

1

Tuesday, 23 May 2023

2 (10.00 am)

3 LADY SMITH: Good morning and welcome back to our oral
4 hearings in this Inquiry.

5 We move this week to expert evidence. I'll be
6 sitting three days -- Friday is a public holiday, so I
7 won't be sitting Friday -- and also four days of next
8 week we'll have further expert evidence. All the
9 experts who you'll be hearing from have been with us
10 before, so we'll be welcoming them back to hear more
11 about their diligent, excellent -- may I say --
12 wonderful research for which we're very grateful and
13 I'm sure you all look forward to hearing them, as do we.

14 Mr Peoples.

15 MR PEOPLES: Good morning, my Lady.

16 The sole witness today is Professor Lynn Abrams.

17 LADY SMITH: Thank you very much.

18 Professor Lynn Abrams (affirmed)

19 LADY SMITH: When you were here before, I think I'm right in
20 saying that you were comfortable for me to call you
21 Lynn, is that still all right?

22 A. Yes, that's absolutely fine.

23 LADY SMITH: Whatever works for you will work for me.

24 Let me not assume that you know the routine. You
25 probably do, but I'm sure you've been doing a lot of

1 work since you were last with us.

2 Mr Peoples is going to ask you questions in relation
3 to parts of your latest report that we haven't talked
4 about yet, but if at any time you want a break or you
5 don't understand what you are being asked or you want us
6 to slow down, please tell us.

7 A. Okay.

8 LADY SMITH: It's important that you're able to give your
9 evidence as comfortably as you can, Lynn.

10 If you're ready, I'll hand over to Mr Peoples and
11 he'll take it from there. Is that all right?

12 A. Yes.

13 LADY SMITH: Mr Peoples.

14 Questions from Mr Peoples

15 MR PEOPLES: Good morning, Professor Abrams.

16 A. Good morning.

17 Q. We're here today to hear some more evidence in
18 connection with a report you've prepared for the Inquiry
19 entitled The Historic System to Protect and Prevent the
20 Abuse of Children in Care in Scotland, 1948-1995.

21 I can perhaps remind others that you have already
22 given some evidence in relation to this report in our
23 foster care case study on Day 279, I think it's just
24 over a year ago, 6 May 2022. At that time you focused
25 on children who were boarded-out or in foster care. You

1 will be pleased to know that I don't intend to over any
2 of that evidence today and that I will concentrate on
3 the other type of care that the report deals with, which
4 is in relation to residential establishments for
5 children.

6 Before I start, I don't think we need to go through
7 your background in terms of appointments, qualifications
8 because I think that's already been covered on previous
9 days. I think is it the case that you still remain
10 Professor of Modern History at the School of Humanities
11 at the University of Glasgow?

12 A. That's right, yes.

13 Q. As far as the report is concerned, I think today
14 I'm likely to focus both on the report and also an
15 executive summary of the report which you prepared.
16 I think you have copies of both documents in front of
17 you and they should come up on the screen should you
18 wish to use the screen, so feel free, whichever suits,
19 and obviously if you have any notes then please feel
20 free to make use of them in answer to any questions I
21 may have.

22 A. Thanks.

23 Q. Just to begin, in terms of the report itself, I think we
24 can find some background information in the summary,
25 which is at INQ000000257, which should come up on

1 screen. Perhaps I can use that initially.

2 As far as the report is concerned, I can perhaps
3 take this short. So far as the remit is concerned, if
4 we look at page 5 of the summary, I think we see that
5 you, along with your colleague Dr Linda Fleming, were
6 asked to prepare a report on the systems to protect and
7 prevent the abuse of children in care in Scotland
8 between 1948 and 1995 and to report on the effectiveness
9 of these systems during two periods.

10 The first being the period from 1948, when the
11 Children Act of 1948 was passed, until 1968 when the
12 Social Work (Scotland) Act 1968 was passed.

13 The second period from 1968 until 1995, when the
14 Children (Scotland) Act 1995 was passed.

15 So that's the timeframe with which your report is
16 concerned?

17 A. That's correct.

18 Q. Essentially today I would wish to focus on I think two
19 main questions which the report was asked to deal with.

20 Firstly, what were the mechanisms to protect and
21 prevent the abuse of children in care in these two
22 periods?

23 Secondly, how effective were those mechanisms?

24 The report also deals with attitudes towards
25 children on the part of those responsible for their

1 safety and well-being. I'd like to explore with you
2 today the significance of any attitudes in relation to
3 the protection and prevention of abuse of children in
4 care.

5 A. Yes.

6 Q. Perhaps we can start with the first period between 1948
7 and 1968. Could I ask you to provide us with
8 an understanding of the systems, structures and
9 mechanisms in place during that period, both at central
10 government level and at local government level, to
11 protect and prevent the abuse of children in residential
12 care? I wonder if you could help me with that?

13 A. Okay. At a sort of fairly high level, I guess.

14 Q. I think it would be sufficient if you can describe in
15 broad terms the structures and mechanisms and then we
16 can look at the question of their effectiveness. But
17 I think to give us an understanding of what these
18 structures were, can you perhaps help us and if it does
19 assist you I think we do have, in relation to that
20 matter, your findings which are summarised in the
21 executive summary, between pages 9 and 12, if you wish
22 to have that in front of you.

23 A. I will start off and then if I forget anything that's in
24 the report we can pick it up. Let's start with central
25 government, essentially the Scottish Office

1 responsibility in terms of the protection and prevention
2 was really to guide Local Authorities and children's
3 home, residential care, rather than to control the
4 system. Central government's role was really to attend
5 to the legislative framework, the policies and
6 regulations concerning the protection of children in
7 care and also to approve the opening of children's
8 homes, new children's homes. It also had oversight of
9 the appointment of Children's Officers in Local
10 Authorities. So it's kind of one level of regulation,
11 if you like, that was the responsibility of central
12 government.

13 Then the other level is with regard to children's
14 homes residential care itself and the role of central
15 government, Scottish Office, was to inspect those
16 institutions. The Home Department did that, so that
17 members of the inspection team visited children's homes
18 on a fairly regular basis. They completed a report.
19 It's unclear what the criteria were. If that report was
20 unsatisfactory, it tended to be passed up the chain of
21 command within the department and findings and
22 suggestions for changes were sometimes suggested to
23 children's homes' managers verbally as well.

24 Importantly, the Scottish Office inspectors had no
25 remit to inspect individual children in those homes.

1 They did have the power to close a residential care
2 home, but as far as I know, they didn't do that.

3 Q. Can I perhaps then take up some of those points you've
4 raised. I think that if I just go back a step before
5 1948, I think your report indicates that childcare
6 establishments in the early years, if I could call it
7 that, pre-1948, were largely run by voluntary providers?

8 A. Exactly, yes.

9 Q. There was I think, for a time, limited state
10 intervention, is that correct?

11 A. Very limited, yes.

12 Q. Again, and I don't wish to go into this area, but there
13 was a clear preference, which continued after 1948, for
14 boarding out?

15 A. Yes, that's correct.

16 Q. And that prior to 1948, and I think we'll learn after
17 1948, care staff, residential care staff, in childcare
18 institutions were mostly unqualified and with no access
19 to formal training. Is that correct?

20 A. Yes, that's absolutely correct and you could say that
21 those voluntary organisations/voluntary institutions,
22 kind of acted at sort of arm's length from any other
23 central government or Local Authority control.

24 Q. Then we came to the influential Clyde Committee report,
25 just after the war in 1946. I think that was critical

1 of large childcare institutions and called, as a matter
2 of urgency, for the training of residential care staff,
3 is that --

4 A. Yes, that's correct, yes, yes.

5 Q. Then we come to the Children Act 1948, which is the
6 start of the period covered by your report. You have
7 outlined for us the structure in place, if you like, and
8 I think that that involved the creation of a children's
9 department within Local Authorities --

10 A. Yes.

11 Q. -- and a Children's Committee, made up of councillors of
12 the authority?

13 A. Correct.

14 Q. And also the appointment of someone who was termed
15 a Children's Officer?

16 A. Yes.

17 Q. Under whom there were a team of people who were --

18 A. Yeah.

19 Q. -- sometimes called Childcare Officers or Welfare
20 Officers?

21 A. Yes.

22 Q. Who had responsibilities for children in the care of the
23 Local Authority placed in residential homes?

24 A. Yeah.

25 Q. Is that the broad position?

1 A. Yes, that's right. And the Scottish Office had some
2 input into the appointment of that Children's Officer.
3 Do you want me to outline what the responsibilities of
4 the Local Authority or the Children's Committee and the
5 Children's Officer were in respect of protection and
6 regulation?

7 Q. Yes, I would like -- yes, if you could take those three
8 elements of the Local Authority.

9 A. I mean, so what you see at the Local Authority level is
10 that the Children's Committee and the Children's Officer
11 are responsible for the day-to-day management, if you
12 like, of children who required care outwith their birth
13 family in that Local Authority. So they did everything
14 from taking children into care, identifying, you know,
15 the kind of care that they would be offered. They
16 liaised with families. They undertook prevention work,
17 ie to keep children with families where possible. But
18 they also had the responsibility of visiting the
19 children from their Local Authority who had been placed
20 in residential care on an individual level. So not
21 an inspection of a children's home but visiting those
22 children. They also had the responsibility to remove
23 those children if that was necessary.

24 Then at the other end of the system, if you like,
25 they were also responsible for managing that transition

1 from care and to work and they were also responsible for
2 maintaining a record for each child.

3 The really important thing I think in the sense of
4 the Local Authority is that they had responsibility for
5 the individual children who were in their care and the
6 ways in which they did that was to visit children in
7 individual children's homes.

8 Q. At that stage, the Local Authority did not have
9 responsibility for the inspection of children's homes --

10 A. That's correct.

11 Q. -- as such?

12 A. That's correct, yes. So there is a separation of
13 responsibility there.

14 Q. Therefore can we say that the responsibility for the
15 care and safety of individual children lay with the
16 Local Authority?

17 A. I suppose you can say that, yes, but I think the issue
18 here is that the responsibility for the welfare of
19 children in the round is split between the Scottish
20 Office and the Local Authority.

21 Q. Because at times in reading your report one might gain
22 the impression from the system as it then was that in
23 large measure the central government inspectors -- at
24 that time I think from the Scottish Home Department --
25 were largely concerned with general quality and

1 standards of care in institutions rather than looking at
2 the situation of individual children, would that be fair
3 comment?

4 A. That does seem to be the case from the inspection
5 reports that certainly we have seen and they certainly
6 do not comment in the inspection reports on meeting with
7 individual children and don't tend to comment on the
8 children themselves, apart from more generally, you
9 know, "The children looked dull" or, "The children were
10 happy" and so on. So, yes, they were much more
11 concerned with general welfare and the environment of
12 the children's home and (inaudible) being run, yes.

13 Q. I think -- I'll not take you to this, but I think that
14 there was an example, it may have been Wellington in
15 1959 --

16 A. Yes.

17 Q. -- of there being a bit of a standoff between managers
18 of the school --

19 A. Yeah.

20 Q. -- and inspectors, where inspectors, following
21 a complaint by a boy, who I think had gone to St Andrews
22 House to complain of his treatment?

23 A. Yes.

24 Q. That the inspector sent from central government to
25 investigate the matter wanted to interview boys outwith

1 the presence of staff and that caused consternation at
2 the time in 1959?

3 A. Exactly, and the staff, the management of the home, were
4 completely opposed to the Scottish Office inspectors
5 meeting with the children on their own. And that's
6 a really interesting case and obviously we don't know.
7 It's a kind of one off, because it was such a kind of
8 dreadful situation within that home. We don't know
9 whether there are other examples, I suppose, of Scottish
10 Office inspectors speaking with children or having those
11 difficulties, but that does kind of point up that that
12 was an issue and it was unusual.

13 Q. It would be unusual for a boy to go to St Andrew's
14 House, let alone say something about conditions in that
15 era, is that correct, even in 1959?

16 A. We certainly don't have much evidence of children
17 reporting mistreatment certainly.

18 Q. I think -- again, we don't need to take too much time on
19 this, but I think the matter was resolved in the sense
20 that the Secretary of State ultimately said, "If my
21 inspectors want to see a child alone they can do so" as
22 a matter of power, although it would rarely be exercised
23 in that way?

24 A. That's correct.

25 Q. That, I think, was the way that that one ultimately

1 played out?

2 A. That's correct, although we don't know whether in other
3 instances that did happen.

4 Q. That I suppose illustrates that if that was the way that
5 things were in 1959 it's perhaps fair to assume if the
6 same inspectors were looking at other institutions it
7 wouldn't have been the practice to spend a lot of time
8 with individual children --

9 A. No.

10 Q. -- asking how they were or whether they had any concerns
11 about their care?

12 A. No, there's absolutely no evidence of that in the
13 reports and I think that's a fair conclusion to draw.

14 Q. If we therefore see the specific responsibility for
15 individual children in children's homes in this period,
16 1948 to 1968, as resting with the Local Authority, based
17 on the researches that you carried out, did the Local
18 Authority -- I think the placing authority is probably
19 more accurate, the placing authority, which was the
20 Local Authority, have sufficient resources, in
21 particular appropriately trained Childcare Officers in
22 sufficient numbers to properly discharge that
23 responsibility in the case of children in residential
24 homes?

25 A. I should say that the focus of our report is on Glasgow.

1 I wouldn't say that Glasgow was typical, we haven't
2 really been able to compare with it other authorities.
3 But if we take Glasgow as an example, certainly no, they
4 didn't have sufficient staff within the children's
5 department to inspect and visit all the children on an
6 individual basis that they were responsible for.

7 They also tended to use members of the Children's
8 Committee to visit residential care homes and inspect
9 the children or visit the children there. Those members
10 of the Children's Committee were councillors. There is
11 no evidence that those members had any training in order
12 to properly, I would say, carry out their
13 responsibilities.

14 Q. If one of their functions in visiting was to protect and
15 prevent the abuse of children, they didn't have any
16 training to do that?

17 A. They didn't have any training to do it, no.

18 Q. Was that not also the case with the childcare offices in
19 many respects?

20 A. Yes, I think it probably was. They would have had more
21 knowledge and understanding of the situation of those
22 children and of the residential care institutions, but
23 certainly, yeah, I mean, there is no evidence that these
24 people had training that would help them to undertake
25 their responsibilities in that respect.

1 Q. Yeah. I think you say Glasgow -- you cannot say that it
2 was necessarily typical of the situation across the
3 board, across Scotland, but let's be clear, I think that
4 Glasgow was one of the major authorities --

5 A. Yeah.

6 Q. -- and if one looked at overall numbers of children in
7 care, perhaps 50 per cent would be in the west of
8 Scotland --

9 A. That's right, it is the largest, yes.

10 Q. So it was a big authority with a large number of
11 children?

12 A. Yeah, so it is be significant.

13 Q. So it would be significant. So even half the children
14 in Scotland that were in care would be under --

15 A. That's right.

16 Q. -- Glasgow's regime?

17 A. That's right.

18 Q. Just in terms of -- we mentioned the Children's Officer.
19 Now, under the legislation, that was -- it would
20 appear -- a key role?

21 A. Mm hmm.

22 Q. And was filled, I think, by Glasgow in around 1949, just
23 after the 1948 Act. You deal with the appointment of
24 Glasgow's first Children's Officer in your report,
25 I think it's at pages 56 to 57. The report is

1 INQ000000256, if you want to have that in front of you.

2 I don't want to go through the detail of this, but
3 there seems to have been some concern at Scottish Office
4 level as to the suitability of the preferred candidate
5 for that role?

6 A. I'm trying to remember. I'm sorry, I'm trying to
7 remember now. I do remember there was concern by the
8 Scottish Office. I can't remember what the grounds were
9 to be honest. It was to do with experience ...

10 Q. I don't think the person had particular qualifications
11 in childcare, I think he'd come from another branch.

12 A. That's correct.

13 Q. He was National Assistance Board Higher Executive
14 Officer.

15 A. Yeah.

16 Q. So for what was presumably a key leadership post within
17 the Local Authority under this new structure, could it
18 be said that he was the right person with the
19 appropriate experience and qualifications to be
20 appointed to that new role?

21 A. Well, no, probably not and clearly members of the
22 Scottish Office also thought that that was not the case,
23 but Glasgow prevailed in that case. I mean, clearly,
24 you know, in the following years there were problems
25 with Glasgow's children's department. I mean, not only

1 because -- I mean, the Children's Officer, you might not
2 want to go into this, but I think the Children's Officer
3 had a really difficult job clearly because of the
4 numbers of children but also the small number of staff
5 that he had in order to manage the responsibilities and
6 they never really managed to get appropriate resources
7 into the children's department in order to conduct their
8 responsibilities.

9 Q. Yes. So the department itself insofar as if it was
10 a mechanism for the protection of children in care, was
11 understaffed, overburdened?

12 A. Undertrained.

13 Q. Undertrained?

14 A. Yeah.

15 Q. And had at its head an Officer who didn't have
16 a childcare background?

17 A. Correct, yes.

18 Q. It's not a very good start?

19 A. It wasn't a very good start, no.

20 Q. Perhaps it wasn't all doom and gloom, as you point out,
21 because we can compare that with the appointment in 1954
22 of Ms Jane Turner as Children's Officer for Motherwell
23 and Wishaw. I think we find your report deals with her
24 appointment at pages 60 to 61.

25 Again, I don't want to go through the detail of

1 this, but I think what your report is seeking to show is
2 that if you get the right person you can get good
3 results?

4 A. Absolutely. I mean, yeah -- it's obviously a smaller
5 Local Authority, but still, you know, Motherwell and
6 Wishaw is still a sort of former industrial area, will
7 have had, you know, a number of children in deprived
8 circumstances, with some similar challenges, I think.
9 And I think what this appointment showed you was that it
10 was possible to find someone who was active, if you
11 like, and understood what needed to be done. So, yeah,
12 it does provide a really interesting contract with
13 Glasgow.

14 Q. It would appear, and I accept the point you make, that
15 we're dealing with two different sized areas if you
16 like, but one point that I think emerges is that
17 Ms Turner, in her capacity as Children's Officer, made
18 it her business to know the children that she had
19 responsibility for?

20 A. She did, and she tried to keep them out of residential
21 care as well, I think. And so she absolutely understood
22 that that wasn't probably the best place for the
23 children in that Local Authority.

24 Now, the Glasgow Children's Officer wouldn't have
25 had -- sorry for my language -- a hope in hell's chance

1 of knowing the children in his care. There were too
2 many and he had too few staff to do that.

3 Q. Just on the point you made about the workload of
4 Glasgow, I'm moving on a little bit in terms of the
5 time, but I think it does reflect a situation that was
6 in place from 1948 onwards. There was a study, I think
7 you mention, in 1959 by the Scottish Home Department,
8 that demonstrated that Childcare Officers worked
9 extremely long hours with much time taken up in
10 travelling and administration and very little time with
11 individual children?

12 A. That's correct, yeah.

13 Q. I think that's at pages 62 to 63 of report that we have
14 on the screen. It's at page 55 of your report.

15 A. Yeah. That's absolutely correct. I think they spent
16 a lot of time -- the Childcare Officers, Assistant
17 Childcare Officers, in dealing with individual families,
18 dealing with problems of those families, trying to pay
19 their electricity bills. All of that kind of everyday
20 stuff. Travelling out to visit various families across
21 the whole of Glasgow. It was a completely pressurised
22 job and --

23 Q. Because they weren't just Childcare Officers for
24 children in residential care?

25 A. No.

1 Q. Any children that required the services of Local
2 Authority, they would have some involvement with?
3 A. That's correct.
4 Q. I think in that period, and no doubt in the earlier
5 period, it is said there was a chronic shortage of
6 qualified staff to perform this role as well?
7 A. Correct, yes. It was always very difficult to recruit
8 anyone who had any qualifications, yes.
9 Q. We can say though I think on the question of Scottish
10 Office oversight, I think, they had no oversight of the
11 safety and welfare of individual children?
12 A. That's correct.
13 Q. Indeed, I think it's fair to say that until 1959,
14 although there was some power perhaps to do so, to
15 regulate the conduct of children's homes, it was not
16 until 1959 that the Scottish Office got round to
17 introducing regulations applying to children's homes?
18 A. Yes, that's right.
19 Q. There was a limited form of regulation --
20 A. There was a limited form of regulation, yes.
21 Q. -- in 1947, but it wasn't in any way extensive?
22 A. No, that's absolutely correct. It took a long time for
23 there to be any kind of regulation.
24 Q. Though the power to do that did exist from 1940 onwards?
25 A. Right, okay. I'll take your word for that. I can't

1 remember. I'm sorry.

2 Q. You can take it there was a power to make regulations.

3 Unfortunately that power was not exercised until 1959.

4 I think we will actually maybe hear something about that

5 with some of the other witnesses.

6 A. I think they are more probably expert on that than I.

7 Q. So that's the situation though. If I can look at it

8 this way, from the perspective of a child in residential

9 care, when the 1948 Act took effect with all these

10 changes that you've described, based on the records that

11 you have reviewed for the purposes of the report, would

12 such a child's experience have been materially different

13 to what it had been before then?

14 A. I really don't think it would have been, no. I think

15 there was "continuity of care" if you like right across

16 that period, yeah. There was no real change.

17 Q. So they wouldn't have known --

18 A. No.

19 Q. -- that this dramatic change at legislative level, and

20 structural level had taken place?

21 A. No. The children wouldn't have known and I'm not sure

22 that the managers of the children's homes paid a great

23 deal of attention to it either, to be honest.

24 LADY SMITH: Mr Peoples, can I just jump back a moment and

25 get the dates correct. The legislation creating the

1 power to make regulations was?

2 MR PEOPLES: The Children Act 1948.

3 LADY SMITH: In the 1948 Act, yes.

4 MR PEOPLES: I think we know that the 1959 regulations were
5 passed under the powers in the Act and were the first
6 exercise of that power. There had been previous 1947
7 regulations, but they were under the 1937 Children and
8 Young Persons Act I think, something along those lines.

9 LADY SMITH: The watershed was the 1948 Act, the Children
10 Act of 1948. Certainly it was my recollection that
11 a decade or so passed before the important and very
12 useful power was actually used.

13 MR PEOPLES: I think that was the first time in Scotland
14 that there had been regulation of children's homes.
15 There had been regulation of other settings, like
16 approved schools, in the past and remand homes, but
17 children's homes, that was the first time there was
18 a comprehensive set of regulations.

19 A. It's pretty remarkable, really.

20 Q. It's quite late in the day.

21 A. It is quite late in the day, yes.

22 Q. I suppose if we're looking at the topic of mechanisms
23 and systems to protect children in care from abuse, then
24 one form however effective that might be or ineffective
25 was to make regulations, to spell out what could and

1 couldn't be done?

2 A. Absolutely, yes.

3 Q. I suspect, but I don't want to go into this too much,
4 but the 1959 regulations at the end of the day were
5 fairly light touch and left a lot of autonomy to those
6 who managed the homes and those who were in charge of
7 the homes?

8 A. Yes, that's correct. As you can see from that
9 Wellington School case, I think.

10 Q. We can perhaps see it later on in another example about
11 what was thought to be permissible corporal punishment.
12 I can perhaps take you to that one.

13 I think there was a situation where a home in East
14 Lothian was inspected. Just bear with me.

15 A. I need to be reminded about which one that was, I think.

16 Q. (Pause)

17 The one I'm thinking of and I think it's mentioned
18 in report, is where the matron was giving soapy
19 mouthwash treatment to punish children in 1961. I think
20 it was a home in East Lothian.

21 A. Was it East Lothian? I can't remember.

22 Q. I believe so.

23 In fact I think I've found it at last. If you go to
24 the report, that's 256, at page 295. Do you have that?

25 A. Yes.

1 Q. This in fact wasn't in the early 1960s, it was in the
2 late 1960s.

3 A. Yeah.

4 Q. One children's home, which was in East Lothian, one of
5 the punishments included a soapy mouthwash and another
6 was biting young children on the back of the hand.

7 A. Yeah.

8 Q. It didn't appear that the matron thought there was any
9 problem with such punishments and thought the
10 regulations permitted them?

11 A. Exactly. The problem here with regard to sort of
12 punishment, I suppose, relates to the issue that
13 probably you'll come to later on, which is around
14 attitudes to children in children's homes by the people
15 that run the children's homes and the desire to impose
16 discipline on those children when they, if you like, act
17 up, in the children's home.

18 So a good number of managers of children's homes
19 regarded discipline as necessary in order to manage the
20 children in that home and if you, you know -- we know
21 that a number of these children might well have been,
22 you know, experiencing some kind of trauma, having been
23 separated from their parents, managers were dealing with
24 large numbers of children, often in overcrowded
25 conditions, you know, it was very difficult for them to

1 manage those children without appropriate training and
2 so disciplining or punishing children was sometimes
3 undertaken despite the regulations.

4 Q. Perhaps I can deal with that now, because it is an
5 important matter.

6 A. Yeah.

7 Q. I suppose one might ask what was the significance of the
8 attitude of people caring for children. I suppose one
9 answer might be, well, the attitude might determine the
10 response to behaviour of the child in the care setting?

11 A. Yeah.

12 Q. There is a connection between the two?

13 A. I think there is. I mean, it's really difficult to
14 generalise obviously, but there is clear evidence in
15 some of these cases that the attitude of both managers
16 and staff in the homes was that the children were
17 problematic, they were difficult, some of them were
18 troublemakers, you know, they came from difficult
19 circumstances and therefore they were likely to be
20 difficult. And therefore they had to be disciplined.
21 And that was their way of managing the situation.

22 This is also, I suppose, demonstrated with managers
23 of children's homes requesting children to be removed
24 from that home, you know, when they became "difficult".
25 So I think that underlies quite a lot of this.

1 Q. I mean --

2 A. The ways in which children are treated in children's
3 homes.

4 Q. -- if one looks at this, if we take presumably a very
5 familiar and foreseeable situation in both a children's
6 home and in other residential settings, that a child
7 displays behaviour which is sometimes euphemistically --

8 A. Challenging.

9 Q. -- described as "challenging" or "kicking off" I think
10 is an expression that is often used?

11 A. Yeah.

12 Q. That that will call for a response?

13 A. Yes.

14 Q. And obviously the particular response would no doubt
15 depend on the attitude towards the behaviour on the part
16 of the persons who are witnessing the behaviour?

17 A. Correct.

18 Q. Is that --

19 A. Yes, and that attitude to that behaviour was -- if you
20 haven't had any training and you had very limited
21 experience then your attitude to that behaviour is
22 determined by your ignorance, if you like, of how to
23 manage children in the situation.

24 Q. Well, I was going to say, the attitude may be influenced
25 by either knowledge and understanding of the likely

1 cause or causes of such behaviour?

2 A. Yeah.

3 Q. Or it might be influenced by ignorance?

4 A. Both of those things. So I think it's fair to say that

5 for the most part in this period, really probably right

6 up until the 1970s, people who were looking after

7 children in children's homes did not understand the

8 signs. So when a child was challenging or kicked off

9 or, you know, for example, bed wetted, we know now that

10 they might well be signs of some underlying trauma, but

11 that certainly wasn't widespread knowledge in the

12 childcare sector at this time. So, yeah, there's

13 a combination of that ignorance and also attitudes

14 towards children who came into care.

15 Q. I suppose that if the situation is that there's

16 an absence of specialist knowledge through

17 qualifications or training or guidance, then the person

18 faced with the behaviour may respond in the way he or

19 she was dealt with as a child --

20 A. Yeah.

21 Q. -- if they had behaved in what was seen -- or if they

22 had misbehaved, they might do what happened to them,

23 which I think we have examples I think of that?

24 A. Yeah.

25 Q. Or they may simply respond as they've seen others in the

1 particular setting respond, in the absence of any formal
2 training?

3 A. Absolutely and in the absence of anyone to tell them
4 that it was not appropriate to do so as well and I think
5 in some of the larger children's homes where punishment
6 was exacted, whether that's beatings or punishing
7 children for let's say bed wetting in particularly
8 dreadful ways, a culture can develop within that
9 children's home where that behaviour towards children is
10 just accepted. It just becomes the norm.

11 I mean, that's clearly not the case in all of them
12 and probably would not necessarily be the case in some
13 of the smaller institutions, but I think in some of the
14 larger institutions that could -- you have a culture of
15 care, which is really accepting of mistreatment of
16 children.

17 Q. Obviously we now have the benefit of having heard a lot
18 of evidence and there's been a lot of case study
19 findings, so we do know that a lot of abuse did in fact
20 take place. I suppose we're now trying to see just what
21 might explain the levels and scale of that abuse,
22 looking back.

23 A. Yeah.

24 Q. I suppose we have discussed the significance of attitude
25 and the significance of ignorance and lack of training.

1 I suppose we could put it this way, could we, that if
2 the attitude of the carer is that the behaviour merits
3 a punitive response, if I could put it that way,
4 an inappropriate response could easily be foreseen?

5 A. Yes, absolutely. Yes, it could, yeah.

6 LADY SMITH: I suppose if you take bed wetting as
7 an example, Lynn, there may have been something of
8 home-spun psychology about that, which was ill-informed,
9 but then a failure to notice that it wasn't working,
10 certainly on the evidence I've heard, children who were
11 bed wetters kept bed wetting irrespective of the awful
12 shaming, emotionally destructive treatment that they
13 had?

14 A. That probably intensified the psychological problem that
15 they had anyway. I suppose what really strikes me is
16 that -- I think there are some mentions of it briefly in
17 this report -- it is not as if there was not a body of
18 knowledge about some of this in Scotland at the time.
19 Scotland was a leader in child psychology. It had one
20 of the earliest child guidance units, so that knowledge
21 is there but it is certainly being used, either by
22 children's homes or by Local Authorities.

23 I think probably some of that knowledge was also
24 there in the Scottish Office, but it's a bit hard to
25 evidence that. But they certainly had more qualified

1 people working in the Home Department who were
2 undertaking those inspections, because they do make some
3 quite astute observations in some of those inspection
4 reports about the demeanour of children and the
5 environment of the children's home. But it's all rather
6 contained within the limitations of the report.

7 MR PEOPLES: If the knowledge that existed, and I take your
8 point that child guidance in the Scottish context was
9 more advanced perhaps than some other places, but if
10 that's not passed through or down by training and
11 education, which is then reinforced by supervision and
12 monitoring, then it's for naught really, that counts for
13 nothing?

14 A. Yes, that's true.

15 Q. Because the children don't get the benefit of that --

16 A. No.

17 Q. -- and it looks as if the staff didn't get the benefit
18 either?

19 A. Yeah, yeah.

20 Q. Yet we're dealing with vulnerable children with complex
21 needs who, from Clyde onwards, were said to need
22 specially trained people to care for them?

23 A. That's a fair summation of the situation, I think.

24 Q. That was said time and time again after 1946 by various
25 bodies. I think the Scottish Advisory Council On

1 Childcare did an influential report in 1950 on
2 residential care and were saying the same thing?
3 A. The same thing, yeah.
4 Q. No doubt it was said many times over?
5 A. Yeah, yeah.
6 Q. But nothing happened?
7 A. No.
8 Q. And untrained people continued to be in the majority in
9 residential care homes, not just prior to 1968 you
10 beyond 1968?
11 A. Yes, that's true. Training and qualifications --
12 I think we've talked about this before in this Inquiry.
13 Training and the introduction of qualifications really
14 came along quite late and even when they did, people in
15 residential care I think were probably some of the last
16 to really take advantage of that, for all sorts of
17 reasons.
18 Q. As you say, and I think if we can just pick this up,
19 children who were perceived by the system to be
20 difficult, the ones where the response of punishment
21 hadn't worked, then it appears from your report that the
22 solution was to move them to a different placement in
23 the hope that their behaviour would improve or cease?
24 A. Yes, or to --
25 Q. Or be controlled better?

1 A. Or to be controlled better, yes, to place them somewhere
2 where the discipline was harsher and I think part of the
3 reason was to make the manager of that home's life
4 easier if they just couldn't manage these children.

5 Q. I suppose the point there is that they were moved on
6 rather than seeking to identify the cause or causes of
7 the behaviours and treat them in the existing placement?

8 A. Certainly in this period, yes, always. I've never seen
9 any evidence of any real insight or any real attempt to
10 address children's problems.

11 Q. I think you make the point, I can maybe refer you to
12 page 76 of the report -- page 71 of your copy, page 76
13 on our screen -- that it was often children who were
14 among the most profoundly damaged by pre-care
15 experiences who were most likely to remain in
16 institutions in the care of staff, who did not, as we
17 have seen, have any form of training, let alone
18 specialist training?

19 A. Yes, that seems to be the case. I mean, they were the
20 most difficult to place of course and more difficult to
21 place perhaps in foster care.

22 Q. All the more reason if they were and very vulnerable
23 that they needed specialist care?

24 A. Of course they did.

25 Q. Was not what Clyde was calling for in 1946?

1 A. Yes, that's absolutely right, but that doesn't really
2 come in until much, much later on.

3 Q. Does this relationship between behaviour, attitude and
4 response give us any basis for trying to answer the
5 question that campaigners for this Inquiry have been
6 seeking: how could abuse happen to people who were sent
7 to places where they were meant to be safe?

8 A. I think it does. I think it's a really complex answer
9 to that question and there are a multitude of reasons
10 behind it about why abuse was allowed to happen.

11 I mean, I would say that it's maybe important to
12 distinguish between physical abuse or mistreatment,
13 punishment, whatever you want to call it, and sexual
14 abuse here. I know mainly we're talking about physical
15 abuse, but can I just say something about sexual abuse
16 as well?

17 Q. No, no, you can talk about either form. I think the
18 question relates to both.

19 A. I think they're slightly different. I think in respect
20 of sexual abuse we know that sexual abusers exploit
21 spaces or gaps in systems. So clearly what you are
22 saying here about -- what we are saying here about
23 failures or gaps in the inspection system and failures
24 to actually recognise that sexual abuse was something
25 that might happen in these institutions or happen at

1 all, and the failure to give children the opportunity to
2 speak to someone, not only any old person, but someone
3 that they might trust, all created those spaces in which
4 sexual abusers could perpetrate their acts. It's
5 probably more complicated than that, but I think that
6 there's a very kind of particular situation there.

7 Whereas with physical mistreatment and physical
8 abuse, I mean, it's clearer that that could have been
9 much more evident I think. We know that children were
10 punished, we know that they were beaten and so on and so
11 forth. That is much more the consequence of that kind
12 of triangle that you're describing there.

13 Q. So far as oversight is concerned, because you obviously
14 deal with regulation and inspection and practice and to
15 an extent to try and work out how effective that
16 regulation and inspection was in protecting and
17 preventing the abuse of children in care, can I start by
18 asking you this: clearly a system of external oversight
19 does not offer protection each day every day --

20 A. No.

21 Q. -- to a child in care, in residential care?

22 A. Mm hmm.

23 Q. Therefore, was it the case that the care system in the
24 case of residential care historically depended, indeed
25 depends still today, on the eyes and ears and response

1 of those who are continuously on the site, both the
2 staff and indeed the children. Is that not the reality?

3 A. It is the reality, yes. Yes, of course. You can never
4 monitor an institution like that all the time.

5 Q. If we go back to those who were official visitors in the
6 period we were looking at 1948 to 1968, and perhaps
7 beyond, when official visitors came to residential
8 institutions, whether councillors, Childcare Officers,
9 social workers even, Welfare Officers, from what you
10 reviewed, did they see and experience the reality for
11 children and staff in residential homes and schools?
12 How would you answer that one?

13 A. That's a good question actually. I think when the
14 children were visited by a Local Authority they probably
15 did not see the reality. I mean, they certainly didn't
16 see the children on their own. They tended to see --
17 I think they tended to see children in groups sometimes.
18 Sometimes they didn't see them at all. They would just
19 visit the home, have a conversation with the matron or
20 the manager. They might have had a sense of the way in
21 which the home was running, but it was pretty
22 superficial, is my understanding.

23 I think some of the inspection visits undertaken by
24 the Scottish Office were a bit more in depth and I think
25 they did probably have a pretty good insight into the

1 nature of the environment of some of the children's
2 homes, because they describe them in some detail.

3 There is one case where it is said the children
4 didn't even have anywhere private to put their things
5 and they had to leave their clothes outside the door at
6 night. It just beggars belief or there are no toys or
7 it's really, really sparse or the children aren't
8 speaking. So I think the Scottish Office visitations
9 did have a reasonably kind of astute sense of the
10 environment and the culture of a children's home.

11 Q. You may have made this point in the report that while
12 that may be so, they didn't seem to have been effective
13 in changing what they saw, if they did see the reality
14 at times?

15 A. No, they didn't.

16 Q. It wasn't much good if you see it but you can't do much
17 about it, other than apply what I think is sometimes
18 described as pressure, without necessarily having the
19 power to effect change?

20 A. Exactly.

21 Q. Was that the situation?

22 A. Yes, I think that is absolutely the situation and
23 I don't really understand why that was the case, to be
24 honest. They don't seem to have had the ability to
25 force Local Authorities or voluntary institutions to

1 make changes. I mean, we've seen probably in a previous
2 part of this Inquiry, you know, how they really
3 struggled with Quarriers to really try and make that
4 institution change its ways and it took quite a long
5 time for that to happen.

6 At some of the smaller children's homes, you know,
7 they faced pushback from other interest groups. There
8 was a case in the report -- I'm desperately trying to
9 remember which one it was -- where the Local Authority
10 was really defensive about the matron in the home and
11 wouldn't countenance the fact that that matron needed to
12 be replaced.

13 Q. St Olaf's in Kirkcaldy, was it the one where there were
14 allegations which reached the press --

15 A. Yes, that's it.

16 Q. -- and that the Children's Officer I think even
17 recommended some form of censure, it went to the
18 councillors --

19 A. That's it.

20 Q. -- and there was a division of opinion amongst the
21 councillors as to what the appropriate disposal was?

22 A. Yeah.

23 Q. Ultimately I think the convener and the majority
24 defended the matron and didn't necessarily see very much
25 wrong with the sort of activities she was engaging in,

1 is that --

2 A. That's correct. I mean that's just one example, we
3 don't have lots of examples like that, but it's an
4 exemplar I think, it demonstrates the lack of power of
5 these inspections really. They just didn't really have
6 the leverage to make fundamental changes.

7 LADY SMITH: Lynn, just thinking back to what you were
8 describing earlier as having ascertained you thought
9 that whilst Children's Officers, Children's Committees,
10 et cetera, would be visiting the homes, their visits
11 weren't producing as much information that was in depth
12 as the Scottish Office inspections, but am I right in
13 recalling that the frequency of visiting would be
14 greater so far as the Local Authority people are
15 concerned.

16 A. It would have been much greater, because the Scottish
17 Office only visited once a year, if that ...

18 LADY SMITH: Exactly. So the people who were there most
19 often weren't doing an in-depth assessment when they
20 were there?

21 A. No, not at all.

22 MR PEOPLES: I can just perhaps briefly take us, just while
23 we have that case study in mind, if you go to your
24 report, page 156 of your report, 161 on our system.
25 It's the case study number 12, St Olaf's Home in

1 Kirkcaldy, a Local Authority reception home and it was
2 one that was opened shortly after the new Act and
3 a matron was appointed and then there was various
4 allegations of cruel behaviour.

5 We see the nature of the allegations on page 162 of
6 our copy included:

7 "Forcible feeding of one child, securing younger
8 children in their beds by means of string or tape, of
9 placing children behind a fireguard and of putting
10 children in a cloakroom on their own. The matron had
11 admitted the allegation, was unashamed of her conduct
12 and believed that she had made appropriate decisions on
13 how to implement discipline in the home."

14 Then this meeting came before the Local Authority
15 committee of councillors and there was, as you've
16 pointed out I think, a division of opinion on whether
17 this was acceptable or not.

18 A. Yes.

19 Q. But if we look further down page 162, we see at least
20 that one member of the Committee with reference to
21 allegation of forcible feedings, about eight lines from
22 the bottom:

23 "... remarked that he had forcibly fed his own
24 children and he was not afraid to say so ..."

25 Then if we go over the page to 163, we see that the

1 convener ultimately reached the conclusion:

2 "The matron had an extremely difficult job to carry
3 out the wishes of those sitting around the table and
4 shared his entire sympathy. He thought she should be
5 complimented for the way she ran her home, he did not
6 say she should give a right good thrashing as he did,
7 but she had to instill some type of discipline in the
8 home and they should pass a vote of confidence in her."

9 So armed with these allegations, which were not
10 disputed, that was the attitude of what effectively was
11 the management?

12 A. Exactly. I mean the word "discipline" is probably the
13 most important one there. But also we can see here that
14 the views of the convener, he's making a case that
15 broadly in society people believed that children should
16 be beaten if they misbehaved, using that argument and
17 that argument was used quite regularly.

18 We can see it in the press as well, when people
19 write in about misbehaviour of children and justifying
20 corporal punishment.

21 Q. I think maybe this case study illustrates another point
22 that you bring out in your report and I think it's one
23 that you described as striking to some extent, that the
24 way in which these matters come to light. In this case
25 if we look at page 162 again, just above the quote

1 that's indented we see:

2 "The allegations only came to light when a member of
3 staff at the home handed in her resignation and in
4 a casual meeting with the Kirkcaldy Children's Officer
5 mentioned something about the home."

6 So the mechanisms in place for protection weren't
7 the way in which this matter came to light?

8 A. No.

9 Q. It just happened to be a --

10 A. Casual comment.

11 Q. -- chance casual comment by a former employee of the
12 home?

13 A. I think there's a pattern here really. This is just one
14 case where a member of staff makes a casual comment,
15 it's kind of whistle blowing in a sense, only not
16 probably deliberate. I don't think we found any other
17 cases like that, but the other cases where mistreatment
18 came to light tended to be from children who ran away,
19 maybe made a comment to someone else outside the home.
20 There was a pattern there. They had no one in the home
21 who they could trust to make a complaint about their
22 mistreatment to. They probably wouldn't have trusted or
23 even seen the members of the Local Authority who would
24 have come in to do an inspection of them. Why would you
25 tell a complete stranger, you know, like that, who was

1 chummy with the matron of the home, that you were being
2 mistreated?

3 There is a number of examples dotted through this
4 report, the case of the child who went to St Andrews
5 House, the case of a child, I think, who told an army
6 recruiting officer after he'd left that he had been
7 beaten. Yes, and I think later on there is a case of
8 a child who reveals abuse in a hearing.

9 Q. But in general terms, it would appear that when these
10 things did come to light, they came to light in the ways
11 you've described and therefore if there --

12 A. I think so.

13 Q. -- were mechanisms that were intended to bring these
14 matters to light, they were not the ones that were
15 operative in these cases?

16 A. Yeah.

17 Q. They were ineffective?

18 A. Yeah, yeah, yeah. But it would be hard to see how the
19 mechanisms that were in place would have ever brought
20 these things to light actually, given what we know about
21 how children reveal abuse.

22 Q. Insofar as there were mechanisms, then they were not
23 likely to --

24 A. They're not fit for purpose.

25 Q. -- be fit for purpose or achieve their desired result of

1 getting abuse disclosed --

2 A. No.

3 Q. -- and dealt with?

4 A. No, that's correct, yeah.

5 I mean, there is a kind of more philosophical
6 question behind that, which is whether the inspection
7 systems were really designed to root out or identify
8 abuse.

9 Q. I was going to ask you about that too.

10 There were central government inspections, but it
11 does beg the question what was the purpose of that
12 inspection, because it doesn't appear that they saw
13 their role as trying to identify and detect abuse,
14 because if they had they would have no doubt spoken or
15 tried to speak to children?

16 A. Yeah.

17 Q. They must have seen their function in a different way,
18 such as generally looking at the standards of the place
19 but not being concerned about individual children, their
20 treatment and so forth --

21 A. I think that's right. I think they're generally looking
22 to ensure that first of all that the material needs of
23 the children are provided for, to some extent I was
24 going to say their emotional needs. I don't really
25 quite mean that, but I mean their needs in terms of, you

1 know, play and those kind of less material issues were
2 dealt with, that's what they were most concerned with
3 and their education and so on.

4 I don't think there was any sense actually within
5 the Scottish Office or even within Local Authorities
6 that there was a problem within residential care of
7 punishment or physical mistreatment and certainly not
8 sexual abuse. I mean, that wasn't even on their radar
9 at all.

10 Q. Are you saying that perhaps their belief was that really
11 that there was not really any great problem in terms of
12 treatment of children as such?

13 A. Yeah. Well, I do think that yes and when they did find
14 problems like at Wellington or like the case we've just
15 spoken of, they are seen as outliers and they tend to
16 put them down to very particular issues, like Wellington
17 being run by an ex-military man who had no idea of how
18 to run a children's home.

19 Q. But lots of these homes were run by ex-military --

20 A. I know.

21 Q. -- or people with dubious child qualifications?

22 A. Indeed they were, yes.

23 Q. So it wasn't as if they could say, well, we can see the
24 problem here, because it's this particular person in
25 charge and their background. Because that sort of

1 background was in fact encouraged, was it not?

2 A. Yeah, it was.

3 Q. Certainly in the earlier periods?

4 A. Yes, and particularly for boys' homes.

5 Q. Military background was seen as perhaps an advantage and
6 a qualification of sorts?

7 A. That's correct.

8 Q. So there was nothing unusual about that?

9 A. That's not unusual, but I think finding that particular
10 punishment regime is seen as an outlier.

11 Q. Yes.

12 A. So you can deal with it in that particular home, but
13 there is no attempt to kind to look across the system,
14 so there is no sense that there is a systemic problem.
15 That is my sense.

16 Q. In the case of a child in the care of a Local Authority
17 and I appreciate between 1948 and 1968 children who were
18 not in the care of a Local Authority could be in
19 children's homes and that you I think identify as a gap,
20 if you like, they didn't have the legal protections as
21 children in the care of the authority.

22 A. No one looked out for them, that's correct.

23 Q. But these places that they were in were visited however,
24 so to that extent they were treated the same way as the
25 children placed by the Local Authority in homes.

1 A. That's correct, yes.

2 Q. The 1948 Act, I think you say in your report in the case
3 of a child who was in the care of a Local Authority, the
4 authority had a statutory duty to act in the child's
5 best interests?

6 A. Mm hmm.

7 Q. Yes?

8 A. Well, it did, yes.

9 Q. In the case of a child living away from home who was in
10 the care of the Local Authority, do you take that to
11 mean a duty to provide the child with accommodation that
12 is appropriate to the child's particular needs?

13 A. Well, I would say so, yes. But there was never any, in
14 this period, attempt to assess that child's needs.
15 There were attempts to address the medical and health
16 needs of children when they came into care, because they
17 would go into a reception home and often they would be
18 looked at by a doctor or nurses and those needs were
19 attended to. But other than that, there was -- as far
20 as I can see ... I mean certainly in Glasgow they just
21 didn't have the resources to do that, to really identify
22 where that child would best thrive, let's put it like
23 that.

24 Q. You mentioned reception homes, which are something
25 I think that did come into vogue after the 1948 Act,

1 local authorities tried to establish them as a precursor
2 to going to some other setting, such as a children's
3 home or somewhere else?

4 A. Foster care.

5 Q. Foster care. But in those cases are you saying that in
6 reality they certainly didn't perform the function of an
7 assessment centre in the proper sense?

8 A. No, no, no there is no evidence of that.

9 Q. Therefore, I suppose if I go back to my question about
10 the duty to provide children with accommodation
11 appropriate to their particular needs, then it suggests
12 from the answers you've just given that you consider
13 that that aspect of the duty was not fulfilled?

14 A. No, it wasn't fulfilled at all. I mean, no.

15 Q. You have given some reasons. One partly is the
16 pressures --

17 A. Yeah.

18 Q. -- that were in play, but --

19 A. Children's homes -- a lot of Glasgow's children's homes
20 were overcrowded at various times. They were cramming
21 children in some of them. There were children's homes
22 for girls and for boys, so, you know, you would be sent
23 to the one where there was a space. As far as I can
24 tell there was no assessment of children's psychological
25 needs at all and it's quite clear that some children

1 would have been sent some distance away. Glasgow had
2 children's homes all over the place. I think it had one
3 in Dunoon, some distance away from Glasgow. So they
4 would have been separated from any birth family they had
5 too.

6 They might well have been separated from siblings
7 too, unless they'd been put in one of the larger
8 institutions.

9 Q. I suppose to put a child in a place that's appropriate
10 to meet their needs, it assumes that you have
11 appropriate provision for children?

12 A. It does, yes.

13 Q. Because vulnerable children in care, even if they were
14 put in the same place historically, were not
15 a homogenous group who all had the same needs?

16 A. No, they weren't.

17 Q. Therefore, was one of the problems with fulfilling the
18 duty the lack of a suitable range of provision to cater
19 for children who were vulnerable but had different needs
20 which called for different facilities?

21 A. Well, I guess we would say that now, because maybe since
22 the 1970s and 1980s when specialist care homes were set
23 up and assessments were made of children with particular
24 needs. But as far as I'm aware there was absolutely no
25 understanding of that in this period and no assessment

1 of children's needs, so they were just placed where
2 there was a place.

3 Q. Where you could find a place?

4 A. Yes.

5 Q. Usually?

6 A. Yes.

7 Q. Because there was a problem with availability --

8 A. Exactly.

9 Q. -- as well? Even the provision that was there, there
10 were demands on that provision which meant there was
11 overcrowding and sometimes lack of places and you just
12 took what you could get?

13 A. Yeah, yeah, yeah.

14 Q. Is that --

15 A. Yes, and the place -- usually the places of last resort
16 were the larger institutions as well, because it was
17 much easier to get children into let's say Quarriers is
18 the best example. I suppose the only example here is
19 Smyllum, because it was Catholic and if you were
20 a Catholic child -- if you couldn't be found a foster
21 care place you would be placed there.

22 Q. And --

23 A. I wouldn't regard that as a need though, that's not
24 really what we're talking about.

25 Q. No, no. I take your point that perhaps special

1 provision was something that really the recognition of
2 the need for such places perhaps was clearer later on --
3 A. Yeah, yeah.
4 Q. -- but nonetheless, these children had needs?
5 A. Oh, yes.
6 Q. They weren't a homogenous group and yet they were lumped
7 together in whatever place was available?
8 A. Yes.
9 Q. I know that's putting it rather brutally, but that's how
10 it was?
11 A. Yes.
12 Q. So if you are trying to get an explanation of how for
13 example behaviours can happen, attitudes, responses and
14 abuse.
15 A. Yes.
16 Q. Then you are starting to see the ingredients for
17 a perfect storm --
18 A. Yes.
19 Q. -- aren't you?
20 A. Yeah.
21 LADY SMITH: I suppose, Lynn, that whilst one might have to
22 accept that typically there would be urgency in finding
23 somewhere to take a child where the decision was they
24 were not safe to stay at home, but that doesn't mean the
25 child should just have been left in the first place that

1 they were put?

2 A. No, no. As far as we can tell, once that child is
3 placed in an institution there is no real assessment of
4 whether that child has settled in, whether that child is
5 thriving in that institution and all we can see is
6 really when children are moved because they are regarded
7 as problematic or difficult.

8 LADY SMITH: Of course we saw this in foster care as well,
9 where a child would be placed with somebody who
10 specifically had signed up, to use an expression, to be
11 a short-term foster carer, and months and months and
12 months later the child is still there.

13 A. Yes, yes.

14 MR PEOPLES: Can I take you to something that is said in the
15 report or picked up in the report at page 92, page 87 of
16 your report. I appreciate it's in the section on
17 boarding out, but I do have a reason for asking about
18 this.

19 It's looking at some of the difficulties that
20 existed during this period in the context of foster
21 care, but there's a quote here from an official I think,
22 which says:

23 "If the choice lies between living in rather
24 overcrowded substandard crofts of this type or being
25 placed in a large institution such as Smyllum Orphanage,

1 I should unhesitatingly vote for the former, provided
2 the foster parents were the right sort of people."

3 Just picking up on that, that choice, which is
4 expressed -- can I just be clear, that isn't based on
5 the considerations of the relative risk of ill-treatment
6 or abuse, is it? It's based on the view that life on
7 a croft, even an overcrowded substandard croft, would
8 bear a much closer resemblance to a family home?

9 A. To family life, yes.

10 Q. They're not saying these orphanages are --

11 A. Abusive, no, no.

12 Q. That's why that remark is made?

13 A. Yeah, I think so, yes, that's correct.

14 Q. That maybe goes back to your point that they're not
15 picking up on the treatment of children in the large
16 institutions?

17 A. No.

18 Q. I think even Clyde didn't pick that up either?

19 A. No, no.

20 LADY SMITH: It's picking up on the general Clyde theme to
21 be blunt, foster home good, big institutions, bad.

22 MR PEOPLES: Not because they're places where children are
23 ill-treated?

24 A. No, no.

25 Q. That wasn't why it was characterised --

1 A. No, just a more general kind of culture.of --

2 Q. It's the quality of care and whether you get something

3 more resembling family life?

4 A. More resembling family life, yes.

5 Q. That perhaps also underpinned the changes in 1968?

6 A. Yeah.

7 Q. That was the philosophy?

8 A. Sure, that's true.

9 Q. I don't know if you can help us.

10 For the earlier period, 1948 to 1968, what did you

11 find was the position about vetting of residential care

12 staff? Was there any kind of evidence of any form of

13 appropriate vetting --

14 A. Okay.

15 Q. -- or suitability?

16 A. I don't think there's anything in this report on that.

17 Q. I wondered if --

18 A. I think actually when we did the previous report on

19 Aberlour, Quarriers and Barnardo's we did talk about

20 vetting or references for residential care staff there,

21 so I'm just casting my mind back there. It was very

22 limited in this period, in that someone might be asked

23 to provide a letter of recommendation that might come

24 from their local pastor or their local minister or

25 someone like that. But not really an independent

1 reference and certainly not vetting, as we would
2 describe it.

3 Q. If I can move on to -- again, going back to what the
4 function of inspectors was, particularly those acting on
5 behalf of the Secretary of State as his eyes and ears in
6 this period.

7 The inspectors, leaving aside Wellington as a rare
8 example, were not actively eliciting the views of
9 children, it would appear?

10 A. No, they weren't. Not that we can tell, I mean it
11 certainly doesn't appear in the reports.

12 Q. This is again harking back to a point we maybe looked at
13 earlier, about how abuse or mistreatment is disclosed or
14 revealed, how frequently in the exercise you carried out
15 did inspections by Scottish Office inspectors or
16 officials reveal abuse or mistreatment?

17 A. Hardly ever, I think. I mean, I don't think they did
18 really.

19 Q. I'm not suggesting -- I think we will find that there
20 are examples of things being uncovered in certain
21 settings. I can think of a List D school where I think
22 in the early 1960s someone did manage to uncover
23 a situation at the school.

24 A. Yeah.

25 Q. I'm just trying to get the broad picture.

1 A. I don't think we did. I think it would be quite
2 difficult to imagine a situation in which they might do
3 that, right, in the ways in which they went into
4 children's homes.

5 Q. One thing we have to remember I think is that all
6 official visits, generally speaking, were announced?

7 A. Yes.

8 Q. So you are hardly going to get them surprised by a visit
9 and perhaps an opportunity to see the reality?

10 A. No. Correct. I think the other side of the coin is the
11 children, right. So you're only really going to get
12 evidence of mistreatment from those who are being
13 mistreated, so you have to ask yourself whether those
14 children would have had an open conversation with
15 an inspector from the Scottish Office. Well, it's a bit
16 unlikely, I think, particularly in an institution where
17 discipline is the overwhelming culture.

18 Q. Again we know, certainly with the benefit of hindsight,
19 from the evidence we've heard in various case studies
20 that children didn't generally speak or disclose abuse,
21 often if they did, they did it once and the reaction
22 was, "I got punished, beaten or disbelieved, so I didn't
23 do it again".

24 A. Or moved.

25 Q. We know that from some of the evidence we have already

1 heard here --

2 A. Yeah.

3 Q. -- so we have a base of knowledge from that.

4 A. Yes.

5 Q. We don't have their voice on the records.

6 A. No, we don't, no.

7 Q. So we have that to measure things against.

8 A. Yeah.

9 Q. I think at one point in the report there's reference to

10 these places being visited by all sorts of people,

11 including the ladies' clubs of various places and towns

12 and that really it was almost described as carefully

13 choreographed?

14 A. I'm sure it was carefully choreographed, women's groups

15 often would go in and visit the children. Sometimes

16 take them out for the day, that kind of thing, but, you

17 know, it's unofficial and I'm not sure that --

18 LADY SMITH: We saw that particularly in Quarriers, there

19 were a number of examples, were there not?

20 A. Yes.

21 MR PEOPLES: Presumably they were under strict instructions

22 not to say anything untoward about what might have

23 happened to them when officials came. I think we have

24 had evidence to that effect.

25 A. Okay. I didn't know that, so that's helpful to know.

1 LADY SMITH: I mean, they were not without merit, as
2 I remember one of the lady visitors at Quarriers was
3 instrumental in getting a washing machine put into one
4 of the larger cottages, where the cottage mother had
5 quite a lot of children to care for and no washing
6 machine. She noticed that.

7 A. Mm hmm.

8 MR PEOPLES: In your report you did find evidence in the
9 records of regular visits to residential institutions by
10 Local Authority welfare or Childcare Officers and also
11 by councillors, but you record I think that there's no
12 surviving evidence of what these official visitors saw,
13 found and reported?

14 A. No. That's correct. I mean, we did struggle a bit with
15 Local Authority records for Glasgow. So it's not
16 inconceivable that there are reports, but I think all we
17 saw were just statements in the minutes of the
18 Children's Committee, I'd need to check, that "so and so
19 had visited so and so institution".

20 Q. You didn't find any evidence in those minutes that any
21 visits by a councillor had identified mistreatment or
22 abuse?

23 A. No, no, no, no.

24 Q. If they had, presumably the whole idea was that if
25 a councillor went as a representative of the Committee

1 then if they saw something untoward --

2 A. They would report back --

3 Q. -- they should report back and it should be discussed?

4 A. You would have thought so, yes.

5 Q. But you're not finding any evidence of that?

6 A. No, no, no.

7 Q. I mentioned earlier the report of the Homes Committee of
8 the Scottish Advisory Council On Childcare in 1950.
9 There was a number of reports by the Council around that
10 time on boarding out homes and other matters.

11 If you want to just go to the relevant section,
12 I'm looking at pages 135 to 140. It is 130 of your
13 report, I think, to 135.

14 I don't want to delve too deeply into this report,
15 I think it's sufficient to say that in 1950 the report
16 identified a wide range of concerns and highlighted the
17 importance of proper assessment before placement of
18 children. I think that's at page 137, or 132 of your
19 copy.

20 A. Yeah.

21 Q. I think you, in that section, do deal with the response
22 of the Scottish Education Department to the report and
23 I think one can say it doesn't seem to have been
24 a particularly satisfactory response, if I can put it
25 that way, because while it did seem to recognise the

1 need for some fundamental changes to be made, the SED's
2 position was that they drew attention to a number of
3 what are described as obstacles, including financial
4 obstacles to achieving the type of changes that were
5 recommended.

6 We're here dealing with I think an issue -- it's
7 always an issue in any area, but it's the issue of
8 resources?

9 A. Yes, it's ever present I think in this period.

10 Q. Indeed. It appears at least at that time and
11 subsequently, as your report may indicate, that the
12 Scottish Office appeared to have been unwilling to fund
13 major capital expenditure, for example in establishing
14 smaller homes --

15 A. Yes.

16 Q. -- which was one of the things that the Committee were
17 keen to see?

18 A. Yes.

19 Q. Indeed I think that echoed the Clyde Committee's view?

20 A. You have reminded me of that. That is absolutely
21 correct. So they would have left that to the Local
22 Authorities really.

23 Q. They weren't prepared to put money on the table?

24 A. No, they weren't.

25 Q. The Local Authorities were pretty cash strapped no

1 doubt, as they seem to be frequently --

2 A. Yes.

3 Q. That really wasn't going to help produce the changes

4 that the Committee or report was advocating?

5 A. Yes. I mean, I'm just reminding myself, this section

6 now, the report where, you know ... they do make

7 a number of small grants to improve conditions --

8 Q. Modest --

9 A. Very modest. Things that you would have just expected

10 to be there in the first place really, you know. To

11 improve sanitary facilities, to install a fire alarm, to

12 put a sandpit in the playground. These are tiny.

13 Q. Building a new small family group home takes a lot of

14 money --

15 A. Absolutely.

16 Q. -- and presumably they weren't prepared to go that far?

17 A. No, no.

18 Q. So there was a degree of response, but not perhaps the

19 response that the Committee would have hoped for?

20 A. Yes, I think that's right. Yeah, I think --

21 Q. Can I ask you another thing, just while we're there. By

22 this stage of this report, and indeed subsequently and

23 this echoed Clyde, there was a clear preference as far

24 as residential care was concerned for smaller family

25 group-type homes.

1 Again, can I be absolutely clear, the preference for
2 these as opposed to large institutions was not based on
3 the view that smaller homes would reduce the risk of
4 abuse or mistreatment, but on the view they would
5 resemble a family home?

6 A. That's correct, yes.

7 Q. Again, we're not seeing a response to what we now know
8 is a situation where perhaps there was a lot of abuse
9 going on in these places at that time. It's a response
10 to say this would be better, because it would create
11 more of a family-type atmosphere?

12 A. It's not a response to -- yes, because I don't think
13 they have any conception that there is a lot of abuse
14 happening in these institutions. So it can't be
15 a response to that. It's absolutely, as you say, the
16 family-type environment will be better for these
17 children, which of course is a constant, you know,
18 throughout the whole period, which culminates in the
19 much later period in children being supervised at home
20 rather than placed in institutions or in care at all.

21 Q. If I could, just perhaps before we have a break, just
22 move up towards 1968 very briefly.

23 You have a section, about page 191 of our copy of
24 your report, it is 186 on your copy, on the Children and
25 Young Persons Act 1963 and the run up to the Social Work

1 (Scotland) Act 1968. We know from previous evidence
2 given in the Inquiry that the 1963 Act, Professor Norrie
3 explained I think, was the legislative expression of the
4 requirement on Local Authorities to address the question
5 of prevention, to prevent children having to be removed
6 from home?

7 A. Yes.

8 Q. While this was happening to a degree, and I think you
9 said this in your report, before then, this was the
10 legislative expression of that movement?

11 A. Yes.

12 Q. Really what that I suppose endorsed was that there was
13 now state intervention to prevent children coming into
14 care -- sorry, rather than removing them to substitute
15 homes. That was the movement that was then given
16 expression in the 1963 Act?

17 A. That's correct. It had always been there as
18 an intention, but it was often not acted upon because of
19 lack of staff resources and so on we have talked about,
20 but yes.

21 Q. It did have perhaps some unintended consequences for
22 children in residential care, because I think the point
23 that you make at page 192 of our copy, page 187 of
24 yours, that prevention work was more complex and time
25 consuming, which left less time to already overburdened

1 Childcare Officers to spend seeing children in

2 residential care?

3 A. That's correct.

4 Q. While it no doubt was seen as an advance in child

5 welfare practice, there was still a need for residential

6 care?

7 A. There was and plenty of children still spent either

8 long-term or short-term stays in residential care, but,

9 yes, you're absolutely right. As the time and motion

10 study of Glasgow Children's Services showed, the efforts

11 put in to prevention and preventing children coming into

12 care were huge and took up a huge amount of time of

13 field officers.

14 Q. These overworked Childcare Officers are scattered all

15 over the place doing lots of things to prevent, but they

16 also have this responsibility for children in care but

17 they don't really have the time to perhaps discharge

18 that properly?

19 A. Correct, yeah.

20 Q. I suppose also another point that you make and draw

21 attention to, and I think we're aware of this from

22 previous evidence given to the Inquiry, that in this

23 period we were reaching a stage where it was an era

24 where children were spending shorter periods in

25 residential care, whereas in the 1940s and 1950s the

1 majority who were taken into care were staying for the
2 long term?

3 A. Yeah. It seems to be, but, you know, by the 1960s
4 children are spending shorter periods in residential
5 care and that is part of the prevention agenda really.
6 There's always an effort to get children back to their
7 families, as we'll see, I think if we discuss the later
8 period, that happens more and more.

9 Q. It's making more demands on the people who have to deal
10 with these issues --

11 A. It is.

12 Q. -- because it would appear historically that once
13 a child went into long-term care placed by an authority
14 to a large degree the authority just let the institution
15 get on with matters --

16 A. Pretty much.

17 Q. -- and there wasn't much review, children stayed a long
18 time?

19 A. Unless their family asked for them to come back.

20 Q. Or if they were bad they were moved on to another
21 institution?

22 A. That's correct.

23 Q. But now we're seeing a situation where there is a lot of
24 movement and turnover?

25 A. Yes, it's more complicated, isn't it. It becomes a much

1 more complicated scene, the childcare scene, by the
2 1960s really.

3 Q. That couldn't have been easy for the staff and the
4 institutions either if they had to deal with children
5 who were vulnerable by definition?

6 A. And lots of coming and going. Not settling, yes.

7 Q. You say just lastly as we were reaching the 1960s at
8 least there was some or greater efforts being made to
9 address the issue of training.

10 But can I just end this chapter with the point that
11 generally speaking however, residential care workers and
12 the majority of field workers continued to have no
13 formal training?

14 A. That's correct.

15 Q. Although people were starting to look at more training
16 opportunities, the reality was that most of the people
17 in the system were untrained?

18 A. Sure. I mean, yeah, I mean, I suppose the ones who had
19 been there for some time wouldn't have had access to
20 training anyway and they would have stayed in that
21 system. The institutions didn't necessarily ask for
22 people to have training. Experience in something
23 related to childcare or something related to children
24 was usually sufficient. It was very difficult to
25 recruit residential childcare staff, because of course

1 they were live-in.

2 I mean, really -- I think there's a statement here
3 that, which actually still shocks me when I read it, in
4 1960 there were fewer than 20 trained childcare staff in
5 Scottish Local Authorities, I mean it just sounds
6 outrageous, doesn't it?

7 Q. When you say "childcare staff" do you mean both field
8 workers and residential or field workers?

9 A. That is a good question.

10 Q. I suspect it was field workers mainly, because I don't
11 think residential care staff there would probably even
12 be 20.

13 A. I think so, I think you're right.

14 Q. I think we probably know that from --

15 A. I think all they would have had, if they'd had any
16 training it would have been maybe the odd course here or
17 there or certainly staff within Local Authorities maybe
18 had the opportunity to go on refresher courses and those
19 kind of things.

20 Q. I think at Quarriers I recall there were one or two
21 house parents who did go on courses in the early 1960s
22 at Langside --

23 A. That's correct.

24 Q. -- but they were by far the minority?

25 LADY SMITH: Just to complete this line of thinking, Lynn,

1 even less are we talking about people having formal
2 qualifications?

3 A. Oh, no, not much of that until much later on.

4 MR PEOPLES: I think that is a convenient point.

5 LADY SMITH: I'll take the morning break just now and sit
6 again in about a quarter of an hour, please.

7 Thank you.

8 (11.35 am)

9 (A short break)

10 (11.55 am)

11 LADY SMITH: Lynn, are you ready for us to continue?

12 A. Yes.

13 LADY SMITH: Thank you very much.

14 Mr Peoples, when you're ready.

15 MR PEOPLES: Thank you.

16 I think we finished before the break looking at
17 perhaps the period up to 1968. Can we perhaps turn to
18 the second period that's covered by your report, from
19 1969 to 1994, just before the passing of the Children
20 (Scotland) Act 1995.

21 Your report deals with this section starting at
22 page 199 in my version, I think it's 194 in your report.

23 I think you made the point in the report that the
24 major organisational changes that had been brought in by
25 the 1948 Act had not necessarily ushered in hoped-for

1 changes in practice. I think we've had a bit of
2 a discussion about that earlier this morning.

3 Can I perhaps pose the same question about the 1968
4 Act. Were the changes that were made to the care system
5 by that Act, including the new children's hearing
6 system, accompanied by any real change in practice in
7 the case, particularly of residential care staff?

8 A. I think --

9 Q. You might want to break that into periods.

10 Perhaps in the immediate period after the Act,
11 certainly before local government reorganisation, I
12 suspect it may have been slightly different to what
13 happened after regionalisation?

14 A. I'm not sure. All legislative change takes quite a long
15 time to work its way through the system, doesn't it?
16 Clearly, there were significant changes that happened
17 obviously at local government level and central
18 government area, but actually in residential care homes,
19 I think it takes quite a long time for there to be
20 really substantive change there in terms of the breaking
21 up of larger homes, the provision of more specialist
22 care and so on. And obviously the increase of training
23 and so on, so it takes quite a long time. I think the
24 evidence actually is quite patchy, but I think the
25 evidence suggests that in the immediate period there

1 wasn't a fundamental change within residential care
2 itself.

3 Q. Before I ask you some questions about this period, to
4 contrast or compare with what went before, what
5 happened, if I can perhaps summarise, is that the
6 children's departments within Local Authorities were
7 replaced by social work departments, Childcare Officers
8 were replaced by generic social workers, whose aim, if
9 at all possible, was to keep families together in the
10 community --

11 A. Yeah.

12 Q. -- rather than breaking them up than by placing the
13 children in care. That was the general philosophy
14 I think behind the Act.

15 Can I ask you this: obviously in the context of why
16 we're here today in an inquiry about abuse, was there
17 evidence, in this period, of what was seen as growing
18 professionalisation of social work, including
19 a designated social worker being assigned to each child
20 in residential care, is there any evidence that that
21 reduced the risk of mistreatment or abuse of children in
22 residential care?

23 A. Well, I want to say "yes", but again I think in some
24 cases it might have done, particularly if there was
25 continuity of social work -- continuity of care, let's

1 say -- so a child had continuous access to the same
2 social worker over a period of time so they could build
3 up trust with that social worker then they are more
4 likely to disclose.

5 Q. That's why you say that might have reduced the risk or
6 at least prevented further abuse, because they might
7 have said something, but only if perhaps they had
8 sufficient trust and had developed a replacement with
9 a particular social worker?

10 A. Yes.

11 Q. You'll obviously know what is coming next. Was it
12 generally the case that social workers stayed with
13 a particular child for any length of time?

14 A. Not in Glasgow, I don't think. Again, it still remains
15 incredibly pressured, incredibly busy. Social workers
16 are horrendously stretched because they are, as we've
17 said earlier, doing all this prevention work. I think
18 as we say later on in the report, what looks to be
19 happening from the case files that we look at is that
20 the social workers get pulled in two directions in terms
21 of having to deal with the family and the families'
22 problems, almost sometimes at the expense of that
23 individual child's interest. So something of a conflict
24 can occur.

25 Q. The designated social worker, whether the same person

1 over time or a different person, would have a caseload?

2 A. Yes.

3 Q. It wouldn't just be children in care?

4 A. No.

5 Q. It would be quite a heavy caseload --

6 A. Yes it would.

7 Q. -- for most social workers, so these were added

8 complications if you're wanting to build up

9 relationships and spend sufficient time in doing so?

10 A. Definitely. Yes, it would.

11 I think to be fair, so for this period the case

12 files are the most helpful in trying to figure out

13 precisely the nitty-gritty of how the system now worked

14 and to be fair to some social workers, in some cases

15 there was a huge amount of contact with the children and

16 with their families. Not always continuous. Sometimes

17 changing. So there does seem to be a step change there

18 in terms of the amount of contact, particularly later on

19 in the period, they do have with the children, so --

20 Q. More opportunity for the child to say something, but in

21 practice were children saying much?

22 A. No.

23 Q. Even if the system had changed to give the opportunity,

24 the opportunity wasn't necessarily being taken up?

25 A. No, but I think we're on the same page but I think

1 I would just step back to say that the number of case
2 files we were able to look at was limited because they
3 are so huge for this period. So we were just kind of
4 dipping in to try to figure out how the system works. I
5 guess if you it a systematic analysis, I don't know how
6 many examples, if any, you would find of children
7 disclosing.

8 Q. I think we have heard evidence from applicants to this
9 Inquiry that have had social workers or their
10 predecessors, Welfare Officers, and have been asked how
11 often they saw them. I think there's quite a lot of
12 evidence to the effect that they didn't see that often
13 and perhaps didn't really have the relationship that you
14 suggest might have been necessary to make a disclosure
15 to them?

16 A. Yes.

17 Q. Some did, and I think we have evidence of that, but --

18 A. It would be --

19 Q. From time to time.

20 A. Perhaps it would have been more likely for a child to
21 have more contact if they were one of these what I call
22 "yo-yo children," the in and out, in and out, if they're
23 in an institution for a significant period of time,
24 probably less contact.

25 Q. As far as the period after 1968 is concerned though, was

1 there evidence that the social workers were carrying out
2 the requirement to visit children in residential homes?
3 Did you find that?

4 A. Yes, they do. Certainly, we have seen -- I certainly
5 saw records of their notes from their case files, yes.

6 Q. Was that more so after regionalisation in 1975?

7 A. Do you know, I don't think I can answer that. I don't
8 know.

9 Q. I think Glasgow Corporation was still in a mess before
10 1975 --

11 A. Yes.

12 Q. -- and the big authority perhaps introduced more
13 procedures, more forms, more processes?

14 A. I think we do say that and it does become incredibly
15 complex --

16 Q. I think --

17 A. -- and time consuming.

18 Q. It has its pros and cons, one being no doubt you get
19 more records, but also more bureaucracy?

20 A. More bureaucracy, yes.

21 Q. And less time perhaps for other things, including seeing
22 children?

23 A. Yes, yes.

24 Q. Accepting that social workers would visit children
25 because that was part of their function, did you find

1 any evidence that on such visits -- I accept it was
2 maybe a limited number of examples that you looked at --
3 that they concerned themselves with the treatment of the
4 children by residential care staff, other than where the
5 child has perhaps made an allegation or complaint, which
6 I don't think was a common occurrence you found?

7 A. No, no, no.

8 Q. They weren't really asking the questions, what are these
9 staff like? How are they treating the children?

10 A. No, not that I've seen.

11 Q. A point that you make I think about this period, which
12 differentiates it from an earlier period, apart from the
13 generic social work change, is that in relation to
14 registration and inspection of children's homes this was
15 no longer the responsibility of the Scottish Office and
16 had been handed over to the social work departments?

17 A. Yes, that's correct. The Local Authority has
18 a registration scheme. We haven't found any evidence of
19 how that operated. Other people giving evidence to this
20 Inquiry might have more information on that which would
21 be really helpful to know, because for us it was a bit
22 of a black hole, that period between 1968/1969 and 1990.

23 Q. I may ask a few questions, but I think Professor Levitt,
24 who is giving more evidence about inspections, has
25 prepared a report on the whole system of inspections and

1 may be able to give us some answers to your questions.

2 I think we may have already had a little bit of evidence
3 about what happened after 1968 and the extent to which
4 central government inspectors, who became advisers, who
5 had some degree of inspectorial function, if you like.

6 A. Clearly, they still did enter children's homes because
7 that whole Quarriers case and I think they continued to
8 have some engagement with the Quarriers in the 1970s.

9 Q. I think you do say that certainly after 1968 there is
10 some evidence of what you would describe as
11 an inspection by Scottish Office inspectors. I don't
12 want to concern myself too much about their designation,
13 but there is some evidence that they went on visits and
14 prepared reports.

15 A. Yes.

16 Q. Although I think by that time, the SHD, Scottish Home
17 Department, inspectors had become part of what is known
18 as the Social Work Services Group --

19 A. Yes.

20 Q. -- and were part of the central advisory service within
21 that group?

22 A. Yes. To my memory, there was actually rather little
23 paperwork in The National Archives relating to this, so
24 whether there were more inspections than we could find
25 out about, I've no idea. It was quite limited for this

1 period.

2 Q. I think by then they were certainly described not as
3 inspectors but as advisers, but they were visiting --
4 perhaps no doubt in the early days after the Act -- to
5 give advice.

6 A. That's a very different function, isn't it?

7 Q. I think one could say that.

8 A. Yes.

9 Q. Therefore I suppose the point that might be made is
10 that -- it's perhaps a point you make in the report --
11 there was no monitoring, certainly of children's homes,
12 by central government via formal inspection regime?

13 A. That's correct.

14 Q. Is --

15 A. I think that's correct, yes, yes.

16 Q. Whatever visits may have occurred, there wasn't the same
17 structure, inspection regime, that had existed pre-1968?

18 A. No. However limited that was, yes.

19 Q. It's true to say, is it not, that the Secretary of State
20 continued to have powers after 1968 in relation to
21 residential establishments for children, as he had had
22 before 1968?

23 A. Yes.

24 Q. I maybe didn't ask you this earlier this morning, but
25 you described the powers of the Secretary of State

1 between 1948 and 1968 in part 1 of your report and
2 I don't want to go back to that, one finds the general
3 description of the respective responsibilities of the
4 Scottish Office and Local Authorities between pages 33
5 and 50 of the report, our version, 28 to 45 of your
6 version.

7 You describe various powers that the Secretary of
8 State had. I think one finds them particularly at
9 page 38, if I could refer you just briefly to that.
10 Page 33 of your report. There were a number of powers
11 the Secretary of State had. I don't know if --

12 A. 32/33?

13 Q. I think it's around page 33 of your version of the
14 report, page 38 of ours. Do you see there that section?

15 A. Yes.

16 Q. I don't want to go into this in too much detail, but
17 just going back to that, there was clearly the power to
18 inspect childcare institutions and that power was
19 exercised in that period?

20 A. Yes.

21 Q. There was a power to make regulations for children's
22 homes, as we've discussed earlier, but that power wasn't
23 exercised until 1959?

24 A. Right.

25 Q. There was also a power to close an institution, but

1 I think you say, if I understand, that that was a power
2 that was never used?

3 A. I don't think it was, I've had no evidence it was used.

4 Q. You didn't find any evidence that that power was ever
5 exercised?

6 A. No.

7 Q. If we go forward to the later period, the powers of the
8 Secretary of State remained essentially as before, other
9 than the power -- he still had the power to inspect --

10 A. Yes.

11 Q. -- but not any requirement to do so?

12 A. Yes.

13 Q. He had the power to make regulations?

14 A. Mm hmm.

15 Q. I think perhaps in not dissimilar way to the 1948 Act,
16 that power wasn't exercised until 1987?

17 A. Yes.

18 Q. I think Professor Levitt again may be able to tell us
19 why there were difficulties in establishing
20 a comprehensive universal set of regulations for all
21 residential establishments, but I think that came in
22 1987.

23 A. Yes. I think instead what they tended to do was issue
24 lots of circulars and advice notes and so on.

25 Q. He now had a power to issue directions, I think. You

1 mentioned that in your report at pages 207 to 208.

2 That's pages 202/203 of your report.

3 He had the power to issue directions?

4 A. Yes.

5 Q. He had the power to require Local Authorities to remove
6 children from placements --

7 A. Yes.

8 Q. -- and a power to close an establishment, as before.

9 LADY SMITH: Which page are we looking at, Mr Peoples?

10 MR PEOPLES: Pages 207 and 208 is where we'll find

11 a description of the powers.

12 Just in the final paragraph particularly, there is
13 a general description of the role of the Scottish Office
14 post-1968 and some of the powers available. Including
15 a power to issue directions. I think that's halfway
16 down the final paragraph.

17 LADY SMITH: Lynn, you explain directions as being something
18 that would appear in regulations, is that right?

19 MR PEOPLES: I think it may be slightly different. It may
20 be a power to make specific directions in relation to
21 a specific establishment, as well as a general power to
22 make regulations about all establishments, so that's the
23 way I think I read --

24 LADY SMITH: I was reading what you say there, that the
25 Secretary of State could also issue directions ie:

1 "Make regulations in relation to the performance of
2 the functions assigned to Local Authorities by this Act
3 and in relation to the activities of voluntary
4 organisations insofar as those activities are concerned
5 with the like purposes."

6 I wondered whether what you had seen was telling you
7 that directions could be distinguished from guidance and
8 more than guidance because they were finding their way
9 into formal statement, legislative statement, albeit
10 secondary legislation, namely regulations. Is that
11 right?

12 A. Do you know, I bow to a higher legal authority than me.
13 I'm not sure --

14 MR PEOPLES: Can we put it this way: there were existing
15 regulations when the 1968 Act was passed for various
16 settings, including the 1959 regulations on children's
17 homes and there were regulations on approved schools.
18 These continued, as I think we were told by
19 Professor Norrie, until 1987 and I think you refer to
20 these regulations, but beyond that, assuming that there
21 was the possibility of a power to make a more specific
22 direction to require something to be done, did you find
23 any evidence that if such a power existed it was ever
24 exercised to say to someone: you must do this or you
25 must do that?

1 A. No, not that I can recall.

2 Q. No?

3 A. No.

4 LADY SMITH: Can you remember coming across what might be
5 the sanction if there was a failure to follow
6 a direction?

7 A. No. I mean they could clearly close a home -- I mean
8 they did have right to close a home but they never did.
9 But that would have been a pretty severe sanction on not
10 following a direction.

11 MR PEOPLES: There was a power between 1963, as I recall,
12 and 1968, given to the Secretary of State to make
13 changes to the management of voluntary institutions, but
14 I think that power didn't survive the 1968 Act. Let's
15 just look at directions, if they came across a situation
16 that was unsatisfactory, but they were wanting to stop
17 short of --

18 A. Closure.

19 Q. -- closure. You didn't come across a situation like
20 that where they said: well, you must do that under pain
21 of, whatever?

22 A. I don't think so, unless you're going to point me to
23 a place in my report where I said there was.

24 Q. You don't need to worry about the issue of whether there
25 is a power. I just want to know if you saw an example

1 of such a thing being done?

2 A. No.

3 Q. Because I suppose if one is looking at this matter, if
4 we go to the part of the report we've just been looking
5 at, what you did say in relation to the role of the
6 Scottish Office after 1968 is that while they still had
7 a role to play, it seems that you characterise it as
8 quite a limited role?

9 A. Yes.

10 Q. I think that was in keeping with the intention that they
11 would take a back seat --

12 A. I think so.

13 Q. -- was I think the expression that was used in the
14 report?

15 A. Yes, I think so.

16 Q. They wanted to retreat from direct responsibility?

17 A. Hands-on direct responsibility, absolutely.

18 Q. Although the Secretary of State retained certain powers.

19 You then go on to deal with what happened in
20 practice and maybe I can take you to that on the
21 following page at page 208, page 203 of your report.

22 You say halfway down, I'll just read it to you:

23 "In practice, however, while government
24 inspectorates may have visited children's departments
25 and residential facilities providing childcare and they

1 may have offered both criticism and advice, their powers
2 to compel change where practices were found wanting were
3 limited. We have not recovered any written evidence
4 that intimates that the Secretary of State ever
5 considered compulsory closure of a facility or where he
6 required a local authority to remove children from
7 an establishment. This is not to say the government
8 inspectors did not exert pressure on Local Authorities
9 or voluntary providers to improve their services ...

10 You give examples. Then you say, just later in the
11 paragraph:

12 "However, pressure took the form of advice and
13 follow-up monitoring and this mode of operating simply
14 developed after 1968 until formal inspection was
15 abandoned in the case of children's homes, although it
16 continued for other types of residential facilities such
17 as assessment centre and List D schools."

18 That appears to be what happened in practice, as far
19 as you could tell from the records?

20 A. Yes, I think so. They are not using the extent of their
21 powers really even, when they come up against some
22 pretty poor practice.

23 Q. I suppose that might beg the question: why did they
24 refrain?

25 A. I know.

1 I don't know. I think in the case of Quarriers, we
2 can suggest it was such a major provider still by then
3 that Glasgow would have turned round and say: where are
4 we going to place all these children? So they didn't
5 have the provision there to take up the slack.

6 Q. They couldn't contemplate the possibility that if they
7 closed down a major provider or any provider that they
8 had the provision to replace it?

9 A. Yes. Well, there is no evidence in the papers that they
10 ever even contemplated that. They continued to just try
11 and place pressure on the institution to change.

12 Q. That might be a legacy of the historical system that
13 depended heavily on the voluntary sector?

14 A. I know, it might well be, yes.

15 Q. I think we saw or I think you said that there was
16 perhaps resistance sometimes from both voluntary
17 organisations and indeed Local Authorities to certain
18 changes that the Scottish Office was keen to --

19 A. Certainly.

20 Q. -- introduce?

21 A. Yes. We certainly didn't see any evidence of them
22 placing pressure on a Local Authority children's home to
23 close or to really remedy its --

24 Q. I know you touched upon institutions other than
25 children's homes, but I think in relation to corporal

1 punishment, I think Professor Levitt will no doubt
2 confirm this when he gives evidence, the 1959
3 regulations on discipline and punishment were
4 considerably watered down in terms of prescription?
5 A. Mm hmm.
6 Q. Which continued to give residential institutions and
7 those running them quite a lot of discretion and
8 autonomy?
9 A. Yes, that is correct.
10 Q. That perhaps was a reflection of how powerful their
11 influence was and how they could lobby for --
12 A. Oh, I see what you're saying, yes.
13 Q. -- less stringent regulation?
14 A. They could do, yes.
15 Q. I think that was a product, and perhaps Professor Levitt
16 will tell us more about that. I say it was List D, but
17 I think it applied to children's home too?
18 A. Sure.
19 Q. It remained a light touch?
20 A. Yes.
21 Q. Just on this question of what happened after 1968, and I
22 fully appreciate that you found it difficult to piece
23 together clearly and no doubt we can ask others to see
24 if they can help, there were visits from central
25 government advisers or inspectors, but as time went by

1 what appeared to be the position so far as Glasgow is
2 concerned, I think, was a form of disengagement and that
3 the visits seemed to dry up so far as you could see?
4 A. Sorry, by whom?
5 Q. By the Scottish Office.
6 A. As far as we could see, there was nothing in the record
7 that indicated that they were visiting -- certainly not
8 inspecting but even visiting. So they'd passed that
9 responsibility over to the Local Authority.
10 Q. Just while we're looking at this early period, we know
11 in fact that List D schools continued until
12 1 April 1986. I think you tell us that they were much
13 in demand when the new children hearing system became
14 operational?
15 A. Mm hmm.
16 Q. Was there a particular reason for that?
17 A. Do you know, actually I don't know, but I think that
18 once you have the children's hearing system -- we were
19 talking earlier about the earlier period, about there
20 being no assessment really of children's needs. Once
21 you have a hearing system you had much more contextual
22 information and therefore children are directed towards
23 particular institutions or actually not institutions at
24 all and List D schools just become one of those
25 opportunities to place children in somewhere were they

1 might receive guidance or the discipline they require,
2 if they are troubled.

3 Q. Can I suggest that perhaps one explanation might be that
4 certainly in the early days of the hearing system there
5 was no other alternative, it was residential provision,
6 there weren't the specialist facilities?

7 A. Exactly.

8 Q. That Kilbrandon and perhaps Clyde wanted and all these
9 things, so they were the go-to place?

10 A. They were the go-to place, yes, if you wanted --

11 Q. That would be one explanation why --

12 A. Why the numbers begin to go up.

13 Q. -- they might be the favoured destination, if there was
14 a supervision requirement that required supervision away
15 from home?

16 A. Away from home, yes.

17 Q. Not that they were necessarily much favoured for the
18 qualities they brought --

19 A. Well, no.

20 Q. -- or the way they treated children?

21 A. No, no.

22 Q. Because they were a throwback to approved schools?

23 A. They were, absolutely, I think they were.

24 Q. I think you say that the intention and I think we'll
25 probably find in evidence and Professor Levitt will

1 confirm this, that the broad intention was that List D
2 schools would be phased out and just become part of the
3 residential provision that was available to Local
4 Authorities and perhaps under Local Authority control?

5 A. Yes, yes.

6 Q. But that didn't happen for quite a long time?

7 A. For quite a long time, as is often the case in this
8 scenario, that they are left with a historic system and
9 they can't get rid of the historic system because of the
10 pressure.

11 Q. One reason might be that the Local Authorities weren't
12 keen to take on the List D schools, which were mainly
13 run by voluntary providers. They didn't want that
14 responsibility at that time?

15 A. Yes, might well be the case.

16 Q. Eventually, the Secretary of State perhaps couldn't wait
17 any longer and in 1986 he basically said the List D
18 system is at an end, I'm not funding this any more.
19 Local Authorities can decide what they want to do with
20 them and they can fund the children that are sent to
21 these schools?

22 A. Right.

23 Q. I don't know if you know much about --

24 A. I don't know much about List D schools to be honest.

25 Q. I'm trying to fill in to some extent the explanation

1 that we may hear, because they were 50 per cent funded

2 by the Secretary of State --

3 A. Okay. Right.

4 Q. -- and 50 per cent by Local Authorities.

5 A. That would absolutely make sense that the Local
6 Authorities would not want to take them on, because that
7 would be additional pressure on their resources.

8 LADY SMITH: Lynn, I know it's not all just about language,
9 but I was just thinking about your reflection regarding
10 these early post-1968 Act days of disposals by the
11 children's hearing system and children may have been put
12 in, for example, List D schools. And that's not really
13 paying heed to what the legislation said was their
14 power, and certainly they had a power to say, "This
15 child requires compulsory measures of care". But it was
16 care, not control.

17 A. Yes.

18 LADY SMITH: From what you are saying, what was happening,
19 because of having to use the old system, was there may
20 well have been children put into the hands of places
21 where the culture was control rather than care.

22 A. Much more disciplinary system I think.

23 LADY SMITH: It's a failure to pay heed actually to what
24 their statutory power was all about?

25 A. That's a really good point.

1 MR PEOPLES: Perhaps just so we are not losing sight of
2 this, the hearing system was very dependent on reports
3 and information from the social work department,
4 including as to what was available for children who
5 might require supervision away from home and so
6 therefore they were heavily dependent on what they were
7 being told.

8 A. They were.

9 Q. They didn't make their own enquiries, they usually
10 depended on a range of reports, including
11 recommendations from the social work department?

12 A. Sure.

13 Q. I think that's the way the system operated in practice?

14 A. Yes, it does, yes. I don't think we saw minutes of
15 hearings, I think we just saw references to hearings and
16 some reports in the children's case files.

17 Q. There would be a requirement to produce reports --

18 A. Yes.

19 Q. -- for the hearings and for review hearings and so
20 forth?

21 A. Yes, yes.

22 Q. In this post-1968 period, you deal with care of children
23 in practice under the Social Work (Scotland) Act 1968.
24 I think you deal with that from pages 221 to 275 of our
25 version of the report, it's page 216 to 270 of your

1 report, I think.

2 A. Yes.

3 Q. I'm not going to take you through all of this, but
4 I'd like to pick up one or two points about the care of
5 children in practice.

6 One point you draw attention to is that after 1968
7 the need for residential care remained and increasingly
8 was seen as needed for children with special needs?

9 A. Mm hmm.

10 Q. I think that is a point you make at pages 230 to 231, or
11 pages 225 to 226 of your report.

12 There's this movement towards more specialisation --

13 A. Yes.

14 Q. -- to cater for children with special needs?

15 A. Yes, that's right.

16 Q. However, the difficulty seems to have been that Local
17 Authorities at that time were underresourced and made
18 use, perhaps reluctantly, of homes run by voluntary
19 organisations?

20 A. They still did it, yes.

21 Q. Whatever the intentions, they were faced with the
22 reality of: we don't have the specialist facilities and
23 we do have to continue to make use of the voluntary
24 organisations and some of the bigger homes?

25 A. Yes, yes, that's absolutely the case.

1 Q. Which had survived despite Clyde saying: move to smaller
2 units. They were still operating in the 1960s?

3 A. Yes, they were. Quarriers in particular, I suppose it
4 is Barnardo's really who first start to introduce small
5 homes catering to special --

6 Q. I don't think they ever really had a large home?

7 A. No, they didn't.

8 Q. I think they came to Scotland during the war for
9 evacuation homes, as I think we were told in the other
10 study, but the big traditional institutions existed from
11 the 19th century, Quarriers for example and Smyllum?

12 A. Yes, Aberlour I suppose, in that direction ...

13 Q. You do say, at page 231, that increasingly throughout
14 the 1970s -- I think again this was probably something
15 we probably covered in the Quarriers, Aberlour and
16 Barnardo's case study:

17 "... pressure was brought to bear on the voluntary
18 sector to diversify and develop specialist services."

19 What they were trying to get them to do was to move
20 into the field of specialisation?

21 A. That they weren't producing.

22 Q. And get out of mainstream children's homes, which would
23 be the responsibility of the Local Authority?

24 A. Yes, that's correct.

25 Q. And be run by them?

1 A. Yes.

2 Q. That was the idea, perhaps?

3 A. That was the idea.

4 Q. But they still needed them, because they didn't have
5 that provision?

6 A. That's correct too.

7 Q. I think -- I'm not going to go through this, but
8 I'm going to say in passing that what the report does in
9 this section includes a number of case studies which
10 narrate generally the experience of children in various
11 types of residential care in this period, including case
12 study 13, child G, that is a child who was placed in
13 a Local Authority children's home long term and it
14 narrates what happened in that child's case.

15 Case study 19, child H, that was a child who was
16 placed in a List D school.

17 There is another one, case study 20, child J and
18 perhaps I just mention that one in particular. That's
19 a child in a List D school, but I think the point being
20 made in your report about child J is that that child
21 ended up there probably on the basis not of assessment,
22 but on the basis of availability of placement?

23 A. Yes.

24 Q. It was an illustration that whatever the good intentions
25 were the reality was: well, we have to find a place,

1 there's a place available at this particular List D
2 school --

3 A. I think that's right.

4 Q. -- and the child will be placed there?

5 A. I think in most of the cases we have looked at,
6 admittedly maybe we have chosen some particularly
7 problematic cases to identify particular problems, but
8 it's rare to find a situation where a child is in the
9 right place, if you see what I mean, in the place where
10 that child's needs are really being taken care of.

11 LADY SMITH: Mr Peoples, that last case you were referring
12 to, was that child J?

13 MR PEOPLES: Yes. I'm going to give you the reference.

14 LADY SMITH: I wonder if we could get that up on screen, we
15 have G showing.

16 MR PEOPLES: Pages 263 to 266 of my version. 258 to 261,
17 I think.

18 There are some problems with the lettering here --

19 A. Yes, there are.

20 Q. -- I don't want to go into that, but I think it is
21 actually child J. I think earlier case studies may use
22 the wrong letter at times, but I don't think we need to
23 trouble --

24 LADY SMITH: We have child J now.

25 MR PEOPLES: That is the one that is where it describes the

1 journey and how the child ends up in a List D school.
2 I think the way it's intended to illustrate a situation,
3 not probably uncommon, that the child ends up in
4 a List D school that's available, rather than because
5 that school will be particularly suited to that child's
6 needs and problems, yes.

7 A. Yes. That is an interesting case, because that is one
8 child who does allege that he had been mistreated.

9 Q. That is the other thing about it.

10 A. Very unusual.

11 Q. He actually did make allegations and it's perhaps
12 difficult -- I think you found it difficult to know what
13 the response was and attitude was towards the
14 allegations?

15 A. It was unclear.

16 LADY SMITH: That was an allegation regarding his treatment
17 at the institution?

18 A. Yes.

19 LADY SMITH: That is a little further down, I think.

20 MR PEOPLES: Yes.

21 Because can I just say this, while we're looking at
22 the case studies: would it be fair comment that some of
23 the case studies are illustrative of the care experience
24 of these children --

25 A. Yes.

1 Q. -- in order to show how the care system operated in
2 practice between the particular dates, 1948 and 1995?

3 Would it also be fair to say that what it seeks to
4 do, and does do, is identify aspects and characteristics
5 of the system, which if you were carrying out an
6 investigation into the system as a whole would be viewed
7 as very serious systemic deficiencies or weaknesses?

8 A. Well, they're your words, not mine.

9 Q. I'm trying to put to you that proposition that really
10 they may have operated to the detriment to children who
11 find themselves in the care of state, but they're not
12 necessarily saying that the experience, while poor, was
13 necessarily abusive?

14 A. I'm not saying the experiences are abusive, no, but,
15 yes, there is generally a poor experience of most of
16 these children. Their care journey, if you like, or the
17 fact they're being moved around from pillar to post
18 frequently is a real problem.

19 Q. I follow that. We are a public inquiry investigating
20 the abuse of children in care. We're not reviewing the
21 care system as a whole historically, but yet the
22 system --

23 A. There is a link.

24 Q. There is a link, but one has to be careful as to how one
25 uses that link?

1 A. Sure.

2 Q. Between the deficiencies and the relationship between
3 the deficiencies and mistreatment or abuse. We
4 discussed that earlier this morning: why does abuse
5 happen?

6 A. Yes, and as we said, in a system such as this, children
7 are exposed to more risk, I think.

8 Q. Yes. I'm not trying to debate this with you.

9 A. I know.

10 Q. As you say, child J is an example of a child who did
11 make allegations. Some of the others indeed are not
12 situations where the record discloses concerns about the
13 treatment of the child --

14 A. No.

15 Q. -- it's just that the journey we would view as
16 unsatisfactory by today's standards?

17 A. Yes, that's correct.

18 Q. Although it may be a journey that even today children
19 experience.

20 A. I know, yes.

21 Q. What these studies do show, I think, is some of the
22 features we looked at in the earlier period, including
23 overcrowding, untrained staff and also situations where
24 the culture is one of control --

25 A. Yes.

1 Q. -- rather than care?

2 A. Yes. Inability to be able to care properly for children
3 who clearly are exhibiting signs of whatever you want to
4 call it, disturbance, trauma, what have you.

5 Q. Yes. Maybe one point we can make with one of the
6 examples, I think it's Eversley, if we look at pages 243
7 to 248, page 238 on your version, Professor Abrams, this
8 was one of the case studies or at least referred to, it
9 may not be a case. If you could find that.

10 There is a discussion about Eversley, it was a case
11 study in Part 1, but you actually look at it in the
12 early 1970s. What I think emerges from the records is
13 a situation where it is considered that children were
14 deprived of their emotional and educational well-being,
15 so this is their emotional needs were not being catered
16 for adequately, and this is in the 1970s.

17 A. Yes.

18 Q. Indeed, we see that that home was consistently
19 overcrowded and understaffed?

20 A. Yes.

21 Q. So nothing much has changed?

22 A. No, very little has changed by the 1970s really.

23 Q. Yes. But again just so that -- again, I made this point
24 earlier on, in relation to this period and the changes
25 that were introduced by the 1968 Act, however

1 significant they may have been in terms of structural
2 changes and organisational changes, and they may have
3 reflected changes in the care philosophy, am I right in
4 thinking that these were changes that were believed to
5 be changes that would improve the quality of care
6 provided to children living away from home, rather than
7 changes necessary to reduce the risk of children in
8 residential care being abused?

9 A. Yes, there is no discussion about the protection of
10 children against abuse, to be honest. So I think that's
11 not really part of the agenda here.

12 Q. I think sometimes the report uses the term "protection
13 of children's welfare" and I get what you're saying,
14 it's the protection of welfare in the sense of making
15 sure that their welfare is properly catered for, which
16 may well be improved by the changes that the Act seeks
17 to bring --

18 A. Yes.

19 Q. -- but in a sense of protecting children from abuse,
20 these changes weren't driven --

21 A. No.

22 Q. -- by that consideration?

23 A. No. They weren't. You can see from the Eversley case I
24 suppose, from the entries in the logbook, there are
25 clearly some changes that have taken place. It looks

1 different from the way in which a children's home would
2 have run maybe 20 years earlier, so there were children
3 going to child guidance clinics, there were children
4 having contact with visitors, they were having overnight
5 stays with their parents, so that's all looking a bit
6 different I think by the 1970s. So I suppose in respect
7 of abuse, there are now more opportunities, more
8 recognition that there might be things that children
9 need to speak about and more opportunities and spaces
10 for them to do it.

11 Q. But whether these opportunities were taken up is another
12 matter?

13 A. That's another matter, yes.

14 Q. Yes.

15 A. Yes.

16 Q. You have a section in your report, dealing with this
17 period, 1968 to 1994, which is headed "Patterns in
18 care."

19 If I could just refer you to pages 276 to 302 of our
20 version. It's pages 271 to 279 of your version,
21 Professor Abrams.

22 I think you try to draw things together a bit about
23 this period?

24 A. Can you tell me -- I've got it on the screen.

25 Q. Do you have that section?

1 A. I have found it, yes.

2 Q. I don't want to go through it at length. We can all
3 read it and it's on our website, but I think some of the
4 things that you pick up on for this period, 1968 through
5 to 1994, is first of all a decline in the use of
6 residential care and it becomes quite a marked decline
7 I think at one point?

8 A. Yes.

9 Q. I think if we look at some of your statistics, page 276,
10 271, do we see that in 1973, just after the children's
11 hearing system became operational, there were 6,285
12 children in residential care. Do you see that?

13 A. Yes.

14 Q. Whereas in 1989 there were 2,364 children in residential
15 care?

16 A. Yes.

17 Q. So that was one feature. So there are less children in
18 the system?

19 A. Yes, probably for shorter periods of time.

20 Q. And for shorter periods of time, yes, I think you have
21 made that point earlier.

22 One might in a broad causal sense say there is less
23 opportunity for them to be abused then, because there is
24 less children -- or scale as well?

25 A. It's the scale I suppose, isn't it?

1 Q. Not the opportunity, it can still be there?

2 A. Mm hmm.

3 Q. But the scale could be affected by the numbers in care?

4 A. Yes. Yes. I suppose I would say also the changes in
5 the nature of -- by the 1970s and increasingly by the
6 1980s, you have the closure of the large children's
7 homes where the risk was greater, I would suggest.

8 LADY SMITH: The figures you have gone to, Mr Peoples, don't
9 cover foster care, which is a form of residential care.

10 MR PEOPLES: Sorry. I was staying away from those because
11 of what I said earlier, but I do fully appreciate what
12 you're saying. It's to bring out the use of the
13 residential care side. Whether foster care, the numbers
14 were not reducing in the same way, that may well be the
15 case. But --

16 LADY SMITH: There is a drop in both recorded here.

17 A. A rise in supervision at home, I think.

18 MR PEOPLES: Because although foster care was the preferred
19 and indeed the first option under the 1948 Act, and was
20 preferred to supervision at home, the whole situation
21 had changed by 1968, where prevention, keeping children
22 in the community, was favoured over foster care.

23 A. Definitely.

24 Q. So that's how it was coming round at that time?

25 A. Yes.

1 Q. One of the points you also make in this section, around
2 page 276 of my copy, 271, that this is where I picked up
3 this expression that the Scottish Office was now taking
4 something of a back seat. I think that is maybe
5 a reference to their retreating from any involvement in
6 almost what would be day-to-day running of homes --
7 A. Yes.
8 Q. -- and not carrying out an official inspection regime in
9 the way that they'd done before 1968?
10 A. Yes, that's correct.
11 Q. That might have reflected the intention that they would
12 step back and leave everything very much to the Local
13 Authorities to deal with?
14 A. Yes.
15 Q. Indeed, the standard of care as well as the
16 responsibility for care of individual children was now
17 the responsibility of the Local Authorities foursquare
18 really, was it not?
19 A. Yes, yes.
20 Q. Although you say also that following local government
21 reorganisation, which no doubt was a complication which
22 Local Authorities could have done without, you say at
23 page 277, page 272 of your report:
24 "Following local government reorganisation, a more
25 complicated and arguably within some authorities more

1 remote management structure ..."

2 Was the result. I think Strathclyde would be a case
3 in point. I don't want to start going through the
4 detail of the structure --

5 A. It's probably the worst case.

6 Q. I think we can read it for ourselves, but you can see it
7 becomes quite a long chain?

8 A. Yes.

9 Q. There's also the problem of local government of the
10 committee structures, who does what in the traditional
11 methods of local government administration --

12 A. Yes.

13 Q. -- to boot?

14 A. Yes, I think so. Not being an expert in local
15 government organisation but the situation does become
16 more complex.

17 Q. I think we see for Strathclyde at pages 278 to 279 of
18 our copy, it's 273 to 274, it goes into the sort of
19 structures that were in place at that time, as a result
20 of local government reorganisation.

21 A. Yes.

22 Q. A point that has to be remembered is that by the
23 mid-1970s -- you say this at page 278, 273 of your
24 copy -- it was still the case that the vast majority of
25 staff in Glasgow's children's homes did not hold any

1 professional qualification?

2 A. No. The situation was beginning to improve by this
3 time.

4 Q. Yes. I don't want to diminish that point that you make,
5 but that is still the factual position?

6 A. Yes.

7 Q. And that's the mid-1970s?

8 A. I know.

9 Q. And Clyde was calling for this in 1946?

10 A. I know, it's quite shocking, yes. In part it's down
11 also due to the limited number of courses and
12 qualifications that there were. It's a bit chicken and
13 egg I suppose.

14 Q. If suppose if the state has a requirement to look after
15 children, then they have a requirement to make sure that
16 the opportunities for training are available --

17 A. Sure.

18 Q. -- as part of that function?

19 A. Yes.

20 Q. They just have to do these things and in fact they have
21 done them since, have they not?

22 A. They have.

23 Q. They've made sure that the system does have -- requires
24 training, indeed they've set up the Scottish Services
25 Council --

1 A. Yes.

2 Q. Social Services Council and they've introduced training
3 requirements since then?

4 A. Yes.

5 Q. It wasn't something that could not have been done, but
6 wasn't done?

7 A. I think it was quite piecemeal in this period.

8 Q. Again you make reference in this section, I don't want
9 to look at detail, but there were some initiatives
10 within Strathclyde as the biggest authority and Regional
11 Council in Scotland, to address some of the historical
12 problems with the system?

13 A. Yes.

14 Q. This took the form of various reports --

15 A. Mm hmm.

16 Q. -- to try and improve matters?

17 A. Yes.

18 Q. I think we see, do we not, that the Social Work
19 Committee set up what was called officer/member groups
20 in 1977. I see that about page 279, 274 of yours?

21 A. Yes.

22 Q. That was set up to conduct research, discuss needs,
23 produce reports for some key areas of social work
24 provision, including childcare?

25 A. Yes. They were clearly conscious at this stage of some

1 serious deficiencies.

2 Q. Yes. The result of that initiative was the report Room
3 to Grow in November 1979?

4 A. It was.

5 Q. Which, as you tell us at page 280 of our version, 275 of
6 yours, became official regional policy in 1980?

7 A. Yes.

8 Q. Sorry, around 1980.

9 Again, I'm not wanting to spend time looking at the
10 detail today, but what we can see I think from your
11 report is that the report identified features of the
12 childcare system that militated against good childcare
13 if I can put it that way?

14 A. Yes.

15 Q. And --

16 A. It was important at that stage to put -- to say it out
17 loud, to say it in public, what the deficiencies were.
18 So that's why that report is so important, or one of the
19 reasons why that report is so important.

20 Q. I used the expression "good childcare". I suppose it
21 could be put another way: it identified features which
22 had historically resulted in poor institutional
23 parenting, to use that expression. It's another way of
24 looking at it?

25 A. Yes.

1 Q. Some of the features we have talked about already today,
2 low staffing levels, low level of appropriately trained
3 staff, traditional ways of providing childcare, which I
4 suspect is a euphemism for the sort of things that went
5 on --

6 A. Yes.

7 Q. -- decade after decade?

8 A. Yes.

9 Q. One of the things the report recommended was six monthly
10 reviews that would bring everyone together in the same
11 room, at which the child would attend and participate.
12 That was put in place in Strathclyde, you tell us on
13 page 284 --

14 A. Quite a step change really.

15 Q. At last maybe the voice of the child --

16 A. Finally.

17 Q. At last the child is being given a voice?

18 A. I suppose it's being built into the system as well.
19 Again, I mean whether that worked or not is another
20 question.

21 Q. I was going to say I'm not sure -- while I draw
22 attention to that, it may well be: did the child in
23 practice at review meetings say very much? At panel
24 meetings did the child in practice say anything?

25 A. I don't know.

1 Q. Perhaps that is a different matter, but just as
2 important?

3 A. Mm hmm.

4 Q. It's not just the opportunity, it's making sure the
5 opportunity is taken?

6 A. Yes, it's about finding the appropriate ways to enable
7 children to speak about their experiences, is it not?
8 I do not think they'd really quite got to it at that
9 point.

10 LADY SMITH: It's about finding ways to make children feel
11 that decisions are being made with them rather than
12 things being done to them.

13 MR PEOPLES: What might surprise people now is this is 1980.

14 A. Mm hmm.

15 Q. Quite a long way down the line?

16 A. Quite a long way down the line, yes.

17 Q. Strathclyde was producing a number of these reports.
18 Another one you mention at page 282 of our report,
19 page 277, was Strathclyde's Children, which was research
20 commissioned by the then Director of Social Work and was
21 completed in 1980. I think that was Fred Edwards, if
22 I remember correctly.

23 One of the things that was brought out by this
24 particular research was a disturbing lack of continuity
25 in the care of the child. I think one example of that

1 was the frequent changes of social workers, which we
2 have discussed earlier today?

3 A. Yes, yes.

4 Q. As we have just discussed, these reports were concerned
5 with childcare policy going forward and were
6 recommending that children should be much more involved
7 in decisions affecting them and that was what they were
8 trying to achieve?

9 A. Yes.

10 Q. I'll come back to the question I frequently ask here.
11 Did these reports have any impact on frontline care of
12 children in residential institutions? How they were
13 treated and how staff should respond to challenging
14 behaviour and so on?

15 A. I think that's quite a hard question to answer,
16 actually.

17 We know that abuse was still going on in some of
18 these institutions, although the institutions are now at
19 a different scale. Mostly smaller-scale institutions,
20 so different kind of environment.

21 I'm actually just trying to think back to some of
22 the work we did for the Aberlour, Quarriers and
23 Barnardo's report actually, because it wouldn't be in
24 this one. We didn't look at anything for this one that
25 would have given much of an indication of how children's

1 homes were run, apart from Quarriers, I think.

2 I don't think I would feel confident in making
3 a statement about practice in residential care in this
4 later period.

5 Q. There is a danger in reports of this kind that you
6 identify the problems but there are no solutions in
7 practice or that any proposed solutions are not
8 implemented in practice by the staff on the ground?

9 A. Yes, of course.

10 Q. I suppose if they continued to be untrained that's
11 hardly surprising?

12 A. Yes. Or you continue to not pay them very well, so you
13 can't recruit good-quality staff or other Local
14 Authorities will poach your really good staff.

15 Q. Then finally about the -- Strathclyde was quite active
16 in producing strategic reports in this period, but in
17 1983 the Regional Council published its social strategy
18 for the 1980s. That was followed by a document called
19 Home or Away, which was to become the Council's
20 residential childcare strategy for the 1980s.

21 I think you refer to that at page 284, or 279, of
22 your report. Do you see that?

23 A. 279?

24 Q. Yes.

25 A. Yes.

1 Q. Again without spending too much time on the report
2 itself, it does contain a recognition of the need to
3 respect individual rights of children who are brought
4 into care, so we're getting to the era of some
5 recognition that children have rights --

6 A. Yes.

7 Q. -- that should be respected?

8 A. Yes.

9 Q. We are a little way from the Children Act of 1985, but
10 we're getting there and we are getting close to the
11 international Convention on the Rights of the Child?

12 A. Yes.

13 Q. But it's moving in the right direction?

14 A. Yes, it is.

15 Q. This presumably was seen again as a move towards giving
16 children in care a proper opportunity to participate in
17 decisions which affected them?

18 A. Yes.

19 Q. And can be seen as attempting to give children a voice,
20 for the first time perhaps?

21 A. Yes.

22 Q. It appears from this report from what you say in this
23 section, that there was some explicit recognition that
24 children who found themselves in residential homes often
25 had complex needs, and these needs required professional

1 care to properly meet. And that doesn't come through
2 employment of untrained, unqualified and unsupervised
3 staff?

4 A. No, and they still had problems with that calibre of
5 staff.

6 Q. Again this report continues to highlight the residential
7 care system at that time was one with significant
8 deficiencies, including demotivated staff. This is
9 page 285, or 280, of your report.

10 A. Yes.

11 Q. Staff not appropriately qualified.

12 Inappropriate placements?

13 A. Yes.

14 Q. Failure to listen to children's views?

15 A. Yes, the residential sector had always been the poor
16 relation, I think we can probably conclude, in the gamut
17 of childcare services.

18 Q. There is a recognition and I think you mentioned this at
19 page 286, or page 281, that the provision of
20 high-quality residential care was both resource
21 intensive and expensive. We're back again to the issue
22 of resources?

23 A. Yes, yes.

24 Q. What it was advocating in its broad recommendations was
25 to develop admission procedures which would match the

1 placement of the children to their particular needs?

2 A. Yes.

3 Q. We've discussed that placement historically was maybe

4 a matter of, "Well, what do we have available?"

5 A. Yes.

6 Q. Also there was a recommendation to develop staffing

7 ratios appropriate to the provision of high-quality care

8 and of course again the need for appropriately trained

9 staff to provide such care?

10 A. Yes.

11 Q. These are things that are being said time and time

12 again?

13 A. Absolutely.

14 MR PEOPLES: I see it's 1 o'clock --

15 LADY SMITH: It's 1 o'clock, Mr Peoples, I think we should

16 break there.

17 MR PEOPLES: Yes, I think it's a convenient time to stop.

18 LADY SMITH: We'll have a proper breather and I'll sit again

19 at 2 o'clock. I hope that helps.

20 Thank you.

21 (1.00 pm)

22 (The luncheon adjournment)

23 (2.00 pm)

24 LADY SMITH: Good afternoon.

25 Lynn, are you ready for us to carry on?

1 A. Yes.

2 LADY SMITH: Thank you.

3 Mr Peoples.

4 MR PEOPLES: Good afternoon.

5 Can I just resume. We were kind of pulling together
6 what was happening in the period 1968 through to 1994.
7 We have looked at the various reports of Strathclyde
8 Regional Council and what we could take from them.
9 Looking at that period and the pattern of care and
10 development, I think we already touched on this this
11 morning, that as you say at page 292, it's 287 of your
12 report, residential care was becoming increasingly
13 specialised in that period, not perhaps so much at the
14 beginning of the period, but probably as we're getting
15 towards the end of it. That this of course would
16 require a higher staff-to-child ratio and, of course,
17 appropriately qualified staff.

18 Just to take the story through, you have a section
19 there in your report around page 289, I think it is of
20 my copy, probably 284 of yours, called "Regulatory
21 Changes in the 1980s", do I have the right page for you?

22 A. 287.

23 Q. It's 289, maybe to some extent -- well, sorry, within
24 that section you have a reference to what were new
25 residential care regulations that were brought into

1 force in 1987 to supersede some of the earlier
2 regulations applying to different forms of residential
3 care.

4 By then of course corporal punishment was no longer
5 permitted and by then -- I'm not going into this in any
6 depth -- we had various features that were not present
7 historically, including statements of functions and
8 objectives that had to be prepared for each
9 establishment by the managing body.

10 There was an attempt perhaps to introduce
11 a requirement to state what you did and what you were
12 aiming to achieve and so forth. No doubt to assist
13 those who wanted to assess whether the place was
14 suitable for the particular child. That may at least
15 have been the general intention, that there was more
16 information and that people had to think about what the
17 establishment offered?

18 A. Mm hmm.

19 Q. Just in passing, you mention in the question of reform,
20 in the 1990s, which I think starts around about
21 page 299, 294 of your report, one thing you picked up
22 from the records you saw was that around 1991, in the
23 case of Strathclyde region at least, there is evidence
24 of an inspection unit being set up. I think you say
25 that at page 300, or page 295 of your version --

1 A. That's right.

2 Q. Unfortunately that probably was coming quite late in the
3 day, because we're about to have another round of local
4 government reorganisation, which no doubt complicated
5 matters yet again, but that was something you saw from
6 the records, but you didn't see any evidence that such
7 a unit was established before then?

8 A. No.

9 Q. Although there were visits by the Local Authority
10 officials, if you like?

11 A. Yes, that's right. No, we didn't see any evidence of
12 that unit. That's not to say it didn't -- they didn't
13 have such a thing. As I said, Local Authority records
14 were a bit of a minefield really.

15 Q. Whether this was an innovation or simply it was given
16 this description but existed before wasn't clear from
17 what you saw?

18 A. Yes, that's correct.

19 Q. Of course you made the point earlier today that during
20 this whole period there wasn't any formal inspection
21 regime at national level?

22 A. No.

23 Q. It was very much down to the Local Authorities to carry
24 out inspection?

25 A. Exactly. So I suppose we can -- well, we shouldn't

1 speculate, but we can speculate that they recognised
2 that there was a big gap here.

3 Q. I suppose by the 1990s we're around ten years off the
4 establishment of an Independent Care Inspectorate -- or
5 Care Commission as it was?

6 A. Yes.

7 Q. This may be more difficult to answer, and I'm not sure
8 what the position finally was, but what were the
9 attitudes to children in this period, 1968 to 1995? Was
10 there some change that you detected?

11 A. There is change in this period, clearly, because some of
12 that knowledge and understanding that was there in the
13 earlier period but hadn't been applied was beginning to
14 be picked up by childcare workers through the training
15 courses and so on that they were taking. So there was
16 a greater attention to children's individual needs,
17 a greater attention for the need of a child to maintain
18 contact with its birth family.

19 So I think they were some of the key changes. It
20 would take quite a long time to filter into the system.

21 Q. Yes. One thing that runs through the report as a whole
22 is that when you introduce change at legislative or
23 regulatory level it takes a long time to bed in, if at
24 all?

25 A. Yes. Also I suppose the training too. You have a very

1 slow take up of training among childcare workers across
2 the board and you still have people there who have been
3 there for maybe decades, I don't know. So it takes
4 quite a long time to --

5 Q. I suppose, yes, you will have both the old guard leaving
6 and the new guard coming in and perhaps that will in
7 itself result in changes in practice?

8 A. Yes.

9 Q. There will be the education side if you've received
10 training perhaps you'll do things that your predecessors
11 did not?

12 A. Yes.

13 Q. I suppose the changes that were happening in this
14 period, I suppose the question is raised, did these
15 changes that you've described filter through to those in
16 residential care with day-to-day responsibility for the
17 care of children in the sense that their response was
18 different to what it was in the preceding era?

19 A. I don't think I can answer that actually, because
20 I don't think I have enough evidence. I think you could
21 probably answer it because you have witnesses who have
22 had experiences of childcare in that period, but I don't
23 think we've really had very much evidence. There is
24 a little bit of evidence I think just from a couple of
25 the case files that people who were working in some of

1 the larger institutions were really trying to have
2 a kind of child-centred approach. That is a broader
3 attitude -- this isn't really about abuse or anything
4 like that, but a child-centred approach --

5 Q. The response, for example, to what we have described
6 generally as "challenging behaviour", that is not so
7 easy to tell whether it was any different to the sort of
8 response that was previously --

9 A. Yes. I just don't think I've looked up enough relevant
10 material to be able to really be sure about that.

11 Q. Okay. If we're trying to draw together this whole
12 period from 1948 to 1995 and what can be said, perhaps
13 I can put to you --

14 A. You try --

15 Q. -- something and you can tell me whether this is a fair
16 interpretation or representation of the whole picture.
17 Because I suppose I'm reminded of what you said on
18 Day 279 to my colleague, Ms Innes, that the historian's
19 job is to "pull together as many sources as possible in
20 order to provide as holistic picture as one can of what
21 is going on".

22 I think you attempt to do that here as well; is that
23 correct?

24 A. Yes. The sources aren't even across the period, that is
25 the problem, but you try and triangulate and --

1 Q. I suppose I've been attempting through my questions
2 today to get a holistic picture of this whole period, if
3 I can.

4 A. I know.

5 Q. I'm just going to see how far we can draw a picture or
6 produce a picture.

7 I'm focusing on effectiveness of systems and
8 mechanisms to protect and prevent the abuse of children
9 in residential care.

10 We've said nothing -- I should just make this
11 clear -- today and there's nothing in your report really
12 about the broader protection for children in care like
13 any other child or any other person, the protection of
14 the criminal law.

15 Clearly, that is a general protection in society,
16 but I suppose that one crucial factor there is that that
17 protection only becomes material if someone reports the
18 matter to the police for investigation and consideration
19 of any possible prosecution.

20 I don't know, just dealing with that matter, whether
21 from what you saw was there much evidence of reporting
22 to the police in this period?

23 A. I don't think we saw any reporting to police. I think
24 it's important to look at both staff and children too.
25 As we've seen, there were a few instances of children

1 reporting to various people they thought might listen to
2 them. I think there was one example of a member of
3 staff. So that's concerning actually, isn't it?

4 Q. Generally speaking, although you had found evidence of
5 allegations and complaints coming to light and being
6 recorded and some action taken by those to whom it was
7 reported, the action of referring it on to the police
8 doesn't appear to have been evident, at least --

9 A. No.

10 Q. -- generally speaking?

11 A. No.

12 Q. Going back to the effectiveness question or issue. From
13 Clyde onwards, as I think we were discussing this
14 morning, 1946, time and time again there were calls for
15 special training of residential care staff, the
16 provision of an appropriate range of residential
17 childcare institutions and adequate staffing levels. Is
18 that fair comment?

19 A. It's fair comment in relation to Glasgow.

20 Q. To?

21 A. In relation to Glasgow, what we have seen in Glasgow.

22 Q. I appreciate you can't really speak for -- but Glasgow
23 was a big part of the system --

24 A. Yes.

25 Q. -- during this period?

1 A. Yes.

2 Q. For much if -- almost all of the period under review,
3 these calls went unanswered and very little changed?

4 A. That's correct.

5 Q. Factors which would likely have influenced attitudes and
6 responses to the challenging behaviours of vulnerable
7 young people in residential care, such as good
8 leadership, suitably qualified and appropriately trained
9 staff were notably absent?

10 A. That's absolutely fair, yes.

11 Q. Too often the stock response to a young person who
12 displayed challenging behaviour was to punish that
13 person rather than seek to identify and treat the
14 underlying cause or causes?

15 A. Yes.

16 Q. Also in some cases to move the person on if the
17 punishment did not work?

18 A. Yes.

19 Q. Yes?

20 A. Yes.

21 Q. In 1950 the Scottish Advisory Childcare Council
22 subcommittee report recommended big changes to
23 residential care, but that didn't happen?

24 A. No.

25 Q. In the case of staff, residential care staff, it was

1 often a case of taking what you could get?

2 A. Mm hmm.

3 Q. In the case of placements, it was often a case of taking

4 what was available?

5 A. Mm hmm.

6 Q. When it came to filling key leadership roles, too often

7 the wrong choice appears to have been made?

8 I'm thinking both at institutional level and indeed at

9 higher management level?

10 A. Yes.

11 Q. Although examples of good leadership in key roles have

12 been found by you, but are all too few -- I give as the

13 example the Children's Officer for Motherwell and

14 Wishaw, which is probably the best example of what can

15 be done?

16 A. Yes.

17 Q. The system of external oversight of institutions which

18 was one of the main mechanisms, if you like, through

19 official visits and inspections, both at local and

20 national level, could not protect children each and

21 every day from the risk of mistreatment and abuse, yes?

22 A. Yes.

23 Q. For most of this period corporal punishment was

24 permitted?

25 A. Yes.

1 Q. Is it fair to say that the use of corporal punishment
2 was largely unregulated?

3 A. Yes, that is perfectly fair.

4 Q. Indeed, the regulations themselves that dealt with
5 corporal punishment gave those in charge of residential
6 childcare institutions considerable autonomy?

7 A. Yes.

8 Q. We have the terrible example of the matron in the
9 East Lothian children's home to vouch that they
10 considered they had a broad discretion?

11 A. Yes.

12 Q. As regards abuse, the system depended and still depends
13 on the eyes and ears and response of those on site, both
14 staff and children?

15 A. Yes, yes.

16 Q. Historically allegations of abuse rarely came to light
17 through the operation and practice of the systems of
18 protection that were put in place by the state?

19 A. Yes, correct.

20 Q. Too often whether or not the care experience was
21 an abusive experience depended largely on, I'll use the
22 word that's used in your report, serendipity, at page 77
23 of your report, page 72 of your version. Yet case study
24 findings -- I'm giving you some information here,
25 although I think you will already know it -- to date

1 have shown that many children had such an experience in
2 the period you've looked at?

3 A. Yes.

4 Q. Aspirations and aims of policymakers and legislators
5 were not fulfilled in practice?

6 A. Yes.

7 Q. They put in place regulations and they put in place
8 guidance and they encouraged certain ways of doing
9 things, but they don't seem to have had any significant
10 effect at times?

11 A. No, and they often didn't put the resources in to make
12 those changes happen.

13 Q. The people that they were asking to change things were
14 people who had no training and experience --

15 A. Yes or overworked.

16 Q. -- and were overworked, unsupervised?

17 A. Yes.

18 Q. Arguably the Secretary of State did not wield his powers
19 often enough, but perhaps that could be because he
20 feared collapse of the residential care system that was
21 heavily reliant on the voluntary sector?

22 A. Perhaps.

23 Q. Perhaps?

24 A. Yes.

25 Q. They were a powerful player?

1 A. They were.

2 Q. And they could resist certain changes?

3 A. Well, they did.

4 Q. And did?

5 A. Yes.

6 Q. For much of the period under review, children in care
7 were not heard?

8 A. Mm hmm.

9 Q. Would it be fair to say that the system as it was in
10 that period was never capable of enabling Local
11 Authorities to fulfil their statutory duty to act at all
12 times in the best interests of the children in their
13 care?

14 A. Yes.

15 Q. Then we come to the issue of resources.

16 Improving the system by providing for example
17 residential care with staff with appropriate training,
18 by increasing staffing levels and by establishing
19 an appropriate range of residential facilities for
20 vulnerable children with complex needs, would all have
21 involved substantial financial investment.

22 And there appears to have been a reluctance, at
23 least during some of the period, on the part of central
24 government to make available the money required to
25 provide high-quality residential care?

1 A. Yes.

2 Q. The providers themselves may also take some
3 responsibility for that --

4 A. Absolutely.

5 Q. -- but they did rely heavily on some financial support
6 from the state?

7 A. I think the voluntary providers were completely
8 complacent and had a sense of their own superiority
9 a lot of the time, but Local Authorities are a different
10 matter.

11 Q. If key features of a high-quality residential care
12 system are absent, then would you agree that common
13 sense suggests that the risk of abuse and inappropriate
14 responses to foreseeable behaviours will inevitably
15 increase?

16 A. Yes, yes.

17 Q. Would you agree that the risk is not reduced by mere
18 advice and guidance where the staff are unqualified,
19 inexperienced, not properly supervised and usually
20 overworked?

21 A. Yes.

22 Q. This report -- I'm not going to go to the boarded-out
23 children sections, but what I picked up from them is
24 that from time to time there were tragedies and deaths,
25 yes?

1 A. There were, yes. That got into the public domain, some
2 of them.

3 Q. I was going to say tragedies like that, particularly
4 when they get into the public domain, put the spotlight
5 on the care system?

6 A. They do, yes.

7 Q. And did in some cases?

8 A. Yes.

9 Q. As your report shows.

10 It seems from your report as a whole that tragic
11 events are quickly forgotten and become yesterday's
12 news?

13 A. Yes.

14 Q. While it's often said that lessons will be learned, that
15 frequently little in fact changes, at least not for
16 long?

17 A. Yes.

18 Q. And history repeats itself?

19 A. Oh, yes, probably.

20 Q. I think we possibly have seen that?

21 A. We have seen that.

22 Q. Am I saying anything that you --

23 A. It's not uncontroversial, no.

24 Q. -- find controversial?

25 A. No, I think all I would add to that is -- I suppose we

1 have touched on it, is the attitudinal ... actually
2 continuity in attitudes towards these kinds of children
3 actually, the children that come into care. I think
4 that infects the system all the way through, until
5 really quite recently. So it infects the residential
6 care staff in particular, a lot of them -- not all of
7 them, because there were some fantastic staff that were
8 really doing their best in those institutions, but for
9 a good number of them just regarded them as difficult,
10 troublesome and challenging and something to control.

11 So that's clearly really dangerous, because that
12 creates an environment in which children aren't safe.

13 Q. And often determines the response to the behaviours --

14 A. Yes, that's correct.

15 Q. -- that you're going to encounter in that environment?

16 A. Yes. Some of those attitudes are also kind of
17 reinforced by broader attitudes in society as well
18 towards children who come into care or came into care.
19 Not today, but children who came into care. So it's
20 quite a heady mix actually, it's a dangerous mix that
21 you have. So I think in residential care institutions,
22 which are basically total institutions -- total
23 institutions are always potentially dangerous, so in
24 those institutions where you have a large group of
25 minors who have no power, that is a really problematic

1 situation and then creating cultures of risk for those
2 children and cultures of normalising casual mistreatment
3 of children, which certainly happened in some places.

4 Then, as I said earlier, just to touch on the sexual
5 abuse again, that's something that was never
6 acknowledged, never spoken about, no one had the
7 language for it and no one ever accepted that it really
8 happened. That's again another very, very risky
9 situation for children, who don't have a language to
10 speak about that kind of thing, even if they're given
11 the opportunity to.

12 LADY SMITH: Lynn, a few minutes ago Mr Peoples put to you
13 that it is often said lessons will be learned but little
14 changes and history repeats itself, which I think you
15 agreed with.

16 He asked you:

17 "Am I saying anything that you ..."

18 And you said "it's not uncontroversial" -- did you
19 say "uncontroversial" or "controversial"?

20 A. "Uncontroversial", I think.

21 LADY SMITH: Okay, are you agreeing with Mr Peoples's
22 propositions?

23 A. Yes, I am, yes.

24 LADY SMITH: I just think something got lost in the
25 transcribing of that --

1 MR PEOPLES: You don't have any quarrel and it certainly is
2 not in any way challenged by what you found --
3 A. No.
4 Q. -- in the exercise you had carried out --
5 A. No.
6 Q. -- for the period in question?
7 A. No.
8 LADY SMITH: What do you mean by a "total institution"?
9 A. An institution that is self contained really. It's
10 a self-contained institution. It's like a prison,
11 isn't it? A prison is a total institution, and there's
12 often a serious imbalance of power as well in that
13 institution.
14 LADY SMITH: Like Smyllum was, for example?
15 A. Yes.
16 LADY SMITH: Thank you.
17 MR PEOPLES: Just on these total or closed institutions, or
18 whatever you want to call them, even as they were
19 perhaps exposed to more external influences, it strikes
20 me that your report is saying that the experience of the
21 children in them still largely was unchanged.
22 A. Yes.
23 Q. Even these changes weren't necessarily producing within
24 the institution changes in experience or practice?
25 A. Yes.

1 Q. I didn't ask you this, but I suppose the term "abuse",
2 did you find that often in the records for the period
3 you've looked at?

4 A. No. People don't really use that language, do they?
5 They talk about "mistreatment" really, I think,
6 "punishment", "discipline", they don't talk about
7 "abuse".

8 MR PEOPLES: Okay.

9 I think I've come to the end of the questions that
10 I want to ask you today and I've not received any
11 questions from any other source, I have to say.

12 Thank you very much.

13 LADY SMITH: Thank you.

14 Lynn, it just remains for me to thank you so much
15 for all the work you've put in to provide this latest
16 report of yours. It's enormously helpful. I know
17 I took the opportunity in the foster care and
18 boarding-out case study to thank you for that part of
19 it, but that was just one aspect of the report. There
20 is a lot more to it than that, as we have touched on
21 today, and of course we have touched on highlights and
22 aspects of your report and anyone who wants to
23 understand it in greater depth should just read it.

24 A. Thank you.

25 LADY SMITH: We will be reflecting further on it. We have

1 done already, but it's very much with us, so thank you
2 for your hard work.

3 A. Can I just acknowledge the incredible hard work by
4 Linda Fleming, who was my researcher on this project,
5 who then became very unwell, but I think she is really
6 pleased to see this taken seriously -- she is doing well
7 now.

8 LADY SMITH: Do send her all our good wishes, please.

9 A. Yes, I will.

10 LADY SMITH: Thank you for that.

11 A. Thank you. I'm really pleased that it's been helpful.

12 LADY SMITH: It certainly has.

13 Thank you.

14 Please feel free to go.

15 (Pause)

16 MR PEOPLES: That is all the evidence for today.

17 I think we'll resume tomorrow with

18 Professor Andrew Kendrick and Mr MacAulay will be asking
19 him some questions tomorrow.

20 LADY SMITH: Thank you very much for that.

21 I'll rise now until 10 o'clock tomorrow morning.

22 (2.27 pm)

23 (The Inquiry adjourned until 10.00 am on

24 Wednesday, 24 May 2023)

25

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