

Monday, 11 February 2019

(10.06 am)

LADY SMITH: Good morning. As I explained just over a week ago, we turn today to the beginning of the closing submissions following the evidence in the case study relating to Quarriers, Aberlour and Barnardo's.

These submissions will take both until lunchtime today, when I will be rising at 1 o'clock and there will be nothing more today after that, and tomorrow, in a running order which, whilst it may not immediately seem logical, I promise you there is a good reason for the running order that we have.

What I am going to do is begin by inviting Mr Peoples, senior counsel to the Inquiry who led on this case study, to deliver his closing submissions.

Closing statement by MR PEOPLES

MR PEOPLES: Good morning, my Lady. This case study began on 23 October of last year, and I am informed that I think there has been, in all, around 42 days' of evidence. The figures I have been given, I hope they are accurate, there have been 84 witnesses who have given oral evidence and there have been 28 statements of evidence read in, in whole or in part, during the period to the end of January when the evidence was concluded. A number of establishments run by Quarriers, Barnardo's

1 and Aberlour Child Care Trust have been the subject of  
2 evidence, and there has been evidence both oral and  
3 written from former residents and former staff within  
4 some of those establishments.

5 The period covered by the evidence as a whole,  
6 generally speaking, I think goes as far back as the  
7 1930s, and perhaps even a little before that in one case  
8 at least. But unlike previous case studies involving  
9 religious orders there has also been evidence of current  
10 policies, practices and procedures of the three  
11 providers because each remains, albeit involved on  
12 a greatly reduced scale, in the provision of residential  
13 care for children and young persons in Scotland.

14 So far as today is concerned, I intend to focus my  
15 closing remarks mainly on the evidence about the past,  
16 particularly the period up to 1990. I am using that as  
17 a broad watershed for a variety of reasons. I think all  
18 of the evidence suggested that there was quite a lot  
19 going on after 1990 in terms of activity within  
20 organisations, and indeed there were legislative changes  
21 and so forth. So in a sense a lot of what we heard  
22 evidence about pre-dated 1990 in the case of all three  
23 organisations in a broad sense.

24 LADY SMITH: I think that is right. If you are talking  
25 about the evidence about abuse of children, it was

1 largely pre-1990. And as I think maybe alluded to by  
2 one or who others, the very helpful evidence that really  
3 was summarised in the panel session we had was very  
4 useful, not just for the case study, but we will be able  
5 to draw on our learning from that when we come to look  
6 at systems present and for the future and issues of  
7 protection and prevention going forward.

8 MR PEOPLES: Yes. I was going to say that I think it is  
9 recognised I think by everyone who has participated in  
10 this case study that the way in which the three  
11 organisations operate today is very different to how  
12 they operated historically. And the evidence we have  
13 heard about today's current policies, practices and  
14 procedures, and about the ways in which the residential  
15 care system might be improved for the future, has  
16 I think been valuable, as your Ladyship has just said,  
17 and will assist the Inquiry I think in fulfilling some  
18 of the other terms of reference to do with generally the  
19 issue of current policies and practices.

20 So I am not really saying too much at this stage,  
21 but I want people to know it was important that we heard  
22 that evidence and it will be taken into account as  
23 appropriate in the course of the Inquiry's work.

24 I should also say I don't intend this morning to say  
25 too much about one issue, the issue of restraint,

1           because I think again it was an issue we did hear  
2           evidence about and it is clearly one which is still  
3           a live issue, if I can call it that, and it is clearly  
4           one that still requires further thought.  Indeed we  
5           heard some evidence during the panel session on various  
6           initiatives that are being considered and taken --  
7           Aberlour's pilot, for example -- on that issue.

8           I will just say we did hear evidence and we did hear  
9           the importance of recognition of the impact of restraint  
10          from the perspective of the child, and whether it is  
11          well-intentioned or not seems to be justified clearly,  
12          it would appear, on the evidence that at least some  
13          people had reservations historically about its use and  
14          also about the way in which it was used and the effect  
15          it had on the children concerned.

16          I mention Alan Swift, for example, who saw one  
17          incidence of restraint which caused him concern when he  
18          was working with Barnardo's.  But beyond that  
19          I don't think it is necessary to say too much today  
20          other than to say that that was part of what we heard,  
21          and it does raise issues perhaps not dissimilar to the  
22          historical issue about the use of corporal punishment  
23          that it was perhaps permissible and it was within the  
24          powers of those caring for children, but there are  
25          clearly possibilities or potential for it being either

1 misused or improperly used or inappropriately used.

2 So I think it is something we have to keep in mind  
3 both as part of this case study and perhaps going  
4 forward. Beyond that, I don't think it is necessary for  
5 me today to say too much more than that.

6 LADY SMITH: I am content with that. Thank you.

7 MR PEOPLES: Can I also say this: the Inquiry must, having  
8 regard to the breadth of its remit and the timeframe  
9 being considered, it must seek to get a broad picture of  
10 how things were historically, what the experience of  
11 children in care were, whether for some they were bad or  
12 abusive experiences and why those experiences may have  
13 occurred. And I think your Ladyship said this in the  
14 past, but we are not here to look at each and every  
15 individual allegation in minute detail and with a view  
16 to making findings but we do want to get a broad picture  
17 and to see whether that tells us how children were cared  
18 for historically, what happened to them in some cases  
19 and why that might have happened. That is the approach  
20 that I think hopefully the evidence has sought to  
21 explore, and hopefully for those who are looking for  
22 answers at least perhaps have got some evidence that  
23 might provide some answers to some of these issues and  
24 questions.

25 LADY SMITH: You are right, there are themes and they

1 provide pictures of the sort of thing that was happening  
2 in different institutions. But equally, as will be  
3 clear from the case study findings that have been  
4 published already and the ones that are about to be  
5 published, there have been so far a whole number of  
6 witnesses whose evidence was so clear that it is not  
7 difficult to accept that they have given clear evidence  
8 that paints a very clear picture of what was going on  
9 when they were in care.

10 MR PEOPLES: Yes. I think it was said in previous studies  
11 that there was, looking at the matter broadly,  
12 a consistency of account of certain practices and  
13 themes. And I think the same can be said here, perhaps  
14 across the board, that we have certain themes that have  
15 emerged, some to a greater or lesser degree with  
16 particular organisations, but they all feature and they  
17 feature across the decades, and they feature from  
18 different people coming from different places saying  
19 very similar things. I think that is something that  
20 no doubt your Ladyship will bear in mind when deciding  
21 what conclusions can be drawn from the evidence that has  
22 been heard in this case study on these matters.

23 Can I say at the outset, however, that there is no  
24 suggestion as I understand it from any applicant in this  
25 case study that his or her experience was the experience

1 of all children then in the care of the organisation who  
2 was their particular care provider. However, having  
3 said that, and perhaps anticipating the point  
4 your Ladyship said, it should also I think be said at  
5 the outset that if your Ladyship accepts the evidence of  
6 those who have come forward as applicants, and there was  
7 a great number of them, there can be no doubt in my  
8 submission that abuse, whether it be physical, sexual or  
9 emotional, was in no sense an extremely rare occurrence  
10 in establishments run by the three providers over the  
11 decades between 1930 and perhaps 1980/1990.

12 On any view, if the evidence of the applicants as  
13 a body is accepted in material respects, at various  
14 times and in various establishments run by each of  
15 the providers there was a significant problem of abuse  
16 of one kind or another. One can, for example, see in  
17 the case of Aberlour orphanage in the early 1960s that  
18 demonstrated by the conviction of Mr Lee for sexually  
19 abusing ten boys in his care between 1961 and 1963. In  
20 the case of Barnardo's, again if the evidence is  
21 accepted, it can be said of Tyneholm and of Glasclune in  
22 the 1970s where there was evidence of sexual abuse and  
23 other forms of abuse, and indeed evidence of abuse at  
24 Craigerne of a sexual nature, that there was serious  
25 abuse going on within these establishments taking

1 various forms.

2 There was also evidence about various forms of  
3 serious abuse occurring in The Dowans which was run by  
4 Aberlour around 1970 where a particular set of  
5 houseparents were in charge and we heard some evidence  
6 about that matter which did come to the attention of the  
7 provider.

8 There was evidence in the case of Aberlour of abuse  
9 occurring at other group homes, Whytemans Brae,  
10 for example, and Bellyeoman. And indeed as regards  
11 physical abuse, we heard evidence about the departure of  
12 **BCK** in 1958 against the background of using  
13 excessive corporal punishment that left a boy with  
14 significant bruising.

15 So far as emotional abuse is concerned, we have  
16 heard of many instances of what is now accepted to be  
17 forms of emotional abuse in the case of all of the  
18 organisations and I think there is a general acceptance  
19 that such abuse was a feature of life for some children  
20 in their establishments.

21 So far as that is concerned we have, and going quite  
22 far back in one case, the evidence about the warden of  
23 Aberlour humiliating a boy in assembly in 1948. You  
24 will recall there was some evidence that that was  
25 something noticed by inspectors carrying out

1 an inspection on behalf of the Scottish Office or  
2 Home Department at that time.

3 Indeed it was accepted unreservedly I think by  
4 Aberlour in the course of evidence that was given at  
5 this Inquiry that such conduct was not only now but at  
6 the time unacceptable and contrary to the rules and  
7 values of the organisation.

8 So we have that sort of evidence which seems to  
9 feature in a number of establishments. So I think the  
10 idea -- and I think Mr Scott probably said this at the  
11 opening statement. We have heard in some case studies  
12 the idea there is the odd bad apple, but I think that  
13 theory perhaps goes out the window without in any sense  
14 saying everyone's experience was one of abuse or poor  
15 practice. I think we have to make that clear. Clearly  
16 these providers were caring for a large number of  
17 children, and it is a point they make and it is a point  
18 well made. But nonetheless when we are looking at  
19 issues of nature and extent, while we can't perhaps put  
20 a precise scale on the matter it was significant abuse  
21 across many decades, in my submission, on the evidence,  
22 if one accepts the body of evidence that we have heard  
23 over the last few months.

24 I think perhaps my task is made a little easier, at  
25 least in the case of Quarriers where there is actually

1 an acknowledgment, and no doubt they will come to repeat  
2 that, that there was in the past widespread abuse,  
3 physical, sexual and emotional, at establishments which  
4 they ran. So they are not shrinking from that  
5 conclusion based on what has been said.

6 Can I also say this by way of a sort of  
7 introduction. There is a good deal of common ground  
8 I think in this case study as to what historically would  
9 have been unacceptable and indeed abusive, and I think  
10 that would obviously include excessive or inappropriate  
11 or indiscriminate use of corporal punishment, physical  
12 assaults by kicking or punching, or the use of  
13 instruments such as shoes, brushes, sticks or batons.  
14 Punishing children in any way for bed-wetting,  
15 force-feeding, placing children in sheds or cupboards as  
16 a punishment, humiliating and denigrating children or  
17 making disparaging remarks about their family.

18 So I don't think there is any real dispute that  
19 these types of conduct, if they occurred, would be four  
20 square abuse at any stage in the period that we are  
21 looking at.

22 LADY SMITH: I suppose there is also the point that whilst  
23 smacking children, for example, was commoner in early  
24 years, a significant issue is whether or not smacking  
25 a child at all, for whatever it was the child was

1           getting the backhander or the smack, was abusive, even  
2           if it was a light touch. The physical force on the  
3           child, what was it for?

4       MR PEOPLES: Yes.

5       LADY SMITH: Did that child actually merit any punishment at  
6           all at that time?

7       MR PEOPLES: There is certainly evidence that they were at  
8           a loss sometimes to understand why punishment had been  
9           meted out, or they described it as indiscriminate where  
10          someone would be picked out perhaps randomly in a sense.  
11          There is the evidence of the line of boys, or the line  
12          of children, and one was picked out, taken and beaten  
13          and given punishment. So whether it is a smack or  
14          something more significant, then clearly that is  
15          a feature on the evidence at least in some places  
16          historically.

17                So, yes, I think we have to accept that for quite  
18          a large part of the period we are looking at, corporal  
19          punishment was a permissible option, but that doesn't  
20          mean to say the power to punish couldn't be abused or  
21          misused. And I think that that conclusion, based on the  
22          evidence you have heard, if accepted, would be  
23          warranted, that that power or authority was abused in  
24          some instances.

25       LADY SMITH: I should say, I think as I have said before, as

1 I look at my terms of reference, I am interested not  
2 only in whether at the time, for example, corporal  
3 punishment was accepted or not, but whether as we look  
4 back now we can see that that is to abuse a child.  
5 Because what at the end of the day I need to deliver  
6 from these terms of reference, I have to consider that  
7 in addition to whether at the time it was common  
8 accepted practice or not.

9 MR PEOPLES: Yes. I think some would accept that nowadays,  
10 judged by today, they would readily accept that that  
11 would be the proper classification of some of the  
12 conduct. And as your Ladyship said, it is not just  
13 a matter of saying the remit is to decide whether -- or  
14 the issue for you is whether at the time they met the  
15 relevant standards of the day, because we are looking at  
16 it in the wider context, and to some extent also  
17 a context where we are seeking to give people who did  
18 experience such conduct answers as to why it happened as  
19 well. And hopefully they may have got some answers,  
20 they may not like all of them, but they may have got  
21 some answers from the evidence we have listened to, and  
22 also the response of the organisational witnesses to  
23 that evidence and how they interpret it and how they see  
24 it from their perspective today. So, yes, I think one  
25 should be wary about trying to enter into the debate

1 about, well, did they meet the standards of the day.

2 The other point perhaps made is that there was  
3 a good deal of evidence about we have systems and  
4 policies and our aims and ethos and values which mean  
5 that we don't condone excessive punishment, we don't  
6 condone necessarily a great use of corporal punishment.  
7 But on the evidence, whatever the aim was, I think the  
8 question is: was that aim realised in practice? And  
9 I think certainly in some places at some periods that we  
10 are looking at that aim wasn't achieved in practice.

11 LADY SMITH: Good intentions are not enough.

12 MR PEOPLES: Good intentions are not enough. There are  
13 words and policies but I think one has to recognise that  
14 is not the end of the story. It doesn't give one an  
15 answer and it doesn't give one a comfort, and indeed it  
16 doesn't give applicants a consolation as I think I put  
17 to one of the witnesses. It is no consolation to be  
18 told, well, we had systems, we did try our best, we did  
19 have good intentions, if in fact these intentions were  
20 not realised.

21 I think we did get a number of explanations why the  
22 good intentions may not have been realised, but whether  
23 one categorises them as systems failures or children  
24 having been failed by an organisation or being let down  
25 or whatever expression is used, the fact remains that

1 children were abused notwithstanding systems,  
2 notwithstanding policies, notwithstanding aims and  
3 ethos, and that is something which we have heard a great  
4 deal of evidence about and perhaps we get some clue as  
5 to why that may have happened.

6 I am thinking, for example, your Ladyship heard to  
7 some extent the reflections of Sarah Clark who I think  
8 tried, and has tried during this Inquiry having listened  
9 to the evidence, to try and work out why abuse might  
10 have happened, and I think she offered a number of  
11 explanations and reasons why that was the case which  
12 I think your Ladyship will no doubt look at and consider  
13 as part of your assessment of the evidence.

14 There are perhaps some areas of issues that might  
15 require a degree of discrete consideration and I just  
16 touch on them. There is the issue of separation of  
17 siblings and I think clearly there is a historical  
18 policy on the part of all the providers of separating  
19 boys and girls. That was not done I think with any  
20 harmful intent, no doubt at the time, and it may have  
21 been thought to have been done for very good reasons and  
22 to be a perfectly acceptable practice.

23 But again it maybe comes back to the point that we  
24 are now understanding that in a sense that can be  
25 re-traumatisation or further traumatisation of a child

1           who is already traumatised by being taken into care  
2           often without warning, without explanation or the like.

3       LADY SMITH: I don't think anyone has suggested that  
4           the institutions deliberately set out to disrupt family  
5           relationships. But as against that, I don't think  
6           I have heard any evidence of any recognition of the  
7           likely value to children in having these sibling  
8           relationships maintained in some way even if, to take  
9           Quarriers, for example, they hadn't got space for all  
10          the siblings in one cottage, or Aberlour when they were  
11          separating the sexes and you had a brother and a sister.  
12          Fine. But then what about recognising that the children  
13          needed to be given a way to keep up some relationship  
14          with their brothers and sisters?

15       MR PEOPLES: I think that is a further point. You may have  
16          a reason for separation, but even if you think there are  
17          good reasons there is still an opportunity to maintain  
18          contact or quality time contact, not simply passing  
19          contact perhaps at school when they are in different  
20          classes, different ages and so forth. And certainly  
21          that doesn't seem to have been something that was  
22          factored in or the impact. Because we obviously know  
23          that the long-term impact of that has been considerable  
24          for many people, that their relationships with their  
25          siblings have been damaged as a result of these

1 practices and policies.

2 So that is something, I think. But clearly on the  
3 face of it, it seems odd to categorise it as a form of  
4 abuse or emotional abuse at first blush, but I think for  
5 the reasons that were explored in evidence, and indeed  
6 the recognition I think that organisational witnesses  
7 had about the practice and how it could impact, then  
8 objectively judged it could be seen now properly as  
9 a type of emotional or psychological abuse of children  
10 who are already damaged when they get into the system.  
11 But I do think it can't be lumped with the more  
12 traditional, easily categorised forms of abuse.

13 LADY SMITH: It sits rather apart from it.

14 MR PEOPLES: Another one that maybe falls into the same  
15 category but can no doubt, like corporal punishment, be  
16 misused, abused or used inappropriately was the use of  
17 children to do chores. We heard a good deal of evidence  
18 about that and certainly historically. I think  
19 obviously as the decades went by the practice started to  
20 die out as staff did things which children did  
21 historically, but there is no doubt -- there was  
22 evidence -- that some children were given chores that  
23 were beyond their age or their capacity and were given  
24 these in some instances as punishment.

25 LADY SMITH: As I have said before, I can see that having

1 children do chores can be a good thing, age appropriate  
2 and not excessive, and praised when they do it well.  
3 But there can come a time where it is excessive,  
4 and when it becomes excessive it is abusive.

5 MR PEOPLES: Yes. I think perhaps it goes back to that it  
6 was no doubt thought a good idea to give children some  
7 tasks to do. But even then, I think your Ladyship says,  
8 the other side of the coin is that one should get  
9 praised for doing things and doing them well, whereas  
10 the flavour of the evidence as a whole was that  
11 children, whether as a punishment or not, did chores and  
12 were not really praised for doing so, and there were  
13 inspections which often resulted in the children being  
14 told "You've not done it well enough, do it again", and  
15 perhaps being punished in other ways. And evidence of  
16 inspections, bed inspections, floor inspections, of that  
17 kind.

18 So one of the features that might be built into  
19 a healthy use of chores for whatever reason seems to  
20 have been lacking at least historically, and indeed the  
21 practice of chores of course today has died out, because  
22 we don't expect children who are taken into care to do  
23 some of the tasks that children did historically.

24 But again it is an area which again cannot be lumped  
25 in I think with just the more conventional and

1 recognisable forms of abuse, but I think one has to  
2 recognise how it appears to have operated at least to  
3 a large degree historically.

4 Another matter which we heard a good deal about  
5 which seems to be a feature of life in the case of  
6 children in care is absconding. That is perhaps  
7 a slightly different category because I think in general  
8 terms, the evidence left us with the conclusion that  
9 absconding really was a punishable offence. There  
10 wasn't really much consideration for the fact that it  
11 could be for a good reason and a justifiable reason.  
12 There was very little in the way of asking questions and  
13 explanations. So it was seen as something that should  
14 not happen and should be punished if it did happen.

15 Again, that seems to betray a lack of understanding  
16 which appears to have been maintained for many decades.  
17 I think we heard, it wasn't this case study, but I think  
18 it was another earlier passage about Roger Kent's work  
19 in the 1990s about absconding and you have to ask the  
20 reasons. I think the organisational witnesses that we  
21 heard from in this study very much echoed no doubt what  
22 Roger Kent said in the 1990s, that absconding, like  
23 other conduct, is a form of communication and you have  
24 to ask yourself why is it happening. And that doesn't  
25 appear to have been, at least generally speaking,

1 something that did happen in any regular way. And not  
2 only was it a lack of explanation, it was usually met  
3 with punishment without really any opportunity to  
4 explain.

5 LADY SMITH: In fairness, I think there was a single  
6 incident of a boy running away, if it was, spending  
7 Hogmanay in Glasgow overnight because he wanted to see  
8 what it was like, and it was discovered that that was  
9 what he had been doing when he got back, very cold,  
10 after having been missing for many hours.

11 MR PEOPLES: Yes.

12 LADY SMITH: That seemed to have been appropriately dealt  
13 with.

14 MR PEOPLES: I think the problem is there are very few  
15 examples of that type of treatment of children who  
16 absconded. It stands out because it seems to have been  
17 unusual in the general body of evidence that we heard on  
18 this matter.

19 Another issue which again might not fit in naturally  
20 with the more obvious categories of abusive conduct was  
21 the use of "mummy" and "daddy", calling houseparents  
22 "mummy" and "daddy" as a form of requirement. But  
23 I think it is now readily accepted that that was or  
24 could be seen as emotionally and psychologically  
25 damaging to a child, particularly one who is well aware

1           that they have a mummy and daddy and indeed that mummy  
2           and daddy may be visiting them from time to time at the  
3           establishment they are being cared for in.

4           And I think there is a recognition again that  
5           whether there were good intentions that lay behind that  
6           requirement historically perhaps in the case of very  
7           young children who were orphaned, that might be one  
8           explanation. That practice outlived its usefulness, if  
9           it ever had a usefulness, and seemed to have been  
10          maintained across decades particularly in some places.  
11          I think Quarriers, for example, was certainly one where  
12          that was quite a common feature even into quite late on  
13          in the period I am concentrating on, the 1930s through  
14          to the 1990s.

15         LADY SMITH: I think that is right. Judy Cochrane  
16                 discovered it was still in use and tried to take I think  
17                 Mr Mortimer to task about it but nothing happened.

18         MR PEOPLES: No, and I think Quarriers will probably now  
19                 accept that perhaps the management and direction on that  
20                 issue, as on some other matters we have touched upon,  
21                 was lacking for one reason or another, and therefore the  
22                 practice was perpetuated and went unchallenged.

23                 That seems to have been again a feature of some of  
24                 the practices we have heard evidence about, that they  
25                 were there, and they went on, and they were neither

1 challenged, questioned or changed.

2 I'm generalising, and I think clearly we know from  
3 some evidence that as a new, as it was called I think,  
4 a new breed of houseparents came in, that some  
5 practices, including the one we are just discussing, did  
6 change in some places, and there was a recognition that  
7 that was not an appropriate way to ask children to  
8 address people caring for them away from home.

9 But that said, in other cases it did continue, and  
10 I think that is the difficulty. It is not something  
11 that is so rare that it could almost be saying, well, it  
12 was basically addressed but there was this odd lapse.  
13 That is not the picture coming out of the evidence that  
14 we heard in the course of this study.

15 Another issue which again perhaps doesn't naturally  
16 fall into the category of the traditional idea of abuse  
17 is the degree of preparation for leaving care. But it  
18 was something that again was a recurring feature of the  
19 evidence of applicants across the board, that they were  
20 cared for, but then suddenly they were thrown out of the  
21 nest, if you like, and felt ill-prepared for life on the  
22 outside of care.

23 LADY SMITH: It may be debatable as to whether it could be  
24 characterised as abuse but it is I think at the very  
25 least relevant context as indicating how children were

1           regarded by the institution.

2       MR PEOPLES: Yes. I think your Ladyship maybe made the  
3           point, or certainly someone did, that parents don't  
4           simply shut the door on children when they leave home,  
5           they continue. Again there is evidence that there was  
6           a degree of aftercare and there was evidence there was  
7           a degree of support given when they left, but there was  
8           still a theme that a number of people felt they just  
9           weren't equipped to leave care, to some extent perhaps  
10          because they felt, and perhaps felt with justification,  
11          they were institutionalised, they didn't have the skills  
12          to operate outwith an institutional setting.

13                Again not perhaps because there was a deliberate  
14                intention to deprive them or not to provide them with  
15                those skills but that was the way it was. It's  
16                a terrible thing to say that that was the way it was,  
17                but I think on the evidence that was the way for some,  
18                and that is the way that some felt and indeed it seems  
19                to have damaged them in the short-term and perhaps in  
20                the long-term.

21                So again it is something and I think it has to be  
22                borne in mind in the context of this case study and  
23                perhaps no doubt as a general point in relation to  
24                children who were placed in care settings during the  
25                Inquiry's timeframe.

1           There is also an issue arising from the evidence of  
2           whether the models, whether the central feature was one  
3           of control or one of care. And I think while no doubt  
4           sterling efforts have been made to say that the ethos  
5           and aim was to care and provide a loving and safe  
6           environment, one can't help but feel that the evidence  
7           as a whole disclosed a model where there was greater  
8           emphasis on control and less emphasis on the needs of  
9           individual children or, as we might call it today,  
10          a child-centred approach.

11          Again I am not suggesting that that was necessarily  
12          a very deliberate and conscious policy, to damage  
13          children who were taken into care, but it does appear  
14          that that was to some extent the way things were and the  
15          way things happened and there might have been a number  
16          of reasons for that. I think one perhaps that begins to  
17          emerge or has emerged is that there were a lot of  
18          children, not much support, staff who had to look after  
19          a lot of challenging children, they didn't have the time  
20          to provide what might be termed "proper quality care" in  
21          today's world, with the result that we had children that  
22          didn't get nurturing, they didn't get affection, they  
23          didn't get time, they weren't listened to as  
24          individuals, and as a result they feel a lasting sense  
25          of damage from that situation.

1           Yet that seems to be something that was a feature of  
2 perhaps all of the organisations historically, that time  
3 was simply not there, and that everything was structured  
4 and a matter of routine, that the routine didn't build  
5 in quality time, therefore to some extent it became very  
6 much a regime of control.

7           And I think as Sarah Clark said, it was a model  
8 where really the emphasis was on meeting basic needs --  
9 food, shelter, accommodation -- but not the soft  
10 qualities, I think she called them, which are required  
11 perhaps to give the experience a better outcome for the  
12 children concerned.

13           Again it may be that the lack of affection and  
14 warmth wasn't necessarily in all cases deliberate or  
15 intended to harm, it just might have been a fact of life  
16 or a reality of life. But that was I think the reality  
17 for a lot of children, they didn't feel they got the  
18 love or affection or the cuddles or the warmth and the  
19 nurturing that they were looking for. And that might be  
20 particularly damaging for a child who is already damaged  
21 when they are admitted into care and have the very need  
22 of these particular features of care.

23           There was a general issue about reporting of  
24 ill-treatment or abuse, and I think I can take this  
25 fairly shortly, in a way, because there is evidence that

1           some applicants did report what they considered to be  
2           abusive experiences but a lot didn't. And those who  
3           did, in the main I think the evidence was to the effect  
4           that they were simply not listened to, not believed,  
5           dismissed. The adult's version, if put forward, was  
6           preferred and so on.

7           There were maybe rare occasions when that didn't  
8           happen but there was not a lot of it, and indeed one of  
9           the maybe striking features of the evidence is that when  
10          we look at the historical records, I think all of the  
11          organisations conceded that ultimately they didn't find  
12          too many recorded instances of complaints being directly  
13          made by children, there were complaints but often they  
14          came via an adult, sometimes an external body and so  
15          forth, but not too many from children. And the  
16          applicant's own evidence I think in its generality was  
17          to the effect, well, if we said anything, it just wasn't  
18          accepted or believed, and I think a number of examples  
19          of that happening across the period that we are looking  
20          at.

21          It may be that some of -- well, we heard evidence  
22          that complaints were made but they are not reflected in  
23          the records for the children concerned. So if that  
24          evidence is accepted that they were made, we don't find  
25          a record, that I suppose reinforces the conclusion that

1           they couldn't have been taken very seriously, they  
2           weren't necessarily worthy of being recorded or  
3           investigated and findings and conclusions set down for  
4           posterity.

5           So that might be a clue I think to the attitude of  
6           the time, that children didn't have an effective voice  
7           and their complaints went unheard or were not listened  
8           to.

9           I suppose something that touches upon the  
10          understanding, or lack of understanding perhaps in  
11          earlier decades, the historical situation, is how far  
12          those caring appreciated the impact or damage that their  
13          behaviour was having on children, whatever form that  
14          conduct took.

15          We are in the fortunate position that we can hear  
16          the perspective of the child, particularly the child who  
17          considered that he or she was experiencing abuse. In  
18          the case of applicants who gave evidence of abuse, if  
19          their evidence is accepted, the overall picture that  
20          emerges is of children who felt they were powerless,  
21          children who felt a sense of helplessness, children who  
22          lived on a daily basis in a state of fear and anxiety  
23          fearing what might happen next, and indeed fearing what  
24          might happen if they said anything. And children who  
25          believed at the time that there was no one they could

1 turn to, and children who felt they were unable to tell  
2 anyone what was happening to them, and that included  
3 persons who they did like.

4 There were instances where some of the applicants  
5 said, "Well, I got on well with [particular people] but  
6 I couldn't tell them", or "I couldn't tell my parents".  
7 They could sometimes tell -- and I think this was  
8 a point picked up by Barnardo's on analysis of the  
9 records, they could sometimes tell about bad experiences  
10 that happened outwith the care setting and they could  
11 disclose those, but if the disclosure was about bad  
12 experiences in the care setting, particularly from the  
13 conduct of staff, these examples were rare, certainly in  
14 the records. And that seems to be echoed by the oral  
15 evidence of applicants who perhaps gave one of the major  
16 reasons why certain things happened that perhaps went  
17 unchallenged or undetected.

18 The other side of that is also one which I think was  
19 picked up, and perhaps emerged as a possible explanation  
20 why abuse continued in some establishments, was perhaps  
21 also the fear of some staff about what would happen if  
22 they said anything, particularly junior staff who -- it  
23 is difficult to resist the conclusion in the case of bad  
24 practices or physical abuse carried out rather openly in  
25 units that people didn't see things. It is almost

1           difficult to accept that no one saw anything. Sexual  
2           abuse is one thing, but humiliation, emotional abuse,  
3           physical abuse were the sort of things that were more  
4           visible or noticeable yet it does appear that these  
5           things were not picked up or reported and staff didn't  
6           challenge. And it does appear there is at least some  
7           evidence to suggest there may have been a reluctance for  
8           fear of the consequences for the person making the  
9           report.

10           There are examples where people did have the courage  
11           to report, and I think indeed in the case of Aberlour it  
12           was a junior colleague of BCK who had the  
13           courage to come along and say "I have noticed this  
14           bruising and this boy has obviously suffered some form  
15           of physical assault". But that again is a bit like the  
16           absconding. It wasn't a very common example either on  
17           the record or in the evidence we heard that these things  
18           would come up in that way.

19           I don't want to say too much at this stage about  
20           impact, but I do think I have to say something. We have  
21           the statements, we have the evidence. We can see that  
22           in many cases the impact of experience of life in care,  
23           particularly for those who gave evidence of abuse, has  
24           been lasting and profound. Many have been highly  
25           damaged by their experiences in care, many have very

1 vivid recollections of particular instances and  
2 experiences, experiences which are burned into their  
3 memories. Many have had difficult lives as adults.  
4 Some have had mental health problems, some have been in  
5 trouble, some have abused drugs and alcohol. Many have  
6 experienced difficulties forming and maintaining  
7 relationships, and some spoke movingly of difficulties  
8 bringing up children of their own, either being  
9 overprotective or finding it difficult to show emotion  
10 to their own children. I think one witness said the  
11 legacy of that isn't just for the person abused, it is  
12 a legacy for the family as well.

13 So that is something I think we have to bear in mind  
14 if looking at the whole situation and the importance  
15 obviously of recognising how conduct can impact on  
16 a young life, and indeed have lasting effects.

17 Can I just say briefly something about the position  
18 of the providers in relation to the evidence of  
19 applicants. I think I am correct in saying, although  
20 we don't have the Barnardo's submission as yet, but I am  
21 anticipating that certainly Aberlour and Quarriers and  
22 indeed I anticipate Barnardo's will be making no comment  
23 on individual accounts of abuse which were given by  
24 applicants both in oral evidence and in written  
25 statements, and that the organisations' position in each

1 case I think is that they are leaving the assessment of  
2 that evidence to your Ladyship, a task which they accept  
3 is for you to carry out.

4 So the only challenge that has been mounted to  
5 evidence of applicants really consists in the evidence  
6 of those who were the subject of allegations of abuse,  
7 alleged abusers who gave evidence either oral and  
8 written to the Inquiry. And as regards those witnesses,  
9 clearly your Ladyship is faced with a conflict of  
10 testimony and, therefore, it will require to determine  
11 so far as it is necessary to draw general conclusions  
12 what to make of that evidence and how it impacts on the  
13 assessment of the body of evidence as a whole.

14 I say that because again I don't think it is  
15 a matter of looking at the individuals necessarily in  
16 minute detail and in every respect but -- and I think so  
17 far as that evidence is concerned, I think I am correct  
18 in saying that largely speaking where allegations were  
19 put to alleged abusers, generally it simply consists of  
20 "It didn't happen", or "I deny it, they are lying", or  
21 "It's fabrication", or "I do not recall that happening".  
22 There was very little I think elaboration of the matter  
23 on the part of those to whom these allegations were put.  
24 But their position was, and I think generally speaking  
25 was, that the things attributed to them didn't happen.

1           In some cases where there was elaboration, there was  
2 perhaps an attempt to relate it to something that may  
3 have happened when the person making the allegation was  
4 a child many, many years ago. Your Ladyship has to  
5 consider that explanation, but it might seem in some  
6 cases to be really clutching at straws because it didn't  
7 in some cases make a great deal of sense why someone  
8 might harbour some kind of motivation for many, many  
9 years, and suddenly come forward to the Inquiry and make  
10 a false allegation of something that never happened. So  
11 it is again for your Ladyship to judge that.

12           But they weren't coming up with too many  
13 explanations, and indeed there is a consistency of  
14 allegation in many cases, and in some cases those who  
15 were the subject of allegations and did respond were the  
16 subject of allegations from a number of people. I am  
17 thinking of the lady at Glasclune who was the subject of  
18 a number of allegations from former residents as to her  
19 treatment of them and yet she just said she denied that  
20 any of these allegations had any substance.

21           I am also of thinking of allegations made by  
22 Mr Whelan which were put to another of the witnesses,  
23 and indeed although that witness was taken through  
24 a number of people who seemed to have made similar  
25 allegations of ill-treatment and physical abuse,

1 including someone who was deceased but had given  
2 a police statement and others who had come forward  
3 before Mr Whelan had been contacted by the police, the  
4 explanation was, well, it was Mr Whelan who put them all  
5 up to it and that is the explanation, and it was just  
6 a fabrication.

7 So your Ladyship will have to consider these  
8 explanations but against the background of the whole  
9 evidence and whether, if it is necessary to form  
10 a judgment, whether it in any way alters the impression  
11 of the general body of applicant evidence on the matters  
12 that have been the subject of evidence in this case  
13 study. But that is really I think the only area of what  
14 I call dispute.

15 I would say, and it is a matter for your Ladyship to  
16 judge what significance this has, but I would remind  
17 that the organisational witnesses, who have considerable  
18 experience in childcare and social care, did give their  
19 own evidence as to the impression that was made by the  
20 individuals who came forward to the Inquiry, and it was  
21 a powerful impression so far as they were concerned, and  
22 I don't think that they had any difficulty for their  
23 part in accepting what was said, and indeed some were  
24 very explicit in their statements as to what they did  
25 accept and what they believed happened. So it is

1 something to bear in mind.

2 Ultimately it is your Ladyship's impression of the  
3 evidence that matters, but I think one can legitimately  
4 say, well, these people, they are in the business of  
5 looking after children, they have had considerable  
6 experience of care, they have their own experiences to  
7 draw on, and indeed they have reflected on their own  
8 experiences in some cases, and they have given their  
9 views on what they have heard and the body of evidence  
10 they have heard. And I don't think there has been any  
11 attempt by them or by their organisation to seek to in  
12 any way challenge the evidence or see it as lacking  
13 credibility or reliability in its generality.

14 There is the issue why abuse happened and I am not  
15 going to labour that. We did have a lot of exploration  
16 of that, I think particularly in the chapter after  
17 Christmas. I think it is still fairly fresh in  
18 your Ladyship's mind and I'm not going to rehearse it  
19 all here today. But I think explanations were offered  
20 and I think in the submissions we are about to hear from  
21 some of the providers perhaps some explanations will be  
22 offered for that state of affairs. And I am content  
23 just to leave the matter to be addressed, so far as it  
24 is considered necessary to do so, by the organisations  
25 in their closing submissions.

1           But save to say that I think they all accept to  
2           a greater or lesser degree that there were some --  
3           looked at at least with today's eyes -- deficiencies,  
4           weaknesses, gaps in various areas that were essential to  
5           produce good quality safe care for children. I don't  
6           want to go through all these areas today, but I think we  
7           heard a lot of evidence about the processes of  
8           recruitment, supervision, training, guidance and  
9           instruction, support for houseparents and carers. And  
10          I think in a broad sense there was a recognition that in  
11          all of these areas more could have been done, or things  
12          could have been done better, if I can put it that way,  
13          without trying to put it in any form of legal or  
14          regulatory standard. That more could have been done.  
15          And I think there is a recognition on their part that  
16          historically a number of these aspects of their system  
17          and the way the organisation was run could have been  
18          done a lot better.

19          I think we see that particularly in the submissions  
20          from Quarriers which I think go into that matter in some  
21          detail under a specific head of systemic failures. But  
22          I think as far as I can interpret it, and I will be  
23          corrected if I am wrong, I think the Aberlour  
24          submissions do also seek to identify areas where they  
25          feel there were deficiencies in terms of the way the

1 organisations handled matters historically.

2 So that is something else which has featured and has  
3 been explored and I think one can conclude that in some  
4 areas, systems and practices and processes were not  
5 robust. And I think there was an acceptance in some  
6 cases at least that that might have been a contributory  
7 factor to creating conditions in which abuse of children  
8 could occur, opportunities for abuse and so forth.

9 So it is not saying that was the cause of it, but it  
10 created conditions where it could perhaps happen and  
11 sometimes happened without being detected. I think that  
12 is something that your Ladyship will no doubt consider  
13 when assessing the evidence as a whole.

14 I would intend perhaps just to give a very broad  
15 summary at this stage of some themes that emerged from  
16 the evidence across the various decades, again I am  
17 focusing particularly on the period before 1990. If one  
18 begins with Quarriers, a number of applicants gave  
19 evidence of their experiences over a number of decades.  
20 I think they go back to the 1930s and up to the 1990s,  
21 those experiences.

22 One thing that can perhaps be said, and I am not  
23 going to elaborate, I think it is dealt with fully in  
24 Quarriers' submissions, is that we have heard accounts  
25 of physical abuse throughout the decades and

1 I don't think that Quarriers would argue with that being  
2 the state of the evidence. We have heard evidence of  
3 children being beaten with and without implements over  
4 time, and we have also heard instances of punishment  
5 which was clearly excessive, unjustified and  
6 disproportionate and I think there were quite a lot of  
7 these examples. There was a flavour running through the  
8 evidence, and one that is I think conceded by the  
9 organisation, that there was a huge amount of autonomy  
10 and that houseparents could really set their own rules,  
11 and I think as Thomas Hagan said in his evidence, they  
12 could please themselves as to how they ran their  
13 particular cottage.

14 But the result of that of course is --

15 LADY SMITH: That came up again and again from a whole range  
16 of witnesses.

17 MR PEOPLES: Yes. Ultimately of course that means that you  
18 will have good experiences, bad experiences, good  
19 cottages and bad cottages because clearly if there is  
20 that variation and no one has trained to say that this  
21 is good practice and this should be followed and  
22 monitored, then it is almost inevitable that that will  
23 happen. It may be to some extent a feature of the model  
24 but I think it is more than that, because I think in all  
25 the providers one common feature is that if the

1 houseparents or carers, primary carers, behave in  
2 a certain way, then abuse can occur or bad practice can  
3 occur, regardless of what the systems are and policies  
4 and processes, because you are very much dependent on  
5 the way in which the carers themselves act as  
6 individuals. There is a lot of trust in the system or  
7 there was a lot of trust, and perhaps a lot of misplaced  
8 trust, ultimately, at least in the case of those who  
9 abused children and misused authority and powers.

10 But I think that is a feature of all of them.

11 I think it was particularly noticeable in the Quarriers'  
12 model, but I think in any of the models if you see  
13 a particular house, its atmosphere, its culture, the  
14 state, the prospect of the children, whether they were  
15 happy or sad, was dependent on how the particular  
16 houseparents ran the unit.

17 LADY SMITH: We also saw it in the female religious orders  
18 provision where there wasn't a cottage system or  
19 a village system but within one institution there was  
20 a division into units, and the rules were you never went  
21 into another sister's employment, as they called it.  
22 Nobody interfered with the leadership and running of the  
23 individual unit once it was up and running.

24 MR PEOPLES: There is a sense of that I think here as well,  
25 particularly in Quarriers, but I think in other -- if

1           there was a house or a unit, a house in Aberlour or  
2           a cottage in Quarriers or a particular home or whatever  
3           in the case of Barnardo's, that it was very much down  
4           to, well, it was run in a certain way. It might be run  
5           well, it might be run badly. Other people didn't seem  
6           to be concerned about how it was run, they just ran  
7           their own ship, as it were, and sometimes they did it  
8           well, sometimes they didn't.

9           So I don't think one can single out Quarriers and  
10          say that model -- I think initially it seems  
11          superficially attractive to say of course if you put  
12          cottages or effectively separate units then you are  
13          maybe going to get that state of affairs. But I think  
14          you get it across the board even in a large institution  
15          that often, in a practical sense, is divided into units  
16          which are looked after by housemistresses or  
17          housemasters or houseparents, whatever term you care to  
18          use.

19          Clearly if we go to the Aberlour experience of if  
20          you were in Spey House in 1961 you were in trouble,  
21          there was a huge risk that something bad would happen,  
22          and something bad did happen to a large proportion of  
23          the children at that time. That is not to say that if  
24          you were in the same house at a different time or in  
25          a different house at the same time that the experience

1           might have been a very different one, indeed I think  
2           there was evidence to that effect, and I don't think one  
3           can shrink from that. But that is what was happening,  
4           and there were those who were unfortunate to be in some  
5           cases in the wrong place at the wrong time.

6           But it wasn't an isolated state of affairs across  
7           the board or across the organisations, I think that is  
8           the point I still want to go back to. That it can't be  
9           said, oh well, broadly speaking the care experience was  
10          good for 99.9 per cent of children because clearly that  
11          is not what, if the evidence of the applicants is  
12          accepted, is the position or the picture that emerges.  
13          For a lot of people it was a bad experience but,  
14          equally, there were a lot of people for whom it may have  
15          been a good experience.

16          So we have that but we have that running through the  
17          decades, and I think we get physical abuse running  
18          through the decades probably in all cases so it doesn't  
19          necessarily always improve.

20          If one takes Quarriers, we have the evidence that  
21          a decision was taken in the 60s to remove the tawse from  
22          the cottages, but it didn't remove the excessive  
23          physical punishment or corporal punishment because we  
24          saw that it was replaced by a lot of implements of  
25          violence.

1       LADY SMITH:  Didn't the tawse actually remain in some of the  
2               cottages although they were all supposed to have handed  
3               them in?

4       MR PEOPLES:  I think there was evidence some may have kept  
5               them as souvenirs or mementos and used them from time to  
6               time.  But I don't think they were required to, because  
7               we discovered that if there was some other implement to  
8               hand and you lost your temper or got angry, as clearly  
9               people did, then they picked up something or used  
10              something, a hair brush or whatever, as an instrument.  
11             Spoon, sticks, belts, waist belts, towels I think we  
12             heard, sandals, Scholls.  So there were all sorts of  
13             things used.  So if the thinking was if we take away  
14             the --

15      LADY SMITH:  There was one houseparent who threatened with  
16               an axe, it wasn't suggested he actually used the axe on  
17               a child, but he was very open about using it to threaten  
18               the child.

19      MR PEOPLES:  Yes, I think that was the one where there was  
20               actually a mark on the table.  You could say that is  
21               a form of -- if it was used in a threatening way it  
22               would be legally an assault as well.  But leaving that  
23               aside, if it was used in anger to make a point then the  
24               effect on children sitting at a table, where someone  
25               produces an axe and then slams it into the table, it is

1           unimaginable really. And I think that was quite late  
2           on -- well, relatively late on in the day as well, that  
3           particular example.

4       LADY SMITH: That was in Stuart Mackay's time, I think.

5       MR PEOPLES: Yes, I think he was there in the 80s and  
6           beyond, so it is not something that goes back to the  
7           mists of time. But it was an example and perhaps quite  
8           a graphic example of what could happen and how certain  
9           practices were used to perhaps instill fear and to  
10          produce control in that way.

11           But there was also lots of evidence about beatings,  
12          slappings, punching, kicking, these things were  
13          a regular feature in the evidence of the applicants  
14          across the decades, and in some cases there was evidence  
15          of injury to a greater or lesser degree. Quite often  
16          applicants, when asked, would say there were marks,  
17          there was sometimes bruising, sometimes the injury was  
18          more serious. We had evidence of the ear injury  
19          I think, the episode with the ear that bled. So we get  
20          examples of injury, either temporary or perhaps more  
21          significant, caused by assaults of which there was  
22          evidence.

23           We also have evidence -- we have evidence of some  
24          rather maybe more unusual forms of punishment, people  
25          who were asked to hold their arms above their head or

1 hold their arms out while holding books or something,  
2 and if they dropped them they would be punished. That  
3 sort of thing seems to have been a feature of some of  
4 the evidence, certainly in the case of the applicants  
5 who were at Quarriers who spoke of that type of thing  
6 going on.

7 It went on through the decades and indeed continued  
8 I think into the 1980s, and this was at the time when  
9 basically the village was really closing down. So  
10 throughout the period of its operation it appears that  
11 physical abuse was occurring.

12 There was also the use of excessive chores which  
13 again was I think a feature of the evidence,  
14 particularly up until the 1960s. And also there was  
15 evidence I think in one case in the 1950s or 60s,  
16 evidence of Joyce of having her mouth washed with  
17 carbolic soap, and her head held underwater, and being  
18 scrubbed with a brush until she bled.

19 There was evidence from the witness Matt in  
20 the 1950s who told us of children's heads being flushed  
21 down toilets. Audrey told of being made to scrub the  
22 floor of a shed with a toothbrush and having a bucket of  
23 potatoes poured over her, this was in the 1970s. And  
24 the witness, Ken, described the practice of holding  
25 books with outstretched arms in the 1980s.

1           And of course there was the use certainly at  
2           Quarriers of the shed. That seems to have been  
3           something that was a common place of punishment,  
4           children being placed in a shed, forced to stand for  
5           long periods in cold dark conditions. I think  
6           your Ladyship will remember that. It wasn't a feature  
7           of one cottage, it was a feature, I think a regular  
8           feature that the shed was a place that could be used for  
9           punishment and in some cases beatings.

10        LADY SMITH: I can see that exclusion of a child to  
11        a different place in a building can be a perfectly  
12        acceptable form of punishment, but what we heard  
13        evidence of were long periods in the cold, in pyjamas,  
14        barefoot in the dark and so on. And the way it has  
15        carved itself into the memories of the applicants was  
16        quite striking.

17        MR PEOPLES: Yes. It may be one thing to send someone to  
18        their room to reflect on their behaviour, it is their  
19        room and maybe they are alone and they have to be alone  
20        and not speak to someone for a short period or whatever.  
21        But this is of quite a different order and it seems to  
22        have been quite a common practice over a number of  
23        decades.

24                The other one that again has come up time and time  
25                again is bed-wetting and it seems to have been punished,

1 at least in some places, from the 1930s right through to  
2 the 1980s in the case of Quarriers, and there are  
3 a number of accounts from applicants of children being  
4 punished and humiliated for wetting their bed. Some  
5 gave evidence about being placed in cold baths and they  
6 were denigrated and called names. Some gave evidence  
7 that they had to wear wet or soiled pants on their head  
8 or had wet sheets or pants rubbed in their face.

9 Indeed, the most recent account of that I think from the  
10 Quarriers applicants was from Ken in the 1980s who told  
11 of being beaten for bed-wetting and having his face  
12 pushed into a wet sheet.

13 So again there was evidence that bed-wetting was in  
14 some places treated sympathetically but there was a lot  
15 of evidence that it wasn't, and that this wasn't  
16 something that you can confine to a particular decade or  
17 a particular period or era which died out or was  
18 challenged and eradicated. It seemed to continue for  
19 whatever reason. It may have been seen as a nuisance or  
20 an inconvenience, it may have been thought that these  
21 measures, through ignorance, would have some beneficial  
22 effect. But the reality was they didn't, because the  
23 problem continued and got worse in most cases and has  
24 left many people with lasting damage of that experience.  
25 Not just what happened to them, but the public

1           humiliation of being singled out in front of other  
2           children and paraded around or identified as  
3           bed-wetters.

4           So again, from the perspective of the child, it is  
5           difficult to imagine the damage that must have caused at  
6           the time and since. But I think we have got a lot of  
7           evidence about that so it was something ...

8           And then while I think one can readily accept that  
9           over the decades food was a precious commodity in care  
10          home settings, a lot of children, maybe tight budgets,  
11          food was seen as something that should be cherished and  
12          eaten --

13         LADY SMITH: Our evidence covers a significant period of  
14          rationing during and after the war.

15         MR PEOPLES: Indeed. But that said, food was used -- food  
16          was used and abused, if you like. It was used as a  
17          means of punishment because we had evidence, certainly  
18          in the case of Quarriers, from Irene in the 1930s that  
19          children were made to eat porridge with excessive salt.  
20          There was evidence in the 1940s from various witnesses  
21          of there being deprivation of food as a punishment. And  
22          then of course, perhaps worst of all, there was the  
23          evidence when children were force-fed, sometimes to the  
24          point where they were sick, and the force-feeding  
25          continued unabated. And there was evidence obviously in

1           some cases that meals were re-served until eaten, and  
2           children being beaten for not eating.

3           So there was quite a lot of that. And indeed we  
4           heard evidence to that effect in the 1907s by  
5           David Whelan, by David, by Alison and Audrey, and  
6           I think Ken in the 1980s told of being leathered for not  
7           eating food. So it seems to have been a recurring theme  
8           and problem.

9           We know in the case of Quarriers that there were  
10          some convictions for physical abuse, notably perhaps the  
11          three convictions of Mary Arnold or Drummond and  
12          Effie Climie and Ruth Wallace. They are all I think  
13          single houseparents from a certain age, but their  
14          offences spanned I think from the early 1950s right  
15          through to about the 1980s. So it is not something that  
16          was confined to a particular period of time or era.

17          Of course if one goes any further back, there is the  
18          difficulty in the case of abuse of a physical kind or  
19          any other kind that generally speaking, if it was  
20          perpetrated by an adult, that person would be deceased  
21          by the time it has come to light. So in that way  
22          justice might be seen to be denied to those who suffered  
23          such abuse, but I think that is just the fact of the  
24          matter, that you can't prosecute someone who is  
25          deceased.

1           It is not for me to try and put any mitigation on to  
2           these matters but there is, going back, though, this  
3           theme that perhaps the system chose single houseparents  
4           who were asked to control, care for a large number of  
5           children who were highly vulnerable, many perhaps with  
6           challenging behaviours. And I think there is a flavour  
7           in some of the evidence that some of them simply didn't  
8           get the support to cope with that situation. And indeed  
9           I think as one witness said, Alison, she thought her  
10          particular housemother was out of her depth. And one  
11          can perhaps readily imagine that state of affairs if you  
12          have 10/15 children in one household and --

13        LADY SMITH: It was asking an enormous amount.

14        MR PEOPLES: A huge --

15        LADY SMITH: Not just of a pair of houseparents but  
16          particularly of a single houseparent. We have evidence  
17          of very limited domestic assistance for them. A dozen  
18          or more children needing looking after practically, in  
19          terms of doing their laundry, food for them, doing all  
20          the cooking for them, trying to keep the house clean,  
21          albeit with the children doing some of the chores, it is  
22          no wonder they felt under stress, and if they lashed out  
23          at the children it is perhaps not surprising. It  
24          doesn't mean that that should have happened and it  
25          doesn't mean it wasn't abusive, but they were possibly

1 ideal conditions to allow for somebody just losing it  
2 from time to time.

3 MR PEOPLES: I think there was a good deal of evidence that  
4 some of the abuse that occurred seemed to occur in  
5 situations where there was a lot of control or anger or  
6 temper and that some form of violence followed, so it  
7 wasn't an uncommon scenario. But your Ladyship is  
8 right, I think we get the impression that that was a lot  
9 for one person or even a couple to handle, it wasn't  
10 just single people, but it was a lot to handle without  
11 any degree of support, and indeed it was quite  
12 relentless in terms that the houseparents had very  
13 little time off. It was basically a 24/7 job, day and  
14 night.

15 So one can imagine, if you are trying look at it  
16 from their perspective, how difficult that might  
17 sometimes have been, without trying to make any excuse  
18 for that spilling over into physical assault and abuse.

19 LADY SMITH: Am I remembering rightly there was also some  
20 evidence to the effect that a houseparent could be  
21 reluctant to talk to, for example, the superintendent  
22 about how difficult they were finding it, because they  
23 would be afraid of losing not just their job, but their  
24 home?

25 MR PEOPLES: I think there was evidence that that might well

1           have been the situation. I think your Ladyship did  
2           explore with one person what the benefits of being  
3           a live-in houseparent was, and I think in one case the  
4           benefit was they had a house, they actually didn't have  
5           a house of their own, so there would be lots of  
6           benefits. Some were quite young and therefore it might  
7           have been difficult to perhaps work out what might  
8           happen if you asked for more support in a situation  
9           where you were doing things that other people were  
10          expected to do, so it might have been a very difficult  
11          situation to speak out.

12                 I think there was even the witness who was the  
13          subject of accusations in the 60s. A houseparent was  
14          mentioned in the 1965 inspection report, if I recall,  
15          who according to the inspectors needed support and was  
16          a bit out of her depth, but in evidence to us she  
17          maintained she was coping and she didn't really need the  
18          support. But that might have been a slightly stoic  
19          attitude and maybe one that she continued to believe was  
20          okay. But that was an external opinion in the 60s that  
21          this person, who was regarded as sincere, was not coping  
22          very well with the demands. I think it was said she  
23          had, in the report it said something like six or seven  
24          children under the age of 6 to look after and her own  
25          young child, which again was a point that came out, that

1           some of these parents had their own children to look  
2           after at the same time.

3           So there was a huge demand in one sense placed upon  
4           people who were taking on these roles, and perhaps  
5           taking them on in situations where the conditions  
6           weren't fantastic. They did get a house, so they had  
7           that much, but they weren't paid according to -- I think  
8           the evidence is, and we didn't go into the actual  
9           figures, but they weren't I think paid particularly  
10          well, and I think that is something recognised even  
11          today. The status of the residential care worker is  
12          still something that needs to be at least considered and  
13          addressed.

14          So it wasn't easy, no doubt. I don't want to press  
15          that too far. But I think if one is looking for  
16          explanations why physical abuse could occur, one can see  
17          the conditions were there where it could happen. We  
18          know I think from our own experience that people lose  
19          control, and when they lose control they do things that  
20          maybe they regret but have consequences, and maybe in  
21          this situation it was no different.

22          We have talked about emotional abuse, and I think  
23          again bed-wetting is a very good example of that, and  
24          again that was something that as I have said seemed to  
25          span the decades through to the 1980s.

1           There is also, and this is something that --  
2           children being made to feel worthless and denigrated was  
3           again a feature. Remarks were made from time to time by  
4           houseparents about children or their families, or that  
5           they were idiots, worthless, stupid, whatever. And that  
6           seems to have been a not uncommon thing over the  
7           decades.

8           One can also see a situation where it wasn't always  
9           the abuse suffered by the individual that left the  
10          lasting memory, it was the abuse that they witnessed,  
11          particularly if it was to a family member. And  
12          your Ladyship will remember Esmeralda who witnessed her  
13          little brother being beaten and that was her worst  
14          memory of I think her time in care, although she did  
15          also refer to remarks being made where she was referred  
16          to as "the heathen's child", if you remember, and indeed  
17          she said she used to scrub herself with carbolic soap.

18          Another example which perhaps stands out is where  
19          a child was ridiculed for a speech impediment. That was  
20          the evidence, if you remember, of Scottie I think, the  
21          boy who had the stutter, the young boy who was denied  
22          the birthday cake because he couldn't pronounce the  
23          letter "C". That was evidence given by Audrey.

24          So these sort of things were coming out in the  
25          evidence. And across the decades I think we again

1 repeatedly have this theme of an apparent lack of love  
2 and affection towards children in care and I think there  
3 are reasons for that. Because perhaps the demands,  
4 there was not the time. It may not have been in many  
5 cases a deliberate policy to deny that affection, it  
6 just wasn't something that they were able to give or  
7 give in a meaningful way, but it certainly was a theme  
8 and a recurring theme across the decades.

9 I mentioned separation of siblings and family  
10 relationships, I don't think I need to go back over it,  
11 but clearly that has been recognised as being something  
12 that was a practice that had unfortunate consequences.  
13 And perhaps maybe one thing that was particularly  
14 troubling was where children were not aware of the  
15 existence of their siblings who might be in the same  
16 care setting, so there were some examples of that, and  
17 that is certainly something that is difficult to justify  
18 in any era. Perhaps less so in the more modern era, but  
19 there is obviously evidence in earlier decades of what  
20 appeared to be conscious attempts to deprive residents  
21 of family contact with their family on the outside.

22 I think if one goes back to the earlier times,  
23 1930s, there was for example the evidence of Irene's  
24 family, visits being kept to a minimum despite repeated  
25 requests for a visit. So there was a flavour of that.

1 I think that began to change as we got into the 60s and  
2 the Social Work (Scotland) Act and so forth, there  
3 seemed to be a recognition that family contact was  
4 a good thing and should be maintained wherever possible,  
5 but certainly in earlier times it seems that denial of  
6 contact was perhaps regarded as a good thing.

7 When it comes to sexual abuse, there was quite  
8 a good deal of evidence of sexual abuse at Quarriers.  
9 And so far as Quarriers is concerned, there have been  
10 a number of convictions of staff for sexual abuse of  
11 children in the 1960s and 1970s. We have the  
12 convictions of Samuel McBrearty, Joseph Nicholson,  
13 Alexander Wilson, John Porteous for abuse of children,  
14 really through from the early 1960s to the late 1970s  
15 for all of these individuals.

16 We did hear from some of the victims of that abuse,  
17 as your Ladyship will recall. We heard from  
18 David Whelan and we also heard from the witness Anne who  
19 gave evidence of the abuse she suffered at the hands of  
20 Sandy Wilson. Your Ladyship will recall there were  
21 a lot of charges that were found proved in his case,  
22 mainly in relation to residents in Quarriers.

23 We also heard that there was evidence of sexual  
24 abuse by a housefather and a befriender and a painter in  
25 the 1950s. That was the evidence from Scottie,

1           your Ladyship may recall that one. And I think Troy  
2           also gave evidence in that period of being sexually  
3           abused by his housefather. And Jenny in the 1950s and  
4           60s said she and other children were sexually abused by  
5           a house auntie and some older girls and indeed a PE  
6           teacher at school. And maybe I should make this point,  
7           because it has been made I think by the organisation.  
8           The school wasn't --

9           LADY SMITH: No, the local authority was responsible for the  
10          school.

11          MR PEOPLES: I think Aberlour was different, I think they  
12          did employ staff. But I think I will make that point in  
13          case it is misunderstood.

14                 Then we have evidence of the 1960s. We had the  
15          evidence of George who learned that his sister -- his  
16          evidence was that he learned his sister had been  
17          sexually abused by her housefather. There was evidence  
18          from Fiona that she believed from comments by her late  
19          brother, who had been watching television and there was  
20          some report about conviction of an employee from  
21          Quarriers, that he too had been sexually abused by that  
22          individual. And there was Elizabeth's evidence of being  
23          sexually abused by the [REDACTED] in Quarriers as well.  
24          And again there was evidence of abuse into the 1970s.

25                 There was also evidence I think from time to time of

1 peer sexual abuse, although in that case I think in  
2 large measure the evidence was to the effect that that  
3 wasn't reported or brought to the attention of adults,  
4 I think it is fair to say. So that may be a more  
5 difficult one to say it was easy to detect.

6 But the general climate must have -- it should have  
7 been obvious, perhaps, that there were conditions if you  
8 put a lot of children together, some with backgrounds  
9 which involved abuse and sexual abuse, that perhaps  
10 there should have been a recognition that that type of  
11 behaviour could occur and would be a serious potential  
12 risk.

13 LADY SMITH: Mr Peoples, it is 11.30 am. I think we will  
14 take a break now, a short break of ten or fifteen  
15 minutes, then I will sit again.

16 (11.33 am)

17 (A short break)

18 (11.49 am)

19 LADY SMITH: Mr Peoples.

20 MR PEOPLES: My Lady, I was dealing with Quarriers. I'm not  
21 going to go back over running away, I have kind of dealt  
22 with that more generally, but there was a lot of  
23 evidence about running away and the reaction or response  
24 of the organisation.

25 Reporting of abuse again I think I have covered

1           adequately. I might just mention for example that in  
2           the 1940s Thomas Hagan said he tried to tell Mr Munro,  
3           who was I think the then superintendent, I think he was  
4           Joe Mortimer's predecessor, that he was belted, and the  
5           houseparents were told and he was beaten again. So that  
6           was the sort of response he could recall.

7           And your Ladyship will remember about the evidence  
8           of Finlay who told his mother about abuse in the 1950s.  
9           She came to the cottage to remonstrate with the  
10          housemother and there is a record on the file of that  
11          matter where I think the houseparent seeks to persuade  
12          the superintendent that she has got it all wrong and  
13          there is nothing in it. I think that was the evidence  
14          that she said he was sorry and had made it all up,  
15          something along those lines, so -- but there was  
16          certainly a record about that one which was maybe  
17          unusual.

18          There was the evidence of Troy who said he reported  
19          sexual abuse by his housefather but was not believed  
20          again. That is in the 50s and he was made to apologise,  
21          he said, to the person who abused him. And the evidence  
22          of Jock, I think. He said he reported sexual abuse by  
23          a former resident to his housemother who didn't believe  
24          him.

25          In the 1950s and 60s, Jenny said she reported sexual

1 abuse by older girls to a cottage auntie and was  
2 punished by having her mouth washed out with carbolic  
3 soap. Fiona gave evidence of reporting abuse in  
4 the 1960s to a local authority social worker. There  
5 seems to have been some perhaps questioning on the  
6 matter, but she basically said the issue was swept under  
7 the carpet and there didn't seem to be anything --  
8 nothing seems to have changed.

9 Again, we had similar evidence in the 70s of people  
10 making reports and, generally speaking, nothing  
11 happening or nothing being done so far as they were  
12 concerned to address the matter.

13 There was perhaps one applicant I think who  
14 mentioned peer abuse was reported, and the peer abuser  
15 was removed from the cottage, but it doesn't appear that  
16 where the abuse was levelled at the houseparent that  
17 similar action was taken. If anything action, if taken,  
18 seems to have been the reverse, that a child might have  
19 gone, and I think QKZ was an example. I think  
20 it was suggested that after certain things were said  
21 about an incident that was --

22 LADY SMITH: She had to apologise.

23 MR PEOPLES: She had to apologise according to the evidence  
24 that we had from David Whelan about that matter. And  
25 you will recall I think that, in response, those who

1           were asked about it I think simply denied it had  
2           happened. So there was that evidence given which  
3           your Ladyship will have to consider. That was the  
4           evidence, yes, about the incident with the bath where  
5           I think her head was -- she was pushed and her head  
6           struck off a sink and she ran out. So we have that as  
7           well.

8           So there is a theme of some children reporting,  
9           certainly not all, but it doesn't seem to have had any  
10          great impact or effect so far as their own position is  
11          concerned. I think that might then show why people just  
12          stopped reporting or were fearful of reporting because  
13          of fear of either being punished or reprisals or not  
14          being believed, and developing a lack of trust in any  
15          adult and seeing all adults as representing the  
16          organisation or the system and therefore they couldn't  
17          confide. So it creates a terrible situation, the twin  
18          fears of: if I say something, something might happen; if  
19          I don't say something, something will happen. It is  
20          a dreadful situation to be in.

21          There clearly was evidence of awareness of abuse.  
22          I think the police evidence was that when they did their  
23          investigations, most of the staff were saying they  
24          weren't aware of things going on. But I think on the  
25          evidence as a whole, it is hard to believe that things

1 that were going on were not being noticed. Perhaps the  
2 problem was they weren't being reported or challenged or  
3 brought to the attention of managers and others.

4 Because clearly there was evidence that people were  
5 aware that cottages or certain people had reputations  
6 and that can only come through some form of dialogue,  
7 and it is difficult to believe in a village environment  
8 that that information won't get around.

9 Indeed, there might have been more obvious evidence  
10 because if I could mention what Scottie said, that he  
11 had learned from people who I think had been in  
12 a different cottage, he later learned that they could  
13 hear the screams coming from the cottage. That was when  
14 Scottie was there in the 50s. And indeed Matt and  
15 Finlay spoke of having bruises which they believed  
16 I think staff at a hospital saw.

17 So clearly the signs were there in some cases but it  
18 doesn't appear that that seems to have made any  
19 appreciable difference.

20 I think again there was some evidence from Joyce who  
21 said she met up with Bill Dunbar I think at a funeral of  
22 the housemother and it was something along the lines of  
23 he knew of her reputation. And he was in quite a senior  
24 position over time. Indeed we heard evidence that when  
25 Joyce's sister moved cottage she told the Inquiry that

1           the new housemother told her she was safe now. So there  
2           are these pieces of evidence which, taken together, if  
3           accepted, do show that there must have been an awareness  
4           certainly of physical abuse going on, of whatever degree  
5           of awareness there was of sexual abuse.

6           I think even some of the evidence from some of the  
7           more senior people and social workers at the time was  
8           that Joe Mortimer had a good idea that things were going  
9           on, bad practices were going on in certain cottages, but  
10          he really for a variety of reasons didn't step in and  
11          take action or use his authority, and of course the  
12          social workers didn't have the power or authority to do  
13          that themselves.

14          Indeed we heard -- perhaps the most remarkable thing  
15          was where one houseparent, I think it was cottage 33,  
16          she gave evidence of how the social worker had been  
17          withdrawn at the instigation of, I think it was perhaps  
18          Dr Minto at that stage.

19       LADY SMITH: So that was the evidence, yes.

20       MR PEOPLES: Yes. Although that particular person did give  
21          evidence, and remarkably I think she questioned records  
22          even when various things were put to her, she wasn't  
23          having anything, and she said "I wasn't unwelcoming to  
24          social workers and all of that sort of thing. But when  
25          the records were put she just said that that wasn't

1 a true reflection of the situation.

2 So it wasn't just applicant evidence; in the face of  
3 evidence and records, she wasn't prepared to accept the  
4 situation as there described. And of course there was  
5 the evidence about aftercare, sometimes people felt they  
6 weren't well equipped.

7 Clearly there is a general evidence over the piece,  
8 particularly in the earlier decades, of a strict and  
9 harsh regime, very regimented, almost military-like,  
10 lots of inspections and things of that kind, I think one  
11 witness likened it to a prison camp at times, I think  
12 these were in the earlier days, in the 1930s to 50s,  
13 although it is fair to say I think that there was  
14 evidence by the 60s that there was a more relaxed regime  
15 beginning to come into play in some cottages but that  
16 the old-style did maintain in others.

17 If I could just turn briefly to Aberlour because we  
18 heard evidence from applicants of their experiences in  
19 Aberlour, and I think they went as far back indeed to  
20 the 1920s, up to about 1991 there was evidence about  
21 Sycamore Services. But I don't think I need to  
22 concentrate today on the Sycamore Services because  
23 I think ultimately what appeared to be allegations in  
24 general terms ultimately were explained as perhaps  
25 something different. There was the issue of restraint

1 and I think we understood what Michael Bulla's position  
2 ultimately was on that matter so I am not going to dwell  
3 on that.

4 But nonetheless, there was evidence of things that  
5 were happening both in the orphanage and indeed in some  
6 group homes, because we did hear evidence about  
7 the orphanage from applicants and about The Dowans,  
8 for example in about [REDACTED] when [REDACTED] BCI/BCJ were in  
9 charge, Whytemans Brae and Bellyeoman. There was also  
10 evidence about Quarryhill but I think the evidence there  
11 was positive about the experiences of those who spoke  
12 about that.

13 So far as the orphanage is concerned, there was  
14 evidence from Ron Aitchison about I think the 1950s and  
15 60s about high turnovers of staff, the orphanage being  
16 understaffed, very young staff at times. So I think  
17 that reinforces the idea that there were conditions  
18 which perhaps didn't help matters along at that time.  
19 I think his evidence was to the effect that life was  
20 quite strict and regimented and run along military  
21 lines. Bed inspection and chores were a feature at that  
22 time. And I think in his view the orphanage was less  
23 a care system and more a system of control, which was  
24 meeting children's basic needs. So he was making that  
25 point from his perspective of a child at the time.

1 Physical abuse. There was evidence about physical  
2 abuse and excessive corporal punishment at the  
3 orphanage, although again perhaps the same point can be  
4 made that the experiences depended on which house  
5 a child was placed in. So we can't just generalise and  
6 say that all houses were places of abuse. And indeed  
7 some, such as Phoenix, said they felt nurtured and cared  
8 for in the house there were in. But others gave very  
9 different experiences and told of abuse.

10 For example, Ruth told of being beaten with  
11 a long-handled brush, David said he was punched in  
12 the face. There were applicants who spoke of scrubbing  
13 floors, including with a toothbrush, as punishment.  
14 Mary spoke of children being hit on the bare bottom with  
15 a hard-soled mule slipper. Rab told of the  
16 [REDACTED] BGF [REDACTED] belting him on the bare  
17 bottom. And I think that was contrary to Aberlour's own  
18 rules, if I remember. That was one of the examples of  
19 the [REDACTED] perhaps setting a bad example, just as  
20 perhaps [REDACTED] BLK [REDACTED] did in the earlier decades if he  
21 ridiculed a child in front of the whole assembly.

22 There was another occasion I think where Ruth said  
23 she was strapped on the bare bottom by Mrs [REDACTED] BBG [REDACTED] in  
24 front of Mr [REDACTED] BGF [REDACTED] William and Rab gave evidence of  
25 random selection for group punishment if a child didn't

1 own up to something. And William spoke of hearing  
2 another voice screaming when he was beaten by the  
3 housemaster. So there was plenty of evidence about that  
4 type of abuse going on, physical abuse in the orphanage  
5 at various times.

6 So far as group homes are concerned, again,  
7 children's experiences depend on which home they were  
8 in. There was positive evidence from David and Angela  
9 of their time at Quarryhill. David said he had  
10 a positive experience at Bellyeoman in the 1960s,  
11 whereas Maria who was in the same place in the early  
12 1970s with different houseparents spoke in her statement  
13 of being kicked and punched. At Whytemans Brae, Mary  
14 spoke of beatings and having her head flushed down the  
15 toilet, cold baths as punishment, use of a belt, being  
16 hit on the hands and being slapped on the face leaving  
17 marks.

18 Ruth spoke of physical abuse at The Dowans, children  
19 being beaten and strapped on bare skin with a belt by  
20 the housefather. And so far as locking up was  
21 concerned, there was evidence again that that was used  
22 as a punishment in the orphanage.

23 So we are seeing the same things happening but in  
24 a different setting. Pauline and Amber spoke of  
25 children being locked up as a punishment at the

1 orphanage. I think in the case of the group homes there  
2 was the evidence of Mary, who was at Whytemans Brae  
3 group home, who spoke of being locked in a cupboard.  
4 Ruth, who was at The Dowans, said she was locked in  
5 a cupboard she estimated for four days without food or  
6 access to a toilet.

7 Bed-wetting. Again there was evidence that this was  
8 punished at the orphanage, that was the evidence of  
9 Mary. And I think her evidence was along the lines that  
10 names were read out or spoken at teatime and punishments  
11 were given in the presence of other children. Pauline  
12 told of bed-wetting and having to take sheets to the  
13 bathroom and children standing in line to be belted in  
14 front of others. Adam McCallum gave evidence that he  
15 recalled an occasion when [REDACTED] BGF  
16 picked on a child at assembly and ridiculed him for  
17 bed-wetting, so that is shades of [REDACTED] BLK again  
18 albeit maybe in a different context.

19 David said he remembered children being wrapped in  
20 wet sheets in the corridors as he and other children  
21 were filing past. In the group homes there was some  
22 evidence from Ruth that children were punished for  
23 bed-wetting, given cold baths, faces rubbed on wet  
24 sheets. And she contrasted that with the night staff  
25 who apparently dealt with the matter sensitively but

1 children were still beaten by the houseparents, she  
2 said, if they found out in the morning. So in the same  
3 place different carers were dealing with the matter in  
4 an entirely different way.

5 Again when it comes to food we hear similar sort of  
6 stories to those that we heard at Quarriers of people  
7 missing meals because they were cleaning floors as  
8 a punishment, that was the evidence of Mary. Meals  
9 being re-served, that was the evidence of William.  
10 Children being punished for not eating, again William  
11 said that. Amber spoke of food being re-served and  
12 being made to sit in front of an uneaten meal. Pauline  
13 told of being force-fed porridge and made to eat her own  
14 vomit when she was sick and said she saw this happen to  
15 others.

16 In the group homes there was evidence from Mary of  
17 meals being re-served if a child didn't eat, that was at  
18 Whytemans Brae. CC spoke of uneaten meals being  
19 re-served at The Dowans. Maria spoke of food being  
20 re-served at Bellyeoman and saw her sister being  
21 force-fed by the housefather.

22 So again we are getting the same things time and  
23 time again.

24 Emotional abuse. Again, we have the response to  
25 bed-wetting in some cases and people's names being read

1 out or called out. And I think name-calling generally,  
2 there was evidence of that. I think Ruth mentioned she  
3 was called derogatory names such as "red headed  
4 bastard". There appeared to be more generally a lack of  
5 what might be termed emotional support offered to the  
6 boys who were sexually abused by Mr Lee, and I think we  
7 have heard a good deal of evidence about that episode  
8 which your Ladyship may think doesn't reflect  
9 particularly well on the organisation if one accepts the  
10 evidence of both Rab and indeed the housemother at the  
11 time.

12 In the group homes, again there was evidence of  
13 emotional abuse in relation to bed-wetting,  
14 force-feeding, and Mary said that the houseparents at  
15 Whytemans Brae told children that they had got the worst  
16 bunch of kids and no one wanted them. So we are seeing  
17 these features again.

18 Clearly there was sexual abuse at the orphanage and  
19 we have Mr Lee, again I think your Ladyship will well  
20 remember that chapter. And in the group homes there was  
21 evidence of sexual abuse of Maria by a housefather at  
22 Bellyeoman and indeed by peers. Ruth spoke of sexual  
23 abuse by the housefather at The Dowans.

24 So we have similar themes and trends and again  
25 I think we see a general lack of reporting by children

1           for perhaps the same reason as we saw in relation to  
2           Quarriers and I think we would see in relation to  
3           Barnardo's as well. And there were reports of lack of  
4           preparation for leading care, and I think some of these  
5           matters are touched upon in the closing submissions on  
6           behalf of Aberlour so I'm not going to labour these  
7           matters at this stage. So again we have these features.

8           Barnardo's, well, we don't have the benefit of  
9           a closing submission yet but what I could do is just  
10          indicate that we are seeing similar things again. We  
11          are seeing historically harsh regimes, we are seeing  
12          sexual abuse at Glasclune in the 70s, at Tyneholm in  
13          the 50s, at Craigerne in the 60s. We are seeing  
14          bed-wetting being treated as a punishable offence and  
15          humiliation at Glasclune, and indeed Tyneholm in the  
16          50s. The 1960s I think for Glasclune. We are seeing  
17          evidence of force-feeding and re-serving of meals, again  
18          Glasclune featured there. And particularly I think in  
19          the 60s, I think this was probably more in the times of  
20          Mr and Mrs QON/Q and their [REDACTED] and also evidence  
21          I think was given by Richard, evidence of force-feeding  
22          at Glasclune, I think that was in the 60s. There was  
23          also the evidence of Richard about force-feeding at  
24          Tyneholm.

25          There is evidence again of emotional abuse. One

1 notable example I think came out of evidence of a number  
2 of applicants about the pants inspection at Glasclune.  
3 There was again evidence of hurtful remarks about  
4 residents and family and evidence of lack of affection.  
5 That is another theme. Again not perhaps with the same  
6 intentions but again it seems that that was a feature of  
7 life historically.

8 Again, we had the same theme of lack of preparation  
9 for leaving care, some spoke of that, not feeling  
10 adequately prepared. And of course we had more general  
11 issues about -- I think all three gave issues about  
12 training. And I'm not going to labour this but I think,  
13 at the very highest, training in both Barnardo's and  
14 others was variable in terms of quality and quantity and  
15 content, albeit I accept that there was clear evidence  
16 that there were opportunities and to some extent efforts  
17 were made to train staff.

18 LADY SMITH: The need for it was being recognised in later  
19 years.

20 MR PEOPLES: Yes. In fact I think the need was recognised  
21 in the 40s, according to Barnardo's, when there was  
22 a council set up and Barnardo's themselves were  
23 recognising it. But whatever need was recognised, it  
24 didn't appear that filtered through into a comprehensive  
25 training programme for staff. And indeed we heard lots

1 of evidence about difficulties of recruiting and  
2 retraining staff and I think that was a general theme  
3 from all three providers.

4 I think we also heard, both in relation to  
5 Barnardo's and Quarriers, variable levels of  
6 supervision. And I just mentioned the evidence of  
7 Mary Roebuck about Glasclune where she didn't really  
8 feel the supervision was all that was required, she  
9 didn't feel well equipped, and that was in the 70s.  
10 Eric gave evidence about Balcary in the early 1970s,  
11 where there was no real guidance or training given to  
12 him when he was there. So we are getting similar themes  
13 there. And of course sexual abuse I've mentioned at  
14 Glasclune, Tyneholm, Craigerne at various points.

15 So I think we are seeing the same themes again and,  
16 if I am not mistaken, I think ultimately in her evidence  
17 on behalf of the organisation there was an acceptance  
18 that there was a degree of organisational failure in  
19 various respects historically by Barnardo's and they may  
20 well want to deal with that in their submissions.

21 I will leave it for them to judge. But your Ladyship  
22 knows there was evidence along those lines, we did  
23 explore that, and indeed Sarah Clark as I have said  
24 explored the whole matter of why abuse happened.

25 So I think we have a similar pattern or themes that

1 emerge across the board and, perhaps for many of  
2 the same reasons, why these situations may have  
3 occurred, notwithstanding systems, policies and aims.

4 So if your Ladyship does accept this evidence, there  
5 was significant abuse of children in the care of all  
6 three providers, there were children who lived in  
7 a state of constant fear, there were children who didn't  
8 have an effective voice, and perhaps that was most  
9 children.

10 There was evidence that staff were afraid to speak  
11 up, there were closed cultures where unacceptable or  
12 outmoded practices were allowed to continue  
13 unchallenged. There was a failure to recognise the  
14 impact of what would now be seen as behaviour amounting  
15 to emotional abuse, albeit accepting that for many  
16 children the experience may nonetheless have been  
17 a positive one, or at any rate not a negative one due to  
18 abuse, if I could put it that way.

19 There was perhaps historically a mindset that carers  
20 would not abuse children in their care, the very idea  
21 for some being inconceivable, and a recruitment process  
22 that was not robust. It does seem that historically  
23 care staff and providers were good at meeting basic  
24 needs and maintaining control through discipline and  
25 punishment, often an over-use of punishment, but that

1 approach was not on the evidence, you may conclude,  
2 child-centred, even if affection and nurturing was not  
3 deliberately denied.

4 The work was demanding, as I have said. Not well  
5 valued, it was relentless. Many children, many with  
6 complex needs. Staff not necessarily adequately trained  
7 or equipped to cope with the demands. Staff may not  
8 have been given sufficient support, direction and  
9 guidance, and staff were left to get on with things as  
10 best they could. Staff who had considerable autonomy in  
11 practice which resulted in variable standards of  
12 childcare, some good, some bad. Children who were  
13 afraid to report or were not listened to and believed  
14 when they did. No time to provide nurturing and  
15 affection.

16 So if one does ask the question why some children  
17 were abused, in my submission the case study and the  
18 evidence we have heard may at least assist in providing  
19 some answers to that question.

20 So I think that is all I would wish to say at this  
21 stage.

22 LADY SMITH: Thank you very much.

23 I am going to turn now to Mr Gale who represents the  
24 Former Boys and Girls Abused at Quarriers. Mr Gale, I'm  
25 not sure how long you think you will need. I do

1           recognise it is now 12.15 pm. If you feel that up to  
2           1 o'clock, when I will need to rise, won't give you long  
3           enough, please just find a convenient place to break.

4                           Closing statement by MR GALE

5   MR GALE: Thank you, my Lady.

6           Good afternoon. I begin this submission with some  
7           introductory observations. The organisation FBGA was  
8           established to provide a resource for those abused in  
9           Quarriers homes over the years, and through David Whelan  
10          as its spokesman it has conducted and informed a  
11          tireless campaign for the voices of survivors to be  
12          heard in an independent Inquiry.

13          On behalf of the organisation and Mr Whelan, we  
14          would wish to express our appreciation to the Inquiry  
15          for the opportunity to participate in this case study.  
16          Our primary interest is in the evidence led of those who  
17          suffered and survived abuse in Quarriers homes and which  
18          records now, for the first time in a formal process, the  
19          often harrowing detail of those experiences.

20          This is of course the first case study in which we  
21          have played a direct and active role, but in relation to  
22          earlier case studies we have acquainted ourselves with  
23          the evidence led through consideration of witness  
24          statement, transcripts, and, in the case of the  
25          Daughters of Charity, the findings of fact issued by

1           your Ladyship.

2           Having attended the oral hearings in that case  
3           study, we would observe that only through directly  
4           hearing the evidence of survivors does one fully  
5           appreciate the effects their experience in childhood has  
6           had, and continues to have, on those who have now lived  
7           most of their lives. Reading statements simply cannot  
8           prepare one for the impact of such evidence.

9           We would like at this stage to recognise and express  
10          our appreciation to the Inquiry team, including the  
11          Inquiry solicitors, for the difficult work that its  
12          members have carried out to enable this case study to  
13          provide such a comprehensive record of events in  
14          Quarriers. The work of the Inquiry witness support team  
15          has been vital before, during and after the presentation  
16          of witnesses' evidence, and we recognise and thank them  
17          all for what they have done to enable the witnesses'  
18          accounts to be given.

19          Can we also thank Mr Peoples QC and Ms Rattray,  
20          advocate, who have acted as counsel to the Inquiry  
21          during this case study, for their skill and  
22          professionalism in presenting the evidence and also for  
23          their assistance in answering correspondence and  
24          incorporating into their questioning of witnesses  
25          matters that we have asked to be raised.

1           I think, my Lady, I could just add there that we are  
2 grateful to Mr Peoples for his detailed closing  
3 submission this morning. And so far as his general  
4 observations and those that are specific to Quarriers,  
5 there is nothing in what he has said that we would have  
6 any dispute with.

7           LADY SMITH: Thank you.

8           MR GALE: Finally, my Lady, can we express our appreciation  
9 to your Ladyship for the way in which she has presided  
10 over these hearings. The provision of a forum in which  
11 applicants have the opportunity to discuss intensely  
12 personal matters, in some cases matters of which their  
13 own families remain unaware, is, we recognise, something  
14 that requires delicate and perceptive skill. And again  
15 adding there, my Lady, I don't think the evidence of  
16 Elizabeth could possibly have been delivered unless  
17 my Lady had provided the circumstances in which she  
18 could do that in a way that she was obviously  
19 comfortable with.

20          LADY SMITH: Thank you.

21          MR GALE: My Lady, this has been a case study involving  
22 three institutions, the principal common factor being  
23 that as voluntary and non-religious organisations they  
24 operated under the same regulatory regime. Considering  
25 these organisations together has allowed a comparative

1 approach to be taken to the conduct of the  
2 organisations, which we say has been informative,  
3 particularly in the context of the governance of the  
4 organisations.

5 Our submission for obvious reasons will concentrate  
6 on the period from the commencement of the Inquiry's  
7 remit until approximately 1990 being the period during  
8 which evidence shows that abuse occurred. We will also  
9 look at the response of the organisation when the  
10 occurrence and extent of the abuse became apparent.

11 As we have made clear on a number of occasions, we  
12 accept that Quarriers is now a very different  
13 organisation to that which tolerated abuse perpetrated  
14 by its staff, and we understand that the present  
15 management of Quarriers is anxious to uphold its present  
16 high reputation.

17 That desire should not, however, be a reason to seek  
18 to minimise the extent of the abuse that occurred and  
19 the damage which it has caused to survivors who were, at  
20 the time of the abuse, innocent children.

21 We have noted the apology and its terms which were  
22 given at the outset of the Inquiry and it was repeated  
23 at the beginning of this case study. We also note what  
24 Ms Harper, the current CEO of Quarriers, said in her  
25 evidence and it is worth repeating what she said. She

1           said this:

2           "On behalf of the organisation I accept that there  
3           was widespread abuse of children at Quarriers. As  
4           chief executive, I am deeply saddened and shocked to  
5           hear about this widespread abuse and its nature."

6           She went on:

7           "Personally I am deeply saddened and shocked from  
8           the evidence I have heard about children's experiences  
9           and the impact on their lives that the abuse has had.  
10          I will never forget that. On behalf of Quarriers,  
11          I unreservedly apologise to those who suffered abuse  
12          when in the care of the organisation."

13          We are grateful that she attended the oral hearings  
14          to hear of the abuse and, having seen her obvious  
15          emotion in giving her evidence, we have no doubt that  
16          she was deeply moved by what she had heard.

17          There are two comments we would wish to make about  
18          the apology. Firstly, it is our submission that  
19          the organisation must have known several decades ago  
20          about the scale and nature of the abuse which went on  
21          and, accordingly, it is a matter of regret that  
22          an apology of this nature was not issued many years ago.

23          Secondly, the term "widespread" does give some  
24          indication of the scale of the abuse of which Quarriers  
25          is now aware but it is a somewhat anodyne term which

1 requires to be set in context.

2 It is known that in the period from 1930 to date in  
3 excess of 30,000 children were in residential care in  
4 Quarriers, and it is known that the numbers from about  
5 1990 to date are relatively insignificant. The majority  
6 of applicants who gave evidence made it clear that they  
7 were not alone in suffering abusive practices but that  
8 they observed and were aware that many of their  
9 contemporaries were also abused in similar or in other  
10 ways.

11 We also made the point in our opening submission  
12 that the response documents produced on behalf of  
13 Quarriers disclosed the numbers of known and alleged  
14 abusers as known to them. This case study has certainly  
15 not reduced those numbers. It is our submission that  
16 the evidence available to the Inquiry that abuse as  
17 defined for the purposes of this Inquiry was, throughout  
18 the period in question, endemic in certain cottages and  
19 was a part of everyday life.

20 With these observations in mind, it is not  
21 unreasonable to conclude that in the relevant period  
22 certainly hundreds, if not thousands, of children  
23 suffered abuse in Quarriers. The acknowledgment that  
24 there was widespread abuse requires to be read in this  
25 context and we would invite my Lady to make a finding in

1 fact, perhaps in the terms just suggested, which  
2 reflects the scale of abuse in the relevant period.

3 In addition, the number of identified abusers,  
4 whether convicted or not, clearly dispels the suggestion  
5 that abusers were rare bad apples within a barrel of  
6 otherwise kind and competent carers. In his evidence,  
7 Tom Shaw made the point of reiterating what he had said  
8 in his Time To Be Heard report. That he and his  
9 Commissioners had been treated with "respect,  
10 sensitivity and graciousness", and that:

11 "We were continuously impressed by the dignity and  
12 openness of those who came to be heard. It is  
13 remarkable that so many of those who spoke of  
14 particularly bad experiences had the capacity to be  
15 objective and to acknowledge individual members of staff  
16 and aspects of provision to whom and for which they are  
17 grateful. We felt that in some cases the individuals  
18 had accepted as normal particular circumstances and  
19 treatment that even of their time were unacceptable."

20 We cannot improve on that assessment in recommending  
21 that the Inquiry takes a similar view of all the  
22 applicants who came to give evidence. Applicants came  
23 before the Inquiry with a range of personalities and  
24 characters, to be expected of a large number of  
25 disparate individuals, and some clearly found the

1 experience of giving evidence traumatic and distressing.

2 That said, their honesty and dignity was manifest,  
3 in our submission, and we are reinforced in that  
4 assessment from the terms of Ms Harper's acceptance of  
5 the abuse. The chancers, the money-grabbers and the  
6 nutters were notable by their absence and those who  
7 previously castigated survivors in those terms should  
8 take a long, hard look at themselves.

9 A final observation that we would make at this stage  
10 is that in our view and in our submission, this form of  
11 investigation has allowed a more informed view to be  
12 taken of the culture which existed in Quarriers and  
13 indeed in the other organisations over the period in  
14 question.

15 Themes have emerged which have been consistent over  
16 the years: the casual violence, whether simply  
17 gratuitous or under the guise of supposed punishments  
18 meted out to children. The appalling treatment of those  
19 who were bed-wetters and, in particular, their public  
20 humiliation. The cruelty of force-feeding, the  
21 separation of siblings within the village and the  
22 isolation of children from those in the outside world.  
23 The fact that there were good cottages as opposed to bad  
24 cottages. The underlying atmosphere of fear and the  
25 sexual exploitation of certain children.

1           This is not meant to be an exhaustive list but  
2           gaining this overall impression of the culture is not  
3           something that could be properly brought out if one were  
4           examining the circumstances of specific allegations  
5           given the exigencies of a criminal trial or a civil  
6           litigation. It has particularly assisted in dispelling  
7           the impression that those accused of abuse were not the  
8           sort of people who would do such things.

9           On contentious issues a person with a veneer of  
10          respectability and a devout Christian ethos had  
11          an obvious advantage over a person who might bear the  
12          psychological scars of abuse. Ms White, the Procurator  
13          Fiscal, put the matter very clearly in what we say was  
14          her very perceptive evidence.

15          There is of course a datum point and that is the  
16          convictions. Over a number of years eight individual  
17          members of staff of Quarriers village were convicted of  
18          various offences of historic child abuse. These  
19          offences included instance of rape, serious sexual  
20          assaults, physical assaults and statutory offences of  
21          cruelty towards children, and in three cases in  
22          particular they were prosecuted at High Court level and  
23          resulted in substantial periods of imprisonment. Full  
24          details of these convictions are listed in the  
25          amalgamated Quarriers report and will obviously form

1 a critical part of the necessary findings in fact.

2 As far as FBGA is aware, no other organisation in  
3 Scotland has thus far attracted so many convictions of  
4 members of staff as Quarriers. While the Inquiry has  
5 heard only limited evidence concerning the details of  
6 the abuse which forms the basis of these convictions,  
7 their nature and seriousness speak for themselves.

8 John Porteous gave evidence to the Inquiry. He was  
9 convicted of sexual abuse of two boys, one of whom was  
10 David Whelan. He continued to deny the abuse of which  
11 he was convicted, relying upon clearly spurious reasons,  
12 in particular that he did not have a fair trial despite  
13 being represented by experienced senior counsel and the  
14 absence of an Anderson based appeal. He suggested that  
15 the limited success of his appeal was in some way due to  
16 a supposed deficiency in the evidence given by  
17 David Whelan when in reality it was due to the  
18 intervening decision of the High Court in Winston.

19 LADY SMITH: I think it is Webster, Webster v Dominic. And  
20 for completeness, your reference to the Anderson case is  
21 where a ground of appeal can be taken on the base of  
22 deficiencies, significant deficiencies, in failing to  
23 represent a defence at trial.

24 MR GALE: Indeed. Thank you, my Lady.

25 He attributed a comment to a judge of the

1           Appeal Court, I think the comment was that it was  
2           "unsafe".

3           LADY SMITH: We don't use that expression in Scotland.

4           MR GALE: Which is not used. So we say it is highly  
5           unlikely to have been said, almost impossible to have  
6           been said. He also attributed to your Ladyship entirely  
7           unwarranted reasoning in dismissing David Whelan's civil  
8           claim.

9           Mr Porteous was and continues to be a proven liar,  
10          the man for whom the comment "vener of respectability"  
11          could scarcely be more apposite. And while that may be  
12          abundantly apparent, it does little to lessen the  
13          distress that his evidence caused Mr Whelan both orally  
14          and in his written statement. His failure to offer  
15          an apology for his conduct spoke volumes.

16          In connection with the convictions, Ms Harper's  
17          statement contains one general and one specific  
18          observation. These to a certain extent have already  
19          been alluded to by Mr Peoples.

20          She stated:

21          "Simply because individuals have not been convicted  
22          of certain offences does not mean that they did not  
23          abuse children in the way alleged."

24          That is particularly clear when one considers the  
25          very clear evidence which David Whelan gave to the

1 effect that he and his sister had been physically abused  
2 by Jack. She also said that the investigation into the  
3 allegation against John Porteous in 1982 concerning  
4 an account of abuse which was recorded as being "so  
5 vivid and detailed that initially it was rather  
6 convincing", was, so far as Quarriers was concerned,  
7 entirely inadequate. Those observations by Ms Harper  
8 were well made, particularly the first, given she had  
9 had the benefit of hearing the evidence.

10 My Lady, can I turn now to what we term "the early  
11 years".

12 The terms of reference of the Inquiry provide that  
13 it should cover events within living memory occurring up  
14 until 17 December 2014. The majority of applicants who  
15 gave evidence of abuse spoke to events which occurred in  
16 the 1950s until the 1980s. There is, however,  
17 a substantial body of information before the Inquiry  
18 which provides a very clear and disturbing indication of  
19 the abuse which prevailed from the 1930s onwards. In  
20 the 1930s and 1940s a regime existed in which shocking  
21 physical and emotional abuse was commonplace within the  
22 organisation. It is in our submission noteworthy that  
23 the abuse which has been described in these early  
24 decades bears a remarkable similarity to the nature and  
25 extent of the abuse of which applicants have spoken in

1 more recent years.

2 One can begin with the evidence of Anne, who was the  
3 very first witness in this case study, who gave evidence  
4 of an account of life in Quarriers between 1933 and 1942  
5 which was given to her by her mother, Irene, shortly  
6 before she died to assist with her feelings that "she  
7 felt that she didn't have anybody".

8 Summarising Anne's evidence, she recalled that Irene  
9 said she was treated cruelly without any affection, that  
10 she was never cuddled and she was told that she was  
11 worthless, that her own mother didn't want her, that if  
12 she failed in the performance of a mundane task, she was  
13 "shrouded in black", which led her to walk to church in  
14 clothes different from those worn by others. She termed  
15 it "a walk of shame". While unable to recollect the  
16 names of her houseparents, she was able to recall that  
17 the housemother could be kind to her but the housefather  
18 was "awful". To complain would be deemed ungrateful and  
19 would incur punishment. She knew that she and others  
20 were not to speak about anything that went on in  
21 the cottage.

22 She was physically punished, recalling in particular  
23 that she had forgotten to have a hankie protruding from  
24 her pinafore, as a result of which she was belted. She  
25 was aware that others were put in isolation, in

1 particular in cellars at the back of the cottage and  
2 that children lived in fear of being locked in there.  
3 She was frequently slapped around her head, particularly  
4 when she failed to call the housemother "mummy". She  
5 was quite proud of her defiance in refusing to do that.

6 She related to Anne that bed-wetters had to wear the  
7 wet sheet around their head and that on one occasion,  
8 when suffering from gastroenteritis, she had to wash her  
9 soiled sheets in an outside sink while naked. Underwear  
10 was inspected and, if soiled, the child was shamed in  
11 front of others. She was separated from her  
12 half-brother. Attempts by her aunt to gain access to  
13 her for a holiday when Irene was 18 were refused,  
14 apparently as a matter of policy. Attempts by family  
15 members to see her on days which were not appointed  
16 visiting days were also refused. A letter to her from  
17 her grandfather was apparently intercepted and read by  
18 the superintendent. Disclosure of the relevant  
19 correspondence caused Irene to be angry in that she had  
20 been of the view that nobody cared about her.

21 Interestingly, the impact on Irene of being in care  
22 in Quarriers had an impact on Anne, her daughter. She,  
23 Anne, concluded that:

24 "The legacy of things that happen in care go beyond  
25 the children who have suffered the abuse."

1           I think that was the reference Mr Peoples made this  
2 morning.

3           We consider it useful to have summarised this  
4 evidence in some detail given that, compressed into the  
5 evidence of a single witness, were recorded instances of  
6 abuse which feature consistently in the evidence of  
7 applicants speaking of their experiences over the  
8 following decades: the absence of affection; the  
9 denigration of the child and her family; the separation  
10 of siblings; the deliberate isolation of the child from  
11 other family members and the misleading impression that  
12 family members were uncaring; the regular infliction of  
13 physical violence; the humiliation of those who wet the  
14 bed and the inconsistency between the conduct of  
15 houseparents within the same cottage.

16           The extent and nature of the abuse spoken by Irene  
17 through Anne find parallels in what is recorded  
18 by Jan McQueenie in her manuscript which contains what  
19 she describes as individual narratives from a few of the  
20 children who suffered at the hands of "couldn't care  
21 less individuals". Based on her own experience as  
22 a resident she states that:

23           "We, the foundlings, orphans, children of neglect  
24 and deprivation, all we expected was shelter, enough  
25 food and warmth to survive and, if it was not asking for

1 too much, an occasional gentle word of comfort and  
2 reassurance, perhaps even a cuddle or other sign of  
3 affection."

4 In that manuscript she records the experiences of  
5 23 residents identified by their Christian names as  
6 related to her. She entrusted the manuscript to  
7 David Whelan in February 2005 and it is right that he  
8 brings this document to the attention of the Inquiry.

9 The accounts are there to be read but we would  
10 mention in particular the account of Maureen, who was in  
11 a "good cottage", which was across the drive from  
12 a cottage where the housemother was someone of whom she  
13 was terrified. But even the good housemother did lose  
14 her temper through "pressure brought to bear by the  
15 responsibility of looking after so many children".  
16 Perhaps unsaid was a recognition by Maureen that the  
17 housemother was simply ill-equipped to deal with the  
18 scale and nature of the task with which she was charged.

19 That has obviously been a matter that my Lady has  
20 discussed with Mr Peoples this morning.

21 "The Quarriers Story" by Anna Magnusson, the revised  
22 edition is 2006, contains some interesting observations  
23 concerning the immediate pre- and post-war years. She  
24 refers to Jan McQueenie's manuscript, wherein she is  
25 referred to as Jan Gordon, as reading like something

1 from Oliver Twist and describes passages in  
2 the manuscript as "harrowing". In particular those  
3 relating to the force-feeding of Jan's sister which she  
4 says would be almost impossible to believe if they were  
5 not duplicated by another child who was in the same  
6 cottage at the same time.

7 Ms Magnusson notes the reference to the standing  
8 orders to "the objectionable habits of children who are  
9 bed-wetters" and that "treatment took the form of  
10 immersion in a cold bath". Significantly she observes:

11 "The worse thing was that there was little help if  
12 a child happened to be in a bad cottage. For children  
13 under the thumb of a cruel housemother or father  
14 complaining was out of the question. They would  
15 probably be punished for that too. They were powerless.  
16 Besides, the children had virtually no contact with the  
17 higher authorities in the homes and each cottage could  
18 function quite independently inside its four walls.  
19 A child could be cruelly mistreated and few outside the  
20 cottage would know about it."

21 My Lady, we commend those observations.

22 For obvious reasons, QOD is not a man we  
23 commend to the Inquiry as an honest witness on  
24 contentious matters, but it is telling that his  
25 experience as a child in Quarriers from 1933 until he

1 left aged 15 coincides with much of the information  
2 already referred to. Children were denied love and  
3 affection. They were punished through the use of a belt  
4 or by being slapped. Children who were will and who did  
5 not eat were belted if they complained. Bed-wetters  
6 were treated "terribly". Children would not complain to  
7 the office, otherwise it would be worse for them. Even  
8 if a child did complain to the office, he or she would  
9 be disbelieved.

10 QOD observed that the then superintendent,  
11 Hector Munro, was "quite a passive man" who apparently  
12 was aware of acts of cruelty and would not have done  
13 them himself. The then chairman, Dr Kelly, dismissed  
14 children who complained with "away home, we're not  
15 interested". QOD also indicated that he  
16 experienced a situation where the housemother was  
17 "wicked" and the housefather, notwithstanding that he  
18 administered the belt, was "quite a gentle man".

19 My Lady, we submit that it is apparent from these  
20 sources of information that Quarriers was, at the  
21 commencement of the period with which the Inquiry is  
22 concerned and up to the period of which the applicants  
23 have given evidence, a place where a regime of brutality  
24 towards children in care existed and that the abusive  
25 conduct of those carers was very likely known to those

1 in a position of authority within the organisation, and  
2 we would invite your Ladyship to make a finding of fact.

3 We also say that for far too long the "ah but"  
4 mentality deployed by supporters of the organisation who  
5 point to the thousands of children who went through  
6 Quarriers with positive experiences has prevailed. This  
7 is apparent in Ms Magnusson's book where she said:

8 "It would be wrong to end an account of cottage life  
9 in the homes in the first half of the 20th century with  
10 stories of cruelty and beatings because they do not  
11 represent the true spirit and quality of life for the  
12 great majority of the children."

13 In her statement Ms Harper observes that the  
14 majority of allegations of abuse of which the  
15 organisation is aware date from the 1950s to the 1980s  
16 but that it was aware of the letter from the chairman to  
17 housefathers dated 22 September 1937 in which there was  
18 acknowledgment that boys had been "thrashed" and that  
19 Quarriers had discovered that a housefather had been  
20 dismissed in 1938 for the physical abuse of a boy.  
21 Contrary to the inference that might be taken from these  
22 limited references and for the reasons given in  
23 the preceding paragraphs, it is our submission that it  
24 is reasonable to conclude that Quarriers is now and has  
25 been for decades aware of the nature and extent of abuse

1           which occurred in the period before 1950 and we would  
2           invite your Ladyship to so conclude.

3           We then go on, my Lady, to make some general  
4           observations which are applicable to all periods under  
5           consideration.

6           Rather like Aberlour orphanage, Quarriers village  
7           was a concept which originated in Victorian times and  
8           which was centred in a relatively remote rural location.  
9           Essential to its working was the village setting  
10          comprising large Victorian houses run by either a single  
11          houseparent or by couples of usually married  
12          houseparents. The superintendent in overall charge of  
13          the village had various duties and responsibilities,  
14          ranging from recruitment to discipline to pastoral care.  
15          They were quite simply too extensive and onerous for  
16          a single person to carry out.

17          The observations made by Ms Harper in her statement  
18          at paragraphs 194 to 199 are, in our view, both  
19          perceptive and accurate and, having heard and considered  
20          the relevant evidence, we would not gainsay anything  
21          said by her on the matter.

22          The autonomous nature of individual cottages has  
23          created a problem which has been highlighted by  
24          a number of witnesses. It is abundantly clear that,  
25          throughout the relevant period, the governance of

1 certain cottages by the houseparent or parents led to  
2 them being regarded as good cottages, whereas others  
3 were considered bad cottages. Children indicated that  
4 this was something of which they were aware, and some  
5 witnesses indicated that, in being transferred from one  
6 cottage to another, they experienced appreciably  
7 different standards of care.

8 Given that children were aware of this, it is almost  
9 inconceivable that those in positions of authority  
10 within the village were unaware of this. For children  
11 who found themselves in bad cottages, and by this we  
12 mean not simply cottages in which the regime was strict  
13 but where abuse took place, it would inevitably increase  
14 their sense of isolation and would create a sense of  
15 unfairness when they compared their lives to those of  
16 other residents.

17 In our opening submission to this case study we  
18 noted that the response documents presented by Quarriers  
19 had identified only 14 instances of recorded complaints  
20 of abuse. Over the period under consideration, that was  
21 and remains a disturbingly low number and in evidence  
22 applicants spoke to threats or actual physical abuse  
23 which operated to deter children from complaining.

24 Those who did complain were dismissed or  
25 disbelieved, and there is evidence that some complainers

1           were moved from the village. It is disappointing that  
2           in her statement Ms Harper continued to assert that she  
3           believed that, in the time of Joe Mortimer's period as  
4           superintendent, he operated "an open door policy".  
5           Children did not in fact find the process of complaining  
6           to those in authority an option that was open to them.  
7           They were deterred from so doing by those who abused  
8           them and by the knowledge that, if they did complain,  
9           they would likely be disbelieved. Again, my Lady, we  
10          would invite a finding in fact along those lines.

11                 There has been clear evidence that many of those who  
12          were houseparents during the period in question were  
13          simply ill-equipped for the admittedly difficult task of  
14          caring for a large number of children who represented  
15          a range of difficulties of their own. The apparent  
16          prerequisite that a carer, particularly a houseparent,  
17          should come from a Christian background was simply  
18          insufficient to secure a person who had an aptitude to  
19          care for children and an empathy for children who may  
20          well have come from troubled circumstances.

21                 There also appeared to be a level of informality in  
22          making appointments, with posts often being given to  
23          persons who were known to others who were already  
24          employed in the organisation. The extent to which  
25          houseparents were supervised by those in charge was

1 wholly deficient and inconsistent, almost to a point  
2 where it appears that those in charge accepted with  
3 a shrug wholly unacceptable practices because that was  
4 the way that that particular houseparent had conducted  
5 their cottages for years.

6 This reflects the concern that we have over the  
7 perceived benefit of autonomy. It assumed that the  
8 rights and duties that came with that autonomy would be  
9 exercised properly, and that clearly was not the case.

10 Importantly, my Lady, we accept that many  
11 houseparents acted in a way that those he or she cared  
12 for experienced a nurturing environment. One only had  
13 to listen to the evidence of Carol McBay to appreciate  
14 that. As a consequence, we appreciate the unfairness  
15 that such good parents who, over many years, have  
16 provided exceptional care and indeed the children who  
17 experienced such care will feel when it is necessary to  
18 concentrate on the deficiencies of others.

19 All that said, the nature and level of abuse that  
20 has been disclosed in this case study indicates that  
21 some of the houseparents who were abusive were not just  
22 persons who were out of their depth in caring for  
23 children; given the depravity of the abuse that we have  
24 heard of, the characterisation of some houseparents and  
25 carers as "evil" has to be said, and we note that in

1 their submission Quarriers do characterise certain of  
2 the physical abuse as "cruel and sadistic".

3 On reviewing the evidence, we were struck by the  
4 evidence of Doris Walker whose statement was read in and  
5 who, as a teenager, took up a summer job at Quarriers in  
6 1964. It should be noted that this was shortly before  
7 the inspection in January 1965 which led to the highly  
8 critical 1965 report. She said she had no happy or good  
9 memories. She enjoyed her time with the children but in  
10 the cottage and in the holiday home everyone was:

11 "... too up tight, we were too scared that we would  
12 upset or offend her ..."

13 That being the housemother:

14 "... to relax."

15 It was not a nurturing environment. It was quite  
16 a damaging environment, and that the lack of love and  
17 care really distressed her. When she indicated her  
18 decision to leave, my Lady will remember she went to  
19 human resources to say she was quitting, the  
20 human resources lady said:

21 "What should I expect, this was a grandmother doing  
22 a mother's job."

23 The fact that such an insight was formed by a young  
24 woman following a brief exposure to the organisation  
25 goes, we say, a long way to negate the suggestion that

1 management were ignorant of what was happening.

2 We would also observe, my Lady, the absence of any  
3 apparent updating of documentation concerning the  
4 guidance to be given to staff. Reference has been made  
5 by Quarriers to their standing orders and the staff  
6 handbook, documents which date respectively from 1944  
7 and 1965.

8 There appears to have been nothing which compares  
9 for example to the regular issuing of circulars by  
10 Barnardo's during the 1940s, 50s and 60s, particularly  
11 those that were in response to changes in the regulatory  
12 regime. They were issued regularly by Barnardo's but,  
13 for reasons that are unclear, Quarriers maintained  
14 documents throughout the period until really the 1980s  
15 and 1990s from 1944 and 1965.

16 A final comment, my Lady, we would make concerns the  
17 absence of any punishment books. This is acknowledged  
18 to be the position by Quarriers. Standing order 7.6  
19 provided:

20 "Every punishment must be immediately entered in the  
21 punishment box."

22 And the records shall show the date, name, age,  
23 nature of the offence, person administering the  
24 punishment and the nature of the punishment itself. It  
25 has been made clear by a number of witnesses that such

1 punishment books existed and were used. Notwithstanding  
2 their apparent significance, not a single book has been  
3 discovered and we entirely accept that the current  
4 management have done all that they can to investigate  
5 the matter. There is no record of any instruction that  
6 they should be destroyed. Such books, if they were used  
7 as required by the standing orders, would likely have  
8 contained records of punishments over the years which  
9 would seem excessive to an observer in this century.  
10 William Dunbar had knowledge of the records of Quarriers  
11 gained during his long employment. He was an unofficial  
12 archivist at and around the time that the police began  
13 investigations into abuse at Quarriers. He was, we  
14 regret to say, an unsatisfactory witness whose interests  
15 lay largely in protecting the reputation of the  
16 institution of which he had been a senior employee and  
17 indeed his own reputation. He was, and remains, a close  
18 friend of John Porteous and it is clear that both he and  
19 his wife continue to support Mr Porteous.

20 Philip Robinson was clearly uncomfortable that  
21 William Dunbar had unfettered access to the records when  
22 he clearly had a potential conflict of interest. It is  
23 our submission that, on a balance of probabilities,  
24 William Dunbar had an involvement in the destruction  
25 and/or disappearance of the punishment books.

1           My Lady, I am conscious now of the time. I do have  
2           a number of pages still to go. I don't wish my Lady ...

3           LADY SMITH: It is really a matter for you, Mr Gale.

4           I could go on to between five and ten past, if that  
5           enabled you to finish. Can I check so far as that last  
6           observation that, on a balance of probabilities,  
7           William Dunbar had an involvement in the destruction or  
8           disappearance of the punishment books. There is  
9           of course no evidence that he deliberately set about to  
10          get rid of them.

11          MR GALE: No.

12          LADY SMITH: But against that we do have a picture painted  
13          of an enormous number of records and documents which he,  
14          certainly for a period, had sole control over. It is  
15          possible, I suppose you are saying, that through some  
16          mismanagement of some sort, books got destroyed or were  
17          put away when he was in control of them.

18          MR GALE: Yes. My Lady, I think that submission to  
19          your Ladyship is slightly reinforced by the evidence of  
20          Mr Robinson. My recollection was that he was, I would  
21          say, particularly uncomfortable about Mr Dunbar's  
22          position at that time, and it seems such an unlikely  
23          situation that no such books are available. The only  
24          thing I think we have is a record containing a page in  
25          which -- and it is incomplete, it is a sample --

1           containing a page of where punishments would be  
2           recorded. But given the extent to which witnesses made  
3           clear that these were people who were houseparents and  
4           others, were aware of these documents, that there should  
5           be no documents -- given the extent of the documentation  
6           that Quarriers has got and has obviously provided to the  
7           Inquiry, it is, we do say, an omission that does give  
8           rise to suspicion. I put it that way.

9           LADY SMITH: Yes.

10          MR GALE: My Lady, I am aware of my Lady's invitation, but  
11           I think given --

12          LADY SMITH: I don't want to put you under pressure. This  
13           may be a sensible place to break.

14          MR GALE: It would be sensible, if that is acceptable.

15          LADY SMITH: Very well. So far as that final matter is  
16           concerned, I can take it that you are inviting me to go  
17           as far as saying one is left with an unfortunate sense  
18           of suspicion about these matters, given the friendship  
19           that put Mr Dunbar in a position to be motivated to  
20           protect at least the person you have already referred  
21           to.

22          MR GALE: Yes, my Lady. That is it precisely.

23          LADY SMITH: Thank you very much. I will rise now until  
24           tomorrow morning at 10 o'clock. Thank you.

25          (12.58 pm)

1 (The hearing adjourned until 10.00 am on Tuesday,  
2 12 February 2019)

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