



INDEPENDENT INQUIRY
CHILD SEXUAL ABUSE

Child Migration Programmes

Investigation Report
March 2018

2018

Child Migration Programmes

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March 2018

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A report of the Inquiry Panel

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Michael O'Donoghue

Michael O'Donoghue was born in Aldershot in 1942. When aged around 2 or 3, he was placed in the care of Nazareth House in Romsey, Hampshire. He recalled that while at Nazareth House, he was beaten by one of the nuns and would cry in the toilets. He described it as a "brutal" place, where he was caned regularly for wetting the bed and was constantly hungry. He also described being thrown down the stairs by one of the nuns and suffering a serious head injury.

Additionally, while at Nazareth House in Romsey, Michael was sexually abused by a male teacher who would either come into the dormitory at night-times and rape him, or would take him to an isolated area and abuse him there. This happened every week for about a year. Michael was also violently sexually abused by an older boy at the home who abused a lot of other children as well. Because of the beatings, the humiliation and the sexual abuse, he remembered thinking that he wanted to die.

Michael's mother tried to take him back from Nazareth House when she married an American serviceman. However, she wasn't able to do so and he was moved to London. Michael's understanding is that the nuns at Nazareth House lied to his mother and said that he had been adopted. He was told on numerous occasions that he was an orphan and had no family, even though he knew that not to be true. He ran away and spent over a year living on the streets in Southampton, during which time he experienced what he recalled as the happiest moment from his childhood – being given a sticky bun and a mug of cocoa in a bakery.

He was later taken to Nazareth House in Hammersmith, London, where he lived for a year before being returned to Romsey. Michael stayed there for two years, during which time he did not suffer any sexual abuse – he recalled that he was too angry by that time and "*would not let anybody get near me*". During his time at Nazareth House, they were required to write letters home saying that they were happy, by copying what the nuns wrote on the blackboard.

Michael was migrated to Australia in 1953 and travelled on the ship with Father Stinson. He was taken to Clontarf, and upon arrival found the Christian Brothers to be scary.

In terms of physical abuse, on only his second day, he was beaten for wetting the bed, and the children were told that if any complaints against the Brothers got out, they would be flogged. The Brothers also organised boxing matches between the children, and selected older boys were given total authority to beat the younger ones. Michael recalled being beaten by Brother Doyle for not working hard enough, and seeing a little boy beaten to within an inch of his life by Brother Mohen. Brother Doyle organised special punishment days, during which he would make them watch horses being killed unless they owned up to accusations made by the Brothers.

Regarding other conditions, Michael recalled that the animals were better fed than the children who resorted to getting scraps out of the bins. They had very limited clothing, were made to do heavy physical labour and were given very limited education. He recalls a group of nuns who came out from England to see the children and saw some of them roasting a cat.

Michael recalled that Brother Doyle was obsessed with "*fiddling*" and would ask him who he had been fiddling with, beating him until he provided names. In response to his bed wetting, Michael was given electric shocks to his penis.

Michael was sexually abused by a theatre manager who would visit Clontarf and fondle the children. Michael also described a teacher as having a “*very bad habit*” of grabbing children on the backside and recalled that the teacher tried to rape him.

Michael described Brother Murphy as a “*sadistic paedophile*” who fondled and raped him, and would do the same to other children. This went on for years and according to Michael:

“I was so scared of him I used to close my eyes and try to disappear.”

Finally, Michael described being taken by Brother Angus, along with other children, to a farm where he was raped, leaving him too frightened to move. Michael was threatened not to tell anybody.

In general, Michael was too frightened to report what was happening because of the fear of being beaten, but he did tell one woman whom he sometimes stayed with in Perth – however, she did not believe him.

After Michael had left Clontarf, Brother Murphy was charged with criminal offences in respect of sexual abuse, but he was not prosecuted because the judge considered that he had “*diminished circumstances*”.

Michael joined a class action against the Christian Brothers but said that he never got them into court. He said that modest payoffs from the redress scheme sometimes made him feel that he had sold out, because nobody was properly held to account and he felt like he was being silenced.

“Living with the injustice of perpetrators who always got away with it still makes me burn with anger”.

He felt frustrations with delays in the criminal justice system and said that:

“The organisations and governments who made the policy need to be held to account for what happened to me. Redress payments can make life easier, but until the governments who set up the child deportation scheme and the Catholic Church, in whose care I was abused, are held accountable, I will never feel able to let the matter rest or have a chance for proper recovery”.

Michael said that he had been looking for his family since 1964 and that the Child Migrants Trust provided him with significant help.

“My mother died earlier this year, in her 90s, without any answers to why her son was treated with such cruelty by those we are supposed to be able to trust. We could have had a lifetime together, but instead we both endured the terrible loneliness and pain of the loss of family. I have lived a lifetime without identity and borne the terrible legacy of being a British child who was abandoned by my country”.¹

¹ O'Donoghue 3 March 2017 83-168; CMT000330_001, CMT000331_001-003

Marcelle O'Brien

Marcelle was born in Worthing, Sussex, from an English mother and a French Canadian father, who was a serviceman stationed here. She had three siblings and was placed in a foster home at an early age, around two years old. Around four years old she was migrated to Australia by the Fairbridge Society – she remembers turning five while travelling on the ship.

She gave evidence of abuse at various stages of her time with the Fairbridge Society, which regarded children as their responsibility until the age of 21.

Marcelle went to the Fairbridge Pinjarra School and describes the cottage mother there as “a *bitch*”. She was sadistic and cruel both physically and mentally.

Physically, Marcelle was slapped a lot, pushed in the back, made to take cold showers and locked in a cupboard:

“with no lights or anything until they saw fit for you to come out”.

The cottage mother also hit her with a ruler and others used a cane. At school, girls would be hit with a big stick in front of the class, and Marcelle felt the Fairbridge children were punished more than others.

There was a lot of verbal abuse at the school too: Marcelle was called a “*bastard*” and a “*bitch*”, told that she was from the gutter (a “*guttersnipe*”), she was nobody, had nobody and had no parents – that they were all dead. This was not true. The children were made to feel worthless.

Children who wet the bed had their noses rubbed in it or were made to wash the sheets and hang them for others to see. Periods were not explained to the girls and they were only allowed one pad a day; this could be embarrassing and humiliating at school. Boys and girls were not allowed to mix or talk to each other, and were punished if they did so. They had to work cleaning the cottages, including where the staff lived, and in the laundry after school. The children were not given time to do their school homework and Marcelle left in the third year of high school because, she was told, “*she was dumb*”, which she still recalls. Marcelle describes very poor food and always feeling hungry. Sometimes she would go to the piggery and eat handfuls of grain meant for the pigs, or take fruit from the orchard – but that could mean a caning or “*being chucked in the cupboard*” if you were caught.

Marcelle gave evidence that she was sexually molested by CM-F35, the deputy principal at Pinjarra at the time. She recalls that he was mostly nice to her, but would give her hugs that didn't feel right and would sometimes touch her bottom. She couldn't say anything because she felt privileged to be in his house. She doesn't know how far CM-F35 would have gone, but she started to avoid going to his house.

Marcelle left Pinjarra aged 16 and was sent to work on a farm. Here she helped look after the family's baby and with the cooking and cleaning, but she had free time too and found the family kind. She described how a friend of the farmer took an unhealthy interest in her and started touching her sexually, although this developed quickly into a lot more. She was too ashamed to tell the farmer and felt that nobody would believe her, so she wrote to CM-F35 and asked him to get her out of there. He did not help and, as the assaults increased, Marcelle felt that she had no choice but to leave. She recalled that at another placement she was raped by three young men, but she did not report this because she did not think she would be believed.

Marcelle told us about the effects of her experience as a child migrant on her life.

A poor education damaged her prospects in life. She tried learning nursing but could not manage the written work, she thinks mainly due to her poor education.

Both physical and sexual abuse have caused her problems in relationships. She felt pushed into marriage by the age of 18 so that she was “*off Fairbridge’s hands*”. She had four children but, because of the abuse, she has never felt comfortable being touched by men and her marriage didn’t work out. She has had a mental breakdown and manic depression, and has been on medication for years.

“Having stuffed up my childhood, they then wrecked my early adult years.”

From 2009, Marcelle had support from the Child Migrants Trust whose staff she says have been really helpful. This was the first time she had talked fully about her abuse. They supported her in applying to the Western Australia Redress Scheme and helped her find her family. Marcelle is now in touch with her mother and sister in London and with her Dad’s family in Canada. From her own four children she has a total of 43 grand and great-grandchildren.

Marcelle also discovered that her move to Australia took place despite the wishes of her foster mother to adopt her, apparently because Fairbridge UK considered it would not be appropriate to contact her birth mother to obtain legal consent. Evidence indicates that the local authority at that time considered adoption to be the best option.

At the end of her evidence, Marcelle explained that she had travelled all the way from Australia to give evidence:

“... to wake up the British government, the British people, to exactly what happened to us all.”²

² O'Brien 28 February 2017 1-64; CMT000335_001-003, CMT000336_001-003, CMT000336_007-008, CMT000336_012-014, CMT000336_017, CMT000338_001-003, CMT000339_002, CMT000339_005-007, CMT000339_016, CMT000339_018, CMT000339_022-023, CMT000339_025, CMT000339_028, CMT000339_031, CMT000340_001, CMT000341_002, CMT000342_001, CMT000343_001.

Executive Summary

Over a period of many years before and after the Second World War, successive United Kingdom governments allowed children to be removed from their families, care homes and foster care in England and Wales to be sent to institutions or families abroad, without their parents. These child migrants were sent mainly to Canada, Australia, New Zealand and Southern Rhodesia (now Zimbabwe). Government departments, public authorities and charities participated in these child migration programmes and were responsible, to varying degrees, for what subsequently happened to the children. Post-war, around 4,000 children were migrated, mostly to Australia.

This report sets out the results of the Inquiry's investigation into the experiences of child migrants, and the extent to which institutions took sufficient care to protect these children from sexual abuse. The investigation also examined the extent to which the institutions involved knew, or should have known, about the sexual abuse of child migrants and how they have responded to any such knowledge. Finally, it considered the adequacy of support and reparations for sexual abuse, if any, which have been provided by the institutions concerned. Although the focus of the Inquiry is on sexual abuse, the accounts of other forms of abuse provide an essential context for understanding the experiences of child migrants.

Many witnesses described 'care' regimes which included physical abuse, emotional abuse and neglect, as well as sexual abuse, in the various settings to which they were sent. Some described constant hunger, medical neglect and poor education, the latter of which had, in several instances, lifelong consequences. By any standards of child care, then or at the present time, all of this was wrong.

A former child migrant said his experiences at one school were "*better described as torture than abuse*", saying he was locked in a place known as 'the dungeon' without food or water for days. Another told of "*backbreaking*" work on the building of a new school building. Yet another spoke of the failure to give him medical attention, which resulted in the loss of an eye. In some places, there were persistent beatings of boys and girls, and one witness described how he had tried to kill himself at the age of 12.

In a particularly awful incident, we heard of the sadistic killing of a pet horse loved by the children, which a group of 15 children were forced to watch as a form of collective punishment for an alleged wrongdoing. This incident took place during what was known as a 'Special Punishment Day' at Clontarf (one of the institutions to which child migrants were sent). This epitomised the brutal and brutalising environment in which many child migrants lived.

We heard that there were few, if any, means of reporting abuse and children lived in fear of reprisals if they did so. They were disbelieved and intimidated, often with violence. One witness was told to 'pray' for her abuser, with no further action being taken on the abuse. Another was told not to tell anyone when he reported that he had been raped.

For some children, one of the most devastating aspects of their experience was being lied to about their family background, and even about whether their parents were alive or dead. This had a lifelong impact, including on their physical and mental well-being and their ability to form

relationships. This problem was made worse by some institutions which failed to keep records properly, or lost records, effectively robbing these children of their identity. The effects of this carelessness and poor practice cannot be overestimated.

The agencies involved in 'sending' children in the migration programmes were mostly voluntary organisations, with a small number being migrated by local authorities. Some organisations, such as the Fairbridge Society and Barnardo's, operated as both sending and receiving institutions, providing schools and homes in the country of migration. Others migrated children to institutions run by other organisations. From evidence available to the Inquiry, there was a sense in which these children were treated by some of the sending institutions as 'commodities' with one institution even referring to its 'requisition' for a specific number of children to be sent to Australia.

Many of the voluntary organisations involved failed in their duty to exercise proper monitoring or aftercare, having dispatched children, in some cases as young as 5, to the other side of the world. Although some (such as the Fairbridge Society) had in place a form of post-migration monitoring, these were not robust systems, and some (such as the Sisters of Nazareth, when migrating to Christian Brothers institutions) had no post-migration monitoring system at all.

Some organisations responded better than others to allegations or evidence of sexual abuse when these were made known to them: for example, Barnardo's suspended migration when evidence of sexual abuse emerged at its Picton school in Australia, whereas the Fairbridge Society failed to respond appropriately to a series of such allegations at its schools in both Canada and Australia.

Nevertheless, it is the overwhelming conclusion of the Inquiry that the institution primarily to blame for the continued existence of the child migration programmes after the Second World War was Her Majesty's Government (HMG). This was a deeply flawed policy, as HMG now accepts. It was badly executed by many voluntary organisations and local authorities, but was allowed by successive British governments to remain in place, despite a catalogue of evidence which showed that children were suffering ill treatment and abuse, including sexual abuse.

The policy in itself was indefensible and HMG could have decided to bring it to an end, or mitigated some of its effects in practice by taking action at certain key points, but it did not do so.

For example, the Inquiry struggled to understand why HMG imposed a formal legal process for consent to migrate children in the care of a local authority (via the Home Office) yet did not apply the same rules to the migration of children being sent abroad by voluntary organisations.

Another example involves the response of HMG to the Curtis Committee report in 1946 in respect of child migrants. The Curtis report was a defining moment in the history of child care in the UK. It set out clear expectations for future child care practice and was explicit in its expectations of the care to be given to child migrants. It effectively proposed a presumption against migration, stressing that the needs of individual children must be paramount. Its recommendations were accepted by HMG, and the Home Office became responsible for implementation in respect of child migrants. A memorandum was drafted, demonstrating the Home Office's detailed expectations of care for migrated children, which should be "*on the same level*" as that proposed for the United Kingdom. While this was laudable, no formal

accountability was required of sending agencies. No meaningful action appeared to be taken by the Home Office to ensure that the sending agencies made efforts to implement the memorandum or indeed the agreements later reached with the agencies.

Many reports on child migration were available to HMG during the 1950s. Perhaps the most significant was the Ross report (1956). Ross visited 26 out of 39 institutions in Australia to which British child migrants were sent. The reports on many of these places were extremely critical. The conditions at several of them were judged to be so bad that they were put on a 'blacklist' and regarded as not fit to receive any more child migrants. Still, HMG did nothing effective to protect the children.

We concluded that the main reason for HMG's failure to act was the politics of the day, which were consistently prioritised over the welfare of children. HMG was reluctant to jeopardise relations with the Australian government by withdrawing from the scheme, and also to upset philanthropic organisations such as Barnardo's and the Fairbridge Society. Many such organisations enjoyed patronage from persons of influence and position, and it is clear that in some cases the avoidance of embarrassment and reputational risk was more important than the institutions' responsibilities towards migrated children.

We understand that the last child was migrated to Australia in 1970. We have seen no evidence that migration ended because HMG decided it was wrong. It appears to have stopped at least in part because the "supply" of suitable children dried up. Increasing numbers of childcare professionals rejected the scheme on moral and ethical grounds, confirming a position held by most local authorities since the Curtis report. A small number of voluntary organisations withdrew at a relatively early stage. Others more actively involved eventually followed suit.

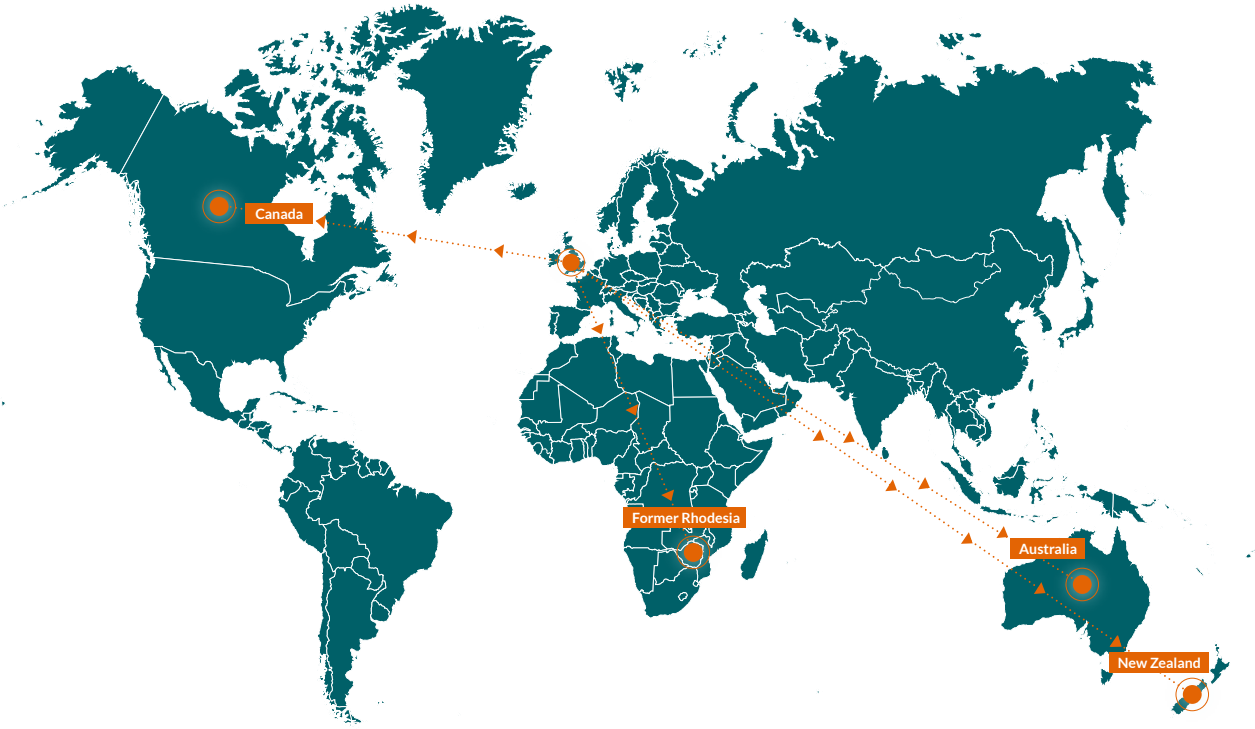
The Inquiry concluded that several governments after 1970 failed to accept full responsibility for HMG's role in child migration. Sir John Major publicly stated that he "*was aware that there were allegations of physical and sexual abuse of a number of child migrants some years ago, but that any such allegations would be a matter for the Australian authorities*". This reflected a policy position that was maintained throughout the 1990s and 2000s.

In 2010, Gordon Brown, then Prime Minister, publicly apologised to former child migrants on behalf of HMG and established the Family Restoration Fund.

Many, but not all, of the voluntary and public institutions involved in child migration have apologised for their role in it, some more fully than others, and some for the first time in their evidence given to this Inquiry. Any comprehensive scheme of reparations for child migrants should include apology and acknowledgement, support and financial redress. Some of the institutions concerned have addressed some of these aspects, but we are not aware of any scheme which addresses all of them.

We have made a small number of recommendations, focusing on the need for HMG to institute immediately a financial redress scheme for surviving child migrants.

Child Migration Programmes



Receiving institutions in Australia featured in the report



Receiving institutions	
1 Fairbridge Farm School, Molong	10 Nazareth House, Geraldton
2 Fairbridge Farm School, Pinjarra	11 Nazareth House, Camberwell
3 Northcote Farm School, Bacchus Marsh	12 St Joseph's Orphanage, Neerkol
4 Barnardo's School at Picton	13 Casteldare Boys' Home
5 Barnardo's School at Normanhurst	14 Tardun Farm School
6 Drapers Hall	15 Clontarf Boy's Orphanage
7 Methodist Children's Home, Magill	16 Bindoon Boys Town
8 Dalmar Children's Home	17 St Vincent de Paul's Orphanage
9 Methodist Home for Girls, Perth	

Part A

Introduction

Introduction

The Protection of Children Outside the United Kingdom investigation is an inquiry into the extent to which institutions and organisations based in England and Wales have taken seriously their responsibilities to protect children outside the United Kingdom (UK) from sexual abuse.

This broad topic has been divided into Case Studies. The first Case Study has been an examination of any institutional failings by organisations based in England and Wales relating to the sexual abuse of children involved in child migration programmes.

These programmes involved the removal of children from care homes or their families in England and Wales, and the placing of those children in institutions or with families abroad, unaccompanied by their parents. Most British child migrants were sent to Canada, Australia, New Zealand and Southern Rhodesia (now Zimbabwe). Government departments, public authorities and private and/or charitable organisations in England and Wales played various roles in these programmes.

Previous studies, such as the 1998 review of the welfare of former British child migrants conducted by the House of Commons Select Committee on Health,³ have recognised that child migrants were frequently subjected to harsh conditions, physical abuse and sexual abuse prior to their migration, during their journey and at the institutions to which they were sent. The UK government has previously acknowledged that children were mistreated in the child migration programmes. In 2010, then Prime Minister, Gordon Brown made a public apology to former child migrants.⁴

The responsibility of some of the receiving institutions for the sexual abuse of children, and the adequacy of reparations to former child migrants, have been considered by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse (Australian Royal Commission).⁵

The Historical Institutional Abuse Inquiry in Northern Ireland (HIA), which reported in January 2017, has also examined the experiences of 50 applicants who were in institutions in Northern Ireland before being sent to Australia as child migrants.⁶

However, there remains little public awareness in England and Wales of the full extent of these programmes, how they were conducted, their effects on the children who were subject to them and, particularly, the allegations and evidence of sexual abuse related to them.

³ House of Commons, Health Committee, Session 1997-98, Third Report (1998).

⁴ HC Deb, 24 February 2010, col 301.

⁵ Australian Royal Commission into Institutional Responses to Child Sexual Abuse, Report on Case Study No 5, Salvation Army Riverview Training Farm, Queensland; Report on Case Study No 11, Christian Brothers homes at Castledare, Clontarf, Tardun and Bindoon in Western Australia; Report on Case Study No 26, St Joseph's Orphanage, Neerkol.

⁶ Report of the Historical Institutional Abuse Inquiry (delivered to the First Minister of Northern Ireland on 6 January 2017), Module 2, Chapter 6.

To date, no public inquiry in England and Wales has undertaken a sustained and specific analysis of allegations of sexual abuse of child migrants and possible failings by institutions based in England and Wales in relation to that abuse. That is what this Case Study seeks to address. Many former child migrants are of advancing age and we understand that many are in poor health, which made this Case Study particularly urgent for the Inquiry.

The process adopted by the Inquiry is set out in Annex 1 to this report. Core Participant status was granted under Rule 5 of the Inquiry Rules 2006 to two individuals and five institutions. We held three preliminary hearings in July 2016, February 2017 and May 2017 to open the Case Study and to deal with procedural matters. The Inquiry conducted substantive public hearings at the International Dispute Resolution Centre, London, on 20 days in February, March and July 2017.

The Inquiry took evidence from a wide range of sources. It obtained many thousands of pages of witness evidence and documentary material. The witnesses who gave evidence to the Inquiry included former child migrants, Dr Margaret Humphreys of the Child Migrants Trust (CMT), representatives of the organisations in England and Wales involved in the programmes, and two former British prime ministers. In addition, Professor Stephen Constantine (Emeritus Professor of Modern British History at the University of Lancaster) and Professor Gordon Lynch (Professor of Modern Theology at the University of Kent), experts on the child migration programmes, provided extensive assistance to the Inquiry. They produced a joint report and 21 Addenda reports. Relevant material was disclosed to Core Participants.

The temporal focus of the Case Study was the post-Second World War ('Post-War') period, but it was necessary to consider some evidence relating to the years before 1945 in order properly to understand what came later.

References in the footnotes of the report, such as 'EWM000005', are to documents that have been adduced in evidence and can be found on the Inquiry's website. A reference such as 'Lynch 11 July 2017 15/1-16/5' is to the hearing transcript that is also available on the website. That particular reference is to the evidence of Professor Lynch on 11 July 2017 at page 15, line 1 to page 16, line 5 of that day's transcript.

The issues that we have sought to address in this Case Study derived from the definition of the scope of the Case Study set by the Inquiry and the Terms of Reference for the Inquiry set by the Home Secretary, are as follows:

- a. The extent to which government departments, public authorities, private and/or charitable institutions based in England and Wales were aware of allegations or evidence of sexual abuse concerning children involved in child migration programmes;
- b. The extent to which any of those bodies should have been aware of allegations or evidence of sexual abuse concerning children involved in child migration programmes;
- c. Whether, if any of those bodies were, during the migration period, aware of allegations or evidence of sexual abuse concerning children involved in child migration programmes, they took appropriate steps in response;
- d. Whether those bodies took sufficient care to protect children involved in child migration programmes from sexual abuse;

- e. Whether, if any of those bodies were, after the end of the child migration programmes, aware of allegations or evidence of sexual abuse concerning children involved in those programmes, they took appropriate steps in response;
- f. What support and reparations, if any, have been offered to individuals who suffered sexual abuse relating to their inclusion in child migration programmes; and
- g. Whether any support mechanisms and reparations offered to individuals who suffered sexual abuse relating to their inclusion in child migration programmes have been adequate.

Our findings are set out in bold, italicised text.

Part B

Child Sexual Abuse in the Child Migration Programmes

1. A brief history of child migration

1. Child migration can be traced back to 1618 when poor children were sent to the American colonies as apprentices. Professors Constantine and Lynch provided us with a full historical overview of the child migration programmes.⁷ They explained that child migrants, namely those who migrated abroad without their parents, are generally considered to be those under school-leaving age (then 14). Those between 14 and 18 are generally referred to as 'juvenile' or 'youth' migrants. Age five was sometimes regarded as a minimum but there are numerous examples of younger children being migrated. Many child migrants were described as 'orphans' but did in fact have one or both parents alive.⁸

2. Over time, particular individuals established specific migration programmes: for example, Captain Brenton set up the Children's Friend Society sending children to South Africa, and Annie Macpherson and Maria Rye set up a child migration scheme to Canada. Voluntary societies such as Barnardo's, the Quarrier Homes, the National Children's Home (NCH), the Church of England Waifs and Strays Society and the Fairbridge Society also became involved, as did the Catholic Church. The rationales for migration varied but in summary they included "*humanitarian claims to be rescuing children from poor and unsuitable environments and providing them with new opportunities overseas, imperialist plans to consolidate the white, Anglo-Saxon population in imperial territories, [and] religious concerns with safeguarding children's Catholic faith or ensuring that a particular denomination was well represented amongst imperial settlers*".⁹ Child migration was also considered to be more cost effective than keeping children in residential homes in Britain (although we have doubts about whether that was actually correct).¹⁰

3. By far the largest number of child migrants, around 90,000, went to Canada from the 1860s.¹¹ After 1924, children were only migrated to institutional care in Canada, indeed only to the Prince of Wales Farm School in British Columbia where 329 children were sent.¹²

4. Post-War child migration to New Zealand involved the Royal Overseas League sending around 549 children into foster care.¹³

⁷ Constantine and Lynch, 27 February 2017 80-161; EWM000005; EWM000178; EWM000229; EWM000370; EWM000402. Relevant parts of these reports have been referred to herein as appropriate.

⁸ Constantine 27 February 2017 84-91; 98.

⁹ Constantine 27 February 2017 121-122.

¹⁰ Constantine 27 February 2017 93-105; 121-122; 111-113.

¹¹ Constantine 27 February 2017 92; 105-108.

¹² Constantine 27 February 2017 92; 105-108; 110.

¹³ Constantine 27 February 2017 108-110.

5. From 1947 to 1965, eight approved organisations migrated a total of 3,170 children to Australia. The peak years for child migration to Australia were 1947 and 1950 to 1955. Around 400 children in total were sent by local authorities, a small percentage of the total number of children in local authority care. Overall, the number migrated to Australia during this time fell well short of the 50,000 unaccompanied children whom the Australian Commonwealth Government had planned to receive immediately Post-War. The Inquiry heard expert evidence about the enthusiasm of the Australian authorities to use child migration to increase the white population (and therefore labour capacity and future prospects for the economy) in Australia. This was heightened during World War II: Australian authorities were anxious about the vulnerability of a large country with low density population to military threat from the north. The catchphrase of ‘populate or perish’ came to drive Australian immigration policy.¹⁴

6. Post-War child migration to Southern Rhodesia involved 276 children being sent to the Rhodesia Fairbridge Memorial College.¹⁵

7. Her Majesty’s Government (HMG) played a central role in child migration. Initially, children sent abroad by the Poor Law institutions had been funded by local ratepayers, and the voluntary societies that also migrated children were entirely dependent on donations from charitable appeals. The latter advertised the benefits of migration and variously obtained the endorsement of high-status clerical, political and other prominent figures, including members of the Royal Family.¹⁶ The Empire Settlement Act 1922 (ESA) provided for HMG financial support for the programmes (save for the New Zealand one¹⁷). HMG funding paid for the cost of the children’s journeys and a maintenance element until they were 16, and this financial support by HMG provided further public endorsement for the programmes.¹⁸ The ESA was renewed in 1937, 1952, 1957, 1962 and 1967, and then expired in 1972. There are some concerns about whether all the funding was indeed spent on childcare: for example, when inspecting Tardun, Western Australia, in 1942, Sir Ronald Cross observed that he could not understand where the money was going, given the poor clothing the boys were wearing.¹⁹ HMG was also responsible for the regulatory and supervisory framework within which child migration operated, although that framework was limited.

8. Of the voluntary ‘sending’ organisations, most, if not all, had been involved in pre-Second World War (‘pre-War’) migration. They were one of the following:

- a. Child welfare organisations (charities or religious orders) providing residential institutions for children in the UK, in which child migration formed a relatively small part of their work;

¹⁴ Constantine 27 February 2017, 111-114; EWM000005_025, [2.2.8].

¹⁵ Constantine 27 February 2017 113-121; Lynch 10 March 2017 24-25. It is also important to note for the wider context that unaccompanied child migrants made up less than 1% of the total number of children who migrated to Australia, as large numbers migrated with their families: Lynch 10 March 2017 26.

¹⁶ For some examples of these advertisements see Constantine 10 March 2017 2-7.

¹⁷ Under this programme the New Zealand Government paid for the passage of the children and once they were in New Zealand and provided financial support to them once they arrived: Lynch 10 March 2017 17-18; Constantine 10 March 2017 23.

¹⁸ The Australian Commonwealth Government also provided a regular maintenance payment. Financial input from the different Australian states varied, but there was not necessarily a correlation between higher state funding and better conditions of care: Lynch 10 March 2-18 36-37; 46-55.

¹⁹ On this and other funding issues see Lynch 21 July 2017 99-120.

- b. Organisations that had a remit solely of migration (of both adults and children/ juveniles); or
 - c. Organisations solely concerned with child migration.
- 9.** Some organisations, such as Fairbridge and Barnardo's, operated as both sending and receiving institutions within the same overall administrative structure, whereas some sending institutions had more informal relationships with particular receiving institutions.
- 10.** Some organisations, such as the Catholic Child Welfare Council (CCWC) and the Church of England Advisory Council for Empire Settlement (CEACES), operated as "*hubs or convenors for wider organisations or networks*".²⁰
- 11.** In respect of Australia, some of the programmes, including those operated by the Anglican and Catholic churches, used a 'group nomination' system, whereby a residential institution in Australia would send a request for a certain number or gender of children for migration.²¹ It has been suggested by Professors Constantine and Lynch that this raises a question about whether some decisions about migration were based on institutional need rather than the welfare of the children, and we agree that this question arises. Some of the evidence we considered about these systems is resonant of the children being considered as 'commodities' to be transferred, not as individuals in need of care.
- 12.** Post-migration, legal guardianship for the child would transfer to the national government of Canada, Australia, New Zealand or Southern Rhodesia and then to the provincial/state government, more particularly their child welfare departments. In practice, responsibility then devolved to the particular institution's staff.²²
- 13.** As we describe further below, child migration was never entirely uncontroversial: reports as far back as the 1800s expressed significant criticisms of it, while HMG officials, especially those within the Home Office, became increasingly uncomfortable with the practice. They sought to educate those within the Commonwealth Relations Office (CRO) and the voluntary organisations as to the methods of care to adopt. From 1951, they engaged with the latter on issues of care through the Council of Voluntary Organisations for Child Emigration (CVOCE).²³
- 14.** Nevertheless, reports were received that were extremely critical of the conditions in the receiving homes, leading to a 1956 'blacklist' of institutions to which it was felt children should not be migrated. This is unsurprising to us: time and again the witnesses have told us of their experiences as child migrants of not only sexual abuse but also physical abuse; emotional cruelty; a denial of adequate food, education and medical treatment; and of being required to perform extremely harsh manual labour.

²⁰ Lynch 9 March 2017 123-131.

²¹ Lynch 10 March 2017 57-59.

²² Lynch 9 March 2017 132-138; 10 March 2017 36.

²³ See, for example, the minutes of the CVOCE meeting on 11 July 1951 (AFC000014_034), at which the Home Office welcomed the chance for a dialogue with the Council.

15. Ultimately, however, ‘high politics’ won: we accept the experts’ analysis that the British government was “*reluctant to upset the Australian government and such highly regarded philanthropic operators as Barnardo’s and Fairbridge by refusing to renew funding agreements with the voluntary societies*” and so continued with providing funding for and supporting child migration until 1972, in the face of the concerns.²⁴ Dr Humphreys characterised the history as one of repeated “*missed opportunities*” to remedy the appalling treatment many child migrants were receiving.²⁵ We consider this to be an entirely accurate assessment.

16. The Fairbridge Society’s Canadian school closed after lengthy wrangles with the local childcare professionals, as discussed further in the Fairbridge section in Part C. As the UK economy improved from the 1950s, fewer children came into the voluntary societies’ care.²⁶ The experts’ understanding was that Australian child migration ended “*when the remaining voluntary childcare societies could no longer recruit children to send or no longer wished to do so. Very likely, due to changes in welfare support for families, more children in need were being contained and supported in their natural families or were being fostered or adopted, and the number of children needing anything but temporary institutional care diminished*”.²⁷

17. We have seen no evidence that migration ended specifically because HMG decided to put a stop to it. The last child was migrated to Australia in 1970. Most if not all of those children who had been migrated remained within their receiving institution, despite the concerns that had been raised about the appalling conditions in which many of them were accommodated.²⁸

18. Many, but not all, of the institutions involved in child migration have apologised for their role in it, some more fulsomely than others, and some for the first time in evidence before us.

19. Witnesses told us of their experiences of brutalising regimes that involved physical and sexual abuse, poor living conditions, poor health care, and poor medical and educational provision. It is important, when considering the incidents of child sexual abuse, that we appreciate the full range of appalling conditions in which these children lived. This broader context of their lives is included in this report.

20. We turn now to a summary of the experiences of child migrants of sexual abuse.

²⁴ Constantine 27 February 2017 153-156 and 10 March 2017 91-92; 108-112; Lynch 10 March 2017 29-30 and 21 July 2017 121-125; CMT000366_001.

²⁵ Humphreys 21 July 2017 7-21.

²⁶ Humphreys 23 July 2017 151-152.

²⁷ Constantine 27 February 2017 156-157.

²⁸ Constantine 10 March 2017 112-113.

2. Child migrants' experiences of sexual abuse

Evidence from other inquiries of child sexual abuse

1. Allegations of the sexual abuse of former child migrants were first made public in this country through the work of the Child Migrants Trust (CMT). In July 1987, *Lost Children of the Empire*, a lengthy article in the Observer newspaper, set out a range of issues relating to child migration, including accounts of sexual abuse.²⁹ In 1998, the review by the House of Commons Select Committee on Health of the welfare of former British child migrants considered many accounts of emotional, physical and sexual abuse from former child migrants. The Committee observed that some of the abuse was of “*quite exceptional depravity*”.³⁰
2. Several Australian inquiries and reports have also set out accounts of sexual abuse given by child migrants, including:
 - a. the interim report of the Western Australia Select Committee into Child Migration (1996);³¹
 - b. the Queensland Government’s report on St Joseph’s, Neerkol (1998)³²;
 - c. the Forde reports (1999);³³ and
 - d. the Australian Senate Community Affairs Committee’s *Lost Innocents* report (2001). The Committee received accounts of sexual abuse from 38 of the 207 former child migrants who made submissions to it, including 24 from the Christian Brothers institutions in Western Australia. Their report described some of the accounts as “*horrendous*” and involving “*systemic criminal sexual assault and predatory behaviour by a large number of the Christian Brothers over a considerable period of time*”.³⁴
3. Evidence about sexual abuse also emerged at the International Congress on Child Migration in 2002.³⁵ Most recently, the Australian Royal Commission into Institutional Child Sexual Abuse (Australian Royal Commission) has reported on three case studies

²⁹ Humphreys 9 March 2017 7-9 and 21 July 2017 72-73; CMT000365_001.

³⁰ Constantine 10 March 2017 118-120.

³¹ Constantine 10 March 2017 114-118.

³² Constantine 10 March 2017 121-124.

³³ Namely the Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions and the Closed Report of the Commission of Inquiry (respectively March and May 1999): Constantine 10 March 2017 121; 125-129; EWM000005_088-090.

³⁴ Constantine 10 March 2017 129-132; EWM000007_087.

³⁵ Constantine 10 March 2017 120-121.

relating to sexual abuse in institutions to which child migrants were sent – namely, the Salvation Army Riverview Training Farm (Queensland); the Christian Brothers schools at Castledare, Clontarf, Tardun and Bindoon (Western Australia); and St Joseph’s, Neerkol (Queensland). Furthermore, the Northern Ireland Historical Institutional Abuse Inquiry (HIA), in its child migration module, received accounts of sexual abuse from 24 of 50 former child migrant witnesses.³⁶

4. In summary, these previous inquiries and reports heard accounts of the following forms of abuse:

- a. touching children’s genitals,
- b. masturbating children,
- c. forcing children to masturbate or perform oral sex on the abuser, and masturbating against a child,
- d. attempted and actual anal or vaginal penetration of children, sometimes with external objects, and
- e. forced sexual contact with animals.

5. The abuse was described as having taken place in the residential homes, in dormitories and staff bedrooms as well as other areas. Sexual abuse was often described as having taken place in private, but instances were also reported of sexual abuse having taken place in the presence of other children. Overall, there was evidence of sexual abuse of child migrants in 16 Australian institutions.³⁷

The evidence the Inquiry received from former child migrants

6. Between 27 February and 10 March 2017 (our ‘Part 1’ public hearings), the Inquiry considered evidence from a number of former child migrants. They were invited to give testimony in recognition of the central importance of their experiences to the issues we had to consider, and to provide a proper context for the institutional evidence that followed. Many gave evidence to the Inquiry in person, travelling long distances to do so. Others, including those who were less able to travel, gave testimony via video link. The evidence of some was read to us.

7. The Part 1 witnesses were chosen to provide us with as full a picture as possible of the different institutions that migrated children and the different places to which they were sent. A total of 11 witnesses gave evidence in relation to migration by the Fairbridge Society (three of whom had been selected by Cornwall County Council),³⁸

³⁶ Constantine 10 March 2017 132-140.

³⁷ Lynch 10 March 2017 145; 157-159.

³⁸ Marcelle O’Brien (28 February 2017 2017); CM-A2 (28 February 2017 2017); Edward Scott (2 March 2017 69-89); CM-A26 (7 March 2017 141-147); CM-A22 (8 March 2017); CM-A82 (8 March 2017 67-73); and David Hill (8 March 2017 73-117) had been migrated by Fairbridge and described their experiences. Peter Bagshaw (28 February 2017 82-945); CM-A14 (28 February 2017 95-131); and CM-A12 (2 March 2017 56-68) had been selected by Cornwall County Council and then migrated through Fairbridge. Patricia Skidmore gave evidence about the sexual abuse her mother (a Fairbridge migrant to Canada) had described (9 March 2017 138-181). In addition we heard from CM-A3 who was migrated through Middlemore homes to a Fairbridge institution (7 March 2017 147-165).

eight in relation to the Sisters of Nazareth³⁹ and two in relation to Father Hudson's.⁴⁰ In addition, we heard from one witness who had been migrated by each of the Children's Society (CS), the National Children's Home (NCH), the Royal Overseas League and the Southwark Catholic Rescue Society (SCRS).⁴¹

8. We are grateful to all those former child migrants who provided us with their evidence, especially given the length of time many of them had waited to share their accounts, and the difficulty many of them had in talking about their experiences. We urge readers of this report to read the testimony given by the witnesses in full.⁴²

9. We have made clear that we do not intend to make any findings in relation to the sexual abuse described by individual former child migrants: rather, it is the broad pattern and substance of the accounts that assist us in approaching the core question of the institutional responses to those allegations or that evidence.

10. We also considered some extracts from books that had been written by former child migrants to Southern Rhodesia, and in which allegations of sexual abuse were made.⁴³

11. The Inquiry received many more accounts of sexual abuse from former child migrants than we were able to adduce in the public hearings. These accounts were summarised for us in a table by the Inquiry legal team,⁴⁴ and we also considered these. Dr Humphreys also summarised for us various accounts that she had received through her work.⁴⁵

12. In order to understand the experiences of child migrants, we have considered the broader picture of these regimes, which included many types of abuse as set out below.

The location and nature of the sexual abuse described by the witnesses

13. Several of the Part 1 witnesses recounted that they had been abused prior to being migrated, while still in institutions in England.⁴⁶ Two told us that they believed they may have been sent to Australia because they had reported their sexual abuse in this country.⁴⁷

14. CM-A5 described being sexually abused while at sea on the journey to Australia.⁴⁸

15. Most of the Part 1 witnesses described sexual abuse at the institutions to which they were sent in Australia, Canada and Southern Rhodesia.

³⁹ CM-A4 (1 March 2017 2-60); Oliver Cosgrove (1 March 2017 81-145); CM-A6 (1 March 2017 60-81); CM-A5 (3 March 2017 1-66); Francis Hanley (3 March 2017 66-82); Michael O'Donoghue (3 March 2017 83-168); CM-A13 (7 March 2017 48-64); and CM-A11 (8 March 2017 31-67).

⁴⁰ CM-A17 (7 March 2017 64-82) and Edward Delaney (7 March 2017 83-141).

⁴¹ CM-A2 (28 February 2017 65-82); CM-A19 (7 March 2017 3-47); Michael Hawes (2 March 2017 90-117) and CM-A20 (2 March 2017 2-55).

⁴² The transcripts of the evidence are available here:

<https://www.iicsa.org.uk/investigations/the-protection-of-children-overseas?tab=hearing>

⁴³ Lynch 10 March 2017 152-157.

⁴⁴ INQ001259.

⁴⁵ Humphreys 9 March 2017 46-49.

⁴⁶ See, for example O'Donoghue 3 March 2017 93-96; 107; and CM-A5 3 March 2017 29-34.

⁴⁷ CM-A6 1 March 2017 67 and CM-A20 2 March 2017 50-1.

⁴⁸ CM-A5 3 March 2017 13-16; CMT000440_002.

16. The witnesses gave accounts of having suffered a range of different types of sexual abuse. Witnesses gave accounts of being inappropriately touched and made to touch the alleged perpetrator, as well as of being raped. Several spoke of being abused repeatedly by one or more people. Some witnesses referred to abuse being perpetrated by male staff members. Others also referred to abuse by female members of staff – specifically by nuns or cottage mothers. Some talked about abuse at the hands of other children, teachers or visitors to the institutions, or during holiday placements or work placements once they had left the institutions. Often the abuse continued for many years. CM-A4 described being taken out of his dormitory at night by Christian Brothers,⁴⁹ and we heard similar accounts from others. CM-A13 gave evidence that witnessing sexual assaults against others could “*feel as bad as being the victim*”.⁵⁰

Physical abuse, emotional abuse, neglect and poor education

17. Many of the witnesses described experiencing severe and regular physical abuse and punishment at the hands of staff and older children. For example, Michael Hawes said his experiences at Dhurringile were “*better described as torture than abuse*”, saying that he was locked in a place known as ‘the dungeon’ for punishment, occasionally without food or water for days.⁵¹ David Hill described “*public thrashings*” in the village hall.⁵² One former child migrant who had been under the care of the Sisters of Nazareth, Michael O’Donoghue, described “*misery, fear and brutality*” at one Nazareth Home.⁵³ He recalled that he and the other children “*would cry and cry and cry and cry*”, and also being thrown down the stairs by a nun as punishment for a transgression, leaving him unconscious.⁵⁴ CM-A20 told us of the “*backbreaking work*” he was forced to carry out by the Christian Brothers and we heard testimony from several others that echoed his account.⁵⁵

18. Many of the witnesses described psychological abuse such as being called “*guttersnipe*” and being told they were not wanted. Mr O’Donoghue described an incident in which the Christian Brothers killed a horse particularly loved by the children in their care as a form of collective punishment for an alleged wrongdoing, forcing a group of 15 children to watch the killing.⁵⁶

19. Several witnesses described trying to escape the abuse they were experiencing: Edward Delaney said he tried to kill himself at the age of 12,⁵⁷ and CM-A3 described running away on numerous occasions and then being sent back to a Fairbridge school.

⁴⁹ CM-A4 1 March 2017 9-10.

⁵⁰ CM-A13 7 March 2017 53-54.

⁵¹ Hawes 2 March 2017 102-103.

⁵² Hill 8 March 2017 87-89.

⁵³ O’Donoghue 3 March 2017 107.

⁵⁴ O’Donoghue 3 March 2017 19.

⁵⁵ CM-A20 2 March 2017 22.

⁵⁶ O’Donoghue 3 March 2017 124-129.

⁵⁷ Delaney 7 March 2017 95-96.

20. Many witnesses referred to constant hunger, medical neglect and receiving very poor education, the latter having lifelong consequences in several cases. Although our Inquiry focuses solely on sexual abuse, the accounts of physical and emotional abuse, neglect and poor education provide an essential context for our understanding of the experiences of child migrants.

Reporting the abuse

21. Many witnesses stated that the culture and environment in which they were living meant that they felt they could not report their experiences for fear of being disbelieved or beaten, and some child migrants were threatened to this effect by their abusers. CM-A4 stated, *"I could not trust adults and just bottled everything up"*. CM-A13 said that he knew no one would believe that he had been sexually assaulted: *"It seemed like they were all the same, all in it together"*, and Edward Scott stated that the institution *"wasn't a place where I felt safe or trusted"*.⁵⁸

22. Several of the Part 1 witnesses told us that their reports of abuse were not treated seriously and no further investigation was carried out by the relevant institution: Marcelle O'Brien testified that her complaint had been ignored, rendering her reluctant to report abuse subsequently. CM-A5 said that she was told to pray for her abuser, with no further steps taken by the institution. CM-A6 said he was told to *"keep this to ourselves and don't tell anyone else"* when he reported that he had been raped.⁵⁹

23. Several of the witnesses testified that they had been treated aggressively – sometimes violently – after they had reported abuse, and that they interpreted this treatment as an attempt to silence them. For example, CM-A6 and Peter Bagshaw⁶⁰ described being beaten when they reported abuse prior to their migration and CM-A20 said that when he complained about his abuse to the new principal at the Christian Brothers school at Tardun (CM-F76), he was beaten, told he was a *"filthy liar"* and that he was being moved to Castledare the next day.⁶¹ Furthermore, three witnesses reported that they believed that staff responsible for sexual abuse were moved to other institutions to cover up their transgressions.⁶²

24. Several witnesses told the Inquiry that they had no personal recollection of any institutional inspection.⁶³ Those who spoke about formal inspections by child welfare professionals, the local (Australian) Fairbridge Council or the Lotteries Commission, generally did so in dismissive terms: CM-A5 said that the children had been told to remain silent and to give the impression to inspectors that they were happy, and Oliver Cosgrove stated that all they said was *"the obligatory 'Good morning, sir'"*.⁶⁴ Geographical separation from their families, of course, made it harder for the children

⁵⁸ CM-A4 1 March 2017 16; CM-A13 7 March 2017 121; Scott 2 March 2017 76.

⁵⁹ O'Brien 28 February 2017 23-24; CM-A5 3 March 2017 40-44; CM-A6 1 March 2017 73-4.

⁶⁰ CM-A6 1 March 2017 64; Bagshaw 28 February 2017 86.

⁶¹ CM-A20 2 March 2017 39. We note that the Australian Senate Community Affairs Committee's *Lost Innocents* report (2001) found that boys who reported abuse had been beaten by the Brothers, and there were *"cover ups"* of the abuse due to strong connections between the Brothers and the police: Constantine 10 March 2017 129-132.

⁶² CM-A4 1 March 2017 21; Cosgrove 1 March 2017 21; 103; Delaney 7 March 2017 113.

⁶³ CM-A14 28 February 2017 120; CM-A4 1 March 2017 49-50; CM-A6 1 March 2017 75; Cosgrove 1 March 2017 91; 100-105; 134-135; Scott 2 March 2017 83; Hill 8 March 2017 80.

⁶⁴ CM-A5 3 March 2017 80-81; Cosgrove 1 March 2017 135. See also Hill 20 July 2017 110-112 and Lynch 10 March 2017 161

to report abuse to them, and we heard accounts that the content of letters that some wrote home was strictly controlled and that letters were censored.⁶⁵ The limited contact that many of the children had with the outside world, and the geographical isolation of some of the schools, would have limited even further the ability of the children to report abuse.

For all these reasons, the true incidence of sexual abuse of child migrants was likely to be significantly under-reported during the migration period. We agree with Dr Humphreys that those intent on perpetrating sexual abuse would likely know that children would find it difficult to report the abuse,⁶⁶ and thus that they would be unlikely to be caught. This must have made the children feel utterly powerless and bereft and was a deplorable situation.

“False promises” on migration and lies about family

25. Many witnesses described being given false accounts of the positive life they could expect in Australia: CM-A6 believed it meant going on an “*adventure holiday*”, and CM-A13 described being told of “*gold on the street [and] ...oranges*” and that this turned out to be “*... a pack of lies*”.⁶⁷ Several also suggested that their parents were given false information: for example, CM-A26 gave evidence that her parents had consented on the basis that their children would be able to return to the UK if they “*didn’t like it in Australia*”.⁶⁸ Michael Hawes later learned that one of his teachers cautioned against his migration, noting that he had had “*so many upsets in his life*” that “*it might even be better for Michael to stay here*”.⁶⁹

26. Many witnesses described being lied to about their family background and even as to whether their parents were alive: CM-A4, for example, was wrongly told that his parents had died in the war.⁷⁰ CM-A11, Francis Hanley and Michael O’Donoghue all gave evidence that their parents had also been lied to as to where their children were and who was caring for them. The failure to be honest with some of the children about their families often led to a complete severing of family ties, which were never properly repaired in later life, and this caused devastating loss to many of the former child migrants.

The impact of the child migration programme on the children

27. For many witnesses, being separated from their family and country was one of the most devastating parts of their experience: CM-A11’s statement that the separation from his mother was “*heartbreaking*” and a “*lifelong loss that has given me unending pain*”⁷¹ was typical of what the witnesses told us. Many described the devastating and lifetime-lasting impact their early experiences had had on their lives, including a severe impact on their physical and mental well-being and their ability to

⁶⁵ See, for example, CM-A22 2 March 2017 80.

⁶⁶ Humphreys 9 March 2017 16.

⁶⁷ CM-A6 1 March 2017 66; CM-A13 7 March 2017 50.

⁶⁸ CM-A26 7 March 2017 143.

⁶⁹ Hawes 2 March 2017 115-116.

⁷⁰ CM-A4 1 March 2017 36.

⁷¹ CM-A11 8 March 2017 35-36.

form relationships. Some told the Inquiry that they had suffered “*secondary abuse*” as a result of their difficulties engaging with institutions in the post-migration period.⁷² Dr Humphreys and Norman Johnston’s evidence gave us a broader insight into these impacts.⁷³

Support and reparations

28. Many of the former child migrants spoke of frustration at the support and reparations they have received to date: for example, CM-A13 stated “*What I wanted was justice and accountability. Nobody was referred to the police for crimes against children, no organisation was held accountable*”, and CM-A2 said that “*justice should follow*” the 2010 national apology.⁷⁴

⁷² CM-A4 1 March 2017 55; 69-70; CM-A5 3 March 2017 56-7; CM-A19 7 March 2017 41-45.

⁷³ Humphreys 9 March 2017 4-5; 9-15; 22-25; 28-32; 38-45; 52-59. We also received evidence submitted to the Northern Ireland Historical Institutional Abuse Inquiry from Tuart Place, an organisation providing counselling and advocacy services to the ex-residents of Christian Brothers institutions, which set out the consequences of migration and the key problems that former child migrants face as a result of their experiences: Constantine 10 March 2017 140-141.

⁷⁴ CM-A13 7 March 2017 60; CM-A2 28 February 2017 78.

3. The Inquiry's approach to the '*standards*' issues

Introduction

1. The issues that we had to decide in this Case Study can be summarised as being:
 - a. what the institutions based in England and Wales actually knew, and what they should have known, about the sexual abuse of child migrants;
 - b. whether sufficient care was taken by those institutions to protect child migrants from sexual abuse;
 - c. whether they responded appropriately when evidence or allegations of sexual abuse of child migrants emerged during the migration era;
 - d. whether they responded appropriately when such evidence or allegations emerged more recently; and
 - e. whether the support and reparations offered to child migrants in respect of sexual abuse have been adequate.
2. The Core Participants to the Case Study broadly accepted that the determination of issues d and e, which relate to the events of recent years, depended on our own assessment of the evidence, in light of our experience.
3. However, all of the institutional Core Participants, to varying degrees, challenged the Inquiry's approach to issues a–c (in essence, those relating to knowledge, sufficiency of care and response). The submissions on these issues were initiated and most forcefully advanced by HMG and the Catholic Council for the Independent Inquiry into Child Sexual Abuse (CCIICSA), but were also supported by the Sisters of Nazareth (SoN) and Barnardo's.
4. These institutions argued that we had to apply '*standards*' from the time of the migration era to the determination of issues a–c; that we did not have adequate evidence before us to reach a proper decision on these matters; and that we should instruct a child care expert to provide further evidence on the issues of the historic standards of knowledge, sufficiency of care and response.
5. The first of these submissions – that we must take care to be mindful of the historical context, must not apply hindsight and must assess the actions of institutions against what was considered reasonable at the time of the child migration programmes – is not controversial. We have made clear at least since before the Part 2 hearings that as a matter of common sense and fairness we would only judge the actions of the institutions in this Case Study by contemporaneous '*standards*'. We would hope that anyone applying today's standards of childcare to what happened to the child migrants

would agree that the conduct of many institutions fell very far short of those standards – indeed, many of the institutions which appeared before us accepted as much, such that there would be relatively little for us to decide if that were the approach taken.

6. However, beyond that, we do not accept the arguments advanced by the institutional Core Participants. Instead we agree with the CMT, Oliver Cosgrove and David Hill,⁷⁵ to the effect that we do have sufficient evidence before us to determine the issues, for the reasons that follow.

What should child migration institutions in England and Wales have known about sexual abuse?

7. Within the various reports from the child migration era that specifically address the policy of child migration, even the highly critical Ross report, there is very little that explicitly or even impliedly references sexual abuse. It is therefore right to ask whether sexual abuse was even identified during that era, and, if it was, how it was referred to and whether it was recognised as something that was wrong. These questions are a necessary context for answering what a child migration institution at that time should have known about sexual abuse.

8. It is clear to us that during the child migration era, sexual abuse was not described, discussed or understood in the way that it is now.

9. However, we have seen documents from that time which were clearly describing what nowadays we would refer to as sexual abuse: these include references to adults having had “immoral relations”⁷⁶ or “interfered”⁷⁷ with child migrants, to adults engaging in “fooling”,⁷⁸ “indiscreet fondling”⁷⁹ or “serious sexual malpractices”⁸⁰ with the children, to a “really rather bad case of sodomy between a teacher and boys”⁸¹ and to “philandering conduct towards girls”⁸² and “trouble” between some school teachers and girls who were aged 13 and 14 at the time (which related to the teachers being prosecuted for having “carnal knowledge” of the girls).⁸³

10. We are therefore satisfied that if a child migrant was being sexually abused, there was indeed the language available to describe it, although it was different from the language which would be used today.

11. Sexual abuse of children has always been *morally* wrong. However, it is clear that, before and during the post-War child migration period, the law saw fit to criminalise child sexual abuse as *legally* wrong, and to make provision for the protection of children from such abuse. In this respect we note, for example, that:

⁷⁵ CMT Closing Statement, [31]-[66] and Annex, Contemporaneous Standards vs The Human Reality; Barnardo’s Closing Statement, [2]-[8]; Oliver Cosgrove Closing Statement, [10]-[25]; and David Hill, Oral Closing Statement: Hill 26 July 2017 31/19-41/22.

⁷⁶ PRT000150_003.

⁷⁷ PRT000303.

⁷⁸ INQ000170_001-010.

⁷⁹ BRD000105_002.

⁸⁰ BRD000105_001.

⁸¹ Constantine 21 July 2017 125-127; PRT000597_003.

⁸² CMT000387_007-009.

⁸³ The “trouble”: EWM000372.

- a. protecting the “virtue” of young girls and punishing their violators had been identified as a priority as far back as the late nineteenth century (the age of consent having been raised from 13 to 16 in 1885);
- b. the Act for the Prevention of Cruelty to, and Better Protection of, Children 1889 criminalised the “wilful ill-treatment” (namely treatment “*in a manner likely to cause such child unnecessary suffering, or injury to its health*”) of a boy under the age of 14 or a girl under the age of 16, and made provision for the police to intervene when such treatment was suspected;
- c. the Children Act 1908 provided that any person could bring before the court a child who was the daughter of a man convicted of sexual offences (and such a child could be committed to an industrial school); a child who frequented the company of prostitutes⁸⁴, and/or who was living in a place used for prostitution or otherwise in circumstances calculated to “*cause, encourage, or favour the seduction or prostitution of the child*”;
- d. by 1924, when the Parliamentary Departmental Committee on Sexual Offences against Young Persons reviewed the operation of various sexual offences in existence at the time, reference was made to the offences of indecent assault on a male person under 16, indecent assault on a female person under 16, and “*defilement*” of girls under 13, or between 13 and 20; and
- e. the Children and Young Persons Act 1933 sought to combine all child protection law into a single piece of legislation, and this was followed by further consolidating legislation such as the Sexual Offences Act 1956 and the Indecency with Children Act 1960.⁸⁵

12. Moreover, it is clear that there was at least some enforcement of these legal provisions: an analysis of criminal justice statistics suggests that well over 1,000 persons a year were found guilty of sexual offences against minors in England and Wales between the wars, increasing to over 4,000 by the 1960s.⁸⁶ Furthermore, the experts referred us to various occasions on which the press reported matters relating to child sexual abuse, both before and after the War.⁸⁷

⁸⁴ Unless the prostitute was the child’s mother and she was taking appropriate action.

⁸⁵ Constantine 21 July 2017 150-156; EWM000455_016-019, at paras. 2.4-2.7 and 2.11; *a History of Child Protection Law and a Timeline of Key Legislation on the Protection of Children from Sexual Abuse in England and Wales* (two documents prepared by Counsel to the Inquiry and disclosed to the Core Participants at INQ001305 and INQ001306). We note that Australian criminal law made similar provision: H. Boxall et al (Canberra: Australian Institute of Criminology, 2014), *Historical Review of Sexual Abuse Legislation in Australia: 1788-2013*, which was considered by the Australian Royal Commission: <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Research%20Report%20-%20Historical%20review%20of%20sexual%20offence%20and%20child%20sexual%20abuse%20legislation%20in%20Australia%201788-2013%20-%20Government%20responses.pdf>

⁸⁶ EWM000455_016, at para. 2.4.

⁸⁷ See, for example the press reporting of the post-War increase in recorded ‘sex crimes’; of a British Magistrates Association/ British Medical Association report on how such sexual offence cases should be tried and on how offenders should be punished (1949); and of an acknowledgement in Parliament by the Home Secretary that while the rate of increase in recorded sexual offences was in decline, four out of five victims were children (1958): EWM000455_019, at para. 2.12. We have also considered three *History and Policy* papers written on issues relating to child sexual abuse and cited by Professors Constantine and Lynch at EWM000455_016. These are papers written by expert historians, based on peer-reviewed research, as follows: (i) Louise A. Jackson, *Child sexual abuse in England and Wales: prosecution and prevalence 1918-1970*, 18 June 2015; (ii) Lucy Delap, *Child welfare, child prosecution and sexual abuse, 1918-1990*, 30 July 2015; and (iii) Adrian Bingham and Louise Settle, *Scandals and silences: the British Press and child sexual abuse*, 4 August 2015.

We are satisfied that the evidence summarised above gives us sufficiently broad context.

In light of this evidence, we have concluded that during the period of migration with which we have been concerned, there was a general understanding within society that child sexual abuse was morally wrong and unlawful, and that steps should be taken to protect children from it and respond when it occurred.

We consider that sending institutions did share or should have shared this general understanding.

13. It is clear to us that the sending institutions did not explicitly or systematically consider what steps were needed to protect children from the risk of sexual abuse.

14. However, there are several indications that some such steps were in fact being taken or considered within the England and Wales education and care sectors, such as the following:

- a. in 1909 the Board of Education referred to a duty to preserve a “*strict standard of morality among teachers*” and, as a priority, the need to “*think much more of the welfare of the children than of the teacher*”;
- b. at the time of the First World War, state school teachers would have to return their teaching certificates if found guilty of sexual misconduct;
- c. in 1946, the Curtis Report referred at paragraph 147 to the undesirability of children and adults in a mixed workhouse occupying the same yards;
- d. in 1952 the Home Office required that if the manager of an approved school faced an allegation of sexual abuse, they had to report the matter to the Home Office and the police rather than deal with the matter themselves;
- e. in 1954 there was discussion of how to prevent men convicted of sexual offences from teaching in private schools; and
- f. in 1957 there was consideration of a proposed public register of convicted sexual offenders against children as well as women.⁸⁸

15. Moreover, as we explain in greater detail in the institution-specific sections of Part C, we have seen various examples from within the child migration context of the sending agencies and/or their linked organisations overseas taking steps in relation to sexual abuse, even if it was not described as such. These include the following:

- a. in 1889, once Barnardo’s UK became aware that Alfred Owen (who ran their receiving home in Canada) had been convicted of sexual interference with girls in his care, it sent out a female senior manager to investigate the facilities, and this led to a recommendation that locks should be put on bedroom doors and chaperones provided when girls were in vulnerable situations;⁸⁹

⁸⁸ Constantine 21 July 2017 157-158; EWM000455_018-019, at paras. 2.8, 2.10 and 2.12.

⁸⁹ Clarke 13 July 2017 30/1-8

- b. in 1940, Mr Beauchamp (Principal at the Fairbridge school at Molong, Australia) was told to resign after allegations that he had failed to prevent or intervene in “immoral and perverted practices....on a serious scale”;⁹⁰
- c. in the early 1940’s Mr Rogers (a Duties Master at the Fairbridge school in British Columbia) was dismissed following allegations of improper behaviour, then re-hired, but dismissed again after he was convicted of “immoral relations” with Fairbridge boys and imprisoned;⁹¹
- d. in 1958, once Barnardo’s UK and HMG became aware of a range of allegations of sexual abuse at the Barnardo’s school at Picton, Australia, they suspended all migration to the school, the General Superintendent of Barnardo’s UK travelled to Australia, he co-operated with a local child welfare investigation, and migration was not restarted until the issues had been addressed⁹²; and
- e. from 1947 to 1968, the ‘Common Rules’ that applied to the Christian Brothers order included rules that Brothers were not permitted to have particular friendships with pupils, touch pupils on the face or otherwise fondle them or allow boys into their room.⁹³

This evidence, added to the more general societal evidence referred to above, reinforces our view that sending agencies did know or should have known of the risk of sexual abuse, and that this was something in relation to which an organisational response was required.

What would sufficient care to protect child migrants from the risk of sexual abuse have looked like?

16. As indicated above, the institutional Core Participants argued that we do not have adequate evidence to define what the appropriate ‘standard’ of ‘sufficient’ care for child migrants was and should instruct a childcare expert to assist us.

17. The CCIICSA argued that the applicable ‘standard’ for us to apply should be the level of conduct that a person or institution must fulfil to avoid being found liable as a matter of civil law.⁹⁴ We disagree with such a proposed approach, because it is not the Inquiry’s role to determine civil liability.⁹⁵

18. We do not, in fact, accept that the language of ‘standards’ is appropriate here at all. As is apparent from the section on HMG at Part C.1, it is clear that HMG did not impose legally binding ‘standards’ on the voluntary institutions, through regulations or even primary legislation, and indeed that this was a key failing of the child migration schemes.

19. As we explain in detail however, in Part B.4, which follows this section, there were clear and repeated indications given to the voluntary institutions, largely through the Home Office, as to how they should conduct their migration schemes. This took the

⁹⁰ Constantine 12 July 2017 93-101 and 133.

⁹¹ See section C.2.2 below for further consideration of the incidents involving Mr Rogers.

⁹² See section C.2.1 below for further consideration of the Picton issues.

⁹³ EWM000064_034.

⁹⁴ CCIICSA, Closing Statement, para. 111 and paras 112-122.

⁹⁵ Inquiries Act 2005, s. 2(1).

form of the Curtis Report (which principally concentrated on childcare practice but included an important reference to child migration), memoranda and guidance issued thereafter, and later, specific agreements with each sending institution. This material reflected consistently similar themes around selection, consent, the type of institution, the nature of care, contact with the outside world and the sort of post-migration monitoring that was expected.

20. These ‘Curtis’ elements of behaviour and practice in many ways reflected what some of the voluntary organisations had been doing for some time, some as far back as the 1800s. Some, such as Barnardo’s, the Children’s Society and the National Children’s Home set out these practices in handbooks and other internal principles and documents.

21. These elements were also stressed by others whose views should have been given weight, such as the Women’s Group on Public Welfare.

22. We have also learned a certain amount about the views of social workers and local authority Children’s Officers at the time of migration, and about the opinions of some former members of Fairbridge staff. This all adds to our understanding of what practices were at the time and what was considered reasonable, and their views continued to reflect the Curtis principles.

23. When the seminal Ross mission toured Australia in 1956, it was clear that it was judging the conditions in the schools against these expected Curtis principles and found the vast majority falling very far short.

24. The agreements which HMG initiated with each sending institution post-Ross sought to reinforce these expected practices.

25. We appreciate that even a child who was selected for migration on the basis that they were emotionally robust enough and prepared for migration, who was cared for in a small cottage home by a carefully selected, suitably qualified and well-supervised member of staff who acted as a substitute parent, who was properly integrated into the local community, and who was not subject to any physical, mental or emotional abuse, may still have been sexually abused. Nevertheless, in our view and experience, a child who had the benefit of some or all of those measures would be exposed to less of a risk of sexual abuse, and if sexual abuse did occur, such a child would be more likely to report it.

We therefore consider that we have a persuasive body of material, from the child migration era and context itself, that tells us what those involved in the schemes considered was the appropriate way of caring for the children. We set this out in further detail in Part B.4.

These expected or good practices do not specifically address sexual abuse, but they are the sort of measures which were recognised as being the best way, at that time, of protecting child migrants from a range of risks, including the risk of sexual abuse.

This context-specific evidence is much more relevant to the issues that we have to decide than that which a generic childcare expert could give us at this historical remove.

For these reasons we consider it is not necessary for us to instruct such an expert to assist us.

26. We turn now to two additional arguments made on the 'standards' issues.

27. HMG submitted that we should obtain factual evidence as to training, governance and inspection regimes concerning children's residential care in England and Wales.⁹⁶ Similarly, the SoN argued that we should obtain expert evidence of what would have been accepted as reasonable by a responsible body of practitioners providing institutional care in England and Wales at the time.⁹⁷ We understand they are referring to practitioners in a local authority or voluntary organisation providing institutional care in England and Wales.

28. We disagree. The child migration context is specific. We need to determine what was considered reasonable in the context of a child migration programme at the time, not a residential home in England and Wales. By way of example, we can well imagine that what was considered a reasonable level of post-placement supervision is likely to have varied between those two different contexts.

29. The CCIICSA argued that we should obtain evidence as to what the conditions were actually like in homes in England and Wales during the migration period.⁹⁸

30. Again we disagree. We need to determine what the expected practices in the context of the child migration programmes were, and not whether a potentially different standard was in fact being complied with in a different context.

How should child migration institutions in England and Wales have responded to allegations or evidence of sexual abuse, during the migration era?

31. There is much less evidence to assist us on this issue. The number of allegations of sexual abuse that were actually reported to institutions based in England and Wales during the migration era was small (but we consider that sexual abuse was very likely to have been significantly under-reported). However, we consider that we have enough evidence about what responses there were, and the wider context, to assess whether they were adequate or not. We also consider that the highly-specific context of the child migration schemes would likely make any generic expert evidence about the general institutional responses to allegations or evidence of sexual abuse during this period of limited assistance.

⁹⁶ HMG, Closing Statement, para. 111.

⁹⁷ Sisters of Nazareth, Closing Statement, para. 74.

⁹⁸ CCIICSA, Closing Statement, para. 179.

Concluding observations

32. We make it clear that these are our own findings on these issues, based on all the evidence we have considered. We have not had regard to the opinion of Professors Constantine and Lynch on these matters: rather, we have considered the historical and research material they have placed before us, alongside the extensive archive material the Inquiry obtained from HMG and the sending institutions.

33. Finally, we note that it has often been said that child migration was accepted practice, judged by “*the standards of the day*”.⁹⁹ Yet as we detail further in Part B.4 below, the evidence showed us that child migration as a concept always had some critics, going back to the nineteenth century. More specifically for our purposes, various reports from the time of the migration programmes were highly critical of how they were operating in practice, and of the care being provided to the children and they set out what should be done. Several of the institutions involved had debates within themselves about child migration and about the operation of the programmes. Some have reflected internally since, and accepted that the Curtis principles were not in fact applied.¹⁰⁰

34. We turn now to the detail of the historical material from the child migration programmes that underpins the conclusions set out above.

⁹⁹ See, for example, Humphreys 9 March 2017 26.

¹⁰⁰ See, for example, Jim Richards (then Director of the Catholic Children’s Society (Westminster)), who wrote in 1993, in a document entitled *Australian Migrants: A Consideration of the Conditions of the Time*, that the Catholic agencies’ practices with respect to migration did “*not seem to reflect what might be described as best practice of the time*” (CCS000211_017-018); Jim Hyland (former Chairman of the Catholic Child Welfare Council), who wrote “*It has been argued that some of the harsh practices were considered acceptable in former times when attitudes to child rearing were more rigid and demanding and there is an element of truth in this. There is, however, evidence that, in some establishments, there were undoubtedly totally unacceptable illegal, and indeed evil practices that had remain unexposed for many years*” (CCS000216_003-004); and Mark Davies, who on behalf of HMG, said in evidence before us that “*the government fully accepts that it failed to ensure, as the Curtis Committee had recommended, that the arrangements and standards of care for those children in Australia were comparable to those in this country*” (DOH000097_021, para. 43).

4. Evolution of the institutional response

Introduction

1. The Inquiry heard evidence about expectations of care and practice, by institutions from the late 1800s to the end of the migration era. We summarise this below by reference to the period before the Second World War, and the post-War period, because the latter is the temporal focus of this Case Study. We set out this evidence chronologically, to better illustrate the evolution of the institutional position, and to show the developments occurring in different countries throughout the migration period.

Pre-War evidence

2. In 1875, Andrew Doyle, a senior inspector on the local government board and responsible for the operation of the Poor Law in England and Wales, visited Canada. His report of this visit (the Doyle report)¹⁰¹ made clear that he was “*sceptical about [...if not downright hostile to]*” to the entire idea of migration.

3. The Doyle report expressed concern about the “*lax and informal*” manner in which consent was secured from parents/guardians and about the “*ill-treatment and hardship*” of the children, including the onerous work obligations on them and the limited education they were receiving as a result. The report referred to girls “*losing their characters*”, and to a concern about sleeping arrangements (with reference to a case of a young girl sleeping in a room “*without fastening*”, very close to the rooms of two men, including a hired farm hand of whom nothing was known).¹⁰²

4. The report also expressed concern about the inadequate inspection and aftercare regimes being operated and recommended a rigorous and independent inspection procedure, including one-to-one conversations, operating on a quarterly basis, so that children could build up a relationship of trust with their visitor.¹⁰³

The Doyle report evidences an acceptance by a senior childcare professional as far back as 1875 that the sending institution should monitor the welfare of the children after they had been migrated; and in particular of a need to be live to the risk that young female migrants were vulnerable to sexual abuse.

¹⁰¹ EWM000008.

¹⁰² Lynch 10 July 2017 104-105.

¹⁰³ Lynch 10 July 2017 104-105.

5. As a result of the Doyle report, a temporary moratorium was imposed on migration of children from Poor Law institutions to Canada, some children were removed from their placements and relocated, and the sending societies did make more of an effort to monitor the well-being of the children by inspection visits.¹⁰⁴

6. In 1894, Dr Barnardo said the following in a letter to the Canadian Secretary of the Department for the Interior “...continued supervision should be exercised over these children after they have been placed out in the Canadian homestead; first by systematic visitation; second, by regular correspondence. Emigration in the case of young children without continuous supervision is, in our opinion, presumptuous folly and simply courts disaster”.¹⁰⁵

The principles of continued supervision through systematic visits and regular correspondence had been recognised by the late 1890s as good practice and there was an understanding that to migrate children without such a supervision system in place was highly risky.

7. The good practice of post-migration monitoring is also illustrated by the following:

- a. in 1902, Father Bans of the Crusade of Rescue made it clear that there was a need for unannounced inspections, careful recording of visits and one-on-one conversations with each child;¹⁰⁶
- b. the Children’s Society (CS) had specific staff based in Canada who would operate a system of supervision and reporting back to England;¹⁰⁷ and
- c. when the National Children’s Home (NCH) migrated children to Canada, they monitored the service, and understood that the Canadian Government was actively involved in inspecting the children’s homes and visiting young people in employment.¹⁰⁸ We were also told that when the NCH migrated children to Canada, complaints which were made were followed up and young people who did not settle were moved to more appropriate work.¹⁰⁹

This evidence illustrates an early acceptance by some institutions that not only should there be monitoring, but there should also be appropriate action taken in response to concerns raised.

8. We were told that Canadian farmers who wished to house and employ Barnardo’s child migrants completed an application form and questionnaire, provided references. Their homes (including sleeping arrangements and members of the household) were inspected;¹¹⁰ and the farm employers to whom children were sent by the CS were vetted beforehand.¹¹¹

¹⁰⁴ Constantine 27 February 2017 124-131; 10 March 2017 65-73; EWM000005_065.

¹⁰⁵ BRD000120_019; Clarke 13 July 2017 33-34.

¹⁰⁶ Lynch 17 July 2017 10 12-19.

¹⁰⁷ Reed 14 July 2017 13/4-18; CSY000105_003; Constantine 11 July 2017 129/16-25.

¹⁰⁸ Neilson 14 July 2017 111/1-17; AFC000028_004-019.

¹⁰⁹ Neilson 14 July 2017 111/1-17; AFC000028_004-019.

¹¹⁰ BRD000120_012.

¹¹¹ Reed 14 July 2017 9-10.

We consider that this evidence from the pre-War Canadian experience illustrates an acceptance that it was appropriate to vet the people with whom the children were to be placed.

9. In 1924, Margaret Bondfield, UK Minister of Labour, and a team, visited Canada.¹¹² Her visit had been prompted by the fact that, over time, the Canadian authorities had become less willing to receive child migrants. Within the report of this visit (the Bondfield report), brief mention was made of migrant girls needing regular, close and effective post-placement supervision. The report recommended that children under 14 should not be migrated to private homes or farms because of the risk that their education would be disadvantaged by working, and this was accepted.¹¹³

10. From 1940, there appeared yet further examples of a recognition of the need to recruit appropriate staff, often specifically because of the risk of what was regarded as inappropriate sexual behaviour. This evidence came from both Canada and Australia. We refer to the following:

- a. Following the dismissal of the Principal of the Fairbridge school at Molong, Australia, in 1940 arising from concerns which included some relating to inappropriate sexual behaviour, the Fairbridge Society in London acknowledged that even if there were divisions of opinion as to the standards by which they had to raise child migrants, emigration was only supported upon proof that *“their prospects are considerably better than they would be in this country. These considerations all hang, in our view, on the quality and equipment of the Principal. If we fall short of what is expected of us on this side we shall, without doubt, lose our place as the rescuers and educators of children”*;¹¹⁴
- b. In October 1944, the report of Mr Garnett (from the UK High Commission in Australia), which was provided at the very least to the Fairbridge Society in London and HMG, reached various conclusions including that selection of the right Principal was of the *“utmost importance”*, that more attractive conditions should be offered to staff, and that the staffing should be strengthened by the appointment of those with qualifications in the care and training of children;¹¹⁵
- c. In November 1944 Gordon Green (then Secretary of the Fairbridge Society in London) noted that *“The prevention of sexual delinquency depends on the quality of the staff. In normal times the quality of the staff depends on the judgment of the Principal in making appointments”*;¹¹⁶
- d. Around the same time, a Joint Committee in Canada (made up of representatives from the Provincial Government and from the local Fairbridge Society Board) recommended that the Fairbridge school should only continue to receive child migrants in British Columbia on various conditions, one of which was that they employ suitable staff, including trained social workers;¹¹⁷

¹¹² Constantine 27 February 2017 107.

¹¹³ Constantine 27 February 2017 107-108 and 10 March 2017 73-77.

¹¹⁴ PRT000273_001-006; INQ000118_026.

¹¹⁵ Constantine 12 July 2017 121-123; PRT000217_020-030; EWM000438_005 (paragraph 2.5).

¹¹⁶ PRT000175_003.

¹¹⁷ PRT000514_001-004; PRT000513; PRT000175; PRT000512_019-020.

- e. In June 1944, Mr Wheeler (the Australian Commonwealth Government's Chief Migration Officer) referred to "*deplorable incidents*" at the Northcote school, where there had been allegations that girls had been sexually abused by teachers at the local school, as well as concerns about inappropriate sexual relations between girls and visiting older boys. He noted that the "*proportion of unsatisfactory cases is unduly high, and it is difficult to avoid the conclusion that faulty supervision and training must be held to a large extent responsible*". He concluded that "*each school ought to be inspected at least once a year on behalf of each Government*".¹¹⁸

This body of evidence shows that the need to ensure proper supervision and training of staff, and for regular inspections of each receiving institution had been recognised.

The Curtis report

11. After the Second World War, childcare professionals became anxious about the welfare of those children who had been "*deprived of a normal home life*" during the war. This led to the establishment of the Care of Children Committee (the Curtis Committee), which reported in 1946 (the Curtis report).¹¹⁹

12. The Curtis report noted that those selected for migration were only those "*of fine physique and good mental equipment*", which it considered were "*precisely the children for whom satisfactory openings could be found in this country*". On that basis it concluded that child migration as a "*method of providing for the deprived child*" was "*not one that we would specifically wish to see extended*".¹²⁰

13. The Curtis Committee concluded that migration should remain an option for "*suitable*" children who expressed a desire for it, but that they would "*strongly deprecate their setting out in life under less thorough care and supervision than they would have at home*". On that basis they recommended that "*it should be a condition of consenting to the emigration of deprived children that the arrangements made by the government of the receiving country for their welfare and aftercare should be comparable to those we have proposed in this report for deprived children remaining in this country*" (our emphasis).¹²¹

14. The arrangements that the Curtis Committee had proposed for children remaining in the UK involved children being cared for in some kind of surrogate family care (i.e. fostering or adoption). Or, if institutional care were required, children

¹¹⁸ Constantine 12 July 2017 115-117; EWM000395; EWM000400_001-002, _003-005. In July-August 1947, it was agreed that Fairbridge would cease to migrate children to Northcote on the basis that the children had to have continuity of personal care and Fairbridge had to be responsible for that: PRT000359_003-004.

¹¹⁹ Constantine 27 February 2017, 138-139; EWM000286_179, para. 515.

¹²⁰ Constantine 27 February 2017, 138-139; EWM000286_179, para. 515.

¹²¹ Constantine 27 February 2017 134-139; 9 March 2017 108-109; and 10 March 2017 78-84; Lynch 9 March 2017, 100-108. We also note that in the 1993 paper written by Jim Richards (then Director of the Catholic Children's Society (Westminster)), he said that this clearly placed "*an onus on the senders to ensure on a regular basis that the receiving arrangements were as good as the children should expect to have under Curtis in the U.K.*": CCS000211_006.

should not be cared for in the type of large institutions that were common in the nineteenth century, but the “cottage homes” that had developed pre-War, with no more than around a dozen children, and a “surrogate mother” who was suitably trained.¹²²

15. The Curtis report stated that children should go to the local school, be free to bring friends from school back to their cottage, be able to join the Boy Scouts or Girl Guides, go swimming and do things of that nature, have access to an up-to-date library, toys, games and a wireless and should generally have the same social experiences as if they were living with their natural parents.¹²³

16. Moreover, every effort should be made to enable the children to remain in contact with their relatives (unless there was a basis for thinking that contact would do them harm). Corporal punishment should be entirely prohibited for the children irrespective of age and gender, given their particular vulnerability,¹²⁴ and “nagging, sneering, taunting indeed all methods which secure the ascendancy of the person in charge by destroying or lowering the self-esteem of the child” were deprecated.¹²⁵

17. The Curtis report was a defining moment in the history of childcare in this country.¹²⁶

The 1946 Curtis report set out clear expectations for future childcare practice and was explicit in its expectations of the care to be given to child migrants.

The evidence shows that the Curtis Committee recommendations were accepted by HMG, and the Home Office became responsible for their implementation at home and overseas.

However as will become apparent from our analysis that follows, HMG failed to ensure that the Curtis Committee expectations were implemented in respect of child migrants, and HMG has since accepted as much.¹²⁷

The Home Office memorandum, June 1947¹²⁸

18. In this memorandum, initially sent to the Fairbridge Society in London, the Home Office gave guidance with respect to child migration, post-Curtis. The memorandum effectively suggested a presumption against migration, as Curtis had done, and stressed that the needs of the individual children should be paramount and that migration should only really be considered if there were no prospect of the child having a normal home life in the UK.

¹²² It was noted by Jim Richards in his 1993 paper that in 1946, the CCWC was making plans for the training of childcare staff in England, whilst at the same time discussing the sending of children to Australia where they knew childcare staff were totally untrained in residential work: CCS000211_014.

¹²³ Constantine 27 February 2017, 138-139; EWM000286_179, para. 515.

¹²⁴ On this issue we note that corporal punishment was also circumscribed by Western Australian regulations in 1934: it was only to be used as a “last resort...in the presence of a witness by the manager or the schoolmaster under the direction and on the responsibility of the manager”; it was not to be used for “trivial breaches of discipline or dullness”, it was to be administered by “strokes with a cane inflicted on the hands” and a record had to be made: Cosgrove 1 March 2017 94-95.

¹²⁵ Constantine 10 March 2017 83-84.

¹²⁶ The recommendations of the Curtis report formed the basis of the Children Act of 1948: Constantine 27 February 2017, 143/12-21.

¹²⁷ Constantine 27 February 2017 140-146 and 10 March 2017 84.

¹²⁸ CMT000377_001-004.

19. However, if children were to be migrated it expected “*the standard of care which these children may hope to enjoy in this country as the provisions of the Education Act 1944 and the recommendations of the Curtis Committee take effect*” (our emphasis) and continued that “*it would be difficult to justify proposals to emigrate deprived children unless the societies or homes to which they go are willing and able to provide care and opportunity on the same level*”.¹²⁹

20. The memorandum stated that the “parent” society “*must retain a continuing responsibility for children whom it has sent overseas as the responsible agent, and the children’s link with this country until they are independent*” and must evidence that continuing responsibility. It considered it appropriate for the institutions to appoint a “*liaison officer*” with a thorough knowledge and understanding of the needs of deprived children to pay regular visits to the institutions.¹³⁰

21. It also indicated that:

- a. the sending institutions should be “*responsible for general policy in regard to the training and care of children at homes which they administer*” and “*have final responsibility for the appointment of the principal, with close consultation with the local committee*”;¹³¹
- b. “*local people who are competent to advise the principal in the care and education and training of the children*” should be involved in the administration of the schools;¹³² and
- c. the staff employed at the homes or farm schools should be “*of good calibre*”.¹³³

22. These requirements were rooted in a combination of the early experiences of the child migration programmes and the Curtis principles. The manner in which an organisation in one country was going to ensure appropriate care for its children in another country was always going to require careful thought, and in our view this memorandum sets out what was considered at the time to be a reasonable way of conducting that exercise.

23. The evidence shows that this difficulty continued to be an inherent weakness in the system, illustrated, for example, by the tensions between the Fairbridge Society in London and Fairbridge in Australia, which we discuss further in Part C.

24. It is likely that this memorandum was circulated to other sending organisations in the UK, because 20 copies were sent to the Australian Commonwealth’s migration officer to pass on to the Australian receiving institutions, and we have seen evidence that the Australian Secretary of the Child Welfare Department received it.¹³⁴ We also note Mr Davies’ evidence that the Home Office’s expectations in this regard were communicated “*to the voluntary organisations*” (i.e. not simply Fairbridge) via this memorandum.¹³⁵

¹²⁹ Constantine 12 July 2017 73-74 and 21 July 2017 140-141; CMT000377_002.

¹³⁰ Constantine 12 July 2017 73-74 and 21 July 2017 140-141; CMT000377_002.

¹³¹ Constantine 12 July 2017 73-74 and 21 July 2017 140-141; CMT000377_003.

¹³² Constantine 12 July 2017 73-74 and 21 July 2017 140-141; CMT000377_003.

¹³³ Constantine 12 July 2017 77-78; CMT000377_003.

¹³⁴ Lynch 21 July 2017 140-141; INQ000034_008.

¹³⁵ DOH000097_018, para. 38.

25. However, we consider that whether this particular memorandum was seen by other sending organisations in the UK is not determinative given that it repeated many of the Curtis recommendations that had no doubt been seen by them and that much of its content was repeated later: for example, letters from the UK High Commissioner later in 1947 stressed the continuing responsibility of the “parent” society and various Home Office documents stressed that emigration was only appropriate when there was no hope of a normal home life for the child in the UK.¹³⁶

Further evidence from 1947 to 1951

26. In October 1947, **Lucy Cole-Hamilton** (who had taken a party of Fairbridge children to Western Australia in 1934 and worked for the Fairbridge Society until 1945) wrote to the Home Office expressing concern about the resumption of child migration because the “*system at present*” was not conducive to the happiness and welfare of a child in a “*great many ways*”. She asked:

- a. what safeguards would be put in place to ensure that the children would be treated as individuals;
- b. whether there would be any direct supervision or inspection of the children by the authorities in England and Wales;
- c. whether the appointment of aftercare officers would be done by an independent body;
- d. whether the Governor-General would be appointed their guardian;
- e. how membership of the local Fairbridge Committee would be determined; and
- f. whether children who wished to proceed to something other than farm or domestic work would be appropriately educated.

27. She observed that “*the question of suitable staff has always been most difficult*” and asked whether they would now be properly remunerated because “*this would make a great deal of difference to the type of person they will be able to command*”. She also asked whether adult staff would be employed to reduce the burden of farm work on the children.¹³⁷

28. Later that month, Ms Cole-Hamilton received a reply saying that a visit was underway and it was hoped that the WA school which was “*known to be unsatisfactory in some respects will be improved and that it will be possible to establish a different policy in the upbringing given to the children*”. The reply also stated that: “*you can be assured... that there are matters which the Department wishes to see substantially altered and that the Fairbridge Society is fully aware of the Home Office view*”.¹³⁸

¹³⁶ CMT0000206; DOH000077_003-004.

¹³⁷ Constantine 12 July 2017 144-147; CMT000380_001.

¹³⁸ CMT000514_003.

29. Ms Cole-Hamilton was stressing the need for a child-centred approach, appropriate staff, proper supervision and oversight systems. The fact that she had extensive experience of how the child migration programmes operated, should have meant that her views would be afforded greater weight, because it is apparent that these were widely held views.
30. In March 1948, the **British Federation of Social Workers** sent a letter to The Times, expressing concern about the care provided to child migrants.¹³⁹
31. **The Children’s Society’s Handbook for Workers** from 1948 set out how the Society expected its homes in England and Wales to be run. This also made reference to supervision, monitoring, and other matters such as staff selection.¹⁴⁰
32. The same year, the **National Children’s Home** established the **seven principles for migration**, which referred to the provision of continuity of care, small cottages and special training courses for staff. Its 1949 guide then provided for the “*continuing responsibility of the parent society*”, the use of trained social workers in selection, exploration of systematic training for childcare workers “*as established in this country*” and the use of a liaison officer with an understanding of children’s needs, who would pay regular visits to receiving institutions and keep in touch with the UK.¹⁴¹
33. These large childcare providers had very clear expectations of what was reasonable in the context of their migration programmes.
34. When the Children’s Bill was being debated in the House of Lords in 1948, in response to a question about what assurances there would be as to the arrangements for child migrants, the Lord Chancellor gave an assurance “*that the Home Office intended to secure that children should not be emigrated unless there was absolute satisfaction that proper arrangements had been made for the care and upbringing of each child*”.¹⁴²
35. In January 1949, a memorandum was submitted by Dallas Paterson (former Principal of Pinjarra, a Fairbridge school in Australia) to the Home Office, in which he was extremely critical of the migration programmes and said “*It cannot be over-emphasised that those taking responsibility to send British children overseas must retain a sense of direct responsibility...it cannot be delegated*” (emphasis in original).¹⁴³
36. We consider his memorandum further in Part C because Mr Paterson also referred to allegations of sexual “*scandals*” (and so it is pertinent to the issue of knowledge by HMG and Fairbridge UK). His memorandum was a further example of a person from the “*inside*” of the child migration programmes stressing the expectation of ongoing supervision by the UK institutions.

¹³⁹ CMT000383.

¹⁴⁰ Reed 14 July 2017 33-40; CSY000003_001-025.

¹⁴¹ Neilson 14 July 2017 73/7-24; AFC000013_018; AFC000013_001-007; AFC000020_027-032; CMT000386. In a similar vein, see also the section on Barnardo’s which follows, where we have described the 1955 version of *The Barnardo’s Book*. This sought to regulate all Barnardo’s homes in the UK and Australia, and had first been published in 1944: Clarke 13 July 2017 39/15-22; BRD000120_020; BRD000085_001-003.

¹⁴² CMT000384.

¹⁴³ CMT000387_001.

37. Similarly, as we set out in detail in the later section on the Catholic Church, there was recognition within the Catholic Child Welfare Council (CCWC) from at least 1945 of the importance of the sending institutions being provided with regular reports about individual child migrants and receiving institutions being directly inspected by officials from the UK.

38. In March 1949, the Home Office set out its views on ‘*Questions for consideration in connection with the Emigration of Children*’ in a paper for the Advisory Council on Child Care. This again stressed that the standard of care should be as high as that aimed at in the UK in such matters as employment of trained staff, accommodation of the children, integration with the local community, opportunities for development according to ability and the necessary education and training, establishment in work with prospects and skilled aftercare. It gave detailed guidance on each of these topics. The need for liaison officers was again stressed, so as to “*ensure that the parent organisation can in fact carry out its continuing responsibility and ascertain that its aims and policy are being applied overseas*”.¹⁴⁴

39. At a meeting in June 1950 the Home Office reminded the CRO of the recommendation of the Curtis Committee as to “*equivalence of standards*”. The notes record that the Home Office said that issues concerning the standard of care in the institutions and aftercare, as well as material conditions, should be addressed before approval was given to an establishment. The Home Office subsequently sent a list to the CRO of matters on which information was required. The list was sent to the British High Commissioner who passed it on to the Australian Immigration Department and the local state authorities.¹⁴⁵

40. The same month Tempe Woods, who had worked at Northcote School in Victoria as Head Cottage Mother, wrote to the Home Office and was critical of staff and practices at the school, and reported that she understood “*that children are now strapped for misdemeanours, as is the custom in Australia*”. It appears that the only action that was taken in response was to write to Ms Woods to acknowledge her letter.¹⁴⁶

The Women’s Group on Public Welfare (WGPW) report, 1951

41. The Women’s Group on Public Welfare was a philanthropic women’s organisation founded in the late 1930s which focused on the improvement of social conditions by investigating perceived problems and publishing reports about them. The WGPW conducted a review of child migration in light of Curtis principles “*as a matter of social conscience*”.¹⁴⁷

¹⁴⁴ CMT000386.

¹⁴⁵ DOH000097_020, para. 44.

¹⁴⁶ DOH000097_032, para. 76.

¹⁴⁷ EWM000005_71 (para 5.4.1); Child Migration, a Study made in 1948-50 by a Committee of the Women’s Group on Public Welfare, National Council of Social Service, London, 1951, pp. 6 and 33-60.

42. The WGPW report stated that professionally qualified social workers and those with a first-hand knowledge of the conditions in the countries receiving children should be involved in the selection of child migrants. They suggested that the selection process should not ask “*whether the child is suited for emigration, but whether migration is best suited to the child’s particular needs*”.¹⁴⁸

43. The report recommended that:

- a. siblings should be kept together;
- b. there should be better preparation of the children for migration;
- c. children should be housed in cottage homes and have access to mainstream education;
- d. there should be careful selection and training of staff and aftercare officers; and
- e. detailed records about the children should be sent with them and maintained in their new country.

Overall, it was said that “*...the sending agencies cannot divest themselves of responsibility for that child’s subsequent welfare*”.¹⁴⁹

44. The WGPW report was not official, and did not have any statutory or quasi-statutory status. However, it was the work of a body of respected childcare professionals, including representatives from the National Association for Mental Health, the Church of England Moral Welfare Council, the Women’s Liberal Federation, the Family Welfare Association, the Young Women’s Christian Association, and the British Federation of Social Workers.

45. The sending agencies clearly knew about this report. Not only was it reported in the press, but the Council of Voluntary Organisations for Child Emigration (CVOCE) actively discussed its recommendations. The view of Professors Constantine and Lynch was that this report was taken seriously by the Home Office.¹⁵⁰

The Home Office’s draft Regulations, 1952

46. As we explain further in section C.1, the Home Office did not implement regulations in respect of the child migration activities of the voluntary agencies. However, it did circulate draft Regulations to sending agencies in 1952.¹⁵¹

47. These draft Regulations included provisions relating to:

- a. the use of a case committee in the selection of children for migration;
- b. the obtaining of parental/guardian consent for migration;
- c. the Secretary of State having a month’s notice of the intention to migrate any child under five; and

¹⁴⁸ This followed high standards on selection being set out in the Doyle Report, the Bondfield report and in the 1947 Home Office memorandum.

¹⁴⁹ Constantine 10 March 2017 85-91.

¹⁵⁰ Constantine 10 March 2017 85-91; Constantine and Lynch 21 July 2017 142-146.

¹⁵¹ AFC000015_029.

- d. a report being obtained on each child migrant within six months of arrival and annually thereafter.¹⁵²

Although the draft Regulations were not formally binding on institutions, the fact that they were circulated to sending agencies provides further evidence of what were considered reasonable practices of the time.

Common themes from Fairbridge Society's experience in Canada

48. As we explain later, the Fairbridge Society was a key participant in the child migration programmes. Its Canadian school was ultimately closed in the early 1950's largely due to the adverse views of local childcare professionals. However the evidence from the Fairbridge Society's experience in Canada shows that it had also identified the following expectations:

- a. careful staff selection and supervision;
- b. recruitment of trained staff who would be likely to require attractive pay and working conditions;
- c. appointment of a trained worker to oversee the work of the staff;
- d. an understanding that a staff member who engaged in sexual misconduct with pupils should not remain in post; and
- e. the desirability of the sending organisation visiting an institution personally when serious incidents of sexual abuse occurred and taking appropriate steps in response.¹⁵³

49. Elements a-c of the above paragraph can be seen in many of the other sources referred to in this section. We note that d. and e. were also reflected in the manner in which Barnardo's responded to the discovery of sexual abuse issues at their Picton school in 1958.

John Moss reports, 1951 to 1954

50. John Moss was a retired Kent County welfare officer who offered to report on the receiving institutions while visiting Australia in his own time, which he did from 1951 to 1952.

51. Although overall he made fairly positive observations, his reports were critical of the physical conditions in some of the institutions, the lack of trained staff, the isolation of some of the institutions which made engagement with the local community more difficult, the large size of some of the institutions and the lack of aftercare for children in work. He questioned the propriety of placing girls over the

¹⁵² CMT000227.

¹⁵³ Constantine 12 July 2017 124-125; 129-131.

age of 12 in situations where they acted as domestic servants. He made a series of recommendations for improvements to the programmes, including that there be “*periodical reports*” made to the UK High Commissioner’s office.¹⁵⁴

52. In 1954, Mr Moss visited Southern Rhodesia. In his report he was critical of the fact that children from the Rhodesia Fairbridge Memorial College (the only institution in Southern Rhodesia to which child migrants were sent) were being sent for weekend and holiday breaks to private households which were not known to the College staff and for which references as to their suitability had not been obtained. He recommended that the households which could not be visited by College staff should be approved on the basis of references provided by the Department of Education or Social Work, or possibly by the Rotary Club.

53. Home Office officials also recognised that this failure to obtain references was “*perhaps risky*”.¹⁵⁵

54. Mr Moss’s reports, and that of the Ross Mission which we consider further below, were effectively about whether the expectations of care were being met: but by definition these reinforce our understanding as to what those expectations were.

The views of local authority Children’s Officers

55. The Children Act 1948, which sought to implement the key Curtis recommendations, led to the appointment of qualified Children’s Officers within local authorities.

56. Generally, these childcare professionals became unwilling to put forward children for migration, and in 1955 the County Councils Association confirmed that this was because they “*...were not satisfied that Australian methods of childcare were comparable with those practised in Britain in the past few years*”.¹⁵⁶

57. The Overseas Migration Board (OMB) essentially a pro-migration lobbying body established in 1953) itself accepted that “[t]here was certainly some discrepancy between the form of childcare recommended by the Children Act and carried out by local authorities in the UK and that offered by the societies in Australia”. The position of the local authorities led to continued frustration by the Australian authorities.¹⁵⁷

The reluctance by Children’s Officers to provide children for migration, because of concerns over the conditions of care the children were receiving, should have been afforded weight given their role as the emerging statutory childcare professionals.

¹⁵⁴ Constantine 10 March 2017 93-99; CMT000393.

¹⁵⁵ Constantine 12 July 2017 164-165; EWM000438_022-023, paragraph 5.23; EWM000438_022, footnote 83

¹⁵⁶ EWM000005_031; EWM0000096.

¹⁵⁷ Constantine 27 February 2017 143-150 and 10 March 2017 84-85; Lynch 9 March 2017 101-102 (on the views of Essex County Council’s children’s officer, Ms Wansborough Jones, who was later part of the Ross Fact-Finding Mission).

The Ross report and reports from Anthony Rouse, 1956

58. The Home Office had been keen to ensure that Mr Moss's report was not regarded as an official publication or one that reflected its views, which caused some tension with the CRO as the Australian authorities had broadly welcomed Mr Moss's views. An interdepartmental review concluded that child migration could continue only if the Curtis principles were respected but the OMB opposed restrictions on migration. Therefore the decision was taken to conduct a further review. The members of the body set up to conduct the review, the Ross Fact-Finding Mission, were John Ross (Chair, undersecretary at the Home Office responsible for the children's department), Ms Wansborough-Jones (a Children's Officer at Essex County Council) and William Garnett (former deputy British High Commissioner who had been involved in reviews of some of the institutions).¹⁵⁸

59. It was intended that the mission would produce a report to be published as a White Paper with confidential reports on particular institutions assessing whether the care of child migrants did in fact match expected practice in Britain. The writers said that they "*thought it right to take account of childcare methods as developed since 1948 when the Children Act passed into law*" and that this was their approach in judging the 'standards' of care.¹⁵⁹ This demonstrates that the Ross mission considered that the appropriate principles to apply to the Australian institutions were the Curtis ones.

60. The writers noted that at the end of 1956, 2,117 child migrant places had been made available in Australia for migrant children, but only 1,427 of these were occupied.¹⁶⁰

61. The Ross report dismissed the notion that children who were already rejected and insecure would benefit from a "*fresh start*"; and again stressed the need for children to be brought up in an environment as close as possible to a family home, recommending boarding out/the use of small homes. It noted that there was "*a body of opinion*" by this point in Australia that "*subscribed to these methods in relation to Australian children*".¹⁶¹

62. The Ross mission visited 26 out of the 39 institutions in Australia to which British child migrants were sent. Although there were some positive observations, the reports overall were very critical. Reference was made to the institutional character, the lack of homely atmosphere, the separation of siblings, the lack of education and employment opportunities, the lack of staff training in childcare methods, the negative attitude towards the children of some of the staff, the lack of progress with fostering and, the lack of information about the children being sent from the UK.¹⁶² The Ross report recommended that the consent of the Home Secretary should be required for voluntary society migration.¹⁶³

¹⁵⁸ Constantine 10 March 2017 97-101; CMT000397_002.

¹⁵⁹ Constantine 10 March 2017 102-103; CMT000397_005-7.

¹⁶⁰ CMT000397_005.

¹⁶¹ CMT000397_005-6.

¹⁶² CMT000397.

¹⁶³ Lynch 10 March 2017 40; Constantine 10 March 2017 103-107.

63. The Ross mission was effectively re-stating the need for the Curtis principles to be respected in the institutions, and observing that they were not being met in many respects.

64. The Overseas Migration Board made clear that it did not accept the Mission's views.¹⁶⁴

65. The Australian government arranged for inspections of some of the schools and argued that there was “no justification” for deferring migration.¹⁶⁵

66. Anthony Rouse was an attaché from the UK High Commissioner's Office. He accompanied the Australian government's inspection team as they investigated a small number of institutions ahead of the publication date for the Ross Report. Mr Rouse sent his confidential notes back to the UK High Commissioner as a form of live briefing while the Australian government's team conducted its investigation. These were frequently critical.¹⁶⁶

67. Post-Ross, the conditions at several institutions were regarded as so poor that they were put on a ‘blacklist’ and regarded as not fit to receive any more child migrants.¹⁶⁷

68. However, migration continued, partly because of the influence of the Overseas Migration Board, the sending organisations and the Australian government.

The criticisms made by the Ross Mission were so extensive that their reports can properly be regarded as a defining ‘line in the sand’ in the history of child migration. There could have been no serious misunderstanding beyond this point as to the very adverse treatment to which many of the child migrants were being subjected. Continuing to migrate children after this date, with that knowledge, without evidence of any improvement in conditions, was wholly wrong.

The Outfits and Maintenance agreements, 1957 onwards

69. The Ross report recommendation in respect of the Home Secretary's consent being required for migration by voluntary societies was not implemented by HMG. However as a consequence of the Ross report,¹⁶⁸ Outfits and Maintenance agreements were first signed between the Secretary of State for Commonwealth Relations and various organisations (at least the Fairbridge Society, Barnardo's and the Salvation Army) in 1957.¹⁶⁹

70. These agreements included requirements that:

- a. children should travel with information about themselves;

¹⁶⁴ INQ000075_001; INQ000005_001.

¹⁶⁵ INQ000072.

¹⁶⁶ EWM000005_190-192.

¹⁶⁷ Constantine 27 February 2017 153-156 and 10 March 2017 91-92; 108-112; Lynch 10 March 2017 29-30 and 21 July 2017 121-125; CMT000366_001; INQ000084.

¹⁶⁸ EWM000278_229-231.

¹⁶⁹ For Barnardo's see CRD000034_121; for the Fairbridge Society see PRT000028_009-011; and for the Salvation Army see SVA000036_035.

- b. staffing levels and experience should be appropriate (including that staff “shall be as far as possible persons with knowledge and experience of child care methods”);
- c. children should be boarded out wherever possible;
- d. children should only be sent to private homes that were suitable in all respects;
- e. children should be encouraged to take part in the life of the community; and
- f. that an adequate standard of comfort should be maintained.

71. The agreements also expected voluntary societies to provide information on various matters to the Secretary of State, to give access to related records, and to co-operate with the Secretary of State “in enabling him to satisfy himself from time to time” that the provisions were being observed. We understand that the agreements with other agencies were in similar form and note copies from 1962 regarding the Catholic Church and NCH.¹⁷⁰

The wording of these agreements demonstrates a continued acceptance that child migrants should be cared for in accordance with the Curtis principles.

The Order of the Christian Brothers rules

72. As we explain in the institution-specific sections which follow, many children were migrated to the care of the Christian Brothers (an order of the Catholic Church) at various institutions in Australia. Several such institutions were examined by the Australian Royal Commission. It found that from 1947 to 1968, the ‘Common Rules’ that applied to the Christian Brothers order included the Brothers:

- a. not having particular friendships with pupils and not speaking to pupils privately;
- b. not touching pupils on the face or otherwise fondling them; and
- c. not allowing a boy to enter their room.¹⁷¹

Although the Christian Brothers in England and Wales was not a sending institution, these Common Rules indicate what the Australian Christian Brothers, to whom children were migrated, regarded as acceptable behaviour between themselves and the boys in their care.

73. Moreover, the Australian Royal Commission found that the Brothers had established a common procedure following a complaint of sexually inappropriate behaviour, which provided as follows: When an allegation arose, it was put to the Brother in question. If he did not admit the complaint, his word was usually taken over the word of the child unless there were other indications that would lead to the Brother’s denial being doubted. If the allegation was admitted, if there were direct evidence, or if several allegations were made, action was often taken. The action

¹⁷⁰ CHC000533_002-012; AFC000023.

¹⁷¹ EWM000064_034.

would vary from a warning or transfer for minor incidents, to other sanctions such as the Brother being asked to seek a dispensation from his vows, a canonical warning or dismissal/expulsion.¹⁷²

Conclusions

74. From the evidence before the Inquiry, sending institutions based in England and Wales should have conformed to the following practices:

- a. Taking steps to ensure that the care provided for migrated children was comparable to that proposed in the Curtis Report;
- b. Careful selection of children on the basis that migration would be beneficial for the child;
- c. Obtaining of consent from a parent or guardian before the child was migrated;
- d. Ensuring regular inspections of receiving institutions by HMG/sending institutions;
- e. Ensuring regular reports on individual children addressing their welfare since migration;
- f. Ensuring careful recruitment of an appropriate Principal or Head of the institutions;
- g. Ensuring the following:
 - Recruitment of quality staff who were vetted and had some element of training or qualification in the care of children, as well as the provision of adequate terms to attract such staff;
 - Proper staff selection;
 - Caring for children in small homely settings if they were not going to be boarded out (fostering);
 - Carrying out checks in circumstances where children were to be placed with private families, either on a long-term basis or on weekend or holiday placements; and
- h. Investigating any reported incident of sexual misconduct with children. This might have included the passing of information to the local child welfare professionals or police, the conduct of or participation in an investigation and ultimately the dismissal of the alleged perpetrator or other sanction as appropriate.

These practices would have gone some way to protecting child migrants from a range of risks, including of sexual abuse.

¹⁷² EWM000064_034-035.

75. The Inquiry heard a certain amount of evidence about selection processes, including about consent to migrate. We accept that there is not necessarily a causal link between these issues and sexual abuse. A child selected for migration in accordance with any process, with the appropriate consent having been given, could still have been sexually abused. Nevertheless, the manner in which institutions operated their selection processes reflects their institutional culture. As we explain further below, many institutions did not operate robust selection and consent processes. Many failed to appreciate the risks to children and take action to minimise those risks. Some were wilfully blind to those risks.

76. Effective post-migration monitoring was an established operational necessity. This monitoring practice involved regular reports on both the receiving institutions and individual children, addressing their welfare since migration. Without adequate monitoring, the institutions in England and Wales could not be satisfied that the children were being properly cared for. Most of the institutions we have examined failed to carry out effective post-migration monitoring.

These children remained British, and yet many of the sending institutions neglected to monitor them once they left British soil, despite the clear indications that they should do so.

Part C

Detailed Examination of Institutional Responses

Detailed Examination of Institutional Responses

Introduction

1. We now turn to a detailed examination of the institutional responses to sexual abuse in the child migration programmes. Before doing so it is important to place this examination within a context.
2. As we have set out earlier in the report, the Inquiry heard evidence that children were subjected to brutal conditions. They were physically beaten and deprived of medical care and a proper education. They were often not given enough food to eat and endured a regime where cruel punishments were the norm.
3. The Inquiry was concerned to find that children were often selected on the basis of populating other countries with 'white British stock', or to help strengthen the presence of faith based institutions overseas. The welfare of the children should have been paramount, but was frequently secondary.

The questions for the Inquiry

4. The scope of this Case Study led to a number of questions to be considered by the Inquiry in relation to each institution.
5. These questions are set out below:
 - a. What was the involvement of the institution in the child migration programmes and its rationale for involvement?
 - b. What were the nature and extent of the allegations or evidence of sexual abuse in respect of children migrated by the institution?
 - c. What did the institution know, and what should it have known, during the migration period about allegations or evidence of sexual abuse of child migrants? How adequately did the institution respond to any such allegations or evidence?
 - d. Did the institution take sufficient care to protect child migrants from sexual abuse?
 - e. How adequately did the institution respond to allegations or evidence of sexual abuse of child migrants that came to its attention in the post-migration period?
 - f. What support and reparations has the institution offered to former child migrants alleging sexual abuse, and have these been adequate?

6. Regarding what the institutions in England and Wales “*should*” have known of sexual abuse, we recognise that it cannot be said that even the most robust post-migration monitoring system “*would*” have revealed information about child sexual abuse. We are not able to conclude that any organisation “*should*” have had such knowledge.

However, we conclude that children were exposed to a risk of sexual abuse, which ought to have been appreciated by the sending institutions.

Had their monitoring systems been more robust, the institutions may have known more about specific allegations of sexual abuse and of the risk of such abuse.

Interventions ought then to have been triggered that may have reduced the risk of sexual abuse to the children.

7. Regarding the sufficiency of care to protect children from the risk of sexual abuse, failures to operate effective post-migration monitoring meant that the institutions concerned could not be satisfied that the expectations of care were being met.

Where an institution failed to operate effective post-migration monitoring, it also failed to take sufficient care to protect child migrants from the risk of sexual abuse.

8. In terms of support and reparations:

Any comprehensive scheme of reparations for child migrants should include apology and acknowledgement, support, and financial redress. Some of the institutions concerned have addressed some of these aspects, but we are not aware of any scheme which addresses all of them.

Presentation of Part C

9. Part C is presented in two sections. The first focuses on the response of HMG. The second focuses on the response of the institutions which sent children to countries around the world.

Part C

Section One: Her Majesty's Government

1. Her Majesty's Government (HMG)¹⁷³

1.1 What was HMG's role in child migration?

1. HMG was primarily responsible for the continued existence of the child migration programmes after the Second World War. This was a deeply flawed policy, as HMG now accepts.
2. HMG's rationale for participating in and approving the child migration programmes was a combination of reasons related to the welfare of the children and a desire to populate the white British Empire. In evidence before us, HMG (represented by Mark Davies of the Department for Health) stated that, today, it no longer defends its participation in the child migration programmes.¹⁷⁴
3. The responsibilities of the **Home Office** were to:
 - a. inspect institutions in the UK at which many child migrants spent time prior to their migration
 - b. provide specific consent to the migration of children in the care of local authorities; and
 - c. advise on subsidies for child migration programmes through the financing mechanism in the Empire Settlement Acts (ESA).¹⁷⁵
4. The Home Office also performed a regulatory and supervisory function of the child migration programmes: it considered that its role was to "*explain quite what would be required of an institution overseas and of a sending society in this country if the well-being of such children as are being sent overseas is to be protected.*"¹⁷⁶ In that vein, HMG liaised frequently with the voluntary societies and with other parts of Government about the operation of the migration schemes.¹⁷⁷ The Home Office was also empowered to propose secondary legislation setting the framework within which children were migrated by voluntary organisations, but never did so, as we discuss further below.¹⁷⁸
5. The Commonwealth Relations Office (CRO), took over the roles of the Dominions Office in 1947. Its responsibilities were:

¹⁷³ We use this abbreviation to refer to the successive British Governments who were involved in the child migration programmes, and those who have held office since the programmes ended.

¹⁷⁴ Davies 19 July 2017 121/19.

¹⁷⁵ Davies 19 July 2017 127/1-6.

¹⁷⁶ Constantine 19 July 2017 58/15-19.

¹⁷⁷ Davies 19 July 2017 130/17-24.

¹⁷⁸ Davies 19 July 2017 126/13-24.

- a. to approve as fit for purpose the residential institutions to which children were sent;
- b. to approve applications for funding from organisations pursuant to the legislation and administer the funding; and
- c. to liaise with the receiving governments via the UK High Commissioner.

HMG provided the financial, legal, regulatory and supervisory framework within which all voluntary societies and local authorities participated in the programmes, and it is unlikely that the programmes could have continued post-War without HMG's support.

1.2 What did HMG know about sexual abuse of child migrants and what did it do about it?

6. In its evidence and closing statements before us, HMG has accepted that there were a number of occasions during the migration period when it had knowledge of allegations or evidence of sexual abuse of child migrants.

(i) Canada

7. As we explain further in Part C, section 2.2, in July 1943, Mr Rogers (a Duties Master at the British Columbia (BC) Fairbridge school) was dismissed after he was convicted of “immoral relations” with Fairbridge boys and imprisoned.

8. Furthermore, in 1944, Isobel Harvey, Superintendent of Child Welfare for BC, reported a range of concerns including that another Duties Master, CM-F217, was known for “fooling with girls” at the school.

9. HMG files from the National Archives show that the Dominions Office was aware of the nature of the issue with Mr Rogers, and of the concerns about the Duties Master expressed by Ms Harvey. They also show that HMG knew that the BC Provincial government had, in the summer of 1944, expressed criticism of the then Principal of the School for his lack of previous experience in childcare welfare work, his errors in selection of staff, a “[t]endency overduly to shield or excuse delinquencies”, for “arranging or not reporting three alleged cases of removal of pregnancy” and for “[a] failure to take immediate and thorough action when reports have been made of suspected major moral delinquency”; and that the view of the Joint Committee was that “much greater care should be exercised in the future by those in control of the School to prevent sexual delinquency”.¹⁷⁹

10. Our reading of the documents suggests that:

- a. in November 1944, it was proposed that HMG write to the Fairbridge Society to support the idea of a personal visit by Mr Green (Fairbridge UK) to Canada and the replacement of the Principal of the School,¹⁸⁰ and

¹⁷⁹ CMT000496_004-11; PRT000510; CMT000496_001-003.

¹⁸⁰ CMT000499.

- b. in November 1946, the High Commissioner visited the School, noting that a new Principal was now in place, and that in his view the previous complaints were now “groundless”.¹⁸¹

11. Looked at in isolation, it could be said that HMG was seeking to respond to the concerns about sexual abuse issues that had emerged in Canada in an appropriate way by encouraging Fairbridge UK to visit, by ensuring that there was a change of Principal and by conducting a subsequent inspection itself. However, in our view it is flawed and unrealistic to take such an approach: the evidence shows us that the sexual abuse issues were part of a much broader range of serious concerns about the treatment of child migrants that the child welfare professionals in Canada were raising. It is also important to note that these concerns were coming to HMG’s attention at exactly the same time as the similar issues from Australia that we refer to below, and yet HMG appear not to have connected the two issues.

(ii) Australia: Molong (1940)

12. We have seen some evidence that the UK High Commissioner in Australia became aware of the resignation of Mr Beauchamp from the Molong school, and urged the Fairbridge Society in London to accept his resignation.¹⁸² However, it is not clear whether the High Commissioner knew the details of the allegations relating to sexual matters against Mr Beauchamp (see further in section 2.2 below).

(iii) Australia: Northcote and Pinjarra (1943/1944)

13. In May 1943, William Garnett (UK High Commissioner in Australia), visited the Northcote school in response to a “*disturbing*” letter from a cottage mother. He prepared a detailed report which he sent to the Dominions Office on 4 June 1943 noting a range of concerns, including that:

- a. there had been “*trouble between the girls and the schoolmasters*” (at the adjoining school);¹⁸³
- b. this had led to a prosecution of the teachers for sexual offences, and the Education Department dismissing them;
- c. it had also led to the girls asking for Colonel Heath’s resignation as Northcote Principal;
- d. one of the girls had reported a “*similar experience*” before leaving England; and
- e. no Child Welfare Department (CWD) officer had visited Northcote (because these officials did not consider that they had a legal power to do so unless a child was in the care of the state).

14. Although the local Education Department had reportedly indicated that it did not think that what had happened was “*any reflection upon the internal management of the Farm School*” and that “*this kind of thing though fortunately rare might happen*”

¹⁸¹ CMT000496_012-14.

¹⁸² PRT000276.

¹⁸³ The “*trouble*” was later clarified to have involved one teacher being prosecuted for four counts of having carnal knowledge of 4 girls who were aged 13 and 14 at the time: EWM000372.

anywhere”, Mr Garnett concluded that something had gone “*radically wrong*” at Northcote. He considered that there had been too much reliance on Colonel Heath, who had failed to live up to his positive reputation, that there had been insufficient supervision by the Northcote Trustees and that the local body lacked appropriate experience. He also expressed concern that similar issues may have arisen at Pinjarra given that Colonel Heath had previously been Principal there.¹⁸⁴

15. In February 1944, a “*dossier*” of complaints and concerns about the care at and management of Pinjarra was prepared by Gordon Green (Secretary of the Fairbridge Society in London). This was based on correspondence received from past and present members of staff.¹⁸⁵ The dossier was provided to the UK High Commission and the Dominions Office. Although we have not been provided with a copy of the dossier, we note that it was later described as:

- a. containing “*clear evidence of how children have suffered and the name of Fairbridge has lost prestige since the facts have made their mark in many quarters*”;
- b. demonstrating that Fairbridge in Western Australia “*does not accept in practice the principles of the proper care, education and placing of children entrusted to it*”; and
- c. showing that the Pinjarra school had “*concealed adverse facts, that many boys are in reformatories, and that every possible difficulty has been encountered there*” (emphasis in original).

It also noted that a former staff member, Miss Hart, had resigned, noting that there was “*substantiated evidence of ill-will, bad management and serious injustice*”.¹⁸⁶

16. In May 1944, Mr Garnett accompanied Mr Wheeler (the Australian Commonwealth government’s Chief Migration Officer) on an inspection of the Northcote school. Their visit raised a further suggestion of inappropriate sexual relations between girls at the school and visiting Old Fairbridge boys. They concluded that “*the supervision and character training in the past have left much to be desired*”, and suggested that the school should be closed and the children transferred to the Fairbridge school at Molong.¹⁸⁷

17. At around this time the UK High Commission also received extracts from a report undertaken for the Australian Commonwealth government by Caroline Kelly. Ms Kelly concluded that:

- a. “*all charges referred to in the dossier are within the knowledge of the Commonwealth Government*”;
- b. responsible government officers, members of churches and previous staff members concurred that a “*grave state of affairs existed*”;

¹⁸⁴ Constantine 12 July 2017 108-116; CMT000374_001-007.

¹⁸⁵ EWM000438_016.

¹⁸⁶ Constantine 12 July 2017 117-118; PRT000216_049-050; PRT000217_021; EWM000400_001-002, _003-005. Miss Hart also noted that the policy of yielding to the local Committee was “disastrous” for the lives of children at Pinjarra.

¹⁸⁷ EWM000372 (EWM000370_018, footnote 24); EWM000395 (EWM000370_019, footnote 25).

- c. knowledge of what was happening had been concealed for fear that the scheme might be damaged and financial backing suffer;
- d. the Secretary and local Fairbridge Committee were evasive and the latter ignorant of its responsibilities;
- e. Fairbridge in Australia preferred “*common*” women as staff;
- f. the acting Principal did not have the necessary qualifications; and
- g. “*disturbing stories*” should be investigated by someone directly representing the governments that contribute.

18. Overall, Ms Kelly was of the view that no further children should be sent to Pinjarra until there was an overhaul of the administration. She also expressed concern about an apparent laxity in the operation of the Pinjarra hostel for returning Fairbridge boys and girls, the culture of sexual behaviour there, and the fact that when Fairbridge girls under 16 became pregnant they were expelled.¹⁸⁸

19. In June 1944, Mr Wheeler sent a telegram to the Dominions Office referring to the “*deplorable incidents*” at Northcote, which “*have left marks it will take time to eradicate*”. He noted that “*Numerous changes in staff have not helped*” and that the “*proportion of unsatisfactory cases is unduly high, and it is difficult to avoid the conclusion that faulty supervision and training must be held to a large extent responsible*”. He referred to what he considered to be “*serious defects*” in the Fairbridge scheme. He also quoted extracts from Ms Kelly’s report including her recommendation that no further children be admitted to Pinjarra until an overhaul of the present administration had been made. He noted that Barnardos’ personally visited each child twice a year. He concluded that “*each school ought to be inspected at least once a year on behalf of each Government*”.¹⁸⁹

20. In July 1944, a note of a meeting between representatives of the UK High Commission in Australia and representatives of the UK Dominions Office records that “[Mr Wheeler] felt that both the Commonwealth and the UK Governments must be held to be in some way responsible for not realising how things had been going wrong at Northcote and he thought also at Pinjarra and he felt that it was their duty to be kept informed on the subject”. The note again recorded Mr Wheeler’s view that each school ought to be inspected once a year on behalf of each government.

21. In a memorandum dated 5 September 1944, it was noted that Sir Ronald Cross (by then UK High Commissioner in Australia) considered the proposal for periodic inspections a “*good one*” (albeit that they should “*not be too formal*”). Moreover, he had apparently said that “[h]e did not seem to think there would be much difficulty in arranging an official from his Department to go round the schools, but he did point out that it would be essential that we should visit all the schools..including Barnardo’s”.¹⁹⁰

¹⁸⁸ Constantine 12 July 2017 118-120; 134-135; CMT000375_001-068.

¹⁸⁹ Constantine 12 July 2017 115-117; EWM000395; EWM000400_001-002, _003-005. In July-August 1947, it was agreed that Fairbridge would cease to migrate children to Northcote on the basis that the children had to have continuity of personal care and Fairbridge had to be responsible for that: PRT000359_003-004.

¹⁹⁰ EWM000404_035.

22. For the reasons we have set out in section B.3 above, we regard the need for regular inspection of the schools as something that was expected during the time of the migration programmes. Annual inspections were being suggested here as part of a response to the sexual abuse issues that had arisen at Northcote, and the suggestion of serious issues at Pinjarra (albeit that these were not specified to relate to sexual abuse).

23. Although we have seen subsequent minutes suggesting that the UK Dominions Office considered the possibility of putting in place a regular scheme of inspections at institutions in Australia, there is no evidence that any such scheme was, in fact, implemented and child migration continued.

24. In October 1944, Mr Garnett prepared a detailed report on several of the farm schools in which child migrants were placed. This did not refer to any sexual abuse issues explicitly but given his knowledge of events at Northcote, Mr Garnett's reference to "*undesirable incidents*" was on balance likely in our view to have referred to the sexual abuse issues mentioned above.¹⁹¹ As far as the Fairbridge schools were concerned he made several proposals which we consider further in section 2.2 below.

25. Finally, in respect of knowledge of alleged sexual abuse in these two schools, in January 1949 a memorandum was submitted to the Home Office by Mr Dallas Paterson (a former Principal of Pinjarra), in which he was extremely critical of the migration schemes and stressed the need for the sending organisations to retain a sense of responsibility for the child migrants. In an appendix to the memorandum, Mr Paterson referred to a Western Australia Committee member whose "*philandering conduct towards girls in his wife's employ*" was notorious. He also noted "*by far the most serious case*" of a 14 year old girl who had been subjected to the "*most seriously immoral*" behaviour, over a long time, by the son-in-law of the Western Australia Committee Chairman. He said that the son-in-law was given no warning about his conduct and that the Principal had continued to send further children to a place of employment "*where one young child has been outraged time and again, by a cynical scoundrel*". In another appendix, Mr Paterson noted that in 1936, Sir Charles Hambro (Chairman of Fairbridge UK) had been warned that: "*if the Australian taxpayer...were to learn of such scandals...he would close down the whole scheme*".¹⁹²

26. In response to Mr Paterson's allegations, a Home Office official, Mr Lyon, appears to have noted that although the "*criticisms of the scheme are... violent*" he considered that "*in view of what I believe are the subsequent discussions, no further action is required on this file*".¹⁹³ It is right to note that Mr Paterson was apparently making allegations of sexual abuse relating to Pinjarra many years after the event (he had been Principal of Pinjarra from 1936 to 1937, and so over a decade before his memorandum). The lapse of time between the alleged events and the memorandum may have had an impact on HMG's response. However, the decision not to take any action is harder to accept when one considers the broader concerns about

¹⁹¹ Constantine 12 July 2017 121-123; PRT000217_020-030; EWM000438_005 (paragraph 2.5).

¹⁹² CMT000387_007-009.

¹⁹³ CMT000387.

Pinjarra that had arisen in the interim, as set out above; and in any event there is no evidence that the “discussions” being referred to by Mr Lyon related specifically to Mr Paterson’s allegations, rather than to the Fairbridge scheme in general.

(iv) Australia: Picton and Normanhurst (1958)

27. In 1958, concerns were raised that 23 boys mainly aged between 18 and 21 were potential victims of “serious sexual malpractices” by several individuals related to the Barnardo’s school at Picton.¹⁹⁴ It is clear that information about these issues was circulated among members of the HMG,¹⁹⁵ and HMG accepted in its closing statement that this included members of the UK High Commission in Australia, the Home Office and the CRO.¹⁹⁶ Most notably, we have seen an exchange of letters in July 1958, in which the CRO and the UK High Commission in Australia discuss the alleged sexual abuse at Picton; and it is clear that the CRO was aware that there had been some guilty pleas by the alleged perpetrators.¹⁹⁷ It is also evident that the matter became known to at least one Member of Parliament (Nigel Fisher) who referred in correspondence to Fairbridge UK of a “really rather bad case of sodomy between a teacher and boys at one of the Barnardo’s Schools in Australia”.¹⁹⁸

28. Following these reports of sexual abuse, Barnardo’s child migration programme was suspended by Barnardo’s itself,¹⁹⁹ by the Australian Commonwealth Minister for Immigration, Mr AR Downer,²⁰⁰ and by the CRO.²⁰¹ Professor Lynch noted that the CRO considered not only imposing a ban in relation to Picton but also the possibility of either withdrawing all maintenance funding for Picton or for every Barnardo’s home accommodating child migrants in Australia. The experts considered that this may have been intended to create a “firewall” around HMG in order to contain the scandal in relation to Picton.²⁰²

29. These events appear to have raised questions within HMG about whether there was a risk of similar behaviour in other receiving institutions in Australia: we have seen that, on 25 July 1958, the CRO sent a telegram to the UK High Commission noting that “[i]f there is publicity about Barnardo’s, it may lead to enquiries whether we are satisfied that similar practices do not occur in boys’ institutions of other societies. Please suggest to Immigration Department that they should consider checking position in other institutions for boys”.²⁰³

30. We heard from Professors Constantine and Lynch that a conversation took place between the UK High Commission and the Immigration Department in which it was decided that there should not be a national investigation of this kind, particularly because HMG’s view at the time was that no sexual offences had taken place at Picton itself.²⁰⁴ This may have been an incorrect understanding as we explain further in the

¹⁹⁴ BRD000105_001.

¹⁹⁵ Constantine 19 July 2017 101-102.

¹⁹⁶ Department of Health, Closing Statement, para. 19.b.

¹⁹⁷ EWM000283_001; _002-009.

¹⁹⁸ Constantine 21 July 2017 125-127; PRT000597_003.

¹⁹⁹ Lynch 11 July 2017 7/1-4.

²⁰⁰ Lynch 11 July 2017 7/5-7.

²⁰¹ Lynch 11 July 2017 7/9-12.

²⁰² Lynch 11 July 2017 58-59.

²⁰³ EWM000283_74.

²⁰⁴ Lynch 11 July 2017 37/5-21.

following section on Barnardo's. In any event, no such investigation was conducted. Professor Lynch noted that this was not done even though risk factors including geographical isolation creating difficulties in recruiting staff were present across many of the institutions.²⁰⁵ He noted that HMG tended to defer to the Australian authorities, allowing the latter to conduct investigations and inspections.²⁰⁶

We find that HMG knew about allegations or evidence of sexual abuse of child migrants.

The children were exposed to a risk of sexual abuse, which ought to have been appreciated by HMG.

Had it operated a more robust process for regulating and monitoring the operation of the schemes, it may have known about further specific allegations of sexual abuse.

However, even when HMG did have knowledge, it failed to respond appropriately given the breadth of other information it was receiving. This was especially so after the Ross report and then the Picton issues. Both should have led to a review of all the institutions accepting child migrants. Such a review did not happen.

We note that HMG, through Mr Davies, has accepted that at key junctures, particularly after publication of the Ross report, the government failed to take steps to prevent children being sent to institutions causing concern.²⁰⁷

HMG's response to the knowledge it had was inadequate because it ensured that a situation in which children were at risk of sexual abuse was allowed to continue. This was a key failing by HMG.

1.3 Did HMG take sufficient care to protect child migrants from sexual abuse?

Legal regulation

31. Section 31 of the Children Act 1948 gave local authorities the power to arrange for the emigration of a child in their care. Under section 32, the Secretary of State was empowered to put in place secondary legislation to govern the way in which voluntary organisations could migrate children.²⁰⁸ However, no such Regulations were ever implemented by HMG during the migration era.²⁰⁹ Part of the reason for this was apparently the favourable Moss report which convinced some HMG officials that no such Regulations were required.²¹⁰ Instead, beginning in 1957, individual agreements which set certain requirements were negotiated and signed by the CRO with the voluntary organisations.²¹¹

²⁰⁵ Lynch 11 July 2017 38-39.

²⁰⁶ Lynch 11 July 2017 40/12-15.

²⁰⁷ DOH000097_002, para. 5.

²⁰⁸ Davies 19 July 2017 135/12-22.

²⁰⁹ Davies 19 July 2017 136/5-21.

²¹⁰ Davies 19 July 2017 137/3-8.

²¹¹ Constantine 19 July 2016 86-88.

32. We have struggled to understand why Regulations could not have been implemented. Reliance could surely not have been placed on the Moss report for long, given that the Ross report which followed it was so damning.

33. We appreciate that British Regulations may not have been able to dictate the precise conduct of the receiving institutions (the second reason given by Mr Davies for the difficulties of implementation). However, they could, and should, have imposed strict selection processes and reporting obligations on the sending institutions. HMG accepts that such Regulations may have gone some way to lessening the likelihood of abuse and other maltreatment and increasing the likelihood of children feeling able to report abuse at the time.²¹²

The model adopted by HMG, of voluntary arrangements with the sending agencies, rather than enforceable Regulations, would never have provided sufficient protection for children in this context.

34. Mr Davies accepted that *“With the benefit of hindsight, the difficulties in drawing up the regulations serve to highlight why the child migration programmes should have been terminated sooner than they were. If the regulations could not achieve protection for the children who were migrated, all of whom would be recognised by today’s standards as vulnerable, then they should not have been migrated at all.”*²¹³

35. We note that the Historical Institutional Abuse Inquiry in Northern Ireland’s report on its child migration module (2017) similarly concluded that the Northern Ireland Government had failed to fulfil its responsibilities for ensuring that children in the care of voluntary societies were treated in the same way as would be expected for those under statutory care.²¹⁴

Supervision/aftercare

36. Effective reporting on the overall conditions was necessary, but we accept that it may not have been realistic to expect HMG to receive reports on every migrated child.

37. The reason the Home Office required full reports on the overall conditions was stated by a Department of Immigration official to the Premier of Queensland to be that: *“The Home Office, by virtue of the powers given it under the United Kingdom’s Children Act decides whether British children may be allowed to settle in Australia and in what institutions. The aim is to ensure that child migrants will be settled under conditions as, if not better than, they enjoy in the United Kingdom”*. Professors Constantine and Lynch confirmed that HMG expected that the quality of Australian institutions should be *“at least as good”* as those in this country.²¹⁵

38. However, it is clear that there were no regular or systematic inspections by HMG of institutions in Australia: any such inspections were on an *ad hoc* basis.²¹⁶ These reports were often critical: for example a 1947 report from the UK High

²¹² HMG Closing Statement, para. 4.

²¹³ DOH000097_021, para. 43.

²¹⁴ Constantine 10 March 2017 135-137.

²¹⁵ Constantine 19 July 2017 77/17-25.

²¹⁶ Davies 19 July 2017 150/6-12 and 151/1-4.

Commissioner noted that the conditions were “*much below standard*”.²¹⁷ The experts observed that post-War, the only two inspections by properly briefed and informed officials from the UK were the Moss and Ross inspections.²¹⁸

39. Inspections were generally carried out by the Australian authorities and the results fed back to HMG, although these tended to focus on the material conditions of the children and did not necessarily consider their welfare.²¹⁹ HMG was aware of the limitations of the Australian reports, not least because HMG had also received highly critical notes and reports about institutions in Australia – from Mr Ross and Mr Rouse (as described in section B.4 above) – which conflicted with the largely positive reports received from the Australian authorities.²²⁰ Home Office documentation also noted the difficulty in obtaining accurate information about the quality of care being received by the child migrants.²²¹

40. There is no evidence of regular or systematic or routine inspections by HMG of institutions in Canada, New Zealand or Southern Rhodesia either.

41. HMG accepted, through Mr Davies’s evidence to us, that there does not seem to have been “*sufficient supervision*” by HMG of the child migration programmes;²²² and that there were opportunities for HMG to “*review child migration and it seems not to have done*”, meaning that opportunities to put in place a more adequate framework were lost.²²³

42. We also noted Mr Davies’s acceptance that HMG failed to ensure compliance with the Curtis Committee’s recommendations: “*...the government fully accepts that it failed to ensure, as the Curtis Committee had recommended, that the arrangements and standards of care for those children in Australia were comparable to those in this country*”. He also accepted that there had been a “*failure to ensure that no further children were sent to the institutions that had been put on a ‘blacklist’ following the Ross Report in 1956 until evidence was received that the institutions had improved*”.²²⁴

We consider these to be understatements.

Failure to conduct proper post-migration monitoring of the conditions of care the children were receiving, despite that being in accordance with the expected practice of the day for the sending institutions, was a very serious omission.

This was especially so given the concerns that had been raised.

This omission was compounded by the failure to conduct a systematic review of the practice of migration at the key points when this was brought to HMG’s attention. These points included post-Northcote, post-Ross and post-Picton.

²¹⁷ CMT000378.

²¹⁸ EWM000452_011.

²¹⁹ Davies 19 July 2017 149/2-8 and Constantine and Lynch 10 July 2017 148.

²²⁰ Constantine and Lynch 10 July 2017 124-180.

²²¹ DOH000077; DOH000081_009.

²²² Davies 19 July 2017 125/22-25.

²²³ Davies 19 July 2017 124/17-22.

²²⁴ DOH000097_021, para. 43.

The approval of institutions and sending agencies

43. As we have set out above, it was HMG's role to approve the institutions which received child migrants as fit to do so. Professors Constantine and Lynch informed us that often these approvals were granted on the basis of Australian reports, and as explained above there was a basis for considering that these reports were not always reliable.²²⁵

44. However, we have heard of other deficiencies in this process: for example, a CRO file from 1948 suggests that Pinjarra was approved without previously identified concerns being addressed and in the knowledge that the reports that had been received were "*insufficiently specific*".²²⁶ Similarly the Salvation Army institution at Riverview (Queensland) was given Government approval to receive child migrants in 1950, conditional upon receipt of a satisfactory report on the initial party of boys to be sent there. However, despite later receiving only a brief description of the facilities and no information about standards of care or conditions, in 1952, the UK government confirmed approval of Riverview.²²⁷

45. It was also HMG's role to decide whether to approve an organisation to migrate children and receive funding for the same. Yet we heard of deficiencies in this process too. Despite initial reservations about whether the Royal Overseas League (the League) should be approved as a sending organisation, and a lack of proposals for post-migration monitoring, on 19 October 1953, the UK High Commission indicated that approval had been given to the League. This was six years after the League had started recruiting and migrating children.²²⁸

HMG failed to operate robust systems for approving both sending and receiving institutions, and so could not be satisfied that the institutions could take sufficient care of the children.

Selection and consent

46. The Home Office was not directly involved with the selection of children, but it did publish guidelines on selection to be applied by the voluntary societies.²²⁹ We heard from Professors Constantine and Lynch that the guiding principle relating to selection at this time was intended to be "*whether emigration [was] best suited to the child's individual needs*", rather than whether the child was simply suitable for emigration.²³⁰

47. As a result, during the post-War period, HMG frequently requested information about the methods of selection from the voluntary societies. Home Office representatives were also sometimes invited to attend selection meetings and meet children who were to be migrated, although there is no evidence that this was done systematically.²³¹

²²⁵ Constantine and Lynch 10 July 2017 149-153.

²²⁶ DOH000025_005-006; DOH000026_002.

²²⁷ EWM000459_003; EWM000402_027.

²²⁸ Lynch 11 July 2017 60/9-21; 60-61; 63-65; EWM000402_030.

²²⁹ Constantine 19 July 2017 64.

²³⁰ Constantine 19 July 2017 64/13-20.

²³¹ Davies 19 July 2017 130/9-16.

48. Professors Constantine and Lynch stated that the primary evidence does not permit any conclusion as to whether these guidelines were, in practice, consistently applied.²³² However, as we have set out above, this voluntary scheme, which was intended to encourage the use of proper selection processes was never going to provide appropriate protection for the child migrants. This is illustrated by the many examples we have seen of apparently poor selection processes and consent for migration of those in voluntary society care not being properly obtained.

49. As part of the selection process, the Home Office was more closely involved in issues related to consent. Approximately 400 children were migrated from local authority care. Such children required the consent of the Secretary of State before they could be migrated.²³³ There is evidence to suggest that local authorities were concerned about the standard of care that the children would receive in Australia.²³⁴ We have seen evidence that consent was withheld in some cases because of concerns about the child's welfare, although it is unclear how many such cases there were.²³⁵

50. Sometimes, the Home Office intervened in particular cases notwithstanding that consent had already been given by local authorities. However, it is not clear from the evidence that the Home Office was aware of the details of all cases, or even that the case papers were necessarily always provided to the Home Office.²³⁶

Enforcement of the maintenance agreements

51. Maintenance agreements were first signed between the Secretary of State for Commonwealth Relations and various organisations in 1957. Post-Ross, these included specific requirements about information to be sent with the children, staffing levels/experience, boarding out, checks on private home placements, community involvement, and the maintenance of adequate standards of comfort, as well as the provision of information to HMG about compliance with these requirements.²³⁷ However Mr Davies accepted that the pre-conditions in these agreements “were not used effectively to enforce policies and standards for child welfare and child safety”.²³⁸

HMG continued funding organisations under these agreements despite the absence of any reports capable of showing that the requirements were being met. We regard this as another key failing.

Conclusion on sufficiency of care

Based on all the evidence set out in this section it is clear to us that the policy of post-War child migration was fundamentally flawed.

²³² Constantine 19 July 2017 68/13-18.

²³³ Davies 19 July 2017 131/11-16.

²³⁴ Davies 19 July 2017 132/7-14.

²³⁵ Davies 19 July 2017 133/6-13.

²³⁶ Constantine 19 July 2017 66-67.

²³⁷ For examples of the Barnardo's agreement see BRD000034_121; for the Fairbridge Society see PRT000028_009-011; for the Salvation Army see SVA000036_035; generally see EWM000278_229-231.

²³⁸ DOH000097_022, para. 44.

HMG failed to regulate the voluntary agencies properly. It failed to ensure that there was a robust system in place for approving the sending agencies and the receiving institutions. It failed to ensure it had accurate and up to date information on the care the children were receiving in the institutions. It failed to enforce the maintenance agreements that were signed.

Overall the manner in which the schemes were operated meant that there were insufficient measures in place to protect the children from a range of risks, including of sexual abuse.

Then when HMG did come to know about sexual abuse of child migrants, it allowed the programmes to continue.

We are clear, therefore, that HMG did not take sufficient care to protect child migrants from the risk of sexual abuse.

1.4 What has HMG done in the post-migration period?

52. After 1970, those children who had been migrated generally remained where they were – the sense from the evidence is that they were simply languishing in the conditions about which we heard. We heard no evidence of efforts made to seek the return of the children. Matters seemed to go “*silent*” until Dr Humphreys and the CMT sought to bring matters to the public attention in the late 1980s.

53. HMG accepts that it had knowledge that some former child migrants reported that they had been the victims of sexual abuse from at least 1989, the date of the first application for funding made by the CMT (although as we have noted earlier, the *Lost Children of the Empire* article from July 1987 referred to allegations of sexual abuse).

54. Beginning in 1989, HMG began to provide financial support to the CMT. With the exception of two years in the early 1990s, HMG consistently provided funding to the CMT from 1989 to the present day.²³⁹

55. Nevertheless during the 1990s, HMG maintained the policy position that any allegations of abuse were the responsibility of institutions and authorities in the place in which the abuse took place. That position was expressly stated in Parliament. The issue of compensation for former child migrants was raised for the first time during Prime Minister’s Questions on 14 July 1993, by David Hinchliffe MP. The Prime Minister at the time was John Major (Sir John as he is now). In his testimony, which was read to us, Sir John confirmed that he responded to Mr Hinchliffe that he “*was aware that there were allegations of physical and sexual abuse of a number of child migrants some years ago in Australia, but that any such allegations would be a matter for the Australian authorities.*”²⁴⁰

56. We have seen further Parliamentary exchanges and briefing papers which make clear that HMG maintained the position, during the 1990s, that it was not responsible for compensating, or otherwise providing redress to, former child

²³⁹ Davies 19 July 2017 156/8-21.

²⁴⁰ Major 20 July 2017 3/19-23.

migrants who had suffered abuse. In a briefing note dated 24 September 1996, and prepared for a meeting between the Parliamentary Under-Secretary of State for Health and the Australian Select Committee on Child Migrants on 1 October 1996, the policy position is stated as follows: *"It is important to resist the temptation to apply modern standards and values when considering a policy that dates back more than a century. HMG does not, therefore, consider itself in any way responsible for the proportionately small number of cases in which the scheme failed to live up to its objective."*²⁴¹

57. However, the HMG material within the National Archives (which we have referred to throughout) made both the allegations of abuse and HMG's ongoing role in the migration programmes clear.

This continued insistence by successive governments that any abuse abroad was not the responsibility of the British government was wrong.

It was wrong because it was factually incorrect: during the migration era HMG had itself accepted that it had an ongoing responsibility to the children; it had stressed the need for the voluntary organisations to monitor the children; and the children remained British. All of this was apparent from HMG's own archive material.

It was therefore irresponsible for HMG to take the position that it did not share in the responsibility for what happened to the children.

Such a defensive policy position, which sought to deny responsibility for the children and deflect it to others, was understandably offensive to the former child migrants.

58. In 1996 and 1998, HMG participated in two inquiries examining the phenomenon of child migration. The first was that of the Western Australia Select Committee; the second was that of the Health Select Committee (in the UK).²⁴²

59. In response to the findings and recommendations of the Health Select Committee in 1998, HMG increased the amount of funding it made available to the CMT.²⁴³ We heard evidence from Mr Davies that HMG's position, at the time, was that the most pressing need was to provide some form of assistance to former child migrants that would enable them to be reunited with their families.²⁴⁴ HMG did not, at the time, consider the question of more generalised compensation or apology.

60. However we heard evidence from former Prime Minister, the Right Honourable Dr Gordon Brown, that in the years between 2007 and 2010, he was briefed in detail about the scale of the child migration programmes, and the abuse that former child migrants had reported.²⁴⁵ Following discussions with the Department of Health and Mr Kevin Rudd, Prime Minister of Australia at the time, it was decided by HMG that a formal, public apology should be given to former child migrants.²⁴⁶ In February

²⁴¹ Major 20 July 2017 9/19-22; INQ000720_004.

²⁴² Davies 19 July 2017 158/18-25.

²⁴³ Davies 19 July 2017 13-25.

²⁴⁴ Davies 19 July 2017 169/10-20.

²⁴⁵ Brown 20 July 2017 16/2-16.

²⁴⁶ Brown 20 July 2017 25/5-24.

2010, therefore, then Prime Minister Brown publicly apologised to former child migrants on behalf of HMG. We heard from Mr Davies that HMG remains fully committed to that apology.²⁴⁷

61. In 2010, HMG also established a Family Restoration Fund – a fund that aimed to help former child migrants to reunite with their families in Britain. Unlike previous funds made available to the child migrant community, this fund was administered by the CMT.²⁴⁸ It was initially endowed with £6 million. HMG confirmed before us that it would continue to fund the CMT and that a further £2 million would be added to the Family Restoration Fund.²⁴⁹ It has not paid compensation for sexual abuse to individual child migrants.

62. We heard evidence about the support and reparations that have been provided abroad. However, our concern is with the institutions based in England and Wales and what they have provided.

We accept that HMG has established and funded several initiatives to support child migrants.

Nevertheless we consider that HMG should make specific financial redress to individual child migrants for its failings, which meant that the child migrants were exposed to the risk of sexual abuse.

We address this further in Part D.

²⁴⁷ Davies 19 July 2017 120/9-15.

²⁴⁸ Davies 19 July 2017 165/1-8.

²⁴⁹ Davies 19 July 2017 121/1-4 and Brown 25/18-24.

Part C

Section Two: The response of 'sending' institutions

1. We turn now to the role of the institutions involved in the sending of children to countries around the world.

2. We begin with an analysis of the evidence in respect of Barnardo's and the Fairbridge Society, because each had a long history of pre-War migration, and the evidence in relation to each of these institutions was extensive. We turn then to additional sending organisations, before ending with a consideration of the institutions linked with the Catholic Church. As will become apparent it is the latter institutions which appear to have adopted the most minimal, or no, systems for following up on the children they migrated.

3. We acknowledge that some of the sending institutions made greater efforts than others to protect children. Some have also been more proactive than others in providing support and reparation to former child migrants alleging sexual abuse. Each organisation's particular efforts are described in the relevant section that follows.

- 2.1 Barnardo's
- 2.2 The Fairbridge Society
- 2.3 The Children's Society
- 2.4 The National Children's Home
- 2.5 The Royal Overseas League
- 2.6 Cornwall County Council
- 2.7 The Salvation Army
- 2.8 The Church of England Advisory Council for Empire Settlement
- 2.9 The Sisters of Nazareth
- 2.10 Father Hudson's
- 2.11 The Catholic Church

2. Sending Institutions

2.1 Barnardo's

1. Barnardo's (previously Dr Barnardo's Homes) was founded by Thomas John Barnardo, a Victorian philanthropist who was concerned to make provision for the needs of the poor, in part by saving children from impoverished families. His thinking was radical at the time, because he did not distinguish between the 'deserving' and 'undeserving' poor, and instead had a policy that no destitute child should ever be refused admission to one of his homes (the "*ever open door policy*").²⁵⁰
2. As a contemporary children's charity, Barnardo's works with some of the most vulnerable children and young people in the country, and in 2015-2016 supported 248,000 children, young people, parents and carers through 996 different services across the UK.
3. Barnardo's corporate witness before the Inquiry was Sara Clarke, who is responsible, among other things, for the heritage and history of Barnardo's, disclosures of abuse, criminal investigations, and liaison with public inquiries. Ms Clarke has extensive experience of working on issues relating to child migration and with former child migrants.²⁵¹

2.1.1 What was Barnardo's role in child migration?

4. Barnardo's migrated very large numbers of children to Canada from the mid-late 1880's: 946 from 1866 to 1881 and 29,076 from 1882 to 1939. It also migrated 502 children to Australia before 1921 and 1,840 from 1921 to 1945.²⁵² Post-War, Barnardo's migrated children solely to Australia, 442 in total.²⁵³
5. Barnardo's reasons for undertaking child migration were apparently a mixture of the practical and the idealistic: it eased overcrowding, was a cheaper way of maintaining children²⁵⁴ and helped populate the Empire. Migration was said to confer "*unspeakable blessings*"²⁵⁵ on the children themselves. It also enabled Barnardo's to operate its "*ever open door*" policy for destitute British children, because there was effectively a "*back door*" for some of them to leave the country.²⁵⁶ Between 1947 and 1964, the number of children migrated was between 0.16% and 0.74% of those being cared for by Barnardo's in its UK homes.²⁵⁷

²⁵⁰ Clarke 13 July 2017 8/1-15.

²⁵¹ Clarke 13 July 2017 4/14-25; 10/3-11.

²⁵² Clarke 13 July 2017 11/16; 11/22; 12/4; BRD000120_008 [4.7]-[4.9], [4.12]; _009 [4.15]

²⁵³ Clarke 13 July 2017 12/8-9. Although Barnardo's "*formal*" child migration programme is said to have ended in 1965, a small number migrated with parents/foster parents or to join family after that date (BRD000120_008 [4.11]; BRD000120_026 [7.13]; BRD000034_048-049) and there is some evidence to suggest that Barnardo's was still attempting to migrate children after 1965: BRD000034_049-050; Lynch 11 July 2017 57/24; Constantine 13 July 2017 58/3-15.

²⁵⁴ EWM000005_029 [2.3.1].

²⁵⁵ BRD000081_002.

²⁵⁶ Clarke 13 July 2017 16-17; BRD000120_018 [5.2], [5.3]; BRD000068_002; EWM000005_029 [2.3.1].

²⁵⁷ Clarke 13 July 2017 14, 1-16.

6. Barnardo's Australia was set up in 1921 as a branch of Barnardo's UK (based in London).²⁵⁸ During the migration period, the Australian Management Committee reported to Barnardo's in the UK, although Barnardo's Australia formally separated from Barnardo's UK in 1996.²⁵⁹ There is some evidence of tension between the Barnardo's New South Wales (NSW) Committee (set up to supervise the Barnardo's schools there) and the Committee of Management in the UK, with the former wanting control and oversight, including over appointments and maintenance spending, and the latter seeking more independence from Barnardo's UK.

7. Children were migrated by Barnardo's to Canada in large sailing parties. From 1920 they were escorted by a Mr and Mrs Hobday. They stayed at Barnardo's institutions in Ontario for an initial period before taking up occupation as agricultural workers or domestic servants on farms.²⁶⁰ Children migrated by Barnardo's to Australia were placed initially at Fairbridge's Pinjarra school. In 1928 to 1929, Barnardo's established its own farm school at Mowbray Park, near Picton, NSW. A home at Normanhurst, NSW, a home for girls at Burwood, NSW, and several smaller homes were later established.²⁶¹

8. We did not hear any evidence during the Part 1 hearings from a former Barnardo's child migrant. The table of additional accounts provided to the Inquiry includes two allegations in respect of the Picton school.²⁶² However, the experts and Barnardo's have provided the Inquiry with information about allegations and evidence of sexual abuse of Barnardo's child migrants in both Canada and Australia,²⁶³ which we discuss further below.

2.1.2 What did Barnardo's UK know about alleged sexual abuse of child migrants?

(i) Canada (1800s)

9. In or some time before 1889, Alfred Owen, who ran Barnardo's receiving home in Canada, was convicted of sexual interference with girls in his care.²⁶⁴ Barnardo's UK became aware of this.²⁶⁵

(ii) Picton (1955)

10. In 1955, CM-F143, a Picton housemaster, was dismissed on the grounds of suspicion of "*indiscreet fondling*" of boys at the school.²⁶⁶ The extent to which Barnardo's in the UK was made aware of this particular incident at the time is not clear.

²⁵⁸ BRD000120_005 [3.15].

²⁵⁹ Clarke 13 July 2017 10; BRD000120_005 [3.16].

²⁶⁰ Clarke 13 July 2017 31; BRD000120_016.

²⁶¹ Clarke 13 July 2017 31/12-32/21.

²⁶² INQ001259.

²⁶³ BRD000120_026-041 [8.2]-[8.29].

²⁶⁴ Clarke 13 July 2017 30/1-8; BRD000120_038.

²⁶⁵ Clarke 13 July 2017 30/1-8; BRD000120_038.

²⁶⁶ BRD000105_002.

(iii) Picton and Normanhurst (1958)

11. On 30 May 1958 Barnardo's Australia's Tom Price raised concerns that 23 boys mainly aged between 18 and 21 were potential victims of "serious sexual malpractices" at Picton.²⁶⁷ A former sports master, two poultry farmers, a Barnardo's old boy, a herd testing officer and two former housemasters (including the one dismissed in 1955) were suspected as perpetrators over several years. Concerns were also raised about boys at Normanhurst and boys in employment. Barnardo's UK became aware of this.²⁶⁸

(iv) Allegation of pre-migration abuse (1960)

12. On 25 July 1960, an allegation was made that a child in the UK had been "interfer[ing] in a homosexual way" with four other children, prior to migration by Barnardo's. This was reported by the head of the relevant UK home to his manager on 25 July 1960.²⁶⁹

Over a period of time, Barnardo's UK had knowledge of allegations of sexual abuse of child migrants in the UK, Australia and Canada.

2.1.3 How did Barnardo's UK respond to what it knew?

(i) Canada (1800s)

13. Barnardo's UK became aware of Mr Owen's conviction in 1889 and sent out a female senior manager to investigate the facilities. A recommendation was made that locks should be put on bedroom doors and chaperones provided when girls were in vulnerable situations.²⁷⁰ This tells us that, as far back as 1889, Barnardo's had the foresight to take action in response to concerns over the sexual abuse of child migrants (even if was not described as such).

(ii) Picton (1955)

14. As indicated above, the extent to which Barnardo's UK became aware of the issues that led to CM-F143's dismissal from Picton in 1955 is not clear, and so there is not enough information before us to determine whether its response (if any) was appropriate. However, the decision to dismiss CM-F143 from his post as housemaster suggests that Barnardo's Australia did not find it acceptable for someone suspected of sexually abusing children to remain in post.

15. The unified nature of the organisation, as is evidenced by the attempt to apply a common institutional framework through the Barnardo's Book (see further below), suggests to us that the same attitude would have applied in the UK.²⁷¹

²⁶⁷ BRD000105_001.

²⁶⁸ Lynch 11 July 2017 5/4-15-6/24; BRD000120_030; BRD000105_001-002; EWM000445_009.

²⁶⁹ BRD000120_028.

²⁷⁰ Clarke 13 July 2017 30/1-8; BRD000120_038 [8.25].

²⁷¹ See Ms Clarke's evidence to similar effect: Clarke 13 July 2017 59/6-16.

(iii) *Picton and Normanhurst (1958)*

16. It appears that these issues had been reported to Barnardo's by a third party rather than as the result of any internal monitoring system. However, Barnardo's reported these to the NSW Child Welfare Department (CWD) and the police, leading to several prosecutions.²⁷² The UK High Commissioner also became aware of the issues via the Home Office on 10 July 1958, but concern was expressed that the High Commissioner had not been informed earlier.²⁷³ As a result of the concerns, Barnardo's UK suspended its child migration programme, in conjunction with suspensions imposed by the UK and Australian Government authorities.²⁷⁴

17. Barnardo's UK also sent a delegation of senior managers to Australia, including Mr Lucette (Barnardo's UK General Superintendent). Meetings were held with the Australian authorities in late July 1958, during one of which Mr Tasman Heyes (the most senior civil servant within the Commonwealth Immigration Department) gave his assurance to Mr Lucette that he would recommend to the Minister that the ban be lifted as soon as possible (while also asking Mr Lucette if numbers of child migrants being sent from Britain could be increased).²⁷⁵

18. Later, Mr Lucette visited Picton with Mr Wheeler (Immigration Department) and Mr Thomas (acting CWD Director). He interviewed staff and boys at Picton, and gave a positive report about the institution. Mr Price visited Barnardo's home at Normanhurst and interviewed staff there.²⁷⁶ Ms Clarke noted that Picton was a very small town and one reason for conducting the investigation quickly was out of concern for the welfare and safety of children who remained at Picton. The conclusion was that: "*The present superintendents of both homes are fully alive to their responsibilities and would be likely to detect in the early stages any outbreaks of this nature.*" Mr Wheeler and Mr Price also visited the police to discuss the issues in the case.²⁷⁷

19. The CWD was very complimentary about Mr Price's assistance (saying he had been "*most cooperative and anxious to give the authorities every assistance to clear up these matters*").²⁷⁸ Mr Wheeler determined after a thorough check, that there was no ongoing risk to children, no staff employed at the institution were likely to commit further offences, and there would be no purpose in the ban being continued.²⁷⁹

The suspension of migration, followed by a visit from Barnardo's staff UK, was an appropriate procedural response, and illustrates that Barnardo's appreciated the seriousness of the matter.

²⁷² Lynch 11 July 2017 5/4-15-6/24; BRD000120_029-031; BRD000105_001-002; EWM000445_009.

²⁷³ EWM000283_103-104 (a closed National Archive file of correspondence concerning events at Picton, which was obtained by the Inquiry). The UK government's response to these issues is considered further in section 3.12 below.

²⁷⁴ Lynch 11 July 2017 7/1-12; BRD000120_031, [8.15].

²⁷⁵ EWM000005_150 [9.2.4].

²⁷⁶ EWM000445_009 [9.2].

²⁷⁷ Lynch 11 July 2017 10-12; Clarke 13 July 2017 55/9-11; 57/6-16; 58/20-24; 65/9-23; BRD000120_034.

²⁷⁸ Clarke 13 July 2017 55/21-25; BRD000121_001.

²⁷⁹ Lynch 11 July 2017 12-13.

20. There appears to have been considerable concern within Barnardo's about the reputational damage of the ban and its potential to interfere with the publicity campaign for funds.²⁸⁰ Ms Clarke stated that this concern was in addition to concern about the welfare of the children. The fact that Mr Price had briefed the media did not suggest that he was trying to conceal matters.²⁸¹

21. Professor Lynch analysed the information available to the Australian immigration authorities, the UK High Commission and the CRO to inform their consideration of whether to lift the ban.²⁸² He concluded that while the information given to the Australian government was accurate, it was unclear whether the UK government had been given misleading information by Mr Lucette, to the effect that offences had not taken place at Picton itself. Ms Clarke accepted this possibility.²⁸³

22. Professor Lynch observed that all the convictions obtained in the prosecutions were for offences outside Picton, despite evidence in at least two cases (those of Etheridge and Adams) that there had been offending at the school. This raised the possibility that the police had "*managed*" the offences through the criminal justice system in order to spare the embarrassment of a voluntary organisation.²⁸⁴

23. Ultimately the ban was lifted with the agreement of the Australian Immigration Minister, effective on 14 August 1958, on the condition that Picton and Normanhurst would be subject to "*a most careful supervision ... for a very considerable time to come*".²⁸⁵ Professor Lynch also noted that discussions about closing Picton seemed to follow on from the sexual abuse issues, and seemed to inform the UK government's rationale for lifting the ban.²⁸⁶

(iv) Allegation of pre-migration abuse (1960)

24. Upon identifying that a child was interfering with other boys, the head of the home in the UK reported the abuse to his manager, Mr Northam. Mr Northam requested further information and it was noted on the file that Mr Northam "*hesitates to leave matter over until his next visit ... behaviour is of a serious nature and we should refer him to [the Child Behaviour Clinic] and they will need a clearer picture of what happened*".²⁸⁷ There is no further reference on the file and the child in question was restored to his family in December 1960. It was appropriate for Mr Northam to have expressed concern and recommended that further steps should be taken, but there is not sufficient information before the Inquiry to make any further findings as to the adequacy of Barnardo's response to this allegation.

²⁸⁰ EWM000005_150 [9.2.4]; EWM000445_010 [9.2.4].

²⁸¹ Lynch 11 July 2017 9/24; 10/22-24; 28-29; Clarke 13 July 2017 57/17-20; 64/2-18. The Australian immigration authorities also appeared concerned about potentially adverse press coverage about institutions to which children were being sent: Lynch 11 July 2017 26.

²⁸² EWM000445_011, [9.2.6].

²⁸³ Lynch 11 July 2017 14-20; 33/2-16; EWM000283_104; Clarke 13 July 2017 60-61.

²⁸⁴ Lynch 11 July 2017 18/14-20; 20/4-19.

²⁸⁵ Lynch 11 July 2017 23/20-23; BRD000120_34; BRD000127_001.

²⁸⁶ Lynch 11 July 2017 29-30.

²⁸⁷ BRD000120_028; BRD000104_001.

2.1.4 Did Barnardo's take sufficient care to protect child migrants from sexual abuse?

Selection

25. Dr Barnardo only wanted to migrate “*the flower of his flock*”, which Ms Clarke interpreted to mean strong, healthy children able to cope with the rigours of Empire, demonstrate resilience and take advantage of opportunities.²⁸⁸

26. In respect of Canada, Barnardo's implemented the recommendation of the Bondfield report that children aged under 14 should not be migrated. If a child expressed interest in migration, a medical examination would be carried out, and Department of Immigration and Colonisation officers conducted the selection.²⁸⁹

27. For Australia, a Barnardo's official would visit UK homes, provide promotional material and interview children who were willing to migrate and appeared suitable. Barnardo's was conscious of identifying the most suitable age for children to be migrated. The children's previous histories were examined and medical examinations conducted. A placement committee considered whether it was in the best interests of each child to be migrated. Post-War there was a greater emphasis on obtaining consent from a parent, guardian or the Home Secretary.²⁹⁰ In 1963, Barnardo's sought to implement improved selection processes.²⁹¹

28. We note that in common with other organisations, there was something of a policy debate within Barnardo's as to whether migration itself was appropriate, or contrary to the view of childcare professionals on the ground.²⁹² Many more children were proposed for migration than were actually sent.²⁹³

Barnardo's selection processes demonstrated more thoroughness than those of other sending agencies.

Checks on placements

29. We note that pre-War, Canadian farmers who wished to house and employ Barnardo's child migrants completed an application form and questionnaire, and provided references, and their homes (including sleeping arrangements and members of the household) were inspected.²⁹⁴

Supervision and aftercare

30. As far back as 1894, Thomas Barnardo had said the following in a letter to the Canadian Secretary of the Department for the Interior “*...continued supervision should be exercised over these children after they have been placed out in the Canadian homestead; first by systematic visitation; second, by regular correspondence. Emigration in the case of young children without continuous supervision is, in our opinion,*

²⁸⁸ Clarke 13 July, 14-15.

²⁸⁹ Clarke 13 July 2017 27/22-25; 28/3-14; BRD000120_013-014.

²⁹⁰ Clarke 13 July 2017 17-19; 21/1-5; 22/4-15; 50/19-25; BRD000120_013-014; BRD000070_001-002.

²⁹¹ BRD000165_001.

²⁹² Clarke 13 July 2017 89-90.

²⁹³ Clarke 13 July 2017 12-13. For example, in 1954, only 22 of 664 nominated children were migrated: BRD000120_15.

²⁹⁴ BRD000120_012.

presumptuous folly and simply courts disaster".²⁹⁵ We agree with Ms Clarke that this illustrates that the principle of continued supervision through systematic visits and regular correspondence had been established by the late 1890s as good practice,²⁹⁶ even if this was not always implemented in reality.

31. In Canada, siblings who asked to be placed close together were accommodated where possible; there was an attempt to visit children every nine to twelve months; contact with their families was promoted; and the Toronto headquarters became a base for former child migrants to write to or visit.²⁹⁷ Prior to their placement, children were provided with two stamped postcards to enable them to contact the Canadian manager with news of their arrival and information about conditions, and were issued with guidelines describing the agreement to be signed between Barnardo's, the child and their host.²⁹⁸

32. In Australia, Barnardo's set up an operational manager who oversaw the work in NSW, supported by the NSW Committee, which sent regular reports to the UK.²⁹⁹ The Barnardo's Book (first published in 1944, but the 1955 version of which we considered³⁰⁰) was sent to all Barnardo's homes in the UK and Australia. It applied to overseas operations, guidance on visits, regular reporting and inspection of the homes, and invested that responsibility for aftercare in the manager in Australia.³⁰¹

33. For example, monthly reports were prepared by each home's superintendent and submitted to the Barnardo's Australia director, minutes of monthly meetings of the NSW Committee were sent to the UK, reports were prepared on the progress and achievements of the migration scheme by Council members in London following visits to Australia and reports on the children were prepared at six-monthly, nine-monthly and yearly frequencies.³⁰²

*The Inquiry accepts Professor Lynch's analysis that these reports "seem to indicate quite a detailed and empathic understanding of children's experiences, of their kind of future motivations and their experiences of current placements. The contents of those aftercare reports suggest a good...one-to-one conversation with the children involved."*³⁰³

34. However a memorandum dated August 1963 from Barnardo's Deputy General Superintendent to the UK Management Committee:

- a. expressed concern that Superintendents and Executive Officers of Barnardo's would not have information about children after they had gone to Australia;

²⁹⁵ Clarke 13 July 2017 34-35; BRD000120_019.

²⁹⁶ Clarke 13 July 2017 34-35.

²⁹⁷ Clarke 13 July 2017 47-49.

²⁹⁸ BRD000236.

²⁹⁹ BRD000194_004; Clarke 13 July 2017 42-43.

³⁰⁰ BRD000085; BRD000169_001.

³⁰¹ Clarke 13 July 2017 39/15-22; BRD000120_020.

³⁰² Clarke 13 July 2017 45.

³⁰³ Lynch 11 July 2017 46/4-11.

- b. noted that the Migration Department did not have capacity to read the “lengthy” reports received on each child from Australia, “except in a few instances where action at this end is called for”, such that the general Barnardo’s principle of “continuity and concern for the individual child” was not operating in its migration work; and
- c. accepted that consideration of the reports “would help to create greater confidence in our migration policy.”³⁰⁴

It is regrettable that Barnardo’s UK required regular reports but did not then ensure that they were all fully read in the UK. However we are satisfied that these reports would have been read by Barnardo’s representatives in Australia, and there was a system for actioning any concerns, including reporting to the UK as appropriate.

Conditions generally

35. The Barnardo’s Book also included directions on child safety and welfare.³⁰⁵ There is evidence that Barnardo’s children were placed at the Belmont Home and Normanhurst before they were approved by the UK government.³⁰⁶ Generally, though, when receiving institutions were reviewed, the conditions at Barnardo’s homes and the organisation’s attitude compared favourably with those found elsewhere:

- a. in 1951, the NSW CWD noted that John Moss was not impressed with Fairbridge but was “reasonably satisfied” with conditions at Barnardo’s Homes;³⁰⁷
- b. in 1958, the CWD wrote to the Department of Immigration that compared with Fairbridge, “Dr Barnardo’s Homes ... act very promptly when any matter is brought under notice....It is a pity Fairbridge does not adopt the same approach”;³⁰⁸ and
- c. positive comments were made about Barnardo’s in the Ross report, and unlike other organisations, there was no criticism of Barnardo’s in the confidential addendum.

36. Barnardo’s adopted the recommendations in the Ross report and the WGPW report to the extent that they were not already part of Barnardo’s practice.³⁰⁹

37. Ms Clarke accepted that in 1956 Mr Price had written a report that was very critical of the conditions at Picton, and that in 1967, a report by Barnardo’s Ms Dyson contained some criticism about slowness of information about individual children getting to Australia ahead of the child being placed³¹⁰. Overall though she

³⁰⁴ Lynch 11 July 2017 54-55; EWM000445_006-007.

³⁰⁵ Clarke 13 July 2017 39/15-22; BRD000085_001, 002, 003.

³⁰⁶ Lynch 11 July 2017 50-52.

³⁰⁷ INQ000155.

³⁰⁸ INQ000125.

³⁰⁹ Clarke, 13 July 2017 46/8-25; BRD000198_013.

³¹⁰ Albeit that there was a suggestion in the evidence that Barnardo’s was keen that Ms Dyson’s visit was not critical (the minutes from the May 1967 meeting state in respect of her upcoming visit that “on no account must she give the impression of finding fault with Australian methods”: BRD000177).

stated that Barnardo's had sought to address such concerns and complied with the expectations set out in the outfits and maintenance agreements between the Secretary of State for Commonwealth Relations and Dr Barnardo's Homes.³¹¹

Conclusion

*Barnardo's apparently appreciated the risk of sexual abuse to child migrants, given the steps they implemented in respect of the placement of girls in Canada after the conviction of Mr Owen in 1889, and the evidence that they stopped migration of girls between 13 and 17 post-War because of problems of isolation and "vulnerability" experienced by pre-War female child migrants in that age group.*³¹²

Barnardo's demonstrated a willingness to meet the expectations of the time, and implemented a system aimed at achieving this.

However, the failure to read the reports received in the UK about children it migrated was regrettable.

Generally the system Barnardo's had in place to take sufficient care to protect the child migrants from risks, including of sexual abuse, was more robust than those adopted by many of the other institutions.

2.1.5 What has Barnardo's done in the post-migration period?

38. We heard evidence of the following allegations of sexual abuse of children prior to their migration from the UK by Barnardo's:

- a. in 2001, a former child migrant disclosed abuse in the UK to Barnardo's Australia, but did not wish to give further details;³¹³
- b. in 2001, a former child migrant alleged physical and sexual abuse in the UK by peers pre-migration to Australia;³¹⁴
- c. in 2002, Barnardo's extracted information recorded on an Historic Abuse Form of an allegation by a child migrant known as CM-A40 that his peer was a victim of assault while in Leicester prior to migration by a male member of staff, who was later convicted of offences against boys;³¹⁵
- d. in 2003, a former child migrant alleged in his autobiography that a woman at Ifield Hall in Sussex would punish him by pinching and squeezing his private parts;³¹⁶
- e. In 2014, a former child migrant disclosed in his unpublished autobiography that he was repeatedly sexually abused in 1951, aged eight by an older boy at a home in Hove;³¹⁷ and

³¹¹ Clarke 13 July 2017 36-39; BRD000225_001.

³¹² Clarke 13 July 2017 25/17-19; 11 July 2017 45/3-16.

³¹³ BRD000120_027-028; BRD000103.

³¹⁴ BRD000120_028; BRD000104.

³¹⁵ BRD000120_026-027; BRD000099.

³¹⁶ BRD000120_027; BRD000100.

³¹⁷ BRD000120_027; BRD000102.

- f. in a 2014 PhD manuscript it is recorded that a former child migrant disclosed to a PhD researcher that he was the subject of “abuse” in Annesley England by an older boy and “unsavoury acts” by a Master.³¹⁸

39. Barnardo’s’ response to these allegations has been, respectively: (a) the information was recorded on the historic abuse database; (b) the allegations were reported to police; police were unable to proceed with the investigation and ongoing support was provided by Barnardo’s; (c) the information was recorded on the historic abuse database; (d)-(f) Barnardo’s states that it has been unable to identify the abusers and no further responses are recorded.

40. In respect of allegations of post-migration sexual abuse concerning Barnardo’s, we heard evidence that:

- a. two former child migrants made allegations of sexual abuse after their arrival in Canada;
- b. child migrants who were not named by Mr Price have self-identified as victims of sexual abuse at Picton; and
- c. in 1988, two former child migrants disclosed on a television programme, sexual abuse by a housefather, Victor Holyoak, at Hartwell House (a home in Kiama, south of Sydney) in the 1960s.³¹⁹

41. Barnardo’s’ response to these allegations has been, respectively:

- a. to provide regular contact with After Care and a visit by the Head of After Care to Canada to talk about his experience of care; in respect of the second former child migrant, she had passed away before the Class Action in Canada was discontinued and Barnardo’s did not have contact with her family;³²⁰
- b. in respect of one of these, contact by Barnardo’s Australia’s CEO who made an unsolicited, unreserved apology to him and gave him some information about the subsequent trial and conviction of the perpetrators and Barnardo’s role therein;³²¹ others passed away or did not have authority to access records; and
- c. initially, the provision of counselling, assistance with legal advice and support as well as an offer to meet with staff and discuss Barnardo’s current child protection policy; information was passed to the police and Victor Holyoak was arrested, prosecuted and convicted.³²²

In these specific examples, Barnardo’s UK responded adequately to the allegations made.

42. In 2010, Martin Narey, the then CEO of Barnardo’s, issued a public apology in response to the apology given by then Prime Minister Gordon Brown. In her written evidence to us, on behalf of Barnardo’s, Ms Clarke recognised the “*significant and irrevocable damage*” done to some individuals by the child migration programme.

³¹⁸ BRD000120_027; BRD000101.

³¹⁹ BRD000120_035, _036, _037 and EWM000445_008.

³²⁰ BRD000120_037, 038.

³²¹ BRD000120_035.

³²² BRD000120_037.

She accepted that “the policy of child migration was misguided and wrong” but stated that “it was not seen as wrong at the time”, and was done with good intentions and in accordance with government policies. Ms Clarke apologised further during the hearing. She stated that Barnardo’s has made efforts to try to understand the history, has faced up to its historical obligations to child migrants and has sought to mitigate adverse impacts.³²³ She also explained that Barnardo’s UK (and Barnardo’s Australia) had contributed to previous inquiries and endorsed the recommendations made.³²⁴

43. The support provided by Barnardo’s UK to former child migrants alleging sexual abuse can be summarised as follows:

- a. from 1988, it has had a safeguarding lead and from 1999, a Historical Abuse Implementation Plan, part of which involved a review of all cases where there had been a disclosure of abuse;
- b. it has an Aftercare Department called *Making Connections* (and Barnardo’s Australia has a similar service), which, since 1985, has given access to files for 722 Canadian and 1,226 Australian child migrants, and has worked actively with the former child migrants to assist them in exploring their personal histories;
- c. it conducts a careful assessment for any former child migrant wishing to access their information so that they have proper support as to the kind of language used in the records and its context; and
- d. it has two honorary child migrants on its council of old boys and girls (and Barnardo’s Australia makes similar provision).³²⁵

44. Furthermore, Barnardo’s Australia is in contact with many former child migrants, and provides counselling, guidance and referral, record retrieval, assistance with reunions/travel arrangements, a magazine and welfare support to those in need; as well as responding to enquiries from non-Barnardo’s child migrants seeking access to their records. Some disclosures of sexual abuse have been made by former child migrants to Barnardo’s Australia. In relation to one of these disclosures, an unsolicited, unreserved apology was made and information given to him about the trial and conviction of the perpetrator.³²⁶

45. In terms of financial reparations:

- a. a Canadian class action brought in 2002, on behalf of all Barnardo’s child migrants sent to Ontario, was investigated by Barnardo’s for over two years (without it filing a Defence) and was then discontinued in 2004, by the claimants’ lawyers;

³²³ Clarke 13 July 2017 6-7; 69/12-21; 80/15-25; 91-92; BRD000120_002.

³²⁴ Clarke 13 July 2017 69/2-11; 73-74.

³²⁵ Clarke 13 July 2017 71-73; 79-80.

³²⁶ Clarke 13 July 2017 66-67; 72/11-16; BRD000120_044-048.

- b. as a result of a further action brought in Canada in 2005, damages of CAD \$50,000 and CAD \$20,000 were paid for sexual abuse to one former child migrant and another's estate;
- c. in response to two requests for reparations made by separate individuals, one was offered a settlement prior to mediation but ultimately received only his costs of attending and another was not offered a settlement and did not attend mediation;
- d. another former child migrant was paid compensation of AUD \$20,000 on 11 October 2006; and
- e. Barnardo's UK does not have a policy on reparations; each case is considered on its own merits.³²⁷

The apologies made by Barnardo's UK recognised the serious damage done to child migrants. They have made efforts to provide support and reparations on an individual basis. However they have not proactively paid compensation to former child migrants alleging sexual abuse.

³²⁷ Clarke 13 July 2017 74/18-23, 74-76; 78/12-23; BRD000120_048-050.

2.2 The Fairbridge Society

1. The Fairbridge Society was set up in 1909 by Kingsley Fairbridge with its sole function being to emigrate children from Britain to “the Empire”. It did not run children’s homes in England and Wales other than those such as Knockholt, Kent, where children who had been selected for migration were looked after for a short period before they sailed. The Fairbridge Society became the most prominent migration-only operator in the child migration programmes. The Fairbridge Society ceased to exist in the early 1980s when its migration programmes ended. It continued working in the UK simply as Fairbridge. The Inquiry heard evidence in person from Nigel Haynes, former Director of Fairbridge, and evidence was read into the record from Gilbert Woods, its former Company Secretary.

2.2.1 What was the Fairbridge Society’s role?

2. Having migrated children to schools in Australia since 1912, from 1947 to 1965 the Fairbridge Society sent 997 children to Australia, around a third of the total number migrated there over that period. It sent 329 children to Canada from 1935 to 1948 and 276 to Rhodesia from 1946 to 1956 (by the Rhodesia Fairbridge Memorial Association, a related but separate organisation).³²⁸ The Fairbridge Society’s sole purpose was child migration. Its rationale throughout was that children from British slums would be better off and healthier in the rural areas of the Empire, that migration would enhance the Empire’s white stock, and in the case of Southern Rhodesia, the ruling white elite in the country.³²⁹ Unlike some other institutions, the Fairbridge Society remained wedded to its migration ethos, even in the wake of outside criticism, and post-War changes in childcare.³³⁰

3. The Fairbridge Society no longer exists. The Prince’s Trust, which now has responsibility for the Fairbridge Society archive, has provided a substantial amount of material to the Inquiry. However, as Dame Martina Milburn, the Trust’s Chief Executive, explained, none of the files from the Fairbridge Child Welfare Sub-Committee from 1958-1982 are any longer in the archive, and she believes that they were missing from the archive at the time the Prince’s Trust acquired it.³³¹ This is obviously regrettable and means that we may well not have had access to material that would have been relevant to the issues we have to consider.

4. The Fairbridge Society received children from parents directly, or from other organisations such as the Children’s Society, on the specific understanding that they were being proposed for migration overseas.³³²

5. In Australia and Canada, the Fairbridge Society operated its child migration programme by arranging migration through its London committee (Fairbridge UK), and then establishing local committees in receiving states.

³²⁸ 112 children were also sent by the Fairbridge Society’s associated organisation, the Northcote Trust, to Fairbridge or Northcote schools in Australia between 1947 and 1965; and an apparently limited number of children were also sent by the Fairbridge Society to Australia after 1965. See generally Constantine 12 July 2017 51-5.

³²⁹ Constantine 10 March 2017 8-9; 12 July 2017 50-1.

³³⁰ Constantine 12 July 2017 64-5.

³³¹ Milburn 12 July 2017 13-14.

³³² Constantine 12 July 2017 54-55.

6. The Fairbridge Society migrated exclusively to Fairbridge-run institutions, or its related school, Northcote, in Australia, and it was thus reasonable to assume a common purpose and shared aspirations between both “sides” of the migration relationship. However, this did not guarantee common practices and we have seen that on several occasions there were concerns in the UK about the responsibilities and standards of care overseas and that tensions in the relationships arose.³³³
7. Fairbridge UK was responsible for setting out policy and for the appointment and dismissal of Principals, but for practical reasons, the supervision and inspection of operations, the hiring and firing of staff, and the provision of after-care could not be managed from London. This distinction, between policy and operational practice, was described by Professors Constantine and Lynch as “problematic”.³³⁴
8. While generally the evidence available about the Rhodesia Fairbridge Memorial College (RFMC) is much more limited, we understand that it had been set up by a separate body, the London Council for the Rhodesia Fairbridge Memorial Association, which selected the children. This Council operated separately from the Fairbridge Society itself and the experts described their relationship as “ambivalent”. We note, however, that once it was announced in September 1956, that no further parties of children would be sent, Fairbridge UK indicated that it would continue to look after the interests of present children until they passed out of the scheme.³³⁵
9. The Fairbridge Society became a highly regarded operator in the migration programmes and enjoyed the patronage of high-profile individuals including members of the Royal Family. It clearly had a close working relationship with HMG (both the Dominions Office and its successor the Commonwealth Relations Office (CRO) and the Home Office).³³⁶ This plainly worked to the Society’s advantage on occasion: we heard that it appeared to have received advance notice of the contents of the Ross report; that Lord Dodds-Parker (Under Secretary of State for Foreign Affairs and a strong advocate for Fairbridge on the Overseas Migration Board) lobbied the Home Secretary for an increase in funding³³⁷; and, most pertinently, that the ‘blacklist’ of schools that had been drawn up in 1956 was effectively suspended so that Fairbridge children could be migrated as planned, even to schools on that list.³³⁸
10. It was observed at that time that “*The reputation in which the Fairbridge organisation has been held in this country – and no doubt in Australia as well – may, we recognise, remove from the sphere of practical politics the possibility of putting the farm schools at Pinjarra and Molong on your blacklist*” and the agreement to lift the “stand-still” policy appears to have been driven by a fear of “*immediate Parliamentary repercussions since Fairbridge has the means of making itself heard in both Houses of Parliament and to the Public at large*” and the possible intervention of HRH the Duke of Gloucester (then Fairbridge Society President).³³⁹

³³³ Constantine 12 July 2017 55-6.

³³⁴ EWM000438_007-8 (paragraph 2.9) and Constantine 12 July 2017 81-87.

³³⁵ Constantine 10 March 10-11; PRT000488.

³³⁶ Constantine 12 July 2017 84.

³³⁷ Constantine 10 March 2017 110-112 and 12 July 2017 58-64; Hill 20 July 2017 97-99.

³³⁸ Constantine 12 July 2017 165-169.

³³⁹ CMT000366_001, _002, _003, _004; CMT000404 – We note that there is no evidence to suggest that the Duke of Gloucester did ever intervene.

11. The Fairbridge Society's receiving institution in Canada was the Prince of Wales Farm School in British Columbia, Canada (Fairbridge BC) and prior to 1948, children were also sent to another institution at Fintry, BC. In Australia children were sent to Pinjarra, Western Australia; Molong, New South Wales; Tresca, Tasmania; and Drapers Hall, Adelaide; and in Southern Rhodesia, to the RFMC.

12. A total of 11 witnesses gave evidence describing sexual abuse in relation to migration by the Fairbridge Society. David Hill told us that in litigation which was brought in Australia by former Fairbridge child migrants, 160 former child migrants alleged sexual abuse;³⁴⁰ and that from his research, he estimates that 60% of child migrants sent to Molong had been sexually abused.³⁴¹

2.2.2 What did Fairbridge UK know about alleged sexual abuse of its child migrants and how did it respond?

13. We heard evidence that Fairbridge UK knew of the alleged sexual abuse of child migrants in both Canada and Australia from as early as the late 1930s.

Canada

14. A series of issues concerning alleged sexual abuse had arisen at Fairbridge BC in its period of operation up to 1951.

(i) Duties Masters CM-F219 and Rogers (1938-1943)

15. In March 1938, Duties Master CM-F219 left the school after he had admitted "*serious and gross misconduct with...boys*" there. After the incident, Harry Logan (Fairbridge BC Principal) was clearly concerned to "*avoid talk of scandal as much as possible*" and to protect the "*good name of Fairbridge from being besmirched by the failure of one of her servants*". The Bishop of Victoria wrote to Gordon Green (Fairbridge UK's Secretary) suggesting that CM-F219 should have been sent to prison, and that Mr Logan should be replaced, but neither of these events occurred.³⁴²

16. In July 1943, Duties Master Rogers was convicted of "*immoral relations*" with Fairbridge boys and imprisoned. He was also suspected of "*alarming behaviour towards older girls*". During a previous period of employment, he had been dismissed because of concerns of other staff members about sexual misconduct,³⁴³ and Mr Logan's decision to re-appoint him had been controversial among the staff and the Canadian Welfare Council. Mr Logan again hoped to avoid a scandal and that the affair would "*be viewed in its true light as something which may occur in work of the kind which we are doing at Fairbridge*". The evidence shows that:

- a. Mr Logan later explained his decision to re-appoint Mr Rogers by referring to the difficulties in obtaining trained staff (which we see to be a recurring theme in the child migration programmes); and
- b. he had obtained several references for Mr Rogers on his re-appointment.

³⁴⁰ Hill 20 July 2017 92.

³⁴¹ Hill 8 March 2017 106-107.

³⁴² Constantine 12 July 2017 88-92; PRT000162_001-002.

³⁴³ PRT000150_003 – later note about Rogers' conviction states "*Suspicion had been cast upon Rogers in this regard during the period of his previous employment at the Farm School...*".

This demonstrates there was some awareness from as far back as the 1940's of the importance of assessing the quality of staff when recruiting.

17. Fairbridge UK said in February 1943³⁴⁴ that Mr Rogers' reappointment was unwise, but that it could not be involved because Duties Master appointments were a matter for the Principal and local Committee. This is another example of the inherent difficulties in an organisation in one country obtaining reassurance that the children in another country were being properly cared for, when the sending institution did not have authority to change the practice of the receiving institution.

18. In January 1944, Sir Charles Hambro (Fairbridge UK's Chairman) wrote to Mr Logan, stressing that "*We cannot sacrifice the children to some adult who creates suspicion of injurious behaviour*", and asking for the implementation of "*staff conferences*", which he described as a general custom and something which could be useful for the "*dispelling of unfounded suspicion and dissatisfaction*". Mr Green was sent to Canada following the "*crisis*" to conduct a thorough investigation and to make changes in personnel as necessary.³⁴⁵ HMG was aware of the Rogers issue, as we explained in Part C.1.

(ii) Isobel Harvey's report and Fairbridge UK's response to it (1944-1949)

19. In 1944, Isobel Harvey, Superintendent of Child Welfare for BC, reported concerns that:

- a. children who had been harmed by Mr Rogers may harm new arrivals at the school;
- b. another Duties Master, CM-F217, was known for "*fooling with girls*"; and
- c. there was a high pregnancy rate among ex-Fairbridge girls.³⁴⁶

20. The evidence suggests that there was a body of professional childcare opinion in BC, of which Ms Harvey was part, that disapproved of institutional care in general. The immediate trigger for her report had been that in January 1944, a disgruntled cottage mother wrote to the CWD to complain about discipline problems at the school. She had appended a list of 28 Fairbridge children who she said were unfit to be at the school, one of whom was described as a "*sex pervert*" and one as a "*sodomite*". Ms Harvey's report had been based in part on interviews with some of the girls. She noted that CM-F217 had been warned once about his behaviour by the Principal in the hearing of staff members, and there was a suggestion of police involvement.³⁴⁷ She raised various other concerns about the school.³⁴⁸

21. Fairbridge UK had initially responded defensively and sought to engage diplomatic support by sending the critique of the report to the British High Commissioner in Ottawa and the Dominions Office.³⁴⁹

³⁴⁴ After his reappointment but before his arrest.

³⁴⁵ Constantine 12 July 2017 101-108; PRT000150; PRT000512_002-014; PRT000157_001-002, 003-004; PRT000158; PRT000159; PRT000160_001, _002, _003; PRT000175; PRT000185.

³⁴⁶ INQ000170_001-010.

³⁴⁷ Skidmore 9 March 2017 166-177; Constantine 10 March 2017 12-13; 12 July 2017 124-128; INQ000170_008; PRT000515; INQ000170_007; EWM000122_017.

³⁴⁸ She referred to poor food provision, clothing and dirtiness, over discipline (whipping, strapping and continual shouting at children), quick turnover of cottage mothers and a lack of records. She noted a "*feeling of helplessness*": INQ000170_009-010.

³⁴⁹ PRT000510; EWM000122_017; EWM000122_020-021.

22. A Joint Committee (made up of representatives from the Provincial Government and from the Fairbridge BC Board) was then established to investigate. The Committee concluded that there had been a failure by Mr Logan to “*take immediate and thorough action when reports had been made of suspected major moral delinquency*”, and generally that “*much greater care should be exercised in the future by those in control of the School to prevent sexual delinquency, which has occurred too much in the past, and has given Fairbridge School such an unfavourable reputation*”. It recommended that in order to continue to receive child migrants:

- a. suitable staff should be employed, including trained social workers;
- b. there should be closer co-operation with the CWD;
- c. the Superintendent of Child Welfare should be the guardian of the children; and
- d. the Fairbridge BC board should have complete authority.³⁵⁰

23. In February 1945, Mr Logan was removed from the school, certain other staff were dismissed, and the constitution was changed to give greater power to the local Board and involve the CWD more in the operation. The new Principal was required to consider all complaints from members of staff and to keep any records relevant to the welfare of children at Fairbridge BC.³⁵¹

24. There were ongoing concerns about sexual relationships between the current and past children at the school and about the high illegitimate pregnancy rate among ex-Fairbridge girls. There was an ongoing debate about whether the school should remain co-educational partly because of a concern about the “*boy/girl alliances*” that were occurring, and the suggestion that “*sexual misdemeanours tend to be perpetrated particularly when older children return to the Farm School and are in frequent correspondence with those at the Farm School*”. This debate appears to have led to a relocation of boys to the Fintry school upon reaching adolescence.³⁵² The concern about the high pregnancy rate among ex-Fairbridge girls had been raised by Ms Harvey and continued post-War.³⁵³

(iii) Ms Carberry’s report (1949)

25. In December 1949, Ms Carberry, Fairbridge UK’s psychiatric social worker, provided a damning report in which she stated that the high pregnancy rate was “*The actual result of life at Fairbridge with its failure to satisfy emotional needs and the repressive attitude of bad Cottage Mothers, together with an inadequate knowledge of sex or in some cases of knowledge gained in the wrong way at Fairbridge or earlier still in life*”. She observed that the previous sex problems had not entirely disappeared, that previous experience had affected at least some of the children, and that generally the school “*does not fit into child welfare pattern of BC*”. She again suggested that “*unsatisfactory staff are largely to blame for the present state of affairs*”.³⁵⁴

³⁵⁰ PRT000514_001-004; PRT000513; PRT000175; PRT000512_019-020.

³⁵¹ Constantine 12 July 2017 131; PRT000146; PRT000174 and EWM000122_020-021.

³⁵² Constantine 12 July 2017 129; PRT000179; PRT000180_001-003; PRT000154; PRT000505; PRT000174; PRT000184; PRT000512_012-013; PRT000173.

³⁵³ Constantine 12 July 2017 140-143; PRT000058; PRT000057_001-004; PRT000184_001-005.

³⁵⁴ Constantine 12 July 2017 160-161; PRT000184_013-014.

26. By that time, the school had, in Mr Green's words, become "in ill repute" with the Canadian national government, and there was "little doubt" that the British government was "aware of the aggregate success and unsuccess of Canadian Fairbridge children – and in all detail, through 'child welfare' network".³⁵⁵ Eventually the girls were boarded out, the Fairbridge BC board resigned and receipt of child migrants ceased.³⁵⁶ In 1951 and 1952, the remaining boys at Fairbridge BC were boarded out and it was closed.

27. The CWD's criticisms of the school meant that financial support from the Canadian authorities would no longer be forthcoming such that the school was no longer viable.³⁵⁷ We also note that Mr Green observed in August 1951 that "I know – I admit – B.C. Child Welfare won against Fairbridge but it was Logan's Fairbridge that they decided to cancel out of British Columbia. And how right they were! Our Society should not have wasted a moment in letting 'Child Welfare' know how right they were". (emphasis in original)³⁵⁸

This body of evidence as to Fairbridge's experiences in Canada demonstrates that Fairbridge UK understood the need to respond appropriately to reports of child sexual abuse.

By 1945, Fairbridge UK knew that several migrants at Fairbridge BC had been – and potentially were still being – sexually abused.

However, Fairbridge UK failed to examine the wider context of these complaints of sexual abuse and general ill-treatment of children, which it knew about.

Although in some ways Fairbridge UK sought to respond to the issues raised, it did not, for example, implement the recommendation to have trained social workers on the staff. Eventually, it stopped migration and closed the school.

Australia (pre-1945)

28. Various issues around alleged sexual abuse also arose in the Australian Fairbridge schools, often at the same time as such issues were being considered in Canada.

(i) Mr Beauchamp's resignation from the Molong school (1940)

29. In 1940, Mr Beauchamp, Molong Principal, resigned amid allegations that he had failed to prevent or intervene in "immoral and perverted practices....on a serious scale". One of the concerns was that there had been visits by boys at night to a female member of the Principal's house staff. There were also concerns about inappropriate sexual relations between pupils and "certain homo-sexual offences". Mr Beauchamp was told to resign, or that the NSW Council would all do so. Fairbridge UK initially refused to accept his resignation and wrote supportively to Mr Beauchamp. In September

³⁵⁵ PRT000391.

³⁵⁶ PRT000184_006-13.

³⁵⁷ PRT000501_017; PRT000501_019.

³⁵⁸ PRT000480.

1940, the UK High Commissioner intervened and urged Fairbridge UK to reconsider its position, for want of “*a very serious scandal*” which could lead to the end of migration in NSW.³⁵⁹

30. Ultimately Mr Beauchamp’s resignation stood, and in December 1940, Sir Charles Hambro acknowledged his defects including his lack of judgment in choosing staff. Sir Charles also wrote “*We must insist that even if we personally are divided in opinion as to the standard to which we must raise these children, it is certain that we are now compelled to touch a certain level by general demand both public and private. Emigration of children is now only supported upon proof that in the Dominions their prospects are considerably better than they would be in this country. These considerations all hang, in our view, on the quality and equipment of the Principal. If we fall short of what is expected of us on this side we shall, without doubt, lose our place as the rescuers and educators of children*”.³⁶⁰

(ii) Northcote (1943 to 1944)

31. In 1943, Mr Green had told Lord Grey (Chair of the Northcote Trustees in London) that they would want stronger safeguards in place, including improved communication from the Principal, before sending any more children to Northcote.³⁶¹ As we have explained in detail in section C.1, in 1943 and 1944 certain issues arose around alleged sexual abuse of girls at the school, in which the UK High Commissioner became closely involved. The Dominions Office communicated Mr Garnett’s views to Fairbridge UK, in response to which Mr Green said that the Northcote trustees should “*realise that schools of this kind cannot be left to run themselves but require constant supervision by all parties responsible for their welfare*”.³⁶² In May 1944, Mr Garnett accompanied Mr Wheeler (the Australian Commonwealth government’s Chief Migration Officer) on an inspection of Northcote, and eventually concluded that “*each school ought to be inspected at least once a year on behalf of each Government*”,³⁶³ but this did not occur.

32. From this evidence it seems reasonable to suggest that senior staff within the Fairbridge Society were aware of the importance of regular reporting about the welfare of child migrants from the receiving to the sending organisation, and that the absence of such reporting could be indicative of broader failures in institutional management which could put children at greater risk of sexual abuse. The delegation of responsibility to the local committees was only reasonable in the presence of regular reports about welfare and regular inspections.³⁶⁴

³⁵⁹ Constantine 12 July 2017 93-101 and 133; INQ000044; INQ000046; INQ000048; INQ000049; INQ000050; INQ000051; INQ000107; INQ000109; INQ000111; INQ000112; INQ000113; INQ000114; PRT000162_001-002; PRT000273; PRT000274_001-008; PRT000276_001. There had been some earlier concerns about him, including that he had sent a “*troubled*” boy from Molong to the Salvation Army Home at Riverside with a “*comparatively unknown*” man escorting him but he remained in post at that time: INQ000052; INQ000053; INQ000115 and INQ000116.

³⁶⁰ PRT000273_001-006; INQ000118_026.

³⁶¹ EWM000438_020, footnote 76.

³⁶² EWM000438_020, footnote 74.

³⁶³ Constantine 12 July 2017 115-117; EWM000395; EWM000400_001-002, _003-005; EWM000372.

³⁶⁴ As set out below, Fairbridge UK acknowledged at the time that it could only fulfil its responsibilities if it retained control over the care of child migrants after arriving in Australia, as they could not transfer their responsibilities for the care and placement of the children: PRT000216_046-052; PRT000217_027.

33. These sexual abuse issues related to the Northcote school with which Fairbridge Society's relationship was more distant. Fairbridge UK stopped migrating children there in 1947.³⁶⁵

(iii) The Pinjarra dossier, the Kelly report and the Garnett report (1944)

34. In February 1944, a "dossier" of complaints and concerns about the care at and management of Pinjarra was prepared by Gordon Green (Fairbridge UK). This was based on correspondence received from past and present members of staff.³⁶⁶ In March 1944, Fairbridge UK resolved, following receipt of the dossier, that an immediate investigation into Pinjarra was needed in the interests of the Society, its good name, and the children. However, this was not acted upon, partly because of concern about libel proceedings if the dossier were sent to Fairbridge WA.³⁶⁷ We have also made reference previously to the report undertaken for the Australian Commonwealth Government by Caroline Kelly, which was highly critical, concluding that a "grave state of affairs existed" such that no further children should be sent to Pinjarra until there was an overhaul of the administration.³⁶⁸

35. Then, in October 1944, Mr Garnett prepared a detailed report on several of the schools, which concluded that:

- a. the only aftercare provision was by correspondence;
- b. Fairbridge UK was unable to exercise any effective control over the Australian Societies, but was obliged to "account to the parents or former guardians of the [child migrants] for the subsequent welfare of all children sent to Australia under the Society's auspices";
- c. selection of the right Principal was of the "utmost importance" (but Fairbridge UK should abandon its attempts to do so by insisting on its power to appoint/dismiss);
- d. more attractive conditions should be offered to cottage mothers; and
- e. staff should be strengthened by appointment of those with qualifications in the care and training of children, or at least one who could supervise the cottage mothers.³⁶⁹

36. In August 1945, Mr Green provided a commentary on Mr Garnett's report. He noted that:

- a. Fairbridge UK had long been aware of defective staffing at Pinjarra;
- b. Fairbridge WA had been resistant to "London's attempts to install and maintain competent directing staff";

³⁶⁵ In July-August 1947, it was agreed that Fairbridge UK would cease to migrate children to Northcote on the basis that the children had to have continuity of personal care and Fairbridge had to be responsible for that: PRT000359_003-004.

³⁶⁶ EWM000438_016.

³⁶⁷ PRT000216_048.

³⁶⁸ Constantine 12 July 2017 118-120; 134-135; CMT000375_001-068.

³⁶⁹ Constantine 12 July 2017 121-123; PRT000217_020-030; EWM000438_005 (paragraph 2.5).

- c. Fairbridge UK had been defeated in attempting to retain sufficient control over Pinjarra and Molong so as to implement its own views or those of Mr Garnett in respect of the care and training of children, if these were contrary to those of local committees.³⁷⁰

37. This followed detailed discussion within Fairbridge UK about its ability to manage the local Australian Committees. In the course of these, Mr Green had observed that: the absence of effective control by London meant that “*the condition upon which the contributions of the UK Government are made are....unfulfilled*”; and Fairbridge UK “*fails the children it sends to Australia unless it retain[s] power over their proper care until they are of an age to look after themselves*”. He again referred to the appointment of specialists to the staff.³⁷¹

(iv) Allegations against Mr Woods, the new Molong Principal (1945 and 1946)

38. In late 1945/early 1946 the Fairbridge NSW Council informed Fairbridge UK that “*one of the Fairbridge girls had made very serious allegations against Woods, of sexual misbehaviour towards her, which were brought to the notice of the [CWD] by a local parson who had heard of the alleged incidents*”. It appears that the police were involved, but that the CWD report later exonerated Mr Woods, expressed high regard for Fairbridge and thought that the allegations “*can only be put down to the sexual stirrings of a hysterical adolescent mind*”.³⁷²

Given the conclusions of the police and Child Welfare Department, and their distance from the detail of the matter, the Inquiry can understand why Fairbridge UK responded as it did to this particular issue.

However the pre-War issues that had arisen in Australia should have increased awareness within Fairbridge UK of the risks of child sexual abuse; and yet they apparently failed to see a parallel with the similar issues in Canada.

Australia (post-1945)

(i) Further allegations against Mr Woods (1948 and 1949)

39. In early 1948, several allegations were made against Mr Woods, relating to allegations of physical abuse, some books with a sexual content and some “*other matters too dreadful to mention*”. Fairbridge NSW asked the CWD to investigate and informed Fairbridge UK. Sir Charles Hambro replied on 8 March 1948, that: “*Having seen the school in operation I cannot believe that there is any real basis for these allegations against Woods, and I shall not accept them until proven beyond doubt, but where there is smoke there may be fire, and it is our duty to make quite sure that the fire is completely extinguished. You could not have taken a wiser step than to do what you did*”.³⁷³ The information provided to Fairbridge UK raised a suspicion of sexually inappropriate behaviour by and overseen by Mr Woods, albeit not directly of sexual abuse by him.

³⁷⁰ PRT000217_007.

³⁷¹ PRT000217_025; PRT000217_031; PRT000216_046-055.

³⁷² Constantine 12 July 2017 135-7; PRT000299_003-004; PRT000299_005 – the Fairbridge NSW Committee had apparently not believed the allegations from the beginning, but had been ordered to allow an enquiry, presumably by the local CWD.

³⁷³ PRT000295.

40. The CWD's Mr Heffernen spent three days at the school investigating the allegations and in a report dated 5 March 1948, concluded that none of the charges were substantiated. Mr Heffernen, on medical advice, accepted Mr Wood's explanation in respect of the books and concluded that there was nothing to suggest an improper interest. He also felt convinced that "*there was no substance in any suggestion that Mr Woods viewed any sex misdemeanours lightly*". The "other matters" included a concern about improper use of a vessel of urine. Mr Heffernen found the replies of a child who had been questioned not convincing and noted that "*The same lad was questioned regarding alleged sex misbehaviour in the bake house. In regard this he says 'we just suspected it'. When asked why he did not report the matter to Mr Woods he said 'I couldn't very well because I couldn't prove anything'*".³⁷⁴

41. Other allegations against Mr Woods included that he had made a boy's eyes bleed by assaulting him and had beaten boys with a hockey stick. As to the first allegation Mr Woods had admitted hitting a boy over the head with his open hand and kicking him on the buttock with his knee. Mr Heffernen concluded that Mr Woods was "*unwise*" to use this punishment, but that it did not amount to excessive punishment or serious assault. As to the hockey stick allegation, Mr Woods said he had not used it since he had been instructed by the Chairman to desist from doing so. As there remained gossip about the hockey stick and it could cause injury to someone, Mr Heffernen concluded that the instruction that Mr Woods should stop using it was well advised.³⁷⁵ Although these incidents amounted to physical and not sexual abuse, we consider they are relevant to the overall conditions at Molong, especially because they were carried out by the person in charge.

42. On 11 March 1948, the Fairbridge NSW Council resolved that it was satisfied that "*the Principal is entirely cleared of any charges which would affect the welfare of the children under his charge*".³⁷⁶ On 16 March 1948, a letter was sent to Fairbridge UK attaching Mr Heffernen's report.³⁷⁷ The Chairman of the NSW Council noted that Mr Woods' use of a hockey stick seemed "*repellent*" and that the bursar had agreed to give his resignation. Fairbridge UK's reply, dated 8 April 1948, noted that it was gratifying that the charges were unfounded and that it was a good thing that the "*weakness*" of the Bursar was discovered so soon, and it enclosed a letter of support for Mr Woods.³⁷⁸

If looked at in isolation, it was reasonable for Fairbridge UK to rely upon the Child Welfare Department's investigation in this specific matter. However, the description of Mr Woods having been "entirely cleared" seems erroneous in the circumstances. Moreover the failure to consider this report in the context of previous allegations prevented Fairbridge from gaining a proper understanding of the risk of child sexual abuse.

³⁷⁴ Constantine 12 July 2017 148-154; PRT000294_002-005

³⁷⁵ Constantine 12 July 2017 148-154; PRT000294_002-005

³⁷⁶ PRT000294_007

³⁷⁷ PRT000294_009-010

³⁷⁸ PRT000294_011-013

(ii) *“Interference” with a female child migrant during her journey to Australia on the ‘Largs Bay’ ship (1950)*

43. In May 1950, Fairbridge NSW wrote to Fairbridge UK with a note from Mr Woods indicating that CM-A54 had been “*interfered with*” on the ship by a member of the crew, but that this did not “*appear to have left any mark on her mind*”.³⁷⁹ Mr Vaughan’s reply focussed on whether she had been properly selected for migration, noting that CM-A54 was “*somewhat mentally retarded*”. No specific mention was made of the sexual abuse allegation, albeit that some effort did appear to have been made to ascertain whether she had been affected by events on the ship.³⁸⁰

This correspondence provides some evidence of a recognition that for an adult to “interfere” with a vulnerable young girl was unacceptable and was something which an institution with a caring responsibility for that child should be concerned about.

44. There is also evidence that at around this time, Fairbridge UK became aware of the sexual abuse issues at the Barnardo’s school at Picton. We have seen a letter from Nigel Fisher MP to Mr Vaughan dated 21 July 1958, indicating that he did not think it sensible to push for a proposed adjournment debate on child migration because he had been told of a “*really rather bad case of sodomy between a teacher and boys at one of the Barnardo’s Schools in Australia*”.³⁸¹

(iii) *Departure of Mr Phillips, Aftercare Officer at Molong, allegedly “amid rumours of sexual abuse of children” (1962)*

45. David Hill has given evidence that Mr Phillips left his role as Molong Aftercare Office in 1962, “*amid rumours of sexual abuse of children*”.³⁸² Allegations of sexual abuse have been made against Mr Phillips by CM-A82 and by Edward Scott, but the Inquiry has not received any documents about his departure from Molong.³⁸³ This may well be because the hiring and firing of Aftercare Officers, at this stage, was done entirely by Fairbridge NSW without the involvement of Fairbridge UK. However, we have no evidence that Fairbridge UK had knowledge of any sexual abuse allegations against Mr Phillips.

(iv) *Dismissal of Mr Woods from Molong (1965)*

46. Mr Woods was ultimately dismissed in 1965. The correspondence around the time of his dismissal was to the effect that for some 15 years the NSW Council had had an anxiety about how he had been running the school: for example, the CWD had expressed concerns about a child’s head being put down the toilet to correct her habit of bedwetting; there had been complaints about caning and whipping and denying children food other than dry bread for a week as a punishment; and that he

³⁷⁹ PRT000517_001-002, _003.

³⁸⁰ Constantine 12 July 2017 161-163; 173-175; PRT000302; EWM000438_021 paragraph 5.21.

³⁸¹ Constantine 21 July 2017 125-127; PRT000597_003.

³⁸² EWM000290.

³⁸³ Constantine 12 July 2017 169.

had caused a scandal by seeking to re-marry too soon after the death of his wife. The Inquiry did not hear any evidence that in those 15 years any further allegations of sexually inappropriate behaviour had been made against Mr Woods.

The fact that the New South Wales Council had wider concerns about Mr Woods for a long time, which were not fully shared with London, is a further example of the systemic difficulty in trying to manage an institution, and an individual, from such distance. It is also a further example of the problems in examining each incident individually, without taking an overview of the incidents concerned.

(v) *Departure of Jack Newberry, Molong, allegedly following “a series of allegations of sexual abuse” (1969)*

47. In January 1967, Jack Newberry (previously a garden supervisor and then Aftercare Officer) was confirmed as Acting Principal and Welfare Officer at Molong.³⁸⁴ In April 1969, he was informed by Fairbridge NSW that although certain “charges” made against him had been found not substantiated, he was felt to be too old to be Principal.³⁸⁵ The only evidence about the nature of the charges comes from David Hill, who notes that Mr Newberry was “investigated following a series of allegations of sexual abuse and forced to retire” and that “Stories circulating about Newberry’s sexual perversities would be confirmed by a number of Fairbridge girls years later”.³⁸⁶ It may well have been, as Professors Constantine and Lynch suggested, that Fairbridge NSW was trying to “get rid of somebody without causing adverse publicity to Fairbridge”.³⁸⁷ However, such evidence as we have suggests that Fairbridge UK acquiesced in the decision to dismiss that had been made by the Fairbridge NSW, but did not know of any sexual allegations against Mr Newberry.³⁸⁸

Rhodesia

48. The Inquiry has seen evidence that a deputation of children who had been sexually abused by Padre Dean at the RFMC reported the issue to the headmaster, which enraged him and led to their being beaten and warned against spreading malicious lies.³⁸⁹ However, we have no evidence as to whether these allegations of sexual abuse or any others were known about by Fairbridge UK and if so how they were responded to, and so we cannot make findings on these issues.

Conclusions

The pre-War problems arising in Canada should have indicated to Fairbridge UK that the child migrant scheme exposed children to the risk of sexual abuse.

³⁸⁴ INQ000062

³⁸⁵ INQ000057

³⁸⁶ EWM000290_002; Hill 20 July 2017 91. He also described the evidence of one female former child migrant that she had been abused by Mr Newberry from the age of 6: Hill 20 July 2017 93-94

³⁸⁷ Constantine 12 July 2017 168-169

³⁸⁸ PRT000081_023-025

³⁸⁹ INQ000176; see also INQ000177

This should have led to a more robust response when Fairbridge UK came to know of a series of allegations of sexual abuse of its post-War child migrants in Australia. However, Fairbridge UK failed to respond appropriately to the pattern of the information it was receiving about sexual abuse.

2.2.3 Did Fairbridge UK take sufficient care to protect its child migrants from sexual abuse?

Canada and Australia

49. There is no doubt that Fairbridge UK was aware of the 1947 Home Office memorandum which set out the Home Office's expectations in relation to the care of child migrants (see further at section B.3 above), as it had arisen in the context of discussions specifically between the Home Office and Fairbridge. Moreover in March 1948, Sir Charles Hambro of Fairbridge UK accepted that the memorandum "like the Curtis Report, was an ideal to which all those who had charge of children should aspire".³⁹⁰

50. As to the selection aspects of the memorandum, there is evidence that large numbers of applicants for migration to Canada with Fairbridge UK were turned down.³⁹¹ The 1951 WGPW report noted that Fairbridge UK had little by way of a selection process for the children it migrated, but later employed a psychiatric social worker as part of its selection process, which may have been part of Fairbridge UK's desire to bring its practices into line with Home Office expectations.³⁹² Parents would generally sign a consent form authorising the Fairbridge Society to emigrate the child and exercise all the functions of a guardian, although there is some doubt as to whether consent was always obtained.³⁹³

51. Fairbridge UK did try to set general policy for implementation in its schools.³⁹⁴ However, it did not always manage this in practice: by way of example Fairbridge UK considered in 1950 that it must insist on a maximum of ten children per cottage, increasing to 12 in an emergency, because "a cottage mother could not give individual attention to any child while she had 14 in her charge",³⁹⁵ but Fairbridge NSW opposed this and did not implement it at Molong. Cottage numbers also remained unduly high at Pinjarra.³⁹⁶

³⁹⁰ PRT000501_005.

³⁹¹ Constantine 10 March 2015.

³⁹² EWM000014; PRT000501_015; Constantine 12 July 2017 66-67.

³⁹³ EWM000005_119; Constantine 12 July 2017 67-69.

³⁹⁴ In December 1947, for example, Fairbridge UK agreed that it would have "unbroken responsibility and authority over the management and welfare of the children" in NSW and direct policy, and it was also agreed that Pinjarra would be managed by Board of Governors who were responsible to Fairbridge UK and bound by an agreement to follow the "new Fairbridge principles" (PRT000137_001-005).

³⁹⁵ INQ000120.

³⁹⁶ By July 1958 Fairbridge UK noted that there were still 14 children per cottage at Molong and 12 at Pinjarra (PRT000033_003), and there were still issues in this regard at Molong in 1960 (PRT000283_001-003).

52. Fairbridge UK had long had responsibility for the appointment of the Principals,³⁹⁷ in relation to which some checks apparently were carried out.³⁹⁸ The Fairbridge Society did also have local Committees which advised the Principals and carried out some local oversight. However, there is evidence that they were not “*competent to advise...in the care and education and training of the children*”: one of the conclusions Mr Garnett reached in his 1944 report was that at both Molong and Northcote, the local bodies had little experience.³⁹⁹ If Dallas Paterson’s allegations of sexually abusive behaviour by a member of the NSW Committee and a relative of another member (as described in section C.1 above) were justified, it would obviously be a concern that those who were meant to be ensuring the welfare of the children were themselves involved in sexual abuse.

53. As to the quality of the staff, the balance of the evidence we have seen is that during the migration period Fairbridge UK did not ensure that its schools employed “*staff of good calibre*”⁴⁰⁰ or that there was proper supervision of the staff.

54. As to post-migration supervision, Fairbridge UK’s process of ensuring that it received reports on its children seemed to improve over time, and it appeared to be trying to meet the Home Office’s expectations in this regard.⁴⁰¹ As a result of an agreement in May 1948, a Fairbridge Principal was obliged to send six-monthly reports to the Fairbridge Society in London on all children in residence, and aftercare reports on ‘Old Fairbridgians’ under the age of 21.⁴⁰² Professor Constantine’s view is that such reports were generally sent back to Fairbridge in London on a six-monthly basis.⁴⁰³ We have seen some reports on individual children both while at school and once they had left and were working⁴⁰⁴ and we agree with Professors Constantine and Lynch that these do seem to evidence some knowledge of the particular child.⁴⁰⁵ However, it does not appear that they were consistently provided. The Inquiry notes, for example, that it was recorded in 1958 that there was “*great difficulty*” in obtaining such reports from Mr Woods at Molong.⁴⁰⁶

55. Other than these individual reports, there were some school inspections conducted by the local Fairbridge Committee members,⁴⁰⁷ but on David Hill’s evidence these were carefully “*staged*” affairs.⁴⁰⁸ In light of the evidence about the culture in place at the schools, the Inquiry accepts this characterisation of the inspection visits.

³⁹⁷ This role dated back at least as far as 1947: Hill 20 July 2017 101-102.

³⁹⁸ We have seen a copy of the agreement made with the Principal of Pinjarra in 1948 (PRT000373_011); correspondence between Fairbridge UK and Fairbridge NSW about Mr Woods’ appointment at Molong in 1950 (PRT000373_008); and correspondence showing Fairbridge UK indicating to Fairbridge NSW that they did not consider a prospective Pinjarra Principal suitable, due to the results of certain checks and the fact that the and his wife had not worked with children before (PRT000131).

³⁹⁹ CMT000374.

⁴⁰⁰ Albeit that this may have improved in the later years, given that by 1980 we have seen reference to a preference for cottage mothers with a childcare certificate and experience: PRT000337_026.

⁴⁰¹ Generally it appears that Fairbridge sought to work with the Home Office to meet its expectations more than other institutions, albeit that it did not always agree with what was being expected: Constantine 12 July 2017 69-81; 84.

⁴⁰² PRT000373_011.

⁴⁰³ Constantine 12 July 2017 70.

⁴⁰⁴ For example CMT000461_001-004.

⁴⁰⁵ Constantine 12 July 2017 78-79.

⁴⁰⁶ PRT000072_120.

⁴⁰⁷ EWM000438_005 (paragraph 2.1).

⁴⁰⁸ Hill 20 July 2017 111-112.

56. There was also some involvement of the local CWDs which acted as guardians for the Fairbridge children. However, there is no evidence that any CWD reports were regularly provided to Fairbridge UK about conditions at the schools. There is also a suggestion on the evidence that the role of the CWD in the Fairbridge schools was likely to be “*light touch*”, because of the high esteem in which the Fairbridge Society was held.⁴⁰⁹ Moreover, such routine visits as there were by the CWD appear to have been very limited: of all the former migrants David Hill has spoken to, only one could recall a CWD visit and spoke about it in disparaging terms.⁴¹⁰

Overall the Inquiry accepts the analysis of Professors Constantine and Lynch that in summary:

- a. there is no evidence that Fairbridge UK engaged in careful selection of staff or ensured close supervision of staff;**
- b. Fairbridge UK did not always ensure systematic, rigorous and frequent inspections; and**
- c. it failed overall to ensure a culture in which children would feel able to approach staff to discuss any experiences of sexual abuse.⁴¹¹**

57. There is also a large and what we consider to be persuasive tranche of evidence showing that although there are some positive reports about the Fairbridge schools,⁴¹² there were many contemporaneous expressions of concern about the standards of care being provided and the systems in place at the schools, as follows:

- a. On at least two occasions former Fairbridge staff members (Lucy Cole-Hamilton in 1947⁴¹³ and Dallas Paterson in 1948⁴¹⁴) saw fit to write to the Home Office and express concerns about the treatment of the children in the schools;
- b. In June 1950, Miss Randall (Deputy Secretary of Middlemore Homes) noted “*recent unsatisfactory opinions and reports made by English visitors*” to the Fairbridge schools in Australia and suggested that such visits should be discouraged;⁴¹⁵
- c. In August 1950, the Secretary of State, Patrick Walker, was reported to be “*far from impressed*” with conditions at Pinjarra after he had visited, and felt that because these were British children, the British authorities should have more of a role in issues such as choice of Principal, and inspection of the schools;⁴¹⁶

⁴⁰⁹ See correspondence from 1946 in which T H E Heyes (Australian Secretary of Department of Immigration) observed to H Best (Ministry of Tourist Activities and Immigration) that: “*With such a highly regarded and reputable organisation as the Fairbridge Farm Schools, New South Wales, the supervision which the State Authority will need to exercise as to the manner in which it carries out its custodianship will be nominal*” [emphasis added]: CMT000389.

⁴¹⁰ Hill 20 July 2017 110-111.

⁴¹¹ Constantine 12 July 2017 175-177.

⁴¹² See, for example, the reports from members of the London Committee in April 1954 (PRT000486-487); May 1957; (PRT000027_006-009, 012, 014); June 1960 (PRT000284_001-014); January 1961 PRT000521; and 1965 (PRT000067).

⁴¹³ Constantine 12 July 2017 144-147; CMT000380.

⁴¹⁴ Constantine 19 July 2017 101/13 – 102/6; EWM000438_018.

⁴¹⁵ BMC000046_007-014.

⁴¹⁶ CMT000390.

- d. In January 1951, Mr Garnett observed that post-War there should have been the appointment at Pinjarra of a “good Principal” and “an improved class of cottage mothers”, agreed that the High Commission should be consulted about the appointment of the Principal, and noted that they did have the right to inspect the schools;⁴¹⁷
- e. In June 1951, Mr Moss was apparently concerned about the number of children per cottage at Molong, which Fairbridge UK said it would address with the Home Office.⁴¹⁸ However, there is also evidence that he had given the impression that while he was “not impressed with...Molong”, his report would be “watered down”;⁴¹⁹
- f. In August 1951, Mr Hicks (NSW CWD) stated that in his view, the arrangements at Molong were “below the standards of modern childcare” and that the inspections had in the main been “conducted tours”;⁴²⁰
- g. In early 1952, Mr Moss noted that there was no satisfactory scheme for the children to have outside contact from Pinjarra and again expressed concern about the difficulty in obtaining and retaining suitable house mothers⁴²¹, such that adequate supervision including by the appointment of a female supervisor of the mothers was essential;⁴²²
- h. In March 1956, Mr Ross’s confidential notes recorded that: (i) Molong was isolated, with uncomfortable cottages, and children ill-prepared for future work;⁴²³ and (ii) Pinjarra was also isolated, with children doing a considerable amount of domestic work, and a Principal who showed “a lack of appreciation of current thought on child care” and did not recognise the value of outside contacts;⁴²⁴ and
- i. in the discussion around the post-Ross “blacklist” in mid-1956, Molong and Pinjarra were both in ‘Category A’, i.e. “not fit to receive more migrants, for the present at least”. It was noted that some establishments in category A were “so wrong in the principles on which they are run that they would need a complete metamorphosis to bring them into Category C” (i.e. those which “pass muster”) and that “well-informed opinion would condemn [the schools] from the point of view of the accepted principles of child care”.⁴²⁵

58. Fairbridge UK did not accept Ross’s findings in the public report. It saw no reason to depart from its system and process, and received some support in this position from Australian government officials.⁴²⁶ In July 1957, it came to a three-year agreement with

⁴¹⁷ CMT000388.

⁴¹⁸ PRT000213_001-004.

⁴¹⁹ Hill 20 July 2017 104-105; INQ000155.

⁴²⁰ Hill 20 July 2017 106-110; INQ000155.

⁴²¹ He noted that this was a general problem in Australia, particularly in a rural location. Mr Moss reiterated the need for trained staff when in November 1953, he met the CVOCE, of which the Fairbridge Society was a member: PRT000351_002-005.

⁴²² CMT000391. Mr Ball (then Pinjarra Principal), concluded that this was unwarranted and that cottage mothers would be unwilling to be supervised (PRT000207).

⁴²³ INQ000078.

⁴²⁴ INQ000076.

⁴²⁵ CMT000366.

⁴²⁶ INQ000073; INQ000098; INQ000075.

the CRO⁴²⁷ which reflected the terms we have seen in other Outfits and Maintenance agreements. This included a provision by which, if the Secretary of State were not satisfied with the Fairbridge Society scheme, he was able to give three months' notice to terminate obligations.

59. David Hill gave evidence that despite the above agreement, for many years (including the period in which he was at Molong between 1959 and 1961), none of the agreed changes were introduced and Molong continued to operate below the expectations set out in the agreement. He said that staff were overwhelmingly unqualified, inexperienced and totally unsuited to caring for children, that staff included sadistic cottage mothers, and there was no fostering out. His evidence is borne out by the following:

- a. In 1957/1958 the CWD's Mr Hicks remained concerned about the Fairbridge schools. Two children had absconded and complained that a cottage mother (CM-F113) used the cane freely. In February 1958, Mr Hicks informed the Australian Department of Immigration that he was not satisfied with Fairbridge's explanations regarding her conduct. He also said that the cottage mothers had insufficient supervision, the staff were generally very average, and "*Fairbridge does not welcome any suggestion for improvement and apparently resents any inference that there may be matters which require attention*".⁴²⁸ Fairbridge UK was aware of "*troubles in New South Wales*" that "*must be known to the Child Welfare Department*" and around this time expressed a concern that its farm schools were in conformity with modern child welfare standards;⁴²⁹
- b. While Mr Hill was at Molong (between 1959 and the early 1960s) Matron Guyler, who had worked at Knockholt, came to Molong and was horrified by what she saw, as was his own mother when she visited, and other parents including one who said the children had been treated worse than he had been as a prisoner of war;⁴³⁰
- c. In November 1963, the mother of two children at Molong withdrew her children and made a written complaint to the CWD. A cottage mother (CM-F108) had admitted flushing a child's head down the toilet to correct the child's bedwetting, and a riding crop had been found which the children said she whipped them with. The CWD expressed concern that Mr Woods had said he did not feel bound to account to the child's mother, and it felt the need to reiterate its advice that the school "*should give earnest consideration to the need to regularize the forms of methods used in punishment and deprivation*"⁴³¹ (and according to CM-A26, a former child migrant, CM-F108 remained employed three years later);⁴³²

⁴²⁷ Hill 20 July 2017 113-116; PRT000028_009-011.

⁴²⁸ INQ000125. It was also noted that the children thought that there was no point in complaining to Mr Woods, as such complaints would be brushed aside: INQ000122.

⁴²⁹ PRT000031; PRT000033_007.

⁴³⁰ Hill 20 July 2017 119-121; 123-124.

⁴³¹ PRT000065_008-11; PRT000110; PRT000123.

⁴³² CM-A26 7 March 2017 146/13-23.

- d. In October/November 1964, Fairbridge UK itself concluded that Molong was very unsatisfactory, not well run and too far from Sydney, and that it should close as soon as possible. They noted that “*the Child Welfare Authorities in NSW should be brought into the picture especially as they were aware of the complaints which had been made...*” and that Fairbridge UK should tell Fairbridge NSW that they were “*concerned about the treatment of children there and knew that the Child Welfare Authorities in NSW were too*”;⁴³³
- e. By 1969, it was noted that Molong was “*run down and shabby*”⁴³⁴ and in 1970, the CWD Director’s view was that “*there was still a considerable amount which would have to be done if the establishment was to reach the standard required by the [CWD]*”;⁴³⁵
- f. In 1971, Fairbridge NSW wrote to Fairbridge UK expressing the view that the “*whole operation has to be investigated from top to bottom*” at Molong, and it needed to be closed down and replaced with a small farm school closer to Sydney, not least because of difficulties with the Principal, Mr Coutts;⁴³⁶ and
- g. In early 1981, a former Pinjarra cottage mother reported that she was “*particularly concerned with the treatment of the children by unqualified members of Staff and also of the appalling conditions they are living under, which are well below Australian and English standards*”. She was also concerned about whether an Aftercare Officer was appropriately qualified, was justified in insisting that children should only raise concerns with him, and had the medical qualifications to carry out physical examinations of teenage girls.⁴³⁷

60. It therefore seems clear to the Inquiry that the conditions in the Fairbridge schools remained far below what the Home Office agreements expected.

61. It is also clear to us that expressions of concern about the care given to child migrants continued after Fairbridge UK ceased to send children to Australia. Nevertheless, the children who had previously been migrated remained *in situ* and thus would have continued to have been affected by adverse conditions.

In light of all this evidence, the Inquiry concludes that Fairbridge UK did not take sufficient care to protect its child migrants to Canada and Australia from the risk of sexual abuse.

62. The Inquiry accepts the evidence of Professors Constantine and Lynch that four factors inhibited Fairbridge UK’s ability to implement appropriate protection for children (which would have included protection from sexual abuse) namely:

- a. personal loyalties of Fairbridge UK towards its Principals appointed overseas;
- b. the inherent difficulty in closely monitoring geographically isolated institutions (although we note that this applies to child migration as a whole);

⁴³³ PRT000520; PRT000072_231.

⁴³⁴ INQ000055.

⁴³⁵ INQ000054.

⁴³⁶ PRT000243_001-006.

⁴³⁷ Constantine 12 July 2017 171-175; PRT000374; PRT000376; PRT000531-535.

- c. unattractive working conditions for staff making it more difficult to operate a rigorous selection process; and
- d. Fairbridge UK's unquestioned support for the principle of child migration, making it difficult for officers to question whether the sending of vulnerable children overseas might in itself pose significant risks for exposure to abuse.⁴³⁸

Rhodesia

63. We know that the WGPW approved of the selection procedures operated for the Rhodesia Fairbridge Memorial College (RFMC).⁴³⁹ John Moss proposed in 1954, that greater checks be made in respect of the private households taking RFMC pupils for weekends/holiday breaks. However, the communication on this topic appears to have been solely between UK and Rhodesian government officials and the RFMC Warden, rather than any Fairbridge representative in England and Wales.⁴⁴⁰ Overall, the Inquiry does not have enough evidence to determine whether or not sufficient care was taken to protect children migrated to the RFMC from the risk of sexual abuse.

2.2.4 What has Fairbridge done in the post-migration period?

64. The Fairbridge Society ceased involvement in child migration in the early 1980s and its objects were changed to reflect that in 1983. In 1987, the Fairbridge Society was replaced by the Fairbridge Drake Society and then became simply Fairbridge in 1992. It merged with the Prince's Trust in 2013.⁴⁴¹

65. Dr Humphreys referred in her evidence to the parts of her book where she describes Fairbridge's responses to her efforts to bring the alleged mistreatment of child migrants (including allegations of sexual abuse) into the public consciousness. For example:

- a. In response to the article, *Lost Children of the Empire*,⁴⁴² which appeared in the Observer newspaper in July 1987 (and which included allegations of sexual abuse), Stephen Carden, Fairbridge Society Chairman, wrote that the kind of advertisement she had placed in the Sydney newspaper would be likely to generate responses mainly from "*malcontents*" and that the article "*completely ignored*" the fact that "*the vast majority of the 2,500 children sent to Australia by this society will be eternally grateful for the opportunity they were given*";⁴⁴³
- b. When she attended the 50th anniversary of the Old Fairbridgians Association, Judy Hutchinson from Fairbridge said to her that she "*..must realise that everything that was in those Observer articles was untrue and you must acknowledge now, before you go any further, that it was all untrue*";⁴⁴⁴ and

⁴³⁸ Constantine 12 July 2017 177-179.

⁴³⁹ Constantine 10 March 2017 11.

⁴⁴⁰ EWM000438_022-023, footnote 82-86.

⁴⁴¹ Milburn 12 July 2017 3-5; Woods 12 July 2017 36-37.

⁴⁴² Humphreys 9 March 2017 7-9 and 21 July 2017 72-73; CMT000365_001; INQ000322_002.

⁴⁴³ INQ000322_002.

⁴⁴⁴ INQ000322_006-007.

- c. She also reports that after the Australian screening of the *Lost Children of the Empire* documentary Fairbridge's Caroline McGregor sought to defend the schemes by saying "...attitudes to children were very different, so to a large extent we are talking about children who would have been institutionalized for most of their young lives anyway".⁴⁴⁵

66. In July 2007, at the time of the publication of David Hill's book, *The Forgotten Children*, Fairbridge issued a "Q&A" sheet to all Managers. This stressed the fact that Mr Hill had only interviewed 40 of the 1,053 Molong pupils, and made the point that only some had made allegations of child sexual abuse. In response to the specific question "Does the Fairbridge UK archive contain any cases of abuse", the prepared answer was that the Liverpool archive "does not contain any cases of child abuse at Molong or any other service in Australia".⁴⁴⁶ That is plainly incorrect in light of the evidence we have referred to above. When pressed on this issue, Mr Haynes, Director of Fairbridge from 1993 to 2008, was unable to explain why a misleading statement was going to be put out to the press.⁴⁴⁷ Moreover he did not appear to see the difficulty with Fairbridge apparently continuing to maintain that position despite the fact that an internal report by John Anderson, prepared in August 2007, had referred to some cases of physical abuse in the archive.⁴⁴⁸

67. The Q&A document also asserted that Molong was not under the control of Fairbridge UK but was from 1948 "independently managed by an Australian body and not accountable to the UK".⁴⁴⁹ This is a position which has been repeated elsewhere, including in written and oral evidence before us from Nigel Haynes.⁴⁵⁰ In light of the evidence that Fairbridge UK set policy for the schools, including Molong, was involved in matters such as appointment of the Principal, and that its members visited the schools and were clearly aware of the conditions in the schools, we characterise the statement that Molong was "not accountable" to London as plainly wrong, and at worst knowingly so. It is clear to us that what Mr Haynes had been told in this respect was wrong.

68. Moreover we heard from Mr Hill that during the litigation against Fairbridge in Australia, the reverse position – that London was responsible for the Fairbridge operations in Australia – was adopted.⁴⁵¹ It seems to us that both sides of the Fairbridge organisation were trying to distance themselves from responsibility.

⁴⁴⁵ INQ000322_018-019. Similarly (i) before the Health Select Committee Nigel Haynes asserted that the documentary had "sensationalised" the migration issue and was "not based on fact" (EWM000159_067); and (ii) internal emails refer to a "small minority of old-Fairbridgians" who had "real or imagined hurts" from their days at Fairbridge, and describe the claim that was being brought in Australia as a 'try on' claim (PRT000600) although Mr Haynes said that he did not share the latter view (Haynes 19 July 2017 19-22).

⁴⁴⁶ INQ000162. Further internal documents indicate Fairbridge asserting that there had been no cases of abuse at Fairbridge schools: (i) in September 1996 it was noted that "Fairbridge did not appear to have any such (abuse) cases against it and was regarded in the main as a model project" (PRT000465); and (ii) it was observed that a likely key concern of the WA Select Committee was "Abuse, not Fairbridge, but certainly the others. This issue remains very hot in WA with convictions of Christian Brothers a regular feature" [emphasis added] (PRT000457_001, _007, _009, _011).

⁴⁴⁷ Haynes 19 July 2017 10-15.

⁴⁴⁸ Haynes 19 July 2017 43-54.

⁴⁴⁹ INQ000162. Their final statement for the press (INQ000161) made similar points about Molong being separately run; as did some internal emails which described Fairbridge NSW as "a distinct entity, sharing a name (for historic reasons) only" (Haynes 19 July 2017 19-20; PRT000600_003).

⁴⁵⁰ Haynes 12 July 2017 27; Haynes 19 July 2017 5-7.

⁴⁵¹ Hill 20 July 2017 100-103.

The responses of Fairbridge UK to allegations of sexual abuse of child migrants made in the post-migration period have been inadequate. Fairbridge UK denied responsibility, and was at best wilfully blind to the evidence of sexual abuse contained within its own archives. This stance has caused significant distress to child migrants.

69. Fairbridge did put former child migrants in direct contact with its archive held by Liverpool University.⁴⁵² However, there is evidence that until the Prince's Trust took over the archive, there were limits placed on access to the material within it,⁴⁵³ although, Mr Haynes had no recollection of this.⁴⁵⁴

70. Beyond this Fairbridge has provided no support or reparations to former child migrants alleging sexual abuse. Fairbridge has offered no counselling, financial support or reparation to former child migrants⁴⁵⁵ because, according to Mr Haynes, its charitable funds had to be used for its current core work.⁴⁵⁶ However this is not a proper justification for failing to finance some support and reparations to former child migrants alleging sexual abuse, as other institutions have done.

71. Fairbridge as an organisation has made no apology, and there is evidence that it made a conscious decision not to apologise "*as it did not consider that it had anything to apologise for*".⁴⁵⁷ Mr Haynes had no recollection of such a discussion taking place within Fairbridge, and made a personal apology in evidence before us.⁴⁵⁸ Dame Martina Milburn of the Prince's Trust told the Inquiry that at the time of the merger, they had not been given the "*full truth*" by Fairbridge of the number of former child migrants complaining about their treatment, but had simply established that there were no legal claims.⁴⁵⁹ At the conclusion of her evidence, Dame Martina stated that Fairbridge's approach (in never having apologised) was "*absolutely shocking*". On behalf of the Prince's Trust, she apologised "*for the hurt and suffering experienced by victims and survivors*" and indicated that the Trust would now be considering whether it should still use the Fairbridge name.⁴⁶⁰

72. We heard that a class action was brought in Australia. Fairbridge NSW issued an apology⁴⁶¹ and paid AUD \$24 million, which David Hill understands led to payments of AUD \$30,000 to \$90,000 to former child migrants. He was very critical of the "*disgraceful*" manner in which Fairbridge NSW conducted the litigation, and said what was needed was a full redress scheme that included an apology, support and counselling, and monetary payments.⁴⁶²

Over many years Fairbridge repeatedly failed to offer any support or reparations to its former child migrants who had suffered sexual abuse.

⁴⁵² Haynes 19 July 2017 23; Woods (Fairbridge Company Secretary, 1999-2006) 12 July 2017 42-43.

⁴⁵³ Milburn 12 July 2017 1-7; Hill 20 July 2017 92; 124-125.

⁴⁵⁴ Haynes 19 July 2017 30-32.

⁴⁵⁵ Woods 12 July 2017 42/10-12.

⁴⁵⁶ Haynes 19 July 2017 28-29; 37-38

⁴⁵⁷ Woods 12 July 2017 42

⁴⁵⁸ Haynes 19 July 2017 22-29; 56

⁴⁵⁹ Milburn 12 July 2017 9-10

⁴⁶⁰ Milburn 12 July 2017 16-19

⁴⁶¹ Scott 2 March 2017 84-89

⁴⁶² Hill 20 July 2017 127-131

2.3 The Children's Society

1. The Children's Society (CS), initially called the Church of England Incorporated Society for Providing Homes for Waifs and Strays, was founded in 1881 as a charity to help destitute and orphaned children. Until the 21st century, their work primarily involved running residential care homes in England and Wales, and placing children in foster and adoptive care, whereas they now provide frontline services to children aged 10-18, and campaign on various issues affecting disadvantaged children and young people. The CS became involved in child migration as early as 1883. The Inquiry heard from the CS' Chief Executive Officer, Matthew Reed.

2.3.1 What was the CS's role in child migration?

2. The CS migrated:

- a. 2,250 children to Canada from 1883-1915;
- b. 876 children to Canada from 1920-1939;
- c. 4 children to New Zealand and 1 child to South Africa from 1925-1930;
- d. 29 children to Australia from 1925-1938 (via the Fairbridge Society); and
- e. 136 children to Australia and 17 children to Southern Rhodesia, post-War, mainly from 1948-1950.⁴⁶³

3. As with other organisations, the CS's rationale for migration was "*a desire to want to do the best for children and young people*".⁴⁶⁴

4. Post-War, the CS did not migrate children directly itself, but was solely a provider of children to other migrating agencies, similar to local authorities. The CS's Executive Committee decided whether the CS would participate in a particular migration scheme, and its children's homes (administered by a House Committee of local volunteers) would then nominate suitable candidates for emigration, in response to a request from the Executive Committee.⁴⁶⁵

5. Pre-War, most children migrated to Canada by the CS went to their own reception homes and then on to private farms, although some went to Fairbridge BC; and children migrated to Australia went to Fairbridge Pinjarra.⁴⁶⁶ Post-War, children were emigrated by the CS as follows:

- a. 53 children through the Church of England Advisory Council of Empire Settlement (CEACES), to 4 different homes;
- b. 48 children through the Fairbridge Society to Molong and Pinjarra;
- c. 34 to Northcote;

⁴⁶³ Reed 14 July 2017 11-14.

⁴⁶⁴ Reed 14 July 2017 33. A 1920s CS document also referred to the opportunity emigration provided "*to place beyond the reach of their undesirable relatives children who have been rescued from evil surroundings*", and that the CS was also "*willing to consider any case where a child is anxious to go to Canada*": CSY000073.

⁴⁶⁵ CSY000105_005-006; EWM000449_011-012.

⁴⁶⁶ Reed 14 July 2017 13-14.

- d. 17 to the RFMC; and
 - e. 1 through the Big Brother Movement, to employment in Australia.⁴⁶⁷
6. During the Part 1 hearings we heard allegations of sexual abuse from one witness who had been migrated by the CS;⁴⁶⁸ in addition the CS has been informed of several allegations as set out below.

2.3.2 What did the CS know about alleged sexual abuse of its child migrants?

7. The Inquiry accepts Mr Reed's evidence that the CS had no actual knowledge of allegations or evidence of sexual abuse of its child migrants during the migration period.⁴⁶⁹

Had the Children's Society operated a more robust process for monitoring the welfare of those children it provided for migration, it might have known more about specific allegations of sexual abuse and about the risk of sexual abuse more generally.

Children were exposed to a risk of sexual abuse, which ought to have been appreciated by the Children's Society.

However the responsibility for effective post-migration monitoring of the child migrants primarily lay with those institutions directly involved in migrating the children (not the Children's Society, who provided the children for migration by others).

2.3.3 Did the CS take sufficient care to protect its child migrants from sexual abuse?

Selection

8. The CS set out selection criteria which it asked its local committees to have specific regard to, and the local committees' proposals for migration were then reviewed by the CS's Central Committee. Even when, post-War, the CS was migrating children via third party organisations, Mr Reed told us that it was keen to ensure that the right children were being selected, rather than simply satisfying a certain quantity requested by a third party. In November 1947, the CS's Executive Committee noted that their selection procedures would remove the vast majority of children put forward for migration, that they preferred to seek orphans because of the difficulty in securing consent from parents. Professor Constantine agreed that the CS did not appear to consider itself under pressure to migrate children, in comparison to some of the other sending organisations, perhaps because the CS was not only a child migration society but had other options for the children in its care. Generally he considered that the CS's approach to selection seemed to conform to what would have been expected by the Home Office.⁴⁷⁰

⁴⁶⁷ Reed 14 July 2017 15/18-22 and CSY000105_004. In evidence, Mr Reed clarified that although there was (and is) a close working partnership between CS and parts of the Church of England, they have and always have had completely independent governance structures: Reed 14 July 2017 64-65.

⁴⁶⁸ CM-A2 28 February 2017 65-82.

⁴⁶⁹ Reed 14 July 2017 44-45.

⁴⁷⁰ Reed 14 July 2017 8; 20; 23-24; 28; Professor Constantine 11 July 2017 120/2-24; CSY000073.

9. Although some gaps in the material mean that the CS cannot be satisfied that consent was obtained in every case, we accept the evidence of Mr Reed and Professor Constantine that, on the basis of the documents from that period, proper consent was generally an important factor for the CS.⁴⁷¹

10. A 1948 *Children's Society Handbook for Workers* sets out the expected conduct of the CS's homes in England and Wales. Relevant extracts included that:

- a. each home would have a system of local volunteers to supervise and secure the welfare of the children;
- b. each branch would be visited at least once a week by a member of the House Committee and be inspected unannounced by headquarters;
- c. the Executive Committee would be responsible for the appointment and dismissal of Masters and Matrons;
- d. all staff would be vetted by headquarters and the House Committee;
- e. general watchfulness was required for children who might be difficult because of tragic or abnormal backgrounds;
- f. the Masters and Matrons should be "*ready to answer any questions on matters of sex and should ensure that every child has an adequate knowledge of the subject well in advance of going out into the world*";
- g. excessive punishment rendered the master or matron liable to dismissal, and corporal punishment was forbidden for girls; and
- h. the CS would keep in close contact with children who had left.⁴⁷²

The experts said that they "*had not expected anything as thorough and detailed*" as the handbook.⁴⁷³

Vetting

11. It appears that when the CS migrated children to farms in Canada, the employers were vetted beforehand.⁴⁷⁴

Supervision/aftercare

12. From 1911, until after the War, the CS had specific staff based at the receiving homes in Canada who would visit the children periodically to monitor their progress once they had been placed in employment, and generally act as a link with England.⁴⁷⁵

13. Post-War, the CS did not have its own staff in the receiving countries, and were therefore dependent on the quality of reporting provided by other organisations.⁴⁷⁶

⁴⁷¹ Reed 14 July 2017 42-43; Professor Constantine 11 July 2017 125-127.

⁴⁷² Reed 14 July 2017 33-40; CSY000003_001-026.

⁴⁷³ EWM000449_010.

⁴⁷⁴ Reed 14 July 2017 9-10.

⁴⁷⁵ Reed 14 July 2017 13/4-18; CSY000105_003.

⁴⁷⁶ Reed 14 July 2017 42/5-18.

14. There is evidence that the CS was concerned that without “*evidence in black and white*” about aftercare facilities at Swan Homes, run by the Church of England Advisory Council for Empire Settlement (CEACES), it may be “*that the risks, if children proved to be failures, would be much too great*”. Ultimately, however, the CS did migrate children through CEACES and there is no evidence available now of reports being sent back to the CS via CEACES.⁴⁷⁷ Professor Constantine said that these dispersed responsibilities likely had a negative effect on regular reporting to all those who at some stage had had responsibility for a child.⁴⁷⁸

15. Mr Reed noted that, although inconsistent, reports from Fairbridge were generally provided every six months for children in education and some updates were provided for those who had left.⁴⁷⁹ Professor Constantine thought that evidence of aftercare reports being passed from Fairbridge to the CS (as well as liaison about whether a particular child was ready to be migrated), indicated a sort of intimacy between the two organisations.⁴⁸⁰

16. Professor Constantine noted that he had seen no evidence of reports from the Australian authorities being sent back to the CS. He thought that it was unlikely that the CS had consciously delegated responsibility to those child welfare professionals.⁴⁸¹

17. The Inquiry concludes that although the CS had a good idea of the type of care which it expected child migrants to receive, based on its experience in England and Wales, and although it had operated its own supervision and aftercare regime pre-War, post-War it effectively delegated responsibility to other organisations for inspections and reports. This led to issues, in particular with those children migrated through CEACES, over the regularity and quality of the follow-up information received.

In light of these defects in its post-migration monitoring regime, the Children’s Society could not be properly satisfied about the welfare of the children. The Inquiry recognises, however, that the Children’s Society was “one step removed” from the primary obligation to monitor, which lay with those who actually migrated the children provided by the Children’s Society.

2.3.4 What has the CS done in the post-migration period?

18. During the 1990s, the CS received allegations of sexual abuse from three former child migrants. In 1994, a former child migrant disclosed that he had been sexually abused at Pinjarra. The CS responded by trying to help him to understand his case files, providing him with papers relating to his emigration, including a social work report, and seeing what support they could provide going forward. In 1998, a relative reported that a former child migrant had been sexually abused in Australia.⁴⁸² He told the CS that there was insufficient evidence to support a prosecution, but the

⁴⁷⁷ Reed 14 July 2017 21; 2; Professor Constantine 11 July 2017 138/10-24.

⁴⁷⁸ Professor Constantine 11 July 2017 138/10-24.

⁴⁷⁹ Reed 14 July 2017 41/18-25.

⁴⁸⁰ Professor Constantine 11 July 2017 132-133.

⁴⁸¹ Professor Constantine 11 July 2017 135/16-24.

⁴⁸² Reed 14 July 2017 46-47.

CS made a full recording of his allegations and tried to support him in tracing his relatives. He was met personally, counselling was provided, and his case papers were shared with the appropriate Australian agencies.

19. In 1999, a former child migrant disclosed that he had been sexually abused by older boys within the RFMC. He was keen to find out about available financial support. The CS suggested that he speak to Fairbridge regarding compensation, but also provided assistance with access to his case file and other support.⁴⁸³

20. During our Part 1 hearings, CM-A2 alleged that he had been sexually abused at CS homes in England prior to migration. Mr Reed said that the CS had not been previously aware of the allegations but has since offered an apology and written to offer further support. The CS provided CM-A2 with his case files and having examined them, found evidence suggesting a concerning relationship between CM-A2 and a female member of staff against whom he later made allegations, that this member of staff was dismissed after others became uncomfortable, and that it was quite soon after this that CM-A2 expressed a wish to migrate. Mr Reed noted that “*Whilst [the CS] took some steps to stop her access to [him], it did not, from the case file records, appear to have taken any further steps to investigate the nature of their interactions, to support him in relation to this or to question his apparent wish to migrate*” and he expressed regret that those did not appear to have been taken. A wider enquiry of other children resident there at the same time as CM-A2 had not revealed any further concerns.⁴⁸⁴

21. Professors Constantine and Lynch identified a potential further case of sexual abuse of a child from St Budoc’s home who had been migrated through CEACES to Padbury. Since becoming aware of this point, the CS has looked back through its records, but has not been able to identify this young person, or any other sexual abuse allegations within that children’s home.

The Children’s Society’s response to these individual allegations has been adequate: it offered support as appropriate and took relevant action, such as looking at the case files of other children formerly resident at an institution in which there had been allegations of sexual abuse.

22. In June 2017, Mr Reed made a public apology on behalf of the CS, which he reiterated at the outset of his evidence to us. This apology was for everyone hurt or damaged through being migrated by the CS, was unconditional, and specifically referred to those emotionally, physically and sexually abused. Mr Reed accepted that it was overdue, saying that he did not know why it was not made at the time of the UK government’s apology in 2010.⁴⁸⁵ The CS has not provided any compensation or other redress to former child migrants or other abuse related to child migration.⁴⁸⁶ However, Mr Reed gave evidence to the Inquiry about an external independent review commissioned by the CS to address historical child sexual abuse, and about a specialist team established within CS to support those who want to discuss historical abuse.⁴⁸⁷

⁴⁸³ Reed 14 July 2017 6/21-25; 46-50.

⁴⁸⁴ Reed 14 July 2017 53-54.

⁴⁸⁵ Reed 14 July 2017 3-4; 63.

⁴⁸⁶ Reed 14 July 2017 56/16-20.

⁴⁸⁷ Reed 14 July 2017 58-63.

The Children's Society offered support to former child migrants alleging sexual abuse where appropriate, in relation to the evidence presented; but its public apology, although welcome, was overdue by many years and it has not paid compensation.

2.4 The National Children's Home

1. The National Children's Home (NCH), now called Action for Children (AfC), was founded in 1869 to provide shelter and care for homeless children in London. Their main work progressed from providing children's homes to placing children in foster care and adoption, and they now deliver a broad range of services for children, young people and families. NCH began migrating children to Canada from 1873. The Inquiry heard evidence from Deana Neilson, Head of Safeguarding at AfC.

2.4.1 What was the NCH's role in child migration?

2. The NCH migrated around 3,500 children to Canada from 1873-1931,⁴⁸⁸ and 37 to Australia from 1937-1939.⁴⁸⁹ Post-War, the NCH migrated 90 children to Australia from 1950-1951 (and two children later joined their siblings).⁴⁹⁰ The NCH's rationale for migration was that Australia was felt to be a land of better opportunities and weather for children; it was envisaged that the central importance of religion would be emphasised; and that a stable family-like environment would be provided. The welfare of the child was noted to be of paramount importance. The NCH's child migration programme was run by its General and Emigration Committees. After selection, children were sent to the NCH home in Alverstoke, Hampshire to prepare them for migration.⁴⁹¹

3. Post-War, the NCH sent children to:

- a. Northcote Farm School, Victoria;
- b. Magill Home, South Australia;
- c. Dalmar, NSW;
- d. Methodist Home for Girls, Perth;
- e. Methodist Peace Memorial Home (aka "Cheltenham"), Victoria; and
- f. Barnardo's Farm Training School, Picton, NSW.⁴⁹²

4. During Part 1 we heard allegations of sexual abuse from one witness who had been migrated by the NCH (CM-A19).⁴⁹³ In addition the NCH has been informed of several such allegations which we describe below

2.4.2 What did the NCH know about alleged sexual abuse of its child migrants?

5. We accept Ms Neilson's evidence that the NCH had no actual knowledge of allegations or evidence of sexual abuse of child migrants during the migration period.⁴⁹⁴

⁴⁸⁸ Although Ms Neilson referred to a figure of 3,350 based on the documents, she thought the estimate of 3,600 to the Health Committee in 1998 may be more accurate: Neilson 14 July 2017 69/4-17.

⁴⁸⁹ Neilson 14 July 2017 70/22-24; Constantine 11 July 2017 142/2-9.

⁴⁹⁰ Neilson 14 July 2017 70/2-16.

⁴⁹¹ EWM000447_013.

⁴⁹² Neilson 14 July 2017 80-81.

⁴⁹³ CM-A19 7 March 2017 3-47.

⁴⁹⁴ AFC000052_007.

NCH Sisters travelled with the child migrants, and stayed with them for some time, and so the NCH was probably better placed than many if not all of the other migrating organisations to identify any sexual abuse.

2.4.3 Did the NCH take sufficient care to protect its child migrants from sexual abuse?

Selection

6. The NCH repeatedly committed itself to the careful selection of children and said that only those who would benefit would be migrated. It took a range of approaches to obtaining consent, including explaining to parents about the distance and permanence of migration, and indicating that no child would be sent without consent and that any child who did not settle would be brought back. However, in 1953, the Moss report noted that the selection of children had been done badly. Ms Neilson accepted that some parents' consent was not fully informed and that some children who asked to come back were not in fact returned.⁴⁹⁵

The NCH's expectations

7. In 1948, the NCH set out '7 principles' for migration, based on its past experience in Canada⁴⁹⁶ and the expected Home Office regulations, including:

- a. the need for the same adults to remain with the child as much as possible as surrogate parents;
- b. accommodating children in small cottages; and
- c. the establishment of special staff training courses.⁴⁹⁷

8. The NCH was clearly also cognisant of, and sought to comply with, the Home Office's expectations as set out in its 1949 guide for voluntary childcare societies, in respect of:

- a. the "*continuing responsibility of the parent society*";
- b. the use of trained social workers in selection;
- c. systematic training for childcare workers "*as established in this country*" and;
- d. the use of liaison officers.⁴⁹⁸

9. The agreement the NCH reached about how migration would operate was apparently based on its 7 principles.⁴⁹⁹ Professors Constantine and Lynch considered that the NCH's 7 principles showed expectations of a very rigorous system of care, which was a far more ambitious scheme than those attempted by other agencies,

⁴⁹⁵ Neilson 14 July 2017 77-80; 105-109; EWM000447_015; AFC000027_003.

⁴⁹⁶ When the NCH migrated children to Canada, they established the rules, appointed the staff and monitored the service, and the Canadian Government was actively involved in inspecting the children's home and visiting young people in employment. Reports back were generally positive, complaints which were made were followed up and young people who did not settle were moved to more appropriate work: Neilson 14 July 2017 111/1-17; AFC000028_001, _004-019.

⁴⁹⁷ ; AFC000013_001-007; AFC000020_027-032.

⁴⁹⁸ Neilson 14 July 2017 73/7-24; AFC000013_018; CMT000386.

⁴⁹⁹ Neilson 14 July 2017 76/8-13; EWM000447_004-005.

and may have been unrealistically high for Australia immediately post-War.⁵⁰⁰ In 1949, the NCH's Mr Litten also proposed the establishment of dedicated training centres in Australia for the staff who would be caring for child migrants.⁵⁰¹

The reality for NCH child migrants

10. Uniquely among post-War sending institutions, in 1950 the NCH sent selected Sisters (who had been trained and had worked with children in the UK) to accompany parties of children to Australia; stay for three years to assist the children, travel to meet others; and look at what the standards in Australia were and report back to the UK.⁵⁰² Short reports on the progress of children by the Sisters have been located.⁵⁰³ In 1949, NCH did appear to consider and recommend setting up an auxiliary committee in Australia to act as an 'on-the-ground' supervisory body, but this did not occur.⁵⁰⁴ We accept the evidence of Professors Constantine and Lynch that the role of the Sisters illustrates the NCH attempting to comply with the Home Office's expectations in respect of continuity of care, "liaison officers" and a process for reporting back to the UK.⁵⁰⁵

11. In March 1952, the NCH was told by a receiving home that its request for quarterly reports on the children could not be met due to staff shortages.⁵⁰⁶ Other than the Sisters' reports, it does not appear that there was regular and consistent reporting by receiving institutions in Australia to NCH in England about the welfare of the children.⁵⁰⁷ There is no evidence that NCH checked matters such as staffing ratios and punishment regimes in the institutions to which children were sent.⁵⁰⁸ There is also no evidence to indicate that staff training centres or any consistent training regime were ever established,⁵⁰⁹ and both the Moss and Ross reports noted the lack of appropriately trained staff in Australian homes.⁵¹⁰

12. Although the NCH had received some favourable reports from the heads of various institutions and Mr Litten,⁵¹¹ the Sisters' reports (while relatively positive about the children themselves) were critical of the harsh conditions in Australia and indicated that they did not compare favourably with the UK. There is also evidence of some NCH Sisters in the UK being troubled about the content of letters received from children migrated by NCH. These concerns fed into an internal debate about the practice of child migration, about which some NCH directors already had reservations, and were a major factor in the NCH's fairly rapid cessation of migration (which may have come in conjunction with the retirement of Mr Litten).

⁵⁰⁰ Constantine 11 July 2017 147/17-23; 151-152; 154/4-15.

⁵⁰¹ AFC000014_014-017; AFC000056_004-005; Neilson 14 July 2017 91/2-20.

⁵⁰² Constantine 10 July 2017 100/1-16; 144-145; AFC000056_004.

⁵⁰³ Neilson 14 July 2017 84-85.

⁵⁰⁴ AFC000052_005; AFC000056_005-006; AFC000013_017-018.

⁵⁰⁵ Constantine 12 July 2017 77.

⁵⁰⁶ Neilson 14 July 2017 86/10-25; AFC000022_001; Constantine 11 July 2017 150-151.

⁵⁰⁷ Neilson 14 July 2017 85-86.

⁵⁰⁸ Neilson 14 July 2017 100/2-14.

⁵⁰⁹ Although there is some evidence in this regard: in April 1949 it was noted that training of staff was being attempted at Glenmore (AFC000013_014) and there is evidence that Cheltenham decided to develop a staff training programme (AFC000028_032).

⁵¹⁰ Neilson 14 July 2017 92/3-21; AFC000056_005; EWM000015_008.

⁵¹¹ Neilson 14 July 2017 84/7-21.

The NCH put more measures in place than other institutions to monitor the care being afforded to child migrants. This allowed them to appreciate the poor care being provided to some child migrants in Australia. They then took the commendable decision to halt migration promptly in light of the concerns raised.

Nevertheless, we consider that NCH's failure during the migration period to ensure that it received more regular reports from the receiving institutions meant that it could not be properly satisfied about some aspects of the care provided. This included the quality and number of staff, and the punishment regimes in place.

The Inquiry also finds that, although the NCH stopped migrating children due to concerns about the adverse conditions, it did not bring back to the UK those children previously migrated.

In these respects, the NCH failed to take sufficient care to protect child migrants from the risk of sexual abuse.

2.4.4 What has the NCH/AfC done in the post-migration period?

13. In 2000, CM-A19 alleged that prior to his migration a visitor to its children's home at Painswick perpetrated sexual abuse on other children. He recalled that the visitor was spoken to and his visits ceased. Ms Kerry (then the NCH child migrant adviser) made a note of the allegation, and said she would discuss it with her supervisor and it would be followed up.⁵¹² In December 2016, Ms Neilson reported the issue to Gloucestershire Police, who indicated that they were unable to locate a prior report and would not be taking the matter further in the absence of the victims' details.⁵¹³ AfC was also made aware of a small number of complaints about child sexual abuse at Alverstoke, which Ms Neilson reported to Operation Hydrant in June 2016. She continues to assist with that investigation.⁵¹⁴

14. In terms of allegations of sexual abuse post-migration:

- a. 'Child C' disclosed, while in a group session with Ms Kerry, that she had been raped at the age of five by an eight year old boy living in the same home. She responded by offering an individual conversation. The former child migrant said that she did not want any further action and wanted to remain anonymous;
- b. 'Child D' alleged, again in a group setting to Ms Kerry, that he was sexually abused by a 14 year old boy when he was around the same age. He also said that he did not want any further action and wanted to remain anonymous;⁵¹⁵ and
- c. 'Child E' alleged that they were sexually abused by an older boy in Magill, but there are no further details available about the name of the offender or the date. This information was passed to the Australian Royal Commission.⁵¹⁶

⁵¹² CM-A19 8 February 2017 3-48; Neilson 14 July 2017 95-96.

⁵¹³ AFC000052_008.

⁵¹⁴ Neilson 14 July 2017 96/13-19; AFC000052_006-008.

⁵¹⁵ Neilson 14 July 2017 97-99. Ms Kerry told Ms Neilson that she did speak to her line manager about these disclosures, however records of these discussions were destroyed in line with the policy in place: Neilson 14 July 2017 99/5-9.

⁵¹⁶ Neilson 14 July 2017 99.

The NCH and latterly AfC responded appropriately to these specific allegations of sexual abuse made by former child migrants.

15. In response to the recommendations of the Health Select Committee, Joan Kerry was appointed by NCH as a dedicated child migrant adviser. She performed that role from 1998-2001. NCH was apparently the first agency (during recent years) to set up services specifically for child migrants. Her role was to make contact with as many former child migrants as possible, find out what their needs were and try and meet those needs as far as possible. She assisted with family tracing, access to records, and counselling, and also visited Australia three times over a 12-month period. NCH also established a small fund to provide therapy for survivors of abuse in children's homes, although this was not specifically for child migrants.⁵¹⁷ In February 2017, AfC established (in conjunction with other children's charities) a counselling service to be provided to survivors of abuse who may come forward.⁵¹⁸ In evidence to the Inquiry, Ms Neilson apologised to all child migrants and said that AfC looks back on its involvement in child migration with sincere regret.⁵¹⁹

16. One claim of sexual abuse by a former child migrant has been lodged with AfC's insurers, but it was not pursued after initial correspondence, in which AfC indicated that the period in which the abuse was said to have taken place was when the child was no longer in the care and custody of NCH, but in another home (in Australia).⁵²⁰

The AfC's stance in this litigation was inappropriate. Regardless of the strict legal position, this would have been the case for all children migrated by NCH and contradicts its assertion at the time of continuing responsibility for child migrants. Ongoing responsibility by the parent organisation was, as we have said in Part B.4, an expectation for child migration programmes.

It did not apologise until the evidence provided to us; and has not taken a proactive approach to the payment of compensation to individuals.

Nevertheless, NCH/AfC has taken a more constructive approach to support and reparations than many other institutions.

⁵¹⁷ Neilson 14 July 2017 94-95; 113-118

⁵¹⁸ Neilson 14 July 2017 118/9-16

⁵¹⁹ Neilson 14 July 2017 123-124

⁵²⁰ Neilson 14 July 2017 116/6-13; 118-119

2.5 The Royal Overseas League (the League)⁵²¹

1. The League was founded in 1910. It is a non-profit private members' club for men and women dedicated to propagating social and cultural links throughout the Commonwealth and promoting interest in the Empire (Porter 13 July 2017, 93-94). Its Patron is Her Majesty The Queen and its Vice-Patron is HRH Princess Alexandra. It has branches in London, Edinburgh, in the UK and overseas. The League's corporate witness was its then director-general, Major General Roderick Porter.

2.5.1 What was the League's role in child migration?

2. The League was engaged in child migration to New Zealand, Canada and Australia from the 1930s, and in the 1970s continued to provide financial assistance to the Fairbridge Society in Australia. In 1955, the League claimed to be responsible in the post-War period for sending 804 child migrants overseas: 194 to Australia, not including 18 to Dhurringile in Victoria; 530⁵²² to New Zealand, and a scattering of others to other destinations. The League also claimed to have received 485 more applications to its New Zealand scheme than were actually approved.⁵²³ There is incomplete information before the Inquiry about the League's rationale for child migration, although it was characterised in the 1929 Annual Report as "*constructive Empire work*".⁵²⁴

3. Major General Porter explained that there are virtually no records of its migration activities, apart from its annual reports, still in existence, and that there is no record of where any records were kept, whether they were disposed of and why.⁵²⁵ We agree with the experts that it seems "*remarkable*" that no records were maintained and that there is no institutional memory of what happened to any records.⁵²⁶ This has hampered not only this Inquiry, but the ability of former child migrants to learn about their past.

4. Pre-War, the League had sent some children to Fairbridge schools in Australia. It appears to have resumed migration to Australia in 1947, but without Government approval.

5. Although the evidence suggests that the League's Cyril Bavin indicated that its child migration work from 1947 was simply concerned with resettlement of the children who had come back to the UK with the Children's Overseas Reception Board (CORB),⁵²⁷ and who now wanted to go back permanently to Australia, this was not the case. Some children were designated as being a "*CORB party*", but in fact very few if any were CORB children, and the League was asked by Australian officials to stop using the CORB designation for non-CORB children.⁵²⁸

⁵²¹ The "Royal" title was not conferred until 1960 in honour of the League's Golden Jubilee:

<https://www.rosl.org.uk/about-rosl/our-heritage>

⁵²² However, according to a letter from the New Zealand International Social Service dated 14 August 2002, 549 children went to New Zealand between 1947 and 1953 under the League-NZ Government Scheme: ROL000013.

⁵²³ Lynch 11 July 2017 80/16-22; EWM000448_012.

⁵²⁴ Porter 13 July 2017 96/6.

⁵²⁵ Porter 13 July 2017 94/21-25; 99/4-7; 109/10-25.

⁵²⁶ Lynch 11 July 2017 81/6-11.

⁵²⁷ The Children's Overseas Reception Board (CORB), was a wartime evacuation programme that removed British children to other Commonwealth countries: Lynch 11 July 2017 70/4-6.

⁵²⁸ Lynch 11 July 2017 70/4-6; 71/11-20; Porter 13 July 2017 97/4-7; 101/5-11; EWM000448_003; 005-6.

6. HMG had reservations about the League being approved as a sending organisation for child migration; first, because the League lacked the expertise to undertake the selection of children; and secondly, because the League did not have structures in place to provide reports on the welfare of the children they had sent overseas.⁵²⁹ Mr Tasman Heyes, the Secretary of the Australian Commonwealth Department of Immigration, sent a long letter to the UK High Commission requesting approval of the League. He noted several factors in support of child migration, including that many sending agencies did not yet have childcare expertise, that approval by the Home Office and supervision of selection by Australia House would act as safeguards, and that there had already been substantial capital investment in receiving institutions such as Dhurringile. However, no post-migration monitoring was proposed. Some months later, on 19 October 1953, the UK High Commission replied to say that approval had been given to the League, but this was six years after the League had started recruiting and migrating children.⁵³⁰

7. In New Zealand, children migrated by the League would become wards of the New Zealand state, and were placed in foster homes.⁵³¹ In Australia, some children migrated by the League were sent to Fairbridge schools and Dhurringile,⁵³² but the evidence beyond that is unclear.

8. During Part 1, we heard an account of serious sexual and physical abuse from Michael Hawes, who had been migrated by the League to Dhurringile.⁵³³ In addition, certain allegations were made at the International Congress on Child Migration in New Orleans, 27 October 2002, which we consider further below. Our table of further accounts includes one additional allegation of sexual abuse at Dhurringile.⁵³⁴

2.5.2 What did the League know about alleged sexual abuse of its child migrants?

9. There is no evidence that the League had actual knowledge of allegations or evidence of sexual abuse of its child migrants during the migration era.⁵³⁵ However, the Inquiry has been presented with very little evidence overall in relation to the League's involvement in child migration: for example, the League was not able to find any information concerning Michael Hawes or his participation in the child migration scheme.

We cannot reach a definitive conclusion on the “actual knowledge” issue as far as the League is concerned.

If in fact the League had no knowledge of any sexual abuse issues, this may well have been due to the lack of a monitoring system for child migrants and the lack of information recorded about them.

⁵²⁹ EWM000448_030.

⁵³⁰ Lynch 11 July 2017 60/9-21; 60-61; 63-65; EWM000402_030.

⁵³¹ Porter 13 July 2017 102/13-19.

⁵³² EWM000448_012.

⁵³³ Hawes 2 March 2017 95-97; 100-108; 115-116; CMT000474_009; CMT000474_003.

⁵³⁴ INQ001259.

⁵³⁵ Porter 13 July 2017 108-109.

More generally, we find that children were exposed to a risk of sexual abuse, which ought to have been appreciated by the League.

Had the League operated a process for monitoring the welfare of those children it migrated, it might have known more about specific allegations of sexual abuse and about the risk of sexual abuse more generally.

A more robust system of monitoring was more likely to have reduced that risk by triggering interventions to protect children from sexual abuse, and other harm.

2.5.3 Did the League take sufficient care to protect its child migrants from sexual abuse?

Selection

10. In common with other agencies, the League advertised its migration scheme. We were shown an example of a cartoon which appeared to depict Mr Bavin articulating the benefits of migration.⁵³⁶ As noted above, the HMG had reservations about the League's ability to conduct the selection process. We were told that applications for migration were made by parents or guardians and accompanied by a report on the child's home circumstances by a Migration Officer. The case for migration to New Zealand was then tested by a Magistrate sitting at the Bow Street Police Court, whose authorisation was required, and some applications were turned down at this stage.⁵³⁷ There is evidence to suggest that this system was not entirely robust, and, for example, that children were told to answer 'yes' to questions from the Magistrate, but it nevertheless existed as some kind of check.⁵³⁸ There was no Magistrate's Court check in respect of Australia and less is known about how the League secured appropriate consent in those cases.⁵³⁹

Supervision/aftercare

11. On arrival in New Zealand the children became wards of the Superintendent of Child Welfare, whose child welfare officers were meant to monitor the placements. However, concerns were later raised about the quality of that supervision process; and former child migrants have said that they rarely saw their child welfare officers.⁵⁴⁰ There was no systematic monitoring of the children by the League itself, beyond details of their first placement being sent to the League's General Secretary in New Zealand.⁵⁴¹ Although the child migrants were given junior membership of the League and some were given £50 on their 15th birthday, this did not add any aspect of direct monitoring of their welfare.⁵⁴²

12. Despite Mr Bavin stating, in December 1951, that the reports from New Zealand all referred to the children's "*happy settlement in their new homes*" such that the League's was "*one of the most, if not the most, satisfactory child emigration schemes*

⁵³⁶ Porter 13 July 2017 103-104; Lynch 11 July 2017 74-75.

⁵³⁷ ROL000049_004.

⁵³⁸ Lynch 10 March 2017 17-23; Lynch 11 July 2017 73/11-14.

⁵³⁹ EWM000005_009; Porter 13 July 2017 100.

⁵⁴⁰ Lynch 11 July 2017 75-76; Porter 13 July 2017 104-105; EWM000448_008.

⁵⁴¹ Lynch 11 July 2017 78-79.

⁵⁴² Porter 13 July 2017 105-106.

in existence”,⁵⁴³ in August 1953, the New Zealand Superintendent of Child Welfare reported problems with placement breakdown, and “[f]oster carers volunteering to take children out of a sense of responsibility or enthusiasm ... but then struggling to fulfil the demands of [the scheme]”.⁵⁴⁴ The migration scheme stopped soon after that report, apparently to Mr Bavin’s surprise and disappointment.

*There appears to have been no proper monitoring, reporting and aftercare of children sent to New Zealand. We were not provided with substantive information concerning an adequate monitoring, reporting and aftercare system for children sent to Australia. Case files for the migrated children no longer exist.*⁵⁴⁵

We cannot accept that the failure to preserve migration records was an unwitting oversight. It indicates a failure to have the welfare and needs of the children as priorities. This gives us an additional insight into the care provided for the children at the time of the migration programmes.

On the basis of all the evidence, the League did not take sufficient care to protect its child migrants from the risk of sexual abuse.

2.5.4 What has the League done in the post-migration period?

13. At the 2002, International Congress on Child Migration in New Orleans, a former League child migrant alleged that he had been sexually abused.⁵⁴⁶ The League does not regard those allegations as having been made to the League itself, and was not invited to respond to that testimony. Major General Porter’s predecessor, Mr Newell, recalled meeting a retired police officer who may have been the same man who made those allegations, but the man had been positive about his Fairbridge experience. The League does not regard itself as having been directly approached with any other allegations of sexual abuse.⁵⁴⁷

14. The League has never been approached for compensation or redress to any former child migrants for any reason, including for sexual abuse.⁵⁴⁸ It is of the view that because it has not faced allegations of sexual abuse directly, there has been no need for a policy on responding to such allegations.⁵⁴⁹ There was some reference in the documents to civil litigation having been pursued in New Zealand in relation to child migration, but the experts had not seen any other evidence about this.⁵⁵⁰

The League has not apologised to its former child migrants and has provided no support and reparations to them.

⁵⁴³ Lynch 11 July 2017 76-77.

⁵⁴⁴ Lynch 11 July 2017 77/11-19; EWM000448_009, [8.5].

⁵⁴⁵ Porter 13 July 2017 109-110.

⁵⁴⁶ Porter 13 July 2017 110-111; ROL000052_006; ROL000003_005-007.

⁵⁴⁷ Porter 13 July 2017 111-112.

⁵⁴⁸ Porter 13 July 2017 110/2-7.

⁵⁴⁹ Porter 13 July 2017 113/2-7.

⁵⁵⁰ Lynch 11 July 2017 80/5-15.

2.6 Cornwall County Council

1. Cornwall County Council (CCC) was a local authority which was abolished in 2009. It is now a unitary council, Cornwall Council. Speaking to the records of CCC was Jack Cordery, the service director for children and family services for Cornwall Council.⁵⁵¹ Among local authorities CCC played a particularly active role in child migration, and so merited separate consideration by us.

2.6.1 What was CCC's role in child migration?

2. CCC migrated between 33 and 58⁵⁵² children to Australia from 1940-1972, a higher figure than the average number of children migrated by other councils.⁵⁵³ We heard that CCC migrated children where they felt that they were “*mentally and physically fit for life in a farm school, and... [they] showed a real interest in country life*”.⁵⁵⁴

3. CCC's involvement in child migration was promoted by Dorothy Watkins. She had been employed by Fairbridge for a number of years in Australia and to Canada, and was then appointed CCC's Children's Officer under the Children Act 1948.⁵⁵⁵ All of the children CCC migrated (and in respect of whom evidence is available) were sent to Fairbridge schools in Australia.⁵⁵⁶

4. During Part 1 we heard testimony from three individuals who had been migrated by CCC and who alleged sexual abuse either before they were migrated or once they arrived overseas.⁵⁵⁷

2.6.2 What did CCC know about alleged sexual abuse of its child migrants?

5. The Inquiry was not presented with evidence that CCC had actual knowledge of any allegations or evidence of sexual abuse of child migrants during the period of the child migration programmes.

6. However, Ms Watkins was a childcare professional and frequently reported on issues related to juvenile delinquency, child prostitution and the child victims of sexual offences.⁵⁵⁸ In light of that, we agree with Professors Lynch and Constantine that she was likely to have had an awareness of sexual abuse issues⁵⁵⁹ and to have had those in mind during her visits to Fairbridge in Australia. However, her reports and summaries of other reports appeared to be consistently positive, when the reports of others were much more critical and more closely aligned with the experiences described by the former child migrants.

Generally children were exposed to a risk of sexual abuse, which ought to have been appreciated by CCC.

⁵⁵¹ Cordery 14 July 2017 145/15-19.

⁵⁵² CCC's evidence was that they migrated 33 children but a further 25 had been identified as suitable for migration and it was not clear how many if any of those had also been migrated (Cordery 14 July 2017, 145/13-22; 148/1). If they had all been migrated that would amount to 58 children. Professors Lynch and Constantine stated that the documentary evidence suggests that CC migrated 47 children from 1950-1970 (Constantine 11 July 2017 159/4-10).

⁵⁵³ Constantine 11 July 2017 160/4-12.

⁵⁵⁴ Cordery 14 July 2017 147/8-12.

⁵⁵⁵ Constantine 11 July 2017 160/18-22; 161/7-15; 162/12-23; 164/23-165/5.

⁵⁵⁶ Cordery 14 July 2017 148/1-4.

⁵⁵⁷ Peter Bagshaw (28 February 2017 82-95); CM-A14 (28 February 2017 95-131); and CM-A12 (2 March 2017 56-68).

⁵⁵⁸ Cordery 14 July 2017 154/1-22.

⁵⁵⁹ Cordery 14 July 2017 155/9-12.

Given that Ms Watkins was very positive about Fairbridge’s ethos and values, we suspect that, as Professors Constantine and Lynch suggested, her “eyes were averted from some of the less positive aspects of the life of those children in Australia”.⁵⁶⁰

Had she been more open-minded, she may well have been more attuned to any indications of sexual abuse in the children; and generally had CCC operated a more rigorous supervision regime it may have become aware of further allegations or evidence of sexual abuse.

It might also have known more about the risk of sexual abuse more generally.

A robust system of monitoring was more likely to have reduced the risks to the children, by triggering interventions to protect children from sexual abuse, and other harm.

2.6.3 Did CCC take sufficient care to protect its child migrants from sexual abuse?

Selection

7. We understand that CCC selected children for migration according to whether they were mentally and physically fit for life in a farm school. However, there are doubts as to whether the Home Office’s consent was obtained in relation to all children migrated.⁵⁶¹

Supervision/aftercare

8. As set out above, Ms Watkins did visit the Fairbridge schools personally and reviewed written reports about the children, but appears to have done so from a skewed perspective.

In light of all this evidence, CCC did not take sufficient care to protect child migrants from the risk of sexual abuse.

2.6.4 What has CCC, and more recently Cornwall Council, done in the post-migration period?

9. In around 1996, CCC received an allegation from two brothers that they had been sexually abused at Trenovissick Home Cornwall in the 1950s. Although these two individuals were not themselves child migrants, child migrants stayed at Trenovissick prior to migration.⁵⁶² CCC co-operated with the police investigation from 1996-1998⁵⁶³ (albeit that no charges followed).

Overall we consider that CCC’s response to these more recent allegations was adequate.

⁵⁶⁰ Cordery 14 July 2017 153/11-13.

⁵⁶¹ Cordery 14 July 2017 147/8-12.

⁵⁶² Cordery 14 July 2017 156/1-9.

⁵⁶³ Cordery 14 July 2017 156\15-19.

10. CCC has not been involved in any previous inquiries, participated in any other schemes designed to give redress to former child migrants, or paid any compensation to former child migrants.⁵⁶⁴ In September 2010, CCC's Councillor Neil Burden gave an apology to former child migrants. This apology was to former child migrants who may have been mistreated and especially those who may have been subjected to sexual abuse, and which was repeated in oral testimony before us by Mr Cordery. In the course of that apology, CCC made clear that it would provide counselling and support to former child migrants should they request it. Mr Cordery informed us that this counselling often takes the form of providing former child migrants with sufficient information about their history and family to allow them to "understand what had happened".⁵⁶⁵ CCC has not been approached by any former child migrant seeking compensation for sexual abuse.

CCC has broadly adopted a positive approach to the provision of support and reparations to former child migrants who have suffered sexual abuse, but could have taken a more proactive approach to the payment of individual compensation.

⁵⁶⁴ Cordery 14 July 2017 157/1-11; 156/15-19.

⁵⁶⁵ Cordery 14 July 2017 158/1-22; 161/1-4.

2.7 The Salvation Army

1. The Salvation Army UK (SAUK) is an international charitable organisation affiliated with Protestant Christianity, although it is not formally part of any church. Since it was founded in the mid-19th century, one of its focuses has been charitable works aimed at alleviating poverty around the world. The Salvation Army organises itself according to the territory in which it operates, with each country having a different Salvation Army structure and hierarchy. For the purposes of this Inquiry, the Chair and Panel considered evidence regarding the conduct of the Salvation Army's organisation in the UK, which we refer to as 'SAUK' in this report, because the SAUK was the part of the Salvation Army involved in the child migration programmes.

2.7.1 What was SAUK's role in child migration?

2. It has been estimated that SAUK assisted over 250,000 people (including children, adults and families) to migrate to Australia, Canada and New Zealand in the first half of the twentieth century. Its involvement in migration continued post-War but to a lesser extent.

3. It appears that the majority of the unaccompanied children SAUK migrated were aged 15/16 and so were properly classified as 'juvenile' migrants. Professors Constantine and Lynch have referred us to Government sources indicating that SAUK migrated 91 children to Australia from 1950-60, but the SAUK documentation refers to 71. The post-War SAUK migration to Canada is said to have been solely of older children.⁵⁶⁶

4. SAUK entered into agreements with the CRO in August 1957 and 1960, authorising it to select children under the age of 16 for migration, to provide the names and particulars of children for approval, to ensure that they received training to fit them for permanent settlement in Australia and to be responsible for the care and maintenance of those children.⁵⁶⁷ It appears likely that SAUK's role in child migration to Australia prior to 1957 was similar.

5. Mr Juster has indicated that the different parts of the Salvation Army around the world are "*legally independent entities*", albeit part of one worldwide movement. He has also said that "*at no stage did [SAUK] have any responsibility for, or control over, the work, behaviour and decisions of...the [SA] territories in Australia*" such that "*it cannot be considered to be responsible for what happened after the child migration ended*".⁵⁶⁸

6. Although three Australian institutions were approved by the Government to receive child migrants from SAUK, children were only migrated to Riverview, and the boys were generally only resident there for around three to six months before placed out in farmwork.⁵⁶⁹

⁵⁶⁶ Juster 14 July 2017 127-132; SVA000033_002-005; Lynch 21 July 2017 87-88; EWM000459_003; EWM000005_027; SVA000036_001; SVA000033_003-005; SVA000036_007-009.

⁵⁶⁷ Juster 14 July 2017 132-133; SVA000033_006; SVA000036_035-043.

⁵⁶⁸ SVA000047_001-002.

⁵⁶⁹ Lynch 21 July 2017 86-87. The other two establishments were Bexley and Goulborn (both in New South Wales); EWM000005_162.

7. The Inquiry did not hear any evidence during Part 1 from someone alleging child abuse while an SAUK migrant, nor does the table of additional accounts include any such evidence.

8. However, the Australian Royal Commission's report into the three Salvation Army homes (including Riverview) made findings of very serious incidents of sexual abuse over an extended period of time. It also noted a culture of violence, an inadequate inspection regime, a culture of discouraging disclosure of abuse and evidence of the Salvation Army moving offending officers between different children's homes, sometimes to protect its own external reputation, and potentially due to the religious devotional culture within the Army.

9. It appears that many of the allegations post-date the period when SAUK sent child migrants to Riverview (1962 at the latest), and there is no evidence that any of the allegations made to date have been made by former child migrants. However, of the 14 alleged abusers identified by the Commission, three (including one whom the Salvation Army in Australia recognises to have been one of its most serious sexual offenders) were on the staff at Riverview when child migrants were resident there.⁵⁷⁰

2.7.2 What did SAUK know about alleged sexual abuse of its child migrants?

10. The Inquiry accepts Mr Juster's evidence that SAUK had no actual knowledge of allegations or evidence of sexual abuse of its child migrants during the migration period.⁵⁷¹

However children were exposed to a risk of sexual abuse, which ought to have been appreciated by SAUK. Had SAUK operated a more robust process for monitoring the welfare of those children it migrated, it might have known more about specific allegations of sexual abuse and about the risk of sexual abuse more generally. A robust system of monitoring was more likely to have reduced the risks to the children, by triggering interventions to protect children from sexual abuse, and other harm.

2.7.3 Did SAUK take sufficient care to protect its child migrants from sexual abuse?

Selection

11. SAUK's selection process included a family meeting with a local officer, the completion of a form with details about the family background, the completion of "reasons why the minor has decided to leave home and migrate" and the provision of references. Boys were apparently also advised that Australia was far away, farming was hard work, and migration required careful thought. There was apparently a similar process for the Canadian scheme. It is understood that children would only have been sent overseas by SAUK with the consent of a parent.⁵⁷²

⁵⁷⁰ Lynch 21 July 2017 88-92; 98; EWM000046 see link: (<https://www.childabuseroyalcommission.gov.au/case-studies/case-study-05-salvation-army-boys-homes-australia-eastern-territory>), EWM000005_162-168; EWM000459_007; SVA000033_011; EWM000402_028; SVA000047_002.

⁵⁷¹ SVA000033_010; SVA000047_002.

⁵⁷² Lynch 21 July 2017 94/16-22; SVA000037_005-007; 013-019; 022-027; SVA000033_008.

Supervision/aftercare

12. Although the evidence is incomplete, we have seen correspondence confirming the safe arrival of, and reports about, child migrants at Riverview in 1952, 1954, 1955 and 1960. Mr Juster stated that responsibility for child migrants lay primarily with the receiving country, who were also responsible for aftercare, and Professor Lynch noted that there does not appear to have been an expectation of SAUK receiving reports about child migrants, although some reports were provided.⁵⁷³

13. Moreover, there is evidence that when concerns came to the attention of SAUK, they were not ignored and would be raised with the receiving institution:⁵⁷⁴ for example:

- a. in 1958, seven boys wrote with concerns about Riverview, which led Commissioner Ebbs (SAUK) to write to Colonel Cooper in Sydney, including a note that "*The Riverview Training Farm is under constant Government inspection...*"⁵⁷⁵; and
- b. in 1956, two child migrants raised concerns about Riverview being "*a kind of Borstal*" which was not what they had expected, which led to a series of concerns about Riverview being raised and ultimately its discontinuance as a receiving home for child migrants in 1960.⁵⁷⁶

However, Professor Lynch noted that these documents suggest that following concerns, reassurance was provided by correspondence from Australia, rather than any direct inspection of the institution from the UK.⁵⁷⁷

Conditions generally

14. The Salvation Army institution at Riverview (Queensland) was given Government approval to receive child migrants in 1950, and this was confirmed in 1952.⁵⁷⁸ The 1956 Ross mission raised concerns about the very poor level of accommodation and very unsuitable staff, such that the institution had nothing to commend it for child migrants at all, and on that basis it was put on the confidential "*blacklist*" of institutions.⁵⁷⁹ The Commonwealth Government's subsequent review did not include Riverview. This appears to be on the basis that they thought it only housed boys in the juvenile range. Perhaps as a result, boys continued to be sent to Riverview until 1960.⁵⁸⁰

15. The 1957 agreement referred to above required that the staff caring for the children be sufficient in number, include women and be as far as possible persons with knowledge and experience of child care methods. Reference was also made to the need for the children to have adequate opportunity to assimilate into Australian

⁵⁷³ SVA000037_041-044; SVA000038_001-024; SVA000033_009; Lynch 21 July 2017 95/17-25.

⁵⁷⁴ SVA000033_011.

⁵⁷⁵ SVA000038_026-029.

⁵⁷⁶ SVA000038_030-056.

⁵⁷⁷ Lynch 21 July 2017 97/11-14.

⁵⁷⁸ EWM000459_003; EWM000402_027.

⁵⁷⁹ Lynch 21 July 2017 97-98.

⁵⁸⁰ Lynch 21 July 2017 98/4-13.

life, and other aspects of care,⁵⁸¹ although in light of the lack of systematic reporting, the Inquiry does not understand how SAUK can have been satisfied that these conditions were being met.

We note that it was decided in 1959 that migrants would no longer be sent to Riverview because it was clear it was no longer acceptable.

While SAUK operated a more rigorous selection process than some other sending institutions, its limited supervision and aftercare processes meant that it did not take sufficient care of child migrants to protect them from the risk of sexual abuse.

2.7.4 What has SAUK done in the post-migration period?

16. In response to the UK government’s 2010 apology, SAUK produced a statement referring to the apology given in 2004 by the Salvation Army in Australia to former residents who had been subjected to any form of abuse. This was reiterated in 2009, with deep regret for “any part we may have played in causing...child migrants to have suffered abuse and neglect thousands of miles from home”. SAUK has not provided any compensation or redress to any child migrant, albeit the Salvation Army Australia has).⁵⁸²

Although SAUK has apologised, we have not seen any evidence that it provided any other service to former child migrants, such as counselling, nor has it been proactive with regard to compensation to individuals.

SAUK’s statement that it had no ongoing responsibility for the children it migrated was not consistent with what was expected of a “parent organisation” at the time of migration.

⁵⁸¹ SVA000036_037.

⁵⁸² SVA000039_001; SVA000033_011.

2.8 The Church of England Advisory Council for Empire Settlement

1. The Church of England Advisory Council on Empire Settlement (CEACES) was a part of the Church of England devoted to managing the Church of England's participation in the child migration programmes. It had a logistical and information-providing role in the child migration programmes, coordinating the migration of children to affiliated institutions in Australia.

2.8.1 What was the role of the CEACES in child migration?

2. From 1947-1965, the CEACES was responsible for migrating 408 children to Australia. In common with other Church of England organisations, CEACES saw migration both as a means to benefit the children and an opportunity to strengthen the church's presence in Australia.⁵⁸³ The CEACES did not manage any childcare institutions but provided information/logistical services that facilitated migration, in response to block nominations sent from Church of England-affiliated institutions in Australia.⁵⁸⁴ The CEACES migrated children to Church of England institutions in Australia, such as Clarendon in Tasmania and various Swan Homes.⁵⁸⁵

3. The Inquiry heard no evidence from a former CEACES child migrant alleging sexual abuse, but the experts have identified two such allegations,⁵⁸⁶ and our table of further accounts includes six allegations of abuse at Swan Homes,⁵⁸⁷ to which the CEACES migrated children.

2.8.2 What did the CEACES know about alleged sexual abuse of its child migrants?

4. The Inquiry has seen no evidence that CEACES was informed of allegations or evidence, during the migration period, of the sexual abuse of child migrants⁵⁸⁸.

2.8.3 Did the CEACES take sufficient care to protect its child migrants from sexual abuse?

Selection

5. A 1953 memorandum indicates that after children had been referred to the CEACES (about which process little is known), they were subjected to a reasonably thorough interviewing and screening process, which included interviews of their parents. From 1958, the CEACES' policy was that where a child had a living parent, that child would only be accepted for migration if the parent had also been accepted for migration and would follow the child.⁵⁸⁹

⁵⁸³ EWM000460_002-003.

⁵⁸⁴ Constantine 11 July 2017 137/4-13; EWM000460_003-005.

⁵⁸⁵ Constantine 11 July 2017 137/3-13.

⁵⁸⁶ EWM000460_007.

⁵⁸⁷ INQ001259.

⁵⁸⁸ EWM000460 para 3.10.

⁵⁸⁹ EWM000460_003.

Supervision/aftercare

6. It appears that the CEACES delegated supervisory responsibility to local Church of England-affiliated committees or to the institutions themselves.⁵⁹⁰ There is some evidence of reporting about CEACES-migrated children sent back to the CS.⁵⁹¹

Inspection and reporting

7. The CEACES appears to have carried out one inspection, conducted by its Secretary Ms Jones in 1955 and 1956. What information exists about her findings suggests that they were uniformly positive: she visited every home and was satisfied with what she saw. However, her views were at odds with the findings of the Ross Mission, which was conducting its inspections at around the same time, and which was critical of some of the homes.⁵⁹²

Based on the evidence available, there are concerns about whether the CEACES' inspection and reporting processes were robust.

2.8.4 Post-migration matters

8. The CEACES no longer exists. The Inquiry has not seen any evidence relevant to the issue of support and reparations for former child migrants in respect of CEACES.

⁵⁹⁰ EWM000460_005.

⁵⁹¹ Constantine 11 July 2017 138/2-9.

⁵⁹² EWM000460_005-006.

2.9 The Sisters of Nazareth

1. The Sisters of Nazareth (SoN) is a Catholic order of nuns founded in the nineteenth century in France. It operates through an international network of “Nazareth Houses”, which provide lodgings to the nuns and care services to the local community. Historically, the SoN provided care to children and the elderly. However, in more recent times it has restricted its work to the elderly. Sister Anna Maria Doolan, the Regional Superior of the SoN for the United Kingdom, gave testimony to the Inquiry on behalf of the SoN.

2.9.1 What was the SoN's role in child migration?

2. The SoN migrated 145 children to Canada, largely to individual stations, family homes and farms, from 1881-1930. There was also some migration to Australia from 1928. Post-War, from 1945-1963, 63.1% of the 958 children migrated by the Catholic Church were said to have been ‘*nominally in the care of the Sisters of Nazareth organisation*’.⁵⁹³ The SoN did not migrate children after 1956. Sister Anna Maria gave evidence that although there is an absence of documents from the time period to this effect, she understood the SoN's rationale for migration was to give the children a better life, to help build up the country and to help the Catholic population in Australia.⁵⁹⁴

3. During the migration period, the SoN was responsible for up to 32 Nazareth Houses in England and Wales, many of which migrated children. Some Houses appeared more active in migration than others: for example Swansea, Carlisle, Hammersmith and Southend migrated 72, 43, 36 and 35 children respectively.⁵⁹⁵ The SoN responded to requests for children to be migrated from representatives of the Catholic Church hierarchy in Australia, including from Brother Conlon (who was affiliated to the Christian Brothers).⁵⁹⁶

4. The SoN was one of the few organisations that played a prominent role both as an institution in the UK from which children were sent and as an institution by which children were received in Australia. The SoN in the UK migrated children to the following SoN institutions in Australia:

- a. Nazareth House, Geraldton;
- b. Nazareth House, Camberwell (Victoria); and
- c. St Joseph's Orphanage, Neerkol.

5. The SoN also migrated children to institutions run by a number of other organisations, namely the Sisters of Mercy (girls only), the Salesians (boys only), the Sisters of Charity, the Sisters of the Sacred Heart and the Christian Brothers (boys only).⁵⁹⁷

⁵⁹³ Doolan 13 July 2017 121/3-18; CHC000566_030; CHC000416_005.

⁵⁹⁴ Doolan 13 July 2017 120/4.

⁵⁹⁵ Doolan 13 July 2017 126/20-25; 118/25-119/5.

⁵⁹⁶ Doolan 13 July 2017 124/1-4.

⁵⁹⁷ Doolan 13 July 2017 127/10-13; 16-19.

6. During Part 1 we heard allegations of sexual abuse from eight witnesses who had been migrated by the SoN.⁵⁹⁸ In addition, the SoN has been informed of several allegations as set out below. The table of other allegations with which we have been provided⁵⁹⁹ refers to six allegations of abuse within SoN institutions.

2.9.2 What did the SoN know about alleged sexual abuse of its child migrants?

7. One letter, received by the SoN in March 1952, makes reference to very serious “misbehaviour” and “problem children”. It may be that this letter was intended to allude to sexual abuse, but it is impossible to draw any conclusions either way.⁶⁰⁰

Overall the Inquiry has seen no evidence to suggest that the SoN had actual knowledge of allegations or evidence of sexual abuse of child migrants.

The Inquiry is, however, very conscious of the paucity of migration-related material available from the SoN archive. Given the number of children migrated and the length of time for which migration continued, we are surprised both by the absence of relevant material and by the lack of any explanation for that absence.

If in fact the SoN had no knowledge of any sexual abuse issues, this may well have been due to the defects in its monitoring systems which we discuss below.

Generally children were exposed to a risk of sexual abuse, which ought to have been appreciated by the SoN.

Had the SoN operated a more robust system for monitoring the welfare of those children it migrated, it might have known more about specific allegations of sexual abuse and about the risk of sexual abuse more generally. A more robust system of monitoring was more likely to have reduced that risk by triggering interventions to protect children from sexual abuse, and other harm.

2.9.3 Did the SoN take sufficient care to protect its child migrants from sexual abuse?

Selection

8. We were told that the limited evidence about the SoN’s selection process suggests that once a child had been selected for migration by the Sister Superior of a Nazareth House, the decision had been taken that they were going to Australia. The child would be examined by a medical professional and by an immigration professional, both from the Department for Immigration, before they were allowed to set sail.⁶⁰¹ However, we understand that these were standard checks carried out for all children due to be migrated and do not reflect any process by the SoN itself.

⁵⁹⁸ CM-A4 (1 March 2017 2-60); Oliver Cosgrove (1 March 2017 81-145); CM-A6 (1 March 2017 60-81); CM-A5 (3 March 2017 1-66); Francis Hanley (3 March 2017 66-82); Michael O’Donoghue (3 March 2017 83-168); CM-A13 (7 March 2017 48-64); and CM-A11 (8 March 2017 31-67).

⁵⁹⁹ INQ001259.

⁶⁰⁰ SNZ000013.

⁶⁰¹ Doolan 13 July 2017 128/7-11; 130/10-13.

9. There is evidence of the SoN co-operating with “direct” recruitment visits by Australian representatives when the same had been disapproved of by the CCWC (although the SoN may not have known of this disapproval). There appears to have been a concern within the SoN to satisfy the number of children requested by Australia; and those children migrated by the SoN in 1947 did so without a maintenance agreement in place (although it was subsequently backdated).⁶⁰² The Inquiry has seen a 1952 letter from the SoN’s Superior General to Nazareth House, Hammersmith in which the former informed the latter that “[t]wenty girls are required at once for Nazareth House, Geraldton, WA, and I am consenting to the girls going”.⁶⁰³ We consider this to reflect the frequently impersonal tone of the selection process, in which the organisation’s interests appeared to take precedence over those of the children.

10. The Inquiry heard from experts that parental consent was obtained in a particularly low proportion of the children migrated by the SoN.⁶⁰⁴

The SoN did not have a rigorous selection process for child migrants. The priority seems to have been to meet the ‘quotas’ requested by Australia, and not whether each individual child would benefit from migration. This suggests that organisational interests took precedence over the welfare of the individual children as far as selection was concerned and this informs our approach to the broader issue of sufficiency of care.

Inspections of institutions

11. The Inquiry heard evidence that the Mother Superior General from England, with one or more members of her Council, would conduct inspections of the Nazareth Houses in Australia once every three years. The Mother Superiors may have been contacted at other times; and there is some evidence relating to visits to the homes by the local child welfare departments. We heard evidence from Sister Anna Maria that reports from child welfare departments may have been sent back to the CCWC, but that there was no evidence to suggest that they had been sent to the SoN in the UK.⁶⁰⁵

12. However, Sister Anna accepted that the documents suggest that where inspections were known about in advance, the homes tended to organise themselves and adopt a more positive footing in preparedness for an inspection.⁶⁰⁶ Similarly, Mr Cosgrove’s evidence suggested that inspection visits would be met with a great deal of pre-planning. He recalled that former child migrants had often alleged that inspectors were not permitted to interact with children to any great extent; that institutions would be cleaned and tidied ahead of any visit; and that children would be “spruced up” by, for example, being given shoes where they normally went about bare footed.⁶⁰⁷

⁶⁰² Doolan 13 July 2017 122/1-4; 124/25; 128/22-24; 152/10-21; Lynch 11 July 2017 86/16-25; 88/20-23; 95/13-21; 97/16-18; EWM000402-010. See also on the “direct” recruitment visits Stock 18 July 2017 53; Lynch and Constantine 17 July 2017 162-163 and SoN Closing Statement, para.58.

⁶⁰³ SNZ00013_001.

⁶⁰⁴ Doolan 13 July 2017 131/11-23.

⁶⁰⁵ Doolan 13 July 2017 132-133, 133/8-14, 134-135.

⁶⁰⁶ Doolan 13 July 2017 149/6-8; SNZ000077_014.

⁶⁰⁷ INQ000034_026-027.

13. This process does evidence the SoN seeking to have some “on the ground” assessment of the Nazareth institutions in Australia. However, given the pre-planning referred to above, the reports of such inspections are only likely to have given a superficial assessment of the conditions of care of the children and given the climate within many of the homes, it is unlikely that children would feel able to speak freely if they were spoken to at all. There is also no evidence that such visits took place to the non-Nazareth institutions in Australia to which the SoN migrated children.

Supervision/aftercare

14. There are references in the documents to the Australian Nazareth Houses sending progress reports on children to the Mother Superior in Nazareth House, Hammersmith, London, but we have seen no clear evidence as to the frequency of these reports and no copies of any such reports remain in the SoN archive. This may be because the reports were sent to the CCWC, but its archive does not assist with any number of these reports.⁶⁰⁸

15. There is therefore no clear evidence of a reporting system such as those operated by some other institutions involved in child migration. Therefore the Inquiry is not able to assess whether the Nazareth House reports amounted to an effective mechanism for checking on the welfare of the children or not.

16. The situation was very different in relation to those children sent to institutions run by organisations other than the SoN in Australia, in relation to whom there was no follow up: “once the children were handed over to the care of the Christian Brothers, we wouldn’t have followed up on them; that the Christian Brothers would be responsible for their future and the care of them going forward.” This was the approach taken by the SoN because they “had no reason to mistrust the other orders”. Sister Anna Maria accepted that this approach was likely to have meant that the SoN had “no way of knowing how well the children were looked after”.⁶⁰⁹

The failure to have any reporting system in place at all for the non-SoN homes was irresponsible and in breach of Home Office expectations, and the expected practice of the day. Its reporting system from SoN homes was also not fully effective.

As with the League, we cannot accept that the failure to preserve migration records was an unwitting oversight. It indicates a failure to have the welfare and needs of the children as priorities. This gives us an additional insight into the care provided for the children at the time of the migration programmes.

In light of all the evidence referred to above, the SoN did not take sufficient care to protect its child migrants from the risk of sexual abuse.

⁶⁰⁸ Doolan 13 July 2017 132/14-25; 135/11-15; 135/17-19; SNZ000041.

⁶⁰⁹ Doolan 13 July 2017 136/8-137/12.

2.9.4 What has the SoN done in the post-migration period?

17. The SoN began to receive reports alleging sexual abuse from former child migrants in the early 2000s, and several more have come to their attention during their engagement with this Inquiry.⁶¹⁰

18. In the mid-2000s, the SoN and the Catholic Children's Society (Westminster) (CCSW) co-funded a scheme that offered counselling services to former child migrants over the course of three/four years, and some funding associated with this scheme remains available for the use of former child migrants.⁶¹¹

19. The SoN contributed financially to 'Beyond Healing', an Australian redress scheme set up to assist former child migrants in dealing with the trauma of the abuse they had suffered, and to help them to seek appropriate redress from the institutions involved. The scheme included mediations between former child migrants and institutions involved in their migration, which led to some financial settlements and/or the writing of letters of apology for former child migrants.⁶¹²

20. Additionally, in January 2005, the SoN gave an apology to former child migrants, which was repeated during her testimony before us.⁶¹³

The SoN took a more constructive approach to providing support and reparations to former child migrants alleging sexual abuse than other institutions, albeit that it has not paid compensation for sexual abuse on any proactive basis.

⁶¹⁰ Doolan 13 July 2017 138/17-24.

⁶¹¹ Doolan 13 July 2017 144, line 24 to 145, line 7; see also SNZ000047.

⁶¹² Doolan 13 July 2017 141/5-22; SNZ000067_010.

⁶¹³ Doolan 13 July 2017 14-24; 143/18-144/9; SNZ000077_023.

2.10 Father Hudson's

1. Father Hudson's (FH) was established in 1902 as the Birmingham Diocesan Rescue Society for the protection of homeless and friendless Catholic children. FH built a network of children's homes and hostels in the Birmingham area. FH's corporate witness was Mr Andrew Quinn, its Chief Executive Officer since April 2015.⁶¹⁴

2.10.1 What was FH's role in child migration?

2. FH migrated 132 children to Australia from 1947-1956. Its child migration was co-ordinated by a subcommittee of the Catholic Child Welfare Council (CCWC), of which FH was a member. Canon Flint, FH's administrator, was also the secretary of the CCWC, and a member of the Catholic Council for British Overseas Development (CCBOS).

3. The Inquiry did not see any evidence of a rationale for FH's involvement in child migration schemes. As a member of the CCWC, it was likely that FH shared the rationale of the CCWC as a whole.⁶¹⁵

4. Children were selected from FH's homes, which were mainly in Coleshill (Birmingham), or in homes belonging to religious orders: 39 of the 132 children were selected from Nazareth House.⁶¹⁶

5. Of the 132 FH children who were migrated, 80 went to institutions in Western Australia (including 47 to the Christian Brothers institutions at Castledare, Tardun, Clontarf and Bindoon) and 26 went to St Joseph's, Neerkol (Queensland). The remainder went to either the Sisters of Mercy or Sisters of Nazareth in South Australia, Victoria or NSW, or to the Salesians in Tasmania.⁶¹⁷

6. The Australian Royal Commission and earlier inquiries have reported significant levels of sexual abuse at St Joseph's Orphanage, Neerkol.⁶¹⁸ During Part 1 we heard allegations of sexual abuse from two witnesses who had been migrated by FH: CM-A17 and Edward Delaney.⁶¹⁹ In addition FH has been informed of several allegations as set out below.

2.10.2 What did FH know about alleged sexual abuse of its child migrants?

7. Mr Quinn stated that FH's review of files in 2016, revealed no evidence that FH was aware during the migration period of allegations or evidence of sexual abuse of child migrants.⁶²⁰ The Inquiry did not see any evidence to contradict this.⁶²¹

⁶¹⁴ Quinn 17 July 2017, 54-55.

⁶¹⁵ Quinn 17 July 2017 55-57; FHN000034_001; 003; 006.

⁶¹⁶ Quinn 17 July 2017 58/2-14.

⁶¹⁷ FHN000034_006.

⁶¹⁸ Constantine 10 March 2017 121, 123, 127-129, 162; Lynch 17 July 2017 25-26; Australian Royal Commission, Report of Case Study 26 (March 2016), 9.

⁶¹⁹ A17 (7 March 2017 64-82) and Edward Delaney (7 March 2017 83-141).

⁶²⁰ FHN000034_007-008 [38]-[40].

⁶²¹ There is, within the Father Hudson's material provided to us, a 1961 letter which we consider indicates potential sexual abuse of child migrants (Lynch 17 July 2017 35-39; FHN000047_001). However this was addressed to Canon Flood at the CCWC and so does not appear to relate directly to Father Hudson's. We consider this letter further in section 3.11 which reviews the evidence in relation to the CCWC and the Catholic Church generally.

However, children were exposed to a risk of sexual abuse, which ought to have been appreciated by FH. Had FH operated a more robust system for monitoring the welfare of those children it migrated, it might have known more about specific allegations of sexual abuse and about the risk of sexual abuse more generally. A more robust system of monitoring was more likely to have reduced that risk by triggering interventions to protect children from sexual abuse, and other harm.

2.10.3 Did FH take sufficient care to protect its child migrants from sexual abuse?

Selection

8. FH apparently considered the question of whether there was a preferable placement for each child via adoption or return to their family. Otherwise there is little evidence of selection criteria other than those set by the Australian authorities; and the usual medical and other checks.⁶²² Mr Quinn explained that consent was provided for each of the 132 children migrated: in 56 cases by a parent, in 70 cases by the Administrator, and in six cases by another organisation.⁶²³ We note that while CM-A17's mother signed the consent form, she later wrote to Canon Flint saying that he had not let her know that her children were being migrated.⁶²⁴

9. This raises a question about whether in all cases parental consent was indeed fully informed, albeit that the evidence suggests that FH made more effort than some other sending organisations to obtain some form of consent in respect of each child.

10. However, the Inquiry notes that in the case of a group of girls sent from Nazareth House in Rednal, Canon Flint had signed the migration forms as both the sponsoring organisation and the child's guardian⁶²⁵ (and this also occurred in Edward Delaney's case).⁶²⁶ The Inquiry considers that where one person signed both aspects of the migration form in this way, especially where that person appeared to have been a powerful advocate for child migration, this raises questions about a conflict of interest in the provision of that consent; and whether the approval for migration was genuinely in the best interests of the child.

11. The Inquiry heard evidence that some child migrants migrated by FH in 1947 or 1948 were sent before there was a written maintenance agreement in place.⁶²⁷ This fits with the wider evidence that at times the focus of the Catholic Church migrating organisations appears to have been to migrate children as quickly as possible, which may have operated to the detriment of the individual children.⁶²⁸

⁶²² Quinn 17 July 2017 60-61; 68-70.

⁶²³ Quinn 17 July 2017 60-61; FHN000034_004 [21].

⁶²⁴ CM-A17 7 March 2017 80-81; CMT000305_001.

⁶²⁵ Lynch 17 July 2017 30-32.

⁶²⁶ Delaney 7 March 2017 89/13-19; 129-130 ; CMT000469_002-003.

⁶²⁷ Lynch 17 July 2017 34/12-21; EWM000443_010.

⁶²⁸ Lynch 17 July 2017 14-15.

Supervision/aftercare

12. FH has not been able to locate any reference to safeguarding policies or procedures from 1945-1974, nor any documents concerning the monitoring of child migrants' welfare. There was no system in place that required comprehensive reports on individual children to be sent back to FH. There were some reports from some institutions and from the CCWC, but these were inconsistent in length, frequency and detail, and given Canon Flint's roles within FH, the CCWC and the CCBOS, it is not always clear in what capacity this limited form of monitoring was taking place.⁶²⁹ It was typical of the Christian Brothers' approach in Western Australia not to keep records on individual children.⁶³⁰ In our view, more information about the children should have been requested and sent back to the UK.

13. Letter-writing from individual children was encouraged by Father Stinson.⁶³¹ We consider that it was important for children to be able to write letters, but that this was by no means a substitute for official and independent monitoring, especially when letter-writing was conducted in the way we heard it was (including vetting of letters and dictation of their content: see Part B.2). In any event FH seem to have regarded this more as an advertising or recruiting tool than as a supervision or aftercare tool.⁶³²

14. Australian child welfare officials had some involvement with the Catholic receiving institutions. However, we have seen reference in CCWC minutes from 1952 to "*great understanding between the Brothers, Nuns and the Department*"⁶³³ and a move from unexpected inspections of institutions to planned reviews.

Planned reviews would have made inspections much less effective and rigorous. Moreover, there is no evidence that that any reports from the Australian child welfare authorities were sent to FH in the UK.⁶³⁴

15. Overall, the Inquiry agrees with Professors Lynch and Constantine that the monitoring undertaken by FH was towards the more minimal end of the range of institutions examined.⁶³⁵ FH appears to have assumed that the children's welfare would be safeguarded because they were the legal responsibility of the Australian Minister for Immigration and would be at a Catholic institution.⁶³⁶

This trust does not appear to have been well-founded given the intermittent reports that were in fact received.⁶³⁷ ***It was not reasonable for FH to have delegated responsibility for the children's welfare in this way. We consider that reasonable practice at the time required some more effective form of supervision and aftercare by the sending institution.***

⁶²⁹ Lynch 17 July 2017 3/9-20; 5-8; 6/12-19.

⁶³⁰ Lynch 17 July 2017 17/6-23.

⁶³¹ Lynch 17 July 2017 9-10.

⁶³² Lynch 17 July 2017 9-10.

⁶³³ FHN000011_028.

⁶³⁴ Lynch 17 July 2017 17-18; 21-22; FHN000011_028.

⁶³⁵ Lynch 17 July 2017 22-23.

⁶³⁶ Quinn 17 July 2017 65; FHN000034_005, [24].

⁶³⁷ The experts note: "There was no guarantee that children sent overseas by Fr Hudson's would have any information about their welfare returned by receiving organisations, and what information was sent back is reported to have been occasional and minimal": EWM000443_006.

16. The Inquiry considers that FH would have known what was expected of them in respect of monitoring in at least the following ways:

- a. Canon Flint was aware of the draft regulations circulated by the Home Office to sending agencies in 1952, which referred to the need to ensure post-migration monitoring, including annual written reports;⁶³⁸ and
- b. we note that there were multiple recommendations in CCWC minutes that institutions should be inspected.⁶³⁹

In light of all the evidence referred to above, FH did not take sufficient care to protect its child migrants from the risk of sexual abuse.

2.10.4 What has FH done in the post-migration period?

17. In 1995, a former child migrant alleged through the CMT that they had been sexually and physically abused in Australia.⁶⁴⁰ The person had not been based in FH's homes but at Nazareth House. The duty worker reported this to the senior social worker who liaised with the former child migrant and the CMT.⁶⁴¹

18. In 1997, the sister of a former child migrant stated that her brother had been sexually abused in Australia and wished to see his records. Efforts were made to ensure that the person had support in Australia.⁶⁴²

19. FH was informed that a child migrant who had died in 1997 had been sexually abused by the Christian Brothers.⁶⁴³ As the person had died, it was considered that nothing could be done.

20. In 1998, the sister of a former child migrant told FH that her sister had been sexually abused and whipped before going to Australia.⁶⁴⁴ There was communication between FH and the CMT in relation to making records available.⁶⁴⁵

21. In 2010, a further allegation was made to FH about sexual abuse by the Christian Brothers.⁶⁴⁶ FH's response to this allegation is not clear.

22. In 2016, the files were reviewed, and an allegation made in 1992, and passed to FH in 2002, was read.⁶⁴⁷ The reason that the files were not read until 2016, was that the files were taken over by the Australian Child Migrant Project in 2002, work was continued within that project, and the files were formally returned to FH in 2005. It is not clear why the information about allegations of sexual abuse was not fed back to FH, even though it was being handled by a separate agency at the time. It is not clear that anything was done by FH specifically in response to that allegation when the information was discovered in 2016.

⁶³⁸ Lynch 17 July 2017 13-14; EWM000443_004-005.

⁶³⁹ Quinn 17 July 2017 67/7-21.

⁶⁴⁰ FHN000049.

⁶⁴¹ Quinn 17 July 2017 75-76.

⁶⁴² Quinn 17 July 2017 76/10-25.

⁶⁴³ Quinn 17 July 2017 77; FHN000052.

⁶⁴⁴ FHN000050.

⁶⁴⁵ Quinn 17 July 2017 76/5-9.

⁶⁴⁶ FHN000053.

⁶⁴⁷ FHN000054_006-013.

23. Finally, one former child migrant alleged sexual abuse during the train journey to the boat. It was revealed through the Inquiry's deciphering process that the alleged perpetrator in this case was Canon Flint.⁶⁴⁸ If true, this is striking given Canon Flint's heavy involvement in the scheme and in three different Catholic organisations. Although Canon Flint was known to have been deceased since 1982, the matter was reported to Warwickshire Police and the former child migrant's solicitor informed.⁶⁴⁹

While we do not have evidence about FH's responses to all of the allegations of sexual abuse of child migrants that have come to its attention during the post-migration period, its response in those cases where we do have information has been broadly adequate.

24. FH has a Historical Abuse Policy.⁶⁵⁰ It will take allegations seriously, pass them to the police (even where the alleged perpetrator is deceased) and offer appropriate support and advice.

25. It has funded the *Origins* service (a professional social work service established in 1993, rated Outstanding by Ofsted) to the value of £874,000); and participated in round-tables and the formulation of good practice in the *Good Practice Guide on Access to Information for Adult Care Leavers* in 2016.⁶⁵¹

26. In relation to counselling, the Chief Executive Officer decides if independent counselling would be funded by FH. However, FH has not been asked to provide that service.⁶⁵²

27. Of the 130 FH former child migrants, 110 have made enquiries of one kind or another; and FH states that it has a very good relationship with the CMT.⁶⁵³

28. Although the Catholic Church has collectively made apologies, and some compensation has been paid abroad, FH has not previously made any public statements or paid any compensation for child sexual abuse.⁶⁵⁴ During the hearing, Mr Quinn apologised on behalf of FH, stating that he had heard "*new accounts of appalling sexual, physical and emotional abuse*". He expressed "*remorse*" and apologised to all children and their families who had suffered or were traumatised as a result of child migration.⁶⁵⁵

The Inquiry welcomes the apology from FH to victims of child sexual abuse during these proceedings, but it is unfortunate that no apology was given before this stage. Moreover while FH has taken steps to provide support and reparations to former child migrants alleging sexual abuse, it has not proactively offered compensation for sexual abuse.

⁶⁴⁸ Quinn 17 July 2017 79/14-20; Lynch 17 July 2017 50.

⁶⁴⁹ Quinn 17 July 2017 81/1-11; FHN000034_010.

⁶⁵⁰ FHN000083.

⁶⁵¹ Quinn 17 July 2017 82/5-24; 86/1-5; 84; 91; FHN000082_003.

⁶⁵² FHN000082_004; Quinn 17 July 2017, 90.

⁶⁵³ Quinn 17 July 2017 83/16-18; 84/4-11.

⁶⁵⁴ Quinn 17 July 2017 80/13-19.

⁶⁵⁵ Quinn 17 July 2017 92/11-25 - 93/1-15; FHN000082_12.

2.11 The Catholic Church

1. In this section we consider the overall role of the Catholic agencies in child migration, with a particular focus on those sending agencies linked to the Catholic Church other than Father Hudson's and the Sisters of Nazareth, who have been considered separately in sections 2.9 and 2.10. To assist us in understanding this area, we considered witness evidence from the Reverend Christopher Thomas (from the Catholic Bishops' Conference), Bishop Howard Tripp (from the Southwark Catholic Rescue Society), Mary Gandy (from the Catholic Child Welfare Council), Dr Rosemary Keenan (from the Catholic Children's Society (Westminster) and the Right Reverend Marcus Stock.

2.11.1 What was the overall role of the Catholic Church in child migration?

2. Pre-War, Catholic agencies migrated over 10,000 children to Canada,⁶⁵⁶ and 115 to Australia.⁶⁵⁷ It then migrated an estimate of 958 children to Australia with 946 under the auspices of the Australian Catholic Immigration Committee ("ACIC"), from 1945-1956.⁶⁵⁸

3. The Catholic agencies' rationales for involvement in the programmes included the best interests of the child, the provision of better living conditions for them, the safeguarding of their religious faith, the growth of the Catholic faith within Australia itself, financial considerations and the social imperial motivation of populating the Empire with white British stock.⁶⁵⁹ Documents from that period refer to the appeal of migration being "*the saving of children from undesirable parents*"⁶⁶⁰ and securing the "rescue" of children.⁶⁶¹

4. The witnesses and the experts provided us with an understanding of the overarching Catholic institutions involved in post-War migration, which can be summarised as follows:

- a. the Catholic Child Welfare Council (CCWC), which from 1929 was an umbrella body for diocesan societies⁶⁶² involved in migration (albeit that it had a wider child welfare remit), that discussed general principles and conducted some limited post-migration monitoring of the children but had no supervisory or regulatory role;⁶⁶³

⁶⁵⁶ Gandy 18 July 2017 141; CCS000214_007.

⁶⁵⁷ 69 in 1938 and 46 in 1939; Stock 18 July 2017 25/20-24.

⁶⁵⁸ Lynch and Constantine 17 July 2017 97; Stock 18 July 2017 26-27; CHC000537_004.

⁶⁵⁹ Stock 18 July 2017 38-40; 152-153; Lynch and Constantine 17 July 2017 95; CCS000208; CCS000224_008.

⁶⁶⁰ See the observations to this effect by Canon Craven in November 1946: CHC000403_011.

⁶⁶¹ See the letter from Father Cleary noting the views of the CCWC in February 1951: CHC000424.

⁶⁶² Mary Gandy's understanding was that religious orders such as the SoN joined the CCWC after the migration period: Gandy 18 July 2017 130-131; CHC000397_004.

⁶⁶³ Stock 18 July 2017 59-60; Gandy 18 July 2017 130; 134;142-143; Lynch and Constantine 17 July 2017 133; 135-137.

- b. the Catholic Council for British Overseas Settlement (CCBOS), which from 1939, had exclusive control and management of the emigration and settlement of all children/juveniles up to the age of 17, and was the organisation with whom the UK government believed it was dealing up to 1948,⁶⁶⁴ and
 - c. the Federal Catholic Immigration Committee (FCIC), a sub-committee of the Episcopal conference in Australia, which, from 1947, became the Catholic organisation which had the formal child migration agreement with HMG.⁶⁶⁵
5. Post-migration, custodianship of children in the Christian Brothers' institutions in Australia was given to the Catholic Episcopal Migration and Welfare Association (CEMWA) rather than to the Christian Brothers themselves.
6. There was clearly some fluidity as to how the various organisations and the individuals within them operated in practice: for example, Brother Conlon (affiliated to the Christian Brothers) conducted direct recruitment visits on behalf of the Australian church authorities,⁶⁶⁶ but signed some documentation on behalf of the CCWC; and Canon Flint was the administrator of Father Hudson's as well as Secretary of CCBOS from April 1947, and Emigration Secretary of the CCWC between the early 1950s and 1956.⁶⁶⁷
7. In Canada, some children migrated by the Catholic Church were received at St George's Home in Ottawa and then placed at individual farms or with foster parents. In Australia, the receiving institutions included St Vincent de Paul Orphanage, Goodwood St Joseph's, Neerkol, and Christian Brothers schools (Castledare, Clontarf, Tardun and Bindoon). Over half the children migrated post-War went to Christian Brothers' institutions.⁶⁶⁸
8. As described in Part B.2 above, several previous reports and inquiries have considered the issue of child sexual abuse at institutions in Australia to which Catholic agencies in England and Wales migrated children.
9. The Australian Royal Commission, in its Case Study 26 into St Joseph's Neerkol, recorded that the previous 'Forde' Inquiry had observed that child sexual abuse at the orphanage was perpetrated by a range of persons, including workers, visitors and priests. The Commission heard from 12 former residents, who detailed serious emotional, physical and sexual abuse at the orphanage.⁶⁶⁹

⁶⁶⁴ CCBOS was understood by the experts to be a successor organisation to (i) the **Catholic Emigration Association**, established in 1903, which acted as an amalgamation of various Catholic emigration bodies and was responsible for children aged under 17 until the early 1930s (in Canada); and (ii) the **Catholic Emigration Society**, which was initially responsible for emigrating families and adults, but in 1938 took over responsibility for children being migrated to non-Catholic children's homes, and was dissolved in November 1938: Lynch and Constantine 17 July 2017 137-138.

⁶⁶⁵ The experts noted that this was the only such organisation that was based outside of the UK (although the agreement was with the FCIC's London Office, known as ACIC); and considered that the effect of this arrangement was to give the Catholic authorities in Australia significant control in terms of child migration activities: Lynch and Constantine 17 July 2017 140-142. We note that the London office closed down in 1953: CHC000430.

⁶⁶⁶ As did Father Stinson and Father Nicol (priests). Such direct recruitment visits were frowned upon by the CCWC, but continued nonetheless: Stock 18 July 2017 53; Lynch and Constantine 17 July 2017 162-163.

⁶⁶⁷ Lynch and Constantine 17 July 2017 134-135; 157-159; Stock 18 July 2017 41; 53.

⁶⁶⁸ Stock 18 July 2017 28; CCS000224_006-007; CCS000210; CHC000396_021-023.

⁶⁶⁹ EWM000045 see link:

(<https://www.childabuseroyalcommission.gov.au/case-studies/case-study-26-st-josephs-orphanage-neerkoll>)

10. As far as the Western Australian Christian Brothers' institutions are concerned, the *Lost Innocents* report concluded that while its inquiry was concerned with all child migrant institutions in Australia, "*the four Christian Brothers institutions in Western Australia stand out as the most culpable in their duty of care in relation to the physical and sexual violence that occurred within them*".⁶⁷⁰

11. In its Case Study 11 into those institutions, the Australian Royal Commission heard evidence of many boys being sexually, physically and emotionally abused. Eleven men gave oral evidence at the hearings, during which they made allegations of sexual abuse against sixteen Christian Brothers. The Commission found that that in each decade from 1919 to the 1960s, there were allegations of child sexual abuse against Brothers, about which the Provincial Council knew; and that in each decade from the 1930s to the 1950s, allegations were raised against Brothers against whom there had been previous allegations. It concluded that the leadership of the Christian Brothers from 1947-1968 had failed to manage the institutions so as to prevent child sexual abuse.⁶⁷¹

12. The experts also drew our attention to the work of Brother Barry Coldrey. In his 1993 book, *The Scheme: The Christian Brothers and Childcare in Western Australia*, he concluded that analysis of Christian Brothers' archives provided strong evidence of five Brothers who had committed multiple acts of sexual abuse, and a further six who had admitted committing single offences.⁶⁷² However, Brother Coldrey produced a further report, *Reaping the Whirlwind – The Christian Brothers and Sexual Abuse of Boys 1920 to 1944*. This was a private report to the General Council of the Christian Brothers. In it, he stated that the chapter of *The Scheme* dealing with sexual abuse had been "*crafted to make the minimum admissions necessary to get out of the problem*", and that the situation with respect to sexual abuse was in fact worse than had been suggested. He described the Christian Brothers' child care institutions in Western Australia and Victoria as the "Achilles Heel" of the Australian Provinces in sexual abuse terms. Coldrey's private report also suggests that awareness of sexual abuse among staff at these residential institutions extended to the operation of 'sex rings' in three of these Western Australian residential institutions, in which Brothers collaborated with one another in their activities, assisted and covered for each other, and may have shared the same boys.⁶⁷³

13. During our Part 1 hearings, we heard allegations of sexual abuse from several people who had been migrated by agencies related to the Catholic Church including the SoN, FH and Southwark Catholic Rescue Society (SCRS). In addition, the table of additional accounts of sexual abuse that the Inquiry received included 38 allegations of sexual abuse in Christian Brothers institutions, four at St Joseph's, Neerkol, and one at St Vincent's, Goodwood.⁶⁷⁴

14. The Catholic Church has itself received further allegations or evidence of sexual abuse of child migrants during the migration period, and after it, as set out below.

⁶⁷⁰ EWM000007_127, para. 5.43

⁶⁷¹ EWM000064 see link: (<https://www.childabuseroyalcommission.gov.au/case-studies/case-study-11-christian-brothers>)

⁶⁷² EWM000178_009-010, paras. 15.5-15.7; EWM000161

⁶⁷³ EWM000178_010-015, paras. 15.8-15.17; Lynch 17 July 2017 117-121

⁶⁷⁴ FHN000082_004 and INQ001259

2.11.2 What did the Catholic Church know about alleged sexual abuse of its child migrants?

15. Records from the migration era show that a child migrant, CM-A5, alleged sexual abuse on the ship on the journey to Australia. The Catholic chaplain accompanying the children became aware of the incident but it is not clear whether he communicated the incident to the Catholic authorities in England. However, CM-A5 explained how the nuns accompanying the children were aware of the incident and had told her not to tell anyone about it.⁶⁷⁵

16. We have also seen correspondence to the CCWC from 1961 referring to a child migrant, who was at that time a young adult and who wanted to return home. The letter states that when he had gone to the Marist Brothers, another religious order, it was found that he had “interfered with” some of the younger boys in the college and was dismissed. He then went to Clontarf and Bindoon, and was again found to be interfering with younger boys.⁶⁷⁶

Many of the boys at Clontarf and Bindoon were child migrants, and although Catholic migration ended in 1956, we understand that the migrants remained in situ. On that basis we consider that this letter can properly be characterised as an allegation of possible sexual abuse of child migrants, of which the CCWC had knowledge.

17. Third, there is evidence that Brother Conlon knew of some of the allegations of sexual abuse by the Christian Brothers.⁶⁷⁷

While there is no evidence that he passed this information on to Catholic institutions in the UK (nor would it have been in his interests to do so, given that he was trying to encourage migration to the Brothers), Bishop Stock, rightly in our view, accepted that if Brother Conlon did have such knowledge, it would be of significant concern that he was instrumental in encouraging child migration from England to Christian Brothers’ institutions in Australia.⁶⁷⁸

18. In light of evidence such as this, it is understandable that concerns have, in recent years, been raised about the recruitment visits of people like Brother Conlon. However, the Inquiry did not hear any direct evidence that children were selected for the purpose of trafficking them into sexual abuse.

19. By way of context, the Australian Royal Commission in its Christian Brothers Case Study has found that although the relevant Provincial Council was aware of allegations of sexual abuse against Christian Brothers in each of the decades from

⁶⁷⁵ CM-A5, 3 March 2017 14-16; 61-65; Stock 18 July 2017 65-67; CHC000538_009.

⁶⁷⁶ Stock 18 July 2017 67-70; Lynch 17 July 2017 35-39; FHN000048_001; FHN000047_001.

⁶⁷⁷ See Professor Lynch’s summary of Barry Coldrey’s evidence to this effect, referring to (i) a letter Brother Conlon had written to the General Council in Dublin in 1935, complaining about 4 recent cases of sexual abuse and raising concerns about the slow way in which these had been dealt with by the Provincial Council; and (ii) a further letter he had written to the Council in 1941 in relation to sexual abuse perpetrated by a Brother in Adelaide, in which he was reported to have said “As long as outsiders do not become aware of these things, we may hope for better times after the war”, Professors Lynch and Constantine had not seen the primary documents themselves, as the Inquiry was only able to obtain Barry Coldrey’s report, but Professor Lynch noted that Barry Coldrey was not someone who was hostile to the Christian Brothers: Lynch and Constantine 17 July 2017 120-121; EWM000455_010; EWM000178_013. There is no evidence of Father Stinson being informed of allegations of sexual abuse by the Christian Brothers: Lynch and Constantine 21 July 2017 134-135.

⁶⁷⁸ Stock 18 July 2017 41-42.

the 1920s onwards and certainly in the 1940s and 1950s, generally the response to allegations of sexual abuse was kept within the Christian Brothers Order itself; rather than them notifying external agencies.⁶⁷⁹

20. More generally, Bishop Stock's evidence was that the structure of the Catholic Church was hierarchical within each geographic region, and therefore while abuse that was known about may have been reported upwards (such as to the relevant Provincial Council), it would not necessarily have been reported horizontally (such as to another home or to an institution in a different country).⁶⁸⁰

21. These factors may be part of the reason why there is no further evidence of allegations being made during this period to the CCWC or discussed at meetings (and we note that Ms Gandy said that she would have expected to see any such issues referenced within the minutes).⁶⁸¹ Bishop Tripp's evidence was that the Southwark Child Rescue Society had received no reports of child sexual abuse or the risk of child sexual abuse.⁶⁸²

Generally, children were exposed to a risk of sexual abuse, which ought to have been appreciated by the Catholic migration agencies.

Had they operated a more robust system for monitoring the welfare of those children they migrated, they might have known more about specific allegations of sexual abuse and about the risk of sexual abuse more generally. A more robust system of monitoring was more likely to have reduced that risk by triggering interventions to protect children from sexual abuse, and other harm.

It is certainly striking to the Inquiry how little knowledge of alleged sexual abuse of child migrants there was in the Catholic migration agencies in England at the time, given the apparent scale and severity of such abuse at Catholic institutions in Australia.

2.11.3 How adequately did the Catholic Church respond to alleged sexual abuse of child migrants that came to its attention during the migration period?

22. The issue in relation to CM-A5 was reported to the ship's Captain. In a letter to Australia House, the shipping company said that they had considered prosecution but this was not possible, so the perpetrator had been given a "bad discharge" and all practicable steps had been taken to prevent him from being re-engaged on any other ship.⁶⁸³

This response was appropriate.

23. As far as the issues in the 1961 letter are concerned, arrangements had been made in Australia for the boy to see a doctor at the Psychiatry Clinic, who advised that he be placed in a normal family with grown up boys and girls. This had

⁶⁷⁹ Lynch 9 March 2017 137-138.

⁶⁸⁰ Stock 18 July 2017 73.

⁶⁸¹ Gandy 18 July 2017 157.

⁶⁸² CHC000470_020-021 (paragraphs 8.1, 8.3, 8.4-8.5).

⁶⁸³ CM-A5, 3 March 2017 14-16; 61-65; Stock 18 July 2017 65-67; CHC000538_009.

been done but various family placements had not worked out. As far as English institutions are concerned, the response of the CCWC was simply to investigate whether the boy's mother in the UK would take him back: she was happy to do so but needed financial assistance for the return passage, which the CCWC declined to provide.⁶⁸⁴

While these elements of the response were appropriate, the Inquiry notes that there is no evidence of any attempt to identify if the children who had been "interfered" with were child migrants, nor to ascertain whether had been affected by any such interference. Although we cannot say that this was the accepted standard for the time, we note that some form of check did appear to have been conducted in Fairbridge's response to a girl "interfered" with on the 'Largs Bay' ship.

2.11.4 Did the Catholic Church take sufficient care to protect its child migrants from sexual abuse?

Selection

24. Neither Mary Gandy nor Rosemary Keenan have been able to identify any formal selection procedures as applied by the Catholic agencies.⁶⁸⁵ Some insight can be gained from Father Murphy's reply to a questionnaire sent by the WGPW, in 1949, which noted that children were usually selected:

- a. due to an approach by the parents;
- b. for the purpose of removing the child from danger; or
- c. on the basis of the wishes of the individual child. It was noted that if the child's physical and mental standards met requirements, a plan for migration would be proceeded with, and that information as to personality, behaviour, school records and family history would be taken into account. Children could be migrated between the age of two and 15, but in practice no child under seven had been migrated.⁶⁸⁶

25. However, there is evidence that suggests a less rigorous selection process actually operated in practice:

- a. As we have already indicated in section B, there was clearly a risk that the "block nomination" process which the Catholic agencies operated would place organisational needs ahead of the welfare of the children;
- b. We have already referred to evidence of children being migrated before the funding agreements were in place for them and when the institutions were not ready to receive them;⁶⁸⁷

⁶⁸⁴ Stock 18 July 2017 67-70; Lynch 17 July 2017 35-39; 40-44; 53/8-13; FHN000048_001; FHN000047_001.

⁶⁸⁵ Gandy 18 July 2017 153-154; CCS000224_006; CCS000221.

⁶⁸⁶ CHC000537_041-042, footnotes 302-308.

⁶⁸⁷ See, for example, the children migrated by the SoN in 1947, when there was not a maintenance agreement in place, albeit that it was subsequently backdated: Doolan 13 July 2017 1221-4; 124/25; 128/22-24; 152/10-21; Lynch 11 July 2017 86/16-25; 88/20-23; 95/13-21; 97/16-18.

- c. The CCWC annual meeting minutes dated 21 October 1952 record that Canon Flint had emphasised that *“we were interested in emigration from the Rescue angle, but it was imperative that we should be able to get the children out quickly”* and contained a reassurance by Father Stinson that the children would go *“as quickly as possible”*.⁶⁸⁸
- d. All of this evidence, together with the evidence of the “direct” recruitment visits outwith the CCWC process⁶⁸⁹, suggests a premium on speed of migration and not rigour of selection; and
- e. According to a 1993 paper by Jim Richards (then Director of CCSW), on 15 April 1958, the Home Office’s G.H. McConnell had cause to write critically about the selection process being operated by the Crusade of Rescue (one of the Catholic sending agencies), noting that *“staff seldom interview individual children...the documents they have forwarded...seldom show whether the child himself wants to emigrate...”*, leading to the recommendation that *“for the future, the Crusade [of Rescue] should require of any home or Society suggesting candidates for emigration that the child should have been interviewed by a trained social worker who would enquire in detail into all the family circumstances, assemble a comprehensive case history and send a full report on the case with the other documents”*.⁶⁹⁰

26. The experts also highlighted that there is no evidence of any kind of selection committee for child migrants, as recommended by the WGPW or the draft Home Office regulations that were circulated in 1952.⁶⁹¹

27. In terms of consent, on the basis of incomplete records, the CCSW reported to the Health Select Committee in 1998, that it could only find evidence of consent by parents in 19% of cases of children migrated.⁶⁹² This increased to around 20% by the time that the CCWC gave evidence to the Australian Senate Inquiry in 2001.⁶⁹³ Bishop Tripp noted that of the 41 children migrated by the SCRS, parental consent was obtained in 30 cases and Directors’ consent in the remaining 11.⁶⁹⁴

In light of all this evidence, the selection procedures operated by the Catholic agencies fell short of what was considered reasonable at the time.

⁶⁸⁸ FHN000011_029-30.

⁶⁸⁹ Stock 18 July 2017 53; Lynch and Constantine 17 July 2017 162-163 and SoN Closing Statement, para.58.

⁶⁹⁰ CCS000211_016.

⁶⁹¹ EWM000450_019-020.

⁶⁹² See EWM000005_117-118; CCS000210.

⁶⁹³ EWM000005_118; EWM000007_070 (paragraphs 3.53-3.55).

⁶⁹⁴ CHC000470_011-016 (paragraphs 4.18, 4.27-4.38).

Institutional care and the nature of it

28. The Curtis principles favoured the use of fostering or adoption, and if institutional care was required at all, the use of small homes. The Inquiry notes that in 1993, Jim Richards concluded that the Catholic agencies should have focused on caring for the children in the UK rather than migrating them, because that would have been consistent with the Curtis principles.⁶⁹⁵

29. However, for those children who were migrated, the Inquiry saw no evidence that consideration was given to fostering or adoption, despite a suggestion to this effect in a Catholic recruitment brochure⁶⁹⁶ (and in fact, in February 1951 Father Nicol rejected the suggestion of fostering, asserting that “*there is very little in the way of home life that cannot be found in our institutions*”).⁶⁹⁷

30. Moreover, child migrants to Catholic institutions were generally housed in large orphanages and not cottage style homes. In October 1951, the CCWC annual meeting recorded the Home Office’s concern that reception homes in Australia were “*in the main, too big*”. The concern was that the institutions in Australia did not meet the standards required by the Children Act 1948 with regard to the emphasis on a move away from large institutional homes to boarding out (fostering and adopting).⁶⁹⁸ When the Ross team inspected Castledare, they found about 120 children being cared for by four Christian Brothers, a staff ratio of around 1:29.⁶⁹⁹ This was much lower than the ratio in place at other migrant institutions and must have meant that Catholic institutions were not capable of providing the sort of individualised care which Curtis and the Home Office envisaged. We say this bearing in mind that the Curtis report noted an average staff ratio of 1:7 in homes run by voluntary organisations, with the worst being 1:17.⁷⁰⁰

Institutional inspection

31. We are conscious that there are numerous Australian inspection reports about the Nazareth Houses which were largely favourable, albeit that they often focused on the material conditions rather than the emotional well-being of children. It also does not appear that these reports were conveyed to the Catholic authorities in England and Wales regularly or at all.⁷⁰¹

32. The evidence from that time shows that at various points, Catholic agencies said that there should be visits by those from England and Wales to Australia to inspect the schools and that this should happen before they resume or continue

⁶⁹⁵ He wrote that the agencies “*do not seem to reflect what might be described as best practice of the time...rather than continue sending children abroad, the policy should have been to have switched resources into foster care and into small family group homes, not just for future children who would come into care, but for those who were there at present. This was what many local authorities were doing*”: CCS000211_017-018.

⁶⁹⁶ See EWM000249_009, a CVOCE brochure which includes in relation to the CCWC the following “*Destination is determined by the child’s needs, but in all cases the children are first admitted to residential schools or homes in Australia before arrangements are made, as opportunities occur later, for placing in private families*” (our emphasis): Lynch 10 March 2017 6-7.

⁶⁹⁷ CCS000201_022-023.

⁶⁹⁸ CHC000397_019 (paragraph 65), CHC000426_009; CHC000426.

⁶⁹⁹ Lynch 10 March 2017 52.

⁷⁰⁰ EWM000286_078.

⁷⁰¹ Lynch and Constantine 17 July 2017 174; EWM000450_023-024. The focus on material matters in such reports was of concern to British officials: EWM000402_021.

migration. The CCWC or other representatives of the Catholic Church identified in the following instances that inspections or visits to receiving institutions in Australia should be carried out by someone from the UK:

- a. in the Bans Report of 1902;⁷⁰²
- b. in St Peter's Net in the 1920s;⁷⁰³
- c. by Canon Craven and Canon Bennett in 1945;⁷⁰⁴
- d. by Canon Craven in May 1946;⁷⁰⁵
- e. by Canon Craven in November 1946;⁷⁰⁶
- f. by Father Barrett in November 1950;⁷⁰⁷ and
- g. by Canon Flood to the CCWC in March 1955.⁷⁰⁸

33. As we have said previously, that would have been consistent with Curtis principles. However, as Bishop Stock accepted in evidence it is clear that those visits did not happen, and instead individual assurances from Australia were taken at face value on the basis of trust in the institutions, despite the repeated unease about the lack of information coming from Australia.⁷⁰⁹

34. In a book by Jim Hyland (former Chairman of CCWC), he described it as a “*regrettable omission*” that nobody from the CCWC or the CoR had been dispatched “*to Australia to carry out its own investigation into arrangements and the standards of care provided*”.⁷¹⁰

This was a serious failure.

35. The Inquiry considers that institutional inspections were a crucial part of sending organisations' responsibility to monitor the care being provided to children post-migration, and in this regard the Catholic Church failed to meet even their own expectations. Although we cannot say whether properly carried out inspections would have identified individual experiences of sexual abuse, we note that such evidence was uncovered on occasion by local inspections.⁷¹¹

⁷⁰² CCS000214_002, as recorded by Jim Hyland.

⁷⁰³ CCS000336.

⁷⁰⁴ Lynch and Constantine 17 July 2017 148-150; [MS/2 FN 135].

⁷⁰⁵ CCS000357_028.

⁷⁰⁶ CHC000403_010.

⁷⁰⁷ CHC000431.

⁷⁰⁸ FHN000011_037.

⁷⁰⁹ Stock 18 July 2017 44-49.

⁷¹⁰ CCS000215_005-006.

⁷¹¹ See, for example, a State inspection report on Castledare from December 1950, which noted a report of a student being caught acting 'unnaturally' with a dog and indicating that he learnt the behaviour there. Also noted that the boy said that older boys used to make him take off his clothes and 'do rude things' to him. The report also noted that Mr McGhee punished the children with a 'stick across the bottom' if he caught them: EWM000064_030.

36. In our view, disclosures of sexual abuse if they were going to be made at all may, have been more likely in one to one conversations with the children.⁷¹² The importance of these had been identified as far back as the Bans report of 1902⁷¹³, but such conversations are rarely recorded in the range of institutional reports we have seen.⁷¹⁴

Reports on individual children

37. The CCWC or other representatives of the Catholic Church identified or were told in the following instances that obtaining reports on children was something that should have been done:

- a. by Canon Bennett in 1949;⁷¹⁵
- b. by Canon Flint on behalf of the CCWC in October 1949;⁷¹⁶
- c. by Canon Craven in October 1951;⁷¹⁷
- d. by the CCWC in October 1952, when referring to a *pro forma* report to be compiled for all child migrants;⁷¹⁸
- e. by the CCWC in October 1953, when noting that they had not received any reports back other than as the result of one direct request;⁷¹⁹
- f. by the Secretary of the CCWC in a letter to CEMWA in November 1953;⁷²⁰
- g. in correspondence between Canon Flint, Father Stinson and Mgr Crennan in 1954;⁷²¹
- h. when the CCWC, at their annual meeting in 1955, noted that reports on individual children were still not forthcoming;⁷²² and
- i. by Mr Rainer on behalf of the SCRS at various points in 1956.⁷²³

38. According to the experts, standards of monitoring and contact with children varied amongst the different diocesan childcare organisations and religious orders. For example:

⁷¹² Indeed, former child migrants told the Australian Royal Commission and this Inquiry of making such disclosures to members of staff or child welfare officers: see, for example, A5 3 March 2017 42-47; A6 1 March 2017 67-68; Delaney 7 March 2017 112; and A11 8 March 2017 54-56.

⁷¹³ CCS000293_012.

⁷¹⁴ Only one reference to this appears in Sisters of Nazareth reports: SNZ000019_030. As we set out in section B.2, former child migrants themselves rarely recalled the opportunity to speak with such inspectors on a one-to-one basis.

⁷¹⁵ EWM000443_005 (paragraph 8.6).

⁷¹⁶ CHC000425.

⁷¹⁷ CHC000397_019 (paragraph 65), CHC000426_009; CHC000426.

⁷¹⁸ FHN000011_030.

⁷¹⁹ EWM000450_021; CHC000397_020 (paragraph 67).

⁷²⁰ CHC000429.

⁷²¹ CCS000201_106-10; CCS000201_109-110.

⁷²² Lynch and Constantine 17 July 2017 167-168; EWM000450_021; CHC000397_021 (paragraph 71); CHC000432_007-008

⁷²³ CCS000201_195; CCS000201_195; CCS000201_194; CCS000201_193; CCS000201_191-192; CCS000201_188;

CCS000201_187.

- a. Evidence from Bishop Tripp suggests attempts by the SCRS to gain regular reports on children migrated, and some dissatisfaction that its expectation of regular reports was not met;⁷²⁴
- b. The SoN did not have any formal monitoring system for children sent to residential institutions run by other religious orders, and there were limits to the effectiveness of its monitoring of children sent to Nazareth houses as we have discussed in section 2.10;⁷²⁵
- c. The CCWC did not appear to have a dedicated office or administrator during the relevant period, which led Professor Lynch to opine that they would not have had the necessary resources to effectively monitor the children whom had been sent.⁷²⁶

The overall picture is, as Bishop Stock accepted, that reports back about individual children were intermittent and that, even when the CCWC attempted to introduce an annual reporting system it is not clear that this was complied with. Therefore, that for a number of children migrated, possibly the majority of them, no individual report was received about them after migration.⁷²⁷ We note that Jim Richards (then Director of the Catholic Children's Society (Westminster))⁷²⁸ and Jim Hyland (former Chairman of the CCWC)⁷²⁹ had, in 1993 and 2009 respectively, reached similar conclusions.

This reporting system fell short of expected practice and that Bishop Stock was right to accept that the failure of the CCWC to obtain annual reports on individual children was a significant lost opportunity. While one cannot know what those reports would have contained, the failure to have any clear reporting system effectively guaranteed that any concerns about sexual abuse would not be raised.

Overall conclusion on sufficiency of care

Based on all the evidence referred to in this section it is clear to us that the Catholic migration agencies did not take sufficient care to protect those children they migrated from the risk of sexual abuse.

⁷²⁴ CHC000470_012; _020-021 (paragraphs 4.20; 7.5-7.7); CHC000496; CHC000492; Bishop Tripp also noted the contrast between the Australian situation in this respect and position in Canada, where they had an infrastructure in place to facilitate post-migration communication: CHC000470_011 (paragraph 4.16).

⁷²⁵ EWM000450_022; SNZ00007.

⁷²⁶ Lynch and Constantine 17 July 2017 173.

⁷²⁷ Stock 18 July 2017 46-47.

⁷²⁸ Mr Richards wrote, in a document entitled 'Australian Migrants: A Consideration of the Conditions of the Time' that "...the agencies involved in sending children to Australia do not seem to reflect what might be described as best practice of the time....the policy should have been to have switched resources into foster care and into small family group homes, not just for future children who would come into care, but for those who were there at present....Moreover, what information that came from Australia about the adverse effects of immigration, does not seem to have been acted upon in a sufficiently critical and vigorous way, whether it come from Government sources, or in our case, Catholic ones" (CCS000211_017-018). An undated document entitled 'Catholic Child Emigration to Australia' makes similar points: "No reports were sent back on children until 1956, six months before the end of the scheme. Very little contact by the UK Catholic agency....once [the children] had left UK. It appears that no one from England officially visited Australia between 1938-56 (despite concerns expressed) on behalf of the English Catholic Church Agencies. Lack of understanding by both Australia and UK of each others child care practices..." (CCS000212_010-011).

⁷²⁹ Mr Hyland wrote that "The failure to ensure that such homes and schools were regularly monitored, rather than simply to trust all was well was, in hindsight, a serious error by both the sending agencies and those responsible for oversight of these establishments" (CCS000216_003-004).

2.11.5 How adequately did the Catholic Church respond to allegations or evidence of sexual abuse of child migrants it received in the post-migration period?

39. Bishop Stock provided the Inquiry with a summary table of 21 allegations recorded between 1989 and the present by Southwark Catholic Children's Society (SCCS), FH, CCSW, the CCWC and the Australian Child Migrants Project (ACMP). Of these allegations, 16 were disclosures made in the context of enquiries made to trace family members, and five were derived from other sources including newspaper articles and other agencies. We also received evidence as to the responses to the allegations.⁷³⁰ The allegations received⁷³¹ and the responses to them are summarised as follows:⁷³²

- a. At some point after 1989, the ACMP received in the file of a former child migrant an enclosure to a letter from the Provincialate of the Congregation of Christian Brothers, Bath, which stated that the former child migrant and some others were sexually abused by a Brother in Australia, and that a teenager also abused younger boys at the school, as well as a book extract referring to physical and sexual abuse by a Brother. The ACMP assisted in family tracing; no formal report was made;
- b. In 1990, a former child migrant wrote a letter to Canon Flood alleging sexual and physical abuse by Christian Brothers in Australia. Some investigations were made of the circumstances of his migration, but the individual's social worker confirmed that there was no further need to consider his case because it was being dealt with by the CMT;
- c. In 1994, there was reference in a newspaper article to a Christian Brother accused by a former child migrant of sexual abuse. The former child migrant was a client of the CMT but did not contact the CCWC so no action was taken;
- d. In 1994, during a telephone call, a former child migrant told Rosemary Keenan that he had been sexually abused as a child; this was recorded in a file note. The child migrant wished to consider the matter further and was in touch with the CMT and CBERS so no further action was taken;
- e. In 1995, a former child migrant wrote to Mary Gandy stating that he had spent nine years in institutions where he was physically and sexually abused. The former child migrant was a client of CMT and CBERS; the CCWC assisted with family tracing;

⁷³⁰ See the written and oral evidence of Bishop Stock (CCIICSA); Bishop Tripp (Southwark Catholic Children's Society), Andrew Quinn (Father Hudson's Care), Rosemary Keenan (Catholic Children's Society (Westminster)) and Mary Gandy (former Secretary of CCWC); CHC000544; and CCIICSA Closing Submissions, [29]; Submissions, [35]-[41].

⁷³¹ Other than one allegation, in which in 2003 a former child migrant gave a statement to an ACMP worker detailing his report of sexual abuse by a gardener / handyman when he was 11 years old in Northern Ireland, which is outside our geographical scope.

⁷³² Some of these allegations are also considered in section 2.10 in respect of Father Hudson's.

- f. In 1995, a former child migrant met a FH worker to review his file with a CMT worker, who stated that the individual had been badly physically and sexually abused in Australia. The former child migrant was a client of the CMT; FH assisted with family reunification.
- g. In 1997, FH was forwarded a letter containing an allegation of sexual abuse in England during the train journey to the boat to Australia (as also set out in section 2.10). The individual was provided with support and assistance with origins work as well as a visit, money and expenses, and the sexual abuse allegation was reported to Warwickshire Police;
- h. In 1997, a sister of a former child migrant told a FH worker that her brother was sexually and physically abused by Christian Brothers in Australia. Access to files was not granted to the child migrant's sister and she was referred to Centacare, but no further contact was received;
- i. In 1997, a former child migrant told Rosemary Keenan that she was physically and sexually abused in a home in Australia run by a religious order. Dr Keenan understood that the allegations had been reported to police in Australia and CMT was involved; no further action was taken;
- j. In 1997, an allegation of sexual abuse was made in a letter to a FH worker, but the individual died that year. It seemed unlikely that investigation would have been considered necessary given the passage of time, the group litigation against the Christian Brothers in Australia and their apology in 1993; the allegation was retained on file but no further action was taken;
- k. In 1998, the sister of a former child migrant told a FH worker that her sister had been sexually abused and whipped in the cellars before going to Australia. The sister had been at a Nazareth House home prior to going to Australia. The former child migrant was a client of CMT. The allegation was reported to the senior social worker at FH but was not referred to the SoN. There was no specific disclosure or consent by the former child migrant herself;
- l. In 1998, during a telephone call, a former child migrant told Rosemary Keenan that he had been sexually abused as a child in Australia. Dr Keenan made enquiries with agencies in Australia with the former child migrant's consent and heard that there were mental health issues and failure to follow up on appointments; no further contact was made;
- m. In 2002, a former child migrant gave papers to a CCWC worker containing allegations of sexual abuse including rape by a Christian Brother; these were passed to FH but filed unread. The former child migrant met with the CCWC/ACMP worker and his case was passed as a referral to FH; no work was done on this due to staff absence and the documents were returned to CCWC; the former child migrant did not pursue the inquiry; the documents were subsequently handed back to FH and not read until documents were reviewed for this Inquiry in 2016;

- n. In 2002, the ACMP reviewed correspondence on the file of former child migrants referring to “*misbehaviour*” between boys; one of the former child migrants told the ACMP that “*the accusation of misbehaviour ... typifies the lewd thoughts and actions of [the priest] and his peers*”. No report of actual abuse was made and the former child migrant had been provided with his file by the CMT; no further action was taken;
- o. In 2002, a former child migrant wrote a letter to the Professional Standards Resource Group (a group established in each diocese to address alleged misconduct) in Western Australia stating that he was sexually assaulted by a man believed to be the gardener while in the care of nuns in England. The allegation related to a gardener at a Nazareth House home in England; the CCWC was in receipt of correspondence concerning this; the Director of the Professional Standards Resource Group wrote to the SoN outlining the allegation and response sought; the former child migrant was a client of CMT and CBERS; it does not appear that there was further action taken apart from assisting with family reunification;
- p. In 2003, a former child migrant reported physical abuse; copies of newspaper articles state that he reported savage beatings and his brother reported sexual abuse of child migrants by Christian Brothers in Australia. The former child migrant was a client of CBERS; the ACMP assisted with family reunification;
- q. In 2009, a former child migrant reported harsh treatment by nuns in Australia and rape by a gardener/handyman to a CCSW worker. A file note was made; the former child migrant was reluctant to discuss and reported receiving compensation in Australia; she was a client of CMT; she was provided with “*assistance*” but no other action was taken;
- r. In 2010, in two phone calls, a former child migrant and his wife told a FH worker that he was molested while in the care of the Christian Brothers in Australia. The former child migrant was a client of CBERS; no further action was taken; and
- s. In 2011, a former child migrant published allegations of sexual, psychological and physical abuse in care in Australia, including rape by a Christian Brother. The pages from the website were printed out and placed on file, and the individual was in touch with CBERS.

40. Generally, Bishop Stock stated that Catholic organisations in England and Wales may have assumed without checking that allegations had been reported to the appropriate authorities in Australia, especially when the child migrant was already in touch with a relevant agency such as CBERS or the CMT. Clearly, he stated, “*it would have been better to check that this was the case for each individual*” and “*in a number of cases there is no record of any such discussion*”.⁷³³

41. Bishop Stock also said that in some cases it was difficult to tell whether an allegation of child sexual abuse was actually being made, and to identify the motivation of the victim. He continued that “[I]t would have been best practice in

⁷³³ CHC000538_075.

those cases for there to have been some proactive follow-up to ascertain the individual's intention, but equally, the views of the individual needed to be respected if it was evidently clear that they did not want to talk about it further."⁷³⁴

42. Bishop Stock also noted that "in the late 1980s there was a reluctance on the part of some to take those allegations at face value.... [A]ny early reluctance was relatively quickly replaced by a recognition of the importance of ensuring that these allegations were properly investigated. Nevertheless, it is extremely regrettable that in the early days of general revelations of child sexual abuse there was a defensive, and at times dismissive, attitude adopted on the part of some."⁷³⁵

The evidence demonstrates a progressive realisation, since 1989, of the need for the Catholic Church to respond appropriately to allegations of sexual abuse of child migrants. However in many of the examples given there appears to have been limited substantive action taken.

2.11.6 What support and reparations has the Catholic Church offered to former child migrants alleging sexual abuse, and has this been adequate?

43. The Inquiry heard evidence on the support and reparations offered by Catholic institutions, primarily from Bishop Stock,⁷³⁶ Mary Gandy,⁷³⁷ Dr Keenan⁷³⁸ and Andrew Quinn,⁷³⁹ and considered a very large volume of documentary evidence concerning support and reparations dating from 1989 to the present day.

44. The evidence showed that Catholic institutions have provided numerous support services to former child migrants and others, including the following:

- a. the establishment of a central point of reference for tracing through the CCWC in 1989 (the CCWC ceased operation in 2002);
- b. the establishment of channels of communication with Australian agencies, including social work and counselling services;
- c. the establishment of a service for access to records, family reunification, origins work and counselling including the appointment of social workers by CCWC in 1992;
- d. the creation of the CCWC Australian Child Migrants Sub-Committee, with Catholic sending agencies as members, in 1992;
- e. the creation of the 'Origins' department at FH in 1993;
- f. the development of a specialist service within CCSW's Post-Adoption and Aftercare service for child migrant enquiries;
- g. cooperation with the CMT including disclosure of records;

⁷³⁴ CHC000538_075.

⁷³⁵ CHC000538_076.

⁷³⁶ CHC000538_011-016, 076; Stock 18 July 2017 81-103.

⁷³⁷ Gandy 18 July 2017 164-171.

⁷³⁸ CCS000395; Keenan 18 July 2017 183-186.

⁷³⁹ FHN000082_005-0012.

- h. visits to Australia in 1995 (Canon Fisher and Mary Gandy, to identify needs of former child migrants, publicise services and build links) and 1998 (Dr Keenan, to discuss the development of the Personal History Index and improving services);
- i. the production of a Statement of Intent, Code of Practice and information leaflet in 1994;
- j. the creation of the child migrant database in 1994 and subsequent detailed analyses of that database, led by Dr Keenan;
- k. the convening of a Sending Agencies Group in 1997, to establish common professional best practice;
- l. the establishment and operation of the Australian Child Migrant Project from 2001 to 2005;
- m. practical support, communications and assistance to former child migrants visiting the UK;
- n. active participation in public inquiries in Australia and the UK, including IICSA; and
- o. apologies and expressions of regret.

45. Support services have focused on access to records, family reunification and origins work, together with counselling and practical assistance with travel and accommodation.

46. There has been less demand in England and Wales for specific and separate support in relation to sexual abuse, which is provided by some services in Australia. The CCIICSA submitted that *“the support and reparations offered by Catholic institutions in England and Wales were provided to all former child migrants regardless of whether they had suffered sexual abuse. Former child migrants sought to access services and information in England and Wales in relation to access to records, family reunification and origins work. Where reports of sexual abuse were made, they typically emerged during this process or as background information. Sexual abuse formed but one part, albeit a significant part, of a broader picture of other forms of abuse and a profound sense of loss and a lack of identity”*.⁷⁴⁰

47. Bishop Stock affirmed the statements of regret and apologies that have been made on behalf of the Catholic Church in England and Wales. During the hearing, he offered a further apology and offered to meet privately with any former child migrant who wished to do so.⁷⁴¹

⁷⁴⁰ CCIICSA Closing Statement, [45], [46], [74].

⁷⁴¹ CHC000538_005; Stock 18 July 2017 32-35.

48. There has been no compensatory scheme established by Catholic organisations in England and Wales. The CCIICSA submitted that it appears likely that compensation may not have been considered relevant because responsibility for sexual abuse lay primarily with Australian institutions, there has been no civil litigation in the UK, and various compensation schemes have been set up in Australia.⁷⁴²

49. In Appendix 1 to its Closing Statement, CCIICSA provided a schedule of support and reparations provided in Australia to former child migrants who resided in Catholic institutions: the Slater and Gordon class action and other payments by the Christian Brothers; compensation for abuse to former residents of Neerkol by the Sisters of Mercy; compensation for abuse by the Sisters of Nazareth; the 'Towards Healing' principles and procedures adopted by the Australian Catholic Bishops Conference and Catholic Religious Australia; the Melbourne Response; and the Redress Western Australia scheme.

50. The Inquiry was assisted in understanding, in a broad sense, what has been provided in Australia because we consider that we cannot ignore the reality of the steps taken abroad. However, we consider that these actions should not be used by institutions in England and Wales to avoid responsibility.

The need to make support and reparations was first identified by Catholic organisations in the 1980s and support and reparations have been provided since that time by various Catholic organisations.

Their responses have been considerably better than those of some other organisations such as Fairbridge.

Compensation schemes and other forms of support and reparation have been provided by Catholic organisations in Australia for child migrants who have suffered child sexual abuse following their migration.

Although the Catholic organisations in England and Wales have offered extensive support to former child migrants, they have not paid financial compensation in any proactive way.

⁷⁴² CCIICSA Closing Statement, [60]-[62].

Part D

Recommendations

Recommendations

Recommendation 1: Financial redress

1. HMG was, over many years, the institution primarily responsible for the post-War child migration programmes: it established the legal framework within which the sending institutions operated, it provided essential funding, it facilitated relations with overseas Governments and it operated, to a very limited degree, a system of regulation and oversight.
2. However we have found that post-War child migration was a fundamentally flawed policy, and that HMG failed to ensure that there were in place sufficient measures to protect children from sexual abuse (as well as other forms of abuse and neglect). Thus the children were placed in environments where they were exposed to a range of risks, including the risk of sexual abuse, and where sexual abuse was less likely to be prevented, identified, reported or stopped. We have also found that HMG failed to respond appropriately to the reports it received about the welfare of the children, by either stopping migration and returning the children, or putting in place other measures to reduce the risks to the children.
3. HMG has not yet made any financial redress directly to individual former child migrants. Most former child migrants have died. This means that in many cases HMG has missed its opportunity to offer redress to those who were affected by its failure. However, around 2,000 child migrants are alive today, and the Panel considers it essential that all surviving former child migrants are offered such redress.
4. As a result, the Panel recommends that HMG establishes a **Redress Scheme** for surviving former child migrants, providing for an equal award to every applicant. This is on the basis that they were all were exposed to the risk of sexual abuse. Given the age of the surviving former child migrants, the Panel urges HMG to establish the Scheme without delay and expects that payments should start being made within 12 months.
5. We also propose that no regard be had to any other payments of compensation that have been made in particular cases. This is because we consider that this scheme is driven by the need for the HMG to make redress for its policy failings in this context, and it has not done so to date. Given that this is the rationale for the scheme, the establishment of the Redress Scheme should not be used as a reason for reducing funding for the Child Migrants Trust or the Family Restoration Fund, which funding serves different purposes.
6. The Panel has not specifically recommended that other institutions involved in the child migration programmes participate in the Redress Scheme. This is not because we do not consider that these institutions failed the child migrants: our report makes clear that we think they did. Rather, it is because we consider that HMG was primarily responsible and because we are keen to ensure that the Scheme is a simple one, in the

hope that it can be effective soon, and make a real, immediate and lasting difference to the lives of the former child migrants. If HMG wishes to look to those other institutions for a contribution to the Redress Scheme, it will no doubt do so.

7. We make it clear that we are recommending the setting up of a Redress Scheme because of the particular context of the child migration programmes. One aspect of these programmes which makes them unique was that HMG failed to take steps to respond to the fact that the children were sent abroad, to countries where they would not have the protection of UK law. Different considerations may apply to contexts where the protection of UK law continues to apply to children.

Recommendation 2: Further institutional apologies

8. We are troubled by the amount of time it took successive British Governments to acknowledge the full responsibility of HMG for the fate of the child migrants. It has taken years for the former child migrants to have the truth of their experience recognised. This truth was clear from the Government's own documents, kept in the National Archives.

9. Through the national apology given in 2010, the evidence provided to the Inquiry and the apologies repeated before us, the British Government has now accepted the failings of the child migration programmes including in part with respect to the risk of sexual abuse. We do not consider it appropriate to recommend that they make any further acknowledgement of or apology for the failings that took place.

10. However we do consider that implementing the Redress Scheme is an essential component of the British Government continuing to accept responsibility for the abuses suffered by child migrants, including sexual abuse.

11. As we have set out in the institution-specific sections of the report, some institutions have still not apologised for their role in the child migration programmes. We recommend that they do so, as soon as possible. We recommend that they make such apologies not only through public statements but specifically to those child migrants for whose migration they were responsible.

Recommendation 3: The preservation of child migrants' records

12. As we have set out earlier in the report the Inquiry's ability to investigate allegations or evidence of sexual abuse within child migration programmes was hampered at times by the failure of some institutions, notably the Royal Overseas League and the Sisters of Nazareth, to have preserved the contemporaneous documentation.

13. The inability to access their records in a straightforward manner, or at all, has caused some child migrants yet further distress and an ongoing lack of clarity over their identity.

14. We therefore recommend that that all institutions which sent children abroad as part of the child migration programmes should ensure that they have robust systems in place for retaining and preserving any remaining records that may contain information about individual child migrants, and should provide easy access to them.

Annexes

- 1 Overview of process and evidence obtained by the Inquiry
- 2 Abbreviations used in this report

ANNEX 1

Overview of process and evidence obtained by the Inquiry

1. Definition of Scope for the Case Study set in May 2016

The overall investigation into the protection of children outside the United Kingdom will be conducted by means of a number of narrower case studies. The first of these will be a Case Study into institutional failings of organisations based in England and Wales relating to the sexual abuse of children involved in child migration programmes (“child migrants” or “former child migrants”). Child migrants were moved from care or from their families in England and Wales and placed in institutions or with families abroad by government departments, public authorities and private and/or charitable organisations in England and Wales.

The House of Commons Select Committee on Health has estimated that 150,000 British children were sent abroad pursuant to child migration programmes, mostly to Canada, Australia and Southern Rhodesia (now Zimbabwe). Some former child migrants have alleged that they were subjected to sexual abuse either prior to their migration, in homes and other institutions in England and Wales, and/or at the institutions to which they were sent. As well as taking account of individual allegations, this investigation will incorporate a review of information available from published and unpublished reports and reviews, court cases and previous relevant investigations.

The Inquiry will consider the following matters:

- 1.** whether government departments, public authorities, private and/or charitable institutions based in England and Wales took sufficient care to protect children involved in child migration programmes;
- 2.** the extent to which government departments, public authorities, private and/or charitable institutions based in England and Wales were aware or should have been aware of allegations or evidence of sexual abuse concerning children involved in child migration programmes, and whether appropriate steps were taken in response;
- 3.** the adequacy of support and reparations offered to individuals who suffered sexual abuse relating to their inclusion in child migration programmes.

The Inquiry will publish a report setting out its findings, lessons learnt, and recommendations.

2. Core Participants and legal representatives

Complainant Core Participants:

David Hill	
Oliver Cosgrove	
Solicitor	Imran Khan and Jade Brown (Imran Khan & Partners)

Institutional Core Participants:

Barnardo's	
Counsel	Steven Ford QC
Solicitor	Chris Webb-Jenkins and Chaitali Desai (Weightmans LLP)
Catholic Council for the Independent Inquiry into Child Sexual Abuse (CCIICSA)	
Counsel	Kate Gallafent QC and Joanne Cecil
Solicitor	Stephen Parkinson and Emily Carter (Kingsley Napley LLP)
Child Migrants Trust (CMT)	
Counsel	Aswini Weeraratne QC and Keina Yoshida
Solicitor	Frances Swaine (Leigh Day)
Secretary of State for Health	
Counsel	Samantha Leek QC and Cicely Hayward
Solicitor	John Scott (Government Legal Department)
Sisters of Nazareth	
Counsel	Bilal Rawat
Solicitor	Michael Pether and Miriam Rahamim (BLM Law)

3. Evidence received by the Inquiry

Number of witness statements obtained	64
Organisations to which requests for documentation were sent	
Action for Children	
Archbishops' Council of the Church of England	
Archdiocese of Southwark	
Barnardo's	
Birmingham City Council / Library of Birmingham (re Middlemore Homes archive)	
Caritas Social Action Network	
Catholic Bishops' Conference of England & Wales	
Catholic Children's Society (Westminster)	
Catholic Council for the Independent Inquiry into Child Sexual Abuse	
Child Migrants Trust	
Cornwall Council	
Department of Health	
Diagrama Foundation (re archive of the Catholic Child Welfare Council)	
East Sussex County Council	
Father Hudson's Care	
Foreign & Commonwealth Office	
Home Office	
London Metropolitan Archive (re archive of Middlesex County Council)	
Royal Over-Seas League	
Sisters of Nazareth	
The Children's Society	
The Prince's Trust (re Fairbridge Society archive)	
The Royal Archives	
The Salvation Army	

4. Disclosure of documents

Total number of pages disclosed	32,180
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5. Public hearings including preliminary hearings

Preliminary Hearings		
	1	28 July 2016
	2	31 January 2017
	3	9 May 2017
Substantive Public Hearings		
Part 1	Day 1 – 5	27 February – 3 March 2017
	Day 6 – 9	7 – 10 March 2017
Part 2	Day 10 – 14	10 – 15 July 2017
	Day 15 – 19	17 – 21 July 2017
	Day 20	26 July 2017

6. List of Witnesses

Surname	Forename	Title	Called / Read	Hearing Day
Bagshaw	Peter	Mr	Read	2
Brown	Gordon	Rt. Hon Dr	Called	18
Clarke	Sara	Mrs	Called	13
CM-A2			Read	2
CM-A3			Read	6
CM-A4			Called	3
CM-A5			Called	5
CM-A6			Read	3
CM-A11			Called	7
CM-A12			Read	4
CM-A13			Read	6
CM-A14			Called	2
CM-A17			Read	6
CM-A19			Called	6
CM-A20			Called	4
CM-A22			Called	7
CM-A26			Read	6
CM-A82			Read	7
Constantine	Stephen	Professor	Called	1; 8; 9; 10; 11; 12; 15; 17; 19
Cordery	Jack	Mr	Called	14
Cosgrove	Oliver	Mr	Called	3; 18
Davies	Mark	Mr	Called	17

Surname	Forename	Title	Called / Read	Hearing Day
Delaney	Edward	Mr	Called	6
Doolan	Anna Maria	Sister	Called	13
Gandy	Mary	Mrs	Called	16
Hanley	John Francis	Mr	Read	5
Hawes	Michael	Mr	Called	4
Haynes	Nigel	Mr	Read	12
			Called	17
Hill	David	Mr	Called	7; 18
Humphreys	Margaret	Dr	Called	8; 19
Johnston	Norman	Mr	Called	18
Juster	Dean	Mr	Read	14
Keenan	Rosemary	Dr	Read	16
Lynch	Gordon	Professor	Called	1; 8; 9; 10; 11; 12; 15; 17; 19
Major	John	Rt. Hon Sir	Read	18
Milburn	Martina	Dame	Called	12
Neilson	Deanna	Miss	Called	14
O'Brien	Marcelle	Mrs	Called	2
O'Donoghue	Michael	Mr	Called	5
Porter	Roderick	Major General	Called	13
Quinn	Andrew	Mr	Called	15
Reed	Matthew	Mr	Called	14
Scott	Edward	Mr	Read	4
Skidmore	Patricia	Mrs	Called	8
Stock	Marcus	Rt. Rev (Bishop of Leeds)	Called	16
Thomas	Christopher	Reverend	Read	16
Tripp	Howard	Bishop	Read	16
Woods	Gilbert	Mr	Read	12

7. Restriction Orders

On 15 August 2016, the Chair issued a Restriction Order under s.19(2)(b) of the Inquiries Act 2005, granting general anonymity to all Core Participants who allege that they are the victim and survivor of sexual offences (referred to as “Complainant CPs”).⁷⁴³ The Order prohibited (i) the disclosure or publication of any information that identifies, names or gives the address of a Complainant CP who is a Core Participant;

⁷⁴³ https://www.iicsa.org.uk/key-documents/791/view/restriction-order-15-august-2016_2.pdf

and (ii) the disclosure or publication of any still or moving image of a Complainant CP. The Order meant that any former child migrant who is a Complainant CP was granted anonymity during the Case Study, unless they did not wish to remain anonymous.

The Chair also issued a Restriction Order under s.19(2)(b) of the Act, granting the same level of protection to all former child migrant complainant witnesses. Therefore any former child migrant complainant witness who wished to give evidence anonymously did so, so that their identity was not revealed to the press and public and no images or information to identify the witness could be published.

8. Broadcasting

The Chair directed that the proceedings would be broadcast, as has occurred in respect of public hearings in other investigations. This was likely to have been particularly significant for this Case Study given that many of those with an interest in its subject matter are now elderly, infirm, or live abroad. For anonymous witnesses, all that was “live streamed” was the audio sound of their voice.

9. Redactions and ciphers

The material obtained for the Case Study was redacted, and where appropriate, ciphers applied, in accordance with the Inquiry’s Protocol on the Redaction of Documents.⁷⁴⁴ This meant that (in accordance with Annex A of the Protocol), absent specific consent to the contrary, the identities of complainants, victims and survivors of child sexual abuse and other children was redacted; and if the Inquiry considered that their identity appeared to be sufficiently relevant to the investigation a cipher was applied.

Pursuant to the Protocol, the identities of individuals convicted of child sexual abuse (including those who have accepted a police caution for offences related to child sexual abuse) were not generally redacted unless the naming of the individual would risk the identification of their victim in which case a cipher would be applied.

The Protocol also addresses the position in respect of individuals accused, but not convicted, of child sexual or other physical abuse against a child, and provides that their identities should be redacted and a cipher applied. However, where the allegations against an individual are so widely known that redaction would serve no meaningful purpose (for example where the individual’s name has been published in the regulated media in connection with allegations of abuse), the Protocol provides that the Inquiry may decide not to redact their identity. Applying this approach, the Chair directed that the names of several individuals against whom allegations had been made previously in other public fora, such as in evidence to the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, should be de-ciphered.

Finally, the Protocol recognises that while the Inquiry will not distinguish as a matter of course between individuals who are known or believed to be deceased and those that are, or are believed to be, alive, the Inquiry may take the fact that an individual is deceased into account when considering whether or not to apply redactions in a

⁷⁴⁴ https://www.iicsa.org.uk/key-documents/322/view/inquiry-protocol-on-redaction-of-documents_2.pdf

particular instance. Insofar as the Inquiry was satisfied that several named persons were deceased, and that it was relevant to disclose their name, those redactions/ ciphers were removed.

The Protocol anticipates that it may be necessary for Core Participants to be aware of the identity of individuals whose identity has been redacted and in respect of whom a cipher has been applied, if the same is relevant to their interest in the Case Study. Therefore, the Inquiry varied the Restriction Order and circulated to certain Core Participants a key to some of the ciphers.

10. Warning Letters

Rule 13 of the Inquiry Rules 2006 provides:

- “(1) The chairman may send a warning letter to any person –*
- a. he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
 - b. about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
 - c. who may be subject to criticism in the report, or any interim report.*
- (2) The recipient of a warning letter may disclose it to his recognised legal Representative.*
- (3) The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*
- a. the chairman has sent that person a warning letter; and*
 - b. the person has been given a reasonable opportunity to respond to the warning letter.”*

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13 and the Chair and Panel considered the responses to those letters before finalising the report.

ANNEX 2

Abbreviations

ACIC	Australian Catholic Immigration Committee
ACMP	Australian Child Migrants Project
AfC	Action for Children
Australian Royal Commission	Australian Royal Commission into Institutional Responses to Child Sexual Abuse
CCBOS	Catholic Council for British Overseas Settlement
CCC	Cornwall County Council
CCIICSA	Catholic Council for the Independent Inquiry into Child Sexual Abuse
CCS(W)	Catholic Children's Society (Westminster)
CCWC	Catholic Child Welfare Council
CEACES	Church of England Advisory Council for Empire Settlement
CEMWA	Catholic Episcopal Migration and Welfare Association
CMT	Child Migrants Trust
COR	Crusade of Rescue
CORB	The Children's Overseas Reception Board
CRO	Commonwealth Relations Office
CS	The Children's Society
CVOCE	Council of Voluntary Organisations for Child Emigration
CWD	Child Welfare Department
ESA	Empire Settlement Act
Fairbridge BC	The Fairbridge Society's receiving institution in Canada, the Prince of Wales Farm School, British Columbia
FCIC	Federal Catholic Immigration Committee
HIA	Historical Institutional Abuse Inquiry in Northern Ireland
HMG	Her Majesty's Government
NCH	The National Children's Home
NSW	New South Wales
OMB	Overseas Migration Board
RFMC	Rhodesia Fairbridge Memorial College
SAUK	The Salvation Army UK
SCCS	Southwark Catholic Children's Society

SCRS	Southwark Catholic Rescue Society
SoN	Sisters of Nazareth
the League	The Royal Overseas League
UK	United Kingdom
WGPW	Women's Group on Public Welfare

