

1 Tuesday, 24 September 2024

2 (10.00 am)

3 LADY SMITH: Good morning and welcome back to our oral
4 hearings as we move into Chapter 9 of this section of
5 our evidence, which some of you may remember we began
6 last autumn and are steadily working our way through.

7 We have oral witnesses today and I think,
8 Mr Peoples, we're ready to go, is that right?

9 MR PEOPLES: Yes, my Lady.

10 I should just say that over the next three weeks we
11 will have evidence about four establishments. We're
12 starting with Oakbank School, there will also be
13 evidence about Balracraig, Balrossie and Thornly Park,
14 all of them were in the past approved schools and
15 List D schools. None remain operational, but we'll
16 start today with Oakbank.

17 The first witness this morning is Mr Graeme Simpson,
18 who, as your Ladyship will recall, has already given
19 evidence in our previous case study dealing with foster
20 care.

21 LADY SMITH: Yes.

22 MR PEOPLES: I think Mr Simpson is ready to go.

23 LADY SMITH: Thank you.

24 Graeme Simpson (sworn)

25 LADY SMITH: Graeme, thank you for returning to help us

1 again. I'm very grateful to you. As you know, today
2 we're interested in what you can tell us about
3 Oakbank School and Mr Peoples will be picking up on that
4 with you, but as before, please say if there's anything
5 I can do to make it easier for you to give your evidence
6 as well as you can, whether it's breaks or whatever, you
7 know the routine. We're all in this together to get the
8 best information out as is possible.

9 We'll bring up on screen any document we want you to
10 look at. Just to assure you, I have the full text of
11 all the responses that I'm sure it was you that was the
12 mastermind behind putting that all together and that's
13 been enormously helpful to me.

14 A. Thank you.

15 LADY SMITH: I'll hand over to Mr Peoples and he'll take it
16 from there when he's ready.

17 No rush, Mr Peoples, just whenever you're ready.

18 MR PEOPLES: The wonders of modern technology.

19 LADY SMITH: It's wonderful, isn't it?

20 Questions by Mr Peoples

21 MR PEOPLES: Good morning, Graeme.

22 A. Good morning.

23 Q. You have been here before and I think you perhaps know
24 the way that we operate and today you are going to be
25 giving some evidence about Oakbank School. You have in

1 front of you a folder, which I hope will contain what we
2 call a Part A to D response, which answers some
3 questions that the Inquiry were interested in about this
4 particular place, which is there for you, but you can
5 also bring it up on the screen as well and we can do
6 that that for you.

7 What I propose to do today is to use as the basis of
8 my questions the document that was prepared by
9 Aberdeen City Council. I'll just perhaps bring it up,
10 it's ABN.001.001.1874.

11 Hopefully that will appear on screen.

12 A. It has.

13 Q. Before I begin, can I just take from you, and I'm sure
14 you have covered this before, but you are currently
15 Chief Officer for Children and Family Services and Chief
16 Social Work Officer with Aberdeen City Council, is that
17 correct?

18 A. That's correct.

19 Q. I think you have held these positions since about
20 August 2018?

21 A. Correct.

22 Q. Before then, you were in various positions with
23 Aberdeen City Council from around, I think, 1999 if
24 I'm correct. I won't go through them all --

25 A. June 1999 I moved to Aberdeen.

1 Q. Prior to moving to work for Aberdeen City Council, you
2 had positions with Angus Council --
3 A. Correct.
4 Q. -- before then, from I think is it around about 1995
5 through to 1999?
6 A. Correct.
7 Q. If we can look at the response, Section 21 response,
8 which is on the screen and also in front of you, and can
9 I just begin with some general information. I think at
10 page 2 of the document, there is a section headed
11 'History of the establishment'. I'm not planning to run
12 through this in detail, but can I just perhaps pick
13 out -- you can tell me if I have anything wrong -- that
14 we're dealing with an establishment that I think was
15 founded in 1879 and operated for around 129 years until
16 it closed in 2008, is that correct?
17 A. That's correct, yes.
18 Q. It became an approved school around about 1933 and then
19 from about 1971, following the
20 Social Work (Scotland) Act and the establishment of The
21 Children's Hearing System, it became a List D school?
22 A. Correct.
23 Q. Which it remained until around April 1986, I think, when
24 the Secretary of State for Scotland withdrew direct
25 financial support for schools such as Oakbank, which had

1 previously been List D schools, is that correct?

2 A. That's correct, yes.

3 Q. From then on, until it closed, it became an independent

4 residential school, which was registered to provide

5 residential care, I think, for around about 67 young

6 persons?

7 A. That's correct.

8 Q. As well as providing education?

9 A. That's correct, yes, some pupils attended on a day

10 basis, a small number of pupils attended on a day basis.

11 Q. I think that was only latterly that that was happening,

12 and, indeed, the other thing that perhaps we can bring

13 out is that it was essentially -- certainly as

14 a List D school and an approved school, it was a boys'

15 school?

16 A. It was, yes.

17 Q. But it did become co-educational around about 1989,

18 I think, or perhaps thereabouts?

19 A. That would be my understanding, yes.

20 Q. Just before we go on, we did manage to locate

21 a photograph, but I'm not sure how recent it is, but

22 I'll put it in front of you just so that you can tell me

23 if it's familiar to you, because I think it's fair to

24 say that Oakbank no longer exists in the form it was.

25 There is now, I think, a housing development on the

1 site, although am I correct in thinking that it does
2 retain some parts of the buildings?

3 A. I think the original facade of the building, erm, was
4 a listed building, and so therefore elements of that,
5 I believe, have been incorporated into the development
6 around it, but many of the, erm, ancillary buildings
7 were demolished and have been replaced by housing.

8 Q. If I can put up on the screen for the moment
9 INQ-0000000906, which I am hoping will be a photograph,
10 I don't know whether it's possible to enlarge it at all.
11 That I believe is a photograph -- I'm not exactly sure
12 when it was taken -- of Oakbank School when it was
13 either an approved school or a List D school. Does it
14 look familiar to you?

15 A. It does, particularly the main entrance. There was
16 a long drive into the building and the car park at the
17 front of the building, where you can see some cars was
18 where staff -- I think it had changed ... from my
19 experience, some of the buildings there would no longer
20 have existed more latterly, but, yes.

21 Q. You would enter basically from the foot of the
22 photograph to the main entrance which is shown roughly
23 in the centre of the photograph?

24 A. The main entrance would have been on the right-hand
25 side, almost through the trees, there was a drive that

1 would have come through there, erm, up into the circle
2 area in the front of the main building.

3 Q. I think that the building itself is, as we see it, is
4 facing towards the east?

5 A. Yes. I'm trying to get my bearings right, but yes, the
6 sea is that way, yes.

7 Q. You say that some of that remains today but most of it
8 has gone?

9 A. Correct, yes.

10 Q. I think we can leave that now -- well, sorry, before we
11 leave it, can I just ask you this. You did visit it,
12 I think, when you were certainly employed by
13 Aberdeen City Council and I think you may have had some
14 connection with it when you worked for Angus Council?

15 A. That's correct. I would have first visited it in around
16 about 1996 and, right the way through to its closing in
17 2008, I would have been a fairly regular visitor to it.

18 Q. If we were trying to work out where the accommodation
19 for young people was in this building, was it on the
20 upper floor?

21 A. It was on the upper floor. There was also a residential
22 block in the top left-hand corner, would have been
23 a residential block, which -- I think you can just see
24 part of it on this building -- on this picture there,
25 er, but, yes, there were -- there were a number of units

1 there. There was also a small -- a smaller residential
2 block, almost in the trees, it was almost ... the
3 gatehouse was converted into a smaller block for, erm,
4 about five or six young people at that point and
5 latterly, whether that would have been at the time this
6 picture was taken, I don't know, but, yes, the majority
7 of the units -- bedrooms for the young people would have
8 been in the main building, as seen.

9 Q. What we see there largely is what might be called the
10 main building or the school building and that had
11 accommodation into, I think certainly in your time, two
12 main units was it, Rosemount and Ashgrove?

13 A. And Oakhill, I think.

14 Q. Was Oakhill not in a separate building?

15 A. Yes, that's probably correct.

16 Q. Was that the building you have talked about?

17 A. I think it is, it is that building in the top left-hand
18 corner.

19 Q. So it was three main units by the time that you had
20 involvement with the school?

21 A. Correct, yeah.

22 Q. There was a fourth, which was maybe some sort of
23 independent training unit for a small number of older
24 children?

25 A. That's the gatehouse I was referring to.

1 Q. That's the gatehouse.

2 But that came a bit later on, did it not?

3 A. It very much did, yes.

4 Q. In around 2003/2004?

5 A. Erm, that would be about right, from my memory.

6 Q. So far as governance was concerned, am I correct in

7 thinking that between 1933 and its closure, Oakbank was

8 managed by a board of governors?

9 A. Yes, that's correct.

10 Q. Latterly, what I might call the post-List D era,

11 post-1986 as you have confirmed, it did accommodate boys

12 and girls, having been for most of its existence a boys'

13 school?

14 A. Mm-hmm.

15 Q. The age group, I think I have picked out somewhere in

16 your report that the age group was mainly perhaps

17 between about age 12 to 16 on admission, would that be

18 right?

19 A. That would be correct, yes.

20 Q. Although in the earlier days I think it may be that it

21 admitted younger children?

22 A. That's what our research evidenced, but certainly in my

23 dealings with the school it would have been

24 predominantly young teenagers between the ages of 12 and

25 16.

1 Q. Basically secondary school pupils?

2 A. Correct.

3 Q. I think that, as you confirmed earlier, when it became

4 registered to provide residential care, post-1986, it

5 had permitted places for 66 young people, I think,

6 initially?

7 A. That's correct, yes.

8 Q. Whereas in the past, I think the council's researches

9 indicate that there may have been as many as nearly 250

10 young people in the school?

11 A. That number is what our records have suggested, but it's

12 a huge number.

13 Q. So by any standards it was a big approved school at one

14 point in its history?

15 A. Very much so, and, erm, certainly, you know, it had

16 quite an imposing presence, you know, for young people

17 and I remember taking young people there. They were

18 quite daunted by the size and scale of the building and

19 of the service.

20 LADY SMITH: I see that at the time it became

21 an approved school, 1933, your researches show that it

22 was taking boys under 12, maybe even as young as six,

23 would that be right?

24 A. That would be right, yes.

25 MR PEOPLES: I think that's on page 2 of the report, halfway

1 down.

2 After it ceased to be a List D school in 1986, it
3 appears from your response that it was used increasingly
4 as a school for older children with special educational
5 needs, would that be a fair way of putting it?

6 A. I agree with the first part. I think the second part,
7 special education needs, is perhaps open to
8 interpretation. What I would see it as being is young
9 people who have experienced multiple traumas in their
10 life, often struggled to manage mainstream education and
11 their home circumstances were often problematic as well,
12 so it would be young people who, I would suggest, have
13 been impacted by trauma in their early development and
14 continuing and as a result needed a very structured care
15 environment around to support and care for them.

16 LADY SMITH: Would the modern term that we use of children
17 needing additional support cover all of those, ASN?

18 A. Correct, ASN.

19 MR PEOPLES: Because there were -- albeit perhaps too few --
20 specialist schools for children with special educational
21 needs?

22 A. Correct, yes.

23 Q. But I think if my history serves me right, from looking
24 at many Scottish Government files on this matter, there
25 was a problem that there was a scarcity of such

1 resources and that, certainly historically, children who
2 might have qualified for specialist schools because of
3 special educational needs often found themselves in
4 places like Oakbank, is that fair to say?

5 A. Correct, it would. It would also, given its List D
6 status, be young people who perhaps have come into
7 conflict with the law in some respects.

8 Q. As we have seen from what you have told us, that over
9 the years the school's permitted capacity reduced
10 considerably from the early days, as did the actual
11 numbers, I think?

12 A. Yes.

13 Q. I think in part, am I right in thinking, that was due to
14 a move towards smaller residential childcare
15 establishments with smaller sleeping accommodation
16 within them, smaller units?

17 A. Absolutely. From the 250 reported in 1933, when it
18 closed, the school would have been registered for about
19 38 young people, so really quite a dramatic reduction in
20 the number. The units themselves reduced from units
21 accommodating in the early 1980s around 22/26 children
22 down to eight, you know, a much smaller numbers of
23 there. A move away from dormitories into individual
24 bedrooms. All of those will have impacted upon the
25 capacity of the establishment.

1 Q. I think that reflected the prevailing policy of the
2 large regional councils of the day, who disliked large
3 Victorian institutions with big dormitories?
4 A. Correct.
5 Q. So they either closed, in some cases, and small group
6 homes were set up, or the bigger ones like Oakbank made
7 some adaptations to create different sleeping
8 arrangements, for example, I think they divided their
9 dormitories into sections, partitioning off a large
10 dormitory to create sleeping accommodation for either
11 one or a few young people, is that your understanding?
12 A. That would be my understanding, yes.
13 Q. So that if someone was there in the 1960s, they might
14 have been in a very large dormitory, whereas if they
15 came later on, they might have been in what might be
16 called a smaller section, perhaps sharing with one or
17 two people, but latterly, you think, it was mainly
18 single rooms?
19 A. Latterly it was single rooms.
20 Q. So far as its catchment area is concerned, I think that,
21 like all approved schools in the approved school system,
22 if I may call it that, the school, for much of its
23 existence, was used by local authorities across
24 Scotland?
25 A. It was, yes.

1 Q. I think, and I'm not going to take you to it at this
2 stage, but at page 44 of the response that Aberdeen has
3 produced, in 1991/1992, I think you tell us, that there
4 were admissions from seven different regions?

5 A. That would be right, yes, indeed. I mean, you know, at
6 that point in time, early '90s, you know, Scotland only
7 had, I think it was 12 regional authorities at that
8 point in time, not the 32 local authorities that we have
9 at this current point in time, so yes, so that would
10 illustrate the span of the reach of this service.

11 Q. And not all regions had approved schools or
12 List D schools within them, so they had to send
13 children, committed to such places, to other regions
14 which did have them, such as Aberdeen?

15 A. Correct.

16 Q. Aberdeenshire?

17 A. That's correct.

18 Q. I suppose that the effect of that was that, certainly
19 historically, it meant that families visiting their
20 children often had long journeys to make and that it
21 also meant that the pupils' external social worker was
22 based some distance from the child that they were
23 assigned to?

24 A. That would be correct.

25 Q. And also, because approved schools operated a system of

1 home leave, generally speaking, pupils who were allowed
2 home leave in many cases had considerable distances to
3 travel from and back to a place like Oakbank?

4 A. That's correct, yes.

5 Q. So far as governance, going back to the governance
6 issue, from 1996, which was when Aberdeen City Council
7 was established, and replaced part of Grampian region,
8 the majority of governors, or trustees as they were
9 known, I think perhaps also, were local councillors from
10 Aberdeen City Council?

11 A. That's correct. I think prior to local government
12 reorganisation, erm, there were governors, if I can use
13 that term, from across the Grampian region. When
14 local authority reorganisation took place, the governors
15 came from the Aberdeen City Council establishment.

16 Q. I think I read somewhere that certainly in the
17 Aberdeen City Council era, nine out of 11 governors were
18 elected councillors and they then could choose the
19 remaining two?

20 A. Correct.

21 Q. Would the Chair of the governing body be appointed by
22 the council?

23 A. Yes.

24 Q. So they didn't even have the opportunity to choose their
25 own Chair?

1 A. No, erm, it was very much overseen essentially by
2 elected members.

3 Q. I suppose it could perhaps be said that, as regards the
4 management of Oakbank, that it was the responsibility of
5 a body of managers who, to some extent, were simply
6 an emanation of Aberdeen City Council and, before that,
7 Grampian Regional Council?

8 A. Certainly, yes, as well I would also suggest it would
9 allow fairly extensive autonomy to the headteacher of
10 the school or the person actually running it in terms of
11 that direct oversight --

12 Q. I think we have heard in the past that, whether it was
13 voluntary management or local authority management, some
14 heads had considerable autonomy anyway, because they
15 often -- decisions were made by them without reference
16 to the board, they didn't report all matters to the
17 board, and I think Oakbank was no exception, according
18 to your researches?

19 A. That would be my understanding from my research.

20 Q. I suppose, looking at the composition of the governing
21 body, both in the Grampian Regional Council era and in
22 the Aberdeen City Council era, we have a situation where
23 we have a council which is placing children at the
24 school, in this case Oakbank, and at the same time it's
25 doing things like negotiating the cost of doing so,

1 which seems to me, as a lawyer, to raise at least the
2 potential for a degree of conflict of interest?

3 A. I would share your reflection.

4 Q. The other point that is sometimes made, as
5 a disadvantage of local authority management, and
6 I think was made historically by some inspectors,
7 certainly in the 1960s, was that local councillors are
8 busy people. They have lots of things to do. They
9 often deal with matters such as this as part of
10 a committee, not necessarily dedicated solely to
11 a particular school or institution, and therefore they
12 don't really have the same time to devote to
13 a particular establishment for which they are one of the
14 managers?

15 A. I think that's a fair reflection.

16 I think the other bit I would reflect back is they
17 would come from all walks of life, as elected members
18 naturally do, and so therefore having the sort of the
19 experience of running or having oversight of the
20 governance of a large institution that cares for up to
21 60, or indeed, latterly, 40, young people, there is
22 a lot -- the dynamics around that are significant and
23 I think you would probably need somebody with a level of
24 expertise to actually support the headteacher, and
25 indeed the institution, to deliver the care and the

1 education that the young people placed there would
2 require.

3 Q. Yes. Because they wouldn't have necessarily people with
4 particular expertise in childcare?

5 A. No. They would be all walks.

6 Q. I don't know whether you can help me with this. If we
7 look at the Aberdeen City Council era, 1996 to 2008,
8 were you able to form a view of to what extent, or how
9 much, Aberdeen City Council appeared to concern itself
10 with how Oakbank was being run and how pupils there were
11 being cared for and treated? What would you say?

12 A. Erm, I think there was -- I think undoubtedly there were
13 at times, clearly with the Oakbank School being in
14 Aberdeen city in itself, then the majority of young
15 people placed within there during the
16 Aberdeen City Council would have had an Aberdeen city
17 address, so the young people -- there was a larger
18 percentage of young people from Aberdeen city than any
19 other local authority area around it.

20 As such, there was ... certainly one of my
21 predecessors would have had quite a lot of contact with
22 SNR [REDACTED] around that time, particularly
23 [REDACTED], when [REDACTED] was employed as SNR [REDACTED],
24 around that. That looked at arrangements for the
25 costings, but it also looked at just some of sort of the

1 operational activities within Oakbank School as well.

2 Q. We'll look at that maybe in a little more detail when we
3 go back to your response, but I think what you're
4 telling us, certainly in the Aberdeen City Council era,
5 it was much used by the local authority?

6 A. It was, yes.

7 Q. So that perhaps there was a reduction in the number of
8 young people that were coming from much further afield?

9 A. Erm, without having the data specifically, but I would
10 certainly reflect upon my visits as a practising social
11 worker, practising team manager at that point in time,
12 that there were certainly a number of young people from
13 the Aberdeen city area, probably more than any other
14 authority, but I still would suggest that at that point
15 in time there was quite a broad reach of the school into
16 other local authority areas.

17 Q. Just to put some timing on, you mentioned
18 [REDACTED]. [REDACTED] became what was then called SNR
19 SNR [REDACTED] of Oakbank School in 199[REDACTED], I think, [REDACTED],
20 [REDACTED] took up position, I think, according to the records,
21 is that correct?

22 A. That would be my understanding, yes.

23 Q. [REDACTED] was SNR [REDACTED], I think, until it closed?

24 A. Correct.

25 Q. Before then, I think SNR [REDACTED] of the school, from

1 about 198█ through to 199█ was an individual called
2 Mr HMY█, is that right?

3 A. That would be my reading of the research, yes.

4 Q. Yes. I think maybe before then, maybe we're going too
5 far back in time for you, was it █ as
6 SNR █ also?

7 A. You are testing my memory but I think from my reading of
8 the research, yes, that would be correct. That's a name
9 that's familiar.

10 Q. Can you help me with this: to what extent was the
11 decision whether or not to place a young person at
12 Oakbank, so far as the council, your council, was
13 concerned, based on the placement fee being charged by
14 Oakbank? Was that something that was a consideration?

15 A. Erm, decisions around placing children were
16 predominantly instigated by
17 The Children's Hearing System, so The Children's Hearing
18 System would make an order stipulating a placement at
19 Oakbank. I found it interesting that in the research
20 that actually that Children's Panel members were invited
21 to come and visit Oakbank on an annual basis to see the
22 services that they were delivering, it was almost as if
23 it was a promotional day, in some respects, promoting
24 their services and so again, that connection was made,
25 given again it was local around it.

1 So the element of the decision rested predominantly
2 independently with The Children's Hearing System. In
3 terms of determining the fee, then there was a large and
4 continuing conversation between the council and the
5 independent school as to what that fee would be and that
6 varied from the time when part of that was paid by
7 Scottish Government, part of it paid by the
8 local authority, then moving it towards that independent
9 school position, then the local authority was expected
10 to pick up the entirety of that fee at that point in
11 time.

12 Q. Just a few things from what you say. I fully appreciate
13 that The Children's Hearing make a decision on
14 placement, but placement decisions don't always -- are
15 not always made in an ideal world and if a particular
16 school, that might be seen to be the best match, is
17 full, hearings just have to find somewhere else and
18 they're guided, to some extent, by the information they
19 receive from the Social Work Department who are
20 responsible for the child, is that not correct? That is
21 the reality, isn't it?

22 A. That is absolutely correct. I mean, the local authority
23 would hopefully make a positive recommendation in terms
24 of the planning for the child, and clearly our view
25 would be is that we would want to, wherever possible,

1 keep that child local to their community, to their
2 family, to ensure that actually those connections could
3 be maintained and, indeed, perhaps repaired in some
4 respects as well.

5 Clearly, there may be instances where, for good
6 safety reasons to the child, it wasn't appropriate for
7 them to be placed so much within the city itself. There
8 may be some distance may be merited, but hopefully those
9 would be exceptional instances. So therefore, yes,
10 there was by its very location within Aberdeen, there
11 was, I suppose, a bias towards looking at Oakbank School
12 in the first instance, as to could it meet that child's
13 needs, keep that child local to their family, local to
14 their community and any activities that the child may
15 have been involved in in the communities at that point
16 in time.

17 Q. I mean, I get that, but obviously -- and I think you
18 found the evidence -- that at times it exceeded its
19 permitted capacity, then clearly it may be that either
20 someone has to be placed temporarily elsewhere, like in
21 an assessment centre, for far too long, or placed in
22 a residential school further away, and that must have
23 happened surely?

24 A. It did happen.

25 Q. Was that not -- maybe not in your time, but I think you

1 have seen documentations that I think you were asked to
2 look at, which showed certainly even in the mid-1980s
3 Children's Hearing members were complaining quite
4 vigorously about not having sufficient range of
5 resources and would have preferred sometimes to have
6 maybe more specialist facilities, whether day facilities
7 or residential, to which they could send children but in
8 the absence of that, they were stuck with what they had,
9 and, in some cases, even what they had, there was
10 a problem with capacity, overcrowding?

11 A. That would be correct, yes.

12 Q. That was a long-standing issue, was it not?

13 A. It was a long-standing issue, dating back well into the
14 '70s and prior to the mid '80s as well.

15 LADY SMITH: Graeme, did The Children's Hearing in your area
16 always specify a particular place that a child was to go
17 to if it was a residential order?

18 A. Not always.

19 LADY SMITH: Because they didn't have to under the
20 legislation.

21 A. They didn't have to under the legislation, no.

22 MR PEOPLES: I mean, historically, when it came to choosing
23 a place, I'm going back a little bit further, then there
24 was effectively the SED had a clearing system and told
25 you whether there were places at particular locations

1 and you basically just had to take what was on offer?

2 A. That's correct, yes.

3 Q. Obviously the SED dropped out more after Oakbank ceased

4 to be a List D school, because it was under a different

5 situation, that the SED were not funding 50 per cent of

6 the cost?

7 A. Correct.

8 Q. And so it was down to the local authorities to be more

9 active in identifying a place?

10 A. Absolutely, yeah, and indeed other arrangements placed

11 -- so yes there were Oakbank, but there were other

12 schools as well across the country where children were

13 placed from Aberdeen.

14 Q. Now, in the Aberdeen City Council era for the moment,

15 1996 through to 2008, from the researches and your own

16 experience of Oakbank, did the council in that period

17 have any major concerns about how pupils were being

18 treated, either by staff or other pupils?

19 A. Certainly. As part of the regulation around -- the

20 duties of regulation in relation to Oakbank School, the

21 council had an inspection service which had

22 responsibility for inspecting elements of the care

23 provision within Oakbank School and certainly a number

24 of inspections were undertaken in relation to the

25 quality of care being provided.

1 In my own experience, erm, I probably would suggest
2 I had some experience of young people telling me of
3 negative experiences they've had within Oakbank. I have
4 also had some young people telling me of more positive
5 experiences they had within Oakbank as well, so I think
6 it is -- it was quite mixed, but those young people
7 probably would have been placed there more latterly,
8 I would suggest, in the sort of mid-1990s and I was
9 probably engaging them as young adults as opposed to
10 young children at that point in time.

11 Q. We'll come to this in due course perhaps in a bit more
12 detail, perhaps when we look at Part D more, but we know
13 that certainly prior to 1996, in the early 1990s, there
14 were allegations about Oakbank and, indeed, there was
15 an investigation by a special subcommittee of
16 Grampian Regional Council in 1993, which reported in
17 1994.

18 A. Correct.

19 Q. All of that period received a considerable degree of
20 publicity in the local and, indeed, more national press;
21 is that right?

22 A. That is correct, yes, there was a number of headlines at
23 that point in time.

24 Q. We'll look at that maybe more, but that certainly was
25 a history that was to some extent inherited by the City

1 Council?

2 A. Correct.

3 Q. In the Aberdeen City Council era, 1996 to 2008, in the
4 situation where the City Council placed pupils at
5 Oakbank, what steps were being taken by the council to
6 satisfy itself that the establishment had the resources,
7 staff, funding, policies, practices and procedures,
8 managerial structure and so forth, to properly care for
9 the children looked after by Oakbank and to keep them
10 safe? What was the council doing in that period to
11 ensure that that requirement was met?

12 A. Sure. So if I can maybe break that up into a number of
13 different tasks, if that's okay.

14 So one is the individual relationship young people
15 would have with their allocated social worker, and so
16 therefore social workers were encouraged to visit the
17 child placed there on a regular basis, to engage with
18 that child on an individual basis, but also to engage
19 with the staff within Oakbank to ensure that the care
20 plan for that young person was being delivered.

21 The council had the responsibility to review those
22 care arrangements through an independent Chair and
23 through the statutory processes that were in place and
24 remain in place to review the care planning for all
25 looked-after children at that particular point in time.

1 Where there were concerns coming out of those, they
2 would be escalated within the social work management
3 structure to a service manager at that point in time,
4 who would have met with Mrs [REDACTED] on a regular
5 basis to begin to look at those concerns around that as
6 well.

7 So whilst there was an element of influence, the
8 school still operated as an independent school. The
9 school still had, under the legislation, the authority
10 to terminate a placement should they feel that that
11 child's needs could not be met within their
12 establishment without really any negotiation with the
13 council at that point in time. So it was still at times
14 very much an independent school operating independently
15 around it as well.

16 The governors ... still would have had the board of
17 governors, but I think again, looking back, the focus of
18 those governors' meetings, I think, were more about some
19 of the material experiences of living within there,
20 there was talk about replacing carpets, improving
21 bedroom facilities, improving sort of the catering
22 facilities, all of those ... so I think the governors
23 were more focused at that point in time on the aesthetic
24 environment in which children were living within.
25 Whereas internally there was the sort of the more

1 escalation of concerns around the planning for
2 individual children or concerns coming out of the
3 planning for individual children that were escalated
4 within the management structure of the council at that
5 point in time.

6 Q. If there were concerns on the welfare side of things,
7 that would probably go more from the school directly to
8 the council's external management of the school?

9 A. Correct.

10 Q. Rather than up to the board to deal with?

11 A. Absolutely, yes.

12 Q. The board were concerned more with, as you say,
13 improving the facilities or -- and perhaps also trying
14 to balance the books, because Oakbank, I get the
15 impression, certainly by the time Aberdeen City Council
16 came on the scene, it could be described it was in dire
17 financial straits?

18 A. It was, and certainly there were a number of reports
19 portered in by the school into the perilous position
20 financially, that they were often not operating in
21 profit, they were operating at a loss. Again, those
22 elements were factored in in terms of fee restructuring
23 and additional elements around that as well. So
24 absolutely, that is correct.

25 Q. I think when Aberdeen City Council came into existence,

1 one of the first things that was done in relation to
2 Oakbank was to carry out an internal audit?

3 A. Yeah.

4 Q. There is a document, that I think you have seen, in
5 December 199█, which, I think it's fair to say, that the
6 council's finance team balked at the proposed fee
7 increase being suggested, suggested the school was
8 operating with very large operating costs, could make
9 cost-cutting measures and that certainly they would have
10 to sharpen their pencil?

11 A. Certainly, yes, I remember that report from my research
12 prior to coming today. And there was quite
13 a detailed -- the council's finance team did that
14 significant audit around it and there was almost a very
15 significant proposed spike in the fee that was being
16 proposed around that as well.

17 Q. At the same time, am I right in thinking that SNR █
18 SNR █ at that time, who was still Mr HMY █, was
19 saying something along the lines of: well, to provide
20 a high quality service we need resources and we're not
21 getting sufficient resources and to an extent he was
22 seeing responsibility for that lying with the
23 local authority, who was using the service?

24 A. If my memory serves me correctly from the research,
25 I think there were also some comparisons made between

1 Oakbank and other residential schools operating at that
2 point in time and certainly Oakbank's fee was at the
3 lower end of that, and that was used as an argument to
4 sort of promote that. I think there was a suggestion
5 again, to improve the experience of young people, they
6 wanted to employ more qualified residential staff who
7 had a social work qualification to improve the quality
8 of staffing that was being experienced, and indeed the
9 education experiences of children at that particular
10 point in time.

11 LADY SMITH: Of course, Graeme, you had moved into an era
12 where numbers in their hundreds were a thing of the
13 past?

14 A. Correct.

15 LADY SMITH: So fewer fees coming in with fewer children.
16 Did you find any evidence of any periods during which it
17 was being suggested that numbers should be increased?

18 A. I think by the mid-1990s, I think there was
19 an acceptance that going back to larger numbers was not
20 going to serve the young people well, and I think many
21 of the concerns that young people who have been placed
22 there have flagged was, I think, symptomatic of large
23 dormitory accommodation, the lack of staff supervision
24 of those arrangements and, indeed, many other factors
25 around that as well.

1 LADY SMITH: Thank you.

2 MR PEOPLES: If, for example, and I think you refer to this
3 in the report, the response, that inspectors in the
4 1990s, local inspectors, were going along and saying not
5 enough qualified staff, not even enough staff, not
6 enough training, and all of these things. Was not the
7 general response, well, to do these things we need
8 money --

9 A. Correct.

10 Q. -- and we don't have the money, and unless you give us
11 more money, or someone else does, we're not going to
12 achieve that. It may have been a blame game to some
13 extent, but the reality was that there were insufficient
14 staff at times, a lot of the staff were unqualified --
15 and this was in the 1990s -- and that it could be
16 argued, well, the people who were suffering are the
17 users?

18 A. Absolutely.

19 Q. Yes.

20 A. Absolutely. I think there is no doubt at all that to
21 some extent you get what you pay for and I don't mean
22 that flippantly. I mean that actually, if we're not
23 investing in the quality of care that young people are
24 receiving, then their experiences are going to be the
25 poorer for that.

1 Q. You had this paradox that you have very vulnerable
2 children, highly damaged in many cases, whether you call
3 them people who have additional support needs, special
4 educational needs or behavioural serious disturbance,
5 behavioural disturbances, that you have that group who
6 have to be looked after and common sense would say that
7 you need people with good skills and qualifications to
8 do that job properly and yet what we were seeing, in the
9 1990s, was a largely untrained, unqualified staff who
10 were handed the job. It wasn't seen as attractive, they
11 were overworked, and it wasn't even seen as
12 an attractive option, and as soon as they could get
13 a social work qualification they were off to be field
14 social workers, they would get a position with the
15 council, is that --

16 A. That's a fair reflection of the reality of what was
17 experienced within Oakbank.

18 Q. To some extent, it's not a matter of blaming one
19 particular part of the system, like the school or the
20 governors. You look at the system as a whole and see
21 how it was funded and where the money was coming from
22 and how much money was being given because the reality
23 is that these schools were quite closely controlled in
24 terms of expenditure, by latterly the placing
25 authorities and before that the

1 Scottish Education Department, when it was dishing out
2 money for income expenditure and capital expenditure, is
3 that not the reality?

4 A. That is true.

5 Q. Now, going back to the time before Aberdeen City Council
6 was established, I think -- again I'll deal with this
7 maybe in more depth later on, but the predecessor
8 authority, Grampian Regional Council, did have major
9 concerns about the treatment of children at Oakbank?

10 A. That is correct.

11 Q. There was this investigation in 1993 by the
12 subcommittee?

13 A. Yeah.

14 Q. There had been a number of local inspection reports that
15 were quite critical of a lot of aspects of the way
16 Oakbank was run and was being operated and that it
17 really was looking for quite significant changes to be
18 made?

19 A. It was, yes. I remember reading that report carefully.

20 Q. I think you've had a chance now -- I don't think when
21 you did the response you had access to the actual
22 report, but I think we managed to locate it and you have
23 had a chance to cast your eye over it?

24 A. That's correct.

25 Q. That report was based, I think, on evidence given to the

1 committee, albeit in confidence --

2 A. Correct.

3 Q. -- by a range of people, including former staff, current

4 staff, pupils, former pupils, parents and so forth?

5 A. Correct, it was, yes.

6 Q. Although the governors didn't get to see that evidence

7 at the time?

8 A. No, they didn't.

9 Q. So they didn't really accept the broad conclusions at

10 face value and said, 'We need to see the evidence'?

11 A. That is correct, yes.

12 Q. The upshot was that the Secretary of State or the

13 Scottish Office said, 'We need to have a major

14 inspection by HMIS'?

15 A. Correct.

16 Q. Which was carried out and reported in 1995?

17 A. That is right.

18 Q. It basically said there were serious failings in

19 standards of management, care and education at Oakbank?

20 A. That's correct. Yes, there were a number of areas that

21 were identified within that. The structure and the

22 management of the service, the quality of staff support

23 and supervision, the quality of education, the quality

24 of just general care of the young people were all

25 flagged as areas of concern within those reports.

1 Q. These findings were, unlike the subcommittee
2 conclusions, accepted by the school, and I think that
3 they offered some form of action plan that would cure
4 some of the deficiencies that were identified, is that
5 right?

6 A. That's correct, yes.

7 Q. Although that took time?

8 A. It took about three years, if my memory serves me
9 correctly.

10 Q. To give effect?

11 A. Correct.

12 Q. Before the Inspectorate started to say, 'Well, things
13 are getting better, and they've turned the corner
14 a bit'?

15 A. That's correct, yes.

16 Q. Or turned things round, sorry.

17 A. There were a series of inspections following that very
18 negative inspection to sort of chart the progress of the
19 school at that point in time.

20 Q. Just to be clear, the subcommittee did take evidence,
21 and we'll look at that perhaps, just there is a document
22 that Aberdeen has provided that shows the sort of
23 evidence that they were getting presented to them, but
24 they didn't in fact investigate individual allegations
25 that were put before them and make specific findings?

1 A. No, they didn't.

2 Q. They reached a broad conclusion that the number and
3 their general consistency said to them there's
4 a problem?

5 A. That is correct.

6 Q. And they made a large number of recommendations, I think
7 30 in all?

8 A. That's my memory.

9 Q. Moving on to the Aberdeen City Council era, I assume
10 that all of this would have been well known to the new
11 authority when it took over as a local authority area in
12 which Oakbank was situated. They would know all this
13 had been happening?

14 A. They would have, yes.

15 Q. Was it a concern to Aberdeen City Council between 1996
16 and 2008 that residential care workers were often
17 unqualified and lacked adequate training, because that
18 seemed to continue to be the position until quite late
19 on?

20 A. It was, and I think as well that I think when you look
21 at residential care per se beyond Oakbank, I think it
22 has often been a Cinderella part of the social work
23 service. I think it's often not had the same
24 recognition. It's often still perceived to have been
25 dealing with, dare I say, bad children rather than

1 children perhaps who have been impacted by those early
2 childhood trauma experiences that we spoke about
3 earlier.

4 So I think it is true, and even today there are
5 still some challenges around the level of investment and
6 training and experience given to that sector of
7 workforce who work in a very challenging context of
8 caring for children on a residential basis.

9 Q. Some of the themes that are brought out by the
10 inspection reports, the allegations that are made,
11 relate to things such as lack of training, insufficient
12 staff, record keeping, things of that type, these are
13 recurring things, deficiencies in management. These
14 weren't just something that in 1993 were identified.
15 These were things that were long-standing, were they
16 not?

17 A. They were.

18 Q. I think again, and I don't think we need to go back, but
19 you were given a Scottish Government file about Oakbank
20 inspections between 1975 and 1984 and I think in that
21 file there was evidence from visits that the inspectors
22 were saying that there were management deficiencies at
23 Oakbank. There were problems about no supervision, lack
24 of qualified staff, all the sort of things that you were
25 seeing much later on in the 1990s?

1 A. Yes, whether the scale was the same is another matter,
2 but I certainly think you're right to reflect those
3 areas around it. The numbers of staff who were caring
4 for a very large number of young people, particularly at
5 night, was a real concern. You had night care staff,
6 there was very few of them, for 60-odd children. You
7 know, those situations had moved on, but nonetheless,
8 the points you're making around supervision, support,
9 training, record keeping, all of those were flagged
10 between the mid-'70s and early '80s and were still
11 a theme in the '90s when Aberdeen City Council took on
12 the responsibility for the school.

13 Q. So the problems were identified early on, but they
14 remained and continued into the 1990s, and yet you also
15 have these statements from time to time about how
16 important this job is and the need for professionally
17 trained or appropriately skilled staff. You get
18 politicians saying it, you get directors of social work
19 saying it and how important this is and the priority to
20 train them up and qualify them and yet the problem
21 persists.

22 I mean --

23 LADY SMITH: Graeme, I think we may have had a similar
24 discussion in relation to foster parents.

25 A. We do. I think those issues where ... you are

1 absolutely right to reflect upon that, but I suppose
2 what I would reflect back is that those statements did
3 not follow necessarily with investment; that actually we
4 would recognise a problem, we'd identify the cure, but
5 we would then not administer the cure and therefore the
6 problems persisted and recurred and repeated.

7 MR PEOPLES: What wasn't known perhaps to people that were
8 not in the know, like -- who didn't have access to
9 Scottish Government files or unpublished inspection
10 reports, is that there were these problems and people
11 knew they were the problems and they knew that they
12 needed certain solutions but they weren't forthcoming.
13 That's something that perhaps the public didn't know.

14 A. Correct.

15 Q. It was given this sanitised view about what good work
16 these places were doing, how good the staff were, how
17 well they were coping, how happy the children were and
18 so forth, is that ...

19 A. That's true, and I think the other bit would be is that
20 -- I think we've moved away, I think, so when it was
21 a List D school, many of the staff, and indeed right up
22 through to the 1990s, I think Oakbank, in my opinion,
23 recruited a large number of ex-services staff, staff who
24 were involved in uniform services, and I'm not saying
25 those staff couldn't care effectively, but actually

1 I think we have moved to a position today where we are
2 looking for not just the qualifications but actually the
3 values that people actually bring into the job as well.

4 In many respects, the expectation of the 1970s and
5 '80s in terms of the List D element of the school was
6 about keeping these 'delinquent children', I think as
7 often they were referred to, in order and managing their
8 behaviours through control and through regime, but
9 actually, I think again, that sort of development of
10 knowledge, development of research, have moved us into
11 a position whereby we need to understand and actually
12 get alongside those young people to effect changes in
13 their behaviour, that structure and regime will not in
14 itself lead to lasting change for many of those young
15 people.

16 Q. If I go to -- perhaps I can put up a document for you.
17 SGV-001031946. Could we go to page 195. It's not that
18 easy to read. I think if we turn it back round the way
19 it was initially. That's a handwritten sort of note by
20 some sort of SED official, I think, in 1994,
21 18 February. Is it 195?

22 A. I'm not seeing anything.

23 LADY SMITH: It's coming across.

24 MR PEOPLES: It should come across. If it could be turned
25 around long way, because I think that's the way the

1 writing ...

2 LADY SMITH: Yes, it needs to go clockwise, doesn't it?

3 MR PEOPLES: Yes, to 6 o'clock. Turned clockwise.

4 This is an official of the Social Work Services

5 Inspectorate and it says, for the file -- this is one of

6 these internal file notes, they are always

7 an interesting things to see. If you just scroll down,

8 for the file:

9 '... whether or not all the allegations are true

10 [this is written in 1994] all is not well at the school

11 and change in the regime will need to be encouraged.'

12 And so --

13 LADY SMITH: '... we are waiting to see a draft submission

14 which ED Education are producing.'

15 Is that the Education Department?

16 A. At that point in time it would have been the Education

17 Department that would have overseen the school.

18 MR PEOPLES: This is what is being said by the officials.

19 They know that there's a problem, whatever the public

20 might know, and although there had been publicity about

21 this school, so the public did know there were problems,

22 unlike perhaps other schools, at the time.

23 A. Yeah.

24 Q. We see that being said and if we also have a look at

25 another document in the same file, at page 197. If we

1 scroll down.

2 LADY SMITH: Just for the transcript, can we record, this is
3 a Scottish Executive file, as it would have been, is
4 that right?

5 MR PEOPLES: This is a Scottish --

6 LADY SMITH: It's pre-devolution, so Scottish Office.

7 MR PEOPLES: It's a Scottish Office file, because it was
8 1995, so it would be the Scottish Office, yes.

9 This is a minute, a familiar document, that
10 ministers get from officials when there's something that
11 needs to be seen by the minister. I think in the
12 Oakbank case, as you probably can confirm, this issue
13 was of some concern to the ministers and they wanted to
14 remain briefed as to what was happening and that's not
15 necessarily all that common, so there clearly were
16 concerns at the highest level about what was going on?

17 A. That would be my reading of this document.

18 Q. We see there that it says that this is following this
19 inspection by Her Majesty's Inspector of Schools, which
20 was completed in January 1995. The minute itself,
21 I think, is on 5 April 1995, which is reporting to
22 ministers on the outcome and it tells the ministers or
23 minister that it recommends:

24 'Although there are serious failings in the
25 standards of management and care at the school, the

1 Secretary of State should defer the decision on a notice
2 of complaint against the school in terms of section 99
3 of the Education (Scotland) Act 1980 pending his
4 consideration of a follow-up report by HMI next year.'

5 It recommends that the school be given at least
6 an opportunity to carry out an action plan to implement
7 recommendations in the HMI inspection report?

8 LADY SMITH: So matters were at a critical point, with
9 a formal notice of complaint on the brink of being
10 issued?

11 MR PEOPLES: Yes. I suppose the nuclear option was: we
12 close it.

13 A. Close it.

14 Q. Indeed I think even before then there was some
15 suggestion by the local inspectors that one option could
16 be to withdraw registration?

17 A. That is correct, yes.

18 Q. It was a pretty serious matter?

19 A. It was.

20 Q. But they are stopping short and saying: we'll give them
21 an opportunity to put something in place that will
22 address the issues that have been identified.

23 We see that and then, if we just keep scrolling
24 down, I'll come back to this, but it tells you the
25 background about how there was an investigation, at

1 paragraph 4:

2 'Following allegations, the department wrote to the
3 region requesting a full investigation about allegations
4 that were surfacing.'

5 This was carried out by the
6 Special Social Work Subcommittee and I think you have
7 seen the report that was produced?

8 A. Yes.

9 Q. It records, for the ministers' benefit, that the
10 findings of that investigation were submitted to the
11 department in February 1994 but were challenged by the
12 school's board of governors, I think largely on the
13 basis that they didn't get to see the evidence and said,
14 'Until we see any evidence, we're not accepting
15 unsubstantiated or unverified allegations that you have
16 been told about'?

17 A. That would be my understanding.

18 Q. It says:

19 'The way ministers decided to deal with the matter
20 was, given that dispute at local level, ministers agreed
21 that a general inspection of school be undertaken by
22 HMI, assisted by the Social Work Services Inspectorate,
23 and concentrating on action taken on the subcommittee
24 report's findings and recommendations, lessons learned
25 and the future operation of the school.'

1 It says:

2 'Specific allegations made by Mr Penny [who is
3 a local councillor] were not investigated by this
4 general inspection of the school.'

5 I think on that basis that was accepted and there
6 were follow-up inspections; is that right?

7 A. That is correct, yes.

8 Q. Can I take you forward, going back to your response at
9 ABN.001.001.1874. We have discussed a number of
10 matters, including history and funding this morning, and
11 just before I leave that bit, we talked about the school
12 being in difficult financial straits, certainly by the
13 time Aberdeen City Council came on the scene. I think
14 even after that there were concerns within the council
15 that it would have difficulty surviving. Its future was
16 uncertain?

17 A. That is correct, yes.

18 Q. They did seek creative ways to perhaps boost their
19 finances, because was there not a proposal at one stage
20 in 2002 to establish a new secure unit on a new site for
21 Oakbank?

22 A. There was that suggestion, yes, which did not proceed.

23 Q. It didn't, no.

24 A. But it was proceeded and proposed by ... certainly

25 Mrs [REDACTED] had proposed that as part of the recovery

1 plan for Oakbank School.

2 Q. Yes, I think there was perhaps a recognition that they
3 had to try and do something?

4 A. Correct.

5 Q. To change matters.

6 Can I take you to page 11 of your response, just to
7 pick up one point there. There is reference, about
8 halfway down, just a bit further down, to
9 paragraph 37(g). It refers to:

10 'A report from the psychology service for Oakbank
11 School in December 1992 states that Oakbank School was
12 registered with the Scottish Education Department as
13 a List G school (residential and day school for children
14 with special educational needs). It was also registered
15 with Grampian Regional Council under section 62 of the
16 Social Work (Scotland) Act 1968 as a home providing
17 residential care.'

18 So it was apparently holding itself out that it
19 could deal with children who had special educational
20 needs?

21 A. Absolutely. I think there is no doubt at all that some
22 of the young people I would have seen placed there had
23 some clear learning difficulties and would have there,
24 others would have probably what we would deem today as
25 ADHD and autism and other neurodiverse needs around it

1 as well. So clearly young people who had, you know,
2 educational challenges and the school purported to be
3 able to meet those needs.

4 Q. Historically, that had been a big issue for
5 approved schools and List D schools, whether there were
6 the facilities for children with these needs?

7 A. Absolutely.

8 Q. And that generic schools, like approved schools and
9 List D schools, didn't really have the expertise or the
10 qualified staff to address those needs?

11 A. You're absolutely right, and I think if you look at one
12 of the earlier paragraphs you were showing me, there was
13 concerns about the quality of the curriculum, there was
14 the quality about the level of education, so in some
15 respects, they were placing children with really complex
16 additional support needs but really not having the
17 curriculum or, indeed, the facilities to meet their
18 needs.

19 Q. Going on just to discuss ethos, because one of the
20 things that I think is referred to from time to time in
21 your response is a statement of purpose. It appears,
22 from page 14 of the response, that there was such
23 a thing as a statement of purpose ... was that some time
24 around 1994 that this sort of statement seemed to
25 emerge?

1 A. I think it was -- whether it was '94 or slightly later
2 than that, but certainly I remember it had a yellow
3 front cover to it as well, very much setting out what
4 that statement of purpose actually was, beginning to
5 actually make clear ... I think it was trying to define
6 the role it would meet in a much more probably focused
7 way as part of its response to the concerns coming out
8 of some of the inspection reports that maybe it had
9 an attempt to generate income, spread itself too thin,
10 but actually it was better placed to clearly having
11 a defined remit and it was trying do that within that
12 statement that you've referenced.

13 Q. The point might be made that the regulations applying to
14 Oakbank School from 1987 as a residential establishment,
15 did they not require such a statement to be put in place
16 as a statutory requirement?

17 A. They did.

18 Q. Yet they were being told by inspectors in the 1990s that
19 they should have one and it took that to prod them into
20 producing one?

21 A. Absolutely.

22 Q. I mean that's not a great state of affairs?

23 A. No, very poor, and again, you know, why would we get to
24 a situation of failing before we actually take that
25 positive step?

1 Q. It's rather reactive rather than proactive?

2 A. Absolutely.

3 Q. Because we see, of course, when we go over to page 15

4 what are said to be the fundamental principles that you

5 need to have, or the fundamental building blocks, for

6 a child-centred childcare establishment and there are

7 lots of things being said there that perhaps -- they are

8 being put in place, but well after the event?

9 A. And as I read them, you know, the [REDACTED] Skinner report

10 from 1992 very much has lifted and framed this, you

11 know, so to some extent, to what extent is the school

12 itself focused on those or what extent is it mirroring

13 the report of the [REDACTED] Skinner report.

14 Q. A cynic might say:

15 'We see all of this and gosh we are told we need

16 a statement as a matter of statutory requirement, oh

17 goody, we'll just incorporate this and we put all these

18 rather aspirational aims and say this is what we do,

19 rather than this is what we're trying to do.'

20 A. Correct.

21 Q. Although I think later on as you point out on page 16,

22 that to some extent, certainly towards the closing years

23 of Oakbank, some of these principles were applied, or

24 apparently applied, to the satisfaction of the

25 independent inspectorate?

1 A. That's correct, yes. Certainly paragraph 43 makes
2 reference to that and the inspection report undertaken
3 by the Education Inspectorate and the Care Inspectorate,
4 or its earlier predecessor at that point.

5 Q. They felt that at that stage at least that, apart from
6 what was a stated aim, they were actually using systems
7 that would be designed for individual children and had
8 a system of what appears to be continuous assessment,
9 from the moment of admission to the moment of discharge,
10 a system called, is it Help? I don't know if it's one
11 you are familiar with or was -- were you familiar with
12 that system before you researched it?

13 A. I wasn't, and in many respects it is an early, in my
14 reading of it, predecessor of GIRFEC, it is trying to
15 take a holistic understanding of a child's needs and
16 circumstances, it focuses on home, family, education and
17 life, you know, social and personal objectives. So for
18 me it is an early iteration of the GIRFEC principles.

19 Q. One of the problems that inspectors were identifying,
20 going back to the 1990s, was is not, was that it's all
21 very well to be saying these things but when you look at
22 the records, you don't find much to inform you as to how
23 a child is progressing, because the records don't tell
24 you anything?

25 A. They don't. The records were scant at many instances

1 around that as well, and you were also asking perhaps
2 staff who perhaps didn't have the capacity or the
3 qualifications to actually, you know, record in that
4 context.

5 Q. Can I move on to page 21 of the response, the response
6 to the question: what was the organisation's attitude to
7 the discipline of children? There's a reference there
8 to the early 1990s, and a statement in a booklet that
9 Oakbank produced, that at that stage at least there was
10 a behavioural management system in place being a reward
11 system to encourage positive behaviour from individual
12 students and consisted of two parts, the level system
13 and the credit system. Then I think there's
14 an explanation of the different levels and what
15 basically -- I suppose what you do and don't get,
16 depending on which level you're in, and things like
17 leave and pocket money are a part of this system.

18 Indeed, I think, until it was pointed out to them
19 the error of their ways, one of the things that you
20 could be deprived of was home leave?

21 A. It was, and for me again, this is sadly very much of its
22 time, the fact that we're actually looking at clothing
23 being deprived, you know. Many of the children will
24 have come from deprived environment contexts. They
25 may well -- I would have assumed many will have required

1 clothing to be bought, even at a very basic level, but
2 then if their behaviour is there, how are they actually
3 earning the credits to have that sufficient clothing
4 around it, pocket money likewise, but leave is
5 critically the most important and certainly I remember
6 that from the research we did as being something that
7 they had to be quite directed to say that this is not
8 something that they could do.

9 Q. I think they were told --

10 A. They were told.

11 Q. -- it's unacceptable and they had to change their
12 system --

13 A. Absolutely.

14 Q. -- to take that away from one of the, as it were,
15 privileges of the system, rather than something that
16 perhaps might be seen as well, a child is entitled to
17 have contact with their home environment --

18 A. Absolutely.

19 Q. -- including some form of leave, unless there are
20 compelling reasons --

21 A. Absolutely.

22 Q. -- to do with the child's best interests to prevent
23 that?

24 A. Absolutely. It's the unilateralness of those decisions
25 as well, where was the accountability, where was the

1 governance around those decisions around that point?

2 Q. I mean, I don't know whether you can help us, but where
3 was this behavioural management philosophy coming from?
4 Is it something you can assist us? Was it some new
5 system that was being propounded from some other
6 jurisdiction or something like this? It's almost like
7 Pavlovian training, if you do certain things you'll get
8 certain so-called privileges and if you don't, you
9 won't?

10 A. I wish I could help you. That is beyond me, but I would
11 agree with your reflection.

12 Q. Because one of the things -- they couldn't use corporal
13 punishment because the days of corporal punishment were
14 long gone by the 1990s, but I think there is some
15 evidence you found that in relation to children who
16 absconded, there's some evidence that some said they had
17 been put in pyjamas for weeks on end. Do you remember
18 reading something along those lines?

19 A. Certainly steps were taken to try and prevent children
20 from absconding in a way which was completely
21 inappropriate and wrong, that actually we shouldn't be
22 depriving children ... there was almost a sense of
23 ridiculing them at the same time as well, denying them
24 their -- around that as well. So absolutely
25 unacceptable steps to mitigate the risk of a child

1 absconding.

2 Q. Could some describe that as a form of pindown, locking
3 people down or depriving them of clothing so that they
4 don't run away, things of that nature, isolation, so
5 that they -- they're being punished? Was that sort of
6 thing that inspired The Pindown Inquiry in 1990 in
7 England, these sort of things?

8 A. Correct. It was, and it was almost that humiliation
9 that children were subjected to within their living
10 environment.

11 Q. And you are distinguished from the people around you?

12 A. Correct.

13 Q. Because you are wearing pyjamas all day and they're
14 wearing their own clothes?

15 A. Correct. Very, you know, very humiliating, you know,
16 and I think that shame was constantly used.

17 Q. There is also a concern that the level system meant that
18 some young people had quite a lot of money in their
19 pocket and others had very little, because if you were
20 on level 6, you seemed to do pretty well, if you were on
21 level 1 you didn't do well at all, and if the credit
22 system was something that rewarded particular units, so
23 if your unit didn't come top, someone else got a reward
24 and you didn't?

25 A. That's correct, yes.

1 Q. What do you think of that sort of system?

2 A. For me, there is an absence of rights here and that

3 whole focus of children's rights we think of there and

4 I think it's failing to actually reflect individual

5 needs of the children around it. It stigmatises again

6 the good units and the bad units. I think it's quite

7 subjective as well, who's making those interpretations

8 of what is acceptable and what isn't acceptable around

9 that as well. It's not certainly the way we would work

10 just now and certainly I'm glad to see it isn't

11 something that isn't currently observed.

12 Q. I think one person who gave evidence to the subcommittee

13 said something along the lines that certain young people

14 seemed to end up more often than not in Rosemount,

15 because of their past behaviour, so I suppose that the

16 problem for Rosemount then was it might not come top

17 very often in the credit system?

18 A. Absolutely.

19 Q. That's not going to maybe lead to a happy school?

20 A. Absolutely. It just -- it breeds, you know, the mental

21 toll it would take on the young people themselves, and

22 indeed, on the staff as well, because actually for the

23 staff there's a sense of pride in what they're actually

24 trying to achieve as well, work with the young people to

25 better themselves.

1 Q. They might have been doing a good job in the unit --
2 A. Correct.
3 Q. -- but in the end they weren't coming out with any
4 reward from the credit system?
5 A. Absolutely.
6 Q. They were being measured against other units and --
7 A. It's very demoralising, for the young people and for the
8 staff.
9 Q. Then if we go to page 23, I think we pick up -- there is
10 a reference to an inspection report in the period 1992
11 to 1993 where towards the end, second-last paragraph,
12 a report is saying:
13 '... restriction of home leave as a punishment is
14 not acceptable, it should be decided in close
15 consultation with the field worker on the sole criteria
16 of the best interests of the child.'
17 A. Correct.
18 Q. That's having to be pointed out --
19 A. Very much so.
20 Q. -- in the early 1990s?
21 A. That's, you know, for me is remarkable in terms of that
22 actually maybe much of the home leave was already
23 governed by perhaps children's hearings, decisions
24 around that, but again it was extending I believe its
25 powers beyond which it was approved to give.

1 Q. There was also concerns about something called 'close
2 supervision'. There is reference to that in
3 an inspection report also on page 24, which seems to
4 have involved putting a young person in a particular
5 place, basically shadowed by a member of staff. I think
6 one person said, 'I was even shadowed when I went to the
7 toilet and they stood outside the door'. What's your
8 reaction to that?

9 A. It's wrong. That's my first reaction. I think that
10 actually it fails to understand what that actually would
11 feel like from the child's perspective, to have an adult
12 literally stuck to you 24 hours a day is oppressive.
13 Erm, I think it's a form of seclusion as well, you are
14 denying that child the freedom to move around the school
15 and sometimes that would have been within a segregated
16 room where the child was held with a member of staff
17 with them at all times.

18 All of that close supervision is -- it fails to
19 understand that actually what's lying behind the child's
20 needs at that particular point in time so --

21 Q. So you are seeing the behaviour --

22 A. Yep.

23 Q. -- and you are reacting to it by sticking them into
24 close supervision, but you're not asking yourself, well,
25 why were they behaving that way in the first place and

1 is there something that we need to address there which
2 might prevent it recurring?

3 A. Absolutely.

4 Q. I suppose when you are in close supervision, you're not
5 in the normal school environment of being in
6 a classroom, for example, you are being deprived of the
7 normal classroom time?

8 A. So there -- my understanding from reading the research
9 would be there's a particular room that was used for
10 young people to sit during the day whilst their peers
11 would have been in class. All that does is, I would
12 suggest, would be is to escalate the dysregulation of
13 the child, rather than actually to decrease the
14 dysregulation of the child so that they would be more
15 likely to have further dysregulated behaviours for the
16 child, just again through this approach of managing
17 their behaviour.

18 Q. I think also, if we go on to page 26, there was the
19 issue of physical restraint. What sort of picture
20 emerged from the review of the records that you were
21 able to see? There was clearly allegations about
22 excessive restraint; is that correct?

23 A. Yes, there was some instances of, erm, physical
24 injuries, a broken wrist I can recall an individual
25 reporting, injuries to children, which then did not

1 result in children being taken to the hospital. I can
2 recall instances of children feeling it was being very
3 much excessive, that actually some members of staff
4 actually were quite freely utilising restraint, erm,
5 towards young people as well around it. Much of it was
6 without the training that that would have been expected
7 to staff to think about how they would do that as well.
8 Some restraint was taken on an individual basis, so
9 again that poses risks to the child further around that
10 as well, that close proximity and all of that. Some
11 felt it was not just physical, there was a sexual
12 element to some of those restraints as well. So for me,
13 it was a sense that actually there was a lack of
14 oversight in terms of the use of restraint.

15 I recall there were some instances when there had to
16 be a return to the Scottish Government in terms of the
17 use of restraint and actually there was often instances
18 when there was no return because there was no recorded
19 instances, which goes against contrary to what the young
20 people themselves have said as well around it. So
21 I think the record keeping, the impact on the child, all
22 of those were not really considered by the school the
23 way I would have expected.

24 Q. Just on the point of record keeping, I think it's fair
25 to say that there was a general criticism of record

1 keeping in the 1990s, but one of the things that was
2 being said was that instances of restraint were not
3 always being recorded as they ought to have been,
4 whether it was just holding the wrist or something that
5 required more physical contact?

6 A. Absolutely. There was -- there were certainly
7 significant gaps in the recording of restraint compared
8 to today, whereby every restraint now has to be -- is
9 required to be reported to the Care Inspectorate as part
10 ... and that information be informing their inspection
11 of that establishment.

12 Q. Another point that was made about the record keeping and
13 the quality of the record of instance, even when
14 a restraint may have been recorded, there was a lack of
15 detail?

16 A. Correct.

17 Q. That meant that when there was -- when an inspector, for
18 example, was told by a young person, 'I wasn't happy
19 with the way I was restrained' and they go to the record
20 in the face of the member of staff denying or members
21 denying that there was anything inappropriate, they have
22 no record even to show what was going on and how it was
23 done?

24 A. No.

25 Q. Of course, the loser there is the person that makes the

1 allegation?

2 A. Correct.

3 Q. Because there's insufficient evidence?

4 A. And trust is also broken further in terms of a sense of

5 being wronged by physical restraint happening in the

6 first place, being wronged again because there's not the

7 evidence there that actually then would support their

8 complaint and --

9 Q. I think the inspectors said in relation to the way these

10 matters should be dealt with, that something that didn't

11 seem to be done, at least in some instances, was if

12 there were potential witnesses, they didn't go and speak

13 to them?

14 A. Correct, yes.

15 Q. And they said they should do --

16 A. Absolutely.

17 Q. -- to verify or to at least see if they could decide

18 between two competing versions?

19 A. Absolutely. If that was happening, I would be expecting

20 both members of staff, or however many staff were

21 involved, to be actually providing an account of what

22 happened and their involvement, both the antecedents

23 and, indeed, the experience of restraining a child.

24 Q. I'm just conscious of the time, maybe I can ask you one

25 more questions before we have a break.

1 At page 27 the response refers to a Care Commission
2 inspection report in December 2005 that states that the
3 school uses the Crisis, Aggression, Limitation and
4 Management, CALM, system to de-escalate incidents and
5 intervene physically with young people, and that there
6 was a rolling programme of training for staff found in
7 place.

8 That probably represents quite a sea change from
9 earlier days in Oakbank's history, but did you get any
10 sense of when CALM training or restraint training at all
11 was first introduced?

12 A. Not specifically, but certainly in relation to CALM,
13 I think that was sort of the mid-1990s that that whole
14 approach was adopted on -- that training was adopted, so
15 that gives a sense of the timeline as to when that
16 training would have been available to be utilised.

17 MR PEOPLES: That is probably as good a time as any to --

18 LADY SMITH: You may remember, Graeme, I usually take
19 a break at this point in the morning for about
20 15 minutes or so. If it suits you, we'll do that now
21 and then we'll return to your evidence.

22 A. Thank you very much.

23 (11.30 am)

24 (A short break)

25 (11.45 am)

1 LADY SMITH: Welcome back, Graeme. Are you ready for us to
2 carry on?
3 A. Thank you, yes.
4 LADY SMITH: Mr Peoples.
5 MR PEOPLES: Graeme, can I move on in the response and go
6 back to that at ABN.001.001.1874, page 31. Can I
7 just pick up a point there. It's just an example
8 I think of the perhaps poor record keeping and this was
9 just towards the foot of page 31 that was referred to in
10 an inspection report between 1992 and 1993. There was
11 a report, I think it's May 1992, it's the quote:
12 'A system of daily progress sheets was introduced in
13 the school so that the progress of the young person was
14 recorded and patterns of behaviour could be identified.
15 It also provided the key workers with a valuable tool to
16 allow them to talk through the previous week with
17 a young person and give an accurate reflection of how
18 their behaviour was seen by the person on duty.
19 Unfortunately these sheets are not used in the Rosemount
20 unit.'
21 I suppose there's an example of what appears to be
22 on the face of it a good idea, but it's not being put
23 into practice?
24 A. Certainly not uniformly.
25 Q. Yes. I think it's fair to say that was a particular

1 unit, but it should be done?

2 A. Absolutely.

3 Q. And it should be uniform across the whole school.

4 I think it's not an isolated example --

5 A. No.

6 Q. -- of poor record keeping, but it is an example.

7 LADY SMITH: It strikes me, Graeme, as something that had

8 the potential to pick up evidence of a child being

9 abused. We talk a lot about giving children the

10 opportunity to report their concerns, talk to somebody,

11 opportunities to listen to what the children are saying,

12 but just as important is being an observer --

13 A. Absolutely.

14 LADY SMITH: -- of the child and seeing what their behaviour

15 is telling you, how they are communicating through their

16 behaviour?

17 A. And being curious about that behaviour.

18 LADY SMITH: Yes.

19 MR PEOPLES: If we move on again to page 41, and just pick

20 up -- this was asking about accommodation and we have

21 already discussed this earlier, dormitories was the

22 historical way of accommodating children, large

23 dormitories with children of different ages, and clearly

24 that was changed to some extent, but there was a report

25 that's referred to at 41 to 42 of the response -- sorry,

1 a minute from the Joint Liaison Committee for
2 Grampian Regional Council for Oakbank School. It's in
3 1994 and this is one of the recommendations. I think
4 this is probably the subcommittee that is recommending
5 this, but in any event, it is saying:
6 'No child ...'
7 LADY SMITH: This is at the top of page 42, isn't it?
8 MR PEOPLES: Sorry, yes.
9 Recommendation 19:
10 'No child should be expected to share a bedroom with
11 a stranger.'
12 That I think, they obviously felt that that
13 situation to some extent was still evident --
14 A. Absolutely.
15 Q. -- within Oakbank and it may have led to problems.
16 I think there was one example at least a child had
17 complained about sexual assault by another young person
18 in the same room?
19 A. Correct.
20 Q. So that's where, I suppose, mainstream thinking had
21 reached by this stage, that that shouldn't be done. You
22 shouldn't be sharing with strangers. You wouldn't do it
23 in other circumstances, put a young child in a room with
24 a stranger that they've never met?
25 A. Mainstream thinking aligned to cost of refurbishing and

1 redesigning the physical space of the building.

2 Q. We have moved away from the days when you have the large

3 dormitories to the partitioning, but they're aiming, or

4 it should be the aim, to have children having their own

5 rooms?

6 A. Correct, and if I just could expand that a little bit

7 further, if you don't mind, in terms of the same page.

8 I think an area that I would have heard was around the

9 toilet and showering and bathing facilities being

10 communal, you know, and again that was a space where

11 young people, certainly to my knowledge, would have

12 spoken of being, you know, not the most pleasant of

13 experiences where abuse and harm would have taken place

14 within that space as well.

15 LADY SMITH: That is down at recommendation 23.

16 A. Correct.

17 MR PEOPLES: Yes, so there should have been more privacy in

18 those areas as well?

19 A. Absolutely.

20 Q. I suppose all the more so because I think there was

21 a concern because they were now accommodating girls and

22 boys?

23 A. Correct.

24 Q. I think least some of the girls had concerns about even

25 the fact that bathroom doors weren't lockable?

1 A. Correct.

2 Q. And staff were coming and was it knocking on doors and
3 then coming in and things of that nature, and there was
4 male staff as well often?

5 A. The majority of staff would have been male, certainly in
6 the early '90s. I think that balance evolved over time,
7 but certainly, yes, the space was not unique to simply
8 all-women/all-girls spaces.

9 Q. Over time, I think if I'm correct in thinking, that even
10 going back to the pre-1984, to the file that, I think,
11 we talked about earlier, that one of the inspectors even
12 then was commenting on the absence of female staff in
13 the school. It may have been an all-boys' school, but
14 I think the view was taken that a better balance of
15 staff would be a good thing?

16 A. Absolutely.

17 Q. So that was being said quite some time before this, but
18 it does appear that there was still a predominance of
19 male staff at Oakbank?

20 A. Absolutely.

21 Q. And particularly in senior management positions?

22 A. Yes, it was almost exclusively male for a long period of
23 time and I think that didn't provide that balance that
24 I think you're referring to.

25 Q. I think that does lead to some perceptions, perhaps even

1 by female staff, that it to some extent is
2 a male-dominated culture and macho-type culture that
3 they have to work within?
4 A. Correct.
5 Q. Also, I think recommendation 21, it's to do with bedroom
6 doors should be lockable from the outside by the
7 resident concerned or some provision. I think
8 historically there seems to have been a suggestion that
9 Oakbank, although it was a List D and approved school
10 which should have had an open door policy generally
11 speaking, that perhaps some doors that should have been
12 left open were locked, was that something that you
13 recall?
14 A. Certainly. Some of the entry doors into the units would
15 have been locked at that point in time. I think that
16 was a means of managing behaviours, managing the flow of
17 young people in and out of dormitories, but it certainly
18 gave a sense of restriction, inappropriate restriction,
19 for the young people involved as well, that they had to
20 be let in and let out.
21 Q. Because after all, it wasn't a secure unit?
22 A. It was not a secure unit.
23 Q. And it was a school?
24 A. It was a school.
25 Q. Like any other school, schools don't normally, I think

1 within the internal parts of the building, have lots of
2 locked doors?

3 A. Correct.

4 LADY SMITH: It seems that one of the concerns in
5 recommendation 21 was the lack of provision for children
6 to secure their own possessions?

7 A. Absolutely.

8 LADY SMITH: Is that right?

9 A. Yes, absolutely, that was the case. From our research
10 as well, again you would expect now for children to have
11 lockable drawers or spaces within their rooms that they
12 can store personal stuff.

13 MR PEOPLES: Yes, sorry, I did appreciate that they were
14 asking for some means to secure their rooms, but the
15 general position about locking was perhaps open to
16 criticism, because it wasn't, generally speaking, open
17 door, as I think was the philosophy of
18 an approved school and a List D school.

19 A. Absolutely.

20 Q. It wasn't secure?

21 A. No.

22 Q. It wasn't intended to be secure in that way. You just
23 had to live with the fact that they could walk out,
24 abscond, run away and whatever?

25 A. And that was behaviours that the staff would have to

1 have managed, but it certainly was not a secure unit to
2 prevent young people leaving the unit, should that be
3 what they choose to do.

4 Q. I suppose the ultimate threat for persistent absconders
5 under the rules then applied was you get sent to
6 a secure unit for your own safety or the safety of
7 others?

8 A. Correct, and I think you can see patterns, through some
9 of the testimony, of that trajectory.

10 Q. I think someone mentioned that the next port of call was
11 Rossie?

12 A. Correct.

13 Q. I think they meant the secure part of Rossie?

14 A. I'm sure they did.

15 Q. Yes.

16 If I can move on. I think we certainly see, just on
17 the accommodation situation, on page 44 of the response,
18 that by September 2006, so we're getting within
19 two years of closure or thereabouts, that by then there
20 were seven separate accommodation units, so it had got
21 smaller and had increased the number of units and there
22 was the ones that we were familiar with; Rosemount,
23 Ashgrove and Oakhill, but they'd obviously created some
24 other small units, and I see that the maximum number of
25 beds was the Oakhill unit at that stage with nine. So

1 it had moved towards at least a type of layout that was
2 being advocated by the local authority and the
3 inspectors?

4 A. Certainly, yes, by the inspectors at that point in time,
5 they were certainly beginning -- the Care Inspectorate
6 would have begun to at that point in point, begin to set
7 down staffing regimes, staffing quotas rather, for the
8 number of young people around that, certainly nine, even
9 then, I would suggest would have been still larger than
10 most local authority homes. At that point in time we
11 would have been operating around five- or six-bedded
12 children's homes at that point in time.

13 Q. I think about 2003 or 2004 a special unit was opened up
14 -- I think two were actually ultimately -- but the first
15 one was for young offenders who had a history of sexual
16 offending?

17 A. Yes. It was. It was given that sort of sense, but
18 I think -- I'm not sure it was exclusively dedicated for
19 young people who were exhibiting problematic sexual
20 behaviours.

21 Q. Right, but that was how it was maybe labelled?

22 A. Correct.

23 Q. But not necessarily in practise?

24 A. Correct, yeah.

25 Q. But that was a bit of an innovation, wasn't it, because

1 they also opened a special unit they said for -- to deal
2 with children who had particularly traumatic
3 experiences, was that also a special type of unit they
4 were trying to create?

5 A. It was. I think they were trying to develop and,
6 I suppose -- recognise, I suppose, gaps in the market,
7 if I can use that term, which I don't really like using,
8 but actually there was, I suppose, a lack of,
9 nationally, a provision for young people with
10 problematic sexual behaviour, young people with very
11 traumatised, you know, presentation or needs around
12 psychological -- psychological presentational needs. So
13 it's around trying to sort of find a space and I think
14 for me this is about them trying to sort of continually
15 evolve to stave off, I suppose, the financial position
16 that I think they found themselves in around these
17 times.

18 Q. And address what might have been seen as an unmet need,
19 such as a specialist unit for a particular category of
20 young person?

21 A. Correct.

22 Q. I think they also proposed a secure unit?

23 A. They did.

24 Q. Because they probably thought at that stage -- I think
25 there was a general suggestion that there was at that

1 time a move towards maybe developing the secure estate
2 in Scotland?

3 A. There was, and, you know, again there is -- I think that
4 that would have been -- that's around a time when
5 another secure unit would have closed within Scotland
6 and I think they would have probably seen themselves as
7 potentially replacing some of that demand.

8 Q. Then if I just move on again in the response to
9 something that you tell us about at page 49. I think
10 you told us earlier on about, I suppose, the importance
11 of the external social worker, the connection with the
12 child and -- but you say -- the report says halfway
13 down, the response, this was highlighted, I think, in
14 an inspection report:

15 'There were social workers who didn't visit the
16 school on a regular basis and there was one child with
17 no allocated social worker.'

18 So that's not a great state of affairs?

19 A. No, it's not, and certainly, you know, my view would be
20 is that actually we would want social work staff to
21 visit very regularly, you know, these children, I think
22 recognising (a) their needs and (b) just often some of
23 these would be from other parts of Scotland, you would
24 want social workers to visit to maintain that connection
25 back to home and all that that means to them as well.

1 Q. I suppose the further away you are from your home
2 community ... we know that social workers, there was
3 a lot of pressure, caseload and workload and perhaps
4 insufficient time to carry out the whole caseload in the
5 best way possible. That's going to happen, isn't it,
6 because if you don't have enough social workers and if
7 you're asking them to travel long distances to see one
8 young person and then travel somewhere else to see
9 another, but also deal with their local caseload, you
10 are creating problems for yourself?

11 A. Absolutely, geography does play a part.

12 Q. Also, I suppose, if you're a young person in Oakbank and
13 you're not seeing your social worker on a regular basis,
14 whether because they're far away or they're just simply
15 not coming as often as they should, you're not building
16 up any form of relationship with them and therefore when
17 the headmaster might come along and say: well, if
18 someone said this they could have mentioned it to their
19 social worker. It's not a very good answer if that's
20 the way that -- if that was happening in practice and
21 not everyone had that degree of contact?

22 A. Absolutely. It increases the vulnerability for the
23 young person.

24 Q. The other problem that I think we have come across and
25 you probably will be well aware of this, is that we

1 often hear from people who have been in residential
2 childcare establishments who have had external social
3 workers but they change frequently, so you don't have
4 the continuity of social worker and therefore they
5 perhaps feel less able to say things or tell them
6 things?

7 A. That is a challenge that persists today, that actually
8 we still have churn within our workforce and that means
9 that actually children who are in our care for long
10 periods of time will often experience changes in their
11 social worker and impacts upon the relationships that
12 they're able to build, the confidences they're able to
13 have and trust, all of those are impacted by these
14 changes.

15 Q. If we look at the current situation, why is that still
16 such a problem? Is it because they move on to other
17 things, is it because -- or is there any specific reason
18 why there is this frequent change? Is it to do with the
19 way that they're allocated or is it --

20 A. So there's a number of factors. The majority of social
21 workers coming into the workforce are female. Many of
22 them will go on to develop relationships, perhaps
23 a family, and that will take a course of itself.
24 I think the emotional toll of working with children with
25 really complex needs does take its toll on the workforce

1 as well, and we're seeing that, that actually the level
2 of complexity is growing but the level of the experience
3 of the workforce is decreasing. So you have got that
4 challenge to sort of work for.

5 Yes, promotion does take life events, moving away,
6 all of those have an impact, but I think the two
7 predominant reasons are is one is the challenge -- the
8 emotional challenge of carrying a very demanding job
9 with ... and that not having I suppose -- feeling at
10 times overworked and the pressure of doing that and
11 containing the emotional needs of the young person
12 within that as well.

13 But also just family and life events as well.

14 Q. So that is still an issue?

15 A. It is still an issue.

16 Q. The other issue that often can be said historically is
17 that many young people in care had multiple placements.
18 Not always because they absconded and moved to more
19 secure places but they got shifted around a lot. Some
20 would be six, seven, eight places catering in different
21 ways for young people. Is that still a problem,
22 multiple placements?

23 A. I would like to think that's an area we have improved,
24 but there is no doubt at all that actually there are
25 still times when children experience more moves than

1 I would want, or they would want, and is healthy for
2 them. I don't believe that -- we are where we are. We
3 report annually the number of times children move within
4 a year, to try and ensure we have a focus on minimising
5 that as well and that's an improving trend that I would
6 see within my own local authority area, recognising it's
7 an area we want to further improve.

8 So very small numbers would experience multiple
9 moves within a calendar year, but over the course of
10 a life, when you're thinking about it, they may still
11 move, you know, three or four times, and that's still
12 a lot for a young person to make sense of and contend
13 with.

14 Q. What about -- a historical issue was sibling separation,
15 when they were moved into some sort of care away from
16 home, is that still an issue, with larger families
17 particularly?

18 A. Larger families present a logistical challenge, there is
19 no getting away from that. We, however, are very
20 focused on trying to try and keep sibling groups
21 together, wherever possible. Where we can't keep them
22 together, we want to ensure and we have evidence that we
23 have meaningful relationships, they can still have
24 meaningful relationships with each other so they may not
25 be physically in the same house or same location, but we

1 would still want to maintain that relationship between
2 each of those sibling groups.

3 Recognising as well that sibling groups have got
4 different needs, and so therefore one young person
5 within that sibling group may require a much more
6 intensive form of intervention and sometimes siblings do
7 place harm to other siblings, and we need to think about
8 how we manage that dynamic as well. But even still, in
9 managing those dynamics, we would still want to try and
10 promote the relationships between siblings and brothers
11 and sisters.

12 Q. So there's no special factors of the type you mention,
13 then really the aim is always to try and keep them
14 together if they have to be removed from their home
15 environment?

16 A. Correct.

17 Q. What about, in terms of current residential
18 establishments for children in Aberdeen's
19 local authority area, I mean, how many -- I don't want
20 precise figures -- but how many young people come from
21 outwith the local authority area and are placed within
22 Aberdeen?

23 A. None.

24 Q. None?

25 A. None, no. All of the children's homes within Aberdeen

1 city are for Aberdeen city's children.

2 Q. Are there special residential schools?

3 A. Not in Aberdeen anymore. There's -- I beg your pardon,

4 that's not true. I'll rephrase that, I'll correct

5 myself. There is Camphill School, which is on the

6 periphery of Aberdeen, which is a residential school for

7 children with complex neurodiverse and learning

8 disability needs and they would take children from

9 across Scotland.

10 Q. That is within the Aberdeen city area, local authority

11 area?

12 A. Correct.

13 Q. Is that Newton Dee?

14 A. It is.

15 Q. Is it seen as a national facility?

16 A. Yes.

17 Q. For people that it's catering for in terms of the

18 particular needs?

19 A. Absolutely. I would, you know, there is

20 a responsibility on local authorities to notify the host

21 local authority to the school when a child is placed or

22 moved to that, and so we would be notified of children

23 moving from other parts of Scotland to live in the

24 Camphill School at Newton Dee.

25 Q. If children from Aberdeen require secure accommodation,

1 run by a secure accommodation provider, where do they
2 go?

3 A. There is no facility in Aberdeen for that. The nearest
4 one to us would be in Montrose at Rossie School. But
5 there is also one at Kibble in Renfrewshire, the
6 Good Shepherd also in Renfrewshire and St Mary's in
7 Glasgow as well. Those are the four established secure
8 providers in Scotland and we would place according to
9 (a) availability and (b) our experience of each of those
10 schools being able to meet the needs of the young people
11 for whom we are considering, recognising it's not only
12 young people who are a risk to themselves and others,
13 but it's also young people who have got quite profound
14 psychological needs as well, that sometimes require that
15 level of intervention.

16 Q. So are there young people from the Aberdeen area that
17 are in these places?

18 A. Yes.

19 Q. I suppose now that the change in terms of no longer
20 having young offenders places available for young people
21 under 18, that may put more pressure on them?

22 A. It's certainly a concern. I think we're still too early
23 yet to see what that will mean. Certainly, it's
24 pleasing to see that there is no under 18s in Polmont
25 anymore. They have been moved into the secure estate.

1 My understanding is the Scottish Government have
2 procured a number of beds within those to ensure that
3 actually any future demand in the coming months would be
4 able to be absorbed within those secure units, but there
5 is also a concern that actually that there is a need
6 that actually sheriffs may be feeling that actually
7 there is -- there is a more willingness to use those
8 services because they offer that therapeutic, that
9 child-centric placement than they would have perhaps
10 within Polmont. So, again, I think we are still early
11 days to see what the demand for secure --

12 Q. It might become more popular as a choice for courts?

13 A. They might become more popular as a choice for courts.

14 Q. Can I move back to the response, to page 51. I think
15 this is another sort of point about record keeping, just
16 it's again flagged up in an inspection report in the
17 early 1990s, top of page 51. There is a statement:

18 'The school has a good assessment system prior to
19 admission which identifies young peoples' individual
20 needs. However, there is very little on the personal
21 file of residents to show an individual programme of
22 care is developed, implemented and reviewed in
23 a systematic way.'

24 Again, I think we have discussed this, but that's
25 being told and identified as -- that is really a record

1 keeping issue that you should be -- if you want to know
2 how the child is doing, whatever you are actually doing
3 in practice, you should be recording it, and then you
4 can identify if there's been any change in behaviour or
5 any trends or whatever?

6 A. An assessment has to be a continuous dynamic process.
7 You need to understand is the intervention you're doing
8 have a positive or, indeed, negative impact and
9 actually, you know, adjust accordingly. You know, you
10 want to build on good practice and you want to eradicate
11 poor practice, to ensure that actually you're meeting
12 the individual needs of the child, that we're not just
13 trying to ensure that there is a set approach to all
14 children, that approaches are tailored to individual
15 need and circumstance.

16 Q. Does it not dismay you that when the
17 Social Work (Scotland) Act was passed in 1968, the whole
18 idea was that there would be a range of resources and
19 assessment centres to assess things and this would all
20 develop and yet we're looking at 1992/1993 and it
21 doesn't appear as if, certainly at Oakbank, they've
22 moved on?

23 A. Certainly that is disappointing and I would say
24 concerning and does dismay me that that is the case.
25 Again, thinking around where assessment centres sat

1 within that process as well, I think we were at this
2 point beginning to come to the end of assessment centres
3 as a sort of a standalone provision and much more --
4 again, taking up your earlier point -- about trying to
5 mitigate the number of moves that children then would
6 experience.

7 Q. Obviously the idea originally was there used to be
8 remand homes, became assessment centres when remand
9 homes were abolished in 1968 or thereabouts. The whole
10 idea was they would be assessed and then go to the
11 appropriate place after a period of residential
12 assessment if needed. So what happens now then? Is
13 there a move away from trying to -- is it assessment at
14 home if possible rather than assessment in a residential
15 environment?

16 A. Correct. The social worker who has the case
17 responsibility would undertake a dynamic risk assessment
18 of a child's circumstances and needs. If those needs
19 could not be met within their family network, then the
20 assessment of those needs would be used to identify the
21 most appropriate resource to meet those needs, trying to
22 keep the child as local to their home and family as at
23 all possible.

24 Q. But if they are in a residential environment such as
25 Oakbank, then they should be assessed properly and it

1 should be recorded properly?

2 A. Correct.

3 Q. Obviously things like care plans reviewed and so forth?

4 A. Correct.

5 Q. Now, there is a section dealing with staff matters. If

6 I go over to page 55, one thing that's said, and

7 I suppose this would be a positive development that

8 Oakbank was able to put forward, it's at 37(h), it says

9 there was a statement and a development plan in 1992,

10 that between 198█ and 199█ it says there had been

11 an increase in, is it, care staff from seven to 30, so

12 I suppose that was a welcome development?

13 A. Absolutely.

14 Q. That period broadly covers the initial period of

15 appointment of Mr HMY█. I don't know whether he takes

16 credit for that or not, maybe he'll tell us in due

17 course, but it was something that no doubt was -- there

18 was a need, it would appear, to increase the number of

19 care staff?

20 A. Well, when you think there were only seven care staff to

21 care for some 50 to 60 children, the ratios there are

22 actually quite scary from my perspective, and actually,

23 you know, it then reflects upon the only way to manage

24 that number of children, you know, would be through some

25 of the quite restrictive measures that we've already

1 spoken about.

2 LADY SMITH: And of course, Graeme, we have to remember that
3 was 24/7, or at least 24/5 if they were going for
4 weekend leave.

5 A. Correct, absolutely.

6 LADY SMITH: What was the shift pattern that they were
7 working, do you know?

8 A. I don't know that, you know, but even then, if you've
9 got, what, four units, I think it was at that point in
10 time, you really had one person caring for about 20-odd
11 young people in some of those units. That is quite
12 frightening.

13 LADY SMITH: Yes.

14 MR PEOPLES: Yes. If there are a limited number of staff
15 and there's a shift system and it's basically to get
16 24-hour cover seven days a week, that is putting a lot
17 of pressure on the staff and if there's any sickness
18 absences and people calling in at the last minute
19 saying, 'I'm not well today', and people working long
20 hours, long shifts, it does create an unsatisfactory
21 working environment?

22 A. It creates, you know, a powder keg for all sorts of
23 different reasons, you know, for behaviours to not be
24 managed, for children not to get their needs met, for
25 a whole range of different things as well.

1 Q. Now, if I go on to page 57, this is to do with
2 qualifications and experience and we spoke about this
3 this morning, that it had been said, I think, on
4 a number of occasions by inspection officers, local
5 officers, there was reference to high numbers of
6 unqualified staff, this is about halfway down, 37(h):
7 'The low percentage of qualified social work staff
8 and the low priority given to training, staff support
9 and supervision.'
10 That's being said in the early 1990s, that that's
11 the state of affairs. It was a long-standing state of
12 affairs. It seemed to continue, I think you accepted
13 that maybe now -- I mean, is it correct to say that now
14 that all residential care workers in Aberdeen's
15 local authority area have the requisite qualifications?
16 A. So they're not all social work qualified, but they're
17 all having to be registered with the SSSC and to do that
18 they also have to have a qualification that actually
19 enables them -- so there is a separate part of the SSSC
20 register that focuses on residential care for children,
21 and so they have to meet the requirements of that part
22 of the register. So I think that would be HND and Cs
23 and all of those others. There are a number of
24 social-work qualified staff within there and all
25 registered -- all managers of children's homes have to

1 be registered and they have to have a registered
2 manager's qualification within social work as well.

3 In the early 1990s, we saw the establishment of
4 SIRCC and if you are going to ask me to really remember
5 what 'SIRCC' stands for, but it actually is
6 a residential child care -- Scottish Institute of
7 Residential Child Care, and that was to promote the
8 experience and the qualifications of our residential
9 care staff, recognising that they lagged some way behind
10 where we needed them to be. So there was lots happening
11 at a national level that would have also begun to
12 influence some of the dynamics that you are actually
13 referencing within this part of our statement.

14 Q. Is it fair to say either they need to have
15 qualification, they are registered with the SSSC now,
16 because they have to be, they have to have some form of
17 qualification that's stipulated by SSSC or they have to
18 obtain it within a certain time of employment, is that
19 right?

20 A. Correct, that is correct.

21 Q. You are saying that within Aberdeen, the care workers
22 employed do -- who are employed within care homes in
23 Aberdeen, or children's homes and so forth, do meet
24 those requirements?

25 A. Every one of our staff meets those requirements who work

1 in residential children's homes.

2 Q. If I was to ask you are the qualifications that they're
3 expected to either have or obtain, in your view, do they
4 need to obtain more specific social work qualifications?
5 Is that an ideal world or is it something that ought to
6 be done in the fullness of time?

7 A. So I think that we've invested a lot in the development
8 of our staff, so not only do they have the basic
9 qualifications that enables them to be employed in the
10 first instance, it's then about how do we enable them to
11 develop the skills, the insight and understanding as to
12 the needs of the children they're caring for. We've
13 invested a lot in developmental training for our staff,
14 DDP is the term, and it's about how do they understand
15 trauma, how they build relationships with those young
16 people. We don't operate a system where we use
17 restraints, we don't restrain our young people.

18 Q. At all?

19 A. At all.

20 Q. So what do you do?

21 A. We build relationships with them. We guide them away.
22 We build the relationships around that, does that create
23 problems? Yes, it does at times but we do not move to
24 a position of restraint for children. We recognise the
25 risks of that for the child and for the staff are too

1 great.

2 Q. So say a young person, to use that colloquial
3 expression, 'kicks off', with very challenging
4 behaviour, aggression, physical and verbal, and is in
5 a communal area with other young people and staff and
6 they're not showing any signs of calming down or
7 settling down, and they're posing a risk, possibly to
8 themselves but also to other people, how does your
9 system deal with that problem?

10 A. Through the relationships we have with the young person,
11 we would try and segregate them from that --

12 Q. How do you segregate them if you can't physically touch
13 them?

14 A. We do physically touch them, but we don't pin them to
15 the ground. We would put our arm around their shoulder
16 and try and guide them away to a different part of the
17 room --

18 Q. What if they struggle?

19 A. They do, they do.

20 Q. Do you involve more than an arm at times?

21 A. No, it doesn't. We do not hold our children in a way.
22 Yes, we would grab hold of their hand if they are about
23 to throw something and try and stop that from happening,
24 but we would not pull the child to the ground to --

25 Q. At all?

1 A. At all, to do that.

2 Q. So in the days -- if we read about some of the places
3 where, according to some training, including various
4 gradations of some sort of restraint training, where
5 some child can end up in the face down on the floor or
6 in a prone position, that just doesn't happen?

7 A. We do not, as an authority, practise in that way. We
8 accept that we are still placing children in other
9 establishments outwith our authority, who still operate
10 and utilise restraint as a means of, I hope, last resort
11 to manage a child's behaviour at that point in time.

12 Does it present challenges to our staff?
13 Absolutely, but that's why we have to, I think, have
14 invested so extensively in the training and development
15 of our staff to enable them to build effective
16 relationships with young people in a way that actually
17 enables us to identify those escalation points, those
18 triggers, that may actually enable situations to
19 escalate out of control, so that we're trying every time
20 to intervene early and prevent those situations which
21 have previously required children to be restrained
22 physically.

23 Q. In a situation where a child is placed in
24 an establishment run by someone else that does practise
25 some form of restraint that may involve physical

1 intervention of a greater degree than you've described.
2 Are you saying that, although you are the placing
3 authority, they have the final say on that matter?
4 A. Yes. We will have an individual placement agreement for
5 each individual child and so -- and we'd ask them as
6 they're required (a) to report it to the Care
7 Inspectorate, because every establishment is required to
8 do that and, secondly, that we would be asked to be
9 notified very, very quickly.
10 We would also try to, within our individual
11 placement agreement, set out some of the individual
12 circumstances of the child. So we may, for example,
13 say, "This child has experienced sexual abuse in the
14 past, therefore you need to be mindful of that in terms
15 of any restraint that is actually being enacted by care
16 staff around that as well". But the ultimate decision
17 in terms of how restraint is utilised is the
18 institution's responsibility.
19 Q. And the methods used?
20 A. And the methods used.
21 Q. Is that not something you would prefer to have greater
22 control over?
23 A. So, I think just now there is an awful lot of work going
24 on nationally around the whole issue of restraint and
25 seclusion and again, thinking about that through

1 national groups that are actually undertaking some work
2 around this, and so we want to have a greater uniformity
3 of understanding of when those actually are taking
4 place. I would want all staff to be trained to
5 undertake a physical restraint. I would want all of --
6 I would want the child to have the opportunity to be
7 debriefed afterwards and to be given access to make
8 a complaint in the manner in which they were restrained,
9 if they felt that to be appropriate. I would want them
10 to have access to somebody independent who can actually
11 advocate on their behalf to enable them to have
12 representation as to whether the intervention by the
13 school or the residential setting was appropriate in
14 their circumstances.

15 Q. Are you engaged in a pilot project about getting
16 feedback from children?

17 A. Yes.

18 Q. Is one of the things you're going to get feedback about
19 how you tackle physical intervention?

20 A. So through our children's homes we are continually
21 engaging with our young people to see how it's working
22 with them. Yes, we've had some feedback from our young
23 people. We have, you know -- we continue to find ways
24 of engaging with them. It's not always easy, you know,
25 but nonetheless we've engaged with CELCIS, the Centre

1 for Excellence for Looked-after Children In Scotland, to
2 actually engage with the vast majority of our
3 looked-after children, to give them their views around
4 it.

5 We utilise an app called Mind of My Own, which is
6 a means by which young people can actually communicate
7 very directly with us as a local authority, particularly
8 that's helpful when they are placed outwith the
9 local authority and that's a challenge for staff to go
10 -- still go and see them so I think we want to find
11 increasing ways of doing this.

12 I think around the 1990s as well there was the
13 beginnings of children's rights officers, beginning to
14 be employed. I think I would say that in the early
15 1990s that children's rights officers were seen as being
16 a pain by residential establishments, that they were
17 flagging issues that actually were critical of staff and
18 so therefore their voices were often not as heard, and
19 indeed, therefore the child's voice was not often as
20 heard. I think we have invested in terms of trying to
21 ensure that we have adequate children's rights provision
22 to ensure that actually we can do that and I think it's
23 fair to say that I think there's a growing acceptance
24 that actually by continually hearing the voices of our
25 children, then we can adapt our practice to better fit

1 and mitigate the need for some of the testimony that
2 individuals have given as part of this Inquiry.

3 Q. It won't have escaped your notice that there is
4 an attempt, at least, to introduce legislation on
5 restraint in the educational setting?

6 A. Absolutely. That was in the news just a couple of weeks
7 ago around it as well. There are also instances where
8 we need to think about actually what is the impact on
9 children with particular needs, you know. Again, the
10 issue of autism has been flagged within that debate.
11 Again, about their sensory sensitivity and all of those
12 other bits and pieces that actually factor within those
13 individual needs.

14 So, again, it's recognising what is right for one
15 child may not be right for a next child or another
16 child, and so it's about truly understanding the
17 children involved in that as well.

18 LADY SMITH: Graeme, do you yourself attend any training
19 sessions for restraint to see what the up-to-date
20 training is?

21 A. I haven't. I would have been aware of the training that
22 would have been deployed in the early 2000s, but it is
23 some time since I have attended training. That was when
24 we as an authority did use CALM as a means of restraint,
25 when we moved, we had that, and we had a training team

1 that would have supported our staff to develop the
2 skills around that as well. But I haven't attended
3 recent training, no.

4 LADY SMITH: What about training staff to handle the sort of
5 situations we have been talking about, where a child is
6 getting out of control or is out of control? Have you
7 seen what the up-to-date training is on that?

8 A. Yes. I have been in part of that. We commissioned part
9 of that through our services. The residential manager
10 -- service manager would be the predominant there, but
11 I have also engaged with those who are delivering that
12 training to support our staff.

13 A lot of it is about giving them the confidence and
14 I think restraint is often about staff lacking
15 confidence and staff fear, as opposed to actually
16 thinking about actually, 'Is there different ways in
17 which I intervene?'. We do put hands on children but
18 not in a means of restraining them. It's a means of
19 keeping them apart, yes. Pulling them away, yes.
20 Directing them away, yes, all of those things, but
21 pinning them to the ground, no, we do not operate in
22 a way that is there. That is challenging and it's
23 something we need to continue to invest in, to give
24 staff the confidence around using these methods.

25 LADY SMITH: I wasn't thinking just about the mechanics of

1 touching or not touching, but whether staff are being
2 trained to be a strong supportive presence to the child
3 at a moment when their need for reassurance is probably
4 at its highest?

5 A. Absolutely.

6 LADY SMITH: Is that right?

7 A. So again, I was speaking to a couple of members of staff
8 yesterday around they were just doing some refresh
9 training to others, one of them was a residential
10 team manager, engaging with staff, helping new staff
11 coming into that develop the skills, understanding that
12 as well. It's also about -- I spoke about the debrief
13 to the child in terms, what about the debrief to the
14 staff as well? Could they have handled that situation
15 differently or better? Helping them to think about the
16 antecedents to the child 'losing it', you know, around
17 that. So it's -- the importance of the manager who has
18 oversight of that cannot be understated in terms of
19 giving confidence to the staff to manage this, but also
20 helping them to learn, to reflect, and deal with the
21 emotional impact of those instance, because it's still
22 an emotional impact on the staff as well but also
23 thinking how we help the child to reflect and, you know,
24 think about their behaviours and responses around this
25 as well.

1 LADY SMITH: From what you say, I hear that you are not only
2 interested in but have learned a lot yourself about how
3 to handle these situations. Does that help you do your
4 job?

5 A. Undoubtedly. I look back around my now almost 30 years
6 of time in social work, and I look back and I think we
7 didn't get it right. I know we didn't, and I was part
8 of that, and I would acknowledge that as well. Erm,
9 I think I was too accepting of instances when children
10 were restrained and not questioning enough, not curious
11 enough as to what that was done. Not curious enough
12 from the staff, but also not curious enough from the
13 children themselves to hear that their voice was heard.
14 And I would acknowledge that that has certainly been my
15 evolution as a practitioner and as a leader within this
16 space has evolved a lot since ... in almost 30 years
17 now.

18 LADY SMITH: Developing a learning culture?

19 A. Developing a learning culture.

20 LADY SMITH: Making it clear to your staff that you are
21 learning all the time, just as they are?

22 A. Absolutely. And that comes with risks but it's risks we
23 have to acknowledge and own and be transparent about.

24 LADY SMITH: Thank you. Mr Peoples.

25 MR PEOPLES: Just pick up one or two things; are you telling

1 me that there's quite a lot of research going on about
2 this whole issue currently? I mean, you obviously take
3 an interest in it -- as you should I suppose,
4 as a social work director -- but is there quite a lot of
5 discussion and debate going on as we speak?

6 A. There is. It is a very hot topic. There's a group that
7 meets nationally. It's called SPRAG, and if you want me
8 to sort of remember what that stands ... it's physical
9 restraining and seclusion, but nonetheless it's -- we're
10 a partner to that, and we think about that. We are keen
11 to have our voice heard and contribute to the voice
12 around this as well, but essentially it is about
13 actually thinking about the use of restraint and
14 seclusion in children and we very much want to be
15 a continuing and active participant in that
16 conversation.

17 Q. Is there an academic called Dr Steckley involved in that
18 or was she?

19 A. I couldn't honestly say, my memory would not serve me at
20 this point to say yes or no on that.

21 Q. That's a group that is a national -- looking at these
22 issues and continuing to --

23 A. It is --

24 Q. -- look at it?

25 A. -- and I think we just don't want to see it from

1 a residential care perspective. You mentioned education
2 earlier, we want to think about it from that
3 perspective, about health as well. Thinking about the
4 restraint within health circumstances, around that as
5 well. And obviously from a police perspective as well,
6 thinking about our collective use of restraint.

7 Q. I may be wrong, and you can tell me if I am, but there
8 isn't much in the relevant regulations about restraint
9 is there?

10 A. No.

11 Q. Is there anything?

12 A. There is a duty to report, so I think again from the
13 Care Inspectorate there is that duty to report it.

14 Q. In the good old days of approved schools, they would
15 tell you how you could discipline children, how many
16 strokes of the tawse you could use, it had to be a light
17 tawse and had to be over ordinary cloth trousers ... but
18 if we look at the current rules that apply to
19 residential establishments, they're not in any way
20 specific about the use of restraint and when it would or
21 would not be permissible. I say restraint in the broad
22 sense, sorry, I don't want to have a debate about the
23 precise wording, but there isn't really much on that
24 topic, is there, in regulation?

25 A. No, there's not.

1 Q. Just going back then to, you said the City Council used
2 CALM but now don't. Are you effectively giving 'no
3 restraint' training, I mean 'no restraint' in inverted
4 commas, training?

5 A. Yes.

6 Q. As you have tried to describe and what it involves.

7 Just to be clear, in terms of the Aberdeen
8 local authority area, this approach of no restraint,
9 that applies to any local authority-run establishment
10 within the Aberdeen local authority area? Does it apply
11 to any other establishment within the local authority
12 area or are they expected to apply the same approach or
13 do they have freedom to choose?

14 A. So, we commissioned two independent third sector
15 providers to run two of our children's homes, and we
16 have worked with them to move to that aligned position,
17 whereby we do not use and expect restraint to be used
18 within the establishments for which we have direct
19 oversight and responsibility for and are hosted within
20 the city of Aberdeen.

21 Q. But if I ran a childcare establishment in Aberdeen as
22 a private organisation, I have to register, but I don't
23 require to have a no restraint approach?

24 A. You don't.

25 Q. But if you place children in such an establishment, you

1 do your best to encourage them to -- you tell them what
2 the child's like, but ultimately do they make the
3 decision whether the child's restrained or not?

4 A. Ultimately, yes. I mean, we have no means of
5 compelling, but I think through -- ultimately we could
6 compel by withdrawing our funding, you know.

7 Q. You could go elsewhere?

8 A. To disinvest in those two establishments that we fund
9 100 per cent but don't actually deliver from a staffing
10 perspective, but I think that's more challenging when
11 you get into that broader residential market that sits
12 beyond the boundary of Aberdeen city.

13 Q. If I can just move on.

14 Clearly there is a theme that is recurring about the
15 need for training and I think we have spoken about that.
16 You have given some references to how that was being
17 picked up in inspection reports in the early 1990s, and
18 indeed it's been a theme over many years. There is also
19 reference to staffing ratios, and we have spoken about
20 that.

21 If I go to page 60, just briefly, it does say in
22 relation to Oakbank that by 2005, three-quarters of the
23 way down, paragraph 40, I think it is, it starts, that a
24 Care Commission report in September 2005 says:

25 'Staffing levels in all units found to be

1 appropriate to meet the needs of service users.'

2 I suppose my comment would be 'too late', because
3 we're only within a couple of years of Oakbank closing
4 down. Sadly for the other 127 years it doesn't seem to
5 have been the same situation, it could be said?

6 A. It could all be said and I would agree with that
7 reflection.

8 Q. A lot of this seems to have been very much towards the
9 back end of the life of Oakbank, perhaps particularly
10 after 1994/1995 experiences. A lot was happening or
11 attempting to happen, but it really -- the institution
12 was in its dying days as it turned out?

13 A. It was, yes.

14 Q. There is another thing about -- we talked about the
15 employment of female staff members and the fact that
16 Oakbank became co-educational in 1989 or thereabouts.
17 Page 61, I think there's a reference in -- this was the
18 HMIS report, not the local inspection report, at
19 paragraph 48, I think it says ... it's quoted:

20 'As a matter of urgency, a female member of staff
21 should be on night duty every night in all units with
22 girls in residence. The arrangements for the
23 accommodation of individual girls in units which were
24 otherwise exclusively populated by boys should be ended
25 to ensure their safety and security and to enable the

1 provision of a more appropriate social environment for
2 them.'

3 I think it's correct to say -- am I not correct to
4 say that Oakhill unit was a mixed unit?

5 A. That would be my understanding.

6 Q. Whereas I think maybe the other ones may have been
7 single sex, at least for a lot of the time?

8 A. I think the units became more mixed as time progressed,
9 but certainly that would have been the case and
10 certainly not having a female member of staff on at
11 night is something that is -- would in my opinion just
12 be not satisfactory. It gives no trust. Again, it's
13 just that sense of not recognising the needs of girls
14 and having somebody safe they feel they could confide in
15 and approach.

16 Q. If we go on to page 62, this is perhaps at least saying
17 from the Inspectorate's point of view, at least the
18 National Inspectorate, a third of the way down, there is
19 a joint inspection report of September 2006:

20 'SNR [that is] provides
21 strong and effective leadership.'

22 So there were more favourable reports towards the
23 end of Oakbank's life when this SNR was .
24 I'm not saying that people didn't make allegations, and
25 in fact I think you know they have, and we will no doubt

1 hear some of them, but broadly speaking, at least from
2 the Inspectorate's perspective, things had changed for
3 the better?

4 A. I think it's fair to say that actually there was
5 a clearer structure, a clearer expectation for the young
6 people within that setting, and I think there were
7 improvements at that point in time and I think you're
8 right to reflect that actually the inspection reports
9 more latterly were healthier.

10 Q. I think, because it had been previously described --
11 I think perhaps when it was assessing its suitability
12 for secure accommodation -- as a previously failing
13 school?

14 A. Correct.

15 Q. But clearly, at least, attitude towards it from the
16 Inspectorate's perspective changed?

17 A. Correct.

18 Q. Page 63, again it's not so much a recording thing, it's
19 more a matter of who is told about things. At
20 paragraph 46, on page 63, there is reference from the
21 Care Commission inspection in 2007:

22 [SNR] advised that the board received
23 regular reports on all incidents and abscondings within
24 the school and have done so for the past four years.
25 The Chairperson of the board advised that the board did

1 not get details of physical interventions unless it was
2 part of a complaint. The Chairperson advised that the
3 board had decided at their previous meeting that they
4 wanted to have regular discussions about the use of
5 physical interventions.'

6 It might be said that if you are the managing body
7 and restraint is such an important matter that really
8 you shouldn't just be getting information about specific
9 incidents of absconding. You should be getting much
10 more information from your school?

11 A. Absolutely. I think there's a range of data or
12 information that actually should be routinely provided.
13 I'm not speaking about individual circumstances or
14 individual children, but more generally about the
15 practices within the school and the progress within the
16 school, whether that be an academic progress or a care
17 progress.

18 Q. Because you couldn't monitor, as the managing body, the
19 use of restraint unless you have the information being
20 presented to you to see if there's any pattern emerging
21 or there seems to be an overuse or apparent overuse and
22 then you're looking for explanations?

23 A. Absolutely.

24 Q. If we go on to page 66 of the response, I suppose this
25 is an example of where all might appear to be well if

1 you simply ask about the systems, because a third of the
2 way down there is an inspection report, again going back
3 to the 1990s:

4 'The school has drawn up a sophisticated system of
5 recording personal files with clear and helpful guidance
6 to staff. However, an examination of several personal
7 files indicates that the system is rarely followed.
8 Poor or non-existent recording abound in the files
9 examined.'

10 Well, I mean, there is no point in having
11 state-of-the-art systems if they're not being employed
12 and implemented?

13 A. Absolutely. Absolutely. So for me, there is something
14 then about where is the internal assurance being sought
15 by managers within the school, that actually the
16 guidance is being adhered to and their internal quality
17 assurance checks, all of those should form part of
18 professional supervision between the care staff and
19 their line manager and routinely picked up on. So it
20 shouldn't be waiting for inspectors to tell us that
21 there is gaps within our recordings. We should be
22 knowing that before the inspector arrives.

23 Q. I think it was said, wasn't it, that inspectors thought
24 that there was no obvious evidence that people who came
25 to the school, including governors, looked at the

1 records, because there was no evidence like a signature
2 to show that they had actually even looked at the page
3 on a particular date, so they were left in the dark as
4 to what extent they had taken on board what they were
5 reading, if they had read it at all?

6 A. If they had read it at all. There was no evidence of
7 that.

8 Q. Just going on to page 67, I mean, they're certainly not
9 doing things very well at this stage in the day in 1992,
10 because if we go to the fourth paragraph, there is
11 an inspection report from 1992 saying:

12 'It is said to me [this is an inspector writing
13 this] that Rosemount tends to receive the young people
14 referred to the school who have been labelled as
15 a handful or violent or unmanageable and also that most
16 new staff who come to the school staff start at
17 Rosemount. This could result in obvious difficulties
18 and such a policy, if true, needs revision.'

19 You are putting the least experienced people in with
20 potentially, if you accept this as a statement of fact,
21 with the people that may be most difficult to manage and
22 deal with?

23 A. Absolutely, and you are also probably going to see as
24 a result a high turnover of staff, because staff will
25 not stay if they're in a feeling where they're out of

1 their depth. And so therefore there is a sense
2 therefore of not only the young people being failed by
3 giving -- by entrusting the least experienced staff to
4 care for them, but actually the staff being failed as
5 a group themselves.

6 Q. You are not going to get many credits either?

7 A. No.

8 Q. If the system rewards the best unit.

9 Just moving on, you have not responded to Part B for
10 the reason that you have explained that, at least
11 legally speaking, Oakbank was managed by a separate
12 body, even if it was nine out of 11 councillors on that
13 body, so we'll pass on to Part C, which is prevention
14 and identification, which starts at page 80.

15 I'll just see if I can maybe pick up on one or two
16 things. It's asked at page 81 about local authority
17 policy and guidance relevant to provision of residential
18 care for children. I think their response is that there
19 were policies and some are listed there. I just
20 wondered whether there's much evidence of policies prior
21 to 2000 that you've been able to trace, the sort of
22 policies that now you see in most organisations for
23 things like bullying, complaints procedure, and other
24 matters of the type listed, physical interventions
25 policies is one there in June 2008. Did you see much

1 evidence of that prior to 2000?

2 A. I think it's fair to say that, no, we didn't, and

3 I think it's fair to acknowledge that that is something

4 that would have been pertinent to Oakbank and indeed

5 probably other establishments as well.

6 Q. We shouldn't single out Oakbank for criticism here, it's

7 probably a situation that was common --

8 A. That would be my assumption.

9 Q. -- in the past?

10 A. Yes.

11 Q. You have a section on whistleblowing, starting on

12 page 83. There seems to have been at least an Aberdeen

13 city policy from 2007 to comply with the requirements of

14 the Public Interest Disclosure Act 1998, can you just

15 help me with this: was there a previous policy or was

16 that the first one that you're aware of?

17 A. I think that would be the first that I'm aware of, but

18 I would have to check with the researchers in relation

19 to that specific element.

20 Q. Whistleblowers sometimes say -- they complain that they

21 get a hard time if they raise concerns and some people

22 say, 'I only whistleblow once I've left the employment,

23 not while I'm there'. Is that still a problem?

24 A. I think it's still pertinent as well and I think that

25 within Oakbank, which is around that as well, within the

1 care staff at Oakbank at that point in time there would
2 have been several families who were on the care staff,
3 so you had a father and some of their sons who were on
4 the care staff. You had brothers who were care staff.
5 So therefore if you were in a senior position around
6 getting a complaint around a family member, then it
7 doesn't make it easy for people perhaps wanting to make
8 a complaint to raise that complaint and feeling it was
9 heard around it as well.

10 I think whistleblowing is really difficult. I think
11 we encourage our staff to own responsibility. It's part
12 of our professional standards. It's part of the culture
13 that I want to lead in terms of the workforce that we
14 have, is that it goes back to the Chair's comments that
15 actually we want us to be a learning organisation, that
16 acknowledges at times we don't get it right and actually
17 we need to own that and learn from that and adapt our
18 practices and approaches in respect of that.

19 Whistleblowing is however a really difficult matter
20 and I'm not going to pretend otherwise.

21 Q. It remains a difficult matter?

22 A. It is.

23 Q. We can read every day people saying the difficulties of
24 speaking out and the consequences potentially for the
25 individual?

1 A. Correct.

2 Q. Yet the best people to give you a 24/7 eyes and ears are
3 the people on the ground, who see what's happening
4 and --

5 A. Absolutely. So we encourage -- we undertake staff
6 surveys, whereby they can do that anonymously. We can
7 engage in smaller groups to try and tease things out
8 with them, to actually hear the voice of those who are
9 actually having to deliver on the interventions that we
10 would ask them to do, so that's how we would try and
11 ensure that we are actively listening to the voice of
12 our staff, but actually, yes, that doesn't take away the
13 fact that if you are a lone voice wanting to raise
14 a flag of concern, that that is actually quite a lonely
15 and uncertain place to be in.

16 Q. Now, I can move on to page 92, which is to do with
17 schooling and education and I suppose that -- there is
18 one point I would just like to make. It was pointed out
19 in the past, in that file that we have talked about this
20 morning, from 1975 to 1984, by an inspector who said,
21 'Well, you know, children in these schools have got the
22 same right as any other child to an education, five days
23 a week, like a mainstream school'.
24 But if you actually look at the situation, they
25 often spend a Friday travelling distances on home leave,

1 so they only get perhaps four days a week, rather than
2 five days a week. I know this has changed currently.
3 People don't always go to school five days a week now,
4 but in those days perhaps they did.

5 In addition, he pointed out that during the more
6 limited period it wasn't always being in the classroom,
7 because they might have something like eight weeks in
8 the class and six weeks in some sort of workshop or
9 workstation area, so they weren't actually getting
10 anything like the same number of education weeks as
11 a child in a mainstream school. I think he even
12 described it could be argued that was part-time
13 education, when you had a legal right to full-time
14 education.

15 That doesn't help when people now complain, 'Well,
16 I didn't get much of an education anyway at these
17 places', but it certainly wasn't going to be helped if
18 they weren't getting sufficient classroom time either?

19 A. No. I think it's fair to say this reflects a period of
20 time when education was predominantly seen as being
21 classroom-based. I think we have moved on, I think we
22 want to see more vocational subjects, it still can be
23 classroom-based but it's not necessarily following the
24 same academic pathway as perhaps it would have been
25 previously.

1 Nonetheless, I think that if you're going to improve
2 the life chances of these individuals, we know that
3 education is often one of the means by which you can
4 actually achieve the biggest impact for those
5 individuals and if we're limiting their exposure to
6 education, then that's going to limit their
7 opportunities to improve their life chances.

8 Q. It's an interesting take though, isn't it, when it's
9 pointed out some time ago that maybe they're not getting
10 the same amount of education?

11 A. Absolutely. I think it is interesting and I think, you
12 know, not only was the Friday afternoon used, was
13 a Monday morning also used for coming back sometimes.

14 Q. So might be even less?

15 A. Correct.

16 Q. I suppose, just moving to a separate point, going back
17 to something about record keeping, can I just say this:
18 I think in these reports we see the -- they say there
19 are so many records now in the Regional Council era and
20 the City Council era, there's a proliferation of forms
21 and things. I mean, there's two schools of thought on
22 that. One is, yes, you want forms and things are
23 recorded but there is a danger, if you have too many
24 forms that may contain to some extent overlapping
25 information, that people will not necessarily be able to

1 provide the quality of record keeping that is desired,
2 particularly if they're leading a busy working life?

3 A. I think that's fair to say and I think my staff would
4 say the same. I think sometimes they would feel the
5 bureaucracy of the job is actually -- gets in the way of
6 actually doing the job, and I would agree with them to a
7 point. I think it, however, provides the evidence for
8 intervention and the impact of an intervention as well,
9 but we have to have a balance. We have to ensure that
10 actually our records are clear and information is
11 succinct and accurate, but actually we are still
12 spending -- what social workers are best at is actually
13 engaging with young people and families on a relational
14 basis to effect change within their human and social
15 circumstances.

16 Q. Don't get me wrong, I'm not suggesting we shouldn't have
17 proper record keeping, I'm just trying to say how do we
18 achieve that, because there is this danger, it's a bit
19 like guidance, we get guidance -- you probably get
20 guidance week in/week out and you probably think to
21 yourself, 'Well, goodness me, something else comes in',
22 and there is a danger you can't see the wood for the
23 trees?

24 A. It's important to actually ensure that that guidance is
25 kept current, you know, in that we're not actually --

1 we're ensuring that sometimes some guidances can
2 actually contradict other guidance which is in place
3 around that as well, so that further complicates the
4 landscape.

5 Q. Page 97, there is this reference to policies that were
6 being developed, but at page 97, paragraph 19, it talks
7 about something that's not permitted in establishments,
8 misuse of drugs and solvents is not permitted.

9 This was a problem, wasn't it, over the years at
10 Oakbank certainly -- I don't know when you can maybe
11 date it back to, but presumably we do now hear accounts
12 of how people were misusing substances, both when they
13 were in establishments and when they were in the
14 community on home leave. Can we take it that certainly
15 between 1975, right through to the closure of Oakbank in
16 2008, to some extent misuse of drugs and solvents was
17 a problem, a significant problem, in the case of many
18 young people who were put in residential care or is that
19 an overstatement?

20 A. Certainly going back to the sort of '90s and onwards
21 I think that we have seen the impact of drugs within
22 society as an ever-growing one and I think it is still
23 a challenge for those who care for young people within
24 a residential context as well.

25 There is no doubt at all that we saw within Oakbank

1 young people having access to substances, you know, so
2 Oakbank, because it wasn't a locked unit so they could
3 leave, they could abscond, go into the community, leave
4 the community and access, whether that be, you know,
5 substances and solvents, proliferation of glue sniffing
6 and aerosol sniffing, all of those elements would be
7 what I see as being solvents. And, again, these are not
8 illegal substances. These are just how they're used is
9 harmful to the young person, but certainly there are
10 illegal substances being used within that context.

11 Q. It's quite a challenging environment?

12 A. Very challenging.

13 Q. When you add that in as another complication?

14 A. Absolutely.

15 Q. Page 101 there is a section that's headed,
16 'Pre-employment checks'. There is one example you were
17 able to find involving a person who was employed at
18 Oakbank in the 1990s, which it came to light, after his
19 employment, that he had a number of criminal
20 convictions, including one for indecent exposure?

21 A. We did, he was convicted twice of indecent exposure, if
22 my memory serves me correctly.

23 Q. I think one was a civic government, urinating in public,
24 but the other one was a specific offence of indecent
25 exposure. I think we have seen the PCs, so, in fairness

1 to the individual concerned, I think one was certainly
2 indecent exposure and I think therein that difference is
3 important here because there was a suggestion by the
4 member of staff when he was asked to explain these that
5 they concerned urinating in public, but didn't concern
6 anything more sinister than that?

7 A. Thank you for that correction.

8 But yes, certainly, there was there -- I think for
9 me there was also however instances of other matters for
10 which he had been brought to the court, including
11 assaults and other elements around it. So again for me,
12 there was a lack of rigour in relation to his employment
13 at that point in time.

14 Clearly, things have moved on. Everybody who works
15 within residential care or, indeed, within social work
16 in its broadest context is required to be PVG registered
17 and again that would hopefully eliminate any convictions
18 that a person has prior to them taking up employment.

19 Q. I think the problem in this particular case was that,
20 according to the contemporary material, that, I think
21 you may have seen some of, that the individual in 1991
22 applied for employment at Oakbank and in his application
23 form in some way or other he indicated in general terms
24 he had previous convictions, but didn't go any further.
25 He was interviewed by SNR [REDACTED] at the time,

1 a Scottish Criminal Records Office check was made at the
2 time. It returned a 'no trace' response and without
3 further ado, it would appear, SNR [REDACTED] gave the
4 individual employment.

5 That individual did have other members of the family
6 who were employed at the school at that time. It's an
7 example of the sort of problem of perhaps whistleblowing
8 that you mentioned. Then two years later or so, local
9 inspectors doing a check on records discover this issue
10 and when a further check is made of the
11 Criminal Records Office they say, 'Oh, we made a bit of
12 a mistake, there are a number of previous convictions',
13 and then the matter had to be dealt with and the board
14 of governors had a decision to make?

15 A. That's correct.

16 Q. And the decision they reached was that the individual
17 concerned should remain in employment, despite the
18 existence of these convictions and even though it
19 appears that when he was asked about the convictions or
20 the detail he stated that it was to do with urinating in
21 public, so he didn't give an accurate account of the
22 nature of the conviction?

23 A. That would be my understanding.

24 Q. But notwithstanding that, his employment was continued?

25 A. Correct.

1 Q. I'm conscious of the time. I've got a little bit to go
2 and I'll resume this little episode after lunch, if
3 I may.
4 I'll take you to something which perhaps shows the
5 reaction to that, but I'll maybe save that until after
6 lunch.
7 LADY SMITH: Graeme, I'm afraid we're going to have to
8 detain you over the lunch break, but I don't think we
9 will have that much --
10 MR PEOPLES: No, no, we have covered a lot of the ground,
11 there are just a couple of things I want to ...
12 A. That's fine.
13 LADY SMITH: Thank you very much.
14 We'll stop now and sit again at 2 o'clock.
15 (1.04 pm)
16 (The luncheon adjournment)
17 (2.00 pm)
18 LADY SMITH: Graeme, welcome back. Are you ready for us to
19 carry on?
20 A. I am.
21 LADY SMITH: Thank you very much.
22 Mr Peoples.
23 MR PEOPLES: Good afternoon.
24 Before lunch, we were looking at a situation about
25 the employment of a person in 1991 and I think we got to

1 the stage where that person's convictions, the nature of
2 them, had been disclosed and his employment was
3 continued by the board of governors.

4 Although it appears that when he was asked about it,
5 he did simply suggest that the indecent exposure
6 conviction was simply urinating in a public place, but,
7 as I think I've said, there were two separate offences,
8 one of which was not that.

9 I was going to take you then to something that you
10 may or may not have seen before, but it's in one of the
11 Scottish Government files. It's a ministerial minute in
12 June 1993. It's SGV-001031946.

13 As I think we've said, Oakbank was the subject of
14 ministerial attention, partly because the local
15 councillor had wanted an inquiry involving someone
16 external to Grampian, I think, and had been writing to
17 that effect, but clearly they became aware of this
18 situation as part of this and you will see, if we look
19 at the first page of that minute, it says:

20 'Lord Fraser [I think he was the Minister of State
21 at that time, he wasn't the Secretary of State] the
22 senior minute of 15 June ...'

23 And another minute about the above green folders,
24 that's to do with this matter, and he was looking for
25 some elaboration of certain matters before Lord James --

1 who was another presumably minister within the
2 Scottish Office at the time,
3 Lord James Douglas-Hamilton, before he replied, and he
4 says:
5 'If he has understood it, this member of staff ...'
6 LADY SMITH: Mr Peoples, which page should we be on?
7 MR PEOPLES: I'm sorry, page 91. I am sorry, my Lady,
8 I gave you the general reference and I forgot to give
9 the page.
10 LADY SMITH: This makes sense.
11 MR PEOPLES: Sorry. We see the paragraph that I was
12 starting. I've given you the background to what has
13 been said, but this is really on behalf of Lord Fraser
14 that it says:
15 'If he has understood it, this member of staff at
16 the time of his application for employment, the date of
17 which is not revealed ...'
18 I think that was 1991 from other records:
19 '... admitted to previous convictions.'
20 Or certainly disclosed them, I think that was the
21 evidence:
22 'It seems that the subsequent check with the
23 Scottish Criminal Records Office for one reason or
24 another did not trace these.'
25 I think that again is what we understand:

1 'What Lord Fraser finds bewildering is that
2 notwithstanding this failure, no further check was made
3 with the member of staff and SNR did not
4 alert anyone. He's concerned that this discrepancy was
5 then only picked up later by a Grampian inspection. The
6 minister's astonished (a) that the member of staff has
7 not been suspended and (b) that the actions or failure
8 to act by SNR do not appear to have been
9 questioned or investigated.'.

10 So we get the ministerial reaction there, which may
11 be not surprising, would you agree?

12 A. I would agree.

13 Q. If I can go back to the response from Aberdeen, which we
14 were looking at. Can I turn to page 105 of that
15 response. If we go down to the bottom of that page,
16 this is the matter which we have just been discussing,
17 which is referred to in the response, but if we go over
18 the page, to page 106, we also see that we are told some
19 more information and I'll just read what it says:

20 'During a recent inspection, when inspection
21 officers were checking procedures for appointing staff,
22 it emerged that in a number of cases staff had been
23 appointed although references had not been obtained.
24 When this matter was raised with SNR he
25 stated that it was sometimes very difficult to get

1 people to respond to reference requests and he admitted
2 that on occasion staff had been appointed to permanent
3 posts without references having been received or where
4 references were inadequate, stating only the period when
5 the person had been employed with another agency.'

6 So it wasn't just one lapse. It may say something
7 about the difficulty of recruiting workers, but that
8 doesn't excuse that, does it?

9 A. Absolutely not, and I think references, particularly in
10 this line of work, are actually really important.

11 I think it provides an awful lot more about the
12 characteristics, both personal and professional, that
13 individual staff would bring into the role and I think
14 those are absolutely critical to an understanding when
15 that role's working with vulnerable young people.

16 Q. I may be wrong, but I think that in a situation where
17 another member of staff, not the person we have been
18 talking about, was dismissed, following information that
19 he had been found in possession of pornographic material
20 relating to, I think effectively, indecent images of
21 children when he was returning to this country, he had
22 been dismissed from his employment at Oakbank and
23 I think in his case it may be the case that there was
24 only one reference perhaps sought and that reference was
25 in very general terms. It didn't give really much

1 information about the background of the individual?

2 A. That would be my understanding as well.

3 Q. So it can have consequences?

4 A. Yes.

5 Q. Indeed, if we see just -- this perhaps confirms that in
6 a letter from the governors to the Registrar of
7 Independent Schools in 1993, because he would have -- it
8 was an independent school at that stage, the letter from
9 the governors states, among other things, it's about
10 halfway down in the last full lengthy paragraph:

11 'We are aware that the staff member concerned was
12 not truthful in his account and it was not the case of
13 urinating in a public place.'

14 So when he was asked about it, he didn't give --
15 well, they say he wasn't truthful. They don't even just
16 say he was inaccurate in his recollection. They seem to
17 have used the words 'he wasn't truthful', but yet they
18 took the view that he should remain in employment,
19 because, I think generally speaking, they took the view
20 that he wasn't -- hadn't done anything that was a matter
21 of concern and that he was popular perhaps with staff
22 and, indeed, pupils and therefore that was a good enough
23 reason to continue.

24 Well, what do you make of that?

25 A. It sits very uncomfortable with me, it's certainly not

1 something that ... I think the charges that he's been
2 found guilty of speak more about his behaviours and his
3 attitudes and I think required much more investigation.
4 I certainly would be not on a similar path as was
5 suggesting here. Accepting there were feelings in
6 information being made available to the school,
7 nonetheless when that information became aligned it's
8 important to look at that in the cold light of day,
9 having a further enquiry. He has not only minimised his
10 convictions in terms of his application, he's then been
11 dishonest around the true extent of those. The breach
12 of trust for me would have been broken in relation to
13 both aspects of those.

14 Q. He did, in fairness, say he had previous convictions.
15 What he didn't do was disclose their nature, but,
16 equally, SNR [REDACTED] didn't appear to probe for
17 information, either when he interviewed him or at the
18 stage when he got a 'no trace' --

19 A. Indeed.

20 Q. -- and there was some apparent discrepancy between the
21 information in the application and the criminal record
22 check?

23 A. Absolutely, and again it speaks about the relationship
24 between SNR [REDACTED] the board of governors at
25 that point in time as well.

1 Q. Yes. Well, the impression you get is that perhaps SNR
2 SNR's influence was quite an important factor in
3 the decision?

4 A. That would be my reading of the information available.

5 Q. Although I think it was said at the time, when this came
6 to light in the press, that had SNR been
7 aware of the convictions and their nature at the outset,
8 he wouldn't have employed the individual. I think he
9 says something to that effect in the press at the time,
10 when the matter attracted, unsurprisingly, attracted
11 publicity?

12 A. That would be my reading of the press articles.

13 Q. Can I move on just really towards the end of the
14 response and Part D and can we begin at page 135.

15 Just to confirm, there was a search. It wasn't
16 a comprehensive search of all records, is that correct,
17 that was carried out?

18 A. No, it wasn't a comprehensive all records.

19 Q. No, but having said that, the response does state at
20 5.1:

21 'Aberdeen City Council has found information related
22 to allegations of emotional, physical and sexual abuse
23 of children cared for at the establishment.'

24 So we have that?

25 A. Correct.

1 Q. Which was discovered. It was perhaps less easy, was it,
2 to find evidence of allegations being found established
3 or substantiated?

4 A. I think that's right, and I think the difficulty also
5 would be that, whilst there would be information held
6 within Aberdeen city records, there would be also
7 information held in other local authority and other
8 geographical areas as well, but also I think the extent
9 to which some of those complaints and allegations from
10 the young people were investigated was found to be less
11 than thorough.

12 Q. I mean, even for the ones that were identified, it would
13 be difficult to piece together the nature of the
14 investigation, the conclusions reached, the persons seen
15 and so forth?

16 A. Correct, and that goes back to your earlier point about
17 the quality of record keeping.

18 Q. From the sample, you tell us that it did identify ten
19 Oakbank staff members that had complaints of some form
20 of alleged abuse made against them, is that correct?

21 A. Correct. That's correct.

22 Q. Am I right in thinking the bulk of those related to the
23 period around the time of the GRC investigation?

24 A. There certainly was, whether it's bulk of them
25 I wouldn't honestly want to state a fact, but certainly

1 a number of them would have been.

2 Q. Can we perhaps, with that in mind, just to get a flavour
3 of the sort of things that were being said, certainly
4 around the time of the Grampian Regional Council
5 investigation, can we look at another document,
6 ABN-000003528.

7 This is something I think Aberdeen came across --

8 A. Yes.

9 Q. -- which is transcripts of evidence that was provided to
10 the special subcommittee that was charged with a fairly
11 wide-ranging investigation into the sort of matters that
12 were being raised at that time. As I think we spoke
13 about earlier, this evidence wasn't disclosed to the
14 board of governors at the time?

15 A. Yes.

16 Q. But it clearly must have formed the basis of the
17 subsequent conclusions, the broad conclusions, and
18 recommendations that were contained in the subcommittee
19 report that was produced. I just want to look at one or
20 two of these, if I may.

21 Can we start with the first witness on that list,
22 I think her evidence is recorded at pages 3 to 8. This
23 is the person who [REDACTED] SNR [REDACTED]
24 of the school in 199 [REDACTED], is that right?

25 A. That is correct.

1 Q. I think at page 3, I'll just pick out one or two things,
2 if I may. She tells us she had been employed at Oakbank
3 for eight and a half years by that stage, so she was in
4 a good position to give information about what happened
5 and what the situation was. She also said she had done
6 some research work, interviewing every member of staff
7 and pupils using a questionnaire system and had
8 conducted in-depth interviews, so she had done some sort
9 of research in any event.

10 I think on that page further down, she does indicate
11 that there was a need for more trained staff -- I think
12 that is the final paragraph -- and smaller units. So
13 she was pointing out the sort of things I think that
14 perhaps the regional council had been advocating.

15 I think she says on the next page, if we turn over,
16 that there was very little in-service training, I pick
17 that up on page 4, am I right?

18 A. Second paragraph.

19 Q. Second paragraph, yes.

20 Very little in-service training on the social work
21 side. She obviously felt that's something that should
22 be addressed. Then if we go over to page 5, and follow
23 it through, I think there was a suggestion there, in the
24 third paragraph, that staff have a lot to offer and
25 should be consulted more. I think that was perhaps

1 a sideswipe at the senior management not really giving
2 staff enough involvement in matters affecting the
3 school, although she does, in fairness, say SNR
4 SNR has gone some way to meeting this issue.
5 LADY SMITH: But only at two staff meetings every 12 months.
6 MR PEOPLES: It's not a big --
7 LADY SMITH: It's not exactly weekly or even monthly --
8 MR PEOPLES: She says it's inadequate, in her view.
9 She obviously has concerns about the style of
10 leadership. Staff need to meet management more, more
11 engagement, and management need to offer more support.
12 These are all things that I think the inspectors were
13 saying for some time and this was quite important to --
14 well, very important really in her view.
15 Then she also turned, on page 6, to make the point
16 that there were no female staff on the management team,
17 so she felt that was something that needed to be
18 addressed as well.
19 Then she was asked some questions and one question
20 she was asked was whether she saw any evidence at the
21 time of unnecessary violence to pupils. Her answer was:
22 'No, I do not. We were dealing with difficult
23 children. We need more guidelines and training to
24 restrain the young people. [Then she says] I do not
25 agree on some occasions with the method of restraint,

1 but can see the need, staff need more training on how to
2 cope with potentially difficult youngsters.'

3 It's quite hard to know which side of the fence she
4 eventually fell on, but she obviously has sympathy to
5 some extent for the staff and she maybe is saying that
6 the problem is a lack of training to some extent, but
7 she clearly has some concerns with methods of restraint
8 that she's witnessed, is that fair to say?

9 A. That would be my reading of it as well, yes.

10 Q. Yes. She obviously feels that there are communication
11 issues that are a problem.

12 If I go to page 8, when she is asked a very direct
13 question:

14 'Are you saying the management is not adequate?'

15 At the top the page, and the way she puts it is:

16 'Management style does contribute to a harmonious
17 establishment, but there are changes to be made which
18 could improve the situation if implemented.'

19 To some extent she is not wanting to be completely
20 critical of management, but clearly feels there is
21 serious matters that need addressing, is that right?

22 A. What she speaks about earlier is two parts -- sort of
23 two services within the one establishment really not
24 speaking to each other, the education side and the
25 social care side of the service not really speaking, not

1 engagement. I think she speaks to a disconnect between
2 the management team and the operational delivery of
3 services and both elements of all of that.

4 So whilst the management style does contribute to
5 a harmonious establishment, there is contradictions in
6 terms of some of her previous statements around that
7 and, you know, and I would reflect upon that.

8 She certainly has spoken earlier of changes that she
9 felt needed to be made to both the running and indeed
10 the development of the school.

11 Q. If we go on to another person who spoke, who had been
12 a teacher for two years and one term, this is Abela,
13 page 9 to 14, her transcript, she had been a teacher for
14 a long time and had spent the previous two years and one
15 term at Oakbank.

16 She, without reading this, just taking it short, she
17 is saying, at least at the beginning of her statement,
18 that she feels the press publicity is somewhat one-sided
19 and presents an unbalanced view to the public, because
20 clearly it was getting a lot of bad publicity at that
21 time?

22 A. It was.

23 Q. Although she did say, I think, when she first went, her
24 first day in the assembly hall, she talks about there
25 was an air of violence in the room, and she says:

1 'I noticed as time has gone by that this atmosphere
2 has changed.'

3 At least she is seeing some change in the time?

4 A. Yes.

5 Q. Indeed says, I think on the same page:

6 'A lot has changed in the past two years.'

7 So to some extent she is saying that there is change
8 and she's seen that for herself, but then if you go on
9 to page 10, I think we see she says on that page that
10 the school, I think it is the second paragraph, needs
11 more investment, which maybe echoes the sort of thing
12 SNR [REDACTED] was saying to inspectors and others?

13 A. Yes.

14 Q. I think although she -- I think on page 11, I'll not
15 take you to it at this stage, she says there was no
16 funding for teaching staff to take special educational
17 needs training?

18 A. That's as -- I read this document --

19 Q. It's on page 11?

20 A. Yes.

21 Q. Yet the school was registered --

22 A. Correct.

23 Q. -- to deal with pupils --

24 A. Absolutely.

25 Q. -- with special educational needs.

1 Then on page 11 she does make a comment on one boy
2 who complains of having been assaulted at Oakbank and
3 tells the committee that she knows that that boy had
4 been bullied, but makes the point in mitigation of the
5 staff in general that a lot of staff had gone out of
6 their way to help and befriend the individual and she
7 spent a lot of time personally talking about the pupil's
8 problems.

9 I think that was to some extent to say: well,
10 whatever is being said about that particular individual
11 and how the pupil was being treated by other pupils,
12 that the staff were trying to help, she in particular
13 was trying to help, is that what she's telling us?

14 A. So I'm reading this and it's reflecting that actually
15 staff -- there was a commitment from staff to try and do
16 their best to support this young person, but nonetheless
17 this young person's experience was one of being bullied
18 within the school.

19 Q. Indeed, if we go on to page 12, at the top, her position
20 before the committee was that restraint was only used as
21 a last resort. I think that to some extent echoed the
22 position of SNR [REDACTED] at the time:

23 'We do try to walk away from the event if possible.'

24 I think on the same page she did say though in that
25 paragraph, final sentence:

1 'Trained staff are vital to the correct running of
2 the school.'

3 But a lot of them weren't trained?

4 A. Very few of them were trained and your point; that's not
5 just about staff who were deploying restraint as a means
6 of managing the behaviour, but it's broader than that.

7 Q. Although she ends her statement on page 14, in the final
8 paragraph:

9 'Our children need to be dealt with firmly.'

10 It's kind of -- it begs the question quite what she
11 had in mind. We don't really get a clue from her
12 statement, although she does say:

13 'Violence is not something we would encourage and is
14 positively discouraged.'

15 But clearly she seems to be saying a firm hand is
16 necessary?

17 A. I think that would be symptomatic of a general sort of
18 sense that actually these were still schools and
19 establishments that were caring for children who were
20 unruly, you know, delinquent, and as such needed to have
21 that firm control placed on and around them.

22 Q. Then the next witness is at page 15 to 16 and I just
23 take this short. I think that this is a parent --

24 A. Yes.

25 Q. -- who had a pupil at the school and she seems to be

1 indicating that it was her experience that difficult
2 kids, as she puts it, were put into locked rooms.
3 I think there was some dispute about the existence of
4 locked rooms, but there was obviously the close
5 supervision, which I think on one view might get quite
6 close to that at times?

7 A. Whether that's a member of staff standing in front of
8 the door preventing a child from leaving is another
9 means around which rooms might be perceived as being
10 locked.

11 Q. What she does say to the committee is that she said she
12 was present at the school when her son had to be
13 physically restrained by a member of staff and had been
14 held on the floor and punched. She also explained her
15 son had been punching and that in her opinion the
16 restraint used had not been over the top.

17 I suppose it depends what you're used to. Maybe --
18 it sounds like violence can be met with violence and
19 punching is okay in those situations, but I suppose from
20 a professional's point of view and you reading that, you
21 wouldn't be quite as content with that response?

22 A. No. There's a normalisation of restraint as a means of
23 managing difficult behaviour here, punching is not
24 a form of restraint. Punching I would always see as
25 being an assault, but actually it goes -- it goes beyond

1 restraint into that physical -- physical hitting of
2 a child, and I find that troublesome.

3 Q. I suppose your attitude to some of these things probably
4 depends on what is normal for you?

5 A. Correct, and if this child has been, you know, violent
6 in front of his mother at home, then actually what she's
7 seeing -- again, for me it doesn't seek to understand
8 the child's behaviour, it just seeks to sort of control
9 the child's behaviour.

10 Q. Then if we go to page 17 to 18, we have evidence given
11 by a 15-year-old boy who had been at Oakbank for the
12 previous one and a half years and he says he's found it
13 good, he says that at page 17, and he says:

14 'There's no violence at Oakbank with any other
15 pupils or social workers. I've just seen some of the
16 pupils being restrained.'

17 I suppose again it kind of hangs in the air that
18 statement, you probably want to know more about just
19 exactly what he had seen, I suppose, and what he was
20 used to and whether he thought it was normal or
21 something that was inappropriate?

22 A. It is that normalisation. This is a means, but this was
23 a normal occurrence within the school. That's what
24 speaks to me in his account.

25 Q. It's difficult to know who he is referring to, but he

1 does talk about thinking certain press reports weren't
2 true and it was unfair that someone wanted someone to
3 get sacked. He obviously thinks some member of staff
4 who was dismissed, that there was some kind of concerted
5 effort to get the person dismissed. Whether it's
6 referring to -- it doesn't sound like it's referring to
7 the person who was continuing employment, because it
8 looks as if it's someone who was in fact dismissed,
9 so -- but he didn't seem to think that was maybe
10 something which was fair but anyway.

11 A. That is as I read it.

12 Q. If we go on, can I take you to page 22, and there we
13 have evidence given by a former member of staff from
14 pages 22 through to 32 of this transcript. This person
15 started in July 1991 as a deputy unit leader, possessed
16 a social work qualification, which she had since 1975,
17 says she had worked in a number of residential units in
18 Tayside and had worked with children since the age of
19 17. So she had quite a broad experience --

20 A. She did.

21 Q. -- to judge things by or compare them with.

22 She says:

23 'My concerns about the standards of care at Oakbank
24 were felt almost immediately.'

25 She has a criticism of the food itself. She is not

1 very happy about some of the things that were going on,
2 some of the practices, and indeed she as a member of
3 staff appears to have been refused certain sanitary
4 products, for example, presumably for young women that
5 she wanted?

6 A. Correct.

7 Q. She felt, she says:

8 'There was a lack of appreciation as to how
9 important it is for children who suffer from low self
10 esteem to be encouraged to keep themselves clean and
11 generally take an interest in appearance.'

12 And so forth, and she gives us a description of
13 things that she felt were less than adequate.

14 It looks as if by March 1992, at the foot of that
15 page, she spoke to an individual about her concerns and
16 I think that person would have been a manager at
17 Grampian Regional Council?

18 A. That would be my understanding of --

19 Q. I don't think she was a member of staff?

20 A. No, I think it would be a member of
21 Grampian Regional Council at that point in time.

22 Q. Then if we go on to page 23. She says over a period of
23 time a number of children made allegations they had been
24 assaulted or abused in some way and she named
25 a particular member of staff that was being identified

1 as the alleged abuser; is that right?

2 A. That's correct, yes.

3 Q. Then she goes on:

4 'My experience would suggest that troubled young
5 people very often make such allegations. However,
6 I have never known them to be quite so consistently
7 against a particular individual. I feel that with
8 experience I have developed a sense of what is
9 maliciousness on a child's part and what is likely.
10 With regard to the allegations against this individual,
11 on listening to the children I felt they were very
12 likely, at best the individual put himself in situations
13 where allegations could not be disproved. He very often
14 removed an individual child from the group and took that
15 child into a room without a third party present. This
16 is something an experienced member of staff would
17 avoid.'

18 Do you agree with that?

19 A. Absolutely. Absolutely.

20 Q. She says:

21 'It was often after such episodes that allegations
22 would be made. In particular I remember a girl made
23 an allegation of assault against him. She duly made
24 a complaint to the children's rights officer from
25 Tayside and he pursued the matter. The girl hastily

1 withdrew the complaint and I understand that her
2 boyfriend had been paid £10 by the individual member of
3 staff to persuade her not to pursue it. A number of
4 children have told me similar stories. A member of
5 staff has told me directly that he was offered £50 to
6 assault a child.'

7 This offer was made by the same person that she has
8 spoken about.

9 Then she goes on, if we go on to page 24, she
10 describes a situation where she was called to the school
11 and there was some form of disturbance, just to take it
12 short, and she went to the main school to assist and
13 there was a group of six or seven boys causing
14 trouble -- problems, I'm sorry, and she said, along with
15 another member of staff, she was able to quell the
16 situation and all of the boys except one went to bed and
17 settled. She spent some time talking quietly to the
18 remaining boy and that he and she were drinking coffee
19 in one of the sitting rooms:

20 'I had allayed fears he had [she says] and he was
21 winding down before going to bed.'

22 She then says:

23 'We heard some activity out in the corridor and then
24 kids started screaming. Anxious to maintain the boy's
25 calmer frame of mind, I said I would check it out if he

1 stayed where he was. [She said] I ran along the
2 corridor to find [another member of staff] kneeling on
3 a boy who is lying face down on the floor. This member
4 of staff was holding the boy's arm up his back and the
5 boy, who was clearly in a lot of pain, was screaming.
6 That was outside [this is a third member of staff's]
7 office by the main door.

8 'At the same time, I could hear another boy
9 screaming in that [third member of staff's] office.
10 I appealed to a particular member of staff,
11 FZF [REDACTED], who was standing nearby to get [this was
12 the person who was kneeling on the boy] to stop and
13 FZF [REDACTED] [apparently] replied, "That's how it is
14 here".'

15 Then she says:

16 'At that point the office of [the third person's]
17 door flew open and another boy was flung out into the
18 corridor. He was crying and holding his hand. Both of
19 these boys were about 15. I have never heard boys of
20 that age screaming other than in pain. I followed the
21 boy who had been flung out of the office upstairs to see
22 if he was okay. I found him in bed crying. He thought
23 his hand was broken. I told him we would sort it out
24 the following day and spent some time trying to reassure
25 him and see him settled.'

1 When she left at 1.30 in the morning he was still
2 sobbing and she left the building in tears.

3 Then she says on the Sunday morning she was in the
4 night officer's room in her own unit and two of the
5 individuals that had already been spoken about were
6 whispering in the corridor and one said to the other:

7 'It's all right, I've spoken to them and they're not
8 going to complain.'

9 And said both of the men involved were aware of this
10 witness's disgust at what she had witnessed, but brushed
11 it off saying they had been sniffing Tipp-Ex. She said:

12 'I was at a loss as to what to do, eventually
13 I spoke to [this individual] at the council, who
14 I understand followed it up.'.

15 Then she says that one of the individuals who had
16 this conversation took issue with her over reporting the
17 incident to the external manager:

18 'He was irate, shouting and bawling at me, denying
19 there had been anything untoward about the incident.'

20 She said:

21 'I told him I knew what I had seen and heard. He
22 told me I had seen and heard nothing. Three or four
23 times he tried to persuade me to retract what I'd said
24 and became frustrated when I wouldn't. Finally he said
25 ...'

1 Then there is an individual:

2 '... wants to know what you want. I took this to
3 mean a monetary payment. I told him I wanted to do my
4 job. At the end of the day they lied and denied the
5 incident. This is the only time I've seen kids being
6 assaulted.'

7 Then she goes on about a member of staff spoke to
8 her about an incident that took place while he was out
9 in the school's orange van. He and two other members of
10 staff were out with a group of kids, the driver had gone
11 to the exhibition centre car park and was performing
12 stunts with the van.

13 Then she goes on at page 26:

14 'Presumably he felt this would improve his street
15 cred with the group of kids. Whilst performing the
16 stunts he rolled the van over and the group righted it
17 again. Both staff and kids were apparently shaken after
18 the incident. Damage to the van was repaired in the
19 school garage and covered up. It was at this time the
20 van was found to be unsafe as a passenger-carrying
21 vehicle and its use was changed to transit of equipment.
22 I don't know if the headmaster knows of the cover-up.'

23 She is telling us about that, and she is asked
24 a fairly direct question:

25 'What is wrong with Oakbank?'

1 She says:

2 'I don't think that the manager is in touch with
3 what is required.'

4 Then she goes on about their inability to recruit
5 qualified staff, which would help matters but says:

6 'Qualified staff would not be prepared to work under
7 the present regime. It seems that practice does not
8 stand up to close examination and management resent
9 criticism.'

10 She says that one particular member of staff, who is
11 the gym teacher, she doesn't feel understands basic
12 needs in difficult children, nor does he seem able to
13 find other more acceptable controls other than depending
14 on physical control.

15 She is then asked:

16 'Are you saying physical violence is rife in the
17 school?'

18 She says:

19 'Judging by the number of complaints by children to
20 me, it is rife. There seems to be a group of staff, the
21 heavy mob, who pose an unnatural physical presence.
22 When certain individuals walk into the room, children
23 are seen to be doing exactly what they should be. This
24 is largely social work staff as they tend to be called
25 on by the teachers to deal with the difficult or bad

1 behaviour.'

2 Then she says why she left Oakbank, her employment
3 was terminated on the grounds of sickness.

4 Then she names the individual who she says had been
5 offered money to assault someone.

6 She describes an occasion when an absconder from
7 Rossie and two boys broke into a shop, stole
8 a substantial sum of money, used it to treat a member of
9 staff to a drink, and in turn he harboured them in his
10 house she says, and they were uplifted from police from
11 there. She says the girl talked about subsequent court
12 appearance where the member of staff was called as
13 a witness. She says the girl felt intimidated by his
14 behaviour and she felt he did not want her to reveal
15 what had happened during her stay there.

16 She says that another girl, who was a pupil at
17 Oakbank for some time, and I think she was party to
18 a conversation that this girl had, the girl explains why
19 children are loathe to come forward and speak to the
20 committee. She goes on to speak about the girl who
21 complained about one member of staff and feels she was
22 intimidated into withdrawing these complaints, and it
23 was her view that the girl was given money by this
24 member of staff when she left Oakbank.

25 She is asked:

1 'What are they scared of? Does this relate to
2 violence?'

3 She thinks it does relate to violence, and then it
4 goes on. She says she has spoken to an experienced
5 childcare worker with the regional council:

6 'Over the last few months [she says] as Oakbank has
7 featured in the news, a number of staff from children's
8 establishments have contacted me. It seems that they
9 have always felt uneasy about Oakbank but have felt
10 unable to do anything.'

11 They're concerned about the amount of money that
12 some of the children are coming home with on leave.

13 Then she says, just towards the foot of that page,
14 page 28:

15 'I'm also told that one pupil spoke of having been
16 taught by a senior staff member to assault other pupils
17 without leaving bruises.'

18 On page 29, she is asked about record keeping and
19 she describes it as atrocious and says:

20 'Incidents are not logged as they should be.'

21 I think we have come across -- I think the
22 inspectors were saying much the same thing. Yet she
23 says that when it's left to female members of staff to
24 deal with difficult situations, that doesn't seem to
25 create the same problem. That's towards the foot of

1 that page.

2 A. Yeah.

3 Q. She does say she has had training in the control of
4 children on page 30, she says:

5 'No such courses are available to Oakbank staff.
6 They seem to hold onto kids any way they can.'

7 So that's her evidence on that matter.

8 If we go on to another witness, briefly, this is
9 another -- this time it's a former member of staff on
10 page 34. We can read all this for ourselves but it's
11 just to get a flavour of what was being said. This was
12 a member of care staff who is employed from

13 [REDACTED] 1991 and she actually said she produced
14 a report about how she felt things should be changed,
15 including staff meetings, general supervision and other
16 matters.

17 She says she had a background where she had been
18 qualified in another country as a social pedagogue and
19 knew how it is important to keep a place like Oakbank
20 functioning.

21 She was offered the job, she said, but nothing
22 changed when she took up employment:

23 'The supervision I received was unsatisfactory.'

24 She says, and she recalls an occasion when she was
25 supervising, she had to take a boy out of class as he

1 was bullying another boy, she met her unit leader, whom
2 she names, who was accompanied by two other members of
3 staff, one of the members of staff took the boy away,
4 the other walked away and she was left talking to her
5 unit leader. She said:

6 'I told him about the friction between myself and
7 the boy, as I was not only supervising him in class but
8 he was also in my unit. What came out of this was [her
9 unit leader] showed me how to restrain without showing
10 marks on children. This was not only totally
11 unprofessional and unacceptable to me and it did not
12 answer my query as to the situation I was in.'

13 She had one group meeting in seven months. It was
14 interrupted with people coming in and out and in her
15 view was a waste of time, she says, at page 35.

16 She felt when she raised matters at meetings, she
17 felt she was talking to a brick wall, that's on page 35.

18 She seems to be critical of a more senior member of
19 staff, looking at reports that were written by key
20 workers and making changes without reference to the key
21 worker.

22 A. That wasn't the first time that that concern is raised
23 within the evidence that we have seen.

24 Q. Right. It seems that when she brought the matter up,
25 she got reprimanded basically by this member of staff

1 and was basically told off in front of other members of
2 staff, is that the gist of it?

3 A. Yes.

4 Q. She went to a more senior member of staff, or
5 a different person, a unit leader, but she says nothing
6 came of that. And she even went to the headmaster but
7 nothing was done.

8 She says in general terms care given to children was
9 in general unprofessional, and she talks of children on
10 one-to-one supervision, if they'd been stealing or
11 running away, which meant they were not attending school
12 and kept out of contact with other children. So that is
13 the close supervision, I think, she's talking about?

14 A. Yes.

15 Q. She goes on about staff taking children out in a minibus
16 at the foot of page 36, and she talks of an occasion
17 when she had been present, this is at the top of
18 page 37, when the driver switched off the lights and
19 drove at 60mph to get the children overexcited. She
20 said she witnessed children having intercourse on the
21 back seat of the minibus, she said:

22 'It was customary for staff and seniors to take more
23 than four children out without another member of staff
24 present, although the rules stated otherwise.'

25 She said she reported incidents she had witnessed

1 but nothing was done. She also goes on to say she had
2 seen incidences of violence between staff and children,
3 she saw a girl slapped on the face when she was
4 hysterical, saw staff members fighting with children and
5 heard rumours, she says, that's how she puts it, that
6 the staff who cannot control children by beating them up
7 themselves would get one of the other children to do it
8 in return for payment.

9 She has seen children restrained when they shouldn't
10 have been. She says that children were taken aside and
11 restrained in offices behind closed doors -- I think
12 that echoes what another person had said -- and she
13 could hear screaming of children from inside the room.

14 It says:

15 'One girl complained but nothing came because,
16 rumour has it, she was bribed to withdraw her
17 complaint.'

18 She also says she saw a member of staff supervise
19 two children fighting, giving advice to one encouraging
20 him by saying:

21 'Go for it, give him one for me.'

22 She talks about children being locked in their rooms
23 when they were on one-to-one supervision or by request
24 because they were being bullied.

25 She says that when someone came -- externally, the

1 person she had spoken to from Grampian, after that
2 person left, the headmaster called her into his office
3 and in a roundabout way asked what she had said and she
4 told him the conversation was confidential.

5 Finally, she says on page 38 she wouldn't recommend
6 any child goes to Oakbank and she said that view had
7 been expressed to a field social worker on a number of
8 occasions and she resigned because she felt it was
9 an unsatisfactory place to work. We have that as well.

10 I don't want to go into this, someone from Central
11 also I think gave evidence, Central Regional Council, in
12 light of the coverage there were concerns, I think, on
13 their part?

14 A. Yes.

15 Q. I think one of the things he brought out, and I won't go
16 through it, we can read it --

17 LADY SMITH: Mr Peoples, this is really important evidence,
18 I appreciate that, but are we able to summarise it,
19 given the pressure of time this afternoon?

20 MR PEOPLES: Yes, I want to finish ...

21 LADY SMITH: Thank you.

22 MR PEOPLES: One person who was well used to residential
23 establishments had, I think, said that one of the
24 individuals that was mentioned in evidence had
25 a reputation for being free with restraints.

1 Then I'm not going to go into this in depth, but we
2 also have evidence from a former pupil at pages 44 to
3 49, together with a statement she gave, and she lists
4 a number of things that happened, including a trip to
5 the red light district in a school minibus, where staff
6 and pupils shouted abusive language at prostitutes, and
7 talks about being beaten up, she thinks, on the
8 effectively orders of a member of staff.

9 She tells us about various other things that
10 happened, about staff bullying and threatening pupils,
11 and seeing a boy come out of a member of staff's office
12 in tears and limping, and staff drinking on duty on
13 occasions and so forth.

14 So we have all of that coming out and, of course,
15 that was, I think, the basis on which the subcommittee
16 made their general conclusions and recommendations?

17 A. Yes.

18 Q. Now, I don't propose to ask you any more today. We have
19 your report, we have that, we have the subcommittee's
20 report. I haven't taken you to it but we have referred
21 to it and I think we have seen the basis of it.

22 Can I lastly just ask you whether you have any
23 comment? You will have seen, separately from the
24 records, statements that have been given to this Inquiry
25 by people who were at Oakbank over various times in its

1 existence, which speaks about abuse happening, different
2 types, physical, excessive restraint, in some cases
3 sexual abuse, emotional abuse, in some cases abuse by
4 other pupils. Now, have you any comment you wish to
5 make having seen that evidence?

6 A. That evidence disturbs me. It upsets me to hear that
7 people have experienced -- that those cares, those
8 individuals, would have been placed there because they
9 had additional needs and we as a state failed to care
10 for them in an adequate manner that protected them and
11 offered them safe and reparative care from the life that
12 they had said. Their accounts speak -- seem to align to
13 our own research, in terms of what we have found within
14 some of the recent papers that we have found again.

15 Again, I think it speaks of a time when the voices
16 of children were not heard and not listened to and not
17 responded to in the manner I would have wanted and would
18 expect to happen today. As a result, I think those
19 individuals have not only had the impact of their own
20 family circumstances living with them, but actually the
21 impact of care and how that has impacted on their life
22 well beyond their time in local authority care and will
23 have continued to impact upon them. For that I would --
24 I have expressed my sympathy and my apology on behalf of
25 all that my authority has failed to sort of recognise

1 their needs within the planning that we have made for
2 their lives.

3 MR PEOPLES: These are all the questions I have for you
4 today, but thank you very much for your patience.
5 I have detained you for a little bit longer than
6 I anticipated.

7 LADY SMITH: Graeme, let me add my thanks. I'm so grateful
8 to you for everything you have given us, both in terms
9 of the written responses to our Section 21 notices,
10 which I know are very demanding, but also coming here
11 today and allowing us to mine your thoughts and your
12 experience.

13 Thank you for being so frank, and open, and
14 thoughtful, and responsible in all you have been telling
15 me.

16 I think it just leaves me to wish you well in your
17 continuing mission to do what I think you are committed
18 to doing, and that is growing and maintaining
19 a child-safe culture. Keep up the good work. Thank
20 you.

21 A. Thank you very much.

22 MR PEOPLES: My Lady, it may not be the last time that
23 Mr Simpson appears before us, I have to say.

24 LADY SMITH: I know, but we'll give you a break. Meanwhile,
25 back to work.

1 (The witness withdrew)

2 LADY SMITH: I'll take a short break at this stage and we'll

3 have the afternoon breather and get ready for the next

4 witness. Thank you.

5 (2.55 pm)

6 (A short break)

7 (3.00 pm)

8 LADY SMITH: Yes, Ms Forbes.

9 MS FORBES: Good afternoon, my Lady. The next witness is

10 an applicant who is anonymous and is known as 'Peter'.

11 LADY SMITH: Thank you.

12 'Peter' (affirmed)

13 LADY SMITH: 'Peter', can I begin by offering you two

14 apologies. The first I hope is very obvious, as

15 I'm very conscious of the fact that we're starting later

16 this afternoon with your evidence than you'd expected.

17 I'm so sorry about that, it's just the way the other

18 evidence has run today. It doesn't mean your evidence

19 is not important, it is, and I'm very grateful to you

20 for being able to wait and start at this point --

21 A. I'm a bit deaf.

22 LADY SMITH: I'm very grateful for you for you being able to

23 wait --

24 A. I can hear now.

25 LADY SMITH: -- and start at this point rather than us

1 starting earlier on.

2 The other apology is I also am very aware of the
3 fact that it's a number of years that have passed since
4 you provided your written statement. It's all to do
5 with the scheduling of the evidence and it's only at
6 this stage that we have got to what we would like to
7 take from your evidence in an oral hearing such as this,
8 but, again, that doesn't mean that it's any less
9 important than evidence I took earlier. So I hope you
10 appreciate that and don't think that it's being delayed
11 because it doesn't matter as much, that's far from the
12 truth.

13 A. Can you hear me okay?

14 LADY SMITH: Yes, I can.

15 Now, 'Peter', otherwise as we go through your
16 evidence, please don't hesitate to speak up if there's
17 anything that you are puzzled about or anything I can do
18 to assist. If you need a break, that's quite all right
19 by me. I know that sometimes people find it more
20 overwhelming than they expected coming into a public
21 forum like this to give evidence. But really the key is
22 anything I can do to help the whole experience of
23 providing evidence as comfortable as I can, just let me
24 know, all right?

25 A. Of course.

1 LADY SMITH: If you're ready, I'll hand over to Ms Forbes
2 and she'll take it from there.
3 Ms Forbes.
4 MS FORBES: Thank you, my Lady.
5 Questions by Ms Forbes
6 MS FORBES: 'Peter', good afternoon. Your statement that
7 you provided to the Inquiry is in a folder in front of
8 you.
9 For our records we give that a reference number so
10 I'm just going to read that out for the transcript, it's
11 WIT.001.002.9666.
12 'Peter', first of all, if I can get you to turn to
13 the very last page of your statement. There are
14 paragraphs which are numbered up to 100, and the last
15 paragraph there in your statement says:
16 'I have no objection to my witness statement being
17 published as part of the evidence to the Inquiry.
18 I believe the facts stated in this witness statement are
19 true.'
20 Then there is a signature there which is redacted on
21 the screen, but that's your signature and it's dated
22 21 October 2019, is that right?
23 A. That's correct.
24 Q. Is that still the position?
25 A. Yes.

1 Q. If we just go back to the beginning of that statement,
2 put it to one side if you want, 'Peter'. It is whatever
3 you prefer, because your statement will appear on the
4 screen in front of you as well.

5 Now, 'Peter', I just want to start by looking at
6 your early life before you ended up in care and you tell
7 us that in your statement you were born in 1951, is that
8 right?

9 A. That's correct.

10 Q. I think you are saying right at the beginning of your
11 statement, at the early paragraph, paragraph 2, that
12 there are two places that you want to tell us about and
13 that is Bellfield Remand Home, where you were for
14 a period of about four weeks in 1965, and then after
15 that Oakbank Approved School, where you were for,
16 I think, a year, or just over a year in 1965 and 1966,
17 is that right?

18 A. That's correct.

19 Q. You do tell us about your life before going into care,
20 'Peter', from paragraph 3 and just to summarise that
21 really, you tell us that you lived with both your
22 parents originally and you had four siblings, is that
23 right?

24 A. That's correct.

25 Q. Both your parents worked and you didn't have any

1 problems as a young child with your family life, is that
2 right, initially?

3 A. That's correct.

4 Q. I think you say at paragraph 5 that there was a time
5 that there was some bereavements on your dad's side of
6 the family that caused him to have some problems. Then
7 sadly you tell us your father then passed away when you
8 were about 11 or 12; is that right?

9 A. That's correct.

10 Q. I think you say that that's really when things started
11 to change for you. You fell in with the wrong crowd of
12 people, you've described it as?

13 A. That's correct.

14 Q. You tell us that you really became involved with gangs
15 in the area, carrying weapons, drinking alcohol, and
16 coming to the attention of the police, is that fair to
17 summarise it that way?

18 A. That's correct.

19 Q. I think, 'Peter, you say that also, among all that, you
20 were playing truant from school and you were caught
21 getting into trouble and you mention being caught
22 housebreaking by the police, is that right?

23 A. That's correct.

24 Q. You think, you say fairly, that you were being given
25 warnings from people in authority, but you weren't

1 taking heed of those warnings, is that fair?

2 A. I just ignored 'em.

3 Q. You mention that this was a time in your life when you

4 developed at an early age a bit of a gambling problem

5 and you were stealing to fund that?

6 A. That's correct.

7 Q. You ended up then, I think, you tell us at paragraph 8,

8 when you were about 13 years old, you end up at

9 a Children's Panel, which led to you going before

10 a sheriff, is that right?

11 A. That's correct.

12 Q. He gave you a warning as well, but again you say you

13 didn't pay attention to that and there were some more

14 warnings and appearances before the Children's Panel and

15 a sheriff again who gave you another chance, but

16 actually you were just back with the gangs again and

17 getting into bother and coming to the attention of the

18 police?

19 A. That's correct.

20 Q. Ultimately, it was decided that you were to be remanded

21 to Bellfield?

22 A. That's correct.

23 Q. Until they decided what to do with you, is that right?

24 A. That's correct.

25 Q. Was that supposed to be for a period of assessment?

1 A. Initially I went to, erm, remand for two weeks --
2 Bellfield Remand Centre for two weeks for, I think,
3 probation reports. Seemingly Sheriff Young decided
4 I wasn't suitable for probation, so he sent me back for
5 two further weeks to Bellfield Remand Home for
6 assessment, ie approved school.

7 Q. This led to you being in Bellfield for the four-week
8 period then instead of the two?

9 A. Roughly four weeks, yes.

10 Q. Then ultimately I think you say you were about
11 14-and-a-half by this stage, is that right?

12 A. I went to the approved school, Oakbank, [REDACTED] -- before
13 my birthday, before I was 15, so that's correct.

14 Q. So you tell us, 'Peter', about your time at Bellfield
15 from paragraph 12 onwards. I think it's been explained
16 to you that Bellfield has featured in our case study,
17 but it did take place slightly earlier in the year.

18 This part of your statement wasn't read in during
19 that period, but we do have it there to see so I'm not
20 going to go through it word for word with you, but
21 I'll just go through some points, because it hasn't
22 actually been read into our evidence yet.

23 I think you give us a bit of description, 'Peter',
24 of Bellfield being this large old house and we have
25 heard evidence of how Bellfield was set out and the

1 dormitories and the like, so I won't go into that in any
2 detail.

3 If we go to paragraph 14, 'Peter', you talk about
4 the fact that there was a man [REDACTED] who was
5 SNR [REDACTED] called Mr LIG [REDACTED]. You mention
6 a gardener called Mr KFQ [REDACTED] and a Mr KFT [REDACTED], who was the
7 night watchman and you give a description of him?

8 A. That's correct.

9 Q. He was in his 50s and was of heavy build with grey hair?

10 A. You are talking about KFT [REDACTED]?

11 Q. Sorry, KFT [REDACTED] --

12 A. It was either KFT [REDACTED] or KFT [REDACTED], it was one of the two,
13 I just can't quite remember.

14 Q. Your recollection is it was a KFT [REDACTED] or KFT [REDACTED] who was
15 the night watchman?

16 A. Yeah.

17 Q. You also mention there being a member of staff who you
18 have described him as a black man, you didn't know the
19 name of him, but he had [REDACTED]?

20 A. Yes, he used to take us down to Dumbarton public baths,
21 erm, [REDACTED]

22 [REDACTED]
23 [REDACTED]

24 erm, and he would take us down there. In public he was
25 very nice, out of public, he wasn't nice.

1 Q. I think you do tell us about an incident that we'll come
2 to with regard to him and yourself. When you are
3 talking about [REDACTED] 'Peter', [REDACTED]
4 [REDACTED] --
5 A. [REDACTED].
6 Q. You also describe him as being a very tall man and being
7 in about his 40s, is that right?
8 A. Probably round about that, yeah.
9 Q. One of the issues, 'Peter', you say about Bellfield is
10 that you were coming there having been a member of
11 a local gang in your area and at Bellfield there were
12 opposing gang members, if you like, boys who were also
13 there and these were people that you didn't really want
14 to be coming into contact with, is that right?
15 A. That's correct.
16 Q. So that was a cause of concern for you when you first
17 arrived at Bellfield and during your stay?
18 A. I guess it wasn't a cause of concern for myself. It was
19 a cause of concern for other persons who were from my
20 same area. They faced the same problem, because
21 unfortunately I came from Grangemouth, so you have
22 people from Falkirk, from Camelon, from Bo'ness,
23 Westquarter, the BOG, Bo'ness, so whenever these people
24 come together, more so when you're locked up and on
25 remand, only one thing is gonnae happen and, you know,

1 unfortunately violence occurs during it, during and
2 after, and that's what happened.

3 Q. I think you say that the atmosphere then was
4 threatening, that's how you felt it to be?

5 A. Well, it was intimidating all the time. I mean, you got
6 up in the morning, you know, and I think it was 6.00 or
7 something, whatever time you got up at, and from the
8 moment -- you never got a shower in the morning. You
9 had a shower in the evening. From the moment you
10 cleaned your teeth, you got your clothes on, to you sat
11 down for whatever breakfast they had, personally myself,
12 erm, 'cos I've got a tattoo here, it's called [REDACTED]
13 [REDACTED], that was a gang I was in and unfortunately I was
14 one of the leaders of that gang. I regret it now
15 obviously.

16 Q. This was something you had -- oh, just take a moment
17 'Peter' if you want. There is some water in front of
18 you if you need a drink or anything.

19 Are you okay to continue?

20 A. I'm okay.

21 Q. So this tattoo that you have told us about, this is
22 something that you even had at that young age going into
23 Bellfield?

24 A. I had it before I went in. I mean, there's about,
25 I think, over different times -- say there's 20 or 30 of

1 us. We would go to -- there was tattoo shop in Falkirk
2 called Todd's, Jimmy Todd, we used to go and get the --
3 people went for tattoos and (Inaudible) myself, because
4 I belonged to [REDACTED], you get [REDACTED], and it's not
5 a thing you can hide, erm, especially when you're -- you
6 know, you go to the shower, other people from other
7 areas, they see that. You know, they've got their
8 different emblems on their arms, erm, and unfortunately
9 it leads to confrontation and when you're only 14, as
10 I was, touching 15, you're gonnae do as much -- you're
11 gonnae take as much precaution as possible that you
12 don't be on the receiving end of a beating, but
13 unfortunately when you've got two, three, four guys
14 coming to you, what happens? You end up on the shower
15 floor covered in blood and it happened to me so many
16 times, unfortunately.

17 I never gave out beatings. I was always over --
18 I could look after myself, because I was pretty fit, but
19 I couldn't defend myself against so many people and
20 really, erm, they took pleasure in it, inflicting it on
21 you. More so the people in charge of the home. They
22 didn't care two pots. They didn't. They frowned upon
23 it. They were there to protect you, you know?

24 LADY SMITH: It's okay, 'Peter'. (Pause)

25 You must have felt very lonely.

1 A. There's one time we were just ready to come out the
2 showers and for some reason, if I remember, I had so
3 much soap on me and it was in my eyes and the next thing
4 I knew, I was getting blows from everywhere and
5 I couldn't see who it was, because my eyes was full of
6 soap. I didn't realise who it was until they were
7 outside and one of the staff seen me lying on that --
8 that --that floor. Never did nothing, you know? That's
9 -- that's what went on in Bellfield Remand, well, with
10 me.

11 MS FORBES: 'Peter', I think you talk about that incident at
12 paragraph 42 of your statement and that's where you are
13 talking about a particular incident where you are coming
14 into contact with these gang members in Bellfield and
15 you say that you received a sound beating in the showers
16 one day from a group of rival gang members.

17 A. That was the time, yeah.

18 Q. You say:

19 'I didn't want to be there with them, as they knew
20 who I was.'

21 You go on to say:

22 'I didn't complain to anyone and yet [and you name
23 a member of staff] Mr KFO, who was on duty, knew who
24 had done it.'

25 A. Yeah, that's correct.

1 Q. Is that the staff member you were referring to?

2 A. If I remember correctly, yeah.

3 Q. This is part of your statement where you are telling us

4 about some of the abuse that you suffered when you were

5 at Bellfield. You mentioned swimming, 'Peter', and this

6 is at paragraph 34. I think you say that this would be

7 something --

8 A. 34? 43? Or 34, sorry.

9 Q. If we could just go to paragraph 34. I know we are

10 going back again, but you mention the fact you would get

11 to go swimming, I think, but this was the only thing you

12 did outside of Bellfield whilst you were there in that

13 four-week period, is that right?

14 A. Yeah, we went to the baths. He kicked me up the behind.

15 Q. This is you telling us about the black man with the

16 [REDACTED]?

17 A. That's him, yeah.

18 Q. He wasn't happy that you were walking too slowly and so

19 you said he kicked you up the backside?

20 A. Yeah. Not just me. He would do it to other people, but

21 I can only talk about my particular -- particular self.

22 Q. I think you say you went down as a result of that?

23 A. I went down, well, and when I got back -- and when we

24 got into the -- the swimming baths, there was some blood

25 on my underwear.

1 Q. So that's how painful --

2 A. 'Cos he kicked me right on my anal.

3 Q. I think you say in that paragraph, 'Peter', that when

4 you went down he kicked you again and this was very

5 painful and humiliating at the time?

6 A. Yeah, you got, I think, 10, 15, I think there was 20

7 people at a time that they took down. I mean, we

8 could've run away, anything, but where could you run to

9 and why?

10 Q. You also talk, 'Peter', about the fact that at Bellfield

11 that if you didn't eat your food, a member of staff

12 would get involved and rub it on your face?

13 A. Many people -- that didn't want -- of course, sometimes

14 the food wasn't too good, but it was what it was in

15 these days, eh? Erm, sometimes it was porridge.

16 Sometimes it was cereals, erm, and they would just get

17 you from behind, top of your hair, grab you from behind

18 and put your face into it.

19 Q. Then sometimes you would be asked to take the food to

20 the boiler room and sit until it was finished?

21 A. You were put in the boiler room, the light was switched

22 out, and you were in there.

23 Q. Did that happen to you?

24 A. It happened once, 'cos I got into a fight.

25 Q. That was for a different reason you were put in the

1 boiler room?

2 A. Yeah, 'cos I worked in the garden sometimes. Again,
3 there were different gangs in the gardens, but at times
4 we got on, you know. We knew that we were here, I'm no
5 saying it's causing problems, but you got the occasional
6 one who would maybe make a sly remark and maybe you
7 didn't like it. So I think, if I can remember, I don't
8 know the sly remark but anyway, it was what it was, and
9 I hit 'im and I got dragged, put in the boiler room, eh?

10 Q. How long were you in there for?

11 A. You were there for a couple of hours.

12 Q. Okay. You mentioned, 'Peter', about people going there
13 to eat their food. The light would be switched off?

14 A. The light would be switched off.

15 Q. Was the light switched off when you were there, when you
16 were left?

17 A. Oh, yeah, yeah.

18 Q. You also talk about like violence from members of staff
19 and you say that, in relation to food, people would also
20 receive a beating from the staff?

21 A. If your face -- if -- there was lots of cheeky boys, you
22 know, we're 13, 14, some boys were 15-year-old in there,
23 eh, and they were all cheeky, as you are when you're
24 young, but, you know, if the staff told you to do
25 something and you were rebellious or you felt in that

1 mood, 'I'm not effing doing that' or whatever, the staff
2 got very violent.

3 The staff would never hit you on your face. I mean
4 I was never hit once on the face. They would hit you in
5 the body, always -- mainly the back, because the back,
6 as they said, can take more punishment than your belly.
7 And it's true.

8 So you would get beaten on the back. I mean, quite
9 a few times I was -- not just from the boys in there
10 getting beaten, but from staff.

11 Q. What would have happened for you to receive a beating
12 from staff? What type of things would you get a beating
13 for?

14 A. Well, I absconded from Bellfield, because I can remember
15 it, there were three of us, er, and the three of us
16 discussed -- were fed up getting beatings. 'Cos it just
17 wasn't me that was getting picked on, other people were
18 picked on. So we decided, right, we'll run away.
19 Stupid thing to do, but anyway, we did it. We came from
20 the dormitory, we went down the stair, erm, and we
21 couldn't get our own clothes because the lockers were
22 all locked, and so we basically just had our pyjamas on
23 and whatever -- I think there were some jacket, cooks'
24 jackets lying, so we put them on.

25 There was panes in the glass. You didn't have to

1 smash it. You just took the panes back and you pulled
2 the slats out and you out the window. It was so easy.
3 So we did that and we went -- seen this garage and we
4 broke into this garage and I took a pair of overalls,
5 the other guys took a pair of overalls, so we had
6 coveralls on, eh.

7 But then I started thinking, I said, 'This is
8 stupid', and so we walked about near the scheme, houses,
9 and I can remember seeing this black Mariah, the police
10 van, so I went up to it and I just stopped it and 'cos
11 they were looking for us and they says, 'Right, get in
12 behind', and then the other two boys, they got caught
13 later on, eh.

14 One of the policeman gave me a cigarette. So
15 I smoked. He asked me -- and they says, 'Well, why do
16 you abscond?' I told them. It was as if I was talking
17 to myself. I says, 'I'm fed up getting beaten up'.

18 'It doesn't happen'. 'What do mean, it doesn't
19 happen?'. And that was my worst time, I says, "Well,
20 that's why I've run away".

21 So we got tooke back. My nightmare got worse.

22 Q. I think you describe that, 'Peter', at paragraph 38.

23 I think this is after you'd run away and were returned
24 by the police. You are put into a separate dormitory
25 away from the other boys?

1 A. There were three of us that run away, were put into this
2 dormitory and I think -- our pyjamas -- because we got
3 pyjamas, if you can call them -- they were pyjamas and
4 we had to wear them for three days solid, eh, and the
5 dormitory door was always locked and we had to keep that
6 dormitory spick and span, and I mean spick and span.
7 The only time we got out was when we go down and get
8 some food and even then we had to wear these pyjamas,
9 eh, and then you got all the other inmates sniggering
10 and laughing, you know, humiliation.

11 So, anyway, erm, it got to my head and we got locked
12 in the dormitory and one of the other inmates came in,
13 'cos we had to polish the floors and with stupid old,
14 er, mops and we put this cloth round them. So anyway,
15 erm, he just flung it at me, instead of handing it to
16 me, he flung it, and of course I confronted him and
17 things blew up.

18 So anyway, erm, KRF [REDACTED] was the -- was SNR [REDACTED]
19 the remand unit. He blamed me for being the ringleader.
20 The two other guys says it was me. So one particular
21 night, erm, the night watchman, who came at a certain
22 time, erm, he came into the dorm and locked the door,
23 pulled me out by my hair. He took me out into his room
24 and he shut the door, but it wasnae fully shut because
25 it couldn't shut because there was filing cabinets there

1 and he got me at the filing cabinets and he beat me up.
2 I mean, not in the face, the back, sometimes on the
3 belly, but mostly on the back, and then he tried to
4 commit a sexual act on myself. He took his penis out
5 and tried to force me to give him oral sex, but
6 I didn't. And it ended all over me.

7 That was only the start. He blamed me for
8 blemishing his record. The remand unit SNR [REDACTED] blamed
9 me for -- blemishing his record, so 'Peter' got the
10 blame for everything. 'Peter' wasn't to blame of
11 everything. If they hadn't been so violent towards
12 inmates, a lot of things in Bellfield would not have
13 happened and youse would not be getting all these people
14 coming here and giving their versions of events. It was
15 one hell of a place. Even if you didn't belong to
16 a gang, if you were what we called a 'softie', a young
17 -- a boy that wasn't streetwise, going into a place like
18 that, his life would've been a nightmare, honestly.

19 Q. I think, 'Peter', at paragraph 36 you do talk about the
20 incident with the night watchman. Now, is that

21 Mr KFT [REDACTED]? I think you said maybe Mr KFT [REDACTED] or
22 Mr KFT [REDACTED]?

23 A. Yeah, it was one of them two, yes.

24 Q. You describe it there and you say that it came to an end
25 by him ejaculating all over you, is that what happened?

1 A. Yeah, yeah.

2 Q. Before he took you back to the dormitory, he also gave
3 you a beating as well and you describe that?

4 A. A severe beating, yeah. 'Cos he blamed me for being the
5 ringleader of the other two guys, which wasn't correct.
6 It was a joint decision by the three of us to get away
7 from that place.

8 Q. Was that the only time that he took you away and tried
9 to do something sexual towards you?

10 A. Yeah, sexually, yeah, but I mean I was there for about
11 I think roughly maybe a week, a week more before going
12 to Oakbank and we got -- not severe beatings, but we
13 always got, if it wasn't me, it was one of the other
14 two, but mostly he would take it out on me and I went to
15 Oakbank with bruises on my back from beatings inflicted
16 in Bellfield.

17 Q. Now, apart from the night watchman, 'Peter', you do
18 mention a couple of other names at paragraph 38.
19 Obviously they are redacted on the screen, but you
20 mention after this return by the police for running
21 away, you mention LIG [REDACTED], SNR [REDACTED] and
22 KFO [REDACTED] the gardener?

23 A. KFO [REDACTED], the gardener, yeah.

24 Q. You say that they also set about you; is that right?

25 A. Because you must remember, you're institutionalised.

1 They all worked together and all their records are
2 getting blame -- are getting stain on it and he says to
3 me one time, 'You are the troublemaker. You are causing
4 so many problems here wi' your gangs, your gang warfare
5 and all that'.

6 And he gave me a beating. A stupid -- I mean for
7 what? I mean there's times -- he had these stupid
8 plants and he was always watering these plants as if
9 that was his baby. If I wasn't doing it correctly,
10 putting too much water on it, what happened? You got
11 a dig, stupid -- 'cos you maybe not put enough water
12 into it or put too much water. And he had these black
13 boots and they were always immaculate shining. He's
14 always -- saying to me and other people, 'These boots
15 are for youse', and we knew what he meant.

16 Q. Was that K F Q , 'Peter'?

17 A. K F Q .

18 Q. The gardener.

19 A. The gardener. We knew what he meant.

20 Q. You've mentioned the bruises that you had, 'Peter', when
21 you went to Oakbank. I think at this time you knew that
22 you were due to go to Oakbank, but there was going to be
23 a gap, is that right?

24 A. I think a week before I got told I was going to Oakbank,
25 a probation -- a probation officer from Falkirk came to

1 me and says, 'You're going to Oakbank Approved School'.
2 Because when I got sentenced at Falkirk Court for
3 approved school, I didn't know what approved school
4 I was going to, whether it was anywhere, so it was
5 Oakbank, and the probation officer came and told me and
6 I told him exactly what happened to me.

7 That was -- there was three probation officers
8 involved, but he was the one that came to see me and
9 told me that I'm going to Oakbank and I told him and I
10 showed him my back and he says, 'Oh, that's gang
11 warfare, that's boys fighting'. It wasn't. Most of it
12 was through --

13 Q. The staff?

14 A. -- the men, the sirs, we called them, eh.

15 The brutality. And I'm sorry if I use that word,
16 but brutality was brutality with them. They didn't
17 care. They didn't care what they done to you.

18 Q. I think, 'Peter', you tell us you actually said to them
19 that you would be reporting them when you went to
20 Oakbank and they didn't seem to be worried about that?

21 A. Nothing, off the top of their head.

22 Q. Did they tell you that nobody would believe you?

23 A. Yes, KRF goes -- when you left Bellfield, they had
24 to sign the release form before you went out that door,
25 what they called the foyer, it wasn't a foyer but ...

1 where they sign the book and I says to them, I says,
2 'I'm now going to Oakbank and I'll be telling people',
3 and they said, 'They won't believe you'.
4 Q. 'Peter', did you mention KRF [REDACTED] there? I think you
5 said earlier he was a SNR [REDACTED] ?
6 A. He was SNR [REDACTED] of Bellfield, [REDACTED] also worked
7 there.
8 Q. Just so I'm clear, just so we have it recorded, 'Peter',
9 in the transcript, and I don't get mixed up, we have
10 LIG [REDACTED] who is SNR [REDACTED], is it somebody you
11 recall?
12 A. LIG [REDACTED] was SNR [REDACTED], KRF [REDACTED] was SNR [REDACTED]
13 SNR [REDACTED].
14 Q. SNR [REDACTED] ?
15 A. Yeah, yeah.
16 Q. So he's somebody you recall as being a member of staff
17 and was he somebody who was involved in these beatings?
18 A. Oh, yeah, yeah. LIG [REDACTED] very rarely done beatings, but
19 sometimes guys would make remarks to [REDACTED], erm, 'cos
20 she worked there sometimes and, erm, if she mebbe says
21 to him that some guys are, whatever, are saying things,
22 and -- then they would personally be subjected to
23 intimidation, beating, but KRF [REDACTED], KFQ [REDACTED], KFT [REDACTED],
24 they were the main people, eh. They were the people
25 that were violent to inmates.

1 Q. You comment, 'Peter', at paragraph 40, you say:
2 'I thought I was a strong character and could handle
3 things, but I wanted them punished for what they'd done
4 to me.'

5 A. When I got beaten and, er, they tried to force a sexual
6 act on me, there was a fire extinguisher, and I went to
7 lift that fire extinguisher to hit him on top of the
8 head wi' it, but I couldn't get -- I had it, but it was
9 grabbed -- it was taken from me or else that fire
10 extinguisher was going on top of his head, 'cos I had
11 him -- the way he pinned me between the filing cabinets
12 and the way he was pinned, if I had managed to get that
13 fire extinguisher, he was at my mercy and I was gonnae
14 do it, honestly. That was my one way I wanted to get
15 back at him, but when I left -- was coming away from
16 Bellfield I told them. Yeah? I tried to tell the two
17 probation officers that took me from Bellfield to
18 Aberdeen. We stopped in Perth for something to eat and
19 I told them when we stopped in Perth, but they just
20 didn't believe me. Whether they believed me, they
21 didn't make any comment.

22 Q. I think, 'Peter', you go on to tell us about that when
23 you left Bellfield and you're taken up to Oakbank. This
24 is from paragraph 45, so this is after the four weeks
25 you were at Bellfield, these probation officers took you

1 to Oakbank by car and then you stopped at Perth to have
2 something to eat and this is when you mentioned to them
3 what had happened to you at Bellfield --
4 A. Yeah.
5 Q. -- and at that time you still had the injuries?
6 A. I still had bruises on my back. I showed them it.
7 Q. But your view was they just weren't interested in what
8 you were saying?
9 A. Their opinion was, 'You've been getting into fights',
10 and that was it. I mean, for probation officers to
11 totally ignore -- I'm only 14-and-a-half year old.
12 Okay, I wasn't a little boy, but that doesn't matter.
13 When you're trying to tell people in authority and they
14 don't want to listen, like the police in the police van,
15 they didn't want to know (Inaudible/overspeaking).
16 Q. This wasn't the first time, was it, that you had tried
17 to tell the police and they didn't seem to be interested
18 either?
19 A. They just don't believe you.
20 Q. How did that make you feel, having tried to tell people
21 what was happening and nobody listening?
22 A. It can give you bad thoughts, put bad things into your
23 mind. As I say, that night watchman, that was a bad
24 thing that was in my mind. I would've took that on top
25 of his head. And I wouldn't have cared about the

1 consequences 'cos he was hurting me and I just wanted to
2 hurt somebody back and with him being -- but the other
3 people, I knew I never see them again, but little did
4 I know I was going from the frying pan into the fire.
5 It's a matter of speech, eh.

6 Q. This is Oakbank --

7 A. Oakbank, yeah.

8 Q. -- that you are talking about when you say that, is it?

9 A. Yeah.

10 Q. You start to tell us about Oakbank and you describe it
11 being a Victorian-type house and we've seen an aerial
12 picture to give us an idea of what it looked like. This
13 was somewhere that also had dormitories, is that right,
14 like Bellfield?

15 A. It was slightly different. Bellfield was small
16 dormitories.

17 Oakbank, erm, there were three dormitories. If you
18 look at it face on, you had Simpson House, which I was
19 in, then there was Simpson House, erm, I forget, but
20 there was two other dormitories, 'cos my number was [REDACTED].
21 So I was in Simpson House.

22 But when you drove up to it, you know, it looked
23 a nice -- nice garden, nice, you know, house, then there
24 was a football field on the left-hand side and it looked
25 nice and -- nice and peaceful.

1 Then before that there was a house I seen on the
2 [REDACTED]. That's where I later knew was SNR
3 SNR [REDACTED], Mr GZH [REDACTED], he was SNR [REDACTED], but as
4 I say, that night I arrived -- I arrived about
5 10 o'clock at night, and I was put into Simpson House,
6 and there was a bed in the middle of the dormitory which
7 happened to all new arrivals. You never had a specific
8 area where your bed goes. You had that bed and I was
9 there until the next morning, until I went down, I got
10 fully booked in and everything and go and see the nurse
11 and the teachers or whatever, eh.

12 Q. 'Peter', you do tell us about that, that next morning
13 when you get given your various pieces of clothing,
14 toothpaste, soap and the like and then you're taken and
15 shown your bed, which was to be yours for your time
16 there, but you were also subjected to a medical
17 examination by a nurse at Oakbank, is that right?

18 A. I honestly cannot remember her name. I can describe
19 her, she was small, plumpish, and she had glasses and
20 she had blackish hair, very -- like somebody out of
21 Coronation Street that put the old-fashioned curlers in,
22 you know, but she turned out she was actually a nice
23 lady, but she gave me a medical, as they do with all
24 arrivals, and she noticed my nails, I bite my nails,
25 a habit. Then she looked at my -- seen my back and she

1 says, 'Oh, where did you get the bruising?'.
2 I said, 'I got it in Bellfield Remand Unit.'.
3 She says, 'Well, why? Have you been fighting with
4 boys?'
5 I says, 'Partially, most of it was through the
6 people in charge.' And I told her.
7 And some of the bruising was very bad, especially
8 down my lower back, eh, and she just, as if I'm talking
9 to nobody.
10 That's a nurse who's there to give you a medical, to
11 make sure you're fit to be accepted within that
12 approved school, even if I wasn't medically fit, I still
13 got to go to it, but she should -- and it was never
14 noticed. I mean, 'cos I had to sign what she found and
15 never any mention of any bruising on my lower back.
16 Q. I think you say, 'Peter', that you formed the impression
17 that she didn't believe you anyway?
18 A. Sorry?
19 Q. You tell us that your impression was she didn't believe
20 you? Is that right, she didn't believe what you were
21 saying?
22 A. She thinks I'm making it up, as if she's heard this so
23 many times before.
24 Q. This is you telling someone again, and again they're not
25 believing you and they're not taking any action?

1 A. Well, you know -- it's like your kids when they're
2 small, they keep telling stories and eventually you're
3 going to believe 'em, but not her. And I wasn't the
4 only person that I found that she wasn't really, erm,
5 paying attention to what new inmates were saying.

6 Q. You go on, 'Peter', to say that after that you describe
7 a little bit more detail about Oakbank, and I'm not
8 going through that in detail with you. We can read it
9 there, but it is very useful for us to have your
10 recollection of how it was set out.

11 There were these dormitories, shower rooms, communal
12 dining room, there was a gym, there were classrooms and
13 there was a yard where the boys could congregate and
14 assemble for roll call, as well as being a laundry,
15 a football pitch and gardens for growing vegetables?

16 A. That's correct.

17 Q. There was also a play area that you tell us about and
18 you already mentioned SNR [REDACTED] had
19 a house [REDACTED] and that's where he resided?

20 A. No, SNR [REDACTED], Mr GZH [REDACTED], it was like a mansion.
21 That was his house [REDACTED] right up at the back of
22 Oakbank there was bungalow-type houses, the
23 old-fashioned types, and that's where a lot of the staff
24 members had houses. Mr GZG [REDACTED], Mr Fraser, a couple of
25 other ones. That's where they had their houses, eh.

1 Q. So there were a lot of staff then that lived on site?

2 A. Stayed in.

3 Q. You mention also that the gardener also had a house

4 there as well?

5 A. Mr Fraser, yeah.

6 Q. I think you tell us a little bit about him. He was

7 somebody that you got on with?

8 A. Well, when I initially went to Oakbank from going --

9 'cos I turned 15 and the primary school, you didn't go

10 on any further, unless you stayed on 'til you were 16

11 and in those days it was 15-year-old, so I was elected

12 to go and join the janitor services -- the janitor

13 department. So, erm, I went under him, like the other

14 boys my age, and then we seemed to get on okay.

15 But, again, he was looking after his own interests,

16 but he did a lot for me, erm, because I did my work,

17 erm, I got made up to a prefect, and then I got made up

18 to a boys' court prefect, because all approved schools

19 schools have a boys' court, erm, but within that boys'

20 court there's always a member of staff. He never --

21 normally never interrupts, you know, just like here, you

22 listen to the evidence and that and -- so I was involved

23 in that.

24 But then there's one instance, erm, a boy's run away

25 and we had to go through to Glasgow. I think it was

1 Govan Police Station or somewhere, it was roundabout
2 that area, or Paisley, it was one of the two, that we
3 had to go through there and we picked him up. But on
4 the way through, he stopped in at Bo'ness to see my
5 mother.

6 Noo, there wasn't many of the staff that done that,
7 but he said, 'cos we had the time, he says we'll do
8 a detour and we'll go through to see your mum for half
9 an hour. So we went to see my mum and that and then we
10 went through to the police in Glasgow, picked this guy
11 up, took him back, erm, and then he got interviewed by
12 the various staff and a couple of weeks later, he was
13 put in front of the boys' court, so we asked him why he
14 ran away and -- 'cos when a person runs away, it causes
15 problems for other -- other persons, you know. You were
16 allowed to watch TV to mebbe 9 o'clock, 10 o'clock at
17 night in the main hall, but when things happened, that
18 was all stopped. You know, 7 o'clock, that was it.
19 People were -- had to go to the dormitory, you were not
20 allowed to mix.

21 But it never happened a lot. But Mr Fraser --
22 Joe Fraser, Joseph, that was his name, even at times he
23 would give me the key to the back door. I mean, for
24 a member of staff to give somebody a key and he would
25 give a cigarette to go and have a smoke.

1 That's how much he trusted me, erm, and I never let
2 him down. Always came back discreetly, because he
3 always gave me the key discreetly, and it was always in
4 the winter, it was never in the summer where other
5 members of staff might be walking about at the houses,
6 'cos they could see right into the back of the school,
7 eh, but I -- there was an instance we were made to --
8 whenever you went to Oakbank, you had to -- there were
9 two things, you had to walk blindfolded into this pit --
10 Q. I think, 'Peter', you are now going to talk about a kind
11 of initiation that happened to you that you tell us
12 about. Just before we go on to that, can I just ask
13 you, you are saying, is it Mr Fraser that accompanied
14 you to Glasgow or that area to pick up the boy or was
15 this Mr GZG ?
16 A. No, it was another guy, Mr GZG 's deputy. I really
17 forget his name, but he was a nice guy.
18 Q. I think you tell us later in your statement, it was
19 Mr GZG who was involved with the boys' court, is that
20 right?
21 A. Yes.
22 Q. You would decide in the boys' court what punishment
23 would be handed out and you tell us about this thing
24 called the shifter, which was the tawse?
25 A. The belt.

1 Q. As the boys' court you could say how many strokes of
2 that a boy would get and then, if the member of staff
3 agreed with you, then that would be what was carried out
4 and you describe it a little bit I think later in your
5 statement.

6 A. Well, there was one occasion I got into a fight, just
7 after I'd been there and unfortunately, the boy came off
8 the worst. It's not nice to say, but that's what it was
9 in there, and of course, I went in front of the boys'
10 court and, erm, I was supposed to get -- it was
11 recommended that I get shifters.

12 So I ended up getting, I think, three or four,
13 whatever it was, and what they do is you've got what is
14 called your Sunday trousers, you know, it's long
15 trousers, 'cos every Saturday afternoon, you were
16 allowed out if you'd been a good boy, you were allowed
17 out for three or four hours, and you got some pocket
18 money, that you'd earned by working.

19 So because I'd been a stupid boy, erm, and then
20 there was another occasion when I was in the boxing ring
21 with a guy, I went -- I overstepped my mark, so with
22 that combined, erm, they had no alternative but to
23 follow the rules and inform my mother. They write to
24 her. So she was informed. Then I go in front of the
25 boys' court. So I went in front of the boys' court and

1 I think there were three or four shifters, so that was a
2 Thursday, 'cos the boys' court was always on a Thursday
3 evening, the last Thursday of the month. So -- and any
4 punishment is carried out on the Sunday, after your
5 lunch. So in between lunch and dinner. So basically
6 between 2.00 and 6.00 or something. So you've got that
7 on and there's two members of staff present and there's
8 a big -- big boardroom table, you can imagine
9 a boardroom table, eh. It's like the table here. You
10 go to stretch over it and they hit you wi' a belt.

11 Q. I think you say that you were wearing your flannels,
12 your Sunday trousers, when you'd be asked to change into
13 them for that?

14 A. Yes.

15 Q. Or was it the case that you would already be wearing
16 them?

17 A. No, no, you didn't wear 'em 'cos you had like what's --
18 you know the Air Force uniforms, the -- likes of that, I
19 mean, you got plenty o' clothes to wear. They weren't
20 mean on clothes, you know. You got your -- your
21 personal clothes changed twice a week and it all depends
22 what job you were doing. You -- you got it changed
23 daily, erm, and if -- your clothes that you wear about
24 normally after work, if they need change, you went to
25 the laundry, signed, and so hygiene, there was

1 no problem with hygiene within Oakbank School.

2 But anyway, that particular Sunday, I think it was
3 3.00 or 4.00. I mean, after the second, I was crying,
4 put it that way, 'cos it was really -- it's not just
5 a tap. It's sore. A big, thick leather belt. Erm, and
6 after that, erm, I resisted after the third one, and
7 they just hold you. They grab you and they hold you,
8 and the more you resist, the worse it is. So you better
9 -- I just got on wi' it and after, I fell -- I remember
10 I fell to the floor, 'cos there was such pain.

11 Q. Was that the only time that you got that discipline?

12 A. Yeah, it's the only time I ever got the shifter. It's
13 called the shifters.

14 Q. The shifters. Okay.

15 'Peter', you mentioned this initiation ceremony that
16 you tell us about. I think you tell us about two
17 different things in your statement and I just want to
18 ask you a little bit about that.

19 You tell us this was every new inmate at Oakbank had
20 to go through a ritual called 'the pit' and I think you
21 just started to talk about that, saying you would walk
22 into a pit, is that right?

23 A. It's a pit -- two metres -- it was about a metre deep,
24 say a bit mebbe three metres or whatever.

25 LADY SMITH: Was this outdoors or indoors?

1 A. Sorry?

2 LADY SMITH: Was it outdoors or indoors?

3 A. It was outdoors.

4 LADY SMITH: Outdoors. Thank you.

5 A. You had the football park, then you had the football
6 park, just say where you're sitting, my Lady.

7 LADY SMITH: Yes.

8 A. And then across from it, you had the garden where they
9 grew the cabbage and all that, and all the greenhouses.
10 But just up from that, erm, you had the pit, 'cos you
11 had steps coming up from the football park, a set
12 o' steps, and then the pit was just up there.

13 And you couldn't refuse to do it. If you refused
14 it, they would all gather round you, 'cos I seen it, and
15 they would give you a beating. You would be called,
16 coward, coward, coward, so you had to do it and
17 handkerchief, I think it was a handkerchief (Inaudible),
18 because the previous day, one of the guys I got to know,
19 a guy called [REDACTED], he says:

20 'GZD [REDACTED]', he says, 'Be careful', he says, 'Watch
21 your legs', and I'm thinking to myself, what do you mean
22 watch your legs, I thought they're gonnae beat your
23 legs. No. They blindfold you, forcibly. You don't do
24 it voluntarily. You walk, and you lose your balance and
25 you just -- you fall in and there's no sand in it.

1 There's nothing to prevent you gettin broken bones,
2 which happened to a couple of 'em with their elbows
3 getting knocked out o' joint and that, it did happen,
4 and of course you go to first aid, first aid said,
5 'Well, you shouldn't be near there', but there's no
6 barrier round it. It was there. All the officers
7 within Oakbank knew what that was getting used for. So
8 that was one.

9 The second one was after you'd been there about
10 a month, because there were a lot o' bullies, I'm
11 talking about bullies, 'cos some people at Oakbank had
12 been recalled, you know, on licence, and whatever
13 reason, erm, they got into trouble, so they got
14 recalled, so they had to do the licence. So some of
15 them are 17s, 'cos you could go to Oakbank until you
16 were 17 I think, yeah, I think 16 or 17, erm, they would
17 be recalled, so they made sure that they bullied you,
18 you had to run the gauntlet.

19 So what would happen, on a Sunday, 'cos Sunday was
20 day o' rest, we could all sit out the back, because
21 there was a gradient field, so you'd the back of
22 Oakbank, you'd the area where the roll call was every
23 day, at a certain time, after about 5 o'clock, before
24 dinner, everybody assembled there, they done a roll
25 call, and that was also used to put head lice onto

1 head -- 'cos head lice was rampant, so you got your hair
2 done in that area.

3 So up from that there was this kind of gradient
4 field which all the boys, it was used where you could
5 sit down amongst your friends and talk. Up from that,
6 that's where the bungalows were and these days, you call
7 them bungalows, and next to that was the joiner's shop,
8 the laundrette, et cetera. Anyway, within that laydown
9 area, they would assemble two rows.

10 Q. Two rows of boys --

11 A. You had to go from the bottom, from the bottom, just up
12 to the top. You couldn't go too far up, because if you
13 went too far up then the officers or their families
14 would see and they could only see so far into the
15 school, erm, 'cos they had their own hedges and that for
16 privacy and all that. So you were made to run that
17 gauntlet and if you fell down, you were most
18 unfortunate.

19 Q. You say 'run the gauntlet', 'Peter', I think you
20 describe it as boys on each side, two lines facing each
21 other, and then the person running --

22 A. Raining blows on you.

23 Q. Sorry?

24 A. Raining blows.

25 Q. You would have to run from one end to the other and then

1 you're saying they would rain blows on you?

2 A. Yeah. They never tripped you up. They could of, but

3 they just didn't do it. They rained blows on you. If

4 you happened to fall down, you -- you just got

5 a beating. You were made to do it again.

6 Q. I think you say that you're certain the staff knew that

7 this was going on?

8 A. Of course they knew.

9 Q. You were describing --

10 A. I mean, they can't hide it because it's there. There

11 are staff in attendance. I mean, inmates are not

12 allowed to -- put it this way, at the back of the

13 school, there's a driveway. You had SNR [REDACTED],

14 Mr GZH [REDACTED]'s [REDACTED]. I mean, I could walk from

15 the approved school down there and walk out onto

16 Mid Stocket Road, which is the main road. It's an easy

17 place to just walk out. There's no -- but at nights the

18 doors were all locked, but during the day you could just

19 walk out down there.

20 So these staff members, they fully knew what was

21 going on with running the gauntlet.

22 Q. You mentioned, 'Peter', a little bit earlier that you

23 started working with the -- there was a Joe Fraser, is

24 that right, at one point? When you first went to

25 Oakbank I think there was a time before you turned 15

1 where you had to go to school?

2 A. When I arrived at Oakbank, 'cos I was only 14-and-a-half

3 I went to school until I was 15. It was only three or

4 four month, I think, or whatever, but I had to go to

5 school.

6 Q. Then after that, you went and worked with Joe Fraser,

7 who was in charge of the gardens?

8 A. The janitors.

9 Q. That's the person you told us about who gave you a set

10 of keys to be able to go and smoke away from everyone?

11 A. Yeah, outside, yeah.

12 Q. You tell us a little bit about that, that you would be

13 able to buy tobacco with some of the money you would be

14 given and you'd go on a Saturday to do that, is that

15 right?

16 A. On a Saturday. I had a janitor's job, I had a prefect's

17 job and I had another job, I can't remember, but I had

18 three different salaries. It wasn't a lot. I think --

19 put it this way, there was enough money for me to buy

20 half an ounce of tobacco and cigarette papers. So it

21 wasnae lot o' money. I really can't remember how much

22 it was, but we got that money and we could go down --

23 down the town on a Saturday afternoon, I think from say

24 1.30 until 4 o'clock or 4.30. I can't remember. It was

25 times the likes of that.

1 You got paid for it. But if you were a bad boy,
2 even although you'd earned your month's money, you
3 wouldn't get it.

4 Q. So that was one of the things that they could take away
5 from you if you didn't behave?

6 A. It's the only thing they could do. I mean, they had to
7 try and control you somehow.

8 Q. You've mentioned the boys' court. We've talked about
9 that, 'Peter', but that was something that over the
10 course of your time at Oakbank, you became a trusted boy
11 at the school. You were given the job of prefect and
12 then you were [REDACTED] the boys' court, is that
13 right, and you were then seen as somebody who was able
14 to make these decisions about other boys?

15 A. I started to behave myself.

16 Q. I just want to ask you a little bit about some of the
17 things that didn't go so well that you tell us about at
18 Oakbank.

19 If we go to paragraph 79 of your statement. You
20 talk a little bit about issues you had with the
21 showering there and there were two particular members of
22 staff that you describe as supervising, but not giving
23 you any privacy. At that time you thought that that
24 wasn't right, is that right?

25 A. Normally after work, even if you didn't work, if you

1 were still of that age that you went to class, everybody
2 had to shower and it was good. So you would -- you
3 know, I think, I can't remember, 20 people, say round
4 about 20 different showers areas, but it was open within
5 the showers, eh, and normally a staff member should
6 stand outside, erm, to give you privacy, but sometimes
7 a couple o' staff members would stand just inside the
8 door, but not in it, you know?

9 'Cos if I remember, there were two doors and they
10 opened, so one would be closed and the other one
11 should've been closed also, because there was, erm, you
12 call 'em? Vents, like a vent, a glass, that you could
13 peer in, to make sure -- for security, I think. I think
14 it was anyway.

15 Anyway, he would keep one o' the doors open and he
16 would stand there. GZF . He was a big guy, big,
17 fat belly. I can remember the big thick hair, but he
18 was big. And, erm, he would stand and watch people
19 showering. I mean, at that time, none of us thought it
20 was inappropriate, 'cos you don't.

21 This is before anything else happened, but within
22 the showers we thought nothing of it. But --

23 Q. Looking back now?

24 A. Looking back, and then there was another staff member.

25 I refer to him as 'GZE ', because he used to be ex-Air

1 Force and he had the moustache which was like, you know,
2 [REDACTED], and that was his nickname. He was
3 similar. He used to do the same and it wasn't until it
4 was -- there was another one who -- the other ones would
5 give you privacy, you know, they wouldn't watch you
6 getting showered.

7 Q. I think you mentioned a Mr Young. Sorry, 'Peter', so
8 there is this 'GZE [REDACTED]' and Mr GZF [REDACTED], these are the
9 two staff members who didn't seem to give privacy and
10 looking back --

11 A. That was when it was my hour, my particular time for
12 showering, because you must remember, there's quite
13 a few hundred boys, eh?

14 Q. It would be different staff.

15 A. So different times. So once you got showered, you went
16 to the changing room and you got changed and then you
17 went to the mess hall. So, you know, shower time,
18 I think was between 5.00 and 6.00, because I think you
19 got your -- your dinner, I think it was half past six or
20 something, but there was times. Because there was two
21 sittings. There wasn't enough in the dining hall to
22 house, so there was various sittings, eh?

23 So there were different members of staff on, but
24 boys talk. So plenty o' people talking, eh, but
25 regarding my particular self, these two occasions and it

1 wasn't until after that that I say to myself, 'It
2 shouldn't be'. More so now.

3 Q. I think you go on to say that there were some problems
4 with some of the older boys who seemed to be involved in
5 sexual abuse of the other boys?

6 A. Oakbank School had a problem. Not much wi' staff
7 members. I'll come to that later, or we'll come to that
8 later, but with actual boys, 'cos a lot o' the older
9 boys and some boys were vulnerable. And there's quite
10 a few vulnerable boys in Oakbank Approved School, erm,
11 but I'll talk about myself.

12 I mean, if you were sick -- an example. I got my
13 tonsils out, erm, and I was in the Royal Infirmary, erm,
14 and that's one of the key points that I had to get for
15 Redress -- Redress, because trying to access records is
16 a nightmare and I mean, I had my own solicitor
17 et cetera, and so it's virtually impossible, so I'm very
18 thankful to one of the Redress members of staff who
19 guided me how to go about it.

20 Anyway, erm, I got my tonsils out so obviously, when
21 you're in hospital with that, you have a unique
22 insurance number which goes to a doctor, so for me
23 getting my tonsils out, it went to my doctor and was on
24 file and that's one of the main things which I had to
25 get for Redress Scotland, to show that I was at

1 Oakbank Approved School, that and the police had it on
2 record that remand approved school, so I had the
3 information basically.

4 So anyway, erm, at that time I got my tonsils out,
5 I think it was mebbe six months into us being there, so
6 I went in there, [REDACTED], probably -- if
7 I had a letter I could see the dates, eh, but I think it
8 was [REDACTED] or something. I mean,
9 Redress Scotland has that anyway, so the date's on it.

10 Of course, I was confined to my dormitory, because
11 getting your tonsils out, for infections. So not just
12 myself, there was other boys from other dormitories, if
13 they were sick, they were all kept in the one dormitory.
14 Normally these dormitory doors should be locked. It's
15 not a long key, if you lock it, it's just a snib, but on
16 lots of occasions inmates -- nilly -- willy-nilly,
17 because there was cleaners, boys cleaning the
18 dormitories, cleaning the toilets, and sexual activity
19 did take place within those dormitories.

20 It's not an actual sick bay as being a sick bay,
21 it's a sick bay that's in a dormitory --

22 Q. These were older boys, 'Peter'?

23 A. Older boys.

24 Q. You're saying that this is involving younger boys who
25 were in the sick bay or the dormitory that is for that?

1 A. Yeah. Tobacco was a premium and a lot of young boys,
2 they didn't have many jobs like me. Some only had
3 a basic job, so they couldn't afford to buy tobacco, eh,
4 so -- and the older boys would, you know --
5 Q. Offer tobacco in return for sexual favours?
6 A. For you to do something. And unfortunately, erm, boys
7 got raped, physically raped. I got raped twice.
8 Q. Take a minute.
9 A. I didn't get raped because of tobacco. I got raped
10 because I fucking got raped 'cos -- excuse me, sorry.
11 LADY SMITH: 'Peter', it really doesn't matter, and you must
12 appreciate I don't need you to go into detail if it's
13 going to be too upsetting for you. I get what you're
14 saying. It must have been dreadful.
15 A. Anyway, before it happened to me, obviously vulnerable
16 young boys, whether it's through voluntary giving sex or
17 involuntary. It just didn't happen in sick bays, 'cos
18 there was the classrooms and there were three classrooms
19 and there was this corridor and there was a place where,
20 if you didn't want to sit within the main hall watching
21 the TV, you could sit in this hall, erm, and there would
22 be groups. There would be groups of young boys wi'
23 older boys and forms of sexual activity amongst them
24 would take place.
25 I'm not saying rape, but forms of touching or

1 whatever, it did take place and Oakbank authorities,
2 they were fully aware of what was going on, because
3 other parents, other guys, boys, because a lot of boys
4 stayed -- some of the boys stayed in Aberdeen,
5 Aberdonians, and they were allowed to go home on
6 a Saturday to their family, erm, and they would make
7 comments to their brothers or that about -- mebbe not
8 happening to them, but what's happened to other boys.
9 So -- and mebbe complaints would be made to Oakbank.
10 Nothing was ever done.

11 I never seen anybody -- any other boys getting
12 pulled up. The only time it ever happened was if --
13 there were some vulnerable people. There was a guy from
14 Montrose. He was a small guy and, erm, when you got
15 your lunch, there was always salad cream and he did not
16 like salad cream. So what happened was his dinner was
17 taken to the boardroom and I was called, as being
18 [REDACTED], and because he wouldn't eat it, his
19 face got rammed into that plate by one of the staff,
20 Mr GZG [REDACTED], GZG [REDACTED], because he would not eat the
21 salad. A stupid thing.

22 MS FORBES: You are giving that as an example of some of the
23 things that happened to --

24 A. To the vulnerable.

25 Going back to sexual activity. Again, young boys,

1 he was one of them, I don't think some of them realised
2 that being involved in sexuality with other boys, it was
3 not allowed, as mebbe boys' play.

4 Because I used to attend a welfare officer,
5 Mr Robertson, and I told him what had happened to me and
6 he says, 'Well, boys will be boys'.

7 Now, that is a senior welfare officer in
8 Oakbank Approved School saying that to me and he says it
9 to other boys who -- who brought up sexual activity that
10 was common among boys and staff knew about it.

11 So in that Simpson House, whether it be
12 Simpson House, I forget the names of the other two --

13 LADY SMITH: Don't worry about names, 'Peter', I don't
14 expect you at this stage to remember names. It's
15 a long, long time ago.

16 A. But sexual activity went on.

17 Now, I go to myself, I was raped on two separate
18 occasions. The first time, it wasn't long after I got
19 my tonsils out, 'cos your pyjamas and you also got
20 short-legged pyjamas, eh, so for some reason, I didn't
21 have them on, I didn't have my top on, 'cos I was
22 sweating, if I remember, it was just after the operation
23 and you were -- so three or four of the boys came in
24 messing about, you know, boys kidding on, but all of
25 a sudden they grab your arms and they hold you down.

1 Not lying about, they pull you round so you're bent over
2 the bed like that. You're bent over and they rape you
3 and they think nothing of it.

4 MS FORBES: Was that in the sick bay that you told us about?

5 A. At that time. So I got raped on two separate occasions.
6 I complained to Mr Fraser.

7 LADY SMITH: You explain that at paragraph 83 --

8 A. He didn't want to know.

9 LADY SMITH: -- and he didn't do anything. He didn't want
10 to, as you say, 'rock the boat'.

11 A. Rock the boat, I mean --

12 MS FORBES: 'Peter', I don't want you to have to go into any
13 details or anything, but I think you do tell us about
14 a time when you were away on the trip in Banchory, where
15 there was a sexual assault by one of the boys. You say
16 you don't want to name him, but you give us the
17 description --

18 A. Every time -- every so often, a selection of boys, say
19 10, 15, 20 boys, they would go away to Banchory, but
20 there was also other areas they went and they would
21 normally go on outings, you know, play games and all
22 that. But we always stayed within the village community
23 halls and we had like sleeping bags, but not sleeping
24 bags, and we used to lie on top of them, and that was
25 your bed, 'cos you normally went on a Saturday morning

1 and you came back on, I think, the Sunday afternoon, or
2 you went the Friday. I can't remember.

3 LADY SMITH: It doesn't matter, 'Peter', don't worry.

4 A. You went there anyway and again, you didn't sleep with
5 many clothes on, because it's right hot, it's summer
6 nights, and so anyway again, I got interfered with,
7 I got raped then.

8 I mean, the two boys that raped me, one was a guy
9 called [REDACTED] and another guy, [REDACTED], that's their names,
10 but they're dead now, but that's their names, because
11 how I remember [REDACTED], because he took epileptic fits, and
12 he'd a spoon, and he would carry the spoon in his
13 jacket, so when he took a bad epileptic fit, they could
14 put the spoon with his tongue to stop it going down the
15 back of his throat. And that's how I remember his name.
16 And [REDACTED], because they called him [REDACTED].

17 [REDACTED], there were certain boys were called 'bum
18 boys'. He was one of them, you know, but he also dished
19 it out to other people, eh. So that was these two guys.
20 The other guy was a guy, [REDACTED], I don't know his first
21 name.

22 LADY SMITH: I don't need or want the boys' names actually,
23 'Peter'.

24 A. ... you never forget ...

25 LADY SMITH: 'Peter', if you speak at the same time as me --

1 A. Oh sorry.

2 LADY SMITH: -- the stenographers can't note it down.

3 What I was trying to explain is, it's not only if

4 it's other boys I don't need names, I actually don't

5 want them, because they're not to be identified. Okay?

6 You weren't to know that, but you don't need to

7 trouble about those names.

8 MS FORBES: 'Peter', I know that can't have been easy

9 talking about that now, because I don't think you were

10 able to tell us about that in your statement, but you've

11 told us about that now, so thank you very much. I know

12 that can't have been easy for you to do.

13 We do have the other issues you've told us about

14 that you heard from other boys as well whilst you were

15 there, and you think you say that you were lucky in the

16 sense that you made it out of Oakbank after only about

17 12 months, because you ended up being released early.

18 I think you say that you got out on licence just after

19 12 months; is that right?

20 A. There was a sexual incident before that. Because

21 GZG, when you came in on a Saturday from

22 being out, everybody had to line up within the main hall

23 --

24 LADY SMITH: 'Peter', I don't want to interrupt you. This

25 is already covered in your written statement, it's at

1 paragraphs 85 and 87, which I've already read. That
2 statement is already evidence in front of me, so don't
3 worry about us not going back over something that's
4 already written down. Unless you have something you
5 need to add to that, but I have what you said there --
6 A. I forgot what (Inaudible/overspeaking).
7 LADY SMITH: You talk about GZG going overboard
8 and he had his hand down the front of your trousers for
9 far too long --
10 A. That's correct.
11 LADY SMITH: -- and nobody wanted to listen.
12 The same thing again, you tried to talk about it and
13 people just shrugged it off.
14 A. Yeah, yeah.
15 LADY SMITH: And again, that can't have been easy to
16 tolerate, am I right about that?
17 A. Yes.
18 LADY SMITH: Both that it was happening and nobody seemed
19 interested, yes?
20 A. Well, when -- I mean, sometimes, erm, boys had to go up
21 to the officers' -- to the sirs' houses and tidy their
22 garden and do this and sometimes, you know -- it was
23 always on a Sunday, because we didn't work on a Sunday
24 in the approved school, and the officers, only
25 a selected few were on duty, so some would say, 'Right,

1 GZD , I want you to come up wi' a couple of your
2 friends and tidy these bushes up, cut the grass.'

3 So you would go up there, example GZG ,
4 he'd be sitting outside, would come out with
5 a glass o' juice. He would give you a cigarette, which
6 was not allowed, but you could smoke in front o' him and
7 then he would say, 'Well, the garden tools are in the
8 shed'. So you went down. When you were in the garden
9 shed getting the tools, he was behind you, and he would
10 try and touch you. That's an example of things which
11 GZG done, eh.

12 MS FORBES: 'Peter', thank you for giving us more
13 information about him, but I just want to now just move
14 on to the time after you left Oakbank, if it's okay.
15 I think you tell us that it wasn't immediately plain
16 sailing and there was a time when you ended up on remand
17 in prison and a sentence. I don't want to go into that
18 with you. We have it there, but I think you say nothing
19 happened to you there and you had learned by that point
20 just to keep yourself to yourself.

21 You go on to tell us a little bit about your life
22 after you left care and how you met your wife. You have
23 three children and you have grandchildren and a great
24 grandchild. You might have more now since you have
25 given this statement. But just a couple of things you

1 tell us about impact, 'Peter', that I just wanted to
2 touch on before we end today.

3 I think you say that one of the main impacts on your
4 physical well-being was when you went to Oakbank, you
5 developed a stutter that you had never had before and
6 that didn't go away until you were about 21 or
7 thereabouts?

8 A. That's right.

9 Q. You do point out that you put these experiences of care
10 to the back of your mind, but it was when you saw -- you
11 tell us about later on, that when you were reading about
12 Bellfield and Oakbank in the papers, that was what
13 really caused you to come forward to the Inquiry?

14 A. Actually, it was on television, me and my wife were
15 sitting in the sitting room and it came on the Scottish
16 news that an inquiry into historical child sex abuse and
17 it mentioned Oakbank, so when it mentioned Oakbank, my
18 wife looked at me, 'cos my wife knew exactly what
19 happened to me, 'cos I told her.

20 So that was the first thing that I knew and it
21 was -- 'cos I worked out the country all the time and it
22 was only one time that I came back, I contacted the
23 Child Abuse Inquiry, a gentleman called [REDACTED] who I spoke
24 to, but in 2008, 2008, my solicitor knew about this.

25 Q. I think you told me about that, 'Peter', today earlier

1 before you gave evidence, you told me about the fact
2 that you said all this to your solicitor before there
3 was even an inquiry mentioned and he knew about what had
4 happened to you when you were younger, is that right?

5 A. Redress has a letter, a signed letter from my solicitor,
6 stating that I discussed what happened with me in 2008,
7 and 2011 and '12 and how I came to discuss that was
8 I had businesses and I owned a public house and he was
9 my solicitor who handled my legal affairs and because we
10 developed such a general discussion, he would tell me
11 about prior to him being a solicitor, his father always
12 says to him if he wanted to be a solicitor, you cannot
13 get into trouble with the police, which is true. So
14 then I would discuss what was happening to me.

15 I mean, even before what happened when I was in
16 care, I was abused at nine-year-old and when I was
17 12-year-old and Police Scotland looked into these three
18 incidents, which I mean -- I need to put this in
19 context. When I gave my statement in Grangemouth in
20 this hotel, they asked you about your previous -- and
21 I mentioned to the Inquiry that there's something I need
22 to discuss with you prior to being in care.

23 What they said to me was, 'We're only interested in
24 what happened in care'. That was the words they says to
25 me. 'We're only interested in what happened in care'.

1 But they did say, [REDACTED], who was my officer, says,
2 'GZD', after this, if you want to discuss it with me, he
3 says I'll contact the police'. And I gave the name of
4 one person and Police Scotland from Livingston contacted
5 me, a Susan Anderson, I think, and that started -- so
6 that started the ball rolling and only going back three
7 months ago, I contacted Police Scotland, because with
8 this coming up, I wanted to get things ... so I told him
9 about two instances and they confirmed that these people
10 were probably involved in things, so Police Scotland
11 were involved in that.

12 Q. 'Peter', it's not that we're not interested in the sense
13 of what has happened to you in your life and what has
14 led up to things. It's just that for the terms of our
15 Inquiry, we have quite strict terms of reference and so
16 what we're looking at is what happened to you --

17 A. I was thankful that they informed Police Scotland for
18 me.

19 Q. That is good to know. Thank you, 'Peter'.

20 Now, I don't have any more questions for you today.
21 I know that you tell us in your statement you have gone
22 on to have a successful career and you're now retired
23 and I think you do some consultancy work?

24 A. Semi-retired, yes.

25 MS FORBES: You were able to get away from the care system

1 after and out of the prison system. You know, it didn't
2 follow you into your later life.

3 I just want to thank you, 'Peter', very much for
4 coming along today. I know it's not been easy, but
5 thank you for telling us what's happened and explaining
6 it in the way you have. Okay, thank you.

7 LADY SMITH: 'Peter', can I add my thanks. I'm very
8 grateful to you for talking to us this afternoon about
9 your evidence.

10 Can I just say again of course I already have your
11 written statement as well, so I now have a lot of detail
12 about your life when you were under 18, under 17, and in
13 both Bellfield and Oakbank. It's helped my learning
14 very much, so thank you for that.

15 I'm now able to let you go and I hope you have
16 a safe journey back home.

17 (The witness withdrew)

18 LADY SMITH: We have used names today of people whose
19 identities are protected by my general restriction
20 order, and they are Mr KFT, Mr LIG, Mr KFQ,
21 a, a boy called GZD, somebody referred to
22 as GZE, Mr GZF, someone who was a boy, ,
23 another who was a boy, and a Mr HMY and
24 an ILG. They're not to be identified as
25 being referred to in our evidence outside this room.

1 Thank you all very much. We return to oral evidence
2 at 10 o'clock tomorrow morning.

3 MS FORBES: Yes, my Lady, yes.

4 LADY SMITH: Thank you.

5 (4.33 pm)

6 (The Inquiry adjourned until 10.00 am on
7 Wednesday, 25 September 2024)

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