

1 Tuesday, 3 July 2018

2 (11.00 am)

3 LADY SMITH: Good morning.

4 Today we move to the stage of closing statements,  
5 closing submissions in this, the Sisters of Nazareth  
6 case study. I'm proposing that we proceed in the same  
7 order as we did at the end of the last case study --  
8 obviously not everybody is exactly the same person, but  
9 the order of types of representation seemed to make  
10 sense and I think that has been explained to everybody  
11 that is here. So that will mean turning first of all to  
12 Mr Scott, who is here for INCAS.

13 Mr Scott, first of all, thank you for the advance  
14 notice of the written submission and I would now invite  
15 you to make any oral submissions that you would like to  
16 do -- Mr MacAulay, sorry?

17 MR MacAULAY: I'm happy to make a submission as well,  
18 my Lady -- only if called upon.

19 LADY SMITH: No, no, I'll be honest, your junior didn't put  
20 you on the list yesterday, but that was oversight.

21 Did we take you first last time or last?

22 MR MacAULAY: I think so, my Lady, yes.

23 LADY SMITH: First?

24 MR MacAULAY: Yes.

25 LADY SMITH: It might be helpful for everybody to hear you

1 first, Mr MacAulay. If there's anything you want to  
2 come back to on the end you can do that.

3 MR MacAULAY: Yes.

4 LADY SMITH: Very well. Mr Scott, you have a breather and  
5 we'll turn to Mr MacAulay.

6 Closing statement by MR MacAULAY

7 MR MacAULAY: My Lady, your Ladyship may recollect that the  
8 case study into the Sisters of Nazareth started on  
9 24 April of this year and between then and the final day  
10 of evidence, on 27 June last week, the inquiry has heard  
11 27 days of oral evidence, which has been provided by  
12 39 applicant witnesses and also two witnesses who spoke  
13 to the experiences of their family members; in one case  
14 an aunt, and the other a brother. That witness who  
15 spoke about the brother also worked for a time, in the  
16 late 1950s, at Nazareth House Lasswade.

17 Evidence from 29 applicant witnesses has been read  
18 into the proceedings and the inquiry has already heard  
19 the evidence of one witness by listening to a tape  
20 recording she had made prior to her death.

21 My Lady, I can say that the total number of signed  
22 applicant statements obtained by the inquiry in relation  
23 to this case study so far is in excess of 70. There are  
24 at present over 30 further applicants currently engaged  
25 in the process of providing statements. That highlights

1 the fact that although the public hearings part of the  
2 case study has come to an end, the evidence-gathering  
3 process continues and will continue until we enter the  
4 final report stage. Applicants are therefore able to  
5 continue approaching the inquiry and this mirrors the  
6 approach adopted by the Daughters of Charity case study.

7 LADY SMITH: Yes. Indeed, we have found that that was  
8 picked up by people because people have still been  
9 coming forward in relation to the Daughters of Charity.

10 MR MacAULAY: They still are, my Lady.

11 My Lady, the inquiry has also heard evidence from  
12 seven other witnesses, including a married couple who  
13 looked after a boy from Nazareth House Aberdeen for  
14 periods in the early 1980s; also from a witness who  
15 worked in Nazareth House Aberdeen while she was  
16 a student in the city in the 1970s; and a witness who  
17 gave a positive account of her experiences of her time  
18 as a child in Aberdeen in the mid-1970s; and also  
19 a witness who worked with the sisters and the children  
20 at Cardonald in the mid-1970s.

21 We've also heard evidence from a retired police  
22 officer who was stationed in the area that included  
23 Nazareth House Aberdeen in the 1970s, and from  
24 Archbishop Mario Conti, who was a priest in Aberdeen  
25 between 1959 and 1962, returning there as a bishop in

1 1977 until 2002.

2 In addition, my Lady, the inquiry has heard evidence  
3 from a number of the sisters who worked at the different  
4 Nazareth Houses in Scotland, covering the period from  
5 the late 1950s to the early 1980s. That included  
6 hearing oral evidence from 15 sisters and from one  
7 witness who was a sister at the time and has now left  
8 the order. Evidence from six further sisters has been  
9 read into the proceedings.

10 On the final day of evidence the inquiry heard  
11 evidence from Christine Hughes, the order's archivist,  
12 and also from Sister Anna Maria Doolan, the  
13 United Kingdom Regional Superior.

14 So far as the applicants were concerned, the  
15 evidence from applicants relating to their time in the  
16 four houses covered the period from the early 1930s  
17 through to the early 1980s. The majority of that  
18 evidence related to the 1950s, 1960s and 1970s.  
19 Although applicants were speaking about experiences over  
20 decades and across the four Scottish houses, they all  
21 gave evidence of being badly treated by some sisters and  
22 staff.

23 Your Ladyship may consider it important that their  
24 evidence was not limited to their own personal  
25 experiences but also related to other children. And if

1           accepted, their evidence went to support the use of  
2           abusive practices by the order in the care of all four  
3           Nazareth Houses.

4           In summary, evidence was given which described  
5           beatings of children -- sometimes severe -- by sisters,  
6           staff and volunteers, using hands, feet, brushes, canes  
7           and other implements. The inquiry has heard evidence of  
8           children being humiliated and punished for bed-wetting,  
9           children being force-fed, and the degrading treatment of  
10          children by sisters by way of name-calling and making  
11          remarks to children designed to belittle and shame them.

12          The applicants from across the houses and time  
13          periods gave evidence of what can be described as  
14          a strict regime where fear was a central feature and  
15          a form of control.

16          In addition to the evidence of their experience as  
17          children in the Nazareth Houses, many applicants told of  
18          the impact -- often long term -- on them of their  
19          childhood experiences while in the care of the sisters  
20          and the ways in which those experiences have manifested  
21          themselves throughout their lives.

22          So far as the order itself is concerned, my Lady,  
23          there is no dispute, as I understand it, that if the  
24          practices spoken to by the applicants took place in the  
25          houses, then they did constitute the abuse of children.

1 The order, it seems, readily accepts that if such  
2 treatment was inflicted on children, then it would  
3 constitute abuse. There does not appear to be any  
4 suggestion from the order that the practices spoken to  
5 in evidence, if true, could be excused within their  
6 historical context. Indeed, Archbishop Conti said, in  
7 terms, that any humiliation of a child in itself would  
8 constitute abuse.

9 Furthermore, my Lady, the order's position at the  
10 conclusion of the evidence was that the applicants who  
11 did give evidence were credible and they saw no reason  
12 not to believe them in what they were saying. That  
13 judgement was one that the order was able to make  
14 because sisters from the order had listened to  
15 a significant amount of that evidence.

16 There have been convictions in relation to certain  
17 abuses which took place at three of the four  
18 Nazareth Houses. Sister Alphonso was convicted of three  
19 charges in connection with Nazareth House Aberdeen and  
20 one in connection with Lasswade. Peter Blaney was  
21 convicted in connection with Nazareth House Lasswade  
22 and, in February this year, Joseph Duffy was convicted  
23 of abusing children at Nazareth House Cardonald.

24 That these abuses occurred is readily accepted by  
25 the order and Sister Alphonso, in her own evidence to

1 the inquiry [REDACTED] accepted that she was rightly  
2 convicted of that of which she was convicted.

3 Notwithstanding the order's general position on the  
4 credibility of the applicants, the essential question is  
5 whether your Ladyship can be satisfied that the abusive  
6 practices described by the applicants did indeed happen.  
7 That would mean your Ladyship accepting the evidence of  
8 the applicants and rejecting any contrary evidence.

9 It is worth noting in that connection that  
10 Archbishop Conti has recanted from his previous position  
11 and now takes a view that the allegations made in the  
12 past were true.

13 My Lady, I do not intend to examine the evidence in  
14 detail. I will seek to provide a reminder of some of  
15 the evidence we've heard from the four houses over the  
16 periods covered and, in particular, the practices  
17 described in that evidence. As with the previous case  
18 study, this can be seen as a short narrative; how the  
19 evidence is to be assessed is for your Ladyship. What  
20 I have to say may appear repetitive, because it is, as  
21 the practices spoken to by the applicants were mirrored  
22 in the four houses. There are also issues such as  
23 sexual abuse that I will look at separately towards the  
24 end of these submissions.

25 Turning then, my Lady, to Aberdeen, there has been

1 evidence presented to the inquiry to cover the period  
2 from the early 1930s through to the mid-1970s. Insofar  
3 as bed-wetting is concerned, the inquiry has heard  
4 evidence, really, from across the decades of practices  
5 of humiliation and punishment for bed-wetting.

6 From the 1930s and 1940s, there was evidence that  
7 children who wet the bed were made to stand in the  
8 middle of the floor in the morning with their wet sheets  
9 on their heads, being faced with belittling comments,  
10 being said to be like, "Swim like little fishes", and  
11 also they were made to have cold baths. That was  
12 evidence from Lucy, who was in Nazareth House Aberdeen  
13 in the period 1933 to 1945.

14 Another applicant, Mr Booth, in the 1950s -- this  
15 was a child migrant, of course -- he spoke of  
16 bed-wetters having to wash their own sheets and gave  
17 a description of helping a small boy with his sheet and  
18 Sister LDR taking hold of him by the back of the neck  
19 or hair and telling him that he was naughty for helping  
20 that child.

21 LADY SMITH: Yes, I think he was saying he was trying to  
22 help a child who was half his size, maybe a 5-year-old  
23 or so.

24 MR MacAULAY: And he was, as he put it, thrashed with a cane  
25 for doing so.

1           We heard evidence through the 1960s of practices of  
2 humiliation for bed-wetting on the boys' and girls' side  
3 of the house. In the mid to late 1970s there was  
4 evidence from an applicant that, if a child wet the bed,  
5 they would be picked on, punished and that demeaning  
6 references would be made to the difficult social  
7 circumstances that the child had come from.

8           Indeed, into the late 1970s, an applicant who was in  
9 Aberdeen, in a mixed group by this point, Mr Daly, told  
10 us he saw children who had wet the bed being asked to  
11 strip their beds in the morning and sometimes being told  
12 to put the wet sheets on their heads. He recalled one  
13 girl in particular who was regularly ridiculed because  
14 she was a bed-wetter.

15           Can I then turn, my Lady, to bathing and some  
16 bathing practices that we've heard about in evidence.  
17 An applicant who was in Aberdeen from the mid-1940s to  
18 the late 1950s, Rose, spoke of bath times and the use of  
19 Jeyes fluid and being scrubbed with scrubbing brushes.  
20 The bathing routine of queues and children going in and  
21 out quickly in order was described by an applicant who  
22 was in Aberdeen from the early 1950s to the mid-1960s,  
23 John, as a cattle market; that was his description.

24           Another applicant who was in Aberdeen from the late  
25 1960s into the early 1970s said that on her first day in

1 the home, she and her sister were put in a bath of Jeyes  
2 fluid and punched by Sister [FAF] and  
3 Sister [LTX].

4 These bathing practices, as we'll see when we look  
5 at the other houses, are mirrored in other houses.

6 Can I just touch briefly on the matter of puberty,  
7 because some applicants spoke of starting their periods  
8 and the lack of sympathy, explanation and support from  
9 the sisters. For example, there was evidence from the  
10 1950s of an applicant having a sheet rubbed in her face  
11 when she started her periods and not knowing where the  
12 blood was coming from. That was from Rose who was there  
13 from 1946 to 1958.

14 Another applicant later provided evidence that when  
15 she started her periods, she was called "all the names"  
16 and she gave examples of "dirty tink" and "whore". She  
17 was hit and laughed at by Sister [LTX] and told --  
18 and your Ladyship may recollect this -- that she would  
19 be dead by midnight. The applicant gave evidence that  
20 she had watched the clock and told others that she was  
21 going to die.

22 Looking at the position with regard to siblings,  
23 many applicants from Aberdeen spoke of separation from  
24 some siblings and the distress this caused them. We  
25 heard girls were on one side of the house and the boys

1 on the other, with siblings often seeing only a glimpse  
2 of each other on the school bus or at church, where they  
3 were seated separately.

4 Some applicants didn't know they had siblings in the  
5 house. One applicant spoke of knowing her brother was  
6 in the home as she saw him in church and she would look  
7 for him and get nipped by the nuns for doing so. That  
8 was from the 1940s into the 1950s.

9 Another applicant, in the late 1960s into the early  
10 1970s, spoke of being punished for attempting to contact  
11 his sisters on the other side of the house and that  
12 he was punished by being slapped, dragged, pulled up the  
13 stairs, and locked in a cupboard. Your Ladyship may  
14 recollect this because this culminated in him being told  
15 by an older sister that they were being punished because  
16 of him.

17 As time went on, we heard evidence that there was  
18 a move towards family groups being kept together and  
19 that, by the early 1970s, some of the groups at least  
20 were mixed groups and families were kept together if  
21 possible.

22 Can I then, my Lady, turn to --

23 LADY SMITH: Did we have the impression that it was very  
24 much if possible --

25 MR MacAULAY: It was.

1 LADY SMITH: -- and it would depend principally on where  
2 there was space when the children came in?

3 MR MacAULAY: Yes, and also possibly the ages of children if  
4 there was a nursery, where younger children were kept  
5 separately from older children.

6 LADY SMITH: Yes, of course.

7 MR MacAULAY: I think it was a mixed picture also. It  
8 wasn't a uniform transformation at the same time; it was  
9 mixed from house to house.

10 Looking then at physical punishment, we have heard  
11 evidence of beatings, sometimes severe, by sisters at  
12 Aberdeen across the decades, including from  
13 Sister [FAF] and Sister [LTX] on the girls' side  
14 and Sister [LDR] and Sister [LFB] on the boys' side.

15 There was evidence that Sister [FAF] used to  
16 have girls down on their knees in order to bang their  
17 heads together or, if it was only one girl, that she  
18 would kneel down and push her head forward into the  
19 wall.

20 There was evidence of hair pulling, ear pulling,  
21 brushes being used over knuckles, and even the kicking  
22 of children. One applicant in the late 1950s described  
23 how Sister [LDR] would lose control and would carry on  
24 beating a child until other boys intervened to stop her.

25 We heard evidence of Sister [LFB] taking pleasure

1 in hitting boys when they least expected it and, in what  
2 was described as a calculated way, allowing a child to  
3 relax and then hitting the child again.

4 There was evidence that for Sister LFB to drag  
5 a child by the hair along the floor was a regular  
6 occurrence and, as one applicant said, for that period  
7 in the 1960s/early 1970s, "It was something you got used  
8 to".

9 That particular applicant, Ned, told how, in his  
10 view, Sister LFB taught him fear, paranoia and  
11 violence:

12 "I learned if you were going to fight, you had to be  
13 devious and take advantage of anybody being vulnerable  
14 if they turned their back on you."

15 Another applicant, John, from the early 1950s into  
16 the late 1960s, gave evidence about an incident where he  
17 spoke of being violently attacked by LDU.

18 LDU was somebody who had some form of informal  
19 role at the house. He described how Mr LDU dragged him  
20 into a bathroom, took his clothes off, and "battered the  
21 hell" out of him. He said that he was black and blue  
22 all over his body and, notwithstanding the fact that  
23 what Mr LDU did to him was common knowledge and indeed  
24 involved the police, Mr LDU still remained at  
25 Nazareth House.

1           For this applicant, this assault left a lasting  
2 memory and he gave evidence that, even 50 years later,  
3 he still thinks once or twice a week of what Mr [LDU] had  
4 done to him.

5           We've also heard evidence in connection with  
6 Aberdeen on emotional abuse. We heard evidence of  
7 applicants being treated badly and described as "scum",  
8 for example, for coming from Glasgow. We heard of  
9 a child being told he was "Glaswegian scum of the  
10 earth", and that, "You're only here because no one wants  
11 you". Indeed, that particular type of comment seems to  
12 have been one that was regularly used in a demeaning  
13 way.

14           We heard from another applicant that Sister [LDR]  
15 told him -- and this was the applicant who was to be  
16 migrated -- "Your family doesn't want you, your country  
17 doesn't want you, you're just garbage".

18           Another applicant, who was there in the 1950s into  
19 the late 1960s, was told that he was worthless, but he  
20 said in evidence he took comfort from the fact that  
21 everybody was abused by such remarks.

22           Can I then look at force-feeding. As with other  
23 establishments, there was evidence provided of  
24 force-feeding of children, and that included children's  
25 hands being held behind their back and the food being

1           forced into their mouths. This continued even although  
2           a child might have been sick and the child being forced  
3           to eat the food that the child had been sick on.

4           We heard descriptions of how children sought to  
5           avoid eating food that they did not like by passing it  
6           on to another child or hiding it in some other way.

7           The lack of affection was an issue that really,  
8           I think, went across all Nazareth Houses. At Aberdeen  
9           we certainly heard from the vast majority of applicants,  
10          covering the whole period, that there was little or no  
11          affection shown. The way one applicant put it, who was  
12          there from the early 1960s into the early 1970s, was  
13          that he couldn't remember anything positive:

14                 "No nurturing, no love, no empathy and no nothing."

15          It could be said, my Lady, that evidence given by  
16          Sister Anna Maria chimes with this evidence because she  
17          explained that the order, at least prior to the late  
18          1960s, was a very strict order and that the sisters  
19          themselves very likely transferred this strictness into  
20          their care of the children.

21          LADY SMITH: She said that in terms and also made reference  
22          to the practice of discouraging the formation of  
23          friendships, even between the sisters, let alone between  
24          the children and the nuns.

25          MR MacAULAY: It perhaps highlights how strict a regime it

1           was, although she went on to say that that has changed.

2           LADY SMITH: Oh yes, yes.

3           MR MacAULAY: But that was the position looking to the 1960s  
4           and 1970s.

5           We've also heard evidence, my Lady, positive  
6           evidence, in connection with Aberdeen. One witness,  
7           Carolyn, who was in Aberdeen as a child in the  
8           mid-1970s, said that she didn't see anybody being  
9           punished for not eating their food or being force-fed.  
10          She couldn't remember discipline as such and did not see  
11          any corporal punishment and had no recollection of  
12          anybody being shouted at.

13          She couldn't remember any form of punishment in her  
14          group and she spoke positively about a number of aspects  
15          of the routine. This was a witness who entered the  
16          order herself in 1984 for a period of about five years  
17          or so.

18          Can I then, my Lady, move on to Cardonald. Again,  
19          the inquiry has heard evidence from applicants covering  
20          a period from about the early 1940s to the early 1980s.

21          In relation to bed-wetting, again there has been  
22          evidence of humiliating treatment for bed-wetting with  
23          bed-wetters being made to stand with wet sheets over  
24          their heads. One applicant, who took the name Poppy,  
25          who was there between 1957 and 1961, described the

1 treatment of bed-wetters as involving the beds being  
2 checked, having to take the sheet from the bed, if it  
3 was wet, to the washroom, putting it on a pulley while  
4 it was usually dripping on to the floor, then going to  
5 church, having breakfast, going to school and near  
6 bedtime being told to go and get the sheet for the bed.

7 There was evidence of Sister [REDACTED] LFP administering  
8 harsh treatment for bed-wetting. One applicant who was  
9 there between 1962 and 1970 said that Sister [REDACTED] LFP :

10 "... battered her, dragged her by the hair, put her  
11 on the floor, kicked her, said that she was a filthy  
12 brat, put the sheet over her head, made her stand in the  
13 corridor and got other children to call her names like  
14 'smelly' and 'wet the bed'."

15 Another applicant who was in Cardonald between 1971  
16 and 1979 spoke of how her sister would wet the bed and,  
17 if she was in bed with her sister, they would both be  
18 lifted or forced out of bed, her sister would be taken  
19 to one end of the corridor and the applicant would be  
20 put out on the fire exit in a wet dress. So even as  
21 late as that, there appears to be that sort of  
22 treatment.

23 Another applicant, James, who was in Cardonald  
24 between 1977 and 1981, spoke of being punished and  
25 humiliated by Sister [REDACTED] LJS for wetting the bed, and

1 again another applicant from that same era, Christina,  
2 spoke of having to wash the sheets and hang them on  
3 a pulley.

4 Can I note, my Lady, that the order in its  
5 submissions suggests that, generally, bed-wetting  
6 practices of this kind no longer took place from the  
7 late 1960s onwards, but that is contradicted by some  
8 evidence that the inquiry has heard.

9 Looking at bathing at Cardonald, there has been  
10 evidence of communal bathing with hot or cold water,  
11 depending on where you were in the queue, and the use of  
12 Jeyes fluid, as was the position in Aberdeen.

13 There was evidence that washing and bathing took  
14 place in one large area supervised by the nuns. It is  
15 to be said that when Sister [REDACTED] LFP arrived at  
16 Cardonald, we heard that she objected to the older  
17 children washing when the young ones were there and  
18 arranged curtains to be provided to allow some privacy.

19 Nevertheless, into the late 1970s, one applicant  
20 described the bathing and washing routine as lacking  
21 privacy with people wandering in and out and the doors  
22 being left open.

23 So far as the food was concerned, we've heard  
24 varying evidence about the quality of food at Cardonald,  
25 with some evidence that the food was very poor, other

1 evidence that the food was palatable. But there was  
2 evidence of a child being required to eat the food and,  
3 at times, of force-feeding.

4 One witness, Olive, who was there between 1975 and  
5 1979, spoke of being allergic to orange juice and being  
6 forced to drink orange juice with her nose held by  
7 Sister [LHW] and the staff, she had a reaction to this  
8 and was unwell in bed with a doctor involved. Her  
9 evidence was she told the doctor she had been forced to  
10 drink it, but that the nun said she was making it up and  
11 was telling lies.

12 At Cardonald we heard evidence from a number of  
13 applicants of a procedure that involved the examining of  
14 underpants with punishments if they were stained or  
15 soiled and, in particular, evidence was given of  
16 a routine inspection on a Friday night whereby children  
17 had to queue up and take their pants off and to allow  
18 Sister [LFH] to examine them and, if there were marks,  
19 the child had to wear them on the child's head. There  
20 was evidence in particular of this happening to girls  
21 and also to boys.

22 There has also been evidence from applicants at  
23 Cardonald of harsh physical treatment from a number of  
24 sisters, including Sister [LFL], Sister [LFH],  
25 Sister [LFP], Sister [LHA] and Sister [LJS].

1           That covered a period, my Lady, from the early 1950s  
2 to the 1980s. There has been evidence that for some  
3 applicants, they would have to wait by Sister [LFH]'s  
4 desk to be caned. The cane was described as  
5 a bamboo-type cane, and there was evidence that  
6 Sister [LFH] had a number of these in different  
7 locations in the home.

8           There was one incident where Sister [LFH] used  
9 a broom handle, which she managed to break, and the  
10 child being caned with the broom handle, which had  
11 splinters, and this applicant spoke of being in a sewing  
12 class at school and not being able to hold the needle  
13 following upon the beating.

14           Another applicant, Maureen, who was there between  
15 1962 to 1970, described how Sister [LFH] would bang  
16 heads together and she said the pain was "horrific".  
17 And this perhaps reflects the practice employed by  
18 Sister [FAF] at Aberdeen.

19           Another witness, who was at the home between 1957  
20 and 1961, spoke of her brother having been found with  
21 urine stains in his underpants and being caned by  
22 Sister [LFH] to the extent that she -- that's  
23 Sister [LFH] -- could not go on any longer and her  
24 brother had to go to the sick room and was kept off  
25 school for two weeks.

1           We've also heard evidence from the girls would have  
2           their hair in two plaits and that Sister [LFH] would  
3           use these as a way of pulling a girl forward by pulling  
4           the plaits over her head in a way that would cause pain.  
5           And there was evidence of a particular sister being seen  
6           taking a child by both plaits and spinning her around in  
7           a circle in the dining room.

8           One applicant, James, who was in Cardonald between  
9           1977 and 1981, compared punishments at school with those  
10          they received at Cardonald. He spoke of the worst  
11          punishment at school being the belt but that:

12                 "[It] was nothing compared to the beatings in the  
13                 home."

14          He gave evidence about an incident where he said one  
15          of the boys had hit a girl and Sister [LJS] dragged the  
16          boy into the dormitory and told the other children,  
17          including this applicant, to hit the boy and, if they  
18          did not do so, she would punish them. Indeed, she  
19          started whipping them with a belt until they hit the  
20          boy.

21          Your Ladyship has heard the evidence about the  
22          child, an applicant Trisha, who was in Cardonald from  
23          1948 to 1961, who was sent on her own to Liverpool on  
24          the train aged 11, separating her from her twin sister,  
25          with whom she had been in Cardonald since they were

1 babies. She described that she was taken to an  
2 institution where there were people with learning  
3 difficulties and no other children. She told the  
4 inquiry that she spent a number of years there and was  
5 given no explanation as to why she was there.

6 The order have not been able to provide an  
7 explanation for this. This applicant and her sister,  
8 who took the pseudonym "Jennifer", are the applicants  
9 about whom there is some mystery about evidence that  
10 their mother visited Jennifer at Cardonald, although  
11 Jennifer had no knowledge of such visits.

12 LADY SMITH: Am I right in thinking that those are the  
13 children for whom there are two very brief entries  
14 in the records that we looked at during the evidence of  
15 Sister Anna Maria?

16 MR MacAULAY: Indeed.

17 LADY SMITH: But that's all that there is?

18 MR MacAULAY: There's very little, but the evidence that's  
19 there tends to suggest that the children's mother did  
20 visit at some point. But Jennifer gave evidence,  
21 my Lady, that your Ladyship may think supports her  
22 credibility and reliability in relation to how she was  
23 treated at Cardonald.

24 In a letter dated 12 December 1973, she responded to  
25 a request from Sister [LFH] that she, Sister [LFH],

1 attend Jennifer's impending wedding. In that letter  
2 Jennifer described how Sister [REDACTED] LFH "terrorised me and  
3 the other children", and that of course was in rejecting  
4 the advance made by Sister [REDACTED] LFH , the point being that  
5 was written long before the publicity that developed  
6 in the 1980s and the litigation that followed that.

7 We also heard about emotional abuse at Cardonald.  
8 Children were not allowed to hold hands or make friends.  
9 Again, if this is to be accepted, it may reflect the  
10 practice spoken to by Sister Anna that friendships  
11 between the sisters were discouraged.

12 One applicant gave evidence -- this is in the  
13 mid-1960s -- of not being allowed to talk in bed and  
14 spoke of communicating with his brother while they were  
15 in their dormitory by coughing, to make sure, as he put  
16 it, the other one was still alive.

17 Another applicant, in the late 1970s, described that  
18 she was punished for comforting her younger brother in  
19 bed, having heard him crying, and she spoke of a nun  
20 coming in and dragging her physically out of the bed,  
21 calling her "dirty" and "a slut".

22 Another applicant, who was there between 1962 and  
23 1970, spoke about never being allowed to look at her  
24 school report card and indeed having to stand with it on  
25 her head to show how stupid she was in front of a statue

1 of Our Lady. That she was stupid was untrue because, as  
2 she discovered later in life, she did see her school  
3 report cards and, as she put it, she was surprised to  
4 see that she had in fact been quite clever.

5 That same applicant spoke of:

6 "... being worn down by being constantly, told  
7 I couldn't do anything, and told that I was thick,  
8 stupid and that I would never amount to anything."

9 So far as the atmosphere itself was concerned, one  
10 applicant in the 1970s described the atmosphere as one  
11 where she was:

12 "... scared, being a nervous child and wondering  
13 what was going to happen next."

14 Another applicant, in the late 1970s, from the last  
15 era of the home, described being institutionalised, that  
16 nobody was allowed to be a free spirit, and that many of  
17 the children were looking for love and support that was  
18 not there. She described the house as "a hard place to  
19 be".

20 Can I then look at Lasswade, my Lady. Again, we've  
21 heard evidence from applicants who were at Lasswade from  
22 the late 1940s through to the late 1970s. Again, the  
23 bed-wetting practices mirrored the practices in the  
24 other institutions.

25 One applicant, Mike, who was at Lasswade from 1960

1 to 1965, said that if you wet the bed, you were made to  
2 stand in the corner with the wet sheet on your head and  
3 sometimes made to sit in a bath of cold water. The  
4 applicant explained that you would get the odd beating  
5 for doing it, but there was no sympathy or anything or  
6 any efforts to try to understand why or what the reason  
7 was behind it. As he put it:

8 "There was no consideration whatsoever."

9 Another applicant in a later period described that  
10 if you wet the bed, you were made to stand with the  
11 sheet "all around you for a period of time".

12 Another applicant, even later, into the 1970s,  
13 described how staff at Lasswade would put bed-wetters  
14 into a cold bath, tell them to strip their beds and that  
15 they would be slapped and hit and shouted at by a staff  
16 member or a nun.

17 Indeed, this applicant went on to tell the inquiry  
18 that they, the other children, were encouraged by the  
19 nuns to call the bed-wetters "fish". She also gave  
20 evidence that those who wet the bed all sat together at  
21 a particular table.

22 An applicant from an earlier period, the late 1950s  
23 into the 1960s, said that bed-wetters were severely  
24 punished and called names to humiliate them. That  
25 particular applicant described the bed-wetters as

1 "nervous wrecks".

2 Looking at mealtimes and the evidence from Lasswade,  
3 there has been evidence of punishment for refusing food  
4 and some evidence of force-feeding. One applicant said  
5 he had a particular memory of bread with lard on it and  
6 that it was force-fed to the children. He recalled  
7 being hit with a stick by nuns for not eating his food.

8 Another applicant, in the 1960s, spoke of having to  
9 eat your food and that if you didn't, you would get  
10 a beating with a strap or a rope that the nuns carried.  
11 He recalled force-feeding and being hit for not eating  
12 his food.

13 Again, in relation to bathing, the inquiry heard  
14 evidence from an applicant that for the first person  
15 that went into the bath, the water was scalding hot,  
16 children would queue up and, when one person was  
17 finished, someone else would go in until everyone had  
18 had their bath. That's a practice that's been described  
19 into the 1970s.

20 Another applicant said there was no dignified way of  
21 doing bath time. He said they were given a cloth of  
22 some sort for cover, but most of the time it was not  
23 possible to keep hold of it, and that you were basically  
24 having nuns washing all over your body. This involved  
25 nuns making contact with his private parts.

1           There has also been evidence presented, my Lady, of  
2           harsh punishments and beatings at Lasswade. One  
3           applicant spoke of being put into a cupboard for a few  
4           hours and how it had come back to him later in life when  
5           he was having an MRI scan. He also spoke about being  
6           beaten for not saying prayers properly.

7           Another applicant who was there in 1967 spoke of an  
8           occasion where Sister [REDACTED] LTX asked her children to hit  
9           her sister, but that they refused to do so. She gave  
10          evidence of Sister [REDACTED] LTX punching her sister in the  
11          face, causing bruising, because the school had said that  
12          she wasn't wearing a tie.

13          Another applicant, in the late 1950s into the 1960s,  
14          spoke about being hit by a sister because she thought  
15          he was playing around. He also spoke of having his head  
16          ducked underwater and soap and pepper put in his eyes  
17          and mouth until they bled. There was evidence that  
18          a particular sister, Sister [REDACTED] LFJ, would remove an  
19          applicant's pyjama top at night and scratch his bare  
20          back with her nails, causing bleeding. This, according  
21          to the applicant, also happened to other children. He  
22          spoke of being given "a right doing", as he put it, from  
23          a sister with a cane on his legs, back, backside and  
24          arms for breaking a statue.

25          Another applicant spoke of being hit with a metal

1 aluminium bar for stealing sugar; that was in the late  
2 1960s.

3 One applicant, who was only there for a couple of  
4 months in 1976, explained how he [REDACTED] came to  
5 leave after such a short period, because when their  
6 mother visited, he asked her to look at [REDACTED]  
7 [REDACTED] where she could see bruising that had been caused  
8 by being beaten by Sister [REDACTED] LTX [REDACTED]. It was that that  
9 prompted their mother to remove [REDACTED] from the home.

10 So far as emotional abuse is concerned, my Lady, one  
11 applicant spoke of being told:

12 "Your mother's not coming back, you're going to be  
13 here until you're big and go to the other place that's  
14 even worse than this place."

15 The applicant went on to say it was:

16 "... very hard to be there as a child."

17 That was an applicant talking about the late 1950s  
18 and into the 1960s.

19 Can I then turn, my Lady, to Kilmarnock, the fourth  
20 Nazareth House that needs to be considered. Again,  
21 there has been evidence from a number of applicants who  
22 were in Kilmarnock, covering the period from the early  
23 to mid-1950s and into the 1970s.

24 The bed-wetting practices seemed to be similar to  
25 the practices in other establishments. There has been

1 evidence of the humiliation of children who had wet the  
2 bed across the period covered by the applicants at  
3 Kilmarnock, and that included children having to stand  
4 with sheets over their head. One applicant said that  
5 bed-wetters were kicked, pushed and pulled; that was  
6 in the late 1960s. Another applicant said that children  
7 were severely punished for bed-wetting, shouted at and  
8 humiliated. That was in the mid to late 1960s.

9 Another applicant gave a description of what would  
10 happen and that, if a child had wet the bed, the bottom  
11 sheet was pulled off the bed and put over the child's  
12 head. The sheet would also be rubbed into the child's  
13 face and the child would be told that the child was  
14 "filthy".

15 So far as bathing was concerned, we heard evidence  
16 that, in the 1950s, bath times were once a week with  
17 girls standing in line naked, one by one, using the bath  
18 to get washed and the water never being changed. There  
19 was evidence that this continued into the 1960s.

20 One applicant gave evidence that when you were  
21 getting changed, you had to wear a cover "like  
22 The Flintstones", when you were going for a bath. We  
23 heard from another applicant that:

24 "The horrible thing about the baths was you had  
25 pantaloons bloomer type things made out of shower curtain

1 materials, so if you were lucky and in the first three  
2 or four in the row, they would be dry and easy to slip  
3 on and off, but otherwise they would be wet from  
4 previous use."

5 As perhaps in particular, I think, with Aberdeen, we  
6 also heard evidence in connection with puberty from  
7 Kilmarnock, and in particular from one applicant who,  
8 when she started her periods, the nuns said to her that  
9 she was dirty and this was "the devil coming away from  
10 her", and that was an applicant who was there from 1961  
11 to 1967.

12 There was also evidence of force-feeding at  
13 Kilmarnock. One applicant said that:

14 "At mealtimes it didn't matter whether you liked  
15 something you were given or not. If you left it,  
16 Sister [REDACTED] LHZ would tip your head back and force-feed  
17 you. If you never ate your food, you were given it at  
18 the next mealtime until you finished it. It didn't  
19 matter if it was cold."

20 And that was an applicant who was there from 1961 to  
21 1967.

22 There was evidence that at mealtimes nuns would walk  
23 around the tables with their hands on their hips and  
24 nobody talked. According to this applicant, who was  
25 there between 1967 to 1969, it was completely quiet.

1           This was the applicant who gave evidence of the same  
2           celery being put before her at breakfast, dinner and  
3           teatime, and she described how Sister **LGO**, getting to  
4           the end of her tether, as she described it, pushing the  
5           celery towards her head to make her eat it and she ended  
6           up being sick.

7           There was a description of one applicant of  
8           Sister **LHZ** coming from behind and, if you didn't eat  
9           your food, that:

10            "She would pull your back and hold your nose so you  
11            had to open your mouth and she would force the food in."

12            And if you were sick, she would say, "You'll eat  
13            that as well".

14            We've also heard evidence from Kilmarnock about  
15            beatings. One applicant gave evidence from the early  
16            1950s that she was reported to the home for misbehaving  
17            at school when she was about 8 years old and, when she  
18            returned to the home, Sister **LQM** was waiting for  
19            her and locked her in the attic, where the water tank  
20            was kept, and her evidence was that there were rats  
21            running around the room and she was screaming and passed  
22            out. When Sister **LQM** took her back out, she was  
23            hit all over the body with a belt.

24            Another applicant gave evidence about how his  
25            hen-toed walking was addressed. He was made to switch

1 shoes and to walk up and down the large hallway on his  
2 tiptoes. If his heels touched the floor, he would be  
3 hit with a cane.

4 Another applicant recalled winning a medal for  
5 Highland dancing and Sister LHZ giving her the cane  
6 later because she had kicked the sword and of being  
7 deprived of her medals when she left Nazareth House.  
8 That was an applicant who was there from 1961 to 1967.

9 Another applicant in the late 1960s spoke of an  
10 incident when she and others had worn their own clothes,  
11 known as Sunday clothes, as opposed to the common  
12 clothes, to a school party. On their return they their  
13 heads banged off lockers by the sisters and were kicked  
14 in the back, the head and the face.

15 A kneeling punishment was also described in  
16 evidence, which could be meted out, for example, for  
17 things like whispering "goodnight" to someone across the  
18 room. This punishment involved being taken out of bed  
19 and told to kneel in front of a statue and to kneel  
20 straight:

21 "If you leaned back on your hunkers, Sister LHZ  
22 would hit the bottom of your feet with the switch, so  
23 you would have to kneel straight up for hours on end."

24 The switch, my Lady has heard, was described as  
25 a cane or a riding crop, and Sister LHZ would hit

1 children with this particular device. It could be heard  
2 swishing as it moved through the air and, for that  
3 reason, it was known as "the switch".

4 We also heard evidence that Sister LHZ, in  
5 particular, would use a fist to hit children and would  
6 put her middle finger out so that it was pointed and she  
7 would bring that down on top of the child's head. This  
8 was described as being extremely painful.

9 In relation to emotional abuse, there has been  
10 evidence that Sister LHZ would tell children that they  
11 were the outcasts of society, that nobody wanted them,  
12 that was the reason why they were there. The evidence  
13 was that children would be told not to bother  
14 complaining, that nobody was going to listen to them,  
15 and that being there was what they deserved.

16 My Lady, I have looked then at the four  
17 Nazareth Houses separately, but in fact, as my Lady will  
18 see, the pattern is very similar across the four houses.

19 Can I then look at evidence that looks across the  
20 houses. For example, there has been evidence from many  
21 applicants from the different houses that children were  
22 made to lie in bed at night with their hands crossed  
23 over their chests and they would be inspected by sisters  
24 and staff and punished if they were not lying in this  
25 way. Indeed, some applicants said that they still sleep

1           like that today.

2           Support for the existence of this practice can be  
3           found in guidance provided to the sisters in the  
4           directory, probably up until its revision in 1964.

5           Your Ladyship may recollect the evidence on that last  
6           week.

7       LADY SMITH: Yes. That's the directory and book of customs  
8           that was first published in 1921?

9       MR MacAULAY: Indeed, and I think Sister Anna thought that  
10          that may have been removed in the 1964 revision; I think  
11          the revision before that was 1958.

12          In relation to dead nuns, we heard evidence,  
13          particularly in relation to Aberdeen and Cardonald, that  
14          if a nun died, the nun would be laid out and in some  
15          cases children had to go and say a prayer and kiss the  
16          nun's head or hand, and that the children found this  
17          upsetting.

18       LADY SMITH: Yes. Just going back a moment to the sleeping  
19          position at night, am I right in recalling that the  
20          Frontline Scotland programme demonstrated a nun putting  
21          a child's arms like that in bed?

22       MR MacAULAY: It did indeed.

23       LADY SMITH: And that was made in the late 1990s, so whoever  
24          made the programme was being told at that time that that  
25          was a practice?

1 MR MacAULAY: Absolutely correct.

2 I was moving on, my Lady, to look at the position  
3 in relation to dead nuns. We heard evidence from one  
4 applicant who was at Cardonald that he was really scared  
5 of having to sit with a dead nun when aged 6 or 7, and  
6 indeed he wet himself because of the fear. That was  
7 a memory that has stayed with him.

8 So far as chores are concerned, there has been  
9 evidence from all of the four Nazareth Houses of  
10 children having to carry out what can be described as  
11 manual work. This has included scrubbing and polishing  
12 floors, cleaning toilets, and heavy laundry work.

13 A witness, Pat, who worked at Lasswade in the late  
14 1950s, when her brother was a resident there, she was  
15 there for about six or seven months, went on to say in  
16 her evidence:

17 "The boys just worked. They scrubbed the corridors.  
18 They were down on their hands and knees with a big  
19 bucket and big scrubbing brush, scrubbing these marble  
20 floors."

21 And the other point she made was this was all done  
22 in silence in that there was no talking allowed.

23 LADY SMITH: Am I also right in thinking there was evidence  
24 about a family who arrived in Nazareth House Aberdeen  
25 shortly before the end of the school summer term,

1 obviously there was no point starting them at school,  
2 and what they had to do until the end of term was do  
3 chores every day?

4 MR MacAULAY: If it's the same family, I think ...

5 LADY SMITH: They were just there for a short time.

6 MR MacAULAY: They were, yes. Can I say that I don't think  
7 the order disputes that chores were done, because  
8 Sister Anna did say that the order did not employ staff  
9 in the 1940s and 1950s, and in their written  
10 submissions, at paragraph 30, the order accepts that  
11 into the late 1960s there was insufficient funding for  
12 cleaners to be employed. So someone had to do the work  
13 and it would appear that the brunt of that fell on the  
14 children.

15 Looking, my Lady, at birthdays and Christmases,  
16 again, across the four houses. Some applicants have  
17 given evidence of never recollecting a birthday being  
18 celebrated, others recollected cakes and small gifts.  
19 Some applicants recollected having stockings with an  
20 apple, an orange and a small gift at Christmastime,  
21 while others remember getting a gift and having it taken  
22 away very shortly afterwards.

23 One applicant, Poppy, who was in, I think, Cardonald  
24 in 1957, told the inquiry how she was given a watch from  
25 her grandfather as a combined birthday and Christmas

1 present, because her birthday was very close to  
2 Christmas, and this was taken away by Sister [LFH] and  
3 never seen again.

4 Can I then, my Lady, look at the issue of sexual  
5 abuse. There has been evidence from applicants about  
6 sexual abuse at the four Nazareth Houses. As I have  
7 already mentioned, some of these allegations have been  
8 proved in criminal trials.

9 So far as Aberdeen is concerned, we heard the  
10 evidence of sexual abuse by [LDU] on an applicant  
11 in the 1950s and into the 1960s. According to the  
12 applicant, this abuse persisted for a number of years.  
13 This is the applicant who, in his letters to God,  
14 explained that the reference to "dirt" was to the sexual  
15 abuse he had suffered at the hands of [LDU].

16 My Lady, this applicant gave evidence of speaking to  
17 the then Father Conti -- he referred to him as  
18 Father Mafia -- in the confessional, and telling  
19 Father Conti that he was being sexually abused by  
20 [LDU]. Archbishop Conti denies that this occurred.  
21 Archbishop Conti did provide some guidance on how, in a  
22 hypothetical case, the Seal of the Confessional could be  
23 preserved in such a situation.

24 Can I say, my Lady, quite separately, that this and  
25 other areas of canon law will be looked at by the

1 inquiry and an eminent canon lawyer who has assisted  
2 other inquiries has been contacted for that purpose.

3 LADY SMITH: Yes. It's very important that we do look at  
4 this in some detail, Mr MacAulay.

5 MR MacAULAY: Yes. But there is a conflict in the evidence  
6 between what the applicant said and Archbishop Conti's  
7 position. The applicant was clear that it was, as he  
8 put it, Father Mafia that he dealt with.

9 LADY SMITH: Mr Mafia, the boys called Father Conti  
10 "Mr Mafia". I think it is probably fair to say the  
11 applicant wasn't clear about his memory of the timing  
12 and it didn't necessarily correlate with the date that  
13 was on the letters that he'd hidden at the back of the  
14 cupboard.

15 MR MacAULAY: No, his evidence -- he gave different evidence  
16 as to what the timings might have been. One of the  
17 points Archbishop Conti makes is that if the date is in  
18 fact the date on the letters, which is 1967, then he was  
19 not a curate at Aberdeen at that time, having left  
20 Aberdeen in 1962.

21 LADY SMITH: Yes. He was still within the diocese though  
22 and he did say on occasion that he was back in Aberdeen.

23 MR MacAULAY: He did.

24 Another applicant from Aberdeen, who was there  
25 between 1957 and 1960, who took the pseudonym "Terence",

1           said he was sexually abused by [REDACTED] in a boiler  
2           room where he had been sent as punishment.

3           We also heard from another applicant that someone,  
4           who was unknown to him, used to sit him on his knee,  
5           fondle him, take him to the toilet and fondle him there.

6           Looking at Cardonald, one applicant who was there  
7           spoke of sexual abuse by two lay staff volunteers and  
8           also by a visiting Marist Brother who took him and  
9           sometimes other boys away for trips. This was in the  
10          late 1970s and into the 1980s.

11          This applicant -- and your Ladyship may recollect  
12          this evidence -- also spoke of having seen one of the  
13          lay staff volunteers who abused him bathing a young girl  
14          who looked scared.

15          Another applicant, who was there from the 1940s into  
16          the 1950s, in a witness statement provided evidence of  
17          being taken by a nun to [REDACTED] LVS [REDACTED], who sexually  
18          abused her. She also said that she was sexually abused  
19          by that nun.

20          Another applicant, Olive, who was at Cardonald  
21          between 1975 and 1979, gave evidence of being sexually  
22          abused by Joseph Duffy, a volunteer at Cardonald.

23          It may be, my Lady, that Joseph Duffy was a prolific  
24          abuser at Cardonald. Other charges of which he was  
25          convicted were for the abuse of other children at

1 Cardonald.

2 According to one applicant -- this was  
3 Paula Chambers, who was at Cardonald from 1983 to 1984:

4 "Joseph Duffy had a front door key to Cardonald."

5 She also said that she saw Joseph Duffy behaving  
6 inappropriately with children and that his inappropriate  
7 behaviour ought to have been apparent to the staff.

8 Two other applicants from Cardonald, Yvonne and  
9 Bernie, gave evidence of being sexually abused while  
10 staying with potential foster carers in England while  
11 they were children at Cardonald. One of them said she  
12 had reported that the male foster carer had done "dirty  
13 things" to her. The inquiry has seen that these very  
14 words were recorded by the Social Work Department on  
15 a document. The applicant and her sibling did not go  
16 back to this family.

17 The applicant gave evidence that she told the nuns  
18 of what had happened, but they didn't believe her,  
19 called her a liar, a troublemaker, and they told her to  
20 ask God for forgiveness, and that she should be thankful  
21 that someone took them out.

22 The other one of these applicants gave evidence in  
23 her statement that she was sexually abused by a priest  
24 and [REDACTED] LVT [REDACTED] while at Cardonald.

25 Another applicant, Donna, who was at Cardonald

1 between 1971 and 1979, spoke of being sexually abused by  
2 a male who she was told was her father, having been  
3 taken out of the home for the day.

4 Another applicant, Maureen, who was at Cardonald  
5 between 1962 and 1970, described how she was sexually  
6 abused by a benefactor in his home and at  
7 Nazareth House. She had said she told Sister [REDACTED] LFS  
8 and was accused of being "a filthy brat" and "telling  
9 lies".

10 Another applicant, Christina, who was at Cardonald  
11 from 1977 to 1978, spoke of drawing a picture of  
12 a chapel for [REDACTED] LHS and bringing it to him in  
13 confession, hoping that he would like it, and gave  
14 a description of being sexually abused by [REDACTED] LHS  
15 in the confessional box. Her description tends to  
16 suggest that she was raped.

17 Another applicant, Trisha, who was at Cardonald from  
18 1948 to 1961, gave evidence that she was sexually abused  
19 by a benefactor in his home, but was not believed by  
20 Sister [REDACTED] LFH, and she was hit and told to kneel before  
21 a statue and ask for forgiveness.

22 My Lady, looking to Lasswade, an applicant, Mike,  
23 who was there from 1960 to 1961, gave evidence of having  
24 been sexually abused, that it started from when he was  
25 around 7 years of age, and that it was older boys of 14

1 or 15 who would abuse him. He gave evidence that he  
2 raised this with the sisters at the time and was told  
3 that such behaviour did not happen there. He gave  
4 evidence that he was beaten for raising this matter with  
5 the sisters.

6 When he told a priest at confession about the sexual  
7 abuse, his evidence was that he was told, "Say your  
8 Hail Marys and Our Fathers and stop being wicked and  
9 don't tell lies about people again".

10 He also said that he was sexually abused by priests  
11 in the confessional and at Nazareth House itself, and  
12 he was also, he said, sexually abused by care  
13 assistants, although when giving that evidence he became  
14 upset and that wasn't developed in his evidence.

15 There was evidence from another applicant, John, who  
16 was at Lasswade between 1969 and 1970, that he was  
17 sexually abused by Peter Blaney. As I mentioned before,  
18 my Lady, Peter Blaney was convicted in the year 2000 for  
19 sexually abusing children at Lasswade in the 1960s and  
20 1970s. This applicant did not disclose the abuse at  
21 that time and therefore was not a complainer in the  
22 trial.

23 Another applicant, who took the pseudonym "Bob" and  
24 was at Lasswade between 1965 and 1967, said that he was  
25 taken to a room at Lasswade where he saw a priest was

1           masturbating, and that he started screaming and the  
2           priest left. He also said he saw a priest lying naked  
3           in a nun's cell with a young boy beside him and he also  
4           spoke of seeing a well-known individual and another man  
5           in a compromising position with a young boy and a young  
6           girl, and, on another occasion, seeing two well-known  
7           and prominent individuals in a compromising position  
8           with two girls.

9           Looking, my Lady, at Kilmarnock, there was evidence  
10          from an applicant of having been sexually abused on  
11          a regular basis. Her evidence was that she was sexually  
12          abused by Sister [LHZ] and by others facilitated by  
13          Sister [LHZ]. This included the applicant being tied to  
14          a stool with her head covered and then raped.

15          We heard evidence from a witness, via a tape  
16          recording, that she herself was sexually abused at  
17          Kilmarnock by a priest and that she saw another child  
18          being sexually abused. Records disclose that the  
19          priest's name in that evidence did visit Kilmarnock.

20          Another applicant, Stephen, who was at Kilmarnock  
21          between 1968 and 1970, spoke about sexual abuse by  
22          [LXC] and he described this person as someone with  
23          [REDACTED] and that this person abused him  
24          and also other children. This applicant said he  
25          reported this to the Mother Superior, who said that she

1 would deal with it. He -- that was the applicant -- was  
2 moved two or three days later to Nazareth House in  
3 Newcastle and his brothers, who were with him at  
4 Kilmarnock, were moved to different establishments. As  
5 he put it:

6 "A separation that changed my whole life."

7 He was aged 11 at about that time.

8 Can I then, my Lady, just look at some of the  
9 evidence of the sisters. Other than Sister Alphonso,  
10 who accepted that she was rightly convicted -- and  
11 I will come back to that -- the general position from  
12 all of the other sisters was a denial of any of the  
13 allegations made against themselves and a denial of  
14 having seen or heard any abuse by other sisters or staff  
15 while they were at the various Nazareth Houses.

16 Their position was that the children were well cared  
17 for in a homely environment. There was a general  
18 acceptance that it would have assisted matters if they  
19 had known more about the backgrounds of the children and  
20 the circumstances that had brought them into care.

21 Some sisters gave evidence of keeping certain  
22 records, some more than others, but very few kept  
23 records of punishments. The evidence of the sisters was  
24 that deprivation of privileges, such as watching  
25 television, playing football or receiving pocket money

1 was the main form of discipline, but with some sisters  
2 accepting that they would give children one or two  
3 smacks if required, but no more in terms of physical  
4 punishment.

5 There was a denial of force-feeding and of saying  
6 anything demeaning or belittling to the children. Other  
7 than Sister [REDACTED] LTX 's evidence about Sister [REDACTED] FAF ,  
8 which I will mention in a moment, there was a general  
9 denial of humiliation or punishment for bed-wetting.

10 As I've said, my Lady, very few of the sisters said  
11 they used any form of physical punishment. Sister [REDACTED]  
12 said she gave children a slap over their clothes.  
13 Sister [REDACTED] LSG accepted that she could have smacked  
14 a child on the back of the hand --that she might have  
15 done. Sister [REDACTED] said she would have smacked children.  
16 Sister [REDACTED] spoke of seeing Sister [REDACTED] FAF hit  
17 a child, a smack with a hairbrush or something that she  
18 had in her hand. But she went on to say it wasn't  
19 continual, a smack and that was it, and that it wasn't  
20 a regular occurrence.

21 She gave evidence, my Lady, that she herself was  
22 frightened of Sister [REDACTED] FAF and that she was not  
23 a good mentor for her. She accepted that the children  
24 were also frightened of Sister [REDACTED] FAF . She did give  
25 evidence of children telling her that Sister [REDACTED] FAF

1 gave them a cold bath for bed-wetting and sometimes put  
2 sheets over them, and that she knew that was one of  
3 Sister [REDACTED] FAF 's punishments.

4 The evidence of Margaret, the student worker at  
5 Aberdeen in the 1970s, and that of Elizabeth, who worked  
6 with the children at Cardonald for around 20 years,  
7 generally supported the evidence of the sisters, that  
8 there was no corporal punishment and that children were  
9 treated well.

10 Generally speaking, my Lady, the evidence of the  
11 sisters sits very much in contrast to what has been  
12 heard from applicants across the period in relation to  
13 life at the four Nazareth Houses.

14 As I've indicated, the evidence from applicants  
15 covers several decades and periods when the sisters who  
16 gave evidence were present.

17 Whether the evidence of the sisters who said they  
18 did not witness any ill-treatment at all can be  
19 explained by the significant amount of autonomy enjoyed  
20 by the different groups is a question your Ladyship will  
21 have to consider.

22 As I mentioned earlier, the essential issue for  
23 your Ladyship is whether your Ladyship can be satisfied  
24 that the evidence provided by applicants can be accepted  
25 in its important respects.

1           I have already mentioned evidence that supports the  
2 conclusion that children at Aberdeen, for example, were  
3 happy and well cared for, and in addition, at the end of  
4 Sister Anna's evidence, a number of letters from former  
5 residents and independent witnesses were referred to to  
6 support the sisters who have given evidence.

7           Sister Anna and the order's archivist,  
8 Christine Hughes, spoke to the response to parts C and D  
9 of the Section 21 request from the inquiry. Sister Anna  
10 had previously spoken to parts A and B.

11          Part C sought a response from the congregation to  
12 questions exploring the prevention and the  
13 identification of abuse, in particular looking to see  
14 what policies had been in place over the relevant  
15 period.

16          Sister Anna spoke to part D of the response, which  
17 was focused on the abuse allegations themselves and the  
18 response to those allegations on behalf of the  
19 congregation. There was confirmation that changes were  
20 made to these parts in light of some of the evidence  
21 that has been provided to the inquiry.

22          Sister Anna did offer an unreserved apology to  
23 anyone who was abused as a child in the care of the  
24 order in Scotland. She said, as I've already mentioned,  
25 that she had no reason to disbelieve the applicants who

1 have given evidence to the inquiry.

2 As already mentioned, my Lady, Sister Anna accepts  
3 that there seemed to be a lack of loving and nurturing  
4 of the children, particularly before the beginning of  
5 the formation of the family groups. As she said, the  
6 sisters themselves lived under a very strict regime and  
7 that it looked as if that was transferred on to the  
8 children.

9 It is accepted by the order that the transfer of  
10 sisters between establishments to stop them forming an  
11 attachment with the children and vice versa was not  
12 ideal and would not happen today.

13 It's accepted that it would appear that there were  
14 no assistants or staff with the sisters, particularly  
15 in the earlier periods, and that would explain why  
16 fairly manual tasks were placed on the children.

17 It is also accepted that the groups within a house  
18 were autonomous and that a sister was not in fact  
19 permitted to enter another sister's employment, as it  
20 was called, and that this could have led to different  
21 regimes or discipline and punishment between groups in  
22 the same house.

23 It is also accepted that punishments were not always  
24 recorded as they should have been and that there was  
25 limited adherence to this with most sisters having no

1 knowledge of the existence of any punishment book.

2 In relation to record-keeping, or indeed the lack of  
3 record-keeping, the order cannot explain why there are  
4 gaps in the records held and what happened to records  
5 which appear to be missing or have been destroyed if  
6 they did exist.

7 While the order have provided the inquiry with  
8 certain records, they cannot provide any explanation as  
9 to what happened to other records. There is evidence  
10 from the sisters themselves that they did not make  
11 records, particularly of a child's progress or have any  
12 record of a child's background and the reasons why they  
13 were in care.

14 There are good records in relation to the order  
15 itself but not about the children. What can be said in  
16 favour of the order is that materials such as the  
17 histories of the foundation of the four houses and what  
18 visitors and logbooks remain do present a positive  
19 picture of life in these establishments. A number of  
20 points can be made about the punishment books that do  
21 exist, particularly from Aberdeen and Kilmarnock.

22 There is some evidence historically of some corporal  
23 punishment in the form of slaps and the strap, but  
24 latterly what has been mainly recorded in the Aberdeen  
25 punishment book was that children were absconding and

1           those entries were looked at in evidence last week.

2           It has to be said that a former policeman, Ian,  
3           provided evidence of his dealings with absconding  
4           children for a period in 1976 and, indeed, children who  
5           told him that they were being ill-treated, accounts that  
6           he did not believe at the time.

7           LADY SMITH: Yes. His recollection was, over the months  
8           he was there, he was dealing with runaways just about  
9           every week; isn't that right?

10          MR MacAULAY: On a regular basis, yes. That's in a sense  
11          corroborated by entries in the punishment book.

12          LADY SMITH: Yes.

13          MR MacAULAY: The punishment book kept by Kilmarnock, and  
14          kept by a particular sister, I think over the period  
15          1981/1982, discloses in fact that there were punishments  
16          in the form of deprivations for bed-wetting, although  
17          I think the evidence was that certainly by then,  
18          bed-wetting would not be managed in that way.

19          The other point to make about the punishment books  
20          that we have is that there are the type of significant  
21          gaps in the recordings that might suggest that the  
22          day-to-day events were not being recorded.

23          My Lady, evidence has also been presented on behalf  
24          of the order about the number of complaints and civil  
25          claims from former child residents in relation to the

1 four Scottish houses, and a breakdown is provided in  
2 section D of the response. In short, there have been  
3 122 complaints to the order, generally by letter. There  
4 have been 270 civil actions from litigants separate to  
5 those who have complained. There has also been criminal  
6 proceedings in particular in relation to one sister,  
7 Peter Blaney and Joseph Duffy.

8 My Lady, I can say that of the 122 complaints, on  
9 the information provided to the inquiry, only a very  
10 small fraction of these complainants appear to have been  
11 applicants who have signed statements for the inquiry.

12 Of the 270 civil actions, it appears that only about  
13 a third of these were raised by applicants who have thus  
14 so far provided statements to the inquiry.

15 That suggests that the great majority of applicants  
16 did not pursue civil claims and perhaps underscores the  
17 wisdom of the retraction by Archbishop Conti of his  
18 "pots of gold" comment.

19 My Lady, in conclusion, your Ladyship will have to  
20 carefully consider all the evidence of the applicants,  
21 the positive accounts, the accounts of the surviving  
22 sisters who have provided evidence, the accounts of the  
23 other witnesses, and your Ladyship will ultimately have  
24 to decide whether the evidence of the applicants is  
25 accepted in its material aspects in relation to the

1 regimes and practices that they have described.

2 I think, as I already mentioned, my Lady, that task  
3 may now be assisted by the order's acceptance, through  
4 Sister Anna in particular, that there was no reason to  
5 disbelieve the applicants who gave evidence during this  
6 part of the case study.

7 My Lady, these are my submissions.

8 LADY SMITH: Mr MacAulay, thank you very much.

9 It's now just about 12.20. We'll have a short break  
10 now to give the stenographers a breather and to enable  
11 anybody who wants a comfort break to have that. If  
12 we can sit again in 10/15 minutes, please.

13 (12.15 pm)

14 (A short break)

15 (12.30 pm)

16 LADY SMITH: Mr MacAulay, very briefly, before I turn to  
17 Mr Scott, could I ask for clarification on what you were  
18 saying regarding the statistics of pursuers in  
19 litigations as compared to applicants, because I may  
20 have misunderstood it?

21 MR MacAULAY: Yes. There were 270 civil claims. So far as  
22 applicants are concerned, as I've said, there are over  
23 70 signed statements and there are over 30, as it were,  
24 still to be processed. However one looks at the  
25 figures, only one third of those who have come to the

1 inquiry were civil litigants.

2 LADY SMITH: Right.

3 MR MacAULAY: That's why I was able to say that that  
4 suggests that the great majority of applicants did not  
5 pursue civil claims and it perhaps underscores the  
6 wisdom of the retraction by Archbishop Conti of his  
7 "pots of gold" comment.

8 LADY SMITH: You did say the majority of our applicants were  
9 not litigants; indeed some of them made it clear they  
10 didn't want to be.

11 MR MacAULAY: Indeed.

12 LADY SMITH: Thank you for that.

13 Mr Scott.

14 Closing statement by MR SCOTT

15 MR SCOTT: Thank you, my Lady.

16 I thought that it would be useful to start my  
17 submissions today on behalf of INCAS by making some  
18 general observations relevant to this case study.  
19 Before doing so, it is worth commenting on the recent  
20 change to the inquiry's terms of reference regarding  
21 timescales.

22 Without this change your Ladyship would have had to  
23 report before the end of October next year. It was  
24 apparent to INCAS that to do so would inevitably involve  
25 the inquiry being unable to take full account of the

1 evidence of all survivors who wish to be heard,  
2 especially, as we have heard this morning, as survivors  
3 are continuing to come forward.

4 Some survivors are unhappy about the extension but,  
5 as an organisation, INCAS welcome it as a necessary  
6 step. It is a change which can be accepted in  
7 particular because of the interim reports and findings  
8 which your Ladyship has promised.

9 More time will assist the inquiry in better  
10 achieving its overall aim and purpose of raising public  
11 awareness of the abuse of children in care and provide  
12 an enhanced opportunity for public acknowledgement of  
13 the suffering of those children and a forum for  
14 validation of their experience and testimony.

15 The only qualification to acceptance of this change  
16 is a renewed determination to have the government  
17 address a matter outwith the inquiry's terms of  
18 reference, namely redress.

19 As discussions on that subject continue, it seems  
20 rather slowly, it is to be hoped that the issuing of the  
21 findings in fact for the first case study will focus  
22 minds on this other aspect of unfinished business.

23 On that subject, I should record my gratitude to  
24 Mr Moloney, who is with us today. He has assisted us on  
25 this subject, the question of redress, with his

1 contacts, his knowledge and his experience of the needs  
2 of survivors in connection with the equivalent inquiries  
3 both in the Republic of Ireland and in Northern Ireland.

4 He has spent some considerable time in identifying  
5 matters which might assist INCAS and also, hopefully,  
6 the Scottish Government, especially by reference to  
7 the Republic's redress scheme, which has settled the  
8 claims of all eligible survivors.

9 INCAS members remain committed to the overall aim  
10 and purpose of the inquiry. Most days of the hearings  
11 have seen at least some INCAS members present and they  
12 continue to follow the evidence through transcripts and  
13 updates from Helen Holland and others.

14 Each day there has been at least one member of the  
15 legal team here. Learning from experience in the first  
16 case study, it has been considered useful for me to be  
17 here for most of the evidence from the sisters.

18 Mr MacAulay has continued to incorporate all  
19 proposed questions, usually entirely seamlessly, into  
20 his own examination, especially throughout the last  
21 month. It is appropriate to recognise once more the  
22 patient but thorough manner in which Mr MacAulay has  
23 carried out the examination of all witnesses.

24 The Sisters of Nazareth have been represented as an  
25 organisation and several individual sisters have been

1 represented separately. There is an understandable  
2 difference in the approach taken by each of the separate  
3 legal teams. Despite this, and despite the denials of  
4 individual sisters facing specific allegations, there  
5 has been no real challenge to the evidence of widespread  
6 and sustained abuse of children.

7 Indeed, there has been evidence in this case study,  
8 mostly uncontradicted, which I suggest has been  
9 powerful, compelling and disturbing. And, despite  
10 denying most of the allegations, the sisters who  
11 testified helped to paint a picture of how such abuse  
12 could occur.

13 Very young women with little or no relevant  
14 experience or training, sent without choice of  
15 destination to extremely hierarchical places they did  
16 not know, to look after children and for whom very  
17 little was kept by way of essential information,  
18 certainly some of the time. No handover to speak of,  
19 sometimes not even passing the sister that they were  
20 replacing, inadequate staff --

21 LADY SMITH: That seemed to be a very common experience,  
22 that they didn't meet the outgoing sister at all.

23 MR SCOTT: That would be an obvious source of at least some  
24 information that the outgoing sister had gathered from  
25 the children themselves.

1           Inadequate staff numbers and often little  
2 opportunity for meaningful dialogue about the best  
3 interests of the children, even with developments in how  
4 that was understood over the passing decades.

5           Many of the sisters did, over time, undertake  
6 training, which would have allowed them, if it was  
7 reflected in what they were allowed to do, to better  
8 care for the children.

9           These were young women whose vows of obedience were  
10 interpreted as having to accept without question how  
11 things were done, perhaps how they would always have  
12 been done. As Sister [REDACTED] LSG said in her statement:

13           "There was no training or induction and I went into  
14 the post with my eyes closed and hoped everything worked  
15 out for the best ".

16           With all of that in place, it is easy to see how  
17 long-term abuse could survive beyond individual sisters  
18 and even generations of sisters.

19           Archbishop Conti spoke of aversion therapy  
20 in relation to bed-wetting and there was much mention of  
21 corporal punishment, with the latter, in society at  
22 large, outlasting the former, but both an obvious  
23 feature of lives behind the Nazareth Houses' often bleak  
24 walls.

25           The problem however is that while that might be an

1 explanation for some of what happened, as my Lady  
2 herself pointed out, not a single sister accepted that  
3 these things happened or said that these were the  
4 reasons for such practices.

5 The majority of the general and the specific  
6 allegations were denied completely by the sisters. No  
7 doubt there must have been houses or parts of houses  
8 where there was no abuse for at least at some periods in  
9 time, and some witnesses have said so as well as  
10 survivors. But that does not mean, as some seem to have  
11 thought, that there was no abuse anywhere at any time.

12 We know how separate each sister's employment was;  
13 abuse could have happened in one part of the house  
14 without any knowledge on the part of others. But the  
15 sisters' denials make much more difficult the sort of  
16 reconciliation suggested by Archbishop Conti.

17 Despite their denials, did some of the sisters from  
18 whom we heard abuse or witness abuse? I was struck from  
19 time to time in their evidence in answer to some  
20 questions about whether there were abusive practices by  
21 phrases such as "not really" and "I didn't really".

22 However, it is not a question requiring of answer in  
23 this inquiry. It is hard now to see the young women the  
24 sisters who gave evidence once were, with the challenges  
25 they faced in what is recognised as a difficult and

1           demanding role, even with proper training and  
2           experience, even outwith a strict hierarchy where  
3           obedience was demanded, and even with what we know now  
4           about trauma, adverse childhood experiences more  
5           generally, and the need for love, relationships,  
6           encouragement and play in childhood.

7           LADY SMITH: Just going back a moment to the feature of  
8           separate employments through all these homes, separate  
9           units, nuns not going into each other's units, that was  
10          not what you did: whilst, as you say, if abuse was  
11          happening, that meant that a non-abusive nun would not  
12          see it if it was outwith her unit, do I also have to  
13          think about that, as a system, that meant that where you  
14          did have nuns running a unit who were good with  
15          children, and knew how to handle them, were not hitting  
16          them, were not using these bed-wetting practices we have  
17          heard about, a nun who was struggling in another unit  
18          had no opportunity to witness what you needed to do to  
19          do the job well?

20          MR SCOTT: Exactly so, my Lady. The opportunities for  
21          sharing of good practice and caring practices was  
22          restricted because of that apparently strict rule.

23          LADY SMITH: Yes.

24          MR SCOTT: The serious nature of certain allegations seems  
25          to have made it hard or even impossible for some to

1 accept that any of the abuse occurred at all. Indeed,  
2 before this inquiry, some focused on the most extreme or  
3 fantastical allegations to suggest that all allegations  
4 must have been fabricated, possibly in some sort of  
5 misdirected anger at the children's own families.

6 I suggest that the inquiry has seen the lie in the  
7 suggestion that all such allegations must be the result  
8 of damage by others at some other time before or after  
9 their care with the Sisters of Nazareth.

10 I mention just one example of this from the evidence  
11 of Sister Katrina, when pressed by my Lady on her  
12 suggest that the allegations were inspired by thoughts  
13 of money, she said:

14 "Because you know they got together, they know each  
15 other, they've been in touch with each other and they're  
16 talking and they may have a resentment against the  
17 sisters."

18 That damaging and obviously unsustainable theory  
19 persists, despite its sheer impossibility and survivors  
20 who to date, as we have just heard in closing by  
21 Mr MacAulay, have not sought a penny in compensation.  
22 By comparison to impossible conspiracies, survivors  
23 again, I suggest, offered a balanced picture with  
24 traumatic events often described in a surprisingly  
25 understated manner.

1           INCAS recognises that there are other victims of the  
2           abusers: the sisters, some of whom we have heard from,  
3           who abused no one and who knew of no abuse; sisters  
4           against whom there is not a single allegation. For in  
5           abusing or knowing of abuse and doing nothing, those  
6           sisters with whom this inquiry is mainly concerned have  
7           damaged the reputation of the order and left their  
8           innocent colleagues under a general cloud of suspicion.

9           In those circumstances, it is perhaps understandable  
10          that some of the innocent sisters, who could never  
11          conceive of abusing a child, cannot conceive of another  
12          sister having done so. For them, it may be easier to  
13          think of the allegations of abuse as a fabrication than  
14          to have to re-think what they thought they knew of their  
15          own order.

16          Even the fact of criminal convictions has failed, it  
17          seems, to convince everyone, including Sister Alphonso  
18          herself, before she finally accepted the very late  
19          statement of admission she made after further long and  
20          welcome reflection.

21          That general, often legalistic, approach taken by  
22          some is unfortunate because it also gets in the way of  
23          reconciliation.

24          On more than one occasion, sisters and survivors  
25          referred to the other group as "these people". There

1 remains a gulf.

2 Despite the denials by individual sisters, I suggest  
3 that it is absolutely clear that abuse happened in the  
4 various Nazareth Houses. It ranged from the apparently  
5 common punitive customs associated with eating, sleeping  
6 and general discipline to some of the most extreme  
7 sexual abuse about which the inquiry has heard to date.

8 As before, the way these abusive practices have been  
9 revealed has involved common themes spoken to by  
10 individuals of many ages from many different places and  
11 backgrounds who were resident in Nazareth Houses in  
12 different decades in different places and were strangers  
13 to each other.

14 Despite some suggestions to the contrary from  
15 Archbishop Conti, the times we are looking at offer no  
16 excuse for much or most of the abuse. For example,  
17 looking at the 1960s, there was evidence from John on  
18 Day 59 about Redhall House Children's Home, where he  
19 also lived. Children there were not punished for normal  
20 aspects of childhood and growing up, things like  
21 bed-wetting. Fun and warmth appear to have been  
22 a feature of lives there.

23 In addition, if this was only about changing times  
24 and standards, we might expect to see more record of the  
25 detail of beatings and the hanging of sheets over

1 bed-wetters. Surviving records disclose no mention of  
2 such punishments, even if abusive punishment was  
3 contemplated in the directory and book of customs.  
4 Either such abuse was excluded because it was recognised  
5 that it was wrong or perhaps it was not seen as  
6 punishment, but as discipline and instruction: eat your  
7 food, don't wet the bed or else.

8 Last Tuesday, in his evidence, Archbishop Conti made  
9 an insightful comment about the lingering effects on  
10 Victorian attitudes on the treatment of children in the  
11 care of the Sisters of Nazareth, well into the  
12 20th century. He also mentioned Dickens, an apt  
13 reference for some of the abusive practices about which  
14 we have heard so much in this case study. Mention of  
15 Dickens reminded me of the following quote in "Great  
16 Expectations":

17 "In the little world in which children have their  
18 existence, whosoever brings them up, there is nothing so  
19 finely perceived and so finely felt as injustice."

20 As we have heard, injustice at the hands of the  
21 Sisters of Nazareth has been perceived and felt just as  
22 Dickens said, but there has been more: injustice has  
23 been admitted, accepted and acknowledged. After  
24 a fashion, there has also been apology.

25 Injustice demands witnesses and your Ladyship has

1           been able to see and hear from dozens in the last  
2           70 days since this case study started, in addition to  
3           the many others unseen but obviously not forgotten by  
4           your Ladyship, whose statements will also inform  
5           your Ladyship in her tasks.

6           The need for an opportunity for witnesses to  
7           injustice to be heard was well captured by the witness  
8           Pat, who gave evidence on 25 June:

9           "I have sometimes felt like standing on a mountain  
10          and screaming so everybody can hear. Speaking to the  
11          inquiry is my mountain. When I think about things now,  
12          all I want is justice and closure. I want the things  
13          that happened to never, ever happen in any shape or form  
14          again."

15          Admission, acceptance and acknowledgement have in  
16          some cases arrived only with hesitation, difficulty and  
17          even reluctance. Apology has been offered and, in its  
18          eventual form, may be of comfort to some survivors, at  
19          least to some extent. I fear, however, that warnings  
20          from the first case study about the risk of qualified  
21          apologies, with excessive deference in some cases to  
22          legalistic felicities, have not been heeded entirely or  
23          early enough.

24          There should be no need to emphasise the undoubted  
25          impact of sincere, unqualified and unprompted apologies.

1 The hesitant and late appearance of some apologies has  
2 caused further damage to some survivors.

3 As before, I accept on behalf of INCAS that such  
4 acknowledgement must be enormously difficult for the  
5 sisters as an organisation. INCAS members truly  
6 appreciate the presence of sisters during much of the  
7 evidence in this case study, a presence which  
8 demonstrates a greater willingness to listen to  
9 survivors who, more than almost anything, want finally  
10 to be heard.

11 Listening to the evidence must have been uniquely  
12 difficult for the sisters, but it has, it appears,  
13 proved invaluable in informing the final submissions  
14 made on behalf of the order and has resulted in several  
15 amendments to the official responses.

16 Nonetheless, the difficulty for the sisters is  
17 dwarfed by the difficulty for survivors whose courage in  
18 sharing their experiences can again be recognised.

19 Sister Anna Maria Doolan agreed that what was  
20 offered now by the order is acknowledgement not  
21 restricted to abuse resulting in criminal convictions  
22 and that is a welcome development of the position.

23 INCAS welcome the clear statement by the Bishops'  
24 Conference at the start of this case study that they  
25 were sorry about things said in the past and the

1 additional damage caused by them. Ultimately,  
2 Archbishop Conti said the same, and despite the  
3 self-justification in some of the earlier parts of his  
4 evidence, it seemed by the end that he had a better  
5 appreciation of what he got wrong and the damage he had  
6 caused. His acknowledgement and apology are also  
7 welcomed.

8 In one of his letters of support, quoted more than  
9 once, he said:

10 "Those who call others to account for their actions  
11 must be prepared to defend their own when they make  
12 allegations."

13 There is no small irony in that comment now when the  
14 archbishop was simply unable to defend many of his own  
15 actions and words, which were experienced by survivors  
16 as accusations of lies and pressure to keep quiet.

17 I turn now to the question of findings in fact which  
18 your Ladyship can find established on the evidence heard  
19 in this chapter. In approaching the making of findings  
20 in fact, a number of factors may be relevant. Again,  
21 there has been evidence of abuse or a pattern of abuse  
22 which is supported by a number of witnesses, even where  
23 their involvement in events has been different, whether  
24 as sisters, members of staff or as children.

25 The inquiry has heard of patterns of abuse described

1 by these individuals who are complete strangers to each  
2 other, resident in Nazareth House in entirely different  
3 decades. What happened didn't involve simply one or two  
4 abusers, not rogue sisters, it didn't just last for  
5 a short period of time, it involved many abusers and it  
6 spanned decades.

7 There is evidence of abuse which is uncontradicted,  
8 although I recognise again, when considering whether  
9 evidence is uncontradicted, contradicted or supported,  
10 there remains the problem of trying to reconcile  
11 descriptions of timing and events to establish whether  
12 different witnesses are talking about the same thing or  
13 something different. That's especially so given the  
14 passage of time, the destruction or lack of records, and  
15 the fact that many of the witnesses were themselves  
16 young children at the relevant time.

17 So my submissions are again, in general terms, as  
18 they were with the first case study and relate to the  
19 body of evidence of practices which go beyond individual  
20 witnesses. I don't break down my submissions  
21 in relation to the four different locations.

22 We have heard of similar or even identical practices  
23 persisting over decades, despite the inevitable changes  
24 of nuns, staff, children. I suggest that the following  
25 findings in fact can be made for most of the time under

1 consideration --

2 LADY SMITH: Mr Scott, I'm wondering -- it's almost  
3 1 o'clock now and I see you're about to move to  
4 a different part of your submissions. I think we'll  
5 rise at this stage and try and sit again at 1.50.  
6 Thank you.

7 (12.58 pm)

8 (The lunch adjournment)

9 (1.50 pm)

10 LADY SMITH: Mr Scott, when you're ready.

11 MR SCOTT: Thank you, my Lady.

12 Addressing my submissions on specific findings in  
13 fact, the first of these is in relation to lack of  
14 training, vetting and supervision. Many of the nuns and  
15 staff who worked at Nazareth House had no qualifications  
16 for doing so. Many were very young with no relevant  
17 practical experience. This changed to some extent over  
18 time when greater numbers of sisters and staff obtained  
19 relevant qualifications. Even then, it was not  
20 a requirement for everyone.

21 There was no vetting of staff or of volunteers.  
22 There was no formal supervision of staff and each house  
23 or employment operating with significant autonomy  
24 allowed different and inconsistent practices to develop  
25 in different parts of the establishment.

1           The next is the lack of human affection. Many  
2 children experienced no praise, no human warmth, no love  
3 or affection while at Nazareth House. Whether they did  
4 depended to some extent on the attitude of individual  
5 sisters or members of staff. Contrary to all modern  
6 understanding of childhood trauma, it appears that  
7 rules, or at least practices, developed which  
8 discouraged the forming of any relationships, something  
9 which seems extraordinary now in terms of cruelty to the  
10 children, but also to the sisters themselves.

11           Witness John said:

12           "It was always brutal."

13           I think he was referring to washing routines, but  
14 it's something that from the evidence overall seems to  
15 have pervaded the houses.

16           The separation of families. We heard of enforced,  
17 deliberate, unnecessary and therefore cruel separation  
18 of siblings. Even some sisters questioned this practice  
19 and told us that they questioned it at the time, but  
20 nonetheless it continued.

21           At times children were allocated to different parts  
22 of Nazareth House according to age and sex only, with no  
23 regard for family relationships. As my Lady pointed out  
24 during Mr MacAulay's submissions, there was no great  
25 prioritisation of that, even at later stages when it

1 could have been accommodated.

2 In relation to Australia, we heard only a little  
3 about forced migration and I will leave over my  
4 submissions on that until the practice is considered in  
5 more detail at a later point.

6 So far as records, similarly to the Daughters of  
7 Charity, although in relation to the order there are  
8 more records available, the full extent of  
9 record-keeping throughout the relevant period is  
10 contradictory and unclear, and it is clear that many  
11 relevant records simply no longer exist for whatever  
12 reason.

13 Birthdays and Christmas. Children's birthdays were  
14 often not recognised or acknowledged in any way, and  
15 again there was evidence of adults saying that they  
16 didn't know when their birthday was.

17 Christmas was sometimes recognised. When presents  
18 were handed in by family or others, children were  
19 allowed to receive them, but they were removed shortly  
20 thereafter and kept from them without explanation.

21 Washing. This often involved queues of children  
22 ultimately sharing the same washing facilities, which  
23 naturally became increasingly cold and filthy. Related  
24 to that what was witness John said about, "You had to  
25 scrub your sins", so washing was seen as part of the

1 regime almost for religious purposes as well.

2 So far as food is concerned, the evidence was  
3 varied. The quality of food, according to the evidence,  
4 varied but was often basic and poor. Children were told  
5 to eat everything, sometimes force-fed if they did not  
6 do so and sometimes forced to eat regurgitated food.

7 Bed-wetting. Humiliation was perhaps the most  
8 common aspect of treatment here, with children who wet  
9 the bed being forced to stand beside the bed, holding  
10 their urine-soaked sheets or with them around their  
11 necks or over their heads, sometimes beaten or  
12 assaulted, or given cold baths or showers, this being  
13 done as punishment and humiliation for the bed-wetting.  
14 The sisters humiliated and encouraged the humiliation of  
15 such children by others.

16 Remarkably, the evidence of the witness Pat included  
17 reference to a very similar punitive approach to  
18 bed-wetting in her own mother's time at Nazareth House  
19 in Belfast, although perhaps less surprising given the  
20 presence of the same sister in the homes in Belfast and  
21 Lasswade. This particular humiliation relating to  
22 bed-wetting appears to be one of the defining  
23 characteristics of the treatment of children in the care  
24 of the Sisters of Nazareth over many decades and many  
25 homes.

1           Verbal abuse. Children were subjected to verbal  
2           abuse, called names like "pissy bed" and "tramps";  
3           "Jezebel" was mentioned, I think, at one stage as well.  
4           They were told that the devil was inside them and, on  
5           many different types of occasion, made to feel  
6           responsible for their own rejection by their family,  
7           blamed for being where they were, and then blamed for  
8           the abuse they suffered at the hands of sisters and  
9           others. That was a notable feature in relation to some  
10          of the most serious sexual abuse of which we heard.

11          Control, discipline and punishment generally  
12          featured children of all ages being assaulted, beatings  
13          of all sorts with and without implements. Done, it  
14          appears, as a means of control, discipline and  
15          punishment. Used to punish bed-wetting, not finishing  
16          meals, and any other incident of perceived or actual  
17          disobedience or misbehaviour.

18          It is clear that extreme punishment could be  
19          sanctioned even in terms of the order's own directory  
20          and book of customs, which refers to whipping and  
21          caning, not that the sisters acknowledged that that  
22          happened, but it is revealing that, in their own  
23          directory and book of customs, these were things that  
24          could be sanctioned.

25          Sexual abuse. While more children it appears were

1 victims of other sorts of physical, mental and emotional  
2 abuse, sexual abuse was a troubling feature of this case  
3 study, with boys and girls subjected to this form of  
4 abuse by nuns and others. This abuse included indecent  
5 touching and significantly more serious sexual activity,  
6 including rape by priests and others -- and this is  
7 others who were allowed access to the children in the  
8 various premises and clearly allowed such access by the  
9 sisters.

10 Awareness of abuse. This is the last head in my  
11 suggestions, my submissions for findings in fact.  
12 Children made complaints of abuse to nuns, perhaps up to  
13 the point in time where they realised that there was no  
14 point in doing so. They made complaints of abuse to  
15 staff members, to police and to others. Such children  
16 in the first instance were usually accused of lying.  
17 Their complaints were not pursued by those to whom they  
18 were made and, indeed, such complaints often prompted  
19 punishment and further abuse.

20 Those are my submissions, my Lady, in relation to  
21 the key findings suggested from this case study.

22 In conclusion, my Lady, on behalf of INCAS, I would  
23 like again to thank you for the continuing care,  
24 patience and great sensitivity you have shown while  
25 presiding over the giving of evidence in this often

1 harrowing case study. Thank you.

2 LADY SMITH: Thank you, Mr Scott.

3 Let me turn now to the representation for the  
4 Lord Advocate, Mr Richardson.

5 MS LAWRIE: My Lady, I appear on behalf of the --

6 LADY SMITH: Sorry, I thought Mr Richardson was going to be  
7 here.

8 Closing statement by MS LAWRIE

9 MS LAWRIE: My name is Leigh Lawrie and I appear on behalf  
10 of the Lord Advocate and we welcome this opportunity to  
11 make a closing submission.

12 The focus of the present case study has been on the  
13 residential care establishments run by the Sisters of  
14 Nazareth in Aberdeen, Cardonald, Kilmarnock and  
15 Lasswade.

16 During this case study, the inquiry has heard  
17 evidence about the abuse of children who were resident  
18 in those establishments. The inquiry has also heard  
19 that some of this abuse was reported to the Crown Office  
20 and Procurator Fiscal Service.

21 Given the Lord Advocate's constitutional role as the  
22 chief prosecutor in Scotland, the Lord Advocate does not  
23 propose to make any submissions on the evidence heard  
24 during this particular case study or to propose that the  
25 inquiry should make any specific findings in fact.

1           In relation to the prosecution's response to the  
2 reports of abuse which it received, the Lord Advocate  
3 proposes to address this evidence, where appropriate,  
4 during the phase of hearings focusing on the response of  
5 the criminal justice system.

6           In conclusion, my Lady, may I take this opportunity  
7 to reiterate the Lord Advocate's commitment to  
8 supporting the work of the inquiry.

9           Unless I can be of further assistance, that would  
10 conclude the submissions on behalf of the Lord Advocate.

11 LADY SMITH: Thank you very much, Ms Lawrie.

12           I would like to turn now to Police Scotland, please.  
13 Ms van der Westhuizen is here.

14           Closing statement by MS van der WESTHUIZEN

15 MS VAN DER WESTHUIZEN: Thank you, my Lady.

16           My Lady, Police Scotland is grateful for the  
17 opportunity to make this closing statement and continues  
18 to be fully committed to supporting the work of this  
19 inquiry.

20           During this phase of the inquiry, we have heard  
21 testimonies from survivors who suffered abuse within the  
22 Sisters of Nazareth institutions. Police Scotland would  
23 like to express its continued sympathy to those  
24 survivors and to all other survivors who have suffered  
25 childhood abuse across Scotland.

1           Police Scotland has provided and will continue to  
2 provide the inquiry with information and evidence around  
3 its own practices and policies, and those of the eight  
4 legacy police forces, regarding the response to dealing  
5 with reports of child abuse in care establishments and  
6 how this has evolved over time.

7           Police Scotland would like to provide reassurance to  
8 the inquiry and the people of Scotland that it will be  
9 considering all evidence heard by the inquiry suggesting  
10 deficient police policy and/or practice in order to  
11 continue to develop and enhance its organisational  
12 learning and service provision to survivors.

13           Police Scotland is committed to investigating all  
14 forms of child abuse. Those investigations,  
15 particularly of non-recent crimes, are complex and  
16 challenging, but Police Scotland will continue to  
17 investigate all matters of child abuse reported to have  
18 taken place in Scotland, irrespective of when that abuse  
19 occurred, thoroughly and to the best practice standards  
20 applied today.

21           As your Ladyship will be aware, Police Scotland's  
22 national child abuse investigation unit is currently  
23 undertaking re-investigations into the abuse of children  
24 within establishments operated by the Sisters of  
25 Nazareth.

1           Although resource assignment, investigative  
2 practices and policies around the investigation of  
3 non-recent child abuse have advanced considerably over  
4 the years, Police Scotland will apply the knowledge  
5 acquired and any lessons to be learned during the course  
6 of this inquiry to improve further its practices and  
7 policies for the future.

8           My Lady, unless I can be of further assistance,  
9 that is the closing statement for Police Scotland.

10       LADY SMITH: That's very helpful, thank you very much,  
11       Ms van der Westhuizen.

12           I would like to turn now to Scottish Ministers,  
13 please, and invite Ms O'Neill to present closing  
14 submissions for them.

15                               Closing statement by MS O'NEILL

16       MS O'NEILL: I'm obliged, my Lady, for the opportunity to  
17 make closing submissions on behalf of the Scottish  
18 Ministers. The inquiry has the written submission for  
19 the ministers and I wouldn't propose to read from that  
20 verbatim.

21           I would formally adopt the written submissions  
22 subject to the correction of one typographical error in  
23 paragraph 1.2, where the date of establishment of the  
24 inquiry is wrongly referred to as being in 2017 when  
25 of course it was 2016. But otherwise, I would adhere to

1 the written submission.

2 My Lady, I begin by recording the ministers'  
3 continuing interest in all aspects of the Scottish Child  
4 Abuse Inquiry's work. The preamble to the inquiry's  
5 terms of reference record that the inquiry's overall aim  
6 and purpose is to raise public awareness of the abuse of  
7 children in care, particularly during the period covered  
8 by the inquiry, and to provide an opportunity for public  
9 acknowledgement of the suffering of those children and  
10 a forum for validation of their experience and  
11 testimony.

12 The Scottish Ministers have been represented  
13 throughout the phase 2 hearings that have taken place to  
14 date and that have concerned the residential care  
15 provided by the Sisters of Nazareth. It is clear that,  
16 as with earlier hearings concerning the Daughters of  
17 Charity of St Vincent de Paul, these hearings have  
18 contributed to the fulfilment of the inquiry's overall  
19 aim and purpose.

20 So far as the ministers' involvement in this part of  
21 the inquiry is concerned, the Scottish Government  
22 Response Unit has responsibility for coordinating the  
23 provision of information by the Scottish Government to  
24 the inquiry.

25 In relation to both the earlier phase 2 case study

1 concerning the Daughters of Charity and the current case  
2 study concerning the Sisters of Nazareth, the Response  
3 Unit provided information to the inquiry in response to  
4 notices issued under Section 21 of the 2005 Act.

5 Those notices included a notice to the Response Unit  
6 issued by the inquiry on 1 August last year seeking all  
7 documents in the possession or otherwise within the  
8 control of Scottish Government relating to the  
9 residential care establishments run by the Sisters of  
10 Nazareth at Aberdeen, Cardonald, Lasswade and  
11 Kilmarnock, and a further notice issued in March 2017  
12 seeking, in summary, documents held by or within the  
13 control of Education Scotland in respect of the period  
14 1 January 1930 to 17 December 2014 inclusive, concerning  
15 arrangements for inspection and oversight of specific  
16 institutions operated by the Sisters of Nazareth.

17 In relation to findings of fact, my Lady, while the  
18 Scottish Ministers have been represented throughout  
19 these hearings and have provided information to support  
20 the work of the inquiry, those representing the  
21 ministers have not been actively involved in the taking  
22 of evidence from witnesses who have given evidence  
23 during this case study.

24 The Scottish Ministers did not consider it would  
25 have been appropriate for them to apply to the inquiry

1 for permission to question those witnesses.

2 In particular, the Scottish Ministers did not  
3 consider they had any basis on which to test or  
4 challenge the veracity of the evidence given by  
5 witnesses during the case study.

6 In the circumstances, the Scottish Ministers do not  
7 make detailed submissions on the evidence heard by the  
8 inquiry or propose that the inquiry should make specific  
9 findings in fact in respect of the accounts given by  
10 witnesses as to events at establishments operated by the  
11 Sisters of Nazareth. The submissions are therefore  
12 restricted to the following observations that were also  
13 made in connection with the earlier case study.

14 Your Ladyship has decided that she will apply the  
15 civil standard of proof in determining what facts have  
16 been established in the course of the inquiry and has  
17 also indicated she may be prepared to make findings of  
18 fact about, for example, what may possibly have happened  
19 or about the strength of particular evidence where  
20 it would be helpful to do so.

21 In light of that decision on the standard of proof,  
22 the ministers would submit that it remains open to the  
23 chair, in making findings of fact, to: use language that  
24 reflects the degree of certainty or confidence in any  
25 given finding; that the chair is entitled to and should

1           make clear when she considers the evidence insufficient  
2           to make a finding of fact in any given matter; and that  
3           the chair may express the view that she suspects or  
4           regards it as a possibility that a particular event or  
5           act has taken place, but in doing so is not making  
6           a finding of fact, but expressing comment in terms of  
7           section 24 of the 2005 Act.

8           As with the case study concerning the Daughters of  
9           Charity, in making such limited submissions, the  
10          Scottish Ministers are not to be taken as intending any  
11          lack of respect for the witnesses who have given  
12          evidence or any lack of concern about the evidence that  
13          has been heard. On the contrary, the government wishes  
14          to record again its thanks to those who have come  
15          forward and to acknowledge that doing so has taken  
16          considerable courage.

17          My Lady, before concluding, there is one further  
18          matter that has arisen in the course of Mr Scott's  
19          submissions on the question of redress. My Lady, it's  
20          very much intended on the part of the ministers that  
21          there be no detailed submissions on that matter at this  
22          stage, but I can advise the inquiry -- and I have  
23          informally mentioned this to my learned friend Mr Scott  
24          this morning -- that there is an update, I understand,  
25          provided by the Centre for Excellence for Looked-after

1 Children in Scotland today on the work of the Scottish  
2 Human Right Commission's interaction action plan review  
3 group. The terms of which in summary, my Lady, are that  
4 that group expects to be reporting to the Deputy  
5 First Minister in the autumn of this year in relation to  
6 potential financial compensation and redress schemes for  
7 victims and survivors.

8 LADY SMITH: For those who want to read that for themselves,  
9 do you know whether that's on the CELCIS website?

10 MS O'NEILL: My Lady, I'm given to understand that it will  
11 be on the CELCIS website today and that it was  
12 anticipated to have been placed there at 1.50 this  
13 afternoon. I'm afraid I'm not able to confirm if that  
14 has been done.

15 LADY SMITH: Very well. That's where to look, perhaps  
16 a little later, if people want to see it for themselves.  
17 Thank you.

18 MS O'NEILL: My Lady, I have nothing else to add.

19 LADY SMITH: Thank you very much.

20 I turn next to the representation for the  
21 Bishops' Conference, and that takes me to Mr Anderson.

22 Closing statement by MR ANDERSON

23 MR ANDERSON: Yes, my Lady.

24 The Bishops' Conference of Scotland are grateful for  
25 the opportunity to present this closing statement and to

1 participate in the inquiry as core participants. They  
2 will continue to endeavour to assist my Lady's work over  
3 the inquiry's now extended duration.

4 In their opening statement, the Bishops' Conference  
5 stated that they would listen to the evidence and  
6 respond to it as might be appropriate and that's the  
7 purpose of this statement.

8 If I can turn first to how they've kept informed of  
9 matters in these proceedings. Written statements and  
10 other documents have been considered, their contents  
11 noted and discussed, both in advance of the commencement  
12 of the case study and as further materials have been  
13 released. Legal representatives have been regularly  
14 present, reporting back on the evidence heard in an  
15 appropriate manner. Transcripts of evidence have been  
16 considered. The Bishops' Conference have not proposed  
17 questions to witnesses over the course of the case  
18 study. In the context of their opening statement, it  
19 wasn't considered appropriate to do so.

20 They are conscious, those instructing me, of their  
21 role in these proceedings. The Bishops' Conference are  
22 not represented here to take on applicants and don't  
23 consider them to be their opposition. In this context,  
24 my Lady, I will now turn to some brief submissions on  
25 the evidence.

1           Turning to the evidence -- and by this I mean the  
2           evidence of the applicants, as has been accepted by the  
3           order, my Lady -- it seems to those instructing me that  
4           the inquiry has been provided with many credible  
5           testimonies by the applications who came to tell their  
6           stories. Consistent with what was said in their opening  
7           statement, the Bishops' Conference takes these witnesses  
8           at face value and does not challenge their evidence.

9           The findings in fact are, of course, in my Lady's  
10          hands. It may be that my Lady finds that, in  
11          consideration of the body of evidence, findings  
12          consistent with the terms of reference that abuse of  
13          children took place within the relevant establishments  
14          and that there were systemic failings which led to or  
15          failed to prevent abuse are open to the inquiry to make.  
16          If my Lady were to make those findings, they would be  
17          accepted by the Bishops' Conference.

18          It would not be an answer to any such findings that  
19          what went on was simply the discipline of the time or  
20          indeed that it was excessive discipline for the time.  
21          Times may have changed, but the difference between  
22          discipline and abuse is fully acknowledged.

23          I should say, my Lady, just before ending my  
24          submission on the evidence, the Bishops' Conference do  
25          acknowledge that the sisters have done some good work.

1 This is not to excuse or balance out issues of abuse  
2 but, as acknowledged, I think as acknowledged in my  
3 friend Mr Scott's submission, sisters who abused no one  
4 and saw no abuse are also affected by what did go on.  
5 Those instructing me see that hurt and distress about  
6 this is felt across the Catholic Church in Scotland  
7 in relation to what's been examined in this process.

8 Turning to what I describe in the draft submission  
9 as the Hierarchy's prior responses, a number of  
10 witnesses in their oral or written evidence were  
11 concerned as to the responses made by members of the  
12 Hierarchy of the Catholic Church in Scotland. The  
13 Archbishop Emeritus Conti is a focus of these, but other  
14 senior clergy were mentioned.

15 It is understood, my Lady, that these concerns are  
16 held and people are entitled to their views. If my Lady  
17 felt it necessary to make findings in this regard under  
18 the terms of reference, with great respect to those who  
19 hold such views, the Bishops' Conference would ask  
20 my Lady to consider whether the proposition that the  
21 Catholic Church has always denied all allegations of  
22 abuse and that they continue to do so is sustainable.

23 The Bishops' Conference or members thereof have  
24 apologised both within these proceedings and elsewhere,  
25 and these apologies are reiterated again here. My

1 submission -- my Lady has the Bishops' Conference  
2 submission on the applicants' evidence in the current  
3 case study and in the previous one.

4 This is not, my Lady, to go back on what has been  
5 said in the opening statement; it's simply to observe  
6 that, whether satisfactory or not, the position stated  
7 previously has been at least more nuanced than a blanket  
8 denial of everything.

9 Turning to the evidence, my Lady, of Archbishop  
10 Emeritus Mario Conti. Archbishop Conti appeared as a  
11 witness in this case study as an individual and not as  
12 a representative of the Bishops' Conference. When he  
13 was faced with allegations concerning the Nazareth House  
14 within his diocese, the archbishop appears to have  
15 considered these by reference to a view whereby the  
16 religious vocation of the sisters rendered allegations,  
17 although we saw from the television programme that he  
18 accepted they were possible, to him it appears that they  
19 were effectively unimaginable in terms of their  
20 accuracy.

21 It's likely that he has not been alone --

22 LADY SMITH: It wasn't just in terms of their accuracy;

23 I think his approach at the time was to say, you will  
24 find that these allegations are untrue --

25 MR ANDERSON: Yes, my Lady.

1 LADY SMITH: -- in their totality, when he was speaking to  
2 the police. He volunteered that.

3 MR ANDERSON: On behalf of those instructing me, the  
4 submission on that evidence is that was because of his  
5 view of the religious vocation of the persons accused.

6 LADY SMITH: Yes. He was really working on the basis of an  
7 assumption that they could and would have done no  
8 wrong -- could do and would have done no wrong.

9 MR ANDERSON: Yes, my Lady.

10 He is likely not to have been approaching that --  
11 not to have been alone in that approach historically.  
12 In his evidence he does state that he was blindly  
13 satisfied as to matters and that he was not seeing  
14 what's now been revealed. Over time, he, like others,  
15 seems to gain a greater awareness and understanding of  
16 facts which change his mind, changes his position and,  
17 it appeared from his evidence, he realised he was wrong.

18 The archbishop did offer a number of apologies in  
19 his evidence. To those instructing me, the journey of  
20 understanding which he appears to have gone on aligns to  
21 that which the current Hierarchy in Scotland have gone  
22 one and this inquiry forms part of that journey.

23 In the submission of the Bishops' Conference,  
24 my Lady, the situation which Archbishop Conti was  
25 presented with was a difficult one. If a bishop or an

1           archbishop were in that situation today, they would  
2           follow the procedures set out in the current guidelines.  
3           Archbishop Conti touched on these in his written  
4           statement. During his evidence, my learned friend  
5           Mr MacAulay advised that this might be dealt with at  
6           a later stage of the inquiry. Those instructing me are  
7           happy to assist with this if that is what the inquiry  
8           decides to do.

9           I am advised that if a bishop or archbishop were  
10          presented with this situation today, they would be  
11          careful not to adopt a public position which might be  
12          seen as seeking to influence investigation on matters  
13          in the proper channels.

14          The next submission I was intending to make,  
15          my Lady, concerned the confessional and the Catholic  
16          doctrine of the Sacrament of Confession. I think  
17          a large part of that submission has actually been made  
18          by my learned friend Mr MacAulay in his opening address  
19          to my Lady. In fact, it's perhaps even been overtaken  
20          somewhat by what my learned friend has said.

21          All I would say in that respect, my Lady --

22          LADY SMITH: You're referring to Mr MacAulay explaining that  
23          the inquiry has already, a little while ago, actually  
24          instructed a canon lawyer to assist them understand  
25          what's involved in the church's approach to the

1           confessional according to canon law?

2           MR ANDERSON: Yes, my Lady, and the submission I intended to  
3           make in my draft submission was to make really a similar  
4           offer, whereby if it would assist my Lady, a canon  
5           lawyer is most willing to be put forward by the  
6           Bishops' Conference to assist the inquiry in that work.

7           LADY SMITH: No doubt further discussion can take place  
8           about that if required, thank you.

9           MR ANDERSON: My penultimate submission concerns the  
10          Catholic safeguarding system. When describing how she  
11          would deal with any complaints made to her order today,  
12          Sister Anna Maria Doolan advised the inquiry that as  
13          part of their processes, these would be passed to  
14          Catholic Safeguarding in Scotland, and as part of that  
15          system all allegations of abuse which are passed to the  
16          appropriate safeguarding personnel are recorded.

17          In the inquiry process, my Lady, the anonymity of  
18          applicants is respected. While the applicants'  
19          testimonies are noted by those instructing me -- and  
20          when I say "noted" what I mean is that appropriate  
21          regard is had to them rather than that they're being  
22          recorded as part of the official safeguarding system as  
23          if reports made to the safeguarding system -- it is  
24          recognised that people approach the inquiry on their own  
25          terms and those terms are respected.

1           For that reason, my Lady, it is not seen as being  
2 appropriate to catalogue these matters as if they're  
3 reported directly to the church's safeguarding  
4 personnel. Due to the important principle of anonymity,  
5 it can't be discerned whether some of the matters  
6 covered in evidence may have previously been reported to  
7 the safeguarding personnel or not. Other applicants may  
8 not have made any such reports and will have no desire  
9 to do so. To those instructing me, my Lady, that's  
10 fine. The position of the Bishops' Conference in this  
11 regard is that if anybody wants to speak to their  
12 safeguarding officers about their experiences, they will  
13 be listened to carefully and all allegations will be  
14 duly processed.

15           I would also add that counselling and support  
16 services are available to those who wish them. All  
17 contact is welcomed, formal or informal, anonymous or  
18 otherwise. It is recognised, my Lady, that this is not  
19 for everyone, but the offer is made to everyone. Anyone  
20 who wishes to do so can obtain contact details by an  
21 Internet search using the terms "Catholic Safeguarding  
22 Scotland". I did this myself this morning. The first  
23 search results lead to the website for the Catholic  
24 Safeguarding Service. As well as the contact details,  
25 there are a number of useful documents on there.

1 I understand these have been submitted to the inquiry  
2 already.

3 It is stated in terms on these documents that the  
4 first thing to do for a safeguarding officer is to take  
5 an allegation seriously and that leads me to my final  
6 submission, my Lady. In the opening statement on behalf  
7 of the Bishops' Conference, it was stated that past  
8 comments which show a misunderstanding of people's  
9 experience are regretted as is the hurt which is caused  
10 by them. Where any person representing or appearing to  
11 represent the Hierarchy of the Catholic Church in  
12 Scotland has failed or has appeared to have failed to  
13 take seriously any allegation of abuse, sincerest  
14 apologies are offered.

15 Unless I can assist further, my Lady, that concludes  
16 my submissions.

17 LADY SMITH: That's everything from you. Thank you,  
18 Mr Anderson.

19 Turning to the representation for Archbishop  
20 Emeritus Mario Conti, I think Mr Inglis you're here to  
21 present that submission.

22 Closing statement by MR INGLIS

23 MR INGLIS: Consistent with your Ladyship's directions on  
24 Tuesday of last week, there should be two documents  
25 before you.

1 LADY SMITH: I have those, thank you.

2 MR INGLIS: There's first of all the bullet points and,  
3 secondly, there is a longer document entitled:

4 "Closing statement for presentation to the Scottish  
5 Child Abuse Inquiry in relation to the written and oral  
6 evidence of Archbishop Mario Conti".

7 My Lady, that's a lengthy document and what  
8 I intended to do in my oral submissions is to go through  
9 the bullet points -- and here I'm particularly  
10 remembering your Ladyship's observations about the  
11 length of submissions for witnesses who are in the  
12 position that Archbishop Conti is -- and then to extract  
13 what I see as the most significant points in the longer  
14 document.

15 LADY SMITH: Thank you.

16 MR INGLIS: Unless I can assist your Ladyship in any other  
17 way in relation to that structure.

18 So far as the bullet points are concerned,  
19 Archbishop Emeritus Conti accepts that a significant  
20 number of children were subject to abuse in  
21 children's home's established to provide care for them  
22 within a religiously based context. He is profoundly  
23 shocked that this should have occurred and he expresses  
24 his deep sorrow to and heartfelt sympathy and concern  
25 for those who have suffered.

1           He makes this statement in a personal capacity.

2           He is a retired senior cleric, formerly the Bishop of

3           Aberdeen, and of course the Archbishop of Glasgow.

4           He is not acting as a spokesperson for the

5           Catholic Church in Scotland. I believe that in making

6           that submission, I am reflecting the position of the

7           Bishops' Conference as well.

8           The inquiry, of course, is concerned with the

9           Sisters of Nazareth in this current case study, and the

10          relevant institution, so far as the archbishop emeritus

11          is concerned, is Nazareth House. That was an

12          institution run by the religious order, the Sisters of

13          Nazareth. It was autonomous from the diocesan structure

14          of the church in Scotland and accountable only to the

15          relevant congregation within the Vatican.

16          At no point did Archbishop Conti occupy any position

17          which gave him responsibility for the management or

18          supervision of children's homes. Independent

19          supervision of the running of the home was the statutory

20          responsibility of the relevant Local Authority.

21          During his time as curate at Aberdeen Cathedral, he

22          would visit the home on a rota basis every three weeks

23          or so and that for, and only for, the purpose of

24          celebrating morning Mass. He did not observe any

25          behaviour in either staff or children which alerted him

1 to the possibility that the latter were being  
2 ill-treated. He acknowledges that he, as with many  
3 others at that time, may have been blind to that risk  
4 precisely because it was a religious institution.

5 Regular visits to Nazareth House ceased when he was  
6 appointed to a parish in Caithness. I know that  
7 your Ladyship made a comment about that this morning.  
8 It would be my observation that Caithness, whilst it's  
9 in the same diocese, it is not geographically proximate  
10 to Aberdeen, and the archbishop didn't at any time  
11 indicate that his visits to Aberdeen during that tenure  
12 were concerned with the administration of the sacraments  
13 or the taking of confession, a matter which I will  
14 revert to when I come to ...

15 LADY SMITH: He didn't touch on that at all, actually,  
16 Mr Inglis. He did say that he wasn't at Nazareth House,  
17 but of course he remained a priest within the diocese of  
18 Aberdeen, the centre of which was the cathedral in  
19 Aberdeen, which is where, I think, the child in question  
20 says he went to make his confession, because he'd given  
21 up on the father that was available to the children  
22 in the house because he was deaf.

23 MR INGLIS: Perhaps it would be convenient if I dealt  
24 specifically with that point straightaway, my Lady.  
25 This relates to Joseph Currie.

1 LADY SMITH: Yes.

2 MR INGLIS: Of course, the archbishop's evidence was that  
3 he had no recollection of Joseph Currie attending for  
4 confession. His evidence was that the date that had  
5 been specified -- and I accept that your Ladyship has  
6 heard other evidence in relation to the date and how  
7 precise that was -- he would have been present in  
8 Caithness and not in Aberdeen.

9 LADY SMITH: Well, it depends, because he didn't leave,  
10 I think, until 1962 --

11 MR INGLIS: Yes.

12 LADY SMITH: -- and a possible date is also 1961.

13 MR INGLIS: Yes.

14 LADY SMITH: I appreciate, Mr Inglis, you didn't hear the  
15 witness, but there is a transcript of his evidence on  
16 the website and he makes it plain that he doesn't have  
17 a clear recollection of exactly when.

18 MR INGLIS: But what the archbishop's evidence was -- and in  
19 my submission on this point it is important to look at  
20 his words -- was that he has no recollection of  
21 Joseph Currie having come to him to confess in the terms  
22 in which that evidence was given.

23 What he didn't say -- and this relates to the issue  
24 of the sanctity of the confession -- was that it was  
25 a matter about which he couldn't talk. So it is

1 important, in my submission, to concentrate on the  
2 evidence that he actually did give, which is that he had  
3 no recollection of such an encounter.

4 I was returning to the bullet points, my Lady. The  
5 archbishop first became aware of allegations of abuse at  
6 Nazareth House in a visit from the police some 20 years  
7 after the incidents are alleged to have occurred. He  
8 accepts that some of his public statements when  
9 allegations of ill-treatment first emerged may have been  
10 better worded.

11 His intent was always that to express he wanted  
12 justice to be done and to be seen to be done within the  
13 context of a fair and due process before a properly  
14 constituted court or inquiry, rather than for the press  
15 or individual lawyers to act as prosecutor, judge and  
16 jury, with all and any allegations made or reported to  
17 them taken as established facts and the sisters' guilt.

18 He has no detailed recollection of the exchanges  
19 which are reported to have occurred between him and the  
20 witnesses Christopher Booth, Poppy or Christina. If  
21 they experienced him as unsympathetic, he apologises,  
22 but that again was never his intent.

23 The last bullet point deals with the issue of  
24 Joseph Currie, and I have already addressed my Lady  
25 in relation to that.

1           Turning to the detailed closing submissions, this is  
2           a document which I would suggest requires some preface.

3           Is it a document that your Ladyship has had an  
4           opportunity to read?

5           LADY SMITH: I have read it, yes.

6           MR INGLIS: The archbishop has devoted his life to his  
7           faith. That is the prism, if I can put it in that way,  
8           through which he views all events. For him, an  
9           understanding of his approach to the matters which are  
10          before the inquiry requires a consideration of how he  
11          views his faith and the way in which it impinges on the  
12          matters which my Lady is considering.

13          My Lady will see that the document begins by dealing  
14          with context. Whilst the archbishop eschews  
15          a characterisation of him as a spokesperson for the  
16          Catholic Church, his eminence enables him to speak as to  
17          the way in which he sees the Catholic faith.

18          The importance of that, from his perspective, is  
19          what has occurred in these homes is an abrogation of  
20          that faith. He particularly seeks to lay stress on the  
21          fact that the Catholic Church understands charity as  
22          being a fundamental aspect of the very life of the  
23          church. Charity is not something the church does as  
24          some kind of extra or an add-on, instead it is something  
25          that the church is. It defines the church's very

1 nature.

2 There is then reference to passages of scripture  
3 upon which that is founded. It is summed up, in the  
4 archbishop's submission, in the encyclical of the Pope  
5 on Christmas Day 2005 "God is Love", and the quotation  
6 from that is:

7 "The church's deepest nature is expressed in her  
8 threefold responsibility: of proclaiming the word of  
9 God, celebrating the sacraments, and exercising the  
10 ministry of charity. These duties presuppose each other  
11 and are inseparable."

12 It is in that context that the archbishop proffers  
13 his apology in relation to the matters which are before  
14 my Lady. He squarely and unequivocally recognises that  
15 for many vulnerable children taken into its care, whose  
16 stories of misery, humiliation and loneliness this  
17 inquiry has heard in all their harrowing detail, the  
18 Catholic Church in Scotland failed them in its  
19 ministry of charity.

20 In his witness statement and in his oral evidence,  
21 the archbishop acknowledged without reservation that  
22 in the experience of many who have given their testimony  
23 to this inquiry, individual members of the church failed  
24 to live up to the demands that scripture and Christian  
25 charity places upon them. They did not defend the weak

1 and the fatherless, they failed to uphold the cause of  
2 the poor and the oppressed, and for some of those  
3 orphaned or separated from their families and others  
4 committed to the sisters' care, rather than experience  
5 love and loving kindness, they suffered humiliation and  
6 hurt at their hands.

7 For all this, the archbishop expressed and expresses  
8 his profound sorrow and regret. One case, he said,  
9 would have been one too many. For it to have happened  
10 to so many over the years entrusted to the care of the  
11 professed religious is doubly scandalous. Cruelty to  
12 those who were poor, weak, innocent goes against  
13 everything that the church stands for, which why, when  
14 the allegations first surfaced, he found them difficult  
15 to believe. For this, he asks forgiveness.

16 Thus the archbishop said in his oral evidence:

17 "I am deeply ashamed of what has been revealed and  
18 I express my pain and sorrow to those who were abused.  
19 Clearly, all we are doing [at this inquiry] is an  
20 attempt to get to the truth and provide an opportunity  
21 for some redress, at least in terms of saying sorry to  
22 those who have had bad experiences. I hope they will  
23 find it in their hearts to forgive abusers and forgive  
24 me if they feel that I was insensitive to their pain."

25 My Lady, there's then, within the written

1           submissions, a detailed and lengthy description of the  
2           establishment and structure of religious orders within  
3           the structure of the Catholic Church. Unless  
4           your Ladyship feels you would be assisted by my reading  
5           that out, it would be my intention to focus on matters  
6           perhaps more directly significant.

7   LADY SMITH: That would be very helpful, Mr Inglis.

8           I couldn't help but observe that this section of the  
9           written submission deals with matters put forward by the  
10          archbishop on which he didn't give evidence, namely  
11          about these autonomous orders, and what may or may not  
12          have brought pressure to bear on the individual members  
13          of the orders, and in relation to which, with the  
14          greatest of respect, he is not the best witness.

15   MR INGLIS: My Lady, he gave very slight evidence  
16          in relation to it. He did say that they were autonomous  
17          and that they jealously preserved that autonomy --

18   LADY SMITH: Yes.

19   MR INGLIS: -- but he didn't go further than that,  
20          I accept --

21   LADY SMITH: No.

22   MR INGLIS: -- so I am not going to labour the point.

23   LADY SMITH: Thank you.

24   MR INGLIS: So my Lady, I move on to page 5 and the heading  
25          "The search for justice "because that is at the centre

1 of the archbishop emeritus' concerns.

2 The survivors and the archbishop have each  
3 articulated a common hope for this inquiry, that it will  
4 enable justice to be done and to be seen to be done at  
5 last. In the words of the archbishop:

6 "Justice requires that there be a careful appraisal  
7 of what happened in a proper forum, established by law,  
8 such as this inquiry; that the whole of the allegations  
9 made be put in context and their truth established,  
10 whether in whole or in part; that there be a sincere and  
11 unequivocal acknowledgement of fault by all those found  
12 to have let the children down, whether by a harsh and  
13 unsympathetic application of the rules or worse; that  
14 there be a true expression of sorrow from those  
15 responsible for the harm caused to the children; and, in  
16 humbleness of heart, a request for forgiveness for those  
17 who have been wronged."

18 All of these elements, he would say, are necessary  
19 for there to be true repentance and conversion, which is  
20 a religious duty. The church has a saying that it is  
21 always reforming itself. The church has, in its human  
22 composition, made mistakes. The church can learn, the  
23 church can change, while always remaining faithful to  
24 its founding mission quoted by Isiah to Jesus:

25 "Proclaim good news to the poor and downtrodden, to

1 bind up the brokenhearted, and proclaim liberty to those  
2 held captive."

3 The archbishop suggested that the inquiry could well  
4 assist the church by stressing the importance of regular  
5 visitation to those who ultimately must give account of  
6 what is their oversight to those institutions run in the  
7 name of the church.

8 It is commonplace elsewhere in the church but should  
9 surely be a priority when institutions serve the most  
10 vulnerable in society. None are more vulnerable than  
11 children in care.

12 The archbishop acknowledges that we have failed such  
13 children in the past. Those children have rightly been  
14 the focus of this inquiry. We, that being the  
15 Catholic Church, did not hear them or listen to them or  
16 believe their cries. For that, he asks their  
17 forgiveness. It will not and cannot happen again.

18 In all humility, he welcomes the further guidance  
19 which the inquiry report will be able to offer and to  
20 learn from it, so that all may fulfil what has been  
21 asked through the prophet, Micah:

22 "What does the Lord require of you, but to do  
23 justice, to love kindness and to walk humbly with your  
24 God?"

25 I realise that the focus of those submissions

1 perhaps goes beyond what would normally be the function  
2 of a legal body but, my Lady, the archbishop wishes the  
3 inquiry to recognise the importance of each of the  
4 factors that I have sought to put on his behalf in the  
5 way in which he looks both at the history and the future  
6 so far as the inquiry is concerned.

7 Unless I can assist my Lady further.

8 LADY SMITH: That's all. Thank you very much, Mr Inglis.

9 I want to turn now to the representation on behalf  
10 of the individual witnesses from the Sisters of Nazareth  
11 order, principally still nuns -- I think there was at  
12 least one who is no longer a member of the order  
13 though -- and I think Mr Lavery, you're here to present  
14 those submissions; is that right?

15 Closing statement by MR LAVERY

16 MR LAVERY: Yes, indeed. Thank you my Lady.

17 These are the closings submissions on behalf of  
18 individual witnesses of the Sisters of Nazareth.

19 My Lady, the inquiry was set up to look at child  
20 abuse in Scotland and, in particular, institutional  
21 abuse. This involved looking at the involvement of the  
22 Sisters of Nazareth who looked after children in four  
23 homes in Aberdeen, Edinburgh, Kilmarnock and Glasgow.  
24 This also involved looking at the conduct of individuals  
25 who worked in the homes and, in particular, the sisters

1 who worked in the homes in the relevant periods.

2 We initially represented 25 individual sisters who  
3 would have been at the various locations over the  
4 relevant periods that the inquiry is looking at. Since  
5 our original instruction, we were instructed by two  
6 further people: one a former sister, the second a worker  
7 of long standing with the sisters. It is important to  
8 note that not all of the sisters that appeared at this  
9 section of the inquiry had allegations of abuse made  
10 against them.

11 The number of sisters that worked in the homes  
12 during the relevant periods should also be considered by  
13 the inquiry. The allegations that are being made would  
14 only represent a small proportion of the sisters that  
15 worked within the homes. Our investigations show that  
16 195 sisters in total were involved in the four  
17 children's homes through the period of the investigation  
18 the inquiry is looking at. 170 of those sisters are now  
19 deceased, of whom we can make no comment. The total  
20 number of children cared for, we are instructed, is  
21 14,700, not counting the children cared for during the  
22 war, for which records have unfortunately been lost.

23 We represented both sisters who had allegations made  
24 against them and those of whom no allegations were made.  
25 The inquiry was looking at historical abuse in the

1 period 1930 to 1985. In doing so, we ask the inquiry to  
2 consider the relevant periods of when the sisters would  
3 have been within the homes. It is only on this basis,  
4 we would respectfully submit, that not being able to  
5 compare the standards then and the standards today and  
6 the difficulties of the serious risk of imposing  
7 a 21st century perspective with actions in the past that  
8 the relevant periods must be looked at. We are  
9 confident that the inquiry will be able to consider the  
10 evidence on this basis.

11 It is important to note that attitudes to children  
12 have changed gradually, but only in the last 10 years or  
13 so in Scotland has there been a full acknowledgement in  
14 the law on children's rights --

15 LADY SMITH: 10 years? What are you referring to?

16 MR LAVERY: No, no, I think that the gradual progression of  
17 rights that -- I think there's further legislation that  
18 has been put in place, more safeguards have been put in  
19 place. I think there has --

20 LADY SMITH: Scotland was very quick to recognise the  
21 United Nations Convention on the Rights of the Child and  
22 the Children (Scotland) Act 1995 made wholesale changes  
23 in the light of that convention, but actually it was  
24 reflecting practices which had been changing in the  
25 1980s, Mr Lavery. I don't expect you to know but

1 I would just ask you to be careful before making  
2 sweeping statements about how things have progressed in  
3 Scotland.

4 MR LAVERY: No, maybe that is not worded correctly, but more  
5 to say that there has been -- certainly I do understand  
6 your Ladyship's point in relation to that and, yes,  
7 of course, Scotland has -- and it's continuing, as in  
8 other jurisdictions, my Lady.

9 Attitudes to punishment have been inconsistent and  
10 full public awareness did not develop until the 1980s.  
11 Throughout the period there was a lack of properly  
12 qualified care staff, which appears to be as a result of  
13 the low status that was given to residential childcare.

14 Laws concerning inspections and monitoring have  
15 changed considerably. Taking the children's views into  
16 account by way of talking and listening to them is now  
17 something that has evolved and part of a regulatory  
18 framework, which now acknowledges children's rights.  
19 It is of note also that corporal punishment was  
20 permitted well into the 1980s.

21 LADY SMITH: Are you referring there to what was regarded as  
22 acceptable in the school context?

23 MR LAVERY: Yes, my Lady. More so at that stage, yes, where  
24 it was --

25 LADY SMITH: And you're thinking about the Strasbourg case?

1 MR LAVERY: Yes, my Lady, and really at that stage, not only  
2 in Scotland, but again in a number of other  
3 jurisdictions where corporal punishment --

4 LADY SMITH: That was schools.

5 MR LAVERY: Yes.

6 LADY SMITH: We're looking at home circumstances for caring  
7 for children here and we have to recognise that, don't  
8 we?

9 MR LAVERY: We do indeed, my Lady.

10 It is also of note that in 1979, the Strathclyde  
11 Regional Council stated:

12 "The public have a picture of children's homes as  
13 being filled with either poor orphans or bad children."

14 We can see at that stage, again --

15 LADY SMITH: You haven't told me, I don't think, what you're  
16 quoting from there. Can you help me with that?

17 MR LAVERY: It was in relation to research that we did. It  
18 came that there was -- in one of the research papers --  
19 certainly I can submit the citations in relation to  
20 that, my Lady.

21 LADY SMITH: That would be helpful, yes. If you could do  
22 that. I was wondering where it had come from.

23 Thank you.

24 MR LAVERY: No, indeed.

25 It's the attitude -- at that -- was that sort of

1 Victorian/Oliver Twist attitude that prevailed.

2 Children nowadays would be assessed and  
3 consideration given as to what would be a suitable  
4 establishment, and it is clear that in the periods that  
5 the inquiry is looking at, children were often in  
6 establishments that were inappropriate to their needs.

7 Record-keeping was either minimal or non-existent.  
8 The sharing of information on an inter-agency basis was  
9 not required by law and this meant there was a lack of  
10 shared information that would have helped to protect  
11 children and to have assisted those caring for the  
12 children.

13 The law also allowed for residential care staff to  
14 look after children when they were not suitably  
15 qualified and without a set national standard of care.  
16 It is clear that any monitoring and inspection of the  
17 homes was either minimal or was indeed even carried out  
18 by members of the order, and therefore compliance  
19 in relation to any standard meant a large degree of  
20 inconsistency.

21 The inquiry no doubt be aware of the recurrent  
22 themes in the allegations that have been raised in  
23 evidence.

24 Quite disturbing allegations were made about abusive  
25 practices which in any era were clearly abusive. These

1 included: food, the standard of food and force-feeding,  
2 bed-wetting, punishment and humiliation, the splitting  
3 up of siblings, clothes -- that the children were  
4 allowed to wear their own clothes, lack of bonding and  
5 affection between the carers and the children, physical  
6 punishment.

7 My Lady, they're not considered to be a full list  
8 of --

9 LADY SMITH: That can't be exhaustive.

10 MR LAVERY: Absolutely.

11 LADY SMITH: You don't, for example, mention sexual abuse.

12 MR LAVERY: No.

13 LADY SMITH: Using children routinely for chores for which  
14 there were no staff, to carry out bathing practices, and  
15 the like.

16 MR LAVERY: No, absolutely. It's just to highlight that we  
17 accept obviously the recurrent themes; there are other  
18 recurrent themes as well that are within the evidence.  
19 The inquiry will note that the sisters accepted these  
20 allegations would have constituted abuse.

21 The tribunal also heard evidence of alleged abuse  
22 which has not been recurrent and was given to -- by  
23 children that doctors -- twice or thrice weekly, being  
24 given injections as some type of medical experiment, and  
25 sisters dishing out physical punishment that resulted in

1 blood-soaked children with sisters dripping with blood  
2 on their veils. The inquiry will have to decide what  
3 evidence can be relied upon.

4 In relation to that, what we say is that --

5 LADY SMITH: I'm just a little puzzled about your reference  
6 to medical experimentation, that --

7 MR LAVERY: There was a witness who stated that he was  
8 getting injections and he believed that they were part  
9 of a medical experiment because none of the injections,  
10 we are told, were going to be of any benefit to him and  
11 he suggested that it was a medical experiment.

12 I don't suggest, my Lady --

13 LADY SMITH: Well, it was a suggestion. I don't remember  
14 any evidence being put forward to support a case that  
15 medical experimentation was actually going on; it was  
16 just a person who didn't know what the injections were  
17 for.

18 MR LAVERY: He didn't and I think he put forward though that  
19 somebody had said to him that, "You'll be helping other  
20 people", my Lady, and that's where he gave maybe the  
21 suggestion that that might have taken place.

22 LADY SMITH: Of course you could say that to a child who's  
23 having an inoculation, as if they don't get the  
24 infectious disease, they are not going to pass it on to  
25 somebody else.

1 MR LAVERY: Indeed, my Lady. What we don't say or are not  
2 trying to state is that these matters didn't happen or  
3 that maybe injections were given, but we're stating that  
4 one has to maybe take it in the context. These are  
5 quite unique matters that were raised. So we're not  
6 suggesting that maybe that -- obviously children would  
7 have had injections, it's just the manner in which that  
8 was said, my Lady.

9 Several sisters had absolutely no allegations  
10 against them and were horrified by what they had heard.  
11 Several sisters were the subject of allegations, denied  
12 the same, and were equally horrified by such  
13 allegations.

14 Several witnesses gave compelling and consistent  
15 evidence of systematic abuse against sisters for whom we  
16 do not appear and about whom we cannot comment. The  
17 inquiry has also heard evidence of people who had no  
18 issues in relation to their time spent in care under the  
19 Sisters of Nazareth.

20 We have also heard evidence from the sisters of  
21 matters that, we submit, can be taken as fact and it is  
22 important that the inquiry take these into account.

23 Young, then inexperienced, sisters with an average  
24 age of early 20s had to look after 15 to 25 children  
25 with a large proportion of children having complex and

1 emotional difficulties.

2 Many of the sisters started their careers by  
3 collecting, which is a euphemism for --

4 LADY SMITH: Can I just go back to your general comment at  
5 the beginning of this section? You say it's important  
6 the inquiry take these matters into account that you're  
7 addressing now. What's the point you're trying to make,  
8 Mr Lavery?

9 MR LAVERY: It's the context, my Lady.

10 LADY SMITH: Yes. What is it you're trying, on behalf of  
11 the people you represent, to make of that context?

12 MR LAVERY: The context of obviously how they -- where they  
13 worked, how they worked, and in relation -- in no way is  
14 it put forward as an excuse or is it put forward as  
15 a defence.

16 LADY SMITH: Thank you. I was just a little concerned the  
17 way it read, that this was being advanced as an excuse,  
18 when nobody in the evidence suggested to me that these  
19 were excuses --

20 MR LAVERY: No, absolutely not.

21 LADY SMITH: -- for conduct that resulted in abuse.

22 MR LAVERY: I was going to go and state that and qualify  
23 that afterwards because I certainly -- we don't put that  
24 forward as any defence. That isn't being put forward,  
25 my Lady.

1           Many of the sisters started their careers by  
2           collecting, which is a euphemism for looking for funds  
3           to enable homes to function and be kept open. It is no  
4           doubt that the sisters would have been subject to  
5           indignity in this process. Little or no training was  
6           given to the sisters. All sisters related how there was  
7           little or no induction, no orientation days, no formal  
8           or informal briefings, no case histories provided, and  
9           little or no proper records available for perusal. Few  
10          of the sisters had formal child awareness courses,  
11          though some did. It appears that any experience that  
12          the sisters would have had of young children was what  
13          they would have gained from their own homes.

14          No protocols put in place in relation to children,  
15          including the lack of protocols in relation to  
16          punishment.

17          No record-keeping to let the sisters know the  
18          background of the children or any other information.

19          Sisters being moved at very short notice after  
20          looking after children for several years. The sisters,  
21          when told to do so, never questioned the move and would  
22          have just packed their bags and left. The sisters  
23          related how they literally had no time to say goodbye to  
24          anyone and, when they arrived at their new locations,  
25          the outgoing sister had gone.

1           The sisters had long days. They were up early,  
2           there were prayers, Mass, preparations for breakfast,  
3           getting large numbers of children up, washed, dressed  
4           and out to school. And likewise in the afternoon and  
5           evening. There was little or no staff to assist the  
6           sisters.

7           The accommodation that the sisters and the children  
8           lived in were large formal buildings. The bedrooms were  
9           converted dormitories with the sisters living behind  
10          a partition in what was known as a cell with little or  
11          no time off. It was simply to be.

12          Food was the same for all concerned, for the  
13          children and the sisters. Washing and bathing would not  
14          have met 21st century standards, and the inquiry has  
15          heard evidence that showers did not arrive into the  
16          homes until the 1970s --

17        LADY SMITH: Would the washing and bathing facilities even  
18          have met the standards of, at least, the latter parts of  
19          the 20th century, let alone the 21st century?

20        MR LAVERY: I think that's a fair point, my Lady.

21          The inquiry should take into account that the vast  
22          majority of periods that is being looked at was pre  
23          Vatican II and this --

24        LADY SMITH: Just for anyone who didn't know, Vatican II  
25          began in 1965, I think.

1 MR LAVERY: 1962.

2 LADY SMITH: It took a couple of years to reach -- was it  
3 1962? (OVERSPEAKING) 1966. There were a couple of  
4 years of meetings and then a couple of years to reach  
5 a conclusion as to what was emanating from it. So we're  
6 in the second half of the 1960s before there are clear  
7 statements of what's emerging from Vatican II.

8 MR LAVERY: Indeed, my Lady, and again it's for context  
9 in relation to the nuns at that stage and their  
10 teachings: this has meant that the sisters were  
11 institutionalised to the extent they lived in  
12 a regimental regime in which they had little or no say  
13 other than to do what they were told.

14 The inquiry has highlighted the deeply ambivalent  
15 attitude Scottish society had in this period to children  
16 in childcare. Children were stigmatised --

17 LADY SMITH: I don't think the inquiry has highlighted that  
18 Scottish society had a deeply ambivalent attitude to  
19 children. Not as yet, Mr Lavery. That would suggest  
20 that statements have been made by the inquiry that are  
21 conclusive.

22 MR LAVERY: Well, that's correct, my Lady. I think  
23 certainly the evidence and the evidence by the  
24 witnesses -- I think that they would certainly be of the  
25 opinion that maybe society wasn't perhaps looking after

1           them.

2           LADY SMITH: Certainly there was evidence earlier on -- for  
3           example, expert evidence from Professor Norrie --  
4           regarding what attitudes lay behind the legislation that  
5           came into force in the very early 20th century, very  
6           early 20th century, with its roots in Victorian  
7           attitudes. But we are talking here largely about  
8           a period from the early 1930s to the 1980s here.

9           MR LAVERY: Yes, my Lady.

10                  Children were stigmatised, seen as the deserving  
11                  poor, and were the products of family breakdown and  
12                  aberration, in need of moral reform. This Calvinistic  
13                  approach clearly influenced thinking.

14                  This approach was together with the preoccupation of  
15                  Catholic circles with blind obedience before Vatican II.  
16                  This was not just for the sisters but this was then  
17                  communicated to the children which obviously created  
18                  a potent mix. Episcopal conferences reflected the pre  
19                  Vatican II attitudes of an institutional theocratic  
20                  hierarchical church, mirroring Calvinistic approaches  
21                  and certainly not the 21st century of Pope Francis and  
22                  his care for the marginalised and --

23           LADY SMITH: When you say episcopal conferences, are you  
24           talking about the Episcopal Church in Scotland, are you  
25           talking about some other conferences?

1 MR LAVERY: More the institutional church, my Lady.

2 LADY SMITH: Well, the Church of Scotland is not the  
3 Episcopal Church.

4 MR LAVERY: Yes.

5 LADY SMITH: It's important you understand that -- nor in  
6 the 20th century or today, I think, would they profess  
7 themselves as Calvinist organisations.

8 I wonder if you just want to gloss over this  
9 paragraph, Mr Lavery. If you're insisting on it, I will  
10 need references for the conferences you're referring to,  
11 evidence of religious attitudes in Scotland that you're  
12 saying are relevant to my thinking.

13 MR LAVERY: No, indeed, my Lady -- it was more the  
14 institutionalised -- it was of the Catholic Church was  
15 more that I was referring to in relation to that and I  
16 apologise for --

17 LADY SMITH: I see. If you have any references that you  
18 think will assist us in understanding the  
19 institutionalised approach of the Catholic Church  
20 operating in Scotland, that would be helpful.

21 MR LAVERY: Indeed, my Lady.

22 LADY SMITH: Thank you.

23 I'm sorry if this sounds critical, Mr Lavery. Let  
24 me repeat: I do understand you don't normally live and  
25 work in Scotland and you're on a sharp learning curve.

1 MR LAVERY: I'm grateful, my Lady, thank you.

2 LADY SMITH: Are you talking about the Bishops' Conference  
3 when you're talking about the episcopal conference, not  
4 a conference of the Episcopal Church?

5 MR LAVERY: No, my Lady.

6 LADY SMITH: Forget it. That's just a possibility. You  
7 need to understand, as I say, the Episcopal Church is  
8 sometimes referred to as the Church of England in  
9 operation in Scotland and it's separate from the  
10 Catholic Church.

11 MR LAVERY: Ah yes, that's the Anglican -- yes, it is more  
12 the institutional Catholic church that we refer to --

13 LADY SMITH: Very well. But as I say, if there's any  
14 particular reference you think would be helpful to us,  
15 please let me have it.

16 MR LAVERY: I will indeed, my Lady, thank you.

17 We know that the inquiry has heard evidence from one  
18 sister who has convictions for abuse. One, though, must  
19 look at the evidence she gave. She arrived at Aberdeen  
20 at a very young age, she was supervised by a sister who  
21 had numerous allegations made against her, the  
22 supervising sister had been there some time and is now  
23 deceased. The sister gave evidence stating:

24 "She was not a good mentor for  
25 me." The sister also stated:

1 "I was frightened of her, the children were  
2 frightened of her."

3 And I believe Mr MacAulay mentioned that earlier.

4 The sister gave an acknowledgement and an apology to  
5 the persons that she mistreated. An apology at whatever  
6 stage has to be appreciated as an apology which should  
7 always be welcomed.

8 I understand as well that even Mr Scott acknowledged  
9 that earlier, although we do certainly accept that that  
10 was late, my Lady, the apology.

11 Most of the children would have had significant  
12 difficulties and trauma before coming to the homes. The  
13 sisters, with little or no experience, looked after  
14 them, feeling that the best way they understood how to  
15 (sic). The children may have been neglected or abused  
16 before they came to the homes. Their behaviour may well  
17 have made them more difficult to look after.

18 The sisters are, of course, we would say, human  
19 beings with the same frailty of all human beings and of  
20 parents who can get angry in parent-child relationships,  
21 which can occur in normal home environment.

22 I stated earlier, my Lady, though that the  
23 allegations that have been made in relation to that, we  
24 do accept and all the sisters have accepted that they  
25 would constitute abuse.

1 Children can have a perception in the way they have  
2 been treated by an individual and can harbour  
3 resentment. The inquiry will have to be alert as to  
4 the dangers of application and exaggeration in an effort  
5 to work off a grudge against a certain individual. We  
6 respectfully ask the inquiry to take this into account.

7 The inquiry will also have to consider the length of  
8 time over which the allegations are said to have  
9 occurred. The recollection that individuals may have  
10 had for incidents that are said to have occurred so long  
11 ago results in difficulties for everybody concerned.

12 The inquiry has to decide whether the individuals in  
13 these homes carried out the care of the children in what  
14 would be considered unacceptable by the standards of  
15 that time and whether it amounted to abuse.

16 Further, the inquiry has to look at whether there  
17 was also a failing in how the homes were being run and  
18 little or no input -- and whether in fact a blind eye  
19 had been turned by the state on its obligations.

20 When one looks at the numbers of social workers for  
21 50 boards, the investigations certainly that we took  
22 noted that there were 112 in 1968 and in 1979 there were  
23 180. Social workers are now much better trained, each  
24 of them coming from training in university.

25 The emphasis appears to have been on social aspects

1 of childhood such as family failing, delinquency, moral  
2 behaviour and the relevant psychological developments of  
3 the child.

4 The children would not have had the psychotherapists  
5 or psychologists as would be the case nowadays.

6 The state, we would say, had a highly ambivalent  
7 attitude to corporal punishment.

8 The police service also failed. The police did not  
9 appear to check any criminal behaviour or vetting apart  
10 from checks for children who absconded to the Friday  
11 night disco in Bonnyrigg, or bringing children back who  
12 had run away.

13 There was no problem protection units for care and  
14 no budget for proper investigations. We would say there  
15 is such a stark contrast to the unified Scottish police  
16 service of nowadays with more than 22,000 officers and  
17 a budget of more than £1 billion.

18 LADY SMITH: So Mr Lavery, if you are right about these  
19 failings on the part of the state, whether local  
20 authority or police or otherwise, those are failings or  
21 absences, if I can put it that way, of which the sisters  
22 would have been well aware and therefore well aware that  
23 it was very much down to them to see to it that the  
24 children were properly and appropriately cared for?

25 MR LAVERY: Yes, indeed, my Lady. I think your Ladyship

1 made a very poignant point earlier in relation to their  
2 training, et cetera, and when they were at the homes and  
3 the autonomy that was given to each individual units  
4 and, unfortunately, if one sister was doing something  
5 right, the other sister couldn't see what that was, what  
6 they were doing was right. And again -- so we have to  
7 accept that also, my Lady.

8 Concerns were made in relation to medical evidence  
9 that was produced in relation to the sisters being able  
10 to give evidence. This medical evidence needed to be  
11 obtained given the age and health difficulties of the  
12 various sisters who were to give evidence. It was in no  
13 way an attempt to prevent evidence being given to the  
14 inquiry or to obstruct the process in any way. The  
15 inquiry has now had the opportunity to note that the  
16 average age of the sisters was 80-plus with some sisters  
17 aged 90-plus and a few in the 70-plus bracket.

18 Most of the sisters were retired with nominal  
19 pastoral roles. Only two sisters were not medically  
20 checked and two laypeople likewise. It can be seen that  
21 eight sisters were deemed medically unfit out of 25,  
22 equating to one in three. All other sisters provided  
23 statements and gave evidence, apart from four whose  
24 statements were read to the inquiry.

25 We express our thanks to Professor Yorgesson(?),

1 Dr Carson, Dr O'Kane and Professor Donegan for the  
2 comprehensive medical reports and insight into the  
3 conditions which thus enabled the inquiry and the teams  
4 the ability to focus on people who could provide  
5 appropriate insights into life at that time.

6 Having examined the process, one can clearly see how  
7 abuse happened. Monitoring and inspection is essential.  
8 The child should be the focus, given self-respect,  
9 confidence and standing, but this was not the case.  
10 It is clear that staff needed and still need ongoing  
11 development. The establishment management needed and  
12 needs proper governance with external audits. The  
13 government needed and needs proper legislation, good  
14 communication, clear guidance and proper resources for  
15 training, developments and monitoring.

16 Finally, we would draw to the inquiry's attention  
17 that 25 sisters for whom we have appeared have indeed  
18 been challenged by the whole inquiry process. They have  
19 not only been challenged but deeply shocked, horrified,  
20 and endured deep personal pain of what they have heard  
21 in the evidence from the witnesses to the inquiry over  
22 the past weeks. Each sister, with or without  
23 allegations, that gave evidence clearly acknowledged  
24 that abusive behaviour was described. The evidence  
25 showed abusive practices being carried out by persons in

1 charge of vulnerable children and this will haunt the  
2 sisters for a considerable period of time to come.

3 The sisters hope and pray that as they digest the  
4 evidence provided, that those who were subjected to  
5 these practices will find healing and peace from this  
6 process. Equally, the nuns were also glad to note from  
7 the evidence given at the inquiry that not all the  
8 children in the home experienced this type of abusive  
9 conduct.

10 Finally, my Lady, we thank the inquiry team for  
11 their assistance throughout and particularly the teams  
12 who took witness statements from the sisters and the  
13 sensitive way this was done, and to Mr MacAulay and the  
14 legal representatives in the way the evidence was  
15 presented, and also to your Ladyship for listening  
16 carefully to all the evidence.

17 Unless there's anything further, my Lady, those  
18 would be the submissions.

19 LADY SMITH: That's very helpful. Thank you, Mr Lavery.

20 Now I turn to Mr Lindsay, who represents the order,  
21 the Sisters of Nazareth order.

22 Closing statement by MR LINDSAY

23 MR LINDSAY: Thank you, my Lady.

24 On behalf of the sisters, I would wish to begin by  
25 thanking the inquiry for the opportunity of

1 participating in this stage 2 case study and for the  
2 opportunity of making these closing submissions.

3 Detailed written submissions have been prepared and  
4 lodged on behalf of the sisters, which have been  
5 intimated to all other participating parties, and as  
6 I understand it, they are available on the inquiry  
7 website. Therefore, I propose to follow the same  
8 approach as my friend Ms O'Neill, not to read the  
9 statement verbatim, but simply to work through the  
10 closing submissions, highlighting the main points and  
11 dealing with any questions that your Ladyship may have  
12 for me, and I trust that approach is acceptable.

13 LADY SMITH: Yes, thank you.

14 MR LINDSAY: The first few paragraphs under the heading  
15 "Introduction" really stress that the sisters have  
16 endeavoured to fully support the inquiry. They have  
17 provided all relevant documentation insofar as it is  
18 available and requested to do so. They have assisted  
19 with the provision of witnesses. We have submitted  
20 questions for the applicants and other witnesses and are  
21 much indebted to Mr MacAulay for putting those questions  
22 to the witnesses, and also the parts C and D responses  
23 have been updated and corrected when the evidence which  
24 has been heard at the inquiry has demonstrated that the  
25 earlier responses were inaccurate or incomplete.

1           Also, as your Ladyship has noted, each day some of  
2           the sisters have been present in the inquiry room,  
3           observing the evidence being given by the witnesses and  
4           they've certainly found that very, very valuable and  
5           much more valuable than simply reading transcripts.

6           LADY SMITH: Yes. Can I just say, Mr Lindsay, it was  
7           helpful that those instructing you wrote, once they  
8           became aware, on more than one occasion, of what needed  
9           to be amended in the part C and D responses. That's  
10          a very helpful approach.

11          MR LINDSAY: I'm obliged, my Lady.

12                 Turning now to the general approach of these  
13                 submissions. What the Sisters of Nazareth have  
14                 endeavoured to do in their submissions is to engage with  
15                 the main consistent themes of evidence which have  
16                 emerged. These will be dealt with, with really the twin  
17                 aims of, firstly, hopefully assisting your Ladyship with  
18                 writing her findings on all of this and, just as  
19                 importantly, identifying where the existing apology  
20                 needs to be expanded upon.

21                 I think that's important to stress at the outset:  
22                 it is accepted that the existing apology does need to be  
23                 expanded upon, and I will deal with that as I work  
24                 through the submissions.

25                 Turning to the existing apology, the apology which

1 was given at the start of this case study in the opening  
2 submissions. Three main failings were identified:  
3 staffing ratios were too low; the care was provided by  
4 sisters who had little training and were often still  
5 young and inexperienced; and the oversight of the groups  
6 and the sisters wasn't structured or proactively  
7 monitored. I think the evidence has established that  
8 the original apology was well made and I think, when we  
9 look at the individual failings, which it's accepted  
10 occurred, they can all be traced back to these three  
11 main central failings: too few sisters; inadequate  
12 training; and the whole notion of oversight and the  
13 whole concept of being unable to go into a sister's own  
14 employment (sic).

15 I think that the evidence shows that these three  
16 original apologies --

17 LADY SMITH: Being able to go into each other's employment.

18 MR LINDSAY: Yes.

19 LADY SMITH: You can go into your own, but not into anybody  
20 else's.

21 MR LINDSAY: Yes, my Lady.

22 So I submit that the original apology was well made  
23 and the three key failings, I think, are at the root of  
24 all of the individual difficulties which have come to  
25 light. Unreserved apologies were made at the outset for

1 the abuse committed by Joseph Duffy, Peter Blaney and  
2 the sister who was convicted up in Aberdeen.

3 Before turning to the particular areas where I think  
4 the evidence shows difficulties and failings, a little  
5 bit is said in the submissions about the historical  
6 context. Your Ladyship is directed to the original  
7 responses and also to the extracts from the book that  
8 Sister Anna was taken to, and the reference is provided  
9 for that, and also a quotation from the applicant who  
10 used the name Kathy when giving her evidence.

11 In summary, I think this all shows that the sisters,  
12 and indeed other religious orders, stepped into a gap,  
13 a breach where the state simply wasn't providing care to  
14 children in need, and that the sisters endeavoured to do  
15 their best in difficult circumstances where perhaps  
16 there was limited funding and limited support or  
17 supervision from the state.

18 As I'll be making clear throughout these  
19 submissions, although they endeavoured to do their best  
20 for all of the children, it is clear that their best  
21 wasn't good enough for some of the children in their  
22 care, although clearly other children had much, much  
23 more positive experiences.

24 The issues of concern, which I think have emerged  
25 during this case study are then listed at paragraph 15.

1 They're: the separation of siblings; bed-wetting; food;  
2 clothing; household chores; birthdays and Christmas;  
3 record-keeping; guidelines; vetting of volunteers and  
4 potential fosterers; puberty; corporal punishment;  
5 sexual abuse.

6 I propose to turn to these issues one at a time.

7 Again, dealing with the evidence at quite a high  
8 level, I don't propose to say anything about particular  
9 instances or make detailed submissions on reliability or  
10 whatever. I intend to deal with the broad body of  
11 consistent evidence which has emerged.

12 Dealing firstly with separation of siblings. That  
13 clearly happened and it's equally clear that it was  
14 undesirable and not in the best interests of the  
15 children concerned. Having said that, it doesn't appear  
16 to have been a deliberate policy to separate siblings.  
17 Rather, it was a highly unfortunate by product of  
18 policies in place relating to separation of boys and  
19 girls and different age groups being accommodated  
20 physically in different parts of the homes.

21 It is also clear that some sisters attempted to  
22 facilitate contact between siblings, and we heard  
23 evidence of older siblings visiting younger siblings in  
24 the nursery first thing. But there also was evidence of  
25 other sisters, not just not encouraging such contact,

1 but appearing to actively discourage it.

2 LADY SMITH: Not just discourage it, but punishing children  
3 if they took the initiative to try and have contact with  
4 a sibling, whether it was climbing into a sibling's bed  
5 to comfort them, climbing on a wall to try and talk to  
6 them, trying to catch their attention in church and the  
7 like.

8 MR LINDSAY: Yes. It is recognised that more should have  
9 been done to enable siblings to remain in contact and  
10 that this is something that sisters would wish to  
11 apologise for.

12 There was evidence that, from the late 1960s  
13 onwards, there was a move away perhaps from the classic  
14 Victorian institutional model of care to family groups  
15 and there was evidence of new buildings being  
16 constructed in the grounds: the bungalow in both  
17 Aberdeen and Cardonald and Holycote, Lasswade, which  
18 enabled siblings to live together in family groups, boys  
19 and girls together.

20 The evidence of precisely when that trend started  
21 and when it was complete perhaps wasn't crystal clear  
22 and it perhaps varied from home to home, but it does  
23 appear from the late 1960s onwards there was a move  
24 towards family groups allowing siblings to live together  
25 and see much more of each other, which appears to have

1           been completed some time towards the end of the 1970s.

2           The next area of concern is bed-wetting. It's  
3           accepted by the sisters that there was clear evidence  
4           that bed-wetters were humiliated and were subject to  
5           corporal punishment and that corporal punishment, or  
6           indeed punishment of any nature, and humiliation of  
7           bed-wetters was unacceptable, not just by the standards  
8           of today but also by the standards of the time when they  
9           occurred.

10          Again, that's something that the sisters would wish  
11          to apologise for. I think it's also important to  
12          recognise that this wasn't a universal or invariable  
13          practice and there were many, many sisters who adopted  
14          a much, much more compassionate and discreet approach to  
15          bed-wetting.

16          Again, the difficulties and, I think, what can be  
17          quite correctly described as abuse does appear to have  
18          happened more in the earlier time period of what this  
19          inquiry has looked at and, certainly from the 1960s  
20          onwards, there appeared to be less evidence of these  
21          unacceptable practices, although it is accepted,  
22          I think, some of the applicants, as late as the early  
23          1970s, were still describing practices of humiliation  
24          and having to stand with the sheets over their head. So  
25          I think the important point is it's recognised that

1 punishment and humiliation was entirely inappropriate  
2 and that is apologised for, but it's always important to  
3 recognise that not all of the sisters behaved in such  
4 a fashion.

5 The next subject relates to food. There are perhaps  
6 two topics under the heading of food that would be of  
7 assistance to address the inquiry on: one is the  
8 standard of food and the second issue, perhaps the more  
9 important issue, is the issue of force-feeding.

10 Relating to standard of food, the sisters and  
11 children ate the same food. It wasn't as if the sisters  
12 had better or superior food. The evidence, I think,  
13 shows that it was perhaps traditional, perhaps slightly  
14 stodgy, but wholesome fare that may not have been  
15 popular with all children, but it was of an acceptable,  
16 nutritional standard.

17 LADY SMITH: I'm not sure we have detail in the evidence  
18 that tells me what the nutritional content of this food  
19 was or how wholesome it is, Mr Lindsay.

20 MR LINDSAY: Some of the sisters described the food, if  
21 I remember their evidence correctly, as being  
22 traditional wholesome food.

23 LADY SMITH: I know they said that. I don't know what the  
24 detail was of food that was being given to the children,  
25 where it came from, how it was cooked. We do have

1 a little bit of detail from some of the applicants about  
2 the amount of fat on meat and the old chestnut, if I can  
3 mix my metaphors, of porridge which was a problem, and  
4 certain traditional puddings.

5 MR LINDSAY: There was evidence in some of the homes that  
6 a sister was responsible for the catering. I think at  
7 other homes at other points in time it was lay employees  
8 who were responsible for the cooking.

9 LADY SMITH: I think it's fair to say the primary concern  
10 that was articulated in the evidence was to do with the  
11 ways in which children were forced to eat the food if  
12 they didn't want to eat it.

13 MR LINDSAY: Yes, and again the second topic, which is  
14 accepted, is the more significant one for this inquiry.  
15 There was a divergence in evidence, other than  
16 Sister Alphonso who was convicted of one offence of  
17 force-feeding and who accepted that in her evidence and  
18 accepted that she'd placed a spoon in a child's mouth,  
19 the other sisters who gave evidence said that they never  
20 did that and they never observed any other sisters doing  
21 that. The evidence from the applicants was also mixed.  
22 Some applicants did speak to force-feeding in quite  
23 graphic terms; others didn't describe any physical  
24 force-feeding and didn't give any evidence of witnessing  
25 it.

1           What is accepted is that physical force-feeding --  
2           and I suppose it's prudent perhaps to be clear about  
3           what we're talking about as perhaps the expression  
4           "force-feeding" can mean different things to different  
5           people. Physical force-feeding, restraining children,  
6           holding their nose, placing a spoon in their mouth,  
7           clearly that is wrong. It's wrong by the standards of  
8           today, it was wrong by the standards of any of the time  
9           periods that this inquiry has been looking at. But  
10          at the other end of the scale, verbally encouraging  
11          a child to eat vegetables or other nutritious --

12        LADY SMITH: I don't think anyone is suggesting it's abusive  
13          to try to get a child to eat what's on their plate by  
14          verbal encouragement.

15        MR LINDSAY: Yes.

16        LADY SMITH: The concerns were particularly about physical  
17          forcing and then repeatedly serving a child up the same  
18          food again and again or making them sit for an unduly  
19          long period in front of a plate, with a plate in front  
20          of them of food they didn't want to eat.

21                Mr Lindsay, just let me check with the  
22                stenographers. I'm conscious of the fact they have been  
23                working since 1.50. We'll take a five-minute break.

24        (3.27 pm)

25                                (A short break)

1 (3.33 pm)

2 LADY SMITH: Mr Lindsay, when you're ready.

3 MR LINDSAY: Thank you, my Lady.

4 Before the break, I had just acknowledged on behalf  
5 of the sisters that force-feeding, physical  
6 force-feeding, is wrong and was wrong throughout the  
7 period that this inquiry has been looking at.

8 Moving on, the next chapter in the submissions deals  
9 with clothing. It is accepted that some of the clothes  
10 provided to the children perhaps weren't the newest or  
11 the most fashionable of clothing and that may have  
12 caused the children some embarrassment. But it has to  
13 be recognised that the sort of general lack of funding  
14 at the time did limit what could be provided by way of  
15 clothing.

16 LADY SMITH: It wasn't just the clothing of their bodies;  
17 they were wearing second-hand shoes, Mr Lindsay,  
18 according to the evidence. There was evidence that,  
19 when you went back inside, having been playing barefoot  
20 outdoors, it was just a question of which shoes there  
21 were in the pile that was waiting that you had to put  
22 on. Not very good if that is right.

23 MR LINDSAY: I think that's perhaps fair comment. Rather  
24 than the clothing, it's perhaps the shoes that the  
25 evidence --

1 LADY SMITH: It is a worry.

2 MR LINDSAY: -- gave rise to the greatest concern.

3 Equally, it does appear that as more local authority  
4 funding became available, from the 1960s onwards, that  
5 new clothes and shoes were purchased for the children  
6 and they were taken on shopping trips and could choose  
7 their own clothes and many retailers, like the former  
8 C&A, donated clothes to the Nazareth Houses for the  
9 children.

10 LADY SMITH: What about the evidence regarding children's  
11 own clothes being taken away from them when they  
12 arrived? I don't think that was expressly addressed by  
13 the order or the individual nuns, nor was there any  
14 explanation for such a practice. Can you help me with  
15 that?

16 MR LINDSAY: We did have evidence that many children arrived  
17 simply with the clothes that they were wearing and  
18 nothing beyond that. Your Ladyship is correct, it  
19 wasn't really fully explored in the evidence with the  
20 sisters why the clothes might have been taken away from  
21 them. It may be that the clothes were too small or they  
22 were worn out or they were inappropriate, being summer  
23 clothes.

24 LADY SMITH: You're guessing, Mr Lindsay. We didn't hear  
25 any of that. There was powerful evidence from one

1 family who went with a case that was packed with  
2 clothes, more than one set of clothes that they had,  
3 and, I think, the older sister carefully unpacking it  
4 for them, and then those got taken away when it was  
5 discovered, according to her evidence, that they had  
6 their own things and they were wearing their own things.

7 It may be consistent with a regime that's a very  
8 disciplined regime where everybody dresses in a similar  
9 fashion and that's not allowed, but if it is right that  
10 that happened, is it accepted that that was a practice  
11 that wholly failed to have regard to how that would feel  
12 for the children, that these last vestiges of little  
13 possessions that they had, that were very personal to  
14 them, were taken away from them?

15 MR LINDSAY: I can see the force in what your Ladyship says,  
16 but equally, in particular circumstances, there may have  
17 been a good reason for doing so: if they were too small,  
18 worn out, perhaps infested with lice or whatever, beyond  
19 repair. There may have been a desire to avoid children  
20 perhaps standing out from others because their clothes  
21 were much, much better than everyone else's and perhaps  
22 that leading to bullying and comments being made and so  
23 on and so forth.

24 But I do accept the point that your Ladyship has  
25 just put to me for comment, that if one's personal

1 possessions are taken away, then perhaps part of one's  
2 own personal identity may be taken away with that. But  
3 equally, that doesn't mean that every instance was wrong  
4 and in particular circumstances there may have been  
5 a reasonable justification for doing so.

6 LADY SMITH: I might have been entitled to expect  
7 Mr MacAulay being asked to ask a question or questions  
8 of the individual applicants to that effect if that was  
9 the position, if not generally of the order, of  
10 individual nuns, mightn't I? I don't remember that  
11 happening.

12 MR LINDSAY: No, those questions weren't put.

13 Then the next chapter of the submissions deals with  
14 the issue of household chores. Clearly, if any of the  
15 children were asked to do very, very heavy manual  
16 labour, that would have been inappropriate and  
17 unacceptable, even by the standards of the day and  
18 in the particular circumstances that the sisters found  
19 themselves.

20 I think with that important acknowledgement, turning  
21 now to look at what those circumstances were, the  
22 evidence was of limited budgets and, certainly up until  
23 the late 1950s, going into the 1960s, it was just the  
24 sisters, there were no lay staff and in particular no  
25 cleaners. The homes needed to be cleaned and there were

1           insufficient sisters to do all of the work themselves.  
2           So in those circumstances, the children were called upon  
3           to carry out chores and to clean the homes.

4           The evidence from the applicants about --

5       LADY SMITH: Mr Lindsay, what evidence, if any -- remind me  
6           if there was -- did I hear about the sisters doing  
7           household chores themselves?

8       MR LINDSAY: I think the evidence was they supervised the  
9           cleaning.

10      LADY SMITH: Yes, thank you.

11      MR LINDSAY: Although there was evidence of sisters working  
12           in the kitchen and generally --

13      LADY SMITH: Nobody suggested the children were expected to  
14           cook.

15      MR LINDSAY: No, but cooking could fall under the heading of  
16           household chores and I suppose I'm just being as full as  
17           possible in my answers. There was some evidence of  
18           sisters attending to various housekeeping matters during  
19           the day when the children were at school. The evidence  
20           from the applicants about how burdensome these chores  
21           were differed. Some described what would appear to have  
22           been unacceptable heavy manual labour, whereas others  
23           described almost a fun activity on a Saturday morning,  
24           a competition to see who could get the best shine, and  
25           the younger children sliding about with dusters on their

1 feet. We had evidence to that effect.

2 LADY SMITH: What about the evidence regarding the two boys  
3 that had to go on Saturday mornings to wash old men by  
4 way of bed-bathing them in the old people's home part  
5 of -- I think that was Cardonald?

6 MR LINDSAY: Yes.

7 LADY SMITH: Should that have been happening?

8 MR LINDSAY: No.

9 LADY SMITH: And I think, having done that, they had to go  
10 on and polish the floor in that part of the house, which  
11 was a floor in an area used exclusively by the sisters.

12 MR LINDSAY: Or possibly for the care of the elderly  
13 residents of the home. Your Ladyship's recollection  
14 would be more accurate than mine.

15 LADY SMITH: I think it was. The memory that I heard was of  
16 a particular area, a room that was used by the sisters,  
17 and I can't off the top of my head remember whether it  
18 was an area where they could relax or it was for  
19 devotions -- it may have been the latter -- that the  
20 children, the same boys, having washed the old men, then  
21 had to do the wooden floor. But the good thing about  
22 it, was there was a kind woman there who gave them tea  
23 and a biscuit that morning. Quite poignant, really, if  
24 that was right.

25 MR LINDSAY: Yes. So in conclusion relating to the chores,

1           it is accepted that bathing the elderly residents would  
2           have been highly inappropriate for young children to be  
3           expected to do. It is accepted if it was heavy manual  
4           labour, particularly onerous cleaning that was beyond  
5           the physical ability of the children, then that too  
6           would have been unacceptable.

7           But in the circumstances of a small number of  
8           sisters and no cleaners and the homes requiring to be  
9           cleaned, there perhaps was no alternative but for the  
10          children to help in that process.

11          The next topic relates to birthdays and Christmases.  
12          Again, the evidence was mixed. Some of the evidence was  
13          that birthdays were remembered and celebrated with  
14          a cake and some presents. There was evidence of  
15          Christmas being celebrated and local businesses and  
16          charitable organisations being very generous to the  
17          children.

18          But there was also evidence of birthdays being  
19          missed and I suppose that leads on to the issue of  
20          record-keeping, which I will deal with in the next  
21          chapter.

22          When it comes to birthdays, I think practices seem  
23          to have varied between sisters. Some would proactively  
24          enter it in their diaries and other records so birthdays  
25          wouldn't be missed. Other sisters, for example

1           Sister [REDACTED] LTX, simply relied on the children to say  
2           when their birthdays were approaching or friends of the  
3           birthday child.

4           LADY SMITH: And that's dependent on the child knowing when  
5           their own birthday is.

6           MR LINDSAY: Yes.

7           LADY SMITH: As described by those sisters who did have  
8           a system for diarising when children's birthdays were  
9           going to be, it wasn't difficult, it wasn't a difficult  
10          thing to do --

11          MR LINDSAY: No.

12          LADY SMITH: -- if one was really caring about what might be  
13          seen as a small thing in their eyes, but something that  
14          would be very special to the individual child.

15          MR LINDSAY: Yes, my Lady, and clearly the practice of the  
16          other sisters of diarising birthdays to ensure that they  
17          weren't missed was the correct way to proceed, which  
18          leads on to the next topic of record-keeping.

19                 I think, as the case study progressed, there were  
20          clear problems relating to record-keeping, precisely  
21          which books and records were kept in particular homes at  
22          particular points in time, and also how diligent and  
23          comprehensive the entries were in the books, and also  
24          the retention of records after the home stopped caring  
25          for children.

1           Not all records appear to have made their way into  
2           the archive in Hammersmith and it is unknown whether  
3           that's because they never existed in the first place or  
4           that the records perhaps went with the child if they  
5           went to another institution or were fostered, or whether  
6           the records were misplaced or destroyed in approximately  
7           the decade of time between the home stopping to look  
8           after the children and the archive being established.  
9           But it is recognised that there were problems with the  
10          record-keeping in all those aspects that I have just  
11          narrated.

12          The next topic is guidelines and policies. Again,  
13          I think the evidence shows an absence of guidelines and  
14          an absence of any real enforcement of particular  
15          policies and in some of the earlier submissions,  
16          your Ladyship has touched on the lack of any handover,  
17          perhaps the lack of detailed records about particular  
18          children being available for incoming staff and incoming  
19          sisters and that the whole approach of the sisters  
20          having more or less complete autonomy in their own  
21          employments meant that it was quite difficult to --  
22          almost impossible to spot bad practice. And as  
23          your Ladyship has observed, just as importantly, it was  
24          almost impossible for good practice to be spread.

25          LADY SMITH: Mr Lindsay, you've referred in passing to

1 guidelines and I see in your written submission you  
2 suggest each house had guidelines for the day-to-day  
3 running of the house. What is it you've got in mind  
4 there? What are you referring to?

5 MR LINDSAY: Well, I think the understanding was that that  
6 each Mother Superior in the home would have their own  
7 local guidelines on how the children should be cared  
8 for, punishment, and all --

9 LADY SMITH: So you're really talking about what the system  
10 was? It's not some document that I'm scratching my head  
11 to think of that you're talking about here, is it?

12 MR LINDSAY: No. I think it's now recognised that what was  
13 in the original Section 21 response, that there were  
14 these local guidelines and policies, was incorrect.  
15 It's the understanding when the response was prepared,  
16 but as the evidence has been led throughout the case  
17 study, it's clear that there weren't any local  
18 guidelines or policies, and my friend Mr Scott quoted  
19 one of the sisters basically saying she closed her eyes  
20 and hoped for the best, and it's accepted that that  
21 wasn't good enough.

22 LADY SMITH: So are you really then, as I say, talking about  
23 a system whereby the Superior in the particular house  
24 ultimately could tell others what to do, but as against  
25 that, each house being separated into units or

1 individual employments for the sisters, they were very  
2 much left to their own to do what they thought was right  
3 for the way they needed to run their unit --

4 MR LINDSAY: Yes, my Lady.

5 LADY SMITH: -- but there were no written guidelines? And  
6 it's not just no formal written policies, there weren't  
7 any policies? We've got the directions book, the  
8 directory -- sorry, the directory and book of customs  
9 but that's all.

10 MR LINDSAY: Yes. The evidence was a little uncertain about  
11 how much awareness the sisters actually had of the  
12 directory.

13 LADY SMITH: Thank you.

14 MR LINDSAY: The next chapter deals with volunteers and  
15 potential fosterers. It is accepted that there appears  
16 to have been a failure to properly vet or supervise  
17 volunteers and that many of the volunteers were  
18 excellent people with the highest motives, but then  
19 at the other end of the scale we have Joseph Duffy, and  
20 simply saying it was a more trusting age and people were  
21 taken at face value, it is accepted that just isn't good  
22 enough and isn't an excuse or a justification. There  
23 may well have been a whole host of potential benefits to  
24 the children becoming involved with volunteers. It  
25 could allow them to participate in a whole range of

1 activities to try and prevent them from becoming too  
2 institutionalised.

3 But having said all of that, it is recognised that  
4 there was a failure to properly vet the volunteers and  
5 there may have been a belief that if they came from  
6 a respectable, responsible organisation like the Knights  
7 of St Columba, they too would be equally as respectable  
8 and responsible as the organisation they came from.

9 I think similar comments can be made relating to  
10 potential foster parents. Their responsibility for  
11 failure to properly vet would be shared with the Local  
12 Authority as with the volunteers. Clearly the failure  
13 was with the sisters alone, but we did hear evidence of  
14 quite troubling incidents involving potential fosterers.

15 The next chapter deals with puberty and again, it is  
16 accepted that what can be a delicate and almost  
17 embarrassing matter wasn't dealt with appropriately in  
18 many instances in two respects. Many of the children  
19 don't appear to have been prepared for the changes that  
20 their bodies were going to go through as they stopped  
21 being a child and grew into an adult. Also, when the  
22 changes started to manifest themselves, perhaps they  
23 weren't shown the sympathy and the understanding and  
24 given the knowledge that they required to be able to  
25 deal emotionally with the changes that they were going

1 through. Again, the sisters apologise for that.

2 Turning now to corporal punishment. It is accepted  
3 that corporal punishment was administered. It is  
4 accepted that in many instances, the corporal punishment  
5 was both inappropriate and excessive. What I mean by  
6 inappropriate is that the transgression or the mischief  
7 that the child was guilty of didn't warrant the  
8 administration of corporal punishment, and again there  
9 was evidence that corporal punishment was excessive  
10 in the sense that it was way beyond any reasonable  
11 chastisement.

12 I don't wish to get bogged down too much in what the  
13 common law position may have been at certain times and  
14 indeed what the common law is at the present time.  
15 I notice there was a proposal for some legislation  
16 in the Scottish Parliament outlawing corporal punishment  
17 by parents, which suggests that even today in certain  
18 circumstances the common law may countenance physical  
19 chastisement. I don't wish to get too bogged down  
20 in that. I think the important point for me to make  
21 clear is that not only by today's standards but the  
22 standards of the time when these incidents occurred,  
23 it's accepted that there were many instances in the  
24 evidence where there was no justification for corporal  
25 punishment and the corporal punishment that was

1 administered was excessive and went beyond what, on any  
2 analysis, could have been viewed as reasonable  
3 chastisement.

4 Again, the sisters unreservedly and without  
5 qualification apologise for those instances.

6 Again, although it is possible to identify  
7 exceptions in the evidence to what I'm just about to  
8 say, the general trend did appear to be towards the  
9 later period that the case studies have been concerned  
10 with, that the use of corporal punishment, if it hadn't  
11 died out completely, was certainly much, much less  
12 prevalent throughout the 1970s and into the early 1980s  
13 than it had been in the 1940s, 1950s and 1960s.

14 The next chapter relates to sexual abuse. This is  
15 perhaps the most difficult area of evidence for the  
16 sisters. Clearly, Joseph Duffy and Peter Blaney were  
17 convicted of very serious offences and that's all  
18 accepted and the failures on the part of the sisters  
19 which enabled those perpetrators to carry out the sexual  
20 abuse, the sisters apologise for any failures on their  
21 part.

22 Turning to the other allegations of sexual abuse,  
23 the sisters are mindful that as well as being fair and  
24 compassionate to the survivors of that abuse, they also  
25 have to be fair to those that have been accused of the

1 abuse. But having said all of that -- and one of the  
2 advantages of the sisters being present when this  
3 evidence was given -- the sisters have listened very  
4 carefully indeed to the evidence of the applicants and  
5 they've witnessed their pain and distress. They also  
6 recognise that giving evidence on such delicate matters  
7 required courage and resolve, and it is hoped that the  
8 process involved of giving this evidence and bringing  
9 these allegations to the attention of the inquiry has  
10 been of some help to the survivors.

11 The sisters apologise to any former pupil who was  
12 subject to sexual abuse --

13 LADY SMITH: I don't think they were pupils; they were  
14 residents in a home, Mr Lindsay. We're not talking  
15 about a school.

16 MR LINDSAY: No. I did ask the sisters how they referred to  
17 the children who, of course, are no longer children, and  
18 I was told that's how they refer to the former  
19 residents, as former pupils.

20 LADY SMITH: How interesting.

21 MR LINDSAY: That may be an inappropriate label to apply and  
22 your Ladyship may prefer "former residents". But as  
23 I was saying --

24 LADY SMITH: No, that is interesting, Mr Lindsay. It's not  
25 just a question of a preference on my part; I think

1           it is not correct to call the children who were in the  
2           Nazareth homes "pupils". I know some of them went to  
3           schools at some points, which the sisters separately  
4           were running, but that was going to school and being  
5           a pupil at school. When they were in the residential  
6           homes, they were simply children in need of home care.

7           If they were being regarded as pupils, perhaps that  
8           was partly responsible for cultivating an attitude that  
9           was not the right attitude to children who were in need  
10          of home care. Would I be right about that?

11         MR LINDSAY: I may have misunderstood what the sisters told  
12          me. I can understand your Ladyship's analysis of the  
13          word "pupil". But certainly from my discussions with  
14          the sisters, I think that would be reading too much into  
15          that particular --

16         LADY SMITH: Can I leave it with you to look into that and  
17          those instructing you could write and explain exactly  
18          what the position is there? I would like to know.  
19          Thank you.

20         MR LINDSAY: Yes, that will be done, my Lady.

21                 I think the very important point is that the sisters  
22                 do apologise to any former resident or child, however  
23                 one wishes to describe them, who was subject to sexual  
24                 abuse while in their care. Although the sisters are no  
25                 longer responsible for the care of children, they are

1 determined to learn all possible lessons that can be  
2 learned from this inquiry to ensure that the  
3 safeguarding procedures going forward are as robust and  
4 as effective as possible.

5 The next chapter deals with the evidence of positive  
6 experiences in Nazareth House, and I've listed all of  
7 the references there, all of which were spoken to by the  
8 various witnesses, and the inquiry have already  
9 indicated that they will consider all of that material,  
10 so it isn't necessary for me to take the inquiry this  
11 afternoon through all of the letters and other  
12 testimonials.

13 I think they help to paint a much, much fuller  
14 picture of life and experiences in the Nazareth Houses,  
15 and although many children had bad experiences, many  
16 children had very positive experiences.

17 LADY SMITH: As with the previous case study, a number of  
18 the applicants who spoke of very negative abusive  
19 experiences were at pains to point out that not all the  
20 nuns were like that.

21 MR LINDSAY: Yes.

22 LADY SMITH: There were some who were kind.

23 MR LINDSAY: Yes, my Lady.

24 LADY SMITH: It was very clear that they were trying to be  
25 fair where they had had a good experience as well as

1 a bad one.

2 MR LINDSAY: Yes.

3 The conclusions -- just pick up on the very point  
4 that my Lady has just put to me, to fully understand the  
5 work of the sisters and fully appreciate what care was  
6 like at the Nazareth Houses in Scotland, it's necessary  
7 to look at the good as well as the bad, and the  
8 importance of reconciliation is also recognised by the  
9 sisters and they hope this inquiry can be part of the  
10 process of reconciliation, and they hope that their  
11 expanded apology can also be part of that process of  
12 reconciliation. But as stated in the submissions, it's  
13 recognised that an apology on its own is insufficient  
14 and the sisters repeat the offer that they made at the  
15 start of the case study that they would be delighted to  
16 meet with any former resident who wishes to discuss  
17 their time in care with the aim of endeavouring to  
18 address their concerns.

19 Records, whenever they have been requested by former  
20 residents, have always been provided, and that will  
21 continue to be the case. Indeed, your Ladyship has  
22 already made reference to the case of the twins and  
23 their unusual circumstances, and the sisters have been  
24 actively investigating that and are trying to get to the  
25 bottom of it. That isn't a matter that's just been

1           allowed to rest, but so far they've not been able to  
2           make much progress with their investigations, either in  
3           their search of the written records or speaking to  
4           sisters who are still alive and who may remember the  
5           twins and that period of time.

6           Unless I can assist your Ladyship further, I would  
7           merely reiterate the expanded apologies on all of these  
8           issues that I have made on behalf of the sisters in the  
9           course of these closing submissions.

10          LADY SMITH: I have no further questions of you, Mr Lindsay,  
11          thank you very much for the assistance you've provided  
12          in your submissions.

13          Mr MacAulay, before I turn to my closing comments,  
14          can I check whether there's anything else that you wish  
15          to say at this stage?

16          Further closing statement by MR MacAULAY

17          MR MacAULAY: There is one point, my Lady, I would want to  
18          pick up, standing the fact that I said something  
19          different in my own submissions, and that's in relation  
20          to Archbishop Conti, in that he did go beyond saying  
21          that he had no recollection; I think that's what my  
22          learned friend Mr Inglis sought to stress.

23          LADY SMITH: This is the Joseph Currie matter?

24          MR MacAULAY: It is. He did say -- and we've checked the  
25          transcript -- that:

1           "The case didn't happen because I would have  
2 remembered it."

3           So he has gone beyond simply saying he had no  
4 recollection. That constitutes, in my submission,  
5 a denial of the event.

6                           Closing address by LADY SMITH

7 LADY SMITH: Thank you very much for that.

8           Before we finish, not just for today but finish the  
9 hearings in this case study, I want to thank all who  
10 have participated. It has been hard work for everybody  
11 involved.

12           I'm very grateful to the witnesses who have engaged  
13 so helpfully and openly with us and to all members of  
14 the inquiry team who have done so much so well to try  
15 and ensure its smooth running.

16           I'm sorry there were one or two technical problems,  
17 for example such as with the first attempt at the video  
18 link with Aberdeen, but none of them were foreseeable  
19 and they have since been addressed.

20           As with the case study in relation to institutions  
21 run by the Daughters of Charity, now that the hearings  
22 in this case study have finished, I am intending to  
23 proceed to prepare findings in fact, and those findings  
24 in fact will be published in relation to the evidence  
25 presented to date that relate to the provision of care

1 by the Sisters of Nazareth. That will be done as soon  
2 as I can. Also, as with Daughters of Charity, it will  
3 take some months to get to the publication stage,  
4 I should warn you of that.

5 Can I just take a moment to say something about the  
6 publication of my findings in relation to the Daughters  
7 of Charity case study. In accordance with normal  
8 inquiry practice, we are using outside publishers to  
9 produce the finished document. I can advise that the  
10 findings have been sent to the publishers and I'm  
11 expecting the publication process to be completed  
12 shortly, certainly so long as we have summer with us,  
13 which looks as though it's going to go for a few weeks  
14 yet, but it won't be long. I can't give you a precise  
15 date because we haven't got a precise date from the  
16 publishers, but it won't be very long.

17 Turning to our next case study, as previously  
18 indicated, we are going to look at the provision of  
19 residential care by three non-religious voluntary  
20 organisations: Quarriers Homes, Aberlour Childcare  
21 Trust, and Barnardos.

22 The case study will begin on 23 October and we  
23 expect it to continue, with some breaks, until about the  
24 end of January 2019. Details of the dates of hearings  
25 and the breaks will be published on our website in good

1 time before the hearings begin. We will very soon be  
2 inviting applications for leave to appear at this case  
3 study, so I would invite all interested parties to watch  
4 the website for that.

5 Otherwise, in 2019, we will be returning to the  
6 unfinished parts of the phase 1 hearings. There will  
7 thereafter be a case study looking at the provision of  
8 care by male religious orders and a case study looking  
9 at the arrangements for children to be cared for outside  
10 Scotland under child migrant schemes.

11 I have previously explained we're investigating the  
12 provision of care by 69 institutions and there is an  
13 outline of them, of course, on the website. But you  
14 should be aware that we are in the course of and will be  
15 investigating a significant number of other institutions  
16 in addition to that 69 and details about them will  
17 follow soon.

18 Research is another important aspect of our work.  
19 A range of research has been commissioned. You can see,  
20 for example, some of the research commissions that are  
21 detailed on the website. In addition to those, there  
22 are others under way, for instance regarding the  
23 Scottish aspects of the UK child migration policies.

24 When relevant research is complete, it is being  
25 placed onto the website, so you'll see it appearing

1           there from time to time once we've got to the end of our  
2           process of engaging with its authors.

3           Finally, let me return to the important matter of  
4           communicating with people who have not yet been in touch  
5           with the inquiry, who may be able to assist us. We are  
6           committed to encouraging anyone with any relevant  
7           information to get in touch and our communications  
8           campaign continues. To that end, you may be interested  
9           to know that one of the new initiatives we have  
10          arranged, and which you may wish to watch for, is  
11          a television advertising campaign, and that is due to  
12          run a little later this year.

13          I have nothing more I want to raise at this stage.  
14          This is the last opportunity for anybody to do so in the  
15          hearing context before I rise until October. Can I just  
16          check whether there's anything that anybody here who has  
17          leave to appear wants to ask me about.

18          As you all know, you know where we are, you know how  
19          to get in touch with the team, and I encourage you to do  
20          so if you have any queries in the meantime.

21          Otherwise, I renew the thanks I gave at the  
22          beginning of my remarks and I'll now rise.

23          Thank you.

24          (4.10 pm)

25          (The inquiry adjourned until 23 October 2018)

at a time to be determined)

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