

1 Thursday, 29th June 2017

2 (10.00 am)

3 MRS SARA CLARKE (continued)

4 Questions from MR PEOPLES (continued)

5 LADY SMITH: Good morning.

6 We will now resume your evidence this morning,

7 Mrs Clarke.

8 Are you ready to begin, Mr Peoples?

9 MR PEOPLES: Yes, my Lady. Good morning.

10 LADY SMITH: Thank you.

11 MR PEOPLES: Good morning, Mrs Clarke.

12 A. Good morning.

13 Q. Can I begin today by asking some questions about
14 a matter which was touched upon yesterday, the 1964
15 review. Before I ask any questions, can I take you to
16 the response document at BAR.001.001.0025.

17 If we could scroll down to (v) on that page. This
18 is in a section dealing with the ethos and mission and
19 function of the organisation and this particular part of
20 that section is concerned with changes over time.

21 I don't think we need to deal with the changes over time
22 up to this point because they are there to read. We are
23 aware of the Clyde Report and the effect of the
24 Children Act and we had some discussion about the
25 implications of that yesterday and how it created more

1 involvement on the part of local authorities and more
2 state involvement in the care of children, particularly
3 at local authority level.

4 Under (v) it is stated that:

5 "In 1964 Barnardo's carried out a comprehensive
6 review of its work which resulted in a reduction in the
7 number of residential services for able-bodied children
8 and the development of more specialist services for
9 children with disabilities and those with emotional and
10 behavioural problems."

11 If I could now take you to another page in the
12 report which I think may give some background to that
13 review. If we could go to BAR.001.001.0007. If we go
14 to about the fourth full paragraph, you can perhaps
15 confirm this gives the general background to the review.
16 It says:

17 "In the 1960s there were fewer unwanted children and
18 improved social security benefits which meant that the
19 demand for residential care decreased. Barnardo's began
20 a programme of closure of residential homes which
21 continued throughout the 1970s and 1980s. To reflect
22 this change, the charity changed its name in 1966 from
23 Dr Barnardo's Homes to Dr Barnardo's."

24 Does that give a broad background to the review that
25 was carried out at that time?

- 1 A. Yes.
- 2 Q. Clearly there were other factors in play about the local
3 authorities having the duty under the 1948 Act and they
4 had the power and indeed effectively the requirement to
5 establish their own homes and they were expected, so far
6 as possible, to board out children rather than place
7 them in residential establishments, big or small.
8 That's obviously part of this background that we need to
9 be aware of; is that correct?
- 10 A. That is correct and by the 1960s also Barnardo's was
11 channelling a lot of its donated funds into supporting
12 children to remain with their parents. So they had
13 things like the Family Assistance Scheme, which gave
14 grants to families to enable them to stay together. So,
15 as you say, there were a number of factors which
16 influenced the review and led to the decision to begin
17 the programme of closures.
- 18 Q. Might it be said that this approach of giving more
19 support, as it were, was to some extent a reflection of
20 the general national thinking at the time that either
21 children should get support in the community or, failing
22 that, they should not be, so far as possible, placed in
23 residential establishments, particularly large ones?
- 24 A. That is correct, yes. The nature of children coming
25 into care had changed because we are now seeing children

1 living with their families from birth. So they had that
2 relationship and they had their contact with their
3 families before they may have come into Barnardo's for
4 a service, whether it was a residential service or any
5 other service. Whereas before children came into care
6 from a very, very early age and more or less spent the
7 whole of their childhood in care. So we were seeing --
8 society's attitudes were very different towards the
9 family.

10 Q. That scenario of basically spending your whole childhood
11 in Barnardo's, are we talking about essentially
12 pre-1948?

13 A. Yes, essentially.

14 LADY SMITH: At that time, as I think you have explained to
15 us, in many cases parents would bring children to
16 Barnardo's for all sorts of reasons but essentially they
17 couldn't care for their children themselves. Were they
18 expecting to hand the child over for the entirety of the
19 child's childhood or simply on a temporary basis; do you
20 know?

21 A. I think the answer to that is both. For some parents
22 they -- particularly where there were families where
23 there were large amounts of children, what tended to
24 happen would be the oldest child stayed within the
25 family because they would then soon be able to go out

1 and earn a wage. The youngest, the baby stayed because
2 they were more easy to care for. What we quite often
3 saw was the middle siblings coming into Barnardo's care.

4 But the reality for a lot of children who came in
5 pre the Second World War was once they were in
6 Barnardo's care, that was it and, for many of them,
7 families then didn't maintain contact at all and they
8 were quite happy for their children to remain in the
9 care of Barnardo's throughout their childhood.

10 But for some they came in for a shorter period of
11 time. Some were restored to families, but it was more
12 usual that pre-war children would stay in for the length
13 of their childhood.

14 LADY SMITH: I suppose at that time the shift of thinking to
15 the need to take all possible steps to re-establish the
16 family together, get the child back into the family
17 setting, just hadn't occurred, that wasn't part of the
18 thinking in dealing with the interests of children.

19 A. No, it certainly wasn't a priority. Very much in the
20 early days, in the early days of Dr Barnardo, his
21 mission was to rescue children from what he saw as
22 parents' vice and squalor and to kind of save their
23 souls. It was only when we came into the 1960s that
24 there was a realisation that actually parents were just
25 as much a victim as their children were and that if we

1 were able to support parents then we could support
2 children to stay with them. So that kind of shift in
3 thinking changed in the 1960s.

4 LADY SMITH: Yes, thank you.

5 Mr Peoples.

6 MR PEOPLES: Yes, I think in terms of family contact -- and
7 I think we have heard this from Professor Norrie who
8 looked at the legal and regulatory framework and the
9 recommendations of Clyde and Curtis and so forth -- the
10 thinking was very much that contact with the natural
11 family should be, so far as possible, discouraged rather
12 than encouraged.

13 A. Yes, I agree.

14 Q. But later on -- and indeed that was still the philosophy
15 at the time of the Children Act (1948)?

16 A. Yes.

17 Q. But they should still have a substitute family rather
18 than being in a residential institution so that the
19 favoured option of Clyde, Curtis and the Children Act
20 was, as we discussed briefly yesterday, fostering rather
21 than residential care?

22 A. Yes, correct.

23 Q. But by the time of the 1960s, for various reasons, that
24 thinking changed and ultimately, as you have said, there
25 was a recognition that parents were victims and indeed

1 there was more of a rationale that children would
2 benefit from continuing contact with their parents,
3 where that was practicable.

4 A. Yes, that is correct.

5 Q. If I could ask you again just to look at another passage
6 in the response at BAR.001.001.0011, which I think
7 really sets out the consequences of the major review
8 that occurred in 1964.

9 If we just see the paragraph that reads:

10 "Starting in the early 1960s, Barnardo's closed some
11 90 residential homes over a period of 20 years. To
12 reflect these changes, the word 'homes' was dropped from
13 the charity's name and it ..."

14 There is an extract taken from the 1968 annual
15 report which stated -- and I quote:

16 "It is no longer the role of a voluntary society to
17 provide residential services for [as it was then
18 described] normal children."

19 It is said, by way of factual information, that by
20 the start of the 1970s indeed only 300 children were
21 still in residential in Barnardo's across the UK as
22 a whole, these being children who had been with them for
23 many years with no likelihood of returning to their own
24 families.

25 A. That is correct.

1 Q. So that was quite a dramatic change in the landscape at
2 that time.

3 A. Yes.

4 Q. There seemed to be some realisation on the part of
5 Barnardo's that the days of the voluntary
6 societies/voluntary organisations being major providers
7 of residential child care for children had gone.

8 A. I think so and, as I have said earlier, the organisation
9 wanted to channel its money into areas where there was
10 a perceived need that wasn't being met by statutory
11 bodies. In Scotland, with discussions with the local
12 authorities, the need was still to provide residential
13 services but, as we have seen with the development of
14 the six or the seven homes that we are looking at, that
15 turned into kind of much smaller units, very specialist
16 for looking after children with behavioural
17 difficulties, as we would describe it today, or physical
18 or emotional difficulties because the local authority at
19 the time wasn't able to provide that kind of specialist
20 residential service.

21 LADY SMITH: We know that Quarriers, for example, had
22 a special interest in trying to help children with
23 epilepsy; was that also a focus for Barnardo's?

24 A. I think children with epilepsy would have been included
25 in children who the service was provided for but not

1 children with epilepsy as a particular group.

2 LADY SMITH: I see. But it would be one of the physical
3 additional support needs that Barnardo's would try to
4 help with?

5 A. Yes.

6 LADY SMITH: Thank you.

7 MR PEOPLES: Insofar as the providers that would fall into
8 the same category as Barnardo's was concerned, people
9 like Quarriers and Aberlour, the non-faith-based, if
10 I could put it that way, providers -- in other words not
11 the Church of Scotland, not the Catholic Church or
12 religious orders -- they provided in Scotland, and
13 elsewhere, voluntary homes as they are termed in the
14 legislation and regulations.

15 Indeed, I think the seven establishments we asked
16 for information about would fall into that category,
17 with one exception, which was a school --

18 A. Apart from Craigerne.

19 Q. -- were voluntary homes?

20 A. Yes.

21 Q. Barnardo's retained residential homes for children after
22 this review but, as we have seen, they moved to
23 specialist provision, specialist residential provision
24 for children with particular needs rather than just
25 vulnerable children in general.

1 A. Yes, that is correct.

2 Q. That was being done by Barnardo's in the early 1960s.

3 Was that a general movement by all providers of that
4 type or were Barnardo's ahead of the game, as it were?

5 A. With reference to Scotland I wouldn't be in the best
6 position to answer that because my knowledge of what
7 Quarriers may have been doing in Scotland, and Aberlour,
8 isn't as comprehensive as maybe Martin Crewe's would be.

9 Certainly my knowledge of what was happening in
10 England was that it was a Barnardo's policy across the
11 UK to develop specialised services rather than your
12 traditional long-stay residential services.

13 Q. But you wouldn't be in a position, obviously, as you
14 just said, to say whether that policy was mirrored by
15 other providers who were performing prior to that
16 similar type of service to Barnardo's?

17 A. Not with any accuracy, no. And I would not wish to --

18 Q. No, no, I just wanted to see ...

19 Going back to page BAR.001.001.0011, there is
20 a statement taken from the 1983 annual report which
21 perhaps puts some kind of time frame on matters. The
22 1983 annual report states:

23 "This year has seen the closure of the last of our
24 old-style Barnardo's children's homes."

25 And it says:

1 "The charity committed itself only to short term and
2 highly specialised residential work helping severely
3 disabled children or children with extreme behavioural
4 or learning difficulties."

5 Can I just deal with that at the moment because I am
6 not entirely clear -- I understand the shift from
7 general provision to specialist residential provision
8 for children with particular needs. Was that
9 a provision that envisaged both long-term specialist
10 residential care as well as short-term?

11 A. Yes. The short answer to that is it was dependent on
12 the needs of that particular group of children. So for
13 some homes, they were more short term and particularly,
14 as we move into the 1990s and the 2000s -- I touched on
15 yesterday about specialist fostering, respite fostering
16 as we would probably call it -- so the same would be
17 said for some of the residential homes; they would be
18 for much shorter periods of time.

19 Q. Is there any way of trying to get a sort of general
20 balance as between long-term specialist residential
21 care, the sort of relative numbers as compared to
22 short-term care?

23 You have told us about the 1990s but if we are going
24 back to the period when the change took effect, in the
25 1960s, between the 1960s and the 1990s, children that

1 were put into these specialist homes, did they tend to
2 stay there for a lengthy period of time?

3 A. Yes. They would have done because of the lack of
4 alternative provision; the lack of support for parents
5 to care for their children, particularly with physical
6 disabilities within their home. It was before those
7 kind of specialist community services got up and
8 running. So, yes.

9 So in that period of time it would have been more
10 likely that children with disabilities and emotional
11 difficulties would have stayed for a longer period in
12 residential care.

13 Q. The short answer or explanation, as you said, is because
14 the type of support that would be needed to enable the
15 child to remain for most of the time with his or her
16 parents was simply not there?

17 A. Not available at that time.

18 Q. That came much later?

19 A. It did, yes.

20 Q. Just to try and get some understanding of the meaning of
21 the term "old-style Barnardo's children's homes". Can
22 I take you to another page, just to see if we can get
23 some sort of understanding of what is meant by that.
24 Because I think in large measure all of the
25 establishments that we have asked you about would fall

1 into that category.

2 A. Old style, yes.

3 LADY SMITH: Just thinking about the progress through time
4 of support for parents to care for a seriously disabled
5 child at home, I suppose one of the things that has
6 happened is a dramatic change in the sort of equipment
7 that can be provided to help with lifting, beds that
8 will turn a child who can't turn themselves, the sort of
9 wheelchairs that are available now, the sort of
10 adaptations within a building that we know help with
11 ordinary life and there has been a sea change in that in
12 the last 10/20 years, I think, hasn't there?

13 A. Absolutely. Also funding for parents to be classed as
14 carers for their child, so to be able to financially
15 support their children at home as well. That has only,
16 as you say, come much more recently.

17 LADY SMITH: Yes, thank you.

18 Mr Peoples.

19 MR PEOPLES: If I could take you to page BAR.001.001.0175,
20 which is one of the reports relating to the seven
21 establishments. In this case I think it is the
22 Glasclune children's home. If I could just take under
23 "Establishment past", we can see this is not untypical
24 of what is said about other establishments that we have
25 asked for information about. We read there that:

1 "In the case of Glasclune it opened in 1944 in
2 North Berwick to provide accommodation for girls who had
3 moved from the evacuation home at Blairhill which had
4 closed. It was a traditional residential children's
5 home which provided daily care for girls. It was
6 a long-stay home for girls who were unlikely to return
7 home in the long term. The girls attended schools in
8 the local area."

9 Then I think of most relevance for understanding
10 what is meant by the phrase "traditional children's
11 home":

12 "Glasclune was part of the old-style care system
13 where emphasis on providing for a child's physical needs
14 was paramount. Little emphasis was placed on the
15 emotional well-being of children or on understanding the
16 impact that long-term residential care would have in
17 later life (institutionalisation)."

18 So would that give us a sufficient summary of what
19 is intended to be conveyed by the term or the expression
20 "old-style Barnardo's children's homes"?

21 A. I think the old-style homes were homes where there were
22 more children than would be considered able to provide
23 a really good positive experience for children and good
24 outcomes. If we are looking at Glasclune it had 42
25 beds. So by the very nature of caring for 42 or 44

1 children at any one time, the structure and the regime
2 had to be quite regimented. Because Barnardo's homes
3 were all set up under Christian basis and values, there
4 was a very kind of clear routine to a lot of the days
5 and how they were structured in the early days.

6 So, for example, children would get up, they would
7 have prayers in the morning, they would then make their
8 beds and do their chores and all troop off to school and
9 then come back and have meals and do activities and
10 whatever.

11 But children were a passive recipient to their care.
12 So children were managed as a group just because of the
13 numbers. So there wasn't the opportunity, as we saw
14 much later, for children to be considered as
15 an individual with their individual needs. So when we
16 see later with child-centred practice and care plans and
17 very much around meeting the needs of the individual
18 child, when I talk about a traditional home, that's what
19 I'm talking about, where children were much more managed
20 as a group in a much more structured environment which
21 was quite regimented in the early days.

22 Q. So although it is characterised as following the cottage
23 principle to try and make it more like a natural or
24 a family household, to a large extent, for the reasons
25 you have just given, even if you have 40 children rather

1 than 500 or 1,000 children in a single area, to some
2 extent there were similarities in the way that the
3 children were cared for?

4 A. There were, but in the larger home -- so, for example,
5 your Glasclune which, as I say, had 42 or 44 children
6 and then was later mixed, within that structure you
7 would have the superintendents who were at the top of
8 the management -- and you may come onto that later --
9 but then within that you had house parents who were in
10 charge of groups of children. So within the larger
11 environment you then had smaller groups of children
12 which then tried to replicate more kind of your family
13 unit, but you know essentially within the bigger
14 overarching structure of the large home.

15 Q. I suppose in one sense we are comparing something like
16 Quarrier's Village with Glasclune. The individual
17 cottages in Quarrier's Village, of which we understand
18 there were 43 at one point and latterly 30, which were
19 accommodating children in numbers initially between 25
20 and 35 but latterly perhaps 12 or in each cottage, then
21 there was some similarity, I suppose, between that type
22 of set-up and what you describe as a set-up in homes
23 like Glasclune which had groups who were cared for
24 directly by house parents.

25 A. I mean the nearest --

- 1 Q. Is that the case?
- 2 A. It is, yes. The nearest we would have as a comparison
3 to Quarriers would be the village homes in Barkingside
4 which were in London which were set up very much by
5 Dr Barnardo and it looks very similar to Quarriers with
6 loads and loads of homes, individual homes, which housed
7 about 12 children within a big campus, with a church on
8 the campus. So that would be our nearest comparison to
9 how Quarriers was set up in Scotland.
- 10 Q. But there would still be a comparison between something
11 like Glasclune and an individual cottage within
12 Quarrier's Village?
- 13 A. Yes, as we go through our history the homes become much
14 smaller. Winton Drive, for example, is only 12-bedded.
15 So that was more akin to what the ideal was, to have
16 much smaller homes.
- 17 Q. Can you help me with one matter: I think in giving
18 evidence yesterday, just on this point about this change
19 of approach and the reasons for it, I think I correctly
20 noted you as saying that certainly fostering services
21 took off in Scotland, so far as Barnardo's were
22 concerned, in the 1960s, 1970s and 1980s and also more
23 generally in the period from 1946 through to 1969, which
24 post-dates the review, there was an increasing number of
25 referrals generally by local authorities to Barnardo's.

1 I suppose what I'm just trying to understand is
2 that, notwithstanding this increase in local authority
3 referrals, which was really in effect bringing more
4 children to Barnardo's for one reason or another, the
5 review itself that was carried out in 1964 seems to have
6 resulted in a programme of closures of residential
7 homes, some in Scotland, I think, as part of the
8 programme --

9 A. Yes.

10 Q. -- and, secondly, a decision not to continue to provide
11 long-term residential care other than for children with
12 special needs.

13 A. Yes.

14 Q. Is there any contradiction between that or is it
15 simply -- I'm just trying to follow through why, if
16 Barnardo's were being called upon more frequently by
17 local authorities for children, certainly in the late
18 1940s, in the 1950s and the 1960s, why they felt it was
19 appropriate to move away from the conventional
20 residential care and simply focus on special needs?

21 A. The simple answer was that local authorities were
22 opening up their own homes.

23 Q. They were catching up. They took time after the
24 Children Act to get their act together?

25 A. You know the Children Act placed the duties upon local

1 authorities to do that and, as a result, most local
2 authorities then set up their own homes and they oversaw
3 them. So the numbers of referrals coming into
4 Barnardo's, the requests for Barnardo's residential
5 places was decreasing and I think, as you highlighted on
6 one of the previous pages, Barnardo's council took the
7 view that actually that's not what Barnardo's should be
8 using its money to do when local authorities were now
9 providing that provision.

10 Q. I suppose the point I'm maybe trying to see if I'm
11 correct in understanding is that the 1948 Act may have
12 been a major change in terms of the local authority and
13 its responsibilities, including taking action to set up
14 their own homes -- and this was the case in Scotland
15 certainly -- but I suppose that given the scale of the
16 exercise, since they hadn't been doing that before, that
17 would have inevitably taken a period of time, perhaps it
18 might have taken a decade or more and therefore in that
19 time they still needed residential homes from
20 Barnardo's, Quarriers and others, but by the time they
21 had met or made the provision, there was less of a need
22 to call on the major providers in the private sector or
23 charitable sector.

24 A. Yes, I mean we didn't just --

25 Q. Is that the way --

1 A. Yes, and we didn't just close the homes --

2 Q. No.

3 A. -- obviously it was a phased period and the Scottish
4 annual reports show -- I think I highlighted or
5 mentioned it yesterday -- that the numbers of children
6 being referred from the local authorities increased
7 significantly during the period until they then,
8 I suppose, established their own homes and then, in
9 consultation, Barnardo's was able to then start the
10 programme of closure in Scotland.

11 LADY SMITH: Do you know whether staff who had worked for
12 Barnardo's transferred to local authority employment and
13 worked in residential homes that were the local
14 authorities' homes?

15 A. We do, yes. Reading some of the staff records -- in
16 fact some of the staff records that I have read for
17 preparation to assist the Inquiry, quite a few
18 residential social workers went to work for the local
19 authority.

20 I think when we look at the skills and
21 qualifications of residential staff and the whole kind
22 of role of residential workers and how they were seen in
23 comparison to their local authority equivalents, what we
24 do know is the preference would be to work in a local
25 authority home, partly because there was not the

1 requirement to live in as there was in the Barnardo's
2 homes. I believe the pay was better as well.

3 Q. So there might have been attractions once local
4 authorities established their own homes?

5 A. Yes.

6 Q. There might have been a movement across of workers
7 because they had better terms and conditions --

8 A. Terms and conditions, yes.

9 Q. -- and indeed there was no requirement to live in on the
10 premises or in the establishment --

11 A. Yes.

12 Q. -- and we were before the days of the transfer of
13 undertakings or things of that nature, so we didn't have
14 that as a protection for care workers in the voluntary
15 sector.

16 A. No. You know we know from reading the annual reports in
17 Scotland, the sample that we have got in the archives
18 from 1946 to 1969, that there were real problems,
19 particularly after the war, through the 1950s and 1960s
20 of attracting and keeping residential staff. There was
21 quite a high turnover of staff who either came and kind
22 of did their grounding in residential work in
23 Barnardo's, then went and got qualified and then
24 obviously either went to be a field social worker or
25 went to work for local authority homes.

1 So we know -- that was a factor in our decision to
2 close the homes because there was difficulty in
3 attracting staff, particularly in Scotland when we went
4 into the specialist provision, with staff that had the
5 skills to work with children who had challenging
6 behaviour and disabilities. So it became much more
7 difficult to recruit staff.

8 Q. I suppose there was a view, certainly historically, that
9 people had perhaps more job security in the public
10 sector. I don't ask you to comment in detail on that
11 but I think it has always been felt perhaps that if
12 there's going to be any effects of a downturn, for
13 example, the public sector often finds a way of
14 retaining staff or finding other employment for them,
15 whereas that may not be so easy in the private or
16 voluntary --

17 A. I think so. Also there is a different ethos. Working
18 for an organisation such as Barnardo's, you know, it
19 wasn't a job, it was a vocation. You gave your life and
20 many of the staff who were around for a very long time,
21 they did, they gave their lives and that's why
22 Barnardo's employed married couples. I mean even when
23 I started working for the National Children's Home in
24 1980, I had to live in. So it was a requirement that
25 I lived in and as a young 20-year-old it was severely

1 restricting on my social life.

2 So you can see that -- and that was the 1980s. It
3 clearly wasn't an attractive proposition for young
4 people coming in. It wasn't considered a career. So it
5 wasn't a career option for somebody coming to work in
6 residential care; it was very much a stepping stone to
7 move on to other things.

8 LADY SMITH: Can I just tease that out with you a little
9 more.

10 If somebody worked for Barnardo's -- or indeed any
11 organisation -- on the basis that they were taking
12 a residential job, what opportunity would there be to
13 build a life away from the workplace, have another life?

14 A. Very limited. That was one of the reasons why in the
15 early days Barnardo's actively employed married couples
16 as superintendents and some of the house parents as well
17 in the larger homes were married couples. Even if on
18 balance one of the couple maybe wasn't suited to the
19 work, Barnardo's felt very much -- and again it was
20 about creating this idea of a home and this stable
21 environment. But the reality was that there weren't any
22 opportunities -- and I can attest to that with my
23 personal experience there. There wasn't a career
24 progression at all. You would go and get
25 a qualification, whether that was an in-house --

1 internal qualification, but then the next step would be
2 to then seek opportunities outside of the charity or
3 move within the charity to another home. But as they
4 were all set up in the same way, the opportunities would
5 still be very limited.

6 LADY SMITH: So just going back to the era of residential
7 staff, was there a risk that the people that would be
8 attracted to that job may have quite a high cohort
9 amongst them of those who have, if you like, problems in
10 their life in the outside world and are trying to escape
11 that to get into what they see as a protected
12 environment?

13 A. I would say that that was an accurate reflection, yes.

14 MR PEOPLES: I suppose it is within common knowledge that --
15 both in private and the public sector -- conditions,
16 including remuneration, for care workers has never been
17 particularly attractive and indeed even in the public
18 sector we know -- I think some of us know that care
19 workers have not always fared as well as other workers
20 on the same grades and job rankings.

21 A. No. I mean there was a real drive in the 1980s and
22 1990s to try and professionalise residential social work
23 more, to try and make it a career, a stand-alone career.

24 I can remember when I was working in the 1980s in
25 an assessment centre in Birmingham, there was still very

1 much the "them and us" feeling with field workers that
2 the residential workers were very much the poor
3 relations and even though we worked with the children
4 all the time and knew them far better than the field
5 social workers, it would be the field social workers
6 that came in during the review and made the decisions.

7 So there was very much an imbalance of recognition
8 for the role of residential social worker, which is why
9 so many people got qualified and then left. But
10 I think, as I say, there was then a real then drive with
11 SVQs and other kind of qualifications to create a career
12 path in specialist -- in residential care.

13 Q. When we talk about field social workers in this context,
14 are we talking about those who would be employed in that
15 capacity by local authorities and their social work
16 departments, certainly in Scotland after 1968, or are
17 you talking about Barnardo's field social workers?

18 A. Both. My experience I was talking about was field
19 workers, local authority field workers who had the legal
20 responsibility for the children that they placed.

21 But within Barnardo's, as part of the reorganisation
22 into the 1970s, we had a separation of residential
23 social workers, as they were called, RSWs, and then
24 field -- they were originally called welfare officers
25 and then the name changed to field social workers. So

1 Barnardo's both employed residential social workers and
2 field social workers. That's from the 1970s.

3 Q. It appears to me from what you are telling us it is
4 quite a complex situation, whereas a lot of factors come
5 into play, some of them subtle, but they may all
6 contribute to the type of staff that may be recruited,
7 whether they are retained, and whether there is a high
8 turnover and so forth.

9 A. Yes.

10 Q. Just on that matter, did you say or did I understand
11 that so far as recruiting residential care workers in
12 Barnardo's homes, was there a high turnover?

13 A. There was a high turnover -- and that's across the UK.
14 But also in Scotland as the annual reports, as I have
15 said, show.

16 Post-war it was easier to attract females for
17 obvious reasons. It was very difficult to attract
18 single male workers into residential work, partly
19 because of the requirement to live in, and partly
20 because, as I said, it wasn't considered as a "proper"
21 career choice for a young man at that time. So I think
22 Barnardo's stuck with the employment of married couples,
23 maybe longer than it could have done or should have
24 done.

25 Q. It might have been difficult to turn away someone who

- 1 appeared to be willing to take the job by trying to
2 apply what I might term robust selection criteria and
3 assessments, if that was the reality.
- 4 A. I think that is a fair comment for the earlier periods,
5 yes.
- 6 Q. When you say "the earlier periods", can we try and put
7 some kind of --
- 8 A. Pre-60s.
- 9 Q. But later than that, there was at least some attempt to
10 apply more robust selection procedures?
- 11 A. There was always selection procedures. In the early
12 days, pre-war and post-war, all appointments of
13 superintendents were interviewed, down in head office in
14 London. References were sought but references were
15 from -- there always had to be one from the local
16 minister because of the protestant, the faith of the
17 organisation, and other people. So references were
18 taken up. Then each appointment had to be ratified by
19 the -- either the executive committee, as we were
20 talking about yesterday, which essentially was the
21 earlier council --
- 22 Q. The governing body?
- 23 A. The governing body. So they were actually ratified at
24 that level, which actually is quite surprising that it
25 went that high for appointments. Then later on, with

- 1 devolution, employment was done at a regional level.
- 2 Q. I suppose what you have just said, the last point maybe
- 3 emphasises something we were touching on yesterday,
- 4 that, at least in the case of Barnardo's, it was very
- 5 much a question of quite closely controlled management
- 6 of individual homes from in a sense a form of
- 7 centralised governance and management of those homes,
- 8 including appointments.
- 9 A. Yes. I think some would say an over-control coming from
- 10 the head office.
- 11 Q. But what can't be said, at least in the case of
- 12 Barnardo's, is that the governing body was detached from
- 13 operational matters. I think sometimes it is said that
- 14 governing bodies would leave it to others to deal with
- 15 such matters and therefore they were not in touch with
- 16 what was happening on the ground. But are you saying
- 17 that at Barnardo's at least the set-up was intended to
- 18 enable the governing body to be very hands-on?
- 19 A. They were very hands-on and, you know, when you read the
- 20 executive committee minutes and the management committee
- 21 minutes you can see the minutiae detail of which they
- 22 were involved in at that time, particularly in Scotland:
- 23 anything to do with the maintenance of the homes, health
- 24 and safety, the running of the homes, the appointments.
- 25 There's even within some of the minutes discussion about

1 particular cases which, you know, would be quite rare in
2 any other kind of organisation to have that discussion
3 at that level within an organisation about individual
4 cases.

5 Q. I suppose that if there was this form of governance,
6 central and controlled governance, where all decisions,
7 including key decisions on matters of policy or
8 processes or appointments was taken by effectively the
9 governing body and it was discussed at that level,
10 I suppose one possible benefit of that approach is that
11 there is an element of consistency of approach.

12 A. There was, yes.

13 Q. There may be other disadvantages, but at least if one
14 body is dealing with everything, then they stand or fall
15 on their actions and decisions and so forth.

16 A. Yes.

17 LADY SMITH: Are there any documents which record criteria
18 for appointment, lists of skills that the persons
19 appointing were looking for when they were interviewing,
20 or anything of that nature?

21 A. Not that I have seen pre-war. I think when we get into
22 the 1950s there is a set of guidance on what skills we
23 would be looking for as an organisation. In the early
24 days it was much more about somebody's aptitude for the
25 work and how they came across in interview in terms of

1 how they would care for the children.

2 The organisation was less concerned with employing
3 people that had formal qualifications but clearly that
4 did change significantly over time. But when they were
5 appointing the superintendents in the early days, it
6 was -- and again every member of staff had to sign
7 a statement to say that they would work within the
8 Christian principles and that they were a protestant.
9 When we talk about culture later on, there was
10 a significant shift in that later on in response to
11 external and internal factors. But everybody had to be
12 a good upstanding Christian.

13 LADY SMITH: If this is recorded in a document or documents
14 perhaps we could in due course get that from you.

15 A. Yes.

16 LADY SMITH: Thank you.

17 MR PEOPLES: You will clearly appreciate that we are
18 interested very much in how people who were managing
19 homes, particularly those directly, the superintendents
20 and those who would care directly, such as house
21 parents, were recruited and the criteria, if any, which
22 were applied or the approach to selection and decision.

23 A. I think our earliest policies on recruitment are all in
24 our --

25 Q. Sorry, the Barnardo Book?

- 1 A. The Barnardo Book.
- 2 Q. I will come to the Barnardo Book, if I may. I was
3 wanting to ask you about that in particular and I will
4 come to it. Before I do so, just so I can kind of
5 understand what you have told us here, insofar as the
6 appointment of people like superintendents and also what
7 we might call house parents, if you like, if I could use
8 that expression, in relation to individual residential
9 establishments are concerned, including the ones we have
10 asked about, am I right in thinking from what you have
11 just said that from the earlier days, from the 1930s
12 onwards -- and we can maybe try and work out when this
13 changed -- that all such appointments would at least be
14 the subject of an interview?
- 15 A. Yes, that is correct.
- 16 Q. By whom?
- 17 A. By the committee. They were called -- it wasn't called
18 the admissions committee. It was a committee within
19 Barnardo's that --
- 20 Q. Who was on that committee?
- 21 A. Members of the council.
- 22 Q. Really? So it was a governing body?
- 23 A. Yes, and the general superintendent.
- 24 Q. So there would be at least an interview? That was the
25 standard practice?

- 1 A. Yes, they had to come to London to head office.
- 2 Q. To some extent you have kind of tried to capture what
3 might have been thought to be what they were looking for
4 in terms of attributes and character which -- well, it
5 was mainly to do with how they appeared from the
6 interview and any references obtained, including from
7 the local minister --
- 8 A. Yes.
- 9 Q. -- that they were good upstanding Christians.
- 10 A. Yes.
- 11 Q. If they met that and didn't perform badly at the
12 interview, they were pretty much guaranteed to get
13 employment, were they?
- 14 A. I think that's fair to say, yes.
- 15 Q. The references you are talking about, would they at
16 least have been written references --
- 17 A. Yes.
- 18 Q. -- which would have been available at the time of the
19 interview?
- 20 A. No. They were sought after interview but before the
21 panel made the final approval of appointment.
- 22 Q. Just on that matter, if you were looking to see
23 illustrations of this process in and actions do you have
24 copies of this kind of thing, of this type of process
25 being applied?

1 A. We have copies, yes. And the very earliest police
2 checks that were done. It was a Home Office circular,
3 number 33, which -- all it comes back with -- we have
4 got a lot of examples in the archives in staff files, it
5 just comes back as usually "No observations". So it was
6 our earliest form of what would be now a police check.

7 Q. A vetting or disclosure check?

8 A. Vetting or disclosure check.

9 Q. Just to put some kind of timescale on this process you
10 have just described. It would have been in place in
11 1930, no?

12 A. Yes, it would.

13 Q. And would --

14 A. Sorry, the Home Office checks -- I don't think they were
15 in place until after the war.

16 Q. Right. Sorry, I probably am just looking at the process
17 first, but I am going to ask you about the circular.
18 Sorry, that was my fault.

19 If we just stick with the process, leave aside that
20 aspect of the process for the moment. This process you
21 have described would have been in operation in the 1930s
22 and you would have evidence to that effect to illustrate
23 how it was carried out and it was very much carried
24 outwith the involvement of the governing body?

25 A. Yes, we have -- the earliest staff records are on index

- 1 cards, so we have got less information on those until
2 the 1960s, but appointments are captured in the
3 executive minutes.
- 4 Q. Because that body was actually --
- 5 A. Because that was the governing --
- 6 Q. -- actively involved?
- 7 A. Yes, and they made the final decision about whether
8 somebody should or shouldn't be employed.
- 9 Q. Did these matters feature in the annual reports as well?
- 10 A. The reporting -- the annual reports that we have got
11 from Scotland, for 1946 to 1969, do report on the
12 recruitment of staff and the movement of staff and the
13 training of staff within those annual reports.
- 14 Q. So there will be some information that will assist us to
15 obtain a picture?
- 16 A. Yes.
- 17 Q. Does it follow from -- I'm trying to get an end date for
18 this process as well, this type of process with the
19 interview and references and so forth. When did this
20 process of recruitment cease and be replaced by
21 something either more elaborate or otherwise? The
22 process you have described this morning, it was in play
23 in the 1940s; is that right?
- 24 A. Yes.
- 25 Q. 1950s?

- 1 A. I do not think it has ever, you know, it has ever
2 ceased, so you know --
- 3 Q. You still require an interview?
- 4 A. Yes, an interview, references, police checks, tests. So
5 you know rather than saying it ended at any particular
6 period of time, it has evolved and developed over the
7 years to the systems that we have in place today.
- 8 Q. So it may be perhaps more -- it became more
9 sophisticated or more aspects were added to it as time
10 went on either to meet regulations or legal requirements
11 or evolving standards?
- 12 A. Particularly in relation to the appointment of
13 superintendents, later known as project leaders, and
14 people would have then been appointed. Following the
15 regulatory guidance and the standards -- and Barnardo's
16 very much sought to employ people who had the right
17 skills and qualifications. So we see in some of the
18 minutes and some of the reports -- and particularly in
19 some of the reports that I looked at for the Northern
20 Ireland Inquiry -- we definitely see a shift away from
21 the recruitment of married couples and the requirement
22 to employ suitably qualified people who had the skills
23 to provide the services that Barnardo's were now
24 developing.
- 25 Q. Can you put an approximate date to that shift?

1 A. The 1970s.

2 Q. That would give us an idea of when that particular --

3 A. Into the late 1970s.

4 Q. -- evolution or development took place?

5 A. Yes, with the drive to increase the training and

6 qualifications of residential staff.

7 Q. That to some extent would coincide with the review --

8 A. Yes, and the restructuring.

9 Q. -- and the strategic direction that Barnardo's was

10 taking --

11 A. Yes.

12 Q. -- perhaps as well as increasing regulation by the

13 state --

14 A. Yes.

15 Q. -- requiring certain things to be done.

16 A. The standards, yes.

17 Q. You say that some of the practices of recruitment and

18 the process that you have described would be influenced

19 by regulations and standards, by which I presume you

20 mean by the state, put in --

21 A. Yes, the Administration of Children's Homes Regulations.

22 Q. Was that 1951?

23 A. Yes, and then 1959.

24 Q. 1959 in Scotland. 1951 was issued by the Home Office;

25 was that right?

1 A. Yes.

2 Q. You had regard to both, did you --

3 A. Yes.

4 Q. -- because you were a UK organisation?

5 A. Yes. So all the policy development essentially was
6 based on England and Wales policies and then
7 consideration was given to any variation in the nations,
8 so Northern Ireland and Scotland.

9 Q. It would be helpful to us I think because your
10 organisation is slightly different from some of the
11 others that are largely Scottish centred. I don't
12 think, as we discussed, there was any formal separation
13 between Barnardo's and England and Wales and Barnardo's
14 in Scotland. Indeed you said there was cross-border
15 movement of children from time to time for various
16 reasons.

17 I think we would be interested in knowing, if you
18 could, the regulations and standards that Barnardo's
19 were applying, if there was any guidance, specific
20 Home Office guidance, that seemed to inform the policies
21 and the processes then. Would these be available within
22 Barnardo's records?

23 A. Yes, we have. In my submission -- in my report for
24 part C -- which is very much around policies, practice,
25 how we -- compliance with those -- I quote and give

1 examples from different policy manuals and there is
2 a guide for managers of residential homes that
3 Barnardo's produced in, I think, 1989. That may be
4 slightly out. It might have been the early 1990s. That
5 clearly has all the regulatory guidance, including
6 England and Scotland, and the differences.

7 Q. At the time of 1989 or historically?

8 A. In 1989.

9 Q. What I'm probably more interested in as well or what I'm
10 also interested in, if I can put it that way, is what
11 was happening before that because if there were 1951
12 regulations following the Children Act, which empowered
13 these regulations to be made by the Home Secretary for
14 England and Wales -- and the 1959 flowed from powers
15 given to the Secretary of State for Scotland -- then
16 I suppose I'm interested in to what extent these
17 regulations were applied and implemented along with any
18 guidance that may have been issued by the Home Office or
19 the Secretary of State and how that was done in the
20 context of Barnardo's.

21 A. Yes.

22 Q. Do you see the point I'm wanting to explore?

23 A. Yes, I'm thinking how I can evidence that for you. We
24 can evidence that from the Barnardo's Books later
25 developments.

1 So the first Barnardo Book is 1944 and then it was
2 reviewed and the copy or the version that I have used to
3 provide most of the information for part A and then
4 part C is the 1955 version.

5 What we see in that version is everything that's in
6 our 1944 version, but we also then -- it is a loose-leaf
7 file by this time and we also then see different
8 Home Office circulars attached to the back and how
9 Barnardo's has then interpreted those circulars for
10 internal practice. So we have got --

11 Q. So you can trace all of this through the records that
12 are available then?

13 A. We have got examples of different Home Office --
14 different legislation and then Home Office circulars
15 that would have come out to Barnardo's and then how
16 Barnardo's then interpreted them and put them into
17 practice within the homes.

18 Q. So if I was, for example, saying, well, I know the
19 Children Act (1948) was passed and it conferred
20 a rule-making power, regulation-making power on the
21 appropriate minister in England and Wales -- it would be
22 the Home Secretary in Scotland, who was the Secretary of
23 State for Scotland -- then to see how that affected the
24 way that Barnardo's policies and practices evolved, we
25 could look to the difference between the 1944 punishment

1 book and then the 1955 version, which took account of
2 the 1948 Act and the 1951 regulations --

3 A. Yes.

4 Q. -- and also any Home Office circulars that may have been
5 issued between 1951 and 1955 on the subject.

6 A. We can certainly track some of that. So, for example,
7 if we are looking at punishment, the Barnardo book, the
8 1944 book, has a whole chapter on maintaining
9 discipline. In respect to corporal punishment, it
10 states that females should have no corporal punishment
11 at all, but boys under 7 should not be subject to
12 corporal punishment and for boys of 8 to 15 it is up to
13 six lashes on the bottom, which isn't that far removed
14 from the 1951 Administration of Homes Regulations.

15 So, actually, Barnardo's was kind of quite
16 forward --

17 Q. Ahead of its time?

18 A. Well, forward-thinking in terms of its thinking around
19 the maintenance of discipline and it gives very clear
20 guidance in this book as to --

21 Q. Would your records be able to show to what extent your
22 punishment book, your procedure manual, the
23 Barnardo Book, since it did deal with punishment and
24 discipline in a particular chapter in 1944, are you able
25 to say whether to any extent, after the Act was passed

1 and the regulations were then drafted and issued by the
2 Home Secretary, what Barnardo's was doing was the basis
3 for determining how many strokes were appropriate,
4 whether girls should receive corporal punishment or not,
5 what age should be the cut-off or the start for the
6 receipt of corporal punishment? Are you able to say
7 whether there might be anything of that kind that would
8 show whether there is a background to the regulations
9 which was in part influenced by the practices adopted by
10 Barnardo's?

11 A. What we do have -- unfortunately, we don't have any
12 punishment books existing for the Scottish homes that we
13 are looking at.

14 I have looked -- we have punishment books for some
15 of the homes in England and I was looking at one last
16 week to see whether we complied with the 1951
17 regulations and to try and look at what decisions were
18 made in terms of when corporal punishment was used and
19 for what kinds of things.

20 We have records of that. What I did actually find
21 the other week, just in a random box, was -- the
22 Home Office produced a circular in 1960-something and
23 Barnardo's was -- 1968 this is. Barnardo's was required
24 to -- a Home Office circular and Barnardo's were asked
25 to provide corporal punishment returns for the year

1 1967.

2 All the homes identified completed returns and at
3 that point all of them bar one said that they didn't
4 have a cane and they didn't use corporal punishment,
5 apart from Balcary who reported they had used the cane
6 five times within that year.

7 Q. So those returns --

8 A. That was in response to Home Office circular 224/1967.

9 Q. In fact the circular issued by the Home Office -- in
10 1967, did you say?

11 A. Yes.

12 Q. Was one which required returns to be made in relation to
13 corporal punishment?

14 A. Yes.

15 Q. And included within the returns submitted by Barnardo's
16 were returns in relation to the Scottish residential
17 establishments?

18 A. Yes.

19 Q. Is that because the Home Office required these Scottish
20 establishments to complete them or was it simply done as
21 a matter of --

22 A. Because it was Barnardo's and --

23 Q. Because it was Barnardo's?

24 A. As was the way. You know, again, because Barnardo's is
25 a UK -- was and is a UK charity, the same standards

1 applied across the UK.

2 LADY SMITH: How many of these returns do you have?

3 A. Completed I have three of them and the actual memo that
4 was sent out by --

5 LADY SMITH: Is that three different years, one of which was
6 1967 --

7 A. No, it is just this one return for 1967.

8 LADY SMITH: Is that the only one you have unearthed?

9 A. That we found in the archives, yes.

10 LADY SMITH: If I can just go back to the punishment book
11 you were looking at in relation to -- a home in England,
12 was it?

13 A. Yes, it was a school. I have actually got the analysis
14 here if you want me to share it with you.

15 LADY SMITH: I think you just said you were looking to see
16 whether it demonstrated compliance or non-compliance
17 with the regulations and presumably also Barnardo's own
18 Barnardo's Book; is that right?

19 A. And it does: this boy received three strokes with a cane
20 on the posterior; three strokes; five strokes; four
21 strokes; two strokes. They were for things like
22 absconding, stealing, persistent smoking after repeated
23 warnings, stealing. So most of them were stealing. One
24 was hitting a member of staff. One was smoking in the
25 dormitory, which I would suggest was excessive; he

1 received three strokes. But those were the kinds of
2 examples of what would be in that punishment book.

3 LADY SMITH: Would that information then find its way into
4 one of the annual returns of the type you have just
5 referred to?

6 A. I don't believe so. I believe that would have been
7 reported separately.

8 LADY SMITH: But you say information about Balcary and
9 punishment meted out at Balcary was in the 1967 annual
10 return; is that what you were explaining?

11 A. Sorry, these would have been, yes. This would have been
12 included in the return, yes, from this school. This was
13 a school in England.

14 LADY SMITH: What year was that, for instance?

15 A. Interestingly the punishments run from 1942 through to
16 1974.

17 LADY SMITH: All right. From your researches would that be
18 indicative of what one could expect to be the practice
19 throughout Barnardo's homes, whether north or south of
20 the border?

21 A. That would have been the expectation, yes, that all
22 homes completed the punishment book and these would be
23 the nature of the behaviours that warranted
24 punishment -- although I think a caveat to that is that
25 the culture within a particular home and the personality

1 and temperament of the superintendent would have
2 an influence on how rigorous or how much use was made of
3 corporal punishment.

4 LADY SMITH: I'm just wondering whether, if it remains the
5 case that Scottish punishment books can't be found, it
6 may be of some assistance to us to see something of
7 these records in relation to a comparable English home.
8 But we can come back to that with you at a later time.

9 A. They would be available. We can make them available to
10 the Inquiry if you believe that would be helpful.

11 MR PEOPLES: I think it would be a useful exercise because
12 given that Barnardo's was operating without a clear
13 operational distinction in both Scotland and England and
14 was run centrally with the intention of having
15 consistent practices and consistent regulation, both
16 north and south of the border, I think these returns
17 would have some probative value in the context of our
18 Inquiry.

19 LADY SMITH: Yes.

20 MR PEOPLES: We are not trying to tread on the toes of any
21 other Inquiries but clearly they would be relevant to us
22 as much as they would be relevant to any other Inquiry.
23 I think if you could bear that in mind. Also because it
24 gives us an idea of what some care providers were doing
25 in the 1940s, 1950s, 1960s and 1970s by way of

1 recruitment practices and regulating matters such as
2 punishment, including corporal punishment, and how that
3 was being overseen by the organisation at its highest
4 levels.

5 So they are I think of considerable evidential value
6 to us. Perhaps that could be noted.

7 Just going back then -- maybe I should just ask you
8 this question, since you say that clearly you have
9 examples of punishment books from England and you have
10 made reference to one. If we go back from the 1940s
11 onwards and look at the Scottish establishments, as far
12 as I can gather from the evidence you have given this
13 morning, there would have been a requirement for each
14 establishment to maintain, in either a general log or
15 a separate document, some form of punishment record or
16 book?

17 A. Each home was required to have a punishment book, yes.

18 Q. Because it was a highly controlled organisation, in the
19 sense of as between the governing body and the
20 individual establishments, was there some requirement in
21 submitting reports -- either monthly, quarterly, half --
22 yearly or yearly -- some requirement to submit reporting
23 within the organisation, from the establishment to the
24 governing body, which would have dealt with matters such
25 as punishment? Would that have been something --

1 A. Yes I believe so. The Barnardo Book, our 1944
2 Barnardo Book gives us some kind of indication of the
3 kinds of returns that were being made to regional office
4 and then to head office.

5 Q. Would they be expected to deal, these periodic returns,
6 with matters that included punishment?

7 A. Discipline, yes.

8 Q. Would that reflect the close control that the governing
9 body was exercising within this organisation?

10 A. Yes. I think so. If it was felt that there was
11 an unusually high number of canings in a particular
12 establishment then that would warrant further scrutiny
13 by the general superintendent or one of his delegates.

14 Q. And discussion by the governing body, perhaps?

15 A. Yes.

16 Q. In addition to the oversight that would have been
17 carried out through the submission of periodic returns
18 within the organisation from the establishment, through
19 to either the general superintendent or the governing
20 body itself, would that be one method of knowing what
21 was going on as regards punishment or other matters?

22 A. Yes.

23 Q. Another way would be -- and I think this is reflected in
24 your response -- that over the period we are looking at,
25 1940 in Scotland through to more modern times -- in fact

1 probably throughout the whole period we are interested
2 in -- the governing body, whatever it was called from
3 time to time, was in practice paying visits to
4 individual establishments to see for themselves what was
5 going on; is that right?

6 A. Yes, there were two lots of oversight of the homes,
7 including the homes in Scotland. So there was the
8 oversight which would have been the regional executive
9 officer. So she -- because it was a she through the two
10 lengths of the periods of time. So the Administration
11 of Homes Regulations stated that homes were required to
12 be visited on a monthly basis and that duty was
13 delegated to the regional officer or to her deputies.
14 So that was undertaken.

15 Then, as you have said, there was additional
16 external oversight by -- the general superintendent used
17 to visit, normally annually, a member of the council who
18 had been designated as the Scottish representative would
19 visit, dignitaries would visit all the time. Much later
20 you had the whole independent visitors who would visit
21 the homes.

22 Q. When you say independent, what date are we talking about
23 here?

24 A. Independent visitors is probably going into the 1990s
25 now but there's evidence recorded in the Scottish

1 reports that I have talked about from 1946 to 1969 of
2 visits to the homes by Home Office officials, by welfare
3 officers from the local authority, from health
4 officials. Then in addition to that, Barnardo's had its
5 own advisers. So during the period kind of 1940 into
6 the late 1960s, we had four advisers. So we had
7 a medical adviser -- this is all captured in the
8 report -- an educational adviser, a social work adviser
9 and a domestic adviser.

10 They used to visit on an annual basis, including the
11 homes in Scotland, and they used to submit reports again
12 to the governing body about their different remits,
13 their different aspects of the homes.

14 So again we have talked about the control from head
15 office. For example, the medical adviser -- each home
16 would have to submit a medical return on a monthly
17 basis. So that covers all -- any kind of illness or
18 dentists or hospital appointments. Then the medical
19 adviser would visit, he or she because they changed,
20 would liaise with the local GP. So each home had to
21 have a local GP attached to them. So they would be
22 liaising around the health of the children. The
23 domestic adviser would come in and inspect the physical
24 environment and make suggestions about that. The
25 educational adviser would particularly work more with

1 the residential schools but would also meet with the
2 schools and ensure that the educational needs were being
3 met and then the social work adviser would come and work
4 with staff and provide training or look at training
5 opportunities for residential staff.

6 This continued right up until the early 1970s. Then
7 it moved from being a very kind of hands-on operational
8 support to much more of an advisory role that advised on
9 the development of policy over time.

10 So the role and the nature of that changed over --
11 during the period that we are looking at.

12 Q. That reflected Barnardo's own approach that, to a large
13 extent, you were trying to move some of the operational
14 matters as it were down the organisation from the
15 governing body level to allow them to concentrate on
16 perhaps more strategic matters --

17 A. Yes.

18 Q. -- and the sort of things that in modern times would be
19 seen as the subject matter of that level of
20 responsibility?

21 A. Yes.

22 Q. These advisers then, you said that they were in place
23 until the early 1970s. When for example did the social
24 work adviser -- when was that post first created? Was
25 it in existence in the 1940s.

- 1 A. Post-war.
- 2 Q. So it was there. Just in terms of the arrangements you
3 have been describing for oversight and the various
4 methods of oversight that you have described, including
5 the visits and the periodic returns within the
6 organisation and the adviser's role and so forth and the
7 visits by the governing body to the establishments, this
8 was all built into the organisation's arrangements
9 from -- if our period starts at roughly around the end
10 of the war, or the 1940s, were all these arrangements in
11 place?
- 12 A. They evolved post-war.
- 13 Q. There would be some evolution?
- 14 A. Yes. More or less, yes, in place.
- 15 Q. Just so that I'm clear, insofar as the basis for putting
16 in place such arrangements, would I be right in thinking
17 that these were not all put in place because of the
18 force of legislation and regulations, that some were
19 simply arrangements that Barnardo's adopted because they
20 saw them as appropriate in the situation?
- 21 A. They saw it as best practice at the time.
- 22 Q. It was not a legal requirement to do all these things?
- 23 A. No.
- 24 Q. Some of them, yes, but not all of them; is that what the
25 position was?

- 1 A. That is correct. We have copies of reports by the
2 different advisers for the Scottish homes in our
3 archives.
- 4 Q. You have mentioned two types of return: one was the
5 internal periodic returns that would go up the chain of
6 the organisation; and there would be reports also from
7 the visits by the regional executive officer that would
8 go up the line as well. But apart from that, you did
9 mention the requirement, was it in 1967 or whenever, by
10 the Home Office to submit information or particulars of
11 certain matters to them on corporal punishment. Was
12 that an ad hoc initiative or was it something that had
13 to be done annually? I wasn't sure.
- 14 A. I can't confirm with any accuracy whether it was
15 an annual return because this is the only one that we
16 have in the archives.
- 17 Q. It might be -- one possibility is that for one reason or
18 another the Home Office, at the date of this request or
19 requirement, wanted certain information on certain
20 matters rather than it being something that they
21 required information on annually or periodically.
- 22 A. Possibly. Because it wasn't until -- certainly for
23 Barnardo's, Barnardo's corporal punishment policy, as it
24 was called, didn't change until 1977 and that was as
25 a result of Home Office guidance around the use of

1 corporal punishment. So from -- there's lots of
2 documentation in the archives around Barnardo's
3 discussion around the development of that policy.

4 We then saw a move away -- it was no longer called
5 a corporal punishment policy and it became a care and
6 control corporal punishment and that was when corporal
7 punishment completely ceased within the Barnardo's and
8 the only chastisement would be -- a tap on the back of
9 the hand was the only acceptable form of punishment.

10 So we see that then from 1977 onwards in what was
11 then called a care and control policy.

12 Q. Following that through, when in practice did corporal
13 punishment cease to be sanctioned?

14 A. 1977.

15 Q. I think then that pre-dates any challenges that were
16 raised before the European Court of Human Rights.
17 Because I think in Scotland we found there were cases --
18 I think in about 1980 and then by the mid-1980s there
19 was legally a requirement not to use corporal punishment
20 in this type of setting.

21 A. Yes. If I refer back to the example of the punishment
22 book from the particular home in England, we see the
23 last entry was 1974.

24 Q. Yes. That would confirm what you have been telling us
25 about how that would have --

1 A. The thinking was changing.

2 Q. The thinking had changed and the practice was changing
3 to reflect the changed thinking and the new policy, the
4 care and control policy --

5 A. Yes.

6 Q. -- rather than corporal punishment policies?

7 A. Yes.

8 Q. It seems to me from what you have said this morning that
9 we could construct an exercise where we can look at the
10 regulatory framework, which for England and Wales, at
11 least until more recent times, started with the
12 Children Act of 1948 and the regulations made
13 thereunder, particularly the 1951 regulations, that the
14 Home Office appeared to have been fairly active, not
15 only in issuing the 1951 regulations, not long after the
16 Act was passed, but issuing a series of circulars of
17 which you have a selection from 1948 onwards, no doubt,
18 and perhaps before that and these were all influential
19 in determining any changes to what's called the
20 Barnardo Book, which dealt with various issues,
21 including punishment, corporal punishment and other
22 matters.

23 So you would be able to put together, I take it
24 then, all the circulars of that description that you
25 have available still in the archives in a sort of

1 chronological order and we could slot in the regulations
2 and the legislation and see how it all fits together?
3 Could that be done?

4 A. Yes, we could do that.

5 Q. It strikes me, because I think we have been through this
6 with other witnesses from the Scottish Government, that
7 the Children Act was a UK statute.

8 A. Yes.

9 Q. It conferred regulation-making power on both the Home
10 Secretary, but for Scotland it was the Secretary of
11 State for Scotland. We know the Home Secretary was
12 active in 1951 and he seems to have been active in
13 producing circulars which Barnardo's received and
14 applied.

15 What you haven't said so far is -- you have
16 mentioned the 1959 regulations and Barnardo's, you say,
17 took account of them to see whether they imposed any
18 additional or different requirements for Scottish
19 establishments. You say if they did that would have
20 been reflected in the changes in the procedures.

21 Was there any equivalent to Home Office circulars
22 from the Scottish Home or Home and Health Department --
23 I'm trying to remember what it was called then.

24 LADY SMITH: I think it would be the SHHD at that time.

25 MR PEOPLES: I think so.

1 You see what I'm saying. We know that Scottish
2 central government of the day would have had power in
3 a range of situations to issue circulars to
4 particular -- well, in this context to care providers or
5 others.

6 Do you have any evidence that such circulars were
7 issued and provided to Barnardo's and then applied by
8 them as part of this process?

9 A. I don't know. What we have in the archives are several
10 copies of the 1955 version of the Barnardo Book that we
11 have collected over the years. So we could undertake --
12 and they have all kind of got various different
13 Home Office circulars depending on what time they were
14 used. So we could undertake an exercise and go through
15 all the ones we have in the archives to see whether we
16 have any Scottish --

17 Q. I think it would be helpful because clearly the 1955
18 book you mentioned pre-dated the 1959 regulations which
19 were made under the powers conferred on the Secretary of
20 State. It seems to have taken 11 years from the
21 1948 Act to produce those regulations, whereas in
22 England they were produced in 1951 and seemed to have
23 also been accompanied by circulars.

24 I'm just wanting to see whether what happened in
25 England and Wales was mirrored or reflected by a similar

1 sort of government activity in Scotland.

2 LADY SMITH: If there are any such circulars, they probably
3 would have been headed "Scottish Office Circular" and
4 may also have reference to the Scottish Home and Health
5 Department on them. There certainly was a time that
6 there was a creature called an "SO circular" that was
7 quite a common feature of life in Scotland.

8 MR PEOPLES: I think you can see what we are after --

9 A. Yes.

10 Q. -- not just up to the 1959 regulation because it is
11 clear that if the regulations were passed in 1959 for
12 the first time pursuant to powers in the 1948 Act by the
13 Secretary of State, then we would be interested to see
14 whether following the introduction of those regulations
15 if they were accompanied thereafter by any form of
16 circulars offering some form of guidance or
17 interpretation or so forth for the benefit of those who
18 were subject to the regulations. Do you think that's
19 an exercise you could conduct?

20 A. We will certainly do that.

21 MR PEOPLES: I think that would be extremely helpful for the
22 Inquiry in its work.

23 I see the time is 11.30; that may be a good point --

24 LADY SMITH: Would that be a suitable time to break?

25 MR PEOPLES: That may be.

1 LADY SMITH: We will stop now for the mid-morning break and
2 sit again at 11.45 am, please.

3 (11.30 am)

4 (A short break)

5 (11.45 am)

6 LADY SMITH: Mr Peoples.

7 MR PEOPLES: My Lady.

8 Mrs Clarke, just before we move away from the matter
9 we were discussing before the break, can I put to you
10 one possibility about the information sought in the
11 1960s and around 1967 by the Home Office.

12 I was reminded that around that time there was what
13 received considerable press attention and disquiet in
14 political circles, a case involving an establishment
15 known as Court Lees. I don't know if that name means
16 anything to you, but I think it did involve questions of
17 the use of corporal punishment.

18 LADY SMITH: Can we have a spelling for that, Mr Peoples?

19 MR PEOPLES: I think it is two words: court as in C-O-U-R-T
20 and then L-E-E-S.

21 Just take it from me that there was a matter raised
22 and I think it was raised in fairly high circles and
23 discussed, I think, in Parliament and there may have
24 been -- I think there was a report in fact, an official
25 report, produced at the time on the treatment of

1 residents in that establishment.

2 I'm just leaving you with the thought that this
3 particular request may -- and I just put it no higher
4 than that -- have had some connection with this
5 particular instance.

6 A. Can I ask you where Court Lees was?

7 Q. It was in England, I'm not sure in which part. I can't
8 give you chapter and verse as to where exactly but
9 I think if you were to research it, you will find
10 evidence about it. I have certainly seen something
11 which I don't have to hand --

12 LADY SMITH: You are not suggesting this was a Barnardo's
13 home?

14 MR PEOPLES: No, sorry. I don't think it was at all.

15 A. No it wasn't.

16 Q. I'm pretty sure it wasn't. You can confirm that,
17 Mrs Clarke.

18 A. No it wasn't.

19 Q. But I think it may have -- if we are looking for some
20 kind of explanation why the Home Secretary might have
21 been interested in information about the use of corporal
22 punishment in establishments that he had some
23 responsibility for in terms of governmental
24 responsibility, I'm just putting forward the
25 possibility -- and, as I say, no higher than that, I am

1 not suggesting I know the answer to that, but maybe
2 these things do start to fit together.

3 A. And it --

4 Q. Sorry, I'm told -- fortunately I have been given
5 a little bit more information which may help you:
6 Court Lees was an approved school in Surrey.

7 But it may have raised the issue generally of the
8 use of corporal punishment and that may have prompted
9 certain action on the part of the Home Secretary.

10 That's all I say. I don't want to take it --

11 A. I think it may explain then why we have only got that
12 one set of returns then.

13 Q. Indeed. That's certainly one explanation for it, but
14 I will leave that with you to perhaps consider.

15 A. Thank you.

16 Q. Can I perhaps just -- we have been talking, I suppose,
17 and you have given us some information on records that
18 Barnardo's hold and I think if I could just take that
19 one a little further at this stage.

20 It may be convenient to deal with generally the
21 subject of the records of Barnardo's homes. You give us
22 a qualification to the extent of your records, I think,
23 in the response document. I will just take you to the
24 relevant part of the document. It is at
25 BAR.001.001.0003, if I could have that up on the screen.

1 In relation to this particular part of the response,
2 I think you -- this is an introduction, I think, to give
3 us some information about the extent of the records that
4 Barnardo's have now available. In fact, just before
5 I go to that, there was one question I wanted to ask you
6 about -- I meant to ask you this morning before the
7 break.

8 So far as punishment books or logs or concerned, you
9 said you haven't been able to locate any for Scotland.
10 You have examples from establishments in England. Is
11 there any particular reason for that or is there any
12 evidence as to why they don't exist any more? Is there
13 some evidence of whether there was a decision, and if so
14 by whom, to dispose of them or is it simply a mystery at
15 the moment?

16 A. No, I think that's in line with the destruction or when
17 records were no longer retained of all the books that
18 would have been used in a residential home. So the
19 punishment book would have been one of a number of books
20 which each residential home was required to have and to
21 record different aspects in. So, for example, you would
22 have had a visitors' book and we had in the archives
23 a visitors' book for Balcary. So we can see what -- who
24 visited the home at that particular period of time. So
25 that would have been one book. There would have been,

1 as I say, the punishment book. There would have been
2 a daily log which would have been very much about
3 checking the ins and outs, the movements of the children
4 on a daily basis.

5 For example, if one went to Scouts or went out, then
6 that -- so those are the kind of things that would have
7 been captured in the daily log. It would have been used
8 as a handover between staff who may be weren't around or
9 had been on a day off. So that would have been a daily
10 log.

11 There would also have been a medical book that
12 things were recorded in. So those are the kind of
13 administrative books that would have been kept by each
14 of the homes and would have been inspected when the
15 regional officer did their visits or their visits from
16 the advisers that I described earlier. They would have
17 looked at those different books.

18 When the homes closed all the records, including
19 these kind of books and any other papers that the
20 service would have had, which I think I have classed as
21 management papers. What I mean by management papers is
22 things like team meeting minutes, which would log daily
23 operational issues, didn't include usually discussions
24 around individual cases, so they didn't contain
25 information about children.

1 Things like internal memos about the different
2 things from, I don't know, holidays, expenses, travel
3 plans, things like general risk assessments if the home
4 was going on an annual holiday somewhere. So these are
5 the kinds of papers that we would class as management
6 papers.

7 So things like local circulars, the things we were
8 talking about this morning. So your Barnardo Book and
9 things like that.

10 So once the home closed all these came back to the
11 regional office in Scotland, as it would have been then.
12 Then, for these early homes -- at the time there was no
13 requirement -- and I think I have captured in here about
14 there was no requirement in the 1951 Administration of
15 Homes Regulations to retain information for any period
16 of time.

17 So it wasn't until the Data Protection Act really
18 that Barnardo's then developed its first retention of
19 records policy. So at the time that the homes closed
20 everything, including the children's records -- so staff
21 records would not have been kept at a home.

22 Q. The Data Protection Act, just for the benefit of those
23 here, would be the Data Protection Act (1998)?

24 A. Yes.

25 Q. Until then, as you say, there was no legal requirement

1 to keep the records that were required to be kept when
2 the establishments were operational and therefore that
3 would explain, as I understand your evidence, why we
4 would not be able to access the full range of records
5 kept by these establishments as a matter of routine --

6 A. Yes.

7 Q. -- and legal requirement?

8 A. Sorry, but what Barnardo's -- so picking up from the
9 records all being returned to the regional office,
10 I have captured in my evidence that there was a great
11 big retrieval programme of records in Scotland in --
12 1978 was the first batch. So those would have been
13 children's records that had then all came back to
14 Aftercare or Making Connections, as it is called now,
15 for archiving.

16 At that point the other books and papers were looked
17 through and if there had been any that was felt that
18 either had archival value and should be retained in the
19 archives then they would have been sent as well.

20 But what wouldn't have been destroyed would have
21 been -- so there would have been no information about
22 children that would have been destroyed. For example,
23 if there had been an investigation or an incident that
24 warranted further investigation other than an accident
25 that was written in the accident book, for example,

1 a child fell down and grazed their knee. If there was a
2 -- we would call it a serious incident today in today's
3 language -- then that would have been transferred onto
4 a child's file. So that would have been captured within
5 the child's file.

6 If there had been a complaint or an allegation
7 against a member of staff, that information wouldn't
8 have been stored at the home; it would have been on the
9 staff file and all the staff files sat at head office.
10 So that would have been head office in London, not
11 regional office in Scotland.

12 It was only much later that -- and it would have
13 postdated the closure of these homes, that staff
14 supervision records -- so staff were being formally
15 supervised and those records would have been kept at
16 a service, as they were later. But all staff records
17 were kept -- again, this control from the centre, so
18 they were all kept at head office.

19 Q. I understand what you are saying. I suppose, just
20 picking up on that, certain information that related --
21 if it was relating to a child, save in some of the
22 examples you gave, should have been preserved as
23 a matter of the Barnardo's policy, whatever data
24 protection required, whatever the law required, that was
25 the general thinking that that would be preserved, that

1 was Barnardo's approach, was it?

2 A. Yes, and we have records of all the children --

3 Q. If that be the case, it is one thing to say if someone
4 fell and grazed a knee, just a routine accident, but if
5 one is talking of whether a particular child was subject
6 to punishment and if so how often and how regular and in
7 what form and for what reason, then that strikes me as
8 relating to the child and would be the sort of
9 information that at least ought to have been retained.
10 Are you saying that wasn't? The information about
11 punishment, would that not have been converted or
12 transferred to the children's file if it was in
13 a punishment book? If, say, a child was habitually
14 being punished or was habitually being punished for
15 a particular type of activity, would that not be the
16 sort of thing that if you were applying the policy in
17 an appropriate way should have been preserved?

18 A. Yes. I would like to think that if there was as pattern
19 of an individual child being chastised, then that would
20 then have been captured within their six-monthly
21 review -- because Barnardo's was conducting its own
22 internal reviews way before statutory reviews came in.

23 So in the early days, pre-war and post-war, before
24 local authority kind of statutory reviews really kicked
25 in, Barnardo's conducted an internal review and I would

1 have expected issues of discipline to be discussed and
2 captured within those review forms.

3 I mean with hindsight, when we look at the records
4 in general terms -- that's children's records and
5 management information -- when they were written they
6 were never written with the view that anybody would ever
7 access them because that wasn't the purpose at the time.

8 Q. When you say accessed, you mean accessed by the
9 individual --

10 A. Yes.

11 Q. -- who was the subject of the record rather than
12 accessed by officials or Barnardo's senior management
13 or --

14 A. I think it was felt that if there were issues or
15 incidents at the time they were investigated at the
16 time. So by the time the home had closed -- I mean the
17 reality for Scotland -- the records and the books were
18 all kept -- the management papers and the books I'm
19 referring to were all kept at regional office for
20 between about 10 and 15 years, which is currently what
21 our policy around the retention of management papers is,
22 for 15 years.

23 LADY SMITH: Can I just take you back to the straightforward
24 issue of a child being punished. The practice as
25 I understand it was that would be recorded in the

1 punishment book --

2 A. Yes.

3 LADY SMITH: -- according to Barnardo's systems. Would the
4 fact of the child being punished and the nature of the
5 punishment, at the same time, go into the child's own
6 record?

7 A. I can't -- I couldn't categorically say with
8 100 per cent accuracy that that would happen. It may
9 have happened on occasions but it would be remiss of me
10 if I suggested it happened on all occasions.

11 LADY SMITH: Do I take it then there's nothing in the
12 Barnardo Book that instructs those responsible for
13 keeping the records in the home to carry out this double
14 entry at the time of a child being punished --

15 A. No.

16 LADY SMITH: -- both in the punishment book and in the
17 child's own records?

18 A. No.

19 LADY SMITH: Thank you.

20 A. Barnardo's in the 1960s -- and I think I captured it in
21 my evidence in the report -- decided to undertake this
22 10% sample, which I have talked about before, this kind
23 of random sample of work across the organisation. So it
24 is not just children's records and the books, the
25 accident book and the punishment book that we have been

1 talking about; it is all across fundraising and finance.
2 So that in years to come we would be able to look back
3 and understand what our policy and practice was during
4 the different decades with the organisation.

5 So they were kept for their archival value rather
6 than being kept for potential investigations in the
7 future, so it is on that basis that we have retained
8 various different copies of these books.

9 Q. I follow that. Can I just ask two points.

10 You have said that you can't say whether there was
11 a double entry and certainly it wasn't a matter of
12 requirement to enter the Barnardo's Book.

13 There would have been reviews six monthly in
14 accordance with the Barnardo's practice, that wasn't
15 a statutory requirement at the time. Would the reviews
16 themselves be available or should be available --

17 A. Yes, we have those on -- they are all on the children's
18 files.

19 Q. I suppose if a child was persistently stealing or
20 running away or there was some other issue of that kind,
21 then that ought to feature in the review process?

22 A. Yes, I have seen all these things recorded on the
23 internal reviews.

24 Q. If the child was being disciplined, as you say
25 frequently, for example, either for one or more reasons,

1 then that might again be the sort of thing you would
2 expect to see in the review?

3 A. Yes.

4 Q. So even if the things that might go into the review, the
5 source material like a punishment book or logbooks or
6 daily logs, are not available for the reasons you have
7 explained, one should still be able, from other
8 available records, to gain a picture --

9 A. Yes.

10 Q. -- and hopefully a typical picture of the general state
11 of affairs?

12 A. Yes, I would agree with that. Having read many hundreds
13 of records in my time covering the whole time span that
14 the Inquiry is considering, I can say categorically that
15 we have examples of reviews from right the way through
16 the different decades --

17 Q. The 1940s, 1950s, 1960s?

18 A. Absolutely. As practice has changed and local
19 authorities then became responsible for conducting
20 reviews and the whole role of the voice of the child,
21 the whole role of parents in review. So we can track
22 all those things and the kinds of things that are
23 recorded in the reviews from the earliest reviews we
24 have, which would be about -- I know there's absconding
25 in there and I know there are things around stealing and

1 other --

2 Q. Bed-wetting?

3 A. Yes, yes, because that was a medical issue. So
4 bed-wetting is in there. Family issues. So you know
5 all the kinds of things that --

6 Q. Complaints by children about ill-treatment and abuse?

7 A. I think the terminology "abuse" would not have been
8 around at the time these earlier reviews were being done
9 because our understanding and awareness and knowledge of
10 the different forms of abuse and the signs of that, that
11 wasn't around at that time.

12 But certainly where a child had complained about
13 another child -- so bullying as we would think of
14 that -- no, actually, we have got physical abuse because
15 I have seen records where it is recorded a child hit
16 another child, so peer abuse as we would now term it.
17 So, yes, that is captured on these reviews as well.

18 Q. Would there also be records where a child might say that
19 another child, say an older child, was doing other bad
20 things to them?

21 A. I would like to think so --

22 Q. What about if -- sorry.

23 A. I have come across incidents recorded in files that
24 capture that, yes. I don't know whether I can remember,
25 again giving you 100 per cent accuracy, whether I have

1 then seen that in a review, but certainly I have read
2 files where there are reported incidents.

3 Q. If we were wanting say to see illustrative examples of
4 the sort of thing you have got a general impression of
5 seeing from reading a large number of records, you could
6 pull out some for us and you could also pull out some
7 reviews/reports that would show the sort of things that
8 would be discussed within them and indeed if they were
9 also discussed at the governance level you could give us
10 again hopefully a representative sample of the type of
11 things that would be discussed? It sounds like there
12 were fairly detailed discussions on a range of matters.

13 A. Yes, I mean we could provide you with examples through
14 the different decades of the -- how the quantity and the
15 quality of the recording changed through the decades.

16 So the kinds of things that I would expect to find
17 on files from the 1940s would be very different from the
18 kinds of things that I would expect to see on files from
19 the 1980s. Also, how the files were structured. They
20 were constructed very differently in line with changes
21 in legislation and standards of practice.

22 Q. So if someone was wanting to sort of say, I want
23 an overall picture, whether you are a social historian
24 or an inquiry, and you wanted to say, I really want to
25 know from representative examples what sort of things

1 were being recorded and said in various documents that
2 do exist, then you would be able for, say, the 1940s and
3 post the Children Act and post the 1951 regulations and
4 post the 1959 regulations, to give us -- 1950s/1960s
5 whatever -- a flavour of that and see over time the way
6 in which these matters were handled and recorded --

7 A. Yes.

8 Q. -- has either, to use your expression, evolved or
9 possibly changed?

10 A. And we could do that for Scotland.

11 Q. You could do that for us?

12 A. Yes.

13 Q. Could that be done by reference to the Scottish
14 establishments?

15 A. Yes, we could do that based on --

16 Q. Because if there is consistency across the board -- my
17 impression is that what we see is -- we would expect to
18 see the same sort of thing in Scotland as you would in
19 England.

20 A. Yes.

21 Q. If there was nothing in Scotland that would help us,
22 then if we saw an English example, then we could maybe
23 infer that that is the sort of thing that would have
24 been in the Scottish equivalent.

25 A. Yes.

1 Q. Is that fair comment?

2 A. I would like to think we could find examples for all the
3 decades for the kinds of information that would be of
4 interest to you within the Scottish homes -- not
5 necessarily just the seven identified here, but I know
6 for example we have lots of copies of team meeting
7 minutes and superintendent minutes relating to Ravelrig,
8 which was another home in Scotland. So we could do that
9 exercise. It would take a little time, but we could do
10 it.

11 Q. I think we have the time and we certainly would
12 appreciate it if the exercise could be carried out. It
13 may considerable inform our understanding of some of
14 these matters.

15 Just in terms of the -- there was one question
16 I had: you said it has been the practice of Barnardo's
17 for a considerable time, going back to the start of the
18 time period we are interested in, to -- when records
19 were no longer required and places closed, that you
20 would still want to preserve some kind of sample and you
21 took a 10% or so sample, I think, of, say, the sort of
22 work going on in the 1960s and 1970s for example. You
23 had some examples of punishment books, albeit from south
24 of the border. I did wonder if you were doing a random
25 sample of 10% you might have at least found one

1 punishment book from a Scottish establishment. That's
2 just the one thought that crosses my mind --

3 A. We have a visitors' book from a Scottish
4 establishment --

5 Q. You did say that and I picked that one up, but I did
6 wonder why a visitors' book from Scotland was kept but
7 no punishment book from Scotland has apparently been
8 kept as part of the sample.

9 A. I have gone through all the boxes on Scotland that were
10 in the Liverpool archives and we brought them back to
11 Barnardo's in 2008, I think it was, and I have been
12 through every box that relates to Scotland and I haven't
13 been able to find one.

14 Q. So, at the moment, that search has proved fruitless to
15 get that particular --

16 A. For a punishment book, yes.

17 Q. I suppose the general point you are making and I'm not
18 going to go through the pages that I referred you to
19 again, but at pages BAR.001.001.0003 and
20 BAR.001.001.0004 I think you tell us the sort of things
21 that you told us since the break and that therefore we
22 are given the qualification that while you have large
23 volumes of records, including some material that would
24 be described as dealing with governance, management and
25 administration issues, that you also -- a lot of

1 material of the type you have mentioned will not have
2 been retained for the reasons that you have given in
3 your evidence.

4 A. Yes.

5 Q. For that reason, it should not be assumed, if we can't
6 find something, it wasn't there at one time?

7 A. That it didn't exist at the time, yes.

8 Q. If I could leave the records now and just -- so far as
9 the major review is concerned -- and I just -- you have
10 told us what the consequence of that was for the shift
11 and the turn of the -- the move to specialist provision
12 and the closure of certain homes. One question I did
13 want to ask -- and you might want to put up -- perhaps
14 we could have BAR.001.001.0026 in front of us at the
15 moment, which is a summary of the homes that we asked
16 for specific information about, which are the
17 traditional establishments and all now closed.

18 But what I wanted to ask is the relationship between
19 the major review and the decisions taken in light of
20 that review, including the programme of closures,
21 whether all or any of the establishments which were
22 still in operation at the date of the review, whether
23 the closure of them in due course was part of this
24 review exercise and the implementation plan over
25 a period of years.

1 For example, if we take Balcary, we see --

2 A. That's what I was going to say, Balcary would have
3 been --

4 Q. It closed in 1974. It was in the Borders, we said, in
5 Hawick. Would that have been a consequence of this
6 programme?

7 A. Yes.

8 Q. It struck me -- and I don't know whether this had any
9 bearing on the decision to close it at that time because
10 the timing is a bit after the review itself and it is in
11 the 1970s -- that closure occurred around or shortly
12 before the local government reorganisation in Scotland
13 and the creation of large regional councils, including
14 Strathclyde Regional Council and Lothian Regional
15 Council. I did wonder whether the timing of the closure
16 of that particular establishment was connected with that
17 development.

18 A. I don't know. There would have been several
19 considerations for the selection of homes to be closed.
20 One of them was usually the retirement of the
21 superintendents because for many of our traditional
22 homes, as I have said earlier, the superintendents -- it
23 was their vocation and it was their life and they had
24 been around for a long time and they were starting to
25 retire. So that was one factor that influenced the

1 choice of the different homes.

2 The need in the area. So for Balcary it was mixed
3 children by then. But towards the end of its life
4 Balcary actually had -- "dispersed" probably isn't the
5 right word -- but the children had moved on to -- either
6 they had left care or they had gone to other provisions
7 and Balcary did then specialise in taking families and
8 sibling groups and then families. Just towards the end
9 of its life it provided accommodation for family groups
10 who were in crisis.

11 You know, as with a lot of these homes, they morphed
12 from one thing to another. They didn't kind of just
13 close -- and it is quite hard to actually give
14 a definitive decision why a certain home closed at
15 a certain time.

16 Q. I suppose the point I was maybe trying to explore was
17 whether the anticipation of significant local government
18 reorganisation and the implications of that, because of
19 the creation of these large regional authorities, with
20 responsibility for social work, education and so forth,
21 had any bearing on that apart from the other factors you
22 have mentioned and I don't know whether you are able to
23 help.

24 A. I think it possibly did and also I haven't mentioned the
25 obvious factor which would be finance. These homes were

1 very costly to maintain and so that would have
2 inevitably -- and particularly, when we look at these
3 homes and I know you have seen pictures of them and you
4 can see from the photographs that we submitted that they
5 are all kind of quite large, old-fashioned, which
6 required a lot of maintenance, so that would have been
7 a consideration as well in terms of the closure.

8 Q. I suppose, if by this stage, when the Social Work
9 (Scotland) Act had kicked in and local authorities since
10 1948 had established their own homes and there was
11 a move away from residential care and providers such as
12 Barnardo's were by then heavily dependent on funding
13 from the state in the form of the local authorities who
14 were maintaining the costs or meeting at least part of
15 the costs of children in the establishments, that that
16 would all play into whether a closure would take place
17 or not.

18 A. Absolutely. I mean clearly by then the balance was
19 shifting, so whereas before we had the majority of young
20 people that came in voluntarily, where Barnardo's were
21 then supporting them, and then as we roll forward that
22 balance shifts to the majority being funded through the
23 local authority but with Barnardo's continuing to
24 subsidise each of these homes to a greater or lesser
25 extent, and that -- as I have said, because of the kinds

1 of homes they were, it became quite burdensome for the
2 organisation.

3 Q. Yes, because if the change in thinking was to move to
4 specialist provision, that would require more specialist
5 staff and it would require more specialist equipment and
6 it would be a more costly exercise --

7 A. Yes.

8 Q. -- and therefore it would put a heavier burden on the
9 budget.

10 A. Yes. The homes clearly weren't designed to meet those
11 needs, so they would have required significant
12 adaptation to make them fit to provide services for that
13 client group.

14 Q. If we take two of the places which seem to have been
15 more specialist and seemed to survive longer than most,
16 Glasclune closed in 1979 and Craigerne didn't close
17 finally until 1989.

18 These seem to have been places, one being a special
19 school, Craigerne, for boys with emotional difficulties.
20 The other, Glasclune, I think, by the 1970s, was a home
21 for children with emotional difficulties since the
22 mid-1960s. Did that in part explain why they survived
23 longer than some of the others, because they had moved
24 to the specialisation, there was still an unmet need in
25 terms of the local authorities didn't have those

1 facilities, but would refer children who needed them and
2 would fund their placement there?

3 A. Yes. That was certainly the case with Craigerne. It
4 had a wider catchment area to begin with but then the
5 majority of referrals came from Lothian. The closure of
6 Craigerne was as a direct result of the Lothian local
7 authority opening up its own specialist provision by
8 this time. We are in 1989. We are a little bit further
9 forward. So Barnardo's has kind of served its purpose
10 by then.

11 Q. It sounds like it is déjà vu because after 1948 they
12 were setting up their own general homes, local authority
13 homes for children, not necessarily children with
14 special needs. When they finally got that provision in
15 place then perhaps they had less need for people or
16 providers such as Barnardo's and of course, in the case
17 of specialist provision, Barnardo's was supplying
18 an unmet need but when they finally caught up, in the
19 case of Lothian, it would appear from what you are
20 saying, they then said, well, we no longer need to send
21 them out of our region to somewhere in the Borders
22 because we now have our own facilities and insofar as
23 children in our area need those facilities, we will use
24 our own facilities and Craigerne will not be used any
25 more; is that the reality?

1 A. Absolutely. By this time -- because it was a school, so
2 children were returning home, certainly during school
3 holidays, but increasingly at weekends as well so the
4 requirement to place children much closer to their
5 geographical areas and families would have been a factor
6 as well.

7 Q. I suppose by that time there would be strong pressure
8 because of the thinking on keeping children close to
9 their community, where they had come from, that there
10 would be strong pressure to avoid, so far as possible,
11 sending them a distance, such as to the Borders, to get
12 to facilities if these facilities existed locally.

13 A. Yes, and cost would have been an element in that. It is
14 obviously much more costly to place a child out of the
15 catchment area than it is to place them much more
16 locally.

17 One of the other factors for Craigerne may have been
18 that it was only a school for primary-age boys, so when
19 they reached the end of that -- in the early days they
20 transferred to another Barnardo's school called
21 Thorntoun School, but I don't know whether the local
22 authority provision covered the whole age range of boys.

23 Q. That might have been another consideration?

24 A. That may have been another consideration, yes.

25 Q. So far as the change of direction in the 1960s is

1 concerned, you have told us all about that. The one
2 thing that didn't change, if I'm correct, is that the
3 review didn't in any way seek to alter the continued
4 provision in Scotland of a fostering service. In other
5 words, for Barnardo's to provide fostering services and
6 place children in foster homes. That wasn't affected by
7 the review, was it? That was to continue and did
8 continue, did it not?

9 A. To continue and develop.

10 Q. And develop.

11 A. Yes, so we can see over the years how fostering has
12 developed in Scotland.

13 Q. Indeed one of the major users of the services would be
14 local authorities who were requiring to place children
15 with foster parents -- we spoke about that and touched
16 on it yesterday -- and so they still needed Barnardo's
17 to help in the area of fostering; is that correct?

18 A. Yes.

19 Q. Is that a well-known fact that even today that there can
20 be difficulties recruiting foster parents and therefore
21 there are all sorts of reasons for that, no doubt, but
22 therefore any agency that can assist in that process and
23 has a list of people willing is likely to be called upon
24 from time to time by the state, by the local authorities
25 who have duties towards children in need of care?

1 A. Yes. I think that is a fair comment. It is
2 particularly difficult to recruit what we would call
3 again specialist foster carers, so foster carers who are
4 able to care for children with complex needs and who
5 would -- whose homes would be adapted to enable them to
6 care for children with complex needs or difficult
7 behaviours.

8 Q. They are more difficult to place with foster --

9 A. More difficult to recruit.

10 Q. Yes, children with those needs are more difficult to
11 place with foster parents and to get suitable foster
12 parents who will be able to meet their needs?

13 A. Yes.

14 LADY SMITH: How is it Barnardo's are in a position to
15 identify such foster parents when local authorities are
16 not?

17 A. I think one of the -- what's the right word? One of our
18 strengths as an organisation throughout our history, and
19 certainly currently, is our ability to mobilise our
20 donated funds, to meet emerging needs much more quickly
21 and mobilise services than local authorities can because
22 of a combination of maybe red tape or whatever.

23 So, for example, what we have seen in the past -- if
24 there is a group of children who the recommendations
25 were that they should receive specialist foster care,

1 then in the past Barnardo's have actually undertaken
2 a specific recruitment campaign to then recruit foster
3 carers to specifically match to that group of children.

4 I think Barnardo's has had that flexibility of
5 approach to be able to do that much more quickly maybe
6 than local authorities have been. So I think that's
7 been one of our strengths going forward.

8 LADY SMITH: Thank you.

9 MR PEOPLES: If I could move away from the review and the
10 consequences and changes that resulted from it and just
11 go back briefly to the Barnardo Book that we have heard
12 a bit about this morning.

13 If we just go to -- I will give a reference to this
14 in your report so it is mentioned for the record as
15 well. It is BAR.001.001.0052. If we could put that up
16 on the screen.

17 The introduction of the information about the book
18 came under a question about culture of the organisation
19 and whether it was reflected in organisational policies,
20 procedures and practice in relation to the provision of
21 residential care services.

22 The answer came back that this was really reflected
23 for the first time in 1944 with the Barnardo Book when
24 it was published and it said in response to this
25 question:

1 "Nothing like it had been seen in Barnardo's before.
2 It was a detailed manual which gave the staff specific
3 instructions on how to behave in every situation and at
4 the same time sought to encourage flexibility in place
5 of rigid routines in the homes."

6 Is that a fair summary of what the book's aim was?

7 A. Yes.

8 Q. I think there is a quote from it and I am not going to
9 read it as it can be read by us, but that summarises
10 what the intentions were.

11 A. Yes.

12 Q. I think that -- the one thing that strikes me from that
13 response is that it was quite prescriptive.

14 A. Very prescriptive.

15 Q. You say it is how to behave in every situation.

16 A. Yes. The level of detail, the minutiae of some of the
17 detail is you know very forward-thinking for 1944. You
18 could interpret it in one of two ways. You could say it
19 was very, very controlling and actually created rigidity
20 where it was actually supposed to give guidelines to
21 enable greater flexibility. But some of the things it
22 has got in here are very forward-thinking in terms of
23 practice and thinking about how children should be seen
24 and how children should be treated with kindness and
25 with respect and free from harm.

1 Q. But children being as you -- I think the expression you
2 used yesterday was:

3 "Children in this environment were passive
4 recipients of this approach."

5 They weren't encouraged to be active --

6 A. Yes. We are clearly not seeing the voice of the child.
7 We are not seeing child-centred practice in individual
8 care plans, but we are seeing the beginnings of the
9 thinking around how we should care for children to
10 achieve the best possible outcomes for them.

11 Q. I suppose -- I will just read one part of the statement
12 from the book, if I may, from this answer:

13 "It is the earnest desire of the council [that is
14 the governing body in essence] that these homes shall be
15 maintained in the same spirit of practical Christianity
16 that led the founder to establish them."

17 I will stop there because you mentioned that was one
18 of the key factors at the interview, did you come across
19 as, no doubt, being a good Christian --

20 A. And had to sign the statement --

21 Q. -- and a signed statement to that effect and you had
22 a reference from the local minister and perhaps others.
23 I suppose if that was all that was required there might
24 be some logic in being fairly prescriptive because
25 otherwise you might have someone that is a good

- 1 Christian, but has no idea how to look after children
2 who are not their own.
- 3 A. I think that is a fair comment.
- 4 Q. Particularly if they had never had children of their
5 own, which may have been the case in some instances.
- 6 A. For many of the -- particularly if we are talking about
7 pre-war and post-war, many were single women who never
8 married or had children, yes.
- 9 Q. And I suppose the other benefit of prescription, albeit
10 there may be disadvantages, is consistency of approach.
- 11 A. Yes.
- 12 Q. I think you have said -- and I'm not going to go back --
13 that if we look in the book -- and I think it may be in
14 part based on Barnardo's thinking on the matter but also
15 on regulations from time to time, any guidance from the
16 state, whether from the Home Office or otherwise, that
17 the book in its original form and in the revisions dealt
18 with the issue of administration of punishment including
19 corporal punishment.
- 20 A. Yes, there is a whole chapter.
- 21 Q. The 1955 version was the one that I think you said took
22 account of new regulations and the advent of the
23 Children Act (1948) -- was there a -- and it was
24 loose-leaf, as I think you told us this morning.
- 25 A. I think we have an electronic copy of that, if it would

- 1 be helpful to the Inquiry.
- 2 Q. I think we would like to get a copy's of some
- 3 description -- probably of all of them, actually, at
- 4 some point, I am sorry to say -- but also -- the other
- 5 question I wanted to ask you was: if it underwent
- 6 revision and you have got a 1955 version --
- 7 A. This is the 1944 one.
- 8 Q. I know that's the one you have in front of you, but you
- 9 have mentioned another one. Was there a later one than
- 10 1955 as well?
- 11 A. I think there is one in the 1960s, yes.
- 12 Q. In the 1960s?
- 13 A. Although it was probably the 1955 one. But as with
- 14 later policies, as a policy was updated, the other one
- 15 was taken out and not retained. That's why we have
- 16 various different versions that may have various
- 17 different Home Office circulars on the back.
- 18 Q. If we did see the versions over time it may be very
- 19 useful.
- 20 I suppose the other question is when did this
- 21 Barnardo Book -- how long was it in force?
- 22 A. Late 1960s.
- 23 Q. What happened after that?
- 24 A. Then it was replaced by a formal policy manual that then
- 25 was much more aligned to statutory regulation by this

1 time -- and Barnardo's interpretation of those different
2 standards -- and then the variations for the nations, so
3 for Northern Ireland and for Scotland. That's all
4 captured. Again, it was like one of the old Cronin(?)
5 manuals.

6 Also as policies were updated -- so the vast -- we
7 do have one version of that but it has varying policies
8 at different points, but it does then cover the 1980s.
9 So we have that one and that then takes us through to
10 some of the 1980s.

11 Q. Would we be able to see a copy of that? I'm sorry to
12 put a burden on you but I think these are very important
13 in the sense of capturing how matters were handled over
14 time, particularly since Barnardo's did have the
15 involvement of Scotland as well and indeed some of the
16 establishments survived into the 1980s at least.

17 A. And you see -- in that later policy manual you see the
18 emergence of -- we have our care and control policy that
19 we were talking about earlier on. So we see the changes
20 from the corporal punishment one to the care and
21 control. We see things like social uncles and social
22 aunts, which feature quite significantly in the life of
23 Barnardo's homes and visitors' policies. A lot on
24 medical -- and particularly working with children with
25 disabilities. So again the policy manual reflects the

1 changes that the organisation has gone through in terms
2 of its direction and focus of work.

3 Q. I think -- correct me if I'm wrong, but certainly in
4 Scotland, the 1959 regulations were replaced by the 1987
5 regulations or something along those lines.

6 A. Yes.

7 Q. We don't need to worry about the detail; we will get
8 that. I assume that the 1951 regulations at some point
9 in time would have been superseded by more modern
10 regulations in England and Wales.

11 A. Yes.

12 Q. And both the Barnardo Book and its replacement, the
13 policy manual, would have reflected any changes that
14 were brought about by these regulations or indeed other
15 regulations that may have been relevant to the content
16 of the document --

17 A. Yes.

18 Q. -- including circulars or guidance issued by the
19 Home Office or any other state body?

20 A. Yes.

21 Q. Can I ask you then to turn to something which -- I'm not
22 sure what the answer to this is: did the Barnardo Book
23 either in its original version in 1944 or in any
24 subsequent version, up until it was replaced by the
25 policy manual, did it -- since it seems to have been

1 quite a prescriptive document, did it deal in detail
2 with a process of making complaints and how these would
3 be handled?

4 A. The later versions do. The 1955 version that I have
5 used for the compilation of this report -- and for
6 part C -- there is a circular in there which describes
7 the actions to be taken. It was prompted by an incident
8 of a child going to stay overnight with another male --
9 a male child going to stay overnight with another
10 male -- and I don't have enough details to know the ins
11 and outs of that but what came out of it was this
12 guidance on children staying away overnight with, in
13 this instance, males and what -- if a child disclosed
14 something like that, what action should be taken by the
15 superintendent.

16 So that's our earliest kind of formal policy around
17 the reporting of disclosures of abuse, as we would
18 describe them today.

19 Q. It was the earliest and it was in part --

20 A. It is one sheet. It is not a lengthy document. It is
21 just one sheet that actually tells us.

22 Q. But was it -- did you say that when you talk about --
23 was this prompted by a Home Office circular?

24 A. No. I believe it was prompted by an incident that
25 occurred within Barnardo's.

1 Q. So it was an internal initiative --

2 A. Yes.

3 Q. -- because of an incident that happened and it was felt
4 necessary to introduce guidance --

5 A. Guidance across the homes.

6 Q. -- to deal with this matter?

7 A. Yes.

8 Q. Before that development that appeared in the 1955
9 version, did the 1944 book you have here today, the
10 Barnardo Book, say anything about complaints by or on
11 behalf of children on any matter and how these would be
12 handled and who they would be addressed to and what
13 process, if any, would follow as a matter of routine?
14 Was there anything of that kind?

15 A. No, not in 1944, which you could say was surprising
16 given how prescriptive it was -- it is in other areas.

17 Q. You are perhaps anticipating what I was about to say.

18 A. Sorry. I think the concept of complaint wouldn't have
19 been around in 1944 in the same way as our understanding
20 of it would be today to warrant a formal policy.

21 If children moaned about not having enough food or
22 something, or something about the day-to-day living
23 within a home, was something done about it? And the
24 answer is that we believe from what people have told us,
25 talking to many former residents over the years, either

1 through the reunions or galas or through access to
2 records, we do know that when children raised issues,
3 whether it was unfair treatment or about food or
4 leisure, that actions were taken but we can't find in
5 this earliest Barnardo Book any formal guidance about
6 how to respond.

7 I think it was just dealt with on an ad hoc --

8 Q. Basis?

9 A. Yes.

10 Q. In that instance, in dealing with that situation, as
11 opposed to something like discipline or corporal
12 punishment, there wasn't either guidance given to those
13 selected who were in direct charge of children or the
14 superintendent at a particular establishment as to how
15 to handle that type of situation?

16 A. No. I mean we certainly didn't have anything that would
17 look anything like a complaints policy, as we would
18 regard it today. There was nothing like that.

19 Q. Just for the avoidance of doubt: when I talk about a
20 provision or a process of complaint, I'm embracing not
21 just how it would be dealt with as a matter of routine
22 or established routine, but also -- not just how it
23 would be made but how it would be responded to in terms
24 of a procedure.

25 A. Well, the piece of paper that I was referring to --

- 1 Q. That does deal with that?
- 2 A. -- from the 1955 talks about the superintendent
3 conducting an internal investigation and finding out the
4 facts and then, when the facts have been established,
5 that that was then reported up to the general
6 superintendent for a decision about any further action.
7 That's set out in that.
- 8 Q. I see. From the mid-1950s there was a process that was
9 to be followed, perhaps echoing the approach that
10 Barnardo's had generally, that things should be, to use
11 the jargon, escalated up. It went to the general
12 superintendent; would it go to the governing body as
13 well or would he report?
- 14 A. Depending on the nature of the information and the
15 actions that were required.
- 16 Q. It might be -- so it would certainly go to the general
17 superintendent --
- 18 A. Yes.
- 19 Q. -- and it would be no doubt in that person's judgement
20 or discretion as to whether it should be escalated up to
21 the governing body itself?
- 22 A. Yes.
- 23 Q. What about in terms of if it seemed to raise what you
24 call a serious incident in the modern parlance? Have
25 you managed from your researches and reviews of the

1 records to gain an understanding of whether there was
2 any recognised process or established criteria to
3 determine whether a matter should be reported
4 externally, for example to the police?

5 A. I think when I have reviewed the files and when we come
6 later on to talk about the number of allegations, I have
7 reviewed those 44 files to determine what action was
8 taken at the time, if any, and what's been taken
9 subsequently.

10 Of the two that -- two persons that tell us that
11 they disclosed abuse at the time, actions were taken by
12 both Barnardo's and external agencies. So in one
13 example there was a police investigation.

14 Q. Are you saying that based on a report that you received
15 from an adult who had been a former resident, that
16 a matter had been complained of or reported when they
17 were a child, and that having looked at the records you
18 can see from the records evidence that by way of
19 a response to at least one of those matters, that the
20 police were involved as part of the action that
21 followed?

22 A. Well, no. Unfortunately, we can't evidence it from the
23 records --

24 Q. I see.

25 A. -- it is from what the person themselves has told us.

1 In fact both the occasions where the victim has told us
2 that they reported the abuse at the time and that
3 actions were taken, when we looked through the records,
4 we couldn't find any evidence of that being reported or
5 any actions taken; it wasn't within the file.

6 Whether that was of its time and things like that
7 were then recorded elsewhere and may not have been
8 captured in a child's file, I don't know. All I can
9 tell you is that we couldn't find any report of what
10 these two victims told us contained in their case files.

11 Q. They were saying though that --

12 A. That action was taken, yes.

13 Q. -- they did make a report --

14 A. Yes.

15 Q. -- and some form of action followed --

16 A. Yes.

17 Q. -- but there's neither a record of them making a report
18 or a complaint or a record of the action that they say
19 was taken?

20 A. No.

21 Q. It doesn't follow from the fact that there's nothing on
22 the record that one should necessarily have any issue
23 with the report; is that correct?

24 A. I think on one of the files there was a letter sent to
25 the parent that talked about -- it was peer abuse,

1 carnal knowledge by a peer.

2 There was a letter sent to the mother informing the
3 mother of the -- well, of the investigation, so there
4 must have been something happened. A police
5 investigation there was, yes.

6 Q. So at the time then there is some evidence from the
7 records that there was some form of police
8 investigation, but you are not able to take it any
9 further than that --

10 A. No.

11 Q. -- or identify from the records that you have what, by
12 way of other response, if any, was made by the
13 organisation --

14 A. No.

15 Q. -- or what the extent of any police investigation was,
16 is that what it comes to?

17 A. Not from that time, no.

18 Q. When you say that time -- don't worry about
19 a particular --

20 A. I think that's from the 1950s.

21 Q. But there is evidence therefore that a serious matter
22 arose, the police appeared to have been involved, but
23 what we don't have is a clear record of how that
24 unfolded and was responded to by the organisation?

25 A. No, not from then. We don't have a detailed account of

1 what went on, what actions were taken and what the
2 outcome of any investigation was.

3 Q. It does strike me that that's the sort of thing that (a)
4 would have featured in a six-monthly case review and
5 would have been discussed by the governing body and
6 would have featured in their minutes of meetings, maybe
7 not in the annual report. But is that not
8 a possibility? Because it sounds serious enough to
9 think that if they were very controlling -- I don't mean
10 that in a pejorative sense -- but if they liked to know
11 what was going on and something was as serious as that
12 and the police needed to be brought in and then given
13 the nature of what was reported, would you not expect
14 that there would have been discussion and a record of
15 that in the minutes?

16 A. Yes, in the review form.

17 Q. In the review form and perhaps in the minutes of the
18 governing body because it wouldn't be something that the
19 general superintendent would have kept to herself or
20 himself, would it? That's not the sort of thing that
21 would have -- is it not, judging from what you have told
22 us in your evidence?

23 A. I would like to think not. I'm trying to recall whether
24 I have read in any of the executive minutes examples of
25 where incidents of this nature were discussed at that

1 level.

2 I know in relation to an investigation in Australia,
3 with child migrants that that was heavily discussed over
4 a lengthy period of time because you can track it
5 through the minutes over a six-month period from the
6 initial reporting of that to all the actions. Because
7 again this kind of level of control -- the council, the
8 management of committee made decisions at every step as
9 to what should happen, so you actually can track that
10 through. I would like to think that the same would have
11 been the case for examples like this.

12 Q. For this particular -- or other similar situations?

13 A. Or similar situations. I mean, again, if the Inquiry
14 would find it helpful, it is something that we could
15 look at back into the minutes to see whether we can find
16 examples of where incidents were reported at that level.

17 Q. I think I'm giving you a rather large shopping list, but
18 I think I would like to add to the basket at this stage
19 on that one as well, if I may. I will let you note it
20 down --

21 LADY SMITH: That would be executive committee minutes --

22 A. Yes.

23 LADY SMITH: -- showing that they discussed a serious issue
24 that had arisen in one of the homes, just as you found
25 them discussing issues relating to child migrants?

1 A. I do know, because I have read them, where a child
2 has -- I am certain because I have read several of them,
3 but where a child has had a serious accident or there
4 has been a child death, those have been reported to
5 them. I have read examples of that, so I know things
6 like that were reported.

7 MR PEOPLES: Correct me if I'm wrong, I think that if
8 a child died in the care of either a local authority or
9 a voluntary provider, I think there was perhaps
10 statutory requirements to notify external bodies,
11 including the state. No doubt that would therefore be
12 an obvious reason why that matter had to be considered
13 at governing body level; would that be fair to say?

14 A. Yes.

15 Q. Just before I leave that subject, the example that --
16 the situation you could recall about the issue about
17 a child that had been sent to -- is it Australia -- via
18 arrangements made by Barnardo's --

19 A. Picton Farm was the farm school in Australia run by
20 Barnardo's.

21 Q. A farm school in Australia, but that child would have
22 come from Barnardo's in the UK?

23 A. Yes.

24 Q. From England or Scotland?

25 A. Of the 19 children that were sent from Scotland to

1 Australia, from memory -- because I have read all these
2 files -- there were one or two who were placed at Picton
3 Farm School, yes.

4 LADY SMITH: Is that Picton spelt P-I-C-T-O-N?

5 A. Yes.

6 MR PEOPLES: Certainly in the case of the situation you had
7 in mind from reading the files on these matters, you
8 could effectively have an audit trail of what did
9 happen, at least within the UK, in terms of the
10 organisation in the UK about how they responded --

11 A. Yes.

12 Q. -- and over a period of the order of six months or
13 thereabouts or whatever?

14 A. Yes.

15 Q. Just so I can be clear, if we are talking about the
16 reporting of ill-treatment or abuse at or around the
17 time that it allegedly occurred, whether by the child or
18 some other party on behalf of the child, which I might
19 term loosely for convenience a contemporaneous
20 allegation or complaint, then from 1955 onwards, at
21 least, the Barnardo Book does set down some form of
22 procedure to be followed and there's some degree of
23 guidance given within the book.

24 A. Yes.

25 Q. At least there appeared to be -- well, are there cases

1 then that can be found within the records where the
2 process was implemented and followed as envisaged by the
3 book? Have you got examples of that?

4 A. We can certainly find examples, yes.

5 Q. So that --

6 A. It might take quite a lot of case analysis but we should
7 be able to find some.

8 Q. Separately -- and we are probably getting towards the
9 bulk of the allegations that you have knowledge of, so
10 I think you mentioned 44 known allegations and I think
11 I would just like to probably turn to them. Maybe I can
12 turn to them in the context of part B.

13 I see it is nearly lunchtime. Shall we have another
14 five minutes?

15 LADY SMITH: Have another five minutes to 1 o'clock. Let's
16 get this started.

17 MR PEOPLES: I think I say, Mrs Clarke -- I won't complete
18 this, but I can say the next witness I don't expect to
19 be terribly long but I would rather obviously deal with
20 this matter as fully as is required.

21 Before we look at the issue of known allegations and
22 the extent to which the knowledge was acquired many
23 years after the date of the alleged abuse, you have told
24 us about the organisational process as reflected in the
25 1955 Barnardo Book and no doubt subsequent versions of

1 that and no doubt subsequent policies that replaced
2 that. But so far as what we would call historical abuse
3 allegations are concerned, I think for present purposes
4 you have given quite a lot of information in these
5 matters in part D of the report and, of course, you will
6 appreciate we are only dealing with parts A and B, so
7 part B gives a much more general picture and the detail
8 is contained in part D. I am not intending to take you
9 to too much detail today.

10 But so far as these allegations, that type of
11 allegation, historical abuse allegation, is concerned,
12 am I right in thinking that Barnardo's have in place
13 some form of either policy or process to manage the
14 response to allegations of that kind?

15 A. Yes. Since -- back in 1999 -- I think it might be
16 helpful to give a little bit of the background to that.

17 During the 1980s and into the early 1990s there were
18 a number of very high-profile investigations, so
19 Cleveland and the Orkneys, which brought the awareness
20 of abuse into the consciousness that was previously not
21 there.

22 Also what happened was Barnardo's made the decision
23 in 1995 to open up its records so that those who were
24 formerly in our care could read the original records and
25 that was quite radical because that came about before

1 the requirement to do that under the Data Protection
2 Act.

3 Prior to that, anybody contacting Barnardo's for
4 information would be given a summary of their records.
5 So that was a decision that Barnardo's council or board
6 made at that point in 1995.

7 Then hand in hand with that in 1995 and then
8 repeated in 1997 was a series of documents on the BBC
9 about the work of Barnardo's and what that did was
10 generate thousands of enquiries to Barnardo's and as
11 a result the Aftercare team was doubled to try to
12 respond to that volume.

13 As a result of the increased access to records work
14 by the Aftercare team, which is now Making Connections,
15 the number of people who were telling us as part of that
16 interview that they suffered ill-treatment and abuse
17 while in the care of Barnardo's led us to believe that
18 we actually needed to respond much more formally to what
19 our former residents were telling us.

20 So in 1999 the big five charities in England and
21 Wales got together -- so that was Barnardo's, Action for
22 Children, The Children's Society, NSPCC and Save the
23 Children -- they all got together and came up with these
24 standards -- I think I reported them in the report --
25 the standards and principles.

- 1 Q. We are going to come on to them --
- 2 A. Oh, you're going to come on to them?
- 3 Q. I would rather you just gave the explanation right now
4 and we can refer to them in due course. It is a set of
5 principles that were agreed upon to handle --
- 6 A. To respond to this increasing number of disclosures of
7 abuse. I think it would be fair to say that all the
8 agencies had been struggling with a robust response to
9 dealing with historical allegations of abuse.
- 10 Q. Up until that point in time?
- 11 A. Up until that point in time.
- 12 Barnardo's practice had been to record them on the
13 record but not -- we didn't have a formal policy at that
14 time which would then report those allegations to
15 external -- you know, to the police, for example.
- 16 So as part of that work Barnardo's appointed
17 a safeguarding lead, which was a new post, and developed
18 a historic abuse policy. Part of that policy was the
19 creation of the historical abuse database and the
20 database captures all the allegations of abuse and poor
21 care and ill-treatment as we have determined them to be,
22 not necessarily how those sharing the experiences with
23 us have categorised them, but very much how social
24 workers have categorised them.
- 25 For example, that would take account of abuse in all

1 its forms, including emotional abuse and racism, which
2 may not have been considered to be abuse at the time
3 that it occurred, but our social workers have formed the
4 view that today it would be categorised as abuse.

5 So for the appendix 1 that we have submitted to the
6 Inquiry with the 44 allegations on it, that has come
7 from our database that we have compiled.

8 Q. I will ask you after lunch, but just one final question
9 if I may: you said that the five major charities
10 established a common set of principles on how one would
11 respond to this situation.

12 You said prior to that, in 1995, you were rather
13 groundbreaking in the sense of giving access to the
14 original records if required and that presumably the
15 television programmes provided publicity for that which
16 led to the flood that you have talked about. Therefore,
17 that led to the developments of the database and the
18 team and the safeguarding lead to deal with that
19 situation?

20 A. That is correct, yes.

21 Q. Did the other four charities open their records in the
22 same way and establish a lead and a process?

23 A. I think they did different things.

24 Q. We can't assume you all did the same thing?

25 A. We all worked to the same protocols and standards but

1 given the numbers of children cared for by Barnardo's
2 and the numbers of records, our response would be
3 different than maybe The Children's Society who cared
4 for a much smaller number.

5 LADY SMITH: Very well. We will stop now for the lunch
6 break and sit again at 2 o'clock please.

7 (1.05 pm)

8 (The luncheon adjournment)

9 (2.00 pm)

10 LADY SMITH: Mr Peoples.

11 MR PEOPLES: My Lady.

12 Good afternoon, Mrs Clarke. Before I turn to part B
13 and ask some questions about that part of the response,
14 could I just deal with one matter which I do not think
15 I covered that I would just like to deal with and it is
16 the issue of external oversight, which is dealt with in
17 part A of the response. Maybe the best way to deal with
18 that is simply to look at what's said in the report,
19 just to get this part of the evidence.

20 Can we turn to BAR.001.001.0064. If we scroll down
21 to section 2.6 of part A, we see the heading is
22 "External oversight in the past". The question that is
23 asked in general terms is:

24 "What were the arrangements for external oversight
25 of the organisation and the establishment?"

1 I'm not concerned to go through the legislative or
2 regulatory framework; that is something we have some
3 evidence on from others, including Professor Norrie who
4 has prepared a report for us on that matter.

5 What is said however at the foot of that page in the
6 final paragraph is the Scottish annual report of 1955
7 records that:

8 "We continue to receive much help and encouragement
9 from the Scottish Home Department and have a good
10 relationship with the children's officers."

11 That much at least is clear from the records that
12 that statement at least is recorded but it doesn't
13 really take it too far, does it?

14 A. No, and that's what was recorded in the annual report
15 which was prepared by the -- it would have been the
16 regional executive officer to send to the governing body
17 in London.

18 Q. I see.

19 Then turning over to the next page,
20 BAR.001.001.0065, after dealing with relevant
21 regulations in relation to visits and inspections by or
22 on behalf of, I think, various parties, including state
23 bodies, if we look at the bottom -- sorry, the middle of
24 the page, there is a statement to the effect that:

25 "Barnardo's has not been able to locate any

1 inspection reports for the identified Scottish homes
2 ..."

3 That is the seven we have asked about?

4 A. Yes.

5 Q. "... in the archives. These would have been destroyed
6 in line with Barnardo's retention and destruction
7 policy."

8 I think you have explained the policy. Insofar as
9 there were what I would call external inspections by
10 state bodies -- for example, local authorities or
11 central government or persons appointed by them -- you
12 haven't been able to come across any actual inspection
13 reports that would shed light on what was being said,
14 what was being inspected, what the findings were,
15 whether there was any criticisms and so forth?

16 A. No. I haven't been able to locate in our archives any
17 copies of inspection reports. So I'm not able to say
18 what the regularity of any inspections would have been,
19 what kind of areas that they would have looked at other
20 than they would have been in line with the regulatory
21 framework in terms of what was to be inspected or
22 whether, actually, Barnardo's did have copies of them.
23 So I have made the comment that we haven't retained
24 them, but also we may not have had copies in the first
25 place. I would expect that a copy would have been --

1 but it may have been sent directly to the regional
2 office --

3 Q. I see.

4 A. -- so it may not have been actually retained at the
5 individual home.

6 Q. I suppose if it was a report for the state, it may be
7 that in the first instance it would go in that direction
8 and whether there would be a copy necessarily
9 distributed would no doubt depend on the nature and
10 purpose of the report and who was intended to see it.

11 A. Yes.

12 Q. We really don't have a lot of information on that
13 matter?

14 A. No.

15 Q. You simply, I think, follow up on that at (ii) that:

16 "Each home would have had a visitors' book which
17 would have captured the names of all who visited home.
18 These have been destroyed under Barnardo's destruction
19 policy. Barnardo's is unable to say with any accuracy
20 who visited any of the homes in and official or
21 statutory capacity."

22 Subject to one point, this morning you did say said
23 you there is a visitors' book you do have for a
24 Scottish --

25 A. Yes, subsequent to writing this we found a visitors'

1 book for Balcary which I believe is captured in the
2 individual report on Balcary as to the time period that
3 that visitors' book refers to.

4 Q. If we wanted to look at what happened with Balcary and
5 the extent to which you have got some information on
6 that, we can look at the Balcary section for
7 ourselves --

8 A. Yes.

9 Q. -- and see what is said. I think there's some reference
10 to visits by certain officials.

11 A. Yes, there are, external.

12 Q. But I don't think it sheds a huge amount of light on
13 what they actually did.

14 A. No, it just captures the date, who they were --

15 Q. If we now go to the next page, BAR.001.001.0066,
16 briefly. The comment or the statement is made that:

17 "As children were placed by both local authorities
18 and the education department, it is reasonable to
19 suggest that children's officers would have visited the
20 home."

21 I suppose in the generality, that's not based on
22 evidence; that's just based on the circumstances that
23 are known, that the majority of placements, certainly
24 after 1948, would come in that way and that there was
25 a requirement under the regulations for certain officers

1 to visit from time to time and therefore it has been
2 assumed that they would have discharged that
3 responsibility in some shape or form.

4 A. Yes. It is also based on evidence -- within the Balcary
5 book there is evidence of children's officers, as they
6 were called, social workers, as they later became
7 called, local authority social workers I mean, visiting
8 the homes.

9 Also it is captured in the Scottish annual reports
10 for the period that I have described earlier, that
11 visits were made by children's officers.

12 Q. I think if we certainly look at page BAR.001.001.0066,
13 if we read on, there is an extract from the annual
14 report of 1952 that says that:

15 "Representatives from the Scottish Home Department
16 visited the homes regularly and frequently sent out
17 other visitors/children's officers ..."

18 Then there is a direct quote there:

19 "They are always helpful of the criticism and very
20 appreciative of the work being done."

21 That much can be gleaned from the reports?

22 A. That was in the annual report and that is a direct quote
23 from the executive officer of Scotland in her report.

24 Q. But the nature of any constructive criticism is not
25 available?

- 1 A. The detail is not known, no.
- 2 Q. I think that's the point you make in (iv) on the same
3 page that there's no records of these visits that gives
4 the detail that might assist.
- 5 A. No.
- 6 Q. You make the point, I think, that, certainly based on
7 the evidence that's currently available, it is unclear
8 whether those who were visiting in an official
9 capacity -- it was unclear whether they saw any children
10 during these visits or indeed the circumstances in
11 which, if they did, they spoke to them and what they
12 discussed.
- 13 A. I think it was highly unlikely that children were seen
14 on their own during these times. If they were seen it
15 was because they were home from school or it was during
16 holiday time and they were around, rather than it being
17 an active part of an inspection.
- 18 Q. If I could now leave that section now and go, I think,
19 finally, really, to the part B response, which I think
20 you are in a position to deal with.
- 21 If I could start perhaps within the response at
22 BAR.001.001.0281. If I could begin there. The reason
23 I have started there, you will appreciate is, I think
24 you told us just before lunch that Barnardo's, along
25 with four other national child care charities, developed

1 a set of principles from which standards and required
2 actions were derived. The processes you have explained
3 were introduced in 1999 and thereabouts.

4 The aim of these principles was to ensure that
5 allegations of historical abuse were treated
6 responsively and rigorously, as I think is said in the
7 response.

8 The principles themselves are set out -- I think
9 these are general principles that were common to the --

10 A. To the five.

11 Q. It is a common set of principles.

12 A. Yes.

13 Q. The first being that:

14 "The organisation listens to, takes seriously and
15 acts responsively towards allegations of historical
16 abuse."

17 That is the first principle.

18 The second is that:

19 "The organisation seeks to promote the welfare of
20 former service users who allege historical abuse."

21 The third principle is that:

22 "The organisation promotes the protection of
23 children who may currently be at risk from alleged
24 perpetrators of historical abuse."

25 The fourth principle is that:

1 "The organisation makes the protection of children
2 and young people the primary aim of any intervention
3 where there is a disclosure by adults who have sexually
4 abused others."

5 So I think these were the principles that you
6 operated on and you explained what happened in terms of
7 the handling by Barnardo's, how they gave effect to
8 these principles so far as Barnardo's is concerned.

9 A. Yes, I don't think I have gone into much detail about
10 that in practice, I mean, which I can do if the Inquiry
11 thinks it would be helpful.

12 Q. Well, I'm certainly going to ask you some questions
13 about the disclosures themselves, about the allegations
14 and it may be that we can cover it that way and if you
15 feel there's anything else that you wish to add, I'm
16 happy that you do so.

17 Perhaps we can just stay on this page for a moment.
18 I think statement is recorded that:

19 "The majority of disclosures of abuse have come as
20 a result of an adult accessing the records."

21 Is that the typical way in which known allegations
22 have come to the attention of Barnardo's, the ones that
23 you have mentioned in part B?

24 A. Yes. Certainly, as I said earlier, on the back of
25 Barnardo's opening the records in 1995 and the influx of

1 former residents wanting to access their records. So in
2 the main, the majority of disclosures of abuse have been
3 made during an access to records interview with
4 a Barnardo's social worker as an adult and during that
5 interview we listen to what people have to tell us, we
6 believe what people have to tell us, and we do not
7 challenge what people tell us. I need to be quite clear
8 about that; that is our principle.

9 Q. That is Barnardo's approach to these matters?

10 A. That is our approach to these matters.

11 Q. Is that the common approach of all five or do you happen
12 to know whether that --

13 A. I --

14 Q. Is that implicit in the principles?

15 A. I believe so. The basis is to listen to what people
16 tell us about their experiences, to believe what they
17 tell us and not to seek to challenge their recollection
18 of events.

19 Q. With that explanation, can I turn to the start of
20 part B, which is at BAR.001.001.0277. We can just go
21 through, I think, the Barnardo's response to a number of
22 questions that were posed.

23 This is a section of part B that's headed
24 "Retrospective acknowledgment and admission". The first
25 matter dealt with in section or paragraph 3.1 is headed

1 "Acknowledgment of abuse".

2 If I can just read the question that is put:

3 "Does the organisation/establishment accept that
4 between 1930 and 17 December 2014 some children cared
5 for at the establishment were abused?"

6 The response has been made by Barnardo's that:

7 "Barnardo's has received a small number of
8 allegations of abuse from children who were cared for
9 during this period."

10 There is reference to appendix 1 which includes the
11 detail of these allegations. I will just say for the
12 record that we are not concerned today with that detail
13 and indeed appendix 1 hasn't been produced for the
14 purpose of this chapter or this part of the public
15 hearings, but I may ask you a little bit in very general
16 terms about that matter. So if you could just bear that
17 in mind.

18 In terms of numbers, it says:

19 "Of the 3,600 or thereabouts [I think that number
20 may be slightly different] children admitted to
21 residential care [and we looked at the numbers
22 yesterday] we are aware of allegations from 44."

23 It says:

24 "All represent disclosures made by former residents
25 as adults."

1 Am I right in thinking that from what you said a lot
2 of these disclosures would arise in the way you have
3 described, that people may review the files, the
4 originals, and at that point and on seeing these matters
5 will say things which amount, in your view or the
6 organisation's view, to a disclosure of abuse?

7 A. Yes. As I have said earlier, when a former resident
8 describes their experiences, for some of them they, when
9 describing it, they don't recognise themselves that it
10 was abuse or abusive practice or it may not have been
11 considered to be abuse at the time that it occurred.
12 But as I said earlier, the social workers who undertake
13 the interviews make the decision in the light of what
14 somebody has told us that actually that is abuse and
15 that is the premise that then we put those allegations
16 onto the database. So they will include allegations of
17 all forms of abuse.

18 Maybe it would be helpful to give a couple of
19 examples, an example of an emotional abuse that would
20 have been put onto the database: so a gentleman in his
21 autobiography had written a chapter about his time at
22 Stapleton Towers, which is one of the homes we are
23 interested in, describes a misdemeanour. He doesn't
24 describe in detail what he had done but the group were
25 having a film showing in the hall. So he was made to

1 come into the hall as well and sat on the chair but he
2 was facing backwards. So whilst all the other children
3 were watching, he was facing the other way. That is
4 an example of emotional abuse that we would have put
5 onto the database, which would have been included in
6 that.

7 We have other examples that we would categorise as
8 racial abuse today, where a young woman -- she's told us
9 that she was always singled out when there was anybody
10 wanting to be punished in a group situation, she was
11 always singled out because of the colour of her skin.
12 Again, that's another example of something that we would
13 have put on the database because we would have made the
14 determination today that that would be abusive.

15 Q. Just taking that example, would that form of abuse, as
16 it is treated now, have come from other children or from
17 staff or both?

18 A. Both.

19 Q. If we were looking at what might be thought of --
20 whether it is called psychological abuse or emotional
21 abuse or emotional neglect, can you give me an example
22 of emotional neglect, rather than say some positive
23 behaviour requiring a child to face backwards while the
24 rest are facing forwards, can you give us some typical
25 examples of what might fall into that category of

- 1 neglect in an emotional sense?
- 2 A. I think particularly where there may have been
3 separation of siblings. In the early days I don't think
4 significant time and effort was made by Barnardo's to
5 maintain contact between siblings, which later would
6 have been much more robust. For example, where letters
7 were exchanged they were read and opened by staff and
8 staff would make decisions as to whether that
9 information should be shared. So in some instances
10 quite personal information was not shared. For example,
11 the death of a grandparent was an example that somebody
12 gave me that, "I should have been told that my
13 grandparent had died".
- 14 Q. In the case of say very young children who are admitted,
15 you say there was a time when that did happen, do the
16 records show whether they would have been informed
17 during their period in Barnardo's that they had siblings
18 or indeed who their parents were?
- 19 A. If we go back to the very early days, back to either
20 Dr Barnardo's time or pre-war, the ideology was this
21 rescue and children should be removed from parents and
22 ties should all be severed and children were told when
23 they came into Barnardo's, you are coming into the
24 largest family in the world, this is going to be your
25 family now, we are going to be there for the rest of

1 your lives, which for some people we have been.

2 So there was a conscious severing, effort to sever
3 ties in the early days. Obviously that changed over
4 time as we have talked about before, as society changed
5 and the nature of services changed.

6 Q. If we are looking at particular periods and obviously we
7 know in Scotland Barnardo's presence was really post-war
8 largely, between then and say, for example, 1960, what
9 would have been the attitude to giving information about
10 parents or siblings if there was some separation in fact
11 between them and also the question of contact between
12 them?

13 A. Our Barnardo Book does give us some guidance on how that
14 took place. This earlier version, the 1944 version,
15 doesn't encourage contact between children and parents.
16 In fact, it sees parents as being an irritant and not to
17 be encouraged. But later on there is evidence of
18 encouraging siblings to write to each other.

19 I have read lots of records for other reasons and we
20 see lots of letters that Barnardo's have written to
21 parents to try to re-establish contact.

22 I think as I said earlier, particularly in the
23 post-war -- the early post-war period, once parents had
24 placed their children in Barnardo's, a lot of them then
25 disappeared or didn't maintain contact. We have got

1 a lot of evidence in the records of children asking
2 staff to get in contact with their parents and of
3 letters being written and also of Barnardo's welfare
4 officers going round to visit, to try to track down
5 patients who, post-war and up into the 1960s, tended to
6 move around quite a lot. So we do have evidence of
7 efforts that were made by Barnardo's staff to try to
8 re-establish contact where contact had been lost with
9 families.

10 Then if we had more than one sibling in a home --
11 and I talked earlier on about how we moved away from
12 single-gender homes and most of them then became mixed,
13 so there was much more opportunity for keeping siblings
14 together.

15 If they weren't together, contact was promoted at
16 weekends, or certainly during school holidays, and we
17 see in the records the exchange of children coming from
18 different homes to link up with siblings during the
19 school holiday time. So efforts were made. They
20 wouldn't have been as robust as we would wish them to be
21 today and we considered today. But of the times, they
22 made as much effort as they could to try to keep contact
23 going and to re-establish contact where it had been
24 lost.

25 Q. I think at the time of the Children Act, indeed at the

1 time of Curtis and Clyde, the idea was, yes, you
2 provided substitute families but you then separate the
3 children from their natural family so far as possible to
4 remove the influence.

5 A. That was still Barnardo's policy coming into -- until
6 into the 1960s. But we do have examples of earlier
7 periods where we have tried to maintain contact.

8 Q. Can I ask you this: I don't want to get to it at length,
9 but obviously you told us in evidence yesterday that
10 children were the subject of migration until about 1965.
11 There were a number who went to Australia, certainly
12 post-war, perhaps more so than Canada by that time --
13 I think Canada had stopped I think you said or there was
14 less of a movement after the war.

15 In the case of that group of children, who were in
16 excess of 3,000 overall in the UK, would there have been
17 children that were sent who were sent in a situation
18 where their siblings remained in the UK and their
19 parents were there?

20 A. Yes is the answer. I have done a tremendous amount of
21 research, because I'm about to give evidence to the
22 ICSA Inquiry in a couple of weeks. So we have a great
23 deal of evidence and I have reviewed all the Scottish
24 child migrant files as well. I mean we had -- I know we
25 are not talking about child migration now but we had

1 very clear policies about consent and visits before
2 migration, contact post-migration and again we have got
3 records of welfare officers going to visit families
4 because their children in Australia have said, we
5 haven't heard from our parents.

6 It is the idea that Barnardo's Australia was
7 a branch of Barnardo's UK and it is quite an interesting
8 concept, but we had a branch office in Australia. But
9 the same level of oversight and control with which
10 Barnardo's -- the governing body governed what was
11 happening in the UK was actually governing what was
12 happening in Australia as well. So we had a lot of
13 correspondence from Australia to the head office in
14 London about maintaining contact with families in the UK
15 and siblings in the UK -- some of whom would have been
16 migrated and some who wouldn't because it was their
17 choice. A child was never migrated if they didn't want
18 to be.

19 Q. Obviously this practice of migrating was effectively
20 discontinued in the late 1960s and in Barnardo's case in
21 1965. In the case of a child who had siblings who
22 remained in the UK and one or more parents who were
23 there, at the stage that they went to Australia under
24 the Barnardo's processes, to what extent did they fully
25 appreciate the consequences of the journey they were

1 making and the knowledge that if they did have siblings
2 and parents then the separation would not be easy in the
3 sense of they couldn't just go for the weekend from
4 wherever they were in Australia to visit their parents
5 or brothers and sisters?

6 A. I mean I think it is fair to say that particularly in
7 the earlier days -- when we get towards the end of
8 migration there was far more preparatory work done with
9 children or young people who had put themselves forward
10 for migration.

11 In fact, one of our examples from Scotland is
12 a really good example of the amount of correspondence
13 and meetings between the parents, between the local
14 authority -- because it was a child placed through the
15 local authority -- and they would have had to have given
16 their consent about the pros and cons of this young man
17 being migrated and whether it was in his best interests
18 because his mother gave consent for him to be migrated
19 but wouldn't give consent for his sibling to be
20 migrated, a girl, and all the discussions that took
21 place about should they stay together, should one go.
22 So there was significant consideration given to before
23 any child was migrated.

24 Q. In the example you have given, I don't want any names
25 just now, but what age was the child?

1 A. 15.

2 Q. Would that have been a situation where, having looked at
3 that example, that you feel that the child went having
4 given fully informed consent to doing so?

5 A. Yes, in that instance.

6 Q. But in other instance --

7 A. In hindsight he should never have gone.

8 Q. No doubt hindsight is a great and wonderful thing and we
9 probably know a lot more, but in other cases would that
10 be typical or in many cases would the consent be less
11 informed because the implications and consequences were
12 not fully explained and understood?

13 A. I think in the earlier period, yes. I think --

14 Q. In the 1950s, for example, would that be the case?

15 A. I would hope things were changing in the 1950s. In the
16 1940s Australia was painted as this idyllic, you know,
17 oranges and sunshine, you are going to have a lovely
18 life, you are going to ride horses and it is going to be
19 glorious. As you say, there was no real concept of the
20 fact that it was on the other side of the world and you
21 would not be able to just pop home at weekends.

22 Whilst children were shown promotional videos and
23 had visits, I don't believe that they really knew what
24 they were letting themselves in for, unless they
25 expressed a wish to be migrated as an adult, because

- 1 Barnardo's did assist adults to migrate as well.
- 2 LADY SMITH: Why is it that the 15-year-old should never
3 have gone?
- 4 A. When you read that particular case file -- I mean
5 looking from today's knowledge, I think there were
6 mental health issues. I don't think it was the best
7 decision for him. I personally think it was poor
8 decision-making on the part of those who made the
9 decisions and ten years later that decision would not
10 have been made.
- 11 LADY SMITH: So are you saying there was a poor outcome?
- 12 A. Well, he came back to the UK eventually. In this
13 example, he didn't really settle in Australia, no.
- 14 LADY SMITH: Thank you.
- 15 MR PEOPLES: Can I ask you this -- and I don't want to go
16 into this in too much detail with you at the moment --
17 but so far as migration to Canada is concerned, would it
18 be the case that Barnardo's took a policy or conscious
19 decision to stop that because of certain things that had
20 happened to children who had gone to Canada?
- 21 A. No it was just the outbreak of the war stopped the
22 migration and it was never restarted after the war.
- 23 Q. So it didn't arise out of any specific problems like
24 incidents involving children?
- 25 A. No. But I mean what I would say about the Canadian

1 migration is that the experiences of children who were
2 migrated to Canada influenced a revision of Barnardo's
3 practices in relation to Australia.

4 Q. Passing on, if I could go back to part B on page
5 BAR.001.001.0277. If I could turn again to the
6 acknowledgment section. You have mentioned that there
7 is a knowledge of 44 allegations and that you tell us
8 that one former member of staff has pleaded guilty to
9 charges of lewd and libidinous behaviour towards a child
10 in the care of the establishment in which he was based
11 and that the charges related to residential care in the
12 1970s. I think that was at Glasclune, wasn't it?

13 A. Yes, and it was actually two boys, not one.

14 Q. Two boys. And it says that the allegations surfaced, as
15 it were, or came to light in 1998 and the abuser in
16 question was convicted in 2004.

17 A. That is correct, yes.

18 Q. This may be a useful point, if I can, just to look in
19 very broad terms at the known allegations, the 44, and
20 as I have said we are not looking at the detail just now
21 but I wanted to get some kind of broad picture of what's
22 happening, particularly with reference to the 44
23 allegations.

24 Of the 44 allegations, I think it is correct to say
25 that 32 complainers were, at some point in their care by

1 Barnardo's were in one of the seven establishments that
2 we asked information about. I think it was 32
3 allegations that relate to the seven establishments.

4 We can maybe find that. Maybe it is useful just to
5 see. If we look at BAR.001.001.0277 again, just at
6 (ii). We see that in the case of Balcary:

7 "Barnardo's is aware of disclosures of sexual and
8 physical abuse made by seven former residents at
9 Balcary ..."

10 I think the abuse in question spans the period from
11 1956 to 1972; is that correct?

12 A. That is correct yes.

13 Q. We have allegations of abuse now, in that case, in the
14 case of these disclosures, they relate to both physical
15 and sexual abuse.

16 A. Yes. I think what assists us with trying to understand
17 and make sense of the allegations and the time frame is
18 our historical abuse database because what that allows
19 us to do is to look for patterns of abuse. So whether
20 that was an individual person, whether that was at
21 a particular home -- and obviously we are looking at
22 Balcary here -- or whether it was a particular time
23 frame, so we can try and understand what went wrong,
24 what the failures were, and whether they were systemic
25 failures.

1 Again, appendix 1 gives us more detail about whether
2 there were allegations against more than -- more than
3 one allegation against the same person or whether these
4 seven former residents make allegations against
5 different people, whether they were staff, whether they
6 were non-staff, or whether they were peers.

7 Obviously, these allegations include all categories
8 of abuse, although we are talking about sexual and
9 physical here. But it also includes both staff and
10 non-staff -- and non-staff would be social uncle,
11 I think, is one of them. Also we have had disclosures
12 about a visiting vicar and --

13 Q. In an official capacity --

14 A. -- also peer abuse.

15 Q. -- or is it unclear?

16 A. It is unclear and one of the difficulties of trying to
17 investigate disclosures that have been made many, many
18 years after the event happened, the victims are able to
19 remember with varying degrees of accuracy the names of
20 staff. When you look at the grid in detail, the
21 appendix in detail, we see that we have unnamed staff or
22 we have one -- maybe a Christian name and no surname.
23 We have unnamed peers or we have, as I just said,
24 a visiting vicar and that's all the information that we
25 have. So in the majority of instances all we have to go

1 on is the report of the victim which is being made as
2 an adult.

3 Q. I follow. Can I put to you -- and you can correct me if
4 I have got this wrong -- that I think you have done the
5 sort of exercise I was going to put to you, that I have
6 done a very broad level analysis of the 44 allegations
7 and I was just going to perhaps put it to you and put it
8 on the record -- no doubt in due course we can check it
9 against the detail at an appropriate time -- but I think
10 on my reading of the information there are 44 complaints
11 that are known and you have told us how they have come
12 about largely. I think by my reckoning there are 42
13 named complainers and in the case of the two other
14 complaints, for one the entry is "unknown" and another
15 one has got the term "not applicable" because I think it
16 came from an agency that there was some concern raised.

17 As regards the period covered by the allegations in
18 the 44 complaints, by my reckoning there are allegations
19 of abuse occurring in the 1940s and that features in
20 nine of the 44 complaints. So far as the 1950s are
21 concerned, 15 complaints relate to abuse in that period.
22 12 complaints relate to the 1960s. 13 complaints relate
23 to the 1970s. Four complaints relate to the 1980s and
24 two complaints relate to the 1990s. There is one
25 complaint that relates to the period between 2000 and

1 2009. There are three complaints that relate to the
2 period 2010 to 2014. I'm just trying to break it down
3 into decades and I think that in saying what I have just
4 said, I think we have to note that some complaints that
5 relate to abuse, relate to a period that spans two of
6 the decades. So one might have a complainer that's
7 talking of something that happened in the 1940s and
8 1950s or so forth.

9 A. Yes because when former residents have disclosed abuse,
10 many have not been able to pinpoint a particular time
11 because of memories, because of trauma, for many
12 different reasons. So what we have put on the database
13 is the time that that person was in that particular
14 home. So that is how we have populated the database.

15 For example, somebody may have been at a home for
16 seven or eight years. It may have spanned more than one
17 regime, so more than one superintendent or head of the
18 home. They can't -- they just can't remember really.
19 All they know is it happened and can describe it in as
20 much detail as they are able to recall and we have put
21 that time frame in.

22 So that is how sometimes -- it explains why we have
23 got quite a wide time period.

24 Q. But it is a long period on any view?

25 A. Yes.

1 Q. My observation was that at least most of the abuse that
2 you have recorded in the database appears to have
3 occurred between 1940 and 1980 --

4 A. Yes.

5 Q. -- and less so subsequent to that period.

6 A. Yes, and I think when we kind of look below the
7 headlines, so the headline is the 44 allegations over
8 a period of time. When we then look below it --
9 I suppose when we are considering failures by the
10 organisation, and you know we would say that any child
11 who has been abused or is abused represents a failure by
12 Barnardo's as an organisation, and we accept that
13 children in our care have been abused, and I want to put
14 that on record as saying that.

15 But we then need to kind of look at what sits
16 underneath some of that in terms of trying to determine
17 whether that represents a systemic failure, particularly
18 given the very wide time frame that the Inquiry is
19 looking at.

20 Again, I think appendix 1 helps us to put some kind
21 of understanding to that.

22 Q. I suppose it might be said -- and I do appreciate the
23 point you are making that you are saying that while you
24 accept abuse occurred, and we will see this, that the
25 organisation's position at the moment is that they don't

1 accept that there was necessarily any systemic failings
2 on their part in relation to these allegations. I think
3 that's what it said. Forgive me, if I have got it
4 wrong.

5 A. Again, I think we need to kind of look at that in a bit
6 more detail. When we try and determine the failures,
7 what went wrong at that particular period of time or in
8 that particular home, and was that a systemic failing
9 that led to that failure to protect that young person.
10 I think when we look at the standards of the time and
11 the different policies and procedures that were in place
12 at a particular time that would have afforded a young
13 person an opportunity to disclose -- I mean what many
14 people tell us is, we didn't tell anybody because we
15 wouldn't have been believed. When we look at the
16 policies that were in place in the 1940s and the 1950s,
17 based on -- they were of their time and they were based
18 on the awareness and knowledge of the different forms of
19 abuse, the signs of abuse, you know training staff to
20 recognise that children may have been at risk of abuse
21 or being abused.

22 I think where we have got evidence in the two cases
23 that I described this morning, where young people did
24 disclose their abuse, actions were taken at the time.
25 So that suggests that systems were in place that worked

1 for those young people. So that doesn't suggest that
2 there was a systemic failing in that instance.

3 Then when we kind of roll forward where the practice
4 and the understanding and the policies and the standards
5 would have changed -- and that's reflected in the later
6 allegations, particularly the ones in the 2000s and
7 forward -- you can see where a disclosure was made by
8 a young person who was still receiving a service, then
9 clearly action was taken straightaway. So that suggests
10 that the systems which were in place during that period
11 were working.

12 Q. Can I make a couple of observations for your comment:
13 would you accept that it could be said at least that the
14 system failed to protect those who have come forward and
15 said they were abused? It simply failed to protect.
16 That's a way of looking at it: that the system, as
17 designed and as operated, failed to protect
18 a substantial number of people because I think there
19 were 44 complainers in the case of the Scottish
20 establishments, the seven we have looked at.

21 A. I think it is too simplistic to say during a 70-year
22 period that any system that was in place failed to
23 protect children.

24 I think the actions of individual members of staff
25 and the behaviours of individual members of staff aren't

1 necessarily indicative of a systemic failing.

2 Q. I suppose you did say that while there was a process of
3 recruitment, I accept it, and it involved an interview,
4 there was fairly rough and ready criterion, "Did they
5 appear, on the face of it, to be a good Christian family
6 or a good Christian person?" and not really much else
7 was required except an endorsement of that
8 characteristic.

9 It might then be said that that form of -- that
10 aspect of the system, even by the standards of the time,
11 wasn't a terribly robust one and perhaps not even
12 a system that in other areas, where vulnerable people
13 were being served by professionals, that that would be
14 the sort of thing that would be sufficient to pass
15 muster as it were. Do you see the point I'm making?

16 A. I do. If the system was not tested, you don't know how
17 robust it was.

18 Q. The other point I would like to leave you with, on this
19 point -- and no doubt we can look at it further in due
20 course -- but if there's not much reporting -- and
21 I think one can perhaps advance reasons why -- there
22 doesn't appear to be a lot of evidence of
23 contemporaneous reporting by children of ill-treatment,
24 of what we would regard as abuse, both either physical,
25 sexual or emotional or whatever.

1 One point that might be made in that situation, or
2 in that state of affairs, is: well, the system didn't
3 really either facilitate or encourage the making of
4 complaints, we don't see the sort of principles that we
5 see set out in 1999. The prescriptive rules that
6 Barnardo's put in place in 1944 and upgraded over time
7 as matters evolved didn't seem, so far as complaints
8 were concerned, to go that far and to spell out that
9 that would be the approach and it didn't seem to spell
10 out that children should be made aware that that would
11 be the approach and therefore should not feel inhibited
12 from raising any concerns that they might have had.

13 A. I entirely agree with that. I think the systems in any
14 decade were of their time and if we view it through
15 today's standards then, yes, they were inadequate and,
16 yes, they failed.

17 I think later on when we had our formal complaints
18 policy and we had complaints books for children and all
19 children that came into Barnardo's care were given
20 a complaints book and it also had a separate little card
21 at the back of it that a child could complete
22 anonymously and just send it off.

23 So I think as systems changed during the decades and
24 the welfare and the safety of the child became paramount
25 and the voice of the child and systems were put in place

1 to enable that child's voice to be heard, but to be
2 heard independently as well.

3 I think, you know, the systems that were in place in
4 the 1940s, 1950s, 1960s, they didn't afford, as you say,
5 the opportunities for children to make disclosures and,
6 as I have said earlier, adults who have said to us,
7 well, there was no point in telling anybody because we
8 wouldn't have been believed --

9 Q. Surely then if attention had been given to a more
10 systematic requirement for some degree of more
11 organisational training -- I'm not just saying this for
12 Barnardo's but other providers -- then concerns like
13 that might have been mitigated, lessened and addressed.

14 Are you telling us that you think that, for example,
15 there was a systematic training programme throughout the
16 period from 1940 to 2014, in the case of Barnardo's?
17 Because I think you say there is some evidence of
18 training either being given or offered, but my reading
19 of what we are told is that the idea of a systematic
20 training programme for staff who were recruited by
21 whatever criteria was not a feature of the system until
22 the 1960s.

23 A. Yes. We didn't have the awareness -- society didn't
24 have the awareness and understanding of the different
25 forms of abuse until the 1960s. Abuse -- it wasn't

1 categorised in the same way as we understand it to be
2 today, so --

3 Q. What training was being given in 1940?

4 A. It was very much around child development and child
5 welfare and reaching milestones and those kinds of areas
6 of child development.

7 It was not until the 1960s that there were specific
8 training modules around -- this is the same for field
9 social workers. I think back to different courses that
10 I have been on as a social worker.

11 It was only in the late 1960s that we had those
12 training courses that actually categorised abuse in the
13 different forms and what the definitions of abuse were
14 across those different categories and then what were the
15 signs to look for.

16 Because we didn't have -- we know now that children
17 were groomed as we would use the terminology today, but
18 that terminology is relatively modern terminology,
19 although when we talk to those who are in our care about
20 their experiences we can see from our knowledge today
21 that actually that child was being groomed, but there
22 wouldn't have been that understanding and knowledge
23 about that back in --

24 LADY SMITH: Mrs Clarke, two things I want to pick up with
25 you.

1 It has been put to you on a number of occasions --
2 I think drawing on one of your own answers yesterday --
3 that a check was made to see that couples were good
4 Christians couples. Is it possible that nothing more
5 than lip service was being paid to that in the sense
6 that if one thinks, even for a moment, about the good
7 Christian and the good Christian couple, they will have
8 a primary awareness of the priority that Christ gave to
9 the interests of children.

10 A. Yes, I would agree with that, yes.

11 LADY SMITH: So maybe that needed to be explored.

12 Separately, I think on a number of occasions, you
13 have prayed in aid the standards of the time, which
14 sounds as though it is a reference to standards adopted
15 generally in the residential care world, but equally you
16 have told us -- and indeed demonstrated to us through
17 some of the literature -- that Barnardo's aspired to be
18 ahead of the standards of the time, if you like to be
19 trailblazers in the provision of what was required to
20 meet the unmet needs of children; isn't that right?

21 A. I think that's right, but you know there is
22 a recognition that we didn't get it -- we didn't always
23 get it right. There's things that we wished we had done
24 differently, there's things that we wished we had done
25 better and there's things that we wish we hadn't done at

1 all.

2 LADY SMITH: Perhaps if we are to learn for now and for the
3 future it is a matter of not just looking at what should
4 have been done in accordance with what people understood
5 at the time or were thinking at the time, but what could
6 have been done; there is more than a subtle difference
7 between those.

8 Isn't it helpful to consider, "Well, what could have
9 been done to provide more protection?" and would that
10 have headed off some of these 44?

11 A. I think that there wasn't enough oversight of
12 superintendents and they -- particularly in the 1940s,
13 1950s and 1960s, they were very autonomous in how they
14 ran their individual homes. When we look at what the
15 data on the database tells us as to the perpetrators,
16 there are maybe a disproportionate number of
17 superintendents who have committed abuse.

18 So an area of practice that I would question is the
19 direct level of supervision of managers of the homes,
20 whilst there was oversight that I have described earlier
21 by the governing body, by external organisations,
22 visiting, but we don't really know what those visits
23 entail, we didn't have formal supervision of staff until
24 really into the 1980s.

25 A superintendent was a powerful being and there is

1 an argument to be made that Barnardo's senior management
2 didn't ask the right questions of its staff so therefore
3 wasn't able to find out some of the things that you
4 would have expected them to find out.

5 In that respect, yes, there was a systemic failure
6 in the direct management of superintendents and I would
7 accept that.

8 LADY SMITH: Did the superintendents tend to be men or women
9 or was there a mix?

10 A. Married couples.

11 LADY SMITH: You are referring to the married couples?

12 A. I'm referring to the married couples. I think I talked
13 yesterday about if you were recruiting two people today
14 you potentially wouldn't recruit them because one
15 wouldn't have the skills you would wish and maybe one
16 did. I think because the policy was to recruit married
17 couples, both of them may not have been a suitable
18 person to be in charge of children -- and particularly
19 in the post-war period where Barnardo's were employing
20 people who were coming back from active service, who had
21 been schooled in a very kind of military regime and the
22 use of corporal punishment was more excessive than would
23 have been acceptable.

24 LADY SMITH: I see, thank you.

25 MR PEOPLES: Just taking this a little further, if we go to

1 page BAR.001.001.0278. It is really on the same theme.
2 Towards the foot -- I'm trying to explore the basis of
3 the -- there is a statement there -- it is under the
4 heading "Acknowledgment of systemic failures". The
5 question that is asked is:

6 "Does the organisation/establishment accept that its
7 systems failed to protect children cared for at the
8 establishment between 1930 and 17 December 2014 from
9 abuse?"

10 The response is:

11 "Judged by contemporaneous standards, Barnardo's
12 believes that its internal safeguarding and child
13 protection policies and systems stand up to scrutiny.
14 Barnardo's developed those policies based on available
15 guidance, emerging research and the developing
16 legislative framework. Its policies were updated
17 appropriately over time, as set out in part A. Local
18 practice reflected those policies."

19 Just pausing there. What I would like to know is,
20 if one looked at the 1940s for example, which is when
21 the presence of Barnardo's in Scotland became
22 established and thereafter, if I was asking you the
23 question, "What was Barnardo's internal safeguarding and
24 child protection policy in the 1940s?" where would
25 I find it? Can you give me the answer to that?

- 1 A. In the Barnardo Book.
- 2 Q. Which part though? Where does the child protection
3 aspect --
- 4 A. Child protection wasn't a concept that was used in the
5 1940s. It was not --
- 6 Q. The label may not have been, but children were in your
7 charge --
- 8 A. Protection from harm, yes.
- 9 Q. Where do we find protection from harm in any form and
10 how is that guarded against whether it is harm from
11 staff, from peers, from adult visitors, whether official
12 or otherwise, or harm from people when the child in the
13 care of Barnardo's goes into the community? Where do we
14 find in that very detailed handbook, or Barnardo Book,
15 the guidance on that and a clear expression of what the
16 policy is and how it would protect children?
- 17 A. We don't find a separate policy on child protection, no.
- 18 Q. So there really wasn't a child protection policy in the
19 real sense?
- 20 A. No.
- 21 Q. If there isn't such a policy in the 1940s, it can't be
22 said that the policy can stand scrutiny by contemporary
23 standards; all you can say is that in the 1940s lots of
24 organisations, including Barnardo's, didn't have a child
25 protection policy as we know it --

1 A. Yes.

2 Q. -- rather than saying that they did have a policy, their
3 policy was adhered to and applied and that it worked as
4 intended?

5 A. I accept that. But this was a general statement about
6 the --

7 Q. No, I just wanted to explore the limits of it because
8 I don't want to misrepresent what was being said.

9 A. You are quite right. Barnardo's did not have -- and in
10 fact Barnardo's did not become a child protection agency
11 until 1990, which is after the 1989 Children Act. So it
12 was really from that point that Barnardo's developed
13 separate child protection policies as we would recognise
14 them today.

15 Q. I was giving you some analysis that I had carried out
16 and we had got as far as -- I would like to continue
17 with that so we have it at least there. I gave
18 a breakdown of the decades and the number of complaints
19 within the 44 which are related to those decades.

20 I think in all of the 42 known complainers, if I can
21 put it that way because we have two we treat as unknown
22 or not applicable, 25 complainers were male and 17 were
23 female.

24 You have made the point already that some of the
25 alleged abusers that were named were named, fully named

1 or partly named, perhaps by their Christian name, or
2 nickname or something like that. Some have not been
3 identified other than in very unspecific terms and
4 I think you gave a specific example like a male priest
5 or an unnamed male peer. Another expression I have come
6 across is an unnamed female residential staff member,
7 a former resident, female peers, and so on, that sort of
8 description.

9 Would you also agree that there's also no obvious
10 preponderance of alleged male or alleged female abusers
11 in that list?

12 A. No.

13 Q. And that some of those that abused were said to be
14 members of staff, some were peers of the same or the
15 opposite sex?

16 A. Yes.

17 Q. And some were external adults, some from an official
18 source, like -- a departmental social worker is one
19 example. There is also perhaps the visiting vicar who
20 may or may not have been there officially, we don't
21 know.

22 A. No.

23 Q. But in some cases it is not at all clear what, if any,
24 connection the external abuser had with Barnardo's such
25 as -- there is an unnamed male priest, which is one

1 example.

2 The other thing, perhaps if one is trying to do
3 a broad analysis, is that some locations feature more
4 than others. Of the 44, I think my arithmetic suggests
5 that 11 of the 44 complaints related to Glasclune.

6 A. That is right.

7 Q. Seven related to Balcary. Six related to -- this is
8 a category we have not dealt with here -- foster care or
9 foster homes, that is in the 44?

10 A. Yes.

11 Q. Four complaints related to Winton Drive. Three related
12 to Tyneholme. Three related to Stapleton Towers. Two
13 complaints related to Craigerne and two complaints
14 related to Blackford Brae/South Oswald Road?

15 A. Yes.

16 Q. So we have got 32 complaints relating to the seven
17 establishments we are interested in out of the 44. We
18 have six in foster care complaints or complaints of
19 abuse in foster care, and I think the other six are
20 single complaints about six other locations of
21 establishments run by Barnardo's in Scotland. That gets
22 us to our 44.

23 A. Yes.

24 Q. As regards the type of abuse many of the complaints --
25 I have tallied it up 35 out of 44 -- involve sexual

1 abuse.

2 A. Yes.

3 Q. In many of the cases the complainers are alleging
4 repeated abuse, although some do simply refer to
5 a single incident.

6 A. Yes.

7 Q. Just for completeness, around 29 out of the 44
8 complaints appear to have been reported to and the
9 subject of some investigation by the police.

10 A. Yes.

11 Q. You accept the broad figures of that order?

12 A. Yes.

13 Q. And six, or possibly seven, complaints resulted in some
14 criminal charges, not convictions?

15 A. Yes.

16 Q. Then two of the abusers have been convicted of charges
17 involving sexual abuse. One is the member of staff at
18 Glasclune?

19 A. Yes.

20 Q. Who, as it happens, was a former resident of
21 a Barnardo's home --

22 A. He was, yes.

23 Q. -- in the 1950s?

24 A. Yes.

25 Q. And his victim was another male resident --

- 1 A. Two victims.
- 2 Q. Sorry, you said two. At least one of his victims was
3 a male resident and -- were they both male?
- 4 A. They were both male.
- 5 Q. I think that the abuse in question -- I have got it as
6 occurring between 1971 and 1977; it was spanning about
7 a six-year period.
- 8 A. Again, as I previously said, those time frames --
- 9 Q. I appreciate but I think these were actually perhaps the
10 charges themselves, I do not know, that were in the
11 indictment, I presume.
- 12 We can find out the detail later on. That's maybe
13 not the main point.
- 14 The individual concerned received a custodial
15 sentence of two years in prison.
- 16 A. Yes.
- 17 Q. The other person who was convicted of sexual abuse again
18 was a foster parent, convicted in 2003, I think --
- 19 A. Yes.
- 20 Q. -- for abuse occurring, as I understand it, between 1965
21 and 1970, and she received a custodial sentence.
- 22 A. Yes.
- 23 Q. So far as these allegations are concerned, the
24 historical allegations -- I think the 44 complaints
25 relate to what we have said conveniently are historical

1 allegations; is that correct? All 44?

2 A. No --

3 Q. Not all?

4 A. -because some of them are the 2000s and up to 2014.

5 Q. I'm sorry. I stand corrected.

6 A. How we would class a historic allegation or a non-recent

7 allegation would be where somebody -- their files have

8 been archived, they are now an adult and they are no

9 longer receiving a service. That would be the

10 definition between what would be a current disclosure --

11 Q. Some of the 44 would be recent or contemporaneous --

12 A. Yes.

13 Q. -- using that definition --

14 A. Yes.

15 Q. -- and some would be historic or non-recent?

16 A. Yes.

17 Q. So far as the non-recent allegations are concerned, the

18 historical ones, am I right in thinking that Barnardo's

19 has not, as an organisation carried out any extensive

20 internal investigation in relation to those allegations

21 because it was left really for the police to deal with

22 or not?

23 A. Barnardo's carried out an initial investigation into

24 each disclosure that was made to see whether we could

25 find any record of it on the care records.

1 We researched the names that were given of other
2 children who were in the home at the time that the
3 victim gave us.

4 We searched the records of all the staff we could
5 identify from the information that we were given and
6 after we had done that initial internal investigation,
7 we then passed all that information to the police so
8 that they could then conduct a criminal investigation.

9 Q. So before the police were brought in, in these cases,
10 the historical, there was an initial investigation of
11 the kind you have described by Barnardo's?

12 A. Yes.

13 Q. A decision was taken to report, what, all of them to the
14 police?

15 A. Our practice today is we report every disclosure of
16 abuse no matter how long ago it happened.

17 Q. Have all 44 of these been reported to the police?

18 A. They have unless -- when the historical abuse policy was
19 developed in 1999 and 2000, as part of the setting up of
20 the database, a review was done of all the files where
21 there had been disclosure of abuse and they were all
22 reviewed and a decision was made at that point whether
23 to pass that information onto the police.

24 That decision was based on whether -- how long the
25 abuse occurred, if it was over 50 years, whether the

1 alleged perpetrator was known to be deceased, and on the
2 wishes of the victim. So for some of those -- a small
3 number of those 44, the decision was made not to refer
4 on to the police for the reasons I have given. But the
5 majority of disclosures were referred to the police, of
6 which the police -- I think post-Savile the attitude of
7 police forces to investigate historical abuse has
8 changed. But what we found previously is police would
9 not prioritise investigation of historical allegations
10 where the perpetrator was known to be deceased or it
11 happened more than 50 years ago.

12 Q. Was that the position as you understood it both in
13 Scotland and south of the border?

14 A. Yes.

15 Q. Was that based on something you had been told by the
16 police?

17 A. It was based on our experience of dealing with the
18 police and the police saying, well, thank you very much,
19 but we haven't got anything to investigate, the person
20 is dead, and it happened too long ago.

21 Q. Was that the experience in Scotland as well as England?

22 A. Yes, we have evidence --

23 Q. To that effect?

24 A. Yes. Then kind of post-Savile the police forces up and
25 down the country reopened investigations or victims felt

1 able to come forward again and cases were opened, so we
2 have been contacted by different police forces in
3 Scotland where cases that were known to us have been
4 reopened and where the police haven't retained their
5 records and the information and we have been able to
6 supply all the information we had from when the original
7 disclosures were made.

8 Q. When were these approaches made about the cases that
9 they appear to be interested in now that they weren't
10 perhaps apparently keen to --

11 A. Post-Savile, so 2012.

12 Q. If we take an example, there will be cases or examples
13 of where Barnardo's took a decision on becoming aware of
14 an allegation -- and would this be prior to 1999 in some
15 cases?

16 A. Well prior to 1999 we didn't have a formal policy, so as
17 I said earlier we recorded the disclosure on the records
18 but we had no formal procedure for reporting that
19 disclosure.

20 Q. Can I take it in stages? If we look at the pre-1999
21 period and deal with historical allegations, as you have
22 explained them to be, if someone came forward either
23 from seeing their file between 1995 when the policy of
24 access was introduced, between that period and 1999, and
25 came forward on seeing it and said that things had

1 happened to them, are you saying that there would be
2 some internal investigation first?

3 A. Yes.

4 Q. And that in some cases the matter would be reported to
5 the police?

6 A. Yes.

7 Q. And in others not?

8 A. In some cases it would have been, particularly where
9 there was concern that the perpetrator was still alive
10 and still had access to children today or on the express
11 wish of the victim to make that referral to the police.

12 For many people they are content with making the
13 disclosure to us, to be listened to, to have their
14 experiences validated and they don't wish to pursue it,
15 they don't wish to make a formal statement to the
16 police.

17 LADY SMITH: How could either they or you carry out
18 an appropriate risk assessment in relation to the
19 individual? Doesn't that have to be left to the police
20 with their much wider knowledge base?

21 A. If we didn't know if the perpetrator was dead or not,
22 yes, we would --

23 LADY SMITH: I was not just thinking of that. You seem to
24 indicate that if the victim didn't want it reported, it
25 wouldn't be reported, but there remains the possibility

1 that the person that has been named is a current and
2 real risk.

3 A. Yes. That was the policy prior to 1999, yes, that we
4 were routinely reporting to police.

5 LADY SMITH: You weren't?

6 A. After 1999 things were routinely reported to the police.

7 MR PEOPLES: You were routinely reporting although one
8 consideration in whether to report might be whether you
9 assessed there might be a current risk?

10 A. Yes, so we would have reported it --

11 Q. Although you didn't have a blanket policy, we will
12 report everything, and let the police decide --

13 A. That was after 1999.

14 Q. That's only after 1999? So there would be cases you
15 become aware of, historical allegations, which would be
16 the subject of some form of internal investigation to
17 look at the knowledge or records and the information
18 available to Barnardo's and in some of these cases the
19 matter would be reported to the police prior to 1999, in
20 other cases, but not simply those where the informant
21 said, I don't want the police involved, but in other
22 cases a decision would be made by Barnardo's, we will
23 not report this matter. It was not always because the
24 informant said, I don't want this to become a police
25 matter?

1 A. It was based on whether there was a criminal offence.
2 So where the abuse disclosed was emotional or physical
3 then that would influence the decision made. Clearly if
4 the --

5 LADY SMITH: I'm sorry, Mrs Clarke, how could you assess
6 whether a crime had been committed?

7 A. Because physical abuse wasn't a criminal offence.

8 LADY SMITH: It would depend what it was; it could have been
9 an assault.

10 MR PEOPLES: If it was an assault, surely -- if it is
11 physical and involved contact, it was beyond what was
12 permissible in terms of the law.

13 A. I think that is the criteria: beyond what was
14 permissible by the law --

15 Q. Who made that judgement?

16 A. For example a disclosure of physical abuse where a child
17 had been smacked on the bottom with a slipper, that
18 wouldn't be something -- whilst we would categorise it
19 as physical abuse, that wouldn't be something we would
20 report to the police for investigation.

21 Q. But Barnardo's was making these judgements for
22 themselves in the first instance prior to 1999?

23 A. Prior to 1999.

24 Q. It was only after 1999 there was an inflexible policy of
25 saying that, if we get an allegation we will pass it on

1 to the police and they can decide and they can determine
2 whether there's a basis for a prosecution, whether the
3 alleged abuser is deceased or not, whether there is
4 a current risk or not?

5 A. Yes.

6 Q. But prior to that stage you were not leaving it to the
7 police to determine the appropriate action to take --

8 A. No, not in the first instance --

9 Q. -- including whether there was a crime committed or a
10 crime being committed and sufficient evidence to report
11 it to the prosecution?

12 A. No. Barnardo's senior officer made that decision, yes.

13 Q. What criteria was this senior officer adopting to make
14 these judgements? Was there some sort of guidance about
15 it?

16 A. There is a historic abuse form in a grid and that
17 assessment would be made based on some of the criteria
18 I have shared: the length of time the abuse happened,
19 whether --

20 Q. What did that matter though because if we are dealing
21 with --

22 A. Because the police wouldn't investigate it if it was
23 from --

24 Q. Maybe I will just explore that briefly before we -- I'm
25 conscious of the time and the stenographer is probably

1 needing a rest, but I think we know -- I am sure it is
2 the same in England, there isn't a limitation in terms
3 of Common Law crimes and whenever they happened, if
4 there is a basis for prosecution, they may be prosecuted
5 and depending on the prosecutor's attitude to the whole
6 circumstances.

7 Are you saying that Barnardo's took a view that if
8 the matter was sufficiently far back in time, even if it
9 may be on the face of it a criminal offence which should
10 at least be reported, because of the time when it
11 occurred it would not be passed on because they had
12 already been told if it is that old the police are not
13 interested?

14 A. It was based on our experience of dealing with different
15 police forces up and --

16 Q. The Scottish police forces --

17 A. -- both in England and Wales and Scotland. Our
18 experience of dealing with police forces is they would
19 not investigate something that was more than 50 years
20 old.

21 Q. Would that extend not merely to what you have termed
22 physical abuse but if the matter concerned alleged
23 sexual abuse, if it was far back in time, are you saying
24 the police were saying we don't want to know?

25 A. If the perpetrator was known to be deceased.

1 Q. Well, is that the only circumstance where you were told,
2 we don't want to know if they are dead because we can't
3 prosecute?

4 A. We would pass that information on and then it would be
5 up to the police to make the judgement. But our
6 experience was that in very few cases the police took
7 that forward and investigated it.

8 Q. Based on your internal assessments are you saying that
9 prior to 1999, in the case of historical allegations of
10 sexual abuse, in all of these types of cases the matter
11 would be passed onto the police for them to determine?

12 A. For sexual abuse, yes, and where we didn't know whether
13 the perpetrator was still alive --

14 Q. If you had reason to believe that --

15 A. -- or children were potentially at risk today or at the
16 time.

17 Q. How would you determine that?

18 A. Because the allegation was sufficiently recent enough to
19 determine how old the perpetrator was. If we had been
20 able to source the staff records and determine how old
21 the perpetrator would be at the point that the
22 disclosure was made, we would pass that information on.

23 LADY SMITH: Mr Peoples it is 20 past. I think we should
24 have a 5-minute break now for the sake of the
25 stenographers.

1 If we can just keep it to 5 minutes.

2 (3.21 pm)

3 (A short break)

4 (3.30 pm)

5 MR PEOPLES: My Lady.

6 Mrs Clarke, can I perhaps deal just very briefly and
7 finally with -- in your evidence yesterday when you
8 started you said one of your roles is to be involved as
9 the lead in various Inquiries in the United Kingdom in
10 relation to child abuse, including I think you have had
11 an involvement with the Northern Ireland Inquiry which
12 has now concluded and reported.

13 A. Yes.

14 Q. You said in fact this afternoon you were going to
15 shortly give evidence to the English Inquiry, the Jay
16 Inquiry, in the next couple of weeks or so; is that
17 correct?

18 A. That is correct.

19 Q. I'm not concerned with detail here, I just want to ask
20 you a very broad question. I'm conscious that we have
21 discovered that Barnardo's clearly is an organisation
22 that operates throughout the UK and indeed it didn't
23 have a separation of responsibility in the sense that we
24 can divide it into two distinct organisations,
25 Barnardo's England and Wales and Barnardo's in Scotland.

1 I think you have told us that so far as possible -- and
2 I think this might have been the situation almost to the
3 present time -- that the Barnardo's approach is to
4 really have a common set of policies and procedures and
5 practices over time --

6 A. Yes.

7 Q. -- which stem largely from the headquarters in London
8 and, in more recent times, was perhaps dealt with to
9 some extent on a regional basis; is that correct?

10 A. Yes, that is correct, and Martin would be able to tell
11 you more about that.

12 Q. It would be a fair assumption, I suppose, that the many
13 establishments that Barnardo's have run over the years
14 in England and Wales, as well as in Scotland, would be
15 run in accordance with the same organisational policies
16 and practices; is that correct?

17 A. That is correct, yes.

18 Q. Am I right in thinking that apart from the 44 known
19 allegations that have been made in the context of
20 Scottish establishments or foster care services that
21 Barnardo's has been involved in that there have been
22 a considerable -- I don't want precise numbers
23 necessarily -- number of allegations from former
24 residents of Barnardo's establishments in England and
25 Wales about abuse of various kinds?

1 A. I don't know whether "considerable" would be the word
2 that I would use but, yes, within our database we have
3 allegations from homes in England and Northern Ireland.

4 Q. Maybe I can take it a different way because clearly
5 "considerable" depends on context and how you measure
6 that. Can you give us a feel for numbers? Are we
7 talking about hundreds or thousands?

8 A. No, no, no. Less than 200 I would say.

9 Q. But am I right in thinking that arising out of these
10 allegations there have been a considerable number of
11 police investigations by various forces south of the
12 border?

13 A. Yes.

14 Q. Are some of these ongoing?

15 A. We haven't got any police investigations ongoing that
16 involve more than one victim. What we have seen
17 particularly during the last 18 months, is --
18 particularly from referrals through Operation Hydrant,
19 which was set up in the wake of Savile, as you might be
20 aware.

21 We are receiving far more enquiries from the police
22 asking for clarification of whether a particular child
23 used a service rather than allegations about any of
24 Barnardo's former staff. For example, we have had --
25 particularly in relation to family abuse. So we have

1 had quite a few referrals just asking us to clarify
2 whether a person received a counselling service from one
3 of the Barnardo's services.

4 We haven't got any ongoing police investigations
5 currently.

6 LADY SMITH: You mentioned Northern Ireland and England;
7 what about Australia?

8 A. We haven't got any police investigations there.

9 LADY SMITH: You don't?

10 A. No.

11 LADY SMITH: Thank you.

12 MR PEOPLES: You have given an approximate figure for
13 allegations that concern establishments that were run by
14 Barnardo's in England and Wales --

15 A. Establishments and foster care and adoptive parents.

16 MR PEOPLES: I think that's all the questions I have of you
17 Mrs Clarke. I'm very grateful for you coming and
18 I realise it has been a very long two days but thank you
19 very much indeed.

20 A. May I make a statement, please, my Lady?

21 LADY SMITH: Certainly.

22 A. I would like to say that it is a matter of deep regret
23 to Barnardo's that children were abused whilst in our
24 care. To those children, we apologise for failing to
25 protect you and we would like to say that we are truly

1 sorry for the harm that has been caused. Thank you.

2 LADY SMITH: Thank you for that, Mrs Clarke, and for the
3 hard work that you have already put into the responses
4 we have asked for and for your preparedness to carry on
5 with that homework; we will need you to do so.

6 Thank you. I can let you go now.

7 A. Thank you.

8 (The witness withdrew)

9 LADY SMITH: Mr Peoples.

10 MR PEOPLES: My Lady the next witness is also from
11 Barnardo's and it is Martin Crewe.

12 LADY SMITH: Thank you.

13 MR MARTIN CREWE (affirmed)

14 Questions from MR PEOPLES

15 LADY SMITH: Thank you. Do sit down and make yourself
16 comfortable.

17 Mr Peoples.

18 MR PEOPLES: My Lady.

19 Good afternoon, Mr Crewe. You are Martin Crewe and
20 I think you are currently a director of Barnardo's
21 Scotland; is that correct?

22 A. That is correct.

23 Q. I think the figures relate to Barnardo's Scotland, but
24 you can no doubt correct me if I am wrong, but the
25 organisation works with approximately 26,500 children,

1 young people and families across the country; is that
2 across Scotland?

3 A. That is Scotland yes.

4 Q. I think as well as being a director of Barnardo's
5 Scotland, you are also a corporate director with
6 responsibilities for Barnardo's operations across the
7 UK; is that correct?

8 A. That is correct.

9 Q. As I understand it you are currently a member of the
10 Scottish Government's national implementation support
11 group coordinating the implementation of what's known as
12 GIRFEC, Getting It Right For Every Child; is that
13 correct?

14 A. That's true.

15 Q. Your background is that you initially trained, I think,
16 as a scientist and have a PhD in geochemistry.

17 A. Yes.

18 Q. And that you also have a MBA and an MSc in social
19 services management; is that correct?

20 A. Yes.

21 Q. You have worked in a variety of settings, including
22 working for a trade union, the National Health Service,
23 and large and small charities; is that correct?

24 A. Yes.

25 Q. With that introduction, can I ask you to look at

1 a report that was prepared at the request of the
2 Inquiry, which we have already had a look at, so you can
3 take it from me. It is -- if I could ask you to look at
4 BAR.001.001.0001, which is --

5 A. Sorry, is it coming up on the screen?

6 LADY SMITH: It will be there in a moment, Mr Crewe.

7 I hope.

8 MR PEOPLES: Sorry, I think I have given you the wrong page.

9 Can we try BAR.001.001.0003. It is rather late in the
10 day. I think that ought to come up. I'm sorry about
11 that.

12 That's part A of a response that was asked for and
13 there is also part B. You will know we are concerned
14 only with parts A and B at this stage and we have
15 already heard from your colleague, Mrs Clarke, who has
16 spoken to quite a large amount of part A and part B also
17 but she felt if there were any Scottish matters she was
18 not able to comment on, that you would be the person to
19 ask and you would have more knowledge of the present
20 situation in Scotland. Is that broadly speaking the
21 situation?

22 A. Yes, that is correct.

23 Q. We have been told that Barnardo's no longer provides
24 what were described as traditional residential
25 children's services in Scotland of the kind that are

1 exemplified by the seven establishments we asked for
2 information about.

3 I'm not going to repeat the history of it because
4 Mrs Clarke has gone through it fairly comprehensively.
5 What we were told -- and maybe we can turn to page
6 BAR.001.001.0001 of part A. Perhaps you can confirm
7 that as of now in 2017, about halfway down:

8 "Barnardo's Scotland continues to provide specialist
9 residential care to a small number of children."

10 A. Yes.

11 Q. That's the current situation. I think we have
12 discovered that there were three establishments in
13 Scotland, so I do not think I need trouble you with
14 going over that at this stage in the proceedings.

15 If we could turn to page BAR.001.001.0027, which
16 concerns the current work of Barnardo's.

17 The statement there is given that:

18 "In 2017, the work of Barnardo's is still based upon
19 our founder's vision that no child should be turned away
20 from the help that they need. However our focus is now
21 upon community-based services addressing various aspects
22 of disadvantage for children and young people [from
23 birth] to 25. These include helping children break free
24 from sexual exploitation, supporting young people
25 leaving care, helping young people into employment, and

1 helping children living in poverty."

2 Would that be a fair summary of the involvement in
3 relation to children?

4 A. Yes.

5 Q. We have heard from Mrs Clarke. Perhaps, just so I'm
6 clear, she explained the history and the effect of
7 a major review in the 1960s and how, in terms of
8 residential care, the focus went from the conventional
9 residential care of children's homes to specialist care
10 for children with particular needs.

11 A. Yes.

12 Q. Was that reflected in Scotland, that that changed, as
13 far as you were concerned?

14 A. Yes it was.

15 Q. Now, if I could ask you to move to another page in
16 part A, at BAR.001.001.0032.

17 Just towards the foot -- I think in fact -- I will
18 just take you to this just while we have it in front --
19 at the foot of the page I think it shows the current
20 three residential establishments: one in Aberdeen, one
21 in Inverness, and the third in Glasgow.

22 A. Yes, that is correct.

23 Q. I think that there is a description:

24 "Linksfield provides residential placement for six
25 children aged between the age of 8 and 12 who display

1 challenging behaviour and offers educational and family
2 support."

3 I think that echoes the modern type of provision in
4 the area of residential child care so far as Barnardo's
5 is concerned.

6 A. Yes.

7 Q. "Northern Lights provides five residential placements to
8 young people who have been in out-of-area placements."

9 I was asking Mrs Clarke what out-of-area placements
10 were; can you help me with that?

11 A. It is when a particular local authority has a child who
12 is accommodated but it is not within their local
13 authority area. So it would be -- in this instance it
14 is outwith Highland.

15 Q. It is catering for children with special needs who come
16 from outwith the Highland area?

17 A. Yes, who are already in a residential establishment.

18 Q. Then Onslow Drive is said to:

19 "... provide supported residential accommodation for
20 three young people leaving care who have high levels of
21 need."

22 Are they young people under 18 or is there a
23 particular age that --

24 A. It is usually 16 to 19, yes.

25 Q. "Supported residential accommodation" does that mean

1 that it is their accommodation and they receive support
2 or it is residential accommodation provided by
3 Barnardo's which is like a small residential
4 establishment?

5 A. Yes, the latter. It is a small residential
6 establishment.

7 Q. I think you also have one residential establishment
8 providing short breaks. You will appreciate we are not
9 concerned because of the terms of reference with that
10 type of setting.

11 A. Yes.

12 Q. Can I take you again to another part of part A which
13 I think is probably part of the area you would be
14 speaking to.

15 If we could go to BAR.001.001.0044, if I may. This
16 part of the response is concerned to the present
17 position as regards the qualifications of residence
18 staff. I will just read what it says:

19 "In 2017, all of our residential staff are expected
20 to have at least a relevant SVQ level 3 and an HNC. Due
21 to local recruitment challenges we have sometimes had to
22 recruit less qualified staff on the basis that they are
23 'willing to work towards' these qualifications and we
24 provide support for them to do this. The charity has
25 two different pay scales, one for less qualified staff

1 who have lower level qualifications, and one for more
2 highly qualified staff who have a relevant degree in
3 teaching, social work, or something similar."

4 A. Yes, that is correct.

5 Q. So is the aim, so far as possible, to have staff with at
6 least the relevant SVQ or HNC qualification working in
7 these specialist establishments?

8 A. Yes. The requirement from the Scottish Social Services
9 Council has gradually increased in terms of the
10 qualifications for staff, including residential staff,
11 and we have tried to match that. But obviously as the
12 requirements have increased we have sometimes had to
13 retrain our existing staff and also attract new staff
14 with appropriate qualifications.

15 LADY SMITH: Where is the statement of these Scottish Social
16 Services Council requirements to be found?

17 A. I believe it would be on their website.

18 LADY SMITH: It has not made its way into secondary
19 legislation regulations of any sort, has it?

20 A. No what tends to happen is that the SSSC gives guidance
21 as to the direction of travel and then there is
22 a certain date by which all staff have to have
23 a particular qualification.

24 LADY SMITH: Thanks.

25 MR PEOPLES: Yes, because I think -- you may be familiar

1 with this -- that, as long ago as 1992, Angus Skinner
2 produced a report raising issues about the lack of
3 training and qualifications for people in the social
4 care sector, including residential care workers and
5 was -- in an attempt, I think, to perhaps bring about
6 a change and obtain a fully qualified workforce in that
7 area. That was the broad aim of his report.

8 A. Yes, and we are progressing towards that.

9 Q. But I think one of the things he has expressed concerns
10 about, perhaps in more recent times, is that the
11 movement towards that goal has been slow in terms of
12 progress; would that be fair comment? Is that what your
13 understanding is?

14 A. I think it has been fairly slow.

15 Q. Indeed, even now, and perhaps what you have just said
16 demonstrates that one can work in a residential care
17 home, including one where there are specialist
18 requirements for staff without the desired
19 qualifications, and you are given time to acquire them;
20 is that correct?

21 A. That is correct yes.

22 Q. So that the SSSC, although they might have power to do
23 so, have not so far prescribed a requirement to have the
24 qualifications before you take up employment in those
25 settings; is that the situation?

1 A. That is correct and it is a practical balance between
2 needing to recruit staff, where traditionally in
3 residential care the salaries are not terribly high, and
4 trying to get those people qualified and provide a more
5 professional service.

6 Q. I think Mrs Clarke told us that, certainly so far as the
7 past was concerned, there were times in its history that
8 Barnardo's had difficulty (a) recruiting staff in this
9 area and (b) retaining them, partly due to competition
10 from the public sector but partly because of the perhaps
11 the terms and conditions of employment and the staff
12 were not necessarily tempted by them to stay for very
13 long; is that still a problem?

14 A. It is. It comes and goes but it is a tough job and
15 sometimes the salaries are comparable to something that
16 somebody might earn in a supermarket. It is sometimes
17 difficult to recruit appropriate staff in each of the
18 settings.

19 Q. I don't know whether you are able to give us
20 an impression, but Mrs Clarke said that in the past
21 obviously there were some aspects of residential care
22 work, including living on the premises, that might not
23 have suited everyone if they were working for, say,
24 an organisation like Barnardo's, which might not apply
25 if they were working in the -- in a local authority

1 establishment. That was one thing that might have
2 caused them to move away.

3 But are there other considerations that -- I think
4 she said that those who stayed, including herself,
5 I think, treated it as a vacation.

6 A. Yes.

7 Q. Have you any sense whether people still see it in those
8 terms?

9 A. I think some of our staff do see it as a vocation.

10 I think the main difference compared to a local
11 authority staff is not so much that the sort of physical
12 terms and conditions; it is more about the pay and that
13 voluntary sector pay sometimes lags behind and is less
14 beneficial in terms of things like pension schemes.

15 Q. So therefore if there are public sector jobs in this
16 field that are being advertised, they may well attract
17 people who would be working for Barnardo's or similar
18 organisations?

19 A. There is a fair movement between the two, what we try
20 and do is offer as much as possible in terms of training
21 and development and other opportunities to sometimes
22 offset the salary gap.

23 Q. I think the other point you said is in some ways people
24 who get training in residential care sometimes had to
25 move to other jobs, either within the organisation or

1 elsewhere, to get better remuneration and perhaps better
2 working conditions.

3 A. Yes. I mean traditionally residential care has been
4 a non-graduate job, so it has not had the same status of
5 field social work.

6 LADY SMITH: Mr Crewe, you have confirmed there are four
7 places in Scotland where Barnardo's continue to provide
8 residential care for a small number of children and
9 young people.

10 A. Yes.

11 LADY SMITH: How many employees do you have?

12 A. In those establishments?

13 LADY SMITH: Yes.

14 A. It would average about a pool of probably around 20 to
15 25 people per establishment.

16 LADY SMITH: So 20 to 25 to cover a 24/7 appropriate
17 presence in a place?

18 A. Yes.

19 LADY SMITH: But even at those numbers, which isn't high in
20 looking for a workforce, you say you still have
21 difficulties in recruiting?

22 A. It tends to be periodic, but one of our establishments
23 is in Aberdeen and when Aberdeen was particularly
24 booming, there was a lot of competition for employment.

25 LADY SMITH: I see. Thank you.

1 MR PEOPLES: Do you still experience, as I think was said
2 about the past, a relatively high turnover of staff even
3 today or has that changed?

4 A. I do not think we would say it is a high turnover. Some
5 of our staff will stay with us for ten-plus years and
6 others will be with us for just two or three years.

7 Q. Apart from staff qualifications, we have heard a bit
8 about the governing body and I think you are now part of
9 the governing body, if I can put it that way.

10 A. Yes.

11 Q. If you could go to page BAR.001.001.0048, if you could.
12 I can take this relatively briefly, I hope.

13 We see, if we scroll down, that what's now the board
14 of trustees, which is the governing body as such, that
15 it receives training sessions and induction and
16 a tailored induction and that they carry out visits to
17 services on a regular basis and so forth and that they
18 contain a range of skills and experience including
19 experience in the social care sector. Is that a fair
20 summary of how things operate?

21 A. Yes, our board of trustees in the UK are very involved
22 and, as Sarah may have mentioned, we have a historical
23 abuse committee which is currently chaired by the chair
24 of the trustees.

25 Q. So far as your own position as a director, both in

1 Scotland and a corporate director, would you go through
2 the same processes in terms of the degree of training
3 and would you also have visits to the individual
4 services as part of your responsibilities or not?

5 A. All staff and volunteers have a mandatory online
6 induction when they first start and there's updated
7 safeguarded training, but because I'm not a frontline
8 worker, my training is relatively limited.

9 Q. But anyone who is a frontline worker will have to
10 undergo training and induction --

11 A. Yes.

12 Q. -- and have qualifications or work towards them?

13 A. Yes, and refresher training at frequent intervals as
14 well.

15 Q. If I could ask you also to move on now to page
16 BAR.001.001.0054 in part A. Do we see if we look at the
17 third paragraph on that page that it is said that:

18 "Another major shift in culture [this is looking at
19 changes over time] was placing the child as
20 an individual at the heart of service provision. The
21 high number of children cared for in Barnardo's
22 residential homes did not afford the luxury of
23 individual time."

24 There is some reference to the closure programme
25 that Mrs Clarke spoke about. There is also reference to

1 an increase in professionally trained staff. You have
2 mentioned that in the evidence you have given already.

3 Does that -- that's a reflection, I think, of
4 a general trend of both reflecting the UN Convention on
5 the Rights of the Child and indeed the Children
6 (Scotland) Act. Is that to some extent now embedded in
7 the Barnardo's practices?

8 A. Yes.

9 Q. So far as the present day is concerned, can I take you
10 now to BAR.001.001.0055, halfway down. I think this is
11 a part you may have some knowledge of and it is dealing
12 with -- there is a certain continuity of culture based
13 on the founding principles of Dr Barnardo, but then
14 there is also reference that:

15 "Across Barnardo's there is a wide acceptance of the
16 basis and value statement which was developed in the
17 early 1990s."

18 I will just read that if I may:

19 "Our basis. Firstly, Barnardo's derives its
20 inspiration and values from the Christian faith. These
21 values, enriched and shared by many people of other
22 faiths and no religious faith, provide the basis of our
23 work with children and young people, their families and
24 communities. We work in a multicultural society and are
25 proud of our roots. We value the contributions of

1 everyone who works or volunteers for Barnardo's, whether
2 directly with children, young people and their families,
3 or in areas such as fundraising, retail, administration
4 and support services."

5 In terms of values, if we turn to
6 page BAR.001.001.0056 do we see that the first stated
7 value is that:

8 "Respecting the unique worth of every person. We
9 believe that every person is different but equal and
10 that everyone's unique talent should be recognised and
11 encouraged."

12 The second stated value is:

13 "Encouraging people to fulfil their potential. We
14 all need encouragement at some time in life. Barnardo's
15 aims to create opportunities for people to make the most
16 of their abilities."

17 Their third stated value is:

18 "Working with hope. Our hope for a better future
19 for all children is the source of much of our
20 inspiration."

21 The fourth stated value is:

22 "Exercising responsible stewardship. The commitment
23 of our staff and volunteers to make the best use of all
24 our resources enables us to help children and young
25 people and their families across the UK."

1 Does that represent the current statement of ethos
2 and values?

3 A. The basis of values are still very current for our staff
4 and we use it as part of our recruitment for every
5 member of staff to the organisation. I think the
6 introduction of the basis of values was a conscious move
7 from a religious organisation to a more secular one and
8 it has been a sort of evolving picture, until around ten
9 years ago there was a stipulation that our chief
10 executive had to be a practising Christian. That has
11 since been relaxed and we now have a Muslim chief
12 executive.

13 Q. So there was a necessity to make certain changes to
14 reflect the more multicultural society and the more
15 secular society that perhaps we live in in modern times
16 in Scotland and the UK as a whole; is that partly the
17 driving force behind this?

18 A. Yes.

19 Q. But still trying to capture some of Dr Barnardo's core
20 principles?

21 A. Yes, and actually seeing diversity as a positive thing
22 which we wish to embrace.

23 Q. In moving further down BAR.001.001.0056, if I may. The
24 question was really asked:

25 "To what extent, if any, current practices policies

1 and procedures have been influenced by abuse or alleged
2 abuse of children?"

3 The response was:

4 "It is not evident that there has been any change in
5 culture, policies procedures and/or practices in
6 Barnardo's as a result of abuse/alleged abuse.
7 Barnardo's takes child protection very seriously and
8 over the years has enhanced safeguarding by implementing
9 a range of measures including vigorous staff checks,
10 ongoing training, a complaints system, and independent
11 visits and inspection. Barnardo's remains vigilant and
12 continues to review and improve upon procedures."

13 Then there is given, I think, on this page and the
14 following -- and I will just take you through that
15 briefly if I may -- examples of this in action. I think
16 there is an attempt to explain the current processes:

17 "All child care staff go through stringent
18 interviews to show they are suitable and professionally
19 skilled for the job.

20 "Application forms are rigorously checked for
21 unexplained gaps and references are followed up.

22 "All staff and volunteers who will have direct
23 access to children [and if I go to the next page]
24 undergo police checks and are checked against Department
25 of Health and Education and Employment consultative

1 lists."

2 Is that a list of people that are not suitable to
3 work with children or vulnerable people?

4 A. Yes.

5 Q. Then another is:

6 "All new staff and volunteers undergo safeguarding
7 training as part of their induction. Staff who work
8 directly with children undertake additional safeguarding
9 training appropriate to their role and responsibilities
10 and they are rigorously supervised. They also receive
11 a code of conduct and a professional boundaries policy."

12 I think that is to address what may have been
13 a difficulty both in the past and currently because of
14 the climate we live in, to what extent the staff can
15 exhibit affection and warmth and things of that nature.
16 Is that to try and give them some boundaries and
17 guidance?

18 A. Yes. I'm perfectly happy to share it with the Inquiry
19 if that's helpful; we have a very comprehensive
20 safeguarding policy and procedure which is updated
21 annually and this gives detailed information about how
22 we respond to safeguarding concerns and allegations, but
23 it is also crucially how we deal with emerging issues
24 like child sexual exploitation and the government's
25 anti-radicalisation/prevent agenda. So we try and have

1 in one document all of the aspects around safeguarding.

2 I think the other sort of key development is that we
3 have separated out the historic abuse reporting so that
4 we give that appropriate weighting as opposed to
5 existing safeguarding concerns. So we actually have
6 a separate historical abuse policy which is updated
7 every three years.

8 Q. These are all in one document, apart from the historic
9 policies?

10 A. Yes.

11 Q. I don't need them today. If we haven't received them,
12 would it be possible to provide both documents to the
13 Inquiry to see what are the current policies in both of
14 these areas?

15 A. We would be happy to.

16 Q. I'm grateful. Then the next matter that you refer to
17 is:

18 "We have a robust complaints procedure..."

19 I did ask Mrs Clarke about the complaints system in
20 the past:

21 "... and a whistle-blowing policy..."

22 I take it that will be in this document, the current
23 procedures?

24 A. We can provide any relevant procedures that the Inquiry
25 would like. We have a separate whistle-blowing policy

1 because it covers everything within the organisation.

2 LADY SMITH: That would be part of your employment policies,
3 I take it?

4 MR PEOPLES: I think we would like to see your complaints
5 procedure and whistle-blowing policy if they are not
6 included in the other documents you have mentioned; if
7 I could just raise that with you.

8 Then you say:

9 "Ongoing training materials are produced so that
10 people know where to go for help and sound the alarm at
11 the first available opportunity."

12 Is that to give practical expression to the
13 whistle-blowing policy and to show it is intended to be
14 used, rather than simply paying lip-service to the
15 concept?

16 A. Yes. Any whistle-blowing goes direct to our internal
17 audit department rather than through line management.

18 Q. Is the rationale so that people don't feel under
19 pressure, or they might worry about victimisation or how
20 it would affect their career?

21 A. Yes.

22 Q. Is there any independent input into whistle-blowing
23 matters?

24 A. There can be if it is appropriate, but it is
25 specifically separated from line management. So that

1 the independent corporate audit and inspection unit
2 monitors that and keeps stats of any whistle-blowing
3 concerns that have been raised.

4 Q. I think it mentions:

5 "Independent people are appointed for children and
6 young people making complaints."

7 When you say independent people, who are we talking
8 about here if a child wishes to raise a complaint? Who
9 would be the sort of person that would be appointed?

10 A. It would depend on the circumstances. We have a three
11 stage complaints procedure. In the initial stage we
12 would try and resolve it by directly talking to the
13 young person or their parents and if that's not
14 possible, then we can arrange for an independent person
15 to support them to take it further within Barnardo's
16 procedures.

17 Q. I think the next point is about all residential units.
18 They have to be registered services these days and are
19 inspected. I think they are inspected in Scotland by
20 the Care Inspectorate?

21 A. That is correct.

22 Q. If I'm right, and the workforce is regulated by the
23 Scottish Social Services Council?

24 A. Yes.

25 Q. Is that in broad terms the division of responsibility

- 1 and indeed inspections can be carried out on
2 an unannounced basis these days?
- 3 A. And they are.
- 4 Q. Do the hierarchy or the management within Barnardo's
5 carry out unannounced visits to establishments as
6 a matter of practice?
- 7 A. Until 2012 we used to have an appointed visitors scheme
8 which would involve volunteers. But we found there was
9 such a degree of overlap between their work and that of
10 the Care Inspectorate that it was not adding any
11 significant value to our operation. So we didn't
12 continue with that.
- 13 Q. I will just give you the page references, I don't need
14 to take you to it, it was BAR.001.001.0067 of the
15 report. So really it was performing the sort of
16 function that is now performed by the Care Inspectorate
17 that was established in 2011?
- 18 A. Yes.
- 19 Q. Perhaps the other question was, do senior individuals,
20 including people like yourself, and the board of
21 trustees pay visits unannounced to particular
22 establishments to see for themselves what's happening?
- 23 A. The trustees can, but in practice it is rare.
- 24 Q. Right. It says:
25 "Barnardo's has its own procedures which are in line

1 with the latest government guidance and good practice in
2 child protection."

3 When you talk about government guidance, I'm
4 conscious that this is a UK organisation. So perhaps at
5 some point you could elaborate on the guidance that you
6 applied because we have heard that, in the past, the
7 Home Office circulars were used both in England and in
8 Scotland to inform the Barnardo Book and policies.
9 Would you be able to do that?

10 A. Yes. I think it is fair to say that up until around the
11 1960s Barnardo's was very much run from London, with
12 a standardisation of procedures wherever possible.

13 Where we are now is that we work very much within
14 the local procedures and so our UK procedures, you will
15 find there's always references to differences across the
16 four nations of the UK and what is common and what is
17 different. So any procedures we follow in Scotland are
18 those that are issued here.

19 Q. So it would be Scottish Government guidance or guidance
20 from that source?

21 A. Yes, because virtually everything that's relevant to
22 Barnardo's operations is a devolved responsibility to
23 Scotland.

24 Q. So the days of looking at the Home Office no longer
25 apply?

1 A. Yes.

2 Q. Then you record that:

3 "Barnardo's has a process of service quality audits
4 which are carried out in services annually. These
5 involve standards about safeguarding practices."

6 Is that the internal audit controlling quality
7 assurance processes apart from the Care Inspectorate?

8 A. Yes. Our own internal audit and inspection department
9 does both announced and unannounced visits.

10 Q. Is that done annually?

11 A. Not annually for every establishment, but they have
12 a programme whereby each establishment is inspected over
13 a cycle, which is usually around three years.

14 Q. So it is a rolling programme that will catch the various
15 establishments?

16 A. Yes.

17 Q. Then you say there is a:

18 "Formal child protection investigative procedure" in
19 place and as part of that procedure, "Barnardo's [now]
20 refers all allegations of child abuse by staff to the
21 police and social services for investigation."

22 A. Yes.

23 Q. So what we have called the relevant agencies are
24 involved as a matter of course?

25 A. Yes.

1 Q. There are no judgments made internally?

2 A. There is no judgment and if there is any serious
3 allegation, the member of staff is suspended without
4 making a assumption of guilt, but obviously we have to
5 act with appropriate caution.

6 Q. It says:

7 "Barnardo's is committed to ensuring that its
8 current policies and procedures are strictly adhered to
9 and that the organisation listens to children so that
10 they are protected."

11 Is that a reflection now of the children's rights
12 approach and children should be listened to and
13 participate in decisions affecting their welfare and
14 development?

15 A. Yes. We try and take a children's rights approach
16 across our services.

17 Q. If I may, if you bear with me. The only other matter,
18 if I could deal with it briefly, just to finish the
19 witness off -- I'm conscious of time but it will only
20 take a short period of time?

21 LADY SMITH: How short?

22 MR PEOPLES: A couple of minutes.

23 LADY SMITH: Very well, carry on.

24 MR PEOPLES: If I can make reference to it. I don't want to
25 detain you on this matter because we can read it for

1 ourselves. But if I could at least introduce the
2 subject at BAR.001.001.0280, which is to do with changes
3 to policies, procedures and practices.

4 I think it sets out, as you have told us, if we
5 could get that up, towards the foot of that, about the
6 support today and the historic abuse policy that was
7 introduced in 1999 and also the Making Connections
8 service. I think Mrs Clarke told us about how that
9 operates. There has always been an after care service
10 but access to records was given automatically in 1995
11 I think.

12 A. Yes.

13 Q. If we go over the page to BAR.001.001.0281. I think we
14 have discussed the principles with Mrs Clarke that are
15 applied to historic allegations, that were agreed upon.
16 And support, touching on that, just finally, at the foot
17 of page BAR.001.001.0281, the statement is made:

18 "Support is provided to the former service users for
19 as long as they wish it."

20 Is that a commitment that Barnardo's makes for those
21 that were in its care?

22 A. Yes. I mean it is a fundamental of how
23 Making Connections has operated and it is a UK service,
24 but we have put a great deal of time and effort into
25 making sure it is as supportive as possible.

1 Q. I think we can perhaps read for ourselves the rest of
2 the measures that you have set out there about the forms
3 of support that Barnardo's has in place and provides
4 currently. I think you deal with it in that part.

5 I think these are all the questions that I would
6 have of you, Mr Crewe. Thank you for your patience
7 because I'm conscious that you have waited longer than
8 perhaps you had anticipated, but thank you very much.

9 LADY SMITH: There's nothing else now Mr Crewe, we can let
10 you go, and can I also extend my thanks to you for
11 waiting today. Thank you.

12 We will rise there for today and sit again at
13 10 o'clock tomorrow to move onto the Aberlour witness.
14 Very well. Thank you.

15 (4.20 pm)

16 (The Inquiry adjourned until 10.00 am on Friday,
17 30th June 2017)

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