susan O'Brien QC, has gone and unfortunate that comments were made by people who were appointed to the Inquiry like Professor Michael Lamb. People cannot pretend that these things don't have an impact on the people who you are trying to reach out to. Lady Smith's preliminary hearing addressed a lot of those issues and was really helpful.

**Paper compiled by Dr Peter McParlin**

92. I have a paper which FBGA asked for about why there would be a mismatch of expectations and outcomes for survivors. It was written for FBGA in 2010 by a fellow of the British Psychology Society, Dr Peter McParlin. **It is called “Issues concerning survivors’ narrative accounts to historical inquiry committees and those given in a therapeutic context” and is dated 29 November 2010 [WIT.003.001.0065].** I understand **FBGA submitted this previously to the Scottish Parliament Petitions Committee.** Here is an excerpt from the paper:.

*“Where accounts are given to the Inquiry which do not have the strict parameters of the conduct of such accounts, i.e. purpose, breadth and intention, survivors can find disappointing clashes of what they would have hoped such an Inquiry to cover, and any remedial affect that such an Inquiry would have in terms of reaching effective compensation. This mismatch of what is hoped for by survivors and that which is actually delivered by such inquiries is often the source of re-traumatisation, distress, confusion and a general feeling of not wishing to engage in further disclosures and narrations which have proved so fruitless in the past”.*

93. The compensation referred to by Dr McParlin is not solely monetary but is in fact a range of other remedies.
94. Survivors from different organisations have given different narratives to a number of processes. How many times do you want us to repeat that narrative? There have been expectations in the early days that this was the closure part and it still isn't closed. There is a mistrust of the systems. Childhood abuse is quite unique in that if you take that trust away it is more complex. I am not professionally qualified to give you all the reasons but if you have been abused as a child it is difficult to have trust in an adult. When you go through processes and you trust somebody and something happens to affect that trust, it knocks you back. We recognise that you cannot meet everybody's expectations all the time.

**Media engagement**

95. The media has an important role to play and has a powerful position in society. In many instances it has uncovered a number of issues prior to this Inquiry. It certainly has helped indirectly FBGA and others achieving their aims of having an Inquiry and of obtaining the Interaction Action Plan. FBGA were reactive in the early days. We reacted in the media to events that were unfolding around us. I also recognise the faults of the media and how such media power can be misused, such as the BBC Frontline Scotland programme "Secrets or Lies" in April 2003. We had anonymity and we should have still been able to have that to this day. One day the media can love you and the next day it may have completely changed.
96. I have no illusions about the media, it has helped us. I don't just think the survivor groups have used the media. The organisations have used their connections within the media to turn the spotlight on the victims. Groups like FACT have had an undue influence on the media in the Parliamentary process in relation to their issues. In the last few years victims have started to address some of those issues.
97. Quarriers made a number of announcements in the early years that were odd to us. They said it was okay for a convicted paedophile to come back and live in Quarriers, in property owned by the organisation. We couldn't comprehend that. FBGA challenged that in the media and it was eventually addressed.
98. There was another occasion when Quarriers came out and said that no abuser should be named until they are convicted. FBGA know that in these cases that once it has gone to the police, if someone is named, the potential for other victims to come forward is greater. It felt that Quarriers just wanted to dampen it all down.
99. In 2003 some stories were run in the Sunday Herald which were positive. Then all of a sudden the same reporter ran an alternative story which was on the other side. I couldn't understand that then. Yet I understand it today because you have to provide a balanced view.

**Suggestion for the Scottish Child Abuse Inquiry**

100. There is a lack of understanding in the survivor groups about why there hasn't been some sort of Inquiry reference group or something where issues relating to the Inquiry could have been communicated through a collective independent group or hub. Professionals and others could have been in this group and any issues could have been worked through. If there is adverse publicity surrounding the Inquiry that impacts on the work we do. If we are trying to promote the Inquiry that we have campaigned for and other survivors are saying differently, then we have to go out and try to explain to people why they should engage with this Inquiry. It makes my job more difficult. The Inquiry could have considered a couple of small steps such as a reference group, which would have been independent of the Inquiry, and it wouldn't have impacted on the Inquiry.
  
101. This reference group could have been used to explain a lot of the processes. The legal documentation which has been published is, in layman's terms, quite difficult to understand. The forms, like the restriction order paper or the leave to appear paper need to be in plain English. To someone who is non-legal they are difficult to understand, even the concept of them. People are coming to the FBGA and asking us to explain what the forms mean. We are not entirely clear that we are explaining it to them as good as we should. Sometimes we are sending them back to the Inquiry for it to be explained to them.

**Reflections on achievements of FBGA**

102. As a group FBGA have come a long way and have achieved most of our aims that we originally set out and campaigned for. Most people who have worked with us, especially after the initial years, I believe have found us to be consistent and constructive. With FBGA what you see in the room is what you get, and we will say it as we see it. There have been challenges through this Inquiry and we will try and address these issues in the background now without resorting to the media which we will only use now as a last resort if it is going to be a criticism of something. FBGA

are trying to progress the processes. If you look at FBGA and what we have achieved, the record is there and it shows FBGA have led the way in how to constructively engage. Without us there wouldn't have been a National Confidential Forum or Future Pathways. We have even engaged with Quarriers. What we have is a demonstration of what is possible. It's not finished but it has some way to go.

### **FBGA looking forward**

103. Looking forward I can see FBGA being involved in an educational role in the future. We have already attended conferences and done presentations on certain aspects. Eventually, if this is all resolved through the Inquiry, we will be out of business.
104. In the beginning FBGA and I were a bit too open with Quarriers and the BBC. There was goodwill on our part and it was misused. Maybe they couldn't engage with us or address the issues. What we were seeking were answers. They could have used this opportunity to address some issues without impacting on their liability or whatever they were afraid of. We have now demonstrated that by working with them.
105. Different survivor groups have different nuances and different approaches and there are competing aims. It has been helpful that Quarriers have engaged with us at the level they have. I accept fully that they did not in the early days so it was unnecessarily adversarial, and because of the approach they took there was unnecessary further harm and damage done to the victims.
106. FBGA have commonality threads and positions with other survivor groups but each must decide what is right for them and what their needs are. It has been difficult because FBGA try to promote a positive view of the Inquiry and we see adverse publicity along the way. We then have to try and explain that to people.
107. It is not helpful if any survivor group, including FBGA, flip-flop on any issues and are inconsistent or unclear of their aims. People need to know what it is they are looking for, how it can be achieved and what is the outcome. FBGA are perfectly clear and

consistent with everybody. We use our website to communicate and show people what our position is and we put up papers we have submitted. In the early days we have challenged individuals and organisations because we thought they were going to impact on our integrity and honesty either by their actions or by directly having an issue with FBGA about something. We have always operated transparently and put our views across at meetings transparently

### **Hopes for the Inquiry**

108. FBGA know that at the preliminary hearing the Inquiry has recognised and accepted that abuse took place at Quarriers. That was a major step forward for FBGA because this was the first time any process has publicly recognised it.
109. We fully support the work of the Inquiry. It is providing witness support to victims and survivors who share their experiences. The abuse of children over successive generations in Quarriers homes has left permanent scars, not only on victims themselves but on society as a whole. This Inquiry provides a unique opportunity to raise public awareness of the abuse of children in the past Scottish care system, its long term effects on them and their families, to address any past failures by any individual, the institutions, state and state bodies or others, to protect children and uncover any systemic failures, and to make possible recommendations that will help prevent such abuse happening again.
110. The Inquiry process needs to be comprehensive whilst carrying out its remit and mandate. It is required to be fair to all in the process regardless. Every effort should be made to guard against false allegations. Fact-finding and evidence-gathering especially needs to be robust while establishing the facts in a credible, equitable, impartial and independent process.
111. FBGA clearly want the Inquiry to carry out its role, be impartial, independent, credible, robust, scrutinise the testimonies, and uphold the rights of all within the process. We don't want it to become overly adversarial in respect that we have

looked at other inquiries, including the Northern Ireland Inquiry. We have seen the various parties even within the Inquiry setting become very adversarial. FBGA understand we have very limited impact on that because this Inquiry is not just looking at Quarriers and is looking at other institutions and there will be other sets of survivors coming in to the Inquiry who may wish an adversarial process.

112. We would like the Inquiry to ensure that these organisations delivering care to vulnerable children are in fact fit for purpose. Where there are failures or gaps then they are highlighted and addressed. FBGA have always worked on the premise that our work at some point involves reconciliation with Quarriers and to that end we have engaged with them. I want it put on record that I would like to thank Quarriers' CEO Alice Drift for having that engagement. It is a non-committal engagement but it has allowed us to help Quarriers have a better understanding of the issues that are affecting its former residents that have suffered harm.
113. Quarriers made things adversarial from 2002 to 2007 because of the number of actions they took and they could have done things differently. We see the Inquiry as having a role that is independent of everybody and it is for the Inquiry to decide what it does.
114. I believe FBGA are entitled to know what the cultures are that existed including the faults and failures that allowed this abuse to occur. Why this happened including any institutional failures and other such failures including by state bodies, professionals in the care system, regulatory and systemic failures. Lessons to be learned and recommendations are required to ensure institutions, such as Quarriers, caring for vulnerable individuals today are in fact fit for purpose and to help ensure this abuse does not occur on the same scale in the future.
115. I recognise as I said in the Justice Committee on 21<sup>st</sup> February 2017 we will never be able to prevent every single case but we are talking about an organisation that, to date, has had nine people convicted. This is just the tip of the iceberg of this abuse.



116. If FBGA have any criticisms, which we do, it is that the Scottish Executive said no to us over a number of years. There is no other care organisation in this country that has had as many people convicted and yet there has never been a proper inquiry. Quarriers is actually Scotland's third largest charity today. We are all supposed to sit here and think "Everything is rosy and sweet" and actually they had someone convicted in 2013, Brian McMenemy, and that is in the current system.

### **Freemasons and Quarriers**

117. I have been asked to include in my witness statement the issue of freemasons and the culture and operational matters relating to Quarriers Homes. I have been advised that many Quarriers house parents were members of this organisation including house mothers in Eastern Star and house fathers in Freemasons. I have been informed that children in care in Quarriers went out on day trips to other Freemason members' houses and these members were not employed by Quarriers in any capacity whatsoever. Freemasons and its subsidiaries also, as I understand from the information I have received, give substantial funds to Quarriers down the years including funding various buildings such as the Elise Hospital.

### **Documents handed over to the Inquiry**

118. I am handing a number of documents to the Inquiry at this stage. The first of these is a copy of a manuscript compiled by Jan McQueenie "Suffer Little Children" [WIT.003.001.0009] which I only read for the first time recently. I am also handing the Inquiry copies of two Sunday Mail articles from May and June 1984 [WIT.003.001.0061]. Both articles concern Jan McQueenie. The second one also refers to [REDACTED] who raised issues of being abused in Quarriers in the media in 1984.
119. The original of the manuscript was handed to me by Jan McQueenie in 2004 for safe-keeping. I met Jan McQueenie and she told me then that her story was coming

out before Anna Magnusson's book on Quarriers was published in 1984. Quarriers were so concerned about the stories in the press and the possible impact that she was visited by Dr James Minto and someone else. I have a note of the meeting and who else she told me was at this meeting. She told me that she and [REDACTED] were being pressurised because they had gone to the media. Jan was being pressurised into withdrawing her book. In Anna Magnusson's book, called "The Village", there are some bits of Jan's story but they are under the name of "Jan Gordon".

120. I believe Anna Magnusson should be called as a witness to the Inquiry for a number of reasons. First of all she is the unofficial historian of Quarriers and also because of the issues around this manuscript, and the fact she took part of Jan's story and put it in her book.
121. Secondly, I was asked to appear on a radio programme in 2005 called "Between a rock and a hard place". Unbeknown to me at the time, Anna Magnusson was the producer. I was called onto that programme and the person who was interviewing me, Colin Adams, gave me a very hard time and was trying to trip me up. At the end he said that the producer wanted to ask one more question and introduced her as Anna. I didn't know at the time who she was but it was Anna Magnusson. Quarriers as an organisation used its connections in ways that have been harmful to those who have been harmed and have had the courage to face the issues. Quarriers have always been more interested in protecting and promoting that image. Like any company they will go to any extent to ensure that. I would be happy to hand the Inquiry a copy of the CD of this interview.
122. I am also handing over a copy of a letter from Anna Magnusson dated 1983 [WIT.003.001.0058] which was sent to Jan McQueenie.
123. Jan McQueenie entrusted me with her original manuscript in 2004. It makes for harrowing reading. In certain corners in the manuscript she has identified the cottage numbers, the cottage parents and the former residents. This document I would consider to be very valuable to the Inquiry. There is an assertion on one of

the pages of the manuscript that a child might have been beaten in one of the houses and subsequently died. I think it is important that I pass this document to the Inquiry. I do not know if this information has been passed to the police or if anyone else has reported this incident.


124. I am also handing over a copy of a newspaper article containing Letters [WIT.003.001.0060] which are letters Jan received from former residents of Quarriers. Some are harrowing reading and there are a few from people who have had positive experiences. I have the originals of these letters.
125. There are many questions about whether this abuse occurred and why it has only just came out. It is our firm belief that this is not the first time that this has come out and that it has come out in the past.
126. I would also like to bring the attention of the Inquiry to an article in the Scotsman newspaper, an excerpt of which I am handing you today. This article dated 26 October 2015 relates to Duncan Batchelor, the Quarriers QC to the Inquiry. In this article he refers to the professional duty of candour by health care professions and the inherent tension between the professional duty of candour and the right of healthcare professionals not to incriminate themselves.

#### **Abusers in the care system**

127. FBGA have never gone out in any shape or form to damage the reputation of Quarriers, in fact the opposite. We have always been mindful and always recognised that many good and decent people gave good care and nurtured children over the years. The nepotism and culture of Quarriers over the years has corrupted the care system and I would be happy to demonstrate that to the Inquiry. Abusers have supported others to get jobs in the care system and they are currently in the care system. I am not saying that these people are abusing people, but abusers work long-term. They embed themselves in the systems and they get people who support them in the systems. They might not all know they are abusers.

128. What we have had in Quarriers is a number of former house parents who have supported former residents into various jobs over the years and down the generations. You can see this when one of the former residents who was a former employee was convicted. They have supported people into the system and these people have embedded themselves in the system. The system has become corrupt in some ways because of the culture of Quarriers. Quarriers is unique in Scottish culture and is unique in Scotland. It is the third largest charity and is a very powerful organisation as a care system.

129. I have no objection to this 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..... 5<sup>th</sup> of May 2017 .....