

**ADDENDUM TO ORGANISATIONAL STATEMENT FOR ABERLOUR CHILD
CARE TRUST**

1. In the evidence of Professor Abrams, there was discussion in relation to work undertaken at the orphanage by "working girls", being teenage girls who remained resident at the orphanage, worked in domestic service within the orphanage, and were paid for that domestic service. While, by modern standards, the age of these "working girls" may seem young – commencing in the 1930s at age 13 – it must be borne in mind, that 14 was the standard school leaving age in that era. It was common, at that time and long afterwards, for children to leave residential care on reaching school leaving age, and to commence employment. The Inquiry has heard evidence from a number of former residents in relation to a manner in which they left Aberlour Orphanage in particular, from which it is apparent that, at school leaving age, young people were, at the instigation of Children's Officers or Social Workers where those young people had been placed by the local authority, being moved on into working placements, often residing in hostel accommodation¹. The need which the Orphanage had for domestic staff afforded an opportunity to offer those posts to young people who would otherwise have been leaving the Orphanage to make their own way. This afforded these young people the opportunity to remain in familiar accommodation, working with familiar people in a familiar setting, while gaining experience in domestic service and the possibility of a reference from a first employer which would stand those young people in good stead in securing future employment elsewhere. The young people were paid for their work, but additionally received board and lodgings. It is clear from the records² that the domestic service was not compulsory; it was an "opportunity" which young people were quite entitled to accept or reject. Given the nature of the work on offer, it was an opportunity generally afforded to female residents. This was not a system of compulsorily requiring the efforts of all young people, while still in school, in full domestic service within the Orphanage. The Rules and Regulations of the Orphanage³ made reference to the conduct expected of these "working girls", the pay which they would receive, and the impact upon pay which unsatisfactory conduct might have; this information was available to those choosing to remain in residence and take up this opportunity. The organisational statement submitted on behalf of the Trust discusses the manner in

¹ See evidence of Ron Aitchison and BCU at 7 December 2018 and ABE.001.008.9057 at para 61

² ABE.001.008.9057 para 102

³ ABE.001.006.6722

which the voices of these working girls were heard and responded to in a situation where dissatisfaction with conditions was being expressed.⁴ It also discusses the tailing off of this system in the 1950s⁵, at a time when school leaving age was, of course, increasing as a general rule, and domestic service was becoming a less readily available field of employment for those leaving the Orphanage. A period of experience as a "working girl" would therefore be less of an advantage in the work place on departure from the Orphanage.

2. There has been discussion in the evidence of Professor Abrams over the staffing issues presented by, firstly, the nature of the work on offer at Aberlour Orphanage and secondly, the remote location of the Orphanage. It has been recognised that this was not a problem particular to Aberlour Orphanage⁶ but, rather, was a general issue within the sector. It is important to address the question of whether these staffing issues were, of themselves, the key to the decision to move away from the large scale orphanage in into smaller group homes. The organisational statement⁷ for the Trust addresses the lengthy discussions that took place at Governor level about the model for provision of the best quality of child care, and the question of how the best quality of child care could be achieved for the future. The question of securing appropriate numbers of suitable staff for scattered group homes, and the mechanisms by which these staff would be supervised and managed, were closely considered as part of the discussions over the move away from the large scale Orphanage and into group homes. Minutes of the Board of Governors make plain that the primary question being considered by the Governors was that of what was best for the children's development and care, thereafter, how that could be achieved, and, as a final question, whether the terms of the Trust deed permitted the proposed action to be taken. There is, in the available evidence from the minutes of the Board of Governors, no positive evidence to support a conclusion that issues in securing or retaining staff were the key factors in determining that a change of model in providing residential care was required or necessary. Rather, the minutes reveal a developing picture since the issue of the Clyde Report in 1945, and a change of direction from the 1940s which continued through until 1967, when the Orphanage closed, towards the provision of group homes. This included a trial of whether group home style

⁴ ABE.001.008.9057 para 103 and para 122

⁵ ABE.001.008.9057 para 104

⁶ Although see ABE.001.008.9057 para 100 onwards in assessing the Trust's position

⁷ ABE.001.008.9057 para 62 onwards

accommodation could be provided within the Orphanage premises themselves. The decision that this was not workable was based on the physical accommodation, and not to issues of staffing. The key factor throughout was the question of what was in the best interests of the children. This reflected an understanding of child development and the implications this had for the best model of care which was developing for the Trust as it developed in the wider child care sphere and indeed in society at large.

3. There has been reference in evidence to a requirement at Aberlour Child Care Trust, or at least at Aberlour Orphanage, for staff being recruited to be Episcopalian, or at least Christian, and possibly to provide references from clergy. It is readily accepted that the Constitutions of the orphanage at its earliest stages make plain that this was an institution affiliated with the Episcopalian Church, albeit that there was a willingness to accept children of other denominations. Professor Abrams identified one advertisement for employment which indicated that preference would be given to candidates under the age of 45 who were members of the Scottish Episcopal Church or Church of England (this advertisement dating from 26 April, 1948 in the Yorkshire Post). However, no other example has been offered of any advertisement making any reference to a preference for Episcopalian candidates or any restriction of the post to Episcopalian candidates. A review of Trust documents reveals no evidence of any instance where any applicant for a post was required to provide a reference from a minister or where appointment was said to be conditional upon such a reference. There is no evidence available to the Trust to support a conclusion that such conditions were imposed on employment. While it is fair to say that the Wardens during the period of the orphanage years were Episcopalian clergy, and the evidence suggests that Governors in the early days were all members of the Episcopalian Church, there is no evidence available in relation to Episcopalian Church membership by other members of staff, later Principals or CEOs, or indeed of all later members of the Board of Governors or Trustees. The Inquiry has heard evidence from former residents that, at least in later years, young people were enabled and supported to worship in their own denominations⁸, or indeed were able to choose not to follow religion at all.

⁸ See evidence of BCT at 13 December 2018

4. The Inquiry has heard evidence in relation to discipline of young people, and also in relation to punishment of young people. It is important to accept that these are different terms, and should not be conflated. While discipline is related to the need for boundaries, and for conduct to adhere to particular rules and values, that is not to say that maintenance of such discipline is equivalent to or restricted to a system of punitive measures. Discipline is capable of being maintained by positive means, for example by the instilling of self-discipline in individuals by example and role modelling, by giving leadership and direction towards the maintenance of high personal standards, and by the development of routines and structures which are conducive to the standards desired. Maintenance of such discipline can be conducive to the development of a feeling of security and the development of strong personal relationships and bonds for young people, particularly those who have previously experienced life as unpredictable or chaotic. This issue is carefully considered in the "Notes Regarding Developments of Voluntary Child Care Bodies and Suggestions for a Development Policy at Aberlour" contained within the minutes of the Board of Governors meeting of 22 March 1962, wherein, quoting from the "Memorandum on Children's Homes" issued by the Scottish Home Department in 1959, under the heading "Discipline"⁹, it is stated:

"Children as a rule accept the standards of their own home and adjust readily to them. Through the activities and the conditioning of daily family life, with the interplay of family relationships, character develops and they learn to control their own behaviour and become loyal members of the family group. The disciplinary plan in good homes allows the child to create for himself a measure of self-discipline. This is an essential factor in normal development, and without it a real and enduring state of security cannot exist.

Where there are too many children and too few staff for each child to be given individual attention, there is no other means of maintaining discipline but by strict rules which have to be made and applied without reference to individual needs. Where a child remains subject too long to that kind of discipline, his normal development to maturity is bound to be hindered."

The comment made upon this by the Trust immediately follows in the same minute:

"Today, no informed opinion in the child care sphere would dispute that the small family group type home is the best provision that can be made for the

⁹ ABE.001.006.6593

more normal child who, for one reason or another, cannot be fostered. The arguments relating to the merits of large homes compared with small homes and vice versa have all ended, as experience has shown, without doubt, what is the best provision for "an environment as similar as possible to normal home life"."

This reference serves to demonstrate, firstly, the view of the Scottish Home Department on discipline, with which the Trust takes no issue, as a mode of living and distinguishable from a system of punishments, and also serves to demonstrate the recognition of the Trust of the developments in thinking of the best means of providing the best model of child care for those children unable to live at home, reflecting that there has been discussion in the preceding years. This had, by the time of this minute, reached a conclusion. The need for discipline as distinct from punishment, and the manner in which that was achievable by more individualised means in smaller homes, was all accepted thinking at Governor level. It is worth highlighting that, at the date of this minute, the Trust was already beginning to open smaller group homes, and was moving towards this as the preferred model of child care provision, prior to complete closure of the Orphanage within the next five years. In considering historic documents which refer to "discipline", it is of importance to recognise that discipline and punishment are not equivalent terms, that a system of discipline or a system requiring discipline is not the same as a system requiring punishment, let alone requiring corporal punishment, but that discipline is a component in creating security for a child. In considering, in particular, advertisements for employees indicating that an ability to maintain discipline is desirable, this terminology should be viewed in that context, and in particular in advertising for staff in the immediate post-war period, indicating that a job would be suitable for a former serviceman. It is clear that there were significant numbers of such individuals seeking gainful employment and the advertisements should be viewed in context and not as implicitly indicative of a need for individuals who were likely to take a militaristic approach to punishment of young people.

5. In discussion of retention of staff, the key records which are available to the Trust, and consequently to the Inquiry, relate to staff being "let go" in situations where there were performance issues with those staff¹⁰. The dismissal of staff in circumstances where there are performance issues is less a question of staff retention, and more an

¹⁰ E.g. ABE.001.001.0080 to ABE.001.001.0084

issue of appropriate performance management. Certainly, it would not easily be accepted by the Trust that staff should have been kept in their employment after performance management issues were identified simply to increase staff retention numbers, and it is the position of the Trust that the recording of these performance management issues, and the response to them, from time to time, demonstrates that, despite being subject to the same recruitment issues which beset the child care sphere generally, nonetheless the Trust were mindful of the standards which they required their staff to achieve. It is also important to bear in mind the context of the developing times within which the recruitment and retention of staff is being considered. Although there is clear evidence from records of married couples being recruited as house parents, particularly in the group home years, in contrast, in the earlier periods of recruitment it would not be uncommon in society for women to give up employment on becoming married. Certainly it would have been common then for women to give up employment on becoming mothers. These factors may have contributed to a higher level of turnover of posts than would be the case in the modern era. Similarly, recruitment of male staff would have been a fraught process during the war years, in circumstances where there were very limited numbers of employable males available to recruit. It is important to differentiate between the content of brief advertisements for applicants, and the actual specific requirements of successfully achieving appointment to a particular post. An advert may or may not indicate to an applicant that references will be required. The lack of mention of references in an advert does not mean that the applicant would not ultimately be asked to supply these. Similarly, while the advert may not indicate that previous experience or qualifications would be a prerequisite of the post, that is to say that applicants with previous training, qualifications or experience would not be preferred. An advert does not necessarily give a full indication of all of those factors which would be considered, or would weigh in the balance of considering one candidate against another, after applications had been received. There is evidence within the minutes, and referred to in the previous organisational statement, of applicants being disregarded prior to interview on the basis of preferable candidates being available. There is also evidence of candidates being disregarded after interview, on the basis of not demonstrating the qualities and skills which the post required. There is evidence from the Minutes that the practice of the Trust was not simply to accept the first application received in order to simply fill a post. Some posts remained vacant for a period of time, with interim measures put in place to cover for the work required, while a suitable candidate was identified and recruited. There is a need for great care in treating advertisements for posts as equivalent to a job description, or as an

exhaustive list of all of those factors which would be pertinent to a consideration of whether or not to appoint any particular applicant. Given the general issues identified with recruitment in child care sphere, it was reasonable to frame adverts to encourage a wide range of applications and to then assess more closely which applicants demonstrated suitability for the post offered.

6. On the matter of training, there is a need again to consider the action taken by the Trust in context, and consideration therefore requires to be given to the extent to which training was available from external sources, and the nature of that training in comparison to the model on which child care was being provided by the Trust, as well as a number of places on training courses which were available. There is evidence available of training opportunities being pursued, for the advancement of professional development of individual members of staff, but also for the advancement of the childcare provision of the Trust overall. As an example, the evidence available to the Inquiry records that Mr McEwan, a house parent, was sent to Birmingham Technical College to undertake a qualification in Social Services, with the minutes recognising that the knowledge gained by Mr McEwan would be of general benefit to the Trust on his return. There is also reference in the records to an affiliation with Stirling University, and in particular at 1963, there was a discussion with the University in relation to the Senior Refresher course which is was intended would be provided for those in the child care sphere. Not only was this a training opportunity which the Trust were seeking to avail themselves, but the Warden was also asked to be involved in the provision of that training. It is therefore demonstrable that there was consideration being given by the Trust to the benefits to be derived from training and formal qualification where this was available or accessible, and was suitable to progress personal development of staff or service provision of the Trust. That said, it is also recognised that, from time to time, this consideration of training opportunities and training provision resulted in an acceptance of the need for the Trust to improve upon its practice. In particular, the new Director appointed in September 1981, Mr Gerard Barlow gave careful consideration to the training available, and considered that there was improvement to be achieved in all spheres aside from induction training. This does demonstrate that, in Mr Barlow's view at least, a satisfactory system of induction training was in place at that time, although it does not make plain what the induction consisted of or when that system had been introduced. It also reflects the willingness of the Board to

closely consider questions of training and formal qualification, and to accept the need to do more, or do to better.

7. There has been consideration given to the role of the Trust in through care and after care provision¹¹. It is of importance, in considering the role of the Trust in this regard, and in particular with reference to the years to 1990 considered more closely by Professor Abrams, to differentiate between the legal responsibility of the Trust, as the third sector provider of care in a residential facility made available to and utilised by families directly or by the local authority, and the legal responsibility of the local authority for the child's protection and welfare in a more general sense. The Inquiry has heard evidence in relation to efforts made by the Warden to secure employment for young people leaving the orphanage, and has heard of the input requested from and provided by the Warden in circumstances where Children's Officers or Social Workers were seeking to place young people for employment. The willingness, and indeed the desire, of the Warden to assist in securing suitable employment on an ongoing basis for former residents of the orphanage does fall to be distinguished from there being any statutory, contractual or legal obligation on the Trust or on the Warden in particular to engage in such activity. The Trust recognised that the young people leaving their care were, particularly prior to the increase in school leaving age, young in years, with limited experience of life outside the Orphanage, and therefore limited in their ability to secure employment on their own account. Those managing the Orphanage, and in particular the Warden, were very aware that day to day life with these young people would position the Orphanage staff and consequently he Warden to speak on behalf of young people in relation to their efforts to secure employment. The actions recorded within the evidence show the Warden taking voluntary action to seek to secure future opportunities for young people leaving the orphanage, but this was in the absence of an established service on the part of the Trust, in its earlier years, for the provision of through care and after care.
8. There has been reference made to the Trust maintaining a hostel in Aberdeen. This appears to be taken from the use of the word, "hostel" in two particular minutes. There were facilities opened in the Aberdeen area, and in particular at Constitution Street and Clifton Road, and in certain minutes of the Board of Governors, the word

"hostel" is applied to these¹². However, careful reading of the minutes in relation to both establishments makes plain that each was maintained on the "group home" model of having young people, predominantly younger than school leaving age, in residence in under the close care and supervision of house parents. While the reason for the use of the term "hostel" is not entirely clear, this may reflect the residence in those establishments of, for the most part, older children, some of whom were in employment in young adulthood, some of whom were students in further education. The term "hostel" would now be used more often to refer to a facility where, although there would likely be some form of concierge or superintendent available, young people would live more independently, and without someone in the role of house parent as such. Neither Constitution Street nor Clifton Road would fit that description at the time when the word "hostel" was being used in minutes, and the facilities there were group homes were similar to other group homes throughout the Trust's residential child care provision. These facilities did not represent a departure into a new form of through care or after care provision on the wider information available.

9. There has also been discussion in the evidence in relation to the changing nature of record keeping on the part of the Trust. It is readily accepted that the records from the earlier stages of the Trust's history under consideration by the Inquiry are quite different to those available from the later stages of the period cover by the Inquiry's remit. The difference can be appreciated by comparison, for example, the file of Applicant BHI with any of the anonymised files from the 1930s that were provided to assist Professor Abrams. In part, this reflects the changing regulatory framework within which records were maintained. It also reflects a greater understanding of child development, of the impact upon adult life of experience of care in childhood, and of the important role which records can have in informing care-experienced adults about their earlier lives. The record keeping also now reflects a greater understanding of child development by reflecting the importance of recording social and emotional development of young people, giving a greater sense of these former residents as individuals, as opposed to simply recording the practical physical aspects of their care. Records in relation to BHI, for example, contain regular summaries of key events in BHI's life and development, and contain a great deal more information about BHI's own feelings, views and experiences than would be

¹² Minute of 6 March 1979

found in any file from the 1930s. The ease of keeping records is also a relevant factor here, where technology has facilitated the ingathering and retention of much more information in an organised fashion, and where the availability of technology avoids, for example, the need for collection of hand written records and in consequence increases the speed at which more detailed records can be produced. The quantity of information available is much greater even on those practical elements of care which were recorded throughout the Trust's history. It is recognised that, by today's standards, the files available from the 1930s are limited in their content. However, there has been close consideration to record keeping over the intervening years, and particularly since the Social Work (Scotland) Act 1968, as a child care skill. This is an aspect of professionalisation of child care services. There has been a great deal of development in what is recorded as standard, and the approach to record keeping which is evident from the file of BHI is much more representative of the current approach to record keeping than what is seen in the files from the 1930s through to 1970s. Record keeping is a skill which remains under review, and which it is expected will continue to develop to keep abreast of understanding of and learning about child development throughout society. The desire of the Trust to continue to take on board the developing thinking and scientific evidence in relation to child development necessitates a willingness to embrace change to a variety of practices. The Trust strives to keep pace with current understanding, and record keeping is certainly a key area in this regard.

10. It is important to give regard to the suite of policies developed by the Trust which apply to recruitment and management of staff, rather than applying directly to treatment and care of children but which will, nonetheless, have an impact on the service provided to them. These policies contribute to the protection and welfare of children by promoting high standards and by ensuring that staff are held accountable by managers and by each other. The minutes of the Trust show that this accountability has long been prevalent. There are a number of minute entries where issues related to treatment of children were brought to the attention of Governors by other staff, long before the phrase "whistle blowing" entered common parlance. However, while these policies in their current incarnation post-date the period of the Inquiry's remit, they may aid an understanding of present practice and future intentions of the Trust. These policies include:

- Whistleblowing Policy (Appendix 1)
- Grievance Policy (Appendix 2)
- Discipline Policy and Procedure (Appendix 3)
- Recruitment and Selection Policy (Appendix 4)
- Staff Handbook (Appendix 5)

While the fuller range of applicable HR policies in place to 2014 is listed in the Trust's original Section 21 Notice response related to Sycamore, these current policies are appended for fuller information

There are additionally some policy documents which have been brought into effect since 2014, and which will be of assistance to the Inquiry in understanding the Trust's current approach to allegations:

- Historical Child Abuse Policy & Procedures (Appendix 6)
- Complaints Handling Procedure 2017 (Appendix 7)
- Child Protection Policy and Procedures (Appendix 8)

It is also important to note the emphasis upon understanding and awareness of key policies and procedure from the point of application for recruitment currently, as is evidenced by the full details in the Trust's online recruitment information:

https://workwithus.aberlour.org.uk/tlive_webrecruitment/wrd/run/etrec106gf.display_srch_all?wvid=82658500X0

This link affords job applicants access, via drop down menus, to a range of information provided relating to the job requirements stipulated by the Trust and the checks that will be carried out on receipt of any application for and prior to employment. These include documents setting out: clear indications as to the individual, personal qualities of any candidate that are desired by both children/young people and the Trust; the guiding principles and core values that underpin all that the Trust does; the Trust's Child Protection Policy; essential and desirable qualifications and experience for employment and a statement as to the means by which the presence of those personal specifications will be assessed; and the terms and

conditions for the particular post (including safer recruitment policies, pre-employment checks and the requirement for registration with the SSSC).

SIGNED



DATE

25 January 2019