

1 Friday, 30th June 2017

2 (10.00 am)

3 LADY SMITH: Good morning.

4 Mr Peoples, are we ready to go?

5 MR PEOPLES: Good morning, my Lady.

6 The next witness is SallyAnn Kelly, who is the
7 chief executive officer of Aberlour -- I think it is
8 technically the Aberlour Child Care Trust, but I will no
9 doubt clarify that with the witness in due course.

10 LADY SMITH: Thank you very much.

11 MS SALLYANN KELLY (sworn)

12 Questions from MR PEOPLES

13 LADY SMITH: Do sit down and make yourself comfortable.

14 Mr Peoples.

15 MR PEOPLES: My Lady.

16 Good morning.

17 A. Good morning.

18 Q. If I could start just with some general information
19 about your own current employment status. I think you
20 are currently chief executive officer and your full name
21 is SallyAnn Kelly; is that right?

22 A. That is right.

23 Q. You are currently chief executive officer of -- I will
24 call it "Aberlour" today, but I think the full name is
25 the Aberlour Child Care Trust; is that right?

- 1 A. That is right.
- 2 Q. When I talk about Aberlour, clearly I'm talking of that
3 organisation.
- 4 A. Yes.
- 5 Q. I think that you have been employed in the capacity of
6 chief executive officer of Aberlour since June of 2014
7 or thereabouts.
- 8 A. That is right.
- 9 Q. So far as your other involvement with the child care
10 residential child care sector is concerned, I think that
11 for a time you were head of children's
12 services/operations at Barnardo's Scotland; is that
13 correct?
- 14 A. That is correct.
- 15 Q. Was that between January 2008 and February 2013?
- 16 A. That is right.
- 17 Q. I think that at one point you also had the role of
18 acting director for Scotland for Barnardo's between --
19 the dates I have are September 2011 and June 2012.
- 20 A. That is correct.
- 21 Q. I think that prior to these appointments and roles you
22 had various social work posts within a number of
23 Scottish local authorities; is that correct?
- 24 A. That is correct.
- 25 Q. If I just take this short, I think that between 2005 and

1 2008 -- I don't think the precise dates are important
2 for present purposes -- you were employed by
3 East Ayrshire Council as a member of their social work
4 senior management team.

5 A. That is correct.

6 Q. Among your responsibilities was membership of the
7 authority's child protection committee?

8 A. That is correct.

9 Q. I think that before then you also had some field work
10 experience with South Lanarkshire Council?

11 A. Yes.

12 Q. Between 2002 and 2005 you had overall responsibility for
13 leadership and management of the Hamilton and Blantyre
14 area social work teams --

15 A. That is correct.

16 Q. -- which I think was a complement of about 100 staff; is
17 that correct?

18 A. Yes.

19 Q. You were also a member of the children and family senior
20 management team within the council?

21 A. That is correct.

22 Q. I think, going back even further, if I may, briefly, you
23 were also employed for a time between 1999 and
24 September 2002 by Glasgow City Council; is that right?

25 A. I worked for Glasgow City Council for about ten years

- 1 but I was in the team leader post for that.
- 2 Q. I see. Was that all in social work?
- 3 A. All in social work. I qualified as a social worker in
4 1990.
- 5 Q. Yes. I was going to come to your qualifications.
6 I think that your first degree was a master of arts from
7 the University of Glasgow.
- 8 A. Yes.
- 9 Q. I think that you obtained a postgraduate certificate of
10 qualification in social work and a diploma in social
11 work from the same university, which you attended in
12 1988 to 1990?
- 13 A. That is correct.
- 14 Q. I think that you also thereafter obtained further
15 qualifications, in particular, you have a postgraduate
16 certificate in child protection, which is I think
17 a degree conferred by the University of Dundee?
- 18 A. That is correct.
- 19 Q. And the particular field of study that you were engaged
20 in was in the area of child protection?
- 21 A. Yes.
- 22 Q. I won't take this at length, but I think you also had
23 a recent spell at Harvard Business School dealing with
24 the study of management in a non-profit context?
- 25 A. That is correct.

1 Q. Sorry, I should say strategic management perhaps.

2 A. Strategic management.

3 LADY SMITH: I don't suppose you mean how you manage not to
4 make a profit; you are talking about management within
5 a not-for-profit organisation.

6 A. Yes.

7 MR PEOPLES: Yes, I wasn't putting that very well, I have to
8 say.

9 With that introduction can I ask you to look at --
10 probably several reports, but for the moment you were
11 asked to prepare -- sorry, your organisation, Aberlour,
12 was asked to prepare reports in relation to three --
13 I will call them establishments run by Aberlour.

14 A. Yes.

15 Q. -- between 1930 and essentially the present time.

16 One concerned Aberlour Orphanage, which was
17 operational between -- in fact it was operational for
18 quite a long time but the period we are interested in
19 was the period from 1930 through to its closure in 1967.

20 A. Yes.

21 Q. Thereafter there was a period when Aberlour's activities
22 were concentrated on what were called "group homes" in
23 a variety of locations in Scotland which were much
24 smaller units with perhaps a greater degree of
25 specialisation in terms of provision.

- 1 A. That is correct.
- 2 Q. I think the way that the reports have been prepared,
3 that what are called the group years, which are the
4 years when these types of provision were being provided,
5 that these years were between about 1967 and 1987; is
6 that correct?
- 7 A. Correct.
- 8 Q. From then onwards, which is really the third time frame
9 that the reports deal with, is the period since 1987
10 really to present time. I think that essentially that
11 has been a period when various diverse services for
12 children have been provided by Aberlour over that
13 period; is that correct?
- 14 A. That is correct.
- 15 Q. One of those services is -- well, I'm trying to capture
16 the right name, but is it the Sycamore Project or the
17 Sycamore Services?
- 18 A. The Sycamore Cluster.
- 19 Q. That's how it is known?
- 20 A. Yes.
- 21 Q. Perhaps just before we go on, could you explain very
22 briefly what the Sycamore Cluster is?
- 23 A. The Sycamore Cluster is a cluster of five houses in the
24 Fife area that are operational children's houses and
25 that is in effect what the Sycamore Cluster is. It has

1 operated a very small school over its time and we also
2 provide creative therapies and art therapy to children
3 and within that there is also a fostering service.
4 That's the cluster of services that support the children
5 there.

6 Q. Just so far as the current services, in particular the
7 Sycamore Cluster services are concerned, I think so far
8 as Aberlour is concerned your organisation's involvement
9 in fostering really post-dates 2000; I think it is 2002
10 or thereabouts --

11 A. That is correct.

12 Q. -- that fostering services were offered by the
13 organisation.

14 A. Yes, we have two fostering services, one in Elgin and
15 one based in Fife.

16 Q. Just again it may be helpful to take it at this stage
17 that these fostering services, they are not, I think, as
18 I understand it, large scale fostering provision.

19 A. No, I think in total we have looked after about 65
20 children in our fostering services over the years.

21 Q. Are these children with particular complex needs?

22 A. They would tend to be children who have -- our Elgin
23 service would be children with disabilities and complex
24 needs and our Sycamore service would be children who
25 have experienced trauma and neglect and who therefore

- 1 have behavioural and emotional difficulties.
- 2 Q. Are these foster placements in the main long-term
- 3 placements?
- 4 A. In the main, yes.
- 5 Q. So far as the Sycamore Cluster is concerned, I think you
- 6 have told us already it was based in Fife.
- 7 A. Yes.
- 8 Q. Is that in two locations?
- 9 A. Yes. It is in Kirkaldy and Dunfermline: four houses in
- 10 Kirkaldy and one in Dunfermline.
- 11 Q. So far as these services are managed, I don't need
- 12 a detailed explanation but just in broad terms, is there
- 13 a service manager responsible for each house or for the
- 14 whole cluster?
- 15 A. There is a service manager in each house supported by
- 16 an assistant service manager. We then have a head of
- 17 care who oversees all five houses and they report to
- 18 an assistant director for residential and foster care.
- 19 Q. I suppose ultimately some of them report to you, do
- 20 they?
- 21 A. The director of children's services, who the assistant
- 22 director reports to, reports to me.
- 23 Q. Do you have any direct involvement in visiting the
- 24 services and seeing how they are run as well as getting
- 25 reports about them from the director?

- 1 A. I do.
- 2 Q. Can you give me an idea of the number of children that
3 are catered for currently in the Sycamore Cluster
4 service?
- 5 A. So I think today we have 14 children in foster care. We
6 have -- each house is quite small so in total I think it
7 was 24 placements across the cluster, if my counting is
8 correct.
- 9 Q. When you say 24 placements across the cluster, there are
10 obviously the houses themselves?
- 11 A. Yes.
- 12 Q. Is that the 24 you are talking about?
- 13 A. Yes.
- 14 Q. Over and above that, what I might call your more
15 specialist fostering service would also have children
16 who are in long-term foster care --
- 17 A. Yes.
- 18 Q. -- arranged by Aberlour?
- 19 A. Yes.
- 20 Q. And how many children are in that group?
- 21 A. I think we have 14 placements at the moment in foster
22 care.
- 23 Q. In all your current, if I could call it residential and
24 foster care provision, caters for broadly speaking
25 around 40 children?

1 A. We also have residential care for children with complex
2 disabilities, one unit in Dunfermline that isn't part of
3 the Sycamore Cluster. We also have one unit in Elgin,
4 which again isn't part of the Sycamore Cluster. We have
5 just recently introduced three new houses in Highland as
6 part of the contract with Highland Council -- in fact
7 the third of which opens today -- and each of those
8 houses will house five children in each of those houses.

9 Q. These three additional units you have told us about will
10 house more than the 40 or so you have told us about and
11 would that be in long-term residential care or respite
12 care or both?

13 A. Not respite, but it will vary. It is children who are
14 received into care from their families. Some will have
15 rehabilitation plans which we hope to exercise fairly
16 swiftly; other children will stay with us for longer
17 periods.

18 Q. It is really a mixture of stays and durations for these
19 services?

20 A. For the ones in Highland.

21 Q. In broad terms, are these essentially fairly specialist
22 services you are offering or not?

23 A. The children who come to us from Highland will tend not
24 to have the care histories that some of the children
25 that come to us in the Sycamore Cluster in Fife have.

1 We typically receive children in the Sycamore Cluster
2 and the residential services who have been through
3 repeated placements, foster placements and some
4 residential placements, and come with fairly acute
5 emotional and psychological needs. The children in
6 Highland may come straight to us from their homes, so
7 they won't have the same care history, but we would
8 expect they would come to us with some level of trauma.

9 Q. The Sycamore Cluster, so far as that type of provision
10 generally is concerned in Scotland, not simply as
11 provided by Aberlour, are there many of these types of
12 units or establishments in Scotland today?

13 A. Yes. There are a range of different providers of that
14 type of service.

15 Q. Just again, just before we leave the current situation
16 of Aberlour and perhaps more generally, would I be right
17 in thinking that currently there are a number of
18 providers, both charitable organisations and private
19 commercial providers, these days who provide specialist
20 services for children with complex needs and
21 disabilities in relatively small residential units
22 across Scotland?

23 A. Yes.

24 Q. Is that the pattern in general terms?

25 A. That would be correct.

- 1 Q. Would that reflect the current approach to at least
2 residential child care provision in Scotland?
- 3 A. Yes.
- 4 Q. But over and above that, there will still be, is it what
5 we might see as the more traditional type of children's
6 home, which is used where necessary albeit perhaps not
7 a large institution of the type that Aberlour ran as
8 an orphanage?
- 9 A. Yes those children's homes would tend to be smaller in
10 nature, very much smaller than the previous orphanages.
- 11 Q. Would these types of homes be children's homes that
12 don't have a particular specialisation? Would they tend
13 to be run by local authorities these days or by others?
- 14 A. They would tend to be run by local authorities but what
15 I would point out is that the contract we currently
16 serve on behalf of Highland Council would fit that
17 description of children's houses.
- 18 Q. So, in essence, what you might be doing for Highland
19 Council, under the contractual arrangements in place at
20 the present time, is discharging their functions to
21 provide for children in need of care in a residential
22 setting, including children that don't have the type of
23 complex needs that might be suitable for --
- 24 A. Sycamore.
- 25 Q. -- Sycamore?

- 1 A. Absolutely, yes.
- 2 Q. So even today local authorities make use of the
3 voluntary and private sector to meet any obligations
4 that they have in respect of children in need of care?
- 5 A. They do.
- 6 LADY SMITH: At the moment how many children are residing in
7 your homes?
- 8 A. At the moment the Sycamore Cluster is full, so that
9 would be around 24 children plus 14 foster placements.
10 We will have -- we have ten children across two of our
11 houses in Highland, the other house opens today.
12 I don't know how many children are coming into the house
13 today, but that has a capacity of five and we expect it
14 to run at five.
- 15 LADY SMITH: That's a ballpark of 50 children?
- 16 A. Yes. We also provide respite care on a regular basis to
17 a number of children with complex disabilities in
18 a number of houses across Scotland.
- 19 LADY SMITH: Thank you.
- 20 MR PEOPLES: So doing the arithmetic the residential
21 provision is certainly in the order of 50 to 55 children
22 with these new units that have been opened up recently?
- 23 A. Yes.
- 24 Q. That is the general scale of the residential provision
25 including foster care?

- 1 A. It is now, that has obviously increased in the last
2 year.
- 3 Q. Just on the general picture because you obviously have
4 familiarity with having had experience in local
5 authority social work and in the voluntary sector, is it
6 correct to say that if we use the terminology -- the
7 modern terminology of looked-after children, that there
8 are looked-after children who are under the supervision
9 of local authorities who are at home?
- 10 A. Yes.
- 11 Q. There is quite a large number in that category?
- 12 A. Yes. That is -- the largest number of looked-after
13 children are at home.
- 14 Q. That reflects, I suppose, the modern thinking that,
15 where possible, children in need of care should receive
16 care and support whilst still remaining in their own
17 home.
- 18 A. If it is safe to do so.
- 19 Q. If it is safe to do so.
- 20 A. Yes.
- 21 Q. But there are also looked-after children who are within
22 the responsibility of local authorities who need
23 provision away from home; is that right?
- 24 A. Yes.
- 25 Q. That that provision currently will be -- will take the

- 1 form of accommodation in a local authority children's
2 home, for example --
- 3 A. Yes.
- 4 Q. -- or a residential establishment of the type run by
5 Aberlour --
- 6 A. Yes.
- 7 Q. -- whether for a general home for children perhaps who
8 just come straight from their family environment or
9 Sycamore, as the more specialised provision?
- 10 A. Yes. There are still residential schools too and also
11 foster care in the voluntary and private sector who
12 would accommodate some of those children.
- 13 Q. So, yes, you have said there are special residential
14 schools which cater for children who are in need of care
15 and their education is provided in the form of
16 residential schools, some in the private sector and some
17 in the public sectors or both?
- 18 A. Certainly some in the voluntary sector. I think there
19 may well be some in the private sector in terms of
20 schools, but certainly in the voluntary sector.
- 21 Q. What about the public sector? Do they provide special
22 schools any more?
- 23 A. Now you are testing me.
- 24 Q. Just to give us a picture.
- 25 A. They certainly have over the last -- for the time that

1 the Inquiry is interested in there have certainly been
2 residential schools provided in the public sector, yes.

3 Q. Historically -- maybe that is a good way to deal with
4 it -- what we might call special schools, such as, for
5 example, approved schools or List D schools, were to
6 a large extent run by the private sector or the
7 voluntary sectors, is that correct, or faith-based
8 organisations?

9 A. Yes, I think historically that would be correct, albeit
10 following regionalisation a number of local authorities
11 did set up their own residential schools; I would point
12 to Kerelaw School for example in Ayrshire, under
13 Strathclyde region, and also I think Cardross was run by
14 them as well and I also think there was schools in
15 Edinburgh from memory.

16 Q. When you say "following reorganisation", what you are
17 referring to is local government reorganisation in 1975
18 and the creation of the regional councils?

19 A. Yes, following the Wheatley Report.

20 Q. In 1969?

21 A. Yes.

22 Q. You did mention -- and I don't again want to take this
23 at length, but -- I don't know if you are able to give
24 us a broad estimate of the number of what we would call
25 looked-after children in Scotland today? Is it in the

- 1 order of 15,000/16,000 or thereabouts?
- 2 A. It is.
- 3 Q. As you said, some of these looked-after children are
4 looked after but remain at home?
- 5 A. Yes. I think around -- just over 8,000 of those
6 children will be at home.
- 7 Q. So almost 50% or thereabouts would be looked after while
8 remaining at home?
- 9 A. Yes, a wee bit more than 50%.
- 10 Q. Slightly more than 50. Of the balance, where are they
11 predominantly cared for, in foster homes or in local
12 authority or private sector voluntary homes?
- 13 A. The majority will be in foster care across public and
14 voluntary and private providers. The smallest number
15 will be in children's houses and residential schools --
- 16 Q. Which are run either by --
- 17 A. In the main by voluntary organisations.
- 18 Q. Or private sector?
- 19 A. Well, there are still a number of children's homes in
20 the public sector, so local authorities have children's
21 homes themselves.
- 22 Q. I'm testing you a bit and probably it is going beyond
23 what's in the report, but I think you have got a good
24 knowledge of these matters. How many looked-after
25 children today, for example, of the 15,000 to 16,000

1 would be in local authority homes, if you are able to
2 help? Roughly. I'm not looking for a precise figure.

3 A. I would be very reluctant to put a figure on it but
4 there is the CLAS return that would probably be able to
5 tell you that.

6 Q. There is an annual return that would provide the
7 breakdown of the 16,000?

8 A. Yes, the Children Looked After Statistics are published
9 every August, I think it is, so they would have
10 an up-to-date picture of that.

11 Q. But I would be right in thinking that if we just look at
12 children in homes generally, which were traditionally
13 local authority homes or voluntary homes, they are
14 a smallish percentage of the 16,000?

15 A. Yes.

16 Q. We are talking maybe 1,000 or 2,000 at most?

17 A. Yes and a good part of that would be in the public
18 sector.

19 Q. We have heard a bit of evidence on this, so don't assume
20 we are starting from a clean sheet, but we have heard
21 that, certainly since 1948, where children couldn't
22 remain at home, that the public policy preference was
23 for what was once called boarding out but is now known
24 as foster care. Does that remain the attitude today,
25 that if they can't be supported in their own home that

1 that's the first port of call, if possible, to put them
2 in a foster care setting rather than a residential care
3 setting unless they have special needs that have to be
4 catered for in a residential setting?

5 A. I think it would depend on the individual circumstances
6 of the child -- and age also plays a part. So I think
7 younger children we would be far more likely to be
8 looking for foster carers for those younger children.
9 For teenagers those children are more likely to end up
10 in children's homes or children's houses rather than
11 foster care unless there is a very specialist
12 requirement that means that foster care is what is
13 required.

14 Residential care, I think, is still seen as a last
15 resort for children and that's something that we as
16 an organisation remain a wee bit concerned about because
17 we think for some children, regrettably, residential
18 care should be considered earlier in their placement
19 history and I think that's tested out or evidenced by
20 the number of children that we look after in the
21 Sycamore Cluster who have come to us and remained with
22 us for long periods of time despite having numerous
23 placement breakdowns prior to them coming to Sycamore.

24 Q. The way you might see it is that you should certainly
25 see them as a range of options and you have to look at

1 the particular child's needs and how they would be best
2 catered for and one shouldn't simply have an order in
3 which you would look, for example, start with foster
4 care and the default position is residential care, is
5 that --

6 A. To an extent, albeit for very young children I would be
7 arguing that foster care would be the first and right
8 option for those children in terms of their emotional
9 well-being, the need for them to form positive
10 attachments with a primary carer. So, yes, I would
11 certainly argue for younger children -- for older
12 children, wherever it is possible, but within that
13 I would acknowledge and want society to acknowledge that
14 for some children residential care is a positive option.

15 LADY SMITH: You mentioned in passing placement breakdown;
16 do I take it from the thrust of what you have just been
17 saying that the risk of placement breakdown seems to
18 increase in the older children than in the younger
19 children?

20 A. Yes, I think that would be true. We have a number of
21 children that have come to us at the age of 12 or 13 who
22 have been in the care system for some time and who have
23 had repeated placement breakdowns, some of them in
24 double figures.

25 LADY SMITH: The reason that is something that you would be

1 worried about is what?

2 A. Well, I think if we understand children and understand
3 children's needs well, we know that children need
4 certainty, they need consistency, and they need
5 predictable environments in which they live. We also
6 know that for a lot of the children who are removed from
7 their families, whether that be on child protection
8 grounds or other grounds, they still hold a very clear
9 connection to their family and their birth family and
10 they often find it difficult to live in the context of
11 another small family environment. So I think we would
12 need to, as a society, really understand the dynamics at
13 play there for some children. So what children who have
14 come to our Sycamore Cluster have told us is that
15 actually living in that small group living environment
16 is less threatening to them than a family placement
17 because they don't feel that the carers are competing
18 for the space that their mum and dad previously held for
19 them.

20 LADY SMITH: I suppose, putting it very broadly, you don't
21 run the risk of broken promises, it being either
22 expressly or impliedly represented to the child, you are
23 going to this home, it is going to be good, you are
24 going to be loved and cared for, and it doesn't work and
25 they are let down again in their lives.

- 1 A. Yes. I'm not saying for all children, but for
2 a significant number.
- 3 LADY SMITH: Yes.
- 4 MR PEOPLES: It sound like it is really quite a complex
5 debate about how one decides how best to make provision
6 for children in need of some kind of care and support
7 beyond what they get from a family setting, the natural
8 family setting, is it?
- 9 A. Yes, absolutely, and key to that is a good assessment of
10 the individual child's needs.
- 11 Q. A child-centred approach?
- 12 A. Yes.
- 13 Q. Also to some extent taking on board what the child's
14 views are on the whole matter?
- 15 A. Yes, if they are of an age where they can express those
16 views.
- 17 Q. That I think is the modern tendency, certainly since
18 1989 or 1990 and the UN Convention on the Rights of the
19 Child and the Children (Scotland) Act (1995) --
- 20 A. It is certainly what the legislation tells us to do.
- 21 Q. But it reflects perhaps -- is that the prevailing
22 philosophy and what is seen as perhaps the proper
23 approach generally by those who operate in this field or
24 is that putting it to simplistically.
- 25 A. I think most people operating in the field would agree

1 with that approach. I think there are operational
2 challenges which mean that sometimes when children are
3 received into care on an emergency basis, under child
4 protection grounds, it is a simple fact that we do not
5 have a great choice of placements. There is a shortage
6 of foster care and there is a shortage in residential
7 care, so often children are placed temporarily in
8 placements and then have to be moved. So people may
9 want to work to that philosophy, to those principles,
10 but operational constraints and demands play a part in
11 whether, in fact, they can resource children effectively
12 at the earliest stage.

13 Q. I think you said that obviously from the point of view
14 of children, any form of movement, so if they are
15 removed from their family, is traumatic --

16 A. Yes.

17 Q. -- and that presumably any form of movement thereafter,
18 if they are taken away, even from a temporary placement
19 to somewhere else, would be equally traumatic for them,
20 no doubt steps are taken to make that as smooth and
21 least distressing as possible.

22 A. Yes, I think it is fairly well-established now that
23 children respond to stable, consistent, predictable
24 placements. It then follows that if there are repeated
25 changes in their living environments and who their

1 caregivers are and the pattern of care then children are
2 likely to respond in many different ways to those
3 scenarios, but some of that will be traumatic for them,
4 yes.

5 Q. But the reality today is that, even with that
6 understanding, which seems to be part of the greater
7 knowledge in these matters, you are still telling us
8 that if you look at the children that are in the
9 Sycamore Cluster, for example, that at least a number of
10 them have been in multiple placements before they get
11 there which suggests that they undergo a lot of
12 movement --

13 A. Yes.

14 Q. -- which can't, in general terms, be a good thing?

15 A. Yes. And we have a journey to travel in terms of making
16 sure that all of our looked-after children or
17 accommodated children have the best possible experience
18 of being accommodated or in care.

19 Q. Just again going back to whether there should simply be
20 a range of options and a proper assessment in deciding
21 whether it is residential provision or foster care or
22 care in the family home, we have heard -- and no doubt
23 you will confirm -- that at the time of the Children Act
24 (1948), which was a significant milestone I think for
25 state responsibility and obligations, but it also

1 I think reinforced the view at that time that children
2 in need of care, that the best option was foster care or
3 boarding out, there was a prevailing view at that time
4 that retention of contact with the natural family wasn't
5 necessarily a good thing -- that might have been
6 reflected in the history of Aberlour, I'm not sure, we
7 will maybe find out in due course. But certainly by the
8 time of the 1950s and 1960s that attitude was changing
9 to the extent that people were realising the importance
10 of continued family connection and ensuring that a child
11 away from home had contact with parents, siblings and
12 others.

13 A. That is right. That reflected the growing body of
14 research in relation to attachment and loss at the time
15 and, later on, particular research around foster care
16 and substitute families, in relation to the importance
17 of attachment and the predictability of care that
18 I talked about earlier.

19 Q. Perhaps a further development of that new understanding
20 and thinking was that not simply maintaining contact but
21 taking steps to prevent removal of the children at all
22 from the family environment and adopting an approach
23 that involved giving as much support at home to children
24 and families to ensure that they were not broken up.

25 A. Yes.

1 Q. Does that really -- if one is trying to get the broad
2 picture over time --

3 A. Yes. I think that is correct, yes.

4 LADY SMITH: So far as the research to which you have
5 referred is concerned, are there any particular star
6 items amongst the research that you would direct our
7 attention to?

8 A. Certainly the research that informed social work
9 practice when I qualified and beyond were people like
10 John Bowlby in terms of his work around attachment.
11 Also in particular in relation to children who were in
12 care, Vera Fahlberg took his work that we bit further
13 and looked at the particular experiences of children in
14 substitute placements.

15 LADY SMITH: The second name you mentioned? John Bowlby we
16 are familiar with.

17 A. Vera F-A-H-L-B-E-R-G.

18 LADY SMITH: Thank you.

19 MR PEOPLES: At what time was her work being influential:
20 late 1950s or 1960s or beyond?

21 A. It was still influential in the early 1990s when
22 I qualified.

23 Q. I suppose she was publishing the work well before then
24 or not?

25 A. No, I don't think that long before.

- 1 Q. Because Bowlby was the early 1950s?
- 2 A. It was after Bowlby.
- 3 Q. But these are two names that would still stand out?
- 4 A. Certainly that I refer to in terms of my practice.
- 5 Q. They remain the sort of figures that people respect and
6 their views are still -- or their thinking is still very
7 influential; is that correct?
- 8 A. In terms of attachment theory I think -- yes, in terms
9 of the body of evidence that's there. They are not
10 exclusively used. There are other people who have
11 a modern interpretation of attachment theory. In fact,
12 one of the psychologists that is working a lot with
13 voluntary organisations just now, and also public
14 sector, is Suzanne Zeedyk, who is based in Dundee, who
15 talks eloquently around attachment and the importance of
16 that for children -- and attachment across a life, of
17 course, which is also important in understanding the
18 impact of poor attachment in childhood on the
19 functioning of all of us through our life.
- 20 Q. So it has a lifelong impact according to her --
- 21 A. Yes.
- 22 Q. -- and if you don't get it right the consequences aren't
23 just immediate but they are long-term as well?
- 24 A. Potentially, yes.
- 25 LADY SMITH: The Dundee psychologist you mentioned?

- 1 A. Suzanne Z-E-E-D-Y-K.
- 2 LADY SMITH: Thank you.
- 3 MR PEOPLES: I suppose whatever attachment is formed in
4 childhood and whatever stability is created in
5 childhood, are you saying that that form of stability
6 and attachment has to be maintained not just -- you
7 don't simply take the child into care and release them
8 into society at age 16 or 18 and leave them to get on
9 with it? Is that the modern thinking?
- 10 A. That would be the modern thinking for all children, not
11 just looked-after children.
- 12 Q. Indeed. I suppose our focus today, I have to say, in
13 this Inquiry is children in care and they are
14 particularly vulnerable, some would say, so you have got
15 to --
- 16 A. Yes, and our organisation was one of the organisations
17 that supported the extension of the leaving care age and
18 the rights of children and young people beyond 16 to
19 receive support because we felt that, yes, these
20 children couldn't and shouldn't be cut loose at age 18.
- 21 Q. I think you are referring to -- there is now legislation
22 that has recently been passed that would create some
23 continuing responsibility until, I think -- is it 25?
- 24 A. 25, that is correct.
- 25 Q. Or up to 25, which to some extent supersedes perhaps

1 what some care organisations had and what was termed
2 perhaps historically as "aftercare".

3 A. Yes.

4 Q. And that provision varied as between providers.

5 A. That is correct.

6 Q. And sometimes in significant respects.

7 A. That is correct.

8 Q. I think just in relation to Aberlour, I think if I have
9 picked up the message from the reports about the state
10 of play when the orphanage was in operation, aftercare,
11 so far as Aberlour as an organisation was concerned, was
12 seen, at least from 1948 onwards, as very much the
13 responsibility of the local authority who placed most of
14 the children in Aberlour Orphanage.

15 There's a theme in the report that seems to suggest
16 the responsibility lay with the authority, not with
17 Aberlour, who had delegated responsibility of the child
18 from the local authority. I'm just wondering how
19 that's --

20 A. I think there is a distinction between the legal
21 responsibility and the responsibility that we had to the
22 children. Because if you read the report, it also talks
23 at length about the efforts that we went to within the
24 orphanage to actually plan for the children's life
25 beyond them leaving the orphanage, either supporting

1 them into employment or into education or, for some
2 children, staying with the orphanage and being employed
3 within the orphanage but being paid to be employees
4 rather than --

5 Q. Forgive me, I wasn't suggesting for one minute that --
6 the report didn't say that Aberlour simply washed its
7 hands of children when they left. In fact the report
8 does set out steps they took in practice to assist once
9 they left and the continuing contact they may have had.
10 But I suppose, as you say, in terms of legal
11 responsibility, the organisation would see the legal
12 responsibility as resting with the state.

13 A. That is right.

14 Q. That the state had to make sure the aftercare was
15 adequate because to some extent Aberlour's approach was
16 voluntary and wasn't a matter of legal requirement.

17 A. That is right, there was a legal obligation on the
18 state -- and there still is a legal obligation on the
19 state -- and I would say there is a moral obligation on
20 the providers to work closely with the state around
21 aftercare.

22 Q. I suppose the difficulty is that if there's not a legal
23 obligation then there is a danger of variation of
24 practice in terms of how much continuing contact
25 a provider would have with a child who has left the

1 organisation --

2 A. Indeed. That is what happens today.

3 Q. If I could leave that and just go back to Aberlour

4 again. We have talked about the numbers today in the

5 care of Aberlour, particularly on a longer term

6 residential basis, which are under 100 and perhaps

7 nearer 50, but historically I think I'm right in

8 thinking that Aberlour was a major provider of

9 residential child care, particularly when it was

10 operating the Aberlour Orphanage near the village of

11 Aberlour.

12 A. That is correct.

13 Q. The organisation itself I think really was founded in

14 around 1875, is it, by Canon Jupp; is that right?

15 A. That is correct.

16 Q. He, I think, was a member of the Episcopal Church; is

17 that right?

18 A. That is correct.

19 Q. He was instrumental, I think, in setting up what became

20 the Aberlour Orphanage. I think it started with small

21 beginnings but very rapidly became a much bigger place.

22 A. I think the initial house was for what they described as

23 "motherless bairns" and that was based on a grant from

24 Miss McPherson-Grant of Aberlour and then Canon Jupp

25 worked tirelessly to raise more money to build the

1 orphanage and accommodate more children.

2 Q. The sort of large scale institution that became
3 Aberlour Orphanage, approximately from what date was
4 that type of establishment up and running?

5 A. So the first house was created in 1875 and then
6 I believe the Orphanage Trust Scheme was created in
7 1932 -- sorry, 1934 -- and it amended the founding
8 constitution of the organisation which pre-dated that.

9 Q. But I think we have seen figures that suggest that at
10 its peak Aberlour was accommodating 400 or nearly 500
11 children --

12 A. That is correct.

13 Q. -- at any one time?

14 A. Yes, I think the war years would have been when the
15 orphanage was at its biggest, the Second World War
16 years, and at that point it was just under 500 children
17 in any one year.

18 But in total, since 1930, we estimate that we have
19 looked after just over 3,000 children.

20 Q. Maybe I can pick that up from the report, if I may, just
21 so I can get a reference for that. I think what your
22 are referring to, if you go to ABE.001.001.0025, where
23 I think the report in relation to Aberlour deals with
24 some numbers, and maybe I can just take that from you at
25 this stage if I may.

1 I think one of the matters the Inquiry was
2 interested in was to get a feel for the scale of the
3 provision, the number of children cared for. If we go
4 to (iii), I think the estimate -- the best estimate that
5 has been arrived at is that:

6 "The number of children accommodated since 1930 to
7 the present day cannot be confirmed but it is estimated
8 this figure is in excess of 3,000 children."

9 Is that a reference to Aberlour Orphanage?

10 A. That's a reference to all of the establishments that we
11 have operated in the period from 1930.

12 Q. Because we know, I think, from the report that the
13 orphanage would have been the main residential provision
14 between 1930 and 1967 --

15 A. That is correct.

16 Q. -- when it closed.

17 It was, in its peak years, taking in or
18 accommodating something in the order of 400 or 500
19 children --

20 A. Yes. Those figures -- and there is a chart there with
21 the figures on them. Those figures are across each year
22 but shouldn't be read as a the number of children being
23 admitted in that year because many children stayed for
24 many years.

25 Q. Yes. You can take it we have had this point explained

1 to us, fortunately, by another witness, so you don't
2 need to --

3 LADY SMITH: We have to avoid double counting.

4 A. Yes.

5 MR PEOPLES: I suppose what one is trying to get at -- and
6 that is why I am not going to take you to the charts and
7 look at the detail, but for a broad feel, if I was to
8 pose the question, based on the best estimates that one
9 can come up with, what I'm after really is, so far as
10 Aberlour Orphanage is concerned, how many individual
11 children may have spent time there in care between 1930
12 and its closure in 1967. We are talking of the 3,000
13 you have mentioned; would a large percentage of that
14 have been cared for in Aberlour Orphanage?

15 A. Yes, I would say more than half. I would need to go
16 back and check the records.

17 Q. I'm not really overly concerned about fine detail but
18 I do want to get a scale. "Over half" perhaps is
19 sufficient for present purposes, just to get an idea of
20 how many the orphanage may have catered for over the
21 years, and avoiding the niceties of looking at new
22 admissions and double counting of things.

23 A. Yes.

24 Q. The balance would have been children that have been
25 cared for since 1930 through to the present time in

- 1 other --
- 2 A. Yes, the group home years and the service years.
- 3 Q. -- such as group home years, as you call it, and I think
- 4 that is the years from 1967 to 1987.
- 5 A. Broadly.
- 6 Q. Quite a number of the balance of the 3,000 would have
- 7 been cared for in that 20-year period in group homes?
- 8 A. Yes.
- 9 Q. Then from 1987 onwards we would be seeing perhaps fewer
- 10 numbers being cared for --
- 11 A. Yes.
- 12 Q. -- by Aberlour and more specialist services?
- 13 A. More volume and more specialist services.
- 14 Q. I will just put this in for -- I think having looked at
- 15 some of your tables and things that -- I will just put
- 16 some figures to you just in case they cause you
- 17 difficulty. But I think from the tables that I have
- 18 looked at, in 1930, for example, in that year there
- 19 appears to have been 469 children who spent some time in
- 20 care in 1930. So that would give an idea of the scale
- 21 at that time for the number of children at any one time.
- 22 I appreciate those children might have been new
- 23 admissions and also people who were already there in
- 24 that year.
- 25 A. Yes.

1 Q. So far as I can tell from 1930 until about the
2 mid-1950s, the orphanage was always accommodating more
3 than about 300 children at any one time and in many
4 years the figure went above 400.

5 A. Yes.

6 Q. Indeed, I think the lowest annual total -- and
7 I appreciate this isn't a good guide to whether they
8 were new admissions or not -- the lowest annual total
9 between 1930 and 1954 was 324 children in 1954.

10 A. Yes.

11 Q. I'm not going to take you to the tables but I think we
12 can see that in some of the tables that have been
13 produced.

14 From the mid-1950s one can see a decline in numbers
15 and that between 1955 and 1965, which is getting towards
16 the period when Aberlour Orphanage was closed, the
17 figure was always below 300 but generally above 250.

18 A. Yes.

19 Q. That's about half of what it was in the big years. It
20 dropped to around 200 in 1965, and 151 in 1966, and 180
21 in 1967, which I think was the date when the orphanage
22 was finally closed. Would that give an idea of the
23 numbers over time?

24 A. Yes. Many of those children will be the same children.

25 Q. I follow the point you are making; it is just to get

- 1 some idea.
- 2 A. Yes.
- 3 Q. Just again, although it is divided into the orphanage
4 years, the group years, and the service years, and the
5 orphanage years are said to be 1930 to 1967, the group
6 years are said to be 1967 to 1987 and the service years
7 are 1987 to date. I appreciate why those time frames
8 have been chosen, but the point I want to bring out is
9 you have made the point in your report that prior to the
10 closure of Aberlour Orphanage, the big institution, if
11 you like, by that stage in the early 1960s, alternative
12 residential accommodation was being either acquired or
13 located -- much smaller accommodation to accommodate
14 much smaller numbers of children.
- 15 A. Yes. That's why my answer said it was broadly those
16 years because there were transitional periods where we
17 were moving from one type of accommodation to another.
- 18 Q. Indeed, I think what may have happened, if we take the
19 118 children that were in the orphanage in 1967,
20 presumably some of those would be redirected to some of
21 the smaller houses being acquired at that time?
- 22 A. Yes, depending on their age they may have been found
23 independent living. I don't have the detail, I am
24 afraid.
- 25 Q. I'm not really looking for detail; I'm just trying to

1 get a picture of how the situation unfolded.

2 Correct me if I'm wrong, but again just to try and
3 get the picture generally, if we are trying to get some
4 understanding of the closure of the orphanage in 1967,
5 the way it seemed to come out of the report -- and
6 correct me if I have this wrong -- is that this was the
7 result of a general rethinking by Aberlour, the
8 organisation, of its residential care provision and
9 a preference towards the provision of smaller
10 residential units, largely influenced by, I think,
11 changing views on care provision --

12 A. Yes.

13 Q. -- in society, the public policy, the approach, and to
14 some extent influenced -- and I think you have produced
15 some papers to this effect from the early 1960s -- by
16 some papers issued by -- is it the Scottish Advisory
17 Council --

18 A. Yes, on residential care.

19 Q. -- dealing with residential provision for children,
20 which seem to be advocating a move in this direction; is
21 that right?

22 A. Yes.

23 Q. So that to some extent would be the background to this
24 decision to move?

25 A. Yes.

- 1 Q. I think your organisation wasn't, I think, alone in
2 making that move. Some of the other providers --
- 3 A. That is correct.
- 4 Q. -- indeed I think Barnardo's went very much in the same
5 direction, I think, albeit they had always had quite
6 small units but they started to look at this direction
7 of small units and perhaps more specialist provision of
8 the type that I think Aberlour has concentrated on to
9 a large extent since 1967.
- 10 A. Yes.
- 11 Q. Am I right in thinking that -- I think I have got this
12 information from somewhere, probably not your report,
13 but I think it is something that may have come from the
14 organisation at some point, that the -- if we can term
15 it the organisation's vision at the time when the
16 orphanage closed, I have an understanding that their
17 vision at that time was for a smaller home in each of
18 the main cities, but that that didn't in fact occur and
19 that the smaller units which were being operated
20 post-1967 as group houses were relocated in a variety of
21 locations, not all of which were in the main cities.
- 22 A. That is correct. I think that is in one of our
23 strategic documents, actually.
- 24 Q. So the original plan didn't quite take --
- 25 A. In terms of where the houses --

- 1 Q. In terms of locations?
- 2 A. Yes.
- 3 Q. But what did happen was that there was a lot of group
4 houses in a lot of different parts of the country, which
5 were established --
- 6 A. Yes.
- 7 Q. -- for children, some of which were catering for more
8 specialist needs --
- 9 A. Yes.
- 10 Q. -- and some of which more like a traditional children's
11 home, but on a smaller scale?
- 12 A. Yes.
- 13 Q. I don't think I need to take you to the location, but we
14 have the report to see they were in a variety of
15 locations across the country.
- 16 A. That is correct.
- 17 Q. If I could just go back to Canon Jupp and the founding
18 of the organisation. I think I have read at some point
19 in the report that -- I just want to establish the
20 nature of the relationship between Canon Jupp, Aberlour,
21 and the Episcopal Church. I think the term support was
22 used -- that the church itself didn't have any direct
23 involvement in the running of Aberlour Orphanage; is
24 that correct?
- 25 A. The orphanage was a separate entity from the church but

1 there were representatives of the church on the
2 governing body and that was the case -- in fact, there
3 is still the opportunity in modern times for the church
4 to take up two positions on the board now, but it has
5 always been a separate legal entity.

6 Q. So it has representation?

7 A. Yes.

8 Q. But the representatives aren't necessarily
9 representatives on behalf of the church, they are
10 just -- or are they?

11 A. Yes, it does specify that they are from the
12 Episcopalian Church.

13 Q. So they represent the church as the church's voice on
14 the governing bodies?

15 A. It is very specific: it is not any church; it is the
16 Episcopalian Church.

17 Q. So far as support is concerned, you have mentioned the
18 representation point and it continues to this day, does
19 it, essentially?

20 A. The church has the option; it has not taken it for four
21 or five years.

22 Q. But historically, until recent times, they did have
23 representatives?

24 A. They did.

25 LADY SMITH: Two representatives?

- 1 A. Two representatives on the board of trustees.
- 2 LADY SMITH: When they were filling those posts, did they go
3 to particular clerics, bishops?
- 4 A. They weren't always clerics. Some of them were lay
5 members of the church and basically the church would
6 nominate people to the board of trustees, but it was up
7 to the board of trustees to decide whether the
8 nominations were accepted.
- 9 LADY SMITH: I see.
- 10 A. But they were not always clerics.
- 11 MR PEOPLES: Were they generally accepted though?
- 12 A. Generally accepted, yes.
- 13 Q. In terms of the support, apart from the support in the
14 form of representation on the governing body and, no
15 doubt, the experience that broad and so forth, did the
16 church provide over the years any form of financial
17 support to the organisation?
- 18 A. Well, as individuals they would have. Individual
19 clerics certainly made donations to the church.
- 20 Q. To the organisation?
- 21 A. Sorry, to the organisation. Canon Jupp himself raised
22 a lot of money for the orphanage through jumble sales in
23 villages and every which way in terms of speaking to
24 parishioners. So individual members of the church would
25 have made a contribution to the orphanage.

1 Q. But there wasn't any established arrangements where the
2 church itself would annually provide some sort of grant
3 or donation?

4 A. No grant. To this day we receive donations from the
5 church, but it is from collections during Christmas and
6 Easter.

7 Q. So the collection might say, this collection is in aid
8 of --

9 A. Yes, "We will give this to Aberlour".

10 Q. -- Aberlour?

11 A. And we are recognised as the church's charity as well.

12 Q. Just to try and finish off this aspect: am I right in
13 thinking that Aberlour was a non-denominational
14 establishment for children historically?

15 A. Yes. The very earliest iteration was directed towards
16 episcopalian children, but that was very quickly amended
17 to say we should receive all children in need.

18 Q. I think the phrase was "episcopalian children and
19 others".

20 A. Yes.

21 Q. So that accommodated the ability to take in children of
22 other religious faiths and persuasions?

23 A. That is correct.

24 Q. That's really the way it operated in practice; it wasn't
25 a denominational home?

1 A. It was not denominational.

2 Q. The other matter I was going to ask you in terms of
3 general information was that throughout its existence as
4 an orphanage, it catered for children of both sexes,
5 girls and boys --

6 A. That is correct.

7 Q. -- but with this qualification that for quite
8 a considerable time they had a girls' wing and a boys'
9 wing?

10 A. That is correct.

11 Q. So that girls and boys were segregated or separated --

12 A. Housed separately.

13 Q. -- whatever term one wants to use.

14 And the girls' wing would have -- can you just
15 describe in general terms how the girls' wing would
16 operate during the period when this form of arrangement
17 was in place?

18 A. So the girls' wing was almost exclusively staffed by
19 female members of staff. That would include
20 housemistresses and it was dormitories that the children
21 slept in. I think the biggest dormitory was around
22 25 beds but over time those were subdivided into smaller
23 partitions. So at the point when the orphanage closed
24 those were between ten beds or four and five beds,
25 depending on the age of the girls. It was a similar

1 set-up in the boys' dormitories, albeit staffing in the
2 boys' dormitory was always mixed. It was always
3 a combination of men and women who staffed the boys'
4 dormitories.

5 Q. If you just take a wing for either boys or girls, there
6 would be within it a number of dormitories?

7 A. Yes.

8 Q. Which originally would have maybe up to 25 children in
9 each dormitory?

10 A. Yes.

11 Q. Would they be of varying ages?

12 A. They would be.

13 Q. What would be the age range? From very young to
14 school-leaving age?

15 A. Yes.

16 Q. If it happened that there were two sisters of different
17 ages, would they be accommodated in the same dormitory?

18 A. They may have been but depending on their age -- if
19 there was a big age gap then they may not have been
20 because part of what we tried to do was make sure the
21 dormitory age ranges were accommodated fairly. You
22 wouldn't have the smaller children all of time in with
23 the bigger children. It would depend on circumstances.

24 Q. In the case of say pre-school children, if there was
25 a sister who was 3 and one who was 8 and one who was 15,

- 1 how would that have worked?
- 2 A. My understanding is that pre-school children were
3 together in a nursery -- type environment.
- 4 Q. Boys and girls?
- 5 A. No, I think the boys would have been separate.
- 6 Q. In a separate nursery for younger boys?
- 7 A. I would need to check.
- 8 Q. It is okay, I'm trying to get a general -- if we take
9 the example of the 3-year-old with the 8-year-old older
10 sister and an even older one who is maybe 15. One might
11 be in the girls' nursery. Would the 8-year-old be with
12 her sister, the 15-year-old, or would that be too big a
13 gap?
- 14 A. That would be unlikely given the age gap.
- 15 Q. Even within the girl's wing there would be a form of
16 separation between siblings?
- 17 A. Yes.
- 18 Q. If they were a big family and they were all in Aberlour
19 and you had a 4-year-old boy and a 7-year-old boy and
20 a 14-year-old boy in the boys' wing, what would be the
21 situation with them?
- 22 A. Similar. There would be no guarantee that they would be
23 together. Their opportunities for seeing each other
24 would be in the times when the children were in communal
25 play or in the communal areas or at church.

- 1 Q. The communal situations would involve attendance at
2 church?
- 3 A. Yes.
- 4 Q. Who conducted the worship in the church, was that
5 episcopalian?
- 6 A. Episcopalian. St Margaret's Church was built at the
7 same time or around the same time as the orphanage.
- 8 Q. Was that part of the orphanage set- or was that in the
9 community?
- 10 A. No, it is in the community; it still exists in Aberlour
11 today.
- 12 Q. I see.
- 13 So the children would go to church and would that be
14 on a Sunday or would there be other services and
15 worship?
- 16 A. I think it would be more frequent than a Sunday.
- 17 Q. That at least created the potential for siblings to see
18 each other?
- 19 A. Yes.
- 20 Q. I use the words "see each other" at the moment because
21 I want to know whether it was more than that. How would
22 they actually get the chance to converse if they went in
23 presumably groups from their individual houses or
24 dormitories within their particular wing? How would
25 they get the chance to socialise?

1 A. I think we acknowledge that that would have been limited
2 at the time, even if there were siblings groups, unless
3 there were visits to the orphanage from parents, which
4 were encouraged if possible, in those circumstances the
5 children would be brought together. The children were
6 given opportunities to play together, they weren't
7 always segregated, so in those circumstances they would
8 be as well.

9 Q. The playground would consist of children of a range of
10 ages and both boys and girls?

11 A. Yes, well, the children were encouraged to play beyond
12 the orphanage. They were not restricted to the
13 orphanage. So they were actually allowed to go into the
14 village of Aberlour and explore around the area.

15 Q. How far away was the orphanage from the actual village?

16 A. It was in the village.

17 Q. It was not in the main street but it is somewhere --

18 A. It no longer exists, but it was in the village.

19 Q. It was somewhere --

20 A. It is not far from the church, which is the bottom end
21 of the village. I don't know if you know Aberlour.

22 Q. Aberlour has one significant main street --

23 A. Yes, one main street.

24 Q. -- which you drive through going to various places north
25 and south, but the orphanage itself would be a large

- 1 building not far from that street --
- 2 A. Yes.
- 3 Q. -- within easy walking distance for children to go from
4 the orphanage to the shop and the church and so forth?
- 5 A. Yes.
- 6 Q. There would be some opportunity there to go?
- 7 A. Yes.
- 8 Q. And would that be going unaccompanied or accompanied?
- 9 A. Depending on the age of the child.
- 10 Q. But there was a degree of freedom --
- 11 A. Yes.
- 12 Q. -- in the situation. Because I think we know in some
13 other types of provision, there might have been more of
14 an established community with its own boundaries, like a
15 village, like Quarrier's Village, which had its own
16 church, its own school, its own workshops.
- 17 A. Yes. I mean there was play space in the grounds of the
18 orphanage. There was also a swimming pool, but the
19 children were allowed out into the village to go and
20 play or explore.
- 21 LADY SMITH: We are talking about an era when children were,
22 even in the home setting, given rather more freedom to
23 go out and about on their own than the child of today is
24 given.
- 25 A. Yes.

1 MR PEOPLES: So far as opportunities for meeting and
2 socialising, would I be right in thinking that so far as
3 communal dining -- was there communal dining? Did the
4 girls all eat together and the boys eat in a separate
5 dining area?

6 A. I understand there was some communal dining, yes, and
7 certainly for parties, special events, the children were
8 brought together for those. There wasn't segregation in
9 relation to Christmas parties and stuff like that.

10 Q. But there would be -- I suppose a limited -- with the
11 schooling commitments for some of the children, they had
12 to do some chores presumably as part of their education?

13 A. Yes, my understanding from what we can glean from our
14 records is that they were certainly expected to keep the
15 area around their beds organised, but they weren't
16 really -- they were encourage to do the kind of chores
17 that you would do in a family. They were not put to
18 work, other than the fact -- and this would not be
19 dissimilar to a lot of children in families at the time:
20 the boys got involved in potato harvesting and working
21 on the farm.

22 Q. A farm run by Aberlour?

23 A. A farm might be quite a fancy term for some fields, but
24 yes.

25 Q. Some sort of agricultural unit run by Aberlour, a field

- 1 or something like that?
- 2 A. Yes.
- 3 Q. But boys would do some sort of manual work of that
- 4 kind --
- 5 A. Yes.
- 6 Q. -- potato picking and so forth?
- 7 A. But we employed cooking and cleaning staff in the
- 8 orphanage, in the school and elsewhere --
- 9 Q. Because in some settings we see quite a strict regime
- 10 and children are expected to get up in the morning and
- 11 say their prayers, have breakfast, and then carry out
- 12 necessary duties, I think is the expression I have seen,
- 13 before heading off to school and doing some more duties
- 14 when they come back from school. Was that the picture
- 15 at Aberlour or was it different?
- 16 A. That doesn't sound familiar to me in terms of our
- 17 history.
- 18 Q. You did say that children were -- did you say children
- 19 had the opportunity to do tasks, household tasks or was
- 20 it a bit more compulsory than that?
- 21 A. What we can glean from the records is they were expected
- 22 to keep the living spaces clean and tidy around their
- 23 beds and the chores that were expected of them were the
- 24 same chores that you and I would expect of our own
- 25 children in terms of the house.

1 Q. If I didn't want to do them, what would have happened to
2 me?

3 A. I don't have any evidence of what that would be. What
4 I can tell you is we had a very clear approach to the
5 use of corporal punishment which was from the very
6 beginning of the orphanage. You know, the operating
7 procedures were stated that anything like that as
8 an approach had to be kept to a minimum and so we
9 wouldn't expect children to be physically punished as
10 a result of not wanting to do that.

11 Q. So that would be the expectation, but is there evidence
12 whether that expectation was observed in practice?

13 A. I have no evidence from what I have seen of children
14 being dealt with, either in physical punishment or even
15 being spoken to if they didn't make their bed.

16 Q. What about bed-wetting? What was the organisational
17 policy and attitude to that?

18 A. With bed-wetting we were very clear that no child should
19 be punished for bed-wetting, that bed-wetting had to be
20 dealt with humanely.

21 Q. You talked about standard operating procedures; I think
22 that is the modern parlance?

23 A. Yes.

24 Q. Was there a standard procedure that Aberlour had from
25 its very early stages?

1 A. Yes. We have looked at management committee reports and
2 also the detail of board reports that go back to 1875.
3 They refer to the operating procedures and what those
4 were, albeit we don't have copies of all those operating
5 procedures.

6 Q. We will come probably to maybe some examples of
7 references in the records you have got to the
8 organisation's regulations.

9 A. Yes.

10 Q. I think when matters arose and had to be dealt with,
11 sometimes there is a reference to -- or the governing
12 body drew attention to the regulations --

13 A. Yes.

14 Q. -- whatever these are.

15 A. Yes.

16 Q. Are you saying that's to your mind evidence there was
17 some form of formal set of regulations governing a range
18 of matters including discipline?

19 A. Yes.

20 Q. And that this would set out clearly what the
21 organisation's position was --

22 A. Yes.

23 Q. -- on these matters?

24 But what's more difficult, perhaps, is that --
25 because of the state of the records today is to know to

1 what extent in practice there was compliance with those
2 rules and regulations, internal rules and regulations?

3 A. Yes. What we do know is that in circumstances where
4 people failed to comply with the regulations, that would
5 have been reported to the management committee or the
6 board.

7 Q. I think we will come to some examples of that when
8 I look at the allegations that you have managed to
9 provide information about, just to see how this was
10 operating.

11 In terms of standard procedures and regulations you
12 have told us that there would be something on the
13 subject of the approach to bed-wetting; is that right?
14 The regulations would have covered how that should have
15 been dealt with?

16 A. There's certainly reference to -- from my memory I think
17 there is reference to bed-wetting in one of the
18 documents that we provided to the Inquiry, actually.

19 Q. But you think the context is such that that reference
20 was harking back to some form of established and written
21 regulation that was in force at the time?

22 A. Yes. The whole ethos of --

23 Q. Is that right --

24 A. Yes, I think so.

25 Q. -- that that is what it appears to be suggesting?

1 A. It was based on -- the ethos of the orphanage was to
2 give children the opportunity to flourish and within
3 that there was, albeit a simplistic one, but
4 an understanding of what children respond to positively
5 and a further understanding that physical punishment was
6 not something that children would necessarily respond to
7 positively.

8 Q. So, you are saying that based on the work that has been
9 done based on the records that still exist and are
10 available for consideration, that it would appear that
11 there was some established regulations dealing with
12 matters such as punishment and the circumstances in
13 which it should be used or discipline or corporal
14 punishment, bed-wetting.

15 The other matter I wanted to touch upon at this
16 stage was whether this type of regulation, even if you
17 don't have the document itself to refer to, dealt with
18 handling of complaints either by a child or on behalf of
19 a child. Is there any evidence of a complaints --
20 an established complaints process?

21 A. Not in the earliest history no. There is now and that
22 has been in place for some time, but --

23 Q. Can we put the "some time" in a context? When you say
24 "some time", what are we talking about here?

25 A. In the last 20 years maybe. Fairly recent.

- 1 Q. Post the Children Act?
- 2 A. Yes.
- 3 Q. But prior to that, you have not seen anything that would
4 appear to suggest that there was some form of clear
5 organisational complaints process that was to be
6 complied with, applied and followed --
- 7 A. I haven't seen a complaints procedure; what I have
8 seen -- in fact there is note of this in one of the
9 establishments that we are looking at -- an instance
10 where a parent did make a complaint and it was
11 investigated but --
- 12 Q. I just want to get the distinction. I know what you are
13 saying and in fact we will look at some things. I think
14 what you are telling me is that from time to time in the
15 life of the orphanage, until it closed, what we would
16 categorise as some form of complaint would be raised by
17 someone.
- 18 A. Yes.
- 19 Q. Probably not usually a child directly, but maybe someone
20 on staff or a parent or --
- 21 A. On behalf of a child.
- 22 Q. -- someone else?
- 23 A. Yes.
- 24 Q. What the records disclose, if I can take it broadly at
25 this stage, is that when a matter of that kind did crop

- 1 up, there is at least a record of it happening --
- 2 A. Yes.
- 3 Q. -- and there is a record that, in some cases better than
4 others, that some form of response or action followed --
- 5 A. Yes.
- 6 Q. -- on the part of the organisation.
- 7 A. Yes.
- 8 Q. We get some information about the nature of the incident
9 that led to the complaint, some information about the
10 nature of the response and outcome of the complaint in
11 terms of action, including perhaps reprimands,
12 dismissals or --
- 13 A. Yes. There are many examples of that, yes.
- 14 Q. -- some other sanction or finding.
- 15 A. There are a number of examples of that. I suppose my
16 point was I have not seen the evidence of a separate
17 complaints procedure; I think it would be encompassed in
18 the operating procedures.
- 19 LADY SMITH: Where was it you were finding the documentary
20 records of these complaints and their disposal?
- 21 A. So from the minutes of the board or the management
22 committee of the time, they would have referred to it --
23 and if they referred to children, we would then seek out
24 the child's record.
- 25 LADY SMITH: And there would be more detail on the child's

- 1 record?
- 2 A. There would be more detail on the child's record, yes.
- 3 MR PEOPLES: So really it is to some extent second-hand in
4 the sense that it is not directly -- you can't say,
5 "I have seen a policy on complaints --
- 6 A. No.
- 7 Q. -- that established a procedure and I have also seen
8 evidence of use of that policy or application of that
9 policy or process in action and I can say with complete
10 confidence that (a) there was a policy and (b) the
11 policy was complied with"? All you can say is, "I see
12 complaints were raised and action was taken", and really
13 if that is a system then that's -- there's evidence that
14 that system was operating?
- 15 A. Yes. Further than that though, the board minutes do
16 refer to the operating procedure. So they were fairly
17 contemporaneous notes, handwritten, around the time,
18 so --
- 19 Q. But we just don't know what these operating procedures
20 or regulations were or looked like?
- 21 A. Looked like.
- 22 Q. I think we heard yesterday, for example -- you might
23 well know this, in fact, from your previous incarnations
24 in Barnardo's -- that in 1944 Barnardo's published for
25 the first time a Barnardo Book, which was highly

1 detailed on a range of matters and it was prepared from
2 the highest levels --

3 A. Yes.

4 Q. -- and that this set out quite prescriptive ways, how
5 various situations should be handled, including various
6 matters perhaps like --

7 A. I am aware of the Barnardo's Book.

8 Q. You know that and that this was revised over time.

9 A. Yes.

10 Q. In fact they were able to tell us there was a 1955
11 version that took account of changing legislation and
12 regulations and on top of that this type of document was
13 accompanied by Home Office circulars --

14 A. Yes.

15 Q. -- of which they have a number. We are not sure exactly
16 what they deal with, but they deal with a range of
17 things. This written expression of policy and procedure
18 continued up until perhaps the late 1960s, I think it
19 was, when it was replaced by some form of modern
20 parlance about a policy on this or a policy on that and
21 a policy manual, that sort of thing.

22 A. Yes.

23 Q. So far as Aberlour is concerned, is there anything of
24 that kind that we can have access to?

25 A. I have no knowledge at all of an Aberlour book that

1 would be comparable to the Barnardo Book. Bear in mind
2 that up until 1967 we operated in one village in one
3 part of Scotland so it was a very contained operation,
4 so anything that would be done would be local.

5 I mean certainly since then in terms of where we
6 have diversified as an organisation and are now in many
7 different communities across Scotland, we would be able
8 to replicate those processes and procedures and policy
9 documents.

10 Q. I think you are making the point that -- we heard
11 yesterday that Barnardo's came to Scotland essentially
12 for evacuation reasons --

13 A. Yes.

14 Q. -- and then they established themselves more firmly in
15 setting up various homes in particular in the central
16 belt --

17 A. Yes.

18 Q. -- and from there it sort of flourished and they were
19 heavily involved in fostering much earlier than,
20 I think, Aberlour.

21 A. Yes, that is right.

22 Q. But they were a national organisation and it was
23 centrally run from London --

24 A. That is right.

25 Q. -- and quite closely controlled from London and you may

- 1 be able to confirm that from your employment --
- 2 A. I am sure the Barnardo's staff confirmed that.
- 3 Q. Well, yes. I mean we heard all of this yesterday.
- 4 A. Yes.
- 5 Q. So that was the way it was operating. That was the
- 6 particular modus operandi and that's the way it worked
- 7 and it had a Scottish presence --
- 8 A. That is right.
- 9 Q. -- but it was still a UK organisation.
- 10 What you are saying is that, until essentially the
- 11 1960s, Aberlour was a single-village operation, albeit
- 12 a large one --
- 13 A. Yes.
- 14 Q. -- which was being run for the benefit of children in
- 15 large numbers?
- 16 A. Yes. Many of whom did not come from the local area, so
- 17 we did have links to elsewhere in Scotland, but in terms
- 18 of operating procedures and manuals, there was less of
- 19 a need for a book, perhaps, of that nature.
- 20 Q. That might be a possible explanation why there wasn't
- 21 one and you certainly haven't been able to find one --
- 22 A. No.
- 23 Q. -- although you have found reference to regulations, so
- 24 something was written down.
- 25 A. Yes, there is reference to operating procedures.

1 Q. Just while you are on that point about who was placing
2 children. So we are clear, from 1930 to 1967, when the
3 orphanage was operating, prior to 1948, the bulk of the
4 placements would be voluntary placements by either
5 families themselves or people acting on behalf of
6 children whose families had abandoned them and so forth.

7 A. Yes and some local authorities or the RSPCC at that
8 time.

9 Q. Because they had some powers under the then legislation
10 to --

11 A. They did.

12 Q. -- take children into care or to take care of them, if
13 you like, bring them before a court, get an order like
14 a fit-person order and then discharge their
15 responsibilities through organisations like
16 Aberlour Orphanage; is that correct?

17 A. That is correct.

18 Q. Local authorities throughout Scotland, maybe at that
19 time, before 1948, would in practice have done that for
20 some children.

21 A. Yes.

22 Q. An authority in Glasgow might have sent a child to
23 Aberlour if it had exercised the statutory powers
24 available, gone to court, the court had decided
25 a fit-person order should be made in favour of the

- 1 council or the society --
- 2 A. Yes.
- 3 Q. -- because it was a fit person and that they would then
- 4 discharge it in practice by looking for provision and
- 5 they wouldn't necessarily look in Glasgow, they might
- 6 say, well, Aberlour can take this, so we will send them
- 7 up there.
- 8 A. That is correct.
- 9 Q. That would have happened?
- 10 A. That happened.
- 11 Q. Not infrequently either?
- 12 A. Not infrequently. There were a number of children who
- 13 came in on a care and protection basis.
- 14 Q. That is the care and protection type arrangement before
- 15 the state was taking a more active role, it was more of
- 16 a protective role -- I think that is how it was
- 17 described before.
- 18 A. That is right.
- 19 Q. But post-1948, so we have a feel of what's happening in
- 20 practice, the Children Act a much more positive
- 21 obligation on the state, as represented by local
- 22 authorities, to take care and deal with children in need
- 23 of care --
- 24 A. Yes.
- 25 Q. -- and with a power to take them into care without

1 reference to a court or a Children's Hearing. So for
2 20 years I think, 1948 to 1968, they had these powers --

3 A. Yes.

4 Q. -- and they could take them in and they were given some
5 statutory direction as to what they should do in the
6 case of such children and were told perhaps, try and
7 foster them if you can, but if not set up residential
8 homes of your own and also consider residential homes
9 run by people like Aberlour; is that basically how
10 things were working?

11 A. Yes.

12 Q. That's how, post 1948, children would frequently come to
13 Aberlour?

14 A. And there would have been fewer voluntary admissions
15 directly from parents' homes.

16 Q. A lot of placements post 1948 until -- because we know
17 Aberlour obviously closed before the Social Work
18 (Scotland) Act -- would have come essentially from local
19 authorities exercising their statutory or discharging
20 the statutory obligation to be responsible on behalf of
21 the state for children in care.

22 A. Yes.

23 Q. Is that really how it was working in practice?

24 A. Yes. Many of the children obviously remained there who
25 had been brought to us as orphan children or children in

- 1 need of care from other routes or by their parents.
- 2 Those children remained in terms of new admissions.
- 3 Q. Yes, you would still have that category but did that
- 4 category over time, post 1948, as a percentage of
- 5 children, would drop because we had the advent of the
- 6 welfare state --
- 7 A. That is right.
- 8 Q. -- and the poor laws were abolished --
- 9 A. Yes.
- 10 Q. -- and there was more means of support for people in
- 11 need of the welfare state?
- 12 A. Yes.
- 13 Q. So the era of voluntary admissions started to tail
- 14 off --
- 15 A. That is right.
- 16 Q. -- and gradually it was more local authorities who were
- 17 taking children and finding residential homes and foster
- 18 homes for them, and indeed people like Barnardo's were
- 19 also doing fostering services in their own right --
- 20 A. That is correct.
- 21 Q. -- perhaps on behalf of local authorities --
- 22 A. Yes.
- 23 Q. -- because largely speaking as well, they were just
- 24 helping them out.
- 25 A. Yes.

1 Q. I think this goes back to the point you made earlier
2 today, that if we were trying to look at it with our
3 legal hats on that, post 1948 at least, where a child
4 came to Aberlour in the ways described by the local
5 authority, then ultimately in terms of legal
6 responsibility, that child remained the responsibility
7 of the state, the local authority being the incarnation
8 of the state for these purposes?

9 A. It did.

10 Q. So Aberlour didn't have a handover -- there wasn't
11 a handover in saying, here is the child, you are now
12 responsible legally, our involvement has ceased? That's
13 not the true analysis, is it?

14 A. No.

15 Q. Indeed, I think that's borne out by some examples you
16 give, one being that if -- I think I read this somewhere
17 in the report -- and I don't need to take you to it --
18 but for example you tell us, I think, in the report that
19 children would, for example, on holidays, summer
20 holidays, go from Aberlour on trips.

21 A. Yes.

22 Q. I think it was said:

23 "We would need the consent of the person with legal
24 responsibility before we could do that."

25 And that would be the local authority in many

- 1 instances?
- 2 A. Yes.
- 3 Q. Did that mean the local authority was asked, if a child
4 was to go on a trip somewhere, that they would be asked
5 formally for some form of consent for that to happen?
- 6 A. Yes. It might not have been with every trip you would
7 ask for a different consent but you would ask --
- 8 Q. A general consent --
- 9 A. -- for a general consent for authorisation to take the
10 children. We weren't talking about taking the children
11 abroad but anywhere outside of Aberlour or the vicinity,
12 then, yes.
- 13 LADY SMITH: Would that depend on whether the local
14 authority had assumed parental rights or would they be
15 asked simply because they had placed the child with you?
- 16 A. Because they had placed the child with us. It might
17 also involve asking the consent of the parent --
- 18 LADY SMITH: I wondered about that.
- 19 A. -- via the local authority.
- 20 LADY SMITH: Yes.
- 21 MR PEOPLES: There are some nice questions there. It may be
22 it was simply the local authority that had some
23 responsibility and therefore had to be consulted on the
24 matter. It might be the parent.
- 25 A. Yes.

- 1 Q. That could arise for example if the child required
2 an operation or medical procedures.
- 3 A. Yes.
- 4 Q. Although I may be wrong but I think I have seen in other
5 contexts that, for example in the 1950s, where a child
6 may have been placed in a voluntary home by the local
7 authority that the local authority would have forms that
8 said effectively they were the parent and therefore they
9 were the persons that would give consent, for example,
10 for medical treatment. Because Aberlour wouldn't just
11 send a child -- unless in an emergency, wouldn't arrange
12 for some arranged procedure for a child, would they?
- 13 A. Not to my understanding. My understanding was that if
14 it was an emergency procedure it would be dealt with
15 obviously; you can't wait on consent.
- 16 Q. Obviously. I follow exactly --
- 17 A. I think wherever possible -- but when the children came
18 into the orphanage, if the parents were basically
19 signing over their care of the child to Aberlour, then
20 that would include medical consent.
- 21 Q. Just on the general issue of that, I suspect what you
22 are telling me is that -- if we deal with two
23 situations. One is the voluntary admission via the
24 parents or guardians and that was happening more in pre
25 1948 but still happening post 1948, but what would

1 happen in practice, I assume -- and maybe there is
2 evidence on the records -- they would sign some form of
3 consent --

4 A. Admission form.

5 Q. -- admission form that was consent and authorisation to
6 do certain things in the interest of the child, such as
7 perhaps any necessary medical treatment or examinations
8 or authorisation that they could be taken by the
9 organisation on trips abroad --

10 A. I would need to check that because I know that every
11 child that was admitted received a medical examination
12 on admission. I would need to check.

13 LADY SMITH: Do you still have examples of these admission
14 forms that would show us what it was that parents signed
15 up to when they handed over their children?

16 A. I think we should have. I do not think we included any
17 in our submission, but I can certainly go back and look.

18 LADY SMITH: Don't worry, there is time for that yet.

19 MR PEOPLES: You are not unique when you say, can you
20 possibly think about providing us with something.

21 I think it is important for us to understand the process
22 because there are a number of facets to that. One is
23 responsibility obviously and the basis was legally for
24 doing certain things and so forth and to some extent we
25 can be guided by the legislation. But we would like to

1 know in practice what an admission involved in terms of
2 forms and what consents were given and by whom.

3 That would apply both to voluntary admissions, but
4 also I would like you to address perhaps the other type
5 of situation which was common after 1948 which is where
6 the local authority did the placing and what in practice
7 was done at the outset as regards form filling and
8 signing and what, if any, consents and authorisations
9 were sought and given at that stage for the period that
10 the child was in the direct care of Aberlour.

11 Could we have a think about that one --

12 A. Yes, I don't have that today, but I can certainly check.

13 What I would say is that I think in terms of the
14 definition of parental rights and responsibilities,
15 there was, shall I say, a confused picture at the time.

16 Q. I think that's fair comment. I think you make that
17 point in the report, that the concept of parental rights
18 and responsibilities, as we now know it, post 1995, was
19 not quite the same understanding --

20 A. It wasn't.

21 Q. -- and there's maybe a degree of -- not confusion, but
22 perhaps not -- it wasn't as clear-cut as it might be as
23 to who could do what and whether it was an effective
24 exercise of parental responsibility or an assumption of
25 parental rights or something that was in loco parentis

1 or whatever term you care to use.

2 A. Yes.

3 Q. That's something we can no doubt explore, partly by
4 reference to the sort of documentation that may have
5 been used at the time.

6 A. I would expect some of the documentation to reflect that
7 lack of certainty.

8 LADY SMITH: Mr Peoples, it is now 11.30. We have a morning
9 break at this stage, so we will stop now for 15 minutes
10 and sit again at 11.45 am, please.

11 (11.30 am)

12 (A short break)

13 (11.45 am)

14 LADY SMITH: Mr Peoples.

15 MR PEOPLES: My Lady.

16 Ms Kelly, if I could continue. The point we were
17 talking about, where the local authority made
18 a placement, I think that would probably be -- I'm
19 really looking at the post 1948 situation where they had
20 more policies of obligations, not the protection
21 situation. In terms of the post 1948 situation, between
22 then and 1967, when the orphanage closed, if a local
23 authority, wherever it was located, placed a child with
24 Aberlour, what was the nature of any continuing
25 involvement of the local authority? Have you been able

1 to get a broad picture or impression? Because I think
2 they would have, if I understand your evidence, had
3 continuing responsibility, not just in a broad sense for
4 some of the matters such as consents, but also to
5 involve themselves more directly in the child's welfare
6 during the period of care with Aberlour.

7 Can you give us a sense, if you can, from the
8 records of whether there was any variation or
9 differences in the approach of local authorities?

10 A. I think that broadly there would be variation between
11 local authorities. Part of that I would think would be
12 to do with geography and accessibility of Aberlour and
13 I certainly have seen evidence of letter communication
14 between authorities and Aberlour in respect of the
15 welfare of children and the orphanage.

16 I couldn't give a comment in terms of the regularity
17 of visits because I don't have that at hand, but I could
18 certainly try to find more information on that if that
19 would be helpful.

20 Q. I think it would because obviously in the period we are
21 concerned with, it did pre-date local government
22 reorganisation, when there were county councils and
23 borough councils and town councils. So there were
24 unitary authorities there and then there would be the
25 city authorities and then the other county authorities.

1 Forgive me, I can't give you a number, but there were
2 quite a number over the country.

3 A. Many.

4 Q. I suppose what we would be trying to get, based on what
5 records do exist, is the extent to which, those
6 authorities having done the first part of the exercise
7 and found a placement, perhaps one that was a long-term
8 placement, to what extent they continued to be actively
9 involved with the child and what evidence there is of
10 the involvement and the nature of the involvement and
11 what matters were being discussed.

12 Because I think you have said things like review of
13 the child, for example, the review of the child's
14 continued placement, would be a matter for the placing
15 authority.

16 A. Yes.

17 Q. I think Barnardo's told us in their evidence that their
18 practice -- and it wasn't based on legislation -- was to
19 have reviews -- I think it was perhaps six monthly or
20 annual reviews of a child and its progress. But so far
21 as Aberlour is concerned, and the children that came
22 from the local authority direction, would you be able to
23 try and see if we can build a picture?

24 A. Yes, I can certainly try to find information. What
25 I would say, in terms of the collation of our submission

1 to date, we have had limited access to child records and
2 it was where we had found evidence that something had
3 happened, we then pursued the record. But it wouldn't
4 be a full enough number to be able to give you with any
5 certainty a clear overview of that relationship with
6 local authorities.

7 Q. A more comprehensive look at the child records might
8 build a better picture, a more representative picture of
9 whether authorities were active or inactive in terms of
10 continuing involvement with a child in care.

11 A. It may.

12 Q. It may?

13 A. That would -- our records, of which there are over
14 3,000, are ordered in name only. We don't have
15 a mechanism at the moment to search by establishment or
16 date of birth. So it would be a challenge but we will
17 certainly see what we can do in terms of trying to
18 recover records from that era.

19 LADY SMITH: You do have 3,000 children's records?

20 A. I believe so, yes.

21 LADY SMITH: Maybe even a sampling would give us a broad
22 indication of the different parts of Scotland the
23 children were coming from and whether there was
24 variation from one local authority to another in their
25 approach.

1 A. Yes. I can certainly do all we can to support the
2 Inquiry. So I can take that away and look at how we do
3 that.

4 LADY SMITH: I appreciate it sounds like a daunting task but
5 if you could at least start with a sample and see how it
6 is looking then I think that would be helpful.

7 MR PEOPLES: I think the benefit of you doing it, at least
8 initially, particularly with our own background in local
9 authority, you may be more conversant in what to look
10 for and what the significance of what you see is and
11 what you don't see.

12 Because I have no doubt that, unless I'm much
13 mistaken, even going back in time, there would have been
14 a degree of form filling and reporting and
15 communications that local authorities would have
16 generated in this area, and there will be child welfare
17 officers and people making visits, or supposed to make
18 visits, and reports and so forth.

19 It would be helpful to see if there was a sort of --

20 A. I think it would be --

21 Q. -- pattern or not --

22 A. -- unlikely that I personally would do that --

23 Q. No, no, I am not suggesting -- you might be able to get
24 the strategic director --

25 A. -- but I can make sure that someone with the appropriate

1 knowledge could do it.

2 LADY SMITH: I think we appreciate you have a wide range of
3 other responsibilities.

4 MR PEOPLES: But you might be able to put your knowledge to
5 good use in delegating that task to someone appropriate
6 because I think sometimes it can be very difficult to
7 identify key documents within a file, as we all know,
8 I think, from our own experience in that.

9 A. Yes.

10 Q. But it would be helpful, I think, to know that.

11 I appreciate I have been talking about the orphanage
12 years. I'm conscious that for 20 years there were the
13 group houses --

14 A. Yes.

15 Q. -- and was a different arrangement. You said at one
16 stage Aberlour Orphanage was a single institution, one
17 place, and I suppose one would want to see if there's
18 any indication of either greater local authority
19 involvement in the group years or greater regulation by
20 Aberlour because if you are not all on the premises, or
21 most of the key players are not all in one location,
22 there might be a greater need in that situation for the
23 equivalent of a Barnardo's Book, if you know what I'm
24 saying, between 1967 and 1987.

25 A. I certainly know that there was a growth in the policies

1 and procedures that were used within the organisation.
2 They wouldn't necessarily be brought together in
3 a single book, but I certainly know -- one of the key
4 concerns I think that were raised by the board or the
5 management committee at the time that we looked to
6 diversify into group homes was whether that would weaken
7 the culture of the organisation in some way and how we
8 worked to make sure that that was -- remained healthy
9 and intact. There was certainly an awareness of the
10 need for us to work with the new house parents and
11 really try and embed the culture of the organisation.
12 Yes, that would have been a period that would have seen
13 the rise of policies, procedures, local operating
14 procedures.

15 Q. We are talking about the 1960s, the mid 1960s onwards --

16 A. Yes.

17 Q. -- for maybe over approximately a 20-year period when
18 indeed this model would have been in use.

19 A. Yes. It also covered the period of the introduction of
20 the Social Work (Scotland) Act.

21 Q. Yes, indeed. So there is a significant legislative
22 change --

23 A. Significant changes.

24 Q. Just on that -- it might be a convenient point to ask
25 you this, because I'm not sure if I was clear on this

1 point -- the Children's Hearing System was established
2 in about 1971, I think, pursuant to the legislation and
3 at that point local authorities didn't have the same
4 width of power to simply take a child into care and make
5 the decisions --

6 A. Yes.

7 Q. -- therefore the matter was referred through the
8 Children's Hearing System to make appropriate orders and
9 so forth and review the situation periodically or to
10 deal with the situations that were referred to them.

11 Have you seen any evidence in the group years that
12 that led to a change at Aberlour in terms of, whether it
13 is local authority involvement or social work
14 involvement -- I mean external social workers, or
15 otherwise? Is there any evidence in the minutes?

16 A. There was certainly -- there was a change to the
17 construction of the board of trustees -- I think in the
18 late 1960s, if my memory serves me well -- which
19 included representatives from education and social work.

20 So there was obviously a kind of broadening of the
21 focus in terms of the governance arrangements --

22 LADY SMITH: I suppose that would fit with getting ready for
23 the implementation of the 1968 Act, wouldn't it?

24 A. Yes. Certainly post the 1968 Act, yes, there would
25 be -- there is evidence of more involvement with local

- 1 authorities on a more formal basis --
- 2 Q. You might have --
- 3 A. -- both in relation to the care of the children but in
4 terms of inspection as well.
- 5 MR PEOPLES: There might be, for example, more visits by
6 what would be seen as a social worker as we now
7 understand it, rather than a child welfare officer who
8 might have been based in Glasgow, and may have had quite
9 a heavy workload but didn't necessarily --
- 10 A. Manage to get to Aberlour, yes.
- 11 Q. No. Would that have been a possibility?
- 12 A. Yes.
- 13 Q. But after the 1968 Act, it would have appeared to have
14 created more of an obligation to professionalise the
15 whole social work set-up, including child care.
- 16 A. Yes and I think post the Wheatley report, the
17 regionalisation agenda as well also lent itself to that
18 because social work then became a bigger responsibility
19 with bigger teams.
- 20 Q. Yes. The only other thing is because you say the group
21 houses were dotted across Scotland, so I suppose there
22 wasn't the same problem of distance --
- 23 A. No.
- 24 Q. -- because children post 1967 in large measure coming
25 from local authorities either via the Children's Hearing

1 Systems, or however they came, would be more likely to
2 be placed in an Aberlour establishment near to the -- or
3 within the authority's area or is that not the case?

4 A. It would depend where a place was available.

5 Q. I see. So we are not to assume --

6 A. It would tend to be that but that wouldn't be able to be
7 guaranteed.

8 Q. So the local authority needed a placement and if it
9 wasn't available in their own area, even post 1968 and
10 for the next, whatever, 20 years, then they would simply
11 say, we need the placement, so we will send the child
12 there and make arrangements for the designated social
13 worker to maintain contact, visit, or arrange for
14 someone to visit from a local social work department?

15 A. Yes.

16 Q. Is that the sort of thing that could have happened --

17 A. Yes.

18 Q. -- that that responsibility was delegated, if you like,
19 to the local social work department on behalf of the
20 placing authority?

21 A. Yes.

22 Q. That could easily have happened?

23 A. Yes.

24 Q. Would we expect to see post 1968 with the advent of the
25 Children's Hearing System -- if we look at the

1 children's files -- would we expect to see bulkier case
2 records including material that was relevant to the
3 Children's Hearings process, including reports by the
4 establishment or by the social worker who is involved
5 with the child and so forth? Would we see that in the
6 Aberlour case records?

7 A. Yes, albeit the recommendations from local authorities,
8 in terms of the retention of records have not always
9 been the same in the sense that at some points
10 I understand their retention rules didn't extend to the
11 75 years or lifetime of the child. So, yes, but not in
12 all cases possibly.

13 Q. So there would be variations there?

14 A. Yes.

15 Q. I think what you are telling us -- and it may be useful
16 for us to keep in mind -- insofar as that type of record
17 was concerned, one that directly concerned a child and
18 information about a child, rather than staff or
19 administrative issues or policies, that really before
20 the statutory requirements of recent times, particularly
21 the public records legislation of 2011, that this was
22 largely a matter that was determined by each authority
23 laying down their requirements of organisations such as
24 Aberlour and others performing a similar role?

25 A. Yes.

- 1 Q. As you say, there wouldn't necessarily have been
2 a uniformity?
- 3 A. No.
- 4 Q. I'm not sure when the Convention of Scottish Local
5 Authorities was established, but I suppose it might have
6 been around that time, I'm not sure. But there wouldn't
7 necessarily be a mechanism for achieving a standard
8 approach to this matter?
- 9 A. I don't think at that point there would have been.
- 10 Q. No. I mean they all had the same statutory functions to
11 perform --
- 12 A. Yes.
- 13 Q. -- and there was obviously some oversight by the
14 Secretary of State who had the power, no doubt, to
15 discharge his functions, including guidance on these
16 matters. Are you aware whether that power was
17 exercised?
- 18 A. I think the issue is potentially one where, at one
19 point, post 1948, there was lack of clarity around how
20 long records should have been retained. In terms of --
21 at the point where we get to when it is clear they must
22 be retained for 75 years because it is a looked-after
23 child, there is then a practical implementation of who
24 retains the record and whether all of the record is
25 returned to the local authority, to follow the concept

1 of a single child file, or whether it is retained by the
2 organisation who was responsible for the care of the
3 child.

4 So there are a number of variations that could apply
5 in terms of what we have in our archive.

6 Q. Just putting a date to when that new situation arose,
7 the looked-after child and the requirement to have
8 someone to hold --

9 A. 75 years.

10 Q. That came in when, roughly? What are we talking about
11 in terms of --

12 A. Certainly when I became a social worker in 1990 it was
13 already in place at that point.

14 Q. Would it have pre-dated the Children (Scotland) Act
15 (1995)?

16 A. It would have.

17 Q. But postdated --

18 A. The 1968 Act.

19 Q. Somewhere between the two dates something would have
20 been introduced -- I think you call it a 75-year rule?

21 A. Yes.

22 Q. Would that have been based perhaps on national guidance
23 or circulars?

24 A. There was national guidance, and it may have been
25 revised since, but it was based on the lifetime of -- so

1 if a person came back in adulthood to ask for files,
2 then it would be reasonably assumed they should be
3 there.

4 Q. Just on the general subject of records. I don't want to
5 go over ground we have covered already, and you have
6 told us a bit about how at Aberlour, certainly, there is
7 evidence on regulation on punishment being a matter
8 that -- albeit the regulations themselves haven't been
9 found --

10 A. Yes.

11 Q. -- and that there's no clear evidence of a complaints
12 policy or procedure, but there is evidence there were
13 complaints and responses and --

14 A. That is right.

15 Q. If I focus on two other aspects of this, one being the
16 recruitment and qualifications of staff working in both
17 the orphanage prior to 1967 and in the group houses
18 between 1967 and 1987.

19 Have you seen any clear evidence of what we would
20 properly describe as a recruitment process or policy
21 setting out the required criteria and qualifications for
22 staff who would be working in either the orphanage,
23 prior to 1967, or in the group houses between 1967 and
24 1987?

25 A. No. The only thing we have uncovered on file is

1 a commentary within the management committee or the
2 board around people's experiences. They would want
3 people to be experienced in looking after children. But
4 we have no recruitment records. Our HR records are
5 usually only retained for 7 years after an employee
6 leaves in terms of --

7 Q. There is no clear evidence from the records that there
8 is what I would call a recruitment policy in the real
9 sense of laying down a process to be followed, including
10 say a process of interview, the criteria to be applied,
11 and who made the decision and references and so forth?

12 A. No that I have seen but I can certainly go back with
13 that.

14 Q. It might be helpful just in case. At the moment it is
15 not obvious that there was such a -- that wasn't covered
16 by a -- it is not obvious that was covered by some form
17 of policy or regulation of a clear kind, albeit you have
18 said there was evidence as to what sort of factors were
19 being used to make decisions on appointment of staff,
20 although I get the impression from the evidence you have
21 in mind that while this was a desired situation, that
22 there was prior experience, it was not a required
23 criterion.

24 A. No. Certainly at that time there weren't any statutory
25 stipulations in terms of minimum qualifications. I do

1 know as an organisation that one of the things we did
2 provide in the report that we have got evidence of in
3 reports is that we did try to encourage social work
4 students to work in the organisation and to stay in the
5 organisation post qualification. But I cannot give you
6 any figures or processes that we applied to that.

7 Q. From what era are we talking about here? Social work
8 students, that sounds like a fairly modern description
9 --

10 A. Yes, post --

11 Q. -- of the persons that were being encouraged to stay.

12 A. Yes.

13 Q. Can you give us a date or a timescale roughly?

14 A. 1960s.

15 Q. Late 1960s?

16 A. Probably a wee bit before that in terms of --

17 Q. Before the Social Work (Scotland) Act came in?

18 A. Yes, because there would be the child welfare officers
19 would -- people going to the RSPCC and the protection
20 agencies would have had the qualifications they
21 potentially studied at university. But it may be in the
22 kind of 1960s, beyond that.

23 Q. So not in the early --

24 LADY SMITH: I have the impression that it would be not
25 uncommon for there to be no formal statement of criteria

1 to work in a residential home for children around the
2 time we are talking about just now. Was that your
3 experience?

4 A. Yes. The only thing I have seen is, not a requirement,
5 but a preference that people who came to work had some
6 experience of working with children.

7 MR PEOPLES: We have heard other evidence, I think
8 yesterday, of the difficulties -- not just in the past,
9 but today -- of recruiting residential care workers for
10 a variety of reasons that were explained to us. Would
11 that accord with your experience?

12 I think we all know -- some would say that the terms
13 and conditions both in the private and public sector
14 historically have not been good and the status of care
15 workers has not always been held in sufficiently high
16 regard and so forth.

17 A. I think that is right. I think residential child care
18 has not attracted high numbers of qualified social
19 workers, for example, because of the terms and
20 conditions -- unless they are in management positions.
21 That's true today of our organisation: any qualified
22 social workers that you have at the moment I think are
23 all in management positions within our residential
24 sector.

25 LADY SMITH: Which terms and conditions do you have in mind

1 as making the job unattractive?

2 A. I think the salary. The salary is paid at less than
3 field social workers would receive, for example. But
4 there's also discrepancy between public sector pay and
5 third sector pay, voluntary organisation pay. Not just
6 in relation to the basic salary, but also in relation to
7 pension schemes. So we don't have -- I don't think the
8 public sector have them any more, but we didn't. We do
9 provide a good salary scheme after five years in
10 employment with us, the equivalent of a public sector
11 pension, but you also have quite a high level of
12 turnover in residential care because it is a tough job.

13 LADY SMITH: Do you find also that people are unwilling to
14 commit to a residential job for lengthy periods because
15 of the effect it has on their ability live their own
16 private life?

17 A. There are challenges in that regard because we do expect
18 people to work shifts and night shifts. That said, we
19 do actually have a significant number of people who have
20 been with us for a long time and are very dedicated
21 members of staff. But I think in the overall status of
22 residential care within the social work realm, it isn't
23 given a very high status, regrettably, and if it was,
24 that might be reflected better in the terms and
25 conditions that staff are offered.

- 1 LADY SMITH: Thank you.
- 2 MR PEOPLES: I suppose -- today, are the services, such as
3 the Sycamore Cluster, that works on a rota system, does
4 it, with staff, where an established team would be in
5 a house, but not full time, they would be doing it on
6 a rota basis?
- 7 A. They work full-time hours but on a rota basis; they
8 won't always be on day shift.
- 9 Q. They are not in house and in residence full time?
- 10 A. No.
- 11 Q. But when we were in the era of the group houses and the
12 era of the orphanage, the staff who were required to
13 work in Aberlour would be in residence?
- 14 A. Yes. The house mother and house father would be but if
15 there was ancillary staff beyond that, I don't think
16 they were required to live in as such.
- 17 Q. Because it was in the village, effectively, these people
18 could work and live in the village or somewhere nearby
19 of Aberlour?
- 20 A. In the group houses or are you going back to the
21 orphanage?
- 22 Q. Sorry, we'll take it in two stages and if we go to the
23 orphanage first of all.
- 24 Clearly the orphanage was part of -- if it was part
25 of the village people could come in --

1 A. Yes, some will have lived there as well but there were
2 also teachers and various other members of staff who
3 came and went.

4 Q. Yes. Just before we leave that, the structure wasn't
5 dissimilar between group houses and the orphanage. If
6 we take the orphanage years, there was the board at the
7 top level, the governing body, and they wouldn't be
8 on-site. They could be anywhere, could they, in
9 Scotland, the board, or were they local in the main?

10 A. They could be from various places in Scotland. One of
11 them, I think, was the Bishop of Aberdeen.

12 Q. So they weren't necessarily locally based but they would
13 come together from time to time for meetings and discuss
14 matters and receive reports from those in the management
15 structure?

16 A. Yes.

17 Q. We will come to see what involvement they had in certain
18 matters of complaints.

19 A. Yes.

20 Q. Below that, there was an official called the warden --

21 A. Yes.

22 Q. -- in the orphanage years.

23 The warden, was that the person in charge of the
24 orphanage?

25 A. Yes.

- 1 Q. Did that person live on-site at the orphanage or nearby?
- 2 A. My understanding was that they lived on site.
- 3 Q. I may have got this wrong, but am I right in thinking
- 4 that between 1928 and the closure in 1967 of the
- 5 orphanage, there were two wardens in all, both there for
- 6 a very long time?
- 7 A. Yes. The Reverend Woolf and then Mr Leslie.
- 8 Q. So there were only two wardens in quite a substantial
- 9 period of time?
- 10 A. I think Canon Woolf -- the Reverend Wolfe was there for
- 11 30 years or more.
- 12 Q. Below that level in the orphanage years, there were
- 13 resident housemasters, I think they were called, rather
- 14 than house parents?
- 15 A. Yes, housemasters and housemistresses.
- 16 Q. The housemaster, would he be in the boys' wing?
- 17 A. He would be in the boys' wing.
- 18 Q. Would that be normally a couple, a housemaster and his
- 19 wife, would that be the type of arrangement, or was it
- 20 a single person as a housemaster or it varied?
- 21 A. I believe it would be a housemaster himself.
- 22 Q. Himself?
- 23 A. Agreed.
- 24 Q. Would the housemaster normally be a married man?
- 25 A. I'm not sure about that because it is not clear that

1 that is the case.

2 Q. Because I think in some places -- I'm thinking of
3 Quarriers, for example -- they would have cottages, when
4 they had boys' cottages and girls, they would have
5 a house father and a house mother in the boys' cottages
6 and a house mother in the girls' cottages. I just
7 wonder how things were done at Aberlour when there was
8 the separation of children.

9 A. The lady superintendent was supported in the girls' wing
10 by her depute and there is nothing to suggest, albeit
11 they may have been, that the lady superintendent was
12 married to her equivalent in the boys' house.

13 Q. No, but was she married at all?

14 A. I have no idea, sorry.

15 Q. I suppose I was just trying --

16 LADY SMITH: I suppose these are jobs that may have
17 attracted people who were single.

18 A. Perhaps.

19 LADY SMITH: It is certainly not uncommon in the boarding
20 school circumstances that the housemaster or
21 housemistress would be a single person.

22 A. Yes.

23 MR PEOPLES: But the lady superintendent, to take the girls'
24 wing, would live in the wing or somewhere -- or would
25 she?

1 A. I would need to check that. I know the warden did but
2 I would need to check whether in fact --

3 Q. The warden lived in the boys' wing, did he?

4 A. No, he lived -- there was a cottage on the --

5 Q. On the -- I'm sorry.

6 LADY SMITH: If one used a school analogy again, the warden
7 was broadly equivalent to a headmaster; is that right?

8 A. Other than the fact we did have a school and had
9 a headmaster at the school --

10 LADY SMITH: I know you also had a school --

11 A. He was a modern equivalent probably of the director of
12 operations.

13 LADY SMITH: Reporting to the board?

14 A. Yes.

15 MR PEOPLES: Because schooling, just in the orphanage years,
16 there was a -- was it an in-house school?

17 A. Yes.

18 Q. The education was provided in the establishment --

19 A. In the school, yes.

20 Q. There would be a head teacher --

21 A. And teachers.

22 Q. -- and assistants that were teaching the children?

23 A. Yes.

24 Q. I don't know if I did actually ask you this, I probably
25 didn't on reflection, but when did this -- did there

1 ever come a point in time -- when there was this
2 separation of boys and girls, did that ever cease before
3 closure of the orphanage or was it maintained until it
4 closed?

5 A. My understanding is that it was maintained until it
6 closed.

7 Q. In the group houses, if we move on, were they with
8 children of both genders, male and female?

9 A. My understanding was that they were mixed gender.

10 Q. There were groups of children, boys and girls, and of
11 different ages?

12 A. Yes, that's my understanding.

13 Q. So if there were siblings, a boy and a girl, then do
14 I take it in the group years every effort would be made
15 to see that the boy and girl would be in the same group
16 house, if in the care of Aberlour?

17 A. That's my understanding -- unless there was a good
18 reason not to.

19 Q. In that era, ie the group years, there was still the
20 governing body or board?

21 A. Yes.

22 Q. There was still someone known as the warden, although
23 his title may have changed over time?

24 A. That is right.

25 Q. Let's call him the warden for simplicity. I think you

1 said he could have been called the principal. But there
2 was someone there. Would that person be living in the
3 group house or nearby?

4 A. No. I don't know where they lived at that point because
5 the orphanage would have been closed.

6 Q. Because these group houses were all over so you are not
7 sure whether any of them lived within the group house
8 setting?

9 A. The house parents did, but the warden -- I'm not sure
10 where the warden lived.

11 Q. But the warden would be a daily presence, or ought to
12 have been, because it was a full time -- was he in
13 full-time charge of the group house?

14 A. Houses, yes.

15 Q. Sorry, was he in charge of a number of houses?

16 A. Yes, so he would oversee the group houses.

17 Q. All of them?

18 A. Yes. I think he then became the director.

19 Q. It was a slightly different type of warden -- he had
20 responsibility for -- say you had 30 establishments
21 which are group houses within Scotland, there are 30 of
22 them --

23 A. Yes.

24 Q. -- whereas the warden before, in the orphanage years,
25 was simply the warden in charge of the orphanage?

- 1 A. Yes.
- 2 Q. Sorry, that was my confusion. The people who would be
3 in daily contact with the children were now called the
4 house parents?
- 5 A. Yes.
- 6 Q. They would have some assistance from others?
- 7 A. Yes.
- 8 Q. Assistants and domestics and so forth?
- 9 A. Yes.
- 10 Q. The people who would live in the group house would be
11 the house parents?
- 12 A. Parents, yes.
- 13 Q. So they would be the ones that would be in general
14 charge of the children on a day-to-day basis?
- 15 A. Yes.
- 16 Q. In practical terms, I do not know if you can help us
17 with this, when we got to the era of the group houses,
18 which were dotted around the country and there was
19 a single warden in charge, albeit with supervisory
20 responsibility, would the situation have been that the
21 house parents had a good deal of autonomy in the way
22 that they ran the individual group houses?
- 23 A. Yes, insofar as that was in line with the operational
24 procedures of the organisation. So they would certainly
25 have less direct supervision from their own line manager

1 than you would in a single facility, in a single place,
2 but there was certainly a need -- I referred to this
3 earlier on in my evidence -- that the organisation was
4 alive to the fact that the diversification could result
5 in a dilution of the culture of the organisation. So on
6 a day-to-day basis less supervision directly from the
7 organisation --

8 Q. More regulation?

9 A. Potentially as we go through, yes, more regulation and
10 policies and procedures.

11 Q. You would have to no doubt do a bit more research to
12 tell us what form that regulation took --

13 A. Yes.

14 Q. -- and how it was implemented and monitored for
15 compliance?

16 A. And of course that would have included external scrutiny
17 following the 1968 Act in terms of the local authority
18 responsibilities -- would that be right, the 1968 Act?

19 Q. I think before that we know that there should have been
20 a degree of external inspection and scrutiny as well,
21 but certainly post 1968 there was a requirement for
22 periodic inspection and visits.

23 A. Yes. There is reference in the management committee
24 minutes and in the board minutes of external inspections
25 taking place.

- 1 Q. In both the orphanage years and in the group years?
- 2 A. Yes.
- 3 Q. In both periods?
- 4 A. Yes.
- 5 Q. But what we don't have, am I right in thinking, is the
6 inspection reports or the findings of the inspection or
7 any recommendations or criticisms that may have been
8 made by the inspectors?
- 9 A. Not that level of detail in the committee minutes,
10 but --
- 11 Q. But there might be somewhere else, but you haven't found
12 it so far?
- 13 A. Not so far.
- 14 Q. It might not be something you would naturally find in
15 a child's file?
- 16 A. No.
- 17 Q. These external inspections, both pre 1968 and post 1968,
18 in the orphanage and group years, would have been
19 carried out by and on behalf of -- I put it broadly --
20 the state?
- 21 A. Yes.
- 22 Q. It would either have been a local authority official
23 inspector, whatever designation that person had, and/or
24 an inspector appointed by and on behalf of the Secretary
25 of State, for example, Her Majesty's Inspectorate of

1 Schools would presumably have had an inspection role
2 because Aberlour had a school.

3 A. Yes, in terms of the orphanage.

4 Q. In terms of the orphanage.

5 LADY SMITH: But that would be for educational matters?

6 A. Yes.

7 MR PEOPLES: I think we have established that function
8 wasn't a welfare function and it wasn't concerned with
9 whether children were being well-treated or not; it was
10 an education function, standards of education, standards
11 of facilities and so forth.

12 A. Yes, but it was a time when corporal punishment was
13 allowed in schools and there are a couple of incidents
14 where some of the teaching staff had to be investigated
15 as a result of over-chastisement --

16 LADY SMITH: You are saying that was picked up by
17 HM Inspectorate?

18 A. No, that was picked up by Aberlour.

19 MR PEOPLES: That's going to be the final matter I'm going
20 to deal with. I'm just trying to sweep up some things
21 before we get to that stage. That gives us an external
22 oversight, if you like, and there is some evidence that
23 that oversight was being exercised albeit we don't know
24 precisely how well or badly and what the precise purpose
25 of the inspections were and the findings and so forth.

- 1 A. Yes.
- 2 Q. I asked you about recruitment and qualifications and
3 whether we could trace or find any clear policy and
4 process in that matter. I think basically that came
5 a bit later in the day.
- 6 A. Yes.
- 7 Q. The other matter was training. Am I right in thinking
8 that for a long period in the life of the orphanage,
9 between 1930 and 1967, there was no structured programme
10 of training of staff who were employed at the orphanage?
- 11 A. I think that would be correct.
- 12 Q. But there would have been instances where (a) there were
13 staff who were employed who had some kind of training
14 and indeed qualifications -- we could see examples --
15 but that wasn't a requirement --
- 16 A. It wasn't a requirement.
- 17 Q. -- and it wasn't mandatory to undergo training and
18 things of that kind?
- 19 A. Not to my knowledge.
- 20 Q. I don't need the detail, but when can we identify is
21 really the start of a period when we have what we would
22 now think of as some form of structured or systematic
23 training for staff who worked in a residential care
24 establishment run by Aberlour?
- 25 A. There's obviously regulation of the workforce that came

1 with the advent of the SSSC. But certainly
2 organisations were doing formal training prior to that.
3 I would certainly think that during -- I would have
4 thought during the group home years, towards the end of
5 the group home years, and then on to the service years
6 there would be more formal approaches to training.

7 Q. That may be towards the latter end of the 1980s and
8 towards the 1990s.

9 A. Yes, I think there is reference when an issue comes up
10 with one of the housemasters in relation to -- sorry,
11 the house parents -- their conduct and there is
12 reference to them having to repeat a certain training
13 that they had been put through in terms of the
14 organisation.

15 Q. Can we proceed on the footing that before then we
16 wouldn't have anything that would be seen as some form
17 of system of training and induction and a continuous
18 refresher training or anything of that kind? There is
19 no evidence you have found, I take it, of that?

20 A. The only evidence in terms of something structured would
21 be in relation to instances where something has happened
22 and the organisation has required a member of staff to
23 go through a particular piece of training to remind them
24 of their responsibilities.

25 Q. In other words, a reactive situation rather than

- 1 a proactive situation?
- 2 A. Yes. What I don't know is what came before though,
3 whether they had already had the training and hadn't
4 grasped it or --
- 5 Q. But it is not clearly identified --
- 6 A. No, not that I can see.
- 7 Q. -- there is a training programme, it was mandatory, it
8 required certain things to be done and things of that
9 nature, before the period you mentioned?
- 10 A. Not that I have seen evidence of, no.
- 11 Q. Can I just refine that a little bit and ask you at what
12 point do we see evidence when such a system of training
13 came into being? If we take it around the late 1980s,
14 early 1990s, at what point do we see evidence of child
15 protection and safeguarding training coming into play?
16 Did that come later?
- 17 A. Something called child protection would have come later
18 but there would have been elements of the protection of
19 children in training children previously. But certainly
20 before 1990, probably early 1980s, something like that.
21 Certainly I know at that point the local authorities had
22 child protection procedures and all of the
23 establishments that local authorities were registered to
24 support had to have protection procedures in place, etc.
- 25 Q. In the 1980s?

1 A. Certainly after -- when I started social work in 1990
2 there were already multi-agency child protection
3 procedures in place in 1990 in the Strathclyde region.
4 They had been put in place in the 1980s, the exact date
5 I don't know.

6 Q. I'm just trying to get the decade at least. Obviously
7 where the children had been placed by local authorities
8 at that stage, largely or exclusively, then to some
9 extent if the local authority as the placing authority
10 and the party with legal responsibility said, we want
11 this, this, and this including protective arrangements
12 of this kind, then that was part of the arrangements?

13 A. A lot of organisations worked to the child protection
14 procedures of the placing authority. So they would
15 follow those procedures because the child was still the
16 legal responsibility of the placing authority.

17 Q. I can see how that would work in the group home
18 situation and it might be the only way it would work
19 because if you have an organisation with group houses
20 throughout the country and lots of different authorities
21 with different ideas of what training they require of
22 establishments caring for their children, if you like,
23 the children in their care, then you would probably in
24 practical terms have to adhere to what they want, for
25 example what Strathclyde wanted rather than what Tayside

1 wanted; you could not have a uniform set of rules.

2 A. I mean most of those would be supported by internal
3 documentation as well.

4 Q. We were in an era then, for a variety of reasons, where
5 you would not be able to say, "We had a single child
6 protection and safeguarding policy that was applied
7 across the board in the organisation", and that, to some
8 extent, was driven by the fact that there were a lot of
9 authorities and they each had their own ideas?

10 A. Yes.

11 Q. And their ideas might have differed at the time when
12 there was no uniformity?

13 A. It was a period of significant change in society. We
14 had political change in terms of local authorities.
15 There was a whole host of evidence and research
16 reporting at the time around child protection and child
17 abuse, as it was previously described. Yes, it was
18 a period of flux.

19 Increasingly through the 1980s and 1990s there was
20 a better understanding of the protection of children in
21 its broadest sense and in more specific senses.

22 Q. The other point that maybe arises out of the evidence
23 you have just given is that by the 1980s, perhaps not
24 before then, the local authorities, in other words the
25 state, was beginning to take a stronger involvement in

1 establishing policies --

2 A. Yes.

3 Q. -- albeit the policies would vary from authority to

4 authority --

5 A. Yes.

6 Q. -- but they were now requiring these things to be put in

7 place, even if it was not a matter of statutory

8 regulation or prescription from a national level; would

9 that be fair to say?

10 A. Yes.

11 Q. But before then there is maybe not the same evidence of

12 that degree of involvement in this particular area, like

13 child protection?

14 A. Yes.

15 Q. It is more a broader concern for visits to check

16 welfare?

17 A. Yes.

18 Q. But not homing in on --

19 A. Certainly in terms of societal understandings and also

20 professional understandings around child sexual abuse,

21 for example, it was a period of a huge amount of

22 accumulation of knowledge at that time but we are still

23 learning in relation to some aspects of that.

24 Q. That perhaps brings me to what I said I would come to.

25 I think today I intend to focus on appendix 5 to parts A

1 and B of the orphanage report --

2 A. Okay.

3 Q. -- which deals with allegations and how they may have
4 been handled. I think this, to some extent, is the
5 foundation of some of the evidence you gave this morning
6 about what was happening in that period --

7 A. Yes.

8 Q. -- from 1930 through to 1967, when the orphanage closed.

9 There is evidence from, I think, the material that
10 has been looked at by your team, or those instructed to
11 carry out the exercise, that there's evidence of
12 instances of complaints and instances of action being
13 taken by the organisation in response.

14 A. Yes.

15 Q. I would just like to look at that if I may at this
16 point.

17 If you could look at this stage at ABE.001.001.0080.
18 If I could just say by way of introduction that this is
19 giving information of complaints in relation to
20 incidents that took place or allegedly took place at the
21 orphanage between the dates we are interested in, 1930
22 and 1967.

23 A. That is correct.

24 Q. It is appendix 5 to the report on the orphanage.

25 Before we look at any specific entries, can I say

1 that, if arithmetic serves me right, there are 12
2 complaints that have been referred to in this appendix.

3 A. That is correct.

4 Q. You don't need to check, we can find out as we go along,
5 but by my reckoning eight are contemporaneous
6 complaints -- in other words, reported at or about the
7 time of the incident in question -- and four are what
8 I would term historical complaints --

9 A. That is correct.

10 Q. -- which are allegations which have come to light when
11 the party, who was the subject of the incident, was no
12 longer resident, was no longer a child and was an adult.

13 A. Correct.

14 Q. It is against that introduction that we are looking at
15 these matters.

16 If I could just look at them in turn. If we could
17 look at the first one. There is a structure to this
18 spreadsheet of it is broken down into various columns --
19 maybe before we look at the first one: column 1 is
20 identifying that these particular complaints, as they
21 are described, were all related to the orphanage.

22 A. Yes.

23 Q. Column 2 is an attempt, as best one can, to identify the
24 approximate date of the incident to which the complaint
25 relates, the date of that incident.

- 1 A. Yes. The year -- the evidence column.
- 2 Q. What we can get from that is the decade, if you like, in
3 which this matter appears to have arisen.
- 4 A. Yes.
- 5 Q. Then the next column, 3, is headed "Individual
6 involved". That, I think, is an attempt, albeit without
7 naming anyone, to show who was involved in the incident.
- 8 A. Yes.
- 9 Q. In some cases it is one person, in some cases it is more
10 than one?
- 11 A. That is correct.
- 12 Q. I think all of the 12 complaints concern residents or
13 former residents at the orphanage.
- 14 A. That is correct.
- 15 Q. Then the fourth column is effectively seeking to
16 identify, albeit again without providing any names, the
17 person or persons against whom the complaint was
18 directed, is that right, column 4?
- 19 A. Yes.
- 20 Q. Then fifth column is seeking to tell us who raised the
21 complaint.
- 22 A. Yes.
- 23 Q. We often use the term "complainer" as synonymous with
24 the person who was the subject of the alleged incident,
25 but I think in this case we see that in many instances

1 the person raising the complaint was not the person who
2 seems to have been the subject of the incident; is that
3 fair comment?

4 A. Yes, it is adults raising it on behalf of children.

5 Q. Then column 6 is seeking to tell us the date on which
6 the allegation or complaint was in fact made --

7 A. Yes.

8 Q. -- to the organisation; is that right?

9 A. Yes.

10 Q. Column 7 gives us some general information about the
11 nature of the incident; is that correct?

12 A. That is correct.

13 Q. Then column 8 attempts to capture, based on the records
14 that are being examined, the action that appears to have
15 been taken at the time of the incident, so far as the
16 records disclose.

17 A. Yes.

18 Q. Column 9 is headed "Further dealings with this matter".
19 I think, unless I'm much mistaken, there's really --
20 I think in every case apart from perhaps one, the last
21 one, the answer is "none". It is just trying to set
22 out, so far as the records disclose, whether that was
23 the extent of the action or whether there's any evidence
24 that there was further action at some later stage in
25 time; is that right?

- 1 A. Or if in fact children came back to us as adults to
2 question something that happened to them as a child.
- 3 LADY SMITH: The last entry is an example of that. There is
4 a subject "access request" there for example.
- 5 A. Yes.
- 6 LADY SMITH: You also make reference to records being sought
7 by past residents.
- 8 A. Yes.
- 9 MR PEOPLES: I think column 10, the final column, which is
10 headed "Evidence" is telling us where one finds
11 documentary evidence within the records currently held
12 by Aberlour or indeed any other information that is
13 known to them that would support the information being
14 supplied to the Inquiry.
- 15 A. Yes.
- 16 Q. But a lot of the information -- I think in fact all of
17 it -- in relation to the contemporaneous complaints come
18 from the records.
- 19 A. Yes.
- 20 Q. I'm not asking you to look at the records. I'm not
21 concerned with that. I would like to look briefly at
22 the various complaints if I may --
- 23 A. Of course.
- 24 Q. -- starting with the first on page ABE.001.001.0080.
25 The first one appears to be an incident which

1 occurred as early as 1932, which is the earliest part of
2 the period we are interested in.

3 The individual that was involved in this matter is
4 described as "unknown boy". There is no indication from
5 the records, I take it in that case, of the identity of
6 the boy in question?

7 A. No.

8 Q. The complaint is directed against a teacher. The person
9 who raised the complaint was in fact the headmaster --

10 A. Yes.

11 Q. -- at the orphanage school?

12 A. Yes.

13 Q. The incident complained of is described, based on what's
14 contained in the records, as:

15 "Excessive punishment of a boy leaving a bruise."

16 So it left some injury on the boy in question?

17 A. Yes.

18 Q. A punishment by a teacher of the boy?

19 A. Yes.

20 Q. This would be a teacher employed by Aberlour at the
21 time?

22 A. Yes.

23 Q. Then, if we look at what action was taken in response to
24 that complaint that was raised by the headmaster -- now
25 he would have been, in the pecking order at that stage,

1 below the warden?

2 A. Yes.

3 Q. And the warden would be below the board?

4 A. Yes.

5 Q. So if we look at it against that background, it says the
6 action taken -- I will read what it says that:

7 "On 10th March 1932 the school managers expressed
8 their views on corporal punishment and the teacher was
9 brought before the school managers to explain his
10 actions."

11 The "school managers", is that a reference to the
12 board?

13 A. I don't believe so. It would be in relation to the
14 headmaster and probably the warden.

15 Q. I wondered about that. Maybe we will come back to that.
16 Because sometimes the managing authority of
17 an establishment in terms of statutory regulations is in
18 fact the organisation running it.

19 A. Yes.

20 Q. I just say that for information in case -- it may be the
21 case. Let's leave it anyway. We will see what action
22 was taken by whatever level of responsibility was
23 involved in this matter. It says -- I read on:

24 "The teacher was reprimanded by the school managers
25 and required to sign a statement confirming that such

1 an offence would not be committed again and agreeing to
2 comply with Aberlour's regulations and guidance
3 governing corporal punishment."

4 Then it goes on:

5 "Aberlour's regulations on corporal punishment were
6 outlined by the headmaster ..."

7 Who was the person who brought the complaint in the
8 first place:

9 " ... in particular, corporal punishment within the
10 orphanage school was to be carried out only when
11 necessary and on the basis of the headmaster's
12 instructions."

13 I think there we see passing reference to
14 regulations that seem to have been in the mind of the
15 headmaster and a summary of what the headmaster was
16 saying was the gist of the regulations; is that what we
17 are to take from this --

18 A. Yes.

19 Q. -- and that the disposal was a reprimand --

20 A. Yes.

21 Q. -- at that time for excessive punishment which left
22 injury on the boy?

23 A. Left a bruise.

24 Q. But they were satisfied that presumably that the
25 incident had happened as described?

1 A. Yes.

2 Q. Otherwise there wouldn't have been a punishment imposed?

3 A. Yes.

4 Q. If we go on to the second complaint -- I will call it
5 complaint 2. So I will call that one complaint 1 in
6 case I have to come back to it.

7 Complaint 2 on the same page appears to be another
8 contemporaneous complaint, but this time it is in 1940.
9 We have moved on to the next decade in the life of the
10 orphanage. In this case the individual that's involved
11 in the incident is described as "A senior girl,
12 unknown". I take it again the identity of that girl was
13 not established in the records?

14 A. Yes, not recorded.

15 Q. Did I read somewhere, just in passing, that it was the
16 practice within Aberlour at least in earlier times in
17 discussing matters concerning children at the
18 establishment to use their names in minutes and
19 meetings? Have I got that wrong? Maybe I read that in
20 a different report. I have seen quite a few this week,
21 so forgive me if I'm not accurate.

22 A. I haven't had extensive access to all of the documents
23 that are referred to here but I haven't seen reference
24 to children by name.

25 Q. That's fine. I don't need to pursue it then. We can

1 maybe check that at some point.

2 Anyway the person against whom the complaint is
3 directed is in this case not a teacher but a school
4 cleaner.

5 A. Yes.

6 Q. Again the headmaster, whether the same or a different
7 headmaster by 1940, is the person raising the complaint.

8 The incident that gives rise to it is described as:

9 "The school cleaner's offensive attitude towards
10 a senior girl, including striking her across the face."

11 A. Yes.

12 Q. Looks like an assault to me.

13 A. Yes.

14 Q. It seems to be compounded apparently by what is
15 described as "abuse" and "impudence". I don't know if
16 these are the words that are used in the --

17 A. They are. They have been lifted -- they are not our
18 modern day words.

19 Q. I just wanted to check that just in case I was intending
20 to try and characterise it in modern parlance. It is
21 described as:

22 "Abuse and impudence directed at the headmaster when
23 he questioned the cleaner."

24 The action that is taken in light of these incidents
25 is that -- it says:

1 "The matter was delegated to the chairman, vice
2 chairman and warden to deal with."

3 That's why I suggest to you that perhaps the school
4 managers are the governing body because the delegation
5 of authority in this case to the chairman and vice
6 chairman, presumably of the board, and the warden of the
7 orphanage to deal with this matter? Do you see that?

8 A. Yes.

9 Q. It includes authorisation to carry out any disciplinary
10 action or processes that were required.

11 A. Yes.

12 Q. It says in terms of the action that was in fact taken
13 according to the records that the school cleaner was
14 dismissed following which he provided a written apology
15 to the headmaster and was then reinstated on the
16 condition that if an issue ever occurred again he would
17 be immediately dismissed.

18 So dismissal and reinstatement following apology was
19 the --

20 LADY SMITH: No sign of any report to the police?

21 A. No.

22 MR PEOPLES: No. So that was the sum total. But then it
23 says the school cleaner again used abusive language with
24 the housemaster, it looks like four years later or so,
25 and was asked to provide his resignation. It doesn't

1 take the matter any further but perhaps we can infer
2 that if he was asked he may well have resigned at that
3 point.

4 A. My understanding is that he did.

5 Q. Having been given effectively a final warning,
6 I suppose --

7 A. Yes.

8 Q. -- in 1940. As her Ladyship has said, there is no
9 evidence that this particular matter was reported
10 outwith the school.

11 A. No.

12 Q. It was dealt with internally as an internal matter --

13 A. It would seem so.

14 Q. -- albeit it did on the face of it involved an assault,
15 that it would appear that was accepted it happened,
16 whether by admission or by other investigation?

17 A. Yes.

18 Q. The third complaint, complaint 3, which is also partly
19 on page ABE.001.001.0080, is again -- it is difficult to
20 date this one but it appears from the information
21 currently available this matter or incident arose prior
22 to 1947.

23 So it is still again in the 1940s. This is another
24 example of a contemporaneous complaint. It concerns, it
25 would appear, two boys in this case and a person that is

1 described as "unknown" but the presumption appears to be
2 made that it was a teacher of some description.

3 Then on the next column, 5, which is telling us who
4 raised the complaint, it says that:

5 "A housemaster and the headmaster had both made
6 complaints to the sub-warden."

7 Presumably about this individual. Now, the
8 sub-warden would have been above the headmaster in the
9 structure but below the warden?

10 A. Yes.

11 Q. So whenever this happened there was at least
12 a sub-warden as well as a warden in place.

13 The incident appears from the records to have --
14 sorry, the reporting of the incident appears to have
15 occurred prior to 18th December 1947.

16 The incident in question is described as "excessive
17 corporal punishment by teachers". That's the plural.
18 I don't know whether that's deliberate or not. We are
19 talking about an unknown teacher in column 4, but column
20 6 refers to "teachers".

21 Then it says, in this case, this is perhaps
22 an example of a more unsatisfactory record:

23 "Action taken at the time of incident: unclear."

24 There seems to be some allegations that the
25 sub-warden took no action in response to the raising of

- 1 the complaint, albeit made by the headmaster and the
2 housemaster. Do you see that?
- 3 A. Yes.
- 4 Q. There is a note in this case, I'm not expecting you to
5 be conversant with it, but there seems to be some sort
6 of note within the school's minute books on
7 18th December, which is presumably why that date
8 appears, "18th December 1947 allegations made", and it
9 identifies the teacher who made the allegations and it
10 is referred to also by the headmaster. That is further
11 information.
- 12 A. Yes.
- 13 Q. Beyond that, if we pass on to page ABE.001.001.0081, we
14 see there's no further information that can be gleaned
15 from the records according to the exercise of evidence
16 of what transpired in this matter? Do you see that?
- 17 A. Yes.
- 18 LADY SMITH: What were the school minute books that we see
19 referred to here?
- 20 A. So those would be documents of the time, which would
21 have basically documented school business.
- 22 LADY SMITH: A daily log?
- 23 A. Potentially a daily log.
- 24 LADY SMITH: Thank you.
- 25 A. My understanding is we still have those books.

- 1 LADY SMITH: Thank you.
- 2 MR PEOPLES: It might be helpful -- when we are dealing with
3 records, we have heard different descriptions of
4 documents and I am sure that's not unusual, but we have
5 heard reference in other evidence in other institutions
6 to logbooks, punishment books, visitors books.
- 7 A. Yes.
- 8 Q. And also what we would conventionally call minutes,
9 which might be a minute of a meeting normally or
10 a minute which would record some kind of summary of
11 a meeting.
- 12 So it might be helpful if you could perhaps
13 establish the sort of status and nature of the document
14 which records this matter so we might be able to
15 proceed?
- 16 A. Of course.
- 17 Q. Because am I right in thinking we haven't -- have you
18 come across anything that was specifically called
19 a punishment book?
- 20 A. No.
- 21 Q. Or a complaints book?
- 22 A. No.
- 23 LADY SMITH: So it might all have been put down in the
24 minute book?
- 25 A. Yes.

- 1 Q. Or something that might be aptly described as a daily
2 log kept by the house parents, if you like, or
3 housemasters and mistresses that were in charge of the
4 groups within the wings. You have not come across
5 anything of that kind so far?
- 6 A. No. One of the problems we have is that there were two
7 separate fires in the orphanage, one in the girls' wing
8 and one in the boys' wing, at different times which were
9 pretty destructive actually. So there will be gaps in
10 organisational records at different times but certainly
11 I can look at these books and also look to see whether
12 there are any other books from the orphanage that would
13 shed --
- 14 Q. Can you put a date on these fires roughly?
- 15 A. There is a record of the date but I don't have it to
16 hand, but I can get it for you.
- 17 Q. Would it follow that there might be records which were
18 destroyed by a fire that might contain other complaints
19 of this type?
- 20 A. None of the board minutes were destroyed or the
21 management committee minutes were destroyed. So
22 anything that was reported at that time would be
23 reported formally through the board or the management
24 committee.
- 25 Q. If the bulk or all of this information came from the

1 minute book, for example, then we can make the
2 reasonable assumption that that is all there is about
3 complaints in that source?

4 A. That we are aware of. There may be complaints in child
5 records that we have not seen, but these are the ones
6 that we are aware of.

7 Q. I follow. So far as the minute books we have a full set
8 of those?

9 A. Yes.

10 Q. This is what they say about the matter?

11 A. Yes.

12 Q. But the child records which have not been examined,
13 either by sample or otherwise, may have further
14 information either on these matters or other matters --

15 A. They may have.

16 Q. I follow. Then if we can go to complaint 4 on
17 ABE.001.001.0081. We have moved onto 1947, this is
18 another contemporaneous complaint.

19 In this case it involves a boy or possibly a number
20 of boys -- I think the record doesn't make clear whether
21 the allegations which are the subject of the complaint
22 related to actions that the boys witnessed or were
23 actions which they experienced themselves; whether it
24 was a single incident witnessed by a group of boys or
25 a group of boys receiving the same sort of treatment.

- 1 That's what it is saying, is it?
- 2 A. Sorry could you repeat that?
- 3 Q. Sorry I maybe put that rather badly.
- 4 Column 3 in trying to describe who was involved and
- 5 who was perhaps the subject of what is later described
- 6 as excessive corporal punishment. It is not clear
- 7 whether some of the matters that are being complained
- 8 of, the general complaint, which is excessive corporal
- 9 punishment, was one that all boys were complaining of
- 10 and one boy had a particularly bad experience of, it
- 11 would happen when we read on; or whether it was simply
- 12 one incident that a number of boys were witnesses to?
- 13 A. Yes, the records aren't clear as to whether the boys
- 14 witnessed something or experienced it themselves.
- 15 Q. But the person against whom the complaint was raised was
- 16 an individual who is described as a teacher and also
- 17 a housemaster?
- 18 A. Yes.
- 19 Q. Does this mean this individual had teaching
- 20 responsibilities at the school but also would be in
- 21 charge of one of the units within the boys' wing?
- 22 A. It would seem so.
- 23 Q. The person raising the complaint is again an adult and
- 24 in fact the member of the staff is the sub-warden in
- 25 this case?

1 A. Yes.

2 Q. There is quite a bit of information about this
3 particular complaint, if I could just try and deal with
4 it, that the general description of the incident or
5 incidents is excessive corporal punishment.

6 Then there is more information to the effect that it
7 is unclear whether the boy -- that is why there is some
8 dubiety here -- banged his head on the ground while
9 receiving caning or whether he was hit on the head with
10 the cane.

11 A. Yes.

12 Q. There seems to be some lack of clarity at the time as to
13 precisely what happened but there were two possibilities
14 that were raised?

15 A. Yes.

16 Q. Then it says:

17 "The governors --"

18 I think this maybe shows the governors do get
19 involved in matters of this kind.

20 A. Yes, in reviewing.

21 Q. "... appeared to be of the opinion that the injury
22 occurred due to the boy trying to get away from the
23 teacher/housemaster", the individual who was the subject
24 of the allegation, "rather than due to the
25 teacher/housemaster hitting the boy."

1 I think they formed the view of what was the most
2 likely scenario at the time.

3 A. They seemed to have, yes.

4 Q. Then it says -- there is a note that has been added by
5 way of background to the matter, that this incident
6 appears to have followed from the boy absconding to
7 Inverness, having stolen from the church collection box
8 and his return with the police after having been found
9 to have stolen from Woolworths.

10 I suppose it is possible that this caning arose out
11 of the boy absconding and what appears to have happened
12 when he did so, is that one possibility? That the two
13 might be related?

14 A. It is certainly a possibility.

15 Q. Whether that would be -- if that relationship can be
16 made, it could be he was being punished for either
17 absconding or for stealing from the church collection
18 and also stealing from Woolworths or for all three.
19 These are all possibilities?

20 A. Yes.

21 Q. In terms of action, I will maybe just deal with this
22 complaint just before lunch if I may. I'm conscious of
23 the hour.

24 The sub-warden reported the matter to the warden and
25 to the headmaster. The boy was examined and found to

1 have a lump on his head and bruising around his eyes?

2 Statements were taken. This shows the nature of the
3 investigation at the time. Statements were taken from
4 the boy, other boys regarding the teacher or
5 housemaster's action, and from the teacher/housemaster.
6 The teacher/housemaster admitted his actions that he had
7 and was at times prone to losing his temper.

8 It doesn't appear to have been the first time this
9 occurred which may have given rise to the lack of
10 clarity as to whether the complaint was a general one or
11 specific to this boy?

12 A. Yes.

13 Q. It then says that the action taken was that the school
14 management committee reprimanded the teacher/housemaster
15 and reminded him of the rules on corporal punishment.
16 This again is the type of reference you spoke of this
17 morning, that there were rules.

18 There was a decision not to dismiss on the basis
19 that the teacher or housemaster was an excellent teacher
20 and housemaster but the teacher/housemaster was warned
21 this mustn't happen again. He got a reprimand and
22 a final warning in effect.

23 Then it says:

24 "The board of governors were of the view that the
25 issue was more inflammatory due to the discontent

1 between the sub-warden", I think he was the reporting
2 individual, "and this particular teacher/housemaster.
3 The decision was that both (along with another
4 housemaster who had inflamed matters) had to go."

5 Then we are told finally that:

6 "The teacher/housemaster resigned on
7 9 February 1948."

8 What we don't know, do we, is whether in fact all
9 three individuals who the board thought should leave did
10 in fact leave?

11 A. No.

12 Q. We can't tell from this. But they seem to be of the
13 opinion that that was maybe an appropriate course of
14 action at least --

15 A. It would seem so. I also think that there is
16 a distinction there between the school management
17 committee and the board of governors in terms of
18 their -- going back to the earlier --

19 Q. I see that because -- I think there is the term school
20 managers in the first complaint, there is the term
21 school management committee, which might be a different
22 entity?

23 A. Possibly.

24 Q. Then there is the board of governors. You are right.
25 There is an involvement of at least in that case of two

1 different levels of responsibility.

2 Then just finally, in terms of this particular
3 complaint, it says that there is a detailed discussion
4 within the school minute book on this matter in 1947.
5 December 18th. I will just read what's said next
6 because I'm not sure what's said in relation to this.

7 It says:

8 "Allegations of the teacher/housemaster's punishment
9 techniques within a previous resident's memoirs. No
10 allegations of excessive punishments as such."

11 It looks like a former resident's memoirs had made
12 reference to this particular teacher's particular
13 punishment techniques. So there is some reference to
14 another source of information about the teacher.

15 The final matter on this column under "Evidence" is
16 that:

17 "It is clear there were written rules on punishments
18 allowed in the school and the house but we do not have
19 copies of these rules."

20 That is a point you made this morning?

21 A. Yes.

22 Q. This is evidence, you would say, and have said already,
23 that the school at this time did have rules on these
24 matters and this is an example where it was considered
25 the rules had been breached and certain actions were

1 taken, is that correct?

2 A. That is correct.

3 LADY SMITH: Mr Peoples, it is now after 1 o'clock. We will
4 stop now for the lunch break and sit again at 2 o'clock
5 please.

6 (1.05 pm)

7 (The luncheon adjournment)

8 (2.00 pm)

9 LADY SMITH: Mr Peoples.

10 MR PEOPLES: My Lady.

11 Ms Kelly, if I could just take you back, we were
12 looking before lunch at appendix 5 to the
13 Aberlour Orphanage response. Can I just take you back
14 there just to ask you a few more questions on that.

15 If you could go to ABE.001.001.0081. If we could go
16 to the foot of the page. I will just call this
17 complaint 5. It relates to an instance in the 1940s.
18 All I really want to take from you at this stage in
19 relation to that is that this, I think, is an example of
20 a historical allegation rather than something that came
21 up as a contemporaneous matter.

22 A. That is correct.

23 Q. Again, and I don't intend to deal with the detail of
24 this particular complaint, however, I would ask you to
25 confirm that the complaint itself involves allegations

- 1 of sexual abuse.
- 2 A. Yes, it does.
- 3 Q. Really the point that maybe worth making at this stage
4 is that, so far as the allegations are concerned, there
5 is no evidence or record of the allegations themselves
6 or any evidence that would shed light on this particular
7 matter?
- 8 A. Nothing that we could find.
- 9 Q. Then if I could pass onto the next page ABE.001.001.0082
10 and complaint 6, which is the next complaint. Again,
11 can I just take from you that -- do you see this is the
12 first full complaint on that page?
- 13 A. Yes.
- 14 Q. This was one that I think again relates to matters
15 occurring allegedly in the 1950s. Again, is this
16 another example of the historical allegation?
- 17 A. Yes.
- 18 Q. Again, I take this short at this stage, but this
19 involves allegations of sexual abuse by a member of
20 staff at the orphanage.
- 21 A. Yes.
- 22 Q. I think the previous one, complaint 5, was also against
23 a member of staff.
- 24 A. That is correct.
- 25 Q. I think, again, it probably falls into the same category

1 as the previous complaint, that so far as the records go
2 so far there's nothing really to shed light on this
3 particular matter.

4 A. Yes, that is correct.

5 Q. Then if we go to the next complaint, 7. This is another
6 contemporaneous complaint that was made in 1958, again
7 against a housemaster in this case, and it seems to have
8 been raised by the management committee itself.

9 A. Yes.

10 Q. Again it is concerned with excessive punishment at that
11 stage. All I think I need to take from you at this
12 stage is that there is evidence within the records that
13 the matter was investigated, including the taking of
14 statements from those who were considered to have some
15 knowledge of the matter in question --

16 A. That is correct.

17 Q. -- and that there was in that case a sanction taken that
18 the individual concerned was dismissed.

19 A. That is correct.

20 Q. So clearly the allegation was considered to be of
21 substance?

22 A. It would seem so, yes, absolutely.

23 Q. I may take this from you, there is an entry in the
24 column "Action taken at the time of the incident" which
25 reads:

1 "Warden also asked to consider corporal punishment
2 on a more general basis and guidelines were revised."

3 So do we see as of 1958 there is reference to
4 guidelines and clearly the warden has been instructed or
5 directed or asked to consider the issue of corporal
6 punishment on a more general basis and consider whether
7 the guidelines require revision?

8 A. That is correct.

9 Q. I take it that the guidelines -- what you said earlier
10 in your evidence this morning is that any guidelines
11 that may have been in existence then, whether revised or
12 unrevised, you so far haven't had any success in
13 locating --

14 A. That is correct.

15 Q. -- that sort of document?

16 A. Yes.

17 Q. Complaint 8 on page ABE.001.001.0082 is a complaint that
18 again was made in the late 1950s, in 1959. Again
19 against a member of staff. In this case it was
20 a sub-warden that was the subject of complaint; do we
21 see that?

22 A. Yes.

23 Q. In fact, in this case it is an example, I think, of
24 a more junior member of staff raising the complaint
25 against her senior colleague.

1 A. That is correct.

2 LADY SMITH: What we would now call whistle-blowing?

3 A. Yes.

4 MR PEOPLES: So that was how the matter came before the
5 board or at least members of the board?

6 A. That is correct.

7 Q. The subject matter of the complaint, put generally, is:

8 "Excessive force administering punishment for
9 misbehaving."

10 That is the context of the complaint by the junior
11 member of staff against her senior colleague?

12 A. Yes.

13 Q. Again there is an assessment made of the complaint and
14 it was found on that occasion to be substantiated; is
15 that the case?

16 A. Yes.

17 Q. If we go over the page to ABE.001.001.0083, to just
18 follow through briefly about this complaint, on that
19 occasion the person against whom the complaint was
20 substantiated, as we see from the action taken, was
21 asked to explain his view on corporal punishment and
22 a view was expressed by the governors that the evidence
23 in this case did not suggest such punishment was
24 effective as a deterrent.

25 So there was an assessment of whether it was

1 an appropriate form of sanction and how effective it
2 was?

3 A. Yes.

4 Q. That was the sort of assessment that was being made in
5 1959?

6 A. That is correct.

7 Q. Maybe before I leave complaint number 8, I could just
8 say that there was a sanction imposed, but I note that
9 there appears to have also been an entry to the effect
10 that, although the person in question was not dismissed,
11 that person was encouraged to pursue, as it is termed,
12 parochial work rather than child care work.

13 LADY SMITH: I do not think that happened though. According
14 to what you found in the records, he resigned.

15 A. He then resigned.

16 LADY SMITH: He resigned by what date?

17 A. 7th January 1959.

18 LADY SMITH: And the date for the incident?

19 A. It was late 1958, was it?

20 LADY SMITH: I think you have January 1959, within days; is
21 that right? Within days he seems to have gone?

22 A. Yes, I think that is right actually.

23 MR PEOPLES: I think the point I was trying to raise with
24 you is that clearly at that stage there was a view
25 expressed as to whether this particular individual was

1 suitable for working with children. So there clearly
2 was an assessment made of suitability, albeit not at the
3 stage of recruitment, but at the stage when an incident
4 involving the individual was brought to the attention of
5 the organisation; is that correct?

6 A. Yes.

7 Q. That was in the context of the approach to punishment?

8 A. Yes, can I say his view differed from the organisational
9 view in relation to corporal punishment.

10 Q. The view of the person who was the subject of the
11 complaint?

12 A. Yes.

13 Q. At the time?

14 A. At the time, different from the board of governors'
15 view.

16 Q. Was that individual a longstanding employees?

17 A. No, he was relatively young, but if my memory is correct
18 he actually came from -- I think he was a junior
19 clergyman, but I could double check that.

20 Q. If I move on to the next complaint, number 9. I'm only
21 going to say this about that, that that again is the
22 third example or third incidence of a historical
23 complaint. I'm just going to ask you to confirm that's
24 the case for complaint number 9 on ABE.001.001.0083.

25 A. Yes.

- 1 Q. Perhaps I'm more concerned with complaint 10, for
2 reasons that will become apparent. There seems to have
3 been an allegation of a serious kind made in 1961 of
4 which there is some evidence in the records; is that
5 right?
- 6 A. Yes.
- 7 Q. Although it is not clear from the records, it seems the
8 allegation arose in 1961 but there's very little
9 information about other matters in contrast to some of
10 the other complaints we have looked at; is that correct?
- 11 A. Yes, that is correct.
- 12 Q. We can't be clear from what is available now when the
13 alleged incident or incidents occurred, can we? It
14 could have been prior to 1961. It is just that the
15 report of them came to light in 1961. We don't know
16 whether the incident was itself in 1961 or earlier is
17 that right?
- 18 A. My understanding is that the allegation arose --
- 19 Q. Yes, the allegation, but the actual events.
- 20 A. The actual events, no, I can't be definitive about that.
- 21 Q. Just in terms of action, I would just like to look at
22 that briefly in the column under "Action". According to
23 the records that are still in existence it is stated
24 that the individual concerned was dismissed for earlier
25 reasons, as it is put. Sorry, I should have said before

1 we go on that the report that was received at that time
2 was a report of alleged indecency with boys by a former
3 assistant house father.

4 A. Yes.

5 Q. It appears that by the time the report came to the
6 notice of the governing body, the individual concerned
7 had been dismissed for, I think, other reasons perhaps
8 would be the way we would see it.

9 A. That's what it says, yes.

10 Q. What we do see also is that on this occasion, perhaps
11 unlike some of the other examples, the matter was in
12 fact referred to the police, but there's not much
13 information about that.

14 A. Yes.

15 Q. The other matter that's perhaps of some significance is,
16 apart from the fact it is rather a different type of
17 complaint to the ones that we have seen as
18 contemporaneous complaints, because it involves
19 a different form of alleged abuse, but the other matter
20 is that the governors clearly felt that the matter was
21 serious enough, because it is recorded, I think, that
22 they thought that the Home Office should be told that
23 a list of persons unsuitable to work in children's homes
24 should be put in place, similar to the list used at that
25 time by the Scottish Education Department:

1 "The governors followed up this suggestion and the
2 Home Office advised that they would not be putting such
3 a list in place at this time."

4 Clearly, apart from reporting it to the police, the
5 matter was considered serious enough to contact the
6 Home Office and make a suggestion about compiling some
7 form of suitability list.

8 A. Yes and I think that was borne from the concern that he
9 may have moved from Aberlour onto another child care
10 organisation.

11 Q. The concern at the time?

12 A. Yes.

13 Q. And the reason for the --

14 A. Yes. Because the implication is that he left prior to
15 the allegations coming to the fore.

16 Q. But may have moved to another care setting?

17 A. He may have. It doesn't say that but I am sure that's
18 where their concerns came from.

19 Q. I suppose that suggestion might have been a bit ahead of
20 its time because now we do have such lists --

21 A. Indeed.

22 Q. -- but not for some time after this period.

23 A. Yes. I don't know that we would refer to them as a list
24 in a legal sense.

25 Q. Sorry, I'm putting it in rather a shorthand form.

1 A. There is a register of people suitable -- not --
2 Q. Not suitable to work with children --
3 A. Yes.
4 Q. -- which is maintained in modern times.
5 A. Yes.
6 Q. But that's a relatively recent development?
7 A. Yes, it is. Yes, they were ahead of their time.
8 LADY SMITH: Could you tell from your records why the
9 approach was made to the Home Office rather than the
10 Scottish Office?
11 A. No, I don't think we were able to glean that at all.
12 LADY SMITH: It is interesting -- and I don't voice this as
13 a criticism, I am just curious -- why it was thought one
14 had to go straight to London rather than the government
15 presence in Edinburgh.
16 A. I'm not sure. This would have pre-dated the Social Work
17 (Scotland) Act, obviously.
18 LADY SMITH: Yes.
19 A. So I wonder if their understanding -- overview of the
20 health and social care workforce at that point, such as
21 it was -- was that still a reserved power at that point?
22 LADY SMITH: Are there indications in the records of people
23 who worked at Aberlour working all over Britain?
24 A. Not to my knowledge, but there may have been something
25 that they had knowledge of --

1 LADY SMITH: Which would explain a feeling of responsibility
2 to put pressure on the Home Office.

3 A. Unless, in fact, it was simply in relation to where
4 criminal justice responsibilities lay perhaps in terms
5 of across the UK.

6 MR PEOPLES: I think by that stage, if my memory serves me
7 right, it would have been a Scottish Office
8 responsibility with the Scottish Home Department or the
9 or Scottish Home and Health Department; I keep
10 forgetting which term we would be using at that time.

11 I suppose, if it assists you, we are talking of
12 around 1961 and we do know, I think, that there were
13 regulations governing the conduct of voluntary homes
14 that were passed in Scotland in 1959 made under the
15 Children Act (1948). There had been equivalent
16 regulations made earlier in England and Wales by the
17 Home Office in 1951, which are not dissimilar to the
18 1959 regulations.

19 I suppose it does raise the interesting question why
20 the Home Office is involved with essentially a Scottish
21 provider based in a single area within Scotland. If it
22 is possible from your records to try and understand the
23 thinking behind contacting the Home Office rather than
24 a Scottish department, it would be helpful.

25 A. Yes, we can certainly go back and see if there's any

1 further information that would help in the minute books.

2 Q. So far do I take it that, apart from not finding
3 guidelines and regulations or rules that are referred to
4 in these minute books and so forth that we have seen,
5 that you haven't come across in your travels -- not your
6 travels, the researches of your organisation that -- any
7 evidence of the application of Home Office circulars?

8 A. Not to my knowledge. There has been reference to the
9 governance of voluntary homes --

10 Q. But that is the Scottish Advisory Council?

11 A. Yes, not anything from the Home Office to my knowledge.

12 Q. What about Scottish Office circulars? Have you found
13 anything to suggest that the Scottish Office, as it then
14 was, was issuing circulars that would apply or be
15 relevant to voluntary homes such as those provided by
16 Aberlour?

17 A. I would need to double check but I certainly know that
18 there was reference to guidance. I would need to check
19 the timeline.

20 Q. It would be helpful, I think, if you are doing that,
21 simply to see to what extent there is some evidence of
22 either guidance in Scotland issued by the relevant
23 Scottish Office department or guidance from the
24 Home Office or something equivalent that appears to have
25 been considered and perhaps applied to some extent by

- 1 Aberlour and the reasons for that.
- 2 A. Yes.
- 3 Q. If there are any examples of that, that would be very
4 helpful, I think, for our purposes.
- 5 A. Okay.
- 6 Q. If I just pass onto ABE.001.001.0084, if I may. The
7 penultimate complaint is again -- I will simply just ask
8 you to confirm that that complaint, although it relates
9 to matters occurring in the early 1960s, but I think
10 again is an example, the fourth and last example of a
11 historical complaint.
- 12 A. That is correct.
- 13 Q. Then complaint 12, the final complaint, it is
14 a contemporaneous complaint dating back to the early
15 1960s, 1963, and concerning an incident involving three
16 boys and a housemaster; is that right?
- 17 A. Yes.
- 18 Q. It says it is not clear who raised the complaint in that
19 case and that there is a limited amount of information
20 in the historic records of the organisation about the
21 matter in question; is that right?
- 22 A. That is correct.
- 23 Q. But it appears to have been concerned with alleged
24 sexual abuse?
- 25 A. That is correct.

1 Q. Indeed the action under the column "Action" -- it would
2 appear that by the stage that this matter received
3 consideration the understanding was that the relevant
4 individual, a housemaster, had been dismissed, the
5 police had been notified, and the housemaster, it is
6 recorded, went to prison.

7 A. That is correct.

8 Q. I think, without going into this at this stage, because
9 I do not think it is necessary, that sort of information
10 has been looked at more recently by former residents who
11 had an interest in this particular complaint.

12 A. Yes, that's correct. Somebody came forward in 2006.

13 Q. I think the only other matter I could take from this, at
14 this stage, is that there isn't -- it does appear that
15 generally speaking there's not a lot of information on
16 this matter within the records that is available; is
17 that right?

18 A. No and the police did, as you can see, a full
19 investigation resulting ultimately in imprisonment. So
20 whether in fact the police might have any records ...

21 LADY SMITH: Could you tell where he was prosecuted, whether
22 it was in the Sheriff Court or the High Court?

23 A. We can't tell from our records.

24 MR PEOPLES: On a more general point, I think we can leave
25 this document now -- in terms of -- I think we have seen

1 and it was pointed out in the case of some apparent
2 cases of criminal behaviour, the police were called in,
3 as it were --

4 A. Yes.

5 Q. -- or notified, but there were examples where that
6 didn't happen. Have you found any evidence or has the
7 organisation found any evidence in its records that
8 there was any practice or policy in relation to external
9 reporting of potential criminal behaviour to the police
10 and/or other authorities?

11 A. Not from this period, no.

12 Q. That would be the norm these days, wouldn't it?

13 A. Yes, to report.

14 Q. To report?

15 A. Yes.

16 Q. Would that be the approach that your organisation would
17 now take if someone came forward with a new allegation
18 of either historical abuse or contemporaneous abuse, if
19 it appeared to involve criminal behaviour?

20 A. Yes. There are a number of examples where there is
21 an allegation made and we need to try to establish,
22 insofar as we can, what the facts are.

23 Because we work in houses with children with a range
24 of challenging behaviour we would always try to resolve
25 the issue. In a case of an assault we would always take

1 that very seriously and refer on.
2 Q. I'm not going to take you to the Sycamore equivalent in
3 this appendix, but we would find in that, would we not,
4 examples of where a complaint of some kind or another
5 has been made by or on behalf of a child and that what
6 you are saying is that, in that instance, apart from the
7 fact there are perhaps much more clear procedures on the
8 whole matter, that that matter would be the subject
9 of -- subject to what you have said, if it is obvious
10 criminal behaviour, that matter would be investigated
11 initially to establish the facts and then some form of
12 action would be taken as appropriate?

13 A. Yes.

14 Q. Maybe I should have just made an observation: I suppose
15 the only thing that we might say about the appendix 5 is
16 that while obviously there's not any clear example of
17 a child directly raising a complaint with the
18 appropriate body, is that the case? The complainers
19 seem to be adults within the staff.

20 A. Yes, other than the three boys who raised the complaint,
21 who witnessed the assault of another boy.

22 Q. Yes. The only thing about that example, I take the
23 point you are making, is I suppose in that case there
24 was some process of taking statements. It may well be
25 that in trying to investigate the single incident

1 involving injury, boys were asked about matters
2 generally.

3 A. Yes.

4 Q. It may not be that a delegation of boys came forward
5 with a complaint.

6 A. Yes.

7 Q. Would that have been unusual at the time?

8 A. It appears not to be unusual in Aberlour's time.

9 I suppose what I would say to you is even in the
10 circumstances where the adult takes the action and goes
11 to their manager, it is not always clear that they have
12 first-hand witnessed the account or whether it has been
13 told to them. We are presuming they saw the incident
14 happen rather than someone else reported it to them.

15 Q. I suppose there are a number of possibilities where
16 a complaint is made by a member of staff rather than the
17 individuals --

18 A. Yes.

19 Q. -- that were the subject of the incident. It may well
20 be that they acquired knowledge through observations
21 such as injuries on the individual?

22 A. On the child, yes.

23 Q. Or from -- I think in one case there is actually
24 a reference in complaint 7 to something being taken
25 from -- maybe I should have asked you about that -- from

1 the school logbook. I think in complaint 7 there is
2 a reference to the matter being recorded in the school
3 logbook.

4 That may touch upon something we raised this
5 morning, whether there was such a thing as a school
6 logbook.

7 A. Yes.

8 Q. Maybe someone looking at that has seen something and
9 felt the matter should be raised formally. I suppose
10 the other possibility is that the person making the
11 complaint has received a report from the child or
12 children in question.

13 A. Yes. I mean in general terms, the years of the
14 orphanage were not years were generally our society was
15 focused on children's rights and supporting children to
16 be heard. So I would say that in answer to your
17 question, the prevailing position across society at that
18 point was that children's voices were not often heard
19 and to follow it would mean that, yes, you probably
20 would be reliant on adults speaking on their behalf.

21 Q. They wouldn't necessarily have found it easy --

22 A. No.

23 Q. -- in that time to come forward to complain against
24 a position in a person of authority?

25 A. No, and I think also for adults working in institutions

1 or organisations, some adults found it difficult to
2 whistle-blow or tell --

3 Q. We have a good example --

4 A. We have --

5 Q. -- a junior colleague making a complaint against someone
6 in the same role.

7 A. Yes, and it being listened to and actioned, importantly.

8 Q. I have a couple of other things to deal with, if I may,
9 before we complete.

10 Could we turn to ABE.001.001.0056, which is -- I'm
11 not going to take you to each of the acknowledgements
12 but I am going to take you to the one for the orphanage
13 at the moment simply to take from you in relation to the
14 orphanage years -- I think your answer is probably the
15 same for the group years -- that the organisation
16 accepts that between 1930 and December 2014 some
17 children cared for by the organisation during that
18 period were abused. I think that is the broad position
19 of the organisation, if I could just take that --

20 A. I think in terms of the orphanage and of Sycamore, the
21 answer is yes. We could not find any evidence in
22 relation to Quarryhill.

23 Q. That there was any abuse?

24 A. That there was any abuse.

25 Q. I'm grateful for the clarification.

1 Of course we don't know whether in relation to group
2 houses as a whole that would be the case --

3 A. No, we don't.

4 Q. -- because we only asked for information about --

5 A. One establishment.

6 Q. I think there were quite a lot of group houses during
7 the period.

8 A. Yes, there were.

9 Q. I was more interested perhaps just in the other part of
10 the response, both of the orphanage and indeed the other
11 period of time.

12 If we focus on the orphanage years. I think when
13 asked the question whether the organisation accepts that
14 its systems failed to protect children cared for at the
15 orphanage between 1930 -- and I think the relevant date
16 would be 1967 in the case the orphanage -- the answer
17 is -- I will just read for the orphanage:

18 "No. Although the organisation accepts that the
19 children cared for suffered abuse."

20 We have seen some examples of that:

21 "The organisation does not believe this arose from
22 systemic failures."

23 I would just like to ask you if you could say in
24 your own words what the reason or reasons for that
25 answer is. Obviously you have acknowledged abuse and we

1 have looked at the systems such as they were and I just
2 wonder why you say that.

3 A. So our position as an organisation is that we do
4 acknowledge that and apologise for the abuse that took
5 place in the orphanage. In terms of whether that
6 represented a systemic failure, our view is that a very
7 small number of individuals involved themselves in
8 behaviours that were not acceptable, not just within the
9 context of the wider society but also within the context
10 of the organisation within which they worked. There's
11 evidence that there were processes and guidelines in
12 place in respect of those behaviours.

13 And those behaviours came to the attention of the
14 organisation, the organisation responded timeously and
15 took action against individuals and reviewed guidelines
16 where required to ensure or minimise the chance of those
17 behaviours happening again.

18 Then insofar as that description, I would suggest
19 that doesn't represent systemic failure. It does
20 represent a failure but a failure in the behaviour of
21 human beings. We clearly are liable for that or have
22 a responsibility for that in terms of the employer of
23 those individuals, but the organisation itself did what
24 it could to put systems in place that were there to
25 protect children.

1 Q. Can I just put a point to you in response to that. You
2 have explained how you see it and why the response is
3 put in those terms.

4 A. Yes.

5 Q. I may have picked this up wrongly, but I think maybe
6 there was a degree of acceptance this morning that if we
7 are looking at the system in place at Aberlour, that
8 there are areas where it could be said that there were
9 really no systems, such as set rules for recruitment and
10 selection and systems for training, for example, during
11 at least part of the period, so that -- and no clear
12 complaints process. If we focussed on these three
13 areas, could it be said that at least perhaps what you
14 said in the generality might require to be qualified to
15 that extent?

16 A. Yes, I mean and I would refer to the -- that would bring
17 me to the reference to the context of time and whether
18 those three things that you have mentioned were actually
19 part of what every organisation was expected to do or
20 reasonably expected to do in the circumstances at the
21 time.

22 I do not think at that point there is reasonable
23 cause to believe that all of the organisations should
24 have developed systems to that point where they had
25 a separate complaints procedure. That might have been

1 within the operational guidelines. We don't know.

2 Q. I wonder if that is necessarily correct because it may
3 well be, if we are looking particularly in the 1960s and
4 1970s, before perhaps the sort of detailed policies were
5 introduced in the 1980s and partly in response to local
6 authorities' requirements. Across society and in other
7 organisations dealing with the public and particularly
8 vulnerable member of the public, if there was evidence
9 in those fields where there was contact with groups in
10 similar situations that they required training,
11 qualifications and so forth, and that there was more
12 structured methods of recruitment, the point you are
13 making may lose its force.

14 A. I accept that.

15 Q. It can't just be saying, we were all doing the same
16 thing at the time, the rules didn't insist we had
17 a recruitment process or a complaints process, so we
18 didn't do it; that is not an answer, is it?

19 A. I think what I said about the complaints is I have not
20 seen a separate complaints process but I do know there
21 were operational guidelines. I do know that from
22 looking at the historical records that if people raised
23 concerns, whether it be adults or children, they were
24 responded to. So there was a culture within which
25 people were listened to, it would appear to me.

1 In terms of the broader recruitment issues I take
2 your point. We have not been able to evidence what
3 those broader recruitment processes and procedures were
4 or if in fact any were in place.

5 Q. Is it not the case that at least the underlying thinking
6 behind having systems to deal with all of these matters
7 is that it ensures that, so far as possible, there is
8 a consistent approach applied across the board and that
9 things do get dealt with in an appropriate way on all
10 occasions, so there is no unfair discrimination or
11 difference of treatment?

12 A. Of course. Of course.

13 LADY SMITH: Ms Kelly, you say the organisation itself did
14 what it could to put systems in place to protect
15 children; which systems do you have in mind?

16 A. The systems that are referred to in terms of the
17 operational guidelines and procedures and minute books.
18 Unfortunately, we don't have copies of what those are,
19 but there was clearly guidance issued to staff in terms
20 of corporal punishment and the use of corporal
21 punishment.

22 LADY SMITH: All right, we have corporal punishment systems;
23 what else?

24 A. There was obviously a system within which staff were
25 dismissed from the organisation as well in terms of --

1 you see evidence of formal verbal warnings or
2 dismissals, whatever. Again, sorry, we don't have those
3 processes or the records to refer back to, but they are
4 referred to in the minute books.

5 MR PEOPLES: I suppose the point that might be made in light
6 of that is that, yes, there were rules in relation to
7 the use of corporal punishment, but if one was trying to
8 carve-out a more general child protection policy and
9 arrangements and measures, is that really enough to say,
10 we had throughout the whole period that we are looking
11 at appropriate systems in place and that there is no
12 reason to believe there was any deficiency in the
13 arrangements we had in place? That's not really enough,
14 is it, to make that argument.

15 A. No, I think if we looked across society in any
16 institution that was dealing with children, we would see
17 that at different times things were not in place that we
18 would fully expect to be in place in modern times.

19 Q. And should have been in place perhaps at the time as
20 well?

21 A. Yes, some --

22 Q. I am not just directing it at Aberlour. Please forgive
23 me if you think that. It is not trying to single out
24 Aberlour. We are just trying to look at whether there
25 was systemic failures and what they were.

1 A. Yes, but they may have looked different to how we would
2 expect them to look today. For example I would not
3 expect to go into an organisation and find something
4 that was referred to as "child protection procedures" in
5 1944 because "child protection" wasn't a term that was
6 used, but I would expect --

7 Q. But children were entitled to protection in 1944.

8 A. Of course, but in those days we talked about child
9 abuse, child maltreatment, a whole number of areas, and
10 it could be that that was within the operating
11 guidelines of the time.

12 LADY SMITH: So far as the protections in relation to, for
13 example, corporal punishment are concerned, we have got
14 some evidence that there was something there --

15 A. Yes.

16 LADY SMITH: -- but you have not been able to find what the
17 content of it is; is that right?

18 A. No.

19 LADY SMITH: So we are not in a position to judge whether it
20 was good enough for the standards of the day, let alone
21 think about it in terms of today's standards?

22 A. What we do know from the girls is that the corporal
23 punishment approach was such that only the lady
24 superintendent was allowed to undertake corporal
25 punishment of the girls.

1 LADY SMITH: Do we know what she was allowed to do?

2 A. We don't. We don't have that in terms -- there's no
3 record that we can see in terms of what the limitation
4 of that is. However, I think in looking at some of the
5 examples where people have been disciplined or taken
6 through disciplinary procedures for some elements of
7 corporal punishment resulting in a bruise, for example,
8 then that would give you a general oversight of what the
9 organisation's tolerance or otherwise of corporal
10 punishment was.

11 The boys again -- the guidance were that -- and
12 I just say that as a matter of fact -- that it was
13 a senior member of staff who had to sanction corporal
14 punishment. Again, no guidelines -- not that I'm aware
15 of --

16 LADY SMITH: As to the content of what can be done?

17 A. Content.

18 MR PEOPLES: If I could leave that now and, lastly, the
19 three questions I would like to ask -- I have been asked
20 to ask and they are quite straightforward, so I will
21 just finish with these, if I may.

22 I'm looking at the orphanage years essentially and
23 particularly the period from 1950 through to the
24 mid-1960s in asking these questions.

25 The first question is: in what way -- I think you

1 mentioned this in your own evidence -- did the orphanage
2 in Aberlour itself as the organisation in that period
3 encourage parents to visit their children, especially
4 those children that were there in long-term care
5 arrangements? Can you help us with that? How that was
6 done in terms of positive encouragement?

7 A. It certainly wouldn't be seen as meeting what our
8 requirements would be today in terms of contact with
9 parents. But there is evidence in children's files of
10 contact being encouraged with parents but there are also
11 examples where there was no family contact. So it would
12 vary. It is not easy to determine what the thinking
13 behind any of the contact arrangements were at the time.

14 Q. Is there any clear evidence of a policy of encouragement
15 that can be identified from the records?

16 A. Not that I have found.

17 Q. Just in the same vein, but on a slightly different
18 point, if I may. Insofar as the orphanage and the
19 organisation is concerned, you have told us that -- we
20 had a lot of discussion about this this morning -- there
21 were opportunities for siblings, albeit they were
22 separated in terms of their accommodation arrangements,
23 at Aberlour Orphanage to mix.

24 Again, it is the same sort of question: to what
25 extent did the organisation encourage mixing of siblings

1 where the opportunities were available? Encourage. Was
2 there any policy on that again?

3 A. Not that I'm aware of. I know that there were some
4 siblings who did mix but I'm also aware of other
5 siblings who didn't.

6 Q. Finally, this question relates more to another situation
7 which is where a child would be leaving the orphanage
8 and I suppose that could arise in a variety of
9 circumstances.

10 A. Yes.

11 Q. One could be that the child had reached the leaving age,
12 if you like, the school-leaving age or the age when they
13 would be moving on to the next stage in their life.
14 That would be one.

15 A. Yes.

16 Q. I think you have probably said that although the
17 responsibility at that point would largely rest legally
18 with the local authority, Aberlour did make attempts to
19 assist and support in that process of leaving; is that
20 right?

21 A. Yes.

22 Q. Can you just explain what they did?

23 A. Well, depending on where the child was going, certainly
24 some children we supported into employment, some to
25 education. But if the children were returning to their

1 parents or to their own communities, we would certainly
2 liaise with the placing authority -- there is evidence
3 we liaised with the placing authority -- and we provided
4 money for the child as they left the orphanage and would
5 pay for their transport back to their own communities as
6 well.

7 We also encouraged children to keep in touch with
8 the orphanage. There are a number of examples where
9 children have been encouraged to write back to the
10 orphanage on occasions or they have come back to stay at
11 one of the cottages at times when they were homeless.
12 There is a whole range of different --

13 Q. What about the child leaving to return home or to go to
14 another placement? What preparations were made with the
15 child to discuss that matter, to explain the
16 implications why it was happening and to give them
17 adequate notice of when it was going to happen and how
18 the process would unfold and what was going to happen
19 next? How was that done?

20 A. I haven't actually read many files where the children
21 did leave before the leaving age, if you like. So
22 I can't speak with any great certainty in relation to
23 those cases.

24 The only ones I could talk to you about were two
25 children where there was a suggestion that they may be

1 adopted and there was a full assessment done of both of
2 the boys in question and each of them were assessed not
3 to be suitable for adoption. What I don't know is what
4 level of involvement there was of the boys in that
5 process, but certainly an assessment was done.

6 Q. Given the time we are dealing with -- and I think we
7 have heard other evidence that since it wasn't
8 necessarily an era of a child-centred approach -- is it
9 perfectly possible that the child would not be given as
10 much information about all these matters as ought to
11 have been given?

12 A. That's perfectly possible and it is an issue that
13 prevails today, not necessarily in Aberlour but
14 elsewhere.

15 Q. It can still be an issue today --

16 A. Yes.

17 Q. -- when a child is being moved either back to the
18 community or forward to another placement?

19 A. Yes.

20 Q. Because you will have experience with Sycamore that you
21 receive children that have been in multiple placements.

22 A. Yes.

23 Q. Is that one of the issues that arise?

24 A. Yes.

25 Q. I should just state for the benefit of those who are

1 here that the whole report is part of the evidence the
2 organisation has given --

3 A. Of course.

4 Q. -- and clearly we have the report available and it is
5 evidence for the Inquiry to read and consider. I just
6 wanted to deal with some of these matters today in more
7 depth and I thank you for the evidence you have given
8 today.

9 A. Thank you.

10 LADY SMITH: I take it from what you said, Mr Peoples, there
11 are no outstanding questions that have been submitted to
12 you?

13 MR PEOPLES: I'm not aware -- I don't think Mr MacPherson
14 has anything arising out of what I have said today.
15 I think that concludes this witness's evidence.

16 LADY SMITH: Let me check: there are no outstanding
17 applications for questions of this witness, are there?
18 Thank you very much.

19 It has been a long day for you, Ms Kelly, but you
20 have given us plenty to think about and accepted more
21 homework to do, for which I'm very grateful.

22 I am able to let you go now.

23 A. Thank you.

24 (The witness withdrew)

25 MR PEOPLES: I think that is the evidence finished for this

1 week.

2 LADY SMITH: The evidence for this week is finished and we
3 resume on Tuesday?

4 MR PEOPLES: There will be evidence from a member of INCAS
5 on Tuesday. I think there will also be evidence from
6 Mr Whelan, who we will hear from on Wednesday, and
7 another witness on Thursday who is from neither of these
8 organisations but is a survivor and campaigner, Mr Daly.

9 LADY SMITH: Thank you very much.

10 We will rise now and sit again at 10 o'clock on
11 Tuesday morning. Thank you.

12 (2.50 pm)

13 (The Inquiry adjourned until 10.00 am
14 on Tuesday, 4th July 2017)

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