

Wednesday, 3 April 2024

1

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome to the second day of
4 evidence this week in Chapter 4 of Phase 8 of our case
5 studies, where we're focusing principally on Kerelaw and
6 Larchgrove.

7 Mr Peoples, I think we have an oral witness ready to
8 give evidence; is that right?

9 MR PEOPLES: Yes. The next witness will be referred to
10 today as 'Robert'.

11 LADY SMITH: Thank you.

12 'Robert' (sworn)

13 LADY SMITH: 'Robert', do sit down and make yourself
14 comfortable.

15 A. Thank you.

16 (Pause)

17 Sorry about this. Thank you.

18 LADY SMITH: There's nothing to apologise for, 'Robert'. Do
19 take your time. Don't feel under pressure, please.

20 Thank you for coming along this morning to engage
21 with us here at the Inquiry and help us with your
22 evidence regarding Kerelaw, in particular.

23 A couple of practicalities first of all, 'Robert'.

24 That red folder has your signed statement in it.

25 A. Yes.

1 LADY SMITH: Thank you for providing that statement. It
2 alone is evidence to the Inquiry, which I have been able
3 to study in advance and that's been really helpful.

4 A. Yes.

5 LADY SMITH: But, of course, having you here will enable us
6 to focus on some particular parts of it we'd like to
7 discuss with you.

8 We'll also bring the statement up on the screen as
9 we're going through it. It will be there if you find
10 that helpful. Some people find the screen distracting.
11 Let me know if you do --

12 A. No, it will be fine.

13 LADY SMITH: -- and I can have it switched off. But, if you
14 like having the text up there, we can do that.

15 Otherwise, 'Robert', please do let me know if there
16 is anything I can do to assist in giving your evidence
17 as comfortably as you can.

18 A. Yes.

19 LADY SMITH: I want you to be able to give the best, the
20 clearest evidence you can, and if, for example, that
21 means having a break, that's absolutely fine, just ask.

22 A. Yes.

23 LADY SMITH: Or if it means us explaining something better
24 than we're explaining it, that's our fault, not yours,
25 so just speak up. Don't sit there being confused about

1 it.

2 Separately, 'Robert', as you probably realise, some
3 of the questions you're going to be asked this morning
4 might be difficult. They are questions the answers to
5 which could incriminate you, depending on what the
6 answers would be. In the case of these questions, you
7 don't have to answer them. Although this is a Public
8 Inquiry and not a courtroom, you have exactly the same
9 rights as you would have if you were in a courtroom. So
10 you can just say, 'I'm sorry, I'd prefer not to answer
11 that', if it's that sort of question. If you do answer
12 it, of course, you must answer it fully. If you are in
13 any doubt as to whether we're in that territory, please
14 just ask and check. There's no problem about that; does
15 that make sense?

16 A. That's fine. Yes.

17 LADY SMITH: Otherwise, if you are ready, I will hand over
18 to Mr Peoples.

19 A. Yes. Could I say something before we start doing
20 anything?

21 LADY SMITH: Of course.

22 A. You just pointed out to me that this is an official
23 document.

24 LADY SMITH: Yes.

25 A. On my first day at Kerelaw, there were two ladies in

1 charge of that unit with the names of KAM [REDACTED],
2 who was a team leader, and May McFarlane.

3 LADY SMITH: Those are the ones you talk about in your
4 statement?

5 A. Yes. But the point I want to make to people here: I was
6 confronted early on by people coming to my house about
7 an earlier inquiry regarding Kerelaw, and they come into
8 my house and asked me about certain individuals,
9 children within Kerelaw. And I said: yes, I know their
10 names. But, before we go into any discussion regarding
11 Kerelaw, could I ask you one question?

12 And I'm asking this Chair the same question.

13 LADY SMITH: What?

14 A. When I first started in Kerelaw, the very first day,
15 those two women said to me: 'Robert', that book there is
16 your Bible. Not only is it your Bible, it's your
17 defence in relation to any allegations that might be
18 made against you or against the school.

19 Hence, I was most meticulous and articulately
20 recorded every event that I was involved with with the
21 children in Kerelaw and the interaction with the staff.
22 So I just hope that the questions -- I'm not trying to
23 pre-elude the questions that are being asked, but the
24 answer that I'm giving to you, in all honesty, will be
25 in relation to the statements I have made in these

1 diaries, because that's the only defence I have here, is
2 the fact that I recorded everything I did in my job when
3 I was interacting with the children and the staff.

4 LADY SMITH: 'Robert', can I just -- I fully understand what
5 you're saying, and you probably also appreciate that
6 a transcript is being made of your evidence here today.

7 A. Yes.

8 LADY SMITH: So that's also going to be evidence that goes
9 on the record of this Inquiry.

10 A. Yes. Yes.

11 LADY SMITH: But I hope you don't feel that you've come here
12 simply to have accusations made against you. It's very
13 clear from your statement that you have been very
14 helpful in providing a lot of information about what you
15 recall of your time at Kerelaw.

16 A. Yes.

17 LADY SMITH: And we're very interested in that because of
18 the particular task of the Public Inquiry, which goes
19 wider than looking at whether individual people can be
20 blamed for individual things. It's more fundamental,
21 actually, than that.

22 A. That's fine.

23 LADY SMITH: Does that help you?

24 A. I'll do my best to try not to be too worried about it.

25 LADY SMITH: I'm sure you will, and we will do our best to

1 help you.

2 A. Thank you.

3 LADY SMITH: Mr Peoples, I think 'Robert' is ready.

4 Questions from Mr Peoples

5 MR PEOPLES: Good morning, 'Robert'.

6 Can I just begin by giving a reference that we give
7 to the statement you've provided us? It's just for the
8 record, so you don't need to concern yourself. The
9 reference is WIT-1-000001405.

10 Can I begin by asking you, 'Robert', to turn to the
11 final page of the written statement in the red folder,
12 and can you confirm that you've signed your statement on
13 27 March of this year?

14 A. Yes.

15 Q. Also, you state that you have no objection to your
16 witness statement being published as part of the
17 evidence to the Inquiry. You believe the facts stated
18 in your witness statement are true?

19 A. Yes.

20 Q. Now, I'll go back to the beginning and I'll pick up some
21 points in your statement. Just to begin with, 'Robert',
22 you were born in 1937?

23 A. Yes.

24 Q. So far as your pre-Kerelaw employment was concerned, you
25 tell us in your statement that you worked [REDACTED]

1 [REDACTED] for 17 years, first as an apprentice
2 joiner, then supervisor, then foreman; is that correct?
3 A. Not exactly correct. I was -- I guess I was in [REDACTED] for
4 17 years. I went in as an apprentice joiner and I was
5 asked, because of the -- this is where I feel that
6 I hope I'm not deviating too much in the way I explain
7 things. But I can go into a lot of detail in the way
8 I grew up. I'm trying to confine my rambling on, for
9 the want of a better description --
10 Q. No, it's not rambling. But, obviously, we are focusing
11 on Kerelaw.
12 A. Yes.
13 Q. We have your statement and obviously you tell us about
14 your background --
15 A. Yes.
16 Q. -- and your circumstances growing up, and that's all
17 there and we have read that.
18 A. Yes, that's fine.
19 Q. So, please, don't think that we're not aware of what
20 you're telling us.
21 A. No. No.
22 Q. You don't need to tell us the detail of your time at
23 [REDACTED]. I just want to get an idea of where you were
24 before you started in what was a very different job?
25 A. Right. That's fine. Okay.

1 Q. Then -- although you tell us that during your time at
2 [REDACTED] you also did two years' National Service, which
3 I think was in the days when National Service was
4 a requirement.

5 A. Yes. Yes.

6 Q. Then you say that you also worked in a car factory in
7 Linwood as a welder and foreman for another 17 years or
8 thereabouts?

9 A. Yes.

10 Q. And you started at Kerelaw as a residential care worker
11 when you were around the age of 53, and you retired
12 around 63 years of age?

13 A. Yes.

14 Q. That, to my reckoning, is roughly between 1990 and 2000.
15 The year 2000, approximately.

16 A. Yes. Yes.

17 Q. And you tell us that you had no childcare qualifications
18 when you started?

19 A. No.

20 Q. You also tell us that when you were working at Kerelaw
21 you worked in Fleming Unit, which was a boys' unit in
22 the open school, for the whole of your period of
23 employment?

24 A. Yes.

25 Q. And you tell us that you spent almost all your time as

1 a night shift worker, working only during the week?

2 A. Yes. Night care officer was the title.

3 Q. A night care officer. And you tell us that your team

4 leader within Fleming was a person called

5 KAM [REDACTED] ?

6 A. Yes.

7 Q. And her deputy was a woman called May McFarlane?

8 A. Yes.

9 Q. You use the term 'Team leader'. I think subsequently

10 people have been termed unit managers, but was

11 KAM [REDACTED] effectively what might have later been

12 called a unit manager?

13 A. Must have been after I left because during all my time

14 at Kerelaw she was recognised as -- they all were in

15 each of the units -- team leaders and qualified staff

16 and --

17 Q. But she was the senior manager in the unit?

18 A. Yes, yes.

19 Q. And you tell us at paragraph 17 of your statement, on

20 page 4, if I could go to that, that the only time you

21 left your unit was if you were asked to assist in some

22 other unit?

23 A. Yes.

24 Q. Was that something that happened very often?

25 A. On day shift, no, because in the day shift there were

1 always what was deemed adequate staff to work with the
2 real problems as and when they arose, and the real
3 problems were when a child was out of control. And when
4 I mean out of control, it required more than one person
5 to subdue that child.

6 Q. I'll come to that. I just want to know: you were
7 working night shift, though?

8 A. No, before I went on night shift I had occasion to
9 attend one incident and that was in Baird Unit.

10 Q. Okay --

11 A. And that was a girl --

12 Q. -- we can come to that, but that was in your early days?

13 A. No, obviously, that was in my later days because when
14 I was -- the girls came into Kerelaw when -- I don't
15 know how long I was in Kerelaw at the time, but it was
16 introduced into Kerelaw that the four units should be
17 broken down to two and two, two units of girls and two
18 units of boys.

19 Q. Sorry, I may have --

20 A. I'm not quite sure how long I was in Kerelaw, as in when
21 that situation arose, where the changeover from the
22 mixture of boys and girls took place.

23 Q. I must have picked up your statement wrongly. I thought
24 that you spent the bulk of your time on the night shift?

25 A. Yes.

1 Q. Yes. You did?

2 A. Yes.

3 Q. But you did have a time at the beginning --

4 A. Yes.

5 Q. -- you were on the day shift?

6 A. Yes, I'm not quite sure how long that was, but it was

7 under the guidance of those two ladies in Fleming Unit.

8 Q. Yes. I'll come to that.

9 So, when I did say that you spent a lot of your time

10 as a night shift worker, working only during the week;

11 that is correct?

12 A. Yes.

13 Q. But you did have experience in the day shift?

14 A. Oh yes, oh yes.

15 Q. And you were learning the job from your team leader and

16 her deputy?

17 A. Yes.

18 LADY SMITH: Can I just check, 'Robert', at the beginning

19 and end of every night shift; am I right in thinking you

20 had crossover contact with people coming off day shift

21 and going onto day shift?

22 A. Oh yes, that was an imperative part of the job. We had

23 to be aware of what the situation was in the unit during

24 the course of that whole day.

25 LADY SMITH: Yes, of course.

1 A. Bearing in mind when this -- the reason it was so
2 important was, as night care officers, we were the only
3 person in that unit -- with each of the units. When we
4 were coming onto a shift, there were a minimum of two or
5 three care officers or teachers, a mixture of care
6 officers and teachers working with the children doing
7 various things.

8 But, when I was coming on shift, when all the care
9 officers were coming on shift, the children were
10 supposed to be in bed, settled --

11 LADY SMITH: Of course.

12 A. -- as we came on shift.

13 LADY SMITH: Yes.

14 A. Now, there was the odd occasion where the children would
15 be out on an outing with the minibus. Now, depending
16 how far they were on this outing, they sometimes would
17 be a wee bit late in coming back to the school, and
18 that's the only time the children would be up when I was
19 coming on shift.

20 LADY SMITH: Thank you.

21 MR PEOPLES: Can you tell me, 'Robert', when you started
22 your night shift, roughly? What time of day? Was it
23 about 9.30 or 10.00 at night?

24 A. No, I think it was 10.00.

25 Q. And there would be a period for crossover or handover?

1 A. I was always in at least a minimum of 15 minutes before
2 my shift started to get a proper changeover, yes.

3 Q. If I go back to the question I asked earlier on, in
4 terms of assisting other units, when you were a night
5 care officer --

6 A. Yes.

7 Q. -- during that time, how often would you leave Fleming
8 Unit to assist in another unit during the night shift?
9 How often did that happen?

10 A. It would actually -- it actually happened quite regular.

11 Q. Okay.

12 A. Because you've got to try to bear in mind the problems
13 that these children were having and the way they
14 expressed themselves when it came to justifying what
15 their needs were, you know?

16 This is where the fact that being unqualified, some
17 members of the night care units maybe weren't as up to
18 date or properly qualified in handling the situations
19 they were asked to handle. Myself included, myself
20 included.

21 There was one great word I was --

22 Q. 'Robert', forgive me. I will, in fact, come to a lot of
23 the points you're making. It's probably easier if we do
24 them, perhaps, one by one. So I will ask you, and if
25 you feel I haven't covered it, by all means tell me.

1 But you're telling us a lot just now and some of that
2 I want to ask you about. So, if you are happy enough to
3 do that, but if you feel I'm not covering it, by all
4 means tell me.

5 LADY SMITH: 'Robert', also at the end of your evidence we
6 will invite you to tell us anything that you want to add
7 to what we've explored with you.

8 A. Yes. Yes.

9 LADY SMITH: Remember we also have your written statement.
10 You may well not remember the amount of detail that
11 you've really helpfully provided us with in the
12 statement.

13 A. Right. Fine. Thanks.

14 LADY SMITH: So, if you can bear with us, we will try and
15 work it this way, so Mr Peoples and I can keep track of
16 what we might otherwise lose track of.

17 MR PEOPLES: You may know all this and want to say it all at
18 one time, but we are trying to learn and absorb what
19 you're saying. It's sometimes easier for us to do it in
20 small chunks, if you like. If you don't mind, if you
21 can bear with me and my questions.

22 A. Yes.

23 Q. So far as night staff are concerned, you tell us at
24 paragraph 18 that people that you do remember working
25 with are Tom Howe or Tam Howe, I think?

1 A. Tom Howe.

2 Q. GVL [REDACTED] ?

3 A. Yes.

4 Q. KGH [REDACTED] ?

5 A. Yes.

6 Q. And I think you also tell us in the same paragraph, 18,
7 that none so far as you were aware were qualified to
8 work with children?

9 A. No. Could I add one more name to that list, please?

10 Q. By all means.

11 A. GVM [REDACTED]. He was also a night care member of staff
12 at the same time as me.

13 Q. Yes, and I think you tell us something about him later
14 on in your statement?

15 A. Yes.

16 Q. Now, you also tell us -- if I could jump ahead a little
17 bit to paragraph 30 -- that you say that nobody on the
18 night staff took up any training. I think your training
19 involved -- you were trained, when you started, by
20 KAM [REDACTED] and May McFarlane, and it was on-the-job
21 training, effectively?

22 A. Yes. On-the-job training, yes.

23 Q. But, beyond that, you and the other night staff didn't
24 take up training opportunities that might have been
25 available?

1 A. No, no. The only thing that was offered to me at that
2 time was if I was -- if I decided to become a qualified
3 care officer, then that opportunity was there for me.
4 But I felt, at my age, it was a bit late in the day to
5 decide to become qualified.

6 Q. And you also tell us, in paragraph 30, that in your time
7 there was no appraisal procedure for night staff, there
8 was no --

9 A. No.

10 Q. -- system of appraisal?

11 A. No one got an assessment of how well we were performing.

12 Q. You also tell us, at paragraph 31, that you were not
13 aware of any policy documents and that everything in
14 your day was really word of mouth?

15 A. Yes. The only policy document was the diary.

16 Q. This log or daily log that you kept?

17 A. The logbook, yes.

18 Q. I'll come to that, if I may.

19 And you tell us, I think, in paragraphs -- if I can
20 go back, again, in your statement --

21 A. Yes.

22 Q. -- to around paragraphs 19 to 21, you tell us in your
23 statement that when you started at Kerelaw, around 1990,
24 there were two supervisors supervising all four units of
25 the open school.

1 A. During the day.

2 Q. Yes. Oh, I see, okay.

3 A. Yes, during the day shift hours.

4 Q. Right. And there were also -- but that number, you tell
5 us, was increased to three and then to four over time.
6 You say that in paragraph 21.

7 A. No, there's a slight mix-up there between -- with the
8 staffing levels on the day shift hours as against the
9 staffing levels on the night shift hours.

10 Q. Okay. I think it may be the statement -- well, can
11 I break it up this way, then: let's just look at the
12 situation at night.

13 A. Yes.

14 Q. So that we get it. So, at night, you're in Fleming Unit
15 at night?

16 A. Yes.

17 Q. There's a number of bedrooms upstairs, where boys,
18 usually two, were sleeping. There was a toilet
19 upstairs?

20 A. Yes.

21 Q. There was a room, there was a bedroom that was used,
22 latterly at least, as an office for the night staff?

23 A. Yes.

24 Q. Downstairs, there would be other facilities in the unit;
25 is that right?

1 A. Yes.

2 Q. Including showers?

3 A. Including showers, yes.

4 Q. What else was downstairs?

5 A. There was a television room and there was a snooker
6 room.

7 Q. And would there be an office downstairs as well?

8 A. Then the office faced onto the toilets.

9 Q. Was there an area called the red tiled area?

10 A. That was the area where the children, when they were
11 leaving the units to go to their classes in the morning,
12 they would assemble there, basically to make sure that
13 the staff are aware the right number of children were
14 there going to school from their unit. And that was --

15 Q. So it was an assembly point in the morning?

16 A. It was basically an assembly point.

17 Q. And how big was this area?

18 A. About 12 feet long by about 8 feet wide.

19 Q. Just remind us: how many children would generally be in
20 Fleming at any one time?

21 A. I would say at a minimum -- a minimum of 12, maybe to
22 the maximum of maybe 15/16.

23 Q. Right. And they would be of different ages?

24 A. From these groups of 14 to 16.

25 Q. So, if we go back to the situation at night; how many

1 night care officers were in Fleming at night time?

2 A. One per unit, when I was employed there.

3 Q. So, when you were employed between 1990 and 2000, you

4 were the only night care officer at Fleming?

5 A. Yes.

6 Q. And was there any other person there during the shift?

7 A. No.

8 Q. So you were left on your own to look after the young

9 people at night?

10 A. Yes.

11 Q. And you tell us, I think at paragraph 23, that no senior

12 management, that's management within the unit, people

13 like KAM [REDACTED] and May McFarlane, worked the night

14 shift. But you would see them in the morning and they

15 were always on call should you need them?

16 A. No, not quite. The unit staff themselves were not on

17 call. A senior manager was always on call, by phone.

18 That was either Mr [REDACTED], SNR [REDACTED], or

19 Mr LEF [REDACTED], who eventually came to the school as the

20 SNR [REDACTED] secure unit when it opened.

21 Q. Right. So SNR [REDACTED] in your time was

22 [REDACTED] for most of it?

23 A. Yes, [REDACTED].

24 Q. And SNR [REDACTED] was LEF [REDACTED]?

25 A. LEF [REDACTED].

1 Q. And your team leader was KAM [REDACTED] and her deputy
2 was May McFarlane?
3 A. May McFarlane.
4 Q. Neither KAM [REDACTED] nor May worked on night shift?
5 A. No.
6 Q. If you had to call someone in, the head or the deputy
7 head was available to be called in?
8 A. Yes. Yes.
9 Q. Was KAM [REDACTED] or May also available should you want to
10 contact them?
11 A. No.
12 Q. No.
13 A. Our -- as far as I was aware, our instruction was: when
14 we required additional assistance from a situation that
15 may have been getting out of control or was getting out
16 of control, we notified the senior manager on duty, on
17 night call duty, and that was either Mr [REDACTED] or
18 Mr LEF [REDACTED].
19 Q. But they wouldn't be in your unit, you'd have to --
20 A. No, no, they would be at home.
21 Q. Okay. I think SNR [REDACTED] at that stage lived in
22 the grounds?
23 A. No.
24 Q. No? He didn't?
25 A. Nobody lived in the grounds at my time in Kerelaw.

1 Q. Okay. So there was no accommodation on the grounds for
2 staff?

3 A. No. Not unless they used the unit facilities at the end
4 of the units.

5 Q. I follow. But there's no separate accommodation for
6 staff?

7 A. No. No separate accommodation, no.

8 Q. Now, did there ever come a time when you were employed
9 when there was more than one night care officer in
10 Fleming?

11 A. No.

12 Q. No?

13 A. No.

14 Q. So you were always on your own?

15 A. Yes.

16 Q. But with access to the people you could call in should
17 you need to?

18 A. You could call in, yes.

19 Q. And would that be the same for the other open units in
20 the school, Baird, Wilson and Millerston --

21 A. Yes.

22 Q. -- that they would all have one night care officer?

23 A. One night care officer, yes.

24 Q. And the same arrangement would apply?

25 A. Yes.

1 Q. But did there come a time when there was someone called
2 a floater --

3 A. Yes.

4 Q. -- who would cover all the units at night?

5 A. Yes.

6 Q. But wouldn't be in one particular unit --

7 A. No.

8 Q. -- but would be able to go from one to the other?

9 A. No, that's right. Not that I'm trying to blow my own
10 trumpet or anything like that. But it was during
11 discussions that I had on behalf of the night care
12 staff, with Mr [REDACTED] and Mr LEF [REDACTED], that most of
13 it -- nearly all of it came about when the girls were
14 introduced to Kerelaw, because it meant that men were
15 then being asked to go to work with the girls, when it
16 was women that were in charge of the girls' units at
17 that time. And there was always this proper thing,
18 where women looked after the girls, men looked after the
19 boys.

20 But the unfortunate thing was, when the trouble
21 started in the girls' units, just as it did in the boys'
22 units, then when they were asking for assistance, it was
23 male assistance they got all the time. Never female
24 assistance. Because the floater, as you mentioned, was
25 the person who then relieved our responsibility of going

1 between all of the units, because the first person to
2 respond to that situation was the floater.

3 If any additional help was then required, a member
4 of the other units would then go and assist, as well.

5 Q. So the idea was that once the floater came into the
6 equation, that person would assist a night care officer
7 in that unit should it be necessary?

8 A. Yes.

9 Q. But, if it would be necessary to have further
10 assistance, it was possible to bring a night care
11 officer from one of the other units?

12 A. From one other, yes.

13 Q. To help or assist --

14 A. Yes. Yes.

15 Q. -- if I can use that word?

16 A. That's right. Yes.

17 Q. And that's the way -- now, you tell us, and obviously we
18 know there were female team leaders, because your team
19 leader was KAM in a boys' unit, and you say
20 there were team leaders who were women and they would be
21 on the day shift?

22 A. Yes.

23 Q. But were all the night care officers in your time males,
24 at least to begin with?

25 A. Yes, they were all -- four men, one in each unit.

1 Q. And did that change?

2 A. That changed when they changed the system from a boys'
3 school to a mixed school.

4 Q. So did the night care officers in the female -- when
5 they became female units, two of them, I think it's
6 Baird and Wilson became girls' units --

7 A. Yes.

8 Q. -- did the night care officer become a woman at that
9 stage? Was it a woman that was appointed?

10 A. It was two women, one in each unit. Yes.

11 Q. Yes, and they replaced the male night care officers for
12 each of those units?

13 A. Yes, one of the male night care staff was then moved
14 onto the day shift and the other one was kept on as the
15 floater. That's the way it worked.

16 Q. So the floater in your time was always male?

17 A. Always male, yes.

18 Q. But, by the end of your time, there were four night care
19 officers, two women, two men, including yourself?

20 A. Yes.

21 Q. And there was a night care -- sorry, a floater, who was
22 a man, a male?

23 A. A floater who was a male, yes.

24 Q. We've heard about -- I don't know, again, about
25 terminology. Certainly at some stage in Kerelaw's

1 existence there was someone who was termed a duty
2 officer.

3 A. Yes.

4 Q. Is that the same as a floater?

5 A. No. The duty officer was the senior manager of the
6 school, and it was either the headmaster or his deputy.

7 Q. And that person would, for the time being, if they had
8 that position, would be effectively in charge when
9 they're on shift?

10 A. Yes. On the rare occasion that that person was asked to
11 come to the school, it was -- we had a phone number that
12 we used to bring them into the school.

13 Q. Yes. So they were effectively on call as well?

14 A. They were effectively on call.

15 Q. I think I get you now.

16 Now, you've told us that you received your training,
17 on-the-job training from KAM
18 and May McFarlane. You tell us that at paragraph 25 in
19 your written statement.

20 A. Yes.

21 Q. One thing that you tell us, in paragraph 25, which
22 remains in your memory, is being told by your team
23 leader and her deputy that you would have to learn to
24 show empathy at all times when dealing with young
25 people.

1 A. Yes.

2 Q. So that was one of the clear messages they were giving
3 you?

4 A. Yes. Yes. During the initial talk, when I came into
5 the school, they emphasised the fact to me that: yes,
6 you have got very good qualifications from a supervisory
7 point of view. But, from the changes that you're going
8 to have to make from that environment to then our
9 environment that you're coming into, that will not be of
10 much use to you here. You will then have to make big
11 changes to the way you work with children.

12 Q. And can I ask you this, at this stage: did Tom Howe,
13 GVL and KGH show empathy at all
14 times?

15 A. Well, I can only talk from a point of view when we were
16 discussing things that went on on our shift when the
17 children were settled. This is just one-to-one
18 situations, where if there was a situation and so-and-so
19 handled it this way and so-and-so handled it that way,
20 then there were times when I felt -- and I said it
21 during the normal discussion: look, you can handle
22 situations the way you want to handle them. I'm not
23 there in your unit when you're doing these things. But,
24 in my unit, there's every probability that I'll do it
25 different. In fact I do it different, and that's why

1 I'm saying to you when you're asking me to come to
2 assist you I'm only coming to assist. By the time you
3 have asked me, something has already happened in your
4 unit that you're dealing with.

5 Q. I'll ask you more about that in a moment?

6 A. Yes.

7 Q. I'm not sure I had a precise answer to my question.

8 A. Just go back to --

9 Q. Do you think during your discussions at times they maybe
10 didn't show the empathy you would have shown?

11 A. In the way they handled situations, yes, I've got to say
12 to that, because I've said it to them.

13 Q. Yes, they didn't show the same degree of empathy that
14 you might have shown --

15 A. Yes.

16 Q. -- in the same situation?

17 A. That's right. I wouldn't have done it the way they done
18 it.

19 Q. Okay, so we will come to examples --

20 A. And you'll come to that situation, yes.

21 Q. Yes, so bear with me, if I may. Just on one point, you
22 told us there during a night shift you were the only
23 night care officer in Fleming, but there was a night
24 care officer in all the other units as well?

25 A. Yes.

1 Q. You told us that there would be discussions between the
2 night care officers when the children were settled; did
3 that mean that the night care officers assembled in one
4 particular unit to have a chat?

5 A. No. No.

6 Q. Well, where did discussions take place?

7 A. We discussed it over the phone.

8 Q. On the phone?

9 A. There was interaction -- each unit had a telephone and
10 they were talking about: oh, so-and-so was doing this.
11 What happened? And that, and you know.

12 Q. I see. There was a phone in each unit and you could
13 have a discussion that way, when you were in the office
14 or whatever?

15 A. Yes. In the office. Yes.

16 Q. If someone needed to summon you for assistance --

17 A. Yes.

18 Q. -- was there some sort of walkie talkie they could use?

19 A. The floater had the walkie talkie.

20 Q. What if someone wanted to contact you directly?

21 A. Well, there was a direct number to this thing that he
22 carried about with, and we all knew what that number
23 was.

24 Q. So would he be the one that would have to get you to go
25 after the floater was put in place?

1 A. He was the first port of call if any unit required
2 assistance from additional staff.

3 Q. But then if more assistance was needed --

4 A. Yes.

5 Q. -- would it be the floater that would get in touch with
6 you or the other unit?

7 A. It would be the floater.

8 Q. I see.

9 A. It would be the floater.

10 LADY SMITH: How would he get in touch with you? You have
11 told me he has a walkie talkie in his hand; what if you
12 are out and about in the building?

13 A. I'm not out and about the school. I'm not out anywhere.

14 LADY SMITH: I don't mean outside. You're moving around the
15 building. You've gone to check on something upstairs,
16 so you're not in the office.

17 A. No.

18 LADY SMITH: So what happened?

19 A. Well, see, that was a situation that the night staff
20 themselves was -- got -- brought about the change. The
21 office downstairs was a hindrance to the way that we
22 were trying to function because, by the time it took us
23 to get from downstairs to a situation that's going on
24 upstairs, it's already almost out of control. So we
25 then asked for this single unit -- it was just

1 a bedroom -- and we said it would be more effective for
2 us to interact more quickly with the children if we had
3 a place upstairs.

4 LADY SMITH: Okay.

5 A. And that place was designated. In every unit there
6 was -- each unit had a single bedroom, and that bedroom
7 was then offered to the night care staff to be part of
8 their office, which meant they should always be on the
9 landing where the children were sleeping.

10 LADY SMITH: And it would also mean you should hear if the
11 phone went in the office, even if you were out in the
12 corridor or in one of the bedrooms?

13 A. Yes. Yes.

14 LADY SMITH: Thank you.

15 A. But you've got to appreciate as well, children are very
16 quick to realise when you're not where you should be.
17 And when they hear the phone going, they know you're
18 down the stairs, and if they're going to get up to
19 what -- the things they like to get up to, then you're
20 not in a position where you can respond to it more
21 quickly.

22 MR PEOPLES: I think I get the general picture, that there's
23 an office downstairs with a phone and the phone could go
24 because you could be contacted by another unit, but you
25 could also be contacted, is it, by the floater?

1 A. Yes. Sorry to interrupt. But the phone downstairs,
2 they wouldn't be using that phone number. There's also
3 a phone in the office upstairs.

4 Q. Well, that's what I was about to come on to --

5 A. Right, sorry.

6 Q. -- that there was a phone in both offices.

7 A. Yes, there was a phone in both offices.

8 Q. So there was a way to contact you, either -- whether it
9 was the floater who wanted to contact you or another
10 unit, you could be contacted?

11 A. Yes.

12 Q. But if you were summoned -- that's not a good word. If
13 you were asked to go to another unit --

14 A. Yes.

15 Q. -- whether by the floater or someone in another unit,
16 that would involve you having to leave Fleming Unit,
17 make your way to another unit. If the incident was
18 happening upstairs in that unit, you would have to get
19 into the unit, go upstairs, find where the incident was
20 taking place, and then assist in such way as you felt
21 was appropriate; is that what would have to happen?

22 A. Yes.

23 Q. And that could take time?

24 A. That would take time.

25 Q. I think you've said that by the stage you arrived there,

1 maybe a lot had happened?

2 A. Yes. Yes. Oh yes. A lot has happened by the time
3 I come in.

4 Q. And you might even come upon what we would term
5 a restraint situation?

6 A. Yes.

7 Q. You're not simply coming to assist in the restraint
8 itself. It may have already happened or be in the
9 course of happening?

10 A. Yes. Yes.

11 LADY SMITH: 'Robert', did that also mean you might have to
12 leave your unit unattended by any night care officer at
13 all?

14 A. Yes. That's exactly the situation that happened. And
15 there were times when I had to refuse the request for
16 assistance, because I was having problems in my own
17 unit. So that care officer would then have to go to one
18 of the other two units to ask for the same assistance.

19 LADY SMITH: Thank you.

20 A. And time was always of the essence when it came to
21 responding to situations, because it's just like it's
22 the throw of a switch, a situation can get out of
23 control.

24 MR PEOPLES: But I suppose then if the phone went, the young
25 people, some of them, might hear the phone go. If they

1 thought you had responded, gone to the unit, there was
2 an opportunity for them either to have a carry on or
3 even to run away.

4 A. Yes, exactly.

5 Q. And did that happen at times?

6 A. It did. It did.

7 Q. Now, you tell us at paragraph 28, 'Robert' -- and this
8 is something you mentioned at the beginning, before
9 I started asking questions -- that there was such
10 a thing as, I think, in -- was it paragraph 28? Yes,
11 you had a day book, the Bible, I think you referred to
12 it?

13 A. Yes.

14 Q. Which was used at your time to record anything
15 significant that happened during a shift; is that ...?

16 A. Yes.

17 Q. Yes, so it was meant to be a full record of what was
18 going on.

19 A. Yes.

20 Q. Although I suppose if you had the perfect shift, that
21 they were all in bed, tucked up and sleeping between the
22 start of the shift and the end, there wouldn't be much
23 in the record for that night?

24 A. No, but it was also recorded if it was a good shift.

25 Q. Yes, but you wouldn't have to say too much, would you --

1 A. Yes.

2 Q. -- other than to record that nothing eventful or
3 whatever?

4 A. Mm-hm.

5 Q. But other times there was a lot happening and you would
6 have to have a much bigger entry?

7 A. Yes.

8 Q. Whether someone ran away, whether someone was carrying
9 on, whether someone had to be restrained, whether a
10 fight broke out?

11 A. Yes.

12 Q. Whether someone called you from another unit?

13 A. I would never leave -- and I made it clear to the staff,
14 if I'm having trouble in my unit, I'll let you know.
15 I didn't go to those units as and when --

16 Q. No, I think maybe you've misunderstood the point of my
17 question.

18 Would you record in the day book for your unit the
19 fact that you were asked to go to another unit?

20 A. Yes. Only if I was in attendance at that unit.

21 Q. Yes, not just if you got a call and didn't go?

22 A. No.

23 Q. But, if you did go, you would record that?

24 A. I would record it, oh yes.

25 Q. And would you record what happened when you arrived

1 there --

2 A. Yes.

3 Q. -- in your day book?

4 A. No, I didn't record -- I just recorded the fact that

5 I had attended to assist another care officer on

6 a situation that was arising in his unit.

7 Q. Yes. You wouldn't actually record what you saw when you

8 arrived there?

9 A. No. That's his unit. He's responsible for recording

10 properly.

11 Q. You would expect the person in the other unit to make

12 a record of what was happening?

13 A. Yes.

14 Q. A full record?

15 A. Yes, and I meant that, by the way. I also made it clear

16 to the staff that if I'm being asked to assist and

17 I come to assist, I would prefer the incident to be

18 properly recorded in such a way that it doesn't get me

19 involved in a situation where -- I'm only involved

20 because you asked me here, not because of the way you

21 handled the situation prior to me coming here.

22 Q. But, just to be clear -- and I'll come to this maybe

23 more in due course -- when you were called to assist --

24 A. Yes.

25 Q. -- assistance could take various forms, could it?

1 A. Oh yes.

2 Q. It could just involve you being present and effectively
3 on stand by or as an observer.

4 A. Mm-hm.

5 Q. And just to be there if needed.

6 A. Mm.

7 Q. But it could also involve you assisting in, for example,
8 a restraint?

9 A. In a physical way, yes.

10 Q. Yes. So there could be a number of possibilities?

11 A. Yes, and I would assist in that situation to the best
12 I could do, yes.

13 Q. Because I suppose in a restraint situation -- and we'll
14 come on to this -- that if someone was being restrained
15 or in need of being restrained when you arrived on the
16 scene and it was only one other person there, such that
17 your equivalent in the other unit, you would presumably
18 assist because restraints were better done by more than
19 one person; is that the case?

20 A. Oh yes. Definitely, definitely. In fact I personally
21 never became physically involved with a child until
22 there was some -- I would be in the presence of the room
23 where that child is causing trouble, but I would not be
24 physically involved until I knew there was assistance
25 there in the way that I handled that situation.

1 Q. And would the floater, if he was there, would he also
2 assist in a restraint, if need be?

3 A. Yes. Yes.

4 Q. So there could be three people in the scenario we're
5 talking about?

6 A. In the first instance, it would only be two. If the
7 floater was there, it would only be the floater and the
8 person in that unit.

9 Q. And then you could join in if necessary?

10 A. If assistance was required from another unit, i.e. extra
11 assistance, depending on the situation, yes.

12 Q. Yes?

13 A. If another night care officer was available, he would
14 come along and assist.

15 Q. So, originally, before the floater, if you were called
16 in, there would be two people trying to restrain. But,
17 when the floater came along, it would usually be two
18 people, one of whom was the floater. But, if you came
19 along, it could be three?

20 A. It could be three, yes.

21 Q. I get the idea.

22 Was there such a thing as a violent incident form in
23 use in your day, a VI form?

24 A. A violent incident?

25 Q. Yes. We know that latterly in Kerelaw, perhaps it was

1 after your time, that there was a system of recording
2 that involved the recording or supposed -- it was
3 a system that was supposed to operate that any violent
4 incident, whether to do with restraint or otherwise,
5 should be recorded in a violent incident form,
6 a specific form called a violent incident form, a VII
7 form; you didn't have that?

8 A. No.

9 Q. Only the day book?

10 A. Only the diary.

11 Q. Now, there was a gym at Kerelaw?

12 A. Yes. A gymnasium, a separate building.

13 Q. It wasn't in Fleming. You would have to go out of
14 Fleming and walk to the gym?

15 A. Yes.

16 Q. How far would that be?

17 A. About 25 -- no more than 50 yards.

18 Q. 50 yards. So everything was pretty close together?

19 A. Yes.

20 Q. And was the gym ever used at night by the boys and night
21 staff in Fleming?

22 A. No.

23 Q. So at night --

24 A. Not by any of the staff at night.

25 Q. Okay.

1 A. Because in order for the night staff to do that, they've
2 got to go with the number of boys in their unit. They
3 can't go away and leave half their boys, go and do gym
4 and the other half is left --

5 Q. No, I'm just asking because we were told in evidence
6 that things did sometimes happen in the gym and I just
7 want to know when the gym was in use. And you tell me
8 that the boys wouldn't have a reason, and you wouldn't
9 let them go to the gym during your shift?

10 A. No. No.

11 Q. Because it was a night shift and they were supposed to
12 be in bed?

13 A. They were supposed to be in bed.

14 Q. They were supposed to be staying in bed, sleeping, and
15 not carrying on or doing anything else?

16 A. Yes.

17 Q. And that was the general idea?

18 A. That was the right idea.

19 Q. Although sometimes that didn't happen. They did carry
20 on and some would try to abscond and some did abscond at
21 times?

22 A. Yes. Yes.

23 Q. Now, apart from boys absconding, when they thought they
24 had an opportunity at night; did the boys and night
25 staff leave the unit at night for any other reason?

1 A. Leave the -- the night staff leave the unit? How do you
2 mean?

3 Q. Well, you come on to the shift around 10.00?

4 A. Yes.

5 Q. You had your handover?

6 A. Yes.

7 Q. The boys, by that stage, are supposed to be in their
8 rooms, are they?

9 A. Oh, the ones that were out on social outings, let me put
10 it that way --

11 Q. I'm just trying to clarify what happens. You come on
12 shift. They're not necessarily all in bed, because
13 there might be a trip that the back shift have taken
14 them, or the day shift is on a trip --

15 A. Yes.

16 Q. -- and they might come back after 10.00?

17 A. Yes.

18 Q. In that situation, they would be out the unit, but they
19 would come back at some point and they would be expected
20 then to go to bed?

21 A. Yes. But I think you'll find that in that kind of
22 situation the staff who were taking these children out
23 on the outings, as they called them, they were nearly --
24 in fact they were always back prior to the night shift
25 coming on. It was the time they came back prior to us

1 coming on that the children, depending on where they
2 were, they would need a shower or whatever, then this
3 has got to be done prior to us. We did not supervise
4 children in showers. That was the day staff's report.
5 And, as such, if they were late coming back and the
6 children weren't finished in the shower, that care
7 officer in that day shift stayed there until that child
8 was put in bed.

9 Q. So there might be times when they came back, because of
10 the timing, that they might need to freshen up or take
11 a shower; that was something that the day shift staff
12 had to deal with --

13 A. Yes.

14 Q. -- before they left?

15 A. That's right.

16 Q. And then they would be expected, normally, to go to
17 their room and go to bed?

18 A. Yes. Yes.

19 Q. Like others?

20 A. Yes. The same as the rest of the boys, yes.

21 Q. So you wouldn't then, I take it, have trips out during
22 the night in, for example, a minibus?

23 A. No. No.

24 Q. You didn't take your boys in the unit out for a --

25 A. No, no.

1 Q. -- trip during the night time?

2 A. No. No.

3 Q. That didn't happen?

4 A. That was all done during daytime hours.

5 Q. So anyone that took the minibus out, whether to go to

6 the beach, the moors or whatever, that's not something

7 you would have been involved in at any stage?

8 A. No, no. It was nearly always a mix of either teachers

9 and care staff.

10 Q. But they would be day care staff?

11 A. Day care staff, yes. Or the care staff on shift at that

12 time, yes.

13 Q. I'll contrast the day care in terms of the early and

14 back shift with the night care --

15 A. Right, yes.

16 Q. -- if I may, just for convenience.

17 Now, if I can move on to something else that you

18 tell us about in your statement, 'Robert'. At

19 paragraph 32, you tell us that you were someone who

20 discussed changes with managers and also concerns with

21 the head and his deputy, including, I think, one key

22 question you asked, I think, of them at one stage, how

23 you and other unqualified individuals were deemed to be

24 able to cope with the difficulties that the young people

25 at Kerelaw had when they arrived there; is that

1 a question that you put to them?

2 A. And I totally concur with that, and I would still agree
3 with that statement right to this very minute.

4 Q. Well, what sort of response did you get when you raised
5 that very important question?

6 A. Well, you've got to be reminded that these gentlemen are
7 very well qualified, better educated than me, and
8 that -- they speak in terms that -- a bit more in line
9 with the way you can talk to people, and the fact that
10 in simple logic we're in charge of running the school
11 and the establishment, it's up to us to be aware as to
12 what the school requires and not what you necessarily
13 require.

14 In that kind of situation I didnae allow these
15 things to go over my head or sway me from what I was
16 trying to say. I was trying to make the point that the
17 night care staff, because of the introduction of the
18 girls into the school, required an extra person to float
19 about the four units to ease the pressure in the way we
20 were asked to do our job.

21 Q. I get that. But you are also making a more fundamental
22 point; that you and your colleagues on the night staff,
23 and perhaps some on the day staff for all you knew, were
24 not qualified, and yet they were being asked to do a job
25 that you appear to have recognised from an early stage

1 required a degree of qualification, training, and
2 expertise, because it was a difficult job and it needed
3 to be done with appropriate training.

4 A. Yes.

5 Q. And you raised that and voiced your concerns about that
6 situation --

7 A. Yes.

8 Q. -- when you were in Kerelaw; is that the case?

9 A. Yes. Yes.

10 Q. But you weren't getting any joy, in terms of -- you got
11 an extra floater and you've told us that that made
12 a difference.

13 A. Yes.

14 Q. But, at the end of the day, you didn't get a situation
15 where they responded in a way that said: right, we're
16 going to have everyone qualified in an appropriate way
17 and that's the way things will be from now on; that
18 didn't happen?

19 A. No. No.

20 LADY SMITH: And what I take from your statement, 'Robert',
21 at paragraph 32, is you felt that an expert or experts
22 were needed to guide the staff in a way that helped them
23 understand why children behaved as they were behaving --

24 A. Yes.

25 LADY SMITH: -- and how to help them; is that right?

1 A. Yes.

2 LADY SMITH: From your perspective, you could see that
3 needed expertise that just wasn't there in the school?

4 A. No. No.

5 LADY SMITH: You mentioned psychiatric. It might also,
6 I suppose, have been psychological help, clinical
7 psychologists, perhaps expert child psychologists.

8 A. Yes. I made that point, not to the headmaster or the
9 thingmy, that's too far above my pay grade. But
10 I mentioned it to the team leaders and the staff I was
11 working with in the school, and the staff in general
12 within the school.

13 LADY SMITH: Yes.

14 A. I think we've got to get away from this premise that
15 because I'm a qualified social worker, I'm a qualified
16 teacher, I'm a headmaster and deputy headmaster in
17 charge of this establishment, we know the best way to
18 handle the children.

19 And I says: well, I'm sorry, if I was to put
20 something that I would like to add that should be part
21 of the mix of the staff working with these children,
22 bearing in mind the degree of damage that these children
23 are in, from the various establishments they've come
24 through before they even get to Kerelaw, then there was
25 psychiatric problems within the needs of these children

1 and it was so obvious. It was so obvious.

2 But, again, I don't know what the reasons were for
3 the higher authorities, whether it was Glasgow District
4 Council, or Strathclyde Regional Council, but they had
5 their own ways of making decisions when it came to
6 staffing levels in those establishments. And whether
7 finance became a part of that, I don't know.

8 But it was so obvious to a layperson like myself
9 that these children were damaged and they needed
10 additional help from an additional source. And even
11 today, it's -- anyway, I'm --

12 MR PEOPLES: Well, I was going to ask you about that,
13 'Robert', on my incremental approach.

14 A. Yes.

15 Q. Just to be clear, what you're telling us is: that
16 'Robert' felt another level of care -- you felt another
17 level of care, such as psychiatric support, was
18 required, but you were getting the message, in one shape
19 or another, that the social workers and teachers at
20 Kerelaw didn't think they needed anyone telling them
21 what to do or how to do their job at the time; that was
22 the feeling you had back?

23 A. That was the feeling. Whether it was misguided or not,
24 but that's the way I felt.

25 Q. But that's the impression you had: they weren't really

1 taking on board what you were saying as, 'That's a great
2 idea, we must try and get that put in place'?

3 A. I don't think it was the fact that they didn't take it
4 on board. I think they obviously felt that at some
5 point their hands are even tied as to why they can
6 suggest another structure could be added to the system
7 to help the children, and that was what --

8 Q. When you say --

9 A. -- it was about.

10 Q. When you say 'social workers'; do you mean people at
11 Kerelaw who had social work qualifications --

12 A. Yes.

13 Q. -- or do you mean visiting social workers, like field
14 social workers from the social work department, or both?

15 A. Both.

16 Q. Did you have discussions with both?

17 A. The only time I had discussion with another social
18 worker at the school was when I was involved in
19 an incident later on.

20 Q. So these discussions with what you call social workers
21 would be other social care staff at the school?

22 A. Within the staff at the school, yes.

23 Q. Okay. Just on the matter of psychologists: were there,
24 to your knowledge, psychologists available in your time
25 to give advice to care staff and teachers?

1 A. Well, whether they were available or not, I don't know.
2 But the one thing I do know, I never, ever at any time
3 saw a qualified psychiatrist on the premises.
4 Q. Sorry, I'm talking about psychologists.
5 A. Oh, psychologists.
6 Q. You'd neither?
7 A. I'd never seen any of them.
8 Q. But you were the night staff, now, I suspect, unless
9 there were some emergency situation, the chances are
10 that if they were coming to the school they would come
11 during the day?
12 A. They would come during the day.
13 Q. When you weren't on duty?
14 A. No. No.
15 Q. But did you -- were you aware that they were coming,
16 psychologists, to the school?
17 A. No. No.
18 Q. Therefore, I suppose, when I ask you the question, 'Were
19 they much used by the care staff?' you won't be able to
20 answer that?
21 A. No, no.
22 Q. Now, just something else. Kerelaw took people in, many
23 of whom had been in previous placements?
24 A. Yes.
25 Q. And I think you tell us, at paragraph 34, on page 8, if

1 we go there:

2 'Kerelaw was seen as a last resort ...'

3 Can I put it a rather different way: was it seen at
4 the time as a dumping ground where young people whose
5 placements had failed would be sent?

6 A. No.

7 Q. You don't think so?

8 A. I didnae think so, no. I saw it as part of the age
9 group set-up, where the people who are running social
10 work, whether it's Glasgow District Council or whoever,
11 there were age groups where children were in certain
12 establishments and when they came to Kerelaw they were
13 nearly always 13, 14 or 16. I don't think at any time
14 when I was in Kerelaw was there anyone younger than that
15 age group. And, as such, most of the children who came
16 in -- in fact, all of the children who came into
17 Kerelaw, had already been in the system somewhere before
18 they came to Kerelaw.

19 Q. But it may be, as some say, it's the last-chance saloon
20 before maybe they went on to bigger and not necessarily
21 better things, like borstal or young offenders. So was
22 it seen as maybe the last staging post for some of these
23 children, if they were going to get their needs properly
24 addressed?

25 A. Yes.

1 Q. That Kerelaw might do it.

2 A. If we're talking about real childcare, yes, Kerelaw
3 would be seen as the last resort.

4 Q. One thing you do tell us, at paragraphs 35 and 36 of
5 your statement, is that during your period of
6 employment, over about a ten-year period, one thing that
7 you felt did change was that the young people who were
8 coming to Kerelaw had more complex needs and that most
9 had alcohol and substance abuse problems?

10 A. Yes.

11 Q. So that was something you noticed --

12 A. Yes.

13 Q. -- as time went on?

14 A. Yes.

15 Q. And I suppose that would make the job even more
16 difficult?

17 A. Indeed, indeed.

18 Q. And if you don't have the qualifications, then it's
19 a recipe for disaster?

20 A. It was, indeed, yes.

21 Q. Then I think you've told us that when you came on shift,
22 to put it in very simple terms, your job, essentially,
23 was to make sure that the young people were in bed, that
24 they stayed there, unless, for example, they wanted to
25 go to the toilet, and that they went to sleep and that

1 they had a goodnight's sleep and --

2 A. Yes. Yes, I felt that I was in a situation where I was
3 eventually reaching some of the children, especially the
4 children who were vulnerable to the threats from the
5 other children in the units. That, you know, on more
6 than one occasion a boy would come up to me and say:
7 'Robert', will you keep an eye on my dorm tonight?

8 Q. I'll come to that, if I may.

9 A. Oh, sorry.

10 Q. No, no, by all means, if I don't come to it, you by all
11 means mention it. But I am going to ask you about that.

12 A. Yes.

13 Q. Can I ask you another question before I maybe do ask
14 about that? Did night shift workers get young people up
15 in the morning before they left?

16 A. No. No, no, at the time, I think there might have been
17 one or two occasions where I can remember I got a child
18 up prior to the staff coming in. And this was when
19 I was doing a check on the units, on the bedroom, on the
20 dorms. I smelt smoke in a dorm. You can smell smoke in
21 a dorm at 5.00 or 6.00 in the morning when there
22 shouldn't be any smoke anywhere in the unit, and there
23 was one boy awake.

24 And I says to the boy: look, you've been smoking,
25 haven't you?

1 He says: no, no, I wasnae smoking.

2 I said: well, whatever it is I smelt in this
3 dormitory it's cigarette smoke. And you're the only one
4 that's awake, because the other lad in the unit was
5 sleeping.

6 So I says -- and this is at some time between 5.00
7 and 6.00 in the morning, maybe even 7.00 in the morning.
8 When the boys should be sleeping, shouldn't sitting
9 there smoking cigarettes.

10 So I said: you will be coming downstairs prior to
11 the staff coming on because I don't want you smoking
12 anymore when I go down the stair.

13 Basically, because there's always a risk of fire
14 when these children are doing these things, and it's my
15 job to make sure it doesnae happen. And if it meant
16 I had to bring that boy down the stair, away from the
17 presence of the other boy, then that boy was brought
18 down the stair.

19 Q. Are you describing a situation that happened from time
20 to time or is it a particular boy on a particular
21 occasion that you are telling us about?

22 A. I would say it was probably only the second time where
23 I had occasion to bring a boy -- I can't even go back to
24 you which boy it was. But I know if that situation
25 arose for the safety of the other boy in that bedroom

1 I would remove him from that dorm and bring him
2 downstairs.

3 Q. So that's how it would be dealt with by you?

4 A. Yes.

5 Q. And you recall at least there may have been one or
6 possibly two occasions when you would have done that?

7 A. Yes.

8 Q. When you took the boy in question down; where did you
9 place him?

10 A. In the office. Not in the red tiled area, because
11 that's --

12 Q. I think you know why I'm asking this question.

13 A. Yes.

14 Q. And maybe this is as good a time -- so you would place
15 him in the office?

16 A. Yes.

17 Q. But the occasions you're recalling are times when you
18 think that it would be reasonably close to the start of
19 the day shift, the early shift?

20 A. Yes. Yes.

21 Q. And they would stay in the office?

22 A. But the office I'm talking about is the office upstairs.

23 Q. Oh, you would put them in the office upstairs?

24 A. Yes.

25 Q. So you wouldn't take them downstairs?

1 A. No need to take them downstairs. I just -- I don't know
2 why I said downstairs because -- it's just we were
3 talking about offices.

4 Q. I see. It was the office upstairs you would take them
5 to.

6 A. Yes, because that way I am still on the landing where
7 the children are.

8 Q. So you can keep an eye on them but also the other
9 children?

10 A. He's sitting in the office not smoking.

11 Q. And you tell him to sit there?

12 A. Yes, he just had to sit there.

13 Q. Would you have words with the boy about why he was being
14 placed in the office?

15 A. Oh yes, you would have the general conversation about:
16 where's the cigarettes? Have you any matches? You
17 know, have you any of this stuff left?

18 Q. Would you impress upon the boy the risks and dangers of
19 smoking in a bedroom --

20 A. Oh yes. Yes. Yes.

21 Q. -- as well?

22 A. Yes. Yes.

23 Q. Now --

24 A. The only sort of -- you're talking about expressing the
25 need in the boy, the main reason for expressing the need

1 to the boy is we've got a lot of children up there.
2 Okay, each of the dormitories were separated one from
3 the other. But if a fire started in any dormitory other
4 than one -- there was only one of the dormitories where
5 one boy slept in, all the rest were multiple units where
6 there would be multiple boys, and it's a danger to that
7 other child, the other boy.

8 Q. Yes. No, I think you tell us and you said generally it
9 was maybe two boys to a room, but it could be three?

10 A. That's right. So he was --

11 Q. Okay, then you tell us what boys would call you, and you
12 say most would call you by your first name, except for
13 one boy who would call you 'Staff'?

14 A. Yes.

15 Q. And you say that was to send a message to you and other
16 boys that he didn't have to call you by your first name
17 as you weren't friends. So was it his decision to call
18 you 'Staff'?

19 A. Yes, it's a kind of -- you've got to appreciate it's
20 a hierarchical thing in the atmosphere that these kids
21 are being brought up in. You know, they're in a unit
22 with a lot of boys. They're always the boss, whether we
23 like it or not. But, in the units, there were more than
24 one boss. There would be groups of three or four who
25 had their boss. And when you were interacting with

1 these children, you could tell, it's one of the ways
2 that you could see who the person was in charge of his
3 group --

4 Q. So were there --

5 A. -- because he called you 'Staff'.

6 Q. Was that the top dog?

7 A. That was the top -- well, it was one of -- maybe one or
8 two or three top dogs. There was more than one.

9 Q. Yes, so there might be a number of top dogs in the unit?

10 A. Yes. In the unit.

11 Q. And you would quickly pick up who they were?

12 A. Yes.

13 Q. Were they the same as boys that you refer to later on as
14 'bully boys' or were they different?

15 A. They were different, in the sense that they never
16 expressed themselves as bully boys. They got their
17 subordinates, whoever they might be --

18 Q. To be the bully boys?

19 A. -- to be their boy.

20 Q. And would the bully boys generally pick on younger boys,
21 or boys perceived to be weaker or vulnerable?

22 A. Yes, always, always.

23 Q. And was that something that happened?

24 A. It was a part of the way these children were having to
25 grow up in that situation and that was sad.

1 Q. Now, you had a nickname when you were there.

2 A. Oh yes.

3 Q. And we've heard --

4 A. Oh yes.

5 Q. -- a nickname mentioned of -- how did you react if
6 someone called you not by your first name, but by your
7 nickname? What was your reaction? Did that happen?

8 A. You've got to be reminded, this is where your experience
9 of working with the children and where the word
10 'empathy' has got to come into the way you handle
11 things. To the children, this was a prank; it was
12 a joke. It was something they were doing that was
13 different from the norm. And me, as the night care
14 officer, was that person who was on the receiving end of
15 it. And they know that as part of my job I've got to
16 enter their dormitory to make sure that they are there.

17 Primarily, I'm in there checking numbers to make
18 sure that no one has jumped out a window to abscond.
19 And I can tell that within half an hour, because
20 I'm checking these boys for every half hour, up until
21 when I know they've gone to sleep.

22 Q. Yes. And you're checking with the assistance of
23 a torch?

24 A. I've got a torch, yes.

25 Q. And you're shining it towards the door?

1 A. I'm just shining it along the corridor because there's
2 no lights on that corridor with the exception of the
3 light in the toilet; that was always kept on.

4 Q. And in the dorms or the bedrooms; was there any light
5 on?

6 A. No.

7 Q. Was the light switch outside the dorm?

8 A. No, it was the master switch.

9 Q. There was a master switch?

10 A. There was a master switch and there was a switch inside
11 the dorms.

12 Q. Yes, but the master switch would disable the switches
13 inside the dorms?

14 A. Yes. All the dorms, yes.

15 Q. So the dorms would be in darkness?

16 A. They should be in darkness when I'm patrolling, yes.

17 Q. There's nothing even like a red light that would --

18 A. No --

19 Q. -- on a --

20 A. Just the light from the stars outside.

21 Q. Yes, because there would be windows?

22 A. Windows? Yes.

23 Q. Okay. So that's the situation. And you would be
24 patrolling, if you like, or checking on this situation?

25 A. Yes. There were actually two different separate

1 incidents --

2 Q. And just going back to how you got the nickname. In
3 broad terms, if I could just summarise, is it the case
4 that as a prank initially it was some glue-like
5 substance that was put on the handles of the doors?

6 A. Yes.

7 Q. And in response you started [REDACTED] for a short
8 time?

9 A. Uh-huh.

10 Q. But there was also an occasion when it wasn't glue that
11 was on the door handle; it was excrement?

12 A. It was excrement, yes.

13 Q. And this was taking the prank a stage further?

14 A. Mm-hm.

15 Q. And that's why you --

16 A. That was at the stage when I started [REDACTED].

17 Q. Yes. And for how long did you [REDACTED]?

18 A. I [REDACTED] for maybe a fortnight, three weeks, and
19 I left -- from then on in, when I was checking their
20 dorms, I made the point whereby instead of using the
21 torch lighting up there, because the boys didn't like
22 you shining the torch in their face -- and rightly so,
23 there's no need to shine a torch in their face, if you
24 can see what you need to see by shining that torch
25 somewhere else.

1 So what I did, quite simple, was if I was going into
2 any of the dorms I would shine the torch on the door
3 handle first and that would let me know if there was
4 anything on that door handle that wasn't ...
5 Q. Were there times even when you did go in that you may
6 have, whether inadvertently or otherwise, shone the
7 torch towards their face?
8 A. No.
9 Q. You would direct it away from them?
10 A. Always directed it away.
11 Q. And [REDACTED] didn't last for very long, so the prank
12 ended?
13 A. The prank ended.
14 Q. But the nickname stayed?
15 A. The nickname stayed, yes. And the funny thing was it
16 was the boys themselves in one of two of the
17 dormitories, he said: KGN , what's all [REDACTED] about?
18 I said: well, it's quite simple, son, if silly wee
19 boys like you think it's funny to put things on door
20 handles for people to put their hand on, then,
21 I'm sorry, I'm going to [REDACTED].
22 But the way I got round that was to shine my torch
23 on the handle before I went in the dormitory and that
24 was it. And that only went on for maybe a couple of
25 weeks, and the boys then eventually said to me: KGN , [REDACTED]

1 [REDACTED]?

2 I said: no.

3 Why?

4 I said: I have no more need for any [REDACTED].

5 Q. I suppose that goes back to my question. We obviously
6 know why [REDACTED], as you tell us. But, if someone
7 used that nickname to your face, you'll know that
8 someone has said that they called you by that on
9 an occasion they went home to their mother and that the
10 mother saw some sort of bruising and the boy's
11 explanation was that he had called you by your nickname
12 and he had got, basically, a beating or a hammering for
13 doing so?

14 A. Oh no, no, no, no, no.

15 Q. That didn't happen?

16 A. It never, ever happened like that. This might be the
17 boy's interpretation, but it certainly wasn't mine.

18 Q. That's why I asked you: what would you do if you were
19 called that to your face?

20 A. I actually did nothing. I kept it to myself because I'm
21 bearing in mind it's -- we're back to this prank thing
22 and a child's interpretation of what's funny and what's
23 not funny. Well, it wasn't funny. Someone who it was,
24 it wasn't funny.

25 But I didn't go into that dorm and shout like

1 a right raging bull because, to me, I was defeating
2 myself. I'm not getting through to the child, the kind
3 of person I am, if I'm going to react that way.

4 Q. Okay.

5 A. And that wasnae in my make-up.

6 Q. If I go on -- you've told us this earlier, I think, but
7 I'll just come at this stage. At paragraph 38, you do
8 say that there were times when you were asked by boys to
9 keep an eye on their bedroom or dorm --

10 A. Yes.

11 Q. -- and you have told us that there was, in the unit,
12 a top dog or dogs who issued orders to subordinates.
13 You tell us that generally there were two boys in each
14 bedroom -- that's at paragraph 40 -- and you tell us,
15 obviously, that there was a -- night care staff used the
16 upstairs -- one of the rooms as an office upstairs. You
17 have told us about that.

18 A. Yes. Yes.

19 Q. So, when they came to you, they would just want you to
20 keep an eye?

21 A. Yes.

22 Q. But they wouldn't tell you why?

23 A. Yes. No. They told me: 'Robert', there could be some
24 trouble from one or two in the night; can you keep
25 an eye on the dorm?

1 Q. Yes. But they wouldn't go further than that?

2 A. No, no, no. That was a personal relationship that I was
3 eventually getting from these boys. And, you know, it's
4 very hard for that boy to come up to me and say: you
5 know, somebody is going to do something to my dorm
6 tonight.

7 And this is something that's happened during the day
8 that that boy was probably involved in with someone
9 else. They were going to settle a score and they were
10 going to try and settle the score on my watch, and
11 I'm sorry, that just doesnae happen. And I'm more than
12 glad -- and it happened on quite a few occasions where
13 boys knew that they could come to me and say: 'Robert',
14 can you keep an eye on my dorm tonight? Something could
15 happen.

16 Q. But did they tend to come alone so they were unobserved?

17 A. Yes, always. Never more than one boy. Always one boy.

18 Q. No, and they would only ever say that much? They
19 wouldn't tell you any more?

20 A. They would only say that in passing: 'Robert', keep an
21 eye on my dorm tonight.

22 Q. Because I think we've heard in other settings, you will
23 be well aware that perhaps in institutional settings
24 people don't grass on other residents or sometimes even
25 on the staff --

1 A. Yes, yes.

2 Q. -- because it's a kind of norm in an institutional
3 setting?

4 A. Well, that kind of thing existed there as well.

5 Q. But they were at least prepared to give you the heads up
6 there was going to be something that might happen --

7 A. Yes.

8 Q. -- so that you could then keep a particular eye on
9 a particular dorm?

10 A. They did it to me in a situation whereby there was no
11 other boys anywhere near them.

12 Q. Right.

13 A. They were not being perceived to see me as someone they
14 were, as you rightly said, a grass. It was taboo, even
15 at that age.

16 Q. Now, can I move on to something that you touched on
17 earlier, at paragraph -- I can maybe move on to
18 paragraph 63 of your signed statement and 64. You tell
19 us there, there were times when you thought staff in
20 other units weren't handling situations in a way you
21 would have done, so you tell us about that.

22 A. Yes.

23 Q. By way of example, you mention the use of hoses.
24 I think what you tell us there is you made your views on
25 such things known to the staff, who you thought were

1 responsible for these situations.

2 A. Yes.

3 Q. And you tell us that hoses weren't there to be used on
4 children or, indeed, for the entertainment of staff, is
5 it?

6 A. No.

7 Q. But you don't doubt, I think as you say in your
8 statement, that hoses were sometimes used by other staff
9 at night?

10 A. Yes.

11 Q. Because you would go to units, as I understand, and you
12 would see evidence that the hose had been used in the
13 unit --

14 A. Yes.

15 Q. -- because you saw water --

16 A. Yes.

17 Q. -- in a dorm, for example.

18 A. Yes.

19 Q. And the hose would be in the corridor, but someone would
20 release it and use it within one or more dorms; is that
21 what was done?

22 A. Well, again, I'm not sure if it was used in one or more
23 dorms. I do know that the hose was used, and I made it
24 plain to the staff who are in -- who chose to use that
25 as a means of settling an issue: that's not the way to

1 do it, because those hoses are there for the sole
2 purpose of fire in the dorm.

3 Q. Well, you mentioned two particular members of staff that
4 you spoke to on this matter, Tom Howe and KGH ?

5 A. Yes.

6 Q. Because you had conversations --

7 A. No, one of the reasons KGH and Tom were mentioned was
8 because I was asked to assist.

9 Q. So you would come along and you would find evidence of
10 water on the floor?

11 A. I would see evidence of water. That's all I saw. As
12 far as I was aware, it could have been the boy that used
13 the hose and then dived into his bedroom and that was
14 it. But, according to the boys' interpretation, it was
15 the staff. And I said to them: if you are in the habit
16 much using hoses to settle situations, that's not what
17 you're here for.

18 Q. And how did they respond when you said this to them? Do
19 you remember? Did they deny it or did they say: well --

20 A. I don't think it was ever in the form of denial. But
21 they just said: oh well, some of us do things
22 differently.

23 Words to that effect.

24 Q. Okay. Right.

25 Now, you tell us, at paragraph 68, that the police

1 were rarely called --

2 A. Yes.

3 Q. -- to Kerelaw, certainly when you were on shift.

4 A. Mm-hm.

5 Q. Did it happen sometimes?

6 A. I think in all the time that I was in Kerelaw it

7 happened twice. Once in my own unit, Fleming, as far as

8 I'm aware, and once in Millerston.

9 Q. Okay.

10 A. And by the way, at that particular incidence, that is

11 when we would notify, also, SNR [REDACTED] member of staff

12 on call, either Mr [REDACTED] or Mr LEF [REDACTED], that we had to

13 bring the police in to the school to cover a situation

14 that showed signs of getting out of control.

15 Q. Okay.

16 But if you had the situation where a young person

17 was indicating by word or otherwise that they had been

18 assaulted by a member of staff; would the police always

19 be called?

20 A. No.

21 Q. No.

22 A. It was only in group situations where a number of boys

23 together were at the point of making an issue of causing

24 trouble within that particular unit.

25 Q. But if someone did -- an individual boy felt they had

1 been dealt with in a way that he thought was an assault,
2 effectively, whether in a restraint situation or
3 otherwise, and made a complaint to that effect to the
4 staff --

5 A. Mm-hm.

6 Q. -- how, then, was that progressed? How was it dealt
7 with if the police weren't called in?

8 A. In that situation, you're assuming that there was
9 an altercation with the boys and the staff, first. No.

10 Q. I'm just giving you a hypothetical, at the moment. So
11 are you saying that you didn't come across any situation
12 in your time --

13 A. No.

14 Q. -- where a boy, at least to your knowledge, complained
15 about being assaulted or excessively restrained by
16 a member of staff --

17 A. No.

18 Q. -- and wanted the police called in?

19 A. No, at that particular -- at any time on the very rare
20 occasions where the police were asked to come in and
21 assist any member of staff on the night shift, it was
22 because a situation in that unit was getting out of
23 control with the boys within that unit, and it could
24 have been any one of the four units.

25 And as I say, I think it might have been once when

1 it was on my unit and once on one of the other units,
2 and the police were on the scene within ten minutes and
3 the situation just ...

4 Q. Okay. Now, you've told us a bit already about restraint
5 and the fact that it did happen from time to time and
6 you might be called to another unit to assist --

7 A. Yes.

8 Q. -- either in the days before the floater or in the days
9 after the floater.

10 A. Mm.

11 Q. You tell us, at paragraph 71 of your signed statement,
12 on page 16:

13 'Restraint would normally happen if the child was
14 out of control.'

15 Now, I just want to ask you about the use of the
16 word 'normally': would there be other situations where
17 restraint would be used other than if a child was out of
18 control? Because you used the word 'normally'?

19 A. Uh-huh.

20 Q. Would there be other reasons why a child might be
21 restrained?

22 A. I'm trying to visualise the situations where
23 I personally would operate in a situation like that.
24 And bearing in mind that when I'm talking about a child
25 being out of control, that child is out of control in

1 such a way that I feel I can't handle it, unless
2 I become physically involved in restraining that child.

3 And even within the children -- most of this time
4 I'm talking about on day shift. In this incident,
5 I'm talking on day shift. The children would see me
6 walking away and I would go and get help from other
7 members of staff, and the children would say: oh,
8 there's **KGN** away to get help.

9 But, when we are coming to the night shift, then in
10 the same situation -- if I felt a situation on the night
11 shift was getting out of control the same way as it
12 could happen on the day shift, where I am on my own,
13 trying to handle a situation where possibly more than
14 one boy could become involved, because bearing in mind
15 we are up the stairs with the children in their
16 dormitories, all the dormitories have got more than one
17 child in it, with the exception of one. So, if any of
18 these children were going to become involved with the
19 person in that dormitory, then there is no way can
20 I handle that situation. Just no way.

21 Q. Would you call in help?

22 A. I would walk away from that situation.

23 Q. You would walk away?

24 A. Yes. I would walk away from that situation, go to the
25 office and phone for help. And then I would go back to

1 that (overspeaking) help.

2 Q. Going back to my original question, you're dealing with
3 situations you consider were situations where you had to
4 walk away and summon assistance. But, when restraint
5 was used, you say it would normally be used if the child
6 in question was out of control. I'm just trying to see
7 if there were situations where there would be other
8 reasons why a child might be restrained by staff. For
9 example, if they were cheeky or naughty, or said
10 something; would they be restrained?

11 A. No, they shouldn't need to be restrained --

12 Q. Not by you, you say?

13 A. Even by anyone.

14 Q. They shouldn't be and you didn't; is that your position?

15 A. I didn't, no.

16 Q. But you don't know if other staff might have been
17 quicker to respond in that way?

18 A. To respond in a different way.

19 Q. Because you can't tell, because you were in other units,
20 or --

21 A. Yes.

22 Q. Now, you tell us at paragraph 68, if I could go back,
23 about something called the cell area?

24 A. Yes.

25 Q. And is this in Fleming?

1 A. No. No.

2 Q. Where's the cell area?

3 A. The cell area was in the corridor that led from the
4 units up to the -- the classroom areas, where the
5 teachers did the teaching, and where the main admin
6 offices were.

7 Q. So it's outwith Fleming?

8 A. Pardon?

9 Q. It's outside Fleming?

10 A. No, it's between Baird and Wilson.

11 Q. Yes, it's not in Fleming?

12 A. No, no. No.

13 Q. Do you say that if there was a situation where children
14 appeared to require some sort of restraint -- would they
15 usually be taken to this cell area?

16 A. Only in the extreme -- and I mean extreme situations.
17 It only happened to me once when I was on day shift, and
18 I was only on day shift for a short spell.

19 Q. And is the use of the word 'cell' appropriate? Was it
20 like a cell?

21 A. It was a cell.

22 Q. It was a cell?

23 A. Yes. It didn't have anything, except a bed.

24 Q. Except a bed?

25 A. Mm-hm.

1 Q. And children would be taken there from time to time to
2 calm down?

3 A. Yes.

4 Q. And they might be taken there using physical
5 intervention?

6 A. Most definitely, yes.

7 Q. Because they wouldn't necessarily want to go willingly?

8 A. They would definitely not want to go willingly. Not
9 necessarily to the cell. They just didn't want to be
10 removed from the situation they were in, because they
11 were ...

12 Q. And do you tell us that you at least have a memory that,
13 at least on one occasion, a boy might have been in
14 a cell overnight?

15 A. No.

16 Q. No? That didn't happen?

17 A. No. There was a situation where, when I was on day
18 shift, there was a situation with one girl, who was --

19 Q. Was she held overnight?

20 A. No. None of the children on day shift, or even night
21 shift, were held in that cell overnight. None of the
22 cells were used for that purpose. They were only used
23 to remove a child from the environment of the unit where
24 they were disturbing the rest of the children, because
25 of the way they were reacting so violently. They were

1 then removed by at least three members of staff, at
2 least three members of staff.

3 Q. And could that happen also if they were disruptive in
4 class, they could be removed to this place?

5 A. No, that would be entirely up to the teaching staff.

6 Q. But that could happen, I suppose?

7 A. It could happen.

8 Q. So far as you can help us: how long would a child that
9 was taken to this cell area -- how long would they spend
10 in it?

11 A. Well, again --

12 Q. Because it varied.

13 A. -- most of these situations depended on the child, his
14 or herself. In the incidents that I'm talking about,
15 where it was a girl in Baird Unit -- I even remember it.
16 Baird Unit. The girl -- and the unfortunate thing was
17 most of these incidents happened on the first or second
18 day when the children come back from leave. All the
19 situations that are going on when these children are
20 out, we get the result of it when they come back to
21 school, Monday or Tuesday, usually. And this was
22 probably a Monday. Whether they were under the
23 influence or drink or drugs or alcohol or whatever, this
24 child was reacting in such a way that he or she -- she,
25 in this particular instance, did not know where she was.

1 Q. How long did she spend in the cell area? Can you
2 recall?

3 A. It took three people to remove her from the unit. I was
4 the fourth person there, just asked to attend, as
5 an experience thing, believe it or not. And I was
6 there, the girl was eventually removed to the cell. Two
7 members of staff remained in that cell with that girl.
8 The other member of staff came out of that cell, went to
9 the office and reported to the headmaster that
10 a particular child was in that cell.

11 At no time was that child left on his or her own in
12 the cell.

13 Q. Were they held in the cell? When that child was in the
14 cell; did they continue to hold her?

15 A. Oh yes.

16 Q. And how long --

17 A. Well, that's not necessarily -- I cannae say that for
18 true, because I'm asked to wait outside the cell.

19 Q. So was the cell door shut?

20 A. The cell door is shut.

21 Q. So can you not see?

22 A. There was at minimum -- originally, there would be three
23 members of staff in that cell when that girl first went
24 in there. Then the third member of staff went to report
25 the incident to the headmaster.

1 Q. So how long did you stay outside as the sort of standby?
2 A. For as long as I was asked to stand there by either the
3 staff inside the cell --
4 Q. I'm just trying to get an idea of how long you did on
5 that occasion?
6 A. I would say in that kind of situation it wouldn't be any
7 more than 10 or 15 minutes, but it would be that length
8 of time.
9 MR PEOPLES: I'm conscious of the time. Maybe this is as
10 good a time as any?
11 LADY SMITH: Well, this might be a good time to break.
12 MR PEOPLES: I think so.
13 LADY SMITH: 'Robert', we've been grilling you with
14 questions for an hour and a half now. Would you like
15 a break? We can take 15 minutes or so at this stage.
16 A. I'm fine, I'm fine.
17 LADY SMITH: I usually stop at this time in the morning for
18 a break.
19 A. Well, if you usually stop.
20 LADY SMITH: We will do that and we will start again in
21 about 15 minutes.
22 (11.30 am)
23 (A short break)
24 (11.46 am)
25 LADY SMITH: 'Robert', welcome back. Is it all right if we

1 carry on?

2 A. Yes, fine thanks.

3 LADY SMITH: Thank you.

4 Mr Peoples.

5 MR PEOPLES: 'Robert', if I could return to your signed

6 statement, on page 16, you tell us, at paragraph 72,

7 that you never received any restraint training at

8 Kerelaw, but you tell us you had training from your time

9 in the army?

10 A. Yes.

11 Q. So was that your National Service?

12 A. National Service, yes.

13 LADY SMITH: How old were you when you did your National

14 Service, 'Robert'?

15 A. 18 and a half.

16 LADY SMITH: Thank you. So that was more than 30 years

17 before you started at Kerelaw?

18 A. Yes.

19 LADY SMITH: Thank you.

20 MR PEOPLES: Now, when you had this army training; did it

21 involve training in the use of pain-inducing techniques,

22 involving, for example, the use of wrist or arm locks?

23 A. It involves anything that allowed me to have the upper

24 hand on my opponent.

25 Q. But could that involve the use of pressure points or arm

1 locks, or wrist locks?

2 A. Arm locks, yes. Neck.

3 Q. Neck as well?

4 A. Yes.

5 Q. Anything that would put you in control?

6 A. Yes.

7 Q. And the general idea might be to put the person being

8 restrained on the ground at some point?

9 A. Yes. Bearing in mind I'm only 18 and a half when

10 I'm doing this; I'm not 50-odd years of age when I'm in

11 Kerelaw.

12 Q. No, no. I'm just trying to get an idea of what training

13 you received. The idea there would be, I suppose, the

14 army might teach soldiers to also do single restraint,

15 to try to get a person on the ground without assistance;

16 would they not?

17 A. When you are taught or trained in the army to disable

18 a person, you made sure that you disabled that person.

19 Q. Yes, but they wouldn't be saying to you: just summon

20 assistance.

21 They would tell you how you might best do it on your

22 own?

23 A. Oh no, it was all physical. The person --

24 Q. Yes, you do a lock or a hold to throw them over and get

25 them on the ground?

1 A. Yes.

2 Q. Now, we understand that something called therapeutic
3 crisis intervention training was introduced to Kerelaw
4 around 1994/1995; is that something you were aware of?

5 A. I certainly wasnae a part of it, let me put it that way.
6 Whether I was aware of it or not, I don't know. But
7 I certainly didnae go through that process.

8 Q. Well, take it from me that that's when it was
9 introduced.

10 A. All right.

11 Q. And take it from me that where physical intervention was
12 required, that training, the principles were that it
13 should only be done as last resort, and also that it
14 should not involve pain-inducing techniques. So that's
15 the general principles of -- and the attempt should be
16 made to de-escalate.

17 Now, you may say you've been doing that anyway
18 without that training, but that was what TCI training
19 was like. It wasn't just about: how do you restrain,
20 other than using a pain technique?

21 It was to try to avoid having to restrain at all.

22 A. Yes.

23 Q. But, if you did, you weren't supposed to use
24 pain-inducing methods, like wrist locks, arm locks, arms
25 up the back, whatever.

1 A. No, never.

2 Q. So if I can tell you that much about the training.

3 Now, so far as the restraints you observed, say, for

4 example, where you had to go and assist or observe; did

5 you ever see pain-inducing techniques being deployed?

6 A. No, I never actually saw it happening, but I maybe from

7 time to time saw a child on the ground or being

8 restrained in a chair, or something like that.

9 But I wasn't present, as in when that incident took

10 place.

11 Q. So you might not know just exactly how the young person,

12 for example, ended up on the ground or the floor?

13 A. No, no.

14 Q. So you wouldn't know what method might have been used to

15 achieve that?

16 A. No.

17 Q. And when a child was restrained at night; would the idea

18 be to place them face-down on the floor?

19 A. Well, see, in a situation like that, I was never

20 involved in a situation like that within my own unit.

21 And even when I was to go and assist in another unit,

22 that scenario has already been either gone through or

23 they're in the process of using it.

24 Q. Okay. Well, can I ask you this, then: when you did come

25 on the scene; were children who had been restrained

1 before you arrived, were they generally in a face-down
2 position?

3 A. No.

4 Q. Well, what position were they in?

5 A. They would either be sitting up or standing up with the
6 care staff either physically holding them with the arms,
7 or whatever.

8 Q. So, if there was a time before then where they were on
9 the ground, whether face-down or otherwise, that's not
10 something you witnessed, because you had come on after
11 that point?

12 A. Yes, I never saw that part of the situation.

13 Q. They were either on a chair or being -- they were being
14 allowed to get to their own feet and stand?

15 A. Own feet. And the member of staff would be standing
16 beside them.

17 Q. So, based on what you've just said, if I was to ask you
18 how staff in other units that you went to assist
19 restrained young people, how did they restrain their
20 arms and legs; you don't know?

21 A. I don't know.

22 Q. And you wouldn't know, during a restraint, how their
23 arms and legs would be positioned? Whether they would
24 be straight or put arms up their back, or arms to their
25 side?

1 A. No.

2 Q. You wouldn't know anything about that?

3 A. I wouldnae know. I wouldn't know anything --

4 Q. Because that's not what you saw?

5 A. Pardon?

6 Q. You wouldn't see that?

7 A. No, I didn't see that.

8 Q. So, when you say at paragraph 72 that you didn't see any
9 excessive use of restraint and it was always necessary,
10 what you can't say is how -- whether the way the
11 restraint was done was appropriate or inappropriate,
12 because you weren't there?

13 A. I wasn't witness to that, no.

14 LADY SMITH: Can you help me with this, 'Robert': if you
15 would just go up to paragraph 71, the previous
16 paragraph, you're talking about restraint there. At the
17 end of the third line, you say:

18 'They would be placed on the ground, and we would
19 restrain their arms and legs, never their head and never
20 would we sit on them. It lasted as long as the boy
21 decided and it could be for a couple of minutes or half
22 an hour.'

23 And then you talk of it being 'our job'.

24 In paragraph 71, you seem to be telling me that you
25 could be involved in the restraint yourself at the stage

1 of getting the boy onto the ground, and restraining arms
2 and legs.

3 A. No.

4 LADY SMITH: Is that wrong, then, that part of your
5 statement?

6 A. As far as -- I would never leave myself in a situation
7 where I was on my own to restrain a child.

8 LADY SMITH: No, no, no. You're saying there 'we'. What
9 you seem to be telling me there is that you could be
10 involved with other people in a restraint and that is
11 how it would be done.

12 A. Well, as I was trying to say to the thingmy here, when
13 I arrive on the scene of the incident, the child has
14 either already been restrained or is in a position where
15 he or she has calmed down. In other words, he or she
16 will be sitting in a chair or standing beside the care
17 officer who is handling that situation.

18 LADY SMITH: I know that's what you've just said, 'Robert'.
19 I'm just wondering whether -- and we're asking you to
20 look back quite a long time --

21 A. Yes.

22 LADY SMITH: -- more than 30 years ago, 30-odd years ago --
23 whether it's possible that over that period of nine or
24 ten years you worked at Kerelaw you might have had to,
25 at some point, actually be involved in the restraint

1 itself, in the way you've described at paragraph 71?

2 A. I think there's only once that I can recollect where

3 I was physically involved --

4 LADY SMITH: Okay.

5 A. -- at an early stage on my own with a child, and that

6 was an incident that took place in the television room.

7 LADY SMITH: Okay. Thank you.

8 A. And there was a chair involved in that situation.

9 LADY SMITH: Thank you.

10 MR PEOPLES: So you've told us about the night situation.

11 In your early days, you did some day shift work.

12 During that period, then; am I right in understanding

13 that you don't recall being involved, other than that

14 one situation you mentioned, in a restraint of a young

15 person that would involve placing him on the ground and

16 in some way restraining them, their arms and legs? You

17 don't --

18 A. No.

19 Q. You can't recall being involved in that situation?

20 A. No. On day shift, I would not be involved in that

21 situation because I would always walk away. In fact,

22 I was always encouraged to do that.

23 Q. We are told, or we have been told by others that worked

24 in Kerelaw, at least in some units, that their

25 recollection is that restraint was a daily occurrence,

1 certainly in the places they worked.

2 Now, when you were on the day shift in your early

3 days --

4 A. Yes.

5 Q. -- I don't know whether you would agree that it was as

6 frequent as that, but would you not at least have

7 sometimes seen restraints taking place --

8 A. Well --

9 Q. -- as they were happening?

10 A. Well, see, the situation I had myself when it came to

11 the day shift, I'm working with two females. No

12 disrespect to the females when it came to physical

13 altercations, and these two ladies were at an age as old

14 as I was, there is no way they could become involved

15 physically -- and I mean physically -- handling

16 children. They would always ask for assistance from

17 someone. I would be the first person there. And if the

18 situation was such that they required another male, then

19 they would ask for another -- more assistance from

20 a male from a unit.

21 Q. Well, I get that.

22 A. Yes.

23 Q. But say that was the situation --

24 A. Yes.

25 Q. -- and other males came along?

1 A. Yes.

2 Q. What I suppose I'm trying to get at is: what were these
3 other males doing if they were involved in a restraint?
4 How were they putting the young person to the ground?
5 How were they positioning their arms and legs? That's
6 the sort of thing we're trying to get to, if you saw
7 that?

8 A. No.

9 Q. You didn't see that?

10 A. Not once, no. Not in Fleming Unit, no. On
11 (indistinguishable) not in Fleming Unit.

12 Q. I suppose if Fleming was run by two women --

13 A. Yes.

14 Q. -- and you say they might not have been, necessarily,
15 capable, in your opinion, of doing the type of restraint
16 that might be required, then maybe in a unit which had
17 male staff, as team leader and deputy, things might have
18 been different, but you didn't see it?

19 A. I never, ever saw it, no.

20 Q. So you wouldn't be able to comment on how, maybe, for
21 example, if someone was in the other boy's unit, which
22 would be Millerston --

23 A. Yes.

24 Q. -- you wouldn't be able to comment from your direct
25 experience of how the staff in Millerston restrained

1 young people and whether they positioned their arms and
2 legs in a particular way or not; you don't know?

3 A. No, I don't know.

4 Q. Okay.

5 A. No.

6 Q. Can I just ask you this: how did night staff respond if
7 a boy who had run away was returned during their shift?
8 Can you tell me what would happen?

9 A. Well, again, I can only refer you to the way I operated
10 in my unit, because I can assure you I had enough to do
11 just handling my own unit and my own group of boys
12 without bothering too much about the situation in other
13 units.

14 The way they operated as individuals, that was up to
15 them. The way I operated as an individual was: you
16 speak to the child in a way that you don't cause that
17 child to become upset. It's basic mother/father
18 procedure. And if you cannae do that, then, to be quite
19 honest, you shouldn't be in the job.

20 And I always had that rapport with the children, and
21 the children realised that because -- in most of my
22 time -- in all my time with Kerelaw I very rarely had
23 confrontations with the children I was working with
24 because -- I don't know why, I cannae give you
25 an explanation for it -- but any time that I was

1 involved in incidents with the children they were always
2 recorded. And the children -- at a time when the
3 children were asked to verify the situation they were in
4 with 'Robert'.

5 Q. But I suppose what I'm trying to get at is: boys would
6 run away from units.

7 A. Yes.

8 Q. Including Fleming.

9 A. Yes.

10 Q. And they might be returned at any time of day or night,
11 and some might be returned at night.

12 A. Yes.

13 Q. What I'm asking, then, is: how did you, as a member of
14 night staff, respond if a boy was brought back during
15 your shift? What would you do with that boy? Would you
16 punish him?

17 A. No, no.

18 Q. What would you do, then?

19 A. It's not my job to punish the children. We've got to be
20 clear about it. Again, it's the way you're being asked
21 to work with children. I have always got -- the ladies
22 that I operated with made it perfectly clear from the
23 beginning: if you're going to be any good at this job
24 that you're being asked to do, you have got to find
25 a way to empathise with the circumstances that these

1 children are confronting you with.

2 And these children had serious problems, and there
3 was no way could they handle most of the problems that
4 they had. Even when these children were going home on
5 leave, the ones that were entitled to go home on leave
6 because their parents were in such a position where they
7 would let them come home, there were times when these
8 children would fall entirely, come back to Kerelaw. And
9 this is the kind of situation that I learned very
10 quickly when I was working within my -- I can only
11 operate within my unit.

12 Q. Yes. Can I put it this way: if we have evidence that
13 former residents say that they were battered by night
14 staff when they returned to Kerelaw, your position is
15 you never did that --

16 A. No.

17 MR PEOPLES: -- but you can't speak for what others did
18 because you weren't there?

19 A. No. I'm not present in that situation.

20 LADY SMITH: Did you try to find out why they had run away?
21 If somebody was returned to your unit?

22 A. Yes.

23 LADY SMITH: Did you try to find out why they ran away?

24 A. That's one of the few questions I would ask them: what's
25 the reason for this behaviour? Or: why are you running

1 away? There's nowhere you can run to. The police are
2 notified. As soon as I'm aware that you have run away,
3 I notify the local police. And the local police are
4 already on the lookout for you, and they're only looking
5 at one of three places: Saltcoats Railway Station,
6 Stevenston Railway Station and Kilwinning Railway
7 Station. These are three areas where these children
8 always made their move towards.

9 LADY SMITH: So you are telling me you were trying to make
10 it clear to them there was no point in them running away
11 because they would get caught?

12 A. Yes, verbally. There is no real point in it.

13 Some of them were successful in evading the police
14 and getting on to a train and getting to where they were
15 going. They freely admitted that, the children. You
16 know, but ...

17 And the reason for why they want to go away, that's
18 the thing.

19 MR PEOPLES: We'll maybe come to that again --

20 A. Yes.

21 Q. -- when I come to some of the things you tell us about
22 what boys were telling you.

23 A. Yes.

24 Q. But, just to pick up a point you made at paragraph 93,
25 which is perhaps a reported point we have to keep in

1 mind, because you couldn't be everywhere, you were in
2 your unit, you say:

3 'Abuse could have happened and gone undetected.'

4 Or at least without you knowing about it; you accept
5 that that is the position, is it? That it could have
6 happened.

7 A. Of course it could have happened, yes. Yes. The
8 children aren't wrong in everything. That's the thing.

9 Q. And I think that you accept, do you not, that abuse has
10 happened at Kerelaw, because there have been convictions
11 of people who have abused children --

12 A. Yes.

13 Q. -- physically and sexually?

14 A. Yes.

15 Q. So you're aware of that, obviously?

16 A. I'm aware of it, yes.

17 Q. And that one of whom is Matt George, [REDACTED]

18 [REDACTED]

19 A. [REDACTED] And as I also said in my
20 statement at the time, I approached Matt George, as
21 I did any staff in Kerelaw, that if these kind of
22 situations are arising when you're in charge of these
23 children, then you better make sure that if you don't
24 have any back-up evidence, i.e. assistance from another
25 member of staff, and these children are claiming what

1 they're claiming, then you're leaving yourself
2 vulnerable.

3 But, if in a situation where it has been proved that
4 staff were behaving that way, then that's where the law
5 takes charge of the situation, and rightly so.

6 Q. And, in fact, if I can take you back in your statement,
7 just on that matter, at page 10, at paragraph 49, you
8 tell us there that you were aware that teachers and some
9 social workers were taking children away on some
10 occasions to their own homes; that's something you were
11 aware of?

12 A. Yes.

13 Q. And you say something would have happened on more than
14 one occasion, to your knowledge.

15 A. It was happening. It was happening on a weekly basis.

16 Q. Yes?

17 A. Because on day shift the teaching staff and the care
18 staff were responsible for taking children on outings,
19 as we called them.

20 Q. And I think you tell us in your statement your own
21 position was you felt that that was absolutely wrong?

22 A. Yes.

23 Q. And you made that known to staff who --

24 A. Yes.

25 Q. -- were following this practice?

1 A. Yes.

2 Q. Including Matt-Matthew George

3 A. Yes. I even made it known to the senior members of

4 staff, LEF in particular. And the reason

5 I mentioned it to LEF is because he was in

6 SNR the secure unit. I said:

7 these children are coming here for help. They're not

8 coming here to be abused by any member of staff.

9 Q. But when you voiced these opinions, including to

10 Matt-Matthew George what was his response? Did he take on board

11 what you were saying?

12 A. Well ...

13 Q. Clearly not.

14 A. Clearly not. And that's one of the big disappointments

15 for myself. The fact that not only was he unprepared to

16 listen to somebody, but he

17 continued to carry on the way he carried on.

18 Q. Okay.

19 A. And if Matt George or John Muldoon, or any other care

20 officer, thinks in a situation like that, when it's

21 proven beyond a shadow of a doubt that they're guilty of

22 these things, then the law has got to take its course.

23 But I think we've also got to be looking at the

24 underlying situations as to why these individuals were

25 left on their own with these vulnerable children to

1 handle them in the way they are handled. That's what,
2 to me, was wrong with the system.

3 Q. That's what you would consider to be a systemic issue,
4 that there was a situation or a practice that was
5 allowed to take place, where a child or a group of
6 children could be taken outwith Kerelaw by a single
7 member of staff --

8 A. Yes.

9 Q. -- and on some occasions they could be taken to that
10 member of staff's home?

11 A. Yes.

12 Q. You feel that's something you felt at the time was
13 wrong --

14 A. Yes.

15 Q. -- and is an obvious weakness or deficiency in the
16 system?

17 A. Yes. One of the words that was used to me on some of
18 the occasions when I spoke about this kind of situation,
19 about staff levels and qualifications, was the fact
20 that: we're the qualified people, 'Robert'.

21 So right away I'm being told: you do your job and
22 we'll do ours.

23 Q. And just to be clear on this: you told us you didn't get
24 any restraint training at Kerelaw?

25 A. No.

1 Q. Am I right in thinking you weren't ever given any --
2 what we would call 'child protection training' either?

3 A. No. No.

4 Q. Were you aware of any attempt at any time on the part of
5 senior management at Kerelaw or perhaps the Council
6 itself, any attempt to stop the practice of staff at
7 Kerelaw taking young people to their homes? Were you
8 aware that something may have been issued to say that
9 this shouldn't be done?

10 A. No. No.

11 Q. No, you are not?

12 A. I just voiced my opinion to all members of staff at
13 Kerelaw that it's not a good practice. It's not a safe
14 practice, for sure.

15 Q. Okay. Now, just moving on, if I may, to -- you were
16 asked, I think, about certain members of staff and
17 whether you had worked with them or had some knowledge
18 of how they interacted with children, and I'm not going
19 to go through all that. We can read it. But there are
20 a couple of things I want to just pick up in that
21 section of your statement.

22 You've told us already you were totally unaware of
23 what Matt George and John Muldoon had been doing during
24 their periods of employment. You've told us about that.

25 So far as other staff are concerned, I just want to

1 see, if we looked at paragraph 109 of your statement,
2 you've been asked about Tom Howe, who was one of the
3 night staff, and you tell us he was an ex-police
4 officer, and you say he had a slightly different way of
5 working with the children:

6 'His training in restraint was totally different to
7 the rest of us care staff and I did not get involved
8 with that.'

9 Now, you've told us about that already, and you say:

10 'I told him they were children and not members of
11 the public. The experiences I heard from some of the
12 children with Tom are their interpretations and not
13 mine. But I would say to him, if I heard anything about
14 him being heavy-handed, that it was not the way we
15 should be working with children. The view I was getting
16 was secondhand from the child ...'

17 So can I just be clear: children or young people
18 were coming to you and at least saying things to the
19 effect that in their view Tom Howe could be heavy-
20 handed; is that in the context of restraints? Is that
21 what you were picking up?

22 A. No. And we were talking about the children in the case
23 of Tom Howe or any other member of staff, the children
24 that are talking to me are the children who are also
25 getting it secondhand from the other children in that

1 unit.

2 Q. But, one way or other, whether it was secondhand from
3 other people, what you were being told by some young
4 people was that in their view this particular member of
5 staff was heavy-handed?

6 A. Mm-hm.

7 Q. And all I'm just asking is: did you get any kind of idea
8 of what they meant by 'heavy-handed'?

9 A. No.

10 Q. But you could take an educated guess, couldn't you?

11 A. The word 'rough', would be used, yes.

12 Q. It wouldn't be a way you would handle children?

13 A. Certainly not the way. And that was the reason -- as
14 I mentioned, the fact that Tom was an ex-police officer.
15 Obviously, policemen are trained in certain ways to
16 operate with mostly grown adults, not children. And
17 it's the emphasis has always got to be: they are
18 children at this age in their life, not young teenagers
19 or adults for that matter. And there should be no need
20 for Tom or anyone else --

21 Q. Indeed, whatever the source of the information you were
22 receiving, one thing you did, as you did with maybe
23 people taking children to their homes, is that you
24 raised the matter with him?

25 A. Yes.

1 Q. Can you recall what his response was?

2 A. No. The only response I would get is, 'We know what we
3 are doing'.

4 Q. Okay.

5 A. And that's --you know ...

6 Q. Now, if I move on to another person you tell us about,
7 KGH, who is another night care worker, you say
8 in your statement:

9 'He may have been heavy-handed with the children.
10 I never witnessed anything, but I did hear children talk
11 about him and I would ask him if he maybe went a bit too
12 far. If I saw it going on I would say that this is not
13 the way things should be done, in particular using the
14 hose. If it was self-defence that's okay, but anything
15 that was too hands on, I would say you have got to be
16 hands on to a certain extent, and I could not tell him
17 how to handle things.'

18 So were you, again, getting from some young
19 people --

20 A. Yes.

21 Q. -- the message that he could either be heavy-handed or
22 go a bit too far in situations?

23 A. Yes. Again, it was another member of staff who was
24 being identified by the children to me about the way
25 they handled a given situation.

1 Q. But that was what you were picking up from what they
2 were saying?

3 A. I was picking it up from the boys.

4 Q. And indeed you told us --

5 A. And I made it during conversation, at some time, either
6 that shift or -- I says to them: that is not the way we
7 should be working with the children. We've got to find
8 another way, and if anything transpires from this, then
9 there's nothing I can do about it. I've got to say I
10 was told this by so-and-so and who the so-and-so was,
11 I don't know.

12 Q. It wasn't just based on -- KGH [REDACTED]'s way of
13 dealing with things with young people wasn't just what
14 you were being told, because you told us yourself you
15 would, from time to time, attend his unit, where he was
16 working, and see water on the floor?

17 A. Yes.

18 Q. Which appeared to come from the hose being used, and you
19 spoke to that --

20 A. It's the only place it could come from.

21 Q. Okay.

22 Now, the other person that you -- one of the other
23 people that you were asked about is another person who
24 I think was a night care officer, GVL [REDACTED].

25 A. Yes.

1 Q. And you tell us, you describe him as a:
2 '... big strapping guy [who] just had to look at the
3 boys and they would behave. There was no way he would
4 have needed to get physical. He would have his usual
5 "verbals", we all had to put up with that.'

6 You said you did not see him work with children
7 really. You can count on one hand the number times you
8 were asked to assist him, and that would have been,
9 really, the only time you would have seen him interact
10 with the children.

11 A. Yes.

12 Q. Just on that: what did you mean 'he would have his usual
13 "Verbals"'? Can you give us examples of one of his
14 verbals or what his verbals would be?

15 A. Verbals from the staff or from the children?

16 Q. I don't know, you tell me.

17 A. Well, I can sure assure -- I don't know, there are
18 quite a few ladies present here.

19 MR PEOPLES: Use any language you like because --

20 LADY SMITH: Before you tell us --

21 A. If I'm calling you a whore, your Ladyship, or a wag or
22 a slag or -- that's difficult for anyone to put up with.

23 LADY SMITH: Yes. Can I just ask you one thing, because
24 this comes from the way it's put in your statement: it
25 sounds as though you're telling me that he,

1 GVL [REDACTED], had his verbals; were the things he said
2 inappropriate?

3 A. No, GVL [REDACTED] was what you would call a gentle giant.

4 LADY SMITH: So you are talking about him dealing with the
5 children using bad language?

6 A. Yes.

7 LADY SMITH: Okay, thank you.

8 MR PEOPLES: Was that about him or about other staff or
9 about other young people?

10 A. No, it was only about GVL [REDACTED] at that particular --

11 Q. They would call him certain names?

12 A. GVL [REDACTED] ?

13 Q. Yes.

14 A. I don't know what they called GVL [REDACTED], no.

15 Q. Well, you said he would have his usual verbals, as if he
16 had verbals from others?

17 A. The usual verbals was an everyday way we had to work.
18 Every single child in Kerelaw had their way of speaking
19 to staff and it was not nice. It was not nice and you
20 had to learn to cope with that.

21 Q. Right.

22 A. You cannae really act in a way -- a normal parent, if
23 there is such a thing, would say to their child: look,
24 there's no need for you to be cussing and swearing at
25 me.

1 You don't say that to these children. You find
2 a way round, your way of communicating with them, so
3 they know you're not cursing and swearing and that.

4 Q. Now, in ten years at Kerelaw, both in day shift for
5 a time and mostly for night shift, but having
6 discussions from time to time on the phone and
7 otherwise; are you saying that you never heard a member
8 of staff -- not GVL, just anybody -- use what
9 might be called a derogatory term about a young person,
10 either to their face or about them? You never heard
11 that?

12 A. No.

13 Q. Never?

14 A. No, no.

15 Q. I mean --

16 A. It might sound a bit -- no, here's this chap explaining
17 the best he can about the things that are going on in
18 these establishments -- and they were going on, I'm not
19 here to deny that -- but the verbal communication, there
20 were some staff, obviously, felt a bit more comfortable
21 cussing and swearing to a boy. It was just as easy to
22 talk in a normal way to a boy, as a child.

23 Q. Well, they might use the same language in talking to
24 them?

25 A. Yes, yes.

1 Q. Because we've heard things like maybe people might have
2 called them 'wee pricks' or 'bastards'?

3 A. I would see that as everyday language, yes, when you're
4 dealing with these children.

5 Q. Now, one other person that you were asked about was
6 a teacher, called FRB . You say you didn't
7 really have much contact with him or saw him interacting
8 with children, but you say:

9 'The only time I was made aware of any nonsense is
10 from the kids afterwards. Most of the time it was
11 flippant in how they perceived it. The boy was there to
12 boast about what it was he was involved in with the
13 staff. We were all wankers to them.'

14 Now, is this another example of boys coming to tell
15 you certain things about a member of staff?

16 A. Yes. Yes.

17 Q. But did you get any sense of what it was that he was
18 doing that caused them to speak to you?

19 A. No. No.

20 Q. No.

21 A. And you will probably find that, when this kind of
22 situation was happening, I was also in the presence of
23 other boys. I was in the presence of other boys when
24 these children are describing what's happened to them,
25 whether it's a teacher.

1 Now, in relation to the teachers, there were certain
2 teachers were attached to certain units, and one of the
3 teachers that was attached to Fleming Unit was the
4 gentleman you just mentioned. I think there was another
5 one. I think it was KBK . KBK something, I'm not
6 quite sure. But there were teachers attached to units
7 to work with the staff within the units. So if there
8 was children going away to different places from that
9 unit and there was a social worker going with them, they
10 would -- if a teacher was available to go with them, the
11 teacher would go with them.

12 Q. I think we did hear evidence that some teachers, apart
13 from doing their teaching work, would get involved from
14 time to time with units --

15 A. Yes.

16 Q. -- either as extra cover or on trips?

17 A. It was a required part of their job, yes.

18 Q. Now, can I lastly turn to the specific allegations that
19 you deal with in your statement? To some extent I think
20 we've covered some of this, but I would like just to
21 make sure that you have the opportunity to respond, at
22 this stage, to anything that's been said about you.

23 If we start with things that were said by
24 an individual at paragraph 115, whose statement you have
25 seen the relevant parts. This individual; is he someone

1 that you did know or are aware of, you can remember this
2 person? The individual at paragraph 115; you know his
3 name, do you?

4 A. No, and again we're going back to what I've stated
5 earlier on. When these kind of situations are happening
6 in another unit, I'm not there.

7 Q. So if I can just summarise, he's saying that the night
8 shift were always doing things.

9 A. Mm.

10 Q. And he mentions the hose incident, and we've dealt with
11 that and you've told us about that.

12 A. Yes.

13 Q. He mentions other things that would happen:

14 'Boys would be made to get up in the middle of the
15 night and do things, like fetch water from the burn,
16 race against each other in some sort of time trial, do
17 challenges on the assault course and other things, at
18 two or three in the morning. Other kids would be taken
19 out to watch, even if they weren't being made to do
20 anything and some of the kids liked all of this.'

21 Now, so far as you're concerned, you say that that
22 wasn't something you were involved in?

23 A. No, I never saw anything like that. And I can assure
24 you, if I had saw anything like that, I would have made
25 it perfectly clear: that's not the way to do things.

1 Q. Well, you've told us already in relation to the fire
2 hose matter you did say something to staff.

3 A. Yes. Yes.

4 MR PEOPLES: While you appear to think he may have been in
5 Millerston when these things were happening, as
6 I recall, this person did tell us that he was also in
7 Fleming for a time.

8 LADY SMITH: Yes.

9 MR PEOPLES: And he's saying that these things happened when
10 he was in Fleming.

11 A. Yes.

12 Q. Now, when you were on duty; are you saying that didn't
13 happen when you were on duty?

14 A. No, it didnae happen. And the fact that this young
15 laddie is talking about the burn, the burn was quite
16 a heavy running piece of water coming by the units, and
17 that burn only ran past one unit. That was Millerston.
18 So if the boy from Fleming was making assumptions about
19 what happened in that particular incident, he wasn't
20 there if I was on duty. Again, it was hearsay from
21 other children about what was happening.

22 Q. I think he said these things happened when he was in
23 Millerston and they happened when he was there.

24 A. Yes.

25 Q. And he names, obviously, staff that he linked to this.

1 But you're saying that even if the other staff he
2 mentions did these things, you didn't do them?

3 A. Oh no.

4 Q. Is that your position?

5 A. No.

6 Q. And then you -- but you do say you don't doubt that the
7 night officers might have used hoses, because you saw
8 some evidence to that effect?

9 A. Yes.

10 Q. And there's also another thing, and I think we've to
11 some extent touched on this this morning, that he says
12 there was an occasion when he was accused of being
13 outside smoking. Now, can I tell you that he explained
14 that when he said 'outside', I think he explained that
15 he meant he was upstairs, but outside his bedroom.

16 I'm just telling you what he said, if you could bear
17 with me.

18 A. Yes.

19 Q. He said that when you made an accusation -- that's his
20 account -- that you then took him downstairs to this red
21 tiled area, which you've told us about --

22 A. Yes.

23 Q. -- which he described as an unheated conservatory-type
24 room and made him sit on an upturned bin wearing just
25 his boxer shorts until the day shift arrived. When they

1 arrived he was sent to bed and they didn't bat
2 an eyelid.

3 Can I just be clear: are you saying that didn't
4 happen?

5 A. Didn't happen.

6 MR PEOPLES: Because he did say he estimated, I think, that
7 it happened in the early hours of the morning and he
8 spent, he reckoned, about six hours sitting on this
9 upturned bin?

10 LADY SMITH: The impression was it was a long time. He
11 wasn't saying exactly when it started.

12 MR PEOPLES: I think he mentioned six. But a long time, not
13 just shortly before the day staff arrived.

14 So are you saying, whatever he's saying, that's not
15 something that happened. That's not something that you
16 say?

17 A. No.

18 Q. You're denying that's what happened?

19 A. What I would say, if he was brought down the stairs
20 initially it wasn't to be there for six hours. If he
21 was brought down the stairs or even to the office.
22 I don't know what time this actually happened, whether
23 it happened when the offices were up the stair or the
24 office was down the stair. If it happened when the
25 office was down the stair, yes, he would be on the red

1 tiled area, because that's the only area where there was
2 seating of some sort, where they could be while I was
3 talking to them. Or in the office.

4 Q. Yes, because I think you've told us that there was
5 an area, this area that he's talking about had a bin.

6 A. Yes.

7 Q. That could be upturned and used as a seat?

8 A. Well, I wouldn't have used an upturned bin for him to
9 sit as a seat. He would use that himself.

10 Q. Because you say at one stage there had been benches, but
11 they had been removed because they were being used,
12 effectively, as weapons?

13 A. Well, they were used as weapons. They were used as
14 weapons to put through the glass windows.

15 Q. But, at any rate, you're saying this just didn't happen?

16 A. No. It didn't happen in that way he described it.

17 Q. No. But, if a boy was smoking, you've explained what
18 you would have done in that situation?

19 A. Yes.

20 Q. That would have been what you would have done?

21 A. Yes.

22 Q. You would have taken them to an office and you would
23 have sat them down and you would have talked to them?

24 A. That's right. That's the way it would have been done.
25 And that's why I'm saying it was where the office

1 facilities were available to us, as night staff at the
2 time. We moved from downstairs offices to upstairs, and
3 the reason for that was to make sure that we were not
4 any further away than walking distance or hearing
5 distance. More often hearing distance was the thing
6 that drew our attention to things that were happening in
7 the bedrooms.

8 Q. Okay.

9 A. So ...

10 Q. Now, just moving on, can I deal with another individual
11 who has said certain things and named you as being one
12 of the people that he had in mind?

13 A. Yes.

14 Q. This is at 126 of your statement. Does this boy's name
15 mean anything to you? Do you recall --

16 A. No.

17 Q. Okay. But what he says is that basically he's labelling
18 all the night staff, including yourself, as scary
19 people. That's the starting point.

20 A. Mm-hm.

21 Q. And that they were people that you didn't want to fall
22 out with, and says that they came to you and explained
23 that they would not be happy if you ran away on their
24 shift, as they had to fill in lots of paperwork.

25 Now, can I just ask you this: did you ever say that?

1 A. No. Never.

2 Q. Would it have been a lot of paperwork if a boy ran away
3 on your shift?

4 A. No. The only paperwork I would use would be to describe
5 the time that boy went away, the time I phoned the
6 police as and when he went away, and that's all it would
7 be.

8 Q. And you would record that in the book?

9 A. That would be recorded in the diary.

10 Q. Now, he also mentioned an occasion when he says he was
11 on some sort of weekend leave and his mother noticed
12 bruises on his back?

13 A. Yes.

14 Q. And what he told her was it was a member of the night
15 staff, you, who had attacked him with a chair for
16 calling you by the nickname that we've been talking
17 about --

18 A. Mm.

19 Q. -- [REDACTED]. And he says that this was how he
20 came by the bruises.

21 Now, he also says that his mother took the matter up
22 and there was some form of complaint made.

23 A. Yes.

24 Q. And he seems to be saying that there was
25 an investigation, although he says that he didn't think

1 anything happened to you. And I think you agree. Do
2 you agree there was an investigation?

3 A. Yes. Oh yes.

4 Q. And that nothing did happen to you?

5 A. No.

6 Q. And I think that he says that you continued to work, and
7 he has some recollection in his statement, if we go on
8 to paragraph 130, that there was some sort of meeting at
9 Kerelaw, which he attended with his mother and his
10 social worker --

11 A. Yes.

12 Q. -- where they were all told the complaint had been
13 investigated, but it was his word against yours and that
14 no further action was to be taken. And then he says
15 that you started to speak to him again and I think says
16 still gave him the odd dig.

17 Now, do you recall an investigation of something
18 along those lines?

19 A. Oh yes. Most definitely.

20 Q. And so far as --

21 A. Almost word for word.

22 Q. And so far as you were concerned; that is accurate
23 enough? And indeed you were investigated --

24 A. Yes.

25 Q. -- and you actually asked the headteacher to look at the

1 logbook --

2 A. Yes.

3 Q. -- and see what was there, which you say fully recorded
4 what happened?

5 A. Yes.

6 Q. And you were asked was it a true account, you said yes,
7 and you were asked then to leave the room, and you later
8 understood that you were exonerated on the basis of what
9 happened?

10 A. Yes. Yes.

11 Q. And that was the end of the matter?

12 A. Yes. While -- before I was asked to leave the room, the
13 diary was handed from the headmaster to the social
14 worker to look and read the incident as it was reported
15 by his member of staff.

16 The social worker then handed it to the mother, who
17 then read it, and it was then handed back to the
18 headmaster. At this point, the headmaster asked me to
19 leave the meeting because it was then going to be the
20 people at that level who were going to discuss the issue
21 and the way it was reported in the diary and the child's
22 interpretation as to how that incident happened.

23 And the boy rightly said, the incident didn't go any
24 further. I was just basically admonished of all blame,
25 or whatever. The interpretation the boy gave was

1 totally wrong. It was totally wrong.

2 Q. But was there an occasion when -- you did mention in
3 your statement an occasion when there was an altercation
4 with a boy with a chair.

5 A. Yes.

6 Q. And you thought he was going to hit someone else,
7 another boy with the chair?

8 A. Yes.

9 Q. You intervened, there was a struggle, and you accept the
10 boy there could have ended up with some marks as
11 a result of the struggle?

12 A. Yes.

13 Q. But it was a case of you trying to protect another
14 individual and perhaps yourself --

15 A. Yes.

16 Q. -- from the situation.

17 A. Yes.

18 Q. You accept something like that did happen? And was it
19 the same boy?

20 A. I don't know. I'm not sure it was the same boy. The
21 only way I can verify that is by looking at that diary.

22 Q. Right, so it may not have been the same. That's the
23 only time you recall some sort of incident involving
24 a chair -- that you were involved in?

25 A. It's the only physical altercation I had with any of the

1 children, and that was a situation where it was in the
2 television room. There was only two places in that unit
3 where chairs were allowed, and that was the television
4 room and then the pool room, where the boys played pool.

5 Q. Okay.

6 A. There were times when we were asked to supervise and
7 there were times when we were told not to supervise:
8 allow the children the privacy they were wanting. That
9 was fine.

10 On this occasion, I was in the television room.
11 Don't ask me why, but I was in the television room when
12 this individual made a move with the chair. Now,
13 I wasn't sure where this individual was going with the
14 chair, but he had the chair in a way that he was going
15 to do something with it, whether it was through
16 a window, whether it was coming to me or whether it was
17 coming to one of the boys to settle a score that had
18 happened during that day. I then made a move for that
19 chair.

20 Q. Okay.

21 A. And I grabbed that chair along with the boy and we both
22 struggled with that chair and we both finished up
23 falling over the chairs and falling to the ground.

24 Now, obviously, when that kind of level of violence
25 is being involved with any altercation, especially when

1 you're falling into other things, that boy obviously
2 must have got bruises somewhere. I didn't. But the boy
3 went home and complained to his parents, the whole thing
4 was investigated and, as I said, I was totally
5 exonerated based on the evidence that I supplied to that
6 Chair.

7 And the other point about that incident was it was
8 the boys if it happened during the day, because -- it's
9 the only time it could have happened was during the day,
10 because there were no chairs upstairs in the bedrooms
11 for the boys to do things with chairs. That was the
12 first thing that was wrong in the statement the boy
13 made, and it was so obvious. It was a boy from that
14 television room who went to the office to say to the
15 staff: there's a problem in the television room,
16 'Robert' needs help.

17 MR PEOPLES: Okay, 'Robert'. I think these are all the
18 questions I have for you today, and I would just like to
19 thank you for being patient with me. I thank you for
20 all your assistance today and for providing the
21 statement you have.

22 A. Thank you.

23 LADY SMITH: 'Robert', could I add my thanks for everything
24 you have helped us with? I do hope you understand that
25 the work we're doing here is for the wider interests of

1 children and young people --

2 A. Yes, I do.

3 LADY SMITH: -- which you plainly understand, from

4 everything you've been telling me.

5 A. Yes.

6 LADY SMITH: But the evidence you've been able to help me

7 with for that ten-year period while you were working at

8 Kerelaw is really helpful. I'm grateful to you for

9 that.

10 I fear we'll have exhausted you in having questioned

11 you so much this morning, but please now feel free to

12 go. I hope the rest of the day is easier for you than

13 this morning has been.

14 A. Thank you very much. Thank you.

15 LADY SMITH: Thank you.

16 Yes, don't you worry about tidying up; we can do

17 that.

18 (The witness withdrew)

19 LADY SMITH: Mr Peoples?

20 MR PEOPLES: I think we have time to start a read-in if

21 that's possible.

22 LADY SMITH: I wondered about that. Let's do so.

23 MR PEOPLES: The read-in, if I could have a read-in from a

24 person who will be referred to as 'Eve' --

25 LADY SMITH: Oh, before we move to the read-in, I will just

1 do my list of names now before I forget, because again
2 we've used names whose identities are protected by my
3 General Restriction Order.

4 Can I start with one -- this is a bit unusual,
5 because it is the witness himself. Very early on and
6 once or twice later he used his own first name, KGN .
7 That's not to be repeated outside this room. There has
8 also been reference to him [REDACTED], and it's
9 pretty obvious that if you add the two together then
10 that could identify him by reference to other evidence
11 that we've had. So that identification must not be
12 repeated outside this room. It was very helpful to
13 allow him to do that in his evidence and helpful to us,
14 but please be careful.

15 Otherwise, the names KAM [REDACTED], GVL [REDACTED],
16 KGH [REDACTED], [REDACTED] and LEF [REDACTED] were used,
17 and these are people who are not to be identified
18 outside this room. Thank you.

19 So, I'm sorry, Mr Peoples, you were about to tell me
20 which statement we were reading in.

21 MR PEOPLES: Yes, the statement is WIT.001.001.6743.

22 LADY SMITH: Thank you.

23 'Eve' (read)

24 MR PEOPLES: 'Eve' was born in 1980.

25 LADY SMITH: Yes. 'Eve' is her pseudonym?

1 MR PEOPLES: Yes, 'Eve'. She tells us about life before
2 care. I'm conscious we have a number of things to do.
3 I won't, perhaps, spend too much time on that. I think
4 we can all read it for ourselves.

5 LADY SMITH: Indeed.

6 MR PEOPLES: Clearly there were problems, including a split
7 between her parents, and there were various things going
8 on, not unfamiliar things from what we've heard before.
9 Social work became involved. She appeared before
10 a panel, and her first care setting was a children's
11 home, which she tells us about from paragraph 7 onwards.

12 Secondary Institutions - to be published later
13
14
15

16 She then moved on to Cardross Assessment Centre,
17 which she tells us about at paragraph 15. She was there
18 a relatively short time, a period of months though. She
19 was running away. She was getting into trouble. She
20 does say, at paragraph 19 -- and I'm not going to read
21 all of this out, but she has issues with the way that
22 she was restrained and the way other children were
23 restrained when in Cardross and does have heavy males
24 standing, she says, on the necks of little boys and
25 girls, or 'wee boys and lassies', and saying:

1 'They would sweep their feet away, someone would
2 then stand or kneel on their neck and push their arms up
3 their back.'

4 And that that happened on a regular basis. So it's
5 a similar sort of thing to what we're hearing from
6 others about certain types of restraint.

7 Indeed, she says that she was unhappy to the point
8 that she did make some sort of attempt to take her own
9 life, at paragraph 20.

10 She believes -- at paragraph 23 -- that she was
11 moved because of perceived challenging behaviour, and
12 says she went to Kerelaw in 1994, aged 14.

13 She tells us, at paragraph 25, that she spent most
14 of her time in the secure unit, but had a short period
15 in the open unit as well.

16 So far as Kerelaw is concerned, she says that she
17 was told by the teachers, in relation to schooling -- at
18 paragraph 27, on page 7 -- that she was too advanced for
19 the classes and they didn't have work that was suitable
20 for her to do and found it difficult to learn at Kerelaw
21 in any event, because there were many children with
22 problems who were in the classes who seemed to be
23 kicking off every day.

24 She says, at paragraph 30:

25 'Kerelaw was run just like a mini jail. Everything

1 was locked.'.

2 She makes a point which some others have made --

3 LADY SMITH: So that would be the secure unit she's talking
4 about, I suppose, would it?

5 MR PEOPLES: Well, I think some of them have said that some
6 of the open areas at times were -- but I think it is the
7 secure unit, because she said her whole time, so
8 I'm assuming that is what she meant.

9 LADY SMITH: Yes, and earlier in that paragraph she makes
10 reference to it.

11 MR PEOPLES: I think you're right.

12 Then she has a section on abuse, and she says:

13 'I was a normal wee lassie thrown in with murderers,
14 sex offenders ...'

15 She had living spaces with them. She mentions one
16 individual that falls into that category and says that
17 his key worker once punched her in the face with his
18 fist a couple of times and burst her nose because she
19 and others had called a particular boy a 'beast'.

20 She talks, at paragraph 33, about a particular art
21 teacher in the classroom -- I should perhaps make it
22 clear it's not Matt George on this occasion -- who was
23 pervy, as she says, who liked young lassies, would come
24 behind girls and put his arms around them and she says
25 she could feel his penis on her back.

1 They seemed to let young people kiss and fondle,
2 according to her, in the middle of lessons.

3 She talks about a maths teacher who would watch
4 children in class engaging in some form of sexual
5 activity. But, at the same time, appeared to be playing
6 with himself while he was watching them. She said she
7 could tell this because of the movements of his hands
8 and so forth when in class.

9 She also talks, at paragraph 36, of inappropriate
10 relationships between staff and young people, and indeed
11 gives an example of a girl with a key worker who said
12 she would get a cigarette for giving her key worker
13 a blow job, and that he regularly went to the girl's
14 room and the door was locked and they would be in there
15 alone.

16 She says that also there was humiliation and
17 ridicule by members of staff, saying things such as
18 nobody wanted the residents who were there. She has
19 what appears to be a description of an inappropriate
20 restraint that if she raised her voice or was angry, he
21 would -- this particular member of staff that she names
22 would make her face black and blue and give her carpet
23 burns. It's difficult to tell whether it's a restraint,
24 but it certainly appears to be a situation of that type.

25 LADY SMITH: Yes.

1 MR PEOPLES: It appears, at paragraph 38, her mother came to
2 visit and she told staff that her daughter's face hadn't
3 been marked two days earlier when she had previously
4 visited and was told that they had to restrain her
5 daughter because they said she had been violent. 'Eve'
6 denies being violent on the occasion and says she was
7 just having words and expressing how she was feeling.

8 She tells us how she would respond to being
9 restrained, she would lash out and hit back. She says
10 three men would take her upstairs to what she describes
11 as the 'silent cell' where she would be stripped naked
12 and left, and she says she was left with nothing to
13 protect her dignity. There was regular checks by staff
14 who came to the room.

15 She describes being scared when she was in the room,
16 and also scared they would come back and kick her about.
17 She says that she asked to go to the toilet at one point
18 and was let out. She locked herself there because she
19 didn't want to go back to the room, whereupon staff
20 burst the door in two, she says, and pulled her out over
21 the door and, still naked, she was put back in the
22 silent cell.

23 She says this happened several times in much the
24 same way and often it was male staff who were involved
25 in doing this.

1 LADY SMITH: It's difficult to work out whether she's
2 talking about the same cell we heard about earlier this
3 morning, between Baird and Fleming.

4 MR PEOPLES: It doesn't seem so, because I think the
5 evidence has been that the secure unit was enclosed and
6 separate from the Kerelaw units and the associated
7 buildings.

8 So I think this is talking about what one might call
9 a segregation cell in a secure unit.

10 LADY SMITH: Within the secure unit?

11 MR PEOPLES: Yes, rather than this cell area that our
12 previous witness talked about.

13 LADY SMITH: It wouldn't really make sense to risk taking
14 a young person who was --

15 MR PEOPLES: No, it doesn't make any sense.

16 LADY SMITH: -- in this sort of condition out of the secure
17 unit to take them to somewhere even more secure, because
18 you might lose them.

19 MR PEOPLES: I think some others have talked about not a
20 cell area, but a quiet room. Now, whether a cell area
21 or quiet room, I think it's a different place, as far as
22 we can tell.

23 Then she says that she desperately wanted to get out
24 of the secure unit, so tried to behave herself so she
25 could get to the open unit.

1 She says of one occasion around Christmas that she
2 was bought a pair of boots by her father, but wasn't
3 allowed to wear hard-soled shoes, but put them on, in
4 any event, on Christmas Day. She was told by staff,
5 'Get these fucking boots off', and because of the way it
6 was put, she said she wouldn't take them off and they
7 would have to remove them themselves. And she says, the
8 next thing, they pinned 'Eve' to the floor and the boots
9 were ripped off her. She says on that occasion she was
10 the person who was charged with assault, although she
11 says in her statement she never touched the staff, but
12 was kept overnight in the police station on Christmas
13 Day and was returned to Kerelaw the following day.

14 She talks about the open unit from paragraph 43.
15 That she recalls an occasion when she was in the open
16 unit and another girl ran away and had some of 'Eve's'
17 clothes. And it appears that the other girl phoned
18 'Eve's' unit and said she was on the run, but that she
19 would get 'Eve's' clothes back to her. 'Eve' says that
20 the next thing was that she -- I think it's the girl,
21 the other girl, must have phoned John Muldoon, because
22 he came to see 'Eve' and started screaming at her,
23 saying that a key child -- this is the other girl -- was
24 frightened to come back because of a 'scumbag like me'.

25 She says that John Muldoon, on that occasion,

1 punched, kicked and slapped her on the face, and pulled
2 her hair.

3 She recalls another occasion, at paragraph 44, where
4 she was in class and she and another boy were involved
5 in an argument, and that Matt George, she says, came
6 over three tables to get her. He grabbed her by the
7 throat, pulled her off her chair, and slammed her to the
8 floor.

9 She goes on to say:

10 'Matt was a scary man and shouted and bawled at me.
11 Matt must have pressed the buzzer because two other
12 members of staff came and restrained me. They punched
13 me and elbowed me. I was fighting back and I was
14 flailing my arms about and that's why the other two got
15 involved. They put my arms up my back. One of them was
16 John Muldoon. I had bruising to my head and finger
17 marks on my throat, but, again, I didn't see a doctor.'

18 This is the point, that some say they had injuries,
19 but didn't receive medical treatment.

20 She does say, however, that the open unit was much
21 the same in routine as the secure place, but was more
22 relaxed. That's at paragraph 45.

23 She describes, at paragraph 47 and 48, running away
24 from the open unit several times and when she returned
25 she was put back in the secure unit, around the age

1 of -- she had just turned 16.

2 She describes one occasion where she had run away
3 and it had serious consequences for her because she was
4 involved in a stabbing incident, which resulted in
5 a three-year prison sentence for her, which involved her
6 being sent to Cornton Vale. She tells us about Cornton
7 Vale at paragraph 50 to 52. I'll not read that at this
8 stage.

9 She has a section 'Reporting', where she says the
10 first person she ever told about what was going on was
11 when she told a social worker, when she was in Kerelaw,
12 that she was getting battered. She says she only told
13 them about the violence, not about any sexual stuff.
14 She said they spoke to the residential care staff and
15 just said that they had to restrain her and that was the
16 end of the matter.

17 She said she told her mum as well, and she
18 questioned the staff, but was just told the same old
19 story: 'Eve' was kicking off and they had to restrain
20 her.

21 Then she goes on to say she later told other people
22 by the time she was in other places.

23 She tells us about her life after care, and I can
24 perhaps leave that to be read. It clearly had ups and
25 downs, and some of the things she says are quite

1 a familiar story of people in her situation. The
2 impact, again, we're seeing things there, from
3 paragraph 67, which have a familiar ring to them, about
4 how she felt when she was in care, being worthless, at
5 68. How that feeling has spilled over to create
6 a series of bad relationships, at 68. She has problems
7 with trust, at paragraph 71. And her overall feeling,
8 at 74, is she was let down badly by a system that was
9 supposed to care for her.

10 She says back then -- at 76 -- nobody would listen
11 to what she was saying. She tells us if she had
12 a better start -- at 82 -- in life things wouldn't have
13 turned out the way they had for her. She found it
14 difficult to get employment because of her criminal
15 history.

16 She recognises, at paragraph 84, how her life has
17 played out and turned out. It's difficult for her to
18 separate what happened at home before she went into care
19 and what caused -- what happened when she was in care.
20 But, clearly, she sees both as contributing to the
21 impact that she speaks about.

22 She does, however, on a positive note, say that she
23 does get involved in speaking to people about
24 experiences. At 85, she describes herself as a broken
25 'sole' -- I think that's S-O-U-L.

1 LADY SMITH: I think it's S-O-U-L. There's also a spelling
2 mistake in 97 as well. It must be --

3 MR PEOPLES: Yes, it is a mistake.

4 LADY SMITH: It's very powerful, actually.

5 MR PEOPLES: Oh yes. She says that doing stuff like this
6 has helped her and she feels that people are actively
7 listening, and she hopes that that will help stop the
8 things that happened to her happening to other people.

9 She talks about now being involved -- at
10 paragraph 87 -- in voluntary work with a charity to help
11 mentor people who are going through the prison system.

12 Like many, she does talk, at 90, about having panic
13 attacks and being on medication.

14 LADY SMITH: Yes.

15 MR PEOPLES: She says, at paragraph 91, that she has been
16 suicidal most of her life and has attempted to take her
17 life on several occasions.

18 She was diagnosed at an early stage with depression,
19 when she was in her teens. This is at paragraph 93.

20 She says, at paragraph 95, interestingly, that she
21 has been to psychologists and psychiatrists, but the
22 voluntary work she is doing, in her case, she feels is
23 much better. Obviously, it's benefiting her, but she
24 also feels it's benefiting the people she speaks to.

25 LADY SMITH: Yes, the benefit of feeling needed and the

1 benefit of being able to contribute something.

2 MR PEOPLES: Yes, so it's a bit of both. She gets a benefit
3 in both ways.

4 Lessons to be learned and, again, things we've heard
5 before. Obviously, one significant lesson is there has
6 to be a lot more vetting of people who apply for the
7 jobs. Training has to be better. But she does
8 recognise and says it's not all about degrees and
9 qualifications. The people have to be taught how to
10 deal with difficult children who have had horrific lives
11 and are going to be difficult to deal with. I think
12 that echoes, to some extent, what our previous witness
13 said in a different way.

14 LADY SMITH: Very much so, yes.

15 MR PEOPLES: Then she also says of new staff that they
16 should be able to turn up to other people to get support
17 if they can't deal with a difficult child. She asked --
18 she says that maybe that's where it all went wrong in
19 the past: staff didn't have people to support.

20 She makes the point that some children don't have
21 respect or don't know what love is. The care staff
22 should learn about bonding with the children. So she
23 puts it in terms of bonding and relationship, which I
24 think, again, is something others have said.

25 She says also, at 98, an interesting thing:

1 'My friends and family are all surprised at me about
2 the way that I react to children who are badly behaved.
3 I go down to their level and speak to them and ask them
4 why they're behaving that way or ask them why they did
5 what they did. It's important to be positive and not
6 act with aggression. Staff should be trained that way
7 and not straightaway to restrain the person.'

8 As happened to her.

9 She talks about having a sensory room when things
10 are building up. Perhaps that's rather different to
11 a cell area.

12 LADY SMITH: Yes. It's a very interesting suggestion,
13 actually.

14 MR PEOPLES: Yes. At the end, she says -- and 'Hopes for
15 the Inquiry', at paragraph 100, really -- and I think
16 this is a truism -- it's all about having the right
17 staff and making sure they are fully trained, although
18 you can't teach empathy, which maybe resonates a bit
19 from what we've just heard from the previous witness.

20 She signed her statement on 2 February 2017.

21 LADY SMITH: Thank you very much.

22 MR PEOPLES: I'm conscious of the time. I suspect ...

23 LADY SMITH: We will stop now for the lunch break. I will
24 sit again at 2 o'clock, when we should have another
25 witness ready to give oral evidence.

1 MR PEOPLES: Yes, I believe so. Yes.

2 (12.57 pm)

3 (The short adjournment)

4 (2.03 pm)

5 LADY SMITH: Good afternoon, Ms Forbes, I think we have
6 a witness ready?

7 MS FORBES: Yes, we do, my Lady.

8 LADY SMITH: Yes.

9 MS FORBES: He is to be known as 'Peter', and he is someone
10 who may need a warning.

11 LADY SMITH: Thank you.

12 'Peter' (affirmed)

13 LADY SMITH: 'Peter', do sit down and make yourself
14 comfortable.

15 A. Thank you very much. Is that okay?

16 LADY SMITH: That's great, thank you very much for checking
17 the microphone, 'Peter'. Thank you for coming along to
18 engage with us this afternoon by giving oral evidence,
19 in addition to your written statement, which of course
20 we already have. It's part of your evidence. I've been
21 able to read it in advance, which has been really
22 helpful to me. Thank you.

23 A couple of practicalities. That red folder has
24 your statement in it, your signed statement, so it's
25 available for you to refer to, if you want. We'll also

1 bring the statement up on the screen at different parts
2 that we're going to focus on, if that's okay for you.
3 Some people don't like the bright screen in front of
4 them, but if that works, we can do that.

5 A. Yes, I'm happy with that.

6 LADY SMITH: Separately, 'Peter', please let me do anything
7 I can to make the whole experience of giving evidence as
8 comfortable as possible. I say that realising that this
9 isn't easy. What we're asking you to do is really quite
10 difficult, and you will be aware that although there
11 aren't many people in this room, there are others who
12 are following the evidence by electronic links, WebEx
13 links as well, and a transcript is being made of the
14 evidence, and members of the public could come in at any
15 time, if they want to. It's a public place.

16 So I do get it's a big ask, but you have come along,
17 cheerfully, to help us in the way you have, so that's
18 really good.

19 You may need a break. You may just want a pause.
20 There may be something else I can do to help. If so,
21 let me know, don't hesitate.

22 A. Thank you.

23 LADY SMITH: Separately, you may be aware, 'Peter', that you
24 could be asked questions, the answers to which might
25 incriminate you, depending on what those answers are.

1 Although this is not a courtroom, it's a Public Inquiry,
2 you have exactly the same protections as you would have
3 if you were in a courtroom, and that means you don't
4 have to answer any such question if you don't want to.
5 It's your choice. But, of course, if you do, then you
6 must answer the question fully; does that make sense?

7 A. It does indeed, thank you.

8 LADY SMITH: Thank you.

9 Well, if you are ready, 'Peter', I'll hand over to
10 Ms Forbes and she'll take it from there. Thank you.

11 A. Thank you.

12 Questions from Ms Forbes

13 MS FORBES: Thank you, my Lady. Good afternoon 'Peter'.

14 Just before we start, the statement you have given to
15 the Inquiry has a reference number and, for our
16 purposes, I'm just going to read that out. It's
17 WIT-1-000001396, and that's just for our records.

18 Now, 'Peter', first of all, if I could get you to
19 just have a look at the red folder that has your
20 statement and go to the very last page. Now, all the
21 paragraphs in the statement are numbered. On the last
22 page of your statement it should have a paragraph 257 --

23 A. Mm-hm.

24 Q. -- and that's where there's a declaration which is
25 standard at the end of these types of statements, and it

1 says:

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

6 That's something that you've signed and it's dated
7 11 March of this year; is that right?

8 A. That's correct.

9 Q. Is that still the position?

10 A. That's still the position. That's correct.

11 Q. So you can put that to one side or go back to the
12 beginning, it's up to you.

13 So I'll just start, 'Peter', just by going over your
14 life that took you to Kerelaw, because that's really
15 what your statement is about in principle, isn't it?

16 A. Mm-hm.

17 Q. You were born in 1953?

18 A. That's correct.

19 Q. I think you tell us about your background from about
20 paragraph 3. Initially, you had to leave school at
21 a young age because of a family tragedy and your father
22 passing away --

23 A. Yes.

24 Q. -- and your mother not having a widow's pension.

25 A. Because of her age.

1 Q. And you went and started as an apprentice electrician;
2 is that right?

3 A. That's correct.

4 Q. But then, later, you became a volunteer working with the
5 homeless, and that led to you working in Ireland and
6 England; is that right?

7 A. Scotland, Ireland and England.

8 Q. And I think you were lastly in Ireland up until about
9 1974 --

10 A. Yes.

11 Q. -- when things were difficult over there and you decided
12 to come back to Scotland?

13 A. Yes, that's correct.

14 Q. Then you tell us that you had a job at Douglas House and
15 that was a place where sort of single men -- was that
16 a halfway sort of house?

17 A. It was a -- well, it wasn't a former. It was what had
18 been a model lodging house, but it also had, in what was
19 the superintendent's house, the -- what was known as the
20 Part III accommodation, which was the precursor to the
21 Homeless Persons Act. But it closed when homelessness
22 transferred -- the responsibility for the homeless and
23 for people fleeing violence, domestic violence,
24 transferred from the regional authority to the district
25 authorities, and they basically decided it didn't fit in

1 with their plans for meeting their obligations under the
2 Homeless Persons Act.

3 Q. And was it at that time you were offered as a job as
4 a trainee social worker?

5 A. Mm-hm.

6 Q. And that was with the regional council?

7 A. Yes, it was essentially a secondment, so I could go to
8 college and get paid, rather than get by on a grant.

9 Q. I think you did go to Jordanhill, is that right, to do
10 a diploma?

11 A. I did do a diploma. In youth and community work, not
12 social work.

13 Q. That went on for two years, I think you tell us, and you
14 were working then, at the time, in evenings and holidays
15 at children's units and youth clubs?

16 A. Yes, basically, what happened was, because I was getting
17 paid I was only entitled to local authority workers'
18 holidays, so I didn't have the college holidays, other
19 than the statutory ones and a couple of weeks in the
20 summer, so I had to go and work within -- wherever the
21 local authority sent me and that, as you say, was youth
22 clubs and children's units.

23 Q. I think you tell us, 'Peter', about a few other roles
24 you had up until about 1987, when you applied for a job
25 opening at Kerelaw; is that right?

1 A. That's correct.

2 Q. And that was for residential care staff; was it a basic
3 grade?

4 A. Yes, yes.

5 Q. I think you say that you went along to this group
6 elimination interview. There was then an interview
7 panel and that led to you being successful and you were
8 told you could start immediately?

9 A. Well, I was told that -- I started immediately because
10 of staff shortages. Not everybody who was successful
11 started immediately. I started just before Christmas,
12 but the bulk of people came in after new year.

13 Q. So that was 1987?

14 A. That was 1987.

15 Q. That was the start of your career at Kerelaw?

16 A. Yes.

17 Q. And I think, as you say, once you started there you
18 found out there was massive staff shortages and they
19 couldn't get any temporary staff at that time?

20 A. That's correct.

21 Q. You then go on in your statement, 'Peter', to tell us
22 about Kerelaw. First of all, you kind of give us
23 an outline of the layout. There was the open school and
24 the secure school there, and we've heard about that in
25 the Inquiry.

1 The open school had the four units; is that right?

2 A. Correct.

3 Q. And the secure school, you tell us, had two units, which

4 you say later became three?

5 A. That's correct.

6 Q. There was also an educational block in the open school;

7 is that right?

8 And I think you tell us a little bit about the

9 secure part not always having been there and that that

10 came about in the mid-1980s or so.

11 A. It was certainly before I arrived and came after the

12 school -- I think the school opened about 1970, you

13 know, and it was -- the secure unit was built in the

14 grounds maybe 10/12 years or so, maybe more, later. But

15 by 1987 it was there.

16 Q. So a few years, perhaps, before you started, the secure

17 school had opened?

18 A. Yes.

19 Q. And I think you tell us that the secure part didn't have

20 an education block as such. It just had an education

21 department because everything was contained within the

22 one block?

23 A. Uh-huh. Although it did have more than one classroom,

24 more than one room in the secure unit, yes.

25 Q. And I think you tell us as well that before the focus

1 was -- became on exams at Kerelaw, it was really more
2 vocationally focused, with things like woodwork,
3 metalwork shops, and mechanic-type instruction?

4 A. The reason I and the people who were recruited at that
5 time was because there was a change. It went from being
6 a school with accommodation to becoming a social work
7 establishment with accommodation, with education
8 on-site.

9 So I think prior to that change taking place, it was
10 more geared towards vocation and that was reflected in
11 the staffing there. Not all the teachers were teachers.
12 Quite a few of the teachers, certainly when I arrived,
13 were in fact instructors. So woodworking, car mechanics
14 and what have you.

15 Q. I think you tell us -- this is going forward a little
16 bit to paragraph 16 -- that these four open units in
17 Kerelaw were quite distinct. You say that they each had
18 their own identity and they did things their own way.

19 A. Yes. There wasn't a lot of interaction between the four
20 units, within each unit. You sort of kept to
21 yourselves. You had your -- a dedicated team, you had
22 your own young people and you didn't really mix.

23 Q. You do say, though, 'Peter', there was an overarching
24 way for things to be done and then the units did things
25 their own way. So was there a theme running across the

1 four units?

2 A. Yes, obviously, you had to make sure that young people
3 were provided for, they were treated with respect, that
4 they got clothing. Things like clothing, things like
5 recreation, those monies were determined, you know,
6 across the school. So pocket money was determined and,
7 you know, how young people would be managed.

8 Although we had the young people resident, the
9 actual case managers were in fact the field social
10 workers. So you had to liaise with them and you would
11 advise them about what you felt was appropriate, but --
12 you know, in terms of leave and so on and so forth.

13 Q. So, from that point of view, was each open unit, as you
14 saw at that time, sort of run according to whoever was
15 in charge of that unit and what their views were?

16 A. Yes, they were autonomous and whoever was the team
17 leader, as they were at that time, would put their stamp
18 on it.

19 Q. Okay. You also say that there was, I think initially,
20 two or three day pupils for each of the open units, but
21 that wasn't working, and then a day unit was established
22 in the Fleming Unit.

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

24 Q. And you started in the open unit at Fleming Unit; is
25 that right?

1 A. Yes, I was there.

2 Q. And at the time you started, the manager, you tell us,
3 was KBU ?

4 A. That's correct.

5 Q. And he lived on-site?

6 A. Yes. At the top of the hill, beyond the secure unit,
7 there was a row of, perhaps, a terrace with maybe half
8 a dozen houses, maybe five. And that was a historic
9 thing, where you got a house if you were working in the
10 school. And there was a separate house, I suppose it
11 was like a gatehouse, that was known as the headmaster's
12 house. But the headmaster didn't stay there when I was
13 there, it was one of the teachers. But that was what
14 I think it had been originally.

15 Q. So, when you say one of the teachers stayed there;
16 was -- who would stay in these staff houses? Would it
17 be teachers or would it be residential care staff, or
18 would it be a mixture?

19 A. It was a teacher who was in what was known as the
20 headmaster's house. And then the other houses, I think
21 it was all care staff who were in it at that point. But
22 I also know from other -- because people who are there,
23 they would say the unit -- teachers who used to stay
24 there or stayed there when they first came. There was
25 also, at the end of each unit, at both ends of each unit

1 there were flats which had originally been for, I think,
2 what were called initially 'houseparents', and often if
3 somebody got a job there, then their partner would get
4 a job as a houseparent. And then they lived in these
5 flats, but there was nobody living in them by the time
6 that I arrived. That was an historical thing.

7 But it was in one of those flats in Fleming that the
8 day unit was established.

9 Q. Now, during your time there; did you ever become aware
10 of any older boys being moved into those flats you've
11 described in preparation for them leaving?

12 A. Yes, there was a number, you know. Not a great many.
13 There was a number. And also they would get used
14 because they had a domestic kitchen, because it was
15 somebody's home at one point. So you could use that for
16 cooking, you know, that sort of thing. And there was
17 a -- it didn't go very well, but attempts at decorating
18 it as an exercise, so that if you moved on you would
19 know how to -- well, you should have learnt how to paint
20 your house or whatever, but that wasn't especially
21 successful.

22 Q. The individuals who would stay in those flats, these
23 young people; would they be over 16, maybe up to the age
24 of 18?

25 A. I don't think as old as 18. It would be when they were

1 getting ready to leave, it was -- that was the start of
2 training. I think in the main they would be close to
3 16. Because in the main, when a young person hit 16,
4 they were moving out. It wasn't like today with The
5 Promise and the sort of extended support through till
6 you're 26 or anything. It was quite brutal. If you
7 weren't physically going to school, then, you know, they
8 would start talking about moving you on fairly quickly.

9 Q. What, at the age of 16?

10 A. Or whatever your school leaving age is, because if you
11 were 16 in the August, so you could be leaving at 15 in
12 the June because you wouldn't be coming back to school
13 if you were in a -- you know, a home.

14 Q. Thank you.

15 You then go on, 'Peter', to tell us about staff
16 structure. You say that when you arrived at Kerelaw SNR
17 SNR there was SNR.

18 A. Yes.

19 Q. And SNR was
20 SNR?

21 A. That's correct.

22 Q. The deputy head for education was Jim Hunter?

23 A. Correct.

24 Q. And LEF was SNR
25 SNR?

1 A. Correct.

2 Q. Then you also say there was SNR [REDACTED] for
3 a number of years, in both the open and secure unit,
4 when you were there, and they've named two males, two
5 individuals.

6 A. Uh-huh.

7 Q. And you tell us that as a basic grade worker, when you
8 started, you didn't have any contact with the senior
9 management team, except if something had -- is the way
10 you put it -- gone horribly wrong?

11 A. Yes, basically, I had no contact with it. In actual
12 fact, the SNR [REDACTED] were the only people who
13 actually physically came into the school when there was
14 an on-call. So during the day, obviously, Monday to
15 Friday, there would be managers in the school for
16 anything that needed to be done. But after 5 o'clock
17 until the following morning, there was a rota, and if
18 anything reportable, dramatic, somebody running away or
19 there had been an incident, you know, somebody hurt,
20 then you would notify them.

21 But both SNR [REDACTED] used to come round
22 and basically take a walk round the school, maybe about
23 9.30/9.45 and just basically get a feel for the place:
24 everything okay? Anything happening? Anything I need
25 to be aware of?

1 That sort of thing, you know?

2 Q. And also as a team leader -- you tell us later that you
3 became a team leader -- you had very little contact with
4 them during that time as well.

5 A. Yes, well, I think there was -- I think from some of the
6 senior managers there was an attitude that you shouldn't
7 be calling them; you should be dealing with it yourself.
8 Because as team leaders you worked a shift system, so
9 you were a duty manager who was physically present. So
10 your line, external line, was to them, but it was made
11 kind of clear that you should be sorting out your own
12 situation, consuming your own smoke, sort of thing.

13 Q. I think you go on to tell us later there was changes
14 in --

15 A. Oh, great changes.

16 Q. -- management and things became different. But, at that
17 time, when you started --

18 A. Much less opaque.

19 Q. You also say you became aware of some relationships
20 between staff members, and you've told us about

21 [REDACTED] being SNR [REDACTED]
22 SNR [REDACTED] and she was in a relationship at that time with
23 LEF [REDACTED], who was SNR [REDACTED]?

24 A. That's correct.

25 Q. I think you say that she was redeployed and someone

1 called Graham Bell then came in SNR [REDACTED]

2 SNR [REDACTED]?

3 A. That's correct.

4 Q. Did he come from Cardross Assessment Centre?

5 A. Assessment centre.

6 Q. And [REDACTED], I think you say, was [REDACTED]

7 [REDACTED] by [REDACTED]?

8 A. Yes, what happened was [REDACTED] was ill and my guess is he

9 got early retirement. And then [REDACTED] came down

10 from social work headquarters, and that must have been

11 around 1996ish because it was just when local government

12 reorganisation was taking place.

13 Q. I think you say that at one point Graham Bell left

14 because he went to Kibble SNR [REDACTED]?

15 A. Mm.

16 Q. And I think you comment that you didn't think he'd get

17 the job there because he didn't have a teaching

18 background.

19 A. Yes. He was the first, I think, in a List D or a List G

20 school, as they were, I think he was the first

21 non-teacher to ever get that. He quickly became the

22 chief executive.

23 Q. And [REDACTED] Graham Bell [REDACTED] KAB [REDACTED]?

24 A. That's correct.

25 Q. And you say that she [REDACTED] the foundation that

1 Graham had created and she was someone that you are
2 quite complimentary of in your statement?

3 A. Uh-huh.

4 Q. She had some fabulous ideas, you say, and she was really
5 into promoting staff interests and being more
6 child-centred?

7 A. Very much so.

8 Q. And was that something you liked about her?

9 A. I liked that. Maybe -- I think what she got wrong was
10 the pace of change and she wasn't always taking people
11 along with her.

12 Q. Yes, I think you go on to tell us, 'Peter', that the
13 changes, the ideas she had, she was trying to do
14 overnight.

15 A. Uh-huh.

16 Q. And there was a lot of conflict?

17 A. Uh-huh, yes.

18 Q. And you comment -- and this is at paragraph 25 -- that
19 you don't remember any time when the senior management
20 team were all working in harmony?

21 A. That's correct.

22 Q. That's the sort of description you give?

23 A. Yes.

24 Q. And you've talked about the fact that these
25 establishments had this sort of teaching background.

1 You go on later, at 27, to tell us that teachers were
2 firmly embedded in Kerelaw. I think the view seemed to
3 be that the teachers, I think you thought, thought they
4 were better than the care staff or the residential care
5 staff?

6 A. Yes, and some of them would tell us.

7 Q. So there was a sort of divide, from that point of view?

8 A. Yes. I mean, what you had among the care staff was in
9 most -- in many, many cases, an unqualified staff group.
10 Whereas they saw themselves as, you know, professionally
11 trained, which they were. So that disparity, they felt,
12 gave them more authority.

13 LADY SMITH: It wasn't until the 21st century that the care
14 staff had to get a qualification?

15 A. Yes, SVQs and HNCs, but that was more to, I think --
16 I don't mean more to meet registration. But, in order
17 to be registered and continue in employment, you had to
18 have evidence of practice, which essentially is what
19 an SVQ is.

20 LADY SMITH: Mm-hm.

21 A. And if you got an HNC, your HNC wasn't worth anything
22 unless you also had the SVQ to evidence --

23 LADY SMITH: Of course, of course. Yes.

24 A. -- your previous practice.

25 MS FORBES: So that became work-based qualifications --

1 A. Yes.

2 Q. -- had to be obtained.

3 A. Mm-hm.

4 Q. Looking at this time period that we're talking about,
5 'Peter', you say -- this is at paragraph 27 -- that
6 there had been an influx of staff because there was this
7 situation that if you were an incoming worker, you had
8 a right to a house in the new town of Irvine; is that
9 what was happening at that time?

10 A. That was happening just a little bit before me. The
11 major reason why there was so many people starting
12 alongside me was there was changes in the staffing
13 ratios. So, therefore, historically, when I first
14 arrived, the rota was three people between two units.
15 So you would have two people in one unit and one in the
16 other. That was brought up to two.

17 Now, that was getting addressed through overtime or
18 speedy recruitment, so that was why that was there. And
19 I think similarly on the night shift, they were
20 single-shifted in each unit, but that then went up to
21 two in each unit and, in addition to that, you had
22 a night care coordinator -- I think was the actual
23 title -- who looked after the night shift, if you like.

24 So I don't know about doubling, but there was --
25 certainly the staffing on the care side probably

1 increased by at least a third.

2 Q. When you first started; what was your title that you
3 were given in this basic grade?

4 A. Residential care worker.

5 Q. And was that the number you were saying; there were two
6 initially and it went up to three?

7 A. No, it was -- there was three between two units and it
8 went up to two in each unit.

9 Q. Then, above you, you've talked about this SNR [REDACTED],
10 [REDACTED] SNR level of management; would that be the person
11 who was directly above you?

12 A. When I was a team leader, yes. But, when I was a basic
13 grade worker, there was a team leader, who was, if you
14 like, on the floor in the units, but also met weekly
15 with the senior management team.

16 Well, maybe not the senior management team, but with
17 whoever was responsible for the open school or the
18 secure unit, depending which section you worked in.

19 LADY SMITH: Did I pick you up correctly in saying that at
20 first there were three residential workers between two
21 units?

22 A. Yes. So there would be six on duty for the four units.
23 That was what the rota said. But, by the time
24 I arrived, there was two in each unit because there
25 were -- and they were filling that, until folk like me

1 arrived, with overtime and -- well, with overtime.

2 LADY SMITH: When it was three for two --

3 A. Mm-hm.

4 LADY SMITH: -- were two of the three specifically allocated
5 to units with one of them floating or what?

6 A. No, there would be -- it was very, very brief that I was
7 part of this. But there would be two in -- the two
8 people who worked in the unit would be on. The rota was
9 such that you would have two people rota'd for here and
10 one person rota'd for there. So you would never really
11 be out your own unit, unless you were called upon.

12 LADY SMITH: Right. Thank you.

13 MS FORBES: Was there something called a unit manager as
14 well?

15 A. No. What happened was, as part of the whole
16 reorganisation when the staff came in, some years
17 afterwards the team leaders' post was a post that
18 existed from the List D days. We did -- we argued we
19 did the same job as a unit manager did within Glasgow or
20 within Strathclyde at that time, and I think that took
21 maybe two or three years to sort out before we got
22 parity.

23 But team leaders and unit managers were, in essence,
24 the same thing. And in actual fact I think I just went
25 from one to the other. I don't actually remember if

1 I had even been -- I think it was just because I'd been
2 doing it for two or three years I just morphed into the
3 new one and got a rise, and a lot of back money.

4 Q. 'Peter', you tell us one of the things you learned quite
5 quickly -- this is at paragraph 29 -- was that teachers
6 still ruled and they could instruct almost anything, and
7 that included instructing care staff to take boys out of
8 classes and staff just accepted that.

9 A. Yes, what would happen is, they would phone down and
10 say: [REDACTED] has just been very disruptive, come and
11 take him away.

12 Q. And even if it was thought it wasn't merited, their
13 say-so would go?

14 A. Yes.

15 Q. You also comment, 'Peter', that there was a total
16 absence of trust that anybody seemed to have in the care
17 staff?

18 A. If I've said 'total', and I accept I probably did, yes,
19 many of the people didn't really rate us other than
20 fetching and carrying.

21 Q. You talk, as well, about something that you found to be
22 bizarre, which was that phones could only be used within
23 the campus. So, if you wanted to make an outside call,
24 you had to go through operators in the campus office?

25 A. Yes. You would basically have to phone the campus

1 office and say: I want to phone a social worker in
2 Govan.

3 And then they would make the call, and then they
4 would phone down and say, 'That's social worker A on the
5 phone for you'.

6 Q. And you comment that was difficult, especially on
7 a Monday morning then, because it would be so busy to
8 try to contact social work offices to find out how the
9 weekend had gone for the young people?

10 A. Yes.

11 Q. Is that the weekend when they would go home?

12 A. People would be home at the weekend, so you would be
13 phoning them to say somebody has had a good weekend.
14 When he was picked up his mum was saying he had been
15 okay, or otherwise. But so you would phone in on
16 a Monday and just basically give a report on how things
17 had gone.

18 Q. And it seemed to be the reasoning behind it, that if
19 they gave you free access, then you would overuse the
20 telephone.

21 A. That was it. Because what would happen when the office
22 was shut, part of your duties as a duty officer, as
23 a team leader responsible for the whole campus, if you
24 like, you would be -- folk would say, 'Can I get a phone
25 call?' and you would go up to the office and phone it

1 and then transfer it down. I think it was Graham Bell
2 that put an end to that. So I can't remember when
3 I said to that -- and we got free access, and I don't
4 think the bill was very much.

5 Q. I think, in a practical way, for the children to keep in
6 touch with their families, that also made it quite
7 difficult?

8 A. Yes.

9 Q. You comment, 'Peter', that Graham Bell arriving, [REDACTED]
10 [REDACTED] KAB, that Graham Bell was like a breath
11 of fresh air to you?

12 A. Very much so.

13 Q. He seemed to have a totally different attitude to what
14 had gone before him?

15 A. Yes, I think he was younger and he was much more
16 child-centred, and, yes. Saw some of the things, the
17 practices were just unnecessarily, you know, obstructive
18 to good care. Things like, you know, if a young person
19 wanted to contact their parents and that was deemed
20 appropriate in their care plan, you could spend a lot of
21 time getting that organised, rather than just: can
22 I come in and get a phone call?

23 Which is what subsequently happened.

24 Q. He asked you to take on supervision and support of the
25 night staff; was that when you'd been promoted to team

1 leader or was that when you were still at the lower
2 grade?

3 A. No, I was team leader.

4 Q. So you were team leader by that point?

5 A. I was team leader by that time.

6 Q. I think was that acting team leader in 1988, you
7 became --

8 A. I was certainly acting team leader and 1988 is probably
9 right.

10 Q. So within a year, really, of you starting?

11 A. A year or so, yes.

12 Q. Then you formally became a team leader, I think you tell
13 us, in 1989.

14 I think you say when you were asked to take on that
15 supervision in support of the night staff, prior to that
16 they hadn't had supervision?

17 A. Yes, they didn't -- I didn't supervise all of the night
18 staff; I supervised the night staff that were allocated
19 to the boys' units.

20 In the four units, by that time you had two girls'
21 units and two boys' units, so the bottom half of the
22 campus where the boys' units were, it was those night
23 staff.

24 Q. 'Peter', you say by this time you are working in
25 Millerston. So you moved at that point to work in

1 Millerston?

2 A. Uh-huh. I actually was very briefly -- I think I must
3 have moved within six months from Fleming, because by
4 that time all of the staff who had been recruited when
5 I was recruited were finally in place, and then there
6 was a big reorganisation, if you like, and there had
7 been -- so lots of people were moved about.

8 And also the two girls' units had initially been
9 co-educational, and that hadn't worked out particularly
10 well. So they were moving into a situation where you
11 had two girls and two boys and, roughly speaking, the
12 ratio would be, if it was a girls' unit, there would be,
13 I think, four female staff and two male staff, plus
14 a team leader. And it would be the reverse in the boys'
15 units, you would have four male staff and two female
16 staff.

17 Q. You tell us, 'Peter', that when you went to Millerston,
18 that the team leader at that time, when you were still
19 at the basic grade, was KAM ?

20 A. That's correct.

21 Q. But, once you became team leader there, Graham asked you
22 to look at the night shift and try and change cultures.
23 And I think you were to look at both the Millerston and
24 Fleming Units to try and change the cultures there and
25 soften it.

1 A. Yes. I don't know if it was ever actually announced
2 that that's what I was doing, you know? But, yes, that
3 was -- what happened was, the way the shift rota worked
4 was you went from a late shift onto an early shift. So
5 what happened was, there was some staff quarters in the
6 admin corridor and -- so there was like a couple of
7 bedsits sort of thing. And there was maybe -- at any
8 given time, there was maybe about four or five, maybe
9 six people, who lived far away.

10 So I would have been -- if I had driven home the
11 back of 10.00, I would be getting in the back of 11.00,
12 and then I would be getting up at the back of 6.00 to
13 come in. So you could do sleepovers.

14 And because I lived in Glasgow I did quite a few
15 sleepovers. So, therefore, you know, if you're hanging
16 about, you know, why not make it useful, in that --
17 I'm not going to say it was covert, but it was soft
18 stuff. And also to get a feel of what was happening on
19 the night shift, you know?

20 Q. Was there a concern about what was happening on the
21 night shift?

22 A. Not a concern about the night shift as such. But there
23 was a concern the fact that we were putting into place
24 formal supervision structures for everybody else, except
25 the night shift, and they were the people who were,

1 like, on their own most of the time. So it was to try
2 and address a deficit like that, rather than there's
3 lots of bad things happening on the night shift.

4 Q. And so it wasn't the case that you -- as part of your
5 supervision of the night shift, it's not the case that
6 you were doing night shifts --

7 A. No.

8 Q. -- on a rotational basis? It was just the fact that you
9 would be their line manager; is that what would happen?

10 A. It wasn't even as formalised as that. They didn't
11 really have a line manager. It was more about soft,
12 just, if you like, management would be hanging about.
13 You'd talk to people, you'd talk through -- and the big
14 problem for the night shift is the kids went up -- so
15 downstairs you had the living units and then upstairs
16 you had the bedrooms.

17 So by the time the night shift came on at 9.45,
18 young people would be up the stairs in their rooms. So,
19 essentially, what the night shift -- by that time there
20 was maybe two on in each unit by that time -- is that
21 one would go along with a member of day staff and just
22 check that in every room there was a person, and the
23 other one would be with the other day shift person
24 getting sent: this is the shift we've had, this is
25 what's happening. Somebody had a phone call from their

1 mum and they're a wee bit down. Somebody's found out
2 they're not going out on leave.

3 Just to give them an idea of how settled or
4 otherwise the unit was and maybe some people they should
5 keep an eye out for.

6 Most of the night shift responded to that. There
7 were some people who saw their -- because I think they
8 had initially been night watchmen, I think was -- in the
9 List D days. So it was about trying to change that,
10 that they were actually part of the team. They were
11 part of it, but they saw themselves as a distinct group.

12 So it was more to softly try and introduce ideas and
13 notions of expanding beyond being a night watchman.

14 Q. And I think you say that then these night care
15 coordinators came in?

16 A. Yes.

17 Q. When was that?

18 A. That was when all the staffing was finally settled and
19 up to a similar sort of -- a similar complement to that
20 which would have been in the children's units in Glasgow
21 or across Strathclyde. I guess at that time it was
22 still Strathclyde.

23 So late 1980s, might even have touched the early
24 1990s before that was finally in place. Because they
25 were acting up for a period. There was -- a couple of

1 people were appointed to act up, and they both came from
2 within the existing night shift team.

3 Q. So when that came into place, I think you say that they
4 were essentially a unit manager for both the open school
5 and the secure unit at night?

6 A. Yes, yes.

7 Q. And so that would be in addition to the two night staff
8 that would be in each of the units?

9 A. Yes. And three staff in the secure unit. Three night
10 staff in the secure unit and then eight in the school.

11 Q. You tell us, 'Peter', about your involvement with
12 recruitment. This is from paragraph 36. You say that
13 you were involved in interviewing and recruiting staff
14 quite quickly after you became a team leader.

15 A. Mm-hm.

16 Q. Then, when it became more formal -- the recruitment
17 process became more formal, you were one of the people
18 who sifted the applications and shortlisted people for
19 interview?

20 A. Yes.

21 Q. But I think you tell us about a time or period when
22 about a third of the staff in Kerelaw were either
23 temporary or acting up.

24 A. Mm. Yes.

25 Q. Was that in the late 1980s, as you've talked about or

1 was that --

2 A. No, I think that was a bit later. And I think that's
3 when the -- I think that would have been around the
4 changeover from Strathclyde to the councils. So, when
5 Strathclyde disintegrated, I think the local authorities
6 found it very hard economically. So we weren't allowed
7 to recruit permanent posts. So we had -- yes, I think
8 it probably was -- if somebody comes back and says it
9 was almost 25 per cent, I couldn't argue with them. But
10 it felt that everywhere there was either, you know,
11 temps or acting up. And sometimes the temps had been
12 there a couple of years.

13 Q. You talk about there being deputy unit managers as well
14 as unit managers by that time. But, again, a lot of the
15 time those posts were either not filled or filled by
16 temporary people, who were acting up?

17 A. Yes, and one of the knock-on effects, if someone became
18 a deputy unit manager they would get that on a temporary
19 basis, but, given that they were -- I think without
20 exception -- recruited from within the existing
21 workforce, that then left a hole on the basic day rota
22 to be filled.

23 Q. So there was a knock-on effect?

24 A. So there was a knock-on effect, which amplified how many
25 folk there were not in full-time contracts.

1 Q. And, 'Peter', you also say that if you did have
2 temporary staff working there was this issue about not
3 having them work for more than 13 weeks, to try and
4 avoid the situation where they would get employment
5 rights?

6 A. Yes, I think it was fair to say there was constant
7 conflict between the school and HR. I think it might
8 even have just been personnel at that time. It wasn't
9 HR. Because if you went past the 13 weeks, you then got
10 to say you had employment rights and such like. But,
11 you know, with holidays, sickness and everything else,
12 you couldn't always oblige with making folk take the
13 holidays they'd accrued in those 13 weeks, which then
14 broke their service, which then meant -- they would go
15 on holiday and come back and it would be a rolling
16 contract.

17 I have to say I didn't really agree with that.
18 I think if folk are working, then they're working and
19 entitled to the protections, but HR saw differently.

20 But, in fairness, they also saw the difficulties we
21 had, because you didn't have anything extra that you
22 could backfill with.

23 Q. And there would be volunteers, you tell us, 'Peter', and
24 these are people who were coming along to sort of get
25 an idea of what it was like to -- Kerelaw, and then also

1 to see, perhaps, if they could be taken on temporarily
2 thereafter.

3 A. Uh-huh, yes.

4 There was a period where there was also seasonal
5 staff, you know? So, therefore, people from --
6 I suppose becoming a volunteer was an extended interview
7 session, you know? I don't think it was ever promoted
8 as that, but it did give you an idea, and if there were
9 volunteers you would ask people: what do you think of
10 them? And that would determine whether they ever
11 graduated into becoming a full-time, either temporary or
12 full-time.

13 Q. That became a route to obtaining a job at Kerelaw; is
14 that right?

15 A. Yes.

16 Q. You would become a volunteer, you would then be offered
17 temporary work, and that could lead to a permanent job?

18 A. Yes.

19 Q. Was a lot of this by word of mouth with people who knew
20 each other who were already working at Kerelaw?

21 A. Yes, and what would have happened, probably about May
22 time, is the deputy heads would be saying: look, summer
23 holidays are coming up, we're going to be looking for
24 temps; do you know anybody that's interested? Tell them
25 to get in touch.

1 I know that proper sounds crazy, saying that, you
2 know, now, 20-odd years later. But, yes, that's just
3 how it was done.

4 Q. There would be no references, I think you tell us. It
5 would just somebody saying somebody they know would be
6 good, and there was no vetting at that time either?

7 A. Certainly not for those temp jobs, no.

8 Q. As a result of that, 'Peter', you tell us that you had
9 to be a little bit careful when you were asking about
10 somebody because somebody could be related to someone or
11 gone to school with them or played football together?

12 A. Yes. All of the above.

13 Q. And you comment that the number of footballers or
14 ex-footballers that worked at Kerelaw was unbelievable.

15 A. Yes, it was a feature of the staff group.

16 Q. You do say that there was, I think, a teacher from one
17 of the local schools who may well have been involved in
18 having a connection with Kerelaw and football that
19 resulted in some of that.

20 A. Yes. It was a local gym teacher, who I think it was as
21 simple as he was friendly, with one of the -- none of
22 the senior managers who were there when I was there --
23 but previously -- and that was just -- he would refer
24 people up there and that was something that just kind of
25 rolled on.

1 Q. Also, 'Peter', you say that in the early days of Kerelaw
2 it was all about control and diversion, and the major
3 form of diversion was going up to the fields at Kerelaw
4 and playing football with the kids?

5 A. Yes, yes. When I started, the allocation, what was
6 known as rec, recreation monies, was something like £4
7 a week, which -- so, therefore -- Monday to Thursday --
8 there was one minibus in the school, so each unit had
9 a night at the -- for the bus, so you would plan
10 accordingly. And there was one video recorder in the
11 school as well, so two nights you would be in the unit
12 entertaining yourselves. One night you would go on
13 a trip, and one night you would have a use of the video
14 recorder. So that meant you had to get a video, a tape,
15 a couple of tapes, and get people in to, say, the
16 swimming in Paisley, or the Magnum or wherever, and
17 because you were out later, get a bag of chips on the
18 way home because you wouldn't want to be making supper
19 when you came back from a trip. So, at £4 a head, it
20 was -- you had to be very creative.

21 Q. Now, you go on, 'Peter', to tell us about training. You
22 say that when you started there was no formal training,
23 it was essentially learning on shift.

24 A. Yes.

25 Q. And that was from somebody that you learned from,

1 whether they were good or bad?

2 A. Yes, just whoever your shift partner was.

3 Q. But, when **KAB** came along, you say you went to

4 Glasgow University for a pilot course in the Advanced

5 Certificate of Residential Childcare?

6 A. Yes, and that was only open to the unit managers.

7 Q. So, by that time, you were a unit manager?

8 A. By that time I would have been a unit manager.

9 Q. And I think you tell us that when you were on that

10 course there were a lot of people there from various

11 other different residential schools in Scotland.

12 A. Yes, yes.

13 Q. You say that you also helped **KAB** with some training.

14 You say you would call it evidential training, and that

15 was participating in provoking discussion and that sort

16 of thing.

17 A. Yes. I mean, I was very, very much a minor sidekick.

18 But **KAB** would arrange training. She would hold it in

19 one of the canteens of the units and she would try and

20 get people to understand trauma, the backgrounds people

21 were coming from, and what your role, what your function

22 was. But that wasn't training -- it was training, but

23 it was voluntary.

24 So one of the things was that if you have

25 a temporary contract you made sure you went to the

1 training. But, if you already had been there for
2 a while and had a full-time job, unless you were very
3 keen you wouldn't bother.

4 Q. I think you say in relation to **KAB** you saw her as
5 being someone who was a brilliant communicator. But,
6 when it came to actual direct management, she was
7 somebody who wanted things done immediately --

8 A. Yes.

9 Q. -- and lacked diplomacy?

10 A. Yes, that's fair to say. And I think she also had very,
11 very high expectations of staff, which in itself is not
12 a bad thing. But her expectations would go beyond, if
13 you like, what people were contracted to do. A major
14 source of conflict between her and the night shift
15 was -- by that time we had fixed -- the night shift
16 workers in Millerston were the night shift workers for
17 Millerston, so they were part of the team. But because
18 team meetings were held, like, at 2 o'clock on a Tuesday
19 or a Wednesday afternoon, which was the days when all
20 staff were in, and that was (indistinguishable) for team
21 meetings, but also you would try and schedule young
22 people's reviews for those days. Partly so you weren't
23 incurring overtime, but also you weren't taking people
24 off the floor from supervising young people while
25 somebody was in a review, giving reports and so on and

1 so forth.

2 But, with the night shift, you know, they worked
3 a week on, week off. So **KAB** was trying to get them in
4 and to come in during the day. So what they were
5 pointing out is that if I was asked to go in on my day
6 off I would claim overtime. And to ask them to come in
7 when it was their seven days on, it would be like asking
8 me to go to training at 3.00 in the morning and then
9 expecting me to be back on shift at 7.30.

10 So that -- caused a conflict. I think some
11 people -- I don't mean used it, but I think it suited
12 some people to make that argument, so they didn't need
13 to participate in the training. But it did make it
14 difficult to include the night shift in the changes, the
15 way the school needed to develop.

16 And this was at a time when there were plans to
17 relocate Kerelaw closer to Glasgow. So, you know, it
18 had a -- she had an eye to the future, if you like, you
19 know?

20 Q. You also say that **KAB** carried out some kind of child
21 protection training. But, again, this was a sort of
22 opt-in and not mandatory?

23 A. It was also a bit ad hoc. And it wasn't child
24 protection training in that staff in Kerelaw would do
25 child protection investigations, but it was more about:

1 what is child protection? What should -- so 'child
2 protection' is perhaps the wrong way to put it. It
3 would be about protecting children, rather than child
4 protection, because child protection in social work
5 means something quite specific and there's certain, you
6 know, formulistic ways of doing the child protection
7 investigations. So I think it was, you know ...

8 Q. I think you go on then, 'Peter', to tell us a little bit
9 about the fact that you started off in Fleming Unit and
10 moved to Millerston, where your team leader was
11 KAM . Then, later, when you moved up, it
12 became -- your line manager became Graham Bell.

13 Where did KAM go?

14 A. She moved into the secure unit as a team leader, but --
15 well, probably, yes, it would still be a team leader at
16 that time. Sorry, I'm getting my dates confused.

17 Q. Now, just a little bit out of sync, but later in your
18 statement, 'Peter', you tell us that you left Kerelaw
19 ultimately because you had a -- you got a promoted post
20 within Glasgow City Council; was that in 2001?

21 A. Yes, summer. Just the beginning of summer 2001.

22 Q. I think you say that there was a big reorganisation and
23 there was a temporary post for a principal officer. You
24 got that. And then, thereafter, substantive posts came
25 up to externally manage residential childcare services

1 in Glasgow and you applied for that and got that job?

2 A. The situation was, there was two principal officers
3 responsible for externally managing the children's units
4 within Glasgow. There was a proposal to extend the
5 number. So the incumbents had gone on to other jobs, so
6 they were acting posts and I think there wasn't a lot of
7 interest in them. Whereas when they advertised, I think
8 we then became a team of five residential service
9 managers. So the -- myself and another woman, who came
10 from fostering and adoption, who were the principal
11 officers, we subsequently became residential service
12 managers and then there was another, so it became a team
13 of five externally managing the units in Glasgow.

14 Q. And did you do that until you retired?

15 A. Yes.

16 Q. And when did you retire?

17 A. Technically, I was made redundant, because what happened
18 was they were moving into a different model, where
19 instead of having people covering -- externally managing
20 children's units, externally managing different people,
21 the team externally managing elderly care, externally
22 managing adult day care and so on and so forth, they
23 were amalgamating into one team. It was greatly
24 reduced. And I was 58, I think, at that time. And they
25 said that I could retire on my full pension, despite the

1 fact that I was two or three years away from that, and
2 take my lump sum and ...

3 Q. That's what you did?

4 A. I thought about it for a couple of nanoseconds.

5 Q. So that takes you to the sort of end of your career
6 within the kind of services?

7 A. Yes.

8 Q. But your time at Kerelaw was 1987 through to 2001?

9 A. Yes, so about 14 years. 13/14 years.

10 Q. And your roles were initially the basic grade, the
11 residential care worker and then unit manager or team
12 leader?

13 A. Yes, unit manager at the end.

14 Q. Now, just going back in time again, back to when you
15 were a team leader, I think at paragraph 53, 'Peter',
16 you tell us that when you were a team leader you were
17 responsible for about nine basic staff and the deputies?

18 A. Uh-huh.

19 Q. So would that be nine basic staff across the four units?

20 A. No, that was nine basic staff in each unit, and the
21 deputies, probably when -- that would be at the tail end
22 of me being a team leader, because by that time that was
23 just about the time we were becoming unit managers, and
24 then deputy unit managers came in at the same time,
25 again, to reflect what was the normal practice in

1 Glasgow.

2 Q. So you've gone from, I think, what you said before at
3 the beginning, which was two in one unit and one in
4 another, so now you have nine basic staff?

5 A. Uh-huh.

6 Q. And then the deputies coming in, as well as you as
7 a team leader?

8 A. Yes.

9 Q. So quite a big difference?

10 A. Oh yes.

11 Q. And was there a difference in the number of young people
12 that were being looked after within the units?

13 A. There was. It reduced.

14 Q. It reduced?

15 A. It reduced from when I first arrived.

16 When I first arrived, there were single rooms, but
17 the majority of them would have been shared rooms, and
18 at least in Fleming, at least in one room, three people
19 in one room. So it decreased dramatically.

20 Q. So, if you were to estimate, roughly how many young
21 people would have been in the unit when you started
22 compared to at the end?

23 A. It was probably around 15, and at the end it was
24 probably sitting, probably, 9, 10.

25 Q. In addition to that, I think you tell us that there

1 would also be a domestic and then, during the day, two
2 or three teachers who would be working their contractual
3 overtime.

4 A. During the day there would be a domestic, who would be
5 there, I don't know, say 9.00 to 4.00, something like
6 that. Maybe 9.00 to 3.00. But then some of the older
7 teachers who pre-dated the change from -- who pre-dated
8 social work taking over, they had as part of their
9 contract that they had to work a certain number of hours
10 a week in the units, and they also had to -- during the
11 summer holidays, they had to do something similar.

12 So each unit would have had -- I'm going to say
13 a couple of teachers allocated to them. I'm not sure if
14 that's exactly right. And that gradually went down as
15 people retired on the historical contracts, because the
16 new teachers, if you like, didn't have that.

17 And in fact I think at the very end, I think it was
18 mostly instructors who still had to do the contractual
19 overtime, but there were a couple of teachers as well.

20 Q. And, 'Peter', would those teachers be working different
21 shifts or would it predominantly be an evening or so
22 each?

23 A. Evening. Evening.

24 Q. I think you tell us there was a six-week rota, with
25 a mixture of lates and earlies with some mid-shifts, and

1 that straddled the whole team, as you've said, coming in
2 on a Tuesday and also a Wednesday?

3 A. Yes.

4 Q. But the night shift were a little bit different. But
5 they subsequently, as you've described, became more
6 attached to the unit and part of the team.

7 I don't know, my Lady, if that was it.

8 LADY SMITH: Would that be a good place to break?

9 'Peter', I normally take a short break at this point
10 in the afternoon.

11 A. Okay.

12 LADY SMITH: If that would work for you, we can do that now.

13 A. It's fine by me.

14 LADY SMITH: Okay, let's do that.

15 (3.00 pm)

16 (A short break)

17 (3.11 pm)

18 LADY SMITH: Welcome back, 'Peter'. Is it all right if we
19 carry on?

20 A. Pardon?

21 LADY SMITH: Is it all right if we carry on?

22 A. Please do.

23 LADY SMITH: Yes, Ms Forbes.

24 MS FORBES: Thank you, my Lady.

25 Just before we move away from the night shift

1 situation, 'Peter', I wanted to ask you a couple of
2 questions about your understanding of how many people
3 were working as night watchmen or night care workers.

4 So, when you first started in 1987; what was your
5 understanding of how many people were working on the
6 night shift in each of the units?

7 A. It was a bit like what the staffing was in the day
8 shift, as well. My understanding was there had been one
9 person in each unit, but because of the change of
10 regime, if you like, it was getting -- there was
11 a number of temporary night shift workers. In fact,
12 from the day shift, just as I was starting, a couple of
13 people from the day shift were moving from day shift on
14 to night shift to ensure there was two folk in every
15 unit. Again, that was a temporary thing, because when
16 social work had come in they saw that was a gap, and
17 I suppose there was safeguarding issues there, when you
18 just had the one person there. I think at that time --
19 well, you probably had about 60 residents, so, yes.

20 Q. So how quickly was it, then, from your recollection,
21 that it became two night shift workers on each unit?

22 A. Well, it was two. But when it -- and that was covered
23 by temps and by, as I say, people moving up. But it was
24 probably a couple of years before it formally was agreed
25 there was a -- because there was massive overspends

1 because of overtime and temps and so on and so forth,
2 which I think -- so there always were two, but they
3 weren't there formally for another two or three years
4 and it's -- the transitory nature of it changed.

5 Q. And those changes we're talking about; are they into the
6 mid-1990s or is it before then?

7 A. I would have thought not as late as the mid-1990s. It
8 might have went into the early 90 -- the final, if you
9 like, part of the jigsaw was the night care
10 coordinators, which probably was the -- you know, maybe
11 might have touched the mid-1990s, but I would have
12 thought early 1990s.

13 Q. Certainly by mid-90s your recollection is there should
14 have been two night shift workers on each unit and there
15 would also have been a night shift coordinator?

16 A. Yes, within -- yes.

17 Q. Okay. Thank you.

18 You tell us, 'Peter', about the fact that there
19 wasn't any appraisal system as such when you first
20 started, and there was little contact with senior
21 management, and it really was only when Graham Bell came
22 to Kerelaw that it was a much more care-focused
23 management system and changes took place. I think you
24 said initially, as a team leader when you started, you
25 would be supervising people who were in your unit, but

1 as it was further developed external assessors would
2 come in; is that right?

3 A. The external assessors, I think that was more to do with
4 SVQ. So initially when people were doing -- sorry,
5 Scottish Vocational Qualifications Level 3, which was
6 evidence of their practice, it was happening in-house.
7 So often you would be supervising your own staff. But
8 then it developed so there were people employed to be
9 assessors, and they would come in -- I'm going to say
10 from the local FE colleges. And then I think it
11 subsequently changed and it became -- I think it was
12 Glasgow City by that time, that they actually had a team
13 of SVQ assessors. And I'm trying to think.

14 There was then somebody above that who I think was
15 a verifier, you know, who looked at what they assessed
16 and verified that it did meet the standard.

17 Q. So there was a time when it was in-house, essentially,
18 but then that became external assessment and
19 verification to show that people were meeting the SVQ
20 standards that were required?

21 A. Yes. Essentially, how SVQ worked, there would be a list
22 of tasks, if you like, and it would be contact of
23 the social worker and gave a report on blah, blah, blah.
24 And sometimes I would see a log that said they had done
25 that, but then there was a certain amount of it that had

1 to be direct observation. So I would sit in the office
2 on a Monday morning and somebody would phone up and
3 I would then sign off that they had, you know, done what
4 they'd done, they had ensured confidentiality by having
5 nobody in the office and so on and so forth, you know,
6 and things like that.

7 Q. And did the external input come about after the 2000s?
8 I mean, you left in 2001, so it was before you left that
9 that was happening?

10 A. It was before I left. Before I left, yes. In fact,
11 before I went up to the secure unit, in fact.

12 So, I mean, that could possibly have been mid-1990s.

13 Q. I think you do tell us about going to the secure unit,
14 and we might come to that in a little bit.

15 But there was a time where you went to be -- was it
16 team leader in the secure unit?

17 A. No, by that time it was all unit managers. I'm going to
18 say it was the late -- it was 1998, maybe 1999 until
19 2001 that I was in the secure unit.

20 Ironically, the reason that we went up there --
21 there was a total change in the management structure of
22 the secure unit -- was because it was thought we had
23 done so well in the open school, which -- there's maybe
24 a certain irony there.

25 Q. But, in relation to policies, you tell us a little bit

1 about that, 'Peter', in your statement from
2 paragraph 61; that when you first started at Kerelaw
3 there were no written policies that you were aware of.
4 A. Mm-hm.
5 Q. 'You just have to know how to run the unit from those
6 with the experience and knowledge.'
7 A. Mm-hm.
8 Q. And the first time you saw any standard operational
9 procedures was when you went to the secure unit for the
10 first time?
11 A. Uh-huh.
12 Q. And, as you have said, that was in late 1998/1999?
13 A. Mm-hm.
14 Q. When you were a unit manager there, you've named
15 KBE as being SNR the secure unit?
16 A. Yes, he had SNR of the secure unit.
17 Q. You tell us that there were some books on things like
18 procedures like how to open the gate in a secure unit,
19 very mechanistic. But there weren't really policies on
20 how to develop things like writing up care plans or
21 completing logs?
22 A. Yes, that's correct.
23 Q. I think you tell us that there would have been policies
24 on childcare and child protection, but you don't know if
25 everybody would have had sight of them or how accessible

1 they would have been?

2 A. I think they became a lot more accessible because --

3 especially when people were doing, like, HNCs and doing

4 the SVQ stuff. The criteria was in essence distilling

5 that into breaking it down into constituent parts, which

6 you then had the evidence that you were doing.

7 Q. Then, taking that forward, 'Peter', you tell us there

8 were no policies on discipline or restraints until they

9 introduced TCI, the therapeutic crisis intervention,

10 which came around in the early to mid-1990s.

11 A. That's correct.

12 Q. You say that you all had to do the TCI training, and you

13 got manuals when you completed it?

14 A. Mm-hm. It was like a workbook, you know, that you used

15 on your training and that then became, if you like, your

16 reference point.

17 Q. You also say that you can't remember if there was any

18 standard operational procedures relating to things like

19 complaints and allegations against staff, or

20 whistleblowing or record keeping?

21 A. I don't remember there being anything written down.

22 That was the sort of thing that you would have discussed

23 in unit manager's meetings, which would have been held

24 with the depute responsible for whatever side you were.

25 I mean, so we would have had -- would have been

1 discussing complaints procedures, putting up boxes,
2 having forms available and such like. But I don't
3 remember it being written down.

4 And then what would happen is, we would take that
5 from the unit manager's meeting with the depute. You
6 would then go to your own team meeting and explain: as
7 of now we're going to be doing this. This is what
8 constitutes a complaint. This is what -- you know, and
9 break it down?

10 Q. You say that there was a children's rights officer for
11 Glasgow and you say that her name was Ann, but she was
12 on her own covering all the residential childcare
13 establishment and external placements in Glasgow, so she
14 wasn't there as much.

15 A. She would be there periodically. It wasn't just the
16 units in Glasgow. In theory, it was any establishment
17 that had a Glasgow child in them. So, like, if there
18 was a purchase placement, for example, she would have
19 been expected to cover that as well.

20 Q. You comment, 'Peter', that you can remember telling new
21 staff not to get involved in anything until they had
22 done their TCI training because they could make a mess
23 of it or get themselves hurt. When you say 'not get
24 involved in anything'; do you mean a restraint or
25 an altercation with a young person?

1 A. I was meaning primarily restraint, because there was
2 a certain way you had to do that.

3 But you would probably give them -- TCI is often
4 seen as a method of restraint. It's probably about
5 5 per cent of what TCI's about. It's about therapeutic
6 crisis intervention, and the key is on the intervention.
7 And an intervention shouldn't be your first port of
8 call. That's only when there's a danger to self or
9 others.

10 So it was about diversion, it was about turning
11 away. Something as simple, if you're the focus of
12 a young person's aggression, removing yourself from the
13 situation is probably the best thing you can do, and
14 leave it to somebody who's maybe on better terms or
15 isn't the focus of the aggression to maybe calm the
16 situation down.

17 Whereas sometimes you had to explain to people that,
18 you know, we're the big people, we're the adults in the
19 room, you know? This isn't a playground. And you
20 walking away from something isn't a bad thing. It's
21 probably the best thing you can do in certain
22 situations.

23 LADY SMITH: 'Peter', did I pick you up correctly in saying
24 TCI training became compulsory some time in the 1990s?

25 A. Yes. Yes, it would be the early 1990s it came in. It

1 was brought in from an American university. I can't

2 remember which one.

3 LADY SMITH: Was that for all staff, including night shift

4 staff?

5 A. Yes. Yes.

6 LADY SMITH: Thank you.

7 MS FORBES: And prior to that I think you've said you didn't

8 receive any training in restraint or alternatives to

9 restraint, if you like; is that right?

10 A. That's correct.

11 Q. We might come back to restraint in a little bit,

12 'Peter'.

13 A. Okay.

14 Q. But, just going forward in your statement, when you tell

15 us a little bit about the type of children you had

16 encountered in Kerelaw, you tell us, at paragraph 75,

17 that your view was that the biggest single reason why

18 young people from Kerelaw was poverty?

19 A. Mm-hm, yes.

20 Q. And children came there for things like truancy,

21 criminality, neglect, trauma, and through being a danger

22 to themselves or the people around them. And you do

23 comment, 'Peter', at paragraph 77, that you think that a

24 lot of the children that were there because of truancy

25 would probably be people that would be seen, perhaps, on

1 the autistic spectrum nowadays?

2 A. Yes. And I'm not being flippant when I say autism and
3 Asperger's hadn't been invented at that time. That's
4 something that came later. But, looking back at some of
5 the young people we had, and especially in those
6 situations, it was obvious that they weren't functioning
7 as other children would function and, looking back,
8 I kind of think: they were displaying traits that was
9 that ...

10 Yes, and that's why the day unit separated, if you
11 like, them away from the residential kids. And also, if
12 we did get people in on a residential basis -- and
13 I would have to say that was much more in the very early
14 days of my time there, because as time went on we
15 weren't getting those sorts of referrals, because
16 I think it was being handled differently. Kids like
17 that were getting handled differently within the
18 education system.

19 But that was obvious that, you know, they were
20 misplaced for a place like ours, because there were
21 young people that were involved in risky behaviours,
22 there were people who were involved in drug abuse, and
23 that is -- but that was something that changed over
24 time.

25 Q. I think you say -- this is a bit later -- there were

1 some young people there who had lost contact with their
2 families and were in Kerelaw for a long time as a result
3 of that. There was one case where the young person, you
4 remember, actually became a staff member and stayed on?
5 A. That's correct.
6 Q. He stayed beyond his leaving date and became a sessional
7 worker before becoming a full-time member of staff at
8 Kerelaw?
9 A. Yes.
10 Q. Looking at the age range, 'Peter', you tell us that the
11 youngest child you remember was about 12 or 13, and as
12 we've talked about, 16 or school leaving age would be
13 the time that they would leave Kerelaw.
14 A. Mm-hm.
15 That's correct, sorry.
16 Q. Now, you do tell us -- you've told us, sorry, 'Peter',
17 already about the fact that there was this minibus and
18 there would be some trips out and they would have to be
19 shared amongst the units.
20 At paragraph 92, you tell us there were occasions
21 when a single member of staff could take a child out of
22 Kerelaw?
23 A. Yes.
24 Q. Is that out from the open unit?
25 A. Yes, that was -- well, it could happen in the secure

1 unit, but it would be very different. But, yes, and
2 that was usually your key worker would take you out for
3 things like birthdays, you know, because you get
4 a present allowance. So you would go out immediately
5 after school and get choosing a meal, which was usually
6 a McDonald's.

7 Q. I think you say that sometimes could be used, as well,
8 as part of a TCI de-escalation?

9 A. Yes.

10 Q. Where you would take them out of the place, just to try
11 to calm things down?

12 A. Yes. It would also give you an opportunity, if you are
13 sitting having a Coca-Cola in the McDonald's, it's maybe
14 easier to talk than if you are in a more formal setting
15 in the unit. You can, you know, maybe explore things
16 and discuss things and pursue them.

17 In addition to the minibus there was also a van,
18 which was like a, you know, a -- it was like a Ford
19 Escort van, so that could also be used. So that would
20 be probably what you would use, rather than tying up the
21 minibus.

22 It's also in terms of, as time went on, I would
23 think by the early/mid-1990s each unit eventually had
24 a people carrier. So that changed. The four quid and
25 a night with a video was in the very early days, in the

1 late 1980s.

2 Q. The van that you've mentioned, 'Peter'; is that a van
3 that had a sliding door at the side to get in the back
4 or how would you get into it?

5 A. Very early on? Yes, yes, it would have had a minibus
6 with a sliding door. Yes, it did.

7 Q. And just on this point of taking children out of
8 Kerelaw, you tell us, 'Peter', that a member of staff
9 taking a child to their own home did happen. But,
10 later, that was stopped and it was a sort of legacy
11 thing that had -- when you started that had gone going
12 on and it continued for a while?

13 A. It continued for a while. And in fact I started, as
14 I say, just before Christmas, and actually I was working
15 Christmas Day. But, in actual fact, I don't think there
16 were any kids in the school because, in actual fact,
17 staff took them home. This had been arranged, you know,
18 that they would come and join in and that was something
19 that, yes, wasn't uncommon.

20 If you were out on a trip, say to the baths, or ice
21 skating or whatever, then calling in at someone's home
22 was not unusual.

23 Q. Okay.

24 A. That did change. That did change.

25 Q. You say 'someone's home'; do you mean a staff member's

1 home?

2 A. A staff member's home, yes.

3 Q. And there was no guidance, you tell us, given around
4 taking children out on your own, but there did come
5 a point when that was considered to be inappropriate?

6 A. Yes.

7 Q. It was stopped, and that was probably [REDACTED] KAB [REDACTED],
8 time?

9 A. Not [REDACTED], I think probably Graham Bell probably would
10 have been the person who said this wasn't on, and that.
11 Though there weren't some -- there was at least one case
12 where a young person had left Kerelaw -- this is a young
13 woman who had left Kerelaw -- that did maintain contact
14 with staff members for supports and suchlike. But that
15 was something that was agreed at a review and the family
16 was assessed, you know, her going and visiting them.

17 Q. I think you say that -- was that around 1996, when this
18 was sort of stopped?

19 A. I would have thought a bit earlier. I would have
20 thought early 1990s.

21 Q. Just going forward in your statement --

22 A. Yes, sorry, I've mentioned Chris, so it was pre-Chris
23 Holmes. It was certainly -- I think it was probably the
24 tail end of Chris -- Graham Bell, sorry.

25 Q. So that's your recollection about that just now?

1 A. Yes, yes. Yes, just because I'm saying that. It wasn't
2 happening when Chris was there, so it must have been
3 before that.

4 Q. I think you say that families could visit and they were
5 generally encouraged; was there a place that families
6 could visit with a young person within the unit?

7 A. Yes. We had a small lounge, and -- which meant they
8 were still within the body of the unit. But if it was
9 going beyond that, like, if it was something that became
10 more regular, I'd mentioned the end flats. They had
11 a kitchen and things like that. So you could let the
12 family and young -- and folk go in there, and that way
13 the young person could make their mum a cup of tea or
14 that sort of thing, you know?

15 But, initially, they would be, if you like, not
16 within sight, but within hearing distance of the body of
17 the unit, and you would know and discreetly, wander past
18 and keep an eye on them.

19 Q. So there wasn't a specific visitors' room per se?

20 A. In some way, that was seen as a visitor's room and if
21 a social worker was coming down to meet somebody they
22 could go in there, or the children's rights officer,
23 or -- it was only -- so you had a big lounge which had
24 a TV in it and then a small lounge that didn't. And the
25 small lounge would double all of those things. It would

1 also be sometimes where you would do supervision if the
2 kids were in school.

3 Q. And did -- and from your experience; do you remember
4 families coming to visit the young people often or what
5 was your impression of contact --

6 A. There were some families who would come very regularly,
7 and that was deemed as appropriate. It would depend on
8 what the care plan was. If the care plan was to get
9 them home and sometimes the families coming down would
10 be to see how they were with the young person or how the
11 young person was with them, and you could then send
12 a report to the field social workers and say: yes, they
13 seem okay, they seem better. It might well be
14 appropriate to consider them going home for longer
15 periods and suchlike.

16 Q. I think you go on to tell us a little bit about social
17 work visits, and we have that there, 'Peter', and we can
18 read that, so I'm not going to go through it.

19 I think you tell us after that there was
20 an inspection that you were involved, I think that was
21 before you left, in 2001, that was the Care Commission,
22 whilst you were in the secure unit?

23 A. Yes, that's correct.

24 Q. And the results of that were positive, generally?

25 A. Yes.

1 Q. However, obviously, you left after that and went
2 elsewhere, as we've discussed?

3 A. Mm-hm.

4 Q. And I think you're aware of the fact that later on there
5 was a subsequent Care Commission inspection, in 2004,
6 that wasn't very positive, and various investigations
7 that we don't need to go into, but that uncovered a lot
8 of issues in Kerelaw.

9 But certainly the one that you were involved in was
10 a positive response?

11 A. Yes, a positive response. And I would have to say the
12 things that were negative about it -- I mean, you can
13 have sight of it. It was things like the fact that the
14 secure unit didn't have its own commercial kitchen, and
15 that was one of the things that was getting remedied as
16 I was leaving.

17 So, historically, what would have happened is the
18 hot meals were prepared in one of the open school
19 kitchens and then they were taken up in insulated drums
20 and then dispersed through the three and served in the
21 units.

22 So what would happen latterly -- or what I know
23 happened was they then built a kitchen in the secure
24 unit, so an extension with a kitchen, and you came out
25 of the unit into a communal area. I think it had three

1 sittings. I wasn't there by that time, but I think
2 there was then three sittings and it went on
3 a rotational basis, whether you get first, second or
4 third sitting, you know.

5 Q. I think you say that during inspection, the lay people
6 inspectors spoke with the young people as a group, and
7 staff were at the door in the games room, just in case
8 there were any concerns. And you don't know if any of
9 the lay people inspectors actually spoke to any of the
10 young people individually at that time?

11 A. I don't. But they may well have.

12 Q. I think you tell us a bit about the living arrangements,
13 and we have talked about a bit about that, so we won't
14 go into that.

15 Just moving on to discipline and punishment, this is
16 paragraph 109, you tell us:

17 'Generally sanctions were the discipline used at
18 Kerelaw.'

19 That was denying home contact or leave. That was
20 the sort of ultimate sanction.

21 A. Yes, that's correct.

22 Q. So there was no corporal punishment at the time you were
23 there?

24 A. No.

25 LADY SMITH: 'Peter', can I just ask you about that?

1 Because we've had some evidence that many of the
2 children didn't want to go home.

3 A. That's correct.

4 LADY SMITH: Is that right?

5 A. Some people didn't want to go home. And one of the --
6 when you were trying to rehabilitate some young people
7 they were not keen on going home, partly because they
8 were having opportunities and they were having -- to put
9 it at its crudest, they were getting three square meals
10 a day and they were getting taken out for clothing.
11 Some of the houses that you visited would be Dickensian
12 poverty.

13 LADY SMITH: So how does saying to them: if you don't keep
14 to the rules we will impose a sanction of not letting
15 you go home work?

16 A. Well, except that what you would do is: if you don't
17 want to go home, you don't need to go home.

18 LADY SMITH: Well, I get that. If you are looking for
19 a disciplinary tool that should be a disincentive to
20 misbehaving, a disincentive to breaking rules; how does
21 it work if your sanction is not something that bothers
22 them at all?

23 A. Except if your sanction is: we will make you go home.
24 And I don't mean that flippantly. But I mean, yes,
25 you can stay, you can take part in the weekend

1 activities, you can do that sort of thing. I mean,
2 there was one particular young boy who got very involved
3 in the Ocean Youth Club, so we were able to almost use
4 that as an alibi, that he was up working on the boats at
5 Fairlie -- no, Inverkip, and that then meant -- but that
6 would be -- although we -- the ultimate sanction,
7 actually, didn't lie with the school. The ultimate
8 sanction actually lay with the field social workers
9 because they were the case managers.

10 So leave and family contact would be agreed at the
11 review. And you would be then -- so if you were phoning
12 the social worker to say, 'This is not working out
13 because of this', they might agree with you. But, if
14 you were saying, 'I'm not happy with the way somebody's
15 treating teachers' or suchlike, or behaving in class,
16 they might say, 'No, look, we need to get this boy home
17 come hell or high water', you know, we're going to --
18 and sometimes what would happen is that when there was
19 still home support and day care, IT, as in intermediate
20 treatment staff, they would work out a package for when
21 someone was at home, that someone would come and take
22 them out and develop them and work through process.
23 It's a contradiction, yes, I understand what you're
24 saying.

25 LADY SMITH: Yes, maybe a problem is thinking in terms of

1 discipline and punishment at all, as opposed to working
2 with a child to build on anything that's positive and
3 try to channel their mode of behaviour, their mode of
4 living, into that direction rather than straying.

5 A. I think we did try a lot of positive reinforcement, and
6 I think it's probably the question I was asked about was
7 the discipline and punishment.

8 LADY SMITH: It's probably our fault.

9 A. And that's how I answered it, because that's what I was
10 asked.

11 So sanctions could be you're not going somewhere or
12 it could also be -- but I like to think we tried more
13 positive reinforcement than negativity. In fact one of
14 the conflicts I would have had with some of my peers is
15 what they saw as softness I saw as a different type of
16 childcare.

17 LADY SMITH: Indeed. Thank you.

18 Ms Forbes.

19 MS FORBES: My Lady.

20 I think you tell us some things, like if there was
21 a planned trip out, that could be used to say that you
22 weren't going on that trip anymore. And if somebody was
23 prone to absconsions, I think you comment that this
24 didn't happen with you, but you were aware of persistent
25 absconders just being given slippers to wear as

1 a deterrent to them running away; is that right?

2 A. Aye.

3 Q. But that was not something that you were involved in?

4 A. Yes, also because, apart from anything else, it didn't

5 work, because somebody else would take an extra pair of

6 trainers up to the school and give them a pair of

7 trainers. It wasn't a -- it was, yes.

8 Q. 'Peter', I want to move on now to ask you about

9 restraint. We have talked about the fact that you did

10 this TCI training and you've mentioned that most of that

11 was really about deflection and redirection. But you

12 don't remember there ever being a refresher; is that

13 right?

14 A. No, I remember there being refreshers. I don't remember

15 me ever doing a refresher, and that was because the

16 priority was on making sure that care staff -- if I was

17 the unit manager of an evening, then the bulk of my time

18 would be covering the school rather than just my unit,

19 if that makes sense?

20 So the key was to make sure that basic grade workers

21 were -- now, in truth, I should also have had it

22 because, apart from anything else, I was doing the

23 debriefing with the people that did it. So I had to do

24 it.

25 Q. So this is the debrief after a restraint had been

1 carried out?

2 A. Yes, yes.

3 Q. So there were refreshers available, but you don't
4 remember undertaking one yourself, I think you said?

5 A. I think I probably did one after the original. I did do
6 one after the original. I do remember being in the gym
7 for one, but that was probably over a ten-year period.
8 I should probably have done about four.

9 Q. But you comment, 'Peter', that before the TCI came in
10 that you don't remember there being any need for
11 restraints?

12 A. I don't remember restraint in the way -- in terms of
13 TCI. I do remember that if there was an argument,
14 an altercation between a couple of young people, the way
15 you worked it was basically getting in between them and
16 sort of blocking them and affording them, if you like,
17 a way out of the situation, either by instructing:
18 right, just leave us.

19 You know, putting -- not quite putting somebody out,
20 but telling somebody to go and maybe the other member of
21 staff shepherding them away and getting the other person
22 to sit down: right, what was all that about? Sort of
23 thing, you know. I don't actually remember ever
24 restraining anyone before TCI came in, and I don't
25 remember witnessing restraint prior to TCI coming in.

1 Q. Prior to TCI training coming in?

2 A. Yes.

3 Q. I think you comment, after that, that thereafter you

4 didn't ever see excessive restraint?

5 A. I didn't.

6 Q. So you didn't see restraint take place that in your view

7 was excessive, whilst you were at Kerelaw?

8 A. I don't think I ever saw a restraint that was excessive.

9 I think I did see, and subsequently spoke to people,

10 that maybe they went into restraint sooner than I would

11 have determined necessary.

12 Q. So would that have been not using the 95 per cent of the

13 TCI training, which was about deflection?

14 A. Yes.

15 Q. And alternatives to restraint?

16 A. Yes.

17 Q. You do mention, 'Peter', that there were some secure

18 staff that had been previously trained in pain

19 compliance, and you comment that some of them had

20 forgotten that you weren't supposed to be doing pain

21 compliance?

22 A. Yes. I mean, I understand -- it wasn't just secure unit

23 staff; it was also some of the teaching unit staff had

24 also been taught the pain compliance techniques.

25 Again, I think that was immediately before the

1 changeover from List D to social work.

2 Q. So when you say some of them had forgotten; what do you
3 mean by that? Was that in the way that they were
4 behaving?

5 A. Yes, just attitudinally, they would talk about --
6 I suppose they would have been critical of TCI in the
7 main.

8 Q. But in respect of you witnessing anything that they were
9 doing?

10 A. No, but I did have discussions with people who thought
11 pain compliance -- or actually some of the teachers,
12 because the pain compliance training hadn't actually
13 filtered down to the open school by the time it was due
14 to -- it had become history. So it was the secure unit
15 in the first instance, and some of the teachers.

16 LADY SMITH: Was it quicker to use pain compliance restraint
17 than TCI?

18 A. Well, I don't know. But, from what I understand from
19 what they said, yes, because you get an immediate
20 response. But I never saw it actually in action with
21 any young people, being used on any young people.

22 But by its nature -- it was developed for,
23 basically, people who were in, you know, a mental
24 hospital. You know, it was -- you know, it was
25 a different environment and people's heads were in

1 a different place.

2 LADY SMITH: Thank you.

3 MS FORBES: 'Peter', I just want to now go on to ask you
4 about some searching, something that you tell us about.
5 At Kerelaw, when you were there, if you had a concern
6 about a young person having anything like contraband,
7 you would look in bags and give a pat-down on their
8 return from leave.

9 A. Mm-hm.

10 Q. But, in relation to a full search, that wasn't something
11 that you would carry out; is that right?

12 A. It's not something that anyone in Kerelaw should have
13 been carrying out.

14 Q. And you would contact the police if there was a real
15 concern?

16 A. If there was a serious concern. And that concern might
17 be -- well, soft and hard information that may have come
18 from the area team that they were, perhaps, coming from
19 a -- if they had been out on leave they were coming from
20 a household where there were drug users in or about it,
21 there would be question marks as to whether they were
22 participating and joining in, and that was it.

23 I mean, I can remember in the very early days,
24 looking in the late 1980s, you would be, you know,
25 getting reports that young people had been drinking and

1 by the late 1990s, I mean, it was heroin you were
2 concerned about. And you weren't actually telling young
3 people to go out and drink, but you were basically
4 saying: keep away from that, stay in your bedroom, play
5 the PlayStation. Your mum says you're having a can of
6 beer, I can't sanction that, but that's a lot better
7 than getting involved in what's happening elsewhere.

8 And that was in a ten-year period that I was
9 concerned about cigarettes and alcohol and was then
10 involved in heroin. It happened really, really fast,
11 that change.

12 Q. The landscape changed during that time?

13 A. Yes.

14 Q. I think you tell us that there were never any occasions,
15 as far as you were aware, where staff should be
16 conducting full-body searches or strip searches
17 themselves?

18 A. Yes.

19 Q. Now, 'Peter', the Inquiry has heard evidence about boys
20 returning from leave at Kerelaw having to strip naked,
21 be given a towel and do star jumps in the unit manager's
22 office, and that was something that happened in the
23 Millerston Unit and happened in other units as well. It
24 was an instruction that was given.

25 Was that something that you were ever aware of?

1 A. No. Apart from anything else, the unit managers and the
2 office in Millerston Unit was essentially a long-thin
3 cupboard. It had a table and a couple of chairs in it.
4 If you had three people in it, it would be full.

5 But, no, the star jumps thing I have not come across
6 and wouldn't have sanctioned it.

7 Q. So it's not something that was on your radar at all?

8 A. Not at all.

9 Q. You tell us -- and we've talked a little bit about this,
10 about the complaints procedures, 'Peter', and you say
11 that later on in your time at Kerelaw there were
12 complaint procedures and complaint forms, but your view
13 was that it was a thoroughly inadequate system and there
14 should have been an independent and separate body; is
15 that right?

16 A. Well, certainly separate to, you know, ourselves.
17 Whether that came from another part of the local
18 authority, you know. But independent of the school.

19 I think there also needed to be work done on what
20 was a complaint, you know. I think a complaint's
21 different from an allegation, and I don't -- so not
22 being happy with the custard might well be a complaint.
23 But if you think somebody is treating you unfairly,
24 that's not a complaint, that goes beyond that, and
25 I don't think there was enough to separate that.

1 Q. You tell us, 'Peter', that in your time at Kerelaw you
2 never had any young people coming to you with complaints
3 of abuse against other members of staff?
4 A. No.
5 Q. You did have some complaints from young people about
6 unfair treatment --
7 A. Uh-huh.
8 Q. -- they saw it as that, to do with types of restrictions
9 they'd been given and things like that, but nothing you
10 would describe as abuse?
11 A. Correct.
12 Q. Now, I just want to go to the section of your statement,
13 'Peter', that talks about abuse, and your position seems
14 to be that you never saw any behaviour that you
15 considered to be abuse whilst you were at Kerelaw?
16 A. No, I never saw anybody being physically -- or any other
17 form of abuse.
18 Q. And it comes as a surprise to you that there has been so
19 many allegations of abuse at Kerelaw?
20 A. It did come as some surprise. Obviously, people have
21 been through the judicial process, so I can't question
22 that. It must have -- yes, it did happen.
23 Q. And I think you say -- this is at paragraph 133 -- that
24 you have to accept that some of it must be true, and
25 that's shocking to you?

1 A. Yes.

2 Q. You go on, at paragraph 134, to talk about one person in
3 particular, Matt George, and you say that from your
4 point of view he was a very popular member of staff.

5 A. He was.

6 Q. People wanted to go to his class; is that young people
7 wanted to go to his class?

8 A. Yes, young people.

9 Q. And he had coffee and music, and although the view was
10 that he was a bit crazy, people also thought he was good
11 to the kids?

12 A. Yes. He was an art teacher and, historically -- he was
13 one of those people with an historic contract and so,
14 therefore, did shifts in units and also did summer stuff
15 as well.

16 When I say he was crazy, I mean he was an art
17 teacher, he was quite flamboyant, and he was actually
18 very funny, you know, very personable. And he would --
19 yes, kids found him popular. So, therefore, often if --
20 probably at this time of year, when, you know, people
21 were putting together art portfolios and things like
22 that for exams, he would take two or three of the kids
23 up to finish their portfolios and things like that. And
24 that would be, by the other young people, seen as
25 a bonus, because, as I say, he had been in the school

1 for a long time, he had been in the one class for a long
2 time, so it had CDs, it had a sound system, it had
3 a coffee machine, it had, you know, all sorts of things
4 that, well, to anybody would be attractive.

5 Q. I think you say that -- you're asked about a definition
6 of abuse, and you don't think that there was
7 a definition of abuse that you were aware of at Kerelaw.
8 But, from your point of view, anything that went into
9 clear-cut physical abuse to you would have been seen as
10 abuse or assault.

11 A. Yes.

12 Q. In relation to verbal abuse, you tell us, at
13 paragraph 39, 'Peter', that you don't ever remember
14 verbal abuse from staff towards young people, but you
15 can recall pulling up staff who maybe used --

16 A. Inappropriate language.

17 Q. -- inappropriate words. And you have set that out
18 there, and that would be copying expressions that the
19 young people were using.

20 A. Yes.

21 Q. That's not something you say that you would have
22 recorded, though, but you would have said something to
23 the staff about it at the time?

24 A. Yes, yes. And I would probably not speak to them at the
25 time when the young people were there, but on their

1 return from a trip, I would take them aside and say:
2 look, that's inappropriate. We don't do that here.

3 And explain why, you know, it's offensive, and
4 sometimes people would say that everybody does it.
5 Well, everybody doesnae do it here.

6 Q. And in relation to child protection arrangements,
7 I think you tell us a little bit further on, at
8 paragraph 141, if someone was alleging an assault you
9 would have to notify their field social worker, they
10 would then have to have a discussion with their child
11 protection team to see whether child protection
12 procedures should be invoked.

13 But I think you said that during your time that
14 wasn't something you were involved in; is that right?

15 A. Not from child protection, but there would be
16 fact-findings to see if there was a disciplinary concern
17 there. And that would be conducted with somebody from
18 the area team, but not necessarily from the child
19 protection team. It might be the senior social worker
20 and somebody from the school. But, if it was someone
21 from my unit, I wouldn't be involved in that. It would
22 probably be a team leader from another unit, or it might
23 have been a senior manager, sometimes. That would have
24 happened as well.

25 LADY SMITH: So far as you remember, 'Peter'; was it always

1 somebody -- I say 'it', you're referring to social work
2 being involved -- always somebody who had a prior
3 connection with Kerelaw who would be involved in this?
4 A. From the social work point of view?
5 LADY SMITH: Yes.
6 A. Well, if -- I don't think that was necessarily said, but
7 it would probably be the social worker's senior, and
8 given that the senior was who should have been chairing
9 reviews, then yes.
10 LADY SMITH: Right. So it might be thought the best
11 practice would be to get somebody who is completely
12 outside the school and has no prior connection to take
13 the lead in a disciplinary or investigating
14 a complaint --
15 A. Aye, to see if there was a disciplinary.
16 LADY SMITH: -- that could result in disciplinary action.
17 A. Yes, I couldn't disagree with that. Again, in
18 retrospect, that seems obvious.
19 LADY SMITH: Yes. A lot of these things evolve. Thank you.
20 MS FORBES: And, 'Peter', when it comes to record keeping,
21 you talk about the fact that something like that, if
22 there had been some sort of allegation, that would be
23 something that would be recorded. This is at
24 paragraph 159:
25 'Allegation of abuse or ill treatment would be

1 recorded in a log by a key worker and would be passed to
2 a team leader and unit manager, who would contact the
3 field worker.'.

4 But you say there were very few complaints of this
5 nature; is that right?

6 A. That's correct.

7 Q. But I think you also comment that the standard of record
8 keeping, at least initially, at Kerelaw, from your
9 experience, was very poor?

10 A. Yes.

11 MS FORBES: It just really depended on the member of staff
12 who was involved?

13 LADY SMITH: 'Peter', I see between paragraphs 145 and 146
14 you tell me about something called a diary, something
15 called a daily log, and something called a weekly log;
16 were those three different books?

17 A. Yes. Initially, when I arrived there the only form of
18 record keeping was a big A4, maybe bigger, diary, and
19 everything that happened in that unit that day was
20 recorded there.

21 But that could be the plumber came and fixed the
22 shower or a social worker came and said whatever.

23 LADY SMITH: Yes.

24 A. So it was totally inadequate.

25 So then what happened was, at the end of each shift,

1 there was a folder for the unit, which '██████ was fine
2 this morning', '██████ was a bit upset', or whatever, and
3 that would go down.

4 Then, on a weekly basis there would be -- a
5 weekly -- all that would be distilled into -- or all --
6 anything that was important would be distilled into
7 a weekly log and that then formed the basis of when you
8 phoned the social worker on a Monday morning to say how
9 the previous week had been, including leave or whatever.

10 And that would -- by that time the young people had
11 individual logs and that weekly log would go into their
12 individual log on an ongoing basis.

13 LADY SMITH: And were these also useful for their care
14 plans?

15 A. I was going to say, they would be very useful if you
16 were writing up a review document or review paperwork to
17 take into the review, because you could see progress or
18 otherwise and how things were developing, especially if
19 it was a rehabilitation home.

20 LADY SMITH: Thank you very much.

21 MS FORBES: And 'Peter', I think you say that the arrival of
22 Graham Bell and ^{KAB}██████ led to a great improvement
23 in the quality and quantity of record keeping and
24 reports and the like.

25 A. Mm-hm. Graham Bell was the deputy head of Cardross,

1 which was an assessment centre. So therefore in the
2 assessment centre they had a lot more assessment
3 paperwork and a lot of that was adopted, adapted to meet
4 our needs by Graham.

5 Q. So that's something he had been used to doing and he
6 brought it to Kerelaw with him?

7 A. Yes.

8 Q. I think you then go on, 'Peter', to tell us about a
9 complaint that he had against you, which was post 1996,
10 and I think you give us the circumstances about that.

11 A. Yes.

12 Q. It involved an incident with a pool cue, where a boy was
13 struck with it. But the circumstances, as you've
14 described it, ended up being investigated and not
15 reported to the police because there hadn't been an
16 assault and the way you put it is a 'misadventure'.

17 A. Just for the record, he wasn't struck with it. I was
18 holding it and he sprung into it.

19 Q. He came into contact with it, from your description.
20 Sorry, it might be how I described it.

21 A. Mm-hm.

22 Q. And you can't think of any other incident you were
23 involved in, either yourself or with any other member of
24 staff?

25 A. No, no. Although I was, maybe on occasion, involved in

1

[REDACTED]

2 Q. Yes. I think you tell us about that. That was in
3 relation to -- was it Thomas Howe?

4 A. Yes.

5 Q. That was in relation to something after you had left
6 Kerelaw; is that right?

7 A. Yes.

8 Q.

[REDACTED]

9

10 A.

11 Q. You tell us, 'Peter', that you didn't see or hear of any
12 abuse whilst you were at Kerelaw and, from your point of
13 view, it's difficult to explain how allegations of abuse
14 have been made?

15 A. Yes.

16 Q. You do say, 'Peter' -- this is at paragraph 198 -- that
17 there was a time when you were suspended for about the
18 best part of a year during the Kerelaw investigation.
19 You weren't made aware of any specific allegations about
20 you during that time, so you don't know what the
21 allegations were. You were told that a member of staff
22 had made allegations about you, and then you were told
23 that they were no longer interested in you, essentially;
24 is that right?

25 A. That's correct.

1 Q. And you never heard anything more about that allegation,
2 and the way you've described it, at paragraph 201, is it
3 fizzled out and you were just left in a sort of limbo.

4 You were offered the opportunity not to go back to
5 your substantive post and to go elsewhere within the
6 council, but that was what you knew; by that time were
7 you within your promoted post?

8 A. Yes, at that time, I was a residential service manager.

9 The 20 months was how long I was away from the
10 residential service manager post, if you like. And what
11 happened was, I was told that there was an allegation --
12 I don't know if it was an allegation or allegations, and
13 I was suspended.

14 After about, I would say, seven/eight months or so,
15 I was allowed to return to work, but not to childcare.
16 And then -- and because I'd been involved in the
17 reconfiguration of the children's units prior to being
18 suspended, I went to the team that was re-imagining and
19 reconfiguring the elderly estate, and I was there for,
20 I don't know, maybe not quite a year. And then at the
21 end of that, I went back to my substantive post.
22 I wasn't asked did I want to stay, and I was of the view
23 that -- no, I left here and I want to walk back in here,
24 and that's what I subsequently did.

25 Q. So you are making a point that you went back to the job

1 that you ...?

2 A. Yes, and there was no reason I couldn't go back to it.
3 Whereas I think if I had stayed where I had been
4 temporarily relocated to -- I quite enjoyed doing that,
5 but I was: no, I walked out, I am going to walk back in.

6 Q. It was a point of principle?

7 A. It was a point of -- and also because I didn't enjoy
8 both jobs. But, in different circumstances, if it had
9 not been for that, if they'd asked me to go and do that
10 stuff for the elderly care, I might have said that might
11 be good. But I didn't.

12 Q. Now, 'Peter', I'm just going to move on to talk to you
13 about specific allegations that have been made to the
14 Inquiry?

15 A. Okay.

16 Q. And this doesn't come as a surprise to you. You've
17 already been made aware of this?

18 A. Mm-hm.

19 Q. But I just want to put some things to you and get your
20 opinion on it, get your view. The first thing is really
21 at paragraph 208. This is talking about a boy called
22 Francis McCourt, and he has given a statement to the
23 Inquiry.

24 At paragraph 74 of his statement, he says:

25 **KBW** was a care worker who worked on the open side

1 in Wilson Unit. I don't remember his surname. He came
2 from Mount Vernon in Glasgow. I would see him in the
3 local shops in my area from time to time because Mount
4 Vernon was right next to where I came from.'

5 Now, you do talk about Mount Vernon a little bit
6 later on, but that's incorrect. You don't stay in Mount
7 Vernon; is that right?

8 A. I don't stay. And I never worked in Wilson Unit. I
9 never did a single shift in it.

10 Q. So I'm just about to put the next two paragraphs to you,
11 'Peter', and I just want to remind you of the warning
12 you were given earlier. You don't have to answer any
13 questions that may incriminate you, but I'll read this
14 out. It says:

15 ''Peter' was a care worker who worked in Wilson
16 Unit. He never gave me a hard time but did to others.
17 Wilson Unit was on the open side of Kerelaw rather than
18 in the secure unit [then there's the name of a girl
19 there] ... would have been about 13 or 14 when she was
20 in Wilson Unit with me. I remember witnessing her being
21 dragged about and battered by 'Peter' and another male
22 staff member in the unit. It all started at the office
23 door in the unit. I don't remember the name of the
24 other staff member. Back then staff didn't have any
25 training in restraint, so they were swinging her all

1 over the place. I remember [and he names the girl
2 again] ... looking all dishevelled and red after the
3 incident. As far as I know there was never any
4 investigation undertaken following that incident. When
5 I met [he names the girl again] ... in adult life we
6 talked about that incident. She told me that she had
7 asked the staff for a cigarette and it had all kicked
8 off over that. I think she was cheeky when she was
9 turned down or something like that. That was enough for
10 the staff to decide to manhandle her all over the
11 place.'

12 So I think you've given us your position about that,
13 'Peter'. You say you don't have any recollection of
14 somebody called Francis McCourt; is that right?

15 A. That's correct.

16 Q. You don't even recognise the name?

17 A. That's correct.

18 Q. And you have mentioned that you don't live in Mount
19 Vernon; it's Mount Florida?

20 A. That's correct.

21 Q. And that you have never worked in the Wilson Unit?

22 A. I didn't do a single shift in Wilson Unit my entire time
23 there.

24 Q. And you have no recollection of any incident like the
25 one that's been described there?

1 A. I have no recollection of it. If it was both male
2 and -- I'm assuming Francis is male, but that was very
3 early on in my time in Kerelaw and it was for a short
4 period that it was co-educational and then became
5 single-sex, I had no reason to ever be in Wilson Unit
6 until I was a team leader and subsequently a unit
7 manager because I then had whole open school
8 responsibilities.

9 So I think it's a case of mistaken identity. I can
10 think of nothing else.

11 Q. Is there anything else you want to say in relation to
12 that?

13 A. I think I've said it.

14 Q. I'll just move on, then, 'Peter', to the next thing.

15 So this is from paragraph 217. This is in relation
16 to someone who is known as 'Kyle'. Now, you have been
17 given the person's name, but they have a pseudonym,
18 which is 'Kyle', and 'Kyle' has given a statement to the
19 Inquiry and it's at paragraphs 27 and 52 of his
20 statement. He said, first of all:

21 'There must have been about 70 members of staff ...
22 there must have been at least 8 per shift. There was
23 also night shift staff. The staff worked a three shifts
24 per day system to cover for a 24-hour period. One of
25 the best members of staff was a man called 'Peter'.

1 I have always thought that he was very fair. One day
2 I went into one of the other boy's rooms and saw 'Peter'
3 sitting astride [and he names the boy] ... who was one
4 of the youngest boys. He was bullying him as he was a
5 very big man. You only got bullied if you acted up.
6 I was surprised by what I saw.'

7 What's your position in relation to that, 'Peter'?

8 A. He's mistaken. I have never at any time straddled
9 either that person or any other person.

10 Q. And I think you say that you did work in the Millerston
11 Unit, but the bulk of your work was there and in the
12 open school. I think you say that at paragraph 219?

13 A. Yes. I did work in Millerston, yes. Yes. As a basic
14 grade worker and as a team leader, and as a unit
15 manager, subsequently.

16 Q. You say that you do remember this person, 'Kyle', and
17 you give us a little bit of information about his
18 background.

19 A. Yes.

20 Q. And you say that obviously 'Kyle' isn't accusing you of
21 anything in relation to him, but I think, at
22 paragraph 222, you say you were never involved in
23 punishing or abusing 'Kyle', and you don't remember ever
24 sanctioning him for anything, and I think you say you
25 don't know -- there would be no legitimate reason for

1 'This female helped me in my criminal case. It was
2 because of her evidence I was able to get a conviction
3 for Matt George. She has told me to make sure I get the
4 rest of them as she knew how much of a hard time I had
5 in there. The staff assaulted me daily too.
6 Matt George was the art teacher. If I stood at the
7 office near the fish tank to get help from the bullying
8 the staff would come out and either punch me in the
9 chest or scrape my face down the fish tank brickwork.
10 The staff that regularly assaulted me were ...'

11 And he names 12 people, which include Matt George
12 and yourself.

13 I think you comment on this at paragraph 228. You
14 say Brian Gallacher is someone you remember, is that
15 right, from your time at Kerelaw?

16 A. Yes, that's correct. I do remember Brian.

17 Q. And you say that he was someone you think had a similar
18 background in many way to 'Kyle', who we've talked about
19 before.

20 A. Uh-huh.

21 Q. And you give us a little bit about his background in
22 which you say that he had a very troubled history.

23 At paragraph 229, you make a comment there about him
24 having a very short fuse and would often kick off, but
25 you don't remember him being bullied to an extent where

1 you had to make interventions; were you ever involved in
2 interventions with Brian, 'Peter'?

3 A. Do you mean physical interventions?

4 Q. Yes.

5 A. I don't remember being involved in physical
6 interventions with Brian, but I do remember being called
7 down by -- then it would have been the unit manager,
8 where he had been or was being restrained.

9 Q. Okay. And when you were called down when he was being
10 restrained; did you ever become involved in any
11 restraint?

12 A. I doubt that I would have been involved, but I couldn't
13 categorically say no. But I don't remember ever being
14 directly involved. Because once someone is in -- one of
15 the bad things about TCI is that you restrain somebody
16 face-down, which makes communicating very difficult.
17 But also if people have got them in that position, for
18 somebody to let go to let somebody else take over is
19 actually quite difficult.

20 So you would tend not to get involved unless you
21 were involved, because of the danger. You know, because
22 if somebody has to let go and then, you know, they could
23 hurt themselves or hurt people around about them.

24 Q. I think you comment, 'Peter', that that section that
25 I've read out isn't very specific, particularly in

1 relation to what individual people that he names might
2 have done, because there's 12 names that he gives there.
3 And you say that if he drilled it down to specifics it
4 might make what he's saying -- more sense. But you
5 comment that you think he is exaggerating a lot of what
6 the reality was; why do you say that?

7 A. I don't think 12 people would be involved, for a start.

8 LADY SMITH: He may not have meant 12 at the same time.

9 A. Sorry. That's fair, okay.

10 I don't think there would be any young person who
11 would be such that there would be systematic assaults or
12 systematic abuse of them by not just a whole unit team,
13 but beyond that, including -- without that coming to
14 anybody's attention. That's it.

15 I don't think Brian was bullied to the extent that
16 he is making out, where, you know, that degree of
17 intervention ...

18 So I don't know. But I do know he was somebody who
19 the red mist would come over and he would get very
20 aggressive.

21 Often he would just run away, you know, and come
22 back when he'd calmed down.

23 But I take the point, it might well have been, but
24 I don't remember. I don't remember it getting brought
25 to my attention that he was getting restrained to the

1 extent that that would imply. And if he was getting
2 restrained to that level, then, at best, there would at
3 least be an interim review to see: why is this so bad?

4 Also maybe to see if he is appropriately placed, you
5 know. And if he was getting restrained to that extent,
6 then staff would be saying: we can't cope with this, we
7 can't deal with this, we don't have the skills.

8 I cannot say he was never restrained.

9 Q. Do you remember being involved in any restraint with
10 Brian yourself?

11 A. Directly? No.

12 Q. And I think that last sentence he said, where he names
13 the 12 people, he says:

14 'The staff who assaulted me regularly were ...'

15 And he names a list of people that includes you.

16 Did you ever assault Brian Gallacher?

17 A. I've never assaulted.

18 Q. And were you aware of him, in the way he says, being
19 bullied by other members of staff?

20 A. No, I'm not aware of any young person being bullied.
21 Aye.

22 Q. He talks about the fact that he was outside the office
23 door, and in his evidence he explained that -- I think
24 it was put in there that he was looking for protection,
25 and I think you've commented on that in paragraph 230,

1 where you say you don't remember him hovering outside
2 the office door; is that right?

3 A. I don't remember that being a feature of him outside the
4 office door. I think if he was hovering about outside
5 the office door that would be something that would raise
6 concerns and raise -- or should have raised -- it would
7 have raised people's concerns: what's going on here?

8 Q. I think you comment that staff shouldn't have been in
9 the office if kids were in the unit; they should have
10 been out and about?

11 A. Aye, but there will be times when there are phone calls
12 or they were preparing stuff, but ideally they should
13 not be in the office. The office is an office and when
14 young people are in the unit you should be engaging with
15 it, be it playing pool, table tennis, watching football
16 on television, playing Connect 4 or whatever, but you
17 should be engaging in a positive manner. You shouldn't
18 be hiding in the office.

19 Q. Just moving on to the next part of his statement, where
20 he mentions you, 'Peter'. This is dealt with at
21 paragraph 232 of your statement. At paragraph 111 of
22 his statement, Brian goes on to say:

23 ''Peter' took an awful dislike to me. He came from
24 Mount Vernon in Glasgow and wore old shabby brown cord
25 trousers and had some head of hair. He drove a clapped

1 out Volvo. He was six-foot plus and well built. He
2 would give me carpet burns [Secondary Institutions - to be published later]
3 [Secondary Institutions - to be published later]. He
4 punched and kicked me, banged my head off walls and
5 treated me like a dog. He bullied the shit out of me
6 until I tried to jump off a building because I could not
7 take it anymore.'

8 If we could just take that in sections. I think
9 you've commented, 'Peter', at paragraph 233, that,
10 again, this is someone who makes reference to Mount
11 Vernon; is that right?

12 A. Yes.

13 Q. You say that's not the first time you had read that
14 reference? Where is it you had seen that before?

15 A. On [redacted]. Brian's [redacted].

16 Q. Was this something that came to your attention because
17 someone in the trade union you're still active with had
18 mentioned that they'd seen this?

19 A. Yes, it's basically the former residential convener had
20 been told about it, and he would have been a person who
21 would have been very much involved in the various
22 investigations.

23 Q. Did you then, as a result of that, go and have a look
24 and see that there were a lot of allegations being made
25 by Brian Gallacher on [redacted]?

1 A. That specific allegation, yes.

2 Q. So that's something --

3 A. And basically, what's on his statement is what was
4 contained in his [REDACTED].

5 Q. I think you make a comment about the reference to Mount
6 Vernon because that's something that's been said by
7 Francis McCourt as well?

8 A. Uh-huh.

9 Q. This is at paragraph 233, still. I think you say: I
10 wonder where that is where Mount Vernon has come from
11 for Francis McCourt?

12 A. It just seemed like a coincidence that they both thought
13 I was from Mount Vernon.

14 Q. Now, again, this is something that shouldn't come as
15 a surprise to you 'Peter' because you have been alerted
16 to it. But, in Brian's evidence, he did clarify that to
17 some degree and said:

18 'He lived round the corner from a football ground.
19 It could well be Mount Florida, but it's Mount
20 something.'

21 And further from that, he said that he had actually
22 been to your house and that the visits there started
23 a couple of months after he had been up on the roof at
24 Kerelaw and he described a car collection inside the
25 house, going up the wall right to the ceiling. He said

1 he had been to your house on about ten occasions and
2 that you took him there. But, first of all, he went
3 there with a woman called Orla, or something to do with
4 social work, and it was to get a Belfast sink. And he
5 thinks that those visits started because you were under
6 investigation at the time and it was to keep him on
7 side.

8 So there's a lot to unpack there.

9 A. Okay.

10 Q. If I could just go through that. I think you do say you
11 knew Brian Gallacher and he knew you?

12 A. Yes.

13 Q. So, in relation to that, you were known to one another;
14 is that right?

15 A. That's correct.

16 Q. I think you comment on the fact that he said you had
17 some head of hair, and in his evidence he clarified
18 that, and, again, this isn't a surprise to you, that he
19 said the hair was kind of bushy at the sides, never
20 combed it, and it was a mess. But I think perhaps that
21 takes us away from the real points of what we're looking
22 at here.

23 Essentially, your position in relation to Brian
24 Gallacher and his allegations are what, 'Peter'? What
25 is your position in relation to his allegations of

1 assault?

2 A. I have never assaulted Brian.

3 Q. And you say you do remember him being on the roof of the
4 building at Kerelaw; is that right?

5 A. Uh-huh.

6 Q. But you can't remember the circumstances that led to
7 that happening. But you were certainly called down
8 because you were the unit manager at the time and he was
9 on the roof?

10 A. That's correct.

11 Q. Did you ever bang his head or drag him about?

12 A. I have never banged his head or dragged him about.

13 Q. Did you ever punch him?

14 A. Never.

15 Q. Did you ever assault him in any way?

16 A. I have not assaulted him in any way.

17 Q. And I think you say that raising your voice at him would
18 have been as much as you have ever done?

19 A. Mm-hm.

20 Q. And, again, you can remember his back story and his
21 troubled upbringing?

22 A. Mm-hm.

23 Q. So I think you also mention, 'Peter', that about halfway
24 through Brian's stay at Millerston there was a staff
25 swap and that's when you went to the secure unit.

1 A. That's correct.

2 Q. Is that right? But in relation to any allegations of
3 investigation; were you under investigation after
4 Brian Gallacher was there?

5 A. I was not. No, I was not.

6 Q. So you were never under investigation in relation to any
7 allegation by Brian Gallacher?

8 A. No, I was not.

9 Q. Or anyone else whilst you were at Kerelaw?

10 A. Nor anyone else.

11 Q. Just, then, going to paragraph 240 of your statement,
12 this is talking about paragraph 112 of Brian Gallacher's
13 statement, he said:

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]. 'Peter' left ... at my door, open at that page
18 and said: see that's like you, no one wants you [REDACTED]
19 [REDACTED]. He terrorised the life out of me. I
20 ended up trying to commit suicide after that. I was 15
21 years old. Anne Carlin stopped me, and my dad had to
22 come and get me. He took me to play snooker and I wrote
23 it all down.'

24 What's your position in relation to that, 'Peter'?

25 A. I have no recollection of the incident that is described

1 [REDACTED], and I think I would know about
2 that because it's quite serious in itself. And at no
3 time would I have done that to any young person.

4 If there was something like that in the newspapers,
5 and we did have residents, young people whose [REDACTED]
6 were involved in criminality, who had been involved in
7 serious crimes of violence. But anything like that, if
8 we knew it was going to be reported, or as soon as we
9 saw sight that it was reported, we would just make sure
10 nobody had any newspapers. You would clamp down on
11 that.

12 Sometimes you would, through the social worker, know
13 that there was a trial or something coming up and you
14 would say to people: don't bring in any papers next
15 week. Or before you come in, have a look at it and if
16 there's anything there leave it in the car or stick it
17 in the filing cabinet across the road.

18 Apart from anything else, it's not our place to
19 actually advise the young people of that. But also
20 that's going to be really distressing. That could have
21 a negative effect on how the unit was. I mean, to do
22 something like that you would expect a young person --
23 especially a young person -- to kick off. Why would you
24 do that and unsettle the unit and cause yourself and
25 other colleagues grief when the whole point of your work

1 was to keep the unit settled and try to intervene
2 positively with the young people.

3 It doesn't make any sense that anybody would do that
4 to -- because you would just be giving yourself grief
5 and all that kind of stuff. No, I -- I was not aware of
6 [REDACTED] and I am not aware of anyone,
7 including myself, giving him newspaper reports about
8 that.

9 Q. I think you comment, 'Peter', at paragraph 242, you
10 would need to be pretty cruel to be doing something like
11 that?

12 A. Yes.

13 Q. As you say, it wouldn't be conducive to keeping order in
14 the unit?

15 A. Yes.

16 Q. I think you tell us also you don't know why he said
17 these things about you; is that your position?

18 A. I have no idea.

19 Q. Just, I think, finally then in relation to
20 Brian Gallacher, there's a final mention of you, and
21 this is dealt with at paragraph 246 of your statement,
22 'Peter'. This is in relation to Brian Gallacher's
23 statement. At paragraph 119, he says:

24 'I was taken to my Panel with my nose broken and
25 blood dripping all down my arm. I told the Panel about

1 it. I said 'Peter' had been bullying me and battering
2 me and all the other staff just watched it. I said to
3 the panel it would all come out and I would tell
4 everything that went on. I think they got a bit of
5 a shock then and tried to move me on as soon as they
6 could. The panel was on my 18th birthday and, by the
7 end of that month, I got a flat in Saltcoats.'

8 I think this is referencing an incident where
9 Brian Gallacher's nose was broken, he says, by someone
10 else, and I think you were the one that took him to the
11 panel. So that's the context, I think, that this is
12 being said.

13 So what's your position in relation to that,
14 'Peter'?

15 A. I have no recollection of this, but I can't imagine
16 taking someone to a hearing dripping with blood.
17 I think I would have been getting medical attention to
18 them.

19 And had I taken anyone to a panel with a broken
20 nose, dripping with blood, then I think the panel would
21 be calling into question why we were there.

22 So I'm at a loss to know, you know, why that's been
23 said. Because I think the panel would question it, the
24 reporter would question it, my own particular standards
25 would question it. I would get him treatment if it were

1 true. I don't remember him having a broken nose or ever
2 having his nose broken.

3 Q. Was Brian Gallacher someone that you would take to the
4 panel if there were reviews?

5 A. It would depend what the panel was about, whether I went
6 to it. I wouldn't have attended many panels once
7 I became a team leader or a unit manager. It would tend
8 to be the key worker.

9 I think the only time I would be going along was
10 if -- a bit of gravitas that we had to -- or maybe there
11 was a bit of a disagreement between the field social
12 workers and myself, but I can't actually think of that
13 ever happening. But I cannot think why a unit manager
14 would go along to a children's hearing, especially if it
15 was a reasonably routine one, you know. It's ...

16 Q. And I think you comment you wouldn't have forgotten
17 a broken nose and blood being everywhere?

18 A. That's for sure.

19 Q. What about the fact that he says this took place on his
20 18th birthday? Do you remember Brian Gallacher still
21 being at Kerelaw when he turned 18?

22 A. I can't remember his date of birth offhand, but I would
23 have thought by the time he was 18 -- I'm surprised he
24 was in Kerelaw. And I think by that time I would have
25 moved on up to the secure unit, so I wouldn't have been

1 in his orbit, if you like.

2 Q. And again, your position is you don't know why
3 Brian Gallacher is saying that about you?

4 A. No.

5 Q. Just going forward, then, 'Peter', from that, I think
6 you told us already [REDACTED] in
7 relation to someone who worked at Kerelaw, and that was
8 Tom Howe?

9 A. Yes.

10 Q. And you talk a little bit about some of the people that
11 you're asked about in your statement, from
12 paragraph 156. These are people that used to work at
13 Kerelaw. But, essentially, in relation to those
14 individuals your position is that you weren't aware of
15 them being involved in any abuse of children whilst you
16 were working at Kerelaw; is that right?

17 A. That's correct.

18 Q. And you weren't aware at that time of any allegations
19 being made against those individuals?

20 A. That's correct.

21 Q. And you didn't see or hear those individuals abuse
22 children whilst you were there?

23 A. That's correct.

24 Q. And you do say certain things about some of the
25 individuals and we have your evidence, and we can read

1 that there.

2 A. Mm-hm.

3 Q. So about their background and what you thought of them.

4 So thank you for that. That's useful.

5 But then just looking at post your time at Kerelaw,
6 I think you are aware of the fact that there have been
7 convictions of staff members who were working at Kerelaw
8 whilst you were there; is that right?

9 A. That's correct.

10 Q. And those convictions relate to the time period in
11 which -- some of the time period in which you would have
12 been there?

13 A. That's correct.

14 Q. And just to ask you about that, when you were at
15 Kerelaw, did you have any concerns about the way that
16 young people were being treated?

17 A. In terms of abuse, no. In terms of perhaps with some of
18 my peers, I thought they were perhaps more punitive than
19 I was. And by 'punitive', I would mean sanctioning
20 leave, or arguing for the sanction of leave for --
21 whereas I would be, not much more forgiving, but my view
22 was that the longer we held onto somebody in Kerelaw, if
23 you like, unnecessarily, the harder it would be to
24 rehabilitate them.

25 And there was going to come a point where they were

1 going to have to leave Kerelaw anyway. So therefore if
2 we could give families a bit of space, get them sorted
3 out and get them home, that was a victory. So I would
4 be either softer, more caring, more focused on the care
5 plan, whichever way you want to put it, than others.

6 LADY SMITH: I understand you saying that you didn't have
7 concerns about peers abusing children. Did you ever
8 have any concerns about just the way they regarded them?

9 A. Yes. Yes, I would have concerns that they weren't as
10 child-centred as you would have expected from people in
11 their position.

12 I suppose part of that, and I'm talking about basic
13 grade staff here, I mean some would say that when they
14 were growing up, because it was a very localised staff
15 group, that their parents used to tell them: if you
16 don't behave yourself you will end up in Kerelaw. So
17 they had this perception that it was a place for bad
18 boys -- and initially it was all boys. You had to --
19 there's stuff about the name you called the van, and
20 things like that, and the attitude to ... I don't
21 think -- you would only be in Kerelaw if you had been
22 bad.

23 LADY SMITH: Yes.

24 A. So therefore you would be treated as if you were bad.
25 It would either be a conscious or subconscious attitude

1 that people had.

2 LADY SMITH: Less worthwhile than other children?

3 A. Pardon?

4 LADY SMITH: Less worthwhile than other children, perhaps?

5 A. Well, they're not like them.

6 LADY SMITH: Yes, thank you.

7 MS FORBES: And, 'Peter', just in relation to -- you did

8 talk a little bit before about restraint. Did you have

9 any concerns about the way in which restraint was used

10 as Kerelaw whilst you were there?

11 A. How it was being used I felt was in line with how it had

12 been -- it might not in the initial period, especially

13 if somebody, it maybe took you 30 seconds, if you like,

14 to get control, to get somebody down.

15 I have to say I always had concerns about this

16 face-down stuff. I just think that was -- but anyway,

17 I believe that people did, and certainly when I was

18 debriefing and people explained to it, I cannot think of

19 a child ever saying to me: I wasn't restrained properly.

20 They might have said they were restrained unjustly, they

21 might have said things like that. So, no.

22 I did have to speak to some people who, as I said

23 earlier, I think, who maybe went to restraint sooner

24 than may have been necessary.

25 Q. So instead of using the diversion techniques --

1 A. Yes.

2 Q. -- restraint was more of a first option than a last
3 option?

4 A. Maybe not a first option, but, you know, if you've got
5 90 per cent of the way before a restraint, they might at
6 20 per cent decide: let's just go for a restraint.
7 I'm paraphrasing there, you know. So I think that might
8 have happened.

9 Q. So --

10 A. And I did speak to people and I did try. Because in the
11 debrief you're trying to say what led up to a restraint.
12 Why was a restraint necessary. So the first question
13 is: were you fearful, were the young people at risk, and
14 that sort of thing.

15 Q. Now, there is evidence that has become available,
16 'Peter', and I'm just going to read out a list of things
17 and just ask you to comment on that, if that's okay?

18 A. Okay. Yes.

19 Q. In relation to the issue of restraint, evidence that
20 restraint was used too quickly, sometimes just for
21 swearing or shouting or being cheeky?

22 A. That's not an appropriate use of restraint.

23 Q. But is that something you saw?

24 A. No, I did not see that.

25 Q. That restraint was commonplace and would happen multiple

1 times a day?

2 A. That's certainly not true.

3 Q. The force used during restraint was excessive?

4 A. Not that I saw. I can understand that you're talking
5 about big -- sometimes as big as me -- young people. So
6 in the initial taking control of the situations, it may
7 well have felt like that. But it wouldn't necessarily
8 be that. Because the whole point of the TCI is to get
9 folk not onto a bed, not onto a chair. It's to get them
10 onto the floor in a prone position facing down.

11 Q. And we've got your position about how you feel about the
12 face-down part of that.

13 A. Uh-huh.

14 Q. Just going on, then: that staff were heavy-handed with
15 young people?

16 A. Not at all. Again I go back to the thing about the
17 heavy-handedness is, if you are heavy-handed with
18 somebody you're going to get a response, you're going to
19 get a reaction. If you're on a back shift and you do
20 that, you're going to have a -- you're going to have
21 a rotten shift. So for selfish reasons, if you like,
22 you want to come in at 2 o'clock, you want to make sure
23 folk are fed, that the washing is on, clothes are
24 washed, hung up. You do a bit of -- maybe you go to the
25 swimming or you watch a video or whatever. You want to

1 get through your shift as painlessly as possible.
2 You're not going to -- I don't believe that many people
3 would want to -- and I can't think of anyone who would
4 deliberately go out of their way to cause them and their
5 peers to have a (overspeaking).

6 Q. You didn't see that?

7 A. I didn't see that.

8 Q. The young persons would be dragged about or flung about
9 by staff?

10 A. No, I didn't.

11 Q. Staff used to put young persons' arms up their back
12 during restraint?

13 A. No. I mean, that's specifically excluded from it. You
14 couldn't.

15 Q. Leg and arm locks being used?

16 A. I'm not sure what a leg lock is, but no.

17 The other thing is that stuff like that would be
18 visible, not during -- well, during the restraint. But
19 post restraint you would be saying: what happened to
20 your arms? I mean, young people didn't wear pyjamas,
21 they would generally wear football shorts and a T-shirt.
22 That was the kind of pyjamas they would wear. So you
23 would see their legs you would see their arms. If that
24 was happening -- you don't put people in and do that to
25 people without leaving visible evidence. Maybe for days

1 on end.

2 Q. Pain-inducing techniques were used?

3 A. I'm not aware that any of the staff in Millerston knew

4 about how to do that, if you mean from the training from

5 before. So no.

6 Q. Staff would sit on top of young people, sometimes

7 multiple members of staff?

8 A. No.

9 Q. It was common for staff to say derogatory things whilst

10 restraining young people such as calling them names like

11 'wee pricks' or 'bastards'?

12 A. I have not heard that, and if I had heard it, again that

13 would be things -- I mean, obviously you've got evidence

14 I don't have, but I would not have sanctioned that, and

15 I certainly wouldn't have ignored it.

16 Q. And young people who had been restrained would have

17 injuries such as carpet burns and the like?

18 A. I have seen young people post-restraint with carpet

19 burns, yes.

20 Q. And --

21 A. It would tend to be to their knees, occasionally to

22 their face.

23 Q. And when you say that you saw that, did you form

24 an impression as to how that had come about?

25 A. Well, you would find that out in the debrief or on

1 occasion where I've seen, you know -- I'm not going to
2 say deliberately getting carpet burns, but moving their
3 head in such a way they got carpet burns. Now, whether
4 that was because of distress or because of anger. But
5 yes, there were people who got carpet burns.

6 Q. And in relation to the flooring that would be in these
7 units, what type of flooring was it?

8 A. Coarse tiles. Hard-wearing.

9 Q. So hard-wearing floor tiles?

10 A. Yes. Actually in size similar to this, but they were
11 a coarse material.

12 Q. But this is -- these are things that there has been
13 evidence about and that investigations since Kerelaw --
14 into Kerelaw, sorry, have uncovered. But your position
15 is that's not something that you were aware of?

16 A. The carpet burns?

17 Q. Sorry, not the carpet burns. The other things that you
18 said that you didn't see happening in relation to
19 restraint?

20 A. I didn't see them happening.

21 Q. And you weren't aware of that --

22 A. Nor did I hear of them.

23 Q. Okay.

24 Just moving on before we finish, 'Peter'. I know
25 that you are keen to talk about some of the positive

1 things that happened at Kerelaw whilst you were there,
2 and you comment from paragraph 251 that Kerelaw has
3 a very bad name, justifiably given the subsequent
4 investigations and convictions. But there were some
5 positive things that might have been lost. And I think
6 you talk about the fact that children would be taken
7 away, for example, up to Applecross, places that they
8 see on the television and had never been?

9 A. Yes.

10 Q. And they really enjoyed that and they thought it was
11 brilliant; is that right?

12 A. Yes, that's correct.

13 Q. And that when you were there, your unit, anyway, was one
14 that tried to get extra tickets for things like the
15 theatre and the Tron to be able to take the boys out.

16 A. Yes.

17 Q. And, indeed, there was an exchange with a unit in Bremen
18 in Germany?

19 A. Yes, for three years.

20 Q. And that was something that was quite unique at the time
21 within the EU?

22 A. Yes.

23 Q. And I think you also mentioned, 'Peter', about the fact
24 that one of the things that was lacking, particularly
25 when drugs came along, was young persons' addiction

1 services, and that for a while, in any event, a 24-hour
2 detox was set up in one of the staff houses whilst you
3 were there.

4 A. Yes.

5 Q. And that was something that you noticed was lacking,
6 a service that was lacking.

7 A. Uh-huh.

8 Q. It was only available for adult --

9 A. You were too young to have an addiction problem.

10 Q. But that's not what you saw in your experience: young
11 people were addicted to drugs?

12 A. Yes.

13 Q. And hard drugs?

14 A. Yes.

15 Q. And so I think it's important that we do remember some
16 of the positive things as well --

17 A. Yes.

18 Q. -- that happened at Kerelaw.

19 So, 'Peter', I think that's all the questions I have
20 for you today. Thank you very much for answering all my
21 questions.

22 A. Okay.

23 Q. I know I've taken longer than I initially said I would.

24 Is there anything else that you wanted to say that you
25 haven't had a chance to say?

1 A. No. I would just say that I think -- and obviously
2 you're hearing from the young people primarily who felt
3 they had a hard time in Kerelaw. I think there are lots
4 of people who appreciated their time in Kerelaw and
5 found it helpful.

6 I think Kerelaw, because it's quite a big
7 establishment, terrible things happened. But because it
8 was a big establishment and because we had things like
9 ex-staff houses where you could try and be innovative
10 and try and make the system work for young people,
11 I think that that was quite positive. I think we
12 introduced different programmes, cognitive behaviour
13 stuff, and things like that, which were in their
14 infancy, if you like.

15 And I think that was -- I think the fact that we got
16 young people travelling abroad, I think we got young
17 people doing things like walking Hadrian's Wall and
18 stuff like that, stuff that they would not have had the
19 opportunity otherwise to do. I think that was something
20 that has got lost in this, you know, and I don't know if
21 it's 5 per cent, 10 per cent of the residents of Kerelaw
22 who have made contact with yourself, but I would hope
23 that maybe some of them at least acknowledge some of
24 those things.

25 Yes, we were -- looking back on it, it was a place

1 that wasn't managed, perhaps, for a lot of the time, as
2 it should have been, and staff weren't well prepared for
3 the complexity of the tasks that they were facing. And
4 that's not to explain away criminality or abuse or
5 anything else. It's just to say, I think, some people
6 were maybe out of their depth and didn't acknowledge
7 that, or didn't realise even how deep things were. And
8 somebody telling you to -- with apologies -- eff off or
9 whatever, was not actually directed at you, it was maybe
10 coming from a place deep inside them because they had
11 been dealt a very poor hand up until that time, or up
12 until the time before even Kerelaw hove into view. And
13 I think that's sad if that's lost, but it is what it is.

14 There is something I would like to say, just in
15 terms of the process, is to say that all of the staff of
16 the Inquiry I have come in contact with, including
17 yourselves here today, I think have been respectful,
18 have not been judgmental, have accepted me as I have
19 behaved, and certainly the support from [REDACTED] and
20 the -- not the note-takers, the statement takers, I have
21 to say, you know, I would include them within all of
22 that. And I think that's something I would like you to
23 note, you know: they have done their job well. And
24 I say that as somebody who has, if you like, been on the
25 other side and been involved in investigatory work, you

1 know, so.

2 MS FORBES: Thank you.

3 A. I would like to say that. And, of course, yourself.

4 LADY SMITH: 'Peter', I'm really grateful to you for taking
5 the trouble to say that.

6 The short point that I would like to make is, we're
7 here to learn, that's what we're all about, and you have
8 so helped us with that.

9 Ms Forbes has already apologised for keeping you
10 longer than perhaps we'd promised, but that's because,
11 as it turned out, you had so much valuable evidence to
12 share with us today, for which we are very grateful.

13 A. Thank you very much.

14 LADY SMITH: Thank you so much. Thank you for bearing with
15 us and for being so open and frank with us. It's been
16 really good to hear that.

17 A. Thank you.

18 LADY SMITH: And now please go and relax.

19 A. Thank you.

20 (The witness withdrew)

21 LADY SMITH: The last list of names for today of people
22 whose identities mustn't be disclosed outside this room,
23 the first is the witness who has just left this room
24 whose own first name, **KBW**, was used on a number of
25 occasions.

1 But otherwise, KBU [REDACTED], [REDACTED],
2 [REDACTED], Jim Hunter, LEF [REDACTED], [REDACTED]
3 [REDACTED], KAM [REDACTED] and KBE [REDACTED] have identities
4 all of which are protected by my General Restriction
5 Order, so please do not identify them elsewhere.

6 I'm not going to suggest a read-in at this time for
7 various reasons. One is it's 4.45 and we've all had
8 a long day, and I certainly wouldn't do that to the
9 stenographers.

10 So I will rise now until tomorrow morning, and it
11 will be 10.00 for another witness in-person, I think.

12 Is that right?

13 MS FORBES: That's correct, my Lady, yes.

14 LADY SMITH: Very well. Thank you.

15 (4.45 pm)

16 (The Inquiry adjourned until 10.00 am the following day)

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