

1 Tuesday, 15 January 2019

2 (10.00 am)

3 (Proceedings delayed)

4 (10.07 am)

5 LADY SMITH: Good morning.

6 Mr Peoples, this morning's witness, I think, is
7 ready for us.

8 MR PEOPLES: Yes. Before I call Professor Abrams to give
9 oral evidence, I would like to make a short statement
10 for reasons that will become apparent.

11 The statement is this, that Professor Abrams will
12 give oral evidence to the inquiry today and that
13 evidence will focus on six areas covered in a draft
14 report that she's produced, namely: staff recruitment,
15 qualifications and training; secondly, discipline and
16 punishment; thirdly, complaints; fourthly, inspection
17 and monitoring; fifthly, placement and review of
18 children; and, sixth, aftercare.

19 My Lady, a draft report that was prepared was
20 released to parties with leave to appear last Wednesday.
21 Last Friday, I arranged for the release of the questions
22 which Professor Abrams was asked to address in her
23 report as only the areas of review and not the questions
24 were set out in the draft report.

25 So that was done on Friday, and at the same time

1 I did request Professor Abrams, prior to giving her oral
2 evidence today, to prepare specific answers to those
3 questions. The inquiry received the answers yesterday
4 and I arranged for those answers to be circulated to
5 parties with leave to appear, and that has been done.

6 On Friday, each of the providers submitted an
7 initial response to the draft report. Professor Abrams
8 has been given those responses to consider prior to
9 finalising her report. The responses were all made
10 prior to seeing the answers to the questions, which came
11 in yesterday, and I've reflected on this matter and I've
12 had some discussions with parties. Today, I do not
13 propose to go through the various responses with
14 Professor Abrams when she gives evidence.

15 Clearly, she will require to consider each of them
16 carefully after today's evidence and she will no doubt
17 consider in particular whether any of her general
18 conclusions, as set out in her answers, require any
19 alteration.

20 In respect of each area reported on by
21 Professor Abrams, there were three principal questions
22 asked of her, and in addition there are some other
23 related subsidiary questions under each head.
24 Professor Abrams, as I've just said, has provided
25 answers to all of those questions and the focus of

1 today's evidence will be those answers as they represent
2 her general conclusions based on her review. So that's
3 really the scope of today.

4 As I explained in my opening statement at the
5 beginning of the case study, the purpose of carrying out
6 the review is to assist the inquiry in relation to an
7 understanding of the historical systems, policies and
8 practices in place at establishments run by the three
9 providers during the period covered by the inquiry's
10 terms of reference.

11 There are three further points that I'd wish to make
12 at this stage.

13 LADY SMITH: And that is to assist understanding insofar as
14 that can be gained from such documents as are
15 available -- and no doubt Professor Abrams is going to
16 explain to us what the different sources were that she
17 and her assistant went to for those documents.

18 MR PEOPLES: Absolutely, and of course the understanding is
19 not only assisted by such review as Professor Abrams has
20 carried out, but obviously by the other evidence that
21 we've heard on these matters to date and may hear in due
22 course.

23 LADY SMITH: It's very important to bear that in mind, not
24 least the evidence to the effect that what's written on
25 paper doesn't mean anything: what's important is

1 what was happening in practice.

2 MR PEOPLES: Indeed, and clearly this is only one part of
3 the evidence that the inquiry will hear. There are
4 three points that I wish to make at this stage, which
5 I think may help.

6 The first is that Professor Abrams will not be asked
7 and was not commissioned by the inquiry to express an
8 opinion as an expert on issues of childcare practice,
9 the quality of care provided to children by each of the
10 three providers, what might have been expected by way of
11 systems by the standards of the time, or indeed what
12 those standards might have about. None of that is part
13 of the exercise she was asked to look at.

14 The second point is -- and to some extent this maybe
15 echoes what your Ladyship has just said -- in the
16 context of this case study, and in the wider context of
17 the inquiry's work as a whole, the evidential value of
18 the work done by Professor Abrams, including any general
19 conclusions based on the information drawn from the
20 documents she has reviewed, will be a matter for you as
21 chair of the inquiry to determine in due course. So
22 I make that point. I think it's an obvious one, but
23 I think it's worth making at this stage.

24 The third point is that the report is in draft form.
25 A final report will be produced as soon as practicable

1 by Professor Abrams. Subject to correcting any factual
2 errors, adding missing footnote references, and making
3 any changes which she considers to be necessary or
4 appropriate to her general conclusions in light of
5 comments received from parties in response to the draft
6 or indeed sight of any additional documents or
7 information provided to her by them or at their request,
8 the final report will remain confined in scope to
9 answering the questions Professor Abrams was asked to
10 address.

11 There will be a report, but it will remain focused
12 on the questions which she was asked to consider and
13 answer.

14 If in the light of the oral evidence and release to
15 parties of all footnote material -- because some
16 material hasn't been released, as I understand it. If
17 in light of the evidence and release of all footnote
18 material mentioned in the draft there are particular
19 questions which any party with leave to appear would
20 wish to be put to Professor Abrams, such as questions
21 concerning, for example, her general conclusions, it
22 appears to me that the appropriate course would be for
23 that party to submit a list of proposed questions to the
24 inquiry, and if you as chair agree that it is
25 appropriate to those questions be put to

1 Professor Abrams for answer, then arrangements will be
2 made for that to happen.

3 So it's really to devise a procedure that reflects
4 the fact that this is a report in draft form and that
5 opportunities must be given to consider any points
6 raised by parties at this stage, in fairness to them and
7 indeed to Professor Abrams, before she expresses her
8 conclusions in the form of a final report.

9 So these are really all the things I have to say at
10 this stage. It will be clear, I think, that we will be
11 looking essentially at one document today, which is the
12 questions and answers that came in yesterday and what is
13 said in them, if that assists both your Ladyship and
14 parties.

15 LADY SMITH: Thank you.

16 MR PEOPLES: With that introduction, I will call
17 Professor Abrams at this stage.

18 PROFESSOR LYNN ABRAMS (affirmed)

19 LADY SMITH: Professor Abrams, please sit down and make
20 yourself comfortable.

21 The microphone does a good job provided you stay
22 in the right position for it. Try to use it if you can,
23 please.

24 Questions from MR PEOPLES

25 MR PEOPLES: Good morning, Professor Abrams. I think that

1 within the red folder I'm hoping that you will have
2 copies of a draft report which you have prepared, which
3 is essentially in three parts: one concerning Aberlour,
4 one concerning Barnardo's, and one concerning Quarriers.

5 A. Right.

6 Q. I hope you will also have within one of the folders
7 certain questions to which you recently provided
8 answers, these being questions which the inquiry asked
9 you to address as part of the review that we'll hear
10 a little bit about.

11 A. Yes.

12 Q. Can I say at the outset, so far as today is concerned,
13 that my interest today, for a variety of reasons, is in
14 looking at the document you prepared recently containing
15 the questions which you were asked to consider as part
16 of your review and the answers or conclusions that you
17 have reached in relation to these questions based on
18 your review. Today the focus will be on that and
19 I don't intend to look in detail at the draft reports
20 themselves.

21 A. Okay.

22 Q. So if that assists you as to the scope of today's
23 exercise, if I can.

24 A. Okay, thank you.

25 Q. Therefore, it should allow me to ask some short

1 questions, but hopefully ones which will lead us fairly
2 quickly into the questions and answers that you've
3 provided.

4 Just by way of preliminaries, I think I'd better,
5 for the record at least, put the identification of your
6 draft report and the various parts into the transcript.

7 You did prepare a draft report in relation to
8 Aberlour Child Care Trust, which is INQ.001.004.0130.
9 You prepared another part of your report in relation to
10 Dr Barnardo's, or Barnardo's, which we have given the
11 identification INQ.001.004.0195. Lastly, you have also
12 prepared in draft part of your report on Quarriers,
13 which is INQ.001.004.0267.

14 Just again so that we can identify the documents, in
15 particular the questions and answers that I'm going to
16 ask you about today, the questions and answers which
17 you've now prepared recently are contained in document
18 INQ.001.004.0360.

19 So that's really the document I think I would like
20 you to have to hand this morning.

21 A. Is that in the folder?

22 Q. It should be in one of the red folders, I hope. It may
23 be in the other one.

24 A. Here it is.

25 Q. The only other document that I should perhaps mention at

1 this stage to give a reference to is that you have also
2 provided the inquiry with a curriculum vitae, which is
3 numbered INQ.001.004.0373. I may make brief reference
4 to that shortly.

5 So far as today is concerned, perhaps you could look
6 briefly at your CV that you provided. Can you
7 confirm -- you have produced a very lengthy CV --

8 A. Sorry, I was asked for this at rather short notice so it
9 was all that I had on my computer at work yesterday. So
10 it is rather long, I'm afraid.

11 Q. That's not a criticism of you. In fact, it is
12 illuminating. I suppose for present purposes, can we
13 take it that you were commissioned by the inquiry
14 essentially as a social historian?

15 A. Yes, that's correct.

16 Q. Would the CV demonstrate that that is really your
17 principal field of activity?

18 A. Yes, it is. My current position, academic position, is
19 professor of modern history in the School of Humanities
20 at the University of Glasgow, but my practice is as
21 a social historian of modern Britain, including
22 Scotland. I suppose that's best demonstrated by my
23 publications. You'll see a long list of publications
24 there on pages 5 and 6 of the CV.

25 There is a wide range of material there. Most of

1 it is not specifically on children and childcare, but
2 I did produce a book back in 1998 on the history of the
3 child welfare system in Scotland and some articles too
4 that address children's experiences of childcare at that
5 time. Since then I've worked on a range of projects
6 around everyday life, around gender and a number of
7 other areas of social history in the modern period from
8 the 1800s to the present.

9 Q. What you are referring to, I think specifically, on
10 page 0377, page 5 of the CV, is I think a reference to
11 a publication that was published in 1998, "The Orphan
12 Country: Children of Scotland's Broken Homes, 1845 to
13 the Present Day".

14 A. Yes.

15 Q. And just another that caught my eye, and you may correct
16 me if I'm wrong, if we go to page 7 of your CV at
17 page 0379, to number 15 on that page, we see something
18 entitled "Lost Childhoods: Recovering Children's
19 Experience of Welfare in Modern Scotland". And you
20 appear to have contributed to that work --

21 A. Indeed.

22 Q. -- which was published in 1999.

23 A. Yes, that was a chapter in an edited book.

24 Q. Can I take it then that you would consider that you, and
25 indeed your research assistant for this particular

1 review, have expertise in reviewing historical records,
2 including indeed records relating to children in care?

3 A. Yes. I think, yes, that's correct. We both have
4 experience of archival research so that would be the
5 main way in which, I suppose, most social historians
6 would undertake their primary research. So we both have
7 experience of extensive archival research on unpublished
8 documents, primarily in archives held by, for instance,
9 government, the Scottish Office, National Records of
10 Scotland, and local authority archives and also some
11 private archives too.

12 Q. So you're quite conversant with doing that sort of work?

13 A. Yes.

14 Q. And then extracting what you consider is relevant to the
15 matters you are asked to look at --

16 A. Yes, that's right.

17 Q. -- and carrying out some degree of analysis to form
18 conclusions --

19 A. Yes.

20 Q. -- on issues you were asked to look at?

21 A. Yes.

22 Q. Can you also confirm for me at this stage that you were
23 commissioned as a social historian by the inquiry to
24 carry out a review of documents that pertained to
25 Quarriers, Barnardo's and Aberlour?

1 A. That's right, yes.

2 Q. Can you also confirm that the general aim of the review
3 was to find out in relation to six areas, which are
4 covered in your draft report, essentially what systems
5 existed and how they operated in practice during the
6 period between 1930 up until about 1990?

7 A. Yes, that's correct.

8 Q. And I see (inaudible) so far as the documents you
9 reviewed are able to shed light on such matters.

10 A. That's correct. I suppose what -- if I can just
11 explain. I suppose what we would do as historians is if
12 we're looking for systems or processes within a set of
13 documents, we would hope -- what we would want to find
14 would be a statement of those systems or processes,
15 obviously, and if we don't find that, then we would
16 review the other records that are available to us to see
17 if we can see how those systems and -- can see how
18 practices relating to those particular areas -- let's
19 say staff training or discipline or something -- were
20 conducted in practice. That might give us an indication
21 whether there were consistent ways of dealing with
22 certain issues.

23 Q. At this stage, just by way of introduction, can you
24 confirm that you were asked to answer certain questions
25 on the basis of your review and indeed the document

1 we'll look at in a moment, the question and answer
2 document, sets out the questions, the principal
3 questions, some sub-questions, in relation to particular
4 areas and your answers --

5 A. Yes.

6 Q. -- to those questions.

7 A. Yes. We answered the questions and the sub-questions
8 in relation to each of the three providers as far as we
9 could from the documents that we had available to us or
10 were able to consult in the time that we had available.

11 Q. Before I ask you to give us a general idea of the type
12 of documents that you did review, can you also confirm
13 at this stage that you were not commissioned as an
14 expert in childcare practice to express an opinion on
15 issues of childcare practice, the quality of care
16 provided to children by each of the three providers,
17 what might have been expected by way of systems by the
18 standards of the time, or indeed what those standards
19 might have been?

20 A. Yes, that's correct.

21 Q. Can you just tell us a little -- I don't want to get
22 into too much detail because I think we can perhaps get
23 this from the draft reports, but can you give us
24 a little -- tell us a little about the documents that
25 you have reviewed in order to provide the answers which

1 are in the question and answer document?

2 A. So I suppose they fall into two piles, I guess. For the
3 most part we looked at documents provided by the three
4 providers to the inquiry and the inquiry then provided
5 them to us. I'll describe those in a second.

6 Then on the other side, we did look at some
7 documents that the inquiry did not have in its
8 possession and that were not provided by the three
9 providers. Just very quickly, those -- that's where
10 they were -- if there were particular gaps we felt
11 in the material provided to us by the three providers,
12 we thought it was helpful to go elsewhere.

13 So we did do some quite quick analysis, searching of
14 online newspaper archives for advertisements about staff
15 recruitment. And the other area was records held by the
16 National Records of Scotland relating to Scottish Office
17 inspections of children's homes. So I think they were
18 the only records that we really consulted that weren't
19 provided to us by the inquiry and therefore by the
20 providers.

21 So those records fell into a number of different
22 categories. We had access to a good number of case
23 files, confidential case files, of children in care,
24 which ranged from the very brief to the absolutely
25 voluminous. We had access to some printed materials

1 such as material that was produced by the providers for
2 external consumption, like Quarriers' narrative of facts
3 would be an example, and a few issues of Aberlour's
4 magazine, I think.

5 We had access to various kinds of minutes from some
6 of the providers of meetings, executive committee
7 meetings, and management committee meetings, and so on.
8 I think they're the kind of main categories of material
9 that we looked at. We also had some access to some
10 staff records, if I'm right. So they're all quite
11 different kinds of material and I would say, of course,
12 records are not finite. You can go on and on and on as
13 a historian looking at records, but given that we were
14 quite constrained in terms of the time that we had to
15 conduct this research, we restricted ourselves to the
16 records that we thought would be most helpful in
17 answering these questions.

18 There would always be other records out there, we're
19 quite aware of that, that might add to what we've been
20 able to say, but I think within the time and the
21 resources, it would not have been helpful for us to have
22 gone any further, to be absolutely honest.

23 Q. Just at this stage, because I've already mentioned this
24 before you came in to give evidence, the reports, the
25 three parts of the report, are in draft form at the

1 present time?

2 A. Yes. Absolutely.

3 Q. And require to be finalised?

4 A. They do.

5 Q. No doubt incorporating the questions and the answers in
6 some final report?

7 A. Yes.

8 Q. And I think you can confirm for me that you've -- and
9 I don't want to go into the detail of this, but you've
10 received responses that each of the providers have made
11 to the draft report prior, I think, to you giving your
12 answers; is that correct?

13 A. So yes. Can I say something about that?

14 Q. I don't want you to go too far. You have received those
15 responses?

16 A. Yes.

17 Q. And I have indicated this morning that you will no doubt
18 consider those and whether you should in your final
19 report either change anything or correct anything --

20 A. Absolutely.

21 Q. -- or reword or review any conclusions that you
22 expressed in your question and answer document; is that
23 correct?

24 A. That's absolutely correct. I'm absolutely happy with
25 that, yes.

1 Q. I can say -- and maybe this is a relief for all of us --
2 that I'm not planning to take you to these responses
3 today or ask you about specific matters in them.

4 A. Okay, thank you.

5 Q. And I think all parties are aware that that's the way
6 I intend to proceed today --

7 A. That's very helpful.

8 Q. -- for the reason that there is a draft and you will
9 have regard to what has been said.

10 A. Indeed. I only received the responses at 4 o'clock last
11 night anyway.

12 Q. Yes.

13 Can I now then turn very directly to the question
14 and answer document. That is INQ.001.004.0360.
15 You have an introductory passage before you look at the
16 specific questions that you provide answers to, is that
17 correct --

18 A. Yes.

19 Q. -- to explain what you're doing?

20 A. Mm-hm, yes, that's right.

21 Q. You're seeking in this document, I think, as you say:

22 "... to summarise the extent to which the records
23 consulted provide evidence of whether systems or
24 procedures existed and were followed in respect of the
25 various areas in question for each provider."

1 And you seek to draw -- and you use the expression
2 "tentative conclusions" on the basis of the exercise in
3 respect of differences that may have existed between the
4 three providers and indeed what impact these systems
5 would have had on the care of children. So can you just
6 explain why you have chosen that language?

7 A. The word "tentative"?

8 Q. Yes.

9 A. I think because -- well, I think one of the reasons is
10 because the records for each provider are different. So
11 if we're trying to draw some conclusions about comparing
12 the three providers, then we need to be a little bit
13 careful because we cannot always compare the records
14 across the three providers. They are rather different.

15 I think that's the main reason, to be absolutely
16 honest with you, and I think also to say that some of
17 the records are quite partial. So I would go back to my
18 point, I just made, that if one had unlimited time,
19 unlimited resources and unlimited access to records,
20 which is never really the case, but one's conclusions in
21 these kinds of areas are often going to be a little bit
22 tentative because someone might always -- let's take the
23 case of children's case files.

24 There are hundreds, thousands, of children's case
25 files. We selected a sample -- we asked for a sample to

1 be made available to us because we knew what the volume
2 of these case files was and we really wouldn't have the
3 time to go through any more in any detail. So I think
4 in relation to that kind of material, you have to be
5 tentative when providing an example to back up
6 a conclusion, one is basing that on the knowledge
7 that -- one might have seen, let's say, five case files
8 from a particular decade from a particular provider,
9 where actually what's available is maybe 100 or 200 or
10 300 case files.

11 Q. I suppose -- and I think we'll see this when we look at
12 the various questions and the answers you give, that in
13 some areas you don't find it possible on the basis of
14 the documents you've reviewed to form any reliable
15 answer to the question that you've been asked?

16 A. That's correct, yes. That is not to say that some of
17 that information might not be available somewhere else,
18 but I haven't seen it and therefore I can't comment on
19 it in this report.

20 Q. Can I look at the individual heads that you deal with
21 in the question and answer document. The first head
22 concerns staff recruitment, qualifications and
23 in-service training initiatives. The first question
24 that is posed is:

25 "What systems existed in respect of recruitment,

1 including how staff were recruited, and training of
2 staff?"

3 Again, just to remind everyone, we're looking at
4 a particular period from 1930 up to about 1990. Is that
5 essentially the period covered?

6 A. Yes.

7 Q. So it's a big period?

8 A. It's a big period and I think the majority of our
9 information is actually probably up until the 1970s,
10 maybe the 1980s. It's quite difficult, the sort of end
11 of that period, to have information, so I think the
12 majority of that material is on the first two thirds, if
13 you like, of that period.

14 Q. To some extent -- and maybe we'll see this in due
15 course -- you maybe contrast the earlier part of that
16 period with the later part --

17 A. Yes, that's correct.

18 Q. -- to try and get a broad picture of how things were?

19 A. Yes.

20 Q. The first bullet point you make in relation to that
21 question is what?

22 A. Is that all the providers were challenged, throughout
23 the period in question in recruitment, and particularly
24 in the earlier part of the period, I think up to the
25 1960s. We can say that because minutes from providers

1 provide evidence that they are constantly recruiting and
2 they are constantly concerned about staff recruitment.

3 Q. Are you able, just very briefly -- again I don't want to
4 descend into the detail of the draft at this stage --
5 what was the nature of those challenges, if you could
6 summarise very briefly?

7 A. Staff turnover is generally the challenge -- well, staff
8 turnover on the basis of -- because of particularly,
9 I think, for Quarriers and Aberlour, particularly due to
10 the location of their institutions, Aberlour in
11 particular because it's in quite a remote location. And
12 because they required, for the most part, live-in staff,
13 therefore that was a huge challenge for them, I think.
14 So they see a sort of fairly regular turnover of staff
15 and difficulties in recruiting.

16 LADY SMITH: When you're referring to minutes, I take it
17 you're referring to the minutes of the relevant
18 governing body in each case?

19 A. Yes.

20 LADY SMITH: As opposed to minutes of staff meetings or --

21 A. I haven't seen any minutes of staff meetings. I think
22 what I'm referring to in the main is -- for Aberlour,
23 that would have been their management committee minutes,
24 which we saw some of.

25 LADY SMITH: They could be a committee of the main governing

1 body?

2 A. That's correct, yes.

3 LADY SMITH: It's at that level that you're seeing problems
4 documented?

5 A. Yes. That's correct. We haven't seen anything for the
6 subcommittees so, yes, that's correct.

7 MR PEOPLES: You have obviously mentioned the location, at
8 least in particular in the case of Aberlour but also
9 in the case of Quarriers, but were there any other
10 features that you identified that presented a challenge
11 such as even if one's looking at the type of candidate
12 and getting a suitable person?

13 A. Let me think. Well, there were certainly challenges
14 in -- so all three providers -- and I think the records
15 show that, demonstrate to us, perhaps -- particularly
16 Aberlour and Quarrier were always looking for Christian
17 recruits. So that was perhaps a challenge for them,
18 that people who applied for posts there had to have
19 a testimonial from a minister of religion and had to
20 demonstrate their -- I can't remember the wording now.

21 Q. Their commitment?

22 A. Yes, their commitment.

23 Q. To the Christian faith?

24 A. Yes, that's correct, so that was an additional
25 challenge, I think.

1 Q. And I suppose that would restrict the pool, if you like,
2 if that was one of the things they were looking for?

3 A. It's hard to say, actually. Yes, I think it's quite
4 hard to say because in the earlier period you would say
5 that actually the majority of people applying perhaps
6 would have been a member of a Christian faith and
7 therefore that would not have necessarily excluded them.
8 I think as time goes on, that might have been more of
9 a challenge.

10 Q. Just going back to one point you told us about, the
11 requirement to live in, if you like, was that
12 a general -- was that generally the practice, that
13 carers, at least in the earlier part of the period, were
14 living in?

15 A. Particularly in the earlier part of the period, yes,
16 particularly carers. So if we are looking at
17 house parents, and people further up the hierarchy as
18 well, like the lady superintendent at Aberlour, for
19 instance, those kinds of positions tended to be live-in
20 positions, yes.

21 Q. In relation to the first question, you make some
22 observations and draw some conclusions about the use of
23 advertisements; is that right?

24 A. Yes.

25 Q. What did you conclude about the use of the

1 advertisements?

2 A. That's how they recruited. That's how we can see them
3 recruiting for their staff. There may well have been
4 other ways of recruiting, but that is the way that we
5 can see how they recruited, particularly for, again,
6 more senior positions and childcare positions, let's put
7 it like that. So house parents would be the best
8 example of that, particularly in the period up to the
9 1960s.

10 As I said, we did a search of online newspapers to
11 find advertisements for those providers. In the later
12 period, probably from the 1960s onwards, as they are
13 increasingly able to recruit for qualified staff for
14 some of those positions, it is likely, but I don't have
15 the evidence for this, it is likely they are advertising
16 in more specialist childcare journals, but we weren't
17 able to do those kinds of searches for this particular
18 piece of work.

19 So we have found adverts in, I think, the Aberdeen
20 Press & Journal and so on and so forth for positions as
21 house parents, deputy house parents, and so on, and some
22 for some auxiliary staff I think.

23 Q. All of these positions would be involving some sort of
24 position caring for children in a unit or an
25 establishment?

1 A. Well, the house parent positions and other sort of
2 connected positions would be. Some of the auxiliary
3 positions, such as running the farm and perhaps running
4 the laundry, let's say at Aberlour, they might not have
5 so much, perhaps, contact with children and childcare
6 issues.

7 Q. Just on the method of recruitment, you have mentioned
8 that obviously you found the evidence that
9 advertisements were used. But you also in the third
10 bullet point appear to have been able to conclude that
11 the providers, all three, were recruiting for positions
12 within their own organisation. Did you find evidence of
13 that?

14 A. Yes. There's evidence for that in the minutes that
15 people move around, they move from -- if we're looking
16 at smaller homes, they might move from one small home to
17 another one. So they certainly do that and then also
18 people are, if you like, promoted sort of through the
19 organisation as well, yes.

20 Q. Indeed, you say in your answers -- and you refer
21 specifically to Barnardo's were advertising within their
22 own magazine. Is this for positions that were vacant?

23 A. Yes.

24 Q. When you say their own magazine, do you mean a staff
25 magazine or something else?

1 A. Do you know, I have to defer on that one, I think.

2 I don't think we saw many issues of that and I think
3 my ... I'd rather not -- I'd need to check the
4 references.

5 Q. That's fair comment. Okay, we'll leave that. The other
6 point you make in bullet point 3 is to do with the
7 employment of care leavers in just domestic roles within
8 establishments. That's children who had been in care
9 who reached school leaving age.

10 A. Yes.

11 Q. Did you find some evidence of that?

12 A. There is some evidence of that. There's evidence of
13 that in the case files when you look at -- if you like
14 to call it the transitions of children at the age of
15 whatever, 15, 16. Some of those children are kept on in
16 institutions and it's quite clear that some girls are
17 employed in domestic work in these institutions and some
18 boys were employed, let's say, on the poultry farm or in
19 labouring work. And some, actually -- I think we also
20 had some examples of boys who were employed in trades in
21 institutions.

22 Q. Is this a separate point to one which I think you deal
23 with in your draft report of the -- children doing
24 chores that maybe in modern times would be done by
25 adults as part of an organisation's staffing structure?

1 A. So I suppose -- are you referring to the -- there might
2 be two separate categories of, if you like, "work" that
3 children might do in an institution. So there's this
4 kind of work where they are transitioning from
5 school-leaving age and they are moving into independent
6 living, if you like. And then there is the work, let's
7 say housework, that children might have done in cottages
8 as children in care.

9 Q. Because I think, and I may be wrong, was there not some
10 reference in one of the reports of the concept of
11 working girls from age 13 to 17 who were employed --

12 A. Be careful what you mean by that phrase!

13 Q. I think that's the expression used in the draft. It is
14 not my own, I have to say.

15 A. Oh dear. I think we might need to change that.

16 Q. I think that's the term they were given at the time.
17 They were young woman who were between 13 and 17, who
18 I think were paid --

19 A. Yes.

20 Q. -- but perhaps not the going rate.

21 A. Yes, I think there is a reference to that, yes.

22 Q. These wouldn't be necessarily people who were leaving at
23 that stage?

24 A. They would eventually leave, but they were in that kind
25 of limbo period, I suppose. It runs parallel with --

1 and I'm sure this is something that we'll talk about
2 maybe later on -- if we are looking at girls in
3 particular, where many girls particularly in the earlier
4 period, are found positions in domestic roles.

5 Q. I think we'll come to that. You have a section on that
6 in "Aftercare", so I'll maybe leave it until then.

7 Moving to what might be a sub-question of this head
8 to do with checks made before individuals were
9 recruited, I think your bullet points indicate that
10 there was evidence of requirement for either
11 testimonials or references.

12 A. The adverts certainly ask for usually testimonials or
13 references. I mean, I couldn't say from this distance,
14 if you like, what they regarded as a testimonial and
15 what they regarded as a reference. I would normally
16 think that a testimonial was a letter that an applicant
17 requested from someone they knew, an employer, but also
18 more particularly, in these providers, from a minister
19 of religion.

20 So they certainly were asked for, and we haven't got
21 a lot of evidence, certainly, for them being taken up
22 because we haven't got records of the whole recruitment
23 process. But certainly, we did see some limited
24 evidence in the Aberlour management committee minutes of
25 references being taken up.

1 Q. When you say taken up, I take it you mean some follow-up
2 to the documents received --

3 A. Sorry, say again?

4 Q. What do you mean by the expression "taken up" in terms
5 of the testimonials or references being taken up?
6 Is that by the organisation carrying out some follow-up
7 to that?

8 A. Do you know, I don't think it's absolutely clear whether
9 the references are taken up subsequent to the person
10 being offered a post or subsequent to them being invited
11 to interview or whether they only check out the
12 testimonials that are provided with the application.
13 I don't think that's quite clear, actually. You've got
14 kind of limited evidence to really understand how that
15 process worked.

16 Q. I think in some cases -- and maybe this is made in the
17 draft reports -- there was a limited amount, at
18 least in the case of some of the providers, of staff
19 records available.

20 A. So, yes, that's correct. So I think I'm right in saying
21 that Barnardo's has staff records, but we didn't consult
22 them extensively, again because of constraints of time.
23 For Quarriers, we did visit Quarriers and I think we did
24 ask whether they had any HR or staff records and they
25 said not for that period up until quite recently. To be

1 absolutely honest with you, I can't remember the
2 Aberlour position, but we didn't see staff records for
3 Aberlour.

4 Q. But going back to testimonials, you mention in bullet
5 point 3, under the question of what checks were made,
6 that Quarriers required testimonials from applicants and
7 you seem to have seen evidence of a testimonial being
8 required from a minister until the 1960s. Is that
9 correct?

10 A. That's correct, yes.

11 Q. In the case of Barnardo's, you seek to tell us what you
12 found. In bullet point 4 under "What checks", you have:

13 "Barnardo's required two references, one from
14 a minister, until at least the 1970s."

15 Was that something that appeared to be the position
16 from the records you saw?

17 A. Yes, we have evidence of that at least in one case, yes.

18 Q. So far as Aberlour is concerned, in bullet point 5, you
19 say that the evidence from records you saw indicated
20 a shortlisting and interviewing of senior
21 appointments --

22 A. Yes.

23 Q. -- although also some appointments were made in-house.
24 So there's a mixture.

25 A. There is a mixture. We certainly saw in management

1 committee minutes the process of advertising, the
2 shortlisting of applicants who applied, interviewing and
3 trying to make an appointment. That is outlined in
4 their management committee minutes, which we saw up
5 until, I think, the 1960s.

6 Q. In sub-head (b) of the question, there's a sub-question:

7 "Was there any implicit or explicit set of
8 characteristics that organisations sought in
9 a candidate?"

10 In the first bullet point you say:

11 "Until the early 1970s, all three [it appeared to
12 you from your review] placed some emphasis on Christian
13 commitment."

14 A. Yes.

15 Q. There seemed to be some evidence of that?

16 A. There is. Usually it's in the job ads, yes.

17 Q. So it's explicit in some cases?

18 A. It's absolutely explicit, yes.

19 Q. Did that tail off then?

20 A. Yes.

21 Q. At what point?

22 A. I would say from the 1970s it begins to change.

23 Q. In the next bullet point on page 0361, page 2 of your
24 question and answer document, your review suggested to
25 you, did it, that Aberlour and Quarriers, at least for

1 part of the period, were seeking women with domestic
2 skills and men and women able to exercise discipline?

3 A. Yes, I guess it's not surprising, but yes, these are
4 some of the descriptions that they would use in a job ad
5 to recruit matrons, lady superintendents, house parents,
6 and so on. I would say for the majority of adverts that
7 we saw, discipline actually is mentioned, the ability to
8 exercise discipline. I could kind of link that with the
9 next bullet point because they also mention love of
10 children and so on. So you see those two things side by
11 side.

12 Q. So you find this just as a general description in some
13 of the adverts you have seen?

14 A. Yes.

15 Q. When we're talking about these adverts, are we looking
16 at the period from 1930 through to when?

17 A. Through to about the 1950s, early 1960s. I'd need to
18 check, but I think that's the kind of period. I think
19 subsequent to that, we think that they are probably
20 trying to recruit more through more specialist avenues.

21 Q. You say under the bullet point, the second bullet point
22 on page 0361, page 2 of the question and answer
23 document, there seems to have been at least some
24 evidence of a preference for married couples.

25 A. Yes, that's at Quarriers. They certainly made that --

1 not a requirement but they would say in recruitment
2 adverts that they preferred married couples and it was
3 sort of notable that until around 1960 they preferred
4 couples to be childless, but then later on, they did
5 begin to recruit couples that had children. I think up
6 to two. I don't know what the reason for that was.

7 Q. I was going to ask you. Did you find evidence of why
8 they preferred --

9 A. No, I could speculate that it might have been to do with
10 accommodation or something, but I don't know.

11 Q. There was no clear evidence to explain the rationale?

12 A. No.

13 LADY SMITH: It could have proved unrealistic to ask for
14 couples who were committed to remaining childless --
15 which would seem implicit in looking for that -- or they
16 just had to recognise that some couples who came without
17 children would remain without children and others would
18 have children.

19 A. Yes. But I don't have really any evidence to --

20 MR PEOPLES: Was there evidence you found in relation to
21 perhaps more the earlier period, the 1930s through to
22 maybe postwar, immediate postwar, of looking for single
23 persons, either single women or simply men?

24 A. They do recruit single people, certainly. I'm just
25 trying to think whether we saw any specific adverts that

1 said only single people might apply. But if it was
2 a position like a matron or a superintendent or
3 something, they would tend to be single people.
4 Aberlour, I think, certainly, if it was recruiting for
5 male house parents, they tended to be single men.

6 I think there's a slight difference, when you look
7 at auxiliaries, what I would call auxiliary workers, so
8 people working in the laundry or the farm and so on, so
9 there is evidence that they would appoint one or other,
10 you know, maybe appoint a woman to be the laundry
11 matron, and then, because she was married and her
12 husband was useful, then the husband would also be
13 employed, perhaps on the farm or as a tradesman.

14 Q. Did you get a sense of the age of appointees of the
15 people recruited to these various positions?

16 A. No.

17 Q. No?

18 A. No. I don't think so, no. I mean, you can pick it up
19 a little bit from things like -- from different sets of
20 records. So if you're looking at, let's say, Scottish
21 Office inspections, then there are occasions when they
22 will talk about that and comment on the ages. In the
23 particular inspection that we all know about, which is
24 the 1965 Quarriers inspection, which is incredibly
25 detailed, it does go through each cottage and it gives

1 details and I think it might give ages of the
2 house parents. But otherwise, no, I don't think we have
3 evidence of ages.

4 Q. On another matter, the matter of childcare
5 qualifications -- this is the third bullet point on
6 page 2 of the question and answer document at
7 page 0361 -- what did you find in relation to
8 qualifications?

9 A. So really, until the 1970s, qualifications, as I have
10 said here, were not necessarily required or desired.
11 The exception is always nursery nurses, because they had
12 the opportunity to have qualifications, and also
13 sometimes matrons who would have come through a nursing
14 route and so they would have nursing qualifications.
15 But otherwise, if we're looking at house parents and the
16 variety of other sort of deputy house parents and
17 assistants and so on, really up until the 1960s, early
18 1970s, they are not asking for qualifications and for
19 the most part those qualifications would not have been
20 available. There is not a lot of training available for
21 people working in childcare in that period.

22 So what they ask for is the desirability of some
23 experience of working with children, which I think is
24 the next point, sorry.

25 Q. No, you do deal with that in the fourth bullet point on

1 page 0361, page 2 of your question and answer document,
2 saying that what you tended to find was experience was
3 desirable for childcare posts until the early 1970s but
4 could take many forms.

5 A. Yes, it could take many forms. Such as -- so we know
6 this, again, from -- so an advert would usually just
7 state something like "experience with children" or "some
8 experience with children and young people", that kind of
9 thing in general terms. Again, if we think about that
10 Quarriers' inspection in 1965, that gives a really good
11 insight into what some of the experience was of some of
12 those house parents. And some of them would have had
13 experience in youth work, working with Sunday schools.
14 Some clearly did come with experience in childcare
15 institutions of one kind or another. So it's actually
16 a really, I think, probably a mixed picture.

17 Q. Can we see if we can pull that together. You say
18 a mixed picture, so previous childcare experience in
19 a broad sense was desirable but not seen as essential?

20 A. Yes.

21 Q. And not necessarily previous residential childcare
22 experience? Would that be the picture?

23 A. That's the broad-brush picture, yes.

24 Q. Were you able to form any view on the basis of the
25 documents you looked at as to how many staff had limited

1 experience of residential childcare when they were
2 recruited?

3 A. I don't think we have numbers, I don't think we have
4 statistics that are helpful in that way. There are
5 snapshots that various institutions at various points --
6 but I don't think you could across the period say who
7 had qualifications and who didn't. I mean --

8 Q. Not just qualifications, experience?

9 A. Sorry, experience. You mean childcare experience?

10 Q. Well, residential childcare experience.

11 A. Well, there's the exception of those people who are
12 moving, if you like, in-house, so they've got the
13 childcare experience. If they're moving from one
14 Barnardo's to another, they've clearly got residential
15 childcare experience. I just want to be really careful
16 about that because I just think the evidence is a bit
17 scanty, really.

18 Q. Just say so. I just want to know whether you feel
19 that is the position.

20 A. I think it is, but I think the evidence is actually
21 pretty scanty to underpin it. So from the evidence
22 I have from those appointments made, you know, the
23 evidence is that actually very many didn't have much
24 childcare experience.

25 Q. Can I just go back to qualifications and ask one

1 question for the whole period. At any point during the
2 period covered by the review, 1930 through to 1990, did
3 it become obligatory for all residential care workers to
4 have a childcare qualification?

5 A. Oh gosh ... I'm sure there is an answer to that and I'm
6 not sure that I can answer it right here. Certainly
7 from the 1970s, it's increasingly requested. But
8 I don't want to say when I can't absolutely --

9 Q. Maybe I'll leave that question with you and in the final
10 report you can address it.

11 A. Yes, we can do that.

12 Q. You see the question I'm asking, whether it was
13 obligatory for all residential care workers in that
14 period?

15 A. Yes.

16 LADY SMITH: Mr Peoples, I think you should clarify whether
17 you're talk about whether there was legislation that
18 made it obligatory or whether you're asking whether the
19 individual providers at any stage made it obligatory.

20 MR PEOPLES: It's the latter I'm interested in --

21 A. Okay.

22 Q. -- from your review.

23 A. So we might well have the answer to that, but I haven't
24 got it at my fingertips.

25 Q. Perhaps you could maybe consider that as part of --

1 A. Certainly. Will someone be making a note of that so
2 I can follow it up later on?

3 Q. I'm sure we can supply you with information on that.

4 You have made the point, in fact, in the last bullet
5 point under head (b) on page 0361 that:

6 "By the 1970s, the review suggested to [you] that
7 childcare qualifications were increasingly being
8 requested by all providers."

9 So that was perhaps something you seemed to detect.

10 A. Yes. And that's because they were available, if you
11 like. Increasingly it was possible to get childcare
12 qualifications from the 1960s onwards, so there were
13 a variety of opportunities there for people.

14 Q. You address another question under the head of
15 recruitment and that is in (c). What were the profiles
16 and backgrounds of applicants so far as you could tell
17 from the review you carried out? Tell us about that
18 then.

19 A. So here I think we're relying on material from records
20 created not by the providers but by the Scottish Office
21 inspections. There's information there on the
22 backgrounds of applicants, and there's also information
23 in some of the management committee minutes as well.

24 Q. What were you finding?

25 A. What were we finding? As I said before, staff who are

1 employed to look after young children and babies, if
2 that's appropriate, tended to have nursing backgrounds
3 or nursery nurse qualifications. That's the kind of
4 people they were employing for that very particular
5 childcare responsibility.

6 So there isn't a huge amount of information on this,
7 but what we're seeing is that staffing in all the
8 providers have got experience of varieties of youth
9 work, but also actually something we should also mention
10 is the potential military background of some men. That
11 was also referenced in adverts as something desirable,
12 or a particular group of people that could be recruited
13 from, if you like, a pool that could be recruited from.

14 Q. Staying with the military background, as perhaps seen as
15 suitable for the post, was that more in the immediate
16 postwar period or did it continue up to --

17 A. Yes, I think in the immediate postwar periods, in the
18 1940s and 1950s we're looking at, there's clearly a pool
19 of people there with that experience, yes.

20 Q. Well, you do deal with experience -- I'll not go over it
21 again -- in two of the bullet points there, about what
22 you tended to find, that there was experience of
23 childcare or working with children up until the 1960s,
24 but you weren't finding a great deal of evidence of
25 residential childcare experience?

1 A. That's right, but there's not a huge amount of evidence
2 in the records for this -- or certainly the records
3 we have consulted.

4 Q. At bullet point 4 under head (c) on page 2, you make an
5 observation or draw some sort of conclusion that by the
6 1980s, at least in the case of Barnardo's, you have
7 something to say about senior staff.

8 A. Certainly there's some evidence that there is evidence
9 that senior staff did have a range of qualifications.
10 Yes, they were recruiting staff with qualifications.

11 Q. But you seem to draw a contrast in the next bullet point
12 with the position in at least three homes that were run
13 by Aberlour.

14 A. There was just one reference there to that particular
15 year and a look at three particular homes. It seemed
16 that, in the record that we consulted, none of the staff
17 seemed to have qualifications. There were certainly not
18 qualifications listed. So I would assume from that that
19 they didn't but it's possible I guess that they just
20 listed the names and these people had some kind of
21 qualification.

22 Q. You turn on page 2 under head (d) to the issue of
23 induction for new staff and what it consisted of, if
24 there was evidence, and whether it appeared to be
25 obligatory. Can you tell us what conclusions you felt

1 able to draw from the review?

2 A. So we couldn't find evidence anywhere of what we would
3 regard as a formal induction process. So a sort of
4 introduction to the institution and working with
5 children in that institution and so on. That's what
6 I would regard as induction. We couldn't find anything
7 at all.

8 Q. Is this for all three providers?

9 A. Yes.

10 Q. That was the general picture that emerged from that
11 review?

12 A. That's not to say it didn't exist, but we couldn't see
13 it in the records.

14 Q. Just so I'm clear, from the review you carried out,
15 you weren't finding any evidence of formal induction
16 procedures applying to all residential care staff
17 employed by the three providers?

18 A. No. I would distinguish that from probation though.

19 Q. Yes.

20 A. That's a different --

21 Q. What did you find about probation?

22 A. Probation is different. There are certainly probation
23 periods. They varied, different times, different
24 institutions. So there's clearly -- Aberlour clearly
25 had three-month probation periods for some staff,

1 certainly until the 1960s. There's evidence also of
2 six-month probation periods. So I'm not sure, it's
3 impossible to tell whether there's a kind of consistent
4 policy on probation because I don't have -- I didn't
5 see, what would we call it, contracts of employment, if
6 you like, to demonstrate that. But there was certainly
7 some evidence that probationary periods were operated.

8 Q. In the case of Quarriers, if we move to page 3 of your
9 question and answer document, 0362, I think you found
10 evidence --

11 A. Yes.

12 Q. -- of probationary periods at Quarriers; is that right?

13 A. That's correct. That's quite early. It's the 1930s,
14 yes.

15 Q. But you say that there was no evidence from the review
16 you carried out that this was applied to all staff
17 positions?

18 A. I just couldn't tell. I just couldn't see it in the
19 records, yes.

20 Q. And in the case of Barnardo's, at the third bullet point
21 on page 3, 0362, what was the position?

22 A. It seems in the terms of conditions and employment -- so
23 that's where you'd expect to see something like that,
24 there was a probationary period as standard, yes.

25 Q. You seem to suggest that the concept of staff appraisal,

1 you found some evidence of that in a period in the
2 1980s?

3 A. Yes, there was a mention that staff appraisal was
4 conducted in the 1980s. We didn't have time to look at
5 all their staff records, so I think if we had looked at
6 their staff records, there might be more information of
7 that. So that's just --

8 Q. So we shouldn't assume that staff appraisals started
9 in the 1980s?

10 A. No. I actually couldn't say that. All I could say was
11 that they certainly had it then, but they might have had
12 it earlier. Yes, your wording is better: we shouldn't
13 assume that they had it in the 1980s.

14 Q. Turning to training, there is a sub-head:

15 "What training, if any, were staff required to
16 attend?"

17 At page 3 of your question and answer document,
18 0362, you tell us about that. Can you go through that
19 and tell us what you found?

20 A. Well, yes. We've summarised it here. So training in
21 general was not a requirement for staff in the early
22 period. That's partly because there's not a huge amount
23 of training on offer, particularly external training.
24 So there are a variety of types of training that staff
25 could partake in, if you like, so there would be what

1 we would call in-house training provided by the
2 provider. Then there might be in-service training and
3 that might be provided by someone external, like a local
4 authority or the Scottish Office providing experts and
5 so on. There are also refresher courses. So there's
6 a kind of gamut of bits and pieces of training that
7 staff could partake -- that staff could have partook in
8 if they were encouraged to do so or permitted to do so,
9 but it's not a requirement at least until the 1960s and
10 even then it's not a requirement that they do so.

11 So I think this is quite a mixed picture and quite
12 difficult again to unpick from the records. It's very
13 patchy information that we have.

14 Q. At any point during the period covered by the review, at
15 least from the point of view of the employer, leaving
16 aside what the legal and regulatory regime was, did
17 training become mandatory for all residential care
18 staff --

19 A. So --

20 Q. -- for all staff?

21 A. For all staff?

22 Q. Yes.

23 A. I don't know whether I can answer that question here,
24 actually.

25 Q. Again, maybe --

1 A. Yeah, we'll come back to that.

2 Q. -- you could tell us whether you could answer the
3 question based on the review or whether you're not able
4 to answer that. You don't have to do it today.

5 A. Yes, no.

6 Q. I'll leave it with you.

7 A. Leave it with me, yes.

8 Q. What you are telling us is that increasingly you were
9 seeing evidence of training opportunities in various
10 forms.

11 A. That's correct, yes.

12 Q. Are you able to tell us whether you could form any
13 picture as to how many people took up these
14 opportunities?

15 A. No. No, no, I couldn't do that. I just don't have that
16 evidence.

17 Q. There's not enough evidence?

18 A. No.

19 Q. Would that require you to maybe have the sort of staff
20 records with records of training and so forth?

21 A. If there were such records kept, yes, that's what you
22 would maybe expect. So what we have found is just the
23 odd reference to, let's say, an external inspection
24 recommending that people undertake some training or, in
25 response to an inspection, a comment being made that

1 staff have undertaken some training, or some comments in
2 some management committee minutes to say that so-and-so
3 has gone off and done a refresher course. That kind of
4 thing. I haven't got a systematic total picture at all.

5 Q. Head (f), I think, speaks for itself. The question was:

6 "Were there were any incentives and/or sanctions for
7 attending or not attending training?"

8 And basically you say you're not able to answer that
9 from the review.

10 A. No, I couldn't answer that.

11 Q. So far as head (g), "Who provided any training?" I think
12 you have already told us there were training

13 opportunities provided in various ways; is that correct?

14 A. Yes.

15 Q. I don't need to trouble you too much.

16 A. I won't say any more.

17 Q. Then I suppose you're really looking at more of

18 a comparative exercise in the next question at the foot
19 of page 3:

20 "To what extent did the systems that were in place
21 differ from one another?"

22 And you're trying to maybe see if there's any
23 comparisons or contrasts. If we go to page 4 of your
24 question and answer document on page 0363, tell us what
25 conclusions you felt able to draw.

1 A. Again, it's only on the basis of the records we have,
2 which are a bit patchy. We think that staff recruitment
3 across the piece, across the three providers, looks
4 broadly similar from what we can tell. But mainly,
5 that's looking at external adverts and then some little
6 bits of information from management minutes and so on,
7 on how that recruitment process actually worked. So
8 again, patchy records there.

9 Q. Again, the process that you're saying was broadly
10 similar, the use of advertisements --

11 A. Yes.

12 Q. -- the applications, interviews, things of that kind?

13 A. Yes, it does look broadly similar.

14 Q. And all three would recruit externally and from within
15 the organisation?

16 A. Yes. They had to. They had to at the time. There was
17 a premium on childcare staff, really. It was difficult
18 for them to recruit and -- yes.

19 Q. I'm just trying to see what the significance of the
20 final sentence under the first bullet point here is on
21 page 4:

22 "Likely that Barnardo's recruited internally from
23 homes in England."

24 Was there evidence of a transfer of staff --

25 A. They do transfer, yes.

1 Q. -- from England to Scotland?

2 A. Yes.

3 Q. And vice versa?

4 A. Oh, I don't know. I couldn't say. Clearly, Barnardo's
5 have got a sort of bigger catchment, if you like, so
6 that they are able to do that.

7 Q. Then dealing with comparisons, in the second bullet
8 point you make an observation that you think you can
9 draw some degree of distinction between Barnardo's and
10 the other two providers.

11 A. Yes.

12 Q. What point are you making there?

13 A. The point I'm making there is Barnardo's always had a --
14 well, I wouldn't say always because I don't know about
15 the distant past of Barnardo's. But they had in-house
16 training and some of that would have probably been
17 outwith Scotland. But they certainly had in-house
18 training and they encouraged staff where they could let
19 them go to do it. So it seems that there's a slightly
20 different pattern, slightly different pattern there, on
21 the basis -- again, on the basis of the records we've
22 seen.

23 For Quarriers and Aberlour, the sense is, again,
24 from rather limited information -- so there would have
25 been some training opportunities for staff available,

1 but often it was difficult for them to let staff go to
2 go off on training because they were short-staffed. So
3 they were in a bit of a Catch 22 situation perhaps.

4 Q. Are we to take it from the second bullet point that what
5 you're saying is that when it came to development of
6 staff training across the organisation, Barnardo's, at
7 least on the basis of what you saw, seemed to be ahead
8 of the other two?

9 A. I think it was, yes.

10 Q. Is that what you're saying?

11 A. I think that's the case, yes.

12 Q. I just want to maybe ask you this in relation to
13 training. We've heard some oral evidence in this case
14 study suggesting that training for at least a number of
15 staff in residential establishments consisted to a large
16 extent of learning on the job from perhaps more
17 experienced staff at the particular establishments.

18 A. Right.

19 Q. How far do you find anything of that?

20 A. So I couldn't point you to the references, but we have
21 seen somewhere in the material -- and I'm not sure
22 whether it's in the draft report -- that there is
23 a little bit of evidence of when, let's say, a new
24 house parent comes in, that they are sort of matched up
25 perhaps with another one to kind of show them the ropes.

1 But again, it's kind of -- there's not very much there.
2 It's possible that that's the kind of thing that might
3 not have been recorded.

4 Q. There's another question on page 4 under the head, which
5 is:

6 "How did the systems that were in place work in
7 practice? Did you find evidence that there were either
8 recognised systems or policies which were observed or
9 misunderstood and what impact that had on children and
10 young people?"

11 In answer to that, you say:

12 "Records indicate few systems governing recruitment
13 and training with the exception of
14 references/testimonials for new appointments."

15 I just want to be clear, when you use the word
16 "systems", do you mean formal systems?

17 A. Yes, I mean a formal system that people knew to follow.
18 I don't have any evidence that that existed. It might
19 have done, but I haven't seen it.

20 Q. But you are finding evidence about a recognised process.
21 It may not have been formalised --

22 A. To an extent, yes. Yes.

23 Q. And you felt able to say that:

24 "[You] felt there was no evidence in the records
25 that the providers made it a requirement that staff

1 underwent training until the 1980s."

2 A. We certainly didn't see that, yes.

3 Q. Can we move to another topic that you deal with in your
4 questions and answers and that is the matter of
5 discipline and punishment and the question is asked:

6 "What systems existed based on the review in respect
7 of discipline and punishment of children?"

8 I don't want to get bogged down in the guidance, but
9 I think a point you do make, and we should be clear,
10 is that leaving aside anything that was in the statutory
11 or regulatory regime, the providers themselves did issue
12 various forms of guidance on discipline and
13 punishment --

14 A. Yes.

15 Q. -- and I think you set those out in your draft report;
16 is that correct?

17 A. Yes, that's correct.

18 Q. I'm not going to take you through them in detail.

19 A. Good.

20 Q. You identify that Aberlour, for instance, had rules
21 governing punishment, at least for maybe the 1930s,
22 1940s and --

23 A. Yes, that's correct.

24 Q. And that there's obviously the Barnardo's Book --

25 A. Yes.

1 Q. -- that you mention in your draft, and indeed in the
2 case of Quarriers, standing orders.

3 A. Yes.

4 Q. All of these documents have something to say on issues
5 of discipline and punishment?

6 A. They certainly do and they're all a little bit different
7 and they deal not just with corporal punishment but with
8 other systems of punishments and rewards and so on, yes.

9 Q. You do mention in passing that there were also
10 regulations in place?

11 A. Yes.

12 Q. And you mention specifically the 1959 regulations.

13 A. Yes, that's correct.

14 Q. And I think those were the regulations that required
15 punishments to be recorded?

16 A. Yes, that's correct, yes.

17 Q. But still permitted corporal punishment?

18 A. Yes.

19 Q. But subject to conditions?

20 A. Yes, within boundaries, yes.

21 Q. If I move to page 5, to bullet point 2, you draw
22 attention to something that your review suggested, that:

23 "In the 1970s [you say] Quarriers reintroduced
24 corporal punishment as a trial, having officially
25 withdrawn it at an earlier stage."

1 A. We think so, yes. So the evidence for this, if I'm
2 right in saying, doesn't come from Quarriers' records,
3 it comes from Scottish Office records and a discussion
4 between Quarriers and the Scottish Office about
5 reintroducing -- about Quarriers reintroducing corporal
6 punishment, and there's a conversation there between the
7 Social Work Services Group, I think, and Quarriers about
8 that, and Quarriers referring to Barnardo's, and in
9 particular the corporal punishment policy of Barnardo's.
10 So it's --

11 Q. Sorry, did you say Barnardo's? Quarriers.

12 LADY SMITH: The document shows a reference to the
13 Barnardo's rules for corporal punishment --

14 A. Yes, that's it.

15 LADY SMITH: -- when discussing whether Quarriers were going
16 to reintroduce it and this was a discussion that
17 involved the Social Work Services Group; is that
18 correct?

19 A. Yes, that's correct.

20 MR PEOPLES: So, yes, they were drawing attention to how
21 another organisation dealt with the matter --

22 A. Yes.

23 Q. -- as part of this debate and discussion?

24 A. Yes, we think they reintroduced it as a trial, but we
25 don't know whether that trial continued and what

1 happened after that.

2 Q. I suppose the next matter is what the review told you
3 about punishment and practice, in particular corporal
4 punishment. I suppose that feeds into the next
5 question:

6 "What recording was there of punishment?"

7 Is that right?

8 A. Yes. Ah well ...

9 Q. Just tell us what the review -- what you discovered from
10 the review?

11 A. So we have not seen punishment books or records of
12 punishment. So we have seen plenty of references to the
13 existence of punishment books and records of punishment
14 or logbooks of punishment. But we haven't seen those.
15 So I don't know whether they still survive. They may
16 well not.

17 Q. I can tell you, I think, that Quarriers, for example,
18 have told us on several occasions that they cannot
19 locate an example of a punishment book.

20 A. Yes.

21 Q. I think in contrast -- and I'll stand corrected --
22 Barnardo's have produced a sample of a punishment book,
23 but I think it's for an institution down south.

24 A. Ah, right.

25 Q. I tried to remember its name, but I have a memory that

1 they have produced ... But you're saying that there's
2 certainly plenty of evidence that --

3 A. They were referred to.

4 Q. -- there are books and records of punishment that were
5 being --

6 A. I think so. They refer to them. There are -- oh dear.
7 So we have seen just a few references to corporal
8 punishment being carried out --

9 Q. Where do we find those references?

10 A. There were some references in a logbook -- I think I've
11 referenced it here somewhere and I'm just trying to
12 remember where it was. I think it was Barnardo's. We
13 saw a few logbooks from Barnardo's Homes. So they
14 detailed there the sort of daily events and there's
15 a few mentions of corporal punishment and other kinds of
16 punishment.

17 Q. Can I ask you this then: if we focus on such children's
18 files as you saw for the purposes of review --

19 A. The case files?

20 Q. Yes, the case files. Was there much evidence in them of
21 recording of punishment of --

22 A. Certainly not in the early period. So from the mid to
23 late 1960s onwards, as children's case files become much
24 more detailed and where you have, if you like, sort of
25 daily logs by house parents and so on, you might well

1 see there if a child has committed some misdemeanour,
2 then that would be recorded and the punishment would be
3 recorded if there was ...

4 Q. I suppose without having the books themselves it's quite
5 difficult for you, I take it, to draw any general
6 conclusions on the issue?

7 A. Absolutely. It would be really helpful to see. If you
8 had a punishment book, you could draw conclusions about
9 frequency and severity and all of that kind of stuff and
10 you could figure out how the complicated Aberlour black
11 book points system worked. But we haven't got any of
12 that, so we can't really say.

13 Q. I suppose one thing you could do, if the inquiry wanted
14 to know how people were punished is to ask them if they
15 were residents?

16 A. Yes, you could do.

17 Q. That's another way --

18 A. Yes.

19 Q. -- in the absence of records or as an additional source
20 of information?

21 A. Yes. I think that's fair point. I think usually what
22 a historian would do would kind of triangulate the
23 available records and if you've got the opportunity to
24 interview people, both people who are childcarers and
25 the former people in care, then you can triangulate it

1 with a written record, yes.

2 LADY SMITH: You mentioned a moment ago the Aberlour black
3 book points system. What did you see of or about that
4 in the documents you looked at?

5 A. There's a document that lays out the sort of
6 disciplinary and -- the punishment and reward system,
7 I think we'd call it. So it's quite complicated,
8 I think, and I think the house parents or the masters,
9 if you like, say for a boys' home, or the matron at
10 a girls' home, would keep this book, which would be
11 a record of children's behaviour and how many black
12 marks they had and how that was going to translate into
13 certain forms of punishment.

14 LADY SMITH: Right.

15 A. But I haven't seen such a book. The Scottish Office
16 felt it was very complicated.

17 MR PEOPLES: I think in your report you draw attention to
18 some observation to that effect in one of the inspection
19 reports or something.

20 A. Yes.

21 Q. That system, if it was a system of marks and loss of
22 privileges, you're not suggesting, are you, just to be
23 clear, that that in any way replaced corporal
24 punishment?

25 A. No.

1 Q. But it was a particular system that Aberlour operated?

2 A. Yes.

3 Q. When you're asked about some sort of comparative
4 exercise under this head, I think you divide it up into
5 pre and post 1959. I take it that's partly because --

6 A. Because of the regulations.

7 Q. -- 1959 regulations?

8 A. Yes.

9 Q. What you say here is:

10 "Each provider offered different guidance to staff,
11 but all accepted corporal punishment was permissible in
12 some cases and within certain boundaries."

13 A. That's correct, yes. There were various statements from
14 different individuals, but usually let's say a warden or
15 a superintendent and so on of an institution regarding
16 the necessity of at least having corporal punishment as
17 something that's possible.

18 Q. And really, if we go on to the next page, just to round
19 off this bit perhaps, before we have a break, at
20 page 0365, page 6, at the top you mention again the
21 belief that appears to have been had been harboured by
22 Quarriers in the 1970s that there was still a value in
23 corporal punishment.

24 A. Yes.

25 Q. That's taken from the discussion on reintroduction?

1 A. Yes, I think that's correct.

2 Q. But the more general point you're making there
3 in relation to comparisons is that it's impossible to
4 compare implementation of systems of discipline and
5 recording in the absence of punishment books or other
6 systematic records kept that you could see.

7 A. That's the real difficulty. If you don't have the
8 record of what actually happened, all you have is the
9 various guidance and regulations and so on. You can't
10 really -- you can't tell how that guidance was
11 implemented in practice.

12 Q. Indeed, that's really, I think, the answer you give to
13 the third question under this head:

14 "How did the systems that were in place work in
15 practice?"

16 You say:

17 "In the absence of records such as punishment books
18 and the like it's impossible to know how the guidance
19 was put into practice."

20 A. Yes, that's correct. It's really difficult. You know,
21 there are a few references to corporal punishment in
22 particular being carried out but across the piece and
23 across the three providers, it's actually very difficult
24 to conduct that comparison. So in the draft report,
25 there is a reference to the Scottish Office conducting

1 a survey of corporal punishment in residential care
2 institutions. So I think -- I can't honestly, sorry,
3 remember the year of that.

4 Q. I think it was about 1969 or 1968.

5 A. The late 1960s. I think I'm right in saying that
6 Aberlour didn't respond to that or certainly there's not
7 a record in that Scottish Office file, I think, of
8 Aberlour's response to that. There's a good number of
9 others. So it seems that the Scottish Office kind of
10 wanted to get an overall sense of what was going on
11 there and there's some nice tabulations in that Scottish
12 Office file.

13 Q. Just lastly on this topic, you did find, it would
14 appear, from the final paragraph under this head,
15 sub-question 3, "How systems worked in practice", you
16 did find evidence from time to time of complaints and
17 records about excessive punishment and indications of
18 the use of implements to punish children, and you give
19 examples. So there were entries --

20 A. Isolated.

21 MR PEOPLES: I'll maybe leave that. That does neatly come
22 to the subject of complaints.

23 LADY SMITH: We'll take the morning break just now and I'll
24 sit again in about 15 minutes.

25 (11.32 am)

1 (A short break)

2 (11.52 am)

3 LADY SMITH: Yes, Mr Peoples.

4 MR PEOPLES: Professor Abrams, if I could go back to your
5 question and answer document at page 0365, page 6 of the
6 document. Can I turn now to another topic, or area that
7 you were asked to look at, complaints.

8 Again, you were asked to address the general
9 question of what systems existed in respect of making
10 complaints about the treatment of children during the
11 period, essentially, 1930 to 1990. You start off,
12 I think, with the statement:

13 "Evidence of prescribed systems and procedures for
14 handling complaints are scant in the records available
15 to us."

16 Ie the records you reviewed.

17 A. Yes.

18 Q. Can you just help us with that? What was the position
19 so far as you could tell from the records you saw?

20 A. Yes. I suppose what we were looking for would have been
21 a complaints procedure or some kind of process laid down
22 in guidance to deal with complaints and we didn't really
23 find very much for that. So what we tried to do is look
24 for complaints and then try to understand how they were
25 dealt with. That was quite tricky because the

1 information about the limited number of complaints we
2 could see is kind of scattered around different kinds of
3 records. So it's quite difficult for us with the
4 records that we had available to really kind of follow
5 through and identify any particular process or system,
6 if you want to call it that.

7 Q. So if we were looking for something, whether it was
8 a formal written complaints procedure or a settled
9 process that would be applied generally in the period
10 covered, the evidence you saw didn't allow you to form
11 any views on that?

12 A. Yes, that's correct, yes.

13 Q. But what you appeared to be able to say is that a more
14 general, perhaps, observation from the records you
15 saw -- you say that they seemed to indicate that, at
16 least until maybe the late 1960s:

17 "... any complaints would have been directed
18 [basically] to the person in charge at the
19 establishment"?

20 A. Yes. I think with Quarriers it's a bit unclear because
21 of course children were in cottages and one might have
22 thought a complaint would have gone to perhaps
23 a house parent or perhaps not if it was about
24 a house parent, but that would be a bit unclear.

25 Certainly for Aberlour it would have been the warden

1 or deputy, sub-warden or something like that. So
2 a hierarchical system and complaints going upwards.

3 Q. So a key figure, if a complaint came up, at least in the
4 earlier part of the period, would have been in the case
5 of Aberlour, for example, the warden?

6 A. Yes.

7 Q. He would have been involved in complaints?

8 A. Yes.

9 Q. And perhaps someone equivalent in some of the other
10 establishments and providers, like a superintendent at
11 Quarrier's Village? I think that was the title they
12 used.

13 A. Yes, that's correct.

14 Q. Or perhaps a director, you think, in the case of
15 Barnardo's?

16 A. Yes. I guess I would just emphasise that the amount of
17 information here is just so patchy and limited that it's
18 been quite difficult to draw any really firm conclusions
19 at all.

20 Q. You mentioned the other way of trying to test this or
21 find out was to look at complaints and see how they were
22 handled in practice and see if you could reach any
23 conclusions on the system being used generally.

24 Am I right in thinking from what you tell us on
25 page 6 that you didn't find much evidence in the records

1 of any of the providers that you saw of complaints by
2 children?

3 A. Yes, that's true. That's not to say they're not there;
4 it's not to say they didn't happen. It's just that in
5 looking through the case files -- and you know what the
6 case files look like -- they are huge often. We found,
7 as you can see from the notes here, a couple of
8 disclosures of mistreatment in the Quarriers' files, but
9 just very little.

10 Q. So there wasn't much evidence to find --

11 A. That's correct.

12 Q. -- to reconstruct the process?

13 A. Yes.

14 Q. Am I right in thinking that when it came to complaints
15 made by staff, you didn't find a lot of that either?

16 A. Not in the records produced by the providers. I think
17 there is some material in Scottish Office records and
18 there's correspondence there about particular cases, but
19 not in the -- not very much in the providers' materials,
20 records.

21 Q. Although you do mention as perhaps one that you did
22 find --

23 A. Yes.

24 Q. -- if we go to page 7, 0366, the second bullet point,
25 that in the case of Aberlour you were able to find

1 in the records you looked at a mention of a 1961 case
2 involving a former assistant housemaster that was
3 reported to the police and it's recorded in the
4 management committee minutes.

5 A. Yes, reported in the minutes, the top sort of management
6 committee of the organisation, but we haven't seen
7 anything else, if you like, below that or next to that
8 to see how that would have played out.

9 Q. Did you see anything about an individual called Mr Lee,
10 who was convicted of abusing ten boys at Aberlour?

11 A. No. Remind me of the date of that.

12 Q. 1963, September.

13 A. Oh dear ... I'll check it.

14 Q. Maybe you could help me with that: is there's anything
15 that would show what was being said or recorded at that
16 time about that matter?

17 A. Yes. Absolutely.

18 Q. So far as complaints by people other than staff or
19 children, again is the picture very much the same?
20 We're not seeing a great deal of complaints from other
21 sources either?

22 A. Not within the providers' records. Again, there's
23 a little bit in Scottish Office records with complaints
24 made by other people about care practices and I would
25 say that's part of a -- whether I can say that here,

1 that's part of a bigger picture, I think. We could talk
2 about elsewhere, but that's part of a bigger picture of
3 the way complaints are handled or the way complaints
4 come forward in the system of childcare as a whole that
5 quite often complaints and information about whatever,
6 mistreatment, excessive punishment, those kinds of
7 things, often go outwith the organisation to external
8 people.

9 Q. Yes. I'm not going to go into the detail of that today.

10 A. Sorry.

11 Q. What I can say, and perhaps one of the ones that you
12 might have in mind, at least as an attempt to do that,
13 related to Aberlour in the 1970s where there was
14 an issue about particular staff.

15 A. Yes.

16 Q. And I think the Social Work Services Group were asked to
17 become involved?

18 A. Yes.

19 Q. In fact, I think they declined.

20 A. They declined, yes.

21 Q. I don't want to go into that today?

22 A. Okay.

23 Q. But is that the sort of thing?

24 A. Yes, that's absolutely right: either that or people
25 might go to the police or an RSSPC inspector or someone

1 else, that kind of system.

2 Q. Indeed. On the general issue of childcare practice, and
3 again without going to the detail, I think that in the
4 late 1970s, you found evidence of a review by some arm
5 of the Social Work Services Group in relation to
6 childcare practices at Aberlour; is that right?

7 A. That's right, yes.

8 Q. I don't want to discuss it today, but that emerged from
9 the documents you saw?

10 A. Yes, it did, but as I say, it's in the documents mainly
11 from elsewhere, not the providers. That's not to say
12 that there isn't some material in the providers'
13 documentation, and we haven't seen -- I think we've seen
14 the minutes for Aberlour for that particular period.

15 Q. What you do say -- and I'll maybe ask you briefly about
16 this -- is the third bullet point on page 7 under
17 head (c), "What complaints were made by others?", you
18 seem to have found something in 1953 in the case of the
19 Barnardo's records that you reviewed that there had been
20 some sort of allegation which had led to some guidelines
21 as to how staff should respond to such allegations
22 in the future.

23 A. Yes.

24 Q. So there was something there?

25 A. There was something there. I think that's it. I think

1 that's what we found.

2 Q. If you were trying to find out to what extent any
3 guidelines were operating in practice, were you finding
4 much to help you there?

5 A. No, no.

6 Q. Another question that you address under the head of
7 complaints at (d) on page 7, 0366:

8 "What were the responses to complaints, including
9 justifications for lack of action?"

10 I suppose the starting point is you have told us
11 there weren't that many complaints to consider under
12 this question.

13 A. Yes.

14 Q. But you certainly pick out that you were able to find
15 a couple of complaints, is it --

16 A. Yes.

17 Q. -- in relation to allegations in the case of Quarriers.
18 Is that right? That's bullet point 2 under (d).

19 A. There were a couple of cases we identified in the
20 Quarriers' case files of children making, if you like,
21 complaints or disclosures, you might call them, about
22 mistreatment. The evidence suggested to us that in one
23 case, as I've said here, the child's allegations weren't
24 believed. I think in the other case the child was
25 moved.

1 Q. I'm not going to go back to the third bullet point, but
2 I think in relation to Aberlour you mentioned certain
3 complaints about staff.

4 A. Uh-huh.

5 Q. I think there's quite a well-known case you mention
6 called the Ingham case, which you deal with in some
7 depth about staff at an Aberdeen unit --

8 A. Yes.

9 Q. -- and how I think politicians became involved in that
10 matter.

11 A. Yes.

12 Q. And so did the Social Work Services Group and so forth.
13 I think we can read that in the draft report.

14 A. Yes.

15 Q. That seemed to involve issues about staff --

16 A. Yes, and I think it --

17 Q. -- and a concern by the unions as to how --

18 A. Yes.

19 Q. Well, they had concerns, put it that way. I think
20 they're in the report. You found some meeting that
21 explains the nature of their concerns?

22 A. Yes, that's right. Still, though, looking at that kind
23 of evidence doesn't really give you a kind of really
24 clear sense of how that kind of thing would have been
25 dealt with, if it had happened again, let's say. So

1 that's one case. If there'd been another case, it might
2 have been dealt with differently perhaps. I can't tell.

3 Q. Under head (e), the question is:

4 "What complaints procedures, if any, were in place
5 and how did they work?"

6 Am I right in thinking that what you're telling us
7 that while it looked like the person in charge would
8 play a key role in complaints or dealing with them,
9 evidence of processes were not something you found easy
10 to locate?

11 A. Couldn't locate them, yes, that's correct.

12 Q. But there were documents which touched upon the matter
13 and indeed, in the case of Barnardo's, as you have
14 mentioned already, there was a more specific process, if
15 you like, that was set out at that time?

16 A. Yes, indeed.

17 Q. But you wouldn't be able to say from the documents, you
18 just saw how that far process was implemented in
19 practice?

20 A. I'm sorry, no.

21 Q. Don't apologise. We're just trying to find out as best
22 we can from the material.

23 A. It's quite frustrating, yes. Sorry. We looked hard.

24 Q. And when we come to question 2 at the foot of page 7:

25 "To what extent were the systems in place different

1 from one another?"

2 Basically you say you're not really in a position to
3 answer that question based on the review of what you
4 found.

5 A. Yes. I wouldn't like to say.

6 Q. Okay. Under 3, under this head of complaint on
7 page 0367, the question is asked:

8 "How did the systems that were in place work in
9 practice?"

10 Essentially it's the same answer, isn't it?

11 A. It is the same answer.

12 Q. We don't have enough evidence from the review we
13 conducted to answer that question, although you make the
14 point, perhaps, that you found it difficult to identify
15 formal systems or processes?

16 A. Indeed, that's correct, yes.

17 Q. Although you might have been able to identify who was
18 involved in the complaints process?

19 A. Yes. And that might have been different people for
20 different complaints.

21 Q. Yes.

22 A. Can I make a point about the -- can I just say something
23 about the last point there, about the lack of
24 opportunity for children to raise ...

25 LADY SMITH: Please do.

1 A. I do think that was a difficulty. Until all children
2 had a social worker, who I suppose in some ways acts as
3 their advocate, it can potentially leave children at
4 risk if they don't have a formal complaints direction,
5 if you like, or process or if they don't have someone
6 who's independent from the person who is caring for
7 them, say a house parent or something like that, to
8 listen to them. I think the group of children who
9 perhaps in theory are most vulnerable in that situation
10 are the children who are in institutions who are not
11 under local authority care. So children who are placed
12 directly by their parents or a family member or the
13 RSSPCC or a minister. So that's more in the early
14 periods.

15 So the children -- and I'm sure you know this -- who
16 were placed there and were in the care of the local
17 authority would have been checked up on, would have had
18 visits from the children's officers or someone from that
19 local authority, sometimes a councillor who sat on the
20 children's committee. But the children who weren't
21 under the umbrella of the local authority didn't have
22 that oversight so there was no one external.

23 MR PEOPLES: There was also an external professional. Their
24 parents might visit and other things, but --

25 A. Yes, exactly, yes.

1 Q. -- but not someone like a child welfare officer --

2 A. That's right.

3 Q. -- who had placed the child in the institution?

4 A. Yes.

5 Q. And that would apply more to the earlier periods --

6 A. It would, yes.

7 Q. -- than the later period?

8 A. Yes, the later period. Once there's the social workers
9 embedded in institutions or the local authority
10 social workers, then there's a very difficult scenario
11 and most children by that period are under local
12 authority supervision, if you like.

13 Q. To try and get a broad sense, is that post the
14 Social Work (Scotland) Act 1968 that you start to see
15 that more so?

16 A. Yes, that's right.

17 Q. Turning now to inspection and monitoring, which is
18 another area you were asked to look at and pose the same
19 questions about systems of inspection and monitoring.
20 I'm not intending today to go into the detail of
21 external inspections because our focus is probably more
22 on the provider and the way they ran things.

23 A. Okay.

24 Q. You do note that there were systems of internal
25 inspection and I think we have already heard some

1 evidence from a number of people about the nature of
2 those systems, including, I think, Professor Norrie, who
3 gave us an account of the regulatory system. So we can
4 take it that there was a regime over time and particular
5 regimes applying to children's homes run by private
6 providers --

7 A. Yes.

8 Q. -- or charitable providers such as Barnardo's or
9 Aberlour or Quarriers.

10 A. Yes.

11 Q. I think, without taking this at any length in terms of
12 external inspection, since the focus is on the
13 providers, what you found, I think, even from the early
14 days, from the material you looked at, was that there
15 was external inspection by or on behalf of the state,
16 both central government and local authorities.

17 A. Mm-hm.

18 Q. You found evidence of that?

19 A. Oh yes, there's plenty of evidence that they undertook
20 those inspections. The regularity, the frequency of
21 them, is a bit unclear, actually, because we're not
22 completely sure that the records that exist are
23 complete. So it's a bit unclear and they're a bit
24 patchy. So it's certainly not clear that
25 children's homes were inspected every year -- I don't

1 think they were -- but we do have some series of
2 inspection reports, yes.

3 Q. Indeed, you were able at least to say from one document,
4 perhaps, or a series of documents or inspections that
5 applied to the 1960s, that Quarriers was inspected
6 intensively at that time?

7 A. Yes, after the 1965 inspections, they kept going back
8 and did sort of briefer follow-ups, yes.

9 Q. And I think you also make the point -- and again I don't
10 want to take up time today, but it's in the report --
11 in the late 1970s you mention Aberlour was the subject
12 of a major review --

13 A. Yes, that's right.

14 Q. -- which we can read for ourselves in the report.

15 A. Yes.

16 Q. Turning to internal inspection and monitoring,
17 am I right in thinking, if I can try and sense what you
18 say, that evidence in the documents reviewed in relation
19 to that doesn't really provide any clear picture of the
20 nature and frequency of inspections or what those
21 visiting were focusing on?

22 A. I think that's true. It's quite difficult to find out
23 who's doing it, how frequently they are doing it,
24 whether it's happening at all, who's responsible. It is
25 just very difficult to kind of unpick that picture over

1 the period certainly.

2 It depends on what we're looking at as well, whether
3 you're looking at the inspection of individual children
4 in the home or whether you're looking at inspection
5 of -- the way in which the home runs and material
6 provision and all of those kind of things. Probably
7 both of those, but it is still difficult to figure out
8 quite how that's working.

9 Q. In particular, if I turn to page 9, page 0368 -- and
10 I don't want to go into all of the detail because
11 I think essentially you've given me the answer to what
12 you can draw from the exercise you carried out: it was
13 quite difficult for you to identify criteria that were
14 applied by those carrying out inspections; is that
15 right?

16 A. I haven't found any criteria at all.

17 Q. So there might be evidence that people visited?

18 A. Yes.

19 Q. Different people within the organisation, for example?

20 A. Yes.

21 Q. But precisely what they were looking at and examining is
22 not clear?

23 A. Yes, that's absolutely right. What they were supposed
24 to be inspecting and what criteria they were using to
25 make any judgements is unclear to me, yes.

1 Q. So far as responses to inspections, external
2 inspections, I don't want to get into that at this
3 stage --

4 A. Okay.

5 Q. -- but what you did find was there was a response by,
6 for example, Quarriers to the inspections --

7 A. Yes.

8 Q. -- the external inspections in the 1960s and there was a
9 response by Aberlour to the advice of the Social Work
10 Services Group when they reported in 1979. So you found
11 evidence of that?

12 A. Definitely, yes. There's correspondence demonstrating
13 that, yes.

14 Q. In the case of Barnardo's, any reports that you looked
15 at from Barnardo's Scottish division, you found evidence
16 that they were being reviewed --

17 A. Yes.

18 Q. -- at headquarters in London?

19 A. I think that's right, yes, they are, yes.

20 Q. Then if we go to the comparative exercise, question 2,
21 to what extent the systems that were in place differed.
22 I think you make the point -- and I think it's maybe an
23 obvious point -- that the external inspection and
24 monitoring system was common because they were subject
25 to a common regime.

1 A. Yes.

2 Q. But internal monitoring, for the reasons you have given,
3 the records really don't allow you to make a meaningful
4 comparison?

5 A. Not from the records that I've seen, that's correct.

6 Q. I'm not suggesting it can't be done.

7 A. I know.

8 Q. You weren't able to do it as part of your exercise?

9 A. Yes.

10 Q. So far as how the systems, such systems worked in
11 practice, in relation to this matter, you mention again
12 at page 9, is it, the difficulty of identifying criteria
13 that were applied, both in the case of an external
14 inspection and indeed in the case of internal
15 inspection?

16 A. Yes.

17 Q. You make the point in relation to just local authority
18 children's officers and external social workers that the
19 inspection or visiting of children by such persons,
20 there's evidence of that in the records you saw, but not
21 necessarily evidence of it being done in a systematic
22 way. Is that what you're saying in the last paragraph
23 on page 9?

24 A. In the last paragraph, yes. (Pause). No, I don't think
25 I'm saying that the inspection itself is not systematic.

1 Q. I see.

2 A. I'm saying that there isn't a systematic record, I think
3 I'm saying.

4 Q. Okay.

5 A. But that could be clearer. I could clarify that.

6 LADY SMITH: If it's any comfort, I thought that's what you
7 were saying.

8 A. Okay. Thank you.

9 LADY SMITH: That there isn't a system in the record-keeping
10 of the inspections, but not that the inspections
11 themselves didn't have a clear system to them.

12 A. That's right.

13 MR PEOPLES: Of course, you didn't, for various reasons,
14 including time constraints, look at local authority
15 records --

16 A. No.

17 Q. -- that might have cast some light on that matter?

18 A. Yes. So if you could identify case files of children
19 who were under local authority care but were in
20 a private -- you know, a charitable institution, you
21 might be able to match up and see what's going on there
22 with individual children. It's not that we haven't got
23 access to them, but they are very, very difficult to
24 identify particular files in those records.

25 Q. Okay. Can I move on to page 10 of the question and

1 answer document, 0369. Can I move on to placement and
2 review of children, which was another area you were
3 asked to look at again in relation to systems and what
4 systems you could identify. Again, the question is
5 asked there. What were your general findings there or
6 conclusions from the review you did?

7 A. So most of the material -- this comes from children's
8 case files, so reviewing them across the period and for
9 the three providers, and again, I mean, the general
10 findings are that information provided by Barnardo's is
11 generally better, of a higher quality, than for the
12 other two providers, particularly for the earlier
13 periods. So for Barnardo's, they maintained good
14 records on children from the 1940s right the way through
15 the period.

16 Q. Information on what matters?

17 A. Well, from the point at which the children are placed in
18 a Barnardo's home. So what we don't have, I would say,
19 are the reasons for removing a child from the family.
20 What you do have is the background information on that
21 child and some reasons why that child might have been
22 needed to be taken into care, but that was generally
23 someone else's decision.

24 So there's lots of information, particularly for
25 Barnardo's, on the background situation of children and

1 their families. But what there isn't is reasons why the
2 child has been placed with that particular provider
3 in the main. There's very few. So we can't tell from
4 the case files why a child was placed with Barnardo's,
5 with Aberlour, or with Quarriers.

6 Q. Or sometimes a particular establishment run --

7 A. Exactly, yes. And when it's Quarriers, we don't know
8 why they were placed in particular cottages. It doesn't
9 tell us that in the children's case files.

10 Q. Although I think you do say when you look at some
11 particular establishments, like special residential
12 schools, it's more apparent why a child would have been
13 placed there because of the nature of the establishment
14 and the services?

15 A. On occasion there is a comment by a children's officer
16 or social worker or someone to say: this establishment
17 would suit this child's needs. Not in those words, but
18 because of what this establishment can offer. But
19 actually we found very few examples of that.

20 Q. So just summing that up then, am I right in saying that
21 the records you reviewed in relation to this area didn't
22 really disclose any clear criteria that were used for
23 placing a child with a particular provider or particular
24 establishment?

25 A. That's correct, no, they don't.

1 Q. On the basis of the review, I think as you set out in
2 your question and answer document, I think you say it's
3 not possible to generalise about the quality and
4 quantity of reviews into children and placements.
5 That's another point you make, I think.

6 A. Yes. They're very variable. If you look at a case
7 files, they're very variable. So yes, it's -- but there
8 are some more specific points that one could make about
9 them, particularly in terms of the time period and
10 particular providers, as I've indicated.

11 Q. Again, on that point, just so I'm clear, if we're
12 looking at particularly the earlier part of the period,
13 between 1930 and 1990, maybe prior to the 1960s, are you
14 saying in essence that the records you saw don't really
15 indicate any formal system of review?

16 A. On the whole, no, they don't. So what you tend to find
17 is a pro forma of information, often, when the child is
18 admitted to a institution, but particularly for Aberlour
19 and Quarriers, very little after that, while the child
20 is in the institution. So, no, not formal reviews
21 undertaken.

22 Q. But from maybe the 1960s, is there more evidence of more
23 review?

24 A. Yes, record-keeping -- well ... so record-keeping
25 improves. So that's what we can tell from the records.

1 So we're saying record-keeping improves. So
2 record-keeping tells us that reviews are being
3 undertaken. I suppose it's possible that reviews were
4 undertaken before that, but we don't have a record of
5 it.

6 Q. I think -- and I'm not going to go into the detail --
7 you pick out things that you started to see in records
8 and to take one example on page 10 for Aberlour, you
9 start to see house parents producing monthly reports for
10 example.

11 A. That's correct, yes.

12 Q. Which was something you might not have seen in previous
13 periods?

14 A. That's correct, yes.

15 Q. Indeed, I think you make the general point -- and
16 I think this may apply across the providers -- that your
17 impression was that, certainly by the 1970s, there's
18 what's described as a sea change in the quality and
19 regularity of at least the reporting in this area?

20 A. A huge change -- at least in the reporting, yes. A huge
21 change, a huge amount of, if you like, sort of recording
22 of children's well-being, their progress, the case files
23 contain education files, more medical information,
24 sometimes daily logs of what children are doing on
25 a day-to-day basis. A huge amount of material. So the

1 record-keeping changes markedly.

2 Q. Again, just to be clear, on page 10, the last bullet
3 point, in the case of Barnardo's, you felt able to say
4 that during the whole period you felt that their records
5 were fuller perhaps than the other two providers?

6 A. Definitely, yes.

7 Q. Just on page 11 of your question and answer document, at
8 page 0370, under the question:

9 "To what extent did the systems in place differ from
10 one another?"

11 You tell us that you concluded that there was little
12 evidence you could find in the records you saw that the
13 suitability of the placement was itself reviewed.

14 A. I had no evidence of that. So if a child is placed in
15 Aberlour, there's no evidence that once they've been
16 placed there, anyone is conducting a review of whether
17 that particular institution is right for that particular
18 child or meets that particular child's needs.

19 Q. Was that really until, is it, the 1960s?

20 A. Yes, and then the system changes there anyway. But yes,
21 I think for there and for Quarriers -- and for Quarriers
22 children are in cottages and there doesn't seem to be
23 much of a review of whether that that particular cottage
24 is suitable for that child either. We know that
25 children were moved around cottages quite a lot too,

1 so --

2 Q. You could see that in the records you looked at, that
3 there was a lot of movement --

4 A. Yes, there's a bit of movement, yes.

5 Q. But the reasons for that, how clear were they?

6 A. Not particularly clear. Not particularly clear. One
7 can surmise.

8 Q. Okay. The third question under this head is:

9 "How did the systems that were in place work in
10 practice?"

11 Really is this really a comment directed to the
12 earlier period? There was little evidence of systems in
13 place in relation to determining suitability of
14 placements, an assessment of the suitability of a
15 provider or indeed the child's needs?

16 A. Yes, I think so. I'm not sure I've got a huge amount of
17 information for the later period. Certainly if you
18 take -- Barnardo's seems to be different to me in that
19 in the later period they're dealing with more specialist
20 care and it's more obvious why children might be placed
21 in particular -- but with Barnardo's and then in
22 particular homes, if you like.

23 But for the other two providers, it's very difficult
24 to tell whether there's any kind of assessment of
25 whether that child should be placed in that institution.

1 Q. Again, it's not maybe something that you really
2 answer -- well, maybe you do, but perhaps it's really
3 for the inquiry to judge at the end of the day, but
4 I think you raise the possibility that if there weren't
5 such systems in fact and the records reflected the true
6 situation, there is a possibility that children, at
7 least some children, were placed in unsuitable homes for
8 their particular needs. Is that what you say in --

9 A. I am saying that, yes. Yes, I am saying that.
10 I suppose, just -- oh ... As I think I've said here
11 a little bit, there's lots of evidence in children's
12 case files of particular needs or particular
13 difficulties that some children might have experienced,
14 particularly emotional adjustment and those kinds of
15 things. If there is no real review of that child's
16 experience on a regular basis, then one must question,
17 I suppose, whether that particular institution is
18 meeting that child's needs or whether they're really
19 interested in meeting that particular child's needs.

20 Q. So these are questions that no doubt we can ponder on.

21 A. Yes.

22 Q. Aftercare, which I can turn to finally, which is I think
23 the last area that your report and indeed the question
24 and answer document addresses. Again, we are looking at
25 aftercare and whether there were systems in place. What

1 did you find?

2 A. Barnardo's had an aftercare service from the very start
3 in Scotland, it seems. They employed people to deal
4 with aftercare, to deal with that transition from
5 children's home to independent living eventually.

6 It's much more difficult to see how Aberlour and
7 Quarriers had an aftercare service, actually, at least
8 until the 1960s. I think Quarriers did have some
9 fieldworkers that were engaged in that activity in the
10 1960s, but in the earlier period it's kind of really
11 hard to piece this story together about how children, if
12 you like, leavers, transitioned into work, independent
13 living and so on. It's quite hard to tell how that
14 works.

15 Q. Can I be clear that what you're saying there in terms of
16 comparisons is that there seems to have been
17 a recognised aftercare service in the case of
18 Barnardo's?

19 A. Yes.

20 Q. But perhaps it's not so clear there was such a service
21 in the other two?

22 A. Correct.

23 Q. But you say -- and correct me if I'm wrong -- all three
24 did involve themselves in transition to a greater or
25 lesser degree?

1 A. They absolutely did, but in slightly different ways
2 I think, yes.

3 Q. And if we take Aberlour, for example, I think your draft
4 report indicates that one of the things they might do
5 routinely was to find employment for leavers?

6 A. They absolutely did.

7 Q. At least in that sense they were dealing with that
8 aspect of aftercare?

9 A. Yes, they were.

10 Q. But when it came to maybe wider aspects like support and
11 ongoing contact, what did you find?

12 A. So in terms of support and ongoing contact, again, it
13 was different for different organisations, I think.
14 It's quite clear that Barnardo's have got a bit of
15 a network of training establishments that children could
16 be sent to to receive particular kinds of training.
17 There were certain training establishments in England
18 that they might have gone on. There were hostels.
19 There was a range of different provision for children to
20 transition away from the home.

21 For Quarriers, certainly a good number of boys were
22 sent to the Overbridge home in Glasgow and that seems to
23 have operated as a sort of transition stage, if you
24 like. A good number of boys who were there were
25 undertaking training or work in the Glasgow area.

1 It's a really kind of patchy picture, but it's not
2 the same for every institution.

3 Q. I think you tell us -- I don't need the detail, but you
4 mentioned Overbridge as a sort of hostel --

5 A. Yes.

6 Q. -- a staging post to going into the wider world.

7 A. Mm-hm.

8 Q. And that was used by Quarriers?

9 A. Yes.

10 Q. In the case of Aberlour, I think at some point,
11 am I right, they did open hostels?

12 A. They certainly opened a hostel in Aberdeen. There were
13 probably others, too. So they did eventually do that
14 too, yes.

15 Q. But that was later in the period?

16 A. I think it was later, yes.

17 Q. In terms of what might be described as more formal
18 arrangements or systems for maintaining contact with
19 former residents, how did the providers -- did they have
20 such systems?

21 A. Barnardo's has the Barnardo's Guild, so there are just
22 little bits of information in children's case files
23 actually about the guild and corresponding with former
24 old boys and girls about becoming members of the guild
25 and then they would receive the guild newsletter and so

1 on. So they did try to maintain a sort of contact
2 system, as far as I understand, for their children.

3 It certainly seems to me that if children wrote or
4 contacted their former house parent or someone in the
5 Scottish regional office of Barnardo's, they would have
6 been written to.

7 There was this whole system of paying for wedding
8 presents for former boys and girls who were getting
9 married and so on and so forth. So there's quite
10 a complex system there of maintaining contact,
11 certainly.

12 Q. What would happen if you found evidence of it, of
13 someone in one of the other organisations or former
14 residents who perhaps contacted the organisation? Did
15 you find that they were supported?

16 A. They were certainly written to. Quite a number of
17 children wrote to Aberlour to see if they could come and
18 stay because they presumably regarded it -- that was
19 their family and their home and they did have an old
20 boys' hostel in the grounds, which people went to stay
21 in, and the warden certainly kept in touch with
22 children.

23 I think later on I talk just a little bit about the
24 ways in which he wrote references for children who were
25 looking for references for employment and so on. So

1 there's a good degree of correspondence. I wouldn't
2 call it a system as such.

3 Q. Was there support? I'm just trying to get to the
4 essence of the nature of support as revealed by the
5 records you saw. Was that more support to transition to
6 work and finding employment than anything wider?

7 A. What would be the "anything wider"?

8 Q. If they had anything, any particular needs broader than
9 getting a job, accommodation, any particular wider
10 social problems they might have, help with that. Was
11 there much evidence of that?

12 A. Not in the early period. Certainly in the later period,
13 yes, because then there's social work engagement. But
14 in the earlier period, there's certainly help with
15 finding lodgings, overseeing lodgings -- particularly
16 for girls, I think -- and keeping an eye on them.

17 Q. Is that across the board?

18 A. Yes.

19 Q. Okay. One thing you do say, just at the end of your
20 question and answer document on page 0372, page 13, you
21 seem to have formed a clear picture that employment
22 destinations for young people -- and I don't know
23 whether this is -- well, you say in all providers --
24 were generally traditional. Is that right? Armed
25 services, farm work and trades for boys; domestic work

1 and perhaps nursing and care positions for girls.

2 Is that what you found?

3 A. Yes. So what I don't have is a spreadsheet giving the
4 destinations of all the children that I've looked at.
5 But certainly -- and that's what I would describe those
6 destinations as kind of traditional areas of employment.
7 So, yes, certainly the evidence we have, particularly
8 from case files where the warden, if you like, or the
9 superintendent is writing to people to try and find
10 destinations for boys and for girls, yes, farm work,
11 particularly for Aberlour, I think. The armed services
12 and the merchant navy. Then they seem to have
13 particular relationships with particular employers who
14 would write to them and say: I'm looking for a boy or
15 a girl to do this, have you got one? And they would say
16 yes and they'd send them down on the bus.

17 Q. So whether there was a recognised service in maybe the
18 sense you have in mind, clearly that was a sort of --
19 the type of arrangements that were in operation?

20 A. Yes, that's correct.

21 Q. And this indicated the sort of destinations they went to
22 typically?

23 A. Yes.

24 Q. And you do say, I suppose, that you didn't find many
25 instances, is it, of children going on to higher

1 education, although you did find some?

2 A. There are some. There are some references to a few
3 being supported to go to university and so on. And
4 of course, when that did happen, these institutions
5 celebrated it with lots of fanfare. So there is
6 a little bit of information about that. But I certainly
7 don't have -- what would be nice to have would be an
8 overview of the destinations of all the children and
9 then you could really get a sense of what they were
10 moving into and whether that changed or not over time,
11 but I can't really say.

12 I do think things became a bit -- in some ways a bit
13 more difficult later on in the period because of some of
14 the greater difficulties and challenges of the children
15 who were coming into care in the 1960s, 1970s and 1980s,
16 and therefore it was, you know, perhaps more challenging
17 to move them out of care and into work.

18 Q. Can you just maybe elaborate briefly? I know you're not
19 talking about particular providers here. What had you
20 in mind as the challenges?

21 A. If a child comes into care because the child is
22 identified as "maladjusted", then that -- and that child
23 is in an institution which is providing special
24 services, I think those -- they would have found it more
25 difficult to move those children into independent

1 living. Certainly with Barnardo's there's some evidence
2 of units being set up in some of their homes to help
3 those children make that transition.

4 MR PEOPLES: These are all my questions today. Can I say
5 also that I think in view of what I said this morning,
6 there are no questions as I understand it, that will be
7 asked at this stage. There may be some asked after
8 today, but I think this is really where we end today.
9 No doubt what I described earlier will take place in due
10 course.

11 LADY SMITH: Let me check whether there are any questions
12 that anyone has a burning desire to ask today,
13 recognising that there will be opportunities to reflect
14 on what's been made available so far and come back. No.

15 Professor Abrams, thank you very much indeed for
16 coming along today and particularly for having condensed
17 the summaries of the answers into the document that
18 we've been using as our aide-memoire this morning.

19 I'm very conscious of how much we've asked you to do
20 and of the hard work of delving into records that has
21 been carried out by you and your research assistant so
22 far. Let me take this opportunity to thank you very
23 much for that and for being open to dealing with
24 finalising this report and taking on board any queries
25 that arise after today.

1 A. Yes, absolutely.

2 LADY SMITH: Thank you. With that, I can let you go today.

3 (The witness withdrew)

4 LADY SMITH: So I think that's it for today, Mr Peoples, is
5 it?

6 MR PEOPLES: Yes.

7 LADY SMITH: We start again at 10 o'clock tomorrow morning
8 with another witness. Tomorrow's witness is?

9 MR PEOPLES: Roger Singleton.

10 LADY SMITH: Who again was referred to last week?

11 MR PEOPLES: Yes, he was.

12 LADY SMITH: Thank you.

13 (12.37 pm)

14 (The inquiry adjourned until 10.00 am

15 on Wednesday, 16 January 2019)

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PROFESSOR LYNN ABRAMS (affirmed)6

Questions from MR PEOPLES6

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