

Thursday, 8 October 2020

(10.00 am)

LADY SMITH: Good morning. I understand we have a witness ready on the link. We have been warned sometimes his bandwidth might mean we lose the picture a bit, is that right?

MR MACAULAY: I understand there are some technical problems but hopefully we can survive these. The next witness is Mark Davies.

LADY SMITH: Thank you. Mr Davies, good morning. Can you see and hear me?

THE WITNESS: I can see most of you and I can hear you very clearly.

LADY SMITH: Let me introduce myself. I am Lady Smith, I chair the Scottish Child Abuse Inquiry, and I am very grateful to you for agreeing to give your evidence to us over the link this morning, which, as I have already mentioned, I know may have a picture problem at times due to your bandwidth, but the sound is coming through very well which is excellent.

I would like to begin by you affirming. Raise your right hand, please, as I have just done, and repeat after me ...

MR MARK DAVIES (affirmed) (via video link)

LADY SMITH: What I am going to do now is hand you over to

1 Mr MacAulay, senior counsel to the Inquiry, and he will
2 take matters from there. But do let me know if you have
3 any queries or problems at all. I want you to be able
4 to give your evidence as clearly and comfortably as you
5 can. Thank you.

6 (Please note: inaudibles are due to poor audio quality)

7 Questions from MR MACAULAY

8 MR MACAULAY: Good morning, Mark.

9 A. Good morning.

10 Q. Just to confirm you are Mark Davies, is that right?

11 A. That is correct, yes.

12 Q. And you have provided a statement to the Inquiry. The
13 Inquiry reference for that is at UKG-49, and I think you
14 have a copy of that statement in front of you?

15 A. I do indeed, yes.

16 Q. I think it probably also will come on the screen for
17 you. But looking to the hard copy, if you turn to
18 page 44 of the statement, can you just confirm, Mark,
19 that you have signed the statement?

20 A. I can confirm that, yes.

21 Q. Do you also say that you have no objection to your
22 witness statement being published as part of the
23 evidence to the Inquiry?

24 A. I have no problems with it being published.

25 Q. You go on to say that you do believe that the facts set

1 out in the statement are true?

2 A. I do indeed.

3 Q. If we then go to the early part of the statement, do you
4 begin by telling us, Mark, that you are employed now by
5 the United Kingdom Government Department of Health and
6 Social Care?

7 A. I believe that is correct.

8 Q. What position do you hold in that department?

9 A. I am known as the Director of Population.

10 Q. Can you give us a thumbnail sketch as to what that
11 actually means?

12 A. It means I really deal with public health issues, health
13 improvement, and health matters relating to the public's
14 health. So I lead on, for example, the childhood
15 obesity policy, the public health policy on (inaudible)
16 alcohol and policy on health and equality (inaudible).

17 Q. What you do tell us is that your present department has
18 been known by various names over the years, is that
19 right?

20 A. Absolutely.

21 Q. For example, it was at one time known as the Department
22 of Health and Social Security and before that the
23 Department of Health?

24 A. No, the other way around. It was the Department of
25 Health and Social Security and then became the

1 Department of Health I believe in 1989.

2 Q. As you set out in your statement, just for purposes of
3 clarity, perhaps we can just refer to the Department as
4 the DH?

5 A. That is what I do all the time, so that is easiest
6 I think.

7 Q. Looking then at your track record, you tell us in your
8 statement you have been employed by the DH since 1985,
9 is that right?

10 A. It's a long time.

11 Q. And you have had a number of different roles throughout
12 your career in the DH.

13 The sound is probably breaking up a little bit but
14 I think you said that was correct?

15 A. I will speak up a bit for you.

16 Q. In particular, during your time in the DH, you were
17 involved in the National Apology that was made to former
18 child migrants in 2010?

19 A. That is correct, yes.

20 Q. Insofar as your present role with the DH, or the
21 Department of Population Health, you have held your
22 present position I think since July 2016, is that right?

23 A. Yes, that's right.

24 Q. But do you tell us in paragraph 5 of your statement that
25 since January 2007, you have been the DH's lead on all

1 matters relating to child migration?

2 A. Yes, that is also correct.

3 Q. You are today giving evidence to the Scottish Child
4 Abuse Inquiry, but did you also provide evidence to the
5 England and Wales Child Abuse Inquiry?

6 A. Yes, I did. I think that was in March 2017 I gave that
7 evidence.

8 Q. Just looking broadly at what your work, insofar as you
9 have been involved with child migrants, concerned over
10 that period, can you summarise what that work has
11 involved?

12 A. Yes. Starting -- it began with funding the Child
13 Migrants Trust. The reason that the policy came to the
14 Department of Health is quite a long and convoluted
15 story but nonetheless it ended up with us in 2007 where
16 it came from the Department for Education.

17 Since 2007, I think I described in my witness
18 statement that there was (inaudible) apology
19 conversations with the then Prime Minister's office and
20 with our Secretary -- the then Secretary for Health.
21 But since then, since the apology was made, which in
22 itself was quite a lot of work to arrange, we have -- or
23 I have established the Family Restoration Fund, which is
24 now an £8 million fund to help former child migrants be
25 reunited with their families. We have continued to fund

1 the child migrants (inaudible) to the tune, well, since
2 2010 of nearly £8 million (inaudible) every year, and we
3 have provided evidence to the Independent Inquiry on
4 Child Sexual Abuse and since their report was published
5 in March 2018 --

6 LADY SMITH: Mark, I am sorry, but you are breaking up a bit
7 at this end. I am wondering whether it is your position
8 in relation to the microphone.

9 A. I shall move closer to the camera, I shall loom rather
10 towards you.

11 LADY SMITH: Actually I am not seeing you at all at the
12 moment so don't worry about that.

13 A. Okay.

14 LADY SMITH: That is better.

15 A. I will try to maintain this position.

16 So following the publication of the Independent
17 Inquiry into Child Sexual Abuse's report in March 2018,
18 we have established and run the redress scheme for all
19 UK child migrants, which has now paid I think -- well,
20 by far the majority of UK people alive on March 31, 2018
21 a payment of £20,000. I think we have made about 1,600
22 payments, 1,640 payments so far.

23 So the work has mostly basically been to ensure that
24 the programmes are funded, to do the usual Civil Service
25 tasks of responding to Parliamentary questions, briefing

1 ministers and responding to -- briefing ministers for
2 Parliamentary debates, of which there have been a small
3 number over the years.

4 MR MACAULAY: We will look at some of that later on in your
5 evidence, Mark. But I think it is the case, as you say
6 in paragraph 7, that there is no one in the Civil
7 Service today who had any personal involvement with the
8 child migrants schemes prior to 1971?

9 A. That is my understanding. We have actually, as part of
10 a separate piece of work relating to the litigation,
11 tried to identify whether anyone who might have been
12 responsible for taking decisions at the time in question
13 is still alive and we have not found anyone so far.

14 Q. You go on to say that the United Kingdom Government,
15 with limited exceptions, was not involved either in the
16 selection, accommodation, travel arrangements, reception
17 overseas or care of individual children for migration,
18 and we will look at that, but broadly speaking that is
19 the UK Government's position?

20 A. That is my understanding. And I should always preface
21 this with the fact that I clearly wasn't alive at the
22 time these decisions were taken. The records we have,
23 we have made available as far as possible to anyone
24 who -- any Inquiry or anyone who needs to see them.
25 Most of them are in the Public Records Office or the

1 National Archive. So that is my understanding, but that
2 is my understanding from reading the papers and seeing
3 the papers which have been available to the Inquiry as
4 well.

5 Q. What you go on to say then is that evidence about the DH
6 involvement from 2007 is within your own knowledge?

7 A. Yes.

8 Q. But in all other respects your evidence is based upon
9 what you can tell us you can read from records,
10 basically?

11 A. Yes, that is true. There is a period from the late
12 1980s until, well, 2007 when certain decisions were
13 taken. There was a Parliamentary Inquiry, for example,
14 which the Health and Social -- Health Select Committee
15 held in the late 1990s. I wasn't working on these
16 policies at the time but I suspect a number of people
17 who were working on those policies are still in the
18 Civil Service or still alive at least.

19 Q. You also tell us that -- this is in paragraph 10 of your
20 statement -- in reading and evaluating the documents
21 provided to this Inquiry, you have not sought to
22 consider them in the sort of level of detail covered by
23 the expert report by Professors Constantine, Harper and
24 Lynch, is that right?

25 A. That is correct.

1 Q. You confirm, I think, that you don't dispute any of the
2 factual material that they have relied upon in putting
3 together the report?

4 A. That would be the case. The material is the material.
5 It is what is on record and is indisputably so.

6 Q. Can I just touch for a moment then on the 2010 National
7 Apology. And as you remind us in paragraph 12:

8 "It was made clear to this Inquiry in the opening
9 statement on 3 December 2019 that the UK Government
10 stands by the 2010 National Apology."

11 A. Yes, that is the position. We have never said anything
12 other than that since the apology was made.

13 Q. And you go on to say that:

14 "The National Apology acknowledged the experiences
15 of child migrants and the effect of migration programmes
16 on them."

17 And:

18 "This starting point has underpinned all the work
19 that the DH has done to support former child migrants."

20 Is that the position?

21 A. That is correct.

22 Q. What you then go on to say is:

23 "I would like to make it clear from the outset that
24 it is not part of the UK Government's approach to these
25 hearings to defend the policy of supporting child

1 migration, or in any way to challenge or underplay the
2 consequences for the children who were involved and
3 their families."

4 And is that the United Kingdom Government's
5 position?

6 A. It is, yes. We have never taken any other position than
7 that.

8 Q. Furthermore, you say:

9 "The UK Government's position remains as expressed
10 by Prime Minister Gordon Brown, when he made the
11 National Apology in February 2010, that the former child
12 migrants were let down and that in too many cases
13 vulnerable children endured the harshest of conditions,
14 as well as neglect and abuse in the institutions that
15 received them."

16 Again, that is the UK Government's position?

17 A. Yes.

18 Q. If one looks at paragraph 13, and perhaps you can tell
19 us what you set out in that paragraph?

20 A. What we said was that the UK Government fully accepts
21 that there were shortcomings in the implementation and
22 oversight of that policy and that remains our position.

23 Q. I think you also say there that:

24 "... within the context of a policy that has now
25 been accepted as wrong ..."

1 And that is the position. The Government accepts
2 the policy was a wrong policy?

3 A. Yes, I think it is quite clear that child migration as
4 it occurred in the period in question no longer occurs,
5 or is no longer allowed to happen, so therefore the
6 policy and the practices which underpinned it are
7 clearly now considered to be unacceptable. Otherwise we
8 would surely think it was a good thing and continue to
9 do it but we don't, so that is the policy. So clearly
10 it must have been wrong if we no longer carry out such
11 policies.

12 Q. You go on to identify a number of organisations and
13 individuals who did have responsibility for the children
14 that were involved in the child migration. Can you just
15 summarise what you have set out in that following
16 paragraph for me?

17 A. Yes. What I was trying to do there was to say that
18 child migration was not the responsibility of any single
19 institution, government or voluntary or church or local
20 authority, or individuals. Every child who was sent
21 overseas had a number of organisations that (inaudible)
22 about them and I tried to set them out here. I have
23 listed them from A to F. Clearly there were those who
24 took individual decisions about children, often
25 childcare practitioners or the organisation that

1 employed them, the staff whose responsibility it was to
2 provide care for children, whether in the UK or in the
3 country to which they were sent, mainly Australia,
4 I have to say, but especially those who were sent to
5 children's homes or farm schools, clearly individual
6 staff had a responsibility to care for them properly.

7 There were the organisations that both provided the
8 facilities and a lot of the -- a lot of evidence I think
9 and quite clearly evidence (inaudible) that we would
10 expect today --

11 LADY SMITH: Mark, you are breaking up. You were very clear
12 before. Is it your position again? Thank you.

13 A. Is that better? So there were organisations that were
14 responsible for providing the facilities, many of which
15 clearly don't meet the standards we would expect today,
16 or didn't meet the standards we would expect today.
17 Services such as education. There were organisations
18 and individuals who employed those who worked in
19 children's homes, again, they had a responsibility for
20 ensuring that the people that were employed to look
21 after children were suitable and appropriately checked.

22 There were local and national organisations and
23 authorities whose responsibilities I have set out here
24 included inspection of arrangements made for children
25 and ensuring the arrangements are in place for checking,

1 training and supervising staff. And then the national
2 and local governments and legislatures who set the
3 legislative and policy framework for the care of
4 children.

5 So the point I was trying to make here in my
6 statement is that it is very difficult to identify
7 a single organisation which was solely responsible for
8 child migration and the subsequent events, and in many
9 cases the suffering of the children who were sent
10 overseas. And that includes children who were looked
11 after in this country before being sent overseas, so
12 clearly those organisations had a responsibility in the
13 UK as well as in Australia.

14 MR MACAULAY: You move on in the following paragraph to say
15 that:

16 "The UK Government was not responsible for running
17 the [child migration] programmes."

18 But that, nevertheless, the various different
19 government departments over the years have had
20 involvement in these programmes. Is that right?

21 A. Yes, that is correct. And I set out in subsequent
22 paragraphs where various responsibilities for, if you
23 like, child migration policy, as I understand it now,
24 where it is at.

25 Q. If you look at the first period you focus on from

1 January 1900 to December 1945, what do you say there in
2 relation to child migration policy?

3 A. We are now looking at historical issues. But my
4 understanding, and hence I have said it appeared to be
5 the responsibility -- emigration to Canada, which was
6 I think where the majority of (inaudible) were placed in
7 the 19th century, appears to have been the
8 responsibility of local government boards in the UK.
9 And the Commonwealth Settlement Act in 1922, which
10 provided some of the funding and resources for child
11 migration, that was -- as I understand it, and I am sure
12 your experts and historians would correct me if I was
13 wrong, my understanding is that that was the first piece
14 of legislation which (inaudible).

15 Q. But certainly by that time other organisations like
16 Barnardo's and Quarriers, just to give two examples,
17 were engaged in child migration directly, is that within
18 your ...

19 A. That is my understanding.

20 Q. Your understanding.

21 Can I then look at the period 1945 to 1971 and the
22 different government departments that had some input
23 into child migration. Can you take me through that
24 period?

25 A. Yes. So from 1945 until 1971 the Home Office was

1 responsible for policy regarding the welfare of
2 children, and the Commonwealth Relations Office, which
3 I believe was called possibly the Empire -- it probably
4 had a different title at the time, but the Commonwealth
5 Relations Office, which it ended up being called, looked
6 after the relationship with the receiving countries. So
7 I have listed here the various re-enactments of the
8 Empire Settlement Act which was passed -- which led to
9 the Commonwealth Settlement Act, finally, for the last
10 time, re-enacted in 1967, which means it expired in
11 1972. I understand they were five-year enactments. The
12 Commonwealth Settlement Act allowed the UK Government to
13 act with the dominion governments, public authorities
14 and private organisations to formulate and co-operate in
15 carrying out agreed schemes --

16 LADY SMITH: Mark, I am so sorry but you are breaking up.

17 Try again, thank you.

18 A. I'll try again. So I am just explaining what is in the
19 text at paragraph 19 about the implementation of
20 Commonwealth Settlement Acts. As I point out in
21 paragraph 20, it is my understanding that the
22 Commonwealth Settlement Acts allowed the Government to
23 provide finance but did not empower the UK Government,
24 which, as I understand it, did not look after children
25 in its own right, that was the responsibility of local

1 authorities and voluntary church organisations. So it
2 did not specifically empower the UK Government to send
3 children overseas, whatever that might mean in all its
4 aspects. So it didn't choose or make decisions about
5 which children should go overseas or where children
6 should go or the manner in which they should go, that
7 was for the organisations themselves to decide.

8 So then I have set out the various pieces of
9 legislation which, as I understand it, provided for the
10 care of children, in particular the most important one
11 is the Children Act 1948. In my understanding, that was
12 the piece of legislation which governed childcare in the
13 UK until later -- until it was (inaudible) later
14 legislation. There was, as is noted, and as many
15 witnesses have noted, there was a power to make
16 regulations in that Act to control the making and
17 carrying out by voluntary organisations of arrangements
18 for the emigration of children.

19 MR MACAULAY: I think as you set out later on, and we will
20 come to that, regulations did not materialise. But just
21 going back to paragraph 22, where you make reference
22 there to Section 17(1) of the 1948 Act, and that is
23 the provision that provided the Secretary of State with
24 a particular role in relation to consenting to migration
25 of children in Local Authority care, namely, that he had

1 to be satisfied that emigration would benefit the child
2 and that suitable arrangements had been or would be made
3 for the child's reception and welfare in the receiving
4 country. So there was that duty imposed on the
5 Secretary of State by the legislation, is that your
6 understanding?

7 A. Yes, but only in regard to children in Local Authority
8 care --

9 Q. Yes, indeed.

10 A. Which is by far the minority of children. So a
11 relatively small number of the children who were sent
12 overseas were sent by local authorities, the majority
13 were with voluntary organisations, and those powers did
14 not -- the Secretary of State's powers did not extend to
15 those organisations, in my understanding.

16 Q. And that is what I think the regulations -- that was the
17 gap the regulations were designed to plug?

18 A. I believe that to be the case but obviously I wasn't
19 there when the legislation was made. The power to make
20 regulations was set out in the legislation, which is the
21 will of Parliament, so I assume that is the case because
22 that is the logical conclusion but I don't know that,
23 obviously.

24 LADY SMITH: Mark, from your researches, have you been able
25 to identify what system, if any, the Secretary of State

1 put in place for satisfying himself, where he was having
2 to consent or not, to satisfy himself that emigration
3 would benefit the child and that suitable arrangements
4 had been made for the child's reception and welfare in
5 the receiving country?

6 A. I am afraid I can't give you detail on that. As I said,
7 I have access to the same papers that others have access
8 to, and I am not 100% certain as to how those powers are
9 exercised in relation to children sent by local
10 authorities. I understand that in a number of cases the
11 Secretary of State decided that a child shouldn't be
12 sent overseas, so I would imagine from that that there
13 was a process for determining, or for looking at
14 individual cases. Of course, the Secretary of State's
15 powers are exercised by civil servants by and large.

16 LADY SMITH: That is why I was asking you, Mark. I wondered
17 if there was any evidence of a process having been
18 designed and used at the time.

19 A. I am not aware, but that doesn't mean there wasn't one.
20 I apologise for my lack of knowledge on that. I think
21 it would be in the historic documents.

22 MR MACAULAY: You focus then on the role to be played by the
23 Secretary of State in connection with Local Authority
24 children. And then in relation to the Commonwealth
25 Relations Office, you focus on their particular role, in

1 particular in advising as to the suitability and
2 continuing suitability of the receiving institutions.
3 Is that your understanding, that that was a particular
4 role for the Commonwealth Relations Office?

5 A. That was my understanding, and I have set out in 24 and
6 25 what I believe to be the case in terms of what the
7 functions were. I also say that plainly, from my own
8 knowledge, I don't know how these arrangements worked in
9 practice.

10 Q. Just to pick up your footnote on that page, you tell us
11 the Commonwealth Relations Office existed between 1947
12 and 1966, it then became the Commonwealth Office in
13 1966, and it finally merged into the Foreign Office to
14 become the Foreign and Commonwealth Office in 1967. So
15 that gives us an idea as to its track record?

16 A. Yes. Yes, it lasted a year as the Commonwealth Office,
17 so ...

18 Q. Then you have a section headed "Involvement/knowledge of
19 the UK Government in relation to the operation of child
20 migration programmes", and in particular you do point
21 out that in the period 1945 to 1971 the Home Office was
22 in contact with voluntary organisations in the UK
23 responsible for sending children overseas. And the
24 materials do disclose that, is that right?

25 A. Yes.

1 Q. What do you take from the Home Office's involvement then
2 with voluntary associations or voluntary organisations?

3 A. From my reading of the papers, and I obviously haven't
4 read all of the thousands and thousands of documents
5 that are available, the Home Office appeared to have
6 some relatively informal relationships with voluntary
7 church organisations. At a time in the 1950s they then
8 formalised that a little bit more by convening
9 a committee or a group of those voluntary organisations
10 to try and set some standards. But my understanding is
11 that it was a relatively informal set of relationships,
12 formalised occasionally by visits and
13 information-gathering exercises by Home Office
14 officials, which resulted occasionally in reports,
15 formal reports. But those were, in my reading, in my
16 understanding, rather ad hoc visits and could not be,
17 for example, described as formal inspections. Clearly
18 it is very difficult for another country to inspect
19 facilities in the receiving country.

20 Q. The way you have expressed this in paragraph 27 is that:

21 "Whilst the Home Office did not have any active
22 involvement in the arrangement of the migration
23 programmes run by voluntary and church organisations, it
24 did have some knowledge of and input into the general
25 operation of the programmes, provided high level

1 guidance and intermittently commented on and engaged
2 with individual schemes."

3 So that is a broad outline of your understanding as
4 to the Home Office's involvement?

5 A. Yes, it was broad -- from my reading of the papers that
6 is (inaudible).

7 Q. You go on to summarise that involvement under reference
8 to certain areas. For example, you again focus on the
9 fact that consent for migration in Local Authority care
10 was something that the Secretary of State and the
11 Home Office would be involved in?

12 A. That is my understanding, yes.

13 Q. At (b) on the following page you indicate that the
14 Home Office would be involved in advising on approval of
15 homes for funding to be made by the Commonwealth
16 Relations Office, is that right?

17 A. Again, my understanding is that that is the case.
18 I have no detail on how that advice was provided or how
19 consistent it was, but my understanding is there was
20 some process for advising.

21 Q. Do I take it from that that the approval of a home for
22 funding was necessary in order for the organisation to
23 qualify for funding under the Commonwealth Settlement
24 Acts?

25 A. Again that is my understanding, although I also

1 understand that not every organisation sought funding.
2 So it was a support rather than a necessity, if
3 you understand my meaning. It was something that was
4 available to organisations rather than something that
5 was required, organisations were required to seek.

6 Q. You also take from the materials that you looked at that
7 the Home Office would "liaison" with sending
8 organisations about, for example, the arrangements for
9 selection, transport and care of potential child
10 migrants?

11 A. Yes, clearly there was -- again, my reading of the
12 papers -- discussion of those issues, but I use the word
13 "liaison" with care. They were not committing, as
14 I understand it, committing or requiring anything. It
15 was a relatively informal relationship, as I understand
16 things.

17 Q. You say in the following paragraph that the
18 United Kingdom Government did not have any formal
19 jurisdiction to conduct inspections in Australia, but
20 nevertheless there were inspections carried out
21 essentially on behalf of the United Kingdom Government
22 at points in time?

23 A. Yes, again, that seems to be the case. And I understand
24 that occasionally staff from the High Commission would
25 visit some of the receiving institutions, in Australia

1 in particular. I think this is mostly about what
2 happened in Australia as opposed to some of the other
3 countries where migration was more limited.

4 Q. We know, for example, of the Ross mission and it was
5 a fact-finding mission. That mission was sent to
6 Australia on behalf of the Home Office and the
7 United Kingdom Government?

8 A. That is my understanding, yes.

9 Q. That is a clear example of the UK Government seeking
10 information through inspection --

11 A. Well, whether you describe it as inspection, I don't
12 know. I think of inspection in a rather more formal way
13 now, in the way we would consider it today.

14 I understand that Mr Ross visited and he clearly had
15 some expertise and knowledge of childcare issues and
16 then commented upon (inaudible). "Inspection" I would
17 personally consider to be a slightly more formal process
18 carried out by various inspectorates. Certainly -- and
19 I am less clear about the arrangements in Scotland, but
20 I don't think it would be considered a formal
21 (inaudible) today. Again, that is my opinion.

22 MR MACAULAY: I think it is breaking up again a little bit.

23 LADY SMITH: It is. If you can get nearer the microphone.

24 A. I am --

25 MR MACAULAY: I wonder if it is some sort of technical

1 problem that can be sorted out.

2 LADY SMITH: I wonder.

3 A. In the meantime, I will make sure I remain close to the
4 microphone.

5 LADY SMITH: And there is no chance of a picture? (Pause).

6 We still have no picture at all, Mark, of you. Only
7 the sound.

8 A. I do apologise. I can see my picture -- my video is on
9 and I can see my picture on the screen. I don't know if
10 the problem is at your end or mine.

11 LADY SMITH: What we understand is it is to do with your
12 bandwidth.

13 A. Indeed it might be. There is not much I can do about
14 that. I am on the Government wi-fi service so it should
15 be sufficient, I should have thought, but ...

16 LADY SMITH: Are you working from home?

17 A. No, I am in the office. I am plugged into our
18 broadband, the Government broadband system.

19 I will get some experts to have a look at it when we
20 have the break.

21 LADY SMITH: Yes. Let's see if we can carry on for
22 a little. If you can do your best to help us with the
23 sound at least, that would be good.

24 Just going back to Ross, the systems for
25 inspections, for example, of schools now is rather

1 different than it was I know in the early 20th century,
2 mid-20th century, but if you read Ross and read the
3 details that the committee were able to report on, it is
4 fair to describe what they did as inspecting the places
5 they went to, isn't it?

6 A. Yes, I think that is probably a fair assumption. They
7 clearly had a process which they followed, which I think
8 is probably more like an inspection than just a visit.
9 But I don't think in any way you could suggest that
10 there was an inspection process, apart from the one
11 carried out by Ross, because there wasn't a consistent
12 and regular series of inspections, I think for the
13 obvious reason that it is quite hard to inspect
14 provisions in other countries. I think we would
15 probably find it rather odd if people tried to inspect
16 our childcare arrangements.

17 I don't know. I wasn't there at the time,
18 obviously. It was clearly a thorough visit and would
19 have some of the elements of an inspection, I guess.

20 LADY SMITH: Thank you.

21 MR MACAULAY: In the next section, paragraph 29 through to
22 paragraph 40, you focus on different departments that
23 have had involvement in child social care policy from
24 1971 right through to 2018. And if I can move on from
25 there to page 8 of your statement, Mark, you have

1 a heading there, "Rationale for the UK Government's
2 participation in child migration programmes", and
3 can I just pick up your statement at that point. You
4 begin by saying that you are not:

5 "... able to add to the analysis in the [experts']
6 report to this Inquiry as to why the policy of allowing
7 child migration continued after the Second World War."

8 So you accept, essentially, what the experts have
9 said?

10 A. Yes. As I mentioned at the start, what is available are
11 documents that have been made available publicly. As
12 part of our work on the Independent Inquiry into Child
13 Sexual Abuse, which obviously informed the work heavily,
14 we looked to see if there were files held in government
15 offices which might add more to the story, and by and
16 large we didn't find any of that from that period. So
17 as far as I am aware, all the material which exists and
18 which can be disclosed -- there are obviously some which
19 can't, because they contain personal confidential
20 information, but all the other material has been made
21 available through the National Archive. And the expert
22 witnesses have had access to those in the same way
23 I have, and they have had more time and have been tasked
24 with understanding them and interpreting them.

25 I have nothing really much more to add than that.

1 I can't claim to be a historian. I am a civil servant.
2 I can't -- I understand what happens in the
3 Civil Service, but I can't possibly imagine -- put
4 myself in the shoes of people who took decisions
5 70 years ago. So I completely rely on what the experts
6 and their interpretation of what they determined from
7 the paperwork they have seen.

8 Q. In paragraph 42 you do say that are aware from certain
9 documents that there are suggestions of some uncertainty
10 in UK Government in the mid-1940s as to what the
11 UK Government's policy would be about the emigration of
12 children, so that is an inference that you yourself have
13 been able to take from the material you have looked at?

14 A. Yes, it is an inference that I have made, I think it
15 would be hard to infer anything else from documents
16 which are described. People can make whatever
17 interpretation they like, I guess, but that would be my
18 understanding of --

19 Q. Can I put one of the documents that you draw attention
20 to in your statement on the screen. Let's see if this
21 aspect of the technology will work. That is UKG-36 at
22 page 41.

23 It is on our screen in the Inquiry hearings room.
24 Do you have that on your screen?

25 A. Yes, I can see it.

1 Q. You do refer to this document in your statement and
2 I will just take you through it. It is dated
3 13 December 1945 and it's dealing with child migration
4 and particularly the voluntary homes aspect of it. If
5 you look at the second paragraph, we can read:

6 "As regards the general question of bringing the
7 possibilities of child emigration to the dominions to
8 the notice of public assistance authority, our
9 recommendation would be to defer any action of this kind
10 until we know more about government policy on child
11 migration."

12 So at that time there is, as you say, some
13 uncertainty, lack of knowledge, call it what you will,
14 as to what the government policy might have been?

15 A. That is how I would interpret that paragraph.

16 Q. Just to give this context, this is a memo or a letter
17 from I think -- is it a Miss Wall in the Home Office to
18 a Mr Turner in the Ministry of Health? That is
19 the context?

20 A. Yes, that seems to be the case. I have no wider context
21 to it. That was -- it was determined that such a note
22 should be sent at that time, but ...

23 Q. You go on to tell us in paragraph 43 that following upon
24 the Curtis Report, which led ultimately to the 1948 Act,
25 there did appear there was an opportunity and

1 an ambition to improve the quality of children's
2 services in this country. And you also go on to say the
3 Home Office:

4 "... appeared to be staffed with people who had the
5 welfare of children as their key interest and wanted to
6 take action in this country to make improvements on
7 this, which they did through the 1948 Act."

8 So is that again a conclusion you come to under
9 reference to the material that you were able to access?

10 A. Yes, that is my reading of the material that I saw
11 relating to discussions following the Curtis Report, and
12 my understanding of the intention of the 1948 Act was to
13 improve the welfare of children in this country.

14 Q. Perhaps I can take you to another document that you draw
15 attention to in your statement. This is at UKG-50. If
16 we can go to page 139. Have you got that on your screen
17 now?

18 A. I can see it, yes.

19 Q. You tell us in paragraph 44 of your statement that this
20 is a memo prepared by Miss Maxwell of the Home Office,
21 I think you say it is 20 June -- it may be 20 August.
22 If we look at page 140, perhaps it looks like
23 20 August --

24 A. Yes.

25 Q. -- 1947. If we look at the body of the document on

1 page 139, it is quite difficult to read, but we can just
2 about make it out. At the top we can read:

3 "At a meeting on 10 August at the Commonwealth
4 Relations Office with Mr Costley-White and Mr RL Dixon
5 we discussed the emigration of children.

6 "The Home Office first approach to the question of
7 emigration differs from that of the Commonwealth
8 Relations Office. We tend to discourage in favour of
9 boarding out or more family care in this country while
10 they encourage without giving much attention to the
11 individual children involved."

12 She goes on to say:

13 "I explained the Home Office attitude at some length
14 - broadly that we were following out the recommendations
15 of the Curtis Report."

16 She says:

17 "We regarded it in general as more beneficial for
18 a child to remain in this country if there was a hope of
19 a home of its own than to migrate to a continued life of
20 large institution or home. I gave examples of our
21 attitude by quoting some of the recent Barnardo's Fit
22 Person children's cases, both where we had given and
23 withheld consent to emigration."

24 So there we do see a policy emerging in relation to
25 what the Home Office attitude to migration was at the

1 time?

2 A. Yes, I agree, it seems to support my earlier supposition
3 that people in the Home Office had the welfare of
4 children at the heart of their work.

5 LADY SMITH: But a conflict here with the Commonwealth
6 Relations Office approach, Mark, isn't that right?

7 A. I agree, yes. This was all tied up in the politics of
8 the time and I really -- I struggle to kind of put
9 myself in the position of officials at the time because
10 it was a different period. In other contexts people
11 have noted that -- for example, the Australian
12 Government was very keen to have children migrate to
13 help them sort of rebuild after the war, and certain
14 unpleasant phrases were used, such as "good white
15 stock", et cetera. These were very different times. So
16 I read this as being a tension between two different
17 government policies.

18 LADY SMITH: Of the two offices, have you any feel for which
19 at the time was holding, to use a colloquialism, "more
20 clout"?

21 A. I can only assume that the Commonwealth Relations Office
22 did but again that is just my assumption. Others might
23 take a different inference from the papers. But my
24 assumption is that something happened which overrode the
25 concerns of Home Office officials. In the end these

1 decisions would have been taken by politicians, as all
2 such decisions are, on the advice of civil servants.
3 You can read into this yourself the inherent tension
4 between the two government departments, and I suspect
5 that reflects tensions between the different policy
6 imperatives.

7 LADY SMITH: And the policy imperatives that
8 the Commonwealth Relations Office would have had on
9 their desk at the time included other very important
10 issues relating to UK/Australian relationships, didn't
11 they?

12 A. That is my understanding. You know, from our
13 perspective now it is very difficult to see how children
14 could be used in such a way to promote government
15 policies but they were different times. I can't at all
16 comment on the reason for people taking those decisions
17 if those were the decisions that were taken. It does
18 seem unacceptable from today's perspective, I don't even
19 know how acceptable it was then, but I am not --
20 obviously we weren't there then when these decisions
21 were taken.

22 LADY SMITH: Thank you.

23 MR MACAULAY: If we read on in that document to the next
24 paragraph, Mark. I will just read that out so we have
25 it in the notes:

1 "It was difficult for the Home Office, however, to
2 get adequate information about the homes in Australia to
3 which children would emigrate and about the general
4 standards of childcare accepted in the dominion. There
5 is here a vigilance and interest, and a reforming
6 spirit, which probably does not exist in Australia. We
7 had also difficulty in knowing how far the wider needs
8 of the children, such as contact with ordinary families
9 in Australia, and knowledge of Australian life, also the
10 need for aftercare on leaving the homes were realised."

11 So again there appears to be there, if we take that
12 at face value, a sense of tension between the approach
13 being taken to childcare in the United Kingdom and the
14 perceived approach in Australia?

15 A. Yes, I agree. You can't interpret that really in any
16 other way so I would agree.

17 Q. I think it is within the same Home Office file, which
18 has the broad head on the front page of "Emigration of
19 Children", if I can turn to another document. I can't
20 remember if you refer to this in your statement or not.
21 But if we can turn to page 149, I think, if that is
22 available. If we scroll up to the top, can we see there
23 a reference to Mr Calwell, the Australian Immigration
24 Minister, being on his way to Britain. And if we read
25 on:

1 "... and I understand from the Dominions Office that
2 he hopes to arrange for the emigration of something like
3 1,000 children as well as speeding up the emigration of
4 adults under the Assisted Passage Scheme. He is
5 reported in the press as saying he would like to start
6 with 70,000 immigrants a year."

7 And goes on about what is available in Australia by
8 way of work.

9 Toward the bottom of this memorandum, can we read
10 the last paragraph:

11 "In general, against a policy of encouragement of
12 migration, we might say that Britain has a declining and
13 ageing population, and that it is in her own interests
14 to keep her children by giving them every opportunity to
15 make them into good and useful citizens of this
16 country."

17 If we just read further down, there is also a note
18 that says:

19 "They must also remember that the immigration
20 countries will take only the best children for whom
21 in fact there is most need and most scope over here, not
22 necessarily those who would most benefit from a change
23 of life and surroundings."

24 So we have there a sense as to what the Home Office
25 general approach again was to migration?

1 A. Yes, I agree. The only thing I would say in relation
2 to that is that clearly there was a significant amount
3 of migration to Australia anyway of families and people
4 of working age, so I think there is a sort of slightly
5 broader context to that, but clearly that paragraph
6 refers to children in particular so, yes, it's
7 definitely expressing a tension.

8 Q. If we read on to the final page of this memorandum,
9 page 151 in the file, it is again Miss Maxwell, her
10 signature has been redacted but it is signed by
11 Miss Maxwell, and we see the date is now 26 June 1947.

12 If we go to the top of the page -- can we just go
13 back one page to page 150 and we will read into the top
14 of the page. At the bottom of page 150, if we can just
15 scroll down to that, can we see she has written, second
16 last line:

17 "Again we should surely not break up brothers and
18 sisters by emigrating some and not others."

19 But we know that happened, don't we?

20 A. Yes, absolutely, we do know that happened.

21 Q. Although here it seems to have been Home Office policy
22 that that should not happen?

23 A. Yes. Well, it says "we should ... not". I really don't
24 know whether this was an official expressing an opinion
25 in the development of advice or was the advice itself.

1 So it's quite hard to tell from this distance -- you
2 know, in developing policy people express all sorts of
3 ideas. This seems like a very sensible set of
4 suggestions. Whether that was subsequently adopted as
5 policy, I don't know. I don't know.

6 Q. You may be right. It is certainly a view that is being
7 expressed by the writer of the document.

8 A. Yes, and clearly somebody who had some influence. I am
9 not sure what grade or position Miss Maxwell --

10 Q. I was going to ask if you did have any insight into who
11 Miss Maxwell might have been, because she does feature
12 quite significantly at this time, in the mid-1940s, in
13 dealing with this particular issue of child migration.
14 Can you provide us with any insight as to what her role
15 was?

16 A. No, I am sorry, I can't. I don't know whether -- sorry,
17 I don't know if you're aware of this but -- I don't know
18 whether the expert witness report provides more insight
19 into that?

20 Q. I don't think so.

21 A. No. To be perfectly honest, if the expert witnesses
22 haven't managed, from the paperwork, to determine that,
23 I have no particular special knowledge of the
24 Home Office at that point in time so I wouldn't know.

25 LADY SMITH: Very well. Thank you for that, Mark.

1 Mark, I am going to take the morning break now and
2 we will see if we can do anything to improve our
3 connection with you over that break. Thank you.

4 (11.00 am)

5 (A short break)

6 (11.17 am)

7 LADY SMITH: Welcome back, Mark. I think we now have
8 a picture of you. This is looking better. It's very
9 good to see you and hopefully the sound will improve
10 now. Thank you for whatever you got done at your end to
11 enable this.

12 Mr MacAulay, if you are ready let's resume.

13 MR MACAULAY: Before the break, Mark, we were looking at the
14 document UKG-50, and I can move to the final page of the
15 document, page 151. Reading from the top of the page,
16 do we read:

17 "On the whole, I think we should tend to be
18 anti-emigration except where we can be fully satisfied
19 that the child can only gain by it. It is, after all,
20 an irrevocable decision. Once done it can only, with
21 the utmost difficulty, be undone."

22 Again, that perhaps reflects at least Miss Maxwell's
23 attitude in the Home Office at that time to the whole
24 issue of emigration.

25 In your statement at this part, in paragraph 44, you

1 also draw attention to a letter dated 19 March 1954, so
2 time is moving on. If I can just put that on the screen
3 as well, that is UKG-50 at page 454.

4 I think we now have it. Just to give it some
5 context, it's a letter dated 19 March from Mr Oates in
6 the Home Office to Mr Dixon in the Commonwealth
7 Relations Office at that time in Downing Street. If we
8 just read what is said there:

9 "You will remember that a short time ago we
10 discussed informally a letter from Lamidey asking for
11 assistance in increasing the flow of British children to
12 approved homes in Australia; a copy of this letter is
13 now enclosed.

14 "We have given considerable thought to this request
15 and we feel that since your department is concerned with
16 government emigration policy the matter is one which
17 should be discussed between our two departments."

18 And then we read:

19 "Our view is that it is not for us to advocate the
20 emigration of children in public care but that we should
21 be prepared ..."

22 And if we turn over to the next page:

23 "... to act as intermediary between Commonwealth
24 Relations Office and the local authorities (including
25 the Association of Municipal Corporations and the

1 County Councils Association)."

2 So as we see there, Mr Oates is putting forward this
3 notion that they wouldn't be advocating emigration but
4 they would act as some form of intermediary in the whole
5 process?

6 LADY SMITH: I am interested in him restricting his comments
7 to children in public care, as he puts it. As you have
8 already rightly said, Mark, the majority of children
9 were not being migrated from public care, from Local
10 Authority homes, the majority were being migrated from
11 homes run by voluntary associations. But those are not,
12 it would seem, covered in his thinking, isn't that
13 right?

14 A. That is my interpretation of that. I guess that the
15 Home Office were thinking about what powers they had to
16 intercede where they had those powers, and as we already
17 noted, they only had responsibilities in relation to
18 children who were looked after by local authorities. So
19 I assume this is an expression of that set of
20 responsibilities and how they might use them in these
21 circumstances.

22 It is interesting that -- sorry to interrupt you.

23 LADY SMITH: Let's just unpick that a bit. Yes, they only
24 had the statutory power to in effect veto or permit the
25 migration of a child in relation to children in Local

1 Authority care, but as the Home Office, they had UK-wide
2 responsibilities for child welfare, and that would
3 include children in the homes run by voluntary
4 associations, isn't that right?

5 A. Yes, I agree. So my assumption is that this document
6 refers to the former of those two responsibilities, the
7 specific responsibilities rather than the broader
8 oversight of the welfare of children more generally.
9 That is my assumption, I can't obviously know what
10 Mr Oates meant by this.

11 LADY SMITH: This would also be at a time when work was
12 beginning to be done on regulations or not?

13 A. I think they had started to do work on regulations,
14 I would have to check my --

15 LADY SMITH: By 1954 they must have done?

16 A. Yes. So I don't know what the relation between the two
17 pieces of work might be, but, yes ...

18 LADY SMITH: It's curious. If he is to be seen as intending
19 to speak for the Home Office, he is failing to turn his
20 mind to a much wider range of Home Office responsibility
21 that would be relevant actually to the migration issue,
22 isn't he?

23 A. In this particular document he is, but of course you
24 would have to see all the documents to know whether
25 there were some in which he expressed other -- or other

1 people with other responsibilities expressed other
2 views.

3 It is very difficult, looking back over this 70-odd
4 years, to know whether we have had access to absolutely
5 everything that was germane to the issues that you are
6 considering as an Inquiry. It sometimes feels like
7 an archaeological dig, that you are finding elements
8 that can give you clues to other things, but you would
9 want to see the other things, if you see what I mean.

10 LADY SMITH: Thank you.

11 Mr MacAulay.

12 MR MACAULAY: Mark, you go on at paragraphs 46 onwards to
13 focus on instances where the Home Office did provide
14 some guidance on matters such as selection and the
15 aftercare of children by particular voluntary
16 organisations, is that right?

17 A. Yes.

18 Q. At 47, for example, you say:

19 "The Home Office provided these organisations with
20 general guidance as to matters of selection and
21 aftercare, but did not have specific input into
22 individual cases."

23 You provide some examples, the first being in
24 connection with Fairbridge. And if you turn over to the
25 following page, page 10, at (b) you draw attention to

1 the Home Office memorandum entitled "Emigration of
2 children who have been deprived of a normal life". The
3 Inquiry has looked in a little detail at that document
4 already, but that was setting out in some detail the
5 Home Office views on matters such as standards of care,
6 selection, staffing and so on?

7 (Pause)

8 LADY SMITH: Mark, just a minute, we have lost your sound.

9 A. Sorry, I put myself on mute. Apologies for that.

10 So my understanding -- your understanding is the
11 same as mine, that this is the Home Office setting out
12 general principles. The status of it I am not clear
13 about. I mentioned earlier this isn't about individual
14 children, it is advice and guidance. The current
15 guidance has different status and different purposes.
16 So I don't know whether this was what we might know as
17 statutory guidance at the time or whether it was more
18 general guidance about the sorts of things that they
19 would expect people to take into account.

20 MR MACAULAY: But emanating from the Home Office, one would
21 expect, I assume, that an organisation such as
22 Fairbridge would take those matters on board?

23 A. Indeed, you would hope so. Some of the evidence that
24 I have seen about what happened in Fairbridge settings
25 suggests that they didn't, but it quickly leads you to

1 the nub of the question, which is what authority did the
2 UK Home Office have over provision of services in
3 Australia?

4 Q. But of course the Home Office, and in particular the
5 Secretary of State, would be interested in being
6 satisfied that the children that were being sent to
7 Australia were -- that his consent was being given in
8 terms of Section 17 of the 1948 Act and that related to
9 standards?

10 A. Yes, yes, I agree. Sorry, I meant the question is then
11 how you enforce those standards in another jurisdiction.

12 Q. That is a different question. But I suppose the first
13 question is as to whether the standards existed there at
14 all, and that was something I think the
15 Secretary of State had to be satisfied of before he gave
16 consent?

17 A. For children who were (inaudible) yes.

18 Q. You then draw attention to a note of a meeting
19 in July 1947 that was prepared by a representative of
20 the Fairbridge Society, and the notes record that
21 Miss Rosling of the Home Office:

22 "... mentioned a number of points of 'extreme
23 importance' in the care of children including: use of
24 a trained social worker; the calibre of the principals
25 of the farm schools; availability of records of the

1 children; and the provision of modern training,
2 education and equipment on the farm schools."

3 Miss Rosling's notes on the file record that she
4 gave the following advice:

5 "Selection: no minimum age should be noted to ensure
6 families are kept together; Type of children: emigration
7 must be best thing for child, not just suitable.
8 Preparation of child very important. Machinery of
9 selection: contact with Local Authorities very
10 necessary. Imperative child does not feel break of ties
11 from UK."

12 That is clear advice being given on behalf, it would
13 appear, of the Home Office to Fairbridge in relation
14 to certain standards?

15 A. Yes, I agree, it seems very clear, and if that is what
16 Miss Rosling said was transmitted to the
17 Fairbridge Society then it feels very much like clear
18 advice to me.

19 Q. In your statement you draw attention in paragraph (d)
20 here of correspondence concerning -- this is Northcote
21 Children's Emigration Fund -- a proposal to emigrate
22 children. And then a letter of 12 January 1947, this is
23 Miss Maxwell again, set out the UK Government's position
24 that:

25 "Emigration would only take place where the

1 Secretary of State was quite satisfied that there was no
2 hope of a normal life for the child in this country."

3 You have taken that from one of the documents that
4 you had reference to, is that right?

5 A. Correct, yes.

6 Q. Then there is some interaction with -- you mention some
7 interaction with the Royal Over-Seas League at (e), and
8 what you say there is that:

9 "In a file from May 1948 concerning an appeal in the
10 press by the Royal Over-Seas League, the notes on the
11 minutes page state: 'The Over-Seas League is becoming
12 very active in regard to the emigration of children
13 overseas mainly to New Zealand and Australia'."

14 You go on to say:

15 "We are not altogether sure that in all cases they
16 fully realise the needs of the children and the
17 standards of care they should be given. After the
18 passing of the New Bill, it might be as well to have
19 a general discussion with the League about emigration of
20 children."

21 I think the "New Bill" there relates to the
22 Children Act 1948?

23 A. That was my opinion, yes.

24 Q. There were some reservations being expressed at this
25 point in time about the Royal Over-Seas League's

1 capabilities in relation to emigration?

2 A. Yes. It might just be worth saying something about
3 that, partly because more recently I have had some
4 engagement with -- well, the Royal Over-Seas League
5 doesn't really exist anymore, there are some successor
6 organisations, and I had to do some work to look at the
7 eligibility of someone who was sent overseas by the
8 Royal Over-Seas League for the redress payment which
9 happily we were able to pay.

10 It seems -- just two matters to clarify things here.
11 One, it looks as though the Royal Over-Seas League very
12 often sent children to stay with families, and that was
13 certainly the case in New Zealand. So in New Zealand
14 most children were fostered, we understand, with
15 families. It would be a sweeping statement to say that
16 by and large they seem to have had a better experience
17 of migration than children who were sent to live in
18 institutions, and the Royal Over-Seas League tended
19 to -- in my knowledge, tended to send children to be
20 adopted or stay with families or that (inaudible).

21 Q. Then on page 11 at letter (f) we again look at some
22 interaction with the Fairbridge Society, and what you
23 have recorded there is:

24 "In 1948 the Fairbridge Society sent the Home Office
25 a report entitled 'Fairbridge Farm Schools: Selection of

1 Children' ..."

2 As you set out there, Mark, that set out proposals
3 as to how children would be selected having regard to
4 the Curtis Committee recommendations and the Children's
5 Bill. In particular, do we read that:

6 "The Fairbridge Society expressed some concerns
7 about the report, including the Home Office's view that
8 all case history should be provided to the principal in
9 Australia who should be a suitable person to have such
10 information. If he was not a suitable person to have
11 such information he should not be principal. Further,
12 trained social workers were essential for the selection
13 process."

14 And:

15 "The notes record that the Fairbridge Society
16 agreed ..."

17 To these propositions.

18 A. Yes, so that does seem to be an instance where guidance
19 and advice from the Home Office was ostensibly taken by
20 the migrating organisations. Apologies for my gloss on
21 the reluctance issue, that would be an interpretation
22 which it was probably inappropriate for me to make.

23 Q. At paragraph 48 you mention that:

24 "In 1953 the Overseas Migration Board was formed."

25 Perhaps you can remind us, what was the function of

1 the Overseas Migration Board?

2 A. As I understand it, that was to bring together all the
3 migrating organisations to have a forum in which they
4 could stand -- or engage with government on migration
5 issues. As you can see from my note, it was broadly
6 attended. So MPs attended. Many MPs had an interest in
7 these issues. So it was a voluntary, ie non-statutory,
8 (inaudible) and voluntary organisations to communicate.

9 Q. I should point out I think that this organisation, the
10 Overseas Migration Board, did not have any input into
11 decisions about which children should be migrated?

12 A. As far as I am aware it didn't. I don't think it had.
13 It had a sort of casework function.

14 Q. You have a section headed "Information the UK Government
15 received about child migration programmes", and you do
16 set out there that:

17 "Although the Ross Report had recommended in 1956
18 that the Secretary of State's approval be obtained for
19 children in the care of voluntary societies, the
20 UK Government decided not to implement this
21 recommendation but instead established voluntary
22 arrangements. This was achieved in 1957 with the
23 co-operation of voluntary organisations."

24 We heard about this from the expert evidence. But
25 in relation to the Ross recommendation not being

1 accepted by the UK Government, are you able to give us
2 any insight into that at all as to why the Government
3 did not accept that recommendation?

4 A. I am afraid I can't, I am sorry. I have no more insight
5 than the experts could provide. As I mentioned before,
6 those who took the decisions and provided the advice are
7 long gone, I am afraid.

8 LADY SMITH: Is there evidence that the Home Office provided
9 advice to ministers or the relevant minister on other
10 aspects of the Ross recommendations?

11 A. That, I am sorry, I don't know. It would be in the
12 documentation if it were the case. I'm not -- I have to
13 say I am not certain the extent to which specific
14 advice, as we would know it at the moment, is released
15 through these processes. I think it probably is, but at
16 the moment, for example, there are exemptions under
17 the Freedom of Information legislation to advice to
18 ministers. So I don't know whether the actual advice
19 would be available. It might well be.

20 LADY SMITH: I wasn't asking particularly for the content of
21 it, I just was wondering whether we can tell if Ross did
22 actually lead to work being done by civil servants in
23 the Home Office to assist ministers in making their
24 decisions as to what was to be done in the light of it.

25 A. Sorry, I don't know. That would be from the

1 documentation which, if it is not available, then I'm
2 not sure how we would know it otherwise. I just don't
3 think there is -- if it is not clear from the material
4 we have then I don't think we could know that.

5 LADY SMITH: Thank you.

6 MR MACAULAY: On page 13 of your report, Mark, under the
7 heading "Local Authorities" at paragraph 54, you make
8 some comments about the involvement of local
9 authorities, and in particular you draw attention to the
10 fact that:

11 "The expert report suggests that the total number of
12 children migrated from Local Authority care in England
13 and Wales was around 400 and around 77 could have been
14 migrated from Local Authority care in Scotland."

15 You are not in a position to either support or
16 dispute those figures?

17 A. No. I tend to rely on the Child Migrants Trust for
18 their information about from whence children originated
19 in the UK and they have the best information because
20 (inaudible).

21 Q. What you do point out, and this is what I want to draw
22 attention to, is that you have seen a number of
23 documents that suggest that after the war, some local
24 authorities were reluctant to arrange for children in
25 their care to be migrated because of concerns about

1 their welfare. You give us examples:

2 "At a meeting of the Overseas Migration Board
3 in June 1955 attended by children's officers from three
4 local authorities, [one of these stated] they felt that
5 'children in their care would not necessarily be better
6 off in Australia and that with plenty of opportunities
7 for education and employment, their statutory
8 responsibilities towards these children could be
9 satisfactorily carried out in the United Kingdom'."

10 And another said:

11 "The opportunities afforded to children in care in
12 this country were, however, so good that there seemed no
13 need to offer emigration as an alternative."

14 The message there clearly is that these local
15 authorities were not at all satisfied that children
16 would, under reference to terms of Section 17, be any
17 better off in Australia?

18 A. I agree. I think it is quite clear that many of them
19 didn't send children -- would not have wanted to send
20 children, and you can see over the years that fewer and
21 fewer children were sent. Rather tragically, I think
22 the last child migrant sent was actually sent by
23 a County Council, Cornwall County Council. But, apart
24 from that, it looks like the majority opinion amongst
25 those authorities and social workers was that migration

1 was not suitable for children.

2 Q. If we move on to the following page, reading from the
3 bottom of the previous page:

4 "At a meeting with the Chief Migration Officer at
5 Australia House, the Children's Officer for Lancashire
6 explained that 'Children's Officers in the
7 United Kingdom were not altogether satisfied that
8 Australian methods of childcare were comparable with
9 those practised in Britain in the past few years'."

10 Again, serious reservations being expressed as to
11 the difference in childcare methods in the
12 United Kingdom as compared to Australia?

13 A. I would agree with that. I think you would have to
14 caveat it a little with the fact that these were local
15 authorities rather than voluntary organisations, and it
16 is quite possible, again (inaudible) sadly the quality
17 of care provided in Australia was the same as the
18 quality of care provided in the UK by many voluntary
19 organisations (inaudible) standards were the same,
20 because, as we sadly heard about earlier this week,
21 childcare in the UK was not particularly great, and the
22 report by IICSA on what happened with the Church of
23 England, for example, and there are many such reports,
24 suggests that children were being maltreated and abused
25 in the UK as well as in Australia.

1 I think what is being reflected here, and I am
2 speculating, is that standards provided by local
3 authorities were likely to have been much higher than
4 those provided by other organisations in the UK.

5 Q. If we read on on page 14 at (c), these are minutes in
6 a Home Office file from 1955, there is a record that:

7 "It must now be abundantly clear to Australia House
8 that the childcare authorities of this country have no
9 esteem for Australian methods of childcare and,
10 moreover, consider that the prospects of deprived
11 children here are as good as if not better than what
12 Australia has to offer."

13 Again, significant reservations about what was on
14 offer in Australia as compared to the UK?

15 A. Yes, I agree. Again, childcare authorities suggest the
16 local authorities, those whose statutory
17 responsibilities were often voluntary organisations, is
18 how I would interpret that in --

19 Q. But the message here is, is it not, that at Local
20 Authority level there were significant reservations
21 about the whole migration process, and that these local
22 authorities who were caring for children did not want
23 children to be migrated because of these reservations?

24 A. I agree, I agree that is the interpretation. As
25 I pointed out, some did continue to migrate children

1 despite those broader reservations.

2 Q. Looking at it generally, I think as you say -- it is set
3 out, in fact -- the percentage of children migrated from
4 Local Authority care was very small?

5 A. Yes, I agree. As a proportion I think it was probably
6 less in Scotland than in England and Wales.

7 Q. What you say in paragraph 56 is that on the assumption
8 that the figures that the experts have provided are
9 correct, then that would represent just around 5% of the
10 total post-war child migrants?

11 A. Yes.

12 Q. So do I take it from that the 95% then were children who
13 were migrated from voluntary organisations?

14 A. Yes, that is the obvious assumption. Voluntary and
15 church organisations I think we would classify them as.

16 Q. You then looked at the matter of consent. This is on
17 page 15, paragraph 58 onwards. You begin by saying
18 there:

19 "The UK Government relied on voluntary organisations
20 to satisfy the requirement for consent from the
21 child/their parents to migration."

22 And that is the position I think that is taken
23 there, is that correct?

24 A. Yes, it is. (Inaudible) the papers that that was the
25 case.

1 Q. Again we see a note from Miss Maxwell in 1947. That
2 provides, I think you say, some insight into the matters
3 with which the Home Office was concerned for the
4 purposes of giving consent, but that:

5 "... it was for the voluntary organisation to
6 satisfy the requirement for consent from the child
7 itself or a relevant family member to the child's
8 migration."

9 A. Correct.

10 Q. I think this is the memo we looked at earlier of
11 16 June, and toward the bottom again we read the
12 comment:

13 "We should tend to be anti emigration except where
14 we can be fully satisfied that the child can only gain
15 by it."

16 I think we looked at that earlier.

17 The Lyon memo is mentioned in your statement
18 for May 1949 and you have set that out at the top of
19 page 16. I will just read that:

20 "In dealing with applications by local authorities
21 for consent to emigration, the policy is to ensure
22 primarily that the statutory conditions are satisfied
23 and particularly that, so far as can be foreseen,
24 emigration is in the child's interest. The child's
25 consent is required to be in writing and must be given

1 with the understanding of what is involved, having
2 regard to his age. Enquiry is always made as to the
3 possibility of the parents' home being rehabilitated,
4 either then or in the foreseeable future, and consent is
5 not given unless it is clear that the child is abandoned
6 or has no real prospect of a home life in England."

7 So again I think that tends to suggest a relatively
8 cautious approach to how consent should be managed in
9 these cases?

10 A. Yes, I agrees it does, absolutely.

11 Q. If we turn to page 17, you have a section dealing with
12 "The general selection of children for migration". You
13 say at paragraph 63:

14 "The Home Office clearly envisaged that the only
15 children who should be selected for migration (whether
16 by local authorities or by voluntary organisations) were
17 those (1) who were mentally and physically suitable; (2)
18 who wanted to go; and (3) for whom there was no real
19 prospect of having a home life in Britain."

20 Again, do we see there that there has been a fairly
21 consistent stance taken by the Home Office in relation
22 to the selection process of children?

23 A. Yes, I agree, it feels consistent with previous
24 statements.

25 Q. If we move on to paragraph 65, we see:

1 "In respect of vulnerable children, the Home Office
2 repeatedly told the voluntary organisations that it was
3 very important that the selection of children was
4 carried out by experienced social workers who understood
5 the children who had been identified as potentially
6 suitable for migration and the environment to which the
7 children would be going."

8 Again it is envisaged that social workers, indeed
9 experienced social workers, would play a part in this
10 whole process?

11 A. I agree.

12 Q. So far as you understand from some of the expert
13 evidence, in reality did social workers play
14 a significant role when children were being selected for
15 migration, insofar as you understand it?

16 A. I think probably not, and I think it may well be
17 different between local authorities, as we previously
18 discussed, and voluntary organisations. I suspect local
19 authorities had access to better trained and better
20 social workers, more experienced social workers.
21 I don't know the extent to which they were involved,
22 voluntary organisations, in selecting children. From my
23 reading of the documentation, it seems that children
24 were not selected on the basis of those grounds set out
25 earlier in paragraph 63.

1 Q. You then have a section on page 18 headed, towards the
2 top of the page, "The UK Government's responsibilities
3 as to the welfare of children migrated under child
4 migration programmes", and at paragraph 71 you draw
5 attention again to Section 17 of the 1948 Act. Is that
6 correct?

7 A. Correct.

8 Q. Essentially again that is the provision that provides
9 that consent only be given for migration in certain
10 circumstances?

11 A. Exactly, I agree.

12 Q. I think you have frozen.

13 LADY SMITH: We are all right.

14 A. Sorry, maybe I was just sitting still. I will be more
15 mobile.

16 No, I agree with what you have just said.

17 Absolutely.

18 MR MACAULAY: Can we then look at the plan that there would
19 be regulations under Section 33 of the Children Act
20 1948. We know now that there were no such regulations.
21 And in this next section from paragraph 72 onwards you
22 do address that, and you have looked at the relevant
23 material and you set out some conclusions, Mark. Can
24 you take us through that and let us know what your
25 conclusions on this aspect are?

1 A. Yes. Again, I will caveat any conclusions with the fact
2 that they are based on my interpretation of the
3 documents.

4 So the 1948 Act gave power to make regulations, that
5 was Parliament gave power, provided the power,
6 obviously, as the legislative body. I have looked at
7 the reasons for -- ostensible reasons for these
8 regulations not being drawn up, and indeed there are
9 drafts of the regulations which are made in -- and they
10 are on file, drafts from 1951, comments from the
11 Australian Department of Immigration, various memoranda
12 and views of other external organisations, the Council
13 of Voluntary Organisations for Child Emigration,
14 advising on childcare. My understanding was that until
15 1954 (inaudible) 75, regular work was carried out on the
16 regulations, they were consulted on, I'm not sure how
17 formally, but clearly (inaudible) organisation.
18 However, by the end of 1954 the decision had been taken
19 to put the regulations in abeyance. A strange phrase
20 but I thinking meaning that there was no plan to
21 (inaudible) the regulations.

22 So my understanding is the primary reason was that
23 there is no jurisdiction to make regulations that govern
24 standards and conditions in Australia. That is my
25 understanding of the reason that was given. The debate,

1 discussion, to which led to that decision I am not privy
2 to, and I don't know the extent to which it reflects
3 pressure from Australia or from the childcare
4 organisations themselves. That's speculation on my
5 part, but clearly something led to that decision.

6 I also note in paragraph 76 that John Moss' report
7 was more favourable to child migration, especially
8 children in Australia, than was the Ross Report
9 (inaudible) necessarily a need for regulation
10 (inaudible) in good shape.

11 So the decision seems to have been taken in 1954.
12 What then happened is that there is this (inaudible)
13 from voluntary organisations to enable the provision of
14 their arrangements (inaudible) at paragraph 77, and the
15 voluntary organisations agreed to inspections of their
16 arrangements and there were inspections made which I saw
17 in respect of Dr Barnardo's and Fairbridge which set out
18 details which I saw -- which I set out in paragraph 78,
19 were looking at facilities, the care of children in the
20 UK --

21 LADY SMITH: Mark, it may be because you are moving your
22 head up and down, but we keep losing what you are
23 saying.

24 A. Sorry, I am trying to read from the documentation I have
25 in front of me.

1 LADY SMITH: That's better.

2 A. So I am referring to paragraph 78 --

3 LADY SMITH: And could you just not go too fast. We do have
4 stenographers working on this but they are having to
5 work remotely, which makes it harder for them.

6 Thank you.

7 A. My apologies. I was referring to paragraph 78 which
8 talks about the types of things which were inspected in
9 relation to Dr Barnardo's and Fairbridge under the
10 voluntary arrangements, and they looked at the care of
11 children in the UK prior to their being migrated, how
12 they were selected, the arrangements for transport, care
13 in Australia, examples of selection decisions taken by
14 the voluntary organisations, and notes of meetings.

15 So I think again it is -- as I have mentioned,
16 I think it is a moot point as to why those regulations
17 weren't ultimately laid and implemented. I think the
18 reason that we often -- that we see is that it is hard
19 to implement regulations which regulate activities in
20 another jurisdiction, I have mentioned that a few times.

21 I am not aware of and do not know what pressure the
22 Government came under to either implement or not
23 implement those, but clearly a decision was taken at the
24 end that they should not be implemented and the
25 voluntary organisations were put in place instead.

1 MR MACAULAY: If we just backtrack a little then, so I can
2 understand your analysis on these few pages. You begin
3 in paragraph 74 by drawing attention to the assurance
4 that the Lord Chancellor of the day gave when the
5 Children's Bill was being debated in the House of Lords,
6 and you have provided a quote from that, and that is:

7 "The Home Office intended to secure that children
8 should not be emigrated unless there was absolute
9 satisfaction that proper arrangements had been made for
10 the care and upbringing of each child."

11 So that was the background to Section 33 of the
12 1948 Act, is that correct?

13 A. That is correct.

14 Q. Against that background?

15 A. Yes.

16 Q. You then have set out the efforts, at (c) through to the
17 following page, in relation to the drafting of the
18 regulations, but at 75 what you say is, and you quote
19 from the relevant record, that:

20 "By the end of 1954 the decision had been taken, as
21 one CRO official said, to leave the regulations 'in
22 abeyance'."

23 And the point you make I think is that there seemed
24 to be a perception by 1954, bolstered by Mr Moss'
25 favourable report, that there was no need for

1 regulations, that is what you infer from that? And that
2 the decision had been made that rather than have
3 regulations, that they would seek to exert control over
4 voluntary organisations by having voluntary agreements
5 with such organisations in relation to certain matters,
6 is that right?

7 A. That is correct, yes.

8 Q. The no jurisdiction point that you have mentioned and we
9 heard of from the experts, one can fully understand that
10 regulations in the United Kingdom could not be enforced
11 in Australia, but do you see anything in the material to
12 tell you why there could not be regulations to enforce
13 standards in this country or to enforce organisations in
14 this country to satisfy themselves that the standards in
15 Australia were appropriate?

16 A. No, I can see no reason why you couldn't do that, but
17 there is a sort of -- I do think though there is
18 a question of enforceability, and if you look at
19 ultimately the legislation which now governs, or
20 certainly in England, I think it is probably the same in
21 Scotland, but the 1989 Children Act requires a court to
22 agree that a child should (inaudible) overseas. So
23 I think there is a question as to whether, even if you
24 did set the standards, they would then be enforceable.
25 It might be possible to enforce them in the UK by

1 addressing -- by taking action against the UK
2 organisation who sent the child overseas.

3 But again just speculation, some of my knowledge of
4 children's legislation, I think the fact that the 1989
5 Act required a court to determine whether a child
6 (inaudible) overseas suggests that anything less than
7 that would not be satisfactory and would not ensure that
8 the children's needs are met. I suppose what I am
9 saying is that probably no regulation, except for one
10 which required someone to -- a court to take a decision
11 about a child, would have been sufficient, but again
12 that is my speculation.

13 LADY SMITH: We are talking about secondary legislation,
14 Mark, and I wondered whether it wouldn't have been
15 a vehicle that could readily have been used to set out
16 what processes and systems the voluntary organisations
17 required to implement when it came to selection,
18 supervision of the children and taking them abroad, and
19 then monitoring their well-being at the other end.
20 That's exactly the sort of things that can go in
21 regulations.

22 A. Yes, I agree, and it is a discussion as to why that
23 decision wasn't taken. So I think ultimately, as
24 I explained, in the 1989 Act, any decision to take
25 a child overseas has to be approved by a court. It's

1 a court's decision. I don't know the extent to which
2 that was a possibility in the 1950s, or whether
3 regulations would have asked the question. I think it's
4 a fair point. Those regulations could have been made,
5 and any (inaudible) regulation would be actioned against
6 the organisation in this country, by not allowing them
7 to (inaudible) children or send children overseas. So
8 that would be my assumption; that that regulation could
9 have been done. Why they weren't made, I can't say.

10 LADY SMITH: You mentioned that there was consultation on
11 the draft regulations. Was that consultation of the
12 type that we would expect today, where anyone with
13 an interest could contribute, and did it involve all the
14 relevant voluntary associations contributing?

15 A. I am afraid I don't know that. We found some
16 documentary evidence of engagement with organisations
17 that were interested in these issues. I don't know
18 whether at the time -- I suspect not. I don't think we
19 would have had the requirement to consult, which is now
20 a requirement of every piece of legislation we make in
21 the UK Parliament. So we found examples of where people
22 were consulted, I think it might well have been
23 an informal consultation rather than a formal one, but
24 again I am not sure.

25 MR MACAULAY: I think we have heard evidence from the

1 experts that an organisation that was set up as an
2 umbrella organisation for voluntary organisations was
3 consulted and, indeed, I think, ultimately did not
4 object to the proposed regulations. As indeed was the
5 Scottish Home Office, the Scottish Department was
6 consulted and, subject to I think some qualification,
7 ultimately did not object. So there was a degree of
8 consultation. But in any event, the regulations did not
9 materialise, and what did materialise was what you have
10 set out in paragraph 78, namely, the voluntary
11 organisations agreeing to inspections of their
12 arrangements for migration. Is that correct?

13 A. That is correct, yes.

14 Q. When you look then at what you set out at 78 (a), (b)
15 and (c), you set out there what would be involved in the
16 inspection arrangements. For example, at (c):

17 "Examples of selection decisions taken by the
18 voluntary organisation and notes of meetings of the
19 selection committees ..."

20 So it was envisaged that in this alternative process
21 that the inspections that would be carried out would
22 involve seeing what selection committees had been doing
23 in connection with the selection process?

24 A. Yes, I agree, that is -- what I have set out is my
25 understanding of the process. It is notable that these

1 are processes within the UK, as far as I am aware, and
2 not in (inaudible). At (b) I talk about the details
3 made inter alia care in Australia, I think those were
4 reporting by the organisations that were being
5 inspected.

6 Q. A selection committee on the face of it looks like
7 a good idea in that it suggests a degree of independence
8 from the organisation in the selection process.
9 For example, rather than a Mother Superior selecting
10 a child for migration, a more independent body would be
11 involved in the process, and I think that is what was
12 envisaged, wasn't it?

13 A. I think, yes, that is my understanding.

14 Q. What you go on to say at 79 is:

15 "I am not able to say whether these inspections
16 continued until after the end of child migration or, if
17 they did, to comment on their frequency."

18 So really you have no evidence in connection with
19 that available to you?

20 A. No. We saw some evidence of inspections but obviously
21 they are not comprehensive, so we couldn't really say
22 for sure whether they carried on --

23 Q. The organisations that you identify as having had sight
24 of examples of inspection notes are Dr Barnardo's and
25 Fairbridge?

1 A. That's right.

2 Q. Then you have a section, Mark, headed "Arrangements for
3 care of child migrants once at their destinations,
4 including requests made and information received about
5 the situation and environment into which children were
6 to be migrated". You there highlight the
7 recommendations of the Curtis Committee, namely, that:

8 "The standards in the receiving country ... should
9 be comparable to the standards of ..."

10 Those proposed for the United Kingdom. And you set
11 out there what these standards might include, is that
12 right?

13 A. Yes.

14 Q. Including, for example, staff training for those
15 involved in the care of children?

16 A. Yes.

17 Q. You carry on, on the following page, on page 22, drawing
18 again reference to the document issued by the
19 Home Office headed "Emigration of children who have been
20 deprived of a normal life". Again, the Inquiry has
21 looked at this document with the experts, but you set
22 out certain provisions from that document toward the top
23 of page 22.

24 As we have seen already, the child deprived of
25 a home of his own needs a substitute home and, to quote

1 the Curtis Report:

2 "A substitute home, if it is to give a child what he
3 would have got from a good family home, must provide
4 affection, stability, opportunity and a share in the
5 common life of a small group of people in a homely
6 environment."

7 These were all standards, if you like, that
8 the Home Office envisaged would be reflected in the
9 migration of children?

10 A. Yes, that is my understanding of that statement.

11 Q. If we turn to paragraph 83 of your report on page 23,
12 you are looking there at a document entitled "Note
13 prepared by the Home Office on questions for
14 consideration in connection with emigration of
15 children", and this was prepared in 1949. This sets out
16 the Home Office's view as to the general principles that
17 should be applied, and then:

18 "... including that 'the standard of upbringing
19 overseas should be as high as that aimed at in this
20 country' ..."

21 And then there are fairly detailed notes as to the
22 expectations.

23 So again we have the Home Office, whether you look
24 upon it as policy or not, setting out what it envisaged
25 as to what the standards abroad would be. (Pause).

1 Then there is a heading, you pose the question:

2 "To what extent did the United Kingdom fulfil its
3 legal responsibilities towards children emigrated under
4 the child migration programmes?"

5 What is your answer to that question that you pose
6 to yourself?

7 A. I point out in paragraph 86 that it is difficult without
8 evidence to agree that -- or to know whether the
9 UK Government discharged its duty for every single
10 child, because obviously they would have to be looked
11 at on a case-by-case basis, and much of the content
12 material is no longer available. It has been held in
13 different organisations and wouldn't necessarily have
14 found its way into the National Archive.

15 I then go on to talk about -- I've mentioned at
16 paragraph 87 the Government accepts that it didn't
17 ensure that the arrangements for standards of care for
18 those children in Australia were comparable to those in
19 this country.

20 Q. So that is accepted by the UK Government?

21 A. That is what we have said before. I think it is --
22 there is nuance to it all, which is the fact that, as
23 I have previously mentioned, I don't think standards and
24 arrangements in this country were particularly
25 excellent. If it were the case we wouldn't be having so

1 many inquiries into what happened to children over this
2 period in this country. But to the extent that it could
3 not, and therefore did not, assure itself of the
4 standards of care in Australia, it clearly didn't.

5 Q. A particular failure I think you do point to on behalf
6 of the UK Government is that there was a failure to
7 ensure that no further children were sent to the
8 institutions that had been put on a blacklist following
9 the Ross Report in 1956 until evidence was received that
10 the institutions had improved. So it is accepted that
11 that was a particular failure?

12 A. Yes, I think so, because children were clearly sent to
13 those organisations. So there was a failure to not send
14 those children to those institutions.

15 Q. As you point out in the subsequent paragraphs, there
16 were opportunities for the UK Government to be more
17 proactive in its dealings with sending organisations,
18 and at paragraph 90 you draw attention to the role the
19 Outfits and Maintenance agreements could have played,
20 and what you say there is that:

21 "Whilst preconditions for the agreements were not
22 governed by legislation, they presented an opportunity
23 for the UK Government to consider the suitability of
24 arrangements and impose conditions."

25 And indeed that was recognised by the UK Government

1 at the time, is that right?

2 A. Yes, that is my understanding, yes.

3 LADY SMITH: Mark, at some point very soon, to stop WebEx
4 just giving up on us, we actually need to disconnect and
5 reconnect. I just want to check whether now is the time
6 to do that or some time in the next five minutes.

7 Mark, we will do that now. So from Mark's end, will
8 he notice any change? Mark, your connection to us will
9 disappear but it should reappear very shortly after
10 that.

11 A. Right.

12 (Pause).

13 LADY SMITH: I think we are back.

14 A. Yes, I can hear you.

15 LADY SMITH: Good. Mr MacAulay.

16 MR MACAULAY: Can I just establish your continued
17 availability, Mark, because I have just had a message
18 that you may not be available after lunch, is that
19 right?

20 LADY SMITH: Mark, you are muted.

21 A. Sorry, I was muted. I am available until 2 o'clock.

22 MR MACAULAY: We will press on and see how we get on. I am
23 making reasonable progress.

24 LADY SMITH: We do need to break at 1 o'clock but we could
25 resume early, if necessary. Thank you.

1 MR MACAULAY: The next section I want to take you to then,
2 Mark, is on page 25 of your statement and it's headed
3 "Steps the UK Government took to inform themselves
4 beforehand of the conditions for the children in the
5 institutions to which they were to be sent."

6 You begin by saying at 92:

7 "Material within the Home Office files shows that
8 officials at times expressed concern about the
9 difficulties in obtaining information about the
10 conditions in Australia."

11 And again you have referred to Miss Maxwell's note
12 which I think we already looked at earlier on. And this
13 is the case that there was a degree of concern about the
14 extent of the information that the Home Office was
15 receiving in relation to what was happening on the
16 ground in Australia?

17 A. That is my interpretation of the material that we have
18 seen. So, yes, it does seem there were some concerns.

19 Q. Was that at least part of the background for the setting
20 up of the Ross fact-finding commission?

21 A. I understand that to be the case, yes.

22 Q. In the following paragraphs, and I will go through it
23 quickly because it is in the records that you have
24 submitted, you set out ways in which information was
25 sought from Australia in connection with the conditions

1 or what was happening on the ground. For example, in
2 relation to the Fairbridge Farm School in Pinjarra, at
3 paragraph 98, there was anxiety by the UK Government at
4 various stages about the lack of information but the
5 school was ultimately approved.

6 A. Yes, that seems to be the case.

7 Q. So overall then, under this head, if we can take this
8 quickly, what is your impression from the materials you
9 have looked at as to what steps were taken by
10 the United Kingdom Government as to the conditions which
11 existed in Australia where children were being sent?

12 A. I think there is -- I can see no evidence that there was
13 systematic assessment of the conditions. That doesn't
14 mean to say it didn't happen but I can see no evidence
15 of it. And clearly there was use made of the -- the
16 High Commission had a role, again that seems to have
17 been on a rather piecemeal and ad hoc basis, so there
18 would be visits from the High Commission. Again we are
19 basing this on partial evidence, as far as I can see,
20 but there is no evidence to my mind that there was
21 a systematic way of testing the quality of the
22 accommodation in Australia.

23 Q. The next section on page 29 is headed "Steps taken by
24 the United Kingdom Government to monitor the welfare of
25 child migrants post-migration and information in

1 relation to the welfare, supervision and aftercare of
2 children migrated."

3 You say:

4 "Apart from the local inspections, there was no
5 regular system of inspections conducted or organised by
6 the Home Office or the CRO of the institutions to which
7 child migrants were sent."

8 And you say:

9 "The view of the Home Office and the CRO appeared to
10 be that there was no way of enforcing such a system in
11 another country."

12 A. Yes.

13 Q. Essentially there was no system of inspection on behalf
14 of the Home Office or the UK Government?

15 A. No evidence of such that I could find, none. And there
16 is evidence, as I have mentioned in paragraph 100, that
17 (inaudible) it is not possible to run such a system, but
18 to do it systematically in another country, you would
19 have to rely on the ad hoc nature of (inaudible) the
20 High Commission or from the Home Office or the
21 authorities in the country where the care was being
22 delivered.

23 So, again, I am not sure the extent to which the
24 UK Government relied on inspections by Australian
25 authorities to reassure themselves.

1 Q. But you do tell us at paragraph 102 that:

2 "There are comments in a number of the files which
3 suggest that officials in the Home Office were concerned
4 that they did not have sufficient first-hand information
5 about the conditions in Australia and about the quality
6 of reports they received."

7 So there were concerns being expressed?

8 A. Indeed, indeed. That is the case.

9 Q. If we turn to page 31, you have a heading here, "Reports
10 indicating that child migrants were at risk of abuse
11 once they arrived in institutions overseas". And there
12 you make reference to an undated memorandum by
13 a Mr Paterson, who I think had been a principal at
14 Fairbridge Farm School, and this memorandum, which the
15 Inquiry has already seen, is critical of the regime at
16 Fairbridge.

17 A. Yes. Correct.

18 Q. I think you say you referred to paragraph 124 of your
19 statement. In fact we find reference to that document
20 in paragraph 125.

21 You also draw attention to other sources, for
22 example, paragraph 111:

23 "In September 1947 ..."

24 And there's reference to a letter where there is
25 an unexplained reference to "unfortunate experiences of

1 the tragic nature", but it is not clear what it's
2 referring to?

3 A. Yes, exactly. You could infer from that it was some
4 kind of abuse, it could also be something else, I do not
5 know. That would be a little bit of speculation,
6 I think.

7 Q. You also draw attention to some other sources who had
8 first-hand information which suggested that children
9 were not being particularly well cared for in certain
10 institutions in Australia?

11 A. Yes. I mention a couple of cases where corporal
12 punishment seemed to have been a concern, although of
13 course corporate punishment was legal in this country
14 and both our countries until some time after this.

15 Q. Then you have a section where you ask the question:
16 "What steps did the UK Government take to keep
17 informed of the progress of the children who had been
18 emigrated?"

19 And what you say there is:

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

23 That is the essential answer to your question?

24 A. Yes, essentially. It would be quite unusual for
25 a government department to hold information on

1 individuals, but -- so the answer to the question is it
2 is almost certain that we didn't follow the progress of
3 individual children. But that might not be the role of
4 a government department. It might be something you
5 would expect others to do.

6 Q. Although I suppose something like the Ross Report would
7 provide a degree of insight into the regimes and
8 therefore how children were being dealt with?

9 A. Yes, yes, but in a general sense rather than a specific
10 sense.

11 Q. Then on page 32 you ask the question:

12 "What documents does the UK Government hold in
13 relation to each child who was emigrated?"

14 And the short answer to that is:

15 "I have not seen or been made aware of documents to
16 suggest that the UK Government requested or kept records
17 relating to every child that was migrated over the
18 relevant period."

19 And you go on to say that the Home Office does not
20 appear to have maintained anything like a register of
21 all the children it knew to have been migrated. Just on
22 that, would you have expected some form of register or
23 record to have been kept?

24 A. Your question, would we keep a record today? I think we
25 probably would. Our knowledge of childcare is much

1 better now than it was all these years ago. Would it
2 have been appropriate to keep a record? Probably,
3 I would have thought so, but again that is to do with
4 the times, isn't it?

5 Q. Then on page 33 under the heading, "Reports, allegations
6 or complaints of child sexual abuse of child migrants
7 once they had arrived in institutions or other
8 situations overseas", that is where I think you make
9 reference to Mr Dallas Paterson who was the former
10 principal of Fairbridge and his memorandum which was
11 critical of the regime, is that correct?

12 A. That is correct, yes.

13 Q. You provide some quotes from that memorandum.

14 A. Yes.

15 Q. Then moving on to page 34, you have a heading "Reports,
16 allegations or complaints of child sexual abuse of child
17 migrants that have been made in the period since their
18 migration to the present day". And you point out there
19 at paragraph 132:

20 "The first report identified in ... files that
21 former child migrants suffered sexual abuse was
22 contained in the CMT's first application for funding
23 under Section 64 of the 1989 Act."

24 We are now coming closer to the modern day, is that
25 right?

1 A. Yes.

2 Q. And the involvement of the Child Migrants Trust --

3 A. Yes.

4 Q. -- with former child migrants.

5 If you look at paragraph 135, what you say there is:

6 "There is no doubt that from the early 1990s it was
7 well understood by the UK Government that a significant
8 number of child migrants had claimed to have been
9 abused, and that certainly by the time of the Health
10 Select Committee Inquiry [in 1998] it was accepted that
11 abuse had occurred."

12 A. Yes -- sorry.

13 Q. Carry on.

14 A. I was going to say it became quite clear -- sorry, I am
15 flicking through my papers, because later on I talk
16 about the schemes that were -- redress schemes which
17 were carried out in Australia. This is at
18 paragraph 171. So some of those schemes are from the
19 1990s and clearly they reflected on abuse that children
20 had suffered in institutions in Australia in earlier
21 periods. So I think the evidence came clearer and it
22 became accepted that children had -- child migrants had
23 suffered abuse, as had indeed other children looked
24 after by the Australian authorities.

25 Q. Can I then take you to the section on page 35 that is

1 headed "Following the end of the child migration
2 programmes, to what extent the UK Government engaged
3 with bodies tasked with investigating allegations of
4 abuse of former child migrants."

5 This is an area that is probably more first-hand
6 within your knowledge than perhaps the historical
7 material we have been looking at. Can you take me
8 through this particular section?

9 A. Yes, this isn't particularly first-hand for me because
10 I wasn't involved in this work. But what happened, in
11 the early 1990s we started to fund the Child Migrants
12 Trust that we will discuss later, and officials from the
13 Department of Health, who were at the time responsible
14 for children's social care policy, met, as I mention in
15 paragraph 137, met the Western Australia Select
16 Committee which was looking at what happened to child
17 migrants. Some of the most egregious cases took place
18 in institutions in Western Australia. So then quite
19 quickly afterwards the Health Select Committee
20 established an Inquiry that made progress, and the
21 Department of Health led the response to the Health
22 Select Committee's report which was published in 1999.

23 Q. You then go on to discuss the way in which the Child
24 Migrants Trust, the Travel Fund and the Family
25 Restoration Fund are administered. Is this then closer

1 to home for you?

2 A. Very much, yes.

3 Q. Perhaps you can then take me through this?

4 A. So the Child Migrants Trust, which is the organisation
5 which first, I guess, raised the issue of the fate of
6 child migrants, as I mention in my evidence, in my
7 statement, applied for -- first applied for a Section 64
8 grant. A section 64 grant is the way we use to fund
9 organisations whose activities support the Department of
10 Health's policy priorities. We either use that or
11 another vehicle, Section 70 of the Charities Act 2006.

12 So the Child Migrants Trust started to receive
13 funding -- somewhere in my annex or appendix is a record
14 that it first received funding in 1990/91 and has
15 subsequently received funding every year since 1993/94,
16 so that is 27 or so years.

17 Q. Perhaps I can put your appendix on the screen if we have
18 that available. It's UKG-51. I think this is the
19 appendix you have attached --

20 A. This is the one, yes. So we have supported the Child
21 Migrants Trust for -- well, the Government has, for
22 a number of years. I have put a total at the bottom
23 which is now slightly out-of-date. It is now over
24 £10 million that they have received, by far the majority
25 of that in the last decade. So if you observe, the

1 numbers increased and took a significant jump in 2010/11
2 when we made the apology, the National Apology was made,
3 and we established the restoration fund (inaudible), the
4 Family Restoration Fund which we provide resources to
5 the Child Migrants Trust to administer on behalf of the
6 Government. So that accounts for part of the increase,
7 but part of the increase was because we expected,
8 following the National Apology, that there would be more
9 people coming forward to receive support from the Child
10 Migrants Trust.

11 So you will see there have been quite significant
12 amounts of changes in the last year, because we also
13 paid under contract (inaudible) £200,000 to the Child
14 Migrants Trust to administer the application process for
15 (inaudible) --

16 LADY SMITH: Sorry, to administer a what, Mark?

17 A. The application process.

18 LADY SMITH: The application process.

19 A. The actual administration of the money was carried out
20 by different organisations, or is carried out by
21 different organisations.

22 So we have invested a lot of money in the Child
23 Migrants Trust, I think that is quite a substantial
24 amount of money over a long period of time. I have
25 checked and they are -- the Child Migrants Trust has had

1 support for longer, I think, than almost any other
2 organisation from the Department of Health.

3 MR MACAULAY: Just to summarise what you set out in these
4 pages. The Government fund the Child Migrants Trust, to
5 the extent that you have mentioned, for it to carry out
6 its particular functions, such as providing professional
7 social work and counselling, undertaking research, and
8 other functions that you set out. There is also the
9 Travel Fund that has been set up, which is a scheme that
10 allowed former child migrants to travel back to this
11 country, is that right?

12 A. Well, there were two funds. One initially in 2000,
13 I believe, which was a £1 million fund established as
14 travel fund and not administered by the Migrants Trust.
15 Then that is mentioned in paragraph 152 of my notes.

16 Q. Sorry, just to be clear, what you say there is:

17 "This was a £1 million scheme which lasted for three
18 years between 1998 and 2000."

19 That is the period?

20 A. Yes, exactly. That was the first -- that finished. It
21 wasn't administered by the Child Migrants Trust, it was
22 administered by another organisation. This is slightly
23 before my time. And then the Family Restoration Fund,
24 which is the current fund, which we established in 2010
25 and announced with the National Apology, and the scheme

1 opened in July 2010. It was originally a £6 million
2 fund, we have topped it up since, and I think I provided
3 some data on its use.

4 It currently has about half a million pounds left in
5 it. We have funded -- I think around 700 former child
6 migrants have used it. They use it to be reunited with
7 families, to travel to family events. Sometimes
8 families travel to see former child migrants. We have
9 allowed more than one trip to take place, so some are --
10 I think a small number have had up to four trips, and it
11 has lasted now over a decade. It has been paused
12 because obviously the coronavirus pandemic has meant
13 they can't travel, and indeed people are mostly elderly
14 and wouldn't want to travel and put themselves at risk.
15 So whenever it becomes possible to travel again,
16 (inaudible) we will carry on funding for a number of
17 years and then we will consult on whether it ought to be
18 extended because (inaudible) --

19 Q. Is this fund managed by the Child Migrants Trust?

20 A. Yes, they do. That is part of the funding that we give
21 them to manage this. And they've managed it very
22 efficiently, actually, so I am very pleased with the way
23 they've done that. They have been very fair, very
24 conscientious about being fair to former child migrants.

25 We occasionally get asked -- well, we occasionally

1 get told that the fund is ending. It isn't ending. No
2 decision has been taken to end the fund, and we would
3 have to (inaudible) if we wanted to do that and at the
4 moment isn't the --

5 LADY SMITH: Sorry, you would have to what?

6 A. We would have to consult ministers if the fund were to
7 be --

8 LADY SMITH: Thank you.

9 A. As the fund has I think over half a million pounds
10 remaining in it, then that is some time in the future as
11 to whether we extend or what we do with the fund. But
12 I think for ten years it has been seen as a success,
13 frankly.

14 MR MACAULAY: In the next section of your statement, Mark,
15 you look at the circumstances, this is page 39, the
16 circumstances leading to the National Apology and the
17 decision to set up the -- FRF, is that?

18 LADY SMITH: Family Restoration Fund.

19 A. That is what we have just been talking about.

20 MR MACAULAY: Can you take me through the lead up to the
21 National Apology. I think you begin with the Health
22 Select Committee's recommendations in 1998?

23 A. Yes, so that is how I started the narrative around this.
24 So it starts with the fact that there were views
25 expressed, and the Health Select Committee did not

1 recommend that there should be -- they recommended there
2 should be an apology, the UK Government did not
3 apologise at the time. If we fast forward a bit to
4 2007, the new Secretary of State, who I think was
5 Alan Johnson at the time, met the now -- or the chair,
6 the subsequent chair of the Health Select Committee,
7 Kevin Barron MP, who raised the issue, as I mention
8 here, of the reparation scheme for former child
9 migrants.

10 Then what happened was that there was an issue with
11 the Department for Education who had said that we should
12 not be funding the Migrants Trust any further because
13 they did not meet their funding criteria, which are
14 mostly related to children. Of course child migrants
15 are no longer children. So I was able to find a way of
16 funding the Child Migrants Trust from 2007 using
17 Department of Health resources, and from that point the
18 responsibility for the Child Migrants policy fell to me.

19 So there was a series of meetings with the Child
20 Migrants Trust, the Secretary of State met Kevin Barron,
21 and I then prepared a proposal for the
22 Secretary of State for Health to explore apology and
23 reparations, then subsequently and separately the Prime
24 Minister at the time, who I think you will be hearing
25 from in the Inquiry, Gordon Brown, with the Australian

1 Prime Minister, Kevin Rudd. At the time there was
2 movement towards reflecting on the wrongs done to
3 Australian people in the past, beginning with --

4 LADY SMITH: Sorry, reflecting on ...?

5 A. The wrongs done to Australian people in the past. So
6 the Australian Government of the time actually worked
7 with the Aboriginal people of Australia, which resulted
8 in an apology to what is known as "the Stolen
9 Generations", the Aboriginal children who were taken
10 away from their families and fostered with white
11 families. And that led to discussion about -- as
12 I understand it, discussion about apologies. We knew
13 then that the Australian Government was planning to make
14 an apology to children who had been failed by the care
15 system, which would have included child migrants.

16 We were in communications with the Child Migrants
17 Trust and, as I mention in paragraph 168, I asked for
18 a report and Margaret Humphreys, who you probably met,
19 sent me a report setting out the details -- or the
20 issues from the Child Migrants Trust's perspective, and
21 I have itemised here the four things that they asked
22 for. I think we provided for three of those, the fourth
23 one being a truth and reconciliation commission which
24 I think is (inaudible).

25 The Secretary of State then --

1 LADY SMITH: Sorry, the truth and reconciliation commission
2 which you ...?

3 A. Which I think, given my understanding of truth and
4 reconciliation commissions, is not -- well, it's
5 a matter for discussion, but I think that is normally
6 the perpetrators and the victims being brought together
7 to bring about reconciliation, as had happened in
8 South Africa and has happened -- has been proposed for
9 the Church of England following the IICSA Report.
10 I think it would be very difficult in the case of former
11 child migrants because most of the perpetrators are
12 dead, basically. It happened a long time ago.

13 So my personal view is I couldn't really see how
14 a truth and reconciliation commission would work.
15 Nevertheless at the time, in 2009, we, through the
16 Cabinet, agreed that the Government would make
17 a National Apology, a public apology, to former child
18 migrants, and that led to the apology being made in
19 2010.

20 I've provided quite a lot of detail here about the
21 various stages of that process.

22 MR MACAULAY: You do provide us with the background to that,
23 including the reference to the Australian experience.
24 But if I turn to page 43, at 182 you address the issue
25 as to why the apology was not made until 2010.

1 A. Yes.

2 Q. And I think you do address that issue there?

3 A. Yes, I think so. I hope so. The decision taken in 1999
4 was that an apology -- that practical support was more
5 appropriate, and that practical support at the time was
6 through funding of the Child Migrants Trust. And again
7 you will see, if you look at the appendices, that
8 funding increased between 1998 and 1999 by £130,000
9 a year, so it was a reflection of the need for the
10 services of the Child Migrants Trust, and then it
11 increased again after the apology.

12 So the view in 1999 was that practical -- or the
13 Travel Fund (inaudible) to provide the most appropriate
14 support had been moved on in discussions with the
15 Australians, but also the Prime Minister, who was very
16 deeply affected by the experiences that he -- the
17 experiences of child migrants that were described and
18 wanted to think about how the nation makes an apology
19 for how it failed a group of children that it failed.

20 So thinking had moved on. And again, with the help
21 of the Child Migrants Trust, we developed the apology
22 which they worked with us on. We engaged with former
23 child migrants themselves, many were there present at
24 the apology, and we announced also funding for the Child
25 Migrants Trust to establish the Family Restoration Fund

1 at the time.

2 Q. Was the apology well received by the child migrants --

3 A. Yes, I think it was. I think it was. We involved them
4 in the wording of the apology. Norman Johnston, who is
5 still the current president of the International
6 Association of Former Child Migrants and their Families,
7 was present, and I had the privilege of spending some
8 time with Norman and I know he welcomed it. I think
9 possibly more so the Family Restoration Fund has been
10 very much welcomed. People have used it and it made
11 a real difference to people's family lives and their
12 experience of child migration, so it is (inaudible).

13 Q. That then takes me -- this is the final section of your
14 statement, Mark -- to the recently constituted redress
15 scheme, and that followed upon a recommendation by the
16 IICSA Inquiry following upon its investigation report on
17 child migration programmes. Can you just explain what
18 that scheme involves?

19 A. Yes. IICSA, the Independent Inquiry into Child Sexual
20 Abuse, took as its first theme child migration, partly
21 because the people who were child migrants were so
22 elderly, so it has been quite a long process to carry
23 out all its work. So I think they decided it was
24 a matter of expediency and important to expedite this
25 particular report.

1 They produced their report in March 2018 with the
2 recommendation that we should, within a year, establish
3 a redress scheme for every child migrant, irrespective
4 of whether they had suffered from abuse or had evidence
5 of abuse or anything else, it was just the very factor
6 of migration which was to be the determining factor. We
7 established that. We announced that it would be
8 established in December 2018 and we opened the scheme
9 for applications in March 2019 and made the first
10 payments in April 2019. Since then we have made 1,600
11 payments I believe, something like that, around that
12 number, which I think is almost all of those -- it's by
13 far the majority of people who would be eligible.

14 It was available to anyone alive, who was a child
15 migrant, on March 31, 2018 or the families of those who
16 had subsequently passed away, because of course that has
17 happened to some people, sadly, but their families can
18 receive the payment. So we think we have paid most of
19 the child migrants. There are still a number
20 outstanding, a few come in. The scheme will be open
21 until every child migrant has received a payment, but
22 obviously there is no benefit to a child migrant in
23 waiting to apply for the payment.

24 Q. Just looking again at numbers, what you tell us, and
25 this was at June 2020, June this year, that 153 payments

1 have been made to former British child migrants sent
2 from Scotland, is that --

3 A. Yes.

4 Q. That is the sort of number we are talking about for
5 Scotland?

6 A. That is the number that I understand from Scotland. It
7 won't change very much because, as I said, there is no
8 benefit to anyone in waiting to make their application.
9 There are some people who are refused a payment, and we
10 have an appeal process which involves -- because I don't
11 take a decision on payments although I run the appeal
12 process with senior colleagues from Department of Health
13 and we have -- at the moment, and continuing, the Child
14 Migrants Trust run the application process because, to
15 be honest, they know most of the child migrants and have
16 been in contact with many of them, so that made the
17 whole thing a lot more straightforward, and then the
18 payments are made by the NHS Business Services
19 Authority, which is the organisation used to carry out
20 operational issues and make payments to various schemes.

21 I think it has been quite successful again. I think
22 almost 1,700 or so people have now had the payment
23 (inaudible) a few will trickle in and we will pay those
24 when they come in.

25 Q. Is this fund also managed by the CMT or is it managed

1 separately?

2 A. No, they manage the application process, the money is
3 held by the NHS Business Services Authority. So what
4 they do, what the Child Migrants Trust do is they
5 promote it, send out application forms, check the
6 application forms, and then pass them on, once they have
7 made their decision on eligibility, to the BSA, the
8 Business Services Authority. And we made a separate
9 payment to the Child Migrants Trust for managing that
10 process, which is now pretty much over. Under
11 a contract we paid them around £200,000 over two years
12 to manage the application process.

13 Q. Just to be clear then, the fund pays -- it's a flat rate
14 of £20,000 to eligible British child migrants simply
15 because the child was migrated, and there is no
16 qualification? You don't require to have proof of abuse
17 or anything of that sort?

18 A. Nothing at all, absolutely, no. That was the
19 recommendation of the IICSA Report and we used -- to be
20 honest, we used the work that had been done by the
21 Northern Ireland Inquiry a number of years ago, which
22 had been sort of put on hold because of the political
23 issues in Northern Ireland and not having a government.
24 But we used the work that had been done by the chair of
25 that Inquiry -- apologies, I can't remember the name of

1 the person who chaired it -- but he had determined that
2 an appropriate sum for child migration, irrespective of
3 abuse or anything else, £20,000, and we just adopted
4 that out of fairness and consistency.

5 MR MACAULAY: We have managed to finish your evidence, Mark,
6 just before 1 o'clock. Can I thank you for all the work
7 you have done in putting together your statement.

8 Can I also thank you for the massive task you have set
9 us with all the documents that you have submitted, only
10 a few of which we have scratched the surface of today in
11 going through your statement. We have a massive amount
12 of documents that you sent, so we are grateful to you
13 for sending that material to us.

14 My Lady, I can confirm that I have not received any
15 questions to put to Mark.

16 LADY SMITH: Thank you. Are there any outstanding
17 applications for questions?

18 Mark, that does complete your evidence. Let me add
19 my thanks to you for all the work you have done both in
20 preparing the document we had from you and in giving
21 evidence today.

22 One last possible request is at some time in the
23 future we may ask you for an update on how many Scottish
24 child migrants have benefited from the redress scheme,
25 because I see the figure we have is a February 2020

1 figure, and if we do, I do hope that won't cause too
2 much inconvenience.

3 A. No, it's quite straightforward. It won't change very
4 much because I think we have made the majority of
5 payments, but of course we will provide that
6 information.

7 LADY SMITH: I think you are possibly right about that but
8 it may be that we want to check anyway.

9 So thank you very much, and I am now able to let you
10 go and get on with the rest of your busy day.

11 A. Thank you very much.

12 (The witness withdrew)

13 (12.57 pm)

14 (The short adjournment)

15 (2.00 pm)

16 LADY SMITH: Good afternoon.

17 Mr MacAulay.

18 MR MACAULAY: My Lady, the next witness is Donald Henderson.

19 LADY SMITH: Good afternoon, Mr Henderson. Could you raise
20 your right hand, please, and repeat after me ...

21 MR DONALD HENDERSON (affirmed)

22 LADY SMITH: Please sit down and make yourself comfortable.

23 Most witnesses are happy to be called by their first
24 name. Is it alright if I call you Donald?

25 THE WITNESS: Yes, it is.

1 LADY SMITH: If you are comfortable and ready, Donald,
2 I will hand over to Mr MacAulay and he will take matters
3 from there.

4 Mr MacAulay.

5 Questions from MR MACAULAY

6 MR MACAULAY: My Lady.

7 Good afternoon, Donald.

8 A. Good afternoon.

9 Q. Can I just confirm that you are Donald Henderson?

10 A. Yes.

11 Q. I want to begin by having a look at your CV, a copy of
12 which I have in front of me. What you tell us there is
13 that you have held a variety of Civil Service posts in
14 the UK and overseas in the course of your career, is
15 that right?

16 A. Indeed.

17 Q. Overseas, where were you?

18 A. I was in Bahrain in 1984 on secondment to the
19 Foreign Office, and I was in Brussels for three years as
20 head of the Scottish Government's office there.

21 Q. And generally in relation to your different
22 Civil Service posts in the past, they have included
23 public health, European affairs, education, fisheries,
24 industrial policy and overseas trade?

25 A. Uh-huh.

1 Q. So quite a large portfolio?

2 A. I have been around a long time, I am afraid.

3 Q. But from autumn 2015 to March 2019, I understand that
4 you were Deputy Director for Care and Protection and
5 latterly Care, Protection and Justice, including policy
6 responsibility for youth justice, child protection, and
7 residential care for children?

8 A. Yes, that's right.

9 Q. Again, a large portfolio?

10 A. Yes.

11 Q. More recently then, Donald, for the last 18 months or
12 so, have you held the post of Deputy Director with
13 responsibility for developing and delivering the
14 Scottish Government's response to survivors of abuse in
15 care in relation to apology and redress?

16 A. Yes.

17 Q. Since December 2019, have you also been engaged in the
18 Scottish Government's response to this Inquiry?

19 A. Yes, I have.

20 Q. Beyond that, have you also been engaged on temporary
21 duties relating to the COVID response?

22 A. I was, although I returned from that in August, yes.

23 Q. The Scottish Government were invited to respond to
24 a number of questions that were put on behalf of this
25 Inquiry, and the response to those questions are

1 contained in a report that I will put on the screen, but
2 can I say, as I think you are aware, a copy of the
3 report is in the red folder.

4 The number is SGV-463, and on page 2 of the report
5 you do set out there -- can I just take this point: you
6 are a contributor to this report along with a colleague,
7 is that correct?

8 A. Yes, it comes from a machine, but broadly the machine
9 that I look after within the office, yes.

10 Q. And when you talk about a machine, are you talking about
11 human beings?

12 A. Yes, indeed, an administrative machine.

13 Q. On page 2 of the report, having had a general question
14 put to you, the Inquiry then submitted five specific
15 questions, and I think it is the case that it is your
16 function to respond to three of these questions, and 4
17 and 5 it is for your colleague to respond to?

18 A. Yes.

19 Q. These questions touch upon matters such as contact with
20 former child migrants and what responses were made to
21 any queries, and also touch upon matters such as the
22 redress and advance payment schemes.

23 Can we then look at page 4 of the report. You have
24 there a short introduction. What message are you
25 seeking to convey in that short introduction then,

1 Donald?

2 A. Our work in relation to specifically certainly the
3 volume of work in relation to migrants is a more recent
4 occurrence than the evidence that Mark Davies was
5 giving, but we wanted to start the report by referencing
6 back to Gordon Brown's apology, as Prime Minister of the
7 United Kingdom, his apology to child migrants in 2010
8 and to make clear that we -- by "we" I mean ministers,
9 Scottish Ministers -- wholly subscribed to that apology,
10 and then to set the background of the UK Government's
11 payment scheme.

12 Q. The first area that you look at then are the contact you
13 had, by that I mean the Scottish Government has had,
14 Scottish Government officials, with former child
15 migrants.

16 A. Yes.

17 Q. You set that out on page 5 I think through to page --
18 probably page 6. It would appear to be the case there
19 has been some personal contact then with former child
20 migrants by officials within the Scottish Government?

21 A. Yes, there has been some contact. I am slightly
22 surprised, in retrospect, ten-odd years later, that
23 there wasn't more, but, yes, there certainly have been
24 occasions where migrants or their representatives have
25 written to us.

1 Q. That has either been direct correspondence or indeed, as
2 you point out, perhaps through a political
3 representative?

4 A. Yes.

5 Q. You have made available to the Inquiry the documentary
6 material that related to that correspondence?

7 A. Yes.

8 Q. As you have just made the point, apart from that it is
9 apparent, you say, that the Scottish Government holds
10 relatively little correspondence with survivors of child
11 migration?

12 A. Yes.

13 Q. Can we then turn to page 8 of your report and again to
14 look at the advance payment scheme that you mention
15 there. Can you just give me some background into that?

16 A. Yes, so the Deputy First Minister in the autumn of 2016
17 had made a statement in the Scottish Parliament
18 announcing that he wanted to look at the question of
19 redress and to work with the interaction group in doing
20 so. That work culminated, that work took some time, but
21 it culminated in a further statement in the
22 Scottish Parliament in I think October 2018 which
23 announced that we would be going ahead with two things.
24 One was that there would be a statutory scheme
25 established, or at least that the Government would bring

1 forward proposals for one, and that bill is, as
2 of August, now in the Scottish Parliament. But because
3 it would take time to develop the bill and legislate and
4 then implement, and mindful of the generation of
5 survivors who had particularly given rise to the
6 Government's view that they needed to do more, elderly,
7 often unwell and sadly facing the reality that a number
8 of them would not live to see the redress scheme
9 in place and to receive the apology that we wanted to be
10 part of redress, so an advance payment scheme was
11 established, I think it's the only one that has been
12 established in the world, which would look at the most
13 elderly of that population and those who were illest,
14 and we defined that in terms of terminal illness.

15 Q. Just looking to what the scheme will pay, the advance
16 scheme will pay, it is a flat rate?

17 A. It's a flat rate. We wanted it because of the age
18 group, because of the health status in some cases, also
19 because we needed it to be set up quickly, we needed it
20 to be administered quickly, that meant that it needed to
21 be a very simple scheme. Therefore we elected to put
22 in place, and within a few months put in place, a scheme
23 that was flat rate that was very simple. It naturally
24 carried evidential requirements but these were simple
25 evidential requirements. And our aim was to be able to

1 settle applications as quickly -- against the norm,
2 perhaps, of government administration.

3 Q. I think initially the age threshold was set at 70 but
4 that was moved down a bit to 68?

5 A. That's right, yes.

6 Q. As you tell us on page 8, the scheme of course is
7 designed to deal with and provide redress to children
8 who had been in care and abused in care?

9 A. Yes.

10 Q. So unlike the UK child migrant redress scheme, it is not
11 just the fact that you were a migrant, it is the fact
12 that you were in care and you were abused?

13 A. Yes. This wasn't for people who were -- the terminology
14 we would now use is looked after children. By dint of
15 being looked after, it was the care or lack they
16 received in care that the Government was responding to.

17 Q. So there is an evidential hurdle, however low it may be,
18 for applicants to overcome before they could be eligible
19 for --

20 A. There is. We did try and keep it simple for the reasons
21 that I mentioned. So there needs to be adequate
22 documentary evidence that they were in care as
23 a starting point, but then after that, within the
24 advance payment scheme, it is merely the applicant
25 confirms that they were abused while in care in Scotland

1 and then signs to that effect.

2 LADY SMITH: Donald, can you remind me what definition of
3 abuse you are using for the advance payment scheme?

4 A. I don't have the details in front of me, but it is
5 broadly the terms that you use here. So it is,
6 for instance, including emotional, physical, sexual, but
7 we were not intending to limit it in any way.

8 LADY SMITH: Of course, it is a very wide definition.

9 Tell me this, have you considered what the position
10 of the scheme will be in the event that I decide that
11 actually having had a decision made to migrate you in
12 Scotland, because of the way in which these decisions
13 were made, was a form of abuse?

14 A. We will look to the recommendations and the advice --

15 LADY SMITH: So your answer is you haven't turned your mind
16 to that yet.

17 A. We have turned our mind to it, but before you reach any
18 conclusions we can't respond to you.

19 LADY SMITH: So you have thought about that risk.

20 A. It is one of the -- most countries, as you know, they
21 set up redress schemes after their relevant public
22 inquiry has concluded. We have not done that for
23 a variety of reasons, but related actually to the
24 circumstances that led us to establishing the advance
25 payment scheme. But we were mindful that there is

1 a risk that you'd come forward with recommendations that
2 would have a material impact on what we are currently
3 doing.

4 LADY SMITH: Thank you. Of course, as you will know,
5 a number of Scots have benefited from the Westminster
6 scheme.

7 A. Yes.

8 MR MACAULAY: That does, I think, raise the point that we
9 are dealing with child migrants, many of whom will have
10 spent some time in care in this country before they were
11 migrated. As I understand it, and please correct me if
12 I am wrong, as things stand in relation to the advance
13 payment scheme, such a child migrant would have to
14 establish, at whatever evidential hurdle you have set,
15 that he or she was abused in care in Scotland to qualify
16 for this scheme?

17 A. Yes. The qualifying -- the evidence that we ask is not
18 in relation to abuse, the evidence we ask is that they
19 were in care. I recognise that there may have been some
20 children who were migrated who were not previously in
21 care. I haven't personally come across any such cases,
22 but one has to recognise they may exist. The
23 affirmation that we require, if that is the right term,
24 is simply that they were abused, but we need something
25 documentary which can -- we try and keep it as wide as

1 possible. For many they have social work records or
2 records from the children's home they were in, but it
3 can be baptismal records, it can be health records. We
4 had one actual migrant who unusually didn't have
5 paperwork demonstrating migrancy, but helpfully the
6 local Australian newspaper had published a photograph
7 and a list of names in 1948, I think it was, and we took
8 that as confirmation that this adult applying had
9 been migrated as a child.

10 So we try to be as open as possible, but something
11 that anchors the applicant to having been in care in
12 Scotland as the starting point.

13 Q. And the following up point on that, as I understand it,
14 is that having been in care in Scotland, there was some
15 abuse before migrated to wherever it may be?

16 A. Yes.

17 Q. As Lady Smith has said, although you might have
18 a migrant who wasn't physically abused or sexually
19 abused but nevertheless was migrated in circumstances
20 that separated him or her from siblings, caused him or
21 her to suffer a loss of identity because of the very
22 fact of migration, and indeed other emotional problems
23 because of the fact of migration. As I understand the
24 scheme at the moment, that individual would not be
25 covered because your concept of abuse would not reach as

1 far-reaching as that, is that --

2 A. I think what you describe is the very circumstances that
3 have led the UK Government to implement their scheme.
4 Clearly we will need to look to see whether there are
5 changes in public inquiries on either side of the border
6 that have an impact on any of this. But our
7 understanding of the UK scheme, and in relation to
8 contact that I have had with Mark Davies, your last
9 witness, is that although expressed in different terms,
10 in essence that is what has given rise to the UK's
11 migrant redress scheme. We are therefore not
12 duplicating that. Our aim has been to achieve
13 a situation where there are no gaps, but there is not
14 duplication.

15 Q. But you have still, of course, to pass the final
16 legislation following upon the advance payment scheme.
17 The advance payment scheme, as you've said, is simply
18 a sort of temporary measure --

19 A. Yes.

20 Q. -- until the legislation is passed?

21 A. It is indeed temporary. It will come to an end which
22 the statutory scheme --

23 Q. That is under consideration at the moment?

24 A. It is in the Committee stage -- it's in stage one in the
25 Scottish Parliament at the moment, they are taking

1 evidence on it.

2 Q. If we go back to your statement, you do make the point
3 in a footnote that care for these purposes, and this
4 perhaps doesn't apply so much to migration, but care
5 excludes children who went to residential boarding
6 schools on a fee paying basis?

7 A. Yes.

8 Q. That is excluded. I will come back to that shortly.

9 You also draw attention on page 9 to other redress
10 schemes that exist, and we have already talked about
11 the UK's scheme, but there are also schemes in Australia
12 that child migrants from Scotland could take advantage
13 of?

14 A. Yes, at both state and federal level.

15 Q. Yes. You do say, Donald, on page 9 of the report, that
16 you have had applications from child migrant survivors?

17 A. Yes.

18 Q. Under this advance payment scheme?

19 A. Yes, we have. I think 41 is the latest number.

20 Q. That is certainly the number you have in the report on
21 page 9. And I think you tell us that 40 of those were
22 migrated to Australia and one was migrated to Canada.
23 And 40 applications were approved, and I think one is
24 under consideration, is that right?

25 A. Yes. I am not quite sure of the status of one but

1 certainly one has not been settled. That often means we
2 are waiting on something or we are in discussion with
3 the applicant over matters.

4 Q. So it does appear then, in relation to the applications
5 by former child migrants, that they have succeeded in
6 establishing that they were, in the main, apart from the
7 one, that they were eligible to benefit under the
8 scheme?

9 A. Yes. Actually because of -- ironically perhaps --
10 because of the nature of migration and the
11 administrative processes involved, often the evidence of
12 migrants, perhaps with the one exception that I can
13 think of where we took a newspaper article, normally
14 their evidence is very good, far exceeding our
15 requirements.

16 Q. Can we then look at the Redress for Survivors
17 (Historical Child Abuse in Care) (Scotland) Bill, and
18 that's the bill that I think is going through its
19 Parliamentary stages at the moment?

20 A. Yes.

21 Q. As we said, once that is passed into law then the
22 advance payment scheme will be overtaken.

23 A. Once we have implemented the Act, yes.

24 Q. The point then I want to raise in connection with that,
25 and it is a point that comes out of the footnote that

1 you set out on page 8, namely, that you do draw this
2 distinction when looking at care between children who
3 were in a residential boarding school under some state
4 scheme, and we heard evidence there are such children,
5 but also between those and children who were in
6 a residential boarding school on a fee-paying basis.
7 Can I just understand the logic behind that distinction?

8 A. Yes. It is not a logic which I think has any
9 application in relation to migrants that I am aware, but
10 ministers have been, particularly the Deputy First
11 Minister has been working closely on this for a number
12 of years, and he has been clear that there are broader
13 parts of our history in this that need examination,
14 hence the Inquiry and your work. But the state had very
15 particular responsibilities to children who in essence
16 either had no parents, or whose parents for one reason
17 or another had not been able to look after them or had
18 been judged unfit to look after them. Whatever the
19 background circumstances, the state had stepped in and
20 then failed in its duties, and often actually in
21 multiple ways.

22 The Government's responsibilities, the public
23 responsibilities in relation to those children is
24 different than where there was an inadequacy of care but
25 broadly in a private sector environment, where the

1 parents had made a choice to put their child into
2 a particular type of education, but there were parents
3 there and able to apply their parental rights and
4 responsibilities.

5 Q. On this particular aspect of this scheme then, have you
6 consulted with other bodies to see what the general
7 response might have been?

8 A. I'm sorry?

9 Q. Has the Government consulted with other organisations on
10 this issue or on the bill generally?

11 A. On the bill, yes, there have been two forms of
12 consultation on the measures that led to the bill. The
13 first was not the Government but it was the body, the
14 interaction review group that I mentioned earlier on,
15 which has been much involved in this for a decade and
16 one would include survivors and others, it is
17 cross-sectoral. They had I think, probably, from
18 recollection, in late summer and autumn 2017, had
19 a consultation on many but not all of the issues that
20 now appear in the bill, but then about a year later, as
21 required nowadays, there was a formal public
22 consultation on the terms of what became the bill, and
23 that certainly included the eligibility of boarding
24 schools.

25 I suspect, but would have to check the record, that

1 the interaction review didn't address that point but our
2 consultation certainly did.

3 Q. Going back then to the potential scheme once it has
4 become law, this is different from the advance payment
5 scheme where there is a set figure --

6 A. Yes.

7 Q. -- of £10,000. I think it is envisaged, when the bill
8 becomes law, that that will not be the case and there
9 will be different levels of redress?

10 A. Yes. Pursuing perhaps the recommendations that came
11 from an interaction review group, there will still be
12 a place for a relatively light touch process for
13 survivors who are as interested in the non-financial and
14 apology elements as they are in the financial, and which
15 would, on the Government's proposals, attract a payment
16 of £10,000 alongside that. But in parallel to that,
17 there is the opportunity for a survivor to make what we
18 have termed an individually assessed payment, which does
19 rather what it says or will do what it says on the tin,
20 and that would allow broader considerations to be taken
21 into account, but also would inevitably involve
22 individual assessment of looking at medical records, of
23 perhaps seeking psychiatric or psychological advice in
24 support of the application. Then that could result in
25 one of the Government's proposals, one of three

1 possibilities in terms of financial means.

2 Q. How would that fit into the individual's right to seek
3 compensation in the civil courts?

4 A. One of the things that survivors told us very clearly in
5 the consultation was that government had its
6 responsibilities, local government as well as central
7 government, and all too often failed in them. That
8 providers held the primary responsibility and needed to
9 contribute as a part of the wider package that redress
10 needs to -- that needs to form redress that providers
11 needed to pay.

12 We were led very much by that, it was something like
13 over 90% I think told us that in a consultation. So
14 what we have done as a result of that, led by that
15 advice from survivors, is that we have opened
16 conversations with providers. They have clearly
17 indicated, almost all, that they do want to create the
18 circumstances to allow them to contribute, and we are in
19 discussion with what amounts that might be, but they
20 have raised with us the prospect of civil action
21 alongside or thereafter, and their difficulty in making
22 contributions to the scheme if at the same time they
23 carry exactly the same risk of litigation in parallel or
24 afterwards.

25 So the Government's response to that, starting from

1 what the survivors asked us to do, is at the very end of
2 the process of an individually assessed payment to say
3 to the applicant "Here is what we can do for you with
4 redress, financial and non-financial elements, but if
5 you want to go on this path, then you extinguish rights
6 to future litigation". In essence, we are trying to
7 settle the matter for the survivor but for others as
8 well.

9 Ministers' aim was to provide a scheme that will
10 respond to most survivor needs but to recognise there
11 will be some who want the character of a courtroom or
12 the circumstances, and we are not trying to recreate the
13 circumstances of a courtroom, we are trying to create
14 choice here, not duplicate something that exists. I
15 know some survivors who want the character of a court,
16 I know some survivors whose evidence I think would be
17 like to lead to really extremely large settlements in
18 the civil courts, and I suspect they will, certainly
19 some of them will go the civil court route.

20 Q. At the moment, what is the highest level?

21 A. On the Government's proposals, £80,000.

22 Q. What you are saying, I think, Donald, and correct me if
23 I'm wrong, is that someone who applies to this
24 particular scheme has a choice: either accept whatever
25 level he or she would fit into, and to do that you must

1 waive your right to civil compensation. Have I
2 understood that correctly?

3 A. Yes, for those who have a right to litigate. The
4 pre-1964 survivors of course don't have a right to
5 litigate for other complex legal reasons.

6 LADY SMITH: How do survivors make this judgment as to what
7 they would be giving up in terms of value if they waive
8 their right to litigate?

9 A. The Government's proposal -- as you know, ECHR rights
10 are impacted here. It is: we could not force
11 an applicant to take legal advice, but the strong
12 encouragement will be that they take legal advice, and
13 we will fund legal advice so that they understand the
14 legal choice that they are being --

15 LADY SMITH: You will fund that legal advice?

16 A. We will fund it, and the level of funding is a matter of
17 current debate.

18 LADY SMITH: You have given us the ceiling payment of
19 £80,000. What are the lower levels? Can I just record
20 that.

21 A. There is a £10,000 payment, £20,000, £40,000, £80,000.

22 LADY SMITH: Thank you.

23 MR MACAULAY: Thank you for that insight into the scheme as
24 it will become law in due course.

25 A. Subject to Parliament's views, of course.

1 Q. Of course.

2 Can I go back to your report, just a couple of
3 points to pick up. On page 10, towards the top, you
4 make some general observations in relation to the
5 applications that have been made by child migrant
6 survivors for a payment under the advance payment
7 scheme. Are we there looking essentially to the 40 or 41
8 child migrant applicants?

9 A. Yes.

10 Q. What you say there is:

11 "In most cases, the originating establishment of
12 survivors of child migration who have applied for
13 a payment under the advance payment scheme has been one
14 of the Nazareth House homes in Scotland."

15 A. Yes.

16 Q. So is that a significant majority?

17 A. It is not a significant majority, I'm not sure if it
18 qualifies as a majority at all, but they are signally
19 the largest contributor, if that is an appropriate term.

20 Q. Essentially is Australia the place to which they were
21 migrated?

22 A. Yes.

23 MR MACAULAY: Very well, Donald, these are all the questions
24 I have for you, and thank you for your contribution to
25 the report and for coming to give evidence today.

1 My Lady, no questions have been submitted to me to
2 put to Donald.

3 LADY SMITH: Could I check whether there are any outstanding
4 applications for questions?

5 Donald, that completes the questions we have for
6 you. Thank you for the part you played in producing the
7 written report for us with the detail that is in it, it
8 is very helpful, and for coming here today to elaborate
9 on that. I am very grateful to you and now do feel free
10 to go.

11 A. Thank you very much.

12 (The witness withdrew)

13 LADY SMITH: I will briefly rise before the next witness.

14 (2.31 pm)

15 (A short break)

16 (2.34 pm)

17 LADY SMITH: Mr MacAulay.

18 MR MACAULAY: My Lady, the next witness is Jamie MacDougall.

19 LADY SMITH: Good afternoon, Mr MacDougall. Can you raise
20 your right hand, please, and repeat after me ...

21 MR JAMIE MACDOUGALL (sworn)

22 LADY SMITH: Please sit down and make yourself comfortable.

23 Most witnesses are happy to be called by their first
24 name, is that all right with you?

25 THE WITNESS: That is absolutely fine, yes.

1 LADY SMITH: If you are ready, Jamie, I will hand over to
2 Mr MacAulay and he will explain what happens next.

3 Mr MacAulay.

4 Questions from MR MACAULAY

5 MR MACAULAY: Good afternoon, Jamie. Can I confirm with you
6 that you are Jamie MacDougall?

7 A. Yes, I am.

8 Q. You have provided the Inquiry with your resume and if
9 I can just pick up one or two points from that.

10 You joined the Civil Service in 1997 having taken
11 a degree in electronic and electrical engineering from
12 Glasgow University, is that correct?

13 A. That is correct.

14 Q. And thereafter you worked for GCHQ and the Home Office
15 before joining the Scottish Government in 2002?

16 A. That is correct.

17 Q. From September 2016 to July 2020, you say here that you
18 held the post of Deputy Director for Social Care Support
19 with policy responsibility for adult social care, unpaid
20 carers, assisted communications and sponsorship of the
21 Care Inspectorate and the Independent Living Fund in
22 Scotland. Quite a mouthful, but that is your portfolio,
23 is it?

24 A. Yes.

25 Q. This also included responsibility for the survivor

1 support team which oversees the work of Future Pathways,
2 and we will talk about that in a moment, is that right?

3 A. That is correct, yes.

4 Q. You are currently leading the delivery of the Test and
5 Protect programme in response to COVID-19?

6 A. That is correct.

7 Q. Just looking to your work in the Civil Service, I do
8 wonder what a degree in electronic and electrical
9 engineering has to bear on that particular work history.

10 A. I think the Civil Service is a broad church.

11 Q. Your purpose here today is to speak to the contribution
12 that you have made to a report that has been submitted
13 to the Inquiry by Scottish Government. You will find
14 a copy of that in the folder in front you, and some
15 parts of it will also come up on the screen if you would
16 rather look at the screen.

17 We see it is dated September 2020 and the reference
18 is SGV-463. It is in response to a number of questions
19 that were put to the Scottish Government by the Inquiry.
20 You will see the questions on page 2 of the report. In
21 particular, are you here to address questions 4 and 5?

22 A. Certainly number 4.

23 Q. It's primarily number 4?

24 A. Yes, and I can talk a little bit about number 5.

25 Q. Okay. If we then turn to page 12 of the report, and

1 here there is a section, section 4, headed on the back
2 of the question "Help, advice and supports available to
3 former child migrants", and you set out here that:

4 "The Inquiry has asked Scottish Government to
5 provide information in relation to 'What help, advice
6 and supports are available to former child migrants,
7 for example through schemes such as Future Pathways'?"

8 Can you then take me through what your response to
9 this particular question has been?

10 A. Yes, happily. As we have set out in the report,
11 Future Pathways -- if I go back slightly,
12 Future Pathways was set up around 2016, the back end of
13 2016, and that was in response to the action plan that
14 generated the Child Abuse Inquiry and other things that
15 were generated from that. The idea of Future Pathways
16 was to create a person-centred support to survivors who
17 were in care in Scotland but wherever they might be in
18 the world. So as part of that, child migrants who were
19 originally in Scotland would form part of that scope.

20 One of the issues obviously we would have in
21 Future Pathways is when setting it up firstly, we talked
22 a lot about who might be in scope and how many people,
23 and as much as we would consult with people to try and
24 work out the numbers that might come forward, people
25 don't sort of come forward with badges saying "I am

1 a survivor", so we had to make assumptions, we had to
2 put out materials to try and bring people forward, and
3 I would say over time people grew to trust
4 Future Pathways.

5 So if terms of the -- in the report, it wasn't
6 actually until around February 2019 that we actually
7 first started supporting people who were child migrants,
8 albeit we may well have been supporting people who were
9 child migrants but who did not disclose that to us.

10 Q. Can I just understand the mechanics of Future Pathways
11 or the practicalities? You say that it is funded by
12 Scottish Government and by an alliance of organisations,
13 such as, for example, Health in Mind, Penumbra and so
14 on. I want to understand how that funding works for
15 Future Pathways.

16 A. Scottish Government are the sole funders of this. The
17 other organisations are there under an alliance model,
18 and that is a relatively unusual model to run such
19 an organisation, but the reason we set it up like that
20 was because prior to Future Pathways there had been
21 a sort of in care support fund running for a number of
22 years, but that was a relatively small fund of about
23 £200,000 to £300,000 a year. Following the sort of
24 action plan that generated Future Pathways, we wanted to
25 increase the scope of that quite considerably, and no

1 one organisation from the discussions we had felt they
2 could take that on. And because, crucially, we wanted
3 to develop a person-centred support it is quite
4 difficult to then pre-judge the services that we might
5 be required to provide from that.

6 So from all of that, we felt an alliance model,
7 where Scottish Government essentially funds the service
8 but you bring together these different organisations,
9 such as Penumbra and Health in Mind and the Greater
10 Glasgow and Clyde health board through the Anchor
11 Centre, you bring together an array of different
12 expertise, and then from that you can develop the
13 support mechanisms in place for individuals.

14 Then we would also put in place formal
15 relationships. Now we have relationships in place with
16 70 different organisations, so you can understand it is
17 a broad network that we are able to draw on, but run
18 essentially by a sort of what we call an alliance
19 leadership team of those organisations, but the
20 Scottish Government is the funder of it.

21 Q. The term "Future Pathways" then, does that identify the
22 organisational team, if you like?

23 A. That is right, so that is the delivery mechanism for it.
24 So we set up the alliance leadership team first and then
25 we created the organisation Future Pathways. So

1 technically Penumbra employ the chief executive of
2 Future Pathways, but essentially Future Pathways reports
3 to that alliance leadership team essentially like
4 a board.

5 Q. So if a child migrant, a former child migrant wanted
6 counselling, I just want to understand the
7 practicalities, what would he or she do to be the
8 recipient of that counselling?

9 A. I will talk to child migrants in the same way as I would
10 any --

11 Q. Yes.

12 A. -- and because we will say that you would put on record
13 now -- because we were only aware of I think 22 child
14 migrants, I wouldn't want to talk too specifically about
15 individual packages for fear that it might identify --

16 Q. Take another example.

17 A. So they are treated the exact same way regardless.
18 Future Pathways, we have set up communications and
19 websites and phone numbers and everything else, and
20 essentially if you are a person who identifies as being
21 in care and abused whilst in care, you can go to
22 Future Pathways through the various routes I have
23 described. You are then put in touch with someone
24 called a support co-ordinator, and that support
25 co-ordinator will work with you to find out what are

1 your needs, what are your requirements.

2 So essentially the genesis of Future Pathways in
3 that environment was feedback from survivors that no
4 traditional service exactly met their needs. So for
5 a child migrant or any other person who identifies
6 themselves as being in care in Scotland and abused, we
7 have done things as diverse as pay for gym memberships,
8 or it might be to pay for travel to go and visit
9 a sibling who they were separated from when they were
10 younger, or it might be ongoing support for counselling,
11 or it might be et cetera, et cetera. So it really is
12 quite open-ended, and the job of the support
13 co-ordinator is so important to work with the individual
14 to understand what their needs are.

15 So the people in Australia that we became aware of
16 through Tuart Place, it's very similar sets of
17 requirements, whether it be counselling support, help to
18 purchase a boiler, whatever it might be. What we found
19 is actually that can be the missing piece for the
20 survivor in terms of just that extra support to help
21 them actually get stability and sort of that support
22 mechanism in their life.

23 LADY SMITH: I recall one applicant to this Inquiry a while
24 ago explained that Future Pathways had paid for driving
25 lessons.

1 A. Yes, so we --

2 LADY SMITH: I think they had also paid for a laptop to
3 enable him to access a course to get some
4 qualifications, so with that and the ability to drive he
5 was, as you say, put into a more stable position than he
6 would have been otherwise.

7 A. Yes. We used to have quite a lot of discussions because
8 Future Pathways, we grew it very quickly to being
9 a budget of about £3 million a year, and we are now
10 supporting, I have been out of it for a few months now,
11 but there's about a thousand people being actively
12 supported. So there is a finite amount of resources, a
13 finite number of people, but we would be able to add
14 that value where someone might say in a traditional
15 service, well, we can't pay for driving lessons or
16 we can't pay for a gym membership, and it is that
17 additionality that we are able to provide, plus the
18 relationship with the support co-ordinator, plus, plus,
19 plus. There might be little bits and pieces. A big
20 contract we have in place is through -- it's record
21 searching for people --

22 LADY SMITH: Yes.

23 A. -- to understand their family trees and things like
24 that.

25 So it's not just the driving licence, that is you.

1 It's ongoing, it's dependent on where you are at
2 a certain point in your life, and what we have found is
3 people react very positively in the main to that
4 support.

5 LADY SMITH: Sorry, just one other thing, to go back to
6 Mr MacAulay's original question. Whilst somebody may go
7 to Future Pathways to ask for counselling in discussion
8 with the support co-ordinator, it may turn out that what
9 is agreed between them, what really would make
10 a difference to a child migrant, for instance, is, to
11 use your example, for travel to see a sibling to be
12 funded?

13 A. Yes.

14 LADY SMITH: And that is what is going to help?

15 A. My experience is it is rare that people would say "Can
16 I get counselling", because that is sort of well known
17 and understood. But more typical would be "I need help,
18 I'm not sure what that might be", and it might be "Well,
19 how about we look at you speaking to somebody who can
20 help you understand", "Tell me more about your
21 background", it's that sort of thing. And it's that
22 sort of discursive and relationship-based, you know,
23 with the support co-ordinator, that you are able to get
24 into what people need.

25 So it is quite resource-intensive, if you look at it

1 from a system point of view, one-to-one, or support
2 co-ordinators obviously have one-to-many. But actually
3 it is a very powerful mechanism for support, and the
4 feedback we get, as I said, it generally is very
5 positive because it tends to actually work best for
6 survivors who first of all maybe don't know exactly what
7 they require. And obviously the longer it goes on, the
8 more experience the support co-ordinators build up, and
9 they can start to understand and see pictures and think,
10 how about we try this, because this worked for another
11 person I worked with. For child migrants, by the time
12 2019 came along we had been working for a couple of
13 years on this, so I think we were very quickly able to
14 work with people.

15 The other point I would make is it is very important
16 for us to understand what locally is available to people
17 so that we don't replicate that, so that happens quite
18 a lot where -- and sometimes, you know, it might be that
19 a local council in a certain country, technically they
20 should do that. Sometimes for whatever reason it is
21 taking a delay or something, we can go in and say
22 "Right, we have decided to help you out here", even
23 though technically where you are they should be doing
24 that for you.

25 So it's quite flexible and it's adaptable and able

1 to provide that support.

2 MR MACAULAY: But the clear message you want to get across,
3 I think, from what you are saying, is if a child migrant
4 is eligible for a Future Pathways scheme, then that
5 child migrant can approach the scheme and see what is
6 available.

7 A. Absolutely.

8 Q. Can I then finally, Jamie, take you to the last part of
9 the report, where there is a heading "For the survivors
10 of Childhood Abuse Support Fund", which is a fund that
11 you tell us in the report went live in April 20, and
12 will be a fund that is geared to exist for the period
13 2020 to 2024. Can you tell us about this fund?

14 A. Yes. The scope of Future Pathways is very -- is almost
15 identical to the scope of this Inquiry in terms of who
16 can apply to Future Pathways; so generally in care in
17 Scotland and suffered abuse. This fund supports almost
18 29 -- in the end it was 29 different organisations that
19 provide support to anyone who is essentially identified
20 as having been abused in childhood and, therefore, has
21 suffered complex trauma. So it's centred around
22 supporting people who have suffered complex trauma
23 suffered in childhood, whether that is in the home, in
24 a care home, wherever that might be. So there is quite
25 a diverse set of organisations, and the reason we set

1 this one up is -- and that was just before I left
2 actually, so we had to put in quite a strong case for
3 the money because, as you know, every penny's a prisoner
4 at the moment. But I had become aware that
5 the organisations providing this type of support in
6 Scotland, and elsewhere, with the likes of the Inquiry
7 raising the profile of such issues, they were becoming
8 under increasing pressure and all their caseloads were
9 going up and up and up. So this fund is really to
10 support these many excellent organisations providing
11 this kind of service to people day in, day out.

12 Q. And former child migrants would qualify for this fund?

13 A. It is to organisations rather than individuals, so
14 depending on the organisation, depending on what it was
15 there to do, because some organisations provide support
16 specifically to certain sectors or certain types of
17 people, but we didn't set that, we opened it up for bids
18 and we had a panel put together that adjudged the ones
19 that would be successful for that funding.

20 MR MACAULAY: Very well, Jamie, thank you for the insight
21 you have provided to the Inquiry, particularly in
22 relation to the workings of Future Pathways, and
23 thank you for your contribution to the report and for
24 coming to give your evidence today.

25 My Lady, I have received no questions to put to

1 Jamie.

2 LADY SMITH: Are there any outstanding applications for
3 questions? Jamie, that completes the questions we have
4 for you. I understand that the written material we have
5 in front of us was a joint effort, so thank you for your
6 contribution to that, and thank you for coming along
7 today to help us with your oral evidence. It has been
8 of great assistance to me in the work we are doing here.
9 I am now glad that I am able to let you go and you can
10 get back to the rest of your day's work. Thank you.

11 A. Thank you.

12 (The witness withdrew)

13 MR MACAULAY: My Lady, that concludes the live evidence in
14 this case study and all that is left to be done is
15 a read-in from the remaining witness. Ms Rattray --

16 LADY SMITH: How long will this take? 15 minutes.

17 I propose to just carry on now. I don't think we will
18 have WebEx problems or stenography problems if we do
19 that. Let's do it.

20 Ms Rattray, whenever you are ready.

21 MS RATTRAY: Yes, my Lady. This read-in comes from the
22 witness The Right Honourable Dr Gordon Brown who wrote
23 to the Inquiry and provided the Inquiry with a copy of
24 the statement that he had given previously to the
25 Independent Inquiry into Child Sexual Abuse.

1 My Lady, I will read that statement and then I will
2 finish with reading the covering letter that
3 Gordon Brown wrote to the Inquiry which provides further
4 current comments.

5 Turning firstly to the statement, which is at
6 ICA.001.001.0083.

7 Witness statement of THE RT HON DR GORDON BROWN (read)

8 MS RATTRAY: The statement reads:

9 "I Gordon Brown will say as follows: I make this
10 statement at the invitation of the Inquiry to deal with
11 my recollections as Chancellor of the Exchequer and
12 Prime Minister of issues relating to the Child Migration
13 Programme and the apology I gave on behalf of the
14 United Kingdom in 2010. I will deal in turn with the
15 questions asked.

16 "I exhibit papers marked 'GB1' and 'GB2' related to
17 this statement found on my behalf after searches carried
18 out by the Cabinet Office Knowledge and Information team
19 and officials in Treasury and the Department of Health.
20 'GB1' contains relevant ministerial and other
21 correspondence from searches undertaken by the Treasury
22 taken largely from the office of the Chief Secretary to
23 the Treasury. 'GB2' contains records taken from
24 Number 10 files from my time as Prime Minister and some
25 documents provided by the Department of Health, not all

1 of which I would personally have seen.

2 "As Chancellor I was not involved with the British
3 Government's submission or response to the commission of
4 inquiry into allegations of child abuse set up in
5 Queensland Australia in late 1998. As Chancellor I was
6 not involved with the British Government's submissions
7 response to the Health Select Committee's Inquiry and
8 report on the child migration programmes published on
9 23 July 1998. A draft copy of the Government's response
10 was copied to the Chief Secretary to the Treasury and
11 there were discussions at official level about the use
12 of the Appropriations Act for the funding of
13 a £1 million support fund.

14 "In relation to whether as Chancellor I was aware
15 in December 1998 of the British Government's decision
16 not to issue a public apology following the publication
17 of the Health Select Committee's report and the reasons
18 for this decision, a covering letter and copy of the
19 Government's response was copied for information to
20 members of the Home and Social Affairs Committee of
21 Cabinet on 9 December 1998. This would have been dealt
22 with in the Treasury by the Chief Secretary and the
23 Treasury's interest would have been in relation to
24 funding aspects.

25 "On whether I was otherwise briefed on the history

1 of the child migration programme during my time as
2 Chancellor or as Prime Minister prior to the national
3 apology, I met with David Hinchliffe and two other MPs
4 on 30 June 1999 but I do not recall the issue of sexual
5 abuse being raised.

6 "Regarding whether I was ever briefed on the
7 existence of allegations of sexual abuse in connection
8 with child migration programmes I met Kevin Barron MP,
9 Chair of the Health Select Committee, on the subject of
10 child migration in March 2008. He briefed me, including
11 on testimonies available from some individuals.
12 Testimonies from former child migrants were also
13 available to me in the run-up to the National Apology
14 event on 24 February 2010.

15 "The focus was on migration itself and I do not
16 recall any specific briefing on whether the apology
17 should extend to the allegations of abuse or the
18 Government's stance about them.

19 "The idea of giving a national apology was discussed
20 around the time I met Kevin Barron in March 2008 and
21 wrote to Kevin Rudd, the Prime Minister of Australia,
22 in April 2008. I was shocked at what I was being told
23 on forced migration. I was keen to explore what more we
24 could or should do and hear from him. The
25 Secretary of State for Health, Alan Johnson,

1 subsequently wrote to me about the question of
2 an apology or reparation in July 2008.

3 "As I said in the apology itself, much of the credit
4 here falls to the Child Migrants Trust and its
5 Chief Executive, Margaret Humphreys, to the
6 International Association of Former Child Migrants and
7 their families and to David Hinchliffe and Kevin Barron
8 as Chairs to the Health Select Committee for their
9 commitment to this cause. They were very influential in
10 our decision to go ahead with the apology.

11 "I had discussed with Kevin Barron and the
12 Prime Minister Rudd in 2008. Alan Johnson wrote to me
13 and senior ministers in July of that year. I believe
14 the question was raised when Kevin Rudd and I spoke
15 in April 2009 and I returned to the issue when I met
16 again with Kevin Barron in June 2009. My briefing for
17 that meeting describes the developments since July 2008,
18 including the meetings Kevin Barron had had with the
19 representatives of former child migrants, further
20 contact between the Department of Health as the lead
21 Government department and Margaret Humphreys, as well as
22 the Inquiry by the Australian Senate Community Affairs
23 Committee.

24 "The Child Migrants Trust had suggested to
25 Department of Health officials that the main issue for

1 former child migrants was to receive an apology (rather
2 than financial reparation) and that some form of joint
3 apology with the Australian Government would be
4 welcomed. Timing the decision with Australia of course
5 also made sense and it was an opportunity we took.

6 "On consultation, as the briefing note of
7 24 June 2009 describes, the Department of Health
8 discussed issues with representatives of former child
9 migrants before we arrived at the decision to apologise.
10 There was further consultation on the terms of the
11 apology after we announced on 15 November 2009 that we
12 planned to apologise and officials worked closely with
13 representatives on planning the event. I have exhibited
14 some papers referring to this. The Department of Health
15 will be able to provide you with full details on the
16 extent of the discussion if required.

17 "It is important to remember that these young
18 children were also sent to countries other than
19 Australia. Our apology was to all former child migrants
20 forced to leave the UK, to Australia, Canada,
21 New Zealand, South Africa and Zimbabwe. Our decision to
22 apologise was taken before 16 November 2009 and was not
23 in response to the Australian announcement. We had been
24 considering the idea for some time within government,
25 although it's correct that the timing of the decision

1 was influenced, in part, by events in Australia of that
2 year.

3 "As for the extent of co-ordination between the two
4 governments, the Department of Health will be better
5 placed to help you on this. I spoke to
6 Prime Minister Rudd about the issue
7 in April 2008, April 2009 and November 2009.

8 "I and officials and advisers drafted the statements
9 but the aim was an apology for forcing child migration.
10 There was not, as I recall, detailed discussion about
11 whether or not to include reference to allegations of
12 sexual abuse. My oral statement to the House was thus
13 to apologise for successive UK Governments who had
14 supported child migration schemes and say on behalf of
15 the nation that I was truly sorry that these children
16 were let down. But the statement did also acknowledge
17 that 'when they arrived overseas, all alone in the
18 world, many of the most vulnerable children endured the
19 harshest of conditions, neglect and abuse in the often
20 cold and brutal institutions that received them'.

21 "My apology at the subsequent event in Westminster
22 Hall did acknowledge the testimonies of individuals that
23 'many of your stories tragically speak of cruelty and of
24 neglect, of the physical, sexual and emotional abuse in
25 uncaring and brutal institutions'. In this statement

1 I clearly accepted that we knew that sexual abuse had
2 been reported and taken place but, because the objective
3 was to apologise for forcing the children's migration,
4 it was not the primary focus of the apology. The scale
5 of the sexual abuse was not made known to me until after
6 2010 when out of government. I again met the Child
7 Migrants Trust and what I heard concerned me so much
8 that I asked for documentation so I could raise it with
9 the Inquiry.

10 "With regard to the decision to set up the Family
11 Restoration Fund, I was involved in discussions which
12 were also taking place across government. As I have
13 said to Kevin Rudd in 2008, I was keen to look at
14 whether we could or should do more for former child
15 migrants. There was briefing about options first
16 in July 2008 and later in 2009. I exhibit papers that
17 have been provided to me related to this issue,
18 including ministerial correspondence from July
19 to October 2009.

20 "In June 2009 I met and discussed the issues again
21 with Kevin Barron. It was subsequently agreed that
22 Andy Burnham would consider the issues further and seek
23 to agree a position with relevant ministerial colleagues
24 before providing further advice to me. He wrote first
25 to me on 28 July 2009 copying relevant ministerial

1 colleagues and then to the relevant cabinet committee on
2 21 October 2009. Cabinet committee colleagues and
3 I agreed that we should make an official and public
4 apology on behalf of the nation and commit to continued
5 funding of the Child Migrants Trust.

6 "It was a complex issue. What was clear was that,
7 while reparation would be welcome and funding of visits
8 was required to bring closure to many former child
9 migrants, the overriding priority which really mattered
10 most to former child migrants and their families was
11 an apology. I spoke to Kevin Rudd early
12 in November 2009 to tell him of our intentions. I wrote
13 to Kevin Barron on 13 November to say that we would
14 apologise for the actions of previous governments and
15 that we would work with representatives of former child
16 migrants to develop the appropriate wording and
17 approach, which we did.

18 "The continued funding of the Child Migrants Trust
19 was intended to help further with support and services
20 alongside a new £6 million Family Restoration Fund to
21 support families who wished to reunite. Both these
22 sources of funding were intended to help former child
23 migrants and their families in a practical way.

24 "I continued to take an interest in the fate of the
25 child migrants. I kept in touch with

1 Margaret Humphreys. I met one family of survivors and
2 wrote to others. I talked to the Cabinet Secretary,
3 Jeremy Heywood, and wrote to him about the need to
4 continue the funding given that many families had only
5 recently been identified and they should have the chance
6 to visit the United Kingdom. I felt the fund needed to
7 be extended beyond its original life. I met
8 Margaret Humphreys and heard from her the new evidence
9 about the scale of sexual abuse, not just in Australia
10 but also at home in some cases before the children
11 left - indeed it seemed that, in some cases, the
12 children were sent to Australia to obscure the sexual
13 abuse they had already suffered.

14 "I was told also that some of the Australian charity
15 leaders who came to Britain had handpicked some of the
16 children with a view to sexual abuse and that the abuse
17 might even have begun on the journey to Australia.
18 I read statements from survivors who told in graphic
19 detail the tragic circumstances of their abuse. It was
20 because of all this that I issued letters to various
21 authorities, including your Inquiry, and wrote
22 an article in the Daily Mirror saying that the children
23 who had been sexually abused now needed justice.
24 I have no direct evidence beyond that which I have
25 received from the Child Migrants Trust.

1 "I believe the facts stated in this witness
2 statement are true."

3 And this statement was signed for IICSA by
4 Gordon Brown on 20 June 2017.

5 My Lady, turning to Gordon Brown's covering letter
6 to the Inquiry of 20 January 2020, which can be found at
7 ICA-2.

8 Covering letter of THE RT HON DR GORDON BROWN (read)

9 MS RATTRAY: It reads as follows:

10 "Dear Lady Smith,

11 "I am enclosing the evidence I gave to the
12 Independent Inquiry into Child Sexual Abuse in July 2017
13 as I believe my statement is of equal applicability to
14 the migration of children from Scotland. I recognise
15 that the abuse of vulnerable Scottish child migrants and
16 the damage that was inflicted deserves separate
17 investigation and I applaud the work being done by the
18 Scottish Child Abuse Inquiry to address this.

19 "While I personally have no child migration
20 statistics specific to Scotland, I wanted to add to my
21 previous statement to IICSA and bring my views
22 up-to-date, and I hope that doing so will be of help to
23 your Inquiry.

24 "I am told that all Scottish child migrants known to
25 the Child Migrants Trust have now received their redress

1 payments, but there will still be migrants not yet in
2 contact with the Child Migrants Trust. The redress
3 payments should not just have been for policy failures
4 but also for the consequences of abuse, some by
5 the institutions child migrants were sent from and most
6 of all by the institutions to which they were
7 despatched.

8 "The fact that the remit of the Scottish Child Abuse
9 Inquiry extends beyond sexual abuse to psychological,
10 emotional and other forms of abuse may encourage you to
11 make concrete recommendations about extending the
12 redress payments.

13 "The redress scheme should certainly not have
14 justified any reduction in, or time limit to, support
15 for the Child Migrants Trust and for the Travel Scheme.
16 Indeed, I understand that more than 80 child migrants
17 have requested travel support for reunion following the
18 end of the Family Restoration Fund. Although I do not
19 know the figures for requests from Scottish child
20 migrants, I think that your Inquiry may wish to comment
21 on the need to extend the duration of the Travel Scheme.

22 "Yours sincerely, Gordon Brown."

23 My Lady, that concludes the read-in and indeed the
24 evidence for this hearing.

25 LADY SMITH: Thank you very much. So that is all the

1 evidence in our child migration case study I am
2 delighted to say, but of course that leaves us with
3 closing submissions, which are due to be heard -- I am
4 just doing the calculation of the dates, which will be
5 the 20th onwards, is that right? 20 October onwards,
6 with written submissions on which the oral submissions
7 are to be based, please, lodged with us at the Inquiry
8 no later than 10 o'clock on Friday, 16 October. So that
9 is no later than 10 o'clock next Friday morning.

10 There is one other thing I would like to say at this
11 stage. You may remember that an issue that arose way
12 back in Professor Norrie's evidence, but was also
13 alluded to during the evidence about child migration, is
14 the validity of the consents that were taken from
15 parents, where consents were taken from parents.

16 I have been thinking about this and I would welcome
17 the views of the Scottish sending organisations on the
18 legal issues that were raised by Professor Norrie on
19 this matter of consent, also raised in the child
20 migration main report. Professor Constantine, you may
21 remember, reflects at one point on Professor Norrie's
22 evidence, both in writing and he did so in the course of
23 his oral evidence. He reflected on Professor Norrie's
24 reference to the patria potestas and a child's age of
25 consent, and Professor Norrie's conclusion that sending

1 organisations appeared to have a very shaky authority,
2 I think as he put it, for the migration of children on
3 the basis of such parental consent. I would, of course,
4 also welcome the views of any other party to this case
5 study, anybody else who has leave to appear if they wish
6 to express a view but I would particularly welcome
7 assistance on this issue from those who represent the
8 sending organisations.

9 That will also be sent in writing to those who have
10 leave to appear, just in case anybody has now switched
11 off their WebEx link or if it was too much to take in
12 all at once. But I just wanted to put you on notice at
13 this stage.

14 Does anyone have anything else to raise before
15 I rise now until the Tuesday that we start closing
16 submissions; a week on Tuesday? No. Very well,
17 thank you all. That is all for now.

18 (3.13 pm)

19 (The Inquiry adjourned until 10.00 am on Tuesday,

20 20 October 2020)

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