

Scottish Child Abuse Inquiry

Case Study no. 1

The provision of residential care for children in Scotland by **the Daughters of Charity of St Vincent de Paul** between 1917 and 1981, with a particular focus on Smyllum Park Orphanage, Lanark, and Bellevue Children's Home, Rutherglen

Evidential Hearings: 28 November 2017 to 30 January 2018



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Preface

The Scottish Child Abuse Inquiry (“SCAI”)

SCAI’s Terms of Reference (“ToR”) require it to “investigate the nature and extent of abuse of children in care in Scotland” during the period from within living memory to 17 December 2014 and to create a national public record and commentary on abuse of children in care in Scotland during that period.

The requirement is to investigate sexual, physical, psychological and emotional abuse and, at the Chair’s discretion, other types of abuse including unacceptable practices (such as deprivation of contact with siblings) and neglect. There is also a requirement to make findings about the impact of abuse.

SCAI is also to consider the extent to which any form of abuse arose from failures in duty by those with responsibility for the protection of children in care. In particular, SCAI is required to consider whether any abuse arose from systemic failures and the extent to which any such failures have been addressed. It is to make findings and recommendations for the effective protection of children in care now and in the future.

A copy of SCAI’s ToR is at Appendix A.

An “applicant” is the term SCAI uses for a person who tells SCAI that he/she was abused in circumstances which fall within the ToR.

Public hearings

In common with other public inquiries, the work of SCAI includes public hearings which take place after detailed investigations, research, analysis and preparation has been completed by SCAI counsel and SCAI staff. That stage can take a long time. The public hearings of SCAI include – importantly – the taking of oral evidence from individuals about their experiences as children in care and the reading of a selection of evidence from some of their written statements. The evidence includes accounts of the impact of their having been abused as children in care. During and following the evidential hearings into case studies, applicants and other witnesses may come forward with further relevant evidence and such evidence will be taken into account by SCAI.

SCAI is aware that children were abused in a substantial number of institutions in Scotland and were the subjects of migration programmes which involved an outcome of abuse. It is not realistic to present every institution and instance of abuse at a public hearing; were SCAI to do so, an Inquiry which will of necessity in any event be lengthy would be unduly prolonged. Accordingly, with the assistance of SCAI counsel, I will continue to identify particular institutions and matters that are representative of the issues being explored by SCAI and thus appropriate for presentation at a public hearing in “case studies.”

Private sessions

Applicants and other witnesses can tell members of the SCAI team about their experiences as children in care and any other relevant evidence at a “private session.” They are supported throughout the process by SCAI’s witness support team. After the private session, a statement is prepared covering those matters spoken about which are relevant to the ToR. The applicant or other witness is asked to check the statement carefully and to sign it if they are satisfied that it accurately records their evidence, but only if, and when they feel ready to do so.

This case study

The scope and purpose of this case study was to consider evidence about:

- The nature and extent of any relevant abuse at institutions run by the Daughters of Charity of St Vincent de Paul (the “Order”) in Scotland, with a particular focus on Smyllum and Bellevue,
- Any systems, policies and procedures of these institutions and their application and effectiveness, and
- Any related matters.



Smyllum, Lanark

Numbers

The applicants who have provided evidence to SCAI in relation to their time in Smyllum and Bellevue do not represent every person who has made a complaint over the years relating to their experiences in those establishments. It must also be appreciated that many applicants to SCAI have described not only what happened to them but also the treatment they witnessed being afforded to other children. The table at Appendix B sets out, in relation to Smyllum and Bellevue, the number of children who were cared for by the Order at these establishments, the number of complaints of alleged abuse received by the Order, the number of civil actions raised against the Order and the number of relevant SCAI applicants to the date set out in Appendix B.

Applicants and other witnesses have come forward to SCAI with relevant evidence, both during and following the evidential hearings in the case study. That further evidence is not dealt with in these findings but will be considered by SCAI as part of a continuing process.

The Order's contribution

The Order made a significant contribution to childcare in Scotland over many decades. Approximately 20,000 children were accommodated by the Order in Scotland between 1864 and 1999.¹ 11,601 children were accommodated in Smyllum from its opening in 1864 to its closure in 1981.² Archival evidence from 1943 discloses that 6,585 children had been admitted to Bellevue since its opening in 1912. There is no updated figure available for the period between 1943 and Bellevue's closure in 1961.³

1 See Part A response to section 21 notice in relation to Smyllum: DSV.001.001.0001 at 0022.

2 See Part A response to section 21 notice in relation to Smyllum: DSV.001.001.0001 at 0024.

3 See Part A response to section 21 notice in relation to Bellevue: DSV.001.001.0048 at 0066.

Summary

Children were abused while in the care of the Daughters of Charity of St Vincent de Paul in Scotland.

- For many children who were in Smyllum and Bellevue, the homes were places of fear, coercive control, threat, excessive discipline and emotional, physical and sexual abuse, where they found no love, no compassion, no dignity and no comfort.
- Children were physically abused. They were hit with and without implements, either in an excess of punishment or for reasons which the child could not fathom. The implements used included leather straps, the "Lochgelly Tawse," hairbrushes, sticks, footwear, rosary beads, wooden crucifixes and a dog's lead.
- For some children, being hit was a normal aspect of daily life.
- The physical punishments meted out to children went beyond what was acceptable at the time whether as punishment in schools or in the home.
- Runaways were beaten on their return; there was no recognition that the likely reason was that the child was unhappy and/or upset. The Sisters' responses showed no comfort, understanding or reassurance.
- Children who were bed-wetters were abused physically and emotionally. They were beaten, put in cold baths and humiliated in ways that included "wearing" their wet sheets and being subjected to hurtful name-calling by Sisters and by other children who were encouraged by Sisters to do so.
- Many children were force-fed. Methods included grabbing children by the backs of their heads and holding their noses so as to force them to open their mouths. Food continued to be forced into their mouths even when they were vomiting it back.
- Children had to do chores to an extent that was abusive including heavy, unduly burdensome work that was not age-appropriate.
- Children were used as unpaid labour in circumstances where there were not enough staff and insufficient funds to employ an adequate number of staff.
- Many children experienced bathing practices that were abusive; they included a lack of appropriate privacy, queuing in a state of undress and shared bathwater that was too hot or cold and dirty.
- Children were abused emotionally in different ways. They were frequently humiliated, controlled and insulted, made to feel worthless, denigrated and subjected to punishments which were unjustified. That emotional abuse is likely to have been exacerbated by the unavailability of family support in circumstances where siblings were routinely separated, where children were told that they did not have family any more and where there was no evidence of family visits being actively encouraged (on the contrary, some family visitors were sent away). Nor was there a reliable system for marking children's birthdays; some children didn't know when their birthday was.

- Information on the backgrounds of the children was not given to those responsible for delivering their daily care. Accordingly, appropriate emotional support to take account of particular prior trauma could not be and was not provided.
- Children were abused for being left handed by being called names and being forced to use their right hands instead.
- Children were abused for being Protestants by being called names and treated as being of lesser importance.
- One child was told the Jewishness would be knocked out of him whilst he was being beaten.
- High-achieving children were not praised and encouraged; they were denigrated.
- Children were sexually abused in Smyllum and at St Vincent's in Newcastle, a home run by the Order on behalf of the Diocese of Hexham and Newcastle, to which a Smyllum family was transferred. Children were sexually abused by priests, a trainee priest, Sisters, members of staff and a volunteer. There was also problematic sexual behaviour by other children.
- Charlie Forsyth, a former Smyllum resident who went on to work in the home, physically and emotionally abused children. He did not abuse all the children with whom he came into contact. Some children received favourable treatment from him and some have very positive memories of him. Others did not; they experienced violent, angry beatings and were called demeaning names by him. He had complete autonomy.
- Samuel Carr, a child in Smyllum, died aged six years as a result of contracting a severe and vicious *E. coli* infection after contact with a rat. He was malnourished despite having been in Smyllum for a significant time. He had received a severe beating from a Sister not long before his death.
- Francis McColl, a child in Smyllum, died aged 13 years after an accident in which he was hit by a golf club when it was being swung. He had a significant hearing deficit, as was known to the Sisters, and, if any warning to stand back was given, it is likely that he did not hear it. The activity in which children were involved at the time was poorly supervised.
- Patricia Meenan, a child in Smyllum, died aged 12 years as a result of being hit by a car when she was running away from Smyllum to go back to Glasgow.
- David Carberry, a child in Smyllum, died aged almost four years. His cause of death is recorded on his death certificate as bronchopneumonia.
- Burial records show that, between 1900 and 1981, there were 16 under-18 year olds who were recorded as having been residents at Smyllum buried in the "Smyllum Plot" within the cemetery of St Mary's Parish Church, Lanark. There is no record of the individual lairs and there are no headstones to mark them. Various Sisters and Charlie Forsyth are also buried in the St Mary's Cemetery. Their graves are marked and have headstones with inscriptions.

- Deceased children recorded in death registers under reference to Smyllum would not necessarily have been buried in St Mary's Cemetery. For example, Patricia Meenan was buried in Glasgow.
- Although burials were officially recorded during the period 1900 to 1981, it was not uncommon for there to be no marker or headstone; cost was often an issue. There is now, at the cemetery, a memorial stone for Smyllum children, erected by the Order in response to a campaign by In Care Abuse Survivors (INCAS). It does not bear the names of individual children.
- Where applicants waived anonymity, I have normally used their real names. Otherwise, in accordance with my restriction order, they are referred to by their chosen pseudonyms.
- I have decided, meantime, to preserve the anonymity of living persons against whom findings of abuse have been established.

Dave Fin

10th October 2018

1

Introduction

At the close of the case study, I undertook to publish my findings as soon as was practicable. Whilst these findings will, in due course, be taken into account when I analyse systemic failures and decide what recommendations I should make, I am not, at this stage, making any recommendations; it is too soon to do so.

The findings that I am able to make on the evidence presented are set out in this document. I am doing so to make applicants, witnesses and members of the public aware as soon as possible of whether I am satisfied that children were abused while in the care of the Order and, if so, of the nature and extent of that abuse.

Children were abused while in the care of the Daughters of Charity of St Vincent de Paul in Scotland.

I accept that, in some cases, the abuse occurred because the abuser had learnt the abusive practice from, for example, an older Sister within the Order. In such a case, the abuser may not, at the time, have appreciated that she was perpetrating abusive practices. In some cases, it may also have been possible to find similar practices occurring in Scotland outwith residential care and being tolerated by society. These considerations do not, however, in my view, determine whether or not the practices amounted to child abuse. An established, tolerated practice may, on a proper assessment, have been abusive to children and it is the duty of SCAI, given its ToR, to

make findings of abuse where that is the case. Further, the Sisters who gave evidence accepted that, if the practices described in the evidence happened, they would have been abusive by the standards of the time.

In these findings, reference is made to some parts of the evidence of individual witnesses where I have found them to be particularly illustrative of the main aspects of what was happening. They are, however, a limited selection. The fact that a particular piece of evidence is not specifically referred to or discussed does not mean that it has not been accepted or that it has not helped to build the overall picture of the substance of the experiences of many children in the care of the Order over the period of investigation.

In making these findings, I have applied the standard of proof explained in my decision of 30 January 2018 namely that: "... when determining what facts have been established in the course of this Inquiry, it is appropriate that I do so by reference to the civil standard of proof, namely balance of probabilities. I will not, however, consider myself constrained from making findings about, for example, what may possibly have happened or about the strength of particular evidence, where I consider it would be helpful to do so." For the avoidance of doubt, I have not applied the criminal standard of proof in making these findings. The criminal standard of proof is a higher standard of proof, namely beyond reasonable doubt.

The period covered in evidence ranged from about 1917⁴ to 1981.⁵ All oral evidence was given on oath or under affirmation. Where the evidence relied on is drawn from a written statement, the statement has been signed by the witness after having been reviewed by them and they having confirmed it as a true account.

SCAI appreciates how challenging it will have been for all witnesses – applicants, Sisters, members of staff and other witnesses alike – to provide evidence to SCAI and is grateful to them for their assistance and for the dignity with which they invariably did so.

4 See “Mary”’s evidence about her mother’s experiences as a child in Smyllum between about 1917 and 1928: transcript, day 37, at TRN.001.002.3543.

5 See the evidence of “Jack”, the last boy to leave Smyllum: transcript, day 36, at TRN.001.002.3314 and TRN.001.002.3320.

2 The Daughters of Charity of St Vincent de Paul

St Vincent de Paul, together with St Louise de Marillac, founded the Daughters of Charity in 1633 for the direct service of the poor. The Order states that the provision of residential care in Scotland reflected the organisation's purpose, operations and activities which were being undertaken in its other establishments throughout the world. During the nineteenth century, one of the Order's Sisters, Sister Teresa Farrell, is said to have been aware of the large number of Catholic children throughout Scotland for whom circumstances had rendered homeless and, often, orphans.⁶ The Order ran six residential establishments for children in Scotland: Smyllum Park School in Lanark (from 1864 to 1981), Children's Refuge, Whitehill Street, Glasgow (from 1887 to 1912), St Vincent's, Roseangle, Dundee (from 1905 to 1974), St Vincent's School, Tollcross, Glasgow (from 1911 to 1986), Bellevue House in Rutherglen (from 1912 to 1961) and St Joseph's Hospital in Rosewell (from 1924 to 1999).

As an organisation, the Daughters of Charity of St Vincent de Paul, being an Order, was autonomous and not subject to the Scottish Roman Catholic Hierarchy. Sister Eileen Glancy, the Safeguarding Representative of the Order, explained that the Order "... are a Society of Apostolic Life and as such, and as the Daughters of Charity, we come under the authority of the Congregation of the Mission's Superior General. That is - the Vincentian priests." Sister Eileen stated that the superior general is their line of authority, above their Superioress General "... so we do not come under the bishops as such." Sister Eileen went on to say that, when the Order want to open a house in a diocese, they would "out of courtesy" inform the bishop that they were coming but did not need his permission to do so.⁷

⁶ See Part A response to section 21 notice in relation to Smyllum: DSV.001.001.0001 at 0003.

⁷ Transcript, day 8: Sister Eileen Glancy, at TRN.001.001.4026-4027.

3

The nature and extent of abuse

Introduction

In their Annual Report dated 31 December 2015, the trustees of the Daughters of Charity of St Vincent de Paul Charitable Trust state: "The service or works of the Sisters of the Congregation are undertaken in the spirit of their founders, St Vincent de Paul and St Louise de Marillac who, in seventeenth-century France, instilled into the first members of the Congregation the values of compassion, respect, love, forgiveness, justice and dignity."

In formulating the mission of the Order, St Vincent de Paul is said to have taken to heart the words of the Gospel of St Matthew at Chapter 25, verse 40: "Whatever you did not do for the least of these, you did not do for me."

Jesus' teaching about the fundamental importance of children is also relevant. For example, he told his disciples: "... whoever welcomes one such child in my name welcomes me." (Matthew Ch 18, verse 5), and "Let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these." (Matthew Ch 19, verse 13 -14).

Evidence

To children, "home" should mean a safe place where they know they will find unconditional loving care provided by adults they can trust; a place they will find light whenever life outside has grown dark; a place which does not fill them with fear; a place where they will not suffer abuse. The provision, by the Order, of homes for

the residential care of children in a way which routinely and consistently met that description would have been in keeping with their mission and with Christ's teaching. Sadly, I have, in the light of the evidence, concluded that that did not happen.

I find that children were abused in both Bellevue and Smyllum, the two institutions that were the main focus of the case study. The abuse which took place was physical, emotional and sexual. In particular, children were beaten, they were humiliated, they were punished for bed-wetting, they were forced, they were subjected to abusive washing and bathing routines, some were sexually abused and they were subjected to a range of treatments amounting to emotional abuse.

The children were effectively isolated, particularly in Smyllum, which was in the Lanarkshire countryside, many miles away from most of their family homes. It was over 30 miles away from Glasgow. It was bound to have been difficult for family members to visit there and although some of the Sisters said they made visitors welcome, there was no evidence of any active efforts being made to facilitate contact between the children and their families. Although a few of the applicants remembered some visits from "the welfare" or social workers, neither they nor the Sisters who gave evidence remembered regular inspections taking place. In any event, it seems very unlikely that a child would have been able to speak to a social worker or inspector confidentially, in private.

James Murray Haddow's evidence

James Murray Haddow, who is now very elderly, was unable to attend to give oral evidence but he provided an illuminating statement. He began working as a child care officer in 1950 and was based in Greenock between 1971 and 1974. In relation to visiting a child in Smyllum, he explained:

"I had to make an appointment for the visit; this was always the case for any Roman Catholic establishment. You couldn't just turn up; it had to be by arrangement."⁸ He said that "... all the Catholic establishments had the same reputation. They felt that you were intruding. It was their job and they didn't want you interfering."⁹

As for the visit that ensued, he stated:

"... it was a large daunting building. I was met at the door by a nun. The nun didn't introduce herself to me. There was very little conversation. I was taken to a large room like their assembly hall. There were two chairs in the middle of the room, I sat on one of the chairs and the nun left.

The nun returned with this poor girl. I felt sorry for her as it must have been so bewildering for her not knowing why I was there to meet her. The girl sat beside me in the other chair ... The nun took up a position on a chair within hearing distance of us. This caused me a lot of alarm that a child should be in this setting where the staff took that sort of attitude with the children in their care."¹⁰

The picture painted by Mr Haddow fits with accounts that were given by a number of applicants who spoke of not being able to be alone with visitors¹¹ and knowing they would be in trouble if they talked to an outsider about the treatment they were receiving in Smyllum.

Collusion?

My findings in relation to each of these abusive practices arise from evidence given by applicants from different generations of Smyllum and Bellevue residents, many of whom did not overlap, and whose subsequent lives have taken them in quite different directions. I don't believe that there has been any collusion between them - not that that was ever suggested to them in evidence. It is, in any event, of some note that, as I explain below, some significant aspects of their evidence were supported by what was said by Sisters and by witnesses who gave some very positive evidence about their time in care.

The Order's position

The Order has not admitted that children were abused whilst in their care although Sister Ellen Flynn, the Provincial of the Order in the UK, did indicate that it was now accepted that there was more than a possibility that some abuse had occurred.¹² That represents some progress from the position adopted in the 1990s as illustrated by the evidence of an applicant, Sister

8 Transcript, day 37: written statement of James Murray Haddow, at TRN.001.002.3571.

9 Transcript, day 37: written statement of James Murray Haddow, at TRN.001.002.3572.

10 Transcript, day 37: written statement of James Murray Haddow, at TRN.001.002.3571-3572.

11 See, for example, the statement of "Alison," where she explains: "You were never on your own with any visitors, even with your own parents. The Sisters were always hanging about." (Transcript, day 30: written statement of "Alison," at TRN.001.002.0949), or the evidence of "Dexter" that "the nuns deliberately made it difficult for any parent to attend. It was always on a Sunday and they had to conform to certain rules ... So there was always a nun on duty with a subordinate. She oversaw the whole thing." His perception was that the "idea was to discourage visitations because the less family interference there was in the running of the orphanage, the organisational convenience of the orphanage, the better for them." (Transcript, day 26: "Dexter," at TRN.001.002.0297-0298.)

12 Transcript, day 44: Sister Ellen Flynn, at TRN.001.002.4804 and 4870.

“Louise,” who was in Bellevue and Smyllum as a child and later became a Sister herself. When she was at a conference in Mill Hill in London, in the 1990s, a Sister from the Order who recognised her tried to pressurise her into saying that the allegations of past abuse that were being made were not true.¹³ Her response was to tell that Sister that the Order needed to listen to what was being said, explaining that she herself had also been abused.

It was accepted on behalf of the Order that many of the practices spoken about by applicants, including responses to bed-wetting, force-feeding, certain washing practices and beatings would, if they happened, constitute abuse. In relation to the evidence given by applicants about humiliation for bed-wetting, for example, Sister Ellen Flynn, stated that, if children were humiliated for wetting the bed, “... that would be completely against our values and we would consider it wrong and we would consider it a form of abuse.”¹⁴ She “absolutely” accepted that force-feeding would be a form of abuse and that beatings using implements would be abusive.¹⁵

3.1 General descriptions

A number of applicants who spoke about having been abused when in care at Smyllum or Bellevue wanted to make it clear that not all of the Sisters and staff they encountered were bad. Some were good, kind people and they were grateful for that. Some of their experiences were positive ones.¹⁶ There were two witnesses who only spoke of having had positive experiences¹⁷ and they were complimentary about the care they had received. I find that some Sisters did provide good, non-abusive, care; it does seem that it was possible to do so. However, many applicants included an overall description of their time in the care of the Order in their evidence in a way which presented a clear picture of these “homes” as being a far cry from what “home” should reliably have meant to every child. These applicants were not, in my assessment, seeking justice in terms of vengeance. Rather, they provided honest descriptions of their personal experiences, including:

“They were not all cruel ... but the ones that were did it to every one of us and they enjoyed it.” (“Chief”)¹⁸

13 Transcript, day 28: Sister “Louise,” at TRN.001.002.0625-0626.

14 Transcript, day 44: Sister Ellen Flynn, at TRN.001.002.4869.

15 Transcript, day 44: Sister Ellen Flynn, at TRN.001.002.4872.

16 For example, William Connelly said: “... I know my statement looks all negative and I have actually tried and tried to think about some nice things that I could say and there is only two ... The one time I went to camp - I went to camp in Aberfoyle for a fortnight and it wasn't Smyllum staff that was looking after me. I think that's where I got my love of walking. I saw a golden eagle up on the hills, it was fantastic, so that was good. Then there was a time that I was given £1 for my work I had done from picking potatoes and I was allowed, with an older boy, to go to Lanark to spend £1. So that is two things.” (Transcript, day 27: William Connelly, at TRN.001.002.0418-0419.) “David” volunteered, in relation to a particular Sister who he said had abused him “... it is weird I still - I kind of have good memories of her and all ...” (Transcript, day 25: “David,” at TRN.001.002.0052.) “Victor” said: “I didn't find, you know, that 100 per cent of the time it was bad. There was some kindness. I particularly found that the young nuns - the people who didn't have the big flowing - maybe they were trainees. They were always very kind, very pleasant.” (Transcript, day 35: “Victor,” at TRN.001.002.3152.) A number of applicants said that the Sister who worked in the kitchen was kind to them, that “she was quite a nice Sister, that one” (Transcript, day 26: “John,” at TRN.001.002.0196) or that “... she was a brilliant big lady. She knew about the beatings, but she used to say to me ... ‘Kane, come in here! Hide in there, the boys are getting drill’ ... you could hear them getting drill because you could hear them crying with the clicker and the stick.” (Transcript, day 25: written statement of Jim Kane, at TRN.001.002.0161.)

17 See the evidence of “Patrick” (Transcript, day 38, at TRN.001.002.3577-3624) and “Rondo” (Transcript, day 38, at TRN.001.002.3632-3708).

18 Transcript, day 26: “Chief,” at TRN.001.002.0274.

“ We were just a herd of children that had to be controlled, disciplined and beaten. ”

“I didn’t know what love was ... There was no affection in Smyllum.” (“Frank”)¹⁹

There was “No love or compassion.” (“John”)²⁰

“It was an absolutely unforgiving, unwelcome, threatening environment.” (“Steaphain”)²¹

Bellevue was described as a place of “fear” (Sister “Louise”),²² a place where “the only way they could do it was by ruling by fear” (“Michael”)²³ and where children were “just ... an inconvenience” (“Jean”)²⁴ but “Bellevue was a paradise in comparison to Smyllum.” (“Frank”)²⁵

In Smyllum, they “just thought we were there to be minded ... to use a Scotticism. We had no sense that it was with love and care and affection or being listened to or that you were an individual. We were just a herd of children that had to be controlled, disciplined and beaten when not doing - whatever their template was for children’s behaviour.” (Sister “Louise”)²⁶

“The homes were run as businesses and that’s all you were to them.” (“Jimmy”)²⁷

“There was never any happiness with the nuns ...” (“Margaret”)²⁸

It was a “coercive controlling environment” where “we were inmates. It was a dehumanising place. We had no dignity, the staff didn’t treat us as humans never mind children ... Our feelings, our development, none of these things were of any importance ... you were just warehoused.” (“Gerry”)²⁹

It was a “terrible, grim place.” (The father of “Jemima”)³⁰

This was compelling and, I find, honest evidence, emanating from individual applicants who were at Smyllum and Bellevue at different times, were resident in different units within Smyllum and were not connected with each other. The evidence of Sister “Julia” that she regrets that they were not “more attentive to the needs of the psychological, the emotional needs of the children”³¹ lends support to it. So does the

19 Transcript, day 27: written statement of “Frank,” at TRN.001.002.0509.

20 Transcript, day 27: “John,” at TRN.001.002.0396.

21 Transcript, day 31: “Steaphain,” at TRN.001.002.1171.

22 Transcript, day 28: Sister “Louise,” at TRN.001.002.0609.

23 Transcript, day 28: “Michael,” at TRN.001.002.0663.

24 Transcript, day 28: written statement of “Jean,” at TRN.001.002.0582.

25 Transcript, day 27: written statement of “Frank,” at TRN.001.002.0493.

26 Transcript, day 28: Sister “Louise,” at TRN.001.002.0622.

27 Written statement of “Jimmy,” paragraph 106, at WIT.001.001.0630.

28 Transcript, day 35: written statement of “Margaret,” at TRN.001.002.3234.

29 Transcript, day 36: “Gerry,” at TRN.001.002.3261 and 3267.

30 Transcript, day 37: “Jemima,” at TRN.001.002.3558.

31 Transcript, day 41: Sister “Julia,” at TRN.001.002.4136.

statement of “Margot” who, when aged 17 years, worked as a care assistant at Smyllum for a year (in 1965-66) and said: “My overall memory of Smyllum is of this dark period in my life.”³²

I have had regard to the evidence given by some of the Sisters who worked at Smyllum to the effect that it was a “very happy place” (Sister “Josephine”)³³ and a “happy kind of carefree house where children were cared for, loved and looked after.” (Sister “Mary”)³⁴ That may be their perception, or their hope, but I cannot accept that it displaces the powerful evidence that, for many children, that was a far cry from what they experienced.

3.2 Physical abuse

General

There was a wealth of evidence that, throughout the period covered in evidence, children of all ages suffered physical abuse; being hit with and without implements, either for reasons which the child could not fathom or in an excess of punishment, was the norm for many. Applicants explained that the implements used included leather straps, the “Lochgelly Tawse,” hairbrushes, sticks, footwear, rosary beads, wooden crucifixes and a dog’s lead. Some also spoke of their mouths having been washed out with carbolic soap as a punishment for using bad language.³⁵ I find that physical abuse of all these types occurred.

The names of a number of Sisters were mentioned as having been regular assailants, as was Charlie Forsyth, who worked mainly

in the grounds. Members of staff were also involved. Applicants could not, however, always recall the names of those who hit them but, nonetheless, many gave clear and convincing accounts of what happened to them.

I find that the incidents and experiences of physical abuse described by witnesses in the extracts below took place; they exemplify what happened to many children.

Lack of training and lack of knowledge of children’s background circumstances

Some of the accounts were of the perpetrators of the violence having lost their temper and the beatings being carried out in a rage. There seems no doubt that these women would have been under pressure. The vast majority of the Sisters were young, inexperienced and had had no prior training in child care. There was no evidence that the lay staff had any such training either. Nor were they given any proper account of the children’s background circumstances, particularly of what traumatic events had caused them to be placed in care. Such knowledge would have been bound to help them understand the children better, particularly to understand the behaviour and needs of the individual child; a number of the Sisters who gave evidence accepted that. For example, Sister “Nora,” when asked whether she was given any information about the children’s backgrounds, said “Absolutely none”³⁶ and explained that it was only after attending a child care course in London, after she left Smyllum in 1961, that

32 Transcript, day 38: written statement of “Margot,” at TRN.001.002.3713.

33 Transcript, day 41: Sister “Josephine,” at TRN.001.002.4186.

34 Transcript, day 40: Sister “Mary,” at TRN.001.002.4591.

35 See, for example, transcript, day 36: “Jack,” at TRN.001.002.3344.

36 Transcript, day 39: Sister “Nora,” at TRN.001.002.3867-3868.

she understood how valuable it would have been. Subsequently, when working in other organisations, she would get all of a child's details before admitting them to care and it helped "tremendously."³⁷ She added: "It was so important to have details."³⁸ Some of the Sisters, including Sister "Nora" and Sister "Carol," tried to find out but, as Sister "Carol" said, "... we just weren't told ... That's the way things worked ..."³⁹

Understaffing and overcrowding

There was also a consistent body of evidence to the effect that there were not enough adults to look after the large groups of children. For example, William Connelly, who was admitted to Smyllum in 1958, referred to times when there were staff shortages. Sister "Mary," who worked at Smyllum between 1960 and 1963, and between 1964 and 1971, said that she regretted having had so many children to look after "... because later on, during my time in childcare in different places, the number of children in my house would be much smaller and I feel that we could have done a lot more for the children."⁴⁰ "Mary Ann" worked at Smyllum as a house mother between 1966 and 1968 and explained that, after she had taken her vows in 1974 and had done the one year child care course at Langside College, said to God, "I will go anywhere, even Smyllum." The reason she felt so negative about Smyllum was the large groups - "it was quite hard with the numbers."⁴¹ She felt she would not, given the size of the groups, be able

to put into practice what she had learnt at Langside. Even Sister "Josephine," who was adamant in her denial of every allegation put to her, when asked whether it was difficult to look after so many children said: "It could be busy" and accepted that she could get "a bit frustrated."⁴² She worked at Smyllum between 1967 and 1981.

This was all in a context where, in 1953, the Scottish Home Department, having made an assessment of the circumstances at Smyllum, found there to be overcrowding and the home to be in need of more staff including more experienced staff. By letter dated 1 May 1953,⁴³ the department wrote to the Mother Provincial at St Vincent's Convent in London enclosing a number of documents including one which detailed their findings that Smyllum was understaffed and failing to provide at least 50 sq ft per bed (as recommended by the Advisory Council on Child Care).⁴⁴ The Department also enclosed a note on relevant policy which included that:

"It is now generally recognised that it is not possible to give children the intimate individual care and attention they need in order to give them the best chance of growing up into well developed responsible adults, if they are brought up in large groups in institutions."⁴⁵

Yet it appears that the problems of too many children and insufficient staff persisted at Smyllum more than a decade later, as did the lack of trained, experienced staff.

37 Transcript, day 39: Sister "Nora," at TRN.001.002.3868.

38 Transcript, day 39: Sister "Nora," at TRN.001.002.3869-3870.

39 Transcript, day 39: Sister "Carol," at TRN.001.002.3781.

40 Transcript, day 40: Sister "Mary," at TRN.001.002.4591.

41 Transcript, day 43: "Mary Ann," at TRN.001.002.4662.

42 Transcript, day 41: Sister "Josephine," at TRN.001.002.4241.

43 See document at DSV.001.001.3891.

44 See document at DSV.001.001.3939.

45 See document at DSV.001.001.3937.

“ I feel that we could have done a lot more for the children. ”

Regarding the latter, Sister “Louise” (who was in Bellevue for about four years from 1957 and then in Smyllum from 1961 to 1964) observed:

“... referring back to the age of the Sisters – and I think they had gone in very young, done their novitiate training and not having done any further qualifications – they were sent to look after us children ... They weren’t trained and I think they just had to keep control of us how they could.”⁴⁶

It seems obvious that understaffing and the consequent pressures brought to bear on – in many cases – young, untrained Sisters, increased the risk of them losing their temper and/or resorting to physical abuse as a means of exerting control.

Hitting and beatings as a norm

Being hit became a normal part of daily life for many children.

“David” spoke about “normal hidings”⁴⁷ and his written statement records: “You got that many beatings in the place, you didn’t even question it. It was just the norm. The nuns and staff beat the kids. You got hit for anything.”⁴⁸

“Fergie” described beatings as: “That’s the way it was. A way of life.”⁴⁹

George Higgins, in his statement, said: “It was not unusual to get a thump in the back from one of the nuns. This wasn’t a casual thump.”⁵⁰

William Connelly explained: “Getting hit was almost a daily occurrence. You didn’t have to do anything wrong to get hit ... it might sound strange but you sort of accepted it. You accepted it so therefore you tried to work your way round it.”⁵¹

Sister “Louise” said: “... the Sister was there with the usual cane and if you got talking she would whack whoever it was ...”⁵²

Sister “Louise” also said that beatings happened “Daily. I’m not saying it was always me. In a way ... one got used to one’s beatings, but seeing other children being beaten – and, again, I don’t know if it is the place to say it, bruises disappear but what was done to our psyche, our inner life, left scars.”⁵³

“Alison” said: “There was hitting for the least wee thing. It was a daily occurrence.”⁵⁴

46 Transcript, day 28, Sister “Louise,” at TRN.001.002.0600.

47 Transcript, day 25: “David,” at TRN.001.002.0049.

48 Witness statement of “David,” paragraph 35, at WIT.001.001.0309-0310.

49 Transcript, day 25: “Fergie,” at TRN.001.002.0097.

50 Transcript day 29: George Higgins, at TRN.001.002.0842.

51 Transcript, day 27: William Connelly, at TRN.001.002.0424.

52 Transcript, day 28: Sister “Louise,” at TRN.001.002.0595.

53 Transcript, day 28: Sister “Louise,” at TRN.001.002.0602.

54 Transcript, day 30: written statement of “Alison,” at TRN.001.002.0954.

“ You got that many beatings in the place, you didn’t even question it. It was just the norm. ”

“Greig” in the context of regularly being “leathered” said: “If we didn’t do what the nuns wanted, then it wasn’t a nice regime.”⁵⁵

“Steaphain” said: “I was beaten. I was beaten up. It was a regular feature ... I can recall being beaten up on frequent occasions ... The people that were always behind the beatings were nuns. The people who were supposed to be looking after myself, my brother, my sister. They were – they were absolutely unforgiving.”⁵⁶

“Meg” said: “If you did something wrong you got caned by the nuns. The cane was always in the corner or at their hands.”⁵⁷

“Victor” said: “The nuns all seemed to have a strap which they could whack you across the backside with ...”⁵⁸

“Patrick,” whose own experiences were positive, accepted that there was corporal punishment, explaining that: “... we had boys who came from Glasgow who were a bit older and some of them were a bit bully-ish, and they misbehaved, and you had to ... They used corporal punishment to try and make them behave.”⁵⁹

Implements

The Sisters often used implements to hit children.

Hairbrush

Frank Docherty’s statement, provided before his death, records that if children could not recite Latin texts that Sister Magdalene had set them “she would get out a 9 inch mahogany hairbrush which she kept in the blue and white narrow striped pinny she wore. She would get you to cross your hands in front of you and she would lift the brush high and hit you on the heel of the hand.”⁶⁰

“Dexter”, in an essay written for SCAI, speaks about the same Sister: “She hit with the fierceness of someone who was born with a weapon in her hand. Her favourite weapon of choice was her tortoiseshell hairbrush. It nestled in a kind of large marsupial pouch in her blue habit. Of all the weapons at her disposal, none was more fearful in its power to destroy human happiness and the human dignity of a child than that hairbrush.”⁶¹

55 Transcript, day 31: written statement of “Greig,” at TRN.001.002.1153.

56 Transcript, day 31: “Steaphain,” at TRN.001.002.1175-1176.

57 Transcript, day 33: written statement of “Meg,” at TRN.001.002.1442.

58 Transcript, day 35: “Victor,” at TRN.001.002.3127.

59 Transcript, day 38: “Patrick,” at TRN.001.002.3592-3593.

60 Transcript, day 25: written statement of Frank Docherty, at TRN.001.002.0129.

61 Transcript, day 26: “Dexter,” at TRN.001.002.0313-0314.

The statement of Jim Kane, provided before his death, also records that Sister's use of weapons. He said: "She carried a wee hairbrush with her. She would be reciting Latin to you and would ask you to repeat it. If you didn't get it right, your lugs got it with the hairbrush."⁶²

Sister "Carol" was said to have enjoyed hitting children. She also used a hairbrush; William Connelly described it as her "weapon of choice."⁶³

"John" said that the Sisters had wooden hairbrushes tucked into their tunics, explaining that they were "Just for hitting you with."⁶⁴ The Sister "would take this brush out of her tunic, out of her sleeve and just hit you with it. She didn't care where it landed and it wasn't the bristle end, it was the wooden end that she made sure she was hitting you with" and, if you tried to protect yourself, "she would actually run after you until she caught you and grabbed you and then you would be in for it worse: you would get kicked and punched and slapped and hit with a brush as well. It's terrible."⁶⁵

Leon Carberry - an applicant who has lived in Australia since 1972 and gave evidence by videolink - spoke of the Sister who had the "frog clicker," referred to below, using a hairbrush to beat children: "But other times, for some unknown reason when she thought you'd done something wrong, she had a brush under the apron, under the white apron she wore on her front. This hairbrush had a lacquered sort of back and she'd make

you put your hands out and she'd belt you with the brush - and, believe me, it stung."⁶⁶

In a similar vein, "Duncan" spoke of being hit with an item that Sisters would take out of a pocket in their habits: "The nuns would hit you on the back of the head or the backside with a wooden paddle, or something like that. They used to keep it in a pocket in their habits. You had to take your shorts down and you got whacked."⁶⁷

Sticks and "frog clicker"

Jim Kane described a routine involving Sister Magdalene's use of a stick:

"One of her favourite punishments was drill. If somebody done something trivial and they didn't own up - and you were afraid to own up because you knew what kind of beating you were going to get - she would beat the living daylights out of you ... She would line boys up in the drill hall, which was the main hall where the boys were. She would walk up and down. She carried a long stick, like a long bit of budgie's cage, and she had this clicker, 'The Frog' we called it. See when she clicked that, your hands went up like that to your shoulders. Then she'd click again - up, down, up down. She would have this long rung and come down behind you. If your fingers weren't straight across, your fingers got it with the rung."⁶⁸ He too remembered her long blue habit and said: "I've met people that was in Smyllum, who always say 'do you mind of [Sister Magdalene]? Can you mind of the Frog?' You don't forget. I'm now 74 years of age, but it's as if it was yesterday."⁶⁹

62 Transcript, day 25: written statement of Jim Kane, at TRN.001.002.0155.

63 Transcript, day 27: William Connelly, at TRN.001.002.0425.

64 Transcript, day 27: "John," at TRN.001.002.0380.

65 Transcript, day 27: "John," at TRN.001.002.0381.

66 Transcript, day 43: Leon Carberry, at TRN.001.002.4632-4633.

67 Written statement of "Duncan," paragraph 26, at WIT.001.001.2731.

68 Transcript, day 25: written statement of Jim Kane, at TRN.001.002.0157.

69 Transcript, day 25: written statement of Jim Kane, at TRN.001.002.0161.



Vintage “frog clickers” are available online today. This example is described as making a loud clicking noise when it is squeezed.

Leon Carberry spoke of having vivid memories of Sister Magdalene and of the same “frog” and stick routine – a routine which he said would be witnessed by other Sisters: “She was a very angry person, always telling us off, and during the – after we played in the quadrangle area, we were taken inside into a hall, all the boys, taken inside into this hall, and made to line up both horizontally and directionally by putting our hands out in front, held out in front to get equal distance to the person in front of you, and the other hand out to the right to get an equal person in front of you. She then – she had a clicker which we called “the frog”. It was operated by, the small clicker, by the finger and thumb, and she would walk up and down the lines and we were told that we had to do certain exercises, i.e. put our hands on our shoulders, up in the air straight, out to the side, out to the front, and if we didn’t do it properly she had a red stick which I’d

say was approximately 12 to 18 inches long, and with this red stick, particularly when your hands were on your shoulders and they weren’t square, she would come and belt you across the knuckles with that.”⁷⁰ Leon demonstrated the movements he recalled himself and other children having to do with their arms and hands.

Whilst “Billy,” who was in Smyllum at the same time as Leon Carberry, did not mention the clicker, he recalled that if someone had done something wrong but no-one had admitted to it, all the boys would be put in the main hall, in rows of three with their hands on shoulders; Sisters would patrol between the lines and “whack” them on their knuckles.⁷¹

William Connelly, explaining what happened if there were staff shortages, said that older boys would be in charge of his dormitory and they hit children with sticks: “They had a

70 Transcript, day 43: Leon Carberry, at TRN.001.002.4632-4633.

71 Transcript, day 32: “Billy,” at TRN.001.002.1315-1316.



“Tawse” is an old Scots word which means the thongs of a whip; the leather strap, although a single piece at one end, would, at the other end, have been split into two or three tails. The “Lochgelly Tawse” was a particular type of tawse, supplied to schools in Scotland by John J. Dick, Leather Goods, a manufacturing company based in Lochgelly, Fife.

table and they put three sticks on the table, and if you had done anything wrong, in their eyes – say you didn’t get back from the toilet quick enough or something – you would choose two of this stick, three of this stick or four of the other stick. You had to choose which stick you were going to get hit with.”⁷²

The “Lochgelly Tawse”

Leon Carberry described a Sister’s use of “the Lochgelly”. He remembered it as a thick belt split down the middle with a hole at one end so she could hang it on a hook.⁷³ He explained that, to administer the belt, this Sister “dragged us down to the back to

this storeroom, shut the door, and laid into you ... You had to bend over but the belt didn’t just hit your backside, it would also occasionally hit your back.”⁷⁴ She also had a thin belt which she used to beat children. Whilst it would be used by her in private, he described seeing children being dragged away and then: “... the child sometimes came back crying. The irony of it is we all knew that the thin strap had been used because that’s the one that really hurt, whereas because Lochgelly was administered when you were wearing your clothing and therefore it didn’t have the same impact.”⁷⁵

72 Transcript, day 27: William Connelly, at TRN.001.002.0423-0424.

73 Transcript, day 43: Leon Carberry, at TRN.001.002.4634.

74 Transcript, day 43: Leon Carberry, at TRN.001.002.4639.

75 Transcript, day 43: Leon Carberry, at TRN.001.002.4640-4641.

Crucifix/rosary beads

Anne-Marie Carr said that Sister Genevieve would use her “rosaries with the crucifix” to hit children.⁷⁶ “Paul” said that the Sisters wore a crucifix on their waist and that “they would stab you with it in your head, your back, your stomach.”⁷⁷ Although not all their recollections may have been accurate, on this matter, their evidence was clear and persuasive. Further, Sisters’ use of their crosses as weapons was supported by the evidence of “Margaret Crawley” that the heavy wooden crosses were one of their favourite modes of punishment. Whilst they used other implements as well: “... there was something kind of ... about the cross. It just seemed like that was the first thing they reached for and it was kind of just hanging there and they would literally use their right hand and whack it up. I would say every child at some point would have been hit with a cross.”⁷⁸ Sister Ellen Flynn not only accepted that for a Sister to hit a child with her cross would be abuse but observed that it would have been “shocking” for a Sister to do so.⁷⁹

Wooden and metal coat hangers

Sister “Louise” said that the Sisters at Bellevue used wooden coat hangers to hit children.⁸⁰ “Margaret Crawley” said that the Sisters at Smyllum used both wooden and metal hangers to hit children.⁸¹ “Steaphain” said he was beaten with heavy wooden coat hangers, relatively frequently.⁸²

Kicking/shoes

Children were also kicked by Sisters, using their shoe clad feet as weapons. George Quinn’s statement records, at paragraph 41, that he “... saw the nuns kicking boys in the shins if their shoes weren’t polished.”⁸³ “John,” William Whicher and “Chief” were amongst others who spoke about Sisters kicking children. The statement of “Alison” includes: “When the nuns beat us, they would kick us. They had these little black shoes with lace ups and a little heel on them. They used to click-click-click all over the place. They kicked me a lot ...”⁸⁴ and “Michael” said: “There was other times when it got out of hand and the nun lost it altogether and they would kick and punch any way they could.”⁸⁵

Dr Scholl sandals

“Jack”, who was in Smyllum from 1974 until 1981, spoke of Sister “Josephine” using one of her wooden “Scholl” sandals to hit him: “... you could be getting a right good thingummy with them.”⁸⁶ Dr Scholl wooden sandals had become popular footwear for women in the UK by the time that “Jack” was admitted to Smyllum.

76 Transcript, day 37: Anne-Marie Carr, at TRN.001.002.3428.

77 Transcript, day 27: “Paul,” at TRN.001.002.0459.

78 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0718.

79 Transcript, day 44: Sister Ellen Flynn, at TRN.001.002.4872.

80 Transcript, day 28: Sister “Louise,” at TRN.001.002.0609.

81 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0742.

82 Transcript, day 31: “Steaphain,” at TRN.001.002.1178.

83 Written statement of George Quinn, paragraph 41, at WIT.001.001.1885-1886.

84 Transcript day 30: “Alison,” at TRN.001.002.0965-0966.

85 Transcript, day 28: “Michael,” at TRN.001.002.0653.

86 Transcript, day 36: “Jack,” at TRN.001.002.3346.

Conductor's baton

"Michael" and William Whicher spoke about Charlie Forsyth using his baton to hit children at band practice when they played the wrong notes. "Michael" described being hit on the ear with this as "very sore."⁸⁷ "Rondo," whilst he did not see it as a problem, also spoke about Charlie using his baton if a child was not picking up the rhythm correctly; he would tap the child on the head with it, in time with the music.⁸⁸

Wooden scooter

"John" spoke of an incident in which a Sister "went totally off the wall" when he had decided to visit his younger brother who was in a different unit. This sister having grabbed the wooden scooter his brother had been playing with, "came right down" on "John"'s back with it.⁸⁹

Dog's lead

"James," who was in Bellevue, spoke about an assistant who used her collie dog's lead to hit children: "Even when the dog wasn't there, she'd be walking in and she'd carry the lead in with her. It had a leather bit for the handle, and then a kind of spiral metal thing going down to the clip ... it was an intimidation tool and if someone wasn't doing anything she would just, you know, sort of hit them with it, whip them on the legs or the backside or whatever - or the hands."⁹⁰

Some particular incidents of physical abuse

A number of applicants spoke about their recollections of specific incidents during which they were physically punished, sometimes not only excessively but to an extreme degree.

Jim Kane, in relation to soiling himself

Jim Kane explained that his worst experience was an occasion when Sister Magdalene refused to let him go to the toilet when he asked to do so; she made him stand and wait until other boys had been to the toilet by which time he was crying and had soiled himself. She then gave him a beating, hitting him on various parts of his body, including his head and face.⁹¹

"John," in relation to curiosity and a child's first day

"John" spoke of an incident when a young boy in his dormitory was caught by a member of staff looking through a window into Sister Genevieve's room at the end of the day. He did so because the children were curious to know whether or not the Sisters were bald underneath their "cornets." The staff member accused the child of trying to watch the Sister undress and, despite his protestations to the contrary, she and Sister Genevieve "... then started punching and kicking him and calling him a dirty beast ... He was a filthy - and 'God will punish you' and all that kind of thing. That poor boy got an awful hiding."⁹²

87 Transcript, day 28: "Michael," at TRN.001.002.0678-0679 and transcript, day 37: William Whicher, at TRN.001.002.3515-3516.

88 Transcript, day 38: "Rondo," at TRN.001.002.3666.

89 Transcript, day 26: "John," at TRN.001.002.0212.

90 Transcript, day 35: "James," at TRN.001.002.3166-3167.

91 Transcript, day 25: written statement of Jim Kane, at TRN.001.002.0158.

92 Transcript, day 27: "John," at TRN.001.002.0385.

“ I was a thorn in her flesh; a disciple of Satan for stealing on the Sabbath and breaking boundary rules. ”

“John” also spoke of what happened to a child – a “bundle of nerves” – who “messed his pants” as he was taking him up to the dormitory on his first day. Having taken him back to a Sister to get help for him to be cleaned up, the Sister took the child. He said he didn’t know where the child was taken but “... I heard him yelling and screaming through this door as if she was giving him a hiding. She was hitting him anyway.” “John” felt sorry for the child.⁹³

“Dexter,” in relation to climbing a wall and taking apples from the orchard

“Dexter” spoke of what happened when he had climbed over the wall into the orchard to “plunder” apples on a Sunday. He fell, cut himself on broken glass and had to go to the local hospital for the wounds to be attended to. On his return, he was beaten by Sister Magdalene: “I was a thorn in her flesh; a disciple of Satan for stealing on the Sabbath and breaking boundary rules ... First she whacked me on the head with a book. That caught me off guard. I put my injured hand up to protect my head. Blow after blow rained down on me! The grubby follow up was a true appraisal of her contemptuous feeling for this penitent boy. She took hold of my uninjured hand and thrashed down on it with the belt. She gave me what she called: six of the best. Her arithmetic was obviously faulty – it was nearer twelve!”⁹⁴

William Connelly, in relation to combing his hair

William Connelly recalled an incident after bath time when he was getting dressed and combing his hair. In the bathhouse, “... it was always a rush and there was always members of staff shouting. So there was loud voices all the time.” A Sister came over “pushed me onto those benches ... and she started cutting me, digging in – I didn’t realise it at the time but she had a pair of scissors in her hand ... she had me down and she was cutting at my hair and I was putting my hands up and she was cutting my hands ...” He was cut and bleeding and had to be put into what he referred to as the “isolation ward” for some days.⁹⁵

George Quinn, in relation to Charlie Forsyth’s reaction to being teased

George Quinn recalled an incident when, on learning that Charlie Forsyth liked the singer Andy Stewart, he and other children laughed at him. Charlie “flipped” and reacted by picking up a box radio given to George Quinn by his father, smashed it and then “started laying into me with his fists and gave me a beating I have never had since off any man.”⁹⁶ George must have lost consciousness and the next he knew was waking up in an area like a medical ward in the home where he remained for over a fortnight. He was about 6 years old at the time. He

93 Transcript, day 27: “John,” at TRN.001.002.0394.

94 Transcript, day 26: “Dexter,” at TRN.001.002.0326-0327.

95 Transcript, day 27: William Connelly, at TRN.001.002.0414-0415.

96 Transcript, day 28: George Quinn, at TRN.001.002.0546.

recalled there being “something sinister and frightening about the man.”⁹⁷

“Michael,” in relation to shoplifting

“Michael” recounted what happened when a group of Bellevue boys, of which he was one, had been caught shoplifting. A Sister lined them up outside and instructed an older boy to “kick us as hard as he could in the private parts.” Michael “ended up lying on the ground being sick.”⁹⁸

“Margaret Crawley,” in relation to being the subject of sexual abuse

“Margaret Crawley” had her arm broken in an incident in which Sister Clare attacked her. The Sister entered the sacristy to find a priest sexually abusing “Margaret Crawley.” She immediately became angry not at the priest but at “Margaret Crawley” and “she took my left arm ... and yanked me out of his lap and flung me across to the wall and, ‘Get out of here, you filthy hoor! ... Get the fuck out of here ...’”⁹⁹ “Margaret Crawley” described the reaction of Sister “Mary,” which was harsh. She dragged her along the corridor, took her into the washroom “gave me a real hiding”¹⁰⁰ and would not believe that her arm was injured. It was not until the following day that she was taken to hospital where she was found to have a spiral fracture. Her memory was that it was Sister “Mary” who took her to hospital and that she was told to say she had fallen out of a tree, so as to protect a man of God. Sister “Mary” did not offer a specific recollection but said that it could not have been she who drove “Margaret Crawley” to hospital as she did not have a driving licence at that time.

If there is a conflict in the evidence I do not consider that it is one I need to resolve. Either or both of them could be mistaken about who drove. Who drove the vehicle is not important and any uncertainty about that does not displace the clear evidence about the injuries caused by Sister Clare and their initial neglect by Sister “Mary.” Whilst Sister “Mary” thought that the account of events given by “Margaret Crawley” must have been pure invention, her evidence – and the evidence of “Mary Ann” – provide some support for the account given by “Margaret Crawley.” Sister “Mary” confirmed that Sister Clare was an elderly Sister who lived in the house for Sisters, that she knew the priest alleged to have abused “Margaret Crawley” by sight and that she did remember “Margaret Crawley” having “a bandage” on her arm. She could not remember how “Margaret Crawley” had hurt her arm – that is, she did not offer a contrary account of how it happened.¹⁰¹ “Mary Ann” confirmed that the priest named by “Margaret Crawley” as having abused her was one of the priests who attended at Smyllum to say Mass when she was an assistant house mother at Smyllum.¹⁰²

“Pat,” in relation to having broken a lamp

“Pat” spoke about one of the beatings he received from Sister “Josephine” as being particularly bad. He was in trouble for having broken a lamp when he threw a cushion. She dragged him down to the laundry, told him to strip naked and left him for about three hours. When she returned, he screamed and “I kind of touched her to push her away and that seemed to send her into overdrive. She

97 Transcript, day 28: George Quinn, at TRN.001.002.0549.

98 Transcript, day 28: “Michael,” at TRN.001.002.0662.

99 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0756.

100 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0757.

101 Transcript, day 40: Sister “Mary,” TRN.001.002.4565-4567.

102 Transcript, day 43: “Mary Ann,” at TRN.001.002.4703.

pulled out the brush and started to beat me and I mean it wasn't just a wee – this was constantly. She had to actually stop at one point she was absolutely exhausted ... and I am sort of lying there, crying my eyes out, lying on the bare floor, naked, and the next minute she just got the brush and started beating me again ... this wasn't a chance thing; she knew exactly what she was doing that day. She knew."¹⁰³

“Jimmy,” in relation to having seen two Sisters embracing

“Jimmy” described an incident when he was going past the boiler room, on his way to Cubs. He looked in and saw two Sisters embracing; one Sister had her arm around the other Sister but turned round and saw him. She gave him “a right good hiding. I’m talking about punching, kicking, pulling me hair, everything you could think of. She literally – I can distinctly remember there was a boiler and it had a flame coming out of it, like a flamethrower that was directed where they used to heat the water up ... She put my face really close to that – and I can still remember my hair getting singed ... It was “a really, really aggressive bad hiding.”¹⁰⁴ The beating rendered him unconscious and when he woke up in the boiler room, he was alone and bleeding.¹⁰⁵

“Jimmy”'s credibility is borne out not only by my findings but by comments of a man who sexually abused him, namely Bernard Traynor (see section on “Sexual abuse”).

“Bill,” in relation to a pillow fight

“Bill” had a clear recollection of being caught pillow fighting; either a Sister or a member of staff beat him with a coat hanger or something else wooden and then put him out onto the fire escape. He said “... the biggest part of it was being put out onto the fire escape ... I was left there and it was pitch black ...”¹⁰⁶ He said that to describe him as distressed would be an understatement. It had a “huge impact”¹⁰⁷ on him.

“Meg,” in relation to canings

“Meg,” in her written statement, spoke of being repeatedly caned on her hand while in Bellevue, when she accidentally spilt the water out of a cutlery bowl. She was caned when her sister ran away. And, when working in the laundry, she was caned on one hand for having burnt the other hand on the steam iron press.¹⁰⁸

“Margot,” in relation to witnessing a child being beaten

“Margot,” who worked at Smyllum in 1965-66, described witnessing a particular beating in her written statement. It was administered by a Sister to children who were playing doctors and nurses: “This seemed to be treated as some sort of heinous crime and there was an eruption. [A Sister] had taken her shoe off and was wailing indiscriminately at them both with her shoe. She was yelling at them that they were dirty and disgusting.”¹⁰⁹

103 Transcript, day 29: “Pat,” at TRN.001.002.0824-0825.

104 Transcript, day 31: “Jimmy,” at TRN.001.002.1057.

105 Transcript, day 31: “Jimmy,” at TRN.001.002.1058.

106 Transcript, day 32: “Bill,” at TRN.001.002.1227-1228.

107 Transcript, day 32: “Bill,” at TRN.001.002.1227.

108 Transcript, day 33: written statement of “Meg,” at TRN.001.002.1443-1444.

109 Transcript, day 38: written statement of “Margot,” at TRN.001.002.3724.

“ You have not got a home, you have not got a mum and dad ... you are in here. ”

“Mary Ann,” in relation to a child being marked as a result of being hit

“Mary Ann” recalled an occasion at a time when she was an assistant house mother at Smyllum and Sister “Mary” disciplined children for “carrying on” and the following day the Sister showed her that there were red marks on the back of one of the children. She “just thought sister had lost her head and done that and that was it. I was too green to do anything.”¹¹⁰

Treatment of runaways

Sister “Nora” was asked whether she agreed that for a child to run away might be explained by a reaction to a bad environment. She accepted: “Well, of course it is” and added that such behaviour would “absolutely” be a reaction to unhappiness and upset. She also volunteered that, when a runaway child returns, “I think they need a lot of love and attention and explaining ...”¹¹¹ Self-evidently, she was correct about that. However, there was clear evidence which established that when children ran away from Smyllum and Bellevue - as they did - the Sisters’ reaction was to administer punishments, particularly beatings. There was no evidence of a response involving any love, comfort, understanding or reassurance.

The following are illustrative examples of what happened.

George Quinn ran away from Smyllum quite a few times. His treatment on each occasion was similar; he described the first time as follows:

“Well, they took me into a sort of - it was like a study. You were took into the study and ‘What do you think you were doing?’ And you are still only a wee boy at the time and you are scared and you say, I was just wanting to go home. ‘You have not got a home, you have not got a mum and dad ... you are in here.’ And then they would just start hitting you: ‘If you do this again, if you try to run away, you will be getting a more severe punishment.’”¹¹²

William Whicher described how runaways were beaten in public. He had a particular memory of brothers who had run away having a “special leather strap”¹¹³ administered to them in front of the other children by Charlie Forsyth.

“John” also said that Charlie Forsyth was involved in the administering of punishments to runaways. “John” ran away several times. He recalled an occasion on which he was found by a particular police constable and “I tried to tell him what was happening” but it was dismissed as “all imagination and I was a liar.” On returning to Smyllum, “that’s when they really gave you a leathering ... Charlie would be involved and he loved to use the boot. Charlie loved to use his new boots.”¹¹⁴

110 Transcript, day 43: “Mary Ann,” at TRN.001.002.4676-4679.

111 Transcript, day 39: Sister “Nora,” at TRN.001.002.3877.

112 Transcript, day 28: George Quinn, at TRN.001.002.0536.

113 Transcript, day 37: William Whicher, at TRN.001.002.3528.

114 Transcript, day 26: “John,” at TRN.001.002.0218.

“Pat” once ran away from Smyllum, because he “just couldn’t handle it any more.” When he was taken back, Sister “Josephine” punished him: “She just got a hold of us and she used to have this – it was like a clothes brush, she used to keep it in her habit. And they had got it down to a T. What they did was they’d hit you in the head and so you’d automatically go to protect yourself and then she would hit you in the elbow and she would just do that and that was constant.”¹¹⁵

Response to evidence about physical abuse

All of the Sisters who gave evidence said that they received no instructions about disciplining the children; there was no code, there were no guidelines and no punishment books were kept. The autonomy of each unit appears to have contributed to the lack of consistently applied principles. Although denying that there was corporal punishment (contrary to what even “Patrick” accepted was the case), some of them admitted that children were hit although not to the extent described by the witnesses who spoke about it. Sister “Carol,” who denied that there was any physical punishment of children, nonetheless admitted knowing about the “Lochgelly Tawse;” it was kept in the superior’s office.¹¹⁶

There were some specific admissions:

- Sister “Mary” said: “I’m sure I gave a smack to a child but I never hit a child on purpose ... I wouldn’t deliberately hit a child hard.”¹¹⁷

- Sister “Julia” said that both she and staff members would use “maybe a slap on the bottom. Something like ...”¹¹⁸
- Sister “Julia” also confirmed that a hairbrush would be used on children’s knuckles and/or shoulder and seemed to accept that it would have been painful.¹¹⁹
- Sister “Esther” spoke about “a slap on the legs or a slap on the hands” being administered to children – a “degree of physical chastisement.” She said “it was hard to know how to discipline the children” and that, although in her unit they would be encouraged to talk with the children about whatever the problem was, “there were occasions when that was a waste of time, really. Depending on the child as well ...”¹²⁰

Attitudes to punishment of children prevalent over period of this case study

It should be acknowledged that, throughout the period examined in this case study, corporal punishment was permitted in Scottish schools. Under Scots law, teachers were, by virtue of their status as teachers, invested by the common law with the power to administer corporal punishment as a disciplinary measure provided – importantly – that it was not excessive, in which case it constituted an assault. That power was considered to derive from the teacher’s relationship with the children he/she was responsible for educating and its use was largely a matter of the exercise by the teacher of a discretion (subject to limits set by the common law and any terms in the teacher’s contract of employment).

115 Transcript, day 29: “Pat,” at TRN.001.002.0815-0816.

116 Transcript, day 39: Sister “Carol,” at TRN.001.002.3816-3818.

117 Transcript, day 40: Sister “Mary,” at TRN.001.002.4529.

118 Transcript, day 41: Sister “Julia,” at TRN.001.002.4122.

119 Transcript, day 41: Sister “Julia,” at TRN.001.002.4138-4139.

120 Transcript, day 42, Sister “Esther,” at TRN.001.002.4333-4334.

Commonly, the corporal punishment in question took the form of striking the palm of the pupil's hand with the "Lochgelly Tawse."

The Administration of Children's Homes (Scotland) Regulations 1959

The Administration of Children's Homes (Scotland) Regulations 1959 came into force on 1 August 1959 and covered both local authority and voluntary homes. The Regulations contained rules for the administration of homes, the welfare of children accommodated in them and for oversight of both of these matters.

In terms of Regulation 10, discipline was to be maintained by the personal influence of the person in charge of the home. Regulation 11 provided that corporal punishment may "exceptionally be administered" but could only be administered by a person specifically empowered by the administering authority to do so. If the child had any physical or mental disability, sanction was required from the medical officer before corporal punishment could be administered.¹²¹

Elimination of corporal punishment in schools: Statement of Principles and Code of Practice

By the 1960s, following agreement in principle that the teaching profession should be encouraged to move towards the gradual elimination of corporal punishment, a consultative body¹²² worked on and issued a booklet entitled "Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice."¹²³ It set out rules designed to limit its use:

The limitations introduced by the Code are interesting. It reads as follows:

"Until corporal punishment is eliminated its use should be subject to the following rules:

(i) It should not be administered for failure or poor performance in a task, even if the failure (e.g. errors in spelling or calculation, bad homework, bad handwriting, etc.) appears to be due not to lack of ability or any other kind of handicap but to inattention, carelessness or laziness. Failure of this type may be more an educational and social problem than a disciplinary one, and may require remedial rather than corrective action.

(ii) Corporal punishment should not be used in infant classes. Its elimination from infant classes should be followed by progressive elimination from other primary classes.

(iii) In secondary departments, only in exceptional circumstances should any pupil be strapped by a teacher of the opposite sex or girls be strapped at all.

(iv) Corporal punishment should not be inflicted for truancy or lateness unless the head teacher is satisfied that the child and not the parent is at fault.

(v) The strap should not be in evidence, except when it is being used to inflict corporal punishment.

(vi) Where used, corporal punishment should be used only as a last resort, and should be directed to punishment of the wrong-doer and to securing the conditions necessary for order in the school and for work in the classroom.

121 The Administration of Children's Homes (Scotland) Regulations 1959, Regulations 10 and 11. See Transcript, day 2: Professor Kenneth Norrie, at TRN.001.001.3250.

122 The Liaison Committee on Educational Matters.

123 See document at GLA.001.001.0703. The booklet was sent to all education authorities in February 1968.

“ I am satisfied that the regimes in these homes were ones in which children were physically abused on a regular basis, above and beyond what would even have been acceptable in a school setting. ”

(vii) It should normally follow previous clear warning about the consequences of a repetition of misconduct.

(viii) Corporal punishment should be given by striking the palm of the pupil's hand with a strap and by no other means whatever.”

The Secretary of State for Scotland welcomed the issue of this booklet. The thinking as to what was acceptable even in the school setting had begun to shift significantly by the last two decades of Smyllum's existence.

The treatment of children in homes like Bellevue and Smyllum

What, of course, is under consideration in this case study is the treatment of children in the home setting being provided for them in homes like Bellevue and Smyllum. These were children's "homes." When a child was being struck with a tawse there, it is no answer to point to it having been acceptable, in some circumstances, for a

teacher to do that at school. When children were being struck with other implements, that would not have accorded at all with what was acceptable in schools. If parents were using excessive punishment in the home, that was not legally or socially acceptable either. Further, it is of note that the principal position adopted by the Sisters was not to the effect that children were subjected to physical punishment which they thought was acceptable at the time. For the most part their position was, rather, that it just did not happen.

Conclusion about physical abuse

Having reviewed the evidence, I am satisfied that the regimes in these homes were ones in which children were physically abused on a regular basis, above and beyond what would even have been acceptable in a school setting. The descriptions above are typical of what was happening to children in care at Bellevue and Smyllum throughout the period examined.

3.3 Bed-wetting practices

General

Almost all the applicant witnesses gave evidence about bed-wetting practices at Smyllum that were harsh and humiliating to the extent of being abusive. Many spoke of their personal experiences as bed-wetters. Many were also able to speak about having witnessed the treatment that was meted out to other children. There was a compelling consistency in the accounts provided.

Even “Patrick” and “Rondo,” who both spoke of having had positive experiences when in Smyllum, had memories of children who were bed-wetters having to put their wet sheets over their heads in the mornings. “Patrick” thought the practice with the sheets was to shame the bed-wetters into stopping.¹²⁴ “Rondo” remembered a bed-wetter being required to put the sheet over their head by a staff member. He did not recall any Sister being involved in this practice.¹²⁵ He said that bed-wetters may have been shouted at.¹²⁶

Pattern of conduct

The descriptions of bed-wetting practices in applicants’ evidence set out below featured markedly recurrent and consistent themes. They disclosed a pattern of conduct in relation to bed-wetting persisting throughout a period that began in the 1940s and carried on until Smyllum closed in 1981.

I find that the incidents and experiences described by witnesses in the extracts below

took place; they exemplify what happened to children if they wet the bed.

Physical punishment of bed-wetters

Children who wet the bed were beaten. They were slapped, punched and kicked by Sisters and by staff. Implements, such as straps or belts, were sometimes used.

Frank Docherty explained: “When I wet the bed, Sister Magdalene would make me pull my cotton night shirt all the way up over my head and make me lie face down on the bed. She would then strap me. I would try to get away and plead for mercy but then [she] would get four boys to hold my legs and arms and she would hit your bottom.”¹²⁷

“Frank” spoke of children being “cruelly whacked.”¹²⁸

“Chief” spoke of being battered with a belt for wetting the bed.¹²⁹

“Dexter” spoke of other children being moved to sympathetic tears as Sister Magdalene “thrashed” any “poor unfortunate boy” who wet the bed.¹³⁰

William Connelly spoke of a member of staff belting bed-wetters on the hands while calling them a “dirty animal.”¹³¹

“Michael” spoke of children getting “skelped” round the ear and on the head for having wet the bed. He added that “Later life teaches you it is not going to cure bed-wetting, getting a skelp round the ear, and it never did.”¹³²

124 Transcript, day 38: “Patrick,” at TRN.001.002.3588-3589.

125 Transcript, day 38: “Rondo,” at TRN.001.002.3644.

126 Transcript, day 38: “Rondo,” at TRN.001.002.3648-3649.

127 Transcript, day 25: written statement of Frank Docherty, at TRN.001.002.0131.

128 Transcript, day 27: written statement of “Frank,” at TRN.001.002.0504.

129 Transcript, day 26: “Chief,” at TRN.001.002.0259.

130 Transcript, day 26: “Dexter,” at TRN.001.002.0316.

131 Transcript, day 27: William Connelly, at TRN.001.002.0411-0412.

132 Transcript, day 28: “Michael,” at TRN.001.002.0638.

June Smith spoke of Sister "Josephine" putting her knuckles "right into your head" for bed-wetting such that it was really sore.¹³³ She demonstrated how it was done.

"Graham" recalled being shaken by Sister "Josephine" for wetting the bed and being made to stand with his wet sheets outside the washroom so other people knew what was happening. He said that Sister "Josephine," the one person he remembered as being very cruel, used to dig her knuckles into his chest.¹³⁴ The use of knuckles was also attributed by at least one other applicant to Sister "Mary."

"Victor" spoke of bed-wetters being beaten with straps on their bare backsides whilst being told it was "a sin" and that it was "filthy" so "You were indoctrinated into saying that wetting the bed was a sin"... "They would slap you for it, you know what I mean? It was a sin, you know. Everything - the nuns used to say about anything you did wrong, was a sin against God, so therefore they treated bed-wetting as being a sin and they punished you for it."¹³⁵ That recollection chimes with what "Margot" stated was the impression she had, when working as a care assistant at Smyllum, that there was a belief there that children were "innately bad" and the way of dealing with it was to beat them.¹³⁶

William Whicher spoke of seeing bed-wetters being beaten - mainly by Sisters

Genevieve and "Carol" - and "even ... as a kid" thinking "what's the point of hitting them every day?"¹³⁷

"Fergie," a bed-wetter, said that Sister "Mary" would batter you, punch you and kick you for bed-wetting, using her knuckles on top of your head, like a woodpecker.¹³⁸

William Connelly said that a lay assistant would give you "a belting" and older boys would hit you if she wasn't there.¹³⁹

"Steaphain," a bed-wetter, said children who were bed-wetters would be slapped and kicked by Sisters and forced into a cold bath.¹⁴⁰

"Jack," the last boy to leave Smyllum in 1981, who often wet the bed, was regularly beaten by Sister "Josephine" for bed-wetting. He was "so relieved" if he woke up and found he was dry; if he woke and found he was wet he would steal someone else's sheet "to survive."¹⁴¹

"Margot," herself a care assistant in 1965-66, recalled seeing a member of staff beating a bed-wetter with her shoe whilst telling him he was a "disgusting, dirty boy" and explained that the staff member was doing what she had seen a particular Sister do on a different occasion. "Margot" remembered "kind of sinking into my shoes and thinking, 'Well, what's all that about?'"¹⁴²

133 Transcript, day 33: June Smith, at TRN.001.002.1385-1386.

134 Transcript, day 33: "Graham," at TRN.001.002.1372-1375.

135 Transcript, day 35: "Victor," at TRN.001.002.3125-3129.

136 Transcript, day 38: "Margot," at TRN.001.002.3724-3725.

137 Transcript, day 37: William Whicher, at TRN.001.002.3474.

138 Transcript, day 25: "Fergie," at TRN.001.002.0102-0103.

139 Transcript, day 27: William Connelly, at TRN.001.002.0411.

140 Transcript, day 31: "Steaphain," at TRN.001.002.1177 and 1184.

141 Written Statement of "Jack," paragraph 20, at WIT.001.001.2913 and paragraph 53-56, at WIT.001.001.2920-2921.

142 Transcript, day 38: written statement of "Margot," at TRN.001.002.3724-3726.

Humiliation of bed-wetters

The bed-wetters were, moreover, humiliated.

Humiliating practices were spoken to throughout the evidence about treatment of bed-wetters. Particular examples of these practices are referred to below.

Wet sheets were put on their heads or around their necks. They were called names such as “pissy beds,” “tramps,” “fishes” or “pee the bed” and some Sisters encouraged other children to deride them.

Frank Docherty’s statement explains: “The nun grabbed the wet sheets off the bed and threw them over my face. She made an example of me on the first day. She called me a ‘bed-wetter’ and ‘scum of the earth’ ... I was paraded down the [wards]. You would be ridiculed. The other kids laughed at you out of nerves and fear. When they laughed at you, you were crippled with humiliation ... You’d have to take off your nightshirt so that you were naked. They would plunge you into a cold bath two at a time.”¹⁴³

“Patrick” recalled Sister “Josephine” coming into the room in the morning saying, “I can smell the fishes,” when she smelt that people had wet the bed.¹⁴⁴

“Jack” said that if Sister “Josephine” was in at breakfast, she would say to all the children that were already there: “Here come the fishes”. The other children would laugh and chuckle. He explained that the “worst bit for me was the degrading bit. I couldn’t cope with that.”¹⁴⁵

“Michael” spoke about the boy in the bed next to him who was a bed-wetter: “He cried a lot and he knew it wasn’t going to be pleasant. As soon as the nun spotted him she ordered him to take the sheet, stand still beside the bed and put it over his head like a ghost ... and he was left to stand there.”¹⁴⁶

“Gerry” got out of bed and urinated on someone else’s bed rather than suffer the treatment that would be meted out if he wet his own. He said “.. I saw other children who had wet the bed having their urine-soaked sheets wrapped around them and standing around. The image that always comes to mind is – if you ever see an old film of like the Roman Senate where they’re all wearing togas and talking, what you saw was young boys standing around, you know, chatting ... they don’t know anything else. It was a normal thing to stand around with your urine soaked sheets wrapped around you.” This was all part of what he called “systematic persecution.”¹⁴⁷

“John” didn’t wet the bed but he remembered that the boy next to him did do so. Sister Genevieve and an assistant would be there in the morning. Sister Genevieve would grab him by the hair and rub his face on the sheet while calling him “all sorts of names” including saying “you are a fish, what are you?” and being really angry. “This poor boy would be crying his eyes out and he was a nervous wreck.”¹⁴⁸

“Fergie” spoke of being made to stand by the bed “like a wee soldier” and said “the wet sheet was put over the top of you.” You were

143 Transcript, day 25: written statement of Frank Docherty, at TRN.001.002.0125.

144 Transcript, day 33: “Patrick,” at TRN.001.002.1355.

145 Transcript, day 36: “Jack,” at TRN.001.002.3336-3340.

146 Transcript, day 28: “Michael,” at TRN.001.002.0637.

147 Transcript, day 36: “Gerry,” at TRN.001.002.3256-3258.

148 Transcript, day 27: “John,” at TRN.001.002.0357.

“ She called me a ‘bed-wetter’ and ‘scum of the earth’ ... I was paraded down the [ward]. You would be ridiculed. ”

told you were “immoral.”¹⁴⁹ “Fergie” also gave a poignant account of what happened when she was sent to stay with a family (the Stevensons) for Christmas where, for the first time in her life, she experienced having a story read to her at bedtime. Later, she woke to find she had wet the bed so got up, put the sheet over her head, panicking when she heard the Stevensons coming to her room, thinking she was going to get “battered, I’m going to get put in a cold bath.” But they just asked her what she was doing. When she said she had wet the bed and “you need to batter me now,”¹⁵⁰ Mrs Stevenson took the sheet from her, sat her down and said nobody would be hitting her there. She recalled that they ran a nice hot bath for her with bubbles in it. The contrast between the way her bed-wetting was treated at Smyllum and the way it was treated in the Stevensons’ home could not, it seems, have been greater.

“Dexter” said that bed-wetters were forced to stand with “soiled bedclothes draped over [them] like a church statue on Good Friday,” that they were told that bed-wetting was “a mortal sin” or a “cardinal sin”¹⁵¹ and that they were treated as though there was something malevolent or evil about them. The statement of “Margot” lends support to that being the belief system that prevailed. She states: “I would [like] to think that none of the nuns or staff went to Smyllum with a

belief that somehow they could use this as an opportunity to be abusive to children. However, this set of beliefs about the devil, beating the devil, all that kind of stuff, things that could be allowed to just percolate through the whole place without being challenged ...” and “... somewhere, there still existed this belief that children were innately bad and the way of dealing with that was to beat them.”¹⁵²

Sister “Louise,” when at Smyllum as a child, explained that, as a teenager, she was asked to help with a group of younger boys so as to provide cover in the absence of Sisters/ staff. Her induction included being shown that she was to get the children out of bed, make them stand by their beds whilst the sheets were checked, make the bed-wetters “wear” their wet sheets over their heads and then make them go to the wash area, get into a cold bath with their sheets and wash them. She observed “these are traumatised children and away from home ...” She felt the Sisters were trying to brutalise her so she did not follow the instruction.¹⁵³

“Margaret Crawley” was called names like “lazy cow”, “stupid” and “cunt” when she wet the bed, by Sister “Mary” or by one of the lay assistants, depending on whoever was responsible for getting the children out of bed that day. She explained that children,

149 Transcript, day 25: “Fergie,” at TRN.001.002.0101-0102.

150 Transcript, day 25: “Fergie,” at TRN.001.002.0105.

151 Transcript, day 26: “Dexter,” at TRN.001.002.0283 and 0316.

152 Transcript, day 38: written statement of “Margot,” at TRN.001.002.3724-3725 and 3734.

153 Transcript, day 28: Sister “Louise,” at TRN.001.002.0615.

including her, had wet sheets put over their heads, were stripped naked in the dormitory and had to walk with only their wet sheets on their bodies down a corridor to the wash place where they had to have a cold bath or shower and wash their sheets. That was “a normal ordinary occurrence.”¹⁵⁴

Fiona Young was not a bed-wetter but she knew what happened to her young brother and other boys. She said:

“Oh, it was terrible. He used to have to parade the corridor naked with his wet sheets ... He was made to take them down to the laundry and there was like two big sinks that I can remember ... he was made to wash them, then he’d be made to go upstairs and have a bath, and he always said it was a cold bath ... it was a big, big thing, bed-wetting.” This was, she said, an “everyday occurrence.”¹⁵⁵

“Victor” said he had to wash his sheets and pyjamas whilst naked when he wet the bed.¹⁵⁶

“Rondo” accepted that the children who wet the bed would be shouted at.¹⁵⁷

Cold baths for bed-wetters

As is illustrated in a number of these examples, many applicants spoke of cold baths being a feature of the treatment of bed-wetters. Support for their evidence arose in the evidence of two non-applicant witnesses.

The first was Elizabeth Aitken, a state-registered fever nurse, who worked in the

Roadmeetings Hospital in Carlisle for five years from about 1939. The patients she cared for included children from Smyllum. She said:

“One treatment I knew that happened to the children from Smyllum was they were put into cold baths for misbehaving.”

The context for that remark was her having explained that, in the hospital, if children wet the bed, they did not punish them for doing so as “they couldn’t help wetting their beds” but: “The children from Smyllum acted differently to others when they wet their bed. They sat quietly, like they were trying to hide the fact they had wet the bed. Knowing what I know now, I think they thought they’d be punished for wetting the bed.”¹⁵⁸

The second was Sister “Nora”, who explained that when she was at St Joseph’s Hospital, Rosewell, before starting at Smyllum in 1958, the bed-wetters were washed with cold water, that being the practice at the time.¹⁵⁹ This practice of using cold water was based on an ill-founded and erroneous belief that it was necessary to use cold rather than hot water to get rid of the smell of urine.

The cold water treatment appears to have been a long-established practice. “Mary” recounted what her late mother – who was in Smyllum between 1917 and 1928 – had told her about what happened when she wet the bed. The Sisters would put her mother in a cold bath and leave her sitting there, winter and summer alike.¹⁶⁰

154 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0723-0725.

155 Transcript, day 36: Fiona Young, at TRN.001.002.3388-3389.

156 Transcript, day 35: “Victor,” at TRN.001.002.3126.

157 Transcript, day 38: “Rondo,” at TRN.001.002.3648-3649.

158 Transcript, day 38: written statement of Elizabeth Aitken, at TRN.001.002.3630-3631.

159 Transcript, day 39: Sister “Nora,” at TRN.001.002.3852.

160 Transcript, day 37: “Mary,” at TRN.001.002.3546-3547.

Response to evidence about treatment of bed-wetters

None of the Sisters who gave evidence accepted that bed-wetters were disciplined at all. However:

- There was evidence from Sisters (Sisters “Carol” and “Esther”) that they were often not involved in getting the children up in the morning; they would be at Mass and breakfast. So, they were not always there to see what was happening. For instance, Sister “Carol” said, in relation to getting the children up in the morning: “I didn’t call them very much in the morning because I was over at Mass or else at my breakfast.”¹⁶¹
- It was clear that each unit in Smyllum was autonomous. Also, once allocated to one unit, Sisters did not generally move between them. Some Sisters were careful to say that they did not see any of the bed-wetting practices complained of in the context of not really going into each other’s self-contained units. They were not offering evidence about what happened outwith their own unit. There was evidently no instruction or guidance from the Sister Superior about how to treat – or not treat – bed-wetters.
- Sister “Esther”, in the context of there being “moaning” in relation to bed-wetting, recalled that bed-wetting caused a lot of extra work.¹⁶² It is bound to have done so. It can hardly have been welcomed by the Sisters or by the staff.
- Sister Evelyn Warnock gave evidence about an elderly member of staff in the St Mary’s unit in Smyllum who was getting close to retiral being “a bit cranky” at

times. She would, she said, chastise one particular boy for wetting the bed, telling him that bed-wetting was “dirty” and, at one point, made him stand with his wet sheets (this stopped when a Sister caught her).¹⁶³

- Sister “Carol” accepted that “in some places” children were humiliated, punished and had their sheets draped over their heads, given cold baths and possibly had to wash their own sheets.”¹⁶⁴ Whilst she said that that was “in different parts of the country,” not in Smyllum, she did not state where that was and gave no reason for Smyllum doing things differently; there was certainly no suggestion of any decision to adopt a different policy having been made. It seemed possible that this elderly Sister’s memory of it happening in “different places” was in fact of it having happened in different units within Smyllum.

Conclusion about bed-wetting

The evidence about the treatment of bed-wetters was consistent and clear. As the applicants spoke about it, each in their own way, a vivid picture emerged of children who wet the bed living in fear of waking to find that they had done so and then being beaten, humiliated, put into cold baths for no good reason and often having to wash their own soiled sheets and nightwear in cold water. All at the beginning of their day. None of it was, on any view, justified. It was abusive. I find that that bed-wetters were routinely abused throughout the period examined in the evidence in the ways described and outlined above.

161 Transcript, day 39: Sister “Carol,” at TRN.001.002.3769.

162 Transcript, day 42: Sister “Esther,” at TRN.001.002.4319-4320.

163 Transcript, day 40: Sister Evelyn Warnock, at TRN.001.002.4454-4455.

164 Transcript, day 39: Sister “Carol,” at TRN.001.002.3754-3755.

3.4 Force-feeding

General

Another common theme was force-feeding, particularly in relation to porridge which appears, routinely, to have been lumpy and disliked by many children. Sisters and staff in Smyllum and Bellevue forced the food into children's mouths and sometimes continued to do so even if the child was regurgitating it. Children were beaten. Children were forced to remain at the table if they had not finished their food and would sometimes have it served it up to them again at the next mealtime. Some children found ways of hiding the food they did not like whether in flowerpots, in their pockets, up their sleeve or behind cupboards; it seems clear that they got to know better than to leave it on their plate. I find that force-feeding happened and that it was a form of physical and – in some respects – emotional, abuse.

These practices were spoken of by many of the applicants. Their evidence spanned the four decades from the 1940s until the closure of Smyllum. I accept that the following were examples of the experiences of many children.

Some descriptions

"Fergie" was force-fed porridge: "... if you didn't eat your porridge, they would just come for you, the back of you, and either grab you by the hair or grab you by the chin and force the porridge into your mouth. You would be gritting your teeth because you didn't like it and they would hold your nose because it was the only way you would open your mouth because you had to breathe and sometimes you were sick from being forced to eat."¹⁶⁵

She was beaten by Sister "Mary" when caught trying to hide a sardine up her sleeve.

Frank Docherty explained: "... You had to eat everything even if you were sick. If you didn't eat they would force you even if you had been sick on it."¹⁶⁶

"John" had the same food served up to him repeatedly if he didn't eat it: "If you didn't eat it you got it for your supper. If you didn't eat it at suppertime, it was there for your breakfast. It was there until you ate it." Once, when he refused to eat tapioca, his bowl ended up on the floor: "I had to take it off the floor, after everybody had walked up and down on it, and I was to eat it."¹⁶⁷

George Higgins was in Bellevue: "If you refused to eat what they gave you, you got a thump on the back and if you left anything they would make you stand on a stool in the middle of the refectory with the remains of your food until you did eat it."¹⁶⁸

"Margaret Crawley" pointed to damage on one of her front teeth: "... we were forced to eat [the food]. I still have two little chips on the front teeth from where they shoved the fork into my mouth. Sister ["Mary"] and [another Sister] were particularly bad with that: one would hold your nose, the member of staff, and then the fork would be shoved into your mouth and literally past your teeth. If you threw up, which a lot of us did, they put your face in the plate and told you to eat up the vomit and the food."¹⁶⁹

"Pat" was forced to eat porridge: "It may have been porridge, but it was just like golf balls. You just chewed it. If you didn't eat, they force-fed you. They would hold you and actually get – it was usually a big metal spoon

165 Transcript, day 25: "Fergie," at TRN.001.002.0094.

166 Transcript, day 25: written statement of Frank Docherty, at TRN.001.002.0126.

167 Transcript, day 26: "John," at TRN.001.002.0206.

168 Transcript, day 29: George Higgins, at TRN.001.002.0845.

169 Transcript, day 29: "Margaret Crawley," at TRN.001.002.0711.

“ You had to eat everything even if you were sick. If you didn’t eat they would force you even if you had been sick on it. ”

– and just force-feed you. We were choking. Basically choking all the time and she would still force-feed that until that porridge was finished ... [Sister “Josephine”] would grab you, it was always at the back of your hair – I know it sounds silly but she knew exactly which bits to grab which would be the most painful and you would submit right away basically and let her force-feed you ... it’s like she had a sixth sense, she knew where to hurt you.”¹⁷⁰

“Jimmy” had a vivid memory of being forced to eat salad and “it was physically forced into me mouth, with the nun’s hand held over me mouth until I swallowed it.”¹⁷¹

“Michael” was forced by Sisters and staff to eat, even when being sick: “When they were trying to force it in me mouth I would be sick, they would pull your hair, pull it back and stuff it in your throat. Then I would be sick on the plate and they would make us eat that as well.”¹⁷²

As June Smith explained, Sister “Josephine” made sure you ate everything and, when you didn’t eat it, “you used to get it in the morning because she said that you weren’t

to waste any” and “she used to hold your nose and just open your mouth and just put it down.”¹⁷³

“Victor” was forced to eat onions and “Sometimes two of the nuns – one would hold your head back and the other would shove it down the back of your throat. They said that if you didn’t eat it now, you’d have it for breakfast.”¹⁷⁴ As in other parts of his evidence, Victor was at pains to give credit where it was due: “There were one or two – what I would call the younger nuns, the ones that didn’t have the big flaps on their heads, who were very kind and would say, ‘Don’t worry, I’ll hide that away,’ so they were kind. But if the more senior nuns saw it, they would try and force you to eat it saying, ‘We can’t afford for you to waste food’ – this sort of attitude.”¹⁷⁵

“James” spoke of being forced to eat the food in Bellevue by whoever was in charge: “You were forced to eat it. You were really forced to eat it ... they would just hold your head and tell you to eat it or else you’d get sent to Sister ...”¹⁷⁶

170 Transcript, day 29: “Pat,” at TRN.001.002.0806-0807.

171 Transcript, day 31: “Jimmy,” at TRN.001.002.1051.

172 Transcript, day 31: “Michael,” at TRN.001.002.1118.

173 Transcript, day 33: June Smith, at TRN.001.002.1388-1389.

174 Transcript, day 35: “Victor,” at TRN.001.002.3115.

175 Transcript, day 35: “Victor,” at TRN.001.002.3115.

176 Transcript, day 35: “James,” at TRN.001.002.3172.

“Margaret” was force-fed: “Sister Gabrielle would use the spoon or a ladle and force-feed me. She was always in my vision and any time I caught her eye she took that as an excuse to slap me and threatened to hit me on the knuckles with the ladle.”¹⁷⁷

“Jack”, who was in Smyllum from 1974 until it closed in 1981, was also force-fed: “All our meals we had to eat ... you’d be made to sit until you ate it - and it could be force-fed” particularly by Sister “Josephine”: “Your head getting pulled back and a spoon or a fork forced into your mouth. Your natural reaction was to spit it out, and it would be put back on your plate so you had to learn to get rid of it.”¹⁷⁸ The children were told that “People were hungry in Africa ... and we should be grateful that we’re getting fed.”¹⁷⁹

Response to evidence about force-feeding

Although the Sisters denied that there was any force-feeding, some aspects of their evidence supported the applicants’ accounts:

- Sister “Carol,” whilst initially insisting that there was no problem with the food and that the children enjoyed it, did volunteer that “sometimes they put the food into the flowerpots on the table ...”¹⁸⁰

- Sister “Esther” explained that the Sisters “didn’t have a lot of money to play around with”¹⁸¹ and that there were occasions when she would have “insisted” that the children eat the food: “they wouldn’t be let off with not accepting there and then what they ... didn’t like.”¹⁸²
- Sister “Esther” also explained that they might “get a member of staff to sit with [the child]” after others had left.¹⁸³
- Sister “Esther” added that they might have to “... give it to them later on in the evening ...”¹⁸⁴
- Sister “Josephine” accepted that children might have been told that there were children in Africa who didn’t have food, in an effort to get them eat what was in front of them.¹⁸⁵

Conclusion about force-feeding

Taking into account all the evidence, I have no difficulty in rejecting the suggestion that there was no problem about getting the children to eat the food. The wealth of consistent accounts of children being forcibly fed in the ways described is such as to satisfy me that it was an established aspect of the regime that happened throughout four decades in Smyllum and also in Bellevue in the ways described in the evidence quoted above.

177 Transcript, day 35: written statement of “Margaret,” at TRN.001.002.3232.

178 Transcript, day 36: “Jack,” TRN.001.002.3325.

179 Transcript, day 36: “Jack,” TRN.001.002.3326.

180 Transcript, day 39: Sister “Carol,” at TRN.001.002.3757.

181 Similarly, Sister Eileen Glancy, when giving evidence on day 8 of Phase 1 hearings said that “things were very tight with regard to money” and she surmised that funding was “just about adequate” (transcript, day 8: Sister Eileen Glancy, at TRN.001.003.4036-4037).

182 Transcript, day 42: Sister “Esther,” at TRN.001.002.4325. The Smyllum financial accounts are available for most of the years that Sister “Esther” was at Smyllum. They confirm that money was tight; Smyllum routinely ran at a loss. Further, although some of the Sisters suggested that there was a plentiful supply of produce from the Smyllum farm, it was evidently being run as a commercial enterprise with produce being sold - significant income from the sale of farm produce is a regular entry in the accounts. The children helped with preparing produce for sale: William Whicher spoke about filling punnets with strawberries to supply to local shops but they were not given to the children (transcript, day 37: William Whicher, at TRN.001.002.3487-3488). It seems highly likely that Sisters and staff would be concerned to avoid wasting food.

183 Transcript, day 42: Sister “Esther,” at TRN.001.002.4325.

184 Transcript, day 42: Sister “Esther,” at TRN.001.002.4326.

185 Transcript, day 41: Sister “Josephine,” at TRN.001.002.4240.

3.5 Chores

General

There can be no concern about children, as a generality, being trained to help with domestic duties. But there are limits. There comes a time when the use of children for domestic tasks becomes abusive; that stage was reached at Smyllum and Bellevue in a number of respects. Some applicants, such as William Whicher, explained the reason for the children's participation in chores as "they didn't have any cleaners in"¹⁸⁶ and, whether that was the case in all respects, it has the ring of truth when the evidence is considered as a whole.

Heavy work

The children's chores included heavy work. They included sweeping indoors and outdoors, washing floors, polishing floors, cleaning shoes, doing laundry, sewing, cleaning bathrooms and polishing taps, cleaning windows, and preparing potatoes. There was a clear impression that the extent to which they had to do these chores was unduly burdensome and often not age-appropriate. Chores were also, on occasion, used as punishment. Children were used as unpaid labour in circumstances where there were insufficient staff and insufficient funds to employ adequate staff. The tasks they had to perform could not be dismissed as small; they were no mean feat. Further, the children were often criticised for their efforts; they were not praised or thanked. William Whicher explained this under reference to the jobs he had to do before breakfast:

"... whatever the job was, before you could go for breakfast, the nun would have to

come and inspect it to see if you'd done a good job. They wouldn't say you'd done a good job, they would just say you could go for breakfast ... It was not a case of right or wrong. There was only wrong. If you'd done a great job they wouldn't say 'That's a nice job, you can go', just 'Okay, you can go.'"¹⁸⁷

Applicants' descriptions of their involvement in chores were vivid and convincing.

"It was an okay job in the summer, but come the autumn you've got leaves blowing everywhere, you'd try to get them, but when the wind blew them, then it was your fault and you'd get into trouble for not having them altogether. But it got worse in the winter because you'd be trying to brush the snow away and your hands would be freezing and you would have to scrape the ice away ..."¹⁸⁸ (William Whicher, on sweeping the yard each morning.)

"... they had a machine called a blocker ... and it would be on the stick and you'd just polish the floor with it."¹⁸⁹ (William Whicher, on floor polishing.)

"We were given the chore of polishing the dormitory floors, which were wooden floors, and that was done by laying the polish down and then using what was called a bumper, which is a polishing head on a - a manual polishing head on a stick and you had to polish the floors until they shone."¹⁹⁰ (Leon Carberry, whose time at Smyllum was slightly before William Whicher's, on floor polishing.)

"The chores were done on a daily basis. It was a four storey building. You had to kneel down and scrub the stairs from top to bottom. We had to do that every week. We

186 Transcript, day 37: William Whicher, at TRN.001.002.3481.

187 Transcript, day 37: William Whicher, at TRN.001.002.3481-3482.

188 Transcript, day 37: William Whicher, at TRN.001.002.3481.

189 Transcript, day 37: William Whicher, at TRN.001.002.3481.

190 Transcript, day 43: Leon Carberry, at TRN.001.002.4628.

“ ... the extent to which they had to do these chores was unduly burdensome and often not age-appropriate. ”

had these big dummies with shafts on them. We had to polish the wooden floors in the big dormitories. You would have to go up and down.”¹⁹¹ (“Meg,” on scrubbing the stairs and floor polishing.)

“... in the long dormitory, all the beds were moved to one side, and it was teams of four boys, down on your knees, with this pink floor polish, rubbed all that in. As you moved down, there was another four boys with what we called dummies - it is like a big polishing item, heavy. They would take the worst of the polish back to a shine. When they moved forward again, four or five boys were given a cloth to go down on their knees and polish the floor ... It was quite a big job.”¹⁹² (“Michael,” on floor polishing.)

“The floor was highly polished and mirror-like. It had an all pervading antiseptic smell. And all the handiwork of child slaves with their big polishing blockers!”¹⁹³ (The submission of “Dexter,” on floor polishing.)

“... after cleaning the dormitory, they had to clean the passageways and the stairs. So if, for example, the passageways weren’t cleaned right or swept right, whoever it was would be in trouble for that. So they would have to do it again ... so you would have to wait until they finished and then you would

then mop that and then mop the stairs.”¹⁹⁴ (“James,” on his chores in Bellevue when he was not yet 10 years old.)

“James” went on to explain that repeat cleaning might be used as punishment: “Sister Louise would come up, look at the stairs, and then just get the bucket of water that you’d used and just empty it down all the stairs again, so you’d then have to go over it and do it all again. The water would be dripping everywhere and ... you’d only own a pair of short trousers and you still had to get to school for 9 o’clock.”¹⁹⁵

“Janie” was given a stair-cleaning punishment when she was between 4 and 7 years of age. A Sister: “... made me clean the same bit for - well, it felt like hours. She said, you had better be there when I come back to do that same bit, and I remember just scrubbing it and scrubbing it ...”¹⁹⁶

“Oh, every day you had your chores ... One chore in particular that I remember was cleaning the shoes. The stairs from up into the dorm, the annex, brown shoes were lined up one side, black up the other. We had to go up the stairs and polish each pair of shoes ... you’re talking maybe 20 kids’ shoes up both sides ... and they had to be shining, so ... it could be a good hour.”¹⁹⁷ (Fiona Young, on shoe cleaning.)

191 Transcript, day 33: written statement of “Meg,” at TRN.001.002.1436.

192 Transcript, day 28: “Michael,” at TRN.001.002.0649-0650.

193 Transcript, day 26: “Dexter,” at TRN.001.002.0320.

194 Transcript, day 35: “James,” at TRN.001.002.3178.

195 Transcript, day 35: “James,” at TRN.001.002.3179.

196 Transcript, day 30: “Janie,” at TRN.001.002.0887.

197 Transcript, day 36: Fiona Young, at TRN.001.002.3381-3382.

Sister "Louise" had to carry out a particularly embarrassing aspect of laundry work: "... the Sisters at that time made their own sanitary protection if you like and it used to come down in these oval wicker baskets and as children we had to put those ... into the washing machine."¹⁹⁸

The potato peeling job was a tough one. "James" was quite distressed at its recollection when he was giving evidence about it. The potato peeling machine seemed huge, the job was cold and mucky, the children had to cut the "eyes" out of the potatoes and then they had to clean the machine.¹⁹⁹ "John", who also did the potato job, explained that it was so cold in the room where the machine was situated that the floor was sometimes covered in ice.²⁰⁰

Response to evidence about chores

There was some acceptance by the Sisters that the children did chores although not that they were anything like as described by applicants. Sister "Carol" said they were "little jobs" and "nothing very much"²⁰¹ and Sister "Mary" recalled children polishing floors in her "early days" – she said that Sisters or the staff would put polish on the floor and children would "shine up" around their bed with some cloths on their knees.²⁰²

Conclusion about chores

That minimisation by the Sisters did not detract from the weight of the applicants' persuasive evidence. I find that requiring children to do chores in the ways described by many of the applicants was an established aspect of the regime in both homes.

3.6 Washing and bathing

Many applicants spoke of having to queue for baths in a state of undress, of sharing bathwater with up to 20 other children and of the water being very hot to begin with and cold and dirty for those who were last in the queue. Notwithstanding the Sisters' denials that there was any communal bathing, I am satisfied that that was the experience of many, that the way it was handled was upsetting and unpleasant and that it could be embarrassing. Concern was, for instance, expressed by "Margot," who worked at Smyllum in 1965-6, about the lack of privacy for children as they were getting older:

"The older girl with us must have either started her periods or been really close to starting her periods. Her breasts were arriving and she had the beginnings of pubic hair. I remember her kind of standing and lying in the bath as well trying to cover herself. [A Sister] was just washing her and I was thinking this is not right, she should be bathing herself, she should be running her own bath behind a locked door and bathing herself. There is a point where all young people ... just become very conscious of the changes that are happening to them. They don't want people standing around looking at them. I thought that was such an odd thing. It showed such a lack of understanding of what was happening to this girl."²⁰³

Witnesses such as "Pat," who was in Smyllum for about 12 years from when he was 3 years of age, in clear, persuasive evidence, captured what bath night was like for many children:

198 Transcript, day 28: Sister "Louise," at TRN.001.002.0614.

199 Transcript, day 35: "James," at TRN.001.002.3169-3171.

200 Transcript, day 26: "John," at TRN.001.002.0212.

201 Transcript, day 39: Sister "Carol," at TRN.001.002.3772.

202 Transcript, day 40: Sister "Mary," at TRN.001.002.4519-4520.

203 Transcript, day 38: written statement of "Margot," at TRN.001.002.3716.

“... they used to put you in a queue and what happened was if you were in first you were going to get scalded. I mean, you could hear the kids screaming that were at the front and see by the time you got to the end of the bath, if you were at the end of the bath, it was black – and I mean black – and obviously people had been wetting themselves and God knows what else – and you learned as you got older to try and get into the middle of the bath, whereby the bath would be lukewarm by the time you got to it. But if you were in first, you were getting scalded and there was no doubt about it. It never changed. [Sister “Josephine”] could see these kids screaming and crying their eyes out and she would never bat an eyelid. She would not bat an eyelid.”²⁰⁴

“Dexter” explained how it felt. His earliest recollection goes back to when he was, as an eight year old, in a bath at Smyllum. Not only was the water filthy; it contained “Jeyes” fluid and his head was forced down into the water by a lay assistant who handled him roughly. He said: “They just pulled you out, that was it, as if you were just a piece of trash.”²⁰⁵

Response to evidence about washing and bathing

The descriptions of washing and bathing routines provided by applicants were not accepted by the Sisters who gave evidence. For example, Sister “Carol” denied that there was any kind of communal bathing regime during her time.²⁰⁶ Sister “Nora” spoke of younger children sharing bath water but that the water “would always be warm.”²⁰⁷ Sister Evelyn Warnock recalled that only members

of the same family would share bath water and that the water was always warm.²⁰⁸ Sister “Margaret” recalled that they would bath younger children and that older children would bath themselves.²⁰⁹ The Sisters’ position was that the regime of queuing for baths and scalding hot or cold baths did not happen in their groups and that they did not know of it happening in other groups.

Conclusion about washing and bathing

Communal bathing of this type may not have been the norm in every unit throughout the period covered by the evidence but I am satisfied that it was a common feature in a number of units for many years and that it was carried out in a way which amounted to abuse. No thought seems to have been given to what the experience was like from the child’s point of view or to the likelihood that many found it to be deeply upsetting.

3.7 Emotional abuse

General

Applicants’ memories of a lack of love or affection and feeling that they were but commodities being warehoused have already been referred to. The physical abuse created an atmosphere of fear which was, of itself, emotionally abusive. But emotional abuse comes in many forms and a wide variety of emotionally abusive treatment occurred at Smyllum and Bellevue. In particular, children were frequently humiliated, controlled, insulted and made to feel worthless and denigrated and subjected to inappropriate or unjustified punishments by some of the Sisters and staff. These things

204 Transcript, day 29: “Pat,” at TRN.001.002.0800-0801.

205 Transcript, day 26: “Dexter,” at TRN.001.002.0288.

206 Transcript, day 39: Sister “Carol,” at TRN.001.002.3758-3759.

207 Transcript, day 39: Sister “Nora,” at TRN.001.002.3857.

208 Transcript, day 40: Sister Evelyn Warnock, at TRN.001.002.4467.

209 Transcript, day 42: Sister “Margaret,” at TRN.001.002.4281-4282.

“ Some children did not even know when their birthday was. ”

happened to a degree which I judge to have been a form of emotional abuse.

Lack of family support

The emotional abuse is likely to have been exacerbated by the unavailability of family support. The attitude in Smyllum spoken to by many applicants was that, once there, they did not have family any more. For most of the period under examination, the norm was to split up sibling groups and place them in units according to age and gender. And by the late 1960s and 1970s, when the merit of keeping families together had received general acceptance, Smyllum continued to place children generally according to where they had a vacancy. That approach often resulted in sibling separation. Furthermore, not only were family visits infrequent, some family visitors were sent away.²¹⁰ Children were wrongly told that their parents were dead or had gone away or they were not given news of their parents. For example, Victor said: “... I didn’t even know I had a mother until she turned up at the door ...”²¹¹ She had been sending him cards and birthday presents over the years he was in Smyllum but they were not given to him. No-one had ever explained his parents’ circumstances to him: “I think I might have asked on a couple of occasions about my mother and father and they never actually said to me they’re dead ...”²¹² but they had

just said that he didn’t have any parents. This was in circumstances where, as he later discovered, his parents had been trying to get him out of Smyllum for a long time.

“Gerry” said: “... my parents were demonised. We ... were more or less told to forget about them”²¹³ by foster parents and then nobody at Smyllum talked to him about his parents at all. This was in circumstances where his father had gone to India at the time of partition, in all likelihood to assist family members caught up in the mass migration that occurred at that time.

Birthdays not celebrated; removal of presents

The lack of family contact could have been ameliorated in a small way by maintaining a central register of children’s birthdays and ensuring that they were celebrated but that did not happen. Although birthdays were celebrated at some periods, in some of the units – with a cake, for example – some children’s birthdays were never acknowledged at all. Some children did not even know when their birthday was. Birthday presents did not feature. Presents were, on occasion, given to children such as at Christmas but they would be taken away from them at the end of the day or the following morning. The same happened to presents brought by family visitors.

210 See, for example, “Greig”’s statement refers to both his mother and brother being turned away by the Sisters (transcript, day 31: written statement of “Greig,” at TRN.001.002.1152) and “Victor”’s statement at paragraph 42 where he explains that although, as he learnt later, his mother had written to Smyllum on a couple of occasions to try to arrange to visit him, she was told that she could not do so (written statement of “Victor,” paragraph 42, at WIT.001.001.2977).

211 Transcript, day 35: “Victor,” at TRN.001.002.3122.

212 Transcript, day 35: “Victor,” at TRN.001.002.3122.

213 Transcript, day 36: “Gerry,” at TRN.001.002.3297-3298.

Lack of regard for children's background circumstances

Some children had no available family. Two applicants were admitted after they had found their mothers dead – one with her head in a gas oven and the other dead in her bed. William Whicher, who had lost both parents, said: "I was there because nobody wanted me."²¹⁴ Background circumstances of this type seem to have been common but no allowance was made for them in the approach adopted to the care of such children.²¹⁵ Their particular needs for comfort and reassurance were not met; that being so, it must have been even harder for such children to handle any form of emotional abuse.

Name-calling; treatment of left-handed children

Many applicants spoke of disparaging names being used towards them. This was upsetting, distressing and unfair. Once again, this was a recurring theme in the evidence spoken to by a range of witnesses and it was, sadly, entirely convincing. It is carved into their memories. I find that it happened. There was no justification for it.

For example, the statement of Frank Docherty recorded that, in later life, he realised that there were a number of "trigger words" that would "set me off" such as if anyone called him "useless, daft, dumb or scum."²¹⁶

"Fergie" was called names by Sister "Mary": "You were in it for being the devil's child, devil's spawn, you were immoral, you would be nothing in life, you would be the scum of the earth ..."²¹⁷

Abuse was provoked by a child being left handed. "John" had already been called "the devil's disciple" and, when a particular Sister found out he was left handed, "I was definitely the devil's disciple."²¹⁸ Children who were left handed were forced to use their right hands instead – their left hand might, for instance, be tied behind their back. They would get into trouble for using their left hand. "Dexter", "Victor" and "Jean"²¹⁹ were amongst others who experienced being treated harshly for that reason.

Sisters called "Paul" a "wee bastard." He "thought that was my name. I had to go and ask what a bastard was ..."²²⁰

Sister Clare called "Margaret Crawley" a "filthy whore" and spat at her – "I was the scum of the earth; I think she was trying to convey that by spitting."²²¹

A Sister used a particularly hurtful name to "Chief." Laughing, she used to call him "mum killer," the implication being that his mother had died giving birth to him, and she would say: "you killed your mum, you shouldn't be here." That Sister also accused him of never talking to anyone and "planning things." It was in these circumstances that she targeted and repeatedly beat him, whispering

214 Transcript, day 37: William Whicher, at TRN.001.002.3528.

215 As explained previously, the Sisters were left in ignorance about children's backgrounds. And, in the main, it seems they did not enquire about them.

216 Transcript, day 25: written statement of Frank Docherty, at TRN.001.002.0118.

217 Transcript, day 25: "Fergie," at TRN.001.002.0096.

218 Transcript, day 26: "John," at TRN.001.002.0202 and 0209.

219 As her statement records: "I wasn't a Catholic, I was left-handed and deaf in one ear so I was already stigmatised when I entered the place." (Transcript, day 28: written statement of "Jean," at TRN.001.002.0569.)

220 Transcript, day 27: "Paul," at TRN.001.002.0465.

221 Transcript, day 29: "Margaret Crawley," at TRN.001.002.0743.

"Mum killer, you killed your mum ..." ²²² He said of the Sister that: "She just loved [belting him] and the more naked I was the better." ²²³ He was acutely distressed when explaining this during his evidence. Sadly, he believed her at the time and thought his mother had died giving birth to him. The truth was, as he discovered many years later, that his mother died of a perforated ulcer when he was a baby. There was no factual basis for suggesting that giving birth to him caused his mother's death. His birth was not the cause of her death. Regardless of the circumstances of his mother's death, that name-calling was cruel.

"Margaret Crawley" was accused of being snobby and referred to as "your Highness." Sisters would also say to her: "Don't get ideas above your station. You think you are clever, but you shagged your uncle and your mother is a whore ... you are just a big fish in a little pond, remember where you came from, young lady ... your mother's a whore, you will end up one too." ²²⁴

Treatment of children who were not Roman Catholics

Sisters used to tell "Pat": "... Protestants were the children of the devil. They are telling us, kids, 7 and 8 year olds, that Protestants were bad people ... We didn't know what a Protestant was or a Catholic was ... but at that age they were drumming that in, that the people of the Protestant faith were bad people ... if somebody said they were Protestant, I would have run away. That was how bad it was." ²²⁵ Although the mission of the Order was a Roman Catholic one, there

was evidence of some Protestant children being admitted to Smyllum such as "Jean" and Fiona Young, and "Greig" referred to Protestants moving "in to another part of the home" in his statement. ²²⁶

Fiona Young was very upset when she was not allowed to participate in the Catholic first communion along with other girls. Having seen communion wafers, she thought she was being denied a "flying saucer" sweet; that was what they looked like to her. A Sister's reaction to her crying was: "... the nun basically grabbed me by the scruff of the neck and took me out to the corridor and asked me what was wrong with me, and I said that I wanted some bread. She says ... 'You're not worthy of our father's bread.'" ²²⁷ The implication being that, as a Protestant, she did not merit it.

"Victor" was of Jewish parentage. When beating him, Sisters said: "We'll knock the Jewishness out of you." ²²⁸ Victor's parents were Jewish refugees and he would have been placed in a Jewish orphanage if his mother had been able to find one when she fell ill with TB at a time when his father - who was a German national - was still interned in the Isle of Man. There was no appropriate recognition of his Jewish heritage by the Sisters at Smyllum, no efforts were made to teach him about it nor were any efforts made to celebrate Jewish festivals with him. The Sisters who gave evidence denied there ever having been a Jewish child at Smyllum but that was, patently, not so. I cannot accept that they were ignorant of that aspect of Victor's background.

222 Transcript, day 26: "Chief," at TRN.001.002.0253-0254.

223 Transcript, day 26: "Chief," at TRN.001.002.0252-0255.

224 Transcript, day 29: "Margaret Crawley," at TRN.001.002.0747-0748 and 0770.

225 Transcript, day 29: "Pat," at TRN.001.002.0816-0817.

226 Written statement of "Greig," paragraph 12, at WIT.001.001.2077.

227 Transcript, day 36: Fiona Young, at TRN.001.002.3385-3386.

228 Transcript, day 35: "Victor," at TRN.001.002.3119 and 3131.

Lack of praise or encouragement

Sister "Louise" and "Margaret Crawley" both achieved admirable academic success but praise and encouragement were distinctly lacking. Rather, they experienced a lack of appropriate support and treatment aimed at denigrating them. Sister "Louise" spoke of being accused by the Sisters at Bellevue of thinking she was smarter than other children and being told by them that they would "beat that out of you."²²⁹ "Margaret Crawley" recalled not being allowed to finish homework which she would be unable to start until she had helped out with the younger children; she would be told "no, get to bed, young lady, you are no different to anyone else."²³⁰ So, later, she would get up and lock herself into the toilet to finish her schoolwork. When she was studying languages, a grammar book she was given was taken away from her and, when the school recommended that she stay on for a sixth year, Smyllum would not accommodate her; she ended up being taken in by one of her schoolteachers.

Some support for the evidence of "Margaret Crawley" came from "Ann," a former Sister with the Order who knew her when she was at Smyllum. Whilst she said that she was very proud of "Margaret Crawley" and what she had accomplished, she couldn't say that she had ever told her that: "Do you know, I wonder if I didn't tell her that enough ... whether I did, I don't know."²³¹ Whether or not Sisters or staff felt proud of her or Sister "Louise"'s not inconsiderable achievements, they failed to make that clear; instead, their actions and attitudes left these children feeling unsupported, put down and that they were, in some respects, an irritation.

229 Transcript, day 28: Sister "Louise," at TRN.001.002.0592.

230 Transcript, day 29: "Margaret Crawley," at TRN.001.002.0715.

231 Transcript, day 43: "Ann," at TRN.001.002.4771-4772.

232 Transcript, day 33: June Smith, at TRN.001.002.1396.

Locking up or locking out used as punishment

Locking children in a confined space or outdoors was used as punishment. Some descriptions went to an extreme which I find to have been unlikely. For example, the evidence of "Janie" about always being gagged and tied to her bed and of being buried alive, whilst clearly arising from vivid and distressing memories, is not supported by other evidence and could be explained by her having had the misfortune to suffer other particularly distressing experiences in her life. Similarly, the evidence of "Paul" about being locked in a laundry basket for days at a time is not, so far as duration is concerned, matched by the experiences of other witnesses. There was, however, a common thread across the evidence of a number of witnesses which satisfied me that locking up or locking out was used as a punishment in ways which was so cold, calculated, distressing and frightening as to be abusive.

For example, Sister "Josephine" locked June Smith into the front porch one evening as punishment for being cheeky:

"... this particular night she had locked me - she came over for her prayers at 7 o'clock and she stood me out on the front porch. There was a white door, she locked the white door, and just closed the porch door over. Where the playroom was, there is a lock as well, so she locked that as well and she forgot about me."²³²

The Sister did not remember June was there until after 11pm when she came down, let her out and told her "not [to] tell anyone."

“... they always locked me in the cupboard as a punishment.”

“Margaret Crawley” was often locked in a dark pantry as punishment, despite the Sisters knowing she was scared of the dark:

“... they would lock me in a dark pantry. They would put the key in the keyhole so not even a tiny little bit of light would come through there ... until I was 10, 11, 12, I would say, I was locked in that blasted pantry once a week, mostly because I would speak out against them or I would speak out against other kids or I would stop them from hitting other kids.”²³³

“Theresa” was punished for having run away by being locked in the attic for a couple of hours and, when she told a doctor that the cause of an elbow injury was that a Sister had hit it with a stick, she was “punished for telling the doctor about my elbow. I was locked in the bathroom in the loft.”²³⁴

On one occasion, “Margaret” ran away from a Sister who was kicking her and hid in a cupboard, thinking that they would not find her there because: “... they always locked me in the cupboard as a punishment.” The cupboard she hid in on that occasion was a linen cupboard, “above the cupboard they would usually lock me in.”²³⁵

“Bill” spoke of a punishment of this type which had a “huge impact” on him. He was caught being involved in a pillow fight in the dormitory and, after having been hit by a Sister, was put outside onto the fire escape stair: “... the biggest part of it is getting put

out onto the fire escape ... I was left there and it was pitch black ... they closed [the door]. Put me out and closed it and then just left me there. I don’t know how long it was . I just remember being out there for what seemed like forever.” On being asked whether he was distressed by this he said: “‘Distressed’? Sorry but I think that’s an understatement ... it was a big fire escape and I know I just keep seeing this man, somebody coming towards me, constantly, somebody coming up the stairs.”²³⁶

“Victor” spoke about a vivid memory of what happened when, aged seven or eight years, he was involved in playing football in the courtyard on a Sunday: “... one of the nuns came along and screamed at us - or a couple of nuns really screamed at us, ‘How dare you play with that thing on God’s day?’ We didn’t know at that time that it was a sin to play football on a Sunday ... five of us were together and two nuns got us together, told us to take our clothes off and stand in the corner - I remember it was very cold as well, as a punishment. We all got the strap but then we had to stand there - it must have been two or three hours - by which time it had started to rain ... It’s the one thing that stands out and has haunted me for many years afterwards, this particular occasion, because it was so cruel, you know what I mean? When we finally got to go indoors, we put our clothes on, which were wet, we had missed our evening meal and by that time, it was bedtime ...”²³⁷

233 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0744-0746.

234 Transcript, day 29: written statement of “Theresa,” at TRN.001.002.0863.

235 Transcript, day 30: written statement of “Margaret,” at TRN.001.002.0970.

236 Transcript, day 32: “Bill,” at TRN.001.002.1227-1229.

237 Transcript, day 35: “Victor,” at TRN.001.002.3132-3134.

Sleeping positions

Insidious control was achieved by means that included the “clicker” or “drill” routine described above and by other means such as forcing children to sleep with their arms outside the bedcovers in a particular position. Frank Docherty’s statement records that when in bed “you were never allowed to have your hands under the blanket. They had to be crossed or at your sides. If you did have them under the blanket, [Sister Magdalene] would wake you up and accuse you of masturbating.”²³⁸ Jim Kane’s statement records that “you stretched out and you lie in your bed with your arms crossed on top of the sheet.”²³⁹ The statement of “Jean” records that “... we were always being told we would go to hell. We were forced to go to sleep with our arms crossed over our chest and got told if we didn’t, we would burn in Hell. The nuns checked up on you when you were asleep. If you didn’t have your arms crossed over your chest, they would shout at you.”²⁴⁰ “Jimmy” explained that if you had your hands under the sheets, you would be told to take your arms out and put them on top of the bed and “At the time, I didn’t know what that was about. As time went on, I do understand now what they were trying to do ... They were trying to stop you from touching yourself. That was their perversion. That was their thoughts. That’s what they were thinking; that’s not what I was thinking ... We were too young to know stuff like that ...”²⁴¹

Menstruation

There was evidence from some witnesses about the Sisters’ attitude to menstruation. They were quite insensitive to the emotional needs of young girls experiencing the onset of puberty. The experience of Sister “Louise” of having to sort Sisters’ laundry including their soiled pads has already been referred to. “Frank” states that his sister, who was also in Smyllum, told him: “The girls would get their periods and they wouldn’t know what it meant. They were never told about periods. My sister said she was made to display her bed sheet in front of others if she had stained it. They were made to do this so that they wouldn’t do it again and would use the necessary things. She would have to wash the sheet herself.”²⁴²

“Margaret Crawley” explained that, before her periods began, she knew nothing about menstruation and that “It came suddenly. It was painful. I was bleeding heavily. I thought I was dying. I thought I was bleeding. I thought something terrible was going on. I went and said, ‘I’m bleeding, I think I’m dying.’ I was slapped and told never to talk of that publicly again and I should always go to her ... and ask for a sanitary towel. I said ‘What’s a sanitary towel?’ ... no one told me this was your period, it is a normal part of growing up. What I basically heard was that when I had pain, that was the devil’s way of punishing me because I was a bad girl ...”²⁴³

238 Transcript, day 25: written statement of Frank Docherty, at TRN.001.002.0134-0135.

239 Transcript, day 25: written statement of Jim Kane, at TRN.001.001.0164.

240 Transcript, day 28: written statement of “Jean,” at TRN.001.002.0568.

241 Transcript, day 31: “Jimmy,” at TRN.001.002.1049-1050.

242 Transcript, day 27: “Frank,” at TRN.001.002.0502.

243 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0721-0722.

“ I find that children were emotionally abused at Smyllum and Bellevue throughout the period covered in evidence. ”

Response to evidence about emotional abuse

The Sisters did not accept that children were emotionally abused. It was denied by the Sisters who gave evidence. They did not accept the accounts of emotional abuse given by applicants.

Conclusion about emotional abuse

I find that children were emotionally abused at Smyllum and Bellevue throughout the period covered in evidence. The evidence was persuasive and compelling. It was an established aspect of the regime. It was designed to hurt and belittle children. It was very cruel.

3.8 Sexual abuse

Children were sexually abused by priests, a trainee priest, Sisters, members of staff and a volunteer. The abuse was, in some cases, prolonged. The sexual abuse by those who were not employed by the homes occurred in circumstances where it appears to have been assumed – because, for instance, the individual was or was in the course of becoming a priest – that they could be trusted to have unsupervised access to the children and so risk assessments or checks on their suitability were, it seems, not even considered let alone carried out.

Bernard Traynor

St Vincent's was a home run by the Order on behalf of the Diocese of Hexham and Newcastle. Bernard Traynor was a trainee priest who regularly visited St Vincent's, often staying overnight at the weekends to allow staff time off; he would then be in the role of house parent. He had extensive unsupervised access to the children. He said in evidence that he had had no proper training and received no proper supervision. He began touching boys sexually when bathing them. He also went on camping holidays with the boys. He wanted to be "one of the gang."²⁴⁴ One of his victims was "Michael," who explained "... he used to come in me room on a regular basis. It started off he just used to feel us. Then it started he tried to masturbate us and he would do it on a regular basis – it started off in the caravan actually, in Scarborough. He done it there and then he just continued doing it when he got home. But he was doing it to the other lad in the room with me, so God knows how many kids he was doing it to."²⁴⁵ Bernard Traynor accepted that he carried out such abuse often.

"Jimmy" explained that Bernard Traynor had tried to have sex with him in a caravan. "Jimmy" was initially placed in Smyllum but later transferred to St Vincent's, Newcastle, where he was sexually abused by Bernard

244 Transcript, day 42: Bernard Traynor, at TRN.001.002.4421.

245 Transcript, day 31: "Michael," at TRN.001.002.1128.

Traynor. Bernard Traynor's evidence was to the effect that Jimmy was an honest man; he accepted "Jimmy"'s account of being abused by him and about the circumstances surrounding it, at one point paying tribute to Jimmy's honesty by saying, "If [he] says that, that's probably accurate."²⁴⁶

Bernard Traynor accepted that the evidence of these applicants was true.

Bernard Traynor was ordained as a priest in 1977. In June 1995, Bernard Traynor pled guilty to six charges of indecent assault on four boys in the family that had been transferred from Smyllum. The dates of the charges ranged between December 1970 and December 1979. He later pled guilty to another indecent assault on a male - one which had also occurred in the 1970s. By 1994, the church knew that Bernard Traynor had been sexually abusing children; he had admitted it in a discussion with his Diocesan bishop after moving to a rehabilitation institute for priests in Stroud. He was not, however, laicised²⁴⁷ until about 2012.

Priests

I find that "Margaret Crawley" was sexually abused by a priest who visited Smyllum to say Mass over a period of several months. The priest took advantage of having the opportunity to do so when, "Margaret Crawley" having asked for a "little job to earn pocket money," a Sister had tasked her to go to church half an hour before Mass to prepare it for the service by, for example, opening the Bible at the right place and

putting out the chalice. She was about eight years old. She had to fondle and masturbate the priest. As explained in the "Physical abuse" section above, when an elderly Sister discovered what was happening, it was "Margaret Crawley", not the priest, who was shouted at and physically punished.²⁴⁸ Whilst this account was challenged by Sister "Mary," she was not present at the incident and whilst it may be right that a person was employed to clean the church, that is not inconsistent with the evidence of "Margaret Crawley" about the little job that she was tasked to carry out; her account was clear and convincing.

"Margaret Crawley" also spoke of being aware that something probably sexual was happening to another girl from Smyllum at the house of a student priest who lived locally; that girl told her on several occasions that he was hurting her and "Margaret Crawley" had, on one occasion, been at the house with the girl when the priest made it clear he wanted to be alone with the girl.²⁴⁹

William Connelly was one of the altar boys when he was at Smyllum. There was a priest who they all knew was "a bit dodgy."²⁵⁰ At times, he told the altar boys to strip off so he could rub them with holy water and he then hugged them from behind. He would tell them they had to go to confession to be pure for Mass. At confession he would encourage the boys to talk about masturbation and they knew he was masturbating behind the confession screen.²⁵¹

246 Transcript, day 42: Bernard Traynor, at TRN.001.002.4420.

247 'Laicisation' means the removal from clergy of the right to exercise the functions of their ministry.

248 Transcript, day 29: "Margaret Crawley," at TRN.001.002.0752-0756.

249 Transcript, day 29: "Margaret Crawley," at TRN.001.002.0749-0750.

250 Transcript, day 27: William Connelly, at TRN.001.002.0432.

251 Transcript, day 27: William Connelly, at TRN.001.002.0433-0434.

“ I am satisfied that children were sexually abused at Smyllum and at St Vincent’s. ”

Sisters

A Sister fondled “Margaret Crawley”’s breasts, when she was at the stage of needing a bra.²⁵²

“David” was sexually abused by Sister Genevieve. He was a bed-wetter and she would get him out of bed at night, take him to her room, tell him to get his penis out, put it in her hand and rub her thumb on it. She would ask if he played with his penis whilst talking to him about bed-wetting.²⁵³

Sexual abuse by staff and problematic sexual behaviour by other children

“David” was also sexually abused on a number of occasions by a member of staff, a woman whose appearance and clothes he was able to describe in some detail; she tried to get him to penetrate her and told him that another boy had “done it” with her naked and she asked “David” if he wanted to do that as well.²⁵⁴

In his statement, “Greig” explains that a female member of staff who worked in the home had sex with him over a period which continued until he left Smyllum. He also described peer sexual abuse by older girls

occurring when he was six or seven years old and of having sex with a girl of the same age when he was a teenager.²⁵⁵

In his statement “Frank” explains that he saw older boys trying sexual things (other than rape) on younger boys.²⁵⁶

Leon Carberry was once sexually abused by a maintenance man; he had to masturbate him.²⁵⁷

“John” was once sexually abused by a male worker in a toilet block; he had to masturbate him.²⁵⁸

William Whicher was sexually abused by teenage boys who were brothers, over a period of a couple of years. He was about 11 years old when it began. It usually happened in the toilets where they would force him, and others, to engage in oral sex. Eventually, they were caught and punished by being beaten on their bare backsides with a cane by Charlie Forsyth in the gym hall and in front of all the boys. Sisters were also present.²⁵⁹ William was not aware of any reports being made to the authorities but the abuse did stop after that.

252 Transcript, day 29: “Margaret Crawley,” at TRN.001.002.0751.

253 Transcript, day 25: “David,” at TRN.001.002.0057-0058.

254 Transcript, day 25: “David,” at TRN.001.002.0059-0060.

255 Transcript, day 31: “Greig,” at TRN.001.002.1156-1157.

256 Transcript, day 27: “Frank,” at TRN.001.002.0503.

257 Transcript, day 43: Leon Carberry, at TRN.001.002.4641.

258 Transcript, day 27: “John” at TRN.001.002.0388-0389.

259 Transcript, day 37: William Whicher, at TRN.001.002.3518-3525.

A man who lived locally

A man who was thought to live locally and to be an upstanding member of the community had unsupervised access to children. Sister “Josephine” said: “I suppose some could say they looked up to [him].”²⁶⁰ He established a relationship with Smyllum such that he accompanied the children and Sisters on a holiday. Two children alleged that he had been touching them and they did not return to the home. “Mary Ann,” a former Sister who was working at Smyllum at the time and had the two children in her group, was told that the children were not allowed to return to Smyllum because they would not withdraw their allegations. The matter was not reported to any outside agency.²⁶¹

This man was in recent years convicted of historical physical and serious sexual abuse of children elsewhere. These offences postdated the incidents referred to by “Mary Ann,” who now regrets having refrained from speaking up about the Smyllum incidents sooner; had she done so, other children might have been saved from becoming his victims.

Response to evidence about sexual abuse

The Sisters who gave evidence were not themselves alleged by applicants to have sexually abused children. “Mary Ann” knew that two children in her group at Smyllum had made allegations of sexual abuse by a man who lived locally, that the children were not allowed to return to Smyllum because they would not retract the allegations and that there was no report made to outside agencies.²⁶² Bernard Traynor accepted that he abused children at St Vincent’s when he was a trainee priest.²⁶³

Conclusion about sexual abuse

I am satisfied that children were sexually abused at Smyllum and at St Vincent’s. This included sexual abuse by priests, a trainee priest, Sisters, members of staff and a volunteer.

260 Transcript, day 41: Sister “Josephine,” at TRN.001.002.4251-4252.

261 Transcript, day 43: “Mary Ann,” at TRN.001.002.4686-4691.

262 Transcript, day 43: “Mary Ann,” at TRN.001.002.4686-4691.

263 Transcript, day 42: Bernard Traynor, at TRN.001.002.4408 and 4413-4422.

4

Charlie Forsyth

General

Charlie Forsyth (“Charlie”) worked at Smyllum and had, as a child, been in care at Smyllum himself. He was variously described as handyman, gardener, maintenance man, painter and decorator and farmhand. It was clear that, whatever its precise details, his job at Smyllum was to do manual/maintenance work, principally outdoors. There was no evidence that he was employed to perform any child care role nor any suggestion that he was trained to do so. However, he was, with the knowledge and approval of the Sisters, involved with the children in various ways. The Sisters did not direct or supervise Charlie. He does not appear to have been answerable to anyone but, rather, had a free rein to involve himself with the boys as he saw fit.²⁶⁴ His autonomy was such that Sister “Nora” felt that “he thought he was in charge of me as well.”²⁶⁵

I find, from the evidence as a whole, that Charlie abused boys physically and emotionally and that Sisters knew that he hit children.

Positive evidence

Some witnesses had positive memories of Charlie. “Chief” explained how Charlie was a great help to him and to a few other quiet children who he took under his wing.²⁶⁶ In particular, “Chief” described how he taught him to fight: “... he would tell me, when the part-timers were bullying me, he would say, ‘Hit them’. I would say ‘I can’t do that’. He said ‘Yes you can, whack, and see what happens’. And eventually I just – I got so mad and I just kept doing it and eventually he says, ‘I’m going to teach you boxing, boy ...’”²⁶⁷ Charlie did teach him to box and later on in life, he boxed for the Navy. He taught him how to help with the boilers and that also proved to be an asset during his naval career. Charlie taught him sports and taught him not to let the Sisters see him crying: “He would say, don’t let them see you crying ... that will get them mad, just draw strength from it, just try and not do it if you can.”²⁶⁸ It was as a result of Charlie’s advice that there came a time when he was able to answer back so effectively to a Sister when she was slapping him that she backed away.²⁶⁹

264 For example, “John” provided evidence about this at paragraph 124 of his written statement: “... Charlie was just there to punish you. I think that was his sole purpose. A slap on the lug, a kick in the guts or a punch in the mouth. He just didn’t care, he could have broken your bones but nobody cared because they had nobody to answer to.” (Written statement of “John,” paragraph 124, at WIT.001.001.2677.)

265 Transcript, day 39: Sister “Nora,” at TRN.001.002.3882.

266 Transcript, day 26: “Chief,” at TRN.001.002.0251.

267 Transcript, day 26: “Chief,” at TRN.001.002.0251-0252.

268 Transcript, day 26: “Chief,” at TRN.001.002.0256.

269 Transcript, day 26: “Chief,” at TRN.001.002.0267.

“ He would hit you maybe two to six times. Charlie was a big man. This happened every single day. ”

“Patrick” spoke of Charlie being a “marvellous man” who dedicated his life to “us boys,” particularly in relation to sport. He also involved them in acting, playing in a brass band and told them stories.²⁷⁰ He said that nobody was hit by Charlie when playing in the band.²⁷¹

“Rondo” had particularly warm and positive memories of Charlie; he taught the boys sports, music, drama, and boxing and “Rondo” wished that Charlie had been his father. “Rondo” said Charlie loved the boys and was sympathetic towards them. Charlie’s band was a great success.²⁷² “Rondo” strongly refuted the evidence given by those witnesses (referred to below) who spoke of Charlie hitting them, beating them and inspiring in them nothing but fear.

Charlie would “cuff” and punch “Jack” but that was, to “Jack”’s mind, preferable to being reported to a Sister; that would have been worse.²⁷³

Physical abuse

Some witnesses referred to “Charlie’s club” and to Charlie having his favourites. “Frank”, in his statement, said that he was in Charlie’s club, explaining that he got into it because he was older and that that meant he was

one of the boys who could hit the younger children. Also, at mealtimes, if a child spoke during grace the bigger boys in Charlie’s club would “make you go over to a corner of the refectory” and once there “Charlie would hit you on both sides of the face with the flat of his hand. He would hit you maybe two to six times. Charlie was a big man. This happened every single day.” Charlie would, he said, take the boys in his club to the gym hall to do various sports. It was a privilege to be in Charlie’s club.²⁷⁴ It seems clear that Charlie did indeed have his favourites and was a positive influence on some of the boys.

It is, however, equally clear, even from witnesses who were, overall, positive about Charlie, that he could be violent. It was clear that he could also be emotionally abusive. Many lived in fear of Charlie and were physically abused by him. “David” described him in his statement as a “vicious child beater”²⁷⁵ and, in evidence, spoke about an occasion when Charlie “... knocked me clean off me feet.”²⁷⁶ Jim Kane’s statement records that Charlie “was the sort to give you a slap, and would call you some of the filthiest names. He made you feel worse than dirt on the floor.”²⁷⁷

270 Transcript, day 38: “Patrick,” at TRN.001.002.3604.

271 Transcript, day 38: “Patrick,” at TRN.001.002.3607-3608.

272 Transcript, day 38: “Rondo,” at TRN.001.002.3697.

273 Transcript, day 36: “Jack,” at TRN.001.002.3330-3331.

274 Transcript, day 27: written statement of “Frank,” at TRN.001.002.0495-0498. Likewise, Frank Docherty’s statement records that Charlie “would come in for breakfast and kick and punch any boy.” (Transcript, day 25: written statement of Frank Docherty, at TRN.001.002. 0130.)

275 Written statement of “David,” paragraph 42, at WIT.001.001.0311.

276 Transcript, day 25: “David,” at TRN.001.002.0048.

277 Transcript, day 25: written statement of Jim Kane, at TRN.001.002.0175.

“ I find that Charlie Forsyth abused children physically and emotionally. ”

“Dexter” wrote about Charlie in his essay written for SCAI: “As a former ‘old boy’ he had been well schooled in the dark arts of violence. His speciality was ‘clouting yer lug’ with his agricultural hands. He would pull down your left ear lobe and wham the right ear. I was always stung and deeply wounded by his verbal humiliations ... He was notorious for his brutality ... He had a dark side to his nature.”²⁷⁸ He said, in evidence, that if Charlie didn’t like you, “he went against you.”²⁷⁹

On an occasion when he was caught playing at the coal hole, Leon Carberry was belted by Charlie “really hard round my left ear and made my nose bleed” as a result of which Sister Magdalene accused Leon of fighting, dragged him off and “... once again gave me a good serve of the Lochgelly.”²⁸⁰

“Jimmy” said that Charlie would hit and slap children. He described an occasion in the orchard when Charlie “slapped us full on the face ... he would hit you and slap you for whatever reason.”²⁸¹ Likewise, “Patrick” talked of Charlie giving boys a “backhander” and sending his brother “flying” when doing so.²⁸²

“Bill” recalled that he “just stayed away from [Charlie] for some reason, I didn’t want anything to do with him ... all I knew was that I had a fear of him specifically ...”²⁸³

The recollection of “Derek” was to similar effect: “We all knew – the children knew to stay away from him” because it was said “he’s got a temper on him.”²⁸⁴ So was that of “Gerry” who said he called Charlie “Black Bob” because he wore dirty overalls “... but his character was also dirty. That was the impression we had as children: that this is someone to avoid, he was dangerous.”²⁸⁵

“Margaret” had a brother who, like her, was at Smyllum. Enigmatically, she described how, in adulthood, he went back to Smyllum on one occasion, looking for Charlie and it was “not just to say hello ...” He did not find Charlie which she said was just as well “because he would have done something to him.”²⁸⁶

278 Transcript, day 26: “Dexter,” at TRN.001.002.0320-0321.

279 Transcript, day 26: “Dexter,” at TRN.001.002.0293.

280 Transcript, day 43: Leon Carberry, at TRN.001.002.4644.

281 Transcript, day 31: “Jimmy,” at TRN.001.001.1072.

282 Transcript, day 33: “Patrick,” at TRN.001.002.1357-1358.

283 Transcript, day 32: “Bill,” at TRN.001.002.1212.

284 Transcript, day 35: “Derek,” at TRN.001.002.3226.

285 Transcript, day 36: “Gerry,” at TRN.001.002.3273-3274.

286 Transcript, day 32: “Margaret,” at TRN.001.002.1290.

Response to evidence about Charlie Forsyth

The evidence of Sister “Nora” in relation to Charlie was that he was someone she was not particularly happy with, that she “didn’t like him” and that “he thought he was in charge of me as well.”²⁸⁷ Sister “Esther” recollected Charlie being tough on the boys and shouting at them outside on the football field.²⁸⁸ Other Sisters spoke of more positive recollections of Charlie – Sister “Carol,” for example, described him as “a good man” who would talk to the children and “reason with them.” Her evidence was that he did not have authority to hit children, that she never saw him hit a child and never got any report of him doing so.²⁸⁹ The evidence of Sister “Mary” was that he didn’t have anything to do with anybody in her house.²⁹⁰ It was not accepted by any Sisters who gave evidence that Charlie hit children or abused them in the ways described by applicants.

Conclusion about Charlie Forsyth

I find that Charlie Forsyth abused children physically and emotionally. I am satisfied that this abuse took place over the three decades covered in evidence by applicants who spoke of abuse by Charlie Forsyth. The abuse that he inflicted on children was sometimes brutal and cruel. I am satisfied on the evidence that that Sisters knew he abused children. He should not have been allowed to inflict such abuse on children in their care.

287 Transcript, day 39: Sister “Nora,” at TRN.001.002.3882-3883.

288 Transcript, day 42: Sister “Esther,” at TRN.001.002.4337-4338.

289 Transcript, day 39: Sister “Carol,” at TRN.001.002.3822-3824.

290 Transcript, day 40: Sister “Mary,” at TRN.001.002.4588.

5

Samuel Carr

Background

Samuel Carr, known as “Sammy,” died on 12 June 1964, aged 6 years. He was a resident of Smyllum at the time of his death, having been initially admitted to the home in March 1960. He died in the Royal Hospital for Sick Children in Glasgow and an autopsy was performed there on the following day.

Recent police investigation

The cause of Sammy’s death was recorded in the Register of Deaths as being “cerebral haemorrhage.”²⁹¹ As a result of a recent and diligent police investigation summarised by the senior investigating officer, Detective Inspector Graham MacKellar, by the end of 2015, the autopsy report was traced and, by February 2016, tissue slides retained by the hospital had been found. The report and slides had been retained for longer than the seven-to-ten-year period that is usually adhered to by the hospital. It is worthy of note that this departure from normal practice proved to be extremely helpful to police investigations.

These investigations were prompted by concerns having been reported to the police to the effect that Sammy’s death might have been the result of an assault on him by a Sister in Smyllum.

Neither the police nor SCAI were able to make enquiries of the doctor who performed the autopsy and wrote the report, Dr Derry McDonald, because he died on 25 March 2007. However, Professor Anthony Busuttil (see below) knew him professionally and advised that he was both highly experienced in paediatric pathology and very well respected.²⁹²

The police instructed Dr Dawn Penman, consultant paediatric pathologist, and Dr Paul French, consultant perinatal pathologist, to review the autopsy report and the slides and provide their opinion on the cause of Sammy’s death. Those pathologists concluded that Sammy’s death was, in essence, due to an infection in his brain. They provided a report which stated their opinion as being “... that the cause of death of this child has been cerebral abscesses which are due to fungal infection, most likely, on the basis of morphology, as *Aspergillus*.”²⁹³ They found no evidence of significant trauma but they did state: “However, neglect is one possibility in a list of many potential causes for Samuel’s vulnerability to the cerebral *Aspergillus* infection ...”²⁹⁴ They said malnourishment could have predisposed Samuel to succumbing to what would have been an unusual infection in a child if previously healthy.

291 See document at INQ.001.001.2381.

292 Transcript, day 34: Professor Anthony Busuttil, at TRN.001.002.1476.

293 Transcript, day 34: Detective Inspector Graham MacKellar, at TRN.001.002.1468-1469.

294 Transcript, day 34: Detective Inspector Graham MacKellar, at TRN.001.002.1469.

“ the fact that children were able to play with rats, is indicative of a lack of supervision. ”

Lead up to Sammy’s death

Sammy was described by those applicants who remembered him as “wee Sammy.” George Quinn, a contemporary, said they called him “wee” because he was smaller than they were and that “we were sort of protective of him.” He described him as “a lovely wee guy ... just a wee totie guy.”²⁹⁵ The Sisters told them that Sammy died because he had been playing with a rat. George Quinn confirmed that there were rats about and said that they all played with rats, chasing them, catching them by the tail and throwing them.²⁹⁶

“Bill” remembered being told that Sammy had been bitten by a rat or that a rat had got him.²⁹⁷ “Derek” was also a friend of Sammy’s. One day, when they were playing in the chicken coop in the grounds, Sammy found a dead rat. He threw it to another boy who, in turn, threw it to Derek and Derek noticed that “it was covered in lice and stuff like that.” He then threw it back to Sammy who, being “a bit of a daredevil,” put it in his mouth and pulled it out again. Derek noticed that Sammy had a “bits of dried blood” on his mouth after that. He never saw Sammy again before he died.²⁹⁸

Sister “Carol” remembered Sammy as being small and undersized for his age. Her memory of him being undersized fits with the other evidence including that he was malnourished when he died; it does not seem that that can be attributed to his home circumstances since he had been in Smyllum for some time by then. All that Sister “Carol” could recall about his death was that “he just got sick and he had a pain and the doctor saw him and then he went into hospital and he died in hospital.” She thought he had been buried in St Mary’s cemetery, in his own grave, not in a communal grave.²⁹⁹

Genuine concerns that Sammy’s death was the result of a severe assault by Sister Genevieve shortly before he died were aired by “David” in his evidence. I accept that he witnessed Sammy being beaten by Sister Genevieve as punishment for having set fire to a piece of pink nylon cloth. He described what he saw: “... Sammy was on the floor and ... She was kicking into him. And it was his upper body, his head ... I had to go lay on top of him, I covered his head and the top of his body and I said, ‘Please, Sister, please don’t hurt Sammy ...’”³⁰⁰ Whilst David’s recollection of the time that elapsed between that incident and Sammy’s death may not be accurate, it seems that there was not a long gap between them. It is not,

295 Transcript, day 28: George Quinn, at TRN.001.002.0552.

296 Transcript, day 28: George Quinn, at TRN.001.002.0552.

297 Transcript, day 32: “Bill,” at TRN.001.002.1213-1214.

298 Transcript, day 35: “Derek,” at TRN.001.002.3223-3225.

299 Transcript, day 39: Sister “Carol,” at TRN.001.002.3770-3771.

300 Transcript, day 25: “David,” at TRN.001.002.0075-0076.

however, possible to say exactly how close the assault was to Sammy's death. Whilst the autopsy report does not record any bruising, as Professor Busuttil explained, even severe bruising dissipates within two or three weeks and fades more quickly in children than in adults.³⁰¹

Professor Busuttil's conclusions

Professor Busuttil, who examined the autopsy and subsequent pathologists' reports, concluded that the most likely cause of Sammy's death was contact with a rat. His researches disclosed that rats, including dead rats, carry *Escherichia coli* (*E. coli*). *E. coli* infections are very severe. *E. coli* produces a poison which causes direct damage to the kidneys. Sammy's symptoms were consistent with an *E. coli* infection having started in his intestines, leading on to kidney failure and to a rise in blood pressure causing brain haemorrhage then secondary multiple septic thrombi and abscesses. He was in no doubt that that infection was the cause of death.³⁰² Professor Busuttil did, however, agree that Sammy was small for his age and that malnourishment would have predisposed Sammy to infection and decreased his resistance to infection: "There is no question at all that a person who is undernourished or malnourished will have a depleted immune system, so he cannot resist infection as a normal child would."³⁰³

Conclusion about cause of death

In these circumstances, whilst I accept that Sammy was severely beaten some time not long before his death, I cannot conclude that it caused his death directly or indirectly. He was, however, undersized and malnourished after a significant period of being a Smyllum resident. It is of some note that Professor Busuttil and the two pathologists all considered that that would have predisposed him to infection. The one he contracted was vicious and severe and would have challenged the ability of even a previously healthy child, to survive, but Sammy's pre-existing poor general condition put him at a distinct disadvantage.

As was accepted by Sister Ellen Flynn, the fact that children were able to play with rats, is indicative of a lack of supervision; she said that "all of the structures that we're coming up with show that there was a systems problem ... around much of this."³⁰⁴ The fact that children were able to play with a dead rat in a way that included one of them putting it in his mouth is alarming. It was also notable that there was no evidence of any efforts being made to eradicate or control the presence of rats in places to which the children had access.

301 Transcript, day 34: Professor Anthony Busuttil, at TRN.001.002.1492.

302 Transcript, day 34: Professor Anthony Busuttil, at TRN.001.002.1484-1491.

303 Transcript, day 34: Professor Anthony Busuttil, at TRN.001.002.1481-1482.

304 Transcript, day 44: Sister Ellen Flynn, at TRN.001.002.4878.



Francis McColl, Patricia Meenan and David Carberry

Francis McColl

Francis McColl died on 12 August 1961 aged 13 years.

He was a resident of Smyllum at the time of his death, having been admitted on 11 March 1955 along with some siblings.

His death occurred one week after he had been hit by a golf club on his left temple; its blunt force had caused acute intracranial bleeding and, although he was immediately hospitalised, he suffered complications and died.³⁰⁵

Francis had difficulties with his hearing, as was well known. Other children called him “cokey lugs”³⁰⁶ and Sister “Carol” remembered that she used to take him to hospital for treatment because he had a hearing problem.³⁰⁷

Whilst the exact location of the golf club incident is not clear, it was established that it happened away from Smyllum, in the course of an annual trip, probably to a camp. It may have occurred during a break in the journey between the camp and Smyllum. There was consistent evidence which I accept to the effect that Charlie Forsyth had previously established a game in which boys hit golf balls with a golf club and, to be allowed a turn at hitting the ball, you had to “get one of the golf balls that had been hit.”³⁰⁸ Boys

would crowd around whoever currently had the golf club.

“Michael” did not take part in the game but stood on a mound of grass and watched what was happening. His description of a clear memory was: “... as it got busier and busier and more arguments about whose turn it was for the golf club, the boys started to close in on the particular boy that swung the golf club and he never hit the ball, but it caught somebody on the temple ... he would have swung the club backwards and come through the ball, missed the ball, and the follow-through part is when it caught him on the side of the head.” “Michael” said he could still picture what happened when he closed his eyes: “I can see two or three boys getting right in close. What they were trying to do was grab the golf club so they could get the next shot ...”³⁰⁹

A warning to stand back may have been given but it is likely that, even if it was, Francis’ hearing deficit meant that he did not hear it. There was no evidence that anyone had taken care to see to it that Francis had heard the warning.

Sisters were evidently aware of this game but there was no evidence of any thought having been given by them to the management of its obvious inherent risks.

305 See report by Professor Anthony Busuttil in relation to Francis McColl, at INQ.001.001.2675.

306 Transcript, day 38: “Rondo,” at TRN.001.002.3676.

307 Transcript, day 39: Sister “Carol,” at TRN.001.002.3765.

308 Transcript, day 28: “Michael,” at TRN.001.002.0671-0674.

309 Transcript, day 28: “Michael,” at TRN.001.002.0673-0675.

When asked whether she agreed that this was a poorly supervised episode, Sister Ellen Flynn said: "I think there was a lack of internal systems and governance. There was, throughout, across the board, and that's part of the same thing."³¹⁰

Patricia Meenan

Patricia Meenan died 10 October 1969, aged 12 years.

She was a resident of Smyllum at the time of her death, having been admitted on 25 January 1969.

On 7 October 1969, Patricia ran away from Smyllum and was knocked down by a car. The accident happened on the main road out of Lanark. She died three days later as a result of her injuries.

"Margaret Crawley" said that Patricia was "always running away."³¹¹

The position of Sister "Josephine" who recalled having Patricia in her group was that this was the only time she had run away. Sister "Josephine" said Patricia had received a letter from her mother who said she would visit her at the weekend and that her mother did not visit. Sister "Josephine" said Patricia was "really upset about it" and ran away to walk to Glasgow.³¹²

Patricia Meenan was buried in Glasgow.

David Carberry

David Carberry died on 1 July 1955 aged almost 4 years.

He was a resident of Smyllum at the time of his death.

David had been admitted on 14 November 1954 along with his older brother Leon Carberry and some other siblings.

Leon said that, after their admission to Smyllum, David was in another part of the home and Leon never saw him again.³¹³

Leon recalled that a Sister had told him that David had died and that it has always stuck in his mind that she told him it was measles and diphtheria that killed him.

He spoke of having recently found out that this was incorrect and that it was bronchopneumonia that caused David's death.³¹⁴

The cause of death is recorded on David's death certificate as bronchopneumonia.

Leon did not see David's coffin and cannot remember going to a funeral for his brother – he said: "To this day I don't know where he is buried."³¹⁵

310 Transcript, day 44: Sister Ellen Flynn, at TRN.001.002.4878.

311 Transcript, day 29: "Margaret Crawley," at TRN.001.002.0736-0737.

312 Transcript, day 42: Sister "Josephine," at TRN.001.002.4161-4163.

313 Transcript, day 43: Leon Carberry, at TRN.001.002.4625 and 4642.

314 Transcript, day 43: Leon Carberry, at TRN.001.002.4641-4643.

315 Transcript, day 43: Leon Carberry, at TRN.001.002.4643.

7

Burials

Burial records show that between 1900 and 1981, there were 16 under 18-year olds who were recorded as having been residents at Smyllum buried in the “Smyllum Plot” within the cemetery of St Mary’s Parish Church, Lanark. There is no record of the individual lairs and there are no headstones to mark them. Various Sisters and Charlie Forsyth are also buried in the St Mary’s Cemetery. However, their graves are marked and have headstones with inscriptions.

Deceased children recorded in death registers in terms disclosing a link with Smyllum would not necessarily have been buried in the St Mary’s Cemetery. For example, Patricia Meenan was buried in Glasgow.

Although burials were officially recorded during the period 1900 to 1981, it was not uncommon for there to be no marker or headstone; cost was often an issue. There is now a memorial stone at the cemetery which was erected by the Order, for Smyllum children, in response to a campaign by In Care Abuse Survivors (INCAS). It does not bear the names of individual children.



The inscription on the memorial includes the following prayer:

“Their life so short, no world to roam
Taken so young, they never went home
So spare a thought for them as you pass this way
A prayer, if you remember, day by day
Yes, lives so short, bereft of love
But found in the arms of the Lord God above.”³¹⁶

316 Transcript, day 25: written statement of Jim Kane, at TRN.001.002.0172.

8 Records

The 1959 Regulations

As already discussed in the section relating to “Physical abuse,” the Administration of Children’s Homes (Scotland) Regulations 1959 came into force on 1 August 1959 and covered both local authority and voluntary homes. The Regulations contained rules for the administration of homes, the welfare of children accommodated in them, and for oversight of both of these matters. Ultimately, responsibility for the running of the home was placed, by regulation 21, on the administration authority (the local authority providing or the persons carrying on the home) who were obliged, in terms of Regulation 1, to make arrangements for the home to be conducted in such manner and on such principles as would secure the well-being of the children in the home.³¹⁷

Professor Kenneth Norrie observed, in his report to SCAI entitled *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents*, that: “One of the most important duties of the person in charge was to maintain records, which were to be kept at all times available for the inspection of official visitors and persons authorised by the Secretary of State.”³¹⁸

The requirements for record keeping in the 1959 Regulations included a personal history of each child in the home – the child’s medical history, a note of the circumstances in which the child was admitted to the home and, in the case of a child in the care of a local authority, an explanation of the circumstances which made it impracticable or undesirable to board the child out. There was also to be kept a record of the child’s progress made during their stay in the home – including details of visits received from parents, relatives or friends, successes achieved at school or elsewhere and any emotional or other difficulties experienced by the child – and a note of the child’s destination when discharged from the home. The Secretary of State, and if practicable the parent or guardian of the child, had to be informed if the child died, ran away, was abducted or suffered from any injury or illness likely to result in death or a serious disability. Punishments also had to be recorded.³¹⁹

317 Professor Kenneth Norrie, Report to SCAI, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (part 2), at INQ.001.001.3614.

318 Professor Kenneth Norrie, Report to SCAI, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (part 2), at INQ.001.001.3614-3615; see Regulation 14 of the Administration of Children’s Homes (Scotland) Regulations 1959.

319 Professor Kenneth Norrie, Report to SCAI, *Legislative Background to the Treatment of Children and Young People Living Apart from their Parents* (part 2), at INQ.001.001.3615-3616; see Regulation 13 of the Administration of Children’s Homes (Scotland) Regulations 1959.

The 1959 Regulations governed children's homes for 29 years from 1 August 1959 to 1 June 1988, when the Social Work (Residential Establishments – Child Care) (Scotland) Regulations 1987 came in to force. Before then, new provision was made for children's homes by the Social Work (Scotland) Act 1968, after which children's homes were referred to as residential establishments.

Reporting of deaths

In terms of the duty to report deaths to the Secretary of State, the evidence of Sister Eileen Glancy was that the Order simply did not know if that had been complied with. The Order presumed it had complied but "... there is nothing – we do not have the records to show that this actually did happen."³²⁰ The national archives have been examined on behalf of SCAI and no record has been found to show that this happened.

Other records

Sister Eileen Glancy confirmed that registers were kept, at least of admissions, but that the records relating to dates of discharge were patchy.³²¹

In relation to punishment books, Sister Eileen confirmed that it did not appear that there was a practice at Smyllum of recording punishments – "I have gleaned from the sisters themselves that they did not record punishments."³²²

Notes have not been kept of the circumstances in which children were admitted to the homes, nor a note of their destinations when discharged, other than what appears in the admissions and discharges registers. Sister Eileen Glancy expressed regret at this: "... this is what causes us the greatest sadness because to us this is the most important record for any child, even when they're an adult and they want to look back and see any history about when they were children in Smyllum."³²³ It was accepted on behalf of the Order that the individual Sisters did not record this information about individual children during their stay. While it is unknown whether there was any such record kept in the Superior's office, it was accepted that each house had a significant amount of autonomy.³²⁴

Sister Maria Lanigan's evidence

The evidence of Sister Maria Lanigan, the Mother Superior at Smyllum from 1979 to 1981, is of note in relation to records. She was "sent to close the house."³²⁵ Her evidence was that she had no responsibility for groups of children, that responsibility, being "with the sister in charge of the group. My whole reason for being there was to close and move us out of Smyllum."³²⁶ In terms of preservation of records of children that may have existed at Smyllum, Sister Maria Lanigan's evidence was that: "I can only remember a large book being brought down to St Catherine's and we kept it there until it was taken – that's all I can remember about it."³²⁷ Sister Maria Lanigan was unable

320 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4808.

321 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4809-4810.

322 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4810-4811.

323 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4812.

324 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4813.

325 Transcript, day 42: Sister Maria Lanigan, at TRN.001.002.4375.

326 Transcript, day 42: Sister Maria Lanigan, at TRN.001.002.4378-4379.

327 Transcript, day 42: Sister Maria Lanigan, at TRN.001.002.4387.

“ The Order’s failure to keep adequate records of the children was a serious failure in care. ”

to assist SCAI with who had responsibility for the preservation of any records that may have been at Smyllum when it came to close and her position was that she saw no records relating to each individual child.³²⁸ In 1979, when Sister Maria Lanigan became Mother Superior, there were 50 children in Smyllum.³²⁹

Response about records

Ultimately, it was “absolutely” accepted on behalf of the Order that on the face of it the Order did not comply with the record-keeping provisions of the 1959 Regulations.³³⁰

Conclusion about records

There are few surviving records from Smyllum and even fewer from Bellevue. It has been accepted by the Order that the 1959 Regulations were not complied with in relation to record-keeping at Smyllum and there is no evidence of compliance at Bellevue prior to its closure in 1961.

In relation to the records which did exist at the time of Smyllum’s closure, there was a lack of consideration given by the Order in terms of preservation and the importance of such preservation. While the importance of children’s records is now acknowledged by the Order, the same cannot be said of their position historically, nor at the time of Smyllum’s closure in 1981. The Order’s failure to keep adequate records of the children was a serious failure in care.

328 Transcript, day 42: Sister Maria Lanigan, at TRN.001.002.4388-4392.

329 Transcript, day 42: Sister Maria Lanigan, at TRN.001.002.4377.

330 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4813-4814.

Appendix A - Terms of Reference

Introduction

The overall aim and purpose of this Inquiry is to raise public awareness of the abuse of children in care, particularly during the period covered by the Inquiry. It will provide an opportunity for public acknowledgement of the suffering of those children and a forum for validation of their experience and testimony.

The Inquiry will do this by fulfilling its Terms of Reference which are set out below.

1. To investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame.
2. To consider the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland (or children whose care was arranged in Scotland) from abuse, regardless of where that abuse occurred, and in particular to identify any systemic failures in fulfilling that duty.
3. To create a national public record and commentary on abuse of children in care in Scotland during the relevant time frame.
4. To examine how abuse affected and still affects these victims in the long-term, and how in turn it affects their families.
5. The Inquiry is to cover that period which is within living memory of any person who suffered such abuse, up until such date as the Chair may determine, and in any event not beyond 17 December 2014.
6. To consider the extent to which failures by state or non-state institutions (including the courts) to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation, up until such date as the Chair may determine.
7. To consider whether further changes in practice, policy or legislation are necessary in order to protect children in care in Scotland from such abuse in future.
8. To report to the Scottish Ministers on the above matters, and to make recommendations, as soon as reasonably practicable.

Definitions

“Child” means a person under the age of 18.

For the purpose of this Inquiry, “Children in Care” includes children in institutional residential care such as children’s homes (including residential care provided by faith-based groups); secure care units including List D schools; Borstals; Young Offenders’ Institutions; places provided for Boarded Out children in the Highlands and Islands; state, private and independent Boarding Schools, including state-funded school hostels; healthcare establishments providing long-term care; and any similar establishments intended to provide children with long-term residential care. The term also includes children in foster care.

The term does not include: children living with their natural families; children living with members of their natural families, children living with adoptive families, children using sports and leisure clubs or attending faith-based organisations on a day to day basis; hospitals and similar treatment centres attended on a short-term basis; nursery and day-care; short-term respite care for vulnerable children; schools, whether public or private, which did not have boarding facilities; police cells and similar holding centres which were intended to provide care temporarily or for the short-term; or 16-and 17-year-old children in the armed forces and accommodated by the relevant service.

“Abuse” for the purpose of this Inquiry is to be taken to mean primarily physical abuse and sexual abuse, with associated psychological and emotional abuse. The Inquiry will be entitled to consider other forms of abuse at its discretion, including medical experimentation, spiritual abuse, unacceptable practices (such as deprivation of contact with siblings) and neglect, but these matters do not require to be examined individually or in isolation.

Appendix B - Numbers

Statistics provided by the Daughters of Charity

Number of children accommodated by the Order in Scotland between 1864 and 1999	Approximately 20,000 ³³¹
Number of children accommodated in Smyllum from its opening in 1864 to its closure in 1981	11,601 ³³²
Number of children accommodated in Smyllum from 1930 until its closure in 1981	4,748 ³³³
Number of children accommodated in Bellevue from its opening in 1912 to its closure in 1961	6,585 children admitted between 1912 and 1943 ³³⁴
Number of complaints of alleged abuse at Smyllum made to the Order between 1998 and 2002	121 (including 37 complaints against individual sisters, 23 complaints against lay staff, four complaints against priests and two complaints against scout leaders) ³³⁵
Number of complaints of alleged abuse at Bellevue made to the Order between 1998 and 2002	26 (including 18 complaints against individual sisters and five complaints against lay staff) ³³⁶
Number of civil actions raised against the Order in relation to Smyllum	99 ³³⁷
Number of civil actions raised against the Order in relation to Bellevue	18 ³³⁸

Applicants to SCAI

Number of SCAI applicants relating to Smyllum and/or Bellevue	c81 ³³⁹
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331 See Part A response to section 21 notice in relation to Smyllum: DSV.001.001.0001 at 0022.

332 See Part A response to section 21 notice in relation to Smyllum: DSV.001.001.0001 at 0024.

333 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4849.

334 See Part A response to section 21 notice in relation to Bellevue: DSV.001.001.0048 at 0066 – note there is no updated figure available for the period between 1943 and Bellevue's closure in 1961.

335 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4849-4853.

336 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4861.

337 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4853-4854.

338 Transcript, day 44: Sister Eileen Glancy, at TRN.001.002.4862.

339 As at 20 September 2018.

