

Scottish Child Abuse Inquiry

Witness Statement of

HELEN HOLLAND

Support person present: No.

1. My name is Helen Holland. My contact details are known to the Inquiry. This witness statement is to give information to the Inquiry on the work of INCAS (In Care Abuse Survivors). I am currently the chairperson of INCAS. I have been the chairperson for 5 years. Before that I was the vice-chairperson.

Reference documents

2. I have given the Inquiry a document which is a "Time Frame" [INQ.001.0011049]. It was prepared by the Centre for Excellence for Looked After Children in Scotland (CELCIS) in 2017 as part of the Interaction meetings. I sit on the Interaction Group within CELCIS. The Time Frame brings all together the work that has been done. I have been involved with so many groups, it is difficult to remember the timescale. This was to try and bring it into a timeline. It also shows the involvement of different agencies and when they came into play.

Background – the start of work for survivors

3. I first spoke out about in care abuse when the story of Nazareth House hit the *News of the World* in 1998. I was working in management at the time and had sent the staff for a break. I could hear them having a quite heated discussion. I went out and I could hear some people say "No, they wouldn't do that" and I could hear other people say "Yes, they would". They explained that there had been a story in the paper the day before about Nazareth House in Cardonald. Somebody had come

forward about their time there. I actually felt quite cold. I had never discussed my experience with anybody.

4. One of the staff brought the paper in the next day to let me have a look at it. I was not sure what to do about it. But at the same time I knew just from hearing the discussion that there would be people all over Scotland, some who would believe and some who would not believe. And then I thought that I am going to have to speak up.
5. Initially, I contacted the paper. I spoke to the journalist who had written the story and told him that what he had written was right. In fact, there was a lot worse that went on in some of the places. I asked him whether he had had a lot of response, and he said he was inundated with responses. So I asked what could be done. I told him that I was at Nazareth House in Kilmarnock. He told me to contact the police in Kilmarnock.
6. I phoned the police and they told me to contact Nazareth House. That threw me because I thought why on earth would I want to contact them? And so I did not do anything more at that point.
7. But it niggled me. I could not let it rest. I went back again and spoke to the journalist who had written the story. He told me there was a solicitor in Glasgow dealing with all the people that had come forward. This was Cameron Fyfe at Ross Harper & Murphy, Solicitors. I phoned them up and made an appointment. I met with a lady called Fiona Taylor who was taking the statements. I gave her my own statement. She told me that the majority of what I said she had heard from others. She said it was appalling that these things were allowed to happen.
8. About a couple of months later, I had a phone call from a lady who was another journalist. It was Catherine Deveney from the Scotland on Sunday. She was doing a piece on survivors. She had been in contact with Cameron Fyfe's office and had asked if she could speak to me. I was really unsure about appearing in the papers. I was not ready to do anything like that. She asked me about my own experience. I

gave her some details and what had happened after I had left the children's home and that type of thing. She said she really wanted to speak with me. I agreed to speak with her, but told her I did not want my name or identity used. She said I could remain anonymous and a pseudonym could be used. She did a story on that basis.

9. About six months after that, I was contacted again by Catherine Deveney. She wanted me to be in a television programme she was making in Aberdeen. It was about people's experiences within the Church. I asked whether she could just show my back, like a silhouette. She said no, as it would be a one-to-one interview and people would not tune in if they were just looking at a shadow. I was not sure that I wanted to do that. Catherine said that she would leave it with me to decide. She came back a few more times, and eventually I agreed to do it. At that time I thought she was absolutely right because, if I had nothing to hide, then why was I hiding behind a shadow? In about 2000 or 2001, I did the one-to-one interview with Catherine.
10. It was daunting because I did not know how people would respond to it. I had told my director at work that I was going to do it. I dealt with the clients and he was a bit concerned as to how the clients would react. I told him this was nothing to do with my work. I was telling him out of courtesy. I told him I felt I had to do it. Apart from anything else, there are still children in care today and they deserve to be protected. But once I had explained things to my boss, he told me that if I felt I wanted to do it I should go ahead. Waiving my right to anonymity was daunting in itself. However, I did not really get negative a reaction from people. Most people were actually respectful. People told me that it was a really brave thing to do.

Meeting Frank Docherty and forming INCAS

11. As a result of doing that interview, 2 or 3 months later, I was contacted by Sandra Brown from the Moira Anderson Foundation. They were having a conference. Sandra asked me if I was interested in coming along and speaking about Nazareth House and my experience in care. I had never done that sort of thing before. I am

not a public speaker. But I thought that as I had already waived rights to my anonymity, I may as well do it. I went along and spoke at the conference.

12. At the end of it, people were coming up to me and speaking about different things. One gentleman came up and said that I was not on my own. He said there were many more people like me out there. He told me he was trying to set something up. He said he was trying to do something to help people and, if I was interested, I should get in touch. He gave me a leaflet. It turned out that was Frank Docherty who is the founder of INCAS. I phoned Frank the next day. He explained what he was doing and the fact that they were trying to arrange an open meeting to get all the survivors together. I thought that was an excellent idea. I wanted to help as much as I could, and asked Frank what he wanted me to do. He asked me to come along and help to set it up.
13. Before that, Frank had been going along and hiring a hall, putting out chairs and all this kind of stuff. People were turning up, but it was people who had experienced all kinds of abuse, including domestic abuse and abuse within the family. At that time, a lady called Geraldine from Victim Support had told Frank that it could not be open to all kinds of abuse, because it would be too big to manage.
14. That is when we thought about what would be the name for it. We decided on "INCAS" because the Inca were the lost tribe. We felt we were the lost children. We were the people that nobody was interested in. So that was where the name INCAS came about from.

The open meeting at Woodside Halls, Glasgow

15. Frank was arranging a gathering at Woodside Halls, Glasgow. The purpose of the meeting was to bring survivors together. He asked me if I would speak at it. So we had an open gathering at Woodside Halls. Over 100 people turned up that day. We had asked Cameron Fyfe to send out letters to all his clients saying that we were going to have this event. People turned up from all over Britain. People came from

as far as London. At that time, Frank had the help of Victim Support, so there were Victim Support people there as well.

16. A lady came who was in the Magdalene Laundries in Ireland. So her and myself spoke about our experience. At the end we had an open question and answer session. To me, this was the most important thing about that event because so many people stood up and basically said "Why was this allowed to happen? Look around this room. Why was that allowed to happen? Why did nobody bother? Why did nobody care?".
17. There was an old man, John his name was, who had come up from London and he was late in getting to the event. He came in and he stood up at the back and with quite an emotional voice he said "Look, I'm in my eighties. Who's going to speak up for me?" Something about him just touched my heart. I said to him "Well I'm half your age. So if you'll allow me to, I'll gladly speak on your behalf". And that was for me the starting point for speaking for other survivors. One gentleman came forward. He has passed now, but he came forward and he just opened his arms and he said "Oh, I just want a cuddle". The tears were running down his face. "I just want a cuddle." I thought, "My God, this is unbelievable. Why can't people understand the pain and emotion that all these people have been through?".
18. That day gave me the determination to keep going, because I thought this cannot be right. It cannot be allowed just to be swept under the carpet and forgotten about. For me, the most important thing about that day as well was that there were people from all different places. There was people from Nazareth House. There was people from Smyllum. There was people from Quarriers. There was people from local authority children's homes. But they were all speaking about the same kind of abuse. And I thought "Oh my God, you cannot just let this go". Something needed to be done about it.

INCAS committee

19. After the open meeting, we set up a committee. Within the committee we talked about the kind of things that we would like to do. It was wonderful after the Woodside Halls event. Everybody and their granny wanted to help at that point. But it is the old story. When it is voluntary work, people come forward and they want to do things, but then they go away and they realise what it is going to involve. Sometimes people phoned up and said that they could not do something because they had work commitments etc. Initially, I think there was about 17 people who came forward saying they wanted to help. We ended up with a full committee of about 12 including office bearers. I think Alan Draper was the first chairperson. I was vice-chair. Frank Docherty was treasurer, and there was a secretary too, if I remember right.

20. There was a spell when I was not well, and I was not involved with INCAS to the extent that I am just now. In around 2006 or 2007 INCAS folded because there were problems getting people to carry on with the committee etc. I think there was some internal problems as well. But the one thing that did not fold was the helpline. The helpline was always kept open. I was still getting phone calls. The phone calls started to become more and more. Eventually, I thought we had to see about setting it back up. So I phoned round the people that had been involved and suggested INCAS needed to re-group. There were still many people phoning. That, to me, was a prime example that we were still needed. There was no hesitation whatsoever. Everyone I phoned said yes straight away.

21. INCAS is a charity. I think that might have been part of the reason the group disbanded in 2006 or 2007. I think they were talking about taking it into a registered company – a limited company. People were frightened of that, and understandably so, because I would not have wanted to go down that route either. It is a lot of responsibility. There was some internal arguments about that. People wanted premises and that sort of stuff. With premises you need to be able to employ people to run the things and it was becoming too difficult . So I think that was part of the reason it disbanded at one time. It was becoming too business like and people just felt they could not commit to that.

Funding of INCAS

22. At the first official committee meeting after that gathering, we talked about different ways of getting funding. One of the things that was blatantly obvious was that we did not want government funding. Nobody wanted government funding. We did not want the government interfering. We did not want the government telling us what we could and could not do. So we were adamant that we were not going to go for government funding.
23. Looking back on it, there were times when we could have done with it, but we stuck to our guns. And I am glad we did. It was the committee members themselves who were funding things. The committee members were putting their hands in their pocket and putting money into INCAS. If we had to send out newsletters, we would cover the cost and everything ourselves. It was our way of dealing with it at that time, and for a good few years that was how it was.

Membership of INCAS

24. In all of our meetings, we never spoke about one particular group of survivors. And I still do not to this day. Our group is people from all over. We have members from Quarriers, Catholic Church institutions, local authority institutions, List D schools, foster care, and people who have been adopted. Religion is not in our constitution at all either.
25. David Whelan set up the group for the former boys and girls in Quarriers. Initially, it was called "Former Boys and Girls Association". My understanding was it was a sort of after-care group for Quarriers, which I thought was really good. But because they were not registered or something, David took over FBGA and called it "Former Boys and Girls Abused". I think David decided to go off and form a group specifically for Quarriers. I think that some people felt that the biggest majority of the work of INCAS

tended to be between the Catholic Church and the government. So I can understand why David went off and did that. I do not have any problems with that.

26. INCAS is open to any survivor. It is open to anyone who was in care. They may not even need to have been abused. It is anybody who has been in care. I mean it is "In Care Abuse Survivors", but we have survivors who had positive experiences in care. [REDACTED] is one of them. She was in the care of the local authority but had good experiences. So we try and look at it in a balanced way. Not everybody's experience is negative and we recognise that and respect that.
27. Sometimes it is quite difficult because if there has been, for talking's sake, an article in the paper and it talks about a positive thing that an institution has done, 9 times out of 10 I will get phone calls from people saying "Oh that's not what they done to me". I have had to say to people "But look, not everybody who's been in that institution has been abused, because it depends who the individual was looking after them at the time, what year they were there, what the circumstances were".
28. For everybody it is different. Let's take Quarriers, for talking's sake, and the village houses. Some of them had really good experiences. What I have read about Quarriers, Quarriers even put people into private education if they saw that they had the ability and were gifted. They gave people horse-riding exercises and stuff like that. I think to some extent Quarriers could have been a very, very positive example of childcare. However, the flip side of that is that there has also been some horrific experiences within Quarriers. So you cannot take one experience over another. Everyone's experience is individual to them.
29. To join INCAS, we have a membership form that people fill in. Basically, all they fill in is their name, their address, the institution they were in, if they want to give us the length of time they were in the institution, and who their next of kin is. And we keep the data. We do not charge for membership.
30. Our membership can be between 280 and 450. The numbers always fluctuate. We have had a number of new members recently. We also have elderly survivors and

sometimes we find out an individual has passed on. We are not always notified that a person has died.

31. Some of our members have not even told their own families. I think that is something people do not understand as well. Some of the members have not even told their own spouse about their experience of being in care. So that is why we have to be really careful. When we send out the letters, we never ever put anything on the envelope that says "INCAS".

Obtaining the views of members of INCAS

32. When INCAS does a response to, say, a consultation paper, we give a group response on behalf of the members of INCAS. We obtain the views of the INCAS membership. The committee will send information out to the members about the consultation paper, and we ask them to contact us with their response. Some people write, but the majority tend to phone because they have been so used to the phone line. We gather in the information we get from the members. The committee then sit down and discuss it. We work out what the majority of people are saying. We work out the percentages from the data and we give out a group response in that sense. We give a written response.
33. We do it two-fold. We do a group response on behalf of INCAS, but equally we encourage the members to give individual responses as well.
34. I have lost count of the number of consultations there has been over the years. Nobody minds doing work if you see action at the end of it.
35. We write to our members if something is happening. We cannot do it as regularly as we would like to, as for us to send out letters to members probably costs us in the region of £200/£250 a time. We have been funding that out of our own pockets. So we sent out a letter to everybody and explained that we funded it ourselves. We said to people that they can phone us at any time and, if there is a major event, we will always contact you.

36. So, for talking's sake, we sent out a letter on behalf of the National Confidential Forum. They covered the expense of the postage and sending things out. I think the Inquiry have done that as well. We sent out the letters to all the members. We are going to have to send out one in relation to the financial redress consultation papers because that will go out to all the members as well. Any time there is something that needs a major response, we will automatically send out the letters to everybody.
37. We had a website for years. However, the chairperson prior to myself coded the website in such a way that nobody else could use it. So we struggled when that person resigned from the committee and decided to go independent, despite the fact that we contacted them umpteen times and asked them how do we decode this. We got nowhere, so unfortunately we were paying for a website that was only one page. So we had to take the website down. We are working on getting the website back up just now. That is in the process of being done and it will include all the links to all the different places like the National Confidential Forum, the Inquiry, CELCIS etc.
38. We have membership meetings. The last one we had was the AGM in April 2017. There was about 40 members there. We brought them up to date with current issues in relation to survivors. At the very end of the AGM, the committee have to step down and elect a new committee. It tends to be a case of people being nominated and seconded and that is it. It is difficult, because at every single AGM we appeal for people to help us.
39. We have to remember that our membership is scattered all over the place. It is not just Scotland. You cannot expect people to come all the way up from England and pay their expenses to come to a meeting that is going to last a couple of hours and then go back home. We would not expect that of people. We always get back to them after a meeting. A letter will go out letting them know what happened and where we are at now etc.

Aims of INCAS

40. When INCAS first formed our main priority was to offer support for other survivors because there was so much hurt out there. Initially, the kind of things that we helped people with were just support and being able to be a listening ear.
41. It became pretty clear that if we wanted to make changes for children in care today, the only way we could do that was through government change. So we started with the campaigning side of things.

The INCAS 24 hour helpline

42. We wanted to have a telephone helpline for 24 hours a day because after a certain time of day there is limited help available. We did not want any other people being left with nobody.
43. Initially, Frank Docherty and I took that on board. We decided we would do it 24 hours, because, at that time, there was a lot of difficulty for the survivors because this was just coming into the public domain. In some cases there was very serious complications with people being quite nasty and aggressive towards us and saying, "How dare you say that about the Church?", that type of thing. But we were determined that the truth was going to be brought to the surface no matter what. So we continued with it.
44. It has been either Frank or myself who has run the phone line. I know professional people would question that because they say it then has an impact on you. And it does. But we chose to allow it to run that way. And I am glad that we have because I have had phone calls in the middle of the night from police asking me to come to hospital because a survivor has self-harmed or is intending to self-harm. That has happened on more than one occasion. Unfortunately, I have also been involved in a situation where there was a person at the other end of the phone who did take his

own life. [REDACTED] It is difficult and we absolutely respect the fact that we were not trained to deal with things like this.

45. There are some things that you carry with you forever when you hear testimonies over the telephone. We have had to strengthen ourselves to this over the years. We had many, many discussions about it. But, for me, probably the most difficult one was the time when the person took his own life, and it was because his child had been taken off him that day. You do not come back from something like that, but it just makes you all the more determined to be there for other people.
46. I think some of that is probably because of our own experiences as well. I do not want to bring personal things into it, but when you have experienced a system that does not understand the psychological impact, and when you have experienced a professional system through the NHS that does not understand the fact that because of the fact it is after 5 o'clock does not mean that people feel differently to the way they do at half past four – you see that it is not practical.
47. I do not understand why services come to a close at between 5pm and 6pm. It is also well known that many, many people who suffer from psychological injury or have a mental health problem, or even if you look at the Samaritans, the bulk of the calls are at night. That is when a person feels the most loneliness. The world goes quiet and they suddenly realise how much on their own they are. Your problems are always bigger at night. That is well known. So for us it was important to keep the line open 24 hours a day.

Practical help for survivors by INCAS

48. We wanted to help people. Part of that was practical help. Part of that was maybe helping somebody with their shopping. At that time, God love Frank, he was collecting furniture and all sorts of stuff for people.

49. There was some elderly people who would not allow social services in their home because they were terrified of the social work and did not want to go back in care. They needed help with their own personal needs. Once they had got in contact with us, and we had built up a kind of relationship with them, they would then allow us into their home. We would help out any way we could. If they would allow us to act as an advocate for them, we would do so with the services that are available out there. I think once there was an element of trust, people were happier for you to guide them in whatever way they felt was the best thing for them. Then we would support them through that process.
50. For some people, it was a case of setting up care packages. For other people, it was their own personal needs. For talking's sake, there was one lady who Frank and █████ used to go and take back to their house for a bath, because she had nobody. And that was the kind of thing we were coming against all the time.
51. I would say that for the majority of people, all they wanted was to share what had happened to them and for somebody to believe it because they had never told anybody.

Campaigning by INCAS

52. We then had to decide who would be involved in the campaigning. At that time Frank, still did not have confidence in himself. He would say "Oh, I'm not very good at words" and "I'm not very good at this". But he was. It is just that he had a different way of doing it. But Frank had asked me to do the government stuff, because he said I was good at talking to these people. At that time, Chris Daly was coming along as well. Chris Daly and I did the majority of the campaigning stuff.

Petition to Parliament – PE535

53. Pretty quickly after forming the committee, Chris Daly had decided that he wanted to put a petition into the Scottish Parliament. He had already been working on it. Chris put the petition in 2002, and asked me to come along to the Parliament with him when he was to give evidence. That was when INCAS turned to the campaigning side of things. We were dealing with civil servants. We were trying to lobby various MSPs from across the parties.
54. The petition was for a public inquiry into the institutional abuse in Scotland. That was not just Catholic run institutions – it was all institutions. We asked for a full public inquiry into it. The initial response from the government was absolutely no way we were going to get that. We asked for an apology. We were told that there was absolutely no way we were going to get that. We continued to go back to the civil servants.
55. Now for whatever reason, the petition was put into the education department. They told us that was because of the List D schools that some people were in. I do not accept that. It should always have been in the justice department.
56. Initially, when we put the petition in, the convener to the petitions committee, Michael McMahon MSP, decided that he was going to ask questions of the various Ministers. We were giving evidence to the petitions committee, then they were asking Ministers to respond. Because Ministers were not responding, Michael McMahon then made a decision that the petition would be taken into the main chamber for debate. I think that was the first time it had ever happened. He was so annoyed about the fact that when Peter Peacock MSP was asked why was something not done, I think his answer was “because I didn’t think it was necessary”. So they asked “Well, who appointed him as God?” and decided they were putting it into the main chamber. I remember those words because I was there that day.
57. There was a debate beforehand about whether or not there should be an inquiry. At that time, we had all cross-party groups. Some people were saying yes, there should

be an inquiry, but to be careful. Other people were saying if abuse has taken place then there should be an inquiry. That really, really bugged us. I thought what are they talking about "if?" They already had institutions found guilty of abuse, so how could they possibly sit there and say "if"? So, to me, there were some members of the Parliament who had not done their homework.

58. At that time, there were a few cases from Quarriers going through the courts. The cases had just been proven and they had been found guilty of abusing the children. The next time we went back, I had said to the civil servants, "Look, you can no longer say that you are not aware of this, because with knowledge comes responsibility. You know now that it has been happening, and that the proof's there. You've already had Quarriers. You've already had Sister Alphonso". At that time, Sister Alphonso had been found guilty and sent back to live her life. The government could no longer deny it. We already had at least two cases where there was proof of abuse in children's care homes. And so we asked for an apology. Then they came back and said "Ok, the First Minister's going to apologise."

The First Minister's Apology

59. Initially, I was elated. I thought that was absolutely excellent. But when I heard the wording, I must admit I was a bit disappointed. It was very carefully done.
60. The apology was given in December 2004. We took a lot of survivors with us to the parliament in Edinburgh. They told us in advance that it was going to happen, so we had let all the survivors know it was going to happen. There were journalists there as well. Marion Scott was there from the Sunday Mail because they had been running stories on Quarriers. They had also been doing some on the De La Salle Brothers as well. In fact, I think she got a Journalist of the Year award on the De La Salle Brothers or something like that.
61. When Jack McConnell, the First Minister, gave the apology it was stated that it was on behalf of the people of Scotland. And to be honest with you, at the time, I never

thought much of it. I was just more caught up in the fact that they were actually giving an apology. To me, that was a big thing in itself. And I kind of thought that it would be the beginning of something. It would be like a concertina effect. But, unfortunately, that did not happen.

62. After the apology, when we realised the wording of it, it became pretty apparent that it was carefully worded – that it was a political apology. It was not a sincere apology. So that made us even more determined to keep going. We then continued on with the campaigning side of things from within INCAS.

The Cross Party Working Group

63. At that time, Frank and myself had been going up to the Cross Party Working Group, but they were not interested in in care abuse. The Cross Party Working Group was on childhood sexual abuse. I do not believe in pigeon-holing abuse. To me, abuse is abuse. It was quite frustrating because we felt we were not getting anywhere with the Cross Party Working Group at all. I can understand it because they had probably been working for years to get to where they were at. Now I can understand it. I did not understand it at the time. I knew nothing about politics.

The National Reference Group

64. After the First Minister's Apology, I do not think the government knew what to do with us. They knew they had to do something, but they did not know where to put us. Because we were getting nowhere with the Cross Party Working Group, after the apology, the civil servants at that time, Rachel Edgar and Shirley Laing, spoke to us about the National Reference Group on Childhood Sexual Abuse which had just started up. They felt it was best that we joined the National Reference Group.
65. The National Reference Group was established in 2005. It created a bit of tension. The tension was pretty apparent in the beginning. It was almost a kind of resentment at the fact they were now having to look at in care abuse as well. Every time they

mentioned sexual abuse, Chris would get quite annoyed and say "Actually, no, we're talking about all kinds of abuse here". And I would say to them as well, "Look, you shouldn't be pigeon-holing abuse. You should just be looking at abuse of children, full stop". At that time, it was just me and Chris representing survivors. There were no other survivor groups operating at that time.

66. When the National Reference Group finally got round to start dealing with the in care stuff, they were talking about "truth and reconciliation". We were arguing the point that truth and reconciliation was mainly to do with apartheid, so therefore nothing to do with what we were talking about in Scotland. Finally, they acknowledged that and asked what else we were going to call it. I suggested that we just call it "Acknowledgement and Accountability" because that is what we need. We need acknowledgment of the fact that these things happened. And people need to be held accountable. So it was agreed all round the table that that is what we would call it. So when we talked about in care stuff, it was under the remit of "Acknowledgement and Accountability". That went on for about a couple of years.
67. Within that process, civil servants were looking at what was happening elsewhere in the world. They initially dismissed Ireland. Chris and I kept asking them to look at what was happening in Ireland. It was very, very common to what we were talking about. And in a lot of cases, it was the same institutions. So it made sense to look at what was happening over there.
68. At the time, I also said to the government that they should be asking the Irish Government to put aside some of the money to help with the people in Scotland who were abused. I would say 70% of the abusers were Irish within the religious sector. So I thought it made perfect sense, because they had come over here from Ireland, then gone back to Ireland. The perpetrators themselves were primarily from Ireland within the religious sector. But I do not even know if these discussions took place.
69. Eventually, they sent 5 people over to Ireland to look at what was happening in Ireland. They did not send any of the survivors, which we were annoyed about. If we had gone, we would have been asking questions in relation to the survivor issues.

They came back and decided they would dismiss the Ireland side of things and start looking at what was happening elsewhere.

The Historical Abuse Systemic Review by Tom Shaw

70. Tom Shaw was to be brought over from Ireland because of his expertise in the systems in Ireland. I think he was involved in government inspectorates and stuff like that. When we met Tom before he started, the Government's view, at that time, was that he was not to speak to survivors. He had been instructed that he would not be taking statements from survivors.
71. The Historical Abuse Systemic Review (the Systemic Review) was dealing with what systems were in place at the time; what was the inspectorate's reports about; did it involve complaints procedures; all that kind of stuff. Basically, what was in place for the care system in Scotland at that particular time. I thought it was a bit crazy because there were legal issues involved with that as well. Given that Tom had come over from Ireland, he did not know the legal issues in Scotland. His research assistant was Nancy Bell who was from Canada. Again, she did not know about the systems in Scotland either. They had to basically fight with Government to get someone to take on the legal side of things in Scotland to help them with that.
72. For me, the biggest flaw with the Systemic Review was that initially the government had told Tom that he could not even speak to the survivors. I thought this was absolutely crazy given that was what he was to look at. We had gone back to the Government to say he has to be able to speak to survivors. I think eventually they submitted and said that he could speak to, I think it was, a dozen survivors.
73. The report of the Systemic Review was published in 2007. It was basically all around what was in place at the time, what this particular Act said, what that particular Act said, up to whatever day he was taking this particular report for. To me that was by-the-by, because, at the end of the day, it was pretty obvious that a lot of things had taken place which should never have taken place in the first place, and did not comply with any Acts that had been written up.

74. There was no follow up from the report. Nothing happened. It just became a report that is probably sitting somewhere on a shelf in Parliament.

Acknowledgement and Accountability

75. Acknowledgment and Accountability was part of the work of the National Reference Group. We had the trial for the Acknowledgement and Accountability forum in August 2008.
76. At the meeting of the National Reference Group in November 2008, the civil servants were still printing papers off when we arrived for the meeting. They came in with these papers and said to us "Oh, it's going to be called "Time To Be Heard"". So we were angry about that. Chris Daly was absolutely furious. We were saying "Well, hang on a minute. Who decided it's going to be called Time To Be Heard?". There had been no discussion about this. That was the same time that the Human Rights Commissioner was working on the Scottish Human Rights Framework. So before they even had chance to publish that, the Government had decided to change it from Acknowledgment and Accountability to Time To Be Heard. We kept trying to pin them down to say who decided it was going to be called "Time To Be Heard".
77. Eventually, they had a conference up at Airth Castle in Edinburgh in 2009. Professor Alan Miller and Duncan Wilson of the Scottish human Rights Commission were both there. Many survivors were there as well. Not all were INCAS members. Some people who did not want to be part of groups were there as well. We kept badgering the civil servants about who made the decision to change it from "Acknowledgement and Accountability" to "Time To Be Heard". Eventually Jean McLelland, who was a senior civil servant, responded by saying it was a Ministerial decision. But they would not tell us which Ministers made that decision. And that still has not been answered to this day.

78. I personally felt that that diluted the whole thing. To me, "Acknowledgement and Accountability" is more of a legal terminology because you are expecting some kind of action. If you acknowledge something and you are looking to see who was accountable, then you are looking for some kind of action at the end of it. To change that to "Time To Be Heard" – you could be talking about anything. I could be telling you what I was making for dinner last night and you are listening to me. I was really, really annoyed about that.

The Scottish Human Rights Commission Group

79. At that time as well, we then had the Scottish Human Rights Commission Group that was appointed in Scotland. This was around 2009. This was run by the Scottish Human Rights Commissioner, Professor Alan Miller, and also Duncan Wilson. They were asked to set up a Scottish Human Rights Framework by the government. When Alan Miller did his initial consultation to see what people were looking for in relation to human rights, the one thing that was coming out more than anything was the abuse of children in care. They set out to create a framework looking at the human rights of children – all children, but specifically children in care. The commissioners were working on the legalities of all of that.
80. And so in parallel with the National Reference Group, the Scottish Human Rights Commission Group was set up, and we were invited to go along and take part in that. The people running the National Reference Group were in the sub-committee of the Scottish Human Rights Commission Group. I sat on all the sub-committees. I actually felt that the human rights was the most important one.
81. In the period of time from the National Reference Group and the Scottish Human Rights Commission Group, we also had other people who had become involved as well. David Whelan had set up FBGA. So David and myself were at the first Scottish Human Rights meeting. People came from different parts of the world as well, which I thought was excellent. We also had CELCIS working as well.

82. The Scottish Human Rights Commission published their Framework for Justice and Remedies for Historic Abuse of Children in Care in 2010.

Time To Be Heard

83. Time To Be Heard was a decision that the Scottish Government made to do a pilot in 2010. They were going to bring along Tom Shaw from Ireland. I think Tom worked in education over in Ireland and he was going to listen. I was involved in setting up the Time To Be Heard as well. I was asked to sit on that from a survivor's point of view.
84. They decided that it would only be about Quarriers because Quarriers was unique. Now, that annoyed a lot of survivors as well. It specifically annoyed INCAS because we had a number of elderly people, so I find it unforgiveable. I still get angry when I think about it. At that time, we had a number of survivors who were very elderly, who were frail, who were at the end of their life, but who wanted to speak up - who wanted to speak about what happened to them. I kept saying "You must prioritise the elderly and infirm. It's important that we hear what's happened to them. Because they're not going to get the opportunity to do that".
85. I was hoodwinked because all the way along I kept being told "Yes, that will definitely happen". Then I went to the last meeting, before they decided it was going to be Quarriers only. I asked the civil servant about the elderly survivors that I had. At that time, I had 6 people who were terminally ill who all wanted to give their statements. I said, "Well, when are you going to go and see these individuals? I've already spoken to them, they already know it's going to be happening. Can you tell me when it's going to happen?". Sheepishly, the civil servant put her head down and said "No, no, that's not going to happen. It's only going to be if they were in Quarriers".
86. I had never walked out of a meeting in my life, but I did that day. I was so upset and angry about the whole thing. I thought "Hang on a minute, I'm the person who's now going to have to go back to these people who are dying and tell them sorry, but because you weren't in Quarriers you're not going to be included in this". I thought that was totally unforgiveable. At that time, Tom Shaw was not able to come along to

that meeting. That particular day it was Kathleen Marshall who was chairing the meeting. She apologised and said "Look, I know you're really, really upset". I said "I am upset because you've hoodwinked us. You told us that was going to happen and now it's not going to happen".

87. In hindsight, I can look back and understand why it did not happen. The reason it did not happen was because Quarriers were putting financial input into Time To Be Heard. We found that out. That is why it was only going to be Quarriers people. If the the Government had told us that, it would have been easier. We would have understood it. We could have arranged to get legal representation for these people to give their testimonies to a lawyer and sign them off while they were still alive. In the event that an inquiry came at a later date, we would still have had these testimonies, but they were not given that opportunity. Eventually, the Government came back to me and said they could send someone out from CELCIS. I thought that was a total insult. How could they still treat these people as if it does not matter? It was horrible. The way that the survivors were treated the whole way along is deplorable.

Second petition to Parliament – PE1315

88. So Chris Daly and I at that point decided we needed to put something else into Scottish Parliament, because it needed to be everybody being heard. So we then put in the second petition PE1351 asking for Time for All To Be Heard. This was in August 2010.
89. We wanted any survivor – regardless of what institution they were in – for their testimonies to be heard. We wanted that to form part of what we believed we were fighting for, which was a public inquiry. That would have meant that they would not have been able to do Time To Be Heard for only one institution. The Government called that a "pilot forum". I do not accept that. It was not a pilot forum at all.

Time To Be Heard report

90. This is what concerns me more than anything – a report is a report. It is what you do with the report that is important. And they did not do anything with the Time To Be Heard report when it was published in 2011. It is probably sitting on the shelf somewhere up in the Parliament. Or as they call it in parliamentary terms – “in the long grass” somewhere. Forgotten about. Which is the reason why we went on and said “No, we actually need a public inquiry. We’re not going to settle for anything less”.

The National Confidential Forum

91. In about 2012 or 2013 the National Confidential Forum, I believe, was set up because of what the civil servants saw was happening in Ireland. In Ireland they had a judicial forum and a confidential forum running parallel. So, for talking’s sake, if you had a survivor who had mental health issues and was quite vulnerable and was not well enough to participate in the judicial forum, they could go along to the confidential forum. It was less formal and therefore would not be as scary for some of the more vulnerable survivors. So the survivors had a choice. They could either go down the judicial route or they could go down the confidential forum route.
92. What happened was the Scottish Government looked at that, and – this is only my opinion – they decided that they could just do a confidential forum and that would be cheaper and they would not even bother with an inquiry. So they then announced that they were going to do the National Confidential Forum.
93. We gave evidence to the Health and Sports Committee within the Parliament, along with the Scottish Human Rights Commissioner, care leavers, and other agencies. We said to them that the National Confidential Forum as a stand-alone entity was not workable – it just would not work. They asked why, and we said the National Confidential forum was set up so that it was all anonymised. The survivors themselves were anonymised. The abusers were anonymised and the institutions

were anonymised. I went along before it even started and met up with some of the workers there. I said that would be their biggest stumbling block - the anonymity side of it. So I tried to prepare them for the fact that they might need to go back to the Government.

94. All the time that INCAS has gone along and engaged with whatever group, it has been to try to give them the views of survivors. Now I could sit down here and write a ghost report right now and hand it in right now and say "There you go. There's your report of the NCF". It has slightly changed as time has gone on, but that is how it was set up. We felt that was just not workable for the survivors and we were not prepared to accept that. We wanted a public inquiry.
95. The National Confidential Forum was not what survivors wanted. Survivors wanted a report with people being named and shamed. In other words, accountability. That is the process that has been taken from us all along. Accountability is never mentioned. You can acknowledge something, but if you refuse to look at accountability as well, then it is only one part of the action. When the National Confidential Forum was set up, survivors were saying at the time that they did not want to participate with it because they did not want it to be totally anonymised.
96. I absolutely accept that there are some survivors who did want their anonymity maintained. And there is absolutely no problem with that. But because some survivors want their anonymity, that does not mean to say you exclude all the ones that do not or vice versa. But the way that the National Confidential Forum was set up meant that those survivors who wanted the people named and the institutions shamed, were not going to achieve that. So they decided there was no point in going.
97. All the Ministers talk about is how much money they have spent. Well, hell mend them if they have been stupid enough to spend money on something that is not working. It was not what survivors asked for. Right from the very beginning, survivors asked for a public inquiry. The Government chose not to go down that route, so we

decided just to keep going. I remember the MSP in my own area said to me "Helen, you'll not get it". And I said "Well, we'll wait and see."

The Interaction Group

98. Following on from the Systemic Review and the Time To Be Heard, a lot of survivors felt that there was stuff being swept underneath the carpet and were not happy about it. A lot of survivors did not even know what their own human rights were as an individual, never mind as a child. They did not even know that children had human rights. The Interaction Group was set up in 2012 primarily to take the Scottish Human Rights Framework forward. When the framework was submitted to the Parliament in about 2010, Parliament agreed with all the recommendations that were put in place within the Framework.
99. The Interaction process was to make sure that the recommendations in the Framework were followed through. The Interaction Group primarily was to work on the rights of the child which would be put in place, who should be listening, and what responsibilities Government should have. CELCIS took it on board.
100. Meetings of the Interaction Group were held 4 times a year. There were also extended meetings for survivors. Within the Interaction Group there were 4 survivors around the table. I was there representing INCAS. Chris Daly was there. At that time, he had gone independent so he was representing himself as a petitioner. David Whelan was there representing FBGA. Harry Aitken was there as well, because at one time when I was ill, Harry Aitken was the chairperson of INCAS.
101. Alongside the survivors, there were representatives from the Scottish Government, the Scottish Human Rights Commission, Social Work Scotland, and CELCIS. There have been times when other people have come along to take part in that group, for talking's sake, National Confidential Forum, Dr Happer has come along then spoken. Police Scotland have also come along and spoken about what has been happening.

102. To me, the most important thing about the Interaction Group was the fact that it brought all the agencies together. It was the one time, and the only time, where survivors were able to sit in a room with the agencies from the different institutions. They could sit round the table and say "Look, this was wrong. This is where we're at now. This is what we would like to see done". Survivors at that time were still pushing for a public inquiry. Some of the agencies were saying that they did not think it was right that there should be a public inquiry. For talking's sake, Quarriers were opposed to there being a public inquiry when we sat round the table.
103. On top of that, there are sub-groups to it. So, for talking's sake, when the Human Rights Framework was being done, there were various consultations that the Government were doing as well. So within those consultations, the Interaction Group would hold a wider meeting. In other words they would have an open meeting for all survivors not just the survivors on the group. Within those open meetings they would then bring the other survivors up to date with what was happening in the group and what the group was trying to achieve. They involved people with consultation papers so individual survivors could give their own views as well.
104. The Interaction Group produced an Interaction Action Plan in 2015. That is still being worked on. Part of that Action Plan is the time-bar being lifted, and we are not there yet with that. That is still going through the Scottish Parliament at the moment.

The Interaction Action Plan Review Group

105. As the Interaction Group was primarily set up to bring about the recommendations of the Scottish Human Rights Framework, it was initially set up for a 3 year period. In 2015, the Interaction Review Group was established because the process never really ended. There was always something else happening on top of it.
106. You had other things being announced. You had the consultation on civil law damages. You had the consultation on the plan to establish a forum for survivors. The National Confidential Forum came about in 2013. You had the Victims and

Witnesses Bill. You had the Damages Bill. You had the consultation on the public inquiry into Historic Child Abuse in 2014. Then you had the consultation on the time-bar because time-bar was a major stumbling block if survivors were to gain any justice whatsoever. So we were still working with the justice department in relation to that. That was something they could not do within the Human Rights Framework. So all those other things were also happening at the same time as well.

107. I think the Interaction process is the one thing that has worked because it is the only time ever where all the various agencies have come together, including survivors, and that was because of the way it was handled. I mean everybody respected the fact that the agencies and providers had difficulties, because a lot of them were not around when these things happened. They are left with the legacy of what happened and how to deal with it. Equally, you have the survivors who were damaged because of what happened, and they were having to deal with their own issues.
108. All the things that were happening within government involved consultations and meetings with stakeholders i.e. the agencies, but then they would have separate ones for the survivors. They never, ever mixed them. I think it was because of their own fears. I personally do not see anything wrong with survivors and the agencies coming together because, whether they like it or not, the reality is these things happened, and we have to face them. It is better to sit round the table and discuss them and face them head on than trying to keep everything separate. You will never, ever get to some kind of closure if you keep everything separate. So the most important thing about the Interaction was that we had got to a place where people were sitting together. We were in the same room. The agencies were working with the survivors.
109. I will give you an example. At one of these particular meetings I remember one of the religious orders had asked around the table "But where are we supposed to get the money for that?" And very quickly one of the survivors said, "You're not going to tell me you've not been insured all these years." There was a ripple of forced laughter, if you can call it that, round the table, and it kind of made them realise that they could not hide away from these things.

110. No matter how difficult they are, they have to discuss them. So we had the Church opening up and realising that there is going to come a time when they have to face up to this. You had Government officials saying why some things would not work, and survivors coming back and saying "Well, actually they will work if you do x, y and z". You had some people there from the De La Salle Brothers, for talking's sake, who at that point did not have any homes left, and were struggling to come to terms with what had happened. But equally, they were all prepared to work together. To me, that was the most important thing. People were coming together, were working together, to see the human rights framework being implemented.
111. The Interaction Group was still there. Like everything else when you form a group there are so many things happening. Like, for talking's sake, within the Human Rights Framework, it was not just a case of dealing with individual human rights. There were other things happening at the same time. You had problems getting access to records, then you had the Public Records (Scotland) Act being introduced in Parliament. You had the independent report on Time To Be Heard. Time To Be Heard followed on from the Historical Abuse Systemic Review.

The In Care Survivors Service Scotland

112. The launch of the ICSSS came about in 2008. The Government decided that they would put money in to set up a national service for survivors in Scotland. The people on the National Reference Group were part of choosing who got the tender for that contract. It was quite difficult because there were only 4 agencies in Scotland that tendered for the contract.
113. The purpose was to provide support to all survivors, nationally, throughout Scotland. This was so that survivors who had needs could go along without having to go from pillar to post. Up until that point, survivors were just going round and round in revolving doors and getting nowhere. The kind of support, for talking's sake, might be to have counselling, if a survivor required counselling, or to get access to records,

or to provide advocacy work if somebody had problems with housing or whatever. They self-provided counselling.

114. The Scottish Government funded it. Initially it was supposed to be for, I think, 3 years. And then they extended it for another 3 years. I was involved with the monitoring group of the service.
115. Within the process of the monitoring group, we were questioning the funding and how the funding was being spent. We had a number of issues with the service when it first started. It was a national service, but was very sporadic in places. It could be a postcode lottery as to whether or not you got any kind of support at all.
116. There was a time in Glasgow when there was no support worker at all for nearly two years. In our experience for all the meetings we have had, even with government, the biggest response is in the west coast. The biggest response is in Glasgow. So it was crazy that Glasgow had no support worker through this service.
117. We had issues with it, but I have heard from survivors who have felt that they got something from it. I do not really mind what it costs. If it has helped some people, then it has been worth it. The ICSSS at this moment in time is being phased out because the government are no longer funding it.

The In Care Support Fund/Future Pathways

118. The In Care Support Fund (support fund) was announced in 2015 by Angela Constance. It was initially set up to meet the needs of survivors.
119. If I look at it from our own membership I see many, many needs there. I see some people who have major needs with regards to housing. There are some people who have need with regards to counselling, but they do not want to go back through the NHS because they have already been let down so many times. Within the NHS, mental health services could not deal with survivors' issues and so stuck a label of

borderline personality disorder on survivors. This meant that they no longer got the support that they needed.

120. So the Support Fund, for talking's sake, could provide private counselling if a survivor chose that was what they wanted to have. In a lot of these institutions a lot of these siblings were separated and have struggled to try and get back together again. You may have some siblings on the other side of the world, in Australia or Canada or wherever. And it may be those particular survivors would love to be able to re-access contact to their family. So the fund would provide. It is more of a financial fund than a service.
121. Initially, it was sold to meet survivors' needs, because everybody's needs are different and independent to them. There would be a coordinator or a care worker. I do not know what they call themselves. I call them "INAs" – Individual Needs Assessors – that makes sense to me, but that is not what they are called. The support worker would go along and meet the individual and assess what their needs were and provide the funding for it, or provide the actual equipment, whatever it so happens to be. It could be that somebody needs funding to appoint a researcher because they have been trying to get access to their records for x amount of years. They would provide the funding to allow somebody to do that.
122. From INCAS's point of view, there have been some complaints about the fund. I think some of it depends on the coordinator or support worker and how they are with individuals. It is very difficult because you are asking people to go along and meet with a stranger and tell a stranger what their needs are. It does not come naturally as human beings. You would not go up to a stranger in the street and tell them what you need.
123. Some people are using it. Some people are not using it because they are afraid that if they go forward then to take civil redress when the time-bar is lifted, they will be told that they have got over that problem because they have already had funding for it. So despite the fact the Government have said that is not going to happen, some survivors are not using it because of that. I think they have done it back to front.

124. Again, this is something that happens in Ireland. And I think that is what the Government has done. They have looked at other countries to see what they have done, and then tried to set something up to make it look similar. In Ireland, survivors went along, either took part in the judicial route or the confidential route, and at the end of it were compensated. There was also a support fund set up as an ongoing support, on top of the compensation. What has happened here is everything is back to front, and it is not helpful to the survivors. You have a support fund that survivors do not trust because they think that it is going to be in place of compensation. I think John Swinney had to stand up in Parliament and say that it is not. I think I had to ask my own MSP to put that question to him in Parliament at one of the debates, because there are still concerns out there that that is what it will turn into.
125. There are many survivors who have turned their back on everything because the whole process from 2001 until now itself became abusive. It became too painful for the survivors. They were fed up telling their testimonies over and over and over again. Every time there was a sub-group about this, that and the next thing, they would go along. They would open up. They would be told that lessons would be learned from this. And then nothing happened. I just think that is unforgiveable.
126. I would advise any of the elderly people who have issues to engage with the support fund. My own personal opinion on it is they are better getting something just now while they can, if it helps alleviate some of the problems they have right now. I think it probably is the most difficult for that age group because some of them see it as a charity. Because of the way they were brought up as children they do not want to feel as if they are going along begging to a charity. I have had many survivors say to me that they feel as if they are going along with a begging bowl. To put somebody in that position is absolutely horrible.
127. Whereas, in my opinion, had it happened in the way it should have, there would have been the public inquiry, there would have been compensation for what had happened to those individual children, and they could have got on with their lives. The chances are we may not have needed a support fund.

The Scottish Child Abuse Inquiry

128. INCAS have asked for an inquiry since day one. We have always supported a public inquiry. In all of our membership's eyes, it was the only answer. It was the only answer because, in our opinion, an inquiry is set up to get to the truth and to get to the bottom of things and how things were allowed to happen.
129. When the Inquiry was announced in 2014, I think most people were ecstatic. We did not think it was going to happen. We were told categorically it would not happen. And that is all political parties. It was not a case of who was in power at the time. We all know that it is not up to them. It is the people behind the scenes. It is the faceless people that nobody knows about. They are the ones that make the decisions at the end of the day and the Government just announce it. When they announced that there would be a public inquiry, I think most people were absolutely ecstatic. It was almost like – at last we have achieved something.
130. After the Inquiry was announced, there was a consultation with many, many people, not just INCAS. There was a cross-sector consultation in relation to the Inquiry. Initially, we felt the Terms of Reference were too tight because the Inquiry did not involve foster care. It did not involve people abused within the Catholic Church who were not in the institutions of the Catholic Church but within Church-run parish houses etc. It did not involve Scout groups and all that kind of thing. Initially we said it needed to be extended to cover where a child has been abused.
131. But our constitution is primarily for children who were abused in care, so we would respond with that context in mind. So given the Inquiry was covering all the institutions in Scotland, including List D schools, private schools, boarded out and foster care, we were happy with the Terms of Reference from INCAS's point of view. However, we were also conscious of the point of view that people had been abused outwith some of these placements. Whilst we could not act on their behalf, we could

empathise with them and understand why they felt they wanted to be included within the Inquiry.

132. I think the main hopes for the Inquiry is that they get to why things were allowed to happen. Who allowed it to happen? If people knew that children were being abused, why was it ignored? What came into play in relation to the institutions, even locally?
133. The most important thing as far as I am concerned is to try and make sure that any recommendations are put in place to avoid this happening ever again. For me, the care institution is no longer the large institution, it is the foster homes. And we know that abuse is still taking place to this day within foster homes. In my own area, West Dunbartonshire, they have this great big banner at the traffic lights and it says "Have a career in fostering". Fostering is not a career. That just drives me cuckoo. If you want to draw in the wrong people, draw in the people that want to do it for money, and not because they feel it is a vocation in life that they can give something to a child. I would like the Inquiry in some way to educate people to the fact that children are not financial commodities. Because that is basically what we were. We were financial commodities then. And children in care today are still financial commodities. And it is almost being encouraged by local authorities making announcements like that.
134. I also think that part of the Inquiry is to educate people as well. Society needs to totally change its attitude towards children in care.
135. I think, probably without exception, nearly all members of INCAS say the most important thing about the Inquiry is to try to protect children of the future. It is too late for us. We have already suffered the abuse. But if it stops abuse happening to children in care in the future then at least it has been worth it. All the heartache, all the work and everything will have been worth it.

Continuing work of INCAS

136. There are still issues outwith the Inquiry. There are still the time-bar issues. There is still the fact that we are pushing for compensation for survivors. There are still issues in the sense of getting access to records. There are still issues in the sense of understanding why people were lied to for so long and told that records did not exist. So there is still a lot of work to be done.
137. Because of the In Care Survivors Service Scotland (ICSSS) being phased out, we are working in partnership with Wellbeing Scotland, as Open Secret are called now. I was at a meeting one day and some of their own clients were at that meeting. One particular client was talking about how much it had cost him to see a lawyer. I thought there was no way they should be paying to see a lawyer for advice when we have advice. We have a lawyer working through INCAS anyway.
138. So I approached the chief executive of Open Secret, Janine Rennie, and asked her about working in partnership with INCAS and that way at least her members would be represented. Even if the ICSSS comes to a halt, they would still have representation. They would still have people looking out for them and still get access to legal advice if that is what they require. Janine Rennie was open to that. We still have not legally formulated it. We have not signed a contract in other words. To date we have had no referrals form Wellbeing Scotland.
139. INCAS also works in partnership with the Trauma Therapy Trust in Glasgow. The Trust is a group of trauma therapists specialising in childhood abuse regardless of what abuse it was. We refer members to them. If we have somebody who says they are desperate for counselling and cannot afford to pay privately, and have achieved nothing through the NHS, then we will make a referral through Trauma Therapy Trust. They will appoint a trauma therapist to see that individual.
140. Trauma Therapy Trust is a registered charity. We will apply to them, and if they have some money available, they will award so much of it to INCAS, so INCAS can use

that money to put forward a referral for an individual client. I believe we have made 8 referrals in the last 18 months.

Time-bar

141. You will not get a lawyer in the country who will take on a historical abuse case because they will not get funded. A lawyer will not get paid for the work they are doing. The courts will not hear it because the 3 year time-bar has passed. In 2005, I went along with Chris Daly to a solicitors' conference in Glasgow at St Stephen's Church in Charing Cross. They were standing up talking about the historical abuse cases and the man's exact words were to all the solicitors in the room "If somebody comes to you with an historical abuse case, run a mile because it's too complicated". I think it was just after Jack McConnell's apology. So solicitors were being told "Don't touch them".
142. That has been the attitude within the legal circle in Scotland. We contacted umpteen human rights lawyers to see if they would take it forward on a human rights basis, but again because the time-bar was in place, we would have had to pay somebody privately, and legal costs are through the roof. That has been the attitude up until now.
143. All the times that I was giving evidence in Parliament, I always believed it should be before the Justice committee because some of the abuse that took place was criminal abuse. But that did not happen. There was nothing we could do about that. We did not have a say on that one.
144. My understanding of the time-bar is that the time-bar was set up in relation to people who were coming along and putting in claims for accidents at work or on the road etc. They had to claim within 3 years so that it was not an ongoing thing that lasted forever more. Child abuse, in my opinion, should never ever be in this category. It is known within the professional circle of psychologists, psychiatrists etc. that when people leave care they do not talk about child abuse until much later in life. And 9

times out of 10, it comes across through circumstances of either trauma or somebody having a family of their own. That is when they start to suffer the flash backs etc. They start to fear for their own children. That is when they tend to talk about it.

145. To ask somebody who has just come out of care for a prolonged period of time, where people in authority have made decisions for them, and, in the child's opinion, the wrong decisions many of the times, to ask them then to engage with the system that let them down in the first place - it just was never ever going to happen. I think that was probably why this has taken so long to come out. If the time-bar had not been in place, when people got to a place where they felt within themselves that they could come forward, and could start talking about it, they would have been able to see justice.
146. Right from the very beginning we have asked for the time-bar to be lifted. From way, way back to the National Reference Group, the time-bar was something spoken about all along. Everybody recognised it was a stumbling block. But I think there was resistance in government to lift it. I think there is still resistance. There is still resistance in the Law Society to change it. I think the Faculty of Advocates is opposed to it too.
147. The Bill to lift the time-bar back to 1964 has to be passed. It has to be passed because if not, the only people to be protected by a time-bar are the perpetrators. If the time-bar is not lifted, what we are saying to people in Scotland and to perpetrators is, if you are going to abuse a child, make sure you abuse that child so well that that child is never going to speak until at least 5 or 10 years later. Because that way the perpetrator is going to get off with it. They are the one that is protected by the time-bar, not the child.
148. But we just have to keep going because, eventually, I believe it will be taken on board. I personally fail to understand how anybody, regardless of who they are in this country, could be opposed to the time-bar being lifted. A lot of people have children,

and none of us know when circumstances are going to change. God forbid anything happens to somebody's child. You would want to see justice for that.

Redress for survivors

149. We believe that if somebody wants compensated for the damages that have been done, then they should be compensated. That is very much an individual and personal choice. It all boils down to the choices need to be there. It is the survivors' human right to have their choice. It is their choice. If somebody chooses to go ahead for compensation then we will support them 100%. If someone says they do not want compensation, they just want somebody to sit with them and say "What happened to you was absolutely wrong"; if they want somebody from the organisation to apologise to them; if somebody just wants counselling to go over what it is that has happened to them - then that is very much up to them as an individual. But we respect individual choices.

Criminal Injuries Compensation Board

150. Within the Criminal Injuries Compensation Board there was difficulties there as well for survivors because of the time-bar. Initially, they were told that the Criminal Injuries Compensation Board would not take on any of the cases because of the time bar. Then they took it through the Criminal Injuries Appeal Board.

151. The Criminal Injuries Appeal Board then started looking at some of the institutional abuse and they did pay out some money to some survivors. Partly that was based on the fact that the Chief Inspector from Aberdeen came down and gave evidence to the Criminal Injuries Appeal Board and said that, in his opinion, if somebody had been in the care of any of these institutions the chances were they probably had been abused. So on that basis they took it forward.

152. Some survivors are still struggling to get their initial statements that they gave to the police. When I went to the Criminal Injuries Compensation Board, I asked for my

statement under the Freedom of Information Act. The response I got was "Under section such and such, we don't believe that it's in the public's best interests that we release it". Now, I never, ever got that, because I gave the statement. What has it got to do with the public's best interests? They did not release the statement.

153. Then the panel from the Criminal Injuries Compensation Board contacted them and they said they wanted a copy of the statement. Still the police did not release it. Four times they were asked by different bodies, and the Criminal Injuries Board told me that had never happened before. They had never had a case where the police refused to give the statement. Eventually, they made a decision without it. They did award me compensation.
154. It was a long hard process just to get to that point of justice. That is what made me determined again to fight for survivors from the justice point of view as well. It is difficult enough coming to terms with what has happened to you in the first place. Then when you try to put it right, the process that you have to go through in order to do that is sometimes twice as difficult. That difficulty in itself is enough to put people off. I have had survivors ask me what is the point of going through it for a £1000 and then Cameron Fyfe takes £200 and something off it. They get less than £800 and they may have spent 10 to 14 years in care.
155. But I always said to every single one of them, that it is not the amount that matters. It is the fact that they have acknowledged that a wrong was done when they were a child. They were wronged. That is the important part. I just find it difficult to understand why in this country, just because you have been through the care system, you have to fight twice as hard as anybody else to get any access to justice.

Abuse as a psychological injury and not a mental health problem

156. I think that seeing abuse as a psychological injury and not a mental health problem is majorly important. Survivors are sick to the back teeth of the Government treating them as if they have all got mental health problems. To me the biggest majority of

manifestation of the abuse in childhood that I see among survivors is the sadness of what happened to them, of looking at how their life could have been. When people get older, it is the automatic circle of life. They then start to reflect back on their childhood. Especially among the older survivors.

157. I feel it for the older survivors more than anything, because quite often they will come on the phone and say "You know, Helen, I've not really achieved anything. When I leave this world, what have I done? What have I achieved?". And then they will get really, really upset and start thinking "You know maybe if I'd been born into another family, if my circumstances had been different, I could have done so much with my life". And I think that is absolutely horrible.
158. They do not have a mental illness. A child put in care is torn away from their parents. I use that word deliberately, because a child did not ask to be put in care. Even in an abusive home, the child knows nothing else. That is their unit. It is the only unit they know, and that is where their attachments have taken place – good, bad or indifferent. That is where their attachments are. You tear a child from that with no explanation whatsoever and dump them somewhere in among total strangers. And give them no reason for what you are doing. Are you going to tell me that that does not have a psychological impact on that child? That, to me, is the biggest problem within the care system today. We still do not look at the psychological impact of a child being removed from its home.
159. That is only the start of it. It is like hitting somebody with a hammer. If you hit them, at first it may be only a tiny little crack, but then it goes on in this place. You do not know anybody. It is a massive home. You do not understand it. You are automatically removed from your siblings. That is another crack on top of the first one. Then you are told that you cannot keep your clothes. You cannot keep anything that belongs to you. That is another crack on top of that one. So though the whole process – it is constantly being pounded and pounded and pounded.
160. To me the damage of abuse within care, regardless of what that abuse was, is a psychological injury at every stage that has affected the individual. And that is what

the individual is left with. The bruises heal up. The cuts mend. The scars are covered over. But the psychological impact of the abuse never, ever leaves you. And that is why I call it a psychological injury. It is not a mental illness. You do not have a mental illness because you have been abused.

Records

161. INCAS have also worked with members to get access to records. We have done it for people that are struggling. We try to help them find out where their records are. We cannot always physically go to where those records are. Sometimes there are costs involved as well, and we could not possibly cover the costs of every member's paper trail and their records. A lot of people have been told either their records did not exist, or they were destroyed in a fire or flood or whatever.
162. I know there are a lot of survivors still struggling to get a copy of their initial statements to the police. I eventually gave up. Survivors want their medical records as well. Survivors cannot answer questions about childhood illnesses. For example, my GP has got nothing on me prior to 1980. Records disappear for whatever reason. It might well be viable that some records disappear because there has been a fire or a flood, but for the amount of records that are supposed to have been lost in fires and floods, then, as far as I am concerned, we would either be under 50 feet of water or we should not exist. There must be records out there somewhere. It is having the ability to trace them.
163. INCAS have done work in the Caledonian University and the Mitchell Library in Glasgow in relation to getting access to records because it was very, very difficult to find out where those records are. Even in relation to the Scottish Government, St Andrews House had records on some of these institutions. I saw them.
164. We had one member of INCAS who was boarded out. Unfortunately, he has passed now. He spent £12,000 to get records. A lot of that was done through the National Archives of Scotland. He had 8 files about 3 to 4 inches thick. I remember at one of

the meetings up in Edinburgh with the Ministers, he brought a couple of the files with him. We put a couple of the files on the table. I actually threw them on the table. They made a clatter. I thought, "Well, you get a response that way". I said to Michael Matheson, "I'm absolutely sick of this. This is only 2 files out of 8 for one person to try and find out why decisions were made and who made those decisions in their life, to try and make sense of their life".

165. That person spent the best part of 6 years to try to access all his siblings. There was 12 of them. After he found the last one, he was diagnosed with cancer and was dead within 3 months. That is the tragedy behind all of this. It is the tragedy and the impact on human lives that people do not understand. To me, that is why it needs to come to a conclusion quicker rather than later. Twenty years is far too long for this kind of stuff to be still going on.
166. We have also helped survivors recover their files held by Ross Harper and Murphy, Solicitors after that firm disbanded. They are now kept by a solicitor's office in Dundee.

Lack of trust

167. You will always get lack of trust with survivors in relation to anything that is anything to do with the Government. Because, at the end of the day, while survivors are unhappy with the institutions where the abuse took place, they are equally unhappy with the Government because the Government allowed it to happen. Primarily the people responsible for all of this abuse, it lies at the feet of the Government. They were our parents so to speak. I do not even like using that word in relation to Government, but so be it. That is what they were. They took over the parental responsibilities. So a lot of survivors have major issues with trust in relation to the Government.
168. There is a lack of trust even in relation to the Inquiry. The Inquiry was set up by the Scottish Government, so there will always be undercurrents of mistrust.

169. I still get phone calls now from people saying they only want our information. People ask how they know whether they want to know who they are, and when they were there, so they can destroy their records. They have been lied to so many times. They have been let down so many times. They have been promised so many things that were going to happen and did not happen. They are absolutely right to mistrust, and I totally understand why they do not trust. Trust is something that has to be earned. It is not something that you automatically acquire.

Attitudes to children in care

170. A lot of people when they leave care do not even tell people that they been in care because there is a stigma to it straight away. Even when you are in care, you are treated differently. You are stigmatised straight away. It is almost as if you have got an arrow above your head saying you are in care. You are treated differently by your peers. You are treated differently by your teachers. You are treated differently by society.

171. It is well known, probably all over Scotland and in any generation that you speak to, that these institutions were there. Everybody at some point has heard somebody say to their children, where they are misbehaving, "If you don't behave I'm taking you to the nuns". Now that statement itself tells society the children were there because they were bad children. And that is what happened all over Scotland. I heard it myself even after I left care. It was well known locally that children were placed there because they were seen as being bad children. Circumstances did not come into it. The onus was on the child.

172. Even now, I think people believe that children go into care because the fault is on the child. Nine times out of 10, that is not the case at all. It never, ever has been the case. A child is born into circumstances outwith their control. As children people were put into the care of the state. In my opinion, that should mean that those children are the people that get on in society. That those children are the ones that

are the shining lights, and it is the state's way of saying "Look, these children have been so successful because we gave them the best upbringing that they could possibly have". But instead you have a situation where the state is saying to people "Well actually, you're not looking after these children the way we believe they should be looked after, so we're taking them into care". And then what happens is the child ends up in a vicious circle where they go in a downward spiral.

173. And many, many children who leave care do not aspire to anything. Those are not my words. We know that because statistics tell us that the biggest majority of people who are homeless have come through the care system. The biggest majority of people in prisons have come through the care system. The biggest majority in the sex industry have come through the care system. So the statistics are there. They have always been there. People who left care did not want anything to do with people in authority. They are the last people they would have gone to.

Attitudes of the Catholic Church to the survivors

174. When INCAS were initially established, Alan Draper was the chairperson and I was the vice-chair. Alan brought a wealth of experience in that he was one time an adviser to the bishops in the Catholic Church and he also has a background in social work. As the chair of INCAS, he wrote on many occasions to the Bishops' Conference requesting meetings with INCAS to discuss the survivor issues at that time. Most of the time he would receive no response whatsoever or we would receive a one sentence response. To this date we have never met with the Bishops' Conference despite almost 15 years of requests.
175. As the present chair, I spoke to the safeguarder for the Catholic Church, Jackie McCaig, around 2007 or 2008. I asked her face to face at a conference whether she was going to speak to historical abuse survivors from the Catholic Church. Her answer was specific and she stated that she had been instructed to deal with present and future issues only. I told her that would not work if they were not prepared to learn from the past.

176. After Jackie left, Tina Campbell was appointed safeguarder around 2012. I met her at the Thistle Hotel in Glasgow at an Awareness Day for Good Practice Service Providers in relation to the NCF in July 2014. She introduced herself to me on the break and said she would be willing to meet up sometime in the future. I contacted her on 19 December 2014, a few months after her introduction reminding her of her willingness to meet and informing her that I would be happy to do so. I heard nothing from her. I contacted her again on 7 January 2015 asking for the door of communication to be opened as she had said she was willing to do that. Again I heard nothing. She eventually answered an email around February or March 2016. However, the tone of willingness to meet had somewhat changed.
177. Throughout this time, Alan, as parliamentary liaison officer for INCAS, continued to communicate with the Catholic Church through Bishop Toal in Motherwell. Myself and Alan Draper eventually met Bishop Toal and Monseigneur Bradley in early 2017. It was a constructive meeting in the sense that I felt we were able to communicate that what survivors needed from the church was compassion and understanding. Alan spoke more about their responsibilities. We said we were willing to work with the church to help them open lines of communication with the survivors.
178. Positive experiences from within the church have been formed with lay people. A number of INCAS members went through to Edinburgh at the invite of a small group of practising catholic lay people who primarily wanted to reach out because they recognised the church were failing to do so. This was in February 2017. It was agreed by all who attended that the service itself, in its very manner, reached out with the compassion and love of Christ we had expected from the Catholic Church.
179. Another positive experience for INCAS has been the appointment of Father John Robinson from Edinburgh as patron of INCAS. Father John has been involved with INCAS now for 4 years. He has officiated at our annual service at St Mary's in Lanark for the deceased children of Smyllum and is well respected and loved by all our members who have met him.

180. We have written to Baroness Liddell who was appointed to oversee the recommendations of the McLellan Commission report in light of the fact that the recommendations were that future advisory groups should include survivors. This appears not to be the case and we continue to engage with them at this present time.

Government officials

181. Initially, there was not a lot of problems with most Government officials. They would take on board what was said. They would feed back. They would come back to us and give us "yes" or "no" or "maybe".

182. I would say within the last 2 to 3 years has probably been the most difficult time. I suppose it is like everything else. It very much depends on the individual civil servants. I have never, ever been involved in a complaint about a civil servant in all the years I have been doing this, but I was asked to go along for an interview in relation to a civil servant just last year. It was simply because this person was just so focused on strategies and what had to be put in place, and so was obviously a policy maker. Basically, she was not listening to what was being said. It made life quite difficult.

183. You are dealing with people who are supposed to be listening to what the survivor issues are in order to put things in place. If you have got somebody who is not listening and decisions are made, that is where a lot of the contention was coming from the survivors. They felt the Government are making up their mind and just ploughing ahead and doing things without the survivor involvement. It just creates difficulties.

184. The attitude is changing. It recently just changed within the Survivor Scotland team. They seem more willing to listen and act upon what you are telling them. An example of that was bringing the agencies together so that survivors can know who is doing what, who is responsible for what and basically just putting a face behind each

department. They have come back to me and said that they think that is a good idea and they are hoping to take that forward. To me that is a positive thing.

185. It is quite difficult if you are engaging with civil servants who are supposed to be feeding back to the minister. Obviously the minister can only act on what they are being told. I think sometime survivors have been manipulated in this process as well for their own end. They tend not to have meetings with the survivor groups together. For talking's sake INCAS have always said that anybody is welcome to come to the meetings. We personally do not think it is healthy just to meet with INCAS alone. We would rather be in a meeting with INCAS and any other survivor groups that there are so that we are getting a general view of what survivor issues are, but they tend not to do that. And I think it is deliberate.
186. When Angela Constance was announcing the Inquiry was going to be set up and when the panel members were appointed, Angela Constance had a meeting with us before the announcement was made in Parliament. She told us that she had appointed a chairperson and that she believed she was the right person for the job etc. She gave us a little bit of knowledge about her credentials. To me, that is the right way to do something, because if you are engaging with somebody to ask them to help you to set something up, then the least you can do is show a bit of respect in return. I think the survivors felt that they were a part of it because that was happening.
187. However, John Swinney does not do that. We get a phone call before an announcement is going to be made. I just find that really disrespectful to engage in that way, given the amount of time and energy and expense that people have put into all of this.
188. He is the only Minister that has ever done it. Even way back we met, Peter Peacock, the Minister for Education, for a good half hour or more. So all the Ministers that have been involved up to date have taken time to sit down with the survivors to find out what the issues are. Mr Swinney has met with survivors, but then he will finish off

by saying "Oh well, we'll go away and look at that and we'll come back to you". But the coming back to you is a phone call with decisions that have been made.

The police and procurator fiscal service

189. Some people's experience of reporting to the police as adults was okay. Some people's experience of that was almost dismissive.
190. I was still working when I reported what had happened to me to the police. I had gone along to the police and had given them the statement. I received a phone call at my work 6 weeks later from the police officers saying "Oh we're not going to investigate". I refused to accept that so I then went to my local MSP and spoke about it. She then involved Jim Wallace who was the Lord Advocate at the time. The Lord Advocate instructed the procurator fiscal service at Kilmarnock that they had to look into the complaint. They then started dealing with it properly from an investigation point of view.
191. At that time we had Elish Angiolini who became the Solicitor General, if my memory serves me right. She was involved with the Sister Alphonso case in Aberdeen. Since that case in Aberdeen there have been no further cases at all in relation to Nazareth House in Scotland. I spoke to the Law Society about that and said "We know there has been criminal activity so why is it that when people are reporting these incidents to the police, they are not being acted upon?" One of the senior lawyers in the Law Society told me "You won't get anybody to deal with this. There's been a blanket agreement in Scotland that they will not deal with any of the religious orders".
192. Now people have questioned that when I have spoken about that over the years. They have said to me "Well, how can that possibly be?". The reality is fact. That is how it is. There has only ever been one case against the religious orders in Scotland. There has been no others despite the fact that many hundreds of people have come forward. Now, to me, that speaks volumes. Somebody somewhere has

made a decision not to proceed with them for whatever reason. So I would like to see the Inquiry come back with some answers in relation to that

The media

193. I struggled with the media. I do not like tabloid papers. I do not like sensationalising things. I do not think abuse should become sensationalised to the point just to get somebody to read it. So I do not particularly like tabloid papers. That is my own personal opinion.
194. However, there are times when the tabloid papers report on things and they have to be used because a number of the survivors read them. Personally, most of the work I have been involved with has been with the broadsheet papers, because I think they are more factual. I think they tend to investigate better. They are more sort of up-front investigative journalism. It is not about sensationalising things.
195. There have been negative things with the media, but there have also been positive things with the media. I personally do not believe that we would have got the public inquiry without the media getting behind us. I know they get things wrong. I know at times it is difficult. People even have to double-check everything that is said by the media. Sometimes things are said that have nothing to do with the Inquiry. I have read something and think I never even spoke to that person. I think it is quite naughty the way the media are allowed to use a statement that somebody had given to some individual and then use it to sell their own papers. I do not agree with that. It has been a learning process for me as well because I did not know that once you have given a statement to the media, and it is in the public domain, you no longer have rights over it so any of them can use it. So sometimes it is quite difficult keeping track on things with them.
196. There have been negative points, but, on the whole, I think the media have positively got behind survivors. I think now that they do understand and they want to see this come to a positive conclusion for survivors. There have been many journalists

affected by stories they have heard. The media is something that all these agencies could be using as well. If you do not want the media reporting something that is not factual, do not just put out a general press release. If you have an engagement with an individual who is responsible for reporting what you are saying, they are more likely to report it accurately. Whereas if it is just a general press release, they will take what they want out of it and manipulate it to suit themselves. They have even done that with INCAS in the past.

Reflections since the 1990s to date

197. Sometimes people will say to me, "Helen, you've achieved so much". It does not feel like that, because I still see survivors suffering. I still see survivors not heard. I still see survivors dying without their testimony being taken. So from the survivors' point of view, which was the reason we set up INCAS in the first place to help them, there are times when it is really, really frustrating because I do not feel that we have achieved what we set out for them.
198. There were criminal activities within some of these places. Sexual abuse of a child has always been a crime. That is not something that depended on what era it happened to be. Sometimes you have people say that that is just how things were done in those days. No, it was not. The Children's Act 1948 talks about discipline and how discipline should happen within those institutions. They were non-compliant with the Act all the way through. So it is not enough just to say that is how things were dealt with at that time.
199. There has also been the public's attitude. I am starting to see a change in that as well. From within the Church, the initial response to the survivors speaking up was the Church then attacking the survivors. I will never forget till the day I die Mario Conti's words. He said to the people of Scotland on the BBC news "You must remember these children were delinquents and misfits of society". And I quote that – that was his exact words. It was burnt in my brain forever because it was ridiculous for anybody to come out with a statement like that, especially somebody supposed to be representing a church, but that was the attitude.

200. Then the attitude changed to "These people are only after a pot of gold". That did not help. I have had situations. At a hospital this lady came up and she slapped me across the face and said "How dare you speak about the Catholic Church". Who is the weaker person here? It just shows you the mentality of some people. In INCAS we did road shows around Scotland. We were doing a road show in Glasgow. We were appealing for people to sign the petition. A lady came up and she was absolutely livid that we were talking about the Catholic Church. We were not talking about the Catholic Church. We were talking about the activities within the institutions that were run by the Catholic Church, and that is something entirely different.
201. So even getting people to understand what the issues are, I think, has come forward from when we first started. When we first started, it was just blatantly ignorant. The Church was against us. The government were against us. It felt as if everybody was against us and we were just lone voices speaking up. But more and more the voices have become united. That, to me, has been a major sense of strength throughout this process. Even within the survivor groups, primarily we are looking for the same thing. We are looking for justice for the wrongs of the past.
202. In relation to changes within government, and I suppose gaining support, yes, that has all been positive. We have seen changes there. But I did not know it was going to take up 20 years of my life when I decided to speak out. And that has come at a cost to every single one of us. Personally, I just think this needs to come to an end. There needs to be closure. I want my life back. I do not want to be talking about abuse every day of the week. I would like to see this coming to an end.
203. For me, my work will come to an end when the survivors see justice. I will gladly walk away at that point. Not from the people. There are some individuals I will always keep in contact with. We need to see the process to come to an end. We need to see the human framework come to its conclusion. That means reparation, compensation, acknowledgement, accountability – justice.

204. I have no objection to my witness statement being published as part of the evidence to the Inquiry. For the purpose of this witness statement I agree to waive my anonymity. I believe the facts stated in this witness statement are true.

Signed.. 

Dated... 19/6/17