Scottish Child Abuse Inquiry
PO Box 24085; Edinburgh EH7 9EA
e-mail: information@childabuseinquiry.scot

Opening statement by The Right Honourable Lady Smith

Preliminary Hearing, Edinburgh, 31 January 2017

Introduction

Good morning, Ladies and Gentlemen and welcome. Thank you for coming to this preliminary hearing of the Scottish Child Abuse Inquiry. I am very pleased to see so many people in attendance today particularly since we know that, for many of you, it will have taken considerable effort to come here either because you will have had to travel some distance or because you simply find it very hard to deal with the difficult and distressing subject matter of this Inquiry.

I am Lady Smith and I was appointed as Chair of this Inquiry on 27 July 2016. I am delighted to have Glenn Houston, my fellow panel member, here with me today. You will hear from him shortly. Also present today are Julie-Anne Jamieson, Secretary to the Inquiry, and Andrea Summers, the Solicitor to the Inquiry, together with other members of the Inquiry team including Colin MacAulay QC, Jim Peoples QC, Ceit-Anna MacLeod, advocate, and Jane Rattray, advocate, all of whom are counsel to the Inquiry.

In addition, we have staff here who can offer support should anyone become distressed at any point throughout the proceedings. Can I ask those staff to raise their hands now so they are recognisable.

Given the very sensitive nature of this inquiry and knowing that many people have been campaigning for many years for such a process, I am aware that some of you attending today may, in the course of this hearing, become upset or feel frustrated and some of you may wish to raise questions or make your opinions known. While we value everyone's views, I would ask you all to remain quiet so that everyone can hear what we have to say. Also, this is not the time or place for questions to be asked or points to be raised. That is not to say that we are not interested to hear them. Should you wish to alert us to a particular point or raise a question, please get in touch afterwards. The Inquiry's contact details are, as you can see, displayed on the screens.

You will have noticed that there are cameras in the room. We will not routinely film or allow filming of our hearings but I decided that it would be appropriate for it to be done today. Let me explain their purpose. There is a camera for the Inquiry to film our statements to you; the film will be loaded onto our website as soon as possible once we finish here so as to be available to all those who are unable to attend and for those of you who are here to be able to refresh your memory about what we have to say, if you want to do so. There are also media cameras. All of the camera(s) will be directed solely at us and it is not intended that they film any members of the

public. Also, the text of our statements will be added to our website soon after the close of the hearing today.

Counsel and representatives of core participants

You will see that a number of people are sitting round the table in front of me and in the front row. You will want to know who they are so I am now going to invite each of them to introduce themselves.

The Chair

Since this is the first occasion on which I have had the opportunity to talk about the work of the Inquiry at a public event, I want to explain, particularly to those who are directly affected by the work of the Inquiry, what it is that we are already doing, what we are going to do, and what we are not going to do and why.

But first, I want to say a little about my background and my role in the Inquiry. As to my background, I was appointed a judge of the Court of Session and High Court of Justiciary in 2001, over 15 years ago and have been working as a judge since then, latterly as an appeal judge. I have, however, been released from my court duties to enable me to perform this role.

That takes me to something I want to explain because I know that some of you have been worried about the independence of this Inquiry. It is this. When I became a judge, I took an oath to perform my duties "without fear or favour, affection or ill will". That means that I undertook that whatever, as a judge, I did, I would always act independently, fairly and without bias. The undertaking applies whether I am sitting as a judge in court, carrying out the wide range of my judicial duties that are associated with my court and tribunal work or performing my duties as Chair of this Inquiry. I see to it that the Inquiry operates independently – independently of central government, independently of local government, independently of the police, independently of the prosecution services and independently of any other organisation whether based here in Scotland or elsewhere. Had I had any concerns about its ability do so, I would not have accepted this appointment. It is, of course, not just a matter of me maintaining my independence. I know, for instance, that some of you have asked whether, for example, the fact that the Inquiry team includes lawyers and some others who have been seconded from government service means that it cannot be independent. Let me take this opportunity to reassure you that you need have no concerns about that. The solicitor and secretary to the Inquiry have been appointed personally by me. Whilst some of the members of the team have been seconded from Scottish Government, the majority have not, and all of those who are seconded to the Inquiry are set apart from the government throughout the time that they are working for it. As with everyone who works for the Inquiry, they are not, whilst doing so, working for the government; their duties are, simply put, to the Inquiry and only to the Inquiry. They are answerable not to government but to me, as Chair of the Inquiry.

Secondly, as Chair, I am responsible for the procedure and conduct of the Inquiry. I ensure that it is conducted fairly, having regard to the interests of all who are involved and to the need to avoid unnecessary cost. I see to it that the Inquiry keeps to the rules which the law requires it to follow. I will adopt a flexible approach

wherever possible but you need to understand that there may be times that I am not, because of the legal rules that apply, able to do so.

The purpose of the inquiry

We know from the investigations we have already carried out that, for many years, children in care have been abused. We know that children who were unable, for various reasons, to live in a family home, were failed by people who were supposed to take proper care of them. We know that the abuse took many forms including physical abuse, sexual abuse, humiliation, other emotional abuse, unjust and excessive punishment, and sheer neglect. These were children who were not able to go home at night, to take refuge in family comfort. For most, home, if it still existed, was a world away and for those sent abroad in furtherance of care arrangements made in Scotland, it was the other side of the world. These were children for whom there was no opportunity for daily parental input or daily parental awareness of and attention to their welfare. For many, there was little or no opportunity for a parent to engage with the institution or foster parents, and little or no opportunity for the institution or foster parents to be reminded that the children who had been placed in their care still had a family who cared about them; indeed, the rights of any surviving parents may have been removed. Some children were abandoned by their parents. And all these were children who, for most of the period of our remit, did not have the benefit of modern forms of communication. Many were quite isolated. They were, put shortly, vulnerable children for whom the state, institution organisation or foster home were responsible on a “24/7” basis.

So, what went wrong? How did systems which ought to have nurtured and protected children, fail them? How well, if at all, have we addressed the need to see to it that such abuse does not happen again? How robust are our current systems? How confident can we be that they are sufficient to protect children from abuse now and in the future? What needs to change?

These questions are of fundamental importance. They are addressed in the terms of our remit which have, as the law requires, been set by the relevant government Minister, in this case the Cabinet Secretary for Education and Skills. It is not for me to write the remit or to change its terms; the law requires that to be done by the government Minister and only by that Minister. But it is for me to interpret the remit and I will do so broadly, always bearing in mind the questions which are central to its purpose.

Our remit

I want now to say a little about the terms of the remit because its terms explain what we are doing and what we have to do.

First, we are investigating the nature and extent of abuse of children whilst in care in Scotland, during the period from within the living memory of anyone who provides us with information about it, up to 17 December 2014. Whilst we are directed to consider primarily physical and sexual abuse, the remit recognises that other forms of abuse, such as those to which I have already referred, may also need to be taken into account. We are not, in our investigations, adopting a narrow definition of the types of behaviour that amounted to abuse nor will we do so when analysing the

evidence; if, ultimately, we conclude that any practice was so unacceptable that it can properly be described as abuse, we will not hesitate to say so.

As for the expression “children in care”, whilst we can only consider the circumstances of a child who was in residential or foster care in Scotland – or for whom care of that type, whilst it was provided abroad, was arranged in Scotland – we can and will consider any abuse of such a child wherever it is said to have taken place. It is not necessary for the abuse to have occurred within the institution or within the foster home. The point is that if such a child was abused anywhere at all, it could be that the care systems which ought to have provided effective protection of the child both within and outwith the four walls of the institution or foster home, failed, so we want to know about it.

The types of places and institutions envisaged by the remit are wide ranging and they include children’s homes, secure care units such as List D Schools or Borstals, Young Offender’s Institutions, places for Boarded Out children in the Highlands and Islands, Boarding Schools, those healthcare establishments which provided long term care, and foster homes.

Secondly, we are investigating and will consider the extent to which the institutions and others who had legal responsibility for the care of children failed in their duty to protect them from abuse. We are determined to get to the bottom of any systemic failures that occurred. This is to enable us to assess, for example, the adequacy of the management and governance of these places, the systems for the placement of children and the systems for oversight, regulation and supervision of them. We are investigating what reports of abuse were made, whether any such reports of abuse were known about in official circles, what was done about them and, if nothing was done, why not? If abuse was known about but covered up, we will not hesitate to say so.

We will, when reaching our conclusions about systemic failures, rely not only on the factual evidence we have gathered and continue to gather but also on expert evidence.

Thirdly, it is part of the work of an Inquiry such as this to write its response to the remit in a detailed report. When, ultimately, we do that, we will have regard to a part of the remit which specifically and, in the circumstances, very properly directs us to create a national public record and commentary on the abuse of children in care in Scotland during the period we are looking at. It is only right that we do so and we will do it as fully and accurately as we can. It is an important aspect of our task, we are aware of that responsibility as we work through the detailed investigations we are carrying out and we will remain aware of it as we consider and respond to the evidence presented.

Fourthly, we are considering and will continue to consider how abuse has affected those who were subject to it, whether at the time or subsequently, and whether it has had any effect on their families. We are doing and will continue to do so not only by taking account of what we have been and are being told by those who were in care but also, we anticipate, with the assistance of expert evidence about, for example, the long term effects of abuse and the reasons why victims of abuse may be reluctant or unable to talk about it.

Fifthly, informed by what we learn from our investigations about the nature and extent of abuse and of systemic failings, we will consider the extent to which current practices, policies and legislation properly and effectively protect against the risk of children in care being subjected to abuse and are able properly and effectively to respond to any complaints of such abuse. In doing so, we will consider whether, for the sake of the interests of children in care, any of these practices or policies or any legislation needs to change. We are aware that those who have been abused in care have, in many inquiries including this one, made it clear that it matters to them that recommendations about preventive measures are made if those measures need to be improved; it is part of the healing process for them to know that all possible steps are being taken to see to it that what happened to them does not happen to other children in the future.

Sixthly, we are aware of the concerns that have been raised about the lack of appropriate redress for victims of abuse. The terms of the remit do not prevent us from looking broadly at the matter of redress for those who have suffered abuse in care. For example, we can and we will consider and examine what part formal redress schemes have played in the United Kingdom or elsewhere when responding to the discovery of abuse, and whether a redress scheme could play a part in Scotland in the future.

What the inquiry cannot do

Although, as I have explained, we can and will look at the matter of redress, it is important to understand that we have no power to award monetary compensation or give any other specific redress to anyone. Such a power would have to be provided for in the remit in specific terms. This remit does not do so.

It is also important to understand that this is a wide ranging Inquiry into the abuse of children in care. The law that applies to us does not permit the Inquiry to be a substitute for criminal trials or civil litigation; this is not a procedure under which individual people can be tried and found criminally or civilly liable on individual charges of wrongdoing. That will not happen. We have no power to rule on or determine whether crimes were committed by anyone or whether anyone should be held liable under the civil law whether for the purpose of paying compensation or otherwise.

Rather, we have to concentrate on the purposes set out in our remit against a background of considerable public concern about the abuse of children in care. That is not to say that we are not interested in hearing about and understanding what types of abuse occurred, how, where and when. Indeed, it is important that we get as clear a picture as we can about that. Nor is it to say that we will have any hesitation in voicing criticism where it is called for; we will have no difficulty about doing that. But it will not be for the purpose for holding individuals liable for their acts or omissions. We cannot do that.

How the Inquiry operates

Let me now turn to explaining, in general terms, how the Inquiry operates. Like all statutory Inquiries, we are subject to laws - and rules - which apply not just to me as Chair but also to all the participants, counsel and other representatives. That way,

everyone knows what they can and cannot do and what is and what is not expected of them. They are written in an Act of Parliament of 2005 and, in particular, in rules that were made by the Scottish Parliament in 2007. They include provisions to cover important matters such as restricting the disclosure of documents and the protection of anonymity, the granting of Core Participant status, the recognition of legal representatives, requests for written evidence, the giving of oral evidence, and the procedure we have to use when a person asks us to pay for their legal representation or other expenses they have incurred.

General Restriction Order

So it is that I have, for example, issued “General Restriction Orders”. You will find their precise terms on the website. Restriction orders are designed to protect the identity of certain people and to prevent the disclosure or publication of some of the information contained in documents that we obtain. The ones which I have granted thus far provide that persons who tell us about having been abused – who are known as “applicants” - and any of their family members who tell us about their relative having been abused, are generally entitled to anonymity, as are persons who are named as abusers. There will be limited exceptions. For example, those who are named as abusers will, if still alive, as a matter of fairness, be told the identity of the applicant who has named them as will any organisation or institution involved. But that will be on a strictly confidential basis.

Also, the identity of any person named as an abuser will be passed on to Police Scotland to enable them to carry out appropriate assessments of the risk that that individual may currently pose to children or vulnerable adults, or more generally of harm to any person or to life.

I have also ordered that whilst no evidence identifying persons named as abusers may be disclosed or published prior to the publication of our report or reports, I may later lift that restriction to permit some disclosure. I may, for example, do so if the abuser has been convicted or has admitted having abused children in care. If I decide to do so, I will do it by issuing written permission.

When it comes to public hearings, practical steps will be taken to protect the anonymity of those entitled to it by, for instance, the use of a remote link or screens.

If anyone has any concerns about their identity being known – a whistleblower, for example - they should, in the first instance, contact the Inquiry’s Witness Support Team to discuss their concern.

Core Participants

Many people and organisations are engaging with us to provide valuable oral, written and documentary evidence. Some of them have particularly significant interests which may justify them being granted what the rules refer to as “Core Participant” status. A Core Participant may be an individual person or an organisation or group of people. As a generality, to qualify for Core Participant status, the person or organisation applying will have to satisfy me that they:

- have such a direct and significant role in the matters we are looking into, or
- have such a significant interest in an important aspect of the Inquiry, or
- may be subject to such significant criticism during the Inquiry or in its report(s),

that it is desirable that they be included as Core Participants.

Core Participant status has, so far, been granted to INCAS (In Care Abuse Survivors), David Whelan as a representative of FBGA (Former Boys and Girls Abused in Quarrier's Homes), the Chief Constable of Police Scotland, Quarrier's Homes, and the Scottish Government.

I would like to take this opportunity to thank these Core Participants and their legal representatives for the constructive manner in which they are engaging and co-operating with the Inquiry. It is very important that they continue to do so.

And I would also like to take this opportunity to encourage anyone else who is thinking of applying to become a Core Participant to let us know, without delay. Whilst it may, in some cases, be too early for a formal application, we are keen to identify, sooner rather than later, which persons or organisations may be asking us to grant them Core Participant status.

Let me say a little more about what it means to be a Core Participant.

A Core Participant is more involved in the inquiry process than a member of the public.

A member of the public can:

- attend public hearings (unless I decide to hear evidence in private);
- read transcripts of hearings and expert reports, on our website;
- read the witness statements that are published on our website; and
- contact us with any information or evidence they have to offer.

However, Core Participants may, in addition to that also do the following things, unless I direct otherwise:

- make opening and closing statements;
- request counsel to the inquiry to ask particular questions of witnesses who give oral evidence at a hearing which relates to their particular interest;
- where appropriate, with my permission, ask questions of witnesses through their own legal representative;
- see any evidence we hold that relates to their interest in it. Core Participants will, however, have to treat that evidence as strictly confidential. That is very important - they and their lawyers will have to sign confidentiality undertakings.

Core Participants are entitled to see any report by the Inquiry relating to their interest, before it is published. They cannot, however, change what it says, and they must keep its contents confidential until it is published.

Also, although many of those who come forward to provide evidence will not require legal representation, it is accepted that a Core Participant will normally be represented by a lawyer. Where Core Participants cannot afford the lawyers' fees, they may qualify for an award to cover the costs of their legal representation.

Taking Statements

Since last spring, we have been taking statements from people who have contacted us to tell us about having been abused while in care with a particular focus on the elderly and infirm. We continue to do so. It is time consuming but it is a vitally important part of the evidence gathering process and I am satisfied that the time it is taking is justified. The statements are being taken in private sessions at locations as convenient as possible for the applicant, in a careful, structured and supportive manner. I am pleased to say that we are receiving very positive feedback about the process from applicants. We know how difficult it is to come forward and talk about the experience of having been abused, we know that for some people this may be the first time they have talked about it to anyone, we know that it can be traumatic, and we know that it is asking a lot to expect people who have evidence to give about abuse in care to talk to strangers about it. The Inquiry team has, accordingly, sought to equip itself as well as it can by, for instance, engagement in trauma training and drawing support from specialist reflective practice. We do all that we can to be sensitive to these difficulties and, through our dedicated witness support team, to provide trauma informed support throughout the statement taking process. This is vitally important evidence.

Others who have evidence to give – for example, those who will explain how institutions were governed or what systems for supervision were in place – are providing evidence and statements including by being interviewed by members of the Inquiry team.

For some witnesses, their signed statement will be the only evidence that is presented to the Inquiry. Others will be asked to give oral evidence at a hearing. The fact that a person is not asked to give oral evidence does not mean that their evidence does not matter, or matters any less than those giving oral evidence. It does matter. Nor does it mean that it will not be considered. It will. All relevant evidence will be taken into account when reaching our conclusions and recommendations.

I want to say something about numbers. From time to time, we are asked to specify how many people have come forward. As the website explains, by June last year, 170 people had contacted us. I can say that many more have done so since then. But the extent of our growing knowledge and understanding about what was happening to children in care cannot be measured simply by the number of people who have talked or are talking to us about matters which fall within our remit.

I have decided that we are not going to provide a running commentary on numbers. They keep increasing as more and more people get in touch and the number on any

particular day will be but a snapshot. Also, some people might think – if they hear the numbers - that their evidence won't matter to us because we already have enough applicants. But that will not be right. We want to hear from every single person who comes within our remit and wants to tell us about having been abused. And we want to hear from anyone who, even if not themselves a child in care within our remit, has evidence to give about what they knew was happening to children who were in care. We are about to launch a fresh publicity campaign; you will hear more about that from Mr Houston.

It is also important to appreciate that, when a single person tells us about the abuse they suffered, they may also be telling us about a particular type of abuse that was routine in that institution. Take, for instance, the appallingly cruel and humiliating treatment that we understand was, in some institutions, regularly meted out to those who were unfortunate enough to have wet their bed at night. One voice can speak to the abuse of many. So the bare numbers, taken out of context, are not of themselves helpful or indicative of whether or not we are gathering extensive and valuable evidence; I am in no doubt that we are, in fact, doing just that.

Child Migrants

Whilst our work to date has been principally directed at persons and organisations in the UK, our researches have shown that there are people living abroad who may want to contact us. That is because there were periods within living memory when children from institutions in Scotland were sent to Canada, Australia, New Zealand and elsewhere. They may have suffered abuse before leaving the country, whilst in residential care in Scotland, and we know that many migrant children experienced harsh and abusive treatment in the places to which they were sent. They need to know that child migrants have been expressly included in this Inquiry which is investigating the abuse of children in care here in Scotland and the systems under which they – as child migrants – were sent abroad.

We are grateful to the Child Migrants Trust for the assistance we have received thus far and we will be taking steps to make our existence and our work more widely known in these other countries. We will continue to work with them to identify and contact people in other countries who have evidence to offer about the circumstances in which children were migrated from Scotland.

Research / Expert Evidence

Some of the matters raised in the remit cannot be properly considered without the assistance of expert evidence to inform the work of the Inquiry. We have, accordingly, commissioned research studies from a number of experts to provide the context for the Inquiry. One expert report looking at what research evidence is already available about the prevalence and nature of abuse is now on the website, as is the first part of an expert report that examines the legal and regulatory framework governing children in care up to 1948. Other research studies currently underway are covering topics such as the establishment, evolution and nature of specific forms of care settings, the development of policies and practices for the care of children in residential settings, the changes in societal attitudes to children, the development of the law on children's rights and the growing international recognition of the need to establish and maintain standards that value the voice of the child and

regard the welfare of children as paramount. The expert evidence will be presented in documentary form, probably in the form of written reports, but it will also be further explored, as appropriate, at public hearings.

We will also be commissioning more expert reports. For example, we plan to instruct experts to give evidence about the effects of abuse during childhood and the policies and practices involved in child migrant schemes.

Assessors

If, at any time, I consider that Mr Houston and I need assistance on an expert or technical matter in addition to the assistance we will have from the expert witnesses, I will appoint an assessor with the appropriate skill and knowledge. That need has not, however, arisen thus far.

Investigations and Hearings

Some of you may be asking why there have been no public hearings yet. There are good reasons why we have not reached that stage.

I have already spoken today about our very wide-ranging remit. Many organisations were involved in the provision of residential and foster care during the long period we have been asked to examine. We now know that there were hundreds of residential child care establishments operating throughout Scotland in this period. That means, of course, there is a great deal of investigative work that needs to be done by the Inquiry team in preparation for the public hearings we will be holding. To carry out such investigations properly and thoroughly – as is clearly called for by the subject matter of the Inquiry – takes a lot of time. That work began as soon as the Inquiry started on 1 October 2015; it has been going on since then and is continuing.

So far, we have identified more than 100 locations where abuse of children is said to have taken place but we know that there are many more than that. The Inquiry team is currently investigating over 60 residential care establishments for children in order to gather, from those who ran them and others, evidence about how children who were being cared for in a range of different settings and by a number of different types of care organisations were treated. It may help anyone listening today and wondering whether they should be coming forward at this stage with evidence or information if I give some details about the Inquiry's current investigations. I will, however, be publishing a full list of the establishments that are part of the Inquiry's current investigations on the Inquiry's website.

Some of the establishments were run by faith-based organisations. It is clear that faith based organisations have played a significant role in the residential child care system in Scotland over the years They include St Ninian's in Falkland, Fife run by the Christian Brothers; St Joseph's in Tranent, St Ninian's at Gartmore, Stirlingshire, Kenmure St Mary's Boys School, Bishopbriggs, St Mungo's, Mauchline, Ayrshire and St John's Boys School, Shettleston, all run by the De La Salle Brothers; five establishments, including Smyllum Park, Lanark run by the Daughters of Charity of St Vincent de Paul; The Nazareth Houses in Aberdeen, Cardonald, Lasswade, and Kilmarnock run by the Sisters of Nazareth; The Good Shepherd Centre, Bishopton, St Euphrasia's and establishments in Colinton, Edinburgh, all run by the Sisters of

Our Lady of Charity of the Good Shepherd; St Joseph's, Dumfries and St Columba's, Largs, run by the Marist Brothers; and Carlekemp School, North Berwick and Fort Augustus Abbey School run by the Benedictines. Quite separately, we are looking at the relationship between the Roman Catholic Church in Scotland and these religious Orders and the role played by the Roman Catholic Church in connection with the residential care of children.

We are investigating three establishments run by another church, the Church of Scotland. They are Ballikinrain School, Geilsland Residential School, and the Lord and Lady Polwarth Home for Children in Edinburgh.

As for non-religious establishments, we are investigating how children were treated in institutions run by Quarriers, Barnardo's and the Aberlour Child Care Trust. All of them were major care providers during the period covered by our remit. We are also investigating the Widowers' Children's Home, Edinburgh.

And the Inquiry team is investigating boarding schools. Specifically, they are investigating Fettes College, Gordonstoun, the former Keil School in Dumbarton, Loretto School, Merchiston Castle School, and Morrison's Academy (at the time it was a boarding school). Other boarding schools may also be investigated to obtain as full a picture as possible of the nature and extent of abuse in boarding schools.

A number of establishments run by local authorities have also been selected for investigation. They include Clerwood Children's Home in Edinburgh, Colonsay House and Nimmo Place Children's Homes in Perth, St Margaret's Children's Home and Linwood Hall Children's Home in Fife, Kerelaw Secure Unit in Glasgow, St Katherine's Secure Unit in Edinburgh, and Larchgrove Remand Home in Glasgow.

I now want to say something about public hearings.

Our public hearings will be divided up into separate phases. Phase 1 will start on 31 May, this year. That phase will cover some of the research work I have already referred to. Not all of that work will be completed by then but the experts, at our request, have been approaching their work in such a way as to be able to provide interim reports to the Inquiry covering particular periods of the timeframe covered by our remit.

As well as research work, the Inquiry Panel is very keen to explore three other areas in the course of the first phase of public hearings.

The first is the nature, extent and development of the State's role in, and responsibility for, children in residential and foster care in Scotland. The Inquiry team have asked the Scottish Government to provide a chronological report dealing with that matter. The Scottish Government have also been asked for a chronological report dealing with the State's knowledge of, and response to, the existence of the abuse of children in residential and foster care in Scotland in the period 1930 to 2014; that important matter will also be explored as part of the first phase if the report is provided to the Inquiry in time to be included in the first phase.

The second area is the history and governance of organisations providing and arranging residential and foster care in Scotland to children. The Inquiry team have

asked selected organisations to identify witnesses who can provide information about their organisations, with a view to that evidence being available for the first phase. They include faith based organisations - such as the Church of Scotland, the Bishops' Conference for Scotland and Roman Catholic religious Orders - and large care providers such as Quarriers and Barnardo's.

The third area is the background to, and reasons for, the establishment in more recent years of survivor groups. The Inquiry team have asked survivor groups to identify potential witnesses who can inform the Inquiry on matters such as the formation of these groups and their work. Can I stress however that the intention, so far as the first phase of oral hearings is concerned, is not to take detailed evidence about allegations of abuse but simply to allow the Inquiry to develop an insight into the evolution, development and work of these groups.

Much of the material planned for this first phase of hearings may be of relevance to a number of organisations and they will want to be ready to address it. Some may wish to apply to become Core Participants. As I mentioned earlier, I would encourage anyone who is thinking of doing so to get in touch with the Inquiry team.

I can say today that there will be other phases of hearings that will concentrate on establishments that have been the subject of prior investigation by the Inquiry of the kind I have mentioned. I am not in a position to identify all of the organisations and establishments that will be the subject of case studies in these further phases because the selection will largely depend on their apparent significance to our remit as demonstrated by the evidence ingathered as a result of the investigations we are currently carrying out and any further similar investigations that we may carry out in the future. No one should be in any doubt that the hearings at which these case studies are explored will be important ones. I would urge anyone with evidence about any of the establishments that are currently the subject of investigation, particularly those who were children in care and those who worked in them, to come forward now and speak to the Inquiry.

What I can say at this stage is there will be a case study focusing on the care provided by Quarriers. The study will include evidence about the experiences of children in the care of Quarriers. We know that children cared for by Quarriers were abused while they were in that organisation's care. There have been convictions of, and in some cases very lengthy prison sentences given to, staff employed by Quarriers for offences involving very serious abuse of children in care which only came to the attention of the authorities many years after the abuse occurred. The study will explore why that was so. It will look, for instance, at how such persons were recruited and what checks, if any, on their suitability were made. It will investigate what was known, and when, about such persons by their employers and colleagues. It will look at whether those persons and others were the subject of complaints of abuse of children and if so how those complaints were handled and responded to. It will consider the adequacy of the child protection arrangements in place when those convicted or accused of abuse were involved with Quarriers. That is just a flavour of what we will be looking at in the case studies and Quarriers is but one example of a case study that the Inquiry will be conducting as part of its work.

There will also be case studies into residential care establishments for children run by the Church of Scotland and by Roman Catholic religious orders.

We are, further, aware of children in local authority run children's homes having been abused by care staff. In some cases, the abuse occurred over a lengthy period of time. We will undoubtedly look at residential establishments run by local authorities as part of our case studies.

We are, as I have said, gathering information about abuse or alleged abuse in boarding schools. We anticipate that, once our investigations into boarding schools are complete, there will be a case study which involves looking at such schools.

There will, separately, be case studies dealing with foster care and child migrants.

We will not hear oral evidence about every location at which we have been told that children were abused but that is not to say that all the evidence about abuse, wherever it took place, does not matter. It does.

The arrangements for the accommodation we will use for these hearings are currently being finalised. After careful consideration, it has been decided that there will be a single hearing venue which will be centrally located in Edinburgh with good transport links. It will be fitted out to meet our particular requirements and will take account of the needs of particular witnesses.

We may, after some hearings, issue an interim report of the findings we feel able to make on the basis of the evidence presented at that particular hearing. We would do so in an effort to assist all parties as they prepare for the later stages of the Inquiry.

Documents and their Management

We have issued orders and requests to a number of organisations in order to ensure that the Inquiry receives all relevant documents. We are grateful for the co-operative response we have had to these orders and requests from those who received them. As a result, we now know that there exist very many documents which contain information that should assist us with our investigations; there are literally thousands of these documents and we are currently continuing our work to identify and obtain all relevant material we need to fulfil the Inquiry's remit.

The Inquiry has an electronic document and evidence management system. It is vital that the system is secure as it will store, for example, documents we already have, documents we are recovering, reports and witness statements. Detailed and careful work has been and is being, accordingly, carried out by experts to ensure its security.

Core Participants or their lawyer, if they have one, will, at an appropriate time, be given access to part of this system. This means they can see those parts of the documents that relate to their interest in the Inquiry.

Protocols

The Inquiry's work is also governed by protocols. They explain the procedures we adopt and they give guidance. They may be added to or amended from time to time, as required. They can all be found on our website. Put broadly, they cover:

- what types of information we hold and what we do with it;

- Core Participants;
- how we gather evidence and how it is presented to the inquiry;
- when and how we grant and protect anonymity;
- how we recover and what we do with documents including the way that we ensure that redactions are made to protect anonymity;
- reporting to the police; and
- the circumstances in which we can help with a person's expenses, including their legal fees where appropriate.

The European Convention on Human Rights

As I have already explained, the Inquiry is not a trial nor is it a civil litigation and we have no power to determine a person's rights or liabilities whether civil or criminal in nature. Article 6 of the European Convention on Human Rights – which, as many of you will know, provides for a citizen's right to a fair trial – does not, therefore, apply.

However, it is important to understand that the spirit of some of the most significant parts of the Convention on Human Rights is nonetheless captured in the principles by which the Inquiry works. For example, article 6 may not be applicable but fairness lies at the heart of our work. If the Inquiry is to achieve its objectives, it is essential that we act fairly in relation to all who have an interest in our work, at all times, and that is what we constantly strive to do. Likewise, just as article 8 of the convention requires a public authority to respect a person's private and family life, we strive to do so; hence, for example, the steps we have taken and will continue to take to protect the anonymity of applicants and certain other individuals so far as it is possible to do so. But, equally, just as article 10 of the convention – which is particularly important for the freedom of the press – protects freedom of expression, we are committed to being as open and transparent as we can. That does not mean that we will answer every question at the time it is asked or that we will disclose our thinking as we go along; we may be unable to disclose material in order to protect anonymity, or it may be improper to disclose certain matters until a later stage of the Inquiry because of a risk of compromising its integrity and effectiveness. It will, for example, not be possible for us to answer some questions because we have not heard or considered all the evidence and so it is too early to say what our findings will be. We do, however, appreciate that you want to hear all that we can properly tell you about the ongoing work of the Inquiry and we will do that.

Mr Houston

I am now going to pass over to Mr Houston who is going to cover one or two other matters including the steps we are proposing to take to increase public awareness of the important work of this Inquiry.

Conclusion

Before closing, I want to reiterate the calls that have already been made to anyone and everyone who has relevant evidence to offer to come forward. Whatever you have to contribute, we want to hear it. We are determined to find out the truth about what happened to children in care, where, how and why. We want to find out why the

abuse was not prevented, why it was not stopped, and what needs to be done to protect children in care in the future. That is what we are here to do. We ask for the continued support of those who have already come forward and for the help of those who have not yet done so.

Finally, I have, whilst speaking to you, referred to the website. It will continue to be regularly updated. Please use it. And if you have difficulty in accessing the website for information or you have any queries which it does not answer, please do not hesitate to get in touch with us; you can do so by phone, by email or in writing.

AS

31 January 2017