

## **Scottish Child Abuse Inquiry**

Witness Statement of

**Adam INGRAM**

Support person present: No

1. My name is Adam Ingram. My date of birth is [REDACTED] 1951. My contact details are known to the Inquiry. This witness statement is to give information to the Inquiry regarding some of my portfolio responsibilities as the Minister for Children and Early Years when I was a member of the Scottish Government.
2. This statement is based on my recollection aided by documents. I have seen documents provided to me by the Inquiry and the current Scottish Government.

### **Term of office as an MSP**

3. I was a member of the Scottish Parliament (MSP) from 1999 to 2016. I was Shadow Education Minister with a responsibility for Children and Early Years from 2004 onwards. I was the Minister for Children and Early Years from May 2007 to May 2011 in the Scottish National Party (SNP) administration. Before becoming an MSP, I was an economist.
4. As an MSP I had people writing to tell me about their experience of organisations involved in the care of children. Nazareth House was one of those which appeared to be very cold and strict. There did not seem to be a lot of empathy with the children and sometimes I was hearing that they could be quite cruel. That was what I was hearing during and prior to my engagement in politics.

## **Minister for Children and Early Years**

5. The Cabinet Secretary for Education oversaw two ministers, myself as Minister for Children and Early Years and a Minister for Schools. I had responsibility for looked after children. I had a particular focus on improving the child protection system right across the board. In the case of looked after children, we had to consider how to learn lessons from the past and apply them to try to protect such children better and actually improve the outcomes for them which have historically been very poor.
6. The Cabinet Secretary for Education from May 2007 to December 2009 was Fiona Hyslop. She was succeeded by Mike Russell who held the post until November 2014. Angela Constance was his successor and she formally announced a public inquiry in December 2014 to look into the abuse of children in residential care settings and foster care.
7. Historical abuse of children and adult survivors were not directly part of my remit. The ministers involved with adult survivors of childhood abuse were Shona Robison, who was Minister for Public Health at that time, and Fergus Ewing, who was the Minister for Community Safety.

## **Time Bar**

8. Towards the end of 2007, there were two important developments. One was the publication in December 2007 of the Scottish Law Commission's (SLC) report on prescription and limitation. The other was the publication of the Shaw Review report in November 2007.
9. In its report, the SLC did not recommend any change in the law to be applied to cases of non-recent abuse of children. There was then an important decision in May 2008 when the House of Lords upheld decisions of the lower courts which had not allowed certain claims concerning non-recent abuse of children in care to proceed to a hearing on their merits. The effect was that a large number of claims that had been brought were then abandoned or not proceeded with. I think the absence of any

recourse to justice was seen by former in-care survivors at the time as another example of the system working against them and caused them further dismay and disappointment.

10. Before the decisions of the courts had been taken in relation to prescription and time bar, one of the things the previous administration had said was that there was a legal redress route available through the courts. The previous administration was saying “you can get your day in court” but if a claimant lost their case on time bar there was no discussion or decision on the substance of the claim.
11. From December 2007 onwards, Fergus Ewing looked at all of the legal issues, including time bar, which had arisen out of the historical abuse of children in residential care. He came to the conclusion that it was impossible or almost impossible for people who had been abused in residential care to access courts effectively. He became convinced that we had to do something about the time bar issue.

#### **Response of the new administration to the Shaw Review and SLC report**

12. Shona Robison, Minister for Public Health, was primarily concerned with adult survivors of childhood abuse whilst in care. The people in her directorate were coming forward with proposals, and in particular the establishment of a confidential forum to which survivors could go and recount their experiences of life as children in care.
13. I attended a ministerial meeting on 18 December 2007 before I made a statement in the Scottish Parliament in February 2008 concerning the Scottish Government’s response to the Shaw Review report and the SLC report. I was invited by Shona Robison to the meeting to discuss the survivors’ agenda and to consider relevant cross-government activities which she hoped would lead to a collective response to working with survivors of abuse. I do not recall what was discussed at that meeting.

## **Statement to Scottish Parliament - February 2008**

14. I made a statement in the Scottish Parliament in February 2008 on behalf of the Scottish Government in response to both the Shaw Review report and the SLC report. The Scottish Government basically accepted the recommendations of the Shaw Review.
15. One of the recommendations was the idea of a survivors' forum to give people the opportunity to establish the facts, learn from the suffering experienced and use all of that to help us protect and better provide for children in the future. That was where my interest was particularly focused. The public statement included the proposal to look at what was then described as a "truth and reconciliation" model. This was intended to address to some extent the issue of acknowledgement and accountability.
16. The Shaw Report also recommended the establishment of a survivors' service. The "In Care Survivors Support Service" (ICSSS) was established later in 2008 and was a significant step forward.
17. The new administration was taking a number of initiatives on looked after children and was primarily looking to the future. I think that is perhaps why I was selected as the person to make this particular statement. The Shaw Review report had described the kind of culture that had existed in child care for many decades. What was needed was a significant change in culture and attitudes. In the case of looked after children, and children generally, I was looking to take forward initiatives that would ensure that children's rights were at the centre of everything we did, that their dignity was fully respected and that they would be listened to and taken seriously if they raised complaints or concerns.
18. This was us coming into government for the first time. We had a relatively small ministerial complement. We were trying to move quickly on a number of different fronts. Ministers were to get on and get things done. Not all matters were discussed,

or discussed at any great length, at cabinet level. For example, I have no recollection of discussing my parliamentary statement with the Cabinet before I made it.

19. The forum that I made reference to in that statement was very much an attempt to offer some form of acknowledgement and accountability that survivors were calling for. It was seen as the chance to have a process other than a court process where survivors could speak about experiences and perhaps have those whom they were speaking about involved in that process. Such a forum made sense to me. Obviously the “truth and reconciliation” model was quite fresh at that time with the ANC coming into power in South Africa. It was remarkable the way that people who had suffered under the apartheid regime and the perpetrators of their suffering were somehow to come together in what was intended to be a healing process.
20. Mary Mulligan, a Labour MSP for Linlithgow, asked a little bit about the proposal for a forum and how that would operate in practice. I said at that stage that *“perpetrators will obviously be invited to take part in the proceedings of the truth and reconciliation forum as has happened elsewhere in the world, the South African model is the classic example”*. I did say, however, that I was open to persuasion on the example we should follow. There were a number of models out there.

### **Thoughts on a public inquiry**

21. At that stage, it would be fair to say we were not looking at having a public inquiry. We did not really want to go down that route. We wanted to move forward. We had the Shaw Review, the SLC Report and we had commissioned the Kerelaw report. Certainly my feelings were that we had more than enough material to move forward in terms of supporting survivors better and getting some sort of closure for survivors. We had material that allowed us to learn from the mistakes of the past, provide a good environment for children in residential care currently and in the future, and improve outcomes for looked after children. There was no reason to have another public inquiry when we had all that material to hand to enable us to move forward. The feeling at the time was that we were actually getting somewhere with all of these issues and the survivors’ forum would hopefully help to bring closure. That was the

intention without a doubt. Obviously what was up in the air was what the model for the forum was going to be.

### **Acknowledgement and Accountability/Time To Be Heard**

22. As can be seen in my answers to questions from MSPs following my statement in the Scottish Parliament in February 2008, I thought the forum would be something akin to the South African model where you have some sort of reconciliation. That is maybe too strong a word, but there would be some closure for the survivors.
23. Over time, the proposed forum was renamed an “acknowledgement and accountability” forum. It later became “Time To Be Heard” (TTBH). The pilot forum TTBH was the product of the decision from the ministerial meeting on 30 September 2009 to go down the confidential forum route. It was a rather different model to the one that I had announced in the Scottish Parliament. I questioned this model at the time as I did not think it was strong enough

### ***Meeting of Ministers on 30 September 2009***

24. I attended a ministerial meeting on 30 September 2009 with Shona Robison, Fergus Ewing and officials including Jean MacLellan from the Health Department. In advance, a briefing was provided by officials to ministers on the proposal to undertake an acknowledgement and accountability forum. The preferred option of officials was a confidential model without the element of accountability or formal engagement of organisations.
25. Officials had looked at the Irish model. The Irish had an investigative process, an acknowledgement forum and a financial redress scheme set up by the state to which organisations contributed. The whole package came at a significant financial cost to the state. I have no doubt that the officials advising us were being conservative in terms of what they were wanting to push us towards. In terms of the figures involved in the Irish model, there was no way that we could do anything like that.

26. I instigated a discussion about the strength of the model being proposed. We discussed whether a confidential forum would be ambitious enough, particularly since it was proposed that the institution from which survivors would be drawn would not be given any formal status at the pilot forum. I thought that a key part of the forum should be that perpetrators would be called in front of it. I had reservations about whether what was being proposed was going far enough.
27. In the end, it was agreed, as a collective decision of the ministers present, to proceed with a pilot confidential forum which was to be restricted to hearing from former Quarriers' residents.
28. I thought that a pilot was a sensible thing to do as opposed to forging ahead and doing something which could turn out not to be very good. There had been plenty of experience of that happening in other jurisdictions, so I thought the notion of having a pilot was the right thing to do. My question was the nature of the pilot. I did think there ought to be a stronger forum that included elements of accountability. Acknowledgement was certainly the major feature of the TTBH pilot. The emphasis was being put on the therapeutic effects that this would have on survivors in that they would get a great deal of benefit out of actually talking through and describing what had happened to them and being listened to. But what they would not be getting was accountability. I thought there had to be an accountability element.
29. I thought it was a good idea having Quarriers involved in the pilot. Quarriers had acknowledged the abuse of children in establishments operated by them. There had been criminal convictions of former staff for abuse of children in the care of Quarriers. Historically, it accommodated children from all over Scotland.
30. There was a restorative justice pilot along with TTBH. Restorative justice appealed to me because it might be a healing process and a way of getting the care provider and the survivors together to discuss what could be done by the organisation to make amends in some way for the abuse that had been perpetrated. This might include financial compensation. It might be something like, for example, paying for people to go into an educational course that they had missed out on. Collectively, we were

seeking ways of getting closure for survivors and getting some sort of ability for them to move on with their lives if that was possible.

31. I accepted the confidential forum model and the restorative justice pilot and hoped these steps would bring closure that would allow people to move on with their lives. If I had been leading on this matter, I may have gone for a different model.
32. What we agreed in September 2009 was just a pilot, and that pilot would of course be reviewed. We were wanting to move matters forward. We were trying to do the right thing. If people further down the line did not think the pilot forum was adequate or was giving survivors what they wanted or needed, then that would come through and we would be able to make adjustments to it. I had my doubts about some aspects of the pilot, but it would report back and we would get another dig at it further down the line.

#### **Other initiatives and actions**

33. I had a passing involvement in the historical position, but not a direct involvement. There were other things that I needed to push forward on, including the National Residential Child Care Initiative and setting up a centre of excellence for looked after children. My focus was on trying to make residential child care the best that it could be and a first resort choice for those children who needed that kind of service.

#### ***Culture change***

34. What was happening, and what needed to happen, was culture change within the whole child care system and putting children's rights at the centre of the system. The Kerelaw report showed how the complaints process was totally deficient and there were repercussions for any child bringing forward a complaint. The whole process of listening to children and being open to believing children had to be reformed.



### ***Improving the quality of the residential care workforce***

35. There was a need to increase the status and the skills of the residential care workforce and improve management of that workforce. Requiring child care workers to register with the Scottish Social Services Council (SSSC) was aimed at driving up the quality of the workforce. To become a residential child care worker you must now have, or obtain within a set period, the relevant qualifications, and in order to maintain your registration you have to maintain your skills. Our administration wanted to do everything possible to improve outcomes for anyone going into the residential care system and bring them to a level which was as good as their peers who were not looked after children.
36. Historically residential care workers, whether for adults or children, were not well valued and were overworked. They had poor status and poor working conditions. Being a residential care worker was not seen as an attractive career option. That is not the best climate to get the best outcomes for children requiring residential care. Historically, the mentality often was that you just needed to keep children in care in order and under control. When I took action to improve training and qualifications, I was getting irate letters from care home providers saying, “why are you forcing me to train up my staff and cause me all this hassle?” I am quite happy to get letters like that but they just demonstrate what the nature of the system was. Changing cultures is very difficult.
37. As well as culture change, I was trying to create a ladder of opportunity for people entering the residential care workforce so that they would view working in residential care as an area within which they could progress and develop.

### ***Corporate parenting and aftercare***

38. The concept of corporate parenting is basically this: those who are responsible for the provision of child care, such as local authorities, should look at, and look after, children in their care in the same way as they would their own children. It is as simple as that. It involves taking on the responsibility of parents for those children by giving them the love, security and chances that any good parent would give their children.

39. There is now a legal requirement that any childcare organisation has to maintain a personal relationship with a child who leaves their care for a minimum of five years. Aftercare and preparation for leaving care are now important aspects of the child care system. You cannot just pitch care leavers out into the wide world when they are sixteen or eighteen without continuing support. There is still a job to be done on that front. Some local authorities are very good and some are not. Some social work departments are very good and some are not.
40. Monitoring and inspection bodies are an important part of the child care system and have to be driving forward change and improvement. It is easy to develop policy, but implementing it is a different kettle of fish.

***Knowledge of abuse of children in care***

41. Historically, the Scottish central government did not have a set of statistics that would show a graph in terms of incidents of abuse in care. When I became Minister for Children and Early Years, I was very much aware that a lot of children had suffered abuse of a variety of kinds within the child care system. Even in the 1980s and 1990s, there were fairly significant issues that the Kerelaw report highlighted.

***Changing attitudes towards children in care***

42. Historically, the public were largely unsympathetic to children in care. There seems to have been an attitude that it was the children's fault that they were in care, which is appalling.
43. I was still sensing that attitude when I was in ministerial office between 2007 and 2011. If you were trying to get through the local council a proposal for a residential child care facility for looked after children, you had extreme difficulty because very often local residents would assume that it was a borstal or the children were delinquents. That culture has to be overcome. One of the areas I was focusing on was the corporate parenting idea as a way of changing attitudes. I was responsible for publishing a report "*These are our Bairns*" in September 2008. I was trying to get

the message across about what we need to do to give youngsters who are in care the best life chances that we can, given their circumstances.

***Improvements within the childcare system in recent years***

44. During my time as Minister for Children and Early Years, things improved for a child in care. There were significant changes to legislation and regulations. Inspectorates put in place national standards to inspect against in every area.
45. Society's attitude to children has obviously changed as well. Attitudes to corporal punishment of children have changed. There is now a ban on smacking children. When we started in the Scottish Parliament, we had debates about smacking but no ban. Attitudes to smacking children have changed.
46. The best way of finding out what children in care need is by asking them. It is important to find out what is important to them, what will make them feel safe, and what will improve their quality of life in care if they have to be in care. It is not rocket science. Historically, children were not involved in decisions about their own placements and welfare and care arrangements. The attitude was: "we know what's best for you, you can like it or lump it". Now we talk to children in care and there are advocacy services for children in care. As minister, I kept in regular contact with Who Cares? Scotland, an organisation with young people who have had first-hand experience of the child care system.
47. Changing the views of the public about children in care is down to education such as running anti-stigma campaigns with organisations such as Who Cares? Scotland. Leaders in communities have a responsibility to address this issue. For example, when an authority comes up with a plan to put a residential childcare home in place, they should be saying, even against opposition, "this is our responsibility, these are our children and we have to do the best for them". It is having the courage to stand up against the crowd. You have to show some courage and you have to show some leadership in actually pushing that forward. It is getting people to confront their own prejudices and to educate people so that they realise stigmatising children in need of

care is unacceptable and that this is not something that we want to continue to allow to happen.

48. During my time as Minister for Children and Early Years, there was a lot of activity. Following the Shaw Review and the SLC reports, we were focused on how to take the historical abuse agenda forward. We established the ICSSS in September 2008. We reformed the public records legislation.
49. Making changes takes time. The National Confidential Forum did not start until quite a bit of time after the TTBH process. You have to put things out for consultation and then you get the consultation results back. That whole process can take up to six months. You want to consult with stakeholders and people who are going to be affected by all these things. But I can see from the perspective of survivors it may have seemed like never ending delay.
50. Looking back over my period in office, I would say one of the most significant steps in improving the position of children in care was the requirement for residential care workers to register with the SSSC. Another was the establishment of the centre of excellence for looked after children in Scotland (CELCIS) at Strathclyde University. CELCIS put together the training for, and the standards required of, residential care workers. I think these types of steps were important as well as the work we did on the children's rights' front as well. Working with Who Cares? Scotland and others to attack all the stigma associated with being in care was another important step forward. Another was making it clear that we have let down looked after children as a state. We have been letting down these children for generations and we needed to do something about it.

### **Closing thoughts**

51. If we had gone down the route of an accountability forum, as originally envisaged, perhaps we would not be engaged in a public inquiry as we are now. That type of forum might have produced outcomes for people who have been dissatisfied with the

response that we in fact made. It is speculation and we are where we are now. I suspect there will still be people who are dissatisfied.

- 52. Hopefully the work of the Inquiry and what comes out of it will lead to acknowledgement of past abuse from organisations and care givers. Hopefully organisations who were culpable in terms of the issues arising from, and the factors contributing to, the historical abuse of children in care will not only acknowledge past failings but will also provide some sort of appropriate redress.
  
- 53. There have been a good number of initiatives in the last ten to twenty years but clearly they have not fully satisfied the needs of people for acknowledgement and redress, so we just have to keep going.

**Other information**

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

Signed.....  .....

Dated..... 02 December 2020 .....