

1 Wednesday, 28 September 2022

2 (10.00 am)

3 LADY SMITH: Good morning and welcome to the second day of
4 evidence this week in our foster care and boarding-out
5 case study.

6 Ms Innes.

7 MS INNES: My Lady, the first witness this morning is
8 an applicant who wishes to remain anonymous and has
9 chosen the pseudonym 'Esther'. 'Esther' was in the care
10 of Lothian Regional Council and then the City of
11 Edinburgh Council. She was placed in foster care with
12 James Farquhar (JF) and FPH in Edinburgh from
13 1994 until 1997.

14 As Your Ladyship is already aware from evidence that
15 was given on Day 286, which was 19 May 2022, Mr Farquhar
16 has convictions in respect of sexual offences against
17 three complainers. His conviction is at JUS-000000086.

18 LADY SMITH: Thank you.

19 MS INNES: Although we looked at it during the evidence of
20 Jackie Irvine, Chief Social Work Officer of City of
21 Edinburgh Council on that day, for reference starting at
22 page 106 of the transcript, if we might just look at it
23 briefly again.

24 LADY SMITH: Certainly.

25 MS INNES: Your Ladyship will see that there are various

1 offences, the earliest of which is 10 March 1986. If we
2 go on to the next page, please, the latest of which is
3 20 February 1991. As I've indicated, those were in
4 respect of three complainers, one of whom was in foster
5 care. Charge 5 is in respect of the applicant and
6 I understand that at the close of the Crown case it was
7 accepted that there was no case to answer in respect of
8 that charge, so that charge did not go to the jury.

9 LADY SMITH: Thank you.

10 MS INNES: My Lady, I think I'm now ready for the witness.
11 City of Edinburgh Council is obviously the relevant
12 successor.

13 LADY SMITH: Yes. Just remind me the outcome of the first
14 four charges. They were all convictions, were they?

15 MS INNES: They were all convictions. If we could go back
16 to JUS-000000086, page 5, scroll down a little, please,
17 we see verdict.

18 LADY SMITH: Yes.

19 MS INNES: Your Ladyship can see the verdict there.

20 A majority guilty on 1 and 2, 3 with "one occasion" for
21 "various occasions" and the same with charge 4.

22 Then Your Ladyship will see the sentence,
23 imprisonment for 2 years on each of charges 1 and 4 and
24 6, years in cumulo, on charges 2 and 3 all running
25 concurrently.

1 LADY SMITH: Those four charges relate to offending over
2 a period starting with 1986 and ending shortly before
3 'Esther' became a foster child in his household; is that
4 right?

5 MS INNES: Yes, so the last period ends in February 1991 and
6 she was placed in [REDACTED] 1994.

7 LADY SMITH: 1994?

8 MS INNES: Yes.

9 LADY SMITH: Thank you.

10 'Esther' (sworn)

11 LADY SMITH: 'Esther', a couple of practicalities, first of
12 all. If I could ask you to try and stay in a good
13 position for the microphone, that really helps us as we
14 need to hear you through the sound system.

15 The red folder has your statement in it and you'll
16 be taken to that in a moment. That's the folder that's
17 on the desk there. The statement will also be brought
18 up on screen and you may find it helpful to refer to
19 either or neither of those as we go through your
20 evidence. We'll go to the parts of the statement that
21 we're talking about as we go on.

22 A. (Witness nods)

23 LADY SMITH: Separately, 'Esther', I do understand how
24 difficult it is to come into public and face up to
25 talking about the things we're just about to enter into

1 talking to you about. It's all very personal, it's all
2 very private and it goes back to your childhood. I know
3 you will have come along well prepared and understand
4 exactly what you're facing, but you might be taken by
5 surprise by your own emotions as we go through it.

6 I do understand that, I get that, and if you want
7 a break at any time or you just want to sit and be quiet
8 where you are that's absolutely fine with me. Anything
9 I can do to help you give your evidence as clearly and
10 carefully as you can I'm very happy to try and achieve.
11 If it works for you it'll work for me, that's really the
12 key.

13 If you're ready, I'll hand on to Ms Innes now and
14 she'll take it from there. Is that okay?

15 A. Yes.

16 LADY SMITH: Thank you.

17 Ms Innes?

18 MS INNES: Thank you, my Lady.

19 Questions from Ms Innes

20 MS INNES: 'Esther', we understand that you were born in
21 1991. Is that right?

22 A. Yes.

23 Q. Can I ask you to look first of all at your statement,
24 please, we give it the reference WIT.001.002.0307. If
25 we can look first of all at the last page of your

1 statement, please, so if you go to the very end and to
2 paragraph 125 we see that it says there:

3 "I have no objection to my witness statement being
4 published as part of the evidence to the Inquiry.
5 I believe the facts stated in this witness statement are
6 true."

7 I believe you signed the statement on
8 17 August 2018; is that right?

9 A. Yes.

10 Q. It's obviously some time since you signed your
11 statement. I think you've read it again prior to giving
12 your evidence; is that right?

13 A. Yes.

14 Q. I think that there may be some things that have happened
15 since giving your statement that we might cover in your
16 evidence a wee bit later.

17 A. Yes.

18 Q. Okay. If we can go back to the start of your statement
19 again, I'm just going to summarise what you tell us
20 about your life before you went into care.

21 At paragraph 5 you talk about you and your mother
22 living with your aunt and then I think you went to live
23 with your grandmother?

24 A. Yes.

25 Q. Is that right? At paragraph 6 you tell us that you went

1 into foster care, first with a couple in Edinburgh for
2 a few months and then with a foster family in
3 Livingston?
4 A. Yes.
5 Q. Then we know that you moved to JF-FPH in
6 Edinburgh in 1994 and do you know why it was
7 that you were moved from Livingston to JF-FPH?
8 A. Because they wanted to place me and my brother together
9 and the other family, my understanding was they couldn't
10 have two children.
11 Q. Okay. When you went into foster care to begin with, had
12 your brother been born?
13 A. No.
14 Q. Was he born just before you went into JF-FPH?
15 A. Yes.
16 Q. Did he go straight from hospital to JF-FPH?
17 A. Yes.
18 Q. I see. Do you know if you were going to be staying with
19 JF-FPH for a long time, if that was the plan? Or
20 if you were going to stay with them for a short time and
21 move somewhere else?
22 A. Subsequently I know that the plan was that I would
23 probably end up being with JF-FPH long term, but
24 that they were going to try and give a chance for me and
25 my brother to be adopted together.

1 Q. Okay.

2 A. But that there was a time limit on how long that would
3 be for them to try and do a joint adoption, but then
4 they would -- if that wasn't happening, my brother would
5 be adopted, was my understanding.

6 Q. Okay. You talk in the next part of your statement about
7 JF-FPH and if we can move over the page, please,
8 to page 3 and you talk about James Farquhar (JF) and FPH, what
9 was your perception of how old they were at the time?
10 Were they about the same age as your own mum or older?

11 A. They were a lot older than my own mum at the time --

12 Q. Okay.

13 A. -- and as a child I thought they were old people.

14 Q. Okay. You say that you think they had been fostering
15 for about 16 years before you went to them?

16 A. Yes.

17 Q. Is that something you've discovered subsequently?

18 A. Yes.

19 Q. You also say that FPH helped to train other
20 foster carers about the signs of sexual abuse in
21 children?

22 A. Yes. That was written by a journalist in [REDACTED]
23 after the court case of James Farquhar.

24 Q. Okay. I see. You say that neither of them were working
25 at the time that you lived with them?

1 A. Not that I know of, no.

2 Q. Okay. When you lived there, were there other people in
3 the house?

4 A. Yes. It was very overcrowded.

5 Q. Okay. Can you tell us who else was living in the house
6 at the time?

7 A. Their son [REDACTED] was living in the house. He was
8 a teenage boy.

9 They had another foster son who was there full time
10 called [REDACTED]

11 They had their adopted son [REDACTED]
12 [REDACTED]

13 [REDACTED] used to stay quite frequently
14 [REDACTED]

15 They had two weekend visitors who were also
16 fostered, so they had a boy with Down syndrome called
17 [REDACTED] and they also had another boy to my understanding
18 called [REDACTED]

19 But they also used to look after another boy at
20 times who used to come for sleepovers called [REDACTED]

21 Q. Okay.

22 A. And my baby brother, [REDACTED]

23 Q. Okay. So there's you and your baby brother, there was
24 their own teenage son.

25 A. Mm-hmm.

1 Q. [REDACTED] who had [REDACTED] own child wasn't there all
2 the time but would come from time to time?
3 A. Was there -- I remember [REDACTED] being there quite a lot and
4 then there was a period that [REDACTED] wasn't. But [REDACTED] used
5 to visit as well --
6 Q. Okay.
7 A. -- and stay at times.
8 Q. Okay. Then there was a [REDACTED]
9 [REDACTED], [REDACTED] the time, you
10 say?
11 A. Mm-hmm.
12 Q. And then the foster children that came for short term,
13 say at the weekends, for example?
14 A. Yeah.
15 Q. Okay. You describe the house as being quite overcrowded
16 and you go on to describe what it was like at
17 paragraph 10 and you describe it as being a flat?
18 A. (Witness nods)
19 Q. So was it on one floor or was it on two floors?
20 A. So it was a maisonnette flat that's still in
21 Wester Hailes. You went in the front door, there was
22 a living room straight ahead of you, there were stairs
23 up to the left-hand side. There was a living room and
24 a box room and a kitchen on the bottom floor. On the
25 first floor there was a bathroom and a small bedroom --

1 but all the bedrooms were small, but three bedrooms.
2 One shared by JF-FPH another bedroom shared
3 by the other foster children, and then there was
4 a smaller bedroom that my brother and I stayed in.
5 Q. Okay. So there were the three bedrooms up the stairs,
6 and as you've described you were in one of those with
7 your brother?
8 A. (Witness nods)
9 Q. I think you also tell us that there was perhaps in the
10 living room there was a cupboard with a mattress in it,
11 you say?
12 A. Yeah, it was like a box room.
13 Q. That's where their own son slept?
14 A. Yes.
15 Q. Okay. And you also --
16 LADY SMITH: 'Esther', from the people you've detailed, does
17 that mean that there could be sometimes when in addition
18 to James Farquhar (JF) and FPH there were nine other people in
19 the house?
20 A. Yes, and two dogs.
21 LADY SMITH: And two dogs? Thank you.
22 MS INNES: Yes, you mention that they had pitbull dogs.
23 A. Yes.
24 Q. Okay. Were these all of the people that you remember
25 being in the house?

1 A. These were regular people, day-to-day contact people
2 coming in the house. There was obviously visits from
3 friends and things, but these were people who were key
4 to my day-to-day living.

5 Q. Okay. You tell us at paragraph 11 that you were very,
6 very upset about leaving Livingston, the foster carers
7 that you'd been with there, and you describe the
8 contrast between their house and JF-FPH house.
9 Can you tell us your memories and impressions of that?

10 A. I remember there being a garden in the previous foster
11 parents' house and I remember it being a home. That's
12 the feeling that I -- that resonates with me about that.
13 And I don't have any key memories, which makes me think
14 it's safe. But the contrast was I ... JF-FPH
15 JF-FPH house was dark, it smelt of smoke. There
16 wasn't an outside space for me to play in. And even
17 from a young age, like I lacked freedom in it, and that
18 was because there was physical things that restrained
19 me, but also it just was not -- not a place to be.
20 I wouldn't leave my own children there.

21 Q. Okay. You also talk at paragraph 12 about there being
22 a lot of shouting between I think Jimmy and
23 his son.

24 A. Yes. There was -- the boys used to fight quite a lot,
25 the older teenage boys, but there was also a lot of

1 shouting between Jimmy and [REDACTED] and I would be around
2 that. I don't know if I was sometimes the reason for
3 the shouting between Jimmy and [REDACTED] but there was a lot
4 of confrontation between the two of them that
5 I remember. And I also do remember physical fights
6 between [REDACTED] [REDACTED] and [REDACTED] at times.

7 Q. How did that make you feel at the time?

8 A. I -- I can't remember.

9 Q. Okay. You say at paragraph 13 that you didn't like
10 Jimmy to begin with?

11 A. (Witness shakes head)

12 Q. So from your first impression of him, it wasn't
13 a favourable one?

14 A. No. He was a fat ugly old man, but also he wasn't -- he
15 was scary. Just being in his presence was scary. And
16 I think it's important to note that up until this point
17 I hadn't had an idyllic childhood. I'd been around
18 scary people. So for him to stand out as being scary
19 must have meant something to me as a child.

20 Q. At paragraph 14 you also refer to FPH [REDACTED] and what
21 were your impressions of her?

22 A. Just reading here that I wrote that she looked a bit
23 like a witch and I think if I had to draw her now,
24 that's how I would draw her. That was my feeling of
25 her. She wasn't nurturing, she wasn't maternal.

1 I remember everything -- even picking up then as a child
2 that everything seemed too much for her. So even
3 brushing my hair was done with such force and I wasn't
4 allowed to wear my hair down, et cetera. So even
5 something as simple as that I felt a lack of care.

6 Q. Okay. You go on to talk about food. You say that you
7 didn't usually eat with JF-FPH themselves and the
8 older children perhaps, so did you -- how did meals
9 work? Did you sit at a table to have them?

10 A. I can't remember eating meals really round the table.
11 I can remember coming up to the table after breakfast
12 and once -- twice -- I remember it being more than one
13 once or twice, that [REDACTED] used to give me milk from his
14 cup and that feeling like an exhilarating feeling of
15 wow, what a treat, I can have some milk.

16 I remember not enjoying the food at all and
17 I remember being really, really hungry by the time I got
18 to school at Hailesland and there was a time I even
19 swallowed other things that weren't food at school
20 because I was hungry. I also was given food that
21 resembled things that I didn't want to be reminded of,
22 but that's the food that they gave me. So they would
23 force me to eat sausages, that there was a lot of salt
24 in the food, but also at times I would be given -- I say
25 at times. I think it happened very frequently -- potato

1 peelings in the dog's bowl on the floor. I was given my
2 food in the dog bowl on the floor.

3 Q. Okay. You go on, on page 5 at paragraph 19, to talk
4 about the clothes that you were given to wear. You talk
5 about being dressed in boys' clothes.

6 A. Yeah.

7 Q. Tell us about --

8 A. It's really interesting when you look at photos of me
9 from before I was put in foster care to then being with
10 Mr and Mrs [REDACTED], to then being with JF-FPH [REDACTED],
11 from being a little girl with her hair down and bows in
12 her hair and pretty dresses to then being in JF-FPH [REDACTED]
13 JF-FPH [REDACTED], where I was not -- I was not in
14 stereotypically girlie clothing at all and my hair was
15 completely tied back and actually I looked neglected in
16 comparison to how I had looked.

17 Q. Can you see that in the photographs that you've seen?

18 A. Yes.

19 Q. You mentioned going to school and you mention it again
20 at paragraph 20. Did you start school when you were at
21 JF-FPH [REDACTED]?

22 A. Yes.

23 Q. Do you know if you went to nursery before you went to
24 school?

25 A. I think I went into like social work nursery at

1 Stenhouse.

2 Q. Okay. Then you went to school. Do you know if anyone

3 at school picked up on the fact that you looked

4 neglected, as you're describing, and that you were

5 hungry? Did the teachers pick up on that?

6 A. No. The only -- I was adopted by a primary school

7 teacher, so when my mum adopted me she I think had some

8 conversations with my teacher just as a transition and

9 I had been given a table by myself to sit at in the

10 classroom because I just wasn't able to do the school

11 work. I think the teacher felt sorry for me. And

12 that's as far as it went. So I was able just to do

13 colouring in or something.

14 Q. Okay. You say at paragraph 20 that you were never taken

15 out. You went to school and that was as much --

16 A. (Witness nods)

17 We had a couple of token trips just as the adoption

18 process had started, but up until that point we were

19 not -- we weren't taken out.

20 Q. Okay. I think you tell us over the page that one of the

21 trips was to Bonaly?

22 A. Yes.

23 Q. So not very far away, I suppose?

24 A. No.

25 Q. But you remember that as being a trip?

1 A. Yes. That was the trip.

2 Q. Okay. Other than that, you weren't taken out of

3 Wester Hailes?

4 A. I wasn't taken out of our flat.

5 Q. Okay. You say at the end of paragraph 20 that you never

6 even went to the park. You say you didn't know how to

7 run when you were adopted. Your parents had to teach

8 you.

9 A. Yes. My -- my parents actually thought that I might

10 have something muscular skeletal going on with me when

11 they adopted me because I physically could not run and

12 I was adopted into a family that went hillwalking most

13 weekends and went to the park every day after school and

14 it was a real challenge. I hated grass being on my

15 legs. I burst out crying with any sensation of

16 anything. Like rain or anything. I just -- I was not

17 used to it and neither was my brother. So it became

18 very obvious to my parents that we hadn't been exposed

19 to normal daily living things.

20 Q. At the top of page 6 at paragraph 21 you tell us what

21 you were doing in the flat and you mentioned sitting in

22 the living room.

23 A. Yes. There was a chair next to the door in the living

24 room and that was my chair and that was the only place

25 that I could be. So for the days that I wasn't at

1 school, I sat on that chair and there were moments
2 that -- not moments. The times when I tried to remove
3 myself from that chair, I then had to go and sit on the
4 floor between Jimmy's legs and he would squeeze my head.
5 So there was a very controlled -- I sat on the chair.

6 At times I would move from the chair because my baby
7 brother was in a playpen in the middle of the room and
8 he would be crying or I would just want -- want to move
9 from the chair, I was three, four, five years old, and
10 I would be disciplined for that.

11 Q. What form would discipline take?

12 A. That I would have to -- to sit in between Jimmy's legs
13 and him press his body against me and squeeze me.

14 Q. Okay. So you weren't allowed to sit on -- did they have
15 sofas in --

16 A. They had a sofa.

17 Q. Okay.

18 A. No, I wasn't allowed to there. I had a specific chair.
19 It was a comfortable chair.

20 Q. Okay.

21 A. But at the end of the day ... yeah. That's -- that's
22 all I did.

23 Q. Did you --

24 A. I didn't have -- I didn't have toys and I didn't have
25 books. I remember when the social work came I did some

1 colouring with them. The Christmas before we were
2 adopted -- so the adoption was already in process, we
3 know it's about to happen -- I suddenly got an abundance
4 of toys to take with me to my new family, but I hadn't
5 had these before.

6 Q. Okay. What about your room? Could you go to your
7 bedroom? Was it -- did it have toys or --

8 A. No. My bedroom had a wardrobe, a single bed and a cot
9 in it.

10 Q. Okay.

11 A. And I didn't spend time there. I also wouldn't have
12 wanted to spend time there. Yeah.

13 Q. Okay. If we can move down to the bottom of this page to
14 paragraph 26, where you talk about drawing a family
15 tree, you remember, when you were at JF-FPH ?

16 A. Mm-hmm.

17 Q. Can you tell us your memories of that?

18 A. I still have this family tree. I was doing a family
19 tree of who was in my foster family and the names were
20 written on for me to make sense of who I was within this
21 family. And I coloured James and [REDACTED] in
22 black but everybody else in beautiful colours, but
23 nobody ever asked why, which I find very perplexing.

24 Q. You say in paragraph 27 that a lot of social work
25 contact took place outside the flat and you mention

1 about contact visits. Was the purpose of you seeing the
2 social worker outside the flat in order for the social
3 worker to take you to see your mum or can you remember
4 if the social worker was sitting down with you and
5 talking to you about how you were doing?

6 A. I think some of the visits were to take me for respite
7 away from FPH and Jimmy, so I would play and my mum
8 wouldn't be there. And some of the visits were
9 definitely to have contact with my mum, but my mum
10 frequently wouldn't show up to visits, so -- yeah.

11 Q. You say at paragraph 28 that you remember your social
12 worker coming to the flat as well?

13 A. Yeah.

14 Q. Can you remember who she spoke to when she was at the
15 flat?

16 A. No. Not really. I ...

17 Q. Okay. You say that when you look back at documentation,
18 Jimmy and FPH always had a story and a reason for
19 your behaviour. What are you referring to there?

20 A. So there's two child descriptions of both and
21 I and they had reason for me being cold and not wanting
22 to spend time with Jimmy and that was because I had had
23 such unreliable male role models in my life before that.
24 That was the reason why. And energetic
25 behaviour and his being underweight and being

1 malnourished was due to the fact that he had been born
2 addicted to heroin.

3 Q. Okay. I think you mention that later on in your
4 statement so I'll come back to that in a moment.

5 You say at paragraph 28 that you remember that when
6 social workers came round, that was the time that you
7 were allowed out of the chair in the living room?

8 A. Mm-hmm. I was allowed to play on the floor at that
9 point and I was allowed to play with [REDACTED]. So [REDACTED]
10 and I could interact together.

11 Q. Okay. You say that the photographs that you had -- you
12 referred a moment ago to photographs -- those were taken
13 by social workers?

14 A. Yes.

15 Q. Okay.

16 A. Which is why they're in my possession, because the
17 social workers handed them over to my parents when I was
18 adopted.

19 Q. Okay. Then you refer at the end of this paragraph to
20 the social workers knowing that you'd been sexually
21 abused, [REDACTED] and again
22 we'll come back to that, but I think there was a time
23 between you speaking about being sexually abused by him
24 and then you moving away from JF-FPH [REDACTED] --

25 A. Yes.

1 Q. -- and you say that you don't remember being spoken
2 to --
3 A. No.
4 Q. -- by the social worker about it after you'd spoken
5 about --
6 A. I can't remember that. And I can't remember ever being
7 taken for counselling or help or play therapy or art
8 therapy with that. I just remained in the same place
9 that I had been raped.
10 Q. If we can move on, please, to page 8 of your statement
11 and if we look at paragraph 32 first of all. You say
12 that you were never taken to a doctor and you talk about
13 an adoption medical before you went to your parents'.
14 Have you looked in your medical records to see if
15 there's any material in relation to that? Or is this
16 just from your memory?
17 A. So these are records that my parents were given when
18 I was adopted, and my adoptive mother was in contact
19 with the health visitor at the time of our adoption, so
20 this is passed over from my mum that FPH [REDACTED] had fallen
21 out with the health visitor so refused to take us to the
22 doctor or to the health visitor for immunisations or for
23 any ailments because she didn't agree with the health
24 visitor asking questions about [REDACTED] weight.
25 Q. Were there any concerns about your weight?

1 A. There was no concerns about my weight. I just --
2 I consistently had a sore tummy and was finding it
3 difficult to go to the toilet and I had incredibly --
4 and you can see it in photos, but really red lips and
5 really sore mouth.

6 Q. Okay.

7 A. And social work never asked. There didn't seem to be
8 a question mark on our health at all. So when my mum
9 asked, "Oh, where's the red books?" FPH [REDACTED] didn't
10 have them and social work didn't seem to -- the social
11 work at the time didn't seem to think that was an issue.

12 Q. Okay. If we look further down this page at paragraph 34
13 you start talking about some of the abuse that you
14 suffered when you were at JF-FPH [REDACTED]. You first of
15 all talk about the dogs and that they were used to
16 punish you.

17 A. Yes. I can remember -- I don't know what I had done
18 wrong and I don't remember a specific event, but
19 I remember the dogs -- me lying on the floor or being on
20 the floor and the dogs on a lead but about this close to
21 me just barking in my face. But they were also used to
22 wind up my brother in the playpen. So he would be in
23 the playpen and a memory is me sat on the chairs and
24 they would get the dogs to run around the playpen just
25 like barking and snarling at my brother in the playpen

1 and I couldn't do anything to help.

2 Q. How did your brother react, can you remember?

3 A. He was crying.

4 Q. You've already told us at paragraph 35 about not being

5 allowed to eat at the family table and eating from the

6 dog bowl on the floor.

7 A. (Witness nods)

8 Q. Okay. I want to move on and ask over the page and

9 I want to ask you about your brother a little bit more,

10 if that's okay?

11 A. Yes.

12 Q. So at paragraph 38 you've mentioned that he was

13 underweight and you say that he was in the playpen all

14 the time?

15 A. Yes.

16 Q. So was he not allowed out to play on the floor or to

17 play with toys or anything?

18 A. No. And he was -- he was underweight, but I've written

19 in the statement here that he was 7 pounds 10 ounces,

20 which is actually an incredibly health weight for a baby

21 at 37 weeks born to an IV drug user. There was no

22 reason for him to continue to be underweight.

23 Q. Okay. So I think you've said already in your evidence

24 that he was underweight but this was blamed on the fact

25 that he was born to a drug user?

1 A. Yes.

2 Q. But you know what his weight was when he was born and
3 you say that's a good weight.

4 A. (Witness nods)

5 Q. I think you tell us later in your statement I think you
6 have a nursing qualification; is that right?

7 A. Yes.

8 Q. Okay.

9 LADY SMITH: I think you said he was 7 pounds 10 at
10 37 weeks?

11 A. Yes, so it wasn't even full term.

12 LADY SMITH: Born at 37 weeks, that's pretty big.

13 A. Yes.

14 MS INNES: You go on to talk about the room that you and
15 your brother were in. You talk about him moving into
16 the room with you. So was there a time at the beginning
17 that he was maybe in JF-FPH room when he was
18 very little?

19 A. Yes. So JF-FPH room, I think he was in there
20 when he was very, very young. JF-FPH room was
21 very dark. I think they had snakes as well in their
22 room, they definitely had some kind of creepy crawlies
23 in big tanks at the bottom of their bed.

24 Q. Okay.

25 A. And I didn't go in there much. I can't remember there

1 being a cot there, but [REDACTED] -- there was a period -- he
2 was still incredibly young, though. Like I can remember
3 him being a very, very small baby for him to move into
4 the cot in my room.

5 Q. Okay. How did you feel about being in the room with
6 him? You say that you have a memory of him being
7 a really small baby?

8 A. I was so excited. It was like -- for a little girl who
9 had no toys, who had no stimulation, who had no
10 relationship, it was like a dream come true.

11 Q. You talk in this paragraph 39 about being locked in the
12 room at the weekend and locked in the bedroom.

13 A. Yeah.

14 Q. Can you tell us about that?

15 A. Yeah. At the weekend the door handles were taken off
16 our doors and the lightbulb was taken out and we weren't
17 able to get in and out of our bedroom. And I can
18 remember we weren't given things to eat but also
19 I wasn't able to go out to the toilet. So ... I just
20 used to play with [REDACTED] and he was my doll, but also he
21 would cry because he was hungry, so I used to feed him
22 the inside of pillows ... and I used to drink my urine
23 and faeces when I was hungry.

24 Q. Did you feel like you could call out to FPH [REDACTED] to ask
25 her for help?

1 A. (Witness shakes head) Yeah, you used to be able to see
2 through where the door handle was taken out and I can
3 remember -- I have a memory of asking for help but
4 no one came and I think I also reasoned this was the
5 routine, this is what happens. Like I do get back out,
6 but this is what happens now.

7 Q. Can you remember if there was a baby monitor or anything
8 like that in the room?

9 A. No, there wasn't a baby monitor.

10 Q. Okay. In the next paragraph at paragraph 40 you talk
11 about being sexually abused by JF-FPH [REDACTED]
12 [REDACTED] and I think you've already told us that you were
13 raped by him. You obviously cover this in your
14 statement. I don't know if you want to talk about that,
15 'Esther', or not?

16 A. I think the only thing that I would like to highlight
17 was that this was a really small flat that everyone was
18 living in. We've already covered that there was nine
19 people. That this was -- I can't believe that no one
20 else didn't hear what was going on.

21 Sometimes he -- there was scaffolding outside our
22 flat at one point, so sometimes he used to come in to my
23 bedroom window, which is a flashback that I still have
24 and still scared of people breaking into my window.

25 Q. So he would go out of his own room and come into yours?

1 A. (Witness nods)

2 But also it was so normal that sometimes during the

3 week when the door was open I used to go and knock on

4 their bedroom door, when the other boys were there, and

5 say, "Are you coming into my room tonight?"

6 Q. Can you remember if the other boys reacted to that at

7 all?

8 A. I can't remember. But that that ... that it was -- it

9 was obviously occurring in the house.

10 Q. Okay. Did you feel that you could speak to FPH

11 about that?

12 A. No.

13 Q. Do you have any sense of why you didn't feel able to

14 speak to her?

15 A. Because I thought she knew it was happening.

16 Q. Okay.

17 A. I thought it was normal.

18 Q. Okay. What about your social worker?

19 A. I -- I didn't know my social worker enough. Like I ...

20 they weren't -- they were an adult, I didn't think they

21 were for me.

22 Q. If we go on over the page to page 10, paragraph 41 you

23 also talk about being sexually abused by Mr Farquhar and

24 you say that you think this used to happen when

25 FPH was downstairs or out of the flat?

1 A. Yes.

2 Q. Okay. And you say it was always in the bathroom?

3 A. Yes.

4 Q. You also say this happened regularly most Saturdays, you

5 say?

6 A. Yes.

7 Q. Again, is there anything that you want to highlight in

8 relation to what you tell us about what Mr Farquhar did?

9 A. No. Just again of -- it was me asking for -- I was

10 verbalising -- sorry, I'm externally processing.

11 I had to ask to go upstairs. There was -- I believe

12 that it was so obvious it was going on in the house. It

13 was a very planned -- I knew the routine. I knew that

14 FPH would go out, I knew that I would move from the

15 chair to the bottom of the stairs, I knew I would ask

16 the question and then go up. It was -- yeah, looking

17 back, it was quite an obvious routine.

18 Q. Okay. You also speak about a friend who would come to

19 visit, who I think was a Mr FKC?

20 A. Yes.

21 Q. Who lived nearby. And you describe standing on a piece

22 of paper and photographs being taken of you?

23 A. Yes.

24 Q. Would you be wearing clothes when that happened or not?

25 A. No.

1 Q. Who was taking the photographs? Was it --

2 A. I don't know.

3 Q. Okay. Did anything else happen when --

4 A. I can't -- I really find it difficult to remember a lot

5 of that incident, but I remember a girl being there who

6 I thought was my friend, who was a similar age, so again

7 there was an enjoyment about seeing ... being with

8 another child.

9 Q. Did she have her clothes on or not?

10 A. No, not that I can remember.

11 Q. At the bottom of page 10 you tell us about reporting

12 things that happened. First of all you say that you

13 think that you told your social worker about the bedroom

14 and about there being in handle on the door?

15 A. Yes.

16 Q. What was her reaction to that?

17 A. I remember her talking to me and saying that this --

18 this wasn't -- this wasn't here, this was before. That

19 this must have -- like trying to reason with me that

20 this was a safe place and maybe this happened before

21 I came to JF-FPH .

22 Q. Okay. Then at paragraph 45 at the top of page 11 you

23 talk about FPH discovering [REDACTED]

24 raping you?

25 A. Yes.

1 Q. That she came into the bedroom and can you remember that
2 happening? Her coming in?

3 A. Yes and no, I think. I -- I remember her coming in
4 and ... I remember more the feeling of confusion of,
5 "Why are you coming in this time and why are you telling
6 him to get off this time? This has happened lots".
7 And that being the main thing that I can remember.
8 But I also remember not being comforted and not
9 being -- like I was left in the room is my memory.

10 Q. Okay. Then you say that you think that your next memory
11 is that you think you went to sleep and then the police
12 came?

13 A. Yes.

14 Q. Okay. Can you remember speaking to the police?

15 A. Not fully, no. I can -- I remember -- I remember
16 FPH and Jimmy being there and I remember feeling
17 like I didn't know what to say or what not to say. Like
18 I was -- I remember being scared that Jimmy was there.
19 I just remember an overwhelm -- like confusion is the
20 word that I use to describe that part because of my
21 life, because Jimmy was still abusing me at this point
22 and I didn't know it was wrong.

23 Q. Okay.

24 A. Sorry, to go back to a part about FPH was I ...
25 I had a really sore tummy, but with that sometimes came

1 bleeding and lots of like -- I remember my pyjamas
2 having other substances on them, like feeling wet and
3 things. So for her to be able to do my washing, she --
4 there was never -- there was also other suggestions
5 there that I was being raped.

6 Q. Okay.

7 After you'd spoken to the police, what happened?

8 Did you stay with JF-FPH then?

9 A. I stayed with JF-FPH. I continued to be abused
10 by Jimmy, and used to come and visit the house.

11 Q. Okay. Yes, you talk about coming to visit the
12 house. Can you remember if he came with anybody or if
13 he was there on his own?

14 A. I think -- I can remember once him being at the door
15 with a friend, but he just -- for me things hadn't
16 changed much. He wasn't staying overnight at the house,
17 but he was very much still part of family life.

18 Q. I think you say this on page 12 at paragraph 49. We'll
19 come back to the medical examination issue in a moment,
20 but I think you say that you're aware that carried
21 on visiting. And we know that you left JF-FPH to
22 go and live with your adoptive parents. Can you
23 remember him being there at the time that you left?

24 A. Yeah.

25 Q. Was there a goodbye party or something that might be

1 described as that before you left?

2 A. I think [REDACTED] was there and the family was there.

3 I can't remember there being a goodbye party, but --

4 Q. Can you remember [REDACTED] being there, [REDACTED]

5 A. I can remember -- yeah. And I think my adoptive parents

6 had actually met [REDACTED].

7 Q. Yes. Okay. So just for the --

8 A. And I can remember -- sorry. I can remember still being

9 told to give [REDACTED] a hug when he left.

10 MS INNES: I'm not going to show you this document, but just

11 for the notes, at CFS-000011041, my Lady, there is

12 a statement from a residential care worker which

13 confirms that [REDACTED] did have visits at the

14 house on a supervised basis, ie he was accompanied by

15 a residential care worker, but that he was at a going

16 away party for 'Esther' and her brother.

17 LADY SMITH: Thank you.

18 MS INNES: Now --

19 LADY SMITH: Can I just take you back to a comment in

20 paragraph 48. At this time you were still very young --

21 A. (Witness nods)

22 LADY SMITH: -- about five years old, something like that?

23 A. Yes.

24 LADY SMITH: You say, it's about four lines down, you felt

25 a dread that you'd done something wrong when you were

1 being asked questions.

2 A. Yeah.

3 LADY SMITH: The picture I'm getting from the descriptions

4 you've given me, going back to when this abuse started,

5 was you didn't know that life was any different.

6 A. No.

7 LADY SMITH: You'd not had an experience of living in a busy

8 household with older foster carers before and so -- and

9 I don't want to put words into your mouth, tell me if

10 I'm wrong -- was it something along the lines of: well,

11 life must just be like this?

12 A. I thought that was normal. My life up to that point had

13 involved so much chaos of people coming in and out.

14 I had witnessed people being murdered by that point.

15 I -- someone set alight in a bath, I had --

16 LADY SMITH: Yeah.

17 A. I was constantly around abuse and neglect and violence.

18 This wasn't abnormal.

19 LADY SMITH: Yes.

20 A. However, I also had ... I also knew not to rock the

21 boat. I'd learnt at a very young age how to keep myself

22 safe from adults and I didn't want to rock the boat when

23 it came to FPH and Jimmy. So when I was being

24 questioned I was scared because I knew -- I knew things

25 could be worse.

1 LADY SMITH: Yes.

2 A. But I was happy with where they were at because that --

3 that felt safe enough.

4 LADY SMITH: At the time the abuse happened, both with [REDACTED]

5 [REDACTED] and with Jimmy Farquhar, you're telling me

6 you didn't know that was wrong.

7 A. No.

8 LADY SMITH: These were people that you didn't want -- as in

9 [REDACTED] and the foster father, you didn't want

10 to get into trouble with them --

11 A. No.

12 LADY SMITH: -- because they had power over you.

13 A. (Witness nods)

14 LADY SMITH: Hence you'd be scared of it if the police took

15 action and you'd be in trouble as well; would that be

16 right?

17 A. Yes. That would be right. And another thing that was

18 being said to me at that point in time was that I might

19 not be adopted and I might need to stay -- that Jimmy

20 and FPH [REDACTED] might be my mum and dad forever, but that

21 [REDACTED] might be adopted.

22 LADY SMITH: Yes.

23 A. So I was very much -- I was terrified of losing [REDACTED],

24 but also that was going to be my forever, that life.

25 LADY SMITH: Yes.

1 Thank you, that's really helpful.

2 MS INNES: If we can go back, please -- sorry, just on the
3 question of the interview, you talked about how you felt
4 at the time. Were you able to tell the police the full
5 extent of what was happening with the adopted son?

6 A. No.

7 Q. No. At paragraph 49 you say that you understand that
8 you had no medical examination?

9 A. No. I understand that I didn't.

10 Q. Okay. Is that something that you've established since?

11 A. Yes. And I -- when I disclosed to my adopted mother
12 about the abuse and Jimmy was arrested in 1998, so after
13 I'd been adopted, I then had a medical which showed very
14 clearly that I had -- that I had been sexually abused.

15 Q. Yes, okay.

16 A. But I didn't have that medical at the time of abuse.

17 Q. Yes. Okay.

18 A. Actually, I was just kept in the same place.

19 Q. Then, as you've said, I think, the reason that you left
20 that placement was ultimately because you were adopted
21 by your parents?

22 A. Yes.

23 Q. Okay. If we can move on to another section of your
24 statement, I'm not going to -- you tell us in your
25 statement about your life after the foster placement and

1 after you were adopted and I'm not going to go into that
2 in detail at this point, but I wonder if we can move,
3 please, to page 19, paragraph 79, where you go on to
4 discuss how it came to light that -- well, what had
5 happened at JF-FPH . I think you tell us at
6 paragraph 79 that this began to come to light with your
7 adoptive parents when you were with them?

8 A. Yeah.

9 Q. And I think your mum had noticed some behaviour that she
10 was concerned about on your part?

11 A. Yes.

12 Q. Okay. And you describe something that happened and did
13 you then tell your mum what had happened at
14 JF-FPH ?

15 A. Yes. My mum ... had just finished giving a bath and --
16 us a bath and I kissed my younger brother's penis and my
17 mum -- her reaction was so gentle and kind and just
18 said, "Oh, like why are you doing that?" And then I had
19 burst out crying and told her that that's what Jimmy had
20 asked me to do to him. And then disclosed more to her
21 at that point in time. And then she contacted the
22 police.

23 Q. Okay.

24 A. But I remember -- so there was probably only about
25 18 months between my first disclosure within foster

1 care, my second disclosure to my mum, but I remember the
2 stark difference of her -- like there was panic in me,
3 because she was like, "I'm going to talk to the police
4 about this and things", but there was also a very
5 nurturing, "You're safe now", which I hadn't had before.
6 So again there was great confusion of why is that wrong?
7 Q. Okay.
8 A. But also, I think, my body was ready to disclose again
9 because I was in a safe place and I had realised myself
10 that it was -- I hadn't been abused while I had been
11 adopted.
12 Q. Okay. Yes, so you were --
13 A. So my body was bringing things up at that point.
14 Q. You talked before about how you thought it was normal --
15 A. Yeah.
16 Q. -- it was normal life. But those things weren't
17 happening when you were with your adoptive parents.
18 A. Yes.
19 Q. Okay. Over the page on page 20 at paragraph 80 you tell
20 us about how you felt about the police coming around on
21 this occasion and you say that you were panicking.
22 A. I was panicking that I would go to prison or that
23 I would be taken away. I thought that -- I thought that
24 I had done something wrong.
25 Q. Mm-hmm.

1 A. And that goes back to ... Jimmy telling me that I had to
2 ask to go up the stairs. I had asked for that abuse.
3 So it was me that the power was on. I wanted it. And
4 that's why I was convinced that I would go to prison,
5 because I was asking for it.

6 Q. Okay. But you say that the police lady was really nice
7 and you were able to speak to her about what had
8 happened?

9 A. Mm.

10 Q. You then go on about going to the Procurator Fiscal's
11 office?

12 A. Mm-hmm.

13 Q. That you maybe now subsequently know as the Procurator
14 Fiscal's office, I'm not sure you would have known at
15 the time. You talk about going and having a meeting and
16 being asked about red and yellow telephones?

17 A. Yeah. This is probably one of the most traumatic things
18 that happened at that time, was that being in a room and
19 the lady showing me a red telephone and she said, "This
20 telephone is yellow", and I said, "No, it's not, it's
21 red", and she said, "No, it's yellow", and I remember
22 like crying at this point, being really in turmoil of
23 being -- and getting quite, "No, no, it's definitely
24 red", and then she concluded with, "So you know the
25 difference between lying and not lying and you can't lie

1 in court".

2 Q. Okay. Then if we move on to your experience of going to
3 court and giving evidence, so at paragraph 83 you talk
4 about giving evidence. Did you go to the court itself
5 or did you go to some other building, do you know?

6 A. I went to the court.

7 Q. Okay. Can you remember how you felt about that?

8 A. I didn't want -- I didn't want to go. I really didn't
9 want to see Jimmy.

10 Q. Okay.

11 A. I also remember by this point having spoken to a lot of
12 adults that I had established a real sense of what was
13 right and wrong, and I couldn't understand why FPH
14 wasn't getting in trouble too, that I kept on saying to
15 people, "Why is FPH not being in trouble? Why is
16 this just Jimmy?"

17 Q. Why did you think she should be getting into trouble?

18 A. Because I thought she knew what had happened to me.

19 Q. Okay.

20 A. And I like -- from being a child, like FPH knew.
21 I really don't know how to explain it more than that.
22 But my sense was that FPH allowed it to happen.
23 But also FPH wasn't kind to me either. She was
24 around when I was eating out of dog bowls, she was
25 hurting me when she was brushing my hair, she wasn't

1 taking me out on trips, she wasn't doing -- she was
2 neglecting me, emotionally and physically abusing me as
3 well, and I couldn't understand why -- for me the sexual
4 abuse was horrific but at that point it wasn't the
5 things that caused me most pain, if that makes sense.

6 Q. Yes, okay. What about [REDACTED]? What had
7 happened with what you'd said about him at this point,
8 do you know?

9 A. Nothing.

10 Q. Did you have any understanding -- you say you were
11 asking why is FPH [REDACTED] not getting in trouble. Were you
12 asking the same questions about [REDACTED] or not?

13 A. Not at that point. It was more -- [REDACTED] and I were one
14 in my head at that point. It was like why -- those
15 questions weren't being specifically asked about [REDACTED].
16 They were myself. But as time went on and I got older,
17 I could very much pinpoint why [REDACTED] behaviour was the
18 way he was.

19 Q. Okay. So just to be clear, you were talking there about
20 your brother [REDACTED]?

21 A. My brother [REDACTED].

22 Q. What had happened to [REDACTED] and the things you'd
23 said about him?

24 A. Nothing. He was allowed to come to my going-away party.

25 Q. Did you have any understanding of why he wasn't involved

1 at this time that you went to court to speak about
2 Jimmy?

3 A. My understanding was that the police said that they
4 couldn't do anything. That's what I was told.

5 Q. You talk about giving evidence and you say that you went
6 to court, but I think you were in a separate room --

7 A. Mm-hmm.

8 Q. -- and you describe what the room was like. At
9 paragraph 84 you talk about being in a room with a lady
10 who you hadn't met before.

11 A. Yes.

12 Q. How did you feel about that?

13 A. Terrified. I didn't -- I didn't want to be with this
14 lady. I didn't want to say rude words in front of
15 adults. I was also still sure that I could be taken
16 away from my family, so I didn't -- there was so much --
17 there wasn't safety there. I didn't feel safe in that
18 room.

19 Q. You talk at paragraph 85 about words that were used and
20 how you felt at that point. You say that you broke down
21 and you had to stop and you went out of the room to get
22 hugs from your mum and dad. Then you say at
23 paragraph 86 you went back in again:

24 "They kept asking me about it. It felt awful.
25 I was terrified."

1 Did you know who was asking you questions or why?

2 A. The defence, I understood that they were Jimmy's
3 lawyers. That's how I understood it. And I also
4 understood hearing so much adult chat in the room and
5 the adults weren't telling the truth, but they were
6 asking me -- they were putting something towards me that
7 wasn't true. So they were saying that this wasn't Jimmy
8 that did this, was this somebody else, or Jimmy didn't
9 do that to you and asking me to explicitly say what had
10 physically happened to me, which I was just so ...
11 didn't -- didn't know how to say. I was -- yeah, I was
12 terrified.

13 And it seemed like I gave evidence for a very, very
14 long time and the build-up to me giving evidence was
15 adults telling me how important it was to tell the truth
16 and then at six years old was hearing people discount my
17 truth but believing an adult's truth -- the adult's
18 lies, sorry.

19 Q. Okay.

20 A. That's how it felt.

21 Q. Okay. You say that the jury heard your evidence but
22 they were told to ignore it because of corroboration,
23 and that's at paragraph 87. I assume again that's
24 something that you've learned subsequently?

25 A. Yeah. I didn't know that at five years old/six years

1 old.

2 Q. If you can think back to the time, so you gave your
3 evidence and left this room. Did anybody tell you at
4 that stage what had happened?

5 A. Yeah, my mum was ... I remember my adopted mum being
6 really upset and had then told me that Jimmy couldn't go
7 to prison for what he did to me and I remember that
8 being very confusing. I was -- I was sad about that.
9 But that my mum had also said that it was really brave
10 of me to give evidence because -- because I had given
11 evidence and because I had told her about the abuse,
12 that Jimmy was able to be arrested for crimes that he
13 had done to other children. So at that point as well
14 I was aware that I wasn't the only person that Jimmy had
15 abused.

16 Q. Okay. You say in this paragraph that you became aware
17 probably later on of more detail in relation to previous
18 allegations that had been made against him?

19 A. (Witness nods)

20 Q. If we can go on over the page to page 22, you talk at
21 paragraph 88 about what had happened with the [REDACTED]
22 [REDACTED], and you refer to a letter that your
23 parents received saying that it had been decided not to
24 take any proceedings against him. Again, I assume
25 that's something that you were told about later?

1 A. Yes.

2 Q. Okay. When you found out that that decision had been
3 taken, how did you feel about that?

4 A. I again couldn't understand it. I was being told to
5 trust adults and adults weren't looking after me. But
6 also in my eyes at that point in time what [REDACTED] had
7 done was a lot worse than what Jimmy had done.

8 Q. Okay. Now I understand that you've spoken to the police
9 subsequently as an adult?

10 A. Mm-hmm.

11 Q. Was that in relation to Jimmy or in relation to [REDACTED]?

12 A. It was -- it has been in relation to both of them --

13 Q. Okay.

14 A. -- but at this point of my statement it was in relation
15 to [REDACTED], that I wanted to know why [REDACTED] hadn't been
16 prosecuted.

17 Q. Okay. You say at paragraph 89 that you contacted the
18 police. You were told that the Crown Office had decided
19 not to proceed against [REDACTED] and that they also referred
20 to the police statements that you gave at the time or
21 the police statement that you gave at the time.

22 A. Yes.

23 Q. Okay.

24 A. I then had contact with the Procurator Fiscal after
25 that, who was Dawn Simpson I think at that point in

1 time, who advised me that [REDACTED] had been put in
2 a residential home and because he was 15 at the time,
3 that they had made a choice not to prosecute him. And
4 because he had also admitted to it in his statement.
5 That that showed reflection, so the PF had decided not
6 to take that forward.

7 Q. Do you know what he had admitted to?

8 A. No.

9 Q. Okay. You then say at paragraph 90 and following that
10 after you met with the Inquiry team you then spoke to
11 the police again and can you tell us about that?

12 A. So after I met with the Inquiry team I provided consent
13 for the police to contact me to see if all the crimes
14 had been taken to court, like had -- was there a full
15 sense of justice here, and two community police officers
16 attended my home from Bonnyrigg, who I asked if they
17 were specialist officers or had training, to which they
18 were offended by and they told me that I shouldn't have
19 contacted the police if I didn't want to speak to them
20 and that I was wasting their time.

21 Q. Did you know they were coming to your house before they
22 arrived?

23 A. No.

24 Q. After that first meeting I think you then spoke to
25 an officer from the public protection unit and you say

1 that you talked about a case that he was involved in,
2 and then if we go on over the page to page 23 and
3 paragraphs 92 and 93, you talk about him having papers
4 with him and a photo of James Farquhar that you could
5 see?

6 A. Yeah. He actually started his conversation with me
7 saying that he had had his file -- my file on his desk
8 but it was at the bottom of the pile so that's why it
9 had taken so long to get to, was how he'd introduced
10 himself. And then explained that he was working on
11 a very serious case involving a baby, who was a baby
12 now, and wasn't a historic case. And yes, he had
13 Jimmy's file with a picture and his name in front of
14 me -- actually, his papers were all over my coffee table
15 in my living room.

16 Q. Okay. Then if we look down to paragraph 95, you talk
17 there about a subsequent conversation that you had with
18 somebody from Fettes I think on the phone and she told
19 you to try and get hold of the statements that you gave
20 to the police when you were a child?

21 A. Yes.

22 Q. Did you know why she was suggesting that?

23 A. No, not really, but I said to her at the time that
24 I wouldn't try and get hold of the statements, because
25 if I was going to go forward with any legalities,

1 I wanted sure to know that the statement that I was
2 giving was not from refreshed memory but from the
3 memories that I had from now.

4 Q. After that and I think after you signed your statement
5 you've had some further contact with the police, so was
6 there a gap between that contact and then them coming to
7 see you again?

8 A. Yes. So the first contact was four years ago and that
9 concluded with, "There's nothing that we can do. We're
10 very busy, everything's been checked, there's no more
11 charges here".

12 And then in March of this year, I think around --
13 the beginning of this year, anyway, two officers came to
14 my door and started the process again and said that they
15 were here because of the statement I had given to the
16 Inquiry.

17 Q. Okay. And --

18 A. And I didn't know they were coming.

19 Q. Subsequently, have they maintained the position that
20 they came because of the Inquiry statement or --

21 A. Yes.

22 Q. -- have there been --

23 A. It was the Inquiry -- it's confusing why this had landed
24 back on their desk, but the Inquiry -- I had taken it of
25 the Inquiry had sent them. And then also that I --

1 because of the -- it seemed like I had asked for it
2 because of what I was asking four years ago, but there
3 had been -- four years is quite a long time.

4 Q. Okay. Did you provide further statements?

5 A. Yes. I spent -- I gave one statement over two days.

6 Q. Okay. Were you given any information as to what might
7 happen next?

8 A. I was under the impression that the PF was already
9 involved in the process and that charges would be put to
10 Jimmy and possibly [REDACTED] quite quickly. We're
11 nine months on and no charges have been made against
12 FPH [REDACTED], Jimmy or [REDACTED]. This is also because the
13 Edinburgh City Council refused to hand over any records
14 to the police to help them with their investigation.

15 Q. Okay. How do you know about that?

16 A. Through a conversation with the police. Because I've
17 been in contact. I said, "Why is this taking so long?"

18 Q. Okay. And do the police contact you to update you or do
19 you contact them?

20 A. I contact them.

21 Q. In terms of the City of Edinburgh Council, I think maybe
22 did the police tell you that they had to get a warrant?

23 A. They were -- the PF was about to get a warrant to
24 basically pressurise them to give the names of the
25 children who had been in care, which is also a confusing

1 point about how I'm interacting at the moment with the
2 police, because I want -- if there hasn't been a change
3 in law of corroboration, then we won't legally be able
4 to press for charges against James Farquhar, but given
5 that there is 68 other children in their care, I think
6 that's the avenue they're going down, to see if anyone
7 else can corroborate my evidence.

8 Q. Okay.

9 A. However, FPH [REDACTED] has never been arrested.

10 Q. Okay. Do you have any sense of the length of time this
11 might take?

12 A. No. I thought it was going to be quite a short process
13 and we're nine months on.

14 Q. How does that make you feel?

15 A. I've given up hope in our police system and I don't --
16 I don't think ... like I want justice but I'm -- I don't
17 think I'll ever receive it legally. And also it's ...
18 it's really, really traumatising when you're getting on
19 with your life to suddenly have people knock out of the
20 blue on your door when you're giving your children
21 breakfast.

22 Q. Okay.

23 I want to ask you about another thing that's
24 happened since you gave your statement and I understand
25 that you made a civil claim against the City of

1 Edinburgh Council?

2 A. Yes.

3 Q. Is that right? I think that the legal term I think

4 would be they admitted liability, so they admitted --

5 A. Yeah.

6 Q. I think you might say guilt. But I think that they

7 admitted liability, but then I think you had to go and

8 see a psychiatrist?

9 A. Yes.

10 Q. Can you tell us about that?

11 A. Edinburgh City Council asked me to go and see

12 a psychiatrist whose name -- I'm sorry, I don't

13 remember, but I can get it for you. Who, before I went

14 to see him, I researched him and he is used by defence

15 teams, mostly down south, in case of serial murderers

16 and rapists, but also his practice has been called into

17 question and a couple of judges have actually refused to

18 have his statements in court because they don't think

19 that his -- he's fair, but also that he's very biased on

20 psychiatric conditions.

21 So this man was supposed to have a 30- to 45-minute

22 window with me, I was with him for about two hours.

23 Where his conclusion was that I had bipolar and that the

24 trauma hadn't affected me at all because I was

25 a well-spoken and resilient young woman and I was making

1 more of this than it was, and also that the prospects
2 I had for my life should have actually been quite low,
3 because I was born to a prostitute and an IV drug user,
4 so actually I was trying to achieve for more than I was
5 meant for.

6 Q. Okay. So that last point that you talked about, about
7 that you wouldn't have achieved anyway because you were
8 born to a prostitute and a drug user, is that something
9 that the psychiatrist was exploring with you or is that
10 something that was put forward as part of the City of
11 Edinburgh Council's defence?

12 A. Both.

13 Q. Both? Okay.

14 LADY SMITH: 'Esther', can I just check. Was this man
15 a psychiatrist or was he a psychologist?

16 A. He was a psychiatrist. He was actually a professor,
17 Professor Maden.

18 LADY SMITH: Professor Maden, thank you.

19 MS INNES: You mentioned that he said that you had bipolar
20 disorder.

21 A. (Witness nods)

22 Q. Is that something that you'd ever been diagnosed with?

23 A. No. And at this point I was seeing an NHS psychiatrist
24 who -- Dr Sharma, who was very irate and angry on my
25 behalf when he read the conclusion and wrote a very

1 strongly worded letter in my defence and stipulated
2 absolutely not does **FCY** have these -- this condition,
3 but rather this is complex PTSD.

4 And then I was seen by a psychiatrist from
5 Kim Leslie's team, who again supported my NHS
6 psychiatrist of this is complex PTSD.

7 Q. Okay. So you spoke to your own psychiatrist and then
8 you had to see an independent psychiatrist instructed by
9 your solicitor?

10 A. Mm-hmm.

11 Q. Who I think you say is Kim Leslie.

12 A. (Witness nods)

13 Q. How did that process make you feel?

14 A. (1) I -- why am I defending again what happened to me?

15 (2) how disgusting of Edinburgh City Council, who
16 know that they were in the wrong, to have, 1, to
17 instruct a psychiatrist from down south, do we not have
18 any psychiatrists in Scotland that were nearby? So they
19 had obviously chosen this psychiatrist for his
20 background. That seems completely ... it's just not
21 trauma-informed to use someone of that bias and that
22 expertise to conclude someone that they -- they had
23 failed to look after in care. And if that's their
24 benchmark for looking after adults who have been abused
25 in care, then that's disgusting.

1 Q. You also tell us in your -- sorry, just concluding,
2 I think the civil claim settled. Is that right?
3 A. Mm-hmm.
4 Q. At page 30 of your statement, at paragraphs 119 to 121
5 you talk about difficulties in getting your records.
6 Have you ever been able to recover your children's
7 files?
8 A. No.
9 Q. Have you been given any explanation as to why that is?
10 A. No.
11 Q. I think at paragraph 121 you say that at one point you
12 were told by the City of Edinburgh Council that they
13 didn't have your records and that they thought that some
14 of them were still at the High Court?
15 A. Yes. And my solicitor, who at the time tried to receive
16 all my records and couldn't, they weren't at the High
17 Court. They were then told that they were somewhere in
18 Livingston. They received some, but my full records
19 have never been read.
20 Has the Inquiry been able to retrieve any of my
21 records?
22 Q. No. Not from City of Edinburgh Council. We do have
23 some from Scottish Adoption, which are limited.
24 A. Okay.
25 Q. Just moving on to towards the end of your statement,

1 what I wanted to ask you about, you talked a moment ago
2 about a sense of justice and that you wouldn't get
3 justice legally. How do you feel about the fact that
4 [REDACTED] has never faced any criminal charges in
5 respect of what you disclosed and the fact that
6 Jimmy Farquhar wasn't imprisoned in respect of what he
7 did to you?

8 A. (Pause)

9 I ... it makes me terrified that there are people
10 who get on with their day-to-day lives, two of which
11 I know who have raped me, that continue to have access
12 to children. Who have grandchildren, who have their own
13 children themselves. That continue to be parts of
14 churches in Edinburgh, that continue to go about their
15 day-to-day life.

16 And also ... I'm very, very aware when I support
17 women who want to make disclosures to the police about
18 what's happened to them. I -- I can't authentically
19 commit to them that they are going to receive justice.
20 And actually I would ... I really want to empower people
21 for their voices to be heard, but my voice has -- has
22 always been dismissed. And I'm able to articulate
23 myself quite well. So for me, there's a real sense of
24 dismay and loss of hope because why do the men in power
25 continue to walk free but the likes of me, I live with

1 that day to day. And why ... the fear that that brings,
2 that these men are still in my city, potentially could
3 come into contact with my children, is ... that's not
4 just hypervigilance from trauma. That's just a reality
5 of they're -- they're out and they're free.

6 MS INNES: Okay. Now we obviously have your statement and
7 everything that's included in that, 'Esther', that forms
8 part of your evidence, so I don't have any more
9 questions for you.

10 There are no applications, my Lady.

11 LADY SMITH: Are there any outstanding applications for
12 questions of 'Esther'?

13 'Esther', that does complete all the questions we
14 have for you.

15 A. (Witness nods)

16 LADY SMITH: I just want to thank you so much for everything
17 you've given to the Inquiry, both in terms of your
18 written statement, the care with which you've obviously
19 gone through it at review and checked it, the
20 preparation you've obviously done to come here today,
21 which can't have been easy, making yourself go back to
22 these memories, and everything you've added by bringing
23 your evidence to life, not just leaving matters at your
24 written statement.

25 You've taught me a lot and I'm very grateful to you

1 for doing that.

2 A. (Witness nods)

3 LADY SMITH: You're probably now exhausted and ready to go

4 and I'm glad to be able to let you do that, but you go

5 with my grateful thanks.

6 A. Thank you.

7 (The witness withdrew)

8 LADY SMITH: We'll take the morning break just now and we

9 have another witness coming after the break, haven't we?

10 MS INNES: We have another oral witness after the break.

11 LADY SMITH: Thank you.

12 (11.33 am)

13 (A short break)

14 (11.50 am)

15 LADY SMITH: Now, Ms Innes.

16 MS INNES: Thank you, my Lady. The next witness wishes to

17 remain anonymous and has chosen the pseudonym 'Amber'.

18 She is the adoptive mother of a child with a pseudonym

19 'Rosie'. 'Rosie' was in the care of the City of

20 Edinburgh Council. She was placed in foster care with

21 FZS-FZT [REDACTED] on [REDACTED] 2012 and remained

22 there until [REDACTED] 2015.

23 Obviously the end of 'Rosie's' placement was after

24 17 December 2014, which is the relevant date in terms of

25 the terms of reference. However, the alleged abuse

1 could have occurred before then, given the duration of
2 the placement and the nature of the abuse alleged.
3 FZS-FZT initially applied to
4 Lothian Regional Council in 1994. They were then foster
5 carers for the City of Edinburgh Council. They were
6 de-registered in August 2021 and their appeal against
7 that de-registration was unsuccessful. City of
8 Edinburgh Council is the relevant successor.
9 LADY SMITH: Thank you.
10 'Amber' (sworn)
11 LADY SMITH: 'Amber', a couple of practicalities I'd like to
12 mention.
13 First of all, I think you're in a good position for
14 the microphone, if I could ask you to make sure you are
15 being heard through the microphone, that's really
16 helpful.
17 A. Yes, is that okay?
18 LADY SMITH: That's brilliant, yes.
19 That red folder has your statement in it, the one on
20 the desk there, and we'll take you to that in
21 a moment --
22 A. Thank you.
23 LADY SMITH: -- but we'll also put your statement up on
24 screen --
25 A. Okay.

1 LADY SMITH: -- and go to the parts of it we're discussing
2 as we go through your evidence.
3 Otherwise, 'Amber', can I just say that I know
4 coming into a public place and giving evidence about
5 matters that really are very personal to you can be
6 awfully difficult --
7 A. Yeah.
8 LADY SMITH: -- and stressful and upsetting and even
9 overwhelming at times. We'll do our best to avoid that
10 happening.
11 A. Sure.
12 LADY SMITH: But if at any time you, for example, want
13 a break, just let me know.
14 A. Okay.
15 LADY SMITH: Or if there's anything else I can do to help
16 you give your evidence as clearly and carefully as you
17 can --
18 A. Okay.
19 LADY SMITH: -- don't hesitate to say.
20 A. Thank you.
21 LADY SMITH: If you're ready, I will hand over to Ms Innes
22 and she'll take it from there. Thank you.
23 MS INNES: Thank you, my Lady.
24 Questions from Ms Innes
25 MS INNES: 'Amber', we understand that you were born in

1 1980?

2 A. I was, yes.

3 Q. If I can take you first of all to your statement,
4 please, we give it the reference WIT-1-000000806. I'm
5 going to start by looking at the last page of the
6 statement. We see at paragraph 222 it says:

7 "I have no objection to my witness statement being
8 published as part of the evidence to the Inquiry.
9 I believe the facts stated in this witness statement are
10 true."

11 I believe you signed the statement I think
12 electronically perhaps on 10 September 2021?

13 A. Yes, I did.

14 Q. Right.

15 I'm going to go back to the beginning of your
16 statement and if we look, please, at page 2,
17 paragraph 4. You tell us there that you applied to
18 adopt and you talk at paragraph 6 about going to
19 an exchange day?

20 A. Yes.

21 Q. What's an exchange day?

22 A. It's what we call a day where you would go to an event,
23 almost like a conference-type thing, where there's
24 different stalls and each Local Authority around
25 Scotland has a stall and they present profiles and maybe

1 some pictures of children that are waiting to be
2 adopted. Often it's children that are harder to place
3 for adoption for a variety of different reasons, and
4 that's where I went.

5 Q. Okay. I think that's where you met Mr FZS ?

6 A. Yes, FZS , yeah.

7 Q. We'll come to that in a moment. This was the first time
8 that you'd also seen a picture of the little girl who is
9 now your daughter?

10 A. Yes.

11 Q. And we're using the pseudonym 'Rosie' for your daughter.

12 A. Yes.

13 Q. Okay. You go on at the top of page 3 to talk about
14 meeting Mr and Mrs FZS-FZT . You mention meeting
15 FZS for the first time at this exchange day.
16 What were your first impressions of him?

17 A. I really liked him. He was quite quiet, soft-spoken
18 man, friendly. He was happy to talk about 'Rosie' in
19 detail and show me pictures. We talked about the
20 football, just to have something in common. He reminded
21 me really of maybe an uncle or someone that I would know
22 from my own family. So, yeah, I liked him.

23 Q. When did you meet his wife, FZT ?

24 A. I think the first time I met FZT was when myself and my
25 social worker met in Edinburgh and it was just to have

1 a further just detailed discussion about 'Rosie' in
2 detail prior to my matching panel or final decision to
3 go ahead.

4 Q. Okay. What were your first impressions of
5 Mrs FZT ?

6 A. I remember just being quite shocked that she was married
7 to FZS because she was his opposite, polar opposite,
8 in a sense quite loud, quite assertive voice, quite
9 almost brash in a way, very dominant in conversation,
10 that kind of personality, which was quite -- quite
11 different from her husband.

12 Q. At paragraph 13 you say that one of the things that
13 struck you about this meeting was about how FZT spoke
14 about 'Rosie'?

15 A. Yes.

16 Q. What struck you?

17 A. It was -- it was just odd. I'm used to meeting people
18 that when they speak about children it's really positive
19 and bright and specially in this context, you would
20 think the foster carer would want to say, "This child is
21 great, you know, she'd make a great daughter", but it
22 was the opposite. She used vocabulary that was quite
23 negative, you know, like, "She's a rogue and she's hard
24 to manage and you won't cope" and these types of things.
25 And I remember reflecting with my social worker after

1 the meeting that that was strange and there was a lot of
2 negativity about the child and we both thought that was
3 odd.

4 Q. Okay. In contrast at paragraph 14 you speak about the
5 way that FZS had spoken about 'Rosie'?

6 A. Yes.

7 Q. How had he spoken about her?

8 A. As you'd expect, positively. He ran through a brief
9 history about, you know, what hospital she was born at,
10 things like that, but you know he was smiling and his
11 face kind of lit up, which wasn't what I saw when
12 I spoke to FZT. It was more like she was exasperated
13 and the child was exhausting.

14 Q. Okay. Did you know how long 'Rosie' had been with the
15 FZS-FZT?

16 A. Since birth.

17 Q. Okay.

18 A. Yeah, so at that point it would have been three years
19 months, I think.

20 Q. So she'd gone straight from the hospital --

21 A. Yes.

22 Q. -- to the FZS-FZT?

23 A. Yes.

24 Q. You then go on to talk about the matching panel happened
25 and then there was a co-ordination meeting?

1 A. Yes.

2 Q. So I assume that's after you've been matched with

3 'Rosie' --

4 A. Yes.

5 Q. -- there's then co-ordination meetings as to how to plan

6 how she's going to move to your care?

7 A. Yes. It's about planning something called

8 a co-ordination week, which is usually the week prior to

9 her official moving-in day.

10 Q. Okay. You talk about going to a meeting on

11 2 October 2015. How did you feel that that meeting

12 went? I think you talk about something specific that

13 happened at the top of page 5, paragraph 17.

14 A. Oh, yes, that's the meeting where FZT was quite angry.

15 Yes. So I remember the meeting, I remember the

16 room, it was a big round table. I remember the people

17 that were there. I was obviously looking forward to the

18 meeting, because it was a further step closer in the

19 adoption process for myself. And again FZT presented

20 very negatively in her descriptions of 'Rosie' and it's

21 really when I think my social worker had suggested, you

22 know, I can come to the house on the first day with

23 FZU to introduce her or it was she offered that

24 Chris Jack, the social worker for the Local Authority,

25 was there to introduce me. That suggestion just made

1 her kind of flip. You know, her hands went in the air,
2 she started shouting, she started slamming on the desk,
3 "Nut, nut, nut, this is not how it works, this is not
4 how it's going to happen".

5 And I obviously was quite shocked at this kind of
6 display of anger but again was shocked that no one in
7 the authority -- the Local Authority or the social
8 workers dealt with it or did anything. Everyone's head
9 just kind of went down. So it was very awkward.

10 Q. Okay. What was the conclusion of her having said, "No,
11 that's not how we do it"? What decision was taken as to
12 how it was going to be done?

13 A. The social workers for the Local Authority were like,
14 "Okay, okay", and she was able to determine how it was
15 going to pan out on that first day -- well, that week,
16 to be fair.

17 Q. Okay. You say at paragraph 19 that you thought maybe
18 that she was upset because 'Rosie' was going to be
19 moving on from her. That was how you --

20 A. Yeah, again it was after the meeting and I was speaking
21 to my social worker and I said, "That was really weird,
22 you know, I wonder why she's behaving that way", and
23 I said -- oh, one of my thoughts was maybe because she's
24 had 'Rosie' for quite a number of years she's struggling
25 to come to terms with her moving on.

1 Q. Okay. You then go on in your statement to talk about
2 the co-ordination week.

3 A. Yes.

4 Q. What does a co-ordination week look like?

5 A. I think usually it's a week to ten days, again depending
6 on the child's needs, and it was presented to me that,
7 you know, you start off with an hour visit on the first
8 day and then you gradually increase your time and some
9 of those visits include going for a walk, being there
10 for lunch, being there for dinner, bath time, things
11 like that. So you're learning the child's routine and
12 their likes and dislikes so that when they move to your
13 house you can mirror that so that there's as little
14 disruption to them as possible. So that's the idea of
15 a co-ordination week, yeah.

16 Q. Okay.

17 LADY SMITH: At this stage 'Rosie' would be, what, about
18 three years old?

19 A. She's three years, [REDACTED] months.

20 LADY SMITH: Thank you.

21 MS INNES: Just to be absolutely clear, you were going to be
22 adopting 'Rosie' as a single adopter?

23 A. Yes, that's correct.

24 Q. You don't live with anybody else?

25 A. No, I don't.

1 Q. Okay. Over the time that she's lived with you, you've
2 not lived with anybody else?

3 A. No. 'Rosie's' never been in the company of a man on her
4 own since she's been with me.

5 Q. And why is that? Is there a specific reason --

6 A. Because she's scared of men.

7 Q. Okay.

8 A. And because of I think I describe in my statement early
9 on there was some behaviours that were a bit kind of
10 worrying, so I made that decision just to always, you
11 know, have her supervised, mostly myself or my sister.
12 There aren't many males in our family, to be honest, so
13 there wasn't many opportunities anyway, but it was
14 certainly something I discussed with the schools as well
15 with regards to teachers and things like that and it's
16 been revealed obviously in the time passing that she has
17 been diagnosed with PTSD and has a fear of men every
18 day. So that's the primary reason, and obviously
19 because I didn't have a partner at the time.

20 Q. Okay. At the end of paragraph 20 where you talk about
21 the co-ordination week, at the end of there you say that
22 FZT told you that 'Rosie's' birth parents had made
23 a complaint about her and her husband.

24 A. Yes, she did tell me that.

25 Q. Do you know what the complaint was?

1 A. Yes. She described that they found a cannabis cigarette
2 on the FZS-FZT mantelpiece and the FZS-FZT
3 claimed that they planted it there, but that's as much
4 detail as she gave me.

5 Q. So the birth parents said that they found a cannabis
6 cigarette on the FZS-FZT mantelpiece?

7 A. Yes, because during -- when FZV was younger, they
8 would visit, they would have visitation rights.

9 Q. Okay. Did you have any concern about that complaint or
10 not?

11 A. I thought it was weird, I thought it was unusual. They
12 weren't a couple I would maybe expect to smoke cannabis,
13 so I didn't think anything of it any further, no.

14 Q. Okay. Then over the page on page 6 you talk about your
15 first meeting with 'Rosie' and that that was at the
16 FZS-FZT home?

17 A. Yes.

18 Q. You describe at paragraph 24 it being a really tough
19 hour?

20 A. It was, yeah, really, really hard, yeah.

21 Q. Why was that?

22 A. It was just -- I don't know how to describe it in any
23 other way. It was like just going into this atmosphere
24 of complete chaos and complete high-strung atmosphere.
25 I'm trying to think of the other words to describe it.

1 Just so loud. The FZS-FZT chatting over each other
2 constantly, chatting to me. As I say, I was sat on
3 a sofa and they were always standing for that whole hour
4 hovering around me, never sitting down, always kind of
5 directing 'Rosie' around the room and away from me that
6 I didn't get the opportunity to actually sit and say hi
7 and for her to say hi and obviously there was another
8 baby there.

9 Yeah, it was just a very loud chaotic hour where
10 I felt that people were constantly asking me questions,
11 like a bit like an interrogation and I had to keep
12 answering them so I couldn't pay attention to 'Rosie'.

13 Q. Okay. At paragraph 25, you mention that 'Rosie' came
14 right up to you?

15 A. Yes.

16 Q. And there were no signs of affection or fear between her
17 and the FZS-FZT but she was eager to speak to you and
18 sit with you?

19 A. Yes.

20 Q. How did you feel about that at the time? Did you think
21 that was good or not?

22 A. I mean in my naivety I thought oh, that's sweet, you
23 know, but obviously in my learning about attachments and
24 things that -- that -- it would be strange for a child
25 to not be a wee bit hesitant when they first meet

1 an adult they've not met before. But again it was
2 frustrating because she could clearly wanted to come and
3 talk to me and meet me and she would be kind of moved
4 away or ushered in another direction.

5 Q. Okay. At paragraph 26 you mention the other foster
6 child that they had at the time --

7 A. Yes.

8 Q. -- who was almost 18 months old. Was it the FZS-FZT
9 'Rosie' and this other child?

10 A. Yes.

11 Q. And yourself, there were no other people in the house?

12 A. There was no other people and the baby, the child, was
13 crawling on the living room floor.

14 Q. Okay. You describe at paragraph 27 that it was a hectic
15 house and the house was covered in months of dust?

16 A. Yeah. It was -- yeah. It just seemed like such a busy,
17 busy household but it didn't reflect the amount of
18 people that were in it, if that makes sense. It felt
19 like there was a lot of people in there. I remember
20 FZT taking a picture of her family, her own children
21 down from the mantelpiece and she had to wipe away the
22 dust and oh apologised, but it was really dirty and it
23 was just one of those memories because we couldn't
24 actually see the photo, it was that thick with dust.

25 Q. Okay. At paragraph 30 at the bottom of page 7 you say

1 that the fourth day you went for dinner and bath time to
2 understand 'Rosie's' routine --

3 A. Yes.

4 Q. -- and that's when it all changed. What changed?

5 A. I think that was the first time where I felt uneasy and
6 I can't really describe why. So what I mean by
7 "changed" is not necessarily that hectic chatting to me
8 excitable environment, but just one that just felt a bit
9 awkward and uneasy.

10 Q. What happened at bath time?

11 A. So bath time, again I found strange but on reflection
12 I know that everyone maybe has different processes for
13 bathing a child, but I just felt there was an uneasy
14 atmosphere. The children were very quiet all of
15 a sudden. They both went into the bath together. The
16 bath was cold, it was barely covering their legs, it was
17 just like a puddle to wash in, but this -- you know,
18 FZS presented this as normal, part of their routine.
19 And I just -- there was things that I just thought were
20 a bit gross, like peeing in the bath and then rinsing
21 their mouth in that water when they are brushing their
22 teeth and I just felt uncomfortable when FZS was
23 washing 'Rosie' in the bath, because she was at an age
24 that she could really do it herself.

25 Q. You mentioned that FZS was doing the bath time?

1 A. Yeah. They told me that it was always FZS that did --
2 he was the kind of primary carer, did the bathing, the
3 nappy changes, the dressing, things like that, and
4 I thought obviously it's not -- stereotypically quite
5 different, but again I just -- I thought it was odd that
6 even though FZT was at home that they didn't do it
7 together maybe, you know, shared that task, whereas she
8 just seemed to sit in the living room.

9 Q. You mention there that you were told that he was the
10 primary carer?

11 A. Yeah.

12 Q. Was that the words that were used?

13 A. Yeah, yeah.

14 Q. And who said that?

15 A. Both of them. That's a term that's used in social work
16 and foster care for the lead carer when there's
17 a couple.

18 Q. And they were using that?

19 A. They were, yeah.

20 Q. Did they explain why he was the primary carer rather
21 than FZT?

22 A. No, they didn't, or not that I can remember.

23 Q. Okay. Then you talk at paragraph 33 about what happened
24 after bath time.

25 A. Yeah.

1 Q. What happened then, when you went back to the living
2 room?

3 A. It's just when they were getting her ready for bed, yes.
4 So they said her bedtime routine was to blow dry her
5 hair rather than just towel dry it and FZT was
6 explaining because it made the pillow mouldy to go to
7 bed with damp hair. So she was just explaining the
8 process and what 'Rosie' was used to, but 'Rosie'
9 obviously being at a young age was excitable and running
10 around the living room and obviously being a bit defiant
11 and wouldn't listen to FZT. So FZT got frustrated and
12 grabbed her by the arm and pulled her over to the seat
13 and held her with -- restrained her with her legs, in
14 between her thighs, and then started to, you know, comb
15 or brush her wet hair but it was tugging. I thought she
16 was quite rough with her.

17 'Rosie' started crying because she didn't like being
18 restrained and then she started to blow dry her hair
19 while she was still restrained within her legs and
20 I remember FZT saying to me, "You've got to be really
21 firm with her".

22 Q. Okay. Then you describe at paragraph 34 going to read
23 'Rosie's' bedtime story?

24 A. Yes.

25 Q. What was her bedroom like?

1 A. It was like -- I would describe it as like you know if
2 you had a spare room in your house and you put all your
3 extra furniture in there or stuff that you don't have
4 a place for. There was upside down chairs had been
5 stacked and bits of furniture, so it looked like ... and
6 she had a single bed in the corner and there was hardly
7 anything on the walls. She did have some soft toys but
8 there was no other toys in her room. So she looked like
9 she was in a cupboard-type spare room that was used for
10 storage and then her bed was in there.

11 Q. Okay. Going over to the top of the next page, did you
12 have some concerns from what you'd observed?

13 A. Yes, yes. That's the day I guess when I say it changed
14 that I started becoming concerned, yes.

15 Q. You say that you spoke to your social worker about
16 those?

17 A. I did, yeah, when I returned home, or it might have been
18 the next morning.

19 Q. Okay, so this was a social worker that was supporting
20 you through the adoption?

21 A. Yes. So I applied to be approved to adopt through
22 an agency, St Andrew's Children's Society in Edinburgh,
23 so it was the social worker from there and her job was
24 really to support me through the process.

25 Q. Okay. What was her reaction to what you told her?

1 A. She was also concerned. She was great. She listened to
2 me and she was like, "Yeah, that is quite odd, you know,
3 let's just see how today goes, the next day, and speak
4 to me again".

5 Q. Do you know if she passed on her concerns to the City of
6 Edinburgh?

7 A. I'm not sure if she did that day but she did later. I'm
8 not sure of the timing.

9 Q. Okay. Then you talk about the next day when you saw
10 'Rosie' again and you talk about FZT asking you about
11 personal matters during the time that you were visiting.

12 A. Yes.

13 Q. Then at paragraph 37 you talk about day six when you
14 took 'Rosie' out for a day out in Edinburgh?

15 A. Yes.

16 Q. And 'Rosie' was asking when she could come to stay with
17 you and that she didn't want to go back to FZS and
18 FZT?

19 A. That's right, yeah.

20 Q. Did you have any thoughts about that at the time or --

21 A. I thought it was really odd because in training we're
22 told to expect grief and loss and the child actually
23 finding it difficult to move, whereas 'Rosie' was
24 pleading, she was pleading, "Please take me to your
25 house, I don't want to go back there, please take me to

1 your house".

2 It was confusing. I didn't know what to think, to
3 be honest, at that time. But obviously in hindsight it
4 makes some sense, but at the time I didn't really know
5 what to make of it. I thought maybe she's just really
6 excited to see new things in her new room, things like
7 that.

8 Q. Was she upset when you left or was she okay?

9 A. She seemed -- she seemed upset. Not crying or visibly,
10 but she seemed more angry and frustrated.

11 Q. Then I think you tell us that there were some
12 suggestions that you might have to change the plans for
13 the co-ordination week.

14 A. Yes.

15 Q. If we go to the top of page 10, paragraph 40 you say
16 that your social worker made a suggestion that maybe
17 'Rosie' could move a wee bit earlier?

18 A. Yes. Obviously I had spoke to my social worker again
19 that evening and said, "She keeps pleading with me, she
20 wants to move, what do I say to her?" I was looking for
21 advice more on how to respond to that, rather than just
22 saying no and how to explain the reasons why.

23 And I found that difficult to explain to this little
24 girl why she couldn't come yet, even though she knew
25 that was the plan. And I think I mention I had

1 a funeral -- a funeral came up unexpectedly during the
2 co-ordination week, so that changed the plans for that
3 day. So we just thought why don't we propose that she
4 moves a couple of days earlier than we had planned.

5 Q. You talk about something that FZT said in response, was
6 that something that -- did your social worker speak to
7 FZT directly or was she speaking to FZS and FZT
8 social worker?

9 A. It was the -- so it was social worker to social worker
10 and then the social worker phoned her so by the time
11 I got to the house and FZT was in the kitchen and I was
12 standing at the doorway of the kitchen she was really
13 angry.

14 Q. Okay, and what did she say to you?

15 A. Again I'd be paraphrasing, it's been so long, but it was
16 just like, "You know, you should have told me you had
17 a funeral and we can't just change plans just like
18 that", this kind of unreasonable anger that seemed
19 disproportionate to what we were proposing and it was
20 just a proposal.

21 Q. You say that she said that 'Rosie' was just a kid, you
22 couldn't listen to what she was saying and she made
23 things up?

24 A. Yeah.

25 Q. Did she say that to you in this conversation that you've

1 been described?

2 A. Yeah.

3 Q. What was the context of that comment, do you remember?

4 A. I think it was the context that maybe the social worker

5 had said that 'Rosie' had been requesting to leave early

6 and that's been passed on to FZT and that's what's

7 I guess made her angry, I'm not sure, or just the

8 proposed change of plans. The "she makes things up"

9 comment, at the time again I didn't really think much of

10 it. It's only in hindsight that I thought, "Oh, that

11 was quite an odd thing to say".

12 Q. Then you tell us that 'Rosie' moved to live with you on

13 --

14 A. Yes.

15 Q. -- 2015.

16 A. Yeah.

17 Q. Okay, and subsequently you've adopted her?

18 A. I have, yes.

19 Q. Okay. At the bottom of page 10 from paragraph 43 you

20 say that you started to notice some things that caused

21 you concern.

22 A. (Witness nods)

23 Q. First of all, at paragraph 43 you describe the sort of

24 language that 'Rosie' was using?

25 A. Yes.

1 Q. What were your concerns about that?

2 A. It was more the way she was saying it, for a child of
3 that age it was very adult and aggressive. A bit scary,
4 to be honest. Aggressive towards the cat, for example.

5 Q. At paragraph 44 you talk about her not wanting to come
6 out of her room in the morning?

7 A. That's right, yes.

8 Q. Can you tell us about that, please?

9 A. Yes, so where we lived at the time my room was directly
10 across from hers in the hallway, so bedtime her door was
11 open and mine was open and I'd expect I guess a child to
12 get up early and come wandering in or wander around the
13 house but then I was surprised that she wasn't leaving
14 the room.

15 So then when I peeked my head round the door, she
16 would just be huddled in a corner looked terrified, kind
17 of crouched down, and then I discovered that she had
18 defecated in her pull-up but it was when she was awake,
19 she said, rather than being incontinent during the
20 night, because FZT had told us that she was still not
21 toilet trained at bedtime, but I found that wasn't the
22 case.

23 Q. Okay. You say that you spoke to your social worker
24 about this behaviour in the morning?

25 A. Yeah, and again it was just advice on the first week of

1 having her with me, you know, how should I approach
2 this? What could I do to make her feel a bit safer
3 and -- or feel that she's allowed to come out of her
4 room? Obviously I talked to her about that, but with
5 young children it's not enough to just say it's okay,
6 and so she gave me tips like to put a trail of teddy
7 bears out of her room and that worked, so she would
8 follow the teddy bears out in the morning.

9 Q. At paragraph 46 you talk about the way in which she
10 spoke to her dolls and the language that she used?

11 A. Yes.

12 Q. Was this again at the beginning of her time with you --

13 A. Yes, this was the first week or two. So I think one
14 occasion it was a doll and the other it was a cat and
15 she lifted one of them up and said what's on the
16 statement and addressed them in that way. But almost in
17 an affectionate way, but using that language.

18 Q. Okay. Did you ask her about that use of language?

19 A. I did. At first, when I first heard it, I was a bit
20 shocked so I said, "Oh, what did you say there?" Just
21 to make sure and she would say it again holding the baby
22 affectionately and I said where did you hear that word
23 or that expression and she said that's what FZS calls
24 ██████, which was the other baby.

25 Q. Which was the other baby, okay. And I think you're

1 referring to the expresses "little tits"?

2 A. Yes.

3 Q. You say that she said that would happen when he was

4 giving her a bath?

5 A. Yes.

6 Q. Then at paragraph 47 you talk about 'Rosie's' reaction

7 if she, for example, spilled a glass of water. Can you

8 tell us about that?

9 A. Yes, for example at the dinner table a glass of juice or

10 something, obviously at that age they knock things over

11 often and when she knocked over she would freeze, put

12 her head down and her hands would shake.

13 Yes, it was like a fear of what was going to happen

14 because she spilt that glass.

15 Q. Okay. You say at paragraph 49 that she was still using

16 a dummy when she came to you.

17 A. Yes.

18 Q. And she complained of having a sore mouth?

19 A. She did, yeah. She had -- I remember during the

20 co-ordination week when FZT and FZS came to our

21 house, because that's part of the plan as well, that

22 FZT had brought a massive bag of lollipops and it was

23 10.00 am and she said she can have one, she's not had

24 one yet today and I thought that was very strange to be

25 giving a lollipop to a child at that time of the morning

1 as a regular occurrence.

2 So I knew that she liked lollipops and she was given

3 them often so when I looked in her mouth and she was

4 complaining of a sore mouth, the inside of her cheeks

5 were ulcerated I would describe it as, very raw,

6 bleeding, sore. So I took her to the doctor.

7 Q. Okay. Then you say at paragraph 50 that when 'Rosie'

8 moved in her toenails hadn't been cut?

9 A. Mm-hmm.

10 Q. Her nails were very long?

11 A. It seemed like they hadn't been cut in a while. Again,

12 I don't really know how long it takes for toenails but

13 they were long that they were curving, you know, curving

14 down and back around towards the toe.

15 Q. You say that her clothes came in a standard black bag?

16 A. Yeah, there were a couple of black bags with her,

17 clothing and some soft toys.

18 Q. So no suitcase or --

19 A. No.

20 Q. What were the clothes and toys like? In terms of

21 quality?

22 A. I mean the soft toys I would say were just standard soft

23 toys. They'd been well used, but you would expect that

24 from a child that age hanging onto -- she had some soft

25 toys from when she was a baby. The clothes, I mean were

1 varied, there were some kind of newer clothes but there
2 were a lot that were falling apart and had holes and
3 stains and things like that, that I would have, I guess,
4 you know, thrown out, but ...

5 Q. You say at paragraph 51 that you recall on one occasion
6 giving 'Rosie' a bath?

7 A. Yes.

8 Q. And your arm just touched her?

9 A. Yes.

10 Q. And she -- how did she react?

11 A. She got a fright. She was scared. She jumped, you
12 know, out the way and she got really angry at me and she
13 was really upset. I could tell the way she looked at
14 me. It was almost like she was disappointed in me and,
15 you know, as she said, she's like, "Oh, you smacked me",
16 and again it was really disproportionate to what had
17 happened.

18 It was strange and it took me a while just to
19 confined of grasp it and understand it and obviously I'm
20 still getting her out of the bath and drying her and
21 getting her ready for bed. Again when she was in bed
22 that night I just thought it through, and I thought
23 that's odd, because she's only three, how does she know
24 what smacking means if she's not seen it and it hasn't
25 happened and just the fact that it was her bum that

1 I touched and she was talking about being smacked on the
2 bum.

3 So obviously when she told me that she had been
4 smacked by FZT and FZS, I phoned my social worker the
5 next day.

6 Q. You say at your statement I think at paragraph 51 that
7 you can't remember the date and I think we know that it
8 was 2015, so we know that from records.

9 A. Oh, okay.

10 Q. So it was just a few days after she moved in with you?

11 A. Yeah, three or four days, yeah.

12 Q. Then at paragraph 53 you talk about about a week later
13 and 'Rosie' became distressed when you went into the
14 car?

15 A. Yes. I guess it was the kind of first time she started
16 physically kicking and getting distressed so to avoid
17 getting into the car, and from that date it happened
18 quite a lot and it was -- she was saying, "Don't take me
19 back there", she kept saying "Edinburgh", because she
20 obviously associated Edinburgh with the FZS-FZT. So
21 I think every time I was trying to get her in the car
22 even just to go locally she thought I was taking her
23 back or we were going in the car to go back to
24 Edinburgh, which I can understand because of the
25 co-ordination week, there was a lot of back and forward.

1 But yeah, it was the first time I had seen that fear and
2 she would be you know kicking at the car, you know, when
3 I'm trying to lift her into the car seat so that she
4 didn't -- she was that scared of going back into the
5 car.

6 Q. You say this happened for months?

7 A. Yeah. Sometimes it wouldn't happen every time you were
8 going into the car, so it varied, and sometimes you'd
9 think it's stopped and then it would happen again.
10 I couldn't tell you why or what would trigger that.

11 Q. Okay. You mentioned after the incident in the bath that
12 you told your social worker and the issue of FZS and
13 FZT smacking 'Rosie', I think was that reported to
14 Chris Jack?

15 A. I think initially my social worker reported it to him,
16 yes.

17 Q. He was 'Rosie's' social worker?

18 A. That's right, at the time, yes.

19 Q. Then did he, if we go to the top of the next page, speak
20 to you about what had happened?

21 A. Do you know, I can't remember if he phoned me or if it
22 was the social worker -- I think it was Chris Jack,
23 yeah, he phoned me and he was also concerned, like my
24 social worker, and explained, you know, "Can I come and
25 see 'Rosie'?" That would be normal practice anyway to

1 come and check up on her and talk to her about it. So
2 we arranged, again I don't know the exact date but he
3 came in and chatted to her.

4 Q. Okay. You say at paragraph 57 that you understand that
5 the FZS-FZT were spoken to about this by two other
6 social workers, and do you know what their response was
7 to what had been said?

8 A. Well, yes, and I got an email from the Local Authority
9 that depicted what the response was, so it was like
10 a summary of what their response was to FZV
11 allegations or disclosures of smacking. And in that
12 email -- was the email that said, you know, we've got no
13 concerns, they've been foster carers for over 20 years,
14 we've never had a complaint. That type of thing I think
15 it said, the email.

16 Q. I wonder if we can have a quick look at a document at
17 EDI-000001937. This is obviously not in the form of
18 an email, this is a summary, and it talks, as you see at
19 the top about:

20 "On [REDACTED] 2015 'Rosie's' adopter was helping
21 'Rosie' out of the bath ..."

22 Then there's reference to the incident that you've
23 told us about.

24 A. Yes.

25 Q. There's then reference to [REDACTED] 2015 when 'Rosie'

1 said that she needed to go to the toilet and then she
2 said that she had a bath in FZS car?
3 A. That's right, yes, I remember that.
4 Q. Then when you asked about that, she said she'd wet
5 herself in the car and she said that FZS was angry
6 about this and had smacked her.
7 A. Yes, that's correct.
8 Q. Then there's reference to meetings taking place and if
9 we scroll down a little, I think it says:
10 "Disclosure against FZT, FZT was clear that she
11 hadn't smacked 'Rosie'."
12 Then in the next paragraph:
13 "FZT advised that she has tapped 'Rosie' on the
14 bottom but this has been in a playful way. She said on
15 occasion 'smack a bottom' or 'smack, smack, smack'.
16 And it talks about her demonstrating the actions:
17 "This involved lightly tapping her behind as more of
18 a comforting and endearing action. The actions were
19 child appropriate, friendly and non-threatening."
20 A. Yes, that was in the email.
21 Q. Then there's reference to a disclosure against FZS.
22 FZS said that he had never smacked 'Rosie' and was
23 clear about this. He had advised that she had never
24 soiled or wet herself in the car, and then he talks
25 about an occasion when she'd been sick in the car.

1 A. (Witness nods)

2 Q. Then at the bottom of the page there's reference to the

3 FZS-FZT saying that 'Rosie' would often attempt to

4 play the carers off each other?

5 A. Mm-hmm.

6 Q. And telling them different stories, I think.

7 If we go on over the page and if we scroll down to

8 the paragraph beginning:

9 "Whilst also not in the emails ..."

10 A. Yeah.

11 Q. "...FZT and FZS were asked regarding the incident

12 where 'Rosie' had an accident on her lip."

13 You mention this on her statement, that she had

14 a [REDACTED], I think?

15 A. That's right.

16 Q. It says:

17 "'Rosie' had stated to Chris [her social worker]

18 that she had her accident outside of the house. FZT

19 confirmed that the accident did happen in the kitchen,

20 not out in the road."

21 Then they said she'd also fallen over numerous times

22 when out walking.

23 What were you told about how it came about that

24 'Rosie' had this [REDACTED]?

25 A. What I was told officially?

1 Q. Did 'Rosie' tell you how it happened?

2 A. Yeah, both.

3 I was told by the Local Authority that it was
4 an accident at the kitchen sink, she was on a stool and
5 fell off.

6 'Rosie' says that didn't happen. She did speak to
7 me about it happening outside but she couldn't be
8 specific about where outside so she just talks about the
9 ground, the pavement. But again when I've asked her
10 other times and we've talked about it she's closed down,
11 so it's been obviously something she's not willing to
12 talk about or not ready to talk about or has confused
13 memories about it.

14 Certainly one thing I noticed though was when I got
15 her medical records that the doctor at the time when she
16 attended A&E described the foster carers saying that she
17 fell backwards and I don't understand how a child can
18 fall backwards and then land on her face.

19 Q. That's from her medical records?

20 A. Her medical records, yes.

21 Q. Then if we look down a little, so:

22 "There appeared to be some factual information in
23 what 'Rosie' had shared with the adopter; however the
24 circumstances and context around this did not match up.

25 FZT and FZS have been foster carers for 21 years and

1 there have been no concerns raised regarding the care
2 provided to children throughout their entire fostering
3 career."

4 Is that the comment that you were referring to?

5 A. Yes, I think that's the same paragraph that's on my
6 email.

7 Q. "Both Eric [who I think is a social worker] and the
8 writer found their answers to be logical and honest. It
9 was concluded that the disclosures of smacking made
10 against both of them by 'Rosie' give no cause for
11 concern, further there are no concerns regarding the
12 placement of the other children or a future placement
13 with FZS and FZT ."

14 Then there's reference to the teams, no further
15 concerns, and it notes that the disclosures were
16 reported to the Care Inspectorate as part of
17 family-based care policy.

18 A. Ah, okay.

19 Q. If we can go back to your statement, please.

20 A. Yes.

21 Q. At page 14, paragraph 60, you're talking there about
22 I think the third co-ordination meeting where you
23 weren't there at the same time as the FZS-FZT ,
24 I think?

25 A. That's right, the FZS-FZT weren't at that one because

1 this was after this incident, obviously.

2 Q. You say at paragraph 60 that you formally recorded the
3 concerns that you had?

4 A. Yes.

5 Q. What was the response to that from the social workers at
6 the meeting?

7 A. The social worker Brenda-Anne Cochrane was a personality
8 again who was -- she wasn't interested. Although
9 Chris Jack was like, "You know, that's a good idea, you
10 know, keep a note of everything", and it was actually my
11 social worker who gave me the idea to do that. She was
12 just very dismissive and, you know, reiterated what was
13 in the email, but also, you know, she was the one that
14 was really making me feel like I was being silly, I was
15 being dramatic, I was looking too much into things and,
16 you know, this is just adopted kids, you know, they have
17 attachment issues, they just are scared, things like
18 that. So there was always a kind of reasoning against
19 everything, that this was just adopted children.

20 Q. Okay. You describe there at paragraph 61 that there was
21 a heated argument between your social worker and
22 Brenda-Anne Cochrane?

23 A. There was, yeah. Again my social worker was kind of
24 pushing for them to do things that they said they were
25 going to do that they hadn't done already and the

1 process of organising. You know, she was very
2 diplomatic and she was trying to push for this and again
3 Brenda-Anne Cochrane just kind of lost her temper and
4 raised her voice and I would say humiliated and berated
5 my social worker at that meeting. It was really
6 embarrassing and very awkward.

7 Q. Okay. Then you go on in your statement to describe
8 further things that happened that gave you concerns. At
9 paragraph 62 you talk about 'Rosie' describing or
10 continuing to describe being smacked or hit?

11 A. Yes.

12 Q. Also at paragraph 63, began to say that she wasn't
13 allowed to come out of her room in the morning?

14 A. Yes.

15 Q. And she also described her bedroom door being locked?

16 A. Yes.

17 Q. You then go on over the page to talk about the scar that
18 we've spoken about. If we move down, please, to
19 paragraph 67 you say in November 2015 a friend of yours
20 had come to visit?

21 A. That's right, yes.

22 Q. And you had gone out of the room to make coffee and your
23 friend called you back?

24 A. Yes.

25 Q. And what had happened?

1 A. FZV had taken down her leggings and her underwear and
2 turned to put her bum facing him and kind of bent over
3 as if she was presenting her bum to him.
4 Q. Had you ever seen her do that before?
5 A. Never. Never, no.
6 Q. Okay. What was your reaction to that?
7 A. A bit embarrassed because obviously we had a visitor,
8 but also it was just to kind of scoop her up immediately
9 to take her out of the room and obviously get her
10 dressed again and I think there was a little
11 conversation in our bedroom like, "Why did you do that?"
12 and she was just giggling. So again, just naivety,
13 I thought, you know, she was, I guess, just wanting to
14 be naked.
15 So I did ask my friend, who has older children,
16 I said, "Is that kind of normal for that age?" And he
17 said, "No, I wouldn't say so", so that made me a wee bit
18 worried about that and again it was something I brought
19 up with my social worker.
20 Q. Okay. Then you describe another thing that was reported
21 to you from the nursery school where --
22 A. Yes.
23 Q. -- 'Rosie' had grabbed a little boy's privates over his
24 clothes.
25 A. Yes.

1 Q. And you say you were shocked --

2 A. Yes.

3 Q. -- about that?

4 A. I was.

5 Q. What did you do after that? Was there any action you

6 took?

7 A. Again I think I was a bit embarrassed. You know, I'm at

8 the stage where I'm a new mum, I'm an adoptive mum, who

9 are regarded differently, and, you know, I was just at

10 that stage where I wanted to be seen as a good mum and

11 everything was great and I was a bit embarrassed and

12 I said, "I'm really sorry, is the boy okay?" And the

13 teacher was like, "He's fine, his parents have laughed

14 it off, they've been really good about it", and then

15 I asked her again, "Is that normal?" And she said their

16 procedure was when something like that happens they

17 report it to their social work team so it would be the

18 Local Authority where we live, not Edinburgh City

19 Council, and she said they came back and said it's okay,

20 it's age and stage appropriate, it's just curiosity,

21 that children do that sometimes.

22 Q. Okay. Then over the page at paragraph 70 you say that

23 sometimes 'Rosie' would say things like FZS came into

24 her room and did a roly-poly on her and it really hurt?

25 A. Yes. So she's still very little at this time so she

1 obviously doesn't have a huge vocabulary. I remember
2 she was in my bed at the time she said it. She said,
3 "He would come into my room and do a roly-poly on me and
4 it hurt" and I didn't quite understand what that meant.
5 I grabbed my phone that was beside me actually that day
6 and hit the record button to see if I could record her
7 saying it, trying to explain it, but she just reiterates
8 that it really hurt and when he did a roly-poly but
9 I couldn't make any more sense out of that.

10 Q. Okay. Then you talk about some other behaviours that
11 you noticed and things that she said, and if we can move
12 on to the next page, please, page 17, paragraph 76, you
13 talk there about her saying that she had sore and itchy
14 privates?

15 A. That's right, yes.

16 Q. And you took her to the GP?

17 A. Yeah.

18 Q. What was the GP's reaction or advice?

19 A. The GP was great. She just talked to 'Rosie' about it
20 and asked her, you know, questions that you would ask,
21 if it was itchy, and the GP said to me, "I don't want to
22 examine her being so young if I don't have to, it's
23 really common when they go to nursery and they're not
24 wiping themselves properly and they get thrush-type
25 symptoms".

1 Q. Just going back up that page a little at paragraphs 74
2 and 75 you mention that you noticed that she was overly
3 familiar and affectionate with men?

4 A. Yes. So this was when I started to notice the
5 difference between, say, a female and a male and how she
6 interacted with them.

7 Q. As a result of that, is that when you said that you
8 started making sure that you were always there?

9 A. Yes. I mean I was always there anyway because you don't
10 introduce them to strangers in the early days, so there
11 hadn't been an opportunity, but I think with the nursery
12 incident and with what I'm describing here, I just
13 thought I'd take caution, yeah.

14 Q. Then if we look down to the bottom of the page, please,
15 paragraph 79, you talk about how her behaviour started
16 to change after she went to school and you talk about
17 her behaving in a way which might be described as
18 a sexualised manner?

19 A. Yeah. I don't really know how else to describe it,
20 a bit like a dog would do to someone's leg in a playful
21 manner.

22 Q. Okay. You say at paragraph 81, over the page, that you
23 went back to the GP because you were --

24 A. Yes.

25 Q. -- concerned about her behaviour --

1 A. Yes.

2 Q. -- and you told her about this behaviour. What was the
3 response?

4 A. I told her about the leg thing, but what I was more
5 concerned about in that appointment was her night
6 sweats. So at this time when I would go in to check her
7 in the morning her sheets would be soaked through and
8 her duvet. She would be as if she'd just had a shower,
9 absolutely soaking. Her hair would be wet. This
10 started to happen quite regularly so I started being
11 obviously more concerned about that, these night sweat
12 things that she was having. And she was also crying out
13 at night, so like nightmares. So that's when the GP
14 suggested referring her to CAMHS. She called them night
15 terrors and she said we can try some things like doing
16 a worry box and seeing if we can try to understand what
17 it is that's worrying her, because she said night sweats
18 like that are normally a distress thing.

19 Q. Okay. Going over the page to page 19 and there's
20 a section at paragraph 89 headed "Reunion with the
21 FZS-FZT"?"

22 A. Yes.

23 Q. So there had been the issue about smacking very shortly
24 after 'Rosie' had moved to your care?

25 A. Yes.

1 Q. After that did you have any contact with the FZS-FZT ?
2 A. No, no. Intentionally not, yeah.
3 Q. Then there came a point when you did have contact with
4 them?
5 A. I did, yes.
6 Q. How did that come about?
7 A. That came about from 'Rosie'. Started -- I guess it was
8 about a year/a year and a half later, where she started
9 to I guess experience the loss and the change that I was
10 told to expect at the beginning, so she missed them and
11 she -- it was the first time she'd asked about them in
12 a year and a half or whatever that time frame was, so
13 she obviously had them on her mind.
14 This went on for a month or so, it wasn't just one
15 event where she was really asking me and asking me and
16 asking me if she can see them. I was also dealing with
17 quite challenging behaviour as well. It was quite
18 difficult at home, again with the nightmares and the
19 night sweats and everything that was going on, so
20 I thought that maybe her visiting them would maybe help
21 resolve some of what was going on. And also I say in my
22 statement I just felt a bit like that I was in the wrong
23 and that I -- I started to think what people were
24 telling me, that maybe I was being dramatic and I'm not
25 an experienced mum and I don't know how kids are and

1 these things are normal and they can all be explained
2 by, you know, satisfactory normal explanations. So
3 I started to actually feel sorry for them.

4 Q. You talk about meeting them in a park?

5 A. Yes.

6 Q. And you say they told you not to worry and there were
7 lots of false allegations against foster carers?

8 A. Yes.

9 Q. Who said that?

10 A. FZT [REDACTED], so yeah.

11 Q. What was the context of that comment?

12 A. Well, we went to the park and it was like an outside
13 cafe-type area and we sat down to have a cup of tea and
14 for 'Rosie' to talk to them and myself and obviously
15 I was really nervous, it was an awkward reunion.
16 I didn't particularly want to do it, but I felt I had to
17 do it given 'Rosie's' request. And I thought, you know,
18 I didn't want her to -- to prevent her from seeing
19 people who had been in her life for so long.

20 So I guess, yeah, I was uncomfortable, so I kind of
21 just ... took the bull by the horns I think and cleared
22 the air about, you know -- I can't remember what I said,
23 but I think I said something like, "It must have been
24 upsetting for you to have to deal with that" and they
25 said, "Oh listen, don't worry about it, you were just

1 protecting her, it's very common, these allegations,
2 false allegations happen against foster carers all the
3 time", yeah. As if it was something maybe they had
4 experienced before.

5 Q. Okay. If we move on, please, to page 20 and at
6 paragraph 93 you talk about the referral to CAMHS. So
7 it took a while from when the GP made the referral for
8 you to actually have an appointment with CAMHS?

9 A. That's right, it was about a year.

10 Q. You say that at the first meeting that you had, 'Rosie'
11 became distressed and completely zoned out?

12 A. Yeah. I would describe it as "zoned out". The doctor
13 described it as "disassociation" or "disassociating", so
14 it was quite alarming and quite scary. It almost looked
15 like a seizure, like an absence seizure, but she just
16 kind of stared into space and was unresponsive.

17 Q. Okay. When did she do that? Can you remember what was
18 being discussed at the time?

19 A. I can't remember specifically what was being discussed,
20 but it was in the room with that medical professional
21 and I can't specifically -- she was obviously asking me
22 quietly. I was confused as to why there was
23 an appointment just the adults first, so she was asking
24 me, you know, to describe things under my voice and
25 'Rosie' could pick up on the things that maybe were

1 being said, yeah.

2 Q. Then you say that you had a couple more appointments

3 with this person --

4 A. Mm-hmm.

5 Q. -- and in July 2018 she said that she thought that

6 'Rosie' had been sexually abused?

7 A. She did, yes.

8 Q. Was that the first time that somebody had suggested that

9 she had been abused in that way?

10 A. Yes. Yes. I think I had thoughts in my own head with

11 some of the behaviours and the furthest my mind would go

12 was something like she's seen something inappropriate on

13 TV. You know, I would try and, I guess, not go there.

14 You know, obviously no one goes there, do they, to that

15 extreme. I didn't want to come to that conclusion

16 myself. But it was the first time that, yeah, someone

17 had said it to me from what they could read.

18 Q. Okay. How did you feel about that?

19 A. It was just kind of like a bomb going off. It was just

20 complete shock. To be honest, I don't really think

21 I believed her initially, out of shock. I found it hard

22 to understand how she could come to that conclusion just

23 in a few meetings and just reading the paperwork that

24 I'd brought her. She said that she could come to that

25 conclusion just from that email that you brought up

1 earlier. Yeah, and I went away from that meeting really
2 just shell-shocked.

3 Q. Okay. Were you given any support or suggestion about
4 what you might do next?

5 A. No, it was just kind of like, "I think she's been
6 sexually abused" and I said, "What do I do now?" And
7 she was just like, "Well, you know, she's not really
8 said anything" because she hadn't, it was behavioural
9 based and what this person read. Because she hadn't
10 disclosed anything herself there was nothing they could
11 do and it was just like, "Right, bye". Just kind of
12 drop that bombshell and you leave that appointment and
13 there's no other -- she said that she would send
14 a follow-up appointment for 'Rosie' in three months'
15 time, but by a year I hadn't heard anything.

16 Q. Okay. Then I think eventually you got a letter, you
17 tell us, at paragraph 99 on page 21, that you received
18 a letter about a year later --

19 A. Yeah, that's right.

20 Q. -- and it had inaccuracies in it?

21 A. Yeah. It was as if it had been half written.

22 Q. Right, okay.

23 If we move on, please, to page 22 and paragraph 104,
24 you spoke to a person called Lorna McFarlane, you say?

25 A. Yes, that's right.

1 Q. Who was she?

2 A. Lorna McFarlane replaced my social worker from

3 St Andrew's who left for another job role.

4 Q. You say that you had told her that this lady,

5 Emma Stockton, thought that 'Rosie' had been sexually

6 abused and what was Lorna's reaction?

7 A. It was that very day, actually, because I remember

8 dropping 'Rosie' off at an activity and the first thing

9 I did was pick up the phone because I was obviously

10 needing some kind of support and her reaction was,

11 "That's just complete nonsense, it's completely

12 ridiculous". She said that she had previously worked

13 with removing children and had experience of identifying

14 children who had been abused and that 'Rosie' was

15 definitely not one of those children.

16 Q. Okay. How did you feel about that? On the one hand one

17 person saying she's been sexually abused and your social

18 worker saying no, she hasn't?

19 A. I was confused but kind of leant to being relieved.

20 I guess you just take the path that seems a bit more

21 comfortable. But, yeah, it was mixed feelings of

22 confusion but also maybe a bit of relief that actually

23 this other person might be mistaken.

24 Q. Okay. You say at paragraph 105 that you told Chris Jack

25 about that?

1 A. Yes, that's right.

2 Q. And he said he would take a note of it?

3 A. Yes. He said he'd take a note of it but I also told him

4 at that time that Emma Stockton, the woman who said it,

5 would contact him directly because that's what she said

6 she would do.

7 Q. Do you know if she did that?

8 A. She says she did and she never got a response.

9 Q. Okay. Then you tell us starting in paragraph 106 that

10 you moved schools in the summer of 2018 and you moved

11 house in March 2015 and after that you say really

12 horrible stuff started happening and she started

13 disclosing sexual abuse in detail.

14 A. Yes. Yes, we moved in the March, so it was about late

15 spring, summertime.

16 Q. At paragraph 108 you tell us that her behaviour, the

17 sexualised behaviour continued and did it get worse?

18 A. It did. Sexualised behaviour became really problematic

19 in the new house and concerning.

20 Q. Okay. Then over the page on page 24 and paragraph 109

21 you describe that that's the first time that she made

22 a detailed disclosure to you and you say that she told

23 you that she was having -- it seemed to be about bad

24 dreams?

25 A. Yeah, so she was telling me the first kind of horrific

1 thing as if it was a dream, but obviously as adults we
2 know our child couldn't have a dream like that unless
3 they had either seen this act or experienced it. It's
4 not really a dream I think a child would make up.

5 And then when I kind of asked her, you know, who was
6 in the dream or who was doing that, she kind of said her
7 friend, but then I could tell that she was just kind of
8 guarding herself and I said no, who was really in the
9 dream and that's when she first specifically said FZS .

10 LADY SMITH: 'Amber', just to check, this is when 'Rosie's'
11 still about seven years old, is that right?

12 A. Yes, she's seven at this time, yes.

13 MS INNES: Then you say that there was a repeat of
14 a disclosure, I think you say at 4 June 2019 she
15 repeated that FZS had a really hairy willy and then
16 spoke about that.

17 A. Yes.

18 Q. You say at paragraph 111 that the disclosures continued.

19 A. Yes.

20 Q. Including at the end of that paragraph you talk about
21 her saying that he put his willy in her face and it was
22 smelly?

23 A. Yes.

24 Q. At this point, so at the beginning of June 2019, did you
25 try and tell somebody what she was saying?

1 A. Yes, I called Chris Jack straight away.

2 Q. What was his reaction?

3 A. To be fair, he was really concerned and I think that was

4 the point where he said, "You know, make sure you're

5 taking a note of what she's saying and when she's saying

6 it", but I was doing that already. And he said he would

7 speak to his team, I think his seniors, and discuss how

8 to take it forward. He then asked me if I could do like

9 an email almost like a script of what she said and what

10 I said, what my questions were, so I did that and sent

11 the emails to him.

12 Q. Okay. At paragraph 113 at the bottom of page 24 you

13 refer to something that happened on 3 July 2019 and you

14 say that she would talk about things when she was in the

15 car with you?

16 A. Yes. A lot of her disclosures seemed to happen when she

17 was sitting in the back of the car. Psychologists have

18 told me it's because there's no eye contact, it's easier

19 apparently. So a lot of the times it would just come

20 out of nowhere when we were driving somewhere.

21 Q. Then over the page at the top of page 25, paragraph 114

22 you say that 'Rosie' was then interviewed by the police

23 on 9 July 2019?

24 A. That's right.

25 Q. Was she interviewed more than once or just the once?

1 A. It was three times in total. That was the first time.

2 Q. Okay. Was that done at your house or at some other --

3 A. The first time was at our home. We thought it might be

4 easier for her. It probably wasn't in hindsight, but

5 that's what we thought we would try. I had asked the

6 staff from the police force if they could come a bit

7 early and just play with her and help her relax before

8 they officially switched on their equipment and did

9 their questioning, I guess.

10 Q. Okay. You say at paragraph 116 that 'Rosie' told you

11 that FZS hurt her privates and then she mentioned

12 FZS and FZS cousin?

13 A. Yes.

14 Q. Was this something that she'd -- did you know about

15 a cousin, had a cousin ever been mentioned before?

16 A. No. I need to make it clear at this point and I tried

17 to make it clear to the police but they didn't listen,

18 that FZV didn't know what a "cousin" was at that age,

19 she didn't understand the term "cousin", so it could

20 have meant a friend, it could have meant a stranger, it

21 didn't mean it was an actual cousin.

22 Again when she was asked for a name I think she made

23 one up because she felt pressure. So another man,

24 I guess, that she had seen before or on several

25 occasions.

1 Q. Okay. I think she gave the name ECX ?

2 A. She did, yes. I mean it could be the name, but

3 I just -- I was there when she said it and I just --

4 knowing my daughter, I didn't -- I felt she felt the

5 pressure to maybe put a name down.

6 Q. Okay. You then go on from there to talk about other

7 things that she said.

8 I think if we go on over the page, please, to

9 page 26 and paragraph 120, this was the night before the

10 second police interview and you asked 'Rosie' if she was

11 okay still to talk to the police and she repeated what

12 she'd said already but in more detail --

13 A. Yes.

14 Q. -- and again mentioned this cousin?

15 A. Yes.

16 Q. You know that we may hear evidence from FZS ?

17 A. Yes.

18 Q. And if we were to hear evidence from him that he thinks

19 that you've been coaching 'Rosie', what's your response

20 to that?

21 A. Well, 'Rosie' has made disclosures to several different

22 people now, including Chris Jack, her psychologist in

23 therapy. She's made disclosures to the police that she

24 didn't make to me, so they were slightly different and

25 different details. So I don't see how I could coach her

1 if she was saying something that I hadn't heard
2 previously.

3 'Rosie' also has a diagnosis of foetal alcohol
4 syndrome and that affects her executive functioning and
5 her working memory, so if you give her complex
6 instructions she won't remember them. So if you ask her
7 to go into a room and get her a pair of shoes and her
8 jacket and her bag she'll come out with maybe one item
9 because she can't remember the rest. So if anyone was
10 to coach her in anything, she wouldn't be able to
11 remember what that coaching was.

12 Q. Okay. Just bear with me a moment, please.

13 A. Sure.

14 MS INNES: My Lady, I'm conscious it's 1 o'clock and I do
15 have some more questions for this witness, so I wonder
16 if we could maybe take a break now?

17 LADY SMITH: I think we could break now and perhaps try and
18 resume evidence shortly before 2 o'clock.

19 Would that work all right for you, 'Amber'?

20 A. Yes, that's fine, yes.

21 LADY SMITH: Before I rise I should mention the FZS-FZT
22 are covered by my general restriction order and they
23 can't be identified outside this room.

24 Thank you.

25 (1.03 pm)

1 (The luncheon adjournment)

2 (1.55 pm)

3 LADY SMITH: 'Amber', are you ready for us to carry on?

4 A. Yes, I am.

5 LADY SMITH: Thank you.

6 Ms Innes.

7 MS INNES: Thank you, my Lady.

8 Going back to your statement, 'Amber', and looking
9 at page 26, paragraph 122, you talk there about some
10 disclosures that 'Rosie' began to make of physical
11 abuse?

12 A. Yes.

13 Q. What sort of things did she start telling you?

14 A. Well, she would tell me things about -- apart from being
15 slapped and hit, about being thrown in the air, picked
16 up and thrown. And she would demonstrate, like she
17 would stand up and show me which part of the body on my
18 body that she was lifted up and thrown.

19 Q. Was that in the context of it might be in a swimming
20 pool and you might throw a child into the air --

21 A. Oh no, she was quite clear about what room in the house
22 it was, what she landed on, what she hit. So it was in
23 the home.

24 Q. You then go on to talk about her then saying she was
25 slapped in the face?

1 A. Yes.

2 Q. Then if we go over the page at paragraph 124 you talk
3 about her telling you about an occasion when a plate
4 smashed on the floor?

5 A. Yes. This is one she talks about often, probably the
6 most often. It seems to be the one that upsets her the
7 most. Do you want me to explain it?

8 Q. Yes, please.

9 A. So she just explains in the kitchen of their home that
10 there was a plate broken on the floor and FZT made her
11 clean it up but then withheld the brush and the broom
12 from her to make her do it with her bare hands, and in
13 doing so she cut her hand [REDACTED]
14 [REDACTED] that she refers to that occasion.

15 Q. Then you say at paragraph 125 that since you last spoke
16 to the police 'Rosie' disclosed that FZS had performed
17 oral sex on her. There were other disclosures which are
18 of the same nature as previous disclosures, but again
19 I think you're pointing that this is something different
20 that she was saying at this point?

21 A. Yeah, I think my point was just that they were ongoing,
22 the disclosures, and there's some that 'Rosie's' asked
23 me to add today, if I can, but I think it was just --
24 they became more graphic and more frequent, even after
25 her police statements.

1 Q. Okay. You refer to the ongoing disclosures at
2 paragraph 126?

3 A. Yes.

4 Q. You talk there about again more sexual abuse and rape?

5 A. Yes.

6 Q. Over the page, at paragraphs 131 and 132, you say that
7 she's also spoken about seeing other children being
8 sexually abused?

9 A. Yes. She's described it and has acted it out, again
10 demonstrating the physical body movements using a doll
11 to represent the other babies that were in their care.

12 Q. When she talks about these things, what's your response?

13 A. To be honest, it's always still shock. I'm maybe
14 getting a little bit better at -- I try to have
15 a neutral response. But I also try to convey to her
16 that, you know, this is wrong and ask her how she felt
17 about it at the time, just to try and encourage her to
18 talk a bit more. But usually, to be honest, I'm in
19 a state of shock when it's a new -- I'm just listening,
20 really.

21 Q. Okay.

22 You mentioned that she has made further disclosures
23 that you wanted to talk about in your evidence, so do
24 you want to talk about them just now?

25 A. Would that be okay?

1 Q. Yeah.

2 A. They are quite horrible. Is that all right?

3 Q. That's fine.

4 A. She wanted me to say about a time that she's talked
5 about, something that happened quite frequently,
6 'Rosie's' been having problems with toileting,
7 especially with bowel movements. We've been to the
8 hospital about it since then and a lot of the doctors
9 think it's related to her abuse. So when we started
10 discussing it with her she revealed that she would go to
11 the toilet and FZS would take away the kiddy seat and
12 throw her on the toilet so she was so small she would
13 fall down the toilet and when she defecated in the
14 toilet he would put his hands in and get her faeces and
15 force her to eat it. And obviously when she ate it it
16 would make her vomit and then he would batter her and
17 beat her because she was sick on the floor. And this
18 was something she said that happened more than once.

19 She talked again about feeling that she was going to
20 die quite a lot, especially when she couldn't breathe
21 when she had his penis in her mouth and the goo that
22 would come from his penis.

23 And she talks another time which came out in the
24 process of her therapy with her therapist about sand and
25 the sand pit at their home and how FZS would get angry

1 and just shove her face in the sand pit and she wouldn't
2 be able to breathe and she thought on these occasions
3 that she was going to die and when he lifted her out
4 she'd obviously have sand in her eyes and her nose and
5 her mouth and it was very painful.

6 And she also just wanted to say that she thinks she
7 may have had broken bones at her time in their care.

8 Sorry.

9 Q. It's okay.

10 A. (Pause)

11 And so she asked me a lot if there's a way she can
12 find out if she had ever broken a bone in the past.

13 Q. Why does she think she might have had broken bones, did
14 she speak about being hurt or having a sore arm?

15 A. Yeah, she talks specifically about being sore and having
16 bruises but particularly in her legs, having sore legs
17 or a sore leg that she repeats a lot. Those kind of
18 memories. I don't know if it's her age, she watches
19 kids' doctor programmes and things, she's maybe just
20 wondering about broken bones and she's wondering if that
21 pain she felt really was that. But I don't really know
22 how to help her find the answer to that question.

23 Q. Okay. You go on in your statement and you tell us that
24 after the police interview there was a forensic
25 examination, so at the top of page 31 at paragraph 143.

1 A. Yeah.

2 Q. Was that after she'd been interviewed by the police in
3 July 2019?

4 A. Yes, I believe that was after her first statement to the
5 police, yes.

6 Q. You say that the report was definitive and found signs
7 of sexual abuse, I think vaginal penetration and damage
8 to her anal canal as well?

9 A. Yes, that's right.

10 Q. Have you seen a copy of that report --

11 A. Yes, I have it.

12 Q. You have it, okay.

13 A. I had to request it, though. Yeah.

14 Q. I think you say that in the next paragraph --

15 A. Yeah, I do.

16 Q. -- that you had to request her medical records --

17 A. That's right.

18 Q. -- and there was a copy of the report in there.

19 A. Yeah.

20 Q. You say that the report as originally drafted at
21 paragraph 145, it said that you lived with a man who was
22 present at the examination.

23 A. Yes. The dictation -- the doctor dictates and someone
24 else types it up and English isn't her first language,
25 so I think there was just a misunderstanding between my

1 surname and a male's first name.

2 Q. Okay, I see. And was that corrected?

3 A. It was corrected and I got an apology.

4 Q. Okay. Then after this forensic examination result came

5 back, you say that you asked the police why FZS hadn't

6 been arrested?

7 A. Yes.

8 Q. Why did you do that?

9 A. Because I wanted to understand how, with all these

10 disclosures at this stage, all the verification from

11 medical experts about her sexual behaviours and what

12 that meant and now the forensic medical report being

13 definitive, you know, conclusive, why we couldn't -- you

14 know, as a country or as a society, why could we not

15 arrest this man and at least question him?

16 So I guess I didn't understand the process and why

17 we'd got this far and to me it was, you know, beyond

18 reasonable doubt, that nothing -- no further action was

19 taken.

20 LADY SMITH: I'm obviously speculating here because I don't

21 know, but I can see that a medical report stating what

22 you've relayed here would show that your daughter had

23 been abused at some point --

24 A. Yes.

25 LADY SMITH: -- but it wouldn't tell you who did it.

1 A. No, but --

2 LADY SMITH: Did the police say something along those lines

3 to you?

4 A. They didn't say that exactly, they just introduced the

5 corroboration --

6 LADY SMITH: Well, that's corroboration --

7 A. Yeah, but my argument to that would be that while she

8 was in foster care they would have had records of any

9 respite the foster carers' taken and if she was in

10 contact with any other men. You know, that could have

11 been looked into. Because then surely if she hadn't,

12 there's just no one else it could have been. It would

13 surely be the person she repeatedly and in detail says

14 it is. But because of the law of corroboration, the

15 police told me it couldn't go any further.

16 LADY SMITH: Thank you.

17 MS INNES: Just going on in relation to the police

18 investigation, if we can move, please, to page 32,

19 paragraph 152, you say that after you had provided --

20 I think you provided a statement yourself to the police?

21 A. Yes. The police came to take my statement, yes.

22 Q. Then you say that things went sour with the police.

23 After giving the statement you didn't hear anything from

24 them?

25 A. Yes. I dealt with two detectives, the detective that

1 came to take my statement was great, other than
2 insisting that he come to my house. I repeatedly
3 requested that he didn't come to my house to take the
4 statement, I had obviously just moved, the place was
5 a mess and I didn't want that memory of that in my home.
6 I had pets and things, I just thought it would be
7 a difficult environment to manage and sit and take
8 a statement but they insisted that they came to my
9 house. And I was also uncomfortable that it was a male
10 officer coming on his own and I would be on my own,
11 given the subject matter I was going to be talking about
12 and have to talk about. I was very nervous and anxious
13 about that.

14 The detective was lovely, though. He was very good.
15 He was compassionate and took his time and listened.
16 But there was just other things that in this day and age
17 I was surprised that I still had to sit and talk to
18 someone who wrote something with a pencil at snail's
19 pace and I couldn't have the option to either write my
20 statement myself, which I would have preferred, or they
21 couldn't have videoed me making my statement. It was
22 just such a long, laborious and tiring process and you
23 had to go over it and read it and sign all the pages and
24 it was two and a half days in total for my statement.

25 Q. Okay. Then after that you say you didn't hear anything

1 from them?

2 A. Yeah, I didn't hear anything.

3 Q. Did you contact them to find out what was happening?

4 A. I can't actually remember. I think it might have been

5 the next time I was speaking to Chris Jack he updated me

6 about the police, because they obviously were having

7 their own meetings between the Local Authority and the

8 police.

9 Q. Okay. If we move on to page 34, paragraph 161 --

10 I think about of this, this is November 2020 --

11 A. Yes.

12 Q. -- but before then I think you'd maybe had some

13 conversations with the police about what was happening

14 and which unit was dealing with it and suchlike?

15 A. Yes. So that's when I was introduced to the second

16 detective, who I think was more senior than the one who

17 took my statement, Gordon Couper. He had phoned me

18 previously because -- I remember now. I had said to

19 Chris Jack that I had questions and the police hadn't

20 contacted me and things hadn't really been explained.

21 So he called me to answer any of the questions I had and

22 he got quite angry with me on the phone. I remember

23 that now.

24 Q. Why was he angry with you?

25 A. I guess because I was asking questions? So I was asking

1 about corroboration and I was asking in more detail
2 about why can't we do this and he got angry with me and
3 he said, "You have no right to know anything about this
4 investigation" and he was just horrible. I was in tears
5 at the end of that phone call.

6 Q. Then you say at paragraph 161 that you received a phone
7 call out of the blue in November 2020 --

8 A. Yes.

9 Q. -- from this detective and you hadn't heard from him for
10 a whole year, you say?

11 A. Yes.

12 Q. What were you told in this phone call?

13 A. This was the one where he said, "We're just going to
14 close it, close the case". He had previously told me
15 the year before, "We'll always keep it open and if
16 anyone else comes forward we'll be able to match it up",
17 things like that, but now he's telling me that it was
18 going to be completely closed and they weren't going to
19 take it any further. They did explain that they had
20 spoken to both FZT and FZS and they just responded
21 with "no comment" throughout and that there was nothing
22 else they could do.

23 He did say that they had approached some other
24 children who were a bit older who had stayed with them,
25 but I got the impression they didn't really put much

1 effort into that. I don't think -- again, I can't say
2 for sure, it was just a general impression that I don't
3 think they really put any resources or effort into it at
4 all. And it was almost like he -- I don't know, it was
5 almost like he took pleasure in telling me it had
6 closed.

7 Q. If we move on to page 39, paragraph 182, you talk there
8 about the FZS-FZT being interviewed by the police.

9 A. Yes.

10 Q. You say there that you had some concerns about them
11 being I think maybe given notice?

12 A. Yes. I was told they were given a week's notice of
13 being questioned so that they could get their solicitors
14 and be prepared.

15 Q. Okay. As you have said, the police investigation came
16 to an end, you were told it wasn't going any further.

17 A. Mm-hmm.

18 Q. Were you aware if it had been reported to the Procurator
19 Fiscal or not by the police?

20 A. Yes, they said it hadn't been.

21 Q. Did you have any understanding why that was?

22 A. Yes, they said because there was no corroboration.

23 Q. Okay. And does that remain the case to date?

24 A. I've not heard from anyone about it, so I assume so.

25 Q. So allegations have been made?

1 A. Yes.

2 Q. And you know in terms of the medical report that your
3 daughter was sexually abused.

4 A. Yes.

5 Q. There's been no court case?

6 A. Yeah.

7 Q. And no findings as to who the perpetrator was?

8 A. Yes.

9 Q. How does that lack of resolution impact on you, first of
10 all?

11 A. On me myself it's tough. A mother's job is to protect
12 her child and try and bring her up in a world that's
13 safe. And 'Rosie' hasn't had that start and it prevents
14 me from being able to reassure her that she is safe, so
15 I'm not able to, I guess, fulfil my duties as a mother
16 in that way. That's how it feels.

17 It's just really difficult to deal with 'Rosie's'
18 difficulties on a daily basis without being able to
19 reassure her. She asks me regularly why he's not in
20 prison and it's really hard to explain to anyone, never
21 mind a child, why he's not. She's not going to
22 understand things like corroboration and medical reports
23 and things like that. To her, you know, she thought
24 going to the police, the police would believe her and
25 that would be it.

1 Q. What impact does it have on her, the --

2 A. She's terrified all the time. She's always looking over

3 her shoulder. She's scared. She -- obviously earlier

4 in my statement you'll see that, you know, she has

5 nightmares because of the threat of -- FZS made about

6 coming to stab us. She still thinks that's going to

7 happen, even though we've moved house. I have to keep

8 reassuring her that they won't know where we live, they

9 won't be able to find us, but it's not enough to just

10 verbally reassure her. She's being assessed at the

11 moment for complex PTSD. She has regular flashbacks.

12 She has regular disassociation now. And it's impacted

13 on her education, her friendships, her sleep quality.

14 Just every aspect of her life, really.

15 Q. Okay. I mentioned to you earlier in your evidence that

16 we may hear evidence from FZS-FZT.

17 A. Yes.

18 Q. In relation to FZS, if we hear evidence from

19 him that he thinks the allegations are malicious, first

20 of all, if that relates to you, if it's you that's

21 making up malicious allegations, what's your response to

22 that?

23 A. It's a difficult one. It doesn't really make sense to

24 me. I mean I can't really say anything other than I'm

25 not being malicious. There's not much I can say.

1 I guess for me to be malicious it would mean that I made
2 it up, but again as I said earlier, you know 'Rosie's'
3 disclosed to many people, not just myself, and those
4 disclosures are different, something's different and I'm
5 not there.

6 I don't really have any -- I liked FZS. I don't
7 really -- I don't really understand why they would think
8 I'd have any reason to do that or put myself through
9 this kind of stress over the last few years and this
10 kind of trauma, you know, just to be mean to someone.

11 Q. And if his comment relates to 'Rosie', if she's being
12 malicious?

13 A. I mean, I -- I think -- personally I think that's
14 ridiculous. I don't think a child of that age has the
15 forthright to be malicious. Certainly not
16 a three-year-old or a four-year-old, when she started
17 trying to tell us about what had happened to her. So
18 for me that is kind of nonsensical.

19 'Rosie' is a lovely, very happy, empathetic, loves
20 people. She's never said anything negative about any
21 other human being other than this man.

22 Q. I would like to move on to the end of your statement,
23 please, and to some of the lessons that you suggest
24 might be learned from your experience.

25 If we look, please, on page 44, paragraph 207.

1 A. Yes.

2 Q. You talk there about Local Authorities and you talk
3 about the need that -- there are lots of problems in
4 Local Authorities and you say that making management
5 changes would not necessarily have that much of
6 an impact on the risk children face, especially foster
7 children. Then you say that you think there needs to be
8 a change in culture, presumably to protect children from
9 risk, I think that's the context in which you're talking
10 about that.

11 A. Yeah.

12 Q. Can you please explain your thoughts about the need for
13 a change in culture, what do you mean?

14 A. I think there's two things I mean there. I think to me
15 the foster care system is not fit for purpose. We
16 provide opportunity after opportunity for people like
17 the FZS-FZI to do what they do. And the culture I'm
18 referring to is the culture of accountability and there
19 has been -- looking back at this chronologically --
20 many, many opportunities for things to be looked into
21 further, even before 'Rosie' came to live with me, that
22 may have shed light on what was going on in this foster
23 home.

24 As I say in my statement, any public body that I've
25 dealt with in the process of this has just come across

1 as lazy, not wanting to help and basically just not
2 caring. It's as if it's just a normal part of our life
3 here in this country and we just have to live with it.

4 Q. You mentioned there that the foster care system, you
5 think, provides opportunities for people to abuse
6 children. Can you explain how does it provide those
7 opportunities?

8 A. Because they -- they obviously in theory try to have
9 policies in place where foster carers are getting
10 regular checks and things and these aren't happening.
11 And even if they are happening, things are being missed
12 so they're not being done properly. The FZS-FZT made
13 it quite clear to me that they had not had any visits in
14 10 years prior from the Local Authority to review their
15 home and review ... the only visits they had were for
16 the children, or to pick children up to go and visit,
17 you know, appointments they had. Things like that.
18 They never had any unannounced visits and these are all
19 things that are supposed to be the norm and they're
20 supposed to part of our fostering system and these are
21 basic things we can't get right.

22 Q. Okay.

23 A. So that's how we're providing opportunities.

24 Q. Okay. If we can move on, please, to page 45,
25 paragraph 210, but you cover it in paragraphs 208 and

1 209 as well, you talk about the difficulties that you
2 have in seeking help and support for 'Rosie' --
3 A. Yes.
4 Q. -- to, I think, assist in dealing with the trauma.
5 A. Yes.
6 Q. What are your thoughts about that? How can that be
7 changed for the better?
8 A. I don't know, maybe some kind of priority? I mean
9 I can't think of anything more urgent than a child who's
10 been repeatedly raped and battered from a young age as
11 needing help. At every juncture with every agency we've
12 had to wait -- I've had to chase, I've had to make
13 complaints to get things moving. So I've had to, you
14 know, take that time and effort to put in writing that
15 we -- that she needs support again and again and again,
16 even though they're aware of it.
17 I don't really know what the solutions are. I don't
18 know if it's just incompetence across the board, if it's
19 waiting list issues, but again it's just a constant
20 battle for everything. If it's CAMHS, if it's the NHS,
21 if it's the Local Authority. I mean even the Local
22 Authority, they know what happened to FZV, they can
23 see everything, they've been involved in the process,
24 but when it came for me to ask her to be referred to
25 Notre Dame for some help they put up a brick wall and

1 were unwilling to pay for it and I had to fight and
2 fight for it and that took a year just to get her
3 referred there. And to me she shouldn't -- you know,
4 children when they're young, time's important for
5 recovery and she shouldn't have to wait that long to get
6 the help she needs.

7 Q. Okay.

8 Going over the page, at paragraph 211 you mention
9 something you mentioned a moment ago, that you were told
10 you say by FZI [REDACTED] that they hadn't had a home
11 visit or an unannounced home visit for about ten years.

12 A. Mm-hmm.

13 Q. Then you say that she also told you that they hadn't
14 done any training?

15 A. Yes, she did.

16 Q. What did she say about that?

17 A. So it was just one of those conversations during the
18 co-ordination week, when I was like, "Oh, what's it like
19 fostering, do you have to go to a lot of training? Do
20 you have people just turning up at your doorstep? Is it
21 strange?" One of those quite innocent conversations and
22 she was kind of bragging:

23 "Oh no, it's great, we've not had an unannounced
24 visit in ten years, I've not had any training in the
25 same time, we've been doing this for over 20 years."

1 So it's only in hindsight when I look at that
2 conversation, you know, that I think, well, providing
3 plenty of opportunity there. It wasn't what
4 I understood of foster care.

5 Q. In relation to training, you say that's unbelievable but
6 not surprising?

7 A. Yeah.

8 Q. I think you refer to the lack of consequence?

9 A. Yes.

10 Q. There's no consequence if you don't do the training?

11 A. Yes, she said whenever there's training it's not
12 mandatory or if you don't attend, you know, it's not as
13 if they give her any consequence or a warning or ask her
14 to attend a different one. It's very easy-osy.

15 Q. Did she describe it as "easy-osy"?

16 A. No, that's me.

17 Q. At paragraph 213 you talk about there being too much
18 inequality between the child and foster carers. You say
19 that you know that there has to be because they're the
20 child's carer, but the set-up is such a vulnerable one.

21 A. Yeah, it is. I mean I guess what I mean there is if you
22 were to compare it to like a residential home or
23 something, you've obviously got more than one member of
24 staff or other staff about, you've got witnesses. When
25 it's in a family home like that, there are no other

1 witnesses so hence the corroboration issue. When you
2 have foster carers who purposefully only foster
3 pre-verbal children, you know, that even the child isn't
4 a witness to what's happening to them.

5 I think the fact that we have a system that's that
6 open to abuse in this day and age is quite unbelievable.

7 Q. You talk in this paragraph about the difficulty that
8 councils might have in imposing rules and policies in
9 someone's home.

10 A. Sorry, say that again?

11 Q. You say at the end of this paragraph that perhaps
12 councils have difficulties in imposing rules and
13 policies in someone's home.

14 A. Yes. I think it's -- I think what I mean by then is the
15 boundaries are kind of blurred is what I mean, I guess
16 because it's not an institution, it is that family home
17 that they live in and they own, so I think the
18 boundaries are more difficult.

19 Q. Okay. Then you talk about at paragraph 214 you feel
20 that what happened at the co-ordination meeting, you say
21 that FZT demands were never challenged and she called
22 the shots.

23 A. Yes.

24 Q. Then you say that reflects foster carers having too much
25 power. And then you talk about Local Authorities

1 tiptoeing around foster carers?

2 A. Yes.

3 And I think obviously that's to do with demand and
4 the need for foster carers. They obviously desperately
5 need them so therefore I feel that they get away with
6 everything and anything and I feel actually when queries
7 are raised or potential problems, like have been so in
8 this case, that they're swept under the carpet because
9 it's too much for the Local Authority to deal with and
10 they can't afford to lose another home that will take
11 some foster children.

12 Q. In the next paragraph you talk about the status of
13 foster carers and that they're self-employed?

14 A. Yes.

15 Q. And there's a self-employment relationship and you say
16 maybe foster carers should be employed.

17 A. Yes.

18 Q. What are your thoughts in relation to that?

19 A. I don't know, I was just asked to think about what
20 I think could be the improvements. I'm obviously not
21 an expert in, you know, how to structure foster care.
22 But I certainly know the difference between someone
23 who's self-employed and employed, the management of
24 them's a bit different. There's a bit more power if
25 it's an employee.

1 Q. Okay. If we go on over the page to paragraph 218, you
2 talk there I think about something that you've mentioned
3 already in your evidence about systemic problems in the
4 public sector?

5 A. Yes.

6 Q. You say there's an acceptance of low standards and lack
7 of resources across the board?

8 A. Yes, or -- or the excuse of lack of resources.

9 Q. When you say it's an excuse, are you saying it's a real
10 thing, lack of resources is a real problem or not?

11 A. Well, I don't know, because I don't work in the public
12 sector so I'm guessing there. I mean, that's what
13 everyone who works in the public sector responds, is
14 a lack of resources, and it's just -- I don't know if
15 that's always the case or if we're just that used to
16 saying it now.

17 Q. Then at paragraph 219 you talk about the law of
18 corroboration, which you've mentioned already in your
19 evidence. What are your thoughts in relation to that?
20 Is your view that that needs to be reformed?

21 A. Yeah. I mean -- yeah. About 20 years ago probably.
22 I -- I just can't believe that, you know, we spent
23 energy and time to make smacking illegal in Scotland but
24 we can't change the corroboration law.

25 I think the fact that it exists stops the police

1 doing their work. That they could have -- I think they
2 could have worked harder but because of the
3 corroboration law they just don't bother.

4 I also think when it comes to children it definitely
5 needs to be changed, especially children of a certain
6 age where it has proven time and time again by
7 psychologists and psychiatrists that these children
8 cannot make these things up at that age. To me that
9 should be taken into account in court for example as
10 part of an investigation. But corroboration law
11 prevents all that from being considered.

12 Q. Yes, you talk about reliance being placed on medical
13 evidence from psychologists or psychiatrists.

14 A. Mm-hmm.

15 Q. You talk about the example of 'Rosie' and how she hadn't
16 been in the company or care of any other male other than
17 Mr FZS.

18 A. Mm-hmm.

19 Q. Now you've already told us about the time that she lived
20 with --

21 A. Yeah.

22 Q. That she's been living with you --

23 A. Yes.

24 Q. -- up until she made the disclosures and had the medical
25 examination in 2019 and over the time that she was

1 living with you, was she ever in company with any man on
2 her own?

3 A. No, never. I realise I can't prove that, though, but my
4 whole point is if it was investigated when it should
5 have been, they would have been able to prove that
6 because of her foster care records, because foster
7 carers have to keep records of any respite breaks they
8 take and who that child is left with, so that could have
9 been proven if the investigation was done when it should
10 have been done.

11 Q. You're thinking about the time that 'Rosie' was living
12 with the FZS-FZT and are you saying that she was
13 there from when she left the hospital until she came to
14 live with you --

15 A. Mm-hmm.

16 Q. -- but within that time she might have gone for respite?

17 A. Yes, I'm guessing so, yes.

18 Q. Okay. And do you know if there are records of where she
19 went?

20 A. I know she went to respite once, the FZS-FZT went on
21 a holiday to Cyprus and left her and she stayed with
22 FZT sister, but I don't know about any other breaks.

23 Q. I see. Are you saying that there would have been -- if
24 it had been investigated earlier, then --

25 A. It would have been clear. The Local Authority would

1 have had records of where that child -- because they
2 would have to have, where that child has been cared for
3 if the FZS-FZT are taking a break.

4 Q. When you say it should have been investigated earlier,
5 at what point do you think it should have been
6 investigated?

7 A. Gosh, so many. There could have been the opportunity
8 when she was still a baby in nappies and they found
9 a red raw vagina when they were changing her nappy.
10 That would have been the first one.

11 The second one would have been when she had plastic
12 surgery on [REDACTED].

13 The third one being the smacking allegations.

14 I don't know of other ones that may have came up
15 that I'm unaware of.

16 Q. When you mentioned about her having a red vagina, where
17 did you get that information from?

18 A. Is that not in my statement? So Chris Jack told me
19 second-hand during the investigation when he was talking
20 to me on the phone that when they were looking through
21 their records at Edinburgh City Council that the
22 previous social worker -- I think I have her name if --
23 or does it not matter?

24 Q. (Overspeaking)

25 A. Had said that when she took her to contact with her

1 birth family in a play centre when she was around
2 18 months, the birth mother was changing her nappy and
3 her vagina was red and raw and concerning and it was put
4 down to nappy rash, but now in hindsight it probably
5 should have been investigated.

6 Q. As far as the contact with the birth parents was
7 concerned, do you know if that was on a supervised or
8 unsupervised --

9 A. It's always supervised, yes. It was always in a play
10 centre.

11 Q. Although I think you said earlier that sometimes the
12 parents maybe came to the house initially?

13 A. Yeah, I think when she was a young baby they came to the
14 house, but there was social workers there.

15 MS INNES: Right, thank you, 'Amber', I've come to the end
16 of my questions for you, so that together with the
17 evidence that you've given us in your statement is all
18 evidence to the Inquiry.

19 There are no applications, my Lady.

20 LADY SMITH: Thank you.

21 Are there any outstanding applications for questions
22 of 'Amber'?

23 'Amber', that does complete all the questions we
24 have for you. Thank you so much for taking the time and
25 trouble to come forward to explain to us what it's like

1 from the perspective of somebody in your position --

2 A. Mm-hmm.

3 LADY SMITH: -- having adopted a child from foster care,

4 which has given us some insight into the foster care you

5 observed --

6 A. Yeah.

7 LADY SMITH: -- and then having cared for this child for

8 quite a number of years now --

9 A. Yeah.

10 LADY SMITH: -- and watched and listened to her.

11 Thank you for being so open about your concerns.

12 You obviously care for her very deeply --

13 A. Yes.

14 LADY SMITH: -- and are working very hard at being the best

15 mum you can to her and I wish you well with that.

16 A. Thank you.

17 LADY SMITH: You're no doubt exhausted now.

18 A. Yeah.

19 LADY SMITH: I'm delighted to be able to let you go, but you

20 go with my thanks for all the learning you've added to

21 what we're doing here.

22 A. Okay, thank you.

23 (The witness withdrew)

24 LADY SMITH: We'll have a short break now and check if the

25 next witness is ready.

1 MS INNES: Yes.

2 LADY SMITH: Would that work?

3 MS INNES: Yes, that would, my Lady.

4 LADY SMITH: Very well.

5 (2.36 pm)

6 (A short break)

7 (2.45 pm)

8 LADY SMITH: Before I ask Ms Rattray to introduce the next

9 witness, can I just apologise for the problems we're

10 having with the temperature in here today. I know it's

11 cold outside but something's happened and we've got too

12 warm in here. We're working on getting it down and

13 I hope within the next five/ten minutes it will become

14 a bit more bearable.

15 Ms Rattray.

16 MS RATTRAY: Thank you, my Lady.

17 The next witness is an applicant who wishes to

18 remain anonymous and has chosen the pseudonym 'Claire'.

19 'Claire' was in the care of Strathclyde Regional

20 Council. She and her two younger brothers were in

21 a foster care placement with Margaret Mennie (MM)

22 in Dunblane from 1989 until 1990.

23 The children were then moved to Quarriers because

24 Margaret Mennie (MM) were relocating to Edinburgh. Margaret Mennie (MM)

25 kept in contact with the children and then on

1 [REDACTED] 1990 the children again were placed with them
2 and this time in Edinburgh.

3 Margaret Mennie (MM) [REDACTED]. 'Claire' and
4 her younger brothers remained in the care of Mrs Mennie.
5 They subsequently moved to [REDACTED] and the children
6 then left the placement on [REDACTED] 1997, when they
7 moved to Milton Children's Home in Bishopbriggs.

8 'Claire's' brothers returned to the foster placement
9 on [REDACTED] 1997, but 'Claire' did not.

10 The current responsible authority is Glasgow City
11 Council.

12 Margaret Mennie, the foster mother, now known as
13 Elspeth Cromar, was convicted of the physical abuse of
14 'Claire' and her brothers on 31 May 2021. Details of
15 the charges are at JUS-000000094.

16 What that says is that between [REDACTED] 1991 and
17 [REDACTED] 1995 Elspeth Cromar did repeatedly strike
18 all three children on the body with wooden spoons,
19 slippers and lock them each in a cupboard. And in
20 relation to the brothers, that the brothers were tied by
21 wrists to their bed. And she was sentenced to
22 a community payback order as a direct alternative to
23 custody.

24 LADY SMITH: Thank you.

25

1 'Claire' (affirmed)

2 LADY SMITH: 'Claire', just to start with a couple of
3 practicalities.

4 It's really helpful if you can keep in a good
5 position for the microphone, because we need to be able
6 to hear you through the sound system, please.

7 A. That's fine.

8 LADY SMITH: That's great, somewhere around there.

9 The red folder on the desk has your statement in it
10 and you'll be taken to that in a moment or two, but
11 we'll also bring the statement up on the screen and go
12 to the different parts of it that we want to discuss
13 with you, you might find that helpful. You don't have
14 to use it, but they're there if it would be of some help
15 to you.

16 A. (Witness nods)

17 LADY SMITH: 'Claire', could I also just explain I do know
18 that it's not easy coming into a public place to be
19 asked questions about yourself, your personal life and
20 particularly your life as a child and I do understand
21 that when childhood events were difficult and upsetting
22 and distressing, that it can get particularly difficult
23 to talk about those in front of strangers.

24 If at any time you want a break, whether just
25 pausing where you are or leaving the room that's

1 absolutely fine. You just say. Or if there's anything
2 else I can do to help you to give your evidence as
3 clearly and carefully as you can, please do let me know.
4 A. Okay, thanks.
5 LADY SMITH: Okay? I'll hand over to Ms Rattray if that's
6 all right with you now and she'll take it from there.
7 A. (Witness nods)
8 LADY SMITH: Ms Rattray.
9 Questions from Ms Rattray
10 MS RATTRAY: 'Claire', you gave a statement to the Inquiry
11 and we've given your statement a reference and I'm just
12 going to read that out for the record, which is
13 WIT.001.001.6815. That's your statement appearing on
14 screen in front of you now.
15 A. Yeah.
16 Q. To start with, I'd like you to look at the paper copy in
17 the red folder. If you could turn to the back page of
18 your statement, which should be page 24, and do have you
19 that?
20 A. Yes.
21 Q. You'll see that the final paragraph of your statement,
22 'Claire', says:
23 "I have no objection to my witness statement being
24 published as part of the evidence to the Inquiry.
25 I believe the facts stated in this witness statement are

1 true."

2 You have signed your statement; is that right?

3 A. That's right.

4 Q. Thank you. You can put that to one side now.

5 What I'm going to start with, I'm going to ask you

6 a little bit about your background of what you can

7 remember about it before you came into care and then

8 I'll move on and ask you about your experiences when you

9 were in foster care. Starting -- and it's at the start

10 in page 1 of your statement, you were born in 1983?

11 A. Yeah.

12 Q. I think you tell us that you lived in Glasgow with your

13 parents and your two younger brothers?

14 A. That's right.

15 Q. What's the age difference between you and your brothers?

16 A. There's a two-year gap between me and my middle brother

17 and a four year gap between me and my younger brother.

18 Q. You also tell us you were brought up your parents as

19 a Catholic and you were christened?

20 A. Yeah.

21 Q. In terms of how you came into care, I think you tell us

22 that your mum drank?

23 A. Yeah.

24 Q. And your dad was in prison?

25 A. Mm-hmm.

1 Q. Is that the background to you coming into care?

2 A. Yes.

3 Q. Do you have any memories of life before care?

4 A. I remember obviously being with my mum and dad and

5 starting playing with everyone and stuff, but that's it.

6 Q. Okay. At page 2 of your statement from paragraph 7 you

7 tell us how you came to be with your new foster parents

8 and I think they were Margaret Mennie (MM); is that

9 right?

10 A. Aye.

11 Q. What do you remember about arriving at MM?

12 A. I just remember being taken there, presumably by social

13 work, on my own because JDY and EZR were already

14 there. So that's what I remember, going there.

15 Q. I think you tell us something, that it might have been

16 Margaret Mennie who realised that your brothers, who she

17 had at that stage, also had a sister. Is that right?

18 A. She didn't realise. My wee brother JDY told her that

19 he had a big sister. Then she enquired about that.

20 Q. I think you tell us in your statement it was after she

21 enquired that you were then moved and you were able to

22 live with your brothers?

23 A. Aye.

24 LADY SMITH: It sounds as though, from what she said, social

25 work hadn't told her that your two younger brothers had

1 a big sister? If she didn't know until your wee brother
2 said.

3 A. As far as I'm aware, she didn't know until, uh-huh, my
4 younger brother had said -- had spoke about me and
5 that's when she found out.

6 LADY SMITH: Thank you.

7 MS RATTRAY: At that stage I think MM lived in
8 Dunblane?

9 A. Yeah.

10 Q. Is that right?

11 A. Mm-hmm.

12 Q. When you arrived there, do you remember being welcomed
13 at all?

14 A. No. No.

15 Q. You don't remember that. What about the family home?
16 What was the family home like when you were living in
17 Dunblane?

18 A. Just like a home, with a garden. Margaret's worked.
19

20 Q. What job did he do?

21 A. He was a prison officer at at that time,
22 I think. I don't know really at that point.

23 Q. Who was all living in the house at that stage?

24 A. In Dunblane it would have been Margaret, JDY,
25 EZR, myself, I'm sure her son and her daughter

1 [REDACTED], and [REDACTED] children.

2 Q. Okay, because I think you tell us that -- our
3 understanding of the past is that both [REDACTED] and
4 Margaret Mennie had children from their previous
5 [REDACTED] is that right?

6 A. Aye.

7 Q. You mentioned two people that -- [REDACTED] and [REDACTED],
8 I think. What kind of ages were they?

9 A. I think [REDACTED] in her 40s now, but -- they were
10 older than me. Like they were adults compared to me.

11 Q. Right, okay.

12 LADY SMITH: You mentioned Margaret Mennie's -- it would be
13 her grandchildren, would that be right? Her daughter
14 and partner's children. How many were there?

15 A. There were no grandchildren.

16 LADY SMITH: You said [REDACTED] and [REDACTED] children.

17 A. Margaret's children and [REDACTED] --

18 LADY SMITH: I see, I've got you.

19 A. Yeah, from separate relationships.

20 LADY SMITH: I'm just trying to count how many of you
21 there'd have been. If you have Margaret and [REDACTED].

22 A. There was always like about eight.

23 LADY SMITH: About eight. I wondered if it was about that.
24 So Margaret and [REDACTED], the three of you, that takes you
25 to five, and then some others. How many others?

1 A. Aye, eight.

2 LADY SMITH: Thanks.

3 MS RATTRAY: What was life like when you were living in

4 Dunblane?

5 A. I can remember like being -- going out quite a lot, like

6 how -- just walks. Things were actually okay. Went to

7 school in Dunblane, both me and JDY. And I think we

8 were getting like access at that point as well from the

9 family back home. So as far as I thought, like

10 everything seemed to be okay in Dunblane.

11 Q. I think you use words in your statement like it was nice

12 and you were looked after and it was kind of normal. Is

13 that fair of what it was like at that time?

14 A. In Dunblane, mm-hmm.

15 Q. Okay. What about social work visits? Do you remember

16 a social worker coming to see you when you were staying

17 in Dunblane?

18 A. Remember it, but not often.

19 Q. In your statement, and I know it's a while since you

20 signed your statement, 'Claire', at paragraph 14 you

21 tell us:

22 "Social work were there quite a bit at the beginning

23 and they would come to the house to see us and they

24 stopped coming after a while."

25 Would that be about right?

1 A. I think that was more in Edinburgh.

2 Q. Right, okay.

3 A. They were -- they came out more, like that I remember

4 of, more than Dunblane. I remember them coming to

5 Dunblane like with my mum to give us access and stuff,

6 but I can't remember sitting down and having a meeting

7 with anybody in Dunblane.

8 Q. Okay, okay. I think you tell us that the time in

9 Dunblane was probably the only good time you remember?

10 A. Probably.

11 Q. You think you stayed in that house for about two or

12 three years?

13 A. I think so.

14 Q. Then you go on to tell us that you moved to Edinburgh.

15 A. Mm-hmm.

16 Q. We know from your records, 'Claire', that between

17 leaving Dunblane with MM and then going to

18 MM in Edinburgh is that you and your brothers were

19 in Quarriers at that stage. Do you have any memory of

20 that?

21 A. I remember us being somewhere together, but ...

22 Obviously I can't remember the name, but, aye, it was

23 Quarriers --

24 Q. Okay. Do you remember what the new family home with

25 Margaret Mennie (MM) was like in Edinburgh?

1 A. Mm-hmm. Yeah.

2 Q. Can you tell us about the home there? The layout or who
3 was sleeping where, that kind of thing?

4 A. Oh, it was three bedroom -- sorry, four apartment, three
5 bedrooms, a living room, a kitchen, a toilet. So when
6 we moved there, the loft got converted so that there was
7 room for then everybody to be able to stay in that
8 house.

9 It ended up it was me, my two siblings, [REDACTED],
10 Margaret, [REDACTED], [REDACTED] son and daughter at that point.

11 Q. Okay. You went to school in Edinburgh too. What do you
12 remember about school when you were in Edinburgh?

13 A. Just really remember walking to school, walking home
14 from school.

15 Q. Did you enjoy school?

16 A. I felt it was all right when I was there. I felt
17 everything was fine.

18 Q. Then you tell us that Margaret and [REDACTED] separated?

19 A. Aye.

20 Q. If I understand correctly, [REDACTED] moved out but you and
21 your brothers stayed living with Margaret?

22 A. Yeah.

23 Q. 'Claire', I'm calling them "[REDACTED]" and "Margaret". When
24 you were there at the time, what did you call them?

25 A. "Mum" and "dad".

1 Q. And --

2 A. Through no choice of my own.

3 Q. I was about to ask you that, as to whose idea was it

4 that you should call them mum and dad?

5 A. Hers.

6 Q. Was that something you were happy about or not?

7 A. I suppose it's asking an eight-year-old, "Are you happy

8 getting called that?" When you don't know any better,

9 when you're getting intimidated and stuff then you're

10 just going to aye, aren't you? You're not getting

11 a choice, you are getting told, "That's what you're

12 calling us so that's what's happening".

13 Q. You say that at paragraph 23 of your statement on page 4

14 you say that you have spoken -- you know, since [REDACTED]

15 moved out, you have spoken to him since and he told you

16 something about what he remembers?

17 A. Mm-hmm.

18 Q. What did he tell you?

19 A. He told me that when he stayed at Dunblane, that he --

20 on several occasions he would come home from work and

21 find myself and two siblings at home on our own and

22 Margaret would be out drinking, or she would be at home

23 drunk and that's the first that I had ever knew that she

24 drank -- that drinking took place in Dunblane, because

25 obviously I thought things in Dunblane was fine, but

1 obviously it was getting covered up well, so ...

2 Q. Right, okay. After [REDACTED] moved out, how was life in the

3 home at that stage? Did it change at all?

4 A. Horrendous.

5 Q. Okay. And why was it horrendous?

6 A. Because Margaret's drinking became daily, 24/7. Then

7 abuse started taking place, et cetera, and just things

8 weren't good at all.

9 Q. Before we go on to the details of that abuse that I know

10 you're going to tell us about, at paragraph 25 of your

11 statement in that section of your statement you tell us

12 a little about the daily routine when you were living in

13 Edinburgh and that you got yourselves ready for school.

14 What about Margaret? Did Margaret help in any way in

15 getting you and your brothers, the children in the

16 house, up and washed and ready for school?

17 A. No, she never helped at all. She was up getting herself

18 ready and cleaning down the stair in the kitchen or

19 whatever.

20 Q. How did you get to and from school?

21 A. I walked with my friends. They came up, they chapped my

22 door and then I would walk to school, then walk back.

23 Q. Was it far?

24 A. A good 15/20 minutes.

25 Q. And your wee brothers, would they walk with you?

1 A. Sometimes, but if not they would walk with their own
2 friends.

3 Q. Right, okay. Who was it who kept the house clean and
4 did the laundry and that kind of thing?

5 A. I'm presuming it was her, because it certainly wasn't
6 any of us, so I don't know.

7 Q. Right, okay. School in Edinburgh, was that something
8 you enjoyed?

9 A. Primary school, aye.

10 Q. You tell us in your statement that there was a wee while
11 you were getting bullied at school; is that right?

12 A. Mm-hmm.

13 Q. Do you know the reason as to why you were being targeted
14 by bullies?

15 A. That was the high school.

16 Q. That was high school?

17 A. Mm-hmm.

18 Q. Okay. So primary school, there wasn't an issue with
19 that?

20 A. (Witness shakes head)

21 Q. Okay. But I think there then was a problem at high
22 school and if I'm correct you started high school when
23 you were still in Edinburgh?

24 A. That's right.

25 Q. What was the problem about bullying when you started

1 high school?

2 A. I didn't have what other people had and I don't know for
3 what reason, but she got my hair cut very short and
4 I had glasses and stuff so I don't know the actual
5 reason, but that's one of the only things I can think
6 of.

7 Q. It was to do with your appearance?

8 A. Mm-hmm.

9 Q. You weren't really the same as the other kids at school?

10 A. Mm.

11 Q. I think in your statement you tell us that Margaret
12 didn't dress you very well?

13 A. Mm-hmm.

14 Q. What kind of clothes were you wearing, do you remember?

15 A. It was mostly clothes like she was gave. Like social
16 work -- a social worker gave her quite a lot of stuff
17 and I think she used charity shops and stuff. There was
18 never a time we went out and she says, "Oh, we're buying
19 clothes this morning", no, it wasn't like that.

20 Q. There wasn't a time that you got a chance, for example,
21 to go shopping with her and to choose clothes or
22 anything like that?

23 A. No. No. No.

24 Q. Okay. In your statement you tell us at paragraph 30
25 that you had to eventually tell Margaret that she had to

1 buy you decent clothes?

2 A. Mm-hmm.

3 Q. Or you weren't going to school?

4 A. That's when we moved to [REDACTED], aye.

5 Q. Right, was that later?

6 A. Mm-hmm.

7 Q. You just wanted clothes like everybody else?

8 A. Mm-hmm.

9 Q. When you asked her for decent clothes, did she arrange

10 for that to happen?

11 A. She gave me the money and let me go on the bus from

12 [REDACTED] to Edinburgh shopping centre -- town centre.

13 Q. Okay. Turning to paragraph 33 of your statement,

14 'Claire', it's under the heading of "food" and you tell

15 us a little about meals and eating and so forth. Who

16 did the cooking?

17 A. She cooked -- when there was cooking it would have been

18 her, but it was very rarely.

19 Q. It was what, sorry? I missed that.

20 A. Very rarely that there was a cooked dinner.

21 Q. Okay. If you didn't get a cooked dinner, what were you

22 able to eat?

23 A. She would just give us money to go to the chip shop

24 because she was drunk.

25 Q. Were there foods in the cupboard that you could perhaps

1 help yourself to at all or anything like that?

2 A. There was probably biscuits and stuff, but we weren't

3 allowed to touch stuff so we would have been scared to

4 take it.

5 Q. If she was drunk, was she drunk at home or was she out

6 somewhere?

7 A. Oh, she was always getting drunk in the pub and then

8 come home.

9 Q. What kind of time would she come home?

10 A. It could have been between 7, 9 o'clock at night.

11 Q. So it varied. What would happen? If you were walking

12 home from school and coming into school, was she there

13 to let you in?

14 A. On the way home from school I had to bypass that pub, so

15 it was my daily routine to know to go in there because

16 she was there, so I'd go in there and get the keys or go

17 in there and she would give me money and we would just

18 hang about until she decided that she wanted to go home.

19 Q. Do you remember a time where you ever ate together as

20 a family?

21 A. Sorry?

22 Q. Do you remember a time when you ever ate together as

23 a family around the table with a home-cooked meal?

24 A. I don't know. I don't really know. Maybe -- maybe at

25 Christmas time or something, I can't actually really

1 remember, like.

2 Q. Your memories are not having home-cooked food, of going
3 to the chippy and you don't really have memories of
4 being able to sit down to a family meal?

5 A. She definitely --

6 LADY SMITH: 'Claire' can I just say it's absolutely fine if
7 you can't remember. Don't worry about that. It's the
8 way memory works. If you don't remember, it's fine.

9 A. I'm not saying that she never cooked dinner and we never
10 sat at the table, we did sit at the table but not with
11 her. So there's -- for instance she made dinner,
12 I can't remember what it was, it could have been steak,
13 stew, sausages, but for instance I sat at the table for
14 a few hours because I had to sit there and eat that, and
15 I didn't like that. But other than things like that,
16 no, I can't remember everybody sitting and having a meal
17 like I do with my children, no.

18 Q. I have made you aware before that we asked
19 Margaret Mennie to give us a statement and she did and
20 if her position, if she says that all the meals were
21 home-cooked with the exception of the odd takeaway or
22 meal out, what do you say to that?

23 A. She's absolutely talking crap. Just the exact same
24 thing she told in court. So there wasn't homemade meals
25 every day at all. It's impossible to be in a pub for

1 the whole day and make a homemade meal.

2 Q. Generally your relationship with your foster parents,
3 and I appreciate that [REDACTED] was there at one point, how
4 would you describe your relationship with each of them?

5 Firstly, [REDACTED]. What was your relationship with
6 [REDACTED]? Was he like a parent to you?

7 A. I felt that way. That's the way I felt with
8 [REDACTED]. He was just always caring, just --
9 I don't know. He was there and that's -- that's the
10 feeling I've got, that he cared.

11 Q. What about Margaret Mennie? What was your relationship
12 with her like? Did you feel that she was a mum to you?

13 A. No. No. She was just somebody that was doing a job for
14 the money.

15 Q. In relation to social work visits when you were in
16 Edinburgh, do you remember social workers coming to see
17 you?

18 A. Aye.

19 Q. Did you get a chance to speak to the social workers on
20 your own?

21 A. Not many times.

22 Q. Do you know whether the social workers were aware at
23 that time that there were problems with Margaret
24 drinking?

25 A. At that time, when I stayed there, I didn't know, but

1 now I know that, yeah, they were aware of it. They were
2 aware of it, uh-huh.

3 Q. Turning to page 7 of your statement, 'Claire'. From
4 paragraph 42 you tell us about abuse that you
5 experienced when you were with Margaret Mennie.

6 The first thing you tell us is that Margaret treated
7 you and your brothers differently from how she treated
8 all the other kids. In what way were you and your
9 brothers treated differently?

10 A. We were always getting into trouble. Like we never had
11 like -- we wouldn't get clothes bought for us the way
12 she would like buy her own son and stuff. She just
13 treated us different from her own children.

14 Q. You tell us that the three of you were just left to do
15 your own thing?

16 A. Mm-hmm.

17 Q. What happened if your foster parents or Margaret Mennie
18 in particular thought that you had misbehaved? Were
19 there any punishments?

20 A. All the time.

21 Q. What kind of punishments would there be?

22 A. They were all different. So I take it just depended on
23 which mood she was in. We were hurt with things,
24 slippers, wooden spoons. We were tied to beds,
25 radiators, locked in cupboards, dragged, slapped, hurt.

1 Q. How often did that happen?

2 A. The majority of the time. She -- she drank every day of
3 the week.

4 Q. So you could be hit every single day of the week?

5 A. Aye.

6 Q. And your brothers too?

7 A. Aye.

8 Q. You tell us at paragraph 43 you've mentioned that she
9 would lock you in the cupboard. Whereabouts was the
10 cupboard?

11 A. It's like a cupboard in a hall beside -- so the stairs
12 were there and there's then like a cupboard. So
13 a cupboard you would just maybe keep like your Hoover
14 and stuff, just a hall cupboard.

15 LADY SMITH: A cupboard that fills in the gap under the
16 stairs?

17 A. Yeah, uh-huh, basically.

18 LADY SMITH: The roof would be sloping?

19 A. It actually was quite a long cupboard and then when you
20 kind of turned a bit that's where it sloped a bit.

21 LADY SMITH: Was there a wee turn on the stair then? Did
22 you go up a few steps and then turn and go up again?

23 A. And then you went in, aye. Mm-hmm.

24 MS RATTRAY: Was there a light you could switch on in the
25 cupboard?

1 A. Not that I know of. Not that I'd ever known of.

2 Q. Was there any light in the cupboard at all, daylight or
3 anything like that or was it dark?

4 A. When the door was shut it was dark.

5 Q. How did that make you feel, being kept in the cupboard?

6 A. Scared. Angry because I didn't know what was going on.
7 And just dying to get let out.

8 Q. For how long would you be left in the cupboard?

9 A. Again that varied. Sometimes it could have been
10 an hour, other times it could have been till the
11 morning.

12 Q. There were times you stayed all night in the cupboard?

13 A. Mm-hmm.

14 Q. You tell us in your statement that in fact there was
15 a sleeping bag in the cupboard and sometimes you'd be
16 using it?

17 A. Mm-hmm, that's what she would give us to lie in the
18 cupboard.

19 Q. Did that happen to your brothers as well?

20 A. Aye.

21 Q. In relation to being tied to the bed, who was being tied
22 to the bed?

23 A. Sorry?

24 Q. I'm asking you about -- you're talking in your statement
25 about being tied to the bed. Who was it that was tied

1 to the bed?

2 A. Both my siblings.

3 Q. How were they tied to the bed?

4 A. It was like a bit of rope, and it was that their arms

5 were tied to -- it was bunk beds, so their arms were

6 tied to like the bars or the bits of wood on the bed.

7 Q. Do you know the reason at all as to why your brothers

8 were being tied to the bed?

9 A. No. Like ... they never really -- they weren't bad

10 boys. You know, so no. I don't think there's any

11 reason to do that to anybody anyway, not in the world.

12 But no, not that I know, there's no reason.

13 Q. Who was it who tied your brothers to the bed?

14 A. Margaret Mennie.

15 Q. I think you tell us in your statement that when they

16 were tied to the bed you remember that you sneaked the

17 boys some biscuits?

18 A. Aye.

19 Q. Moving now to your time in [REDACTED], how old were you

20 when you moved from Edinburgh to [REDACTED]?

21 A. Oh ... I don't know. I think I might have been about 10

22 or 11 but I -- again, when it comes to that, I really

23 don't know the exact ...

24 Q. So you were in secondary school because --

25 A. Aye.

1 Q. -- you remember attending secondary school in Edinburgh.
2 A. Aye, aye.
3 Q. How much notice or warning were you given that you were
4 about to leave Edinburgh?
5 A. None. Just that day. Just like one day. After school
6 and that was it, we were going.
7 Q. In paragraph 53 of your statement, you tell us that you
8 never got to say cheerio to a lot of your friends?
9 A. Aye.
10 LADY SMITH: Do you remember what year you were in at school
11 when you moved to [REDACTED]?
12 A. Not really. I think I was in second year.
13 LADY SMITH: You might have been -- if you were still 11,
14 you might have been coming up for 12?
15 A. 12 maybe.
16 LADY SMITH: Something like that.
17 A. I just ...
18 LADY SMITH: Thank you.
19 Would you remember what time of year it was you
20 moved to [REDACTED]?
21 A. No.
22 LADY SMITH: Don't worry if you can't. Thanks.
23 Ms Rattray.
24 MS RATTRAY: Thank you, my Lady.
25 The new place you were going to live in in

1 [REDACTED], what was that like?

2 A. That was a pub.

3 Q. You were moving from a home in Edinburgh and you were

4 moving to a pub, and was this pub with a house attached

5 or a flat or something?

6 A. Aye, it was ... it was a hotel, because there was like

7 bedrooms. Lots of bedrooms above the pub.

8 Q. Who was running the pub?

9 A. Margaret Mennie.

10 Q. So against a background where she was drinking daily --

11 A. Yep.

12 Q. -- and drunk --

13 A. Yep.

14 Q. -- she then went out to run a pub?

15 A. Yep.

16 Q. Okay. How was life in [REDACTED]? Did things improve

17 at all when you were living there?

18 A. No improvement. (Witness shakes head)

19 Q. The abuse that you've told us about, did that stop or

20 did it carry on?

21 A. We weren't getting locked in cupboards and stuff. The

22 hitting was still going on. She put like locks on the

23 kitchen door, et cetera, and we were just basically to

24 fend for ourself.

25 Q. With locks on the kitchen door, were you getting fed at

1 all?

2 A. She would just give us money for the chippy that was
3 down the road.

4 Q. At that time were you having contact with your birth
5 family at all? Your mum?

6 A. I think we were just starting to.

7 Q. You remember back in Dunblane initially you think you
8 were seeing your mum, did that stop?

9 A. That stopped. Oh access stopped, yeah.

10 Q. Then when you got to [REDACTED] there was more contact?

11 A. When she wrote letters they were passed to social work
12 and then passed to Margaret Mennie to obviously be
13 passed to myself. Same as gifts, et cetera. They were
14 starting to be accepted, aye, in [REDACTED].

15 Q. Okay.

16 At paragraphs 67 to 69 you tell us a little bit
17 about birthdays and Christmases and you say that you do
18 remember one Christmas when you got a Donald Duck
19 hairdryer.

20 A. Mm-hmm.

21 Q. Do you remember any other Christmases and getting gifts?

22 A. No.

23 Q. That's the only one that stands out?

24 A. Yep.

25 Q. You tell us that birthdays weren't really marked.

1 A. (Witness shakes head)

2 Q. And you say there was -- about celebrating your

3 brother's birthday on the wrong day?

4 A. Yeah.

5 Q. When did you find out that the day it was celebrated

6 wasn't in fact his birthday?

7 A. When I was 12. When I was 12.

8 Q. Right. You tell us at paragraph 69, 'Claire', that

9 you'd been brought up a Catholic with your mum but

10 Margaret wasn't religious so you never got to make your

11 Communion. Is that right?

12 A. Mm-hmm.

13 Q. Was that an important matter for you?

14 A. I suppose at the age that I was, I wouldn't have really

15 known if it mattered or not, but for that faith

16 obviously it does matter and it was requested that I'd

17 made it, if I could make it, and she said no.

18 Q. Right. In relation to the abuse that took place at

19 [REDACTED], I think you've told us that there wasn't

20 a cupboard to be locked in any more. You were still

21 being hit, and at paragraph 71 you say that it reached

22 the point where Margaret wouldn't even know if you were

23 in or out.

24 A. That's right.

25 Q. Was that connected to her drinking again?

1 A. She just sat in the pub all day and drank.

2 Q. At paragraph 74 you tell us about verbal abuse, about
3 things that Margaret would say to you.

4 A. Yeah.

5 Q. What kind of things was she saying to you?

6 A. She just was saying things about our parents, like
7 didn't love us and my mom had sent me a parcel, it was
8 a pair of boots. I hadn't worn them, but -- and she
9 says that my mum was a prostitute and that's what the
10 boots were for, and then that was the night that she
11 bodily put me down the stair and put me out of the
12 actual pub.

13 Q. Your mum had sent you a parcel with some boots?

14 A. (Witness nods)

15 Q. Margaret made comments about the boots and your mum and
16 you say that she put you down the stairs. In what way?
17 Was she taking you down the stairs or what happened
18 there?

19 A. It was her and her -- it was her and her son and
20 daughter. Her daughter had punched me in the mouth, my
21 lip was bleeding, and then her and her son dragged me
22 each side and took like handed me down the stairs and
23 out the front door of the pub.

24 Q. This was the daughter who was an adult at the time?

25 A. Yeah.

1 Q. In fact am I correct that she had her own children at
2 that stage?

3 A. Yeah, mm-hmm.

4 Q. And you were put out the house. What happened next?
5 Where did you go?

6 A. I had went to a friend's house and it was a bit late,
7 I think it might have been maybe around 10 o'clock at
8 night, so she was scared to ask her parents if I could
9 say. So she let me just climb in her window and I slept
10 under her bed and then I got up early in the morning and
11 went back up.

12 Q. What was happening when you got back home to the pub?

13 A. There was a police car and a social work car sitting
14 outside the pub.

15 Q. Why was that?

16 A. Because Margaret Mennie phoned the police and says that
17 I had been missing, I never came home all night.

18 Q. At that stage what happened? Did you go back into the
19 house?

20 A. No, no. I just went out with the social worker.

21 Q. You left with the social workers?

22 A. I sat there until they were ready to come out.

23 Q. I think you tell us at paragraph 81 in your statement,
24 'Claire', that Margaret Mennie had told the social
25 workers that you had run away?

1 A. Mm-hmm.

2 Q. And you told them that you hadn't and that she had put
3 you out?

4 A. Mm-hmm.

5 Q. What else did you tell them at that stage?

6 A. I had told them that -- basically what she'd been doing
7 to us and ... in Edinburgh and [REDACTED], just things
8 that she'd done, had been doing, the drinking,
9 et cetera, and ...

10 Q. Did you tell the social workers about being hit?

11 A. Yeah. I told them that -- what had happened the night
12 before, that I hadn't run away. Like I told them --
13 explained everything, et cetera, but ...

14 Q. Did you feel that what you were saying was believed?

15 A. I didn't think it even entered into my head to be
16 honest. Genuinely, I don't even think it -- like what
17 I thought. It was just a case of take us away and that
18 was it. There was not ...

19 Q. You left that day and your brothers left as well?

20 A. Mm-hmm.

21 Q. At that stage I think you went to Milton Children's
22 Home?

23 A. Mm-hmm.

24 Q. You say at paragraph 82 that your brothers left with you
25 but it wasn't because of anything you had said about

1 Margaret. What was the reason that you understood that
2 the social workers were saying you were going to leave?
3 A. Why I was leaving?
4 Q. You're telling us you were leaving because you were
5 being hit and you were being abused and you told the
6 social workers about that. But at paragraph 82 of your
7 statement I think you make the point about another
8 reason that the social workers said that you were
9 leaving.
10 A. The social workers put it across that they were taking
11 myself, JDY -- and the two boys away also for
12 Margaret's benefit, because they felt she was having
13 a -- going through a nervous breakdown.
14 Q. You tell us that Ian -- is that Ian Henderson?
15 A. Mm-hmm.
16 Q. Who was a social worker at that time?
17 A. Uh-huh.
18 Q. "... said it would be better if the two boys came for
19 a while to give Margaret a break, but that the boys
20 would be going back. Margaret made out that she was
21 having a nervous breakdown. The boys were taken away to
22 give Margaret a break and not because of their safety."
23 A. They never took JDY and EZR out because of their
24 safety. No, no.
25 Q. In your view, were the boys safe there?

1 A. 100 per cent not.

2 Q. After you left foster care at page 14 of your statement
3 from paragraph 91 you're talking about visits with your
4 brothers. We understand from your records what happened
5 is that whilst all three children left, later on your
6 two brothers went back to live with Margaret Mennie
7 again. Is that right?

8 A. Mm-hmm.

9 Q. How did you feel about that?

10 A. I didn't want them to be there.

11 Q. You didn't want to be there and did you want your
12 brothers to be there?

13 A. No, I didn't want them to be there.

14 Q. No, right. Is that because, as you've said before, you
15 didn't think they were safe?

16 A. I was really concerned about their safety and what could
17 be happening to them.

18 Q. You tell us at paragraph 92 of your statement that you
19 started to speak up when things weren't right?

20 A. Mm-hmm.

21 Q. And that's one of your brothers that started to speak
22 up?

23 A. Mm-hmm, mm-hmm.

24 Q. That was your middle brother; is that right?

25 A. My youngest.

1 Q. Your youngest brother, okay. What was your youngest
2 brother saying about being back with Mrs Mennie?
3 A. He was just like saying to me she was always drunk, he
4 was basically out of the way, wanted ... things like
5 that. You know, he was doing things that he shouldn't
6 have been doing at his age and I flagged that up with
7 social work also, and then he also got removed from that
8 placement.
9 Q. Your youngest brother spoke up and was moved and you
10 were speaking up as well. What about your middle
11 brother?
12 A. He just said that it -- he was fine.
13 Q. Did you think he was fine?
14 A. No. But there was a break up in the visits, there was
15 a break up in the visit.
16 Q. Initially when your brothers went back to Mrs Mennie you
17 were seeing your brothers --
18 A. Mm-hmm.
19 Q. -- and then one of your brothers left as well?
20 A. Mm-hmm.
21 Q. Then there was the one brother who was left with
22 Mrs Mennie and you stopped seeing him; is that right?
23 A. He chose to stop seeing us.
24 Q. Looking at page 17 of your statement, at paragraph 109
25 you say that you hadn't seen your middle brother for

1 a whole year and then eventually social work told you
2 that he did want to see you and this was in April 2001.
3 A. Mm-hmm.
4 Q. That was out of the blue, you say?
5 A. Aye.
6 Q. What happened when you saw him then?
7 A. I was just asking him if -- how he was, how school was.
8 He was saying to me like he was fine, he was going out
9 and things. I just asked him like did he feel safe and
10 stuff without obviously going into anything and he
11 looked happy, he sounded happy. He said he was just
12 doing his -- going to do his exams and be a police
13 officer. And that was the last time I seen him.
14 Q. What happened to your brother?
15 A. He hung himself. In [REDACTED] 2001, so when he came to see us
16 in [REDACTED], he came to say cheerio.
17 Q. That was when he was living with Margaret Mennie?
18 A. Yeah.
19 Q. I think you tell us that whilst he hung himself, and
20 I think that is the current position which is accepted,
21 at the time it was suggested that he didn't take his own
22 life?
23 A. It was put down as accidental ligature suspension.
24 Q. On page 19, moving to reporting abuse, was there
25 anyone -- whilst you left the placement and you told

1 people what was happening, when you were actually living
2 there, was there anyone that you could have turned to to
3 tell what was happening?

4 A. I spoke to a friend -- in Edinburgh I had a friend and
5 I told her quite a lot, she knew a lot. But other than
6 that ...

7 Q. What about a social worker, would you have been able to
8 speak to a social worker at all whilst you were living
9 there?

10 A. It was hard, because when social work was coming she was
11 like telling us not to say things.

12 Q. Right. Okay.

13 A. Like she would tell us not to say this and that and
14 she'll buy us this and we'll go and do that and so we
15 never really ... she manipulated us, really, so it was
16 like, "Don't tell them", so we never told them.

17 Q. The adult daughter, Margaret Mennie's adult daughter,
18 who is the daughter you've told us punched you in the
19 mouth, was she aware what was going on?

20 A. Aye. Aye.

21 Q. She couldn't have been someone you could have complained
22 to then, if she was fully aware of what was happening?

23 A. No.

24 Q. Since you signed your statement, we know that
25 Margaret Mennie, under the name of Elspeth Cromar, has

1 been convicted of assaulting you and assaulting your
2 brothers and that was on 31 May 2021. You gave evidence
3 at the trial; is that right?

4 A. That's right.

5 Q. Do you have any reflections on the process of
6 Margaret Mennie being brought to trial and your
7 involvement in that and any impact it might have had
8 upon you?

9 A. What do you mean by that? Sorry.

10 Q. I'm sorry, I'll try and explain it.

11 You've experienced the process of Margaret Mennie
12 being brought to trial and you gave evidence there. Is
13 there anything about your experience that you can tell
14 us about that might help us in perhaps there being some
15 changes to that process which would help make it easier
16 for someone like you to be part of that and to give
17 evidence?

18 LADY SMITH: Tell us what it was like, being a witness at
19 that trial.

20 A. It actual felt great.

21 LADY SMITH: Why?

22 A. Because for the 20-odd years I've had to live with
23 something that's interfered with my life severely, which
24 I had reported and spoke about freely, and it was great
25 to stand there and say that out loud and for somebody to

1 actually believe what I was saying.

2 LADY SMITH: Thank you. That's really helpful to know that.

3 A. (Witness nods)

4 LADY SMITH: Thank you.

5 Ms Rattray.

6 MS RATTRAY: Thank you, my Lady.

7 Is there anything that could have been done in

8 a different way to make the process better for you?

9 A. I don't think so, I think I was offered everything.

10 Q. Turning to page 22 of your statement, 'Claire',

11 paragraph 144, you tell us a little bit about the

12 impact. How has the abuse that you experienced affected

13 you during your life?

14 A. It's been quite traumatic. It's been hard. I've got

15 a physical -- a mental health illness. I've got five

16 kids. But I have to keep fighting, I have to, and

17 I have to get on with it. There's so many days I want

18 to give up, so many days I don't want to be here. For

19 many years. At times I've attempted suicide. But I've

20 got to keep going for my kids. They need me and I'm

21 a good mum.

22 LADY SMITH: Tell me about the ages of your children now.

23 How old is the oldest? How old is the youngest?

24 A. The oldest is 20, then 18, then 13, then 4, then 2.

25 LADY SMITH: Even the 20-year-old still needs you.

1 A. Yeah, she's at home.

2 LADY SMITH: There's a lot of mothering for you to do.

3 A. (Witness nods)

4 LADY SMITH: As you say, you recognise that they do need to

5 be mothered.

6 A. Mm-hmm.

7 LADY SMITH: And that's what you've been doing, I take it,

8 for the last 20-odd years?

9 A. (Witness nods)

10 LADY SMITH: Thank you.

11 MS RATTRAY: 'Claire', as you're aware, as I spoke to you

12 earlier about this, Margaret Mennie, or Elspeth Cromar

13 as she's currently known, was traced by the Inquiry and

14 asked to provide a statement. She gave her statement

15 and this was after she was convicted of assaulting you

16 and your brothers.

17 A. (Witness nods)

18 Q. Notwithstanding that conviction, she says in her

19 statement:

20 "I am not aware of any abuse that took place or was

21 carried out during my time as a foster carer."

22 What do you say to that?

23 A. That's rubbish. That's absolute nonsense. She's been

24 found guilty of the charge, of the things that she's

25 done, that I reported 20 years ago. It's just

1 unfortunate it's took all this time for it to come out
2 and be charged, so she's guilty so I don't know how she
3 can be unaware of any abuse, if somebody's saying that
4 kind of comment, that's somebody that has got something
5 to hide.

6 Q. Finally, 'Claire', on the last page of your statement,
7 page 24, under "Other information", I think here you're
8 perhaps telling us things that we should learn from your
9 experience. You tell us that every child in care needs
10 to have their voice listened to and that's not
11 happening.

12 A. Mm-hmm.

13 Q. Is there anything else that you think that we can learn
14 from your experiences in care?

15 A. To generally take on board the child's feelings,
16 emotions, and really the key is listen.

17 MS RATTRAY: Thank you, 'Claire'. I don't have any further
18 questions for you and thank you for answering my
19 questions today.

20 My Lady, I'm not aware of there being any
21 application for questions.

22 LADY SMITH: Are there any outstanding applications for
23 questions of 'Claire'?

24 'Claire', that's the end of the questions we have
25 for you, but before I let you go I just want to thank

1 you very much for engaging with us, both by providing
2 your detailed written statement, which I've read and is
3 part of your evidence, but by being able to come today
4 and talk about your memories of being in care and your
5 thoughts about foster care over that period, which after
6 all is relatively recent.

7 A. (Witness nods)

8 LADY SMITH: I'm really grateful to you for the way you've
9 added to my learning and understanding. As I said at
10 the beginning, I'm sure it's been very stressful for you
11 to do so, but let me assure you the effort you've put in
12 is well worthwhile from my perspective.

13 Thank you for that.

14 A. Thanks very much.

15 LADY SMITH: Do feel free to go.

16 A. Thank you.

17 (The witness withdrew)

18 LADY SMITH: Ms Rattray, it's almost 4 o'clock and I think
19 that's it for today.

20 MS RATTRAY: Yes, that concludes the evidence for today. We
21 resume tomorrow at 10 am and tomorrow, because there
22 have been some changes to the initial programme --

23 LADY SMITH: Yes.

24 MS RATTRAY: -- the morning will be spent in relation to
25 read-in evidence.

1 Then we will have an oral witness at 2 o'clock.

2 LADY SMITH: Thank you very much.

3 I'll rise now until tomorrow morning.

4 (3.58 pm)

5 (The Inquiry adjourned until 10.00 am on

6 Thursday, 29 September 2022)

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