

1 Friday, 3 November 2017

2 (10.00 am)

3 PROFESSOR IAN LEVITT (continued)

4 Questions from Mr MacAULAY (continued)

5 LADY SMITH: Professor Levitt, welcome back.

6 A. Thank you.

7 LADY SMITH: Mr MacAulay, when you are ready.

8 MR MacAULAY: Good morning, my Lady.

9 Professor Levitt, before I go back to your report,
10 there are just two preliminary issues I wanted to
11 clarify with you. The first relates to the destruction
12 of records touched upon yesterday.

13 A. Yes.

14 Q. I think this is clear from your report, but one reason
15 for the destruction of records was the paper shortage
16 that there was post war.

17 A. That is correct, there was a shortage of timber in the
18 UK and there were restrictions on imports of Canadian
19 timber, or the dollar crisis as it was called, and in
20 fact some local authority houses were being built
21 without timber rooms.

22 Q. Although I think I focused on provisions dealing with
23 children, the destruction of records was really across
24 the board.

25 A. It was across the board, I can assure you. It has

1 caused all sorts of headaches for my research that
2 I have done on other areas.

3 Q. The second point I want to raise with you as
4 a preliminary point today -- and I think this is clear
5 from your report -- is that, while you were commissioned
6 by the Scottish Government to do this work and prepare
7 the reports that you have prepared and will prepare, you
8 are doing that not representing the Scottish Government
9 but as an independent expert?

10 A. That is correct, yes.

11 LADY SMITH: Professor Levitt, in case anybody is not
12 immediately following why the paper shortage post war
13 accounted for destruction of records -- and I think
14 I know the answer, but rather guess, would you like to
15 articulate it for the record?

16 A. Why there was a shortage of paper?

17 LADY SMITH: No, I know why there was a shortage of paper,
18 but why that led to the destruction of records.

19 A. There was an instruction from the government stationery
20 office that they wished to recycle paper. It worked
21 through about two years of administrative
22 decision-making before they reached the decisions they
23 reached at the beginning of 1949. The destruction order
24 came out, I think, in 1947 and I'm certainly aware from
25 other research that I have undertaken that

1 St Andrew's House was actually chockablock with files
2 that dated back to the establishment of the Scottish
3 Office. In fact they also had some Home Office files
4 that they inherited when the Scottish Office was
5 established in 1885 that dealt with Scotland and most of
6 that material has gone.

7 LADY SMITH: Early and effective recycling habits; it is
8 just a shame that perhaps --

9 A. A green policy ahead of its time, but dreadful for
10 researchers like myself!

11 LADY SMITH: Thank you.

12 MR MacAULAY: Yesterday we had moved on to look at the SED
13 position, from the point of inspection, from the period
14 1948 to 1958.

15 A. Yes.

16 Q. You began by pointing out that there were three
17 influences in particular on the work of the SED
18 Inspectorate --

19 A. Yes.

20 Q. -- in connection with approved schools.

21 A. Yes.

22 Q. One being the committee visit to Dr Guthrie's Boy's
23 School and the impression that left.

24 A. That is right.

25 Q. And that wasn't a good impression?

- 1 A. It would appear that the committee felt that the
2 conditions in Dr Guthrie's was far below the expected
3 standard, even in post-war Britain.
- 4 Q. Another influence I think you pointed to was the
5 recommendations of the Scottish Advisory Council on
6 Education in connection with what was called
7 "maladjusted pupils".
- 8 A. That is right and that confirmed the earlier report on
9 approved schools by a separate committee.
- 10 Q. That was the other influence I think you pointed out.
- 11 A. I think you can take it there was a change of opinion
12 towards the standard of care that the approved schools
13 should offer by 1950.
- 14 Q. Is that perhaps reflected in the change of tone in the
15 inspection reports themselves?
- 16 A. I think that the new inspector who was appointed in 1950
17 was given a brief to be more inquisitive in terms of the
18 inspections that he conducted. That led to what you can
19 see actually developing in terms of his reports and his
20 actions.
- 21 Q. If we go back then to your own report, professor, and
22 start at SGV.001.001.8097.
- 23 A. Yes.
- 24 Q. I think we already have that on the screen. You do
25 there at paragraph 7.3, talk about the change in tone of

1 inspections, and you make reference to a particular
2 report. Can you just take us through that?

3 A. Yes. This is, if you like, a summary report. We don't
4 have the actual report on Dr Guthrie's at the time, that
5 file has not survived, but this is the inspector at
6 a later date reflecting on his previous 7, 8, 9 years as
7 HM Inspector of Approved Schools.

8 He let's the readers know, which was obviously his
9 senior managers in the Scottish Education Department, on
10 what he had done just to remind them. He obviously took
11 a proactive stance in seeking to ensure the headmistress
12 was dismissed.

13 Q. If we look at that document that you mention -- I think
14 it is one where the inspector is looking back over the
15 period of his rein. At SGV.001.001.8545 -- it will come
16 on the screen.

17 A. Yes.

18 Q. It is headed "A History of Heads".

19 A. That is right, yes.

20 Q. If we look to the date, the date is actually
21 9 June 1967, so it is covering a period of quite
22 a number of years.

23 A. It is covering something like 17/18 years of his
24 inspection duties.

25 Q. And he begins by saying that:

1 "At conferences of heads of approved schools, one is
2 often impressed by the intellectual quality of those
3 present, especially when compared with some others in
4 responsible positions in the social work field."

5 A. That is right, yes.

6 Q. Is that a sort of introduction that is intending to
7 soften the blow as to what is going to come later?

8 A. I suspect he is, that he is not necessarily criticising
9 the achievements in other fields of the heads of
10 approved schools; he is simply commenting that there is
11 an issue with them.

12 Q. Yes. He goes on to say:

13 "And this should be so, since a large proportion are
14 graduates. I think, too, that since we took, through
15 the inspectorate, a closer interest in appointments to
16 senior posts, the quality has probably improved."

17 A. That is correct.

18 Q. It would appear that the inspectors were taking some
19 note of those who were being appointed to these senior
20 posts at approved schools.

21 A. There does appear to be an advisory function operating.
22 One must remember that the approved schools were
23 voluntary societies and therefore were independent but
24 nevertheless they were basically acting as agents for
25 the government in the sense that they were supporting

1 the pupils in their committal.

2 Q. But he goes on to say:

3 "Nevertheless, the history of appointments to
4 headships in Scotland is not a very happy one."

5 A. Yes.

6 Q. He says:

7 "Immediately before I entered the business ..."

8 That would be about 1950?

9 A. It was 1950 yes.

10 Q. "... successive heads at Rossie had been sacked: one for
11 getting his own and the firm's money somewhat confused
12 (he got 3 months for this) and ..."

13 Is that a euphemistic way of saying he was guilty of
14 embezzlement?

15 A. I think that is correct.

16 LADY SMITH: That's what we would call it in my other line
17 of business.

18 MR MacAULAY: "... and the other probably for no reason
19 other than that that he and his managers could not get
20 along together."

21 And then he goes on to say:

22 "On my entry in 1950, my first main task was to
23 secure, against the wishes of the managers, the
24 dismissal from Dr Guthrie's Girls' School of the
25 headmistress whose 20 years of service had been marked

1 by sadistic cruelty and many other irregularities which
2 had brought much misery to two decades of girls."

3 I think that's what you look at in your report, that
4 particular instance?

5 A. Yes. Clearly, one would want to see the original file,
6 but it has not been retained, to confirm that and the
7 way his report obviously went through the inspectors'
8 system within St Andrew's House and then through the
9 administrative divisions. Clearly to take that position
10 of seeking the dismissal of the headmistress he must
11 have had support from the senior managers within the SED
12 at the time.

13 Q. He is quite blunt; he is talking about "sadistic
14 cruelty" --

15 A. Yes.

16 Q. -- as being the reason why she was dismissed.

17 A. I think one would probably have to look because the
18 headmistress of Dr Guthrie's Girls' Schools did give
19 evidence to the Select Committee on Estimates on
20 Approved Schools, and if one looks at it properly, then
21 there are clearly issues being brought out that relate
22 to issues of care, you might say.

23 Q. So far as Dr Guthrie's is concerned, the story doesn't
24 end there because he goes on to say:

25 "Her deputy soon followed her after a court's not

1 proven verdict for theft from the school."

2 Then to read on for a little bit more:

3 "Soon after that the head of Mossbank was
4 transferred to a primary school in Glasgow because of
5 irregularities which had gone on for a long time
6 undetected by him; even the janitor had been leathering
7 the boys."

8 A. That is correct, yes, which was not permitted by the
9 regulations.

10 Q. Perhaps just to stop with the next sentence and then we
11 will return to this later:

12 "Then the head of Wellington was up in court for
13 indecent conduct; there was a not proven verdict, which
14 merely proved to many of us that justice in the courts
15 is sometimes not even seen to be done."

16 A. That is correct. I have looked very carefully because
17 there is quite a detailed minute which is reported here
18 from an earlier period. Reading it very closely then
19 I think the charge related to "irregular punishments".
20 We haven't got onto that yet, but it was basically the
21 use of the track system.

22 Q. If we go back to your report at SGV.001.001.8097,
23 paragraphs 7.3 and 7.4, I think, were taken from what we
24 have just been looking at, what you set out there --

25 A. That is right.

1 Q. -- by way of quotation.

2 Moving on to page 8098. Again, I think we have
3 covered what you set out at 7.5.

4 Can I ask you about paragraph 7.6 and the use of the
5 educational psychologist. Again, you touched upon this
6 yesterday.

7 A. That is right.

8 Q. But here you provide us with some detail as to how this
9 individual operated.

10 A. The individual concerned had, I think, a master's degree
11 in educational psychology and that was obviously
12 a significant factor in his appointment.

13 He had done some work, I actually think, for
14 Dr Guthrie's before and he was employed primarily to,
15 I think, assist the -- what they called the disposal of
16 children who had been committed to an appropriate
17 approved school that was more in tune with their
18 particular educational and other needs.

19 Q. The quote you provide us from the -- a letter from SED
20 to Glasgow's director of education in June 1953 I think
21 tells us that he is involved at the beginning, as it
22 were.

23 A. Yes. I think the idea was that as the SED was
24 informed -- that's the approved school branch of the SED
25 was informed -- of a committal, a decision would be

1 taken through his advice as to where to place the child.

2 That was a significant change from previous practice
3 where of course there was no educational psychologist.

4 Q. The point being that he would suggest methods of
5 training best suited to the needs of the individual
6 child?

7 A. That is correct, whereas previously it would have been
8 an office clerk who would have signed off the committal
9 papers.

10 Q. So from the child's perspective it was really pot luck?

11 A. Previous to that -- well, one would assume the clerk
12 would have some idea, but that's only an assumption on
13 my part. The idea of bringing in this particular person
14 would be to bring in his professional skill.

15 Q. You say that, in 1955, that the SED transferred the
16 educational psychologist to the inspectorate?

17 A. That's right, yes.

18 Q. What was the thinking behind that?

19 A. I think they felt that he had obviously done a good job
20 and they wanted his expertise across the educational
21 field, and not just approved schools, and so there were
22 special schools that the SED supported through the local
23 authority and they wished his support, through
24 inspections, to improve the quality of care that those
25 particular special schools were actually providing.

1 Q. As we move on to the next page, 8099, you tell us that
2 now, under this revised system, that a court would order
3 approved school training and there would be a report
4 containing the child's educational and social record
5 indicating the most suitable school for the child.

6 A. That is right. I think they were extremely keen to
7 intervene before the case was heard in the court so that
8 if it was the magistrate, justice of the peace, or
9 a sheriff substitute, that they would actually have some
10 idea as to the background of the child and what the
11 SED's thinking was in terms of placing the child, if
12 they were committed.

13 Q. Was this of particular relevance if there was a mental
14 health issue?

15 A. Yes, it was. As I mentioned yesterday, there are quite
16 a lot of parallel files on this relating to the
17 administration discussion of what do you do with
18 children who had low IQs, which was their marker? The
19 issue there was to ensure that a child with a certain IQ
20 was not sent to an approved school but to a mental
21 hospital.

22 LADY SMITH: Were you able to identify what methods were
23 being used to assess these children, this cohort of
24 children's IQ?

25 A. In terms of educational provision?

1 LADY SMITH: Yes, for identifying, here is a child who needs
2 the educational psychologist that we have now got, here
3 is a child who maybe needs to be treated differently,
4 this is a low IQ child. What was enabling them, whether
5 it be the executive part or the court part, to say
6 I have a child here with a low IQ?

7 A. I think this would be a child within the ambit of the
8 local authority children's officer or the probation
9 officer, or the Royal Society for the Prevention of
10 Cruelty to Children. They might be flagging that this
11 child had behavioural issues at school or at home and
12 the issue here was that, instead of the court simply
13 looking at the child and saying, "Right, you have been
14 playing football in the street, therefore you are
15 a delinquent, you are being sent to a particular
16 approved school", there would be, if you like, a social
17 inquiry report, which is what this was, to advise the
18 court that, in fact, there are educational issues
19 attached to the child and not just an issue of juvenile
20 delinquency.

21 LADY SMITH: So the picture you present is still one that
22 doesn't involve any expert actually assessing what this
23 child's IQ is as opposed to whether the child's
24 behavioural difficulties stem from something else?

25 A. The educational psychologist's function was to actually

1 assist the conduct of that with the local authority
2 educational psychologists.

3 LADY SMITH: I see.

4 A. His function was to, if you like, coordinate the
5 response within local education authorities on child
6 guidance; does that make sense?

7 LADY SMITH: I see what you mean. So the child would be
8 identified as somebody who potentially had intellectual
9 difficulties as well as, no doubt, other difficulties
10 and so it would be helpful to place him in the category
11 of children that needed assistance from that standpoint.

12 A. During this particular period the provision of
13 educational psychologists and psychiatrists wasn't quite
14 random, but I think his function and his function as
15 an inspector was to, if you like, galvanize that
16 particular sector of the profession to provide advice
17 more regularly in these cases.

18 MR MacAULAY: You contrast that with the previous position,
19 if you look at paragraph 7.8 of your report. What is
20 the contrast then?

21 A. The contrast is that professional advice is now on offer
22 or should be on offer and the SED's position is it wants
23 to galvanise local authority education authorities to
24 provide that service.

25 Q. Whereas before, as you point out, the health issue may

- 1 not have become apparent until later on.
- 2 A. Until later on and there may have been some legal
3 difficulties about a child who went to an approved
4 school and then being recalled because of behavioural
5 difficulties and then being committed to an asylum or a
6 mental hospital. I think this was a way to try and get
7 round what was felt to be a particular issue.
- 8 Q. You go on to again highlight the altered attitude
9 towards inspection under reference to the work in
10 relation to school meals and you draw attention to
11 a report in connection with St Joseph's Tranent.
- 12 A. Yes.
- 13 Q. What was the position there?
- 14 A. I think by that particular period there was certainly
15 a considerable body of opinion as to an appropriate diet
16 that children should receive at breakfast, lunch and
17 evening meal. The function of the SED was to ensure
18 that if not regulations about appropriate diet, then
19 guidance as to an appropriate diet should be issued to
20 schools and that schools generally, not just approved
21 schools, would find their school lunches being targeted,
22 so to speak, in terms of the provision of the nutrition
23 that they had. So what was happening at St Joseph's was
24 not unique; it was across the education sector.
- 25 Q. You give that example of there being an inspection and

1 then subsequently another inspection to indicate there
2 had been improvement.

3 A. That is right, yes. That is coming not from the HMI for
4 Approved Schools but the HMI who was the dietician.

5 Q. Yes, and indeed yesterday you pointed out that other
6 specialisms would be brought in.

7 A. Yes, that is right.

8 Q. We began today by looking at the three influences you
9 pointed to yesterday, but you move on to consider
10 a fourth influence. Can you just perhaps talk to us
11 about that influence?

12 A. It is certainly obvious that this new HMI, as I said,
13 was proactive and an incident obviously occurred at
14 Wellington Farm School, probably around 1954, because
15 there is a change of management which is recorded in
16 1956 amongst the retained records, where a boy travelled
17 from just outside Dalkeith -- I'm not sure how, whether
18 he walked or took a bus or whatever -- and arrived at
19 St Andrew's House to complain about the treatment he had
20 received and there was obviously a little bit of
21 a discussion as to whether or not he should be sent
22 back, but the deputy secretary decided to hear the
23 complaint, and that led to the decision to seek to
24 prosecute the headmaster of the school.

25 Q. I think that's what we touched upon before under the

1 reference to --

2 A. That is right. What the HMI says is that he basically
3 slapped his wrists and said, I should have talked to the
4 boys and girls in approved schools individually without
5 a manager being present to establish the quality of
6 care.

7 Q. This was quite an important point of principle --

8 A. Yes, it was --

9 Q. -- being established that the inspector should be able
10 to speak alone to a child, outwith the presence of
11 anyone else.

12 A. Without their presence to ensure that the boys and the
13 girls felt comfortable in their new environment.

14 Q. Can I take you to the report on Wellington Farm School
15 at SGV.001.001.8360.

16 This is a report and we see it is dated, towards the
17 top, "Friday, 6 February"; I think this is 1959.

18 A. This is 1959.

19 Q. I will look at some of the contents in a moment but if
20 we turn to page 8364, there is a footnote to the report
21 where he is setting out examples of cases where what's
22 described as "malpractices" have been brought to light
23 or confirmed or have been alleged and disproved by
24 private interview of pupils by departmental
25 representatives.

- 1 A. That is right yes.
- 2 Q. So he is giving a number of examples. If we move down
3 the page to item 5 can we see that Wellington -- you
4 think this was possibly 1954?
- 5 A. Certainly before 1956 because there is a file which says
6 there is a new management in operation.
- 7 Q. It is:
- 8 "Interview by ... of boy who appeared at
9 St Andrew's House to make complaints against the HM."
10 That's headmaster:
11 "It is doubtful whether the troubles at this school
12 would have been brought to light as they were had ...
13 without hearing the lad's complaint. Sent him away and
14 told him to report to the managers."
15 That is the point you were making?
- 16 A. Yes.
- 17 Q. He ran away and made his way to St Andrew's House, which
18 is rather clever --
- 19 A. Very clever indeed and quite unique really. I think
20 this file has been retained because there is an issue of
21 principle involved, which led to a Secretary of State
22 decision, and obviously somebody at some stage felt
23 actually this is quite an important file to retain.
- 24 Q. Can we look at it and pick up some points then. We
25 begin by reading -- if we go back to page 8360 -- he

1 begins by saying that:

2 "On Friday, 9 February I paid a visit to Wellington
3 Farm School in the course of which I discovered that
4 there had been a fair amount of absconding."

5 A. That is right.

6 Q. "I asked the HM if I might interview some of the boys
7 concerned, with a view to checking that there had been
8 no unusual circumstances in the school which might be
9 the cause of the absconding. The HM asked me whether
10 I wished to see the boys alone and I said that this
11 might be best."

12 It would appear that he was able to see the boys
13 alone.

14 A. Yes.

15 Q. In the course of the interview, for example, he
16 discovered that there was this punishment called "the
17 track". You mentioned that earlier.

18 A. That is right.

19 Q. Briefly what was the track?

20 A. It appeared to take various styles. This one here was
21 standing in a line for 10 to 20 minutes after a meal,
22 whether the boys could go about their ordinary business,
23 as way of punishing for absconding or for other
24 offences.

25 I think there is a note there that pre-1940 the

1 track at Wellington involved darning socks and then the
2 socks being ripped apart and being told to re-darn the
3 socks. I think there are other cases where the pupils
4 were asked to scrub a floor and then they were asked to
5 re-scrub the floor and then re-scrub the floor for no
6 apparent reasons of cleanliness.

7 Q. I think if we read on in that page, without looking at
8 the detail, you do talk about the job of scrubbing and
9 re-scrubbing of floors and also the re-darning of socks.

10 A. That is right, yes.

11 LADY SMITH: I see on that page reference to "being pleased
12 to discuss the matter with the brigadier". Where would
13 the brigadier have fitted here, in the governing body?

14 A. The brigadier was chairman --

15 LADY SMITH: Chairman of the governors?

16 A. That is right.

17 LADY SMITH: Was it common to have ex-army involvement in
18 the governance of these schools?

19 A. I think there was a fair number of military personnel on
20 the governing bodies. I think -- in Wellington, I think
21 the implication of the file is that the whole management
22 board was reconstituted after the earlier incident and
23 this particular chap was brought in as, if you like,
24 a fresh pair of eyes.

25 MR MacAULAY: It would appear that the inspector pointed

- 1 matters out to the headmaster and then made a return
2 visit on 11 March, if we look at the bottom of the
3 page --
- 4 A. That is right, yes.
- 5 Q. -- expecting, I think, some action to have been taken in
6 relation to the track and also the, as it were, double
7 punishment, if you like.
- 8 A. Yes.
- 9 Q. If we go on to page 8361, taking this shortly, was there
10 some compromise in relation to the track in that the
11 boys were allowed to sit rather than have to stand?
- 12 A. What you got here is that the HMI effectively says that
13 the SED's medical inspector would not approve of that
14 system for the reasons of their health and welfare and
15 therefore the punishment could continue, clearly if they
16 are absconding, etc, but they should sit down. So he is
17 bringing in the SED's, if you like, medical expert as
18 an advice to the school and, I suspect, indicating to
19 the school, you don't want to take this further, do you.
- 20 Q. One's impression reading this in full is that the
21 inspector is acting in a fairly diplomatic way in his
22 approach to the school, but nevertheless managing more
23 or less to get his own way.
- 24 A. I think that is correct, yes. By 1958/1959 he had
25 considerable experience and they would have known of his

1 earlier issues with the school.

2 Q. So far as scrubbing is concerned, for example, if you
3 read down the page to item 2, it would appear that the
4 committee had already agreed and that that had been
5 an error of judgement on the part of the headmaster.

6 A. Correct, yes.

7 LADY SMITH: It is interesting the headmaster seemed to want
8 to be harder on the boys than the brigadier.

9 A. That is correct. One can only surmise as to what the
10 headmaster's attitude was to running an approved school.

11 MR MacAULAY: Well, according to what the inspector noted,
12 he wanted to "rub salt in the wounds of deprivation".

13 A. That is right, that was the inspector's interpretation.

14 Q. And:

15 "For a man trained in social science, he takes
16 an unhealthily punitive view of his task."

17 Is what the inspector concludes.

18 A. That is correct.

19 Q. But as far as the brigadier was concerned, the inspector
20 formed a very good impression of the brigadier.

21 A. Yes, yes.

22 LADY SMITH: He seems to have dropped everything and turned
23 up at the school that day after having spoken to the
24 inspector on the phone. I get a certain picture of the
25 rush to attention.

1 A. I think if you have lost a headmaster, for even a not
2 proven verdict of misconduct, if you are chair of the
3 governors and an inspector says, I have an issue here,
4 you are going to turn up.

5 LADY SMITH: Yes.

6 MR MacAULAY: But one of the significant aspects of this
7 report is the issue of private interviews with boys.

8 A. That is correct yes.

9 Q. There appears to have been some comings and goings in
10 relation to that with the brigadier, but taking it
11 shortly, ultimately, I think the inspector was able to,
12 as it were, win the day.

13 A. Yes, it clearly went through the SED's administrative
14 system at St Andrew's house and eventually landed on the
15 Secretary of State's desk. The advice from the
16 department was that really you don't want incidents as
17 happened earlier at Wellington to occur because the
18 inspector has not been able to fulfil his functions,
19 which, in effect, reflect your functions in terms of
20 duty of care towards these particular pupils. The
21 Secretary of State wrote to the brigadier saying,
22 "I support my inspector".

23 Q. With the result that the point of principle is
24 established, namely, that the inspector could,
25 independently of anyone else, see the boys?

- 1 A. That is correct, yes.
- 2 Q. If we go to the very bottom of page 8632, we read a few
3 lines from the bottom:
4 "At that point he gave in."
5 He goes on to say:
6 "There are, from the department's point of view,
7 undoubted benefits in the practice. Absconding is often
8 a pointer to something being wrong in a school: bullying
9 by other boys, failure to take account of a boy's
10 personal problems in relation to his home, ill-treatment
11 by members of staff, etc."
12 The inspector was taking quite an astute line in
13 relation to -- not just saying, you have absconded, you
14 have run away, and that's it; he was looking for reasons
15 as to why children might abscond.
- 16 A. The inspector had been a teacher himself. It is not in
17 this file, but it is in another file that I have read,
18 and certainly at the time he became an inspector of
19 schools he was probably in his late 30s or early 40s and
20 he would have had considerable experience in schools
21 with pupils. He had obviously been briefed at
22 appointment as to taking more of an interventionist line
23 and it is clear that he had considerable understanding
24 of the way that schools operated and, from this
25 particular file, the way that approved schools operated.

1 Q. We have already looked at the examples he has given
2 where speaking to pupils brought issues to light.

3 A. That is right, yes.

4 Q. So we have been looking there then at the influence that
5 pupils had on the work of the inspectors. If we go back
6 to your report, SGV.001.001.8101. That's
7 paragraph 7.13. You say:

8 "The second influence [I think you are talking
9 about] in the work of the inspectorate came from the
10 Scottish Office ministers, especially from the
11 Parliamentary Undersecretary of State who held
12 responsibility for approved schools."

13 Can you elaborate upon that?

14 A. Yes, it is clear that there had been a conversation at
15 some stage between the Parliament Undersecretary of
16 State who held responsibility for approved schools with
17 a fellow MP, that they had some concern.

18 They had heard some concerns about Balgay School for
19 Girls and would he investigate. That resulted in some
20 correspondence between the MP and the Parliamentary
21 Undersecretary of State. I think the result was the
22 Parliamentary Undersecretary of State instructed that
23 there should be an inspection without notice of this
24 particular approved school.

25 Q. What was the end result?

1 A. The end result was that the initial inspection did not
2 reveal very much in terms of I think -- the quote that
3 MP had:

4 "... old-fashioned regime based on fear ... grimness
5 ... state of the amenities ... the unwillingness to
6 permit the pupils to play in the garden because the
7 neighbours objected to the noise."

8 There was a fairly lengthy report, five pages, and
9 he was not unduly troubled by what he discovered at that
10 first inspection.

11 Q. But then what happened after that?

12 A. Another MP, I think it was the MP that covered that
13 particular area, wrote again and this time the inspector
14 was sent in again and he did uncover practices that were
15 outside the regulations.

16 Q. Can you perhaps gives us examples of that?

17 A. Yes, corporal punishment which was meant to be limited
18 to three strokes of the tawse, but six had been applied
19 to girls, and they had actually suffered the track
20 system as double punishment, so they not only had
21 corporal punishment but they were told to scrub the
22 floors on their bare knees, and that was certainly
23 outside of the regulations.

24 Q. I think also the headmistress admitted that she had
25 overlooked entering punishments in the logbook.

- 1 A. That is correct as well. Yes.
- 2 Q. Can I take you to a document SGV.001.001.8365. This
3 appears to be a letter dated 29 August 1957. It is one
4 of the documents submitted along with your report --
- 5 A. Yes.
- 6 Q. -- in connection with the Balgay school. Is this in
7 connection with the discussion we have just been having?
- 8 A. Yes, this was a formal letter to the chair of the
9 governors.
- 10 Q. The letter encloses the HM Inspector's report.
- 11 A. Yes.
- 12 Q. Was that the practice at that time?
- 13 A. It was not normally the practice to enclose the detailed
14 report the inspector made. The usual practice was to
15 abbreviate what the report had said, bringing out any
16 particular issues, but without the qualitative comments
17 that an inspector might have made on individuals at the
18 school.
- 19 Q. I think I read somewhere in your report in the main the
20 reports themselves were confidential to the Secretary of
21 State.
- 22 A. The reports were intended for the information of the
23 Secretary of State.
- 24 Q. But if we read what's in the letter, it would appear
25 that some corporal punishment had not been recorded in

1 the punishment book in terms of regulation 16 of the
2 care and training regulations, that, in the case of the
3 five girls who attempted to abscond corporal punishment
4 in excess of the three strokes permitted by
5 regulation 15 had been administered and, contrary to
6 regulation 17, those five girls had been punished twice
7 for the same offence and that further and additional
8 punishment of scrubbing the yard had not been recorded
9 in terms of regulation 18.

10 A. That is correct.

11 Q. So very much linked to the terms of the regulations.

12 A. I think they wanted to be absolutely correct in
13 informing the chair of the governors that there had been
14 a breach of the regulations and to make it absolutely
15 clear this was not permissible.

16 Q. Going on to the next page, 8366, we can read that:

17 "In regard to the scrubbing of the yard, I am to
18 direct your attention to the terms of regulation 11 and
19 to say that the department considers that punishment of
20 this nature should not be permitted in an approved
21 school."

22 A. That is correct. That -- I take it one of the reasons
23 why this file has been retained is because that's
24 a revision of their attitude to the permissible types of
25 punishment.

- 1 Q. A revision in the sense?
- 2 A. Pupils should not be scrubbing the yard.
- 3 Q. At all?
- 4 A. At all. Reading that again, it moves it on from
5 previous interpretations. If you look at the Wellington
6 case, that scrubbing had been allowed, and now they are
7 saying that they do not think it appropriate.
- 8 Q. This is in 1957?
- 9 A. 1957, yes.
- 10 Q. That would be a principle that would go across the
11 board. We are looking at a particular instance here,
12 but for example to be made to scrub floors in
13 an institution would follow the same principle, not
14 allowed?
- 15 A. That is correct. Given the fact that the chair of
16 governors from the different approved schools would know
17 each other from communications, as would the
18 headmistresses and headmasters. It would soon get
19 around.
- 20 Q. Can I take you then back to your report, professor, at
21 SGV.001.001.8104.
- 22 A. Yes.
- 23 Q. At paragraph 7.16 you draw some conclusions from the
24 Balgay incident.
- 25 A. Yes.

- 1 Q. Can you tell us what these were?
- 2 A. Well, it is clear -- and I think I was asked to look
3 into this in particular -- that this particular file, as
4 well as the Wellington file, indicates that the
5 Secretary of State and the Parliamentary Undersecretary
6 of State who held responsibility for approved schools
7 were involved in decision making, did receive reports,
8 did in this case instruct that a special report should
9 be undertaken without notice, and therefore there is
10 an indication that, if you like, approved schools were
11 not under the radar in terms of political understanding.
- 12 Q. I think, in particular when we read the Wellington
13 report, there is mention there of the press.
- 14 A. Yes.
- 15 Q. Was it at least something in one's political mind that
16 the press might become involved in these affairs?
- 17 A. I think there is -- there was an element of which they
18 were concerned about the press might report absconding
19 en masse or might report seeing pupils on the roof of
20 an approved school.
- 21 Q. I think we see that later on.
- 22 A. That is right. Or they might interview pupils on their
23 way out in terms of absconding and therefore getting
24 particular reports of conditions within the school
25 without verification.

1 Q. So that is one conclusion you draw. The second
2 conclusion? I think you had three points you make.

3 A. Yes.

4 Q. The second?

5 A. The second is that the inspectorate's professional view
6 was not really being challenged by the political
7 ministers of this particular period, that clearly this
8 inspector thought that there were irregularities and
9 that they should be corrected.

10 Q. I think the final point you make is --

11 A. The final point is that they were prepared to interview
12 pupils privately to establish whatever conditions they
13 felt required to be investigated.

14 LADY SMITH: Mr MacAulay, sorry can you wait a moment, my
15 second screen has just decided to stop showing me
16 documents.

17 (Pause)

18 Has anybody else got a problem?

19 (Pause)

20 MR MacAULAY: We can perhaps test it, shall we?

21 (Pause)

22 LADY SMITH: We are back.

23 Yes. We are all right, thank you.

24 MR MacAULAY: Another point you make about the file on
25 Balgay School, at paragraph 7.17, is that it indicates

1 the depth of inspectorial knowledge about the school.
2 A. Yes, he clearly didn't know every pupil that had been
3 committed to an approved school, but he could find out
4 very quickly by looking at the St Andrew's file on
5 a particular pupil. He clearly knew certain pupils
6 because he had obviously been involved in their transfer
7 from one approved school to another, which is what comes
8 out in the Balgay file.

9 I think that gives some idea that the SED had
10 a fairly close knowledge of the pupils and what was
11 perhaps most appropriate for them in terms of
12 an approved school. It is clear they also knew about
13 the managers and this reflects an earlier point that
14 I made about the late 1940s where there was
15 a recommendation that there should be closer links with
16 the local authorities and here he is saying that
17 managers made little effort to improve their
18 understanding of that task.

19 Q. Not particularly complimentary?

20 A. Not particularly complimentary.

21 Q. But this is looking at Balgay School; are you able to
22 say across the board in relation to approved schools how
23 typical this might be?

24 A. This particular footnote is a reflection on all schools,
25 not just Balgay.

1 Q. Yes. Can you tell me offhand how many pupils would be
2 in approved schools at about this time in the 1950s?

3 A. Somewhere between 1,500 and 1,800.

4 Q. I think we do have the figures somewhere.

5 A. There is figures -- I can't think off the top of my
6 head. The numbers committed were going down but then
7 towards the end of 1950s they began to increase. Of
8 course, we don't know the full figure because the
9 voluntary committals are not recorded in Parliamentary
10 returns.

11 Q. I think you mentioned that.

12 A. Try as I might, I can't actually establish the number.
13 It seems to vary between 5% and 10%.

14 Q. The next -- if we turn back to your report then and go
15 on to page 8105, which we have on the screen in fact, in
16 the next section of your report you are looking at the
17 Scottish Home Department.

18 A. Yes.

19 Q. Again between, in this period of ten years, between 1948
20 and 1958.

21 You begin by setting out what the functions of the
22 department were during this period. I think you have
23 extracted a summary from the blue notes.

24 A. That is right, yes. It concerned deprived children in
25 the care of local authorities and the Children Act

1 (1948) and Boarded Out or Children's Homes, Voluntary
2 Homes for children and the Children and Young Persons
3 (Scotland) Act 1949, the Children Act (1949), Remand
4 Homes, Juvenile Delinquency, Children and Young Persons
5 (Scotland) Act (1937) and Criminal Justice (Scotland)
6 Act (1949).

7 Q. I think as you told us yesterday the SHD had
8 amalgamated, as it were, with the DHS.

9 A. That is right.

10 Q. So it took over the jurisdiction that the DHS had
11 previously managed under the Poor Law?

12 A. For children boarded out, yes. I should also add that
13 that last Act, Criminal Justice (Scotland) Act, refers
14 to juvenile delinquency, which was actually administered
15 by a branch in the Scottish Home Department separate
16 from what they then called the Homeless Children Branch.

17 Q. You tell us at 7.19 that:

18 "Essentially the inspectorate continued with its
19 pre-1948 functions in regard to the inspection of
20 voluntary homes ... and remand homes."

21 A. That is right.

22 Q. "Additionally, under the Children Act (1948), it
23 inspected the operation of local authority
24 Children's Committee in regard to children in care."

25 That was the system set up by the 1948 Act?

1 A. The 1948 Act effectively abolished the Poor Law
2 Committees within the local authority and insisted they
3 establish a Children's Committee which would be broader
4 in its functions than simply children under the
5 Poor Law.

6 Q. We have an example, which we will look at later, of
7 an inspection of Glasgow.

8 A. Yes.

9 Q. Quite an extensive inspection.

10 A. Yes, 50 pages plus. I deliberately chose that one. It
11 does survive simply because Glasgow, being the biggest
12 local authority of the period, gives you an idea of the
13 extent and depth of the inspection that they had, which
14 was not just by one inspector but by several inspectors
15 over several days looking at voluntary homes, looking at
16 the children's homes, and also case notes and also
17 looking at children who were being kept at home under
18 the care of the local authority.

19 Q. Can we then turn onto page 8106 of your report. You
20 begin by saying at 7.20:

21 "At the passage of the Children Act (1948), the
22 title of the inspectorate is unclear, but by 1949 the
23 senior official was entitled Chief Inspector (Child Care
24 and Probation)."

25 Looking then to its establishment at formation, how

1 many personnel did it have?

2 A. Yes, this is the comment I made yesterday that the
3 boarding out inspector was not initially classified as
4 a child care inspector, but as a welfare officer, simply
5 because their salary grading was not equivalent to that
6 of a child care inspector. But I understand that
7 particular person was subsequently re-graded as a child
8 care inspector.

9 Q. You tell us that there is a chief inspector.

10 A. Yes.

11 Q. There is a grade I inspector and then three grade II
12 inspectors, one of whom was male, but the grade I
13 inspector remained vacant until 1952.

14 A. Yes.

15 Q. Up until 1952 there were altogether three inspectors?

16 A. The Chief inspector and three grade II inspectors plus
17 a welfare officer, who was a boarding out inspector.

18 If you think of it in terms of, do the names
19 reappear on the inspection reports as they were in 1947,
20 and you can see, yes, they did, but one wasn't
21 designated as a child care inspector, even although they
22 signed themselves as an inspector.

23 Q. Any reason for that?

24 A. For what?

25 Q. For why he was not -- it was a she, I think.

- 1 A. She.
- 2 LADY SMITH: She.
- 3 A. Because she had been employed on a particular salary
4 grade.
- 5 MR MacAULAY: It is the salary point you made?
- 6 A. The salary point, yes.
- 7 Q. You give us a quote on the Select Committee of Estimates
8 in 1952. Again, it is a fairly extensive document but
9 perhaps you can take us through what you have extracted
10 from it.
- 11 A. Clearly this Select Committee on Child Care -- the
12 Scottish Home Department were intent on putting up
13 a good case, if one looks at it properly. Certainly,
14 I think it is actually the secretary of the department
15 says, yes, the chief inspector spends two thirds of his
16 time on child care work plus doing some work on
17 probation and aftercare of offenders. One of the
18 inspectors engaged 20% of her time on the aftercare of
19 girls released from borstals, and the other inspectors
20 carry out regular inspections of local authority and
21 voluntary children's homes and visit boarded-out
22 children in their foster homes. The welfare visitor,
23 that is --
- 24 Q. The lady inspector, if we can call her that.
- 25 A. -- the lady inspector visits boarded-out children.

1 The secretary of the SHD then goes on and says, what
2 effectively is internal discussion within the
3 inspectorate, that they obviously discuss cases and make
4 decisions regarding what to say to town clerks and
5 county clerks in terms of the issues that have arisen.

6 There is no territorial division of inspectors and
7 welfare duties but if they happen to be in a particular
8 area and an issue arises, the inspectors, including the
9 welfare officer, will take action.

10 Q. Moving on to 8107. Do you tell us that agreement was
11 reached with the UK Treasury that the welfare officers
12 should be re-graded as grade II inspectors?

13 A. That is right, yes.

14 Q. Do we also learn that now, an additional grade II
15 inspector, a woman, was appointed in 1955 and that was
16 in particular to cover the post-war increase in the use
17 of probation orders and the increased number of remand
18 homes.

19 A. I think that was to enable the other inspectors to
20 concentrate more on child care work.

21 This particular person -- it is one of the few where
22 we know something about their CV, which I think is
23 something which the Inquiry wanted, and it is detailed
24 here.

25 Q. Yes. This particular person was a Home Office trained

- 1 probation officer --
- 2 A. That is right yes.
- 3 Q. -- and held a certificate in social study from
- 4 Edinburgh University?
- 5 A. That is right yes. I think "social study" meant
- 6 actually child care work.
- 7 Q. You then -- in comparison with the position before the
- 8 amalgamation of the SHD and DHS inspector in 1947, what
- 9 is the position?
- 10 A. It is virtually identical. There might be an increase
- 11 of one but that's all.
- 12 Q. But the cohort of children that were to be covered by
- 13 this inspectorate, did it remain the same effectively
- 14 after the amalgamation in 1947?
- 15 A. The number of children remained the same but the nature
- 16 of the duties implied by the Children Act (1948) had
- 17 expanded the inspection -- as I think we will see later
- 18 on, the duty of visiting voluntary homes included the
- 19 duty of looking in particular at case studies.
- 20 Q. Before doing that, let's look at the problem that arose
- 21 in connection with the inspection of voluntary homes
- 22 which were also used as approved schools. Yesterday we
- 23 touched upon that as an issue.
- 24 A. Yes.
- 25 Q. You tell us that of the 25 approved schools, 15 had

1 registered themselves also as voluntary homes under the
2 1948 Act.

3 A. That is correct, yes.

4 Q. That, at least on the face of it, caused a problem in
5 relation to who had jurisdiction.

6 A. Yes. The SHD at this time were unhappy that an approved
7 school could also take children in terms of its
8 registration as a voluntary home. It thought it
9 inappropriate that the two types of children should be
10 mixed together.

11 Q. That was the position: they were mixed together, they
12 weren't being kept in separate parts of the
13 establishment?

14 A. No, that is correct, and presumably eating at the same
15 time. There's an indication there that the SED said,
16 well, if you push the line too far, we will be forced to
17 close approved schools and that will cause a problem for
18 the Secretary of State.

19 Q. So how did it end up?

20 A. There was an agreement that the SHD would leave the
21 inspection of approved schools which also were voluntary
22 homes to the SED and that over time the approved schools
23 would cease to operate as voluntary homes in the sense
24 of taking children on a voluntary basis.

25 Q. Would that be down to registration or would that simply

1 be down to the management of the approved school?

2 A. In terms of taking voluntary cases?

3 Q. Yes.

4 A. I'm not sure, I have to say. I did look at it but
5 there's nothing to indicate that, subsequent to
6 1949/1950, that the SHD's position was actually taken up
7 and observed, that the approved schools continued to
8 take voluntary cases.

9 Q. We touched earlier upon the SHD and in particular the
10 Secretary of State's power in relation to
11 Children's Committees and in the next part of your
12 report you consider a problem that arose in relation to
13 the appointment of a local authority children's officer.

14 A. That is correct, yes.

15 Q. Perhaps we can root this in the legislation first of
16 all. If we look at the 1948 Act, that's at
17 LEG.001.001.0423. We have that on the screen and I want
18 to look at section 41.

19 LADY SMITH: I think you need to go back a page to get the
20 beginning of section 41, Mr MacAulay.

21 MR MacAULAY: So it is actually 0422 I should be looking at.

22 And section 41 tells that:

23 "For the purposes of their functions under the
24 enactments specified in subsection (I) of section 39 of
25 this Act, a local authority shall, in accordance with

1 the provisions of this section, appoint an officer to be
2 known as the children's officer."

3 A. Yes.

4 Q. The local authority didn't have, as it were, a clear
5 playing field, if you like, because if you look at (2):

6 "A local authority shall not appoint a person to be
7 the children's officer except after consultation with
8 the Secretary of State and, for the purpose of such
9 consultation, shall send to the Secretary of State
10 particulars showing the name, age, experience and
11 qualifications of the persons from whom they propose to
12 make a selection. If the Secretary of State is of
13 opinion that any of those persons is not a fit person to
14 be a children's officer of the authority, he may give
15 directions prohibiting his appointment."

16 So the Secretary of State had the final say --

17 A. Yes.

18 Q. -- under the legislation?

19 A. This reflected similar provisions affecting the
20 appointment of medical officers of health by local
21 authorities dating back to 1889. It was basically
22 repeating, for this new position, the power to appoint
23 was reserved to the Scottish Secretary.

24 Q. Can you take us then to the problem that arose in
25 West Lothian that you discuss in the next page?

1 A. That is right. West Lothian had decided that they
2 wished to appoint a particular person who had actually
3 been a nightwatchman and whose experience with any type
4 of children's group was limited to the Boys' Brigade
5 some time previously. The Secretary of State objected
6 and the local authority persisted with its view and, if
7 you like, in a loophole to that particular section
8 decided eventually to appoint him as an acting
9 children's officer.

10 Q. I just want -- you mention that on page 8109. Do I take
11 it then that if we look at that, SGV.001.001.8109 --

12 A. Yes.

13 Q. -- towards the top of the page where you say:

14 "The local authority persisted with its view that
15 the individual was the most appropriate candidate for
16 the post and when the interim appointment died in 1954,
17 it agreed to confirm the appointment, albeit as
18 an acting children's officer."

19 The "it" there then is the local authority?

20 A. West Lothian decided, yes.

21 Q. That prompted or in any event there was an inspection
22 after that?

23 A. Immediately. Within two weeks, obviously, the Child
24 Care Inspectorate were sent in to review the position.

25 Q. And it wasn't a happy one?

- 1 A. No. I think this is way off the kind of radar, really.
2 There were no recorded visits to children, no reports on
3 children, no medical reports, no contact with schools,
4 no references given or taken up, or home reports before
5 children were placed in foster homes, no checking on
6 clothing supplied. The boarding out percentage was
7 below the average for Scotland as a whole and it would
8 appear that the acting children's officer and the matron
9 of the Wallhouse children's home didn't get on together.
- 10 Q. The central position here was that the local authority
11 wanted to appoint somebody from within --
- 12 A. Yes.
- 13 Q. -- without real regard to that person's qualifications
14 for the job?
- 15 A. As far as the Secretary of State was concerned the
16 person was inappropriate because they had no training.
- 17 Q. The reference in that list that you provide us with on
18 page 8109 to a boarding out percentage of 50, you
19 contrast that to the boarding out percentage in Scotland
20 as a whole of 16.15.
- 21 A. Yes.
- 22 Q. What's the point we take from that? Is that a yardstick
23 that people ought to have been trying to achieve?
- 24 A. Policy was to encourage boarding out and therefore any
25 local authority that fell markedly below the average for

1 Scotland as a whole was therefore subject to some sort
2 of criticism and concern that the ratios attached to the
3 working of that children's department.

4 Q. Moving on to the next page of your report, 8110, can you
5 just tell us how this issue in connection with
6 West Lothian progressed?

7 A. It clearly went up to the Parliamentary undersecretary
8 of State, it may well have gone to the Secretary of
9 State, I don't know, it is not clear from the file, and
10 it was agreed to defer the issue to see how matters
11 developed within the county council. Further
12 inspectorial reports came in noting that boarding out
13 attempts were clumsy and inadequate and that the
14 Children's Committee continued to interfere with the
15 appointee's work, so the appointee didn't have any
16 managerial duties at all it would appear.

17 Q. But the appointee remained in post?

18 A. In post, yes, as an acting children's officer.

19 Q. You make the point about these events indicating that
20 there was a weakness within the powers of the Secretary
21 of State.

22 A. Yes, he couldn't compel West Lothian to appoint
23 an appropriate person, in the Secretary of State's eyes
24 without a public inquiry, which could be open-ended, or
25 he could have sought to reduce the grant under the 1948

1 Children Act, but that wouldn't necessarily have
2 resulted in the financial hardship to West Lothian, as
3 what's called the equivalence grant would have gone up
4 to meet the reduction. The equivalence grant was
5 a grant designed to ensure that throughout Scotland --
6 and in fact throughout the UK -- that local services met
7 a particular minimum.

8 Q. Was it effectively checkmate, that he was mated in
9 a sense?

10 A. He was in some difficulty, politically and financially,
11 in enforcing what the department thought was an
12 appropriate action.

13 It is not here, but various names were suggested to
14 West Lothian who had come second, if you like, in the
15 selection for other county councils and town councils,
16 but West Lothian stuck with its position.

17 Q. From what you saw, could you see what the reasoning was
18 on the part of West Lothian, if any?

19 A. It seemed to be politics. Local politics.

20 LADY SMITH: You refer to the Secretary of State's position
21 as being a weak one but of course under section 41(2) he
22 did have the power to give a direction prohibiting the
23 suggested candidate's appointment but --

24 A. But not as an acting officer, and I think that seemed to
25 be the sticking point.

1 LADY SMITH: You mean he couldn't stop him doing work under
2 a different title?

3 A. Precisely.

4 MR MacAULAY: You describe that as a loophole, but it seems
5 a very tenuous loophole.

6 LADY SMITH: I just wonder in the modern world if that would
7 survive scrutiny.

8 A. Probably not.

9 LADY SMITH: Probably not. I think the view could be easily
10 taken that the local authority has really appointed
11 a children's officer, whatever they are calling him for
12 their purposes.

13 A. I looked at the Act. It is not necessarily permissive,
14 but did a local authority have to appoint a children's
15 officer?

16 LADY SMITH: Well, I see what you mean. It is they shan't
17 appoint somebody who the Secretary of State thinks is
18 not fit --

19 A. Yes.

20 LADY SMITH: -- to be a children's officer --

21 A. That is right.

22 LADY SMITH: -- but that leaves them, possibly, with a free
23 hand to appoint people to do other jobs, leaving open
24 the possibility, if they wish at some point to do so, of
25 appointing a children's officer.

- 1 A. That is right, yes. So this particular person could
2 carry on.
- 3 MR MacAULAY: Does history tell us what happened in the
4 years following or not?
- 5 A. There was clearly some representation and further
6 inspector reports which indicated that he -- from the
7 1955 inspection, he had improved, if you like, his
8 managerial tenure and that ultimately the Secretary of
9 State decided to confirm his appointment with some
10 reluctance.
- 11 Q. You go on at page 8110, at paragraph 7.26, to provide us
12 with some information about the local authority
13 purchasing homes and also the contrast between local
14 authority homes and voluntary homes.
- 15 A. Yes.
- 16 Q. As we know, I think, from the Children Act (1948), the
17 local authority was empowered to provide children's
18 homes for children.
- 19 A. Yes.
- 20 Q. You give us some figures then towards the bottom of that
21 page as to the difference between those homes provided
22 by local authorities in compliance with the Act and also
23 homes that were voluntary homes. Can you give us a feel
24 for the numbers?
- 25 A. It is evident that local authorities felt that they were

1 under some sort of compulsion to provide their own homes
2 and I suppose at one level it was easier for them to
3 manage their own homes, particularly where there were
4 children in various categories of need, rather than
5 relying on the voluntary home. It enabled them to have
6 some greater degree of control over standards of care
7 and, of course, they were liable on that in terms of
8 inspection.

9 Over the period what you see is that the number of
10 children in voluntary homes begins to decline as the
11 number in local authority homes actually increases. At
12 the same time, the number of children in voluntary homes
13 sent by local authorities began to increase.

14 So the voluntary home was ceasing to be a voluntary
15 home in the sense of being open to the general public or
16 to relatives to send their children. Most children, by
17 the late 1950s, in homes were being sent there by the
18 local authority, whether it was a local authority's own
19 home or whether it was a voluntary home.

20 Q. Looking at the figures you give us towards the bottom of
21 the page, you tell us that:

22 "Whilst local authorities in compliance with the Act
23 began a programme to purchase homes, from 31 in 1948 to
24 accommodate 1,200 children, to 83 [these are local
25 authority homes] for 1,700 children ten years later."

- 1 A. That is right.
- 2 Q. There is quite an increase in the number.
- 3 A. There is a substantial increase, yes.
- 4 Q. Looking to voluntary homes:
- 5 "Voluntary homes, whose number remained at around
- 6 130, provided accommodation for the majority, although
- 7 the number declined from 5,600 to 3,700."
- 8 So although the local authority homes were on the
- 9 increase nevertheless the voluntary home population
- 10 still out stripped the local authority --
- 11 A. But the majority of children in homes, whether local
- 12 authority or voluntary, had been sent there by the local
- 13 authority.
- 14 Q. By the local authority. You go on to say:
- 15 "Within those latter figures the number placed by
- 16 local authorities declined from 1,700 to 1,200.
- 17 Subsequently by 1958 the greatest proportion of children
- 18 within both the local authority and voluntary homes were
- 19 the result of local authority action."
- 20 A. That is right, yes.
- 21 Q. That's the point you make?
- 22 A. That is right, yes.
- 23 Q. You move on to tell us about the provisions in the
- 24 Children Act in relation to providing grants for staff
- 25 training and also for improving amenities. Again,

1 perhaps we can root that in the legislation itself.

2 If we turn to LEG.001.01.0425. I'm looking at
3 section 45 of the 1948 Act. We can read that:

4 "The Secretary of State, with the consent of the
5 Treasury, may, out of monies provided by Parliament,
6 defray or contribute towards any fees or expenses
7 incurred by persons undergoing training approved by the
8 Secretary of State ..."

9 That's the first aspect of it. Then at (2):

10 "The Secretary of State may, out of monies provided
11 by Parliament, make grants of such amounts, and subject
12 to such conditions, as he may with the consent of the
13 Treasury determine towards expenses incurred by anybody
14 of persons in providing courses suitable for persons
15 undergoing training as aforesaid."

16 I think also I should have read in 45(1) also the
17 fact that they could contribute towards maintenance of
18 persons undergoing training.

19 A. That is correct. The reference to the Treasury is
20 simply that the department would have to submit
21 an estimate on an annual basis for their approval. The
22 Treasury were not involved in terms of the allocation.
23 They were simply providing the overall sum per annum.

24 Q. On SGV.001.001.8111, at paragraph 7.27, you provide us
25 with some information as to what the impact of these

1 provisions might have been.

2 A. Yes.

3 Q. Can you perhaps just explain to us what you were able to
4 discover?

5 A. From 1949 there was a series of short refresher courses
6 for -- on the principles of child care and from 1952
7 a training course for house parents was provided through
8 that provision in the Act.

9 Expenditure on training increased quite
10 substantially throughout that period to nearly £6,000
11 per annum by 1957/1958.

12 Q. So the provisions of the Act seemed to have had
13 an impact?

14 A. Yes. Expenditure on improvement grants increased again
15 substantially from 2,300 in 1949/1950 when they were
16 first issued to 3,500 by 1957/1958.

17 There are some examples that were included here in
18 terms of 1,200 for the Convent of the Good Shepherd
19 Edinburgh as it was doing very good work modernising
20 a barrack building.

21 Other grants included £225 for Proctor's Orphanage
22 at Skene for:

23 "... the introduction of electric lighting. The
24 house is at present lit by oil lamps."

25 Q. I have in mind that in 1935 one of the establishments

1 you had looked at had central heating.

2 A. Yes, a slight difference in the facilities.

3 Q. Moving on then to paragraph 7.28 on page 8112. You tell
4 us that:

5 "The Child Care Inspectorate's reports for the local
6 authority sector during this period intended to
7 concentrate on the quality of amenities, with occasional
8 references to staff issues."

9 You give a number of examples.

10 A. That is right.

11 Q. Can you take us through this section of your report
12 briefly?

13 A. My impression, given that they had training grants and
14 also improvement grants and given also that they had
15 some control over the grants under the Children Act
16 generally to local authorities that they wanted to press
17 local authorities, these were local authority homes, to
18 improve the standards of care provided. Even in Leven
19 at Fife the report indicated that the premises were far
20 from satisfactory by the standards of the present day as
21 a children's home. It was -- inadequate sanitary
22 accommodation and the kitchen facilities were deemed
23 inadequate. The local authority indicated it would make
24 some alterations as a result of that inspection report.

25 The Coatbridge Children's Home. There was clear

1 comment on staffing issues and lack of interest by the
2 staff in the supervision of children's play activities
3 and there was little equipment in evidence. It was
4 noted the matron was a nurse and clearly knew her
5 business as a nurse.

6 The reports at Paisley and at Largs were more
7 positive, indicating that a television had been
8 installed -- this was, I think, in 1955 -- and certain
9 new furnishings had been supplied, and that the matron
10 had undertaken a refresher course.

11 MR MacAULAY: So these steps -- progressive steps in

12 a sense -- are as a consequence of the fact that the
13 1948 Act set out a mechanism whereby funding could be
14 obtained for purposes such as these?

15 A. Or funding could be withdrawn in the sense that the
16 local authority received a grant under the Children Act
17 and therefore that Act could be -- that grant could be
18 in danger if in fact a negative report resulted in no
19 action being taken.

20 Q. Can we then turn to page 8133 and look at paragraph 7.30
21 where you draw some conclusions from the tenor of
22 reports that you have looked at.

23 A. Yes.

24 Q. What conclusions do you come to? I think you are
25 looking in particular at the evidence given to the

1 Select Committee.

2 A. The background to the restriction of public expenditure
3 was the introduction of the National Health Service and
4 the increased costs that that implied and there were,
5 from 1949 onwards, severe restrictions on any health and
6 welfare expenditure, and that affected child care as
7 well in this particular period.

8 Q. I think we are on the wrong page; it is 8113.

9 A. Yes, 7.3.

10 Q. 7.30.

11 A. That is right.

12 Q. We will just get it on the screen.

13 A. I have it in front of me. I'm trying to explain the
14 reason for the public expenditure restrictions.

15 Q. Yes, carry on.

16 A. Therefore there were restrictions on -- what in fact --
17 and that is implied within the Select Committee on Child
18 Care, the pressure that the department could apply to
19 local authorities to improve the standards of staffing
20 and the standards of care within their local authority
21 homes.

22 After 1953 the restrictions began to be eased as
23 control was greatly increased over
24 National Health Service expenditure. Although there was
25 a further call for restrictions in health and welfare

1 spending, the SHD took the line that it would not cut
2 the budget for child care.

3 I should also say there were parallel discussions
4 going on at the time as to -- which the SHD were
5 involved in in terms of, in fact, the establishment of a
6 departmental committee on the training of social
7 workers, which was actually the Younghusband Committee.
8 So it knew in fact there were winds of change occurring
9 within this particular field.

10 Q. You tell us about the policy being one of encouraging
11 the provision of smaller, more family-based homes --

12 A. Yes.

13 Q. -- with a group of a dozen children under the
14 supervision of a house parent.

15 If we turn to page 8114, do we have a reference
16 there to what's known as the Orphan Homes of Scotland,
17 Quarriers?

18 A. That is correct, yes.

19 Q. That's taken from a minute in 1955?

20 A. That is right.

21 Q. What was being said there?

22 A. I think this indicates a change of policy, that they
23 were clearly concerned about barrack style, which the
24 reference to the Good Shepherd earlier stated, and they
25 wanted or wished the larger voluntary homes to shift

1 provision from barrack-style accommodation or large
2 group accommodation to family-style accommodation.

3 Q. Is Quarriers -- are Quarriers Homes being used as
4 an example of the -- or is it being used to show that
5 you can have smaller homes than Quarriers?

6 A. There is also reference in that minute to
7 Aberlour Orphanage. My assumption is that the secretary
8 of the department and the assistant secretary of the
9 department responsible for child care were fully aware
10 of some of the issues that large voluntary homes -- the
11 issues surrounding the quality of care. By that time,
12 1954/1955, the policy was very much to encourage
13 family-style homes within homes.

14 Q. If we read the quote then:

15 "There is no reason for example why The Orphan Homes
16 of Scotland should not convert their cottages into
17 family group homes of a normal size; and I suppose it is
18 not entirely out of the question even for
19 Aberlour Orphanage so to reorganise itself as to work on
20 family group lines. In both these cases, however, time
21 is likely to be on our side."

22 A. Yes.

23 Q. Which means it is not going to happen overnight?

24 A. But, as I say, there are parallel discussions going on
25 on the training of and introduction of more rigorous

1 training programmes for social workers, and the
2 Secretary would have also known that there was
3 a possibility -- and in fact it actually occurred, a
4 departmental committee south of the border on the issue
5 of child care, which was actually the Ingleby Committee,
6 which reported in 1959/1960. He were aware there were
7 winds of change occurring. "Time is on our side",
8 I think is an indication that this particular
9 departmental secretary of this particular civil servant
10 was fully aware, looking forward, that they had a fair
11 amount of time to begin to pressure the large voluntary
12 homes to change its policy if it had not already done
13 so. That's my reading of what is meant by "time is on
14 our side".

15 Q. At paragraph 7.32 you mention an issue that had been
16 raised in the -- or had emerged in the early 1950s about
17 the larger voluntary homes after the article appeared in
18 The Lancet.

19 A. Yes.

20 Q. What was the issue?

21 A. The authors, the researchers concluded that children
22 brought up in institutions were less mature socially
23 than those in their control group, ie those in smaller
24 institutions or who were fostered, so children in normal
25 family settings.

1 This seemed to spark off a survey by Renfrew
2 County Council's education department into Quarriers
3 Homes in their locality, which produced the same result.

4 Q. If we look at that material then at SGV.001.001.8870.
5 This is headed "Orphan Homes of Scotland". The document
6 on the screen is dated 8 November 1950. We can read:

7 "I visited ... the director of education of
8 Renfrewshire yesterday to ask about the investigations
9 undertaken by his senior psychologist. These
10 investigations arose out of a report on backwardness in
11 his school submitted by the headmaster of the Orphan
12 Homes school."

13 Is this the material you are talking about?

14 A. That is right, yes.

15 Q. Without looking at the detail of the actual survey, if
16 we turn to page 8871, can we see here there's what's
17 headed:

18 "Summary of a report on incidence of retardation in
19 Orphan Homes of Scotland school."

20 We read that 260 pupils were given individual
21 intelligence tests and we are given some details of who
22 they were.

23 If we look at the conclusions towards the bottom:

24 "The older age group has probably been in residence
25 in homes for a longer period than the 8 year olds.

1 There is likely to be then a strong connection between
2 the length of stay in such an institution and the fall
3 in the IQs."

4 So that was a similar conclusion to --

5 A. To the English report, yes.

6 Q. If I can just follow this through: what then, against
7 that background, was the intention?

8 A. Reading the file, it would seem the county council
9 wanted Scottish Home Department assistance in reviewing
10 provision at Quarriers and, looking forward perhaps, to
11 introduce some different form of care for children who
12 were in long-term residence.

13 Q. Was it also put forward as a strong argument for
14 boarding out as many children as possible?

15 A. Yes.

16 Q. I think there was also a suggestion that it would be an
17 advantage to have similar investigations made in other
18 long-stay home, and the examples given were Aberlour and
19 Smyllum.

20 A. This is not an inspection file; this is obviously
21 a policy file that has been kept and retained. It is
22 actually quite good for me, certainly.

23 It is clear the department thought there should be
24 further research to confirm, or otherwise, the research
25 which had been undertaken by Renfrewshire

1 County Council, but they failed to get a sponsor at
2 either one of the UK research councils at the time or
3 one of the UK research charities indicated that they did
4 not have the funds or were not interested. I think
5 Carnegie said they did not research schoolchildren.

6 Q. Was that really the end of that?

7 A. It appears that it just disappeared towards the end of
8 the file in to the ether.

9 MR MacAULAY: My Lady, that might be a useful point to stop
10 for a break.

11 LADY SMITH: We will have a 15-minute break just now.

12 (11.29 am)

13 (A short break)

14 (11.44 am)

15 LADY SMITH: Mr MacAulay.

16 MR MacAULAY: May it please your Ladyship.

17 Can we go back to your report then, professor,

18 SGV.001.001.8115.

19 At paragraph 7.35 you begin a section looking at
20 reports for the voluntary sector after 1948.

21 A. Yes.

22 Q. What you say is:

23 "[They] maintained the format of previous reports
24 but, in light of the Children Act (1948), broadened the
25 scope to include greater detail on individual cases of

1 children in care."

2 A. That is correct.

3 Q. You provide us with a number of examples over the next
4 number of pages.

5 For example, under reference to the
6 Dumfries & Galloway Girls' Home in Newton Stewart, there
7 is an adverse report on the physical state of the
8 accommodation; is that right?

9 A. Yes.

10 Q. Moving on, can we see at 8116 that the inspector did see
11 each girl individually?

12 A. That is correct, yes.

13 Q. And they had all been placed there by the local
14 authority.

15 A. It would appear that most of them were actually local
16 authority children from throughout Scotland it would
17 appear.

18 Q. There was some concern about the state of clothing
19 available for the pupils --

20 A. Yes.

21 Q. -- and that prompted that there be another visit within
22 about six months.

23 A. That is correct, yes.

24 Q. That happened and indeed there was a number of
25 inspections thereafter.

- 1 A. A number of issues emerged.
- 2 Q. Do we see the issues emerged and are taken up and it is
3 expected that there will be responses to these issues?
- 4 A. Yes. Could I also say that this is the same inspector
5 who, pre war, inspected Nazareth House, the Dundee
6 orphanage and Linn Moor, and the difference is that now
7 this particular inspector is looking at individual cases
8 whereas prior to 1948 they did not.
- 9 Q. So that indicates the change of direction?
- 10 A. Yes.
- 11 Q. The inspector does quote the matron on page 8116 that:
12 "She never punished when the children owned up to
13 their mistakes and that the best punishment for the
14 older girls was to forfeit their pocket money."
15 It goes on to say:
16 "The inspector urged the matron to keep a punishment
17 book and I suggested that if it were necessary to
18 forfeit the girls' pocket money, it should be banked for
19 the girl."
20 So again the issue of the punishment book does come
21 up from time to time.
- 22 A. Yes.
- 23 Q. One that it is not being kept or, if it is there, it is
24 not being kept properly.
- 25 A. Old practices clearly are not adapting to the post-1948

1 environment.

2 Q. The inspector appears to have been disappointed that,
3 having seen the punishment book, there were few entries,
4 but one girl had been smacked with a slipper for biting.

5 A. Yes.

6 Q. Although that was quite a serious offence, he didn't
7 think that smacking was the appropriate --

8 A. No.

9 Q. -- response.

10 If we turn to page 8117, and taking this quickly, at
11 7.38, you make reference to reports on the Dundee
12 orphanage. What was the position there?

13 A. There seemed to be less concern under Dundee orphanage
14 than Dumfries & Galloway and the reports were shorter
15 and concentrated particularly on diet and the
16 overcrowding within the dormitories, which again
17 reflected, if you like, the departmental policy of
18 trying to shift to family style accommodation.

19 Q. You did identify a report on Smyllum.

20 A. Yes.

21 Q. You mention that on page 8118. Perhaps we could look at
22 that briefly just to see what the shape of it is and
23 that's in SGV.001.001.8563.

24 If you scroll down the page to the bottom, can we
25 see it consists of but a page?

- 1 A. It is one page yes.
- 2 Q. It is dated May 1956.
- 3 A. Could I explain what is in this format? If you remember
4 what I said yesterday about retained records. It is
5 clear that the record for the 1950s concerning Smyllum
6 have gone. This is the front page of a subsequent file
7 from 1960 onwards and it is the front page reminding
8 whoever is reading that file what occurred in
9 inspections in 1956. It confused me when I started
10 reading these files: there's only one page and in fact
11 it is a summary of past inspections for -- given that
12 they had obviously destroyed the Smyllum file, another
13 file. This was to remind whoever was reading the next
14 section what in fact occurred in the 1950s. So it is
15 not a one-page report; it is actually a summary report
16 of the last inspection in May 1956.
- 17 Q. I think I asked you yesterday whether you found any
18 other materials in connection with Smyllum in the course
19 of this research.
- 20 A. Not for this period. This is the only report which is
21 a summary report I got for Smyllum.
- 22 Q. In relation to subsequent periods?
- 23 A. There are a number of years where Smyllum does have
24 a record and then it disappears again.
- 25 Q. That's something we will look at when we see the next

1 report.

2 Looking at this particular document and reading it
3 what you said does now make sense because it gives us
4 a historical picture. But we are told in the second
5 paragraph, for example, that a considerable number of
6 improvements have been carried out over the past few
7 years.

8 A. Yes.

9 Q. We are given some detail of that, including there being
10 a television in the house; do you see that?

11 A. Yes.

12 Q. We are also told:

13 "Family grouping has improved the atmosphere in the
14 home considerably and there is a big improvement
15 recently in the way meals are served."

16 We are given some details in relation to the numbers
17 in November 1955: 241 children in residence, 131 boys
18 and 110 girls. It is a big establishment.

19 A. It is a big establishment but I think you can see the
20 previous comment from the departmental secretary and the
21 assistant secretary responsible for child care that the
22 policy is quite firm that they want to break up large
23 units into smaller family-style accommodation and this
24 is an indication that their policy is having some effect
25 at Smyllum.

1 Q. In the penultimate sentence we are told that the older
2 children have the opportunity of attending outside clubs
3 on three evenings a week: dancing, PT, Scouts or Guides.

4 A. Yes.

5 Q. Moving on to the Convent of the Good Shepherd, which you
6 touch upon.

7 Again, we have what may be a report or not, but
8 I will put it on the screen for you SGV.001.001.8564.

9 If we scroll down, we see there is even less than
10 a full page.

11 A. This is the same procedure. This is a summary report in
12 a subsequent file which was obviously being used at that
13 time to remind the reader what was in the file that they
14 had just destroyed.

15 Q. We see the date there is August 1956.

16 A. Yes.

17 Q. Perhaps, without dwelling on it for any period of time,
18 can we see that in the second last paragraph we are told
19 that this is one of the best homes in Scotland and the
20 girls are allowed to stay on in the home after they go
21 out to work until they find suitable lodgings?

22 A. Yes.

23 Q. A smaller establishment, of course, than Smyllum because
24 I think we are told that in 1959 there were 70 children
25 in the home.

- 1 A. That is correct, yes.
- 2 Q. Then looking at another document, SGV.001.001.8565, this
3 is headed "Nazareth House Aberdeen". I think we looked
4 yesterday at another report for Nazareth House. Again
5 this is just over half a page in the similar context.
- 6 A. Again, this is a summary report for a subsequent file on
7 what I assume to be the last inspection, which was in --
8 May 1956, is it?
- 9 Q. The date on this document, if we scroll down, is
10 May 1956. It is interesting that the date in this
11 document, May 1956, is the same date as on the Smyllum
12 document.
- 13 A. It could have been different inspectors.
- 14 Q. But just looking to the document itself then, I just
15 want to take this from you, we are given in the second
16 paragraph a description of the building and do we read
17 in the second sentence:
- 18 "The boys' wing was rebuilt in 1940, following
19 a fire in May 1939 which caused the death of
20 an eight-year-old cripple."
- 21 A. That is correct, yes.
- 22 Q. Clearly this was a serious fire.
- 23 A. It was quite a serious fire and the previous file does
24 cover that incident, but it didn't result in
25 an inspection at that time and therefore I felt it was

1 outside the scope of this particular Inquiry.

2 Q. Again, we can look quickly at the content of this. We
3 are told in the next paragraph the numbers and that
4 grouping has been introduced among the girls and there
5 are three Sisters in charge. So the grouping philosophy
6 is beginning to make its way through, according to this
7 information.

8 A. Yes.

9 Q. In the next paragraph we are told:

10 "A good variety of materials are available for
11 activities in the home and a television set has been
12 installed in the big hall and a film projector is being
13 purchased with money gifted from various organisations."

14 A. Yes.

15 Q. On the face of it, it looks like a fairly positive
16 message that's being generated here.

17 A. I have interpreted this as an indication that this was
18 another large voluntary home that was beginning to adapt
19 to the policy that the Scottish Home Department was
20 pursuing.

21 Q. Can we now then go back to your report, professor, at
22 page 8119. At paragraph 7.41, perhaps through to
23 paragraph 7.43, you extract some information from
24 documents that you looked at in connection with boarding
25 out by, I think, Glasgow and the Highlands; is that

- 1 right?
- 2 A. That is correct, yes.
- 3 Q. We should perhaps look at the documents themselves. The
4 first to look at is SGV.001.001.8368. Do we read here
5 that, under the heading "Boarded out children":
- 6 "From 11th to 13th November, I accompanied her on
7 her round of visits to boarded out children in the
8 neighbourhood of Fort William. We visited in two and a
9 half days 16 homes and seven schools and saw over
10 40 children and interviewed them and their foster
11 parents and schoolteachers."
- 12 A. Yes.
- 13 Q. And the date, as we see indicated, is 1947, so this is
14 pre-1948?
- 15 A. That is right.
- 16 Q. Would this have been under the auspices of the DHS?
- 17 A. This would have been under the auspices of the DHS but
18 the follow-up is really SHD. So it actually covers
19 both, if you like, the old regime and the new regime so
20 to speak.
- 21 Q. I think you can correct me if I'm wrong, but from my own
22 reading of it, it is a relatively positive report.
- 23 A. Yes.
- 24 Q. With children being generally well cared for, is the
25 message.

- 1 A. Yes.
- 2 Q. But, there were some, I think, criticisms in relation to
3 the way in which the children's officer in Glasgow had
4 been managing this arrangement.
- 5 A. It would appear that they were concerned that there was
6 a somewhat offhand approach to fostering in the
7 Highlands, in that children were often effectively
8 dumped, almost without notice, on prospective foster
9 parents.
- 10 Q. If we turn then to page 8567, just above halfway, can we
11 read that it is reported that:
- 12 "We came across several examples where it looked as
13 if a very unsatisfactory state of affairs had arisen
14 owing to lack of understanding on the part of the public
15 assistance office who was supervising the placing of the
16 children in question."
- 17 A. Yes.
- 18 Q. We were given a number of examples in the report --
- 19 A. That is right, yes.
- 20 Q. -- that concerned the inspector.
- 21 A. The implication is that the foster homes were
22 overcrowded, given the number of rooms that these crofts
23 actually had for all the children concerned.
- 24 Q. Down towards the bottom then, there are some
25 conclusions. The first one is really directed towards

1 Glasgow, isn't it?

2 A. Yes, it is.

3 Q. Namely for there to be a sufficient number of
4 well-trained and experienced children's officers. They
5 go on to say that:

6 "Boarding out in crofts, even where standards are
7 not as high as we would like, should not be condemned
8 out of hand. Given the right type of foster parent, and
9 the majority we saw appeared to be of this type,
10 children may quite well be better off in such homes than
11 in large institutions."

12 A. It is confirmation of the policy of boarding out even in
13 small crofts.

14 LADY SMITH: There seems to be a persistent concern about
15 the training of the children's officer. So far as this
16 particular type of arrangement for children was
17 concerned, this report, on both pages I think, is
18 somewhat disparaging about the people who were going to
19 do these visits.

20 A. My understanding would be that they knew that the
21 Children Act was going to facilitate training courses
22 and therefore they were alerting Glasgow to the fact
23 that they should have these officers undertake the
24 training courses and so they would have a better
25 understanding of the correct system of foster care.

1 I should also say this is the only file I have been
2 able to trace on boarding out for that particular
3 period.

4 MR MacAULAY: There was another excursion into the
5 Highlands. I will perhaps take you quickly to that and
6 that's at SGV.001.001.8368.

7 This was dated on 8 May and 9 May 1947. I think we
8 looked at November, so actually we are going back in
9 time.

10 A. Yes.

11 Q. But the visit here was to crofts in the Black Isle where
12 there were many small crofts.

13 They visited 18 crofts. The conclusion at 4 again
14 is that they were satisfied that:

15 "The children that were seen were all being well
16 cared for."

17 A. That is correct.

18 Q. Again, is the message in the main a positive message?

19 A. It is possible in the sense that my reading of it is in
20 terms of the home conditions in Glasgow these crofts
21 represented a better living environment than a densely
22 overcrowded urban setting such as Glasgow.

23 Q. Or indeed a large institution?

24 A. Or indeed a large institution.

25 Q. If we look at item 6 on that page, moving down a little

1 bit, can we read that:

2 "During the two-day tour we heard a surprising
3 number of complaints from foster parents whose feelings
4 had been hurt or who were dissatisfied with the way they
5 were or had been treated by the Glasgow Public
6 Assistance Authority and I came to the conclusion that
7 the main thing wrong with the boarding-out system, in
8 some areas at least, is the way it is being administered
9 by the local authorities."

10 Again there is criticism there of Glasgow.

11 A. Yes. I think one needs to understand Glasgow, being the
12 biggest authority in Scotland, had the largest number of
13 children fostered and that their fostering system dated
14 back to 1845 and certainly the fostering system as it
15 developed -- my understanding and from looking at the
16 material is that they were quite strict throughout the
17 whole of that period on the way that they fostered and
18 the expectations that they expected of foster parents.

19 Could I also add that what's interesting about this
20 set of files is that the boarding-out inspector is being
21 accompanied by the medical inspector.

22 Q. That's the doctor that's mentioned in the reports?

23 A. That is right.

24 Q. If we perhaps, finally, in relation to this chapter turn
25 to SGV.001.001.8569. Can you now tell us about this

1 document that's headed "Minute sheet"? It appears to be
2 a form of response to the two boarding-out inspections
3 we have just looked at.

4 A. Yes, again, it is looking forward to post-1948 and the
5 new environment that the Children Act will bring in.
6 There's certainly some concern of, if you like, the
7 poorer crofts within the Fort William area as opposed to
8 the Black Isle -- the Black Isle's agricultural economy
9 was certainly better placed than those around
10 Fort William. It gives an indication, I think, that
11 despite what the Clyde Committee thought, that policy
12 was still committed to boarding out but that the SHD
13 would have to be careful in the construction of the
14 regulations post-1948 as to ensure that foster homes
15 were of a certain type and that the local authorities
16 would have regard to ensuring that homes would not be
17 overcrowded and that the payments made to foster parents
18 would be appropriate.

19 Q. You mentioned the Clyde Committee: is it the case that
20 the picture presented in the two reports we have seen
21 are not on all fours with what the Clyde Committee
22 considered to be the position?

23 A. No. It may well be that's why the medical officer was
24 sent out as well, to double-check on the medical
25 condition of the children. Certainly the boarding-out

1 inspector was a qualified nurse and health visitor but,
2 if you like, a second medical opinion was probably quite
3 important to the SHD at that time, that in fact the
4 children were healthy.

5 Q. If we look at paragraph (b), for example on that issue
6 we read:

7 "The Clyde Committee did not look with very great
8 favour on the boarding out of children on crofts. It is
9 the more satisfactory that the doctor found in the
10 Fort William area that the children boarded out on
11 crofts were on the whole healthy, contented and well
12 looked after ..."

13 It is a sort of a criticism of Clyde?

14 A. It is, yes.

15 Q. Can I then, having looked at that, move on to
16 paragraph 7.44 on page 8121 of your report?

17 A. Yes.

18 Q. I will wait until it is on the screen -- here you give
19 an account of a boarded-out Ayrshire boy who in 1955
20 went missing and whose remains were found in Glen Massan
21 12 months later.

22 A. Yes, from Argyllshire, not Ayrshire.

23 Q. I beg your pardon, Argyllshire. We now have that on the
24 screen. This led to questions being raised in
25 Parliament.

- 1 A. Yes it did.
- 2 Q. What was the outcome of that?
- 3 A. The outcome was that the Parliamentary Undersecretary of
4 State indicated that although there was some concern at
5 that time all proper procedures had been followed, that
6 they had received a 12-page report from a child care
7 inspector -- or perhaps the Chief Inspector, it is not
8 clear -- as to the circumstances surrounding the boy's
9 death and the boy's foster care before his death, and
10 indicated that the Secretary of State was considering
11 new boarding-out regulations.
- 12 Q. You tell us that at paragraph 7.45?
- 13 A. That is right yes. Try as I might, I couldn't find
14 a file either on this particular case or Argyllshire's
15 children's department. It does not survive, assuming it
16 was inspected.
- 17 Q. Although I think this is a Hansard report.
- 18 A. There is a Hansard report, but what we don't have is the
19 actual child care inspector's report either on the boy
20 itself or on Argyllshire's children's department for
21 that particular period. It's gone.
- 22 Q. But in relation to the regulations -- and you have
23 indicated that the Secretary of State's response was
24 that he was considering new regulations in connection
25 with children's homes. We know that the Administration

1 of Children's Homes (Scotland) Regulations came into
2 force in 1959.

3 A. Yes.

4 Q. Can I take you to just one provision of those
5 regulations. They are at LEG.001.001.2719. We have the
6 front page of the regulations on the screen. If you
7 turn to page 2723, moving towards the bottom, at
8 regulation 13, can we read there, under the heading
9 "Notification of misadventure", that:

10 "The administering authority ..."

11 Which could be either the persons coming out of the
12 home or the local authority:

13 "... shall forthwith inform the Secretary of State
14 and, if practicable, the parent or guardian of the
15 child --"

16 A. "-- of any case in which a child accommodated in the
17 home dies while so accommodated."

18 Q. So there is a provision in these regulations for reports
19 to be made. Do you know if that's linked into the
20 episode involving the boy from Argyllshire?

21 A. There is no indication that prior to these regulations
22 reports had to be compiled on the death of a child in
23 care and submitted to the Secretary of State.

24 Q. This is the first time we see that?

25 A. That is right.

1 Q. So is there a link -- do you know if there is a link
2 between that provision and this episode?

3 A. Having read the file concerning these regulations there
4 is a fairly constant reference to the Argyllshire case,
5 but in general terms. So there is a link.

6 Q. Yes. In the next part of your report you look at remand
7 homes. Let's go back to your report at
8 SGV.001.001.8122. Towards the bottom of the page, at
9 paragraph 7.46, moving on for a number of pages, you
10 consider inspections of a number of remand homes in
11 different areas.

12 Are you able to summarise what you set out here in
13 connection with these remand homes?

14 A. Whats I was trying to do was to give some indication of
15 the flavour across a number of different styles of
16 remand homes from the one in north of Scotland which was
17 the bedroom of a semi-detached villa of an ex-police
18 constable, which didn't have anybody in it -- no boy or
19 girl had been remanded -- through to the Ayrshire issue,
20 where in fact it would appear the county council were
21 trying to pull a fast one on the Secretary of State by
22 seeking to combine an assessment centre for other forms
23 of children in need of care and protection with a remand
24 home. It was told very bluntly that the Secretary of
25 State was not inclined to agree to that arrangement.

1 But generally the reports are similar in style to
2 those of voluntary homes and children's homes. There is
3 a note on dietary, there is a note on education, there
4 is a note on the punishment regime and the necessity to
5 keep a log of any punishments actually given to the
6 children.

7 Q. I think you tell us that:

8 "The average length of stay was about 10 days."

9 A. Yes.

10 Q. But nevertheless there was certainly one inspection that
11 discovered that in a remand home, in relation to
12 a particular local authority, that boys had been kept
13 there for nearly 3 months?

14 A. Yes. That was clearly an issue in the sense that
15 a child should not have been kept in a remand home for
16 that period of time. They should have been processed
17 through the courts and either released or sent to
18 an approved school or whatever.

19 Q. Can I take you to page 8126 of the report, professor.

20 A. Yes.

21 Q. At paragraph 7.51, you are giving us some general
22 information in relation to the department's
23 inspectorate. Can you just take us through that and
24 what message you are seeking to convey there?

25 A. I think this relates to an earlier issue in a minute in

1 1940 when the inspectorate were regarded as
2 professionals and therefore had some independence.

3 What is, I think, being conveyed here is that the
4 Child Care Inspectorate regarded themselves as
5 self-contained and that they would -- unless directed by
6 one of the Scottish Office ministers or by the Secretary
7 of the department -- conduct inspections in a way they
8 thought appropriate and that they would not necessarily
9 consult the Children's Branch of the SHD as to what they
10 were doing or, in fact, points of information that that
11 branch might have or might require.

12 I think, additionally, even allowing for that, the
13 supply of reports did go to the Children's Branch of the
14 Scottish Home Department. You can see that with the
15 minute book and the signatures attached to that. It is
16 clear that those individuals are administrative
17 officials and they are receiving a report and that
18 without that information, the administrative officials
19 and ultimately the Scottish ministers would be unaware
20 of what was happening on the ground in terms of the
21 administration of the Children Act (1948).

22 Q. They were aware because of that line of communication?

23 A. Yes. Some reports say no further action is necessary
24 and you can see it is not going further. Other reports
25 are clearly going up the line and being looked at and

1 commented on, as in the Dumfries & Galloway Girls'
2 Children's Home and clearly goes up the line and reaches
3 one of the administrative officers.

4 Q. So far as policy is concerned, I think you give us
5 a broad overview in relation to that in paragraph 7.52,
6 namely, in particular, the desire to reduce the size of
7 the larger establishments. Looking at amenities, diet,
8 and the quality of staffing also form part of key
9 elements of inspections.

10 A. I think you can see that with that minute in 1955
11 between the assistant secretary that dealt with child
12 care and the departmental secretary.

13 They obviously were aware of issues concerning
14 larger voluntary homes and they could only be aware if
15 they were receiving reports on it. Therefore they could
16 then take a decision on policy and inform the Child Care
17 Inspector if they had any concerns and the kind of
18 policies likely to receive the support of ministers.

19 Q. I think we touched on this before that the inspectorate
20 at least regarded its reports as confidential to the
21 Secretary of State.

22 A. Yes, reading the reports, I think you can see here,
23 there are quite acid comment at times.

24 Q. If we move on to page 8127, perhaps I can move quickly
25 onto paragraph 7.23 where there was a disturbance at

1 Lochburn House in Glasgow, a voluntary home for girls.

2 What was the problem there?

3 A. There were clearly some girls, pupils, who were unhappy
4 at being in an approved school but by 1958 -- and it is
5 the way the press report it and we only had the press
6 reports really, we don't have the file and the
7 inspectorate's reports on Lochburn. But the impression
8 one gets from the press reports is that the girls were
9 fed up being laundry assistants.

10 Q. With no pay?

11 A. With no pay and poor food, poor accommodation and
12 actually no training, very little education. So what
13 were they doing here? So it was like a sort of
14 rebellion against that kind of approved school
15 environment.

16 Q. So what was the outcome of this so far as you could see?

17 A. Clearly some of the girls were then reprocessed through
18 the courts and the press does report that, but the
19 consequence was that there was a realisation that that
20 style of approved school really did not have much life
21 left and that the approved school environment ought to
22 involve more education and ought to involve more
23 support. That led to officials advising the Secretary
24 of State that regulations governing voluntary homes
25 should be issued.

- 1 Q. Again, that happened in 1959?
- 2 A. What's interesting of course is that the draft
3 regulations had been circulating around the department
4 for a number of years. The Argyllshire incident and
5 this incident propelled the minister to take action.
- 6 Q. But you tell us on page 8129 that, because of the
7 disturbance at Lochburn, the message from the Secretary
8 of State was for there to be:
9 "... a closer vigilance on children's homes
10 generally."
- 11 A. That's the only reference I have been able to obtain as
12 to the decision by the Secretary of State and that would
13 have been a minute originally on the file that
14 accompanied the departmental submission to the minister
15 and he would have written across it "closer vigilance".
16 That gives an indication of how, if you like, the
17 environment changes after 1958.
- 18 Q. Can I then take you, professor, to the conclusions you
19 come to for this particular period we have been looking
20 at, 1948 to 1958, on page 8130 of your report. Perhaps
21 you could just take us through these.
- 22 A. Well the 1948 Act clearly altered the duties of the
23 local authorities and in that respect altered the
24 functions of the Scottish Home Department and the Child
25 Care Inspectorate towards its duties in supervising

1 children's homes and children's departments of local
2 authorities and also boarding out.

3 It is clear that there was no substantial increase
4 of the number of inspectors throughout this period,
5 although it is certainly the case that in the approved
6 school environment a decision was taken that they really
7 needed to have better professional advice and
8 an educational psychologist was actually appointed.

9 It is certainly the case that after 1950 the
10 impression one gets from the surviving reports is that
11 the inspector for approved schools was much more
12 proactive in giving guidance to approved school managers
13 and headteachers as to the directional policy and that
14 covered a wide area such as diet, education, and also
15 the issue of punishment, and there was much tighter
16 control really over what an approved school could do
17 with the children than what it was perhaps able to do
18 without any negative comment before 1950.

19 If one looks at the issue of voluntary homes, it is
20 again the case that there is that pressure to increase
21 the quality and standard of care. In terms of how the
22 inspectorate operated, clearly I have not discovered any
23 guidance other than the blue notes that were issued and
24 the evidence suggests that new appointments were on the
25 basis of who can hit the ground running in terms of

1 their past experience and that after obviously some
2 initial discussion with the Chief Inspector or with the
3 Senior Chief Inspector of Schools, they were expected to
4 get on with it.

5 Lastly, it is clear that from the reports we have
6 that the Scottish Office ministers were informed of
7 particular issues that were political as opposed to
8 simply administrative and, if necessary, they took
9 action and made decisions.

10 Does that summarise what I --

11 Q. Thank you it does. That leads us onto the final period
12 you looked at and that's 1958 to 1968. You summarise
13 this on page 8131 of your report. Can you take us
14 through that and what is your summary?

15 A. The summary obviously is that the period witnessed the
16 transference of -- the child care functions of the
17 Scottish Home Department being transferred to the
18 Scottish Education Department.

19 It did not involve the transfer of the Child Care
20 and Probation Inspectorate and that's probably because
21 the size of the inspectorate was not great and that
22 would mean leaving the probation inspectors in the SHD
23 divorced from the child care inspectors.

24 I think there are some discussions about, no, we
25 can't do that. What's important to understand is that,

1 of course, the SHD retained responsibility for juvenile
2 courts and therefore the lead in terms of administrative
3 action concerning the establishment of the Kilbrandon
4 Inquiry in 1961 was taken by the official responsible
5 for juvenile courts, and that's juvenile delinquency.

6 This nicety of differences is very important to
7 understand in terms of the way Kilbrandon was
8 established and then managed in that particular period.

9 I know it is perhaps outside the scope of the
10 Inquiry, but the distinction remained that you had two
11 separate codes operating: a code operating surrounding
12 approved schools and juvenile delinquency and the
13 juvenile courts; and a code operating on the concept of
14 children's needs connected to the 1948 Children Act.

15 Q. That does change later on down the line, post 1968.

16 A. It changes post 1968, yes.

17 It is important to realise you have still got that
18 division. Although SHD are responsible for the
19 administrative aspects of child care, in some respects
20 the critical areas remain within the Scottish Home
21 Department and its responsibility for the juvenile
22 courts.

23 Q. You begin by telling us at 8.2 that the administrative
24 arrangements for children in care between the SED and
25 SHD were altered in April 1960 when the child care

- 1 functions of SHD were transferred to the SED.
- 2 A. Yes. I should also add, wearing a different hat, that
3 had nothing to do with them discussing that was
4 appropriate; that was to avoid an even bigger
5 reorganisation of the Scottish departments at the time
6 and that was put up to the Treasury as a face-saving
7 exercise in the reorganisation of Scottish departments.
- 8 Q. As you indicated a moment ago, that left SHD with
9 responsibility for the juvenile courts?
- 10 A. Yes.
- 11 Q. On the other hand the SED would bear the responsibility
12 for approved schools and also for voluntary and local
13 authority homes?
- 14 A. Yes, but with the inspectorate still within the SHD and
15 later the SHHD.
- 16 Q. If I take you to page 8133 of this section of the report
17 at paragraph 8.4, you are telling us here about a review
18 in the early part of 1960 by the Chief Inspector of the
19 Child Care and Probation Inspectorate. I think that's
20 what "CC&PI" means.
- 21 A. Yes.
- 22 Q. What was the thinking here?
- 23 A. It is certainly evident that by 1960 that, if you like,
24 the winds of change evident in 1955 were coming forward
25 at quite considerable pace. In 1960, a separate blue

1 note on child care was compiled for the first time which
2 combined the approved school blue note and also the
3 child care functions under the 1948 Act.

4 Looking at the material it is clear the Home Office
5 took the lead and said, we need to increase our
6 inspectorate because there are public concerns over
7 child care within England and Wales.

8 As a consequence of that, or in parallel with that,
9 the Scottish Home Department and the SED said, we need
10 to increase our inspectorate as well and as a result
11 initially two additional inspectors were appointed.
12 Then I think in 1962 -- sorry, in 1961, I think it was,
13 an additional approved school inspector was brought in.

14 Q. So I think you tell us by 1962 the complement had
15 increased to eight.

16 A. Yes.

17 Q. That included the Chief Inspector and a grade I
18 inspector.

19 In relation to the arrangement of the duties of the
20 inspectorate, first of all, they were allocated
21 geographic areas; is that right?

22 A. That is correct: one in Aberdeen, one or two in Glasgow,
23 and the rest in Edinburgh.

24 Q. And within that also some specialisms?

25 A. Yes, there was an inspector responsible for remand

1 homes, at least two for children's homes, and one other
2 for probation and aftercare work.

3 Q. If you turn to page 8134 of the report at paragraph 8.5,
4 you also say there is a new scene for conducting routine
5 inspections.

6 A. Yes.

7 Q. Can you tell us about that? Is this something that's
8 new in that specific guidance is given as to how
9 inspection is to be carried out?

10 A. There is no evidence before this period of a scheme of,
11 let's start with Shetland and we will go down to
12 Dumfries & Galloway and we will do it every four years,
13 let's start with the first named voluntary home and,
14 over a period of four years, we will have completed
15 an inspection of all voluntary homes.

16 The evidence suggests that they did seek to review
17 each home and local authority over a period of time but,
18 because of the shortage of staff, a lot of the work was
19 emergency such as -- I think later on you will see at
20 West Lothian Children's Home, when the inspectors were
21 brought in, and also at Lochburn where presumably,
22 whatever the inspectors were doing, two of them were
23 rushed to Glasgow with additional inspectors.

24 The idea and I think the notion behind it was every
25 so many years a local authority children's department

1 would be inspected and every so many years a voluntary
2 home and so on.

3 Q. If we read what you have in paragraph 8.5 then, the
4 intention was to inspect local authority child care
5 arrangements once every three years, a visiting
6 children's officer three times a year --

7 A. Yes.

8 Q. -- and inspecting local authority and voluntary homes
9 once a year and remand homes twice a year.

10 A. Yes.

11 Q. That was the plan. Can you tell me whether or not you
12 are able to say whether that sort of routine was
13 complied with or is that impossible to say?

14 A. No, it is not. From the retained records Glasgow was
15 inspected again in 1966. So that was five or six years
16 after the previous report. Of course, in 1964 there was
17 an additional six inspectors appointed. By that stage
18 the routine that is mentioned here could be achieved
19 reasonably.

20 I think if you look at the Dunfermline report on the
21 Dunfermline children's department, the inspector keeps
22 going on. It is not just a one-off inspection; it is,
23 "I need to go back to make sure my recommendations are
24 being followed through". The additional inspectors
25 enabled the routine to be achieved, but not initially.

- 1 Q. At paragraph 8.6 you tell us:
- 2 "The SHD, after a review of the services to approved
- 3 schools appointed two educational psychologists to
- 4 assist the specialist inspector of schools in 1960."
- 5 We have already looked at the fact that there was
- 6 an educational psychologist pre-1958.
- 7 A. Yes, who had become an inspector. So this was: on
- 8 reconsideration, we need -- it is not just an inspector
- 9 we need, but we need two further specialists as
- 10 educational psychologists.
- 11 Q. In summary what they were designed to do?
- 12 A. Exactly the same as the initial educational
- 13 psychologist. They were there to advise
- 14 headmasters/headteachers about the training of
- 15 individual pupils, provide guidance on that training and
- 16 conduct case conferences, clearly, on individual pupils
- 17 and on the suitability of individual pupils, as before,
- 18 for particular schools, as there were clearly
- 19 distinguishing features attached to each school. Also,
- 20 beginning for the first time, liaising with visiting
- 21 psychiatrists to provide further medical support.
- 22 Q. Were these in place from about 1960?
- 23 A. They were in post by the end of 1959, if not 1960.
- 24 Q. I think you tell us on 8139 they had a regional
- 25 jurisdiction.

1 A. Yes, one was based at Rossie in Montrose and the other
2 at Kibble in Paisley.

3 Q. In paragraphs 8.8 through to about 8.12, you set out
4 information provided to inspectors in relation to how
5 inspections should be conducted and reports produced; is
6 that correct? Is this new?

7 A. It would appear to be new. There's no evidence of any
8 instructions before, although clearly looking at the
9 reports that were compiled, there is a general pro forma
10 that the inspectors followed. I took this to be
11 a reaction against the Lochburn incident because it
12 first appears a month after the Lochburn incident and it
13 is clear that someone has said something: what we need
14 to do is make sure that we are not necessarily working
15 on a pro forma, but in fact if you see an issue, you can
16 report on it without any concern as to operating on
17 a general guidance form.

18 That's what I get from this: that there was general
19 guidance as to what they should be reporting on but they
20 should regard each inspection as unique and free to
21 report on any particular issue that emerged.

22 Q. If we turn to page 8137 of your report. You are quoting
23 here from a minute in early 1959 at (a) to (f).

24 A. Yes.

25 Q. This is material that reports should include?

1 A. Yes.

2 Q. For example "qualities of staff" is one of the items.

3 So there is that degree of guidance as to what should be
4 in the report?

5 A. There's that degree of guidance. It is clear that the
6 initial issue of guidance went through two revisions for
7 this.

8 There was clearly a lot of discussion going on as to
9 what the inspectorate should be reporting on and how
10 they should be reporting on it, but nevertheless each
11 report is unique and this gives an indication of the
12 generality of what they should be reporting rather than
13 specifically saying, you need to report very clearly on,
14 for instance, diet. It assumes in it, if you read it
15 properly, I think, that, yes, all this should be
16 included.

17 Q. At 8.12:

18 "Reports [were] to end with a summary and
19 a conclusion with a concluding paragraph that referred
20 to the action to be taken, if any."

21 A. That is right, yes. A set of recommendations
22 summarising the report that could be read further up the
23 line, presumably within St Andrew's House, for
24 an administrative officer to say, right, we need to do
25 X, Y and Z.

1 LADY SMITH: We see here some effort to avoid a tick-box
2 approach which might mean that an inspector doesn't have
3 a space in the set form to write about something that's
4 significant in a particular inspection.

5 A. I think you are given freedom here. The inspectors are
6 given an element of freedom if they feel there is
7 an issue. As I think you can see later, especially on
8 the Dundee remand home, that the inspector is actually
9 quite open as to his language.

10 LADY SMITH: But there's generally directed guidance, the
11 inspector is looking for some indication for the sort of
12 things that he or she is expected to think about?

13 A. But this is at a general level.

14 LADY SMITH: Quite high level?

15 A. Quite high level. There is still an element of, "You
16 are a professional, if you spot something, you can use
17 any language you want", which is in fact the language
18 used in the Dundee remand home case.

19 MR MacAULAY: If you move onto paragraph 8.13, you focus on
20 a particular report on Glasgow's Dunoon home in
21 June 1959 that indicates the widening detail that was
22 now being produced.

23 A. Yes.

24 Q. You point to the fact that it was critical of the fact
25 that the house mother had no academic qualification for

- 1 example.
- 2 A. Yes.
- 3 Q. Do we read that this particular home was visited by city
4 councillors two or three times a year and by the
5 children's officer or deputy once a month?
- 6 A. Yes.
- 7 Q. That's the local authority input into the home?
- 8 A. And that's a way of ensuring, if you like, that the
9 local authority maintained an interest in the home.
10 That is the minimum. My understanding was they were
11 looking for, certainly a Glasgow official, turning up at
12 least once a month to make sure it was being run
13 properly.
- 14 Q. There were concerns about the fact that personal records
15 of the children, apart from medical records, were not
16 being kept.
- 17 A. That is right, yes.
- 18 Q. And that the home was being run by a particular person
19 who was unable really to develop a rapport with the
20 girls?
- 21 A. Yes.
- 22 Q. On a subsequent visit the position, with a change of
23 house mother, there was a much more positive report?
- 24 A. Yes.
- 25 Q. The next report you look at is for Dunfermline's

1 children's home. You point out this covered four pages,
2 so a fairly detailed report?

3 A. Much more detailed by this time, if you compare it with
4 the reports that survive from the earlier period.

5 Q. We are given quite little detail about dietary matters,
6 for example about the fact that the evening meal
7 comprised of Finnan haddock, baked in milk, fried
8 potatoes, with tea, bread, butter, jam, scones and
9 cakes.

10 A. Yes.

11 Q. Turning to page 8139 you tell us at 8.15 the discussion
12 we had before about the West Lothian's children's
13 officer was resolved in 1959 and that was after
14 an inspection.

15 A. That is right, yes.

16 Q. But looking on, there was an issue with West Lothian in
17 the late 1960s and in particular with allegations of
18 ill-treatment at the Wallhouse home.

19 A. Yes.

20 Q. What happened there?

21 A. By the time it got to St Andrew's House it was certainly
22 in the press quite openly with tales of Dickensian
23 attitudes towards child care, with the local MP writing
24 to the Secretary of State indicating that there ought to
25 be some sort of inquiry.

- 1 Q. That happened, there was an inquiry?
- 2 A. That actually happened, yes. It is not so much that the
3 advice changed, but the advice got modified: instead of
4 waiting for West Lothian to progress through its own
5 internal investigation, we ought to send somebody in.
- 6 Q. The Chief Inspector was sent in to do --
- 7 A. The Chief Inspector was sent in, a second inspector, and
8 the medical officer from the Department of Health for
9 Scotland, because there were issues concerning children
10 and therefore it was felt important that they should
11 have a medical comment on the state of the children's
12 health.
- 13 Q. If we turn to page 8140 of your report at
14 paragraph 8.17, the inquiry took 15 days to complete.
- 15 A. Yes.
- 16 Q. It seems to be a fairly thorough.
- 17 A. It is extremely thorough -- and one can produce the
18 report -- and it is quite long.
- 19 Q. The end result was the allegations made against the
20 matron were substantiated?
- 21 A. Yes.
- 22 Q. That's essentially physical assaults on children?
- 23 A. There was certainly an indication that there were
24 physical assaults and other forms of ill-treatment of
25 the children in the home by the matron and the staff.

- 1 Q. But there are also concerns about the fact that the
2 Children's Committee had not managed the home
3 particularly well?
- 4 A. No. It was long-distance control.
- 5 Q. So, if we turn to page 8141 and the minute that was
6 submitted to the Secretary of State, you deal with that
7 at 8.18 --
- 8 A. Yes.
- 9 Q. -- suggesting that the matron is very seriously at
10 fault. It also goes on to say at paragraph 5:
11 "The present report is contradictory to that made by
12 the inspectors as a result of the brief inspection made
13 in 1959."
14 Is that a criticism of the inspectors or not?
- 15 A. I think that is, "Oops, we might have made an error".
16 I have included this because it gives a clear
17 indication of the way in which an inspector's report
18 landed on the Secretary of State's desk and the decision
19 that was taken.
- 20 Q. Also the inspector was clearly being upfront, as it
21 were, as to what had happened in the past?
- 22 A. Yes.
- 23 Q. The end result was that there was a change at the top in
24 the children's home; is that right?
- 25 A. Yes. The matron left and a new matron was appointed.

1 Q. And subsequent inspections showed that matters had much
2 approved?

3 A. That is right, yes.

4 LADY SMITH: Just picking up on the observation about the
5 Children's Committee not managing to put things right,
6 have you been able to identify what
7 a Children's Committee could actually, as a matter of
8 practice, do to effect change in a children's home and
9 also how they would really find out what was going on?

10 A. As you have seen in the Dunoon case, the Glasgow
11 children's home members visited the home on a reasonably
12 regular basis. It is not indicated in the inspector's
13 report what the members looked at or what they
14 recommended, but there was clearly an interest.

15 In West Lothian's case, from the report and the
16 subsequent action, it is evident that they were not
17 necessarily looking at the facilities that Wallhouse
18 provided for the children. They weren't necessarily
19 looking very closely at the quality of staff that had
20 been appointed and the appointments were the Children's
21 Committee appointments. The matron did not have to be
22 countersigned in terms of the appointment by the
23 Secretary of State, that was clearly a local decision.

24 LADY SMITH: And decisions about exactly how the
25 Children's Committee would go about discharging their

1 responsibilities was very much a matter for them; is
2 that right?

3 A. The indication is it was very much a matter for them.
4 The Secretary of State could have instituted an inquiry
5 to close the home and then the inquiry would then have
6 brought the Children's Committee into public view. But
7 if one looks at the papers, the advice to the Secretary
8 of State is: you don't want to go down that path, you
9 just want to have a non-public inquiry.

10 MR MacAULAY: The way the system was designed to work in
11 reference to the Children's Committee is that the
12 children's officer was supposed to visit such homes on
13 a regular basis?

14 A. Which you have seen in Glasgow's Dunoon's case.

15 Q. It is he or she who is supposed to keep his or her
16 finger on the pulse on a regular basis?

17 A. He did not get on with the matron.

18 Q. But ultimately the buck rested with the
19 Children's Committee to whom the children's officer
20 would report?

21 A. In the immediate sense, the buck rested with the
22 children's officer who, once appointed, I think you will
23 find, could probably not be dismissed by the
24 Children's Committee unless there was a particular
25 issue. The children's officer would then report to the

1 Children's Committee, "I have a problem in the
2 children's home, the matron, or whoever it is, is not
3 doing their duty". I think that is the reporting
4 mechanism.

5 Q. Thank you.

6 Moving on to another inspection of another home,
7 this is Cobden Home, Dundee. If we turn to page 8143.
8 You devote a number of pages to this particular home
9 just to bring out what was set out in the report. But
10 can you summarise the position for us?

11 A. Yes, I think this, if you like, is a contrast to the
12 Lochburn case. So a similar kind of home where the
13 girls were engaged in laundry work at a very low level,
14 if you like, of care. It was evident there was very
15 little other training provided for the girls and very
16 few activities beyond laundry work were being provided
17 and that the girls had to wear uniform dresses and
18 otherwise conform to the conception of how such a home
19 should be run.

20 There was an issue over the accommodation as well:
21 lack of cloakrooms, no wardrobes or dressing tables in
22 the bedrooms. This was an institution as opposed to
23 a home and it is obviously clear that to keep this
24 particular home, as the report makes clear, the laundry
25 income was absolutely essential.

1 Q. But following upon the report can we see that a number
2 of improvements were made to transfer it more into
3 a home than not? If you turn to page 8144 of your
4 report --

5 A. Yes, I think they make it clear that they do not regard
6 laundry work as a core area for a voluntary home of
7 girls and commercial exploitation of girls was not
8 really acceptable -- and commercial exploitation simply
9 meant that the local authorities who sent the girls
10 there were being undercharged and it was not acceptable
11 to undercharge and the local authority should accept
12 their full rate responsibility for the girls.

13 Q. So what happened here in connection with this particular
14 establishment?

15 A. There was some further discussion and eventually the
16 home was transferred to the Church of Scotland.

17 Q. Was that because the other managers were not able to
18 comply with any of the recommendations being made?

19 A. I read it on the basis that the managers were looking
20 back in terms of their understanding of what
21 a children's home was, which was into war, immediate
22 post war, and that once they moved away from the issue
23 of laundry as the main activity it was not their cup of
24 tea, really, and that someone else had better run the
25 home who had different ideas as to the care and

1 protection of children.

2 Q. On page 8145 you have a discussion about Dundee Town
3 Council and its proposal to relocate its remand home to
4 an annex of a children's home.

5 A. Yes.

6 Q. What did that trigger?

7 A. Initially, well, it could be interesting but, no, we
8 can't have children who may be being progressed through
9 the courts being mixed up, if you like, with children
10 who are under the care and protection of the local
11 authority -- and any way this remand home is a terrible
12 place.

13 Q. But I think, as you tell us on page 8146, in the course
14 of the inspection, towards the bottom of the page, there
15 was a newspaper on the table where there was some
16 article about call girls and so on --

17 A. Call girls, yes, sexual offenders, acts of violence:

18 "Remand home cramped, gloomy, depressing and
19 ill-equipped. The remand home should not be allowed to
20 exist within our social fabric."

21 Fairly expressive language.

22 Q. Yes. Can I take you to 8147 of your report. At
23 paragraph 8.25 -- we have hinted at this already -- that
24 the Glasgow City Council's Children Department had been
25 the subject of a full child care inspection in 1959.

1 A. Yes.

2 Q. Perhaps I can put that on the screen SGV.001.001.8576.

3 We have it on the screen. It is headed:

4 "Examination of child care arrangements,

5 November/December 1959."

6 This is the index of the contents of the report. It

7 is a lengthy and detailed report --

8 A. Extremely detailed.

9 Q. -- as you mentioned before.

10 A. That is right.

11 Q. I don't propose to look at any real detail of it, but we

12 can see from the index itself what areas were covered in

13 the context of the report. Ultimately, the conclusion,

14 I think, was a positive one.

15 A. It was reasonably positive. I would not want to go so

16 far as to say it was absolutely positive.

17 Q. Can you tell me how positive was it?

18 A. It congratulated the department on doing the work well

19 and thoroughly, but its recommendations, which I think

20 are important, were: ensuring all children boarded out

21 were medically examined under the new regulations; that

22 the number of resident staff in its homes should be

23 increased; and that children who are boarded out should

24 not be separated if they were siblings, so a brother and

25 sister or two brothers should not be separated, and even

1 if they were, they should be able to maintain regular
2 contact with each other so that they would continue to
3 understand the nature of their family.

4 Q. There was also, I think you tell us, on page 8148
5 a report on Dunfermline's Children's Department.

6 A. Yes.

7 Q. That's not quite as extensive, but it still covered
8 18 pages.

9 A. Yes.

10 Q. That's at page SGV.001.001.8148. What was the
11 conclusion of that report?

12 A. I read this report on the basis that generally the
13 inspector was happy with the Children's Department and
14 the child care officer, but I understood there was some
15 necessity to give the inspector official support to
16 increase his staff in order to fulfil the obligations
17 under the 1948 Act. There were some reservations on
18 record keeping but I think what's interesting about this
19 one is that the inspector returned three times.

20 If one reads the reports, yes, there are some
21 criticisms, but it is there to give the children's
22 officer support in his negotiations with the Children's
23 Department of Dunfermline and borough. I see that as
24 movement in a particular direction.

25 Q. If you go back to your report at 8.28, you go back to

- 1 Wellington Farm School; I think we looked at that.
- 2 A. Yes.
- 3 Q. If I take you to page 8151.
- 4 A. Yes.
- 5 Q. You have a number of pages here dealing with a number of
6 disturbances, one for example at Balnacraig in Perth,
7 where what is being described there is there had been
8 an outbreak of extremely unruly behaviour. What
9 happened there?
- 10 A. The inspector paid an immediate visit and brought in
11 another person from another approved school to provide
12 emergency cover, with the approval of the managers, and
13 I suspect the inspector told the managers, you have to
14 have someone brought in to assist you, and the manager
15 said, yes, fine, who do you recommend.
- 16 Q. The disturbance involved girls being on the roof and
17 absconding; it was quite a serious matter.
- 18 A. It was quite a serious outbreak as a result of the
19 headmistress being on sick leave. But it is the
20 response of the SHD and inspector basically ensuring
21 that the managers had somebody else pretty quickly
22 providing cover.
- 23 Q. At Balgay there was also a problem with what's described
24 as "unruly young girls".
- 25 A. Again as a result of the absence of staff.

1 Q. How was that responded to?

2 A. Partly it was an assumption that the headmistress would
3 resign and additional staff would be brought in to
4 restore order.

5 The key thing about this one and these particular
6 issues is that it went up to the Secretary of State. So
7 again it is an example of the Secretary of State being
8 informed, well, there could be an issue here in the
9 press, if not in Parliament, this is the situation. It
10 basically confirms that the Secretary of State is
11 satisfied with the response of the Scottish Education
12 Department to deal with the situation at Balnacraig and
13 Balgay.

14 MR MacAULAY: If your Ladyship were allow me to go on for
15 another ten minutes or so I would be able to finish. I
16 don't know if that is a more attractive proposition than
17 adjourning and coming back at 2 pm.

18 (Pause)

19 LADY SMITH: If we are breaking anyway, Mr MacAulay,
20 I wonder if we should just stop now.

21 Would it help for the use of your time, professor,
22 if we started at 1.50 pm?

23 A. Yes, that's fine.

24 LADY SMITH: Let's try and do that.

25 (1.01 pm)

1 (The luncheon adjournment)

2 (1.48 pm)

3 LADY SMITH: Mr MacAulay.

4 MR MacAULAY: May it please your Ladyship.

5 Good afternoon, professor. We are coming to the end
6 of your evidence. Can I take you back to your report at
7 page 8152 and paragraph 8.32 where you make mention of
8 a rather serious situation at Springboig St John's
9 approved school. Perhaps you can just fill us in on
10 this one as to what happened and what the response was.

11 A. Yes, this particular file is quite a large file because
12 Springboig was quite an important approved school within
13 the scheme of things.

14 It is evident that --

15 LADY SMITH: Professor, I think you are missing the
16 microphone.

17 A. Is that better?

18 LADY SMITH: That is better.

19 A. This was an important issue because it was one of the
20 bigger approved schools in Scotland and there had been
21 a change in the management of the school, a new head had
22 arrived. Apparently, as is often the case, in the
23 interregnum there had been certain issues that had
24 arisen and there was a substantial amount of absconding
25 and within the school there was a degree of tension and

1 fighting between the boys, which the staff felt very
2 uncomfortable in dealing with.

3 The result was that the newly appointed approved
4 school inspector, who was actually an experienced
5 inspector, who was brought in from the Home Office, he
6 actually was a Scot, so he was not unfamiliar with the
7 territory north of the border, but he had at least ten
8 years' experience as a Home Office inspector and he was
9 joined by the existing inspector and they began a series
10 of quite detailed daily inspections of Springboig.

11 It is evident that they were greatly concerned with
12 the state of play, if you like, at the institution, that
13 there was an issue of whether the staff could cope with
14 the social training, as they say, and the premises and
15 equipment were defective.

16 As a result of that -- and it is, I think -- if you
17 have seen the report, it is actually quite extensive,
18 and they acquainted the SED directly. They had
19 a meeting with the SED's approved school head of branch
20 to take immediate action to reduce the number of pupils
21 in the school and strengthen the staff.

22 The decision was to bring in a new Brother teacher
23 and two youth leaders/housemasters, immediately or as
24 quickly as possible, into the school to strengthen the
25 position and that did occur.

1 As there was a concern that this might result, as at
2 Balnacraig and Balgay, in the Carlton episode south of
3 the border, which resulted in quite serious injury to
4 a number of staff and the boys concerned, a submission
5 was made to the Parliament under the Secretary of State
6 indicating the issues and difficulties.

7 The recommendation was that they should seek to
8 establish another Catholic approved school as quickly as
9 possible and that the more difficult pupils should be
10 sent to the newly opened non-denominational section at
11 Rossie Farm School, where in fact such pupils were
12 separated into what was called the MacDonald Wing,
13 I think, to ensure both the safety of the boys of
14 Springboig and also to assist in their care and
15 protection.

16 The result was that the Parliamentary Undersecretary
17 Secretary of State basically said that he agreed and
18 a new school was opened at Shandon in January 1965.

19 So the impact, I think, of these three episodes at
20 Balnacraig and Balgay and later at Springboig certainly
21 alerted the Scottish Office ministers that there were
22 certain specific issues attached to the regime in the
23 approved schools in Scotland.

24 Q. We do see that there are responses to the issues --

25 A. Yes.

- 1 Q. -- even to the extent of actually opening up another
2 school?
- 3 A. That is right, yes.
- 4 Q. Am I right in thinking that the St John's Springboig was
5 run by a religious order?
- 6 A. That is right.
- 7 Q. The De La Salle Brothers?
- 8 A. That is right, yes.
- 9 Q. That, I think, then takes me back to the document that
10 I looked at with you earlier and that was the history --
11 a history of heads. If I can just finish off with that,
12 that's at SGV.001.001.8545.
- 13 This is, as we mentioned before, the inspector
14 casting his eye back over a period of years from the
15 beginning of his time in 1950 up until 1967 and focusing
16 upon the calibre of headmasters over that period.
- 17 I think we have looked already at Wellington. He
18 goes on to talk about Balgowan where the headmaster
19 retired after various financial irregularities --
- 20 A. Yes.
- 21 Q. -- and the headmistress at Balgay was asked to retire
22 because she and the managers could not agree. I think
23 you mentioned Balgay already.
- 24 A. That is right, yes.
- 25 Q. But her successor didn't appear to last very long

1 because she was simply unable to run the school with
2 girls constantly demonstrating on the roof.

3 A. I think that refers to the incident that I just
4 mentioned.

5 Q. You then -- he then talks about the headmaster of
6 Kenmure and he was translated, as he puts it, at the
7 request of the managers for a variety of reasons,
8 including cruelty to boys. His successor bar one had
9 also to go for abuse of boys.

10 A. Yes.

11 Q. He notes that:

12 "The initiative in both these cases, and in some of
13 the others quoted, came from the inspectorate."

14 A. Yes.

15 Q. So that is sort of patting his own back so to speak?

16 A. Yes, he is letting the system know, St Andrew's House
17 and the SED, that if it were not for the inspectorate
18 these issues would not have been uncovered.

19 Q. Then:

20 "Another RC [Roman Catholic] head had to be removed
21 for inefficiency, although there was nothing against him
22 as a person. The first male head appointed to
23 Langlands Park had to be asked to resign, though I was
24 never sure whether he or his managers had been the more
25 inept. His female successor had to throw in the towel

1 within months. Another head who for 30 years ruled
2 staff and boys with a rod of iron retired before his
3 time when we were about to present to the managers
4 a rather adverse report."

5 He jumped before he was pushed, so to speak?

6 A. Yes.

7 Q. It then talks about "Church of Scotland managers". Then
8 if we look at his conclusion:

9 "If we add to this somewhat dolorous tale, the fact
10 that at some stage we seriously considered closing
11 Tynepark because, among other things, girls sent there
12 for care and protection were in their nightgowns
13 consorting with boys in the abbey grounds over the
14 school wall, and that a number of heads who were merely
15 inefficient managed to last out their time, we have
16 an imposing record for some 20-odd schools. The story
17 certainly does not up to a good selection of managers or
18 indeed to good management."

19 That's his conclusion?

20 A. Yes.

21 Q. You do mention Tynepark in passing at least in your
22 report?

23 A. Yes.

24 Q. This is something I was asked to clear up, and you are
25 aware of that. If I go back to your report at

1 page 8095, and if we move down the page --

2 A. There is a comma missing.

3 Q. -- to the footnote. I have been asked --

4 A. Tynepark is separate from Dalbeth.

5 Q. At footnote 114 we read, three lines in:

6 "Nazareth (Aberdeen)[,] Tynepark and Dalbeth."

7 There should be a comma after the Tynepark because
8 Dalbeth, which is a different establishment run by the
9 Good Shepherd Sisters, had nothing to do with Tynepark.

10 A. Yes.

11 Q. Could I then take you to the conclusion for that
12 particular section of the report?

13 A. Yes.

14 Q. You begin on page 8155. Can you briefly take us through
15 that conclusion?

16 A. I think what you can see is an expansion of the
17 inspectorate in the post-1958 period.

18 The approved schools got an additional inspector and
19 two educational psychologists were also appointed and
20 there was a beginning of liaison with a psychiatrist
21 attached to the regional health boards at that period to
22 get them involved in the continuing assessment of
23 children.

24 The Child Care Inspectorate were also increased in
25 numbers -- were first of all re-organised and then saw

1 an increase in their numbers in 1962 and again in 1965
2 and 1966. I can't be absolutely certain of the increase
3 beyond that because there's no record of it but I think
4 we can be assured because I know from later figures that
5 the numbers were actually increased.

6 So you have a position where the Child Care
7 Inspectorate was seven or eight in 1959, doubled by
8 1967/1968 and I think I have tried to indicate that that
9 meant, as in the case, of Dunfermline, the inspector
10 could go back several times really to encourage the
11 development of the services that the inspector and the
12 child care officer of Dunfermline thought was necessary.
13 So you had a deepening investment of the inspectorate.

14 At the same time, although there was no issued
15 guidance in the sense of a specific pro forma, some
16 guidance was issued but with some free licence to
17 comment on any issue they saw pertinent within their
18 professional competence. I think that has been
19 demonstrated particularly at the Dundee remand home and
20 girls' home case.

21 It is clear that the detailed reviews by the Child
22 Care Inspectorate expanded in terms of their page -- it
23 is not clear the extent of the inspection of Glasgow in
24 1952 but it certainly wasn't 50 pages. That comes
25 through on that.

1 If you look at the report in Dunoon, it is at least
2 twice the length of the earlier report and again at
3 Dunfermline you see a substantial number of pages of
4 what was, in official terms, just a large borough.

5 I think that would be also the case for the HMI's
6 approved schools, that their inspection reports do get
7 more detailed and get more frequent and I think there is
8 an issue there where the Secretary of State says that it
9 is the intention that approved schools should be visited
10 every three months in Parliamentary reply to the
11 appointment of this second approved school inspector.

12 It is also the case that it is clear evidence that
13 the political ministers in the Scottish Office did see
14 reports and, if not reports, certainly had submissions
15 to them from the administrative staff which contained
16 elements of the reports that had been prepared by the
17 child care and approved school inspectors. So in that
18 respect, there is a clear indication that there was
19 certainly political oversight of the issue of child care
20 and approved schools in this period.

21 Nevertheless there was still a separation between
22 the inspectors or the inspectorate dealing with approved
23 schools and the inspectorate dealing with children's
24 local authority departments, children's homes, both
25 voluntary and statutory, and also remand homes.

1 Although they were technically reporting to the same
2 division, as it was then within SED, there is very
3 little evidence that they engaged in collaborative
4 co-operative enquiries.

5 Q. Thank you.

6 Finally then that takes you to your final overall
7 conclusion on page 8156 of your report. As we have
8 already discussed, this is the first of three reports
9 and you are limited to a particular time frame.

10 A. Yes.

11 Q. I think in looking at your overall conclusion, you begin
12 by looking at the different time frames that you have
13 covered. So if you look at from 1930 onwards, for
14 example, what's your final conclusion, so to speak, over
15 that period, 1930 to --

16 A. One could say that the general oversight of child care
17 as we regard it today was rather scanty. There was only
18 one inspector and that dealt with only one particular
19 area of child care activities and that was approved
20 schools.

21 There was allegedly an inspectorate for the Poor Law
22 but that had been in abeyance, it was only restarted in
23 1934/1935. An inspection system did develop after 1932
24 through the Young Persons (Scotland) Act for voluntary
25 homes but on reflection that is an inspection of the

1 homes, it is not an inspection really of children and
2 their cases within the voluntary home.

3 I guess that's probably a limitation which the 1948
4 Children Act sought to remedy because thereafter the
5 inspectors' reports did report in individual cases and
6 sought to follow up those particular cases at subsequent
7 visits.

8 So you find yourself -- I think we can say that
9 there was an expansion of inspectorial activity
10 throughout this particular period.

11 Q. Then, the period leading up to and beyond the 1948 Act
12 that you address at paragraph 9.4 --

13 A. Yes.

14 Q. Can you just summarise that period?

15 A. After initial restrictions connected to public
16 expenditure you saw an extension of the number of
17 inspectors both in child care and also an educational
18 psychologist being attached to the approved school
19 inspector.

20 Despite, if you like, the restrictions on the number
21 of inspectors, it is clear that they began to undertake
22 more detailed inspections. Unfortunately, we don't have
23 enough information on the boarding out side, nor do we
24 have enough information on children's departments for
25 the early period, but it is evident from the voluntary

1 homes and the local authority homes that they began to
2 criticise the standard of care and the provision of
3 amenities and they were particularly interested in
4 ensuring that the larger homes were broken up into
5 family units to move away from the Victorian style
6 barrack approach to child care which some of the
7 voluntary homes had established for whatever reasons.

8 The statutory powers were clearly enlarged as
9 a result of the 1948 Act. There were some weaknesses in
10 it, as you can see with the West Lothian situation, but
11 nevertheless within the Act it is clear that SHD
12 operated quite widely in interpreting the meaning within
13 the Act and was increasingly critical of the facilities
14 as it saw fit.

15 Q. And as we saw in reference to the Act, scope was there
16 for grants to be granted for aid with training and for
17 amenities?

18 A. Yes. In terms of the approved school inspectorate there
19 was clearly a change of personnel and the new inspector
20 obviously given a brief probably as a result of the
21 conclusions of the 1948/1949 Select Committee on the
22 Estimates for Approved Schools that he needed to get in
23 there, if you like, and be far more critical about the
24 provision that the approved schools were actually
25 offering.

1 He took it on his own initiative and on reflection
2 of a particular incident to interview pupils on their
3 own to basically ensure that he wasn't simply taking the
4 managers or the headteachers' view that everything was
5 okay in that particular approved school. You can see
6 from his reflections that he did recommend action which
7 was followed through.

8 Q. Finally, then, the last period you look at, 1958 to
9 1968, paragraph 9.5, we just looked at that.

10 A. That is right. It is obvious that with an increased
11 number of inspectors, the depth of inspection and the
12 frequency of inspection could increase and there's
13 an element in there where certainly, on the approved
14 schools side, that the managers and teachers were more
15 willing to accept the advice given, particularly over
16 emergency situations as developed at Balnacraig, Balgay
17 and Springboig.

18 Q. As you point out, we now have the emergence of guidance
19 for the structure of the reports.

20 A. Yes. So in that respect, by the end of this particular
21 period, you have a fairly well established inspectorate,
22 increased in number and with an ability to perhaps
23 engage in providing guidance and advice at a local level
24 in a way which perhaps they could not before.

25 Q. In your final paragraph, you point to the expansion of

1 staff over this whole period that you are talking about.

2 A. Yes. There was clearly an expansion of staff and the
3 concentration of child care within one administrative
4 vision within one of the Scottish departments, the
5 Scottish Office departments, undoubtedly helped focus
6 attention ahead of the Kilbrandon report that came out
7 in 1964 and ahead of the legislation in 1968.

8 Q. That's the next section that we were looking at?

9 A. Yes.

10 Q. In the course of your evidence, professor, I have
11 covered any points that have been submitted to me to put
12 to you. I do understand though there is a point you
13 want to make yourself in connection with your report.

14 A. Yes, on reflection there are two points. I'm just
15 trying to get back to -- sorry. It is really
16 SGV.001.001.8064 and is to do with the welfare and
17 safety of children.

18 Q. You say at 8064?

19 A. 8064 and 8065, the welfare and safety of children in
20 care. I did report on the development of or the
21 assistance of a blacklist of staff. Just to be
22 absolutely clear that the SED/SHD did operate such
23 a list to ensure that those staff which had committed
24 an offence would -- their names would be circulated
25 round the Home Office south of the border and -- I think

1 there is a case here -- the Scottish Voluntary
2 Organisations Council as well.

3 Q. Can you remind me when did the blacklist come into
4 being?

5 A. It would appear to come into being in 1954/1955 but
6 there was clearly an unofficial blacklist operating as
7 I think there is a reference to it, when they are
8 discussing Wells Hill and Balnacraig, in about 1950 and
9 there is a list provided of staff who had been dismissed
10 and should not be re-employed in any capacity when
11 dealing with child care.

12 LADY SMITH: So we were sending information south?

13 A. And the Home Office would send information north.

14 LADY SMITH: We would get it from them as well?

15 A. Yes, and also to double check, the name would be
16 submitted to the Teachers' Superannuation Fund so that
17 if the name popped up as employed in any field in
18 education, their name would appear and they could
19 therefore be dismissed.

20 MR MacAULAY: Perhaps I should put this document to you
21 then. It is at SVG.001.001.8546.

22 A. Yes.

23 Q. We will just see if this is relevant to what you are
24 saying. So it is headed:

25 "Confidential. Procedure in dealing with blacklists

1 and information about offences by teachers and other
2 persons having the care of children."

3 Is this what you have in mind?

4 A. That is the one.

5 Q. Just so we can put this in a time frame, on the next
6 page, 8547, it is dated 10 September 1954.

7 A. I was pretty accurate. There is also a case in
8 West Lothian that I mentioned later on in Wallhouse
9 where a deputy matron was dismissed for irregular
10 behaviour.

11 Q. That was one of the points you wanted to raise the other
12 point?

13 A. The other point is that dates are always difficult in
14 activities of this kind and there are some issues,
15 incidents that occurred in late 1966/1967 and I haven't
16 mentioned them in this report because they were being
17 progressed through to 1969 through to 1971 under the new
18 management/regime. I thought it best to leave it to
19 look at, well, how did the new regime tackle some of the
20 issues involved.

21 MR MacAULAY: So we look forward to seeing that in due
22 course. Thank you very much indeed, professor.

23 I don't have any other questions, as far as I'm
24 aware, that have been submitted.

25 LADY SMITH: Thank you very much, Mr MacAulay. Can

1 I confirm whether there are any outstanding applications
2 for questions of this witness?

3 Thank you very much. Professor Levitt. I am very
4 grateful to you for the way you have assisted us
5 yesterday and today.

6 You have mentioned being able to work in depth in
7 certain circumstances, well you have certainly done
8 that, and we are grateful that you have agreed to carry
9 on and we look forward to seeing you. Thank you.

10 A. Thank you very much.

11 (The witness withdrew)

12 Housekeeping

13 LADY SMITH: So that completes this part of the continuation
14 of phase 1 as I understand it, is that right,
15 Mr MacAulay?

16 MR MacAULAY: That is the case, my Lady. We are now looking
17 forward to the first case study into the Daughters of
18 Charity of St Vincent de Paul.

19 Can I just make one or two points in connection with
20 that.

21 LADY SMITH: Please do.

22 MR MacAULAY: That's due to start, I believe, on 28 November
23 and the emphasis of that case study is to be on Smyllum
24 and Bellevue.

25 What I want to emphasise is this: the study will

1 focus on the institutions themselves. There may be
2 evidence for example that reports might have been made
3 in the past to the police and that would raise
4 a question as to what then happened to these reports.
5 I just want to make the point that at this stage of this
6 case study that kind of issue will not be investigated
7 to a conclusion. That kind of issue will be held over
8 and considered later in an investigation that will be
9 broader than just reports about the Daughters of
10 Charity.

11 LADY SMITH: So the point you make is that whilst some
12 issues of apparent significance for the terms of
13 reference may arise, those who are interested are not to
14 think they are going to be forgotten about and indeed
15 they may require quite separate individual attention at
16 a later stage?

17 MR MacAULAY: Almost certainly they will.

18 LADY SMITH: Very well. I'm grateful to you for that and,
19 of course, so far as phase 1 is concerned, as
20 I indicated at the beginning of this week, we will
21 return to witnesses who have yet to give their evidence
22 on the topics that we are covering in phase 1 next year
23 at some point towards the end of the first quarter,
24 I think, is the current plan.

25 MR MacAULAY: Yes. I think hopefully in the first quarter

1 of the year.

2 LADY SMITH: Thank you very much. Thank you.

3 Well, we will finish there for today. Thank you
4 very much.

5 (2.17 pm)

6 (The Inquiry adjourned until 10.00 am
7 on 28 November 2017)

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