

Wednesday, 5th July 2017

(10.00 am)

LADY SMITH: Good morning.

Good morning, Mr Peoples. This morning we were told we move to the evidence of Mr David Whelan; is that right?

MR PEOPLES: My Lady, that is correct, if I may call him.

LADY SMITH: You are ready to call him now? Thank you.

MR DAVID WHELAN (affirmed)

Questions from MR PEOPLES

LADY SMITH: Thank you. Do sit down and make yourself comfortable.

Mr Peoples, when you are ready.

MR PEOPLES: My Lady.

Good morning. You are David Whelan?

A. I am.

Q. You are currently spokesman for a group known as Former Boys and Girls Abused in Quarriers Homes or FBGA for short, which I think we will try and use this morning. You appear today in that capacity to give evidence to the Inquiry?

A. I do.

Q. I understand that before we can look at a witness statement that you have provided to the Inquiry, you would wish to make an opening statement, David.

1 A. I would like to -- I would like to thank my Lady and
2 Mr Peoples for allowing me to make an opening statement.

3 LADY SMITH: Please feel free to do so.

4 A. I would not be here today giving evidence to this
5 Inquiry if it was not for the tireless commitment and
6 efforts of so many people over many years.

7 I would like to pay tribute and thank a number of
8 these people and organisations including INCAS. I would
9 especially like to thank all the former Quarriers
10 residents, many of who wish to retain their anonymity,
11 who have lent support and assistance to FBGA since we
12 formed and recently at the justice committee. The only
13 sadness is that many former residents connected to FBGA
14 have passed away and our thoughts are with them and
15 their families today.

16 I would also like to thank personally Marion Scott,
17 who was the Sunday Mail journalist who won an award for
18 her campaigning on these issues over many years, and the
19 Glasgow Herald journalists who have highlighted these
20 issues over many, many years.

21 In addition, thank you to the Scottish Human Rights
22 Commission for raising these important matters on our
23 behalf with government and others such as the Justice
24 Committee and, in particular, Margaret Mitchell, the
25 Convener of the Justice Committee.

1 There are many others I would like to thank too and
2 if I have missed you, apologies.

3 Thank you very much.

4 MR PEOPLES: Thank you David.

5 Can I just say, David, I realise this is not an easy
6 experience to be here today and we do have scheduled
7 breaks, but can I say at the outset if at any time you
8 do want a break, could you please indicate and I am sure
9 we can break for a time.

10 LADY SMITH: That's not a problem, Mr Whelan. We need to
11 have breaks anyway so that I can enable the
12 stenographers to get a rest from their work, so just
13 mention it if necessary.

14 A. Mr Peoples, just before we start, can I give you
15 a couple of corrections?

16 It is actually dates. Number 19 should be 2005 to
17 2007 --

18 LADY SMITH: Are these corrections in your statement?

19 A. No --

20 LADY SMITH: The number 19?

21 A. Number 19, my Lady, it has just got 2005 but it should
22 actually be a line and then "to 2007".

23 LADY SMITH: Is this paragraph 19?

24 A. It is number 19. It's --

25 MR PEOPLES: David, I will take you to the statement and

1 I will give you an opportunity at that stage to make the
2 corrections before we begin. If I could do that and
3 just introduce it.

4 A. Sorry, it is just --

5 Q. Not at all.

6 A. It is just in the Kaufman report we gave you the wrong
7 date.

8 LADY SMITH: Don't worry. That's good of you to alert us
9 and Mr Peoples will know, and I will watch for the
10 document coming up, and you can tell us the corrections
11 at that point. Thank you.

12 MR PEOPLES: Perhaps I can introduce by making three points
13 to assist you.

14 Firstly, you may take it in giving evidence today
15 that the Inquiry is aware from other evidence that
16 a number of former Quarriers staff were convicted
17 between around about 2001 through to 2004/2005 of the
18 abuse of children in the care of Quarriers. So I make
19 that point initially so you don't have to perhaps take
20 that matter at length. We are aware of that background.

21 Secondly, and I think you will be aware of this
22 because I think you were at least in attendance for part
23 of yesterday, that the Inquiry has been recently given
24 evidence by Helen Holland that covered, among other
25 things, the period from what was referred to as the

1 petition by Chris Daly, PE535, in 2002 which took us
2 through essentially to the present time and dealt at
3 some length with what I would broadly describe as the
4 interaction process.

5 I will come and ask you some things about that but
6 you can take it we have a familiarity with the general
7 processes that occurred between 2002 and present time.
8 So that may save you the burden of having to explain
9 some of these matters.

10 We may wish to know from you today the extent and
11 nature of the involvement of FBGA and yourself in that
12 process, so if there were things that Helen didn't cover
13 yesterday that you feel are relevant to FBGA then please
14 take the opportunity to make any points you wish to do
15 so.

16 A. Okay, thank you.

17 Q. The third point and last point I wish to make before we
18 begin and look at your statement is that I should say,
19 for the benefit of yourself and those here today, we do
20 have your whole statement available as evidence to the
21 Inquiry and I intend to pick up some of the points in
22 the statement but in doing so it is not in any way
23 a reflection that we don't treat the other matters as
24 evidence that's relevant to the work of the Inquiry and
25 what we consider as part of the evidence of the Inquiry.

1 I hope that gives you at least an introduction to the
2 task today.

3 Against that background, can I put before you and
4 put up on screen the signed witness statement which you
5 provided to the Inquiry on 5th May of this year. The
6 document is WIT.001.001.1588.

7 A. Yes.

8 Q. I won't take you to the final page but if we went there
9 we would see you signed the statement on 5th May of this
10 year. To some extent it may touch upon matters where to
11 some extent there have been subsequent events. I'm
12 thinking in particular you have a section dealing with
13 what is called "time bar". Again, if I don't go through
14 that section at length today, we have your points on
15 that matter and we are now all aware that there is
16 legislation which is dealing with that particular issue,
17 which was one of the issues I think your group
18 campaigned for.

19 A. Yes, we campaigned for it. We took it up with the
20 Scottish Law Commission in 2006 initially. We
21 campaigned for the law to be changed. We then submitted
22 evidence to the Justice Committee in 2017. Along with
23 that evidence we provided some court documents to the
24 Justice Committee in relation to some of the issues we
25 encountered through the civil process. Myself and other

1 former residents, we gave evidence at stage 1 of the
2 Justice Committee and FBGA lodged formal documents which
3 are on the Justice Committee's website.

4 Q. I think -- and I can take this perhaps fairly shortly --
5 it is dealt with in your statement, that apart from
6 dealing with the preparatory stages to any legislation,
7 as you have described, I think you say in your statement
8 that there's continuing dialogue between FBGA, and
9 indeed other interested parties, with Scottish
10 Government in relation to what I would call in general
11 terms the issue of redress for pre-1964 survivors of
12 abuse because we know the legislation does not cover
13 persons who were abused prior to 1964.

14 A. Yes, we know -- you know, when we looked at what the law
15 was and we had a clearer understanding and we sought
16 advice on it, clearly the law was not going to be of
17 assistance to the pre-1964 and we had discussions with
18 the Scottish Law Commission on that.

19 We are engaged with other survivors in a dialogue in
20 looking at what I would call another remedy, but I would
21 probably class it as redress.

22 One of the issues, and I need to be quite clear
23 about when we talk about redress what FBGA's position
24 is, is that every case should be dealt with on its own
25 merits. It is about to the types of abuse, the

1 longevity of that abuse, and also as well there has to
2 be a penalty paid for the damage that has been done
3 since 2002 to the survivors and the victims by not
4 addressing original harm and damage and I made that
5 clear in the Justice Committee. Our position is that it
6 is up to each -- obviously up to each individual
7 survivor what it is they want, but clearly our position
8 is that any redress scheme -- and we are saying this to
9 CELCIS and the Scottish Government today because we are
10 being nudged down a certain route and we are not happy
11 with that.

12 I want to be clear about what it is we are asking.
13 We are asking for a tariff-based system that looks at
14 the individual cases based on its merits and that the
15 process for redress is also credible and robust.

16 Q. So if I can just summarise what you are saying, your
17 current position on the matter, particularly with the
18 pre-1964 abuse victims, is that you favour some form of
19 tariff scheme that would be set up by the government,
20 leaving aside the mechanics of how it might be funded,
21 and that that would be looking at individual cases and
22 applying some form of tariff system that I think may
23 have been used in other jurisdictions. I think there
24 are examples perhaps that we could find.

25 A. It has been suggested to us that there is a commonality

1 and there may be some form of commonality in some of
2 these cases, but the courts wouldn't look at a case on
3 a commonality basis; they would look at the case in
4 relation to the actual facts of the case. So that is
5 what we are saying to the government. That's what we
6 are saying to CELCIS.

7 Q. You see advantages in a scheme where the body
8 administering the scheme can look at the whole picture
9 rather than an individual case brought in an individual
10 claim in the ordinary courts; is that one of the points
11 you see as a strength of the proposal --

12 A. Clearly you have to look at the whole -- all the cases.
13 All the cases are individual. I think Helen described,
14 you know, someone was in for six months, someone was in
15 for 16 years, depending on the type of abuse that person
16 experienced or their experiences, it would be different.
17 But it has been suggested to us that one size fits all.
18 Unfortunately, one size doesn't fit all.

19 Q. I think that's an ongoing discussion you are having.

20 A. It is an ongoing discussion.

21 Q. I think there's to be a consultation exercise which is
22 to be launched on the general issue of -- is it
23 redress -- taking in, no doubt, that and other
24 matters --

25 A. Yes.

1 Q. -- and you will, I think, I assume, in due course
2 submit, as you have done in relation to other issues,
3 papers and views on that issue.

4 A. Yes. No, we have a good working relationship. We have
5 established these relationships over a number of years.
6 But what we have been very clear in the process is that
7 FBGA have known from the very beginning what it is we
8 want to achieve, what our outcomes are, and how we want
9 them delivered. You will see over the years there has
10 been a compromise in certain areas where we didn't get
11 everything that we wanted. So we took what the
12 government was providing at that time. So what I'm
13 saying is there comes a point where the survivors have
14 to engage if you are going to actually benefit the
15 processes to deliver what the survivors want and that's
16 what we have tried to do.

17 Q. Yes. I hope I'm not doing a disservice to your
18 statement, but I think one of the things that you -- if
19 I summarise it in this way, that so far as you are
20 concerned, FBGA's involvement in these matters of abuse
21 and redress for historical abuse cases is based on
22 a philosophy of constructive engagement with all
23 interested parties. Would that be a fair way of putting
24 how you see the way that you approach things?

25 A. I would say that is current since, say, 2008.

1 We were the bad guys at one point. We were left out
2 of the processes. We were not invited into the
3 processes. We kept knocking at the door to be included
4 in the processes. I suppose in the early years
5 people -- we were in the media a lot, we wanted
6 an inquiry, we were making it very clear that was our
7 primary goal. It has not always been like that,
8 Mr Peoples, the relationship.

9 What I will say is I think some of the civil
10 servants have been selective over the years and
11 I actually think they haven't helped the processes move
12 forward faster or in a more progressive way than they
13 should have done.

14 Q. Are you able just to help us in very broad terms about
15 over what period were you, to use your expression, seen
16 as the "bad guys"? I think you were giving an idea that
17 you were to an extent excluded from the process, that
18 was your perception of things, but that has changed in
19 more recent times. Can you put an approximate date to
20 when this change occurred?

21 A. In 2005 I did a radio programme and I specifically
22 raised on that programme, because I was asked what did
23 I want to ask Mr Peacock, and I asked him why we were
24 excluded from the processes given that so many people
25 had been convicted in Quarriers. It just seemed

1 completely unreasonable for us to be excluded from the
2 processes when we had so much to contribute to the
3 process.

4 Then we were invited into the process. I took the
5 view that once we were invited it was in our interests,
6 and I would say in all the survivors' interests, to
7 engage constructively.

8 Q. That maybe neatly take us to a matter I did want to ask
9 you about today and ask you to explain in your own
10 words, which is really the background to the formation
11 of the group that is known as FBGA or Former Boys and
12 Girls Abused in Quarriers Homes, of which you have been,
13 I think, throughout and are currently the spokesman or
14 spokesperson of.

15 A. Yes.

16 Q. Before I ask you to explain the background, I think I'm
17 right in saying that as a group it was formally
18 established, if I can put it that way, some time in 2005
19 shortly after what we now know as the First Minister's
20 apology. I will just use that as a point of reference.
21 In December 2004 there was an apology. We can come back
22 to that no doubt and you may wish to comment as part of
23 your answers.

24 A. We were established in July 2005.

25 Q. That would be the approximate date?

1 A. Yes.

2 Q. Can you in your own words, rather than me take you
3 through the detailed statement, although you can refer
4 to it if you wish to, the background to the formation of
5 the group that is known as FBGA?

6 A. What happened is a number of us had been through the
7 courts and convictions had been held up in relation to
8 abusers --

9 LADY SMITH: Sorry, when you say you had been through the
10 courts, you had been witnesses in trials?

11 A. My abuser was convicted, my Lady, in 2002.

12 LADY SMITH: And you wouldn't be the only person who had
13 been in Quarriers who gave evidence?

14 A. No, there were a number of people in a number of cases.
15 In my particular case I think there may have been about
16 ten witnesses, but there was actually, what do you call,
17 two complainants --

18 LADY SMITH: Complainers.

19 A. -- that it was proven on.

20 LADY SMITH: Two charges?

21 A. No, four convictions, two individuals out of the ten.

22 MR PEOPLES: I don't want to go into the detail, but I think
23 at this stage is it sufficient to say that your abuser
24 was convicted in 2002 and sentenced to eight years in
25 prison, which was reduced on appeal, in 2004, to five

1 years. At the time of the original conviction I think
2 he was convicted of a number of charges. There were, as
3 you say, two complainers in relation to those charges,
4 one being yourself and the other being another
5 individual who was a former resident in Quarriers. Then
6 on appeal the sentence was reduced -- I think I am
7 correct in saying some of the charges were quashed; you
8 may or may not be aware of that.

9 A. They were giving the impression to them they were
10 supporting them that he was actually appealing and
11 actually he was not appealing because he has never
12 appealed the actual charges or the conviction. What he
13 got a reduction in sentence was -- was on a technicality
14 of the law, that that charge was no longer admissible in
15 Scots law.

16 So it was not actually a reduction in relation to --
17 I suppose what I would call the court process.

18 Q. We can look at that. I think you are aware that there
19 will be what we describe as a case study in due course
20 and we can look at the detail of that in due course.

21 Forgive me if it doesn't seem as if I am going to go
22 into all that detail today --

23 A. No, not at all.

24 Q. -- but we do have to have an understanding because
25 I think that forms part of the topic that I'm asking

1 about just now, the background to the formation of FBGA.

2 You have told us about the trial. There were
3 a number of trials as well; it is not just the one you
4 are talking about.

5 A. No, there were a number of trials. Two of the trials --
6 two of the people were connected, if I could put it that
7 way. The brother-in-law was one of the other people.
8 There were obviously two former residents and it was
9 shortly after that a group of residents asked me -- the
10 media were clearly starting to take an interest and
11 a group of former residents asked me to be the
12 spokesperson on their behalf.

13 But what happened after the trial of my abuser was
14 that there was media stories saying that we had lied in
15 court. That was in national media stories. Then there
16 was a programme made called "Secrets and Lies" by BBC
17 Frontline Scotland in 2003 which came out. There was
18 a group of former residents involved. There was former
19 directors involved. Obviously the person who was
20 convicted was interviewed in prison. His wife had
21 organised a campaign from Quarrier's properties.
22 Quarrier's properties were used for the filming of this
23 programme. The abuser's daughter, the children that
24 were in the programme, she had a drama group down at
25 Quarrier's, they were used as children that we would

1 have been. All of this was done down at Quarrier's, all
2 the filming of all of this.

3 That really was the catalyst of us -- we had
4 anonymity, the court had given us anonymity. I would
5 never have wanted to give that up, but I faced no choice
6 because basically in a national programme I was -- it
7 was being said I lied in a court of law.

8 Can I just state here for the record, Mr Peoples and
9 my Lady, I never lied in that court of law. I have
10 never lied when I gave testimony to Tom Shaw and I gave
11 testimony to the Historical Abuse Systemic Review.
12 I have never lied in any of these processes and I want
13 to put that on the record.

14 Q. So was the broadcasting of the programme together with
15 the media coverage generally about the issue and
16 suggestions that people who gave evidence in court had
17 not given truthful evidence, was that a key factor in
18 your decision (a) to waive anonymity, as you have said,
19 which you had as part of the trial process, and (b) to
20 form FBGA?

21 A. But there also was, which I thought was more serious
22 even than the programme, because we didn't actually
23 understand all of what the programme -- the background
24 to the programme or everything else at that time. There
25 was more serious -- there was intimidation of witnesses

1 in these cases and, Mr Peoples, it wasn't just after the
2 trial. There was attempts before the trial to stop
3 witnesses going to give evidence in a court of law in
4 some of these cases.

5 Q. Without going into detail, can you give us an idea of
6 what you mean by intimidation in this respect? I don't
7 want to go into the chapter and verse but in broad
8 terms.

9 A. No, no, of course not. We have given the information to
10 the FBGA legal team and we raised some issues with the
11 police at the time and we also wrote to the
12 Lord Advocate because in a sense we didn't know where to
13 go to, who should deal with this, because I just viewed
14 that as: this is impossible, you go to a court and you
15 give evidence, and this actually happens to you.

16 So I'm ex-directory and I received abusive calls at
17 home from a number of people. I know where they got my
18 number from because what happened was my abuser's wife,
19 previous to the trial, had been in touch with my sister
20 and saying to my sister, "Oh, we are having a reunion,
21 we are trying to get hold of David". It was not
22 a reunion, he was being charged and it was a court
23 process, and that's why subsequently when she called me
24 how I became -- I never ever came forward, I wasn't
25 coming forward, I was contacted by my abuser's wife at

1 my home and actually at that point in time I said, you
2 do realise he abused me over many years.

3 Q. What did you understand to be the purpose of the call
4 from the abuser's wife that you received?

5 A. Well, she was -- the purpose of the call was her to
6 basically galvanize support for her husband, that it
7 never happened. But actually, Mr Peoples, they had done
8 the same thing in 1980 -- when he was first being
9 investigated, they had done the exact same thing and
10 I will give the Inquiry the information about that when
11 I give a further testimony.

12 Q. Well, we have heard some evidence about an employee and
13 I think you are saying it is the same person --

14 A. It is the same person.

15 Q. -- who was investigated in the 1980s in relation to
16 allegations of abuse made by another resident. It was
17 not yourself, to be clear about that.

18 A. No.

19 Q. We have heard evidence there was some form of police
20 involvement at that time and I think that the Quarriers
21 witness who gave evidence last week told us a little bit
22 about that matter. But again it is something the detail
23 of which you will appreciate is not for today, but would
24 be something to look at in the case studies.

25 A. When that person was being investigated a number of

1 former residents were contacted, including myself. But
2 I was not told that was an investigation, so I never
3 knew anything was happening.

4 Q. Was that contacted by the police?

5 A. No, contacted by the abuser and his wife. So they had
6 a pattern of what they did then and they did the same
7 thing in the run-up to the trials.

8 Q. Just so that we are clear, again in very broad terms at
9 this stage, and I think we can leave it in broad terms,
10 that when you had this contact from the abuser's wife,
11 by that stage your understanding was that there was
12 already a police investigation underway involving the
13 person that was convicted of abuse of yourself and
14 another individual?

15 A. I only understood that through the context of the
16 conversation I had with her. Because she was -- she
17 said, "Oh, some former children, you know, it is all
18 lies, they are making some serious allegations of
19 a sexual nature". She intimated some of the issues that
20 were being, I suppose, discussed. She opened up a can
21 of worms for me.

22 Q. Yes. It sounds very much as if you are describing
23 someone who calls you up to look for what might be
24 described, broadly speaking, as a good character
25 reference.

1 A. Yes, in a sense. But I would go further than that: she
2 was trying to pervert the course of justice.

3 Q. That may be your characterisation and no doubt we can
4 look at it in due course, but at any rate she was
5 obviously trying on get some kind of, as you saw it,
6 support for her husband who was under investigation.

7 A. Yes, that's their position.

8 Q. For those that might want a little bit more information
9 at this stage, I think it is correct to say that at some
10 point in, I think, around 2006 you did publish a book
11 which described this and other matters of your
12 experiences --

13 A. 2010, I published a book.

14 Q. I'm sorry.

15 A. It is no problem.

16 Q. Called "No More Silence".

17 A. Yes.

18 Q. That in part dealt with this chapter in your life and
19 the events, including the telephone call, and how it
20 affected you; is that correct?

21 A. Yes, that is correct. It also dealt with my family
22 history in many respects. You know, it was the right
23 reasons why I was put into care, knowing what I know
24 about my family and how I was treated at home. It was
25 the right decisions --

1 Q. You were able, before the book was published, to learn
2 a great deal about the background to your admission to
3 care, where you were cared, both at Quarriers and in
4 other places. We don't need to go into the detail at
5 this stage, but the book does deal with all these
6 matters, does it not?

7 A. I was fortunate that I got consent from the family to
8 get my sister's children's file. I got my own
9 children's file from Quarriers and there was certain
10 information in there which was -- I'm not saying it was
11 substantial, but there was enough information. Then
12 from other sources I gleaned other information. But can
13 I just tell you while we are just touching on records:
14 I'm a family of five; my two brothers, two sisters and
15 myself, we were in care probably for the better part of
16 most of our lives.

17 I applied to Glasgow Social Work -- and I had
18 permission from the family because three of the siblings
19 are deceased and I had a permission from the remaining
20 sibling for me to get the children's files. Glasgow
21 Social -- it took me two years ultimately of writing to
22 the Director of Glasgow Social Care Services. My family
23 don't exist. There is no records. I don't know about
24 my siblings, what happened to my siblings. I don't know
25 their history. I met them in later lives but I know

1 nothing about their childhood. I know nothing about --
2 I have learnt from -- there is a piece of paper in my
3 children's file which tells me which children's homes
4 they were in or where they were at certain points but
5 other than that I know nothing and I'm not -- I'm giving
6 you that as an illustration.

7 That's happened to thousands of former residents in
8 this country: they don't know their siblings, they don't
9 know their history, and we have nothing other than that
10 file to tell us what our family are, who they are. If
11 we want to trace someone or trace a relative or trace
12 something else, we have nothing to be able to do that.
13 That is just appalling.

14 Q. When you made these efforts to obtain records, were you
15 surprised about the time it took you and, secondly,
16 about the lack of information that was within the
17 records, at least in your case or the case of your
18 family? Were these things that surprised you?

19 A. I think there wasn't a sense of urgency, if I can be
20 polite about that. Basically what was -- from my
21 recollections -- I have all the paperwork and I will be
22 happy to give that to the Inquiry and to FBGA's legal
23 team.

24 There was a confusion around the original
25 application, so that went on. Then I had to go to

1 various Glasgow Social Work -- what you would call
2 various social teams.

3 The last place my family were in was in Drumchapel,
4 so I went to the Drumchapel Glasgow Social Work team.
5 So I was trying. Eventually I wasn't getting anywhere
6 and I can't remember the director's name -- was it
7 David Gormley? I will confirm that to you at some
8 point.

9 But eventually I wrote to him and he has actually
10 written back to me and apologised and said,
11 unfortunately, there's no records.

12 Q. So you made enquiries for records through the current
13 local authorities. When was this attempt to get these
14 records? This was before the publication of your book,
15 obviously.

16 A. Yes.

17 Q. Are we talking about shortly before that time or was it
18 after the formation of FBGA?

19 A. Yes.

20 Q. So between 2005 and 2010 you were making these attempts
21 to get a bit more information about your family, their
22 background, the reasons for admission, and things of
23 that kind that you wanted to find out --

24 A. Yes, because what was in the Quarriers' file was the
25 admission record from Glasgow. If it was Glasgow Social

1 Work or Glasgow Corporation, whatever it was called at
2 the time, but there was an admission letter and I am
3 sure the Inquiry doesn't need my permission, but as
4 I gave to Tom Shaw in both his inquiries, I am giving
5 you the permission to have my full records, I am giving
6 you permission to have my sister's records, I am sure
7 you do not need that, but I'm happy for you to have
8 those records from Quarriers.

9 Q. David, again, I don't want to go into the detail of your
10 personal experiences at this stage, but can you assist
11 us by saying approximately the dates you were in the
12 care of Quarriers.

13 A. 1969 to 1974.

14 Q. Did you say that some of your other siblings were also
15 in the care of Quarriers?

16 A. I had a sister who was in Quarriers, who was in
17 Quarriers a couple of years.

18 Q. Was that at the same time or earlier?

19 A. We were admitted at the same time but we were put into
20 different houses. We were separated.

21 Q. I see. Am I right in thinking your sister is deceased
22 now?

23 A. My sister is deceased.

24 Q. Your other siblings, did they not spend time in care in
25 Quarriers?

1 A. No. Basically my siblings -- there was five of us and
2 apparently there were too many for a foster family to
3 take on and four of the siblings were fostered out into
4 North Uist and remained in North Uist for a number of
5 years.

6 In the intervening time there was a suggestion that
7 I would be adopted. So I was in a sort of baby
8 home/infant home and then placed with a couple of
9 doctors. But apparently my mother wouldn't sign the
10 adoption papers, so then it was decided that I would go
11 and join my siblings, who I had never seen, you know ...

12 Q. Did you join them in North Uist for a time?

13 A. Yes, I was about seven or eight.

14 Q. You were the youngest of the siblings?

15 A. I'm the youngest of the siblings.

16 Q. Again, I'm not going to go into the detail just now, but
17 if one were to read the book that you published, those
18 were happy times for you were they, essentially? Well,
19 so far as not being in the care of your own family is --

20 A. I was the youngest and I think invariably in a family,
21 even in a poor family, even in the dysfunctional family
22 that I came from, the youngest is sometimes treated
23 slightly different, if I can put it that way. It is
24 a harsh environment, North Uist. We weren't there on
25 holiday; we were working on cutting peat and working on

1 the farm and it was a manual -- I can't really speak for
2 my other siblings because they were there a lot longer,
3 but generally speaking -- and we met the foster parent,
4 she came to London many years ago and the South London
5 News ran a news article about the reunion which I have
6 and I'm happy to give over.

7 So I think generally speaking it wasn't -- it was
8 a better place than we had in Quarriers.

9 Q. In your case the comparison -- it was a much better
10 place. Although can I just at this stage take from you
11 as well, because I think you have said this before and
12 it won't come as a surprise, that so far as Quarriers is
13 concerned you have always made the point that some
14 children -- it may be difficult to quantify -- had bad
15 experiences and some children had very good experiences
16 in the same place.

17 A. We have always recognised. There were many decent and
18 good people in Quarriers down the years who nurtured and
19 gave good care. Now I will just qualify that. That's
20 not for us to determine because I have heard in the
21 Inquiry sort of comments about a good cottage and a bad
22 cottage. Can I just say to you I have heard also that
23 some of the good cottages were not so good. I'm not
24 saying they were abusive but what happened was some of
25 the good cottages had children there for a very, very

1 long time and then new children came in and those new
2 children, because some of them had been there for years
3 before, the new children who came in were treated
4 slightly different -- and by the other children as well.

5 So I think it is for the Inquiry to determine --

6 Q. So if I can --

7 LADY SMITH: That is another of the things I will be
8 interested in hearing more about when we get to the case
9 study, Mr Whelan. Don't worry if we are glossing over
10 the details, which sound very interesting and important
11 to the work that I have to do here.

12 A. Thank you, my Lady.

13 MR PEOPLES: I think it is important we get a little bit of
14 background today, but I think you have done enough for
15 present purposes.

16 If I could go back, because I think this kind of
17 started from you explaining the factors that led to the
18 formation of FBGA and you talked about the media
19 publicity, the BBC Frontline programme and the impact
20 that had and the waiver of anonymity, and you have
21 talked about intimidation of witnesses and complainers
22 who were involved in the trial processes. Were there
23 any other significant factors in the decision to form
24 a group related to Quarriers?

25 A. I was connected to INCAS. I was never formally a member

1 of INCAS. I was with them in the first couple of years
2 because really there was no support services anywhere.
3 So I think one of the factors that I realised was that
4 we had to get support services and how did we do that.
5 We were all kind of supporting ourselves, but I also
6 recognised that we are not qualified -- or at least I'm
7 not qualified, people in FBGA are not qualified to
8 counsel trauma or deal with trauma and, in fact, if you
9 try to deal with that you could actually be doing more
10 harm than good. So we recognised that.

11 One of our principal aims at the very beginning was
12 to signpost people to the appropriate service, but in
13 a sense there was no services. So it was quite
14 difficult to know where you would signpost them. I know
15 on our website we have a section called "support
16 services", but what we normally did was if someone
17 called us or was in touch with us, we would probably
18 look in the local area and see where they could go to or
19 we would -- in many cases we recommended they to go back
20 to their GP and ask for counselling or whatever, but
21 certainly there was nothing.

22 Q. So what I think you are telling us is that once you set
23 up the group, and I will maybe get a little bit of
24 information about the group in due course, but once you
25 set up the group it wasn't offering what one calls

1 specialist support services; you were signposting, as
2 you describe it, to other places where such services
3 might be available. So you were offering, I suppose,
4 support in a very broad sense of help and assistance
5 rather than anything more sophisticated than that?

6 A. We were taking calls and we were taking emails and we
7 were listening to stories and I reflected on what Helen
8 was saying yesterday. I also took calls. I was on
9 holiday once and I took a call from a very distressed
10 former resident and it was just -- you know, this person
11 had been in a psychiatric ward, had been sectioned, and
12 it was really difficult. There was another occasion
13 where a journalist happened to be speaking to another
14 former resident who told the journalist, "I'm going to
15 commit suicide," and the journalist called me and said,
16 "David, I don't know what to do". I think at that time
17 we called the police or advised the journalist to call
18 the police.

19 Again, we were kind of dealing in similar issues
20 that INCAS were dealing with, but we did recognise at
21 the very beginning that we were not qualified.

22 Q. Would I be inaccurate in saying that when you formed the
23 group that's known as FBGA in July 2005, that a large
24 part of the activity that was envisaged at that point
25 was to -- was campaign work to try and achieve certain

1 things?

2 A. We are a campaign group.

3 Q. That's --

4 A. That is our primary function, always has been.

5 Q. One of the aims of the group was to campaign for
6 a public inquiry?

7 A. Yes. Not just a public inquiry but a judicial public
8 inquiry. We were very clear from day one what we wanted
9 and we stated that and I think a key moment was when
10 Jack McConnell gave his apology and I heard you ask
11 Helen this, or the other QC asked Helen, we were very
12 clear when we came out of that apology, I spoke to the
13 media and I said, we require a judicial Inquiry.

14 Q. I can maybe take you briefly to try and summarise the
15 various aims of the group that was formed. I will ask
16 you a little bit about the group but I think I can take
17 that fairly shortly. So far as what is described in
18 your statement in the section called "FBGA aims and
19 goals" -- if I could take you to a page that sets that
20 out and I will just take you to that. It is at
21 WIT.001.001.1593. If that could come up on the screen.
22 (Pause). If we could scroll down to the section that is
23 headed "FBGA aims and goals". This is paragraph 18 of
24 your witness statement.

25 Perhaps I can read it and you can confirm that this

1 is a good summary of the aims and goals of FBGA since
2 its formation. The first one was to:

3 "Campaign to challenge those who claimed or alleged
4 the victims lied in court"

5 You have told us a little bit about that and the
6 background to that aim and goal:

7 "Campaign to hold state and state bodies to
8 account."

9 The accountability issue as it is sometimes
10 described:

11 "Campaign for a full judicial Inquiry into
12 Quarrier's Homes."

13 And we have just touched upon that:

14 "Campaign for support services for victims of such
15 abuse."

16 And I will come back to that because I would like to
17 know a little bit more about how you have sought to
18 improve services because you have told us that you found
19 a lack of sufficient services, appropriate services when
20 you looked into the matter.

21 Then:

22 "Campaign for a range of remedies, including time
23 bar to be changed."

24 And:

25 "Campaign for redress and compensation for victims."

1 I do not think I need to deal with these two bullet
2 points too much today because we have already had
3 a discussion about that and where we are on that matter.
4 You deal with it also in your statement of how you
5 campaigned and what form that campaign took.

6 Then:

7 "Campaign to raise public awareness of the issues
8 affecting the victims of such abuse."

9 I think that is the impact of both short and
10 long-term abuse on victims and families. You have
11 sought to raise awareness in the public eye by various
12 measures, including appearing at conferences,
13 newspapers, media engagements. Your website has a lot
14 of information which if the public want to find out more
15 they can access and see. So you have done a range of
16 things and your book itself, of course, which to some
17 extent touches on some of these issues.

18 A. We have been invited to conferences to speak at
19 conferences.

20 Q. To speak about, at least, these matters including impact
21 and effect?

22 A. Yes.

23 Q. Then also -- this is last but not least, I think, as
24 an aim of FBGA:

25 "To ensure that Quarriers as an organisation ..."

1 And I suspect you probably apply this to all care
2 providers doing something similar.

3 A. I would do.

4 Q. "... still caring for children and vulnerable adults is
5 in fact fit for purpose going forward and to help
6 prevent future generations cared for by Quarriers [and I
7 think it would be 'and others doing similar work']
8 suffering similar abuse."

9 I know your organisation is Quarriers-related, but
10 I think the aim is a general one.

11 A. The aims are general and basically all the processes --
12 you will see that with some of the things that have come
13 to fruition, they are not actually just for Quarriers
14 survivors, they are for all survivors. Of course our
15 primary aim is to represent the best interests of the
16 Quarriers survivors but our ethos is to ensure that any
17 process that eventually is put in place is actually for
18 the benefit of all survivors.

19 Q. So it is not just looking at the past and issues arising
20 out of historical abuse and impact and matters of that
21 kind, but you are also concerned about the future and
22 preventing what happened to you and others happening
23 again, so far as it is possible to do so?

24 A. Yes. You know, you can't prevent, as I said at the
25 Justice Committee, every single case. But certainly on

1 the scale that this has happened, what astounds me is
2 that we have all these professionals and all of this
3 coming out now, but actually no one seems to have seen
4 anything or heard anything and I -- to me that's just --
5 I don't know what to describe. It is just unreal.

6 Q. That abuse can happen over a long period of time but,
7 for example, in Quarriers over a period of -- I think we
8 know it is over decades, 1950s, 1960s, 1970s, 1980s --
9 and your astonishment is that it appears that the
10 position is that no one seems to have known that this
11 was going on; is that the point you are making?

12 A. Yes. Quarriers was held up as a model of care in this
13 country and many people who became -- they were trainees
14 social workers, there were others, they all went through
15 Quarriers at certain times in their careers, then became
16 qualified social workers or other professions within the
17 academic world or social care world and they don't seem
18 to have seen any of this.

19 LADY SMITH: We are here on the page that's got paragraph 19
20 of your statement in. Is this the part that you were
21 telling us earlier has an error in it?

22 A. Yes, 2005 with a slash and "2007".

23 LADY SMITH: On the second line of 19?

24 A. Where it says:

25 "As they have been from the start in 2005 ..."

1 And there should be slash and "2007".

2 MR PEOPLES: Thank you for reminding me.

3 A. The reason I reflected on that is that the court time
4 bar cases didn't finish until, I think, the end of 2006
5 and that's when we started thinking about how the law
6 should be changed.

7 MR PEOPLES: I see.

8 Maybe while we are on this subject, was there one
9 other change you wanted to make to the statement? Do
10 you want to direct me to the paragraph?

11 A. Number 50.

12 Q. Paragraph 50. I will bring that up for you. It may be
13 a good time to deal with that in case I forget. It is
14 perfectly possible I would do that.

15 A. No problem.

16 Q. WIT.001.001.1602 I think is the page where we see
17 paragraph 50. I think you want to make a change to the
18 statement?

19 A. It is just a date; the Kaufman report was actually in
20 2002.

21 LADY SMITH: That is the Kaufman Canada report?

22 A. The Kaufman Canada report, my Lady. I put 2006,
23 apologies.

24 LADY SMITH: Don't worry. It is very helpful.

25 MR PEOPLES: There is a lot going on at this time and

1 beyond.

2 I will come back to the point you make there about
3 the issue of fairness and get your evidence on this.

4 You have told us about the factors that caused the
5 formation of FBGA and we have looked at their principal
6 aims and goals. So far as the group itself is
7 concerned, and I hope I can take this relatively short,
8 I think in paragraph 13 on page WIT.001.001.1591 of your
9 statement, you tell us that it is --

10 LADY SMITH: Can we just wait a moment, Mr Peoples, until we
11 have got it on the screen. WIT.001.001.1591?

12 That's paragraph 13.

13 MR PEOPLES: If we could scroll down. It is under the
14 general head "Structure of FBGA".

15 I don't need to get into the minutiae of this;
16 I just want to take a few key points. You make the
17 point, and you said this earlier today, it was set up
18 and remains a campaign group and consists of a network
19 of former Quarriers residents. You just tell us by way
20 of information it has not got a formal membership and
21 you don't keep forms or lists or registration lists or
22 anything of that kind.

23 I think in that sense you may differ from some of
24 the other survivor groups that we are aware of.

25 A. Yes. We did consider at certain times whether to set up

1 as a charity and some former residents discussed that.

2 Q. It hasn't happened is the short answer?

3 A. Is the short answer. We considered it but it was not
4 the right thing for us.

5 Q. You tell us presently -- it has got what you describe as
6 a core membership including a web administrator who
7 deals with the website and updates it and no doubt puts
8 things on it, and a secretary who presumably deals with
9 any communications and correspondence and organising any
10 papers to be submitted to various groups.

11 A. It is when, say, I don't have enough time or others
12 don't have enough time, then her job is to put it
13 together. She helped me put all this stuff together for
14 the Inquiry.

15 Q. The spokesperson is you?

16 A. Yes.

17 Q. You have been the spokesperson for FBGA since its
18 inception?

19 A. And before.

20 Q. And before, yes. Although you were not FBGA at that
21 time, I think you were beginning to get involved,
22 particularly when the media publicity came out and
23 appearing in various places, and I don't think we need
24 to go into the detail, but we can read that, but at
25 conferences and other places, dealing with issues of

1 abuse and various issues arising out of it and you
2 appeared and put forward issues that you felt strongly
3 about.

4 A. Clearly we were targeted that we had been dishonest. In
5 one of the cases, one of those convicted and relatives
6 became members of FACT, Falsely Accused Carers and
7 Teachers. So I wanted to understand really what it was
8 they were saying. So what we did is myself and other
9 residents, we booked into their conferences to really
10 just understand what the issue is and why they were
11 making claims in relation to us because we had been
12 through the courts.

13 So we really needed to understand that. So I went
14 to a historical abuse conference which I think
15 Lord Justice Hooper was one of the speakers. FACT are
16 quite powerful and are able to pull in people of a
17 certain level where the victim survivors haven't been
18 able to do that, their voices have been dimmed by that
19 sort of power, if I can put it that way.

20 So I wanted to really understand and then I actually
21 got in touch with the FACT chairman and I had a certain
22 level of conversation. What I will say is, I suppose,
23 we just drew a line in the sand.

24 LADY SMITH: Just before you do that, can I just take you
25 back to something you said earlier: you wanted to

1 understand the issue and why FACT were making claims in
2 relation to you because you had been through the courts.

3 A. Yes.

4 LADY SMITH: Explain what you mean when you say "because you
5 had been through the courts". I think I know but
6 I would like to hear it from you.

7 A. Well, my Lady, they were questioning a jury's decision.
8 They were questioning the court process.

9 LADY SMITH: Just spell it out: how many people in the jury?

10 A. 15 in Scotland.

11 LADY SMITH: You would have been asked questions both by the
12 prosecutor and by defence counsel.

13 A. Yes.

14 LADY SMITH: That the jury would have heard as well.

15 A. If anybody has been through a criminal process, it is
16 quite an aggressive -- I don't want to use that word --

17 LADY SMITH: Shall we call it "testing"?

18 A. Okay. It is quite a testing process. It is there to
19 test the evidence and test the witnesses --

20 LADY SMITH: I'm not trying to be flippant.

21 A. So we had been through that --

22 MR PEOPLES: It is a criminal process --

23 A. Yes.

24 Q. -- the issues are serious because you lose liberty in
25 serious cases and it is a high standard of proof, beyond

1 reasonable doubt.

2 A. And I have no issue with that in any shape or form. The
3 issue for us was why were we being targeted as part of
4 this? So what they were doing, and once we got to
5 understand how these groups operate, what they do is
6 they encompass everybody as miscarriages of justice.
7 Actually Dr Michael Macnaughton(?) of Bristol University
8 wrote a very good paper saying not everybody who claims
9 they are a miscarriage of justice is actually telling
10 the truth and actually I will give that paper to the
11 Inquiry because I think it just -- it sets it out quite
12 clearly.

13 Q. But in your case -- no doubt there are examples we can
14 all find of where I think the legal term will be
15 miscarriage of justice, but it is an appeal which may
16 result in a successful quashing of convictions of people
17 who are accused of all sorts of crimes including, no
18 doubt, abuse of children and that does happen from time
19 to time.

20 But what you are saying is that, in your case, you
21 went to a trial process, along with others, and you gave
22 evidence and as a complainer and other people gave
23 evidence as witnesses and you were examined,
24 cross-examined by the defence counsel for those who
25 stood accused, and that after that whole process, before

1 a jury of 15 people, your abuser was convicted and that
2 that conviction stood and was not successfully appealed
3 against at any time, and the conviction was established
4 or the charges that related to you, or someone at least,
5 was established beyond reasonable doubt in the minds of
6 the jury, the collective mind.

7 A. And unanimously.

8 Q. It was unanimous?

9 A. It was unanimous.

10 Q. Well, that perhaps is another facet to your case.

11 Obviously a jury can convict by majority in Scotland; it
12 is slightly different down south in that I think they go
13 for unanimity. You say that 15 people were satisfied
14 that the charges were made out beyond reasonable doubt
15 and that you were abused by the individual who stood
16 trial and that conviction stands to this day.

17 A. I do understand -- yes, it does stand to this day and it
18 has never been overturned and it has been tested in the
19 appeal court or the technicality has that they got the
20 reductions in sentence.

21 I understand that FACT have legitimate issues and
22 I recognise that, but it is the targeting of people who
23 have been through -- if there are flaws in the court
24 system, that's not our fault. If something happens and
25 someone is -- there is a miscarriage of justice and it

1 is something to do with the process or the evidence
2 gathering or the police, the way they have collected
3 evidence or anything else, you know there was a claim,
4 "I was trawled by the police". I was never trawled by
5 the police. I was actually contacted by the abuser's
6 wife.

7 Q. I think, as you have said, the criminal justice system
8 in Scotland -- and I am sure it is the same in
9 England -- has processes to allow people to appeal and
10 raise issues where they feel that the verdict is unsound
11 or there are reasons to seek to have it quashed and
12 that's a process that has existed for some time in
13 Scotland and no doubt the same is true of England and
14 Wales.

15 A. My abuser had the added benefit of actually being
16 allowed on a national programme.

17 Q. Yes, you made the point that after conviction he
18 appeared on a television programme, I suppose, to put it
19 loosely, to protest his innocence and seek support from
20 some individuals that would side with that position and,
21 as you say, so far as you were concerned, that was
22 really an outright assertion that, if they are saying
23 that, they are saying I lied in court.

24 A. Yes. The programme was subsequently investigated.
25 I won't go into the detail because I have given the

1 Inquiry the information in the independent report and
2 you can see from the outcome of what the independent
3 editorial adviser said. There were serious allegations
4 made against me and others, my sister, that could not be
5 substantiated.

6 Q. Yes, I'm not wanting to go into detail but you raised
7 a complaint about the programme, various complaints
8 about the way it was presented and produced. There was
9 an independent inquiry organised through the BBC that
10 I think, to put it broadly, upheld a large part of the
11 complaint you made. I think at some later stage, as
12 I understand it, as I may have seen from records you
13 produced, you also received at some point an apology
14 from the BBC.

15 A. It was an apology, but I have to be honest to the BBC
16 today, it wasn't a sincere apology, it wasn't done in
17 the right circumstances -- apologies for what? Errors?
18 We apologise for errors. They were more than errors.

19 Q. If we leave that point just now. I think you have
20 explained for the benefit of those here today about the
21 processes, which some of us are familiar with but the
22 public don't always understand these matters fully and
23 you have had experience of going through the process and
24 you have explained it very well.

25 If we go back to the question I was asking about

1 FBGA. You have told us about this core membership
2 that -- I think I was putting to you some points on page
3 WIT.001.001.1591 which you still have on screen.

4 I think you said initially you had quite a response to
5 the setting up of the group and at one point you had
6 what would just be a list of names and contact details,
7 as you characterise them. The list -- there was about
8 230 people on the list, but you tell us that probably
9 there are what you call six core members that do a lot
10 of the hard work, I suppose, of the group and that
11 currently, as a conservative estimate, you indicate that
12 in the wider network you have perhaps 30 to 40 people
13 who are participating in this network at the moment.

14 A. Yes.

15 Q. I think you have given reasons why the numbers have
16 changed over time, partly due to your own success,
17 I suppose you would say.

18 A. We refer to people on for support services. Once you
19 refer that person then in a sense you lose them. For us
20 it is about making sure the survivor gets what their
21 needs are. We can't provide that support.

22 Usually, they buy into the support service, they are
23 signposted in. Some people will keep in touch with us.
24 A lot of the survivors in the early days were quite
25 elderly. There was an elderly group of survivors who

1 were campaigning, many of them were deceased now, so the
2 core member is slightly younger, if I could say that.

3 There was a peak. Clearly you set up, and Helen
4 described it yesterday, and you have people come along
5 and say, "We want to do this, we want to do that".
6 I think people get disillusioned over the years. It
7 took so long to resolve the issues and it didn't
8 actually appear that it was ever going to happen.

9 We can see that people -- in a sense, I have a life,
10 I work for the NHS, I have done since 2005. We have
11 always encouraged people to have well-being and to have
12 a life of their own and not to entirely focus on this
13 every single day because I don't personally think that's
14 healthy.

15 Q. I suppose you would see this as quite a long journey
16 from -- not just from the formation of FBGA but from the
17 petition and before to the stage where we now have
18 an inquiry that's looking into these matters and other
19 steps have been taken, and we will maybe come to that
20 a little bit more. Are you able to offer your views on
21 why you have campaigned for a long time -- and indeed
22 Helen Holland said the same thing in relation to
23 INCAS -- for, among other things, the public inquiry and
24 we had the First Minister's apology in December 2004,
25 and the announcement of the Inquiry, if my memory serves

- 1 me, was 17th December 2014, roughly ten years on.
- 2 A. Ten years later.
- 3 Q. Are you able to tell us why you think it has taken so
4 long to get to that stage to achieve one of your major
5 goals?
- 6 A. I think the government, the previous executive --
7 I think the previous executive could have done more
8 clearly because the government now has got to this
9 situation. I actually think a major -- I think someone
10 actually told me it is about the impact on Scottish
11 society if we have this.
- 12 Q. In terms of some detrimental effect if Scottish society
13 was put in trial, as it were? Is that the way it seems?
- 14 A. Not Scottish society on trial, but the impact of them
15 hearing this.
- 16 Q. I see.
- 17 A. Hearing all of this. How would they -- you know, if you
18 take Ireland as an example in relation to the abuses
19 that have come out there, how many people's faith was
20 challenged because of that? I think there was an issue
21 around government about that. I don't think it is
22 a good excuse but I can see the possibility that you
23 would have to take that into consideration.
- 24 Q. I suppose the apology though, to put back my point as
25 well, as we have observed yesterday, was on behalf of

1 the Scottish people not on behalf of the state or any
2 particular branch of the state. So it was put in those
3 terms by the First Minister.

4 A. Yes. It was a political apology, you know, in our view.
5 We were very clear we knew at the time it was
6 a political apology. The issue about giving
7 an apology -- and I want to be clear because I think
8 there was a suggestion when Quarriers gave their
9 evidence -- I have never received an apology in any
10 shape or form from Quarriers. So --

11 Q. You mean a direct, personal apology?

12 A. A direct, personal apology. I just want to establish
13 that.

14 Q. Because I think -- I don't want to look at the detail,
15 but I think Quarriers' position is that even before the
16 First Minister's political apology, as you describe it,
17 they did offer an apology via their then chief
18 executive. You comment on the terms of that apology in
19 the statement and the way it is couched. But I think
20 that's their position, and it is a matter of record,
21 that there was an apology.

22 A. If you are giving an apology which says "if abuse
23 occurred", how do you think people who have been abused
24 in that organisation are going to receive that apology?
25 How sincere is that apology? It was clearly

1 an apology -- it was an inappropriate apology and
2 basically our view is Quarriers are quite a powerful
3 organisation in the care system. They are Scotland's
4 third largest charity. Even through these processes we
5 have seen things being done and Quarriers are involved.
6 We are thinking, how come they are involved?

7 Anyway, the apology that Mr McConnell gave, there
8 was nothing put in place --

9 Q. So it was an apology --

10 A. -- there was nothing followed through.

11 Q. One of the difficulties for you was that the apology
12 wasn't followed by appropriate actions --

13 A. No.

14 Q. -- on the part of the --

15 A. Of the executive.

16 Q. -- of the government?

17 LADY SMITH: Nor prefaced by an acknowledgement of the
18 abuse. It wasn't preceded by a statement that it was
19 accepted that the abuse occurred; is that what you are
20 saying?

21 A. I think it was accepting the abuse occurred, my Lady,
22 but what happened was there was nothing put in place.
23 The survivors had been campaigning for many, many
24 years -- or at least two or three years, INCAS had been
25 campaigning -- for services. At that point in time, the

1 executive could have taken a decision to put services in
2 place. We waited another four years before they started
3 discussing services for survivors.

4 So if you look at the comparable of Ireland, when
5 Bertie Ahern gave his apology, they immediately put in
6 place the process. What happened here in Scotland is
7 they put bits of the process, but it is not all joined
8 up.

9 An example is the Confidential Forum. That was set
10 up before the Inquiry. We support it, many Quarriers
11 survivors have gone to it, but what's incredible,
12 my Lady, is all these testimonies that have been given
13 to that forum -- and actually the Inquiry may not have
14 access to them.

15 LADY SMITH: You are saying that because they are all
16 anonymised?

17 A. No, because it has been set up separate. So what should
18 have happened, my Lady, is the two processes should have
19 ran in tandem. The Inquiry process should have
20 a primary responsibility for all of it and the Inquiry
21 process should have been able to feed into those
22 testimonies.

23 Q. You can take it we have a little familiarity with the
24 National Confidential Forum but I think what you are
25 alluding to or saying directly is that the National

1 Confidential Forum, which was set up before any Inquiry
2 was ever announced, was a separate body set up by
3 statute and it was to conduct its work on an anonymous
4 basis. It was not to retain statements from
5 individuals. It was to, in some way, collate them
6 together to get a general message about the experiences
7 which would then be published in reports. I think there
8 have been reports published along those lines.

9 But beyond that they were not to keep the individual
10 statements and pass them on to other relevant bodies
11 including, for example, our present Inquiry.

12 A. We pressed the government at one time to bring in --
13 I won't call it emergency legislation but an amendment
14 to the legislation, if that was possible, for the
15 National Confidential Forum to allow this Inquiry to
16 have some kind of -- to actually see the testimonies and
17 whatever. Unfortunately, as you just said, they were
18 set up separately. Ireland set them up together and
19 they came under one process.

20 Q. Again we heard a bit about this yesterday, and you have
21 dealt with it a bit in your statement, but would I be
22 right in thinking that the idea of the forum started
23 life as something that would bear a broad resemblance to
24 the Truth and Reconciliation Commission in South Africa,
25 where people would engage, see something as a cathartic

1 experience, in the hope that that in itself would be
2 sufficient to allow matters to move on to bring closure
3 in that way? Is that something described as
4 a component --

5 A. I think so. We weren't kind of involved in the early
6 discussions that Helen and Chris were involved in
7 with -- I think Helen talked about the
8 Petitions Committee in the early days. We were not
9 involved if those initial discussions; we came in at
10 a later stage.

11 Q. But does that tend to chime with you about what you
12 understood to be the background to the setting up of the
13 forum and the "Time to be Heard" pilot and so forth?

14 A. Not really.

15 Q. No -- I will let you --

16 A. Sorry.

17 Q. You tell me.

18 A. My understanding was that the National Confidential
19 Forum came out of the pilot of "Time to be Heard" and
20 basically the pilot was a testing pilot for the National
21 Confidential Forum. Can I say for the record as well,
22 we know many people who have gone through the National
23 Confidential Forum and we are very pleased with the
24 support. Many Quarriers survivors, and I said that at
25 the beginning, actually want to retain their anonymity,

1 even through this Inquiry. I have had many calls to
2 say, David, am I going to lose my anonymity, I don't
3 want to lose that, I want to give a testimony. I have
4 said, no, you won't, you will be protected, talk to the
5 team or talk to FBGA's legal people. But many, many
6 people.

7 There are so many reasons for that, you know? They
8 may have issues with other former residents. That's
9 a primary issue. They don't want to in a sense --

10 LADY SMITH: We do understand that. It is not a problem.

11 We well understand why some people don't want their
12 identity to be known and we do all we can to help with
13 that.

14 A. Thank you, my Lady.

15 And then families, you know. It is unique, but some
16 people don't tell their families. They are doing all
17 this in the background --

18 Q. Just going back to the forum and its reason for
19 existence. I think I picked up an expression you used
20 in your statement called "restorative justice". Can you
21 just explain what you understand to be the concept of
22 restorative justice? What did you take to mean when it
23 was said -- I think the forum was seen as part of that,
24 but what were you told was involved in that?

25 A. What happened -- and this is where some of the

1 processes, where there have been some tension and
2 complaints by survivors. Some of the processes have
3 been set up and there has been no input by survivors and
4 no consultation.

5 We are very clear -- and I think if you look at
6 Dr McParlin's thing and what he says, that is a prime
7 example of "Time to be Heard". But basically the
8 survivors should only be going in for the process that
9 is announced and that process was very clear that it was
10 "Time to be Heard".

11 There was a subprocess which they called restorative
12 justice and that was a process -- and I understand now
13 that Quarriers financed some of that and actually
14 financed probably some of "Time to be Heard".

15 But this subprocess was to -- and we did look at it.
16 It is not just as if we would just throw the bath water
17 out with the baby. We did actually look at it in
18 detail, but it is a criminal justice process. We are
19 talking about survivors. Yes, I accept that some
20 survivors have been through the criminal justice
21 process, but it is not a process suitable for survivors
22 at all.

23 Anyway, they piloted this process and basically out
24 of that -- there were 98 applicants seen in "Time to be
25 Heard" and there were nine people -- if I get these

1 figures wrong, I will come back and I will clarify --

2 Q. Don't worry about the detail.

3 A. There were nine people who went through the restorative
4 justice process. I think eight dropped out quite
5 quickly and then there was one confirmed report. But
6 this process was not independently evaluated by
7 an outside source. So any information that we were
8 given about this in the report we were given about it
9 was written up by Sacro.

10 But it was not -- myself and another survivor who
11 appeared with me, another former resident who appeared
12 with me at the Justice Committee, we were picking up the
13 pieces of the damage that process did to people because
14 people were expecting -- in a sense the word "justice"
15 is in there, "restorative" is another word, and actually
16 they were not getting that.

17 I think they were possibly attempting to give
18 apologies but really they didn't understand -- I think
19 they felt "we can do it our way", but actually the
20 survivors were saying, well, actually this is how we
21 want it, and --

22 Q. It didn't really take off?

23 A. No.

24 Q. When you say the eight or nine people, were these --

25 A. Former Quarriers residents.

- 1 Q. Who had experienced abuse?
- 2 A. Yes, or had been through this "Time to be Heard".
- 3 Q. And they were to go through some sort of process?
- 4 A. Restorative justice.
- 5 Q. But did that involve engagement with the offender?
- 6 A. No. That was the other thing because I looked at that
7 and thought, how can we end up engaging with people who
8 haven't accepted their crimes? So that was another flaw
9 in the proceedings. No. They were engaging at a level
10 and I think Paul Moore, the CEO, was dealing with
11 a number of those particular issues at that time.
- 12 Q. CEO of?
- 13 A. Of Quarriers.
- 14 Q. But it was a process that was offered to former
15 residents who had experiences of abuse?
- 16 A. You went in one door and it was "Time to be Heard", you
17 would come out the back door and they were offering you
18 restorative justice.
- 19 Q. That's what I wanted to pick up. I wasn't sure what the
20 back door involved. Once you went through the back
21 door --
- 22 LADY SMITH: Just before we go there, is this what's dealt
23 with at paragraphs 46 and 47, page WIT.001.001.1601?
24 Would it be helpful if we had that up?
- 25 MR PEOPLES: Yes it might be useful just to put it up, just

1 to get the reference.

2 LADY SMITH: WIT.001.001.1601.

3 MR PEOPLES: If one goes down to paragraph 47. It is in the
4 context of discussing the "Time to be Heard" process but
5 then this is one thing I probably have to explain
6 because I'm not sure I quite understood what happened as
7 you went through the back door as you left --

8 A. You were given a paper or you were asked if you wanted
9 to take part in this other process, but none of that had
10 been consulted on with survivors. None of that had been
11 explained to survivors beforehand.

12 There are a lot of things that have been put forward
13 to survivors which survivors are not fully informed
14 about and if you look at what Dr McParlin said --
15 because we were specifically concerned about why were
16 these processes not meeting people's expectations? And
17 we asked that particular person to write a note for us
18 for the Petitions Committee.

19 LADY SMITH: Remind me who Dr McParlin was.

20 A. My Lady, he is in my statement. He is a psychologist,
21 I think, for the Royal Society of Psychology. At the
22 time people were saying, "We can't accept that, we can't
23 accept that," and we were kind of concerned about why
24 were processes not meeting survivors' expectations.
25 I was put in touch with him and he wrote a note for FBGA

1 for the Petitions Committee.

2 LADY SMITH: Thank you.

3 MR PEOPLES: My Lady, I'm conscious of the time. I could
4 perhaps take you to that, but maybe we should have our
5 short break.

6 LADY SMITH: Maybe we should have a morning break now and
7 then we can go to that afterwards. But just actually --
8 just before I rise, are you referring us to the Sacro
9 Restorative Justice Programme and the way that people
10 were alerted to it by being given a leaflet as they had
11 just finished with their participation in the "Time to
12 be Heard" pilot as a good example of why the processes
13 for helping survivors weren't working?

14 A. Yes. What I'm trying to say, my Lady, is -- we have
15 come into this Inquiry, it is for the Inquiry.

16 LADY SMITH: Yes.

17 A. We are not being offered anything else. We understand
18 that. Now you may come out with other recommendations,
19 but the Inquiry is very clear, the purpose of why we are
20 here.

21 LADY SMITH: Yes.

22 A. And these other processes haven't been clear.

23 LADY SMITH: I see. That's very helpful and it helps me
24 understand where you have been in your journey.

25 We will rise now though and we will sit again just

1 before 11.45 am please.

2 (11.30 am)

3 (A short break)

4 (11.45 am)

5 LADY SMITH: Mr Peoples.

6 MR PEOPLES: My Lady.

7 David, if I could just pick up on the point you made
8 about Dr Peter McParlin and just maybe give a reference
9 for the transcript. Could we go to page
10 WIT.001.001.1614 where you deal with this matter in your
11 statement.

12 It is in a section headed "Paper compiled by
13 Dr Peter McParlin". I think that is the doctor of
14 psychology you made reference to and I think you did
15 indicate that on behalf of FBGA you did seek a paper
16 from him which was entitled "Issues concerning
17 survivors' narrative accounts to historical Inquiry
18 committees and those given in a therapeutic context".

19 That paper was dated 29th November 2010 and we have
20 a reference to where we can find the full details and
21 you say that has also been submitted to the Scottish
22 Parliamentary Petitions Committee.

23 A. The petitions Committee.

24 Q. I won't read everything that's said here, but you have
25 taken an extract from the paper which you have included

1 in your statement at paragraph 92 and I will just read
2 that if I may:

3 "Where accounts are given to the Inquiry which do
4 not have the strict parameters of the conduct of such
5 accounts, ie purpose, breadth and intention, survivors
6 can find disappointing clashes of what they would have
7 hoped such an inquiry to cover and any remedial effect
8 that such an inquiry would have in terms of reaching
9 effective compensation. This mismatch of what is hoped
10 for by survivors and that which is actually delivered by
11 such inquiries is often the source of re-traumatisation,
12 distress, confusion and a general feeling of not wishing
13 to engage in further disclosures and narrations which
14 have proved so fruitless in the past."

15 Can you then translate what that means to you and
16 what point you are trying to get across in the statement
17 based on what Dr McParlin is saying? Just in your own
18 words what do you see that is telling us?

19 A. If you take the Quarriers survivors, we have given
20 testimonies in various -- "Time to be Heard", in court,
21 so we have given testimonies in various processes, if
22 you want to call it that.

23 There was always an expectation that would be the
24 closure part and that's not what has happened. So there
25 is a mistrust of the processes, there is a mistrust of

1 the system.

2 So the expectation -- and I think "Time to be Heard"
3 and Sacro are clear examples of where that didn't
4 happen. There wasn't a proper consultation on "Time to
5 be Heard" with the former Quarriers residents, who
6 actually it was going to be for. There was nothing to
7 do with Sacro beforehand. So there was a complete
8 mismatch of what our expectations were and so people
9 were going in to "Time to be Heard" thinking, "This is
10 the closure part, I won't have to engage in anything
11 else and then the government will put in processes to
12 address it".

13 It is where that mismatch of expectations -- you see
14 the Inquiry is very clear. Its terms of reference are
15 very clear. While I fully understand other survivor
16 groups wanted the Inquiry to look at other issues
17 outside of what the Inquiry is doing, we have been very
18 clear that we only want to go into one process, we want
19 to understand what that process is, what our expectation
20 is of that process, and come out of that process.

21 Q. I suppose what you are saying about "Time to be Heard",
22 for example, was that there were at least some people
23 who participated who thought, well, I will give my
24 experiences anonymously, that part of the process will
25 be over for good and certain things will follow as part

1 of the broader process, but I don't need to do this
2 again and also some of the actions which I am led to
3 believe will follow --

4 A. So I might go into -- I might say --

5 Q. -- would happen.

6 A. -- I will go into the Sacro process, it is justice, it
7 is restorative, it is closure, the organisation are
8 going to deal with my issue. That's not what happened.

9 Q. Indeed, you are still talking with government about
10 issues of redress and other matters.

11 A. Yes.

12 Q. I suppose you would say that these are perhaps matters
13 that should have been dealt with and actioned well
14 before now as part of the whole exercise.

15 A. We are very clear it has taken far too long. It
16 shouldn't have taken this long. Government should
17 have -- when you look at other countries in the world
18 who have taken these issues. You know people say to me,
19 I have heard people say they are really difficult
20 issues. Well, actually they are not that difficult, you
21 just address them, you just put processes in place, you
22 work with the survivors. I think the Scottish Human
23 Rights Commission got it right in the sense of taking
24 the lead in taking it into Parliament and then bringing
25 all the parties together, the survivors and the

1 protagonists into an interaction process.

2 Again, our expectation was that when that finished
3 and the action plan was agreed it would be implemented
4 straightaway. That hasn't happened.

5 Q. I will maybe just come back to that particular topic, as
6 I said I would, in due course.

7 But while we are still on the subject of "Time to be
8 Heard". You have told me already, before the break,
9 that perhaps there was a bit of a surprise for some of
10 those who left by the back door and were provided with
11 a leaflet about a programme that seems to have been
12 organised by Sacro that there would be some additional
13 process that they could choose to be involved in and how
14 that wasn't part of the understanding, expectation or
15 explanation of those that participated in "Time to be
16 Heard".

17 A. No.

18 Q. And it was not part of the "Time to be Heard" process
19 itself?

20 A. Not at the beginning.

21 Q. Just dealing more generally with the "Time to be Heard"
22 process. I don't know if you were here when
23 Helen Holland talked about the "Time to be Heard" and
24 how -- I think she sort of made a number of points about
25 that particular process. The first, if I recall, in

1 general terms was that there was either no or a lack of
2 proper consultation with survivors in relation to the
3 decision that seems to have been taken and announced on
4 25th November 2009, without prior warning, that the
5 forum would be a select 100 or so people from Quarriers
6 and that that announcement came as, I think, a surprise
7 to her and that there was really no opportunity to have
8 discussion, as she saw it, certainly from INCAS's
9 standpoint, in relation to that and indeed it had
10 certain effects she spoke about, like how it may have
11 denied some people the opportunity to take part in the
12 process who were elderly, terminally ill, and so forth,
13 and who were not Quarriers residents.

14 The first point I want to make is that just in
15 case -- to know -- did FBGA have any part in bringing
16 about the decision to deal with "Time to be Heard" in
17 that way or was it a surprise to you as well?

- 18 A. It was a surprise to us as well. It was announced --
19 they brought all the survivors together in Edinburgh.
20 The former CEO of Quarriers did a presentation as
21 I think, if I recall, Tom Shaw did. Then it was
22 announced that it would only be for Quarriers residents.
23 We were put in -- I don't know who thought of that and
24 did it that way and we were put in an impossible
25 position in that room where other survivors were very

1 angry and clearly this announcement was for Quarriers
2 residents. I had to basically make a decision that day
3 and I made the decision that it would have been
4 completely irresponsible of FBGA not to support this
5 process because actually it was for former Quarriers
6 residents.

7 While we didn't take part in the design or weren't
8 consulted on it, it would have been completely
9 irresponsible, I think, and that's one of the things we
10 have always tried to do as a group, promote the process
11 once it has been set up or even -- okay, there were
12 a number of flaws with "Time to be Heard", but they
13 shouldn't have done that.

14 You know what they did to Helen, all the way
15 through, you know -- if I put it this way, pretending
16 that it was going to be for all survivors and taking
17 Helen along a route where she was trying to get the
18 elderly and the infirm survivors heard first and then at
19 the end that never happened.

20 I do agree with Helen, that's unforgivable. I will
21 be quite honest with you: if someone acted in that way
22 with me I would never work with them again. There has
23 to be integrity and honesty if you are dealing with
24 people in these issues and you cannot just make
25 decisions -- so I was in that room, there were clearly

1 very many people very upset. I made the decision that
2 we would support it despite -- but also can I just put
3 on the record: at the time I was trying to push in that
4 room -- I believe it was Tom Shaw or whoever was in the
5 room and I can clarify that with you later -- I was
6 trying to push them to include more people, to make it
7 inclusive.

8 Q. With Quarriers?

9 A. With other institutions. So I stood up there and
10 I asked a number of questions and I said, well, can you
11 not just extend it, can you not just do something else?
12 I do completely understand the rationale why Quarriers
13 was chosen. I have no issue with that. It is clear
14 that Quarriers had 30,000 children going through its
15 care. It is clear that Quarriers had the highest number
16 of convictions of people at that point in time. It is
17 clear that Quarriers had been dealing in a very large
18 part of the migrant programme. So the rationale for
19 choosing Quarriers was sound, but the way they delivered
20 it and the way they delivered the judgement -- the
21 announcement was completely inappropriate.

22 Q. The other point, if I understood Helen Holland's
23 evidence yesterday, that she made was about the issue of
24 accountability in the context of "Time to be Heard". As
25 I understand it, and I hope I have not got it wrong

1 here, I think a point she was seeking to make was that
2 what started off as something that had an expectation
3 that the forum that would be developed would be
4 an acknowledgement and accountability forum and it would
5 be designed in that way became simply an acknowledgement
6 forum and that the accountability element dropped out of
7 the picture when the pilot forum was put in place.

8 Do you understand that that was the point she did
9 make?

10 A. Yes --

11 Q. Does that accord with your recollection with the way
12 things unfolded?

13 A. I think, Mr Peoples, there was a consultation, from what
14 I recall, and it was called "Acknowledgement and
15 accountability" from what I recall. So people clearly
16 understood it as that. But clearly once the pilot
17 process was up and running, it wasn't going to be that.
18 We understood what -- because obviously we are the
19 participants, we were given information about the
20 process and it wasn't.

21 Q. Would it be correct or fair to put it in this way that
22 the way that matters had been explained and understood
23 about this forum and indeed the pilot that was to
24 develop the matter was that it would involve some
25 process of accountability as well as an opportunity

1 to -- to give the experiences in a particular way to --

2 A. I wasn't privy to any of it.

3 Q. You don't know?

4 A. I wasn't privy to any of those discussions that Helen
5 had or Chris had, so I couldn't answer that one.

6 Q. You can't comment?

7 A. No.

8 Q. Just dealing with Tom Shaw more generally, he did
9 produce, as we have heard, and I don't want to go into
10 this at any length, a report as part of a systemic
11 review exercise that was announced as one of the
12 initiatives under the national strategy. I think it was
13 called in 2005, which followed the First Minister's
14 statement or apology.

15 I just want to know: was FBGA or any other survivor
16 group at that point campaigning for an independent
17 review or were they looking for something more akin to
18 either a judicial Inquiry or a public inquiry, whatever
19 you want to call it?

20 A. Clearly we were, so they did. But also as well, in
21 relation to the historic systemic review we engaged with
22 Tom Shaw -- with the review. We are quoted in the
23 review actually from pages 259 to 265 and it comes under
24 survivor group and it is about records. So we had
25 an engagement -- myself and a number of other former

1 residents of Quarriers had an engagement with Tom Shaw
2 and his assistant and we put forward what should be kept
3 for the records.

4 The bits that are in the report come from FBGA.

5 Q. So that was an example of (a) engagement and, you would
6 say, (b) constructive engagement with a process that you
7 hadn't asked for but you felt would at least be taking
8 matters forward?

9 A. Yes.

10 Q. And you submitted certain information with a view to
11 trying to improve the situation about record keeping and
12 quality of records? Was that the gist of --

13 A. Well, I think to resolve the issues and to take forward
14 the issues you have to engage with the process and help
15 people understand what the issues are that the survivors
16 are facing.

17 Q. I suppose that approach is reflected in another area
18 I was going to ask you about and it is the general issue
19 of support for survivors and victims of abuse.

20 Maybe I could just take you to another part of your
21 statement to deal with this matter. It is at
22 WIT.001.001.1598. If I could put that up on screen.

23 Before we look at that, I think we have already
24 heard from you that one of the aims of the group was to
25 improve support services against a background where, at

1 the time, it was formed when you looked around to
2 signpost and looked at the services that were available
3 and you found a gap or a deficiency in appropriate
4 services. Would that be in broad terms the situation as
5 you saw it at the time?

6 A. Yes, there were very little services.

7 Q. There were you were keen as part of your campaigning
8 activities to improve the situation so far as support
9 was concerned?

10 A. I think that was one of our primary campaign issues in
11 the early years; it was to ensure that a service was set
12 up for survivors.

13 Q. I get the impression, and correct me if I'm wrong, that
14 some progress is better than no progress in areas such
15 as support and therefore even if you don't get what you
16 want initially, you take something that's better than
17 what already exists and you try to improve it further
18 over time. Would that be a way of putting the way you
19 operate?

20 A. What has happened was, if we take the initial -- there
21 was a subgroup set up by the executive's Survivor
22 Scotland team. FBGA, another former resident of
23 Quarriers was invited, Helen was invited and Chris Daly.
24 So we put in a paper for a full integrated service.

25 But actually if you go back to earlier reports about

1 this, actually the government was being told it should
2 be a fully integrated service -- I think by
3 Dr Sarah Nelson. So the executive had been told. But
4 basically I worked in the NHS and at the time I was
5 working in HIV services and if anybody has ever worked
6 in HIV services they are very integrated and they came
7 from a place where there was no services. So I had
8 a kind of understanding.

9 So I spoke to people in my team and other areas,
10 what would be the best thing, and they said to me,
11 an integrated one-stop service.

12 So we submitted a paper for that. We didn't get
13 that. We got a service and, yes, I took -- you know, no
14 service is better than nothing --

15 Q. Sorry, a service is better than no service?

16 A. Yes.

17 Q. It may be an incremental approach to get to the ultimate
18 goal of, in your case, a fully integrated service, but
19 you felt you were moving in the right direction?

20 A. Yes.

21 Q. The service you did get initially, as I understand it,
22 was called the In Care Survivor Support Service, which
23 was established by the Scottish Government or the
24 executive as part of what was described broadly as "the
25 national strategy".

- 1 A. That is right.
- 2 Q. It is one of the initiatives that was introduced after
3 the First Minister's December 2004 statement?
- 4 A. Yes.
- 5 Q. Is that correct?
- 6 A. Yes. There were a couple of -- I can't remember how
7 many people tendered for the contract, but it came down
8 to a couple. Some of the survivors -- from what
9 I remember we were allowed to vote confidentially
10 because it was quite sensitive who we would vote for but
11 some of the survivors had decided they wanted FBGA --
12 I will be very clear we voted for the In Care Survivor
13 Service, but other people wanted Health in Mind.
- 14 Q. I think Helen in her evidence yesterday said there was
15 one problem with the Health in Mind, I think --
- 16 A. About the telephone --
- 17 Q. -- about the telephone counselling service and that was
18 simply unacceptable and therefore that tended to favour
19 the service that was in fact put in place.
- 20 A. I think what happened was we asked them to clarify how
21 they would run that service and at the time really what
22 survivors were wanting was one-to-one counselling.
- 23 Q. That wasn't being provided under the Health in Mind
24 proposal?
- 25 A. It was being provided, but I think the initial referral

1 system was all telephone and -- I can't remember the
2 exact detail but it was --

3 Q. Don't worry about the detail.

4 A. I mean they submitted a very good proposal and it was
5 only one area that didn't actually -- sort of people
6 were concerned about.

7 Q. I think we now know that more recently there has been
8 the introduction of the In Care Survivor Support Fund or
9 Future Pathways, as I think it is now termed.

10 If I could just go to a different page of your
11 statement just to deal with that fairly briefly because
12 I think your statement sets things out in clear terms.

13 If I go to WIT.001.001.1608 where this matter is
14 dealt with by you. It starts towards the foot of this
15 page of your statement at paragraph 72, which has the
16 heading:

17 "In Care Survivor Support Service and In Care
18 Survivor Support Fund (now Future Pathways)."

19 You make the point in paragraph 72 that the subgroup
20 of Survivor Scotland, which was established in 2005 or
21 thereabouts, that you were seeking an integrated support
22 service and didn't get that but instead got what has
23 been termed the In Care Survivor Support Service.

24 If we pass over to the next page WIT.001.001.1609,
25 you say it was providing a certain amount of support to

1 people and they were providing therapeutic counselling
2 as part of that service.

3 Then you say:

4 "As they were developing they were also providing
5 advocacy support and help to get records."

6 Then you make the observation:

7 "This was all well and good but FBGA were concerned
8 that if someone is seeing a professional counsellor in
9 a therapeutic process you don't expect that counsellor
10 to be acting on your burden of proof in providing
11 advocacy. We didn't see how they could achieve that in
12 that setting. I do not think it met the needs of
13 everything that should and could have been done."

14 Passing onto the next paragraph:

15 "We supported the creation of the In Care Survivor
16 Support Fund, which is now called Future Pathways,
17 because it was an integrated service and was based on
18 what the survivor wanted. We have been very clear from
19 the beginning it was all about the survivor, it is about
20 what their needs are, and it has to be survivor centred.
21 We believe that what is now called Future Pathways has
22 been very successful in meeting those needs."

23 I know it is in its early days but it sounds like
24 you are giving it a positive endorsement and indeed you
25 supported the creation of the fund.

1 A. The Interaction Review Group discussed what additional
2 needs survivors or what additional needs were not being
3 met by the In Care Survivor Support Fund. It was
4 identified that a number of needs were not being met and
5 so the Interaction Review Group put forward a proposal
6 that bring survivors forward and help design the model.

7 We came together, a number of survivors, and we went
8 through various workshops, we agreed the principles of
9 Future Pathways, we agreed -- we basically agreed the
10 model that is now running.

11 Q. So the model that was set up and is called Future
12 Pathways was the culmination of a process that did
13 involve participation by survivor groups and other
14 interested parties --

15 A. Yes.

16 Q. -- to get together and come up with principles and
17 a model that was thought to best serve the needs of
18 survivors and would provide, as you describe it, the
19 integrated service that you were seeking over some
20 period of time?

21 A. Yes.

22 Q. Is that the way you put it?

23 Just going back to the previous paragraph, 72, and
24 the bit about the concerns that were expressed about
25 seeing a professional counsellor, but also seeing that

1 counsellor may be providing advocacy services on top of
2 their therapeutic services, can you just explain to me
3 the difficulty with that situation?

4 A. I work in the NHS and I trained to level 3 to be
5 a counsellor because I thought it would help me deal
6 with some of the issues that were coming FBGA's way.
7 I spoke to people, professionals and psychiatrists and
8 psychologists and if you are a therapeutic counsellor,
9 you are trained to do that. You cannot become,
10 I suppose, the friend of the client. There has to be
11 professional boundaries obtained because what you are
12 doing is you are putting the client at harm or the
13 expectation of the client becomes mixed with what's
14 supposed to happen.

15 We just couldn't see -- what really should have
16 happened within the service is they should have had
17 therapeutic counsellors and have support people,
18 advocacy support and record support people separated out
19 or whatever. That was part of our main concern.

20 Q. Are you saying then that the same people who were
21 providing the service were doing all of these things?

22 A. Yes, that's my understanding.

23 Q. I follow the point you are making.

24 If I could move to another matter, what we called
25 the interaction process that we have heard some evidence

1 about from Helen yesterday and you have mentioned it
2 today. I think we know from your statement that you
3 have been involved in that process quite substantially
4 and you set out the nature of your involvement in your
5 statement.

6 Can I just be clear what exactly this process
7 involved. It might help me if I take it in
8 a chronology. If we start with the petition in 2002,
9 which was launched seeking an inquiry and looking for
10 other matters to be dealt with. There's the First
11 Minister's apology in December 2004. There's the
12 national strategy, which is called Survivor Scotland, in
13 its broad terms, which was launched in 2004/2005. That
14 involved setting up, as I understand it, a National
15 Reference Group as part of those arrangements.

16 Before all this had happened there had also been
17 something called a Scottish Parliament Cross-party Group
18 on Childhood Sexual Abuse. But that was a wider group
19 not just dealing with children in care; is that right?

20 A. Yes. I wasn't --

21 Q. I know you were not party, but is that your
22 understanding?

23 A. But, yes, there was a cross-party group.

24 Q. That is all happening at that stage and there are
25 various initiatives and we have heard how one of the

1 initiatives was the independent review by Tom Shaw that
2 was published in 2007 and the "Time to be Heard" process
3 you have told us about today.

4 My understanding is, and correct me if I'm wrong,
5 that at some point in the process, probably around about
6 the end of 2008 -- I can give you a reference if you
7 need it but I think it is enough to take it from you
8 that at this point in December 2008 there comes to be
9 involvement in this whole matter of the Scottish Human
10 Rights Commission because it became operational in
11 December 2008.

12 I will just give a reference -- I do not think we
13 need to go to it, but the reference is LIT.001.001.1232.
14 I think we see from that there's information about what
15 the commission is and when it was established and it is
16 an independent body and so forth.

17 Just following the matter through, my understanding
18 is that once the commission became established, it
19 developed what we have been told is called:

20 "A human rights based framework of recommendations
21 on how to design and develop a process of justice for
22 historical child abuse."

23 That framework was published in about February 2010.

24 A. Yes, that is right.

25 Q. I am sure we can find the documents if we needed to.

1 Once that framework was put in place by the Scottish
2 Human Rights Commission, there was also the formation of
3 what is called the Interaction Group to take the
4 framework proposals and recommendations forward; is that
5 right?

6 A. No, what happened was they decided to -- the framework
7 document happened and then they decided to have what
8 they call the interaction process and they brought over
9 a former chair of the Human Rights Commission from
10 Ireland. I can't recall her name but she was to be the
11 chair of what we would call the interaction process.

12 Then they brought all the parties together. But
13 what they did -- you know, they established a set of
14 principles of how it would work. There was -- you know,
15 they really established a really good process because it
16 brought all the protagonists into the room. There was
17 actually -- you know, everybody was treated with
18 respect.

19 Q. But did it involve the formation of a group called the
20 Interaction Group at some point that you became a member
21 of?

22 A. That is two years later.

23 Q. I see.

24 A. So this process went on for about 18 months and it was
25 a process of looking at all the elements, all the

1 elements within the interaction plan which I have
2 submitted as part of my testimony, it broke it all down.
3 Then what they did was that they had discussions with
4 ourselves and INCAS and all the other parties. Then
5 they took that part out to an open meeting and brought
6 in more survivors to discuss more of that.

7 Then at the final one the minister came.

8 Q. Maybe I can help you with the dates here. The framework
9 itself was in February 2010. I think you describe it
10 as:

11 "Thereafter for maybe 18 months to two years there
12 was a process of discussion or interaction [as the name
13 implies] between various interested parties to look at
14 the framework and how it would be taken forward.

15 "In due course, an interaction group was formed and
16 you and other parties were members of that group. That
17 culminated, I think, in an action plan that was produced
18 in February or so of 2014.

19 A. The process culminated in the action plan and then the
20 review group was set up to oversee the implementation of
21 the action plan.

22 Q. Of the plan?

23 A. Yes.

24 Q. I think what you were referring to, when the minister --

25 A. Mike Russell.

1 Q. -- I have seen somewhere, and I think we can find it if
2 necessary, on the history of interaction. It is the
3 final meeting of the interaction group which was held on
4 27 October 2014, which was attended by Mike Russell, and
5 the idea of that meeting was to establish what degree of
6 commitment the Scottish Government was giving to the
7 plan and the proposals and how they would be taking
8 forward and the timescales and the order of events and
9 so forth. Is that broadly speaking --

10 A. In broad terms that's it.

11 Q. Again, I'm not going to take you to the detail, we can
12 read it for ourselves, but I think the broad history of
13 what is called the interaction can be found in
14 a document that was produced by the commission in CELCIS
15 and it is at INQ.001.001.1322, which gives that history
16 I have described.

17 I don't think it is necessary for you and I to go
18 through that in depth but it is to give us the broad
19 idea of what was happening at the time.

20 I think, following that through, before the
21 preparation of what I called the interaction plan that
22 you said was in February 2014, I think you touched on
23 this, that that was preceded by a consultation exercise
24 and there were consultation responses which were
25 considered.

1 I think a summary of those responses -- again
2 I don't need to take you but I will put it in for the
3 record -- that were received as part of the consultation
4 exercise can be found at INQ.001.001.1392.

5 I will simply say this -- we can see it if one looks
6 at that document -- that approximately half of the
7 responses from survivors to that exercise at that stage
8 supported a public inquiry and, as it was put, other
9 responses called for further work on this.

10 That is the way it was left. As well as that,
11 before the plan was produced, there were what were
12 called open events for victims and survivors, including
13 an open event on 27th August 2014. Again I think that
14 if we look at the document I mentioned about the history
15 of the interaction, that's INQ.001.001.1322, those who
16 attended the open event on 27th August 2014 were at one
17 in supporting the call for a public inquiry.

18 A. There was a loud -- but there has been a loud voice for
19 years for a public inquiry.

20 Q. If we move forward. The plan was published in February
21 of 2014 as part of the interaction process. Then there
22 was what's called an interaction event which is held on
23 27th October 2014 in the Mitchell Library in Glasgow.

24 A report of that event was produced at
25 INQ.001.001.1389. I think one would see it.

1 Again, I don't think it is necessary for me and you
2 to go through that document in detail, but the whole
3 idea of the event was to get the parties together again,
4 discuss the plan and how it would be implemented, and to
5 produce a subplan of action to take the various outcomes
6 that were desired forward. Would that be fair?

7 A. I think --

8 Q. I think that was general --

9 A. I think it was really to get the government to buy into
10 what had been agreed.

11 Q. That may be putting it more neatly and succinctly, that
12 everybody had bought in, but you needed the government
13 to give its permission?

14 A. Yes.

15 Q. As I understand it from the report, as of 27th October
16 2004 -- and we are not far short of the First Minister's
17 apology in December of that year -- there was no
18 commitment at that meeting on behalf of Scottish
19 Government to the idea of holding a public inquiry but
20 there was a -- but Mike Russell, I think, made clear at
21 the meeting that it was something that hadn't been ruled
22 out. That I think was the way the matter was put at
23 that time; is that correct?

24 A. Yes I think that is correct. Then I think from
25 recollection, but I will just check this --

1 Q. Maybe I should take -- maybe we should just look at that
2 to be clear. If you look at INQ.001.001.1395, which is
3 the report of the interaction event.

4 If we could just put that page up so we are
5 absolutely clear about what was going on, if we look at
6 the public inquiry section, headed "Public Inquiry", do
7 we see there that the report records that:

8 "On the issue of public inquiry, Mr Russell made it
9 here that it had not been ruled out. He highlighted
10 that there have already been a number of investigations
11 and reviews which have had led to significant
12 improvements in the care sector. He is committed to
13 listening to both sides of the argument regarding the
14 need for an inquiry."

15 That's where matters stood --

16 A. Yes.

17 Q. -- then, although subsequently by 1st December --

18 A. It is quite quickly from what I recall.

19 Q. I am sorry, I have got the wrong date. On
20 17th December 2014 there was an announcement by -- not
21 from the First Minister but a cabinet minister that the
22 present Inquiry was to be held. Sorry I think
23 I confused you there.

24 A. It is okay.

25 Q. It was shortly before the formal announcement of the

1 present Inquiry was made on 17th December.

2 A. Yes.

3 Q. It was under consideration, but by 17th December 2014 --

4 A. It made a decision --

5 Q. -- there was a formal decision to announce the holding
6 of an inquiry; is that --

7 A. Yes.

8 Q. As I understand it you have just said that there is this
9 body that is -- is it the interaction --

10 A. Interaction and Implementation Review Group. We were
11 trying to come up with a simple name, but it was this --
12 I think the survivors on the group wanted to make sure
13 that people understood what this group was about.

14 Q. The essential purpose of that group is to see that the
15 actions that were envisaged by the plan and agreed to by
16 the parties would be implemented and the detail of that
17 would be hammered out and it would be overseeing the
18 process by this review group.

19 A. I would agree with that. The only thing other I would
20 add is where there were issues within some of the
21 processes that had been set up, survivors on the group
22 were able to bring those issues in and they could have
23 been discussed in a fuller way.

24 In a sense the group was there, I suppose, to try
25 and resolve any issues that may have arisen.

1 Q. Because the group that was set up did have a composition
2 that included both representatives of survivor groups
3 and other interested parties; is that correct?

4 A. It had the Scottish Human Rights, it had the Scottish
5 Government civil servants, it had -- the group was able
6 to invite people at certain times to explain -- for
7 instance we invited the chair of the NCF to just give us
8 an update on the process. A while highly ago
9 Police Scotland came. I'm trying to remember who else
10 came. At various points we have been able to invite
11 various people to it. The group is chaired by
12 Andrew Kendrick of CELCIS.

13 Q. Is he still the chair of that?

14 A. He is still the chair.

15 Q. The work of implementing the plan goes on then?

16 A. Yes.

17 Q. As we speak today?

18 A. Yes, obviously there is the redress issue, there is the
19 pre-1964 issue, there is a commemoration element within
20 the plan.

21 Q. I did say to you when I started today that there would
22 be some issues I would look at and they are not so much
23 about the process and how it evolved and FBGA; they are
24 probably of a more general nature but I would like you
25 to give us your evidence on these matters.

1 There are two issues I would like it take together
2 in a sense, but I would like you to elaborate on the
3 points you make about them. There is the issue of
4 trust, which is dealt with in your statement -- or maybe
5 mistrust might be a better description at times.
6 There's also what you consider to be equally important,
7 and you have touched on this in your evidence, about the
8 issue of fairness of process.

9 Are you able to help us with those two issues and
10 how you see these issues and what point you are making?

11 A. Yes. There's clearly a mistrust of the systems. There
12 is a mistrust of the establishment. There is a mistrust
13 of the professionals because of what's happened. This
14 is based on people's experiences. You have heard some
15 of my experience today and I'm someone who has been
16 through a court of law. So those experiences inform you
17 or come to you and how you think about things.

18 As I said before, people engaged in processes and
19 thought that was a closure part. There has been
20 a mistrust built up and I think -- I addressed this in
21 my testimony, you know, when a child is abused, the
22 trust of an adult is gone. I think it is possibly
23 unique to children who have been abused. I'm not
24 qualified to really go into all of it, but what I can
25 say is that when people go into processes and we are

1 told certain things and we buy into those things and
2 something happens to, I suppose, impact upon --
3 something happens and there is an impact on trust, it
4 just makes people untrusting of the process or of the
5 whatever.

6 I just think survivors have been let down so much
7 over many, many years that the trust is gone in many of
8 them. You know we tried to engage in a constructive way
9 for many, many years and we have tried to reassure
10 survivors that these processes are for them, but you
11 will get survivors who will still not engage because of
12 that trust issue.

13 Helen slightly hit on it yesterday in relation to
14 Future Pathways. Now Future Pathways in a very short
15 period of time have seen hundreds of people and I know
16 that many people from Quarriers, because people feed
17 back to us, are getting very good experiences, they are
18 getting educational issues that weren't addressed when
19 they were children and stuff like that.

20 But Helen mentioned about where people think if they
21 go into that process they are going to be penalised
22 later on. That's clearly not the case because FBGA --
23 we were very clear and we had this confirmed by
24 government, that is not a redress process. We have had
25 it confirmed by government and it is not.

1 But those sort of mistrusts of systems are probably
2 unique but I think it goes back to the original abuse of
3 the child. I think it goes back to when you sort of try
4 to report it originally as a child and you weren't
5 believed, what happened to you, what happened to maybe
6 your sibling. So there is a general ...

7 You know, some people don't trust the Inquiry.
8 I think that's a shame in some respects but I can
9 understand it, but we want to encourage everybody -- we
10 have highlighted this Inquiry, we have put it on our
11 front page, we have put information on this Inquiry, we
12 want people to make that decision for themselves, not
13 FBGA make these decisions, we don't (sic) believe it
14 should be for the individual to make the decision;
15 that's why we highlight the processes as we see it.

16 But if something -- "Time to be Heard" is another
17 thing. People went through Sacro and wanted apologies,
18 wanted other things. It never happened. So there is
19 a mistrust. I don't understand why the government set
20 up a pilot process for the most vulnerable people in
21 society and test a process using those people.

22 You know people talk about re-traumatisation and
23 I have heard the professionals connected to "Time to be
24 Heard" and the people who undertook "Time to be Heard"
25 who have said, "Well, we have done this for

1 re-traumatisation, we have done that, it is not
2 an issue". With all due respect to everybody, including
3 people who will be in this Inquiry, we will leave this
4 room and we will have to deal with the issue. We have
5 to have counselling outside. We have to have those
6 support mechanisms and it is far, far better than it
7 ever was.

8 Just by me engaging in the Inquiry has raised my
9 anxiety, has made me have to re-visit things. So that
10 happens to people. What's happened to us in relation to
11 what Quarriers did, the actions, the programme, the
12 other things, why would I want to trust anybody? Why
13 would I want to trust a system that's abused me as
14 an adult?

15 Q. David, you said you support the work of the Inquiry and
16 you want it to achieve -- and you hope it will
17 achieve -- the aims you set out and perhaps bring
18 closure to people.

19 You have dealt very fully and eloquently with the
20 issue of trust, and the other issue was the issue of
21 fairness. Can you explain FBGA's stance on fairness?
22 It is something you make a point of in your statement.
23 I would like you to explain how you see the issue of
24 fairness because there are a number of interested
25 parties in an independent inquiry and I think you

1 recognise that.

2 A. We from day one have always called for a fair process
3 for all that comes into this Inquiry and I recognise
4 that people find that difficult.

5 If you don't have a fair and robust and credible
6 process, it damages people who have no involvement in
7 the abuse, it damages people who are genuine victims.
8 You just have to look at the that were issues raised in
9 the Kaufman report. So it is about the process.

10 Fairness -- while people are making serious
11 allegations, everybody -- it is in their human rights,
12 they are entitled to a fair hearing of that process,
13 whatever process, whether that be in a court of law,
14 just as my abuser was given a fair hearing, just as
15 I was given a fair opportunity to say my thing.

16 I wouldn't want anything less for anyone else, but
17 FBGA have come out and said, we think if the process is
18 fair, it is robust, it is credible, if it scrutinises
19 the testimonies, that we think that's appropriate. We
20 don't think that's -- this abuse happened and it
21 happened on an enormous scale and we have seen that just
22 through the initial part of this Inquiry.

23 But the organisations and others are entitled to
24 have a fair hearing of why. We want to understand why
25 that was possible, why the cultures allowed that, what

1 are the systemic failures of what happened.

2 When this Inquiry is finished, Mr Peoples, it will
3 be us that will be defending the Inquiry. I have seen
4 it in so many processes. It is us that will be -- if
5 something happens in this Inquiry that impacts on this
6 Inquiry that impacts on the honesty and integrity of
7 myself, on FBGA, it won't be the Inquiry that will be
8 defending that, you know? There are groups out there
9 who would wish to still undermine us. There are
10 individuals out there who wish to discredit us and
11 undermine us, but it will be us who will ultimately
12 defend this process.

13 If this process is robust, fair and credible, then
14 we will be able to do that.

15 Q. Thank you.

16 That is all the evidence I want to take from you but
17 can I give you the opportunity, if there's anything you
18 would want to add? I think you have said probably quite
19 a lot that you -- but if there's anything else that you
20 would like to add before we close today, is there
21 anything you wish to say?

22 A. Clearly there are a number of other issues in my
23 testimony and I would like at some point to have that
24 opportunity to address those in some shape or form with
25 the Inquiry.

1 Q. I think you can take it from me that we will see you
2 again and of course you do know that we have already
3 announced that we will have a case study and clearly
4 there are matters we have touched upon that you would be
5 obviously, I would imagine, be wanting to speak about
6 and deal with and so we can perhaps pick up any
7 additional points. But I think the purpose of today was
8 to get the main points. I thank you very much for your
9 evidence today.

10 A. The last I think I would like to say is I would like to
11 encourage anybody and everybody, but I would also like
12 to encourage former employees who were in Quarriers.
13 I would like to encourage them to come and assist this
14 Inquiry and give this Inquiry an understanding of the
15 organisation. But most of all I would encourage anyone
16 who feels they were harmed in these institutions -- and
17 not just Quarriers -- to come and tell their experience
18 to this Inquiry. It is for the Inquiry to determine the
19 issue; it is not for anyone else.

20 MR PEOPLES: Thank you.

21 LADY SMITH: Thank you for that.

22 Do I take it you haven't had any written questions?

23 MR PEOPLES: I have not had any written questions and I'm
24 not sure if anything arises out of the matters I have
25 raised this morning but clearly this would be the

1 opportunity, I suppose.

2 LADY SMITH: Could I check whether there are any outstanding
3 applications to ask questions of this witness? I'm
4 seeing shaking heads all round.

5 There are no further questions for you today, but as
6 you have already indicated you understand, Mr Whelan, we
7 will be delighted to see you back at a later stage in
8 the hearings. Thank you. I'm able to let you go now.

9 (The witness withdrew)

10 We will adjourn now until tomorrow when we will sit
11 again to hear the evidence of Mr Chris Daly, I think,
12 tomorrow.

13 MR PEOPLES: Yes, that is correct my Lady.

14 LADY SMITH: Thank you.

15 (12.45 pm)

16 (The Inquiry adjourned until 10.00 am
17 on Thursday, 6th July 2017)

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