SCOTTISH CHILD ABUSE INQUIRY

RESPONSE TO SECTION 21 NOTICE — DAUGHTERS OF CHARITY OF ST VINCENT DE PAUL

PART C

ESTABLISHMENT: SMYLLUM PARK SCHOOL, LANARK

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

Past

i. Was there national policy/guidance relevant to the provision of residential care for children?

When Smyllum was opened in 1864 until its closure in 1981, the Daughters of Charity had no national policies or written guidelines relevant to the provision of residential care for children.

Prior to 1937, the Poor Law (Scotland) Act 1845 provided the legal basis authorising the provision of poor houses. There is no written evidence to confirm this, but it is assumed that the homes run by the organisation were subject to and compliant with this Act.

From 1937, the Children and Young Person (Scotland) Act 1937 applied, and provided the authorisation for the provision of residential care in Scotland, including that of voluntary homes supported wholly or partly by voluntary contributions.

Under this Act, the person in charge of the voluntary home had a duty to send information about the home to the Secretary of State within 3 months after commencement of the Act. The Secretary of State would then have a right to inspect the home from time to time. If the Secretary of State felt that the management of any voluntary home, the accommodation provided or the treatment of the children and young person would endanger their welfare he could serve general or special directions on the person managing the home.

In 1948 the Children Act came into force. This Act applied to England, Wales and Scotland and provided for compulsory registration of voluntary homes. Section 29 provides that after the end of the year in

1948 voluntary homes would not be permitted to operate unless they were registered. The register was kept by the Secretary of State who had some power in relation to regulation of the homes. They were able to create regulations as the conduct of voluntary homes. Any legal or regulatory requirements would have been set down by the Secretary of State.

ii. If so, to what extent was the organisation aware of such?

Although there is no archival evidence to show the exact extent to which the organisation was aware of its duties in this regard, there is no evidence within the archives or from surviving Sisters to suggest that the Organisation did not comply with all regulations as set out in the Acts outlined above.

On many occasions Social Workers, Catholic Child Welfare representatives, Health Board officials, etc. inspected the establishments annually and often commented in writing on the wellbeing of the child(ren) visited.

In 1964 the Organisation was recognised by the Charity Commission (Reg. No. 236803) and thus complied with all Charity Law from that date on. Audited reports are submitted on an annual basis.

- iii. If there was national policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?
 - Child welfare (physical and emotional)
 - Child protection
 - Complaints handling
 - Whistleblowing
 - Management of residential establishments

- Child migrants
- Record retention
- Recruitment and training of residential care staff
- Requiring employers to divulge details of complaints etc. to prospective employers
- Reviewing a child's continued residence at a residential establishment

As stated in 4.1.ii the Organisation was accountable to the Secretary of State, local authorities, social workers, health board officials, etc and thus very aware of its responsibility for the welfare of all children in its establishments.

There is no archival record of any policy / written guidance for any of the above named aspects of care provision, and the surviving Sisters who worked in Smyllum state that they never saw any such documents.

Also Sisters who held posts of responsibility at a national (Province) level state that no such written policies existed during the lifespan of the establishment. However, Provincial Councillors, with experience of Child care visited the care establishments on a regular basis to ensure child welfare and protection and general good management of the Homes. Verbal reports on each Home were given at Provincial Council meetings.

Social workers in conjunction with the establishment reviewed a child's continued residence. No written evidence of this has been retained by the establishment, but may reside with the local authorities from where the child came.

iv. If the organisation was aware of such, did they give effect to that policy/quidance?

As stated above, the organisation through the Provincial Councillor responsible for child care throughout the Province had frequent meetings with the local superior and made regular visits to the establishment to ensure that all child care practices were up to date and complied with. However, there is no archival evidence regarding this.

Please refer to answer in 4.1iii

v. If so, how was effect given to such policy/guidance?

Please refer to answer in 4.1 1ii /iii

vi. If not, why not?

Please refer to answer in 4.1ii/iii

Present

vii. With reference to the present position, are the answers to any of the above questions different?

As the organisation no longer cares for children, this question is not applicable.

viii. If so, please give details.

N/A

4.2 Local Authority

Past

i. Was there local authority policy/guidance relevant to provision of residential care for children?

Please refer to answer in 4.1 1ii /iii

ii. If so, to what extent was the organisation aware of such?

Please refer to answer in 4.1 1ii /iii

iii. If there was local authority policy/guidance in respect of any of the following in relation to provision of residential care for children, to what extent was the organisation aware of such?

- Child welfare (physical and emotional)
- Child protection
- Complaints handling
- Whistleblowing
- Management of residential establishments
- Child migrants
- Record retention
- · Recruitment and training of residential care staff
- Requiring employers to divulge details of complaints etc. to prospective employers
- Reviewing a child's continued residence at a residential establishment

Please refer to answer in 4.1 1ii /iii

iv. If the organisation was aware of such, did they give effect to that policy/guidance?

Please refer to answer in 4.11ii /iii

v. If so, how was effect given to such policy/guidance?

Please refer to answer in 4.11ii /ii

vi. If not, why not?

Please refer to answer in 4.1 1ii /iii

Present

vii. With reference to the present position, are the answers to any of the above questions different?

As all the establishments have closed this question is not applicable

viii. If so, please give details.

N/A

4.3 Admissions

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to admission of children to the establishment?

The organisation/establishment had no written policies/procedures re admission of children.

However, from archival documentation it is clear that Smyllum was opened for children from Catholic families, in order to provide them with a Catholic upbringing and religious education. The procedure of recording a child's Date of Baptism as well as Date of Birth and Date of Admission is evident from the records.

Prior to the early 1960s, the children lived in very large groups divided on the basis of age and sex, with approximately three groups of boys and three of girls as well as a nursery group.

From the early 1960s, when children were admitted great efforts were made to ensure that siblings were kept in the same 'family group home' of which there were six. There were approximately 20 children in each Group. All the Sisters who worked in Smyllum during those years speak of having families ranging from babies to teenagers within their Group.

ii. Was there a particular policy and/or procedural aim/intention?

The unwritten aim/intention was to provide care, education and a Catholic upbringing for Catholic children unable to remain at home for a variety of reasons.

From the 1960s, the intention was also to provide accommodation and care which resembled as close as possible to family living. This was accomplished as stated above by keeping siblings together and having smaller group homes within the large establishment.

iii. Where were such policies and/or procedures recorded?

All procedures were unwritten

iv. Who compiled the policies and/or procedures?

The local superior was responsible for implementing these although, as stated above, they were not recorded in writing.

v. When were the policies and/or procedures put in place?

The unwritten policy/procedure regarding the admission of Catholic children was in place when Smyllum opened in 1864.

Keeping siblings in family units was established in the early 1960s when the large establishment was renovated to make smaller 'family group homes' each with its own name and staff.

vi. Do such policies and/or procedures remain in place?

As all the establishments have closed this question is not applicable

vii. Were such policies and/or practices reviewed?

From the Sisters who worked in Smyllum it is evident that the local superior discussed and reviewed procedures & practices with them on a regular basis, however this is no written record of these meetings. For example, Sisters speak of discussing the possibility of cooking meals for their own groups of children which were situated in the large house. This was thought favourable and in time renovations were made to the property to allow kitchens to be provided in each group.

viii. If so, what was the reason for review?

To ensure that the best quality of care was given to the children and to increase the sense of normality in their lives.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

The major change throughout the lifespan of Smyllum was from very large groups of children segregated by age and sex, to smaller family groups as stated in 4.3 (a) i / ii

x. Why were changes made?

Changes were made to enhance the environment and improve the quality of care by attempting to replicate, as closely as possible family life. For example, each group of children was provided with bedrooms

to accommodate three to four children as well as a sitting room and dining room. This made the environment much more homely and personal for the children

- xi. Were changes documented?
- xii. Was there an audit trail?

Present

xiii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xiv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to the admission of children to the establishment? Yes

ii. How was the adherence demonstrated?

As stated in 4.3 (a) i, the procedure of recording a child's Date of Baptism as well as Date of Birth and Date of Admission is evident from archival records / admission registers.

As also stated in 4.3 (a) i, the surviving Sisters who worked in Smyllum speak of the great efforts that were made in order to keep siblings together in the same 'family group home' when admitted.

iii. How can such adherence be demonstrated to the Inquiry?

There is archival evidence in admissions registers of children's Dates of Baptism.

Also Sisters who worked in Smyllum state clearly that every effort was made to keep siblings together, and they can identify brothers and sisters in group photographs reserved in the archives.

iv. Were relevant records kept demonstrating adherence?

Please refer to answer above in 4.3(b) iii

v. Have such records been retained?

Please refer to answer above in 4.3(b) iii

vi. If policy/procedure was not adhered to in practice, why not?

N/A

vii. If policy/procedure was not adhered to in practice, what was the practice?

N/A

Present

viii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

ix. If so, please give details.

N/A

4.4 Day to Day

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to the day to day running of the establishment?

There is no archival evidence of written policies and all Sisters who worked in Smyllum confirm that there were no written policies / procedures re the day to day running of the establishment.

The Sisters who worked in Smyllum state that the overall day to day running of the establishment was the responsibility of the local superior, but each Sister working in child care, was responsible for the smooth day to day running of her own 'family group home' in all its aspects – from getting the children up in the morning, going to school, providing meals, having times of play / recreation and putting the children to bed at night. Whilst the children were at school the Sisters, along with other members of staff cared for children under school age as well as undertaking the general household work of cleaning, laundry, etc.

ii. Was there a particular policy and/or procedural aim/intention?

The aim/intention was to provide the children with a safe, secure and happy environment in which to live and grow.

iii. Where were such policies and/or procedures recorded?

They were not recorded as policies/procedures, however the Sisters do refer to log books in which they recorded daily activities.

iv. What did the policies and/or procedures set out in terms of the following?

Activities for children

There were no written policies/procedures; however the Sisters who worked in Smyllum speak of the extensive grounds, fields, etc in which the children spent many hours playing.

The children from all the different groups played together in this safe environment. Play equipment, (swings, etc) were within the grounds also for children to play on as well as ample room for the boys to play football.

Several members of staff monitored the children at all times, yet the children had a sense of freedom as the grounds were so extensive. Smyllum also had brownies, Girl Guides and Scout Groups as well as a Brass Band.

Off-site activities for children including trips, holidays and visits to family

There were no written policies/procedures, however from the evidence of Sisters who worked in Smyllum and from photographs, it is clear that every group of children spent two weeks holiday in a variety of places, mostly by the sea.

The Sisters also speak of outings to Faslane Navy Base, as well as regular visits to the cinema in Lanark, shopping trips, visits to school friends, etc.

Schooling/education

There were no written policies/procedures, but the Sisters who worked in Smyllum state that every school age child attended either St. Mary's Primary School within the grounds of Smyllum or one of the secondary schools situated in Lanark, Motherwell and Wishaw.

Homework was done before or after the evening meal.

Discipline

There were no written policies/procedures, however from the evidence of Sisters who worked in Smyllum it is clear that all matters relating to discipline rested with the Sisters in charge of the group homes. Depriving a child of watching TV, playing outside or from going to the shops on a Saturday were common methods of discipline used by the Sisters. On rare occasions, where matters required it, the local superior would become involved.

v. Who compiled the policies and/or procedures?

The local superior in conjunction with the Sisters who had responsibility for the groups of children ('House Mothers')

vi. When were the policies and/or procedures put in place?

The surviving Sisters who worked in Smyllum from the late 1950s onwards recall procedures being put in place. There are no surviving Sisters from before the late 1950s.

vii. Do such policies and/or procedures remain in place

The Organisation no longer cares for children

viii. Were such policies and/or practices reviewed?

Sisters who worked in Smyllum state that when a new local superior was appointed or re-appointed, practices were reviewed. This occurred every three years.

ix. If so, what was the reason for review?

The reason for review was to ensure that best practice in the care of children was employed and that the establishment was keeping abreast with developments in child care.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

The change from large groups of children segregated by age and sex into smaller family groups where families were kept together was the major change.

Parallel to this was the increase in the number of lay staff employed in order to lower the ratio of children to staff, bring it down to 5 or 6 children to one member of staff. Previously to this the ratio had been approximately 10-12 children to one member of staff.

xi. Why were changes made?

Due to a greater knowledge and understanding of child development with particular reference to children in care. This was in part due to the training in child care undertaken by Sisters and also the arrival of an innovative local superior in the early 1960s who had vast experience of child care.

xii. Were changes documented?

There is photographic archival material showing children in the smaller family group homes and with their siblings.

xiii. Was there an audit trail?

No

Present

xiv. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xv. If so, please give details.

N/A

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures relating to the day to day running of the establishment?

Please refer to answer in 4.4 (a) i

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?
 - Activities for children
 - Off-site activities for children including trips, holidays and visits to family
 - Schooling

Education

Please refer to answer in 4.4 (a) i

iii. How was adherence demonstrated?

Please refer to answer in 4.4 (a) i

iv. How can such adherence be demonstrated to the Inquiry?

As there were no written policies/procedures this cannot be demonstrated, however, from archival material, photographs and statements of Sisters who worked in the establishments there is evidence of activities, on and off-site, including trips and holidays.

v. Were relevant records kept demonstrating adherence?

There is photographic evidence of days out and holidays but no written records. Surviving Sisters speak of keeping a Log Book which included activities, but none of these have been retained.

- vi. Have such records been retained?

 Photographs of children on holiday and at play have been retained.
- vii. If policy/procedure was not adhered to in practice, why not?

N/A

viii. If policy/procedure was not adhered to in practice, what was the practice?

Please refer to answer in 4.4 (b) iv

Present

ix. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

x. If so, please give details.

N/A

4.5 Children

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to caring for children at the establishment?

There is no archival evidence of written policies and all Sisters who worked in Smyllum confirm that there were no written policies / procedures in relation to caring for children at the establishment.

However, during the 1960s the local superior was very keen for the Sisters directly involved in child care to undertake the new one year course in childcare and thus it became customary for Sisters who worked in Smyllum to undertake this course either in Langside College, Glasgow or in London. Several Sisters who worked in Smyllum, left for a year to complete the Course then returned to take responsibility for a family group home.

In 1966, a lay member of staff was seconded to do the child care Course in Langside College, after which she returned to Smyllum and became the first lay member of staff to have responsibility for a family group home.

ii. Was there a particular policy and/or procedural aim/intention?

The aim/intention was to provide the children with a safe, secure and happy environment in which to live and grow.

- iii. Where were such policies and/or procedures recorded?
- iv. What did the policies and/or procedures set out in terms of the following?
 - Safeguarding

٧.

Although there were no written policies/procedures, it is evident from speaking with the surviving Sisters who worked in Smyllum that everything possible was done during the day to day to ensure that the children were kept safe and lived as normal a life as possible within the setting of a Children's Home.

Child Protection

Please refer to the answer above in 4.5(a) Safeguarding

Medical care

There were no written policies/procedure, however there was a Sister (a trained nurse) available 24 hours a day for any medical need that arose. A doctor and/or a nurse routinely carried out a weekly visit to the home. The trained Sister kept the children's medical records and compiled a list of children who required to see the local nurse and /or doctor during their weekly visits.

The surviving Sisters also confirm that children visited the local dentist when required.

Children's physical wellbeing

There were no written policies/procedures. Please refer to above answer immediately above (Medical Care)

Children's emotional and mental wellbeing

There were no written policies/procedures, but the Sisters speak of trying to comfort the children when they were upset which happened regularly, especially at weekends when promised visits from parents did not materialise.

vi. Who compiled the policies and/or procedures?

There were no written policies/procedures, but the local superior in conjunction with the Sisters responsible for the care of the children put into practice all the unwritten procedures mentioned in the previous answers.

vii. When were the policies and/or procedures put in place?

There is no evidence of written policies, but unwritten procedures evolved throughout the lifespan of Smyllum, many of which can be confirmed by the Sisters who worked there during the 1960s and 1970s.

viii. Do such policies and/or procedures remain in place?

N/A

ix. Were such policies and/or practices reviewed?

Yes

x. If so, what was the reason for review?

As stated in 4.4(a) ix, the reason for review was to ensure that best practice in the care of children was employed and that the establishment was keeping abreast with developments in child care.

xi. What substantive changes, if any, were made to the policies and/or procedures over time?

As stated in 4.4(a)x, the change from large groups of children segregated by age and sex into smaller family groups where families were kept together was the major change and affected all aspects of the children's lives.

xii. Why were changes made?

As stated in 4.4(a)xi, due to a greater knowledge and understanding of child development with particular reference to children in care. This was in part due to the training in child care undertaken by Sisters and also the arrival in 1963 of an innovative local superior who had vast experience of child care.

xiii. Were changes documented?

No

xiv. Was there an audit trail?

No

Present

xv. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xvi. If so, please give details.

N/A

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures relating to the care of children at the establishment?

There is no archival evidence of written policies and all surviving Sisters who worked in Smyllum confirm that there were no written policies / procedures in relation to the care of children at the establishment.

Unwritten procedures were monitored by the local superior, who, as stated by Sisters who worked there, visited each family group home on a regular basis and spoke regularly to the Sisters in child care about the quality of care being given to the children.

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?
 - Safeguarding
 - Child Protection
 - Medical care
 - Children's physical wellbeing
 - Children's emotional and mental wellbeing

Please refer to answer above in 4.5(a) i & 4.5(b) i

iii. How was adherence demonstrated?

Please refer to answer above in 4.5(a) i & 4.5(b)i

iv. How can such adherence be demonstrated to the Inquiry?

As there were no written policies/procedures this cannot be demonstrated, however, from archival material, photographs and statements of Sisters who worked in the establishments there is evidence of activities, on and off-site, including trips and holidays. There is no evidence of visits to families, though family members were encouraged to visit, but sadly this did not occur frequently.

v. Were relevant records kept demonstrating adherence?

There is photographic evidence and Sisters who worked in the establishment confirm the above.

vi. Have such records been retained?

Yes

vii. If policy/procedure was not adhered to in practice, why not?

All the surviving Sisters believe that procedures were adhered to.

viii. If policy/procedure was not adhered to in practice, what was the practice?

N/A

Present

ix. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

x. If so, please give details.

N/A

4.6 Staffing

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in relation to staffing at the establishment?

There were no written policies or procedures.

The organisation sent Sisters who showed an interest in the care of children, were experienced in child care or who the Provincial Council assessed as having the qualities suitable for this work.

From the early 1960s the local superior sought and interviewed lay staff to work alongside the Sisters, in order to provide each group of 20 children with a Sister and two to three staff. Previous to this, the ratio of children to staff was much higher.

ii. Was there a particular policy and/or procedural aim/intention?

The unwritten aim was to employ lay staff of good character that appeared enthusiastic and suitable to care for children. Often these young women were recommended by Parish Priests, colleagues or Sisters living & working pastorally in other places. On many occasions, the local superior met with the parents of the young women before confirming the employment.

All Sisters, when entering the Organisation (the Daughters of Charity) were interviewed and came with references and many had already been in the employment of the Organisation. Also they had all undergone at least two years of initial training with the Organisation before embarking upon the next stage of their careers to work in Smyllum.

iii. Where were such policies and/or procedures recorded?

No. Please refer to answer in 4.6(a) i

- iv. What did the policies and/or procedures set out in terms of the following?
 - Pre-employment checks

The unwritten procedure was for the local superior to employ young women recommended by parish priests or others as well as meeting with the young women herself and often her parents. Sisters coming to Smyllum had already been vetted before entering the Daughters of Charity (please see above in 4.6(a)ii)

Recruitment

Please refer to the answer immediately above.

Induction

The Induction Programme took place 'on the job'; the Sisters who worked in Smyllum state that they inducted a new member of staff within their own 'family group' home. The new member of staff shadowed the Sister responsible for the group of children for the first few weeks on employment, in order to gain an understanding of the daily routine and the personal needs of each child within the group.

Transfer of staff to or from other establishments within or outwith the organisation

No lay member of staff was ever transferred from one establishment to another within or outwith the Organisation, however, all Sisters were moved from one establishment within the Organisation to another as needs arose. The Sister Provincial and her Council considered the most suitable Sister to fill a particular post and that Sister was then consulted and moved.

References

Verbal recommendations/references were sought from parish priests, head teachers, etc.

Appraisal/supervision

Appraisal/supervision was undertaken informally and not recorded. The lay staff were accountable to the Sister in their group, and the Sisters to the local superior.

Training

From the early 1960s onwards, Sisters holding post of responsibility were trained in child care, often being seconded for a year in order to undertake the course. It was in 1967 that the first lay member of staff was seconded from Smyllum by the Organisation to undertake this course.

Other members of staff were effectively trained on the job.

Personal/Professional development

Please refer to the answer immediately above.

Disciplinary actions

The Sisters who worked in Smyllum state that they cannot ever recall any disciplinary action being required.

Had it been so, the unwritten procedure was for the Sister to deal with it directly with the staff member. If the situation was not resolved, it would be referred to the local superior who would interview the member of staff involved.

Had the situation been that a Sister required to be disciplined, the local superior would deal directly with her.

Dismissal

There were no written policies or procedures for this and the Sisters working in Smyllum cannot recall any member of staff being dismissed.

v. Who compiled the policies and/or procedures?

There were no written policies/procedures, but the local superior in conjunction with the Sisters responsible for the care of the children, put

into practice all the unwritten procedures mentioned in the previous answers.

vi. When were the policies and/or procedures put in place?

There is no evidence of written policies, but unwritten procedures evolved throughout the lifespan of Smyllum, many of which can be confirmed by the Sisters who worked there during the 1960s and 1970s.

vii. Do such policies and/or procedures remain in place?

N/A

viii. Were such policies and/or practices reviewed?

Yes

ix. If so, what was the reason for review?

As stated in 4.4(a) ix, the reason for review was to ensure that best practice in the care of children was employed and that the establishment was keeping abreast with developments in child care.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

The most substantive change was the availability and attendance at child care courses at colleges from the 1960s onwards.

xi. Why were changes made?

In order to keep abreast with the growing knowledge and understanding of child development with particular reference to children in care and to put this knowledge and understanding into practice through the training of Sisters who were responsible for the groups of children. Later, lay staff also undertook such courses.

xii. Was there an audit trail?

All who trained had the qualification / certificate from the college they attended. Some of the surviving Sisters have retained their certificates.

Present

xiii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xiv. If so, please give details.

N/A

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to staffing at the establishment?

There is no archival evidence and all Sisters who worked in Smyllum confirm that there were no written policies / procedures in relation to staffing at the establishment.

Surviving Sisters confirm that the unwritten procedures as mentioned above in 4.6(a)iv were adhered to.

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?
 - Pre-employment checks

The local superior adhered to the unwritten procedures as outlined in 4.6 (a) iv

Recruitment

The local superior adhered to the unwritten procedures as outlined in 4.6 (a) iv

Inductions

The Sisters responsible for the various 'family group home' within the establishment adhered to the unwritten procedures as outlined in 4.6 (a) iv

Transfers to and from other establishments within or outwith the organisation

Yes – please refer to answer in 4.6 (a) iv

References

Yes – please refer to answer in 4.6 (a) iv

Appraisals/Supervision

Yes – please refer to answer in 4.6 (a) iv

Training

Yes – please refer to answer in 4.6 (a) iv

Personal/Professional development

Yes - please refer to answer in 4.6 (a) iv

Disciplinary actions

Yes – please refer to answer in 4.6 (a) iv

Dismissal

Please refer to answer in 4.6(b) i

iii. How was adherence demonstrated?

Please refer to answers in 4.6 (b) I / ii

iv. How can such adherence be demonstrated to the Inquiry?

As there were no written policies/procedures, there is no archival record to show adherence, however the surviving Sisters who worked in Smyllum can verify adherence to the unwritten procedures in relation to staffing at the establishment.

v. Were relevant records kept demonstrating adherence?

Please refer to answer in 4.6(b) iii

vi. Have such records been retained?

As there were no written policies/procedures, this question is not applicable

vii. If policy/procedure was not adhered to in practice, why not?

All unwritten procedures were adhered to as outlined above

Present

viii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

ix. If so, please give details.

N/A

- 4.7 Visitors
- (a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to visitors to the establishment?

There is no archival evidence of written policies/procedures and all surviving Sisters who worked in Smyllum confirm that there were no written policies / procedures in relation to visitors at the establishment.

ii. Was there a particular policy and/or procedural aim/intention?

Please refer to answer above in 4.7(a) i

The surviving Sisters who worked in Smyllum state that visitors were encouraged and always made welcome, the intention being to provide the children with as inclusive an environment as possible and to help prevent the children feeling isolated.

The children's' parents/families were always encouraged to visit, however this seldom came to fruition.

iii. Where were such policies and/or procedures recorded?

Please refer to answer in 4.7(a) i

iv. Who compiled the policies and/or procedures?

Unwritten procedures were agreed between the local superior and the Sisters responsible for the 'family group homes'.

v. When were the policies and/or procedures put in place?

The unwritten policy of welcoming visitors was present throughout the lifespan of Smyllum, and from the surviving Sisters, it is known that visitors were encouraged to visit the family groups when established in the 1960s to replicate what happens in families so far as possible.

vi. Do such policies and/or procedures remain in place?

N/A

vii. Were such policies and/or practices reviewed?

Yes

viii. If so, what was the reason for review?

As stated in 4.4(a) ix all procedures were reviewed as the knowledge and understanding of child development with particular reference to children in care evolved.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

No substantive changes were made over time, as the custom of welcoming visitors remained until the establishment closed, however, as stated in 4.7(a)v from the 1960's onwards, a greater variety of visitors came to Smyllum.

x. Why were changes made?

From speaking with the surviving Sisters who worked in Smyllum, it would appear that societal changes influenced a greater openness in Children's Homes in general as well as a having a local superior who was highly experienced and forward thinking in relation to child care provision and child development.

- xi. Were changes documented?
- xii. Was there an audit trail?

Present

xiii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xiv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to visitors to the establishment?

There is no archival evidence of written policies and all Sisters who worked in Smyllum confirm that there were no written policies/procedures in relation to visitors at the establishment.

However, the Sisters state that visitors were always encouraged and welcomed for the reasons set out in 4.7(a)ii.

ii. How was adherence demonstrated?

When asked about the procedure in relation to visitors, all the Sisters who worked in Smyllum spoke of welcoming a variety of visitors to the family group homes.

iii. How can such adherence be demonstrated to the Inquiry?

From the statements of surviving Sisters who worked in Smyllum.

iv. Were relevant records kept demonstrating adherence?

No

v. Have such records been retained?

N/A

vi. If policy/procedure was not adhered to in practice, why not?

As stated above in 4.7(b)i visitors were always encouraged and welcomed.

Present

vii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

viii. If so, please give details. N/A

4.8 Volunteers

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to volunteers at the establishment?

There is no archival evidence of written policies and all Sisters who worked in Smyllum confirm that there were no written policies/procedures in relation to volunteers at the establishment.

However, volunteers including students for the priesthood were welcomed in order to supplement the staffing during school holidays when a broader variety of activities could be offered to the children.

ii. Was there a particular policy and/or procedural aim/intention?

There was no policy/procedure; however, the Sisters who worked in Smyllum confirm that the intention of having some young men volunteering especially during the summer was in order to be with the older boys when playing football, on the beach, etc. thus providing a

more masculine influence on the older boys in a heavily femaleweighted staff environment. Also as stated above in 4.8(a) i, having volunteers provided more variety of activities for the children in general.

iii. Where were such policies and/or procedures recorded?

As there were no written policies/procedures, this question is not applicable.

iv. Who compiled the policies and/or procedures?

The unwritten procedure was agreed between the local superior and the Sisters responsible for the family group homes.

v. When were the policies and/or procedures put in place?

It is unknown, however by the 1960's it is known that volunteers did come to Smyllum especially during the summer.

vi. Do such policies and/or procedures remain in place?

As the establishment is closed this question is not applicable

vii. Were such policies and/or practices reviewed?

Yes, regularly by the local superior in conjunction with the Sisters responsible for the groups of children

viii. If so, what was the reason for review?

To ensure that the best possible use of volunteers.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

No substantive changes are known to have been made.

x. Why were changes made?

xi. Were changes documented?

xii. Was there an audit trail?

Present

xiii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xiv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to volunteers at the establishment?

Yes

ii. How was adherence demonstrated?

By the fact that Sister verify that volunteers did in fact spend several weeks during the summer in Smyllum helping with the children.

iii. How can such adherence be demonstrated to the Inquiry?

Through the statements of the Sisters who worked in Smyllum.

- iv. Were relevant records kept demonstrating adherence?
- v. Have such records been retained? N/A
- vi. If policy/procedure was not adhered to in practice, why not?

N/A

Present

vii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

viii. If so, please give details.

N/A

4.9 Complaints and Reporting

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in relation to complaints and reporting at the establishment?

There is no archival evidence of written policies and/or procedures in relation to complaints and reporting, and the Sisters who worked in Smyllum state they have no knowledge of any complaints being made.

They do however state that the unwritten procedure in place was the following:

Had there been a complaint about a member of the child care staff, the Sister in charge of that particular family group home would have dealt with the complaint initially.

If she could not resolve the issue or if it was of a serious nature, it would have been passed on to the local superior who had overall responsibility for all staff in Smyllum.

Any complaint against housekeeping staff would have gone directly to the local superior.

The local superior would have thoroughly investigated the complaint and if necessary would have informed the Provincial Councillor.

In turn, the Provincial Councillor would inform the Provincial who would initiate an investigation, undertaken by the Provincial Councillor or an independent person and receive a written report on this.

If necessary, the Provincial would discuss this report with the Provincial Council before making a decision or giving recommendations.

No allegations of abuse were sent directly to the Daughters of Charity - all were made (between1998-2000) to one particular solicitor who appears to have provided each complainant with an identical questionnaire to be completed. The completed questionnaire was sent by the claimant's solicitor to the solicitor acting for the Organisation, who in turn informed the Organisation of the allegation.

ii. Was there a particular policy and/or procedural aim/intention?

Please refer to answer above 4.9(a) i

iii. Where were such policies and/or procedures recorded?

Please refer to answer above 4.9(a) i

- iv. What did the policies and/or procedures set out in terms of the following?
 - Complaints by children
 - · Complaints by staff
 - Complaints by third persons/family of children
 - Whistleblowing
 - Support, including external support, for those who made complaint or those who were the subject of complaint
 - Response to complaints (including response by organisation and/or establishment)
 - External reporting of complaints

Please refer to the answer in 4.9(a) i

v. Who compiled the policies and/or procedures?

The local superior in conjunction with the Sisters responsible for the groups of children

- vi. When were the policies and/or procedures put in place?
 - Surviving Sisters confirm that procedures were in place in the late 1950s but cannot confirm anything prior to this.
- vii. Do such policies and/or procedures remain in place?
- viii. Were such policies and/or practices reviewed?

Yes

ix. If so, what was the reason for review?

This was to ensure the well-being and safety of the children.

x. What substantive changes, if any, were made to the policies and/or procedures over time?

None are known to have been made during the lifespan of the establishment

xi. Why were changes made?

xii. Were changes documented?

xiii. Was there an audit trail?

Present

xiv. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to complaints and reporting at the establishment?

As stated in 4.9 (a)i, none of the Sisters who worked in Smyllum can recall a complaint ever being made during their time there and there is no recorded evidence of any complaints. Thus it is impossible to answer this question.

ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

Please refer to the answer above in 4.9(b)ii

- Complaints by children
- Complaints by staff
- Complaints by third persons/family of children
- Whistleblowing
- Support, including external support, for those who made complaint or those who were the subject of complaint
- Response to complaints (including response by organisation and/or establishment)
- External reporting of complaints
- iii. How was adherence demonstrated?
 N/A according to surviving Sisters, no complaints were made during the lifetime of the establishment.
- iv. How can such adherence be demonstrated to the Inquiry? N/A see response to 4.9(b)i above
- v. Were relevant records kept demonstrating adherence?
 N/A
- vi. Have such records been retained?
 N/A
- vii. If policy/procedure was not adhered to in practice, why not?

Present

viii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

ix. If so, please give details.

N/A

4.10 Internal Investigations

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in place in respect of internal investigations relating to the establishment?

There is no archival evidence of written policies and all Sisters who worked in Smyllum confirm that there were no written policies / procedures in respect of internal investigations relating to the establishment. In addition, none of the Sisters who worked in Smyllum can recall an internal investigation taking place.

Had there been reason to have an internal investigation, the local superior would have undertaken the initial investigation and then reported her findings to the Provincial Councillor. If necessary this would have been discussed and a decision taken at a Provincial council meeting chaired by the Provincial. This was the custom within the organisation nationally for all its services.

If the investigation was of a serious matter, the local authority would have been informed.

ii. Was there a particular policy and/or procedural aim/intention?

To ensure the well-being and safety of the children.

- iii. Where were such policies and/or procedures recorded?
- iv. What did the policies and/or procedures set out in terms of the following?
 - Approach to/process of internal investigations
 - Identifying lessons/changes following internal investigations
 - Implementation of lessons/changes following internal investigations
 - Compliance
 - Response (to child and abuser)

- Response to complaints (including response by organisation and/or establishment)
- External reporting following internal investigations

•

Please refer to the answer above in 4.10(a)i

v. Who compiled the policies and/or procedures?

The Provincial and the Provincial Council were responsible for Organisational ('Province') procedures, which were personalised for each establishment by the Provincial Councillor in conjunction with the local superior of each establishment.

vi. When were the policies and/or procedures put in place?

When each establishment was opened.

- vii. Do such policies and/or procedures remain in place?
- viii. Were such policies and/or practices reviewed?
- ix. If so, what was the reason for review?

To ensure best practice

x. What substantive changes, if any, were made to the policies and/or procedures over time?

There is no evidence of substantial changes during the lifespan of the establishment.

- xi. Why were changes made?
- xii. Were changes documented?
- xiii. Was there an audit trail?

Present

xiv. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

xv. If so, please give details.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in respect of internal investigations relating to the establishment?

As there is no written documentation of any such investigation, or any memory of one from the Sisters who worked in Smyllum, it is impossible to answer this question.

ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of the following?

As there is no written documentation of any such investigation, or any memory of one from the Sisters who worked in Smyllum, it is impossible to answer this question.

- Approach to/process of internal investigations
- Identifying lessons/changes following internal investigations
- Implementation of lessons/changes following internal investigations
- Compliance
- Response (to child and abuser)
- Response to complaints (including response by organisation and/or establishment)
- External reporting following internal investigations
- iii. How was adherence demonstrated? N/A
- iv. How can such adherence be demonstrated to the Inquiry?N/A
- v. Were relevant records kept demonstrating adherence?
- vi. Have such records been retained?

N/A

vii. If policy/procedure was not adhered to in practice, why not?

Present

viii. With reference to the present position, are the answers to any of the above questions different?

As all these establishments have closed this question is not applicable

ix. If so, please give details.

4.11 Child Migration

As the organisation was not involved in child migration in any of its establishments, this section is not applicable

(a) Policy

Past

- i. What policies and/or procedures did the organisation/establishment have in place in relation to child migration?
- ii. Was there a particular policy and/or procedural aim/intention?
- iii. Where were such policies and/or procedures recorded?
- iv. What did the policies and/or procedures set out in terms of the following?
 - Identification and checking the suitability of the places where children were sent
 - Selection of children to migrate including age, gender and background
 - Provision of information to the child and/or his/her parents before migration
 - Provision of information and records to children and/or their parents once child had been migrated
 - · Obtaining consent of child
 - Obtaining consent of parents of child
 - Obtaining of consent of others e.g. Secretary of State
 - Responding to requests for information from former child migrants
 - Other issues
- v. Who compiled the policies and/or procedures?

- vi. When were the policies and/or procedures put in place?
- vii. Were such policies and/or practices reviewed?
- viii. If so, what was the reason for review?
- ix. What substantive changes, if any, were made to the policies and/or procedures over time?
- x. Why were changes made?
- xi. Were changes documented?
- xii. Was there an audit trail?

Present

- xiii. With reference to the present position, are the answers to any of the above questions different?
- xiv. If so, please give details.

(b) Practice

Past

- i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to child migration?
- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of child migrants relating to the following?
 - Identification and checking the suitability of the places where children were sent
 - Selection of children to migrate including age, gender, background
 - Provision of information to the child and/or his/her parents before migration
 - Provision of information and records to children and/or their parents once child had been migrated
 - Obtaining consent of child
 - Obtaining consent of parents of child
 - Obtaining of consent of others e.g. Secretary of State
 - Responding to requests for information from former child migrants
 - Other issues
- iii. How was adherence demonstrated?
- iv. How can such adherence be demonstrated to the Inquiry?
- v. Were relevant records kept demonstrating adherence?
- vi. Have such records been retained?
- vii. If policy/procedure was not adhered to in practice, why not?
- viii. How many children were sent as child migrants from the organisation's establishments, and where were they sent?
- ix. What was their age and gender?
- x. Over what time period were children migrated from the organisation's establishments?
- xi. Who funded the child migration?

- xii. Who received the funding in relation to migrant children?
- xiii. In general terms, how much was this funding?
- xiv. How did the organisation/establishment respond to requests for information from former child migrants?

Present

- xv. With reference to the present position, are the answers to any of the above questions different?
- xvi. If so, please give details.
- xvii. In hindsight, does the organisation have a view on policies/procedures that were in place in relation to child migration?
- xviii. If the organisation accepts that such policies or procedures were flawed, has the organisation provided a specific response e.g. apology, redress or any other type of response?

4.12 Records

(a) Policy

Past

i. What policies and/or procedures did the organisation/establishment have in relation to record keeping?

There is no archival evidence of written policies and all Sisters who worked in Smyllum confirm that there were no written policies / procedures in relation to record keeping at the establishment.

However there is archival evidence of Admission Registers.

Also the Sisters who worked in Smyllum speak of medical records for each child being kept but records have not been preserved.

ii. Was there a particular policy and/or procedural aim/intention?

The unwritten procedural aim was to ensure that records were kept of all children who came to Smyllum and that all medical records were kept up to date to assist the weekly visits from the local nurse and doctor. Some of the Sisters who worked in Smyllum refer to a logbook

in which daily happenings were recorded; however there is no archival evidence of this.

iii. What did the policies and/or procedures set out in terms of records relating to the following?

Children in its care

There were no policies; however there is archival evidence of Admission Registers which recorded a child's date of birth, date of baptism, date of entry to Smyllum and the local authority from where the child came.

Also the Sisters who worked in Smyllum talk of detailed medical records being kept on every child, however there is no archival evidence of this.

Staff

There is no written evidence of policies / procedures and no records relating to lay staff, however there are full records relating to all Sisters who worked in Smyllum.

Complaints

There is no written evidence of policies/procedures and no records relating to complaints.

Please also refer to answer in 4.9(a)i

Investigations

There is no written evidence of policies/procedures and no records relating to investigations. Please also refer to answer in 4.10(a)i

Discipline

There is no written evidence of policies/procedures and no records relating to discipline, thus this question cannot be answered

- Child migrants
 N/A. Please refer to statement in 4.11
- Responding to requests from former residents for information/records

There is no written evidence of policies/procedures relating to requests for information; however there is written evidence of all requests for information being acknowledged and information being shared when appropriate. On occasions restricted responses have been provided where there may be data protection issues

- Other issues
 There is no written evidence of policies/procedures.
- iv. Who compiled the policies and/or procedures?

Locally, the local superior in conjunction with the Sisters responsible for the groups of children.

Nationally, the Provincial Councillor in conjunction with local superior.

v. When were the policies and/or procedures put in place?With regard to children and staff, from the opening of Smyllum.

With regard to Sisters, from when they first entered the Daughters of Charity.

vi. Do such policies and/or procedures remain in place?

Re. children and staff this is not applicable.

Re Sisters, the answer is yes.

- vii. Were such policies and/or practices reviewed? Yes
- viii. If so, what was the reason for review?

In order to ensure that that what was being kept was necessary and meaningful.

ix. What substantive changes, if any, were made to the policies and/or procedures over time?

No substantive changes were made

- x. Why were changes made? N/A
- xi. Were changes documented?
- xii. Was there an audit trail?

Present

xiii. With reference to the present position, are the answers to any of the above questions different?

Yes, though it is noted again the organisation no longer provides care for children. Where there have been changes, these relate to care for the elderly.

xiv. If so, please give details.

Staff records are now kept for the prescribed number of years.

All staff must have a PVG certificate (Protecting Vulnerable Groups Scotland) / DBS (Disclosure and Barring Services England & Wales)
All records regarding safeguarding, discipline, grievances, dismissals, complaints, investigations, health & safety, etc are kept.

(b) Practice

Past

i. Did the organisation/establishment adhere in practice to its policy/procedures in relation to record keeping?

Yes.

- ii. Did the organisation/establishment adhere in practice to its policy/procedures in terms of record keeping relating to the following?
 - Children

Yes, in relation to Admissions Registers and Medical Records.

Staff

N/A. Please refer to answer in 4.6

Complaints

N/A. Please refer to answer in 4.9

Investigations

N/A. Please refer to answer in 4.10

Discipline

Please refer to answer in 4.4(a)iv and 4.12(a)iii. No records were kept in relation to discipline, and there was no policy or procedure to do so.

Child migrants

N/A. Please refer to answer in 4.11

Responding to requests from former residents for information/records

Yes. Please refer to answer in 4.9(a) i

Other issues

N/A.

- iii. How was adherence demonstrated?
 - Admissions Registers were kept and are archived.
 - Medical Records were kept but unfortunately not retained. This
 is confirmed by the Sisters who worked in Smyllum.
 - Records relating to Sisters were kept centrally in the Provincial office in London
- iv. Were relevant records kept demonstrating adherence?

Only in relation to Admissions Registers and the records of the Sisters

v. Have such records been retained?

Yes

vi. If policy/procedure was not adhered to in practice, why not?

There is evidence of compliance with an unwritten policy of recordkeeping thus no evidence of non-compliance.

vii. Did the establishment undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for at the establishment may have taken place?

There was no knowledge of or allegations of abuse during the lifespan of the establishment and thus no review took place before it closed. However, when the Organisation was informed of allegations between 1998 and 2000; it assisted the solicitor working on its behalf in every way possible by providing all information requested by him.

Records of all alleged abusers as well as records of all those alleging abuse were catalogued and filed in the Safeguarding Office of the Daughters of Charity which was established in 1996.

All surviving Sisters named in allegations were interviewed by the Provincial and other Sisters present at Smyllum have met with solicitors for the Order.

viii. If so, when did the reviews take place, what documentation is available, and what were the findings?

A file on each allegation was compiled between 1998-2000 and any subsequent request for information or information received added to the file.

In recent months (March – May 2017) further interviews took place by the solicitor acting on behalf of the organisation relating to their time at Smyllum. Signed statements of the interviews have been filed.

Given the age of the allegations and the paucity of evidence available the Order felt it inappropriate to reach any conclusion on the allegations.

ix. How have the outcomes of investigations been used to improve systems, learn lessons?

All Sisters are now in possession of a PVG (Scotland) / DBS (England & Wales)

All Sisters are in possession of and are knowledgeable of the Daughters of Charity Safeguarding Policy, which is reviewed, updated and signed regularly by the Trustees of the Daughters of Charity.

The Care Homes run by the Daughters of Charity (which do not care for children) are fully compliant with all regulations required. The registered manager of each home is responsible for all safeguarding training of her staff; each Home has a management board which monitors all policies and procedures.

In general, the Organisation is more acutely aware of the long term suffering of people who have been abused, especially as children. It is also acutely aware of its responsibility in the area of safeguarding and transfers this knowledge and understanding to the Services it provides today.

It has recently employed a second person to work in the Safeguarding Office in order to keep the Province updated with all aspects of safeguarding as well as ensuring high quality of training to all employees.

Safeguarding staff also attend national Safeguarding Meetings and Conferences. They also participate in meetings arranged by the Bishops' Conference in Scotland and the similar meeting in England & Wales.

x. What changes have been made?

Please refer to the answer above in 4.12(b) ix

xi. How are these monitored?

These are monitored in a variety of way – through reports to the Trustees, visits to Care Homes by Provincial Councillors and regular Management Meetings, regular updates for all Sisters at Provincial meetings by the Safeguarding Staff.

xii. Did the organisation/establishment afford former residents access to records relating to their time at the establishment?

During the lifespan of the establishment, this request was never made by any former resident.

However, all subsequent requests for information by former residents were responded to by the Archivist.

xiii. If so, how was that facilitated?

The Archivist provided and continues to provide as much information as possible relating to children who were in Smyllum received from the person him/herself or family members.

She searches records, provides dates, photocopies of names/dates from Admission Registers, sends copies of photographs, etc

This can be demonstrated through email correspondence retained for three years. On occasions restricted responses have been provided where there may be data protection issues.

xiv. If not, why not?

Present

xv. With reference to the present position, are the answers to any of the above questions different?

No

xvi. If so, please give details. N/A

- xvii. Please provide details of any records currently held relating to the establishment in respect of the following:
 - Children in its care Admissions Registers
 - Staff None
 - Complaints
 None. Please refer to 4.9(b)i
 - Discipline None. Please refer to 4.4(a)iv
 - Child Migrants N/A
 - Responding to requests from former residents for information/records
 As stated in 4.12(b) xiii, the archivist of the Daughters of Charity retains for three years, all correspondence relating to requests for information from people who were in Smyllum as a child or from one of their family members.