

Scottish Child Abuse Inquiry

Witness statement of

Tom SHAW

Introduction

1. My name is Tom Shaw. My date of birth is [REDACTED] 1940. My contact details are known to the Inquiry.
2. The purpose of this statement is to provide an overview of my involvement as Chair of the pilot forum known as "Time To Be Heard".

Qualifications and professional experience

3. I have an honours degree in Geology and Geography. I also have a teacher training qualification. I began in teaching in 1963 in Belfast Royal Academy. I taught a number of subjects including geography, English and history.
4. I was appointed an Inspector of Schools and Colleges in the Department of Education in Northern Ireland in 1973. I was appointed Deputy Chief Inspector of the Education and Training Inspectorate in 1990 and then Chief Inspector in 1995. I retired from that post in 2000.
5. During my years in the Inspectorate, I contributed to international conferences and seminars on evaluation and quality assurance in schools in the United Kingdom, Ireland, other European countries, and in New South Wales. I was a founder member of the Standing International Conference of Inspectorates, which is a European-wide association focused on improving the effectiveness of inspection in the interests of achieving better learning for all.

6. I initiated, in partnership with the Chief Inspector of Social Services, joint education and care inspections in Northern Ireland in response to the need for more holistic inspections in both mainstream and special education schools that provided boarding accommodation in addition to day-school provision. These in part were prompted by the need to respond to failures in the safeguarding provision for children in a school in Northern Ireland that had both day and boarding departments. I also initiated pastoral care inspections in day schools in response to developments in government policy to strengthen provision for child protection.
7. In 1999, I was awarded a CBE for public service, in the Queen's Birthday Honours.
8. Since my retirement in 2000, I have served on a number of government and other reviews in Northern Ireland including those appointed to examine and make recommendations about the development of post-primary education in the province, the religious education curriculum, Irish-medium education and area-based planning of school provision.
9. In August 2005, I was appointed by Scottish Ministers as the independent expert to lead the Historical Abuse Systemic Review. I was asked to focus on the legislative provisions and associated monitoring systems in Scotland from 1950 to 1995 that were introduced to ensure the safety and wellbeing of children in residential schools and children's homes throughout that period. My report was published in November 2007. My report included recommendations focusing on current provision to ensure the welfare and safety of looked-after and accommodated children, the needs of residents, including survivors of abuse, and records. Scottish Ministers accepted my recommendations. In response to my recommendations about public records and record keeping, the Scottish Parliament passed new legislation on public records and record management.
10. In July 2008, I was appointed as a member of the Advisory Board of the Independent Inquiry into abuse at Kerelaw Residential School and Secure Unit. I served in that role until the publication of the report in May 2009.

11. In 2009, I was appointed by Scottish Ministers to test a form of confidential forum for former residents of children's residential schools and homes. The forum was designed to allow former residents to be heard in a non-adversarial setting and to have their experiences recorded anonymously. The pilot was given the name "Time To Be Heard" (TTBH). My report on the pilot was published in February 2011. My recommendations, including the main recommendation that a National Confidential Forum be established, were accepted by Scottish Ministers. My work in TTBH involved me in liaison with a former chair of the Confidential Committee as well as the secretary of the Commission of Inquiry into Child Abuse in Ireland.

12. In 2012, I was appointed as a panel member of the Historical Institutional Abuse Inquiry in Northern Ireland Inquiry (HIA Inquiry). I travelled throughout Great Britain and to Perth in Western Australia as a panel member to conduct confidential hearings with former residents of children's residential establishments in Northern Ireland. I collated and edited Volume 10 of the Inquiry's report – the volume that dealt with the experiences that were recounted to the Acknowledgement Forum. I served as a Panel member until the conclusion of the HIA's work in 2016.

Time To Be Heard: A Pilot Forum

Appointment

13. In the autumn of 2009, I was contacted by an official from the Adult Care and Support Division of the Scottish Government. I was asked, in the event that Ministers were minded to invite me, if I would be willing to serve as Chairman of a Pilot Forum. The Pilot Forum would be a test of a model for listening to and acknowledging, in a confidential non-judgemental setting, participants' experiences in children's residential establishments. I subsequently accepted the appointment as Chairman of the Pilot Forum. Kathleen Marshall and Anne Carpenter were also appointed as commissioners.

The remit of TTBH

14. The appointment letters to the Chair and Commissioners of the Pilot Forum included a statement of the purpose of the Pilot Forum as follows:

'to test out the feasibility of establishing a Forum where adult survivors of abuse in care can describe their experiences in a confidential supportive setting'. The Pilot Forum formed part of the commitment made to the Scottish Parliament by Ministers in February 2008 to actively scope a model 'to give survivors the chance to speak about their experiences and to help them come to terms with the past'.

15. The purpose and structure of the Pilot Forum had been developed by the Survivor Scotland team in line with a submission approved by Ministers. Advice provided by the Scottish Human Rights Commission (SHRC) on piloting a confidential committee was welcomed by TTBH. This concurred with our own legal advice and led us to decide that we should proceed as though TTBH was a public authority and operate independently of the Scottish Government. Professor Alan Miller, chairman of the SHRC, contributed generously and most effectively to the TTBH stakeholders' conferences.
16. Scottish Government officials assisted me in securing premises in Glasgow for TTBH's work. Once my commissioners and I took the decision to operate TTBH as if it were a public authority, independent of the Scottish Government, contacts with officials were reduced to administrative links in respect of funding and the forwarding of correspondence related to TTBH that had been sent inadvertently to the Scottish Government.
17. The assistance and responses of officials were consistently good, well-informed and efficient. They respected the need for independence and did not seek to influence operational matters or decisions.
18. My engagement with survivors began after my appointment and continued throughout the preparations for the establishment of the Pilot Forum. The engagement took place in a number of ways:

- through a survivor who was a member of my advisory committee
- through meetings with representatives of survivors' groups
- through meetings with two groups of survivors
- through a stakeholders' conference for survivors
- through on-going correspondence with survivors by letter, e-mail and phone

Most of the survivors with whom I engaged in these contexts were not former residents of Quarriers.

An overview of methodology of TTBH

19. We agreed a set of key principles to guide the work of TTBH which are detailed in Appendix 3 of my report. I had responsibility for ensuring that confidentiality was assured for survivors who participated. We published a paper on confidentiality which is included as Appendix 4 of my report.
20. In planning and preparing for TTBH, the possibility of re-traumatising participants through giving testimony was identified as a significant risk. In response, arrangements were made to have support and counselling available for them before, during and after the hearings. Our duty of care to all participants of TTBH was central to all our decisions.
21. A decision was made to conduct the pilot using a single institution. The institution was Quarriers. This was discussed with us after the 2 commissioners and I were appointed. Quarriers agreed to participate in early 2010. We were told that the pilot was to be restricted to 100 people. The decision on who would make up the 100 came after we were told of these parameters. There was considerable discussion around whether participation would be open-ended such that anyone could come forward and, if so, how we could manage that.
22. We spent some time thinking through the implications of an open forum. We considered firstly, how we could communicate fairly with the wider public so that everybody had an equal opportunity to respond, and secondly, how we could prioritise people without creating hurt in the event that more people wanted to take part than we

could accommodate. Whatever we did was likely to be disappointing and hurtful to some.

23. We had difficulty, initially, in determining how we could communicate with former residents because we did not want to ask Quarriers to send a letter asking former residents if they would like to co-operate. The commissioners and I decided on a compromise which was that I wrote and signed a letter to former residents which Quarriers agreed to post to every former resident who had been in touch with them in the previous five years seeking their records.
24. My commissioners and I decided who should take part. We agreed that applications from anyone who had been resident as a child in Quarriers at any time would be accepted, whether or not they presented themselves as survivors of abuse whilst in care. We kept TTBH open to people who wanted to speak about positive experiences. It was not confined to those who wished to speak about abusive experiences.
25. Letters were sent to about 500 former residents. We received 168 requests for an application form and information pack. By our closing date on 31 May 2010, 112 applications had been received. I decided, having consulted my Commissioners, that rather than attempting to limit the total number of applications to 100, all applicants would be heard. I also allowed a further 4 persons to be included whose applications, because of exceptional circumstances, were received late, for example, where the applicant lived abroad and postal delays had occurred.
26. Out of 116 applicants, 2 were ineligible: one had never been resident in Quarriers and the other was a member of staff who had worked in Quarriers and was not a former child resident. Some other applicants withdrew from the process for a variety of reasons including a change of mind and illness. 1 applicant, sadly, passed away before his hearing took place. Once the Forum was launched, we heard testimonies from 98 former residents of Quarriers in the context of confidential hearings.
27. In each hearing, I was assisted by one of my commissioners, who sat with me to hear from the participant. The details of the day-to-day operation of TTBH and its hearings are given in my report at pages 84 to 92.

28. Where disclosure of abuse is met with scepticism and doubt, survivors have reported both in research and clinical settings, feeling traumatised and suffering other adverse effects. For this reason, TTBH aimed to hear accounts in an atmosphere of supportive, non-judgemental acceptance. Those who participated were not pressed for details of the nature or extent of their abuse, but were free to say as little or as much as they wished. Our intention was to hear their accounts and not to question in any way other than to obtain clarification where that was considered necessary. All participants were advised of this before the commencement of their hearing.

Testimonies of abuse

29. More than two thirds of the 98 former residents talked about abusive experiences. Others spoke about more positive experiences and some spoke about both. Some 69 participants recounted at least one form of abusive experience.
30. For the purpose of reporting, we collated the testimonies of the 69 participants who talked about abusive experiences by decade and by the type of abuse they had reported. We adopted the definitions of abuse that were accepted by the Scottish Government.
31. We heard accounts of physical, sexual and emotional abuse as well as neglect. Some people who had good experiences as residents in Quarriers also spoke about knowing former residents who had bad experiences. As children they had talked to each other at the school they had attended on site. They spoke of houses or cottages in Quarriers that, amongst the children in residence, had a bad reputation. Awareness and knowledge of this was also spread because at times, some children were moved between cottages.
32. Some participants said that staff witnessed physical and emotional abuse perpetrated by colleagues. They questioned why staff did not do anything to intervene.
33. We heard of children being told, 'You are making it up', and 'Don't you be telling lies, go away and play'. Some participants reported that staff had been spoken to when

they made a complaint, but nothing changed. Some spoke of experiencing a negative reaction from the person they had complained about.

Assessment of the testimonies

34. At the end of each hearing the Commissioner who had accompanied me and I discussed what we had heard. We considered whether there were issues to report. We also took account of any papers and memorabilia such as photographs of their time in Quarriers which the applicants had brought with them to the hearing. We reflected on whether what we had heard corresponded with what we knew of the organisation and context of provision in Quarriers when the participant had been resident there. Over and over again, we felt that the people who had come forward were doing their best to tell us honestly and as accurately as they could what they had experienced.
35. We recognised that, for some, memory may change over time. One of my Commissioners who had extensive experience working with victims of crime who were recounting past experiences, felt that the participants in TTBH were doing their utmost to tell us the truth. It was not our job to try and verify that but our shared view was that participants came across consistently as being honest in intention and, so far as we could judge, truthful in recounting their experiences.
36. TTBH was not academic research. It has been said that that recollections, words and feelings ought not to assume the power of evidence. In the context of TTBH, we made it clear that we were not using the testimonies as evidence. We were accepting the testimonies in good faith as an indication of the kinds of experiences that people had and the ways in which the systemic failings manifested themselves. TTBH was not an investigation or inquiry.
37. We had the benefit of listening to 98 accounts and could recognise where there was a degree of consistency and pattern in what we were hearing across individuals' accounts. Some participants had tried to organise what they wanted to say to us but

did that primarily to try to ensure that, in the context of the hearing, they did not overlook or omit incidents that they intended to include.

38. At the end of the meeting with us, we would always ask participants if there was anything they wanted to ask us and anything else they wanted to say. They were advised that they could ask for a further meeting if, subsequently, they recalled other experiences that they wanted to add to their account. Over and over again, people asked, 'How did I do? Was I alright? Did you understand what I was saying?' They were looking for some kind of affirmation that we understood what they were trying to tell us. That was unnecessary, however understandable it might be, because participants were generally articulate and coherent in recounting their experiences. We responded in terms such as 'We are very grateful to you for telling us' and 'We appreciate the trust you have placed in us in sharing that experience with us'. Our intention was to provide reassurance and acknowledgement and express gratitude for their participation
39. The expressed motivation for participants coming forward, in the majority of cases, was to be heard and to be believed. Over and over again people said, "All my life I have lived with being denied; denied that this happened, denied that I am telling the truth, denied the opportunity to have someone say to me 'I believe you'."

Time To Be Heard Report

40. When we selected testimonies for the report, we tried to be representative of what we had heard and selected accounts that we hoped would give an insight into the variety of experiences that people reported to us. I emphasise that the report is not intended to be a complete description of what we were told, but rather is meant to give an indication of the things that people spoke to us about. The report was not an attempt to write an account of life in Quarriers, but rather to present aspects of the experiences of some who were resident there as children.

41. Time to be Heard was a test of a model of a confidential forum and not an investigatory process. It was an attempt to respond to the expressed needs of people to be heard. An independent review of the TTBH process was conducted by Analytical Services Division of the Scottish Government with part of the work being undertaken by the Scottish Institute for Residential Child Care. The purpose of this review was to assess the appropriateness and effectiveness of the model of confidential forum developed by TTBH. Those participants who had the opportunity to take part in the review said that for them the forum was a worthwhile experience, and on that finding, coupled with what participants had said to TTBH at the end of and following hearings, led me to recommend that, a National Confidential Forum should be established as one of a range of responses to the needs of survivors and to young people in the care system.
42. At paragraph 4 of page 9 of my report, the closing sentence is "*Our observations and recommendations focus solely on our experience of piloting the Confidential Committee and should not be interpreted as a conclusion that nothing else - for example an investigation or a redress committee - is required*". The commissioners and I undertook the 'testing' of this model with the intention of trying to do it as effectively as we could. We were not commending a confidential forum – an acknowledgement forum - as the only option and we did not want anyone to think that.
43. The Scottish Executive's response to the TTBH report was entirely positive and my recommendations were accepted. The establishment of a National Confidential Forum is perhaps the best indication of the Government's acceptance of the value of TTBH.

Closing thoughts

- 44. TTBH, despite its constraints, demonstrated unequivocally the value of a confidential forum.

- 45 I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

Signed.... 

Date..... *12th January 2019*