

**Scottish Child Abuse Inquiry**

Witness Statement of

**Brian Heron**

Support person present: No

1. My name is Brian Heron. My date of birth is [REDACTED] 57. My contact details are known to the Inquiry.

**Qualifications**

2. I qualified as a social worker from Jordanhill College on 28/06/91. I gained a certificate in childcare protection on 12/07/96 from the University of Dundee. I have provided the Inquiry with a full copy of my CV.

**Strathclyde Regional Council**

*Roles with Strathclyde Regional Council (later Inverclyde Council)*

3. I started with Strathclyde Regional Council's social work department in June 1991. I spent two years in Strathclyde Regional Council's Port Glasgow social work office as a childcare social worker. I reported to David McAleer when I worked in Port Glasgow.
4. In 1993 I moved to an office in Greenock. I worked there for a further two years as a childcare social worker. I reported to Ellen Tannerhill. My main duties were providing social background reports for the children's hearing system, working with

children under voluntary and compulsory orders and providing guardianship and matrimonial reports for the court system.

5. In 1995 I moved on to become an intermediate treatment worker (IT worker) in the Greenock area. I was involved in planning, working and evaluating group work programmes for young people. The work mainly took place in the evenings. I undertook that role until 1997. During my time as an IT worker, Strathclyde Regional Council became Inverclyde Council. When I moved to become an IT worker my manager became Sharon MacAlees. Sharon MacAlees is now the head of Social Work for Inverclyde Council.
6. In 1997 I moved from my post as an IT worker to a post as a criminal justice worker in the criminal justice department. Under that role I had a range of duties. My duties included providing reports for the courts system and working with individuals on probation orders. I undertook that role for one year. I have forgotten my senior's full name from when I worked in criminal justice. His first name was Stewart. He's dead now. I left Inverclyde Council in 1999 to work with Action for Children.

#### **Strathclyde Regional Council – incident concerning a young adult**

7. Whilst I appreciate the below incident involved a child who was not in residential care, I do feel that the issues surrounding reporting the incident to the police show systemic problems surrounding reporting abuse in my capacity as a social worker.
8. Between 1993 and 1995 I worked in conjunction with the Halt project in Glasgow. The Halt project was a project that worked with young people who were involved in inappropriate sexual behaviour. My role at that time was a childcare social worker. I had a case which involved a young boy called [REDACTED] [REDACTED] was a sex offender. When [REDACTED] was twelve years old he behaved sexually inappropriately towards three younger girls. [REDACTED] and his family were hounded out of the community by the stepfather of two of the younger girls.

9. █ disclosed to me more about the things he had been involved in. I found it strange that the young boy knew about some of the things he was disclosing. He then disclosed to me that his knowledge of the acts had all come from the stepfather of the two younger girls. He told me that the stepfather had been sitting him down and showing him really inappropriate videos. I recorded what █ had told me. I also told my manager, Ellen Tannerhill.

*Reporting disclosure to the police*

10. I passed on what █ had told me to the police. The police initially didn't react to what I had reported so I chased them up. I said that I needed to know where they were with their investigation because I was continuing to work with █ and his family. I was then contacted by a police officer. The police officer who spoke to me said "Look Brian, we aren't going to deal with you anymore. You need to stop phoning us. We are only going to deal with Ellen Tannerhill." Clearly I was being viewed as a pest by the police. I had gone from the stage of being able to go into the police station to read statements so that I could write up my reports to "We don't want to speak to you Brian."

*Outcome of police investigation and transfer of case*

11. Later on, Ellen Tannerhill came into my office. She told me that the police had been to █'s house and spoken with his family. She told me that the family had told the police that they didn't want to deal with it anymore. I don't know whether the police spoke to █. She then told me that that was the end of it. She told me to write up my case. She told me that the case would then be transferred to the Larkfield team. The case was taken from me after I wrote it up. Rosemary Vincent was the social worker who took over the case.

12. I think that people lost sight that █ had been shown these videos by the stepfather. They had lost sight that this had been what had led to █ re-enacting what he had seen later on. People lost sight that this same stepfather was still in charge of two young stepchildren. This man could have been an abuser himself.

**Action for Children***Role with Action for Children*

13. I joined Action for Children in 1999. Action for Children was a charity. My role with them was as a youth justice project worker. I was in that post for two years until 2001.
14. The project that Action for Children ran was called "the Gap project". The aim of the project was to keep young people within the children's hearing system and to stop them progressing into the criminal justice system. It had been set up after it was discovered that individuals who progressed into the criminal justice system ended up being involved in more crime. It was group modular work which involved individual contact with clients addressing offending behaviour. After my role with Action for Children came to an end I moved back to Inverclyde Council as a group worker. I joined Inverclyde Council again in 2001.
15. During my time with Action for Children, Paul Cadbury was my senior. He has been promoted within Action for Children and is still with them.

*Protocol for reporting abuse*

16. Action for Children were actually quite good when it came to confronting allegations of abuse. I think that was because they weren't the ones who ultimately had to deal with it. They just passed it on. I can't really fault them in that respect.
17. They had a procedure, a form and seniors and managers to speak to. They had complaint forms. They encouraged complaints. They kept in contact with the local authority where an incident was reported. I think Action for Children were fine in terms of the way they dealt with allegations of abuse. They were pro-active in terms of customer service. They supported young people if they had a complaint against the organisation.

*Administration surrounding records when incidents were disclosed*

18. I would usually take brief notes in a notepad immediately after any interview I attended. I still have some of those notes. I would then go to the office and handwrite those notes out in full. Back then we didn't have access to computers. All our notes were handwritten. Any full handwritten notes were then passed to a typist to type up. I think that Action for Children's typist would give me my full handwritten notes with the typed up version when the notes had been typed up. After that I would pass on whatever I had on to my line management.

**Action for Children - abuse disclosed concerning Geilsland School***My work with young persons who attended Geilsland School*

19. **IVT** [REDACTED] and **IWC** [REDACTED] were both boys who were under supervision orders on the condition that they attended the Gap project. They were about fifteen when I initially worked with them. Both of them were in care at Geilsland.
20. My job was to go to Geilsland, possibly twice a week, and work with **IVT** [REDACTED] and **IWC** [REDACTED] on their offending behaviour. I worked on their victim awareness and getting them to look at their own offending. I was providing both of them with support with a view to them possibly returning home at some point. Whilst I was at Geilsland I built up a relationship with **GLR** [REDACTED]. **GLR** [REDACTED] worked at Geilsland. He was a support worker there.

*Abuse disclosed to me on 10/01/00 concerning an incident involving **GLR** [REDACTED] and an unnamed boy*

21. I went to see **IVT** [REDACTED] and **IWC** [REDACTED] at Geilsland. Whilst I was in **IVT** [REDACTED]'s unit in Geilsland, **GLR** [REDACTED] came up to me and told me that someone had attempted to steal his car the previous weekend. He told me that his car had previously been stolen a number of times. He told me that he had taken

the starter motor out of his car in an attempt to catch who was stealing his car. He then told me that he caught the boy who had been trying to steal his car and that he had assaulted that boy. He said that he gave the boy "a few boots". He told me that he had been angry and upset. I didn't find out what the boy's name was and I have never met the boy myself.

22. I was shocked that GLR ██████████ would tell me that he had been involved in something like that. It seemed a crazy thing to be telling a social worker. All I said to him was "You need to watch or you will end up in court yourself." He then stopped talking about it. After my conversation I went to see IVT ██████████ I then went to see IWC ██████████
23. I visited IWC ██████████ with HNL ██████████. HNL ██████████ was IWC ██████████'s unit manager at Geilsland. After the meeting I walked across to Geilsland's main building with IWC ██████████'s key worker, HVK ██████████ IWC ██████████'s social worker, Dave Gillies, was also there. On the walk across, HVK ██████████ asked me whether I had heard about the "Carry on with GLR" I told him that I had. HVK ██████████ told me that the father of the boy who had been assaulted by GLR ██████████ had called HVK ██████████ to complain. HVK ██████████ told me that he had informed the boy's father that the boy had been trying to steal GLR ██████████ car. He told me that the boy's father then said something along the lines of "I would have booted the boy's arse as well."
24. The conversation I had with HVK ██████████ provided me with, what I felt was, corroboration of what GLR ██████████ had told me. My mind became firmed up at that point that I needed to report the incident. I then left Geilsland and made a note of what I had heard.
25. Later on, I asked Dave Gillies whether he had heard the conversation I had with HVK ██████████. He said that he hadn't heard the conversation because of the way we were all walking. Dave Gillies had been walking behind us. When you are a social worker and you report that you didn't hear something you have to stick with that.

You can't say later on that you did otherwise it could be seen as an admission that you were lying about hearing something.

*Abuse disclosed by [REDACTED] and [REDACTED] on 12/01/00 during a car trip*

26. Part of my job with Action for Children involved picking up and dropping off young persons for group work in Greenock. On 12/01/00 I was in a car with four young persons. Their names were [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. I was travelling back to Geilsland to drop [REDACTED] off before dropping off the other young persons. During the car ride, [REDACTED] started talking about [REDACTED] assault on the unnamed boy. He was sharing the information without realising that I already knew about the assault. [REDACTED] thought I didn't know anything about the incident.
27. [REDACTED] also reported two other incidents. He said that he had heard that another resident of Geilsland, by the name of [REDACTED], had been physically assaulted in the presence of police officers by [REDACTED] following his return to Geilsland in the early hours of the morning of 08/01/00. He implied that [REDACTED] [REDACTED] had given another resident "a difficult time" when they had been alone in a room. [REDACTED] had thought that that resident had been another boy who had been involved in stealing his car. This resident was a different boy to the one [REDACTED] had reported to me as the one he had assaulted. I inferred that from what [REDACTED] was telling me and the way he was describing things.
28. After [REDACTED] talked about the incident concerning [REDACTED] and the unnamed boy, [REDACTED] reported to me that he had been assaulted by [REDACTED]. [REDACTED] said "He done it to me as well." [REDACTED] [REDACTED] said that, about six months previously, he had returned to Geilsland under the influence of heroin. [REDACTED] got upset with him and physically assaulted him. He said that [REDACTED] had waited until he was in a room alone with him. He said that [REDACTED] then punched him forcefully in his stomach. He later told me that he had reported the incident to his mother but she hadn't believed him.

29. After IWC [REDACTED] and IVT [REDACTED] disclosed the incidents there was a discussion between everybody in the car concerning young people, violence and how they should deal with it. [REDACTED] stated that he felt he couldn't rely on the police and that if he had been assaulted he would have had to have dealt with it himself. There was then a discussion about what should be done with staff who assaulted young people. It was felt that staff who were assaulting young people should lose their job. IVT [REDACTED] then stated that if that was the case then there would be no staff left.

30. I then advised IWC [REDACTED] and IVT [REDACTED] that I would be passing on what they reported to me concerning GLR [REDACTED]. IWC [REDACTED] and IVT [REDACTED] IVT [REDACTED] then became anxious as they felt that this may get them in trouble within the school. They requested that I didn't tell anybody about what they had said. I told them that I couldn't give them that assurance and said that I may have to pass the information they had provided on.

31. There is a note of the disclosures made to me during the car trip in a document entitled "Disclosures of Assaults on Young People Residing at Geilsland School" dated 13/01/00. It is the typed up version of my handwritten notes.

*Abuse disclosed on 24/01/00 by IVT [REDACTED]*

32. IVT [REDACTED] was moved out of Geilsland into Redholme Core and Cluster Unit, Port Glasgow. The reason he was moved was because of the allegations of abuse within Geilsland school and because an investigation was in process at that time. I went to visit IVT [REDACTED] at Redholme on 24/01/00. A note of that interview can be found in the document entitled "Interview with IVT [REDACTED] on Monday, 24 January 2000, approx. 11.30am at Redhome Core and Cluster Unit" dated 24/01/00.

33. During the interview IVT [REDACTED] made further disclosures about abuse that had occurred at Geilsland School. He stated that another resident by the name of

IWD [REDACTED] had spoken with him by telephone on 22/01/00. IWD [REDACTED] informed IVT [REDACTED] that he had recently been punched and kicked by GLR [REDACTED] GLR [REDACTED] in Geilsland. IWD [REDACTED] also said that GLR [REDACTED] had also punched a resident by the name of IWA [REDACTED]. He said that they had been assaulted because they had gone to Beith without staff knowledge. Beith is an area in North Ayrshire.

34. IVT [REDACTED] disclosed that he had been assaulted by a staff member by the name of HVE [REDACTED] during a five day residential trip to Craigmarloch with Geilsland school. He stated that, following an incident where a Rangers top had gone missing, HVE [REDACTED] had grabbed him by the top of his shirt then dragged him through a room, banging his head off the walls on either side of the room as he went along. HVE [REDACTED] then placed his knee on his back and proceeded to bang his head off the ground. He reported that there were a number of witnesses to the incident. Those witnesses included both residents and other staff members. He stated that the incident was common knowledge among staff and residents and reported that another staff member by the name of IHH [REDACTED] had reminded other boys of what HVE [REDACTED] had done and said that that would also happen to them if they did not behave.

35. IVT [REDACTED] disclosed that another ex-resident by the name of [REDACTED] [REDACTED] had been hanging from another resident's window. He stated that when a night staff worker by the name of ERT (surname unknown) discovered the boy he pulled [REDACTED] out of the window feet first. [REDACTED] fell to the ground face first. He was then punched in the face by ERT [REDACTED] IVT [REDACTED] stated that he did not witness this incident but said that the occurrence of the incident was common knowledge.

36. I believed what IVT [REDACTED] was saying about all of the incidents. IVT [REDACTED] stated that he had informed Redholme staff members by the name of Betty and Ian of the incidents.

*Abuse disclosed on 24/01/00 by IWC [REDACTED]*

37. I was sent back to Geilsland to visit IWC [REDACTED] in his unit. I went there with IWC [REDACTED] IWC [REDACTED] s social worker, David Gillies. The notes concerning that visit are set out in a document entitled "Interview with IWT [REDACTED] on Monday 24 January 2000 approx. 11.30am at Redholme Core and Cluster Unit, Port Glasgow" dated 25/01/00.

38. Both David Gillies and I took IWC [REDACTED] out. We had been instructed to remove the boy if he felt he was unsafe. Sharon McAless had instructed us to do that. We had been told that we could remove IWC [REDACTED] from Geilsland if he had concerns without consulting any of the staff. That was an unusual practice. That was because of the concerns and because an investigation into GLR [REDACTED] and Geilsland was about to be commenced. We told IWC [REDACTED] that we had shared the information he provided during the car ride on 12/01/00 with the local authority. IWC [REDACTED] stated in response "I told you not to say anything about that" and "I'm saying nothing, I've not been assaulted, not seen anybody being assaulted, I want to stay at school." We explained to IWC [REDACTED] that there was a place at Crosshill Children's Home and that we could take him there if he decided he didn't want to remain at Geilsland. IWC [REDACTED] decided that he wanted to remain at Geilsland because he wasn't fearful or worried. Dave Gillies then told IWC [REDACTED] that the police may want to speak with him. IWC [REDACTED] remained adamant that he wanted to remain in Geilsland. We asked IWC [REDACTED] to not share any of the information that we had shared with him. However, when Dave Gillies took IWC [REDACTED] back to his unit he proceeded to say to other residents that he had something to tell them.

**Action for Children - reporting of abuse disclosed to me concerning Geilsland School**

*Reporting of abuse through Action for Children*

39. After my visit to Geilsland on 10/01/00 I took some notes on the abuse that had been reported to me. I still have those notes. I then went back to the office and wrote my

notes out in full. My handwritten notes are the notes entitled "Visit to Geilsland School Beith 10/01/2000, 2.00pm to interview [REDACTED] and [REDACTED]" dated 10/01/2000. There is also a typed up version of those notes.

40. I also spoke to my senior, Alan Hind. He advised me that I needed to complete an incident form. The document entitled "Significant Occurrence Form" dated 13/01/00 is a copy of that form. This form was completed both by Alan Hind and myself. The form was then sent to Inverclyde Council's social work department. The procedure for Action for Children was that, where there were any concerns about any of the children we were looking after, we were required to report them to Inverclyde's social work department. We had to do that because they were the ones who managed the supervision orders.
41. After I returned from the car ride on 12/01/00 I made a note of what was discussed. A copy of the typed up note is the document entitled "Disclosures of Assaults on Young People Residing at Geilsland School" dated 13/01/00.
42. On 13/01/00 I discussed what [REDACTED] and [REDACTED] had told me with my senior, Alan Hind. I expressed to Alan Hind my concerns as to the implications of reporting the information to the relevant agencies for [REDACTED] and [REDACTED] [REDACTED] Alan Hind and I then discussed all our concerns with Paul Cadbury. Paul Cadbury's advice was to fill out a Significant Occurrence Form and pass that on to the local Social Work department. The document entitled "Significant Occurrence Form" dated 13/01/00 is the form completed by Alan Hind and myself. This is the form we sent to Inverclyde Council's social work department concerning the disclosures.
43. Following the disclosures made by [REDACTED] at Redholme on 24/01/00 concerning further incidents of abuse at Geilsland, I spoke with Callum Rae. Callum Rae was the Unit Manager at Redholme. I wanted to see whether what [REDACTED] [REDACTED] had reported to me had been logged. There is a typed up version of my full handwritten notes concerning the disclosures. That document is the document entitled "Interview with [REDACTED] on Monday, 24 January 2000, approx.

11.30am at Redholme Core and Cluster Unit" dated 24/01/00. There is a duplicate of the typed up notes which includes a "Fax Transmission Report" to Callum Rae dated 24/01/00. This document shows that I passed on the typed up version of my notes to Callum Rae via fax.

44. I discovered from Callum Rae that no record of the disclosure had been made. I then attempted to phone Sharon McAlees from Redholme. Sharon McAlees was not in her office so I left a message for her to contact either myself or Callum Rae.
45. Following my meeting with **IWC** on 25/01/00 I wrote up my notes. Those notes can be found in the document entitled "Interview with **IVT** on Monday 24 January 2000 approx. 11.30am at Redholme Core and Cluster Unit, Port Glasgow". This document also discusses my meeting with **IWC**. These typed up notes were also faxed to the local authority.

**Action for Children – investigations into the abuse disclosed to me concerning Geilsland School**

*By local authorities*

46. Following reporting the incidents disclosed to me by **GLR**, **IVT**, **IVT** and **IWC** there was an investigation launched into Geilsland. Glasgow Council and Inverclyde Council took the decision to stop placing young people at the institution whilst the investigation was underway. Other local authorities continued placing young people in Geilsland throughout that period. **IVT** was taken out of Geilsland for his own protection. **IVT** co-operated with the investigation. **IWC** chose to remain in Geilsland.
47. At the time of the investigation I thought it was great. I thought that everybody was taking things seriously. I did hear that the investigation opened a whole can of

worms that resulted in all the staff telling on each other. Sharon MacAalees told me that this is what happened.

*By the police*

48. I was interviewed by the police on 31/05/00. I think I met the police down in Ayrshire. It could have either been in Ayr or Kilmarnock. The police officer who interviewed me was called DC McAuslind. I was happy that the process had started.

*By the Board of Social Responsibility (Crossreach)*

49. I was then interviewed by two people from the Board of Social Responsibility. That organisation is now called Crossreach. The organisation is part of the Church of Scotland. They managed Geilsland. It was a female and a male who interviewed me. They already knew the circumstances of what I had reported. I felt they were seeing me because they had to "tick boxes". I reported to them what I had heard. Their response was "These boys can be quite hard work sometimes." I agreed with them because sometimes they can be. I left the interview feeling that there was nothing I had said that they appeared to doubt.

**Action for Children – outcome of the investigations concerning Geilsland School**

*The police investigation*

50. Later on, I was re-contacted by DC McAuslind. I was told by him that the police investigation wouldn't be going any further. He assured me that he believed me. He informed me that, although the assault by GLR [REDACTED] on the boy had taken place in front of two of their officers, those officers reported not seeing it take place. I was told that GLR [REDACTED] was also denying that the assault took place. The only person who was saying that the assault had taken place was the boy. Because

the boy was the only witness there wasn't sufficient evidence to charge [REDACTED]

[REDACTED] There was a lack of corroboration.

51. During my conversation with DC McAuslind, he implied to me that he thought the officers may be lying. From my own experiences of being assaulted by the police as a child and of hearing of people being assaulted, it didn't surprise that the police would lie. I suspect that as soon as those officers didn't act or do anything when the assault took place they became complicit in the assault. They had to maintain saying that the assault didn't happen to cover themselves for not doing anything.
52. I don't believe that the assault had not taken place. For that to have been the case, [REDACTED] would have had to have made the incident up that he told me. He would have had to have lied when he was telling his colleagues about the incident taking place. The boy who had been assaulted would also have had to have been lying when reporting the assault to his father.

*The investigation by local authorities*

53. There is a handwritten note entitled "Note of Meeting between Elaine and [REDACTED] to discuss his suspension" dated 08/02/02. That is a note of a discussion I made following a discussion I had with a social worker I knew called Elaine Mulholland. I still remember where the conversation took place. Bizarrely it took place in a sauna in a swimming / health spa in Port Glasgow. Elaine was a social worker working with the local authority as a through care social worker working with children who were placed at Geilsland. She had also formerly had a placement at Geilsland as a student social worker. She had formed a relationship with [REDACTED] through both those roles. Another thing that Elaine told me was that she had been asked by Sharon McAlees to be the "eyes and ears of the social work department" in her interactions with Geilsland.
54. Elaine told me that she had visited Geilsland in 2002 and met with [REDACTED]. She informed me that [REDACTED] had been suspended during the investigation. She told me that Geilsland tried to give [REDACTED] a verbal warning. She told

me that [GLR] trade union had fought the possibility of him being given a verbal warning and that he was now back at work. [GLR] was able to keep his job at Geilsland.

55. Elaine told me that [GLR] had said to her that he was worried what people thought of him and that he had got on really well with me. I did get on really well with [GLR]. He was right in saying that to Elaine. Elaine also told me that [GLR] had said to her that when he was a sessional worker he had reported worse incidents to the school than the one I reported. He said that he had been given advice that he was a sessional worker and that a full time post would be available soon. I took it from what he was saying to Elaine that he didn't understand why I was trying to do what I was doing to him.

*For* [IVT]

56. I heard from [IVT] that after the investigation had been concluded into [GLR] [GLR] took a bus load of kids out of Geilsland and drove them to Greenock. [IVT] said that [GLR] drove the bus past [IVT]'s house. [GLR] saw [IVT] in the street and waved to him. [IVT] felt that he was in danger and that [GLR] was mocking him. [IVT] reported the incident to Action for Children. Action for Children then reported that [GLR] excuse was that he was just being friendly.

57. I believe that at the end of the investigation into Geilsland School, [IVT] [IVT] was supposed to get some sort of apology. I know that that apology never came because I continued to work with [IVT]. Many years later I would meet with [IVT] and the running joke was "Did you ever get that apology from Geilsland?"

**Action for Children - abuse disclosed concerning the Kibble**

58. [REDACTED] was on a supervision order under the condition that he had to attend the Kibble. He was a day boy. He also attended the Gap Project. He was about fourteen or fifteen in 2000. I was dealing with his offending behaviour through the Gap project. I was working with him on his offending behaviour and his social skills.

59. On 26/06/00 I went to see [REDACTED] at Kibble. Stella, who was [REDACTED] Unit Worker took me to [REDACTED] computer workplace. I picked up [REDACTED] and walked him back to my car. During the walk back I noticed that [REDACTED] was limping. I asked him how he had hurt himself. He told me that he had been injured when he was pulled from his bed by a member of staff. I took him to McDonalds and advised him that I wanted to pass on the information he had told me onto my senior. I wanted to be upfront with him. He agreed to this being done.

60. Following telling [REDACTED] that I was going to pass on the information, [REDACTED] provided more detail as to the incident. He stated that on 22/06/00 at 9:00am [IIS] [REDACTED], a staff member at Kibble, had come into his room and told him to get up. [REDACTED] replied "I will get up when I am ready." [IIS] [REDACTED] then grabbed [REDACTED] ankle and pulled him from his bed. [REDACTED] banged his head off of the bed and the floor. He was then dragged through to the living room by [IIS] [REDACTED]. [IIS] [REDACTED] injured his left hand and got carpet burns on his left elbow. He further stated that he damaged his ankle and bruised his heel. He also stated that he had hit two radiators as he had been dragged through the corridor.

61. [REDACTED] stated that as he had been dragged through the corridor, another witness by the name of [REDACTED] came out of his room and asked "what's all this fucking banging about." [REDACTED] had been told to get back in his room by [IIS] [REDACTED].

62. [REDACTED] reported lying on the floor in agony before hopping to the couch. He then told either [REDACTED] or [REDACTED], another resident at Kibble, what had happened to him. [REDACTED] was then taken into the office with [IIS] [REDACTED].

Lorraine (night staff) and Winnie, (duty manager). They all discussed issues related to the previous night. Because of those issues, [REDACTED] was told that he would be isolated that day. [REDACTED] then said that he felt he needed to go to hospital. Winnie refused to take [REDACTED] to hospital because of all the trouble he had caused. [REDACTED] admitted that [REDACTED] had picked up a few injuries. Winnie said that she didn't care then said they would try and arrange some transport. However, all the staff then refused to take [REDACTED] in their cars. [REDACTED] was then put into isolation.

63. Later that morning [IGK] took over from Winnie. [REDACTED] asked [IGK] [REDACTED] whether he could be taken to hospital. [IGK] refused to take [REDACTED] [REDACTED] to hospital but said he would try and organise transport. [REDACTED] then reported to [IGK] [REDACTED] the circumstances of the assault by [IIS] [REDACTED] that morning. No transport was arranged.
64. When Sue Jones took over from [IGK] at dinnertime, [REDACTED] asked again whether he could be taken to hospital. She told [REDACTED] that it was being arranged. [REDACTED] was then taken to the hospital by [IGK] [REDACTED] and another staff member.
65. When [REDACTED] saw a doctor he said that he had hurt himself whilst "carrying on with another boy." The doctor told [REDACTED] that he had a bruised heel, told him to rest for two weeks and advised him not to play football.
66. When [REDACTED] was taken back to Kibble he spotted his social worker, Hazel. [REDACTED] went up to speak to her at her car. He reported what had happened. Hazel asked [REDACTED] whether he wanted her to do something about it. [REDACTED] [REDACTED] said "no". As far as I am concerned there was no choice in that situation. Hazel had a duty to report in that situation. I don't know why she would say that. Maybe she just hoped that this thing would go away. Maybe she felt there was enough doubt there to not do anything.

67. [REDACTED] was then moved unit. A staff member called Tony Barrie asked [REDACTED] [REDACTED] what had happened. [REDACTED] then told him everything that had happened.

68. After [REDACTED] had told me the full story I asked him the reasons why he hadn't wanted to take things further when he was asked by Hazel. He said that he didn't want anything done about it because he had actually got on well with [REDACTED] [REDACTED]. He said he didn't want to take things further because he lived in the same place as [REDACTED] and that if he got into further trouble [REDACTED] would be the first person to target him. He also said that he hadn't wanted to take things further because he hadn't seen [REDACTED] act like that before. He then admitted that [REDACTED] had restrained him in the past using his "karate moves."

69. I asked [REDACTED] whether I could discuss the incident with Stella who was a staff member at Kibble. He said no, he wanted me to speak to my senior first. I then asked him whether he felt safe. He said that he did because he had moved unit. I then reminded [REDACTED] that other people, such as the police and social workers, may want to speak to him. [REDACTED] appeared anxious but said that was fine. I then returned [REDACTED] to his unit.

#### **Action for Children – reporting of abuse disclosed concerning the Kibble**

##### *Reporting of abuse through Action for Children*

70. After dropping [REDACTED] off at Kibble I returned to my office. I reported what [REDACTED] had disclosed to Alan Hind who was my senior. I did that at about 4.00pm. I also wrote up my notes. A typed up version of those notes is the document entitled "Meeting with [REDACTED] at Kibble, 2.00pm Monday 26 June 2000" dated 26/06/00. Those notes were forwarded on to the social work department.

*Reporting of abuse to the police*

71. I think the police contacted me after [REDACTED] had spoken to them. I don't think it was me who initially reported the incident to the police. On 03/07/00 I attended an interview with PC Morran at Ferguslie Police station. The document entitled "Interview with PC Morran, Ferguslie Police Station on 3 July 2000 at 11.30am" dated 03/07/00 is a typed up note of the interview I had with PC Morran.
72. I gave a statement to PC Morran. PC Morran told me that he had been told by [REDACTED] [REDACTED] the same account. PC Morran then gave me details of another witness's statement that directly contradicted much of the information [REDACTED] had given to me. He told me of another witness, a boy at Kibble. He said that the boy claimed he was in the room with [REDACTED] during the incident and saw everything. He said that [REDACTED] had been struggling with the worker and that the worker had picked [REDACTED] up from his bed using an appropriate method. He said that the worker had put his arms around [REDACTED] waist. He also said that [REDACTED] had injured his ankle when he had banged his leg on a doorpost and that the worker acknowledged the injury and put [REDACTED] down. He said that [REDACTED] had not been dragged along the floor, had not banged his head on the bed or the floor and that [REDACTED] was a liar.
73. I found it strange that PC Morran would share that information with me. He was jeopardising his own investigation through doing that. I felt that PC Morran had felt he had to tell me what the other witness had said in order to correct my account. I felt uncomfortable with this but persisted in my opinion that the injuries I had seen on [REDACTED] were carpet burns. I then informed PC Morran that [REDACTED] social worker, Hazel, had seen him the day after he had been in the hospital and that she may have seen the injuries. I said that PC Morran may want to speak to Hazel in light of this. PC Morran noted Hazel's name but I got the impression that he was not interested.
74. At the end of the interview PC Morran requested that I tell no one of what had been said in the interview concerning the other witness as it may affect his inquiries. He

also told me that the Kibble worker in question was on holiday and would not be returning for another two weeks. The impression that I got from PC Morran was that he believed the other boy's story. He did, however, confirm that [REDACTED] had given him more or less the same details he had told me on 26/01/00.

75. PC Morran then told me that he spent a lot of time in the Kibble dealing with issues that may arise. He said that was where he was going to next. He was going there for another issue I offered to give him a lift. Whilst we were in my car we discussed the Kibble situation. He said that I should not tell anyone about our discussions, not even my own boss, as this may hinder the investigation. He informed me that he had shared the information he had shared with me to alleviate any concerns or worries I may have and that I should not let things affect my relationship with [REDACTED] [REDACTED] in any way.

*Reporting of abuse and interaction with Inverclyde Council*

76. On 04/07/00, at 9:45am, I called Sharon McAlees. That conversation is noted in the document entitled "Interview with PC Moran, Ferguslie Police Station on 3 July 2000 at 11.30am" dated 03/07/00. I asked whether the police had decided to undertake a medical on [REDACTED] She told me that "It would appear that the police had decided not to have one." I also informed Sharon McAlees that I had some concerns about my interview with PC Moran and would be discussing that with Alan Hind. Sharon McAlees then said that she had someone in the office and she would call me back in ten minutes. I don't think she ever did. After the phone call with Sharon McAlees I went on and spoke with Lesley Watson, who was service manager in Child Care at Inverclyde Council and Sharon McAlees's senior. I also spoke to Alan Hind about my concerns.

**Action for Children – outcome of investigation into abuse concerning the Kibble**

77. It ended up with [REDACTED] telling me that he had withdrawn his complaint. He withdrew it because he felt that the guy who had assaulted him, [REDACTED], had made a mistake and he was an ok guy. He also said that [REDACTED] who was his key worker, had pointed out to him that it was [REDACTED] livelihood he was dealing with. I think that ultimately it was pressure from within the Kibble that brought things to an end. I remember calling Sharon McAlees and she was aware that the complaint had been withdrawn. That was the end of it as far as they were concerned.

**Inverclyde Council**

*Role with Inverclyde Council*

78. I returned to work with Inverclyde Council as a group worker in 2001. I initially worked within a community IT team. I later moved to intensive IT provision. My title was then changed to youth support worker. I provided all the same individual and group support work I had been providing before.

79. When I returned to Inverclyde Council I worked in the Mearns Centre in Greenock on an intensive project which included a day school for kids who were having difficulties. The project didn't concern just offending behaviour but also individuals who were having family difficulties. We worked with kids who were in care and also who weren't. The kids we worked with were under supervision orders. We would go out, pick them up and bring them to the Mearns Centre. I worked there as a senior practitioner.

*Protocol for reporting abuse*

80. If an incident of abuse was disclosed to you during your time with Inverclyde Council you would initially record it. That would be done on the same day of the disclosure or the following day. There was a form you had to fill out for a group work recording for each child. Group work recordings were made routinely. Even if nothing had happened they were still made. There was a place on the form to fill in the concerns the child had disclosed and what you had done that evening after the concerns were disclosed.
81. Once the form was filled in it would go on the child's file. Some of the files were kept in the Mearns Centre and some of them weren't. It depended who the child was and who was assigned to that child. Sometimes the file was kept with the social work department. After the form was filled a copy would be sent to Roberta McInnes. Roberta McInnes was based in the Mearns Centre. She was the manager of my line manager. After filling in the form and passing it on you would then report the concerns to your line manager. They would then instruct an investigation. My line manager at this stage was Margaret Solomon. She was a senior social worker.
82. There was a SWIFT system which you recorded your concerns on. You could place notes on there. The SWIFT system was like a case management system. You may also contact the police if it was a concern that you felt needed to be dealt with there and then. If a child disclosed something to you that was urgent, for example that they were being abused at home, you would take action there and then and not return them home. You could deal with things that day or the next day if you wanted to.
83. I don't know whether these procedures were written down. They were just put in place. I can't remember being given anything in writing along the lines of "this is what you must do." It was just part and parcel of your training. From my experiences at the Mearns Centre people didn't follow these procedures. I could understand that when it was mundane things. However, I couldn't understand that

when something happened out of the ordinary like an alleged assault. I saw three social workers collectively deciding not to record an incident.

*Whistleblowing procedures*

84. During my time with Inverclyde Council I wasn't aware of any formal whistleblowing procedures. There may have been a procedure and a contact number but I had no knowledge of that at the time. All I was aware of, in terms of what you could do, is that you should report things to your senior. You could go over your senior's head, however, that could have implications and cause you problems.
85. I know that there is now a whistleblowing procedure. There is a document which refers you to a telephone number. When you call that number you get through to the local authority.

**Inverclyde Council - abuse disclosed to me concerning the Kibble**

86. I was given another case with Geilsland. That meant that I had to go back there every now and again. On 12/08/2005 I contacted the school to arrange to meet with a new client. On 15/08/2005 I went off work sick with stress. I returned from sick leave on 22/08/2005. At that point I was given the client's paperwork. On 25/08/2005 I visited my new client at Geilsland school. There were no incidents. GLR [REDACTED] had left by this point and I didn't recognise any of the workers as being workers I had worked with in the past. On 05/09/2005 I went on holiday. I should have returned to work on 12/09/2005 but I went to work to get a sickness certificate. I was then off work and attended numerous counselling sessions between October 2005 and January 2006. A lot of my discussion during that time in the counselling sessions concerned my own time as a resident at Geilsland school.
87. I returned to work on 06/03/06. On returning to work I was put in place as the family social worker of a boy called [REDACTED]. [REDACTED] was a day pupil at the Kibble. He was twelve years old. I was informed about an assault that had

happened involving [REDACTED] six months previous. Paula Lyons had been managing the case whilst I was away. During some group work [REDACTED] disclosed to three social workers that he had been assaulted during his time at the Kibble. He reported that a member of staff, by the name of [REDACTED] (I am unsure of the surname) had stood on his head. He had a footprint on his head.

88. Every one of my colleagues told me about the incident. The colleagues included Paula Lyons, Margaret Solomon and Lorraine Caldwell. It appeared to be fresh in their minds. There is a document entitled "Notes taken after discussion with Paula Lyons" dated 09/03/06. It is a handwritten note I made following Paula Lyon's discussing the assault of [REDACTED]
89. There is a document entitled "PC to Mark Winters" dated 20/03/06. It is a handwritten note of a conversation I had with Mark Winters when I was looking into what had happened. Mark Winters was assistant service manager with Inverclyde Council.

**Inverclyde Council – investigations into the abuse disclosed to me concerning The Kibble**

*By Inverclyde Council*

90. I learnt from colleagues and [REDACTED] records that Margaret Solomon and Mark Winters interviewed [REDACTED] at the Mearns Centre on 08/09/05. There is a note of the interview [REDACTED] gave to Margaret Solomon and Mark Winters. Margaret Solomon took a photograph of [REDACTED] head. That photograph can be found attached to the note. The notes of the interview and the photograph were in [REDACTED] file. It was at that point that the police were informed. The police went to interview [REDACTED] [REDACTED] refused to co-operate with the police because his own father had had a bad relationship with the police.

91. Margaret Solomon was Joint Investigative Interview Trained (JIIET). She was trained to avoid the conflict where you had social workers and police officers interviewing people separately. She had a relationship with [REDACTED] because she had previously been the family's social worker. She'd known [REDACTED] for many years. She should have initially interviewed [REDACTED] in the presence of a police officer and the police officer should have been taking the notes.
92. The procedure wasn't followed. A police officer and a social worker should have interviewed the boy as soon as he had made his disclosure. In this case, however, that did not happen. Nobody had made a record of the disclosure the night after the disclosure had been made. They hadn't followed the procedure. Ultimately, the investigation broke down because [REDACTED] did not want to co-operate with the police. He decided that he wanted to stay at the Kibble.

*By the Kibble*

93. I remember going back to the Kibble about the incident some six months after it occurred. I spoke with [REDACTED] key worker. I don't remember his name. I asked him what had happened. He told me that "he didn't know what had happened." I then asked him whether he was aware of the photo. He knew about the photo. He had been told by someone that had seen the photo that it looked as if [REDACTED] had drawn the injuries on his head with a red magic marker. Anybody who had seen that picture would know that that would not have been possible. It was a bruise. The key worker seemed happy to believe this though. I think he was a wee bit taken aback by my reaction. Looking back this is an example of a serious incident being played down. The incident being played down made me feel angry and frustrated. I remember thinking at that point that I needed to remove myself from social work. These incidents just weren't being taken seriously.
94. Staff at the Kibble having been shown the photo suggested to me that the Kibble was aware that an investigation was undergoing, if not they were undertaking an investigation on their own. To this day I can't say for certain whether the Kibble

actually undertook their own investigation. It could be that they felt they didn't have to because they were aware that Inverclyde Council had become involved.

**Inverclyde Council – reporting of abuse disclosed to me concerning The Kibble**

*By the family*

95. Whilst I had been away, [REDACTED] family made a fuss. They wanted to know what was happening, albeit they didn't want to speak to the police. The family tried to speak about their concerns at meetings in the Kibble. I wasn't in attendance at those meetings but I heard from the family that Paula Lyons had said that the meetings they were having there "Weren't the place for discussing the concerns". The family were then put on hold and further meetings weren't happening. Paula Lyons confirmed with me that the meetings at the Kibble had existed and she had been in attendance. She made no recordings of the meetings.
96. By the time I had come back the family had a lawyer and were complaining that they weren't being spoken to. They were saying that Inverclyde Council were not providing them with anything in writing about the outcome of the investigation. Inverclyde Council were claiming that the family hadn't made a complaint so they weren't willing to provide something in writing concerning the outcome of the investigation. It was a mess.

*By me to Inverclyde Council*

97. I raised my concerns about the investigation into [REDACTED] disclosures with Margaret Solomon. There is a document entitled "Met with Mags Solomon SSWR" dated 30/03/06 which is a handwritten note drafted by me following a meeting where I raised my concerns with Margaret Solomon. She stated that she had raised her own concerns with Roberta McInnes. She said she still had concerns about what had happened. She had concerns surrounding inconsistencies in the Kibble's report.

She never told me what those inconsistencies were. She stated that she had misplaced that report. I never saw a copy of that report. She raised those concerns with Mark Winters. Mark Winters gave assurances that her points would be raised with the Kibble. She stated that [REDACTED] father was making an issue and made the moral judgement that the family were looking to make money out of the incident.

**Inverclyde Council - professional opinion of Inverclyde Council's investigation into [REDACTED]'s disclosure of abuse**

98. In my opinion, I think that the response to [REDACTED] disclosure of abuse is the perfect example of where things can go wrong if procedures aren't followed. Even if the assault hadn't happened the disclosure should have been recorded. If [REDACTED] had wanted to come forward and make an issue of the incident then there were no records of the disclosure. There could have been numerous records in place.
99. The people who dealt with [REDACTED] disclosure were good people. However, when I raised with them my concerns about the lack of reporting and how things were dealt with they just didn't understand what I was going on about. They were concerned enough to come to me to tell me about things but they just weren't concerned enough to write things down.
100. I've no doubt that records now exist concerning the disclosure. I'm guessing that those records will now exist. However, what will be there now are records that have been created six months after the event. There were certainly no records there at the time I was passed the file. All that was there was the statement and the photograph.

**Inverclyde Council – leaving Inverclyde Council**

101. I resigned on 27/04/06. I think that the point I raised my concerns with Margaret Solomon was the point that things turned from "there being a concern" to me "being viewed as a bit of a pest". I remember that there was a point in the meeting where she said something along the lines of "look, it's with higher management. We can't go any further with this." When I was working with Inverclyde Council there was a culture of "I've taken it to management so just leave it there, that should be the end of it." There was a culture of not going over your bosses' head. All that would happen is that, if you reported things to their boss, they would just pass it straight back down.
102. It was after that meeting that I decided that I was going. I realised that there were so many people not doing their job that it would be impossible for me to tell on them whilst, at the same time, continuing to work with them. The important thing for me was to get out with a good work record so that I could raise the issues and any backlash would be about the incident and not the way I worked. In retrospect, I regretted not staying because of things that happened later on. I would have been better just staying and making a fuss.
103. There were other reasons I left as well, predominantly the changing nature of the use of group work, but that was the main reason I left. In the end, I didn't tell anyone that the incident with [REDACTED] was the reason I left. I didn't even put it in my resignation letter.
104. I did get the opportunity to talk about my concerns with Rab Murphy around the time of my exit. He was the head of services at Inverclyde Council. I rejected that. I felt that I needed to just get out of the door to raise my concerns. I didn't want things to drag on whilst I was working there. I didn't want my work practices to put under the microscope.

## Reporting of abuse after leaving Inverclyde Council

### *Inverclyde Council's response to my whistleblowing*

105. There is a document entitled "Inverclyde Council Exit Review" dated 28/05/06. Inverclyde Council's personnel department sent me a blank version of the form a couple of days after I left Inverclyde Council. I was asked to fill in the form. That form was then sent back to Inverclyde Council's personnel department. I made my concerns clear in that form. I referred to the Kibble school and raised my concerns about [REDACTED]. I explained how I felt that Inverclyde Council had let [REDACTED] [REDACTED] down. In my eyes, this form was me whistleblowing.
106. After I sent back the form I got a phone call from someone in the personnel department at Inverclyde Council asking whether I would be happy to speak to them. I can't remember the name of the person. I said that I would be happy to do that but I wanted it to be in the presence of a third party. I felt that the concerns I was raising were serious enough to justify someone else being there. I gained no response to that and didn't speak to anyone.
107. I didn't hear anything for about a year. I just assumed that they were dealing with things. I assumed that they were keeping me out of things because I had provided them with enough information. Everything I had done was on their systems so everything should have been there. That's why I thought that they didn't need to talk to me.
108. A year after I left Inverclyde Council I had a chance meeting with Rab Murphy. At that time Rab Murphy was head of social work for Inverclyde Council. He was a friend of mine. I bumped into him in Greenock town centre on 19/06/07 whilst I was there with my wife. I made a note of that encounter. The note is the document entitled "Meeting with Rab Murphy, Greenock Town Centre, Tuesday 19 June 2007" dated 19/06/07. I approached him. He asked me why I would walk away from a £28,000 a year job. I said that it was because I wasn't happy with the way the council dealt with [REDACTED] and that I wasn't happy with the way in which the

group work programme was moving. He then said that he was unhappy with me because I was critical of him in my exit form. He said that I had said in the form that he was "unapproachable" and that I hadn't felt I could go to him to speak. I said that he needed to maybe read the form again. He said that he had thrown out the Exit Form in a clear out.

109. That same day I then went to Inverclyde Council's personnel department. I requested a copy of my Exit Form. They provided me with a copy. I re-read the contents. I don't think I was critical of Rab Murphy at all. I couldn't work out where he was coming from. To me, his response was his coping mechanism.
110. After I got a copy of my Exit Form I tried to meet with some of the officers and council members of Inverclyde Council. They replied to me by letter, promised meetings and said that they would look into things but nothing ever happened. I could never ever get a meeting.
111. Later on, I went for a job with Inverclyde Council's Education department. I was asked why I had left my job with Inverclyde Council. I told them that it was because I had concerns about a young person being assaulted and wasn't happy with the way it was investigated. I wasn't going to lie. They flagged it up with the Social Work department.
112. After my interview with Inverclyde Council's Education department I started getting letters from Rab Murphy. That was the first time that I had heard anything officially from Inverclyde Council about what I had tried to whistleblow. I was told by Inverclyde Council that they really needed to investigate my concerns and that they may need to speak to members of staff. At that point I felt good. However, ultimately nothing would happen.
113. There is a letter entitled "Letter from Social Work Services, Inverclyde Council – 13 December 2007" from Rab Murphy of Inverclyde Council to me dated 13/12/07. In that letter he says "I would be grateful if you would be willing to confirm these

allegations and also if you would give your agreement to staff from this service interviewing you with a view to clarifying the allegations you are making."

114. After I received the letter dated 13/12/07 from Rab Murphy, I wrote to Ian Fraser. He was the Corporate Director for Education and Social Care at Inverclyde Council. I wrote that letter on 17/12/07. I made a formal complaint about Rab Murphy. I stated that I was "unclear how Mr. Murphy will be able to provide an impartial balanced investigation when his letter clearly contains information regarding his past contact and involvement which is less than truthful." I felt that Rab Murphy did not tell the truth about my contact with Inverclyde Council since I had left my post and that he was questioning my professionalism. I wanted to challenge that.
115. There is a document entitled "Letter from Corporate Director, Inverclyde Council to Brian Heron – 7 January 2008" dated 07/01/08 which is a letter to me from Ian Fraser. The letter acknowledged my letter and asked for more clarity surrounding my complaint. I provided that clarity in a further letter to Ian Fraser dated 04/02/08. On 13/02/08 I received a letter back from Ian Fraser. Ian Fraser states in the second paragraph of that letter "Having spoken with the relevant personnel and having seen the documentation I can reassure you that there was an investigation over the incident and that the concerns which you have expressed have been raised and expressed." I took from that paragraph that Ian Fraser felt that the situation had been addressed. I couldn't see how it could have been because they hadn't met with anybody who had been investigating my concerns. It seemed to me a crazy set up that the very person who raised the concerns wasn't spoken to in any way other than the occasional letter.
116. After that letter the interview that Inverclyde Council had suggested never came. My impression was that the process of going over the top of Rab Murphy's head just resulted in things getting sent back down to him.
117. I eventually managed to meet with Rab Murphy about the concerns I had surrounding the investigation surrounding the incident involving [REDACTED]. I think I met with him on a couple of occasions. One of the times I met him he had a

third party in the room. It was awkward because I was sitting in a room with a guy I had made a complaint against.

118. In one of the meetings Rab Murphy reminded me that [REDACTED] was getting some support from his department for [REDACTED]. Rab Murphy reminded me that he was involved in that. He asked how I could be reporting him to the SSSC when [REDACTED]. He was clearly upset. He then reminded me that, because I had referred him to the SSSC, he now had a record. I told him that I had not only reported him to the SSSC but also to the Care Commission and the Ombudsman.
119. Even when I did get to speak with Rab Murphy, we never really got to discuss my concerns about [REDACTED]. It was all about Rab Murphy being an angry man. He couldn't separate his professionalism from his own personal feelings.
120. The tone of things changed when Rab Murphy discovered he did not have the paper apart pages of my exit form. He had been replying to the persons enquiring to him about my concerns on the basis of the front pages only. He had been oblivious to my concerns set out in those pages. At that point he realised what I had been saying. I remember him saying "I don't want these bastards getting away with it either" when referring to the staff in the Kibble school. He then told me that he would have to go away and investigate.
121. On 20/11/09 Rab Murphy wrote back to me. That letter is a document entitled "Letter from Social Work Services, Inverclyde Council to Brian Heron – 20 November 2009" dated 20/11/09. The response was that Inverclyde Council were happy with the investigation. Through all of it, not once has someone sat down and talked to me about my concerns. I keep getting told by Inverclyde Council that they have dealt with it and they are happy with the investigation. I have been left feeling that my opinion doesn't really come into it.
122. Under all of this paperwork was left a twelve year old boy. This was a twelve year old boy who appears to me to likely have had his head stood on by a member of staff

at the Kibble. If people don't act and record things then it turns into exactly what had happened here. It all became about covering backs. Not speaking to me was about not properly addressing things.

123. I have never understood how Inverclyde Council could have properly investigated my concerns without sitting down and speaking to me. The only way I can see that they could have completed their investigation without speaking to me is that all the records were there for them to look at. I know for a fact that there were no records of the incident when I left Inverclyde Council. Not speaking to me suggests that records have been created retrospectively. The records that should have been written up at the time have been written later on. To me that isn't good practice if not immoral. How can you get an accurate record of what is going on if you don't write records at the time?

*Reporting to Luciano Rebecchi*

124. I ended up getting involved with my local councillor, Luciano Rebecchi. I got in contact with him to try and get him to speak on my behalf. I wanted him to try and get the meeting, on my behalf, with Inverclyde Council that had never came. I first wrote to him on 24/08/08. I eventually met him. He was very supportive. I think that was how Rab Murphy ended up meeting with me. I suspect that Luciano Rebecchi's pressure resulted in Rab Murphy's boss telling him to sort things out with me.

*Complaints to the Scottish Social Services Council (SSSC)*

125. When you leave a job involved in the care profession you have to alert the SSSC. They are the governing body. I let them know that I had left. Later on, I thought that they had a responsibility to look into my concerns because I was discussing the conduct of persons who were registered with them.
126. By October 2008 my concerns appeared to be going nowhere with Inverclyde Council. I wasn't getting to meet with anyone. I decided that I was going to get in touch with the SSSC. I had also, at this point, been contacted by Jim Lyons. I called

up the SSSC and was informed that I needed to make a complaint to them. I decided to make a complaint to them about the people who were registered with the SSSC and had been involved in the investigation of the [REDACTED] incident. There is a copy of the forms alerting the SSSC to my complaints in the documents entitled "Complaint form from Brian Heron about Paula Lyons", "Complaint form from Brian Heron about Margaret Solomon", "Complaint form from Brian Heron about James Lyon", "Complaint form from Brian Heron about Mark Winter", "Complaint form from Brian Heron about Rab Murphy" and "Complaint form from Brian Heron about Roberta McInnes." All those forms are dated 1/10/08.

127. The SSSC were difficult to deal with. I was constantly having to explain myself to them. There were some discussions about the people I had complained about. I had complained about nine people and only seven of them were registered. I think the other two people had been voluntary session workers. They investigated my complaints and ultimately provided the outcome of their investigations to me by letter. That letter is the document entitled "Letter from Scottish Social Services Council to Brian Heron – 19 November 2008" dated 19/11/08. In the end the SSSC didn't uphold anything that I had to say. They pointed out that a lot of the things that I was complaining about was an issue for the local authority and not for them.
128. I ended up feeling quite foolish because they ended up not really giving me anything. They never gave me any indication that what I had complained about was valid or of any use to anybody.

*Complaints to the Care Commission*

129. I decided that I wanted to make a complaint to the Care Commission. I wrote to them on 29/07/08. A copy of the letter that I wrote to the Care Commission is the document entitled "Letter to the Care Commission from Brian Heron – 29 July 2008" dated 29/07/08. The Care Commission replied back to me on 04/08/08. A copy of the letter from the Care Commission is the document entitled "Letter from the Care Commission to Brian Heron – 4 August 2008" dated 04/08/08. They told me that I had left it too late and that I would have needed to report my concerns to them within

a twelve month period after the incident for them to be able to investigate. They said that the only way they could investigate the incident was in exceptional circumstances. I replied to the Care Commission on 06/08/08. A copy of the letter that I wrote to the Care Commission is the document entitled "Letter to Jim Finlayson, Comments and Complaints Co-ordinator, Care Commission from Brian Heron – 6 August 2008" dated 06/08/08. I pointed out the fact that I had been on sick leave during the initial six months after the incident. I wanted to see whether that could be considered as exceptional circumstances. The Care Commission replied to me on 07/08/08. A copy of the letter from the Care Commission is the document entitled "Letter from the Care Commission to Brian Heron – 7 August 2008" dated 07/08/08. They said that there were not exceptional circumstances surrounding me not contacting them within the twelve month period after the incident.

*Complaints to the Scottish Public Services Ombudsman (SPSO)*

130. On 27/11/08 I wrote to the SPSO. A copy of the letter that I wrote to the SPSO is the document entitled "Letter to the Scottish Public Services Ombudsman from Brian Heron – 27 November 2008" dated 27/11/08. I made them aware of my concerns. They were very helpful with me. Off the record they spoke to me about my concerns. However, officially, and on the record, they wouldn't deal with my concerns because I hadn't raised my concerns within twelve months of the incident.

*Raising concerns with the reporter to the children's hearing*

131. I passed on my concerns, with the relevant records, to the reporter to the children's hearing. I think I first got in contact with them once I started corresponding with Inverclyde Council. The reporter had care of [REDACTED] under his supervision order. The local area reporter to the children hearing's name was Kenneth Ritchie. He was based in Greenock. I was hoping that the reporter would hear my concerns. They seemed the logical people to alert my concerns to. In the end I didn't get a response. I have no idea what they did. Nobody got back to me.

*Contact with [REDACTED]*

132. I saw in [REDACTED] in which [REDACTED] was being discussed. This was when [REDACTED] would have been about eighteen years old. [REDACTED] named the solicitor who was representing him. I decided to give all the documentation I could find to his solicitor. I put it all in a brown envelope and presented it to him. I wanted to see whether it would be of any use to him in the future. The solicitor never replied to me.

**North Ayrshire Council**

*Role with North Ayrshire Council*

133. I started working with North Ayrshire Council as a youth justice worker on 19/04/10. I left on 31/08/10. I was based on the Rosemount project in Irvine. I also had an office in the Criminal Justice offices in Stevenson. I was also based in Kilmarnock sheriff court.

134. The Rosemount project was an intensive project which held social workers who did intensive family work. My job was to work in-between the children's hearing system and the criminal justice system. I worked in Kilmarnock sheriff court and helped young people who were being presented there. My role was to make sure that the young persons didn't go on remand and had appropriate care provision. I also worked to address the young person's offending and behaviour. I drafted court reports. The young persons I worked with would have usually had a history of being in care at some point in their lives.

135. I had a senior. His name was Mark Ingles. He was in the Rosemount project. His boss was called Andrea McGill. She worked in the main council buildings in North Ayrshire Council's social work department.

*Procedures for recording incidents*

136. North Ayrshire Council had a case management system that allowed you to record notes yourself. I can't remember the name of the system. Unlike Inverclyde Council, you had to type in any records directly into the system. There were clerical workers who could put things onto the system for you but I mostly put it into the system myself. There was no barrier to you sitting down and putting some notes on the system.
137. If you did record an incident you would report it to your line manager. I would expect that it would then, in turn, get to Andrea McGill. I would expect that she would then look into your concerns.

**North Ayrshire Council - abuse disclosed to me concerning St Philips Secure Unit**

138. I was given a case concerning an incident involving [REDACTED]. He was a young boy who had been residing at St Phillips in [REDACTED] 2009. In [REDACTED] 2009 he was in the process of being transferred to Polmont prison. The boy had allegedly assaulted three members of staff and I was writing a court report for him.
139. When writing the report I spoke with [REDACTED]. By that time he was out in the community. The incident involving the alleged assault on three staff members was coming to court. [REDACTED] disclosed to me that he had been assaulted during the incident. He told me that his nose had been broken by one of the members of staff. He told me that his face had been forced into the ground whilst he was getting restrained by the staff.
140. After speaking with [REDACTED], I contacted St Phillips in order to get a bit more background. I wanted to see whether they were aware of the injuries that [REDACTED] had experienced. St Phillips told me that [REDACTED] had thrown his face into a wall.

141. I then went back to [REDACTED] and discussed the incident further. He disclosed to me the people he had told about the incident. He said that he informed the medical staff in Polmont prison what had happened. He had to do that because, when he was transferred from St Phillips to Polmount he had undergone a medical. He told me that he had told his lawyer about the incident. His lawyer told him that they would sort it all out after he got out.

142. [REDACTED] also told me that he had reported the incident to his social worker Stephen Gilmour during one of his visits to Polmont. [REDACTED] said he reported the incident to Stephen Gilmour and the response from him was "Do you want me to do anything about this or do you want to leave this until after you come out?" [REDACTED] said that he didn't want to do anything about it then and said that he wanted to leave it until after he came out of Polmont. I checked the system and couldn't find a record of the disclosure.

**North Ayrshire Council – reporting abuse disclosed to me concerning St Phillips Secure Unit**

*To North Ayrshire Council*

143. After I spoke to [REDACTED] for the second time I approached Stephen Gilmour. He told me that he had not made a record of what had been disclosed to him by [REDACTED]. I asked him why the incident had not been recorded anywhere. He just gave me a blank look. I can't remember what his reasons were for not recording the disclosure.

144. I then spoke with Stephen Gilmour's boss, Roseanne Burns. I made her aware of the disclosure and brought to her attention that no record of the disclosure had been made by Stephen Gilmour. I also made Mark Inglis aware. His response was "I don't know anything about this." I later discovered that [REDACTED] had talked about

the incidents at Rosemount project group work sessions. Roseanne Burns and Mark Inglis should have been aware of the disclosures through those sessions.

145. I also spoke with Andrea McGill. She instructed me to record the disclosure on the system. She also asked me to detail the absence of information. I never printed off the notes that I put into [REDACTED] file. I also reported that [REDACTED] had sustained some injuries in the court report I was drafting up for him. I wasn't aware of anything else happening within North Ayrshire Council after I spoke with Andrea McGill.

*To [REDACTED]'s lawyer*

146. Because I was working in Kilmarnock sheriff court I bumped into [REDACTED] solicitor in the corridor there. I told him that I was aware of the incident where [REDACTED] was assaulted and said that [REDACTED] had told me that he had made this known to him. The solicitor just said "Well if he did it will be in his file." He then walked off.
147. After the hearing concerning the incident in St Phillips, [REDACTED] ended up getting a fine. Throughout all of this I just felt "Here we go again." Here I was with a completely different local authority and the same nonsense was happening again.

#### **North Ayrshire Council – concerns surrounding minuting of meetings**

148. Another concern I had whilst I was at the Rosemount project concerned a meeting that I attended. During that meeting Mark Inglis told a clerical worker not to minute a discussion we had concerning project money being used to pay young persons' fines. Mark Inglis said that we needed to stop recording the expense as going towards fines and said that we should record them as something else. That meeting was the only time that I heard Mark Inglis instructing someone not to minute something. I was uncomfortable both with the use of public funds for fines and Mark

Inglis not minuting something that had been discussed in the meeting. It all lead to me becoming disheartened about the whole thing.

#### **North Ayrshire Council – leaving North Ayrshire Council**

149. I sent a letter of resignation to North Ayrshire Council to Mark Inglis. I resigned on 06/08/10. I don't think I gave my reasons in that letter. I intended to put my reasons for leaving in another letter at a later date. I ended up leaving the Rosemount project on 31/08/10. As far as I was aware, at the time I left, North Ayrshire Council didn't have an exit procedure. They didn't send me a form or anything. I just wrote to them myself.

#### **Reporting of abuse after leaving North Ayrshire Council**

##### *To North Ayrshire Council*

150. There is a document entitled "Letter from Brian Heron to Iona Colvin, Corporate Director, North Ayrshire Council, 1 September 2010" dated 01/09/10. This is a letter written by me and sent to Iona Colvin alerting her to some of the things I was unhappy with. I received a letter of acknowledgement from Iona Colvin on 06/09/10.
151. I eventually received a full letter of response to my letter on 16/06/10 from Iona Colvin. A copy of that letter is the document entitled "Letter from Corporate Director, North Ayrshire Council to Brian Heron 16 June 2011" dated 16/06/11. The letter stated that "an investigation was concluded by one of our Senior Managers. There were no grounds for disciplinary action identified and the matter has been closed." I took from this that North Ayrshire Council were aware of people not recording things, they had looked into it and they felt that they had resolved the issue. It is not clear from this letter whether they investigated my concerns at the time I was there or at a later stage after I left. I would argue that there were grounds for disciplinary action

for not recording the disclosure. For me, there should have at least been a written or verbal warning for not recording.

152. For me, I was left asking how widespread was this? How widespread was this practice of "when things get difficult don't write it down"? I have only experienced that in my professional capacity when there were incidents concerning young persons who have been assaulted. Every one of those incidents I have had concerns about I have recorded. In my experience it's the incidents that are more serious that people don't write down. I think people hope, in not writing down incidents, that it just goes away. To me that is more sinister because there is an element of intent in professionals not writing down things. Those professionals are thinking about themselves rather than the incident and the child concerned.

*To the Scottish Social Services Council (SSSC)*

153. I wrote to the SSSC informing them of my concerns and letting them know what I was going to do next. That letter was sent on 02/09/10. I didn't get a response. I don't know whether I got one. I don't recall receiving one.

#### **Other abuse disclosed to me in my non-professional capacity**

154. There have been a couple of incidents of abuse that have been disclosed to me not in my capacity as a social worker which I would like to report to the Inquiry.

*Abuse disclosed by Jim Lyon in the seventies concerning an incident at Balrossie School*

155. Before leaving Inverclyde Council, Jim Lyon had been a good friend of mine. He had been the best man at my wedding. He now works for East Ayrshire Council. Jim Lyon told me, a long time ago before I got into social work, that he had witnessed an incident during an assembly when he worked in Balrossie School. Jim Lyon was about eighteen or nineteen at the time he had been working there. The incident

would have occurred in the late seventies. It was maybe in 1978 or 1979. SNR [REDACTED] SNR [REDACTED] at that time had been someone called zGKS [REDACTED]. I don't know the surname. A boy had been giving zGKS [REDACTED] some cheek in an assembly. In front of all of the boys and staff in the assembly, zGKS [REDACTED] went up to the boy and slapped him full in the face. Jim Lyon said that he didn't do anything about it. He didn't know what he could have done about it. I think that incident provides an indication of how ruthless and all powerful SNR [REDACTED] could be back then. SNR [REDACTED] would have had to have been pretty brazen to have carried out something like that in the presence of such a large group. It tallies with my experience of being in care where headmasters and teachers abused their power.

*Abuse disclosed by Elaine Mulholland in 2002 concerning Geilsland when she was working there as a student*

156. There is a handwritten note entitled "Note of Meeting between Elaine and GLR [REDACTED] to discuss his suspension" dated 08/02/02. Elaine was a social worker with Inverclyde Council at that time. This note refers to an incident that Elaine had mentioned to me that occurred during her time as a student at Geilsland. She mentioned to me that she had witnessed brutal behaviour of staff towards boys during a game she witnessed being played at Geilsland. She told me that she had raised the issues with Ranold Mare. Ranold Mare [REDACTED] Geilsland School at the time. What Elaine was telling me tallied with my experiences of being in Geilsland where a game called "murder ball" was played.

*Abuse disclosed by Lorraine Caldwell in 2006 concerning an incident at Newfield Assessment Centre*

157. I worked with a girl called Lorraine Caldwell during my time working with Inverclyde Council in the Mearns Centre. She was a social worker with the project. I was talking to her one day just before I left my role with Inverclyde Council. Me and her were sitting in a van in Johnston for some reason. She told me that she used to work in Newfield Assessment Centre. I have no idea when she would have been working there. She told me that she had walked into a room there and found a male

member of staff lying on top of a young female resident. He was on his own with the girl. She said that when she walked in the male member of staff shouted at her "Get out, I'm dealing with this." She said that, later on, that male member of staff was convicted and got several years in prison for abusing kids in the school. I said to her "Well, you did all you did and reported it." She then told me that she hadn't reported it because she was young and naïve. She said that she had just thought the male staff member had been restraining the young person and that it was only when he was convicted that she realised what had been going on.

### **Personal impact of whistleblowing**

#### *Work opportunities with Inverclyde Council since leaving their employment*

158. About a year after I left Inverclyde Council I went for a job with Action for Children again. I was offered and accepted the job. I then waited for disclosure checks to be undertaken by Action for Children and references to be passed on by Inverclyde Council. It took something like seven or eight weeks for Inverclyde Council to provide Action for Children with a reference. I then received a phone call from the manager at Action for Children. She said that she understood that I "was susceptible to stress." She got that verbally from someone. My guess is that she got that verbally from Roberta McInnes. I say that because my wife worked in the [REDACTED] [REDACTED] at the time. She had heard that Roberta McInnes had wanted things put in my reference and had a big say in my reference. I think it was verbal because, when I got a copy of my reference, it didn't say anything in it that would merit me not getting a job with Action for Children. Ultimately, Action for Children withdrew their offer of the job. They said that they had decided not to give me the job on the basis of my reference.
159. I pursued Action for Children in order to get some sort of explanation from them. They moved the worker who had been dealing with my application to somewhere else so I was dealing with a different person. They then just blanked me.

160. I couldn't get a job with Inverclyde Council after that. I applied for something like six or seven jobs. I just couldn't get anything. I've never been able to get one since I left Inverclyde Council. Up until the point I left Inverclyde Council I was a great worker as far as anyone was concerned. I had won an award as a student social worker. It was called the John Hunt award. I had done all sorts of innovative work that weren't happening before.

161. I tried to apply for another job with Inverclyde Council after I applied for the job with Education. I was contacted by a good friend, Jim Lyon, who I had known since primary school. He worked with Inverclyde Council as a service manager based in Port Glasgow. He said to me over the phone "I understand that you are trying to get back into the council?" I said that I was. He then said "you are not going to get back in unless I have a chat with you". We then agreed to meet up. My impression was that someone had said to him that he needed to speak to me.

162. Jim Lyon came to my house on 28/11/07. I took him into my living room. He said "you are going to have to listen for half an hour Brian. If you try to use anything I say in a grievance I will just deny it." At that point I told Jim Lyon that I wasn't willing to provide that assurance. I then asked him whether Rab Murphy knew he was here. Jim Lyon said that he did and was ok with him visiting me. Jim Lyon said "if you don't listen to me then you are probably never going to get a job with the council." I then just thanked him for coming and saw him out of the door. After I showed him out the door he spent about half an hour at my door rambling on. As soon as he left I made a note of what was discussed dated 28/11/07.

163. In hindsight, I wish I had just let Jim Lyon say what he wanted to say. The reason I didn't want to give him the assurances he was looking for was because I was looking to protect our friendship. After that meeting I never spoke with Jim Lyon again. I find that sad because he was someone I had known since primary school. He had been the best man at my wedding. He had been the bass player in my band. I feel I have lost a good friendship because of the fallout from my whistleblowing. Out of this whole thing that is the one thing that has upset me the most. He was a good friend.

164. I suppose that the problem is that everybody I have complained about has been investigated and found innocent. They're probably quite right to feel aggrieved. When I then go for an interview and the people sitting on the interviewing panel are the people I have made complaints against I have no chance. That has happened on two occasions. The last interview I had Margaret Solomon was sitting on the interview panel. I have previously attended an interview where Roberta McInnes was on the panel. It seems crazy to me that persons with such a conflict of interest were sitting on those panels.

*Impact on career and earnings*

165. I'm quite happy in what I do now as a job. However, there has been a financial impact. I have been working for the last twelve years on wages that are two thirds less of the wages I could have been earning.

*Emotional impact*

166. Despite all my training and experiences as a social worker, I felt that, when reporting abuse or challenging others in relation to their own reporting of abuse, the emotional turmoil could be overwhelming. Whistleblowing is a very emotive thing to do. I don't know how you can reduce those range of emotions.

167. I do miss my friends in social work. I've cut myself off. I've cut myself off from people who I have known all my life.

*Impact on considering whistleblowing now*

168. I have still no hesitations in whistleblowing now. I have reported things in my current job that has resulted in colleagues being disciplined, sacked or leaving. That has all been because of their own actions. I've never held back or lost any sleep over that.

169. I think that my experiences at Inverclyde Council has set me up for how I deal with things now. I now challenge things there and then if something happens. If something is really serious I report it straight away.
170. In my role now, I tell groups of workers entering the care profession about my experiences. I talk about my experiences on almost a weekly basis. I tell them about the importance of recording things down and reporting things right away. Whatever you think, abuse is abuse and neglect is neglect. I tell them to get it all down whatever they think. In terms of what I do now, my experiences have had a positive impact on the way I work and the way I educate others.

#### **Any other matters relevant to the Inquiry**

##### *Current whistleblowing procedures at Inverclyde Council and North Ayrshire Council and views on whistleblowing today*

171. In September 2017, I called Inverclyde Council's personnel department to see if they had a whistleblowing policy. I rang out of curiosity. The person who answered the phone went away to find out and came back to me. She said "Yeah we do but it's just for people reporting people for not paying rent or whatever." I asked her whether there was something in place for people reporting other people for doing things. She just laughed and said "I'd be interested to see how you got on there." I then rang up the whistleblowing number I was given. I just got through to an answer machine which said "please leave a message." I could have left a message but I didn't. All I was going to ask, if I had got through, was how long the whistleblowing procedure had been in place. I've never tried to see whether there was a whistleblowing procedure at North Ayrshire Council.
172. I think that employees should be made aware of a whistleblowing procedure if there is one. You shouldn't, as an employee, have to go and ask whether there is one. The procedure should always be there and you should be aware of it right from the start. There has to be a way of raising concerns externally. What do you do if your

concerns are about the chief executive? If the person you are raising concerns to is the person investigating they will just put a lid on it.

*The recording of disclosures of abuse in the social work profession*

173. With a lot of the things I've spoken about in the statement, there was no recording. I don't know why people don't record incidents. Verbally, all the people concerned have known about the incidents. They just haven't been able to put it down in writing. Each time, I've had to put it onto the system myself. I wonder whether they've just accepted the fact that I've put it onto the system as enough. If they have recorded the incident, in all these instances, they would have recorded it many months later.
174. All the incidents I have discussed in this statement are all incidents which are serious enough to drop your other work and make sure they are properly looked into. There should be no excuse, when abuse is disclosed to you, for not recording.
175. I found it frustrating reporting abuse to people, them looking blankly at me and not grasping the seriousness of what I was trying to say. Maybe that was just a human response.
176. I remember that that was even the response from [REDACTED]. He wasn't bothered about it. He just accepted it as part of the system. My perspective was always, even where the victim wasn't bothered, record it anyway. The young person may want to investigate the incident when they were older and an adult. That was certainly the case following my own personal experience of being abused in care.
177. In my opinion, there should be something that makes social workers record things within a certain time period. There were no rules or instructions like that when I was working with Inverclyde Council, Action for Children or North Ayrshire Council. I never saw anything like that. You need to record things straight away otherwise you risk not remembering things.

*The transparency at the investigation stage to whistle-blowers*

178. In all the incidents I have been involved with, the investigation stage has not been transparent. My experiences with Inverclyde Council and North Ayrshire Council were that it would go so far and then you did not have a right to any further information. I felt that if you then raised questions you would get into difficulty.
179. I think that the person who makes a complaint should be fully informed throughout all of the stages. They should be informed of where the investigation is going and how it is concluded. They should be informed of those things so that the person making the complaint can put things to rest.

*Final thoughts on disclosure of abuse and the social work profession*

180. When I came into social work and became a social worker, I was determined not to allow the things that happened when I was young to happen again. In my professional and personal opinion, I do not believe that abuse can take place within a closed institution without the collusion and bad practise of external agencies. In my opinion, there is no such thing as a closed institution where abuse is not disclosed.
181. I well imagine that any number of other people would not do what I have done. There is a culture there as a social worker not to report things. I recognise that doing what I have done is difficult. I am no longer a social worker because of it.
182. I think that people shy away from writing things down because they are trying to second guess what might happen if they did so. I think that that was what happened at Redholme when <sup>IVT</sup> [REDACTED] disclosed further incidents of abuse at Geilsland to the staff there.
183. I think you have always got to give the person the benefit of the doubt. You shouldn't instantly think "I don't believe what this person is saying." Everybody I have talked to I have believed they are telling me the truth. I could be criticised for

that but, at the end of the day, it's not really my job as a social worker to make a judgement. You have a duty to write things down and report things.

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

Signed.... 

Dated..... 25.01.2018.....