

ORGANISATIONAL STATEMENT MADE BY ABERLOUR CHILD CARE TRUST

1. Aberlour Child Care Trust ("the Trust") welcomes the opportunities presented by the Inquiry to consider past and present practice, and to learn from the experiences of those for whom the Trust has provided care.
2. For ease of reference, as in the original response to the Inquiry, this organisational statement will address the evidence of the Trust in three distinct periods: "the Orphanage years", being 1875 to 1967, "the group home years", being 1967 to 1987, and "the service years", being 1987 to 2014.
3. For clarity, much of this statement addresses the position during the Orphanage and group home years. In the absence of individuals still within the employment of the Trust who have direct memories of these periods, this statement is necessarily based on assessment and analysis of historic records.

PURPOSES, CULTURE AND ETHOS

4. The Orphanage was originally founded by Canon Charles Jupp, an Episcopalian clergyman who had seen many destitute children living in dire conditions in British cities over the 1860s and 1870s. As a response to this, Canon Jupp dedicated the remainder of his life to providing a home and an education for children in need. The Orphanage at Aberlour, where Canon Jupp lived and worked from 1877 onwards until his death in 1911, was the primary vehicle to meet that need.
5. Canon Jupp's guiding principle was that, "*every child has the ability and indeed the right to grow up and flourish*".

6. As a consequence, from its earliest days, the primary aim of "The Scottish Episcopal Church Orphanage and Convalescent Home, Aberlour", as it was then titled, was encapsulated in the organisation's Constitution. While historical records demonstrate that there was an earlier Constitution from the outset of the Orphanage, the first Constitution of which a hard copy is currently available dates from 1882¹. The aim expressly stated in that Constitution and repeated in the revised Constitution, dated 21 April 1932², was to provide, "*a comfortable home*" (emphasis added) for orphans of the members of the Church and others under the 1882 Constitution, extending to other "necessitous children" in the 1932 Constitution.
7. The Constitution was succeeded, at 1934, by the Aberlour Orphanage Trust Scheme, operated under the Educational Endowments Acts. This amended the existing Constitution, but the purpose of the Trust was in identical terms to the 1932 Constitution. That Trust Scheme was itself later amended, for example in 1968 when the model of service provision for the Trust was developing and changing. The stated purpose and principal aim of providing a home is not, however, believed to have changed during the process of amendment of the terms of the Trust Scheme; historical records, for example minutes of the meetings of Governors, record details of discussions of other aspects of the amendments to Trust Schemes, but nothing to suggest any change to such a central tenet of the Trust's existence.
8. The scope to "*afford a temporary home, at the discretion of the Warden, for those who have been brought up in it, during the intervals or periods in which they may be ill, out of place or upon holidays*", was created in the original Constitution. In the Annual Report of the Orphanage at 1880³, it is noted that, "*As several of the children will be shortly leaving to earn their bread, and as they have, many of them, no other*

¹ ABE.001.001.0250

² ABE.001.001.0254

³ Within ABE.001.001.0259

home than the orphanage, the time has come when it is necessary to provide in the terms of the constitution, 'a temporary home...'" This was repeated in the 1882 and 1932 Constitutions. The 1880 Annual Report further commented that no Orphanage would be complete without such provision. Again, this reflects the ethos of the organisation, that a home was provided, to which children would remain welcome to return in later life.

9. In a letter written by a former Orphanage resident who had subsequently taken up a course in residential child care, referred to in a minute of a Governors' meeting dated 23 January 1969, the trainee described an establishment in which she had undertaken a work placement as a "Home" and not a "home" as Aberlour had been⁴. This was the experience which the Governors and Trustees were expressly aiming to provide for residents.

10. In a climate of change in 1961, when considering "The Role of The Voluntary Homes", a report by the Scottish Advisory Council on Child Care, the notes prepared for Governors by the then Warden, Reverend Leslie, highlighted that the report, *"...lays down a principle which all must agree – those in care of voluntary organisations should be provided with an environment as similar as possible to normal family life"*⁵. The ethos of creating a home is echoed in these words and reiterated in the Warden's further 1961 report to Governors on the "Policy of Group Home Division"⁶. This ethos was the foundation stone on which the Trust built the group home model of child care provision. The closely debated decision to move away from the single large scale institution to group homes was reached as it was

⁴ Within ABE.001.006.6677

⁵ ABE.001.001.0279

⁶ Submitted to the Inquiry with the response to the section 21 notice served under the Inquiries Act 2005 dated 25 January 2017

concluded that this model gave the best opportunity of providing an environment as similar as possible to a family home.

11. Later still, that ethos remained at the heart of the evolution from the group home years to the service years. In a note dated 3 December 1981⁷ recording views expressed at an internal Trust Advisory Group Meeting of that date, it was stated that, "*A balance has to be struck between the importance of finding new avenues for Aberlour's work and seizing our opportunities, and the importance of fulfilling our commitment to the children already in our care.*" Throughout the service years, the purposes of the Trust extended to meeting the needs of children, young people and their families. Services therefore extended and diversified to include not only support aimed to avoid the necessity of children being received into care, such as general family support, but also support with specific issues such as drug and alcohol abuse. However, the Trust remained committed to provision of tailored residential child care for children in need of additional support and children with disabilities

12. In 2006, the Trust was incorporated as a company limited by guarantee, under the name "Aberlour Child Care Trust", with registered number SC312912. The 2006 incorporation extended the purposes of the Trust to enable the Trust to operate new and diverse services, in addition to, but emphatically not to the exclusion of, the provision of residential child care.

13. The purposes of the Trust as of 2006, were:

"a) to provide, maintain and promote care, accommodation, support, training and/or services for:

⁷ ABE.001.001.0288

- i) *children and young persons who are in need of care, protection, assistance and/or training;*
- ii) *In exceptional circumstances, those who were previously children or young persons assisted by the Trust who remain vulnerable and/or disadvantaged and therefore remain in need of care, protection, assistance and/or training; and*
- iii) *vulnerable and/or disadvantaged adults whose assistance by the Trust will provide care, protection and/or assistance to children and young persons; and*

b) to provide, maintain and promote education, training, consultancy, research and information

- i) *for the beneficiaries listed in (a), as may be required to meet their specific educational and physical needs*
- ii) *for current and prospective individuals and agencies involved, whether through the trust or otherwise, with issues relating principally to the types of beneficiaries listed in (a), and*
- iii) *for members of the public generally and decision makers about the activities of the Trust and issues arising therefrom.”*

14. These purposes were, albeit after the period in which the Inquiry is particularly interested, further varied in 2017. Rather than being limited to working with adults who had previously been children or young persons cared for by the Trust and who remained vulnerable and/or disadvantaged, the Trust’s purposes were extended to permit work with:

“adults who are vulnerable and/or disadvantaged and therefore remain in need of care, protection, assistance and/or training.”

15. The Articles of Association of the Trust were similarly extended at the same time.

This opened up the scope for the Trust not only to work in through care and after care of those the Trust had cared for as children, but also to work in through care and after care of those who experienced care in childhood elsewhere, or indeed to work with any adult in need.

16. These purposes are underpinned by a value system which the Trust publicly and expressly subscribes to⁸, as follows:

“Our vision

To transform the lives of the children and families we work with and, through this, contribute to building a fairer and more equal society.

Our values

Respect means acting in a way that shows we care about the feelings of one another, and that we listen to one another’s opinions. As a person-centred organisation that stands up for the rights of all children and families, a culture of respect is inherent in all of our work.

Integrity means doing the right thing, even when no-one else is watching. We recognise that to fully represent the concerns of Scotland’s children and families, we may have to go against the grain or take difficult decisions. We will strive to act with integrity at all times.

Innovative means finding new, efficient ways to do things. We are committed to learning and developing improved ways of helping Scotland’s children and families. We will be innovative in our approaches, to ensure we are doing the best for our children and families.

⁸ <https://www.aberlour.org.uk/aberlour-story/>

Challenging means testing ourselves and those around us. It means not accepting the status quo. Within Aberlour, we will challenge ourselves to be the best we can be, as a provider of choice. Externally, we will use our campaigning voice to challenge decisions in the policy sphere, to ensure that our families' voices are heard."

17. The desire to provide a place of comfort and a home for children which existed at 1875 and throughout the intervening more than 125 years remained the ethos of the newly incorporated company, and remains the ethos of the Trust to the present day. This is echoed in the Trust's current mission statement for its ongoing Sycamore Services that:

*"Our residential child care services offer a safe and loving place to live, for children who have experienced abuse and trauma."*⁹

HISTORICAL CONTEXT

Development of the Service in the Early Days: 1875-1930

18. To place comment in relation to policies, systems and practices within the period 1930 to 2014 into context, it is necessary to be aware that, as the organisation developed into the present day Trust, the structure of the establishments providing care varied and developed.

19. In the earliest days, care was provided to four children in a cottage in Aberlour funded by a private benefactor. Canon Jupp agreed to act as personal chaplain to a Miss McPherson Grant of Aberlour in return for her promise to fund construction of

⁹ <https://www.aberlour.org.uk/services/sycamore/>

an orphanage, with a church, rectory and school. The first incarnation of Aberlour Orphanage was therefore Burnside Cottage, Aberlour, to which children were admitted from 2 March 1875. In the first week, four boys were admitted. By the end of the same year, twelve boys and two girls were being cared for, and land had been secured for the building of a larger establishment, which was planned to accommodate 25 children (Annual Report 1876).

20. By May 1877 (Annual Reports 1877 and 1878¹⁰), a dorm for 25 children had been built, with a hall, a kitchen and offices suitable to serve the 50 children it was now aimed to accommodate by adding a further similar dorm, the whole being "*under the entire management of the Secretary (Canon Jupp) and Mrs Jupp, who reside in the house with the children*" and "*performed the duties of Warden and Matron*". The building work on this first phase completed at August 1877. Work on the additional dorm began at May 1878, and by the end of 1879, it was ready for occupation (Annual Report 1879¹¹).

21. By 1881, with building work having continued to extend the capacity of the establishment, 90 children were accommodated but many others were, of necessity, being turned away. Over the following thirty years, further residential accommodation was added, with a laundry and an isolation hospital added at around 1906, and a covered swimming pool added at some point prior to 1925 with the specific intention that children within the Orphanage would be safely taught to swim. After Canon Jupp died in 1911, to be succeeded by Canon Walter Jenks, the growth of the Orphanage as a single large institution continued still further, with building ongoing into the period of the Inquiry's remit.

¹⁰ Within ABE.001.001.0259

¹¹ Within ABE.001.001.0259

1930 – 1967: Buildings and Occupancy

22. A substantial fire in 1931 destroyed what was, by then, the girls' residential wing and, in 1937, a second fire caused substantial damage in the boys' wing. The accommodation destroyed by these fires was quickly replaced, with the new boys' wing opening in 1939 as the last of the repair of fire damage was completed. During the period of time when residential accommodation for young people was too fire damaged to be in use, children were accommodated elsewhere within the Orphanage buildings, making full use of any available or recreational space. The Orphanage continued to care for all of those children previously placed with Aberlour throughout this period of time. There is no evidence of any child being displaced from the home which Aberlour provided as a result of fire damage or repair work.

23. For example, after the fire in the girls' wing, a meeting of the Governors at 26 June 1931¹² recorded a decision to erect a temporary dining room which, it was noted, would allow 100 girls to transfer back into the remaining accommodation in the East Block, easing overcrowding in the West Block. It was also noted that plans were being devised with the knowledge, approval and support of the Inspector and Architect of the Board of Health. Progress towards more permanent reinstatement was well in hand by 19 August 1931¹³, when plans for building works were considered and a preferred option chosen, with the architect being appointed to proceed. Funds were actively raised in a Rebuilding Appeal into at least 1932 (Minute of sub-committee meeting at 28 October 1832¹⁴). Similarly, after the 1936 fire, plans for new building works were prepared and submitted to the Scottish Education Department for approval by Autumn 1937 (Minute of Governors' meeting

¹² Within ABE.001.006.6494

¹³ Within ABE.001.006.6494

¹⁴ Within ABE.001.006.6494

at 5 November 1937¹⁵). The aim for the Trust was to keep the looked after children in their home, to manage available accommodations to limit temporary discomforts and to seek early solutions to restore the previously available accommodation. The Trust has found neither historic evidence of children being sent away during this period, nor historic evidence of any dissatisfaction of the inspecting authorities with the course of action being pursued, with their approval on certain key decisions being sought.

24. That said, it is believed that the numbers of admissions would have been unusually low over this difficult period, as the challenge of accommodating placed children within their own home was prioritised over acceptance of new applications.

25. It should be noted that admissions were generally on application by a Children's Officer from the local authority for the child's place of residence. Decisions about whether and when a child should move on, and if so, to where, also rested with the local authority in that event. Although the Warden would, as discussed below, express views from time to time, the decision to move or remove a child was not the Trust's to take, nor did the Trust have full control over how such decisions were implemented or when.

26. It has to be accepted that there were financial consequences for the local authority in having a child cared for by the Trust, and there may have been a financial interest in moving children out of the care of the Trust and into employment when they reached school leaving age. Similarly, it was open to the local authority to decide to move a young person from one care establishment to another. For example, witness BCP, who was at the Orphanage and then at Whytemans Brae, was removed by the local authority into one of their own child care establishments in 1970. While this did follow

¹⁵ Within ABE.001.006.6494

discussion with the Trust over the most suitable environment to meet the needs of the Applicant, the final decision on where the Applicant should reside rested with the local authority.

27. It was possible for a child to be discharged from the care of the Trust in consequence of a sentence being passed by the Court. In that event neither the Trust nor the local authority would have direct control over the manner and circumstances of their departure. For example, witness BCW was committed to Oakbank Approved School when he appeared before the Court in 1964.

28. On occasion, children were placed directly by their parents, but this was, as time went on, increasingly unusual. In that event, although the Orphanage application form sought the agreement of the applying parent that the child would not be removed from the Orphanage premises without consultation with the Trust, it was ultimately a matter for the parent to make decisions about removal of the child.

29. For children placed by the local authority, the authority maintained statutory responsibility for care decisions, but it was also a matter for the local authority to decide what information, or how much information, to give to the Trust about the child's background before, and circumstances on, arrival into care. Application forms generally provided information on the names of parent, the names and ages of known siblings, some basic information on where they were if known, and a brief line to confirm if there were Court proceedings which had resulted in the reception into care. If the child had experienced care in other establishments, the dates and names of the establishments, or a note that this was foster care, may be provided. The extent to which other information known to the local authority, or reported to the local authority during care, was relayed, and the manner and time of reporting, were matters for the local authority to decide upon.

30. As a general trend, the capacity of the orphanage steadily increased from 1877 through to around 1939, as indeed did occupancy, and at its maximum during the period of the Inquiry's remit, the maximum capacity of the Orphanage as a single establishment is recorded as having been accommodation for around 375 children. There is a suggestion in historic records that, at some point during the tenure of Canon Jupp, and prior to celebration of the half centenary of the Orphanage at 1925, the maximum occupancy of the Orphanage had been 500. It appears that, at some intervening point, a decision had been reached on maximum occupancy not being permitted to exceed 350, except in cases of special hardship. There is no record of occupancy exceeding 375 children at any one time during the period of the Inquiry's remit. This was viewed, at the Governors' meeting on 30 May 1941¹⁶ which decided on this number, as a war-time measure. The more usual maximum was noted to be 350 children which was, in peace time, only to be exceeded in case of special hardship. This increase was said to be approved with due regard to the views of the Department of Education and the Medical Officer. Consideration was given to again increasing the maximum temporarily to 400 at 25 June 1942¹⁷, but having heard a report from one Governor, in her capacity as Lady Visitor, after she had spent a night in the Orphanage to assess this option, it was decided that it would pose too great a risk to the health of children to increase the occupancy of the building. The Orphanage had some success with containment of communicable illnesses (e.g. references to containment of outbreaks of scarlet fever in minutes of Governors' meetings at 28 July 1943¹⁸ and 27 March 1947¹⁹). At 24 September 1942²⁰, there was a report to the meeting of the Board of Governors from the Health Department of Scotland. Having been favourably impressed by a report of the Banffshire Medical

¹⁶ Within ABE.001.001.6505

¹⁷ Within ABE.001.001.6505

¹⁸ Within ABE.001.001.6505

¹⁹ Within ABE.001.001.6545

²⁰ Within ABE.001.001.6505

Officer on the excellent state of health of the residents, Dr Hart of the Health Department had attended the Orphanage to see for himself and expressed himself satisfied by what he saw. However, at the same meeting of 24 September 1942, the Governors noted that, with 374 children in residence, there was a continual need to turn down applications to enter the Orphanage. The proven track record of good health for children already in residence continued to be a priority. Despite scope to accept many more applications, the Trust endeavoured to adhere to the constitutional aim of providing a comfortable home, prioritising the safety and well-being of children in their care.

31. In 1953, an additional building called "The Dowans" was acquired and opened as the Princess Margaret Residential Nursery School, providing accommodation and care for usually pre-school children, and occasionally children a little older in need of additional time in such an environment, for children of both sexes. The accommodation and care was provided in a single location separate from the main Orphanage campus, albeit still within Aberlour. Even after the opening of the Nursery, the Orphanage did not provide care for the smallest babies. The usual admission age was closer to two years of age. Indeed, after a smaller baby was abandoned at the Orphanage, it was noted at a Governors' meeting on 29 September 1949²¹ that, while the Orphanage was caring for the baby in the short term as a special case, the local authority required to make early alternative plans, as the Orphanage was not equipped to care for a tiny baby. Most Applicants giving evidence were admitted aged two years or older. Witness BCS refers to another child, AJP, having arrived as a baby. Trust records show that AJP was admitted, as was BCS, at the age of 18 months. This was, on the evidence available to the Trust, at the younger end of the age of usual minimum admission ages. Although the evidence of BCS in relation to his own admission is noted, the Orphanage did not, as

²¹ Within ABE.001.001.6545

a matter of course, accept admission of infants of three months of age, irrespective of race.

32. The total number of children cared for by Aberlour from the opening of the cottage in 1877 until the closure of the Orphanage as a single large scale institution in 1967 is assessed as around 6,950. This number is recorded on a memorial stone in St Margaret's Church, Aberlour. It is estimated that the total number of children cared for by the Trust across all of its residential care services from 1875 to date is likely in the region of 8,000 children and young people.

33. Some insight into Orphanage life at the time of transition into group homes can be gained from a documentary referred to by witness BGE, in which a number of individuals, including Reverend Leslie and a number of children in both the Orphanage and one of the earliest group homes, were interviewed.²²

34. There are also numerous photographs, principally from the Orphanage years, readily available and providing some insight into the Orphanage life, activities, mode of dress and appearance, and accommodation.²³

Role of the Governors and Visitor

35. The governing body of the Trust²⁴ during the early period of the Inquiry's remit, known as Governors or latterly Trustees, was a group of clergy, patrons and benefactors, and respected figures believed to have been nominated by charitable

²² https://www.youtube.com/watch?feature=player_embedded&v=yHhOGAiqhFQ

²³ <https://www.youtube.com/watch?v=qw-C345GsfA>; <https://www.youtube.com/watch?v=m2aEQ8cZ-4k>; <https://www.youtube.com/watch?v=Or3kU-D-d3k>; <https://www.youtube.com/watch?v=PtPXn3Fm6-c>; <https://www.youtube.com/watch?v=DldqEhITIV4>; <https://www.youtube.com/watch?v=Yeck8TxmS24>;

²⁴ Fuller details can be found in Appendix 2 of the original response to the Inquiry's notice under section 21 of the Inquiries Act 2005 dated 25 January 2017

subscribers, including from time to time elected members of local authorities, members of the judiciary, professionals from the spheres of education and child care, and similar persons of good standing. From 1969 onwards, the composition contained fewer clergy and more professionals from the spheres of Social Services, Education and local authorities. From 2006 onwards, Trustees and Directors have been appointed by a combination of election from those nominated by the Trust's Appointments Committee and co-opting by the Board of Trustees, a group of three to fourteen people.²⁵

36. The Warden was at all times accountable to the Governors²⁶ throughout the Orphanage and group home years, and the Governors made decisions on all key issues, including admission policy, policy on corporal punishment, decisions on maintenance and extension of the fabric of buildings, and all or any changes in the model of service provision.

37. The Governors and Trustees, throughout the period of the Inquiry's remit, dating from the Constitution of 1882 and thereafter, had control of key elements of the management of the Orphanage. In particular, the early Constitutions gave the Visitor, from the earliest days, full power to remove the Warden from office, if the Managing Committee of Governors – or at least a majority of them – recommended this.

38. The Warden, as can be seen throughout the minutes of Governors' meetings, reported to the Governors at their regular meetings, the frequency of which varied over time, being monthly at some points, and every two to three months at others.

²⁵ Information on the current Board, including brief biographies, can be found at:

<https://www.aberlour.org.uk/people/>

²⁶ Fuller details of the overall structure of governance and accountability can be found in Appendix 6 of the original response to the Inquiry's notice under section 21 of the Inquiries Act 2005 dated 25 January 2017

39. The Governors, in addition to having a voice in all major policy decisions and developments, are shown in historical records to have been willing and able to proactively voice any concerns and to hold the Warden accountable. As an example, at 29 December 1955²⁷, minutes of the meeting of the Governors record the Chair raising misgivings where a housemother had needed to be persuaded to withdraw her resignation, and where the hours being worked by senior girls in training were also causing concern.

40. The Visitor of the institution referred to above is a role believed to have been created by the original Constitution of the organisation, and which remained in the constitutions of 1882 and 1932, as a mechanism for the Governors not only to maintain supervision of Orphanage conditions, but also to act as final arbiter if there was dispute between the Governors and the Warden. The role of Visitor continued throughout the Orphanage years, and indeed at a Governors' meeting at 28 May 1959²⁸, it was decided to increase the frequency of supervisory visits to the establishment, which took place around monthly. Reports from those visits were fed back to Governors' meetings, as can be seen in the minutes of Governors' meetings, for example at 28 April 1960, 23 March 1961 and 29 September 1961²⁹.

41. At a later stage in the history of the Trust, and as the model of service provision developed into a number of residential facilities in different locations, the Governors proposed at a meeting at 1 September 1970³⁰ that, in addition to the formal role of the Visitor and the regular visits of the Principal as a member of senior management, individual Governors could undertake visits to those child care facilities which were in their areas.

²⁷ Within ABE.001.001.6579

²⁸ Within ABE.001.001.6593

²⁹ Within ABE.001.001.6593

³⁰ Within ABE.001.001.6431

Role of the Warden

42. The general culture and atmosphere within the establishments run by the organisation, particularly over the period from establishment to the early group home years, were heavily influenced by the Warden from time to time, given his role in recruitment, in reporting to and informing the Governors, and his implementation, by day to day management of all staff from the sub-warden onwards, of policy decisions.

43. In particular, Canon Jupp is remembered as the driving force in the creation of an organisation and establishment to provide a comfortable home for children in need, and in the pursuit of charitable fundraising throughout his life, using the mechanism of "Jupp's Sales" to secure the funding required to continue the development and growth of the Orphanage, a mechanism which continued in use long after Canon Jupp had passed away.

44. Canon Jenks, appointed on the death of Canon Jupp at 1911 and continuing in that role until 1928, continued the work begun by Canon Jupp, and in particular oversaw a building programme which extended the single large institution of the Orphanage, and the increase of its capacity and occupancy.

45. Canon Wolfe, appointed as Warden in 1928, continued in that role until 1958, and oversaw the appeals for funds to assist the Orphanage in reconstruction after two fires. The strong view of Canon Wolfe that Aberlour was, for those who had been resident there, a home to which they should always be welcome to return is plain from references during his tenure to individuals returning on visits, and often to stay for short periods of time, in the Aberlour Magazine, a monthly newsletter prepared by the Trust and used to keep donors and former residents alike abreast of news and

developments within the Orphanage and in the lives of former residents who remained in contact.

46. The Magazine published frequent letters from former residents, or “old boys and girls” as the Magazine termed them, updating other readers on their lives and events; it is clear from the terms of these letters that old boys and girls in contact were also receiving letters from the Orphanage. Former residents finding times to be difficult were welcome to the home in times of need, to seek help and support from those who had cared for them, or indeed in happier circumstances, to bring back news of their successes. The magazines over this period contain many letters from old boys and old girls, writing “home” of their adult lives. This continued a long history of correspondence between former residents and the Orphanage. A collection of Magazine entries over the period of the First World War, interspersed with letters sent to the Orphanage from former residents on active service, has recently been published by Anne Black, under the title “The Only Home They Knew”³¹.

47. That said, Canon Wolfe was also alive to the need for former residents to be able to use their own discretion on whether, when and to whom to identify themselves as former residents. This is evidenced by the minutes of a discussion which the Warden was involved in with Governors at 25 November 1954³², when it was agreed that steps should be taken to explore a change of name for the Orphanage School to avoid School Certificates immediately revealing, for example to future employers, the resident’s connection with the establishment.

³¹ Published by MDPD, 2018 ISBN: 978-1-9999251-0-9

³² Within ABE.001.001.6566

48. Canon Wolfe was also alert to the need to take into account how the views residents had of themselves were formed. A minute of 29 August 1940³³ records action taken to re-letter signage at the entrance to the Orphanage to remove the word “Destitute” from the phrase “Orphaned and Destitute Children”, to avoid children “with so much care lavished upon them” forming the view that they were currently considered destitute.

49. The status which Canon Wolfe held in the field of residential child care in Scotland over this time is evidenced by his involvement in discussions at national level on this work. For example the invitation to Canon Wolfe to give evidence to the “Clyde Committee”, the Government’s Committee for Homeless Children, in 1945, all as discussed, according to minute, at the meeting of the Governors at 20 December 1945³⁴.

50. While addressing the involvement and input of the Scottish Home Department in giving guidance for child care providers, in the minute of a meeting of Governors at 29 October 1953³⁵, Canon Wolfe is noted to have expressed that, *“It was the Governors’ aim, no less than the Department, to promote the happiness of the children, and they were ready to co-operate with the Department on any proposal which seemed to the Governors helpful and constructive as well as practicable.”*

51. Reverend Leslie was Warden of the home over a period of time which gave rise to different challenges, at a time when the Trust was making difficult decisions on the future model for service provision, and beginning to develop group homes.

³³ Within ABE.001.001.6505

³⁴ Within ABE.001.001.6505

³⁵ Within ABE.001.001.6566

52. Throughout the Trust's discussions on these questions, Reverend Leslie's belief in the longstanding ethos of the organisation is apparent from the reports which he contributed to aid understanding and facilitate discussion amongst the Governors.

53. As discussed above³⁶, in his commentary on the "Role of the Voluntary Homes" report, and his "Policy of Group Home Provision", Reverend Leslie emphasised the need to provide looked after children with an "*environment as similar as possible to normal family life*". In the latter "Policy", Reverend Leslie referred back, with approval, to a 1959 Report by the Scottish Home Department, "Memorandum on Children's Homes", capturing the understanding at that time of how to respond to the needs of children with previous adverse experiences, noting:

"...a child cannot be happy unless he feels secure....security is a frame of mind which has been created in the child by its past experiences...the house mother cannot make the child feel secure, but she can provide the conditions in which he has the best chance of making his own feelings of security."

54. In a meeting of 23 April 1959³⁷, minutes reveal that the Warden, Reverend Leslie, had expressed the importance of the Orphanage being integrated in and playing its part to contribute to the new system of child care emerging after the Children Act 1948, and not fighting against that system. The Warden expressed, at that meeting, the importance of also recognising that the Orphanage was primarily the home of the children who lived there, and not primarily an educational institution.

³⁶ See para 10

³⁷ Within ABE.001.001.6593

55. Minutes of a further meeting of 10 October 1963³⁸ shed light on the guiding principles followed by Reverend Leslie, and the Governors, in steering a course through the most significant change in the history of the Trust to that date. The key was identified as determining firstly what was best for the children, and then secondly how to achieve that, which in turn meant identifying what needed to be done, and then considering, with regard to the Trust Scheme, whether and how the Trust could legally take that action.

56. In a minute of a meeting at 19 August 1964³⁹, a Governor noted that child care had become a field for experts in the immediately preceding years, but that the Board had the benefit of the expert input of Reverend Leslie.

57. In the group home years and "service years", from the late 1960s until 2014 and leading onwards, the structure of the organisation replaced the Warden, after the death of Reverend Leslie in 1969, with a Principal, and latterly a Chief Executive, assisted by a directorate of individuals each dealing with different aspects of the running of the organisation, including fundraising, finance and resources, people and quality and children and families. The current Children and Families Director has a direct line of communication with Assistant Directors who in turn manage Service Managers, who have a direct line of communication with service staff. By this means, the Chief Executive maintains an overview, and is able to influence the culture and atmosphere of the various establishments.

58. It is recognised that the role of the house parent, in the group home years in particular, in each facility, in influencing the atmosphere within that establishment was central. It gave rise to the need for communication with headquarters to allow

³⁸ Within ABE.001.001.6630

³⁹ Within ABE.001.001.6630

the Warden and Principal to endeavour to pursue consistency of practice and consistent and complete fulfilment of policy, and to allow a monitoring of quality of service. Regular personal visits to establishments assisted in that process, and also afforded an opportunity for young people to communicate with key individuals within the organisation other than their house parent. In the present structure of the organisation, that role continues to be filled by the Chief Executive, equivalent to the Principal in the older structure, by the Director of Children and Families and by the Director of People and Quality.⁴⁰

Staffing challenges during the Orphanage years

59. During war time, the children were further protected by all appropriate applications being made to have work in the Orphanage designated necessary, to avoid insofar as possible the call up of essential staff to active service. At this time the Orphanage had its own school and a farm, producing food for the Orphanage kitchen. The Ministry of Labour also drafted women into the Orphanage's employment (Minute of Governors' meeting at 20 July 1944⁴¹). As late as 28 June 1945⁴², with the Orphanage at capacity and staff shortages an issue, applications seeking entry for additional children were being resisted. The point was made, as at other Governors' meetings, that setting salaries was an issue, with the Orphanage dependent on donors, but also needing to offer a suitable salary package to attract suitable staff (see also Governors' Meeting of 30 December 1950⁴³, where the same issue was raised).

⁴⁰ Fuller details of the structure at 2017 can be found in Appendix 4 of the original response to the Inquiry's notice under section 21 of the Inquiries Act 2005 dated 25 January 2017, although there has been further change since. Current structure for the Sycamore Service is detailed at para 87 below.

⁴¹ Within ABE.001.001.6505

⁴² Within ABE.001.001.6505

⁴³ Within ABE.001.001.6545

60. Staffing issues were regularly discussed in general at the Governors' meetings, seeking to find ways to balance securing the best staff with the need to accept the limited funds and resources available.

61. While the evidence of BCS on the set up of hostels is noted, the Trust neither established nor operated "half way houses" between their care and independent living during the Orphanage Years. While some young people, for example BCL, did leave the Orphanage to move to hostels for young workers, none of these were Trust establishments, and the decisions about moving young people into such hostels were not Trust decisions. Until the child care service of the Trust extended into group homes, the Orphanage and Nursery were the only establishments operated by the Trust.

1950 – 1967: Transition towards Group Homes

62. By the mid-1950s, traditional approaches to residential child care were being re-evaluated in society, by the Scottish Home Department and by care providers. By 1953 the Trust was giving close consideration to the question of whether large scale residential child care, with children grouped according to both sex and age, was of the greatest benefit to child development. In particular, in a Governors' meeting of 29 October 1953⁴⁴, there was detailed discussion of a Scottish Home Department report of 27 May 1953 which addressed these issues, and consequently the possibility of family groupings within the Orphanage was considered, albeit that it was assessed that the buildings at Aberlour, not having been erected for this purpose, were not well suited to this model. At this time, it remained the case that the Orphanage had separate accommodation wings, and separate dining facilities, for girls and boys, within which children were to an extent grouped by age, albeit that children of

⁴⁴ Within ABE.001.001.6566

different sexes and ages mixed freely in leisure, at play and in school. The nursery, located in a separate building, known as "The Dowans", accommodated both pre-school boys and girls from the date of its opening at 29 August 1953. It provide smaller scale accommodation and educational facilities for pre-school children (usually aged 2 years and over) from that date until it was repurposed as a group home in 1963.

63. However, in light of the ongoing discussions related to the potential for family groupings, after a decision of a meeting of the Governors at 25 November 1954⁴⁵, and on a trial basis at first, action was taken to create the accommodation required to house a mixed group of girls and boys in a family grouping within the Orphanage building. In preparation, certain Governors visited a number of other large scale residential institutions to explore how family groupings were being addressed elsewhere, with a view to learning from the experiences of others undertaking that work. These Governors found, and reported back, that other institutions were also at an early stage in making the transition to small groups or family groups, if indeed the transition had begun at all. Initially, the Trust decided that children would be mixed in the experimental small family group to age 8, with some older girls in addition. The aim was to create as homely an atmosphere as possible, and learning gained from other establishments, for example on partitioning large dorms into smaller group areas, was taken into account. By the Governors' meeting of 6 July 1955⁴⁶, "F1" had been created, being a suite of three bedrooms with 3-4 beds each, one larger bedroom and a shared living room with a fireplace. This remained, however, a designated space within the larger single institution, which was difficult to replicate across the buildings which had been erected to provide childcare on a quite different model.

⁴⁵ Within ABE.001.001.6566

⁴⁶ Within ABE.001.001.6566

64. That being so, as smaller groups became the preferred model for provision of residential child care, the Trust turned to the development of smaller group homes in separate buildings off the Orphanage grounds, and built in a manner which better suited this model, as opposed to creating areas of accommodation for smaller family groupings within the existing Orphanage building. This was the subject of close and lengthy consideration and impassioned debate, but was ultimately a consensus view.

65. When Reverend Leslie took up the post of Warden in 1958, the Governors had made no firm decision about the future of Aberlour Orphanage as a single large institution. For example, at 28 March 1957⁴⁷, the Governors discussed whether boarding out had reached its peak, or whether it may be well advised for the Orphanage to seek to specialise in the care of “the more difficult child”, or those who may need specialist educational provision, and at 30 May 1957⁴⁸, plans were being made for a brochure to advertise the continuing services of the Orphanage. At 27 November 1958⁴⁹, a Scottish Education Department circular on “Provision for Handicapped Children” received close attention, and at 23 April 1959⁵⁰, a formal special education class was decided upon. At 17 November 1960⁵¹, consideration was being given to whether further publicity of Orphanage services was needed. At that date, in his capacity as Warden, Reverend Leslie did note that there were reducing numbers in the Orphanage, but not due to any decision to close or any drop in its popularity, but simply due to a reduction in the number of children being placed in residential child care by the authorities. It was recognised that preferred models of child care were changing, although no firm decision had been made on how to respond to this. The Warden emphasised that it was important to recognise that residential child care was

⁴⁷ Within ABE.001.001.6579

⁴⁸ Within ABE.001.001.6579

⁴⁹ Within ABE.001.001.6593

⁵⁰ Within ABE.001.001.6593

⁵¹ Within ABE.001.001.6593

principally being used for children who were more difficult to board out. Recognising the development and change happening in this field, the Warden expressed that it was important for the Orphanage to be integrated in the new system and to play its part within that system, rather than to try to fight against it.

66. Publication of the "Role of the Voluntary Homes" marked a turning point. At 23 March 1961⁵², on review of a report prepared by Reverend Leslie, it was noted that mature consideration was needed on the questions of whether to continue on existing lines, whether to make alterations to the existing building to accommodate a different form of child care provision, or whether to move to provision of group homes. At 25 May 1961⁵³, the Governors continued to discuss the report, voicing strong and varied opinions on such issues as what constitutes a family unit for the looked after child, how such a unit can best be replicated in the residential child care setting, the effect on the looked after child of trauma and damage experienced before the reception into care, the impact on the looked after child of forming a bond with a professional carer who may then leave that employment, and the recruitment, training and retention of suitable and sufficient staff. Developing the use of existing buildings for new purposes was sanctioned. Two Governors spoke out strongly for maintaining the status quo unchanged, but the view of the majority of the group tended to favour redevelopment of the West Block for family groups. Discussion of similar topics continued on a regular basis, and it was over the course of 1962 to 1965 that a consensus view formed that the Trust should be focussed on dispersing entirely into new group homes, with the Orphanage itself being closed and sold, rather than used for group homes or re-developed into a specialised establishment for children with more complex needs.

⁵² Within ABE.001.001.6593

⁵³ Within ABE.001.001.6593

67. Accordingly, while there may be a perception for some witnesses that Reverend Leslie was brought into the Trust on the basis that he was immediately tasked with closing the Orphanage, the evidence suggests that this was not the case. The Governors were responsible for recruiting and employing the Warden. While there was a recognition relatively early in his tenure that the Trust needed to find its place within the developing child care system, nonetheless there was long, detailed and impassioned debate of all possible options over a period of some years before the Governors who recruited Reverend Leslie formed a view that the Orphanage should close.

1967 – 1987: Accommodations in the Group Home Years

68. The first of the small group homes off the Orphanage grounds was opened in 1962 at Constitution Street in Aberdeen. The former Orphanage nursery, The Dowans, was re-purposed as a group home in 1963.

69. In group homes, small groups (the size depending on the accommodation that a property provided, but generally was between 7 and 15 children) of children of mixed sexes and ages lived together usually in the care of two house parents, often a married couple, given the preference of the Trust to provide a male and female role model, in an environment "*as similar as possible to normal family life*"⁵⁴. The house parents were resident full time within the home. It was common for the house mother to be a paid employee of the Trust, and a full time carer, and for the house father to have paid daytime employment elsewhere, providing care during the time spent in the home, and receiving free board, lodgings and laundry in return. House parents were supported in their work by care assistants and domestic staff, employed by the Trust and managed day to day by the house parents for the home in which they

⁵⁴ See para 10 above

worked. This model was outlined in a discussion of the Governors at 10 October 1963⁵⁵, related to a Trust report entitled “Aberlour Orphanage – Redevelopment Plans”.

70. Further group homes⁵⁶ had been added over the years after the opening of Constitution Street, including a group home at Quarryhill in Keith, opening in 1967, and a group of properties known as the Sycamore Cluster, including group homes at Whytemans Brae, Kirkcaldy and at Bellyeoman Road, Dunfermline, both of which opened in 1967.

71. As the group home model evolved, firstly there was a move, not least in the policy of local authorities with responsibility for making child protection decisions and decisions on how to meet the needs of looked after children, towards ever increasing levels of fostering and kinship care. This meant that there were falling numbers of children in need of long-term residential care, but also secondly, there was a developing and greater understanding of child development, of the effects on children of neglect or trauma, and of the work which could be undertaken to address the impacts of life experience and improve the life chances of children who were in need of such care. The professionalisation of Social Work from the passing of the Social Work (Scotland) Act 1968, and the ever increasing availability of educational and training opportunities for those entering the sphere of professional child care changed the face of residential child care in Scotland, and created a need and an opportunity for increasing specialism on the part of those providing care. Moreover, in the individual establishments, to enable provision of care from those with suitable and sufficient skills and expertise to children who had experienced neglect or trauma, who had social, emotional and behavioural difficulties, who had learning difficulties,

⁵⁵ Within ABE.001.001.6630

⁵⁶ Fuller details can be found in Appendix 3 of the original response to the Inquiry’s notice under section 21 of the Inquiries Act 2005 dated 25 January 2017

or who had physical disabilities, in order to provide the best quality of childhood life and the greatest adult life opportunities.

72. While historical records reflect a developing understanding on the part of the Trust of the increasing need for specialism and provision of expert care to children with specific needs even in the Orphanage years, as the professionalisation of the field of Social Work developed, the Trust continued to re-evaluate its model of providing child care, and to constantly re-assess the extent to which that model best fitted the needs which the Trust existed to serve.

73. In that context, the Dowans was gradually identified as no longer suitable for the services which the developing Trust was providing, and closed in November 1970. Quarryhill was closed in 1983, as its occupancy was by then consistently under capacity, and again it was not serving the ongoing diversification of the trust services.

1980s – 2014: Accommodations in the Service Years

74. Both Whytemans Brae and Bellyeoman Road changed their purposes and continued to play a role in the Trust's developing service provision. In 1982/83, the facility at Bellyeoman Road became a residential care home for children with severe mental and physical disabilities, before in 2003, that establishment changed purpose again to be a residential care home, rather than a group home, without focus on such severe needs. At around 1982/1983 Whytemans Brae also changed in purpose from being a small group home to being a residential care home, albeit for all children rather than those experiencing the specific needs which care at Bellyeoman Road was meeting.

75. In a group home, a group of children of mixed sex and age lived together under the care of resident house parents, assisted by care staff. In a residential care home, a group of non-resident staff would rotate in providing care to children in the establishment, without any of those staff living within the facility full time.
76. While this was not the driving force behind the change in this model, it is accepted that house parents living full time together with the children cared for had constant access to those children, at times without other care staff present. Staff working with children on a rota basis had fewer hours of access to children, likely with less regular opportunity for unsupervised access to children, and the changeover of staff gave a larger number of adults for children to engage and build a relationship with and to confide in should problems arise.
77. The risks associated with the ready access of house parents to children and the smaller number of other available adult contacts was ameliorated by seeking to recruit staff for whom wellbeing of the children was the highest priority; records reflect that staff could and did approach management to report issues with house parents' conduct towards children if appropriate, of which more below.
78. In 2002, the organisation opened its first fostering service, adding a second such service in 2004. From the early 1980s onwards, the Trust worked to provide specific types of residential care, such as respite care or care specifically designed for children with disabilities or severe behavioural problems in a variety of locations across Scotland.
79. The Sycamore Cluster also involved small scale residential care homes at 15 Cedar Avenue, Kirkcaldy and 103 Veronica Crescent, also Kirkcaldy, opening in 1984 and 1985 respectively. Cedar Avenue closed in 2018, but Veronica Crescent remains

open, as does a residential care home at Frankfield House, Kirkcaldy, which opened in 2013.

80. The available records related to the service years are, for obvious reasons, more readily available, and both the Sycamore brochure of 2000⁵⁷ and the "Statement Of Functions And Objectives Of Sycamore Services"⁵⁸ dated from August 2007, both provided to the Inquiry at 6 September 2018 under a notice served in terms of section 21 of the Inquiries Act 2005 at 5 June 2018, provide details of the work being undertaken by the Trust in Sycamore.

81. In his written statement to the Inquiry, witness BCS suggests that, with the closure of the Orphanage and creation of group homes, there was less need for reliance on charitable donations. While funds were generated by the sale of the Orphanage premises, these funds were reinvested into the purchase of a number of smaller buildings to house smaller number of children in group homes. Each smaller building and each smaller group of children had its own ongoing running costs. Fundraising therefore was at that time, and remains to the present day, of necessity a key priority for the Trust. That said, the Trust does not allow, and has never allowed, the importance to the care of children of fund raising to prevent the Trust from bringing to light, addressing, reflecting on and learning from any information related to adverse treatment, or poor practice towards children in its care.

1930 – 2014: Developing management structure

82. These changes in structure of course necessitated changes in the approach to management and supervision.

⁵⁷ ABE.001.006.7284

⁵⁸ ABE.001.008.7670

83. In the Orphanage years, the Orphanage came under the direct and immediate supervision of the Warden, who was resident at the Orphanage, and was therefore in face to face daily contact with the house parents and other staff employed there. The Warden remained, as previously discussed, accountable to the Managing Committee. It was the role of the Warden to recruit staff, although, as is noted in the minute of the meeting of the Governors at 24 April 1958⁵⁹, this task was delegated to the farm manager for farm staff, who did not have a direct child care role, and to the Lady Superintendent for female staff, with the Governors able to hear the case and give a view in the event that the Warden and Lady Superintendent disagreed on this or indeed on any matter. The Lady Superintendent was also resident full time within the Orphanage. As the Orphanage grew, the role of the Lady Superintendent in working with the Warden also developed, to the extent that, by 28 November 1963⁶⁰, the Governors recognised that this role was effectively that of Assistant Warden, albeit that this name was never used.

84. As the model for provision of childcare progressed into the group home years, central management was sited at Rubislaw Den North in Aberdeen. For the first time, the Warden was living in one place while the Trust was providing child care in a number of other places at some distance away. House parents were resident in each of the individual group homes. There was regular contact between house parents within group homes and headquarters. The Warden and Principal (by that stage Reverend Leslie and Mrs Craven) were in regular correspondence with house parents across the organisation, with social work authorities and family members as appropriate in relation to individual children, with local and central government, and with inspecting authorities. However, in the group home years, there was less direct and daily

⁵⁹ Within ABE.001.001.6579

⁶⁰ Within ABE.001.001.6630

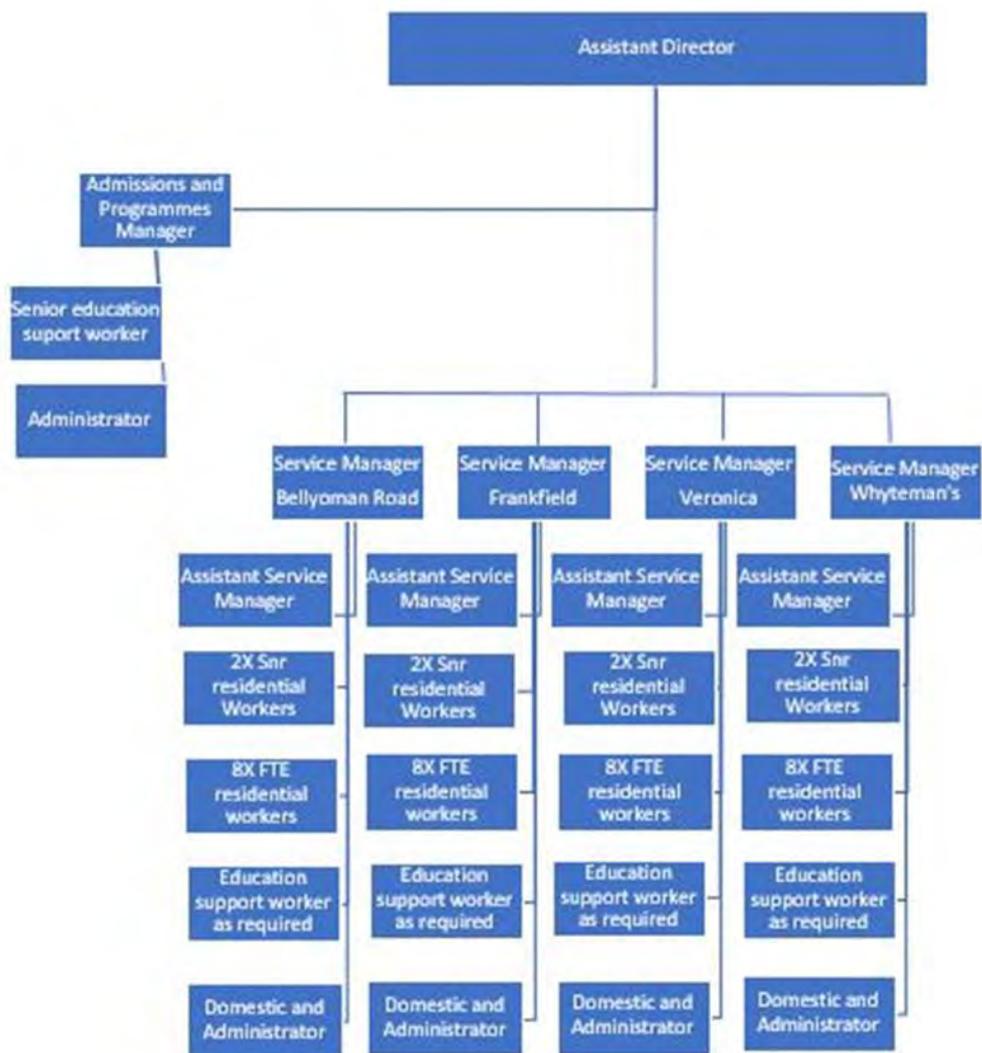
contact with house parents on a face to face basis, and management instead was by correspondence, telephone communication, or during the regular personal visits paid to establishments, by senior employees of the Trust from Headquarters, in particular by the Principal. This regular communication resulted in dissemination of policy, but also specific guidance in the cases of specific children or in the event of specific issues being raised.

85. There is a clear emphasis in the children's files to the need for communication with headquarters in the event of issues arising, and headquarters continued to be in communication with Social Work authorities in relation to arrangements for individual children.

86. In the structure⁶¹ after incorporation of the organisation in 2006, ultimate authority for decision making continues to lie with the Board of Trustees, with the Chief Executive Officer filling the role previously filled by the Principal, assisted by five Directors and one Corporate Support Manager. The key roles for purposes of dissemination of policy are the CEO and the Director for People and Quality. At 2006 and thereafter until 2018, there were three Assistant Directors who were accountable to the Director for Children and Families, one for the North, one for the West and one for the Sycamore Residential Services and Fostering arm of the organisation.

87. The current organisational structure includes a Director of Children and Families who line manages the Operational Assistant Director with five having operational responsibilities based on geographical coverage and one who manages the residential services in the Sycamore Cluster, the staffing structure of which is as shown:

⁶¹ Fuller details can be found in Appendix 4 of the original response to the Inquiry's notice under section 21 of the Inquiries Act 2005 dated 25 January 2017



88. In the service years since 1987, the Trust has cared for 20 to 70 children per year within its residential services.

89. Children during the service years were usually admitted to the Sycamore Cluster's care following a decision of a Children's Hearing or, in exceptional cases, as a result of a parental decision for the child to be accommodated by the local authority. Children will therefore usually be the subject of formal supervision requirements from the Children's Hearing. Responsibility for decision making in relation to care planning for the children lies with the local authority and the Children's Hearing system. The Trust's staff in the Sycamore Cluster actively contributes to assessment of the needs

of children, and also makes recommendations to care managers in relation to future plans for the children, through the system of Looked After and Accommodated Child reviews and the Children's Hearing system.

AREAS OF FOCUS

Recruitment of staff: Orphanage Years

90. The approach of the Trust, in its 1882 and 1932⁶² Constitutions and the 1934 Trust Scheme, recognised and addressed the central importance of selecting and recruiting suitable, appropriate, sufficient and skilled staff by placing the responsibility for selection and recruitment in the hands of the Warden, the most senior employee of the Trust and an individual directly and personally accountable to, and required to regularly report to, the Board of Governors in relation to these processes and decisions.

91. There are no historic records of formal policies and procedures in relation to recruitment over the Orphanage years. However, with recruitment decisions in this period resting in the hands of a single individual, the absence of a written record of the policy and procedure consistently followed by the Warden is not, of itself, evidence that no policy or procedure existed or was consistently followed. For example, historic records do suggest that prospective staff were asked to provide details of their prior employment and work experience.

92. In the earliest days, as detailed in the Annual Reports of 1877 and 1878⁶³, it was noted that Canon Jupp and Mrs Jupp were residing in house with the children,

⁶² ABE.001.001.0250 & ABE.001.001.0254

⁶³ ABE.001.001.0259

performing the duties of Warden and Matron of the Orphanage, but as the Orphanage grew, similarly the need for additional staff increased.

93. Recruitment, and indeed management, of the remaining staff, such as Housemasters and Housemistresses, Assistant Housemaster and Mistresses, Nursery Assistants, Teaching Staff, Domestic and Ground Staff and so on, was the remit of the Warden as detailed in the constitutions of 1882 and 1932, potentially with the assistance of a member of senior management who would be responsible for those staff, as detailed above and as recorded in the minute of the Governors' meeting of 24 April 1958⁶⁴. It was also noted that differing views on recruitment might persist, and that there needed to be a method to resolve disagreements between the Warden and Lady Superintendent in particular, just as provision had earlier been made to resolve disputes between the Governors and Warden. Provision was made for such cases to come before the governors, in order to ensure an objective position.

94. Historic records suggest that, throughout the Orphanage and group home years, posts were advertised locally and applications received from prospective employees, but it is not possible to comment further on the content of those advertisements or applications.

95. Further, although the evidence of BCS is noted, except to the extent that surviving staff are able to speak to this from memory, it is speculative to reach a view on the content of interviews. Witness AJF, for example, was asked why she wanted to work with children, when being recruited for domestic work.

96. School staff at the Orphanage did require the appropriate qualifications and training to be recognised by the Scottish Education Department, in this pre-General Teaching

⁶⁴ Within ABE.001.001.6579

Council period. For example, in a meeting at 28 July 1946⁶⁵, the Warden reported that a new PE teacher at the Orphanage School had been provisionally recognised by the Scottish Education Department, subject to a report from His Majesty's Inspectorate. Further, in a meeting of 15 October 1953⁶⁶, it was noted in minutes of the Governors' meeting that applications had been received for the post of Assistant Head at the nursery, that two candidates had been particularly considered, and that one interview had been undertaken. Assessing the outcome, it was thought unlikely that the candidate interviewed would secure Scottish Education Department recognition, which was required for this post given its Education remit, and so it was decided to consider the other applicant and to invite her for interview. Although school staff required to be qualified, trained and recognised in this fashion, and although the school was subject to inspection and regulation by the Scottish Education Department, the salaries of school staff were paid by the Trust. This allowed the Trust to impose certain policies, e.g. to restrict use of corporal punishment, and to take disciplinary action or dismiss school staff in the event of a breach of such policy coming to light.

97. During the early periods of interest to the inquiry, there was need for more than one application to have male members of staff exempted from conscription during the Second World War, and female employees required to be drafted in, where a limited workforce made recruitment a more complex issue than normal. This meant that, for example, the suggestion of appointing a Sub-Warden to address after care was put on hold, in recognition of the difficulty of securing suitable candidates at mid-1941, when this matter was considered by Governors at 17 July⁶⁷.

⁶⁵ Within ABE.001.001.6505

⁶⁶ Within ABE.001.001.6431

⁶⁷ Within ABE.001.001.9505

98. That said, recruitment remained challenging post-War, as recorded, for example, in the minute of 26 January 1950⁶⁸ which related issues arising with recruiting nurses and house mistresses.

99. It is noted from the evidence of BCS that he considered that there were a significant number of former servicemen recruited. During the residence of BCS at Aberlour, 1955 to 1964, many men of working age would have served in World War Two, or would have undergone National Service, and to that extent would have been former service men. There is no recorded evidence of a policy or preference for recruitment of those who had served.

100. Finding suitable staff was, it is accepted, a recurring issue for the Trust, perhaps in part due to the geographical location of the Orphanage and, later, of at least some group homes. This limited the prospects of attracting large numbers of applications from the cities of the central belt.

101. One method of addressing this which was occasionally utilised was to fill vacancies with suitable young people who had been looked after in the Orphanage and would otherwise be leaving to enter the workforce. For example, at 27 June 1940⁶⁹, minutes of a Governors' meeting record that three young people who were otherwise leaving the orphanage did, in fact, remain with the Trust as staff. Retention of former residents in staff positions, on standard terms, conditions and wages, was also a means of ensuring that recruits had a clear understanding of the ethos and work of the Orphanage.

⁶⁸ Within ABE.001.001.6545

⁶⁹ Within ABE.001.001.6505

102. In earlier Orphanage years, it was common for older girls to stay on as short term "trainees" immediately after achieving school leaving age rather than simply leaving the Orphanage. The senior girls lived in, but did receive an allowance as well as their board and lodgings. The trainees were graded junior, senior or special, depending on their age and length of service. They usually remained in training for a year to eighteen months after reaching school leaving age and before leaving to seek employment elsewhere, although it was accepted by the Governor that this could be extended if there was seen to be benefit from that for a specific girl, all as detailed in the minute of the Governors' meeting at 27 March 1952⁷⁰. The Orphanage benefitted from having individuals undertaking some of the domestic tasks who were known to staff to be suitable for the role, and were familiar with the environment, ethos and work of the Orphanage. On the other hand, the trainees were gaining certain skills and experience, during paid training, which would help make them marketable within the labour force, and were also able to remain in their familiar environment for a further period, deferring the point where it was necessary to leave and make their own way as adults. It was intended that trainees would have more freedom than younger girls, and would be on better terms as they gained in experience and seniority within the trainee scheme, as recorded in the minute of the Governors' meeting of 28 March 1948⁷¹.

103. The "Rules and Regulations of the Orphanage"⁷², of which more below, detailed the remuneration of trainees, but noting indeed that they were trainees, recorded also that individuals could be downgraded for poor performance or unruly behaviour. After taking on board the protests of trainees in relation to what was described as a lack of wise supervision or handling, it was noted in the minute of a

⁷⁰ Within ABE.001.001.6566

⁷¹ Within ABE.001.001.6545

⁷² ABE.001.006.6722

Governors' meeting of 30 January 1947⁷³ that, although trainees were made aware of the content of the "Rules and Regulations", none should be liable to indiscriminate down-grading and, to that end, it was agreed that any down-grading should only be undertaken by the Lady Superintendent or her direct Deputy. It was considered, as detailed in the Governors' meeting minute of 15 April 1948⁷⁴, that smaller numbers in the group and the right kind of supervisor were the best means of securing good conduct and performance of trainees. In addition, at a later meeting in 1952⁷⁵, it was decided by Governors that better recreational options, such as trainee access to night classes, would assist in managing their conduct and performance.

104. That said, by early 1958, that system had almost entirely been abolished and external staff were being utilised instead, as detailed in the minute of a Governors' meeting at 24 April 1958⁷⁶. The reasons for this are not detailed.

105. On balance, records suggest that the approach of the Warden was to limit admissions, and to keep numbers manageable with the staff to hand, rather than accepting the first available applicant for any vacant post in order to simply increase numbers of staff. This was discussed by Governors, for example, at 26 June 1945⁷⁷, although by one month later, at 26 July 1945⁷⁸, some assistance was being offered by University students who were working at the Orphanage during vacation.

106. There was regular discussion, in the course of the later Orphanage years in particular, over the need to provide an attractive salary in order to recruit the best staff, a constant source of angst in the light of the charity's limited funds (see for

⁷³ Within ABE.001.001.6545

⁷⁴ Within ABE.001.001.6545

⁷⁵ Within ABE.001.001.6566

⁷⁶ Within ABE.001.001.6579

⁷⁷ Within ABE.001.001.6505

⁷⁸ Within ABE.001.001.6505

example minutes of 25 September 1947, 13 November 1947 and 30 December 1950⁷⁹).

107. From time to time the Scottish Home Department made recommendations on a suitable ratio of house parents to children, and for example a recommended ratio of 1:6 was discussed by Governors at a meeting at 12 September 1964⁸⁰. It was noted that this ratio, which it is accepted was not being achieved in the Orphanage, did not take into account that Orphanage house parents were supported by assistants and domestic staff, sharing the tasks required of house parents.

108. By 29 December 1955⁸¹, in circumstances where the Chair of the Board of Governors was expressing misgivings in circumstances in which a House Mother had to be persuaded to withdraw her resignation, and hours for the trainee senior girls were causing a concern, the Warden conceded that the staffing situation was difficult, and it was not possible to recommend a clear course of action to resolve that.

Recruitment of staff: Group Home Years

109. Similarly, during the group home years, it is not possible at this point to produce evidence of formal policies and procedures relating to staffing, although it is thought likely that the organisation did produce such policies and procedures, even in the absence of hard copies of the historic records themselves.

110. In preparing for the transition to group homes, the increasing challenge for recruitment was recognised. In the minute of a Governors' meeting at 10 October

⁷⁹ Within ABE.001.001.6545

⁸⁰ Within ABE.001.001.6630

⁸¹ Within ABE.001.001.6579

1963⁸², the difficulty of identifying enough good couples was raised, noting also the loss of an important relationship for children if the Trust was unsuccessful in retaining house parents.

111. The historical records demonstrate that there was an aim of obtaining suitably skilled staff with relevant experience. There is evidence of prospective staff being required to provide details of their prior employment and work experience, or prospective employees with qualifications being required to provide evidence of those, and of references being taken up for prospective employees. Lack of previous experience in residential child care would, records show, not be a bar to recruitment, if the candidate could otherwise demonstrate skills and knowledge relevant to the post.

112. For example, in the minutes of a Governors' meeting at 10 October 1968⁸³, the approach to replacing a number of staff departing for different reasons was discussed. Advertisements had been placed, applications were received and interviews were being conducted. The Warden was proving discerning in relation to the capabilities of candidates, and the posts to which they were suited.

113. Further, in the minutes of the Governors' meeting of 1 September 1970⁸⁴, new candidates for the post of house parents had applied for the post in response to advertisement, references had been taken up which were described as excellent, and it was noted that local Social Work services had "made enquiries" about the candidates locally, noting that Disclosure checks and the PVG Scheme were not available at that time. Previous experience had been considered, and it was noted that, although the couple had no residential child care experience, the prospective

⁸² Within ABE.001.001.6630

⁸³ Within ABE.001.001.6677

⁸⁴ Within ABE.001.001.6431

house mother had been a nurse. Accordingly, it was decided to make the appointment, but to deploy an experienced assistant house mother to the home in question, and to keep numbers of children low while experience was gained.

114. Recruitment of senior staff continued to follow the pattern laid down on the Orphanage years. It is also understood that, at a date which we cannot firmly identify, new employees began to be required to attend an induction course. It is not possible to confirm what this involved.

Recruitment of staff: Service Years to Present Day

115. Although Trust records do not reveal an obvious date from which this role was introduced, it is apparent from the Human Resources file for Mr Adrian Snowball⁸⁵ that the role of Training Co-ordinator was a specific post within the Trust from at least 1991.

116. It appears from records that, from that date and until 1997, the dedicated internal resource focussed on learning and development increased and evolved, under the management of an Assistant Director with Human Resources and Learning & Development as part of a wider remit.

117. At 1997, the specific post of Head of Human Resources was created. The increasing focus on Learning and Development also continued, and with effect from 23 June 1999, the Trust became an SQA approved centre. The Trust is able to provide learning and development opportunities to its own staff and to the Early Years and Child Care Teams across the Aberdeen City and Aberdeenshire Council areas.

⁸⁵ ABE.001.001.6044

118. Currently, the Trust's Director of People and Quality oversees a Human Resources Manager and Learning and Development Business Partner. The Human Resources team otherwise consists of two Human Resources Advisors and 2.2 full time equivalent (FTE) administrative support staff. The Learning and Development team comprises two operational trainers, supported by 1.4 (FTE) administrative support posts.

119. Since around 1990, a system has been followed for checking for previous criminal convictions, of which more below.

120. However, the Trust does not rely solely on these checks, and continues to closely analyse applications, to interview and personally assess candidates, to check qualifications and to take up references, noting that there is evidence of such processes being in place from the Orphanage years onwards. Children and young people from the Trust's service are routinely involved in recruitment of residential staff and senior staff, including the Chief Executive Officer. These systems are designed to secure as much information as possible about candidates, to best inform recruitment processes and, as an aspect of this, to prevent those not suited to the care of children from working in that field.

121. That said, the Trust accept that, despite these efforts, it remains possible for individuals who ought not to be working with children to secure employment, albeit that the likelihood of this is limited as far as the Trust is able. As a further safeguard, it is currently the case that all newly recruited staff are employed with a six month probationary period, which permits the Trust to evaluate the performance of staff "on the job", and to retain only those staff demonstrating an aptitude in practice for the tasks required of them.

122. It is also the case that some individuals begin their employment with the Trust on a relief basis, without a permanent post, deployed as the needs arises to cover posts in Trust establishments. In that event, the practical experience of the Trust's work is of value to the employee in demonstrating an aptitude, and in the event that the relief worker's performance falls short, or demonstrates a lack of insight into the needs of the children served by the Trust, no further relief work will be offered, and that individual would not be considered for permanent employment. An example of this in practice is witness BBZ, who was no longer engaged on relief work and not considered for permanent employment after his lack of insight into the effect of his conduct, manner of expressing himself and tendency to escalate situations in an inappropriate manner was identified and highlighted to managers by his colleagues, who in contrast had a clear understanding of this on the impact of children and young people cared for.

Criminal Records Checks

123. The Trust is acutely aware of the importance of and need for care to be taken in the recruitment process, and of the implications for the children the Trust exists to serve of any negligent failures or deliberately harmful acts on the part of staff. This has been a concern of longstanding for the Trust, as is evidenced by their approach to the Scottish Office making a very early suggestion that a list should be maintained of those unsuited to the care of children, in order to prevent an individual dismissed from a child care post in one organisation or establishment being able, by selective and careful identification of referees, to nonetheless secure employment in a child care post in another establishment or organisation.

124. The Trust had become aware, after an assistant house master had been dismissed from the employment of the Trust for other reasons, of earlier alleged misconduct with boys. It is recorded in the minute of a Governors' meeting at 3 August 1961⁸⁶ that this had been reported to the Police by the Trust, but at least one Governor strongly expressed the view that the Home Department should be told that, in the view of the Governors, it was "*desirable as regards persons unsuitable for employment in Children's Homes that they should have a list of such*", and should use an approach similar to that already in place for teachers, to avoid those who had engaged in misconduct from securing another post from another organisation in ignorance of past issues. This of course pre-dated by decades the introduction of the Protection of Vulnerable Groups Scheme, or any requirement to register with the Scottish Social Services Council, which is the Regulator for the social service workforce in Scotland under and in terms of the Regulation of Care (Scotland) Act 2001 Part 10.

125. The central recruitment for and over-arching supervision of the Trust's establishments by the Warden and the Board, and detailed in the minutes of Governors' meetings, ensured that individuals identified by the Trust as unsuited to the work of care for children would not, having been dismissed or removed from one establishment operated by the Trust, be able to secure employment in another such establishment. However, the Trust was keen to identify some mechanism by which experience of other establishments and organisations could be shared. This proposal, put to the Scottish Home Department by the Trust, was at that time rejected.

126. Following the Rehabilitation of Offenders Act 1974, employers were entitled to take into account both unspent and spent convictions of those seeking appointment

⁸⁶ Within ABE.001.001.6593

to posts working with children. Applicants for such posts were asked by the Trust to disclose such convictions as standard from no later than 1991, but, it was possible for prospective employees to give false information in the absence of a mechanism to check with the Scottish Criminal Records Office.

127. The regular use by the Trust of Scottish Criminal Records Office checks began in 1990. From around that time, and no later than 1991 application forms asked candidates as standard to disclose any previous convictions, including spent convictions, and to provide a completed form which would be used to check for the existence of criminal convictions.

128. At 24 July 1989, the Scottish Home and Health Department issued a circular which introduced procedures for seeking disclosure of criminal convictions of any individuals seeking appointment to a post which involved substantial access to children. This applied to posts in the National Health Service, local education authorities and local social services departments. The circular noted that:

"...further consideration is...being given to the extension of these arrangements in due course to the Voluntary Sector, which operates in rather different circumstances..."

129. By 1990, a system had been devised under which the Trust would approach the local Social Work Department, referring to Social Work Circular 9/1989, and asking for a check on criminal convictions to be made for a specific individual being considered for appointment to a post involving substantial access to children. The local authority would then check with the Scottish Criminal Records Office and report back to the Trust. It appears on the information available to the Trust that, until around 2012, this check went no further than Scottish convictions as standard. It was therefore possible for a prospective employee to secure employment in Scotland

without convictions in England and Wales being identified on disclosure, unless previous employers and home addresses in England and Wales were provided, in which case the relevant local English or Welsh Police forces could be asked to assist with details of recorded previous convictions. It seems that the conditions to be met for performance of a check varied from force to force, and a number of forces would not complete a check unless the individual identified in the application had lived in the area of that force within the last five years.

130. A request for enhanced disclosure of any previous convictions thus became a standard part of the recruitment process, but continued to have the shortcomings of not revealing, as standard, convictions in England and Wales, and only revealing those convictions which were recorded at the time of the disclosure being sought, with no automatic provision of further information in the event of any later conviction. This continued until, during 2011, the system of seeking disclosure gave way to the requirement for membership of the Protecting Vulnerable Groups (PVG) scheme, in terms of the Protection of Vulnerable Groups (Scotland) Act 2007, as a requirement for all individuals seeking appointment to a post involving regulated work with children, as defined by the Act.

131. The PVG Scheme membership provides for a constant and proactive provision to registered employers of information related to convictions of employed Scheme members, avoiding both the possibility of employees providing false information, and the possibility of the employee failing to disclose convictions which occurred after the commencement of employment.

132. An example of the shortcomings of the pre-PVG system is the recruitment and employment of Mr Adrian Snowball by Aberlour⁸⁷. Mr Snowball was recruited by the Trust in 1983, having worked consistently in child care since 1975. As was – and is – the standard approach of the Trust, Mr Snowball was asked to complete an application form which required his confirmation that the Trust could seek a reference from his last employer. References were taken up from individuals with whom Mr Snowball had previously worked, including one from St Martin's College in Lancaster, and those references were, without exception, in very positive and supportive terms. The terms and conditions of employment issued to Mr Snowball made clear that any action by an employee putting a child at risk, including conviction of a serious criminal offence, would constitute gross misconduct. It is accepted that, on a fair reading, this could have been read by the employee as relating only to convictions following commencement of employment and not as requiring the employee to disclose any previous conviction, or to consider that such a previous conviction should rule that person out from accepting or commencing employment. Mr Snowball made no declaration of having been convicted of any relevant offence, although the application form which he completed at the time of commencing employment did not specifically ask him to do so. Mr Snowball later, at 1990, applied for a different post in the Trust's employment. The application form completed indicated to Mr Snowball that, as he was applying for a post in Social Work which involved direct contact with clients, the Rehabilitation of Offenders Act 1974 (Exceptions 1975 Schedule 1 Paragraph 2) para 12 required declaration of even spent convictions. Mr Snowball was prompted by the form to indicate whether he did or did not have any criminal convictions, with a space provided to details the convictions in question. Mr Snowball completed the form. The form positively and clearly indicated that he had no convictions. In evidence, Mr Snowball declined to answer questions about the completion of that particular answer. At 1991, Mr Snowball applied for a third post

⁸⁷ ABE.001.001.6044

with the Trust and completed the same form of application; on this occasion, Mr Snowball did not positively complete the form to positively indicate that he had no convictions, but made no declaration of having any such convictions. The Trust had received a form from Mr Snowball one year previously which confirmed that he had no previous convictions, but it is accepted that there is no record of Mr Snowball having been questioned about his failure to provide a specific answer to the question on the 1991 form. A reference was again taken up, from an external organisation with which Mr Snowball worked in partnership while employed by the Trust, and the terms of the reference, based on the writer's experience of working with Mr Snowball, were positive. In 1991 Mr Snowball again applied for still a further post with the Trust; on this occasion, he again completed the form, and the form states that he had no criminal convictions, spent or not, to declare, but in evidence Mr Snowball declined to answer questions about his response on that point in the form. Further, Scottish Criminal Records Office (SCRO) checks were carried out in relation to Mr Snowball at 1991 and 2001, and revealed nothing. A copy of the information submitted to SCRO in 1991 is available although the full information submitted in 2001 is not. The information submitted to the Scottish Criminal Records Office at 1991 listed the last three known addresses for Mr Snowball, and accordingly listed his addresses for a period in excess of five years. That said, it is accepted that this meant that only Scottish addresses were provided and the SCRO check did not identify any previous address or employer in England and Wales. Mr Snowball had, by that time, not lived or worked in England for eight years.

133. Despite this, documents disclosed by the inquiry have identified that, prior to taking up employment with the Trust in 1983, and indeed before commencing his career in child care, Mr Snowball had been convicted of an offence in England and which had not been made known to the Trust either by this being declared by Mr Snowball in his application processes, or by being identified to the Trust by the

referees identified by Mr Snowball, or by the offence being identified on a Scottish Criminal Records Office check.

134. Mr Snowball's previous conviction, in 1970, had been in the Birkenhead area. The application form received by the Trust in 1983 suggests that Mr Snowball had studied in Birkenhead between 1970 and 1972. He had thereafter studied and worked in Newcastle-Upon-Tyne between 1975 and 1978, had worked in Kendal between 1978 and 1980, and had studied in Lancaster between 1980 and 1983. In 1970, Birkenhead was policed by Birkenhead Borough Police. Newcastle-upon-Tyne City, in 1975, was policed by Northumbria Police. Kendal, by 1978, was policed by Cumbria Police, and in 1980, Lancaster was policed by Lancashire Police. The Trust accepts that, in 1991, the SCRO check application did not provide information which might have resulted in checks being made with all or any of these Police authorities, although the Trust is unable to assist with the extent to which a request for information from SCRO would have been responded to by any of these forces, but in particular by Merseyside Police as successor to Birkenhead Borough Police at 1991, in light of the passage of time since Mr Snowball had lived, studied or worked in those areas.

135. Mr Snowball was not subject to any allegations during the course of his employment with Trust. There is no evidence available to suggest that he committed any offence, whether against children or otherwise, during his employment with the Trust. In his evidence to the Inquiry, Mr Snowball positively asserted that he did not, at any time during his employment with the Trust, abuse a child, whether sexually or in any other way, or have any sexually inappropriate contact with any child. That said, evidence provided by the inquiry identifies that Mr Snowball was convicted of a further offence, related to possession of pornographic images of children, after he left the employment of the Trust.

136. The offence for which Mr Snowball was, on the evidence now provided by the inquiry, convicted prior to his employment with the Trust, this would, had it been made known to the Trust either by being honestly included in application forms by Mr Snowball at the appropriate points, or by being identified by those with whom he had previously worked had they known of it, or by being identified on the Scottish Criminal Records Office check carried out, have been sufficient to prevent Mr Snowball from being recruited by the Trust, or from continuing in employment with the Trust. The Trust have to assume that Mr Snowball's previous employers, from whom references were secured, were also not made aware of his conviction, and saw nothing during his employment with them to create any concern about Mr Snowball working with children. However, notwithstanding that there were systems in place at the Trust for recruitment of staff which involved these three separate lines of inquiry, each of which would have been hoped and expected to reveal information about any relevant conviction of Mr Snowball, no such information was made available to the Trust.

137. Mr Snowball advises that his first conviction was around 1970, for an indecent assault on a child aged under 16. He concedes that he pled guilty to this offence at the Wirral in Birkenhead, England. Had the Trust been made aware of this by Mr Snowball, his referees, or the Scottish Criminal Records Office, this would have prevented their employment of Mr Snowball.

138. Although an unsubstantiated rumour to that effect had reached the Trust at the time of Mr Snowball's later conviction, the information disclosed by the inquiry immediately prior to this case study is the first occasion on which the Trust has ever been informed of this previous conviction on the part of Mr Snowball. This has been the cause of considerable shock and concern to the Trust. However, systems were

in place to seek to secure information about such convictions at the time of Mr Snowball's recruitment, and those systems were appropriately followed by the Trust, as the Human Resources file for Mr Snowball, who left the employment of the Trust in 2008, clearly records. Accordingly, it is proposed that the evidence available in relation to the recruitment of Mr Snowball does not demonstrate any systemic failure on the part of the Trust. Systems were in place and were followed, being systems which had been devised specifically to avoid recruitment of those with previous convictions which would render them unsuitable for child care posts. However, on this occasion, and in part due to the lack of honest disclosure of his previous criminal conviction by Mr Snowball, the systems in place did not successfully identify the conviction. It is unclear whether, had an English address been supplied, the check would necessarily have uncovered Mr Snowball's prior criminal record, but it is accepted that, on the basis of the information provided to SCRO by the Trust at 1991, no enquiries on that point were made by SCRO.

139. As early advocates for a system which would centrally record the identities of those assessed as unsuitable for child care posts, the Trust have made use of the protections provided by Criminal Records Office checks and the Protection of Vulnerable Groups Scheme to assist in the recruitment process, and to assist in minimising risk to children posed by recruitment of those with a criminal history of relevance. The lack of a history of criminal convictions does not, of course, offer any guarantee of future conduct, and the assessment of applications, interview of candidates, and content of references remain central to the recruitment process of the Trust. The Trust makes full use of these systems to reduce, insofar as is possible, risk to children of unsuitable candidates being appointed. It is realistic to accept that, despite the operation of these systems without exception, there is nonetheless the possibility of a candidate being successful in securing employment

whose future conduct will prove to be unacceptable. PVG Scheme membership, and the careful use of references, will give information on past conduct which, it is expected, will be the best indicator available to prospective employers of future conduct. That said, this can reveal only what was known in the past, and any past conduct which individuals have been able to successfully conceal, or which has gone undetected, will not be available to prospective employers. It cannot, for obvious reasons, be an infallible predictor of future conduct.

140. Even in the event that there are no previous convictions, complaints or issues, there is the possibility of an individual, having secured employment, disappointing the Trust by later displaying unacceptable behaviour necessitating discipline or dismissal. An example of this in practice is witness QEY. After an allegation that he had deliberately exposed his genitalia in the presence of young people and a co-worker, the Trust concluded that QEY's continued employment was untenable, and this conduct required to be reported to Police Scotland. Despite eight previous years of service without issue, effective action was needed as the primary responsibility of the Trust is for the welfare of the children and young people in its care.

Training, Personal Development, Guidance and Support

141. The suggestion of a requirement for formal training gave rise to a certain amount of difficulty in the Orphanage years, on the basis that, as the Warden reflected in his 1961 report⁸⁸ on the terms of "The Role of Voluntary Homes", although this referred to qualified staff, the meaning of that term had not been made clear. Although there was a house parents' course sponsored by the Scottish Education Department which led to a certificate in residential care, that could only

⁸⁸ Abe.001.001.079

accommodate a limited number of candidates, and would not likely ever to provide sufficient numbers of trained staff for all members of staff to have received such a certificate. It is worth noting that, slightly earlier, at 29 July 1959⁸⁹, the Minutes reflect that the Scottish Home Department had in fact recommended two female students who had recently completed their Home Office course to attend the Orphanage and work there for practical training. However, it is believed that most training for Trust employees in this period would have been received “on the job”, from experienced staff within the establishment.

142. The available Scottish Home Department training was discussed by Governors at a meeting at 8 April 1964⁹⁰, but it was noted that this was geared to house parents working within small groups, with no training targeted at those working in large institutions.

143. There is no clear evidence in historic records of whether a formal training program was operated during the Orphanage or group home years, although there is some evidence of staff being encouraged to attend external training, particularly conferences in new areas of regulation. Minute books also tend to suggest that, where new developments or issues arose, rules, policies and procedures would be reviewed, and the necessary information fed back to relevant members of staff to ensure that staff were aware of what was required of them.

144. There is evidence of the Trust seeking further formal training opportunities for staff to equip them for additional or more onerous roles within the Organisation. For example, at 1 September 1970⁹¹, Governors discussed the possibility of a house father, who held a Certificate in Residential Care, being funded to undertake a year

⁸⁹ Within ABE.001.001.6593

⁹⁰ Within ABE.001.001.6630

⁹¹ Within ABE.001.001.6431

log course in Social Work, in the hope that he would then fill an existing niche in the organisation.

145. Files for individual children demonstrate that, if issues arose, either for the house parents within their care of the children, or for the Social Work Department which would then be brought to the attention of the Warden, there was frequent correspondence between house parents and the Warden, with easy access to guidance on how to deal with issues, and ready feedback on actions taken. The regular visits of the Principal to residential establishments in the group home years also afforded further face to face access to guidance and support.

146. In relation to the Board, Governors came from a range of backgrounds, with, for example, elected members of the local town council, individuals with a background in education and patrons of the Orphanage with a particular interest in its running all regularly contributing. When discussions were being entered into at the early 1960s on the question of whether the Orphanage should continue as a large institution or whether a dispersal into small group homes should be considered, it was noted by one Governor in a meeting at 19 August 1964⁹² that childcare had become a matter for specialists, and that, in that regard, this specialist advice of the Warden was always available to the Board of Governors. Over the course of the lengthy discussion which followed on what the future policy of the Orphanage ought to be, various impassioned voices were heard, for example expressing that it would be *"a thousand pities to swap something which had worked admirably in favour of something merely tentative"* (25 May 1961⁹³), but with one Governor ultimately expressing that all concerned had achieved an education in developing views on

⁹² Within ABE.001.001.6630

⁹³ Within ABE.001.001.6593

child welfare over the intervening years (8 April 1964⁹⁴), a consensus on a commitment to dispersal was finally achieved.

An Overview of Training to Sycamore Staff in the Last Five Years

147. The following training is delivered or provided by the Trust.
148. The Administration of Medication Workbook is a learning tool which has to be completed by all staff involved in administering medication to service users. Training is in part self-directed and in part observed and the service manager needs to sign staff off as having completed the competency assessment. This workbook and assessment require to be renewed every two years by every staff member engage in this task.
149. Adult Protection training is offered to all staff, and the training requires to be completed again after a two year period.
150. Child Protection training (previously called Basic Child Protection training) is mandatory for all staff in the Sycamore service, and requires to be renewed every two years. From October 2016 this training has been delivered each month in the Sycamore Cluster, with the aim that new recruits will receive this training, ideally, within their first month of work.
151. CALM (Crisis Aggression Limitation Management)⁹⁵ is an accredited course which educates staff on how to support young people displaying behaviour which is challenging or on the face of it aggressive or even violent. The training is over two

⁹⁴ Within ABE.001.001.6630

⁹⁵ [Httpa://calmtraining.co.uk](http://calmtraining.co.uk)

separate modules. De-escalation is the focus of CALM Module 1. CALM 2 addresses holding young people in as safe as possible a way, and in the least interventionist manner possible, should a degree of physical restraint be necessary to protect themselves or others.

152. CALM Module 1⁹⁶ training was previously delivered by CALM Training. The Module 1 training is a theory course required for all staff, consisting of two full days of training and undertaken again after a three year renewal period. When staff are renewing this training, they require to attend a one day refresher, rather than resitting the whole two day Module. The two day course runs at the beginning of every month with the aim of having all new recruits attend this training within their first month of employment. The course covers trauma informed practice and the use of de-escalation approaches, and highlights the legislative background to the work we undertake in supporting young people's behaviour.

153. CALM Module 2 training was also previously delivered by CALM Training. The Module 2 training is a physical skills and intervention course for staff who may require to use holds and techniques to manoeuvre the position of a young person in their role. The course involves two full days of training and the training requires to be refreshed annually. When staff are to refresh this training each year, they require to attend a one day re-accreditation course. Staff will continue to attend the re-accreditation training each year for as long as they hold a post where hold or manoeuvres may be needed. All residential care workers fall into that category. Training is delivered each month to capture new recruits and anyone who would be due to sit the annual re-accreditation.

⁹⁶ <https://calmtraining.co.uk/services/training>

154. CALM Re-accreditation training has been delivered to Sycamore services by CALM Training and, throughout the year, by the Trust's own in-house instructors. Some members of staff in each of the residential houses have attended the CALM Instructors course and are therefore qualified to deliver the training to other members of staff. This permits the Trust to conduct the refresher training more frequently and to have greater control of how often and when these training dates are set, as there is no need to wholly rely on an external provider's resources. Staff can therefore attend more easily refresher training whenever this is required.
155. The Trust's in-house instructors each attended a five day course delivered by CALM Training. Three of the instructors are registered CALM verifiers and attend a CALM Verifiers Registration Course annually to keep their skills up-to-date.
156. The Trust delivered Coaching Conversation Skills Training to staff who manage others in 2018.
157. Emergency First Aid at Work is mandatory training for all staff in the Sycamore services. The training is one full day of training, and the training requires to be undertaken anew every three years.
158. Fire Warden Training is offered to all staff in the residential houses. The course has a two year renewal period. It is not mandatory for all staff to complete this training, provided that each house has an ample number of individuals trained to have sufficient Fire Wardens on duty at all times.
159. The Food Hygiene Workbook is a learning tool which has to be completed by all staff involved in handling/preparing food. The workbook consists of information followed by questions which staff must answer correctly. The service manager should

mark the answers completed in a trainee's workbook and only sign this training off as complete if they are happy that this has been completed sufficiently to demonstrate understanding of and competence in the material covered. This workbook is to be completed anew every three years.

160. Personalisation Training has been offered to all members of staff in the Sycamore services in 2017 and 2018. The training focusses on taking a person centred approach to supporting children and is driven by a focus on the rights of the child to be heard and to be involved in the development of all aspects of their care.

161. Supervision Training is offered to staff in a management/senior role - This training is delivered by the Trust's L&D Manager, currently Julie Morgan.

162. Dynamics training has been offered to all staff in the Sycamore services in 2018. This is following the introduction of the new Microsoft Dynamics case management system, in place of an older system known as Carista. Microsoft Dynamics is the case record system and all relevant recordings involving children and young people will be entered on this system. Our L&D Manager has been delivering the training to the staff in the services.

163. The following training courses have, over the last five years, been provided to Sycamore services staff by external providers in the years listed:

TRAINING	DATE
ADAPT training	2016
ASIST training	2018
Attachment, Trauma & Brain Development training	2014

Autism training (Education Support Workers and Behavioural Support Workers)	2015
Boxall training	March 2017
Brain Development/Effects of Trauma training	2013 and 2014
CALM Debriefing Workshop	2016
CALM Escapes course	2014
CELCIS Legislation training	2016
Child Sexual Exploitation	2016, 2017 and 2018
Children's Rights training	April 2015
Clued Up training	November 2016
DAPL Drugs Awareness training	September 2018
Introduction to Dyadic Developmental Attachment	2013, 2014 and 2016
Education Support Worker training (Education Support Workers and Behavioural Support Workers)	May 2017
Epilepsy training	November 2015
Graphic Facilitation training (1 member of staff)	May 2017
Internet Safety training (1 member of staff)	2014
Introduction to Anxiety Management in Children & Young People (1 member of staff)	2015
Introduction to Autism	2016 and 2017
IOSH Managing Safely (1 SM)	March 2017
Life Story training	May 2018

Life Story Work training	March 2016
Listen, Think, Draw training (1 member of staff)	May 2017
Managing Attendance	2014
Managing Investigations	2014
Medication Class training	October 2013
Mental Health First Aid (1 member of staff)	November 2015
Mindfulness Based Stress Resilience	May 2016
Managing People for Growth (1 SM)	2018
Outcomes Development Day for the Communities of Practice	January 2015
Outcomes Focused Recording	February 2015
Report Writing training	May 2015
Safer Recruitment training	2014 and 2015
Self-Harm training	2017 and 2018
SIRCC Conference	2016 and 2017
Social Pedagogy	2013 and 2014
Team Development Day (Bellyeoman Road)	June 2018
Theraplay	2016
Tim Chapman – Safe and Sound	2015
Trauma Conference	2017
Working with Children who have sexually harmful behaviour (1 SM)	January 2018

164. Level 1 Dyadic Developmental Practice (DDP) was offered to all staff in 2017 and 2018. This is a four day course and staff must attend all four days to complete the training. There were two DDP courses which ran in 2017 and two in 2018.

165. DDP Skills Practice was attended by members of staff in January 2018. The DDP 2 course, has been offered to all managers as have various DDP study days and conferences, all of which have been delivered in 2016 – 18.
166. DDP is a model for professionals and parents to support children to recover from trauma and disrupted attachments through the parenting, education and care they receive as well as through therapy. It includes a framework for practice across all levels of service delivery in social care, education and child and adolescent mental health services. DPP is based on the principles of family therapy and was developed by Dan Hughes, Psychologist. Its main focus is to enable people to develop attachments with children that take account of their histories, using four key principles of playfulness, acceptance, curiosity and empathy. The approach requires staff to be attuned with each child they care for and to work in the individual child's subjective "lifespace".
167. The "Safe and Sound" training, delivered by Tim Chapman, was a programme of five modules, covering ten days, addressing use of restorative approaches in work with children. Mr Chapman is a lecturer on Restorative Practice at the University of Ulster. All staff in the Sycamore service participated in this.
168. In the period from April 2013 to September 2018, and in connection with Sycamore services alone, the Trust incurred staff training cost of about £355,000 and staff development costs of about £95,000. Between April 2015 and March 2018, Practice Development Manager costs of about £100,000 were incurred.

Supervision, Monitoring and Appraisal

169. There is historic evidence throughout the Orphanage and group home years that action was, when necessary, taken to address any shortcomings in staff or service.

170. There is also evidence, where staff failed to adhere to policies in practice, or the Trust's ethos or values, in a manner which might have constituted abuse, that the Trust took action to address this. Appendix 5 to Parts A and B and appendix 5A to Parts C and D in the original responses to the notices under section 21 of the Inquiries Act 2005 served by the Inquiry at 25 January 2017 in relation to the establishments particularly under consideration by the Inquiry, reveal examples of situations where staff were reprimanded, were encouraged to pursue other employment opportunities outside of childcare if they did not appear to be well suited for the task, or were dismissed, depending on the nature and gravity of any failure.

171. There were some situations in which there could be no question over the continued employment of staff. On one occasion, the school's Head Teacher came to the Warden making representations on behalf of a young girl who had been struck by a school cleaner. The cleaner in question had already been abusive and impudent to the Head Teacher when interviewed, and therefore the matter was passed over to the Warden to address further. Despite the cleaner having written a letter of apology, by 8 November 1940⁹⁷, after an investigation, that cleaner had been dismissed.

⁹⁷ Within ABE.001.001.6505

172. However, some situations may have been more open to judgement. For example, at 15 November 1943⁹⁸, the minute of the Governors' meeting records dismissal of a youth welfare worker found not to be performing satisfactorily, and dismissal of a Matron considered to be unsuitable.

173. Human Resources records were not retained from the Orphanage or group home eras, and accordingly records from this period relating to supervision and monitoring are largely limited to minutes of Governors' meetings, where all significant issues of discipline are believed to be recorded, and the files for individual children. In some cases, there is reference within the files of individual children to investigations having been carried out, although the Trust is unable to provide further detail on the investigations, as there would have been retained within the staff member's file rather than the child's, and the HR files for those members of staff involved are no longer held. However, the entries within the files for children do provide evidence of these investigations being undertaken, do provide evidence that, where issues were raised by children, other members of staff or management, these were followed up, albeit that the precise mechanism and, in some cases, the outcome, cannot be detailed in full.

Discipline and punishment

174. The maintenance of discipline and the imposition of punishment were matters which were discussed by the Board of Governors on a regular basis. The content of these discussions can assist on the question of whether the Orphanage environment was a nurturing environment, meeting children's emotional and psychological needs, or whether there was an undue emphasis on control, power and authority, including the power to discipline and punish. The ethos of the Trust was to create a home, and

⁹⁸ Within ABE.001.001.6505

the aim was to provide a nurturing rather than a controlling environment. The question is whether collective efforts of the Warden, staff and Governors' achieved that.

175. There is evidence that they did. In a Board of Governors meeting at 18 April 1941⁹⁹, a report of the Scottish Education Department inspection from October 1940 was reviewed, and in particular, the following passage was quoted:-

"The children live under hygienic conditions and throughout the year the institution has been remarkably free of serious illness. The standard of feeding appears to be good, the meals being varied and, especially in the girls section, appetisingly served. Both boys and girls are clean and tidy in their persons and are suitably dressed. The children have ready access to the Warden, Matron and staff, who have a warm interest in all that pertains to their wellbeing. Endeavour is made to maintaining contact with the pupils after they leave the institution".

176. "Warm interest" would, of course, be in keeping with the ethos of the organisation, and the emphasis on providing a home. As discussed above, a former trainee also wrote back to the Trust, as is recorded in the meeting of the Board of Governors dated 23 January 1969¹⁰⁰, referring to an institution in which she had been on placement as a "Home" and not a "home", as Aberlour had been. The Trust readily accept that the response of individual children to the same environment and events may be different, and will be informed by their own life experiences, emotional needs and perceptions, so that two children living in the same environment in care of the same staff may experience that in quite different ways. It is suggested that, logically, there is a need for great care in drawing a conclusion on general

⁹⁹ Within ABE.001.001.6505

¹⁰⁰ Within ABE.001.001.6677

experience, or the perceptions of the majority, from the subjective narrative of a single individual, be that experience positive or negative, and it is accepted that care is therefore needed in concluding that the “warm interest” identified by inspectors, or the feelings of “home” experienced by one former resident, would have been perceived and experienced in that way by all residents.

177. As discussed above¹⁰¹, and as Reverend Leslie reported in 1961, quoting back to a Scottish Home Department report of 1959:

“...a child cannot be happy unless he feels secure....security is a frame of mind which has been created in the child by its past experiences...the house mother cannot make the child feel secure, but she can provide the conditions in which he has the best chance of making his own feelings of security.”

178. Taking this on board as demonstrating the thinking of the time, and accepting that in the experience of an individual child this may have been insufficient for the child’s subjective experience to be one of security and happiness, careful consideration has been given to identifying historic records which evidence the conditions the Trust systems were seeking to provide in the hope of fostering those positive feelings, and in the hope of providing what children would feel was a nurturing home.

179. The earliest hard copy policy which can be identified confirming the approach of the Trust to discipline and punishment comes from a set of “Aberlour Orphanage Rules and Regulations”¹⁰² (“the Rules”) which does not, of itself, bear a date.

¹⁰¹ Para 10

¹⁰² ABE.001.006.6722

180. In considering this document, it is of importance to note the emphasis placed on the underlying values it is intended to promote. Under the heading “Esprit de Corps”, we find the following:

“Every member of the staff is expected to remember that the Orphanage is the children’s home. It is, for many of them, the only home they will know during childhood days. Accordingly in training of children, special attention must be paid to the provision of affection, wise discipline, and understanding care. It is the spirit and atmosphere of a home, rather than merely of an institution, that we wish to cultivate.”

181. A special note is added:

“Punishment should always be remedial, never administered in a temper, and always of such nature that the child will recognise its justice.”

182. Corporal punishment of children was, at the time of the opening of the Orphanage and for over 100 years thereafter, common place in Scottish society, in homes, and in schools, both state and private. However, the developing approach of the Trust to the application of corporal punishment, and indeed that developing perception of the value of corporal punishment, did change over the years. That said, while permitting corporal punishment to a controlled extent, the Rules placed emphasis on other forms of punishment.

183. The policy suggests down grading of children, with a consequent loss of pocket money as a start point, with scope to refer a “generally slack” Day-room to the Warden, Sub-Warden or Lady Superintendent to have the whole Day-room penalised by loss of pocket money, adding that:

*“Other punishments may be given such as imposition, depriving them of little privileges, standing outside the House Master’s room, going early to bed, but under no circumstances **ARE THE CHILDREN TO BE DEPRIVED OF THEIR FOOD EXCEPT WITH THE WARDEN’S SANCTION.**”* (Emphasis not added)

184. It was also specifically recorded that those who were assessed as deserving corporal punishment had to be sent to the Warden or Lady Superintendent. This would reduce scope for corporal punishment to be imposed in temper, inconsistently, or based on any form of over reaction by one staff member to any one offence.

185. In particular, these Rules permitted House Masters to:

*“...administer Corporal Punishment at their discretion to Boys guilty of offences which merited Corporal Punishment, but only to the extent of **THREE STROKES on the Hand or on the Trouser Seat.** Housemistresses may occasionally smack a naughty child on the Hand or on the Trouser Seat, **BUT UNDER NO CIRCUMSTANCES MUST HOUSEMASTERS OR HOUSEMISTRESSES STRIKE THE CHILDREN ABOUT THE HEAD, FACE OR EARS.**”* (Emphasis not added).

186. This was included in a portion of the Rules entitled, *“Information relating to Children and Trainees which may be passed on to them if and when necessary”*. Children were intended to have information on these limitations. Children were intended to know what was and what was not to be expected of those caring for them, and were intended to know the views of senior management on this, giving a standard to compare the conduct of adults to, and a norm to compare that behaviour to, avoiding a need for a child, who may have experienced harsh treatment

elsewhere to the extent of coming to see it as a norm, having difficulty in assessing when it was appropriate to speak out to others about treatment experienced in the Orphanage.

187. The Rules also include some information for children on the sort of actions which might result in punishment, although clearly this is not intended to be exhaustive. Minor offences, for which a bad mark could be given, included the following:

“With a large family of children, there will always be minor offences...as well as from time to time major offences such as stealing, absconding, rebellious behaviour, wilful and wanton damage, persistent laziness etc...Minor offences...covers offences such as:- Neglect of work; untidiness; dirtiness of hands, faces and boots; acts of disobedience and so forth. Major offences comprise stealing; defiance; out of bounds; foul or filthy language; serious damage to furniture or fabric of the Orphanage.”

188. The terms of the Rules refer back to the aim of creating a home and family, accepting that minor infractions happen in all large families; any child reading is being told that he or she is no less a part of the family if he or she is found to have committed minor offences.

189. Nothing in the Rules authorises isolation, locking up or locking out, physical chastisement by anyone other than the Warden or Lady Superintendent, use of implements in physical chastisement other than those created for that purpose, humiliation, ridicule or belittling comments. The Rules plainly set out the value system within which any punishment is to be administered, in addition to limiting the

nature of punishment which can be imposed; such actions would be out of keeping with that value system.

190. Likewise, nothing in the Rules authorises or proposes punishment for bed wetting or daytime incontinence, for declining to eat food on grounds of taste or lack of appetite, or for speaking out about harsh behaviour at the hands of others, be they adults or other children. Again, such conduct would be entirely against the value system which the Rules require all staff to adhere to.

191. The Rules make reference to special rules for trainees, the senior girls who remained at the Orphanage after school leaving age, and received training in domestic duties to improve their prospects in the labour market. The content of those Rules demonstrate that the specific printed document provided to the Inquiry is not the original set of such Rules devised for the Orphanage, as this section opens with the following:

“For the happiness and home life of these Girls, the rules will be as in the past, except that there will be the following modifications...”

192. This is followed by a record of the ages from which a trainee would be a Junior, Senior or Special Trainee, noting that this status could begin from age 15, and the rates of pay for each. In relation to discipline, the Rules state:

“Bad marks to be registered for misconduct, cheek, defiance, slackness etc. as in the past. For each bad mark, a Trainee may lose pocket money at the discretion of the Lady Superintendent. If a girl receives more than Four Bad Marks in any one week, her promotion to the next grade will be deferred for a week and all privileges will be lost. For more serious offences (in the opinion of the Lady

Superintendent only) a girl may be reduced to a lower grade for one week and will have the opportunity of regaining her status by good conduct; and the loss of privileges may be extended to the following week...a girl who receives special commendation for her work may be promoted from one grade to another before the ages outlined...”

193. For the older girls, there is nothing in the Rules to authorise corporal punishment, and discipline was to be maintained, in effect, by docking wages. At a meeting at 28 March 1948¹⁰³, a Governor expressed the view that corporal punishment was useless for older girls, an issue revisited at the meeting of the Board of Governors at 15 April 1948¹⁰⁴, when in the face of serious misbehaviour (the nature of which is not described) of three senior girls, those girls had been returned to their respective public authorities to be accommodated elsewhere, on the basis that the conduct was not manageable in the Orphanage. The discipline of senior girls in general was then considered at length, but it was determined that the correct approach to maintaining good conduct was to ensure that the right kind of supervision was in place, and to reduce the numbers of girls within any given group. It was noted that what was then a current increase in the school leaving age to 15 was leading to more senior girls remaining within the establishment, and it was noted that care was needed in managing that situation. A Governors' meeting in 1952¹⁰⁵ had also involved discussion in relation to unruly conduct of girls, but it was assessed that this was for want of stimulating recreational options, and it was suggested that providing access to external groups, such as night classes, might assist. It is clear from the minute of the Governors' meeting at 29 October 1953¹⁰⁶ that it remained the intention of the Trust to allow girls to remain on after the age of 15, as trainees,

¹⁰³ Within ABE.001.001.6545

¹⁰⁴ Within ABE.001.001.6545

¹⁰⁵ Within ABE.001.001.6566

¹⁰⁶ Within ABE.001.001.6566

should they wish to do so, although this system ceased to operate at some point before 1958.

194. Close attention has been paid to identifying, from other historic records, the date at which this document was introduced, and the evidence available on how its contents were disseminated to those making judgements on punishment. The relevant minutes of Governors' meeting also assist in further illuminating the approach of the Trust.

195. Firstly, the minute of the Board of Governors meeting dated 13 November 1947¹⁰⁷ indicates that, on a recent visit, there had been a discussion with the Scottish Home Department on the appropriate approach to corporal punishment. While the record of that discussion is not available to the Trust, the decision of the Governors was that there ought to be a review of the issue by the Management Committee, with a report back.

196. That report was made, and considered by the Governors at length, at 26 February 1948. It was reported that the Trust's contact at the Scottish Home Department had recommended that corporal punishment should not be administered to girls. It was noted that it was already the case that there was no desire to use corporal punishment with older girls, and the question was raised of whether the Orphanage rule should be followed in full as they stood, or whether there should be any alterations or additions. This does demonstrate that the Rules existed in some form at that date, and it was commented that the Rules, if they were followed, were effective.

¹⁰⁷ Within ABE.001.001.6545

197. It was therefore decided to accept the Rules, but on the basis corporal punishment would be administered to girls over twelve only at the Warden or Lady Superintendent's discretion, as with any child, but that this discretion would only be utilised in exceptional circumstances. Arrangements were made for the Governors' decisions on corporal punishment to be disseminated in person to the Headmaster, Matron, House parents and teachers, to ensure consistency. In effect, girls over 12 in the Aberlour School could not, from that point on, be subject to corporal punishment from classroom teachers from 1948, which was a much stricter policy on corporal punishment than existed in state schools at that time.

198. In the further discussion at that meeting, and in particular in considering the options available for discipline of older girls, it was specifically noted that solitary confinement was not an approved form of punishment. It was also noted that the word "de-graded" in the Rules should not be used without a hyphen, to avoid it referring to degradation rather than down grading.

199. However, a Governor noted the need to view this discussion in context, commenting that the Punishment Book for the girls' wing, home to 155 girls at that time, had been reviewed, and punishments for a quarter filled only one page. Governors noted that corporal punishment was more effective the less frequently it was used.

200. In the minute of the Board of Governors of 28 March 1948¹⁰⁸, the matter was again discussed, noting that it had been determined that corporal punishment was permissible for girls under 12 in exceptional circumstance only, and only at the discretion of the Lady Superintendent or Warden. The Warden was querying whether it was intended that he should administer corporal punishment to girls under

¹⁰⁸ Within ABE.001.001.6545

the age of 12, making plain that he was not comfortable with doing so. It was noted that the Warden should not dispense such corporal punishment, nor should any male member of staff dispense corporal punishment to a girl, although they could admonish girls. A wider ranging discussion ensued, with strong views again expressed on the use of corporal punishment in general. One Governor was firmly opposed to its use at all, and the Warden, Canon Wolfe, expressed that he himself opposed its use as anything other than an "extreme resort". The Warden noted again that the value of corporal punishment lay not in its use, but in its lack of use. While the Rules continued to require that the Warden or Lady Superintendent be involved in the decision to administer corporal punishment, it was noted that, in the girls' wing, the punishment would be administered by the Lady Superintendent, and in the boys' wing, by the Warden, Sub Warden or Senior House Master only.

201. These entries demonstrate that the Rules existed in some form prior to 1948, although whether that was in exactly the printed form now available to the Inquiry is not quite so clear.

202. The printed Rules make reference within their terms to the Lady Superintendent managing rations and menus. It is not clear whether this refers to rations imposed by Government as a war measure; if so, that would date this document to before 1954, when rationing ended. It may, it is accepted, simply refer to what would now be thought of as portion control, or to a responsibility to manage stores well and without waste.

203. The Rules, as discussed, have a portion headed "*Information relating to Children and Trainees which may be passed on to them if and when necessary*". At

a meeting of the Board of Governors at 23 February 1956¹⁰⁹, it was noted that, in the existing Rules, there were some provisions which the children ought to know, for example the type, but not extent, of punishment which the Trust accepted could be inflicted, and some provisions which were unsuitable for the children to know. It was noted that there accordingly should be two sets of Rules, one for children and one for staff. Whether this 1956 entry relates to the Rules printed in the form available to the inquiry is not clear, but what is clear is that the approach suggested in this minute, of having a set of information available to be passed on to children, was followed through in this edition of the Rules.

204. The reference to trainees within the Rules assists to some extent in the dating of those Rules, as a meeting of the Board of Governors at 24 April 1958¹¹⁰ alluded to an increase in the wages bill which had arisen from the *"Virtual abolition of the system under which a large part of the domestic work was done by trainee girls"*. The information in relation to trainees begins with girls aged 15, suggesting that the Rules date from a point after school leaving ages was customarily set at 15, which can be dated back to the 1940s in general terms.

205. At one of the several points in time when punishment was being carefully considered by the Board of Governors, in a meeting at 30 October 1958¹¹¹, the minute shows that the Warden, in outlining the Rules which were in place at that date, quoted from the document referred to. This included the Rules being considered for review, and therefore clearly was in force no later than 30 October 1958.

¹⁰⁹ Within ABE.001.001.6579

¹¹⁰ Within ABE.001.001.6579

¹¹¹ Within ABE.001.001.6579

206. Accordingly, although it is not possible to give a definite date for the coming into force of the rules and regulations supplied to the inquiry, it can be said with some confidence that this document pre-dates 1958, likely by a matter of years rather than months, and that the Rules probably were in place from the late 1940s. It also appears, from the records of discussions from time to time, that the Rules had existed in some form from a date earlier than 1948.

207. These Rules in relation to discipline and punishment constitute the only policy document which can be retrieved on this topic which comes from the Orphanage or group home years. However, its contents, in conjunction with the discussion in Governors' meetings, indicate that the Trust was seeking to ensure that any punishment applied was proportionate and not excessive. There is no evidence in historical records that this was to any material extent departed from so as to increase the level of punishment, or vary the nature of the punishment, which was acceptable throughout the Orphanage, group home or indeed service years. Similarly, there no evidence of a move away from the underlying value system; indeed, to decide that these values were no longer subscribed to would also have involved a departure from the ethos of the Trust.

208. The Rules outline the approach of the Trust to monitoring compliance with the policy on discipline. A Punishment Book was to be maintained, with black marks for minor offences and all entries where corporal punishment was imposed being marked with a P. This Book was to be reviewed by the Warden or Lady Superintendent at the end of each week, when four black marks could result in a loss of pocket money for one week or two. This would result in awareness on the part of senior management of all recorded punishments.

209. There are several instances which particularly demonstrate the commitment of the Trust to ensuring that this policy was followed through in practice.

210. One is the dismissal of a school cleaner reported by the Head Teacher to the Warden for having struck a girl to the head, an act which clearly contravenes the policy, in an incident which was recorded within the minute of the meeting of the Board of Governors at 8 November 1940¹¹². Notwithstanding that the cleaner had apologised to the Head Teacher for his impudence on being challenged in relation to this allegation, and had begged to be re-instated, the cleaner was dismissed.

211. Another is the departure from the employment of the Trust of [BCK] [BCK] employed at that point as [BCK] after an allegation that he had engaged in an excessive degree of corporal punishment. A junior member of staff complained that corporal punishment of one particular boy had resulted in the boy having bruising. After a general discussion by the Governors at 7 January 1959 in relation to the use of corporal punishment, [BCK] expressed that he had not intended to be excessive, and was sorry if that was indeed the case. [BCK] [BCK] was severely reprimanded, and after discussion it was suggested to [BCK] [BCK] he would be better suited to parochial work rather than continuing in the child care field. The view of the Governors was confirmed as being that corporal punishment should only be administered with the Warden's express agreement. Around three weeks later, at [BCK] 1959, it was noted that [BCK] had accepted the views of the Governors and resigned. Although decisions over recruitment, dismissal and management of employees rested in the hands of Reverend Leslie at that time, [BCK] [BCK], this incident nonetheless demonstrates that commitment to

¹¹² Within ABE.001.001.6505

the policy of the Trust was prioritised [REDACTED]
[REDACTED]

212. It is accepted that, in the Orphanage years, with children and staff in more significant numbers sharing one building, and ready access to on site school staff with established relationships within the Trust, there was arguably greater opportunity for any excessive approach in corporal punishment to be noted by other staff, identified, reported and acted upon. In the group home years, it would arguably have been more difficult for such issues to have been identified and addressed.

213. However, one instance of harsh treatment, albeit not corporal punishment as such, took place in the Dowans at the hands of [REDACTED] Mr and Mrs [REDACTED] BCI This was reported to the Trust, and resulted in the dismissal of the [REDACTED] demonstrating that it remained the case that the Trust would listen to reports received and act upon these appropriately.

214. At the Governors' meeting at 2 July 1970¹¹³, it was noted that a representative of the Scottish Home Department had contacted the Principal. A former staff member was said to have reported that [REDACTED] at The Dowans had harshly treated enuretic children, calling them names and rubbing their noses in sheets. Although no more information could be provided, the Principal began her investigation by interviewing [REDACTED] who indignantly denied all knowledge of this and were adamant that junior staff members would not have behaved in this fashion. It was expressly recorded by the Governors that Trust practice was to treat bed wetters no differently to any other child, not to draw attention to this, not to impose any punishment, and simply to provide clean sheets and pyjamas, taking anything soiled

¹¹³ Within ABE.001.001.6431

to be laundered. A report back to the Home Department was made and it was agreed that a representative of the Department would attend.

215. However, by the Governors' meeting of 1 September 1970¹¹⁴, matters had moved on. A member of staff approached the Principal with the support of her father. It became apparent that this staff member had been the person who reported harsh treatment of enuretics to the Home Department; she had honestly answered questions during a job interview, but those questions had only been asked because of information provided earlier by a former staff member. After the matter had been raised with Mr [BCI] by the Principal, the former staff member stated that Mr [BCI] had suspected that this staff member was the source of the report, and he had threatened her so gravely that she had packed and left to go home. Her father had emphasised the need to report this to the Principal. When closely questioned, the staff member was "*absolutely adamant that [BCJ/BCI] had not observed regulations laid down by the Trust.*"

216. The [BCJ/BCI] were approached about this, declined to engage with the ongoing investigation and consequently were asked to resign. Mr [BCI] refused, but admitted threatening the staff member. Even before the investigation could otherwise be completed, the [BCJ/BCI] were then summarily dismissed.

217. The investigation was, however, continued, and the children were interviewed. It was concluded that, "*from the information received, it seemed that the [BCJ/BCI] had violated some of the Trust's Regulations.*"

218. Refusal to allow the Trust to properly investigate such an allegation was, of itself, reason enough to conclude that [REDACTED] could not continue in the

¹¹⁴ Within ABE.001.001.6431

employment of the Trust; a finding that there had been harsh treatment was certainly enough to justify such a conclusion.

219. There was lengthy discussion at this meeting about preventing another similar event in future. The Principal noted that all applications for [REDACTED] posts were thoroughly investigated and references were taken up. Supervisory visits to homes were undertaken and “*staff were constantly reminded of regulations and their own responsibilities*”, but it was noted that all residential establishments were faced with the possibility that, despite efforts to prevent this, isolated incidents could occur.

220. Appendix 5 to Part A and B of the original response to the Inquiry details a number of instances where reports were received from staff of excessive corporal punishment by other staff, and the action taken in response is well documented therein. Available evidence tends to point to an awareness of staff generally of the limitations on the corporal punishment which was appropriate and which could competently be imposed, but also of the willingness of the Trust to hear and act upon reports in the event that the policy and approach of the Trust was not being filled.

221. Corporal punishment was prohibited by in certain residential care settings in Scotland upon the coming into force of the Social Work (Residential Establishments-Child Care) (Scotland) Regulations 1987 on 1 June 1988. Those Regulations are now superseded by the Residential Establishments - Child Care (Scotland) Regulations 1996 which set out the responsibilities of managers, identify minimum requirements for certain matters such as log books, record keeping, education, health care, prescribe the information to be supplied to specified persons in respect of each child placed in a residential establishment and deal with matters relating to the nature, review and termination of placement of such children. These Regulations also introduced a specific duty on managers of residential establishments to have in

place procedures for the appointment and vetting of staff. The types of residential care establishments in which corporal punishment was prohibited with effect from 1 June 1988 included all of the Sycamore Cluster establishments, meaning that corporal punishment has been entirely prohibited in all of those establishments since that date, at latest. Corporal punishment in state schools was prohibited by legislation slightly earlier, in 1986, and in most independent schools some time later, in 2000. However, since 1988 at latest, legislation, let alone policy of the Trust, has ruled out corporal punishment in Sycamore, and accordingly anyone dispensing corporal punishment would be subject to discipline, dismissal, and potential criminal consequences. As witness BBB stated in his evidence, in the event of an assault by a staff member on a child being identified, this would necessitate action, and would be reported to the Police.

Children's Voices, Records and Reports

222. An early example, in the period of interest to the inquiry, of the children's voices being heard on issues, not of abuse, but of disaffection with their treatment, and the organisation responding to these can be found described in the Board of Governors minute of 30 January 1947¹¹⁵. Prior to that meeting, the older girls who were working in the Orphanage as "Trainees" after school leaving age had undertaken what was described as a "Sit down strike". It was identified by the Orphanage that the cause of this was a lack of wise supervision and handling of the roles of these girls, leading to disaffection. The rules and regulations on discipline were explained, and although it is not clear whether these are the same rules and regulations referred to in the 1958 minute¹¹⁶, there is clear reference to the discipline amongst older trainees being maintained, not by application of any corporal

¹¹⁵ Within ABE.001.001.6545

¹¹⁶ See para 204

punishment to girls over the age of 15 who were, by that time, effectively staff at the Orphanage, but by downgrading the status of these girls. This process is referred to within the Rules discussed above, where it is noted that bonuses could effectively be earned for good conduct and performance, and the trainees were graded as junior, senior or special, dependent on age and performance. The outcome of the 1947 "Industrial action" was that it was clearly determined that such downgrading should not be undertaken by anyone other than the Lady Superintendent or her Deputy, which would allow for both consistency and proportionality.

223. Similarly, at 27 July 1955¹¹⁷, Governors were advised that staff had cause to undertake a search, rather than a routine inspection of the tidiness, of the girls' lockers, where their personal effects were stored. It was noted that the result was disaffection, but was identified that this was in part related to the manner in which the search was undertaken. It was noted that, should the need for a search as distinct from a routine inspection arise again, the girls should have the right to be personally present.

224. There were instances where the Trust became involved in advocating with those responsible for the next steps in life of young people on behalf of the young people in question. For example, as long ago as May 1940, the Trust asked for the RSSPCC to step in and to make an assessment, with one group of children who were intended to return home, as to whether home conditions were sufficiently satisfactory for this to be appropriate. It is sad to note that, although the RSPCC report (see Board meeting 27 June 1940¹¹⁸) found home conditions to be not unsatisfactory, and it was agreed with the Orphanage that the young people could indeed return home on suitable travel arrangements being made by their family, by

¹¹⁷ Within ABE.001.001.6575

¹¹⁸ Within ABE.001.001.6505

September of 1940, no such arrangement had been made and in particular no funding for fares had been forwarded to the Orphanage, and so the children remained in residence there. On that occasion, the authority and the Orphanage were in agreement. This was not always so, and for example in July 1956, the Orphanage's committee approved of a strong letter to the Scottish Home Department (28 July 1956¹¹⁹) removing six siblings from the Orphanage to place them in separate foster homes, with all girls in one and all boys in another, and a single girl, the oldest, then being moved to a third home. It became apparent on discussion with the local Children's Officer that a firm decision had been irrevocably made, but nonetheless the Orphanage expressed its view.

225. It is better understood, in the present day, that all behaviour by young people is a form of communication. What was characterised as “maladjusted” or “disruptive” behaviour historically would in the present day be more likely to be understood as resulting from earlier life experiences, such as neglect, deprivation or trauma. However, there is evidence from time to time of behaviour being understood as demonstrating a need for change in the approach to care. For example, in a 1952 Governors’ meeting, it was identified that disruptive conduct on the part of trainees could best be addressed by providing a greater variety of recreational activities.

226. Children’s voices were heard in relation to how they were perceived and referred to by other adults in the wider world. For example, at a Governors’ meeting at 30 December 1950¹²⁰, there was discussion of the angry reaction to a speech made publicly by a representative of the Scottish Home Department, who apparently expressed that large institutions did not prepare young people for life, so that they ended up in borstal or approved school. The children were said to have been bitter

¹¹⁹ Within ABE.001.001.6579

¹²⁰ Within ABE.001.001.6545

about the coverage of this speech and, on their own initiative, some of the older girls had prepared a letter which they proposed to send to the Scotsman in response. The Warden, taking on board the strong feelings of the young people, proposed instead to take matters up directly with the speaker, an individual known to the Warden to have previously beseeched the Orphanage to accept children who had already appeared in juvenile Court, and to have commended the work done by the Orphanage with such children.

227. On one view, and understanding that all behaviour is a form of communication, running away may be a way of a child seeking to make their voice heard. However, care is needed in making any assumption about why a child was running away or what was being expressed or communicated by doing so. For example, witness BCT gave evidence of having come to a family environment in Quarryhill after being abused in foster care, but nonetheless having expressed a desire to run away from Quarryhill and back to her foster care placement in the early days of her stay. It is not necessarily the case that every child running away from Aberlour is doing so because of being badly treated there, or because a previously experienced home environment was preferable.

228. Although the evidence of BCS is noted, there is no recorded evidence of any child having run away and not having been found. There is evidence between October and December 1964¹²¹, for example, of Police involvement where a young person got into an adult's car in the village and was driven off. At 22 March 1945¹²², there was discussion of a report to a placing authority when a family member removed a child from the Orphanage without consulting the Trust or seeking formal permission from the placing authority, which had legal responsibility for the child to

¹²¹ Within ABE.001.001.6630

¹²² Within ABE.001.001.6505

age eighteen. Children may well have been removed from the care of the Trust if they were repeatedly absconding, to be placed in a more secure setting, but the Trust did not readily or lightly relinquish responsibility for any child.

229. Appendix 5 to the response to the section 21 notices served at January 2017 details the complaints received by the establishments on which the Inquiry is focussing about incidents which could constitute abuse. As these Appendices confirm, most complaints in the Orphanage and group home years are recorded as having been made by adults who were raising issues about incidents involving young people which had come to their attention by some means. This records the individual raising the complaint with the Warden or Governors; what is less consistently clear in historical records is how the adult making the report came into possession of the information reported, and whether this was due to having witnessed events or the effects of those events, such as injury or distress, or whether this was due to children having spoken up. There are also a considerable number of complaints made by young people about historical events after reaching adulthood.

230. There has never been one single process by which children were asked to report any complaint. It has always been understood by the organisation that children form relationships at different times with various individuals, and will have therefore have different bonds of trust and understanding with the individuals providing care, dependent upon the nature of those relationships. To create a single method for complaints to be made, or to provide a single contact to whom complaints required to be made, could constrain the scope for the child to confide, at a time and in a manner of their choosing, and to any trusted adult, the content of their complaint.

231. The recent processes for dealing with any report or complaint of any event, action or omission which could constitute neglect, abuse or exploitation once

received is to be found in the Sycamore Child Protection Procedures dated from 2012 and reviewed thereafter¹²³, as provided to the Inquiry in response to a Notice under section 21 of the Inquiries Act 2005 at 5 June 2018. This procedure was itself a development from a procedure dated 2005¹²⁴ and provided to the Inquiry at 6 September 2018 under the same section 21 Notice. While it remains the case that a child can confide in any trusted adult, the process for any adult receiving a complaint of abuse is spelled out. The Social Worker for the child, whom failing the Duty Social Worker for the placing authority, requires to be advised urgently. Medical attention should be sought immediately if needed, and the Police should be called if there is any immediate risk. Guidance is given on dealing with reports of neglect, abuse and exploitation of a young person by either an employee of the Trust, or by someone not so employed, noting the potential differences in reporting processes, where an allegation against an Aberlour employee may necessitate report to the SSSC. The key is to ensure that Sycamore staff completely understand their duties in receiving and reporting on allegations, and responding appropriately. Staff require to understand that investigation duties lie with the local authority and the Police. All complaints are therefore reported to the Police and the Social Work Department. Records need to be kept, senior management need to be informed, and an early Care Conference is required.

232. In order to ensure that children can be fully informed of what to expect from the process, a Child Protection Booklet¹²⁵ specifically designed for young people has also been made available.

233. There is a complaint procedure¹²⁶ for children, their family members and their representatives to use in raising complaints about service provision, quality and

¹²³ ABE.001.001.6372 & ABE.001.001.6399

¹²⁴ ABE.001.006.7237

¹²⁵ ABE.001.001.6426

access, about staff conduct or about other service users, which provides for informal problem solving, followed by review by a manager if the issue was not resolved, followed by review by an independent person if need be. However, no child is required to use this process to raise an allegation or complaint of abuse, which is appropriately dealt with as a child protection issue rather than a service issue.

234. Further, the Trust establishments are regularly inspected by the Care Inspectorate, and it is open to any young person, or the parent of any young person, to avail themselves of the Care Inspectorate's formal complaint process.

235. It should also be noted that the Care Inspectorate has a specific process for all care providers to adhere to in relation to records which must be compiled and retained in relation to service users, staff, environment and safety, complaints, medication, finance, and staffing levels and deployment. Records of any complaints made by service users, representatives, family members or others should be kept, including details of the date received, issues raised, action taken, outcome of investigations and details of how the service updated the complainant. This guidance also details the circumstances in which notification to the Care Inspectorate is required, together with the information which should be included in the notification. In the event of an allegation of abuse being made, the Care Inspectorate must be notified immediately with details of the occurrence, initials – not full names – for those involved and actions taken. Employee misconduct must be reported within 24 hours,

236. Similarly, there is a Trust policy on dealing with allegations of bullying¹²⁷, which expressly states that, "*Bullying is not an accepted behaviour at Sycamore*",

¹²⁶ ABE.001.006.7278 & ABE.001.008.7664

¹²⁷ ABE.001.008.7604

noting that this applies to bullying of any child or young person, but also of any staff member, including bullying believed to be connected to whistle blowing.

237. The approach of the Trust to care in the Sycamore Cluster is detailed in the Sycamore Practice Manual¹²⁸ dating from October 2013, released to the Inquiry in response to a Notice under section 21 of the Inquiries Act 2005 and served at 5 June 2018. This Manual is available to all staff within the service but also to those with whom the service works.

238. To the best of the present knowledge of the organisation, all complaints which were made historically were recorded appropriately. With reference to Appendix 5 as discussed above, there are a variety of complaints made at different times to different individuals, all of which have been recorded; there is no immediately obvious reason to conclude that there were reports made which were not recorded, nor is it clear why that would be the case, given the varying nature and gravity of the incidents that have been recorded.

239. However, equally, in the absence of individuals with a direct memory of events back to 1930, evidence is necessarily given in reliance on available historical records, and it would be speculative to give a view on what might or might not have gone unrecorded. The records which are available show a range of report from a range of sources about a range of incidents, some of the greatest gravity. If reports were going unrecorded, it is not clear what they were or why that would be, as the records demonstrate no attempt to shirk away from recording the most serious of matters.

¹²⁸ ABE.001.008.7604

240. The action taken to address those complaints is also detailed in appendix 5 of each response. Again, although the action varies depending on the nature of the complaint made, there are records of staff dismissed, staff encouraged to move out of child care, and staff reported to the Police if appropriate. This includes all instances where the organisation received any report of sexual abuse, whether made historically or contemporaneously.

241. Appendix 5 indicates the scale of known reporting. It would be speculative to comment on whether the level of reporting is in line with the number of incidents occurring or whether any went unreported. It would also be speculative, if some went unreported, for the Trust to suggest why that would have been, as such a question could only accurately be answered by the individual who experienced any such incident and did not report it.

242. One highly significant example of children's voices being heard in relation to abuse relates to the abuse complained of by witness AJE who, along with others, was abused in 1963 by a house master named Mr Lee. Recollections on how this abuse came to be reported to the Warden vary to some extent, and the historical records are silent on that point. The recollection of AJE is that he told a particular friend among the boys in his house, BCS, and that BCS in turn told a trusted adult carer, AJF. We have the benefit of statements from both BCS and AJF, and although their recollections are not entirely in keeping with AJE, they do agree with each other to some extent on how the abuse by Mr Lee came light. Their recollection is that AJF, a carer in the same house, overheard boys talking about mistreatment by Mr Lee, and so asked these boys about what had been happening. She formed the view that they were describing sexual abuse. AJF immediately reported this to the Warden. The matter was, according to AJF, immediately reported to the Police by Reverend Leslie. Mr Lee was prosecuted, pled guilty to offences related to sexual abuse of

boys at the Orphanage, and having been convicted, received a custodial sentence. At 28 November 1963¹²⁹, it was noted by the Governors, in their continued consideration of the issue, that a follow up Scottish Home Department inspection had been carried out and a report would be compiled in due course, but would likely not be shared with the Trust. No copy of that report has been identified in Trust archives.

243. BCS appears to state that AJF had to give an ultimatum to the effect that, if the matter was not reported to the Police, she would leave. The written evidence of AJF, on the other hand, is that Reverend Leslie acted immediately, and indeed that, whenever she had any grievance, she approached Reverend Leslie to air it and he took time to listen, and he gave adequate support at all times. The oral evidence of AJF to the Inquiry was that Reverend Leslie told AJF to leave this report with him, and that the Police were then on site within an hour, with Mr Lee suspended from his employment by the Trust the next day, and subsequently arrested.

244. While BCS asserts in his written statement read, in part, to the Inquiry that Canon Wolfe, in the face of any allegation of abuse, would have had the alleged offender quietly removed, it is suggested that the evidence does not support this. Issues of alleged mistreatment of children by adults were discussed with Governors and the outcomes of these were minuted and the consensus view was acted upon.

245. There was never any question of AJF doubting or disbelieving the reports made to her, failing to report these on within the Trust or questioning the extent to which authorities should be involved or engaged.

246. It is also important to note that, by creating a set of Rules with a section expressly intended for the children and young people, the Trust sought to equip

¹²⁹ Within ABE.001.001.6630

those who may have struggled with differentiating between acceptable and abusive behaviour with information on what should be considered the norms, and so information on when adults could be held accountable for departing from those norms.

De-escalation and Physical Intervention

247. "Promoting Positive Behaviour: Policy, Procedures and Guidance",¹³⁰ a policy document introduced from 1 April 2010, although subsequently kept under periodic review. and submitted to the Inquiry at 6 September 2018 under terms of a notice under section 21 of the Inquiries Act 2005 served at 5 June 2018, provides full detail on the approach of the Trust in general, and Sycamore in particular, to de-escalation and restraint outlines the following:

" Aberlour adopts the definition of restraint as outlined in the Mental Welfare Commission for Scotland's guidance "Rights, risks and limits to freedom" (2006) which states "restraint is taking place when the planned or unplanned, conscious or unconscious actions of care workers prevent a resident....from doing what he or she wishes to do and as a result limits are placed on his or her freedom."

248. In identifying the circumstances in which restraint may be justified and appropriate, the policy states:

" Restraint will only be used where there is clear evidence that there is a serious risk to a service user's safety or the safety of others and where there is absolutely no alternative that would reduce the identified, specific risk to the person or people concerned to an acceptable level."

¹³⁰ ABE.001.008.7645

249. This policy goes on to address the forms of behavior management which would, at that date, have been acceptable in use.

"Aberlour employees will use Behaviour Support Strategies (BSS), Crisis and Aggression Limitation Management (CALM) or Positive Range of Options to Avoid Crisis and use Therapy Strategies for Crisis Intervention and Prevention (PROACT-SCIPr-UK) as methods of helping service users to manage their behaviour."

250. The same Policy provides that only one system to manage behaviour can be used by one service at one time.

251. The training records for employees held by the Trust extend back to 2013. These records demonstrate that, by that time, CALM was the established approach to de-escalation in the Sycamore cluster. However records, and in particular some emailed correspondence between CALM and the Trust's Learning and Development Manager, suggest the first CALM training to employees in the Sycamore service was in 1998. CALM is accordingly the single system currently used by Sycamore, and has been since 2013, although it is thought likely that this has been the case since at least 1998. Reference has already been made to the nature and extent of the training provided to the Trust's staff.

252. CALM¹³¹ is a system of policy and practice which was devised *"to provide an evaluation / assessment framework for managing behaviour that challenges"* ¹³². CALM Training, who devised and provide this system, provide training upon its implementation and use. Training comes in two modules. The first is intended to

¹³¹ info@calmtraining.co.uk

¹³² <https://calmtraining.co.uk/services/training/>

"...provide participants with a more in depth understanding of the concepts that underpin attachment based, trauma informed positive behaviour (PBS). It is aimed at those working within settings who require knowledge, understanding and an awareness of the importance of developing behaviour support plans". The second is intended "to provide participants with a range of physical techniques that allow appropriate staff intervention in situations in which there is an emergent risk of physical harm. It also gives the participant an understanding of the legal and policy parameters that define acceptable practice including the physical risks attached to specific intervention techniques."

253. This is a well recognised and widely used approach to de-escalation and intervention, although not all organisations or establishments using CALM train staff both on the de-escalation and intervention techniques. Some stop short of training any or all staff on intervention. As explained above, all Sycamore staff undertake the first Module, and all staff who may require to undertake holds and manoeuvres of young people to keep them and others safe, which includes all care workers in residential establishments, are required to undertake the second Module.

254. The effective use of CALM demands an ongoing and proactive approach to training with refresher courses and induction courses for staff. The Trust has continued to make the financial investment required to have certain Trust employees accredited as CALM instructors and verifiers, in order to have a readily available source of refresher training, but in practice, delivery of training and instruction has been by a combination of in-house training using accredited trainers and training by external representatives of CALM.

255. The "Promoting Positive Behaviour" policy of 2009 makes plain that:

"The following will not be used in the delivery of Aberlour's services:

Depriving a person of contact with their cares or family;

Physical punishment or the threat of physical punishment;

Placing service users in night attire to prevent them from leaving the building;

*Refusal of contact with any professional person, e.g. social worker, police,
doctor etc;*

*The locking of service users in rooms as part of the planned programme
of their care;*

The withdrawal of communication or positive engagement;

Withholding or withdrawal of food;

The use of any form of restraint for the convenience of workers".

256. All instances of restraint require to be reported to an Assistant Regional Director, who will consider:

"...whether or not he/she endorses the action taken to manage the incident, and consider whether any additional action requires to be taken. The ARD should effect such action."

257. The creation of a warm and empathic living environment is the primary means by which behaviour is managed. De-escalation techniques will, wherever possible, be fully utilised to avoid the need for and minimise the extent of physical intervention. There is clear policy on the circumstances in which any physical intervention may be appropriate or necessary, staff are trained on the appropriate techniques on a regular

basis and any use made of such techniques is subject to close monitoring by senior management.

FUTURE DEVELOPMENTS

Safer Places

258. The Safer Places initiative is a project which grew from a learning review carried out by the Trust's Quality & Safeguarding Manager following an incident which was untypical within the service, and had resulted in a new worker being suspended and investigated by Police Scotland after applying an unauthorised physical intervention. The Trust adopts a learning approach to any significant events and this requires open and candid reflection on what could have been done differently in an effort to continually improve practice. It was also recognised that this event was the product of a set of circumstances which preceded and led up to the intervention, and went beyond the immediate actions of a single member of staff. The whole circumstances of the day were therefore investigated and evaluated to identify anything which could be learned from this event.

259. A number of circumstances combined on 10 September 2017 culminating in that physical intervention. It was planned to take a young person on an outing to visit with a sibling, but this was to take place in a location where a contact visit with another family member had not gone well the day before. It appears that awareness of this from the shift handover was limited. The location was at some distance from the house, and involved a fairly lengthy car trip for a young person known to have previously displayed challenging behaviours while in transit in a car. The young person was accompanied by a relatively new member of staff. This staff member had been with the Trust for eight weeks and had not yet completed Module 2 of CALM

training. However, the establishment had staff on sick leave on the material date and, as other nearby establishments were similarly on reduced staffing also as a result of sick leave, the acting shift leader of this establishment, who did not generally fill that role, had been unable to call in more experienced colleagues to assist. The trip did not go well and resulted in the young person becoming distressed and demonstrating challenging behaviour during the car trip which resulted in an assault of the staff member by the young person and an inappropriate physical intervention to the young person by the member of staff

260. This intervention was immediately reported to the acting shift leader, who in turn reported this to the on-call Manager, and ultimately this was reported to and investigated by the Quality and Safeguarding Manager, with the aim of also reflecting on and learning from the experience to identify how situations could be better managed in future. A report on the learning points arising was provided to an Assistant Director, making a number of recommendations directed at future improvement, based on the learning from and reflection on the circumstances surrounding this incident,

261. One of these recommendations was that a short-life working group involving operational staff, operational managers and representatives from the People and Quality Department should be established to focus on the creation of safer and more predictable environments for children. This working group was duly established, is chaired by the Director of Operations, and is known as 'The Safer Places to Live, Work and Attend Group' or 'Safer Places' as a working title.

262. Following appropriate consultations, it is proposed that a pilot scheme be initiated.

263. This “Safer Places” Group is aiming to create safer environments for children to live in and for Trust staff to work in. As discussed above in relation to de-escalation and physical intervention, the Trust recognises that care is provided for distressed, troubled and traumatised children and, like all providers of such care, the Trust will utilise restrictive physical interventions when there is a danger to the child, other children or staff and when de-escalation approaches have not helped to defuse a situation. The Trust considers that this practice can interrupt the care relationship to its longer-term detriment, can be distressing for children and staff and can result in people being injured.

264. The Trust, and the Safer Places Group in particular, have therefore sought to find different ways to engage and manage children in these difficult situations. The Trust considers that solutions will best be discovered through dialogue with both children and staff. The Group has undertaken analysis of reports of previous physical intervention incidents, and injuries to both staff and supported people. The Group is also engaged in securing survey responses, considering available research and experience of practice in other organisations, setting up focus groups to explore what can be done differently and seeking to involve a wide group of stakeholders.

265. The Trust's plan, based on the conclusions of the Group's work to date, is to run a six-month pilot scheme in two of the Trust's establishments, where the Trust will endeavour to cease to use physical interventions with children. Children will only be touched by staff in a calming and sensitive way, offering warmth and reassurance, to endeavour to offer comfort and help self-regulation. Children will be made aware of this aim,

266. It has been agreed that, as part of this work, the Trust will pilot and test methods of care intended to reduce instances of violence and other distressed behaviours.
267. Frankfield House and Veronica Crescent have been selected for the pilot scheme in the knowledge that there is likely to be little turnover of children and staff in the year ahead, noting that other houses have either had or are preparing for changes in management teams. Contribution of ideas from staff in Whytemans Brae and Bellyeoman Road will also be important and those staff will also be kept fully informed about the pilots.
268. The pilot scheme will use a combination of methods including improved planning and training, children's participation and interagency collaboration, and, within this context, the Trust aims to make use of physical interventions an absolute exception. The Trust is seeking to involve other key stakeholders, such as Police Scotland, the Independent Care Review, and in particular the Care Inspectorate, with whom the Trust will be meeting to discuss this proposal in January 2019. The Trust will consider the potential for formal evaluation. Any changes implemented will be closely monitored over a period of time to assess the scope for positive change in the experience of children and staff.
- 269.** Such a pilot scheme necessitates a significant amount of careful preparation. The Group recognises the commitment of staff and personal efforts of children and young people in work where both use their relationships to produce results which alter the lives of children. It is the view of the Trust that, even with restraint limited under policy as detailed above, more children experience physical intervention than the Trust would choose, and it is considered that improvement should be achievable

while continuing to maintain the safety of the children the Trust cares for and to protect the staff it employs.

Life Changes Trust – Workforce Development Initiative

270. The Trust, Includem¹³³, the Care Inspectorate and CELCIS¹³⁴ successfully applied to the Life Changes Trust¹³⁵ Workforce Development Initiative, for funds to develop a package for organisations to use as a learning and development toolkit to help those forming part of their workforce to understand what love and relationships mean for people in the care system.

271. This partnership will see the Trust recruit a team of people comprising a Programme Development Manager and two Programme Development Assistants. While the Programme Development Manager must have experience of working in and or around the care system, the Programme Development Assistants will be people with relevant care experience. From recent interviews, the Trust has a preferred candidate for the Project Development Manager post, and hopes to have the post filled in January 2019.

272. The programme will last for 3 years and will aim to work closely with Champions Boards¹³⁶, Who Cares Scotland¹³⁷, and other such key groups to, first of all, determine what is needed to improve how love and relationships feature in the care system and, secondly, develop a toolkit which organisations can use during and beyond the life of this programme.

¹³³ <https://includem.org/>

¹³⁴ <https://www.celcis.org/>

¹³⁵ <https://www.lifechangestrust.org.uk/care-experienced-young-people>

¹³⁶ <https://www.lifechangestrust.org.uk/projects/champions-boards>

¹³⁷ <https://www.whocarescotland.org/>

273. The partnership has chosen Fife and Aberdeen as the locations where this work will be developed, as the Trust and Includem both operate there. The Care Inspectorate and CELCIS are of course also well known in these areas, as they are across Scotland.

274. The project is led by the Trust, with a Project Board already convened, and all four partner organisations contributing skills, expertise, and time on a match funding basis, to the value of £10k per annum, while the overall funding from Life Changes Trust for the three-year period is £200,409.

RESPONSE TO THE EVIDENCE AVAILABLE TO DATE

275. In considering the evidence of witnesses so far, the Trust has, in places, encountered situations where Applicants speak of other young people who were resident in care establishments at the same time, and who had some degree of involvement in the events which the Applicant describes. Where the forename, or full name, of the other young person in question has been shared with the Trust, the evidence available in relation to that young person has been reviewed, and any information which can be gleaned from this review has been taken into account in considering the evidence about the event. However, as is the case in the majority of such situations, where the name has been fully redacted from the statements made available to the Trust, it has not been possible to review the information available in relation to other children in order to assess whether this adds anything to or assists the Inquiry with an understanding of the evidence of the Applicant.

276. The Trust remains entirely willing, where this is compliant with the General Data Protection Regulation, to review and, if appropriate to aid understanding,

securely share with the Inquiry the evidence from the records of the other children named by Applicants as being involved in events they describe on receipt of the names of the children in question. Often a forename, together with details of the location of the Applicant at the material time, will be sufficient to allow another child involved to be identified within Trust records. However, where names of those children have been fully redacted in the evidence exhibited to the Trust, the response of the Trust is necessarily based only upon a review of the evidence available from the statement of the Applicant and a review of the Trust's own file for the Applicant, in the absence of having had sight of Social Work records or medical records for any of the Applicants. It is considered that Social Work and medical records would provide a richer source of information than review, in isolation, of the files held by the Trust for individual children. That has become increasingly obvious from the evidence that has been taken from Applicants.

277. There are a number of general issues arising from a consideration of the evidence of Applicants which the Trust would wish to address.

278. One is the separation of sibling groups within the Orphanage.

279. During the early period which falls within the Inquiry's remit, from 1930 to around 1955, sexes were mixed in the nursery only, and when children were old enough to begin school, boys and girls were separated in to distinct wings – girls in the East and boys in the West. The dining rooms and the dormitories were within these wings, and accordingly children slept and ate only with other children of the same sex. Although sexes were mixed in school, in the usual fashion, school classes were naturally organised by reference to age, and to some extent, houses within the Orphanage also appear to have been organised by reference to age, although the information on this is less consistent and clear.

280. There appears to have been no firm policy identifying a specific age at which any child should move from one house to another, although it is accepted that, as a matter of practice from time to time, it seems to have been the norm for children to change houses as they aged. The separation of sexes into distinct buildings was clearly policy at the time of construction and development of the Orphanage and, until a mix of sexes was undertaken on an initially trial basis in 1955, was then the norm throughout. From 1955 onwards, the mixing of boys and girls was a feature of Orphanage life, but on the evidence was not consistently applied in a manner which kept siblings in one house.

281. It would have been possible for children to mix with their siblings at school and at play, and there is no evidence available of any policy or practice of preventing contact between siblings in these settings. Equally, there is no firm evidence of sibling groups being kept together, unless the children involved happened to be of the same sex and of similar ages, and sometimes not even then.

282. It is also accepted that there is no evidence of any firm deliberate or consistent policy or practice of seeking to organise, facilitate or positively promote regular and good quality contact between siblings. It is accepted that this may, for some young people, have resulted in their living separately from siblings during most or all of their time in the Orphanage, possibly with only infrequent or coincidental meetings. It is accepted that, for some children, this may have had a detrimental effect upon their relationships with siblings, and for that, apologies are sincerely offered.

283. It is further accepted that the lack of a system to ensure that contact details for young people who were leaving the Orphanage at school leaving age or shortly thereafter were made available to younger siblings hampered the ability of those

younger siblings to keep in contact with family members who had moved on before them. As a result, the Trust did not do all that it could have done to assist those younger siblings in building or maintaining a potentially supportive family network with their older siblings for their future life, and for that the Trust is truly sorry.

284. There is evidence of efforts expended from time to time by the Orphanage to keep sibling groups within the single institution of the Orphanage. For example, on one occasion as outlined above, and as discussed in the minutes of a meeting of Governors at 28 July 1956¹³⁸, steps were taken to protest the removal of children from one sibling group from the Orphanage for their placement within three separate foster homes, so resulting in loss of the opportunities for informal contact in leisure time which the Orphanage presented. This tends to suggest a perception, historically, that those opportunities were sufficient, but also demonstrated recognition that sibling contact was valuable. This ought to have been promoted to the best of the Trust's ability.

285. The effect of grouping children by sex and age was discussed by the Governors when considering the possibility of moving to a group home, as is detailed in the minute of 25 May 1961¹³⁹, and at that time, at least one Governor was expressing that it was morally wrong to split siblings in order for some to be placed in a nursery. Even in 1961, that was apparently not accepted as an uncontroversial suggestion, and another Governor expressed himself as shocked by this suggestion, noting that the children in the nursery were presenting as very happy.

286. The evidence suggests that the separation of sexes may, to some extent, simply have been based on a more normal historical practice, and then, later, may

¹³⁸ Within ABE.001.001.6579

¹³⁹ Within ABE.001.001.6593

have been based upon a view that children benefited from living and studying with other children similar to them in age and sex. However, it is clear that between the mid-1950s and early 1960s, these views were being reconsidered, and from the group home years onwards, this separation of sexes, and so of siblings, was not a consistent feature of the Trust's care of children. There were situations where decisions on the wellbeing of children to some extent were based upon keeping groups together, for example the experience of BCR and BGE in their departure from the care of the Trust into the same later facility. However, the evidence of BCR and BGE is that the same considerations did not result in their being housed together during their residence in the Orphanage and it is recognised by the Trust that, even after mixed groups were established, this was not fully and consistently used as a tool to keep siblings together and promote the best possible family bonds.

287. It is accepted that work to keep sibling groups together, in contact within the Orphanage, or in contact as some siblings left was not standard, especially across the early periods of the Trust. The Trust apologises to any young person who feels that this had a detrimental effect on their family relationships.

288. A second issue arising is that of preparation of young people for their departure from the Trust. Some Applicants, for example witnesses BCL and BCS, have spoken of leaving with little notice and little preparation, and having found this to be an upsetting and unsettling experience.

289. The various Applicants giving evidence to the Inquiry left the Trust in quite different circumstances. BCL left at school leaving age to go on to the world of work, for example, while BCW went to approved school, BCT left to be married, and BCR and BGE left together to move on to medical care. It is readily accepted that the extent of knowledge which the individual Applicants had of their impending departure

varied. It is readily accepted that the level of preparation which individual Applicants had varied. In some circumstances, for example witness BCM, who returned to live with his family, there was perhaps more preparation, and indeed the evidence of witness BCM demonstrates the scope, even in the group home years, to return to the Trust seeking support and assistance in situations of difficulty after formal care within the Trust had come to its end. At a particularly challenging point in life, over a year after BCM left the care of the Trust, when his mother was admitted to hospital after over-dosing on medication, BCM returned to Bellyeoman Road seeking support and assistance, and was welcomed into the establishment to spend the night in a caring environment during an emotionally turbulent experience.

290. However, it is conceded that the level of preparation for departure was not always substantial, or in some cases sufficient and sincere apologies are offered for this. The level of involvement of the Trust in planning and decision making about the futures of children they had cared for, often long term, was historically very limited, as the decision making power rested with the placing authority and the Trust was not, as a matter of standard practice, given a voice in those processes. Often the Trust would simply receive a letter from the placing authority, giving a very few days of notice, and advising that a Children's Officer would arrive at a specified time to collect and remove the young person. This gave limited information to relay to the young person and limited time in which to prepare the young person for that specific arrangement, as opposed to preparation for the general concept of moving on.

291. That said, it is accepted that there is evidence before the Inquiry which calls into question the amount of preparation work carried out with young people, as they reached school leaving age and so were identifiable as likely to be moving on imminently, for a transition into the adult world in general. There is also evidence that, in the limited time available after notification from a placing authority had been

received and before the young person was removed, there was not enough done to advise the young person what was about to happen, to involve the young person in packing the clothing they would need and packing their personal possessions, or to afford the young person an opportunity to say goodbye to their friends, their carers and their home. For example, in the case of BCL, a letter written and presumably posted on Monday 4 January 1965 from the Children Department of Edinburgh Corporation advised that a Children's Officer would arrive on the morning of Tuesday 12 January 1965 to remove BCL as a vacancy in a particular hostel had been secured, although no information was given about any proposed or secured employment for BCL. There is no evidence to suggest that the Trust had any prior warning or further information given about this particular plan prior to the later date when they received this letter. The Trust therefore had only a very short window of opportunity to deal with this information on receipt. However, the evidence is that BCL was not told anything about his move until the Children's Officer arrived, was not permitted to collect his own possessions and had no opportunity at all to say goodbye to those with whom he had shared his life since infancy. The evidence therefore suggests that, accepting the period of notice was short, while the necessary practical arrangements of, for example, packing clothing were carried out, no-one relayed this information to BCL until the Children's Officer was in attendance.

292. The Trust readily accepts that, for some children, they fell short of making the best and fullest use of the limited information they were given, or of time available to them after becoming aware of an imminent departure, so as to best prepare the young person for leaving, and left young people feeling confused, distressed and isolated. For that the Trust is truly sorry.

293. There is recognition in the minutes of Governors meetings of an awareness of the need, when young people were leaving the Trust, to have some form of ongoing

support. In an entry in the minutes dated 18 April 1941¹⁴⁰, a report of the Scottish Education Departments inspection of October 1940 was reviewed, which noted that, while the Trust did not engage in a formal or major scheme of aftercare, nonetheless, *"Endeavour is made to maintain contact with the pupils after they leave the institution,"* and, *"The importance of this aspect of the orphanage is work should not be overlooked"*.

294. The discussion which ensued demonstrates the sensitivity of the Board to the needs and perceptions of young people both in and leaving their care. It was noted by the Board that it was not clear what was envisaged, and that there was a need to avoid any arrangement which might feel, to the young people moving on, to be something akin to probation. It was noted that the Orphanage did make effort to keep in contact by letters issued to those who had gone on, and also by encouraging young people to come back.

295. Given the timing of this discussion, mid World War II, it was accepted by the Scottish Education Department that the time was not good to begin an aftercare plan, but it was noted in an entry of the Board of Governors' minutes of 17 July 1941¹⁴¹ that a Sub Warden to cover aftercare was a proposal to be considered again in the future. This demonstrates that aftercare remained a matter under consideration.

296. The Aberlour magazine, throughout the period to at least the late 1950s, contains many references to visits "Home" from young people who had moved on into their future lives, and it remains the case that former residents in contact with the Trust from time to time expressed their disappointment that the Orphanage building is no longer available to them as a home to return to for visits.

¹⁴⁰ Within ABE.001.001.6505

¹⁴¹ Within ABE.001.001.6505

297. Notwithstanding the desire to have something which was not similar to probation, there was, as part of the ethos of the organisation, an effort to provide some degree of support network to young people moved on from the Orphanage, both within their own communities and within the Orphanage community.

298. A minute of a meeting at 18 April 1941¹⁴² indicated that, at that time, young people were put in touch with their local clergy, and were kept in touch with the Orphanage via regular deliveries of the magazine and personal letters, with encouragement to return for holidays. It was noted that this was not a particularly good time to commence an after care scheme, but it is notable that the issue continued to be discussed throughout 1941, with the involvement of a Scottish Education Department Inspector in July 1941 to consider what might be the right approach and who might be the right candidate for such work.

299. The ethos of a comfortable home for orphans, being a home to return to throughout life, did indeed continue into the small group home phase, as is evidenced by the file provided by Aberlour Child Care Trust in relation to one Applicant, BCM, who, in a position of difficulty in Dumfries, made his way back to the small group home at Bellyeoman Road seeking support, which was provided, as discussed above.

300. As the group home years progressed, and in particular during the service years, again a shift in practice has taken place. With a clearer understanding of the needs for through care and aftercare, and as these forms of care for children have become more common place within the Children's Care Service, there is now a much more deliberate and consistent focus within the Trust on preparing children from

¹⁴² Within ABE.001.001.6505

moving on from placement and equipping them for independent life. This is viewed as a significant and highly positive development in practice.

301. It is readily accepted that some young people leaving the Orphanage felt that they were not well prepared, and that the transition into their future lives was not well handled. A very different approach is taken to this at present, but the Trust accepts that, in past days, children did not always receive enough advance notice of their departure to feel prepared and to feel that they had appropriately taken their leave of their home and those with whom they lived. The Trust would take this opportunity to extend its heartfelt apologies to any former resident who, at the time of leaving the Orphanage in particular, did not feel adequately supported through this process.

302. As a third issue, a number of Applicants discuss corporal punishment, including a slipper being used on a child's bare bottom, locking up of children, striking children, pulling hair, using a cane or using a brush to beat children. As explained above, the Trust did have a policy on corporal punishment which was in place before the arrival in the Trust's care of any of the Applicants. That policy had been devised and presented, certainly by 1958 at the very latest, in a form which made clear those parts of the policy which were intended to be shared with children. It was the clear intention of the Trust that all staff would operate in accordance with policy, and it was the intention of the Trust that children would know what the policy was, in order for adults to be held accountable for this. At a meeting dated 23 February 1956¹⁴³, some years after the Rules had come into effect, it was recognised as important that a set of the Rules should be made available which could be provided to children, to inform children what was required of them, but also what was required of the adults caring for them. This was referred to as a "Charter for Children".

¹⁴³ Within ABE.001.001.6579

303. Accordingly, any corporal punishment imposed other than in accordance with that policy did not demonstrate a lack of a system, but would demonstrate a failure to adhere to the system in place. Such a failure would never have been acceptable to the Trust, had it been known to them. As detailed in Appendix 5 of each of the original responses to the Inquiry on the Orphanage, the Dowans, Quarryhill and Sycamore Services, there are examples from the whole period of the Inquiry's remit where members of staff held accountable other members of staff seemed to be behaving in a manner which was inconsistent with that policy. The seniority of staff, their role within the organisation, and indeed familial bonds to those at the highest levels within the organisation were never sufficient to be prioritised over the need for the policy on corporal punishment to be properly and consistently adhered to.

304. To any child who experienced corporal punishment in the care of the Trust which was inconsistent with the system which the Trust had created, and sought to enforce, sincere apologies are tendered.

305. It should also be expressed in the most emphatic terms that sexual abuse of any sort has, at all times, been both diametrically at odds with the aims, ethos and purposes of the Trust, and entirely unacceptable to Trust management, Governors and Trustees. Our deepest apologies are proffered to any child who experienced any form of sexual abuse while in the care of the Trust.

306. In particular, the Inquiry has heard evidence about a House Master, Eric Lee, and indeed has received a statement and heard evidence from witness AJE, one of a number of young people subjected to abuse by the late Mr Lee in the period prior to his dismissal from the employment of the Trust in late 1963, as soon as this abuse came to light. Mr Lee has been convicted of offences, having pled guilty. It is apparent from the statement of the witness AJE that he was not made aware of that

at the time. The reasons why it was not relayed to Mr Lee's victims that he had been convicted and imprisoned are not recorded in contemporaneous records, and accordingly it is not possible to explain that reasoning at this time with any degree of certainty. It seems from the letter dated 3 October 1963 sent to the Children's officer that "The Inspectorate of the Department have been fully informed in this matter." No correspondence is available to indicate when the Inspectorate may have been informed or, for that matter, what they were told. That said, it is difficult to envisage that such deeply personal information about the indecent, sexual conduct of Mr Lee towards specific boys is something that might have been raised at their full assembly.

307. In the present care of the Trust, in the event of there being a prosecution resulting in conviction and sentencing of an abuser, close consideration would be given to the appropriate method to share this information with the victim in a supported and supportive environment. It is readily accepted that it may have given comfort or greater peace to witness AJE to have been aware, at the time of these events, of the conviction and imprisonment of his abuser. It is readily accepted that this also applies to those other victims of Mr Lee from whom the Inquiry has not received statements. The Trust offers its heartfelt apologies to all of those boys, including AJE, who suffered abuse at the hands of Mr Lee. In addition to that, the sincere apologies of the Trust are offered for the lack of communication following the conviction of Mr Lee, for the missed opportunity to offer the fullest support, reassurance and comfort to those in greatest need of this, and for any additional distress or trauma this may have caused to those who had already suffered abuse.

308. In present practice, employees of the Trust speak openly to the children about behaviours and what is expected from adults and children. Trust staff speak openly about safety and keeping each other safe. Trust staff also let children know that they can share concerns with any member of staff or with any person they choose to

speak to. The Trust funds independent advocacy through Who Cares, and the Inquiry has heard evidence that this service is well publicised in Sycamore Cluster establishments, with posters on display giving contact details.

309. It is also the clear understanding of the Trust, as a matter of child development, brain development, and clearer understanding of psychology, that all behaviour on the part of a child is a form of communication. There are instances of what was viewed as challenging or inappropriate behaviour on the part of young people which would now be viewed as behaviour indicative of previous trauma or harm, and would demonstrate a need for support and therapeutic input. For example, the Inquiry had received a statement from witness BCU, describing his response to an incident of sexual abuse, where the witness describes being brought in from a fire escape, from which he proposed to jump. There is the evidence of witness AJE, who experienced difficulties with eating food while his abuser was present in the establishment, which were problems which alleviated when his abuser left. There is the witness evidence of witness BCM in relation to her distress on reading contemporaneous references to her behaviour and her personality, noting that records in relation to behaviour which would now be viewed as indicative of a need for care and support contained language recorded by professionals which was critical, judgemental or frankly, pejorative. While to some extent, there is a need to be wary about viewing behaviour from fifty or more years ago, and the response to that behaviour in particular, from the present day, when the child care profession is better informed in relation to child development, brain development and psychology, such language in recording observed behaviour was, in the view of the Trust, never acceptable, and it is readily recognised that reading such records in later life will for some former residents have been a distressing experience in itself. To any person who has experienced distress on reading the content of their file as a result of the language used to describe distressed behaviour, sincere apologies are offered.

310. Further, on the matter of recovery of records, the Inquiry has heard some evidence from Applicants who describe either delay in retrieving records from the Trust, or receiving incomplete records at the first time of requesting these. For some, that may be due to differing understandings on the part of the Applicant and Trust in relation to what the Trust holds or can provide. For example, the Trust will not hold records of medical treatment received anywhere other than the Orphanage Infirmary, and will not be able to release records related to living family members of those making the request, or of Trust staff, without those third parties having given their consent. For others, the explanations given for delay in release of records are not easily understood at this later date. One Applicant in particular, BCY, speculated that an employee of the Trust who had been of assistance to her in securing recovery of her records, a Derek Bannon, had later been dismissed from the employment of the Trust as a direct result of that assistance. The records of the Trust demonstrate that although Mr Bannon is no longer with the Trust, he was not dismissed from the employment of the Trust at all, and certainly was neither discouraged from nor dismissed for assisting BCY. Applicant BCT gave evidence that she had, when she had first attempted to recover records from the Trust, been told that those records had been destroyed in a fire. Since those records were later made available, and indeed are before the Inquiry, it is far from clear what resulted in this erroneous information being provided to the Applicant, and for that the Trust offers apologies. The position of the Trust is that any former resident is entirely welcome to seek to recover the records which the Trust holds which relate to that individual, and indeed residents have a statutory right to recover those records. There is no fee for this. Applicants can either contact the Quality and Safeguarding Manager on 01786473238, or on Quality@aberlour.org.uk or can begin the process online without having to speak with anyone at the Trust by completing the form at <https://www.aberlour.org.uk/access-your-records/> The Trust will be glad to assist

any former resident with that process, and any resident who otherwise wishes to discuss their experiences in the Trust's care with the Trust is also most welcome to contact the Quality and Safeguarding Manager.

SIGNED FOR ABERLOUR CHILD CARE TRUST:



DATE: 20 December 2018