

1 Thursday, 2 November 2017

2 (10.00 am)

3 LADY SMITH: Good morning.

4 Mr MacAulay, the first witness?

5 MR MacAULAY: Good morning, my Lady. The first witness this
6 morning is Philip Dolan.

7 LADY SMITH: Thank you.

8 Good morning, Mr Dolan. Would you take the oath
9 please.

10 MR PHILIP DOLAN (sworn)

11 LADY SMITH: Please sit down and make yourself comfortable.

12 Mr MacAulay.

13 Questions from Mr MacAULAY

14 MR MacAULAY: My Lady.

15 Good morning Mr Dolan. Are you Philip Dolan?

16 A. I am Philip Dolan.

17 Q. I think you are now aged 81; is that correct?

18 A. Sorry?

19 Q. You are now 81 years of age?

20 A. I am.

21 Q. I think earlier this year you contacted the Inquiry to
22 see if you could assist the Inquiry because of your many
23 years of experience in working in childcare; is that
24 correct?

25 A. That is correct.

1 Q. And I think in fact, as you tell us in your statement,
2 you had almost 30 years' experience in working in local
3 authority childcare services.

4 A. That is correct.

5 Q. Before I look at the detail of that, Mr Dolan, can
6 I just go back a bit and look at your qualifications.
7 You tell us in your statement that you graduated from
8 Glasgow University in 1967.

9 A. That is correct.

10 Q. What degree did you --

11 A. That was the certificate in social services.

12 Q. And what sort of subjects did you study?

13 A. That covered psychology, sociology, law, economics.

14 Q. So a mixture of subjects?

15 A. A mixture, a liquorice allsort.

16 Q. After graduating in 1967, did you then go to the
17 University of Hull?

18 A. Yes, I went to Hull University, where I did
19 a postgraduate course diploma in applied social studies.

20 Q. What qualifications then did you get from Hull?

21 A. I got the university qualification, the diploma in
22 applied social study, a Home Office letter of
23 recognition in child care, which was the appropriate
24 thing at that time. So that was mainly for -- the
25 Home Office recognising a social worker. My sponsor

- 1 during my university time was the Home Office.
- 2 Q. Was it your intention at that time to go into a career
- 3 that would involve child care?
- 4 A. No, at the time when I went there I -- when I started
- 5 the course in applied social studies was to do the
- 6 options of child care and probation and that's what --
- 7 my main specialism during that full year was on those
- 8 two subjects. Part of it was placements being --
- 9 working within the children's departments and another
- 10 period of time working in the probation department.
- 11 Q. Was there any particular reason why you chose to go to
- 12 Hull to do this course?
- 13 A. The reason was that there was very few places where you
- 14 could do both options and Hull was one of the places.
- 15 I was offered places in Bristol, Southampton and
- 16 somewhere else I can't remember, but I chose Hull.
- 17 I don't know why there but that's where I -- and I
- 18 had -- found it a very helpful useful period of time
- 19 there.
- 20 Q. And what period of time did the course cover then?
- 21 A. It covered virtually a whole year. I arrived in the
- 22 late September and the course continued for -- until
- 23 late September the following year.
- 24 Q. And that would be 1968?
- 25 A. Yes. They were very generous: they gave us about a week

- 1 off during the Christmas period of time!
- 2 Q. But in any event, in 1968 you completed the course?
- 3 A. Yes.
- 4 Q. Did you then start work as a child care officer in
5 West Lothian County Council's children's department?
- 6 A. Yes, I went there. I went -- I decided to come back up
7 to Scotland, I went to West Lothian where there was
8 an opportunity, and spent probably a couple of years
9 working in West Lothian.
- 10 Q. What was your role when you went to work in
11 West Lothian?
- 12 A. As a child care officer in those days -- I think it is
13 the local authorities where all of these people had
14 titles and you were a probation officer or a child care
15 officer or a welfare officer. "Officer" seemed to be
16 the ultimate important word you used, so I was a child
17 care officer until -- following the change and the
18 Social Work (Scotland) Act coming into being.
- 19 Q. Once the Social Work (Scotland) Act came into being were
20 you then a social worker?
- 21 A. I became a social worker and you then suddenly found
22 yourself, having been doing child care, you were
23 a probation officer, a mental health officer, a welfare
24 officer, everything -- expected to be the same thing at
25 once.

- 1 Q. Because under the Social Work (Scotland) Act a whole
2 host of areas were to be covered by the Social Work
3 Department.
- 4 A. Yes.
- 5 Q. Whereas previously, under the children's department,
6 your focus was on children?
- 7 A. That is correct.
- 8 Q. But can I just then get some feel for what your duties
9 were in the period that you worked for West Lothian.
10 I think you tell us in your statement that you were
11 there until about 1970, for about two years.
- 12 A. Yes.
- 13 Q. What were your duties during that period?
- 14 A. Well, obviously the responsibility was children in care,
15 visiting children in foster homes, visiting children in
16 children's homes and visiting families where obviously
17 there were problems within the family.
- 18 Q. Insofar as children's homes would be concerned, at that
19 time, were there any particular establishments that you
20 can remember going to visit?
- 21 A. I think mainly in that time it was local authority
22 children's homes that were nearby and maybe one or two
23 others. I can't remember exactly. I can remember
24 subsequent children's homes that I went to which we will
25 come on later.

- 1 Q. But in these first two years then you do have
2 a recollection of going to children's homes but you
3 can't remember what the homes were?
- 4 A. The ones in West Lothian I knew. There was Wallhouse,
5 which is in Torphichen there, and some List D -- well,
6 approved schools, as they were called in those days, but
7 I can't recall specifically those ones.
- 8 Q. What was your purpose in going to visit these
9 establishments?
- 10 A. Well, in each of these ones I would be visiting some
11 child in care and, because I was in contact with the
12 family, which part of West Lothian the family lived in
13 there. So that was mainly visiting.
- 14 The whole idea is trying to help to, in most cases,
15 to reunite the child back within the family home
16 situation because a children's home is not ideally the
17 best place, but in certain cases a children's home is
18 preferable than being in some very disruptive family
19 situation.
- 20 Q. Yes. I think the way it worked was if your local
21 authority placed a child in care in a particular
22 establishment, then, your local authority would send
23 someone to visit that particular child?
- 24 A. That is correct -- well, it would be if a child was
25 placed and at that time the Children's Hearing System

1 didn't exist, so it would be by the juvenile court or
2 a child being received into care under the 1937
3 Children Act. But the idea was the responsibility was
4 that a social worker or a child care officer was going
5 to see the child and keep in contact with the child and
6 the family.

7 Q. During this early period as well, were you also involved
8 in seeing children who were in foster care?

9 A. That is correct.

10 Q. Were these children who were in the local area or did it
11 go beyond that?

12 A. Most of the children I dealt with were in the local
13 area. The children's officer who was there, for some
14 reason or other, seemed to allocate himself all the ones
15 in Ross-shire and all these places further afield.
16 There are local places like Bo'ness, Blackburn,
17 Broxburn, that area we tended to visit families.

18 It was not necessarily families with children in
19 care, because I visited families because the families
20 themselves were needing support, help, etc, whether it
21 was financial or help through difficult periods.

22 Q. Perhaps I should ask you this in relation to your period
23 in West Lothian: can you help me with the structure of
24 the children's department? By that, I mean how many
25 children's officer were there and what the chain of

1 command was like.

2 A. Well, the senior person was the children's officer.

3 I think he had a qualification, but in most cases at
4 that time very few people in the children's department,
5 etc, did have a particular qualification, professional
6 qualification. There was one -- I think two other of
7 the child care officers, they were qualified and they
8 had come within the some area of time.

9 Perhaps in reply to a question you put earlier,
10 I don't know whether you want to come to it later on,
11 but I refer to this: as a child care officer I came in
12 one Monday morning to be informed that there was a child
13 in hospital, very badly injured with a subdural
14 haematoma, fractured ribs and fractured skull and deemed
15 to be in a vegetable state by the children's consultant
16 in the children's hospital in Edinburgh.

17 As a result of that, the children's officer thought
18 the easy way was to pass this onto the Royal Society for
19 the Prevention of Cruelty to Children until I pointed
20 out to him that the 1937 Act required the local
21 authority to take responsibility for that and, as
22 a result, I then finished up carrying that case.

23 Q. And was that during your time in West Lothian?

24 A. In West Lothian, yes.

25 Q. And what was the outcome of the case?

1 A. The outcome of the case was that -- because I was a bit
2 pushing for things there, I knew of the situation, the
3 police were saying, well, we don't have corroborating
4 evidence, etc.

5 At the end of the day, the Director of Legal
6 Services for West Lothian agreed with me and we took it
7 under the 1937 Act and we were aided with the assistance
8 of a consultant in the children's hospital in Edinburgh
9 to sort of point out that there was corroborative
10 evidence, because an explanation had been given that
11 this five-month-old child had been fallen from a settee,
12 which was approximately 12 inches off the ground.

13 You don't -- well, in my opinion as a layperson, you
14 don't get that sort of serious injury from that and that
15 was corroborated by the consultant in Edinburgh at the
16 Sick Kids.

17 So we took it through the court under the Act and
18 the person was given a three-year probation order by the
19 Sheriff in Linlithgow.

20 For my sins, I was the probation officer to take
21 responsibility of visiting the family.

22 Q. What about the child, how did the child --

23 A. Well, the child needed to be in hospital for a long
24 period of time and subsequently we had to get
25 a specialist place for it. It took a long time

1 financially getting agreement with the local authorities
2 for it to be paid because the only appropriate place for
3 that child was going to be down -- I think it was down
4 near Blackpool, etc, and I left after the child had gone
5 there.

6 But my visits to the family at their caravan in
7 Broxburn were, you can say, interesting because I was
8 regularly met with the guy holding a knife, threatening
9 me for all this. In those days you didn't have health
10 and safety issues; you coped with it.

11 But as I say, at the end of the day, obviously the
12 child, I understand, moved to the place in England and
13 was cared for. Beyond that I had no more contact with
14 that.

15 Q. So that was that sort of baptism of fire for you because
16 that was early on in your career when this happened?

17 A. That is right it was basically because I had taken,
18 after university, taken an interest in looking at
19 things -- at those stage it was known as the battered
20 baby syndrome and I had an opportunity, following that
21 case, to go and work with the NSPCC in London, who set
22 up a special unit for that. But maybe being a true
23 Scot, I decided I didn't fancy spending five years of my
24 life or so in London. So I didn't --

25 Q. So you stayed where you were?

1 A. I stayed where I was or at least until I moved out of
2 West Lothian, yes.

3 Q. We have been talking about the structure of the
4 children's department within West Lothian. You
5 mentioned the children's officer. I think you said
6 there was yourself and two other child welfare officers;
7 is that correct?

8 A. That is correct.

9 Q. So as far as bearing the brunt of visiting children
10 would be concerned, would it be the four of you who
11 would bear the brunt of that?

12 A. Yes, I think so. It could have been a fourth person
13 came in during that time but, yes, the county --
14 West Lothian is not a large county. It was divided up
15 into -- I had a line which took from Linlithgow through
16 Armadale West, Whitburn, Fauldhouse, etc, and some
17 problematic cases in other parts of West Lothian.

18 Q. Then, if we move on then from West Lothian, you tell us
19 in your statement -- and can I just say to you,
20 Mr Dolan, feel free to consult your statement because
21 there's a copy of it in front of you if that would help
22 your memory.

23 The next place you go to, according to what you tell
24 us, is East Kilbride Borough Council and I think you say
25 that you went there in 1970.

- 1 A. Yes.
- 2 Q. That's something you mention, I think, in paragraph 8 of
3 your statement -- paragraph 7 actually.
- 4 A. What page was that?
- 5 Q. It is actually paragraph 6 on the first page of your
6 statement where you mention you go to East Kilbride
7 Borough Council and you went there as a social worker.
8 Did you go there to join the Social Work Department?
- 9 A. Yes, the Social Work (Scotland) Act had come into being
10 in the 1969 -- in October 1969 and I was encouraged that
11 East Kilbride was going to be the most dynamic Social
12 Work Department in Scotland.
- 13 It certainly was the very first Social Work
14 Department to come into existence because there wasn't
15 one before and therefore they were sitting in the
16 perimeter until the Act came into being, so I went to
17 East Kilbride.
- 18 Q. Was the office based in East Kilbride itself?
- 19 A. Yes, in the town centre.
- 20 Q. Can you again give me an understanding of the structure
21 within the office then at that time?
- 22 A. It was certainly a much bigger one, sort of -- the town
23 was split into two and there was a sort of like an area
24 manager position, there was a director, and a deputy
25 director, and probably about four seniors in the place

1 and several social workers. It was a much bigger set
2 up.

3 Q. Just looking then to your duties in the period that you
4 are there -- and I think again this was another two-year
5 stint; is that right? So during those two years can you
6 give the Inquiry an understanding as to what you did?

7 A. I was dealing with the major -- all the issues
8 associated with social work, whether it was child care,
9 probation, welfare, mental health, so my dealings were
10 in contact with basically families throughout
11 East Kilbride and dealing with situations that cropped
12 up there. Obviously I used to have to do on call, being
13 on call for a week at a time at night as well.

14 Q. Then so far as a focus on children would be concerned,
15 did you have a particular focus on children or was it
16 very much -- was it broader than that?

17 A. No, it was broader than that there. The families and
18 children would have a number of probation cases,
19 a number of welfare cases, which mainly meant we would
20 be looking at the elderly and probation work. So it was
21 a mixed case load.

22 Q. You have mentioned mental health. For example, would
23 you be dealing with mental health in the adult
24 population as well?

25 A. Yes.

- 1 Q. And you would be dealing with elderly people as well?
- 2 A. Correct, yes.
- 3 Q. So, the situation had changed after the social work 1968
4 Act had come into place because the Social Work
5 Department covered all these aspects of social care?
- 6 A. Yes.
- 7 Q. But in relation to children, can I just develop some
8 understanding as to what involvement you had with
9 children during this two-year period? For example, did
10 you go to visit children who were in residential
11 establishments?
- 12 A. I would have visited children in residential -- yes.
- 13 Q. Can you remember any particular establishment at that
14 time?
- 15 A. I would probably have visited -- I think I would visit
16 the local children's home that they had in East Kilbride
17 and Strathaven and I would visit children in List D
18 schools also during that time.
- 19 Q. Do you have any particular recollection of any List D
20 schools or homes that you visited?
- 21 A. I'm trying to reflect whether -- because between that
22 and being in Lanarkshire you are going to different
23 ones. I certainly visited -- I am trying to reflect as
24 to which -- places like St Ninian's I would have
25 visited, but again I would equally have visited

1 St Ninian's in both while I was in Paisley and I was
2 visiting some of these other ones in different periods
3 of time. The children's homes I would have visited
4 particularly was some of the local ones, which you had
5 in East Kilbride itself.

6 Because one of the other duties one had was
7 providing reports under the Matrimonial Proceedings Act,
8 so having to do reports on that.

9 Q. If I can focus at the moment on your visits to let's say
10 a children's home like St Ninian's, you would be going
11 there to see the child that your local authority had
12 responsibility for?

13 A. Yes. There is some difficulty in a sense as to whether
14 it was while I was in East Kilbride or not but certainly
15 during the time that comes later I visited St Ninian's
16 in -- over in Gartmore, etc, many times. But various
17 other places I visited lots of times.

18 Q. Perhaps we will take it more generally then. When you
19 went to visit a child at a establishment, clearly you
20 would go there to see the child.

21 A. Yes.

22 Q. Can you just give me an understanding as to how you
23 managed that sort of arrangement?

24 A. Well, you would make arrangements to go there but quite
25 often in the East Kilbride ones I would just appear.

1 There was no problem about turning up in those
2 children's homes, etc, and if I had children that were
3 involved with it, the responsibility, I felt, was to
4 make some -- maintain some contact with them because
5 I was a link between them and their family.

6 Q. So far as then dealing with the child would be
7 concerned, can you give me some understanding as to how
8 you would manage that? I mean, you would see the
9 child --

10 A. Yes.

11 Q. -- what would your purpose be in seeing the child?

12 A. The purpose was to make sure nothing was going wrong.
13 We would talk to the child but, as most people know,
14 sometimes children aren't the most forthcoming but
15 equally you want to be sure that the child was healthy
16 there was nothing happening, no physical injury to them,
17 but also how they related to the staff. In most of
18 these cases the staff were very good and the kids
19 related well to them.

20 Q. And would you take the opportunity of seeing the child
21 on his or her own?

22 A. Yes.

23 Q. Throughout your career in the many establishments that
24 you visited, were any concerns ever raised with you by
25 any child you saw?

1 A. None that I recall, but as I say -- no, not at
2 Rothmans(?) at any rate. I don't recall them being
3 raised there. That may well be part of a culture where
4 children didn't speak up, but hopefully if some of these
5 children I saw were able to do so -- and some of them
6 were quite good at talking and speaking -- they were
7 quite happy to see somebody different coming in to talk
8 to them, but on no occasion was the question of
9 something physically or most times the kids -- many of
10 the kids wanted to know when they were going back home
11 and that was, at the end of the day, the responsibility
12 of myself as a social worker, taking a case back to
13 a children's hearing, and for a children's hearing to
14 determine whether -- what was the situation.

15 Q. I think you have mentioned this already but you would
16 also speak to the staff that would have been involved
17 with the child on these visits.

18 A. Yes.

19 Q. Would you, for example -- I mean this is a general
20 question across your career, but to what extent would
21 you look at records in relation to the child that you
22 were seeing?

23 A. I think at those times very rarely would you be looking
24 at the records and getting reports back from the home,
25 etc, but you could -- it would be something which

1 I would say, at a later date, I would be wanting to do.

2 But the records to my knowledge were -- I don't know
3 if there were much records kept, but one wasn't in the
4 habit of going and looking at the records of the -- in
5 the establishment.

6 Q. But having carried out such a visit, would you then
7 report back to your department about the visit?

8 A. Yes. I would record any visit I would make, whether it
9 was to a children's home, a parent's home, or whoever it
10 was, and that would be recorded in my case records.

11 Q. These would be kept in the office?

12 A. They would be kept there. I think -- maybe I should
13 recall, because it is going back to West Lothian, that
14 I did have visits regularly and I did have a good
15 rapport with the staff and with the children. There
16 weren't many I had, but there were occasions I have
17 referred to in my document of sometimes, some of the
18 children you got could be quite disruptive and they may
19 have good reasons, but -- and there were occasions when
20 you would be called out at night when teenagers decided
21 they were going to take control of things and found
22 themselves knives, etc, and were threatening two young
23 members of staff involved at that time.

24 So I appeared there. It also happened that one of
25 the member of staff's father was a detective inspector

1 of that area and he had got the message as well, so that
2 helped quite a bit to cool things down.

3 Q. Was that in your time when you were at West Lothian?

4 A. This was West Lothian.

5 Q. So you indicated then that you spent two years at
6 East Kilbride and then I think you tell us in your
7 statement that in 1972 you moved to Lanarkshire
8 County Council.

9 A. Yes, maybe I could just mention in East Kilbride there
10 was a situation, which is a stated case of
11 Aitken v Aitken. I mention his name because it is in
12 a stated case in the library there. It is where I had
13 done a matrimonial proceedings report, made
14 a recommendation that the children should remain with
15 the father, who had been caring for them. However, the
16 children's hearing in its wisdom chose to return the
17 children to the mother, which I didn't agree with, and
18 it subsequently went to the Court of Session, etc, and,
19 as I say, it became a stated case and involved four
20 counsel and three judges and all the rest of it.

21 So as I say, it is a stated case, it is known.
22 However that case, on the initial legal part, failed but
23 two weeks later the children were again in a situation
24 of abuse and back to the children's hearing and the
25 original decision which I had recommended was initiated.

- 1 Q. And are you saying that was during your time when you
2 were at --
- 3 A. East Kilbride.
- 4 Q. Then I was moving on to take you to your time at
5 Lanarkshire County Council, which you tell us was in
6 1972.
- 7 A. Yes.
- 8 Q. Again, in what capacity did you go to Lanarkshire?
- 9 A. To Lanarkshire?
- 10 Q. Yes?
- 11 A. I went as a social worker, taking an opportunity to
12 expand or widen my experience, etc.
- 13 Q. Where was the office based at this time?
- 14 A. The office was based in Motherwell.
- 15 Q. Looking to the structure within the department, what
16 size of department was this?
- 17 A. Lanarkshire -- it was during a period of time before
18 various regionalisations, etc. So Lanarkshire covered
19 mainly Lanarkshire but excluded places like Hamilton,
20 Coatbridge, all these towns that were in there. The
21 places I covered were areas like Waterloo, various other
22 parts of Lanarkshire there.
- 23 Q. And you would have a big department then for -- there
24 would be a large Social Work Department?
- 25 A. Yes, and the Social Work Department is divided out into

1 area offices and the office I was based in, as I say,
2 was in Motherwell.

3 Q. At that time then, looking to your duties in relation to
4 children, were you involved in visiting children's
5 establishments and also foster placements?

6 A. Yes. While I was there I obviously visited families in
7 various parts of Lanarkshire, on my patch as you would
8 put it, and I also visited children's homes, different
9 ones, whether it was to deal with -- whether it was
10 a List D school or whether it was a children's home,
11 etc, and families.

12 Some of the more difficult family cases I was
13 involved with were in that area where we spent a lot of
14 time trying to avoid children being taken -- received
15 into care. Obviously sometimes that wasn't possible but
16 it was finding lots of mental health issues which
17 perhaps affected a parent, etc.

18 Q. Yes. During this time can you remember any particular
19 residential establishments that you may have visited?

20 A. It is difficult trying to pin down to a particular one.
21 I know in certain places I was. I can remember quite
22 clearly, I think. But, again, I would visit the
23 children's homes that were -- where I had a family or
24 a child in. I'm trying to think -- a number of these
25 were List D schools at Kerelaw and such.

- 1 Q. Can I approach it in this way with you, Mr Dolan: can
2 you just give me an understanding, as best you can, of
3 the names of establishments that you may have visited
4 over your 30 years as a social worker?
- 5 A. Yes. Obviously I visited the local authority children's
6 homes there. Then I also visited places like the List D
7 schools like St Johns, which was in Glasgow.
- 8 Q. Springboig?
- 9 A. Springboig. I visited Kerelaw. I visited St Ninian's.
- 10 Q. Is that St Ninian's Gartmore?
- 11 A. Gartmore. There must have been plenty, I think, moved
12 over the years -- I can't remember -- pinning them down
13 now at this moment in time but ...
- 14 Q. Apart from visiting establishments, I understand also
15 you would visit homes where children were being
16 fostered.
- 17 A. Yes, I would.
- 18 Q. Can we focus on that for the moment. What was your
19 practice there? Clearly you would see the child, is
20 that right, when you went?
- 21 A. I took the line that if I was visiting a child in
22 a foster home, then I would always want to see the child
23 with the opportunity to speak to the child. But quite
24 often children are not the most forthcoming to speak to
25 you, but equally I would visit these children's homes,

1 try to get some communication going, and sometimes it
2 was very good. You could find something -- other times
3 children just did not want to talk and you can't force
4 anyone to talk -- and that probably happens in anybody's
5 own family. But there are other situations where you
6 get -- they took it away from the foster home -- I don't
7 know if you are asking -- is -- it went through my mind
8 there -- the particular thing, it's gone.

9 Q. That's fine.

10 I think you are saying you would see the child in
11 a foster care setting; would you see the child alone?

12 A. Well, the habit I did was try and see the child alone
13 there. There may well be situations where a child did
14 not want to speak to me there -- but they would be
15 happier with having their care worker with them, and
16 rightly so, if you have that there, but you have got to
17 make sure that it isn't -- the child isn't getting
18 imposed upon by their care worker there. But as I say
19 that can happen in the ordinary home.

20 Because some of the situations which I find -- found
21 important was visiting a family in their own home.

22 Social workers did visit people in their own home and
23 there have been many situations where a social worker
24 would have visited -- asked by the health visitor and
25 other people, and they got into the front room, which

1 might be untidy, etc -- but I recall being called out at
2 midnight to a house because of covering a wider area of
3 Lanarkshire at the time, into the house, and the police,
4 being present, assessed it and went in. And this was
5 a house that had been visited, I understood, regularly
6 by social workers and health visitors and other people
7 and it was an absolute pigsty, if you can put it that
8 way.

9 The living room where people were seen were tidy --
10 well not tidy, but untidy. But the bedrooms, there was
11 excretion on the walls. The bedding and everything like
12 that was soaking, etc, and this is where people had been
13 going in. So obviously an issue had to be taken to
14 remove these children out of that situation.

15 But it had always been my -- I had been criticised
16 for the fact when telling social workers when you do go
17 to visit, you have to see the child, see where the child
18 is, and where it is staying in, because it is not one
19 thing of just going in. That equally applied to going
20 to a children's home, is -- to be shown -- the child to
21 show where they stay.

22 Usually that was okay, but the fact was that -- the
23 fact is that if you don't see something, how can you
24 really make a judgement? And as I say, at many of the
25 houses or families one dealt with -- dealing with

1 families were -- could be very poorly furnished. It is
2 not the furnishing, but the state of the kids, etc.

3 LADY SMITH: So you would be looking for reassurance that
4 all the circumstances of the children were satisfactory,
5 not just within the room that was used to see people who
6 came to visit?

7 A. That is correct. Since I have retired, I have -- one of
8 my colleagues was recalling that he had been talking to
9 a social worker recently and them saying that I was
10 pernickety, saying that I had insisted that they saw the
11 child -- saw the room and accommodation that the child
12 had, and that was -- I said, well, I'm quite happy being
13 pernickety because that's what I was brought up dealing
14 with as a child care officer. Situations have changed.
15 We have moved from -- sometimes for the better,
16 sometimes you are left wondering what the benefit was,
17 but certainly I would always want to always see the
18 child -- I always wanted to see where the child stays
19 because if I needed to take action, then I need to have
20 evidence to take that back and say, right, I want to
21 take this back to a children's hearing or some other
22 process.

23 LADY SMITH: I suppose you couldn't be sure that basics like
24 the child having a bed to go to at night were satisfied
25 if you hadn't seen it for yourself.

1 A. Yes. Because if you go and visit a house, you need to
2 know what the child has. As I say that house, as it
3 happens was in East Kilbride, where I went out in the
4 middle of the night, and it was, you know, really
5 pitiful.

6 One of the houses I visited, I made reference
7 earlier, in Lanarkshire was a house where it was perhaps
8 ten, 15 years old, in a nice area. But you went in
9 there, your feet stuck to the carpet. There was holes
10 through the wall to the bathroom, sinks were -- and what
11 we did was to put in -- because the kids were very good,
12 kept clean. In fact, two of the kids had IQs of over
13 140, which was surprising, from a father who drove
14 haulage lorries and had one eye and the mother looked
15 like a skeleton, but these kids were very bright, very
16 able. We tried to give as much support to that family,
17 with homemakers, etc, but at the end of the day we had
18 to -- they had to come into care but it did help.

19 But as I say it was a sort of -- I don't know how to
20 put it -- paradox. You had a house with these kids who
21 were very bright and a house which was an absolute
22 shambles, with holes in the walls. The next door
23 neighbour was arrested and told he was hearing voices in
24 the roof and through the floors, etc, and was taken
25 under the Mental Health Act and I could not sign the

1 mental health certificate because I knew he was correct
2 because the children had burrowed underneath the floor,
3 they were in the roof, and the grass was about six foot
4 high ...

5 Part of my part was to try and get kids together.
6 Because when these kids came into care, the father had
7 a van, would come round every night and pick the kids up
8 from the children's home, pick up the mother from a home
9 for the mothers, etc, and take them out for a meal and
10 as a family they kept together. So it is a broader
11 picture of not just receiving kids into care; it is
12 a case of trying to give adequate support into these
13 families, that they don't have to come into care, but
14 there are times when that's not possible.

15 Q. Coming back to the example you gave earlier, Mr Dolan,
16 of visiting a house and discovering that, beyond the
17 living room, walls were covered in excrement. I think
18 the point you are making there was that that house had
19 been visited before by social workers --

20 A. Yes.

21 Q. -- and they had reported everything was fine; is that
22 correct?

23 A. Yes, it had been visited, people had got as far as one
24 room and that was it. I certainly hoped that -- I can't
25 say -- I didn't allow that to happen for myself but the

1 thing is that things do happen.

2 Q. Looking at another aspect of it, if you were to be
3 arranging for a child to go into foster care, would you,
4 before the child was placed in a particular home, go and
5 check out the home?

6 A. Not necessarily.

7 Q. But was that something you did?

8 A. No, well, there were limited foster homes, etc, and
9 within each authority they had foster homes which were
10 supposedly inspected by the Social Work Department
11 beforehand, before they were in this sort of -- assumed
12 to be, you know, whether you can assume anything
13 nowadays, but assumed to be have been approved and were
14 appropriate foster homes.

15 I think -- I don't recall having any particular one
16 where I was unhappy but getting -- if a child had to
17 come into care, the difficulty was you were subject to
18 the system of were there children's homes available,
19 places in children's homes available, and this was being
20 managed by the Social Work Department and
21 administration, etc, and where these children should go.

22 But quite often that perhaps wasn't always
23 available. But always if a child came into care you had
24 to get a place for a child, but I wouldn't want to be
25 party of something putting a child into something which

1 was more dangerous than -- for the child.

2 Q. If I move on then to your time beyond Lanarkshire
3 County Council. I understand what you are saying, you
4 are talking more broadly about your experience, but
5 after Lanarkshire did you, in 1994, go to work for
6 Paisley Corporation?

7 A. Yes.

8 Q. Was this in a more senior post?

9 A. I moved as a senior social worker.

10 Q. In that post, to what extent had your duties changed?

11 A. Yes, they had changed in the sense that although I did
12 carry some cases, I was responsible for the supervision
13 of the social workers and in particular parts of
14 Paisley.

15 Q. Again, looking to the structure within that particular
16 office, you were a senior social worker and above you,
17 who would be above you?

18 A. There was a sort of equivalent of an area officer --
19 I can't remember what they called him, but the office I
20 was based in had an area office, three senior social
21 workers, and each social work team had something like
22 four or five social workers in that office.

23 Q. Again, so far as your own case load would be concerned,
24 was it the same sort of issues that you dealt with,
25 namely, going to see children in residential

- 1 establishments and children in foster care?
- 2 A. I would if ones that were appropriate to me, if
3 they needed me, but it was my responsibility to hold
4 case conferences frequently to discuss it in the
5 children's home or where it might well be for planning
6 for the future of a child.
- 7 Q. In that position then would you receive reports from the
8 social workers that worked underneath you?
- 9 A. Yes.
- 10 Q. These reports would feed into the case conferences
11 that --
- 12 A. They would have fed in and the minutes of these case
13 conferences should have been taken. I can't say that
14 every time the thing was over everything was written
15 down, but, yes, that was the plan at any rate.
- 16 Q. Would the case conference be focusing on an individual
17 child?
- 18 A. Yes, the case conference would be looking at that child
19 and it may well be it included not just social workers;
20 it might well involve some other professions who may
21 have had an appropriate thing to put.
- 22 Q. Again, I think you spent two years in Paisley before you
23 moved on in 1976, again, to East Kilbride; is that
24 right?
- 25 A. Yes, during the Paisley time there were certainly

1 examples of cases. I always enjoyed at midnight getting
2 called out by police and going to houses and suddenly
3 finding police cars there, and wondering why they didn't
4 go in, and subsequently found out these were in very
5 affluent areas there and they had waited on me to make
6 the decision to force entry because there were concerns
7 about very young children. In the particular case in
8 mind was that obviously -- they found the mother of two
9 very young children in bed with wrists slashed and
10 several bottles of empty vodka bottles under the bed and
11 the phone is off the hook, etc. My view is that even
12 though there is a senior police officer present who had
13 the power to do that, they waited on me because the
14 person -- the father of the children had a very high
15 profile in Scotland and wasn't at home at the time. But
16 at any rate these are the situations that crop up.

17 But equally I came in one Monday morning to find
18 a report to say that two children had been arrested in
19 Paisley and the story was that people had heard screams
20 of a child, investigated, and found that there was
21 a five-year-old child there and in the water of the Cart
22 and two other children, aged six and eight, were trying
23 to drown the child.

24 LADY SMITH: That's the River Cart you are talking about?

25 A. The River Cart, yes. Trying to drown the child. It was

1 only subsequent to that that the police realised that
2 six weeks previously there had been another child
3 drowned in the same area and the only witnesses were
4 these same two children. So that subsequently came
5 back.

6 For some reason or other, the police charged both
7 children with murder or attempted murder, and of course
8 they couldn't charge a six-year-old because it was below
9 the age. So that case finished off in my situation and
10 it did finish up with children, it is mentioned
11 elsewhere, having to be received into care and placed in
12 specialist children's homes who could deal with those
13 situations.

14 But it is -- it was not very -- it was long -- it
15 was several times before the Bulger case and this was
16 forgotten and each child was represented with leading
17 counsel --

18 Q. But these are the sort of experiences you had over the
19 years?

20 A. These are the experiences I have had in my time in
21 East Kilbride, but I would come in -- I was the only
22 senior social worker that was around at the time I came
23 in, but there was a vacancy for a senior. One was on
24 holiday, one manager was ill. So -- and I was doing on
25 call, which meant being on call every night for a week,

1 which is not -- maybe it is good for experience for
2 something but --

3 Q. Did you find that you were called out most nights?

4 A. There were weeks where I probably drove something like
5 several hundred miles to pick up children who had run
6 away from children's homes or List D schools, etc, and
7 come back and then start work at 8.30 am. Those were
8 wonderful times of -- in social work in those days but
9 things changed, they brought in -- but that -- certainly
10 it is experiences that you don't particularly want to
11 happen again.

12 Q. But just on the child that runs away from a residential
13 establishment, you have just mentioned your own
14 involvement in that. Would you -- what enquiries would
15 you carry out to see why the child had run away?

16 A. I think you -- because -- make attempts to find out.
17 Many times the child just wants to go home but there are
18 obviously situations where it may well be the experience
19 they are getting in the residential establishment there.
20 I think I made reference to it somewhere else, that it
21 was the culture at one time or other how children were
22 treated in some residential establishments. In terms
23 of -- you are obviously going to try and find out, etc,
24 and -- there will be two sides but, at the end of the
25 day, your responsibility is to make sure that the child

1 is safe and the child running away from an establishment
2 is in a vulnerable position.

3 Q. Indeed, but the child -- this would be a child for whom
4 your local authority would be responsible, which is why
5 you were being called out.

6 A. Yes.

7 Q. Then the child would ultimately be taken back, would he
8 or she, to the establishment from which he or she had
9 run away?

10 A. Yes.

11 Q. In that situation, in the circumstances where you are
12 faced with that, would you speak to the people at the
13 establishment?

14 A. I think probably in most occasions you would try --
15 there would be some sort of case conference or
16 discussion about this, but at the end of the day I'm not
17 sure that we always got it right. The child was in
18 care, it was in the requirement of a children's hearing,
19 or whatever it was, and it was the responsibility of the
20 local authority also to ensure the wellbeing of children
21 in the children's home.

22 Now that part of the work was -- tended to be
23 separated to other members of staff coming from perhaps
24 the district headquarters, etc. But if I thought
25 a child was being harmed in there, or knew, I would take

1 some action.

2 Q. Do I take it -- well, did that ever happen then? Did it
3 ever happen in the cases you have been telling us about
4 of children running away, that you had to take action?

5 A. Well, I can think of a case where a girl -- I think it
6 is mentioned here -- did come into care and she kept
7 running away and she finished up being placed in
8 a secure unit of one of the List D schools and, as they
9 put it, she managed to escape, went missing from there,
10 even though it was a secure unit, and returned --
11 eventually returned back in a couple of days, etc, only
12 to discover some weeks later that she was pregnant and
13 so it was an issue.

14 I would have concerns about kids coming into care in
15 need of care and protection and I wonder what care and
16 protection exists if something like that happens and on
17 that particular occasion I found myself in dispute with
18 the director of social work, or the regional director,
19 because there was conflict between -- the girl was
20 getting advice from the staff of her residential
21 establishment to encourage her to have a termination,
22 her parents, who didn't have parental responsibility,
23 even at that stage, wanted her not to have
24 a termination, and ultimately the girl, either with her
25 own choice or with pressure, decided to go for

1 a termination. The hospital sent out a note saying they
2 needed a signature to agree for her to get
3 an anaesthetic for the operation and I said, I can't
4 sign that. I had a divisional director saying, you have
5 to sign that, and I said, I'm not going to sign it
6 unless you put it in writing, and at the end of the day
7 it was subsequently shown by the council that the only
8 person who had the responsibility to sign such
9 a document was Professor Edwards, who was the director
10 of social work, and not me, and so I knew I was right,
11 etc. It doesn't help your situation, but as I say,
12 there are situations.

13 But being concerned about kids coming into care and
14 you wonder why they are in care they have been in care
15 and they finish up in a situation where you wonder what
16 care they got. Individual children will make their own
17 decisions but I think some children are more vulnerable
18 than others.

19 LADY SMITH: Can I just take you back to this girl who had
20 been running away and had been put into a List D school.
21 But this was a child who had been taken into care
22 because her parents presumably couldn't provide adequate
23 care for her; it wasn't that she had been committing
24 offences or was in trouble of any sort.

25 A. I think basically you are right, that is correct, but

1 there were some bits in there where she probably did
2 commit various things, but you know she wasn't sort of
3 a saint, etc, but she had come into care because she was
4 outwith parental control, as it was being said.

5 The children's hearing did obviously decide that she
6 would come into care, went into a children's home, and
7 she would disappear off from there. Then at the end of
8 the day the children's hearing felt that she had to go
9 to a List D school.

10 LADY SMITH: So that did go back to the hearing for that
11 decision to be made?

12 A. Children's hearing -- and it was subsequently -- it was
13 the children's hearing that meant that she had to go to
14 the secure unit because the List D school couldn't keep
15 her; she just wanted to be away. She's free-minded, but
16 in a sense because she was in care of the local
17 authority, they didn't know what else to do except put
18 her in a secure unit. To me, secure units should be for
19 some other type of people that I can think of whom it
20 was safer for them and for the public for them to be --
21 so as I say, you know, over the years, you come across
22 difficult experiences which hopefully, you hope,
23 wouldn't happen, but they do happen, and people don't
24 hear about them.

25 But I did feel sorry for the family because it did

1 leave a conflict. Of course, I'm away many years now
2 and sometimes you do wonder what ever did happen to this
3 person.

4 MR MacAULAY: This episode you have told us about, I think
5 this actually happened when you were in your final
6 position, actually, with Strathclyde Regional Council,
7 is that correct, the episode with this girl that you
8 have been telling us about?

9 A. It happened -- the girl in question -- it was during my
10 time as an area manager in East Kilbride. I had come
11 back to East Kilbride and spent --

12 Q. I see. If I can take you to your -- go to your
13 statement -- and I'm jumping ahead here. If I take you
14 to paragraph 72 of your statement. That's on page 12.

15 A. Yes.

16 Q. There you say:

17 "I made a written complaint about a local
18 authority's children's home in Pollokshields; I think it
19 was around a couple of years before I retired."

20 Is this the incident you have been telling us about?

21 A. No. That's the incident about the girl that ran away
22 and being pregnant?

23 Q. Yes.

24 A. No, that happened in the period of time when I was at
25 East Kilbride.

- 1 Q. What about this incident here?
- 2 A. I was an area manager in probably East Kilbride, which
3 was covered by Lanarkshire, and that is why there were
4 regional directors there, but this is a separate --
- 5 Q. I will come on to it, but this is quite a similar
6 incident?
- 7 A. It is similar, yes, the difference is --
- 8 Q. I will come back to that.
- 9 A. -- in terms of how different people were there --
10 because, I suppose, of people putting social class and
11 social areas that they come from. One had come from
12 an area -- this one here was coming from a very affluent
13 area.
- 14 Q. I will come back to that.
- 15 I think, although we are covering a range of
16 subjects, you have told us that in 1974 you were
17 attached to Paisley Corporation, and you were there for
18 two years. Then, in 1976, did you go to East Kilbride
19 and this was as an area social worker --
- 20 A. Area manager.
- 21 Q. You spent some ten years there; is that right?
- 22 A. I spent ten years there and then a further ten years in
23 Glasgow.
- 24 Q. In Strathclyde?
- 25 A. By that time it was Strathclyde.

1 Q. So far as your time at East Kilbride is concerned, can
2 I understand what the nature of your duties were at that
3 time as an area social worker?

4 A. The responsibilities were obviously managing an area.
5 The area I covered was in -- in East Kilbride, did you
6 say?

7 Q. Sorry?

8 A. As an area manager I had a responsibility for --

9 Q. East Kilbride, yes.

10 A. -- overall running of that area, the team of staff, the
11 social workers, etc, and to some extent obviously
12 chairing child care cases, etc.

13 Q. But in this position would you have any hands-on
14 involvement with children? By that I mean going to
15 visit children in either in foster care or residential
16 establishments.

17 A. Only on specific cases I would go because -- the social
18 worker assigned to the case and there is a senior social
19 worker who is supposed to supervise and I'm supposed to
20 supervise senior social workers, etc, and somebody above
21 me is supposed to supervise me, which did or did not
22 happen.

23 Q. So you are at a fairly senior management level at this
24 point in time?

25 A. Yes.

- 1 Q. You mention the child case conferences that you
2 participated in previously; would you be involved in
3 child case conferences in this particular role?
- 4 A. In many cases I would be involved. The initial child
5 care reviews, etc, would be held with senior social
6 workers, etc, and there would be some sort of feedback
7 to me, but if necessary I would involve myself with
8 that. It doesn't preclude, for instance, the director
9 of social worker, if he fancies coming down to do it
10 himself. But rarely did that ever happen.
- 11 Q. Of course, where we are in this Inquiry focusing on
12 children, need we remind ourselves that as the area
13 social worker your remit would be much broader than that
14 and you would be covering a whole host of different
15 social work areas.
- 16 A. Yes. It certainly was -- had responsibility for a wider
17 range of types of cases you were dealing with. It was
18 easier to demonstrate it from when I moved into Glasgow,
19 when you had even greater responsibility about budgets,
20 etc.
- 21 Q. But are you able to say, if you just focus on
22 East Kilbride, what percentage of your time would be
23 dedicated to child care issues?
- 24 A. Well, the cases that I would be responsible for as area
25 manager was the child abuse case conferences, which

1 would be multi-disciplined case conferences and I would
2 chair the -- the procedure was that the area manager
3 would normally chair these and, as I say, you would have
4 various people there -- various people were invited,
5 such as doctors, health visitors, teachers, etc, and
6 make a decision as to whether a child's name should be
7 placed in the child abuse register --

8 LADY SMITH: Is that the register that we sometimes referred
9 to as the At Risk Register --

10 A. Yes, but --

11 LADY SMITH: -- or did that terminology come later?

12 A. That would come in at a different time, but I used the
13 term "child abuse register" because it was placed in
14 there and the responsibility was to ensure that it was
15 notified and therefore it would go to the register
16 people as well.

17 Q. Then moving on to your final posting, and that was with
18 Strathclyde Regional Council, and you went there,
19 I think, in 1986; is that correct?

20 A. Probably.

21 Q. That's what you tell us in your statement. You went
22 there as the area manager for Glasgow South?

23 A. I think that might well be wrong, putting Glasgow South,
24 because Glasgow South was a district, but the area
25 I covered was an area which stretched from

1 East Pollokshields -- from Pollokshields to the
2 Kilmarnock boundary and from Carnwadric to Battlefield.
3 It covered a population of about 110,000.

4 Q. Of course, we know that Strathclyde Regional Council
5 covered a huge area.

6 A. But within Strathclyde there was probably the largest
7 area team. It was bigger than some of the districts in
8 Strathclyde.

9 Q. And your duties in this post, were they similar to your
10 duties as area manager at East Kilbride?

11 A. Yes, but more. You had more responsibility for things
12 like budgets, etc, and you had to obviously -- I was
13 never very good -- I would not be very good as
14 an accountant, etc, but fortunately for me I had staff
15 who did that type of work. So that work. But at the
16 end of the day, I was the one who had the budget for
17 instance if somebody coming in and we needed to get a
18 place in a children's home. Then that part had passed
19 up to a district, because they held other budgets.
20 Things like an elderly person or a person disabled
21 getting a ramp, or things like that, within a budget
22 I had to do. The area team would consist of social
23 workers, assistants etc, occupational therapists and
24 a group of different people. It was a big area to cover
25 and had a sub-office in Clarkston and a base in

1 Cardonald, but it didn't have enough social workers.

2 Q. Did you complain about that?

3 A. I complained about it but there was -- it was a view
4 held by certain parts of Strathclyde management -- you
5 know, it is a sleepy valley there and they didn't seem
6 to appreciate that some of the worst child abuse cases
7 or difficult cases cropped up in places where they were
8 fairly affluent.

9 For instance there was a case in a fairly affluent
10 part of, let's say, Eastwood. Social workers -- we had
11 a report that a social worker went out to visit.

12 Invariably if you went there -- not invariably but on
13 many occasions if you went out there, the social worker
14 would introduce themselves and then would be met with
15 the family saying, stand there until we get our lawyer
16 here. But if you went to somewhere like Carnwadric or
17 some other area, the family would say, just come in.

18 So you are dealing with different cultural type
19 things and some of these people have high profiles and
20 there were cases I can think of, which -- I seem to be
21 talking about politics, but they seemed to get buried
22 there, because some senior person in management would
23 say, we will deal with this, and it gets taken over by
24 somebody in another place. There was a case which is --
25 I won't go into detail -- but that was taken over and it

1 just seemed to get buried.

2 Q. But coming back to, as you say, your requests for more
3 social workers during your period in Strathclyde, did
4 you then consider that you required more people to deal
5 with the problems that you considered were out there?

6 A. Yes. There were obviously problems. It seems to be
7 a lot worse now, but there were problems that --
8 staffing was allocated to areas of high deprivation and
9 the area I covered, parts of it had high deprivation.
10 Part of it had an ethnic minorities project which had --
11 it had probably the biggest ethnic minority area in
12 Strathclyde. East Pollokshields was an area there,
13 so -- but in terms of other parts people didn't think
14 that people would have these sort of problems if you
15 lived in Eastwood or lived in Giffnock or lived in
16 Pollokshields or Newlands, etc. These problems happened
17 in other places.

18 So in some sense it was a bit more difficult for
19 a worker to work in that place. Some of the social
20 workers I had were good diplomats and therefore they
21 were able to work easier with it. But sometimes there
22 were cases which may have got high profile -- they
23 just -- somebody in senior management decided that, "We
24 will deal with this".

25 Q. But coming back to what you saw to be a shortage of

1 social workers, then I think you have indicated you did
2 apply for more social workers; is that correct?

3 A. Yes, I asked for it, but the allocation came from
4 elsewhere.

5 Q. Sorry?

6 A. The allocation came from elsewhere at the district
7 level.

8 Q. What do you mean by that?

9 A. Well, social workers needed -- they would, as often as
10 not, get allocated to places which were deemed to be
11 areas of deprivation.

12 Q. But as I understand it from you, you are saying that
13 within your sphere of control you wanted more social
14 workers --

15 A. Yes.

16 Q. -- because you thought there was a need for more social
17 workers.

18 A. Yes.

19 Q. And did you apply to --

20 A. Pass -- I put it up to senior management, others
21 responsible to -- but --

22 Q. What was the response whenever you --

23 A. Very -- occasionally we would -- we would get more, but
24 equally I think other area teams were probably also
25 looking for staff because social work staff -- nowadays

1 I think it must be even more difficult to get staff
2 because -- I saw something in the paper, was it
3 yesterday or something, about how all these agency
4 social workers are being recruited that are costing
5 millions of pounds, etc, rather than what people were in
6 those days -- because one time there used to be
7 an expression that you could tell a social worker who
8 dealt in child care by looking at their hands as you
9 could see where they had been crucified.

10 Q. Can you say, over your time in Strathclyde,
11 approximately how often you did make a request for more
12 staff, more social work staff?

13 A. I don't know. Particularly when I was in Glasgow,
14 I would have made it on various occasions but sometimes,
15 you know, you wonder whether ever -- the penny ever
16 dropped anywhere. It just didn't happen. But as I say,
17 you have to take it -- balance it against the demands
18 being made in other parts of that district of the south
19 of Glasgow, which included places like Pollok and
20 a number of places which had a lot of more difficulties
21 or had been identified as being more difficult.

22 My concern always is that child abuse doesn't happen
23 just in areas of low deprivation; it happens among some
24 of the more affluent areas.

25 Q. I think you retired in 1996; is that correct?

1 A. Yes.

2 Q. So you spent some ten years or so in Strathclyde?

3 A. 20 years, taking into --

4 Q. If you take East Kilbride --

5 A. -- and another ten years or so in Glasgow.

6 Q. Can I go back to the issue of training and back to at
7 least the early part of your career and you have told us
8 about the training you received --

9 A. Yes.

10 Q. -- particularly at Hull University. As a matter of
11 practice, what was the position when you started out in
12 relation to the training of child welfare officers and
13 social workers?

14 A. Well, the social work training I got I thought was
15 appropriate in the sense that if you are working in the
16 probation section doing court reports there, the people
17 supervising would ensure that, for instance, if I wrote
18 a social enquiry report, I attended court and the judge
19 was well informed, and was told correct -- the recorder
20 or whoever it might be -- you were cross-examined on
21 everything in your report.

22 An argument I have put up many times -- because it
23 has happened in the past -- there has been a case
24 happened in more recent years in the sheriff court in
25 Airdrie, but people who followed the type of things we

1 got was you had do a report, read it to the person, and
2 people had to know what was in it -- it is like the
3 children's hearings, the child should know.

4 My training was that you did a report, you were
5 cross-examined on that report, and therefore you had as
6 your responsibility to be able to answer to what you had
7 put down and made recommendations on this.

8 I think that was a good way. We also in those
9 days -- and it's happened in Scotland, but even after
10 I finished, was -- particularly the probation part that
11 the Inspector of Probation would come in maybe once
12 a year and -- to check case records and what would
13 happen then was the social worker would choose six cases
14 and the people who were coming in would select six out
15 of their total caseload and then they were questioned,
16 etc. I think that needs to be done.

17 I don't think that happens nowadays in the sense
18 that they have the same check-over of the case note
19 files etc. I think nowadays -- well, I suppose I'm
20 a dinosaur when it comes to things like all these iPads
21 and things like that, but I think -- I get the
22 impression that sometimes that information isn't
23 necessarily around.

24 Q. If I take it back to your statement then -- I'm looking
25 at page 3 of the statement and in particular

1 paragraphs 14, 15 and 16 -- where you are talking about
2 training and, really, at least in the early stages, it
3 was a case of learning on the job. Do you see that,
4 that's at paragraph 14?

5 A. Yes.

6 Q. You go on to say there were very few professionally
7 trained social workers in any of the local authority
8 services which eventually became social work. You say
9 there was two others in West Lothian, and:

10 "The way it worked in a lot of places, particularly
11 Glasgow, was that you left school and got a job with the
12 Corporation as an administration person in the welfare
13 or children's department. You could then work your way
14 up without having to get a qualification."

15 You say:

16 "That changed after the Younghusband report came
17 out."

18 A. Yes, the Younghusband report obviously we were having
19 around the time when I was at Hull, just before that,
20 that was because there were concerns about social work,
21 welfare, children's officer, etc. The process it
22 seemed -- I know the Glasgow situation was mirrored
23 elsewhere -- was that somebody left school, went to the
24 local authority, got a job working in a particular
25 department, and as one of -- as you progressed you got

1 appointed and became a welfare officer or child care
2 without any particular training into these particular
3 things.

4 Following the Younghusband report, that really was
5 probably becoming more -- identifying the need for
6 professionalism.

7 In social work, the professionalism or the
8 professional organisations that existed probably at that
9 time were the Institute of Lady Almoners, the Institute
10 for Medical Psychiatric Social Workers. They had been
11 established perhaps through another source. It was only
12 after, just before the Younghusband, that people
13 suddenly realised people need to be trained in social
14 work, in a range of things, and that happened, but of
15 course the situation of many people who were in senior
16 management and so on in the children's departments, etc,
17 did not have a professional qualification themselves.
18 They just ...

19 But that didn't stop -- some of those people were
20 very able and very capable people who did this, but as
21 I say, a lot of these ones -- and that is the time,
22 I think, I suspect, the local authorities people did
23 arise, but politics sometimes also influenced the rise
24 in --

25 MR MacAULAY: I think, my Lady, it is almost time for

1 a break and I suspect Mr Dolan would probably welcome
2 a break because he has been there for a little while.

3 LADY SMITH: Yes.

4 Mr Dolan, we always have a break in the middle of
5 the morning particularly to give some relief to the
6 stenographers and I think we all usually welcome about
7 15 minutes off just now. So I will rise at this stage
8 and sit again at about 11.45 am.

9 (11.30 am)

10 (A short break)

11 (11.45 am)

12 LADY SMITH: Mr MacAulay.

13 MR MacAULAY: My Lady.

14 Can I take you to paragraph 71 onwards in your
15 statement. That's on page 12. That's
16 WIT.001.001.2387 -- it's just for the system I put that
17 number forward.

18 When you move on -- at this point in time you are
19 attached to Strathclyde Regional Council as the area
20 manager. At paragraph 72 you go on about -- you tell us
21 about a complaint you made about a local authority
22 children's home in Pollokshields a couple of years
23 before you retired. Again it is a pregnancy issue; you
24 mentioned one before. This is a different one I think
25 you have said. Can you tell us a little bit about this

1 incident?

2 A. Yes, this is obviously a case that was reported to the
3 children's hearing and I think the girl/young lady kept
4 taking off and was deemed to be outwith her parent's
5 control, but it depends on which parent it is that makes
6 that view. But anyway, she appeared before the
7 children's hearing and she was placed in a children's
8 home in Pollokshields. At that time there were a number
9 of these big houses in Pollokshields which had
10 historically been converted into children's homes and so
11 she was placed there and -- placed in a children's home
12 as in need of care and protection.

13 Now, what I was -- I had raised concerns about some
14 of the children's homes with my management at that time
15 and in particular raising this one, where you have
16 a girl who has come in, been received into care, and is
17 in need of care and protection, yet several months later
18 she leaves pregnant, and it doesn't seem to me that
19 meant that you were in care and protection. There were
20 questions about what care or help, etc.

21 It seems ironic, it is going like a somersault from
22 the one I spoke about earlier where it had been a List D
23 school. This is again -- I don't think she was
24 an isolated case, but I raised concerns about the
25 children's home. I wrote to what was then my district

1 manager, who was the equivalent of an assistant director
2 of social work, pointing out I had concerns about the
3 care and the support provided in that home.

4 I did it -- this is probably historical because
5 I used a memo as it was sent by internal post, etc.
6 Then I got the memo -- my memo faxed back to me and
7 written on it saying, "Why are you telling me this?"
8 which I thought it was quite important that I should be
9 telling him it and why wasn't he there. But that was
10 the attitude that was taken: they didn't seem to
11 particularly have concern. I know that that particular
12 home, because I had contact with the local regional
13 councillor who -- I can't remember her name now, she was
14 a Conservative regional councillor -- and I had
15 expressed concerns about the children's home. I suppose
16 a number of neighbours would have had similar complaints
17 because if you live in a fairly nice big house and you
18 got a children's home with some kids who have really got
19 their own various problems, that's the last person you
20 want living next to you. I shouldn't be judgemental but
21 that might well be.

22 But it did seem to me an attitude taken by the
23 management that they weren't interested, and I raised it
24 through the normal course -- it was our principal
25 officer of child care who didn't seem to be bothered.

- 1 Q. And the manager you raised it with, that was your
2 district manager; was he your immediate sort of
3 supervisor or was there --
- 4 A. Well, the hierarchy that was there in each district --
5 you had a district manager and then an assistant
6 district manager. So therefore the information I would
7 have passed to him would have been -- certainly other
8 members of that senior management team would be aware of
9 it.
- 10 Q. And would it be the assistant district manager that you
11 would be directly answerable to?
- 12 A. Indirectly because my line person who was supposed to be
13 supervising me was my district manager, but that didn't
14 often happen there, but if -- the management team and
15 the assistant district manager would in fact have been
16 aware of the concerns.
- 17 Q. And I think you provide us with some information about
18 that particular --
- 19 A. Sorry?
- 20 Q. You provide us with some information about that
21 particular -- the assistant manager.
- 22 A. Yes.
- 23 Q. What information do you provide us with in connection
24 with that person? If you look at paragraph 77.
- 25 A. In time that person obviously moved up the ranks in

1 social work to become an adviser to the Scottish
2 Government, and other things, and has since taken on
3 responsibility of other Inquiries.

4 Q. The other issue I want to raise with you is actually in
5 paragraph 74 on page 13, if you look at that. That's at
6 2388.

7 A. Sorry?

8 Q. I beg your pardon, paragraph 84 on page 13, at
9 page 2388.

10 A. Yes. It was during my time as a manager in social work
11 in Pollock Shores, Eastwood, etc, a member of --
12 a person that was working in my office -- I think he was
13 a social work assistant or -- he had worked in
14 a children's home and spoke to me and sort of became
15 aware of where I lived and he mentioned a name of
16 a person who had worked alongside him in a children's
17 home in Newlands, expressing his grave concern about
18 this person, who he regarded as dangerous.

19 I move the story on because there were some concerns
20 it was a person who had managed to get a job in various
21 things by close-knit family connections. He was giving
22 swimming lessons -- not the guy here, the guy he is
23 speaking about -- giving swimming lessons to children
24 from the school that his mother was a deputy head and
25 these were coming from deprived families.

1 He then went to -- seemed to go up in various
2 places, become a first-aider and stuff like that but he
3 subsequently, as time went on, was in fact -- appeared
4 in court and was -- got some 12 years for child abuse,
5 etc. But the guy who had been talking to me before, who
6 had come to my office, was expressing this guy was in
7 social work, he seemed to be getting into places, staff
8 where he had been expressed some concern about him, and
9 it seemed that he got moved from a children's home to
10 a home for children with disabilities, etc, in the
11 Pollokshields area there and it was of concern how he
12 managed to get this now.

13 All I know -- I'm aware that this individual seemed
14 to be fairly close to one of the more senior managers
15 for residential establishments and seemed to have
16 managed to get passed from one children's home to
17 another and that person couldn't -- must have been aware
18 of the history of this guy, but -- so my concerns --
19 expressing it -- that there were people working in
20 social work whom -- there was a big question mark why
21 they were in there and how they managed to get in there.

22 Now --

23 Q. Can I just stop you there so I can just get the absolute
24 picture: someone who worked as a residential worker for
25 the local authority as a residential care worker was

1 ultimately convicted for sexual abuse; is that correct?

2 A. Yes.

3 Q. But before that had happened he had worked in children's
4 residential care?

5 A. He worked in residential care in a children's home and
6 then -- I don't know whether it was some complaints or
7 some comments -- he was then moved sideways into a home
8 for -- a residential unit for persons with -- disabled
9 persons there. So, they were obviously getting moved
10 into dealing with vulnerable people.

11 Q. What you tell us at 2389, page 14, at paragraph 86, what
12 you tell us somebody, who you can't remember who was
13 working with you in Glasgow, told you that he had
14 complained about the man when he worked with him in
15 Newlands; is that correct?

16 A. Yes.

17 Q. Did he say to whom he had complained?

18 A. My understanding was that he complained to -- raised it
19 with a manager of that home. That might have been about
20 the period of time this person got moved from that
21 residential home, but moved again into a residential
22 establishment run by a person who was in overall charge
23 of these would have been responsible for.

24 Q. The person who spoke to you about this, did he tell you
25 what the nature of his complaint was?

1 A. His complaint was that this guy was dangerous, that's
2 how he put it, and he had concerns but he didn't want to
3 go further.

4 Once the name came out, I became aware of the person
5 and I was aware of -- subsequently, as I say, his
6 history has shown the concerns of this guy to be
7 correct. Not only did the guy appear, he had appeared
8 in court several times and on the front page of the
9 tabloids. But it is a concern of mine that it happened
10 because as I say --

11 Q. And I think what you tell me, what you say in
12 paragraph 88, was that they were told by the person who
13 spoke to you that, after he had made his complaint, this
14 man got moved back by social work management to another
15 home in either Newlands or Pollokshields and that was
16 a home for children with learning disabilities.

17 A. Children and other people with learning disabilities,
18 etc.

19 Q. The person who spoke to you, did he name the man?

20 A. Oh yeah, he named the person to me, because he knew the
21 person lived something about three or four houses away
22 from where I actually stay and have since --

23 LADY SMITH: Mr Dolan, can we get the microphone picking
24 your voice up. If your more comfortable sitting
25 backwards, we can move the microphone. Which would you

1 like? Do you want us to shift the microphone a bit?
2 You just get comfortable and we can make the microphone
3 work for you. Where do you want to sit? Is that okay?

4 A. Is that okay?

5 LADY SMITH: That's good, yes.

6 MR MacAULAY: I'm sorry, I think you did answer my question
7 and that the man that spoke to you did name the man he
8 identified as dangerous.

9 A. He did name the person and obviously living in
10 a neighbourhood, some of us did have concerns about him,
11 but it was subsequent to that that a series of court
12 cases appeared and the person got sentenced to six years
13 and then that was subsequently increased to 12 years and
14 he has been in and out of prison ever since. Yes.

15 Q. The other issue I want to raise with you -- and you may
16 have covered this already, but it is what you say on
17 page 2390. That's page 15 of your statement at
18 paragraphs 93 to 96, where you talk about -- I will wait
19 until the statement is on the screen, but you can cast
20 your eyes over it.

21 You talk about a girl who kept running away from
22 St Mary's List D school in Bishopbriggs and it was
23 discovered that she was pregnant. Is this the account
24 you gave before?

25 A. That's the person referred to earlier on.

1 MR MacAULAY: Very well, Mr Dolan, thank you very much
2 indeed. That's all the questions I have for you today.

3 My Lady, no written questions have been submitted
4 for Mr Dolan.

5 LADY SMITH: Could I confirm whether there are any
6 outstanding applications for questions for Mr Dolan?
7 No? Everyone is shaking their head. Thank you very
8 much.

9 Mr Dolan, I'm very grateful to you for getting in
10 touch with us and coming along this morning. You have
11 given us so much information of your working life; it
12 was obviously a long fruitful one. Thank you for that.

13 A. Thank you.

14 LADY SMITH: I can now let you go.

15 (The witness withdrew)

16 I think we can move away from that statement now
17 that's on the screen. If we can clear that, thank you.

18 Mr MacAulay.

19 MR MacAULAY: My Lady, I would like to call

20 Professor Ian Levitt.

21 LADY SMITH: Thank you.

22 Professor Levitt would you take the oath please.

23 PROFESSOR IAN LEVITT (sworn)

24 LADY SMITH: Thank you. Please sit down and make yourself
25 comfortable.

1 Mr MacAulay.

2 Questions from Mr MacAULAY

3 MR MacAULAY: May it please your Ladyship. Good afternoon,
4 Professor Levitt. Are you Ian Levitt?

5 A. That is right yes.

6 Q. At the moment you hold two particular positions and that
7 is you are emeritus professor of social policy at the
8 University of Central Lancashire?

9 A. That is correct.

10 Q. And you are also a honorary professor at the University
11 of the West of Scotland?

12 A. That is correct.

13 Q. You are here today, professor, because the Inquiry had
14 asked the Scottish Government to provide us with what
15 can be broadly described as an inspection report.

16 A. Yes.

17 Q. I think, moving on from there, the Scottish Government
18 commissioned you to carry out the work; that is correct,
19 is it?

20 A. That is correct, yes.

21 Q. Before I look at the report itself, can I just take you
22 to your CV.

23 A. Yes.

24 Q. I will put that on the screen and there may very well be
25 a copy of that in front of you. That is at

1 INQ.001.001.2409. When I read out these long numbers,
2 it is to get the document on a screen.

3 Can I ask you -- first of all, if we look at the
4 posts you held, what are your university qualifications?

5 A. I was educated at Edinburgh University. My first degree
6 was in sociology and economic history and then I was
7 awarded a Social Science Research Council stewardship at
8 Edinburgh University for PhD study.

9 Q. That's where your CV begins when we look at that?

10 A. Yes.

11 Q. Going on from there, do you tell us that you had another
12 research associate position with the Department of
13 Economic History, again at Edinburgh?

14 A. That is correct, yes.

15 Q. Was that a two year --

16 A. That was a two-year funded post by the same research
17 council.

18 Q. You then go into academia, I think.

19 A. Yes.

20 Q. You become a senior lecturer and principal lecturer on
21 social policy and administration at the
22 University of Plymouth?

23 A. That is correct.

24 Q. You spent some time there.

25 A. Yes, it is the nature of the academic labour market.

- 1 Q. You are there from 1977 to 1992.
- 2 A. That is correct yes.
- 3 Q. But you moved from there and took up the position of
- 4 research professor and research coordinator at the
- 5 University of Central Lancashire.
- 6 A. Yes, that is correct.
- 7 Q. You were there from 1993 to 2000.
- 8 A. That is correct, yes.
- 9 Q. From there you took up a position of research professor
- 10 and director of research, University of Central
- 11 Lancashire again, 2000 to 2003?
- 12 A. Yes, that is correct.
- 13 Q. Latterly, research professor at the department of social
- 14 work, at the same university, 2003 to 2010?
- 15 A. Yes, correct.
- 16 Q. I have already taken from you what your present
- 17 positions are.
- 18 A. Yes.
- 19 Q. Can I just look at your writings and publications. The
- 20 first heading we have is "Books". These are all
- 21 published books that you are responsible for.
- 22 A. Yes.
- 23 Q. Focusing on material that might, by way of background,
- 24 be of interest to the work you have done for -- in
- 25 connection with the Inquiry. The fourth one down:

1 "Government and social conditions in Scotland,
2 1845-1919."

3 That's certainly background that might be relevant
4 to some of the work the Inquiry have asked you to --

5 A. There is a chapter on effectively child care in the
6 period 1845 --

7 LADY SMITH: Professor Levitt, could I invite you to move
8 the microphone around until it is picking up your voice.

9 A. Sorry, yes.

10 LADY SMITH: This is a large room and we have also got
11 stenographers who are linked to the microphone system.

12 A. Is that better?

13 LADY SMITH: Try again.

14 A. Is that better?

15 LADY SMITH: That's good now. Let's get the microphone into
16 position so you are comfortable and we are hearing you.

17 A. Is that fine?

18 LADY SMITH: Excellent. Thank you.

19 A. Right.

20 Yes, the 1845 to 1919 edited volume contains
21 extracts of government documents concerning what we
22 would call child care now.

23 Q. The next piece of work, "The Scottish Office, 1919-59".

24 A. Yes.

25 Q. Again that's relevant to some of the material you looked

- 1 at for us?
- 2 A. Yes, it does contain chapters on health policy as well
3 as general government administration during the period.
- 4 Q. The last piece of work on the list, that's:
- 5 "Treasury control and public expenditure in
6 Scotland, 1885-1979."
- 7 You do reference that in your report.
- 8 A. That is right and all the TNA references in the report
9 come from that particular project, which was actually
10 quite useful to have that as background.
- 11 Q. And TNA?
- 12 A. The National Archives at Kew.
- 13 Q. We then move on to look at a number of articles that you
14 have written over the years. We can look for ourselves
15 to see what these are, but essentially you are focusing
16 in large measure on the Scottish position?
- 17 A. That is correct.
- 18 Q. Is that right?
- 19 A. Yes.
- 20 Q. And the Scottish State, if I can put it that way?
- 21 A. Yes. Public policy concerning Scotland over that
22 period.
- 23 Q. Turning then to chapters and books -- this is on
24 page 2411, page 3 of the CV. The first chapter that you
25 mentioned, "The Scottish Poor Law and Unemployment",

- 1 although we are not looking at unemployment, the
2 Poor Law does feature in what we are looking at.
- 3 A. It does. That was very much a product of the PhD, which
4 was then published separately.
- 5 Q. Just staying with the Poor Law, fourth item down, "The
6 19th century Poor Law". Again, I think you do talk
7 about the 19th century in your report.
- 8 A. Yes.
- 9 Q. That may have been helpful to --
- 10 A. Yes it was.
- 11 Q. Just moving on quickly. You provide us with details of
12 published conference papers and proceedings, on page 4
13 and on the next page, dictionary entries, other
14 published reports and also some research reports.
- 15 A. That is right, yes.
- 16 Q. Looking at page 2414, the final page, page 6, you set
17 out for us your membership of professional bodies. For
18 example, we see you are an elected fellow of the Royal
19 Society for the Encouragement of the Arts. That was in
20 1997?
- 21 A. That is correct yes.
- 22 Q. You are also a member of the -- for the
23 Scottish Executive of the Scottish Records Advisory
24 Council subgroup on retention of public records.
- 25 A. That is correct, yes.

- 1 Q. Retention of records is something again you touch upon
2 in your report.
- 3 A. Yes.
- 4 Q. Looking to that background it could be said that you did
5 have the qualifications to carry out this particular
6 study.
- 7 A. Thank you very much.
- 8 Q. I will put the front page of your report on the screen
9 and also you have it in front of you. It is
10 SGV.001.001.8061.
- 11 A. Yes.
- 12 Q. We see that the title of this report is "Inspection
13 report 1930-1968", although, as we shall see, you have
14 gone back from 1930 to get the historical context.
- 15 A. Yes, I did that because although I know you started in
16 1930, there were certainly an inherited inspectorate,
17 which I thought the Inquiry should be aware of that
18 wasn't just suddenly parachuted in in 1930.
- 19 Q. I understand that. So that we all can understand, this
20 is but the first of three instalments?
- 21 A. That is right yes.
- 22 Q. The next instalment, remind me: what period are you
23 intending to cover?
- 24 A. 1968 to 1992.
- 25 Q. And then the final instalment, 1992 to date?

- 1 A. That is correct, yes. It is because there were
2 different inspectorates basically throughout those
3 periods.
- 4 Q. If we turn then to page 8064. Do you set out on this
5 page, and into the next page, essentially, what you are
6 asked to do?
- 7 A. Yes.
- 8 Q. And I don't want to go through the detail but if you
9 look at item 1, that tells us:
10 "[You are] asked to look at the various systems of
11 inspection put in place by and on behalf of government,
12 whether based in London or in Edinburgh, in respect of
13 children in care, as defined in the Inquiry's terms of
14 reference between 1930 and December 2014."
- 15 A. That is correct, yes.
- 16 Q. You then set out, at paragraphs 2 and 3 and moving over
17 the page, the particulars that you are being asked to
18 look at. Can you give us a broad overview as to what
19 your understanding was of what you are being asked to
20 do?
- 21 A. I guess I assumed I was to prepare a report on who the
22 inspectorate were over the period, their formation,
23 their development, how they were integrated within the
24 administrative system in Scotland in the period, and in
25 what respect their reports were circulated to the

1 administrative officials and eventually to the Scottish
2 ministers, including the Secretary of State for
3 Scotland. I targeted that in the report particularly.

4 Q. Can we then look at your introduction on page 8065.

5 A. Yes.

6 Q. You set out in the introduction, I think broadly, what
7 you sought to do in this report; is that right?

8 A. That is correct, yes.

9 Q. Can you take us through that?

10 A. I thought, first of all, given the evidence that had
11 been before the Inquiry before, it was important to
12 establish who the inspectorate were and provide
13 a timeline of their appointments and also indicate the
14 limitations imposed by the retained records at the
15 National Records of Scotland.

16 And then indicate the methodology that I adopted in
17 preparing the report and then deal with the inspection
18 systems that were inherited in 1930 and then go through
19 in three distinct periods: 1930 to 1948, when the
20 Children's Act 1948 was passed; 1948 to 1958 when there
21 was a distinct change of policy towards children in
22 care; and then 1958 to 1968 when the Social Work Act was
23 passed.

24 Q. In carrying out that exercise, you have, I think, it is
25 fair to say, had regard to quite a significant amount of

1 material.

2 A. I think so, yes.

3 Q. In the course of the exercise -- and we will see this
4 when we look at the report -- you have been able to
5 visit inspection reports that have been carried out over
6 the years and you have provided us with extracts from
7 these reports, which can give us an insight into what
8 was actually being looked at by the inspectorates.

9 A. I assumed, I hope, that the Inquiry would want to know
10 what the inspectors saw when they went round various
11 children's homes or boarding out inspections, so you
12 would see for yourselves the extent and perhaps the
13 limitations which they were imposed.

14 LADY SMITH: Or, perhaps being picky, what the inspector
15 wrote down that he saw.

16 A. I tried to make sure that there was a broad coverage in
17 terms of what they saw without repeating the comments
18 that could be made over a number of distinct
19 institutions. I actually looked at more institutions,
20 children homes and approved schools than I reported on
21 just to convince myself that the selection of extracts
22 were not unique.

23 LADY SMITH: Thank you.

24 MR MacAULAY: Am I correct in saying that you were asked
25 whether, in particular, certain institutions did feature

- 1 in the records that you were looking at?
- 2 A. Yes and no in the sense that there are some institutions
3 which there are no records for, but where there were
4 I was able to look at them.
- 5 Q. For example, and we will look at this, one of the
6 establishments that you were able to identify, one
7 inspection report for was Smyllum Orphanage.
- 8 A. That is right, yes.
- 9 Q. But I think I'm correct in saying that that was the only
10 report that you could identify for Smyllum.
- 11 A. That is correct. There is a later report covering the
12 next period, but not in that particular period.
- 13 Q. You are talking about the period up to 1968?
- 14 A. Sure, yes.
- 15 Q. Then, if we turn to page 8066, where you provide under
16 the heading "Inspectorate timeline", an overview of
17 certain departments of state. Can you take us through
18 that?
- 19 A. Yes, there was obviously an inspectorate for the then
20 reformatories which became improved schools after 1932.
21 There was also an inspectorate for the Poor Law, but by
22 1930 that was in abeyance.
- 23 Q. I will come onto that.
- 24 A. The general inspectors and medical officers concentrated
25 their attention on other aspects of the Poor Law and

1 general social welfare in that particular period.

2 The Secretary of State for Scotland had no
3 responsibility at the time. They had actually no
4 inspectors available for any other aspect of child care
5 during that particular period.

6 Q. Can I take you to a document just to try and get some
7 historical understanding of the departmental set up in
8 Scotland -- and it is sometimes quite difficult to get
9 a grasp of that. This is one of the documents you
10 referred to in your report and it is at
11 SGV.001.001.8373. It is the schedule of public records
12 document that you have referenced.

13 A. Sure, yes.

14 Q. You will see that's now on the screen.

15 A. Yes.

16 Q. Can I say, just by way of a warning to all that may be
17 looking at the screen, sometimes it is quite difficult
18 to read the material because of its age. I will look at
19 some aspects of this schedule later, but if we turn to
20 the next page, 8374.

21 A. Yes.

22 Q. Do we here get a broad historical overview of the
23 situation in relation to the various departments within
24 Scotland? I mean, can we begin by noting for example
25 that the Scottish Education Department was originally

- 1 constituted as a committee of the Privy Council?
- 2 A. That is correct, and not under any particular Scottish
- 3 ministerial control at that time.
- 4 Q. As we read, the Lord President of the council was its
- 5 president and the Secretary of State was the
- 6 vice president. Is that the Secretary of State for
- 7 Scotland?
- 8 A. It is the Secretary of State for Scotland, but by 1930
- 9 in effect the Secretary of State for Scotland was
- 10 responsible for Scottish education and any documents
- 11 signed by the Lord President of the council was just
- 12 a signature.
- 13 Q. If we read on then we read that:
- 14 "Under the Education (Scotland) Act (1872), a Board
- 15 of Education for Scotland was formed, all appointed by
- 16 Her Majesty."
- 17 Then, we read that the office and general place of
- 18 business of the board were appointed to be in Edinburgh.
- 19 A. That is correct yes.
- 20 Q. Then, you tell us that under the -- we read in the
- 21 Education (Scotland) Act (1918) the title of the
- 22 department was changed to Scottish Education Department?
- 23 A. From Scotch Education Department.
- 24 Q. But that's where the name comes from?
- 25 A. That is correct yes.

- 1 Q. Then reading on:
- 2 "Under the Reorganisation of Offices (Scotland) Act
- 3 (1939), the functions of the Scottish Education
- 4 Department, along with those of other departments, were
- 5 vested in the Secretary of State for Scotland, who is
- 6 one of His Majesty's principal secretaries of state, and
- 7 by minute of the Secretary of State under the Act, his
- 8 office fell to be discharged as from the appointed day
- 9 [that's 4 September 1939] by four separate main
- 10 departments of equal status, the Department of
- 11 Agriculture for Scotland, the Scottish Education
- 12 Department, the Department of Health for Scotland, and
- 13 the Scottish Home Department."
- 14 A. That is correct.
- 15 Q. Three of these departments had some role to play in the
- 16 inspectorate system.
- 17 A. That is right, you had three different inspectorates by
- 18 1939: the Scottish Home Department, which had taken over
- 19 the functions basically of the Scottish Office, the
- 20 Scottish Education Department, and the Department of
- 21 Health for Scotland.
- 22 Q. Perhaps giving us an overview for the moment, what were
- 23 the responsibilities in relation to inspection -- by
- 24 that I mean, what establishments was each department
- 25 responsible for?

1 A. Approved schools were inspected by the general Schools
2 Inspectorate. It might be confusing, but the Chief
3 Inspector of Approved Schools was actually the Senior
4 Chief Inspector of Schools in Scotland. It may not be
5 very clear in the documents, but it is certainly clear
6 when you realise, in 1920, when the responsibilities for
7 inspection of reformatories was transferred from the
8 Home Office to the Scottish Education Department that,
9 in effect, the Chief Inspector of Reformatories was the
10 Senior Chief Inspector of Schools.

11 In 1920, the Treasury agreed the appointment of a
12 distinct Approved School Inspector for Scotland, who was
13 never called HM Inspector of Approved Schools; he was
14 simply called HM Inspector of Schools, which is also
15 confusing perhaps, to realise that there wasn't actually
16 anybody with an official title of approved schools
17 inspectors.

18 LADY SMITH: So we are talking about the same person?

19 A. The same --

20 LADY SMITH: One human being was the chief inspector, who
21 also had responsibility for approved schools or what?

22 A. No, he had responsibilities to the Secretary of State,
23 but under him there was one appointment created.

24 LADY SMITH: Ah, right. Two human beings?

25 A. Two human beings, right. But the Chief Inspector of

1 Schools was also the Chief Inspector of Reformatories
2 and approved schools thereafter. It can be confusing
3 because it is not clear in the documents, except by
4 inference.

5 The Treasury also agreed an additional appointment
6 of HM Inspector of Schools. That appointment was to
7 cover approved schools, but the official was never
8 entitled "HM Inspector of Approved Schools", but it was
9 one individual. Actually he was appointed in 1923 and
10 he carried on through to 1950.

11 Q. A long innings.

12 A. Yes. I think he said for 26 years he was inspector of
13 approved schools and that's all he did. There was also,
14 by 1939, an inspector of boarding out of Poor Law
15 children; the post created in 1934.

16 Q. Again we will look at that.

17 A. Sure. There was also by that time a set of inspectors
18 who looked at voluntary homes under the 1932 Act but the
19 inspectors had a number of different functions, in
20 addition to inspecting the voluntary homes.

21 Q. Can I then look at that part of your report where you
22 provide us with a note on how you dealt with retained
23 government files at the National Records for Scotland;
24 that's at page 8070.

25 Perhaps I could ask you this before I talk about

1 records. Throughout the report, in the footnotes you
2 make reference to "the blue notes"?

3 A. That is correct yes.

4 Q. Can you tell us what the blue notes were or are?

5 A. They no longer apparently are compiled but they were
6 first compiled in 1880, I suspect, at Treasury
7 instigation to control public expenditure. If you look
8 at the early notes there about departmental commitments
9 on public expenditure.

10 They were used primarily for use by ministers in
11 debates for public debate in Parliament. They were used
12 every year with updates. There would be a main note,
13 and so many years later, after a series of small
14 amendments, the main note would be revised.

15 By this period, the 1930s, they are called blue
16 notes because they are in blue paper, like buff paper,
17 which was quite common in government at the time. By
18 1934 they were reformed and issued basically to indicate
19 the legislation affecting a particular department, the
20 function of the department in relation to the
21 legislation, the organisation of the department to carry
22 out its functions, and the public expenditure attached
23 to the legislation that had been passed.

24 Q. Were they essentially briefing papers?

25 A. They were briefing papers for new ministers and they

1 were also briefing papers for new civil servants as
2 a kind of induction process. So that if you had been
3 transferred, say, from the roads division of the
4 Scottish Home Department into the children's department,
5 you would look at the blue note to see exactly what the
6 legislation was and the fact that there was
7 an inspectorate.

8 Q. If we then look at how you approached the retained
9 government files. You cover that at paragraphs 3.1 and
10 3.2. Without being too technical about how you were
11 able to access records, can you give us an overview
12 about how you set about your job?

13 A. I operated on two research principles. The first was to
14 look at the online catalogue in NRS and do a word or
15 phrase search for appropriate documents.

16 I also used the departmental cyphers. These are
17 codes that each file has, usually at the bottom, to
18 indicate a series of issues that are all combined
19 together.

20 So if you look at -- I can remember this off by
21 heart by now, 20531 -- it will give you all the retained
22 records on child care from about 1920 through and
23 actually past the 1970s.

24 There are some other records there in the Scottish
25 Education Department, usually CA or CS, which indicates

1 "children's approved schools" or "children's special
2 schools". I used the departmental cypher on the online
3 catalogue just to double check there weren't any other
4 records that were there that perhaps didn't have the
5 phrase or the words used that I was using in the word
6 search.

7 Q. We have already looked at the schedule of documents;
8 does that tell us for how long records were to be kept
9 at a point in time?

10 A. Yes. The regulations made in 1948 and approved by the
11 Secretary of State enabled the then Scottish departments
12 to decide which records they would keep and for how
13 long. It was quite a detailed schedule, as I think you
14 have seen.

15 So we know that, for instance, records on boarding
16 out were to be kept for only ten years and then
17 destroyed. Records on the Children and Young Persons
18 Act was to be kept for a similar number of years and
19 then destroyed.

20 Q. If we look at the schedule again, it is
21 SGV.001.001.8373.

22 A. Yes.

23 Q. If we scroll down can we see that this is dated
24 5 April 1949.

25 A. That is right, yes.

- 1 Q. Just taking you to two of the entries, if we turn to
2 page 8387 and if you look at the bottom, it is item 24.
- 3 A. Yes.
- 4 Q. I think this is what you mentioned:
5 "Children and young persons [etc] services
6 statistics [etc] (summaries are recorded in printed
7 reports)."
8 Twenty years?
- 9 A. That is right.
- 10 Q. Does that mean after 20 years they would be destroyed?
- 11 A. The recommendation was for a branch to destroy the
12 records after 20 years. It didn't necessarily mean to
13 say that it would be destroyed but that it was -- given
14 the nature of what has been retained in this period,
15 virtually all the records were destroyed.
- 16 Q. Perhaps one of the other entries I could take you to is
17 at page 8380.
- 18 A. I'm waiting for it to come up. (Pause)
- 19 Q. There we have it. At item 50 we note that this is for:
20 "Approved schools, statistical forms, licence
21 registers."
22 And the period here is said to be 10 years?
- 23 A. That is correct yes.
- 24 Q. This document, I won't look at any other aspects of it,
25 but we have these lists and the period after which it

1 would be permissible to destroy the document.

2 A. That is correct, yes.

3 Q. That clearly would have an impact upon what you would
4 have available to you when you were carrying out your
5 research.

6 A. It has meant there's virtually no records on boarding
7 out for this particular period. There are some records
8 on approved schools but actually, before really the
9 mid-1950s, there are relatively few. There are some
10 additional records on voluntary homes that might have
11 escaped the axe or the shredder simply because they
12 could have been lost in St Andrew's House or reappeared
13 or somebody decided at a later stage they ought to be
14 kept.

15 The record keeping, or rather record retention,
16 after 1960 got better and I suspect that was because
17 this list was revised and some official decided it would
18 be important to keep material on approved schools and
19 voluntary homes for a longer period.

20 Q. When we turn in your report to page SGV.001.01.8071, the
21 sentence at the end of the first paragraph, where you
22 tell us quite bluntly that the implications of the
23 schedules for the Inquiry are that there are relatively
24 few retained papers relating to children in care for the
25 period before 1950.

1 A. Yes.

2 Q. It would appear that the principles behind the
3 scheduling were maintained for some two(?) years later.

4 A. That is correct. I should also add that it doesn't just
5 affect these papers; it is across the board.

6 Q. No, I understand that.

7 The next section in your report is headed
8 "Methodology". Perhaps you can just take us through
9 that because, as you have just already pointed out, the
10 research that you have undertaken has had to be limited
11 because of retention policies that existed.

12 A. That is right, yes.

13 Q. How did you approach your task?

14 A. There were a number of different approaches. Firstly,
15 that actually Treasury records affecting this area were
16 kept and they were accessed, as I think you have seen
17 with some of the TNA reports. There were clearly some
18 general cabinet papers that had been retained by their
19 very nature over the period. There were obviously
20 a number of enquiries and official reports of this
21 particular period including a number of Select Committee
22 papers of this particular period, which were quite
23 useful in filling in gaps in terms of the nature of the
24 administration, particularly of approved schools of this
25 particular period.

- 1 Q. These are very detailed papers, the Select Committee
2 papers?
- 3 A. They are very detailed, yes, but they perhaps give us
4 more information as to how the inspectorate conducted
5 its inspections on approved schools than would otherwise
6 be available.
- 7 Q. I think we have an instance in one of these papers of
8 the Chief Inspector being interviewed or cross-examined,
9 call it what you will, in relation to --
- 10 A. Not the Chief Inspector, the Approved School
11 Inspector -- it wasn't called Approved School
12 Inspector -- being interviewed, yes.
- 13 Q. People of that sort would be called before the committee
14 to give evidence?
- 15 A. That is right and he gives a fairly detailed explanation
16 of his duties and roles and the history of his
17 administration.
- 18 Q. If we move on to page 8072, you have already indicated
19 how you approached sourcing the material.
- 20 A. Yes.
- 21 Q. At 4.3 you tell us what you were able to consult in
22 relation to certain establishments; is that correct?
- 23 A. That is right. Well, I sampled five local authority
24 children's departments, nine local authority children's
25 homes, 16 voluntary homes and seven remand homes and

1 12 approved schools.

2 I also looked at 200 other files. The issue
3 surrounding the other files is that often in retained
4 files you can get what are called "strays", actually
5 papers which will tell you something about another topic
6 and that topic might be of interest to you and this
7 particular piece of research did actually access quite
8 a large number of strays which you would not have
9 expected in that file, but which told us something about
10 the nature of the inspection system.

11 Q. If you focus, for example, on the 16 voluntary home
12 files that you were able to consult does that mean that
13 you could only find 16 for this period? Or does it mean
14 something else?

15 A. No, off the top of my head I looked at about 50
16 voluntary homes in this period. I did that to make sure
17 that those that I reported on were not atypical of the
18 nature of the reporting.

19 Q. When you use the word "sample", that's what you mean?

20 A. That is right. The same for the five local authority
21 children's departments. I also looked at Edinburgh and
22 Kincardineshire to make sure I had another city and
23 another county council.

24 I should also add that for a considerable number of
25 local authorities, the files on their children's

- 1 departments inspections have not been retained.
- 2 Q. Yes. At 4.4, you give us a feel for the principal
3 source of the inspector's work from what you have read;
4 is that right?
- 5 A. That is correct.
- 6 Q. Can you give us an understanding of how you saw it?
- 7 A. How I saw the inspector's work?
- 8 Q. Yes.
- 9 A. I was particularly interested in what the inspector was
10 looking at in their particular inspections, the length
11 of their reports and any recommendations that they made
12 back to HQ as to further work that was required to
13 improve standards of care.
- 14 Q. You tell us in the period under review, up until 1968,
15 there were no more than a few hundred retained files.
- 16 A. That is correct, yes.
- 17 Q. And none, reading on, that cover the work of the
18 inspectorate for an institution or local authority over
19 the whole period?
- 20 A. That is correct yes.
- 21 Q. I'm moving over to page 8703, but do I take from that
22 if, for example, you take a voluntary home, you might
23 find a file or two for a period or two, but nothing that
24 would cover the whole period?
- 25 A. No. If you look at Dumfries & Galloway's Girls' Home,

1 it covers a period until, I think, the mid-1950s. Then
2 there is a gap until 1962 which is rather infuriating
3 because of something rather interesting happening, but
4 we don't know anything about it.

5 Q. Because of that then do you go on to tell us what the
6 research is designed to do?

7 A. Yes.

8 Q. How would you put that?

9 A. I think to give a flavour of the work of the
10 inspectorates at local level in terms of the issues that
11 they saw that needed to be addressed and the reporting
12 mechanism that they undertook to the administrative
13 staff back at St Andrew's House and, in some cases, also
14 through the Parliamentary Undersecretary of State and
15 the Secretary of State for Scotland as well, to give
16 some idea of where there were thought to be political
17 issues, some political action was being taken.

18 Q. You go on to say that, for the reasons you have given,
19 that it has proved impossible to sample different types
20 of inspection, so again it is a broader overview you are
21 taking.

22 A. Yes, except that by looking at the nature of the reports
23 over a distinct number of institutions, one perhaps gets
24 a flavour of really what the inspectorate were seeking
25 to undertake in terms of their inspections.

1 Q. And does the nature of -- we will look at this perhaps
2 later. Just looking ahead, does the nature of the type
3 of reports being made change over the period?

4 A. It does, yes. If you look for instance at voluntary
5 homes, the reports between 1934 and 1948 seem to be
6 about the homes themselves and there are no reports on
7 the children per se.

8 In the reports after 1948 you do begin to see
9 reports on individual children emerging and
10 recommendations for action concerning those particular
11 children.

12 Q. Do we also see a difference, even in the length of the
13 reports, in that some earlier reports are less than
14 a page but then later we get several pages?

15 A. You can get several pages and then by the 1960s you
16 suddenly get four or five pages in terms of the reports.

17 Q. Just moving on to paragraph 4.5, you tell us that
18 a number of Treasury files held at the National Archive
19 at Kew on the subject of children in care were also
20 considered. Is this where your previous research was
21 relevant to what you were doing?

22 A. Yes. It is a beneficial effect of undertaking that
23 research.

24 Q. Did you actually go to Kew in connection --

25 A. I didn't go to Kew in connection with this; I already

1 had the digitised images as a result of that project.
2 I collected them. They were not necessarily used in
3 that particular project but I collected them and
4 remembered that there were reports and decisions on
5 funding, basically, the inspectorate over the period.

6 Q. Very well.

7 Can we then move on to page 8074 where you have
8 a section headed:

9 "Preamble: A note on inspections 1850-1930."

10 A. Yes.

11 Q. In particular, you begin by focusing on the provisions
12 of the Poor Law (Scotland) Act (1845).

13 A. Yes.

14 Q. This is I think -- you looked at this, as you mentioned
15 earlier, because this would indicate what was being
16 inherited in 1930.

17 A. That is correct.

18 Q. Can you give us an understanding then as to what you
19 have set out in these next few sections/paragraphs?

20 A. The 1845 Poor Law (Scotland) Act empowered a central
21 authority to ensure that local administration was
22 conducted efficiently and economically and to ensure
23 that standards of provision were reasonably uniform
24 across the whole of Scotland. It was a significant
25 reorganisation of local administration.

1 Initially it did not have any inspectorate to go
2 round the 100 or so parishes in Scotland, but by 1850
3 and 1851, it decided that it required a visiting officer
4 to ensure that local administrations conformed to
5 effectively national standards.

6 In relation to children, the issue related, I think,
7 primarily to a central desire that children should not
8 be kept in institutions, the poor house, and should be
9 boarded out. The role of the initial visiting officer,
10 the inspecting officer, was to ensure that that rule and
11 regulation was actually adhered to.

12 Q. Would he be responsible for inspecting the poor houses
13 themselves and also the children who had been boarded
14 out?

15 A. He was, and the later inspectors' function was to
16 inspect the poor house and make reports on the poor
17 house and also to ensure, through checking the books and
18 interviewing the relevant officers, that there was
19 a system of boarding out. There is evidence that the
20 visiting officers/inspecting officers actually did
21 inspect children's homes where they were being boarded
22 out.

23 Q. You have identified this initial, this first inspector
24 so to speak?

25 A. Yes.

1 Q. But then:

2 "There are two posts entitled 'general
3 superintendents of the poor' subsequently added after
4 the Poor Law amendment act 1856."

5 Does that mean we then have three inspectors?

6 A. Yes, two general inspectors were appointed because there
7 was concern that Poor Law administration in the
8 Highlands was not conforming to national standards and
9 their function was to inspect parishes above the
10 Highland line, leaving the visiting officer to
11 concentrate their activities on the central belt and
12 other counties in Scotland.

13 Q. So the two general superintendents then, they were, as
14 it were, allocated to the Highlands and Islands?

15 A. That is correct yes.

16 Q. Both of them?

17 A. Both of them. There was a northern inspector and
18 a southern Highlands inspector.

19 Q. But as you tell us, they had -- it was hoped that they
20 would visit each Poor Law authority and poor house at
21 least once a year?

22 A. Yes, that is correct.

23 Q. When you talk about Poor Law authority --

24 A. The parochial boards, they were termed at that time.

25 Q. But at this time were they visiting the actual

- 1 boarded-out children?
- 2 A. From the reports that have survived, both NRS and also
- 3 in Parliamentary terms, there is evidence that they did
- 4 visit children who were being boarded out to ensure that
- 5 the regulations were being kept.
- 6 Q. So even in these early days, there is an inspection
- 7 regime --
- 8 A. Yes.
- 9 Q. -- involving at this point in time three individuals?
- 10 A. Yes.
- 11 Q. Moving on to page 8075, you tell us, some four or five
- 12 lines from the top:
- 13 "A second inspecting officer was appointed in 1885
- 14 primarily to assist the existing officer with the
- 15 Lowlands and southern Scotland."
- 16 We are now up to four?
- 17 A. That is right, yes.
- 18 Q. I think you tell us that these two inspecting officers
- 19 were reclassified as "general superintendents of the
- 20 poor"; so they are all of the same sort of level?
- 21 A. And they all have the same authority to enter premises.
- 22 Q. You tell us there were numerous Parliamentary reports
- 23 published on the extent of their inspections and boards
- 24 for actions following the reports.
- 25 A. That is correct yes.

- 1 Q. So, if I can put it this way, did they appear to have
2 teeth?
- 3 A. Yes, I would say at the margins they had teeth in terms
4 of concerns about children being kept in poor houses,
5 concerns about the nature of children being fostered
6 out. But it is very difficult because of the lack of
7 retained records to look and see just how far their
8 reports were implemented in terms of further action.
- 9 Q. You go on to say that, in 1910, a lady inspector with
10 a medical qualification was appointed.
- 11 A. Yes.
- 12 Q. Is this an additional inspector?
- 13 A. This is an additional and new inspector, appointed as
14 a result of the recommendation of the Royal Commission
15 on the poor laws, who conducted a number of separate
16 enquiries and investigations and came round and said
17 that the existing system of inspection was deficient in
18 terms of children boarded out.
- 19 Q. And you tell us that her reports did cover criticism of
20 overcrowded foster homes, sleeping arrangements, the
21 quality of clothing, the provision of medical treatment,
22 and the inadequacy of foster parent parents.
- 23 A. That is correct.
- 24 Q. These are matters she identified?
- 25 A. She identified and it is in the Parliamentary returns.

1 Q. Can I just understand the next few sentences, when you
2 talk about this post holder being transferred in 1921.
3 Let me understand what you are saying as to what
4 happened after her transfer.

5 A. What was then termed the Local Governing Board for
6 Scotland became the Board of Health for Scotland and
7 therefore the remit of that new board covered the
8 emerging health services. She reports, as does the
9 board report, that in fact they needed her services
10 across a wider area.

11 The result of that -- she admits that she ceases to
12 conduct inspections on boarded-out children unless
13 specifically required and the post was performed by
14 a non-medically qualified official until her retirement
15 in 1926. So there was some inspection through until
16 1926, but it was by a non-medically qualified official.

17 Q. But were the general superintendents of the poor still
18 active?

19 A. Yes, but the Department of Health, which took over the
20 functions of the Scottish Board of Health in 1928,
21 admitted they were too busy, too preoccupied with other
22 general local government matters to conduct any
23 inspections of boarded-out children.

24 Q. So the inspection regime, as such, had dried up by --

25 A. It was in abeyance -- I think that was the official

- 1 phrase used to the Treasury -- by 1934.
- 2 Q. As you tell us in that paragraph, the work of
3 inspection -- by 1934, and that's when we have new
4 legislation --
- 5 A. Yes.
- 6 Q. -- had ceased entirely?
- 7 A. Yes, correct.
- 8 Q. So we had a period of 15-plus years when there were no
9 inspections?
- 10 A. Eight years between 1926 and 1934. There could have
11 been, if they used the woman housing officer to conduct
12 inspections, but we have absolutely got no idea of the
13 number of inspections conducted or any reports in the
14 Parliamentary returns of the Department of Health.
- 15 Q. But, in any event, by the time of the passing of the
16 Poor Law of the Act of 1934, there were no inspectors
17 engaged.
- 18 A. There were no designated inspectors.
- 19 Q. You then on page 8076, at paragraph 5.3, you address
20 reformatories historically.
- 21 A. Yes.
- 22 Q. Am I to understand when you use the term
23 "reformatories", you are referring also to industrial
24 schools or is it just --
- 25 A. It is just reformatories because industrial schools were

1 abolished by 1932 and don't really come within the ambit
2 really. Industrial schools were day schools.

3 Q. Were they all day schools?

4 A. Yes, as opposed to reformatories.

5 Q. Which were residential?

6 A. Yes.

7 Q. Then let's look at the position with regard to
8 reformatories and, as you say, they are the precursor to
9 approved schools. What was the inspection regime
10 pre-1932?

11 A. Pre-1932?

12 Q. Yes.

13 A. It was the same approved school inspector appointed in
14 the early 1920s, and from the annual reports of the
15 Scottish Education Department, they conducted
16 inspections as they carried on inspections after 1932.

17 Q. If we look at 5.3, you say the first inspector of
18 reformatories was appointed by the Home Office in
19 1857 --

20 A. That is correct, yes.

21 Q. -- with additional inspectors appointed the following
22 year. So there was an inspection regime at least from
23 1857?

24 A. There was an inspection regime from 1857 and by 1900
25 I think there was at least half a dozen inspectors of

1 reformatories operating out of the Home Office, one of
2 which covered -- or at least covers Scotland in part.
3 The departmental reports of the period indicate that
4 they did comment on the state of conditions in Scottish
5 reformatories.

6 Q. If we look at page 8077, towards the top of the page,
7 you provide us with a quote from the departmental
8 committee on the reformatories and industrial schools.
9 This is 1896 and perhaps you can just take us through
10 what we are told in that report.

11 A. Yes. It might seem rather an odd system in today's
12 environment, but the reformatory was obliged to make
13 rules and regulations governing itself, which they were
14 required to submit to the Home Office for approval. The
15 Home Office itself issued model rules and regulations
16 which did not have to be followed by the reformatory,
17 but it would appear that they did.

18 The inspector, as I say here, could not do anything
19 which was not permitted by the rules. His position was
20 to influence the conduct of the schools by his wisdom
21 and his knowledge of what was appropriate treatment for
22 these particular pupils and he was required to inspect
23 each school at least once every year. It says in
24 practice he inspects twice, or even more often, and they
25 are often surprise visits.

1 Q. You have talked about the rules. You mention in 5.4
2 that the Secretary of State did not have the power to
3 make rules and it was up to the managers to do that.

4 A. Yes.

5 Q. But the Secretary of State did have some power in the
6 sense that he had to approve the rules?

7 A. That is correct. But we are not given sufficient
8 information as to the leeway between the model rules and
9 the rules actually adopted. But we know what the
10 inspectors, in detail, would look at because their
11 reports indicate that.

12 Q. You give us a summary of that towards the bottom of the
13 page where you say:

14 "The inspections contained within the report covered
15 quality of accommodation, clothing, medical care and the
16 use of corporal punishment, as well as education and
17 training offered."

18 A. That is correct.

19 Q. You were able to take that from --

20 A. Yes, yes.

21 MR MacAULAY: My Lady, that is 1 o'clock.

22 LADY SMITH: Would that be a convenient point to break?

23 MR MacAULAY: Yes.

24 LADY SMITH: We are going to stop now for the lunch break
25 and start again at 2 o'clock, if that would suit you,

1 professor.

2 A. Yes, fine.

3 LADY SMITH: 2 o'clock, thank you.

4 (1.00 pm)

5 (The luncheon adjournment)

6 (2.00 pm)

7 LADY SMITH: Mr MacAulay.

8 MR MacAULAY: My Lady. Before lunch, professor, I had taken
9 you to page 8077 of your report and, looking towards the
10 bottom of that page, this is the bottom part of
11 paragraph 5.4, what you say is this -- and this moves
12 onto the next page:

13 "Although the Scottish Office assumed responsibility
14 for Scottish reformatories in 1905, it was not until
15 their transference to the SED in 1920 that a distinct
16 Scottish Inspector was appointed, officially one of the
17 Scottish school inspectors."

18 Can I just understand the transference of the
19 reformatories to the SED in 1920? How did that come
20 about?

21 A. There was a series of departmental committee reports
22 both in England and Wales, and also one in Scotland,
23 which reviewed the issue of reformatories and industrial
24 schools at the time, and part of the recommendation was
25 that the SED should -- rather a Scottish department

1 should assume responsibility for the inspection of
2 reformatories and industrial schools north of the
3 border.

4 It might appear rather muddled, but in 1904 it was
5 agreed that reformatories should be transferred from the
6 responsibility of the Home Office to the Scottish
7 Secretary.

8 Q. When you talk about the Home Office, it is the UK
9 Home Office?

10 A. From the UK Home Office to the Secretary for Scotland
11 because that was the official name of the Scottish
12 Secretary at the time.

13 It was then decided for reasons of economy not to
14 create a separate Scottish Inspectorate. That changed
15 with a series of reports, as I have just said, and in
16 1920 the Scottish Office agreed with the Home Office and
17 the Treasury that the Secretary for Scotland should
18 assume responsibility for the inspection of
19 reformatories. The issue then was where to locate it.

20 The Scottish Office had no inspectorate of its own
21 and so it seemed more logical that it be transferred to
22 the Scottish Education Department.

23 Q. Then moving on to the inspectorate. Would
24 an inspectorate within the Scottish Education Department
25 take over the duties of inspection or how did it work?

1 A. I think, as I said before, the Senior Chief Inspector of
2 Schools became the Chief Inspector of Reformatories in
3 Scotland and it is not very clear from the material, but
4 it is obvious when you actually look at it because you
5 were transferring the duties concerning reformatories to
6 the SED. So the principal officer of the SED simply
7 became the Chief Inspector.

8 It was agreed also with the Treasury that the SED
9 could appoint an additional inspector to cover the area
10 of approved schools, without designating that inspector
11 as being an approved school inspector.

12 Q. So there was a ready-made inspectorate at the time of
13 the transfer and this was an additional body, as it
14 were, brought in to soften the blow?

15 A. Well, I wouldn't put it that way.

16 Q. In any event, so far as the inspectorate within the SED
17 would be concerned, do we have any sense as to how many
18 bodies or inspectors there would be post 1920?

19 A. One. A single individual. And that single individual
20 held the post until 1950.

21 Q. I think you said that before.

22 A. That is right.

23 Q. Did that change? Did he get some assistance along the
24 way or not?

25 A. He would be assisted in subject specialisms by the

- 1 subject specialist HMIs for schools.
- 2 Q. I think we see that in the report.
- 3 A. That is right yes. But, no. And I think in the next
4 section you will see very clearly that it has been left
5 to him to basically deal with all the issues concerning
6 the approved schools.
- 7 Q. The qualification though for the inspectors -- you tell
8 us they are expected to hold a honours degree --
- 9 A. Yes.
- 10 Q. -- and have at least five years' teaching experience,
11 preferably in Scotland.
- 12 A. That is right.
- 13 Q. That is quite a firm qualification, it is quite a high
14 level of --
- 15 A. I think that would be the expectation of an experienced
16 teacher in Scotland at the time, that they would have
17 a Scottish honours degree and therefore you would expect
18 an inspector to hold an equivalent honours degree.
- 19 LADY SMITH: That focus then was on the educational aspect
20 of the approved school not on caring for children on
21 a residential basis?
- 22 A. There's no evidence that the person appointed had any
23 experience in that. I do know the official appointed
24 had been a war hero and was decorated as such, but
25 that's as far as I know about his qualifications for

- 1 approved schools.
- 2 LADY SMITH: All right, thank you.
- 3 MR MacAULAY: You do go on to tell us that the department's
- 4 medical officer and inspector of physical training
- 5 assumed a responsibility for the oversight of
- 6 reformatories as well.
- 7 A. That is right yes. All the duties concerning the
- 8 reformatories, industrial schools were transferred,
- 9 including that of medical inspection.
- 10 Q. Medical inspection would involve precisely that,
- 11 visiting the reformatories and carrying out medical
- 12 inspections?
- 13 A. Yes. I think the average inspection would be annually,
- 14 measuring the height and the weight and the eyesight of
- 15 the children concerned.
- 16 Q. You go on to say that the SED issued its first set of
- 17 regulations in 1921.
- 18 A. Yes.
- 19 Q. These would be regulations that the reformatories would
- 20 be expected to follow?
- 21 A. That is right, yes, and they were published, as far as
- 22 I'm aware. From what I have seen, they basically copied
- 23 that of the Home Office.
- 24 Q. The final point you make in this, as it were, pre-1930
- 25 section is that the department -- and here you are

- 1 talking of the Scottish Education Department --
- 2 A. Yes.
- 3 Q. -- its administrative structure also included
- 4 a reformatory schools branch.
- 5 A. Yes, that is correct.
- 6 Q. Would this be simply, what, secretaries and so on to
- 7 assist within the inspectorate?
- 8 A. By "branch", I meant there would be a head of branch.
- 9 It would be difficult to say precisely what level the
- 10 head of branch was. Usually, at that stage, it would be
- 11 at a clerical level. I should also say that the
- 12 majority of staff in the SED had been school inspectors.
- 13 It was quite normal for the administrative staff to have
- 14 a period of being a school inspector and, in fact, all
- 15 the SED secretaries in this period, through to 1952, had
- 16 been schools inspectors.
- 17 Q. We are focusing on child care institutions and so on.
- 18 We mustn't lose sight of the fact that within the
- 19 education system there was a batch of inspectors.
- 20 A. That is right, yes. It is difficult to know precisely
- 21 the names of the individuals who were responsible at
- 22 branch level, but the likelihood is that they had been
- 23 school inspectors, as the majority of staff in SED at
- 24 that time had been school inspectors.
- 25 Q. Against that whole background then that we have looked

1 at, you go on to look at "Children in care, part 1: 1930
2 to 1948", and you summarise at 6.1 what the section
3 covers. Can you just provide us with a broad overview?

4 A. I think what I wanted to do was to establish that in
5 this particular period there were eventually three sets
6 of inspectors or three inspectorates. One concerned, or
7 continued concern, with the approved schools, as they
8 became known after 1932.

9 Q. That's the SED?

10 A. That's the SED yes. One within the Department of Health
11 for Scotland concerning children boarded out under the
12 Poor Law from 1934 -- actually the person was appointed
13 in 1935 -- and one concerning involuntary homes under
14 the Children and Young Persons Act (1932), then being
15 managed by the Scottish Office.

16 Q. As far as voluntary homes were concerned, I think we
17 know after the 1932 Act there was a registration
18 process.

19 A. Yes, voluntary homes which held children were obliged to
20 register.

21 Q. But the inspection process also involved actual
22 inspection. By that I mean visiting the -- apart from
23 checking out on the registration, visiting the homes?

24 A. Yes, the Act implied that there would be a visible
25 inspection and reports taken of the voluntary homes in

- 1 that particular period.
- 2 Q. If we move on to page 8079. I think at 6.2 you are
- 3 essentially repeating the fact that there were these
- 4 three Scottish departments that had responsibility for
- 5 children in care.
- 6 A. That is correct, but I think I also tried to establish
- 7 that there were separate codes operating for children in
- 8 care: one was certainly under the Poor Law, one was
- 9 under the education system, and one had some
- 10 relationship with the criminal justice system.
- 11 Q. That's the SHD?
- 12 A. SHD, the Scottish Office and then the SHD. It is quite
- 13 important to understand that there were separate codes
- 14 for children in care throughout this whole period.
- 15 Q. When you say "codes", you are talking about either
- 16 regulation or legislation or are you talking about an
- 17 internal code?
- 18 A. Legislation with follow-up regulations. Obviously the
- 19 administration of justice dealing with juvenile
- 20 delinquents, which had an impact obviously on approved
- 21 schools, and the Children Act and the Poor Law Act
- 22 having an impact on a different kind of code.
- 23 Q. I think we have seen in other evidence the difference
- 24 between the different regulations.
- 25 A. Yes.

1 Q. Can we then look at the SED and its inspectorate because
2 that's the first department that you looked at.

3 A. That is right.

4 Q. You identify the 1932 Act that you have mentioned as
5 being relevant to -- this being the body that dealt with
6 approved schools.

7 A. Yes.

8 Q. One task that it had was to review arrangements made by
9 the managers of the schools; is that correct?

10 A. That is correct, yes.

11 Q. And that was under the legislation?

12 A. Under the legislation and the rules and regulations
13 issued by the SED to managers.

14 Q. Perhaps I can take you to the 1932 Act. I don't know
15 how familiar you are with the legislation, but it is at
16 LEG.001.001.0450. Of course, this was the legislation
17 that essentially transform reformatories and industrial
18 schools into approved schools.

19 A. Yes.

20 Q. If I take you to the first schedule at paragraph 15.2,
21 this is on page 0513. Can we read at subparagraph (2)
22 that:

23 "The Scottish Education Department shall, through
24 their inspectors, review the progress made by persons
25 detained in approved schools with a view to ensuring

1 that they shall be placed out on licence as soon as they
2 are fit to be so placed out."

3 A. Yes.

4 Q. That was one of the purposes behind the inspection
5 regime?

6 A. That is right. I think the report by the inspector to
7 the Estimates Committee in 1949 indicates that's what he
8 saw as his primary task.

9 Q. To see whether or not a child was fit to leave?

10 A. That is right, in their last year whether they were fit
11 to leave. He reviewed all the records for children in
12 approved schools during that final year to see whether
13 they were fit to be released on licence.

14 Q. Perhaps, while we have the Act in front of us, if we
15 turn to page 0505 --

16 LADY SMITH: I'm sorry, professor, the system has been
17 running a bit slowly in picking up documents over the
18 last day or two.

19 MR MacAULAY: Of course, the benefit of having hard copies
20 is that you don't have to wait.

21 LADY SMITH: Perhaps you can bear with it; it does handle
22 a lot of documents.

23 MR MacAULAY: I want you to look at section 77, which is now
24 coming on the screen. We can see there that:

25 "The Secretary of State and the Scottish Education

1 Department may, for the purposes of their respective
2 powers and duties under the enactments relative to
3 children and young persons, appoint such number of
4 inspectors as the Treasury may approve ..."

5 A. Yes.

6 Q. Clearly the Treasury had the final say on who and how
7 many would be --

8 A. That was a fairly traditional Treasury approach to any
9 public appointment in this particular period. From the
10 information of the Inquiry, there wasn't any delegated
11 authority to a department to appoint new officials until
12 1939.

13 It wasn't really encased in, if you like, Treasury
14 law until about 1949. So all junior appointments, new
15 appointments within a department's budget, had to be
16 approved by the Treasury from whenever, throughout this
17 period. So this is simply restating a very traditional
18 Treasury approach.

19 It broke down after 1949 and so within your
20 establishment budget, the Scottish Office could appoint
21 a principal, ie a head of branch, and an assistant
22 secretary, a new assistant secretary, as long as it was
23 not -- as long as it didn't breach the establishment
24 budget. They could not appoint a new senior official
25 like an undersecretary or a departmental secretary

1 without Treasury approval after that.

2 So there is a change of policy. That is very much
3 a statement going back to the 19th century.

4 Q. Just by way of interest, and perhaps only for my
5 benefit, if no one else's, why do we have reference to
6 both the Secretary of State and the Scottish Education
7 Department?

8 A. Right, yes, that is because -- this is before 1939 and
9 the Reorganisation of Offices Act. There was an issue
10 within the Scottish environment that, in fact, the
11 departments that the Scottish Secretary supervised were
12 somehow separate as legal entities from himself. So it
13 has to mention the Secretary of State or the department.
14 In this case, the SED was technically still under the
15 Lord President of the council, although in day-to-day
16 management it was the Secretary of State for Scotland.

17 LADY SMITH: That was the Lord President of the
18 Privy Council?

19 A. Yes, exactly.

20 MR MacAULAY: It does clarify the point.

21 If we move on then, I think you tell us in that same
22 paragraph that there would be a degree of liaison
23 between Her Majesty's Inspectors of Schools to ensure
24 that regulations were complied with.

25 A. Yes.

- 1 Q. Can you explain that? How that would come about?
- 2 A. It was -- I think if one reads the Estimates Committee
3 in 1949, that effectively meant that the HM Inspector of
4 Schools, approved schools, the same chap, would
5 basically undertake that activity and report back to the
6 branch, the approved school branch, and through the
7 administrative system, that the regulations were being
8 observed or they were not being observed.
- 9 Q. Can I take you to the Select Committee report then.
- 10 A. Yes.
- 11 Q. We will find that at SGV001.001.8390. So we are looking
12 at the 18th report from the Select Committee on
13 Estimates, together with minutes of evidence taken
14 before subcommittees. This is for the session 1948 and
15 1949 and we see the topic is "Approved schools".
- 16 A. Yes.
- 17 Q. As we read this, not that we are going to read it all,
18 in that it is a fairly extensive document, although we
19 cannot make that out from the screen, much of it is
20 taken up by costs and --
- 21 A. That was the nature of select estimates. The select
22 Committee on Estimates dealt with public expenditure but
23 at the same time they were also looking at policies and
24 procedures.
- 25 Q. If we look at page 8394, it is something you mention at

1 least in passing in your report. Are we given, if we
2 move down to paragraph 3, some historical background in
3 that we are told that:

4 "Boarding schools for erring and destitute children
5 were instituted about a century ago by voluntary
6 organisations with an object of keeping such children
7 out of prison."

8 So that is the statement of principle we get at the
9 beginning.

10 A. Yes, that is the historical background.

11 Q. It goes on to say that the schools are now approved by
12 the Secretary of State under reference to -- I think
13 that's reference to the English Act of 1933 and the
14 Scottish Act of 1937.

15 My purpose in taking you to this document is -- if
16 we go to page 8506, about 500 pages on, if we move down
17 the page, can we just see there that this is evidence
18 taken at St Andrew's House in Edinburgh and the evidence
19 has been given by Mr HS Hardy, assistant secretary, and
20 Mr R Forbes and we also see DSO, MC, HM -- is that the
21 war hero you mentioned before?

22 A. Yes. I think he is Colonel Forbes.

23 Q. I think he is referred to as that in the text. And he
24 was HM Inspector of Approved Schools?

25 A. He is down there as HM Inspector of Approved Schools but

1 in fact the "approved schools" should have been in
2 brackets --

3 Q. You have made that point, I think.

4 A. He is not listed in any of the almanacks or the
5 Civil Service yearbooks with "approved schools" attached
6 to his title.

7 Q. But the way this is set out is that he was there to give
8 evidence to the committee.

9 A. Yes.

10 Q. And indeed as were others, for example, I think
11 Dr Guthrie's School for Girls were represented --

12 A. That is right.

13 Q. -- and I don't think they made a particularly good
14 impression.

15 A. No, the very opposite.

16 Q. But on the next page, 8507 -- and I would like to take
17 you to the bottom of the page and then move on to the
18 next column. Of course, he is asked the question by
19 Mr Willis at 3727:

20 "How often would you be visiting these schools, so
21 that we are sure that would be done?"

22 The answer is:

23 "At least every six months."

24 A. That is correct yes.

25 Q. "I vary the visiting. It may be oftener, making

1 enquiries about a particular case."

2 That at least was the evidence he gave at that time.

3 A. That is right.

4 Q. Then they go:

5 "The whole of the approved schools in Scotland would
6 receive from you at least a visit at least at interviews
7 not beyond six months?

8 "Yes.

9 "When you do go out, you make sure this rule has
10 been carried out?

11 "Yes."

12 Can I understand the reference to "the rule"? Is
13 that the rules?

14 A. I think that means the rules.

15 Q. As set out?

16 A. That is right, yes.

17 Q. "You yourself make investigations into the headmaster's
18 report?

19 "Yes, on each individual pupil.

20 "And see the pupil himself?

21 "If need be, particularly those of 15 years of age
22 and who had been this the school for over a year. We do
23 not, as a rule, see reports of the those under a year,
24 because it is just the exceptional boy or girl who is
25 licensed under a year."

1 "So that you really feel satisfied?

2 "Yes, quite satisfied."

3 He then goes on to explain, and you can perhaps
4 summarise this, the other people who would also visit
5 because of the their specialisms. Can you perhaps
6 elaborate?

7 A. If there were subject specialisms, such as woodwork or,
8 if it was a girls' approved school, domestic science.
9 The subject specialist would review the accommodation
10 and the facilities and make reports. I don't have any
11 reports pre-1915 but I do have some, and I think there
12 are some quoted later on in the report, post-1950, which
13 covers domestic science -- which covers diet attached to
14 the approved school.

15 There's also reference there to the medical officer
16 reviewing the bed space, basically, within the approved
17 school and their comments there with the assistant
18 secretary making it clear that, yes, they reached the
19 Home Office standard of 50 square feet between each bed.

20 Q. I think we see some discussion about that either in this
21 report or other reports, but I think it was recognised
22 that that standard could not always be met.

23 A. There is an acceptance that, in the period before that,
24 the Scottish, if you like, standard had been as low as
25 40 square feet between each bed because of issues of

1 over-accommodation and the numbers being committed.

2 Q. But coming back to the specialism inspectors, these
3 were, if I can use the word "normal", normal school
4 inspectors?

5 A. They were normal school inspectors simply reviewing the
6 facilities for the teaching of that particular subject.

7 LADY SMITH: Mr MacAulay, can you just pause a moment while
8 I try and get something sorted out on my screen.

9 MR MacAULAY: Yes, of course.

10 (Pause)

11 LADY SMITH: I think we are sorted, thank you.

12 A. Could I add -- if I may, if I go back to the
13 paragraph 43743 where he discusses his scheme of
14 inspection.

15 Q. That's paragraph 3743?

16 A. 3741 I think it may be.

17 Q. Let's get it on the screen please.

18 A. It is 3740/3741. My interpretation of that is he does
19 not normally interview pupils; he simply reads the
20 reports.

21 Q. Although there is a suggestion that -- I think he says
22 "if need be".

23 A. "If need be", right, which implies that he doesn't
24 normally speak to the pupils and that's quite important
25 when we look at his successor, who takes a different

1 line.

2 LADY SMITH: Does what he says in 3736 fits with that:

3 "If I go to a school, I want to see those who are
4 over 15"?

5 A. Yes.

6 LADY SMITH: The point being he wants to check whether boys,
7 usually, should be licensed now as they are getting much
8 older.

9 A. That is my reading of the headmaster's reports.

10 LADY SMITH: He seems to be saying he wants to see those
11 children in 3736. I wondered if I should take from that
12 that he doesn't want to bother -- perhaps "bother" isn't
13 the right word to use -- seeing the other children -- he
14 didn't have a practice of seeing younger children, but
15 over for the over 15s he might have needed to see them.

16 A. I think he was following the lines of the rules and
17 regulations and legislation quite strictly. The role of
18 an inspector was to approve the licence agreement of
19 a pupil.

20 LADY SMITH: Yes.

21 A. And if you read it even further, he almost had delegated
22 authority to agree a licence for the Secretary of State.
23 So whatever he agreed would simply be processed through
24 the SED's approved school branch and the Secretary of
25 State's signature applied to it without the Secretary of

1 State necessarily seeing it. Does that make sense?

2 LADY SMITH: Yes and it would of course fit, also at 3741,
3 with him saying:

4 "If need be, particularly those of 15 years of age
5 and who had been there for over a year."

6 Because then the issue would then arise as to
7 whether they should be being released on licence.

8 A. So this particular inspector is forming the rules down
9 the line in terms of what he sees as his duties.

10 MR MacAULAY: Is the age 15 of any particular relevance
11 here? Because if we read on at 3745 he is asked:

12 "Do you know how many have been released on licence
13 in the last three years in Scotland? Could you give me
14 the average time a child is detained in these schools in
15 Scotland?"

16 "Yes; in junior schools, unless there are
17 exceptional circumstances and a good home, the pupils
18 are usually retained until 15 ..."

19 So seeing a child of 15 may be a child who is about
20 to leave?

21 A. That is right.

22 Q. He goes on to say:

23 "The average would be for two years and six months
24 in an junior school."

25 He is asked many questions, but reading on at 3746

1 he is asked:

2 "Do you feel the amount of time spent in the schools
3 really does produce a decent citizen who could not be
4 otherwise produced from the type of material you get?"

5 He says:

6 "Do you mean the period is too long?"

7 Moving on to page 8508, towards the top. The
8 question is put:

9 "No. I am just asking you: do you think that the
10 approved school method is the best way of dealing with
11 juvenile delinquents?"

12 His response is:

13 "All other methods have been tried, as a rule,
14 before we get them to an approved school. It is really,
15 in a way, the last resort."

16 That's his position.

17 A. I'm not certain that's actually the correct position as
18 you could be committed to an approved school for
19 a variety of offences, because of moral danger, and
20 other activities that you might have engaged in. That
21 is perhaps stretching it out a bit, I think, if one
22 looks at the other evidence.

23 Q. In that the approved school, rather than being a last
24 resort, may be the first port of call, in fact?

25 A. It may well have been the first port of call, yes.

- 1 Q. If we then go back to your own report, SGV.001.001.8080.
2 We have covered, I think, what you have set out in
3 paragraph 6.5, which I think is essentially has been
4 plucked from what's in the report. Moving on to the
5 next page, at 6.6, this is to do with the space issue.
- 6 A. That is right.
- 7 Q. You tell us that Kibble's certified accommodation was
8 reduced from 150 to 130, and that was on the basis of
9 the 50 --
- 10 A. Approaching a 50.
- 11 Q. But then you make reference to a potent connection with
12 St Joseph's Tranent.
- 13 A. Yes.
- 14 Q. What did you take from that report?
- 15 A. That they were under pressure to accept committals and
16 that they had quite a severe difficulty with the
17 accommodation and the medical officer wasn't very happy
18 with it, but he would accept a lower standard than
19 50 square feet simply to get the system through, with
20 the approved school inspector not exactly sure what the
21 recommendation should be. Then he does describe the
22 sanitary conditions as perhaps not being the best that
23 could be offered the boys.
- 24 Q. It is described as being two long concrete troughs with
25 individual small sprays so that each boy washes in

- 1 running water.
- 2 A. That is right. Quite primitive.
- 3 Q. There's also -- it goes on to say at the end:
- 4 "The feeding at St Joseph's is now very good."
- 5 That implies there had been a previous inspection
- 6 that may have --
- 7 A. If one looks at the SED's annual reports, then there is
- 8 quite a lot in the preceding years about the need to
- 9 improve dietary --
- 10 Q. At this school?
- 11 A. At all approved schools.
- 12 Q. It goes on to say:
- 13 "The premises or the general atmosphere do not
- 14 impress visitors favourably."
- 15 A. Yes.
- 16 Q. There was a recommendation in relation to renovation --
- 17 A. Yes.
- 18 Q. -- but that was not picked up. It was deferred?
- 19 A. It was deferred simply because they had a cap on
- 20 expenditure at that time. As you will see, the cap was
- 21 £3,000 per annum for any improvements on approved
- 22 schools and there was an issue concerning the
- 23 contributions that local authorities were making to the
- 24 care of approved school pupils and the Treasury wanted
- 25 to press the apparent agreement, which is they would pay

- 1 50% of costs, which they weren't at the time.
- 2 Q. So the option, as indeed we are told towards the top of
3 page 082 of your report, is that for the inspector to
4 impress -- to press the headmaster to keep his numbers
5 as low as possible.
- 6 A. Yes. I should say that's one of the few reports I have
7 come across prior to 1950, and it is actually a report
8 contained in the general administrative file, rather
9 than a file which says "inspections".
- 10 Q. Is that one of the stray reports?
- 11 A. One of the stray reports.
- 12 Q. The point you make at paragraph 6.8 about the withdrawal
13 of a certificate, can you just develop that because that
14 was a power, of course, that was there.
- 15 A. It was there and could be used but there's no evidence
16 that I have come across that that power was actually
17 exercised.
- 18 Q. At any time?
- 19 A. At any time. Certainly some approved schools closed in
20 the 1950s. That seemed to be because of falling numbers
21 rather than issues on the standard of accommodation.
22 I think if you refer back to the estimates on approved
23 schools, there is a lot of reference to the fact that
24 the role of the inspector was to cajole, to encourage
25 the appropriate standard of care as a way of getting

1 round the issue of a particular school falling below
2 what was thought was the requisite standard.

3 Q. In the next paragraph you do identify instances where
4 the inspectorate were concerned about the nature of the
5 staff and staff were dismissed.

6 A. Yes.

7 Q. Can you just develop that?

8 A. It is very patchy because the files are themselves quite
9 patchy, but that particular file that is referenced does
10 contain a list of staff that were dismissed for
11 a variety of offences or inappropriate behaviour.

12 There is not enough detail about the headmasters at
13 St Joseph's Tranent or Rossie Farm, Montrose, on what's
14 meant by "the misdirection of staff in school" and
15 "irregular payments".

16 There is something about what happened at
17 Whittingham, where the clerk was dismissed for
18 misconduct towards pupils. But the line simply says
19 that; it doesn't provide any further information about
20 what is meant by "misconduct towards pupils".

21 Q. If we look at the headmaster, for example, of
22 St Joseph's Tranent, who was apparently dismissed in
23 1940 for the administration of irregular payments, who
24 would do the dismissing?

25 A. At that time it was assumed that the management would

- 1 dismiss, usually on the direction of the Scottish
2 Education Department.
- 3 Q. Would it work on some basis on a report being made to
4 the SED --
- 5 A. Yes.
- 6 Q. -- and some recommendation coming back?
- 7 A. And a recommendation coming back. If you see further on
8 in that paragraph, it is clear that the Secretary of
9 State had been involved in the issue at Rossie because
10 there is a statement made by him that he received
11 a report from His Majesty's Senior Chief Inspector of
12 Schools.
- 13 Q. In light of that report, the managers decided to follow
14 the recommendation?
- 15 A. That is right. The alternative was, of course, they
16 could withdraw the certificate.
- 17 Q. As we have already seen, but that would effectively
18 close down the school?
- 19 A. That would close down the school.
- 20 Q. You then, again covering the same period, look at the
21 Department of Health for Scotland, the DHS, and its
22 inspectorate.
- 23 A. Yes.
- 24 Q. This is one of the three inspectorates you were required
25 to look at?

1 A. That is right.

2 Q. You tell us that within the DHS a branch of its division
3 dealt with the Poor Law, including children boarded out
4 by local authorities and held in poor houses or in
5 children's homes.

6 Different types of location then to cover?

7 A. Different types of location. Any child under the
8 Poor Law was subject to an inspection by the Department
9 of Health. Obviously, it was in abeyance until
10 1934/1935, but it would mean that the person appointed
11 had the facility to actually enter a home where a child
12 had been boarded out, any Poor Law institution which
13 held children, or any voluntary home which held Poor Law
14 children.

15 Q. But were you able to ascertain in relation to the
16 inspection of the voluntary home what was being
17 inspected? Because let's assume, for example, the
18 voluntary home only has a handful of Poor Law children
19 but many, many more children from other sources.

20 A. Legally the inspector could only inspect the children
21 who had been committed by the Poor Law by the local
22 authority at that stage, the Poor Law local authority.

23 They could not concern themselves with children
24 committed by their parents or their relations who had
25 sent them there, or any other organisation that had sent

1 them there.

2 There aren't any reports that survive. There are
3 references in the Scottish Office's inspectors at the
4 time, yes, that the Poor Law boarding-out inspector has
5 visited but there is no evidence to indicate what they
6 were looking at specifically.

7 Q. You also tell us in fact that from the department's --
8 and this is the DHS -- annual reports, it is evident
9 that it maintained a central register of children
10 boarded out.

11 A. That is correct, yes.

12 Q. And with details of the location?

13 A. That is correct yes. But that doesn't survive.

14 Q. But you know it existed?

15 A. I know it existed, yes, and there are repeated
16 references to it being in existence.

17 Q. Perhaps we can go back to your report. In fact, we have
18 it on the screen. Because we are interested in this
19 Inquiry in connection with children who were -- we call
20 it "migrated".

21 A. Yes.

22 Q. You say there that it -- and I assume that's the
23 department?

24 A. That is right yes.

25 Q. Also processed the papers associated with those is

1 Poor Law children emigrated under the provisions of the
2 Children Act (1908).

3 A. That is correct, yes.

4 Q. I looked to see if you had a reference for that and you
5 don't --

6 LADY SMITH: Which paragraph are you reading from,
7 Mr MacAulay?

8 MR MacAULAY: It is a continuation of paragraph 6.11.

9 LADY SMITH: Yes, thank you.

10 A. I can supply a reference, but it was literally each year
11 a handful. It is in the annual reports of the
12 Department of Health. It does provide a paragraph or
13 a sentence or two within the paragraph about the number
14 of children, Poor Law children, who were emigrated,
15 which required the approval of the Secretary of State.

16 Q. What degree of detail is provided? Is it simply
17 numbers?

18 A. Just numbers. I did look for any material, but it
19 doesn't survive.

20 Q. Under 6.12, the next paragraph, you draw attention to
21 the Poor Law (Scotland) Act (1934) and perhaps we can
22 put that on the screen as well. That's at
23 LEG.001.001.2176.

24 We are looking at the first page of the Act. I want
25 to take you to section 10, which I think is the section

1 you mention in the report at page 2182.

2 A. It has not come up, but I know what it says.

3 Q. We will wait until it is on the screen for everyone.

4 (Pause). So there's the provision there, we have just
5 gone further down. We can read:

6 "A local authority may make arrangements for the
7 lodging, boarding or maintenance, otherwise than in
8 a poor house, of children under the age of sixteen
9 years, or orphans, or who have been deserted by, or are
10 separated from, their parents, so however that any
11 arrangements so made shall be subject to such
12 regulations as the Department may make with respect
13 thereto."

14 So "the department" there is the Department of
15 Health of Scotland?

16 A. Yes, the Department of Health.

17 Q. And if we -- then you tell us, I think, having
18 referenced the section, that as a result of this the
19 department sought a lady inspector for boarded-out
20 children.

21 A. Yes.

22 Q. When you say "as a result of this", are you directly
23 linking the appointment of the lady inspector to the
24 provisions in the Act?

25 A. That is correct, yes. That is what the Department of

1 Health for Scotland told the Treasury, that in order to
2 observe the Act they needed this particular appointment.

3 Q. Was such a person appointed?

4 A. Yes. As I say in the report, a qualified nurse, with
5 a health visitor certificate and a midwifery
6 certificate, was appointed who had substantial
7 experience in local government service.

8 Q. You provide us, I think, with some information about
9 what her duties were, just towards the latter part of
10 that paragraph.

11 A. Yes.

12 Q. For example --

13 LADY SMITH: Are we going back to the report?

14 MR MacAULAY: Yes. At SGV.001.001.8084.

15 I'm looking at paragraph 6.12.

16 A. Yes, her duties covered:

17 "The examination of the arrangements for dealing
18 with children who came under the care of local
19 authorities, the inspection of children in the homes and
20 institutions in which they were placed ..."

21 So they had the right to enter a foster parent's
22 home to inspect the children and also any institution,
23 other than a Poor Law institution, which -- where the
24 children were technically boarded out.

25 I should also say that the majority of children, by

1 this time, under the Poor Law, were not orphans or
2 deserted, but were separated from their parents.

3 Q. Is that information you have gathered from your --

4 A. Yes.

5 Q. -- researches over the years?

6 A. That is right. Something like 70% of children under the
7 Poor Law had been separated from their parents for
8 a variety of reasons -- that it was a single parent or
9 a lone parent -- and the child needed care or the mother
10 had given the child up or other factors affecting the
11 accommodation of the child at home.

12 Q. Moving on then to page 8085 of the report. You start by
13 telling us that because of the post-war destruction of
14 papers associated with the Poor Law it is difficult to
15 infer precisely the detail of the work undertaken by the
16 inspector.

17 A. Yes.

18 Q. You are able to tell us that, from the information
19 available, that she had visited all the foster homes,
20 except those in the Outer Hebrides --

21 A. Yes.

22 Q. -- and the voluntary institutions of the children
23 concerned; that would be quite a task?

24 A. It would be as there are something like 5,000 or 6,000
25 children, but of course some of them would be siblings

1 together, so it wasn't exactly 6,000 homes that she
2 would have visited.

3 Q. She seemed to have taken quite a firm line in a number
4 of cases at least.

5 A. It would appear from what she reports that if she felt
6 an institution was unsatisfactory, the local authority
7 would be advised that, as in this case cited, the boys
8 should be removed to another institution or boarded out.

9 Q. With agreement with the Scottish Education Department
10 she seemed to have assumed a broader responsibility.

11 A. Under the 1932 Act the SED had responsibility for
12 children who were fostered or boarded out under that Act
13 rather than placed in an approved school. They had no
14 inspection arrangements for that and they simply, from
15 what the records say, agreed with the DHS that their
16 inspector would also assume responsibility for
17 inspecting the homes of children who were committed
18 under the 1932 Act.

19 Q. And her jurisdiction was more greatly extended during
20 the war to deal with any evacuated --

21 A. Any evacuated children. I'm not sure which regulations
22 were in force which permitted her to undertake that
23 particular inspection, but she certainly did, yes.

24 Q. In her report in 1940, I think she sets out what -- how
25 she approached her duties.

- 1 A. It seemed to be a very detailed review of each child,
2 any new child. A full report was made regarding the
3 situation, structural capacity of the building, diet,
4 staffing, and remarks of the general tour. In
5 subsequent visits similar comments were made. That
6 would appear to indicate that it was quite a detailed
7 inspection concerning individual cases and, I would
8 stress, individual cases.
- 9 Q. I suspect we do not know whether she ever visited the
10 Outer Hebrides, but she had quite an extensive area to
11 cover in Scotland if she was covering not only the
12 Poor Law children but also the SED children.
- 13 A. I would assume she worked a fair amount of overtime.
- 14 Q. If you turn then to page 8086 of the report, it is at
15 6.14 and we are now at the end of the war, post 1945.
16 There appear to have been cases of ill-treatment of
17 boarded-out children in Shropshire(?) and Fife
18 published.
- 19 A. Yes.
- 20 Q. Do you have any details of these yourself?
- 21 A. There is a report obviously on the Fife issue, which was
22 then incorporated into a departmental committee report
23 by Lord Clyde, which gives some details of what was
24 occurring. Any file on Fife does not survive.
- 25 Q. As a result of that, do you tell us that the Secretary

1 of State for Scotland instructed the department -- and
2 we are still talking about the DHS --

3 A. That is right, yes.

4 Q. -- that the Scottish inspection system should be
5 reviewed --

6 A. Yes.

7 Q. -- to enable each child to be visited at least once in
8 every 12 months.

9 Is the inference we take from that that although
10 this lady inspector was working very hard, she was not
11 able to visit every 12 months?

12 A. The assumption I have is that she was somewhat
13 overwhelmed by SED work, SHS work and children who had
14 been sent away from the urban areas into foster homes.

15 Q. The end result was that, as you tell us, an additional
16 post of Inspector of Boarded-out Children was appointed?

17 A. Yes.

18 Q. And some were qualified in the sense it was
19 a state-registered nurse with a health visitor
20 certificate?

21 A. That is right. The same kind of professional
22 background.

23 Q. So, does that take us up, so far as the DHS is
24 concerned, to about 1948?

25 A. To November 1947.

- 1 Q. Are we in a position that we have two inspectors --
- 2 A. We have two inspectors.
- 3 Q. -- covering the areas that you have mentioned?
- 4 A. Covering the areas of both SED work and HSS work,
- 5 seeking to ensure that every child should be visited
- 6 every 12 months.
- 7 Q. We have seen from regulations that we have looked at in
- 8 other contexts that the local authorities that may have
- 9 been responsible for placing children would also have
- 10 responsibilities for visiting these children.
- 11 A. That is correct. That dates back to the 1845 Poor Law
- 12 and regulations that came in subsequent to the 1845
- 13 Poor Law, that they had a responsibility to ensure that
- 14 the children were boarded out and that there was
- 15 a system of inspection in place to ensure the standard
- 16 of accommodation.
- 17 Q. So this is a note -- when we are looking at these
- 18 systems of inspection, these are overarching?
- 19 A. These are overarching to make, if you like, doubly sure
- 20 that the local authorities were performing their duties
- 21 appropriately.
- 22 Q. So, was the purpose of these inspections directed not
- 23 only to see what was happening on the ground but also to
- 24 see whether the local authority responsible was
- 25 performing its functions?

1 A. Precisely, yes. One must realise that a significant
2 number of Clydeside children were being fostered out in
3 the Highlands, as the report indicates, and there were
4 concerns that the local authority simply were not
5 performing their appropriate duties. Some of what was
6 happening here was to ensure that they did.

7 Q. I think we do see later on in your report some evidence
8 of what happened to children boarded out to the
9 Highlands, but we will come to that.

10 The next section of your report within the time
11 frame we are looking at is on page 8086 and that is
12 headed "The Scottish Office/SHD and its Inspectorate."
13 Perhaps you can just provide us with the overview of the
14 position here.

15 A. Yes. The 1932 Act indicated that voluntary homes should
16 be registered. The issue was how do you ensure that the
17 registration is appropriate? The Scottish Office, which
18 were then the controlling authority, did not have any
19 inspectors based in Scotland. I think it had
20 an inspector of anatomy or similar position, but it did
21 not have anybody based in Scotland, so it turned to the
22 Scottish Juvenile and Welfare Office, which had been
23 established in 1930.

24 Q. Was that within the Scottish Office?

25 A. That was what we would probably call a quango these

1 days. That is an offshoot that had some responsibility,
2 ie took government money to perform a function and its
3 functions were, in 1930, to oversee the nascent
4 probation service, the issue of aftercare of offenders,
5 and what was called the Scottish Juvenile Welfare
6 Organisation, which was an organisation designed to
7 support children's organisations in Scotland, right from
8 the Boys' Brigade through to whatever.

9 Q. Did it have anything to do with inspections then?

10 A. It had nothing to do with inspections at all.

11 Q. So what happened here?

12 A. If one looks at the materials in the file there is some
13 discussion about where have they gone to locate the
14 inspectors? Should we locate to local authorities? The
15 answer was absolutely not. So what do we do? So they
16 thought to themselves, well, we will simply give it to
17 this body.

18 Q. Do I take from that they passed the inspection duties
19 over to this body?

20 A. Yes. They sought to ensure that at least one additional
21 inspector was appointed to fulfil the functions of the
22 duties associated with the Act.

23 Q. I think you tell us on page 8087 of the report that at
24 the time, to use the acronym, the SJW&AC consisted of
25 a secretary and three assistant secretaries.

- 1 A. That is correct, yes. There would be one for the
2 Probation Service, one for aftercare, and one for the
3 juvenile organisations, as well as the secretary.
- 4 Q. But in his work it had clearly established connections
5 with a number of voluntary organisations and children's
6 homes.
- 7 A. It is not clear how it did it, but it seemed to have
8 a list of children's homes. The secretary had built up
9 a list of children's homes which he simply passed over
10 to the Scottish Office to double-check that any homes
11 seeking registration were on the list and any that were
12 not on the list would be chased up.
- 13 Q. Against that background, if I take you to
14 paragraph 6.16, do we then have a communication from the
15 Scottish Office Assistant Secretary responsible for the
16 branch that covered the Act writing to the
17 Undersecretary of State?
- 18 A. Yes.
- 19 Q. What was the message?
- 20 A. Well the message is that, really, we should simply use
21 the SJW&AC as they seem to be a reasonable organisation.
22 In fact they lived at that stage at Manor Place, round
23 the corner from here, to secure some uniformity. They
24 seemed to be performing their duties quite well. So
25 long as they are appropriately staffed, they could

1 conduct the inspection of voluntary homes. It wouldn't
2 conflict with anything the SED or DHS did.

3 MR MacAULAY: My Lady, if the stenographers are going to get
4 a short break, this might be an appropriate point.

5 LADY SMITH: Yes, I think we will take a 5-minute break just
6 now.

7 (3.00 pm)

8 (A short break)

9 (3.09 pm)

10 LADY SMITH: Mr MacAulay.

11 MR MacAULAY: My Lady.

12 Can I take you back to your report, professor, at
13 SGV.00 is .001.8088. You have given us the background
14 to what you set out at paragraph 6.17 and you say there
15 that the SJW&AC secretary and the assistant secretaries
16 were appointed inspectors under the Act with a fourth
17 inspector, a woman promoted from other duties, a year
18 later. Do you see that?

19 A. That is correct, yes.

20 Q. I wondered about the reference to "fourth" only because
21 previously you told us about a secretary and three
22 assistant secretaries; did somebody drop out?

23 A. No, one was -- seemed to be concerned with aftercare, or
24 at least with the Prison Service, and it was obviously
25 not thought appropriate to appoint that particular

- 1 person to engage with voluntary homes.
- 2 Q. So we have four inspectors?
- 3 A. You have four inspectors, although the staff was
4 slightly larger.
- 5 Q. You move on to tell us that although the inspectors were
6 full time, only part of their duties cover the
7 inspection of voluntary homes occupied by children.
- 8 A. That is correct.
- 9 Q. So they had other duties on top of that?
- 10 A. Yes. They had the Probation Service to conduct
11 inspections, they had some aftercare work to do also and
12 they still had some responsibilities for juvenile
13 organisations that went beyond the statutory issues
14 concerned with the Act.
- 15 Q. You go on to tell us that in 1940 the SJW&AC office was
16 absorbed within the newly formed SHD -- that's the
17 Scottish Home Department?
- 18 A. That is right yes.
- 19 Q. Which had taken over the functions of the
20 Scottish Office in 1939. I think we had seen the
21 historical background to that earlier on.
- 22 A. That is correct, yes.
- 23 Q. By 1943, it had been renamed the Welfare and Aftercare
24 Office, W&ACO in short.
- 25 A. Of the Scottish Home Department. I think the delay was

1 simply because the secretary had had other duties and
2 was well respected and they didn't want to change
3 anything until they retired in 1943. It got renamed
4 when a new secretary-cum-inspector was appointed in
5 1943.

6 Q. In any event, it is operating under the umbrella of the
7 SHD?

8 A. More directly under the umbrella. There were clearly
9 some issues with a semi-independent secretary whose
10 duties dated back to 1920 and engaged in other
11 activities and other organisations, so it was sort of
12 light touch management of SJW&AC until his retirement.

13 Q. When you talk at paragraph 6.18 about the registration
14 schedule, I think there you are talking about the
15 registration details that are required to be provided to
16 the SHD --

17 A. Yes.

18 Q. -- on registration, which would cover things like, as
19 you indicated, ownership and management and finance of
20 the home. But I think the point you are making there is
21 that the inspectors, when they carried out the
22 inspections, were looking to the registration schedule
23 as their guide, so to speak; is that correct?

24 A. The impression I get and the core general character is,
25 actually from the files, reflecting on the difference

1 between the inspection of the voluntary homes by W&ACO
2 as opposed to the DHS's boarding-out inspectors which
3 was far more detailed and provided reports on children.
4 That is what is meant by "general character", I think.
5 It was simply ensuring that the registration details
6 were correct and anything else was simply that of
7 a device, I think, in terms of the standard of care
8 thought appropriate. That comes out from the various
9 reports that were made at the time.

10 Q. If we look at the Linn Moor report then. I will put
11 that on the screen. It is SGV.001.001.8355.

12 A. Yes.

13 Q. This is in relation to a voluntary home.

14 A. Yes.

15 Q. It is described as:

16 "A Home for Ailing Children and Fresh-Air Fortnight,
17 Linn Moor, Culter, Aberdeenshire."

18 A. Yes.

19 Q. We get the name and address of the home. It is under
20 the auspices of a committee. We are told who the
21 superintendent is and we are given details of the nature
22 of the staff and again then statistics at the date of
23 visit, namely the children and their different ages.

24 A. That is correct, yes.

25 Q. "Treatment on admission: bath and clean clothes."

1 Then there is talk about clothing and some detail on
2 the diet is given.

3 A. Yes.

4 Q. Moving on to page 8356, again we can see here that the
5 report is really driven by different headings:

6 "Accommodation. Sleeping. Lavatories. Amenities.
7 Education. Nature of employment. Freedom.

8 "While children are not allowed on the main road,
9 they may play on the moor."

10 Is what has been noted. Then details about reading
11 books.

12 If we look at the heading 12:

13 "Discipline (including corporate retail punishment,
14 if any). No punishment book."

15 I think under regulations at this time there ought
16 to be a record kept of any punishment meted out.

17 A. I think one needs to compare it with, say, an approved
18 school where a punishment book was meant to be kept and
19 any punishments recorded in it and the punishments to be
20 returned on a quarterly basis to the SED. Here they are
21 simply noting there's no punishment book, but not
22 following it up by insisting that there should be
23 a punishment book.

24 Q. I think we see there is another report, don't we, where
25 there is reference that there is no punishment book and

- 1 no follow-up.
- 2 A. No follow-up at all.
- 3 Q. Or why that is the case.
- 4 A. That is right. The impression I get looking at the
5 reports is that -- and this is an internal report --
6 they develop these subcategories themselves. It may
7 well be on the basis of what the boarding-out inspector
8 at the DHS was doing. It may be on the basis of what
9 they saw approved schools were doing, but they obviously
10 felt there was a limit to what they could recommend or
11 take action on at this time.
- 12 Q. In any event there is no suggestion here that corporal
13 punishment was an issue because what's said is:
- 14 "If naughty, children are put in the corner or sent
15 to bed."
- 16 A. That was obviously as a result of interviewing the
17 matron and staff rather than consulting the children.
- 18 Q. Well, indeed.
- 19 In relation to medical attendance can we read here
20 that the doctor calls weekly and the local doctor --
- 21 A. Yes.
- 22 Q. Turning onto the next page there is a section there that
23 is headed "General tone". We are told it is in the
24 country, in beautiful surroundings:
- 25 "It must be cold in winter and I was glad to see

- 1 there was central heating."
- 2 A. Yes.
- 3 Q. The date of this report is 1935.
- 4 A. Yes.
- 5 Q. That's quite forward-looking.
- 6 A. It is clearly forward-looking, yes, for the time.
- 7 Q. Moving on to the last page, 8359, the last paragraph,
- 8 there are some suggestions. What the inspector says is:
- 9 "I would suggest that, if possible, the home should
- 10 be visited next summer, in July or August."
- 11 That at least was being proposed as a follow-up to
- 12 this --
- 13 A. From the reports that survive there does seem to be
- 14 an indication that the majority of homes in the files
- 15 that have been retained suggest there should be
- 16 a follow-up inspection in the following year. The
- 17 evidence is that there was a follow-up inspection in the
- 18 following year but that might well have been because
- 19 they saw some issues in the homes, and the files are not
- 20 being retained, there were no issues. One doesn't know.
- 21 Q. If we look at -- going back to your report
- 22 SGV.001.001.8089, you were able to identify for this
- 23 establishment at 6.19 that there was a follow-up report
- 24 the following year.
- 25 A. Yes.

1 Q. Which indicated that, for example, the premises were
2 being cleaned and that there were plans for a kitchen
3 renovation.

4 A. That is right, yes.

5 Q. Can we then look at another report that you identify and
6 that's for Nazareth House Aberdeen. You discuss that at
7 paragraph 6.20. Again I will put the report on the
8 screen. It is SGV.001.001.8538.

9 We see again this is described as a voluntary home
10 with the address given and under the auspices of the
11 Poor Sisters of Nazareth, we see that, with the
12 superintendent being the mother superior?

13 A. Yes.

14 Q. Again, we are given some information about the
15 population of the home and statistics. Can we note
16 here -- I think this is an issue that arises again --
17 that this was a particular establishment that was not
18 only a voluntary home but also had within it an approved
19 school?

20 A. That is correct yes.

21 Q. And also I think an old folks' home.

22 A. And that continued to be the case, as far as I'm aware,
23 throughout the 1950s. It was being inspected by the
24 DHS's general inspectors on the old people's home side
25 as well as an SED inspector in the approved school as

1 well as a child care inspector from the then Scottish
2 Home Department. There were three inspections going on.

3 Q. But focusing upon their own jurisdictions?

4 A. Own jurisdictions, yes.

5 Q. This inspection, we understand from the next section,
6 was without notice.

7 A. Yes.

8 Q. It lasted two days?

9 A. It did because there was obviously some concern, as my
10 report indicates, that the inspector had heard that the
11 children were starved.

12 Q. That's something you touched upon -- it is discussed in
13 the report at 8541, if we move on. Under the heading
14 "General remarks" -- we will just get in a moment. It
15 is the third line down where:

16 "I was anxious to know because I had heard a rumour
17 that Aberdeen said the children were starved, but he
18 assured me this was a libel. I went back the next day
19 and saw the kitchen, and as far as I could make out, on
20 a first visit, the food is ample ..."

21 There was some enquiry about the jam ration and
22 whether there was enough jam being provided.

23 A. Yes, there was, which seemed very small.

24 Q. I think they were going to make it bigger.

25 A. Yes, they wanted more jam on their bread.

- 1 Q. If we look at page -- the report goes on for four or
2 five pages.
- 3 A. It did and I assume that's because there was a rumour
4 and the inspector needed to look at this particular home
5 in some detail. It was also quite a big home.
- 6 Q. We see that from the numbers, in fact.
- 7 A. Yes.
- 8 Q. If we turn to page 8540. This is page 3 of the report.
9 At item 10 we are given some information about
10 recreation, football, etc, and we are told the children
11 have a marvellous brass band and had got the gold medal
12 for eight years at the music festival. This is
13 information which clearly has been gleaned.
- 14 At 12:
15 "Discipline including corporal punishment (if any).
16 Did not get any information about this."
- 17 Now that's interesting. What can one take from
18 that?
- 19 A. If a question was asked, it wasn't answered.
- 20 Q. The next heading is "Medical attendance". Do we note
21 that it has been noted that the doctor visits almost
22 daily --
- 23 A. Yes.
- 24 Q. -- but they have almost no illness?
- 25 A. Yes.

1 Q. Under the heading "General tone", towards the bottom, we
2 read that:

3 "The children gave me a concert and I was very much
4 interested in their absorbed expressions while they were
5 playing."

6 And the mother superior and headmistress were both
7 there and so on.

8 On the whole, would you describe this report as
9 a positive report insofar as it goes?

10 A. I would say that in relation to the previous report on
11 Linn Moor, this was on the positive side, that clearly
12 the inspector, who was the woman inspector, did not feel
13 there was any real deficiencies apart from the jam
14 ration.

15 Q. I think in fact, as you tell us in your report, if we
16 turn to SGV .001.001.8090, at paragraph 6.22, do you
17 tell us that there was an inspection the following year
18 on a shortened report schedule?

19 A. Yes.

20 Q. I think you set out part of what was in the report and
21 this is about the jam ration, isn't it?

22 A. Yes, it is.

23 Q. There was also at this point an enquiry about
24 punishment.

25 A. Yes.

- 1 Q. What was the response to that?
- 2 A. "Forfeited privileges for bad conduct but never food --
- 3 not even jam."
- 4 Q. You go on to mention a report on the Dundee orphanage
- 5 and this was the first inspection of that. I think it
- 6 was a new orphanage?
- 7 A. Yes.
- 8 Q. Again a positive one?
- 9 A. Again, it would appear to be positive, except there were
- 10 concerns later on in the war, I think, about it.
- 11 Q. But at this point in time what one reads at
- 12 paragraph 6.23 is that this is a very well-equipped
- 13 institution:
- 14 "I noticed that the girls had beautifully brushed
- 15 hair and the boys were very neat in the blue sailor
- 16 jerseys ..."
- 17 A. Yes.
- 18 Q. One wonders whether that was a presentation for the
- 19 occasion.
- 20 A. Yes. It is not clear whether this was an inspection
- 21 with or without notice.
- 22 Q. No.
- 23 You have noted at page 8091 that there was no
- 24 punishment book.
- 25 A. Yes, again no punishment book.

- 1 Q. But that the next report mentioned that the favoured
2 punishment was "extra fatigues and threatening the
3 children's Saturday out".
- 4 A. Yes.
- 5 Q. No suggestion of any corporal punishment?
- 6 A. No suggestion of any corporal punishment at all, but of
7 course the children were not interviewed.
- 8 Q. No.
- 9 At 6.25 you do touch upon subsequent reports for
10 these three homes and in particular the Dundee orphanage
11 report, the point you make earlier that there was some
12 concern about the boys being unresponsive.
- 13 A. And the inference is that the discipline was somewhat
14 strict, but there is no indication what that discipline
15 implied.
- 16 Q. The report for Linn Moor in 1938 confirmed that
17 discipline remained sending a child to bed.
- 18 A. Yes.
- 19 Q. Again no hint of any corporal punishment?
- 20 A. No hint of corporal punishment, no.
- 21 Q. If we look at Nazareth report for 1942 at
22 SGV.001.001.8542. As we can see it is really very
23 difficult to make out.
- 24 A. Yes, I know.
- 25 Q. If we turn to the next page, 8543, just at letter (d),

1 we can just about read that it says:

2 "I had a long discussion with both Reverend Mother
3 and the Sister regarding punishments and they both
4 assured me they had neither a strap or a cane and they
5 disliked anything in the form of corporal punishment.
6 Sister admitted that, on occasion, she did slap a boy,
7 but she finds the best form of punishment is to give
8 them extra lessons or fatigues, or to threaten to keep
9 them away from football on Saturdays. I think she is
10 speaking the truth when she says she has very little
11 trouble with her boys."

12 That was what was reported.

13 A. That is right, yes.

14 Q. But again no suggestion that any child was spoken to?

15 A. Again, no suggestion of that at all.

16 Q. The suggestions for the next visit towards the bottom of
17 the page, I think we can just about read:

18 "I would suggest that this home should be visited in
19 the early summer when the question of staffing for the
20 toddlers department and their outings and exercise
21 should be discussed, and the punishment book
22 scrutinised."

23 A. Yes.

24 Q. At least that was something that was being considered.

25 LADY SMITH: I'm sorry, the date of that report, did you say

1 1948 or 1949?

2 A. 1942.

3 MR MacAULAY: It is the 11 November 1942.

4 LADY SMITH: Yes, it is quite faint. Thank you.

5 MR MacAULAY: Going back to your own report, professor, at
6 SGV.001.001.8091, towards the bottom, paragraph 6.26 you
7 are looking at the office's reports. Is the office, the
8 W&ACO office?

9 A. W&ACO.

10 Q. "After 1934, which would appear to be annual, suggests
11 a concentration on the physical state of the building,
12 the space provided for the dormitories (though no
13 indications was given ...) and recreation facilities and
14 disciplinary procedures."

15 That's what the reports focus on?

16 A. That is right and also dietary, but without any advice
17 on nutritional requirements.

18 Q. You go on to make a comment particularly in connection
19 with the comment about discipline; what do you say that?

20 A. There is no suggestion that the inspectors pressed the
21 managers to keep a punishment log, nor did they seek to
22 review case notes on children or their medical records.
23 That contrasts with what would appear to be the case for
24 the Department of Health for Scotland, and I think also
25 with the approved schools and the SED inspectors.

- 1 Q. The quote you have taken from the SHD -- a minute in
2 1945.
- 3 A. Yes.
- 4 Q. What's being said there?
- 5 A. I think the SHD are reflecting on the differences
6 between their inspections and that of the DHS and SED
7 and that perhaps they need those with special
8 qualifications -- medical treatment, schoolroom
9 instruction -- to provide advice on the quality of care
10 within those particular homes.
- 11 Q. At 6.7 you make a general comment in connection with the
12 three inspectorates, that is the DHS, SED and SHD, but
13 with SHD responsible for the registration of voluntary
14 homes. Therefore, there was a degree of duplication
15 which I think they recognised.
- 16 A. Yes.
- 17 Q. What was being proposed at that stage?
- 18 A. I think the general context you are looking at, 1945, is
19 your period of reconstruction at the end of the war and
20 immediately after the war and there is a period when you
21 had the Beveridge report on social insurance and allied
22 services. You had discussion on the new
23 National Health Service and there was clearly discussion
24 taking place in government about what to do with the
25 Poor Law and replacing the Poor Law with a different

1 form of benefit system. Therefore, that meant the end
2 of the Poor Law child and I think they were probably
3 beginning to think out, amongst themselves, right, what
4 will replace the existing provision, and therefore it is
5 clear that the distinction between the two
6 inspectorates, at least two of the inspectorates, should
7 be looked at again to see whether or not there should be
8 a common inspectorate.

9 Q. But you go on to say that that discussion was somewhat
10 overtaken by the preparation of the Children Bill.

11 A. Yes.

12 Q. The Children Bill of course was influenced, at least
13 from the Scottish perspective, from the Clyde Report?

14 A. That is right, yes.

15 Q. I think the Clyde Report had identified that there were
16 these three departments --

17 A. That is right, yes.

18 Q. -- and the duplication that that involved. You say then
19 that there was a decision of the Secretary of State of
20 Scotland to transfer the DHS's lady inspectors to the
21 SHD from November 1947.

22 A. Yes.

23 Q. Did that signal the end of the Poor Law inspection
24 regime?

25 A. It signals that ministers have taken a decision in

1 principle that they are going to introduce the a
2 children's bill to follow quite soon after and by having
3 a children's bill that meant that you could not have
4 boarding-out inspectors under the Poor Law and the issue
5 was where were you going to place those inspectors and
6 the decision was to concentrate the inspections on child
7 care, as opposed to approved schools, in one department,
8 and which department was it going to be. The decision
9 in Scotland was to concentrate it in the Scottish Home
10 Department.

11 Q. So if we then look at numbers, you tell us at the time
12 of the transfer the number of designated of inspectors
13 in Scotland totalled seven. You give us the breakdown:
14 one in SED for approved schools, two in the SHD for the
15 inspection of homes of boarded-out children --

16 A. Sorry that should be DHS.

17 Q. That should be DHS?

18 A. Yes.

19 Q. And four others in the SHD --

20 A. Yes.

21 Q. -- of which the latter also continued with work to
22 support aftercare in the Probation Service.

23 A. Right.

24 LADY SMITH: Sorry, are we going to work out what we have
25 got left at the end of all that, incorporating your

1 change? I have just lost track.

2 MR MacAULAY: I will perhaps recap on that. At the time of
3 the transfer of the DHS lady inspectors to the HSD there
4 were seven inspectors.

5 A. There were seven inspectors: one in SHD who continued
6 with approved schools, and six inspectors in the
7 reformed child care inspectorate within the SHD.

8 Q. The DHS has dropped out of the equation?

9 A. DHS has dropped out of the equation. But there is
10 a caveat as the numbers don't quite add up, as
11 I discovered and that is because the SHD's lady
12 inspectors for boarding out had been -- their salary was
13 less than that of the child care inspectors, so they
14 could not be deemed to be child care inspectors. And
15 there's a note actually in one of the -- yes, it's
16 T1629, "18 Treasury minutes of 16 October 1947", where
17 they are being called "welfare officers". But in fact,
18 as you look at subsequent reports on boarding out, they
19 call themselves inspectors.

20 LADY SMITH: It sounds very much as though they were doing
21 the job of inspectors but they were working before the
22 introduction of the Equal Pay Act.

23 A. It was Treasury rules on -- it would mean a hike in
24 their salary and therefore they weren't prepared to
25 allow a hike in their salary because of performing the

1 same functions and therefore they would be reclassified
2 as welfare officers and not within the new child care
3 inspectorate, although they were carrying out the same
4 functions.

5 LADY SMITH: I see.

6 A. I'm sorry to say that I had some confusion later on in
7 trying to calculate the numbers, but the numbers are
8 rather small. Does that sort of help you?

9 MR MacAULAY: I think that does. It sounds like
10 discrimination.

11 A. Yes.

12 Q. But one of these discriminated-against inspectors was
13 the lady inspector who had travelled up and down the
14 length of Scotland?

15 A. That is correct. There is another issue about the fact
16 that you get changes of names from W&ACO to Child Care
17 and Probation Inspectorate. I think the best way to
18 look at it is to see the individuals concerned. If you
19 actually look at those individuals, I can identify the
20 Chief Inspector remains the same under W&ACO as "Child
21 Care Inspector" and the lady inspector of voluntary
22 homes carries on as an inspector under the CCI and at
23 least one of the DHS's inspectors carries on.

24 So it is the same individuals carrying out
25 inspections at the amalgamation of the offices. So you

1 get a change of name, but you don't really get a change
2 of officers.

3 Q. But looking at it then in the round, on the eve of the
4 1948 Act, we have seven inspectors, to use that
5 description, to cover children in care, whether in
6 voluntary organisations or boarded out or in approved
7 schools?

8 A. Or in local authority homes.

9 Q. Yes, or local authority homes.

10 The next section of your report, if we go back to it
11 at 8093 at 6.29, is, I think I would say, a very useful
12 conclusion where you are drawing together the discussion
13 up until this point in time. This was up to about 1948?

14 A. Yes.

15 Q. Can you take us through that, professor?

16 A. I was really trying to answer the question set in
17 relation to that first period when you have three
18 inspectorates emerging. It is clear that there was
19 a deliberate intent to extend the role of the state and
20 supervision of care afforded to children, whether it was
21 the local authority or the voluntary sector.

22 Inspectors were appointed. One cannot deny that the
23 inspectors were appointed. Whether it was sufficient or
24 not is another argument. The SED continued to be
25 responsible for approved schools and concentrated that

1 inspection around one of its HMIs.

2 There is clear evidence from the files that the
3 inspectoresses for domestic subjects were used to advise
4 on nutrition and diet and the medical officer's function
5 was to certify the accommodation that each particular
6 approved school could provide.

7 However, beyond the fact that, as far as we are
8 aware, there was some qualifications attached to some of
9 the inspectors. There was generally a feeling that
10 I think that the inspections were part-time; that there
11 was a Child Care and Probation Inspectorate by 1947,
12 which perhaps 50% of their time was devoted to children
13 in care.

14 There was clearly no issued guidance for them to
15 follow up, other than the registration form or whatever
16 discussion they actually had in the offices surrounding
17 the inspections that they were conducting.

18 There was a schedule, as you have seen, which went
19 beyond -- the actual inspection schedule went slightly
20 beyond the registration schedule, but not much beyond.
21 They continued really with what I will call the pre-1930
22 rules concerning: we are going to look at the dormitory
23 space, we are going to look at the general state of
24 accommodation, at staffing, dietary, medical provision
25 and punishment regimes. It would appear that there was

1 some distinction between the Poor Law inspectors and the
2 Scottish Home Department inspectorates.

3 But as far as the files are concerned, although
4 there was a clear reporting mechanisms between the
5 inspectorates and the administrative divisions and
6 ultimately the Secretary of State, there is little
7 evidence that they talked amongst themselves. There are
8 no files which suggest that they had conferences between
9 the different inspectorates to agree a common standard.

10 I suspect that a lot of the discussions surrounding
11 the bill, Insurance Bill in 1946/47, and its
12 introduction in 1948, surrounded the issue of: we have
13 really got to try and seek some common standard of care
14 for children, if we are having a specific Children's
15 Bill rather than a Poor Law Act and a Juvenile Young
16 Person's Act.

17 As I say, there was an acceptance that to facilitate
18 the development of children in care, grants should be
19 provided to voluntary organisations to ensure the
20 adequacy of the premises and that training courses
21 should be established for care staff in voluntary homes
22 and also within local authorities. That's the extent of
23 I think all that we can say about public policy at the
24 end of this period.

25 Q. Under reference to the available records?

1 A. Yes.

2 Q. Well, then, if I move on then to page 8094 of your
3 report. The next section, Part 2 of your report, is
4 looking at children in care between 1948 and 1958.

5 A. Yes.

6 Q. The final section will be 58 to 68.

7 A. Yes.

8 Q. So we are looking at an ten year period here?

9 A. Yes.

10 Q. Where we are looking at a longer period leading up to
11 this point in time. Can you summarise then looking at
12 7.1, at page 8094 moving into page 8095, what we should
13 expect in this part of your report?

14 A. I think the expectation of the 1948 Act is it would
15 result in a qualitative change in the standard of care
16 offered to children within the local authority care and
17 ultimately within voluntary homes.

18 Clearly the Act did not concern the approved
19 schools. That, in some respects, was being covered by
20 the Criminal Justice Scotland Act 1949, of which there
21 was some criticism at the time, that it was too
22 concerned with facilitating the probation services'
23 involvement with juvenile delinquency and other matters
24 relating to approved schools, rather than seeking to
25 combined if you like the codes within the 1948

1 Children's Act within its actual provisions. So we can
2 expect perhaps the SED to continue with its pathway in
3 that particular period.

4 Q. And I think we know that the philosophy underlying the
5 Clyde Report was that the better position was for
6 children to be boarded out and in foster care rather
7 than in large institutions?

8 A. Yes, I have looked at that in some detail and getting
9 accurate figures is not particularly good because two
10 sets of published figures post-48, there's published
11 figures on the number of children committed to approved
12 schools, but the published figures do not include the
13 voluntary cases that were committed to approved schools,
14 and that would seem to be probably around about 10% in
15 addition to the numbers that were committed through the
16 courts.

17 There's also a set of published reports on children
18 under local authority care or in voluntary homes and if
19 you look at that particular set of documents, which was
20 published annually after I think 1950, 60% of Scottish
21 children are boarded out. But, if you include the
22 approved school numbers within the broad total, then the
23 majority of Scottish children at any one time were
24 within institutions and not being boarded out.

25 Q. That tends to contradict then the Clyde philosophy, does

- 1 it?
- 2 A. It does, yes, but of course the Clyde philosophy was
3 more concerned with children who were not committed to
4 approved schools because that was really outside his
5 remit and that was the subject of a separate report
6 which came out in 1947. But I think it is probably
7 correct to state that most Scottish children were
8 committed to institutions than were actually boarded out
9 after 48. That was a central issue throughout the 1950s
10 and 1960s.
- 11 Q. Can we then pick up the position on page 8095 when you
12 begin again looking at the SED and its role in that
13 period 1948 to 58.
- 14 A. Yes.
- 15 Q. Can you just introduce us to what you say in that first
16 paragraph about the Children Act not altering the duties
17 of the HM Inspector of Schools?
- 18 A. He didn't touch on what the HM Inspector of Schools
19 undertook as duties. In fact, I mean it put to one side
20 anything to do with juvenile delinquency really. That
21 was covered by the subsequent Criminal Justice Scotland
22 Act 1949. That in a sense was informed by the Secretary
23 of State Scotland -- of Scotland's Advisory Council
24 Rehabilitation Treating Offenders, which published
25 a report on approved schools in 1947. That was perhaps

1 an enlightened report in the sense that it wanted to
2 have more qualified teachers and technical instructors
3 to extend the curriculum. It wanted voluntary schools
4 to work more closely with local education authorities
5 and therefore have some connection to
6 children's committees that were established under the
7 1948 Act and have representatives of local authorities
8 on its management board.

9 I think there was an acceptance that the, if you
10 like, 19th century input of philanthropy in these
11 particular institutions had been beneficial at the time,
12 but there was an element of which perhaps the boarder
13 managements were not keeping up to date with changes in
14 understanding -- contemporary understandings of child
15 care.

16 Q. That's the first influence if you like?

17 A. That's the first influence.

18 Q. The second influence?

19 A. The second influence was the report of the Select
20 Committee on Estimates.

21 Q. That's the report we looked at earlier on?

22 A. That is right. That was obviously unimpressed by
23 Dr Guthrie's Boy School and the evidence of the school's
24 headmaster. As a committee member, who was obviously
25 an MP stated:

1 "The buildings were entirely unsuitable and gloomy,
2 the children were poorly dressed and the atmosphere
3 oppressive."

4 Q. You are on page 8096 of the report?

5 A. Yes.

6 Q. Just to get that up. What was the response then of the
7 Scottish Parliament Undersecretary to that?

8 A. There was a statement in the Commons that the school
9 should improve its design schemes, so that the
10 accommodation and amenities would be more appropriate
11 for the 1950s. The third influence was the Scottish
12 Advisory Council On Education:

13 "Pupils, who were maladjusted pupils because of
14 social handicaps, in 1951."

15 It sought to advise that such institutions should
16 appoint or have association with educational
17 psychologists who could indicate their expertise in
18 child guidance in terms of the care and support offered.

19 Q. That indeed happened, didn't it?

20 A. It did happen, yes. It did happen. Educational
21 psychologists were appointed within the SED. One
22 I think in 1952 and a second one later on at the end of
23 that particular period.

24 Q. And perhaps jumping ahead a little bit, can you tell us
25 what their functions were?

1 A. I think the issue was the assessment of children before
2 they were committed to an approved school.

3 Q. So it was at that stage they were involved?

4 A. At that stage they were involved. Clearly, the SED
5 could not be involved in the court's decision, the
6 Juvenile Court's decision, but the SED did have a role
7 in deciding which school a pupil should be committed.
8 Therefore, by an appropriate assessment, they could
9 direct a child to be sent to what it felt was the more
10 appropriate school.

11 Q. I think eventually there were two to cover different
12 parts of the country?

13 A. Yes, one based at Rossie and the other based at Kibble
14 in Paisley.

15 LADY SMITH: Could you tell from the recommendations or the
16 report, rather, of that council on education on pupils
17 who were maladjusted because of social handicaps, how
18 they defined this category of maladjusted and having
19 social handicap? It is very loaded language in the
20 modern world.

21 A. It was extremely loaded language.

22 LADY SMITH: How are we to understand what they had in mind?

23 A. What they had in mind was an assessment of IQ. If you
24 had an IQ below 70 then it was more likely you would be
25 sent to a mental institution. If you had an IQ between

1 70 and 90 then that would determine you go to
2 a particular kind of approved school, if you were being
3 processed by the courts. Nowadays that is a very crude
4 appreciation, but at that time that was considered
5 an advance, that you were actually able to distinguish
6 between the two. There was some concern that children
7 who had extremely low IQs were being sent to approved
8 schools and not having appropriate medical attention.

9 LADY SMITH: Looking at it more favourably, maybe an early
10 recognition of what we would now call children with
11 additional support needs and drafting care plans
12 appropriately in relation to the particular educational
13 needs of those children.

14 A. Yes, that would be, but this was the first if you like
15 stage in trying to expand the issue of a child's
16 assessment at committal.

17 LADY SMITH: Thank you.

18 MR MacAULAY: Just to be clear, here you are looking at the
19 SED's role in connection with approved schools?

20 A. That is right.

21 Q. Which they carried on after the 1948 Act?

22 A. They continued to carry on, yes.

23 Q. You have pointed out these three influences if you like
24 on the operation of the inspection system?

25 A. They clearly influenced the nature of the inspections,

1 as I think the report later indicates, that there was
2 a new approved school inspector who took over in 1950
3 and I think the brief given to him seemed to be
4 different. He seemed to be much more proactive in the
5 issues of standard of care.

6 Q. I wonder, my Lady, if that's something that could
7 perhaps be held over until tomorrow, the Professor has
8 had quiet a long day?

9 LADY SMITH: I'm very grateful to you for the assistance you
10 have given us today, but we would like to have some more
11 of it please tomorrow. We will start at 10 o'clock.
12 Thank you.

13 (4.00 pm)

14 (The Inquiry adjourned until 10.00 am on Friday,
15 3 November 2017)

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