

1 Thursday, 4 April 2019

2 (10.00 am)

3 LADY SMITH: Good morning.

4 As I indicated last night before we finished, we
5 turn this morning to some more expert evidence. I think
6 we have Professor Levitt for us, do we, Mr MacAulay?

7 MR MacAULAY: Yes, we do. Before we start with

8 Professor Levitt, Professor Levitt has relied on quite
9 a number of documents in producing his report.

10 Fortunately, he has in the main set out the main parts
11 of these documents in his report. I raise that point
12 because I had planned to put a handful of documents on
13 the screen, but the quality of the documents is such
14 that we cannot read them on the screen, apart from
15 perhaps one or two documents.

16 LADY SMITH: I understand that. This is to do with not just
17 the quality but the age of the documents, prepared at
18 a stage when nobody ever envisaged them being shown on
19 screens in public places.

20 MR MacAULAY: And I think it may have been taken off
21 microfiche, which makes it more difficult.

22 LADY SMITH: Of course, yes, it was the microfiche era.

23 Very well, thank you.

24 MR MacAULAY: Against that background, then, can I recall
25 Professor Ian Levitt?

1 PROFESSOR IAN LEVITT (recalled)

2 Questions from MR MacAULAY

3 LADY SMITH: I think you'll remember where to sit,
4 professor.

5 When you're ready, I'll ask Mr MacAulay to resume
6 his questioning of you.

7 MR MacAULAY: Good morning, Professor Levitt.

8 A. Good morning.

9 Q. The last time you were here, which was on the 2nd and
10 3 November 2017, you provided us with evidence in
11 connection with that part of your report that took us up
12 to 1968. Today, you're here to speak to that part of
13 your report that takes you from 1968 to 1992; is that
14 correct?

15 A. That's correct, yes.

16 Q. In particular, to give the report a broad label, it's
17 what we call an inspection report. You are looking
18 in the main, but not exclusively, at systems of
19 inspection?

20 A. That's correct, yes.

21 Q. In the green folder in front of you, you will have
22 a hard copy of the report, and I'll give the reference
23 for the stenographers: it's SGV.001.007.9461. It'll
24 come on the screen.

25 At page 9464, which is page 3 of the report, you

1 repeat what was set out in the Section 21 notice,
2 setting out what the Scottish Government were to ask you
3 to do --

4 A. That's correct, yes.

5 Q. -- and we needn't go back over that.

6 Can you just remind us how matters ended when we
7 came to the end of the 1968 period in relation to
8 systems of inspection? Where did the system of
9 inspections lie in relation to children in care?

10 A. There were two forms of inspection. One was the
11 inspection of approved schools by HM Inspector of
12 Schools, which by 1968 had two dedicated inspectors of
13 approved schools.

14 Q. Was the HM Inspector of Schools under the jurisdiction
15 of the Scottish Education Department?

16 A. Yes, that's correct. Allied to them was the
17 Childcare Inspectorate, which is somewhat complicated.
18 In 1967/1968 they were paid on the vote of the Scottish
19 Home and Health Department but were actually attached to
20 the Scottish Education Department for the purposes of
21 childcare inspection of children's homes and boarded-out
22 children and remand homes.

23 Q. So essentially, subject to the qualifications you have
24 given us, it's within the jurisdiction of the Scottish
25 Education Department?

1 A. It's within the jurisdiction of the Scottish Education
2 Department in terms of the format of the inspections,
3 yes.

4 Q. And one of the bodies, if that's the correct word to
5 use, was the Childcare and Probation Inspectorate?

6 A. Yes.

7 Q. They were originally under the Scottish Health
8 Department?

9 A. Scottish Home Department.

10 Q. The Scottish Home Department, but moved to the Scottish
11 Education Department?

12 A. For operational purposes, but not in terms of their pay
13 packet, so to speak.

14 Q. But from the point of view of inspections?

15 A. That's right, yes.

16 Q. Can I then take you to page 9466 of this report; that's
17 page 5 of the report. In your introduction, you set out
18 what the report is to cover. Can you summarise that for
19 us?

20 A. The aim is to indicate the significant change in the
21 inspection regime, which occurred as a result of the
22 1968 Social Work (Scotland) Act, which saw the
23 introduction of a Central Advisory Service, which took
24 on board the inspection of boarded-out children,
25 children's homes, approved schools, later List D

1 schools, and remand homes, later the assessment centres.

2 That advisory service also had the functions which
3 related to the Probation Service, the elderly, and what
4 were then termed the mental health functions of the 1968
5 Act. So it covered a broad spectrum of inspectorial
6 duties.

7 Q. I think this is the organisation that we refer to as
8 CAS?

9 A. Yes.

10 Q. What does that stand for?

11 A. The Central Advisory Service. It was organised and led
12 by a Chief Social Work Adviser, appointed before the
13 1968 Act came into operation. As far as I'm aware, the
14 appointment took place on 1 March 1968.

15 Q. And CAS then, do we try and picture that as a group --

16 A. Yes.

17 Q. -- within another group?

18 A. It was a professionally led group attached to the
19 Social Work Services Group, which were composed of the
20 administrative officials responsible for implementing
21 the 1968 Act.

22 Q. Again, looking to what department then the Social Work
23 Services Group, SWSG, would fall under, which department
24 would that be?

25 A. This again is -- one has to be very careful. The

1 decision of the Secretary of State for Scotland at the
2 time was that that should be attached to the Scottish
3 Education Department, but operate semi-independently, so
4 it could work with the Scottish Home and Health
5 Department and Scottish Development Department on
6 matters of common concern. So it was being paid, if you
7 like, through the Scottish Education Department vote,
8 but it had a semi-independent role.

9 Q. But it did not have a legal status or did it have
10 a legal status?

11 A. The social Work Services Group? No, it didn't have
12 a legal status.

13 Q. Or CAS for that matter?

14 A. CAS did not have a legal status.

15 Q. The persons within these groups would be operating as
16 officers of the Secretary of State?

17 A. They'd be operating as officers of the
18 Secretary of State and therefore could inspect under the
19 terms of the 1968 Act as required.

20 Q. Against that general outline, can you perhaps tell us
21 something about the limitation of this sort of work?
22 I think you have told us this before in relation to the
23 previous report.

24 A. The limitations were clearly indicated by the 1968 Act
25 in terms, I think, of section 5 and section 6 of the

1 1968 Act. It indicated the powers of the
2 Secretary of State and, from memory, I think section 62,
3 is it, indicated the responsibilities of the local
4 authority to register and inspect voluntary homes and,
5 later, the implication was the approved schools, but
6 that did not happen.

7 Q. I think we'll come to that. I had in mind more what the
8 limitations on the research itself were --

9 A. Sorry, yes.

10 Q. -- particularly in relation to records.

11 A. Right. One is always limited by what records have been
12 retained. The policy of retention that existed
13 post-1968 was very much the same as in the post-1948
14 period. That is if one wishes to find a file which
15 relates to the passage of an act of Parliament, then
16 it's almost certainly there. If you wish to locate
17 an issue of major significant political importance,
18 particularly surrounding a paper that went to the UK
19 Cabinet, it will be there. But in terms of the reports
20 on inspections, then there are some limitations as to
21 whether or not the report has been retained, and
22 generally a report has been retained if it has an impact
23 on policy and procedure or it is leading up to a change
24 in an act of Parliament.

25 Q. But generally, was there guidance as to for how long,

1 for example, children's records would require to be
2 retained?

3 A. I think I mentioned in the report later on that there
4 was some discussion post-1968 within the Social Work
5 Services Group as to the retention of records on
6 children. They then came to the conclusion that records
7 held by local authorities were the responsibility of the
8 local authority to decide which records would be
9 retained. In terms of their central records, it would
10 appear that a period of 10 years was the limit to which
11 they would keep a record on a child who was in an
12 approved school or List D school.

13 Q. And so far as the records that you would consult would
14 be concerned, where would you go to look at records?

15 A. The National Records of Scotland.

16 Q. So you're looking really at records that ended up there
17 from Central Government, effectively?

18 A. That's right, yes.

19 Q. What about local authority records? Because I think, as
20 we can see, local authorities also had duties
21 in relation to inspection.

22 A. I have not really looked at that. I'm aware that there
23 are some records that have been retained, but that's
24 something -- that's knowledge that one has acquired as
25 a result of research that I have done in the past.

1 Almost certainly there will be minutes of the local
2 authority meetings. There may well be some records
3 retained on boarding out children and I've certainly
4 seen some records, but they relate to the period before
5 1948.

6 Q. Am I right in thinking, as far as this part of your
7 report is concerned, your focus is on records from NRS
8 in particular?

9 A. That's right, yes.

10 LADY SMITH: I suppose that whilst there could be material
11 in local authority records, it may tell you nothing
12 about inspection, because it doesn't necessarily tell
13 you that the inspectors knew anything about what's
14 recorded in the local authority material that may be
15 there.

16 A. They could certainly call for local authority records
17 and they may well have. I think in some cases there is
18 evidence that they actually are quoting local authority
19 records, but generally speaking, no, that's correct.

20 LADY SMITH: And you'd have to be careful not to fall into
21 the trap of thinking because it's material that's still
22 available, the inspectors must have known about it?

23 A. That's correct, yes.

24 LADY SMITH: Thank you.

25 MR MacAULAY: Then if I take you to page 9469 of the report,

1 page 8 of the report, you set out your methodology.

2 I think that's probably similar to the methodology you
3 adopted for the previous part of your report.

4 A. I think that's pretty much cut and paste, yes.

5 Q. But what you tell us in paragraph 10 on page 9470
6 is that:

7 "For this report, [you] consulted the retained files
8 that covered the approved List D schools, secure units,
9 voluntary children's homes, remand homes, deaths of
10 children in care, the provision of educational
11 psychologists and child psychiatrists, the use of
12 corporal punishment in schools and homes, three judicial
13 inquiries (which includes the Richard Clarke inquiry),
14 the staffing structure and organisation of the SWSG and
15 CAS, and in total some 239 files were consulted."

16 A. That's correct, yes.

17 Q. Perhaps happily for you, a substantial number of these
18 files had been consulted before by you.

19 A. That's right, yes.

20 Q. Was that material you had access to first-hand without
21 having to consult with NRS or did you still have to go
22 through the process of approaching NRS and recovering
23 the material?

24 A. I actually began looking at this, quite a lot of this
25 material, about 20 years ago, which was then available

1 to public inspection in West Register House, (inaudible)
2 NRS, and one simply went in and ordered the files up, as
3 you required.

4 Q. I think you also had access to a small number of
5 Treasury files --

6 A. That's correct, yes.

7 Q. -- that were held at Kew; is that right?

8 A. Yes, that's right.

9 Q. But again, those files had formed part of a previous
10 research project?

11 A. They did, yes, and they helped inform the way
12 I conducted this particular project.

13 Q. Can we then look into the body of the report and turn to
14 page 9473, page 12 of the report. This is what I think
15 is section 1 because I think you tell us at the
16 beginning you divide the report into different sections.

17 A. Yes.

18 Q. Can you summarise for us what this section is designed
19 to cover?

20 A. This section basically ties in with the tail end of the
21 previous report and I think if one refers to, I think
22 it's section 8.35 of the previous report, where there
23 has been considerable discussion about conditions in the
24 approved school, Springboig St John's, which led to
25 ministers saying, "All right, we will have to build

1 another approved school for that particular order", and
2 this begins with officials indicating to the ministers
3 did they wish to include within the Criminal Justice
4 (Scotland) Bill substantial amendments to the issues
5 surrounding juvenile delinquency or not.

6 The important issue about juvenile delinquency --
7 and I think it may not have quite caught the inquiry's
8 attention -- is that juvenile delinquency at that period
9 still belonged, in administrative terms, to the Scottish
10 Home Department, subsequently the Scottish Home and
11 Health Department. So the official responsible for the
12 juvenile courts wasn't attached to SED, he was attached
13 to a different department.

14 This initiative was being led by that official
15 in that particular department, who was then, obviously,
16 corresponding with officials from SED on the issue of
17 approved schools.

18 So I think it's on the following page, footnote 13,
19 which refers to the footnote 8.35 in the previous
20 report. So what I've tried to do here was say: okay,
21 there's an issue surrounding overcrowding and
22 disturbances at approved schools, which is being picked
23 up, which led to the ministers deciding that they should
24 perhaps try and "hot up Kilbrandon" to find an
25 alternative avenue rather than relying on establishing

1 more approved schools.

2 Q. And that's what you quote towards the bottom of
3 page 9473, that the Parliamentary Undersecretary
4 of State, in response to the advice that you have been
5 talking about, went so far as to argue that they should
6 "hot up Kilbrandon"?

7 A. That's a direct quote. That's the same Parliamentary
8 Undersecretary of State as in footnote 13.

9 Q. And then I think you then quote from the minutes of the
10 Kilbrandon Inquiry --

11 A. Yes.

12 Q. -- at paragraph 1.2, page 9474. What was minuted there?

13 A. It's not absolutely clear whether any minister or any
14 official spoke to Lord Kilbrandon, but what one can say
15 is that the minutes of the Kilbrandon Inquiry shifted
16 from a sort of pre-1962 mode of thinking into a mode of
17 thinking which we perhaps have some recognition of, and
18 it began to talk about the -- the minutes talked about
19 childcare based on treatment, which is basically
20 non-institutional forms of care as opposed to relying on
21 the approved school and remand homes, and I think the
22 significance is that Lord Kilbrandon, I suspect -- and
23 it's only a suspicion -- understood that ministers
24 wanted a way out of the existing system.

25 Q. You tell us that the issue of childcare in Scotland was

1 certainly well-known and discussed during this period?

2 A. That's correct, yes.

3 Q. Can you elaborate upon that?

4 A. There had been a report on the remand homes published in
5 1961, which indicated that the form of care in remand
6 homes was sadly lacking and there was certainly no
7 attention to caring for children in a way that modern
8 ideas of childcare were being developed.

9 I think if I can -- I can't remember the paragraph
10 but there's a discussion on the Dundee remand home
11 in the previous report, which does indicate severe
12 concerns about the way that that particular remand home
13 was run.

14 The issue that that particular report indicated was
15 there should be some element of childcare assessment, of
16 the assessment of the child through educational
17 psychologists and psychiatrists as they were going
18 through and being processed by these remand homes rather
19 than simply providing them with bed and board and
20 whatever.

21 Q. As we go through your report, this is a theme that's
22 taken up, isn't it, the use of psychologists?

23 A. That's right.

24 Q. And so on.

25 A. Yes. Additionally, of course, there were comments in

1 the press that there were very few qualified
2 social workers, professionally qualified social workers,
3 working for Scottish local authority childcare
4 departments at the time; I think I found one in Paisley
5 at the time.

6 Q. I think in your report you draw reference to
7 a Home Office survey that was compiled in 1964, where
8 I think a comparison is drawn between England and
9 Scotland.

10 A. That's right, yes.

11 Q. What was the comparison?

12 A. The comparison was that Scotland had invested heavily in
13 residential accommodation at the expense of developing
14 field care services, ie the use of professionally
15 qualified social workers. I think England at the time
16 had something like 180 qualified social workers within
17 practice compared to one in Scotland.

18 Q. And this was in 1964?

19 A. Yes, that's correct.

20 Q. At paragraph 1.4, this is on page 9475, you say that:

21 "At that time in 1960s [and this is before a local
22 government reorganisation in 1975], there were over
23 50 local authorities with children's departments,
24 ranging from cities and boroughs such as Glasgow and
25 Arbroath to county councils such as Lanarkshire and

1 Kincardineshire, and that the Kincardineshire children's
2 department employed a single childcare officer"?

3 A. Yes.

4 Q. That, of course, was under the previous regime?

5 A. Under the previous regime, yes.

6 Q. You move on to talk about the Kilbrandon Report at
7 paragraph 1.5. What is the point you're making here
8 in relation to there being a unified and reformed local
9 social service?

10 A. I think the Kilbrandon Report indicated or confirmed
11 basically what the Home Office report had actually said
12 that really to move forward in Scotland, local
13 authorities needed to employ professionally trained
14 social workers whose principal professional practice
15 should be designed to ensure that children should be
16 kept in the community, if not their families, rather
17 than being sent to children's homes and approved
18 schools. And a non-judicial hearing should be
19 established to facilitate that process, ie take the
20 majority of children who were deemed to be in need of
21 care away from a court-based system of referral.

22 Q. In the next paragraph you, I think, make reference to
23 the proposition that all children under 16 should be
24 excluded from the jurisdiction of the Criminal Court --

25 A. That's right, yes.

1 Q. -- against the background of the establishment of what
2 became known as the Children's Panels?

3 A. That's right, yes.

4 Q. But a first step in setting the target for, I think,
5 what became social work service was the appointment of
6 a director; is that right?

7 A. Yes, who actually became named Chief Social Work
8 Adviser. The aim was to appoint someone on equivalent
9 standard within the Scottish Office to the chief medical
10 officer in Health or the chief engineer or the chief
11 housing officer who could organise the professional
12 service in a way which would further the aims of the
13 Kilbrandon Report and subsequent White Paper issued by
14 the Government and advise the Secretary of State of
15 Scotland on a wide range of issues affecting social
16 services.

17 Q. If I turn to paragraph 1.8 on page 9477, what you say
18 there is:

19 "Discussion in detail amongst officials about the
20 future form of what became CAS began in 1966."

21 Is that correct?

22 A. That's correct: as soon as the officials were aware that
23 the government had committed themselves to introduce new
24 legislation.

25 Q. Can you give us some understanding as to what the nature

1 of the discussions were at that time as to what
2 functions CAS would perform?

3 A. I think the two functions were, firstly, to press on
4 local authorities the need to employ professionally
5 qualified social workers and advise those professionally
6 qualified social workers as to the aims and purposes of
7 the future 1968 Act and develop an appropriate service
8 that would be based on dealing with children outside
9 a court system.

10 The second was also to ensure that the
11 administrative officials could understand at a better
12 level than perhaps they already did the nature and form
13 of childcare as it was developing within academia and
14 within professional practice.

15 Q. On page 9478 you draw attention again to the
16 White Paper, "Social Work and the Community", published
17 in 1966, which you say endorsed the official view.

18 A. Yes.

19 Q. Can you summarise then what that endorsement consisted
20 of?

21 A. That there should be a professional advisory service to
22 help and guide the development of a service at local
23 level and that the service would absorb the current
24 inspection duties of the Childcare Inspectorate and the
25 HM Inspector of Schools service under one heading, which

1 would be led by the Chief Social Work Adviser.

2 Q. You go on to tell us about the advert for the chief
3 adviser issued in August 1967. If I could read from
4 there:

5 "... indicated that the existing professional
6 advisers, the Child and Probation Inspectorate and the
7 two HM Inspectors of Schools who held special
8 responsibility for approved schools had been brought
9 together and integrated within the newly established
10 SWSG."

11 And I think you queried the use of the word
12 "integrated" in that description.

13 A. Well, strictly speaking, the two HMIs, Inspectors of
14 Schools, were paid by the SED, and although they were
15 attached on an everyday level, their reporting mechanism
16 was to the Senior Chief HM Inspector of Schools rather
17 than to the Chief Social Work Adviser. So there is
18 a slight issue of the ultimate responsibility for the
19 work that they completed, but that was resolved by one
20 of the HM Inspector of Schools retiring and a second one
21 leaving the service.

22 Q. You tell us on page 9480, at paragraph 1.13, page 19,
23 that it's not certain when the new Chief Social Work
24 Adviser entered office; it was a she, was it?

25 A. It was a she.

- 1 Q. She was active in March 1968?
- 2 A. Yes. The earliest note I have of a note to that
3 particular official is 28 February, but I don't have
4 anything with her initials on it until, I think, 3 or
5 4 March. So I suspect she entered post on 1 March.
6 I know that the existing childcare inspector, who was
7 retiring, was certainly writing minutes until about 13
8 or 14 February.
- 9 Q. So then she's in post by about then. Just looking at
10 the position overall, what was the expectation that she
11 would be doing?
- 12 A. She had a background as the childcare officer of
13 Glamorganshire in South Wales. Her professional
14 background actually started off, I think, as a teacher,
15 but then what was then termed special needs, before
16 going into local authority service. So she had
17 a considerable background and knowledge of contemporary
18 views of childcare and she was bringing that to
19 Scotland, basically.
- 20 Q. And that was important?
- 21 A. That was very important. Therefore, as you can see from
22 the report, basically the first step she did was to
23 establish a study group to look at the assessment of
24 children, to bring in a more coordinated approach to the
25 local authorities to use child psychologists, child

1 psychiatrists, educational psychologists, as well as
2 social workers, to review any particular case concerning
3 a child.

4 Q. Was this all geared towards, I think you say, to
5 facilitate the development of other forms of care and,
6 in particular, care within the community rather than
7 within a residential establishment?

8 A. Primarily, but also any child within a residential home
9 should also have those facilities available. So a child
10 would not be sent to a residential home, whether it was
11 an approved school or children's home, without having
12 some form of assessment as to the appropriateness of
13 that care home.

14 Q. In your report I think you refer to the setting-up of
15 the study group as one of the first substantive
16 issues --

17 A. Yes.

18 Q. -- that she had to deal with.

19 A. Yes.

20 Q. The second substantive issue that you mention on
21 page 9481 at paragraph 1.15, and this is page 20, was in
22 connection with the position of approved schools.

23 A. That's correct, yes. I think approved schools were high
24 on the agenda in terms of the obvious concern as to
25 their role within the 1968 Act.

1 Q. In that connection was there a report obtained --
2 I think you refer to it as a rough situational
3 assessment --

4 A. Yes.

5 Q. -- on the conditions within approved schools?

6 A. That's right. That came from one of the HM Inspector of
7 Schools, who provided, I think, a two-page report on the
8 issues that that particular Chief Social Work Adviser
9 faced.

10 Q. I had hoped to put this on the screen, but because of
11 problems with the documents, I can't do that. But
12 you have set this out in some detail.

13 A. Yes.

14 Q. Can you then take us through it? You begin on page 9482
15 at paragraph 1.16 on page 21. It's described as:

16 "A rough situational assessment on the conditions
17 within approved schools by [one of the HM Inspectors.]

18 You begin by saying, for example, potentially
19 serious situations at Thornly Park, an accommodation for
20 120 boys, where the previous six months had seen heavy
21 absconding and where it was commented that:

22 "A mass walkout is a hazard not to be ruled out."

23 A. That's correct, yes. Wellington and Kenmure wished to
24 have some capital investment to develop their particular
25 schools away from barrack-style schools to more

1 unit-based schools, ie separate units for different
2 boys, but there were serious concerns at a number of
3 other schools at the time.

4 Q. If you look at the list on page 9483, you look at
5 St Joseph's. Is that St Joseph's Tranent?

6 A. That's right, yes.

7 Q. What did the inspectors say in connection with
8 St Joseph's?

9 A. That's all he said:

10 "There [were] major strains which could lead to
11 a deterioration."

12 I suspect -- and I can only suspect -- that in fact
13 they were overcrowded.

14 Q. Geilsland is also on the list.

15 A. Yes, Geilsland is there. I think my report also
16 mentions some detailed reports on Geilsland, that the
17 new headmaster there was certainly keen on punishment,
18 on maintaining a punishment regime to maintain
19 discipline.

20 There was disgruntlement at Rossie.

21 At Nazareth House, he thought the headmistress was
22 getting past it.

23 LADY SMITH: Which Nazareth House; can you remember?

24 A. That was all I've got.

25 LADY SMITH: Right.

1 A. That's all it says.

2 MR MacAULAY: I think we're dealing with approved schools,
3 so it would have to be Aberdeen. Aberdeen had this odd
4 mix of an approved school, a voluntary home, and a --

5 A. A children's home and an old people's home all in one,
6 yes.

7 At Balnacraig there were issues there on the
8 management of the school.

9 At Dr Guthrie's, there was a lack of school
10 treatment facilities for the disturbed girls.

11 At Balrossie, Balgowan and Dr Guthrie's Boys he had
12 serious concerns about the punishment regime.

13 Q. I think you set this out on the next page, that the
14 inspector went on to say -- and I can read from the
15 report itself:

16 "Some of the situations enumerated above are the
17 breeding grounds of incidents which may result in
18 publicity and end in inquiries."

19 A. Yes.

20 Q. And I think you draw attention to that, I think, on the
21 top of page 9484:

22 "We cannot keep everyone right all the time, but
23 in the event of such inquiries, as have taken place in
24 England -- Court Lees and Carleton(?) -- it is doubtful
25 whether our current attenuated supervision of

1 establishments, for which the Secretary of State has
2 direct responsibility, would escape considerable
3 censure."

4 A. That's correct. His concern, and that particular
5 inspector had moved from England so knew something about
6 the Carleton incident in some detail. That resulted in
7 a public inquiry as there was serious injury to quite
8 a number of the boys and schoolteachers at Carleton. At
9 Court Lees I think the issue was the high incidence of
10 irregular punishments, as they would say.

11 There was a concern that then something would happen
12 in Scotland which would result in embarrassment to the
13 Secretary of State.

14 Q. And this report by the inspector, is that the sort of
15 report that would cause concern?

16 A. I think it underlined the policies that the Chief
17 Social Work Adviser wished to follow and I think my
18 report indicates that they did follow throughout their
19 tenure in office, which was to reduce the use of these
20 institutions.

21 Q. The reaction at the time then was what?

22 A. I think it was noted at the time because, of course, in
23 1968/1969, approved schools were still approved schools,
24 which were separately managed outside the local
25 authority sector. The issue I think at the centre was

1 to try and seek to integrate the approved schools more
2 closely with ongoing local authority social work
3 services by the employment of the use of social workers
4 within their establishments.

5 Q. So far as this report we've looked at is concerned,
6 do you tell us in your report that the Chief Social Work
7 Adviser informed approved school managers of certain
8 facts? What was conveyed to them?

9 A. The issue really was that they would provide assistance
10 on the social work side for them rather than simply
11 providing advice on the academic side, academic/caring
12 side. They would provide advice on the caring side
13 primarily, basically to move forward on the issue of the
14 joint assessment of children, which I have just talked
15 about.

16 Q. That's the second substantive issue that had to be
17 addressed. The third substantive issue I think you tell
18 us in your report at page 9484 was the death of children
19 in care.

20 A. That's right, yes.

21 Q. Can you just help me with that? What was the situation
22 here?

23 A. The regulations issued in 1959, principally as a result
24 of the death of the boy in the Argyll Glen, in, I think,
25 1955 or 1956, indicated that the Secretary of State

1 should be informed of any death of a child in care so
2 that his then Inspectorate could review the documents
3 and discuss and decide whether any advice should be
4 given to local authority childcare officers on future
5 practice.

6 The then Inspectorate would review the documents
7 and, if necessary, consult the Scottish Home and Health
8 Department medical officer if there were any particular
9 health issues that needed to be addressed.

10 Q. You say in your report at page 9485 -- and I think this
11 is a circular that has been circulated by with the Chief
12 Social Work Adviser --

13 A. Yes.

14 Q. -- namely:

15 "It has come to notice that in recent months there
16 has been an increase in the number of deaths of children
17 in the care of local authorities."

18 And some figures are given.

19 A. That's right, yes. It seemed to be averaging 10 to 12,
20 and then suddenly it went up to 21 by November 1967.
21 She wished to ensure that the local authorities would
22 look at each case and consider what changes in practice
23 might be required to prevent deaths if they were
24 preventable.

25 Q. But at paragraph 1.20 on page 9486, this circular to the

1 local authority children's officers went on to seek
2 information from them in such cases of the full medical
3 history of the child, the detail of the circumstances
4 leading up to the death, and the point at which medical
5 evidence was obtained and treatment offered.

6 A. That's right. If one, for instance, looks at the NRS
7 file concerning the deaths of children, it's a sort of
8 odd bundle that doesn't really add up very much.
9 Sometimes it's going to the Chief Medical Officer
10 himself, sometimes they're asking about medical issues,
11 and what she's doing is trying to bring it all together
12 and say: in future what we want to know is not just
13 childcare practice but also the medical history of the
14 child and your practice in terms of the boarding-out
15 system that you have organised.

16 Q. It goes on to say also that the local authority itself
17 should conduct an inquiry.

18 A. Yes. I think that was within the 1959 regulations that
19 they should inquire themselves. I think she was
20 actually underlining the necessity not just to put it in
21 a filing cabinet, but to conduct an inquiry themselves.

22 Q. Then, as I think is your approach to these reports, you
23 end each section with a review of the section.

24 A. Yes.

25 Q. Can you perhaps take us through that? I think it gives

1 us a useful summary of what you have said.

2 A. Yes. I think it's a reflection -- it's based on
3 a reflection by officials within the Scottish Office
4 at the time, the Scottish Home and Health Department and
5 SED, that they realised the existing Scottish system --
6 a child, for instance in a school, who committed an
7 offence might end up in a special school, whereas if
8 that same child committed it outside the school gates,
9 they might end up in an approved school, but the
10 circumstances were the same. Therefore there was
11 something quite seriously wrong with the system of
12 childcare that operated in Scotland and that Kilbrandon
13 was trying to bring it altogether through a much more
14 coordinated approach, based on looking at the child
15 first rather than the offence or the issues.

16 Q. Therefore if we come to the creation of CAS, that was
17 created, I think you tell us, in recognition that
18 Scottish local authorities would require more active
19 guidance in how to approach --

20 A. Yes. I think "guidance" is a diplomatic word. In fact,
21 there was obviously some serious issues concerning
22 social work services within local government at the time
23 and they needed to be pressurised to move into a system
24 where they employed professionally qualified
25 social workers within their children's services

1 department.

2 Q. I think you say that CAS and its social work advisers
3 would review the approved schools and other residential
4 establishments in some detail with the expectation of
5 change in practice.

6 A. That's correct, yes. The assumption was that when
7 part III of the 1968 Act came into operation, the
8 approved schools and the remand homes would fall to the
9 local authorities and become residential establishments
10 of a different ilk than what they had been.

11 Q. Can I then move on to section 2, which begins at
12 page 9489 of the report. Can you just summarise what
13 you're setting out in this particular section?

14 A. I think the aim here is, as in the previous report, and
15 as a requirement, to indicate the structure of the
16 Central Advisory Service, its organisational role and
17 functions throughout the periods of its existence, it's
18 the relationship to the administrative officers in the
19 Social Work Services Group, its relationship to the
20 educational psychologists that had been appointed in the
21 approved school systems, and the reviews that occurred
22 in 1980 and 1985, which substantially altered, if you
23 like, the functions of the Social Work Services Group
24 towards the end of its period of life.

25 Q. You begin by reminding us that the main function of the

1 Social Work Services Group, SWSG, was to supervise the
2 implementation of the 1968 Act.

3 A. That's correct, but reminding the inquiry that it also
4 covered not just social work and reorganisation of
5 approved schools, but the elderly, the disabled, the
6 mental handicapped, and community relations under the
7 Community and Development Project which had just been
8 initiated. So it was a wide function.

9 Q. You give us some information as to its personnel. It
10 was organised under an Undersecretary, with three
11 divisions, each headed by an assistant secretary?

12 A. That's right, yes.

13 Q. And in relation to personnel, did that grow over the
14 period that we're looking at?

15 A. There was some growth, but within the divisions, ie more
16 branches were established within the divisions as the
17 work began to develop, so if you look at the division
18 which had approval schools, remand homes and adoption,
19 that changed over the period as approved schools became
20 less significant and it simply became a division which
21 dealt with residential establishments and there was
22 another division on childcare.

23 Q. If you turn to page 9490, at 2.2:

24 "Professional advice was provided to the SWSG by
25 CAS."

1 A. Yes.

2 Q. And again, you provide us with information as to how CAS
3 was made up in July 1969, with a Chief Adviser of
4 Social Work, which we talked about, a deputy chief
5 adviser, and two senior social work advisers working on
6 a territorial basis.

7 Just looking at the territorial aspect of it, how
8 was that divided up?

9 A. You may remember from the previous report that the
10 Childcare Inspectorate had an office in Aberdeen and
11 also in Glasgow as well as Edinburgh. That was
12 maintained so that the Aberdeen office would cover the
13 north of Scotland, the Highlands and Islands; the
14 Glasgow office would cover basically the west of
15 Scotland; and the Edinburgh office would cover Fife, the
16 Lothians and the Borders, as well as providing head
17 office services.

18 Q. In addition to that personnel, there was also
19 a complement of social work advisers?

20 A. The social work advisers are part of CAS. I have used
21 the term that's used within the files, but the
22 social work advisers were effectively the previous
23 Inspectorate plus some additional advisers who were
24 appointed as a result of the 1968 Act. So the term
25 "inspector" disappears and the inspectors become

1 "advisers". Does that make sense?

2 Q. Are these advisers trained in social work?

3 A. From what I can establish, and the records are not
4 absolutely clear, the majority of those in Scotland who
5 had been childcare inspectors had been trained in
6 probation work and therefore were familiar with juvenile
7 delinquency. A small number of them had health
8 qualifications. There weren't that many courses in
9 social work available in the UK before 1968.

10 Q. Then so far as the social work advisers are concerned,
11 were they based in the territorial locations that you've
12 mentioned?

13 A. Yes. There would be social work advisers, some in
14 Aberdeen, some in Glasgow, some in Edinburgh, plus the
15 additional number of head office support advisers within
16 Edinburgh.

17 Q. This is of course at a time when we have, I think, about
18 50 different -- let's call them local authorities --

19 A. Yes he.

20 Q. -- in contrast to what happens in 1975.

21 A. From what I can gather, the function of the advisers was
22 to go to the local authority childcare officers and
23 discuss issues and bring to their attention the changes
24 that the 1968 Act intended.

25 Q. And the local officers would not have the expertise

1 then to address --

2 A. Some of them might have been through a childcare
3 training programme, but others might not have. I think
4 the last report mentioned the West Lothian childcare
5 officer who had been a nightwatchman.

6 Q. Yes.

7 A. So some of them did and some of them less so.

8 Q. In that same paragraph, paragraph 2.2, you mention that:

9 "In early 1969 then the general supervision of
10 approved schools had been transferred to the SWSG."

11 A. That was in anticipation of part III of the 1968 Act
12 coming into operation, at date yet unspecified, but the
13 assumption was that all forms of residential care would
14 come under the review of the Chief Adviser of
15 Social Work.

16 Q. And just to remind ourselves, SWSG came under the
17 general jurisdiction of the SED; is that right?

18 A. That's correct, yes, but with some semi-independence.

19 Q. Yes, as you mentioned.

20 But as a consequence of that, then so far as the
21 HM Inspectors of Schools were concerned, who are also
22 under the SED, their jurisdiction in relation to
23 inspections was confined to scholastic activities?

24 A. That's correct, in the way that the normal activities of
25 an Inspector of Schools would conduct their business.

1 Q. Do we see that when inspections were being carried out,
2 we would have joint inspections?

3 A. From what I can gather, the programme of inspections
4 were not necessarily joint inspections. The Schools
5 Inspectorate would -- their timetable would enable them
6 to inspect an approved List D school at a particular
7 time. If they saw an issue they would bring it to the
8 attention of the Social Work Services Group and CAS make
9 and their social work adviser would make an inspection
10 before the Schools Inspectorate. Sometimes there were
11 joint inspections.

12 Q. But one is looking into broadly care issues and the
13 other into education issues?

14 A. That's correct, yes.

15 Q. If you move on to page 9491, paragraph 2.3, what you say
16 there is that in May 1970, apart from the Chief
17 Social Work Adviser and the Deputy Chief Social Work
18 Adviser, there were three senior advisers, 20 other
19 advisers, and a medical officer?

20 A. That's correct.

21 Q. So we now have some numbers?

22 A. I'm able to establish some numbers because that list of
23 staff is actually published in an NRS file.

24 LADY SMITH: So we're still talking about advisers within
25 the CAS?

1 A. Yes.

2 LADY SMITH: It's growing?

3 A. From what I can understand from 1966, its size doubled.

4 MR MacAULAY: Yes. One point you make here is some of these

5 social work advisers, if not newly appointed, would have

6 been members of the Childcare and Probation

7 Inspectorate --

8 A. That's right, yes.

9 Q. -- which originally, I think, had been under the

10 SHD's --

11 A. Yes.

12 Q. -- jurisdiction --

13 A. That's correct, yes.

14 Q. -- as you said earlier, which had been taken over, at

15 least for inspection purposes, by the SED?

16 A. Yes, that's correct.

17 Q. It seems all very complicated.

18 A. I think on the ground, the officials knew who to report

19 to. Yes, there are some minutes on file where there are

20 joint meetings between the Childcare Inspectorate and

21 SED in the period before 1968. And obviously, post-1968

22 there are meetings between the advisers and the

23 administrative officials concerning particular issues.

24 Q. And I think you deal with the territorial issues we've

25 talked about already in the next few sentences, setting

1 out details of the staff and the different offices.

2 A. Yes, that's right.

3 Q. If we turn to page 9492, paragraph 2.4, you set out
4 there an outline of the duties and functions of the
5 social work advisers and that that had been circulated
6 internally to staff in September 1969. Can you
7 summarise then what these individuals' duties were?

8 A. Their primary purpose was to indicate to local authority
9 childcare officers and others in the approved school
10 that their primary function was to promote professional
11 practice at the highest level and that the aim would be
12 not to undertake casework by local authority but to
13 advise them of appropriate forms of casework.

14 Q. When you talk about casework, do you mean not directly
15 involved with the children themselves?

16 A. Not directly involved with the children themselves but
17 looking at particular documents and saying, well,
18 I think this child perhaps should be fostered rather
19 than being sent to a children's home, or vice versa or
20 whatever. That's essentially what the purpose of the
21 advisers was at the time, which basically was to improve
22 the quality of care.

23 Q. You go on to say at -- what's set out in paragraph 7
24 is that:

25 "The area adviser will make himself familiar with

1 the child services and those provided in day or
2 residential establishments and seek to secure
3 satisfactory standards."

4 Can I just understand what that means? Does that
5 mean that the adviser would actually go to the location?

6 A. Yes, would inspect voluntary homes and local authority
7 children's homes, remand homes and approved schools, and
8 indicate what changes in practice they thought
9 appropriate if they found any deficiencies.

10 Q. So when we talk about inspection, are we looking to the
11 social work advisers as being the inspectors?

12 A. Yes. Yes, under the 1968 Act, I think it's section 6,
13 the Secretary of State is permitted to conduct
14 inspections, so he's basically -- that particular person
15 is basically designating an adviser as an inspector.

16 Q. Is this across the board of residential establishments,
17 not just approved schools?

18 A. It's across the board: voluntary homes,
19 children's homes, remand homes all came under the
20 inspectorial guise of these advisers.

21 Q. What about children who were fostered or boarded out to
22 private establishments, to homes?

23 A. I think the 1959 regulations, unlike the previous
24 regulations, did not indicate that the Childcare
25 Inspectors would visit foster homes.

1 Q. Was that down to the local authority?

2 A. It was down to the local authority.

3 Q. This paragraph goes on to say that:

4 "If he perceives grossly unsatisfactory
5 circumstances, particularly in the treatment of
6 residents of local authority or voluntary
7 establishments, he will seek to secure speedy remedial
8 action and, if necessary, report these unsatisfactory
9 features within the group with a view to further
10 action."

11 A. That's correct, yes.

12 Q. Is the group the SWSG or is it SCAS?

13 A. SWSG.

14 LADY SMITH: I see references there to "area advisers"; was
15 there evidence of certain individuals within this
16 growing group having different parts of Scotland as
17 their responsibility?

18 A. Oh, yes. There was obviously a group at Aberdeen
19 a group at Glasgow and a group at Edinburgh as well as
20 headquarters staff in Edinburgh. So you can see the
21 same individual reporting on homes, say in the West of
22 Scotland, throughout that particular early period.

23 LADY SMITH: And does it look as though they would be based,
24 to take your West of Scotland example, the person would
25 be based in Glasgow?

1 A. Yes, it would appear that they were based in Glasgow.

2 LADY SMITH: But is there then evidence of them coming
3 together at any regular point to discuss and share
4 notes?

5 A. I think I mention later on that there was a management
6 board within the Social Work Services Group And also
7 that the Chief Social Work Adviser held a management
8 group as well, where information would be passed on.
9 I can provide examples where particular issues were then
10 raised. The adviser who had an issue was then turning
11 up at the board meeting and providing more information.
12 But generally speaking, most of it was done by minutes
13 with information being supplied through the post.

14 LADY SMITH: Thank you.

15 MR MacAULAY: If we move on to page 9493, page 32 of the
16 report, at paragraph 2.6, you start looking at the role
17 played by educational psychologists, and in particular
18 that SWSG was assisted by these individuals. Can you
19 elaborate upon that?

20 A. This had come about, really, I think, as a result of the
21 Carleton incident, that it was recognised by the
22 Home Office in England that they needed to have a better
23 system for the assessment of children in approved
24 schools so that in Scotland, as there was a secure unit
25 being established at Rossie and also a similar facility

1 at Kibble, they should have educational psychologists
2 stationed there, paid for by SED, who would then, if you
3 like, be roaming educational psychologists and available
4 to other approved schools in the north of Scotland, for
5 instance at Rossie, and in the west of Scotland, and the
6 east of Scotland at Kibble.

7 Q. So although based at these two establishments, they
8 would cover all the approved schools?

9 A. They would cover or they would be available for
10 particular issues that emerged at other approved
11 schools, but by 1968/1969, there were now five
12 individuals, so there were two still based at Rossie and
13 Kibble, but the others were attached generally to,
14 I think, Edinburgh, who would then visit the approved
15 schools.

16 Q. So would the assessment of the child then take place at
17 the school --

18 A. Yes.

19 Q. -- itself, but not before the child was sent to the
20 school?

21 A. Both. If an issue arose on the commital of a child, the
22 educational psychologist would review any documentation
23 and then advise which school would be most appropriate,
24 and then the adviser would look at it again and either
25 agree or disagree or modify it or whatever. But the

1 educational psychologists were also available to review
2 cases within the approved schools.

3 Q. So this looks like a significant step --

4 A. Yes.

5 Q. -- from the point of view of the children's welfare?

6 A. It indicates a significant step change, if you like, in
7 modern language, with the way that childcare was being
8 developed within Scotland.

9 Q. I think we can remind ourselves that so far as the
10 numbers of approved schools at this time is concerned,
11 we're talking -- it may fluctuate a bit -- something
12 like 24, 25, 26 approved schools?

13 A. Yes, that's right, I think it was about 24 or 25 at the
14 time, yes.

15 Q. You mention there the Approved Schools Association.

16 I just want to understand what that body was because you
17 tell us it's a body that represented approved school
18 managers.

19 A. Yes.

20 Q. Can you help me with what its function was?

21 A. Its function, I think, was basically to represent their
22 interests to the government, to the Secretary of State,
23 and it would meet on a regular basis but it would also
24 meet in joint session with SED before 1968 and with SED
25 and the Social Work Services Group and the advisers

1 thereafter to discuss issues of common concern.

2 Q. Who would make up this association?

3 A. I think there's a nice line in that you've got the chair
4 and some other members of the managers, but it was
5 usually the headteacher who spoke.

6 Q. So is it really made up of people who were attached to
7 the approved schools?

8 A. It was approved school managers, but the primary
9 speakers tended to be the headteachers at these
10 meetings.

11 Q. Headteachers at the schools?

12 A. At the schools, yes.

13 Q. The submission being made here, I think, that you refer
14 to is that this body is maintaining that the schools
15 needed a greater -- there was a greater need for further
16 assessment in the schools?

17 A. Yes.

18 Q. And what happened?

19 A. They accepted that there was an inadequacy and, from
20 what I can see from the establishment figures, the
21 number of educational psychologists did increase, but
22 more significantly, there was an acceptance that perhaps
23 they needed psychiatric service involvement as well as
24 educational psychologists.

25 Q. What happened in that connection then? Was there

1 some psychiatric --

2 A. Rather a long discussion with the National Health
3 Service as to the provision of educational
4 psychiatrists, with quite terse correspondence in some
5 cases to their availability for such work.

6 Q. Do you mean by that there were resource constraints?

7 A. There were resource constraints of the number of
8 psychiatric GPs and consultants available at that time.
9 It really wasn't resolved, I think, until the end of the
10 1970s, when more were actually appointed.

11 Q. If we move on to page 9495, you make reference there to
12 a briefing note for the Parliamentary
13 Undersecretary of State from SWSG. What was the
14 intention behind that?

15 A. At that stage, the two HMIs for approved schools had
16 left service. The traditional format of communication
17 with the SED, and therefore the Secretary of State, by
18 the head teachers rather than the managers was through
19 the HMI approved schools. Now they were getting generic
20 social work advisers, who may or may not have any
21 background in approved schoolwork, and there were
22 complaints appearing that they didn't really understand
23 the work that they were doing, and thus SED looked at it
24 and said, "Well, we perhaps need to employ someone as an
25 adviser with a background in approved school work", and

1 an individual was appointed from the English service to
2 fulfil that role.

3 Q. The note went on, as you set out in paragraph 2.10, that
4 the:

5 "New legislation is bringing the approved schools
6 out of a situation of isolation in which they had full
7 control over the care and aftercare of their pupils,
8 into a situation in which they form one of a range of
9 social work agencies and the local authority social work
10 departments, as agents of the children's hearings, take
11 over the continuing responsibility for children in need.
12 Aftercare of pupils has already been handed over to
13 local authorities in implementation of part II of the
14 Act."

15 So there's a change there particularly in relation
16 to aftercare?

17 A. They lose the control of the aftercare of a child.

18 Q. The managers of the schools?

19 A. The managers and the headteacher, basically, loses
20 control to the local authority. Essentially, the
21 welfare advisers that were attached to the approved
22 schools became employed by the local authority and
23 therefore they became employed by the Director of
24 Social Work Services within local authorities. There
25 was clearly some concern as to their future function and

1 role within the 1968 Act and therefore they were just
2 reacting and saying, "We need specialist assistance to
3 come and understand our problems".

4 The issue for CAS and Social Work Services Group
5 is that this was not really acceptable, they weren't
6 going back to the pre-1969/1968 system, that the
7 approved schools would have to get used to the fact that
8 the professional advice would be coming from someone
9 with a qualification in social work as opposed to
10 education primarily.

11 Q. On page 9496 -- and I think this is in response to the
12 briefing note at paragraph 2.11 -- SWSG accepted that
13 social work advisers with suitable experience of
14 residential work were required.

15 A. Yes.

16 Q. That's additional staff?

17 A. That's additional staff. Again, it's difficult from the
18 records available to work out the previous history of
19 the officials appointed but the particular official they
20 appointed had a background in what was termed "English
21 classified approved schools". That is a school --
22 because England had more approved schools and it was
23 a school which you would use to assess a child being
24 placed in an appropriate approved school, rather than
25 perhaps the Scottish system, which was more generic,

1 apart from age and sex and religion. So this particular
2 person was brought in.

3 The other advisers, it's not clear what their
4 previous professional history was, except that they had
5 obviously some involvement with residential care and
6 with approved schools.

7 Q. But here, are we looking to the task of allocating
8 a child to a particular school?

9 A. I think that's why this particular person was appointed,
10 because he had been at the classifying school, he would
11 understand what approved school was most appropriate for
12 the child that was coming in, in terms of being required
13 to be allocated so it wasn't simply a random process of
14 allocation.

15 Within the Scottish system, there was some idea of
16 classifying a child to the appropriate school, and this
17 particular person obviously had the better
18 qualifications for the post than anyone else.

19 Q. Ultimately, I think as you tell us, in relation to the
20 management of these schools, the ultimate decision
21 rested with the Secretary of State?

22 A. Yes. But that was delegated to Social Work Services
23 Group, Approved School Branch and Division, in
24 consultation with this social work adviser and the
25 educational psychologists.

1 Q. Can we then move on to page 9498 of the report at
2 paragraph 2.12. You tell us that by the beginning of
3 1971 there were six nominated social work advisers who
4 covered approved school inspection.

5 A. Yes.

6 Q. One of whom was a senior work adviser.

7 A. That was the person who was appointed from the English
8 classifying school. He got promoted.

9 Q. You've taken some information from the SED staff
10 directory of May 1973.

11 A. Yes.

12 Q. That indicated that SWSG remained based on three
13 administrative divisions. That's the territorial
14 divisions you have mentioned?

15 A. No, no, that is service-based divisions, ie there was a
16 division which looked at the development of services,
17 a division which looked after now List D schools, plus
18 other childcare services, a division which looked after
19 the elderly, those with learning disabilities and
20 others.

21 Q. And you mentioned that earlier.

22 A. Yes.

23 Q. And at the end of that paragraph you say that:

24 "There were 24 main grade advisers with nine amongst
25 their duties covering the List D schools."

1 A. That's correct.

2 Q. By 1973?

3 A. 1973, yes, but they would also perform other duties, not
4 just List D schools.

5 Q. Then in paragraph 2.14 on that page, you indicate that:

6 "In April 1971, after the application of part III of
7 the 1968 Act, List D schools became residential
8 establishments --"

9 A. Yes.

10 Q. "-- in which children subject to a supervision
11 requirement might be required to reside."

12 A. That's right, yes.

13 Q. The change from List D schools to residential
14 establishments, what was that change?

15 A. They were the same schools, run by the same managers and
16 the same headteachers, unless the headteachers changed.
17 All that changed was that instead of the child being
18 committed by the courts, juvenile courts, they were
19 being committed by the children's hearings.

20 LADY SMITH: But could also be sent there by the
21 Secretary of State? Would that be where the child had
22 been before the court and the court had simply specified
23 the child was to go to -- I'm not sure what the language
24 was in 1971, but nowadays you'd simply say, "A young
25 offenders' institution or the like", and then it's up to

1 the Secretary of State to decide where.

2 A. It could be. I think these were later classified as
3 section 413 under the 1975 Criminal Justice --

4 LADY SMITH: Criminal Procedure Act 1975?

5 A. Yes, I think that's that category.

6 LADY SMITH: Thank you. That would make sense.

7 MR MacAULAY: The section 413 orders were orders through the
8 ordinary courts, as opposed to children's hearings.

9 A. That's right, yes. But also, there could be situations
10 where, on reviewing a case, a child who had been in
11 a List D school was being sent to another List D school,
12 particularly a secure unit. It's that interface between
13 the approved List D schools and the secure
14 accommodation, as it was being developed in that
15 particular period.

16 LADY SMITH: Did they actually stop being called List D
17 schools in practice at that time?

18 A. When? In ...

19 LADY SMITH: We are at 1971, the mid-1970s, I suppose, now.

20 A. There are various references to some approved, ie List D
21 schools, dropping the phrase "List D", and simply
22 calling themselves "school".

23 LADY SMITH: So thereafter it would just be the name of the
24 particular school --

25 A. That's right, yes.

1 LADY SMITH: -- leaving off any particular description of
2 the school? But Scotland being a small place, people
3 knew and I think a lot of them still kept being referred
4 to as a List D school.

5 A. That's right, yes. List D didn't mean anything other
6 than that was the fourth column of an SED list of
7 schools.

8 MR MacAULAY: And I think it fell away ultimately; was it
9 after the 1995 Act?

10 A. List D schools ceased to have that name in 1986 when
11 they were transferred -- when the finance of those
12 schools was transferred from the Secretary of State to
13 the local authorities. I think later on in the report
14 I say at least half had closed by 1990.

15 Q. Looking at the set-up at this time, as you say towards
16 the top of page 9499, in the main the List D schools
17 were managed by voluntary organisations?

18 A. Yes.

19 Q. I think you say there were two managed by the
20 Corporation of Glasgow?

21 A. That's right, yes. It was a continuation of the same
22 system of management except they were termed differently
23 and except that, by that particular period, the welfare
24 officers worked for the local authority and not for
25 themselves. Also, they had educational psychologists

1 and were starting to have educational psychiatrists on
2 hand if necessary.

3 Q. In relation to registration then, at this point in time,
4 local authorities, I think, were informed that
5 applications for registration of List D schools had to
6 be sent to the Secretary of State.

7 A. That's right, yes. Clearly, there was considerable
8 discussion about the issue of transferring the authority
9 to register and inspect to the local authority, but as,
10 of course, 50% of their funding was coming from Central
11 Government, and as there was issues surrounding the
12 liberty of the individual, they decided that they would
13 remain under the inspectorial guise of the Central
14 Advisory Service.

15 Q. Did this cause any difficulty with the local
16 authorities?

17 A. I think they were rather pleased they didn't have to
18 fund them.

19 Q. I think that changed in due course.

20 A. That changed in due course, as I think the report
21 indicates, by the fact that the post-1975 social work
22 departments began not to use the List D schools and
23 therefore they emptied. Therefore they had no real
24 function and therefore you didn't have to fund them.

25 Q. If we move on to page 9500, paragraph 2.15, you're

1 taking some information from the retained files at NRS
2 that indicate that the Chief Social Work Adviser was
3 also a member of the SWSG board.

4 A. Yes.

5 Q. And that met regularly to coordinate matters?

6 A. That's right. It would appear to be every two or three
7 months. That would be the Undersecretary responsible
8 for the Social Work Services Group, the three assistant
9 secretaries, and the Chief Social Work Adviser, plus
10 others as the items on the agenda determined.

11 Q. You draw attention to a particular meeting in 1974 and
12 what the discussions involved. For example, you mention
13 that that meeting discussed the issue of a shortage of
14 residential places for children, that having referred to
15 the SWSG board; is that right?

16 A. That's correct, yes, and the issue was would it support
17 the development and construction of more List D schools
18 or not. The advice of the Chief Social Work
19 Adviser, which the Social Work Services Group accepted,
20 was that wasn't the direction of the 1968 Act at all.

21 Q. Policy being to encourage facilitation of children going
22 back into the community -- remaining in the community?

23 A. Yes, that's right, if not within families then certainly
24 fostered, which was accepted.

25 Q. And was that followed up then with a circular to local

1 authorities, setting out the policy and encouraging
2 a commitment to schemes for non-residential care?

3 A. That's correct, yes.

4 Q. And you deal with that on page 9501. The second main
5 paragraph, the quote is:

6 "It is of the first importance that recommendations
7 to hearings for the placing of children under
8 residential supervision requirements should be made with
9 great care and discrimination and that residential
10 schools and residential homes are used for those who
11 most require them."

12 A. I think that is the sort of continuation of the Chief
13 Social Work Adviser's, if you like, mission to develop
14 alternative services in the area of childcare and that
15 it shouldn't automatically be assumed that a child in
16 need should go to a residential home or a List D school
17 and that the social worker on the ground should look
18 very carefully at what facilities and services could be
19 developed or were developed for that child outside of
20 residential accommodation.

21 Q. And this circular ends, if we look towards the bottom of
22 the page:

23 "In particular, authorities are asked to consider
24 the promotion of a foster care programme geared to the
25 needs of some children who come before the hearings."

1 A. That's correct, yes. That's what I meant by underlining
2 the purpose of the 1968 Act.

3 Q. I think later on in your report you look at a problem
4 that occurred, I think, in Fife in relation to --

5 A. Yes.

6 Q. -- how children were being placed. That took matters
7 perhaps to another extreme?

8 A. Yes. That was an issue really surrounding the second
9 full paragraph there:

10 "That great care and discrimination ..."

11 There was a view that it might be necessary in
12 certain circumstances to have a child in a residential
13 home rather than in the community for various reasons,
14 of the child being at more risk within the home rather
15 than in a residential hostel/home, accommodation.

16 Q. And I think as we'll see, the policy that evolved in
17 Fife was very much to try -- very much was to have
18 children in the community to the exclusion of any
19 children going into residential homes?

20 A. Yes, that's correct.

21 Q. And that caused something of a problem?

22 A. That caused some difficulty with this particular -- if
23 you read this particular circular correctly, then it's
24 saying that it is not seeking to abolish all residential
25 accommodation.

1 MR MacAULAY: My Lady, that's coming up to half past.

2 LADY SMITH: If that would be a convenient point to break,
3 we'll break now for the morning break and I'll sit again
4 in about 15 minutes.

5 (11.28 am)

6 (A short break)

7 (11.45 am)

8 LADY SMITH: Mr MacAulay, when you're ready.

9 MR MacAULAY: Can I then take you to the local authority
10 reorganisation in 1975, which I think has an impact on
11 what happens thereafter. As you tell us on page 9501 at
12 paragraph 2.16, the reduction in the number of local
13 authority social work departments because of
14 reorganisation was from 50 to 12 in 1975.

15 A. Yes.

16 Q. So that was quite a dramatic change?

17 A. Quite a dramatic change, which led to, obviously,
18 a significant reconfiguration of local authority
19 social work departments, from Strathclyde, the largest,
20 I think down to Orkney, being the smallest.

21 Q. This resulted, I think, in a review of the future of the
22 role to be played by SWSG.

23 A. That's right, yes.

24 Q. Perhaps it's obvious, but can you explain why that was
25 the background to that?

1 A. It wasn't part of my brief, but by 1978 there was
2 a significant increase in social work training
3 programmes throughout the UK, particularly in Scotland,
4 Edinburgh, Glasgow. I think Dundee also had social work
5 training programmes of significant numbers. So by
6 1979/1980, the majority of those who were in
7 social work, local authority social work departments,
8 had a professional qualification. I think by 1977 or
9 1978, SWSG indicated that any future appointments of
10 directors of social work services had to be
11 professionally qualified.

12 So that change meant that, if you like, the pushing
13 role of the Central Advisory Service in terms of
14 indicating the standard of care that was required by the
15 1968 Act was being pushed aside by the fact that you had
16 qualified social workers within local authority practice
17 who knew or should have known what the quality of care
18 was.

19 Q. And that would be particularly the case in a place like
20 Strathclyde --

21 A. Yes.

22 Q. -- which was a very large local authority?

23 A. That's right. And obviously, the structure of their
24 department meant -- or the implication of the reports
25 that I've indicated indicate that their senior

1 social work staff were actually on salaries larger than
2 the Scottish Office social work advisers.

3 Q. No doubt that riled them a little bit. Can we then look
4 at what the study confirmed? That's on page 9502. It
5 begins by saying:

6 "The territorial adviser met a pressing need when
7 there were more than 50 local authority departments."

8 A. That's correct.

9 Q. As you indicate:

10 "Many of them were very small and did not have the
11 expertise in-house."

12 A. Yes. That's correct. But the directors of social work
13 services really wanted advice from specialist advisers
14 who had, if you like, additional qualifications through
15 their professional experience to advise them on
16 particular areas of concern within their departments,
17 rather than generalists.

18 Q. Okay. Because of the change then, I think what you say
19 in your report is that the territorial theory ceased to
20 work in practice?

21 A. In practice it was not necessary to have a social work
22 adviser going between Kincardineshire and Banffshire.

23 Q. So what then was the conclusion of the SWSG study into
24 this change of terrain?

25 A. That there should be more specialist advice coming from

1 the centre concerning particular aspects of social work
2 services. Again that's across the board, not just
3 looking at childcare. I think one has to remember that
4 as well. Within the area of childcare, the construction
5 of the advisory team should be more specifically focused
6 on particular areas such as List D schools,
7 non-accidental injury, day care services.

8 Q. What you say towards the bottom of page 9503 is:

9 "The study recommended groupings of advisers within
10 eight functional specialist teams, each headed by
11 a senior adviser --"

12 A. That's right, yes.

13 Q. "-- reporting to two deputy social work advisers."

14 A. That's right.

15 Q. And amongst the teams one would be dedicated to
16 residential and day care services?

17 A. Yes. That's correct, yes.

18 Q. And that would include List D schools?

19 A. That would include List D schools.

20 Q. This then reorganisation was in fact brought into
21 effect, you tell us, in October 1981.

22 A. Yes. Or at least as far as the directory tells us it
23 does. It might have actually happened slightly earlier.
24 But the directories that survive are every three months
25 and it seems to be in October 1981.

1 Q. What you tell us on page 9504 is that, at least from
2 then, we can see two CAS children's services teams, each
3 headed by a senior adviser and supported by three
4 advisers; is that correct?

5 A. That's correct, yes.

6 Q. One team would cover children's hearings, List D
7 schools, section 413 cases, the court cases, and
8 immediate treatment. So that's children subject, via
9 the hearings, to supervision within the community?

10 A. Yes.

11 Q. And the other team covered family casework; is that
12 right?

13 A. Yes.

14 Q. That was the division?

15 A. Yes.

16 Q. You then go on to talk about what was happening or
17 possibly happening in England in relation to the
18 establishment of a Social Work Inspectorate and the
19 discussions that flowed from that in Scotland. What
20 happened here?

21 A. There appeared to be some Parliamentary discussion about
22 the inadequacies of the existing system of inspection in
23 England, which was being run by the Department of Health
24 and Social Security at the time. The view was to
25 improve the quality of local services that you needed to

1 move from advisory service, for which similar processes
2 existed in England post-1969, to an inspectorial system
3 to look at the standards of care, and to seek to measure
4 those standards of care nationally with what was
5 occurring locally, and therefore to advise and, if
6 necessary, enforce an improvement in standards of care
7 locally.

8 Q. How did this feed into the Scottish position?

9 A. It would appear that there was some opinion within the
10 Central Advisory Service, CAS, that the Scottish system
11 should also move to an inspection system, but then that
12 was overtaken by an internal report, headed by
13 a scrutineer, that looked at what CAS did and came to
14 the conclusion, really, that the Scottish system did not
15 really require a move to a system of inspection or
16 a system of inspectors.

17 Q. Is this without prejudice to the inspection work that
18 was already being done?

19 A. What it was saying is, or rather what it said, was that
20 there's no necessity to engage with local authorities
21 in the same way as an inspection system was developing
22 south of the border, ie instead of simply providing
23 measures of local audit, which they were doing on
24 spreadsheets, to actually seek to measure the standards
25 and indicate to the local authorities in Scotland

1 whether or not they should improve in particular areas.

2 So they should keep the inspection system going,
3 which was on secure units for children, the two List D
4 schools, the inspection and oversight of List D schools,
5 and looking at deaths in care, which would appear to be
6 their primary inspectorial functions at that time. That
7 was endorsed by the Scottish Office ministers.

8 Q. So if we look then to page 9508, I think it's the final
9 paragraph in this section, 2.26.

10 A. Yes.

11 Q. Do you take from the discussion we've been having that:

12 "The structure and function of SWSG and the position
13 of the social work advisers within it remained as
14 introduced in 1986 until 1992, when a Social Work
15 Inspectorate was established"?

16 A. That's correct, yes. They were still termed advisers
17 with a limited number of inspectorial duties.

18 Q. Focusing on List D schools and secure units?

19 A. There were no secure units by 1992.

20 Q. By 1986?

21 A. List D schools were disappearing so it was only secure
22 units, so the two secure units that existed in Scotland
23 and also deaths in care.

24 Q. So it's a significantly limited jurisdiction in relation
25 to inspection than existed after the 1968 Act?

1 A. Yes. The interpretation post-1968 was that they could
2 inspect voluntary homes, local authority
3 children's homes, as well as the approved schools. But
4 that did not, as we'll see later on -- that was not
5 taken forward.

6 Q. Then as far as local authorities were concerned, what
7 inspection functions did they have, coming up to 1986?

8 A. Their inspection functions were limited to the
9 registration of voluntary homes and subsequent
10 inspections to ensure that the standards of care were at
11 the level which they thought appropriate.

12 Q. Can I then look at your review of this section,
13 professor, beginning at page 9509. You begin by
14 indicating, as you've told us, that CAS was established
15 in 1968 ahead of the 1968 Act as part of SWSG to assist
16 professionally with the development of local authority
17 welfare services and that it incorporated staff from the
18 previous Childcare and Probation Inspectorate.

19 A. That's correct, yes.

20 Q. You go then to tell us about the guidance role that
21 advisers played. On paragraph 2.29 on page 9510 you
22 deal there with the impact of the reorganisation of
23 local government.

24 A. That's correct, yes. They were seeking an enhanced
25 advisory service, although it's fair to say that I have

1 not found any documents which indicate very much of
2 that.

3 Q. At paragraph 2.30 you talk about the fact that
4 discussions on a Social Work Inspectorate resurfaced in
5 1991.

6 A. Yes.

7 Q. What happened there then?

8 A. The then advisers became inspectors under a new Chief
9 Social Work Adviser, who then became the Chief
10 Social Work Inspector.

11 Q. And that's something you'll be looking at in the next
12 report?

13 A. That's right, yes.

14 Q. Can I then look at section 3 of this report, and that's
15 at page 9511. I think here you're looking in particular
16 at the work done, really, on the ground, if you like, by
17 the CAS in the period 1969 to 1974.

18 A. That's correct, the first period before local government
19 reorganisation.

20 Q. Yes. So you begin by looking at the question of
21 residential homes and foster care. Foster care in
22 particular was one area that was one of the issues that
23 was of concern?

24 A. Yes. The quality of foster care that then existed.

25 Q. The second issue was, as you tell us:

1 "Residential provision provided by the local
2 authorities and voluntary organisations."

3 A. That's right, yes.

4 Q. Can we then look at one or two issues in relation to
5 foster care. Towards the bottom of that page, 9111, you
6 draw attention to the SED annual report of 1967 that
7 commented on one particular case of a child who had been
8 fostered, but whose foster father, a convicted criminal,
9 was later imprisoned for "cruelly and unnaturally
10 ill-treating" the 2-year-old boy; do you see that?

11 A. Yes.

12 Q. I think he was sentenced to six years in prison --

13 A. Yes, that's correct.

14 Q. -- and you mention the injuries. What happened here?
15 What was the involvement of CAS in this particular case?

16 A. This occurred slightly before CAS was established, so
17 it would be under the then Chief Childcare Inspector.

18 Q. Yes, this is 1967.

19 A. That's right, but it flowed into discussions. The
20 decision was that as the then Social Work Services
21 Group, which had already been established, were in
22 discussion with Glasgow City Council, and Glasgow
23 City Council were taking (inaudible) steps to reduce the
24 likelihood of such incidents occurring again, there was
25 no necessity for a public inquiry, although there had

1 been a demand for a public inquiry.

2 Q. Looking to the findings that were made, for example at
3 3.2, was one of the finding that was made that
4 Glasgow Corporation, I think, as it then was, was
5 grossly understaffed?

6 A. It was grossly understaffed. There had been actually
7 a reduction in the number of childcare officers within
8 Glasgow, slightly before that particular period. They'd
9 not been aware that the foster father held a criminal
10 record. There had been no medical examination of the
11 boy at all within a month of being placed, which was in
12 breach of the existing boarding-out regulations. And
13 the foster home had not been visited by the childcare
14 officer who had been allocated the task of looking after
15 that child.

16 Q. In short, the corporation were in breach of the 1959
17 regulations?

18 A. That's right, yes. But they then agreed to increase the
19 number of staff and they would check the records of
20 foster parents with Glasgow's Chief Constable in future.

21 Q. So there was this investigation and that was the
22 corporation's response to it?

23 A. That was the corporation's response, which appeared to
24 satisfy the Social Work Services Group, the Chief
25 Childcare Inspector, and the Secretary of State.

1 Q. The call for the public inquiry, was that in the press?

2 A. That was certainly in the press, yes. It's not clear
3 who made the call, but certainly the press reported it.

4 Q. Apart from the father -- or the stepfather, I think --
5 being convicted -- no, it's a foster father -- the
6 foster mother was also convicted for neglect?

7 A. Yes.

8 Q. It was a serious case?

9 A. It was a very serious case.

10 Q. You begin the next paragraph on page 9513 by saying:

11 "The matter would probably have rested with the
12 minister's initiative, except that in May 1968 CAS was
13 notified by Glasgow's Children's Department that a young
14 child in foster care had died as a result of an
15 accidental injury ..."

16 I'll come to look at what happened. What do you
17 mean by saying the matter would probably have rested
18 with the minister's initiative?

19 A. The indications are that the minister, the Parliamentary
20 Undersecretary of State, was satisfied with Glasgow's
21 response that it would increase the number of childcare
22 officers and it would check with the Chief Constable of
23 Glasgow for any criminal record that a foster parent
24 actually had. That's what that means.

25 Q. I see. The scene changed then when there was the report

1 of another death?

2 A. That's right, yes, by the same local authority.

3 Q. Yes. This seemed quite an unusual case as to how the
4 child came to die in that what you've set out in your
5 report, at least, is that the incident had occurred when
6 the foster mother had been ironing and had accidentally
7 hit the child on the head when he had run round behind
8 her.

9 A. Yes.

10 Q. Those seem to have been the facts.

11 A. The facts which satisfied the procurator fiscal at the
12 time was that it was an accidental injury.

13 Q. You provide some information about the history of the
14 boy; what was the history?

15 A. The boy had been in Quarriers immediately before being
16 fostered and I think previous to that, at another
17 children's home. Quarriers had a policy of aunts and
18 uncles coming into Quarriers to befriend children and
19 then they would allow that child to be fostered for
20 a short period of time for weekends and holidays,
21 depending on the case. This particular boy had been
22 fostered informally through Quarriers.

23 Q. The corporation's involvement was that the child had
24 been placed in Quarriers by the corporation?

25 A. Yes, and obviously the Corporation of Glasgow had looked

1 at the request to foster the child and had agreed, given
2 the child seemed to be happy within the foster home.

3 Q. So if you look at page 9514 then, what conclusions were
4 arrived at in this particular case?

5 A. Well, the inquiry by CAS social work advisers in
6 conjunction with the Scottish Home and Health
7 Department's medical adviser who was attached to
8 Social Work Services Group and CAS was that there was no
9 continuity of care, that different childcare officers
10 were supervising the boy when he was boarded out, he was
11 briefly being reviewed, his case had been briefly
12 reviewed, medical reports were perhaps not up to
13 scratch, and it details the process by which the couple
14 had obtained the boy from Quarriers, and indicated some
15 concern as to the processes involved and apparently
16 agreed by Glasgow Corporation.

17 Q. I think you also say under reference to the records that
18 CCO, that's the children's -- remind me, CCO is?

19 A. Childcare officer.

20 Q. "The CCO was firm in her position that the fostering was
21 appropriate."

22 A. They defended their position by indicating that they
23 thought that the foster parents were entirely
24 acceptable.

25 LADY SMITH: One is maybe speculating, but at the end of

1 that quotation that starts:

2 "There was no continuity of care."

3 In 3.3, we're told that:

4 "The childcare officer intends to place another
5 coloured child [as would have been used as a description
6 in those days] in the home."

7 A. That's right.

8 LADY SMITH: The fact that that description is used
9 certainly raises a question in my mind as to whether,
10 given when this was taking place, she didn't want to
11 lose the availability of foster parents who were
12 prepared to take, as she called it, a coloured child,
13 because some foster parents may not have been willing to
14 do so in that period.

15 A. That would be my interpretation as well, that there was
16 a desperation to secure foster parents wherever for
17 those particular children --

18 LADY SMITH: Yes.

19 A. -- at that particular time.

20 LADY SMITH: I'm interested in the conclusion there was no
21 negligence.

22 A. Yes.

23 LADY SMITH: There is no indication of how that was arrived
24 at as a conclusion, which does look like an issue that
25 needed to be addressed, given the statement of facts

1 that they seem to have been satisfied with.

2 A. Everyone locally in the procurator fiscal appeared to be
3 satisfied that it was an accident, despite there's
4 a description of the detail of the incident.

5 LADY SMITH: Yes, "accident" can be used as a broad
6 description to cover events that happen due to
7 negligence; it's a different issue from whether a crime
8 has taken place.

9 A. Yes.

10 LADY SMITH: Sorry, Mr MacAulay, I digress.

11 MR MacAULAY: The social work adviser recommended there be
12 no further action in the case, but there were certain
13 general actions for the corporation to take; is that
14 correct?

15 A. That's correct. It should review its procedures again
16 and particularly in relation to the medical record and
17 case notes.

18 It should be explained that there should have been
19 a fairly detailed record taken every time the child was
20 visited by the childcare officer or members of
21 Glasgow Corporation as well as the local medical
22 officer. Clearly, in this case, from the description,
23 that was not occurring.

24 Q. You tell us about the SSSHHD medical officer's position
25 after reviewing the medical record.

- 1 A. Yes.
- 2 Q. That's on page 9515. I think what you say is that
3 person took a more guarded view.
- 4 A. Yes. They had not encountered an accident of this kind
5 before, a child struck with an iron, which the foster
6 mother had in her hand.
- 7 Q. Yes. And I think the view was that:
8 "The health of applicants prior to placement is of
9 supreme importance, as well as ensuring that the
10 character of the applicants were not above reproach. In
11 [their] opinion, a second foster child in this home
12 should not be entertained."
- 13 A. That's right.
- 14 Q. So that's a different opinion to what was expressed by
15 the CCO, who was involved?
- 16 A. The CCO was an employee of Glasgow Corporation.
- 17 Q. Yes.
- 18 A. And now we're getting effectively a Scottish Office
19 view?
- 20 Q. Do we discover, though, that a follow-up report on the
21 case by another adviser revealed that the children's
22 department had placed two further children with the
23 couple?
- 24 A. Yes, that's correct, yes.
- 25 Q. And that the children's officer had been unaware of the

1 placement?

2 A. That's right. Well, the assumption must be that duties
3 were devolved in a particular way within
4 Glasgow Corporation such that a childcare officer could
5 foster without reference to the chief childcare officer.

6 Q. I see. The quote that we have towards the bottom of
7 paragraph 3.6, namely to the effect:

8 "The whole circumstances are unusual and serious
9 enough to have called for more mature consideration and
10 for consultation with the children's officer before
11 proceeding to place further children with the foster
12 parents. That this did not happen as a routine step
13 suggests a weakness in the organisation."

14 A. That then confirms the previous view that Glasgow had
15 not perhaps significantly altered its processes and
16 procedures of childcare.

17 Q. Can I understand the following paragraph, where I think
18 you discuss some connection between CAS and arranging an
19 informal approach with the procurator fiscal to obtain
20 a report. What happened there?

21 A. It would appear that in previous cases the
22 procurator fiscal was unwilling to disclose whatever
23 material they had on the death of a child in care and
24 that although CAS and the Chief Social Work Adviser had
25 thought about approaching, the Social Work Services

1 Group said there was no point in doing it because they
2 had been unwilling to do it in the past.

3 Q. I think you say that that may have changed as time went
4 on.

5 A. That subsequently changed, yes.

6 Q. We then move on to another case that you consider at
7 paragraph 3.8 on page 9516. Can you tell us about this
8 particular case? It's the same corporation.

9 A. It's the same corporation. A three-and-a-half-month-old
10 infant died as a result of an accidental injury, acute
11 respiratory infection. It was a temporary foster home,
12 which had been used regularly by the department, but
13 it would appear that, again, the issues of medical
14 reports would have indicated that the child had some
15 health issues, perhaps ought not to have been placed or
16 perhaps should not have been placed in a family where
17 there were so many other children.

18 There was no restriction on the number of children
19 that could be fostered in any one home under the 1959
20 regulations and that contrasted with the pre-1959
21 regulations, where there were restrictions.

22 Q. Was there a reason for the change?

23 A. It was assumed that the local authority would take on
24 the function themselves of deciding not to effectively
25 overcrowd a foster home.

1 Q. This was a case where the infant should have undergone
2 a medical examination within a month of the placement;
3 that had not happened?

4 A. That was within the 1959 regulations.

5 Q. And looking to what's set out from the report at the top
6 of page 9517, do we see that from the facts --

7 A. Yes.

8 Q. -- available, one is forced to conclude that
9 a contributory factor in the death of the child aged
10 15 weeks was the absence of maternal supervision and
11 attention from the time he was put to bed on the
12 previous evening until he was found dead in his cot at
13 noon the next day."

14 Do we see from that, taking it at face value, that
15 the child is in his cot for a considerable period of
16 time without any monitoring?

17 A. Without any monitoring because there were seven children
18 under the age of 9 in the household and all four foster
19 children were under the age of 2, and the medical
20 officer, SHHD medical officer, indicates that the size
21 of the group was too large.

22 Q. And concludes:

23 "It is beyond question that the foster parent was
24 unable to give adequate care to a group of this size."

25 A. That's right, yes.

1 Q. So in relation then to the discussions between CAS and
2 the Corporation of Glasgow, what transpired?

3 A. Glasgow Corporation would introduce new procedures to
4 the selection of foster parents, the maximum number of
5 children it placed in any one home, and the medical
6 examination.

7 Q. And again in relation to the matter of medical
8 examination, there was a clear breach of the
9 regulations?

10 A. A clear breach of the regulations, but there wasn't
11 a breach of the regulations in terms of the maximum
12 number of children.

13 Q. Indeed not, not these regulations?

14 A. Not these regulations, yes.

15 Q. You then go on at paragraph 3.11, on page 9517, to say
16 that:

17 "The issue re-emerged later in December 1968 when
18 Glasgow informed CAS that the foster mother wished to
19 have another child placed."

20 This is the same foster mother --

21 A. That's right.

22 Q. -- in whose home the child we looked at had died?

23 A. That's right, yes.

24 Q. What was the response to that?

25 A. They advised that she should not have another child.

1 Q. Do we then, after that, go back to the ironing foster
2 parents?

3 A. Yes.

4 Q. This is towards the top of page 9518.

5 A. That's right, yes.

6 Q. What do you tell us here?

7 A. Well, the Corporation of Glasgow had sent another child
8 to the same couple, where the child had died as a result
9 of the ironing incident, and that child died as a result
10 of subdural haemorrhage. There appeared to be some
11 evidence of mild epilepsy, although they were discharged
12 from hospital consequently.

13 Again, CAS thought that the standard of casework was
14 poor in terms of what Glasgow Corporation were actually
15 providing and supervising and they decided to have an
16 inquiry themselves, a more detailed inquiry than
17 previously, which they could do under the 1959
18 regulations.

19 Q. And did they look at both deaths then?

20 A. They began to look at both deaths.

21 Q. The names have been redacted, but the report begins by
22 saying:

23 "The deaths of [the two children] are extremely
24 distressing and although both children died as a result
25 of an accident, I feel that to place [the second child]

1 with [the foster parents] following the first death was
2 a mistake."

3 A. Yes.

4 Q. The report goes on to say:

5 "The children's officer does not agree."

6 And he was prepared to take advice from two very
7 experienced childcare officers of senior grade. So
8 there was some disagreement there?

9 A. There was some disagreement, if you like, as to the
10 advice coming from the Central Advisory Service and the
11 Corporation of Glasgow Senior Officer.

12 Q. So how did this end up?

13 A. Glasgow agreed again to review its foster care
14 programme, but by the time that discussions took place,
15 Glasgow had reorganised its childcare services and
16 amalgamated all the childcare services within a new
17 department called Social Work Services, which all local
18 authorities were obliged to establish, with a new
19 Director of Social Work Services. The new Director of
20 Social Work Services decided that the children's
21 officers would not have direct responsibility any more
22 for foster care and that the responsibility would be
23 handed to an official who had been the Chief Welfare
24 Officer -- my understanding of that function was that
25 that person would have looked after the elderly before

1 that.

2 The Director of Social Work Services was also
3 intending to employ two senior social workers. My
4 assumption -- and it's only my assumption -- is that
5 those two senior social workers were professionally
6 qualified or the intention was to appoint professionally
7 qualified social workers.

8 Q. In relation to the child who had suffered the subdural
9 haemorrhage, this was, on the face of it, caused by
10 a fall because of an epileptic turn?

11 A. That's right, yes.

12 Q. Is there any indication that a post-mortem was carried
13 out?

14 A. It's not clear that a -- if there was a post-mortem, the
15 information wasn't supplied to CAS.

16 Q. That would be something for the procurator fiscal,
17 of course, to --

18 A. The procurator fiscal, that's right, yes.

19 Q. Did you see any evidence of any liaison between CAS and
20 the procurator fiscal in this particular case?

21 A. I can't remember precisely. There was some
22 correspondence, but the key facts are that subsequent to
23 this incident, the procurator fiscal's office decided
24 that they would furnish full reports of any post-mortem
25 to the Social Work Services Group and CAS as part of

1 their internal inquiries.

2 Q. You go on to say on page 9519, paragraph 3.13, that:

3 "The 1968 Act had become operational in
4 November 1969 and therefore each local authority which
5 held responsibility for health and welfare services was
6 required to combine the previous disparate services into
7 a Department of Social Work --"

8 A. That's right, yes.

9 Q. "-- and to appoint a Director of Social Work"?

10 A. The Director of Social Work had to be approved by the
11 Secretary of State.

12 Q. Moving on to paragraph 3.14 on page 9520, you're there
13 talking about a discussion that took place between SWSG,
14 the SHHD medical officers and the Chief Social Work
15 Adviser on the case of future policy -- and is this in
16 connection with deaths in care?

17 A. Yes, that's right.

18 Q. And what were the concerns here?

19 A. The principal concerns related to the medical condition
20 and personal circumstances of the child who had died,
21 the case notes that the local authority had on them,
22 whether or not they had actually been abiding by the
23 1959 regulations or not and, whether they were prepared
24 simply to take anyone as a foster parent or not.

25 Q. What conclusions were arrived at then at this point?

1 A. They decided that the directors of social work, local
2 authority directors of social work would be required to
3 supply the Social Work Services Group with full details
4 of the social history of children who had died in care,
5 ie the full case notes.

6 Q. And was this circulated to the local authorities?

7 A. I think later on you can see that it was issued as
8 a separate circular in 1970, which indicated a change in
9 procedure.

10 Q. At paragraph 3.15 on that same page, if I just read that
11 first sentence:

12 "Subsequently the Chief Social Work Adviser
13 indicated that following the death of a child in care,
14 a formal administrative procedure of inquiries would be
15 instituted."

16 A. That's correct, yes. That was the 1970 circular that
17 was issued, which indicated that they would
18 automatically call for a report from the SHHD medical
19 officer as well as any inquiry report that their
20 social work advisers obtained as a result of both
21 interviewing the childcare officers/social workers
22 responsible for placing a child, the manager of
23 a voluntary home or local authority home where a child
24 had died, and also all the case notes that the local
25 authority and voluntary organisation had on the child.

1 So it was considerably more detailed than the previous
2 system.

3 Q. You set out some of the terms of the minute on
4 page 9521. Can you just take us through that? This is
5 the minute from the chief -- let's be clear who it is
6 from, the Chief Social Work Adviser?

7 A. Yes.

8 Q. This was the same person who was appointed --

9 A. In 1968. She's obviously very unhappy with current
10 local practices as she saw them. She's not happy with
11 people turning up at children's homes and offering to be
12 a friend of a child. She notes that Quarriers have
13 tightened up their arrangements and that the informal
14 aspects of childcare arrangements require to be
15 tightened up.

16 She's even more concerned in this particular case,
17 where the two children had died, that the foster parents
18 were under considerable stress and asked the children to
19 be removed, which was interpreted by Glasgow as
20 a request for more money, and there was no appreciation
21 of the stress that the household would appear to have
22 been in as a result of the death of the first child and
23 that, actually, the local inquiry had not considered the
24 issue of the abuse of the child or the possible abuse of
25 the child that had occurred in the home.

1 Q. There's also reference to, I think, other children.

2 A. Yes.

3 Q. -- not Glasgow Corporation children -- for example, that
4 a social work adviser is also investigating whether:

5 "... any thought was given to the implications of
6 the bruised genitals of a particular child."

7 A. Yes.

8 Q. That was another child who died in care elsewhere?

9 A. That's right, yes. Yes.

10 Q. She goes on to say:

11 "These instances should be seen in the context of
12 other cases, for example Patricia Mennen(?) [we've
13 looked at that under reference to Smyllum] where there
14 was a possibility that the degree of disturbance in this
15 child was not appreciated and arrangements made for
16 a particular helpful regime."

17 She concludes by saying:

18 "These cases demonstrate that decisions are being
19 taken on inadequate knowledge of childcare theory and
20 practice."

21 A. I think what she's saying is a reflection of, if you
22 like, the initiative she took in March 1968 to establish
23 that local authorities should engage with other
24 professional groups in the assessment of children before
25 taking decisions on their care. That's what that last

1 sentence, I think, indicates, that there's just this
2 lack of knowledge within local authorities at the time
3 of the need to engage with educational
4 psychologists/psychiatrists, educational advisers, as
5 well as medical officers, before taking decisions.

6 Q. You go to draw attention to a meeting in December 1970
7 with Glasgow's Social Work Committee Convener and senior
8 officials; what came out of that meeting?

9 A. There is a reflection of obviously what she had
10 indicated over the Smyllum case about inadequate
11 knowledge and that Glasgow would in future appoint
12 someone who was senior and professionally trained with
13 a wide experience in children's work to ensure that the
14 fullest professional knowledge would be available when
15 taking decisions on the care package that would be
16 offered to children and to foster parents.

17 Q. Do the records tell us what the response from the
18 Corporation of Glasgow was to that suggestion?

19 A. It would appear that Glasgow accepted the advice that
20 was being given.

21 Q. I think the cases we've looked at in particular so far
22 have been Glasgow cases --

23 A. Yes.

24 Q. -- but you also go on to look at the position in
25 Edinburgh, is that right, Edinburgh Children's

1 Department?

2 A. Yes.

3 Q. What was the position here?

4 A. It would appear that there were similarities in the
5 progression of case review in Edinburgh as there had
6 been in Glasgow. That's evident in, again, a number of
7 deaths of children who had been in a children's home and
8 been fostered out or who were in children's homes and
9 had died.

10 Q. So if we turn to page 9523, paragraph 3.20, I think
11 there you say:

12 "It was a social work adviser who, in April 1968,
13 first indicated a concern when they called attention to
14 the lack of information on the deaths of three children
15 in Edinburgh."

16 A. That's correct.

17 Q. "Two under the care of Edinburgh's Children's Department
18 and another under the care of the Edinburgh Voluntary
19 Guild of Service but placed for adoption."

20 The report goes on to talk about a particular child
21 under the Edinburgh Corporation Children's Department
22 that was placed in the Christie Home at Haddington; what
23 happened there?

24 A. The child had been placed but died of asphyxiation at
25 6 months old. And it would appear that there was a lack

1 of information in terms of the necessary paperwork being
2 held by Edinburgh's Childcare Department, that they
3 didn't have a death certificate, had no written file or
4 could not locate their written report on file, and
5 anyway they objected to any inquiry into the case.

6 Q. Was that objection sustained?

7 A. It wasn't. I assume that they exercised their right
8 under the 1959 regulations to conduct their own
9 inquiries, as the following reports indicate.

10 Q. You tell us in paragraph 3.21, on 9523, that:

11 "The social work adviser's report, which was
12 confirmed by the SWSG's medical officer, who had noted
13 that there was no information relating to the date of
14 the child's admission, their condition on admission,
15 progress while in the home, and the events preceding the
16 death."

17 A. That's correct.

18 Q. So there was nothing there?

19 A. Nothing. Their case notes, which they should have had
20 under the regulations, were non-existent.

21 Q. At paragraph 3.3, we're given some information about the
22 regime in the home when this occurred. Can you perhaps
23 take us through that? First of all, I think we know
24 from what they're saying it was a home that also
25 accommodated babies and toddlers; is that right?

1 A. Yes. Sorry, which paragraph?

2 Q. 3.23.

3 A. 3.23? Yes. It was a home that had been in existence
4 for some considerable period of time, that there would
5 appear to have been a shortage of staff, partly due to
6 illness and partly due to holidays, that there were
7 temporary staff employed and the temporary staff were
8 not necessarily experienced in the care of children.

9 Q. We're given some information that:

10 "One of the members of staff was involved with
11 a child with his lunch, but whether she got his wind up
12 and whether she lay him on his back in the pram cannot
13 be ascertained."

14 A. It could not be ascertained. The particular ...

15 Q. And we're told --

16 A. The particular person may not have been trained.

17 I think that's the conclusion.

18 Q. We're told:

19 "The procurator fiscal took no further action
20 following police inquiries and it is known that the
21 member of staff had little experience with babies, but
22 she had handled [B] occasionally before and there's no
23 criteria as to the care and handling of babies in
24 children's homes."

25 A. That's correct.

1 Q. Was that the position?

2 A. That was the position in Haddington's Christie Home.

3 Q. So essentially, it was lack of training and staff
4 ability that was the key to this particular case?

5 A. It would appear that the oversight of the home fell
6 short of the 1959 regulations.

7 Q. You go on to talk about another death, this time in the
8 Lord and Lady Polwarth Home in Edinburgh.

9 A. Yes.

10 Q. What happened in this case?

11 A. Again, that was a young infant who died of
12 gastroenteritis, acute renal failure, acute hepatic
13 failure and cardiac arrest, although the boy had been
14 attended to very regularly by the home's medical
15 officer, there was no indication that the Administration
16 of Children's Homes Regulations had been breached,
17 it would appear that generally the conditions of the
18 home were not quite satisfactory, that there was an
19 outbreak of gastroenteritis in the home, generally
20 speaking, and that various issues such as:

21 "... no wash-hand basin in the room, which is used
22 as a combined bathroom and toilet. Children do not wash
23 their (inaudible), they are merely wiped down with a
24 damp sponge. There is no isolation room. Infants
25 seven days of age are admitted to hospital and

1 accommodated in the same nursery as children's aged 12
2 onwards. Parents are encouraged to take their children
3 home and therefore infection can come and go."

4 And there would appear to be issues concerning the
5 milk, whether or not it was at the right temperature and
6 whether or not it had been infected by not being in
7 a refrigerator.

8 Q. We're told, I think, that the kitchen is not provided
9 with a refrigerator.

10 A. That's right, yes. And that there was a high proportion
11 of untrained staff.

12 Q. What then was the reaction by the Church of Scotland's
13 Committee to this? Because I think they managed the
14 home at that time.

15 A. Yes. They agreed to convert the home into an ordinary
16 children's home with a very small unit for infants
17 attached to it, ie a separate unit, and a medical
18 officer who would visit weekly as opposed to
19 occasionally when a child was ill.

20 Q. At paragraph 3.28 on page 9527, I think we come to the
21 circular that you mentioned earlier --

22 A. That's right, yes.

23 Q. -- setting out the guidance on the altered
24 administrative procedures following the death of a child
25 in care. Perhaps you could just summarise what the

1 process was to be.

2 A. The Director of Social Work or voluntary organisation
3 which had the child in its care would submit a report,
4 which included:

5 "... the child's medical history, its social life,
6 a full account of the happenings that led to the death,
7 full details of the death if it occurred as the result
8 of an accident, including any other significant
9 happenings within the family affecting other children,
10 the full care history of the foster family and the
11 references that the local authority or voluntary
12 organisation had used before they accepted the foster
13 parents."

14 It noted that if the death was being investigated by
15 the police or procurator fiscal, the full report might
16 take some time, but the aim was to ensure that if there
17 was a particular accident that was the result of poor
18 practice, that the local authority and the Director of
19 Social Work would be informed of the need to change
20 practices or to look at their practices in order to
21 change them. So it is a fairly extensive circular which
22 sets out a completely different format of looking at
23 deaths in care.

24 Q. I think comparing that to the previous approach, the
25 previous approach looks very amateur, if that's the

1 right word, but this is a strict approach?

2 A. This is a stricter, more rational approach, if you like,
3 taking all the circumstances into account.

4 Q. You tell us that these procedures took place
5 immediately, so that would be in December 1970?

6 A. Yes.

7 Q. Did you then have evidence of a case where the
8 procedures were fully carried out?

9 A. Yes. It was another case the Church of Scotland's
10 Committee on Social Services where procedures were fully
11 carried out, and also at Quarriers there were two cases
12 there, I think, and again, there was no breach of the
13 regulations indicating poor childcare practice.

14 Q. If we move on to page 9529, you remind us there at
15 paragraph 3.30 that in the first section of this report
16 one of the concerns within CAS was in connection with
17 discipline and associated punishment regimes in approved
18 schools.

19 A. Yes.

20 Q. Here, I think you draw attention to Gryffe House in
21 Bridge of Weir, and events that took place there;
22 is that correct?

23 A. That's correct. There were various press reports of
24 excessive use of corporal punishments and other forms of
25 personal degradation, which led to an internal inquiry

1 by Glasgow's Children's Department. And it concluded
2 that there had been an infraction of its own
3 regulations -- it had followed the 1959 regulations and
4 issued its own regulations -- particularly in the use of
5 corporal punishment, but that it did not appear to be
6 at the level indicated in the press reports.

7 Q. I think a number of boys had complained to the press.

8 A. That's right, yes.

9 Q. And that's what prompted the inquiry. But they did find
10 a breach?

11 A. There was clearly a breach of the regulations, of
12 Glasgow Corporation's own regulations.

13 Q. Which were based on the 1959 regulations?

14 A. Which it had obviously followed the 1959
15 Children's Homes Regulations and issued regulations
16 governing the maximum amount of corporal punishment that
17 a child could receive.

18 Q. What was the response then to this report by the
19 Parliamentary Undersecretary of State?

20 A. The Undersecretary of State accepted the investigations,
21 there was no need to hold a public inquiry, that Glasgow
22 were taking actions to reduce the size of the home and
23 therefore reduce the number of boys in care, and that
24 they would ensure that their own regulations on corporal
25 punishment were being upheld and that, generally, then

1 the Childcare Inspectorate would conduct an inquiry into
2 the use of corporal punishments throughout Scottish
3 children's homes.

4 Q. I think we see that this was in September 1967, so we're
5 looking at the Childcare and Probation Inspectorate at
6 this time?

7 A. Yes.

8 Q. And did that inquiry take place?

9 A. It did, yes, but it took them almost a year, I think, to
10 actually get the results, collate them. I think
11 probably because, by March 1968, the new Senior
12 Social Work Adviser was in place and establishing CAS,
13 and there was obviously some pressure on the amount of
14 time that was available.

15 Q. What about the results of the inquiry?

16 A. I think the results of the inquiry indicated, and
17 I think it's slightly later than what's here, that it
18 was very difficult to judge the extent of corporal
19 punishment or any form of punishment within
20 children's homes in Scotland; that there was probably an
21 element of under-reporting within the replies that they
22 got, and as such there were probably clear breaches of
23 the 1959 regulations.

24 Q. I think it's right to say that, to take approved
25 schools, for example, there was a duty on the

1 institution to report the corporal punishment --

2 A. In their returns.

3 Q. -- in their returns.

4 A. But there was no duty on a children's home, whether
5 voluntary or local authority, to make returns to Central
6 Government at the time. All they had to do was to make
7 returns in their logbook, open for inspection, by the
8 local authority officials and councillors and also
9 within voluntary homes by the voluntary home managers.

10 Q. So when you talk about under-reporting, you're talking
11 about these returns that are made by the institution and
12 therefore the reporting is dependant upon what the
13 institutions put into the forms?

14 A. It depends on what the matron or the manager of the home
15 is putting in whatever logbook they have, if they have
16 a logbook. I think that's the conclusion. We'll see
17 later on that some homes did not have a logbook until
18 pressed.

19 Q. And I think we saw when you were here before that
20 inspectors seemed to take quite a light touch in
21 insisting on there being, for example, a punishment book
22 being kept?

23 A. Certainly before 1959, it was the case that there was no
24 requirement to keep a logbook. I think after 1959,
25 I think the regulations are worded in such a way as

1 there should be a logbook where punishments should be
2 returned, but that seems to be dealing with corporal
3 punishment, not other forms of punishment, and the
4 report made for CAS indicates that there were other
5 forms of punishment that children's homes used which
6 might not be included in logbooks.

7 Q. The list of approved schools we looked at earlier in the
8 report by an inspector listing difficulties, is that
9 something different then to the report here?

10 A. Yes.

11 Q. This is a different report?

12 A. This is a different report, yes. Sorry, this is about
13 children's homes.

14 Q. Not approved schools?

15 A. Not approved schools. I think I deal with that later.

16 Q. Yes. If you look at paragraph 3.31 on page 9530, is
17 this another visit by an inspector to Gryffe?

18 A. Yes.

19 Q. And what came out of this visit?

20 A. He basically confirms the view that the home is
21 overcrowded, that the person in charge perhaps needs
22 greater support from Glasgow itself in managing the
23 home, and that there were certain issues that if someone
24 had lost a handbag somewhere in the locality, it was
25 always being blamed on the boys at the home, with or

1 without any kind of proof, and the issue of discipline
2 within an authoritarian regime was always going to be
3 difficult to manage.

4 Q. What advice was given to Glasgow Corporation, who
5 I think ran this home, by the social work adviser?

6 A. They believed that the home should be used for another
7 purpose, that given the regime that was in existence, it
8 might be better to close it completely.

9 Q. You tell us that at paragraph 3.32.

10 A. That's right, yes. I have read that in a way that says
11 that if Glasgow are not able to provide the supervisor
12 with appropriate support, it should be closed.

13 Q. You then look again at a social work adviser who visited
14 Christie Home in Haddington in June 1968.

15 A. Yes.

16 Q. We've already heard about the death there. And this
17 visit was prompted, was it, by local authorities who had
18 reported that corporal punishment was in use at that
19 time?

20 A. That's right. It's not clear who the local authorities
21 were, but they were obviously not in favour of corporal
22 punishment. I have read this minute on the basis that
23 an earlier adviser had advised the matron of the home
24 that she should keep a logbook and therefore one was
25 actually opened in January 1968, where one had not been

1 in existence before. That's something I've read. And
2 the subsequent visit indicated that, yes, there was
3 corporal punishment and other perhaps irregular
4 punishments taking place.

5 Q. We'll look at that in a moment.

6 On page 9531:

7 "On interview the matron stated she seldom used the
8 cane but there was one available."

9 A. Yes.

10 Q. And the social work adviser noted that a previous report
11 indicated that the use of the slipper was the usual
12 method of corporal punishment.

13 A. That's correct, yes.

14 Q. I think the social work adviser was able to note that in
15 June 1968, in the punishment logbook, two 10-year-old
16 girls were given two belts each on the hands for an
17 alleged or apparent misdemeanour.

18 A. Yes.

19 Q. And it also recorded in March 1968, a 7-year-old had
20 "a soapy mouthwash for language". And I think the
21 matron explained what that meant; is that right?

22 A. That's right, yes: she had been using that method of
23 discipline since 1940.

24 Q. But perhaps quite troubling is one of the other entries
25 in the logbook. You mention this at 3.34:

1 "The logbook also reported that two 4.5-year-old
2 twins were bitten by me."

3 The matron.

4 A. That's correct, yes.

5 Q. And that was the punishment for one or both of them
6 having bitten a 3-year-old?

7 A. That's right, yes.

8 Q. Did the matron give some detail as to how she would set
9 about that form of punishment?

10 A. If they bit her, she'd bite them back. That was the
11 punishment as it appeared to be.

12 Q. What's been recorded is that she takes the back of the
13 child's hand and bites it herself.

14 A. That's right, yes.

15 Q. I think the matron even seems to have accepted that she
16 told the doctor, Dr Gay, about it, and:

17 "He said that he thought she was a better
18 psychologist than that and pointed out that a girl who
19 bites needs cuddling, not biting."

20 A. Yes. He is indicating that he didn't think it was
21 appropriate, far from being appropriate.

22 Q. Did the social work adviser then give advice to the
23 matron on matters of discipline?

24 A. Yes. They indicated that the 1959 regulations should be
25 followed and that the board of governors should indicate

1 what corporal punishment would be acceptable, but
2 it would not include using a slipper, biting a child or
3 using soapy lather in a mug.

4 Q. Thereafter in October 1968, did a social work adviser
5 undertake a review of the more recent Christie
6 inspections?

7 A. Yes. There was a sort of widespread concern regarding
8 the absence of training amongst the residential staff,
9 there would appear to be no infant care nurses available
10 within the home, and that the Chief Social Work Adviser
11 should discuss with the governors as they held basic
12 responsibility for the home.

13 Q. And what ultimately happened here?

14 A. Initially, the advisers appeared to discuss the matter
15 with the matron, but eventually the governing body
16 decided to terminate the matron's appointment and
17 appoint another individual, who had been a psychiatric
18 nurse.

19 Q. I think what's been recorded is that:

20 "It was concluded that the matron was resistant to
21 the idea of change"?

22 A. Yes, yes.

23 Q. But then, some two years later, had in fact the set-up
24 at the Christie Home changed?

25 A. That's right. It no longer held infants and toddlers

1 but older children. And as I have just said, all but
2 one of the staff had been replaced, and a psychiatric
3 nurse was also appointed.

4 LADY SMITH: You don't need to give me the precise time
5 lapse but it looks as though at least eight months went
6 by from the first visit of the social work adviser that
7 uncovered all these areas of concern and the decision
8 being taken that the matron's appointment needed to be
9 terminated; is that right?

10 A. Yes. It was not an issue for CAS to terminate the
11 employment --

12 LADY SMITH: No, I'm not suggesting it was.

13 A. The governors had to come to an agreement amongst
14 themselves to terminate the employment.

15 LADY SMITH: But it seems from the way things worked that in
16 the meantime this matron could carry on in her job --

17 A. Yes.

18 LADY SMITH: -- handling children --

19 A. Yes.

20 LADY SMITH: -- as she thought appropriate, which plainly
21 was not appropriate.

22 A. It wasn't appropriate. But they did take the decision.
23 I haven't gone through everything that's there, but it's
24 clear that there was quite strong pressure being put on
25 the governors, informally as much as formally.

1 LADY SMITH: That's the pressure that can often work best.

2 MR MacAULAY: You mentioned earlier, professor, the survey
3 of corporal punishment in children's homes that was
4 authorised by the Parliamentary Undersecretary. I think
5 you go on to tell us in this section of the report that
6 it appears to have taken longer than anticipated;
7 is that correct?

8 A. That's correct. Simply collecting the information and
9 then obtaining information from south of the border took
10 some time because, obviously, the Home Office in England
11 were not necessarily collecting the information
12 themselves and they had then to collect information to
13 send up north.

14 Q. Then if we look to see -- and you touched upon this
15 earlier -- what issues arose out of the survey, can you
16 perhaps take us through what was discovered?

17 A. It would appear that corporal punishment was more
18 prevalent in Scotland than in England, although it was
19 accepted by the Social Work Services Group that there
20 could be under-reporting both in Scotland and in
21 England. Anyway, that dealt with corporal punishment
22 and not other forms of punishment.

23 The minister agreed that it was important that the
24 local governing bodies of voluntary homes should lay
25 down regulations for the use of corporal punishment but

1 as the act was coming into force that November, it was
2 perhaps too late to engage in consultations.

3 Therefore the consequence was that pressure should
4 be applied by Social Work Services Group and CAS,
5 through its advisers, to advise voluntary home managers
6 and local authority home managers of the need to
7 regulate this particular area.

8 Q. When you talk about that, that's the 1968 Act?

9 A. Yes, it came into force in November 1969.

10 Q. Yes. You set out what was decided at a meeting that was
11 attended by SWSG officials, the Chief Social Work
12 Adviser, and the SHHD medical adviser --

13 A. Yes.

14 Q. -- assigned to the SWSG:

15 "The minister stated that ..."

16 And this is the minister's view?

17 A. Yes. The minister decided, as I have said, it would be
18 impracticable to ban corporal punishment entirely, given
19 that there wouldn't be enough time to consult, and he
20 felt there was obviously a need to consult first before
21 any alteration to the 1959 regulations. He basically
22 indicates, I think, if one looks at the 1959
23 regulations, that they should be enforced, ie the word
24 "exceptional" was underlined, and that's within the 1959
25 regulations. And that if they wished to ban corporal

1 punishment, that was fine.

2 He wasn't in favour of:

3 "... banning the use of the tawse and confining
4 corporal punishment to slapping the child's hands or
5 legs with bare hands should be explored."

6 Again he reiterated the 1959 regulations, or the
7 intention of the 1959 regulations that meals, that
8 children should not be deprived of meals as a form of
9 punishment. So he's basically reinforcing the 1959
10 regulations and seeking to insist that voluntary homes
11 should ensure that those regulations are carried out.

12 Q. Had there been an impetus, however, to change the
13 landscape on corporal punishment?

14 A. I think that from what I see, they were proposing to the
15 minister that they should seek to introduce new
16 regulations, which would lead to the abolition of
17 corporal punishment in children's homes.

18 Q. But the minister did not go down that route?

19 A. The minister decided there wasn't enough time, I think
20 six months, to engage in a consultation exercise before
21 the Act came into force.

22 MR MacAULAY: That's just after 1 o'clock, my Lady.

23 LADY SMITH: Yes. Let's stop there for the lunch break and
24 I'll sit again at 2 o'clock.

25 (1.00 pm)

1

.

2

(The lunch adjournment)

3

(2.00 pm)

4

LADY SMITH: Mr MacAulay.

5

MR MacAULAY: Good afternoon, my Lady.

6

Before lunch, professor, we'd been looking at

7

aspects of residential homes. Just sticking with that,

8

if we go to page 9535 of the report, paragraph 3.39, you

9

point out that:

10

"Sections 62 and 67 of the 1968 Act transferred the

11

registration of voluntary children's homes from Central

12

Government to the local authority, and with registration

13

came the obligation to undertake inspection."

14

A. Yes.

15

Q. And you go on to develop that. What was developing

16

here?

17

A. Essentially, sections 62 and 67 laid the responsibility

18

for registering a home and inspecting a home on the

19

local authority, and that had been transferred from the

20

Secretary of State for Scotland under the 1948 Act and

21

previous to that the 1932 Children and Young Persons

22

(Scotland) Act.

23

Q. Yes. The registration prior to 1968 was with the

24

Secretary of State for Scotland?

25

A. Yes, that's right.

1 Q. So that was the change?

2 A. That was the significant change that the act heralded.

3 If you remember what I said about how the whole
4 issue of 1968 was to develop a local authority
5 social work service, this fitted into it in the sense
6 that if you have a professionally led local authority
7 service, shouldn't they take the responsibility of also
8 ensuring the quality of children's homes wherever they
9 were? So this followed it.

10 The issue then was: what was the position for the
11 central inspectorate, ie CAS, subsequent to the 1968
12 Act? Initially, of course, they continued with their
13 inspections, as I indicate here in section 3.39.

14 Q. But that came to an end?

15 A. That came to an end as a result of a test case at
16 Lochvale Boys' Home in Dumfries.

17 Q. We'll come to that shortly. Then in this interim
18 period, if we want to call it that, CAS still engaged
19 in the inspection of children's homes?

20 A. Yes, that's right.

21 Q. And as you pointed out here -- and I think in particular
22 you are looking here to see what is being done in-house
23 within the homes in relation to, for example, the
24 appointment of psychologists and so on. Do you observe
25 that CAS advisers noted the appointment of psychologists

- 1 at Quarriers?
- 2 A. That's correct.
- 3 Q. That was to assist with the assessment of children?
- 4 A. And this followed, basically, what the Chief Social Work
5 Adviser was indicating was a necessary response by local
6 authorities and children's homes and others in the field
7 towards the 1968 Act.
- 8 Q. This was in 1968 that this particular appointment took
9 place?
- 10 A. Yes.
- 11 Q. Did you understand this to be a full-time psychologist
12 attached to the Quarriers Homes?
- 13 A. I've no reason to doubt that it wasn't a full-time
14 psychologist.
- 15 Q. The other observation made by the advisers here is that
16 there was a favourable response to the new system of
17 appointing foster parents to its cottage homes; is that
18 correct?
- 19 A. That would be the case, that if you like, they had
20 learned the lesson from what occurred in Glasgow and
21 that they are seeking to ensure that they undertake
22 a trial period to assess the suitability.
- 23 Q. You go on to say that:
24 "The social work adviser urged the further
25 appointment of on-site social workers ..."

1 A. Yes.

2 Q. "... to assist in the assessment and to liaise more
3 closely with the local authority departments."

4 Again, was that in connection with Quarriers?

5 A. That was in connection with Quarriers, yes.

6 Q. Then do we see that you draw attention to an inspection
7 by CAS in 1972 and what the results of that inspection
8 were?

9 A. Yes. It's in line, if you like, with the directional
10 policy as outlined by the Chief Social Work Adviser that
11 you have social workers on site liaising with -- well,
12 the future Strathclyde social work departments in the
13 area to ensure that children who were placed in
14 Quarriers from the local authority were being looked
15 after and, obviously, there was feedback going both
16 ways.

17 Q. What you have noted here is that:

18 "There are now three social workers --"

19 A. Yes.

20 Q. "-- and a senior social worker who work entirely with
21 the homes and who are attached to the various cottages."

22 That's four altogether?

23 A. That's right, yes.

24 Q. And you go on to say:

25 "They liaise with the local authorities sending

1 children and they also work with the residential staff
2 supporting them when there are problems working with
3 groups of children ..."

4 So that very much reflects the policy that has been
5 developed post- 1968?

6 A. Yes.

7 Q. You then draw attention on page 9536 to Waverley House
8 in Edinburgh. That was a voluntary home in the sense it
9 was managed by the Scottish Wayfarers' Welfare Society
10 and that was for young men or lads who were homeless, is
11 I think its purpose.

12 A. Yes.

13 Q. What was the position here so far as the social work
14 adviser was concerned?

15 A. I think the view was that any such young lad should be
16 under the general supervision of Edinburgh Social Work
17 Department and certainly in terms of assessment of their
18 needs, and therefore the home should be working more
19 closely with Edinburgh Social Work Department and its
20 Director of Social Work.

21 But if they did, then obviously Edinburgh might lay
22 down conditions as to how it should operate, which would
23 be to the advantage of the boys themselves.

24 Q. I think the suggestion was that the home should employ
25 a part-time social worker for that purpose?

- 1 A. Yes.
- 2 Q. You come back to the Christie Home in Haddington that
3 we've already looked at.
- 4 A. Yes.
- 5 Q. Here we see that the social work advisers noted that:
6 "None of the members of the governing body held
7 expertise in childcare"; is that correct?
- 8 A. That's correct. That would not be unusual, of course,
9 at this time.
- 10 Q. Can we see that the board consisted of persons such as
11 the Sheriff of Lothian and Peebles, it says here --
- 12 A. Yes.
- 13 Q. -- the Depute Keeper of the Signet and the WS Society
14 and presbyteries?
- 15 A. Yes.
- 16 Q. You say that wasn't unusual.
- 17 A. Not amongst the governing bodies, but it was suggested
18 that the governor should make contact, and they did make
19 contact with, Midlothian's Director of Social Work.
- 20 Q. You mentioned Lochvale Boys' Home in Dumfries and that's
21 the next part of the discussion in your report. Can you
22 set out for us what happened here?
- 23 A. They received a complaint from a county council,
24 Clackmannanshire, that one of the boys that they had
25 sent to the home was not being properly cared for and

1 had left or they had removed him, and in the assessment
2 that they had undertaken, the child psychologist,
3 revealed loss of identity and rejection as a result of
4 his isolation.

5 The result of that was that the whole home was then
6 urgently reviewed by the Social Work Services Group and
7 an adviser was sent to review the home.

8 Q. What did the review discover?

9 A. Perhaps not unlike the Christie Home in Haddington in
10 1966/1967/1968, it was a home that was guided by
11 19th century philanthropy, where children were taken off
12 the streets and given shelter and looked after in that
13 particular way. But it was effectively the home of the
14 superintendent and his wife, who was the matron, and
15 that they essentially belonged to a different era of
16 childcare. There was little provision for the boys
17 in the home in terms of any recreational activities
18 whatsoever.

19 Q. One point that's made in paragraph 3 on page 9537
20 is that apart from the superintendent's sitting room,
21 the home was minimally furnished?

22 A. That's correct, yes. There was no evidence anywhere in
23 this house of an expression of a boy's individuality,
24 et cetera, et cetera.

25 Q. I think you mentioned earlier this became something of

1 a test case in relation to the division of powers of
2 inspection between CAS and the local authority. What
3 happened here?

4 A. Effectively, it was put up to -- the issue was put up to
5 the Social Work Services Group administrative officials,
6 who looked at the issue, obviously accepted that the
7 home -- there were deficiencies, but believed that under
8 the 1968 Social Work Act, if a report was issued from
9 CAS and the Social Work Services Group, which called
10 into question the registration, and the local authority
11 and even the home appealed against the registration,
12 it would put the Secretary of State in some difficulty
13 in terms of the procedure that would be adopted to
14 confirm or reject the Social Work Services Group's/CAS'
15 verdict on the home, thus it was really a matter for the
16 local authority's -- actually, I think it was Dumfries
17 Borough Council at the time -- decision. If they
18 accepted the registration, then they had a duty to
19 inspect, and if they believed it was no longer suitable
20 as a home for boys, then they should de-register it.

21 Q. Then if we turn to page 9539, the first main paragraph:

22 "We ..."

23 And that's underlined and I think that's SWSG
24 speaking.

25 A. Yes.

1 Q. "... may think that these words [and that's reference to
2 the statutory provisions] describe the present situation
3 at Lochvale, but if as I presume they have, the local
4 authority have registered the place, it is up to them to
5 ensure that registration continues to be justified. If
6 in their view it is not, it is again up to them to use
7 their powers under section 62(4) to cancel
8 registration."

9 I think that's then the point you're making?

10 A. Yes, that's right.

11 Q. At paragraph 3.44, it mentions there that the local
12 authorities were required to perform their duties under
13 the general guidance of the Secretary of State --

14 A. Yes.

15 Q. -- but could not be relied upon to implement
16 recommendations; is that correct?

17 A. Yes, I know.

18 Q. That's rather surprising.

19 A. This is the state before local government reorganisation
20 and my reading of this is that they perhaps realised
21 there was an issue in Lochvale Home and realised that
22 there was an issue with the local authority, Dumfries
23 Borough Council, taking any action. But if they waited
24 a couple of years, then under Dumfries & Galloway
25 Regional Council the situation would change. Therefore

1 the issues surrounding this particular home, it would
2 either have its registration cancelled or they would be
3 forced to improve the facilities on offer. That's my
4 interpretation of the way that they constructed this
5 particular minute or series of minutes.

6 Q. It goes on, we go on to read in that paragraph, 3.44,
7 that:

8 "For a voluntary home it was argued further that the
9 Secretary of State's powers were even more tenuous,
10 especially as unlike that of schools, inspections of
11 voluntary homes were a good deal more irregular and thus
12 lacking routine."

13 A. That's correct. So there weren't annual reports, there
14 weren't even a guarantee of reports every five years,
15 and that's unlike a school: you couldn't point to one
16 which said, yes, you need to do this, and you need to do
17 that, and following it up. If it was basically an issue
18 of someone raising or noting an objection at Lochvale
19 and then an inspector turning up, it wasn't quite the
20 same as the regularity within schools itself.

21 Q. The minute goes on:

22 "There is no doubt that much can and has been
23 achieved with voluntary bodies by the use of the
24 sapiential (to use a dreadful word) authority by our
25 professional officers."

- 1 Is that a suggestion there that the professional
2 officers, and that's people within CAS --
- 3 A. Yes.
- 4 Q. -- would have influence by giving advice?
- 5 A. Would have superior knowledge of advanced childcare and
6 they would use that knowledge, given their experience
7 and membership of CAS, to translate that experience down
8 to local authorities and down to voluntary homes.
- 9 Q. So was it then being accepted that, really, the primary
10 responsibility for inspection lay with the local
11 authority?
- 12 A. That's right, yes.
- 13 Q. But that CAS and SWSG would have an advisory role to
14 play?
- 15 A. Yes, on what were the appropriate standards of care.
- 16 Q. I think you go on to tell us that the consequence of
17 this was that a meeting was set up between the local
18 director of social work --
- 19 A. Yes.
- 20 Q. -- and CAS officials?
- 21 A. That's right, yes, but with the assumption that local
22 government reorganisation would move things on, if one
23 looks at the paperwork in a particular way.
- 24 Q. Because we're now looking at a time in, what, post-1970,
25 is it?

1 A. Yes.

2 Q. Then on page 9540 you return to the topic of
3 approved/List D schools, remand homes and also
4 assessment centres.

5 You remind us there that in section 1 of the report,
6 an inspector -- and that's its formation, that:

7 "CAS was briefed by an Inspector of Schools on
8 certain ongoing issues, which covered approved schools."

9 A. Yes.

10 Q. Is that the list we looked at earlier on?

11 A. Yes, that's right.

12 Q. I think we have discussed this already, but after the
13 formation of CAS, we had two forms of inspection, namely
14 the CAS inspection and also the educational inspection.

15 A. That's right, yes.

16 Q. If we turn to page 9541 -- and we may have seen this in
17 other evidence, but you provide at paragraph 3.48:

18 "The number of pupils in approved schools over
19 [a period of time] namely to rise over 1,660 at the end
20 of March 1968, and the number of annual committals had
21 more than doubled the number in the mid-1950s."

22 A. Yes, that's correct. So there was pressure on the
23 approved schools.

24 Q. I think we saw yesterday in evidence that that pressure
25 did exist; I think it was from Professor Kendrick.

1 You go on to tell us that:

2 "In 1967 the issue of corporal punishment at
3 approved schools arose as a matter of ministerial
4 concern after the Home Office inquiry into its use at
5 the Court Lees Approved School in England."

6 We have seen reference to the Court Lees Approved
7 School before. Can you help us? What was that about?

8 A. It seemed to be surrounding the issue of excessive
9 punishments, excessive use of corporal punishment and
10 other punishments, way beyond that which was sanctioned
11 under Home Office-approved school rules. It led to the
12 removal of the headteacher in charge.

13 Q. Did that then mean there was a greater sense of a need
14 for something to be done in Scotland?

15 A. Well, the issue, I think, that officials advised the
16 Parliamentary Undersecretary of State about was that if
17 they didn't review the position in Scotland, and
18 an issue arose such as Court Lees, obviously there would
19 be demand for a public inquiry, which would cause
20 embarrassment, as it did to the then Home Secretary.

21 Q. For the Court Lees?

22 A. Yes, for the Court Lees, yes.

23 Q. "The Parliamentary Undersecretary of State ..."

24 And this would be the minister responsible for
25 approved schools?

1 A. Yes.

2 Q. "... was informed that since the Scottish rules were
3 altered in 1961 there had been no recorded corporal
4 punishments of girls."

5 A. That's correct.

6 Q. So on the face of it --

7 A. It's boys only from then on.

8 Q. He is also informed that:

9 "Within boys' schools, the number of recorded
10 punishments had declined."

11 So that was the information being passed on to --

12 A. From the logbooks that were being sent in.

13 Q. Those were the reports we talked about earlier?

14 A. That's right, yes.

15 Q. So again, that's dependant upon the institution
16 correctly recording what's going on on the ground?

17 A. That's right. It would depend on the regulation being
18 fulfilled, ie that the headteacher was filling in the
19 logbook, the logbook was certified by one or two
20 managers at periodic intervals, and then the logbook was
21 being sent in to the Social Work Services Group.

22 Q. It also provided some other information -- this is on
23 page 9542. Perhaps you can take us through that in this
24 connection, where it would appear that, for example,
25 a headmaster was removed and another deputy had to

1 resign.

2 A. Yes. It's looking over a period of time before this
3 arose and I think it's indicating that the two HMIs were
4 actively involved in, if you like, double-checking the
5 issue of the use of corporal and other punishments and
6 any irregularities. As a result of their actions, one
7 headmaster had been removed, another deputy had
8 resigned, and another headmaster was allowed to remain
9 after severe warnings from their managers.

10 Q. Interestingly, the report to the minister goes on to say
11 that:

12 "There are safeguards of a kind against
13 irregularities in that the service is fairly small and
14 compact with resulting close relationships and exchange
15 of information. Boys have good contact with their
16 homes. This does not necessarily mean that boys will
17 complain since both they and their parents may accept
18 violence because of their backgrounds."

19 A. Yes. I think it's more that other members of staff, eg
20 the approved schools' medical officer, may note
21 excessive punishments and bring it to the attention of
22 the HMI Inspector of Schools.

23 Q. So this report back to the minister, was this designed
24 to offer him comfort or how did you read it?

25 A. I think that they recognised that with the improved

1 school system, that it would be difficult to remove
2 corporal punishment, but the policy was, as indicated
3 in the previous paragraph, to encourage its decline.

4 Therefore they were saying: yes, we can ensure to
5 some extent the control of excessive punishments, but
6 you must realise and accept that there could be
7 unrecorded or excessive punishments, but nevertheless we
8 still recommend perhaps that you should think about
9 moving towards the abolition of corporal punishment.

10 Q. Then what was the minister's response to this advice?

11 A. Again, I think the minister was cognisant of the use of
12 corporal punishment within Scottish schools as a whole,
13 was cognisant of the attitude of the Educational
14 Institute of Scotland towards the use of corporal
15 punishment, and it would appear he sort of baulked at
16 the issue of banning it outright.

17 Q. The Educational Institute of Scotland, were they against
18 corporal punishment?

19 A. They were generally -- at this time, they were in favour
20 of its retention.

21 Q. Of its retention?

22 A. Yes.

23 Q. So did that influence the minister?

24 A. My understanding is the minister realised that he would
25 have to engage in long conversations and set up

1 a special committee between his officials and the
2 education lobby if they were to seek the abolition of
3 corporal punishment. And even if they were to seek it
4 in approved schools, he would still probably require the
5 sanction of the educational establishment generally.

6 Q. So what then was the outcome at this stage of this
7 conversation that was taking place?

8 A. That the 1961 rules should be adhered to under the
9 general philosophy of seeking to reduce and eventually
10 abolish corporal punishment. That's my reading of what
11 is being said.

12 Q. Then we read in paragraph 3.50 that:

13 "The Parliamentary Undersecretary of State accepted
14 that a circular should be issued, indicating that the
15 Secretary of State believed that the use of corporal
16 punishment could and should be reduced."

17 A. Yes.

18 Q. And that:

19 "There should be more checks on severity of
20 punishment, that discussions should take place with the
21 relevant school managers and that if frequent use was
22 apparent, the HM Inspectors of Schools would approach
23 the managers of those schools."

24 That's what was circulated?

25 A. That's what was circulated to the interested bodies, ie

1 the Approved Schools Association, the headteachers of
2 the approved schools.

3 Q. Have you seen the circular?

4 A. Off the top of my head, I can't remember seeing it, but
5 I think I've seen it in draft form.

6 Q. It would appear that in 1969, after a further SWSG
7 submission:

8 "The minister restated his views on corporal
9 punishment, that whilst it could be retained for
10 classroom offences, as well as for offences outside the
11 classroom, the underlying philosophy within the rules
12 should be that the managers and heads would order the
13 school regime in such a way as to avoid punishment
14 wherever possible."

15 How did that come about, that this additional advice
16 was being offered?

17 A. The views that were developing were very much similar to
18 the view that developed of children's homes, that the
19 old barracks-style approved school should be broken up
20 and in its place smaller units should be established,
21 where there'd be much closer contact between an
22 individual teacher and supervisor and the boys and girls
23 concerned. Therefore the distant relationship that you
24 would have in a barracks-style approved institution
25 would be diminished and therefore there would be less

1 reliance on corporal punishment.

2 Q. Do you then move on to give examples --

3 A. Yes.

4 Q. -- from four approved schools as to what extent that
5 particular policy was being implemented?

6 A. Yes.

7 Q. You begin with Geilsland Boys' School, where the regime
8 came under review during 1967 when a boy made complaints
9 on the punishment he was alleged to have had. What
10 happened at that time?

11 A. What happened at that time was that the governors of
12 Geilsland -- he was a relatively new appointment --
13 reviewed his appointment after seeing that he actually
14 was a disciplinarian and tried to remove him, only that
15 this particular headmaster won on appeal through the
16 offices of the EIS. Then this particular report says:
17 well, we've been there and we've seen actually that the
18 boys -- I'm not sure if they're content, but they accept
19 the regime as it is, he is a disciplinarian, an
20 authoritarian, but they have some respect for what he is
21 trying to do, however, there might well be incidences of
22 excessive punishments, which are not fully recorded.

23 Q. Were there some sexual allegations or allegations of
24 inappropriate behaviour also at this time?

25 A. There was, against one of the schoolteachers, which led

1 to the schoolteacher insisting that they not be left
2 alone with any one particular boy at any particular time
3 to indicate his innocence -- and also against the
4 headteacher himself. They did look at it very closely
5 and said that the incident could not have occurred,
6 given the time lag between getting on a train near
7 Geilsland and getting into Glasgow where the offence was
8 said to have occurred.

9 Q. Was there also some investigation at this time into
10 Geilsland's commitment to physical and technical
11 education as against more classroom-based type
12 education?

13 A. Yes. Again, the headteacher took the view that
14 discipline came through particular forms of training as
15 opposed to classroom education and his function was to
16 restore these boys, if you like, back to some sense of
17 normality through training, that they required
18 discipline through training rather than education.

19 Q. There were, I think, further inspections of Geilsland
20 after this, particularly in relation to the education
21 side?

22 A. That's right, yes, and continuing concerns about the
23 quality of classroom education as opposed to the
24 training side provided in Geilsland.

25 Q. So if I pick it up at page 9545, paragraph 3.53, do we

1 note towards the bottom that in their report the
2 inspector doubted the accuracy of continuing to describe
3 the school as "providing education"?

4 A. Yes. This is coming from the HM Inspector of Schools
5 rather than from a CAS social work adviser. So he is
6 basically -- I think it was a he -- confirming the view
7 of the previous social work adviser's reports.

8 LADY SMITH: I suppose one might say it all depends what you
9 mean by education. I take it that the HMI was focusing
10 on his search for academic education?

11 A. That's right, yes.

12 LADY SMITH: And didn't regard it as sufficient that
13 workshops, gardening, practical activities were being
14 taught to the children there and being made available to
15 them? A different view might be taken today.

16 A. That is probably correct, given that approved schools
17 were also set up as educational establishments in the
18 conventional sense. As the pupils did not go to a day
19 school, they were meant to get classroom activities as
20 well as gardening.

21 LADY SMITH: Yes. Even if they were getting trained to be
22 really good gardeners?

23 A. Yes.

24 MR MacAULAY: You also draw attention to Balrossie. This is
25 on paragraph 3.54 on page 9545, which is under the

1 auspices of Glasgow.

2 A. Yes.

3 Q. What you say there is:

4 "Balrossie was understaffed and lacked the
5 facilities to cater for the individual needs of boys
6 admitted."

7 And that's under reference to a report in 1969;
8 is that right?

9 A. Yes.

10 Q. The school would appear to have had a psychiatric
11 service because we have conclusions drawn from them.

12 A. Yes, that would be attached to Glasgow Corporation.

13 Q. What were the conclusions there?

14 A. The conclusions basically were that the school
15 headteacher liked to run the school as clockwork,
16 basically.

17 Q. But so far as the psychiatric service was concerned, do
18 we read towards the top of page 9546 that they had
19 concluded that a large proportion of the boys were
20 severely emotionally disturbed?

21 A. Yes. Yes, but that didn't seem to impact on the regime
22 at the school.

23 Q. No, but I think the point being made was that in England
24 and Wales these boys would more likely have been
25 admitted to residential special schools --

- 1 A. Yes, correct.
- 2 Q. -- rather than approved schools.
- 3 A. Yes, but as special residential schools for those kind
4 of pupils were few and far between, they ended up in
5 Balrossie.
- 6 Q. Coming then to the regime, the adviser sets the
7 disciplinary regime out in some detail on that page.
8 Can you just pick up for us the essence of what that
9 regime amounted to?
- 10 A. The regime was basically: they are the boys, we are
11 running the school in a fairly disciplinary manner,
12 including that there should be no joking at mealtimes.
13 There was little respect for the boys, even in
14 recreational periods, and that everything operated on
15 the basis of minimising the care service provided rather
16 than trying to maximise it in terms of what the
17 educational psychologist had indicated was probably
18 required.
- 19 Q. Was there also a suggestion that the institution was
20 understaffed and lacked facilities?
- 21 A. Yes.
- 22 Q. On page 9547, paragraph 3.55, I think the adviser has
23 noted that the psychiatrist attended Balrossie for half
24 a day each week.
- 25 A. Yes, that's right.

1 Q. What did the social work adviser think about that?

2 A. They thought that was very good of her given that there
3 were virtually no positive results coming from the
4 teachers in the school towards her service.

5 Q. What was the result then of this inspection? What
6 recommendations were made?

7 A. They recommended that there should be an improvement in
8 the number of staff at the school and that the ethos of
9 care should be altered to fit in with, if you like,
10 modern standards and that the high level of punishments
11 should be reduced.

12 Q. If we look at paragraph 3.56, there appears to have been
13 a meeting then between SWSG, CAS and the HM Inspector of
14 Schools, who agreed with the view expressed by the
15 adviser; is that correct?

16 A. That's correct, yes, the adviser and the Inspector of
17 Schools, and that a meeting was then arranged through
18 HM Inspector of Schools with the Education Authority.

19 Q. We read then that:

20 "At the meeting [which is that meeting I think we're
21 talking about] an HM Inspector of Schools informed the
22 authority representatives that the rules for conduct and
23 misconduct were so negative as to leave the children
24 little to live for, whilst an adviser stated that he was
25 'appalled by the high level of punishments'."

- 1 A. Yes.
- 2 Q. What was the response to those criticisms?
- 3 A. There was some, if you like, amendment in the system of
4 care provided. The school recruited more house mothers
5 and residential social workers, and there was a much
6 more detailed report, 12 pages, actually, following that
7 in 1974.
- 8 Q. Is that what you talk about in paragraph 3.57?
- 9 A. That's right, yes. So there was a, if you like, a very
10 detailed follow-up, which included both inspections by
11 the HM Inspector of Schools and the CAS social work
12 advisers, both inspecting separately and I think there
13 was a joint inspection as well.
- 14 Q. This follow-up inspection noted then that the school had
15 recruited house mothers --
- 16 A. Yes.
- 17 Q. -- and also residential social workers, but
18 notwithstanding that, the report concluded that the
19 general nature of the regime remained unchanged?
- 20 A. Yes, that's correct. There appeared to be still
21 deficiencies in the education provided.
- 22 Q. And we are given some insight into that, particularly
23 that maths was non-existent, although sums were being
24 done?
- 25 A. Yes.

1 Q. It would appear that CAS are devoting quite a lot of
2 attention to this particular establishment because we
3 note in the next paragraph, 3.58, that social work
4 advisers had visited the school on several occasions
5 during the same month.

6 A. That's correct, yes.

7 Q. What was the thinking here?

8 A. I think the thinking was that they had clearly seen
9 Balrossie, as we've said previously, for a high level of
10 punishment, a lack of modern ideas towards the care of
11 children, and you must remember this was an institution
12 run by Glasgow Corporation, which they had seen with
13 Gryffe House earlier, which was under their
14 responsibility, where there was an almost similar regime
15 of a high level of punishments, and later in this report
16 there's also Larchgrove.

17 So this was an authority where they obviously felt
18 that there were some issues that needed to be tackled.

19 Q. These reviews and inspections are over a fairly
20 protracted period of time?

21 A. That re-emphasises my point: they believed there were
22 serious issues in the way that the local authority were
23 managing their homes.

24 Q. The point I'm trying to make to you, I think, is: what's
25 done about it?

- 1 A. What's done?
- 2 Q. If the problems are there over a protracted period of
3 time and the problems there don't go away, then what
4 action is taken to --
- 5 A. Ultimately, of course, this being a List D school, they
6 could have withdrawn the registration, but that is
7 a very severe step. I think the initial view is:
8 if we send CAS advisers in on a protracted series of
9 investigations and inspections, and couple that with
10 HM Inspector of Schools, somehow or other
11 Glasgow Corporation will get the message and will take
12 the necessary steps to alleviate the difficulties.
- 13 Q. You can correct me if I'm wrong, but I think this whole
14 process of inspection began in 1969 --
- 15 A. Yes.
- 16 Q. -- and we're now into 1974?
- 17 A. Yes.
- 18 Q. So we've had five years during which, no doubt, children
19 have come and gone --
- 20 A. Children have come and gone, that's right.
- 21 Q. -- into the institution?
- 22 A. Yes.
- 23 Q. Yet the institution remains more or less the way it was
24 in the beginning of the process?
- 25 A. But there's a feeling that it's moving in a particular

1 direction by the time you get to local government
2 reorganisation. So in that respect, it might have been
3 snail's pace, but my interpretation of the documents
4 is that they are pressing very hard without taking the
5 ultimate action, which is to advise the
6 Secretary of State to de-register Balrossie.

7 Q. Deregistration of course would mean that spaces would
8 have to be found for residents in other approved
9 schools?

10 A. That's right, and you have to remember in 1974 there was
11 pressure on the ministers to expand the number of
12 residential places rather than contract them.

13 Q. Residential places, indeed. I said approved schools,
14 but we should perhaps use the label "List D schools".

15 A. Yes.

16 Q. Would that be part of the thinking at all, that if you
17 deregistered the school, then there may be difficulty in
18 finding placements for the children who were at the
19 school?

20 A. There would be an immediate difficulty finding
21 placements in already overcrowded List D schools, plus
22 you'd have to secure the minister's approval for an
23 increase in capital expenditure to construct or
24 reconstruct a school somewhere else.

25 Q. Did that, as a possibility, come out of the records that

1 you've looked at?

2 A. Certainly the reaction of the ministers in this
3 particular period was: why can't we have more List D
4 schools? As I have already talked about, the Chief
5 Social Work Adviser pressed the Social Work Services
6 Group, which accepted the need to advise ministers that
7 that was not the intention of the 1968 Act, even if they
8 got Treasury permission for new capital building.

9 Q. So in essence, and I've looked at the policy already,
10 the policy of the 1968 Act was to facilitate children
11 remaining within the community?

12 A. That's right, yes.

13 Q. And the construction of new List D schools,
14 notwithstanding the problems that were evident here
15 would be against that policy?

16 A. And therefore the pressure was to seek to improve the
17 internal management of these schools as far as possible
18 in the interim until 1975 when local government
19 reorganisation, they believed, would alter the local
20 scenario. Does that ...?

21 Q. I think that's perfectly clear. I think the point I was
22 trying to make is that this seems to drag on and on and
23 on over a period of five years or so at the expense of
24 the children and, notwithstanding the problem's
25 essentially remaining unchanged --

- 1 A. Yes.
- 2 Q. -- very little happens.
- 3 A. There's some amelioration in Balrossie, but perhaps not
4 as much as they would have wished in 1969, by 1974.
5 I think that's a fair assessment.
- 6 Q. You do point out in the next paragraph, paragraph 3.59,
7 that:
8 "Apparent deficiencies in the educational syllabus
9 at Geilsland and Balrossie were not necessarily
10 reflected in other schools."
11 And you draw attention to a social work adviser's
12 visit to and Thornly Park in 1973. What was the
13 position here?
14 A. There was a new headteacher, revitalising classroom
15 work, wide range of books, new books and other
16 materials. There was more training as opposed to just
17 perhaps gardening, and teaching of specific skills
18 rather than routine maintenance. So it would appear
19 that there was a positive approach to both the education
20 and the training side.
- 21 Q. And we note also that on the following page, 9550, that
22 in another report, 1973, the change in the school and
23 the headmaster's apparent keenness to present candidates
24 for SCE O-grades in each of the principal subjects?
25 A. This new headteacher obviously took education rather

1 than training as the essence of his school.

2 Q. So we can contrast that approach to the approach in
3 Balrossie?

4 A. That's right, yes.

5 Q. And I think we may have heard this elsewhere: whether
6 you ended up in Balrossie as a child or Thornly Park may
7 just be a matter of luck?

8 A. Not luck. It would depend on the number of vacant
9 places in the system, the age you were, your religion,
10 yes, and also the operation of Social Work Services
11 Group working through its educational psychologists and
12 also the Senior Social Work Adviser and his team to
13 where you'd end up.

14 Q. Could a child in Glasgow end up in a non-Glasgow
15 location?

16 A. Yes. That was a particular issue in Scotland. A child
17 could end up at Dale in Arbroath or Rossie or
18 St Joseph's in Tranent, depending on the spaces
19 available.

20 Q. So space is the real key, is it? If one house like
21 Thornly Park, which is clearly devoting itself to
22 providing the children with a good education as best it
23 can, has no space, then that would -- because of that --

24 A. Even though a boy was deemed -- it was deemed that
25 Thornly Park would benefit them, they would not able to

- 1 go.
- 2 Q. You then move on, on page 9550, to look at
3 Wellington School.
- 4 A. Yes.
- 5 Q. I think you identify that problems developed at
6 Wellington. Can you tell us about what happened there?
7 This is in 1972.
- 8 A. Yes. There seemed to be an element of Balrossie there,
9 old-fashioned conformity, resulting in what appeared to
10 usually happen: there was mass absconding and general
11 disorder, which the headteacher and his staff seemed
12 unable to control.
- 13 Q. What happened? I think a social work adviser was
14 brought into this?
- 15 A. That's right. A senior social work adviser, who was
16 recruited from an English classifying school, he was now
17 a senior social work adviser, so he had considerable
18 experience within that field. He was sent to Wellington
19 very early in the morning and indicated some advice as
20 to controlling the disorder and the absconding that had
21 occurred.
- 22 Q. Can you provide us with insight as to what was the cause
23 of the absconding? You don't set it out in the report,
24 but I wonder whether the records indicate.
- 25 A. It would appear that the boys were simply jumping out of

1 the windows and disappearing towards, I think, Biggar
2 was the nearest town -- sorry, Dalkeith was the nearest
3 town, and then hopping on a train to Edinburgh.

4 Q. Did the senior social work adviser seek to ascertain if
5 there was a cause for that?

6 A. It would appear to be a semi-Balrossie issue, that the
7 school was run on pretty disciplinarian lines, it was an
8 old-fashioned building, a barracks-style building, the
9 degree of contact between staff and boys was not at
10 a level which they thought appropriate.

11 Q. You also, I think, go on to say that this social work --
12 the social work adviser went to Wellington in the
13 evening.

14 A. Yes.

15 Q. Was that a follow-up visit?

16 A. My understanding is that he wanted to see how the school
17 was actually operating, not just through the usual
18 inspections but by turning up at odd times.

19 Q. What do the records tell us as to what happened then?

20 A. He indicated that they should break up the old
21 block-style school into separate units, each under the
22 control of one particular schoolteacher or other
23 supervisor, and that would establish a closer
24 relationship between the boys and the school itself, and
25 the boys' needs and the school.

1 Q. I think there was a further inspection of Wellington
2 subsequently. If you look at page 9551, paragraph 3.63,
3 this is by two social work advisers. What did they
4 discover?

5 A. I think the issue here was that the staff were unable to
6 shift their style of work and therefore the absconding
7 continued. The headmaster, effectively, had appeared to
8 lose control over the school in moving it to the
9 favoured regime by the CAS social work advisers. And
10 the result was the headteacher left the school shortly
11 afterwards.

12 Q. Did he leave voluntarily or not?

13 A. It's not quite clear in the records, but I think,
14 reading between the lines, the governors said he should
15 leave.

16 Q. I suppose if the headmaster is seen to be the problem,
17 I suppose that's one way of dealing with the problem.

18 A. Yes.

19 Q. You mentioned Larchgrove a few moments ago. Can we then
20 look at that institution. You address this on
21 page 9552, paragraph 3.64. You begin by saying that:

22 "In 1968, Larchgrove, which was a remand home for
23 boys, under the jurisdiction of the Corporation of
24 Glasgow, was the largest in the country"; is that
25 correct?

1 A. That's correct, it was the largest in Scotland.

2 Q. In Scotland?

3 A. Housing probably half the number of boys in remand homes
4 at that time in Scotland.

5 Q. You give us some figures. You say:

6 "In mid-1968, 126 boys were resident in a building
7 which was intended to contain 74."

8 A. That's right, it was severely overcrowded.

9 Q. Was that down to lack of space elsewhere?

10 A. Most of the other remand homes were quite small and that
11 would depend on Glasgow negotiating with the other
12 authorities a place for the boys, and they would have to
13 pay for the boys going somewhere else.

14 Q. You go on to say, I think, that:

15 "A report the following year [which I think would be
16 1969] by one of the advisers set out that at Larchgrove,
17 around a half of the boys had been remanded by the
18 courts for a report, whilst around a seventh were being
19 detained for reasons of punishment or awaiting a vacancy
20 in an approved school."

21 So you have a mixture of children?

22 A. Yes. It's -- "dumping ground" is the wrong word, but
23 it's housing children of different needs and different
24 entry points into the system.

25 Q. Why was that happening?

- 1 A. Because there was nowhere else to place them.
- 2 Q. And why not?
- 3 A. Well, because the approved schools were beginning to be
4 overcrowded and the court might have said, "Right,
5 they're going to go to an approved school", but they'd
6 have to wait for Social Work Services Group, by this
7 time, being able to determine a place for them,
8 negotiating a place with that particular headteacher,
9 wherever it was, and then ensuring that the people went
10 there. So that could take a few weeks between the court
11 hearing and being placed in an approved school, assuming
12 there was a place in the first place.
- 13 Q. Those detained for reasons of punishment, were these
14 periods of detention through the court system then?
- 15 A. Through the court system, yes.
- 16 Q. Section 413 orders, I think, was it?
- 17 A. No, that was later, wasn't it, 413?
- 18 Q. Yes, that was 1975. But in any event, through the court
19 system?
- 20 A. Through the courts but not necessarily being committed
21 to an approved school. They were simply being committed
22 to a remand home for a period of time -- and I think it
23 was 30 days, was it, that they could be held in a remand
24 home -- until a further court hearing, if I think I'm
25 correct.

1 LADY SMITH: Ah, this would be pre-trial --

2 A. Pre-trial.

3 LADY SMITH: -- or pre-procedure, at which the child might
4 plead guilty, and the decision was for various reasons
5 they couldn't be granted bail?

6 A. Right.

7 LADY SMITH: So it's somewhere to put them in the meantime,
8 I can see that. That would be quite a mix of children
9 then?

10 A. It could be an extreme mix of children.

11 LADY SMITH: And if you're saying there are also children
12 waiting for reports to be carried out, that'd be
13 children who are almost through the system, they may
14 have been convicted or pled guilty and were waiting to
15 see what the ultimate disposal is going to be?

16 A. It could be children under a protection order; they may
17 not have committed, strictly speaking, an offence.

18 LADY SMITH: True, yes.

19 A. So they could be there for their protection and if an
20 appropriate approved school, such as Thornly Park, which
21 had a more liberal regime, wasn't available for them --
22 and with those who'd committed violence or whatever.

23 LADY SMITH: So would Larchgrove be used as a place of
24 safety in cases of urgency?

25 A. Yes.

1 MR MacAULAY: So it follows from that, does it, that you
2 could very well have a wide range of ages within
3 Larchgrove?

4 A. A wide range of ages and a wide range of boys'
5 backgrounds.

6 MR MacAULAY: My Lady, that's coming up to 3 o'clock now and
7 we usually have a short break.

8 LADY SMITH: Let's have the break then.

9 (3.00 pm)

10 (A short break)

11 (3.10 pm)

12 LADY SMITH: Yes, Mr MacAulay.

13 MR MacAULAY: Before the break, we had been looking at
14 Larchgrove, professor, under reference to page 9552. We
15 had looked at the numbers and the fact that it was
16 clearly overcrowded and the nature of the children who
17 might have been there.

18 You then in the report go on to say what the
19 position throughout Scotland was, and I think that's
20 under reference to the social work adviser's report of
21 1969; is that right?

22 A. Yes.

23 Q. What was the adviser's conclusions then?

24 A. Although staffing had improved, there was very little
25 change in the qualification of the remand home staff.

1 In addition to that, issues of assessment of the
2 children remained somewhat lacking. There was obviously
3 a difference, some difference between the homes
4 depending on where they were, but the use of
5 social work, psychologists and other services were
6 actually poor in order to undertake those assessment, so
7 there was an acceptance that there was a deficiency
8 within what remand homes were meant to do.

9 Q. Throughout the country?

10 A. Yes, throughout Scotland, yes.

11 Q. A couple of times in your evidence when I've asked you
12 why other changes were not put in place, you've replied
13 by saying people were waiting for the local government
14 reorganisation.

15 A. Yes.

16 Q. Why is that relevant to --

17 A. I should emphasise that there was clearly a deficiency
18 in the number of qualified social workers within
19 Scotland, even in 1968, even though there had been
20 positive recruitment. I have not been able to obtain
21 figures saying the numbers who were qualified by 1975,
22 but my reckoning is that at least half of the field
23 staff within local government at the time of
24 reorganisation or shortly afterwards had the relevant
25 CQSW qualification. That meant you were dealing with

1 a situation where, if you like, you had old-guard
2 childcare officers who may or may not have had some
3 childcare training and you had old-guard supervisors of
4 remand homes and other children's homes as well, who may
5 or may not have had any professional training
6 whatsoever.

7 Therefore, to say, "Yes, we're waiting for local
8 government reorganisation", is a diplomatic way of
9 saying that until you had sufficient numbers of
10 qualified professionals within the field, both on the
11 ground in field care services and in the homes
12 themselves, there would always be a deficiency.

13 Q. And was the anticipation then in the period leading up
14 to the 1975 Act that the landscape would change fairly
15 dramatically to have this influx of much more qualified
16 people?

17 A. Apart from three local authorities, that is the
18 Western Isles, Shetland and Orkney, all Scottish local
19 authorities were substantially larger than the existing
20 local authorities, apart from the big cities. You had
21 Grampian, Highland, you had Fife, you had Lothian, you
22 had the Borders, Dumfries & Galloway, and of course
23 Strathclyde. Within that you'd create a hierarchy, if
24 you like, of professionally qualified staff who would be
25 able to think about social work services and about

1 organising social work services in particular ways,
2 which would be different to the old style one-person
3 childcare officer in Kincardineshire, for instance.

4 Q. If you look at the Balrossie example for a moment or
5 two, because that spanned a period of years, and you did
6 say on one or two occasions that perhaps one reason why
7 there wasn't any other change was because of the onset
8 of reorganisation, did you mean then that this greater
9 level of expertise would be available to deal with the
10 issues?

11 A. It was coming onstream but it could not be organised
12 within the existing structure of local government very
13 readily. The biggest local authority, Glasgow, clearly
14 had a deficiency even as it went into the 1968 Act.
15 Yes, they got an externally appointed director of social
16 services, but that particular person then had to move
17 through and begin to change the structure of the
18 services that were available throughout his department.
19 And given that he also had to deal with the elderly and
20 the disabled and the mentally ill, it was quite
21 a significant change of task of local social services.
22 So that's what I am saying.

23 The other side of the equation, of course, is that
24 Children's Panels needed to be inducted into new ways of
25 thinking about the disposal of children. So instead of

1 saying automatically, "Approved school", it would be,
2 "What do you recommend in terms of care in the community
3 if you can't get a foster home or you can't keep them
4 with their parents or whatever?" So there was a period
5 of time when, I think, they realised within Social Work
6 Services Group it wouldn't happen overnight and they
7 would have to deal with the Balrossies and now the
8 Larchgroves. Does that make sense?

9 Q. Thank you, it does.

10 Can I then take you back to Larchgrove?

11 A. Sure, yes.

12 Q. You tell us towards the bottom of page 9552 that:

13 "SWSG and CAS engaged the Corporation of Glasgow
14 during the latter part of 1969 and throughout 1970 on
15 Larchgrove and indeed other aspects of its social work
16 service."

17 And you tell us:

18 "At a meeting with the city's Social Work Committee
19 Convener in December 1970, the Chief Social Work Adviser
20 expressed her concern over the future of Larchgrove and
21 there was agreement that the solution to the problems of
22 Larchgrove was seen in terms of strengthening and
23 changing staff."

24 A. Yes.

25 Q. And:

1 "The key to it was the appointment of a head whose
2 calibre would attract new staff skilled in the problems
3 of diagnostic assessment."

4 A. That's part of the package which refers to the meeting
5 previously about boarding-out children, which is earlier
6 in the report. They decided that they would have a sort
7 of head to head meeting with Glasgow's Director of
8 Social Work and his staff about the issues surrounding
9 childcare in Glasgow, and Larchgrove was part of that
10 package.

11 Q. Insofar as Larchgrove was concerned then, what happened?

12 A. Nothing. Nothing at all.

13 Q. Is there any explanation provided in the records as to
14 why nothing happened?

15 A. No. They didn't hear anything. They were clearly quite
16 satisfied with what was moving on the fostering care
17 side, but nothing about Larchgrove.

18 Q. But what we then learn from your report is that in
19 January 1973, after some press reports on alleged
20 ill-treatment of boys by staff at Larchgrove, that
21 Glasgow Social Work Department set up an independent
22 inquiry; is that right?

23 A. That's right, yes.

24 Q. Can you just paint the background for us? What sort of
25 allegations were being made now?

1 A. That there had been incidences of violence against the
2 boys, excessive use of corporal punishment, and other
3 irregular punishments were taking place, and that the
4 care provided for the boys was nowhere near even the
5 expectations of 1973.

6 Q. So notwithstanding -- I think you refer to it as "the
7 burst of activity" -- following the meeting that took
8 place --

9 A. Yes.

10 Q. -- nothing happened and indeed we see here a quite
11 depressing picture --

12 A. An extremely depressing picture.

13 Q. -- as to what the position was on the ground?

14 A. Yes. The other fact which is brought out here
15 particularly well is of course it was Glasgow who
16 instituted their own inquiry, it wasn't Social Work
17 Services Group or SED. So that was themselves taking
18 action under the 1968 Act to conduct an inquiry.

19 Q. I think that was an inquiry carried out by -- I think it
20 was a sheriff?

21 A. Yes.

22 Q. Sheriff Bennett QC.

23 A. That's right.

24 Q. And also with a layperson, a Mr Wright?

25 A. That's right, from England, from the National Children's

1 Bureau, who was brought in because of his professional
2 background in that particular area.

3 Q. What then did the inquiry conclude?

4 A. The inquiry concluded that there was clearly evidence of
5 abuse within Larchgrove, that corporal punishment was
6 exceeded on numerous occasions, and upon, as I say here,
7 "the naked posterior", that there was no occupation for
8 the boys at all, in fact there seemed to be very little
9 care provided.

10 The result was that Glasgow responded by replacing
11 the entire senior management within Larchgrove and began
12 discussion on its refurbishment in conjunction with its
13 Education Authority.

14 Q. I think they also identified there was bed-wetting and
15 that occurred because boys were not allowed to, I think,
16 go to the toilet during the night?

17 A. That's right, yes. It was an extremely restrictive
18 remand home.

19 Q. Why had Larchgrove come to be in this position?

20 A. It's not clear from the inquiry, nor is it clear
21 explicitly from Social Work Services Group and CAS
22 reports, but the opinion would be that it was seen as
23 a service at the bottom end of the requirements of the
24 social work department to consider at the time. Their
25 principal focus was improving the quality of care within

1 the community and that Larchgrove could be put to one
2 side.

3 Q. Was there any evidence of inspection of Larchgrove after
4 the meeting that you mentioned in the report that
5 happened in 1970 between SWSG, CAS and the Corporation
6 of Glasgow?

7 A. No.

8 Q. So that's a period of two to three years or so?

9 A. They're simply noting there's no activity or there's
10 nothing coming back. They themselves are not
11 undertaking any inspection of Larchgrove.

12 Q. Any reasons in the records why that may have been the
13 case?

14 A. Because Larchgrove was the responsibility of
15 Glasgow Corporation. That's the stock response: it was
16 Glasgow's responsibility. It was Glasgow's
17 responsibility in relation to the allegations to conduct
18 its own inquiry, its own independent inquiry.

19 Q. Yes, but before the inquiry, of course, we have these
20 two or three years where there are no inspections by
21 CAS.

22 A. Yes.

23 Q. And CAS had a responsibility to inspect at that time;
24 is that right?

25 A. Not necessarily. It depends on your interpretation of

1 the 1968 Act.

2 Q. So would you say then that the inspection obligation lay
3 on the corporation?

4 A. The assumption, as I understand it, is it was
5 Glasgow Corporation's responsibility to review its, if
6 you like, registration and its inspection of Larchgrove.

7 Q. This is the point you made earlier?

8 A. Yes.

9 Q. That of course was in the context of voluntary homes;
10 did that also spill into remand homes?

11 A. The remand home was the responsibility of the local
12 authority, so it had to inspect itself.

13 Q. Then you indicated what the response to the Bennett
14 report was and that was essentially a clearout of the
15 staff?

16 A. Yes.

17 Q. I take it that new staff were --

18 A. New staff were appointed, but of course of particular
19 interest to the Chief Social Work Adviser was the
20 appointment of teachers and psychologists and a later
21 report indicated that local GPs were visiting.

22 Q. Yes, you make reference to a social work adviser report
23 in April 1974.

24 A. Yes.

25 Q. That's a CAS inspector?

- 1 A. That's a CAS inspector, yes.
- 2 Q. So going back to a conversation we had a few moments
3 ago, your position is that as far as inspections would
4 be concerned, there could be CAS inspections because
5 it's remand home, but also there's an obligation on the
6 local authority to inspect?
- 7 A. A local authority because it was their remand home.
8 They had a duty to inspect and make sure it reached the
9 standard of whatever it required.
- 10 Q. But CAS could also inspect?
- 11 A. CAS could also inspect, but I think the subsequent
12 inspections -- let me put it diplomatically: given that
13 there had been a public inquiry, a local authority
14 public inquiry, to prevent the Secretary of State being
15 embarrassed, a social work adviser looked again to make
16 sure that Glasgow were implementing its recommendations.
- 17 Q. And that was the outcome, that that adviser noted the
18 appointment of teachers and a psychologist?
- 19 A. Yes.
- 20 Q. And also that the improvements made included regular
21 visits by local general practitioners?
- 22 A. Yes.
- 23 Q. You point to an issue that arose out of the inquiry in
24 connection with the regulations that governed Larchgrove
25 and indeed other remand homes. What was that issue?

1 A. Well, the issue surrounded whether or not the existing
2 pre-1968 Remand Home Rules continued to exist, given
3 that in 1971 the remand homes became assessment centres
4 under the 1968 Act.

5 And the same applied, obviously, to List D schools.
6 List D schools replaced approved schools, so did the
7 Approved School Regulations of 1961 still apply? And
8 the answer was that the legal interpretation said that
9 the 1968 Act, by virtue of subsection (3) of 1959
10 indicated that these regulations could continue to
11 apply.

12 Q. So there was some confusion as to whether they applied
13 or not?

14 A. There was some confusion as to whether it applied or
15 not, but the argument within Social Work Services Group,
16 as opposed to CAS, was that until they were challenged
17 in law they wouldn't lift the lid on it, so to speak.
18 Does that answer your question?

19 Q. I think you've set that out in the report in fact.

20 A. Yes.

21 Q. There was a proposal to issue new regulations?

22 A. Yes.

23 Q. And you address that on page 9555 of the report.

24 A. Yes.

25 Q. Had that proposal been on the stocks for a while?

1 A. That's the first mention I've seen of thinking about new
2 regulations because, by that time, March 1973, they had
3 already taken the decision on Lochvale Boys' Home, and
4 they already knew that there was some questioning from
5 local authorities about the application of the 1961
6 Approved School Regulations and also the Remand Home
7 Regulations to institutions post-1971.

8 Q. But you have set out reasons why it had not been
9 possible to make new regulations?

10 A. That's right. That was the defence for the reasons why
11 they had not begun discussion of new regulations.

12 Q. For example, can you give us some insight into what
13 these reasons were?

14 A. That as social work had changed, even since 1968, you'd
15 have to ensure the regulations matched current
16 perceptions of childcare. There were clearly different
17 kinds of establishments existing and List D schools were
18 still separate from children's homes; they had no
19 amalgamation as a single tier residential accommodation
20 for children under local authority supervision.

21 There were also the other homes as well, old
22 people's homes, there was still the issues of the
23 objections by the Approved Schools Association,
24 particularly as it affected corporal punishment, and
25 they were underworked -- sorry, they were overworked.

1 They were overworked.

2 Q. Coming back to the strenuous objections by the Approved
3 Schools Association to possible changes of the rules
4 affecting corporal punishment: so far as you could see
5 from the record in relation to the proposed regulations,
6 was there an intention to bar corporal punishment?

7 A. If you like, the subtext within discussions in 1968/1969
8 that went before the Parliamentary
9 Undersecretary of State --

10 Q. And we've looked at that?

11 A. We've looked at that -- said: should we not move to
12 a situation where corporal punishment is abolished?
13 That was the intention of the 1961 Act -- of the 1961
14 regulations, that they should be moving. That simply
15 restated -- and the minister is clearly aware that
16 it would arouse a lot of antagonism from the Approved
17 Schools Association. So that's why that is there as
18 point 3.

19 Q. You go on to say that:

20 "The Scottish Education Department contemplated that
21 draft regulations would be submitted to ministers within
22 a few weeks."

23 A. Yes.

24 Q. And what happened?

25 A. Well, I have not seen that draft, even at that

1 particular time, but nothing happened. Nothing happened
2 until, actually, I think, 1978/1979.

3 Q. Post-reorganisation?

4 A. Yes, post-reorganisation.

5 Q. You draw a contrast between Glasgow's Larchgrove and
6 Darvel, in Ayrshire, Assessment Service; was that
7 a similar type of establishment?

8 A. A similar type of establishment, but obviously it was
9 much smaller.

10 Q. If you move on to page 9556, what did you ascertain from
11 the records in relation to how Darvel was being run?

12 A. They certainly seemed to be focusing on the issue of
13 what do they do post-1971: should they simply establish
14 a children's home or should they keep a remand home
15 operating? They were clearly, as was CAS, not inclined
16 to support the continuation of assessment centres
17 outside the mainstream of children's home accommodation.
18 But it was very much left like that. There was no
19 follow-up as to what occurred after that particular
20 inspection or discussion.

21 Q. What you say at 9556, paragraph 3.71, is that:

22 "Ayrshire County Council's approach to the
23 development of residential care reflected that within
24 CAS."

25 A. Yes. Yes, they certainly believed, following the 1968

1 Act, that there should be specialist homes for children,
2 without specifying that they should be called remand
3 homes or even assessment centres.

4 Q. So that would on the face of it look like they were
5 forward-thinking?

6 A. It was forward-thinking, but I think you can see it was
7 being very much left to the local authority to decide.

8 Q. The sentence at the end of the section on page 9557,
9 I think -- is that taken from the adviser's report? And
10 that is:

11 "It may well go a long way to dispel the myth that
12 List D schools are expendable and geared to cope with
13 every conceivable need."

14 A. Yes. Again that's underlining the view that more
15 specialist accommodation should be developed outside the
16 List D environment.

17 Q. Then you move to look, professor, at independent special
18 schools; that's paragraph 3.72.

19 A. Yes.

20 Q. In particular, you draw attention to the Education
21 (Scotland) Act 1962, that provides for the registration
22 of such schools; is that correct?

23 A. That's correct, yes.

24 Q. Was this through the auspices of the Secretary of State?

25 A. Yes.

1 Q. "Under the scheme, a proprietor of such an establishment
2 would acquire registration provided they met certain
3 standards of accommodation and so on."

4 Is that the way it worked?

5 A. That's correct. It wasn't actually difficult to get
6 registered. That was the interpretation that the
7 advisers and the inspectors had in 1970.

8 LADY SMITH: So we're still talking about registration with
9 the local authority, are we, at this stage?

10 A. Registration with SED.

11 LADY SMITH: With SED? Oh, because it's a special school,
12 is it?

13 A. No, because it's a school.

14 LADY SMITH: Ah, right. Yes, of course.

15 MR MacAULAY: We're going to look at special schools. Would
16 this also be a route for an independent school that's
17 non-special?

18 A. Any school, yes. Any school.

19 Q. Although I think we're looking at, for these purposes,
20 special schools.

21 A. Yes.

22 Q. So towards the bottom of page 9557, where you say,
23 moving on to the next page:

24 "In 1971/1972 there were eight independent schools
25 in Scotland."

1 Are you there talking about independent special
2 schools or independent schools full stop?

3 A. "Independent special schools", it should be.

4 Q. And that catered for -- I think it all follows from what
5 you say -- 482 children in specialist residential
6 accommodation. So we're not dealing with schools like
7 Fettes and so on?

8 A. No, no, no. In terms of the times, children with
9 special needs, with special educational needs.

10 Q. Yes. You go on to remind us that in comparison with the
11 position in England in 1969, the range of specialist
12 residential accommodation for children in need of care
13 was markedly lower.

14 A. Yes.

15 Q. And we had essentially the eight schools that you've
16 mentioned?

17 A. Yes, that's right, yes.

18 Q. It's then against that background that in response to
19 the apparent demand for accommodation that you tell us:

20 '"An unqualified social worker' with 'independent
21 means' established a school, Corsbie Hall, in
22 Newton Stewart in 1968 for a small number of pupils."

23 A. That's correct.

24 Q. And two years later, transferred the school to a larger
25 property at Thorntoun in Fife; is that right?

1 A. Yes.

2 Q. Can you tell us a little bit about that? What was this
3 establishment like, looking to what you've discovered
4 from the records?

5 A. Corsbie Hall in Newton Stewart, you mean?

6 Q. That was there for two years before it moved.

7 A. Yes. I assume, reading that, it was someone --
8 basically a business entrepreneur -- who saw
9 a deficiency in Scotland for such schools, simply set it
10 up, bought a property or rented a property in
11 Newton Stewart, established it with a number of
12 teachers, and was soon deluged with applicants from
13 local authorities north and south of the border. As
14 a result of that, he saw an opportunity for a much
15 bigger school and thus moved it to Fife.

16 Q. The quote that begins halfway down page 9558, I think
17 moves on to the next page, is taken from an SED internal
18 minute of 1971; is that right?

19 A. That's right, yes.

20 Q. I will just read some of that:

21 "These special independent schools differ from the
22 rest not only in the nature of pupils for whom they
23 cater but in the sources from which the pupils come."

24 And:

25 "Other independent schools are wholly or mainly

1 catering for children whose parents, for one reason or
2 another, wish to opt out of the public system."

3 A. Yes.

4 Q. Going on to say:

5 "Places in these special schools, however, are for
6 the most part taken up by local authorities."

7 So the children are directed there by local
8 authorities?

9 A. That's right. This is one way of saying that:

10 "The 1968 Act implies that we should look for more
11 specialist accommodation. This chap has set up
12 a school, so instead of sending this boy or girl to an
13 approved List D school, we can send them there."

14 Q. This note goes on to say:

15 "They are extensions of public provision and they
16 are continued, almost wholly, from public funds."

17 A. That's right.

18 Q. And we will look at that in a moment:

19 "They are used by education authorities social work
20 departments in England and Wales and in Scotland as
21 convenient dumping grounds for difficult and/or severely
22 handicapped children for whom the authorities themselves
23 are not making adequate provision, and, in some cases,
24 at least, children whose parents are only too thankful
25 to be rid of them."

- 1 A. Yes.
- 2 Q. So does that give us a flavour of the children who would
3 end up in a school like Corsbie Hall?
- 4 A. Yes. This institution being established -- we don't
5 have to send them to an approved school, a List D
6 school, we are under pressure to provide more specialist
7 accommodation. We haven't had the funds or we're not
8 able to set up our own specialist provision now, but
9 this institution is available. That's my reading of it.
- 10 Q. And the school, Corsbie Hall, was, I think, you tell us
11 on page 9559, inspected by the HM Inspector of Schools.
- 12 A. Yes.
- 13 Q. And that was in 1971?
- 14 A. Soon after it was established.
- 15 Q. It was still in Ayrshire at this time?
- 16 A. No, no --
- 17 Q. It moved?
- 18 A. -- it's moved to Fife.
- 19 Q. Yes. So what then -- can you sum up what the inspector
20 discovered?
- 21 A. The headmaster had an English qualification, English
22 teaching qualification, and therefore, although the
23 school was not registered and his visit was to seek the
24 issue of registration, was to seek a review of
25 registration, but it would be registered because of the

1 headteacher is a registered teacher within the SED
2 ambit, then under previous practice the school could be
3 registered as a school. So he's saying that we have
4 a problem because he then goes on to say:

5 "There are serious issues in terms of the care and
6 the schooling provided to the children."

7 LADY SMITH: You may not be aware of this, Professor Levitt,
8 but I understand that it is relatively recently that
9 independent schools in Scotland had to have Scottish
10 qualifications for their teachers.

11 A. Right.

12 LADY SMITH: Even the head didn't have to have a Scottish
13 qualification, didn't even need a teaching
14 qualification, but may have had other qualifications
15 that suited them.

16 A. All I can say is this is what this inspector wrote.
17 Because he had an English teaching qualification, he
18 could register the school without any problem.

19 MR MacAULAY: And that happened, the school was registered?

20 A. Yes.

21 Q. Although when we read on, we can see that the one
22 full-time female teacher was an ex-occupational centre
23 instructor; is that right?

24 A. Yes.

25 Q. And if we read on, next paragraph:

1 "So far as the care staff was concerned, there was
2 one who had been an insurance salesman."

3 A. Yes.

4 Q. And another, a third, who had been an upholsterer.

5 A. Yes, but yet it could be registered.

6 Q. If we read what the inspector says on page 9560, can you
7 take us to what was discovered in the course of his
8 visit? Towards the top.

9 A. "It looked like an approved school 20 years ago with
10 relatively large numbers of unqualified teaching staff;
11 that there was much violence between the boys, both
12 covert and open; that certainly one of the house fathers
13 dealt out violence to the boys; it's alleged that a boy
14 had been thrown out of a window because the man couldn't
15 control his temper."

16 It was basically saying this wasn't like an approved
17 school, it wasn't really a school fit for the type of
18 children that were being sent there.

19 Q. Can you tell me what the child population was for the
20 school?

21 A. I think it was round about 70.

22 Q. Different ages?

23 A. Sorry, different ages.

24 Q. Round about 70?

25 A. It doesn't say the ages in the report, but the

1 implication is they are early teenagers.

2 Q. We're told, I think, in your report, professor, at
3 paragraph 3.77 that the HM Inspectors of Schools
4 conducted a series of inspections at Corsbie Hall
5 throughout the remainder of 1971 and 1972 but found it
6 difficult to recommend that full registration should be
7 refused.

8 A. That's right, yes, because it had a safe building, it
9 met the fire safety standards, and you had the
10 headmaster who was a qualified teacher. If they
11 appealed, the Secretary of State might have been in some
12 difficulty. I think that's my interpretation of the
13 reading.

14 LADY SMITH: Because the school met the requirements for the
15 registration?

16 A. Yes.

17 LADY SMITH: What the inspection seemed to be more
18 interested in, understandably, was: were they actually
19 delivering the service that they could reasonably be
20 expected to deliver?

21 A. And that was the conundrum they were under at that time.

22 MR MacAULAY: Although as you point out on page 9561, the
23 first main paragraph:

24 "The registration procedure was really devised with
25 'normal schools' in mind."

- 1 A. Yes.
- 2 Q. Not this sort of establishment?
- 3 A. Not for the quasi-social work/Health Service school that
4 Corsbie Hall seemed to fill in terms of a gap.
- 5 Q. So was the end result here then that it was thought that
6 the 1962 Act should be amended --
- 7 A. Yes.
- 8 Q. -- to deal with what was being seen as a problem?
- 9 A. Yes.
- 10 Q. But was the problem solved in a different way?
- 11 A. The problem was solved because the school went bankrupt,
12 the owner of the school went bankrupt, and there was
13 quite a lengthy discussion in the House of Commons from
14 the local MP and others as to what had occurred and why
15 it occurred in such a way.
- 16 Q. I think that's one document we could probably see.
17 If we put it on the screen, it's at SGV .001.008.6823.
18 I think Mr Hamilton is quite well-known.
- 19 A. Extremely well-known.
- 20 Q. Can we just blow it up a little bit? It's not coming on
21 any of the screens, unfortunately.
- 22 So these are comments made by Mr William Hamilton in
23 the House of Commons on 2 August 1972.
- 24 A. Yes.
- 25 Q. He begins by saying:

1 "I wish to raise a quite different matter and,
2 I think, a much greater scandal than we've heard about
3 during the last hour."

4 He goes on to talk about Corsbie Hall School in
5 Fife, which of course was within his constituency. The
6 second main paragraph, he says:

7 "The last debate which I initiated on this subject
8 took place on 4 May of this year."

9 So clearly it had raised its head before in
10 Parliament?

11 A. Yes.

12 Q. "I then outlined what I can only describe as this
13 Dickensian scandal. I pointed out that the fees at this
14 school were higher than those at Fettes College in
15 Edinburgh, which was attended by Mr Speaker."

16 And he describes that as:

17 "... a top, snobby public school."

18 He goes on to say:

19 "The fee is £800 a year at a school which had been
20 a dilapidated, abandoned pre-National Health Service
21 fever-isolation hospital, for which Fife [and so on and
22 so forth] could find no use."

23 So he is quite strident in what he says?

24 A. Yes.

25 Q. The fees for Corsbie Hall were being paid by the local

1 authority?

2 A. From what I can understand, virtually all the fees were
3 coming from local authorities north and south of the
4 border.

5 Q. And I think he goes on at some length to describe the
6 set-up and the lack of qualifications of staff, but as
7 is pointed out to him at the end, matters had been
8 overtaken by the school having to close because the
9 proprietor went bankrupt.

10 A. That's right, yes.

11 Q. So the proposed amendment then of the Education
12 (Scotland) Act 1962 was not necessary because the
13 problem had been resolved?

14 A. The immediate problem was resolved. At the same time,
15 as I think I've noted, it was agreed that CAS advisers
16 could also visit the school to complement the Inspector
17 of Schools' inspection of academic subjects to review
18 the care side of the homes -- of these schools, sorry.

19 Q. You tell us on page 9562, professor, that the position
20 of CAS's social work advisers in regard to special
21 independent schools was clarified by SED on the
22 impending closure of Corsbie Hall. What was that
23 position then ultimately?

24 A. The Secretary of State, under, I think, the 1962 Act,
25 could employ any of his employees to act as an

1 inspector. The Act must have been phrased in such a way
2 that it wasn't just HM Inspector of Schools who could
3 inspect, it could be, if so desired, social work
4 advisers.

5 Q. You have the quote at the end there that:

6 "Our view is that the proper people to inspect and
7 advise on the residential and childcare aspect of
8 a boarding school, whoever runs it, are the social work
9 advisers because they are the experts in the field."

10 A. Right. Exactly the same set-up, as with approved
11 schools, was being established as a result of the
12 Corsbie Hall scandal.

13 Q. The other special residential school you mentioned is
14 Merton Hall in Newton Stewart. And again, that school
15 had been established by a former headteacher at the
16 original Corsbie Hall; is that right?

17 A. That's right, yes.

18 Q. The HM Inspector of Schools indicated satisfaction with
19 the staffing of that particular school?

20 A. Yes, as did the care advisers.

21 Q. So the regimes there were acceptable essentially?

22 A. Yes.

23 LADY SMITH: So when you say it was a former headteacher of
24 the original Corsbie Hall, that was not the same
25 person --

1 A. No.

2 LADY SMITH: -- as was in charge at the time of the bad
3 inspection and the downfall of the school?

4 A. No.

5 LADY SMITH: Thank you.

6 MR MacAULAY: The original Corsbie Hall School, I think, as
7 you tell us on page 9563, became Monken Hadley School?

8 A. Yes.

9 Q. Was that also a special residential school?

10 A. That was another special residential school and you can
11 see here that I say it was a joint inspection between
12 CAS and HM Inspector of Schools.

13 Q. And what was the outcome of that inspection?

14 A. That there were certain issues about psychiatric
15 consultation for pupils, and again turnover of staff was
16 noted. There was a fairly lengthy report, a seven-page
17 report, by the social work adviser which indicated that
18 two teachers had been dismissed of suspected homosexual
19 practices.

20 Q. And that was with the boys?

21 A. That was with the boys, yes, but there were insufficient
22 grounds for prosecution. And that:

23 "Although the regime was traditional and
24 unimaginative in places, it was capable of providing an
25 acceptable level of education, caring for the children

1 entrusted with them."

2 So obviously the CAS adviser and HM Inspector of
3 Schools was satisfied that it reached a particular
4 standard of education and care.

5 Q. Although there were these issues that arose in relation
6 to, for example, sexual abuse?

7 A. That's right, but the teachers had been dismissed.

8 Q. Can we then take you, finally, as far as this section is
9 concerned, professor, to your overall review of this
10 period that we've been looking at. Can you perhaps take
11 us through that?

12 A. Clearly, the 1968 Act and the Chief Social Worker
13 Adviser recognised that there was considerable
14 deficiency in professionally qualified provision within
15 Scottish childcare services and indeed throughout
16 social work services generally. There were also
17 deficiencies in the provision of support for the
18 assessment of children before they were allocated
19 particular packages of care, whether it was a children's
20 home, an approved school, a List D school, whether it
21 was an assessment centre, whether it was in foster care
22 or whether the child should remain with the parents.
23 They set in motion the terms under which the 1968 Act
24 should operate by local authorities.

25 There was certainly some, if you like, teething

1 difficulties as the inspections worked their way
2 through, dealing with issues such as the Christie Home,
3 Gryffe House, Larchgrove, Wellington, Balrossie, but
4 I think by 1975 they felt that they had reached
5 a particular level at which the emphasis of the 1968 Act
6 was well-known within local authorities, and given that
7 they had a sufficient number of newly qualified
8 social workers coming through, I think one can sense
9 there was a more relaxed atmosphere within the advisory
10 service and within the Social Work Services Group,
11 generally speaking.

12 So attitudes -- they realised that attitudes were
13 changing on the ground.

14 Q. The final paragraph, I think, looks at corporal
15 punishment.

16 A. Yes.

17 Q. I think you do conclude that perspectives of the use of
18 corporal punishment were altering --

19 A. Yes.

20 Q. -- over this period--

21 A. Yes.

22 Q. -- albeit that the minister did not take the final step
23 to ban corporal punishment?

24 A. That's right. There was an emphasis, if you like, on
25 their advisory meetings, if you like, with local

1 authority social work services and in whatever homes
2 they visited and the approved schools that corporal
3 punishment should gradually be abolished through other
4 forms of care being instituted.

5 MR MacAULAY: Very well, professor, that neatly takes us up
6 to 3.59. Sadly, you're not finished. I think you are
7 programmed to come back next Wednesday for 10 o'clock.

8 A. Yes, that's right.

9 LADY SMITH: Yes.

10 MR MacAULAY: My Lady, I haven't received any questions so
11 far for the professor.

12 LADY SMITH: Thank you. Can I check: are there any
13 outstanding applications for questions of
14 Professor Levitt? No.

15 Professor Levitt, thank you very much for your
16 evidence today. That's been of enormous assistance but,
17 as Mr MacAulay has indicated and I think you know
18 because you were the author of your report, we haven't
19 finished yet. I gather you are available next Wednesday
20 and able to come back then to start at 10 o'clock?

21 A. Yes.

22 LADY SMITH: Thank you very much. We'll rise now and I will
23 sit again at 10 o'clock next Wednesday morning.

24 Thank you.

25 (4.00 pm)

1 (The inquiry adjourned until 10.00 am
2 on Wednesday 10 April 2019)
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